

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

In the Matter of the Petition)
for an Interim Receiver and for)
an Order Directing the General)Case No. WO-2024-0036
Counsel to Petition the Circuit)
Court for the Appointment of a)
Receiver for Misty Water Works)

Prehearing Conference
Thursday, October 12, 2023
9:00 a.m. - 10:15 a.m.

Governor Office Building
200 Madison Street
Jefferson City, MO 65101
and WebEx

VOLUME I

JOHN CLARK, Presiding
SENIOR REGULATORY LAW JUDGE

Stenographically Reported By:
Beverly Jean Bentch, RPR, CCR No. 640

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APPEARANCES:

On behalf of Staff of the
Public Service Commission:

Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65101

BY: CAROLYN KERR, ESQ.
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Present Pro Se: Leon Travis Blevins

1 The following proceedings began at 9:00 a.m.:

2 JUDGE CLARK: Okay. Let's go on the record.
3 Good morning. Today is October 12, 2023, and the current
4 time is 9:00 a.m. We are in Room 310 of the Governor
5 Office Building. The Commission has set aside this time
6 today for a Prehearing Conference in the case captioned
7 as In the Matter of a Petition for an Interim Receiver
8 and for an Order Directing the General Counsel to
9 Petition the Circuit Court for an Appointment of a
10 Receiver for Misty Water Works, and that is File No.
11 WO-2024-0036.

12 Now, this case was originally set -- This was
13 originally set for an evidentiary hearing on September
14 14. Then that was continued to today. Yesterday I
15 continued that to the 25th of October and set today for a
16 prehearing conference. And to anyone who is here for the
17 hearing today, I apologize for the late notice. I had
18 some concerns in initially looking at one of Misty Water
19 Works' pleadings and after having some time to think
20 about it I felt that the due process considerations
21 outweighed many of the other concerns in this case.

22 Now, we're here on WO-2024-0036. I did not
23 call a prehearing conference in WC-2023-0353 or
24 WA-2023-0418, but I believe it's going to be fairly
25 impossible to talk about this receivership hearing today

1 without at least touching on those cases.

2 Now, on October 4, Mr. Blevins submitted into
3 EFIS what appears to be a handwritten, and it's unclear
4 to me whether this is a letter or a motion or just is
5 some sort of informative pleading, but it was filed in
6 the WC, the complaint case, in response to my Order
7 directing a response.

8 And in that case, Mr. Blevins had originally
9 had until May 15 to reply to file an answer to the
10 Commission Staff's complaint under the Commission's rule
11 which requires the filing of an answer within 30 days.
12 Now, due to another ongoing case, Misty Water Works'
13 Request for a Certificate of Convenience and Necessity in
14 WA-2023-0418, he had requested a continuance to file an
15 answer and that continuance was granted until September
16 7. No answer was filed on that date, and the Commission
17 Staff moved to have the facts deemed in the complaint --
18 or the facts pled in the complaint deemed as true and for
19 a Default Order against Misty Water Works.

20 Supposedly this handwritten filing received on
21 October 4 is in response to my Order directing him to
22 respond, because I wanted to get his input in regards to
23 the default and the deeming of the complaint allegations
24 as true.

25 Now, his pleading indicates, and I'm going to

1 clarify up front here, Mr. Blevins, and you're here on
2 behalf of Misty Water Works, right?

3 MR. BLEVINS: I am.

4 JUDGE CLARK: I'm going to go ahead at this
5 time. Actually I haven't done this yet. I'm John Clark.
6 I'm the Regulatory Law Judge overseeing this hearing
7 today. And I didn't take appearances. Let me go ahead
8 and take those starting with Misty Water Works.
9 Mr. Blevins, you're here on behalf of Misty Water Works;
10 is that correct?

11 MR. BLEVINS: Well, they call it Misty Water
12 Works. I'm here on behalf of my own self, Travis
13 Blevins. Misty Water Works is just a d/b/a type of
14 description is all it was.

15 JUDGE CLARK: Are you the owner of Misty Water
16 Works?

17 MR. BLEVINS: I am the owner. Again, Misty
18 Water Works is just a doing business as.

19 JUDGE CLARK: A fictitious name, yes.

20 MR. BLEVINS: But I am, yes, sir.

21 JUDGE CLARK: On behalf of the Commission
22 Staff.

23 MS. KERR: Carolyn Kerr and Casi Aslin.

24 JUDGE CLARK: Anyone here on behalf of the
25 Public Counsel? Any attorneys I've missed?

1 Okay. I'm going to go on with what I was
2 saying before. Mr. Blevins, you filed this handwritten
3 pleading, correct?

4 MR. BLEVINS: That's correct.

5 JUDGE CLARK: I have at least four different
6 addresses for some of the various entities that I would
7 be -- that I believe would be umbrellaed under you and
8 Misty Water Works. I have a Texas Road address in St.
9 Robert beginning with a 15, I have a P.O. box in
10 Marshfield, Missouri, I have another St. Robert, Missouri
11 address beginning with a 24, I have a separate P.O. Box
12 882 in St. Robert, Missouri, and those appear to be the
13 four that I immediately have.

14 Now, you indicated that you have not been
15 receiving pleadings or orders from the Commission; is
16 that correct?

17 MR. BLEVINS: That is correct.

18 JUDGE CLARK: And that's because those have
19 been going to the P.O. box in Marshfield?

20 MR. BLEVINS: I think that was one of the
21 problems, yes. That P.O. box in Marshfield is actually
22 Lori Jean's (phonetic spelling) address who is our well
23 operator, our certified well operator with the Department
24 of Natural Resources.

25 MS. KERR: Judge, which case are we talking

1 about, because it depends on the case as to which these
2 addresses are being sent to and each of the cases are
3 being -- the service is being sent to his home address.

4 JUDGE CLARK: Uh-huh.

5 MS. KERR: So the fact that something might be
6 being sent Marshfield, that's one of the cases, and
7 that's one of several addresses but his home address is
8 also being served.

9 JUDGE CLARK: In each of these files?

10 MS. KERR: In each of the files.

11 JUDGE CLARK: Is your home address the Texas
12 Road address in St. Robert?

13 MR. BLEVINS: No, it is not. That's not --

14 JUDGE CLARK: Hold on, Mr. Blevins.

15 MR. BLEVINS: Okay.

16 JUDGE CLARK: That is the only service address
17 currently listed under WO-2023-0418.

18 MS. KERR: That's his business address. The
19 Texas --

20 JUDGE CLARK: I'm just saying that's the only
21 service address listed for that case. I am unaware of
22 him being served documents at any other address than
23 that.

24 MS. KERR: I think that's his business address.
25 That business address, I mean, I guess let me correct

1 myself. The business address, the one in Texas Road in
2 St. Robert, that one has been -- he's been served at that
3 address as well, and that's his business address.

4 JUDGE CLARK: Mr. Blevins, is that the business
5 address?

6 MR. BLEVINS: That address on Texas Road is my
7 office address. That would be my office.

8 JUDGE CLARK: You should be getting all of the
9 pleadings for this case. Not that one. Why do I not
10 have four up here? Let me pull up one more case. Okay.
11 I have that address being served for the CCN. I have
12 that address being served I believe in the WO case. Bear
13 with me just a minute.

14 Okay. I have that address being served as I
15 indicated before in the receivership case. I have that
16 address being served in the CCN. I do not have that
17 address being served in the complaint case.

18 MS. KERR: Correct.

19 JUDGE CLARK: If that's your business address,
20 why are you not getting pleadings there?

21 MR. BLEVINS: Could you repeat the question,
22 please?

23 JUDGE CLARK: Are you getting mail at your
24 business address?

25 MR. BLEVINS: Very seldom do I get mail at my

1 business address which is the 15405 Texas Road.

2 JUDGE CLARK: Why is that?

3 MR. BLEVINS: Well, because I have a post
4 office box that I always request people to mail to me
5 which is Post Office Box 882 in St. Robert, Missouri.

6 JUDGE CLARK: In St. Robert?

7 MR. BLEVINS: Yes. My residence address
8 is --

9 JUDGE CLARK: I don't need to know your
10 personal residence address, and I don't want it on the
11 record right now.

12 MR. BLEVINS: Okay. Sorry.

13 MS. KERR: Judge, the certified mail, the green
14 cards, they were signed as received and they're filed in
15 EFIS.

16 JUDGE CLARK: So you're saying you believe we
17 can talk about those?

18 MS. KERR: Well, the ones that were sent to
19 Texas Road in the WO case, this receivership case, that
20 was filed in EFIS as being sent and received.

21 JUDGE CLARK: I see it's a certified address --

22 MS. KERR: Right.

23 JUDGE CLARK: -- that I can see in there.

24 MS. KERR: So it shows that he was served and
25 that he received it as well as in the complaint case --

1 The complaint case he was also served at his home address
2 and we have the green cards that were signed as received
3 and filed in EFIS. And in the CCN case.

4 JUDGE CLARK: I'm not saying Staff is wrong
5 here. I'm not saying that.

6 MS. KERR: I understand that.

7 JUDGE CLARK: I can see that these are
8 certified addresses and the response has been filed in
9 EFIS. He's alleging he's not receiving mail. I want to
10 sort that out.

11 MS. KERR: I understand that.

12 JUDGE CLARK: Okay. Why are you not -- Are you
13 just not picking up your mail for your business address?

14 MR. BLEVINS: It's a box out in front and we
15 very seldom ever pick it up there. It's just really not
16 used. I don't use that address for any of my
17 correspondence. I do not recall receiving anything of
18 this nature at that particular address, and I do not also
19 recall receiving anything at my residence address. If
20 there's a signature on something that she calls a green
21 card, I'd like to know who actually signed that. It was
22 not myself.

23 MS. KERR: It was your wife and on one of the
24 other ones it was you.

25 MR. BLEVINS: I don't know which one you're

1 referring to, to tell you the truth.

2 MS. KERR: The complaint case.

3 JUDGE CLARK: Do you receive mail -- Do you
4 regularly check your mail at your Texas Road address?

5 MR. BLEVINS: No, I do not regularly check it.

6 JUDGE CLARK: Is there any place you regularly
7 check your mail?

8 MR. BLEVINS: I check my mail almost daily at
9 my Post Office Box 882 and obviously at my residence.

10 JUDGE CLARK: I just asked you about your
11 residence and you just said you don't check your mail
12 there.

13 MR. BLEVINS: I do not check the mail at my
14 office address, not residence.

15 JUDGE CLARK: Do you check your mail daily at
16 your residence?

17 MR. BLEVINS: Daily, yes, at my residence.
18 That's not Texas Road though, sir. Texas Road is not my
19 residence.

20 JUDGE CLARK: All right. Is your address the
21 Tigger Lane address?

22 MR. BLEVINS: Tigger, yes, sir.

23 JUDGE CLARK: Tigger Lane address. Thank you.
24 And that begins with a 24?

25 MR. BLEVINS: I'm sorry? Yes, 24410.

1 JUDGE CLARK: In St. Robert, Missouri. Okay.
2 I'm going to put down -- I'm going to have that added as
3 an address so that it is consistent across all the
4 filings and make a note that any future pleadings or
5 orders are to be sent there.

6 Now, you indicated that someone at the public
7 water district forwarded you three pieces of mail; is
8 that correct?

9 MR. BLEVINS: Forwarded? That was not from the
10 -- That was forwarded to me from Lori Jean, the address
11 in Marshfield.

12 JUDGE CLARK: That's what I'm talking about.

13 MR. BLEVINS: Yes.

14 JUDGE CLARK: What were those three letters?

15 MR. BLEVINS: They were the same. One for each
16 one of the public water systems that was activated by the
17 Department of Natural Resources and that pertained to
18 this -- I believe it was the documents that --

19 JUDGE CLARK: Did you bring those letters with
20 you today?

21 MR. BLEVINS: I do have them somewhere here.
22 I'd have to look through them. I've been inundated with
23 documents and letters and et cetera.

24 JUDGE CLARK: May I see the three letters that
25 you received on the 26th forwarded to you?

1 MR. BLEVINS: I'd have to find them here, sir.

2 JUDGE CLARK: I'll wait.

3 MR. BLEVINS: It was the letter that was dated
4 September the 14th. I'm still looking for that
5 particular letter. And that was the letter directing
6 response dated September 14.

7 JUDGE CLARK: And that was the -- That was to
8 which you filed the handwritten response?

9 MR. BLEVINS: Yes, sir. I believe so, sir.
10 Yes, sir. Okay.

11 JUDGE CLARK: Mr. Blevins, are any of your
12 businesses incorporated in any way?

13 MR. BLEVINS: No, they're not. It's all d/b/a.
14 They're just doing business -- I do business under my own
15 name.

16 JUDGE CLARK: So you haven't filed anything
17 with the Secretary of State's --

18 MR. BLEVINS: No.

19 JUDGE CLARK: -- in regard to a partnership, an
20 LLC or an incorporation?

21 MR. BLEVINS: No, sir, I have not. I have
22 reasoning for that.

23 JUDGE CLARK: You don't have to explain it to
24 me. I just wanted to know. It affects whether under the
25 Commission's rules you're required to have an attorney or

1 not. So that's why I'm asking that.

2 MS. ASLIN: I just have a question. I believe,
3 Ms. Kerr can correct me if I'm wrong, but I think that
4 Mr. Blevins has an email address listed for service in at
5 least a couple of the cases. Mr. Blevins, do you check
6 your email regularly?

7 MR. BLEVINS: I do not check my email
8 regularly. I made that known.

9 MS. ASLIN: Okay.

10 MR. BLEVINS: When I'm directed to check it, I
11 usually go check it.

12 JUDGE CLARK: Is that your gmail address?

13 MR. BLEVINS: No, it is not. That email
14 address for me is LeonTravis@yahoo.com.

15 JUDGE CLARK: I have that listed as the address
16 -- as the email address in the WC but not in the WA.

17 MS. KERR: It is listed in the WO case.

18 JUDGE CLARK: That's correct.

19 MS. KERR: I think in one of the responses --

20 JUDGE CLARK: Please speak into the microphone.

21 MS. KERR: I'm sorry. In one of the responses
22 that Mr. Blevins sent to me, he did reference that he
23 received an email from me. So I know it does work.
24 Other than that.

25 JUDGE CLARK: Mr. Blevins, between now and the

1 conclusion of these cases, I want you to check your email
2 daily.

3 MR. BLEVINS: Okay. Yes, sir. I also have
4 this letter that you asked, a copy of it. In fact, all
5 three of them are here.

6 JUDGE CLARK: Now, that I asked for a copy of?
7 Oh, okay, yes, I did, the ones that I just asked for.
8 No, I just wanted to know what it was. It appears to be
9 my Order directing you to respond. I just wanted to know
10 which pleadings or orders you received, and so that
11 clarifies that for me. I don't need to see it at this
12 point.

13 MR. BLEVINS: Okay.

14 JUDGE CLARK: In your handwritten pleading you
15 also referenced an attachment to reorganize to a
16 nonprofit homeowners association. Again, this was filed
17 in the complaint case and not the other two. This would
18 be applicable to your Certificate of Convenience and
19 Necessity case. That attachment was not included. So
20 that is not something that has shown up. So I don't know
21 whether you failed to include it when sending it in or
22 whether it got dropped somewhere before it was entered
23 into EFIS. I think it's more likely that you didn't
24 attach it.

25 MS. KERR: I haven't seen anything like that

1 either.

2 JUDGE CLARK: How did you hear about today's
3 hearing?

4 MR. BLEVINS: By telephone call, and that was
5 after I had indicated to the Department of Natural
6 Resources that I had still not been notified of any
7 rescheduling from the 14th. I was here on the 14th. I
8 had not received any indication that it had been
9 rescheduled, and as of this date I still have not
10 received anything in the mail that says that today was
11 another reschedule.

12 JUDGE CLARK: That's part of the reason that
13 we're doing this in person is because I couldn't be sure
14 that you would be here any other way.

15 MR. BLEVINS: I understand that, sir.

16 MS. KERR: Judge, after I received the written
17 filing, I called, also called Mr. Blevins just to make
18 sure that he knew that this hearing was going on. It was
19 soon after he had apparently talked to somebody from DNR
20 and I told him about the hearing and I went over the
21 addresses that the notices had gone to and he
22 acknowledged to me that those were his correct addresses
23 and that, you know, apparently because he had talked to
24 DNR and to me that, you know, he had gotten apparently
25 that had received, quote, notice and that he'd be at the

1 hearing. At that time he acknowledged.

2 JUDGE CLARK: When was that?

3 MS. KERR: It was the date that I got the
4 letter.

5 JUDGE CLARK: The 4th?

6 MS. KERR: Somewhere around October 6, 6 or 7.

7 JUDGE CLARK: Is that the letter, the one that
8 was filed in EFIS?

9 MS. KERR: Yes.

10 JUDGE CLARK: I believe that was filed on the
11 4th.

12 MS. KERR: Okay. So it was on the 4th, 4th or
13 5th when I talked to him. Then I went over the addresses
14 and he acknowledged that those were the addresses --
15 those were his correct addresses.

16 JUDGE CLARK: I don't know whether he's getting
17 his mail or not. I know he's telling me that he's not.
18 I know that I continued that hearing from the 14th to
19 today on September 5 which was quite a while ago. So I'm
20 not sure what's going on. I hate to hold up a case like
21 this for due process considerations, but I do not want a
22 case overturned because of failure to provide correct due
23 process. So Mr. Blevins, you're going to check your
24 email everyday and I'm going to have every pleading and
25 Order from the Commission sent to the Tigger Lane

1 address. Okay?

2 MR. BLEVINS: Yes, sir.

3 JUDGE CLARK: And as of right now, and you may
4 want to write this down, this hearing is rescheduled to
5 October 25th, and at this point I can't see a reason that
6 this hearing would need to be rescheduled.

7 MR. BLEVINS: Is it scheduled for a certain
8 time, sir?

9 JUDGE CLARK: 9:00 a.m. That will be in this
10 same room. And I don't know if anybody has explained
11 this to you. Because this is an evidentiary hearing, and
12 it looks like you brought some evidence today, if you
13 have additional witnesses, you want to bring those too.

14 I have a brief question for staff. In your
15 original pleading for this, it was indicated at that time
16 Staff did not or had not as of yet located an interim
17 receiver. Is that still the case?

18 MS. KERR: It is. Staff has tried to find
19 someone to be the receiver and we just haven't had any
20 luck. We've asked several people.

21 JUDGE CLARK: I understand. I wasn't trying to
22 probe into it. I just wanted to get an answer to the
23 question because obviously that's going to come up pretty
24 quick.

25 MS. KERR: Right. Our witnesses are available

1 on the 25th.

2 JUDGE CLARK: That's great. Again, I apologize
3 for the inconvenience of the last minute reschedule. I
4 was in a hearing on Tuesday, which was the day after a
5 state holiday, and I was in a hearing all day on Friday.
6 And while I had looked at this as early as last Wednesday
7 evening or Thursday morning, I had not determined at that
8 point what to do with it. Mr. Blevins --

9 MR. BLEVINS: Yes, sir.

10 JUDGE CLARK: -- did you receive -- And this is
11 in the complaint case, the WC-2023-0353. Did you receive
12 Staff's motion -- let me close out of this. Did you
13 receive Staff's Motion to Deem Facts Pleaded in the
14 Complaint as Admitted and for an Order Granting Default?

15 MR. BLEVINS: I do not understand your
16 question, sir. I remember reading something of that
17 nature. I interpreted it as something that I did not do.
18 I didn't admit to anything.

19 JUDGE CLARK: Nobody said you admitted to
20 anything, but let me explain something to you. Under the
21 Commission's rules regarding complaints, you have -- The
22 Commission Staff filed a complaint and that complaint
23 contained allegations. You had 30 days to answer those
24 allegations. You had requested a continuance. You
25 requested a continuance on June 12, which is well after

1 the time -- which was after the time I believe an answer
2 was due at that point and at that point the regulatory
3 law judge assigned to this granted you until September 7
4 to file that answer. And that was at your request. You
5 requested to have until September 7. That's what's
6 listed in your handwritten motion or letter. So that was
7 granted. And then September 7 came and you did not file
8 an answer. Was there a reason that you requested
9 September 7 and failed to file an answer on that date?

10 MR. BLEVINS: I don't recognize the September 7
11 date as something that I had requested even though you
12 indicate that I had a handwritten letter there. I do not
13 -- I did not interpret the complaints and what they were.
14 I have not yet -- Where it's been shown that where there
15 have been complaints coming in to the Staff, I have not
16 seen any of those complaints.

17 JUDGE CLARK: I am talking about the petition
18 that Staff filed. Staff filed a formal complaint and
19 that complaint contained allegations.

20 MR. BLEVINS: Yes, sir.

21 JUDGE CLARK: You were to answer those
22 allegations. Your pleading says as of the above date,
23 which is June 7 although it was filed June 12, I assume
24 because it was mailed in, I respectfully request an
25 extension of time to file additional answers to

1 complaints referred to in your letter dated April 14,
2 2023. I am hereby requesting a 90-day extension of time
3 to September 7, 2023 to file any other or additional
4 answer or explanation of specific complaints. Do you
5 believe you're responding to customer complaints or -- Do
6 you believe that requiring an answer requires you to
7 respond to customer complaints or to the Staff of the
8 Commission's complaint?

9 MR. BLEVINS: It's confusing to start with at
10 best for me. When they say complaints, I understood that
11 they wanted an answer to customer complaints. Where they
12 had written their petition the way I read it, I didn't
13 know how to answer that. And I could not answer some of
14 the indication of what it apparently should be from their
15 viewpoint. I'm not real positive how to answer your
16 question, but it was confusing to me and it still is
17 because I've never received any complaints from any
18 customers either from the Staff or from the customers
19 themselves.

20 JUDGE CLARK: I am referring to Staff's
21 complaint.

22 MR. BLEVINS: Staff complaint.

23 JUDGE CLARK: Staff complaint was filed on
24 April 10 of 2023, and you should have received a document
25 entitled Staff complaint, and in that document in ordered

1 paragraphs along with attachments Staff lays out its
2 complaint against the water providers that you oversee.
3 Did you receive that initial complaint?

4 MR. BLEVINS: I believe I did, yes, sir.

5 JUDGE CLARK: Okay. That is what you were
6 supposed to answer.

7 MR. BLEVINS: I thought that I had already
8 answered that. I'm not sure exactly how I did answer it
9 but that is what is in my mind is to be able to tell you
10 truthfully and honestly how I looked at that and what I
11 understood about it.

12 JUDGE CLARK: That's where this is somewhat
13 difficult. Your various businesses will do business
14 under fictitious names in Missouri but none of them are
15 in any way incorporated. If you were a corporation,
16 limited liability or otherwise, appearing before the
17 Commission, you would be required to have an attorney.
18 Because you're not, you're not required to have an
19 attorney, but I'm running into a real problem with your
20 gap in knowledge which seems to be butting heads with the
21 Commission's rules and standard statutory procedures.

22 MR. BLEVINS: I'm not -- I'm definitely not
23 trying to butt heads.

24 JUDGE CLARK: No one said that you were trying.
25 I'm just saying it may be a lack of knowledge or

1 understanding on your part. I can't give you legal
2 advice. I can't force you to get an attorney. I'm going
3 to say it might be helpful to you.

4 MR. BLEVINS: Sir, in response to that comments
5 there, I have contacted different attorneys and honestly
6 and truthfully I cannot afford that attorney. The
7 cheapest one basically, not to mean that they're cheap, I
8 mean less cost attorney quoted me with \$20,000.

9 JUDGE CLARK: I'm not forcing you to get an
10 attorney. I'm not telling you you have to get an
11 attorney. You are free to represent yourself in this
12 proceeding. What I'm saying is that you clearly have a
13 lack of knowledge, but that's not something that I can
14 consider in regards to whether you're meeting the legal
15 requirements before the Commission.

16 MR. BLEVINS: I do submit though, sir, that it
17 is very difficult at best to understand what some of
18 those complaints are as by the Staff. I would try to
19 answer each and every complaint. But I read a memorandum
20 that completely I felt was erroneous basically.

21 JUDGE CLARK: When you say memorandum --

22 MR. BLEVINS: Yes.

23 JUDGE CLARK: -- I have not seen a memorandum
24 in this case. To what document are you referring?

25 MR. BLEVINS: It's in one of those documents it

1 was sent to me by the Staff or by the Commission which I
2 could probably find it here.

3 MS. KERR: I think he's talking about in the
4 CCN case.

5 JUDGE CLARK: Okay. All right. So you're
6 talking about Staff's Report and Memorandum in your
7 request for Certificate of Convenience and Necessity?

8 MR. BLEVINS: I assume that that's where it's
9 at. I did request for the application for the CCN, I
10 request that to be withdrawn.

11 JUDGE CLARK: You requested that that be
12 withdrawn within the complaint case via an attachment
13 that was, in fact, not attached. So that creates real
14 problems for me. In the WO case, the case that was
15 scheduled for hearing today, that is the Staff's Request
16 for Both an Interim Receivership and an Order Directing
17 its General Counsel to go to the Circuit Court and
18 Request the Appointment of a Receiver for Misty Water
19 Works, that's today's case. Do you understand what a
20 receivership is?

21 MR. BLEVINS: Not entirely I do not. I've
22 asked that question. And I do not understand what a
23 receivership is entirely. Only what I've been told. I'm
24 not sure I'm getting the right information there either.

25 JUDGE CLARK: If I'm correct, and Staff will

1 correct me if I'm wrong, a receivership is basically
2 asking the Commission to appoint someone to take over and
3 run operations for Misty Water Works; is that correct?

4 MS. KERR: Yes, basically.

5 MR. BLEVINS: There is no Misty Water Works.

6 JUDGE CLARK: For these water systems.

7 Basically what Staff has said is that you are running
8 these systems inadequately, and I don't want to hear
9 evidence in regard to otherwise at this point in time
10 because this is not a hearing today or an evidentiary
11 hearing.

12 MR. BLEVINS: Okay.

13 JUDGE CLARK: Bear with me. Do you want an
14 opportunity to answer Staff's complaint prior to your
15 receivership hearing? Bear in mind these are different
16 cases.

17 MR. BLEVINS: Well, sure, of course. I would
18 be more than happy to talk with the Staff --

19 JUDGE CLARK: No, that's not what this is
20 about.

21 MR. BLEVINS: Okay.

22 JUDGE CLARK: As I indicated before, Staff had
23 filed a complaint in the WC-2023-0353 case. I just
24 confirmed with you that you believe you have a copy of
25 Staff's complaint. Staff's complaint contains

1 allegations. If you do not agree with those allegations,
2 you need to let the Commission know why you don't agree
3 with those allegations. What you have done so far is you
4 have not timely filed an answer, which means if the
5 Commission grants Staff's motion, that means everything
6 that Staff alleged in that complaint the Commission can
7 treat as true whether or not you agree with it.

8 MR. BLEVINS: I did receive documents to that
9 effect showing that complaint.

10 JUDGE CLARK: I understand. I need you to
11 reply to those if you want an opportunity to reply.

12 MR. BLEVINS: Yes.

13 JUDGE CLARK: You're well over the time.

14 MR. BLEVINS: Yes, I would want that continued
15 opportunity.

16 JUDGE CLARK: Can you reply to Staff's
17 complaint --

18 MR. BLEVINS: I'm sorry?

19 JUDGE CLARK: -- by the 19th, which is next
20 Thursday. That's one week. Can you reply to that
21 complaint within one week?

22 MR. BLEVINS: I don't think so, sir. The
23 difficulties are the same as they were before when I was
24 denied any further time to answer anything to the Staff.
25 I believe I was simply denied.

1 JUDGE CLARK: I don't think you were denied. I
2 order you to respond, and your response did not in any
3 way address the complaint. All the response did was
4 explain that you're not getting mail and that you were
5 just released from the hospital.

6 MR. BLEVINS: Well, that's true there too. I
7 did request an extension. Am I on the right case?

8 JUDGE CLARK: You requested an extension to
9 September 7. There's been no further request for an
10 extension to answer.

11 MR. BLEVINS: Okay. Then I was denied that
12 then.

13 JUDGE CLARK: No, it wasn't denied. You
14 requested a date that was granted and then you didn't
15 answer within that date. Nobody beyond that said you
16 couldn't file an answer. You just didn't. That's what
17 I'm trying to ascertain now.

18 MR. BLEVINS: It isn't the fact that I just did
19 not file that answer. To my understanding from that
20 viewpoint that I was denied to have any further extension
21 to file an answer to that. I was given in the beginning
22 of all this a 90-day extension.

23 JUDGE CLARK: That's correct. That was to
24 September 7.

25 MR. BLEVINS: But that was not for what we're

1 talking about.

2 JUDGE CLARK: No, that is a different case.
3 That is WC-2023-0353. That is Staff's complaint.

4 MR. BLEVINS: Right. My understanding was that
5 I did not receive -- I have a document that said it could
6 not be extended.

7 JUDGE CLARK: Do you have that document on you?

8 MR. BLEVINS: I've got it here somewhere, sir.

9 JUDGE CLARK: I will wait. Let's go off the
10 record momentarily.

11 (Off the record.)

12 MR. BLEVINS: It's right here, sir.

13 JUDGE CLARK: Would you bring it up here,
14 please, and we'll go back on the record if I haven't said
15 so.

16 This is an email from Staff. Do you have a
17 problem with me looking at this? I don't know that it's
18 appropriate.

19 MS. KERR: May I approach?

20 JUDGE CLARK: Yes, you may approach.

21 MS. KERR: I don't have a problem. It's just a
22 letter that I sent to Mr. Blevins regarding DR requests
23 that I had sent out. It has nothing to do with --

24 JUDGE CLARK: If you want to sit down and
25 explain that in the microphone. Mr. Blevins, you can sit

1 down, too, and you can tell me what that is.

2 For the record, because we went off the record,
3 Mr. Blevins indicated that he had found the document he
4 was looking for. I asked him to bring it up. It
5 appeared to be an email from Staff counsel. I called
6 Staff up to ask if it was okay. They provided an answer
7 at the bench that I would like them to give into the
8 microphone.

9 MS. KERR: The email Mr. Blevins brought up to
10 the Judge is an email that I sent Mr. Blevins in response
11 to some data requests that I sent Mr. Blevins, and he had
12 asked for an extension of time to respond to those data
13 requests and I had discussed that an extension of time
14 was not going to be available.

15 JUDGE CLARK: But that has nothing to do with
16 filing an answer in this case.

17 MS. KERR: Correct.

18 JUDGE CLARK: Mr. Blevins, I'm the Regulatory
19 Law Judge in this case. I'm appointed by the Commission
20 to oversee this on their behalf, although the Commission
21 makes the ultimate decisions in these cases.

22 Correspondence that you receive from Staff's
23 counsel are different from Orders or pleadings that you
24 may receive from the Commission. We are two different
25 things. The Commission is overseeing these cases. Staff

1 counsel is a party. They in this case are an opposing
2 party to you.

3 I have already, and I've indicated and asked
4 you to write down, I've already indicated that I have
5 reset the receivership case, which is the WO-2024-0036
6 case for which this prehearing conference was called
7 today. That evidentiary hearing which was scheduled for
8 today I have scheduled for October 25 at 9:00 a.m.
9 Because of the proximity of that receivership case, I am
10 unwilling to give you further, given that you have missed
11 the initial deadline to file an answer and then missed
12 your requested deadline to file an answer, I will give
13 you another opportunity to file an answer. It may not
14 change how the Commission chooses to rule on Staff's
15 Motion to Deem Allegations as Admitted. I will grant you
16 until the 19th of October. You indicated you didn't
17 think that was sufficient. However, that's all the time
18 I'm giving you to file an answer to this because this has
19 been outstanding. That is in the complaint case. Part
20 of the confusion I believe for you is we have three cases
21 running.

22 MR. BLEVINS: I'm not sure what I'm answering
23 to at this point.

24 JUDGE CLARK: Do you have a copy of Staff's
25 complaint on you?

1 MR. BLEVINS: I do here somewhere.

2 JUDGE CLARK: Okay. It will state at the top
3 Staff's complaint. You need to file with the Commission
4 an answer, which means you need to file with the
5 Commission, you need to read that complaint through and
6 put down everything you agree with and everything you
7 disagree with.

8 MR. BLEVINS: Is that complaint dated April 14?

9 JUDGE CLARK: I'll have to look back to check.

10 MR. BLEVINS: Staff complaint?

11 JUDGE CLARK: That should be it. Has a number
12 of pages and attachments.

13 MS. KERR: It was filed April 10 and then the
14 Notice of Complaint and Order Directing Answer was dated
15 April 14.

16 MR. BLEVINS: Well, that's two different
17 documents that I'm looking at then.

18 JUDGE CLARK: Those are two different
19 documents.

20 MS. KERR: Correct.

21 JUDGE CLARK: The only one you need to file an
22 answer to is the Staff complaint. I'll issue an Order
23 today in the WC case. Because we're not here on that
24 case right now, I'll issue a written Order giving you to
25 the 19th to file an answer.

1 MR. BLEVINS: Is this the one that I need to
2 file an answer to?

3 JUDGE CLARK: I'm not wearing my glasses. I
4 can't see. Ms. Aslin, is that Staff's complaint?

5 MS. ASLIN: Yes, correct.

6 JUDGE CLARK: Thank you. Yes, that is the
7 document you need to file an answer to. If I have a
8 question about when I read this, a complaint, who can I
9 call?

10 JUDGE CLARK: That's a difficult one. Normally
11 I would say call an attorney, but that doesn't seem to be
12 an option for you right now.

13 MR. BLEVINS: No, it is not, sir. I do not
14 have \$20,000.

15 JUDGE CLARK: I understand, and I'm not forcing
16 you to get an attorney. I am trying to make this as
17 simple as possible. I don't know who could answer your
18 questions. You might call Staff for clarification of an
19 allegation. However, I think the simplest I can say is
20 you need to write everything in there you agree with and
21 everything you disagree with, and that would qualify as
22 an answer. And in the absence of doing that, I don't
23 know, the Commission could deem Staff's complaint as true
24 in its entirety without the need for an evidentiary
25 hearing.

1 MR. BLEVINS: I will answer Staff complaint
2 documents to the best of my knowledge.

3 JUDGE CLARK: Okay. I don't want to address
4 any of the other cases any further. From here on out I
5 want to focus on the receivership case which is the
6 subject -- that was to be the subject of today's
7 evidentiary hearing. You wrote down that we're having a
8 hearing on that on the 25th at 9:00 a.m., correct?

9 MR. BLEVINS: At 9:00 a.m., yes, sir, I have
10 that information.

11 JUDGE CLARK: And you understand that Staff is
12 asking that someone else take over these water systems
13 and operate them on a daily basis?

14 MR. BLEVINS: I understand that, but what I
15 don't understand is why would that be -- I don't know why
16 they've asked for that. I've got the complete ability to
17 do so and I have for three or four years. These wells
18 have been in operation this way for over 20 years. I was
19 only carrying through what has been going on for 20
20 years.

21 JUDGE CLARK: Well, Staff filed, and this is
22 the WO case, Staff filed its petition for an interim
23 receivership and for the Commission to order its general
24 counsel to seek a more permanent receivership from the
25 circuit court. Do you have that petition?

1 MR. BLEVINS: I remember reading that. I do.

2 JUDGE CLARK: That is what the hearing is
3 about. That is why -- Those are the reasons why staff
4 says that someone else needs to manage these systems.

5 MR. BLEVINS: That part I do not understand how
6 they're coming up with whatever they've investigated or
7 what, but that's completely not understood by me. If
8 they're actually basing that decision that they're
9 predicting forward based on other situations, I think
10 they've been either lied to or they're accepting
11 information that is not fully true, that's not the truth.

12 JUDGE CLARK: That's what the evidentiary
13 hearing on the 25th is about. That's what you need to
14 prepare. It is that petition that you need to show up to
15 refute. You need to bring any evidence you have that the
16 allegations in Staff's receivership petition are
17 incorrect. If you have witnesses that you want to call,
18 you need to have those witnesses here for that hearing.
19 Staff will have evidence and witnesses which they believe
20 is supportive of that petition.

21 MR. BLEVINS: Okay, I understand.

22 JUDGE CLARK: I'm not trying to be mean,
23 Mr. Blevins. That's absolutely not what I'm trying to
24 do. I want you to understand the severity of this
25 situation.

1 MR. BLEVINS: I do understand the severity of
2 it. I do. Does this petition that I'm supposed to give
3 the Staff complaint document?

4 JUDGE CLARK: Staff complaint is a different
5 case. That is the complaint case.

6 MR. BLEVINS: Well, I'm confused again, sir.
7 I'm sorry.

8 JUDGE CLARK: Don't be sorry. I want to get as
9 much stuff straightened out today as possible. So don't
10 be sorry for having questions. Bear with me. It's going
11 to take me a second to pull this up.

12 On August 15, 2023, Staff filed its petition
13 for an interim receiver. Do you have a document that at
14 the top is titled Petition for Interim Receiver and it
15 goes on. It says Petition for Interim Receiver and for
16 an Order Directing the General Counsel to Petition the
17 Circuit Court of Cole County for the Appointment of a
18 Receiver for Misty Water Works and a Motion for Expedited
19 Treatment?

20 MR. BLEVINS: I do have that document.

21 JUDGE CLARK: That's what today's hearing was
22 to be about. That's what the hearing on the 25th is to
23 be about. Those are the things that Staff is going to
24 discuss on the 25th. I imagine it is a different case
25 but it is very clearly related to the complaint case.

1 MR. BLEVINS: The complaint case is the one
2 that I need to reply to then; is that correct?

3 JUDGE CLARK: The complaint case is the one you
4 need to reply to, and the petition case, the receivership
5 -- Do you see at the top of these documents there's a
6 number that starts it says case number or file number?

7 MR. BLEVINS: I'm looking at the Staff
8 complaint and it's got four X's.

9 JUDGE CLARK: But it starts with a WC, correct?

10 MR. BLEVINS: WC-2023.

11 JUDGE CLARK: Okay. That's the complaint. If
12 it has a WC, WC stands for water complaint. So that is
13 the one you need to file a response to.

14 You need to let the Commission know whether you
15 agree with any of the allegations therein, if you
16 disagree with any of the allegations in there, and you'll
17 have until the 19th to file that written document. You
18 don't have to. You may choose not to. If you do, be
19 aware that Staff has already asked the Commission to
20 determine that because you haven't answered that those
21 allegations should be deemed as true in their entirety.
22 If that's the case, then the Commission could issue an
23 Order in that complaint without holding an evidentiary
24 hearing. It would be called a Default Order.

25 In the WO case, any case beginning with a WO is

1 the receivership case. As I said, that is the petition
2 for an interim receiver. That is the document for which
3 we are going to have an evidentiary hearing on the 25th.
4 You have an absolute right to testify on your own behalf.
5 You have an absolute right to offer testimony and
6 witnesses that disagree with Staff's allegations. But
7 you need to have those people here or that evidence here
8 on the 25th at 9:00 a.m.

9 MR. BLEVINS: I understand that part. Another
10 question I would have is I'm not sure I've got all the
11 documents in this particular Staff complaint here because
12 there is that memorandum. Is that part of this Staff
13 complaint?

14 JUDGE CLARK: The memorandum I believe Staff
15 filed in the certificate -- your request for Certificate
16 of Convenience and Necessity, which is I believe what you
17 were offering as a solution that you were trying to
18 resolve at that point. Staff had indicated that you were
19 operating a water system without a CCN, which is a
20 Certificate of Convenience and Necessity from the
21 Commission. It appears that you have sought one. But I
22 believe the memorandum was filed in that case. You're
23 not sure if you have the documents from all these cases,
24 correct?

25 MR. BLEVINS: No, that's correct. I'm not sure

1 I've got all the documents.

2 JUDGE CLARK: Here's what I'm going to do
3 today. I'm going to have every single filing in each
4 case sent to you bundled individually by case so that you
5 can see them separated out. Okay?

6 MR. BLEVINS: Okay.

7 JUDGE CLARK: And I will have that sent to the
8 Tigger Lane address.

9 MR. BLEVINS: Okay.

10 MS. KERR: Just for clarification, that
11 memorandum was not filed in the complaint case.

12 JUDGE CLARK: No, it was filed in the CCN case,
13 I believe. It was Staff's recommendation to not grant a
14 CCN.

15 MS. KERR: Right, just for Mr. Blevins'
16 clarification, that memorandum was not filed in that
17 complaint case so you wouldn't have that in that
18 documentation.

19 JUDGE CLARK: It's not part of the complaint
20 and it's not part of the receivership.

21 MS. KERR: It was attached to the receivership.

22 JUDGE CLARK: Was it?

23 MS. KERR: Yes.

24 JUDGE CLARK: Okay. I apologize. It was
25 apparently attached to the receivership. I did not

1 understand that.

2 MS. KERR: You wouldn't have that with the
3 complaint documentation there.

4 JUDGE CLARK: Okay. Well, in the next few days
5 you're going to receive that. I will be looking for an
6 answer to Staff's complaint from you by the 19th. And
7 you will be here on the 25th ready to proceed on the
8 receivership. Mr. Blevins, are there any outstanding
9 questions you have at this point? I am not your
10 attorney. I cannot give you legal advice. If you have
11 questions in regards to the process, if you have
12 questions in regards to pleadings, I am happy to answer
13 those.

14 MR. BLEVINS: Can I take a few minutes here
15 just to search my own mind.

16 JUDGE CLARK: Yes.

17 MR. BLEVINS: I did have a question a while ago
18 but it escaped my mind at the present. My question would
19 be what has happened to my request to withdraw the CCN?
20 The CCN that I submitted I feel at this point in time and
21 even before now today that I was -- I misinterpreted or
22 was misled in reference to why I would have to file a
23 CCN. I was not aware of it. From the staff that visited
24 my office, I felt like that I was just making an
25 application to get a permit to go ahead and do what I've

1 been doing for three or four years and what this activity
2 with these wells has been doing for 20 years or more.
3 There's reasons why that I took and endeavored to get
4 into these wells basically, take them over.

5 JUDGE CLARK: You are at this point starting to
6 get into evidence. I don't really want to get into
7 evidence in a prehearing conference.

8 MR. BLEVINS: I'm sorry. Okay.

9 JUDGE CLARK: I do see the confusion and I see
10 your question. You filed on October 4 in WC-2023-0353,
11 which is the Staff complaint case, you filed a document.
12 That document indicated a number of things. It indicated
13 that you were not getting mail from the Commission. It
14 indicated that you had been released from the hospital.
15 And it indicated that it addressed -- Did it address
16 today's potential hearing? It addressed that you had
17 shown up previously at the previous date for the hearing
18 that was rescheduled which concerned me because that was
19 significantly after I had continued that hearing. And at
20 the bottom of that handwritten pleading it says I further
21 -- in further response, I submit the attached letter for
22 consideration to withdraw the request for CCN and for
23 reorganization to a nonprofit homeowners association as
24 requested in the attached letter. There was no letter
25 attached to that. So we do not have that on file. If

1 you want the Commission to see that, you will have to
2 file that. And that should be filed in the WA case.

3 MR. BLEVINS: WA?

4 JUDGE CLARK: At this point, since this
5 addresses the WA case as well to a degree, I'm going to
6 have this pleading also filed in the WA case, but there
7 was no attachment to your handwritten pleading involving
8 a nonprofit homeowners association. You have an absolute
9 right at this point in time to withdraw your CCN
10 application, but you would have to do that in the WA
11 case, which is not the subject of today's prehearing
12 conference. I'm sorry for the confusion that we keep
13 bouncing around for these three cases, but there's no way
14 to address one without talking about the others, and at
15 the same time I get the feeling that that causes you a
16 great deal of confusion.

17 MR. BLEVINS: Absolutely it does.

18 JUDGE CLARK: That's not what I'm trying to do.
19 I'm actually trying to clarify things as much as
20 possible. You have a receivership hearing coming up on
21 the 25th in the WO case. In the WC case, I am giving you
22 an additional opportunity to file a written answer, but
23 that case is not set for hearing yet. And there's a
24 motion out there that as I've indicated before would
25 negate -- could negate that if the Commission were to

1 grant it. And beyond a Staff recommendation and
2 memorandum in the WA Certificate of Convenience and
3 Necessity case, there has been no procedural schedule
4 ordered in that case yet or set in that case. So nothing
5 has occurred in that case largely because I wanted to see
6 what was going to happen with the complaint and the
7 receivership. Do you have any further questions?

8 MR. BLEVINS: Should -- not should. But I
9 understand that I can apply for the CCN application to be
10 withdrawn through the WA case file?

11 JUDGE CLARK: That's correct.

12 MR. BLEVINS: These separated case files that
13 you're going to send to me, will it have that WA case
14 file separately?

15 JUDGE CLARK: Yes, I'm going to send you the WC
16 case, I'm going to send you the WO case, and I'm going to
17 send you the WA case. And I am going to instruct the
18 Commission's data center to bundle those separately so
19 that you receive those as separate mailings so that you
20 have all the documents together for each case. Okay?
21 And I would encourage you not to mix those documents up.

22 MR. BLEVINS: Right.

23 JUDGE CLARK: We will be here on the 25th on
24 the WO case. I'm giving you until the 19th to file an
25 answer in the WC case. I will file written Orders today

1 in both those cases reiterating that. All of that
2 information will be sent to what you indicated to me is
3 an address where I have instructed you to check your mail
4 daily.

5 MR. BLEVINS: At my residence.

6 JUDGE CLARK: Yes. That's just because I would
7 like to be sure that you're receiving all documents from
8 the Commission or opposing parties. I don't have
9 anything further. Is there anything further at this time
10 from Staff? Anything the Commission needs to address
11 today?

12 MS. KERR: I don't think so, Judge. Thank you.

13 JUDGE CLARK: Mr. Blevins, is there anything
14 else the Commission needs to address today?

15 MR. BLEVINS: No, sir, I don't think so.

16 JUDGE CLARK: Anybody who showed up here to
17 witness or otherwise participate in today's receivership
18 hearing, again I apologize for the late notice in
19 continuing this hearing. And it will -- As of right now,
20 it is set for the 25th at 9:00 a.m.

21 Hearing no further matters that need to be
22 addressed by the Commission at this time, I will adjourn
23 this hearing and we will go off the record. Thank you.

24 (Whereupon, the hearing concluded at 10:15
25 a.m.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
COUNTY OF COLE)

I, Beverly Jean Bentch, RPR, CCR No. 640, do hereby certify that I was authorized to and did stenographically report the foregoing Public Service Commission Procedural Conference and that the transcript, pages 1 through 43, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or counsel connected with the action, nor am I financially interested in the action.

Dated this 24th day of October, 2023.

Beverly Jean Bentch

Beverly Jean Bentch, RPR, CCR No. 640

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