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BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

PROCEDURAL CONFERENCE

In the Matter of the request of )  
Liberty Utilities (Missouri )  
Water) LLC d/b/a Liberty for )  
Authority to Implement a General )File No. WR-2024-0104  
Rate Increase for Water and )  
Wastewater Service Provided in )  
its Missouri Service Areas )

MONDAY, MAY 20, 2024  
10:00 A.M.

Governor Office Building  
200 Madison Street  
Jefferson City, MO 65101

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.)

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1           LAW JUDGE CLARK: -- record it, and it is  
2 going to be sent off to be transcribed. With that, so  
3 I'm going to go on the record.

4           Today's May 20th of 2024. And the current  
5 time is 10:00 a.m., And we are in Room 305 of the  
6 Governor Office Building. Commission has set aside  
7 this time today for a procedural conference and a  
8 discovery conference in the case captioned as in the  
9 matter of the request of Liberty Utilities, Missouri  
10 Water, LLC, doing business as Liberty for authority to  
11 implement a general rate increase for water and  
12 wastewater service provided in a Missouri service  
13 area, and that is file number WR-2024-0104.

14           My name is John Clark. I'm the regulatory  
15 law judge overseeing this procedural and discovery  
16 conference today.

17           At this time I'm going to ask the parties  
18 to enter their appearance for the record starting with  
19 Liberty.

20           MS. CARTER: Good morning. This is Diana  
21 Carter for Liberty, both water and wastewater.

22           LAW JUDGE CLARK: Thank you, Ms. Carter.  
23 On behalf of commission staff.

24           MS. ABLIN: Casey Ablin (phonetic) for  
25 commission staff.

1                   LAW JUDGE CLARK: Thank you, Ms. Ablin.  
2 Public counsel.

3                   MR. POSTON: Marc Poston for public  
4 counsel.

5                   LAW JUDGE CLARK: Thank you, Mr. Poston.  
6 And we have a couple of intervenors here on behalf of  
7 holiday and vacation (inaudible).

8                   MR. OPTIZ: Tim Opitz on behalf of holiday  
9 and (inaudible) vacation company.

10                  LAW JUDGE CLARK: Thank you, Mr. Opitz.  
11 And on behalf of the (inaudible).

12                  KATIE: Katie (inaudible) on behalf of  
13 (inaudible).

14                  LAW JUDGE CLARK: Good morning. Good  
15 morning. Thank you very much.

16                  The reason this conference was called is  
17 the commission adopted the procedural schedule that --  
18 the joint schedule that was proposed by the parties  
19 with the exceptions that there's -- there's two  
20 essential things going on in -- in this case. Number  
21 one, there's a lot of local public hearing that had  
22 been requested. And I think that the chances are that  
23 the commission would probably want to (inaudible)  
24 quite a few of those. I don't know that the  
25 commission is going to be at all of them. But I do

1 not know that yet. So I think -- I don't think  
2 anybody should be surprised (inaudible). Right now I  
3 have -- I have my administrative assistant, basically,  
4 checking (inaudible) locations to see (inaudible)  
5 locations, and we've had troubles getting (inaudible)  
6 location made (inaudible) location higher on the list  
7 maybe. The second issue is the briefing schedule, and  
8 it is not my intention to squeeze the parties  
9 (inaudible) and I know that they -- that there's a lot  
10 of big heavy cases going on right before the  
11 commission and (inaudible) rate case (inaudible)  
12 securitization that's finishing up, there's some  
13 (inaudible) coming, a number of things coming. I know  
14 that Liberty has, I believe, not just this case, but  
15 they have an (inaudible) rate case, and I can't  
16 remember whether it's (inaudible) base notice or  
17 whether that's (inaudible).

18           So with that in mind, I understand that the  
19 parties wanted to do a reply brief on January 7th.  
20 And the problem with that is the operation of law day  
21 is February 10th, so. The issue there is that really  
22 when you boil it down, that gives me about two weeks  
23 to get an order written, and with these orders, you  
24 know, maybe there's a stipulation that shortcut, maybe  
25 there's not, but I have to plan so (inaudible) going

1 to be, you know (inaudible) issues.

2 So with that in mind, I am going to ask the  
3 parties if I can move the briefing schedule back and  
4 I'm going to (inaudible) not so severely. With the  
5 January 7th, with the reply briefs, I would like to  
6 move that to January 3rd. I don't want to not get --  
7 the question is, I do not want to get into the  
8 previous month. I -- I looked at the schedule, and I  
9 think that unfairly (inaudible).

10 So are there any objections to me moving to  
11 a reply brief date of January 3rd? Is that a conflict  
12 for anyone?

13 MS. CARTER: That works for the company.  
14 Thanks, Judge.

15 LAW JUDGE CLARK: Thank you, Ms. Carter.

16 MR. OPITZ: That's fine.

17 MR. POSTON: I don't even have down -- when  
18 is the (inaudible).

19 LAW JUDGE CLARK: It isn't in the -- we  
20 didn't put it in the schedule because we called this  
21 conference, so.

22 MR. POSTON; right.

23 LAW JUDGE CLARK: For briefing. So  
24 originally, they were scheduled -- reply briefs were  
25 scheduled for January 7th, and initial briefs were

1 scheduled for December 18th. And because the  
2 evidentiary -- and I think -- what I think the parties  
3 were doing here, and I could be wrong, could be just  
4 me speculating, what I think the parties were doing  
5 was trying to compensate the fact that we have some  
6 real difficulty getting transcripts in a timely  
7 manner, after a year, and that's really problematic  
8 and that (inaudible) parties (inaudible). I will let  
9 you know. I'm going to expedite the transcripts in  
10 this case that (inaudible) I don't know if that's in  
11 there, but that's what I'm going to do and that should  
12 make the briefing schedule a little bit easier.

13 I already indicated I'd like to move our  
14 reply briefs to January 7th. I would like to move  
15 initial briefs just a few days back to December 13th  
16 from December 18th. So is there anybody that has a  
17 conflict or an objection to that?

18 KATIE: And I was told in the parties'  
19 discussion that we were mindful for (inaudible) get  
20 the transcripts, and also, the holiday (inaudible)  
21 indirectly can affect the transcripts, too.

22 LAW JUDGE CLARK: Yeah. Exactly. We've  
23 got New Year's, we've got the -- the Christmas  
24 holiday, we've got Thanksgiving, all of those fall  
25 right dead center --

1 KATIE: Yeah.

2 LAW JUDGE CLARK: -- towards the end of it.  
3 I hear no -- I hear no objection to that.

4 MR. POSTON: Let me ask this. I mean, what  
5 is the basis for moving -- I do worry just since  
6 there's a holiday in there (inaudible) but other than  
7 it's, you know, maybe even more time to (inaudible).

8 LAW JUDGE CLARK: Yeah. I generally start  
9 writing both the order and the memorandum for the  
10 commission usually right after I get the initial  
11 brief. That's when I start on that, and then that  
12 gets further (inaudible) by the reply brief, but  
13 generally, that's where I'm (inaudible) while clearly  
14 (inaudible) parts of it, the memorandum (inaudible)  
15 cases (inaudible) the agenda generally brief cases  
16 (inaudible) unusual (inaudible) so the -- Mr. Poston,  
17 is -- is that an objection? That's fine, if it is.

18 MR. POSTON: It -- I mean, really it is,  
19 because if you take out the Thanksgiving, we don't get  
20 transcripts right away, then it really --

21 LAW JUDGE CLARK: Okay.

22 MR. POSTON: -- gives us two weeks  
23 (inaudible).

24 LAW JUDGE CLARK: I think that's -- I think  
25 that's a very reasonable -- that's a very reasonable

1 discussion. What -- what day is it? I might be  
2 willing to split the difference between the 13th and  
3 the 18th. Is there a day in there? I could do  
4 Monday, the 16th. Does that --

5 MR. POSTON: Certainly better than the  
6 13th, then that gives the weekend to work (inaudible).

7 LAW JUDGE CLARK: And like I say -- yeah.  
8 I don't want to ruin anybody's holidays.

9 MR. POSTON: Really, I mean -- generally, I  
10 mean, try to get 30 days (inaudible) so anything you  
11 can do, that would be (inaudible).

12 LAW JUDGE CLARK: Let's do the 16th.

13 MR. POSTON: (Inaudible).

14 LAW JUDGE CLARK: Let's do the 16th. Are  
15 there any other -- are there any other party  
16 objections to the 16th, and that's a Monday; correct?

17 KATIE: Yes.

18 LAW JUDGE CLARK: Are there any objections  
19 to December the 16th for initial briefs?

20 KATIE: No, Your Honor.

21 LAW JUDGE CLARK: I hear none. All right.  
22 I will -- I'll have an order issued basically updating  
23 that. So --

24 KATIE: So we are (inaudible) five weeks  
25 (inaudible) three?



1 LAW JUDGE CLARK: Yes. That is correct.  
2 That -- that's -- that's the -- I will agree that  
3 (inaudible) time triggers (inaudible) virtual. Okay.  
4 Well, that -- that deals with that.

5 Let's talk about discovery. I didn't  
6 receive any. Do any parties at this point have any  
7 discovery?

8 KATIE: Not in this (inaudible). We are  
9 working together (inaudible).

10 LAW JUDGE CLARK: Oh, great. That's  
11 excellent. And I love to hear that. I love to hear  
12 that the parties are communicating. Well, again, I  
13 will apologize for (inaudible) here in person. That  
14 was not my (inaudible) Webex. For future (inaudible)  
15 it's in my policy for discovery conferences I do  
16 prefer to have those in person (inaudible) stuff I  
17 like to see, but I am (inaudible) policy (inaudible)  
18 filed anything (inaudible) conference (inaudible). Is  
19 there anything else that the commission needs to  
20 address at this time?

21 MR. OPITZ: Do you have any idea of what  
22 (inaudible)?

23 LAW JUDGE CLARK: I wish I could.

24 MR. OPITZ: Okay.

25 LAW JUDGE CLARK: I wish -- no. I really

1 wish I did. Because this is -- this is -- that's --  
2 that's a fair question, and I'll try and provide as  
3 much transparency, if possible. So I will tell you  
4 that with all the changes at the commission  
5 (inaudible) for a while -- there for a while, we  
6 worked through them all (inaudible) pandemic, and then  
7 we for a while switched to (inaudible) them  
8 (inaudible) electronic, then we kind of switched to  
9 (inaudible) you know, let's do (inaudible) hybrid, you  
10 know (inaudible) somebody's in person, and we'll allow  
11 (inaudible) once the (inaudible). I think -- I think  
12 that the commission is leaning towards more  
13 (inaudible). But I don't know that we're going to be  
14 able to (inaudible), so. (Inaudible) certainly try to  
15 get the (inaudible) if possible. But I think what the  
16 (inaudible).

17 KATIE: (Inaudible) two requests.

18 LAW JUDGE CLARK: And I understand. I  
19 understand why given the number of (inaudible) comply.  
20 So I (inaudible) try to accommodate (inaudible) as  
21 much as possible. I would expect -- I would expect an  
22 (inaudible) I think that right now the (inaudible)  
23 December 15th and (inaudible).

24 KATIE: Yeah.

25 LAW JUDGE CLARK: Is that correct?

1 KATIE: Yeah.

2 LAW JUDGE CLARK: So that's -- anything  
3 within that time frame, I'm sure we can (inaudible)  
4 but the problem I have is, I've done a number of  
5 these -- I've done a number of Empire (inaudible) some  
6 of them (inaudible) funded but a vast majority of them  
7 (inaudible). Some I -- I know that that's standard,  
8 so. In order to (inaudible) probably (inaudible) at  
9 doing some of these hearings like (inaudible).

10 KATIE: Uh-huh.

11 LAW JUDGE CLARK: And other (inaudible) and  
12 the following another (inaudible) trying not to  
13 (inaudible) way, but if that becomes a real problem,  
14 if you've got (inaudible) location (inaudible) getting  
15 the hearing completed and getting to the next location  
16 could be a problem. I mean (inaudible) my preference  
17 (inaudible) as possible but (inaudible) turnover  
18 (inaudible).

19 KATIE: Do we have any details (inaudible)  
20 matter of (inaudible) how many (inaudible) I -- I  
21 think I remember our first and only other (inaudible)  
22 there was a statement made that there were (inaudible)  
23 relative to other like (inaudible) that seem to be  
24 (inaudible) unusual large number of comments from the  
25 public; is that --

1 LAW JUDGE CLARK: I (inaudible) staff to  
2 put out a number, and I'm going to --

3 (Inaudible conversation.)

4 LAW JUDGE CLARK: Okay. Let's get those.  
5 However I think --

6 KATIE: Okay.

7 LAW JUDGE CLARK: -- that's what I believe.  
8 I don't know what's been filed since -- since staff  
9 did that. (Inaudible) another number (inaudible). I  
10 can look into that and see.

11 MR. OPITZ: (Inaudible) be able to see  
12 (inaudible) maybe not the public itself, but I  
13 think --

14 KATIE: A number?

15 MR. OPTIZ: (Inaudible).

16 KATIE: Okay.

17 MR. OPITZ: (Inaudible).

18 LAW JUDGE CLARK: Okay. Thank you for  
19 letting me know. I didn't know if that number was a  
20 commission number only or if (inaudible) send  
21 (inaudible) outside my (inaudible).

22 KATIE: Sounds good.

23 LAW JUDGE CLARK: All right. Was there  
24 anything else, that anybody would like to know or  
25 would like for me to address at this time? So again,

1 thank you all for coming (inaudible) today. I will  
2 adjourn this procedural conference and discovery.

3 MR. POSTON: Thank you.

4 LAW JUDGE CLARK: We can go off the record.

5 KATIE: Thank you.

6 (Audio ended.)

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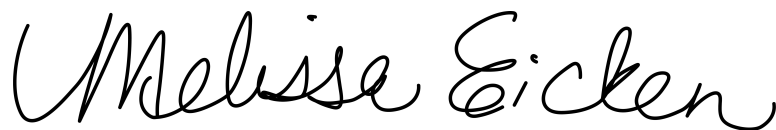
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Melissa J. Eicken, CCR, CSR, RPR

Date:

<b>1</b>	<b>agenda</b> 7:15	<b>Casey</b> 2:24	<b>D</b>
<b>10:00</b> 2:5	<b>agree</b> 9:2	<b>center</b> 6:25	<b>date</b> 5:11
<b>10th</b> 4:21	<b>anybody's</b> 8:8	<b>chances</b> 3:22	<b>day</b> 4:20 8:1,3
<b>13th</b> 6:15 8:2,6	<b>apologize</b> 9:13	<b>checking</b> 4:4	<b>days</b> 6:15 8:10
<b>15th</b> 10:23	<b>appearance</b> 2:18	<b>Christmas</b> 6:23	<b>dead</b> 6:25
<b>16th</b> 8:4,12,14,16,19	<b>area</b> 2:13	<b>Clark</b> 2:1,14,22 3:1,5,10,14 5:15, 19,23 6:22 7:2,8, 21,24 8:7,12,14, 18,21 9:1,10,23, 25 10:18,25 11:2, 11 12:1,4,7,18,23 13:4	<b>deals</b> 9:4
<b>18th</b> 6:1,16 8:3	<b>assistant</b> 4:3		<b>December</b> 6:1,15, 16 8:19 10:23
<b>2</b>	<b>audio</b> 13:6		<b>details</b> 11:19
<b>2024</b> 2:4	<b>authority</b> 2:10		<b>Diana</b> 2:20
<b>20th</b> 2:4	<b>B</b>	<b>comments</b> 11:24	<b>difference</b> 8:2
<b>3</b>	<b>back</b> 5:3 6:15	<b>commission</b> 2:6, 23,25 3:17,23,25 4:11 7:10 9:19 10:4,12 12:20	<b>difficulty</b> 6:6
<b>30</b> 8:10	<b>base</b> 4:16	<b>communicating</b> 9:12	<b>discovery</b> 2:8,15 9:5,7,15 13:2
<b>305</b> 2:5	<b>basically</b> 4:3 8:22	<b>company</b> 3:9 5:13	<b>discussion</b> 6:19 8:1
<b>3rd</b> 5:6,11	<b>basis</b> 7:5		<b>E</b>
<b>7</b>	<b>behalf</b> 2:23 3:6,8, 11,12	<b>compensate</b> 6:5	<b>easier</b> 6:12
<b>7th</b> 4:19 5:5,25 6:14	<b>big</b> 4:10	<b>completed</b> 11:15	<b>electronic</b> 10:8
<b>A</b>	<b>bit</b> 6:12	<b>comply</b> 10:19	<b>Empire</b> 11:5
<b>a.m.</b> 2:5	<b>boil</b> 4:22	<b>conference</b> 2:7,8, 16 3:16 5:21 9:18 13:2	<b>end</b> 7:2
<b>Ablin</b> 2:24 3:1	<b>briefing</b> 4:7 5:3,23 6:12	<b>conferences</b> 9:15	<b>ended</b> 13:6
<b>accommodate</b> 10:20	<b>briefs</b> 5:5,24,25 6:14,15 8:19	<b>conflict</b> 5:11 6:17	<b>enter</b> 2:18
<b>address</b> 9:20 12:25	<b>Building</b> 2:6	<b>conversation</b> 12:3	<b>essential</b> 3:20
<b>adjourn</b> 13:2	<b>business</b> 2:10	<b>correct</b> 8:16 9:1 10:25	<b>evidentiary</b> 6:2
<b>administrative</b> 4:3	<b>C</b>	<b>counsel</b> 3:2,4	<b>excellent</b> 9:11
<b>adopted</b> 3:17	<b>called</b> 3:16 5:20	<b>couple</b> 3:6	<b>exceptions</b> 3:19
<b>affect</b> 6:21	<b>captioned</b> 2:8	<b>current</b> 2:4	<b>expect</b> 10:21
	<b>Carter</b> 2:20,21,22 5:13,15		<b>expedite</b> 6:9
	<b>case</b> 2:8 3:20 4:11,14,15 6:10		<b>F</b>
	<b>cases</b> 4:10 7:15		<b>fact</b> 6:5

<p><b>fair</b> 10:2</p> <p><b>fall</b> 6:24</p> <p><b>February</b> 4:21</p> <p><b>file</b> 2:13</p> <p><b>filed</b> 9:18 12:8</p> <p><b>fine</b> 5:16 7:17</p> <p><b>finishing</b> 4:12</p> <p><b>frame</b> 11:3</p> <p><b>funded</b> 11:6</p> <p><b>future</b> 9:14</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>general</b> 2:11</p> <p><b>generally</b> 7:8,13, 15 8:9</p> <p><b>good</b> 2:20 3:14 12:22</p> <p><b>Governor</b> 2:6</p> <p><b>great</b> 9:10</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>hear</b> 7:3 8:21 9:11</p> <p><b>hearing</b> 3:21 11:15</p> <p><b>hearings</b> 11:9</p> <p><b>heavy</b> 4:10</p> <p><b>higher</b> 4:6</p> <p><b>holiday</b> 3:7,8 6:20, 24 7:6</p> <p><b>holidays</b> 8:8</p> <p><b>Honor</b> 8:20</p> <p><b>hybrid</b> 10:9</p>	<hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>idea</b> 9:21</p> <p><b>implement</b> 2:11</p> <p><b>inaudible</b> 3:7,9,11, 12,13,23 4:2,4,5, 6,9,11,13,15,16, 17,25 5:1,4,9,18 6:8,10,19,20 7:6, 7,12,13,14,15,16, 23 8:6,10,11,13, 24,25 9:3,8,9,13, 14,16,17,18,22 10:5,6,7,8,9,10, 11,13,14,15,16, 17,19,20,22,23 11:3,5,6,7,8,9,11, 12,13,14,16,17, 18,19,20,21,22, 23,24 12:1,3,9,11, 12,15,17,20,21 13:1</p> <p><b>increase</b> 2:11</p> <p><b>indirectly</b> 6:21</p> <p><b>initial</b> 5:25 6:15 7:10 8:19</p> <p><b>intention</b> 4:8</p> <p><b>intervenors</b> 3:6</p> <p><b>issue</b> 4:7,21</p> <p><b>issued</b> 8:22</p> <p><b>issues</b> 5:1</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>January</b> 4:19 5:5, 6,11,25 6:14</p> <p><b>John</b> 2:14</p> <p><b>joint</b> 3:18</p> <p><b>judge</b> 2:1,15,22 3:1,5,10,14 5:14, 15,19,23 6:22 7:2,</p>	<p>8,21,24 8:7,12,14, 18,21 9:1,10,23, 25 10:18,25 11:2, 11 12:1,4,7,18,23 13:4</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>Katie</b> 3:12 6:18 7:1 8:17,20,24 9:8 10:17,24 11:1,10, 19 12:6,14,16,22 13:5</p> <p><b>kind</b> 10:8</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>large</b> 11:24</p> <p><b>law</b> 2:1,15,22 3:1, 5,10,14 4:20 5:15, 19,23 6:22 7:2,8, 21,24 8:7,12,14, 18,21 9:1,10,23, 25 10:18,25 11:2, 11 12:1,4,7,18,23 13:4</p> <p><b>leaning</b> 10:12</p> <p><b>letting</b> 12:19</p> <p><b>Liberty</b> 2:9,10,19, 21 4:14</p> <p><b>list</b> 4:6</p> <p><b>LLC</b> 2:10</p> <p><b>local</b> 3:21</p> <p><b>location</b> 4:6 11:14, 15</p> <p><b>locations</b> 4:4,5</p> <p><b>looked</b> 5:8</p> <p><b>lot</b> 3:21 4:9</p> <p><b>love</b> 9:11</p>	<hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>made</b> 4:6 11:22</p> <p><b>majority</b> 11:6</p> <p><b>make</b> 6:12</p> <p><b>manner</b> 6:7</p> <p><b>Marc</b> 3:3</p> <p><b>matter</b> 2:9 11:20</p> <p><b>memorandum</b> 7:9, 14</p> <p><b>mind</b> 4:18 5:2</p> <p><b>mindful</b> 6:19</p> <p><b>Missouri</b> 2:9,12</p> <p><b>Monday</b> 8:4,16</p> <p><b>month</b> 5:8</p> <p><b>morning</b> 2:20 3:14,15</p> <p><b>move</b> 5:3,6 6:13, 14</p> <p><b>moving</b> 5:10 7:5</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>notice</b> 4:16</p> <p><b>number</b> 2:13 3:20 4:13 10:19 11:4,5, 24 12:2,9,14,19, 20</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>objection</b> 6:17 7:3,17</p> <p><b>objections</b> 5:10 8:16,18</p> <p><b>Office</b> 2:6</p> <p><b>operation</b> 4:20</p>
--	---	--	--



<p><b>Opitz</b> 3:8,10 5:16 9:21,24 12:11,17</p> <p><b>OPTIZ</b> 3:8 12:15</p> <p><b>order</b> 4:23 7:9 8:22 11:8</p> <p><b>orders</b> 4:23</p> <p><b>originally</b> 5:24</p> <p><b>overseeing</b> 2:15</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>pandemic</b> 10:6</p> <p><b>parties</b> 2:17 3:18 4:8,19 5:3 6:2,4,8 9:6,12</p> <p><b>parties'</b> 6:18</p> <p><b>parts</b> 7:14</p> <p><b>party</b> 8:15</p> <p><b>person</b> 9:13,16 10:10</p> <p><b>phonetic</b> 2:24</p> <p><b>plan</b> 4:25</p> <p><b>point</b> 9:6</p> <p><b>policy</b> 9:15,17</p> <p><b>Poston</b> 3:3,5 5:17, 22 7:4,16,18,22 8:5,9,13 13:3</p> <p><b>prefer</b> 9:16</p> <p><b>preference</b> 11:16</p> <p><b>previous</b> 5:8</p> <p><b>problem</b> 4:20 11:4,13,16</p> <p><b>problematic</b> 6:7</p> <p><b>procedural</b> 2:7,15 3:17 13:2</p> <p><b>proposed</b> 3:18</p> <p><b>provide</b> 10:2</p>	<p><b>provided</b> 2:12</p> <p><b>public</b> 3:2,3,21 11:25 12:12</p> <p><b>put</b> 5:20 12:2</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>question</b> 5:7 10:2</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>rate</b> 2:11 4:11,15</p> <p><b>real</b> 6:6 11:13</p> <p><b>reason</b> 3:16</p> <p><b>reasonable</b> 7:25</p> <p><b>receive</b> 9:6</p> <p><b>record</b> 2:1,3,18 13:4</p> <p><b>regulatory</b> 2:14</p> <p><b>relative</b> 11:23</p> <p><b>remember</b> 4:16 11:21</p> <p><b>reply</b> 4:19 5:5,11, 24 6:14 7:12</p> <p><b>request</b> 2:9</p> <p><b>requested</b> 3:22</p> <p><b>requests</b> 10:17</p> <p><b>Room</b> 2:5</p> <p><b>ruin</b> 8:8</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>schedule</b> 3:17,18 4:7 5:3,8,20 6:12</p> <p><b>scheduled</b> 5:24,25 6:1</p> <p><b>securitization</b> 4:12</p>	<p><b>send</b> 12:20</p> <p><b>service</b> 2:12</p> <p><b>set</b> 2:6</p> <p><b>severely</b> 5:4</p> <p><b>shortcut</b> 4:24</p> <p><b>somebody's</b> 10:10</p> <p><b>Sounds</b> 12:22</p> <p><b>speculating</b> 6:4</p> <p><b>split</b> 8:2</p> <p><b>squeeze</b> 4:8</p> <p><b>staff</b> 2:23,25 12:1, 8</p> <p><b>standard</b> 11:7</p> <p><b>start</b> 7:8,11</p> <p><b>starting</b> 2:18</p> <p><b>statement</b> 11:22</p> <p><b>stipulation</b> 4:24</p> <p><b>stuff</b> 9:16</p> <p><b>surprised</b> 4:2</p> <p><b>switched</b> 10:7,8</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>talk</b> 9:5</p> <p><b>Thanksgiving</b> 6:24 7:19</p> <p><b>things</b> 3:20 4:13</p> <p><b>Tim</b> 3:8</p> <p><b>time</b> 2:5,7,17 7:7 9:3,20 11:3 12:25</p> <p><b>timely</b> 6:6</p> <p><b>today</b> 2:7,16 13:1</p> <p><b>Today's</b> 2:4</p> <p><b>told</b> 6:18</p>	<p><b>transcribed</b> 2:2</p> <p><b>transcripts</b> 6:6,9, 20,21 7:20</p> <p><b>transparency</b> 10:3</p> <p><b>triggers</b> 9:3</p> <p><b>troubles</b> 4:5</p> <p><b>turnover</b> 11:17</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>Uh-huh</b> 11:10</p> <p><b>understand</b> 4:18 10:18,19</p> <p><b>unfairly</b> 5:9</p> <p><b>unusual</b> 7:16 11:24</p> <p><b>updating</b> 8:22</p> <p><b>Utilities</b> 2:9</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>vacation</b> 3:7,9</p> <p><b>vast</b> 11:6</p> <p><b>virtual</b> 9:3</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>wanted</b> 4:19</p> <p><b>wastewater</b> 2:12, 21</p> <p><b>water</b> 2:10,11,21</p> <p><b>Webex</b> 9:14</p> <p><b>weekend</b> 8:6</p> <p><b>weeks</b> 4:22 7:22 8:24</p> <p><b>work</b> 8:6</p> <p><b>worked</b> 10:6</p> <p><b>working</b> 9:9</p>
---	---	---	---

**works** 5:13

**worry** 7:5

**WR-2024-0104**  
2:13

**writing** 7:9

**written** 4:23

**wrong** 6:3

---

**Y**

---

**year** 6:7

**Year's** 6:23