

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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6 TRANSCRIPT OF PROCEEDINGS
7 Prehearing Conference
8 October 8, 2003
9 Jefferson City, Missouri
10 Volume 1
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12 In the Matter of the Application of)
13 Missouri-American Water Company for)
14 Approval to Establish an) Case No. WO-2004-0116
Infrastructure System Replacement)
Surcharge (ISRS))
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18 MORRIS L. WOODRUFF, Presiding,
19 SENIOR REGULATORY LAW JUDGE.
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23 REPORTED BY:
24 KELLENE K. FEDDERSEN, CSR, RPR, CCR
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1 P R O C E E D I N G S

2 JUDGE WOODRUFF: Welcome this afternoon, and
3 we're here today for a prehearing conference in Case
4 No. WO-2004-0116. Concerns the application of
5 Missouri-American Water Company for approval to establish an
6 infrastructure system replacement surcharge.

7 And we'll begin by taking entries of
8 appearance. Is there anyone here for Missouri-American?

9 MR. ABERNATHY: David Abernathy representing
10 Missouri-American Water Company. My address is 535 North
11 New Ballas, B-a-l-l-a-s, Road, St. Louis, Missouri 63141.

12 JUDGE WOODRUFF: Thank you. And for Staff?

13 MR. KRUEGER: Keith R. Krueger for the Staff
14 of the Missouri Public Service Commission. My address is
15 P.O. Box 360, Jefferson City, Missouri 65102.

16 JUDGE WOODRUFF: And for Office of the Public
17 Counsel?

18 MS. O'NEILL: Yes. Ruth O'Neill for the
19 Office of the Public Counsel. Our address is P.O. Box 7800,
20 Jefferson City, Missouri 65102.

21 JUDGE WOODRUFF: Thank you. And for Missouri
22 Energy Group? Is anyone here for the Missouri Energy Group?

23 MR. ABERNATHY: I don't think so.

24 MS. O'NEILL: And I haven't spoken to them
25 today, Judge. I don't know.

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1 JUDGE WOODRUFF: All right. Well, as the
2 Commission issued -- indicated in its Order establishing
3 this prehearing conference, one of the main purposes of
4 being here is to discuss a proposed procedural schedule, and
5 by previous Order that was made due on October 14th. So I'm
6 going to expect you to be working on that.

7 And I also want to try and get some idea of
8 where we're going to be going with this case. I believe the
9 statute that created this situation requires Staff to have
10 filed a report within 60 days of the filing of the petition,
11 which I believe would make it due on November 1st. So
12 you'll need to incorporate that into your procedural
13 schedule.

14 And I'll ask the parties at this point if they
15 can tell me what the possible issues might be in this case.
16 Ms. O'Neill, you can go ahead for Public Counsel.

17 MS. O'NEILL: Your Honor, one of the issues,
18 of course, is that we are -- because this is a new statute
19 and this is the first time we've been through a proceeding
20 under this statute, and because we don't have Commission
21 rules in place yet, there are some things that I believe
22 would be helpful for the parties to discuss regarding some
23 of the manner of how this is going to proceed as far as Data
24 Request and discovery and as far as whether or not anyone's
25 going to want to have a hearing in front of the Commission

1 or whether or not there's going to be a way to come up with
2 some sort of settlement that we can just present to the
3 Commission for approval and hearing if the Commission
4 chooses.

5 And I don't think that we're really -- we're
6 kind of navigating in uncharted territory here. So one of
7 the reasons that my office wanted a prehearing conference
8 was so that we could explore that area and see if we can
9 come up with at least an interim procedure for proceeding
10 with this under the timetable in the statute.

11 JUDGE WOODRUFF: All right. Thank you. While
12 we were having that discussion, another gentleman came in
13 the room. Are you Mr. Johnson.

14 MR. JOHNSON: Yes, I am. I'm sorry. Have you
15 taken entries of appearance?

16 JUDGE WOODRUFF: We did take entries of
17 appearance already, but you can go ahead and enter your
18 appearance now.

19 MR. JOHNSON: Fine. Thank you. Robert C.
20 Johnson and Lisa C. Langeneckert, 720 Olive Street,
21 St. Louis, Missouri 63101, appearing for the Missouri Energy
22 Group.

23 JUDGE WOODRUFF: Thank you, sir. We were just
24 discussing how to proceed in this case with developing a
25 proposed procedural schedule. Does Staff have anything to

1 add to what Public Counsel just told us?

2 MR. KRUEGER: No, I don't think so, your
3 Honor. The Staff has talked about possibilities and a
4 proposed procedural schedule and we're prepared to discuss
5 those with the other parties this afternoon.

6 JUDGE WOODRUFF: Mr. Abernathy, anything to
7 add for Missouri-American?

8 MR. ABERNATHY: Not really. I don't think we
9 ever envisioned this really being a process that entailed a
10 full set of hearings and Data Requests and prehearings and
11 all, but again I'm not going to be opposed to it if that's
12 what the parties decide they want to do.

13 I think at Missouri-American we look to sort
14 of the way that Pennsylvania-American handled this. They
15 simply just file the request, Staff gives a yea or nay to it
16 and the Commission issues an Order and that's it. There's
17 no hearings or prehearings or Data Requests done. But if we
18 wish to do it differently here, we'll work with the process,
19 sure.

20 JUDGE WOODRUFF: And we'll be expecting the
21 parties to tell me what kind of process they want to have
22 done here and, of course, the Commission will ultimately
23 decide.

24 Mr. Johnson, anything that you wanted to add?

25 MR. JOHNSON: No, I have nothing to add.

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1 JUDGE WOODRUFF: Of course, as you're all
2 aware, the Commission needs to issue an Order on this case
3 to be effective by December 31st. So any procedural
4 schedule that you do come up with is going to be very quick
5 and be looking at a hearing in November at the latest.

6 Anything else that anyone -- Mr. Krueger, you
7 wanted to add something?

8 MR. KRUEGER: Yes, your Honor. One other
9 thing that I wanted to mention is, because of the short time
10 that's available for the Staff and for the Commission to act
11 on this case, one thing that the Commission may want to
12 consider is the possibility of issuing its final order with
13 less than a ten-day effective date, especially since the
14 Christmas holiday is in there. So possibly the final order
15 could be voted on -- issued on December 23rd as a
16 possibility.

17 JUDGE WOODRUFF: I haven't looked at the
18 calendar. That would probably be the last agenda before
19 Christmas?

20 MR. KRUEGER: Yes.

21 JUDGE WOODRUFF: That's certainly a
22 possibility, and you can discuss that amongst the parties.

23 Anything else anyone wants to add?

24 MS. O'NEILL: I don't think so. Not right
25 now.

1 JUDGE WOODRUFF: All right. With that, then,
2 we'll go off the record and that will conclude the
3 on-the-record portion of the prehearing conference.

4 WHEREUPON, the recorded portion of the
5 prehearing conference was concluded.

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