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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

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TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing  
Thursday, November 16, 2023  
Jefferson City, Missouri

Volume II

In the Matter of:  
The Application of a )  
Rate Increase of Raytown ) File No.: WR-2023-0344  
Water Company )

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CHARLES HATCHER, Presiding  
SENIOR REGULATORY LAW JUDGE

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

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1 (On the record at 10:00 a.m.)

2 JUDGE HATCHER: Let's go ahead and go on  
3 the record. Today's date is November 16th, 2023. My  
4 name is Charles Hatcher. I'm the regulatory law  
5 judge that will be presiding over this hearing. The  
6 Commission has called this hearing to order to  
7 resolve File No. WR-2023-0344 and that involves the  
8 Staff-assisted rate case of the Raytown Water  
9 Company.

10 Quick announcements. Please mute your  
11 phones. If you're on Webex, please mute your Webex.  
12 Let's go ahead and get to entry of appearance. For  
13 the Company.

14 MR. COOPER: Thank you, your Honor. Dean  
15 Cooper from the law firm of Brydon, Swearingen,  
16 England, PC appearing on behalf of the Raytown Water  
17 Company. And the court reporter has the address.

18 JUDGE HATCHER: Thank you, sir. And for  
19 Staff.

20 MS. ASLIN: Casi Aslin for Commission  
21 Staff. And my information has also been provided to  
22 the court reporter.

23 JUDGE HATCHER: Thank you. And for the  
24 Office of Public Counsel.

25 MS. MARTIN: Oh, sorry. Anna Martin and

1 Marc Poston on behalf of the Office of the Public  
2 Counsel. I do believe our information is also on  
3 file with the court reporter.

4 JUDGE HATCHER: Thank you. We'll square  
5 that away if it's not. Don't worry about it.

6 MS. MARTIN: Sorry.

7 JUDGE HATCHER: No problem. We have a  
8 couple preliminary matters to resolve before we start  
9 the actual hearing. We have three pending motions to  
10 strike various testimonies. I would prefer if we  
11 call them as I referenced in the second order issued  
12 yesterday, the OPC motion, Staff motion, and the  
13 Raytown motion. I think Raytown was first so  
14 Mr. Cooper. I'm sorry. Public Counsel. Did -- I  
15 saw that you have responded in writing. Did you also  
16 want to make oral argument this morning? I  
17 understand my order was a little brush.

18 MS. MARTIN: Thank you. I -- do -- have  
19 you been able to read the order? Should I --

20 JUDGE HATCHER: I have, but I do not give  
21 feedback.

22 MS. MARTIN: Yeah, no, that's fine. I  
23 just didn't -- I didn't know if I should also be --

24 JUDGE HATCHER: I hear that you're  
25 standing on your written submission.

1 MS. MARTIN: Yes. Yes.

2 JUDGE HATCHER: Okay. Mr. Cooper, it's  
3 your motion. Again, the orders yesterday were a  
4 little vague on what our procedure was going to be  
5 this morning. I would like to offer you the  
6 opportunity to also in writing respond. Or if you  
7 would like to make oral arguments now, we are on the  
8 record and will have those recorded.

9 MR. COOPER: Well, until Ms. Martin just  
10 mentioned there was a filing, I didn't know there was  
11 a filing.

12 JUDGE HATCHER: Not a problem. It  
13 happened just a few minutes ago and I happened to  
14 have my computer open, so. I'll tell you what --

15 MR. COOPER: Are there other options?  
16 Can we come back to this at some point? Is --

17 JUDGE HATCHER: Yes.

18 MR. COOPER: Okay.

19 JUDGE HATCHER: The Raytown motion is  
20 taken care of for the moment.

21 Staff was the next motion. And again,  
22 that turns to Office of Public Counsel. Ms. Martin,  
23 can I -- I tend to move things along on preliminary  
24 matters. I do not mean to run you over. If you have  
25 a concern, say so. But I'm going to start suggesting

1 things just to --

2 MS. MARTIN: That's fine.

3 JUDGE HATCHER: -- what I think you're  
4 wanting.

5 In the second motion, the Staff motion,  
6 does OPC stand on its written submission?

7 MS. MARTIN: Yes, we do.

8 JUDGE HATCHER: Thank you. Staff, I  
9 would offer you all of the same opportunities I just  
10 offered to Mr. Cooper.

11 MS. ASLIN: I would prefer to respond in  
12 writing. I've just looked over it.

13 JUDGE HATCHER: Not a problem. We will  
14 come up with a date or we'll figure it out later.

15 And finally we have the OPC motion. This  
16 addresses both a witness for the Company and a  
17 witness for Staff. I'll go first to the Company.

18 MR. COOPER: Judge, yeah. I'd like the  
19 same option we've discussed already.

20 JUDGE HATCHER: Granted. Staff, granted.  
21 And you are going to -- you made the motion. Thank  
22 you. All of the motions are temporarily disposed of.

23 MS. ASLIN: Are we -- sorry, Judge. Are  
24 we going to address specifically Ms. Niemeier's  
25 surrebuttal that OPC moved to strike?

1 JUDGE HATCHER: No.

2 MS. ASLIN: Okay.

3 JUDGE HATCHER: We're going to wait until  
4 we either talk perhaps at a break to determine a due  
5 date for a written submission or we're going to talk  
6 at a break for potentially taking some time to do  
7 brief oral arguments.

8 MS. ASLIN: Okay.

9 JUDGE HATCHER: Haven't thought that far  
10 ahead, I'm sorry.

11 MS. ASLIN: That's okay.

12 JUDGE HATCHER: Okay. Let's get to  
13 opening statements. I'm going to make sure and --  
14 I've got an email to take care of real quick.

15 MS. ASLIN: Sorry, Judge Hatcher, before  
16 we get to openings, there are a couple of --

17 JUDGE HATCHER: Oh, okay. Yes.

18 MS. ASLIN: -- things with the list of  
19 witnesses that I wanted to address.

20 So I've told both Ms. Martin and  
21 Mr. Cooper, Lisa Stockman was inadvertently included  
22 on the list of witnesses. While she filed testimony,  
23 it is not relevant to any of the list of issues.

24 Also, Keith Foster is unavailable to  
25 testify today. Both Raytown and OPC have agreed to

1 waive cross. If the Commission does have questions  
2 on Mr. Foster's testimony, we can have another staff  
3 member adopt that, if necessary.

4 JUDGE HATCHER: Is Mr. Foster available  
5 to testify tomorrow?

6 MS. ASLIN: No.

7 JUDGE HATCHER: Yes, I do have questions.

8 MS. ASLIN: Okay.

9 JUDGE HATCHER: I would like to note for  
10 the record the attendance of Commissioner Holsman who  
11 is on the Webex. I would like to note for the record  
12 the attendance of Commissioner Maida Coleman, who is  
13 on the Webex. Also seated in person at the bench is  
14 Chairman Scott Rupp and Commissioner Kayla Hahn,  
15 H-a-h-n. Rupp is R-u-p-p.

16 COMMISSIONER KOLKMEYER: Judge, this is  
17 Commissioner Kolkmeier. I'm on here as well.

18 JUDGE HATCHER: Thank you. That makes it  
19 five for five. We have Commissioner Glen Kolkmeier  
20 also on the Webex. Thank you all for being here.

21 Let's go ahead, and unless there are any  
22 other pending matters, we'll get to opening  
23 statements. Mr. Cooper. I would also remind the  
24 parties of our time limit, 15 minutes for opening  
25 statements. Thank you.



1 MR. COOPER: Judge, I had two hours in  
2 mind.

3 Because of that, I'm -- I will try to hit  
4 all the issues. I don't -- since we're not trying to  
5 this case by issue by issue, and we'll try to get  
6 through those in a fair amount of time.

7 As a bit of background on the Company,  
8 Raytown Water's original -- originally-formed company  
9 was formed on January 22nd of 1925 and was  
10 certificate by -- certificated by this Commission on  
11 July 7th of 1925. The Company's certificated service  
12 area includes approximately one-half of the City of  
13 Raytown and a small portion of the City of  
14 Independence and currently the Company provides water  
15 service to approximately 6,700 customers. And to  
16 do -- to provide that service, it purchases all of  
17 its water supply from the City of Kansas City.

18 Raytown Water filed its last rate case is  
19 March of 2020, and rates became effective -- the  
20 current rates became effective as a result of that  
21 case on September 8th of 2020, which is obviously a  
22 little over three years ago.

23 This hearing process is something that's  
24 very new for the Company at this point. The last  
25 time, as near as I can tell from EFIS, that Raytown

1 Water had a hearing before the Commission was in Case  
2 No. WR-92-85 which was initiated in October of 1991.  
3 So it's been a while for us. We got here based upon  
4 the filing of the nonunanimous agreement regarding  
5 disposition of small utility company revenue increase  
6 request, what I'll call the nonunanimous agreement,  
7 that was that was filed in September of 2023 in this  
8 case. Subsequently the Office of the Public Counsel  
9 objected to that agreement and requested a hearing.

10 The Company continues to adopt the  
11 findings and recommendations stated in the  
12 nonunanimous agreement, including the recommendation  
13 the Company be allowed a water revenue requirement  
14 increase of \$1,174,782, plus, as you probably have  
15 already noticed, the Company has proposed that as a  
16 result of this proceeding or the need to follow  
17 through on this proceeding, that rate case expense  
18 also be treated differently than is first shown in  
19 the nonunanimous agreement.

20 So now I'm turning to issues as you'll  
21 have no difficulty recognizing. And starting with  
22 the advanced metering and infrastructure issue, there  
23 are three subissues. The Company's position on these  
24 are that the Company's decisions and expenditures  
25 associated with the deployment of AMI were prudent

1 and that it should receive both a return on and  
2 return of that portion of the meters installed as of  
3 the update period in this case, which ended on June  
4 30th of 2023.

5           It is -- there's been a proposal to not  
6 provide a return on to expand the period of time that  
7 the meters are going to be treated as in service, but  
8 any prudent investments, the case law will tell you  
9 that the public utility must receive both a return on  
10 and a return of. Even where a decision is determined  
11 by the Commission to not be prudent, a question  
12 remains as to the detrimental impact of that  
13 imprudence on the utility's ratepayers. In other  
14 words, the Commission in that scenario has to  
15 determine what the Company should have done if not  
16 this deployment of meters.

17           The Company last installed meters during  
18 the -- on a regular basis, on the 2009 to 2016 time  
19 frame as part of the meter replacement program that  
20 it had. It's -- again, you may be aware that the  
21 Commission's rules provide periods for testing and  
22 replacement every four years to ten years depending  
23 on the meter size. The Company has estimated the  
24 cost of completing the needed meter replacement by  
25 the time it gets through with that process with

1 non-AMI meters to be at least \$2,685,000 and some  
2 change. Thus, in a same area where AMI were found to  
3 not be prudent, this alternative would still require  
4 the provision be made for the alternate investment to  
5 include again recovery on.

6 Lastly as to AMI, the Commission should  
7 include in rate base for purposes of this case only  
8 that portion of the AMI investment that was installed  
9 as of the end of the update period. However, if it  
10 were to contemplate inclusion of the entire AMI  
11 project, at a minimum it should also include in the  
12 revenue requirement the annual maintenance fee  
13 associated with the AMI project that the Company  
14 began to pay in September of 2023.

15 Next issue is as to late fees. We don't  
16 believe there's any reason to change the late fee  
17 that was agreed to in Commission case WR-2012-0405  
18 and has been in place since 2012. However, if the  
19 Commission decides to reduce or eliminate late fees,  
20 it should be noted that in the nonunanimous agreement  
21 there were \$93,090 built into the normalized revenue  
22 for the late fee. That amount or an appropriate  
23 percentage would need to be subtracted from  
24 normalized revenues or added to the cost of service  
25 if the Commission decides to eliminate or reduce the

1 late fee.

2 As to the depreciation issue, this is one  
3 where the Company is essentially not playing for the  
4 most part. It's one that because of the size of the  
5 Company and the process we're using with the Staff-  
6 assisted rate case, Raytown Water has not employed a  
7 depreciation expert for the purpose of this case and  
8 will instead rely on the Staff testimony.

9 The fourth issue is -- concerns customer  
10 notice. It's an issue raised by the Office of the  
11 Public Counsel and suggests that perhaps another  
12 notice to customers should have been provided after  
13 the nonunanimous agreement was filed and differed  
14 from the rate increase that the Company first filed  
15 when it initiated the case. I think that the  
16 Commission certainly has the discretion to order  
17 notice as it deems necessary. However, it certainly  
18 doesn't have to. The Commission Staff-assisted rate  
19 case rules certainly contemplate the situation in  
20 this case. Staff has testimony that goes back and  
21 points out a number of cases where that's been the  
22 result of a Staff-assisted rate case, that being that  
23 the Company requests one amount and ultimately by the  
24 end of the case, a higher revenue requirement  
25 increases is authorized.

1           Additionally, the notice that was  
2 previously sent out by the Company, the beginning of  
3 the case has language that recognizes that this  
4 process, the result of this process could be anything  
5 and not necessarily what was initially proposed by  
6 the Company. And then lastly I would say most  
7 importantly, the OPC has never asked the Commission  
8 to order a separate notice in this case. It's an  
9 interesting issue, and I don't think there's any  
10 remedy being requested or certainly hasn't been  
11 requested before now.

12           The fifth issue is titled Distribution  
13 Mains Operation and Maintenance, O&M costs. We  
14 believe that certainly test year expense should be  
15 utilized. Raytown Water been experiencing an  
16 increased number of main breaks over the last several  
17 years and combined with an increase in the cost of  
18 materials. OPC witness Robinett provided some  
19 testimony that identified an increasing O&M expense  
20 from '20 to '21, 2020 to 2021, and from 2021 to 2022.  
21 I don't believe that normalization is appropriate in  
22 that situation. Normalization is generally  
23 appropriate where the costs are going up and down  
24 over a period of time. Where they are showing an  
25 increase year after year, the test year amount should

1 be the amount used.

2 Issue six concerns the rate of return.  
3 And the Company believes the appropriate rate of  
4 return in this case is 6.8 percent as was agreed to  
5 in the nonunanimous agreement and that contemplated a  
6 return on equity of 10.37 percent. The Company  
7 believes that if the Company decides not to use  
8 that 10.37 percent ROE that had been agreed to, it  
9 should also take into account the preferred stock  
10 dividend amount.

11 At the time of the nonunanimous  
12 agreement, the Company's prior dividend percentage,  
13 which was 3.25, had been utilized for that preferred  
14 stock. As of January 1 of this year, the dividend  
15 rate, which is equal to the prime rate on January 1,  
16 became 7.5 percent and payments have been made on  
17 that 7.5 percent since then. So I think that again,  
18 if 10.37 for some reason is not adopted, then --  
19 and 10.37 not being adopted will automatically lower  
20 the rate of return 6.8 percent, then I think it is --  
21 would also make sense to bring in that 7.5 percent  
22 dividend rate that became the dividend rate during  
23 the update period in this case and has been utilized  
24 to make payments within that update period.

25 Issue seven, cash working capital.

1 Again, because of the Company's size and the type of  
2 proceeding we're in, Raytown Water has not performed  
3 a lead live study or any other cash working capital  
4 calculations for the purposes of this case. The  
5 Company again will rely on the position taken by the  
6 Staff.

7 Issue eight, payroll expense. And some  
8 of this -- well, much of this I guess is wrapped into  
9 our motion to strike in some fashion. But as you  
10 know from that motion, we take the position that at  
11 least a couple of those adjustments are improper  
12 because they first showed up in surrebuttal and were  
13 not directly responsive to anything from the rebuttal  
14 testimony.

15 The second, I guess subpart B, has a  
16 listing of employees that are proposed to disallow  
17 overtime for. And just as an initial matter, even  
18 within the surrebuttal there's no mention or  
19 identification of a disallowance related to the  
20 junior accounting clerk which is listed in that  
21 subissue. And let's see. Again, as we would suggest  
22 from the motion to strike because what is in the  
23 surrebuttal came in at that point that was  
24 unconnected to prior issues raised in rebuttal, we  
25 haven't had an opportunity to respond.



1           As to the Company's vice president whose  
2 full title is customer service representative,  
3 billing clerk, human resources tech, corporate  
4 liaison, and vice president, we believe her overtime  
5 pay should be allowed. First, the recorded hours  
6 accurately reflect the extra work she puts in to keep  
7 Raytown Water Company operating. Second, because of  
8 staffing needs, there were no other options than for  
9 her to take on extra work. And the vice president's  
10 overtime includes preparation for the utility's  
11 collection day, billing, after-hours calls, program  
12 updates for the computer system, end-of-day backup,  
13 emergency call-outs, or water breaks, cover for short  
14 office, field staff is needed, and after turn-ons on  
15 collection day for both water and sewer.

16           And I mention the sewer because the  
17 Company also has a contract to do shutoffs on behalf  
18 of sewer operators.

19           The type of after works -- after-hours  
20 work performed by the vice president is beyond that  
21 would be performed by a vice president at a larger  
22 water utility. Accordingly, again, we believe that  
23 no disallowance for the vice president's overtime pay  
24 should be granted.

25           Issue nine, meter reading expense. The

1 Company believes no disallowance or adjustment should  
2 be made to the meter reading expense. All meter  
3 readers were employed as of the end of the update  
4 period in this case. Further, even after the  
5 completion of the deployment of AMI, Raytown Water  
6 plans to continue to employ two meter service techs  
7 to partially complete meter reads, service orders,  
8 water sampling, and collection, disconnect,  
9 reconnects. All sorts of jobs will remain after that  
10 for those two techs to perform, as well as be  
11 available and to assist with field work of other  
12 types.

13 Rate case expense I mentioned earlier.  
14 This Company of course had proceeded without legal  
15 representation up through the filing of the  
16 nonunanimous agreement. After that, when a hearing  
17 had been requested, they basically needed  
18 representation for the hearing. And, in fact,  
19 because it's a corporation, were required to have  
20 representation for the hearing. So certainly some  
21 provision we believe should be made for that.

22 Another aspect of the rate -- or the rate  
23 case expense is that if the Commission decides they  
24 want to -- it wants to amortize this expense as  
25 suggested by OPC witness Payne, it really could only

1 do that on a prospective basis. In none of the prior  
2 cases that he is utilizing to suggest the  
3 amortization did the Commission order that these  
4 expenses be amortized. So I think any change in that  
5 regard needs to be prospective and not -- and not  
6 take into account prior case -- rate case expense.

7           And lastly, there was a suggestion about  
8 whether rate case expense should be split 50/50  
9 essentially between shareholders and customers as it  
10 is often done in this arena. But I think our  
11 argument is that this is different than a general  
12 rate case. It's a much smaller company obviously,  
13 but it just doesn't fit in the same category of a  
14 general rate case and the splitting of 50/50. So we  
15 would ask that you take a bit of a fresh look at that  
16 given that, again, we're in a different circumstance,  
17 though I've seen that done in the past.

18           Issue 11, the truck disallowance. While  
19 it's primarily driven by the Company's present  
20 president, the vehicle logs show that truck 206 which  
21 is -- which is the truck named in this issue is being  
22 used in the provision of utility service by both the  
23 president and other Raytown Water employees. The  
24 purchase price of truck 206 minus accumulated  
25 depreciation associated with it should remain in rate

1 base for the purpose of setting the revenue  
2 requirement in this case.

3 The other issue with the truck is how the  
4 Company is reimbursed for any personal use. There  
5 are records of that reimbursement taking place, but  
6 it's done at the Internal Revenue Service mileage  
7 reimbursement rate at this time. Not necessarily the  
8 IRS rate, but certainly a mileage-based reimbursement  
9 has been used by Raytown Water for many years and was  
10 acknowledged by a Staff filing as far back as the  
11 management audit case WR-93-194 that's mentioned  
12 several times in testimony. Staff witness Horton has  
13 further testified that as early as Raytown Water's  
14 rate Case No. WR-2009-0098, Raytown been using the  
15 IRS mileage reimbursement for this purpose.

16 Lastly, we just mentioned it, the  
17 management audit, issue 12. We would just remind the  
18 Commission that this concerns a management audit  
19 conducted by the Staff around 30 years ago, and the  
20 matter was closed about 23 years ago. We don't  
21 believe the Company's conduct violates any statute or  
22 regulations and the matters that have been touched  
23 upon should be within the discretion of the  
24 management of the Company.

25 Raytown Water will be presenting today

1 the testimony of Neal Clevenger and Chiki Thompson.  
2 It will also present the testimony of Andre Noel, an  
3 employee of USG in regard to the AMI issue. That's  
4 all I have for the time being.

5 JUDGE HATCHER: Thank you, Mr. Cooper.  
6 Are there any commissioner questions for Mr. Cooper?  
7 Hearing none, thank you, sir. Let's move to Staff.  
8 Counsel, the floor is yourself.

9 MS. ASLIN: Good morning. May it please  
10 the Commission. My name is Casi Aslin. I am here  
11 representing Commission Staff. When OPC requested a  
12 hearing, the nonunanimous agreement between Staff and  
13 Raytown became a joint position of Staff and Raytown.  
14 I do not want to unnecessarily repeat information in  
15 Mr. Cooper's opening today, so I will keep my  
16 statements short.

17 Raytown Water Company filed its notice of  
18 rate increase on April 4th, 2023. Staff sent its  
19 preliminary Day 90 report to the Company and the  
20 Office of Public Counsel on July 3rd, 2023. Between  
21 that time and the filing of the nonunanimous  
22 agreement between Staff and the Company on  
23 September 13th, 2023, minimal changes were made to  
24 Staff's recommendations. OPC had ample opportunity  
25 to ask questions about any concerns it had with the

1 report.

2 While the Staff-assisted rate case  
3 procedures primarily direct cooperative efforts  
4 between Staff and the Company, once Staff completes  
5 its Day 90 report, OPC has every opportunity to be as  
6 involved or uninvolved as they choose. In this  
7 specific case OPC's involvement truly began when they  
8 filed a request for hearing on September 29th, 2023.

9 I'm not here today to argue that  
10 Raytown's rates will not increase or that the  
11 increase jointly proposed by Staff and Raytown is  
12 more than the originally request -- more than the  
13 increase originally requested by the Company, but I  
14 will argue that Staff and the Company are proposing  
15 just and reasonable rates to allow Raytown to provide  
16 safe and adequate service to their customers.

17 I would just like to touch on a few key  
18 issues that go into setting those just and reasonable  
19 rates. First, I would like to address a number of  
20 expenses at issue in this case, specifically payroll  
21 expense, meter reading expense, and rate case  
22 expense. In their push for further Commission  
23 involvement in the day-to-day operations of Raytown  
24 Water Company, OPC argues against reasonable wage  
25 wate -- excuse me -- wage rates and cost of living

1 wage increases. They argue that meter readers who  
2 will no longer be reading meters after the  
3 installation of AMI meters should not be relocated to  
4 other divisions within the Company. Staff recognizes  
5 that wages of employees should increase at a  
6 reasonable rate over time and that companies should  
7 be allowed the opportunity to retain existing  
8 employees to avoid expenses related to hiring new  
9 employees.

10 OPC also argues that rate case expense  
11 should be shared between the Company and ratepayers,  
12 rate case expenses regularly fully recovered in rates  
13 for companies that seek increases through the small  
14 Staff-assisted rate case procedures.

15 For expenses, any decrease or increases  
16 that Staff recommends are related to normal operating  
17 cost of business. OPC is also seeking a number of  
18 things in this case that are no longer relevant or  
19 not relevant in small Staff-assisted rate cases. OPC  
20 is looking to a 30-year-old management audit for  
21 direction on company policies and practices. OPC is  
22 seeking cash working capital study which is both  
23 unnecessary and would place a large burden on the  
24 Company. OPC would also like to eliminate late fees,  
25 a common practice in small utility companies who are

1 more likely to be impacted by customers not paying  
2 their bills on time.

3           Moving on to AMI meters, Staff's position  
4 is that the AMI meters are a benefit to customers.  
5 The decision to install AMI meters was not made  
6 lightly and while the installation of the meters  
7 began in 2023, the Company was planning the process  
8 as early as 2021 as is made clear in financing Case  
9 No. WF-2021-0427.

10           This is not the unusual Staff-assisted  
11 rate case that OPC would like you to believe it is.  
12 Raytown Water's rates and expenses are increasing due  
13 to the normal course of business, and Staff's review  
14 of this case in the nonunanimous agreement between  
15 Staff and Raytown show this.

16           If you have any questions, I will be  
17 happy to try to answer them or direct you to the  
18 appropriate Staff witness. Thank you.

19           JUDGE HATCHER: Thank you, Ms. Aslin.  
20 Any questions from the commissioners? Hearing none,  
21 thank you. And we'll turn to the Office of Public  
22 Counsel. Ms. Martin, is this your first appearance  
23 before the Commission?

24           MS. MARTIN: It is not. It's my second.

25           JUDGE HATCHER: Okay. Awesome.



1 MS. MARTIN: Last time I threw some  
2 folders. It was -- it was a little kooky.

3 JUDGE HATCHER: We normally have the  
4 first-time introductions, so we don't need to do  
5 that. The floor is yours. Please go ahead.

6 MS. MARTIN: Thank you. Commission, for  
7 the past several months, I have been reviewing the  
8 Raytown Water Company and its interactions with the  
9 PSC. After completing my review in accordance with  
10 this case I found that as of late Staff and the OPC  
11 have failed this company. And by proxy, the OPC has  
12 failed this company's customers.

13 The Commission's purpose is to be a  
14 substitute for the competitive market. PSC Staff and  
15 the OPC are tasked with seeking Commission decisions  
16 for competitive markets -- no, that's not right --  
17 that ensure both that small water utilities are  
18 successful and that their customers receive quality  
19 service at just and reasonable rates.

20 While the OPC and Staff had worked  
21 towards ensuring the Company was self-sustaining in  
22 the past, Raytown's accountability standards have  
23 slipped and the Company has backslid into what has  
24 become -- what it has become lately: Inefficient,  
25 ineffective, and unable to implement successful

1 financial practices.

2 For a full review of this case  
3 Commissioners will need to stretch a hand back in  
4 time. Today's case does not begin in April of 2023  
5 when RWC originally submitted its rate case request.  
6 The story does not begin in March of 2020, the last  
7 increase request that the Company submitted. In  
8 fact, a full view of today's rate case begins on  
9 October 31st, 1991, when Raytown's request for a rate  
10 increase began a journey the Company did not expect.

11 On Halloween in 1991 Raytown filed for a  
12 rate increase. That instigated Case No. WR-92-85.  
13 As part of that case, the City of Raytown  
14 instigate -- or intervened and became an  
15 intervening party. It filed its thoughts on the  
16 Raytown Water Company's requests, its efficacy as a  
17 utility, its company management practices. And on  
18 August 7th, 1992, it filed a brief. That brief was  
19 critical. It was angry. The City accused the  
20 Company of acting with nepotism, greed, and  
21 subterfuge. However, the heated words of the City  
22 itself are not the OPC's concern today. The OPC's  
23 concern is how the public viewed RWC operations then,  
24 the parallels those practices have here, and the  
25 importance of addressing those concerns now.

1           In response to Case No. WR-92-85, the  
2 Raytown Water Company with the assistance of Staff,  
3 the OPC, and the Commission took part in a two-year  
4 management audit which resulted in management audit  
5 report that was filed on March 1st, 1994. In this  
6 report Staff identified 48 different areas where the  
7 Company needed to fix its operations. Some of  
8 these -- some of the relevant recommendations  
9 included the following: Recommendation number four,  
10 develop and implement recruiting and hiring  
11 procedures which are designed to select applicants  
12 having the highest level of knowledge, skill, and  
13 experience necessary to improve the operational  
14 performance of the Company. This ensures senior  
15 management that the most qualified candidate is  
16 selected.

17           The recommendation number six is develop  
18 and implement a formal competitive bidding procedure  
19 for all major equipment purchases and contracts.  
20 This is to help ensure the best value is considered  
21 in purchasing from more than one vendor.

22           The recommendation number 17, we're going  
23 forward a little bit, is automate the general ledger,  
24 in the 1993. It would allow -- that was made  
25 during 1993 I think is what I meant -- but that would

1 allow greater accurate -- accuracy and timeliness of  
2 pertinent financial data. This action would also  
3 ensure that the Company was quicker to respond to  
4 third-party information requests.

5 Recommendation number 18, develop a  
6 formal capital additions budget and a formal  
7 operating budget to schedule long-term, short-term  
8 projects that optimize cash flow strategies.

9 Require reimbursement -- recommendation  
10 number 20, require reimbursement to the Company on a  
11 monthly basis. Personal usage of Company business,  
12 office labor and equipment to eliminate the  
13 appearance of cross-subsidization and to more  
14 accurately match revenues and expenses.

15 The recommendation 21, implement cost  
16 accounting procedures and practices which require  
17 charging nonregulated businesses for the use of  
18 company resources to reduce the appearance of  
19 cross-subsidization and to more timely match revenues  
20 to expenses.

21 Recommendation number 24. I would like  
22 you to take a note here. Recommendation number 24  
23 says, Read the City of Kansas City's water meter  
24 monthly to verify the accuracy of the bill received  
25 in order to ensure the Company is billed properly for

1 its largest monthly expense.

2 Recommendation number 34, develop and  
3 implement a time reporting sheet to be completed by  
4 all business, office, and management personnel to  
5 ensure proper allocation of time-specific projects or  
6 categories. This allows more timely senior  
7 management review and follow up.

8 Recommendation number 42, develop and  
9 implement a formal vehicle replacement policy that  
10 includes elements such as vehicle purchasing  
11 justification procedures through competitive bidding,  
12 vehicles and vehicle specifications. This ensures  
13 all needs of a vehicle are incorporated into the  
14 purchasing decision.

15 This hearing will show the Commission how  
16 these practices are directly relevant to the problems  
17 the OPC has with this rate increase. The hearing  
18 will show that the Company is not following practices  
19 Mr. Clevenger agreed to in this audit. Further, the  
20 hearing will show the deleterious effects of the  
21 Company's failure to fail -- to follow these  
22 practices and what that has done to the ability for  
23 this Company to function on its own as a  
24 self-sustaining utility.

25 The OPC wants the Raytown Water Company

1 to succeed. However, the OPC has seen how Company  
2 shareholders were asked for and receive a rate  
3 increase. They obtain benefits from that rate  
4 increase. Then almost immediately their discussions  
5 will go back to how they have a cash flow problem.  
6 It is clear that the money that this Commission is  
7 giving the Company is not the problem. It's how the  
8 money is used.

9           So what is this money being used for.  
10 Staff and the R -- and the RWC do not have data to  
11 support the 232 percent increase in the Company's  
12 operations and maintenance expense. Customers have  
13 not earned any notable benefits from the Raytown  
14 Water Company. The Company received approval from  
15 this Commission for a \$5 million loan to enter into  
16 a -- or a financing order for a \$5 million loan,  
17 pardon me, to enter into a contract for AMI. But AMI  
18 does not have the benefits that the Company espoused.  
19 Employee pay has increased and the president now  
20 drives a 2022 vehicle that the board of directors  
21 itself refers to as his car though the question  
22 remains, how do shareholders benefits from these  
23 actions. How do the customers benefit from these  
24 actions.

25           Staff and the Company want this

1 Commission to approve their proposal for a \$1,174,782  
2 increase. That's 27.26 percent. Originally Raytown  
3 had requested a \$735,102 increase with 73 cents added  
4 in. That would be approximately a 17 percent  
5 increase. The difference between the increase for  
6 which the customers received notice and had the  
7 opportunity to comment and the increase that Staff  
8 and Raytown are currently proposing is \$439,679.27  
9 or 10.26 percent. That much of an increase,  
10 especially when customers get only one month's  
11 notice, will increase rate shock. Moreover, since  
12 the Company is expected to turn around and request  
13 another rate case to add to their additional meters  
14 to this rate base, Staff and the Company will likely  
15 request another double-digit increase in the next 12  
16 months.

17           If the commission were to approve the  
18 nonunanimous stipulation and agreement as it stands  
19 now, the Raytown Water Company's customers will have  
20 received a 40 percent increase in water rates in a  
21 three-year period. To put the effects of that --  
22 those recent increase -- recent increases into  
23 perspective, in three years the Raytown Water Company  
24 is increasing rates by the same percentage that it  
25 took about 20 years for the price of a four-year

1 university of education to increase from 1995  
2 to 2023. It took about 20 years for the average  
3 annual medical bill to increase by that same amount  
4 from 2001 to 2021. And it took about 10 years for  
5 the average home price in the United States to  
6 increase that amount from 2013 to 2023.

7 Think about it. If these rates were at  
8 the scale of four-year institutions, medical bills,  
9 or home prices, in 2026 the University of Missouri's  
10 tuition would be \$40,114.20. The average medical --  
11 annual medical bill would be \$18,079.60. The average  
12 home would cost \$718,760.

13 The PSC is tasked with ensuring that  
14 utilities are running successfully and to protect the  
15 public from business practices that undermine  
16 their interest. The practices this Commission Staff  
17 has recommended in that 19 -- had recommended in  
18 that 1993 management audit were not onerous. I do  
19 have examples of them that I will pass out, partially  
20 because they are very entertaining.

21 These recommendations are not beyond what  
22 the Company can do. In fact, by 2000 the Company had  
23 successfully implemented most, if not all of them.  
24 Any insinuation that the Raytown Water Company does  
25 not have the technical capabilities to perform a



1 simple request for proposal before making a multi-  
2 million dollar purchase is an insult to this  
3 Company. If this Company could implement competitive  
4 bidding in 1994, they can implement competitive  
5 bidding in 2023.

6 RWC may be small, but it does have  
7 employees that have worked in this area for decades,  
8 both the physical area of Raytown and the area of  
9 public utilities. Any lack of sophistication from  
10 RWC does not come from incompetence. All the OPC  
11 asks from this Commission is assistance in guiding  
12 this Company down a path of success.

13 Raytown's 6,541 customers are counting us  
14 on us to direct their utility to quality service and  
15 affordable prices. Water is an essential resource.  
16 **A 40 percent increase in the cost of that essential**  
17 **resource, especially in a three-year period, is not**  
18 **affordable. Therefore, the OPC requests that the**  
19 **Company's rate increase be limited to \$699,344 and no**  
20 **more.**

21 The OPC will also present the following  
22 technical experts and will go into further detail on  
23 the following issues. Dr. Geoff Marke will be  
24 available to discuss Raytown's choice of AMI  
25 investment as well as late fees. Mr. John Robinett

1 will discuss Staff's and Company's treatment of  
2 depreciation reserve, operation and maintenance  
3 expense, and customer notice. Mr. David Murray will  
4 discuss Staff and Company's treatment of return on  
5 common equity. Mr. John Riley will discuss cash  
6 working capital, payroll expense, and meter reading  
7 expense. Mr. Manzell Payne will discuss payroll  
8 expense and rate case expense. And Ms. Angela  
9 Schaben will discuss the disallowance of the truck  
10 treatment and general treatment, excuse me, of  
11 truck 206, other depreciation reserve adjustment, and  
12 the relevance and handling of the 1993 management  
13 audit.

14           Again, this management audit is not  
15 imposing ridiculous, outdated, or onerous  
16 recommendations on this Company. We just want this  
17 Company to succeed and we don't see it doing that.  
18 So at this point I thank you so much for your time  
19 and I am willing to answer any questions that Judge  
20 Hatcher or the commissioners have at the present  
21 time.

22           JUDGE HATCHER: Thank you, Ms. Martin.  
23 Are there any questions from the commissioners?  
24 Commissioner Hahn.

25           COMMISSIONER HAHN: Thank you. When was

1 the last time -- you mentioned the 1991 case. Was  
2 that the last time Raytown had a rate case or what  
3 was the most recently -- most recent small rate case  
4 proceeding for Raytown?

5 MS. MARTIN: So Raytown actually had a  
6 rate case in 2020.

7 COMMISSIONER HAHN: Okay.

8 MS. MARTIN: And they didn't go to  
9 hearing in 2020, but there was a -- there was a  
10 disposition agreement I believe between the PSC,  
11 Raytown, all these committees.

12 COMMISSIONER HAHN: Were there any other  
13 proceeding between 1991 and 2020?

14 MS. MARTIN: There have been and I --  
15 there was a point where I had them all written down  
16 and I will be able to get that to you by the end of  
17 day. I think there were, if I remember correctly,  
18 there have been 15 instances. So this is not a  
19 situation where this Company has not even come in for  
20 a rate increase for years and years and years. This  
21 Company has come in. There's actually been instances  
22 where the Company did have a small -- you know, there  
23 was a hearing, I think there was testimony, there was  
24 a transcript, so.

25 COMMISSIONER HAHN: Okay. Thank you.

1 MS. MARTIN: Yeah, you're welcome.

2 JUDGE HATCHER: Hearing no other ques --  
3 hearing no other questions, thank you, Ms. Martin.

4 Quick announcements as we configure our  
5 next moves. I want to let everyone know we will be  
6 adjourning this hearing for the agenda session at  
7 around 11:30. The commissioners have an agenda at  
8 noon. It is relatively packed with orders. I intend  
9 to come back as close to one o'clock or 1:15 as I  
10 can. That is due to the needs of a witness, Andre  
11 Noel. His availability is limited, so we're going to  
12 try and get back. I'll firm that up before we recess  
13 for lunch.

14 Also quick announcement. It is my  
15 understanding that Mr. Spratt will be testifying  
16 today due to also availability issues. That's all  
17 the announcements I have.

18 My understanding is we're not doing issue  
19 by issue so we will go to the Company to introduce  
20 all of their witnesses. That is going to take us  
21 into some objected to areas. My preference was going  
22 to be for the parties to discuss this over the recess  
23 at lunch, because it may not be a  
24 you-did-this-to-me-so-I'm-going-to-do-this-to-you  
25 situation; everyone may have very valid issues, but I

1 really like it when the parties resolve these by  
2 themselves and I don't have to make a decision.

3 So I'm not sure how to proceed with  
4 Mr. Clevenger. My inclination is just to go ahead  
5 with testimony, and we will figure it out later this  
6 afternoon. Are there any objections to that plan of  
7 attack? Okay. Mr. Cooper, your witness. Floor's  
8 yours.

9 MR. COOPER: Thank you, your Honor.  
10 Raytown Water would call Ms. Thompson to the stand.

11 JUDGE HATCHER: Thank you, Ms. Thompson.  
12 Before you take a seat, please raise your right hand.

13 (Witness sworn.)

14 CHI KI THOMPSON

15 The witness, having been first duly sworn,  
16 testified as follows:

17 JUDGE HATCHER: Thank you. Please have a  
18 seat. Mr. Cooper, your witness.

19 DIRECT EXAMINATION

20 BY MR. COOPER:

21 Q. Would you please state your name.

22 A. **Chiki Thompson.**

23 Q. By whom are you employed and in what  
24 capacity?

25 A. **Raytown Water Company, with the title of**

1 vice president, but I'm also the billing tech,  
2 customer service tech. I run backup for the payroll  
3 person, help with the field. I work -- I'm called  
4 what you call a working vice president because I work  
5 both in the office and in the field. If there's a  
6 shortage in the office, I'll try and cover that  
7 position.

8 If there's a shortage out in the field and  
9 they need more people to help, like say with traffic  
10 control, I will go out to the field to help with  
11 that. After-hour calls. Mother Nature doesn't like  
12 to keep her water breaks between Monday, Friday 7:00  
13 to 4:00. It's usually at two o'clock in the morning  
14 or 1:30 in the morning that I'll get a phone call  
15 that police reports water running down the road.  
16 I've got to go out, check it out and make sure that,  
17 you know, is it something that can -- that needs to  
18 be taken care of immediately or can it wait till 7:00  
19 in the morning when we -- when we come to work. So  
20 that does cause a lot of overtime because of the  
21 weird hours.

22 Pretty much been with the water company  
23 for over 16 years. So I've worked in every aspect.  
24 I worked part-time when I was in high school, so I  
25 started out as an office clerk and that's how I kind

1 of got to learn all the ropes of everything in the  
2 company. I do have a DS-3 certification as a water  
3 operator, so that is also as a backup to the  
4 president.

5 JUDGE HATCHER: I hate to interrupt.

6 MS. THOMPSON: I understand.

7 JUDGE HATCHER: DS?

8 MS. THOMPSON: DS.

9 JUDGE HATCHER: And you said water.

10 MS. THOMPSON: Right. DS-3  
11 certification. It's a certification that's granted  
12 by the Missouri Department of Natural Resources. And  
13 it does require -- they do require that you have a  
14 person with our size company have --

15 JUDGE HATCHER: The DS.

16 MS. THOMPSON: Uh-huh.

17 JUDGE HATCHER: Doesn't that stand for  
18 sewer?

19 MS. THOMPSON: No.

20 JUDGE HATCHER: Okay. Thank you.

21 MS. THOMPSON: No, it does not.

22 JUDGE HATCHER: Go ahead.

23 MS. THOMPSON: That would be the  
24 wastewater, DW.

25 JUDGE HATCHER: Thank you. Apologies.

1 Please continue.

2 MS. THOMPSON: That's all right. That's  
3 a lot of acronyms.

4 BY MR. COOPER:

5 Q. Have you caused to be prepared for  
6 purposes of this proceeding certain direct, rebuttal,  
7 and surrebuttal testimony in question-and-answer  
8 form?

9 A. Yes, I have.

10 Q. Is it your understanding that that  
11 testimony's been marked as Exhibits 1, 2, and 3 for  
12 identification?

13 A. Yes.

14 Q. Do you have any changes that you would  
15 like to make to that testimony?

16 A. Yes. I would like to make a small  
17 correction. Starting with the rebuttal originally, I  
18 had stated in there on page --

19 Q. Let's -- oh, okay.

20 A. Want me to do that?

21 Q. Yeah. Page and line number.

22 A. Right.

23 Q. Yeah.

24 A. Page 7, lines 20 through 22. The  
25 question was, When did Raytown Water last install



1 meters.

2 The Company last installed meters during  
3 the period of 20 -- 2009 to 2015.

4 It should be 2016. And that would be in  
5 regards to our meter replacement program.

6 Q. Then is there one more change that --

7 A. Yes.

8 Q. -- you would like to make?

9 A. And then on page 8 from lines 9  
10 through 12, the question was, As of 2023  
11 approximately what percentage and number of Raytown  
12 Water meters were due to be removed and replaced.

13 I originally had said approximately 80  
14 percent of five-eighths by three-quarter meters and a  
15 hundred percent of the meters one inch and larger.

16 After further calculations, those numbers  
17 should be changed to an -- I'm sorry -- as an  
18 examination, it showed 59 percent of the five-eighths  
19 by three-quarter meters and 96 percent of the  
20 one-inch meters and larger were ready to replaced or  
21 removed.

22 Q. Do you have any other changes?

23 A. Not at this time.

24 Q. Okay. If I asked you the questions which  
25 are contained in Exhibits 1, 2, and 3 today as now

1 amended, would your answers be the same?

2 **A. Yes.**

3 Q. Are those answers as amended true and  
4 correct to the best of your information, knowledge,  
5 and belief?

6 **A. Yes.**

7 MR. COOPER: Your Honor, I would offer  
8 Exhibits 1, 2, and 3 into evidence and tender the  
9 witness for cross-examination.

10 JUDGE HATCHER: Mr. Cooper, before I do  
11 that, how are we going to stand on the corrections  
12 just being orally read on the record?

13 MR. COOPER: Well, I will work with  
14 whatever you'd like to do, Judge. Since it was --

15 JUDGE HATCHER: I was great with the  
16 first one. It was a long explanation, but it was  
17 changing the year, 2016. I'm good. I got lost in  
18 the second one. What I would normally do is give  
19 me -- what are they called.

20 MR. COOPER: Errata sheet.

21 JUDGE HATCHER: Yes. One week after  
22 tomorrow, so by next Friday. Yes, let's just do  
23 that. And then it'll be same for the other parties,  
24 if any of your witnesses have corrections.

25 And right now we are on the motion to

1 accept the witness's three prefiled exhibits, 1, 2  
2 and 3, direct, rebuttal, and surrebuttal. For  
3 everyone in the room's information, I will  
4 routinely combine this question into one question.  
5 I will briefly look up and then I will admit them.  
6 If anyone has an objection, I will back up, but I  
7 don't expect. The normal course of business in the  
8 PSC with the prefiled testimony is maybe a witness  
9 makes a correction and then if there are objections  
10 to the admittance, somebody will stand up and say  
11 something.

12 So with that terrible explanation, you've  
13 heard the motion. Are there any objections to the  
14 admittance of Exhibit 1, 2, and 3 with pending errata  
15 sheet to be submitted by next Friday? Any  
16 objections? Seeing none, they are all admitted.

17 (Company Exhibits 1, 2, and 3 were  
18 admitted and made a part of this record.)

19 JUDGE HATCHER: Go ahead.

20 MR. COOPER: I think I'm finished, your  
21 Honor.

22 JUDGE HATCHER: Thank you, Mr. Cooper.  
23 Ms. Aslin.

24 MS. ASLIN: Just have a few questions.

25 CROSS-EXAMINATION

1 BY MS. ASLIN:

2 Q. Good morning, Ms. Thompson.

3 A. Good morning.

4 Q. If late fees were removed from the  
5 Company's tariff, would that negatively impact the  
6 Company?

7 A. I believe it would.

8 Q. Could you explain how.

9 A. Right now enforcing a late fee does give  
10 people incentive to make payment timely so that they  
11 are not incurring that fee. We have people even that  
12 would normally pay on time; they will actually make a  
13 phone call if they did get a late fee because some  
14 extraordinary event happened, they were in the  
15 hospital or whatever. We would ask them to go ahead  
16 and put that re -- send that request over to us in an  
17 email. We would review their account. And if it was  
18 warranted, we would go ahead and remove that late  
19 fee. Otherwise the late -- late fee would stand. So  
20 that is a big impact.

21 If they were to remove the late fees, I  
22 believe that there would be no incentive for people  
23 to pay timely and that our weekly collection efforts  
24 to where we actually go out and door to door to shut  
25 water off would increase. As it stands right now

1 with the late fees in place, we have, depending on  
2 the time of the year and the area that we're working  
3 on, we can have anything from 40 people to 80 or 90  
4 people on the list to get shut off each week. So I  
5 believe that number would increase.

6 Q. Do you have your rebuttal testimony with  
7 you?

8 A. Yes, I do.

9 Q. Could you turn to page 20.

10 A. Okay.

11 Q. Actually let's go back to page 19  
12 really --

13 A. Okay.

14 Q. -- quickly.

15 There's a line of questioning there about  
16 hiring practices. And at the bottom of the page the  
17 question says, What has been your experience.

18 When we turn to page 20, starting at  
19 line 1 --

20 A. Uh-huh.

21 Q. -- it states, We have struggled in recent  
22 years to get good candidates.

23 While we have been able to hire some  
24 employees, others have either been unreliable,  
25 uninsurable, et cetera.

1 Is that correct?

2 **A. That is correct.**

3 Q. Based on -- based on your experience of  
4 the Company's difficulty in finding good employees,  
5 how would implementing the recruiting and hiring  
6 practices that OPC is suggesting impact Raytown?

7 **A. I believe we are doing that because we**  
8 **have reached out to different employment agencies**  
9 **previously to get temporary help. And then if they**  
10 **work out, then we will hire them permanently. And**  
11 **we -- we did that so that they could do the initial**  
12 **screening for us because it was just getting**  
13 **ridiculous as how many people would walk in and then,**  
14 **you know, fill out an application and then not show**  
15 **up for their interview. Had that happen a couple of**  
16 **times.**

17 We use online such as Indeed, Missouri Job  
18 website also to put our want ads basically out there.  
19 I've also posted signs on the door, so as people come  
20 in -- we like our employees to live within Raytown so  
21 if there is an emergency, they're not having to  
22 travel 30, 45 minutes to get to us; they're within  
23 the area. Also, employees that live within the area  
24 I think tend to have more pride in where they work  
25 because they are a part of the community and they are

1 serving the community.

2 We do do word of mouth. We take  
3 recommendations. If I go to Missouri One Call  
4 meeting or seminar, I'll talk to other people and  
5 say, Hey, if you know of anybody who's looking for a  
6 job, send them my way. You know, if you know someone  
7 that's in the -- has construction experience, have  
8 them call me.

9 So we do a lot of solicitation, not just  
10 by paper or by web or adver -- advertising's a little  
11 harder besides just internet and social media.

12 MS. ASLIN: Thank you. I have no further  
13 questions.

14 JUDGE HATCHER: Thank you. Ms. Martin,  
15 your witness.

16 CROSS-EXAMINATION

17 BY MS. MARTIN:

18 Q. Good morning, Chiki. How are you?

19 A. Good morning.

20 Q. So can you -- we're going to go down  
21 memory lane through your testimony.

22 A. Okay.

23 Q. Can you pull up your -- pardon me. I said  
24 Chiki and I meant Ms. Thompson; that's what I was  
25 corrected on.

1           So in your direct testimony, on page 3,  
2 line 9 you talk about -- it's during one of the first  
3 questions. You answered -- you talk about how in  
4 Case No. WF-2021-0427, excuse me, one of the things  
5 was to upgrade meter wells as needed.

6           Then if you look at page 6 of this  
7 testimony, sorry, this is a two-part, on lines -- in  
8 lines 13 through 15 I think is what I have here, you  
9 mention multiple personal injury lawsuits caused by  
10 meter wells that have been -- that have been caused  
11 by meter wells.

12           How many personal injury lawsuits have --  
13 caused by these meter wells have occurred while  
14 you've been at this Company?

15           **A. I could not tell you definitely. Best**  
16 **guess --**

17           Q. Estimation, yeah.

18           **A. -- maybe about, I'd say within the past**  
19 **couple of years, three.**

20           Q. Three, okay.

21           **A. That are fresh on my mind.**

22           Q. Okay. Do you happen to remember  
23 generally, and I know --

24           **A. Uh-huh.**

25           Q. -- I knew this was going to be a little



1 harder, so I was like in general.

2 **A. Right.**

3 Q. Can you explain like how the meter wells  
4 caused these personal injuries?

5 **A. What's happened is the meter well lids  
6 aren't lock -- weren't locking. They were metal  
7 lids, cast iron, cast aluminum. And when we go out  
8 to read the meter, we walk up, pull the lid, look in  
9 the hole, open the -- wipe off the lens to read the  
10 meter, put the lid back and just stomp on it. Well,  
11 in between time you don't know if kids walk through  
12 there, leaves, lawn care people could cause that lid  
13 to become ajar. People walking through the yard may  
14 not see it because of, you know, weather, leaves,  
15 snow, whatever, and slip and fall into the meter well  
16 because the lid is gone, has been compromised.**

17 Q. Okay. And then what was the -- when was  
18 the most recent personal injury lawsuit that was  
19 decided against Raytown?

20 **A. There was two kind of running  
21 concurrently. The last one resolved in 2023.**

22 Q. And can you tell me the amount of damages  
23 that were ordered in that case?

24 **A. I believe it was about 60,000 for that  
25 one.**

1 Q. Okay. And about how much money have these  
2 lawsuits cost Raytown in all, if you could?

3 A. Well, it was -- these suits have been  
4 filed through our liability insurance claims, so the  
5 actual dollar amount, aside from attorney fees,  
6 payouts were done through the insurance.

7 Q. Okay. So how many originally, because I  
8 know it did change, how many meter wells was RWC  
9 planning to upgrade as a result of the order in that  
10 case number that I -- the, like 0427 I think, the WF,  
11 the finance case?

12 A. Okay. So meter wells that are needing  
13 upgrade will be not necessarily because of the lid or  
14 something. It's more like when we're going out there  
15 to change the meter out, we've noticed that it's an  
16 old, what they call Haydite well. The newer wells  
17 are made with plastic so they don't collapse over  
18 time. That's what we call about -- talk about  
19 upgrade.

20 So if it's collapsed, we need to replace  
21 the sleeve and put a plastic sleeve in there to  
22 resecure that area. So it's not like -- dirt's not  
23 falling in on the meters and all that.

24 Q. Right. At the -- sorry. At the time of  
25 the finance order, about how many meter wells was the

1 Company planning on upgrading, do you know?

2 **A. No, I do not.**

3 Q. Okay. On -- I'm going to wander back to  
4 your direct. Nope. Or maybe we're not. I'm  
5 confused. It might have been -- I don't know. Oh, I  
6 think it's on page 7, and I will double check. Wait.  
7 No. This is something else. Oh, oh, oh. Okay.

8 So on page 3 -- I am so sorry. I wrote it  
9 down and then all these numbers, get confused. On  
10 page 3, lines 10, 11 of your direct testimony you  
11 said the EIERA loan was also used in part to make  
12 live metering information available to customers  
13 through the Company's website.

14 What does the term "live metering  
15 information" mean?

16 **A. Well, typically when we go out to read a  
17 meter, to get a reading off a meter we have to deploy  
18 somebody to go out to that residence or that address,  
19 physically pull the lid up, wipe off the lens, and  
20 look at the meter. There's -- there could be a delay  
21 because one, I gotta find somebody to do it. Two,  
22 once we get it, we gotta get the information back  
23 from the work order. Work orders are usually not run  
24 until the afternoon so that means any phone calls  
25 maybe that comes up -- up until noon can get on a**

1 same-day service on a work order depending on the  
2 task. So the work order's usually picked up in the  
3 afternoon. They're done. They're turned in. We may  
4 not see them until the morning, so you have a big  
5 delay.

6           Whereas live with Aclara One, we can go in  
7 there at any given time to see what the reading  
8 trends have been because it'll register hourly.  
9 So we can say, Oh, look, it's at 341 at one  
10 o'clock. Then it's gone up to 342 at two o'clock in  
11 the mornings. And we're like, Well, I don't --  
12 people always say, I don't hear anything, I don't  
13 see anything, when you tell them you have a high  
14 water bill, possibility a leak. Our -- my  
15 thinking is is that most people are home between  
16 midnight, 5:00 a.m., are usually asleep. Usually  
17 there should be no water running during that time.  
18 You should see at least zero -- it should always go  
19 down to zero at one time over 24 hours, you know, for  
20 usage.

21           When you see water trickling through or  
22 whatever, that's how I can show that customer. Say,  
23 Look, here's your readings for the past 24 hours.  
24 You can see that there is water running through your  
25 meter during these times. Two o'clock in the

1 morning, three o'clock in the morning, four o'clock  
2 in the morning, and it's consistent. Maybe it's only  
3 a gallon. Maybe it's five gallons. But you can see  
4 there's a consistent pattern.

5 So that's what I consider live because I  
6 can show it to them immediately. If they come into  
7 the office and we're talking about a bill, I can turn  
8 the screen around and say, Here, this is what the  
9 reading has been for the past 24 hours. And I don't  
10 have to send somebody out, wait that period for them  
11 to go, look at it, and get it back to me.

12 Q. Okay. In the financing order and in your  
13 testimony you specify that live metering information  
14 is available to customers through the Company's  
15 website. Are there any plans to enable some sort of  
16 application through the customer portal for customers  
17 to view their water usage?

18 A. It will be, yes. Once all the meters are  
19 completely in and everything is reconciled, that we  
20 have every -- that we know we have everything correct  
21 in the system and we will have a module available for  
22 the customer to log into so that they can actually  
23 see all their activities.

24 Q. Can you provide an estimate as to when you  
25 expect that application to be ready?

1           **A.           We had hoped to start doing the deployment**  
2           **on that part in January. It just kind of depends.**  
3           **We're -- weather and supply chain is kind of messing**  
4           **with us again.**

5           Q.           Okay. Will it cost any extra money for  
6           Raytown to create and implement this application?

7           **A.           No, it should not.**

8           Q.           Okay. How does the Company -- how is the  
9           Company planning to create and implement this  
10          application at no cost?

11          **A.           Any software changes and adaptation, this**  
12          **was part of this total amount price that was part of**  
13          **the agreement between our billing software provider**  
14          **and Aclara and USG.**

15          Q.           Okay. So does the live metering  
16          information that your advanced metering  
17          infrastructure or AMI provide permit customers to  
18          check at any point in time in the day and see what  
19          their general water usage is at that point?

20          **A.           They will be able to see it by daily**  
21          **reads, not by hourly. If they would like to see an**  
22          **hourly read report, they can contact the office and**  
23          **we can send it to them.**

24          Q.           Okay. So is it going to cost any money  
25          for them to --

1           **A.           No.**

2           Q.           And why -- what is the difference -- why  
3 is the Company able to get that information on an  
4 hourly basis, but customers can't get the information  
5 until the end of the day?

6           **A.           The -- the main idea is that it takes a  
7 lot of data storage to transmit that. That's a lot  
8 of reads when you -- especially if you multiply it by  
9 the number of customers we have.**

10          Q.           Does the live metering information detect  
11 either where or if any leaks exist on the end of the  
12 water meter that the customer controls?

13          **A.           Give me an example for your question.**

14          Q.           So if you had something like leak valve  
15 detection, they can -- they can generally say, Hey,  
16 you have a leak and you've been -- your sink has been  
17 running in this room, what have you.

18          **A.           We cannot tell like where a leak is  
19 specifically in the house. We can determine whether  
20 there's a leak on the company side or the customer's  
21 side. The way we can do -- the only other thing to  
22 help the customer would be determine if the leak is  
23 between the meter and the house or within the house.  
24 And that would -- that would involve the customer  
25 helping us by doing -- turning off the shutoff valve**

1 in the house so there's -- and then we can see if  
2 there's water continuously going through the meter.  
3 Then that would indicate that there may be a leak  
4 between the service line, between the meter and the  
5 house.

6 Q. Okay.

7 A. If the leak detector stops when they turn  
8 the valve off in the house, then we know that there's  
9 water loss going through the meter. It's within the  
10 house.

11 Q. Okay. So you have a little bit of an  
12 Inspector Gadget --

13 A. Right.

14 Q. -- situation?

15 A. Correct. But we do not go into the  
16 property. We are not plumbers, you know; we do  
17 waterworks. So it's a little bit -- very slight  
18 difference, but there is a difference.

19 Q. Slight, but important. So you asked --  
20 you responded to a question, and I don't know -- but  
21 you responded to the question, How long has the  
22 Company been considering this project in regards to  
23 the AMI meters.

24 A. Uh-huh.

25 Q. I will see if I can find that exact page.



1 But you said, Several years ago we began to speak  
2 with other water utilities to explore what water  
3 meter reading system might be best suited for  
4 Raytown's -- Raytown Water's operation.

5 Can you be more specific as to the time  
6 frame of several years ago?

7 A. I would say probably anything  
8 from 2018, 2019, during that period. We were getting  
9 more concerned with the way meter readings were going  
10 because COVID had come in, we were losing personnel  
11 to -- for -- between being sick or, you know,  
12 quarantine, it was getting very difficult. That's  
13 why I was out there reading meters to get -- because  
14 billing and meter reading is very time sensitive.  
15 You know, you have to read between a certain period  
16 of time and you have to issue a bill between a  
17 certain period of time. So you have one person gone,  
18 it messes up everything, so you gotta have that  
19 covered all the time.

20 So we were thinking of solutions of how  
21 that -- how we can cover that because it's really  
22 hard when you're pulling people out of the field to  
23 help with the meter reading to get the billing done.  
24 Because then that means something in the field is not  
25 getting taken care of, whether it's fixing a hole

1 after a water break or fixing a leak or something  
2 like that. So that's when we're like, Okay, what's  
3 our other opportunities. Because we're trying to  
4 hire more people, more help, but people want a  
5 paycheck but they don't want to actually do the work  
6 unfortunately.

7 JUDGE HATCHER: I want to interrupt for  
8 just a second and remind all of the parties of time  
9 limitations.

10 MS. THOMPSON: Right.

11 JUDGE HATCHER: To the witness I really  
12 appreciate the full explanatory answers. However,  
13 this entire hearing is scheduled for 12 hours, so.

14 MS. THOMPSON: Right. I understand.

15 JUDGE HATCHER: Also with the questions,  
16 if we could maybe speed those, I do not want to  
17 affect your case, but I would just note for your  
18 information that out of the 12 issues, we're in the  
19 first one of the first witness, and we're going to be  
20 taking a break in 12 minutes.

21 MS. MARTIN: And I will state that the  
22 first two issues are the two biggest ones.

23 JUDGE HATCHER: I understand. Please go  
24 ahead.

25 BY MS. MARTIN:

1 Q. Okay. Other than speaking to other water  
2 utilities, did RWC do any data-driven research on the  
3 best AMI options on the market?

4 A. Yes and no. We -- I had attended a couple  
5 of different seminars, so that I could hear, like,  
6 other companies talk about -- do a presentation with  
7 their system. Like Itron, with Sensus, and of course  
8 Mueller, Neptune. So that did kind of give me an  
9 easy way to hear a bunch of different vendors at one  
10 time to kind of compare what their products are.

11 And then speaking with other water  
12 companies while I'm at a seminar to say, Hey, what  
13 system do you use, how do you like it, was it -- is  
14 it good, is it bad.

15 Talking to Jackson County District Two  
16 which is the water company that services the southern  
17 part of Raytown. They have badge and meters where  
18 they go and do a touch read. So they still have to  
19 walk out, they still have to find the meter well.  
20 They still have to do that.

21 JUDGE HATCHER: I'm so sorry, but thank  
22 you.

23 MS. THOMPSON: Okay.

24 MS. MARTIN: Okay. Just so you know,  
25 I -- it might -- I might not end the AMI in the

1 next 12 minutes. I don't know.

2 JUDGE HATCHER: No, no. You can take as  
3 much time as you want. I'm --

4 MS. THOMPSON: Make it brief.

5 JUDGE HATCHER: -- trying to make sure  
6 that all of the parties are aware that we have four  
7 hours each afternoon, Thursday and Friday; we have  
8 two hours in the morning. And this is a very  
9 important issue for the OPC; it's their very first  
10 one. So I'm not suggesting that you've got 12  
11 minutes, period. I'm just scoreboard saying, Hey, we  
12 might want to consider what our best or most  
13 important questions are, or I don't know. I don't  
14 want to impact your case. I just wanted to give a  
15 reference to you, the witness, and all the parties  
16 that --

17 MS. MARTIN: Okay.

18 BY MS. MARTIN:

19 Q. Okay. So how many other water companies  
20 did RWC talk to before choosing USG to being its AMI  
21 provider?

22 **A. I can give you an estimated number.**  
23 **Probably about five different ones while I was at the**  
24 **seminar.**

25 Q. Okay. And what was the smaller water --

1 or how many connections did the smallest water  
2 company that you spoke to have?

3 **A. Well, that would be District -- Jackson**  
4 **County District No. 2 who's comparable to our**  
5 **company.**

6 Q. Okay. And what was the smallest service  
7 area in terms of, like, size?

8 **A. I could not tell you.**

9 Q. Okay. What was the average number of  
10 connections that the companies you spoke to had?

11 **A. Well, I know Jackson County has similar to**  
12 **ours. The other companies --**

13 Q. You don't --

14 **A. No.**

15 Q. Okay. And I'm guessing you don't know the  
16 average, like, service area either?

17 **A. No.**

18 Q. Okay. Do you know if more of the water  
19 companies you spoke to have compact service areas  
20 such as Raytown or dispersed service areas like  
21 Confluence Rivers?

22 **A. I do not know.**

23 Q. Okay. How many other AMI providers did  
24 RWC talk to before choosing USG to supply its AMI?  
25 And I'm not talking about anything except for just

1 AMI.

2 A. Well, like I said, I went to a seminar, so  
3 there were several different vendors there.

4 Q. Okay. Did Raytown send out any requests  
5 for proposal to any AMI companies?

6 A. No. Because after I kind of spoke to --  
7 well, yes. That would have been with -- through USG  
8 and Aclara. So we did request them to give us a bid.

9 Q. Anyone else besides the one that you went  
10 with?

11 A. No. Not that -- not that I can recall.

12 Q. Okay. So did Raytown utilize competitive  
13 bidding practices at all when determining the best  
14 AMI provider?

15 A. I feel like they -- we did in the sense  
16 that because we trust USG as our contractor and they  
17 have connections to different vendors, we asked them  
18 to give us kind of quote comparison as far as, you  
19 know, how big of a difference is there between  
20 Neptune meter systems -- and we know we -- we know  
21 Mueller because we had a Mueller for a little bit  
22 which proved to be not as -- what is it --

23 Q. Effective?

24 A. Reliable as we had hoped.

25 Q. Okay. And did you look into whether USG

1 had any agreements with any of these AMI companies to  
2 get, you know, kind of a kickback for --

3 **A. No.**

4 Q. -- providing them new --

5 **A. No.**

6 Q. Okay. So what is the purpose that you  
7 see, view -- what -- why do you believe it is  
8 important to do competitive bidding or do a request  
9 for proposals, or do you?

10 **A. Oh, I do. But for what circumstance?**

11 Q. For a situation where you're buying a \$3.8  
12 million --

13 **A. I feel that we did what we needed to do to**  
14 **be prudent with our money. We try to be good**  
15 **stewards with the fundings that we have available.**  
16 **We're a small company, and it's just like home.**  
17 **You've got -- you're a small company, you gotta know**  
18 **what you got to work with and what you need to do**  
19 **to -- to move forward and keep going to be**  
20 **successful.**

21 **We trust USG. They've been one of our**  
22 **vendors for many, many years. They have the same**  
23 **philosophy as we do as far as being prudent and being**  
24 **good stewards with their assets, their vendors, their**  
25 **contractors. With that many years' experience for**

1    **them doing our -- they do our utility maintenance on**  
2    **our towers, above-ground storages. We've had very**  
3    **good success and it's -- they've always been very**  
4    **workable and very reasonable.**

5           Q.       Okay. On page 4, lines 1 through 6 of  
6    your direct testimony you provide a description of  
7    how Raytown conducted meter reading. Is this how  
8    Raytown has always performed meter reading for AMI?

9           **A.       Was that on page 6?**

10          Q.       Page 4, lines 1 through 6.

11          **A.       Yes.**

12          Q.       Okay. Can you explain to me what  
13    account 346.200 meters hot rod refers to?

14          **A.       Where are you seeing that account?**

15          Q.       It's an account that Staff has offered to  
16    put -- place depreciation reserve, and that is  
17    actually also an account that our depreciation expert  
18    agrees that depreciation reserve should go into.

19          **A.       Okay. I can't answer that question. I'm**  
20    **sorry.**

21          Q.       That's okay. Give me one moment then.  
22    You list one of the benefits of AMI as the ability  
23    for customers to obtain their billing and payment  
24    data online. Does the ability for customers to  
25    obtain their billing and payment data online mean



1 that customers will be able to pay their water bill  
2 online?

3 **A. They're able to pay their water bill**  
4 **online now.**

5 Q. Okay. Were customers not able to view  
6 their billing and payment data online prior to the  
7 Company's implementation of AMI?

8 **A. No. They've -- they've been able to ever**  
9 **since we've upgraded to our system back in 2005 I**  
10 **believe it was.**

11 Q. Okay.

12 **A. They've been able to view and pay their**  
13 **bill.**

14 Q. So how is the Company's implementation of  
15 this AMI a benefit in the way that it allows  
16 customers to obtain their billing and payment data  
17 online?

18 **A. I don't think that I said it that --**  
19 **stated that way, whatever you -- could you point --**

20 Q. On page 5 --

21 **A. -- me to that.**

22 Q. -- lines 7 and 8.

23 JUDGE HATCHER: Of which testimony  
24 please?

25 BY MS. MARTIN:

1 Q. Of your, sorry, direct testimony.

2 Customers will be able to obtain -- and  
3 this is in response to How will AMI improve customer  
4 service.

5 You say, Customers will be able to obtain  
6 their monthly usage, daily usage, billing and payment  
7 data online.

8 A. Right. They are continuing -- they will  
9 be able to obtain -- right now if they log in, they  
10 can only see what usage has been billed. With this,  
11 they will be able to see what their current usage is  
12 before billing and between billings.

13 Q. So in regards to the billing and payment  
14 data, how -- will they be able to obtain more  
15 information regarding their billing and payment data,  
16 like the actual data, payment data information and  
17 the billing information?

18 A. Yes. They'll -- they'll continue to be  
19 able to get their bill, obtain their bill online, and  
20 make their payment online if they wish.

21 Q. But that's not an additional benefit of  
22 the AMI. Correct?

23 A. No. The additional part is that they'll  
24 be able to see their usage in between billings so  
25 that if there's an anomaly or something should

1 **happen, they can be better prepared.**

2 Q. Okay. So it says -- give me one second  
3 because --

4 **A. Uh-huh.**

5 Q. -- I don't want to reask questions.

6 On page 5 again, 8 and 9, you say,  
7 Customers will be able to further request an hourly  
8 usage report.

9 Does that mean that Raytown is not going  
10 to provide customers with an hourly usage report  
11 unless the customer specifically requests it?

12 **A. Right. Because what is -- what is the**  
13 **purpose of that unless someone really needs to see**  
14 **it. Now, I will issue an hourly report if I -- when**  
15 **I get a notification that there may be high usage or**  
16 **continuous usage and I'll send out a high --**  
17 **basically a high-use letter advising the customer**  
18 **that, Hey, your bill's going to be a little bit**  
19 **higher. Something's going on. We can see that**  
20 **there's something going on. Here's a screen print of**  
21 **your hourly usage for the past 24 hours, so that they**  
22 **can see what I'm seeing.**

23 Q. Okay. So on page 6, lines 2 through 4 you  
24 say -- I think it's a benefit -- the hour -- the why  
25 is the hourly usage important is the question.

1           The benefit is being able to show  
2 customers the amount of water that is running through  
3 the meter at an hourly rate has reduced the number of  
4 customer complaints.

5           How much time did the Company spend -- or  
6 excuse me. How many customer complaints was RWC  
7 getting on a monthly basis due to high water bills?

8           **A. I can't give you a specific number, but I**  
9 **can tell you there's a lot, depending on the time of**  
10 **the year.**

11          Q. Okay. Do you -- can you give me estimate  
12 of how many customers comp -- or how much time the  
13 Company spent on customer complaints before the  
14 installation of AMI?

15          **A. Well, one high complaint could be resolved**  
16 **in 15-minutes phone call or it could be days or**  
17 **months. We had one customer that complained about**  
18 **their high water bill even though it was very --**  
19 **there was record that we had give them many**  
20 **notifications over several months. That led out to**  
21 **be six months because they went ahead and filed a**  
22 **complaint. We had to do a lot of research. Had to**  
23 **back and forth, back and forth, back and forth, back**  
24 **and forth. So it was -- it took that much time. And**  
25 **not just one person, that one just -- one customer**

1 service person, but many people.

2 Q. Okay. How much time does the Company now  
3 spend on customer complaints?

4 A. Well, we're still not fully deployed.

5 Q. Right.

6 A. So it's still -- it's kind of hard to say.  
7 But it is a lot easier to talk to the customer when,  
8 like they say, a picture is a -- same as a thousand  
9 words. When you can physically show them, Here, this  
10 is -- you know, this is during the day. This is what  
11 you normally use. We can see that water. But when  
12 you're sleeping, three o'clock in the morning, four  
13 o'clock in the morning, I'm like, Are you guys up  
14 doing laundry. Are you doing something. No. Okay.  
15 Well, obviously there's water running through.

16 Another thing is that we were able to show  
17 somebody else at -- with a high water bill that it  
18 was their sprinkler, their irrigation system. It was  
19 running in the middle of the night in different  
20 zones, you know. They're like, Oh, we thought that  
21 that was turned off. Well, no. It didn't get turned  
22 off on October 1st, you know, it's still running.  
23 Oh, okay. Well, that explains why my water bill's a  
24 little bit high still.

25 Q. Okay. Has Raytown had to deal with any

1 customer complaints caused by the knowledge that they  
2 were switching to AMI?

3 **A. Complaints from customers saying --**  
4 **because they don't want the AMI?**

5 Q. Yeah.

6 **A. No.**

7 Q. Okay.

8 **A. Not for AMI, no.**

9 JUDGE HATCHER: Okay. Let's stop here.  
10 Ms. Martin, a quick question. We are seemingly on  
11 customer complaints, that section. Do you have just  
12 a couple more questions on that one specific? If you  
13 do, I'll let you finish and then we'll go to lunch.

14 MS. MARTIN: My next section -- I don't  
15 have any more questions on customer --

16 JUDGE HATCHER: Excellent. Thank you.  
17 We are going to go to recess for lunch as promised.  
18 Agenda is upstairs at noon. Counselors, please talk  
19 with each other about various motions to strike. I  
20 would appreciate a path forward on that. When we  
21 come back -- we're going to recess until 1:15. 1:15.  
22 I had promised the commissioners until 1:30 because  
23 they have a very heavy agenda schedule and they need  
24 to eat lunch before they return. So compromising  
25 with the commissioners because of the needs of the

1 witness, we're going to move to 1:15. 1:15 come back  
2 from lunch.

3 Ms. Thompson, you are temporarily excused  
4 from the witness stand, and you'll be coming back.  
5 We're going to pause Ms. Martin's questioning. When  
6 we return to Ms. Thompson, it'll be Ms. Martin's turn  
7 in that rotation. At 1:15 I anticipate Mr. Andre  
8 Noel.

9 MR. COOPER: Thank you, Judge.

10 JUDGE HATCHER: Quick question on  
11 Mr. Spratt. Are we going to work him in after  
12 Mr. Noel and after Mr. Thompson -- or Ms. Thompson  
13 depending on time of day?

14 MS. ASLIN: I -- yes.

15 JUDGE HATCHER: Okay. We'll play that by  
16 ear. Excellent. Any questions before we go to  
17 recess? Seeing none, we are at recess. Thank you.

18 (Off the record.)

19 JUDGE HATCHER: Let's go on the record.  
20 Again, this is regulatory law judge Charles Hatcher.  
21 We are returning with the evidentiary hearing in the  
22 Raytown Water Company's Staff-assisted rate case.  
23 This is WR-2023-0344.

24 We are going to change gears and go to  
25 witness Andre Noel for the Company due to his

1 availability as agreed to by the parties.

2 Mr. Cooper.

3 MR. COOPER: We would like to call  
4 Mr. Noel at this time, Judge.

5 JUDGE HATCHER: Mr. Noel, you are in our  
6 virtual witness box. Please raise your right hand.

7 (Witness sworn.)

8 ANDRE NOEL

9 The witness, having been first duly sworn,  
10 testified as follows:

11 JUDGE HATCHER: Thank you. And,  
12 Mr. Cooper.

13 MR. COOPER: Thank you, Judge.

14 DIRECT EXAMINATION

15 BY MR. COOPER:

16 Q. Please state your name.

17 A. **My name is Andre Noel.**

18 Q. By whom are you employed and in what  
19 capacity?

20 A. **I'm employed by USG Water Solutions, also  
21 known as Utility Service Company, Inc. And I am  
22 currently the director of revenue management and  
23 metering services.**

24 Q. Are you appearing today on behalf of  
25 Raytown Water Company?



1           **A.       Yes, I am.**

2           Q.       Have you caused to be prepared for the  
3 purposes of this proceeding certain surrebuttal  
4 testimony in question-and-answer form?

5           **A.       Yes, I have.**

6           Q.       Is it your understanding that that  
7 testimony has been marked as Exhibit 4 for  
8 identification?

9           **A.       Yes.**

10          Q.       Do you have any changes that you would  
11 like to make to that testimony at this time?

12          **A.       I would -- I know one of the comments I  
13 certainly could add some more information to it, but.**

14          Q.       We'll need to move on until later.

15          **A.       Okay. Okay.**

16          Q.       If I were to ask you the questions which  
17 are contained in Exhibit 4 today, would your answers  
18 be the same?

19          **A.       Yes.**

20          Q.       Are those answers true and correct to the  
21 best of your information, knowledge, and belief?

22          **A.       Yes.**

23               MR. COOPER: Your Honor, I would offer  
24 Exhibit 4 into evidence and tender the witness for  
25 cross-examination.

1 JUDGE HATCHER: You've heard the motion.  
2 Are there any objection to the admittance of  
3 Exhibit 4. No objections. So admitted.

4 (Company Exhibit 4 was admitted and made  
5 a part of this record.)

6 JUDGE HATCHER: And the witness has been  
7 tendered. Ms. Aslin.

8 MS. ASLIN: No questions.

9 JUDGE HATCHER: Ms. Martin.

10 CROSS-EXAMINATION

11 BY MS. MARTIN:

12 Q. Hello. How are you today. Hello, how are  
13 you today.

14 A. **Doing great. How are you.**

15 Q. I am awake. So my first question is that  
16 is can you give the Commission any assurance that the  
17 final cost of this AMI is going to be \$4,231,257?

18 A. **Can you repeat the question again please?**

19 Q. Yes.

20 A. **You cut out at the end -- in the middle  
21 there.**

22 Q. Yes. Can you give any assurance to this  
23 Commission that the \$4,231,257 is the final cost of  
24 this AMI?

25 A. **The cost is as we know based on the**

1 conditions now, I believe the project is practically  
2 complete so that cost should be representative of the  
3 project.

4 Q. Okay. Does the 4,231,000 or  
5 the \$4,231,257 dollar cost does not include  
6 the 100,000 annual maintenance fee. Correct?

7 A. To my knowledge, that is correct.

8 Q. And give me one minute. Do you believe --  
9 no. I'm checking, sorry.

10 So you would say that this capital  
11 investment that is over \$5 million is a relatively  
12 large capital investment, would you not?

13 MR. COOPER: Objection. And maybe just a  
14 clarification because I think you were talking about  
15 a \$4.2 million.

16 MS. MARTIN: Sorry. That -- I did not  
17 clarify. I was including the regular payments  
18 for \$100,000 dollars, annual payments for \$100,000  
19 for the next 15 years. I apologize.

20 MR. COOPER: I'm okay, but Mr. Noel I  
21 don't think would have heard you there necessarily,  
22 so.

23 BY MS. MARTIN:

24 Q. Yeah. So -- so the \$4,231,257 is the  
25 immediate cost. Then for about the next 15 years

1 there is an additional \$100,000 maintenance fee.

2 Correct?

3 **A. No. That maintenance fee -- yes, there is**  
4 **a maintenance fee, but that maintenance fee is made**  
5 **up of a number of items. I don't think it was -- you**  
6 **know, it's also the cost to just operate the system**  
7 **in general plus there's a fee associated with us**  
8 **taking care of the system.**

9 Q. Right. And --

10 **A. So we charge those fees.**

11 Q. Right. And I'm not -- I'm not trying  
12 to denigrate what you're doing, but it does cost  
13 a \$100,000?

14 **A. That is correct.**

15 Q. Per year. Okay. So all together the  
16 cost, and I'm -- this is not a cost versus everything  
17 you guys are doing, the cost is \$5,731,357.26.

18 Correct?

19 **A. Yes.**

20 Q. Okay. So this gets to my question that I  
21 was asking. Would you say that a capital investment  
22 north of \$5 million is a large capital investment or  
23 relatively large for a small water company?

24 **A. It -- well, it depends. There are AMI**  
25 **systems with very small amounts of meters. There's**

1 **AMI systems with very large utilities. It's an**  
2 **investment regardless of the size of the utility.**

3 Q. Right. However, with this AMI investment  
4 that 5 -- that almost \$6 million number would be --  
5 it's \$5.7 million if that helps -- would be spread  
6 across only 6,541 accounts. Correct?

7 JUDGE HATCHER: Ms. Martin --

8 MR. NOEL: Again, how that's  
9 distributed -- again, how that's distributed is -- is  
10 really at the judgment of Raytown. That's not --

11 BY MS. MARTIN:

12 Q. Okay.

13 **A. -- that's not high per se, no.**

14 Q. Okay. Okay. Would you -- do you agree  
15 that the Commission disallowing the cost of this  
16 investment would hurt this Company possibly to the  
17 point of bankruptcy?

18 **A. I do not know.**

19 Q. Okay. Okay. Do you know what a  
20 competitive bid is?

21 **A. Yes.**

22 Q. Do you know if this Company, in your view,  
23 took part in any competitive bidding?

24 **A. I do not know.**

25 MS. MARTIN: Okay. So I have all my

1 questions.

2 JUDGE HATCHER: Thank you. That'll take  
3 us to Commissioner questions. Are there any  
4 Commissioner questions for Mr. Noel? Hearing none  
5 and subject to coming any -- with any questions  
6 later, the Bench does have a few questions. I'm  
7 going to try and go through these.

8 QUESTIONS

9 BY JUDGE HATCHER:

10 Q. Let's start first, what does the acronym  
11 USG stand for?

12 A. **It stands for Utility Services Group.**

13 Q. Is that separate from what you mentioned  
14 earlier, Utility Service Company, Inc.?

15 A. **No. That's not separate. It's the --**  
16 **it's the overarching name of the company.**

17 Q. What is USG's experience in the water  
18 industry?

19 A. **We have been in the water industry for**  
20 **many years. We are responsible for managing and**  
21 **maintaining water access. As we've been doing it**  
22 **since the '60s we've been, in the case of water,**  
23 **whether it's water access, whether it's water**  
24 **quality, of course whether it's -- and of course**  
25 **today metering.**

1 Q. I'm going to reference back to the finance  
2 case from a couple years ago, and that's case number  
3 ending in 0427. There was a presentation that was  
4 provided by Suez North America. What is USG's  
5 relationship with Suez North America?

6 **A. Well, at the time USG was owned by Suez**  
7 **North America at that time.**

8 Q. And in your surrebuttal, pages 3 to 4 you  
9 mentioned that the Company is using Neptune  
10 mechanical water meters with Aclara end points, data  
11 collection units, and software. Here's my question.  
12 Were the Neptune mechanical water meters replaced  
13 under the current meter replacement contract with  
14 USG?

15 **A. Yes, they were.**

16 Q. And on pages 4 and 5 of your surrebuttal,  
17 you stated that AMI systems are commonly used in  
18 other small water utilities. What are some small  
19 water utilities where USG has installed these meters  
20 or where you're aware that they are using AMI meters?

21 **A. Well, in the state of -- in the great**  
22 **state of Missouri we have a number of AMI systems.**  
23 **In particular, Lamont, Missouri has 500 water meters;**  
24 **Lockwood, Missouri has 500 water meters; Concordia,**  
25 **Missouri has, I believe, around 1,200 meters, again**

1 plus or minus; Richmond -- Richmond, Missouri, if I  
2 remember correctly, they have, I think a little  
3 over 2,000. Again, a very small utility that also  
4 have AMI systems.

5 Q. On page 5 of your surrebuttal, you  
6 reference the density of population. My question  
7 is -- it's very similar to the last question. What  
8 are some densely-populated utilities that are  
9 currently using AMI?

10 A. Densely-populated utilities that are using  
11 AMI. I can think of places like -- customers that we  
12 currently manage today like -- system customers like  
13 Sidney, Ohio; Mansfield, Ohio, you know, which are  
14 densely populated in the, you know, when we were part  
15 of Suez. Suez, you know, has Vail, New Jersey,  
16 densely populated. So there are quite a number of  
17 systems or number of utilities that have -- that are  
18 densely populated that use AMI today.

19 Q. Thank you. On 5 and 6 of your testimony,  
20 you discuss the maintenance program. Here's my  
21 question. You state, quote, For field maintenance of  
22 all the meters and transmitters, end quote.

23 My question is would you explain in more  
24 detail what specifically USG will be responsible for  
25 under that phrasing, quote, field maintenance for all



1 meters and transmitters?

2           **A.**       So under our program we are responsible  
3 for monitoring 100 percent of all the meters that  
4 were installed and that will be installed. And with  
5 the monitoring that system, should we, toward our  
6 monitoring if we were able -- if we are able to  
7 determine or able to see that we are not getting  
8 or -- we're not getting information back from a  
9 particular meter or it's not performing, we, in turn,  
10 direct our service center to -- we direct our service  
11 center to come out physically to Raytown and make  
12 repairs, replacement to correct the situation so that  
13 Raytown has all their reads. In other words, the  
14 issue is resolved. And we provide that service for  
15 Raytown and for this system for up to 15 years.

16           **Q.**       Thank you. A follow up to that. Will the  
17 Company maintain any maintenance responsibilities for  
18 the meters?

19           **A.**       Yes. So any -- any work associated with  
20 the physical meter itself or the Aclara equipment is  
21 our responsibility.

22           **Q.**       This question is going to be about the  
23 number of meters remaining. The nonunanimous  
24 stipulation that was filed in this case stated that  
25 as of June 30th, 2023, which I believe is the end of

1 the reporting period, that 3 -- I'm going to round  
2 numbers, 3,000 approximately of the 6,800  
3 approximately meters had been replaced. Public  
4 Counsel's witness Riley in his surrebuttal stated  
5 that at the end of September, so just a couple months  
6 ago, only approximately 300 meters remained to be  
7 installed. Can you give me an update on the current  
8 status for remaining installations and as of a  
9 certain date?

10 **A. To my knowledge the system is near**  
11 **completion if not already completed. I cannot**  
12 **provide you with an exact number, but to my knowledge**  
13 **the system is near completion if not completed.**

14 **Q.** No, I appreciate that answer. I'm  
15 thinking that through. I wouldn't have a follow up I  
16 don't think because it occurs to me that getting that  
17 information on a daily basis from whoever's  
18 installing those, that there might be a natural time  
19 delay from the boots on the ground to your office.

20 **A. That is correct.**

21 **Q.** Do you have an end date for when you  
22 expect the AMI meter installation to be complete?

23 **A. The -- that's a difficult question to**  
24 **answer because the -- because we are responsible for**  
25 **the system, you know, from the time that the first**

1 meter is installed, the -- and to the best of my  
2 knowledge the system is near if not already  
3 completed.

4 Q. Switching topics, where is USG's closest  
5 service center that'll be responsible for the field  
6 maintenance in Raytown?

7 A. I believe it's -- I think it's Kansas  
8 City. Again, I -- don't quote me on that, but I  
9 believe it's our Kansas facility that takes care of  
10 Raytown.

11 Q. And I couldn't point to where the wording  
12 comes from, but there's wording that talks about work  
13 orders constituting sufficient -- there's sufficient  
14 work orders to constitute a field visit. Is there a  
15 number that you can put on that? How many work  
16 orders would be sufficient to have one of the field  
17 maintenance staffers come check on things?

18 A. So the -- the point -- the system  
19 guarantees -- the performance guarantee that we  
20 provide at USG, we monitor every single meter every  
21 single day and we guarantee 98 and a half percent of  
22 the reads over a three-day period. If the system  
23 gets to a point where we hit 99 percent, so in other  
24 words 1 percent of the meters are not providing a  
25 read over a three-day period, that triggers us. In

1 other words, all the work orders, all the meters, so  
2 however many meters that may be that have failed up  
3 to -- or require attention up to 1 percent, they are  
4 logged as a work order.

5 And so once we hit 99 percent, those work  
6 orders are then provided to our service center to, in  
7 turn, go out and take care of any issue that may be  
8 there in the field. I will also add to that that  
9 should a three-month period elapse and we do not  
10 hit 99 percent, we automatically will dispatch to  
11 Raytown and return their system back to 100 percent.

12 Q. Okay. Thank you. I believe I only have  
13 two more questions. Are you being paid by Raytown  
14 Water for your testimony here today?

15 A. I am not.

16 Q. And I just want to go back and follow up.  
17 We were talking about the Aclara end point. You had  
18 said anything related to the meters and/or the Aclara  
19 end point would be USG's responsibility. What other  
20 meter components would be the responsibility of the  
21 Raytown Water Company?

22 A. Of the meter component would be there --  
23 can you clarify?

24 Q. I am not an engineer. I do not know all  
25 the parts that are involved in a meter.

1           **A.           Okay.**

2           Q.           Is there anything that the water company's  
3 responsible for in relation to meters, general  
4 overall topic? I think that the question is coming  
5 from there's been an issue raised about the two to  
6 three meter readers that Raytown Water currently  
7 employs, their shifting job duties and the  
8 introduction of a third-party company that will be  
9 responsible for an area that the meter readers  
10 perhaps had previously been responsible for. So I  
11 think the question is trying to get at what is the  
12 division of duties? Specifically what's left over  
13 for Raytown Water Company to address concerning  
14 meters? I'm sorry if that's a super vague question.

15           **A.           Sure. Okay. So again, we are responsible**  
16 **for all the equipment that we have installed. So**  
17 **Raytown will still have responsibility, should they**  
18 **wish, if there's a new install such as a new**  
19 **subdivision, new area of growth where they may set a**  
20 **meter. But once they've set that meter, it's their**  
21 **choice if they wish to, you know, program an end**  
22 **point. If not, they do not have to. When we come**  
23 **through once a quarter or more frequently depending**  
24 **on the status of the system, we will take care of**  
25 **that work. We will do the actual programming of any**

1 end points. We will take care of that. So  
2 responsibility that they may have is the setting of  
3 the new meter.

4 JUDGE HATCHER: Okay. Thank you. Since  
5 the Bench had questions, that's going to take us back  
6 through the full round. That'll go first to  
7 recross-examination. Ms. Aslin.

8 MS. ASLIN: No questions.

9 JUDGE HATCHER: Ms. Martin.

10 RECROSS-EXAMINATION

11 BY MS. MARTIN:

12 Q. In response to -- listen, I'm loud enough;  
13 I don't need it. I'm just kidding.

14 JUDGE HATCHER: No ma'am. I'm not  
15 joking. We do need you to speak closely --

16 MS. MARTIN: Yeah.

17 JUDGE HATCHER: -- to the microphone.

18 We have a lot of audience members and the  
19 only way that they can hear you is through the  
20 microphone.

21 MS. MARTIN: Oh, yeah. No, I am sorry.  
22 It was a joke.

23 JUDGE HATCHER: Thank you.

24 BY MS. MARTIN:

25 Q. In response to questions from Judge

1 Hatcher, you talked about the Company's  
2 responsibilities to monitor the meters. Do your --  
3 how far away from these meters are the employees of  
4 your company?

5 **A. It's only the distance between -- I mean,**  
6 **we have local representation, but also the distance**  
7 **between our service center and -- and Raytown. And I**  
8 **do not know that answer, what the distance is between**  
9 **the two.**

10 Q. And what is -- where is your service  
11 center?

12 **A. I believe it's in Kansas, Kansas City.**  
13 **Again, I would have to confirm that, but again, I**  
14 **believe that's where it is.**

15 MS. MARTIN: Okay. Thank you.

16 JUDGE HATCHER: Okay. That concludes the  
17 questions from Public Counsel. Redirect, Mr. Cooper.

18 MR. COOPER: Yes, your Honor.

19 REDIRECT EXAMINATION

20 BY MR. COOPER:

21 Q. There was discussion both with Ms. Martin  
22 and with the law judge about the annual maintenance  
23 fee situation. Would you expand a little bit in  
24 terms of the variety of functions that USG provides  
25 as a result of that annual maintenance fee?

1           A.           Sure. The annual maintenance fee is made  
2 up of a number of items. The -- the vast majority of  
3 it are fees that are consistent with the standing up  
4 of any AMI system. So regardless of the  
5 manufacturer, you're going to get a set number of  
6 fees. What we do is we take all the fees and we put  
7 it together.

8                       So for example, the fees associated with  
9 an AMI system, now you're getting hourly information,  
10 a meter read every hour of every single day. You  
11 could imagine 6,000, 7,000 meters, you know, times 24  
12 reads multiplied by 30. So now you're getting tens  
13 if not hundreds of thousands of readings a month and  
14 that has to be stored. That information, we call it  
15 hosting. So all the hosting fees where we can store  
16 all their data is the vast majority of that  
17 maintenance fee.

18                      Plus there's a fee associated with their  
19 data collectors. There's a cellular back hall that  
20 has to take that information and post it to the  
21 Cloud. So all the cellular fees for the data  
22 collectors, that is included in that maintenance fee.

23                      There's also a maintenance fee for the --  
24 the maintenance system, just to hold onto the  
25 maintenance contracts that Aclara provides for



1 maintaining it. Data collectors, that is included in  
2 there.

3 There's also a monitoring for the service  
4 that we provide, so a monitoring of the system, the  
5 health of the system providing the notifications.  
6 That's also included in there. Plus there's a fee  
7 for us to come out and maintain the system and  
8 maintain it at the -- as the performance guarantee.  
9 That's what we're under contract for.

10 MR. COOPER: Thank you.

11 That's all the questions I have, Judge.

12 JUDGE HATCHER: Mr. Noel, you are  
13 excused. I appreciate your attendance here today and  
14 your rearranging of your schedule.

15 MR. NOEL: Thank you.

16 JUDGE HATCHER: Yes, thank you. Awkward  
17 transition, my apologies. Let's talk to Ms. Thompson  
18 again.

19 Ms. Thompson, if you would go ahead and  
20 return to the witness stand. And you are already  
21 sworn in; that is still applicable. Go ahead and  
22 have a seat and I think we were at Ms. Martin's  
23 cross-examination. And we'll pick up there.  
24 Ms. Martin, the floor is yours.

25 CONTINUED CROSS-EXAMINATION

1 BY MS. MARTIN:

2 Q. Hi there. Long time, no see. So I said  
3 that I was moving on from customer complaints. We  
4 are going to move on to the locking lids. It would  
5 be cheaper for the Company to purchase locking lids  
6 without AMI than it would be for the Company to  
7 purchase locking lids and AMI. Correct?

8 A. **To purchase them separately?**

9 Q. No.

10 A. **Or to just -- just --**

11 Q. To --

12 A. **-- to lock --**

13 Q. -- just have bought the locking lids.

14 A. **Yes.**

15 Q. So there was no need for the AMI to be  
16 connected with the locking lids. Correct?

17 A. **We would have had -- we were changing**  
18 **meters out anyway and you cannot buy --**

19 Q. Right.

20 A. **-- regular --**

21 Q. And I'm really --

22 A. **-- so.**

23 Q. Part of the --

24 A. **The meter lid, locking lid, you would**  
25 **have -- we would have had to buy all new locking lids**

1     **for the whole system.**

2           Q.       Right.  And that's going to be the case  
3 either way.  Yes --

4           **A.       Right.**

5           Q.       -- or no?

6           **A.       Yes.**

7           Q.       So would you have purchased locking lids  
8 if you did not purchase AMI?

9           **A.       Probably not for the whole system at one  
10 time if we didn't have funding available.**

11          Q.       Okay.

12          **A.       But logic says if you're going to do the  
13 work, you might as well go ahead and take care of it  
14 all at once.  I mean, if you're doing the  
15 installation and you're doing the work on the meter  
16 well and all that stuff, to do it all.  Because if  
17 you had AMI, we couldn't use the metal lids.**

18          Q.       Okay.  And so when you decided that you  
19 should go ahead and change over to AMI, do the  
20 locking lids, what year was that, do you know?

21          **A.       That we decided that we were going to do  
22 locking lids with the AMI?  When we decided we were  
23 going to do AMI.**

24          Q.       And when did you decide you were going to  
25 do AMI?

1           **A.       I'd say once we got the finance for it**  
2 **approved for 2020, '21.**

3           Q.       Okay. And do you remember what the status  
4 of your distribution system was at that point?

5           **A.       No.**

6           Q.       When you are responding to questions about  
7 the increase in O&M expense --

8           **A.       Uh-huh.**

9           Q.       -- you say that you would expect the O&M  
10 expense to increase because of the increase in  
11 materials as well as the increase in breaks.

12                   Do you remember that conversation or  
13 testimony?

14           **A.       Yes. Where --**

15           Q.       Okay.

16           **A.       Where are you pulling that from? Which**  
17 **one? Direct, rebut --**

18           Q.       Rebuttal.

19           **A.       Rebuttal.**

20           Q.       It's your rebuttal. And then further --  
21 this is on page 12, lines 19 to 22. You talk about  
22 the high number of main breaks --

23           **A.       Uh-huh.**

24           Q.       -- in that system.

25                   In 2021 I think it was 65, 101, and I

1 don't -- 84 I think. Is that correct?

2 **A. Shows 64 in '21. In '22, 101. And so far**  
3 **in calendar year 2023, there was 88 at that time.**

4 Q. Okay.

5 **A. To date. But now it's gone up.**

6 Q. Right. So with the increase in expense  
7 for O&M because of the increase in breaks and the  
8 increase in expense for materials, you still decided  
9 to request a \$5 million purchasing order for AMI  
10 meters?

11 **A. Yes. Because we needed to update the**  
12 **metering system.**

13 Q. Okay. And you -- and you think that  
14 updating the metering system impacted the actual  
15 physical distribution system?

16 **A. In what -- in what aspect?**

17 Q. In any way because -- so you say that it  
18 is a good thing to just change out all the lock --  
19 locking lids when you're changing out all of the  
20 meters, just get it all done at once. So this was  
21 a \$5 million investment. At the same time your  
22 distribution system was riddled with leaks and  
23 breaks and you knew that that was also going to  
24 increase by 200 percent. Correct?

25 **A. No. We did not know that it was going to**

1 increase by 200 percent in 2023. We have no  
2 prediction of what --

3 Q. But you knew --

4 A. -- weather was going to happen --

5 Q. You --

6 A. -- or anything like that.

7 Q. But you do know that it was -- it was an  
8 unusually high number of breaks, and you do know that  
9 the materials were more expensive?

10 A. From what period? Before -- prior to  
11 deciding --

12 Q. In 2021. Because in 2021 --

13 A. We wouldn't have known what was going to  
14 happen in 2022 or 2023.

15 Q. But I'm not talking about 2022 or 2023.

16 A. To --

17 Q. I'm talking about 2021.

18 A. Well, in 2021 that -- we had 64 breaks  
19 so --

20 Q. Right.

21 A. -- that would be fine to -- that's not  
22 unusual.

23 Q. And --

24 A. Sixty-four breaks over a 12-month period.

25 Q. And you -- so it's not actually a high

1 number of --

2 A. Not 64. But when you start going over  
3 a 12-month period. That's not high considering how  
4 many we have been doing lately.

5 Q. Okay. So --

6 A. I mean, that's just showing that we have  
7 increased from normally it would be, you know, we'd  
8 have 50, 60 or whatever during a year. Not a  
9 problem. Depends on how the weather is. Hot -- too  
10 hot, too cold, just depends on Mother Nature. There  
11 was no way in 2021 would we know that we were going  
12 to have over a hundred water breaks in '22 and a  
13 hundred water breaks in 2023.

14 Q. So --

15 A. That kind of --

16 Q. So --

17 A. From what you're asking me.

18 Q. So did you -- were you able to -- after  
19 you got the financing order, did that -- was it  
20 immediate that you were -- you got the financing  
21 order in June, I think it was June 25th, 2021 and  
22 then immediately you were -- you were getting  
23 these -- this AMI investment?

24 A. As soon as we got the financing order, we  
25 went ahead and finally signed the contract to go

1 ahead and proceed so that they can go ahead and start  
2 ordering products. Because at that time we already  
3 knew that there was going to be some delay in  
4 receiving materials.

5 Q. Okay. And that was the contract for which  
6 you did no competitive bidding other than speaking to  
7 a couple of people at a couple of different --

8 A. Well, they were -- I mean, don't think  
9 they didn't shop around. They shopped around for the  
10 best price for meters, for, you know.

11 Q. But you don't know if they got any -- if  
12 there was any -- you don't know if the company that  
13 shopped around got any benefit from --

14 A. No. I don't know if there's a kickback or  
15 anything like that, no.

16 Q. So --

17 A. No, I don't know.

18 Q. So we don't -- we can't say how much they  
19 did or did not shop around and/or whether it was RWC  
20 and the customers of Raytown that was at top of mind  
21 for USG I think when they were shopping around for  
22 this AMI?

23 A. I guess that's fair. Yeah, I don't know.  
24 You know, I don't have all their paperwork or backup,  
25 so no, that's -- I don't know that.



1 Q. Okay. So when you were -- when  
2 Mr. Clevenger was requesting this financing order,  
3 were you part of that conversation with him?

4 **A. To initiate the --**

5 Q. To initiate --

6 **A. -- finance or what?**

7 Q. -- yes.

8 Yes, to initiate.

9 **A. Yes. The Company was because we have to**  
10 **bring that before the board of directors to make that**  
11 **type -- type of decision.**

12 Q. Okay. Just want to make sure. Okay. And  
13 then -- and so in that financing order you had the  
14 AMI, you had your vehicles, you had the upgrading of  
15 the meter wells. You talk about these locking lids  
16 that you were going to do at the same time. Those  
17 were also part of the financing order?

18 **A. The locking lids was part of the AMI whole**  
19 **system. We weren't doing the locking lids just by**  
20 **themselves.**

21 Q. Okay. And is it possible to -- to buy  
22 locking lids just by themselves?

23 **A. Yes. But we saw the opportunity to**  
24 **include the locking lids because we knew that the**  
25 **meter lids had to be changed out because you cannot**

1 fasten the -- the MTU or the antenna part to the  
2 metal lid.

3 Q. Right.

4 A. And that way the locking lid would also  
5 protect our investment aside from the benefit of  
6 being more safer for our customers.

7 Q. Right.

8 A. And passer-byers walking through the yards  
9 or whatever.

10 Q. So you got the locking lids with the AMI  
11 front of mind, not the other way around?

12 A. Well, we knew we always wanted locking  
13 lids, but there was -- it didn't make sense to just  
14 go buy locking lids and spending all that money, I  
15 mean, just out of nowhere.

16 Q. So --

17 A. This was our opportunity. We -- we saw  
18 the opportunity that we were going to have to get new  
19 lids for the whole system. So if we're going to do  
20 that, we might as well make sure that they could be  
21 secured and -- and lock.

22 Q. So what was the price of the locking lids  
23 by themselves without the AMI?

24 A. About \$45 apiece.

25 Q. And so can you -- I'm sorry, I'm not the

1 best at math. Can you --

2 **A. Over a million dollars.**

3 Q. Okay.

4 **A. I believe. No, no, no, no, no. That's**  
5 **not at 45. Sorry.**

6 Q. So it's 294 --

7 **A. Thousand dollars.**

8 Q. -- thousand, 345 dollars.

9 **A. Okay. For lids?**

10 Q. For lids.

11 **A. And that's -- that's if all the lids were**  
12 **the same size. Now, you have lids that are bigger.**

13 Q. Right.

14 **A. Because you have bigger meters and bigger**  
15 **pits, so.**

16 Q. Right. So --

17 **A. That's just kind of a -- that would be one**  
18 **size.**

19 Q. So the Company couldn't -- you're telling  
20 me that the Company was unable to find a reason to  
21 buy locking lids for \$294,000, but instead decided  
22 that it would be a good idea to make a upwards of \$5  
23 million investment that would go to customers, that  
24 would be repaid by customers?

25 **A. Well, regardless, the meters were going to**

1     **have to be changed out.**

2           Q.       Right.  But I'm not talking about meters  
3     at the moment; I'm talking about the lids.  So are  
4     you -- are you -- is your testimony that it was not  
5     possible for the Company to buy the locking lids, but  
6     it was possible for the Company to come in, get a  
7     financing order for a \$5 million-plus AMI system?

8           A.       Well, locking -- going out and  
9     spending \$200,000 on locking lids just by themselves  
10    was not something that we just thought of and was  
11    going to do.  We didn't decide to go all locking lids  
12    until we realized that with the AMI system, every  
13    single lid would have to be replaced.

14          Q.       So do the locking lids have anything -- it  
15    sounded to me when you were testifying earlier the  
16    locking lids had a bit to do with the personal injury  
17    suits that Raytown was dealing with.

18          A.       Right.  And that's what helped us decide,  
19    yeah, those lids need to be locking.  They don't --  
20    they can't just sit.  I mean, we could have bought --  
21    had the opportunity to buy lids that don't lock that  
22    were plastic, but they would have probably slid off a  
23    lot easier than a heavy metal lid.

24          Q.       Right.  So --

25          A.       So.

1 Q. -- the purchase of locking lids is not  
2 necessarily connected besides the fact that you  
3 decided, Well, I'm changing one, so I'll change the  
4 other?

5 There's no -- there's nothing about AMI  
6 that is -- there's nothing about locking lids that  
7 requires AMI or vice versa?

8 **A. Right. Just because you have a locking**  
9 **lid does not mean you have to have AMI. But if you**  
10 **have AMI, you should have a -- you should have a**  
11 **locking lid, I don't say you have to, but you should**  
12 **so you can protect your investment.**

13 MS. MARTIN: Okay. Okay. I believe I am  
14 finished.

15 JUDGE HATCHER: Okay. Final answer. We  
16 will go to Commissioner questions if there are any.  
17 I will ask again for Commissioner questions at the  
18 end. The Bench does have some questions for  
19 Ms. Thompson. We will go ahead and get into those.

20 QUESTIONS

21 BY JUDGE HATCHER:

22 Q. How was USG selected?

23 **A. I was not around at the time when they**  
24 **first came on board because they've been with the**  
25 **Company for -- gosh, since I'm going to guess**

1 the '80s possibly when they first started doing tower  
2 maintenance. They were one of the first companies  
3 around that was -- started doing that type of --  
4 offering that type of service to go in and do -- come  
5 in and do a washout on your water tower, make sure  
6 you're up to codes in compliance with DNR on a  
7 regular basis.

8 Q. How frequently does Kansas City Water bill  
9 Raytown Water?

10 A. Monthly.

11 Q. Is it at the end of the month?

12 A. Almost at the end of the month, yeah.

13 Q. How frequently does Raytown bill its  
14 customers?

15 A. Monthly.

16 Q. What is the specific cycle?

17 A. Specific cycle for me billing, for Kansas  
18 City billing or for --

19 Q. No, for you.

20 A. Okay.

21 Q. For Raytown.

22 A. So I bill out basically one-fourth of  
23 the system each week, which is approximately 1,600  
24 customers which means within a week, less than  
25 five -- well, it's basically four business

1 days, 1,600 meters need to be read. That gives me  
2 one day to go through everything to see if there's  
3 any anomalies. Is there a really high read or a low  
4 read so that we can do investigation and double check  
5 the read to make sure they didn't transpose numbers  
6 or miss -- misread a number like a three for an eight  
7 or something like that.

8 And at that point is when we can get the  
9 bill out. Customers have 21 days. Next week the  
10 whole process starts all over again. The reading,  
11 reading, reading, reading.

12 Q. How many meters does KC Water have with  
13 Raytown?

14 A. We have eight metering points.

15 Q. How many have been replaced and if you  
16 know, when?

17 A. I don't know when. I do know that they've  
18 all been replaced. Some of them have been replaced  
19 like two or three times in one year. The past couple  
20 of years they've had some meters that were stuck or  
21 slow, so they were underbilling Raytown Water for the  
22 water we were purchasing. We did put them on notice  
23 several times and say, Hey, something's funny, you  
24 might want to check it out.

25 And at that point that's when they came

1 back out and started checking all their metering  
2 points and changing out meters.

3 Q. The AMI meter discussion I was having with  
4 Mr. Noel, I asked him at the -- at the end of that,  
5 how many are left to be installed. Do you have an  
6 estimate?

7 A. A rough number, probably around 250  
8 to 300. Just, that's a very rough number, not  
9 knowing.

10 Q. Okay. Are the accounts that have AMI  
11 meters currently being read remotely or manually?

12 A. Both. Majority is remotely. I am still  
13 having them do some manual reading on those that are  
14 the new remote meters, just to verify information  
15 because numbers get transposed. Sevens look like a  
16 one, one look like a seven on a meter number or an  
17 MTU number, so.

18 Q. How long do you plan to continue, I'm just  
19 going to call it your verification --

20 A. Uh-huh.

21 Q. -- process.

22 How long would that continue?

23 A. I'd say probably until once the sys -- all  
24 the system is in, completely in, I would say probably  
25 at least two billing periods to double check. Two to



1 three billing periods just to make sure we're all on  
2 the same page.

3 Q. And billing periods just to translate --

4 A. Each month.

5 Q. -- I would -- 60 to 90 days?

6 A. Yeah. Every -- well, every billing is 30  
7 days.

8 Q. Right. So and you said two to three, I'm  
9 sorry.

10 A. So --

11 Q. I do all the math in my head.

12 A. -- at least -- so I -- so I can see that  
13 there's a consistent two or three bills that have  
14 gone out that everything is right.

15 Q. Thank you.

16 And this is a good time to remind myself  
17 not to speak over witnesses. That really irritates  
18 the court reporter.

19 There are currently three meter readers.  
20 Can you -- in my personal opinion and reading the  
21 testimony, it seems that the parties might be talking  
22 about the situation but with two different sets of  
23 language. I'm referencing the three or two and an  
24 extra meter readers. My understanding from -- I  
25 don't want to point out any specific, but in general

1 is that the -- I'm just going to call them the three  
2 meter readers will be transitioning to another  
3 function. The Office of Public Counsel has said you  
4 have AMI meters or you will in a short time so we  
5 shouldn't include the meter reader salary as part of  
6 the calculation. The disconnect that I see is an  
7 FTE, a full-time equivalent. And we assign an FTE to  
8 an account number.

9 **A. Uh-huh.**

10 Q. And so I am wondering why the parties have  
11 not found an agreement or a path forward for these  
12 meter readers to perhaps not in that title, but to  
13 continue their employment and however the accounting  
14 works out.

15 **A. Right.**

16 Q. I'm sorry for the really long setup. Will  
17 you please just address that in general.

18 **A. Yes. Okay. So the way our timesheets**  
19 **work out is that on our timesheet we have accounting**  
20 **lines for specific items. So our meter reader,**  
21 **though their name is -- their title's a meter reader,**  
22 **that may not be the only thing they do. So they'll**  
23 **put some time in the meter reading. If it's**  
24 **collection day, they may have like an hour reading in**  
25 **there and then they'll have another line for**

1 collections. And then another line for if it's we  
2 have to help with the sewer or something, we have  
3 another line for sewer. If there's a water break  
4 that they have to go out and help out for, like,  
5 traffic control because it's on a very, very busy  
6 highway or something, they'll put that under that  
7 line and somehow they'll all add up to an eight-hour  
8 day or whatever it is. So that's how we designate  
9 how many hours go into what category.

10 So once the AMI end -- AMI system is  
11 completely in there, we may have an hour or two every  
12 once in a while to go double check a read, to go  
13 investigate, to meet a customer at the house to  
14 double check their read because they don't believe  
15 computers. And sometimes, you know, if they're -- a  
16 lot of our senior citizens, they might want to  
17 physically see what's going on.

18 So they will be doing other things. Like  
19 I said, you may only have one or two hours of meter  
20 reading verses 20 to 40 hours a week in there from  
21 all the different people. We do -- we will always  
22 have service orders. People are always going to call  
23 to come in and either move in or move out. If they  
24 move in and move out the same day, great. We could  
25 pull that read off of the Aclara, off of AMI. But if

1 there is a lag, they move -- one moves out one week,  
2 somebody comes in the next week, we still have to  
3 deploy somebody out there to turn it on and turn it  
4 off. Make sure -- and check the reading.

5 We do help -- we do help with leak  
6 investigations. So if the customer can't figure out  
7 where they're losing water, we'll ser -- we'll send  
8 out our meter service tech out there to help them do  
9 it, whether it's a service line or inside the house.

10 Q. Okay. I want to switch topics away from  
11 the AMI. I'm talking about the annual leak detection  
12 studies.

13 A. Uh-huh.

14 Q. Is Raytown able to repair or fix all of  
15 the issues identified within a year?

16 A. Depends on the year. Normally when  
17 it's -- this past year and a half has been really,  
18 really crazy. It's been unusually busy with breaks.  
19 Everyone knows the climate has been crazy too, so.

20 Q. How --

21 A. Go ahead.

22 Q. How does Raytown prioritize which leaks to  
23 repair first?

24 A. Well, first is who has water, who doesn't  
25 have water. If you don't have water, that's an

1 emergency. We're doing it immediately. Then we do  
2 it by flow or area. If -- if it's a leak and you see  
3 it's just a little bit wet versus one that's running.  
4 That's what I mean by flow. The heavier flow, the  
5 bigger loss causing damage, road damage, whatever,  
6 those are the ones we're going to try and get to  
7 first. If it's just a seeper and it kind of comes  
8 and goes, we might wait just a little bit longer  
9 because it might save us from digging up 20 feet of  
10 street if we can see it come up a little -- little  
11 more.

12 Q. Okay. I'm going to switch topics now  
13 again.

14 A. Uh-huh.

15 Q. Cash working capital. This is a little  
16 odd because we normally just do one topic at a time,  
17 so I appreciate you switching gears. Ms. Thompson.

18 A. Uh-huh.

19 Q. OPC's, it's Public Counsel's witness  
20 Mr. Riley, he talked about cash working capital. And  
21 his analysis assumed or put forth that Raytown does  
22 not make quarterly payments for income taxes. Do you  
23 know if Raytown made quarterly payments for federal  
24 or state income taxes during 2022 or 2023?

25 A. No, I do not.

1 JUDGE HATCHER: I'm quickly scrolling to  
2 see if I have any further questions. I do not. And  
3 you are not excused yet. I, as promised, will ask if  
4 there's any Commissioner questions. If there's any  
5 Commissioner questions. Hearing none, we will go  
6 back --

7 COMMISSIONER HOLSMAN: No questions,  
8 Judge.

9 JUDGE HATCHER: Thank you, Commissioner.  
10 We will go back to recross examination. Ms. Aslin.

11 MS. ASLIN: Just have a couple questions.

12 RECROSS-EXAMINATION

13 BY MS. ASLIN:

14 Q. Do you recall Judge Hatcher asking you  
15 about the three meter readers that are going to be  
16 moved to different jobs in the Company?

17 A. Uh-huh.

18 Q. What are Raytown's current staffing  
19 levels?

20 A. Right now we are actually short three  
21 people in the field with everybody that we have in  
22 hand, which is kind of hindering us from trying to  
23 get more work done as far as right away repairs,  
24 posts, water break, and leak fixes. So moving my  
25 meter -- couple of -- moving them -- one of the meter

1 readers full-time to the field is helping me fill  
2 some of the gaps there that we have. Actually need  
3 the four people in the field full-time. This will  
4 be -- reduce it down to one. So I'm still looking  
5 for three more people, so if anybody has anybody that  
6 wants to work, come see me at Raytown.

7 Q. So how many employees does Raytown  
8 currently have?

9 A. Seventeen.

10 Q. And how many employees would you have if  
11 you were fully staffed?

12 A. It would be 20.

13 Q. If you were fully staffed. Okay.  
14 Thank you. No further questions.

15 JUDGE HATCHER: Ms. Martin.

16 RE CROSS-EXAMINATION

17 BY MS. MARTIN:

18 Q. I'm just going to keep forgetting to push  
19 that.

20 So I'm going back to the meter readers.

21 You said that -- so what are -- is the Company  
22 expecting to do with the meter readers after AMI is  
23 fully employed?

24 A. Well, their title will probably change not  
25 from meter reader, but to meter service tech. So

1 they will still be helping with double checking on  
2 existing customers on service orders, move-in,  
3 move-outs, questions, you know, whatever they have.  
4 That's who we'll be sending out. I'm not going to  
5 send out one of my field guys to go out and check  
6 on -- to help this customer figure out if their  
7 leak's inside the house or outside the house.

8           They will also be helping with -- we have  
9 to do monthly or what is it, Bac-T testing on our  
10 water samples, so they'll collect samples. You  
11 know, just like at home, if one person's gone,  
12 someone's got to cover that position because there  
13 is -- it's -- that's time sensitive as well. You  
14 have to get your samples in by a certain time in  
15 order to be compliant each month with DNR and then  
16 also EPA. EPA with everything going on, they're  
17 adding more different things to -- to test. So now  
18 we're, instead of stage two, stage three, we're also  
19 doing stage five testing samples. So these are  
20 different things that EPA and DNR put out there, so  
21 that's consistent.

22           Q.       Okay. And so they are still going to be  
23 dealing with inclement weather, possibly cars, dogs,  
24 other animal or environmental hazards. Correct?

25           A.       Yes.



1 Q. So in I believe it was your testimony you  
2 did say that the implementation of AMI helps the  
3 employees with their safety despite the fact that in  
4 this ins-- in all of the instances I just listed --

5 A. Uh-huh.

6 Q. -- you said that the employees are still  
7 going to be taking part in handling -- dealing with  
8 all of these hazards. Correct?

9 A. Right. But they're not going to be  
10 handling, you know, 6,500 customers a day. A month.  
11 They don't -- they won't have that opportunity.  
12 They'll -- they'll still be going out and taking care  
13 of customers, but they're not going to be going  
14 around walking from house to house to house to house  
15 to house every single day encountering anything from  
16 two to three hundred customers or households in  
17 different areas. They're not going to be walking --  
18 they don't have to walk in the snow or they don't  
19 have to walk on a, you know --

20 Q. But they still would have to walk in the  
21 slow [sic] or walk on --

22 A. They would --

23 Q. -- ice or whatever if whatever you were  
24 dealing with, with either the AMI or with the water  
25 testing they have to do or any of those other tasks

1 that are in the field need to get done?

2 **A. Right. But they wouldn't be walking from**  
3 **house to house and house and possibly slipping and**  
4 **twisting their ankle which happens in the wintertime**  
5 **a lot.**

6 Q. But they could still slip and twist their  
7 ankle?

8 **A. Anybody could.**

9 Q. Right.

10 **A. You could just as simply as walking out of**  
11 **the building.**

12 Q. So the AMI is not mitigating that --  
13 that -- those hazards as much as it could if it -- if  
14 they were not being shifted over to these positions?

15 **A. It reduces their risk greatly.**

16 Q. And so have you had multiple injuries?

17 **A. Yes. That's why I said slipping, falling,**  
18 **twisting your ankle, twisting your knee. That's**  
19 **happened --**

20 Q. Do you have --

21 **A. -- several times through Work Comp --**

22 Q. So do you have --

23 **A. -- claims.**

24 Q. -- any medical evidence or records that  
25 can prove --

1           **A.           Not with me.**

2           Q.           Okay.

3           **A.           But we have had Work Comp claims about**  
4 **that.**

5           Q.           And how many have you had over the past  
6 ten years?

7           **A.           I couldn't tell you. I couldn't give you**  
8 **a count. I just know that we've had them.**

9           Q.           But you have no idea how many?

10          **A.           No. I can't give you a number.**

11          Q.           So since you can't tell -- give me a  
12 number, it's hard for me to believe that without any  
13 empirical data, you can tell me that it is a  
14 significant --

15                   MR. COOPER: Objection, your Honor. I --  
16 first off I think we've kind of -- the question's  
17 been asked and answered. And this sounds like some  
18 testimony and conclusions being laid out here at this  
19 point.

20                   JUDGE HATCHER: Ms. Martin.

21                   MS. MARTIN: I'll move on.

22                   JUDGE HATCHER: Thank you.

23 BY MS. MARTIN:

24          Q.           So my -- I think I'm confused. How often  
25 do -- I believe you said this. DNR and EPA, how

1 often -- they require testing samples once a month.

2 Correct?

3 A. Right. So we take samples throughout the  
4 month. Total of 15 samples are due each month just  
5 for regular bacteria testing. And then quarterly --  
6 there's a different schedule for each one that EPA  
7 has, but those are -- we don't do - we used to do  
8 all 15 at one time and send them in. We found out  
9 that that was bad because if something happened to  
10 the shipping during it, it jeopardizes our testing  
11 and then we're having to retest all of them, so.

12 Q. Okay. And approximately how much time per  
13 month do you believe that testing the water takes?

14 A. It takes minimum two hours to do --  
15 usually she'll do like half of them, seven one week  
16 and then the other half the following week according  
17 to whatever DNR's lab schedule is. And it takes her  
18 a minimum two hours to do them because you have to go  
19 take the samples, label them, do all the paperwork,  
20 wrap them up.

21 Q. Right.

22 A. And take them to the health department.

23 Q. And who is she? You've referred to she  
24 multiple times.

25 A. Well, she is the one, Fran who is the

1 meter service tech that normally takes the sampling.

2 Q. Okay.

3 A. Now, we -- she's cross-trained so that  
4 somebody else can do it should she be out of the  
5 office when it needs to be done.

6 MS. MARTIN: Okay. I believe I am  
7 finished.

8 JUDGE HATCHER: Ms. Martin, did you want  
9 to ask if the witness is testifying that it takes two  
10 hours for approximately seven collections or if it  
11 takes two hours per collection?

12 MS. MARTIN: Sure.

13 MS. THOMPSON: It's not per collection.  
14 It's per --

15 BY MS. MARTIN:

16 Q. It's per --

17 A. Yeah. It takes anything from, yeah, about  
18 two -- two -- depending on how many she has to do and  
19 if there's any complications while she's out there.  
20 Perfect world, usually she can go out, get them done,  
21 and come back in two hours.

22 Q. So it's approximately four hours per  
23 month?

24 A. Around there. Just -- that's just for the  
25 routine samples, the Bac-T samples. The stage -- the

1 **EPA ones may take a little longer.**

2 MS. MARTIN: Okay.

3 JUDGE HATCHER: And that'll take us to  
4 redirect.

5 MR. COOPER: Thank you, your Honor.

6 REDIRECT EXAMINATION

7 BY MR. COOPER:

8 Q. Let's start with the meter lids. And you  
9 kind of hit on this, but I'm not sure you got through  
10 it. But as I recall your testimony, it was that with  
11 AMI, the old metal lids could no longer be used. Is  
12 that correct?

13 A. Correct.

14 Q. And why is that?

15 A. One, there's no way to fasten them, fasten  
16 the antenna to the bottom of the metal lids without  
17 either torching or drilling. Two, even if you did  
18 that, the radio signal would hit the metal and bounce  
19 back down to the bottom of the well, so.

20 Q. Who -- if you bought those meter lids  
21 separate from the AMI project, who would have  
22 installed them?

23 A. Well, we don't have the crew or the  
24 manpower to do it right now, so we would have had to  
25 hire somebody, contract somebody else to do that for

1 **us.**

2 Q. And because of the nature of the AMI and  
3 what you just described, you would have had to have  
4 still changed all of those in conjunction with an  
5 AMI --

6 **A. Correct.**

7 Q. -- deployment?

8 **A. Yes.**

9 Q. And instead, who did install the lids?

10 **A. Contractor for USG.**

11 Q. Okay. In regard to the safety of your  
12 employees with the installation of AMI, your -- I  
13 think you were trying to explain that in the future  
14 world, that they would not have to walk from house to  
15 house. Correct?

16 **A. Correct.**

17 Q. Is that because those sort of calls they  
18 would be responding to would be to a house specific  
19 in most cases?

20 **A. Correct.**

21 Q. You were describing early in your  
22 testimony your -- the background work you did in  
23 order to sort of look into and assess different AMI  
24 providers and to learn about AMI and that sort of  
25 thing. Did -- was there any experimentation with

1 meters that took place during that process as well?

2           A.           Yes.   Previously when we were thinking  
3 about, toying about it doing nondirect read meters,  
4 we were going through using a Mueller hot rod. We  
5 had done an experimentation about 800 or so in our  
6 system to see how that worked, how it lasts, what the  
7 endurance is, is it good or is it bad. We did not  
8 have good experience with them. The antennas  
9 continued to fall off from -- they were just stuck on  
10 a pole in the meter well so they would continue to  
11 keep falling off so you could never get a read.  
12 You'd go back out there because the lids weren't  
13 locking, they were tampered with. They'd knock them  
14 down. Or someone would cut the wire because then  
15 they know that we couldn't get a read.

16                       The battery life on them, because I think  
17 the lithium -- I'm guessing that they were all  
18 lithium batteries, didn't last as long. So once  
19 again, you couldn't get a read. You were still  
20 having to go out there and manually read the meters.

21                       Mueller announced that they were no  
22 longer -- and this is for a drive-by system. Mueller  
23 announced that they are no longer supporting the  
24 hand-held and drive-by system anymore. They -- that  
25 they were going strictly to a more independent



1 AMI/AMR type thing. So at that point when they said  
2 that they are no longer supporting the software,  
3 we're like, Okay, we gotta shop around for something  
4 different because this isn't working.

5 Q. You mentioned in response to a question  
6 about how many meters are left to be deployed in the  
7 system, I think you mentioned a 300 number possibly.

8 A. Uh-huh.

9 Q. Why are those meters, I'm going to say  
10 lagging behind the others?

11 A. These were larger meters than the  
12 regular -- regular residentials of five-eighths by  
13 three-quarters that we use. These are larger meters,  
14 so inch and a half or so. Had at least an 18-month  
15 lag in delivery for them to manufacture and get them  
16 to us. And we're still waiting on some more larger  
17 meters to come in. They're kind of lagging behind.  
18 So that's why I say hopefully we can be done by the  
19 end of the year, but we're just -- that's that supply  
20 chain thing that we kind of ran into again.

21 Q. And so the delay that you're talking about  
22 is between -- is with the manufacturer --

23 A. Right.

24 Q. -- and it's between the order and the  
25 ultimate delivery?

1           **A.       Correct.**

2                   MR. COOPER:   That's all I have, your  
3 Honor.

4                   JUDGE HATCHER:   Thank you.   Ms. Thompson,  
5 you are excused from the witness stand.   I'm just  
6 going to add in, subject to recall.   I don't expect  
7 to have to -- go ahead -- expect to recall you, but  
8 just adding that on just in case.

9                   Before we proceed, I want to inform the  
10 parties I'm going to be aiming for a break at or  
11 around 3:00 p.m.   And also I would like to inquire of  
12 counsel if we have any resolution on our motions to  
13 strike.   No resolution.   We do have?

14                   MS. MARTIN:   I thought so, but.

15                   JUDGE HATCHER:   Let's go off the record  
16 for a minute.

17                   (Off the record.)

18                   JUDGE HATCHER:   Let's go back on the  
19 record.   Brief discussion and the plan is we are  
20 going to take the Company's next witness.   And we are  
21 holding on any decision on the motion to strike even  
22 though we will be taking in the proffered exhibits.  
23 How do we want to handle that?   Accept the exhibits  
24 subject to later objection or put a hold on the  
25 exhibit until after tomorrow?

1 MR. COOPER: None of them are really --  
2 the options are very clean.

3 JUDGE HATCHER: Yeah. I'd prefer to take  
4 the exhibit and then we will deal with the striking,  
5 if need be, at that time. Okay. Mr. Cooper, call  
6 your next witness.

7 MR. COOPER: We'll call Mr. Neal  
8 Clevenger.

9 JUDGE HATCHER: Thank you.  
10 Mr. Clevenger, as you make your way to the stand,  
11 I'll ask you to raise your right hand.

12 (Witness sworn.)

13 NEAL CLEVINGER

14 The witness, having been first duly sworn,  
15 testified as follows:

16 JUDGE HATCHER: Thank you, sir. Please  
17 have a seat. Mr. Cooper, your witness.

18 DIRECT EXAMINATION

19 BY MR. COOPER:

20 Q. Would you state your name.

21 A. Neal Clevenger.

22 Q. By whom are you employed and in what  
23 capacity?

24 A. Raytown Water Company, president and  
25 general manager.

1 Q. Have you caused to be prepared for the  
2 purposes of this proceeding certain direct, rebuttal,  
3 and surrebuttal testimony in question-and-answer  
4 form?

5 A. Yes.

6 Q. Is it your understanding that that  
7 testimony has been marked as Exhibits 5, 6, and 7 for  
8 identification?

9 A. Yes.

10 Q. Do you have any changes that you need to  
11 make to that testimony at this time?

12 A. No.

13 Q. If I ask you the questions which are  
14 contained in Exhibits 5, 6, and 7 today, would your  
15 answers be the same?

16 A. Yes.

17 Q. Are those answers true and correct to the  
18 best of your information, knowledge, and belief?

19 A. Yes.

20 MR. COOPER: Your Honor, I would offer  
21 Exhibits 5, 6, and 7 and tender Mr. Clevenger for  
22 cross-examination.

23 JUDGE HATCHER: Thank you. You've heard  
24 the motion. I'm going to combine my question into  
25 one for all of the exhibits. Are there any

1 objections to the admission of Exhibits 4 --  
2 sorry -- 5, 6, and/or 7? Hearing no objections, they  
3 are admitted.

4 MS. MARTIN: Wait.

5 JUDGE HATCHER: Yes.

6 MS. MARTIN: Sorry. I have an objection  
7 with my motion to strike regarding the surrebuttal  
8 testimony portion EIERA limitations. And I think it  
9 is section number four.

10 JUDGE HATCHER: This is your motion to  
11 strike?

12 MS. MARTIN: Yeah. I just didn't want it  
13 to go by and then --

14 JUDGE HATCHER: I agree, and I'm open to  
15 handling it either way. What I was suggesting was  
16 admitting Mr. Clevenger's --

17 MS. MARTIN: Okay.

18 JUDGE HATCHER: -- testimony. And then --

19 MS. MARTIN: Subject to a future -- okay.  
20 Okay. That I under -- I just --

21 JUDGE HATCHER: I do not want you to lose  
22 any appeal rights if you feel that you need to make  
23 an objection now to hold that.

24 MS. MARTIN: As long as our objection is  
25 on the record and the Court recognizes it, I think

1 that we are okay for the moment. Thank you.

2 JUDGE HATCHER: Okay. Are there any  
3 objections to the admission of Exhibits 5, 6, or 7?  
4 Hearing none and subject to a ruling on the three  
5 pending motions to strike, one by each party,  
6 Mr. Clevenger's various testimonies are admitted,  
7 Exhibits 5, 6, and 7.

8 (Company Exhibits 5, 6, and 7 were  
9 admitted and made a part of this record.)

10 JUDGE HATCHER: Mr. Cooper has tendered  
11 the witness. Ms. Aslin.

12 MS. ASLIN: No questions, thank you.

13 JUDGE HATCHER: Ms. Martin.

14 CROSS-EXAMINATION

15 BY MS. MARTIN:

16 Q. Okay. So a lot of the questions that I  
17 have for you are going to be financial, so I hope  
18 you're ready. On page 14, line 21 of your rebuttal  
19 testimony you state that after two years, holders of  
20 Raytown's preferred stock have a right to redeem the  
21 preferred stock from Raytown.

22 Do you stand by that testimony today?

23 **A. I didn't find it. Could you say it again?**

24 Q. Yes. It's on --

25 **A. Just repeat it in its entirety and I'll**

1 **just listen.**

2 Q. Okay. On page 14, line 21 of your  
3 rebuttal testimony, you state that after two years,  
4 holders of Raytown's preferred stock have a right to  
5 redeem the preferred stock from Raytown.

6 Do you stand by that testimony today?

7 **A. Oh, yes.**

8 Q. Okay. How would you define a right to  
9 redeem as it was used in your rebuttal testimony?

10 **A. Well, after an investor has their stock**  
11 **invested for two years --**

12 JUDGE HATCHER: I'm sorry, Mr. Clevenger.  
13 Could you move the microphone a little.

14 MR. CLEVINGER: I'm sorry.

15 JUDGE HATCHER: Thank you, sir.

16 MR. CLEVINGER: I'm glad to.

17 After an investor has stock, preferred  
18 stock in the Company for two years, they have a right  
19 to redeem it and get their money back.

20 BY MS. MARTIN:

21 Q. Okay. Does that mean it's mandatory after  
22 the two years if they request it?

23 **A. Yes.**

24 Q. Okay. Did the Company identify this  
25 mandatory redemption provision after two years

1 of purchase in Raytown's application for authority  
2 to issue these preferred securities in Case  
3 No. WF-2021-0131?

4 **A. Was that a question or just a statement?**

5 Q. It was a question. Basically did you  
6 identify the -- this provision regarding the  
7 mandatory redemption, the right to redeem, excuse  
8 me, in the financing case WF-2021-0131? It was the  
9 case where -- regarding the authority to issue the  
10 preferred securities.

11 **A. So I still didn't get the question.**

12 Q. Did you off -- did you let the Commission  
13 know about the mandatory provision, the right to  
14 redeem provision?

15 **A. Oh, yes. We wrote a -- a letter to Jim  
16 Busch, manager of Water and Sewer, an email, and it  
17 was sent by our company attorney, Janet Blauvelt, to  
18 notify him that due to the sales -- no sales of  
19 preferred stock because it was being held up too long  
20 for five years, that we were changing it to a  
21 two-year redemption. But they still could leave the  
22 stock in the Company for five years.**

23 Q. So was that in the application that you  
24 filed with the Commission?

25 **A. No, it was afterwards. And we got no**



1 response from Jim or -- from him about requiring any  
2 further reopening of the case. There was just -- but  
3 we did note notify him that we changed it and we sent  
4 him the terms sheet that we pass out when we sell  
5 stock.

6 Q. So did you file that final terms and  
7 conditions sheet of the executed preferred stock in  
8 that case?

9 A. I'm sure we did. Not with the finance  
10 order, but later when we changed it.

11 Q. What do you mean when you say when we  
12 changed it?

13 A. Well, we changed the terms that you could  
14 redeem your stock in two years.

15 Q. Okay. Can you take a look at Data  
16 Request --

17 MR. COOPER: Your Honor, could we see  
18 what's being handed to the witness before we get --

19 MS. MARTIN: Oh, it's a -- it's a data  
20 request that was answered by Mr. Clevenger. I  
21 apologize.

22 MR. CLEVINGER: That's all right.

23 BY MS. MARTIN:

24 Q. Excuse me. So can you read your response  
25 to 3004-A for the Commission?

1           **A.**       **It says, The Company prepares all**  
2 **preferred stock bonds in house in order to save the**  
3 **customer money. Unfortunately in doing so, the**  
4 **Company overlooked condition three and failed to**  
5 **submit the information.**

6           Q.       Okay.

7           **A.**       **And that was about a different subject,**  
8 **but.**

9           Q.       Do you remember responding to this data  
10 request?

11          **A.**       **Yes.**

12          Q.       Okay. So you recognize the document that  
13 you are looking at and reading from?

14          **A.**       **Uh-huh.**

15          Q.       And do you believe that it is a full,  
16 complete, and accurate record of the data request and  
17 your response to that data request? I don't remember  
18 if you had a conditional thing.

19          **A.**       **It's an answer to condition three, yes.**

20          Q.       Okay. And that was -- so the OPC moves to  
21 present Exhibit No. 200 I believe because it's our --

22                    JUDGE HATCHER: 212.

23                    MS. MARTIN: 212, sure, yeah. That's  
24 what I said. Okay.

25                    JUDGE HATCHER: The next number on OPC's

1 list is 212. Mr. Cooper.

2 MR. COOPER: I would just ask, there was  
3 an attachment to this --

4 MS. MARTIN: There was. Okay. Yeah.

5 MR. COOPER: -- series of --

6 MS. MARTIN: That -- that's what I --

7 MR. COOPER: -- DRs.

8 MS. MARTIN: -- wasn't sure of, so I  
9 will -- I will try and find that.

10 MR. COOPER: Yeah. We're good as long as  
11 we -- as the attachment is included. Oh, two  
12 attachments.

13 MS. MARTIN: There's 49 attachments. I'm  
14 just kidding.

15 JUDGE HATCHER: Okay. Ms. Martin, I have  
16 an assignment for you.

17 MS. MARTIN: Oh.

18 JUDGE HATCHER: I would like this as a --  
19 I'll give you an option, either tomorrow or as a late  
20 filed exhibit, same number, 212, with the  
21 attachments. Oh, you have them? Mr. Murray has  
22 them.

23 MS. MARTIN: We have them. Look at that.  
24 He's just handing me stuff.

25 JUDGE HATCHER: Yes. Go ahead and bring

1 a copy of those up.

2 MS. MARTIN: Okay. I didn't know if you  
3 wanted me to bring them up or not.

4 JUDGE HATCHER: Go ahead and distribute  
5 those also to counsel. And is this one stapled both  
6 documents or one of two?

7 MS. MARTIN: Give me one moment.

8 JUDGE HATCHER: Okay. And we have a  
9 second one coming that'll be distributed. I'll go  
10 ahead and move this along as Ms. Martin is  
11 distributing. Are there any objections to the  
12 admission of Exhibit 212 with both attachments? No  
13 objections. So admitted.

14 (OPC Exhibit 212 was admitted and made a  
15 part of this record.)

16 JUDGE HATCHER: Mr. Murray, would -- can  
17 I assign you to hand those out so Ms. Martin --

18 MR. MURRAY: Sure.

19 JUDGE HATCHER: -- can get back to  
20 questioning?

21 Thank you. I appreciate that.

22 MS. MARTIN: There's so many papers. I  
23 do apologize.

24 JUDGE HATCHER: No, you're fine.

25 BY MS. MARTIN:

1 Q. Okay. I'm sorry. I've gotten -- my  
2 papers have flown all over the place. Just give me  
3 one moment and I will get this here. Where did all  
4 my stuff go. Oh. I do apologize. I'm sorry. I  
5 lost my questions. I'm trying to ensure that I can  
6 find my questions because I have more and I just  
7 don't know where they went. We just wanted -- there  
8 were some things that we wanted to make sure were  
9 cleared up. Here we go.

10 Do you -- Mr. Clevenger, do you recognize  
11 the email from the Blauvelt Law Firm, LLC handed out  
12 earlier by Mr. Murray?

13 **A. Yes.**

14 Q. Okay. And do you recognize that this  
15 email -- or does this email appear familiar to you?  
16 Do you remember taking part in this email  
17 conversation?

18 **A. Yes.**

19 Q. And do you believe that the image of as  
20 much of the email conversation that we have here is a  
21 true, accurate, and complete pictures of the exhibit  
22 as demonstrated? I don't think that's the right  
23 word, but.

24 **A. Yes, it is.**

25 MS. MARTIN: Okay. The OPC moves to admit

1 Exhibit 1213. No. 213, excuse me, for admission  
2 onto the record.

3 JUDGE HATCHER: I have a question,  
4 Ms. Martin. I thought that the Blauvelt email was  
5 attachment 2 of Exhibit 212.

6 MS. MARTIN: Oh, it is. I think -- we  
7 might have printed it out extra thinking that they  
8 were not connected.

9 JUDGE HATCHER: You're good. 212's  
10 already admitted.

11 MS. MARTIN: Okay. Okay. So I do want  
12 to make sure that you know that the email attachment  
13 is a response -- or was part -- pardon me -- was part  
14 of the response to DR No. 3007.

15 BY MS. MARTIN:

16 Q. Mr. Clevenger, can we take a look at this  
17 email conversation that was connected to DR No. 3007?

18 **A. Yes.**

19 Q. I'm just going to keep talking to you  
20 about it.

21 **A. Go ahead.**

22 Q. Introducing it to you. Do you believe  
23 that this conversation that is represented here is a  
24 correct --

25 JUDGE HATCHER: Ms. Martin --

1 BY MS. MARTIN:

2 Q. -- is the correct treatment of your --  
3 sorry, I'm trying to remember.

4 Okay. Do you believe that what you did in  
5 the email that is represented in the connection to  
6 DR No. 3007 is what you needed to do to comply with  
7 the -- with the Commission's order in this case? In  
8 the -- not in this case, but in the case that this is  
9 referring to.

10 **A. Are you referring to the Blauvelt?**

11 Q. Yes.

12 **A. Oh, yes, it's true.**

13 Q. Okay. Was -- so are you saying that this  
14 email conversation equates to a filing with the  
15 Commission?

16 **A. It was a notification.**

17 Q. But it was not filed at any point?

18 **A. We left it up to Jim Busch, manager of the  
19 Water and Sewer, to tell us what to do, and there was  
20 no response.**

21 Q. Okay. I'm really sorry. So this is the  
22 application that came with that finance order. I'll  
23 just try and speak very loudly. This is the  
24 application that came with that finance order. Can  
25 you read the final bullet point?

1           **A.           Oh, these? All these?**

2           Q.           Oh, no, just that. Just the last one.

3           **A.           The bottom one. Such shares shall be**  
4 **redeemable by Raytown Water Company after five years**  
5 **from the date that such stock was sold solely at the**  
6 **discretion of the corporation and, upon request,**  
7 **therefore, by the shareholder.**

8           Q.           So the -- in that case what was filed was  
9 that five years and you changed it to two by emailing  
10 Jim Busch. Is that correct?

11          **A.           Yes. But it was still five years, but we**  
12 **gave a two-year option.**

13          Q.           Okay.

14          **A.           Yes.**

15          Q.           And at no point was that two-year option  
16 filed with the Commission as a body?

17          **A.           No. Just to the manager of Water and**  
18 **Sewer.**

19          Q.           Okay. Has Raytown Water Company ever  
20 filed anything with the Commission to initiate any  
21 sort of proceeding such as a rate case, anything like  
22 that?

23          **A.           Any sort of what?**

24          Q.           Any -- has Raytown Water Company ever  
25 filed documentation to introduce a proceeding with



1 the Commission or begin a proceeding, initiate a  
2 proceeding with the Commission?

3 **A. You mean for this change, no.**

4 Q. But for anything, have they been -- have  
5 they done that before, rate case?

6 **A. Well, yes. We've had bonds, preferred  
7 stock, the current one.**

8 Q. Okay. So in those instances you were  
9 aware of what you needed to do in order to get the  
10 change -- the filing in front of the Commission?

11 **A. No. The Company was acting as a broker.  
12 We were trying to save the ratepayer a hundred  
13 thousand dollars maybe in administrative fees. So we  
14 weren't as professional as we should have been, but  
15 we were acting as our own broker trying to save  
16 ratepayers money.**

17 Q. Right. But does -- would your acting as a  
18 broker prevent you in any way from filing the change  
19 in such a way that it would be deemed a fitting  
20 filing -- I cannot think of the word -- with the  
21 Commission? A filing that is in compliance with the  
22 Commission's filing requirements?

23 **A. Well, we know that now, but at the time we  
24 didn't.**

25 Q. Did anything in that document or in that

1 order or the preferred securities change other than  
2 the redemption from the five to the two years or with  
3 the two-year option?

4 **A. Other terms and conditions are you talking**  
5 **about?**

6 Q. Yeah.

7 **A. Well, they're on that sheet that you**  
8 **passed out as an exhibit. Correct. Well, it's**  
9 **attached to it.**

10 Q. Okay. Give me one moment. You already  
11 have this document. Surprise.

12 So can you identify -- it appears that you  
13 have already slightly identified it, but you -- can  
14 you identify the document with the red writing?

15 **A. Yes. That's the terms sheet for the**  
16 **preferred stock.**

17 Q. And is that terms sheet filed in any way  
18 with the Commission?

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

20 Q. So you don't know if it's compliant with  
21 any legal Commission authorization or anything like  
22 that?

23 MR. COOPER: I object, your Honor. This  
24 is kind of a line of legal questions I would say.

25 MS. MARTIN: I'm just trying to make --

1 I'm trying to make sure that we know if there's any  
2 legal merit to this document that is representative  
3 of the preferred stock that Mr. Clevenger is --

4 JUDGE HATCHER: I think you just conceded  
5 the argument. You asked for a legal opinion.

6 MS. MARTIN: Okay.

7 JUDGE HATCHER: Sustained. Go ahead.

8 BY MS. MARTIN:

9 Q. So you -- so when you're recognizing the  
10 terms sheet, it says, Dividends will be paid at the  
11 end of each year -- each quarter, excuse me.

12 Has that dividend term changed in any way?

13 **A. No.**

14 Q. Okay. So we're going to move on to the DR  
15 numbered 3005. We did provide you with a copy of the  
16 finally-executed preferred security issued  
17 subsequent, the document of the -- yeah. The -- I  
18 think it's referred to as the preferred -- I cannot  
19 speak, I'm sorry. The preferred stock.

20 Did you provide the final terms and  
21 conditions of the preferred stock in response to OPC  
22 Data Request No. 3005?

23 **A. Did you say to OPC?**

24 Q. Yeah. Did you provide that document to  
25 the OPC?

1           **A.       Are you talking about the terms sheet?**

2           Q.       No, I'm sorry. I'm speaking about the  
3 preferred -- yeah.

4           **A.       Oh, this.**

5           Q.       The big old -- yeah. The big old  
6 interesting one.

7           **A.       I don't know if we did or not.**

8           Q.       In response to Data Request 3005.

9           **A.       Help me out.**

10          Q.       Yeah.

11                   JUDGE HATCHER: Ms. Martin, it says so on  
12 the Data Request.

13                   MS. MARTIN: Right. Okay.

14                   JUDGE HATCHER: It says he provided it or  
15 the Company provided it. Unless -- I'm not sure I'm  
16 getting the gist of your question. Maybe I missed  
17 it.

18                   MS. MARTIN: Yeah. No. I just wanted  
19 to -- I am getting confused is what's happening.

20 BY MS. MARTIN:

21          Q.       Can you identify -- and you can take a few  
22 minutes to review it. Can you identify where in the  
23 document the terms related to redemption and dividend  
24 payments are found?

25          **A.       I think it's just on the terms sheet.**

1 Q. So there's no such agree -- any such  
2 agreement for -- that would create any, like, final  
3 execution for the preferred stock?

4 **A. Well, we received the finance order.**

5 Q. So when you had the preferred stockholders  
6 and they execute the preferred stock, what are the  
7 documents that those preferred stockholders receive?

8 **A. Oh, okay. They receive preferred stock  
9 subscription agreement and a terms sheet.**

10 Q. And is that terms sheet this or something  
11 else?

12 **A. No, it's that one.**

13 Q. Okay. Okay. And is a preferred -- is  
14 such the preferred stock agreement posted on the  
15 Raytown's website?

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

17 Q. Okay. Give me one minute.

18 So this is the final time I will ask and  
19 this is my last question. So do you believe that the  
20 preferred stock that you issued and your handling of  
21 that preferred stock had Commission authority after  
22 you sent in your statements to Jim Busch to which he  
23 did not respond?

24 **A. We thought it did, yes.**

25 MS. MARTIN: Okay. Thank you.

1 JUDGE HATCHER: Thank you. Before I go  
2 to Commissioner and Bench questions, Ms. Martin, you  
3 had distributed a copy of the application from the  
4 financing order we were just discussing, 0131. I  
5 don't recall hearing a motion to admit that as an  
6 exhibit. Did you want it as an exhibit?

7 MS. MARTIN: Yes, and I apologize.

8 JUDGE HATCHER: No, that's all  
9 right. 213 is the motion from Office of Public  
10 Counsel. Are there any objections? Exhibit 213 --

11 MR. COOPER: I may have. I've got to  
12 make sure I'm on the same --

13 JUDGE HATCHER: Is the application of  
14 Raytown Water.

15 MR. COOPER: Gotcha. I thought you said  
16 the motion of somebody else. That's what threw me,  
17 but gotcha.

18 JUDGE HATCHER: Hearing no objections.

19 MR. COOPER: No objection.

20 JUDGE HATCHER: So admitted.

21 (OPC Exhibit 213 was admitted and made a  
22 part of this record.)

23 JUDGE HATCHER: 213 is the application  
24 from case 0131. We will go to Commissioner  
25 questions, and I will ask again because the Bench

1 does have questions. Are there any Commissioner  
2 questions at this time? All right. Hearing none.

3 QUESTIONS

4 BY JUDGE HATCHER:

5 Q. Mr. Clevenger, if you'll hang with me as I  
6 scroll through real quick. Has Raytown Water  
7 provided documentation to Staff to support any  
8 additional rate case expenses above and beyond what  
9 Staff had put down, approximately \$3,100? Has  
10 Raytown updated the \$3,100 number?

11 A. Yes. The Company was planning to handle  
12 the case without legal representation, but once a  
13 hearing was called and we're a corporation, we're  
14 required to obtain an attorney. So yes, we do have  
15 prudent legal fees going forward.

16 Q. Have you updated Staff on any amounts?

17 A. Maybe not yet.

18 Q. I want to move to the truck situation.  
19 There were, I believe, three pickup trucks sold in  
20 the last handful of years and that was part of the  
21 prefiled testimony. Do you know off the top of your  
22 head the mileage and condition of those trucks?

23 A. Those trucks were 2010, '11, maybe a 2012.  
24 They were maxed out and in constant need of repairs.

25 Q. Of the -- if my memory serves, the

1 three -- I think it was three trucks, two were sold  
2 for under a thousand dollars and one was sold for  
3 maybe 3,000 give or take. Can you address those  
4 numbers just as a purchaser of used vehicles, maybe  
5 not a 20-year-old truck but the \$300 does seem maybe  
6 a little bit low for a running vehicle, if you can  
7 remark on their condition.

8 A. You bet. The truck that sold for 3,000,  
9 that was my truck. I took care of it. But the other  
10 trucks were drove mainly by the field, and they were  
11 drove hard. They'd go water breaks, pulling  
12 trailers, pulling backhoes, track -- track loaders  
13 behind them. They were tore up bad. And they were  
14 constantly being repaired. When we got to the point  
15 of no return, they sat out in the back and they --  
16 nobody drove them.

17 Q. Do you know who they were sold to?

18 A. Yes. One of them, the better truck  
19 for 3,000 was sold to Lonnie Sims. And the other  
20 name, I'm probably pronouncing it wrong, bought three  
21 of them, but it was something like Tissell, but  
22 that's probably not the right pronunciation.

23 Q. I'm going to work backwards. The Tissell,  
24 that sounds like maybe a third-party purchasing?

25 A. Oh, yeah.



1 Q. And the first who purchased the well-kept  
2 truck, that name, is that an employee or an associate  
3 of Raytown Water?

4 A. No. He's a contractor, and I use him  
5 sometimes. A local Raytown contractor.

6 Q. A city of -- he lives in the city of  
7 Raytown. You are not meaning a contractor who is  
8 employed sometimes by Raytown Water?

9 A. No. Not -- occasionally fix -- fix a  
10 toilet maybe, but no, not generally.

11 Q. Okay. Do you know the Blue Book value of  
12 any of those trucks either at that time or now or at  
13 any time?

14 A. No, I don't.

15 Q. Okay. I'm going to switch topics one more  
16 time. Let's talk about the 1993 management audit.  
17 When did you become president and general manager?

18 A. Oh, you would ask me that. I don't track  
19 that. It's been 25, 30 years as -- maybe, but I've  
20 been with the Company over 40 years. But during the  
21 management audit, I am the one who wrote it up.

22 Q. Were you involved in the implementation of  
23 those recommendations?

24 A. Yes.

25 JUDGE HATCHER: The Bench has no more

1 questions. I'll ask once again if any Commissioners  
2 have questions. We'll pause for a moment for those  
3 on the Webex.

4 COMMISSIONER HOLSMAN: No questions,  
5 Judge. Thank you.

6 BY JUDGE HATCHER:

7 Q. Let's talk about the truck that you own  
8 currently. Can you describe how you keep track of  
9 your personal mileage.

10 A. Yes. I have a handwritten log for every  
11 day, and I record wherever I go. And it's probably  
12 overkill, but I do it, but that's how I keep track of  
13 mine.

14 Q. Where's the log kept?

15 A. At the water company.

16 Q. Are you filling out the log on a daily  
17 basis?

18 A. Yes.

19 Q. There has been prefiled testimony  
20 concerning the reimbursement time period. The 1993  
21 management audit, I may be slightly misstating this,  
22 but I believe that was the document that recommended  
23 a 30-day reimbursement --

24 A. Yes.

25 Q. -- period.

1                   And there is testimony that your  
2 reimbursement is not within a 30-day time period.  
3 Can you talk about that?

4           **A.           That's correct. I've slipped up and may**  
5 **have paid every two months, maybe every quarter.**  
6 **Once I think I lagged behind six months. But they**  
7 **all got paid, but we're not talking about much money.**

8           **Q.           Could you give a rough estimate**  
9 **acknowledging -- I'm acknowledging that you do not**  
10 **have your log book in front of you. Could you divvy**  
11 **up a percentage for me how much of your truck driving**  
12 **is personal versus work? And my question is coming**  
13 **from my understanding that you do not own a personal**  
14 **vehicle.**

15           **A.           No, but my wife has a car which I drive.**  
16 **Yes. I drive the truck for personal to go to lunch,**  
17 **and it's two blocks to go to where I go to lunch and**  
18 **two blocks back. That's every day. And that's**  
19 **basically where I go. Occasionally there's a doctor**  
20 **or a dentist when my wife can't take me. That's it.**  
21 **The rest is water company business.**

22           **Q.           And what about to and from home?**

23           **A.           We take the trucks home because I'm on**  
24 **call. I have to have a truck. When you get a call**  
25 **at night and if Chiki doesn't run it, I do. But we**

1 run the emergencies. And one more point, we can't  
2 leave trucks at the company. The vandalism in  
3 Raytown is horrendous. We have to have every vehicle  
4 taken home. If you leave a truck out back, when you  
5 come back the next day, it'll be broke into. And I  
6 live about five blocks from the company.

7 Q. You mentioned being on call.

8 A. Yes.

9 Q. Can you give me an estimate of how many  
10 after-hours calls you have responded to in the last  
11 year?

12 A. I would say -- I hate to guess. It's  
13 quite a few.

14 Q. More than five?

15 A. Oh, yes.

16 JUDGE HATCHER: Okay. That is all the  
17 questions from the Bench. I'll ask one more time,  
18 are there any Commissioner questions? Hearing none,  
19 we will go to recross. Ms. Aslin.

20 MS. ASLIN: I have no questions.

21 JUDGE HATCHER: Ms. Martin.

22 RECROSS-EXAMINATION

23 BY MS. MARTIN:

24 Q. So regarding the vehicle, can you tell me  
25 how -- what account you use to pay for that vehicle?

1           **A.           It's on the bill, but I don't know what it**  
2 **is.**

3           Q.           Is it -- and I can -- this is actually an  
4 answer to a data request. Is it possible that the --  
5 that the checks that you use say Clevenger Management  
6 Enterprises, LLC, and have the address of the car  
7 wash?

8           **A.           That's the check used to pay for it, yes.**

9           Q.           Okay. And so is the account that that  
10 check is connected to a personal account or a  
11 business account?

12          **A.           A business.**

13          Q.           Okay. So are you paying for this truck,  
14 or is your car wash paying for this truck?

15          **A.           Well, Clevenger Enterprises is an LLC, so**  
16 **technically it's paying for it.**

17          Q.           Okay. And when we look at this 1993  
18 audit, which I do have copies and I said that I was  
19 going to bring them, pass them around earlier and I  
20 never did and so I apologize for that.

21                    JUDGE HATCHER: Ms. Martin, give those to  
22 Mr. Murray.

23                    MS. MARTIN: Okay.

24 BY MS. MARTIN:

25          Q.           Something that I discussed in my opening

1 and then something that is also in the management  
2 audit is the treatment of company equipment and  
3 personnel by unregulated businesses. Specifically if  
4 you look at the recommendations, number 20 and 21.  
5 Can you look -- so that very last -- the very last  
6 column is the priority level of that recommendation.  
7 Can you please read what the priority level of both  
8 recommendation number 20 and recommendation number 21  
9 is.

10 **A. Sure. Eliminate appearance of**  
11 **cross-subsidization more accurately, match of**  
12 **revenues and expenses.**

13 **The other one is, Reduce appearance of**  
14 **cross-subsidization, more timely match of revenues to**  
15 **expenses.**

16 Q. And -- thank you for reading that. I  
17 was -- you know what, I was going to read it, but you  
18 get to do it now.

19 And next to that there's one word. Can  
20 you read that? It's next to both of them in that  
21 column.

22 **A. It says, High. Or it says, High.**

23 Q. So it's high priority?

24 **A. I think that's what it means.**

25 Q. Okay. And what is the cost to the

1 business according to this management audit? That is  
2 in the column before the cross-subsidization section.  
3 It's in the third column, the middle one. Do you  
4 know what the -- so what does it say the cost is?

5 JUDGE HATCHER: Ms. Martin.

6 Mr. Clevenger, if you can hold just a second.

7 MR. CLEVINGER: Yeah.

8 JUDGE HATCHER: Ms. Martin, if this  
9 becomes an exhibit, we can just take the answer right  
10 from the document.

11 MS. MARTIN: Okay.

12 JUDGE HATCHER: So if I may --

13 MS. MARTIN: Yeah.

14 JUDGE HATCHER: -- if there are any  
15 objections to the admission of Exhibit, what is  
16 it, 214 --

17 MS. MARTIN: 14.

18 JUDGE HATCHER: -- of OPC this is  
19 the 1993 management audit.

20 MS. ASLIN: I believe this is already  
21 attached heard to OPC's witness's exhibit. Or  
22 testimony, I'm sorry.

23 MS. MARTIN: It might be attached to  
24 Angela Schaben's direct testimony. Is that correct.

25 MS. ASLIN: It has the --

1 MS. MARTIN: Yeah.

2 MS. ASLIN: -- schedule number at the  
3 bottom of the page.

4 JUDGE HATCHER: Okay. We'll scratch  
5 that. It will not be an exhibit; it's already in the  
6 record.

7 MS. MARTIN: Yes. So sorry about that.  
8 I --

9 JUDGE HATCHER: No. No problem.

10 BY MS. MARTIN:

11 Q. Okay. So my final point is so these  
12 two -- the cross-subsidization concern regarding the  
13 Company and nonregulated businesses was in existence  
14 in the 1990s and is still today. Correct?

15 **A. Yes. We -- yes.**

16 MS. MARTIN: Thank you.

17 JUDGE HATCHER: We'll go to redirect.  
18 Mr. Cooper.

19 REDIRECT EXAMINATION

20 BY MR. COOPER:

21 Q. Mr. Clevenger, do you have this document  
22 in front of you?

23 **A. I have it.**

24 Q. In answer to one of the questions, you  
25 were asked whether the dividend had changed on the



1 preferred stock, and I believe you said no. But if I  
2 look at this document, it indicates that the holder  
3 is going to earn a dividend equal to the Wall Street  
4 Journal prime rate that's effective January 1 each  
5 year. Correct?

6 **A. Yes. I thought she was referring to**  
7 **yearly, but no, it does change with the first of**  
8 **every year, January 1st.**

9 Q. Yeah. So what was the paid this year?  
10 What was the prime rate this year, do you remember?

11 **A. 7.5.**

12 Q. You talked a little bit about the billing  
13 and payment for the personal use of the truck.  
14 Correct?

15 **A. Correct.**

16 Q. Who does the billing for that?

17 **A. The corporate secretary.**

18 Q. And does it get billed every month?

19 **A. Yes.**

20 Q. Okay. And when you were talking about  
21 paying for more than one month, it was because for  
22 whatever reason you didn't -- you didn't -- you pay  
23 it two months at a time or whatever it might be.  
24 Correct?

25 **A. I just didn't get around to it when I was**

1 **so busy.**

2 Q. You were asked some questions in this last  
3 bit of recross that referred to the LLC that has an  
4 address of the car wash. Correct?

5 **A. Correct.**

6 Q. That LLC that was discussed, who is the  
7 owner or owners of that?

8 **A. Me and my wife.**

9 Q. And no others?

10 **A. Correct.**

11 MR. COOPER: I think that's all I have,  
12 your Honor.

13 JUDGE HATCHER: Excellent. Excellent  
14 timing. Thank you, Mr. Clevenger. You are excused  
15 from the witness stand subject to recall.

16 Let's take a break. It's 3:18. 3:30.  
17 Let's come back at 3:30. We're in recess until 3:30  
18 and I'm expecting Mr. Spratt to come up after that.  
19 Let's go off the record until 3:30.

20 (Off the record.)

21 JUDGE HATCHER: Let's go on the record  
22 the time of recess having expired. We are going to  
23 call Mr. Spratt. I am sorry. Staff, go ahead, call  
24 your witness.

25 MS. ASLIN: Staff would call David Spratt

1 to the stand.

2 JUDGE HATCHER: Thank you. Mr. Spratt,  
3 as you come to the stand, please raise your right  
4 hand.

5 (Witness sworn.)

6 DAVID SPRATT

7 The witness, having been first duly sworn,  
8 testified as follows:

9 JUDGE HATCHER: Thank you. Please have a  
10 seat. Your witness.

11 DIRECT EXAMINATION

12 BY MS. ASLIN:

13 Q. Could you please state and spell your name  
14 for the court reporter.

15 A. **David Spratt, S-p-r-a-t-t.**

16 Q. And how are you employed and in what  
17 capacity?

18 A. **I am a senior research data analyst for  
19 the Water, Sewer and Steam Department --**

20 Q. And did you --

21 A. **-- in the Public Service Commission.**

22 Q. I'm sorry. And did you prepare or cause  
23 to be prepared rebuttal testimony marked as, just a  
24 moment, marked as Exhibit 111?

25 A. **Yes. I also have direct.**

1 Q. And direct testimony, I'm sorry, marked as  
2 Exhibit 103?

3 A. Yes.

4 Q. And do you have any changes or corrections  
5 to make to either of those pieces of testimony?

6 A. There are a couple of slight changes on  
7 my direct, mostly numbers. On page 1, line 21,  
8 citing the Staff-assisted rate case rule,  
9 it's 20 CSR 12 4240. The 12 should be stricken. On  
10 page 2, line 5 the case is referenced WR-2020-0344.  
11 It should be 2023. And line 14 on page 2 talked  
12 about the pleading filed September 19th, 2020. That  
13 should also be 2023.

14 Q. And are those all your -- are those all of  
15 your corrections?

16 A. Yes.

17 Q. And with those corrections in mind, if I  
18 were to ask you the same questions contained in your  
19 testimony today, would your answers be the same?

20 A. Yes.

21 Q. And is the information contained in your  
22 testimony true and correct to the best of your  
23 knowledge and belief?

24 A. Yes.

25 MS. ASLIN: With that, I would move for

1 the admission of Staff Exhibits 103 and 111 and  
2 tender the witness for cross.

3 JUDGE HATCHER: Thank you. I'm going to  
4 combine those two exhibits into one question. Does  
5 any party have any objection to the admission of  
6 Exhibit 103 and 111? No objections. It is admitted.

7 (Staff Exhibits 103 and 111 were admitted  
8 and made a part of this record.)

9 JUDGE HATCHER: The witness has been  
10 tendered on cross-examination for Staff witnesses.  
11 We go to the Company first and then Public Counsel.  
12 Mr. Cooper.

13 MR. COOPER: No questions, your Honor.

14 JUDGE HATCHER: Ms. Martin.

15 CROSS-EXAMINATION

16 BY MS. MARTIN:

17 Q. I did it. I remembered.

18 So in your many customer complaints  
19 involving high bills, do the AMI company or the AMI  
20 meters that the Company chose find out if and where a  
21 leak is located without the customer having be  
22 proactive?

23 A. Typically my complaints come from a  
24 customer calling me, so the customer has to be active  
25 to -- because they get a high bill and then I -- I

1 **get the data for the -- the hourly reads.**

2 Q. Okay. So do you -- pardon me. You have  
3 not provided any empirical data to support your  
4 statement that a greater economy of scale would not  
5 necessarily be a benefit to this Company at any point  
6 in your testimony besides possibly anecdotal  
7 evidence. Is that correct?

8 **A. Sure.**

9 Q. So there are no objective numbers to prove  
10 that the -- that the -- there isn't a benefit to the  
11 economies of scale conversation that Mr. Marke brings  
12 up by you?

13 **A. Well, again, I -- I look at the meters  
14 themselves and how it impacts the customers and their  
15 bills.**

16 Q. Okay. How long have you been working  
17 public utility regulation?

18 **A. Fifteen years.**

19 Q. In 15 years have you heard anything about  
20 the importance of economies of scale and it  
21 decreasing bills?

22 **A. No.**

23 Q. No. Okay. Is it because you're an  
24 engineer and not --

25 **A. Oh, I'm not an engineer.**

1 Q. Oh, well, then I was confused. That was  
2 on me.

3 So you stated in your rebuttal testimony  
4 that Staff believes that a compact area like Raytown  
5 is better suited for AMI because of I think the  
6 compact nature of the area and the existence of lots  
7 of towers rather than a spread out service area like  
8 Confluence River. Do you have any empirical data to  
9 support that assertion other than the anecdotal  
10 evidence that you've provided in testimony?

11 A. No, I do not.

12 Q. And do you know what the Commission's view  
13 has been of AMI in disparate -- I don't know if  
14 disparate's right -- in dispersed areas versus AMI  
15 compact -- or in disbursed areas, do you think it  
16 is -- have you seen anything by the Commission about  
17 whether a dispersed area is -- benefits more or less  
18 from AMI recently?

19 A. I haven't looked at the comparisons, no.

20 Q. Okay. Give me one minute. So have you  
21 been able to take a look at this management audit at  
22 all?

23 A. Yes, I have.

24 Q. Okay. In that management audit one of  
25 the -- one of the recommendations is one for

1 implementing competitive bidding procedures for all  
2 major equipment purchases and contracts. That is on  
3 page 14. It's recommendation number 6. Do you want  
4 to look at it, or are you okay?

5 **A. I'd like to see it, yes.**

6 Q. So if you look at page 14, recommendation  
7 number 6, it says, Develop -- one of the  
8 recommendations is develop and implement formal  
9 competitive bidding procedures for all major  
10 equipment purchases and contracts because it help --  
11 well, it doesn't say "because it," but it helps  
12 ensure the best value is considered in purchasing  
13 from more than one vendor and it is a high priority.

14 **A. Okay.**

15 Q. You see that now?

16 **A. Yes.**

17 Q. Great. So this management audit report  
18 came out in, I think it was June or July of 19 -- no,  
19 it was March 1st, 1994. Thank you. Sorry. And  
20 through 2000 I believe it showed that the Company has  
21 been able to follow these recommendations, implement  
22 them.

23 So in your testimony when you say that  
24 small utility companies do not always have the  
25 technical capabilities to conduct internal



1 cost/benefit analysis or do any sort of major  
2 searches like an RFP which is what we discuss -- what  
3 we were discussing, do you believe that the Company  
4 was able to do this in the 1990s, but cannot do it  
5 anymore?

6 **A. No. I wouldn't say that.**

7 Q. Then can you explain why you argued they  
8 are not technically capable to do such an RFP in this  
9 instance?

10 **A. I think when I mentioned technically**  
11 **capable and less sophisticated, I just meant the size**  
12 **of the Company as opposed to some of the larger**  
13 **companies that had a lot more employees.**

14 Q. So how does the size of the Company  
15 meet -- if the Company was able to do an RFP in  
16 the 1990s but is not able to do one today, how does  
17 the size play in in your opinion?

18 **A. I think when you're understaffed the way**  
19 **they are, they just have more duties that need to be**  
20 **done. I mean, listening to Ms. Thompson's testimony,**  
21 **it sounds like she did quite a bit of due diligence**  
22 **talking and doing things besides just, you know,**  
23 **reaching out for the lowest bid. She was trying to**  
24 **find out -- you know, getting good confirmation from**  
25 **other people about how good a company was or what**

1 **kind of other results they'd had from them.**

2 Q. And how many examples of empirical data or  
3 analysis did you hear in Ms. Thompson's testimony  
4 regarding RFPs?

5 **A. Oh, I just heard her talking about talking**  
6 **to other companies and --**

7 Q. So mostly --

8 **A. -- getting --**

9 Q. -- anecdotal?

10 **A. Sure.**

11 Q. Okay. So when you discuss the management  
12 audit, you -- oh, it's an RFP, I'm sorry. When you  
13 discuss the management audit, you state that the  
14 management audit took place nearly 30 years ago.

15 MS. ASLIN: Ms. Martin, you keep referring  
16 to Mr. Spratt's testimony and I'm just, I'm having  
17 trouble following along. I'm not quite sure what --  
18 BY MS. MARTIN:

19 Q. On page 7, line 3 of your rebuttal  
20 testimony -- sorry, I have this; I just -- I'm trying  
21 to like speed it up, so sorry -- you correctly  
22 pointed out that the management audit took place  
23 nearly 30 years ago. Is Staff of the belief that the  
24 best business practices from 30 years ago,  
25 specifically the ones that I have listed in my

1 opening and have been bringing up throughout this  
2 hearing, have no relevance to the best business  
3 practices today?

4 **A. No, I wouldn't say that. In fact, I**  
5 **believe they did follow some of the things from the**  
6 **management audit. Number 13, they required the board**  
7 **of directors to participate.**

8 Q. Okay. So if they -- so it sounds like  
9 they followed some, but didn't follow others, didn't  
10 continue to follow others. Do you see any issue with  
11 that or?

12 **A. No. I don't think the bidding process is**  
13 **necessarily something that had to be followed. I**  
14 **think if you look in the management audit at the**  
15 **bottom of page 13, it references that sometimes the**  
16 **lowest bid isn't always the best bid.**

17 Q. Okay. And do you think that the -- do you  
18 think that in making a, what was it, I think that  
19 in -- it will end up being \$5.7 million investment,  
20 the Company should look at one company through a  
21 contractor that they work with that they do not know  
22 if they do any benefits -- do get any benefits from  
23 providing a customer to that company for AMI?  
24 Basically do you -- do you think that it was better  
25 to look at one company that you didn't observe

1 yourself, you observed through a contractor that you  
2 don't know if they had any sort of kickback agreement  
3 with the AMI company and you looked nowhere else, you  
4 think that that's a better way to run your company  
5 than to take part in a competitive bidding process  
6 for a \$5.7 million investment?

7 **A. I don't think getting the best lowest bid**  
8 **is necessarily the best offer. Sometimes the lowest**  
9 **bid may be done by a company that's not reputable and**  
10 **they may not follow up on it. There may be change**  
11 **orders. There may be additions that may just**  
12 **continue to drive the cost up. So they worked with a**  
13 **company they've been working with for several years,**  
14 **that's been in business doing this for several years,**  
15 **that's a nationwide company that has a very good**  
16 **reputation. So we felt like it was a good decision.**

17 **Q. So I know that the lowest bid isn't**  
18 **necessarily the best bid. But we know for a fact**  
19 **that they did not -- Ms. Thompson did say that they**  
20 **did not look at any other bids. So do you feel like**  
21 **it was a prudent decision to make this \$5.7 million**  
22 **investment without looking at more than one bid?**

23 **A. Well, I don't think it's our -- our**  
24 **business to de -- to decide what the Company does.**  
25 **They need to make their decisions.**

1 Q. What type of a company is Raytown -- the  
2 Raytown Water Company?

3 **A. It's a water company.**

4 Q. Is it a private company?

5 **A. Well, it's regulated by Public Service  
6 Commission.**

7 Q. Is part of regulating that company  
8 ensuring that the financial decisions that that  
9 company is making are prudent?

10 **A. Yes.**

11 Q. But in this instance when they look  
12 nowhere else, they cannot say that they were able to  
13 see that this was a better offer than this or that,  
14 we -- they -- we just went with the first one we got,  
15 we're saying that that was a prudent move by this  
16 company?

17 **A. I think going with a reputable company was  
18 a prudent move, yes.**

19 Q. Do you think that there are -- that there  
20 could be more than one reputable company that has  
21 more features and more benefits for customers?

22 **A. That I don't know.**

23 Q. You don't think that that's a possibility?

24 **A. Oh, it's definitely a possibility.**

25 Q. Okay. Sorry. Give me one moment. So on

1 page 7, lines numbered 13 and 14 of your rebuttal  
2 testimony you state that Staff was satisfied with the  
3 operations and management of RWC at the time of its  
4 inspection.

5 Was -- so did Staff inspect the management  
6 and operations of the Company for a year, over the  
7 course of a year?

8 **A. No.**

9 Q. Did Staff review and observe the  
10 management and operations of the Company over a  
11 course of a month?

12 **A. No.**

13 Q. A week?

14 **A. No.**

15 Q. A day?

16 **A. Not a whole day, no.**

17 Q. What did Staff do to ensure that the  
18 management and operations of this company were up to  
19 par?

20 **A. We went to the facilities. We looked at**  
21 **the water towers. We sat with the Company for**  
22 **several hours going over paperwork, asking questions,**  
23 **making sure they knew how to run their business, they**  
24 **knew what was going on. They seemed fully competent**  
25 **about the decisions. They knew exactly how the**

1 **business was running. They knew -- anything we had**  
2 **questions about, they had the answers for it. So**  
3 **they understand the business and they know how to run**  
4 **it.**

5 Q. And I keep thinking that I know what your  
6 position is with Staff. Can you tell me what your  
7 job is?

8 **A. I'm a senior research data analyst.**

9 Q. Okay. So would -- were the financial  
10 documents when you went and reviewed the operations  
11 and management of this -- of this company, were the  
12 financial documents automated in the computer or  
13 manual?

14 **A. We didn't review the financial documents.**  
15 **Auditing came several days later to do that.**

16 Q. Okay. What did you review?

17 **A. We discussed the operations. We discussed**  
18 **how things were going. We talked about the -- the**  
19 **projects they had going on with main breaks, issues**  
20 **they're having with restoration with the City,**  
21 **getting permits from the City to do the restorations**  
22 **needed, staffing issues.**

23 Q. Who did you speak to in this review? Was  
24 it -- was everybody part of the Company?

25 **A. Mr. Clevenger and Ms. Thompson were there.**

1 Q. Okay. Did you have anyone -- did you  
2 speak to anybody that was maybe part of the community  
3 about the operations and management of this company?

4 **A. No.**

5 Q. Okay.

6 **A. Not at that time.**

7 Q. So you took what the Company said and the  
8 review of the systems and you said that that -- you  
9 didn't question it?

10 **A. Right.**

11 MS. MARTIN: Okay. Thank you.

12 JUDGE HATCHER: Thank you, Ms. Martin.

13 That'll take to us to Bench and Commissioner  
14 questions. Are there any Commissioner questions for  
15 Mr. Spratt? The Bench does have questions, so I'll  
16 ask once again after I'm done if there are  
17 Commissioner questions.

18 QUESTIONS

19 BY JUDGE HATCHER:

20 Q. Mr. Spratt, did Staff review the contract  
21 with USG?

22 **A. I've looked at it from the finance case.**

23 Q. Did Staff review any of the invoices paid  
24 to date?

25 **A. I did not. I'm sure Auditing did.**



1 Q. I want to talk about meter cost and  
2 comparisons for just a second. The nonunanimous  
3 disposition agreement stated that the contracted  
4 installation costs of the AMI meters, we're  
5 rounding, \$568 per meter. How does that -- do you  
6 know, how does that cost compare to the AMI meter  
7 cost of Missouri American or Confluence?

8 **A. I didn't look at those.**

9 Q. Mr. Noel, the Company witness, testified  
10 in his surrebuttal that the cost of meters has  
11 increased. Does Staff have an opinion on this  
12 increase?

13 **A. No. It's just the cost of business.**

14 Q. Can you give me your opinion on the  
15 obligations of the Company in reference to the 1993  
16 management audit recommendations?

17 **A. I -- I've reviewed this and, I mean,**  
18 **seeing as it was closed in 2000, not like something**  
19 **they were going to keep open to look at, but I think**  
20 **if you continue to look through, you'll see several**  
21 **items, like I mentioned, number 13. The board of**  
22 **directors actively participated in decision making.**

23 **As you get into chapter 4 starting at 24,**  
24 **they disc -- or 25 I guess, they begin looking at**  
25 **efficiency of existing meter reading routes. They**

1 look at utilization of hand-held meter devices. All  
2 these things were ways to increase efficiency, get  
3 better data, you know, develop a policy to  
4 periodically check inside remote meters. Well, now,  
5 with AMI they won't have to do that anymore. Utilize  
6 consistent criteria for estimating customer water  
7 usage. With AMI, they won't have to estimate  
8 anymore. The readings are going to be there.

9 So if you're looking at this, you're going  
10 to see there's, you know, several things that keep  
11 coming back. And then even number 40, place greater  
12 emphasis on safety issues, including formalizing  
13 safety training.

14 So we talked about safety of the meter  
15 readers not being out there walking the routes  
16 anymore and weather conditions, customers' dogs,  
17 things like that, the heat in general. I mean, so  
18 this -- this takes care of a lot of those issues. So  
19 I think looking at this, they still hit on several of  
20 the points.

21 Q. I want to talk about local public  
22 hearings. I got a question by Ms. Martin about that.  
23 Was there a local public hearing opportunity in this  
24 case?

25 A. We had a virtual public hearing, yes.

1 Q. Did any customer testify as to issues with  
2 the Company's service?

3 **A. No customers called in, period.**

4 Q. If I recall, in the management audit case  
5 which was, I don't know, it was a '94 case number,  
6 but whatever that case number was, did Staff file --  
7 do you know if Staff filed a conclusory document at  
8 the end of the case stating that they are satisfied  
9 with the compliance of Raytown?

10 **A. I'm not for sure. I believe so, but I'm**  
11 **not for sure.**

12 Q. Can you expound a little bit on what I  
13 understood your prefiled testimony to say, that a  
14 smaller company may not be expected to do a formal  
15 request for proposal process? Can you just expand on  
16 that a little bit? Maybe why not. Maybe talk about  
17 some of the costs involved. Or should they be?

18 **A. Honestly I'm not sure. I mean, I know the**  
19 **small companies, they're typically understaffed.**  
20 **They have a lot fewer people to do a lot of things.**  
21 **Again, going back to Ms. Thompson's testimony, I**  
22 **think she -- she talked around to a few people as**  
23 **opposed to just sending out bids to, you know,**  
24 **request for a low bid from somebody unknown. She was**  
25 **getting, you know, personal information from people**

1 who had worked with other companies and other  
2 situations. I thought it was a pretty good use of  
3 resources and trying -- trying to get more  
4 information on -- on who did a good job, you know,  
5 what -- what meters were good.

6 Q. Would you consider the value of those  
7 informal behind-the-scenes conversations more or less  
8 valuable than a formal bid from a company?

9 A. My personal opinion, I would think more  
10 valuable because you're getting actual personal data,  
11 actual, you know, results of what happened. Whereas  
12 just asking for a number, someone can give you a  
13 number, but then they come back and again, add to it  
14 later. Oh, that doesn't include this. Oh, you want  
15 technology. Oh, you need poles. Oh, you need -- you  
16 know. Things that just keep adding to it, so you --  
17 what started off as a low bid may not be the -- the  
18 overall number.

19 JUDGE HATCHER: Okay. I think that wraps  
20 up the Bench questions. As promised, I'll ask once  
21 again for any Commissioner questions. Are there any  
22 Commissioner questions for Mr. Spratt? Hearing none,  
23 that will take us back to recross. We'll start with  
24 the company.

25 MR. COOPER: No questions, your Honor.

1 JUDGE HATCHER: Ms. Martin.

2 RECROSS-EXAMINATION

3 BY MS. MARTIN:

4 Q. So you said that one of the issues with  
5 doing a request for proposal versus doing a -- doing  
6 a word-of-mouth situation is that the number that you  
7 get may not be the number you end up and they could  
8 say, Oh, to add this technology costs more, to add  
9 these features costs more, they could increase the  
10 price arbitrarily, things like that. Is that  
11 correct?

12 A. Yes. That's what I said.

13 Q. Okay. So in this case, Suez said that  
14 they were going to have remote shutoff. Suez  
15 originally had a \$3.8 million number and it is now  
16 four point --

17 MS. ASLIN: Ms. Martin, is there a  
18 question?

19 BY MS. MARTIN:

20 Q. -- four point what have -- what have you.  
21 And there is -- there was a -- oh, and the \$100,000  
22 maintenance fee.

23 Do you remember those three factors that  
24 they added into this purchase?

25 A. Yes.

1 Q. So do you really think that -- does the  
2 evidence presented before you -- you're a data  
3 analyst. Does the data that you are seeing support  
4 your testimony that it is better to do a  
5 word-of-mouth comparison so you can avoid those  
6 three things than to participate in a request for  
7 proposal?

8 A. I think if they'd done a request for  
9 proposal at that time from other companies, all the  
10 numbers would have gone up.

11 Q. And you're saying it's not possible that  
12 they could have gone down by showing that they are  
13 customers and having them compete in the market,  
14 having the AMI companies compete in the market?

15 A. It's hard to say. With the economy the  
16 way it is and inflation, no, I don't think it would  
17 have.

18 Q. So can you provide a basis for your  
19 belief that the -- that the prices would go up if  
20 a request for proposal went out, rather than  
21 down?

22 A. The cost of everything's gone up.

23 Q. So doing a request for proposal, what's  
24 the relationship that has with the prices going up?

25 A. I -- like I said, the cost of everything

1 **has gone up, so I don't know how the RFP's going to**  
2 **make that better or worse.**

3 Q. Okay. So over the -- it -- Ms. Thompson  
4 spoke about how they had been looking at AMI  
5 since 2018, 2019. Do you believe that her method of  
6 going around and speaking to people anecdotally  
7 would -- is better than if she had done a request for  
8 proposal at that time?

9 **A. I think a request for proposal would have**  
10 **been a good idea, but I think what she did was a good**  
11 **way to get good information.**

12 Q. When Ms. Thompson was on the stand, do you  
13 remember how much information she was able to give  
14 about the companies that she requested information  
15 about AMI from?

16 **A. No.**

17 Q. Do you remember her saying how many people  
18 were in the smallest company?

19 **A. She said it was comparable to theirs.**

20 Q. Uh-huh. Do you remember the size that she  
21 said of the smallest, the smallest service size?

22 **A. No.**

23 Q. Could -- do you remember if she was able  
24 to say the general number of customers?

25 **A. I think the only one I remember her saying**

1     **was the Jackson County District No. 2 was comparable**  
2     **in size.**

3           Q.       Okay. Is it possible that the reason  
4     you're not remembering is because she didn't have  
5     that information?

6           A.       **That's very possible, yes.**

7           Q.       Okay. Okay. So what aspects of the  
8     management audit that -- do you believe are not --  
9     the Company is not currently following that would be  
10    beneficial? Or do you think that everything that  
11    they are doing is perfectly fine?

12          A.       **Oh, I think there's always room for**  
13    **improvement.**

14          Q.       Okay. And again, when you did that  
15    inspection, you said that you spent part of a day.  
16    About how long does part of a day entail?

17          A.       **Oh, four or five hours.**

18          Q.       Four or five hours. Okay. And in those  
19    four or five hours you looked over the systems, you  
20    spoke to employees, you spoke to -- is that -- is  
21    that about what you did?

22          A.       **Yes.**

23                   MS. MARTIN: Okay. I have no further  
24    questions.

25                   JUDGE HATCHER: Thank you. Redirect.



1 REDIRECT EXAMINATION

2 BY MS. ASLIN:

3 Q. Mr. Spratt, in your role with Staff, do  
4 you reviews bids, contracts, and RFPs?

5 **A. No, I do not.**

6 Q. Is it possible that Raytown Water Company  
7 or I would say any company could have done a better  
8 job of seeking bids but still made a prudent  
9 investment in the way that Raytown chose to make that  
10 investment?

11 **A. Yes.**

12 Q. Was your investigation in this case  
13 limited to your in-person visit to Raytown's offices?

14 **A. There were other reviews of DNR documents,  
15 company documents.**

16 Q. So the information contained in your  
17 testimony is not just based on your visit to  
18 Raytown's office. Correct?

19 **A. Correct.**

20 Q. Turning to the management audit, is it  
21 your understanding that that case was closed  
22 in 2000?

23 **A. Yes, it is.**

24 Q. And do you know, does Staff still perform  
25 management audits?

1           **A.           No, they do not.**

2           Q.           And what -- to the best of your  
3 understanding, what do you think is the Commission's  
4 current view on managing the business decisions of  
5 the utilities it regulates?

6           **A.           That we're not supposed to be doing it,  
7 that the Company should be managing itself.**

8           MS. ASLIN:   Okay.   Thank you.   No further  
9 questions.

10          JUDGE HATCHER:   Thank you.   Mr. Spratt,  
11 you are excused from the witness stand subject to  
12 recall.   Oh, you're not here tomorrow.

13          MR. SPRATT:   Not here tomorrow.

14          JUDGE HATCHER:   You're excused from the  
15 witness stand.   Thank you, sir.   Staff, call your  
16 next witness.

17          MS. ASLIN:   Staff calls Amanda McMellen.

18          JUDGE HATCHER:   Ms. McMellen, please come  
19 on down.   I understand you'll be adopting the  
20 testimony of Mr. Keith Foster.

21          MS. MCMELLEN:   Correct.

22                         (Witness sworn.)

23                         AMANDA MCMELLEN

24                         The witness, having been first duly sworn,  
25 testified as follows:

1 JUDGE HATCHER: Thank you. Please have a  
2 seat. Your witness.

3 DIRECT EXAMINATION

4 BY MS. ASLIN:

5 Q. Could you please state and spell your name  
6 for the court reporter.

7 A. **It's Amanda McMellen, M-c-M-e-l-l-e-n.**

8 Q. How are you employed and in what capacity?

9 A. **I'm employed by the Missouri Public  
10 Service Commission as a utility regulatory auditing  
11 unit supervisor.**

12 Q. And are you adopting the direct testimony  
13 of Keith Foster marked as Exhibit 101, the rebuttal  
14 testimony of Keith Foster marked as Exhibit 107?

15 A. **Correct.**

16 Q. Do you have any corrections that you would  
17 make to that testimony?

18 A. **I do not.**

19 Q. And I assume you've reviewed that  
20 testimony?

21 A. **I have.**

22 Q. Correct? If I were to ask you the  
23 questions contained in that testimony, would your  
24 answers be the same or substantially similar?

25 A. **Correct.**

1 Q. And is the information contained in that  
2 testimony true and correct to the best of your  
3 knowledge and belief?

4 A. It is.

5 MS. ASLIN: I would move for the admission  
6 of Staff Exhibit 101 and Staff Exhibit 107 and tender  
7 the witness for cross.

8 JUDGE HATCHER: You've heard the motion.  
9 I'm going to combine the questions. Are there any  
10 objections to the admission of Exhibit 101 or 107?  
11 Hearing none, it is admitted.

12 (Staff Exhibits 101 and 107 were admitted  
13 and made a part of this record.)

14 JUDGE HATCHER: Go ahead. Witness has  
15 been tendered. Company has cross. Mr. Cooper.

16 MR. COOPER: No questions, your Honor.

17 JUDGE HATCHER: Ms. Martin.

18 MS. MARTIN: No questions.

19 JUDGE HATCHER: Thank you. We'll go to  
20 Bench and Commissioner questions. Are there any  
21 Commissioner questions for Ms. McMellen standing in  
22 for Mr. Foster? And as my practice has been today, I  
23 will ask that again at the end. The Bench does have  
24 a few questions.

25 QUESTIONS

1 BY JUDGE HATCHER:

2 Q. Ms. McMellen, would you -- would you  
3 explain why and how Staff would normalize an expense  
4 for an inclusion into a rate case?

5 A. Normalizing is looking at expense over an  
6 amount of time. And if there's fluctuations, then we  
7 would normalize those out.

8 Q. By normalizing do you mean averaging?

9 A. Basically.

10 Q. Would you please give me an example of  
11 when a cost would be amortized and how that  
12 calculation would be made?

13 A. Excuse me. Amortization would be such as  
14 like a depreciation where it's taken over a period of  
15 time at a certain expense.

16 Q. Does amortization mean that the repayment  
17 will conclude at some point in time?

18 A. Yes. And then amortizations can be  
19 tracked for either an over or an under-recovery where  
20 normalizations are -- are not tracked.

21 Q. Does Staff consider remaining  
22 amortization balances in future rate cases to attempt  
23 to prevent over or under-recovery?

24 A. Yes. We do look at those in future rate  
25 cases.

1 Q. And how do you do that?

2 A. If they're tracked, then they will look at  
3 them in the next rate case and see where the level  
4 was built in at and what was built into rates and  
5 then look and see if the Company is over or over --  
6 over or under-recovered and adjust that possibly in  
7 the next rate case.

8 Q. Would you explain to me why that look back  
9 is not, or if it is, engaging in retroactive  
10 ratemaking?

11 A. I'm sorry, could you read the question?

12 Q. I kind of made it up as I was going along.  
13 What is your understanding of the term  
14 "retroactive ratemaking" and why is it prohibited?

15 A. Because it doesn't look at the whole  
16 matching principle of any cycle there's a revenue, an  
17 expense, an investment. So if you're reaching back,  
18 then you're not looking at that at all in the same  
19 time period.

20 Q. Would an accounting authority order  
21 approved by the Commission allowing a utility to  
22 track actual expenses be an exception to retroactive  
23 ratemaking?

24 A. I believe so.

25 Q. Do you have a copy of Staff's accounting

1 schedule with Mr. Foster's direct?

2 **A. I do.**

3 Q. The accounting schedule headings --

4 **A. Uh-huh.**

5 Q. -- all state, Updated through  
6 June 30th, 2023.

7 Do Staff's adjustments capture changes  
8 through June 30th, 2023, or just to the end of the  
9 test year?

10 **A. They make -- we did our true-up, and  
11 adjustments were made through June 30th, 2023.**

12 Q. Income statement schedule 9. That's  
13 schedule KDF-D3.

14 **A. Okay. I'm there.**

15 Q. For the record, I'm looking at page 15  
16 of 25. That has 13 columns.

17 **A. Correct.**

18 Q. My -- A through M. My question is what do  
19 the adjustments in column E represent?

20 **A. In column E those are not adjustments.  
21 Those are the split-out of labor and nonlabor of the  
22 test year.**

23 Q. Okay. And same schedule, columns I  
24 through M. They're identified as jurisdictional.  
25 Since Raytown only serves Missouri customers, what

1 does jurisdictional refer to?

2 **A. We typically use this revenue requirement**  
3 **model for larger companies. So it's a hundred**  
4 **percent for the smaller companies.**

5 Q. So for the record, you're saying that  
6 Staff starts from a template and then fills in the  
7 details, the template being for all rate cases which  
8 tend to be non-Staff assisted which would have, in  
9 those companies, split jurisdictions?

10 **A. Correct.**

11 Q. I'm sorry. I got all wrapped up and I  
12 thought I needed to make that clear.

13 Same schedule, account 673 has the  
14 amount of \$410,770 in column E and an amount  
15 of \$411,000 -- \$411,370 in column M. Which amount is  
16 included in Staff's revenue requirement?

17 **A. I believe, and Angela Niemeier can give**  
18 **you more details on that specific account, but I**  
19 **believe it is 411.**

20 JUDGE HATCHER: Thank you. I do not  
21 believe I have any further questions, but we will, as  
22 promised, ask Commissioners once again if they have  
23 any questions. Are there any Commissioner questions  
24 for Ms. McMellen standing in for Mr. Foster? All  
25 right. Hearing none, that will take us to recross.



1 Staff's witness goes to the Company. Mr. Cooper.

2 MR. COOPER: Thank you, your Honor.

3 RECROSS-EXAMINATION

4 BY MR. COOPER:

5 Q. There was some discussion about  
6 amortization, normalization, kind of the differences  
7 between the two. And just kind of to finish that  
8 thought out I guess, amortization, the way you  
9 describe it, the way I understand is essentially a  
10 dollar-for-dollar recovery of that expense. Right?

11 A. Correct.

12 Q. And commonly, if not always, when  
13 amortization is going to be used, would you agree  
14 that the Commission's order would direct that sort of  
15 on the front side?

16 A. Yes, I believe so.

17 Q. And the Company then takes some steps in  
18 regard to that amortization. They have to set up an  
19 account to track -- to track that so that you know in  
20 the next rate case whether they're over or under.  
21 Correct?

22 A. Correct.

23 Q. On the other hand, normalization, it's  
24 based on a certain number of years, but ultimately  
25 it -- to establish how much is going to go into the

1 revenue requirement I believe. Is that correct?

2 **A. Correct.**

3 Q. But at the end of it, nobody cares. The  
4 Company could be ahead, the Company could be behind,  
5 but kind of what we talk about sometimes as  
6 regulatory lag. Right?

7 **A. Correct, and it's not tracked.**

8 MR. COOPER: Yeah. And -- okay. I think  
9 that's all I have. Thank you, your Honor.

10 JUDGE HATCHER: Thank you. Ms. Martin.

11 MS. MARTIN: I think I am okay for now.  
12 Yeah, no questions.

13 JUDGE HATCHER: Okay. I was going to  
14 say, there's no for now. Thank you, Ms. Martin.  
15 That'll take us back to recross [sic].

16 REDIRECT-EXAMINATION

17 BY MS. ASLIN:

18 Q. Ms. McMellen, Judge Hatcher was asking you  
19 about accounting schedule 9. Do you have that --

20 **A. Yeah.**

21 Q. -- still in front of you?

22 **A. Just a second. Yes.**

23 Q. Would you agree that the total amount in  
24 account 673 is located in column -- in column K?

25 **A. Yes. I thought he was referring strictly**

1 to the nonlabor piece, which is at issue in the case.

2 MS. ASLIN: Just a moment. No more  
3 questions.

4 JUDGE HATCHER: Thank you. Ms. McMellen,  
5 you are excused subject to recall as we do.

6 MS. MCMELLEN: Okay.

7 JUDGE HATCHER: Staff, call your next  
8 witness.

9 MS. ASLIN: Staff calls Daronn Williams.

10 JUDGE HATCHER: Mr. Williams, come on  
11 down. I -- while Mr. Williams is making his way, I'm  
12 just going to state for the record it is 4:17  
13 currently and we look almost halfway-ish through our  
14 entire witness list. So I am thinking likely  
15 adjourning 5:00-ish, however it naturally falls with  
16 the end of a witness. But I'm not expecting to go  
17 late tonight, but my tone is supposed to imply that  
18 attorneys are free to say that they would like to and  
19 then we'll go from there. But my thought is, you  
20 know, 5:00-ish, whenever we kind of wrap up.

21 MR. COOPER: Judge, while you're  
22 mentioning that, is it possible to start early --  
23 earlier than 10:00 tomorrow?

24 JUDGE HATCHER: I haven't figured that  
25 out. I haven't figured out how to do that on the

1 front end of my scheduling because we now include the  
2 Webex with the scheduling and that has really messed  
3 me up. Boy, that's a little bit of behind-the-scenes  
4 baseball. Yes, we can. Nine o'clock?

5 MR. COOPER: That's what I had in mind to  
6 buy us a little bit more time.

7 JUDGE HATCHER: I really like that idea.  
8 Here's my problem. And I'm just stating this out  
9 loud because somebody will find my office in the  
10 next 48 hours. Well, it's the weekend, so next week.  
11 But I'm trying to figure out how to have a ten  
12 o'clock start time for the first date, because I have  
13 commissioners that drive. So I need to be able to do  
14 that and then have the second date with a second time  
15 start and that -- I have an email, and it will be  
16 updated to nine o'clock. Thank you. Thank you.

17 MR. COOPER: That's pretty amazing.

18 JUDGE HATCHER: Yeah. It's awesome.  
19 Thank you all for listening upstairs.

20 Mr. Williams, please raise your right  
21 hand.

22 (Witness sworn.)

23 DARONN WILLIAMS

24 The witness, having been first duly sworn,  
25 testified as follows:

1 JUDGE HATCHER: Thank you, sir. Please  
2 have a seat. Staff, your witness.

3 DIRECT EXAMINATION

4 BY MS. ASLIN:

5 Q. Could you please state and spell your name  
6 for the court reporter.

7 A. Sure. My name is Daronn Williams,  
8 **D-a-r-o-n-n, Williams, W-i-l-l-i-a-m-s.**

9 Q. How are you employed and in what capacity?

10 A. I am an associate engineer in the Water,  
11 Sewer and Steam Department.

12 Q. And did you prepare or cause to be  
13 prepared direct testimony marked as Exhibit 105,  
14 rebuttal testimony marked as Exhibit 112, and  
15 surrebuttal testimony marked as Exhibit 117?

16 A. Yes.

17 Q. And do you have any corrections to make to  
18 any of your testimony?

19 A. Yes, I have one small correction.

20 Q. Okay. Go ahead.

21 A. To my re -- to my direct testimony page 7,  
22 line 9 I refer to my direct testimony as rebuttal  
23 testimony, and that should just be direct.

24 Q. And with that change in mind if I were to  
25 ask you the same questions contained in your

1 testimony today, would your answers be the same?

2 **A. Yes.**

3 Q. And is the information contained in your  
4 testimony true and correct to the best of your  
5 knowledge and belief?

6 **A. Yes.**

7 MS. ASLIN: I would move for the admission  
8 of Staff Exhibit 105, 112, and 117 and tender  
9 Mr. Williams for cross.

10 JUDGE HATCHER: You've heard the motion  
11 by Staff. I'm not going to repeat the numbers and  
12 I'll combine them all into one question. Are there  
13 any objections to any of those exhibits being  
14 admitted? Hearing no objection, they are so  
15 admitted.

16 (Staff Exhibits 105, 112, and 117 were  
17 admitted and made a part of this record.)

18 JUDGE HATCHER: The witness has been  
19 tendered. Staff witness, we go to the Company.  
20 Mr. Cooper.

21 MR. COOPER: No questions.

22 JUDGE HATCHER: Ms. Martin.

23 CROSS-EXAMINATION

24 BY MS. MARTIN:

25 Q. It's on. Okay. I can never tell.

1                   So in your testimony that I don't -- that  
2 I had noted --

3           **A.       If I may, are you referring to direct,**  
4 **rebuttal --**

5           Q.       That is --

6           **A.       -- surrebuttal?**

7           **A.       -- what I'm trying to figure out right**  
8 **now.**

9           **A.       Okay.**

10          Q.       Let's find out. I don't have it. Okay.  
11 I believe this was rebuttal testimony. So from  
12 page 3, line 24 to page 4, line 1 you state that the  
13 Water, Steam -- Water, Sewer and Steam Department did  
14 not need to discuss water loss, system leaks, or the  
15 skewed data regarding Raytown's water purchase versus  
16 water sold because the Auditing Department already  
17 did it. And that the Water Sewer -- or Water --  
18 Water, Sewer and Steam Department did not need to do  
19 any investigation in this case.

20                   So that means that the Water, Sewer and  
21 Steam Department did not do any investigation in this  
22 case. Correct?

23          **A.       I would not say that.**

24          Q.       What investigation did the Water, Sewer  
25 and Steam Department do?

1           A.           We did an on-site investigation on -- in  
2 April of this year, April 26, 2023, where we, as  
3 Mr. Spratt shared earlier, stated earlier that we  
4 reviewed the infrastructure, checked out the water  
5 towers, and saw that they were replacing their  
6 meters, different items along those lines. And we  
7 also reviewed data requests from the Company and also  
8 data request that was requested from OPC in our  
9 overall investigation.

10           Q.           Okay. On page 4, line 2 of your rebuttal  
11 testimony, you say that you do not know what  
12 Mr. Robinett is referring to when he discusses  
13 excessive system leaks.

14                       Is it Staff's stance, testimony here today  
15 that they are unaware of the -- of there being any  
16 excessive system leak problems with Raytown's  
17 distribution system?

18           A.           I would say Ms. Thompson in her testimony,  
19 I believe her rebuttal maybe and it was discussed  
20 today that -- that they had con -- that the main  
21 breaks were increasing year by year. So I'm assuming  
22 that's what -- that's what Mr. Robinett, excuse me,  
23 was referring to. In his direct testimony I don't  
24 believe he -- he states where the excessive -- he  
25 doesn't give any background for the excessive



1 system -- system leaks. And so at the time of  
2 writing the rebuttal, I wasn't sure of that source.

3 Q. Okay. On page 4, line 4 of your rebuttal  
4 testimony you say that the amount of lost non -- and  
5 it says the amount of this or something, but the  
6 amount of lost non-revenue water is not known at this  
7 time.

8 Therefore, do you have any -- that means  
9 that the Water, Sewer and Steam Department did not  
10 have any data regarding -- any reliable data  
11 regarding the water loss amount that this Company was  
12 facing at that time. Correct?

13 A. Yes.

14 Q. And that's because the meters were  
15 causing -- were slow and were causing the Company to  
16 sell more water than it purchased for 14 months.  
17 Correct?

18 A. Correct.

19 Q. Okay. So you said in your rebuttal  
20 testimony that the -- that Mr. Robinett's concern  
21 that the data relating to the water meters from the  
22 City of Kansas City and Raytown was unreliable. You  
23 said that it's no longer an issue because the meters  
24 were replaced.

25 Do the meters be -- does your testimony --

1 is your testimony today that the meters being  
2 replaced negates the unreliable nature of the water  
3 loss data prior to this point?

4 **A. No. I would say -- I mean, can you repeat**  
5 **the question again?**

6 Q. Yeah. So you said in your rebuttal that  
7 Mr. Robinett had been -- had said that the --  
8 Mr. Robinett's concern about the unreliable nature of  
9 the data from the City of Kansas City's meters to  
10 Raytown's meters was unreliable. You said that that  
11 had been fixed because the meter had been fixed. Do  
12 you stand by that testimony today?

13 **A. I would not say that installing new**  
14 **meters -- installing new meters does not erase what**  
15 **happened in the past. All I was -- my point was that**  
16 **with the new meters, with the new master meters and**  
17 **the new AMI meters at the residents' homes, we would**  
18 **have accurate data moving forward, so. So in the**  
19 **future we would be able to have a more accurate**  
20 **number for water loss.**

21 Q. Sure. And what is the water loss number  
22 that Staff found for this case?

23 **A. Well, it's my understanding because of the**  
24 **flawed data that Staff relied on water loss of 12.04**  
25 **percent from the 2020 case, and that was calculated**

1 **by our Auditing Department.**

2 Q. Okay. So you're telling me that you  
3 believe that the data from this case is incorrect.  
4 You -- it's unreliable, excuse me. That you  
5 cannot -- we cannot fix that -- the fact that this  
6 data that Staff is presenting to the Commission to  
7 support their O&M expense relates to water loss. It  
8 is one from an old case. It's not related to this  
9 case. And you want the Company to increase O&M  
10 expense by over 200 percent using old data?

11 A. Well, I would not -- my focus isn't on  
12 trying to pinpoint a water loss percentage. The fact  
13 that there has been increasingly more and more main  
14 breaks and leaks on the Company's mains, that shows a  
15 need for more and more O&M costs.

16 Q. On page 7, lines 15 and 16 of your  
17 rebuttal testimony you state that the high O&M  
18 expense is based on the Company's response to  
19 actively fixing water leaks and reducing water loss.

20 During your testimony you did not present  
21 any objective or empirical evidence to support this  
22 assertion, did you?

23 A. I did not -- I did not write that -- I --  
24 no. But that information was -- was gathered by  
25 Ms. Thompson's testimony and also information that we

1 **learned about during the site visit.**

2 Q. So the -- so you used the testimony of the  
3 Company to support a 232 percent increase in O&M  
4 expense?

5 **A. I used the information that I had at the  
6 time, yes.**

7 Q. Is it your view that testimony from a  
8 utility should be the foundation upon which to  
9 increase rates by over a million dollars?

10 **A. I -- I took the Company at their word --  
11 at their word, you know. So I mean, it wasn't just  
12 solely on what they had to share. We also -- again,  
13 we also looked at -- we also had data requests and  
14 looked at -- looked at information that was -- that  
15 was available throughout EFIS.**

16 Q. Okay. But you had no objective data  
17 regarding the water loss amount due to the issue with  
18 the meters?

19 **A. Did I have any empirical data?**

20 Q. Objective data.

21 **A. Objective data. No, I did not have any  
22 hard numbers.**

23 MS. MARTIN: Okay. I -- let me see. I  
24 believe I am finished. Thank you.

25 JUDGE HATCHER: Thank you. That'll take

1 us to Commissioner and Bench questions. Are there  
2 any Commissioner questions for Mr. Williams? The  
3 Bench does have just a couple, and again I'll ask  
4 Commissioners when I finish with these.

5 QUESTIONS

6 BY JUDGE HATCHER:

7 Q. These are the same questions that I asked  
8 Mr. Spratt earlier. Did Staff review the contract  
9 with USG for the meters and maintenance program?

10 **A. No.**

11 Q. And I want to talk about that cost  
12 comparison. I asked Mr. Spratt. The disposition  
13 agreement in this case stated that the AMI meters  
14 were -- installation costs were \$568, rounded. Do  
15 you know how that cost compares to Missouri American  
16 or Confluence?

17 **A. I do not, but I would like to share that**  
18 **that's, at the 568 is just an average cost of all**  
19 **sizes. So of course the smaller -- smaller meters,**  
20 **it would be expected that they would be a little**  
21 **cheaper. And the bigger -- bigger meters would be**  
22 **more expensive.**

23 Q. And Mr. Noel's surrebuttal, his prefiled  
24 surrebuttal discussed the cost meters increasing.  
25 This is my last question. Do you have an opinion on

1 that increase?

2 **A.** It is not a surprise. As we know, as we  
3 all know, everything from gas, food, whatever, it  
4 has -- has went up from, you know, the last three  
5 years or so. So with -- with labor costs and  
6 materials costs increasing, it's no surprise that  
7 meters are more expensive than what they thought they  
8 would be in 2020 and 2021.

9 JUDGE HATCHER: Thank you. As promised,  
10 I'll ask once again, are there any Commissioner  
11 questions for Mr. Williams? Hearing none we'll go  
12 back to recross. Mr. Cooper.

13 MR. COOPER: No questions.

14 JUDGE HATCHER: Ms. Martin.

15 MS. MARTIN: No questions.

16 JUDGE HATCHER: Redirect.

17 REDIRECT EXAMINATION

18 BY MS. ASLIN:

19 Q. Mr. Williams, is it common for Staff to  
20 rely on the knowledge, analysis, and investigation  
21 findings of other staff members?

22 **A. Yes.**

23 Q. Would you say that's particularly true  
24 with dealing with staff members from different  
25 departments who may have different areas of

1 expertise?

2 **A. Yes.**

3 Q. Did Staff use actual data from a past rate  
4 case to determine water loss for this case?

5 **A. Yes.**

6 Q. Would you say that the water loss data  
7 associated with the test year in this case is an  
8 anomaly due to the faulty Kansas City meters?

9 **A. Yes.**

10 Q. So Staff was using the best actual data  
11 that was available to it in this case. Would you  
12 agree?

13 **A. Yes. I would agree with that.**

14 Q. And is it your understanding that  
15 once OPC filed the request for hearing in this case,  
16 the nonunanimous agreement between Staff and Raytown  
17 became a joint position. Correct?

18 **A. Yes.**

19 Q. So, therefore, it would make sense that  
20 our testimony would align with the Company testimony.  
21 Correct?

22 **A. Yes.**

23 Q. Does Staff have any reason to question the  
24 information provided by Raytown Water over the course  
25 of this case?

1           **A.       No.**

2           Q.       If Staff did have concerns in this case or  
3 in any case about the information that the Company  
4 provided, would Staff investigate further to verify  
5 that information?

6           **A.       Yes.**

7           MS. ASLIN: Thank you. No further  
8 questions.

9           JUDGE HATCHER: Thank you. Mr. Williams,  
10 you are excused subject to recall as we do.

11           It's 4:37. We do seem to be rolling  
12 along. Staff, let's go ahead and call --

13           MS. ASLIN: So, Judge, I would say Angela  
14 Niemeier is who is next on the list, but I would  
15 anticipate that she will take much longer.

16           JUDGE HATCHER: I was just looking at  
17 that too.

18           MS. ASLIN: Yeah. Maybe Melanie Clark  
19 would be a better --

20           JUDGE HATCHER: I'm good with that. I'll  
21 take objections from any counsel. Melanie Clark it  
22 is. Ms. Clark. Please raise your right hand.

23           (Witness sworn.)

24                           MELANIE CLARK

25           The witness, having been first duly sworn,



1 testified as follows:

2 JUDGE HATCHER: Thank you. Please have a  
3 seat. Your witness.

4 DIRECT EXAMINATION

5 BY MS. ASLIN:

6 Q. Could you please state and spell your name  
7 for the court reporter.

8 A. **Melanie Clark, M-e-l-a-n-i-e C-l-a-r-k.**

9 Q. And how are you employed and in what  
10 capacity?

11 A. **I am a lead senior utility regulatory**  
12 **auditor in the Water and Sewer and Steam Department**  
13 **of the Public Service Commission of Missouri.**

14 Q. And did you prepare or cause to be  
15 prepared direct testimony marked as Exhibit 100 and  
16 rebuttal testimony marked as Exhibit 106?

17 A. **I did.**

18 Q. Do you have any changes to make to that  
19 testimony?

20 A. **I do have a few.**

21 Q. Okay.

22 A. **A typo -- typo, grammatical error and then**  
23 **a find-and-replace oversight. Beginning on page 1,**  
24 **line 20 it should say, According to Dr. Marke, comma.**  
25 **Not possessive as it has an apostrophe S at the end.**

1 Page 2, line 16 should say City of Raytown instead of  
2 City of RWC. That would be a find-and-replace issue.  
3 Page 3, on line 9, it's grammatical. It should say,  
4 For the loss of revenue currently generated instead  
5 of current generated. Page 3, line 14, another  
6 find-and-replace mistake. It should say, The poverty  
7 level is only 8.7 percent in the City of Raytown,  
8 versus City of RWC. Also on page 3, line 16, it  
9 should say, In the city of Raytown than in other  
10 cities, versus in the City of RWC. And then finally  
11 line 17, Less of a burden in the City of Raytown  
12 versus City of RWC.

13 Q. And with those changes in mind, if I were  
14 to ask you the same questions contained in your  
15 testimony today, would your answers be the same?

16 A. Yes.

17 Q. And is the information contained in your  
18 testimony true and correct to the best of your  
19 knowledge and belief?

20 A. It is.

21 MS. ASLIN: I would move for the admission  
22 of Staff Exhibits 100 and 106 and tender the witness  
23 for cross.

24 JUDGE HATCHER: Thank you. Are there any  
25 objections to the admission of Exhibit 100 and 106?

1 Hearing none --

2 MS. MARTIN: No.

3 JUDGE HATCHER: Hearing none, they are  
4 admitted.

5 (Staff Exhibits 100 and 106 were admitted  
6 and made a part of this record.)

7 JUDGE HATCHER: Before we move on,  
8 Ms. Aslin, I'm going to give you some homework, I'm  
9 sorry. Would you please provide an errata sheet for  
10 Ms. Clark's testimony?

11 MS. ASLIN: Yes.

12 JUDGE HATCHER: I wasn't particularly  
13 confused by it; I thought they were great. I just  
14 want to make sure that nobody quotes one  
15 inadvertently. So what I plan to do is, same  
16 deadline as Mr. Cooper, a week from tomorrow. And I  
17 will be issuing a notice of orders given, whatever  
18 they're called so that we can all remember. But I  
19 wrote it down. So I've got two errata sheets coming.  
20 Okay. Sorry. Where were we. Witness is tendered.  
21 Staff witness goes to the Company. Mr. Cooper.

22 MR. COOPER: No questions.

23 JUDGE HATCHER: Thank you. Ms. Martin.

24 CROSS-EXAMINATION

25 BY MS. MARTIN:

1 Q. Hello.

2 **A. Hi.**

3 Q. I have a handout.

4 You want to pass it out? And give me one  
5 so I can -- okay. I'm going to give you -- I don't  
6 know why -- I just -- I didn't even touch the desk.  
7 Okay.

8 So I'm going to -- yeah. So I just have a  
9 couple of questions, mostly related to I think your  
10 rebuttal testimony. Apparently you don't get one.  
11 I'll give you one.

12 MR. POSTON: Sorry.

13 MS. MARTIN: The person I needed to have  
14 it first.

15 BY MS. MARTIN:

16 Q. Okay. Sorry. Ms. Clark, do you recognize  
17 that document in front of you?

18 **A. It -- it says DR 0007, so it --**

19 Q. And -- well, can you read what the rate  
20 case is listed as?

21 **A. It says 2023-0344.**

22 Q. Okay. So this is part of the Company's  
23 response to Staff DR 0007. I didn't know if that's  
24 before or not. Do you see what the -- can you -- can  
25 you tell me what the -- what the table purports to

1 show?

2 **A. What was the DR question?**

3 Q. It -- it was about revenues. So this  
4 is -- but all you really need is you need to read  
5 kind of what the two sections in each year are. So  
6 they have 2019, 2020, 2021, 2022, 2023, the  
7 underneath.

8 **A. So for each year, one column is number of**  
9 **delinquent bills. The other column says Late Fees.**

10 Q. Okay. And from what you can tell, are  
11 there any instances where the number of delinquent  
12 bills is under 1,000 during these three years?

13 **A. It does not appear so.**

14 Q. Okay. I don't know if -- she doesn't seem  
15 to recognize it.

16 Can I still admit this as an exhibit?  
17 It's -- it was the Company's response to OP -- to OP,  
18 goodness -- to PSC's DR 0007.

19 JUDGE HATCHER: I'm with you and let's  
20 unravel a bit. I'm not concerned if she recognizes  
21 it. You are because of foundation?

22 MS. MARTIN: Yeah.

23 JUDGE HATCHER: However, I can skip that  
24 and just ask for objections. And before I do that, I  
25 am very hesitant to admit this without the

1 question --

2 MS. MARTIN: Yeah.

3 JUDGE HATCHER: -- of DR 0007.

4 Is that --

5 MS. MARTIN: I can -- I can bring -- I  
6 can get that to everybody. It's -- I think it's  
7 about -- it's regarding revenues. And there are  
8 other -- three other charts regarding revenues.  
9 It's -- I think the -- I believe the question was  
10 something along the lines of, What are the sources of  
11 revenue.

12 JUDGE HATCHER: I don't -- I'm not  
13 concerned at all with the substance. I need the  
14 paperwork here.

15 MS. MARTIN: Right. So I will -- and I  
16 am sorry; I should have printed out more than just  
17 this document or this portion of that DR. That was  
18 my mistake. So I can also not. We don't necessarily  
19 have to enter the exhibit; we could just -- she could  
20 look at it.

21 JUDGE HATCHER: I'm inclined to ask that  
22 this be filed with its complete paperwork either  
23 tomorrow or as a late-filed exhibit and then we will  
24 officially take objections and deal with it then.  
25 For purposes of Ms. Martin's questioning of the

1 witness, I think that would be fine on this right  
2 now.

3 MR. COOPER: I'm okay with that, your  
4 Honor. I would appreciate a chance to look at all of  
5 it I think before I have to decide whether it's an  
6 objection -- we have an objection or not. Likely we  
7 won't is my first gut feeling, but I just feel like I  
8 need to look at it first, so.

9 JUDGE HATCHER: While I'm thinking of it,  
10 one last loose end. Ms. Clark, are you going to be  
11 here tomorrow?

12 MS. CLARK: Yes.

13 JUDGE HATCHER: Okay.

14 MS. CLARK: Yes.

15 JUDGE HATCHER: Would you be available  
16 subject to recall, that kind of good stuff?

17 MS. CLARK: Yes.

18 JUDGE HATCHER: Okay. Okay. Go ahead.

19 MS. MARTIN: I'm sorry I'm causing  
20 problems.

21 JUDGE HATCHER: No, no. You're fine.  
22 You're fine. What number are we on for OPC?

23 MS. MARTIN: We are 214 because we  
24 were 214 but then that got undone.

25 JUDGE HATCHER: Okay. 214 not yet

1 admitted has been marked. Go ahead with your  
2 questions, Ms. Martin.

3 MS. MARTIN: Okay. Thank you.

4 BY MS. MARTIN:

5 Q. So in -- on this document you've -- they  
6 have the monthly number of delinquent bills and the  
7 late fees that resulted. Do you see that on the --

8 A. I --

9 Q. -- chart?

10 A. **That does appear to be what that is, yes.**

11 Q. So I'm not -- I'm not going to make you  
12 do math. I don't like math. I don't -- I didn't  
13 do my -- but could you maybe, just taking a glance  
14 at the numbers, do you think that they would be  
15 over one-sixth of the customer base? Because  
16 they're -- or customer connection? So there's 6,541.

17 A. **So 6,000 divided by 6 would be a thousand**  
18 **and there would be more than a thousand it seems**  
19 **every month.**

20 Q. Okay. Awesome. Do you -- do you support  
21 Ms. Thompson's testimony that late fees cause people  
22 to pay their bills on time? Result in people paying  
23 their water bills on time?

24 A. **I do believe late fees are a deterrent**  
25 **to -- yes.**



1 Q. Do you have empirical data to support your  
2 assertion?

3 **A. Can you define empirical?**

4 Q. Empirical is a -- it's like objective,  
5 numerical. It's basically do you have data that is  
6 not just anecdotal that says late fees actually --

7 **A. I believe that's intuitive.**

8 Q. Okay. So, but you do not have empirical  
9 data or objective data or you don't have data to  
10 support your assertion?

11 **A. Not by your definition, no.**

12 Q. Okay. So you state in your rebuttal  
13 testimony that -- and I don't know where; I just know  
14 you say it at some point. You -- okay. I believe  
15 this is it. No, that's not.

16 So I do believe there is a point that I  
17 cannot find where you discuss the fact that the late  
18 fees are a source of revenue for this company. But I  
19 can't find that. Do you agree with that -- do you  
20 agree with the -- with the belief that late fees for  
21 this company are a source of revenue?

22 **A. Yes. Late fees are a source of revenue.**

23 Q. And do you think that late fees being a  
24 source of revenue is a benefit to the base -- to the  
25 customer service area because it is decreasing their

1 water bills?

2 **A. Can you repeat that?**

3 Q. Yes. So would you say that you believe  
4 that having the revenues from these late fees does  
5 benefit the customer base because it decreases all of  
6 their water bills as a source of revenue?

7 **A. Yes.**

8 Q. Okay. So do you believe that individuals  
9 who are indigent or unable to pay their water bills  
10 in a timely fashion should be subsidizing the utility  
11 payment for Raytown customers who are able to pay  
12 their bills on time?

13 **A. Did you say indigent?**

14 Q. Sorry. Indigent.

15 **A. I don't know what that means.**

16 Q. Sorry. So low income. How about -- so do  
17 you believe that it is appropriate for low-income  
18 individuals, customers of Raytown Water Company to  
19 pay a fee and, in effect, subsidize the other  
20 customers of Raytown Water Company because they  
21 cannot pay their bills in a timely fashion?

22 **A. I don't believe that's what's happening.**

23 Q. How's that not what's happening?

24 **A. Just because you're low income doesn't**  
25 **mean you're paying your bill late.**

1 Q. Right. But if someone is paying their  
2 late or not in a timely fashion, perhaps because they  
3 aren't able to, right, they are getting penalized by  
4 this late fee. Just as -- just as --

5 **A. What's the question?**

6 Q. So just as someone who is in a higher  
7 income bracket, someone in a lower income bracket who  
8 may not be able to pay their water bill on time would  
9 not be able to -- or would be charged this late fee.  
10 Correct?

11 **A. I'm sorry, can you -- I don't understand**  
12 **what you're asking.**

13 Q. Okay. Do you believe it's appropriate for  
14 individuals who may not be able to pay their water  
15 bill in a timely manner for whatever reason be  
16 penalized and that penalty subsidize the rest of the  
17 utility's customer base to make their bills cheaper?

18 **A. I believe that late customers should be**  
19 **subject to a late fee versus an entire customer base**  
20 **having their base rates increased to make up for the**  
21 **revenues that the late payers cause.**

22 Q. So are people who are paying their bills  
23 in a timely fashion in -- other than losing the  
24 revenues from the late fees, do they earn any benefit  
25 from the late fees placed on the individuals who are

1 paying their water bill in an untimely fashion?

2 **A. Yes.**

3 Q. What is that benefit, besides the minute  
4 amount that their rates will decrease?

5 **A. I believe late fees are incorporated with**  
6 **the cost of service which boils down to the rate**  
7 **design. So because late fee revenues decrease the**  
8 **amount of revenue change that goes into increasing**  
9 **rates for the Company, they get lower rates if we**  
10 **include those revenues.**

11 Q. And your opinion is the same both of the  
12 effectiveness of late fees and the appropriateness of  
13 late fees knowing that at least one-sixth and when --  
14 I've already done the math and I'm not going to bore  
15 you with it here -- it looks like it's more like a  
16 third of customers in Raytown's water system are not  
17 able to pay their water bill on a timely basis.

18 **A. You say are not able. I don't --**

19 Q. Or are not -- are not able or willing.

20 **A. Okay. So can you repeat that then.**

21 Q. So --

22 **A. Please.**

23 Q. -- is it a benefit -- so a third of --  
24 effectively a third of this rate base is decreasing  
25 rates for the other two-thirds of the rate base.

1 Do you believe that it is appropriate for  
2 individuals who may not be able to pay for water, who  
3 may have other reasons that they don't pay their  
4 water bill in a timely fashion, subsidize the other  
5 two-thirds of this rate base or this customer base?

6 **A. Again, I would say that late payers should**  
7 **be subject to a late fee so that the entire customer**  
8 **base does not have to have their rates increased any**  
9 **more.**

10 Q. Okay. And knowing that over the past four  
11 years these late fees have affected approximately a  
12 third, but I'll say a sixth to a third of ratepayers,  
13 do you still believe that --

14 MS. ASLIN: Objection. I think Ms. Martin  
15 has asked this question multiple times and Ms. Clark  
16 has answered.

17 MS. MARTIN: I was -- I was asking  
18 actually a different question. I was asking whether  
19 the empirical data that we are looking at here  
20 supports her assertion that late fees cause  
21 individuals to pay their bill on time. Or make --

22 JUDGE HATCHER: So, Ms. Clark, do you  
23 think that late fees make people pay their bill on  
24 time?

25 BY MS. MARTIN:

1 Q. Sorry. Does the -- with the empirical  
2 data of the response to DR 7 --

3 JUDGE HATCHER: I think this might be a  
4 good time to take a break because we don't have all  
5 of DR 7.

6 MS. MARTIN: Yeah, that's fair.

7 JUDGE HATCHER: We don't know what it's  
8 talking about. We do seem to be plowing the same  
9 ground --

10 MS. MARTIN: Okay. That's fine.

11 JUDGE HATCHER: -- a couple times.

12 And it's 5:00.

13 MS. MARTIN: Oh, shoot.

14 JUDGE HATCHER: So it seems that the  
15 universe is telling us to go ahead and adjourn for  
16 the evening. Let me walk that back.

17 Ms. Martin, are you close -- are you  
18 within a question or two --

19 MS. MARTIN: I think if --

20 JUDGE HATCHER: -- of finishing your  
21 cross-examination?

22 MS. MARTIN: Honestly if you believe  
23 that --

24 JUDGE HATCHER: Ms. Martin, I need a yes  
25 or no.

1 MS. MARTIN: That's fine. I am finished.

2 JUDGE HATCHER: That's not a yes or no.

3 MS. MARTIN: I'm finished. I'm finished.

4 JUDGE HATCHER: Okay.

5 MS. MARTIN: Sorry.

6 JUDGE HATCHER: Then we will not adjourn.

7 Are you finished with your cross?

8 MS. MARTIN: Yes. That's what I meant.

9 JUDGE HATCHER: I do not want to pressure  
10 you. I'm happy to adjourn. You can come back to the  
11 witness tomorrow.

12 MS. MARTIN: No, that's okay. We -- I  
13 am -- I have no further questions. It was mostly  
14 about the late fees.

15 JUDGE HATCHER: Okay. Ms. Clark has said  
16 that she will be here tomorrow so just in case, we  
17 have that as a backup.

18 We are going to go on to Commissioner and  
19 Bench questions. I'll ask quickly if the  
20 Commissioners have questions because the Bench does  
21 have one or two. I don't hear any Commissioners  
22 interrupting. I will ask if they have questions  
23 again.

24 QUESTIONS

25 BY JUDGE HATCHER:

1 Q. I want to pick up exactly where Ms. Martin  
2 left off. She is phrasing this as the customers who  
3 have to pay a late fee are subsidizing the non-late  
4 fee paying customers. And she is using that verbiage  
5 because in the ratemaking calculation, all types of  
6 revenues and expenses are put into the formula.

7 **A. Uh-huh.**

8 Q. And two of those revenues, not to use the  
9 word disparagingly, but money coming into the Company  
10 would be people that pay their bills on time and late  
11 fees. And so when you are making that calculation,  
12 does Staff have to calculate the late fees if that's  
13 authorized in a tariff as part of the revenue  
14 requirement?

15 **A. I don't know if we have to.**

16 Q. Does Staff typically?

17 **A. Yes.**

18 Q. If a customer pays their bill late, are  
19 the rest of the customers subsidizing the customer  
20 who is paying late or the Company subsidizing the  
21 late-paying customer by carrying the cost of the lost  
22 revenue for the time period until the bill is paid?

23 **A. Yes.**

24 Q. Is this all captured in cash working  
25 capital?



1           **A.           I have no idea.**

2                   JUDGE HATCHER: The Bench has no more  
3 questions. I'll ask again if there are any  
4 Commissioner questions. Hearing none, let's go back  
5 to -- oh, my gosh, where are we -- recross.

6                   MR. COOPER: I have no questions.

7                   JUDGE HATCHER: Ms. Martin.

8                   MS. MARTIN: No. I will not ask  
9 questions, I promise.

10                  JUDGE HATCHER: I feel like I have  
11 stepped on you and I'm sorry.

12                  MS. MARTIN: No, you are fine.

13                  JUDGE HATCHER: Ms. Clark will be here  
14 tomorrow. If you think of any, you certainly have  
15 the opportunity. I will make sure that that happens.  
16 Redirect.

17                  MS. ASLIN: Just a few questions.

18                               REDIRECT EXAMINATION

19 BY MS. ASLIN:

20           Q.           Ms. Clark, how do late-paid bills affect a  
21 small utility company?

22           **A.           Like -- like stated in Company witness**  
23 **Ms. Thompson's testimony, it will increase workload**  
24 **for disconnections. And also we believe it's a**  
25 **delayed revenue source. So without money coming in,**

1 you can't necessarily pay all your bills either as a  
2 company. As well as I'm sure there's other ways.

3 Q. Do you think that late-paid bills affect a  
4 small utility company differently than they affect a  
5 large utility company?

6 A. Absolutely.

7 Q. How so?

8 A. Larger utility companies -- well, one of  
9 the common large water companies in Missouri is --  
10 has a parent company, so it has a lot of additional  
11 economic resources to reach out to versus a small  
12 company that's local, it doesn't have that -- that  
13 extra economic resource or.

14 Q. If late fees are removed from Raytown's  
15 tariff, wouldn't you say that customers who do pay  
16 their bills on time are actually subsidizing the  
17 bills of those who do not pay their bills on time?

18 A. Absolutely.

19 Q. And are late fees commonly included in the  
20 Commission-approved tariffs of small water companies?

21 A. To my knowledge, yes.

22 MS. ASLIN: No further questions.

23 JUDGE HATCHER: Thank you. Ms. Clark,  
24 you are excused subject to recall as we do. I'm sure  
25 you'll be in the room tomorrow.

1           Let us go ahead and stop our hearing for  
2 this evening. We'll take a few minutes to wrap up  
3 any loose ends and talk about tomorrow. I believe  
4 the email invite has already been -- I know that the  
5 email has been sent to counsel stating that there is  
6 a change for tomorrow, but that it is the same Webex  
7 information. So everyone listening online, the  
8 hearing start time tomorrow has changed to 9:00 a.m.  
9 and it is the exact same Webex information. If you  
10 already have that information, you need to do nothing  
11 but sign in an hour earlier.

12           Do the parties have anything to discuss  
13 before we adjourn for the day? Okay. On our to-do  
14 list, errata sheet for the Company, errata sheet for  
15 Staff. That's not due for a week and a day. And  
16 Ms. Martin has Exhibit 214 which she may come back  
17 with tomorrow or she may elect to also do a  
18 late-filed exhibit. We'll cross that bridge when we  
19 get to it.

20           Any other matters? Going once, going  
21 twice. We are off the record and adjourned for the  
22 day.

23           (Whereupon, the hearing was adjourned  
24 until November 17, 2023 at 9:00 a.m.)

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