

In the Matter of:

MISSOURI-AMERICAN WATER CO. RATE INCREASE REQUEST

WR-2017-0285

January 22, 2018



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

LOCAL PUBLIC HEARING

JANUARY 22, 2018

MEXICO, MISSOURI

IN THE MATTER OF)
MISSOURI-AMERICAN WATER COMPANY'S)
REQUEST FOR AUTHORITY TO)
IMPLEMENT A GENERAL RATE INCREASE)
FOR WATER & SEWER SERVICE)
PROVIDED TO THE MISSOURI SERVICE)
AREA)

Case No. WR-2017-0285

JOHN CLARK, PRESIDING
REGULATORY LAW JUDGE

COMMISSIONERS
DANIEL HALL - COMMISSION CHAIRMAN
MAIDA COLEMAN
SCOTT RUPP

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JANUARY 22, 2018

JUDGE CLARK: Mr. Wells, we'll go on the record.

THE REPORTER: Yes, sir.

JUDGE CLARK: Good afternoon. Today is January the 22nd, 2018. The Missouri Public Service Commission has set this time for a local public hearing in file number WR-2017-0285, which is captioned as: In The Matter Of Missouri American Water Company's Request For Authority to Implement a General Rate Increase For Water And Sewer Service Provided To The Missouri Service Area.

My name is John Clark. I'm the Regulatory Law Judge that will preside over this hearing.

With me today is Commission Chairman Daniel Hall, Commissioner Maida Coleman, and Commissioner Scott Rupp.

Commissioner Hall, would you like to make any opening remarks?

CHAIRMAN HALL: Good afternoon. Thank you for being here. This is a very important part of the process.

We have an evidentiary hearing in this matter scheduled end of February, February 26th, in Jefferson City. At that hearing we hear from lawyers, and from consultants, and engineers, and economists, and a whole host of subject matter experts with information and analysis related to this rate case.

But what we don't generally get at evidentiary

1 hearings is actual real live people who are affected by the
2 service provided by this company and pay the rates for that
3 service.

4 And so it's really important for us as Commissioners
5 when we are gathering all that information and analysis and
6 making a decision in this case to have access to individual rate
7 payers, consumers.

8 And that is the point of this hearing. And I very
9 much look forward to hearing your testimony.

10 Thank you.

11 JUDGE CLARK: Are there any other Commissioners that
12 have any opening statement they would like to make?

13 Okay. I'm going to begin by asking Counsel to enter
14 their appearance for the record, starting with Missouri American
15 Water Company.

16 MR. LUFT: Thank you, Judge.

17 Timothy Luft from Missouri American Water.

18 And the court reporter has my information.

19 JUDGE CLARK: Thank you.

20 From the Commission Staff?

21 MS. KLAUS: Alexandra Klaus for Staff of the Missouri
22 Public Service Commission.

23 And the reporter has my information.

24 JUDGE CLARK: Thank you.

25 Office of the Public Counsel?

1 MR. WILLIAMS: Nathan Williams appearing on behalf of
2 the Office of the Public Counsel and the public.

3 I've provided my information to the court reporter.

4 JUDGE CLARK: Thank you.

5 Are there any other parties or intervenors?

6 Okay. Hearing none, I'm going to go into what the
7 process this afternoon is going to be.

8 I'm going to call the names that are listed on the
9 sign-up sheet in the order they appear. When I call your name
10 please come to the podium. Forgive me if I mispronounce your
11 name. You can correct me at the podium.

12 When I call your name, please come to the podium and
13 I will take your oath, affirmation. I'll ask you to state your
14 name at that time, and also please spell it for the court
15 reporter because everything is being taken down for the record.

16 There's no specific time limit, but I am going to ask
17 that you be respectful to other people that might want to speak
18 and not take too long.

19 Also, please remain at the podium after you're done
20 speaking. Myself, or the Commission, or the attorneys may have
21 questions for you.

22 If any of the attorneys have questions for you, I
23 would ask them to let me know during the brief pause there.

24 And after that I will excuse you and you can go back
25 to your seat.

1 Okay?

2 With that in mind I'm going to call the first
3 person who --

4 CHAIRMAN HALL: One other -- one more issue, if you
5 don't mind.

6 JUDGE CLARK: Go right ahead.

7 CHAIRMAN HALL: If anybody is going to be providing
8 testimony today, there is one particular topic that I would be
9 very interested in, and that relates to lead. If anybody has any
10 experience with lead in their drinking water, be it from the
11 water source itself, which I -- or from service lines, customer
12 owned, or company owned, or from equipment piping within the
13 household, I would be interested in hearing any -- hearing of
14 any experience that any customer has had related to those things.

15 Thank you.

16 JUDGE CLARK: Thank you, Chairman Hall.

17 The first person on the list is Robert Marty.

18 Mr. Marty, would you please state and spell your last
19 name?

20 MR. MARTY: Yeah. My name is Robert H. Marty,
21 M-a-r-t-y.

22 JUDGE CLARK: Okay. Mr. Marty, do you solemnly swear
23 -- well, raise your right hand, please.

24 Do you solemnly swear or affirm that the testimony
25 you're about to give is the truth, the whole truth, and nothing

1 but the truth?

2 MR. MARTY: As far as I know. Some of it's from
3 publications, and you have to assume they know what they're
4 talking about, but of course that's not always the case. It's my
5 intent to be truthful to you.

6 JUDGE CLARK: So that's a yes?

7 MR. MARTY: Yeah. That's a -- he cut that down,
8 didn't he?

9 JUDGE CLARK: Okay. Mr. Marty, what would you like
10 to tell the Commission?

11 MR. MARTY: First of all, I would like to welcome all
12 of you here, to come to Mexico. And I'm delighted. Some of you
13 already had lunch and spent money here. That's very important to
14 us. And if you can stay a little longer and have some gasoline
15 and buy something at Walmart, it wouldn't hurt either.

16 I want to tell you before we start that Senator
17 Coleman is an acquaintance, and friend of mine. For some time
18 she and I served on the Children's Trust Fund some years back.
19 And so I know her.

20 I haven't met you other three, but I don't think that
21 works against us. But anyway.

22 I want to tell you, first of all, that the City of
23 Mexico has excellent water. We get it from deep wells.

24 And Kelly just told me -- say, did you know this
25 kid's name is Kelly? And the one that appears in front of the

1 electric company, your first name is Kelly. The one with the
2 miniskirt. Do you remember that?

3 And you can't work for a utility unless you got a
4 Kelly in it.

5 Anyway, we have fifteen hundred depth for our wells.
6 And we get water from below Highway 44. It's very good. And
7 compared to Jeff City out of the Missouri River, and Columbia out
8 of the Missouri River, and not far where they put their affluent
9 in, our water's really good.

10 We have several problems in that we're an old city.
11 Kelly told me that the water company's 1895?

12 MR. KELLY: '85.

13 MR. MARTY: '85. And we have some old pipes. And we
14 have firement clay around here, which has a thixotropic nature.
15 And when you have an "X" with it that means it's free.

16 Which means it shrinks and swells. So our pipes
17 break and the water company does have a lot of work fixing pipes
18 at different times. And they've done a good job.

19 You've heard some comment before we got here, some
20 argument about the cost, but that's another issue.

21 I asked before I got here, before we got to this
22 place, I asked Miss Norton how long ago was this prepared. And
23 she said they started in February of 2017 and was put together by
24 July, these figures that we have here. And now we're looking at
25 it in February of 2018.

1 Well, here's the problem, or the opportunity,
2 actually. Congress passed a new tax law at the very end of
3 December, which will greatly reduce the taxes for entities. So
4 these figures are off. You probably -- you probably owe us all a
5 lower rate, not even an increase. So I think you need to take
6 that into consideration before you go with this.

7 You can't -- you can't help it. You couldn't help
8 that you got a tax cut, but it's big. It's a big tax cut. And
9 should be the advantage of you and us, and the advantage would be
10 that we would have lower rates.

11 So I don't know if you want to cancel all of these
12 other meetings or not to save money, but they're useless. The
13 figures you have there are useless.

14 The water company sometimes has difficulty with their
15 mathematics. I'm trying to think, Miss Norton. You came here
16 two years ago, plus or minus a day?

17 MS. NORTON: Uh-huh.

18 MR. MARTY: Swung in here from Louisiana or
19 somewhere.

20 MS. NORTON: Kentucky.

21 MR. MARTY: Kentucky.

22 About that time the water company was having trouble
23 transferring from gallons to liters, or vice-versa, and they're
24 not able to record the water. And we had some places, which was
25 in testimony when we were here last time, that you're not able to

1 record the water at all for big uses like the MFA mill. You did
2 not record it at all.

3 It caused the city such a problem, as my friend
4 Harold Enslen tried to indicate, our sewer bill is based on the
5 volume of water.

6 So you turn it over to the -- the water company turns
7 it over to the city, the city uses that. They charge for our
8 sewer bill. Federal taxes and so forth.

9 As a matter of fact, very often the sewer bill, et
10 cetera, can be more than the water bill we have.

11 But there was a period of time when we didn't have
12 bills. The City of Mexico didn't have bills. Didn't have water
13 to charge against. And they had to make up what the bills were.
14 They went from the year previous. But they didn't have bills.

15 I'm not sure how the water company got by without
16 having water accounting, but they did.

17 The difficulty they had with the City of Mexico was
18 they didn't do anything to the Missouri Public Service, didn't
19 report to the Public Service Commission. They tried to deal with
20 the water company and get it done friendly like, and that's
21 probably a good way, but didn't get done.

22 It didn't get done until I called it to their
23 attention before -- I didn't know that was a problem with them.
24 They kept it a secret, the City of Mexico.

25 And Senator Coleman, you're wondering why I haven't

1 been involved more? I'm telling you: It's harder to hit
2 windmills when you -- the older it is, the windmills get tougher
3 on me. This is what I am bringing here later.

4 They did not -- they made up, the City of Mexico made
5 up their tax bills, which means the water company made up their
6 volume.

7 And you can check that, Miss Norton. I wish you
8 would, please. That's a serious issue.

9 It had to do with changing from liters to gallons, or
10 vice-versa, and the meters didn't change, or they were bad
11 meters.

12 I guess I can't ask Riley anything -- Kelly that
13 question.

14 You have bad meters, Riley?

15 MR. KELLY: No.

16 MR. MARTY: The meters didn't work right because the
17 -- they were one for one and one for the other.

18 So when you go to the math, I'm asking the Missouri
19 Public Service Commission, be sure you've got hard actual figures
20 that are there.

21 I want to tell you it's very important that we have
22 this hearing. Very important. You all are a very important part
23 of the situation. Sometimes we win some.

24 This is the 30th anniversary of a hearing in this
25 room with the electric company. 30th anniversary.

1 And I pointed out that -- (Hearing interrupted by a
2 phone call.)

3 MR. MARTY: I hope I didn't win the lottery with that
4 phone call.

5 I pointed out that -- thirty years ago that the
6 electric company, not you, owned three companies, of which the
7 only stockholder, but each company had -- had a -- had the people
8 and -- and lobbyists, and lawyers, and clerks in Jefferson City.

9 Well, eleven months later Ameren cut the rates five
10 percent. And like Yogi said, you can look it up. They cut them
11 five percent. Laid off two hundred and fifty people at Jefferson
12 City and put it in one office.

13 My point being these hearings do help us to bring
14 stuff forward.

15 Now I talk mostly on mechanical things, and my friend
16 Mr. Enslin will talk to you about the effect on people who pay
17 the bills.

18 As you've heard before, Senator, he and I have run
19 together for a long time. He and I have both been mayor, we've
20 both been on the school board, and we've appeared at these
21 things. And I told Miss Norton that we're going to come in here
22 if we have to come in a gurney. But that may happen.

23 So I really, really appreciate you being here. We
24 recognize how important it is. We recognize our testimony can
25 make a difference.

1 So the effort that you make is very important to us.
2 Thank you very much.

3 Any questions?

4 Be careful now.

5 You got any questions?

6 Yeah.

7 MR. LUFT: Mr. Marty, I'm Tim Luft, Missouri
8 American.

9 You testified as to the meter issues back in February
10 4th, 2016 when we were at the high school --

11 MR. MARTY: I did.

12 MR. LUFT: -- two years ago.

13 MR. MARTY: Yes.

14 MR. LUFT: Have you learned of any new meter issues
15 since that time?

16 MR. MARTY: No. No. I just want to stay that's a
17 culture. It was billed without water. It was just to show you
18 you have to watch the water company, if you don't mind, and see
19 that their math is correct on real figures.

20 MR. LUFT: Got it. Thank you.

21 MR. MARTY: But you're right. We did do that. As a
22 matter of fact, one lady from the water company over in the dark,
23 she's the one that gave us the MFA mill, didn't have a meter.
24 She's the one that offered that information.

25 MR. LUFT: Thank you.

1 MR. MARTY: Thank you.

2 JUDGE CLARK: Commissioner Coleman?

3 COMMISSIONER COLEMAN: Mayor?

4 MR. MARTY: Yes.

5 COMMISSIONER COLEMAN: It is good to see you again.

6 MR. MARTY: Thank you.

7 COMMISSIONER COLEMAN: And I always look forward to
8 coming to Mexico because I know that I will see both former
9 mayors here.

10 I just want to thank you for being a great proponent
11 of this community and always coming forward and being here, even
12 after all of these years of no longer in official service, being
13 great ambassadors for the City of Mexico.

14 MR. MARTY: Well, you're very gracious, Senator.

15 And I want to tell you I was very enthused to have
16 these two young men, two generations behind us, they're going to
17 to pick it up.

18 They're not here now.

19 One is. I'm glad they're here and talking. So that
20 help us.

21 But I thank you, Senator. You're very gracious.

22 Gentlemen, nice to see you.

23 Buy lunch. Remember that.

24 COMMISSIONER COLEMAN: We will always spend money in
25 Mexico, Missouri.

1 Thank you very much.

2 JUDGE CLARK: Thank you, Mr. Marty, for your
3 testimony.

4 Next person I have on the list is Harold Enslen.

5 Mr. Enslen, would you please raise your right hand in
6 order to be sworn?

7 Do you solemnly swear or affirm that the testimony
8 you are about to give is the truth, the whole truth, and nothing
9 but the truth?

10 MR. ENSLEN: I do.

11 JUDGE CLARK: Okay. Would you please state and spell
12 your last name?

13 MR. ENSLEN: Enslen. E-n-s-l-e-n.

14 JUDGE CLARK: And what's your full name, sir?

15 MR. ENSLEN: My phone number?

16 JUDGE CLARK: Full name.

17 MR. ENSLEN: Oh. Harold S. Enslen.

18 JUDGE CLARK: Mr. Enslen, what would you like to
19 tell us today?

20 MR. ENSLEN: Well, Mr. Marty has talked to you about
21 different things. I -- my wife and I, we kind of go along with a
22 different group of people. And we don't go out digging around
23 trying to find out all this other business that like the fellows
24 that we're talking about awhile ago.

25 But we -- we're not official representatives of the

1 lower income in Mexico, but we know the lower income and we -- we
2 deal with them on a personal basis.

3 And when they got this thing, this notice the other
4 day, two or three guys got all excited about it. And I tried to
5 explain to them what it showed on there. It was hard to explain.

6 And when I came in awhile ago they did explain it to
7 me that we're -- how it was used in the right line of what the
8 costs would be.

9 And we're -- like I said, Mexico has a group of low
10 income, not poor -- not poor people, but lower income people that
11 need to be looked after on raising utility rates.

12 And this one here is -- the water company, seems like
13 it's been pretty good about not jumping in here and raising these
14 rates like the other power companies have that we've gone to
15 hearings on.

16 And basically, like I said, I'm just one of the older
17 men in town. And my wife and I like Mexico and we know these
18 people.

19 The utility companies, and the power companies,
20 people have to close up their house and live in one bedroom or
21 live in a -- put a bedroom in a -- a bed in the kitchen. And
22 some people don't believe that, but that does happen.

23 Well, with the water you don't have to do that.

24 But anyway, that's -- but with power companies, we do
25 know people that have done that. And some of those people could

1 afford to -- to make it, live in a whole house, but that's just
2 the way it is.

3 And I have -- I'll answer any questions you would
4 like to ask me.

5 JUDGE CLARK: I don't have any questions for you.
6 Thank you very much for your testimony.

7 MR. ENSLEN: All right. Thank you.

8 COMMISSIONER COLEMAN: Thank you, Mayor.

9 JUDGE CLARK: Now those are the only two names I had
10 on my list.

11 Is there anyone who in listening now realizes that
12 they would like to say a few words?

13 Yes, sir. Would you please come up?

14 Would you please raise your right hand to be sworn?

15 Do you solemnly swear or affirm that the testimony
16 you are about to give is the truth, the whole truth, and nothing
17 but the truth?

18 MR. HATHAWAY: Yes, sir.

19 JUDGE CLARK: Okay. Would you please state your name
20 and then spell it for the court reporter?

21 MR. HATHAWAY: My first name is Adair, A-d-a-i-r.

22 Last name is Hathaway, H-a-t-h-a-w-a-y.

23 JUDGE CLARK: Okay. And what would you like to tell
24 us today, Mr. Hathaway?

25 MR. HATHAWAY: The Q and A session that took place

1 prior to the start of this official recorded document is
2 essentially just a reverberation of the same thing. So there's
3 basically three talking points that I would like to put on there
4 we had not got to in the -- in the Q and A session that took
5 place prior to this.

6 Exactly what one of the -- I haven't actually met
7 you.

8 Bob, correct?

9 MR. MARTY: Yep. Bob Marty.

10 MR. HATHAWAY: One of the things Bob brought up,
11 which was the tax cut legislation that has taken place.

12 So my three things that I have: Number one is
13 establishment of service. Missouri American Water, correct me if
14 I'm wrong, but my understanding is they do not require any proof
15 of ownership, nor do they require a lease for the said property
16 before they will establish service.

17 This is creating a bevy of nightmares, including
18 exceptional loss write-offs where people will literally use their
19 dog's name to establish service. And then so you will have a --
20 Missouri American Water has a loss line segment of X amount of
21 dollars, whatever that is. And I would stretch to at least say
22 ten percent of that could be avoided, maybe a larger portion, if
23 they request -- or required proof of ownership or a lease before
24 they establish service. That's the one.

25 The second one is development of properties and in

1 fill lots. That's where I started getting my feet wet with maybe
2 some of the control mechanisms on how you all establish -- or
3 Missouri American Water establishes service and implements their
4 billing.

5 We have -- they take a rolling three year bid for
6 whomever establishes services, the water pits. Those costs have
7 gotten bloated to the point that they are the -- the most
8 expensive cost of any of the towns that I do development in to
9 the tune of three to seven X of what it would cost to establish
10 service anywhere else in the -- north of 70.

11 So I would like to have the -- Missouri American
12 Water open. And I know they've -- in the Q and A session, but I
13 was told I should put this on record, that they are going to work
14 with us, they're going to talk to us, we're going to work out an
15 amicable solution, but that does not change the current state
16 that we're in as of today. That is not how they're proceeding.

17 So I would like to open up any of those type of
18 development type opportunities to obviously we have to go by code
19 in the city, each individual city's per specific request and
20 needs, but there still could be a third party competition, free
21 market for those services.

22 And like I said, the last one, between the -- the
23 third point for me would be the tax rate reduction. Just -- just
24 the gross profit to get to their net tax return, if they're
25 trying to operate at a certain profitability level, I don't

1 believe that the rate hike, I'm sorry, but I don't believe that
2 the rate hike would be needed.

3 In combination of the tax rate change, the reduction
4 in loss by providing and requiring before establishment of
5 service proof of ownership, or a lease, I think you would see
6 increased profitability at current pricing with those small
7 changes.

8 And as a point of reference, Ameren Missouri does
9 this. And I think they're at least comparable in size to
10 Missouri American Water. To establish service they do require
11 you to e-mail them or fax them proof of ownership; title, deed,
12 something, bill of sale, and/or a lease.

13 Those are the three big ones that I have. And I
14 appreciate your all's time and had no intention of speaking under
15 oath today.

16 Thank you for my -- your patience.

17 CHAIRMAN HALL: I do have a question.

18 MR. HATHAWAY: Shoot.

19 CHAIRMAN HALL: Concerning the requirement of proof
20 of ownership or a leasehold interest, are you aware of anyone who
21 has ever established service with Missouri American that didn't
22 have one of those two?

23 MR. HATHAWAY: About sixty-five houses that I own in
24 and around this area every year, yes.

25 CHAIRMAN HALL: So who is establishing service?

1 MR. HATHAWAY: Whomever calls them up and establishes
2 service.

3 I could call and -- I could call and put it in your
4 dog's name, your daughter's name on any one of the houses that I
5 own if there's not existing service.

6 CHAIRMAN HALL: So in these sixty-five properties
7 that you've owned in the area there's been instances where
8 someone has called up, established service at that house, even
9 though --

10 MR. HATHAWAY: They did not --

11 CHAIRMAN HALL: -- they didn't own it or have a
12 leasehold interest?

13 MR. HATHAWAY: That's right.

14 CHAIRMAN HALL: What interest would they have in
15 doing that?

16 If you could speculate.

17 MR. HATHAWAY: I rented to X. I rented to John Doe.
18 Number 1. And they run it for three months. They get their
19 utilities turned off. And how it's -- how Mexico, Missouri's
20 utilities, to my best of my knowledge, they're populated from
21 Missouri American Water.

22 So the entire City of Mexico's utility billing
23 service is controlled by Missouri American Water. And that's
24 coming from the city manager of Mexico.

25 CHAIRMAN HALL: So I'm still not sure I understand

1 what -- what interest someone would have in calling and
2 establishing service if they didn't own or -- didn't own the
3 property or have a leasehold interest in the property.

4 MR. HATHAWAY: The first person that I leased it to
5 had their utilities turned off. So they put it in -- they just
6 call up and start it again in their son's name, or their
7 boyfriend's name, or their girlfriend of the week. You know.
8 That's what they're doing.

9 And there's no -- there's no control mechanism.
10 There's no stopgap to prevent that from happening.

11 CHAIRMAN HALL: Okay. Thank you.

12 COMMISSIONER COLEMAN: Mr. Hathaway, so I'm familiar
13 with that happening all the time in St. Louis. And I used to be
14 in the property rental, property management business and saw that
15 quite often.

16 One of the options that a leasing company I used to
17 work for had was to retain the water bills in their name and
18 charge the tenant. I know that that becomes very difficult,
19 because sometimes when a tenant skips out, the company, or the
20 owner, is left with or stuck with that bill.

21 MR. HATHAWAY: I do that on other -- excuse me.

22 COMMISSIONER COLEMAN: Go ahead.

23 MR. HATHAWAY: On other towns. For example, Moberly.
24 I -- the properties that I have there, the water and sewer and
25 trash is all in my name.

1 I would do that in Mexico. The only problem is the
2 City of Mexico doesn't own their water like Moberly does. So
3 here in Mexico whoever the water bill goes into their name also
4 controls the utilities. Controls everything.

5 COMMISSIONER COLEMAN: Sure. That's where I was
6 going with it, because in the City of St. Louis where I reside it
7 is municipality owned water supplied. And so that includes
8 sewer. That includes trash. So --

9 MR. HATHAWAY: I'm not saying that that's not an
10 avenue that couldn't be crossed, but I have not done that.
11 Instead of trying to recreate a new wheel, I'm just trying to get
12 Missouri American Water to look at a wheel that's already in
13 place called Ameren.

14 COMMISSIONER COLEMAN: Yeah. And that is the
15 difference. A municipal owned service compared to a corporate
16 owned service is a little bit different. Because all of the
17 things that you're talking about we -- it's parallel to the City
18 of St. Louis. The water, sewer, trash all goes together. It
19 goes into the tenant's name.

20 Utilities such as gas and electric owned by different
21 companies go into -- can go into the tenant's name or the owner's
22 name.

23 So I see where you're coming from. It is a big
24 challenge.

25 So thank you for that suggestion.

1 MR. HATHAWAY: Uh-huh. No problem.

2 JUDGE CLARK: Public Counsel?

3 Oh, I'm sorry.

4 MR. WILLIAMS: I just want to get a little more
5 clarification about your second point, because I think you talked
6 about new service in two different ways.

7 MR. HATHAWAY: Okay.

8 MR. WILLIAMS: What new service are you talking about
9 with your second point?

10 MR. HATHAWAY: So establishment of service as far as
11 whether you are the owner of the property or you're a tenant,
12 Ameren requires proof of ownership via the deed or a lease. They
13 will not establish nor disconnect service without that.

14 So if Missouri American Water would implement -- you
15 have to prove you: A, own it; or B, have a lease before I start
16 service. So that's establishment of service to me.

17 The other piece that I'm talking about is development
18 of service. So the water pits, the water meters. So I am kind
19 of on both ends. We build and develop and maintain those
20 properties and retain those ownerships and rent those properties
21 out.

22 So there's the lease piece for establishing service
23 to the residence, and then there's establishment of the service
24 to a new development area or an in field development where
25 there's twenty houses on a block and there's one vacant lot.

1 That is the development establishment of service that's a bloated
2 cost.

3 Where it used to be somewhere between five hundred to
4 fifteen hundred dollars, which is very standard in all the rest
5 of the towns that I've developed in and have looked at building
6 in, here it's -- they -- they give you a range. They'll tell you
7 that it's going to be a thousand to fifty-five hundred dollars.

8 I haven't ran into one that's been less than five
9 grand yet. It's just -- just what they're going to charge you.

10 MR. WILLIAMS: And whenever the utilities are
11 establishing that kind of service what kind of work is done that
12 falls into that kind of range?

13 MR. HATHAWAY: Just putting the water pit in.
14 Singularly. That's not my plumber attaching to the -- to the
15 house. That's -- that's bringing it most of the time less than
16 twenty feet from either the edge of the city road, or in the city
17 road, or in the right-of-way between the sidewalk and the street
18 to the pit.

19 They punch down about six foot. Put a pit in. Put a
20 meter in. And that's what they get. That's what you get for
21 your money.

22 It ought to be about five hundred to a thousand
23 dollars, which is what everyone else charges in and around the
24 entire area.

25 So because Missouri American Water has it bid out to

1 a third party, they've got you pretty tight, if you read between
2 the lines.

3 MR. WILLIAMS: Thank you.

4 MR. HATHAWAY: Yep.

5 JUDGE CLARK: Missouri American?

6 MR. LUFT: I have a follow-up.

7 These tenants that -- are they still on the property;
8 they just stopped paying their bill? The water was turned off,
9 then they get their friend or whatever to reestablish service?

10 MR. HATHAWAY: So the rub comes on the
11 reestablishment of service where they're good tenants. That -- I
12 use that term extremely loosely. They're in good standing with
13 me. They've paid their rent. They're current.

14 I don't know that they're delinquent on their utility
15 bills until it reaches ninety days. And then I get -- on ninety
16 days they pop a letter in the mail from the City of Mexico. I
17 get it in the mail that they're delinquent by \$150.

18 That's separate from you all's piece.

19 But so they call up because they're delinquent and
20 said it will be turned off. Gets his girlfriend to call up. And
21 then they call Missouri American Water. They don't have to call
22 the city to establish new service. They call and get the water
23 meter changed -- or the -- the water -- the name and the water
24 changed. Then that populates back to the City of Mexico.

25 I got -- I call them. They get squared with the

1 city. Missouri American Water writes it off on their side. They
2 got new service going.

3 Another ninety days it's a rinse and repeat. And
4 that's where all your all's -- not all. Excuse me. That's where
5 a portion, a small portion, really I don't understand, I haven't
6 looked at your financials, I -- this is one thing I do on my
7 side. I'm a -- I skin the margin out of places. That's all I
8 do.

9 MR. LUFT: What's to prevent the girlfriend from
10 providing a fake lease or a --

11 MR. HATHAWAY: Nothing, except for the fact that then
12 you're breaking the law.

13 MR. LUFT: But they're breaking it when they're lying
14 in the first place.

15 MR. HATHAWAY: Yeah, but they know you all won't do
16 nothing with it. They know I will.

17 MR. LUFT: Thank you.

18 MR. HATHAWAY: And that's where I'm asking if you all
19 can put teeth in it and say we're not doing nothing unless you
20 have something, because I'll sue them. That's forging -- there's
21 all kinds of things there.

22 They won't do that. I think you'll eliminate
23 ninety-eight percent of those hot starts, as I call them. Every
24 sixty to ninety days they're hot starting you again. We're going
25 to run it until they tell us they're going to shut it off, and

1 then we're going to hot start it again, and in sixty to ninety
2 days we're going to keep doing it. We've got fourteen dogs and
3 two cats and we'll use the neighbors if we got to. That's a
4 crappy way to say it and poor language here and --

5 (Hearing Interrupted by a phone call.)

6 MR. HATHAWAY: I hope that's the President, too.

7 Thank you.

8 JUDGE CLARK: Mr. Hathaway --

9 MR. MARTY: Well done.

10 JUDGE CLARK: -- thank you for your testimony.

11 MR. MARTY: Well done. Well done, young man.

12 JUDGE CLARK: Is there anyone else who would like to
13 testify today?

14 Okay. I would like to thank all of you for your
15 participation today.

16 Do any of the Commissioners have any closing remarks
17 they would like to make?

18 MR. RUPP: No.

19 JUDGE CLARK: Okay. Again, if -- if you have
20 additional comments, or somebody you know who wanted to be here
21 today was unable to be here today, you can make written contacts
22 -- comment by contacting the Office of Public Counsel, who has an
23 attorney here today, or by going to the Public Service Commission
24 web page.

25 This hearing is now adjourned. Have a good

1 afternoon.

2 And we are off the record.

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C E R T I F I C A T E

I, Randall W. Wells, Certified Shorthand Reporter,
Certified Court Reporter, do hereby certify that the proceedings
had in the matter set forth in the caption page hereon were
reported in shorthand by me, afterwards transcribed, and the
foregoing is a true and complete transcript of said shorthand
notes.



Date: January 28, 2018

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