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STATE OF MISSOURI  
  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
  
Pre-Hearing Conference  
  
December 18, 2013  
  
Jefferson City, Missouri  
  
Volume 5

(Starting time of hearing: 1:00 p.m.)

1 STATE OF MISSOURI  
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3 PUBLIC SERVICE COMMISSION  
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6 TRANSCRIPT OF PROCEEDINGS  
7 Pre-Hearing Conference  
December 18, 2013  
8 Jefferson City, Missouri  
Volume 5

9  
10 In The Matter Of Lake Region )  
Water & Sewer Company's )  
11 Application To Implement A ) No. WR-2013-0461  
General Rate Increase In )  
12 Water And Sewer Service )

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14 MICHAEL BUSHMAN, Presiding  
REGULATORY LAW JUDGE

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20 Reported by:  
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1 (Starting time of hearing: 1:00 p.m.)

2 P R O C E E D I N G S

3 JUDGE BUSHMANN: We'll go on the record. Today's  
4 December 18th, 2013, at 1:00 p.m. The Commission has set  
5 this time for Pre-Hearing Conference in the case captioned  
6 as In The Matter Of Lake Region Water & Sewer Company's  
7 Application To Implement A General Rate Increase In Water  
8 And Sewer Service, File No. WR-2013-0461.

9 My name is Michael Bushmann. I'm the Regulatory  
10 Law Judge that's been assigned to this matter. Let's have  
11 attorneys make their entries of appearance.

12 For Lake Region Water And Sewer Company.

13 MR. COMLEY: Appearing on behalf of Lake Region  
14 Water And Sewer Company, let the record reflect the entry  
15 of appearance of Mark W. Comley, Newman, Comley, Ruth. My  
16 business address is on the entry of appearance I filed  
17 with the Reporter.

18 JUDGE BUSHMANN: And for Commission Staff?

19 MS. MOORE: Appearing on behalf of the Missouri  
20 Public Service Commission Staff, Amy Moore and Tim Opitz  
21 and Kevin Thompson; and Court Reporter has my address.

22 JUDGE BUSHMANN: And for Office of Public Counsel?

23 MS. BAKER: Thank you. Christina Baker appearing  
24 on behalf of the Office of Public Counsel and the  
25 ratepayers, and my information has been given to the Court

1 Reporter.

2 JUDGE BUSHMANN: Very good. Well, hello,  
3 everyone. Since you were all going to be here anyway for  
4 settlement conference, I thought I would steal a few  
5 minutes of your time before you do that and talk about  
6 some issues regarding procedural issues coming forth.

7 Based on the order that the Commissioners voted  
8 out this morning, it seemed that they did not think the  
9 issue of availability fees should be ruled out right now.  
10 But Mr. Comley has raised some good points in his  
11 pleadings.

12 In the last rate case, there was a considerable  
13 amount of time and effort spent by the parties to develop  
14 an extensive record relating to availability fees. I  
15 think it's important to try not to waste all that effort  
16 in the interest of Administrative Committee and also cost  
17 to the ratepayers.

18 So, the reason that I called this Pre-Hearing  
19 Conference is to ask that if settlement does not work out  
20 that you all discuss possible ways to incorporate evidence  
21 relating to availability fees from the previous rate case  
22 into the record of this current case. You should consider  
23 official notice or stipulations by the parties, or both.

24 For example, the parties could indicate which  
25 evidence that they presented in the previous rate case was

1 relevant to the issue of availability fees and could  
2 indicate if there was evidence that other parties had  
3 presented to which they would not object if the Commission  
4 took official notice of that. And the parties would  
5 retain the right to present additional evidence to  
6 supplement the record in this case, because maybe the  
7 facts have changed or maybe something new has come to  
8 light. But at least the basic evidence, background  
9 evidence, would not need to be recreated.

10 The issue could be further narrowed by the use of  
11 the joint stipulation of material non-disputed facts. All  
12 this is an attempt to try and keep the parties from having  
13 to reinvent the wheel at great expense. And if you settle  
14 right now, that's great. But if you don't, I would like  
15 you to let me know after your conversations here what you  
16 think about these issues by filing a joint status report  
17 by the end of the month. And that would avoid the week of  
18 Christmas and allow me to maybe issue an order around the  
19 first of the year which would be well before rebuttal  
20 testimony which is scheduled to be filed January.

21 Now, I know this is all kind of vague, and that's  
22 by design, but I don't want to limit your discussions  
23 during your settlement conference. But I'm just trying to  
24 indicate what I think an important goal would be; and, as  
25 to how we get there, I'm open to the suggestions by the

1 parties.

2 Does anybody have any initial thoughts or concerns  
3 about this right now that you want to bring up?

4 MR. COMLEY: Just clarification. When you said  
5 that we should have a joint status report regarding what  
6 we think about "these issues", do you mean about possible  
7 alternative discovery? Is that what you meant by "these  
8 issues"?

9 JUDGE BUSHMANN: By "these issues", I mean the  
10 idea of trying to incorporate by reference some things of  
11 evidence that maybe have already been presented to the  
12 Commission. That would be assuming, of course, that  
13 settlement negotiations are not being fruitful.

14 If they -- if they are, then the status report  
15 could say that we just -- you need more time to talk. If  
16 they are not privy to be fruitful, then I ask you to move  
17 on to the next thing, which is to talk about, Okay, so how  
18 can we -- how can we try and economize the effort and  
19 expense of the parties by using these various tools at our  
20 disposal.

21 So -- and if you have -- in the joint status  
22 report, if you have some ideas how to do that, then, by  
23 all means -- that you all agree to -- you should include  
24 that, also. And then we can kind of go from there and see  
25 what needs to be done going forward.

1 MR. COMLEY: Thank you.

2 JUDGE BUSHMANN: Other thoughts?

3 MS. BAKER: We do have discovery requests that are  
4 out there that have been objected to, and one of the  
5 things that I was going to ask for was a more expedited  
6 discovery conference because the next one is not until the  
7 15th.

8 JUDGE BUSHMANN: Right. 15th of January.

9 MS. BAKER: Yes.

10 JUDGE BUSHMANN: Well, that's fine. What you may  
11 want to think about is whether that would be necessary  
12 based on the conversations that you have in the next few  
13 days, and if you feel like you still need to have a  
14 discovery conference, I'm open to that and we can try and  
15 resolve some of those discovery issues before we get to  
16 the 15th. Maybe in that first week or two of January  
17 before rebuttal is due.

18 MS. BAKER: Okay.

19 JUDGE BUSHMANN: Anything else from anybody? Any  
20 initial thoughts? Anything -- anything else, other than  
21 this, that I need to address on the record right now?

22 MR. COMLEY: The Company doesn't have any.

23 MS. BAKER: I don't think so.

24 JUDGE BUSHMANN: All right. Well, then, in that  
25 case, I think we're adjourned, and we're off the record.



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(Adjourned.)

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(Whereupon, the record ended at 1:06 p.m.)

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1 C E R T I F I C A T E

2 STATE OF MISSOURI )

3 ) ss.

4 COUNTY OF COLE )

5 I, Pamela S. Gentry, Certified Court  
6 Reporter with the firm of Midwest Litigation Services, do  
7 hereby certify that I was personally present at the  
8 proceedings had in the above-entitled cause at the time  
9 and place set forth in the caption sheet thereof; that I  
10 then and there took down in Stenotype the proceedings had;  
11 and that the foregoing is a full, true and correct  
12 transcript of such Stenotype notes so made at such time  
13 and place.

14 Given at my office in the City of  
15 Jefferson, County of Cole, State of Missouri.

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Pamela S. Gentry, CCR #426

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