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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
PROCEDURAL CONFERENCE

The Staff of the Missouri Public) Service Commission,)
Complainant,)
v.) File No. WC-2023-0353
Leon Travis Blevins a/k/a Travis) Blevins and Patricia Blevins,)
d/b/a Misty Mountain PWS a/k/a) Misty Water Works, Charity PWS,)
and Rolling Hills PWS,) Respondents.)

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

THURSDAY, MAY 16, 2024
2:00 P.M.

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

VOLUME I

JOHN CLARK, Presiding
SENIOR REGULATORY LAW JUDGE

(Due to the quality of the recorded media, portions were unable to be transcribed and include inaudible portions. The transcript may also include misinterpreted words and/or unidentified speakers. The transcriber was not present at the time of the recording; therefore, this transcript should not be considered verbatim.)

TRANSCRIBED BY: MELISSA EICKEN

1 LAW JUDGE CLARK: -- had some technical
2 difficulties. We have moved rooms to 305. I am going
3 to do a -- a truncated opening to kind of shorten it.
4 We are here today on -- for a procedural conference on
5 two cases.

6 And Emily, are you recording?

7 EMILY WALTHERS: I am.

8 LAW JUDGE CLARK: And the first case is
9 file number WC-2023-0353. The second case is file
10 number WO-2024-0036. The first case is a complaint
11 case, and it is the staff of the Public Service
12 Commission versus Leon Travis Blevins. The second
13 case is a receivership case where the staff is seeking
14 a receivership for the systems -- for -- for Leon
15 Travis Blevins' system.

16 Today's date is May 16th, 2024. And the
17 current time is 2:21 p.m. My name is John Clark. I'm
18 the regulatory law judge overseeing this matter today.
19 I'm going to redo entry of appearance starting with
20 Leon Travis Blevins.

21 Mr. Blevins, you're here; correct?

22 TRAVIS BLEVINS: Yes.

23 LAW JUDGE CLARK: And I've asked you this
24 before, but we had to restart this procedural
25 conference. You're -- you're unrepresented; is that

1 correct?

2 TRAVIS BLEVINS: That is correct.

3 LAW JUDGE CLARK: You're representing
4 yourself?

5 TRAVIS BLEVINS: That's correct.

6 LAW JUDGE CLARK: On behalf of the staff of
7 the commission.

8 MS. KERR: Carolyn Kerr (inaudible).

9 LAW JUDGE CLARK: Thank you, Ms. Kerr.
10 Ms. Ablin (phonetic). And on behalf of the public
11 counsel. Public counsel is not participating in this
12 procedural schedule today, but as they are an
13 automatic party to any proceeding they want to be,
14 they could join at any time they wanted to join. This
15 procedural conference was called to discuss a possible
16 procedural schedule for the complaint case, and that
17 is the WC-2023-0353 case. And that is based on a
18 pending motion that staff had filed requesting to
19 reset the hearing after the hearing set for May, I
20 believe it was, the 14th was cancelled or April 14th,
21 was cancelled due to Mr. Blevins being hospitalized;
22 is that correct?

23 TRAVIS BLEVINS: That's correct.

24 LAW JUDGE CLARK: Thank you. And be sure
25 and speak up. These are the microphones so that they

1 will catch you here.

2 To do a little -- just to briefly kind of
3 go over some background for the record, we had a
4 hearing on the receivership in WO-2024-0036. After
5 that hearing, the commission took a look at that case
6 and determined that at that time the Missouri
7 Department of Natural Resources was attempting to
8 still be in engaged with Mr. Blevins in resolving some
9 of the outstanding issues with some assistance, and
10 there was also some -- there was another issue in that
11 case was, I believe, staff had been unable to locate a
12 potential receiver as of that time, and I don't know
13 what the situation is now, but I'll ask here in a
14 minute. And finally, obviously, the commission is
15 concerned anytime you're talking about someone's
16 property rights. So that's a big concern for the
17 commission as well, but at the same time I -- I -- you
18 were hospitalized. And I've received -- I've been
19 receiving status reports. I think I've received,
20 like, three or four now. And those status reports
21 have been tended to get more and more disturbing to
22 me. So I'm going to -- I'm going to ask a few
23 questions right now to kind of try and get up to
24 speed.

25 Now, this is a procedural conference and

1 that means that the questions I'm asking, I'm asking
2 for my knowledge and my knowledge alone. Or for the
3 commission's knowledge. What it is not is nothing you
4 say here today has evidentiary value. That is because
5 procedural prehearing conferences from commission
6 rules part of generally excluded from being part of
7 the -- of the evidentiary basis here. In other words,
8 we're not going to be admitting any evidence in the
9 record today. And nothing that you say here today is
10 going to be used against you in a -- in a commission
11 evidentiary hearing, absent something coming up that
12 would necessitate that. So I'm going to ask you a few
13 questions. You were -- how long were you in the
14 hospital, Mr. Blevins?

15 TRAVIS BLEVINS: (Inaudible) three days.

16 LAW JUDGE CLARK: Are you having to go back
17 to the hospital anytime soon?

18 TRAVIS BLEVINS: No. I hope not, but I
19 think that my condition is my heart. They're still
20 doing some more testing, and I believe I'm probably
21 going to end up back in the hospital for surgery on
22 the (inaudible) probably here.

23 LAW JUDGE CLARK: Okay. Do you know --

24 TRAVIS BLEVINS: That's why (inaudible).

25 LAW JUDGE CLARK: I apologize for

1 interrupting. Do you know when that -- has that been
2 scheduled or is that just something that --

3 TRAVIS BLEVINS: No.

4 LAW JUDGE CLARK: -- could be down the
5 road?

6 TRAVIS BLEVINS: It's not scheduled. I've
7 been told by the doctor the only thing left for them
8 to do is my medical condition would be surgery to do a
9 bypass surgery. But that's not the only medical
10 condition that I've got. I've had another medical
11 condition with -- with (inaudible) which has to do
12 with my blood flow, I suppose. I've had artificial
13 arteries in my body. My left leg had been swollen for
14 over a year from the -- one of the procedures where
15 they installed a artificial artery (inaudible).

16 LAW JUDGE CLARK: Okay. Mr. Blevins, I
17 don't need your full medical history. I just am
18 trying to ascertain, are you going -- at this time you
19 have nothing scheduled; correct?

20 TRAVIS BLEVINS: I have MRIs (inaudible)
21 scheduled, yes, sir, that I --

22 LAW JUDGE CLARK: Do you know when those
23 are scheduled for?

24 TRAVIS BLEVINS: No.

25 LAW JUDGE CLARK: You don't have to tell me

1 right now, but are you -- I just -- if we set a
2 hearing date, I want to be sure I'm not setting it off
3 on top of those.

4 TRAVIS BLEVINS: Well, my next (inaudible)
5 that I know was May 22nd.

6 LAW JUDGE CLARK: All right. Just a point
7 of clarification in regards to what evidence may
8 appear at a procedural conference, what I meant to
9 articulate is that evidence is generally inadmissible
10 unless it is independently verified. So if it's
11 independently verified, it may come up in hearing.
12 I'm -- somehow I think these cases got turned around.
13 Normally, what you'd see is, you'd see the case
14 complaint from first that it establishes the primary
15 jurisdictional elements that are needed for the
16 commission to oversee this, but many of those were --
17 evidence was also provided in -- in the receivership
18 hearing. But staff had to come -- because of health
19 and safety concerns had elected to have the
20 receivership go first, and so now we're -- we're in a
21 bit of a problem trying to find a way to get the
22 complaint case done. I said I asked about this
23 earlier. Does -- is staff -- have they found a
24 potential receiver?

25 MS. KERR: No.

1 LAW JUDGE CLARK: And that's just because
2 that's a very rural area and not a lot of people want
3 to operate it?

4 MS. KERR: I don't think so. We -- we
5 haven't -- just haven't been able to (inaudible).

6 LAW JUDGE CLARK: One -- one -- one thing
7 that was unclear both in the evidentiary hearings and
8 the pleadings is, if I remember right, the initial
9 pleadings in the receivership case indicated that you
10 own and/or operated a total of 17 wells at that time.
11 I believe you -- when you were talking to DNR witness
12 Cloverside (phonetic), I had indicated that he -- he'd
13 indicated he had been around with you, and you
14 indicated you believed you took him to all of the
15 wells; is that correct?

16 TRAVIS BLEVINS: That's correct.

17 LAW JUDGE CLARK: And I --

18 TRAVIS BLEVINS: That sounds (inaudible).

19 LAW JUDGE CLARK: I believe he indicated he
20 thought that was 17. How many wells do you currently
21 own?

22 TRAVIS BLEVINS: Currently, I believe it's
23 16.

24 LAW JUDGE CLARK: How do you own 16 when
25 the last time we met you told me you were down to like

1 eight?

2 TRAVIS BLEVINS: That's eight in the public
3 water system that is activated by the Department of
4 Natural Resources.

5 LAW JUDGE CLARK: But you have additional
6 wells that are not part of this case; correct?

7 TRAVIS BLEVINS: Right. Additional wells
8 is not part of the public water system, as far as I
9 know, not part of this case. Because they were not
10 recognized by the Department of Natural Resources or
11 were not even considered. We offered them -- all the
12 wells, but they elected not to put those other wells
13 in any system. They -- to further explain that, they
14 took wells that are left or maybe a well that has two,
15 maybe three connections on it, so they're just
16 scattered around. They -- DNR didn't want to do
17 anything with them, and they're not in the --

18 LAW JUDGE CLARK: Okay.

19 TRAVIS BLEVINS: -- same location other
20 than a few.

21 LAW JUDGE CLARK: Let's -- let's set those
22 wells aside. Of the 17 wells that were mentioned in
23 regards to this case, how many of those wells do you
24 own? At this point in time?

25 TRAVIS BLEVINS: I'm -- I -- 17 wells

1 considered the ones that DNR has.

2 LAW JUDGE CLARK: I'm talking -- I'm
3 talking about the DNRs --

4 TRAVIS BLEVINS: Okay.

5 LAW JUDGE CLARK: -- which --

6 TRAVIS BLEVINS: DNR -- what I have left
7 with the DNR is eight.

8 LAW JUDGE CLARK: Eight.

9 TRAVIS BLEVINS: I think it's eight. Let
10 me count it in my mind here a minute.

11 LAW JUDGE CLARK: Take your time. Why
12 don't we go through it together. What are those eight
13 wells? Let's just go through them one by one.

14 TRAVIS BLEVINS: Charity.

15 LAW JUDGE CLARK: Charity. PWS.

16 TRAVIS BLEVINS: The -- on the Charity
17 Public Water System, there is one, two, three wells.

18 LAW JUDGE CLARK: What wells are those?
19 What are they called?

20 TRAVIS BLEVINS: I'm -- well, I'll give you
21 what I call them. What DNR calls them, I've never
22 been able to really recognize it.

23 LAW JUDGE CLARK: Well, give me what you
24 call them.

25 TRAVIS BLEVINS: MR -- or MW-17 is on

1 Charity Road which is the last one on the left.

2 LAW JUDGE CLARK: Okay. M-17, on Charity
3 Road.

4 TRAVIS BLEVINS: MW-17. MW-18 on Charity
5 Road which is the first well on the right.

6 LAW JUDGE CLARK: Okay.

7 TRAVIS BLEVINS: And the other well that is
8 in question is what was called the concrete well.
9 MW-16, I think.

10 LAW JUDGE CLARK: Where is that located?

11 TRAVIS BLEVINS: That is on Highway PP.

12 LAW JUDGE CLARK: And those are all part of
13 the Charity system?

14 TRAVIS BLEVINS: That's part of the Charity
15 system that the DNR has, yes.

16 LAW JUDGE CLARK: Okay. What's the next
17 system? That's three of the eight.

18 TRAVIS BLEVINS: Okay. The next system is
19 the Rolling Hill.

20 LAW JUDGE CLARK: And how many systems are
21 in the Rolling Hills.

22 TRAVIS BLEVINS: One.

23 LAW JUDGE CLARK: What's that?

24 TRAVIS BLEVINS: That would be MW-07.

25 LAW JUDGE CLARK: And what is that known

1 as?

2 TRAVIS BLEVINS: What is it known as? As
3 Rolling Hill.

4 LAW JUDGE CLARK: Okay.

5 TRAVIS BLEVINS: MW-107 is what I --

6 LAW JUDGE CLARK: Where is it located?

7 TRAVIS BLEVINS: It's on Russler (phonetic)
8 Road. And Rolling Hills road on the corner.

9 LAW JUDGE CLARK: And the final system,
10 what is that called?

11 TRAVIS BLEVINS: That is Misty Mountain.
12 That is one that is unilateral by the Department of
13 Natural Resources, and at the present time there is a
14 MW-04 which is on Tigger.

15 LAW JUDGE CLARK: Okay. So that's the
16 Tigger well?

17 TRAVIS BLEVINS: That's only one Tigger
18 well.

19 LAW JUDGE CLARK: Okay.

20 TRAVIS BLEVINS: That is on the Tigger
21 Road, last one on the left.

22 LAW JUDGE CLARK: Okay. That -- that's
23 MW-04.

24 TRAVIS BLEVINS: MW-04.

25 LAW JUDGE CLARK: MW-03 is what we call --

1 what they call the Taylor well.

2 TRAVIS BLEVINS: Now there's a story on the
3 Taylor well.

4 LAW JUDGE CLARK: We'll get to that.

5 TRAVIS BLEVINS: Huh?

6 LAW JUDGE CLARK: We'll get to that.

7 TRAVIS BLEVINS: Okay. And the other well
8 that is -- that is associated with the public water
9 system, of course, DNR is the MW-05. And there's --
10 there's a story with that.

11 LAW JUDGE CLARK: And what's the name or
12 location of that one?

13 TRAVIS BLEVINS: That well is on Topo
14 (phonetic).

15 LAW JUDGE CLARK: That's the Topo well.

16 TRAVIS BLEVINS: Topo well.

17 LAW JUDGE CLARK: Okay. I remember --
18 that's one that's flat; correct?

19 TRAVIS BLEVINS: Well, that's what they
20 say, yes.

21 LAW JUDGE CLARK: Okay. All right.

22 TRAVIS BLEVINS: How many is that, sir?

23 LAW JUDGE CLARK: That's correct. Seven.

24 TRAVIS BLEVINS: Seven. Okay. Eight.

25 Well, back on Charity, one that the DNR originally had

1 was MW-15 which is no longer owned by me. That's
2 owned by another party.

3 LAW JUDGE CLARK: Is that owned by the
4 Tigger HOA?

5 TRAVIS BLEVINS: Absolutely not.

6 LAW JUDGE CLARK: What's that owned by?

7 TRAVIS BLEVINS: Tigger HOA.

8 LAW JUDGE CLARK: No, no, no. What is --
9 is that -- the one is owned by Tigger HOA, is that
10 MW-04?

11 TRAVIS BLEVINS: No, it is not.

12 LAW JUDGE CLARK: Which one is owned by the
13 Tigger HOA?

14 TRAVIS BLEVINS: The Tigger HOA was owned
15 by what I call the MW-01.

16 LAW JUDGE CLARK: What system is that on?

17 TRAVIS BLEVINS: That was originally part
18 of the DNR. That probably is the eighth maybe. Could
19 be. No. That's not --

20 LAW JUDGE CLARK: You understand this could
21 create a substantial problem for both staff and myself
22 when it doesn't appear that you know what you own or
23 what you're operating.

24 TRAVIS BLEVINS: I do know what I'm
25 operating, sir.

1 LAW JUDGE CLARK: Okay.

2 TRAVIS BLEVINS: I don't want it to be a
3 problem for you or the staff. I've tried to explain
4 this over and over again. DNR identifies their -- all
5 of their -- what they're doing in a little bit
6 different manner than what I do.

7 LAW JUDGE CLARK: Let me ask you this. You
8 have been asked to disconnect some customers from a
9 well and connect those to the Taylor well; is that
10 correct?

11 TRAVIS BLEVINS: That is correct.

12 LAW JUDGE CLARK: What well did they ask
13 you to disconnect -- what well are you being asked to
14 disconnect from?

15 TRAVIS BLEVINS: It's the Taylor -- or the
16 MW-01.

17 LAW JUDGE CLARK: Okay. So that --

18 TRAVIS BLEVINS: Tigger HOA.

19 LAW JUDGE CLARK: -- MW-01 is the Tigger
20 HOA?

21 TRAVIS BLEVINS: That's correct. There's a
22 story behind that, too.

23 LAW JUDGE CLARK: Okay. Now that Tigger
24 HOA, I know you established three HOAs and filed for
25 three HOAs with the secretary of state; is that

1 correct?

2 TRAVIS BLEVINS: That's correct.

3 LAW JUDGE CLARK: And -- but none -- is --
4 was any of those -- did you create the Tigger HOA or
5 is that --

6 TRAVIS BLEVINS: Absolutely not.

7 LAW JUDGE CLARK: Okay. That's what I
8 needed to know. And you said that the MW-01 is on the
9 Charity system?

10 TRAVIS BLEVINS: That is on the Charity
11 HOA. I did not do that. I originally had MW-01 with
12 DNR. DNR attempt (inaudible) time taking that out of
13 the public water system (inaudible) put it under their
14 own.

15 LAW JUDGE CLARK: As it's owned by somebody
16 else?

17 TRAVIS BLEVINS: It's owned by someone
18 else, yes. That story is still the story. That
19 well -- just, for example, this may get confusing, but
20 let's go back 15, 20 years from now, and from the time
21 that I took over these wells, four or five years ago,
22 that particular well was owned by a Jim Parsons. Now,
23 Jim Parsons and his family operated that well for the
24 last period of time (inaudible) time they wanted me to
25 take it over, so I did that. And --

1 LAW JUDGE CLARK: But you've been running
2 it, you didn't establish ownership?

3 TRAVIS BLEVINS: I did not establish the
4 ownership. The -- and he was supposed to -- at that
5 time -- two wells. Let me -- let me get you the story
6 straight, so you do understand that I'm not trying to
7 confuse anybody.

8 LAW JUDGE CLARK: Nobody said you were
9 purposely trying to confuse anybody. It's just --

10 TRAVIS BLEVINS: Okay.

11 LAW JUDGE CLARK: -- confusing.

12 TRAVIS BLEVINS: It is confusing, yes, sir.
13 That's one of the reasons why that I operate these
14 wells the way I have been because in the last 15,
15 20 years, it's become confusing for everybody. Even
16 the people that are getting -- that were getting water
17 from these wells. So I was -- let's say Jim Parsons
18 was tired of doing it, he was tired of operating the
19 wells. He was -- I'm older than he is, but he was old
20 enough to no longer want to do it anymore.

21 LAW JUDGE CLARK: Uh-huh.

22 TRAVIS BLEVINS: So he asked me to do it.
23 I did. Took them over, I took it over on a handshake
24 with whatever, with the idea that I would improve
25 these wells in which that MW-01 well was upgraded,

1 cost me 8, \$9,000, I think it was. I upgraded it.

2 And got down to the point to where we needed to deed

3 some -- from Mr. Jim Parsons which previously on the

4 Taylor well wasn't any problem for him to give us

5 (inaudible) MW-01 which is the Tigger HOA now.

6 They -- it come down to a point where when the person

7 that, that easement was on, the property owner, where

8 that easement is actually described on there and

9 platted out, that his ownership of his property

10 encompassed that easement, so it wasn't --

11 LAW JUDGE CLARK: An easement with no

12 access?

13 TRAVIS BLEVINS: No access is right from

14 the road.

15 LAW JUDGE CLARK: Okay.

16 TRAVIS BLEVINS: Absolutely right from the

17 road. I mean, but -- because the current property

18 owner seemed that his description of his property and

19 the house encompassed that easement, claimed that he

20 owned the well. And so they took the wells. By one

21 effort/reason that they did not invite me to their

22 meeting to say that they were going to take over this

23 well. I don't object to them taking the (inaudible)

24 the end up story here. That's one of the reasons why

25 I've been asked to look at all of these wells from the

1 different people that -- that I've dealt with which is
2 Jim Parsons, Tom Baker and Mark Rowell (phonetic).

3 LAW JUDGE CLARK: I remember all those
4 names from the previous hearing.

5 TRAVIS BLEVINS: Yeah. Those are the
6 people that I got these wells from. They already
7 created these problems with the connections and the
8 legality of ownership, et cetera, and et cetera. So
9 when it comes down to the MW-01 which I claimed to own
10 it, that I was operating it under Jim Parsons and my
11 agreement, but because the error was made 20 years
12 ago --

13 LAW JUDGE CLARK: Uh-huh.

14 TRAVIS BLEVINS: -- I'm not -- I could have
15 taken that to court, to tell you the truth and have it
16 detached or attached or done properly, but I'm not
17 going to do that. No one can do it in a good
18 sufficient (inaudible) right now.

19 LAW JUDGE CLARK: Now you have a --

20 TRAVIS BLEVINS: But I don't want to be
21 blamed for a problem or claim for something to appear
22 to be --

23 LAW JUDGE CLARK: I'm just trying to find
24 out because it appears that they want you to
25 disconnect your customers from that well.

1 TRAVIS BLEVINS: Yeah.

2 LAW JUDGE CLARK: That's what I'm trying
3 to --

4 TRAVIS BLEVINS: Yes, sir.

5 LAW JUDGE CLARK: -- get to here. Hold on.
6 You -- you've answered my questions as -- as to that.

7 Now, the last time we had -- we had the
8 receivership hearing in the WO case, DNR and yourself,
9 although she was not there, indicated that there was a
10 system operated that had been hired to do the testing,
11 checking, all of that. How is that working out?

12 TRAVIS BLEVINS: It's not working out.
13 Lori Jean (phonetic) was that (inaudible) each month
14 for all of the testing. DNR is aware of this also,
15 but back in, I think it was, February or March, maybe
16 March, she resigned her position with (inaudible).

17 LAW JUDGE CLARK: Do you currently have a
18 system operator?

19 TRAVIS BLEVINS: I do not have.

20 LAW JUDGE CLARK: Who is doing testing?

21 TRAVIS BLEVINS: No one at the present
22 time. That -- DNR knows about this, and when I
23 informed them that Lori Jean had resigned her position
24 with us to do the testing, DNR said that was okay, but
25 I needed to find another (inaudible) another tester.

1 Since that time, I have talked to several people. One
2 of the first ones I talked to -- now Lori Jean charges
3 \$450 a month. Okay.

4 MS. KERR: (Inaudible).

5 TRAVIS BLEVINS: What --

6 LAW JUDGE CLARK: There's no evidentiary
7 value at this point. I'm just -- thank you for
8 letting me know, but --

9 TRAVIS BLEVINS: I --

10 LAW JUDGE CLARK: -- I wasn't taking that
11 as -- as a factual --

12 TRAVIS BLEVINS: You can verify any of this
13 right here.

14 MS. KERR: I know. I thought (inaudible) I
15 know I thought (inaudible).

16 LAW JUDGE CLARK: So what I'm -- there's no
17 current system operator. You talked to some other
18 people, but there's nobody testing right now, and
19 there's nobody (inaudible).

20 TRAVIS BLEVINS: That's correct. Nobody
21 testing, and I've got a letter from DNR that I need to
22 apply to the connection (inaudible) get water, and let
23 them know that it's difficult to find a operator at
24 the present time. What I'm trying to tell you was,
25 that the operator that I've talked to even was not

1 interested. Didn't have the time or they were much
2 too expensive. (Inaudible) talk about expenses in a
3 minute to tell you, one of the first people I talked
4 to in order to do testing for the three systems, the
5 first system he wanted 900 some dollars a month, the
6 second system was also 900 some dollars a month, and
7 the third system was about half of that, I believe.
8 That's -- that's more than what would even be feasible
9 for anybody to pay. So at this present time we're
10 still trying to find somebody to take over this
11 system, and DNR is aware of the situation.

12 LAW JUDGE CLARK: Okay.

13 TRAVIS BLEVINS: You can verify that
14 probably with -- with Jackie (inaudible).

15 LAW JUDGE CLARK: I have no investigative
16 powers. I'm going to ask staff some questions for a
17 little bit. You want to catch me on what's going on
18 with (inaudible).

19 MS. KERR: Well, just (inaudible) as it
20 applies to the (inaudible) operator.

21 TRAVIS BLEVINS: I can't hear. Can you
22 (inaudible) please.

23 LAW JUDGE CLARK: And just for the -- just
24 for reference for the -- whoever is going to be
25 transcribing this, the previous person speaking was

1 Mr. Blevins, and Carolyn Kerr now from staff is now
2 speaking.

3 MS. KERR: Yes. As it applies to the --
4 with regard to the certified operator, if Mr. Blevins
5 does not get a certified operator as of the beginning
6 of May, I think a letter of warning probably either
7 has already gone out or will go out, and then each
8 subsequent month that he does not have a certified
9 operator, another letter of warning will go out, and
10 then he'll need to have a corrective action plan is my
11 understanding of what happens when a certified
12 operator doesn't get -- when Mr. Blevins does not get
13 a certified operator. On (inaudible) on May 13th
14 (inaudible) date, on May 13th, DNR issued an
15 administrative order on consent which is similar to
16 what -- against (inaudible) May 13th.

17 LAW JUDGE CLARK: (Inaudible) previous
18 (inaudible).

19 MS. KERR: No. This was Monday, and this
20 was with regard to (inaudible) Rolling Hills PWS.
21 They issued that on, like I said, May 13th.
22 Mr. Blevins and Patricia Blevins signed that on
23 April 25th, and then it went through DNR, and DNR
24 forwarded that on May --

25 LAW JUDGE CLARK: What -- what -- what

1 actions has DNR taken (inaudible).

2 MS. KERR: Well --

3 LAW JUDGE CLARK: Because I'm not sure --
4 I'm trying to -- running off memory to a certain
5 degree, but my understanding was, there was an initial
6 administrative consent for the (inaudible) and that,
7 that was challenged, and then for some reason, I -- I
8 remembered there was a default judgment or something.

9 MS. KERR: That went -- that's actually, I
10 think, still a DNR order. I think that was
11 (inaudible) C in that. It was filed out of time.

12 LAW JUDGE CLARK: That's what --

13 MS. KERR: So there was --

14 LAW JUDGE CLARK: So that's not a default,
15 that's the (inaudible) time appeal.

16 MS. KERR: Right.

17 LAW JUDGE CLARK: So -- so it is
18 essentially a default judgment?

19 MS. KERR: Correct. Correct.

20 LAW JUDGE CLARK: What does that -- what
21 does that judgment state?

22 MS. KERR: That was against Misty Waters or
23 (inaudible).

24 LAW JUDGE CLARK: I think I said it wrong.
25 I think it's Misty Water Works.

1 MS. KERR: Right. PWS, and this one, like
2 I said, is Rolling Hill and --

3 LAW JUDGE CLARK: Is there any for Charity
4 right now?

5 MS. KERR: Not yet. They're anticipating
6 issuing one in Charity within the next week or so.

7 LAW JUDGE CLARK: And these orders are
8 being issued because nothing's getting corrected; is
9 that correct?

10 MS. KERR: Correct. Right. Because they
11 found -- because they found -- based on routine
12 inspections, they found significant deficiencies,
13 unsatisfactory findings, things like that, and then
14 they state the violation. For example, on the Rolling
15 Hills one did not meet community system, water system
16 construction standards, and then there's a whole list
17 of corrective action on this Rolling Hills, the one
18 corrective action to do all the sampling that's
19 required, make fixes as (inaudible) sampling
20 requirements register Misty Mountain Waters Works with
21 the secretary of state's office (inaudible) business
22 (inaudible) 180 days of the order. They are to have
23 a -- provide documentation demonstrating (inaudible)
24 that served the continuing operating authority
25 necessary to manage that system, get a permit to

1 dispense application filed within 60 days. If he
2 does -- does not comply, there are penalties, monetary
3 penalties, no more additional connections are allowed,
4 any modifications to the wells without DNR approval,
5 things like that.

6 LAW JUDGE CLARK: And my understanding is,
7 that's essentially what would have been required under
8 (inaudible) is that correct (inaudible) no connections
9 can (inaudible).

10 MS. KERR: Right.

11 LAW JUDGE CLARK: And -- well, I guess --
12 how much -- I remember reading in the first
13 administrative consent order is 180 days (inaudible)
14 how far down are we; do you know?

15 MS. KERR: (Inaudible).

16 LAW JUDGE CLARK: How many days you have
17 left to comply with the first administrative DNR
18 order, Mr. Blevins?

19 TRAVIS BLEVINS: Well, first of all, I
20 don't know what the first DNR order is specifically
21 because the --

22 LAW JUDGE CLARK: The one that you were
23 appealing.

24 TRAVIS BLEVINS: Oh, the -- yes. We
25 appealed it because it was -- that's on the Misty

1 Mountain. The unilateral --

2 LAW JUDGE CLARK: Uh-huh.

3 TRAVIS BLEVINS: -- agreement. That's --

4 LAW JUDGE CLARK: But my understanding is
5 that, that because you appealed out of time, that that
6 order stands.

7 TRAVIS BLEVINS: Yes, it does.

8 LAW JUDGE CLARK: Okay.

9 TRAVIS BLEVINS: Yes.

10 LAW JUDGE CLARK: How much time do you have
11 left on that 180 days to complete those tests?

12 Because I know there's -- I know there were tests at
13 60 days and 180, but I want to look at the outside.
14 How much time do you think you have left?

15 TRAVIS BLEVINS: Well, I'm not real
16 positive about how much time is actually left. I do
17 know this, that we as far as continuing working on and
18 complying with whatever the DNR is requesting from us
19 (inaudible).

20 LAW JUDGE CLARK: Okay. What --

21 TRAVIS BLEVINS: How many days left from --
22 for the 180, I'm not positive. That's --

23 LAW JUDGE CLARK: I am -- and thank you,
24 Mr. Blevins. I'm going to move back to staff for a
25 second.

1 Ms. Kerr, I have a few more. I am
2 unfamiliar with the power of DNR. Are they going to
3 do anything other than issue fines and warning,
4 because, I mean, part of this -- I mean, part of the
5 reason that the commission -- I mean, obviously,
6 beyond the fact that we don't have a receiver and --
7 and the private property rights (inaudible) but
8 another full issue was appeared that DNR was going to
9 be engaging, but if DNR is -- if it's just they're
10 issuing orders for him to comply with, and they're not
11 getting complied with, I want to know what the end of
12 that is.

13 MS. KERR: I think that they -- I think
14 that they have (inaudible) office file something
15 against them.

16 LAW JUDGE CLARK: So this has to go through
17 the administrative hearings commission which is not
18 always the fastest process, and then, further, if you
19 have the attorney general's office involved, then you
20 have to go through a regular circuit court docket;
21 correct?

22 MS. KERR: That's my understanding.

23 LAW JUDGE CLARK: So that, too, could take
24 months possibly a year.

25 MS. ABLIN: And for the record, this is

1 Casey Ablin (phonetic) for staff counsel. And
2 Ms. Kerr can correct me if she believes (inaudible)
3 but I think that part of the reason that DNR contacted
4 the PSC in the first place is the length of the
5 process that they go through, and I think that they
6 were (inaudible) or the PSC would be able to
7 accomplish something quicker.

8 LAW JUDGE CLARK: Prior to the health and
9 safety.

10 MS. ABLIN: Yes. In a more concrete
11 (inaudible) Blevins as well.

12 LAW JUDGE CLARK: And that gets back to
13 why -- that gets back to why staff is requesting
14 receivership.

15 MS. ABLIN: Correct.

16 LAW JUDGE CLARK: Are you aware of any
17 corrective actions that have been taken regards to the
18 wells?

19 MS. KERR: Yes. But can I just have a
20 minute to talk --

21 LAW JUDGE CLARK: Mr. Staff --

22 MS. KERR: -- might be a little better
23 to (inaudible) mic.

24 LAW JUDGE CLARK: What corrective actions
25 are you aware that Mr. Blevins has taken.

1 UNIDENTIFIED MALE: None, sir.

2 LAW JUDGE CLARK: Thank you. Mr. Blevins.

3 TRAVIS BLEVINS: Yes.

4 LAW JUDGE CLARK: And that's what I
5 gathered from the status reports, too. I know you've
6 been hospitalized. I -- I know you're an older
7 gentleman, but you're -- as long as you own these
8 wells, you're still responsible for them.

9 TRAVIS BLEVINS: Yes, sir.

10 LAW JUDGE CLARK: And at least by my
11 measure, it doesn't appear that there have been --
12 that there's been anything done since the (inaudible)
13 well (inaudible) is that correct?

14 TRAVIS BLEVINS: Not correct.

15 LAW JUDGE CLARK: What have -- what
16 corrective actions have you taken since then that DNR
17 is aware of?

18 TRAVIS BLEVINS: DNR, in my opinion, is
19 aware of every action that has been taken thus far.

20 LAW JUDGE CLARK: Okay. What actions have
21 you taken? What -- since we had our hearing, have you
22 made any repairs to any wells?

23 TRAVIS BLEVINS: Yes, sir. There is no
24 actual repairs in my knowledge that has to be done at
25 the present time that hasn't already been done, and

1 I'm talking about repairs. What has been done with
2 Rolling Hills, for example, we have finalized that
3 particular AOC agreement with the DNR. That was the
4 May 13th, what Mr. (Inaudible).

5 LAW JUDGE CLARK: I don't -- I don't think
6 these are agreements at this point. I -- they were
7 noncompliant well agreements. I think these are
8 administrative consent orders. They're basically, my
9 understanding is, do it or be penalized; is that
10 correct?

11 TRAVIS BLEVINS: We did do it.

12 LAW JUDGE CLARK: Okay. What did you do?

13 TRAVIS BLEVINS: We signed their agreement
14 to what they call the agreement that they call an
15 agreement also. Also, they call it the AOC, same
16 thing, with the Rolling Hills. We signed that one.
17 And it was approved by the DNR on May 13th, I think.
18 I've not got that document -- well, I have that
19 electronically.

20 LAW JUDGE CLARK: If there's nothing left
21 that needs to be done to any of the wells, then why
22 are you not disconnecting from the MW-01 well and
23 connecting those customers to the Taylor well?

24 TRAVIS BLEVINS: I'll explain that right
25 now.

1 MS. KERR: That's (inaudible).

2 TRAVIS BLEVINS: A what?

3 MS. KERR: The Rolling Hills.

4 TRAVIS BLEVINS: The Rolling Hills. Okay.

5 Well --

6 MS. KERR: They should (inaudible).

7 TRAVIS BLEVINS: Right there is our
8 signatures.

9 LAW JUDGE CLARK: I believe -- I -- I --
10 nobody is questioning whether you signed. I just want
11 to know --

12 TRAVIS BLEVINS: Yeah.

13 LAW JUDGE CLARK: -- if the Tigger HOA is
14 asking you to disconnect --

15 TRAVIS BLEVINS: Yeah.

16 LAW JUDGE CLARK: -- and connect your
17 customers to the Taylor well. I just want to know why
18 they're not connected to the Taylor well.

19 TRAVIS BLEVINS: Why they're not connected?
20 Oh. Oh. Customer. Yes. Now, the Taylor well was
21 sold by me to Mr. Jonathan Fuquae (phonetic) some time
22 back.

23 LAW JUDGE CLARK: Is that the -- which well
24 is that? Is that the MW-04 well?

25 TRAVIS BLEVINS: No, it is not.

1 LAW JUDGE CLARK: What well is that?

2 TRAVIS BLEVINS: The Taylor well. MW-03.

3 LAW JUDGE CLARK: MW-03. Okay.

4 TRAVIS BLEVINS: Yeah.

5 LAW JUDGE CLARK: And you still -- you said
6 you sold that?

7 TRAVIS BLEVINS: I sold that well.

8 LAW JUDGE CLARK: You listed that well as
9 one of the eight you own when I asked you what you
10 own.

11 TRAVIS BLEVINS: I also said that there's a
12 story behind that. I would like to explain that right
13 now.

14 LAW JUDGE CLARK: Please.

15 TRAVIS BLEVINS: The way that I got back in
16 possession of that MW-03 well was simply a deed. Now,
17 back in March of this year, before that, I didn't own
18 that well. That was owned by Mr. Jonathan Fuquae. He
19 bought it from me for \$12,000. Now, there was issues
20 with that well that Rick, the -- the (inaudible) the
21 well -- the well drill (inaudible) but the well
22 technician --

23 LAW JUDGE CLARK: Yeah. The guy you said
24 that you have come and work on stuff?

25 TRAVIS BLEVINS: That's correct. Yes.

1 Jonathan was supposed to do some things, but in the
2 midst of all of this, and at the same time that this
3 MW-01 was taken over by this Tigger HOA and that was
4 kind of a takeover.

5 LAW JUDGE CLARK: Yeah. You explained
6 that --

7 TRAVIS BLEVINS: Yeah.

8 LAW JUDGE CLARK: -- that they had
9 basically said (inaudible) surrounded the easement.

10 TRAVIS BLEVINS: The next thing I knew is
11 that in March, I just simply received the deed in the
12 mail from Jonathan.

13 LAW JUDGE CLARK: You received the deed
14 back?

15 TRAVIS BLEVINS: Received the deed back.

16 LAW JUDGE CLARK: From the -- from the well
17 that he paid you \$12,000?

18 TRAVIS BLEVINS: That's correct.
19 Absolutely correct.

20 LAW JUDGE CLARK: So you currently do own
21 that well?

22 TRAVIS BLEVINS: I own it because of that.

23 LAW JUDGE CLARK: You own it because the
24 deed is in your possession?

25 TRAVIS BLEVINS: Yes.

1 LAW JUDGE CLARK: And not -- is the deed
2 signed over to you? Is it -- is it registered with
3 Pulaski County.

4 TRAVIS BLEVINS: It is registered with
5 Pulaski County with -- from Jonathan's LLC company
6 there to me and Patricia, my wife.

7 LAW JUDGE CLARK: So is it recorded --

8 TRAVIS BLEVINS: I have no knowledge of
9 getting it back that way.

10 LAW JUDGE CLARK: So right now if I were to
11 contact the county recorder, it would indicate that
12 you were the owner of that well?

13 TRAVIS BLEVINS: That's correct.

14 LAW JUDGE CLARK: That's what I needed to
15 know.

16 TRAVIS BLEVINS: From March.

17 LAW JUDGE CLARK: How soon would staff be
18 ready to do a -- to have a -- an evidentiary hearing
19 (inaudible) WC-2023-0353 case? What are we looking at
20 in the way of dates? And I haven't gotten my computer
21 on, I will say. I have -- I have a rough idea in my
22 head of some of the dates, but I also know that
23 there's a March conference in there, and some other
24 things that the commission's (inaudible) currently,
25 the -- the hearing calendar is pretty full.

1 MS. KERR: My (inaudible) I could do it in
2 June.

3 LAW JUDGE CLARK: June is going to be very
4 hard.

5 MS. KERR: I know.

6 LAW JUDGE CLARK: What -- I -- my deadlines
7 are running tough until about June 21st. How does the
8 last week of June look? I assume we're talking one,
9 maybe two days?

10 MS. KERR: We have conflicts for that
11 (inaudible) in June.

12 LAW JUDGE CLARK: What about the first --
13 what about the first two weeks in July? And I'm
14 feeling a little iffy about going out this far because
15 there's health and safety concerns --

16 MS. KERR: Right.

17 LAW JUDGE CLARK: -- because each of these
18 staff reports keeps getting worse.

19 TRAVIS BLEVINS: Can I interject something?

20 LAW JUDGE CLARK: In a minute, you can.

21 TRAVIS BLEVINS: Okay.

22 LAW JUDGE CLARK: Give me just a moment. I
23 will come back to you, Mr. Blevins. I'm not trying to
24 be rude. I'm just trying to keep my mind on track on
25 this single issue.

1 MS. KERR: I (inaudible) July and I have a
2 hearing (inaudible) you know (inaudible).

3 LAW JUDGE CLARK: All right. What I may
4 do --

5 MS. KERR: My staff is not here to
6 (inaudible).

7 LAW JUDGE CLARK: That might be doable.
8 Like I said, I don't remember right off the top of my
9 head when my March conference is, but I know that --

10 MS. KERR: I think it's early (inaudible).

11 LAW JUDGE CLARK: (Inaudible) but you said
12 you could do it the 24th and 25th? That is sooner.
13 What -- what are staff's next steps in terms of
14 locating a receiver? Or are you just kind of --
15 I'm -- and I'm not trying to be sarcastic here. Are
16 you just waiting for a receiver to kind of fall out of
17 the sky or --

18 MS. ABLIN: Based on (inaudible) I haven't
19 heard anything. I believe we're in a position right
20 now where it's very difficult to locate a receiver
21 (inaudible) is that correct or do you know anything
22 (inaudible).

23 UNIDENTIFIED MALE: (Inaudible).

24 TRAVIS BLEVINS: I didn't (inaudible).

25 MS. ABLIN: He was saying that he believes

1 that in most situations that the customers that are
2 connected to your wells would prefer to operate
3 (inaudible).

4 MS. KERR: (Inaudible).

5 TRAVIS BLEVINS: That's an HOA.

6 MS. KERR: No, not necessarily. I mean,
7 the last thing that happened is (inaudible) the wells
8 (inaudible) and, so.

9 LAW JUDGE CLARK: When was that?

10 MS. KERR: Last week? Last week.

11 LAW JUDGE CLARK: How many people without
12 water?

13 TRAVIS BLEVINS: No. Absolutely not.
14 (Inaudible) couple hours. Yeah. That's an
15 altercation problem. It's not a law. My point here
16 is, like, in this status report chart, it's -- it's
17 not correct. It's putting out a wrong picture from my
18 viewpoint because I've been working with the
19 Department of Natural Resources almost every day, and
20 there are current situations that we're still working
21 on, but some of the information that gets back to the
22 staff, I'm not saying -- is incorrect information.
23 Nobody has ever contacted me to verify what you've
24 actually been told or however you're getting your
25 information.

1 MS. KERR: This is information (inaudible).

2 LAW JUDGE CLARK: Talk to me. Talk to me.

3 TRAVIS BLEVINS: It couldn't be two days.

4 It has only been an hour or two.

5 LAW JUDGE CLARK: But -- but was the -- was
6 the electricity that pumps the wells shut off for
7 nonpayment?

8 TRAVIS BLEVINS: That --

9 LAW JUDGE CLARK: Yes or no.

10 TRAVIS BLEVINS: It was shut off, yes. But
11 I never got a notification of it -- from the monitor.
12 The way I monitor -- I monitor four wells that way. I
13 didn't get the notification until it was already shut
14 off (inaudible).

15 LAW JUDGE CLARK: What -- what notification
16 would you get?

17 TRAVIS BLEVINS: One prior to that, it may
18 be there's an amount due on it. Every time that I --

19 LAW JUDGE CLARK: So you did not receive --
20 you're saying that you did not receive a disconnection
21 notice from wherever you get your water --

22 TRAVIS BLEVINS: That's correct.

23 LAW JUDGE CLARK: -- or your electric?

24 TRAVIS BLEVINS: And what they call a soft
25 disconnect. All I have to do is, call and have them

1 put more money on that particular account, and that's
2 what I've done every time. The monitoring system that
3 I've got, that has not worked properly, so I've
4 changed it from the last time, because I did not get
5 notification this last time which was only a few days
6 ago until after it was already a soft cutoff. But it
7 couldn't have been over a few hours at the most. It's
8 not two days. That's not correct. Where did you get
9 two days' information?

10 LAW JUDGE CLARK: No. We're not talking to
11 each other.

12 TRAVIS BLEVINS: Oh, okay.

13 LAW JUDGE CLARK: You're all talking to me.

14 TRAVIS BLEVINS: I'm sorry. It was not two
15 days.

16 LAW JUDGE CLARK: Okay.

17 TRAVIS BLEVINS: It was only a matter of
18 hours because I did not get the proper notification
19 which is my fault. I accept that.

20 LAW JUDGE CLARK: People don't like to be
21 without utilities for any amount of time.

22 TRAVIS BLEVINS: Absolutely not. And I've
23 been operating these wells for --

24 LAW JUDGE CLARK: I know.

25 TRAVIS BLEVINS: -- five years, and I've

1 heard this receivership and all of this, and this
2 status report, I think, it's totally incorrect.

3 LAW JUDGE CLARK: And you may disagree with
4 that.

5 TRAVIS BLEVINS: Yeah.

6 LAW JUDGE CLARK: Certainly, that is a
7 matter to discuss in an evidentiary hearing. But you
8 have to look at things from my perspective. When I
9 read these reports, I'm getting more and more concerns
10 because the commission delayed action to see what was
11 going to be accomplished with your engagement with DNR
12 and what appears to be happening is, is just a series
13 of penalty orders are being issued.

14 TRAVIS BLEVINS: I've got one (inaudible).

15 LAW JUDGE CLARK: And so I guess I'm
16 concerned that it doesn't -- you're telling me that
17 things are happening, but you haven't been able to
18 solidly tell me exactly what's happening, and I
19 don't -- I'm -- I'm still having problems
20 understanding why customers aren't hooked up to the
21 Taylor.

22 TRAVIS BLEVINS: The Taylor well, I've
23 taken responsibility to hook up the Taylor well. I've
24 accepted that responsibility even through Department
25 of Natural Resources.

1 LAW JUDGE CLARK: Uh-huh.

2 TRAVIS BLEVINS: But previously to that, it
3 was not my well. It still belonged to Jonathan and
4 his LLC until I actually received that deed in the
5 mail. I did not get that deed --

6 LAW JUDGE CLARK: But you --

7 TRAVIS BLEVINS: -- until March.

8 LAW JUDGE CLARK: But you've been operating
9 that well for a while; correct?

10 TRAVIS BLEVINS: Yes. Absolutely. No. I
11 have not. I've been -- well, I don't know what you're
12 calling operating because it --

13 LAW JUDGE CLARK: Has Mr. --

14 TRAVIS BLEVINS: -- operation.

15 LAW JUDGE CLARK: You said it's Fuquae; is
16 that what -- what --

17 TRAVIS BLEVINS: Fuquae.

18 LAW JUDGE CLARK: Fuquae. Mr. Fuquae.
19 He's the -- he was the one operating it?

20 TRAVIS BLEVINS: He -- he bought the well
21 that -- and so we -- I had Rick come out there and
22 actually show him the well was operating. At that
23 particular time Rick said that the pump couldn't be --
24 needed to be inspected, so they pulled the well. They
25 pulled the pump out of the well. And when they got

1 the pump up there, Mr. Fuquae owned the well at that
2 time. And talking with Mr. Fuquae or John --
3 Jonathan, they were going to fix the -- the pump
4 itself because there was a rod or something in the
5 pump that was busted, but it was still operating.
6 That never got done. Mr. Fuquae was supposed to
7 provide something to Rick, and he never did. So it
8 went on and on and on like that. But I had already
9 connected when I owned the 01 and owned the
10 (inaudible) well prior to me selling it, connected
11 to --

12 LAW JUDGE CLARK: Yeah. You connected the
13 MW-01.

14 TRAVIS BLEVINS: So that everybody could
15 have water.

16 LAW JUDGE CLARK: Uh-huh. And I understood
17 that. I'm just understanding where it's now, and then
18 you told me just a few minutes ago that there's no
19 water testing going on (inaudible).

20 TRAVIS BLEVINS: There is none -- none
21 whatsoever, and the Department of Natural Resources --

22 LAW JUDGE CLARK: Is there -- is there
23 treatment going on? There's no treatment going on; is
24 there?

25 TRAVIS BLEVINS: No. There's no treatment.

1 There's no required treatment. All the treatment that
2 was required by DNR I already performed. Right now
3 I'm still underperforming some issues with the
4 unilateral, and also with Misty Mountain which in --
5 it's partly on that Taylor well is an issue. I'm --
6 I've accepted the issue by 1 June. I can tell you
7 about the lease also, but.

8 LAW JUDGE CLARK: Wait. Wait. When you
9 say you've accepted the issue, you -- you've agreed to
10 resolve it by June 1st; is that correct?

11 TRAVIS BLEVINS: That's correct. Yes.
12 I've already arranged that with Rick (inaudible).

13 LAW JUDGE CLARK: So by -- so by June 1st,
14 the --

15 TRAVIS BLEVINS: The Taylor well will be
16 back in operation according to --

17 LAW JUDGE CLARK: And those customers will
18 be connected to the Taylor?

19 TRAVIS BLEVINS: According to the plan,
20 yes, sir.

21 LAW JUDGE CLARK: Okay.

22 TRAVIS BLEVINS: And that's also reported
23 to Department of Natural Resources. I think Jackie
24 Johnson is one (inaudible) with her.

25 LAW JUDGE CLARK: You said on June 22nd you

1 have an MRI; is that correct?

2 TRAVIS BLEVINS: May 22nd.

3 LAW JUDGE CLARK: May 22nd.

4 TRAVIS BLEVINS: That's this month.

5 LAW JUDGE CLARK: If I was able to schedule
6 a hearing for June 24th and 25th, would you be
7 available?

8 TRAVIS BLEVINS: I would hope I would be
9 available.

10 LAW JUDGE CLARK: What about for July 9th
11 and 10th? I'm just basically asking, you don't have
12 travel plans or anything (inaudible).

13 TRAVIS BLEVINS: No, I don't have any
14 travel plans. That -- I do have plans to resolve a
15 lot of -- a lot of these issues here with -- I want to
16 get to the bottom of it as well.

17 LAW JUDGE CLARK: I know you do. You
18 indicated during the receivership hearing that your
19 plan, essentially, was to retire.

20 TRAVIS BLEVINS: That's correct.

21 LAW JUDGE CLARK: And that what you want to
22 do is sell these wells off.

23 TRAVIS BLEVINS: That is correct.

24 LAW JUDGE CLARK: My understanding is,
25 you've sold a percentage of these wells.

1 TRAVIS BLEVINS: That's correct. Yes, sir.

2 LAW JUDGE CLARK: But as I -- I am not
3 concerned about the wells being sold. I'm concerned
4 about the wells you still own.

5 TRAVIS BLEVINS: Yes, sir.

6 LAW JUDGE CLARK: And I'm concerned, like I
7 said, the safety concerns, that is something that the
8 commission would be hugely concerned about. I don't
9 want to see somebody sick or dead.

10 TRAVIS BLEVINS: Neither do I. That's
11 obviously -- that -- these wells have been in
12 operation for 20 years without -- without any of
13 that's going on at the present time. I'm working with
14 Department of Natural Resources on every aspect to
15 what they come up with. I've got to plug up the well
16 that's gone Topo.

17 LAW JUDGE CLARK: Uh-huh.

18 TRAVIS BLEVINS: That's still got to be --

19 LAW JUDGE CLARK: Yeah. They wanted you to
20 put a concrete cap on it.

21 TRAVIS BLEVINS: That's not a cap. You've
22 got to plug it. There's --

23 LAW JUDGE CLARK: You fill it with
24 concrete; correct?

25 TRAVIS BLEVINS: Yes, sir. And also, in

1 reference to another con -- well, that's out on PP,
2 that has been the Charity.

3 LAW JUDGE CLARK: Yeah. That's on the
4 Charity.

5 TRAVIS BLEVINS: Yeah.

6 LAW JUDGE CLARK: That's the MW-16.

7 TRAVIS BLEVINS: Yeah. That well has been
8 repaired.

9 LAW JUDGE CLARK: Are these --

10 TRAVIS BLEVINS: And also reported to the
11 Department of Natural Resources. Also, the Department
12 of Natural Resources has redone their AOC agreement to
13 encompass the repair that was done on it, and with
14 their further instruction, I have yet today received
15 that back from DNR, and I talked to Jackie Johnson
16 this morning actually or yesterday morning, don't
17 remember which, in reference to that particular well.
18 These status reports seem to describe something that
19 began, and from the beginning of this to the present
20 time, there's been a lot of work done.

21 MS. ABLIN: (Inaudible) I just would want
22 to make clear that the status report we're in constant
23 contact with DNR, and those are sent to (inaudible) so
24 we are not just taking the information from
25 (inaudible).

1 TRAVIS BLEVINS: Yeah. I --

2 LAW JUDGE CLARK: So what you're telling me
3 is that DNR is looking at these and saying, hey, these
4 are not incorrect.

5 MS. ABLIN: These (inaudible) DNR because
6 we want to make sure (inaudible).

7 LAW JUDGE CLARK: That you're fairly and
8 accurately --

9 MS. ABLIN: Yes.

10 LAW JUDGE CLARK: -- representing the
11 situation.

12 MS. ABLIN: (Inaudible) in regards to the
13 current status (inaudible).

14 LAW JUDGE CLARK: Now you established three
15 HOAs.

16 TRAVIS BLEVINS: That's right.

17 LAW JUDGE CLARK: Are any of those HOAs
18 operated yet? And by that, I mean, are there actual
19 members or are there just --

20 TRAVIS BLEVINS: There --

21 LAW JUDGE CLARK: Or is it just registered?

22 TRAVIS BLEVINS: They -- they're
23 registered. We do have a small number of members, but
24 at the present time the idea of the HOA as a
25 nonprofit, I don't think has been accepted very widely

1 with the people that are using the water. So I am
2 contemplating going back and maybe reregistering with
3 a neutral ownership. That would give more (inaudible)
4 for the individuals to be a member of that, rather
5 than nonprofit. That's what I'm gathering from the
6 information that I've received from the clientele
7 people.

8 LAW JUDGE CLARK: And I don't know if that
9 would qualify or not.

10 TRAVIS BLEVINS: Well --

11 LAW JUDGE CLARK: That's questionable. All
12 right.

13 TRAVIS BLEVINS: There's different types of
14 HOAs from what I understand.

15 LAW JUDGE CLARK: I'm just trying to think
16 of the nonprofit requirement.

17 TRAVIS BLEVINS: I think it's better for
18 the individual who own the wells, which I'm still in
19 the process of either selling these wells to the
20 individuals or whatever they may deem to be right. I
21 mean, you know, I don't know much about a
22 receivership.

23 LAW JUDGE CLARK: Uh-huh.

24 TRAVIS BLEVINS: But I don't know if you
25 had a receivership, are they supposed to come in here

1 and pay me for these wells and take it over or what
2 are they supposed to do? Or just take it away from
3 me?

4 LAW JUDGE CLARK: It's -- if a receiver
5 took over the well and had to make -- and I -- I --
6 you're going to need to talk to your attorney about
7 that. I can't talk to you about legal advice.

8 TRAVIS BLEVINS: I don't --

9 LAW JUDGE CLARK: I'm not going to -- I'm
10 not going to cross that bow. If you want to know what
11 a receiver does, talk to your attorney who's handling
12 the DNR.

13 TRAVIS BLEVINS: Yeah.

14 LAW JUDGE CLARK: Okay? But I'm not going
15 to advise you on that (inaudible).

16 TRAVIS BLEVINS: I mean --

17 LAW JUDGE CLARK: Here's how I -- I feel
18 right now, Mr. Blevins. My -- my -- my back is
19 against the wall in that something has to happen with
20 this case sooner or later. Things have to either get
21 resolved, they -- and they get -- it appears that the
22 commission may be the one to resolve it. To that end,
23 I'm going to try and set a hearing date. I'll try for
24 a June or July date. If I'm unable to make those
25 dates work, I will send out some dates for

1 confirmation. But that's what I'm going to do. I'm
2 going to go ahead and set a complaint hearing in June
3 or July. You've indicated that certain corrective
4 actions are going to take place and that you are going
5 to do some of those actions before June. And so
6 you'll have an opportunity to talk about that at the
7 hearing. But likewise, staff is going to have an
8 opportunity to talk about what hasn't been done and
9 what they don't believe is safe.

10 TRAVIS BLEVINS: That -- okay. I
11 understand what you're saying. I hope -- I hope that
12 you would understand what I'm trying to say here, but
13 if status (inaudible) seems to be safe in my opinion
14 because --

15 LAW JUDGE CLARK: The status report does
16 not have any evidentiary value at this point.

17 TRAVIS BLEVINS: I understand there's no
18 evidentiary --

19 LAW JUDGE CLARK: But.

20 TRAVIS BLEVINS: -- value, but the verbiage
21 that they use in there is kind of a -- goes back to
22 the beginning of everything that we've been working on
23 for over a year and --

24 LAW JUDGE CLARK: Well --

25 TRAVIS BLEVINS: -- we've corrected

1 90 percent of what was originally goes up in these --
2 I don't think these are current corrective or --
3 there's no --

4 LAW JUDGE CLARK: My understanding,
5 Mr. Blevins, is that, is that staff has subpoenaed
6 both DNR witnesses as well as your former system
7 operator. And so I would assume that any hearing,
8 that there would be a DNR witness present that you
9 could ask about the current status of the
10 administrative consent order.

11 TRAVIS BLEVINS: Yeah. Well, I talk with
12 Jackie all the time.

13 LAW JUDGE CLARK: I understand, but that
14 talk is not in front of me.

15 TRAVIS BLEVINS: Right. I understand that.
16 That's what I'm trying to say. I don't think you're
17 getting the right picture.

18 LAW JUDGE CLARK: I may not. And that's
19 why -- and that's another reason to set it for
20 hearing.

21 TRAVIS BLEVINS: Okay. I don't object to
22 that. I wouldn't even object to this survivor or
23 situation if they would take over these wells and pay
24 me for them.

25 LAW JUDGE CLARK: Well, I think -- like I

1 said, I think you ought to -- I think you ought to
2 talk with an attorney about what those issues are.

3 TRAVIS BLEVINS: Well, the last time I
4 tried to talk to an attorney, he wanted \$20,000.
5 That's enough to (inaudible) situation.

6 LAW JUDGE CLARK: No, no, no. I -- I'm --
7 I'm just saying you currently have an attorney
8 representing you. I'm just saying I cannot -- you put
9 yourself in an odd position because I understand that
10 you can't afford -- or have been unable to find an
11 attorney that you can afford to represent you.

12 TRAVIS BLEVINS: That's correct.

13 LAW JUDGE CLARK: But at the same time I
14 can't give you legal advice.

15 TRAVIS BLEVINS: I'm not asking for --

16 LAW JUDGE CLARK: So -- well, you're asking
17 questions as to what will happen in receivership.

18 TRAVIS BLEVINS: Well, no, not what -- I
19 don't know what a receiver is. I guess my question
20 is, does the receiver pay for these or -- what about
21 the liabilities that are still due on -- I don't know
22 what happens to that on a receivership. So I'm -- if
23 that's legal advice, don't give it to me.

24 LAW JUDGE CLARK: I'm not going to give it
25 to you now. That may be something that would be

1 discussed at the hearing. That may be something that
2 there's a potential witness for.

3 TRAVIS BLEVINS: But I am concerned that
4 you get the right information, and in my opinion from
5 this conversation, I don't think these status reports
6 have given you the right picture. I really don't.
7 And it's not against anybody in staff or anything
8 else, so don't get me wrong. That -- if there is a
9 violation or something that has not been done yet, I'd
10 like to see which one that is. I do know some that
11 have not been done yet. One is the plugging of the
12 well in Topo. Another one is a payment of \$6,000
13 which is -- which was imposed to the Misty Mountain
14 unilateral. I didn't have a choice in that.
15 Unilateral.

16 LAW JUDGE CLARK: Yeah. That -- that was
17 the order that was appealed out of time.

18 TRAVIS BLEVINS: Yes. Yes. Right. Which
19 was not very long ago. So we're in the situation
20 where I'm actually going to plug that well until Topo,
21 it's unilateral, and there's no appeal -- that was our
22 appeal part of it. So we're going to go ahead and do
23 that. I already know that. But this sounds like that
24 I don't know anything or haven't done anything. I've
25 been working every day with these water wells

1 regardless of what this says.

2 LAW JUDGE CLARK: Well, thank you for
3 letting me know.

4 TRAVIS BLEVINS: Yeah. And the Topo well
5 itself is -- there is no well there. But they still
6 have water. I've put water up there from the Pulaski
7 County Water District which during the whole
8 investigation that we did up there in which may have
9 been the one that started all of it from -- whatever.
10 But that particular waterline is now feeding all of
11 these people up there. It was already there.

12 LAW JUDGE CLARK: I remember that.

13 TRAVIS BLEVINS: Yeah.

14 LAW JUDGE CLARK: And I remember there
15 was --

16 TRAVIS BLEVINS: But I --

17 LAW JUDGE CLARK: I remember it could have
18 been hooked up at any time, and then at some point it
19 was discovered that --

20 TRAVIS BLEVINS: I discovered it.

21 LAW JUDGE CLARK: And then you went down
22 and paid the deposit and everything, and then it was
23 turned on, but my understanding is that, that is not a
24 permanent solution. Pulaski County --

25 TRAVIS BLEVINS: When I --

1 LAW JUDGE CLARK: -- is not wanting to
2 serve those customers indefinitely; is that correct?

3 TRAVIS BLEVINS: No. That's not what I
4 understand. They'll -- they'll serve it as long as
5 it's paid, I guess.

6 LAW JUDGE CLARK: Okay.

7 TRAVIS BLEVINS: They -- what they didn't
8 want to do was take over the -- the line. We offered
9 to give them the line, I think. Something to that
10 nature, but they didn't want that. It was inquired of
11 them, and they --

12 LAW JUDGE CLARK: I think I understand.

13 TRAVIS BLEVINS: -- \$30,000 --

14 LAW JUDGE CLARK: So basically --
15 basically, it comes to here, and then it goes to the
16 customer, and they don't want to be responsible for
17 that infrastructure.

18 TRAVIS BLEVINS: Maybe that -- that's where
19 they are, but that infrastructure is simply a --
20 that's a distribution -- a distribution from the
21 public water system that Pulaski County goes into that
22 well house, and then it's received. But there's no
23 well. When I plug it, there's no well there.

24 LAW JUDGE CLARK: Mr. Blevins --

25 TRAVIS BLEVINS: That's their requirement.

1 LAW JUDGE CLARK: -- is -- before I wrap
2 this conference up, is there anything that you wanted
3 to address with me that you haven't already?

4 TRAVIS BLEVINS: I think -- I think it's
5 part of what I would like to walk away here is that
6 you have a good understanding of what -- where I'm at
7 with the Department of Natural Resources. I've been
8 working with them ever since they started, and I even
9 had -- I was visited by the commission -- by one of
10 the staff people two years back when I first took over
11 these wells, and I can show you the documentation
12 later, but simply said, I showed them what I was doing
13 with these wells. I don't remember the gentleman's
14 name. I had a well agreement, and they simply said I
15 was doing okay, just continue to do what I'm doing,
16 and also in the letter that I got back from them
17 indicated that HOAs would not be -- come under the --

18 LAW JUDGE CLARK: Jurisdiction of the
19 commission.

20 TRAVIS BLEVINS: Jurisdiction of the
21 commission. So that's why I'm looking at HOAs today.
22 I cannot meet any part of the commission or the -- the
23 utilities tax company. There's no way that I can do
24 that.

25 LAW JUDGE CLARK: What do you mean meet?

1 TRAVIS BLEVINS: Well, I was -- I was -- I
2 wasn't given the --

3 LAW JUDGE CLARK: Oh. Oh. You -- hold on.
4 You don't want to be a regulator? You don't believe
5 that being regulated works for you?

6 TRAVIS BLEVINS: What I'm saying is, not
7 me. It's the whole system. I was told that I had to
8 commit to a CCM.

9 LAW JUDGE CLARK: I remember this
10 discussion, and that's what prompted you to file the
11 WO case, but then you indicated -- you indicated that
12 you wanted to dismiss that case as you were doing
13 HOAs, and I told you that if you wanted to do that,
14 you could file something separately in that case.
15 Nothing has been filed in that case --

16 TRAVIS BLEVINS: No.

17 LAW JUDGE CLARK: -- as of yet. And my
18 understanding from you was that you were pursuing some
19 HOAs as a potential alternative. I have kept that --

20 TRAVIS BLEVINS: That's what --

21 LAW JUDGE CLARK: -- case open, basically,
22 waiting to see if an HOA or a nonprofit appeared.

23 TRAVIS BLEVINS: That's -- it's already
24 there now.

25 LAW JUDGE CLARK: Well, the HOA is, but it

1 doesn't appear that as of yet. It owns or manages a
2 system.

3 TRAVIS BLEVINS: Is what, sir?

4 LAW JUDGE CLARK: It doesn't appear at this
5 point in time that it either owns or manages a system.

6 TRAVIS BLEVINS: HOA is a committee and so
7 forth, and it takes time to put them together. That's
8 what we're doing. That's what I'm working with the
9 Department of Natural Resources about.

10 LAW JUDGE CLARK: Okay. That's --
11 that's -- thank you, Mr. Blevins. Anything else from
12 staff?

13 All right. Then I'm going to adjourn this
14 hearing, this procedural conference at this time, and
15 I will set dates for hearings to the parties for
16 (inaudible). Thank you all for taking the time today.
17 I'm sorry (inaudible).

18 (Audio ended.)

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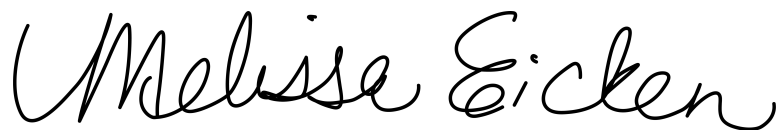
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\$12,000 33:19 34:17	25th 23:23 37:12 45:6	accomplished 41:11	and/or 8:10
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