

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

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

Wednesday, October 25, 2023
 9:00 a.m. - 5:55 p.m.

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

VOLUME 2
 Pages 1 - 246

JOHN CLARK, Presiding
 SENIOR REGULATORY LAW JUDGE

SCOTT T. RUPP, Chairman
 MAIDA J. COLEMAN, Commissioner
 JASON R. HOLSMAN, Commissioner
 GLEN KOLKMEYER, Commissioner
 KAYLA HAHN, Commissioner

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

Job No. 155233

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APPEARANCES:

On behalf of Staff of the
Public Service Commission:

Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
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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: Good morning. Let's go on the
3 record. Today is October 25, 2023, and the current time
4 is 9:00 a.m. The Commission has set aside this time
5 today for an evidentiary hearing In the Matter of the
6 Petition for an Interim Receiver and for an Order
7 Directing the General Counsel to Petition the Circuit
8 Court for the Appointment of a Receiver for Misty Water
9 Works. And that is File No. WO-2024-0036.

10 We're in Room 310 of the Governor Office
11 Building in Jefferson City, which is the headquarters of
12 the Missouri Public Service Commission. If you have a
13 telephone, I'm going to ask that you set yourself on to
14 mute or to vibrate so that it doesn't disrupt these
15 proceedings. If you are a party or an attorney and you
16 are sitting at a table, if you're going to speak, there
17 is a microphone in front of you. There is a button that
18 says push. If you press that button once, the light will
19 turn green and then the room will be able to hear you as
20 well as participants that are participating via WebEx
21 videoconference today.

22 My name is John Clark. I'm the Regulatory Law
23 Judge presiding over today's hearing. With me today will
24 also be some Commissioners. There are five Commissioners
25 in the Missouri Public Service Commission: Chairman

1 Scott Rupp and Commissioners Maida Coleman, Jason
2 Holsman, Glen Kolkmeyer and Kayla Hahn. With me today so
3 far are Commissioner Glen Kolkmeyer to my right and
4 Commissioner Jason Holsman is joining us online. I do
5 expect other Commissioners and possibly the Chairman to
6 join us today, and they may come and go as they please.

7 At this time I'm going to ask counsel to enter
8 their appearance for the record starting with Mr.
9 Blevins.

10 MR. BLEVINS: Yes, sir. I'm here.

11 JUDGE CLARK: Okay. And it's Leon Travis
12 Blevins, correct?

13 MR. BLEVINS: That's correct.

14 JUDGE CLARK: Do you prefer to go by Travis
15 Blevins?

16 MR. BLEVINS: Travis is what people normally
17 call me, yes.

18 JUDGE CLARK: Okay. And you're here on behalf
19 of yourself and I believe also on behalf of Patricia
20 Blevins; is that correct?

21 MR. BLEVINS: That's correct. My wife is not
22 able to attend these kind of meetings or travel because
23 of her medical conditions.

24 JUDGE CLARK: I understand. And you also do
25 work under the fictitious name Misty Water Works; is that

1 correct?

2 MR. BLEVINS: No, that is not correct, sir. I
3 did once before but that was changed when DNR activated
4 the wells into three separate public water systems.

5 JUDGE CLARK: Okay. And we may come back to
6 that at some point, but you're representing yourself here
7 today, correct?

8 MR. BLEVINS: That's correct.

9 JUDGE CLARK: And you don't have an attorney;
10 is that correct?

11 MR. BLEVINS: I do not have an attorney.

12 JUDGE CLARK: We talked about this last time.
13 I believe this case was originally set on Staff's
14 Petition plus a request for expedited treatment. I
15 believe it was set for September, I believe, maybe
16 September 14 and then that was continued to October 12.
17 The October 12 hearing, which you showed up for,
18 Mr. Blevins, I converted into a procedural conference or
19 prehearing conference and that was because there's some
20 questions regarding whether or not you were getting mail.
21 I had directed our data center to send you
22 copies of each of your cases individually bundled. Did
23 you receive those?

24 MR. BLEVINS: I received those. I did. I also
25 had delivered to me documents that were sent back again

1 to Marshfield. That's not my mailing address.

2 JUDGE CLARK: I understood that. I clarified
3 that with them. So I apologize that if you got documents
4 from there. Hopefully you're getting all your mail now.
5 Do you believe you're getting the documents sent to you
6 from the PSC?

7 MR. BLEVINS: I guess what I meant to say was
8 after the meeting, I still got mail at Marshfield.

9 JUDGE CLARK: Okay. Those may have been some
10 letters that had already been sent out.

11 MR. BLEVINS: I don't know. I don't think so,
12 sir. One moment. This is the letter that after the last
13 meeting we had here this was sent to Marshfield.

14 JUDGE CLARK: What's it captioned at the top?

15 MR. BLEVINS: Pardon?

16 JUDGE CLARK: What's the first bolded thing
17 below the parties?

18 MR. BLEVINS: It says Order Allowing Respondent
19 to File an Answer.

20 JUDGE CLARK: Okay. Which you did.

21 MR. BLEVINS: Yes, I did.

22 JUDGE CLARK: That is in the, and I'm going to
23 say that here in a second, that was in the WC-2023-0353
24 case.

25 MR. BLEVINS: That's correct, yes.

1 JUDGE CLARK: All right. But let's get on with
2 entries of appearance. For the Commission Staff.

3 MS. KERR: Carolyn Kerr appearing for Staff.

4 JUDGE CLARK: Thank you, Ms. Kerr. Anybody
5 here from the Office of the Public Counsel? I see and
6 hear no one. Ms. Aslin, did you want to enter your
7 appearance?

8 MS. ASLIN: Yes. Also Casi Aslin for Staff.

9 JUDGE CLARK: Thank you, Ms. Aslin. Now, by
10 way of preliminary matters, it was tough to squeeze a
11 hearing into today's date. It is an agenda day. It does
12 appear like it's going to be a fairly long agenda. It is
13 my intention to get started this morning, and I will
14 break promptly at 9:45 or before. It takes about 30
15 minutes to get set up for agenda. So we will be breaking
16 at 9:45 until after agenda. As I indicated, it does look
17 like a fairly lengthy agenda. So that could be as much
18 as an hour would be my expectation.

19 Now, as I indicated just a minute ago, we're
20 here on WO-2024-0036, which is Staff's Petition for an
21 Interim Receiver and for the General Counsel to Petition
22 the Circuit Court for a More Permanent Receiver.

23 There are also two other cases involving these
24 water systems. One is WC-2023-0353, which is Staff's
25 original complaint in this matter. And the other is

1 WA-2023-0418, which was Mr. Blevins' request for a
2 Certificate of Convenience and Necessity.

3 Now, we talked on the 12th, Mr. Blevins had
4 expressed that he wanted to withdraw his request for a
5 Certificate of Convenience and Necessity. That hasn't
6 happened yet. I haven't done that based merely upon a
7 request, an oral request in this case. If you want to do
8 that, Mr. Blevins, I can address with you later today how
9 to do that in your WA case.

10 Are there any pending motions that need to be
11 addressed at this time?

12 MS. KERR: Not that I know of, no.

13 JUDGE CLARK: Thank you, Staff. Are there any
14 other preliminary matters that need to be addressed at
15 this time? And I see none.

16 Now, with that in mind, I'm going to allow
17 Staff and Mr. Blevins to make a brief opening statement.
18 Staff, I believe you know what an opening statement is.
19 Mr. Blevins, Staff has the burden of proof to carry in
20 this case. So they have to make their case. They will
21 go first. They will give their opening statement. Then
22 I will allow you to make a brief opening statement. You
23 may either come up here to the podium to make it or you
24 may make it where you're sitting into the microphone. It
25 does not make a difference to myself.

1 An opening statement is not everything you want
2 to tell the Commission. You will have an opportunity to
3 offer your own testimony on your own behalf should you
4 choose to. An opening statement is basically for you to
5 lay out essentially what you believe your key points to
6 the Commission are and possibly what Staff says in their
7 opening statement that you disagree with. It is a
8 summary and not an all-inclusive response. Okay?

9 MR. BLEVINS: Okay.

10 JUDGE CLARK: One other thing I wanted to
11 address. This is an unusual situation in that
12 Mr. Blevins is a private individual and not a corporation
13 or an LLC and does not currently have anything on file
14 with the Secretary of State of which I am aware. So
15 confidential information before the Commission is
16 restricted in terms of what we can disclose. That would
17 include customer specific information which may come up.
18 Mr. Blevins, you are not a customer, you are an owner.
19 So the information is somewhat different from you. But I
20 do not know what information in this case is confidential
21 and not confidential. I'm going to be relying largely on
22 the parties, and especially on Staff, to inform me if
23 there's something that needs to be struck from the record
24 or if we need to go in camera to address confidential
25 information. Is that understood?

1 MS. KERR: Yes.

2 JUDGE CLARK: Thank you. I don't know if your
3 microphone is on or not.

4 MS. KERR: Yes.

5 JUDGE CLARK: All right. Let's start with
6 opening statements starting with Staff.

7 MS. KERR: Thank you. Good morning, Judge,
8 Commissioners. May it please the Court. My name is
9 Carolyn Kerr, and I am the attorney representing the
10 Staff of the Public Service Commission this morning in
11 this case.

12 The Staff has petitioned the Commission for the
13 appointment of an interim receiver pursuant to Section
14 393.145.1 and .2, RSMo, which states that if, after a
15 hearing, the Commission --

16 JUDGE CLARK: You may want to lean --

17 MS. KERR: I'm sorry?

18 JUDGE CLARK: You may want to lean a little
19 closer to the microphone.

20 MS. KERR: I'm sorry.

21 The Staff has petitioned the Commission for the
22 appointment of an interim receiver pursuant to Section
23 393.145.1 and .2, RSMo, which states that if, after a
24 hearing, the Commission determines that any water
25 corporation that regularly provides service to 8,000 or

1 fewer customer connections is unable or unwilling to
2 provide safe and adequate water service to its customers,
3 the Commission may petition the circuit court for an
4 order attaching the assets of the utility and placing the
5 utility under the control and responsibility of a
6 receiver. That venue, at the option of the Commission,
7 is either the circuit court of Cole County or the circuit
8 court of the county in which the utility has its
9 principal place of business, which, in this case, is
10 Pulaski County, Missouri.

11 The statute goes on to say that if the
12 Commission orders its general counsel to petition the
13 circuit court for the appointment of a receiver, it may
14 in the same order appoint an interim receiver for the
15 water corporation, which shall have the authority
16 generally granted to the receiver, which is to operate
17 the utility so as to preserve the assets of the utility
18 and serve the best interests of its customers.

19 The Staff is asking the Commission to appoint
20 an interim receiver to oversee and take over the
21 operations of a system of private wells and three
22 DNR-designated public water systems, collectively known
23 as Misty Water Works, which are made up of three well
24 systems (Misty Mountain, Rolling Hills, and Charity),
25 which Staff contends is an unauthorized water corporation

1 and public utility owned and operated by Mr. Leon Travis
2 Blevins and his wife, Patricia Blevins. These wells and
3 Misty Water Works, the Staff contends, are subject to
4 Commission jurisdiction, control and regulation and to
5 the provisions of Chapter 386, RSMo.

6 Mr. Blevins owns or operates these unregulated
7 wells which provide water service to approximately 100
8 households in Pulaski County. He has done so for years,
9 probably 15 to 20 years according to Mr. Blevins' own
10 admissions. Unfortunately, Mr. Blevins' operation of
11 these systems substantially and adversely affects his
12 customers, in terms of the safety and adequacy of the
13 water service they receive.

14 My first witness, Adam Stamp, a PSC Staff
15 Research Data Analyst, in the Water, Sewer & Steam
16 Department, will testify about how Staff became involved
17 in this case when the PSC Consumer Services Department
18 began receiving complaints from residents or customers of
19 the well systems owned by Mr. Blevins. He will explain
20 what problems these residents encountered with their
21 water service, including drinking water safety concerns
22 and billing and payment issues and problems they had
23 dealing with Mr. Blevins and his business associates.

24 He will testify about his investigation and who
25 he spoke to, his site visits and what he saw when he went

1 down to look at the wells and their poor and
2 deteriorating condition. Specifically, he will tell you
3 about the homeowners' complaints about Mr. Blevins
4 shocking the water systems and shutting off water to the
5 residents without notice, raising rates, and failing to
6 fix damaged systems, even after being ordered to do so,
7 which ultimately led to an 8-month boil order being
8 imposed on some of the residents served by one of
9 Mr. Blevins' well systems.

10 He will discuss the public meeting Staff hosted
11 in June of this year in Waynesville to get resident input
12 and hear comments about what people wanted to have happen
13 or wanted the PSC to do, if anything. Mr. Blevins
14 attended that meeting, as did many of the residents. A
15 staff member of the Missouri Department of Natural
16 Resources (DNR) also attended that meeting. They will be
17 here to testify and answer questions as well.

18 Mr. Stamp will also testify about his
19 conclusions and recommendations regarding Mr. Blevins'
20 business operations and Misty Water Works. His
21 Memorandum is attached and was filed along with the
22 Petition in this case, and he will discuss his findings
23 and what Staff thinks ought to be done here, which is to
24 appoint an interim receiver to take over and operate all
25 of the systems owned and operated currently by Mr.

1 Blevins. He will explain Staff's reasoning and basis for
2 these proposals.

3 My next two witnesses will be from the Missouri
4 DNR. They will be Sebastien Clos-Versailles and Jackie
5 Johnson. Both have worked closely with Mr. Blevins, his
6 licensed operator, and the customers receiving service
7 from his wells, and have first-hand knowledge of the
8 public water system that make up Misty Water Works and
9 all of their problems. They will explain DNR's
10 involvement and regulation of wells and drinking water
11 systems in general and specifically those that
12 Mr. Blevins owns and operates.

13 They will discuss their personal involvement
14 with Mr. Blevins' case, what enforcement action DNR has
15 taken and continues to take in his case to try to bring
16 all of his systems into compliance, and specifically
17 discuss the various Notices of Violation, including that
18 8-month boil order I talked about, written assessments
19 and deficiency violations, and enforcement actions
20 brought against Mr. Blevins in order to bring his wells
21 into compliance and make sure the water being provided to
22 the users of those wells are potable and non-toxic. Both
23 witnesses will testify about the success and lack of
24 success they have had in doing so and their frustration
25 with trying to gain and maintain compliance, as well as

1 Mr. Blevins' willingness, ability, and follow through, or
2 lack thereof, to make the necessary and requested changes
3 to be able to provide safe and reliable drinking water to
4 his customers.

5 The DNR witnesses will discuss their working
6 relationship with the PSC as well. They will testify
7 about reaching out to Curt Gateley in the Water, Sewer &
8 Steam Department of the PSC who will be available to
9 answer questions if needed in this hearing, and what
10 actions the DNR took, and how DNR and the PSC kept each
11 other involved in an effort to look out for the best
12 interest of the residents of the public water systems
13 that make up Misty Water Works. Mr. Clos-Versailles and
14 Ms. Johnson will testify about their discussions with
15 Mr. Stamp and how they worked together to figure out what
16 the best course of action would be to help the residents
17 stay safe and be best served by the two agencies.

18 In addition, there may be residents of the
19 community served by Misty Water Works and Mr. Blevins in
20 the audience today. Many of those residents attended the
21 public meeting hosted earlier this year by the PSC to
22 voice their concerns and frustrations and find out what,
23 if anything, the PSC and even DNR was going to do about
24 making sure they have safe and adequate drinking water.
25 Although I do not plan on calling any of them as

1 witnesses, the Commissioners or the Judge may have
2 questions, and I just wanted to let you know some of them
3 may be willing to speak or answer questions if you have
4 any.

5 In conclusion, the evidence presented by the
6 witnesses on behalf of the PSC will show that Mr. Leon
7 Travis Blevins, who is the owner and operator of Misty
8 Water Works, and of an unknown number of private wells
9 serving approximately 100 customers is unable or
10 unwilling to provide safe and adequate water service to
11 those customers, and that this Commission should appoint
12 an interim receiver until its general counsel can
13 petition the circuit court to appoint a receiver to take
14 control over those assets and place them under the
15 control and responsibility of a receiver. Thank you. I
16 can answer any questions you might have.

17 JUDGE CLARK: Go ahead, Commissioner Kolkmeyer.

18 COMMISSIONER KOLKMEYER: Thank you, Judge.

19 Good morning.

20 MS. KERR: Good morning.

21 COMMISSIONER KOLKMEYER: When was that public
22 hearing held?

23 MS. KERR: June of 2023.

24 COMMISSIONER KOLKMEYER: Okay. And about how
25 many were in attendance, customers were in attendance?

1 MS. KERR: About 60.

2 COMMISSIONER KOLKMEYER: 60. How many
3 testified?

4 MS. KERR: It wasn't really a public hearing.

5 COMMISSIONER KOLKMEYER: Okay.

6 MS. KERR: It was kind of a public meeting just
7 so the PSC and DNR could get some information from the
8 public.

9 COMMISSIONER KOLKMEYER: Okay. There really
10 wasn't testimony given?

11 JUDGE CLARK: There wasn't a Judge presiding
12 over it. I believe it was just Staff and DNR meeting
13 with residents.

14 COMMISSIONER KOLKMEYER: Okay. Thank you.

15 MS. KERR: It was kind of an open house.

16 COMMISSIONER KOLKMEYER: Sure. Okay. Thank
17 you, Judge.

18 JUDGE CLARK: Thank you, Commissioner. Any
19 other Commissioner questions at this point? I hear none.

20 COMMISSIONER HOLSMAN: No questions, Judge.

21 JUDGE CLARK: Thank you, Commissioner Holsman.
22 Mr. Blevins indicated that he does not operate Misty
23 Water Works. I assume that's something we're going to
24 get into in testimony, correct?

25 MS. KERR: Yes.

1 JUDGE CLARK: Additionally, you had indicated
2 that there is an unknown number of wells. I assume that
3 we're going to hear why that is.

4 MS. KERR: Yes.

5 JUDGE CLARK: Thank you. I have no further
6 questions.

7 MS. KERR: I can call my first witness.

8 JUDGE CLARK: Mr. Blevins might want to make an
9 opening statement.

10 MS. KERR: Thank you.

11 JUDGE CLARK: Mr. Blevins, did you have an
12 opening statement that you would like to make to the
13 Commission?

14 MR. BLEVINS: Well, I think so, sir. I'll try
15 to make it real short basically. I have not operated
16 these wells for 20 years. I've only operated them about
17 three to four years, and only recently did I purchase or
18 acquire some of the other smaller wells. I acquired
19 these wells from people that I -- that they trusted me to
20 take these wells over and improve them for the people
21 that were using these wells. They're all small wells.

22 There's only one well that I'm aware of that
23 actually falls within the category of 15 connections or
24 25 users. That's on the Rolling Hills. The fact of
25 Misty Water Works was just a d/b/a name that I used a

1 little bit in the beginning of trying to put all these
2 wells together. While I've owned these wells, or have
3 agreements or whatever condition I have possession of
4 them, I operated them. I've replaced about every one of
5 them or improved every one of them since I have had them.
6 I've not built ever any of those wells whatsoever. They
7 were only built for the subdivisions that were being put
8 together by these particular contractors. The people --
9 The persons that I acquired these wells from was Mr. Don
10 Baker. He's a contractor. And he had these wells
11 constructed just for the small subdivision that they were
12 in. Less than 15 connections.

13 And Jim Parsons is another contractor. I
14 acquired a couple three wells from him and operated them.
15 Same process there. They had got kind of tired of them
16 maybe so to speak and they were trying to retire the same
17 as I'm trying to retire. My next birthday I'll be 80
18 years old, which is January of next year. I'm 79 at the
19 present time.

20 I have operated these wells, have never had any
21 intentions of putting them into a profitable type
22 situation as like a public water system. I think the
23 only reason that they're in this public water system at
24 the present time is Department of Natural Resources
25 activated them on their own behalf or whatever by

1 combining them, combining more than one well. Like in
2 Charity, there's no single well in the Charity public
3 water system that would qualify for 15 connections. You
4 have to put them all together to make 15 connections at
5 least.

6 Same thing with the Misty Mountain. There was
7 -- We did testing on these wells when we first acquired
8 them, actually even in the beginning to get them into a
9 homeowners' association. One of the conditions --
10 agreements that I had with the contractors is that that's
11 where we wanted to go is to get them into a permanent
12 situation that would be more comfortable for the people
13 that use it. There's no other public people that can
14 come in and ask for water. They're not connected. It's
15 only for the people that are actually in that small
16 subdivision area.

17 Rolling Hills is a little bit different story,
18 because there's one well there. There used to be two
19 wells there. One well we sold out. And had one well
20 left in Rolling Hills which it has about 19 connections,
21 I believe. That one would qualify for the public water
22 system as a single well with 15 connections or more.

23 At the present time, I have sold some of these
24 wells even from the beginning. I got them -- acquired
25 them back in 2016 and 2018, and since that time if we

1 improve the well, which I've almost improved every single
2 one of them by replacing pumps, motors, wire, pipe, et
3 cetera and et cetera, general maintenance. I never had
4 any of the complaints basically that I hear comes about
5 now. I've never seen anything in writing from any
6 complaining. During that particular meeting that was
7 alluded to there, the public meeting, I was there. And I
8 think there was maybe two to three families that had
9 things to talk about or say.

10 When we took over these wells in the beginning
11 20 years ago, the price for that particular water was
12 about \$30 a month. I think that's the complaints that I
13 hear the most of is why were the prices raised up. Well,
14 over 20 years things get more expensive. So that was one
15 of my duties or one of my objectives was to get these
16 wells to paying for themselves which they only barely do
17 now.

18 I have sold some of these wells and what I have
19 left is about 65 customers at the present time for water.
20 Those would be the three public water systems that were
21 put together by the Department of Natural Resources.
22 I agree with the DNR. I appreciate the DNR for the work
23 that they did do helping me. They assisted me quite a
24 bit. Give me more knowledge about, you know, what the
25 conditions of the wells would be.

1 We've tried to keep in contact with the DNR and
2 follow all of their rules and regulations as we've gone
3 along here with their involvement. One of the wells that
4 is usually mentioned especially with a boil order, as was
5 alluded to earlier, that was a problem, still is a
6 problem, but it's not bad water now because I had it
7 connected or I connected it to the Pulaski County water
8 system, public water system there. And in the beginning
9 trying to figure out why that particular well had E. coli
10 reports on it, I've heard different things about that I
11 refused to do this or refused to do that. I've never
12 refused to do any of the corrections to get good water.
13 Never. In fact, just the opposite.

14 I've made my investigations myself. We could
15 not figure out what was going on with that particular
16 well. It did take an extended period of time to find
17 out, but I believe I have discovered why there is a
18 problem there. I don't have to go into it right now.
19 It's nonoperational because it's hooked up to the Pulaski
20 County Water District at the present time. I've
21 purchased that water and then there's five residences on
22 that one well there.

23 JUDGE CLARK: I'll remind you this is just a
24 summary of what you want to tell the Commission. It is
25 not actual testimony at this point.

1 MR. BLEVINS: I think that's probably -- What I
2 really wanted to say was that I've never refused to
3 correct something or to make it better. That was the
4 whole intentions. I've got -- Putting these wells into a
5 homeowners' association has always been our objective.
6 But we have to be supported also in a homeowners'
7 association. That's the reason why I agree with the
8 Department of Natural Resources now that there is good
9 rules and support there that a homeowners' association
10 could rely upon I think.

11 I own property in each one of these systems. I
12 live and draw water and use water from the Misty Mountain
13 well systems as DNR calls them public water system. My
14 residence is there. I own property in the other public
15 water systems myself. So I think maybe -- I think I've
16 touched most of the points that I maybe would have done
17 in opening. Thank you.

18 JUDGE CLARK: Thank you, Mr. Blevins. As I
19 indicated, you'll have an opportunity to testify. Now,
20 you haven't been sworn in yet and you haven't offered
21 testimony yet. You said a lot of things that I have
22 questions about, but I'm going to withhold those
23 questions until such time as you're sworn in and testify.
24 Do any Commissioners have any questions at this point? I
25 hear none.

1 All right. Thank you, Mr. Blevins. With that
2 in mind, Mr. Blevins, I'm going to go ahead and swear you
3 in at this point. We've done opening statements and
4 there are things that you may say even when questioning
5 witnesses that may have evidentiary value, and as such
6 I'm going to go ahead and swear you in at this time and
7 you'll remain sworn in for the remainder of this hearing.
8 Do you understand?

9 MR. BLEVINS: Yeah, I do understand, yes, sir.

10 JUDGE CLARK: All right. Would you raise your
11 right hand to be sworn. Do you solemnly swear or affirm
12 that any testimony you give during this evidentiary
13 hearing today is the truth?

14 MR. BLEVINS: I do.

15 JUDGE CLARK: Thank you, Mr. Blevins. All
16 right. With that in mind, as I indicated, it is now
17 9:33. I intend to stop promptly at 9:45, which
18 unfortunately I believe will be during Staff's witness;
19 but with that in mind, Staff, why don't you go ahead and
20 call your first witness, Mr. Stamp.

21 MS. KERR: Call Adam Stamp.

22 JUDGE CLARK: Mr. Stamp, would you raise your
23 right hand to be sworn. Do you solemnly swear or affirm
24 that the testimony you're about to give at this
25 evidentiary hearing is the truth?

1 Q. And just generally what does that involve?

2 **A. Site visits, interviews, internet searches,**
3 **research.**

4 Q. Are you familiar with Leon Travis Blevins?

5 **A. I am.**

6 Q. And what about Misty Water Works?

7 **A. Yes.**

8 Q. How did you become familiar with them?

9 **A. In December of 2022, the PSC received emails**
10 **from Missouri Department of Natural Resources requesting**
11 **information about Mr. Blevins and the water systems he**
12 **operates. In addition to that, we also at the same time**
13 **received several customer complaints.**

14 Q. And are you familiar with the different well
15 systems that Mr. Blevins operates, grounds?

16 **A. Mostly.**

17 Q. How did you become familiar with those?

18 **A. Research, talking to customers and Mr. Blevins**
19 **himself.**

20 Q. And can you explain what it means to be a
21 public water system generally under Missouri Department
22 of Natural Resource regulations? Do you know?

23 **A. DNR classifies a public water system I believe**
24 **as at least 15 connections or serving 25 customers.**

25 Q. Do you know how many of Mr. Blevins' systems

1 are considered public water systems under Missouri DNR
2 regulations?

3 **A. Currently three.**

4 Q. Do you know which ones they are?

5 **A. That would be the Charity system near Dixon,**
6 **the Misty Mountain system near St. Robert and the Rolling**
7 **Hill system near Richland.**

8 Q. Are they different than systems that aren't
9 designated public water systems?

10 **A. They are.**

11 Q. How are they different than ones that aren't
12 designated?

13 **A. Larger, larger neighborhood serving more people**
14 **whereas the other wells that Mr. Blevins operates or**
15 **formerly operated might serve only two or three houses.**

16 Q. Are they still regulated by DNR, do you know?

17 **A. No.**

18 Q. Do they still, the ones that are not designated
19 public water systems, do they still provide water service
20 to residents?

21 **A. They do.**

22 Q. And do you know which ones those are?

23 **A. Somewhat.**

24 Q. Did they get different treatment from DNR?

25 **A. They are not regulated by DNR.**

1 Q. Do they get different treatment from the PSC?

2 A. No.

3 Q. If they were regulated, would they get
4 different treatment from the PSC?

5 A. No.

6 Q. Can you explain that?

7 A. **If Mr. Blevins is charging customers for water
8 service, then he should be regulated by the PSC.**

9 Q. Does it matter how big the system is?

10 A. No.

11 Q. So did you eventually have the opportunity to
12 investigate Mr. Blevins' business?

13 A. **I did.**

14 Q. And so when did that investigation begin?

15 A. **December of 2022.**

16 Q. Okay. And that was prompted by those
17 complaints that were filed?

18 A. **Correct.**

19 Q. Do you know what the nature of those complaints
20 were?

21 A. **There were various things. Most alarming was
22 probably water quality issues, specifically bacteria in
23 the water. There were also several customers that were
24 angry about apparent ownership change that their wells
25 had been purchased by Mr. Blevins and he immediately**

1 **raised the rates.**

2 MS. KERR: If I can approach.

3 JUDGE CLARK: Please.

4 BY MS. KERR:

5 Q. I'm going to hand you what's been marked
6 Exhibit 1.

7 MS. KERR: How do you want me to mark these?

8 JUDGE CLARK: Huh?

9 MS. KERR: How do you want me to mark these?

10 JUDGE CLARK: I assume the court reporter can
11 mark them; is that correct? This is Exhibit 1, correct?

12 MS. KERR: Yes.

13 (STAFF EXHIBIT 1 WAS MARKED FOR IDENTIFICATION
14 BY THE COURT REPORTER.)

15 MS. KERR: That's the official marked 1.

16 JUDGE CLARK: Thank you.

17 BY MS. KERR:

18 Q. Can you tell me what that is, what those are?

19 **A. These are complaints to the PSC from customers**
20 **of Misty Water Works.**

21 Q. Are those obtained by the PSC in the normal
22 course of business?

23 **A. Yes.**

24 Q. And how does the PSC get those?

25 **A. Phone calls, complaints on our online system.**

1 Q. Without describing -- Without divulging any of
2 the confidential information like the name of the
3 consumers or any of that, basically how many different
4 complaints are there?

5 JUDGE CLARK: Could you speak a little closer
6 to the microphone?

7 MS. KERR: Sure, sorry.

8 BY MS. KERR:

9 Q. How many different complaints are there?

10 **A. In this document?**

11 Q. Yes.

12 **A. Probably around seven, eight.**

13 Q. Okay. Would those be complaints that you were
14 talking about that started your investigation?

15 **A. Yes.**

16 Q. And just generally what are they complaining
17 about?

18 **A. Mr. Blevins apparently purchased the wells that**
19 **feed the customer homes here and immediately raised the**
20 **rates.**

21 MS. KERR: I'll ask that Exhibit 1 be entered
22 into evidence.

23 JUDGE CLARK: Has Exhibit 1 previously been
24 provided to Mr. Blevins?

25 MS. KERR: No.

1 JUDGE CLARK: Mr. Blevins, have you had an
2 opportunity to look over Staff's Exhibit 1?

3 MR. BLEVINS: Not all of these, no, sir.

4 JUDGE CLARK: Do you want to take a moment to
5 look it over?

6 MR. BLEVINS: I'm doing that at the present
7 time as best I can here.

8 JUDGE CLARK: I'm going to ask you if you have
9 any objections to admitting Exhibit 1 onto the record.
10 Why don't you take a quick look at it and let me know
11 when you're finished.

12 MR. BLEVINS: Right now?

13 JUDGE CLARK: Yes.

14 MR. BLEVINS: Okay. One moment. If it's okay,
15 I'll just read through this at the same time and speak
16 with you at the same time.

17 JUDGE CLARK: No. We're not going to talk
18 about this exhibit now. What Staff is asking to do is to
19 move it onto the hearing record so that it has
20 evidentiary value. It is evidence that they are offering
21 for admission. I am asking if you are objecting to this
22 evidence of theirs being incorporated into the record for
23 the Commission to consider in making its decision.
24 Before I ask you whether or not you have any objections,
25 I would like you to have an opportunity to look at this

1 exhibit since you haven't previously had an opportunity
2 to so that I'm not just asking you whether you have any
3 objections to a document that you are not familiar with.
4 So take a moment and look it over and just let me know
5 when you're finished. You will have an opportunity to
6 question Mr. Stamp about this should you want to --

7 MR. BLEVINS: Okay.

8 JUDGE CLARK: -- if it's admitted onto the
9 record. As a matter of fact, why don't you do that while
10 we break for agenda. It is now 9:44. It looks like
11 agenda is going to be about an hour. So why don't we
12 come back at 11:00, and that will be -- That will be
13 roughly 45 minutes from the time agenda starts. If not
14 11:00, immediately after agenda.

15 For your information, Mr. Blevins, the
16 Commission has a weekly meeting during which it goes over
17 Commission business. Unfortunately the only day I could
18 fit your hearing in was on a day that we do that.
19 So we are going to recess from now until we'll all be
20 back down here at eleven o'clock or as soon as agenda
21 concludes.

22 Mr. Stamp, I'll remind you when you come back
23 that you are still under oath. With that, we will recess
24 until eleven o'clock after agenda and go off the record.

25 (A recess was taken.)

1 (STAFF EXHIBITS 2 THROUGH 8 WERE MARKED FOR
2 IDENTIFICATION BY THE COURT REPORTER.)

3 JUDGE CLARK: It is 11:00. Are we missing
4 anyone? It does not appear we are. Let's go back on the
5 record. Okay. Mr. Stamp, if you would come back up to
6 the witness stand. And when we left off, Staff had just
7 offered their Exhibit 1 for admission onto the hearing
8 record. Mr. Blevins, have you had an opportunity to look
9 at Exhibit 1?

10 MR. BLEVINS: Yes, I have.

11 JUDGE CLARK: Do you have any objections to
12 admitting it onto the hearing record?

13 MR. BLEVINS: I have no objection to enter it
14 in as an exhibit so to speak. I do have questions in
15 reference to it.

16 JUDGE CLARK: When you say "in reference to
17 it," do you mean about it?

18 MR. BLEVINS: Yes, sir.

19 JUDGE CLARK: Okay. You'll have an opportunity
20 -- If you have no objections that would require
21 clarification, you'll have an opportunity to ask
22 Mr. Stamp here questions about it when it's your turn to
23 question him.

24 MR. BLEVINS: Okay.

25 JUDGE CLARK: Given that there's no objection,

1 Staff Exhibit 1 is admitted onto the hearing record.

2 (STAFF EXHIBIT 1 WAS RECEIVED ONTO THE HEARING
3 RECORD AND MADE A PART OF THIS RECORD.)

4 JUDGE CLARK: And Staff, you may continue your
5 direct examination.

6 MS. KERR: Thank you.

7 WITNESS ADAM STAMP RESUMED THE WITNESS STAND.

8 BY MS. KERR:

9 Q. All right. Mr. Stamp, could you please
10 describe your investigation?

11 A. Yes. I spoke with Mr. Blevins, also spoke to
12 his customers, visited well sites, visited the customers'
13 homes, looked at their bills, looked at any other notices
14 that he had sent them.

15 Q. And how often did you -- You said you talked to
16 the residents. About how many of the residents did you
17 talk to?

18 A. Personally, probably between 10 and 15. When
19 you figure in the hearings, it would be a much higher
20 number.

21 Q. About how many residents are there total? Do
22 you know?

23 A. Customers?

24 Q. Yeah, customers.

25 A. At the beginning of our investigation, there

1 were around 100 connections. Mr. Blevins has since sold
2 some of those.

3 Q. So you talked to about how many of those?

4 A. 25 percent.

5 Q. Okay. And how often did you talk to them?

6 A. Weekly.

7 Q. And what did you learn from talking to the
8 residents?

9 A. Pretty high level of discontent, whether it be
10 through his billing practices or the quality of service
11 itself. For example, lines freezing in the winter, water
12 quality issues like bacteria and just inconsistent
13 billing.

14 Q. When you say "inconsistent billing," can you
15 explain what you mean by that?

16 A. As far as I can tell based on my conversations
17 with customers, some may have the same service on the
18 same system but be paying different amounts because
19 they're not billed for usage but rather based on time.

20 Q. What do you mean by that?

21 A. Monthly, usually.

22 Q. So they're billed like for 30 days? What do
23 you mean by based on time?

24 A. Customers based on what I've seen and the bills
25 can prepay for a set amount of months or by the month.

1 Q. So they're not metered; is that what you mean?

2 **A. Correct, yes.**

3 Q. Okay. And is that -- Is there something wrong
4 with that?

5 **A. It can make for inaccurate situations, I guess.**
6 **Mr. Blevins maybe adds charges for things like swimming**
7 **pools or livestock but usage is not measured.**

8 Q. So somebody with a swimming pool might be
9 charged differently than someone without a swimming pool?

10 **A. Correct.**

11 Q. And that's based on whether they're paying
12 monthly or bimonthly or six months?

13 **A. Based on what I've seen usually, yes.**

14 Q. Okay. If they were regulated by the PSC, how
15 would that be different or would it be different?

16 **A. We would probably try to clarify the billing**
17 **practices.**

18 Q. How so?

19 **A. Likely based on usage.**

20 Q. Is that how other utilities do their billing?

21 **A. Typically.**

22 Q. And you said you had a public meeting that you
23 held?

24 **A. Yes.**

25 Q. And when was that?

1 **A. That was on June 1.**

2 Q. Of 2023?

3 **A. 2023, yes.**

4 Q. And where was that held?

5 **A. That was held at a public hall in Waynesville.**

6 Q. And can you tell me about that?

7 **A. Very well attended. Probably somewhere between**
8 **60 and 80 people. Very high level of discontent.**

9 Q. What was the purpose behind having that?

10 **A. We were unsure of the size of Mr. Blevins'**
11 **customer base and we wanted to speak to them directly in**
12 **a larger forum rather than individually and we wanted to**
13 **hear what they had to say.**

14 Q. Okay. So how was this brought together?

15 **A. By my supervisor Curt Gateley and I.**

16 Q. How did you do that? Did you send out notices?
17 What did you do to bring?

18 **A. We did. Fortunately Mr. Blevins gave us a list**
19 **of customers. We sent notices to them. DNR was there as**
20 **well.**

21 Q. Okay. And then so did that help Staff in any
22 way having this open forum?

23 **A. Yes.**

24 Q. How so? Can you explain that?

25 **A. There were a lot of clarifications of not**

1 necessarily assumptions but issues that we thought were
2 going on, and again we were able to speak directly to
3 customers which was very beneficial to us.

4 Q. Okay. What kind of things did they tell you or
5 did you learn from that?

6 A. A lot of unhappy customers. Again, water
7 quality issues, issues with the service, lines freezing
8 in the winter, issues with how Mr. Blevins has tried to
9 fix some of the service problems that have happened and
10 inconsistent billing.

11 Q. Same kind of issues that you were just talking
12 about?

13 A. Yes.

14 Q. I'm going to hand you what's been marked
15 Exhibit 2.

16 MS. KERR: May I approach?

17 JUDGE CLARK: Yes.

18 BY MS. KERR:

19 Q. Do you recognize that?

20 A. I do.

21 Q. And what is it?

22 A. These are public comments we've received from
23 -- the PSC has received from customers of Mr. Blevins.

24 Q. And these are the customer comments that were
25 filed in his complaint case?

1 **A. That's correct.**

2 Q. The WC-2023-0353?

3 **A. Yes.**

4 Q. And just generally what are the gist of the
5 comments?

6 **A. Customers unhappy with their service.**

7 Q. And are the comments that were filed in the
8 complaint case, are those similar to the types of
9 comments that you received at the public meeting and
10 throughout your investigation?

11 **A. Yes.**

12 MS. KERR: I ask that Exhibit 2 be entered into
13 evidence.

14 JUDGE CLARK: Mr. Blevins, have you had an
15 opportunity to look over Staff Exhibit 2?

16 MR. BLEVINS: I have.

17 JUDGE CLARK: Do you have any objections to
18 admitting it onto the hearing record?

19 MR. BLEVINS: I have no objection, sir.

20 JUDGE CLARK: Staff Exhibit 2 is admitted onto
21 the hearing record.

22 (STAFF EXHIBIT 2 WAS ADMITTED ONTO THE HEARING
23 RECORD AND MADE A PART OF THIS RECORD.)

24 BY MS. KERR:

25 Q. So you talked about some customer service type

1 issues raised by the residents. Anything in particular,
2 any specific type of issues that were raised by customers
3 to you just over the course of your investigation?

4 **A. The biggest concern is probably the water**
5 **quality issues, finding bacteria in the water and**
6 **Mr. Blevins' inability to fix the problem in a timely**
7 **manner.**

8 Q. Did he try to fix any of the problems that you
9 know?

10 **A. I don't know.**

11 Q. How were some of these -- How were some of
12 these problems brought to your attention?

13 **A. Initially by the Missouri Department of Natural**
14 **Resources and afterward by customers.**

15 Q. How did the customers get in touch with you
16 about their problems with the wells?

17 **A. Phone calls to the PSC.**

18 Q. Did they send you letters, emails, any of that?

19 **A. Everything.**

20 Q. And when they -- Did they give you access to
21 any social media?

22 **A. They have.**

23 Q. And can you describe that?

24 **A. Again, customers that are not receiving safe**
25 **and adequate service.**

1 Q. Can you -- let me go back. Did you get -- You
2 said they sent you emails, and did they give you access
3 to any of their Facebook accounts or any of the social
4 media?

5 A. There are private social media groups where
6 these neighborhoods can talk amongst themselves, talk
7 about issues in their neighborhoods, one of which there
8 is particularly a lot of traffic about their water
9 service and I was given access to that group to monitor
10 the situation.

11 Q. Okay. Why were you given access to that?

12 A. The customers felt that it was a good way for
13 them to express the situations they were having to deal
14 with.

15 Q. And who gave you -- Sorry, let me take that
16 back. And were you able to get on that Facebook account
17 and look at some of the things that the residents were
18 putting on that account?

19 A. I was.

20 Q. What did you -- Did you learn anything from it?
21 Did you see anything from it?

22 A. A less formal, less formal way to see what
23 customers had to say as opposed to the meeting we held.
24 Pretty much just echoes of the same things we had been
25 hearing from the beginning.

1 Q. Did you get a sense of how the residents felt
2 about how their issues were being handled by Mr. Blevins?

3 **A. Extreme discontent.**

4 Q. What were they saying about how he handled the
5 issues? Did he seem to be cognizant of them? Did he
6 seem to be cognizant of their troubles?

7 **A. I think the majority of customers felt that
8 Mr. Blevins was not doing a good enough job to try to
9 correct the situation.**

10 Q. And why would you think -- What made you think
11 that?

12 **A. Throughout this whole case we've heard from a
13 lot of very unhappy customers.**

14 Q. What would they say?

15 **A. Unreliable service. When there are issues,
16 failure to fix them in a timely manner.**

17 Q. And okay. Did you have an opportunity -- You
18 said you went on some site visits and actually looked at
19 some of the wells?

20 **A. I did.**

21 Q. And how many of those wells did you look at?
22 Can you tell me about those site visits?

23 **A. I believe at the time there were 19.**

24 Q. And did you go look at all of them?

25 **A. I visited 17 or 18 of them.**

1 Q. When did you do that?

2 A. Numerous times, particularly January of 2023,
3 again in August of 2023.

4 Q. Did you take pictures when you were there?

5 A. I did.

6 Q. Did you see the wells that were part of the
7 Misty Water Works systems?

8 A. The Misty Mountain system?

9 Q. Misty Mountain. I'm sorry. Yes.

10 A. Yes.

11 Q. Any of the smaller private wells?

12 A. I have.

13 Q. So just generally when you went and saw those,
14 what did you see? Can you describe that?

15 A. Various situations. Some are newer and a
16 little better kept. Most I would say are in disrepair,
17 not kept up to the standards they should be, poor
18 maintenance, poor lack of safety measures to prevent
19 problems.

20 Q. What do you mean by that, like disrepair?

21 A. So this well will sit in a wellhouse. It was
22 not uncommon to see the wellhouse falling apart. In some
23 there are holes in the roofs. We found some without the
24 door on them. This could lead to tampering. It could
25 lead to wildlife issues. It could lead to freezing.

1 Q. I'm going to hand you --

2 MS. KERR: May I approach?

3 JUDGE CLARK: Yes.

4 BY MS. KERR:

5 Q. I'm going to hand you what's been marked
6 Exhibit 3. Do you recognize that?

7 A. I do.

8 Q. And what is that a picture of?

9 A. **This is a picture of a well on Tigger Lane**
10 **within Mr. Blevins' Misty Mountain system.**

11 Q. How do you recognize that?

12 A. **I visited the site.**

13 Q. And how did you get those pictures?

14 A. **I took the picture myself.**

15 Q. And what was the circumstances behind how you
16 got that picture?

17 A. **I visited with a neighbor who receives water**
18 **service from this well, and he suggested that I take a**
19 **look inside here.**

20 Q. And what was the purpose of you getting that
21 picture? Was that part of your site visit?

22 A. **It was.**

23 Q. And was that picture taken as part of your
24 duties in the normal ordinary course of business?

25 A. **Yes.**

1 Q. As an analyst for PSC?

2 A. Correct.

3 Q. Is that picture kept in your files and records
4 in the normal and ordinary course of business at the
5 Missouri PSC?

6 A. Yes.

7 Q. Can you describe what that picture shows?

8 A. It's Staff's opinion that there's poor
9 maintenance going on here, a lack of cleanliness. You
10 can see from algae on all the equipment there that there
11 are leaks, exposed wires. You can't see it on this
12 picture but this particular wellhouse has parts of the
13 roof missing. So wildlife is able to get in and be
14 around the equipment.

15 Q. Okay. But can you just kind of describe what
16 is in that picture?

17 A. Yes. That's a well that leads to a pressure
18 tank that leads to pipes that will go out into the
19 distribution system that feeds the customers' houses.

20 Q. And what about these wires?

21 A. Those wires would be coming from a power
22 source, and Mr. Blevins will use them to power the well
23 pump and other various equipment, maybe a heater.

24 Q. Does anything stand out that concerns you here?

25 A. The cleanliness is a big deal especially

1 because several customers have had issues with their
2 water quality. Also the exposed wiring could lead to
3 problems.

4 Q. Are there any dangers that you see or any other
5 concerns?

6 A. I could see it being hazardous, yes.

7 Q. And is this -- Would you say this is typical of
8 some of the other wells that you saw that Mr. Blevins
9 owns or operates?

10 A. Some of them.

11 MS. KERR: I'll ask that Exhibit 3 be entered
12 into evidence.

13 JUDGE CLARK: Mr. Blevins, do you have any
14 objections to admitting Staff Exhibit 3 onto the hearing
15 record?

16 MR. BLEVINS: No objection.

17 JUDGE CLARK: Staff Exhibit 3 is admitted onto
18 the hearing record.

19 (STAFF EXHIBIT 3 WAS ADMITTED ONTO THE HEARING
20 RECORD AND MADE A PART OF THIS RECORD.)

21 MS. KERR: May I approach?

22 JUDGE CLARK: Yes.

23 BY MS. KERR:

24 Q. I'm going to hand you what's been marked
25 Exhibit 4. Do you recognize that document?

1 **A. I do.**

2 Q. And can you explain what that is, that document
3 is?

4 **A. These are pictures from a customer.**

5 Q. And how did you get them?

6 **A. She sent them to me.**

7 Q. And can you explain why you would have gotten
8 that from a customer?

9 **A. She was worried about the state of the well
10 that's supplying water to her home.**

11 Q. And is this the same well that -- or same
12 picture of the same well that was in Exhibit 3?

13 **A. No, a different well.**

14 Q. And so what's the significance behind how you
15 got this picture?

16 **A. To the customer?**

17 Q. I mean, did you ask for this picture?

18 **A. She sent me these because she was concerned
19 with the condition of the equipment that supplies her
20 water.**

21 Q. But you didn't ask for the picture?

22 **A. No.**

23 Q. So those pictures were obtained by you as part
24 of your duties and in the normal and ordinary course of
25 business as a Staff member of the PSC?

1 **A. Correct.**

2 Q. And are those pictures kept in your files in
3 the normal and ordinary course of business of the PSC?

4 **A. They are.**

5 Q. And can you just kind of describe what's --
6 There's three pictures here, correct, attached to Exhibit
7 4?

8 **A. Correct.**

9 Q. Can you just describe what are in each of the
10 three pictures for the record?

11 **A. We see --**

12 Q. What's in the first picture? We'll just go
13 through them.

14 **A. Picture one is mainly of the distribution that
15 will take water from the source and send it out to
16 customers' homes.**

17 Q. Okay. So each of those red letters, are those
18 each different distribution pipes I guess?

19 **A. Yes, shut-off valves specifically.**

20 Q. Okay. So this well -- Would I be correct in
21 describing that this one serves four different homes
22 then?

23 JUDGE CLARK: When you say "red," I'm looking
24 at black and white.

25 MS. KERR: I'm sorry. I'll give you the color

1 copy.

2 BY MS. KERR:

3 Q. There's three valves. How many houses would
4 this well serve? Can you tell by the picture?

5 **A. Based on what I see, I believe it would be**
6 **four, but I am not certain of that.**

7 Q. Okay. And then there's a pressure valve
8 somewhere or a pressure gauge?

9 **A. Correct.**

10 Q. Okay. And then there's a bunch of wires?

11 **A. Correct.**

12 Q. What are those wires? What are they connected
13 to or what do they do?

14 **A. Anything that needs electricity for a power**
15 **source.**

16 Q. And then there looks to be like a lamp up in
17 the corner, top right corner of the picture. What is
18 that for? Do you know?

19 **A. I assume that Mr. Blevins does that for heat to**
20 **prevent freezing.**

21 Q. All right. And then the next picture, what is
22 that a picture of? I mean, is that the same wellhouse?
23 These are all the same wellhouse, right?

24 **A. Correct.**

25 Q. So what is the second picture?

1 **A. The second picture I assume was taken to**
2 **illustrate that the door is not being kept on the**
3 **wellhouse.**

4 Q. Okay. That's just a further away picture I
5 guess?

6 **A. From the outside looking in, yes.**

7 Q. And the third picture, just another vantage
8 point of it?

9 **A. Correct.**

10 Q. Does anything stand out to you in those
11 pictures that concerns you?

12 **A. Yes.**

13 Q. What would that -- Can you describe what that
14 would be?

15 **A. I guess I would just say poor maintenance.**

16 Q. What do you mean by that?

17 **A. This is a source providing a neighborhood with**
18 **water and the poor job of wiring, the lack of upkeep**
19 **inside the house itself, not keeping the door on the**
20 **house to prevent tampering or animals or freezing here in**
21 **a few months is concerning to me.**

22 Q. Okay. Are there any specific examples besides
23 that?

24 **A. Of?**

25 Q. That give you concern?

1 **A. I would be concerned over the electrical wires**
2 **that we see there. They're just not kept better.**

3 Q. So this is a wellhouse for water and there's
4 all these electrical wires all over the place?

5 **A. Correct.**

6 Q. So what -- Are there problems that this could
7 cause?

8 **A. Potentially, yes.**

9 Q. Like what?

10 **A. We see the power source actually coming in from**
11 **the outside meaning that anyone could have easy access to**
12 **the power source for the wellhouse.**

13 Q. This is one of Mr. Blevins' wells that he owns
14 and operates?

15 **A. Correct, on the Charity system, I believe.**

16 MS. KERR: Okay. I'll ask that Exhibit 4 be
17 entered into evidence.

18 JUDGE CLARK: I've got a few questions. Why is
19 this a black and white one?

20 MS. KERR: I can give you the color copy.

21 JUDGE CLARK: Would it be possible to get a
22 color version of the exhibit before the end of the day?

23 MS. KERR: Sure.

24 JUDGE CLARK: I don't want to take your only
25 copy.

1 MS. KERR: Sure. I can just print off color
2 copies.

3 JUDGE CLARK: You said this is on the Charity
4 system?

5 **THE WITNESS: Yes, sir, I believe so.**

6 JUDGE CLARK: I know I'm not talking about this
7 exhibit, but what system was the previous Exhibit 3?

8 **THE WITNESS: Exhibit 3 would have been from**
9 **Mr. Blevins' Misty Mountain public water system.**

10 JUDGE CLARK: Mr. Blevins, do you have any
11 objection to admitting Staff Exhibit 4 onto the hearing
12 record?

13 MR. BLEVINS: No objection, sir.

14 JUDGE CLARK: Staff Exhibit 4 is admitted onto
15 the hearing record.

16 (STAFF EXHIBIT 4 WAS ADMITTED ONTO THE HEARING
17 RECORD AND MADE A PART OF THIS RECORD.)

18 BY MS. KERR:

19 Q. So did you discuss any of these problems with
20 Mr. Blevins?

21 **A. Yes.**

22 Q. And what was his reaction?

23 **A. Mr. Blevins expressed concern but his actions**
24 **have not followed through.**

25 Q. What do you mean by that specifically?

1 **A. Both the PSC and DNR have requested that**
2 **Mr. Blevins try to improve his practices and he has not**
3 **done as much.**

4 Q. Could you give me specifics like what do you
5 mean -- what specifically was he asked to do to fix what
6 problems? I mean, what didn't he do?

7 **A. The Topo Drive well on the Misty Mountain**
8 **system failed bacteria tests in August of 2022. DNR then**
9 **put that well onto a boil order and requested that**
10 **Mr. Blevins act to fix the problem. It remained on boil**
11 **order and failing tests until April of 2023, when it**
12 **failed permanently, failed bacteria tests.**

13 Q. And specific to these wells, did you ask them
14 to make any fixes to these wells that were in Exhibit 3
15 and 4?

16 **A. Most of his interactions as far as that goes**
17 **have been with DNR, but yes, we have.**

18 Q. And specifically what did he fix or did he not
19 fix?

20 **A. He has not improved much. Most of the problems**
21 **that DNR has dealt with Mr. Blevins about remain to be**
22 **solved.**

23 Q. Like specifically do you know any specifics?

24 **A. Still customer service issues. Customers**
25 **continue to complain about lines freezing in the winter.**

1 There have still been bacteria concerns with multiple
2 wells. And again, the lack of consistency in the
3 billing.

4 Q. Do you think -- Have you corresponded or spoken
5 with anyone else like the city or county water system or
6 water district?

7 A. Briefly, yes.

8 Q. And which one? Who?

9 A. Pulaski County Public Water Supply District No.
10 2.

11 Q. Can you tell me about that?

12 A. Yes. They are now supplying part of
13 Mr. Blevins' system with water because Mr. Blevins' well
14 failed and he was unable to find a solution to that.

15 Q. Which well? Which part of his system are they
16 providing water to?

17 A. The Topo Drive well on the Misty Mountain
18 system that failed the bacteria test in August of 2022
19 remained on boil order for eight months until April of
20 2023, when it structurally failed permanently and the
21 county began supplying water to the system for these
22 people.

23 Q. So is there any reason why the Pulaski County
24 Water Company or Water District couldn't have been hooked
25 up to the Blevins' system prior to that?

1 **A. No.**

2 Q. So why wasn't it hooked up before that?

3 **A. I don't know.**

4 Q. Do you know if it's feasible for that water
5 system to be hooked up to the Blevins' system?

6 **A. I don't.**

7 Q. So you said you had contact with Missouri DNR,
8 Department of Natural Resources. Did you contact them,
9 they contact you? How did that happen?

10 **A. Initially they contacted my supervisor,**
11 **Mr. Curt Gateley.**

12 Q. And do you know about when that was?

13 **A. December of 2022.**

14 Q. Do you know what prompted that?

15 **A. Yes. The failure of bacteria tests from that**
16 **Topo Drive well in August prompted it. In addition to**
17 **the fact that they realized that Mr. Blevins was charging**
18 **for water service and thought that he should be regulated**
19 **by the PSC.**

20 Q. Okay. So they contacted the PSC?

21 **A. Correct.**

22 Q. And do you know what they wanted PSC to do?

23 **A. They wanted us to look into the situation.**

24 Q. Do you know what they had done before
25 contacting us, contacting the PSC with regard to

1 Mr. Blevins' systems?

2 **A. They tried to work with Mr. Blevins to fix the**
3 **issues the customers were having.**

4 Q. What issues?

5 **A. Mainly the water quality issues, the particular**
6 **well that was on boil order for failed bacteria tests.**

7 Q. Do you know if they had any luck with that?

8 **A. They did not.**

9 Q. And what do they think could be accomplished if
10 both agencies worked together? Do you know?

11 **A. Hopefully safe and adequate service.**

12 Q. And how did the PSC feel about that, do you
13 know, about working together with the DNR?

14 **A. We hoped for a better situation for the**
15 **customers.**

16 Q. So you talked about Mr. Blevins charging his
17 residents for use of the water. Did you -- You received
18 documentation explaining or showing how he charges the
19 residents for the water service?

20 **A. Yes.**

21 Q. And who did you get that information from?

22 **A. Various customers.**

23 JUDGE CLARK: Can I ask a question here? We've
24 been over this twice. Now we've talked about billing
25 before which would make a lot of sense to me if we were

1 talking about the complaint case but we're here on the
2 receivership. Under 393.145, the billing isn't listed as
3 one of the reasons. So I'm concerned that we may be
4 confusing these or putting them together in a way that
5 something that's unnecessary is actually being used as a
6 support for other stuff. So I'm not sure why we're
7 getting into billing, because that has to do with more
8 whether or not the system should be regulated and not
9 whether he is unwilling or unable to provide service or
10 whether he's abandoned it.

11 MS. KERR: I think it goes to his ability to
12 provide adequate service. The way he's been charging
13 shows that he's taking control of these wells and has
14 taken ownership of the wells and is trying to service the
15 wells. We're trying to also figure out which wells he
16 owns. And some of the billing information shows what
17 he's doing to the customers, how he's trying to get --
18 he's trying to bill the customers for the wells he owns,
19 how he conducts his business.

20 JUDGE CLARK: How does Staff define adequate
21 here when they say safe and adequate service and safe
22 seems to be kind of obvious, but I'm not sure what you
23 mean when you say it goes to adequacy.

24 MS. KERR: Well, adequacy, it goes to the
25 customer service as well as like how -- it's not just

1 providing the water but also providing the customer
2 service to the customers if they have questions about how
3 he's billing them. He's charging them for it as well.
4 And so, you know, how he's providing that he's trying to
5 recover his charges for the service he's providing and
6 his billing practices, just goes towards his billing
7 practices.

8 JUDGE CLARK: There's no objection. So I'm
9 going --

10 **THE WITNESS: Judge, if I may. I think a lack**
11 **of consistency and reliability as far as adequacy goes.**

12 JUDGE CLARK: Thank you. There's no standing
13 objection, so I'm going to allow you to continue down
14 this line of questioning.

15 BY MS. KERR:

16 Q. And can you explain how you know about how
17 Mr. Blevins charges for the water usage?

18 **A. Customers have been very forthcoming with any**
19 **documents they get from Mr. Blevins.**

20 MS. KERR: May I approach?

21 JUDGE CLARK: Yes.

22 BY MS. KERR:

23 Q. Hand you what's been marked Exhibit 5. Can you
24 describe what those documents are?

25 **A. These are documents that customers have**

1 **received from Mr. Blevins.**

2 Q. And what information do they contain?

3 **A. Billing amounts, notices of ownership change of**
4 **the wells that provide them with service, notice of their**
5 **particular systems being enrolled with DNR as a public**
6 **water supply system.**

7 Q. What do they show about how Mr. Blevins
8 conducts his business?

9 **A. Could you be more specific? It shows that he's**
10 **billing for service.**

11 Q. Does he -- Is he being consistent across the
12 different customers on how he's billing?

13 **A. No.**

14 Q. Do these documents show that?

15 **A. Yes.**

16 Q. And do you see any problems with what
17 Mr. Blevins is doing as far as the PSC is concerned?

18 **A. Mr. Blevins is not regulated by the PSC yet he**
19 **is charging for water service.**

20 Q. Is there any rhyme or reason -- Does it look
21 like there's any rhyme or reason for how he's doing this,
22 how he's conducting his business and how he's charging?

23 **A. Could you be more specific, please.**

24 Q. Does there seem to be any consistency on how
25 he's charging different residents for water?

1 **A. No.**

2 Q. For example, there are late fees on here to
3 some of the residents. Is that something that would be a
4 problem?

5 **A. Yes.**

6 Q. How so?

7 **A. Mr. Blevins is charging for service, charging**
8 **late fees when he's not regulated by the PSC.**

9 Q. Strike that. So what effect or ramification
10 might his actions have on those residents without any
11 kind of regulatory oversight of his business practices?

12 **A. They have -- They're subjected to basically**
13 **whatever rate he feels is adequate.**

14 Q. Okay. Is there anybody or any agency to
15 determine what that adequate rate is?

16 **A. No.**

17 Q. If he was regulated, would there be?

18 **A. Yes.**

19 Q. And that would be the PSC, correct?

20 **A. Correct.**

21 Q. Right now he can charge anybody anything?

22 **A. That's correct.**

23 MS. KERR: Ask that Exhibit 5 be entered into
24 evidence.

25 JUDGE CLARK: Mr. Blevins, do you have any

1 objections to --

2 MR. BLEVINS: No objection, sir.

3 JUDGE CLARK: Thank you, Mr. Blevins. Would
4 you mind in the future waiting until I'm finished asking
5 my question before you answer?

6 MR. BLEVINS: I'm sorry.

7 JUDGE CLARK: That's okay. Thank you. Staff
8 Exhibit 5 is admitted onto the hearing record.

9 (STAFF EXHIBIT 5 WAS ADMITTED ONTO THE HEARING
10 RECORD AND MADE A PART OF THIS RECORD.)

11 BY MS. KERR:

12 Q. Was anybody else on Staff involved in this
13 investigation?

14 A. **Just my supervisor, Curt Gateley.**

15 Q. What kind of involvement did he have?

16 A. **Mainly just oversight of me.**

17 Q. Like could you explain?

18 A. **My investigation.**

19 Q. So did what you learned during your
20 investigation influence your actions going forward?

21 A. **Could you be more specific.**

22 Q. Based on what you learned during your
23 investigation, did you -- what did you do?

24 A. **Yes. We felt that Mr. Blevins should be**
25 **regulated by the PSC based on the service he was**

1 **providing and the way he was providing it.**

2 Q. Did you make any recommendations based on your
3 investigation?

4 **A. I did.**

5 Q. And so what did your investigation reveal about
6 Misty Water Works as a business?

7 **A. That Misty Water Works does not necessarily**
8 **exist as a business. Mr. Blevins uses that name when**
9 **sending bills or notices to customers but that**
10 **Mr. Blevins is providing water service for around 100**
11 **connections in Pulaski County at the time.**

12 Q. And what did your investigation reveal about
13 how he maintains his books and accounts? Did you find
14 out anything about that?

15 **A. Some inconsistencies sort of hard to track I**
16 **guess.**

17 Q. What do you mean by that, hard to track?

18 **A. It's difficult to be able to understand how he**
19 **decides what to bill his customers.**

20 Q. And did you have any problems about trying to
21 figure out how to -- his accounting, his accounts for his
22 billing?

23 **A. Could you repeat the question, please.**

24 Q. Did you have any problems figuring out his
25 books and his accounts? Did you have a chance to look at

1 that I guess first of all?

2 **A. Some. Whatever Mr. Blevins was willing to**
3 **share.**

4 Q. Did he share any of that?

5 **A. Some.**

6 Q. And based on what you saw, was it -- did you
7 have any problems figuring out his books and accounts?

8 **A. It was difficult to do so.**

9 Q. How so?

10 **A. Handwritten, a lot of times not necessarily**
11 **legible, just difficult to understand.**

12 Q. What did you have difficulty understanding?
13 What do you mean by that, difficult to understand?

14 **A. His billing practices, how records are kept.**

15 Q. Can you give me an example?

16 **A. We have no way of understanding why Mr. Blevins**
17 **charges the rates he charges to particular households.**

18 Q. Did you have a chance to try to figure out what
19 wells Mr. Blevins actually owns?

20 **A. I investigated that through Pulaski County**
21 **records.**

22 Q. What did you find out?

23 **A. Very difficult to understand based on my**
24 **search. I think that Mr. Blevins owns or has easements**
25 **to about half the wells that he at the time was charging**

1 **people for service from.**

2 Q. So is he charging people for service for wells
3 that he didn't own?

4 **A. I can't say for sure. But based on Pulaski**
5 **County records, it looked to be.**

6 Q. So yes?

7 **A. I don't know.**

8 Q. So what you're saying is it was hard to figure
9 out what he owned and what he didn't own?

10 **A. Correct.**

11 Q. Does that seem to be a problem?

12 **A. Yes.**

13 Q. And why is that a problem?

14 **A. If Mr. Blevins does not own or have easements**
15 **to these water wells and their distribution systems, then**
16 **he shouldn't be able to charge customers for service that**
17 **they are providing.**

18 Q. Are any of those issues still being brought to
19 your attention?

20 **A. Yes.**

21 Q. Has Mr. Blevins provided you with information
22 about the wells he owns and what he's doing about them?

23 **A. Some.**

24 Q. What do you mean by some?

25 **A. Incomplete records, hard to -- difficult to**

1 **understand.**

2 Q. Can you give me an example of that or can you
3 explain what you mean by that?

4 **A. Mr. Blevins submitted some property records**
5 **when he submitted an application to the PSC for a CCN?**

6 Q. When you say that, do you mean he didn't
7 provide all of them or what do you mean by that?

8 **A. Correct.**

9 Q. So are you certain that -- So are you saying
10 that the information that you got is not completely
11 accurate or I guess what are you trying to say?

12 **A. I can't be certain.**

13 Q. Can't be certain that it's accurate?

14 **A. No.**

15 Q. So since you started your investigation, do
16 things seem to be better or worse for the residents with
17 regard to their water service?

18 **A. I would say it's the same.**

19 Q. Is that -- In your opinion, is that good, bad,
20 indifferent?

21 **A. I would call it poor.**

22 Q. Do you think Mr. Blevins can do better?

23 **A. I do.**

24 Q. Do you think he would do better?

25 **A. I don't know.**

1 MS. KERR: May I approach?

2 JUDGE CLARK: Yes.

3 BY MS. KERR:

4 Q. Hand you what's been marked Exhibit 6. Do you
5 recognize that?

6 **A. I do.**

7 Q. And what is that exhibit? What is that
8 document?

9 **A. This is a PSC Staff Memorandum.**

10 Q. And was that document prepared by you in the
11 normal and ordinary course of your business as a data
12 analyst with the Missouri PSC?

13 **A. Yes.**

14 Q. It's kept in your files in the normal and
15 ordinary course of business as a data analyst?

16 **A. Yes.**

17 Q. And it's information made at or near the time
18 of the acts or events described in the document?

19 **A. Yes.**

20 Q. What's in that document?

21 **A. PSC Staff's recommendation.**

22 Q. Recommendation for?

23 **A. To not grant Mr. Blevins with a CCN.**

24 Q. Was this also what was filed with the petition
25 for interim receivership?

1 **A. Yes.**

2 Q. And so does this document basically describe
3 what you have testified to here today?

4 **A. Yes.**

5 Q. This includes your findings of your
6 investigation and your recommendations?

7 **A. Yes.**

8 Q. And explains your conclusions and reasonings
9 for that?

10 **A. It does.**

11 MS. KERR: I'll ask that Exhibit 6 be entered
12 into evidence.

13 JUDGE CLARK: Mr. Blevins, do you have any
14 objection to admitting Exhibit 6 which is Staff's
15 Memorandum from the CCN case, Case No. WA-2023-0418?

16 MR. BLEVINS: No objection.

17 JUDGE CLARK: Staff's Exhibit 6 is admitted
18 onto the hearing record.

19 (STAFF'S EXHIBIT 6 WAS RECEIVED ONTO THE
20 HEARING RECORD AND MADE A PART OF THIS RECORD.)

21 BY MS. KERR:

22 Q. It's also attached to the Petition in this
23 case. So would you say that Mr. Blevins is providing
24 safe and adequate water service to the residents of the
25 systems that he operates?

1 **A. No.**

2 Q. How safe do you think the water is for the
3 residents that use the water provided by his systems?

4 **A. Depends on the location. For some, unsafe.**

5 Q. Are some of them safe do you think?

6 **A. I don't know.**

7 Q. Does Staff think that Mr. Blevins can continue
8 to operate Misty Water Works successfully?

9 **A. No.**

10 Q. Do you think he can do that in a safe and
11 adequate manner?

12 **A. No.**

13 Q. And why not?

14 **A. Mr. Blevins' practices to this point have not
15 been safe and adequate.**

16 Q. Can you explain what it means to be operating
17 an authorized water utility for PSC purposes?

18 **A. That you are regulated by the PSC.**

19 Q. And are the systems he's operating, would they
20 -- strike that. Is Staff contending that the systems
21 that Mr. Blevins is operating, are they subject to PSC
22 regulations?

23 **A. Yes.**

24 Q. So why does Staff -- Does Staff think a
25 receiver should be appointed in this case?

1 guess. And I see where you have provided I guess a (name
2 deleted) complaint.

3 JUDGE CLARK: Can we strike that name. Brian,
4 will you be sure that that name is struck from the
5 recording.

6 Mr. Blevins, the Commission is not allowed to
7 release customer specific information. I'm going to ask
8 -- you can certainly ask. I'd ask that you refer to it
9 by complaint inquiry number at the top or by the page of
10 these one, two, three, four, five, six, seven pages. So
11 if you can do that, please do not mention a customer's
12 name again.

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

14 BY MR. BLEVINS:

15 Q. Complaint inquiry number C202300642. In your
16 complaint inquiry, you said increased the cost of water
17 pretty dramatically to the residents. Routing to our
18 Water/Sewer Department. I guess we'll go back to this
19 magic word of billing. Do you have a document that shows
20 a billing for this particular complaint?

21 **A. The customer provided us with the documents**
22 **that he received.**

23 Q. What document is that? I don't see one.

24 **A. It's not included in this exhibit.**

25 Q. Not included. Okay. In this same complaint

1 was there any mention that this -- that there was a past
2 due account?

3 **A. In this particular complaint?**

4 Q. In that complaint, yes, sir.

5 **A. No.**

6 Q. No. In your investigation, who else did you
7 talk to about that particular complaint?

8 **A. Could you repeat the question, please.**

9 Q. Who else did you talk to in your investigation
10 about that particular complaint?

11 **A. About the complaint from this customer?**

12 Q. Yes.

13 **A. I spoke with this customer and the neighboring
14 customers that are fed by the same water supply.**

15 Q. Did you ask them a question about mostly just
16 increased payment or increased charge? Did you ask them
17 how they were charged?

18 **A. I did.**

19 Q. How were they charged then?

20 **A. A flat rate in addition to increases if they
21 owned pools or livestock.**

22 Q. I believe in this particular well and in
23 providing safe water that you do not water livestock; is
24 that correct?

25 MS. KERR: Objection, relevance.

1 JUDGE CLARK: Your objection is overruled.
2 Your question is that -- Would you restate your question.
3 Is your question is the water used to water livestock or
4 is the question whether or not he knows whether livestock
5 is watered?

6 MR. BLEVINS: Well, that is part of the
7 investigation, sir. I'm trying to ask how exactly they
8 do an investigation or is it a one-sided transaction with
9 the complainant?

10 JUDGE CLARK: I understand that. I'm going to
11 allow you to ask your question in regard to livestock.
12 I'm just wondering if you can clarify the question.

13 BY MR. BLEVINS:

14 Q. Yes, livestock. You mentioned that there was
15 charges for livestock; is that correct?

16 **A. Based on bills that I saw, yes, sir.**

17 Q. What bill did you see that charged livestock or
18 -- It's to my understanding that a water well would not
19 be used, drinking water well would not be used to water
20 livestock; is that correct?

21 **A. That would be up to the customer.**

22 Q. That would not be very safe in my opinion.
23 I'll just go by that. In complainant number C202300644,
24 in your investigation who did you talk to about that
25 particular complaint?

1 MS. KERR: Judge, I'm going to object to going
2 through every single one of these complaints. It's not
3 relevant to this case.

4 JUDGE CLARK: Why is it not relevant to this
5 case? You introduced these for a reason. Why shouldn't
6 he be able to ask questions about them?

7 MS. KERR: I introduced them as notice that
8 that's when the investigation started. These complaints
9 notified Staff that there was a problem and that's what
10 started the investigation.

11 JUDGE CLARK: That may have been your reason
12 for introducing it, but Mr. Blevins may have a different
13 reason he wants to offer it -- or he wants to ask
14 questions about it. I'm going to go ahead and let him
15 ask questions about it. So the objection is overruled.

16 MR. BLEVINS: Thank you.

17 BY MR. BLEVINS:

18 Q. My question again, Mr. Stamp, was who else did
19 you talk to about this complaint, your investigation
20 process?

21 JUDGE CLARK: Mr. Blevins, I'm not sure, when
22 you say "investigation process," I'm not sure what you
23 mean. Do you just want to know who else he talked to
24 during his investigation?

25 MR. BLEVINS: Yes, I do.

1 BY MR. BLEVINS:

2 Q. I would like to know how far did you carry your
3 investigation or did you just take the word of someone
4 telling you something?

5 A. Each of the customers in these complaints here
6 have called the PSC. I have personally visited and
7 spoken face to face with several of them.

8 Q. Several. How many? Did you say several?

9 A. 30 percent.

10 Q. Okay. In that same complaint inquiry for a
11 complainant, did you determine that the customer was two
12 years past due in his -- in their rent, or not rent, but
13 water usage or payment for water usage?

14 A. No, sir. But the customers were concerned that
15 you had supposedly bought the wells and raised the rates,
16 and they were unsure if you actually now owned the wells.

17 Q. Well, okay. In complaint number C202300645,
18 the complaint, again about the same complaint, did you
19 talk to anyone else about that particular case or
20 complaint?

21 A. The complaints we see here all come from
22 neighboring houses, and I spoke to several.

23 Q. This particular one right here, did you talk
24 with anyone else?

25 A. Could you be more specific.

1 JUDGE CLARK: What do you mean anyone else,
2 Mr. Blevins?

3 MR. BLEVINS: Well, I was trying to be more
4 specific for Mr. Stamp as to who he talked to.

5 JUDGE CLARK: Again, I don't want to say names
6 of customers here. Can we strike that from the
7 transcript and, Brian, would you see that that is taken
8 out of the recording. I'm going to caution you again
9 about using customer names or we're going to have to
10 severely limit your ability to question in regard to
11 those.

12 MR. BLEVINS: Okay.

13 JUDGE CLARK: When you say talk to other
14 people, do you mean talk to the person who made the
15 complaint or talk to other residents about that person's
16 complaint? I think that's the clarity that's being
17 requested.

18 MR. BLEVINS: Other residents.

19 **THE WITNESS: Okay.**

20 BY MR. BLEVINS:

21 Q. Did you talk with the owner of the well?

22 **A. It's unclear who owns the well.**

23 Q. Okay. Did you talk with the previous owner of
24 the well?

25 **A. No.**

1 Q. Okay. Was there a date that this all started,
2 this complaint? When did the new owners take over this
3 well from, do you have a date?

4 **A. I don't know.**

5 Q. You don't know. Okay. In a complaint
6 C202300646, in your investigation did you determine that
7 that complainant was \$960 past due on paying water to
8 whoever owned the well?

9 **A. No.**

10 Q. In complaint inquiry C202300647, again, I guess
11 the complaint would be then that an increase in the
12 amount of the charge for water. Again, did you determine
13 that the past due amount was over two years old that
14 never been paid for two years, the water? Did you
15 determine that in your investigation?

16 **A. No.**

17 Q. In complaint C202300649, it says that property
18 owners were sent notices threatening to disconnect their
19 well service if they don't agree to a new contract that
20 includes rate increases of up to 15 percent per quarter.
21 Do you have that document?

22 **A. I've seen the document.**

23 Q. Pardon?

24 **A. The customers gave me the documents.**

25 Q. Do you have the document that threatens them to

1 disconnect their service? Do you have that document that
2 I didn't see it in here.

3 **A. Currently, no.**

4 Q. Did you see a document?

5 **A. Yes.**

6 Q. Did you provide that particular document with
7 the owners of the well at that time in your
8 investigation?

9 **A. Could you repeat the question, please.**

10 Q. In your investigation, did you share that
11 information with whoever owned the well at that time or
12 whoever was sending this threatening letter of sorts that
13 you alluded to on that -- from that case file or this
14 complaint?

15 **A. I'm afraid I don't understand what you're
16 asking me.**

17 JUDGE CLARK: He's asking you if you shared --
18 You had indicated that you saw the document threatening
19 to disconnect the customers, correct?

20 **THE WITNESS: Yes, sir.**

21 JUDGE CLARK: He's asking if you shared that
22 document with the well owner.

23 **THE WITNESS: It's difficult to know for sure
24 who owns the well.**

25 JUDGE CLARK: Is that a no? Mr. Blevins, I'm

1 asking a question. Is that a no?

2 **THE WITNESS: No.**

3 JUDGE CLARK: Go on, Mr. Blevins.

4 MR. BLEVINS: Okay. Thank you.

5 BY MR. BLEVINS:

6 Q. On complaint C202300657, it says here that the
7 complaint is the same area as the Rowden Lane,
8 Waynesville, residents whose wells were sold, who is now
9 threatening disconnection if the residents don't pay
10 drastically higher rates for water. I think you say this
11 is related together. How far away is Topo Drive from the
12 Rowden property?

13 JUDGE CLARK: Again, Mr. Blevins, I'm going to
14 ask you -- you keep using -- well, this is a --

15 MR. BLEVINS: Rowden Street.

16 JUDGE CLARK: I understand. I'm looking at it.
17 No, I think you're fine. Go ahead.

18 BY MR. BLEVINS:

19 Q. Rowden Lane and Topo Drive, how far apart are
20 those properties?

21 **A. I'm not sure.**

22 Q. Would you say they're five miles or down the
23 block or 20 miles? In your investigation you have a
24 complaint here. I'm trying to determine how you really
25 investigated things that are put on this piece of paper

1 or on this exhibit.

2 JUDGE CLARK: Mr. Blevins, will you give him a
3 moment to answer the question. You had given him a
4 number of options as to how far apart these two
5 properties were but you haven't let him answer yet.

6 MR. BLEVINS: Okay, sorry.

7 **THE WITNESS: Closer to 20 than 5.**

8 BY MR. BLEVINS:

9 Q. In your investigation, would you say that
10 they're not really related then or together?

11 **A. Both have a common owner.**

12 Q. Who is the owner?

13 **A. And water provider.**

14 Q. Who is the owner -- disregard that question. I
15 don't want you to mention the name, I guess. Again, it's
16 threatening disconnection if the residents don't pay
17 drastically higher rates for water. Do you have that
18 particular document? How was that threatened in your
19 investigation? Is that a threat? I mean, was that in
20 writing?

21 **A. Could you clarify, please.**

22 Q. Well, I'm trying to clarify. It says here is
23 now threatening disconnection if the residents don't pay
24 drastically higher rates for water. What document shows
25 that threatening? How did you determine the threatening?

1 In your investigation, I'm just trying to find out about
2 your investigation, how you did that and what are you
3 sharing with anyone else? Was this shared maybe with the
4 owner?

5 JUDGE CLARK: I'm not seeing a question at this
6 point. You seem to be engaging in a narrative. Let's
7 cut back to the question and see if he can clarify that.

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

9 JUDGE CLARK: Is your question how did you
10 determine that?

11 BY MR. BLEVINS:

12 Q. How did you determine that threat of
13 disconnection?

14 **A. Based on what customers have told us.**

15 Q. No other documents then? In your
16 investigation, no further documents? Just what they told
17 you; is that correct or not?

18 MS. ASLIN: Judge Clark, could I, before we
19 continue, just clarify maybe for Mr. Blevins the nature
20 of this exhibit. I think these are mostly, and Mr. Stamp
21 can correct me if I'm wrong, but these are mostly notes
22 taken based off of phone calls, communications that he
23 had with customers and not -- I wouldn't say that they're
24 so much of a report of an investigation.

25 **THE WITNESS: That's correct.**

1 JUDGE CLARK: That may be correct, but these
2 complaint inquiry descriptions say such things as that
3 they're now threatening disconnection if the residents
4 don't pay drastically higher rates. I believe he's
5 perfectly entitled to inquire whether or not your witness
6 saw actual documentation of that or whether he was told
7 that. I think that that's a valid question. So I'll
8 allow Mr. Blevins to ask that question.

9 BY MR. BLEVINS:

10 Q. Did you see those documents, those threatening
11 documents?

12 **A. I've seen documents that terminate the**
13 **customers' rights.**

14 JUDGE CLARK: I don't think that answered the
15 question. I guess the question, as I understand it, is
16 in regard to this particular complaint, is that
17 information about threatening disconnection, was that
18 reported to you or did you see, did you see actual
19 evidence of that?

20 **THE WITNESS: Reported.**

21 JUDGE CLARK: Thank you.

22 BY MR. BLEVINS:

23 Q. To your knowledge and investigation, was there
24 any water turned off, disconnected based on those
25 threatening?

1 JUDGE CLARK: When you can see he's thinking
2 about answering a question, please let him answer the
3 question before you continue.

4 MR. BLEVINS: Thank you.

5 **THE WITNESS: No.**

6 BY MR. BLEVINS:

7 Q. Okay. I think I'll go to No. 2 at the present
8 time.

9 JUDGE CLARK: Do you mean Exhibit 2?

10 MR. BLEVINS: Exhibit 2.

11 BY MR. BLEVINS:

12 Q. It says link consumer comments. I guess
13 there's -- How did you investigate this particular, I
14 don't know, a complaint? It's a link complaint I guess.

15 JUDGE CLARK: These appear to be comments.

16 MR. BLEVINS: Appears to be, yes, sir.

17 BY MR. BLEVINS:

18 Q. Did you discuss these comments with --

19 JUDGE CLARK: Don't say a name.

20 MR. BLEVINS: Right.

21 JUDGE CLARK: With the customer.

22 BY MR. BLEVINS:

23 Q. -- with the customer?

24 **A. This particular customer?**

25 Q. Well, it looks like there may be two or three

1 different customers, two different. This one is on the
2 first page there. It says see attachments.

3 **A. I have not spoken to this particular customer.**

4 Q. Okay. How did you obtain this then in your
5 investigation?

6 **A. These are public comments provided to the PSC
7 from the customers.**

8 Q. And in your investigation, do you know why it
9 was prompted to you that way?

10 JUDGE CLARK: Can you clarify that? I don't
11 think I understand the question.

12 BY MR. BLEVINS:

13 Q. I guess the question would be what prompted
14 this to be part of your investigation and you had no
15 discussion with the customer?

16 **A. The PSC takes public comments from customers.**

17 Q. You don't question that back at all in your
18 investigation?

19 **A. Could you clarify, sir, please?**

20 Q. Do you question the comments back to the
21 customer when you receive these?

22 **A. Do we question the comments?**

23 Q. Yes.

24 JUDGE CLARK: When you receive a comment, do
25 you follow up on the comments to obtain further

1 information in regard to the comment?

2 **THE WITNESS: Generally, yes.**

3 BY MR. BLEVINS:

4 Q. Did you converse with this customer?

5 **A. With this particular customer?**

6 Q. Yes.

7 **A. No, sir.**

8 Q. Did you converse with the owner of the water
9 well about this particular situation, this comment?

10 **A. I was unable to determine who owns the water**
11 **well.**

12 Q. On the second page. I don't see a number.
13 Consumer comment P202302172. Consumer comment there, did
14 you converse -- how did you receive that particular
15 comment?

16 **A. Customers can make comments to the PSC.**

17 Q. What prompted that in your own investigation
18 process?

19 **A. This customer was not satisfied with their**
20 **service.**

21 MS. KERR: Judge, if I could just clarify.
22 These were comments that were just submitted on the
23 public comment form by customers in the complaint case.
24 These weren't complaints filed specifically with the PSC
25 Staff. I don't know if that --

1 JUDGE CLARK: You're telling me that these are
2 comments made through the website?

3 MS. KERR: Correct.

4 JUDGE CLARK: They were offered as part of your
5 witness's testimony. He's entitled to follow up as to
6 whether anything was done with them.

7 MS. KERR: Correct, I'm not --

8 JUDGE CLARK: Which, I believe, is what you're
9 doing. Were you just offering that for clarity?

10 MS. KERR: Yes.

11 JUDGE CLARK: Thank you very much. I
12 appreciate that. I'm sorry. I mistook that for an
13 objection.

14 MS. KERR: NO.

15 BY MR. BLEVINS:

16 Q. In your investigation of that, did you talk
17 with any other party, the owner of the well or any more
18 conversation with this party?

19 **A. I've spoken to several customers. I've also**
20 **spoken with you who claimed to provide water service. I**
21 **have not been able to --**

22 Q. About this customer right here, about this?

23 **A. About that particular customer?**

24 Q. About this comment right there on that page?

25 **A. Spoken with you?**

1 Q. Yes. Did you speak with me?

2 **A. With that particular customer, no.**

3 Q. Thank you. The next page I don't see numbers.

4 JUDGE CLARK: We're talking about this was an
5 email to counsel, is that correct, to Ms. Kerr?

6 MR. BLEVINS: Yes, I guess so. That's the page
7 at the top there.

8 JUDGE CLARK: That was set for identification
9 purposes so you may ask about it.

10 MS. KERR: This was also on the -- All three of
11 these were on the public comments on the website.

12 MR. BLEVINS: Well, the information received.

13 JUDGE CLARK: Wait a second. I can see the
14 ones that are made. Was this an attachment? I can see
15 the ones that are comments. I can see that this is an
16 email where it appears they emailed their comment
17 directly to you; is that correct?

18 MS. KERR: Yes, but that email was attached to
19 a comment that was filed on the website. If you go on
20 the website, that's what it prints up as.

21 JUDGE CLARK: That's just another submitted
22 comment?

23 MS. KERR: Right, right. I circled the three
24 customer consumer comments and those were attached to
25 them.

1 JUDGE CLARK: These were attached to them.

2 Okay.

3 MS. KERR: The first page is the table of
4 contents, the cover page.

5 JUDGE CLARK: I found it. Mr. Blevins, the
6 longer ones appear to be comments that were attached to
7 the individual consumer comments that were submitted
8 through the website.

9 MS. KERR: Correct.

10 BY MR. BLEVINS:

11 Q. My question would be attached to those consumer
12 comments, then what did you do to investigate that? You
13 submitted it for evidence of some sort. How did you
14 investigate that particular -- these comments that were
15 received then?

16 **A. I spoke with customers.**

17 Q. Did you speak with the owner? Did you speak
18 with the owner or myself, for example, I guess?

19 **A. The owner of?**

20 Q. The water wells is what they're talking about
21 here. This is on the Corvair.

22 **A. It's been difficult to tell for sure who owns**
23 **the wells. I've spoken to you about your relationship**
24 **with customers.**

25 Q. Did you speak with me about this particular

1 situation, this comment? I don't recall that at all.

2 **A. With that customer.**

3 Q. Did you speak with me about this?

4 **A. With this particular customer?**

5 Q. Yes.

6 **A. No, sir.**

7 Q. Okay. Wouldn't you think to investigate
8 something thoroughly that you would indulge to talk with
9 other people besides just maybe the complainant to
10 validate maybe what's being said in these comments or not
11 validate it?

12 **A. I don't know.**

13 Q. You don't know. Okay. In this particular
14 comment it said that --

15 JUDGE CLARK: Would you identify the comment
16 for me?

17 MR. BLEVINS: The one that has the email
18 Carolyn Kerr at the top.

19 JUDGE CLARK: Thank you.

20 BY MR. BLEVINS:

21 Q. It indicated here that experienced water
22 outages of seven to ten days without water. Was that
23 confirmed maybe or not confirmed in your investigation?

24 **A. This is based on what customers have told the**
25 **PSC.**

1 Q. Do you believe everything that customers tell
2 you without investigating it?

3 **A. No.**

4 Q. How did you investigate this then, Mr. Stamp?

5 **A. There have been an abundance of customer
6 complaints from your customers and I've investigated a
7 pretty high volume of them.**

8 Q. High volume. How many?

9 **A. Like how many of your customers have I spoken
10 to?**

11 Q. You just said that you had a high volume of
12 customers complaining about me I guess; is that right?

13 **A. Yes, sir.**

14 Q. How many is abundance?

15 **A. Between 30 and 40 maybe.**

16 Q. If you had that many, would you have contacted
17 me, for example, and talked with me about those 30 or 40
18 complaints that you allude to there?

19 **A. We met with you, Mr. Blevins.**

20 Q. Did we talk about 30 or 40 complaints?

21 **A. We spoke about them as a larger issue.**

22 Q. What is a larger issue?

23 **A. The high amount of complaints that we were
24 receiving from your customers.**

25 Q. Have you provided those complaints in writing

1 somewhere?

2 **A. I'm afraid I don't understand the question,**
3 **sir.**

4 Q. You said you had 30 or 40 complaints. Did you
5 provide those 30 or 40 complaints to me in writing or in
6 a form so I could retort to it or answer to it or see
7 what the complaint really was? Did you do that?

8 **A. They're available for public viewing.**

9 Q. Do you have them?

10 **A. We have some here.**

11 Q. You have 30 or 40 complaints there?

12 **A. In front of me?**

13 Q. Yes.

14 **A. No, sir. That was including the phone calls**
15 **I've gotten, the discussions I've had with customers at**
16 **hearings, face-to-face visits at their houses.**

17 Q. But in your investigation, how far did you
18 investigate those complaints then? Maybe that's what I'm
19 asking you or can you answer that question? How far did
20 you investigate to find out if those 30 or 40 complaints
21 that you're now referring to was valid or invalid?

22 **A. I spoke with customers and visited sites**
23 **myself.**

24 Q. Well, in reference to customer comment
25 P202302151, again, that's just a customer comment, how

1 did you investigate that since it's been provided here
2 and seems to have some value? How did you investigate
3 that in I guess the next page it's part of that; is that
4 correct?

5 MS. KERR: Yes.

6 JUDGE CLARK: Please let the witness answer the
7 question.

8 **THE WITNESS: Could you repeat the number,
9 please, which one you're referring to.**

10 BY MR. BLEVINS:

11 Q. It's P202302151.

12 **A. Okay.**

13 Q. How did you investigate that comment along with
14 apparently a letter that was I guess provided by the
15 customer?

16 **A. I have not spoken to this particular customer.
17 It's consistent with the same complaints that we received
18 from multiple customers.**

19 Q. So this is entered as evidentiary to what
20 you're providing, you're believing what they say? How
21 did you investigate if you didn't speak to them at all?

22 **A. I've spoke with several customers and yourself.**

23 Q. Did you speak with this customer?

24 **A. This particular customer?**

25 Q. Yes. Did you speak with this particular

1 customer?

2 **A. No.**

3 Q. Okay. Do you think maybe you should have? Is
4 there a reason why you didn't?

5 **A. That complaint is very consistent with a lot of**
6 **the complaints that we received from your customers.**

7 Q. A lot of these complaints. I've yet to see a
8 lot of these complaints. Are there more than what we're
9 looking at right now?

10 **A. Yes.**

11 Q. Can you provide them? I've not been provided
12 with them.

13 **A. At this moment, no.**

14 Q. How about in the past? They have not been
15 provided in the past that I'm aware of. You apparently
16 put this in these exhibits here to be considered. I'm
17 just trying to determine just how well did you do your
18 investigation?

19 JUDGE CLARK: Is there a question somewhere in
20 there?

21 BY MR. BLEVINS:

22 Q. Well, I guess the question would be what did
23 you investigate to be able to put this document here as
24 evidence?

25 MS. KERR: It's been asked and answered, and

1 the evidence has been entered into evidence.

2 JUDGE CLARK: I was actually just going to get
3 to that. Mr. Blevins, we're kind of hitting you seem to
4 be -- we seem to be asking the same question of each of
5 these comments. If that's what we're getting to.
6 Mr. Stamp --

7 **THE WITNESS: Yes, sir.**

8 JUDGE CLARK: -- in regard to the comments made
9 through the website in regard to these comments, did you
10 personally talk to any of these customers in Exhibit 2?

11 **THE WITNESS: Personally myself with these**
12 **particular customers, no, sir.**

13 JUDGE CLARK: I think that follows up with what
14 you were saying. I think you've established what you
15 wanted to establish in regard to this exhibit. I'll also
16 remind you that this exhibit was offered and you had
17 every opportunity to object to it and you chose not to.
18 So it was admitted on the hearing record. You're
19 absolutely allowed to do that. You're absolutely allowed
20 to ask questions about it such as you did that go to
21 weight and veracity. But again, you did not object.

22 MR. BLEVINS: No, sir, I didn't object.

23 BY MR. BLEVINS:

24 Q. Okay. I guess Exhibit No. 3 it's a photo.
25 Taking another well in the system that's similar to this

1 --

2 JUDGE CLARK: Say that again.

3 BY MR. BLEVINS:

4 Q. Taking another well that might be similar to
5 this, does this measure up to another well maybe in the
6 -- with your knowledge and the investigation of different
7 wells like the wiring that's put in there by a well
8 certified individual?

9 JUDGE CLARK: I don't understand the question.

10 MR. BLEVINS: Was that you? I'm sorry. Who
11 said that?

12 JUDGE CLARK: Me. I'm not sure what you're
13 asking. You said is this comparable to other wells. Is
14 that the question?

15 MR. BLEVINS: Yes. Is this comparable to any
16 other well that --

17 JUDGE CLARK: Wells you own or wells that they
18 investigated or wells in systems across Missouri?

19 MR. BLEVINS: This is in reference -- My
20 question is in reference to your investigation. You took
21 pictures or provided this picture which has been in there
22 for about 20 years that way. Does that meet with the
23 normal or abnormal? Is that normal well?

24 **THE WITNESS: I think that would be a matter of**
25 **opinion, sir.**

1 BY MR. BLEVINS:

2 Q. Your opinion then. Okay. All right. Okay.
3 I'll go to No. 4, please, Exhibit No. 4. Let me look at
4 it a second, please. Have you been to this well in
5 Exhibit No. 4?

6 **A. Yes.**

7 Q. Did you see a door on the well?

8 **A. Did I see a door on the well?**

9 Q. Did you see a door on the well? You indicated
10 that the wellhouse was left open or open or didn't have a
11 door. Did you see a door there?

12 **A. When I visited the well, the door was closed.**

13 Q. The door was closed. Okay. Can you tell me
14 why the comment, one of the comments that I remember here
15 is that there was no door or the door was open. It's
16 open when you took the picture. You didn't take these
17 pictures though, did you?

18 **A. No, sir.**

19 Q. Okay.

20 JUDGE CLARK: Just to clarify, you did visit
21 this well and there was a door on it when you visited?

22 **THE WITNESS: That's correct.**

23 BY MR. BLEVINS:

24 Q. It says here that the wellhouse is in disrepair
25 and the door has been off for months. Did you

1 investigate that, that the door had been off for months?

2 **A. No, sir. That is a claim made by a customer.**

3 Q. Thank you. Okay. I'd like to go to Exhibit
4 No. 5, please. It's a document that says Dear Water
5 Customer. How did you determine this? Did you determine
6 this to be a billing or what did you determine that
7 document really was in your investigation?

8 **A. It appears to be a water bill.**

9 Q. Appears to be a water bill. When I look at the
10 document, I know the document because I signed it. It's
11 not a water billing.

12 JUDGE CLARK: Mr. Blevins, you'll have an
13 opportunity to testify. Right now I'm going to ask you
14 to limit yourself to asking questions rather than
15 providing your own testimony about exhibits.

16 MR. BLEVINS: I'm sorry. Thank you.

17 BY MR. BLEVINS:

18 Q. These documents, Mr. Stamp, do you consider all
19 of them billings in your investigation? What did you
20 consider those documents to be?

21 **A. No, sir, they're various documents in here.**

22 Q. How about the document from starts out as of
23 September of this year 2022? What do you consider that
24 document in your investigation?

25 **A. I believe this is a notice to customers of the**

1 **systems that have been enrolled in DNR's PWS system that**
2 **they are now on such.**

3 Q. Did you find that to be a derogatory document
4 or an informative document?

5 JUDGE CLARK: What do you mean derogatory
6 document?

7 MR. BLEVINS: Something that's bad maybe. I
8 don't know. These documents are in these exhibits.

9 JUDGE CLARK: I understand. I'm thinking of
10 what you're saying. I'm thinking it probably ought to be
11 two questions. Why don't we start with what is this
12 document, which I believe he's answered.

13 MR. BLEVINS: What do you consider this --

14 JUDGE CLARK: And does he have an opinion of
15 this document. He may or may not have one.

16 BY MR. BLEVINS:

17 Q. What is your opinion of that document, this
18 document?

19 **A. I do not have an opinion of it. However, I've**
20 **had a chance to read through it. I flipped over to the**
21 **other side here. It also appears that because they're**
22 **going to be enrolled in the DNR system that you will now**
23 **need to increase rates to those customers.**

24 Q. Would you consider that a billing then in your
25 investigation or not a billing, just information?

1 **A. I guess I would call it a notice followed by a**
2 **rate increase.**

3 Q. Okay. The next document it says Agreement to
4 Furnish Water. Can you tell me what your investigation
5 tells you what that document really means in your
6 investigation?

7 **A. Yes, sir. That you will be charging this**
8 **customer for water service.**

9 Q. The amount that's being charged on this here as
10 you say in your investigation, is that in excess of some
11 other charge or not?

12 JUDGE CLARK: What do you mean in excess of
13 some other charge?

14 BY MR. BLEVINS:

15 Q. I guess my question redone would be is the \$55
16 per month fee, a flat rate fee, is it excess of the cost
17 or expenses?

18 **A. I do not have access to that information, your**
19 **expenses.**

20 Q. Have you ever seen an agreement like that where
21 basically it says that somebody provides water and the
22 other party pays for the water at that particular rate?
23 Have you ever seen any other documents like that anywhere
24 else in your investigations?

25 **A. It appears to be a water bill.**

1 Q. You consider that a water billing?

2 **A. Yes.**

3 Q. In the next item I would have maybe a question
4 about it. Let me identify it. It's dated January 9,
5 2023, which is a notice to a customer. In your
6 investigation, what did you determine that document to
7 be?

8 **A. Sir, could you be more specific which document**
9 **this is?**

10 Q. It's the one document dated January 9, 2023.

11 JUDGE CLARK: What's it say at the top?

12 MR. BLEVINS: It has my name at the top, Travis
13 Blevins.

14 **THE WITNESS: Okay. I have one from December.**

15 MR. BLEVINS: Can I give him the address?

16 JUDGE CLARK: No. Are you talking about the
17 notice of change?

18 MR. BLEVINS: No, sir.

19 JUDGE CLARK: Which one are you talking about?
20 Here's the documents that I've got. Let's start from the
21 back because we're closer to that. I've got one that
22 says at the top two occupant owner.

23 MS. KERR: I believe it's the one right before
24 that.

25 JUDGE CLARK: Okay. It's very difficult to

1 read your name at the top. Do you have the document in
2 front of you now?

3 **THE WITNESS: Yes, sir.**

4 MR. BLEVINS: The one dated January 9, 2023?

5 JUDGE CLARK: Yes.

6 **THE WITNESS: I do, yes.**

7 BY MR. BLEVINS:

8 Q. What did you consider that document to be in
9 your investigation?

10 **A. It's difficult to read, but it appears to be a**
11 **past due bill notice.**

12 Q. It's a notice. Okay. Do you consider that
13 being a threat?

14 **A. I consider it a notice of the customer having**
15 **not paid you for water service.**

16 Q. Okay. Thank you. The next document is to the
17 occupant owner in reference water wells transfer. Can
18 you tell me in your investigation what you consider that
19 document to be?

20 **A. Yes. This is a notice to customers that you,**
21 **Mr. Blevins, will now be providing water service because**
22 **you apparently now own the wells that provide their**
23 **service.**

24 Q. Okay. Go to Exhibit No. 6, please. There's
25 just a lot of stuff on this or a lot of comments, et

1 cetera. It's difficult at best to probably even
2 interpret from my viewpoint what's really here,
3 Mr. Stamp. But some of the -- Some of the items on it
4 here, if we can go back to listings on page number --
5 well, I guess the second page or the third page actually.
6 It shows the well, the connections, location, DNR, PWS
7 and the well owners. And specifically did you
8 investigate and write those, put those together?

9 **A. Yes.**

10 Q. Okay. Where it says MW21, you show the owner
11 there. On MW22, 23 and 24 you show a different owner.
12 Did you look at the deed?

13 **A. I searched Pulaski County property records.**

14 Q. And what date was that? Do you remember?

15 **A. I searched on a near weekly basis for almost a**
16 **year now.**

17 Q. Have you determined any transfers of deeds?

18 **A. Yes.**

19 Q. And what was the transfer dates specifically
20 for the MW22, 23 and 24, for example?

21 **A. There was no transfer. They appear as under**
22 **the old owner.**

23 Q. How many different -- In your investigations
24 that you do for ownership, how many different type of
25 documents do you ever see in your investigations as far

1 as ownership or control of that nature, possession? Am I
2 making my question clear or not?

3 **A. Could you clarify, please.**

4 Q. Yes. Do you think a contract of sale would be
5 an ownership document?

6 **A. Not necessarily.**

7 Q. What would you call it then? What would you
8 determine it to be if you had a contract for sale?

9 **A. I would refer to it as a contract for sale.**

10 Q. Ownership?

11 **A. Not necessarily.**

12 Q. Is it a recorded document or a not recorded?
13 Would you consider that an ownership? Is that a
14 determining factor in your investigation as what
15 ownership is?

16 MS. KERR: Objection. He's asking him to make
17 a legal determination.

18 JUDGE CLARK: As to ownership?

19 MS. KERR: As to what the document, what the
20 legal determination of the document is, what the legal
21 function of that document is.

22 MR. BLEVINS: Do I need to rephrase that?

23 JUDGE CLARK: Hold on just a second,
24 Mr. Blevins. You're asking him whether that document
25 implies ownership?

1 MR. BLEVINS: Yes. In his investigation.

2 JUDGE CLARK: I'm going to overrule the
3 objection. You can answer, if you know.

4 **THE WITNESS: I don't know.**

5 BY MR. BLEVINS:

6 Q. Did you try to investigate any further other
7 than the courthouse, for example, when you say you
8 checked the county records? Did you try to investigate
9 anything else for ownership or did you just let it go at
10 that?

11 **A. I investigated Pulaski County records.**

12 Q. Just the records. In order to do that, it has
13 to be recorded; is that correct?

14 JUDGE CLARK: In order to do what?

15 MR. BLEVINS: Pardon, sir?

16 JUDGE CLARK: You said in order to do that. In
17 order to do what?

18 MR. BLEVINS: To check the ownership at the
19 county. If you're going to check the ownership only at
20 the county, there are other forms of ownership, but you
21 did not investigate that; is that correct or not correct?
22 Did you do any other investigations besides just the
23 courthouse per records that have been recorded like a
24 deed, a fee simple deed? Did you do any other type of
25 investigation?

1 JUDGE CLARK: You've asked the question a
2 number of times. Please let him answer the question
3 instead of asking it a number of different ways.

4 **THE WITNESS: I investigated Pulaski County**
5 **property records and requested records from you.**

6 BY MR. BLEVINS:

7 Q. I think it was mentioned during the time of
8 this particular exhibit about the lack of inconsistency.

9 MS. KERR: Which exhibit are we talking about?

10 MR. BLEVINS: Exhibit No. 6.

11 MS. KERR: Okay. Thank you.

12 BY MR. BLEVINS:

13 Q. Lack of inconsistency. Could you explain what
14 you really mean about that during this memorandum that's
15 Exhibit 6?

16 **A. Could you clarify the question, sir?**

17 Q. Well, lack of inconsistency as to maybe my
18 service. Is that what this refers to?

19 **A. A lack of inconsistency.**

20 Q. Yes. What do you mean by inconsistency? Of
21 what?

22 **A. I think you're referring to PSC Staff's**
23 **reference to the way you bill your customers.**

24 Q. Do you have a billing document? Do you have a
25 billing document?

1 Q. I've heard Mr. Blevins say that Misty Water
2 Works is a fictitious name. And the Petition references
3 the Blevins and Misty Water Works. The Misty Water
4 Works, is that just the Blevins' or is that in some way a
5 separate entity?

6 **A. Mr. Blevins and employees.**

7 Q. What do you mean when you say employees? How
8 many employees does Mr. Blevins have, to your knowledge?

9 **A. I can't say for sure.**

10 Q. Are you aware of any employees Mr. Blevins has?

11 **A. Yes.**

12 Q. And what employee is that?

13 **A. Secretaries when I met with him at his office.**
14 **Customers also talk of several different people who do**
15 **service work on these wells.**

16 Q. So anecdotally you're familiar?

17 **A. Yes.**

18 Q. Have you met any of the employees yourself?

19 **A. A secretary.**

20 Q. Now, you indicated in your testimony that not
21 all of these systems are regulated by DNR; is that
22 correct?

23 **A. Yes, sir.**

24 Q. And currently none by the PSC?

25 **A. Correct.**

1 Q. You indicated that there were three systems
2 that DNR regulates; is that correct?

3 **A. That's correct.**

4 Q. And those would be Charity PWS, Misty Mountain
5 and Rolling Hills PWS?

6 **A. Correct.**

7 Q. Those are systems that are owned by Mr. Blevins
8 or Mr. Blevins and his wife; is that correct?

9 **A. I don't know.**

10 Q. You don't know if they own those systems?

11 **A. Correct.**

12 Q. Why do you not know if they own those systems?

13 **A. Based on my search of Pulaski County records,**
14 **it shows that there could be other owners of those wells.**

15 Q. Did you ask Mr. Blevins if he owns those
16 systems?

17 **A. I did.**

18 Q. Did Mr. Blevins indicate that he did or did
19 not?

20 **A. He's made it seem as though he does.**

21 Q. But he hasn't outright said he does?

22 **A. No.**

23 Q. To the best of your knowledge, how many wells
24 does Mr. Blevins own?

25 **A. I can confirm probably three or four based on**

1 **Pulaski County records.**

2 Q. How many times have you discussed -- Have you
3 only met with Mr. Blevins once?

4 **A. Yes.**

5 Q. What information did you request from
6 Mr. Blevins?

7 **A. Customer lists, ownership records, anything**
8 **else associated with applying for a CCN with the PSC.**

9 Q. Was Mr. Blevins forthcoming with records he
10 had?

11 **A. Yes.**

12 Q. Was Mr. Blevins cooperative?

13 **A. I would say so, yes.**

14 Q. Is the only reason that the Commission -- that
15 you're unable to answer some of these questions is
16 because the information just wasn't available?

17 **A. Yes, sir.**

18 Q. So Mr. Blevins' records were incomplete?

19 **A. Yes, sir.**

20 Q. What did Mr. Blevins show you that indicated he
21 owned wells?

22 **A. Most of my research was through Pulaski County.**
23 **Mr. Blevins did submit some various documents with his**
24 **CCN application, documents that showed maybe some**
25 **easements or there might have been a deed. There was a**

1 **deed.**

2 Q. To the best of your knowledge, how many -- To
3 the best of your knowledge, how many total connections
4 are there in the Blevins' systems?

5 **A. All systems, sir?**

6 Q. Why don't we start with that, yes.

7 **A. When my investigation started, it would have**
8 **been about 100. Currently, probably around half that.**

9 Q. Mr. Blevins had said in his opening that he had
10 sold a number of wells and was down to 65 customers. Do
11 you have reason to disagree with that?

12 **A. No, sir.**

13 Q. What exactly is Staff asking for here, and I'm
14 going to clarify that because it's just a little
15 confusing to me, is Staff, because I mean some of these
16 are regulated by DNR and some of these are not and none
17 of these are regulated by the PSC, so are you asking that
18 all of Mr. Blevins' wells be placed under receivership?

19 **A. Yes.**

20 Q. And that would be inclusive of the ones that
21 are not regulated by DNR?

22 **A. Yes.**

23 Q. Why?

24 **A. Because he is responsible for providing water**
25 **service to these people and he has not done so safe and**

1 **adequately.**

2 Q. Bear with me for just a moment. I need to
3 think for just a second. How many wells have you
4 personally visited?

5 **A. I believe 18.**

6 Q. Are you talking about 18 total in your career
7 or 18 in this case?

8 **A. Oh, in this case, Mr. Blevins' wells.**

9 Q. So you visited 18 of those wells?

10 **A. Yes, sir.**

11 Q. And of those 18 wells, how many do you believe
12 were substandard?

13 **A. Half.**

14 Q. So approximately nine wells were substandard?

15 **A. Yes.**

16 Q. Now, there was a well -- Now, these wells, they
17 serve confined areas, right?

18 **A. Yes, sir.**

19 Q. Why not just request receiverships for the nine
20 wells that are substandard?

21 **A. Because this case is not just about substandard
22 well construction. It's also about poor business
23 practice.**

24 Q. Can you elaborate?

25 **A. Yes, sir. Inconsistent billing, lack of**

1 **response when problems arise.**

2 Q. Does Mr. Blevins have a dedicated customer
3 service number?

4 **A. Yes.**

5 Q. And how is that customer service number manned?

6 **A. By himself, I believe.**

7 Q. Does that customer service number go to his
8 personal phone or to a business phone or do you know?

9 **A. I do not know.**

10 Q. You had expressed and provided a number that
11 they're billing inconsistencies between different wells.
12 What do you mean by that?

13 **A. By that I mean that customers on the same
14 system, neighbors for example, may be charged different
15 rates for the same service.**

16 Q. Within the same system?

17 **A. Correct.**

18 Q. Is that variation due only to one neighbor may
19 have a pool or livestock and the other may not?

20 **A. According to customers, no.**

21 Q. What do -- Do you know what the inconsistencies
22 are based on?

23 **A. Customers claim that it's due to whether he
24 likes you or not.**

25 Q. Now, you indicated you've spoken to 30 or 40

1 customers actually.

2 **A. Or heard from them at public hearings, yes,**
3 **sir.**

4 Q. Where you were present?

5 **A. Yes.**

6 Q. Have customers expressed to you personally that
7 they've been without water for periods of time?

8 **A. Yes, sir.**

9 Q. Now, I hear the term E. coli come up at one
10 point in the introduction to this. Are you the witness
11 for that or is that DNR?

12 **A. DNR, sir.**

13 Q. Thank you. Roughly how many customers that you
14 talked to expressed that they had outages?

15 **A. It's been a common complaint. I don't know**
16 **that I could put a number on it.**

17 Q. More than five?

18 **A. Yes.**

19 Q. Are you aware of any upgrades that Mr. Blevins
20 has made to wells?

21 **A. No.**

22 Q. Is Mr. Blevins holding himself out as a water
23 company?

24 **A. Sir, could you clarify holding himself out?**

25 Q. Is he presenting himself as a water utility?

1 **A. I believe so.**

2 Q. What makes you think that?

3 **A. The fact that he gives customers water bills.**

4 Q. Has Mr. Blevins expressed to you that there are
5 wells that he provides water to customers from but does
6 not own?

7 **A. No.**

8 Q. Now, you had indicated in your testimony that
9 Staff thinks that there are wells that he does not own
10 that he is providing water from; is that correct?

11 **A. Yes, sir.**

12 Q. What leads Staff to believe that?

13 **A. Lack of proof of ownership.**

14 Q. Have you discovered any other owners of any of
15 the wells that you investigated in this case?

16 **A. Discovered as in names?**

17 Q. Yes.

18 **A. Yes, sir.**

19 Q. Have you talked to that -- or those
20 individuals?

21 **A. No.**

22 Q. Now, you indicated that this -- I'm running --
23 My questions have some assumptions built into the
24 question. If the assumptions are wrong, let me know.

25 **A. Okay.**

1 Q. This Staff's investigation was started by a
2 contact from DNR; is that correct?

3 A. That's correct.

4 Q. What was the nature of that contact?

5 A. They were concerned that a well was
6 contaminated with bacteria and that Mr. Blevins was not
7 rectifying the issue.

8 Q. And what well was that?

9 A. That was the Topo Drive well on the Misty
10 Mountain public water system.

11 Q. And when did DNR contact the Commission?

12 A. December of 2022.

13 Q. Do you know when the first boil order was
14 placed or is that a question for DNR?

15 A. It is, but I believe it was in August of 2022.

16 Q. And I believe you said that that stayed in
17 effect for eight months until the well failed?

18 A. Yes, sir.

19 Q. When you say the well failed, what do you mean?

20 A. Structurally, specifically, sir, the pitless
21 adapter came apart.

22 THE COURT REPORTER: I'm sorry. Could you
23 repeat that answer.

24 THE WITNESS: Structurally the well itself
25 failed. The pitless adapter disconnected and came apart

1 and the well --

2 THE COURT REPORTER: I'm sorry?

3 THE WITNESS: The pitless and the well is no
4 longer usable.

5 BY JUDGE CLARK:

6 Q. I'm not a technical person so bear with me.
7 Why is that? Why can't it be used again?

8 A. The well is unable to move water into its
9 distribution system because the connection has been
10 severed.

11 Q. Now, upon being contacted by DNR where they
12 expressed concerns about the Topo well, what did Staff do
13 in regard to that contact?

14 A. Staff began to speak with customers of that
15 well.

16 Q. Did Staff speak with Mr. Blevins about
17 rectifying anything with the well?

18 A. Most of those particular interactions were
19 between Mr. Blevins and DNR.

20 Q. Is the Topo well within -- Which system is that
21 within as you're dividing them up?

22 A. That is the Misty Mountain system.

23 Q. Have you looked at wells within the Charity PWS
24 system?

25 A. I have.

1 Q. And were any of those wells substandard?

2 **A. There have also been bacteria issues in a few**
3 **of those wells.**

4 Q. What about the Rolling Hills public water?

5 **A. Other than it's likely serving more connections**
6 **than it was designed for, no specific issues.**

7 Q. Did you, and I may have asked this another way,
8 I apologize if I have, did you ever request from
9 Mr. Blevins a list of wells that he owns or partially
10 owns?

11 **A. I requested from Mr. Blevins a list of wells**
12 **that he was using to provide water service and charge for**
13 **water service.**

14 Q. So you requested a list of wells he was
15 operating?

16 **A. Correct.**

17 Q. And did he provide you with a list of wells
18 that he was operating?

19 **A. Yes, sir.**

20 Q. How many wells were on that list?

21 **A. I believe it was 19.**

22 Q. In regard to these systems, do you know like if
23 I was to ask you about the Charity public water supply or
24 the Charity system, do you know how many wells are on
25 that system?

1 **A. Yes, sir.**

2 Q. How many?

3 **A. Four.**

4 Q. And Misty Mountain?

5 **A. Currently or previously?**

6 Q. Let's do both.

7 **A. When our investigation started, it would have**
8 **been five.**

9 Q. And how many now?

10 **A. One failed as inoperable, the other Mr. Blevins**
11 **sold, so it would currently be three.**

12 Q. And Rolling Hills?

13 **A. One.**

14 Q. Now, you indicated that Rolling Hills had too
15 many connections. How many connections are attached to
16 the Rolling Hills well?

17 **A. I believe it's somewhere between 16 and 19, but**
18 **I am not positive.**

19 Q. What's an appropriate number of connections?

20 **A. I cannot be certain, but this is likely a**
21 **residentially constructed well which means it would not**
22 **be adequate to feed that many connections. It would need**
23 **to be less than that.**

24 Q. What's the danger then?

25 **A. Lack of water, specifically very low pressure**

1 **which we've received complaints about.**

2 Q. How many connections -- Are you aware of how
3 many connections there are on the Charity system?

4 **A. An exact number, no, sir.**

5 Q. What about the Misty Mountain system?

6 **A. Both of those are probably around between 20**
7 **and 30.**

8 Q. How many connections are not, to the best of
9 your knowledge, part of those three systems or, in other
10 words, how many connections are not currently regulated
11 by DNR?

12 **A. Probably around 20 to 25.**

13 Q. When you went over Mr. Blevins' records, was
14 that at his office or was that here at the PSC or
15 somewhere else?

16 **A. Mostly here at the PSC, but we did go over some**
17 **things at his office.**

18 Q. How would you describe how his records were
19 kept?

20 **A. Difficult to understand.**

21 Q. Can you elaborate on that for me? I mean, why
22 were they difficult to understand? You said handwritten
23 on some of them. I mean, were they organized? Were they
24 in the file cabinet? Were they?

25 **A. I would say unorganized, not legible.**

1 Q. Did you ask -- When you visited Mr. Blevins'
2 office, did you ask him for information while you were
3 there?

4 A. Yes.

5 Q. Did Mr. Blevins have difficulty finding the
6 information?

7 A. No.

8 JUDGE CLARK: Those are all the questions I
9 have right now. Are there any questions from either of
10 the parties based upon bench questions? In other words,
11 based upon my questions, Mr. Blevins, do you have any
12 questions?

13 MR. BLEVINS: No questions, Judge.

14 JUDGE CLARK: Any redirect from Staff?

15 MS. ASLIN: Yes, thank you.

16 REDIRECT EXAMINATION

17 BY MS. ASLIN:

18 Q. I'm going to go back to our exhibits that
19 Mr. Blevins asked you about. He asked you about
20 documentation regarding billing practices and actual
21 bills. Would you say the fact that we don't have much of
22 that, is that part of the problem in this case and why we
23 are requesting a receiver?

24 A. Yes.

25 Q. Also, have you heard from customers who have

1 received, I would guess I would call them verbal bills or
2 verbal threats of disconnect?

3 **A. Yes.**

4 Q. So we would not have paper records of those,
5 correct?

6 **A. Correct.**

7 Q. Are the complaints in Exhibit 1 notes from
8 calls that Staff received or Staff made?

9 **A. Calls that came into Staff's call center, yes.**

10 Q. And were those complaints in Exhibit 1, were
11 those part of the catalyst to investigate Mr. Blevins'
12 utility operation as a whole?

13 **A. That's correct.**

14 Q. As opposed to investigate a specific customer's
15 concern?

16 **A. Yes.**

17 Q. Do you recall Mr. Blevins asking you about well
18 ownership?

19 **A. No.**

20 Q. Moving on to Exhibit 2, which is public
21 comments, does Staff perform a full investigation in
22 response to all public comments, a full investigation
23 that perhaps you might do in a complaint case or would
24 it?

25 **A. Staff follows up with every complaint that**

1 **comes through the PSC.**

2 Q. But a specific public comment or call, would
3 that follow-up process be different than if an informal
4 or formal complaint came into the PSC?

5 **A. Yes.**

6 Q. Even if you're not conducting a full
7 investigation, would a group of concerning comments or
8 calls lead to an investigation of a utility?

9 **A. Yes.**

10 Q. And I think we already addressed this, but this
11 would be different than in a consumer complaint where we
12 would attempt to investigate and verify information about
13 a particular customer's problem with a utility, correct?

14 **A. Yes.**

15 Q. Moving on. Exhibit 5, I believe you and
16 Mr. Blevins were discussing what you called a payment
17 agreement. And Mr. Blevins had asked if you had seen
18 anything like this before. Would you say that a tariff
19 is essentially a payment agreement?

20 **A. Yes.**

21 Q. And for regulated utilities, those are filed
22 with and approved by the Commission, correct?

23 **A. That's correct.**

24 Q. There's also been a lot of discussion about and
25 a lot of questions about the word threat as used by

1 Staff. Would you say that the phrase threat of
2 disconnect is a commonly used phrase here at the PSC?

3 **A. Yes.**

4 Q. And in this case, threat, that is not meant as
5 a derogatory or malicious word; it's just a statement of
6 fact that a customer may be disconnected?

7 **A. Correct.**

8 Q. Do you recall Judge Clark asking you how many
9 times you met with Mr. Blevins?

10 **A. Yes.**

11 Q. You said once, correct?

12 **A. It would be more than that if you count**
13 **hearings, public hearings, but yes, personally one time.**

14 Q. Did you speak with Mr. Blevins on the phone?

15 **A. Yes.**

16 Q. Do you know how many times you would have
17 spoken with him approximately?

18 **A. Three times.**

19 Q. Would you say that safe and adequate service
20 involves more than just a well maintained well and
21 wellhouse?

22 **A. Absolutely.**

23 Q. Has Staff been able to determine any reason for
24 the billing inconsistencies that we have seen within
25 single systems that is related to usage?

1 **A. No.**

2 Q. Are you aware of Mr. Blevins' customers having
3 any other options for water service?

4 **A. Only to drill their own wells.**

5 Q. Have you heard from any customers who believed
6 that they owned wells?

7 **A. Yes.**

8 Q. And was there any reason that that opinion or
9 that belief may have changed that you know of?

10 **A. Customers have stated that upon buying a
11 property and moving into a house they believe that they
12 own the well on that property only to have Mr. Blevins or
13 someone representing Mr. Blevins show up and tell them
14 otherwise.**

15 Q. And the well that is the subject of the 8-month
16 boil water order, could Mr. Blevins have started
17 purchasing water from I believe it's Pulaski County Water
18 before that well failed?

19 **A. Yes.**

20 Q. Would that have been an easy process in your
21 opinion?

22 **A. Yes.**

23 MS. ASLIN: No further questions.

24 JUDGE CLARK: Mr. Stamp, you can step down.

25 (Witness excused.)

1 JUDGE CLARK: And Staff, you may call your next
2 witness.

3 MS. KERR: Thank you. My next witness would be
4 Curt Gateley from Staff, but I was wanting to call
5 Mr. Sebastien Clos-Versailles from DNR. He needs to be
6 excused before 5:00.

7 JUDGE CLARK: Any objections to taking this
8 witness out of order? I don't think we actually had an
9 order defined. So if you want him to be your next
10 witness, just call him.

11 MS. KERR: Okay. Call Sebastien
12 Clos-Versailles. Good afternoon.

13 JUDGE CLARK: Would you raise your right hand
14 to be sworn. Do you solemnly swear or affirm that the
15 testimony you're about to give at this evidentiary
16 hearing is the truth?

17 **THE WITNESS: I do.**

18 JUDGE CLARK: Go ahead, Staff.

19 SEBASTIEN CLOS-VERSAILLES,
20 having been previously sworn, was examined and testified
21 as follows:

22 DIRECT EXAMINATION

23 BY MS. KERR:

24 Q. Could you please state, spell and -- State your
25 name and spell it for the record, please.

1 **A. Sebastien Clos-Versailles, S-e-b-a-s-t-i-e-n**
2 **C-l-o-s-V-e-r-s-a-i-l-l-e-s.**

3 Q. And by whom are you employed?

4 **A. Missouri Department of Natural Resources.**

5 Q. And how long have you been employed with the
6 DNR?

7 **A. Since February of 2019.**

8 Q. And what do you do for the DNR?

9 **A. I'm a supervisor. So I supervise units.**
10 **Currently I'm not in the same position that I was when I**
11 **was --**

12 Q. What do you currently do?

13 **A. I am currently the supervisor of the TMDL and**
14 **modeling unit with the Water Protection Program.**

15 Q. And are you familiar with Travis Blevins?

16 **A. Yes.**

17 Q. And Misty Water Works?

18 **A. Yes.**

19 Q. And did you deal with him as part of your job
20 duties at all with DNR?

21 **A. Yes. In my previous position with DNR, so yes.**

22 Q. Can you tell me about that position and what
23 you did?

24 **A. Yeah. So I was a supervisor overseeing a unit**
25 **that did drinking water inspections of water systems in**

1 **central Missouri, including Pulaski County.**

2 Q. How long did you do that?

3 **A. I was a supervisor for that unit since July of**
4 **2021, and prior to that I was just an inspector in that**
5 **unit inspecting water systems.**

6 Q. When did you stop doing that? What are the
7 dates that you --

8 **A. Yeah, so I started in February 2019 as an**
9 **inspector up until July 2021 until I became the**
10 **supervisor of that unit, and then from July of '21 to the**
11 **end of September of this year I was the unit chief of the**
12 **drinking water unit.**

13 Q. And just -- What were your job duties and
14 responsibilities then while working with Mr. Blevins and
15 his systems?

16 **A. I oversaw staff who inspected and inspected**
17 **public water systems to verify that they were in**
18 **compliance with Missouri safe drinking water laws and**
19 **regulations.**

20 Q. And about how long had you been working with
21 Mr. Blevins and his systems specifically?

22 **A. Since about March of 2022.**

23 Q. So did you work with him from March of '22
24 through the time you switched positions at DNR?

25 **A. Yes.**

1 Q. And can you just describe what your job
2 entailed with regard to Mr. Blevins' systems and what you
3 did?

4 A. So in March of 2022, we became aware through
5 some consumer complaints or customer complaints regarding
6 some wells that Mr. Blevins potentially owned. And in
7 March of 2022, I met with Mr. Blevins with some team
8 members at DNR to determine the extent of his ownership
9 and whether any of those wells or, you know, any -- if
10 his business was a public water supply that could be
11 regulated by the department. And then since then we made
12 that determination in about summer of that year and then
13 since then we regulated those three water systems.

14 Q. What kind of complaints did you get?

15 A. They ranged from people complaining about fees
16 and how they're being charged to issues with E. coli or
17 total coliform bacteria, which is a type of bacteria in
18 their water, and just the general workings of a water
19 system.

20 Q. And can you explain what it means to be a
21 public water system under the DNR regulations?

22 A. Sure. It's defined in our regulations as any
23 system that serves at least 15 connections or 25 people
24 at a minimum of 60 days of the year.

25 Q. And Mr. Blevins has some systems that are

1 considered public water systems. You heard that?

2 **A. That's correct.**

3 Q. And there are how many? Three?

4 **A. Three, yeah.**

5 Q. And Mr. Stamp testified they're Misty Water,
6 Rolling Hills and Charity; is that correct?

7 **A. Misty Mountain, Charity and, yeah, Rolling
8 Hills.**

9 Q. Okay. Are there -- Are those systems different
10 -- Are they different than systems that are not
11 designated as PWS?

12 **A. Yes. So systems that do not meet that
13 definition of 15 connections or 25 individuals are not
14 regulated by the department as they are private wells.**

15 Q. Okay. And can you explain what -- kind of
16 explain what the difference is there?

17 **A. Sure. When the department regulates a water
18 system, they're required to monitor their wells and their
19 water quality for bacteria and chemicals to make sure
20 that they are not out of compliance, that they provide
21 safe drinking water as opposed to private systems which
22 we don't regulate so we don't have any -- we don't test
23 their water, we don't do inspections, for example, of
24 those water systems to verify that they are meeting or
25 are in compliance with the Missouri state drinking water**

1 laws and regulations.

2 Q. Okay. So is there a special -- Is there a
3 definition or description of a well? Like how would you
4 describe a well?

5 A. There's a couple different types of wells. But
6 I mean, generally anything that's able to transport -- I
7 would say anything that's able to transport water from
8 groundwater to above ground where it can provide people
9 with water, potable water.

10 Q. What would make a well safe or unsafe?

11 A. So the biggest things that we look at when
12 we're performing inspections to verify that they are safe
13 and they're providing safe and adequate water is that
14 there are no openings in the water system itself. So any
15 type of opening that can allow bacteria to enter either
16 the well itself, the storage tanks or the lines
17 themselves. In those cases we'd be concerned of E. coli
18 bacteria getting in and getting people sick or, you know,
19 other chemicals getting in or just total coliform
20 bacteria in general being present in water.

21 Q. And what's the -- What kind of concerns? Why
22 would you be concerned about that?

23 A. So with E. coli specifically, you know, that
24 can cause all sorts of health effects, you know,
25 especially to those young people or older folks with

1 their digestive tract, and I don't know the litany of
2 impact E. coli has, but in addition we are concerned
3 about chemical impacts to different types of chemicals
4 can impact people as well from radionuclides to nitrates
5 or nitrates that could have various impacts on human
6 health prospectively.

7 Q. Can you just -- So how -- Can you describe the
8 various well systems that Mr. Blevins operates?

9 A. Sure. So he is a water supplier for three
10 water systems. Misty Mountain public water supply
11 consists of five wells, one of which is currently not
12 operational. But they are not all -- I believe two are
13 -- three are -- two are interconnected and then the other
14 three serve their own water supply, their own distinct
15 distribution system. They are all in one specific
16 subdivision near St. Robert.

17 Q. Which one is that?

18 A. That's Misty Mountain. So each well
19 specifically serves between five to maybe ten folks, ten
20 connections, excuse me. Rolling Hills, when we first
21 activated it, it did have two wells, the bigger well
22 which has about 19 connections and a smaller well which
23 had been about four connections which was subsequently
24 sold. And then the Charity public water supply which
25 consists of four wells, three of which are interconnected

1 and a fourth which is by itself again in very close
2 proximity to one another serving a total of 26
3 connections. Misty Mountain serving 31 I believe in
4 total, connections that is.

5 Q. So is there a centralized distribution center
6 for the wells that provide service to all the residents?

7 A. So some of the wells have their own distinct
8 distribution system. So they're not interconnected with
9 some of the other wells. In some cases there's two wells
10 will share the same distribution system. Some in the
11 systems have the ability to be isolated from one another
12 and then some others have the ability to hook up to each
13 other in the event that one well is not operational one
14 can be turned on to service more homes.

15 Q. Is that the case for each of the public water
16 systems or is that --

17 A. Just the case for Charity and Misty Mountain as
18 Rolling Hills is at the moment just the one well.

19 Q. But the three of them can't connect together?

20 A. No. They are far apart. So Misty Mountain is
21 down in St. Robert. Charity public water supply is up a
22 little bit on the north side of Highway 44 off of Highway
23 28 closer to Dixon, and then Rolling Hills is a bit
24 further west near Waynesville. So they're definitely
25 further apart from one another.

1 Q. Do you know if he has other wells that you're
2 aware of?

3 A. Correct. When I first met with him in March of
4 2022, I visited all 16 of the wells that he informed me
5 at the time he owned and we went around to each of the
6 wells to determine whether or not any of them would fall
7 under the definition of a public water supply. We made
8 determinations that some of them were by themselves small
9 systems that -- or private wells that served homes that
10 did not meet the definition of a public water supply. So
11 we don't regulate those. But in that process we
12 determined I believe the 12 in question, 11 or 12 wells
13 did fall under the category of free public water
14 supplies.

15 Q. Were those other ones called noncompliant
16 wells?

17 A. Those other wells, those are just private
18 wells. Noncompliant wells gets a little bit more into
19 the details about well construction and then when they
20 were drilled. So we are a little bit more concerned
21 about those. Again, the construction standards of the
22 wells, not to get too technical into that right now.

23 Q. Are any of the wells that Mr. Blevins owns or
24 operates, quote, noncompliant wells?

25 A. Through the process, we did determine that all

1 the wells across the three systems that Mr. Blevins
2 serves the water from are noncompliant. Jackie Johnson I
3 believe can speak a little bit more to that as they made
4 that determination in the public drinking water branch.

5 Q. Just generally can you say what a noncompliant
6 well is?

7 A. Sure. So generally speaking, to give a little
8 bit of background, there's three types of -- there's
9 standards to which a well can be drilled, domestic
10 standards. It can be domestic, multi family or a public
11 well, a public drinking water well. So public drinking
12 water well is meant to serve any number of folks or
13 homes. It's got casing depth and thickness requirements.
14 The type of casing that it's made out of all goes into
15 those. So public drinking water well drilled to public
16 standards can serve any number of connections.

17 A multi-family well, which is kind of the next
18 step down, is really the Missouri Geological Survey, they
19 regulate anything below that. They're not really meant
20 to serve any more than eight homes. And then domestic
21 wells have the least amount of construction requirements.
22 They can be made out of plastic casing, for example,
23 instead of steel. They might not go down as deep.
24 They're really meant to serve only like four homes max.

25 Q. What kind of wells are the ones that are in

1 Mr. Blevins' systems?

2 A. It was tricky to find them all. We believe we
3 found them all. They're all determined to be either
4 multi family or domestic wells. So none -- and they're
5 all drilled. I think the other key point of a
6 noncompliant well is that it's drilled after the
7 grandfather dates. So they're dates in which a community
8 water system, which these types of water systems are. If
9 you have a domestic well drilled in the '50s, for
10 example, the department will allow you to use that well
11 without any issue. We won't make you redrill a well, for
12 example, barring any issues with water quality. However,
13 in 1979, new regulations went into effect so all wells
14 need to be drilled to, you know, more strict standards.

15 So anything that goes between 1979 and 2007,
16 you fall into that noncompliant time frame. So if you're
17 drilled to domestic or multi-family standards between
18 those times, it would be considered a noncompliant well.
19 The caveat to that too is that date of 2007 does extend
20 out to 2013, 2012 with us, which is actually important in
21 this case because it applies to the subdivision policy
22 that we abide by in which we do apply towards the Misty
23 Mountain supply, the Misty Mountain public water system
24 and the Charity public water system.

25 Q. So what does that mean for those systems? Is

1 he going to need to make changes or what does that mean?

2 A. So essentially what's going to have to happen,
3 and again Jackie Johnson can go into a little bit more
4 detail in that, but just increased monitoring once the
5 noncompliant well agreement or policy is written up.
6 They'll need to do increased monitoring to make sure that
7 there's no issues with water quality before they proceed.
8 If there are issues with water quality, then we will ask
9 Mr. Blevins to address those before we allow him to
10 continue. If all the conditions are met, then he can
11 continue operating those and using those wells as they
12 are. Yeah, all three of those for all three systems,
13 those noncompliant well agreements are in draft at the
14 moment.

15 Q. Would that mean he'd have to retrofit them or
16 make changes?

17 A. He might have to add treatment potentially. So
18 he might have to add chlorine to treat for bacteria if
19 there's issues with E. coli or total coliform bacteria,
20 which is an indicator of bacteria, or if we deem it
21 necessary we might have to ask that he drill a new well
22 or hook up to another public water supply that's nearby
23 that is a regulated supply that DNR regulates.

24 Q. And is Pulaski County Water District, were you
25 here when Mr. Stamp was testifying?

1 **A. I was.**

2 Q. And you're aware obviously of the boil order
3 with is it the Topo well?

4 **A. The Topo.**

5 Q. Is the Pulaski County Water District, is that
6 available for all the wells in Mr. Blevins' systems?

7 **A. So Pulaski County Public Water District No. 2,**
8 **I don't believe their limit goes that far. I think**
9 **they're only -- I know they have a line that runs along**
10 **the Misty Mountain main drive that goes through Misty**
11 **Mountain. I believe they would only be able to service**
12 **that water supply. I don't believe they'd be able to**
13 **service Charity or Rolling Hills, and I can't speak to**
14 **the other wells that Mr. Blevins owns.**

15 Q. All right. Now, as part of being a public
16 water supply or water system, you said does there need to
17 be a licensed operator?

18 **A. So depending on the type of water system you**
19 **are, yes. So in this case these are all community public**
20 **water systems in which case he is required to have a**
21 **certified operator that makes all operational decisions**
22 **for the water system. I kind of equate it to having a**
23 **licensed driver behind the wheel of a car. So yes.**

24 Q. And so what does that licensed operator do
25 specifically?

1 A. Any change to the water system itself. So
2 whether that's changing, you know, the amount of water
3 that's coming out of the well or if you're adding
4 treatment or whether you're disinfecting the system and
5 in doing so you shock the system, you put chlorine or
6 bleach down the well to disinfect it of bacteria before
7 you put it back online and serve customers. Basically
8 anything that changes the operation of the water system
9 that operator would be required to do that.

10 Q. Would that include repairs?

11 A. I would say so, because generally speaking
12 you'd have to do something like turn off the system or
13 shut off a portion of the system to make some of those
14 changes or adjust the system in any way. At a minimum
15 I'd say they need to be on standby to be available if
16 certain changes are being made while the system is still
17 running as normal but.

18 Q. What's the relationship between the licensed
19 operator and the public water system owner or in this
20 case the licensed operator and Mr. Blevins?

21 A. I mean, generally speaking we'd want it to be a
22 pretty good one. The operator in question has done a
23 fantastic job in my personal opinion of making sure that
24 a lot of what is being done gets back into compliance.
25 Unfortunately there are still some things that requires

1 the owner or the person providing water, in this case
2 Mr. Blevins, to do. They can't do it all themselves is
3 what I'm trying to say. While they can do a lot, for
4 example, taking water samples every month, that's
5 something that they can do and in this case the operator
6 has been doing very well. But again, a lot of stuff does
7 need to be facilitated and done by the provider or the
8 owner of the system, in this case Mr. Blevins.

9 Q. So is there like an agreement or contractual
10 agreement between the two individuals?

11 A. There should be, yes. If there's not,
12 generally speaking during our routine inspections that
13 happen every three years we like to verify that that is
14 the case if it's not an employee of that facility. So in
15 this case we would like to see an agreement, yeah.

16 Q. So under that relationship between the
17 agreement between licensed operator and the owner, in
18 this case Mr. Blevins, how is that supposed to work? Is
19 he supposed to tell the operator before he does anything
20 to the well?

21 A. So generally speaking, the contract should
22 outline when the operator is going to be out there, how
23 often, basically their job duties. But as somebody who's
24 not the operator, the person who's not the operator
25 should not be making operational decisions for the water

1 system. They shouldn't be changing the flow or, you
2 know, shocking the system, for example. That should be
3 left up to the operator.

4 Q. Why is that?

5 A. Again, you know, we want to make sure that
6 people are being provided safe drinking water and a
7 certified individual is knowledgeable and the state is
8 capable of make those decisions. A certified individual
9 might not have the technical knowledge to make sure that
10 that is, in fact, the case.

11 Q. And what could happen if the owner, not the
12 licensed operator, makes changes or does something with
13 the system without giving notice to the licensed
14 operator?

15 A. I mean, in the same way I'll equate it to, you
16 know, if you're trying to run a car and somebody does
17 something to your car without you knowing, bad things can
18 happen. So in this case people can get sick and that's
19 the biggest concern that we have. The facility itself
20 can -- there could be damage to the facility, the well,
21 the bladder tanks, the lines even. But again, you know,
22 if, for example, the sampler is going to take a sample
23 for their monthly compliance sample and it has chlorine
24 in it when it's not supposed to have chlorine in it
25 because, you know, the owner shocked the well, those

1 won't count for compliance or people can get sick or they
2 could get chemical burns if there's too much chlorine and
3 they're not notified. So any number of things can happen
4 both for -- again, primarily for the safety of the
5 customers but also for the, you know, the longevity of
6 the system and the components of the system.

7 Q. Do you know if anything like that has happened
8 with any of Mr. Blevins' systems?

9 A. In fact, yes. So during my inspections, I did
10 the first inspection after we made these three water
11 systems or activated these three water systems I should
12 say. I did an inspection of all three water systems.
13 One of my significant deficiency findings was that
14 Mr. Blevins was, in fact, operating and doing things of
15 that nature without the operator's knowledge.
16 Specifically he was shocking the well with bleach at
17 times where she was unaware of. For example, during the
18 inspection we found chlorine in several samples while I
19 was taking samples out in the field and she was not aware
20 that that system had been shocked prior to us going out.
21 We actually were out there when customers came to us
22 doing our inspection and they said my house smells like a
23 swimming pool, it's been smelling like a swimming pool
24 for the past two days and Mr. Blevins was out here doing
25 stuff in the wellhouse. And so that was something we

1 ended up citing for all three of those inspection -- or
2 for the inspection reports for those three systems
3 because we were concerned. And that wasn't the only
4 time, you know, we heard that that was a concern, but
5 that was a reason why we cited that specific deficiency.

6 Q. You said she?

7 A. The operator. I refer to the operator.

8 Q. The operator's name is?

9 A. May I say that?

10 JUDGE CLARK: Yeah, it's not customer
11 information. It's customer specific information that is
12 confidential, not the owners of wells, not the operators
13 of wells, not the employees of utilities.

14 THE WITNESS: Thank you, Judge. Yeah, Lori
15 Jean is the operator.

16 BY MS. KERR:

17 Q. You said some of the -- while you were doing an
18 inspection some customers came and told you, complained
19 about the chlorine smell?

20 A. Yeah. So when we're out during our inspection
21 at Charity public water supply, one of the customers
22 happened to be driving by and noticed us. They were
23 asking what we were doing there. We explained who we
24 were and what we were doing. I happened to be just
25 finishing up taking a water sample for the routine

1 inspection. It was -- It did have chlorine in it. That
2 customer did confirm that, you know, they had a strong
3 chlorine smell in their house for the previous two days
4 and they had noticed Travis, Mr. Blevins was out there,
5 you know, days prior in the last couple days prior to us
6 coming out to do the inspection without the operator's
7 knowledge.

8 Q. You said he had shocked the system. What does
9 that mean?

10 A. Sure, yeah. So shocking the well is a way to
11 disinfect the whole water system because the water system
12 is a closed system. You need a way to introduce in this
13 case chlorine to kill any bacteria that might have gotten
14 into your water system. That can happen through a
15 variety of ways. It's not uncommon to happen. So what
16 in this case you can do is you can put -- we would prefer
17 and we strongly recommend using an NSF certified bleach
18 which is meant for human -- meant to come in contact with
19 drinking water. You basically pour that down the well,
20 and then you basically run that hyperchlorinated water
21 through the drinking water system and that -- it's tricky
22 because you do have to have coordination with everybody
23 in the system to flush their lines so you pull all of
24 that chlorinated water from the well throughout the
25 entire system. If that doesn't happen, then you do leave

1 certain parts of the system without being flushed and you
2 don't draw that chlorinated water to those parts of the
3 line, bacteria can still live in there. So once all that
4 chlorine is gone, you can still have bacteria in the
5 lines and that can still have positive bacteriological
6 samples, E. coli or total coliform bacteria. Shocking
7 the well is not something we recommend doing. I think
8 that's the most important thing. It's not meant to be a
9 very common occurrence. You know, for seasonal systems
10 that open yearly, you know, just for the summer they
11 might do it at the beginning of the year. After, you
12 know, you have E. coli, for example, we might recommend
13 -- we would strongly recommend doing that to get that
14 bacteria out but it shouldn't be done consistently.
15 Unfortunately that was something we were hearing was
16 happening quite a bit in this case.

17 Q. Mr. Blevins was -- that the systems were being
18 shocked?

19 A. Yeah, either before a realtor was coming out to
20 take a water sample on a home that needed to be sold, in
21 this case before our inspections. You know, any time
22 there was any issue with bacteria, customers complaining
23 either to him or him finding out that there was maybe
24 bacteria in the water, the solution was always just to do
25 that. I think the bigger concern with that is because if

1 customers first of all aren't notified, that's a high
2 level of chlorine they're putting through the system.
3 That can be really dangerous for people both when you're
4 having contact with your skin, taking a shower or when
5 you're drinking. But additionally if you do chlorinate
6 consistently, it should be a consistent amount and not
7 that high. So while it's okay to have chlorine added to
8 the system, it should be more regulated and it should be
9 when the water turns on. There's a whole procedure that
10 we would ensure to verify that they're doing that
11 appropriately. In this case we don't recommend shocking
12 the well in that manner so consistently.

13 Q. In your investigation, was it Mr. Blevins that
14 was doing this or the licensed operator that was doing
15 this shocking?

16 A. Mr. Blevins or one of Mr. Blevins' technicians
17 as he referred to me.

18 Q. But it wasn't the licensed operator?

19 A. It was not the operator.

20 Q. You said he wasn't telling the operator. Was
21 he telling the residents about it?

22 A. No, and that was the other concern we had is
23 again in my inspection report I laid out that he had to
24 notify both customers and the operator. Now, she can
25 make the decision from afar and he can still shock the

1 well as long as he has her okay. I think that's the
2 other component. He can still do it as long as she tells
3 him how to do it and, you know, that it's okay to do it.
4 But in this case she was not being notified and more
5 importantly the customers were not notified either. So
6 again we were concerned about their health.

7 Q. And so we talked about Lori Jean. She's the
8 licensed operator. Did you have a lot of interaction
9 with her?

10 A. Quite a bit, yes.

11 Q. And had you discussed Mr. Blevins'
12 responsibilities to his licensed operator with him or
13 somebody at DNR discuss that?

14 A. Yeah. She is a certified operator for a bunch
15 of other water systems. So she's aware of the
16 requirements and she reached out to him and they entered
17 into a relationship in that way and through that process
18 we did want to verify that they had a contract that
19 outlined her requirements. So we were verifying that
20 what was being communicated to all parties was that these
21 were her responsibilities, this is what Mr. Blevins was
22 responsible for, so on and so forth. Throughout the
23 whole process we wanted to make sure DNR did make sure
24 that she was communicating the right information to him
25 which she did.

1 Q. And does Mr. Blevins seem to understand or to
2 your knowledge did he seem to understand what his
3 responsibilities were with vis-a-vis the licensed
4 operator?

5 A. I believe so, yeah.

6 Q. I mean, you had conversations with him, you had
7 discussions?

8 A. Yeah, every time I spoke to Mr. Blevins he
9 seemed to be okay and aware of the requirements and he
10 seemed to be fine with following them. It was
11 unfortunately the follow through that we had a harder
12 time ensuring was done.

13 MS. KERR: May I approach?

14 JUDGE CLARK: Yes.

15 BY MS. KERR:

16 Q. I'm going to hand you what's marked -- I've
17 handed you what's been marked Exhibit 8. Do you
18 recognize what that is?

19 A. I hadn't previously seen it, but I can see what
20 it is and I understand it.

21 Q. Do you know can you explain what it is?

22 A. It's a contract between Lori Jean and
23 Mr. Blevins for the operation of all three public water
24 systems, the Charity, Rolling Hills and Misty Mountain
25 public water supplies.

1 Q. Is this an agreement that the licensed operator
2 and the public water supply owner would normally get
3 between -- from DNR they would normally enter into?

4 A. Yeah, this is definitely something we would
5 like them to do and enter into. It does outline, you
6 know, some of the requirements between the two. Without
7 going too much in depth, there's the basic boilerplate
8 stuff it looks like it is here. That's the important
9 thing.

10 Q. But this is something that would come from DNR
11 and this is basically what?

12 A. So this is something that she would provide
13 him. We do have a template. We would provide that to
14 systems. We do have examples of what that should look
15 like and what should be included in it. This looks like
16 her own which they are perfectly able to use and that's
17 totally fine. As long as it kind of outlines the same
18 information, we're fine with that.

19 Q. Is the information in here basically what you
20 would ask that the agreement be between the licensed
21 operator and the owner?

22 A. Yeah, by and large, yeah, I would say so.

23 MS. KERR: May I approach?

24 JUDGE CLARK: Yes.

25 BY MS. KERR:

1 Q. Basically that agreement requires what you said
2 earlier that the owner notify the licensed operator
3 before they make repairs, before they make changes,
4 right?

5 A. That's what it looks like it said, yeah.
6 That's what it did say.

7 Q. Now, in your working with Mr. Blevins, did he
8 -- I've already asked that question and you've answered
9 it. During the course of your involvement with
10 Mr. Blevins and his water systems, did DNR issue notices
11 of violations or other types of sanctions?

12 A. So we did issue Mr. Blevins a boil order
13 following the confirmed presence of E. coli on the Topo
14 Drive well for the Misty Mountain public water supply.
15 There were other assessments and violations issued
16 subsequently due to inactions that stemmed largely from
17 that.

18 Q. And were you involved in issuing Mr. Blevins
19 some of those notices of violation assessments?

20 A. Yes.

21 Q. And do you recall about how many you were
22 involved in?

23 A. So I was involved if not -- So the way it works
24 at the department, the public drinking water branch might
25 issue the notice of violation, but it is oftentimes a

1 result of, you know, the field work that I have done. So
2 while I didn't personally sign the letter that says
3 here's a violation, I did the inspection or I performed
4 the assessment that led to those. I did sign the boil
5 order -- Or I was present for the boil order, collecting
6 samples, and I've been out there quite a bit or my staff
7 was out there quite a bit over the course of that time.
8 Yeah, I was going to say either performing those
9 assessments or collecting samples and complaint,
10 performing complaint assessments as well.

11 Q. Do you know about how many inspections you were
12 involved in with Mr. Blevins?

13 A. I did one official inspection. I did do a
14 level II assessment which was in response to the E. coli
15 positive or the sample that happened in August. I
16 performed that in September. I believe actually it was
17 at the end of August but that was we're looking for the
18 same type of thing for that and then there was another
19 level II assessment that was conducted by my staff that I
20 oversaw as it went out the door. I would say for Misty
21 Mountain specifically I was a part of every field visit
22 that went out that yielded a response. So probably three
23 or four reports.

24 Q. What's a level II assessment?

25 A. So when there's confirmed E. coli in the public

1 water system, it triggers what we call a level II
2 assessment which is the regional office staff or my staff
3 or myself goes out to conduct an assessment of all the
4 wells in question that had E. coli positive sample to
5 verify -- to see where the bacteria or the E. coli is
6 entering the system to try and find a reason for this
7 positive sample. It can also be triggered if you have
8 total coliform bacteria which is not as severe as E.
9 coli, it's more of an indicator bacteria that tells us
10 there's some sort of contamination getting into the water
11 system. So if you have confirmed total coliform bacteria
12 positive in the system, in two months throughout a
13 12-month rolling period it would trigger a level II
14 assessment as well.

15 There's a couple ways you can trigger it. In
16 this case both level II assessments were performed as a
17 result of E. coli positive samples at the Topo Drive
18 well.

19 Q. What time frame were -- There were two level II
20 assessments in what time frame?

21 A. The first one was in August of 2022, following
22 the initial E. coli positive sample that prompted the
23 issuance of the boil order. Second one was that fall
24 when one of the samples that was collected for the
25 routine monthly samples, the bacteria samples, came back

1 positive as well confirmed for E. coli.

2 Q. It's the same system?

3 A. Same well, same distribution system, just that
4 one part of the Misty Mountain system. So again, the
5 Topo Drive well serves five homes by itself and so that
6 it was the one distribution system that we were concerned
7 about. It wasn't necessarily looking at the rest of
8 them. So during those assessments we weren't looking at
9 the other wells. We were just looking at that one part
10 of the system, the Topo Drive well.

11 Q. It seems like a lot for one system in that time
12 period. Is that --

13 A. It was definitely a concern especially
14 initially I believe we had upwards of 20 positive E. coli
15 samples in the month of August over a two-week, one or
16 two-week period. It was definitely concerning. It is
17 why we ended up referring the system to enforcement. So
18 our office staff, you know, while we try and get the
19 system back to compliance, there are certain instances
20 where it does require a swifter response and it does go
21 through enforcement where they handle some things when
22 the issues are that severe. So in this case we referred
23 them to enforcement soon after that second E. coli
24 positive sample but we maintained, you know, trying to
25 get them back into compliance. They were still taking

1 samples monthly.

2 Q. Compared to the other wells that you monitor
3 for other systems, is that typical, atypical?

4 A. Definitely atypical. I've been a part of a lot
5 of boil orders from really small systems to bigger
6 cities, and I have never seen a system be on a boil order
7 for that long. Usually systems are trying to get it off
8 as soon as possible and as quickly as possible because
9 obviously everybody is concerned for the well-being and
10 the safety of customers. The fact that it was on for so
11 long was a serious issue not just for myself and the
12 region but, you know, everybody I think in the department
13 was concerned that it was so lengthy.

14 Q. It was how long? Eight months?

15 A. Yes. So August until April of 2023.

16 Q. And why was it -- Why did it last for eight
17 months? Any reasons that you know of?

18 A. So yeah. That was a bit of the frustrating
19 part. So we're definitely a large part of the
20 frustration. In those level II assessments, we go out
21 there and try and assess what the problem is to try and
22 provide the system a more expert idea of what's going on
23 and how they can try and mitigate the issue. And you
24 know, in our first level II assessment the operator fixed
25 -- was able to put a screen on, something that was noted,

1 but in the second one when the issue was still ongoing
2 they tried to shock the well a couple times but the
3 bigger concern was that the bacteria and E. coli came
4 back so quickly. Usually if you don't have an issue, too
5 much of an issue, you can shock the well and the system
6 and you should be okay. But it came back within days to
7 a week. I remember we took samples after we knew they
8 had shocked within a week or something once or twice and
9 it had already come back as total coliform positive which
10 was an indication to us that contaminants were getting
11 back into the system which eventually became E. coli. So
12 we were concerned about that.

13 So in our second level II assessment we
14 outlined a little bit more what they could do to try and
15 address the issue and that involved excavation around the
16 well. There was the well itself -- There was a well
17 outside and then the wellhouse was where the piping was.
18 And so previously Mr. Stamp identified a pitless adapter.
19 So that is when the well piping goes underground. That's
20 where the well piping comes off of the well casing. So
21 underground there's the casing that comes all the way up
22 from underground and the pitless well is meant to go --
23 the piping is meant to go under the freeze line so the
24 piping doesn't freeze and then the piping goes up inside
25 the wellhouse where you can, you know, have your above

1 ground piping and send it to distribution system. In
2 this case we were concerned that at that point at the
3 pitless adapter we thought there was a leak. There was a
4 couple of times when we were out there where we thought
5 he heard a hissing sound from that location, and that is
6 not an uncommon spot where you see leaks from a well of
7 that construction type.

8 So that was something we addressed and had them
9 do and it just really never happened. We tried to
10 coordinate with Mr. Blevins and he either didn't show up
11 or there was a time where we canceled at the last minute
12 or he canceled at the last minute and it was just really
13 hard to try and get that to happen. We really tried to
14 -- We called him multiple times trying to get a date to
15 set up to find the solution so people could have safe
16 drinking water and we could address these problems. But
17 again I think this is where the owner or provider, water
18 supplier, is meant to, you know, step up and do
19 something. And the operator could only do so much. And
20 that's where I think we had a lot of our frustration. It
21 eventually led to where the well collapsed at just below
22 the pitless adapter. From what I understand, it cracked
23 all the way around the casing just under the pitless
24 adapter and the entire casing, which the part that comes
25 out of the well, that all collapsed down into the well.

1 So it's currently sitting about 140 feet down into the
2 hole with the pipe. So that's why water can't come out
3 there any more. So that I think was something we found
4 out. I got a call from a customer one day that they just
5 didn't have water. That's what had happened. So it
6 prompted, you know, we were going to mandate Mr. Blevins
7 to provide water to people because he at that point had
8 refused to provide customers with water once the well
9 collapsed. He said he wouldn't do it. So we were in the
10 process of writing an emergency order to require him to
11 do that when he informed us for the first time in eight
12 months that he had a hookup to the Pulaski County Water
13 District No. 2. And one afternoon he went over there and
14 paid the deposit where there was a line just down the
15 road that fed through the wellhouse where he could hook
16 up where -- it was already hooked up. The county just
17 had to unlock the meter and provide water to the
18 wellhouse. And the key thing there is that customers
19 themselves could not actually get access to that water
20 supply. They had -- And we had worked with them and
21 county because the county was the only other water supply
22 in the area. It would have cost them about 50 to \$70,000
23 to pay the county to pipe -- put in a pipe all the way to
24 their homes. For those five homes, it just wasn't --
25 they couldn't afford it, especially with a lot of these

1 folks being transient people, they're there for short
2 periods of time at Fort Leonard Wood being there. So it
3 wasn't really a feasible option for them, and some folks
4 couldn't afford to drill their own well where it wasn't
5 possible just with the geography there. So they really
6 just had the one option. So that one afternoon Mr.
7 Blevins went out and paid the deposit and the meter was
8 unlocked and they had clean water for the first time in
9 eight months.

10 Q. So Mr. Blevins, when it first started,
11 Mr. Blevins was asked to fix it --

12 A. So yeah.

13 Q. -- before it broke?

14 A. So we outlined a bunch of different things he
15 needed to do. Because there was E. coli in the well, we
16 told him he needed to find the fix to the solution and
17 fix it. Either hook up to another water supply, drill a
18 new well or put on chlorine to treat the E. coli so that
19 people could use that well still or find another option.
20 He chose the option to find and fix the problem, which is
21 allowed, but he never addressed that and did not tell us
22 that he had another hookup to another water supply this
23 whole time.

24 Q. At that time, could he have hooked up to the
25 Pulaski County?

1 **A. He could have hooked up from day one, to my**
2 **knowledge that is. That line was in the ground from what**
3 **he told me early to mid August 2000. He said that that**
4 **line was put in there previously. That was a potential**
5 **fix. We didn't know it was going to work until he did**
6 **it, but it worked. Now people have clean water.**

7 Q. But that wasn't done until April?

8 **A. Correct, when the well -- only after the well**
9 **failed.**

10 Q. Eight months later?

11 **A. Correct.**

12 MS. KERR: May I approach?

13 JUDGE CLARK: Yes. Are you planning on
14 offering Exhibit 8?

15 MS. KERR: I will but with Mr. Blevins.

16 JUDGE CLARK: That is fine.

17 BY MS. KERR:

18 Q. I've handed you what's been marked Exhibit No.
19 7. That's a packet of DNR records with business record
20 affidavit cover page. Just generally can you tell me
21 what's included in that packet?

22 **A. Yeah. So it is a -- It's a series of documents**
23 **from the department to Mr. Blevins in regards to the**
24 **Rolling Hills, Charity and Misty Mountain public water**
25 **supply. It includes inspection reports, level II**

1 assessments, looks like investigation of unsafe samples.
2 So that happens when we have a positive routine sample.
3 We try and collect confirmation, repeat samples. So
4 anything that had to do with water quality over that
5 time, there's a boil order, letters of warning for not
6 having an operator until the operator Lori Jean was
7 hired. That would have been prior to the notice of
8 violation. Water sample records. So anything looks like
9 water quality related, compliance related, that was sent
10 from the department to Mr. Blevins.

11 MS. KERR: I'll ask that Exhibit No. 7 be
12 entered into evidence with the business record affidavit.

13 JUDGE CLARK: Mr. Blevins, have you had an
14 opportunity to look over Exhibit 7?

15 MR. BLEVINS: Do I have it here?

16 MS. KERR: Yes, it's that big packet.

17 MR. BLEVINS: Well, of course. That's all of
18 the DNR paperwork that we went through for ever since it
19 was activated.

20 JUDGE CLARK: So you're familiar with these
21 documents?

22 MR. BLEVINS: I'm familiar with these
23 documents, yes, and we have records of those through our
24 operator. We have a box of them over here.

25 JUDGE CLARK: Do you have an objection to

1 admitting Exhibit 7 onto the hearing record?

2 MR. BLEVINS: I have no objection.

3 JUDGE CLARK: Exhibit 7 is admitted onto the
4 hearing record.

5 (STAFF EXHIBIT 7 WAS ADMITTED ONTO THE HEARING
6 RECORD AND MADE A PART OF THIS RECORD.)

7 BY MS. KERR:

8 Q. So with regard to the boil order, it starts on
9 page 3, what does a boil order involve?

10 A. So for a boil order, it's issued by the
11 department and it informs the system and it requires the
12 system to notify all of its customers of the boil order
13 so that they're first of all knowledgeable of the
14 condition and that they have to boil their water and then
15 it involves for them, you know, boiling their water
16 before any use that might result in consumption of water,
17 whether that's drinking a glass of water, boiling pasta
18 or taking a bath if you have little ones, things like
19 that. Anything that might result in -- Brushing your
20 teeth, anything that might result in consumption of
21 water.

22 Q. So all the residents of that of Misty Mountain,
23 how many residents would have been affected?

24 A. So it was just -- So while it was issued for
25 the -- It was really just for the folks on the Topo Drive

1 well. It's not effective for the entire Misty Mountain
2 water system across the five wells. It would have just
3 been for those on the Topo Drive. Because they have
4 their own distribution system, so it was only to those
5 five homes that were fed by the well.

6 Q. So for five homes, water boil order for eight
7 months. So for everything they had to use water for,
8 they had to boil the water; is that right?

9 A. I mean, that they would consume. I mean, if
10 you water your lawn, obviously not. Yes, anything that
11 you're doing to consume. If you have children, you have
12 to make sure that any water that they drink or come in
13 contact with that might end up in their mouth is safe to
14 drink. And that involves boiling your water for at least
15 three to five minutes and letting it cool before you use
16 any.

17 Q. So if they want to take a bath, bathe their
18 children?

19 A. You have to boil your water and then take a pot
20 and fill up the bath one at a time if that's how you want
21 to do it. Again, yeah.

22 Q. Like you said, this could have been fixed by
23 hooking that particular well up to Pulaski County Water
24 District?

25 A. Sure, yeah. There's a lot of options. I think

1 the first option was to shock the well to see if we can
2 address it that way. It didn't fix the issue. And
3 there's a lot of routes we could have gone that we tried
4 to outline. Yes, it could have been fixed by just
5 hooking up. That would have been a more extreme option,
6 but it could have been something that could have been
7 done and then you can address the well in the meantime.

8 Q. There's also the option to actually fix
9 whatever was broken at that connection?

10 A. Yeah, could have investigated it all and,
11 again, while we're out there doing our inspection or
12 assessment in this case there's only so much we can do,
13 can't look below ground. So that's what we were -- We
14 built into the required actions that Mr. Blevins look
15 down and do a little bit more digging to see if there was
16 an issue with the pitless adapter there.

17 Q. If you could turn to page 59. It's the first
18 -- It's titled Significant Deficiencies Unsatisfactory
19 Findings Response Required.

20 A. Yep.

21 Q. I think there are three of them in that packet?

22 A. Correct.

23 Q. There are three, one for each public water
24 system; is that correct?

25 A. Yes.

1 Q. Are they all dated -- They're all dated July
2 18, 2023; is that right?

3 **A. I believe so. I believe they all went out at**
4 **the same time.**

5 Q. I think the second one starts on page 89 and
6 the third one starts on page 111.

7 **A. Yes.**

8 Q. And they're all signed by you?

9 **A. Correct.**

10 Q. So could you just explain what those documents
11 are, what the significant deficiencies and unsatisfactory
12 findings documents are?

13 **A. Sure.**

14 Q. I know they're quite lengthy. So we're not
15 going to go through them page by page or anything. Just
16 what are they?

17 **A. Those are the inspection reports from when I**
18 **conducted my field inspections of all three systems. So**
19 **each facility, Misty Mountain, Rolling Hills and Charity**
20 **each got an inspection report following my inspection of**
21 **the system and that included me going out to all the**
22 **wells in question associated with each system to**
23 **determine whether there was any potential deficiencies at**
24 **any of the wells and then during that time, you know, we**
25 **met with, I say we, Jackie Johnson was in attendance with**

1 me, and we met with Mr. Blevins and Lori Jean. Lori
2 Jean, Jackie Johnson and I went to all the wells and we
3 met Mr. Blevins at his office to go over all the
4 paperwork that was required and is required to operate
5 and maintain a water system. So we went over that
6 paperwork in his office.

7 The reports here, we have three levels of
8 findings, a recommendation which doesn't have a required
9 action associated with it but we think is something that
10 the facility can do to help improve on operations to
11 lengthen the longevity of the water system or just make
12 the system run more smoothly. Unsatisfactory findings do
13 require a response and they have requirements. There's
14 regulations put in place that say you have to have these
15 certain things, paperwork, things like that. They're
16 required to have a permit to dispense, but they might not
17 have an immediate acute source of contamination, for
18 example, to a water system. That's what significant
19 deficiencies are. Those are anything that might have an
20 immediate impact on water quality and can impact
21 subsequently people's health. So an opening in a
22 wellhead, for example, that can let bacteria in would be
23 an example of a significant deficiency. In this case I
24 think we cited Mr. Blevins for not having a permit to
25 dispense. Not an issue about water quality safety in the

1 sense that it doesn't immediately impact water quality
2 but it's still a requirement that he's supposed to have.
3 So that was identified as an unsatisfactory finding.
4 Then a recommendation might be that the wellhouse is
5 really cluttered and it's really dirty and while it might
6 not directly be impacting water quality it could
7 potentially in the future and if it's really messy in
8 there it might not be easily accessible and so you can't
9 maintain the system very well because those things
10 inhibit your ability. So those would be examples of
11 that. So that's what those outline. And then each
12 facility had -- All three of those, all three facilities
13 had significant deficiencies, unsatisfactory findings and
14 recommendations. Most of them were -- Some of them were
15 the same across all three systems.

16 As we previously mentioned, I cited Mr. Blevins
17 for his individual decision making in operating the water
18 system without having a certificate and notifying his
19 operator before making those decisions. Some of them
20 were significant deficiencies because there were openings
21 in the wellhead, unscreened breather vents which again
22 could allow bacteria to get in. There was openings in
23 multiple wells across all three systems except for
24 Rolling Hills which was just one well. But none of the
25 three systems had a permit to dispense water. At the

1 time, Mr. Blevins hadn't paid his lab fees which cover
2 all sampling requirements or sampling payments I guess
3 for the year.

4 He didn't have a cite sampling plan which
5 outlines where he should be sampling when he takes his
6 monthly bacteriological sample. He didn't have a backup
7 operator so in the event that your primary operator
8 leaves, goes on vacation, is unable to help out whatever
9 capacity. We like to have -- the system should have a
10 backup operator to make sure that there's somebody that
11 fills that void so that again people have an operator
12 that's certified.

13 And then finally, as we talked about, all the
14 wells were considered noncompliant, and so that -- we
15 hadn't issued the noncompliant well agreement yet but
16 they are still noncompliant wells. But that's of note
17 and of issue. And the outline required actions for those
18 issues.

19 Q. Did you take -- So you took samples?

20 A. I took one sample at each facility, each water
21 system, and I visited all the wells and took photos of
22 each well.

23 Q. Was there positive samples at each well?

24 A. So I took samples. They were all absent for
25 bacteria, so total coliform and E. coli absent, but in

1 some cases there was chlorine where we weren't expecting
2 there to be chlorine and that was due to what we believed
3 to be Mr. Blevins potentially shocking the systems prior
4 to us coming out.

5 Q. So compared to the other well systems that
6 you've inspected and that you're familiar with as part of
7 your work at the Department of Natural Resources, how did
8 these compare?

9 A. I mean, I've seen a lot. I've seen a lot of
10 bad systems. This is definitely one of the more
11 problematic systems that I've seen with a lengthy list of
12 unsatisfactory findings and significant deficiencies. I
13 think paired with the fact that a lot of these were not
14 addressed since the first time I visited them back in
15 March of 2022, some of these issues were still there. I
16 think that was a bigger concern because I did mention
17 those to Mr. Blevins when I was out there when I
18 originally saw the wells and he said he'd have the
19 technician take a look at it. They were still there a
20 year and a half later, year and two months later when I
21 saw the facility for the inspection which was especially
22 of concern and obviously we had been through the boil
23 order at that point as well. I think compared to all
24 that it's definitely been one of the most problematic
25 systems I've ever dealt with.

1 Q. Do you think Mr. Blevins has the ability to
2 make the changes, make the fixes?

3 A. These are not difficult changes. So I don't
4 think it's hard to put on the screen, the appropriate
5 screen on a breather vent or purchase a well cap and
6 replace a well cap that's faulty. I do believe he is.

7 Q. He just hasn't done it?

8 A. Correct.

9 Q. For whatever reason?

10 A. Correct.

11 Q. Have you heard -- gotten any feedback from the
12 homeowners, from the residents over the course of the
13 time that you work with Mr. Blevins and these wells?

14 A. Quite a bit, yes.

15 Q. What have you heard?

16 A. I've heard and I facilitated the inspection or
17 the investigation of multiple complaints from multiple
18 parties, some that are on Topo Drive that had
19 longstanding problems and concerns with their water
20 quality with them not being sure what's being done to the
21 systems, them not being informed of what's going on.
22 Sometimes, you know, the customers just aren't informed
23 so they don't know what a solution is looking like. For
24 example, you know, I've gotten calls where they're like
25 the well cap is gone and he just was out here, Mr.

1 Blevins was just out here and it's just the well cap is
2 just off. And he might have been shocking the well that
3 day, but the well cap should never not be on when you're
4 not right there, things like that.

5 You know, we were hearing issues with water
6 quality issues outside of just total coliform bacteria,
7 folks that had -- several folks on Topo Drive system, you
8 know, called that they had -- they were getting sick.
9 Some folks were complaining about mud in the water which
10 could have been a leak in their own lines but was an
11 issue that we investigated. Some folks complained about
12 unknown particles and bugs potentially in their water
13 filters when it's coming inside their house and they're
14 changing out the water filters. Folks complaining about
15 significant chlorine smells, other folks complaining
16 about fees. In one instance I was privy to a Facebook
17 comment or post and a series of comments associated with
18 that post in the Facebook group that Mr. Stamp referred
19 to earlier where folks didn't even know who they were
20 supposed to pay and they were just being approached out
21 of the blue by this other gentleman that they had to pay
22 him for their water supply.

23 At the time I could read it with the
24 understanding what was happening. Mr. Blevins had sold
25 the well to another gentleman, which is a Taylor well

1 which is associated with Misty Mountain public water
2 supply, but none of the customers were aware and so all
3 of a sudden some gentleman out of the blue was asking
4 them for money and just, you know, the amount of
5 confusion was just all over the place on this Facebook
6 post. It was really frustrating to see from my point of
7 view knowing what was happening behind the scenes while
8 we were trying to fix it but these folks didn't have any
9 idea what was going on and they're concerned about water
10 quality. They hear one of the wells in the Misty
11 Mountain system has E. coli problems, another well there
12 was concerns about sewage being dumped on the property
13 right next to the well. So they were concerned that --
14 those folks were concerned that the E. coli was maybe
15 happening in their well. So there was a lot of
16 uncertainty, confusion in just how everything was run and
17 some people were concerned about who do we even go to.
18 They didn't even know who to go to or who to even pay. I
19 think that was part of the frustration that we had in
20 dealing and sorting out with a lot of these complaints as
21 well.

22 Q. I know at some point the DNR contacted the
23 Public Service Commission. Were you part of that
24 communication?

25 A. Yes.

1 Q. And how did that come about from your end?

2 A. In my dealing with this system and from my at
3 the time not very extensive knowledge of what the Public
4 Service Commission did, this to me sounded like something
5 that would be -- this system, these systems, would be
6 something that would be something that they would
7 regulate. So I reached out to Mr. Curt Gateley and asked
8 him about this and let him know my concerns, and he let
9 me know that this is something that would be of interest
10 to them and they would look into it and investigate it.
11 We met up at the department and I caught them up to speed
12 with where we were and they took their investigation on
13 their own and we coordinated a little bit. Largely I was
14 not privy to their investigation. I did reach out
15 initially to Mr. Gateley.

16 Q. So that's where the cooperation?

17 A. At the time, yeah, we were struggling to make
18 headway. We had been working with Mr. Blevins quite
19 significantly and trying to urge him to address this.
20 This was in December of 2022, where we're midway through
21 -- we're three, four months into this boil order at this
22 point and all the requests and all of the, you know, by
23 and large I think the one screen that Lori Jean had put
24 onto that air relief valve. Aside from that, nothing had
25 really been done and we were still having significant

1 issues with water quality and we were still getting
2 concerns with fees. That's largely not something the
3 department regulates too much. It is definitely
4 something reserved for the Public Service Commission
5 which is why I reached out.

6 MS. KERR: I don't have any other questions.
7 Thank you.

8 JUDGE CLARK: Mr. Blevins, do you have
9 questions for this witness?

10 MR. BLEVINS: I think I do.

11 QUESTIONS

12 BY MR. BLEVINS:

13 Q. I guess there's a lot to be said about the Topo
14 well. It was difficult at best at that time to try to
15 determine what the real problem was. You made a comment
16 though I'd like for you to clarify. What is your
17 understanding about what I understood about the
18 connection line that was from the county water? You
19 indicated that I already knew about that line.

20 A. At the time of you informing us that you did
21 have that extra connection to the public water supply,
22 Pulaski County Public Water District No. 2, at no point
23 did you specify that you were made aware of this; that
24 you knew it had been in the ground; you knew that
25 Mr. Baker had put it in the ground years ago for the

1 purpose of providing water from there from the county to
2 those folks. At the time you told me that it didn't work
3 which is why it wasn't usable which is why you guys had
4 to put in the well that subsequently fed those homes. So
5 to my knowledge you were aware that that line went there
6 because you knew why the well was eventually put in
7 because you knew that there wasn't sufficient supply to
8 meet at the time the seven or eight homes that were
9 originally there. It's now down to five as two or three
10 of those homes have drilled their own wells.

11 Q. You're talking about 20 years earlier. I had
12 no knowledge of that at that time.

13 JUDGE CLARK: Mr. Blevins, you're testifying.
14 You can ask questions, but you can't testify at this
15 point.

16 BY MR. BLEVINS:

17 Q. Okay. Let me try to rephrase the question
18 again then. Well, the noncompliant agreement, I'll go to
19 another subject here, that has to be supplied by the
20 Department of Natural Resources for these wells; is that
21 correct?

22 A. That's correct.

23 Q. And when would that be available in your
24 opinion?

25 A. That's something you'd have to ask Jackie

1 Johnson. I know she's working on the drafts of those at
2 the moment. I can't tell you.

3 Q. Is there anything that can be done that hasn't
4 been done yet for that particular agreement?

5 A. For those agreements, not to my knowledge, no.
6 I think a lot of the requirements built into the
7 agreement are, you know, additional water samples needing
8 to be taken, but again I would defer those questions to
9 Jackie Johnson as she would be the appropriate person to
10 answer that.

11 Q. The Topo well, again back on that subject
12 matter, obviously was a difficult time for both of us I
13 guess, and did at any time are you saying that there was
14 a refusal to do something that maybe you recommended or?

15 A. So we had outlined in that second level II
16 assessment that was sent out in November outlined a few
17 things that could have been done. I remember
18 coordinating with you and Lori to try and find a day
19 where we could excavate around the well. I remember we
20 picked a date. I remember you had talked about not
21 wanting -- You talked to Lori. She said that she didn't
22 want to do too much around the holidays to ruin peoples'
23 holiday, and we were also concerned about the weather.
24 There was a couple cold days in there that you were
25 concerned might not be -- we wouldn't be able to dig

1 down. So we did extend out a little bit that time frame
2 so you had a little bit of flexibility and we picked a
3 date in January, the three of us, and I remember getting
4 a call from Lori either the night before or that day
5 saying she wasn't going to be able to make it out because
6 you called her and I believe was left a message or
7 something. I couldn't say. But all in all it ended up
8 being that she was -- she didn't end up making the trip
9 out because you made it clear or you had implied that you
10 wouldn't be coming out and we would then -- we'd have --
11 we couldn't excavate that day. So at the end of it we
12 didn't end up proceeding with the excavation and trying
13 to figure that out. We then subsequently called you
14 after the failed attempt to try and pick a day. I spoke
15 with you, Jackie Johnson and Patrick Vavra at the time.
16 We called you to try and figure out a day in January,
17 said, hey, you know, even today it's a good day to do it
18 or the next day or the next day. We're trying to find
19 days that would work. There was hesitancy and I don't
20 remember if you said flat out no, I will not, but there
21 was no motivation to get a date figured out and we gave
22 you the opportunity to have multiple times to get out
23 there and make those fixes.

24 Q. How did you find out that the plastic had been
25 cracked all the way around below the pitless?

1 **A. You told me that.**

2 Q. I told you that, right?

3 **A. Yeah. I was informed that the well had failed**
4 **from a customer saying that they had no service, that was**
5 **on that Sunday. On the Monday I got the voicemail and**
6 **then in speaking to you within the coming days after you**
7 **had your well man come out you let me know that there was**
8 **a crack all the way around the casing and you said I**
9 **believe it was sitting at either 140 -- I believe it was**
10 **140 feet down.**

11 Q. That's correct.

12 **A. So that's how I knew the extent of the damage.**

13 Q. Which was discovered from investigating what
14 was going on with the Topo well. But that's what I told
15 you; is that correct?

16 **A. Yep.**

17 Q. Okay. I'd like to clarify one other thing too
18 though that each one of the wells with the exception of
19 the Rolling Hills well would not individually qualify
20 under your 15 and 25 requirements, 15 connections, 25
21 users, et cetera, but DNR bundled them together to make
22 it that way; is that correct?

23 **A. So to answer -- To clarify, at first we didn't**
24 **think they were all interconnected. We knew a couple**
25 **were, like the Tigger well, the big Tigger well and the**

1 Taylor well because the Taylor well was down. And that
2 by itself I believe had 15 connections. That by itself
3 would have been.

4 And then on the Charity side we knew that
5 Charity well on PP, which was down, that well was hooked
6 up to the big Charity well, that first Charity well. So
7 those combined I believe was also in excess of 15
8 connections. Now, the reason we bundled all of those
9 wells together, the Misty Mountain, the five on Misty
10 Mountain and the four on Charity is due to a policy that
11 we have at the department stemming from the court case
12 which outlines that a developer in a subdivision --
13 basically the end of it basically states that if you are
14 a common ownership in a subdivision or in proximity like
15 you are in those two situations, common ownership
16 dictates that you can't subvert the 15 connections or 25
17 people requirement, that combined all of those wells
18 would be what we count up. So in both of those cases we
19 looked at the five wells in common ownership in proximity
20 to one another to meet that policy in response to that
21 court case that the department.

22 Q. I just wanted to clarify that. I don't
23 disagree with that.

24 A. Sure.

25 Q. I mean, I think it's a good idea especially for

1 forwarding these wells into a homeowners' association.

2 What would be your thought about a homeowners'
3 association?

4 MS. KERR: Objection, asking for legal
5 expertise.

6 JUDGE CLARK: I didn't take it that way. I
7 just took it as how do you feel about these wells being
8 owned by a homeowners' association. I understand they're
9 legal implications of that, but that's not how I took
10 that question. I think he was just asking how DNR feels
11 about that. Your objection is overruled. You can answer
12 the question.

13 THE WITNESS: I think it's a little tricky in
14 that area again because it's such a transient population
15 as I referred to it earlier. You don't have people that
16 live there for very long. Some people do. I think for a
17 homeowners' association it's a little easier to have a
18 more established population, and additionally I don't
19 think -- in this case I understand your goal to go
20 through the homeowners' association to potentially avoid
21 the issue of common ownership. But if you're still the
22 supplier, you still have financial -- you're financially
23 involved with those wells, then I think you would not be
24 able to get around the common ownership issue there. But
25 I know you can definitely take that up and talk to Jackie

1 Johnson maybe about that or talk to the department
2 further about that.

3 Q. What would be your opinion for the prices or
4 the fee to go down rather than up for the users of the
5 water, the well? What would be your opinion there from
6 DNR's point of view?

7 A. The department doesn't have any say in that in
8 how you set your fees in certain cases. So in this case
9 I couldn't say. I think that's why we referred you to
10 the Public Service Commission as they do regulate rates
11 for for-profit utilities.

12 Q. Another clarification would be since DNR has
13 been activated with the wells, there's been a lot of
14 learning process going through. Have the -- Is DNR's
15 current idea of what's going on with the wells or are we
16 in line or do you think the wells are in line now, they
17 may still have a few things to do which I'm sure probably
18 does?

19 A. At the time that I left, which was at the end
20 of September, August, yes, at the end of August of this
21 year, there was still issues outstanding. From my
22 reports, there was still all the significant deficiencies
23 still were not addressed. So I couldn't speak to that.
24 But at the time I left, there were still openings in the
25 wellhead. I know in speaking to you before I left you

1 did mention that you moved a well cap off the Topo well
2 onto the smaller Tigger well. While that fixes
3 potentially the problem at the Tigger II well, you opened
4 up another significant deficiency at the Topo well drive
5 which is a concern of mine too. So I think I wouldn't
6 feel comfortable saying that you are in a good spot right
7 now without knowing what happened in the last month and a
8 half and without wanting to make sure that nothing else
9 has happened.

10 Q. Temporarily I think I asked you about the
11 putting a plastic cap over that particular well, the one
12 we took the cap off of, that plastic cover, and we did
13 that.

14 A. As long as it has a sanitary seal. It can't
15 just be a bucket on the top or anything like that. It
16 should be properly sealed.

17 Q. Okay. There was a comment made I believe on a
18 well that when one of the occupants had purchased the
19 property they thought they purchased the well on the
20 property. In fact, there was no well on the property,
21 and are you aware of that situation there with someone
22 that complained about being charged for water?

23 A. I'm not aware of that situation.

24 MR. BLEVINS: Okay. Okay. Thank you.

25 JUDGE CLARK: That all the questions you have,

1 Mr. Blevins?

2 MR. BLEVINS: Yes, sir, at the present time.

3 JUDGE CLARK: Any Commissioner questions? I
4 hear none. I've got some questions for you. Is it
5 Mr. Clos-Versailles?

6 **THE WITNESS: Clos-Versailles.**

7 JUDGE CLARK: Clos-Versailles. Thank you.
8 Please correct me if I mispronounce it further.

9 QUESTIONS

10 BY JUDGE CLARK:

11 Q. What's your understanding of what's going on
12 here today of this proceeding before the Commission?

13 **A. My understanding is that the Public Service**
14 **Commission has put forth a motion or filed to have the**
15 **wells in question be taken away from Mr. Blevins and a**
16 **receiver put in control of those wells to make sure that**
17 **until time is -- until next steps are figured out as a**
18 **result of his lack of safe and adequate operation of the**
19 **water systems on a whole, not just the three water**
20 **systems that we regulate.**

21 Q. The Department of Natural Resources, or DNR,
22 shows up in a lot of what I read. There is a fair amount
23 of crossover between the Commission and the Department of
24 Natural Resources especially in this area concerning
25 water. Does DNR have a similar provision in regard to

1 referring deficient systems for receivership?

2 **A. I'm not aware of any personally, but I would**
3 **defer that question to Jackie Johnson. She's in the**
4 **enforcement section. She might know more about that.**

5 Q. Okay. Thank you. You said that initially you
6 visited with Mr. Blevins all of his wells for the
7 purposes of determining which ones might be a public
8 water supply; is that correct?

9 **A. That's correct.**

10 Q. And that was 16 wells?

11 **A. At the time it was 16 wells. The three wells,**
12 **three additional wells I know he purchased in December of**
13 **2020 were at the foundation I think of some of the**
14 **complaints that the Public Service Commission was**
15 **receiving. I'm aware that could be received in some of**
16 **those complaints as well. So I know it has fluctuated.**
17 **At the time it was 16.**

18 Q. At the time it was 16. And maybe I'm not
19 following the timeline exactly. Are you saying it could
20 be as many as like 19 if three additional were purchased;
21 is that what you're telling me or are you telling me that
22 including those three was the 16?

23 **A. No, those three were not included at the time I**
24 **visited. From what my understanding around December of**
25 **2022, maybe November, I'm not sure exact date, he**

1 purchased three additional wells. I know that when I met
2 with him in his -- he mentioned he originally had 18, he
3 had sold two to some homeowners. So I knew the number
4 had fluctuated. In my dealings with him, I know he's
5 been actively trying to sell the wells in the water
6 systems in question. So I know that he's been trying to
7 sell them.

8 Q. Now, he informed you that he owned 18 wells; is
9 that correct?

10 A. He told me originally that he owned 18 wells,
11 two of which were sold to the homeowners because they
12 were private wells that fed one or two homes, and we
13 visited the other 16 that were still in his ownership at
14 the time.

15 Q. He told you that he owned those wells?

16 A. I'm not sure if owned is the right word. That
17 he operated through water from those wells. I can't
18 remember exactly.

19 Q. So he operated those 16 wells?

20 A. He was the water supplier for those 16 wells.

21 Q. For those 16 wells. Okay. And so that would
22 include these three now public water systems plus
23 whatever additional wells there were?

24 A. Correct.

25 Q. How would you describe the state overall of

1 those 16 wells?

2 A. Very much so. I would say largely in poor
3 shape with many having -- if I were to do an inspection
4 that day, many of them having significant deficiencies.
5 I'd say many if not all the wellhouses were in a state of
6 disrepair. Doors missing. I think one well I visited
7 didn't end up activating had duct tape holding on the
8 well casing. I could literally shake the top of the well
9 back and forth. There was wells with -- wellhouses with
10 doors being propped up with a stick, wells where the door
11 just fell off, the doors being propped up by a nail,
12 there was wells that were leaking, wellhouses that were
13 leaking. I should say the piping there was leaking. So
14 it was flooding inside the wellhouse. There was openings
15 in the electrical conduits where the wires go from the
16 ground -- from the wellhouse up into the well and then
17 down which would have been a significant deficiency in
18 numerous wells. Largely they were all in a state of
19 pretty significant disrepair.

20 Q. Now, when you find deficiencies and you move
21 with the owner/operator to correct them, and here we're
22 going to get into some terms where I misuse technical
23 terms. If I do, let me know. Does DNR tell Mr. Blevins
24 what to do and he in turn tells the operator what to do?
25 Is that the way it works? What is it? Chief operator?

1 A. So it depends -- Yes, we would notify when we
2 set up a system, we determine the contacts in question.
3 In this case Mr. Blevins was put on as the contact that
4 we would notify for any reports, notices of violation,
5 things like that. So he should be getting all that
6 documentation. Some of those deficiencies like if a
7 breather vent on a well doesn't have the appropriate
8 screen on it, that is a significant deficiency as you can
9 suck up bacteria and debris into your well.

10 Now, that doesn't affect, you know, putting a
11 screen on himself with a zip tie and the right screen
12 size. That's not something that would -- that the
13 operator would need to do. He could do that himself,
14 because that doesn't affect the operation of the system
15 in terms of him having to change how much water is being
16 provided or coming out of the well or anything like that.

17 Now, if, for example, he needs to dig down and
18 replace the pitless adapter and he has to shut off the
19 well, that's something he would have to notify his
20 operator so that he can get either a clearance from her
21 to do that or she would do that herself and then they
22 could address it.

23 Q. So is the answer that you tell Mr. Blevins what
24 to do and Mr. Blevins, some of those things he can do
25 himself but others he has to tell the operator to do?

1 A. That's correct. And he's got 30 days to notify
2 the department upon issuance of the letter of what he
3 plans to do to consult with us to let us know how he
4 plans to address it and then he has 120 days from the
5 date of issuance of the inspection report to fix that,
6 make that repair, or if he feels like the 120 days is not
7 a sufficient timeline during his consult period he can
8 let us know and we could find an additional time frame to
9 extend that if we need to.

10 Q. Did Mr. Blevins request extensions in time
11 frames to do so?

12 A. No, but the operator did submit, Lori did
13 submit the consult within 30 days of what they plan to
14 do. I have not -- I have since terminated my position in
15 that role. Prior to hitting that 120-day deadline and I
16 have not seen a response. So I don't know if they've
17 received any. I don't know if they received the
18 violation for that yet.

19 Q. So how did he end up getting an operator? I'm
20 assuming that that was something that occurred after it
21 was determined that these were public water supplies; is
22 that correct?

23 A. That's correct. So on our website we, you
24 know, where we show all certified operators in Missouri,
25 certified operators in Missouri can search for systems

1 that are lacking an operator, lacking a properly
2 certified operator. So in fact, Lori Jean actually
3 reached out to me and then subsequently Mr. Blevins when
4 she saw that those three systems were without an operator
5 and within an area in which she operates her other
6 systems. So she reached out to him to become the chief
7 operator, and then from there they signed a contract for
8 her to become the operator.

9 Q. You've gone over some of this, but I just want
10 to go over it in a more condensed form. What
11 specifically has DNR told Mr. Blevins to do that he has
12 not done or that the operator has not done after
13 Mr. Blevins was told to do it?

14 A. If I may just consult the second level II
15 assessment that was of note. First of all, during the
16 boil order we required him to find and fix the solution
17 of presence of E. coli in the well at the Topo Drive
18 well. He let us know he was going to find the problem,
19 fix that issue, and that would have involved doing some
20 investigation which included investigating and digging
21 around the well to see if there was an issue there if
22 that was the potential cause, none of which was done and
23 was continuously just delayed and delayed and delayed
24 until the well failed. None of the issues with fixing
25 the Topo Drive well ever were completed. And then I

1 would point to the inspection reports where I highlight
2 the significant deficiencies that I'm most concerned
3 about with openings in the wellheads or electrical
4 conduits, things where bacteria can get in. Some of
5 those things I highlighted to him when I originally met
6 with him in March of 2022 and were in the same exact
7 state once I did the inspection in June of 2023. Some of
8 the things in the inspection report he cannot do until we
9 issue the noncompliant well agreement. He can't get a
10 permit to dispense, for example, until a noncompliant
11 well agreement is completed which we are still working
12 on, but there's other things, plenty of things he could
13 have done that to my knowledge were outstanding.

14 Q. Opposite question. What actions has
15 Mr. Blevins taken that you've asked him to do that he's
16 actually done?

17 A. In the initial level II assessment, I believe
18 Lori Jean put on a screen on the air relief valve at the
19 Topo Drive well. Something that we like to see is on
20 there but at the time when I originally did my assessment
21 wasn't present. That was addressed.

22 Q. Now, that screen, that's something that you
23 just indicated that Mr. Blevins could have done himself
24 with a zip tie, right?

25 A. Correct.

1 Q. So that's not a complicated thing and that's
2 not something that while an operator did it, an operator
3 was not required for that?

4 A. Correct. The other thing he did do, if I may,
5 is he did shock the well multiple times in trying to lift
6 the boil order throughout that process, but it was
7 without the operator's knowledge and without the
8 customers' knowledge.

9 Q. Since you mentioned it, we'll just skip ahead
10 to that my questions about well shocking. You had
11 indicated that you went out there to do some testing and
12 discovered that the well you assumed had been shocked at
13 a time it wasn't supposed to be and that the operator had
14 no knowledge of, correct?

15 A. Correct.

16 Q. You had indicated that that was at least in
17 relation to inspections or possibly realtors coming out
18 to?

19 A. He had told me previously in conversation that
20 when a realtor is coming out to get a clean sample he
21 would shock the system and really the only way to do that
22 you can't really inject, you know, bleach or any sort of
23 thing like that without, practically you can't really do
24 that just by hooking up anywhere. It can only really be
25 done through the well. Now it's not, like I said, it's

1 not a practice that's impossible to do or necessarily
2 inherently a bad thing. To that extent it was an issue.
3 Really the only reason there could have been chlorine in
4 that water at the time would have been a result of
5 shocking paired with the customers telling us they'd seen
6 him and it resulted in their houses smelling strongly of
7 chlorine in the day and two days before we were out there
8 and verify that there was chlorine in the water.

9 Q. Now, you had indicated a concern -- let me ask
10 it this way. You had indicated concern that the E. coli
11 in the Topo well was coming back so quickly, that it was
12 coming back within a week or so of shocking or treating
13 the well. If you were going out to conduct an inspection
14 like you did and you discovered that the well has been
15 shocked at a time that it was not supposed to be shocked,
16 is that going to affect your ability to test for E. coli?

17 A. Yes. So it would mask any issues that could be
18 present. If a system that doesn't chlorinate and they're
19 not supposed to chlorinate and they submit a sample with
20 chlorine in it, that sample is not used for their monthly
21 chlorine sample. If I took a sample that day -- When I
22 did take a sample that day, those samples would not have
23 counted for their monthly compliance sample. Lori I
24 think either had previously done it that month or she
25 needed to go back out there and do it again. They still

1 ended up doing it -- or she ended up doing it but the
2 samples I collected did not count for compliance because
3 of that.

4 Q. So at that time you really don't know if prior
5 to that shock if there was E. coli in the system or not?

6 A. Correct.

7 Q. And how great of a public danger is E. coli?

8 A. I think --

9 Q. I mean, I've been down to the lake. They tell
10 you not to swim.

11 A. I think it can vary from person to person.
12 It's definitely a serious cause for concern. It is why
13 we have such stringent requirements to boil the water and
14 notify customers as soon as possible upon positive
15 samples. So to me that has always been we protect public
16 health and that is the number one acute issue of concern
17 and the most immediate impact would be bacteria and
18 people getting sick.

19 Q. Can you die from E. coli?

20 A. I've seen reports of people eating E. coli,
21 infected lettuce from the store, there may be recalls and
22 stuff like that, and I've seen reports of people dying.

23 Q. Now, was Mr. Blevins informed that operational
24 decisions were to be made by the operator?

25 A. Yes.

1 Q. When was he first informed of that?

2 A. We verified with him. We first that I remember
3 had that specific conversation if not during the
4 inspection, then within a day or two after the inspection
5 to let him know this would be on the report, this was an
6 issue of concern. I cannot remember if that was a
7 conversation previously that we had or if it was
8 something we assumed that was known or the information
9 was passed along to him by a certified operator in Lori
10 Jean. I think we had -- Actually we had talked to him
11 previously to that, because I do remember us talking to
12 him about notifying customers and he has to let Lori know
13 that because there was concerns of him shocking before
14 she took samples at times.

15 Q. But after being told that, he continued to make
16 operational decisions, correct?

17 A. Correct.

18 Q. What about informing the public? You indicated
19 that they were uninformed. Was he informed that he
20 needed to inform the public after shocking the well --
21 before shocking the well?

22 A. Before shocking the well, we had him or we
23 notified him that he needed to notify the customers that
24 it was happening so they could know when to avoid
25 drinking water, but also for the shocking to work they

1 need to be informed so they can actually turn their
2 faucets on to bring that chlorinated water to their house
3 or else it's not going to work. So it's both for their
4 safety but also for the functionality of the actual shock
5 to work.

6 Q. You're shocking the well but not the system?

7 A. Correct. He was shocking just the well, not
8 the system. So any bacteria would remain in the lines.

9 Q. And after being informed of that, did he
10 continue in those times after being informed that he
11 shocked the well, did he still fail to inform the public?

12 A. Yes.

13 Q. Was this on more than one occasion?

14 A. To my knowledge, yes.

15 Q. Do all three of these systems, the Charity, the
16 Misty Mountain and the Rolling Hills, were all three of
17 those subject of significant violations?

18 A. Yes, all three had significant deficiencies.
19 They're not violations just yet. The violations would be
20 incurred if he doesn't address them. They are
21 significant deficiencies and it is obviously a serious
22 concern of ours on the report. They also did have water
23 quality issues themselves outside of the inspection that
24 we've been monitoring with total coliform bacteria
25 positive samples, not necessarily E. coli.

1 Q. You're doing a wonderful job leading me around
2 my own questions. We can now get back to where I had
3 started. You indicated that Mr. Blevins seemed if not
4 eager, eager may not be the word, but he seemed like he
5 was going to be compliant but I believe what you said was
6 the significant issue was follow through?

7 A. Correct.

8 Q. So in a lot of these things that you had
9 instructed him to do, he indicated up front that he would
10 do them but did not follow through?

11 A. That's correct. An example when I first
12 brought him out to view the wells, the first time I saw
13 him in March of 2022, I think multiple times he'd say his
14 technician will go out there and they'll go take care of
15 it and again a year and a half later, year and a few
16 months later we still had the same issues. More
17 importantly when we got to the boil order we called him
18 multiple times. I spoke to the operator multiple times
19 to try and urge them to do something more and still
20 nothing was done.

21 Q. In regard to the boil order, what is -- To the
22 best of your knowledge, what would you say is the average
23 length of a boil order?

24 A. I would say depends on the size of the system,
25 because if you have a larger system and you're shocking

1 the system, it takes a lot longer for that chlorinated
2 water to make its way through the entire system. So they
3 might be on -- they might temporarily chlorinate for like
4 a couple weeks to make sure you're covering all your
5 bases and you get chlorinated through that whole system.
6 But for a water system of his size if you're doing a
7 proper shock and that's the only thing you have to fix,
8 shouldn't take more than a couple weeks at most, maybe a
9 week if you're quick about taking your samples. There
10 are systems, of course, that have more lengthy issues and
11 that's when you have a problem with a well that has E.
12 coli in it and that requires them to do more but those
13 are fewer and farther between.

14 Q. But this was significantly longer than that
15 that these particular residents being served by the Topo
16 well were without consumable water?

17 A. Correct.

18 Q. Bear with me just a moment. Now, when that
19 well -- When that Topo well collapsed, you had indicated
20 that at that point DNR became aware that the Pulaski
21 water supply was a viable option, correct?

22 A. Yes, only after about I believe a week of -- it
23 either was later that week because we found out on that
24 Monday that the well had collapsed. We spoke to
25 Mr. Blevins either that day or -- I believe that day and

1 throughout that day or the next day where we urged him --
2 We were trying to find solutions. He said he had a
3 potential option with Pulaski County 2 but that he would
4 try and fix the well first. We asked him in the meantime
5 to supply water via bottled water to his customers so
6 they had just water. He refused. His well guy came out
7 later that week, or I think his customer found the line
8 that was hooking up to the water supply to the wellhouse
9 from Pulaski County 2 and that's when he turned on the
10 Pulaski County 2 water because I think the well driller
11 was a little bit delayed in coming out because he had a
12 family matter and he couldn't get out there right away.
13 By that Thursday, because the customers had found that
14 line and dug it up themselves to do it themselves, he had
15 come out and hooked it up and went to the Pulaski County
16 2 office to pay for it, the deposit.

17 Q. But prior to that Mr. Blevins had not indicated
18 that he knew this connected to his system?

19 A. Correct.

20 Q. So he was unaware of what was connected to his
21 water system?

22 A. From my conversation with him, he was aware
23 that it existed and that it was in the ground. He
24 refused to divulge that to us prior to that moment when
25 that was the only other option.

1 Q. Can you clarify that? What do you mean he
2 refused to divulge that until?

3 A. I should say he did not inform the department
4 that he knew of this other connection. It was only when
5 the well had collapsed and we were in the process of
6 drafting an emergency order to make him provide water
7 that he then told us that he's got another potential
8 option that he would look into.

9 Q. But he had initially refused to provide bottled
10 water?

11 A. Correct.

12 Q. How long from the time the well collapsed until
13 the Pulaski water supply was turned on?

14 A. The well collapsed on Sunday afternoon, Sunday
15 night. I believe it wasn't until Wednesday or Thursday,
16 I believe Thursday because he was hoping to have his well
17 guy on Wednesday. I believe it was Thursday he went to
18 the county office, the Pulaski County 2 office, paid the
19 deposit, they went out and unlocked the meter in an
20 afternoon.

21 Q. So people were without any water, drinking
22 water or otherwise for about four days?

23 A. Correct. We still had concerns with water
24 quality as it was coming in because the well lines never
25 were shocked appropriately. Like the only way to install

1 or put chlorine or disinfect those lines is by putting it
2 down the well, flushing the line with that well water.
3 But if the well doesn't exist any more and it was pumping
4 out E. coli a day prior to that well collapsing, you
5 could potentially have bacteria in those lines. Pulaski
6 County 2 is a very, very, very large system and they
7 don't chlorinate. So they don't have chlorinated water
8 coming all the way up to the Misty Mountain lines. So
9 while the water source that they were providing was good,
10 we are still uncertain as to the water quality within
11 those lines once it passes the meter to his water system
12 or distribution lines.

13 Q. Now, correct me if I'm wrong, I've been
14 listening to this for a while, I'm a lay person when it
15 comes to a lot of these water issues, is this a case
16 where if Mr. Blevins had been proactive when the DNR
17 directed him to, he could have gotten out ahead of these
18 problems but because he was not, they compounded?

19 A. I believe so. I think again towards the
20 beginning of this all when we initially issued the boil
21 order, myself I specifically heard hissing in the well
22 underground. So where I believed, and now the pitless
23 adapter is only about six feet below the frost line and
24 so it's very easy to dig up. It's not something that's
25 hundreds of feet down. It's meant to be, you know,

1 excavated if needed. So had he addressed those issues
2 following that level II assessment when we required him
3 to in November, for that specific actual requirement he
4 actually had 30 days to do that. We extended it a little
5 bit longer for him due to some weather days. He actually
6 only had 30 days to fix that issue. He never did. And
7 we issued a violation for that. Had he done it then, we
8 might have found this crack that was around the casing or
9 the leak that was there. If it was properly addressed,
10 the well might never have failed. That was something
11 that I let Mr. Blevins know was a potential issue.

12 Q. Once it's cracked and sunk 140 feet down,
13 there's not much you can do about it?

14 A. Not much. I think from what I was told the
15 well guy can try and fish it out but it's a very small
16 hole and you don't have a lot of space in which to work
17 to do that. So I know in the noncompliant well agreement
18 or in the enforcement case one of the required actions
19 that Jackie can speak to a little more as well is that we
20 will require him to plug the well but it is not being
21 plugged at the moment because Mr. Blevins has plans to
22 potentially fix it as he has informed us.

23 Q. Now, one of the things you had said is that
24 either a water customer or you had observed, I can't
25 remember which, a cap off of a well?

1 A. I'm sorry. Can you repeat?

2 Q. You had indicated that either a customer had
3 informed you or you had been made aware of a well that
4 was missing a cap or did not have a cap for a period of
5 time and you indicated that there should always be
6 somebody there when the cap was off?

7 A. Yeah. There's times where we were informed
8 that Mr. Blevins had been shocking the well which in this
9 type of well you need to take the cap off to then pour
10 the bleach down to shock the well. There's a process
11 that we informed systems how to do that. That is the
12 proper procedure. Once you dump the bleach down and you
13 recirculate the water back into the well to make sure
14 your bleach doesn't deteriorate your casing, you should
15 put the cap back on because that is what seals it from
16 the outside air, from rain that might have bacteria in
17 it, from just any type, birds flying above, any type of
18 bacteria getting in. So it should always be sealed
19 unless you're physically doing something with it. He had
20 informed me that it had been left overnight like that.
21 And if I remember correctly, he said he was recirculating
22 throughout the night which is the appropriate method to
23 do but you don't need to do it for that long and it
24 shouldn't have been left overnight like that. That was
25 definitely an issue with a methodology of his shocking

1 **the well.**

2 Q. And my last question just to clarify,
3 Mr. Blevins is not a licensed operator; is that correct?

4 **A. That is correct.**

5 JUDGE CLARK: Okay. Are there any questions
6 based upon bench questions? Mr. Blevins?

7 MR. BLEVINS: I have a few. Really don't know
8 how to answer the question. I think I'll save that for
9 me.

10 JUDGE CLARK: I'm not sure what you would save
11 it for. Once this witness -- once we're done
12 questioning, this witness will be excused. So if you
13 have questions for this witness that are based upon
14 questions I asked, now would be the time to ask those.

15 MR. BLEVINS: No questions.

16 JUDGE CLARK: Any questions based upon
17 Commission questions from Staff or redirect in the
18 alternative?

19 MS. KERR: I just have a couple questions.

20 REDIRECT EXAMINATION

21 BY MS. KERR:

22 Q. So Mr. Blevins had told you that he'd speak to
23 his operator to correct the deficiencies, but they had
24 not been addressed, correct?

25 **A. The department had received consult within the**

1 **30-day time frame. The deficiencies both outside**
2 **findings and significant deficiencies remained**
3 **outstanding up until the point I left my position in that**
4 **role.**

5 Q. You don't have any reason to believe the follow
6 through lies with the operator?

7 A. **I do not.**

8 Q. So it's the follow through responsibility lies
9 with Mr. Blevins, correct?

10 A. **The responsibility absolutely lies with the**
11 **water supplier.**

12 Q. And do you recall how much the deposit was that
13 Mr. Blevins had to pay to Pulaski County Water District?

14 A. **I don't know that. I don't know.**

15 MS. KERR: Okay. I don't have any other -- I
16 don't have any other questions.

17 JUDGE CLARK: I have one other question that
18 did occur to me. Given your experience working with
19 Mr. Blevins to try and correct some of these deficiencies
20 as you've said, Staff has asked you if Mr. Blevins was
21 capable of doing these things and you indicated that you
22 thought these were simple things that most people were
23 capable of. In your experience with Mr. Blevins, do you
24 believe he will do the things necessary to correct
25 deficiencies?

1 **A. I don't know. I really don't.**

2 JUDGE CLARK: That's a fair answer. Thank you.
3 Any further questions based on that question?

4 MR. BLEVINS: One other thought that I had was
5 you indicated that someone else dug up that line that
6 came from the county?

7 **THE WITNESS: That's what I had heard.**

8 MR. BLEVINS: Who did you hear that from?

9 **THE WITNESS: Lori Jean notified me that you**
10 **had called her panicked that one of the customers on the**
11 **Topo Drive well had just recently dug up that line and**
12 **that you were at the time rushing over to handle it, deal**
13 **with it.**

14 MR. BLEVINS: I don't know who that was, but
15 that line has never been dug up. I don't know why they
16 would tell you that. What I do understand though is what
17 they dug up was the on and off valve for the well.

18 JUDGE CLARK: Mr. Blevins, that's not a
19 question.

20 MR. BLEVINS: Okay. I'm sorry. No further
21 questions.

22 JUDGE CLARK: Thank you. Mr. Clos-Versailles,
23 you may step down. Thank you for your testimony.

24 **THE WITNESS: Thank you, Judge.**

25 (Witness excused.)

1 JUDGE CLARK: It is now 4:41. As much as I
2 thought this was going to be a one-day hearing, it
3 appears to me that it is not. If I thought we were going
4 to finish by 7:00 p.m., I would continue on. It's my
5 understanding right now Staff has at least two more
6 witnesses; is that correct?

7 MS. KERR: Yes. The second shouldn't take
8 Mr. Gateley very long. I do have one DNR witness and
9 then I could call Curt Gateley or I don't know how long
10 -- one and a half witnesses.

11 JUDGE CLARK: Then we also have Mr. Blevins
12 testifying. So I think this may be the appropriate spot
13 during the day to talk about finishing this on another
14 day. Now, my preference would be to go ahead and start
15 up tomorrow at 9:00 a.m. Originally the reason I could
16 not put this on Thursday is there was a hearing scheduled
17 for tomorrow already here, but that hearing has since
18 been rescheduled. What is everybody's availability for
19 tomorrow?

20 MS. KERR: I'm available.

21 MR. BLEVINS: I have doctors' appointments
22 tomorrow.

23 JUDGE CLARK: At what time are your doctors'
24 appointments?

25 MR. BLEVINS: At two o'clock, I believe. I'm

1 an hour and a half to two hours away from Jeff City.

2 JUDGE CLARK: So if you left by noon, you would
3 be able to make it; is that correct?

4 MR. BLEVINS: I should be able to, yes.

5 JUDGE CLARK: That would allow roughly three
6 hours for testimony. Is there anybody here who believes
7 that three hours would not be sufficient?

8 MS. KERR: I'm not sure. We could maybe do one
9 witness today and do the rest of it tomorrow just in
10 case.

11 JUDGE CLARK: Why don't we do that. Why don't
12 we go ahead at this point, take another witness. If you
13 want to go ahead and do Mr. Gateley now if he's your
14 shorter witness, that might make it easier, but I'm not
15 going to tell you how to run your case.

16 MS. KERR: Can we take a short break?

17 JUDGE CLARK: Short recess? I think we all
18 need one. It is now 4:44. I'm going to take a 15-minute
19 recess and we will come back at five o'clock. And what
20 witness are we having at that point? I'll leave it to
21 you. Do you think DNR is going to take longer or do you
22 think Gateley is going to take longer? Is your other DNR
23 witness available tomorrow or is this something where
24 really getting them out of the way first is the best
25 option?

1 MS. KERR: Can I get back to you?

2 JUDGE CLARK: Okay. We'll discuss that after
3 the break.

4 MS. KERR: Thank you.

5 JUDGE CLARK: We will recess until five o'clock
6 and we will go off the record.

7 (A recess was taken.)

8 JUDGE CLARK: Okay. It's now 5:01. Let's go
9 back on the record. Staff, you may call your next
10 witness.

11 MS. KERR: Call Jackie Johnson.

12 JUDGE CLARK: Speak into the microphone.
13 Jackie Johnson, please come up and take the witness
14 stand. Ms. Johnson, would you raise your right hand to
15 be sworn. Do you solemnly swear or affirm that the
16 testimony you're about to give at this evidentiary
17 hearing is the truth?

18 **THE WITNESS: I do.**

19 JUDGE CLARK: Go ahead, Staff.

20 MS. KERR: Thank you.

21 JUDGE CLARK: If I didn't say -- did I say
22 we're back on the record? We're good.

23 MS. KERR: Good evening, I guess.

24 JACKIE JOHNSON,
25 having been first duly sworn, was examined and testified

1 as follows:

2 DIRECT EXAMINATION

3 BY MS. KERR:

4 Q. Could you please state and spell your name for
5 the record?

6 A. Jackie Johnson, J-a-c-k-i-e J-o-h-n-s-o-n.

7 Q. And by whom are you employed?

8 A. Missouri Department of Natural Resources.

9 Q. What's your position there?

10 A. I'm an Environmental Program Specialist.

11 Q. And how long have you been employed by DNR in
12 that position?

13 A. Actually in my current position I recently
14 received a promotion, but I've been in the same section
15 for four years.

16 Q. And what do you do there for the -- What are
17 your job duties?

18 A. I think the simplest way to describe it is
19 primarily I'm a case manager. So I work with systems who
20 have been referred to enforcement to help them return to
21 compliance, and then I have some other associated
22 compliance activities I help with.

23 Q. Just generally what does that involve?

24 A. For the complaints activities, we run some
25 monthly reports to monitor systems that are out of

1 compliance and then coordinate with the regional offices
2 so that we can sort of direct more attention to that and
3 try and help with that. I issue some violations
4 associated with those as well.

5 Q. Are you involved in any of the investigations?

6 A. I manage cases. We don't usually call it
7 investigations, but we will do some research and figure
8 out how a system ended up in enforcement and actions that
9 need to be taken.

10 Q. Are you familiar with Travis Blevins?

11 A. Yes.

12 Q. And how did you become familiar with
13 Mr. Blevins?

14 A. There was a previous person in my section who
15 was also named Jackie which I know is kind of confusing.
16 She was previously assigned to be the case manager, but
17 we knew that she had gotten a new job. In February, I
18 started helping with the case and then it actually became
19 really my case around March. I was part of a
20 conversation over the phone with Mr. Blevins in the end
21 of February. Then I met him for the first time in June
22 at the public meeting with the Public Service Commission.

23 Q. When you say "February," it was February of
24 '23?

25 A. Yes, sorry.

1 Q. That's okay. And so you said you've met
2 Mr. Blevins?

3 A. Yes. We've met in person several times.

4 Q. So what's the nature of your involvement with
5 Mr. Blevins in this case?

6 A. I'm working with Mr. Blevins to help with the
7 three systems that DNR regulates. So Misty Mountain,
8 Charity and Rolling Hills to help get those systems in
9 compliance. So Misty Mountain has the Topo Drive well
10 issues that's a little bit different than the others, but
11 all three of those systems we've talked about will be
12 needing noncompliant well agreements. I'm also working
13 with him for all three systems for those inspection
14 reports that Sebastien has written and presented on
15 hoping to make sure that those required corrective
16 actions are taken care of for the significant
17 deficiencies and unsatisfactory findings.

18 THE COURT REPORTER: Could you slow down just a
19 bit?

20 THE WITNESS: Sorry.

21 THE COURT REPORTER: It's been a long day.

22 BY MS. KERR:

23 Q. So what does that involve?

24 A. If we start with the inspection reports, there
25 were identified significant deficiencies. Those are

1 required to be corrected. There were also identified
2 unsatisfactory findings that need to be corrected. So as
3 Sebastien talked about, there's some deadlines for those
4 things to happen. So I'm keeping track of those
5 deadlines, keeping track of things that have been
6 submitted. For example, the first significant deficiency
7 on all three of those reports relates to having someone
8 who's not certified making operational decisions. So
9 we've asked for some documentation that that won't
10 continue, that the decisions will be made under the
11 supervision or by the properly certified operator. So
12 I'll keep track that that actually gets taken care of
13 that we receive that information and I'll do that for all
14 of the significant deficiencies and unsatisfactory
15 findings. I'll work with the regional office, because
16 some of that information may get submitted to them, it
17 may come directly to me. We'll make sure that everybody
18 knows about it.

19 And then for the case management for those
20 three systems as well for Misty Mountain and Charity and
21 for Rolling Hills I've drafted an administrative order on
22 consent. We call that an AOC. So there will be an AOC
23 for each system with its own required corrective actions.
24 And those are all in a review process right now. That
25 review has to go all the way to our director. So it does

1 take a little while but it has been started.

2 Q. Do you have exhibits sitting there in front of
3 you?

4 A. Yes.

5 Q. I might refer to it and so make sure you have
6 that there. So you've worked with Mr. Clos-Versailles?

7 A. Yes.

8 Q. And what's your involvement with or what's been
9 your involvement with him in this case, in Mr. Blevins'
10 case?

11 A. So initially the regional office where
12 Sebastien works, Mr. Clos-Versailles, they were the ones
13 that are initially working with this system. That's the
14 way this typically works for our enforcement process is
15 the regional office is involved first. They have a lot
16 more I say boots on the ground. They actually go out and
17 visit the systems. And then when systems are referred to
18 us, we still coordinate with the regional office. We
19 kind of take over a little bit as far as responsibility
20 for tracking things. And so I have kind of taken over
21 the management of these three systems from
22 Mr. Clos-Versailles but especially because he's now moved
23 into a different position I'm still coordinating with his
24 regional office, but really I'm sort of the primary
25 contact.

1 Q. Okay. So in a step-by-step, they did the
2 investigation and then it goes -- they make the findings
3 and then it goes to your section and they make the
4 recommendations and then it goes to your section and then
5 you do the enforcement; is that kind of how the flow
6 chart would work?

7 A. Yes, generally. It isn't usually this quick
8 that it goes from a system being activated to
9 enforcement, but it is a general process that the
10 regional office works with the system, provides
11 compliance assistance, maybe identifies issues during an
12 inspection and then if a system has significant
13 noncompliance or if they have a history of noncompliance,
14 they may get referred to enforcement.

15 Q. You said it doesn't usually go this quick.
16 What do you mean by that?

17 A. I should clarify we just don't activate a lot
18 of systems in a yearly basis anyway. So it's already
19 kind of a less common thing to be a brand new system as
20 Misty Mountain, Charity and Rolling Hills were recently
21 activated. And then for a system to have, for example,
22 for Misty Mountain to have that ongoing boil order,
23 that's unusual and that would be significant enough to
24 warrant a pretty quick referral to enforcement.

25 For the other two systems for Charity and for

1 Rolling Hills, we determine that they have noncompliant
2 wells and so in order for the system to be able to get a
3 permit to dispense and to continue using those wells,
4 they need that agreement. So that's also why it's a
5 little bit faster to get into enforcement because we want
6 to be able to give them that noncompliant well agreement.

7 Q. What is a noncompliant well?

8 A. So a noncompliant well is a well that's not
9 compliant but it's more specifically it's not compliant
10 with the regulations for a public drinking water system
11 well. And as Mr. Clos-Versailles talked about earlier,
12 there are different types of wells. We have domestic
13 wells, we have multi-family wells, and we have the public
14 water supply wells. They each have different regulations
15 for how they need to be constructed. So in this case
16 we've determined that the wells at all three, Charity,
17 Rolling Hills and Misty Mountain, were not constructed to
18 the proper standards for public water supply wells. So
19 in order for the system to be able to continuing using
20 those, we need this noncompliant well agreement in place,
21 and that agreement will acknowledge that those are
22 noncompliant wells that contains a few stipulations and
23 there will be some stipulations in the permit that's
24 ultimately issued.

25 Q. So that permit has not been issued yet?

1 A. No. We can't issue the permit until we have
2 that noncompliant well agreement in place.

3 Q. What is that agreement? What does that
4 agreement require?

5 A. A noncompliant well agreement in general will
6 have some sampling requirements. So if it was a brand
7 new system that had never done their initial sampling, we
8 would require them to take care of some initial sampling.
9 In this case these systems have already been in existence
10 for a year and so it will require the systems Charity,
11 Rolling Hills and Misty Mountain to continue the required
12 sampling of the community water system. If there are
13 issues with those results, there are some triggered
14 actions that happen.

15 For example, if the system has E. coli positive
16 samples, they may be required to add chlorination. In
17 addition to those specific requirements about sampling
18 and then extra steps, if a system has issues with those
19 samples, a noncompliant well agreement contains a
20 stipulation that the system cannot add any more
21 connections. So we'll let them keep using the
22 noncompliant well but as is. They can't add more
23 connections to that well in the future.

24 For this one in particular though for Misty
25 Mountain, because the Topo Drive well has collapsed and

1 it's nonfunctional and probably not ever going to be, we
2 are going to ask Mr. Blevins to plug that well so that it
3 doesn't pose a contamination risk to their groundwater
4 supply. There's also a well at Charity that is not
5 functional and has not been repaired that we'll also ask
6 to be plugged.

7 Q. And so going forward, how does that -- what's
8 the significance of that going forward then for those
9 wells to have the noncompliance -- noncompliant well
10 agreement?

11 A. Can you clarify that?

12 Q. Is there -- Once they have that agreement, are
13 they, and they make that agreement, is there any
14 significance going forward or they go or what happens
15 next with those wells?

16 A. Okay. So once we have that noncompliant well
17 agreement approved through our review process, it will be
18 sent to Mr. Blevins. If he reads it and agrees with it,
19 he will sign it. The department will also sign it and
20 that becomes an effective order. It says in there a
21 couple of required corrective actions. If the
22 significant deficiencies and unsatisfactory findings are
23 still unresolved from those inspection reports, we'll put
24 those as corrective actions in that order. So like for
25 the primacy fees have not been paid. So if the primacy

1 fees are still overdue when the order goes out, then the
2 primacy fees would be included as a corrective action in
3 that, but either way when the order is approved and
4 signed and effective and the actions get completed within
5 it, the department will be able to issue a permit to
6 dispense which Mr. Blevins will have to apply for. As
7 long as we issue the permit to dispense, we will be able
8 to close that administrative order on consent, we'll send
9 a letter that says that it's been closed, Mr. Blevins
10 would have a permit to dispense water so he would be
11 compliant with our drinking water regulations and then
12 within that permit it has some stipulations about again
13 not adding additional connections, need to notify future
14 buyers of the status of the wells as being noncompliant
15 wells, but as long as there are no issues with the wells
16 going forward and he meets the terms of the noncompliant
17 well agreement, then it would be done. Q. What if he
18 doesn't meet some of those conditions?

19 A. We have a couple of things built into a
20 noncompliant well agreement. AOCs in general, those
21 administrative orders on consent, that if a system isn't
22 meeting agreed upon deadlines in it we have stipulated
23 penalties that we can assess for noncompliance with those
24 deadlines. If we don't issue that permit to dispense,
25 then we can't close the AOC but we also would not be able

1 to let Mr. Blevins continue using those noncompliant
2 wells.

3 Q. Has he corrected any of those deficiencies up
4 to this point that you know of?

5 A. Am I allowed to refer to the inspection
6 reports? They're in Exhibit 7.

7 Q. Yes. Are you talking about the well
8 determinations?

9 A. So Mr. Clos-Versailles --

10 Q Were you talking about significant
11 deficiencies?

12 A. You asked if they've been resolved. I want to
13 make sure I look at them so I know.

14 Q. The first one for Misty Mountain starts on page
15 59.

16 A. Okay. I'm on page 67 of Exhibit 7.

17 Q. So those would be the ones that would go into
18 the agreement and would have to fix, right? Is that what
19 you're saying?

20 A. Yes. You asked me if they've been resolved.
21 But instead of trying to go from memory, I wanted to see
22 which significant deficiencies there are.

23 Q. That's fine.

24 A. So on page 67 of Exhibit 7, the first
25 significant deficiency refers to having individuals

1 making operational decisions that aren't under the direct
2 supervision of a properly certified chief operator. As
3 part of the consulting with the department, I think Lori
4 Jean did provide a statement that they're working on
5 that. And she talked to me, I actually spoke with her,
6 it was this week, one of the days this week about
7 potentially coming today and we talked about some of
8 these things that were in here. So I think things are
9 better but I still think we need a more specific
10 statement from them to resolve that significant
11 deficiency.

12 For number two, it talks about the Tricia well
13 not being properly screened.

14 THE COURT REPORTER: Did you say the Tricia
15 well?

16 THE WITNESS: Yeah. The wells are named after
17 streets. So a lot of them are names. So it's Tricia.
18 We received photographs last week from Lori Jean from the
19 from the operator. I am not qualified to say if those
20 photographs adequately address the significant
21 deficiencies that are in here. I don't have an answer
22 yet whether the photographs that were submitted cover
23 this but I know something was submitted. So if it's not
24 taken care of, it would be included in the order.

25 And then the third significant deficiency is

1 that the Tigger well No. 4 had an unprotected opening.
2 Again some photographs were submitted. If those don't
3 adequately cover this, we would include that in the
4 order.

5 For the unsatisfactory finding, this is already
6 part of it. It says that they need a permit to dispense.
7 That's part of the noncompliant well agreement. The
8 laboratory fees have been paid. They did submit a
9 bacteriological site sampling plan for unsatisfactory
10 finding No. 3. Unsatisfactory finding No. 4 as far as I
11 know has not been addressed yet and this is actually --
12 it refers to the rule in there. It's 10 CSR
13 60-14.010(4)(a)6. All systems are required to have a
14 contingency plan at all times for a properly certified
15 backup operator. It doesn't mean that they have to hire
16 someone, but they have to have a plan for it. So we need
17 to know from the system that they have that plan.

18 No. 5 is the noncompliant well. So that's
19 built into the agreement. And then No. 6, one of the
20 wells was not accessible at the inspection. The key was
21 unavailable. And so the system will need to let us know
22 that they have a plan for how we can get there next time.
23 There are similar corrective actions in the other two,
24 and so as with this one if the corrective actions are
25 completed we would not include that in the order. If

1 they're still open, we would put an action in there for
2 it.

3 BY MS. KERR:

4 Q. So in these inspections there were samples
5 taken?

6 A. Yes.

7 Q. And do you know how these inspections compared
8 with the other inspections with regard to the sampling?

9 A. What do you mean?

10 Q. I'll withdraw that. So were you involved in
11 the inspections on these significant deficiency
12 documents?

13 A. I attended the inspections but I'm not an
14 inspector.

15 Q. Okay. So what was your role? Writing the
16 reports or?

17 A. I reviewed the reports before they went out.
18 Because I am the case manager for the enforcement case
19 just to make sure that there wasn't anything in there
20 that I didn't understand or that didn't fit with what
21 we're doing with our normal enforcement process but it
22 was mostly there as sort of a support role in case there
23 were questions about enforcement while I was there.

24 Q. Did you have a chance to talk to Mr. Blevins
25 about these deficiencies and how he would make changes or

1 how he would fix them?

2 **A.** **Mr. Blevins came to Department of Natural**
3 **Resources at the beginning of this month, I believe it**
4 **was October 5, and we had a meeting in person. I gave**
5 **him a printed copy of each of the inspection reports and**
6 **I highlighted the significant deficiencies, I highlighted**
7 **the unsatisfactory findings, and I highlighted the**
8 **required actions and due dates and we went through each**
9 **of the reports. And I have those paperclipped together**
10 **by system with the invoices that were also due and I gave**
11 **him those in a folder and made sure that we went over**
12 **what we needed for each of the significant deficiencies**
13 **and unsatisfactory findings.**

14 **Q.** **What was his reaction or how did he receive**
15 **that?**

16 **A.** **He said he understood, but he also said that it**
17 **was his operator's responsibility to submit some of the**
18 **information. So I clarified that while his operator can**
19 **help it's ultimately his responsibility to provide that**
20 **information to us.**

21 **Q.** **The due dates are his due dates, correct?**

22 **A.** **Yes.**

23 **Q.** **Just like Mr. Clos-Versailles testified,**
24 **ultimately, you said ultimately it's his responsibility**
25 **to provide all the information and make all the fixes?**

1 **A. Yes.**

2 Q. Is it your understanding that he's going to
3 make the corrections that he's supposed to?

4 **A. He said that he would, but so far we have not**
5 **been able to resolve all of them.**

6 Q. Okay. And these significant deficiencies,
7 these documents were sent to him. They're dated July 18
8 of this year?

9 **A. Yes.**

10 Q. How long does he have to make the fixes, make
11 the corrections?

12 **A. It's 120 days to make the corrections.**

13 Q. Okay. So that would bring us to four months,
14 right? So that's sometime in November?

15 **A. Yes.**

16 Q And do you know what kind of progress he's
17 made?

18 **A. Well, as Mr. Clos-Versailles said, he has**
19 **consulted. There's 30 days to consult and then 120 days**
20 **total to fix and 90 days after that. We have had some**
21 **progress. For example, the laboratory fees have been**
22 **paid. We did receive some photographs. I'm not sure if**
23 **they're sufficient to address all of the things. I know**
24 **one of them was not. One of the wells we received a**
25 **photograph that instead of replacing the well cap it was**

1 covered with plastic. It looks kind of like what you
2 would see in your yard where a sewer clean out is. So a
3 plastic pipe with a top that has a square that sticks up
4 on it and duct tape. And so we let Mr. Blevins know that
5 that is not a sanitary seal. I guess it's better than
6 nothing, but it's still not adequate to resolve that
7 significant deficiency.

8 Q. Okay. So now you're just waiting for the rest
9 of it to possibly be fixed or not?

10 A. Yes.

11 Q. If you could -- I'm sorry. If you could turn
12 to page starting on page 129 document the subject line is
13 Well Determination for Misty Mountain PWS. I think
14 there's three of them. There's one for Rolling Hills and
15 one for Charity as well?

16 A. Yes, I have them.

17 Q. Okay. So those are the three separate
18 documents, but are they basically the same documents,
19 just for each of the wells?

20 A. Yes.

21 Q. So what are those documents?

22 A. So this is a well determination. It is a memo
23 that was sent from our permitting and capacity
24 development section to my section compliance and
25 enforcement. It describes that a determination has been

1 done for the wells at Misty Mountain and then there's a
2 separate one for Charity and for Rolling Hills. And what
3 a well determination is, there's a series of questions, a
4 checklist that they go through to determine if a well was
5 built to the public water system standards. So they will
6 look at well drilling information if it's available,
7 including when a well was drilled, materials that were
8 used, if we have any records that have been filed with
9 Department of Natural Resources or with Missouri
10 Geological Survey and then they'll go through that
11 checklist and determine if a well is noncompliant or it
12 could even be unauthorized or if it's a compliant well.
13 So this is a well determination for like for this first
14 one for Misty Mountain it's for all of the wells at Misty
15 Mountain together. There's a separate paragraph for each
16 of those wells.

17 Q. Okay. And what's the significance of these
18 documents?

19 A. This is the basis for us needing that
20 noncompliant well agreement for each of those three
21 systems. For example, if you look well No. 1 on Topo
22 Drive, it says it was constructed without prior
23 construction authorization. It's a domestic well, not a
24 public water supply well or not a community well and it
25 was completed in 2007. It has similar information for

1 the other four wells that Misty Mountain noting that they
2 are all domestic or multi-family wells.

3 Q. Does this ask Mr. Blevins to do anything?

4 A. This does not. This is a document that goes
5 between two sections and Department of Natural Resources,
6 and then I drafted that noncompliant well agreement which
7 is in review and that's what will tell him that he needs
8 to do certain steps for the noncompliant well agreement.

9 Q. So Mr. Clos-Versailles has testified about
10 Mr. Blevins' relationship with his licensed operator Lori
11 Jean. Are you familiar with Ms. Jean?

12 A. I am.

13 Q. And how so?

14 A. I met her when we were at the inspection and
15 then I've also talked with her on the phone several
16 times.

17 Q. And do you think he knows and understands what
18 his contractual relationship is with her?

19 A. He refers to her as his operator, yes.

20 Q. So have you discussed what his responsibilities
21 are to Lori Jean, to his licensed operator?

22 A. We talked about it again when he was in person
23 for that meeting at the beginning of October. As we were
24 going through the significant deficiencies in the
25 inspection reports, we clarified that as the certified

1 operator she needs to be the one responsible for the
2 day-to-day decisions and operational decisions that
3 impact the quality and the quantity of water and that he
4 can do things but they need to be directed by her.

5 Q. And do you know if he does that?

6 A. The last time I talked to Lori she said that
7 things were better, but there's still things that are
8 happening. For example, she told me that their most
9 recent routine samples, some of them were total coliform
10 positive, and she told me that she attributed that to
11 Travis making changes at the system and not telling her.

12 Q. You said most recently. What about in the
13 past?

14 A. In the past, another example would be I
15 received a call from a customer who was upset about water
16 pressure. And so I asked the customer, you know, have
17 you talked to Mr. Blevins. He said that he hadn't. So
18 he asked if I would talk to him. So I contacted the
19 operator and I contacted Mr. Blevins. So I started with
20 Lori Jean. She said she was unaware of any changes that
21 would cause a change in pressure for that person. I
22 reached out to Mr. Blevins. He said he was also unaware
23 so he went out. I asked him to call me back and to call
24 Lori back to make sure that Lori knew what was going on
25 so that -- I mean, that's the way the relationship is

1 supposed to work is Lori should be involved in this
2 decision too if it's going to be operational but also to
3 make sure that the customer knew about the follow up.
4 The customer needed to participate in the troubleshooting
5 to figure out what was going on.

6 Q. Do you know what happened?

7 A. I heard back from Mr. Blevins that he was going
8 to have someone come out. Is it Guill I think is the
9 last name, G-u-i-l-l, a well person was going to come out
10 and check on it, and then Lori said that she did hear
11 from Mr. Blevins.

12 Q. And has Mr. -- In your working with
13 Mr. Blevins, has he followed through with some of the
14 changes that he's supposed to be making?

15 A. I was part of that conversation that happened
16 in I guess, I'm not sure when it was, the conversation
17 that Mr. Clos-Versailles referred to where we were asking
18 Mr. Blevins about those required actions from the second
19 level II assessment including excavating, trying to
20 determine the cause of the E. coli. We really did press
21 Mr. Blevins for why he wasn't setting a date. He gave us
22 reasons about the weather and we pointed out it was great
23 weather, we could do it that week. We really were pretty
24 firm. It was a tense conversation pressing him on why he
25 had not done it so far, what his plan was for when he

1 would do it. It never did happen. He did not do those
2 steps that were required in that level II assessment. I
3 know he's told us that he thought he knew what the issue
4 was without doing that, but he was directed to do it, he
5 said he would do it and then he did not do it.

6 Q. In your work with Mr. Blevins, do you think
7 Mr. Blevins is capable of doing that --

8 A. I do.

9 Q. -- or the changes he needs to --

10 A. Sorry I interrupted. I do. Mr. Blevins has
11 talked to us about his extensive history working with
12 Donnie Baker who had some of the wells before, his access
13 to equipment and qualified people to help him. I do
14 think he is capable.

15 Q. But has he followed through with it?

16 A. He has not.

17 Q. Has he said -- When you've talked to
18 Mr. Blevins, has he mentioned anything to you about
19 whether he's going to take care of the different wells
20 that he has, what his position is on taking care of the
21 wells?

22 A. It's kind of two fold. Yes, he has said that
23 he's going to. He's easy to get in touch with. He is
24 pleasant to talk to in general. That hasn't been the
25 issue. The followthrough has. But he also has talked

1 about not wanting to do this any more and wanting to
2 figure out a solution either selling the wells or forming
3 an HOA or doing something so that he won't be the
4 responsible party any more.

5 Q. Do you have any thoughts as to how come?

6 A. Why he doesn't want to be responsible? He's
7 talked about his wife's health issues; that she doesn't
8 like him continuing to have all the assistance and all
9 this responsibility and just wanting to be done, wanting
10 to be retired.

11 Q. You talked about going forward with some
12 enforcement actions that you're involved in with regard
13 to Mr. Blevins' case. Why is DNR pursuing those actions
14 now?

15 A. For Charity and for Rolling Hills, we have to
16 have that noncompliant well agreement in order for there
17 to be a way within our rules for him to continue using
18 those wells and to get a permit to dispense which is
19 required for his community water systems. For Misty
20 Mountain, it's the same that we need that noncompliant
21 well agreement but we also have the ongoing E. coli
22 issues at the Topo Drive well which I know is now
23 collapsed. That's now just a different issue that needs
24 to be resolved. So we have to move forward with that
25 enforcement process.

1 Q. So just, you know, short -- sorry. What's led
2 DNR to go down that path? Just all of this combined?

3 A. Yeah. So it's not unusual. I mean, for
4 Charity and for Rolling Hills this is the typical
5 process. We identify noncompliant wells, we write a
6 noncompliant well agreement, we get into the system, we
7 do that. That is not an unusual process. We have quite
8 a few systems that we're doing that with right now
9 besides those two. For Misty Mountain, it would just be
10 the noncompliant well agreement if we didn't also have
11 this pressing health issue. So when we first started
12 this enforcement case, citizens or customers were on a
13 boil order and it was an ongoing boil order. We were not
14 able to get consecutive days of clean samples. We kept
15 getting E. coli samples. We were very concerned about
16 the risk to those customers. And so that's where that --
17 Misty Mountain started first and then Charity and Rolling
18 Hills have kind of followed with their noncompliant well
19 agreements. It's the ongoing risk to the health of the
20 customers, because even though the Topo Drive well has
21 collapsed and it's not producing water, as
22 Mr. Clos-Versailles described, we weren't -- the system
23 wasn't able to be properly shocked and that Topo Drive
24 well does still exist. It's basically an opening to the
25 groundwater and so that's a potential threat to the

1 groundwater.

2 Q. So what kind of threat to -- Is there a threat
3 to just the residents living there or to the environment?
4 What kind of threats are there?

5 A. The risk is ideally when you have a well,
6 you're drawing water from that groundwater. That
7 groundwater shouldn't be influenced by the surface. So
8 having groundwater that's under the direct influence of
9 surface water can introduce things like E. coli that
10 we've talked about. You can have macroinvertebrates.
11 You can have all sorts of things from the surface that
12 shouldn't be there that can end up in that water. Once
13 you've contaminated your actual groundwater, that's
14 really difficult to treat. And at Misty Mountain while
15 the houses are not all very close together, that's part
16 of why there are multiple wells. That's how it was
17 developed. They are still kind of close together. And
18 so you wonder about the risk if there's contamination on
19 Topo Drive to the surrounding wells.

20 Q. What kind of consequences does that have to the
21 residents or could it potentially have to the residents?

22 A. It's a potential health risk. They could have
23 contamination in their drinking water. It's not even
24 just bacteria. There can also be chemical contamination.
25 It's just that's why we're going to ask for Topo Drive

1 well to be plugged.

2 Q. Is that same reasoning for the other wells to
3 be plugged, the other ones that you discussed?

4 A. Yeah. There's one other well at Charity that
5 is not functional and has not been. And so if it's not
6 going to be used for drinking water, it needs to be
7 properly abandoned and that includes properly plugging
8 it.

9 Q. So these aren't just -- You said there's some
10 fee issues. Those have been taken care of, correct?

11 A. Partially. At the time of the inspection
12 report, the lab fees were overdue. And those have been
13 taken care of. They've been paid for all three systems.
14 Since then the primacy fees have been due. So the
15 laboratory fees cover the laboratory program and
16 administration, so things like the kits and the testing.
17 The primacy fee is also required by our regulations. The
18 primacy fee is a fee paid by customers and then remitted
19 to the Department of Natural Resources, and that helps
20 cover us as a primacy agency. And those have not been
21 paid.

22 THE COURT REPORTER: So you're saying privacy
23 fees?

24 THE WITNESS: Sorry, primacy, p-r-i-m-a-c-y.

25 THE COURT REPORTER: Thank you.

1 BY MS. KERR:

2 Q. And how much are those?

3 A. It's a cost per connection. So under a hundred
4 dollars I think for each system, but I haven't calculated
5 it.

6 Q. So it's not thousands of dollars?

7 A. No.

8 Q. And is that something -- That's just something
9 that Mr. Blevins would always -- Is that something he'd
10 always pay in the past or is this something new?

11 A. He will have to pay it every year because he's
12 a newly activated system and he was activated in the
13 middle of the year. This was the first year that he owed
14 that fee.

15 Q. Okay. Is there any reason that you know of
16 that he hasn't paid it?

17 A. He asked me about it. We were talking about it
18 before this hearing started today. I know that the
19 primacy fee invoice is a little confusing because it
20 shows no balance but that's because the system has to
21 fill in some of the numbers on it. So we have a number
22 of connections that were reported but that may not be the
23 correct number of connections any more. So the system
24 fills in how many connections there were. They multiply
25 it times the cost per connection. They write down how

1 many of their connections they billed for, how many paid,
2 and then they use those numbers to calculate how much
3 they owe. So I get it that the fee -- the invoice looks
4 like you don't owe anything. I know that Mr. Blevins
5 talked with our fee section after we had that meeting in
6 person at the beginning of October and they clarified
7 that he does owe those fees and they sent him the
8 invoices again and they still just have not been paid.

9 Q. Okay. Do you think -- Based on his -- He's
10 already admitted as to whether he owns some of those
11 wells or not or do you have any idea?

12 A. I don't know.

13 Q. That's fine. So the corrective actions and --
14 the enforcement actions that you're taking, has
15 Mr. Blevins indicated that he's going to comply with them
16 that you know of?

17 A. Yes. He has been asking about getting those
18 administrative orders.

19 Q. Do you know if he's taken action to -- I'm
20 sorry. I probably already asked that. I'll withdraw
21 that. Based on your work and your investigations and
22 working with Mr. Blevins, do you have any concerns about
23 his ability to maintain those systems in a safe and
24 adequate manner?

25 A. I am concerned because at Misty Mountain those

1 customers were on a boil order for eight months. We
2 provided a list of ways to try and troubleshoot that to
3 try and prevent that ongoing boil order. Those actions
4 were not taken. Eight months is a very long time for a
5 boil order. I know you asked Mr. Clos-Versailles to
6 estimate an average time. We're certainly talking about
7 days to weeks, not months. So I am concerned that if
8 that went on for so long that it shows that maybe there
9 is an issue with properly operating and maintaining the
10 systems.

11 Q. Sorry. Compared to the other systems that
12 you've dealt with, would you say the systems Mr. Blevins
13 operates, are they better or worse, about the same as
14 some of the other systems that you see at DNR?

15 A. Some things are better. His operator does a
16 great job of collecting samples. So the monitoring
17 aspect is not an issue at these systems. I would say
18 some aspects are not as good as the systems such as the
19 followthrough with being directed to do something and
20 getting it done in a timely manner. But I mean, I work
21 in enforcement. Most of the systems I'm dealing with
22 either can't or won't return to compliance. While there
23 are some positives, and I think that's important to note,
24 this is still a system that's in enforcement because of
25 ongoing issues at Misty Mountain.

1 Q. Do you think that Mr. Blevins is providing safe
2 and adequate drinking water to the residents that use his
3 water system or his well systems?

4 A. At times. I think there are times where there
5 are customers that don't have water. I think there were
6 customers that definitely did not have safe water. There
7 have been a lot of total coliform positive samples
8 outside of Topo Drive well. There have been a lot of
9 unsafe bacteriologically drinking water samples but not
10 all the time.

11 Q. Compared to the others that you've seen at DNR,
12 how do those samples compare?

13 A. Again, I kind of see the worst of the worst.
14 So it's a hard question to answer.

15 MS. KERR: I understand. I don't think I have
16 any other questions.

17 JUDGE CLARK: Mr. Blevins, do you have any
18 questions for this witness?

19 MR. BLEVINS: I do, I think.

20 QUESTIONS

21 BY MR. BLEVINS:

22 Q. Ms. Johnson, have I ever refused to do
23 something that you've asked me to do?

24 A. That's a good question. You have not told me
25 no, I won't do something, but there have been times you

1 **haven't done it.**

2 Q. Okay. Did we talk about maybe the issues
3 involved and something of that nature that maybe there
4 was other issues?

5 **A. For some of it.**

6 Q. For some reason?

7 **A. Yeah. You've given me reasons sometimes, but**
8 **there were others where we haven't like for the lab fees.**

9 Q. The what fees?

10 **A. The laboratory fees. You didn't really provide**
11 **a reason for why you didn't pay those.**

12 Q. The laboratory fees. Okay. But they are paid
13 now, right?

14 **A. Yes.**

15 Q. That was brought to my attention that I think I
16 did tell you that I forgot it or did something. My mind
17 doesn't work in the thirties and forties, fifties or
18 sixties any more. The other question I might have. Topo
19 seems to be a real issue and I think in that period of
20 time there was a lot of difficulty, the pitless, the
21 pitless part of it. From your understanding from my
22 inspection of the pitless, there was no damage at the
23 pitless.

24 JUDGE CLARK: Mr. Blevins, is there a question
25 in there?

1 MR. BLEVINS: Yes, sir, there is. I'm just
2 trying to get up to that point.

3 JUDGE CLARK: Okay.

4 BY MR. BLEVINS:

5 Q. Did you understand that there is still an issue
6 with the pitless or what do you understand the real
7 problem was that was discovered and who discovered it?

8 A. I understand that when the well failed you did
9 some investigation to figure out why, and at that point
10 in order to see the pitless that must be when you
11 excavated since it's below the ground. But the way I
12 understand it is that the well is not functional because
13 of that crack that went around the casing which allowed
14 the pump and the pipe to fall down into the well.

15 Q. Okay. You've probably been provided with some
16 erroneous information.

17 MS. KERR: Objection.

18 MR. BLEVINS: The question is --

19 JUDGE CLARK: There's an objection made,
20 Mr. Blevins. Go ahead.

21 MS. KERR: He's testifying again.

22 JUDGE CLARK: She's right.

23 MR. BLEVINS: I don't mean to testify. I'm
24 sorry.

25 JUDGE CLARK: Okay. That objection will be

1 sustained. If you have a question, you're welcome to ask
2 questions. You will have an opportunity tomorrow to
3 choose to testify to tell us whatever you would like to
4 tell us in regard to what you discovered or believe.

5 MR. BLEVINS: No further questions. Thank you.

6 JUDGE CLARK: I want to clarify I'm not trying
7 to stop you from asking questions. If you have
8 questions, I want you to ask them.

9 MR. BLEVINS: I'll just wait until tomorrow. I
10 understand what you're saying, sir.

11 JUDGE CLARK: This witness will not be back on
12 the witness stand.

13 MR. BLEVINS: I understand that also.

14 JUDGE CLARK: Okay. Any questions from the
15 Commission? I hear none. I don't have very many for
16 you. I do have one. You answered -- A lot of the ones I
17 made notes on you actually answered as we went through
18 which is good.

19 QUESTIONS

20 BY JUDGE CLARK:

21 Q. But if you cap both unused wells right now, the
22 Topo because it collapsed and the Charity one that is
23 just not being used and is unnecessary, where does that
24 place the rest of those three systems in terms of safety
25 of the customers using that water?

1 A. The purpose of plugging the well would be to
2 try to give them the best chance for safety. I mean,
3 obviously other things can go wrong with the other wells,
4 but for now if there's a well that's not being used and
5 not being properly maintained, that is a potential risk
6 to the drinking water and especially if they're connected
7 to the distribution system. And it's actually built into
8 the regulations. I think it's 10 CSR 23-3 covers well
9 construction and the abandonment of wells. And so if a
10 well is not going to be used, especially if the pump is
11 removed, then there are rules for how long that well can
12 just be essentially abandoned before it has to be plugged
13 anyways. And so rather than waiting for that time to
14 occur -- Like for the Topo Drive well when we met in
15 person at the beginning of October, Mr. Blevins told me
16 it is not a priority for him to fix it. He said it more
17 than once. I repeated it back.

18 Q. Say that again to me. What's not a priority
19 for Mr. Blevins?

20 A. Repairing the Topo Drive well. So if it's
21 going to remain nonfunctional, a potential risk, then
22 we're going to ask that it be plugged.

23 Q. Okay. Back to my question. I'll reword it a
24 little bit differently. So if those two wells are
25 appropriately plugged and setting aside I'm not going to

1 call them non-safety issues but not direct water safety
2 issues such as testing fees and such or lab fees as you
3 indicated, how does that put the safety of those systems?
4 Does that resolve a majority of the issues or does that
5 just resolve those issues with the majority of the safety
6 issues outstanding?

7 A. Okay. Thank you for that clarification. It
8 would be the latter. So these are sort of adjacent
9 issues to the things that we've already identified in the
10 inspection reports. So these are known things that need
11 to be taken care of but are sort of outside of the main
12 priority of the noncompliant well agreement for all three
13 systems and specifically addressing the issues at Misty
14 Mountain related to the Topo Drive well.

15 Q. Say that last part again, please.

16 A. So we have the three noncompliant well
17 agreements which will address being able to continue
18 using wells that were not built to standards. They
19 include requirements in case there are issues with the
20 safety of those samples that are taken from those wells,
21 and then the Topo Drive well is going to be kind of
22 outside of that noncompliant well agreement. We're not
23 considering using that again in the future that that well
24 would be plugged. So as far as the safety of the system
25 going forward, Topo Drive would be removed from the

1 **equation and then the extra well that's at Charity that's**
2 **not in use and not functional would also be taken out.**

3 Q. I guess at least in terms of the Misty Mountain
4 system for those customers that were receiving water from
5 the Topo well, would they then moving forward be
6 permanent recipients of water from the Pulaski system?

7 **A. Yes.**

8 JUDGE CLARK: Okay. Thank you. I don't have
9 any other questions at this time. Are there any
10 questions based upon bench questions?

11 MS. KERR: No.

12 JUDGE CLARK: Mr. Blevins?

13 MR. BLEVINS: One moment. Do you consider the
14 Topo well a priority?

15 **THE WITNESS: Yes.**

16 MR. BLEVINS: Okay. A priority to be plugged
17 or to be fixed?

18 **THE WITNESS: I don't know how viable it is to**
19 **fix that well.**

20 MR. BLEVINS: Okay. No further questions.
21 Thank you.

22 JUDGE CLARK: Any redirect from Staff?

23 MS. KERR: No.

24 JUDGE CLARK: Thank you, Ms. Johnson. You may
25 step down.

1 (Witness excused.)

2 JUDGE CLARK: Okay. At this point I'm going to
3 say that we should adjourn for the day and we'll pick up
4 here at 9:00 a.m. tomorrow. You have one witness left;
5 is that correct?

6 MS. KERR: Possibly, yes.

7 JUDGE CLARK: Possibly. I can't at this point
8 predict how long it will take -- Mr. Blevins, do you have
9 additional -- Other than possibly testifying yourself, do
10 you have other witnesses you're going to be calling?

11 MR. BLEVINS: I have no witnesses scheduled.

12 JUDGE CLARK: So it's just you?

13 MR. BLEVINS: Just me.

14 JUDGE CLARK: Why don't we pick up here
15 tomorrow at 9:00 a.m. Actually would it be a problem for
16 anyone if we picked up at 8:30? That would just allow a
17 little bit more buffer if we need it. Is it a problem
18 for you to get here at 8:30? You're an hour and a half
19 to two hours away.

20 MR. BLEVINS: Yes, I'm two hours away. I'll be
21 here at 8:30.

22 JUDGE CLARK: Okay. We will reconvene tomorrow
23 at 8:30 a.m. Thank you everyone for your time. It's
24 been a long day. Mr. Blevins, have a safe trip home.
25 Everybody else as well.

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MS. KERR: Thank you.

JUDGE CLARK: We are adjourned for the day and
we are off the record.

(Wherefore, the hearing adjourned at 5:55 p.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 Evidentiary Hearing and that the transcript, pages 1 through 245, 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 15th day of November, 2023.

Beverly Jean Bentch

Beverly Jean Bentch, RPR, CCR No. 640

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