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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

In the Matter of the Petition )  
for an Interim Receiver and for )  
an Order Directing the General )  
Counsel to Petition the Circuit )  
Court for the Appointment of a )  
Receiver for Misty Water Works )

Tuesday, June 25, 2024

9:00 a.m. - 5:03 p.m.

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

VOLUME III Pages 338 - 609

JOHN CLARK, Presiding  
SENIOR REGULATORY LAW JUDGE

KAYLA HAHN, Chair  
MAIDA J. COLEMAN, Commissioner  
JASON R. HOLSMAN, Commissioner  
GLEN KOLKMEYER, Commissioner  
JOHN MITCHELL, Commissioner

Stenographically Reported By: Colin Wallis

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APPEARANCES:

On behalf of Staff of the  
Public Service Commission:

Public Service Commission  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102

BY: CAROLYN KERR, ESQ.  
CASI ASLIN, ESQ.  
Carolyn.Kerr@psc.mo.gov  
Casi.Aslin@psc.mo.gov

Present Pro Se: Leon Travis Blevins

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

2 LAW JUDGE CLARK: Okay. It is now  
3 9:00 a.m.. let's go on the hearing record.  
4 Good morning, today is June 25th, 2024; the  
5 current time is 9:00 a.m. Welcome to day two  
6 of the evidentiary hearing in the Staff of  
7 Missouri Public Service Commission versus Leon  
8 Travis Blevins, also known as Travis Blevins  
9 and Patricia Blevins, doing business as Misty  
10 Mountain Public Water Supply, also known as  
11 Misty Water Works, Charity Public Water Supply  
12 and Rolling Hills Public Water Supply.

13 My name is John Clark. I'm the regulatory  
14 law judge presiding over day two of this  
15 hearing today. As I indicated yesterday,  
16 commissioners will drop in and out through the  
17 day, some in person, some online. We have  
18 commissioners already participating or  
19 listening online.

20 When we left off yesterday, we had just --  
21 we had just concluded with witness Dalten  
22 Young, and Staff still have a couple more  
23 witnesses to go. So is there anything that I  
24 need to take up before Staff calls its next  
25 witness?

1 MS. KERR: I have copies of Exhibit 10  
2 that you asked for.

3 LAW JUDGE CLARK: From yesterday?

4 MS. KERR: Yes.

5 LAW JUDGE CLARK: Thank you. And these  
6 have already been admitted on the hearing  
7 record, so I do not need to address them  
8 further at this time. And, Staff, you may call  
9 your next witness.

10 MS. KERR: I call Curt Gateley.

11 LAW JUDGE CLARK: Mr. Gateley, would you  
12 come down and raise your right hand to be  
13 sworn?

14 (Curt Gateley sworn.)

15 LAW JUDGE CLARK: Please be seated. Go  
16 ahead, Staff.

17 DIRECT EXAMINATION

18 BY MS. KERR:

19 Q Thank you, good morning. Would you please  
20 state your name and spell it for the record?

21 A Curtis Gateley, C-u-r-t-i-s,  
22 G-a-t-e-l-e-y.

23 Q And by whom are you employed and what is  
24 your position?

25 A Staff of the Public Service Commission. I

1 am a regulatory compliance manager over the water,  
2 sewer and steam department.

3 Q And just, generally, what are your job  
4 duties and responsibilities?

5 A I supervise a team of engineers, analysts  
6 and operators. We process applications for water,  
7 sewer, steam companies before the Public Service  
8 Commission, we also investigate customer complaints.

9 Q And do you supervise Adam Stamp?

10 A I do.

11 Q Is he one of your inspectors?

12 A Yes.

13 Q Just generally what -- what are his duties  
14 and responsibilities as an inspector or an analyst?

15 A Adam's primary responsibility is  
16 conducting inspections or field investigations for  
17 cases that we're dealing with. He also conducts  
18 routine inspections of regulated companies.

19 Q And are you familiar with Leon Travis  
20 Blevins?

21 A I am.

22 Q Are you familiar with this case?

23 A Yes.

24 Q And how did you become familiar with that?

25 A I believe I initially started receiving

1 communications from DNR in December of 2022 or  
2 around that time. They were concerned that  
3 Mr. Blevins was operating a utility company without  
4 a certificate from the Public Service Commission.

5 Q So what's been your involvement in this  
6 case?

7 A Initially I was leading the investigation.  
8 I believe at that point, Adam was a relatively new  
9 employee, that he was shadowing me from the  
10 beginning and me showing him how would I pursue the  
11 investigation. As time went on, Adam has taken the  
12 lead on it.

13 Q Okay. Excuse me. Have you met with  
14 Mr. Blevins at all during your -- during your part  
15 of the investigation?

16 A Yes.

17 Q Can you tell me about -- can you tell me  
18 about that? What you talked about? What was  
19 discussed?

20 A In the spring of 2023, prior to us  
21 compiling any of our cases, myself and Adam and one  
22 other staff member met with Mr. Blevins at one of  
23 his offices to discuss what we had found; what we  
24 believed, that he was operating a utility without a  
25 certificate; what the PSC rules were; that sort of

1 thing, discussed it with him. But it became clear  
2 to us that we -- we had to formally file cases  
3 pretty rapidly and try to address the situation  
4 given the lack of safe and adequate service to the  
5 customers there, and the fact that they were being  
6 charged for service.

7 Q And did you explain what the PSC rules  
8 are, and why he might be subject to regulation?

9 A Yes.

10 Q And what -- do you know -- can you tell me  
11 what you told him about -- did you tell him anything  
12 specific about it -- about them?

13 A Well, I mean, it was an initial meeting.  
14 I mean, we did speak in more general terms, but  
15 the -- any entity that charged for service that  
16 operated as a utility, unless you were a nonprofit  
17 entity, was subject to Public Service Commission  
18 rules, that he'd be subject to things like an audit  
19 and establishing rates. There were rules on  
20 customer service, that sort of thing.

21 Q Did he seem to understand what the  
22 discussion was about?

23 A Yes. Like many people who don't know we  
24 exist, there was initial confusion of, why are you  
25 even here, but, yes, he understood to the point

1 through our conversation, but he -- he also knew  
2 there was going to be additional discussions and  
3 details past that. I believe we only spoke for  
4 perhaps an hour, which isn't enough time to cover  
5 everything.

6 Q And did you have any other discussions  
7 with him or any other any involvement with  
8 Mr. Blevins?

9 A I --

10 Q Like other than this first meeting?

11 A That was the only meeting we had just one  
12 on one with Mr. Blevins about the general situation.  
13 I was present for other hearings here with  
14 Mr. Blevins and with a public information session  
15 that we had with customers, but that was the only  
16 time when I was just talking and explaining with  
17 Mr. Blevins.

18 Q Okay. So pretty much, did Adam Stamp,  
19 Mr. Stamp, do the rest of the investigation or how  
20 did that -- how did it go from --

21 A It was --

22 Q -- from you to Mr. Stamp?

23 A It was fluid. As he gained experience and  
24 understanding of our processes and my expectations,  
25 he took more and more of the lead, but as far as



1 dealing with the customer complaints themselves and  
2 the one on one situations with customers, he -- he  
3 led most of that himself.

4 Q Okay. So he'd be the one to testify to  
5 most of that?

6 A Yes.

7 Q Okay. Now, you said DNR initially  
8 contacted you or PSC about Mr. Blevins' systems, do  
9 you remember -- you said that was Decemberish of  
10 2022?

11 A I believe the initial communications were  
12 December of '22. We started receiving customer  
13 complaints, I believe, in January of 2023.

14 Q And what -- what did they want the PSC to  
15 do?

16 A We have a working relationship with DNR,  
17 where if they suspect that there's an entity that  
18 may need to be regulated by the Public Service  
19 Commission, they're going to give referrals to us on  
20 those; we give information as well when see DNR  
21 violations of course. But at that moment, besides  
22 the wells are subject to PSC regulations that DNR --  
23 that are too small for DNR to regulate, they had  
24 concerns about some of his wells and one in  
25 particular where he was refusing to install

1 disinfection.

2 Q Do you remember which well that was?

3 A I'm sorry, they blend together. I've  
4 tried.

5 Q That's fine. Now, obviously, we don't  
6 regulate -- the PSC don't regulate the same types of  
7 things that DNR does, so how is that regulation  
8 different? Can you explain that?

9 A From my perspective, when the PSC is  
10 evaluating whether someone is providing safe and  
11 adequate service for water, those standards of  
12 safety are set by the DNR. If you're complying for  
13 drinking water, if you're complying with their rules  
14 on safety, like, maintaining adequate pressure  
15 within a line to prevent contamination and meeting  
16 the requirements to not have pathogens in the water,  
17 other contaminants, those sorts of things, that's  
18 the safety portion. Obviously, we are in charge by  
19 statute to enforce safety rules, but DNR sets those  
20 rules, so we work for them as far of those kind of  
21 evaluations.

22 Q So DNR has certain wells or well systems  
23 that they regulate. What about the other wells that  
24 Mr. Blevins might own or might operate? Does --

25 A There are --

1 Q Does he have --

2 A There are some number of wells, we aren't  
3 certain exactly how many because he wasn't recording  
4 them with the county initially, that are too small  
5 to be regulated by DNR. They need, at least, I  
6 believe, 25 persons or 15 connections to be big  
7 enough to be regulated by DNR. And because many of  
8 these wells were constructed by developers trying to  
9 evade DNR regulations, you have lots of them that  
10 were built that have fewer connections than that.  
11 For example, the wells on Rowden Lane, the well on  
12 Rejoice Lane. There's -- there are others. I don't  
13 know exactly how many, because we haven't been able  
14 to use records to figure out how many he's providing  
15 service from, because he's not got them all recorded  
16 with the county as his ownership.

17 Q Okay. And, so, what actions did your  
18 section want to end up wanting to take once you  
19 begin looking into and investigating the complaints  
20 of the consumers?

21 A It was clear that he was the, to staff,  
22 that he was operating without a certificate, but the  
23 more we learned about the way that Mr. Blevins was  
24 operating his companies, the way that he was  
25 not responding to problems, the billing complaints

1 we were receiving, his lack of infrastructure that  
2 other companies have, it became pretty clear to me  
3 he wouldn't be capable of complying with PSC rules,  
4 as he wasn't complying with DNR rules. He really  
5 wouldn't have much chance of being a successful  
6 company. I've seen the PSC issue certificates to  
7 companies that we then had to turn around and file  
8 for receivership because they're willing or weren't  
9 capable of complying.

10 I felt the most appropriate step  
11 would be to move for receivership as soon as  
12 possible.

13 Q Okay. So he -- so the complaint in  
14 receivership -- now, he filed an application for  
15 an CCN; is that right?

16 A That's correct.

17 Q That was case number WA2023-0418. Do you  
18 know what became of that?

19 A Staff filed a recommendation to not grant  
20 a certificate in August of that year, and then  
21 Mr. Blevins withdrew his application in October --  
22 on October 4th, I believe, of that year.

23 Q Okay. And what was Staff's recommendation  
24 in that CCN case?

25 A To not grant a CCN.

1 Q And what was Staff's reasons for denying  
2 or want -- recommending denial of a CCN?

3 A You want me to speak generally --

4 Q General.

5 A -- or do you want to go through --

6 Q Generally.

7 A He lacks -- or appears to lack the  
8 technical ability to successfully provide safe and  
9 adequate service. He lacks the infrastructure to  
10 comply with Chapter 13 rules on customer service.  
11 He does not appear to or have the financial  
12 wherewithal to operate the company or he is simply  
13 choosing to not properly operate the company,  
14 because he wasn't fixing the problems that needed to  
15 be fixed. You know, we heard testimony yesterday  
16 about customers having to thaw out wells every year  
17 in the wintertime. That's not acceptable. If we  
18 had -- one of the other small companies, a regulated  
19 company that started letting the infrastructure fall  
20 apart and not provide safe and adequate service, we  
21 would be filing complaints or filing for  
22 receivership, depending on how severe the situation  
23 was. There was nothing to suggest that Mr. Blevins  
24 would be able to provide safe and adequate service.

25 Q Okay. And that recommendation was filed

1 in the receivership case? Or not in the  
2 receivership case, the CCN case, I'm sorry.

3 A In the CCN case -- the WA case.

4 Q The WA2023-0418? I'd and that the -- that  
5 the Commission take notice of this recommendation  
6 that was filed in WA2023-0418. I can move that to  
7 be admitted as evidence -- or as an exhibit?

8 LAW JUDGE CLARK: No, that's the one --

9 MS. KERR: It's already been filed --

10 LAW JUDGE CLARK: That is the one that is  
11 attached to the list of issues, correct?

12 MS. KERR: Yes. It's also attached to the  
13 list of issues, yes.

14 LAW JUDGE CLARK: Mr. Blevins, have you  
15 seen Staff's recommendation from the CCN case?  
16 The 418 (sic) case?

17 MR. BLEVINS: No, sir.

18 LAW JUDGE CLARK: Do you have that to show  
19 to him?

20 MS. KERR: I do.

21 LAW JUDGE CLARK: Mr. Blevins, would you  
22 skim that real quick and let me know if you any  
23 objections to admitting that onto the hearing  
24 record, that Staff recommendation that the  
25 Commission not grant you a CCN -- or a

1 certificate of convenience and necessity.

2 MR. BLEVINS: Is this the recent one?

3 MS. KERR: When we filed this -- when we  
4 filed the CCN case.

5 MR. BLEVINS: Oh.

6 LAW JUDGE CLARK: Now, you indicated that  
7 you wanted to withdraw your CCN application,  
8 but this still is Staff recommendation from  
9 that file, and they're asking it be admitted as  
10 evidence here by having Commission take  
11 official notice of it.

12 MR. BLEVINS: To my recollection, this is  
13 the first time I seen this, but I have no  
14 objection. I don't -- the CCN, I can't meet  
15 those requirements with -- it's not a utility  
16 company.

17 LAW JUDGE CLARK: Now, you just said  
18 something that had evidentiary value, and I'm  
19 going to remind today that you're still under  
20 oath; you understand that?

21 MR. BLEVINS: Yes, I understand I'm under  
22 oath. This is the first time that I've seen  
23 this document where Staff recommended not to  
24 issue a CCN.

25 LAW JUDGE CLARK: Okay. Do you want to

1 take a moment, and I can go off the record and  
2 you can read it, or do you want to --

3 MR. BLEVINS: Well, maybe I should read it  
4 here, I guess.

5 LAW JUDGE CLARK: Let's go off the record  
6 for a moment.

7 (Off the record.)

8 LAW JUDGE CLARK: Let's go back on the  
9 record. Mr. Blevins, do you have any  
10 objections to the Commission taking official  
11 notice of Staff's recommendation in  
12 WA2023-0418?

13 MR. BLEVINS: If that recommendation is  
14 not to issue a CCN, I have no objection to  
15 that, but I was not seeking a CCN or I was  
16 withdrawing my application for that. I do  
17 object to a lot of the verbiage and the --  
18 that's on these documents here, but I -- I  
19 don't see any reason why I would object to not  
20 making it part of whatever we're doing here.

21 LAW JUDGE CLARK: Okay. Well, if you have  
22 problems with the verbiage that you would like  
23 to address during your testimony, I'll  
24 certainly allow you to do so --

25 MR. BLEVINS: Okay.



1           LAW JUDGE CLARK: -- but in regard to the  
2           objection of the verbiage, I'm going to  
3           overrule that objection, and I am going to take  
4           official notice of Staff's recommendation in  
5           WA2023-0418.

6           MS. KERR: Thank you. Just for the  
7           record, that Staff recommendation was filed in  
8           that case on August 15th of 2023.

9           LAW JUDGE CLARK: And there's an  
10          accompanying memorandum, correct?

11          MS. KERR: Yes.

12          LAW JUDGE CLARK: That is also part of the  
13          recommendation.

14          MS. KERR: Yes, the Staff recommendation  
15          and memorandum, yes.

16          LAW JUDGE CLARK: Thank you. Go on.

17          Q        (By Ms. Kerr) And other than the CCN case,  
18          the receivership case you said filed that, that's  
19          already gone to hearing?

20          A        Correct.

21          Q        That was W02024-0037?

22          A        Yes.

23          Q        Or 36, I'm sorry, 0036.

24          A        Yeah.

25          Q        And that action was filed in August of

1 2023? Do you remember?

2 A I don't recall that date. I could look it  
3 up but --

4 Q Okay. It'll be in the filing underneath  
5 this, right?

6 A Yes.

7 MS. KERR: I would ask or move that the  
8 Commission take official notice of the petition  
9 for interim receiver and for an order directing  
10 the general counsel to petition the Circuit  
11 Court of Cole County for the appointment of a  
12 receiver for Misty Mountain -- Misty Water  
13 Works and motion for expedited treatment that  
14 was filed in WO2024-0036. Believe that was  
15 filed August 15th, 2023.

16 LAW JUDGE CLARK: Mr. Blevins, do you have  
17 any objections to the Commission taking  
18 official notice of the petition for a receiver  
19 filed by the Commission's Staff in WO2024-0036?  
20 That's the petition for the case that we had  
21 the last hearing that you were here on in this  
22 room.

23 MR. BLEVINS: Do I object to the petition?  
24 No, sir. I have no objection to it.

25 LAW JUDGE CLARK: Okay, the Commission

1 will take official notice of the petitioner of  
2 Staff's petition for receiver in WO2024-0036.

3 Q (By Ms. Kerr) Thank you. And we had a  
4 hearing in that action on October 25th and 26th of  
5 '23; do you remember that?

6 A Sounds -- yes, that's right.

7 Q And you testified at that hearing?

8 A I did.

9 Q You were cross-examined by Mr. Blevins?

10 A I was.

11 Q And you presented evidence, your attorney  
12 entered evidence during your testimony during that  
13 hearing?

14 A Yes.

15 MS. KERR: I move that Mr. Gateley's  
16 testimony in case number WO2024-0036 be entered  
17 into evidence as Exhibit -- I think we're on  
18 13? 12? Exhibit 12, specifically  
19 Mr. Gateley's testimony found on pages 7 to 48  
20 of volume 3 of the transcript.

21 LAW JUDGE CLARK: Okay. Do -- do you have  
22 that as an exhibit?

23 MS. KERR: Yes.

24 LAW JUDGE CLARK: Do you want to  
25 distribute it? And I believe this is Exhibit

1 12.

2 MS. KERR: That's what I'm handing him  
3 right now. Thank you.

4 (Staff Exhibit 12 marked.)

5 Q (By Ms. Kerr) And other than those --  
6 those cases and the complaint, did Staff ever think  
7 of filing any other type of action, immediate  
8 action, with regard to Mr. Blevins?

9 A Yes.

10 Q And can you -- can you tell me -- or can  
11 you tell the Commission what Staff was wanting to  
12 do?

13 A There were --

14 Q -- or think about doing?

15 A There were internal discussions about  
16 filing for an emergency injunction given that  
17 customers were being charged for service by a  
18 company that appeared to be, you know, subject to  
19 PSC regulation, but those customers were -- or a  
20 portion of those customers, at least, were receiving  
21 contaminated water; there was a boil advisory and  
22 there was no apparent movement to correct the  
23 problem. In other situations, there were extended  
24 outages, where again, customers were being charged  
25 for service but were not receiving any service.

1 There were several situations where Staff considered  
2 it pretty urgent. Those discussions happened, but,  
3 ultimately, an injunction was not filed for.

4 Q And what was the harm or potential harm  
5 that Staff was specifically concerned about?  
6 Anything else besides what you just testified?

7 A Well, I mean, the expectation would be if  
8 you don't have service then you have unsanitary  
9 conditions in your home pretty rapidly; folks are  
10 able to flush their toilet or wash their hands. But  
11 folks receiving contaminated water, I mean E. coli  
12 is an indicator of bacteria. It's pathogenic, but  
13 it's also an indicator that there's probably other  
14 pathogens in the water. There's giardia,  
15 cryptosporidium, the things that are harder to test  
16 for. We had significant concerns that folks may get  
17 sick.

18 Q Okay. And you -- there's been testimony  
19 about a public hearing that was held last June of  
20 2023. Did you have -- what was your role in that?

21 A The public information session?

22 Q Yes.

23 A Is that what you're referring to?

24 Q Yes.

25 A I had organized it and scheduled it with

1 Jackie Johnson with DNR to obtain further  
2 information from customers. Mr. Blevins cooperated  
3 to an extent by providing us with most his  
4 customers' addresses. We later learned that  
5 customers of at least one well system were omitted  
6 for whatever reason. But we had quite a few folks  
7 show up and a lot of -- a lot of scared folks, a lot  
8 of angry folks, who we wanted to obtain information  
9 from them about their experiences, but, obviously,  
10 having Jackie and I in the room, they were,  
11 obviously, asking questions as well and trying to  
12 understand the regulatory roles of the agencies.

13 Q And, so, what seemed to be -- were there  
14 main concerns that the homeowners had or just  
15 general concerns? Can you explain that?

16 A I would characterize the primary concerns  
17 as fear that their water wasn't safe, refusal to  
18 honor the contracts they had signed for a water rate  
19 and oftentimes a lack of responsiveness by  
20 Mr. Blevins when something went wrong, either leaks  
21 or lack of service or whatever the issue was. There  
22 were folks who were perfectly happy with their water  
23 quality, but angry they had their rate changed when  
24 they felt they had a contract for a certain rate.  
25 There were customers who were suspicious of the

1 entire situation, but didn't have specific concerns  
2 but there were dozens of people who approached me  
3 and Jackie with situations that they were pretty  
4 angry about.

5 Q Mr. Stamp was there as well?

6 A He was in attendance, yes.

7 Q And did Mr. Blevins seem to have concerns  
8 about what was being discussed or what was going on  
9 during that meeting?

10 A I didn't engage directly with Mr. Blevins  
11 at that meeting. He was in attendance. I believe  
12 other customers had specific discussions with him,  
13 but the goal of the meeting was to hear from the  
14 customers. So I wasn't separating meeting with  
15 Mr. Blevins and he wasn't try to step in. We were  
16 letting people talk.

17 Q Okay. All right. And, so, the attendees  
18 at the meeting, there were -- some of them were  
19 served by the three public water systems that DNR  
20 regulates?

21 A Yes.

22 Q There were others that were served by some  
23 other wells?

24 A Yes.

25 Q Can you explain -- so there are wells that

1 were regulated by DNR, and he was operating wells  
2 that are not regulated by DNR?

3 A Correct.

4 Q Okay. And if PSC takes action, would all  
5 the wells -- how would the wells be affected or they  
6 would be affected?

7 A All of the wells that he is acting as a  
8 water corporation, where he's charging for service,  
9 would be considered together as part of his effort  
10 of doing business as one of these companies. They  
11 would all be subject to regulation, including  
12 compliance with safety standards, you know, testing,  
13 having a certified operator, those sorts of  
14 requirements are a minimum expectations that we  
15 have, regardless of whether individually they were  
16 too small to be regulated by DNR.

17 Q Okay. And, yesterday, there was a  
18 witness, Mr. Grube, and other witnesses testified  
19 about outages occurring and that it sometimes took  
20 Mr. Blevins a couple of days or even longer to get  
21 the water back running for the homeowners, can you  
22 discuss what impact that might have on those  
23 homeowners who don't have running water for a few  
24 days?

25 A I mean, the obvious. Not being able to



1 wash your hands or cook food or flush your toilet,  
2 take a shower. But you also have to consider people  
3 who have young children in the house, and more than  
4 just taking care of themselves, I mean, some of  
5 those folks may have had to go stay with a relatives  
6 or go stay in a hotel. Depending on your stage of  
7 life and how you're used to living, you may be able  
8 to be pretty flexible for a day without water, but I  
9 know that I received customer complaints that were  
10 more than a day. It was days without water at  
11 certain times. That -- these were what customers  
12 told me, these weren't moments where I was out doing  
13 investigations, but those would have significant  
14 impact on most folks, and they're paying for  
15 service they're not getting.

16 Q And, so, does -- if Mr. Blevins was  
17 providing, like, bottled water, would that cover --  
18 do you think that's sufficient when there's outages  
19 for multiple days?

20 A When we know -- when a company knows they  
21 are going to have outages for several days, we work  
22 with them to ensure they're generally minimally  
23 distributing bottled water, but the standards for  
24 most companies is that they haul water in. There's  
25 been several examples that I've dealt with where,

1 you know, lightening hit a well or there was some --  
2 some catastrophic failure of a piece of equipment  
3 where companies had to haul in water tanks, where  
4 they could provide water for folks. It's not a lot  
5 different than what we see in disaster responses for  
6 people just on a smaller scale.

7 Q Did Mr. Blevins do any -- any of that  
8 remediation?

9 A Customers said that there wasn't anything  
10 like that. I was not present to verify that it  
11 didn't happen.

12 Q Okay. And what does that say, if  
13 anything, about Mr. Blevins' ability to run a water  
14 utility?

15 A To me it -- well, whether it's a lack of  
16 will or a lack of financial ability, it demonstrates  
17 that he's not able to meet the kind of standards  
18 that we would expect from other small companies.  
19 I'm aware of a company of about the same size that  
20 had their well fail and it couldn't be fixed, the  
21 well pump was seized up, they had to punch a new  
22 well; so they had, I believe, it was about two  
23 weeks. They arranged for a local milk hauler to  
24 clean, disinfect his tank, and haul water to keep  
25 their water storage full so that people would have

1 water.

2 That's the kind of response that's  
3 necessary when you know you have a major problem  
4 that can't be fixed or that's going to take a while  
5 to be fixed. Being able to do that, is part of  
6 running a utility company. Water is critical for --  
7 for health and safety of your customers.

8 Q And do you think Mr. Blevins would be able  
9 to do that with the information that you have?

10 A I do not.

11 Q Okay. And, so -- all right. Now, let's  
12 talk about the complaint that was filed in this  
13 case. There were two -- two counts. There was one,  
14 it was the unauthorized operation of a public  
15 utility, and the second count was protection of  
16 public health and failure to provide safe and  
17 adequate service. So looking at count 1, can you  
18 explain what it means to be operating as an  
19 authorized or an unauthorized water utility for PSC  
20 purposes?

21 A As a nonlawyer speaking, if you don't have  
22 a certificate, you don't have authorization.

23 Q And based on the information that  
24 you've -- that Staff has received from Mr. Stamp,  
25 during his investigation, is Mr. Blevins operating a

1 water utility?

2 A In Staff's opinion, yes.

3 Q And what is he doing that's considered an  
4 unauthorized water utility?

5 A He's providing water service to the  
6 public. He's charging for that service. He's  
7 operating a business, a for-gain company, to provide  
8 water and doing it without authorization from the  
9 Commission, without oversight of rates, oversight of  
10 safety, et cetera.

11 Q And there's been some talk about what it  
12 means to sell or supply water for gain. Does the  
13 company need to be making a profit or even making a  
14 gain? What does that mean?

15 A Are you --

16 Q Does --

17 A Does a company need to actually show a  
18 profit to be operating for gain?

19 Q Right.

20 A No, absolutely not. Just like any other  
21 business, a company can fail to make a profit  
22 through the way they operate the business, or what  
23 may occur to that business during -- during the  
24 course of a year. A not-for-profit company or other  
25 entity, is, you know, a legal entity that exists to

1 set up appropriately, to be able to demonstrate that  
2 they're not-for-profit. Simply deciding on some  
3 rates that you estimate might make you a profit as  
4 Mr. Blevins has said that he did yesterday,  
5 certainly to me shows that he's operating a company  
6 for gain, whether he actually made or turned a  
7 profit or not.

8 Q And do you know if he's filed any kind of  
9 non-for-profit status for Misty Waters or any his  
10 companies?

11 A I've been told he has formed HOAs to try  
12 to operate three of the water systems.

13 Q But with regard to Misty Mountain or Misty  
14 Water Works --

15 A Oh.

16 Q -- or any of his other companies, has he  
17 filed anything?

18 A No. We have no record -- Secretary of  
19 State's Office has no record of any of those  
20 businesses actually existing.

21 Q Okay. So he hasn't filed anything with  
22 the Secretary of State's Office, whether it was a  
23 not-for-profit status or as a business entity?

24 A Not associated with what the customers  
25 have showed us, the companies that they were being

1 billed by. Like, gosh, I can't remember --  
2 something corral was of the one of the companies and  
3 operating himself. No, we haven't seen any kind of  
4 filings for those.

5 Q Okay.

6 A Outlaw's Corral, I'm sorry.

7 Q Okay. With regard to count 2 of the  
8 complaint, you might have already touched on some of  
9 this, but you can explain why the Public Service  
10 Commission is concerned with protecting the public  
11 health and providing safe and adequate service?

12 A Well --

13 Q Can you see that?

14 A Well, that's part of the statutes that  
15 empowers the PSC, 393.130.1, discusses safe and  
16 adequate service. The DNR, I heard some interesting  
17 opinions in testimony yesterday. The DNR has a  
18 process where they deal with entities that are  
19 violating their rules, and they provide quite of a  
20 bit of assistance. And some of us might hold an  
21 opinion that they provide maybe too much assistance,  
22 but they have a process. Whether someone likes the  
23 way the message is received or not, the facts are  
24 that Mr. Blevins is not complying with their minimum  
25 safety standards.

1           He's left a well that broke, hasn't  
2 capped it, despite some of testimony that was said  
3 yesterday, it isn't a situation where someone can  
4 remove a cap and provide a sort of contamination for  
5 the aquifer. The rules exist on plugging wells to  
6 keep water from getting down, keep that from being a  
7 straw down in the aquifer, and right now, it is  
8 broken at the top. That's how we learned  
9 contamination was getting into the well. That has a  
10 potential to cause bacterial contamination of his  
11 other wells and other wells nearby.

12           That sort of thing cannot be ignored.  
13 He was -- he knew he was sending water to customers  
14 containing pathogens and didn't do anything to  
15 change it for months and months until that well  
16 broke apart on its own. Those sorts of thing I find  
17 alarming. Never mind the other less emergent  
18 situations where folks don't have service. But we  
19 exist, the PSC exists, to regulate monopoly  
20 utilities so folks aren't at the mercy of things  
21 like random bill changes, and some folks having  
22 their bills nearly double when they're not  
23 receiving, in their opinion, adequate service is  
24 also a significant concern of ours. But the safety  
25 issues will always be first.

1 Q And those issues and concerns that are  
2 different than DNR's concerns for what they can  
3 regulate; is that right?

4 A To a degree, yes. We -- there is  
5 primarily the economic regulation of it, but  
6 whenever we have a situation where it's a safety  
7 problem like this, for the companies that are  
8 subject to PSC regulations, we're both interested.

9 Q Okay. And what about adequate service --  
10 service in an adequate manner? Is that -- can you  
11 explain what PSC's -- you might have already kind of  
12 touched on this, but can you explain what PSC's  
13 role -- is that -- is that different than DNR's  
14 role?

15 A DNR does not have a lot of rules  
16 associated with adequacy. Even their minimum water  
17 pressure, which we as customers would consider an  
18 adequacy issue, from their perspective is a safety  
19 issue to prevent contaminants from keeping our water  
20 drinking system pressurized and keep contaminants  
21 from coming into the pipes. Beyond that, they have  
22 very little that I would consider adequacy issues.

23 PSC's staff are making sure there's  
24 adequate water; if storage is necessary depending on  
25 the way the well is built; that the well is big



1 enough to serve the number of customers connected to  
2 it; that if a company has a certificated area  
3 they're planning for growth and expanding their  
4 systems is necessary. Those are not regulated by  
5 the DNR and simple outages are not regulated by DNR.  
6 DNR would regulate if a boil advisory was necessary  
7 due to low pressure, but a well being turned off is  
8 not -- doesn't necessarily require a boil advisory.

9 Q What about customer service issues and  
10 customer complaint issues? How --

11 A Those, to the best of my knowledge, are  
12 only handled by PSC if customer is complaining about  
13 a safety standard.

14 Q Okay. So if they weren't -- so if it  
15 wasn't regulated by the -- by the DNR or the PSC,  
16 there wouldn't be anybody there?

17 A Correct.

18 Q And you're testifying there should be  
19 somebody there?

20 A Absolutely.

21 Q Okay. Now, since Staff filed the  
22 complaint in the receivership cases, has Staff been  
23 doing anything to find a receiver or someone who  
24 could -- or an entity that could buy or take over  
25 Mr. Blevins' well systems?

1           A       Staff has reached out to a few. There  
2 wasn't anyone who's expressed any interest beyond  
3 their initial investigation of the situation.

4           Q       Do you know if there are any companies out  
5 there that might be willing to take over the system?

6           A       I believe there are.

7           Q       And can you -- without naming names or  
8 giving any confidential information, can you kind of  
9 give some -- the Commission some information about  
10 what kind of company that would be that you've  
11 been --

12          A       I -- I have discussed the situation  
13 with -- one company has told me that, yes, they  
14 would be interested in purchasing the system.  
15 There's another company that I believe would be  
16 willing to step in and purchase it. They're  
17 companies that have demonstrated the ability to do  
18 this work.

19          Q       Are they companies that have worked with  
20 small systems?

21          A       Yes.

22          Q       Okay. And do you think that would be  
23 beneficial? Do you think those are avenues that  
24 might be able -- might be able to be used?

25          A       I think that's the only way that we can

1 help these people. I think that a company with the  
2 financial wherewithal to step in and take corrective  
3 action, fix problems, punch another well, if  
4 necessary. DNR have expressed to me that some of  
5 these wells weren't designed -- sized appropriately  
6 for the number of customers they have. It's typical  
7 for DNR to recommend disinfection in areas with  
8 karst topography (sic). Certainly in Polaski  
9 County, there are are plenty of wells that have  
10 become contaminated through no fault of the owner of  
11 the well, just that the ground water is  
12 contaminated. It's Swiss cheese. So you have a lot  
13 of -- a lot of surface water that gets down really  
14 deep and can contaminate an aquifer.

15 That would probably be one of the  
16 first steps that a more responsive utility would  
17 take. They would also establish easements where the  
18 distribution system is; make sure there were  
19 appropriate valves and such to where they could turn  
20 off service to a section of pipe to make sure that  
21 they could fix without everybody being out of  
22 service.

23 There's a lot of initial steps that a  
24 more responsible company could take, including  
25 eventually probably installation of meters so that

1 folks would have a bill based on usage and receive a  
2 monthly bill, have somebody they can get a hold of  
3 as an emergency contact, bring in their operators  
4 and backup operators so that there was always  
5 somebody able to run the system, those sorts of  
6 immediate actions would be necessary. I only -- I  
7 think only one of the companies that has  
8 demonstrated that ability could step into this  
9 situation.

10 The County has expressed to us that  
11 their public water supply district -- they are not  
12 interested at this time in stepping in. There isn't  
13 a municipality system that's right close by that  
14 could annex them. So short of some other  
15 not-for-profit entity deciding they wanted to stop  
16 operating in Polaski County, I think that one of the  
17 companies I spoke about would be the best solution.

18 Q Okay. So does the PSC regulate other  
19 small waters -- similar to the Blevins system then?

20 A Yes.

21 Q And do those small water or sewer  
22 companies have varying levels of monetization,  
23 sophistication --

24 A Yes.

25 Q With regard to their recordkeeping, do

1 some of those companies have, you know, varying  
2 levels of recordkeeping, whether it's by paper or on  
3 computer --

4 A I know of one company that's still keeps  
5 their records on paper. I know of one company that  
6 still does all their calculations of their bills on  
7 paper. Their records are meticulous. That person  
8 just simply chooses to do it on paper. The other  
9 companies I'm familiar with have all moved onto a  
10 computer, and even at a basic level of keeping track  
11 of the customers and meter readings and such,  
12 customer complaint logs, things that were required  
13 by Chapter 13.

14 Q And when you were -- when you and  
15 Mr. Stamp were investigating Mr. Blevins' systems,  
16 his recordkeeping compared to those other small  
17 utilities that PSC regulates, what was the  
18 comparison?

19 A Given that he's not yet regulated, there  
20 was not a full audit of the records that he was  
21 maintaining. While I was there with Mr. Blevins at  
22 that initial meeting, some customers were present,  
23 customers who were paying bills or discussing how  
24 many more months they had left, he had a ledger  
25 where he was keeping track of that. But I did not

1 see any evidence of extensive recordkeeping.

2 Q Okay. And, so, when Staff has these small  
3 water and sewer companies, do you work them, where  
4 they are, a little differently than you would with,  
5 say, a larger company?

6 A Certainly. There's quite a bit of  
7 assistance that we provide. There's a big  
8 difference between a company with 100 customers and  
9 a company with 100,000 customers with an army of  
10 staff to run things. Mostly what we do, though, is  
11 just advice. We're discussing with them frequency  
12 of rate case filings, making sure that they're  
13 keeping record of even the small expenses that they  
14 have so they become reimbursed. The sorts of things  
15 that we watch out for to make sure that a company  
16 stays healthy financially.

17 Q And, so, as a result of your -- the  
18 staff's investigation and findings that ended up  
19 culminating in this filing of this complaint, what  
20 is that you're asking Mr. -- what is that you're  
21 asking the Commission to do?

22 A We believe that obtaining a receiver, a  
23 court-appointed receiver, getting this company sold  
24 to a utility company that can operate the systems as  
25 quickly as possible, is the right thing to do for

1 the customers.

2 Q The complaint didn't talk about  
3 receivership. So in the complaint, what -- are  
4 there certain things you ask the Commission to do?

5 A You're starting to get into the realm of  
6 the lawyer knowledge. I -- I don't know that --

7 Q May I --

8 A -- any action in particular would have to  
9 be done with this complaint, but, yes, we can seek  
10 penalties associated with him operating an illicit  
11 company.

12 Q Okay. And can you explain why the Staff  
13 will be seeking penalties at this point? If you  
14 can.

15 A Any time you have folks who are -- there  
16 has to be a deterrent. Any time you have a  
17 situation where someone could be choosing to evade  
18 regulation and evade the cost associated with  
19 regulation while other folks are following the  
20 rules, that's what the penalties are there for is a  
21 deterrent to keep people from deciding that -- that  
22 they can try and skirt the rules for long as  
23 possible.

24 I don't know for certain that  
25 Mr. Blevins started off doing this on purpose, but

1 it was explained to him early on that he wasn't  
2 allowed to charge for this kind of service and run a  
3 company like this without a certificate from the  
4 PSC, and nothing has changed.

5 MS. KERR: Okay. I don't have any other  
6 questions. Thank you.

7 LAW JUDGE CLARK: Mr. Blevins, do you have  
8 any questions for this witness?

9 MR. BLEVINS: I do.

10 LAW JUDGE CLARK: Go ahead.

11 CROSS-EXAMINATION

12 BY MR. BLEVINS:

13 Q In your testimony, you got a lot of  
14 negatives in there. My question would be, what do  
15 you do with these negative complaints, or whatever  
16 you call them? What do you do with them?

17 A Are you speaking about customer complaints  
18 or the things that we observe?

19 Q Customer complaints to start with.

20 A Typically, when we receive a customer  
21 complaint or depending of how much information they  
22 provided initially, we may be reaching to them for  
23 further information. And then with our regulated  
24 companies, the next step is to reach out to that  
25 company and say, okay, what's your side of story. A



1 lot of times these complaints are about, perhaps, a  
2 dispute over a meter reading, or another common one  
3 is when water lines are repaired and they don't like  
4 the way their driveway was restored, those sorts of  
5 things. Then, we're usually going out, and a person  
6 like Adam would go out and visit the site themselves  
7 to be able to lay eyes on it.

8 We will then respond to a customer as  
9 to whether or not there was a violation of the  
10 tariff rules or any law violations. The customer  
11 can then decide whether or not they want to have a  
12 formal complaint where they have an opportunity to  
13 be heard before the Commission.

14 Q What specific customer complaint in this  
15 particular case against me, I guess, or Mr. Blevins,  
16 who happens to be me, what do you do with that  
17 complaint? A specific one. Do you know of one?

18 A We have several informal complaints. We  
19 have several complaints that have come in just by  
20 phone calls and e-mails. Because a tariff isn't in  
21 place, we don't have a certificate issued to you  
22 authorizing you to operate your company. There's  
23 not a tariff violation to cite or a penalty to be  
24 soughtt or a remedy necessarily to be sough to be  
25 complying with a tariff rule, because you haven't

1 had a tariff issued to you yet.

2 We received complaints that some  
3 customers were without water because of one of the  
4 wells had been shut off by the power company because  
5 the bill wasn't paid. There wasn't a remedy for us  
6 to seek in that immediately. What the customers  
7 then told us is that they called the power company  
8 and got the power company to turn it back on just  
9 out of the goodness of their hearts. Those sorts of  
10 things there isn't necessarily a penalty pursued by  
11 us for that -- it's -- in this situation, we believe  
12 that a change in status of your company is the way  
13 to resolve these problems.

14 Q Well, specifically with that one, you said  
15 there was -- because of a nonpayment, what is --

16 A That's what customers told me. I -- I  
17 personally was not -- I did not speak to the power  
18 company.

19 Q Okay. Then who did? Do you know who did?

20 A A customer stated that they did.

21 Q What's -- what particular location was  
22 this at?

23 A I -- I don't have specifically it. Adam  
24 probably knows the name of the well.

25 Q Okay. You don't know how long it was out

1 or anything?

2 A No.

3 Q Or what about the circumstances  
4 involved --

5 A No.

6 Q -- with it?

7 A I know that it's unacceptable. I know I  
8 don't have any other companies we regulate that fail  
9 to pay power bills --

10 Q How did -- how did you determine it's  
11 unacceptable?

12 A How -- why --

13 Q How did you determine it's unacceptable?

14 A If there's a company that is subject to  
15 PSC regulations, their costs are built into rates,  
16 and all the costs associated with running that  
17 company are collected from the customers. It would  
18 be unacceptable in my eyes, and I think most  
19 reasonable people's minds, for a company to take  
20 that money and then not pay the electric bill to  
21 keep the water running.

22 Q Did anyone ever contact me, Mr. Blevins,  
23 did anyone contact Mr. Blevins about a power outage  
24 or some sort?

25 A I don't know if -- I don't know if the

1 customer separately attempted to contact you or not.

2 Q You don't know?

3 A I do not.

4 Q Okay. What did you mean by no service?

5 That I did not provide a service?

6 A Some of the customer complaints we  
7 received were for outages.

8 Q But, yet, there was no investigation, or  
9 it was just a rumor or what was it?

10 A Well, we had a customer here testify under  
11 oath about their outages and how they resolved them.  
12 We had several other customers who have complained  
13 of various situations --

14 Q And you --

15 A -- and some that we investigated  
16 ourselves, where we were out there. We have others  
17 where we had DNR investigatory reports that  
18 describes situations.

19 Q Yeah. Was the one that you -- or  
20 referencing from yesterday's was something about a  
21 heating unit in a well or something?

22 A The lack thereof, yes. A customer having  
23 to go provide the heat for themselves.

24 Q Did you believe that? Did you investigate  
25 that?

1           A       I have no reason to disbelieve it.

2           Q       Do you have a reason to believe everything  
3 that they said without investigation and drawing  
4 conclusions?

5           A       I have a responsibility to respond to  
6 complaints from customers. In a situation --

7           Q       How did you respond --

8           A       I am not attempting to prove the veracity  
9 or seek penalties for a problem that happened in  
10 2019, because that's not the solution we're asking  
11 for right now. What we're asking for right now is,  
12 in a separate case, a receivership in this case,  
13 operation of a company without authorization from  
14 the PSC.

15          Q       This authorization, how long -- in the --  
16 in the fact that these wells have been in operation  
17 for 15-plus years, what happened to their permit to  
18 issue water and charge -- in the last 15 years? How  
19 do you deal with that? How did you determine that  
20 now it's another problem, it's a problem, but it  
21 wasn't in the past?

22          A       I would argue that if the same facts  
23 existed in the past, then it was also a problem  
24 then.

25          Q       Well, did it exist in the past?

1 A You --

2 Q Were these wells in operation?

3 A That's what I've been told, yes, that they  
4 have been in operation for a while. I don't know  
5 when each one was drilled.

6 Q Well, do they have a permit --

7 A I don't know.

8 Q -- to be in operation?

9 A I have been told by DNR that they were not  
10 properly permitted.

11 Q Okay. Not properly permitted. What is  
12 the process that gets a permit?

13 A While I did work for DNR for 14 years, I  
14 worked with wastewater, so I don't have as much  
15 familiarity with their permitting process for  
16 getting authorization to construct a well for -- for  
17 a public water system. I don't know. I believe  
18 that most wells are, regardless of how many  
19 customers are on them, are required to be registered  
20 with the US Geological Survey; but I don't know what  
21 the permitting process was when these were initially  
22 drilled. I know through my experience with  
23 wastewater, sometimes the regulations and  
24 requirements change over time.

25 Q I imagine they probably do. They -- you

1 mentioned technical ability, indicating that I had  
2 no technical ability. How did you determine that?

3 A I did not determine that you had no  
4 technical ability.

5 Q What did you determine then when you  
6 say --

7 A I would --

8 Q -- technical ability?

9 A I would describe it as not adequate. A  
10 company, or not necessarily a company, any entity,  
11 if something isn't corrected, then it's either a  
12 lack of ability or a lack of will. That lack of  
13 ability can be a lack of financial ability or a lack  
14 of knowledge. I don't know why things weren't  
15 fixed.

16 Q Well, in general --

17 A I don't know why but --

18 Q What things were not fixed --

19 LAW JUDGE CLARK: Mr. Blevins, please stop  
20 interrupting your witness when they're  
21 answering your question.

22 MR. BLEVINS: Pardon?

23 LAW JUDGE CLARK: Please stop interrupting  
24 your witness when they're answering your  
25 question.

1 MR. BLEVINS: Okay, I apologize for  
2 interrupting.

3 THE WITNESS: I'm sorry, what was your  
4 next question?

5 Q (By Mr. Blevins) Well, we were talking  
6 about ability. You indicated that my ability is not  
7 adequate. My question is, how did you determine  
8 that?

9 A A preponderance of evidence would be my  
10 best explanation. Starting with --

11 Q Do you have the evidence -- I'm sorry, I  
12 didn't mean to.

13 A Starting with either an inability or  
14 refusal to provide disinfection when the evidence  
15 was presented to you that you were sending water  
16 containing pathogens to the customers. The lack of  
17 boil advisories. The lack of boil advisories due to  
18 low pressure events. The failure to repair well  
19 house so that they were maintained in such a way to  
20 keep the water and the water supply safe. Those, in  
21 and of themselves, demonstrate a lack of ability or  
22 a lack of will.

23 Q It appears a general explanation didn't  
24 really apply. Did you apply that to a specific  
25 problem with Mr. Blevins or myself? What were



1 those --

2 A I mean --

3 Q -- problems?

4 A I describe several, but if -- I've been  
5 doing this a long time. The one situation, one  
6 incident, that was short and was resolved quickly  
7 does not demonstrate a lack of will or a lack of  
8 technical ability. Something that's allowed to go  
9 on for a long time, like the problem with the  
10 contaminated water, when solutions are available,  
11 that is a specific situation that alarmed me and  
12 made us consider things like going to court for  
13 injunctions to try to get a judge to force a fix on  
14 the problem.

15 Q Do you think the problem is not being  
16 addressed even today, tomorrow or whatever, has not  
17 been addressed in the past?

18 A I believe that based on the behavior  
19 that's been demonstrated over the last two years,  
20 that there are current problems. There are things  
21 that haven't been addressed, like the well hasn't  
22 been plugged, and I believe that there will be  
23 future problems that are not addressed with  
24 appropriate urgency.

25 Q Okay. Well, I don't think we're getting

1 where we really -- you indicated that -- that I had  
2 done things to evade some sort of rule or whatever.  
3 What did you mean there? How did you determine  
4 that?

5 A Based on my experience in DNR and through  
6 enforcement activities and my knowledge of other  
7 wells that were in subdivisions that were put in in  
8 Polaski County, the original developers were  
9 intentionally not putting in a centralized  
10 distribution system so that they were not subject to  
11 DNR regulation.

12 In those sorts of situations where  
13 someone punched multiple wells with fewer customers  
14 to try to evade DNR is what led to the case saying  
15 that if had a common development like that, you  
16 can't evade these regulations. They're designed to  
17 protect people, and with DNR's drinking water rules  
18 and the federal rules they come from, the  
19 regulations are built on how many people are put at  
20 risk. The idea of trying to punch multiple wells  
21 and avoid DNR regulation, I have seen, through my  
22 experience, that that was done intentionally to try  
23 to avoid that. I am not alleging that the person  
24 who purchased the wells later was involved in such  
25 an effort.

1 Q How did you really determine then  
2 basically that -- that was an activity to evade  
3 something? Was there some other evidence to show  
4 you that?

5 A Like I said, I wasn't involved in -- in  
6 the enforcement case against -- or any enforcement  
7 case against these folks who punched these wells  
8 that you purchased from. I was involved with cases  
9 where DNR was going after people who were doing the  
10 exact thing in the exact same area, which I don't  
11 have paperwork to show it to remind -- to remind me  
12 exactly, but I believe some of the same builders  
13 were involved. But this was many years ago.

14 Q You mentioned something about -- that  
15 something was refused to be installed in these  
16 wells. What were you referring to at that time in  
17 your testimony?

18 A I believe I was referring to when DNR  
19 demanded disinfection be installed because of the  
20 contaminated well water that was being delivered.  
21 Perhaps that was Topo Well.

22 Q Topo, yeah. So you think that all of  
23 these other problems that existed or was created  
24 into a negative situation and currently the same  
25 negative situation exists with these wells?

1           A       The information that Adam has found and  
2 the complaints we've had from customers and from  
3 DNR, there are currently -- excuse me, ongoing  
4 problems. From what I've seen, I would expect to  
5 see further ongoing problems.

6           Q       Do you see any corrective actions being  
7 taken?

8           A       In some situations, after a lot of  
9 pressure and complaints and DNR contacts and those  
10 sorts of things, yes.

11          Q       What kind of pressure and complaints are  
12 you thinking of?

13          A       Customers who have told us that they had  
14 to call you multiple times. DNR having to send  
15 letters. DNR having to call you. In some  
16 situations, folks tell us that they're -- they're  
17 going to the media and they're going to their  
18 elected officials. Those kinds of things are what  
19 people are trying to resort to. DNR is -- they have  
20 to stick to their process, and based on what I heard  
21 yesterday, now they're having the Attorney General's  
22 Office try to step in and compel you to comply.

23          Q       Did you determine that -- that they've  
24 already done that or --

25          A       Yesterday, I was told that -- that they're

1 going to do it tomorrow.

2 MR. BLEVINS: I see. Well, I don't think  
3 I have any more questions for you, sir. Thank  
4 you.

5 LAW JUDGE CLARK: I'll note for the record  
6 that the Chair of Commission, Kayla Hahn, has  
7 joined us in person in the hearing room. Are  
8 there are any Commission questions for this  
9 witness?

10 CHAIR HAHN: Yes.

11 LAW JUDGE CLARK: Go ahead, Chair.

12 QUESTIONS

13 BY CHAIR HAHN:

14 Q Thank you, Judge. Good morning, Mr.  
15 Gateley.

16 A Good morning.

17 Q I am just going to go through a series of  
18 things that you touched on, just because I want to  
19 verify some things that are not totally clear in my  
20 head. Yesterday, Mr. Blevins, for the first time,  
21 said that he had registered a nonprofit at the  
22 Secretary of State's Office that would, in effect by  
23 doing so, potentially alleviate the fact that he may  
24 need a CCN to operate these systems. I want to make  
25 sure I understand you -- to your knowledge, there is

1 no record of any filings for nonprofits to operate  
2 these systems at the Secretary of State; is that  
3 right?

4 A There are no filing associated with the  
5 businesses that he previously represented. I do not  
6 know -- I did not try to independently verify that  
7 he had filed for these, I believe, it's three new  
8 homeowner associations. I believe that Adam Stamp  
9 has tried to verify that.

10 Q Okay. So I will ask him.

11 A I --

12 Q Okay.

13 A -- heard testimony that there aren't  
14 members, that no one has joined those, but I don't  
15 know for certain their status or if they were  
16 properly filed.

17 Q Okay. Thank you. Also, for  
18 clarification, yesterday, the witness testified that  
19 the customer was part of one of the HOAs that were  
20 formed. So for the record because I get very  
21 confused because all these systems and wells, I  
22 think the one from the customer yesterday, there's  
23 nine customers as part of that well and that HOA, so  
24 how many customers -- I heard also yesterday there's  
25 about 60 customers, so I'm assuming about 51

1 customers are left at issue or are there more or  
2 less? Can you just give me a number?

3 A We believe there are approximately 100  
4 customers.

5 Q Okay.

6 A The HOA that that customer was referring  
7 to was a well that Mr. Blevins never owned, but was  
8 charging people for service to be served by their  
9 own well. They formed a different HOA, which would  
10 be a fourth one, separate from his third.

11 Q Okay. So what systems -- if he was  
12 charging folks for systems or a well he didn't own,  
13 do you, and you don't have to go through all of them  
14 for me, do you all have an understanding of what  
15 systems are still at issue and which wells are still  
16 at issue now taking that one well aside? I know  
17 it's a tricky question.

18 A We are -- we have a difficult time saying  
19 we absolutely know every one of the wells that he is  
20 putting himself out as owning and operating. We  
21 know of some additional ones. For example, the one  
22 on Rejoice Street or Rejoice Lane, those -- I  
23 believe it's seven customers on that one. I've been  
24 to that one, extremely vulnerable socioeconomic  
25 situation. I believe Adam said within the last two

1 months, Mr. Blevins had gotten his deed properly  
2 filed for the ownership of that well. So,  
3 previously, that one didn't show up in the county  
4 records, but we knew from customers that that was  
5 one that he was billing for service.

6 In our complaint, we have a list of  
7 some -- the ones on Rowden Lane are not part of the  
8 HOAs, for example. There's a handful of others, but  
9 Adam would be better to speak to them.

10 Q Okay. Also, I think Ms. Kerr's line of  
11 questioning got to this, but speaking about options  
12 moving forward, you had mentioned that you had  
13 spoken to a developer or a company that's interested  
14 in purchasing these systems. If the Commission were  
15 to put this in receivership, then the company could  
16 purchase the systems or how --

17 A Yes.

18 Q Okay.

19 A The receiver would be charged with that  
20 disposal, yes.

21 Q What's if there's not a receiver or how --  
22 walk me through this process.

23 A Without the Commission appointing an  
24 interim receiver and then the court endorsing or  
25 appointing a different receiver, then I don't think



1 there is a legal method for that sale, and the money  
2 from that sale going to creditors and the owner of  
3 the property at this time.

4 Q Okay. So currently, the Commission could  
5 put the systems in receivership, but we haven't been  
6 able to identify a receiver?

7 A We have not been able to identify one who  
8 is interested through our own informal efforts, no.  
9 I've not been part of one where we would do it  
10 without something that we had prearranged. I mean,  
11 the law exists without that. It's just more  
12 convenient if we know someone who has already some  
13 kind knowledge of water systems in this case who  
14 would be willing to be the interim receiver; but  
15 there are receivers who are appointed by courts  
16 routinely for -- to dispose of the assets of a  
17 defunct company.

18 Q Okay. So a court could appoint a receiver  
19 and then a company could be eligible to purchase it  
20 at that point?

21 A Certainly.

22 Q Okay.

23 A In such a situation, we would have to be  
24 prepared to answer additional questions and assist  
25 that receiver through the process.

1 Q Okay. Earlier you mentioned, and I'm  
2 really curious about this, there were some fairly  
3 significant issues with service; and you had  
4 mentioned there was a potential thought that there  
5 might be an injunction filed to either require --  
6 you know, I think the point was to have Mr. Blevins  
7 to stop cutting off people's service for various  
8 reasons. Tell me why -- I don't believe there's a  
9 Staff filing on, you know, saying to recommend the  
10 Commission to take that action. Talk me through  
11 why.

12 A An injunction -- it wasn't my idea. There  
13 has to be some kind of method, though, for dealing  
14 with a company that operates as a water corporation  
15 but simply refuses to acknowledge PSC existence and  
16 an emergency situation occurs -- there has to be  
17 some legal avenue. And it's my understanding that  
18 an injunction would be an opportunity, if we go to  
19 court and have a judge order him to take whatever  
20 the action is that's necessary to get folks to have  
21 a safe service again, that that could be taken and  
22 refused, you would be in contempt of court.

23 Those options exist. It was  
24 discussed internally, and it's my understanding that  
25 for some situations, Mr. Blevins eventually got it

1 resolved before we overcame our own internal  
2 inertia; and for some other situations, it was  
3 discussed, and it was decided it wasn't really  
4 necessary.

5 Q Thank you. Also earlier in your  
6 testimony, we kind of talked about the goal of this  
7 complaint case would be to appoint a receiver or  
8 also to seek penalties. If the Commission were to  
9 recommend putting the system in receivership, talk  
10 me through how often have Staff also then assessed  
11 penalties as a deterrent if the system is already in  
12 a receivership. What's kind of standard practice,  
13 if you will, in these type of cases?

14 A Standard practice is that a company either  
15 has gone bankrupt or someone throws the key at us  
16 and says they don't want to do it anymore. It  
17 becomes a voluntary receivership, which means that  
18 we aren't seeking penalties. So this for me  
19 personally is new ground. Someone who's a little --  
20 a little more mature, a little older, might have  
21 some idea of that if you experienced it previously,  
22 but I haven't been down this road before, and the  
23 decision to seek penalties would not be mine alone.

24 Q Thank you. Earlier between you and  
25 Mr. Blevins, I can't remember who said it, but,

1 basically, the summation was that corrective actions  
2 in some cases have been taken to remedy some of  
3 these wells, but it's my understanding the general  
4 summation of your testimony is that they're not just  
5 being taken timely. Is that a fair statement?

6 A To a degree.

7 Q Okay.

8 A That well that provides a contamination  
9 source down in the aquifer still hasn't been  
10 plugged, despite months. And there's also the DNR  
11 violations that haven't been resolved. Other  
12 situations, I believe, there are probably some  
13 situations that were -- actions were taken in a --  
14 quickly; but there are an awful lot of them where we  
15 keep getting complaints about they weren't taken  
16 care of for quite a while. Sometimes until after  
17 folks had to complain to a government agency and a  
18 government agency had to get involved.

19 Q Okay, so not timely or just not at all?

20 A Correct.

21 CHAIR HAHN: Okay, thank you. I don't  
22 have any further questions. Thank you, Judge.

23 LAW JUDGE CLARK: Are there any other  
24 Commission questions? I hear none. I got a  
25 few questions for you, Mr. Gateley.

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## QUESTIONS

BY LAW JUDGE CLARK:

Q I'm kind of trying to understand a little more of the genesis of this complaint. So my understanding is that in December of '22, DNR contacted the Commission Staff; is that correct?

A Around that time, yes.

Q And what was the nature of that contact? I mean, what did they relay?

A That they were dealing with a noncompliance situation, where they felt it was someone probably subject to PSC regulation.

Q Were they expressing that as a safety concern or were they expressing that as a this person should be regulated because they're selling water?

A Both.

Q And when did Staff start its investigation?

A Immediately. We did let DNR know that if they got further customer complaints, that we would like to receive those, and that opened the floodgate to customers reaching out to us, some filing informal complaints, that was my request they do so, we would have documentation, and others who just

1 wanted to call us or send e-mail.

2 But it was shortly thereafter we had  
3 a meeting with DNR, me and some members of my Staff,  
4 and then we started gathering facts for preparing  
5 for these filings; but then we also, in that spring  
6 at some point, I don't remember the date, went and  
7 met with Mr. Blevins.

8 Q Thank you. That clarifies that for me.  
9 What has Staff done to establish what it is  
10 Mr. Blevins owns?

11 A We have sent him discovery requests. We  
12 asked for his records, demonstrating what he  
13 believes he owns. We've also spoken with the  
14 county. Initially, Polaski -- Polaski County has  
15 their records online where you could view ownership  
16 and parcels. We can see where the county clearly  
17 indicated that for some wells that Mr. Blevins was  
18 charging for service, he didn't own according to the  
19 county records. I believe we also did record  
20 searches with the county to try to look for what he  
21 had. I don't -- I did not personally review the  
22 records Mr. Blevins provided himself. I believe the  
23 attorney did and Adam may have, but some of the  
24 wells -- it appeared pretty clear to us that there  
25 was no record of his ownership of that property.

1 Q And I think that's probably true. I  
2 remember from the previous receivership hearing and  
3 also from -- I remember from his previous hearing  
4 that he indicated a lot of these were, quote,  
5 handshake deals or -- so I understand that he may  
6 not have owned some of these wells, but it appears  
7 that he believed he owned some of these wells that  
8 he may of not. Is that your understanding as well?

9 A I believe that's fair, yes.

10 Q Now, he had originally, and he expressed  
11 when he was up here before, that he applied for a  
12 CCN largely because you indicated to him that that  
13 would be the proper process to go through?

14 A That's my understanding, yes.

15 Q At that time, did you believe he'd be able  
16 to successfully complete that process?

17 A During the initial meeting, I didn't know.  
18 I hadn't formed a solid opinion at that point, but I  
19 explained what the -- what the legal process for a  
20 company to become regulated by the PSC was in  
21 general terms. And more than once during that, I  
22 recommended he hire an attorney; that it's a legal  
23 process; and he would benefit from that advice  
24 because I couldn't get into specific details on how  
25 he would file such an application.

1 Q Now, you indicated that there was  
2 contaminated water being served to customers for  
3 months and nothing was being done; is that correct?

4 A Correct.

5 Q Were you referring to the Topo Well?

6 A I believe that's the one, yes.

7 Q And he, at some point, did get a system  
8 operator, Lori Jean; is that correct?

9 A Correct.

10 Q Do you know how -- how many months into  
11 the process before he got a system operator?

12 A I don't recall.

13 Q Had he tried to do anything with regard to  
14 dealing with contamination in that well?

15 A The records I had on that were from DNR  
16 and, no. They didn't have anything to indicate that  
17 he had taken action.

18 Q Were you here for Lori Jean's testimony  
19 yesterday?

20 A Most of it, yes.

21 Q Were you here when she indicated that  
22 she -- she and Mr. Blevins both struggled to try and  
23 get that contamination under control?

24 A It was an interesting statement.

25 Q How so? Explain that to me.



1           A       We learned that the well was broken at the  
2 top at the casing. That -- but the first thing you  
3 do when you have a bacterial contamination, you  
4 install disinfection. You don't assume that there  
5 are some catastrophic failures in the ground.  
6 That's not typical. It's extremely unusual. The  
7 proper thing to have done is apply for a  
8 construction permit in DNR and install disinfection  
9 equipment and everything that was necessary to do  
10 that. I've -- I don't know of a situation of where  
11 you properly, quote, struggle to deal with bacterial  
12 contamination. DNR allows folks to try to what's  
13 called shock a well by putting chlorine down it.  
14 Sometimes that's a temporary fix. In karst  
15 settings, DNR recommends disinfection any way for  
16 ground water systems.

17                       But in this situation, where you had  
18 a broken casing and where surface water was getting  
19 in at that top, putting chlorine down it wasn't  
20 going to do a thing. But it's not what I would  
21 consider a reasonable response in a karst area to  
22 repeat bacterial contamination samples. It's  
23 install disinfection and protect your customers.

24           Q       Is that something that his system operator  
25 should have pointed out to him?

1           A       System operators are not engineers.  
2 They're not charged with finding the most prudent  
3 and cheapest and most sustainable option. That  
4 operator should have recommended disinfection, just  
5 like DNR was doing in their communications to  
6 Mr. Blevins, but there's more than one way to do it.  
7 A responsible business owner, the next step is to  
8 employ an engineer who can look for the best fit for  
9 that situation.

10           Q       And I hate to opine here, but I'm going to  
11 a little bit. You had indicated that one of the  
12 reasons that Staff requests penalties is a  
13 deterrent. Now, Staff isn't out looking for water  
14 systems to regulate; that's not what you spend your  
15 timing doing, correct?

16           A       Correct.

17           Q       You generally only do that when these  
18 systems somehow come into view through a complaint,  
19 a DNR referral or something like that?

20           A       Yes. The vast majority are customer  
21 complaints.

22           Q       So I guess I'm curious as to, and this is  
23 where I'm going to opine a little, it seems like, at  
24 the Public Service Commission, we see a lot of these  
25 where developers come in, and they either build a

1 water system that is DNR compliant, or build one, as  
2 you said, that is dispersed to avoid DNR regulation,  
3 which I don't know DNR regulation well enough to  
4 know if that's illegal or if that's just a clever  
5 business practice.

6 But then, those developers leave and  
7 they go on to build whatever else they're going to  
8 build elsewhere and they kind of leave the systems  
9 and then either residents or whoever is taking over  
10 the system are left with these incredibly expensive  
11 systems to repair and fix and they end up getting a  
12 large bill when that happens.

13 What I'm getting at is, I don't  
14 know -- how effective is a deterrent against small  
15 operators like Mr. Blevins, who wasn't even aware  
16 that PSC existed until you showed up on his door?

17 A There are those who -- I'm going to be  
18 expressing my personal opinion. The decision  
19 to actually pursue penalties is not mine alone.  
20 There are those who inform that we exist; and they  
21 need to file paperwork; and they need to properly --  
22 either properly operate a water system corporation  
23 with a CCN or change their business practice to some  
24 degree, whatever's necessary. Some form  
25 not-for-profits. Some are in a situation where

1 maybe they stop charging for water.

2           If an entity chooses to continue  
3 doing what they're doing despite having been  
4 informed of the law, then I personally think that  
5 penalties may be more appropriate. But it wouldn't  
6 make any sense for Staff to file a complaint like  
7 this knowing it's a protracted process, generally,  
8 without also seeking that authorization for  
9 penalties. That, I think, is a proper standard  
10 practice, whether or not penalties  
11 are actually sought in the end or not.

12           Q     And I wasn't meaning to imply that Staff  
13 was inappropriate for asking or that they shouldn't.  
14 I did notice in the pleading that they said they did  
15 not recommend a particular amount of penalty, and  
16 they would recommend leaving that up to the  
17 Commission. So I certainly understand that; I'm  
18 just questioning the value of it as a deterrent, and  
19 whether we're targeting -- or whether we're  
20 deterring the correct group, when people are just  
21 building wells and walking away from them.

22           A     In Missouri, with wastewater and with  
23 drinking water, if you can meet the standards,  
24 you're allowed to construct some systems. It's not  
25 that way in every state, and that does allow for a

1 lot of problems.

2 When I was with DNR, the federal  
3 emphasis was on oversight of the largest systems,  
4 big cities, that sort of thing. Where as the vast  
5 majority of enforcement efforts were spent on the  
6 very small systems, as you described. It's a  
7 problem, and it will continue to be a problem.

8 But as far as the seeking of  
9 penalties for a situation like this, in my opinion,  
10 it becomes more appropriate when folks don't, once  
11 notified of the rules, don't change their activities  
12 when they continue to charge for service when  
13 they -- they may apply for an application and then  
14 withdraw it. That to me demonstrates that someone  
15 is still willing to break the law and then maybe a  
16 deterrent is appropriate.

17 Q Now, you had indicated in your testimony  
18 that -- that -- I'm paraphrasing here because I  
19 can't remember how exactly you said it, but you said  
20 that there were two reasons that people didn't  
21 comply with regulations or doing what they're  
22 supposed to do. One was a lack of ability, and I  
23 believe the other you said they just don't want to.

24 A A lack of will.

25 Q Yes, thank you. Which is it with

1 Mr. Blevins?

2 A I don't have a firm grasp on which it is.  
3 I don't know for certain what his financial status  
4 is. I don't know -- I don't know why a person  
5 wouldn't immediately call a contractor to come in  
6 and fix a problem or wouldn't immediately reach out  
7 to a civil engineer to address a problem if I was  
8 responsible for those customers' health and safety.  
9 I have not attempted to do an asset search. I  
10 haven't tried to find out what things are -- what  
11 resources Mr. Blevins has. He's not registered  
12 businesses, and he's not subject to our regulation  
13 yet, so we can't do an audit. We can't get into his  
14 book, so I don't know for certain. I believe,  
15 personally, that when he has fixed things after some  
16 amount of time, that that demonstrated a lack of  
17 will to do it faster.

18 Q Now, you were here for testimony  
19 yesterday --

20 A Yes.

21 Q -- for a large part of it. Now, were you  
22 here when Mr. -- is it Grube?

23 A Jeff Grube, yes.

24 Q Thank you. You were here when Mr. Grube  
25 testified?

1 A Yes.

2 Q Were you here when he indicated that he  
3 called somebody about a problem, and they said they  
4 were going to do something about it, but that  
5 Mr. Blevins owed him \$20,000?

6 A Yes.

7 Q And I believe during the -- I believe  
8 during the receivership hearing, Mr. Blevins  
9 expressed that there were certain things such as  
10 getting an attorney for this proceeding he just  
11 could not afford to do?

12 A I don't specifically recall. I know that  
13 he had -- he had an attorney at some point, but I  
14 believe he said he no longer has one. I don't  
15 specifically recall what he said about being able to  
16 afford an attorney during that proceeding.

17 Q But he did get a system operator?

18 A He did.

19 Q When he was told to?

20 A Yes.

21 Q And that system operator was sending  
22 samples. So even half-heartedly, it looks like he  
23 was making an effort in the direction, correct?

24 A Correct.

25 Q I kind of want to talk a little bit about

1 the receivership and the sale. And that's because  
2 also in the receivership hearing and as he  
3 expressed -- he expressed in opening here, he's  
4 80-years-old. In the receivership hearing, he  
5 expressed that he was 80 years, and he was looking  
6 to retire from this business and move away from it.

7           You indicated you've discussed with  
8 companies that may be interested in purchasing his  
9 system. He's indicated that he is wanting to get  
10 out of the water business. Have you discussed --  
11 has Staff discussed with him putting these two  
12 together?

13           A     No. I -- I don't have any faith, based on  
14 my personal experience, DNR's experience, that  
15 Mr. Blevins would actually voluntarily do that.  
16 Mr. Blevins says a lot of things.

17           Q     But that's your belief. You haven't tried  
18 so you don't know?

19           A     No, I have not asked companies to ask  
20 Mr. Blevins if he would sell the wells to them, no.

21           Q     And this gets to my next question, and I  
22 have absolutely no idea what the answer is when  
23 asking this, would a company that's planning to  
24 purchase another water system, would they be more  
25 likely to act as a receiver for that system if they



1 knew they are going to be purchasing it?

2 A I -- I thought that -- there was problems  
3 with that, legal problems. I don't know if they  
4 can, can they?

5 Q I don't know. I'm -- I'm asking the  
6 questions with no legal research behind it,  
7 whatsoever.

8 A I don't believe. I don't know the answer  
9 to that. It seems like that would be a conflict,  
10 because the receiver is supposed to be finding that  
11 buyer and getting an appropriate price for the  
12 assets; and if they were also -- if the receivership  
13 is also the buyer, wouldn't they be trying to  
14 undervalue those assets? I'm --

15 Q I think those are all good points, and you  
16 may be exactly right. I'm not -- I'm not sure. I'm  
17 just asking the question. Okay, let's take the  
18 receiver out for a second. If you're just talking  
19 about a straight-up purchase of a system by a larger  
20 system, that has an existing CCN, and I guess would  
21 be moving to expand their CCN and purchase, how long  
22 of a process are we talking about?

23 A At least 90 days. Probably closer to 120  
24 or a little bit more. Some of that is time after  
25 Staff completes their investigation and provides

1 information to the Commission, and then that appears  
2 on the agenda and such; but since we already have a  
3 lot of -- Staff already has a lot of familiarity  
4 with, in this case, Mr. Blevins' system, our portion  
5 of it would be pretty brief. But a company would  
6 have to be coming in and evaluating things like what  
7 easements exist. Is there a clean title to all the  
8 properties associated with that? So their work  
9 ahead of filing an application would be  
10 significantly longer.

11 LAW JUDGE CLARK: Thank you. I don't have  
12 any further questions for you. Mr. Blevins, do  
13 you have any cross-examination questions based  
14 on questions I've asked?

15 MR. BLEVINS: No, I don't. Thank you.

16 LAW JUDGE CLARK: Any redirect from  
17 Commission Staff?

18 MS. KERR: Yes, yes, I have a few  
19 questions.

20 REDIRECT EXAMINATION

21 BY MS. KERR:

22 Q Now, you had testified about -- one of the  
23 questions was asked about another company filing  
24 something or you getting a company to file something  
25 like a CCN. Is -- Staff doesn't do that; it would

1 be the company to file that, right?

2 A Correct.

3 Q Staff can just suggest it, but you  
4 can't -- but Staff can't order a company to -- do  
5 you know? Or can the Commission order a company  
6 to --

7 A The Commission can order a large utility  
8 to acquire the assets of a small utility in certain  
9 situations, but this is not a situation where there  
10 is a regulated utility to be acquired. So I don't  
11 know that that statute would come into play.

12 Q Okay. And about how -- about how long did  
13 you -- did Staff become aware of a company that  
14 might want to be able to buy out this -- Mr. -- take  
15 over or buy Mr. Blevins' systems? Is that recently  
16 or --

17 A Less than a year. Months, within the past  
18 few months.

19 Q Okay. Now, when -- there was some  
20 testimony about how many customers, and I think one  
21 of -- one of the numbers that was thrown out, was  
22 about 50 households. Is that separate from the  
23 number of customers -- you said 100, about 100, so  
24 is there -- are we counting them differently? I  
25 mean, are there 50 customers or there --

1           A       We believed there were, approximately, 100  
2 customers based on our field investigations of  
3 the -- the customers that we understood that  
4 Mr. Blevins was billing for service. And,  
5 literally, counting homes, we went out there and  
6 looked at these -- sometimes it's a little hard to  
7 tell if a house is actually connected to that well  
8 or not, so we have to -- we had guesses of  
9 approximately 100.

10                       Since that time, some folks have  
11 formed their own HOA. It's my understanding that  
12 Mr. Blevins may have sold one of the wells. That  
13 number is fluid, but we don't know for an absolute  
14 certainty how many customers at peak he might have  
15 provided service to, and I don't know right now how  
16 many he has provided service to.

17           Q       And while the customers might be one  
18 household, there could be multiple people within  
19 that household, right?

20           A       Certainly.

21           Q       Okay. So it's really 50 times whatever  
22 number of people are in a household?

23           A       Correct. The state assumption with DNR, I  
24 believe, 3.5, 3.4, something like that.

25           Q       Okay. Now, you had just indicated that he

1 did -- he did obtain a certified operator, but he no  
2 longer has one?

3 A Correct.

4 Q That was the testimony? That's  
5 something -- is that something that Staff would  
6 expect him to be able to do?

7 A Absolutely, and I -- I am certain that a  
8 company with appropriate resources, that would --  
9 that could obtain this, could obtain the services of  
10 a contract operator. Now that may be more expensive  
11 if you can't hire someone locally, but there are  
12 water systems in Polaski County who have operators.  
13 There are operators in the surrounding counties.  
14 There are operators who operate the drinking water  
15 system at Fort Wood. There are people who have the  
16 ability.

17 But a lot of times when we have very  
18 rural settings, not only are the bills higher for  
19 regulated companies because of the fewer customers  
20 to divide the cost over, but also it costs more to  
21 provide that service out in some wonderful place to  
22 live instead of where they wanted to build a house,  
23 instead of a city with a whole bunch of more folks.  
24 They may have to pay a contract operator to drive.  
25 We have companies that do that right now. The idea

1 that an operator -- it's impossible to obtain one  
2 is -- I disagree.

3 Q Okay. So Mr. Blevins -- so there are  
4 possibilities for Mr. Blevins that you know of to  
5 get a certified operator?

6 A I have seen it demonstrated that other  
7 folks can do it.

8 Q Okay.

9 REDIRECT EXAMINATION

10 BY MS. ASLIN:

11 Q You stated to Judge Clark that Staff, you  
12 know, were not driving around the state searching  
13 for systems that should be regulated by the PSC. So  
14 as a result of that, would you say there's always a  
15 possibility that there are water systems that should  
16 be regulated by the PSC that we don't know about?

17 A I am all but certain that still occurs,  
18 yes.

19 Q So you would say it is likely that there  
20 are other systems out there that should follow --  
21 should be regulated?

22 A Yes.

23 Q Has the PSC, in your experience,  
24 previously discovered with long standing operations  
25 that should be regulated and should have been

1 regulated for a number of years?

2 A Yes.

3 Q In the event that Mr. Blevins were able to  
4 structure his systems with these HOAs so they would  
5 not fall under PSC regulation, he still owns wells  
6 that would fall under PSC jurisdiction, correct?

7 A Correct.

8 Q And you may not be able to answer this,  
9 but do you believe that it would be easier for Staff  
10 to locate a receiver if they were aware there was a  
11 plan for the system to be purchased?

12 A That seems reasonable, yes.

13 Q Okay. And you had stated to Chair Hahn  
14 that this is an unusual situation as far as a  
15 receivership, that frequently that's entered into  
16 voluntarily; is that correct?

17 A Correct.

18 Q Were you part of the discussions about  
19 filing a complaint against Mr. Blevins?

20 A I was.

21 Q And I would say particularly with small  
22 utilities, do you think that it's fair to say that  
23 filing a complaint is a last resort as far as  
24 solving a problem that has arisen?

25 A No matter what that's going to depend on

1 the nature of the problem.

2 Q Okay.

3 A If it's a health and safety issue, it  
4 would be the normal course of action for DNR to  
5 issue their findings, expressing the situation, the  
6 problem, to the company. And our involvement as  
7 working with DNR, DNR's in front on that, so they  
8 are trying to get the problem addressed. If it --  
9 if a company is unable to comply quickly or chooses  
10 not to -- not to take the appropriate actions, then  
11 if people's lives are at risk, I'm going to be  
12 starting my work as quickly as I can, but we're  
13 always in contact with those companies before such  
14 a -- such a filing would occur.

15 Q So would you say that while it may appear  
16 from the outside that it is Staff's first choice or  
17 an early choice to file a complaint, that that may  
18 not actually be true because there are other things  
19 happening with other state agencies such as DNR?

20 A Yes.

21 MS. ASLIN: Okay, no further questions.

22 LAW JUDGE CLARK: It is now 10:55. I  
23 think it's a good time to take a first recess.  
24 So why we don't break until 11:10. And we'll  
25 go off the record.



1 (Wherein, a short recess was taken.)

2 LAW JUDGE CLARK: Okay, it's 10:10, let's  
3 go back on the record. Or 11:10. Let's go  
4 back on the record. When we left off, we just  
5 finished with Staff's witness, Curtis -- Curt  
6 Gateley. Staff, I believe you have one more  
7 witness; is that correct?

8 MS. KERR: Yes.

9 LAW JUDGE CLARK: Would you like to go  
10 ahead and call that witness?

11 MS. KERR: Yes, I call Adam Stamp.

12 LAW JUDGE CLARK: Mr. Stamp, if you'll  
13 come up to the witness stand and raise your  
14 right hand to be sworn.

15 (Adam Stamp sworn.)

16 LAW JUDGE CLARK: Please be seated.  
17 Staff, go ahead.

18 DIRECT EXAMINATION

19 BY MS. KERR:

20 Q Thank you. Could you please state your  
21 name and spell it for the record?

22 A My name is Adam Stamp, A-d-a-m, S-t-a-m-p.

23 Q And by whom are you employed and what's  
24 your position.

25 A Missouri Public Service Commission.

1 Q What's your position?

2 A I think officially I'm classified as an  
3 analyst. Mr. Gateley typically uses me in more of  
4 an inspector-field investigator type of role.

5 Q And what kind of duties and  
6 responsibilities does that include --

7 A Uh --

8 Q -- generally.

9 A I investigate a lot of complaints like  
10 this one. Other times, such as acquisitions, I'll  
11 go out on site and take a look at whatever system is  
12 in the case. Other times more just routine visits  
13 to companies to check in on routine operations.

14 Q Okay. And are you familiar with Leon  
15 Travis Blevins?

16 A I am.

17 Q And what about Misty Water Works?

18 A Yes.

19 Q Okay. And Misty Mountain? There's been  
20 some discussion about Misty Mountain, Misty Water  
21 Works, can you kind of explain --

22 A Yes.

23 Q -- that?

24 A What I would say Misty Water Works is the  
25 company that Mr. Blevins typically does business

1 under. A DBA, I guess. Misty Mountain is a  
2 neighborhood, though, and a water system that feeds  
3 it. So when we say Misty Mountain, we're talking  
4 about location. When we say Misty Water Works,  
5 we're talking about Mr. Blevins' fictitious company.

6 Q Do you know if that company has been  
7 registered with the Secretary of State?

8 A It has not.

9 Q And are you familiar with what's been  
10 termed Outlaw's Corral?

11 A Yes.

12 Q What is that in --

13 A Mr. Blevins has used it on the letterhead  
14 of notices that he's sent to some of his customers.  
15 As far as I can tell, that this is the name of his  
16 office that he runs operations out of.

17 Q Do you know if that's been registered in  
18 any way as a business entity with the Secretary of  
19 State's Office?

20 A As far as I can tell, no.

21 Q Does he have any of his business entities  
22 or any of his well systems registered as business  
23 entities with the Secretary of State's Office?

24 A Other than his attempt at the recent HOAs  
25 that he wanted to form? No.

1 Q Okay. And when did you first become  
2 familiar with Mr. Blevins?

3 A January of 2023.

4 Q And how did that come out? What were the  
5 circumstances with you getting involved?

6 A DNR asked the PSC for assistance in their  
7 investigation into Mr. Blevins, and Mr. Gateley  
8 assigned me to it.

9 Q And, so, Mr. Gateley explained what it  
10 means to be operating as an unauthorized water  
11 utility for the Public Service Commission purposes.  
12 You were here for that testimony?

13 A Yes.

14 Q Okay. Would you say that Mr. Blevins is  
15 operating an unauthorized water utility?

16 A So I immediately found in my  
17 investigation, back in January of 2023, that  
18 Mr. Blevins had willingly put himself in a situation  
19 to where he was responsible for water service to  
20 hundreds of his neighbors. He was charging them for  
21 that responsibility. They were paying him. And for  
22 reasons that some he can control and some he cannot,  
23 that service was not safe or reliable or adequate.

24 Q Okay. So how did you find out that he  
25 charges customers -- his customers or charges these

1 households for water usage?

2 A Customers would give me the paperwork that  
3 he had given them.

4 Q Okay. So as part of your investigation?

5 A Yes.

6 Q So under his operations, does a household  
7 being charged a flat fee -- does that -- is that  
8 right?

9 A Yeah, I would call it a monthly fee. As a  
10 customer discussed yesterday, they typically pay in  
11 advance, but if I were to describe the way he bills  
12 out, it would be by the month.

13 Q Okay. Do you know if that's based on any  
14 kind of usage or quality of water use?

15 A No. I've seen paperwork where cost might  
16 increase based on if the customer had a pool or  
17 livestock for example, but, otherwise, it's just a  
18 flat rate.

19 Q And there was some testimony about some of  
20 the rates being different for different customers.  
21 Did you find that in your investigation?

22 A Absolutely.

23 Q And did -- did you try to figure out why  
24 Mr. Blevins was doing that? Did you get any  
25 information about why he was doing that?



1           LAW JUDGE CLARK: I hate to interrupt you,  
2           but I have a question. Did you ever offer  
3           Mr. Gateley's testimony?

4           MS. KERR: I thought I did, but if I  
5           didn't, I would offer it be entered into ev- --  
6           into evidence at this point.

7           LAW JUDGE CLARK: Mr. Blevins, do you have  
8           any objection to admitting Mr. Gateley, the  
9           previous witness' testimony, from the previous  
10          hearing into evidence into this case?

11          MR. BLEVINS: No objection.

12          LAW JUDGE CLARK: Exhibit 12 is admitted  
13          onto the hearing record.

14          (Staff Exhibit 12 admitted onto the hearing record.)

15          MS. KERR: Okay, so if that was 12, and  
16          this would be 13.

17          LAW JUDGE CLARK: No, you had the numbers  
18          right. I just -- either I didn't make a  
19          notation that it was in fact entered or it  
20          wasn't -- wasn't entered.

21          MS. KERR: Okay. I thought did, but I  
22          might have just skipped over that --

23          LAW JUDGE CLARK: Either way, that's  
24          remedied.

25          MS. KERR: Okay, thank you. Okay. So

1 what I've handed you, that's being marked --  
2 that's been marked as Exhibit 13.

3 (Staff Exhibit 13 marked.)

4 Q (By Ms. Kerr) And for the record, that  
5 exhibit will be confidential. It's confidential  
6 information in it, so I wanted to point that out.

7 LAW JUDGE CLARK: Thank you.

8 Q (By Ms. Kerr) Do you recognize what --  
9 what's been handed to you as Exhibit 13?

10 A Yes.

11 Q And what are they?

12 A These are customer complaints to the PSC.

13 Q And how many -- are there separate  
14 complaints there or how many are there?

15 A There are several, separate complaints.

16 Q Great. There are seven of them. Are they  
17 all separate, different complaints?

18 A They are.

19 Q Okay. And there are seven separate ones  
20 there? I think that's what I found.

21 A I believe that is correct.

22 Q Okay. And are those received by and kept  
23 in -- the Public Service Commission's normal and  
24 ordinary course of business?

25 A Yes.



1 Q What did -- does it show whether or when  
2 customer services -- who -- who received these? Can  
3 you kind of tell me what these complaints are, just  
4 generally what it is? Not what the substance of the  
5 complaint is, but generally what that document --

6 A Okay. These are basically part of why the  
7 PSC exists. Customers that are unhappy or have a  
8 problem, call into the PSC to make a record of a  
9 complaint.

10 Q And those are received by the Consumer  
11 Services Department?

12 A Correct.

13 Q And were these customer complaints that  
14 were received with regard to Mr. Blevins?

15 A Yes.

16 Q And just generally, what are -- what are  
17 the individuals complaining about? Or what about  
18 their complaints? What are the substance of their  
19 complaints?

20 A With these particular complaints, it's  
21 more focused on a rate increase in their bills, and  
22 the fact they did not believe Mr. Blevins owned the  
23 wells -- that that they get their water from. So,  
24 they were confused as to why he would send them a  
25 bill.

1 Q Okay. I ask that or move that Exhibit 13  
2 be entered into as a confidential exhibit?

3 LAW JUDGE CLARK: Mr. Blevins, do you have  
4 any objections to admitting Exhibit 13-C into  
5 evidence.

6 MR. BLEVINS: No objections.

7 LAW JUDGE CLARK: Exhibit 13,  
8 confidential, is admitted into the hearing  
9 record.

10 (Staff Exhibit 13 is admitted into the hearing  
11 record.)

12 Q (By Ms. Kerr) And were those complaints  
13 really what started your investigation, or did your  
14 investigation start immediately after that?

15 A Actually, it was a little bit before this,  
16 when DNR came to the PSC asking for help.

17 Q Okay. And then?

18 A But this -- pretty much coincided with  
19 that.

20 Q Were these complaints requested by the PSC  
21 in any way or were they --

22 A No. Unhappy customers called the PSC.

23 Q On their own?

24 A Yes.

25 Q Okay. As far as you know?

1 A Yes.

2 Q Okay. And, so, you got involved as an  
3 investigator. Did you speak to, after you got that,  
4 those complaints, did you speak to or meet with  
5 Mr. Blevins at all?

6 A We met with Mr. Blevins in April of 2023.

7 Q Have you met with him since then?

8 A Briefly. We've had multiple situations  
9 like this, but otherwise, no.

10 Q And when you did -- sorry. You say --  
11 LAW JUDGE CLARK: Hold on just a second.  
12 When you say "situations like this", when you  
13 say in here --

14 THE WITNESS: I apologize, Judge. Yes.

15 LAW JUDGE CLARK: Okay. So you haven't  
16 met him again outside of here?

17 THE WITNESS: No.

18 LAW JUDGE CLARK: Okay, thank you for  
19 clarifying.

20 Q (By Ms. Kerr) And when you met -- when you  
21 met with Mr. Blevins, was that with Mr. Gately as he  
22 was testifying?

23 A Yes.

24 Q And can you tell me what -- what your  
25 impression of that meeting was?

1           A       I would -- I would call it positive, I  
2       guess.  When we left that day, we had hoped that  
3       Mr. Blevins would properly apply for a CCN, and that  
4       we would move toward regulation, which would lead  
5       to, you know, better service for the customers and  
6       hopefully better business practices for Mr. Blevins.

7           Q       Okay.  Did that seem to happen?

8           A       No.

9           Q       Now, did you speak to any of the  
10       individuals who submitted those complaints?

11          A       Yes, I've spoken to most of them.

12          Q       And did they give you more information or  
13       more documentation at some point?

14          A       Yes, over time, we've had a tremendous  
15       amount of documents from customers on all of  
16       Mr. Blevins' systems.

17          Q       And how often would you receive  
18       information from those customers?

19          A       Multiple times per month.

20          Q       Okay.  Are you still receiving those kinds  
21       of information, that kind of information?

22          A       Yes, on a near weekly basis.

23          Q       Ms. Aslin is handing you what's been  
24       marked Exhibit 14.

25                       (Staff Exhibit 14 marked.)

1 Q (By Ms. Kerr) I will also note that this  
2 exhibit should also be marked confidential. And do  
3 you recognize what I just -- what was just handed to  
4 you?

5 A I do.

6 Q Can you just tell us what -- tell the  
7 Commission what is included in that packet that I  
8 handed -- or that you were just handed.

9 A The first page is basically a notice to  
10 inform the customer that your water supply is coming  
11 from Misty Water Works, and you will be billed for  
12 it. Do you want me to go on the second page?

13 Q Yeah, just generally what's -- what's in  
14 those documents.

15 A Okay.

16 Q I mean, the --

17 A The second page is a notice to customers  
18 that their water system is now being enrolled as a  
19 DNR certified public water supply system, and due to  
20 that, their rates will be increased. The third page  
21 is an agreement to furnish water, and you will see  
22 down below that there are dollar amounts listed.

23 Q And then the last two documents are --

24 A The final pages are notices of transfers  
25 of ownership to let residents know their well that

1 supplies their water is now owned by a new entity.

2 Q And that new entity was --

3 A Mr. Blevins.

4 Q And when did you get those -- those  
5 documents? I know they have dates on them but --

6 A I would have received these in January and  
7 February of 2023.

8 Q So at the beginning of your investigation?

9 A Yes.

10 Q Okay. And who did you get those documents  
11 from?

12 A From the customers.

13 Q Okay. Did you receive them in the normal  
14 and ordinary of course of business as a Staff member  
15 working for the PSC?

16 A Yes.

17 Q Are those kept as your records or as PSC  
18 records in the normal and ordinary course of  
19 business?

20 A They are.

21 Q What do they -- what do they show about  
22 whether Mr. Blevins was operating as an utility?

23 A It seems pretty simple. Mr. Blevins is  
24 providing water service and charging people for it.

25 Q Does it have information in there about

1 paying Mr. Blevins for the use of that water?

2 A Yes.

3 Q Is there anything in there about whether  
4 he was charging late fees or any extra fees?

5 A As far as extra fees go, if you look on  
6 the back side about halfway down of the first page,  
7 you'll see mentioned additional charges for swimming  
8 pools.

9 Q In that second paragraph -- I'm sorry, not  
10 the second paragraph.

11 A There number -- number 2, same page.  
12 There's an additional charge for late fee.

13 Q Okay. And these documents were included  
14 as attachments A through F to the complaint that was  
15 filed in this case; is that your understanding?

16 A I believe that's correct.

17 MS. KERR: I asked to admit Exhibit 14-C,  
18 I guess, into evidence?

19 LAW JUDGE CLARK: Mr. Blevins, do you have  
20 any objections to admitting Exhibit 14-C onto  
21 the record?

22 MR. BLEVINS: No objection.

23 LAW JUDGE CLARK: Exhibit 14,  
24 confidential, is admitted onto the hearing  
25 record.

1 (Staff Exhibit 14 admitted onto the hearing record.)

2 Q (By Ms. Kerr) Thank you. Did you talk to  
3 Mr. Blevins about those documents?

4 A Briefly.

5 Q Okay. And did he say anything about them?  
6 Did he disagree? Did he have an explanation?

7 A It seemed pretty straightforward.  
8 Mr. Blevins was providing water service to these  
9 people. These were the documents he was sending  
10 them as his customers.

11 Q Did he tell you about how long he had been  
12 doing this?

13 A He's mentioned various numbers. I  
14 think -- I think 15 years has been thrown out there.  
15 I'm not certain on a number.

16 Q Okay. Now, during your investigation, did  
17 you have contact with other residents besides these  
18 that that filed complaints and these that you  
19 received the documentation from?

20 A I've spoken to numerous residents.

21 Q Do you know about how many?

22 A If I had to put a number on it, I would  
23 guess around 30 or 40.

24 Q Did they -- did you contact them or have  
25 they contacted you? How did -- how did your



1 contact -- what kind of contact did you have with  
2 them?

3 A Most of the time, they had contacted the  
4 PSC.

5 Q Okay. Now, over the course of your  
6 investigation, have the calls increased, decreased,  
7 stayed the same?

8 A Increased.

9 Q Can you explain -- can you explain that?

10 A Uh --

11 Q Like, how have they increased? Is there a  
12 proportion?

13 A Yeah. I guess at the beginning, I would  
14 hear from customers maybe a couple of times a month.  
15 Now, my phone typically rings every few days.

16 Q Okay. And did -- did Mr. Blevins or did  
17 any of those documents tell you anything about the  
18 ownership of the wells?

19 A He -- on the final page of the document  
20 you gave me, he mentions that he now owns the wells  
21 in question.

22 Q Do you know whether he owned all the wells  
23 that were providing water for which he was charging  
24 a fee?

25 A So, at the beginning of my investigation,

1 we've never been certain how many wells Mr. Blevins  
2 claimed to own or charged people for service from.  
3 We thought that it was probably around 20.  
4 Initially, when I started investigating it, I  
5 checked county records and found Mr. Blevins' name  
6 on, maybe, a little less than half of those.

7 Q Okay. And did you -- I'm sorry. We'll  
8 get into the ownership a little later, but what did  
9 he tell you about his ownership of the wells?

10 A I think it was mentioned earlier some were  
11 handshake deals or understandings from a long time  
12 ago. I think in a lot of situations people weren't  
13 just sure. I know we had the customer yesterday  
14 that said no one knew for sure until they went to  
15 the county and searched records.

16 Q And did he -- did he indicate that he  
17 owned all the wells that were providing water to --  
18 to his customers?

19 A I guess he probably thought so, but I  
20 don't know that even he was certain of that.

21 Q Okay. And there was a public meeting that  
22 we've discussed several times with different --  
23 different witnesses that was held in June of 2022.  
24 Was there any other type of formal gathering or any  
25 other type of formal information gathering that you

1 conducted?

2 A Formal? No. It's been a lot of myself  
3 meeting one on one with people.

4 Q Okay. So about this -- the public meeting  
5 that was held in June of 2023, is that something the  
6 Staff normally does with -- when it get complaints?

7 A I would -- I would probably call it rare,  
8 I guess. I have not been with the Public Service  
9 Commission for a really long time, but it is the  
10 only one I've seen so far.

11 Q Okay. And do you know why it was held or  
12 why Staff decided to have a public meeting or an  
13 open house, whatever you want to --

14 A For a couple reasons. I would say -- the  
15 first would be that there was a lot of -- a lot of  
16 various information from a lot of sources, and no  
17 one was certain of what -- what was true. And PSC  
18 Staff thought that if we could gather everyone and  
19 just listen, maybe we could go on a fact-finding  
20 mission there. The other reason was that just the  
21 extreme discontent that customers were showing. We  
22 just wanted to give them a chance to speak.

23 Q And about how many residents were there in  
24 attendance. Do you remember?

25 A So, it's a pretty large room. It's an old

1 repurposed movie theater in Waynesville, and it was  
2 so full that there were people out of the door.  
3 Standing room only may not even be an applicable way  
4 to describe it. It was -- there were a lot of  
5 people in there.

6 Q So did all the people that you -- did you  
7 send an invitation or a notice out to the residents  
8 telling them about the public meeting?

9 A I asked Mr. Blevins for his customer logs.  
10 And we used the addresses from those customer logs  
11 to send those customers a letter to let them know we  
12 were going to hold a meeting. Whether or not  
13 Mr. Blevins gave us complete customer logs is  
14 unknown.

15 Q And do you have a reason to think that  
16 there were customers there or customers should have  
17 been invited or notified that weren't?

18 A Based on some information I've seen since,  
19 I do think that maybe he withheld some customers.

20 Q And which customers would those be? Do  
21 you know?

22 A One particular system called Rejoice, and  
23 I've asked Mr. Blevins about this system myself. He  
24 claimed to not serve the people there. As far as I  
25 can tell, he is.

1 Q What causes you to believe that that he is  
2 serving them?

3 A He -- he -- he owned -- according to  
4 county records, he owns the well there. And there  
5 were complaints in the past from people on that  
6 system, way in the past, pre our investigation.

7 Q Okay. And -- but you didn't get those  
8 customers' information when you asked for his  
9 customer list?

10 A Correct. And I asked Mr. Blevins myself  
11 about that particular system, and he told me that he  
12 did not serve those people.

13 Q Okay. And would you say -- what  
14 percentage of his customers would you say attended  
15 that meeting?

16 A Based on the paperwork I've seen since I  
17 started my investigation, and, again, that paperwork  
18 may not include every customer, we found around 100  
19 connections. So based on what Mr. Gately said, I  
20 guess you figure 300-plus people. I think there  
21 were probably over 100 people at that meeting. If I  
22 had to guess, maybe around 50 to 60 percent of his  
23 customer base.

24 Q Is that what you were expecting?

25 A Well, based on my experience with the PSC

1 when -- when we hold hearings or informational  
2 meetings like that, a 60 percent turnout of the  
3 customer base is rare.

4 Q What percentage usually shows up? Could  
5 you say?

6 A A lot lower than that.

7 Q Okay. And did that surprise Staff in any  
8 way?

9 A I think it made it very clear to us how --  
10 how unhappy the customers were. How, I guess,  
11 maybe, volatile the situation was.

12 Q And what kind of information did you get?  
13 What did they want to know?

14 A A lot of -- there were a lot of service  
15 complaints, of course, which has been a common  
16 theme. But they also could not understand why  
17 almost every single person was paying a different  
18 amount. Even customers that were on the same water  
19 systems.

20 Q Did they tell you that?

21 A They were also very surprised at how many  
22 other people were in attendance. They had no idea  
23 that Mr. Blevins' scope of business was that large.

24 Q And how did you find out about the  
25 different monthly payments. Did they tell you or --

1 A They told me.

2 Q Okay. And DNR had Staff at the public  
3 meeting, right?

4 A Yes.

5 Q Okay. And would you say that in both the  
6 DNR witness and our witness, Ms. Johnson and  
7 Mr. Gateley talked about DNR being at -- in  
8 attendance, what was your understanding of what  
9 their role was there?

10 A Excuse me. DNR was, I guess, a little  
11 more focused on the quality problems that  
12 Mr. Blevins has had. Well, quality with his water.  
13 While we were, I guess, maybe a little more focused  
14 on the safety and monetary aspect of it at the time.

15 Q Were you trying to determine the scope of  
16 his enterprise?

17 A Yeah.

18 Q Okay. If you -- during your  
19 investigation, did you not have an opportunity to do  
20 any site visits?

21 A I have done a lot of site visits.

22 Q Okay. Do you know about how many you've  
23 done over the course, what is it, year and a half of  
24 your investigation?

25 A Oh, ten, probably.

1 Q Is that compared to your other -- compared  
2 to other investigations, is that about average for a  
3 number of site visits per investigation, or where  
4 does that fall?

5 A I would probably call it high.

6 Q Okay. Why would you say that?

7 A Well, part of that has just been the  
8 continuously ongoing investigation that we're at 18  
9 months now; and since I'm assigned to it, I make  
10 sure to stay updated on whatever's going on. In  
11 addition to that, since customers continue to call  
12 me on a weekly basis, I want to stay involved and  
13 stay informed on what's going on.

14 Q And did you take pictures at any time when  
15 you were at the site visit -- to any of the site  
16 visits?

17 A I have.

18 Q Okay. Did anyone -- were you the only one  
19 taking pictures, or did other Staff members take  
20 pictures?

21 A There have been times when other Staff  
22 members have taken pictures as well.

23 Q Okay. And did you see the wells that were  
24 part of the Misty Mountain -- at Misty Mountain,  
25 Charity and Rolling Hills Public Water Systems?



1 A I have.

2 Q And did you see wells that were not  
3 regulated by DNR that were supplying water to the  
4 homes?

5 A I have.

6 Q Okay. So where -- basically, where are  
7 these wells located?

8 A So if you take St. Robert and draw an arc  
9 or make an arch around the top half of it for about  
10 say 20 to 30 miles, most fall within that arc.

11 Q Okay --

12 A That we know of.

13 Q So they're located pretty much within that  
14 20, 30-mile radius?

15 A Yes.

16 Q And some of them were supposedly owned  
17 privately by Mr. Blevins that are not regulated by  
18 DNR?

19 A That's correct.

20 Q Is that your understanding? Okay. Can  
21 you -- when did you go to some of these sites, can  
22 you describe what you saw or what you observed about  
23 the sites?

24 A It varies. Some of his sites are fairly  
25 well kept. Others I would call in disrepair.

1 Q Could you describe what you mean by that?

2 A Very dirty, unkept, dilapidation. Just  
3 general lack of maintenance and cleanliness.

4 Q Was there any safety concerns or any other  
5 concerns that you saw when you went to look at these  
6 sites --

7 A Yes. Some are exposed to where -- well,  
8 for example, some of the well houses maybe don't  
9 have roofs, so wildlife and/or whatever can get in  
10 and tamper with the head of the water distribution  
11 system. Others, a lot of exposed wiring all over  
12 the place, can potentially make for a hazardous  
13 situation. And just general uncleanliness, trash in  
14 the well houses.

15 Q Is that --

16 A Things like that.

17 Q Does that concern you?

18 A Being that he's in charge of providing  
19 water to people, yes.

20 Q And how come? I mean, other than -- why  
21 is that a concern?

22 A I think something as important as giving  
23 water service to customers probably requires a  
24 little more -- a little more attentiveness, the  
25 ability to do a better job of staying on top of

1 things.

2 Q Did you expect the well -- the wells and  
3 the well houses you visited, did you expect them to  
4 be -- what did you expect them to look like versus  
5 what -- was it different than what you saw?

6 A Well, some of Mr. Blevins' wells are in  
7 okay conditions, there are locks and completely  
8 enclosed wells on concrete paths. Others, like  
9 Misty Mountain for example, houses are falling apart  
10 or are all of -- all of the water equipment is  
11 completely exposed to whoever or whatever, and,  
12 again, just parts and trash laying around.

13 Q Is that what you would expect of a water  
14 utility?

15 A No, not typically. I don't see that in  
16 other systems I look at.

17 Q Okay. I'm going to have Ms. Aslin hand  
18 you what's -- what we'll mark as Exhibit 15.

19 (Staff Exhibit 15 marked.)

20 Q (By Ms. Kerr) And do you recognize what's  
21 included in Exhibit 15 there?

22 A I do.

23 Q What are they?

24 A These are pictures of the inside of the  
25 well houses in question.

1 Q The ones that -- did you do -- are all  
2 these pictures -- were the picture taken by you or  
3 obtained by you as part of your duties in the normal  
4 and ordinary course of business?

5 A That's correct.

6 Q And are they kept in your files and  
7 records of the PSC in the normal and ordinary course  
8 of business?

9 A Correct.

10 Q Now, did you take these pictures?

11 A These were sent to me by a customer.

12 Q Okay. All of them? What about the first  
13 one? Is that one you would have gotten when you  
14 went with another --

15 A I did take this one, yes.

16 Q And what are the -- you said you got the  
17 last several, what last -- last three pictures. You  
18 said they came from a customer?

19 A That's correct.

20 Q Did you ask for them or --

21 A No, no. Customers have -- have, due to  
22 how unhappy they are, have been very forthcoming  
23 with information.

24 Q And, so, what was the reason -- do you  
25 know what the reason was for this customer sending

1 you the pictures?

2 A I would call it extreme discontent.

3 Q Okay. Is it usually -- in your  
4 experience, do you usually get these pictures and  
5 this type of information from the customers that are  
6 complaining?

7 A It just depends on the situation, the  
8 severity of the complaint.

9 Q And if you can go through each picture and  
10 just kind of say -- explain what's -- what the  
11 pictures show?

12 A Okay.

13 Q If the Commission -- just for the  
14 Commission's understanding.

15 A The first picture is one that I took, you  
16 can see here -- well, that might be hard to see, but  
17 a lot of leaks at the -- you're looking at the well  
18 and the distribution system or the head of it  
19 anyway. A lot of leaks in the associated algae  
20 growth. In that same vicinity, there's a lot of  
21 exposed wiring and electrical connections. Also in  
22 a broader scope, just the uncleanliness of the whole  
23 house there.

24 Q And what about the other pictures? What  
25 do they depict?

1           A       These pictures were sent by a customer.  
2       The second one kind of shows the same thing as the  
3       first.  The third is significant because the well  
4       house is completely open and exposed.  And the power  
5       source that's making the well run, just runs out the  
6       opening here and can be easily severed or tampered  
7       with.

8           Q       Did you see there was a door on that well  
9       house?

10          A       In the picture, there is not.

11          Q       Did you visit this well house at any time?

12          A       I have at some point.

13          Q       Okay.  Do you remember --

14          A       I've seen changes in the last eighteen  
15       months.

16          Q       Okay.

17          A       Especially since PSC and DNR started  
18       putting the pressure on Mr. Blevins.

19          Q       Okay.  What's the last picture?  Is that  
20       the same -- just a picture from further out or  
21       what's the difference between the two pictures, the  
22       last two pictures?

23          A       Yeah, the second picture is -- it is a  
24       closer view of the inside and the system.  Again,  
25       all of those exposed connections and water leaks and

1 very dirty. The third picture shows the easy access  
2 to the well house, and the fact that the wire  
3 powering everything is completely exposed and easy  
4 to access.

5 MS. KERR: I ask that Exhibit 15 be  
6 entered into evidence?

7 LAW JUDGE CLARK: Mr. Blevins, do you have  
8 any objection to admitting the photographs of  
9 the well house, Exhibit 14 -- 15, onto the  
10 hearing record?

11 MR. BLEVINS: No objection.

12 LAW JUDGE CLARK: Exhibit 15 is admitted  
13 onto the hearing record.

14 (Staff Exhibit 15 admitted onto the hearing record.)

15 Q (By Ms. Kerr) Thank you. And I guess with  
16 regard to that exhibit, it looks like there's a  
17 Gmail address of the person that sent the e-mail; I  
18 don't know if that needs to be -- if it makes it  
19 confidential, but just to cover our -- just to be  
20 sure, I might want to ask -- I think I might ask  
21 that that be marked confidential just to make sure?

22 LAW JUDGE CLARK: I'm sorry, say that  
23 again, please.

24 MS. KERR: Since the second page of that  
25 e-mail on that exhibit has an individual's

1 e-mail address on it, I think that Exhibit 15  
2 should be marked confidential as well.

3 LAW JUDGE CLARK: I think that's  
4 appropriate. Thank you for bringing that to my  
5 attention. Okay, Exhibit 15 will be marked as  
6 confidential.

7 MS. KERR: And entered -- is that?

8 LAW JUDGE CLARK: I already --

9 MS. KERR: Okay, okay. I just wanted to  
10 make sure.

11 LAW JUDGE CLARK: I already admitted  
12 Exhibit 15 onto the hearing record.

13 Q (By Ms. Kerr) All right, so what kind  
14 of -- what kind of concerns did seeing these wells  
15 and getting this information from customers, what  
16 kind of concerns did that raise for you or raise for  
17 Staff?

18 A Compared to what I typically see with  
19 other companies, these -- these are pretty  
20 dilapidated. Looks to me like sort of typical  
21 maintenance and cleanliness have kind of been  
22 ignored.

23 Q And why would that concern the PSC?

24 A Because that eventually has an effect on  
25 customers' water service. On the safety and



1 adequacy of it.

2 Q How so?

3 A Well, we've -- we've seen a lot of  
4 reliability problems. We've also seen problems in  
5 quality with the water.

6 Q And did you discuss any of those problems  
7 with Mr. Blevins or concerns with Mr. Blevins?

8 A We have.

9 Q Okay. And what was his -- what was his  
10 reaction? What was his response?

11 A Typically, when the customers had water,  
12 Mr. Blevins hasn't shown a tremendous amount of  
13 concern for anything further than that.

14 Q What did you mean by that?

15 A Well, the quality issues, for example.  
16 When -- when the customers on Misty Mountain were  
17 dealing with bacteria in their water, this went on  
18 and on for months. The Taylor Well failed in 2019,  
19 and it remained down until two weeks ago.

20 Q Did he fix some of the other problems that  
21 were pointed out to him?

22 A He has repaired some problems.

23 Q And what -- what -- has he not repaired  
24 some?

25 A Again, I would -- I would say the Taylor

1 Well is a fine example. It's down for five years.

2 And, again, kind of what I said earlier, in the last  
3 eighteen months as the Public Service Commission and  
4 DNR has, I guess, pressured him, if you want to use  
5 that term, he's cleaned up a few things.

6 Q And does he -- okay. Did you have  
7 contact -- besides the customers and Mr. Blevins,  
8 did you have -- did you correspond or have contact  
9 with any other -- anybody else, any other entities?

10 A Yeah, some well service providers, DNR,  
11 the County, the Public Water Supply District.

12 Q And what -- can you tell me about what  
13 happened there when you -- your contact with the  
14 County Water District?

15 A Yes, they -- they acknowledged that they  
16 would like to be the supplier for all of the folks  
17 on Misty Mountain, but that it just wasn't feasible  
18 at this time.

19 Q Did they give an explanation why it  
20 wouldn't be feasible?

21 A Geography is probably the biggest thing.

22 Q Okay. Is that -- can you expound on that?

23 A Uh --

24 Q What about the geography they say is not  
25 feasible for them?

1           A       Okay, well, the ground is really hard to  
2 dig through, a lot of elevation changes, just very  
3 long runs of line.

4           Q       Okay. So that and -- all that would have  
5 to be done by the county?

6           A       Correct.

7           Q       To provide water to everybody that he  
8 supervises?

9           A       For not that many customers, correct, yes.

10          Q       Okay. Now, you've said you had contact  
11 with the DNR, and there's been quite a bit of  
12 testimony about that. How often have you -- were  
13 you in contact, or how often did you have contact  
14 with DNR or worked with DNR during your  
15 investigation?

16          A       I would say multiple times per month.

17          Q       Okay. And could you describe that -- that  
18 contact with -- how would you describe that?

19          A       Basically just sharing of information  
20 because unhappy customers have contacted both of us.  
21 The customers don't always know the proper avenue  
22 for complaints, so they may contact DNR; they may  
23 contact us. Since both of us were working on an  
24 investigation involving Mr. Blevins, we shared  
25 information.

1 Q Okay. And, so, you've been -- and how has  
2 that worked out?

3 A Okay.

4 Q You have got a lot of information back and  
5 forth?

6 A Well, it was DNR that originally referred  
7 us to this situation because they saw the quality  
8 issues with the water, but they also recognized that  
9 Mr. Blevins was operating a water system utility  
10 business and was not regulated, so that is why they  
11 approached us.

12 Q And have you contacted any other county  
13 offices during your investigation, besides the Water  
14 District?

15 A We've of -- because of all the unclear  
16 property rights situations in this case, we've  
17 talked to the county collector and the county  
18 recorder as well.

19 Q And what information, just generally, what  
20 information did you expect or were you looking for  
21 when you contacted the collector and the recorder's  
22 office?

23 A It's always been uncertain since the  
24 beginning of this case of whether or not Mr. Blevins  
25 had the right to charge people for the water,

1 whether or not he owned the wells that that water  
2 was coming from. So, we've continuously tried to  
3 find out whether or not he actually owned the wells  
4 that he claimed to own.

5 Q Okay. And you contacted the collector's  
6 office, right, that Polaski County Collector's  
7 Office?

8 A Staff did, yes.

9 Q Okay. And what information were you  
10 looking for or from the collector's office? Or what  
11 information that they had that may have helped you?

12 A Oh, that way we can look at property tax  
13 information. We would have an idea of what  
14 Mr. Blevins' owned --

15 Q Okay.

16 A -- and had paid taxes on.

17 Q Ms. Aslin is going to hand you what's been  
18 marked Exhibit 16.

19 (Staff Exhibit 16 marked.)

20 Q (By Ms. Kerr) Can you tell the Commission  
21 what those documents are or what --

22 A These are real estate tax statements.

23 Q And was that what you received from the  
24 Collector's Office?

25 A Correct.

1 Q And did you obtain those records in the  
2 normal and ordinary course of your business as  
3 analyst with the PSC?

4 A Yes.

5 Q Is part -- as part of your work in this  
6 investigation?

7 A Yes.

8 Q Okay. And what information did they  
9 provide?

10 A It shows Mr. Blevins and his wife do  
11 indeed own some wells.

12 Q Okay. Now, how many different -- how many  
13 different pieces of property were taxed that you  
14 could tell that you -- from the Collector's records?

15 A Based on these papers, I see about five.

16 Q There's four, maybe?

17 A Okay.

18 Q And, so, he's being assessed property tax  
19 as far as you know for four properties?

20 A Yes.

21 Q At least what you found out, correct?

22 A Yes.

23 Q According to their records, has  
24 Mr. Blevins paid the property tax on all four of  
25 these properties?

1           A     I believe -- I believe some are  
2 delinquent.

3           Q     And they're -- I believe two have been  
4 paid and two that have not been paid? Is that what  
5 your understanding is?

6           A     Yes.

7           Q     And which -- the two that have been paid,  
8 is there something different about those two  
9 properties that you found out compared to the two  
10 properties that have not been -- where the taxes  
11 have not been paid?

12          A     Just location of the well is all.

13          Q     Okay. Is there anything about the  
14 ownership of two of those wells that was different  
15 than the other two? It might show it in these  
16 documents, but did you find that out?

17          A     Mr. Blevins appears to be the owner of  
18 these wells.

19          Q     Okay. Did you -- did you find out whether  
20 he's the sole owner on all -- on all four of those  
21 wells or he and his wife are the sole owner?

22          A     His wife as well.

23          Q     Okay. And there -- there were two  
24 properties that the taxes had been paid. Did you  
25 find out that somebody else also owns those

1 properties with Mr. Blevins?

2 A I don't recall.

3 Q Okay. All right. There's one that has a  
4 tax delinquency of three years. Do you know -- can  
5 you point to which one that is? Does it say there?

6 A I'm not -- I'm not able to find the date  
7 at the moment.

8 Q I think it's at the top of the document.

9 A Okay. Okay.

10 Q Okay? And, so, at least one of those has  
11 tax delinquency for the three years, for the last  
12 three years; is that correct?

13 A That's correct.

14 Q Does that concern you, or would that  
15 concern be something of concern to the PSC?

16 A I guess if -- if the water provider is in  
17 danger of losing ownership of the source of the  
18 water that they're providing to their customers, I  
19 guess that would be concerning, yes.

20 MS. KERR: Okay. And I'll ask that  
21 Exhibit 16 be admitted.

22 LAW JUDGE CLARK: Any objection,  
23 Mr. Blevins, to admitting Exhibit 16, the  
24 Polaski County Real Estate Tax Statements, onto  
25 the hearing record?



1 MR. BLEVINS: No objection. No objection.

2 LAW JUDGE CLARK: Exhibit 16 is admitted  
3 onto the hearing record.

4 (Staff Exhibit 16 admitted onto the hearing record.)

5 Q (By Ms. Kerr) Now, Ms. Aslin is going to  
6 hand you what's been marked Exhibit 17 .

7 (Staff Exhibit 17 marked.)

8 Q (By Ms. Kerr) What do those documents  
9 show?

10 A It appears to be a transfer agreement.

11 Q Are those records you obtained from the  
12 Recorder's Office?

13 A Yes.

14 Q And when you went -- when you went to the  
15 Recorder's Office for information, what specifically  
16 did you ask -- ask them for? What type of records  
17 did you ask for regarding Mr. Blevins?

18 A Any -- any documents that showed property  
19 ownership.

20 Q That he was the grantee?

21 A Correct.

22 Q Okay. And this was what you received from  
23 the Recorder's Office?

24 A That's correct.

25 Q Do you know if there's anything else

1 beside these -- when did you get these? Do you  
2 remember?

3 A Two weeks ago probably.

4 Q Okay. And do you know if there's been  
5 anything since then or --

6 A I've heard rumors from customers; nothing  
7 that I can substantiate at this time.

8 Q And are those records -- records that you  
9 got in the normal and ordinary course of your  
10 investigation?

11 A Yes.

12 Q Do you keep those records in the normal  
13 and ordinary course of business as the PSC?

14 A Yes.

15 Q And how many -- how many different  
16 documents are there?

17 A How many different documents are --

18 Q Did you get from the Recorder's Office.  
19 Are those all the documents you got from Recorder's  
20 Office?

21 A So far, yes.

22 Q All right. What do you mean so far?

23 A With -- with customers claiming that there  
24 are ongoing deals and new situations that are  
25 arising, it's likely that we'll speak to them again.

1 Q But these are all the documents you  
2 received from the Recorder's Office.

3 A That's correct.

4 Q There aren't other documents that the  
5 Recorder's Office had that you didn't get that you  
6 know of?

7 A To my knowledge.

8 Q Okay. And there are nine separate  
9 documents that you received? Is that right? Is  
10 that what's in there?

11 A Probably so.

12 Q Okay. And do all of them -- do they all  
13 seem to convey land that you can tell? Or some of  
14 them, other documents that may or may not -- may not  
15 convey land?

16 A I guess I wouldn't necessarily say just  
17 land. For example, this first sheet refers to  
18 rights and obligations.

19 Q And those are rights and obligations to do  
20 what? What is that convening?

21 A Supply water.

22 Q And the first one talks about concerning a  
23 water well that's supplied water to -- well, that  
24 first document, where it's transferring all rights  
25 and obligations, it says concerning water wells that

1 supply water to, and then it lists several  
2 addresses; do you know what -- can you tell from  
3 that document or do you know what well that refers  
4 to?

5 A I do.

6 Q Is there a legal description of what about  
7 well -- how do you know that? Do you know that from  
8 the document or from --

9 A This, based on my searches at county  
10 records and actually from Mr. Blevins' customer --  
11 customer list that he gave us, he, at one time,  
12 owned this well.

13 Q Okay. But this document doesn't exactly  
14 show which -- doesn't have any legal description or  
15 doesn't describe what well is being transferred,  
16 correct?

17 A That's correct.

18 Q Okay. And then I think there's -- there  
19 were two other warranty deeds. What are these --  
20 what are the other documents that aren't warranty?  
21 So there's the one well transfer agreement that --  
22 we're actually sure what well it actually -- or what  
23 wells is it actually transfers, and then there's two  
24 warranty deeds, right?

25 A That's correct.

1 Q And other than those two warranty deeds,  
2 those warranty deeds transfer land or property as  
3 far as you can tell, correct?

4 A Correct.

5 Q Okay. So there's the two warranty deeds  
6 and the well transfer agreement. What are these  
7 other documents? The agreements to furnish water?

8 A They appear to be agreements, sort of the  
9 same, some of the same agreements that we saw  
10 earlier in other documents, agreements to furnish  
11 water. Their dollar amounts are listed below.

12 Q Do they seem to transfer any kind of  
13 property or land?

14 A I don't believe so.

15 Q So these are similar to the ones that you  
16 received when you started your investigation from  
17 the different customers? Is that --

18 A Some of them, yes.

19 Q Okay. But they're all -- the agreements  
20 to furnish water, what stands out -- what stands out  
21 about those, if anything?

22 A What would interest me as a PSC employee  
23 is that Mr. Blevins is agreeing to furnish water,  
24 and that he expects payment for it.

25 Q Okay, but these were recorded with the

1 Recorder's Office?

2 A That's correct.

3 Q But to your knowledge, it doesn't --  
4 doesn't refer to any particular land transfer, does  
5 it?

6 A Correct.

7 MS. KERR: I'll ask that Exhibit 17 be  
8 entered into evidence.

9 LAW JUDGE CLARK: Mr. Blevins, do you have  
10 any objection to admitting Exhibit 17 onto the  
11 hearing record?

12 MR. BLEVINS: No objection.

13 LAW JUDGE CLARK: Exhibit 17, the Well  
14 Transfer agreement and the Agreements to  
15 Furnish Water are admitted onto the hearing  
16 record. Is there anything about these that  
17 needs to be confidential in nature?

18 MS. KERR: Well, I don't think so. I  
19 mean, they're public records, so anyone could  
20 could get that from the Recorder's Office, so I  
21 don't know if --

22 LAW JUDGE CLARK: I'm just wondering if  
23 some of the names in here are customers.

24 MS. KERR: They are, so if -- to be safe,  
25 we could mark them confidential; but, like I

1 said, they're public records so --

2 LAW JUDGE CLARK: It's kind of an iffy  
3 line, because, I mean, it's one of those things  
4 where they're public records, but we also have  
5 our PSC rule --

6 MS. KERR: In this case --

7 LAW JUDGE CLARK: If this particular item  
8 is confidential --

9 MS. KERR: Right.

10 LAW JUDGE CLARK: I'm going to go ahead  
11 and out of an abundance of safety, mark it  
12 confidential.

13 MS. KERR: Okay.

14 LAW JUDGE CLARK: So, Exhibit 17,  
15 confidential, the Well Transfer Agreement and  
16 Agreements to Furnish Water are admitted onto  
17 the hearing record.

18 (Staff Exhibit 17 admitted onto the hearing record.)

19 Q (By Ms. Kerr) So the information you got  
20 from the Recorder's Office, was -- did you -- was  
21 that what you were expecting to get from the  
22 Recorder's Office, two warranty deeds and a bunch of  
23 well agreements to furnish water?

24 A Honestly, I did not know what to expect.  
25 Ownership and rights have been extremely difficult

1 to understand in this case, and they are ever  
2 changing as well.

3 Q Okay. Did you try to get ownership or  
4 property records from Mr. Blevins?

5 A We asked him for applicable paperwork when  
6 we visited him in April, and then we also asked him  
7 to submit paperwork in relation to that when he  
8 applied for his CCN.

9 Q And what did you get from Mr. Blevins?

10 A Not much. We received some, but, again,  
11 it only appeared to us that he -- that he owned  
12 about maybe a quarter of the wells that he was  
13 charging for service from.

14 Q And as far as you know, this is what the  
15 Recorder -- this is what the official land records  
16 showed?

17 A As far as I can tell, yes.

18 Q The official tax returns?

19 A Uh-huh.

20 Q Okay. Now, Ms. Johnson, from the DNR,  
21 testified to what it means to be a public water  
22 system under DNR regulations, so you understand that  
23 there is just these -- there's the three public  
24 water systems that are under DNR regulations. Those  
25 are the only ones you know of?



1 A Yes.

2 Q Are those different than the systems that  
3 are not designated as public water systems by DNR?

4 A That's a DNR determination. As far as the  
5 PSC is concerned, for all of his wells, he is  
6 charging people for service. I guess if I were to  
7 put a number on it, about -- about half of our  
8 complaints have come from the DNR-regulated systems,  
9 about half have come from the other ones.

10 Q Okay. So the ones that are not regulated  
11 by those DNR, those wells can provide water to  
12 residential homes?

13 A Yes.

14 Q And you found that was the case in this --  
15 in your investigation?

16 A Yes.

17 Q Okay. Now, if Mr. Blevins' well systems  
18 were regulated by the PSC, what kind of -- what kind  
19 of treatment would -- would they get any different  
20 treatment when DNR -- that DNR does? I mean, I  
21 would assume there's a difference in type of  
22 treatment and type of regulation the PSC and DNR  
23 have?

24 A We -- we would probably -- the PSC would  
25 probably see the situation as being the same across

1 the board. If he's charging customers for water  
2 then -- then the source of the amount of connections  
3 is less relevant than the fact he is charging  
4 customers for water.

5 Q What kind of regulation or what kind of  
6 oversight would the PSC have over these systems that  
7 DNR doesn't perhaps?

8 A We would monitor the safety and adequacy  
9 of his service.

10 Q Would you monitor anything about what he  
11 charges?

12 A Yes.

13 Q What's -- DNR doesn't have anything to do  
14 with how much he's charging --

15 A That's correct.

16 Q -- customers? But the PSC would?

17 A That's correct.

18 Q Can you explain -- can you explain that to  
19 the Commission?

20 A When a company wants a rate increase, for  
21 example, it must be approved by us. They come in;  
22 they submit all of their documents and our auditors  
23 determine what it costs them to supply people with  
24 water in this case. At the end of that case, there  
25 is a settled upon rate. In this situation, the

1 customers don't really have any representation.

2 Q Do you know if there was any kind of audit  
3 done by the PSC or by Mr. Blevins about what his  
4 rates should be or are?

5 A As far as I know, no.

6 Q Okay. And the PSC wouldn't -- wouldn't  
7 have done an audit at this point, would they?

8 A Well, Mr. Blevins is not a regulated  
9 utility at this point.

10 Q So until he's regulated, the PSC wouldn't  
11 have done a deep audit on his records, right?

12 A That's correct.

13 Q Okay. Did you ask for his records?

14 A Yes.

15 Q And what -- what, if anything, did you get  
16 from Mr. Blevins when you asked about his records?

17 A He's -- he's given us some documents.  
18 Again, some customer lists, some -- some of these  
19 documents you see here, agreements to furnish water,  
20 things like that.

21 Q Okay. Did you have a chance to -- did you  
22 have a chance to look at his recordkeeping?

23 A Somewhat.

24 Q What you -- what did you see? What did  
25 you observe?

1           A       Still most -- mostly paperwork. No  
2 digital records, but as Mr. Gateley said that's --  
3 that's something we see elsewhere as well.

4           Q       Okay. And did you look to see, or did you  
5 ask him, about how he handles complaints that come  
6 into him, to his companies?

7           A       We've asked him, yes.

8           Q       What was -- what did you find out?

9           A       Customers contact him directly. Sometimes  
10 they get an answer; sometimes they don't.

11          Q       Is that something that concerns the PSC?

12          A       Yes.

13          Q       Why would that be?

14          A       We would -- we would like for service  
15 providers to be attentive.

16          Q       And was this showing that -- what was his  
17 way of responding to the complaints? How would you  
18 describe that?

19          A       It just depends on the situation. There  
20 were probably times when it was adequate. There  
21 were -- I've heard of several times when it was not,  
22 when people would go for days at a time without  
23 water, or I have customers tell me that they  
24 continuously try to contact him with no response.

25          Q       And how did they try to contact him? Do

1 you know?

2 A Usually directly by phone, whether that be  
3 phone call or a text message.

4 Q And last exhibit I'm going to hand you,  
5 what's been marked Exhibit 18.

6 (Staff Exhibit 18 marked.)

7 Q (By Ms. Kerr) And do you know what -- can  
8 you explain what that document is? What those  
9 documents are? Do you recognize them?

10 A I do.

11 Q What are they?

12 A The first two pages are just general  
13 information from Mr. Blevins, which wells he  
14 operates and how many connections they have.

15 Q Was this his response to the data  
16 requests that were sent out in the cases --

17 A I believe so.

18 Q -- that we have going on? Okay. Was this  
19 your -- how many sets of data requests did we send  
20 out or did Staff send out? Do you remember?

21 A That was a long time ago. I don't recall  
22 the exact number.

23 Q Okay. But there were more than just this  
24 set of data requests?

25 A I believe so, yes.

1 Q But this was the first set of data  
2 requests that was sent out to Mr. Blevins, correct?

3 A Correct.

4 Q And, just generally, what are -- what are  
5 Staff asking for? What kind of information was  
6 Staff asking for these data requests?

7 A To further expand on what we see here. A  
8 list of wells that Mr. Blevins operates; a list of  
9 people he supplies water to, that he charges for  
10 water; the rates he charges; sort of operational  
11 procedure information; who is his operator is, I see  
12 the name here; things like that. Things that we  
13 would typically request to know from a water  
14 company.

15 Q Okay.

16 MS. KERR: If I just could just have a  
17 moment.

18 LAW JUDGE CLARK: Yes. Sorry, I was  
19 looking at the exhibit.

20 MS. KERR: Okay, thank you.

21 Q (By Ms. Kerr) Do you recall when these  
22 were sent out? Approximately.

23 A It would likely have been in the spring or  
24 summer of 2023.

25 Q And just to make the exhibit complete,

1 based on what you have in front of you, are  
2 Mr. Blevins' answers to the DNRs?

3 A That would be a correct way to describe  
4 them, yes.

5 Q Okay. I can provide the actual DNR  
6 questions. I've got that document as well. I'll  
7 add that to this exhibit. I just need to make  
8 copies of it for everyone.

9 LAW JUDGE CLARK: Okay, thank you. I  
10 think that would be appropriate.

11 Q (By Ms. Kerr) And compared to the  
12 questions that you would ask another small utility,  
13 how did these questions compare? Are they similar,  
14 different, were they specific?

15 A I would say they were similar, if not  
16 simplified slightly to maybe benefit Mr. Blevins a  
17 little bit.

18 Q And, so, these are information that you  
19 would want from any small utility?

20 A Yes.

21 Q Would you expect that -- did you expect  
22 Mr. Blevins to be able to answer all these  
23 questions?

24 A I do not know.

25 Q Would you expect another small utility to

1 be able to answer these questions or get information  
2 that's requested?

3 A In order to run a water utility business,  
4 yes.

5 Q Okay. And did he answer all questions  
6 that are asked?

7 A Not all of them.

8 Q Which ones -- were there certain ones that  
9 stood out to you that he didn't respond to or --

10 A I do not recall.

11 Q Okay. What's your understanding -- never  
12 mind. I ask that -- I'll move that Exhibit 18 --

13 LAW JUDGE CLARK: And you're going to be  
14 supplementing me that you said --

15 MS. KERR: Yes.

16 LAW JUDGE CLARK: -- with the --

17 MS. KERR: With the questions.

18 LAW JUDGE CLARK: Mr. Blevins, do you have  
19 any objection to admitting Exhibit 18, which  
20 are your responses to Staff --

21 MR. BLEVINS: No.

22 LAW JUDGE CLARK: -- data requests?

23 MR. BLEVINS: No objection.

24 LAW JUDGE CLARK: Do you have any  
25 objection to supplementing that with the



1 questions that these are responses to?

2 MR. BLEVINS: Is that it?

3 MS. KERR: Yeah, these just --

4 MR. BLEVINS: No objection.

5 LAW JUDGE CLARK: Okay, Exhibit 18,  
6 Blevins Responses to PSC Staff's DR (sic)  
7 and the DNR's are admitted onto the hearing  
8 record.

9 (Staff Exhibit 18 admitted onto the hearing record.)

10 Q (By Ms. Kerr) And, finally, you were here  
11 as part of the receivership case, weren't you?

12 A Yes.

13 Q And -- and you were at the hearing that  
14 was in this -- in the receivership --

15 A Yes.

16 Q -- action. I'm sorry. In the  
17 receivership action. Okay, I'm sorry. And you  
18 testified at the hearing regarding the receivership  
19 action?

20 A Yes.

21 Q Were you -- and you were cross-examined  
22 by Mr. Blevins?

23 A I was.

24 Q And you and your attorney entered evidence  
25 in support of the request for receivership?

1 A Yes.

2 MS. KERR: At this point, I'd ask that  
3 Mr. Stamp's testimony in case WO2024-0036 be  
4 entered into evidence in this case as  
5 Exhibit 19, specifically, his testimony can be  
6 found on pages 25 to 123 of volume II of the  
7 transcript.

8 LAW JUDGE CLARK: Mr. Blevins, do you have  
9 any objection to -- to taking official notice  
10 of Mr. Stamp's testimony from WO2024-0036,  
11 which was the receivership case in which he  
12 testified and you cross-examined him?

13 MR. BLEVINS: No objection.

14 LAW JUDGE CLARK: Commission will take  
15 official notice of Mr. Stamp's testimony in  
16 WO202024-0036.

17 MS. KERR: And I think the other testimony  
18 might have been entered. It was all entered as  
19 exhibits. I think we have, so I think I would  
20 want this to be an exhibit?

21 LAW JUDGE CLARK: You prefer this as an  
22 exhibit?

23 MS. KERR: Yes.

24 LAW JUDGE CLARK: I'm assuming,  
25 Mr. Blevins, it doesn't make a difference to

1           you whether it's an exhibit or whether I take  
2           official notice of it?

3           MR. BLEVINS: No.

4           LAW JUDGE CLARK: So we'll call this  
5           Exhibit 19.

6           MS. KERR: Thank you.

7           LAW JUDGE CLARK: And Exhibit 19 will be  
8           admitted onto the hearing record.

9           (Staff Exhibit 19 marked and admitted onto the  
10           hearing record.)

11           MS. KERR: I don't have any other  
12           questions right now.

13           LAW JUDGE CLARK: Mr. Blevins, would you  
14           like to do -- it is now just after 12:30. It's  
15           12:37. Would you like to ask your questions of  
16           Mr. Stamp, or would you like to break for  
17           lunch?

18           MR. BLEVINS: I can probably go ahead and  
19           ask if it's okay?

20           LAW JUDGE CLARK: That's absolutely fine.

21           MR. BLEVINS: I'll try to make it short.

22           LAW JUDGE CLARK: You don't have to make  
23           it short. I wanted to give you a preference of  
24           whether you wanted to do it now or take a lunch  
25           break, but you're under no obligation to keep

1           it short.

2           MR. BLEVINS:   What time is it, sir?

3           LAW JUDGE CLARK:   It is 12:37.

4           MR. BLEVINS:   I guess we should take a  
5           break then.

6           LAW JUDGE CLARK:   It's entirely up to you.  
7           If you would like to go ahead and ask your  
8           questions while they're fresh in your head, I  
9           am more than happy to do that.

10          MR. BLEVINS:   Okay, we'll go ahead and do  
11          that.

12          LAW JUDGE CLARK:   Okay.

13                           CROSS-EXAMINATION

14   BY MR. BLEVINS:

15           Q     Mr. Stamp, I don't know, I've got several  
16           notes here that I wrote down, but, again, I see a  
17           lot of negative in there; it looks likes a lot of it  
18           is not particularly proved out. Do you have proof  
19           or documentation for some of these weekly basis of  
20           complaints, for example, in your comments?

21           A     We've seen several on paper here.  
22           Otherwise, I get weekly phone calls from your  
23           customers. And as far as official documentation,  
24           there are several quality tests that your wells have  
25           failed over the last 18 months or --

1 Q Is that the complaint from the customer?

2 MS. KERR: If you could let the witness --

3 MR. BLEVINS: I didn't mean to interrupt

4 you.

5 LAW JUDGE CLARK: I'll sustain the  
6 objection. Please allow your witness to  
7 answer, although I understood that he was going  
8 on a different course than the question you  
9 were asking.

10 MR. BLEVINS: Right.

11 THE WITNESS: Okay, I'm sorry. Could you  
12 clarify?

13 LAW JUDGE CLARK: He's just asking about  
14 documentation of the complaints, not water  
15 testing or anything like that.

16 THE WITNESS: Okay. Currently, I  
17 typically receive complaints from your  
18 customers in phone calls and in e-mails.

19 Q (By Mr. Blevins) How do you account for  
20 those calls? You say weekly: one call, ten calls,  
21 twenty-five calls, and how do you treat that or  
22 account for them?

23 A There's no official record.

24 Q No official record?

25 A No. In my opinion, one week, it might be

1 one. The next week, it might be five.

2 Q And do you share that complaint with  
3 myself, for example, since maybe the complaint is  
4 against me?

5 A Well, sir, I felt we were past that point,  
6 as problems have been ongoing and most of the time  
7 you failed to rectify them.

8 Q Did you share them with me?

9 A Which ones?

10 Q The complaints that you claimed that you  
11 received weekly.

12 A Some we have before. The last couple of  
13 weeks, probably not, no.

14 Q What are the some that you say you did  
15 before? Who -- not who, but I don't recall  
16 receiving any complaints from you or your company or  
17 your --

18 A Well, I would say customer complaints are  
19 the reason why we're here today.

20 Q So you don't keep a log or anything; is  
21 that correct?

22 A There are -- there are a lot of complaints  
23 here because of how unhappy the customers are and  
24 how numerous the complaints have been. They've --  
25 they've gotten to the point where they, a lot of

1 times, contact me directly through phone calls and  
2 e-mail. A phone call, for example, I guess, would  
3 have no official record that we could look back on.

4 Q But you mention those as something you  
5 take action on. Is that the right way to do that or  
6 is it just your opinion, maybe?

7 A Could you clarify what you mean by that?

8 Q Is it your opinion that you have not  
9 shared these current, if there are current,  
10 complaints with me; is that your opinion to not do  
11 that?

12 A Mr. Blevins, with all due respect, I've  
13 found in the past that we could not fully trust  
14 things that have been said.

15 Q Things that you say you could not fully  
16 trust, things that have been said, what has been  
17 said that you do not trust?

18 A That customers would claim that there's a  
19 situation going on and you would claim otherwise.

20 Q What situation are we talking about that I  
21 claimed that I did or did not do, or what the  
22 customer claimed? Is there a situation that can be  
23 addressed?

24 A Well, there have been several in the last  
25 18 months. For example, on Rowden, a few months

1 ago, the well was shut down because apparently you  
2 didn't pay the electricity bill for it.

3 Q Did you contact me, in that respect, for  
4 that particular complaint?

5 A No, the customers had to contact the  
6 electrical company and tell them it was an  
7 emergency, and get it turned back on themselves.

8 Q Okay. Well, let's see here. You  
9 mentioned something about records of ownership in  
10 20. What were you referring to there?

11 A Could you be more clear to what it is that  
12 you're referring to, sir?

13 Q Well, I'm referring to your comment of  
14 saying that 20 records of well ownership.

15 A Yeah, that's the -- when we spoke in April  
16 and you gave me a list of the wells you were  
17 operating, I think it was around 20, roughly.

18 Q Okay. In reference to Rejoice, what  
19 information did you get that that -- I guess you  
20 indicated -- indicated that I did or did not own  
21 that particular well up there?

22 A Yes, sir. So when DNR came to us about  
23 this situation, they told us that some of the  
24 customers on Rejoice had complained. Then, at the  
25 meeting we held in June where I spoke to you, I



1 asked you if you operated that system, because I  
2 noticed that it was not included in your customer  
3 logs. If you remember right, you claimed to me that  
4 you did not, and I since seen that you owned that  
5 well on that system.

6 Q How did you determine that I owned that  
7 well on that system?

8 A That that's what Polaski County records  
9 currently show.

10 Q They did?

11 A They currently do, yes, sir.

12 Q Was that by a deed or was that by --

13 A I assumed so, sir. My search was of  
14 property records through their GIS maps, and it  
15 shows that you and your wife are owners of the well  
16 there.

17 Q Okay. You also made comments that you did  
18 not believe the records that I gave you in reference  
19 to how many customers I had. Can you tell me about  
20 that, what you meant there? I think I heard a  
21 figure of, like, 300 customers; is that correct?  
22 Where did you get that information if it is?

23 A I think in the documents that you shared  
24 with us, I saw the number 85 connections. And I am  
25 fairly sure that you were operating more than that.

1 If you figure, if you go off the number 85  
2 connections and figure, you know, three and a half  
3 people per household, then it gets close to 300  
4 people.

5 Q The figure more accurately, I think, would  
6 be 2.5 by the DNR, but if that's what you're  
7 referring to, that's not the connections.

8 A Okay. Well, in the paperwork that you  
9 submitted to us, that's what it says.

10 Q They -- let's see. You indicated that  
11 some of the wells didn't have roofs on them. Can  
12 you explain which well you're talking about to me or  
13 --

14 A Yes, sir.

15 Q Yeah.

16 A When I initially started looking at these  
17 wells, the Tigger Well that was eventually taken  
18 over by the HOA had no roof on it. The same with  
19 the Taylor Well, although it been inoperable for  
20 four years by that point.

21 Q The Taylor Well being inoperative, was  
22 that just recently that you said there was no roof  
23 or was this in the past when it's nonoperational?

24 A That was in the past. You've since fixed  
25 the roof.

1 Q Yeah, okay. It was in the past then?

2 A But -- but it was also inoperable for five  
3 years.

4 Q When did it go inoperable?

5 A According to customers, in 2019.

6 Q Yeah. And when -- when you indicate that  
7 I had no concerns about the customers or the wells  
8 or whatever, what did you mean there, and how did  
9 you determine that I have no concerns?

10 A Customers have shared with me their  
11 opinions that -- that you do not respond in a timely  
12 manner to problems they're experiencing.

13 Q Okay. The lack of available water, you  
14 used those comments. What did you mean there?

15 A I don't recall saying a lack of available  
16 water, sir. If you could explain to me where I  
17 said, I'd be happy to --

18 Q I'm not sure what you say, to tell you the  
19 truth?

20 A Okay.

21 Q But what I didn't know and why I was  
22 asking you what you meant by the lack of available  
23 water. Days without comment or days without water  
24 as a comment that you did, is there a specific time  
25 that there was water not available for a number of

1 days or --

2 A Well, we've --

3 Q -- when would that be?

4 A Similar to what the witness we listened to  
5 yesterday that's a customer of yours, a lot of your  
6 customers have told me of situations where they went  
7 days out of time without water. I think a lot of  
8 them at this point just expect to not have water on  
9 the colder days of the year because the system  
10 constantly freezes. Otherwise, there -- there were  
11 customers without water because you may have been  
12 working on the lines or whatever. But for long  
13 periods of time that's been something that I've  
14 found throughout my discussions with your customers,  
15 is that long periods of times without water is  
16 common.

17 Q Did you investigate any of those long  
18 periods of times comments that you got from  
19 customers, or did you just simply believe what they  
20 said?

21 A It -- it would be their word against you.

22 Q So how did you interpret that then? Their  
23 word against mine, I've never had a word to say that  
24 I'm aware of, I've never been notified of these long  
25 days without water.

1           A       As best as I possible could in that  
2 situation given there are not meters or any ways to  
3 measure certain amounts of time.

4           Q       I'm not sure I understood what you said.

5           A       It's their claim against yours, and I  
6 investigate that as best as that I possibly can.  
7 Obviously, there are not water meters to measure  
8 whether they were using water or not. I just know  
9 that it's been a very common theme, with people who  
10 pay you for water, is that they have -- they all say  
11 they go long periods of time without service.

12          Q       I'm not aware of those long periods of  
13 time. Have you got some other proof that shows  
14 these long periods of time and what that long period  
15 of time is? Is it an hour or is it three days or  
16 two days or what is the circumstances?

17          A       You know, I've -- I've heard of multiple  
18 situations from multiple customers, so I'm sure that  
19 would vary.

20          Q       So you just believed what they said at  
21 that time? Is that the extent of your investigation  
22 to that particular comment that has been charged  
23 against me?

24          A       So, it's this customer's claim against  
25 your claim, I guess would be a good way to say it.

1 And I know that the volume of those complaints and  
2 similar complaints from your customer base is very  
3 high.

4 Q Yeah, okay, well, all right. Mr. Stamp,  
5 I'm looking at this photograph here. It appears --  
6 do you know what well that is?

7 A I'm not certain. I think it's the Tigger  
8 Well.

9 Q Has been it been corrected?

10 A I do not know.

11 Q Do you know who owns this well?

12 A I believe that is the well that is, now,  
13 as of a few months ago, operated by the HOA. But at  
14 the time of that picture, it was being managed by  
15 you.

16 Q The other wells back here?

17 A Yes, sir.

18 Q Do you know what wells those are?

19 A I believe I do.

20 Q Where would that be??

21 A I believe those are from the Charity  
22 System, sir.

23 Q Charity System?

24 A I believe.

25 Q Has that been repaired?

1 A I do not know.

2 Q You don't know? Who owns these wells?

3 A I'm not sure.

4 Q Okay.

5 A As -- as well ownership has been really  
6 difficult to determine for a lot of your wells, sir.

7 MR. BLEVINS: Okay, okay. Mr. Stamp,  
8 thank you. I have no further questions for  
9 you?

10 LAW JUDGE CLARK: Any Commission  
11 questions?

12 QUESTIONS

13 BY LAW JUDGE CLARK:

14 Q I've just got a few for you, Mr. Stamp.  
15 It will be relatively quick. In regard to -- you  
16 said he cleaned up a few things at the well houses  
17 after DNR and PSC became involved. Can you be a  
18 little more specific of what he cleaned up?

19 A Yes, sir, I guess would be the Taylor Well  
20 that was failed for five years, and had trash and  
21 parts laying around it, and the roof was off of the  
22 well house. It is currently back in operation.

23 Q When was the last time you performed a  
24 site visit on any of Mr. Blevins' wells he operates?

25 A Two weeks ago.

1 Q And do you know what wells you visited?

2 A I visited wells on the Rowden System and  
3 wells on the Charity System and wells on the Misty  
4 Mountain System.

5 Q And when you get those calls from  
6 customers, are they complaint calls in the manner  
7 that they would be if you were making a complaint  
8 with the PSC either informally or formally? Are  
9 these people calling you directly?

10 A Calling me directly, sir.

11 Q Okay. They are not -- they are not  
12 lodging a formal or informal complaint with the PSC.  
13 They are calling you directly, and it is because  
14 they have your contact information?

15 A That's correct.

16 Q And that's because you visited with them  
17 before?

18 A Yes, sir.

19 Q Is there a way, or how would you  
20 investigate a claim of an outage that has occurred  
21 in the past?

22 A Since this is fairly recent, it's ongoing,  
23 but we are in the process of talking to the power  
24 company to see how long Mr. Blevins' wells were shut  
25 down to him not paying the electricity bill.



1 Q So if you have something externally you  
2 can link it to --

3 A Yes, sir.

4 Q -- then you can investigate it?

5 A Otherwise, we're going off of what  
6 customers tell us.

7 LAW JUDGE CLARK: Okay. Those are all the  
8 questions I have. Mr. Blevins, do have any  
9 questions based upon my questions?

10 MR. BLEVINS: No questions.

11 LAW JUDGE CLARK: Any redirect from Staff?

12 REDIRECT EXAMINATION

13 BY MS. KERR:

14 Q Yes, I just have a few questions. When  
15 you get these calls from the residents or the  
16 consumers, you said there's no official record. Do  
17 you take notes, do you take -- do you record that  
18 somehow in your own investigation?

19 A Roughly, yes. The high volume of call --  
20 consistent calls, but I probably don't write  
21 something out for everything single one, because,  
22 again, that's weekly at this point.

23 Q And do you get -- besides calls, do you  
24 get other forms of -- do you get information or  
25 other forms of communication? Like, e-mail, text,

1 anything like that?

2 A Everything.

3 Q And do you take note of those somehow?

4 A The e-mails, obviously, can be recorded.

5 Yeah, I do jot down notes when applicable.

6 Q Do you share that information with anyone  
7 else?

8 A I typically send it to Mr. Gateley and our  
9 attorneys.

10 Q And, so, even though some of the  
11 complaints weren't formal complaints that are lodged  
12 to the Consumer Services Department, you still  
13 consider those complaints or notices of --

14 A Yes.

15 Q -- or problems that --

16 A Yes.

17 Q -- consumers are having?

18 A Yes.

19 Q Okay. The ownership information you had,  
20 that's just based on the county records you were  
21 able to get?

22 A Correct.

23 Q Okay. So you're just -- okay, I'm sorry.  
24 And how did you -- you discussed an electrical  
25 system shut off; how did you learn about that?

1 A Customers.

2 Q And what -- what did you -- what  
3 specifically did you find about that? Anything?

4 A That the water supply was -- the power to  
5 the water supply was cut due to nonpayment.

6 Q Do you know how -- was that water supply  
7 ever put back on, I guess, or ever reconnected?

8 A The customers phoned the power company and  
9 told them it was an emergency, and the power  
10 company, fortunately, returned service.

11 Q And that is a concern for Staff that the  
12 electricity to some of these wells had been shut off  
13 before?

14 A Staff is concerned that any -- any time  
15 customers go without water.

16 Q Did it concern you that the reason,  
17 apparent reason, for the electrical shutoff was  
18 Mr. Blevins had not paid his bills?

19 A Yes.

20 Q Can you explain what that concern -- can  
21 you explain that concern, or why that is a concern?

22 A It demonstrates that Mr. Blevins may not  
23 have the wherewithal to operate a water utility.

24 Q Okay.

25 A -- or the resources.

1 Q Okay, okay.

2 REDIRECT EXAMINATION

3 BY MS. ASLIN:

4 Q Sorry about that. I don't want to  
5 discount complaints you've heard from customers.  
6 But throughout the course of your investigation of  
7 Mr. Blevins' water system, do you think that you  
8 have enough on your site visits, learned enough from  
9 DNR and from Polaski County records to establish  
10 that you believe, one, that Mr. Blevins is operating  
11 a regulated utility?

12 A Absolutely.

13 Q And do you also have concerns, just based  
14 on, again, the site visits, things you're heard from  
15 DNR, things learned from county records, to make you  
16 believe that Mr. Blevins is not providing safe and  
17 adequate service?

18 A It is my belief that if this were a  
19 regulated utility, and by our rules it should be,  
20 that we would not allow this situation to go on any  
21 further.

22 MS. ASLIN: Okay, thank you.

23 FURTHER REDIRECT EXAMINATION

24 BY MS. KERR:

25 Q Sorry, I have just one more question. You

1 said you recently did a site visit to a, I guess, a  
2 few of the wells?

3 A Correct.

4 Q What -- what did you observe when you  
5 went?

6 A It's good to see a well that was failed  
7 for five years back in operation and those people  
8 now have water.

9 Q You're talking about the Taylor Well?

10 A That's correct. Otherwise, no changes  
11 lately, still just unhappy customers.

12 Q When you went to the -- when you did your  
13 site visits most recently, were there still problems  
14 with any of the sites, wells, leaks, anything like  
15 that?

16 A I haven't observed any -- any new issues  
17 in the last few weeks, if that's what you're asking.

18 MS. KERR: Okay. All right, I don't have  
19 any questions.

20 LAW JUDGE CLARK: Okay. It's now 1:04.  
21 we'll going to break for lunch until 2:00  
22 o'clock, and we'll go off the record.

23 (Wherein, a lunch recess was taken.)

24 LAW JUDGE CLARK: Okay, now. It's 2:00  
25 o'clock. Let's go back on the record. We left

1 off with Staff's witness, Adam Stamp, and I  
2 believe that's your last witness; is that  
3 correct?

4 MS. KERR: Yes, it is.

5 LAW JUDGE CLARK: So Staff rests?

6 MS. KERR: Yes. I have do have some  
7 documents that you -- that I was going to give  
8 to you, and there was one question I had about  
9 one of the -- on whether official notice was  
10 taken of something.

11 LAW JUDGE CLARK: Sure. I've got a list  
12 of what I took official -- I have a list of  
13 what I took official notice of.

14 MS. KERR: Okay. Did the petition for  
15 interim receiver, was that --

16 LAW JUDGE CLARK: Yes, I took official  
17 notice of Staff's petition in W02024-0036.

18 MR. BLEVINS: Okay.

19 LAW JUDGE CLARK: I took official notice  
20 of Staff's recommendation in WA2023-0418, and I  
21 took official notice of Sebastien  
22 Clos-Versailles's testimony from that same  
23 case.

24 MS. KERR: Okay.

25 LAW JUDGE CLARK: From the 0036 case.

1 MS. KERR: All right, that was -- that was  
2 what I was not sure about, and then I have the  
3 supplement to that.

4 LAW JUDGE CLARK: I will take those now.

5 MS. KERR: I guess, Exhibit 18.

6 LAW JUDGE CLARK: Correct, these are the  
7 DRs?

8 MS. KERR: Yes.

9 LAW JUDGE CLARK: Thank you. Mr. Blevins,  
10 now that Staff has rested, it's your  
11 opportunity to present your case. Did you want  
12 to witness on your own behalf?

13 MR. BLEVINS: Yes, I will.

14 LAW JUDGE CLARK: Okay, if you want to go  
15 up and take a seat in the witness chair; I've  
16 already sworn you in at the beginning of this  
17 hearing, and I'll remind you that you are still  
18 under oath.

19 Now, we've done this once before, but I'll  
20 remind you there's no attorney asking you  
21 questions on your Direct Examination, so I'm  
22 just going to give you some time to tell the  
23 Commission whatever you would like to tell the  
24 Commission --

25 MR. BLEVINS: Thank you.

1           LAW JUDGE CLARK: -- in regards to this  
2 case, so you may start whatever you like.

3           MR. BLEVINS: Is this on?

4           LAW JUDGE CLARK: Yes, it is, and I can  
5 hear you.

6           DIRECT EXAMINATION OF MR. BLEVINS:

7           MR. BLEVINS: Okay. I would like to  
8 begin, I guess, from -- in the beginning, I  
9 acquired these water wells and I ended up  
10 totally with 24 water wells. If there's a  
11 question about how many water wells I own or I  
12 had control of, that number is a total of 24.

13           Now, when I acquired these wells, I knew  
14 on my acquisition of them, that there was a lot  
15 of things that needed to be repaired or -- or  
16 these wells needed more work done to them or  
17 upkeep or brought up to a certain standard.

18           The contractors I actually got these wells  
19 from, had confidence in me to do just that, and  
20 that's one of the reasons I probably ended up  
21 with these wells in total. They are just from  
22 these particular contractors, not just from any  
23 individual who own wells.

24           So, they apparently had confidence in me  
25 to carry on what has been going on for fifteen



1 or twenty years with these wells, and I thought  
2 that's exactly what's was going on. And, in  
3 fact, it was. I mean, it was very clear to me  
4 that that's what was going on. There was --  
5 there was never any billings made out on a  
6 monthly basis for them; it was done on  
7 basically an agreement to furnish water. These  
8 wells were built by contractors not to avoid  
9 any rules or regulations, because there was  
10 simply no water available to the subdivisions  
11 that these contractors built homes in. And  
12 some of these tracks are five acres plus.

13 They're rural areas. There is still no  
14 water being provided by a utility company, per  
15 se, from Polaski County for these particular  
16 subdivisions, still not provided, still the  
17 same.

18 The -- the condition of the support to  
19 customers was not the best and contractors had  
20 desire for improvement of those when I talked  
21 with them, so that was another reason why I  
22 took it over for better management of it.  
23 There was cases with some of the accounts that  
24 had not paid water for years, not just months,  
25 years. One of them was a five-year period.

1           Since that time, that one has cleared up.  
2           There was still two, three, maybe, four of them  
3           in that excess of two years that they're paying  
4           on. I mean, they're actively -- except for a  
5           couple of them. I'm reading my notes as I go  
6           along here. If I interrupt or have a little  
7           pause in my thoughts here. I want to try get  
8           all of the information to you that I would like  
9           to portray to you anyway.

10           The lack of testing, in the past, there  
11           was never really regular testing going on with  
12           these wells, except in the manner which maybe  
13           one would be sold and the lender would require  
14           a particular report from these wells as to what  
15           the quality of water was. That's when we  
16           usually always treat that a day or two before  
17           at least, and when they did the testing, then  
18           it was basically clear. On some occasions,  
19           they -- we -- they did the testing before we  
20           ever treated them. In my recollection of which  
21           ones are good or bad, only a few would turn out  
22           bad, and when I say a few, I don't mean, maybe,  
23           more than two or three in my last four or five  
24           years or so that I was associated.

25           I, also, maintained these wells for the

1 contractors before I ever owned them by any  
2 means or had control of them by any means or  
3 whatever -- whatever I had that showed that I  
4 managed them.

5 Let's see here. The testing that -- when  
6 DNR came in -- came in with this on and  
7 activated these particular three areas as a  
8 public water system, they combined some of the  
9 wells in order for them to to be able to fall  
10 under their 15, 20 guideline, 15 connections,  
11 25 users. The user number that DNR uses from  
12 all of the literature I read and information I  
13 received, is, like, 2.5. So if we had ten  
14 connections then the number of the users would  
15 be 2.5 or 30; is that correct? With ten users?

16 LAW JUDGE CLARK: I think that would be  
17 25.

18 MR. BLEVINS: 25, that's correct. 25.  
19 So, there's an example of how DNR put those  
20 together and activated the Charity and Misty  
21 Mountain at that time under that guideline.  
22 The Rolling Hills was only one well, which  
23 didn't have more than 15 connections.

24 That is less today, but at that time, it  
25 was the only one that really qualified as a

1 single well under their guidelines. So --  
2 when -- when we hired Lori Jean as the -- or as  
3 the system operator, she did a good job while  
4 she was there. She contacted us. We didn't  
5 contact her, but I guess our name was put out  
6 in the skyline out there by the DNR, saying  
7 that we were looking for a contractor. Excuse  
8 me. I'll turn that off. I thought I already  
9 did that. Sorry.

10 And then DNR had a lot of things that  
11 needed to be corrected after their inspections  
12 of all these wells, and we went about doing  
13 that. Maybe not on their particular timeline,  
14 but I hope I can explain maybe why that  
15 occurred at different times not on their  
16 guideline or on their timeframe or timeline.

17 There was a lot of complications during  
18 that period of time. But back to the Lori Jean  
19 contract -- or the system operator doing  
20 testing every month. That -- there -- at the  
21 present time, we don't have testing, but it is  
22 my plan to maybe get some testing done for the  
23 June month. If not, it would have to start in  
24 July, and the reason why I say it's my plan,  
25 it's because when Lori Jean resigned as the

1 system operator, that left that open and left  
2 me looking for another system operator.

3 I know she gave me 30 days, but I still  
4 could not find an operator willing to come in  
5 and do the same operation, and we satisfied the  
6 DNR with an operator, a licensed operator.

7 We searched all of the information that  
8 was given to us by DNR, even on the website.  
9 I've talked to a few of the individuals that  
10 indicated that they might be interested. The  
11 first one I talked to, would have cost, for  
12 just the testing, more than what the income  
13 would have been on -- on the cost of the water  
14 to the customers. So one -- one of the public  
15 water systems would be charged 900 and some  
16 dollars a the month; the other one the same,  
17 900 and some dollars; and another one, the  
18 other one, was about half of that, I believe,  
19 somewhere in there.

20 That was impossible for me to do  
21 financially, to pay for somebody else's water  
22 testing, when it's the customers or really the  
23 water users. They couldn't afford it either,  
24 so that was out of the question. Any other  
25 people I talked to that had had at least a DS-I

1 were not interested, or in the beginning, they  
2 said they were interested but later said they  
3 were not; didn't have time; or it wasn't big  
4 enough or whatever the reasons were. I didn't  
5 go into much -- requested any explanation of  
6 why they didn't want to be there or do that.  
7 That was enough for me, they didn't want to do  
8 it.

9 Finally, and I was under the impression,  
10 and I was told that I had to have this operator  
11 as a DS-I to do the testing. I couldn't tell  
12 you where that actually came from, other than  
13 the people I talked to about that and getting  
14 advice from DNR and the Public Service  
15 Commission Staff people, I assume that's the  
16 only place I would have received that  
17 information. But I did learn lately, just last  
18 week, actually I think it was, that I  
19 could actually take a test and become a DS-I  
20 licensed operator and satisfy that particular  
21 operator requirement.

22 But, also, I was not aware that I could  
23 have already made or done testing and turned it  
24 in to a local laboratory, but I still have some  
25 questions about what that local laboratory does

1 with the testing. Do they provide it to the  
2 State laboratory or what happens to it? But I  
3 did learn last week I can do that; that's my  
4 plan. I can go ahead now with these wells and  
5 do testing, turn it in and see what's happens  
6 there, and still look for an operator or to get  
7 myself into the DS-I program that's out in  
8 Springfield. The class program, that allows  
9 somebody to become a DS-I at least.

10 I have talked Mr. McDaniel, I think is his  
11 name. He does have me registered for a class.  
12 The one we thought I could get into on July the  
13 7 was already filled up, and I cannot get into  
14 that particular class. But I am contemplating  
15 maybe because of the unavailable contract -- or  
16 operator classes or operators that have a DS-I  
17 already not available, our searches indicate  
18 that they are not available at the present  
19 time. So it's going to be more time lapse  
20 there, but maybe I can shorten that by maybe  
21 taking the test, just to see if I can pass that  
22 first test without class. I don't know if I  
23 can or not. I don't know what is in the test.

24 Mr. McDaniels, after talking with him,  
25 indicated that I probably only need about two

1 days of orientation with him that would allow  
2 me to maybe pass the test. I still don't know  
3 what's in the test, so that's still up in the  
4 air, but it is my plan is to take the test or  
5 get the class, get the DS-I; but in the  
6 meantime go ahead to do the testing for the  
7 laboratories. Still have other questions that  
8 I'll probably end up calling Jackie Johnson at  
9 DNR about what to do with my other inquiries.

10 Now -- okay then. With these wells, when  
11 I acquired them, as I told you before, I knew  
12 that there was improvements that had to be  
13 done. I have, with almost every well all out  
14 there, especially the bigger wells, the 3-horse  
15 and the 5-horse power wells, I have probably  
16 replaced all of the what went into the well  
17 sites, which is the pump and the motor down in  
18 the ground, in the water, in coppers.

19 I replaced those. That's a costly thing  
20 to replace. The last improvement I made was a  
21 great amount of money, I call it a great  
22 amount, was on Rolling Hills. I replaced that  
23 system out there that was in the water, and it  
24 was a little over \$17,000. That was replaced  
25 with a different type of pump, and --



1 especially a different type of pump, one that  
2 would just ramp up rather than just have a hard  
3 jerk when it comes on and off; one that would  
4 be more easy to, the whole system, to last  
5 longer. So that was about \$17,000.

6 Prior to that, I spent probably 20, 30,  
7 \$40,000, maybe, already on different wells.  
8 These -- that was the original plan is for me  
9 to improve his wells, get it into a better -- a  
10 better maintenance-type program, which I did,  
11 from where I took them. At the present time,  
12 we have had expenses because of the new  
13 requirements that when DNR inspected all of  
14 these wells, they imposed more improvements on  
15 the wells that hadn't been done yet. Those  
16 improvements, I have now completed, I guess. I  
17 think they're all completed.

18 As far as what DNR put on their  
19 requirements for continued repair, there's  
20 still repairs to do, like plugging wells. The  
21 Topo Well, for example is required to be  
22 plugged. I agree with that. The problems that  
23 we had with Topo was problems that was in the  
24 beginning. We worked, worked and worked to try  
25 to find out what the real problems were. The

1 plug -- the well does need plugged. And we do  
2 have a plan that's supposed to be able to plug  
3 that well. Let me back up a little bit, and  
4 say that when I did take these wells over from  
5 these contractors, one of the other things that  
6 was of a pretty questionable is that, what  
7 condition was the actual well site in as far as  
8 easements and the distribution systems that  
9 come out of these wells.

10 Some of these wells I've got the deed to.  
11 Some of the wells I do not have the deed to,  
12 but have a document that says they will produce  
13 the deed when it becomes necessary to do so.

14 The Topo Well is one of those wells. I do  
15 not have the deed to that Topo Well, but from  
16 the contractor, I'm not sure that there's even  
17 a survey on it, even though I've been told that  
18 there is, I have not seen it personally. My  
19 search with the surveyor in the area that would  
20 have done those surveys at that time did not  
21 have a description for that Topo Well. So that  
22 Topo Well may fall into a category like the one  
23 up on -- that was taken over by the Tigger HOA.  
24 That particular well was, and the Topo Well as  
25 far as describing, is basically probably about

1 the same condition.

2 That doesn't mean that I didn't own that  
3 well or didn't have management of that well or  
4 being held responsible for that well, because I  
5 was. And I did take care of it up until a  
6 certain point. So the Topo Well is still  
7 questionable about which property is it on. I  
8 assume it's one of the properties that's the  
9 second house down on the right, but that's  
10 something I got to discover yet, which I just  
11 haven't got that far with that particular well.  
12 There was more priorities, according to the DNR  
13 and the Public Service Commission Staff with  
14 all of their requirements.

15 So that -- that would tell us that the  
16 Topo Well has still got a problem besides just  
17 being with plugged. I think maybe I've got a  
18 legal problem or there is a legal problem, not  
19 that I've got it, but that -- but I do have  
20 some responsibilities to resolve it; because  
21 that was my original agreements with these  
22 contractors that I take care of the problems  
23 that come up with it. So in that case, the  
24 Topo Well needs to be researched for legal  
25 description and legality of plugging it, for

1 one.

2 Let -- talking about particular wells now,  
3 let's go to a well that has been in the  
4 conversation of these proceedings, which is  
5 the Taylor well. The Taylor Well, yes, it was  
6 connected up to the Tigger Well. And it  
7 would -- took just a turn of the valve to do  
8 that. And that was -- suffice; there was no  
9 loss of pressure there that I was ever aware  
10 of. In fact, when I did check for pressure,  
11 there was no complaints about lack of pressure,  
12 especially on that particular well or that  
13 particular system.

14 The Taylor Well was sold. It was sold to  
15 a party that was hooked up to that well. I  
16 sold it. Sold it for \$12,000. In that  
17 contract for that sale, I had promised to  
18 repair that well site, and I did that, and I  
19 spent \$12,000 doing that. So that was just a  
20 giveaway well right there, but that was okay.  
21 The -- prior to that, I replaced the pump on  
22 that well two times, twice. Each one of those  
23 costs were in between 7 and \$8,000, twice, for  
24 that one well. That was out of my pocket. You  
25 can see dollars out of my pocket. I can

1 account for dollars out of my pocket, even from  
2 my remembrance.

3 To continue the story here or the history  
4 of the Topo Well, when we put it back together,  
5 it pumped water. But it was just a little bit  
6 short of what it should have been pumped out of  
7 that 5-horse pump.

8 So we asked the new owner at that time,  
9 because he was the new owner, we asked them if  
10 they wanted to see what the problem was with  
11 it, and they said yes, and so  
12 we actually pulled the well back up. And we  
13 found in that particular pump, there was a  
14 problem. So he had a choice of repairing it or  
15 we were going to help do that, but he never did  
16 get that far with it, so it set there.

17 I think some of the things that maybe  
18 Mr. Stamp had noticed, was a -- the pipe laying  
19 out on the ground, not on the ground, but on  
20 the -- there, all covered up waiting on -- to  
21 be put back in. It never did happen, so at a  
22 certain point in February, in February, I think  
23 it was February the 20th, I received a deed in  
24 the mail directly to me, and that was from the  
25 person that had purchased the well. Simply

1 received the deed; no money was exchanged; no  
2 asking for money or anything. He simply sent  
3 me the deed.

4 Now, that doesn't mean that I have to  
5 accept that deed, but I did. I just accepted  
6 it, because what I did was go ahead and make  
7 arrangements with Rick Gile, who is the well  
8 technician that I used, and he went ahead and  
9 we got it back into operation by that deadline  
10 that was put on us by the Tigger HOA -- the  
11 Tigger HOA, which I think was June 3rd or 6th,  
12 5th or 6th, I'm not positive as what actual  
13 date it was actually turned back on; but the  
14 water was tested before we ever actually turned  
15 it back on.

16 And it is operational today. It's been  
17 operating. Another issue with that particular  
18 well, and I might as well go ahead and address  
19 it, because I've heard testimony at -- about  
20 it, and that's when the Tigger HOA took over  
21 that well. They indicated they did research  
22 and found a leak between the well, the two  
23 wells, which was between the Tigger Well and  
24 the Taylor Well. DNR called me about it,  
25 because, apparently, it was reported to them

1 also, which is fine.

2 So I went about to investigate the leak.  
3 I did not find a leak. So I excavated the area  
4 and left and still did not find the leak. If  
5 it was a leak, it was so small that it would  
6 not have affected pressure; and, in fact, it  
7 did not affect pressure, even though someone  
8 might testify that it, to my investigation of  
9 it, there was no loss of pressure. So I left  
10 it open and let people know that I was going to  
11 leave it open to see what the service water was  
12 going to do. It never did fill up back -- fill  
13 back up, so I kept it open. I intended to keep  
14 it open until such time as the Taylor Well  
15 was actually in place and operating again, but  
16 they wanted the neighbors, which is -- they  
17 claimed that that was on their property, I  
18 guess they went, on their own, and filled the  
19 hole back in. So that was after they had --  
20 after the Tigger HOA had apparently put in a  
21 valve from the Tigger Well to the Taylor Well,  
22 which meant they turn that valve off, and there  
23 would be no water going into the Taylor -- or  
24 that line has -- that they claimed was a leak.

25 There's also a valve -- a valve up on the

1 Taylor Well, which is behind it, that also  
2 closes off that particular line. So at the  
3 present time with all of the things that -- the  
4 activities went on in reference to that  
5 particular leak, there is no water going in  
6 that line either from Taylor or from Tigger, so  
7 it is completely closed out. It's closed off.  
8 So that leak, I guess, is taken care of by  
9 whatever activity took place.

10 Let's see now. Let me look at notes  
11 really quick, please. When these new expenses  
12 and these expenses that I've occurred from the  
13 time I acquired these wells until the present  
14 day, until present day, I had to pay basically  
15 out of my pocket. The income that came in from  
16 the users was not sufficient to pay the  
17 improvements or the upgrades or whatever other  
18 expenses occurred. It just wasn't simply  
19 enough, not enough money.

20 So that may -- and not may, but that was a  
21 cause of maybe some of these complaints that  
22 these people complained about having an  
23 increase in their well costs. Pretty obvious  
24 to me that, yeah, if they had not had an  
25 increase in their well cost for ten years, five



1 years or whatever, then all of a sudden, they  
2 get an increase; it's a little bit more than  
3 what they expected, then, yes, they should have  
4 some concerns or ask questions that is not --  
5 but, apparently, they didn't accept anything  
6 that was told to them, especially by me,  
7 because my answer to that, to all of the  
8 questions that had to do with the rate increase  
9 I tried to put in documentation mailed out to  
10 them, the agreement to furnish water also  
11 indicates in there that there is an increase in  
12 the cost of water; but not more than an annual  
13 percentage wise. If you took that percentage  
14 and you multiplied times ten years, we still  
15 haven't reached what it could have been.

16 Right now, it's \$55 a month. I can tell  
17 you that any new members, at the present time,  
18 is new -- not members, but, well, they would be  
19 members now, but the new ones would be, to  
20 start with, at \$60. They're new. They're not  
21 grandfathered. Otherwise, it's 55. There is a  
22 charge of \$15 for water pool -- or a -- yeah, a  
23 pool. And that's \$180 a year.

24 It costs more than \$180 a year to maintain  
25 that swimming pool with water. I can almost

1 guarantee that. Of course, I don't have those  
2 figures and those are estimates, but those  
3 estimates came from people that we talk to  
4 about pool owners and people that provide pools  
5 or make pools or whatever. They tell us  
6 different information about that, and that's  
7 how I determined some of these costs.

8 Not particularly some metered out water.  
9 It's not a metered situation. It never was  
10 metered. It never intended to be a profitable  
11 well for anyone, but somebody had to run it.  
12 And it ended up with me from these contractors  
13 running these wells. And it kind of surprised  
14 me, though, when I did receive a deed in the  
15 mail to the Taylor Well with no explanation of  
16 it. I still haven't heard from -- from that --  
17 the grantor in that deed document. Still not  
18 have heard from them. That well if that would  
19 be the case and -- well, I don't go into that  
20 part of it, but let's see here.

21 On Charity, on Charity, I've got to go  
22 over to the other public water system that DNR  
23 has activated. We've talked a little bit about  
24 Rolling Hills and Misty Mountain. Charity had  
25 one well on there that originally the

1 Department of Natural Resources was requiring  
2 me to plug. That is probably to replace that  
3 well. Just as a thought, it would be probably  
4 be in excess of \$50,000. That's a heavy cost.  
5 It's five-horse pump, and one of the reasons  
6 why it was actually down for a period of time,  
7 it is that in our initial investigations with  
8 that well or knowledge with that well, we  
9 understood that the -- the electrical company  
10 had at one time, run over the well head and had  
11 cracked that, possibly, so that would -- made a  
12 real problem.

13 We never had any bad results of testing  
14 from it that I'm aware of it or that I  
15 remember. But the only thing that we repaired,  
16 and we used the word repaired actually, which  
17 it really wasn't a repair, it was just a  
18 replacement of a control box for that well,  
19 which was supplied for us, it's a \$1,000 box,  
20 800, 900, I paid different prices for every one  
21 of them, depending on what companies I'm  
22 getting it from. By the way, I probably  
23 replaced every control box on every one of  
24 these wells at one time or another in the last  
25 few years that I have control of them.

1           So it wasn't any new construction or  
2 anything for that well. So I felt strong about  
3 not having to plug that particular well, so I  
4 submitted information to DNR, along with the  
5 repair billing; I think it was a repair  
6 billing. Well, we call it a repair, just  
7 replacement of that box. The well repair from  
8 the damage that I spoke about just a few  
9 minutes ago on the well head, had already been  
10 done, and that was either done either by myself  
11 or the contractor. I don't recall who did that  
12 repair. I believe it was the contractor, but I  
13 believe I was asked to do the repair. I don't  
14 recall that. As I said before, I used to work  
15 for these contractors, especially taking care  
16 of the maintenance on whatever they needed.

17           Also, in the past, now, I was partners  
18 with one of the contractors, a building  
19 contractor, who is a large company. He's kind  
20 of retired or trying to retire like I am at the  
21 present time. I'm a little older than he is,  
22 but he still wants to retire. I don't blame  
23 him for that.

24           So, I'd like to give you a rundown just a  
25 little bit on connections and plans, what I

1 want to complete and do with these wells. I've  
2 heard a lot of testimony back and forth, and it  
3 appears to me that the testimony and the  
4 information that's being testified is, in the  
5 beginning, they're talking about so many wells.  
6 As progress goes on, we reduced the number of  
7 wells, so what applied maybe back in that  
8 particular time they testified for, is not what  
9 it is today. It has changed from where it  
10 began to where it is today, and to tell you the  
11 truth, there's been a lot of changes done.

12 From the time that -- let's go back to the  
13 Department of Natural Resources, when their  
14 first visit and they activated these wells,  
15 there's been a lot of activity. A lot of it I  
16 had to do on my own, basically, I guess you  
17 might say, trying to fulfill their requirements  
18 and also trying to fulfill requirements of the  
19 Public Service Commission. It was, at best,  
20 almost impossible. Or difficult, let me say at  
21 best, it was difficult to do. And it's still  
22 primarily difficult to do and meet with their  
23 timeframes still being jumped up here or their  
24 timeframes still being enforced. It's okay,  
25 but I'd like to explain just a little bit later

1 about why there is maybe delays that are  
2 evident in are there.

3 Let me go back to the three public water  
4 systems that was activated by DNR and what my  
5 current plans are if I'm allowed to complete  
6 these plans. That -- I'd like to know that so,  
7 you know, I'm not wasting somebody's time or  
8 mine.

9 And let's start with Charity. There's  
10 three wells on Charity at the present time.  
11 There's one of the connections, one of the  
12 wells, I'm going to call MW-16, which is the  
13 Number 2 well that was identified by the  
14 Department of Natural Resources has seven  
15 connections. MW-17, that -- is identified as  
16 Number 4 by Department of Natural Resources,  
17 has four connections. MW-18, which is  
18 identified by the Department of Natural  
19 Resources, I believe, as Number 3 has eleven  
20 connections.

21 For that Charity -- now, Department of  
22 Natural Resources has another well, which is  
23 MW-15 they call Number 1. That well was  
24 previously sold to a party that is on the well,  
25 and that particular well is one that Mr. Stamp

1 had provided pictures for that he -- I don't  
2 think he knew what the current condition of it  
3 was, but this was sold a few months back. It's  
4 no longer in my possession by any means, and  
5 that was one that did not have a described -- a  
6 description. So in order for me to correct  
7 that, as I have promised contractors, I would  
8 have had to make a description myself, which  
9 I'm capable of doing that, or I would have to  
10 hire a surveyor to come out and actually make a  
11 brand new survey based on the information  
12 that's available to the surveyor.

13 But we didn't have to do that, because the  
14 person that bought it, that well was already on  
15 their property. So we had a -- we had a  
16 document that sufficed for that, and we passed  
17 that on over to them. So we have 22  
18 connections, not 26. DNR still had it all as  
19 26, but they weren't up-to-date with the  
20 information. Maybe that's my fault that they  
21 don't have the current information, even though  
22 I had given it to them sometime back. It  
23 just -- maybe it didn't get into their records  
24 or to their satisfaction as to believing what I  
25 told them actually took place. That well is no

1 longer in the Charity system, as they call it.  
2 I have no control over it when it was sold  
3 after that.

4 So 22 connections is what -- what is  
5 presently with the Charity Public Water System.  
6 That gives them 33 consumers or households that  
7 33 individuals, so that qualifies when you put  
8 all three of those together to be under their  
9 15, 25 requirement. But when you separate  
10 that, they don't qualify. So I do have a  
11 person that we are pending a sale to for the  
12 MW-16, which is the Number 2 Well by DNR. I  
13 also have a person that is interested in  
14 pursuing the MW-17, which is Number 4 by DNR.  
15 And also a person that is interested in the  
16 MW-18, 11 connections, the -- I have a person  
17 interested in that one.

18 Those three wells we hope to get sold here  
19 in the very near future. When that happens,  
20 the DNR tells me that then the public water  
21 system would no longer exist. They can't be  
22 sold to the same person, because that puts them  
23 in the same position that I'm in at the present  
24 time.

25 But there are individual inquiries about



1 that. So that's the plan there is to -- in the  
2 meantime, I'm going to do everything I can to  
3 stay up-to-date with the Department of Natural  
4 Resources, as far as their particular agreement  
5 is, their OAs, or I forget what you call them,  
6 actually. Their agreement for me to -- for me  
7 and to wife to sign off on it and give them --  
8 give the Department of Natural Resources an  
9 agreement of sorts that we can operate and use  
10 to apply for this permit to issue water.

11 The Misty Mountain, if we can go there.  
12 Again, I'd like to break it down for you.  
13 There are sixteen connections at the present  
14 time on Misty Mountain. MW-04 would be DNR's  
15 Number 2 well, I think, on Taylor. There are  
16 six connections. And MW-03 is the Taylor Well,  
17 which I don't know what number DNR refers to it  
18 as other than Taylor. So that's the Taylor  
19 Well. Now, there is a buyer for the Taylor  
20 Well. I will be selling it to them when they  
21 get off of vacation. That's five connections.

22 The MW-05. There is no well on the MW-05,  
23 because that's the Topo location. And on that  
24 Topo location, is the well that needs to be  
25 plugged. It wouldn't have to be, but according

1 to DNR, it must be plugged to prevent any  
2 suspected contamination of the coffer area.  
3 There are two other wells that was dug or  
4 drilled on that same Topo property roadway, I  
5 mean. But the MW-05, or the Topo Well, is not  
6 a well site at the present time because it's --  
7 I have to purchase that well water from the  
8 Polaski County Water District. I have to  
9 purchase that and then resell it to the  
10 parties. I would prefer that we have some sort  
11 of other documentation that just takes me out  
12 of that and gives the -- gives that  
13 distribution of water to the individuals that  
14 are up on Topo.

15 I haven't been able to think of a  
16 document, other than my plan is to go see an  
17 attorney, an abstract attorney, not a  
18 litigation-type attorney, but to see an  
19 abstractor about making a document that gives  
20 them the possession for the household or for  
21 the -- for that Topo project or the  
22 distribution of that or the well or the  
23 connection that was put out there several  
24 years ago actually and I didn't know that until  
25 we started doing our other investigations for

1 what the real Topo problem was. Apparently,  
2 that problem on Topo is a 15-year-old problem  
3 possibly.

4 But the way it was explained to me in  
5 reference to Topo, is that 15 or whenever that  
6 well was originally put in there, the owners,  
7 not the owners, but the property owners, the  
8 consumers of the water that was in that well,  
9 they were originally put on the Public Water  
10 Supply District, but they didn't like it. They  
11 didn't want it. They wanted a well. So a well  
12 was put in that, and that particular meter out  
13 there was just abandoned. I say abandoned; it  
14 wasn't used.

15 So it was just there. It was available,  
16 but it was not being used by anybody there. So  
17 when I was able to find that out through  
18 investigations, I continued -- just continued  
19 investigations, I found that there is a meter  
20 there that was attached to the distribution  
21 center at Topo. And the contractors had  
22 originally put that line in there, the one --  
23 the next line. So we activated it, and that's  
24 where they get water today.

25 When I believe -- I believe there was a

1 testimony earlier in this procedure here to  
2 where one of the residents there on Topo had  
3 requested for the quality of their water. I  
4 know the person, because I talked to her  
5 personally myself, and explained to her what  
6 that -- where she got the water from and et  
7 cetera; but when they went out to do their  
8 testing or whoever did that, took it from a  
9 different residence and it was not applicable  
10 to -- to relay that information to this person  
11 that really wanted the information. So, at  
12 that point, what DNR did, or what I was told  
13 they did, was that they went back to the public  
14 water system or not the public -- the Polaski  
15 County Water System and asked them to do  
16 testing for their side of the water, that would  
17 be provided to this individual; and then she  
18 would have the report from where her water  
19 source was coming from. She would have that  
20 quality of water.

21 So my plan: the one well was hostilely  
22 taken over, which we called MW-01, that was  
23 taken over by the Tigger HOA, which is fine.  
24 It's okay. The MW-04, the one that has six  
25 connections, it had only five before, but I

1 took myself off of the MW-01 Tigger HOA,  
2 because of that situation and the manner in  
3 which they did all of that. That's the only  
4 reason why I got off of it, I did not want to  
5 associate with that kind of activity. So I  
6 didn't -- I simply connected myself to the  
7 other well.

8 That well, I will want to keep. I want to  
9 keep that well, because I'm on it personally,  
10 and there are five other individuals that's on  
11 that well. Individually, by itself, it does  
12 not qualify to be a 15, 25 well governed by the  
13 Department of Natural Resources. Right now,  
14 there's 16 connections when you add all of  
15 those up. But it would go down to only six  
16 connections when I can get a different document  
17 for the distribution of water from the Polaski  
18 County Sewer -- Polaski County Water District,  
19 that they could just make payment directly to  
20 the public water and eliminate me out of that  
21 picture for that well side or that -- that Topo  
22 situation.

23 And, number three, would be the sale of  
24 that Taylor Well, which would go away out of  
25 the public water system with DNR. So that

1 would only leave six connections, and I'd want  
2 to keep it, and that particular one, I don't  
3 have the deed to it, I would have to further  
4 describe it or hire a surveyor to come in and  
5 survey that out, and then request the deed for  
6 that. That's probably what I would end up  
7 doing or I may just leave it the way it is. It  
8 doesn't make me difference, but the contractor  
9 may want me to correct that as originally  
10 agreed to. So I don't know about that -- the  
11 legal part of it that there yet.

12 So that would eliminate Misty Mountain.  
13 At that point, my plan would be to not have but  
14 one public water system left with the DNR,  
15 which would be Rolling Hills. At the present  
16 time, there are 16 connections to update on  
17 Rolling Hills. One of the residents have  
18 already drilled another well, so that  
19 eliminated a connection from the 18  
20 connections, I guess, might have been the last  
21 report, and also that one of the residents have  
22 purchased the property next to them and with no  
23 connection, so that was a connection that was  
24 available, which would also reduce the numbers.  
25 So, it's 16 connections at the present time.

1 So, 16 connections, I guess, would give you  
2 what -- yeah, okay.

3 So Rolling Hills at the present time would  
4 be the only one left, which we have already  
5 signed agreements with the Department of  
6 Natural Resources, but there are still some --  
7 some conditions that I have to meet. I have to  
8 review them again to make sure I understand  
9 what those conditions are and how I would go  
10 about it.

11 Now, at the present time, I'm still  
12 dealing with timelines and other regulations  
13 going into the registration of the public water  
14 system with the State of Missouri. I have  
15 initiated the certificate -- I do have a  
16 certificate of incorporation for each one of  
17 the public water systems, which is Charity,  
18 Misty Mountain and Rolling Hills. I also have  
19 the articles of incorporation. I may not have  
20 supplied to the DNR, but I intend to do that.  
21 I also have bylaws, and I may not have provided  
22 that to the DNR. I thought simply that maybe  
23 the -- I think DNR has verified that there are  
24 incorporations or HOAs registered with the  
25 State of Missouri.

1           The declaration of the public water system  
2 well agreement, which is an agreement for  
3 restrictions and covenants in reference to the  
4 HOA. The HOA is a non-profit, is non-profit  
5 and at the present time, I've got the  
6 documentations for everything I think it needed  
7 for the regulations and should -- shall satisfy  
8 the Department of Natural Resources, and maybe  
9 the Public Service Commission should be  
10 satisfied as a non-profit organization and not  
11 a utility.

12           Now, because of the timeframe, I made  
13 those registrations with the State of Missouri,  
14 because it's got to be an ongoing process to  
15 get to the end of what this is going to look  
16 like at the end as acceptable to all people out  
17 there using this water and becoming a part of  
18 this homeowner association. I found out that  
19 the people I've talked to have sour notes and  
20 sour thoughts about homeowner associations. I  
21 guess from prior experiences from what I've  
22 been told.

23           If one is conducted properly, it should be  
24 good, but on Charity, for example, I've had two  
25 individuals that have simply -- let me back up



1 just a little bit and explain how I initiated  
2 this homeowner association and registered with  
3 the State to get it started and meet the  
4 timelines for the DNR.

5 I sent out a letter to all of the users,  
6 the consumers, of this water from the well, and  
7 it outlined to them what I was needing to do or  
8 what was needing to be done. I had no  
9 intentions of ramrodding everything, but  
10 somebody had to start it; somebody had to do  
11 something to satisfy the DNR requirements, so  
12 that's what I did. I wrote that letter, and I  
13 explained in that letter how they could -- how  
14 we could activate into an HOA as a non-profit,  
15 rather than a profit or a utility-type company,  
16 which was never intended.

17 In Charity, I have letters that indicated  
18 two people said no. They did not want to be a  
19 member of an HOA. I have one person there,  
20 besides myself, that paid to be a member. One  
21 person paid a discount because I offered in  
22 that letter a discount for them to become a  
23 member. And then that -- and then 19 on a paid  
24 schedule at the present time, and the reason  
25 why I say a pay schedule, is that in that

1 letter. I don't know if it was clear or not,  
2 but at the present time they paid \$55 a month.  
3 I'm not trying to -- I did not try to shove  
4 this HOA down their throat, so to speak, as  
5 I've heard some testimony, I think, that I was  
6 just doing it on my own. I'm really not doing  
7 it on my own. It's being done -- promulgated  
8 by the Department of Natural Resources and the  
9 Public Service Commission, in my opinion. This  
10 is where they're sending me by their -- their  
11 probing or their investigations that I don't  
12 find very -- well, I find them -- I find it  
13 difficult to tell you the truth. That's where  
14 I find the investigations, and it's not their  
15 particular fault, in my opinion. It's just  
16 they're getting wrong information, and they're  
17 not tying down the right information, in my  
18 opinion.

19 But so -- in Charity, I offered payments  
20 for the \$3,000 membership. That \$3,000 is also  
21 tied up to what the cost of that well is to  
22 them as a member. So at the end of that  
23 particular time -- in other words, I'm taking  
24 their \$55 and for the next maximum of ten  
25 years, part of that is going to the purpose of

1 the well, and then I'm done. I'm out. I'm  
2 done. But I did offer a discount payment,  
3 which is like a \$900 discount, which I had in  
4 Charity, I had one pay that.

5 If anything changes in the meantime,  
6 that's still going to be accounted for as their  
7 money that they pay into whatever we get  
8 discovered here with the HOA. So, I gave them  
9 a way to become the HOA and pay for it. The  
10 person that paid this discount pays \$25 a  
11 month, because that's what I estimated, that  
12 maybe the HOA would want to continue to pay or  
13 collect \$25 a month if they -- after -- after  
14 acquisition of the well.

15 So that \$3,000 that I put out there is the  
16 cost of the well with however how many  
17 connections that were done at that particular  
18 time. That doesn't mean -- it could be  
19 adjusted from time to time if we lose  
20 connections. So that's on Charity.

21 Now on Misty Mountain, there is a --  
22 there's one paid on Misty Mountain, but really  
23 not paid, but it was credited. But Misty  
24 Mountain is also -- let me back up. Misty  
25 Mountain, and they're all on payment,

1 basically, except for one. That was a credit.  
2 So, that's just a regular payment, but after so  
3 many years or so much payment that \$3,000  
4 per -- per hook up. Now, this is if we don't  
5 sell these wells. If we sell those wells, then  
6 that's a different story. We eliminate --  
7 we're going to eliminate the HOA. So I don't  
8 want to have complicated information here, it's  
9 simply a change if we sell the wells.

10 The Rolling Hills. There are six of the  
11 individuals out there that said no to the HOA.  
12 They didn't want to be part of it and one paid  
13 a discount. So there's, basically, nine on  
14 payment -- on a payment schedule. If that ever  
15 changes, the money is still accounted for  
16 their -- for their credit or what they paid.  
17 But I assume is going to continue as a HOA,  
18 where Charity and Misty Mountain may not be  
19 that. That depends on the sale of those wells,  
20 which -- even though they're scheduled to be  
21 sold and I've got buyers for them, I still have  
22 have to have a plan for the DNR because of  
23 their timelines. I still have to do that, so  
24 what do I do first, second or third? And then  
25 I've got the push from the Public Service

1 Commission right behind all of that, and -- so  
2 I'm left with decision-making as to what I do  
3 next.

4 Even what I do next probably changes from  
5 day-to-day. I mentioned earlier that it's  
6 difficult at best for me to meet these  
7 scheduled deadlines, and I'm telling you it is  
8 still difficult to meet. One of the reasons,  
9 not the only, is the fact my wife and I are  
10 elderly, I guess you call us. I'm 80 years  
11 old; my wife is 87 years old. I have medical  
12 conditions, heart conditions, artificial  
13 arteries. I've got medical conditions. I  
14 don't need to tell you exactly what's wrong  
15 with me. But that takes time for me to take  
16 care of, but what additionally takes time for  
17 me to take care of is my wife.

18 She is a cancer survivor, and has no  
19 immune system. I have to feed her myself  
20 daily, and I feed her through a G-tube. It  
21 sometimes, I don't know if you know what a  
22 G-tube is, but that's a syringe that  
23 pumps medicine and food into her body. She  
24 does still get out and speak and et cetera, but  
25 not very well. She had throat cancer, which

1 really destroyed her system.

2 So, in reference to time, time and trying  
3 to meet deadlines, there's a priority for me to  
4 meet a deadline with my wife, my spouse and my  
5 doctors. They -- so that takes up time. I'm  
6 not saying it takes all of my time, but it does  
7 take a good portion of my time to do.

8 I had to -- in my business, what I do, I  
9 retired in 1981 from the military, veteran.  
10 The -- but I've done all kinds of other  
11 businesses. I continue to do business, not  
12 just water wells. Water wells was never a  
13 business as it started, because it was  
14 something that still had to be done, and it was  
15 a fiduciary agreement that I basically had with  
16 contractors and partners I was in business  
17 with. Construction, we built houses. We did  
18 all kinds of subcontracting: roofing, dry wall  
19 construction. I had to quit construction  
20 because I was physically not able to do that.  
21 When I had to quit that, where I was paying  
22 \$10,000 a month in expenses, and I had to quit  
23 my business of construction, I wasn't making  
24 10,000 but some of my expenses I still have.  
25 And I still have a few of those, but not very

1 many left; I can handle those.

2 But that was a change. It was a change.  
3 I had to quit to take care of myself and my  
4 wife and other businesses. Also, my wife did  
5 have and still does, an antique-type business  
6 and a shop that we got. I had another salvage  
7 business that I still do, but I'm trying to get  
8 rid of that, too. I've got to get rid of all  
9 of my business, and actually be able to spend  
10 more time with my spouse.

11 I've been married for 62 and a half years.  
12 I've been with her for 66-plus years. So,  
13 that's a priority for me. It always has been.  
14 That's family or whatever.

15 Those are some of the reasons that I've  
16 got, that maybe I don't get to your timelines  
17 in the Department of Natural Resources menu or  
18 the Public Service Commission menus that they  
19 send to me. I just simply don't have time, but  
20 I don't want to make excuses to you either, and  
21 I'm not going to. I'm just telling you what my  
22 problems are, and you can decide what you're  
23 going to do with me, I guess. That's what my  
24 wife does; she decides what I do.

25 All right. I -- I could not afford an

1 attorney to represent me or this water well in  
2 reference to the CCN and the Public Service  
3 Commission. The first quote I had was a  
4 retainer of \$20,000. Unreasonable for me. The  
5 wells didn't produce anything close to that  
6 for -- even on a yearly basis, and I've heard  
7 testimony about they don't -- some of the  
8 information that gets to the Public Service  
9 Commission and DNR is not correct. I don't  
10 know where you're getting your information  
11 from, but it's -- it is incorrect when you're  
12 talking about 300 connections on a water well;  
13 and even incorrect, when you're talking 100.

14 There's barely -- I don't remember having  
15 any more than 90-some connections, and that was  
16 in the beginning of what I would have 24 wells.  
17 As I just went over, I don't have 24 wells  
18 left. One of the things, we had 54 wells, I  
19 guess. 54 wells is what I just went over in  
20 the Charity, Misty Mountain and Rolling Hills.  
21 54 connections. So from 100 down to 54, we've  
22 had activity that has reduced these wells  
23 50 percent. Would that be about right, I  
24 think? My way of mathematics, it is.

25 So, the improvements that have been done



1 with these wells -- all these wells are  
2 operating today, and they're operating at a  
3 better condition than they were for before. I  
4 will give Department of Natural Resources  
5 credit for some of that, because they had more  
6 requirements for me to do than I think I  
7 fulfilled. Not every single one of them,  
8 especially when you're talking about plugging a  
9 well; I haven't met that yet, but there are  
10 complications in that, as I mentioned. I need  
11 to know the legal owner of that well at the  
12 present time before I can correct that and do  
13 something on my own and not be liable. Or  
14 unless Department of Natural Resources wants to  
15 be liable. I don't think they do. So I should  
16 protect that also.

17 Can I meet that particular well  
18 requirement? I think it's already passed. I  
19 believe I heard testimony yesterday from  
20 Ms. Johnson, that the day -- it was the day for  
21 one of the wells to be plugged, not going to  
22 happen. It's just impossible to do, but I have  
23 precautionary taken care of the fact there's no  
24 backflow into that well from the well  
25 distribution system or the well house, period.

1 I intend to provide Department of Natural  
2 Resources with all of the documentation for  
3 the -- for the registration of these public  
4 water systems that were activated, but I also  
5 intend to continue to try and resell these  
6 wells to the proper persons, not just to any  
7 one individual. I may address some of the  
8 other wells that I think the Public Service  
9 Commission has -- has asked questions about,  
10 which wells that were not -- were not  
11 considered by DNR to be part of the public  
12 water system. There are -- there was eight of  
13 those wells.

14 I have since sold those wells to one  
15 person, and under an agreement, though, that  
16 still gives me -- gives myself an opportunity  
17 to -- to resell those wells in a proper manner,  
18 which I've done one of those already, so  
19 there's only seven of those other ones.

20 Those wells are very small wells and  
21 probably not over 2-horse power in service.  
22 Only, maybe, most of them will service two --  
23 two connections.

24 So Rowden is one of them, which is one,  
25 two, three, four -- four wells there. They're

1 all not over 2-horse power, and only one of  
2 them has three connections. The rest of them  
3 are two connections, and one of them is, I  
4 believe, yeah, no, two connections. Yeah.  
5 There is a particular problem with the well on  
6 Rowden, which I call NW-22. That was the 22nd  
7 well I acquired in my first explanation of how  
8 many wells I started with or ended up with to  
9 distribute or before DNR got involved, and I  
10 started reducing those wells. Not able to meet  
11 all the requirements.

12 The reason for the NW-22, and there's been  
13 a couple of times that NW-22 electrical had  
14 went off, and I think maybe that's one of them  
15 was maybe testified with by Mr. Stamp,  
16 indicating that there was -- the electrical was  
17 off on a well site. The NW-22 well had a  
18 problem when I acquired it, but I was not told  
19 about that problem. I had to find that out for  
20 myself, and the way I found out was -- well,  
21 just simply doing regular maintenance and doing  
22 regular inspection on the well. We discovered  
23 that there was a leak in the line about sixty  
24 or eighty feet down from the pitless. The  
25 pitless is an area where the water comes up and

1 out of the -- it goes into the well house.

2 It's just a connection between the walls with  
3 the casing.

4 But we found there was a leak on the line,  
5 which is a plastic line. It's not the best  
6 line that you could have, but when it was  
7 constructed, that's what they used. It's an  
8 inch and a quarter line. It's got a crack.  
9 It's split.

10 The other people, the first time that we  
11 went out there to pull that line and repair  
12 that leak, we couldn't do it, because where you  
13 connect onto the pitless top, the coupling on  
14 the top -- on the top of the pitless, was  
15 comprised. They used the wrong type of  
16 connection. You couldn't get the instrument  
17 that screws into it to pull that old line up.  
18 So, we had to do what we call a fishhook, and  
19 we had to manufacture that fishhook, and lower  
20 it down into the casing, wrap it around the  
21 water pipe itself, connect it by its mechanisms  
22 and the fish hook and pull it up.

23 That was the second time that we went out  
24 there, but it would not work. The casing was  
25 also lined, and I think Mr. Stamp would know

1 what I mean by lined. There were -- the  
2 distance inside the casing and the lining is  
3 reduced, so it reduces the space that you can  
4 get the fishhook down in there, hooked onto the  
5 proper connection and pulled up. There wasn't  
6 enough space.

7 So we had to go take that out. That's the  
8 second time. So we had to remake that  
9 fishhook. And we went up there one time, but  
10 we -- Rick Gile is now ready to go back out  
11 there with another hook, with another fishhook  
12 and fish down in there and try to get that up,  
13 so we can actually repair that line. That  
14 particular well is costing about \$7 a day to  
15 operate. Now, that's one and a half horse  
16 pump, and Mr. Stamp would probably tell you,  
17 it's shouldn't take over a \$1. Is that about  
18 right? Well, I shouldn't and that question;  
19 I'm sorry. It probably shouldn't take over a  
20 \$1 a day to operate.

21 And they -- we have those Rowden wells on  
22 a prepaid program, and it's on a prepaid  
23 program under this other person's name that  
24 operates it. I help them do that to give --  
25 it's a lady, that help, so they can learn what

1 to do, so I guarantee my assistance to that.  
2 Those electrical bills are under her name. But  
3 I usually, in instances where she may not have  
4 the right amount, I step in and pay that for  
5 her.

6 This last time, I think it was probably  
7 the one Mr. Stamp was alluding to, that the  
8 electrical company turned it back on, it  
9 couldn't been over an hour or two, and the only  
10 reason why it was that long because I wasn't  
11 notified. There's supposed to be an early  
12 notification when it gets below a certain  
13 amount of money on that billing. My  
14 understanding is, we were not getting the right  
15 notification. I hope I'm corrected that with  
16 the -- with the electrical company. I don't  
17 know if I have, but at least I tried. So maybe  
18 that was the reason why.

19 Rowden has never been out for more than an  
20 hour or two or whatever, in my opinion, that I  
21 can recall at all. When we were out there with  
22 the truck, the tariff truck, I call it the  
23 tariff truck, it's where they pull those pumps,  
24 we had to go across Mr. -- a party's yard. He  
25 did not want us to do that, but that is an

1 easement area or it's supposed to be; so, we  
2 had to find another way to get into that well,  
3 which that's just a little problem that we can  
4 solve.

5 But in these wells, there's always been  
6 some problems that I get calls on. That's one  
7 of the reasons why I was involved with them,  
8 because contractors had enough confidence to me  
9 and go repair these wells or take care of the  
10 legal problem on the other end of it, when it  
11 comes to describing it and who owns it, et  
12 cetera, whatever.

13 I'm not -- I've been in real estate for a  
14 long time as a president of the Board of  
15 Realtors back in the '70s and '80s. I was on  
16 the Polaski County committees that originally  
17 brought in sewer districts for that county and  
18 et cetera. I'm not unfamiliar with this type  
19 of construction or this type of business. I'm  
20 not unfamiliar with it at all. But I'd like to  
21 get away from it.

22 Let's see what else. I've told you about  
23 these other wells. I still have some control  
24 over them, but I don't own them. I had a  
25 contractual agreement to provide the deed and

1 account for them and I intend to continue to do  
2 that until they're properly in the right place.

3 One of the agreements I had with the  
4 contractors was, that if a problem could not be  
5 solved, then I should look at homeowner  
6 associations, and that's what I've done. The  
7 Public Service Commission kind of ramped that  
8 up a little quicker than probably where I would  
9 have had, because it's difficult at best to  
10 deal with their requirements. In fact, it's  
11 almost impossible for that to happen that way.  
12 That's one of the reasons why there's an HOA  
13 being made, being done. But it is a continuing  
14 process, and we intend to get those documents  
15 that are necessary to finish up the HOA, which  
16 is a document that needs to be recorded at the  
17 courthouse, that says that they're a member;  
18 and this is their legal description of their  
19 properties that they own; and this is the well  
20 that they get that water from. That's what  
21 that document will say as a member.

22 So it's of value. It's being paid for by  
23 their regular payment that they make now, and  
24 that's started in February for the  
25 accountability of those funds for the HOA.



1 I have one document that my  
2 wife actually prepared and asked me to provide  
3 to the Commission. Yeah, thank you. I talked  
4 with Ms. Kerr, and she -- agreed to have it  
5 entered in as review for the Commission. And,  
6 so, they offered their services to even do  
7 that. That particular letter is just from my  
8 wife, as her few words that she wanted to speak  
9 about. She couldn't be here. She can't be  
10 here. There's no way she could even set in  
11 here for an hour, so she wanted to do that. I  
12 promised that I would present that, and if it's  
13 okay, just mark it however you want to or what  
14 you need to.

15 LAW JUDGE CLARK: Mr. Blevins, I'm going  
16 to mark this as Exhibit 20, and I'm going to --  
17 what would you like me to call it? The Blevins  
18 letter?

19 MR. BLEVINS: Pat Blevins letter.

20 LAW JUDGE CLARK: Blevins letter?

21 MR. BLEVINS: That would be fine.

22 LAW JUDGE CLARK: You said Pat Blevins?

23 MR. BLEVINS: Pat Blevins. Patricia is  
24 her first name.

25 LAW JUDGE CLARK: Okay, are there any

1 objections to admitting Exhibit 20, Patricia  
2 Blevins' letter onto the hearing record?

3 MS. KERR: No.

4 LAW JUDGE CLARK: I hear no one  
5 objections. Exhibit 20 is admitted on the  
6 hearing record.

7 (Respondent Exhibit 20 marked and admitted onto the  
8 hearing record.)

9 MR. BLEVINS: At this point, I think I've  
10 covered most of the information that I would --  
11 had in mind to deliver to you.

12 Let's see, I would only ask, I guess,  
13 maybe in closing, that -- that I be allowed or  
14 given some other consideration for more time if  
15 that's what it takes to meet some of these  
16 obligations. I intend to convey my plans  
17 whatever they're asked for, I guess, or to  
18 continue to try to meet, especially, the DNR  
19 agreement guidelines. I still want to be able  
20 to try to do or finish up my plan of selling  
21 these wells or get them into some other  
22 operation that is -- that I'm not responsible  
23 for, so I can go about, maybe, my retirement.  
24 I don't know. I don't know how to put that,  
25 other than requesting consideration of more

1 time to finish up what we need to do with these  
2 wells. I'm open for any questions, I guess,  
3 that --

4 LAW JUDGE CLARK: Any cross-examination  
5 from the Commission Staff.

6 CROSS-EXAMINATION

7 BY MS. KERR:

8 Q Yes. So are -- so you admit you're  
9 charging customers for water use out of the wells,  
10 some of the wells you own and some you don't own?

11 A Obviously, yes, ma'am. I charge \$55  
12 for -- to everyone, and new ones coming in, we're  
13 going to start them at 60, because I see that more  
14 expenses -- there -- with the Department of Natural  
15 Resources, there are still expenses that haven't  
16 even been on the table yet, which is another \$40,000  
17 would say by the time I'm through with Rick Gile and  
18 try to meet all of the Department of Natural  
19 Resources. Still got a plug a well some way or  
20 other. Got to find a thing with this \$6,000. I've  
21 got to do that one way or other.

22 But, yes. But that is not -- that is  
23 not what's going to pay for -- well, to answer your  
24 question, yes. I do charge them. I've never denied  
25 that I didn't. That was part of the responsibility

1 of it.

2 Q But you withdrew your CCN application?

3 A Yes, I did. I withdrew the CCN. There  
4 was no way I could -- there was just simply no way I  
5 could meet those requirements of -- you had 41  
6 different requirements for me to deal with, and when  
7 I answered those, I was -- from my recollection, it  
8 appeared or I took it as I didn't know what I was  
9 doing. But I do know what I'm doing. I know that I  
10 cannot meet those, and that was not a utility  
11 company -- I can't be a utility company. There's  
12 not enough money there. There's not income.

13 Q Okay.

14 A It's pure and simple. That's obvious.  
15 Well, it's obvious to me.

16 Q And some of those wells -- so some of  
17 those wells that -- you talked about having 54  
18 connections with the public water system under that  
19 DNR regulation?

20 A I'm sorry, what?

21 Q You said something about -- that you had  
22 about 54 connections --

23 A Yes.

24 Q -- that were with the public water system  
25 that were --

1           A     At the present -- at the present time,  
2     yes, ma'am.

3           Q     Okay. But you do own other wells that  
4     you're charging -- charging for water then,  
5     aren't --

6           A     Well, the two other that are not part --  
7     or the other wells that are not part of the public  
8     water system?

9           Q     Yes.

10          A     Yes, of course. But I didn't tell you how  
11     many persons there are, but do you need to know that  
12     number? I can add it up really quick.

13          Q     How many connections there are to the  
14     wells that are not --

15          A     What?

16          Q     I'm sorry. Did you say, how many  
17     connections --

18          A     Do you need to know how many connections  
19     there are for those eight wells?

20          Q     Sure.

21          A     Or seven wells at the present time.

22          Q     Okay. So there are seven other wells that  
23     are not under DNR --

24          A     That's correct.

25          Q     -- regulation, but that you charge money

1 for?

2 A That's correct. \$55 a month.

3 Q Okay. And how many connections are  
4 that -- are those?

5 A Okay, let me do a little quick  
6 connection -- or mathematics for you here. Out of  
7 those, I think there's about 14 connections.

8 Q Okay. So, at least -- so about 30 or so  
9 customers or individuals, I guess?

10 A 2.5, yeah.

11 Q I didn't do the math, just kind of  
12 guessing?

13 A But those are -- those are located miles  
14 apart from each other.

15 Q Okay.

16 A They're different locations.

17 Q Okay. But you're still charging for  
18 that -- for the use of that water?

19 A The what?

20 Q You're still charging them for the use of  
21 that water?

22 A Of course, yes.

23 Q Now, you remember being here -- you  
24 remember in October when we were at the hearing, and  
25 you testified?

1 A Did I testify? Yes, uh-huh.

2 Q And you were cross-examined by me and  
3 Ms. Aslin?

4 A I couldn't hear you, I'm sorry.

5 Q You were cross-examined while you on --

6 A Yes.

7 Q Okay. I ask that Mr. Blevins' testimony  
8 from the WO2024-0036 hearing be entered into  
9 evidence. I guess it would be 21, or I could do it  
10 as my Exhibit and then we'd be on 20.

11 LAW JUDGE CLARK: Well, I'm not breaking  
12 them up by Staff or Respondent in this case.  
13 I'm just -- since it's just two parties, I'm  
14 just doing one list all the way through.

15 MS. KERR: Okay, so it would be 21.

16 LAW JUDGE CLARK: Yeah, it would be 21  
17 regardless of whose exhibit it is.

18 MS. KERR: Okay. And just for the record,  
19 Mr. Blevins' testimony can found on -- in  
20 volume 3 of the transcript, and on pages --  
21 pages 50 to 9 of volume III of the transcript.  
22 I and that be entered into evidence then?

23 LAW JUDGE CLARK: Mr. Blevins, do you have  
24 any objections to admitting your testimony from  
25 the receivership hearing?

1 MR. BLEVINS: No. No objections.

2 LAW JUDGE CLARK: Okay, Exhibit 21 is  
3 admitted onto the hearing record.

4 (Staff Exhibit 21 marked and admitted onto the  
5 hearing record.)

6 MS. KERR: Thank you.

7 LAW JUDGE CLARK: Did you have further  
8 questions?

9 MS. KERR: I don't think so, but let me --  
10 let me just double check here.

11 Q (By Ms. Kerr) You were -- you were asked  
12 by Staff in data requests to provide information  
13 agreements, documentation about the homeowner  
14 associations and if anybody's signed up for those.  
15 Have you gotten -- have you provided that  
16 information to the Staff?

17 A I just went over that in this testimony  
18 here as to what I have at the present time.

19 Q Okay. But you didn't -- but you haven't  
20 provided any documentation --

21 A No, no.

22 Q Okay.

23 A Not to -- are you talking about the Public  
24 Service Commission Staff?

25 Q Yes.



1 A No.

2 Q Okay.

3 A I can if you want, but -- with time.

4 Q Well, I think those DRs were sent to you  
5 back -- to you in May and were due June 10th.

6 A I'm sorry, I couldn't get --

7 Q Those DRs were sent to you May 21st, and  
8 they were due -- asking for those documents,  
9 June 10th?

10 A I think so. That was like a 20-day period  
11 or a 20-day time?

12 Q Yes, as per regulation.

13 A Yeah, they -- that was almost impossible  
14 for me to be -- and the reason why is, that during  
15 that period of time, my wife had two emergency  
16 surgeries in the hospital for over a week. I spent  
17 time with her 24/7 at the hospital. Those surgeries  
18 were life -- subject to life, so.

19 Q Did you ask for --

20 A No, I didn't really have -- no, I didn't  
21 ask for an extension. I spent all of my attention  
22 with my wife.

23 Q Okay.

24 A And I thought, in my own mind, that even  
25 though I didn't provide that to you, I don't think I

1 sent you any notes saying I couldn't or wouldn't,  
2 but I think I've done that today in this testimony.

3 Q Okay.

4 A What you had asked in those DRs.

5 Q Okay.

6 A If not, I'll try to do -- to answer those  
7 if you want me to continue to answer them. I'd had  
8 to look at the DRs again myself.

9 MS. KERR: Okay. I don't have any other  
10 questions right now.

11 LAW JUDGE CLARK: Are there any questions  
12 from the Commission? I hear none. Mr. Blevins  
13 I have some questions for you.

14 COMMISSIONER MITCHEL: Judge, I have some  
15 questions, if that's okay.

16 LAW JUDGE CLARK: Commissioner Mitchell,  
17 please go ahead.

18 QUESTIONS BY COMMISSIONER MITCHELL:

19 Q Thank you. Thank you, Mr. Blevins, for  
20 your testimony. I think --

21 LAW JUDGE CLARK: Is there -- hold on just  
22 a second, Commissioner. Is there any way we  
23 can boost the volume? Okay. Commissioner  
24 Mitchell, Mr. Blevins is having a hard time  
25 hearing you. If you could lean a little closer

1 to your microphone or turn up your microphone's  
2 volume, that would -- that would assist him  
3 greatly.

4 COMMISSIONER MITCHEL: Is that any better?

5 LAW JUDGE CLARK: Not a lot.

6 COMMISSIONER MITCHEL: Hang on just a  
7 second.

8 MR. BLEVINS: Can you repeat the question  
9 for him?

10 LAW JUDGE CLARK: I would be happy to  
11 repeat the question.

12 MR. BLEVINS: Sure.

13 LAW JUDGE CLARK: Mr. Mitchell, if you  
14 just want -- or sorry. Commissioner Mitchell,  
15 if you just want to tell me the question, I  
16 will be happy to ask it.

17 COMMISSIONER MITCHEL: Sure, sure. From  
18 what I can gather, is that Mr. Blevins' overall  
19 strategy was, going through each well site one  
20 by one, is to kind of disaggregate the  
21 ownership of the wells either by selling them  
22 off or -- or putting them in possession of a  
23 homeowner's association. Is that -- is that  
24 true? Do I understand that correctly?

25 LAW JUDGE CLARK: Yes, I see where you're

1 going with that. Let me ask that question.  
2 Mr. Blevins, what the commissioner is asking,  
3 is he's asking, is essentially your plan given  
4 that DNR is requiring 15 connections or 25  
5 people, is your plan, at least in regard to  
6 DNR, to disaggregate this system, by separating  
7 the wells out among different owners such that  
8 the DNR regulations do not apply?

9 MR. BLEVINS: No. That's not the entire  
10 reasoning. That's what would happen if those  
11 were separated, and, in fact, they were  
12 originally separated and still are separated.  
13 What put them together was DNR. DNR is the one  
14 that -- that in my thinking has caused that  
15 particular problem to exist with the 15  
16 connections. Individually, they don't qualify.  
17 The other part of the separating them is that  
18 they are -- it doesn't cost as much to the  
19 consumer to operate that well when they're just  
20 operating for their use, period. Their smaller  
21 use, like, instead of 20, 22 connections back  
22 in Charity, each one of those is going to be  
23 reduced down to a much lower connection. It's  
24 going to be three different areas with one  
25 well, and the cost of that to the consumer

1 would be way less. Maybe even half.

2 There's no cost -- there's a big cost in  
3 trying to meet all of the requirements of the  
4 Department of Natural Resources, even at the  
5 present time. Per month, \$55 may not even be  
6 enough to handle what would come down now if  
7 all of them are kept together in a public water  
8 system.

9 I understand that one of the people that  
10 was interested in buying just their wells,  
11 where they get the water. In other words, if  
12 you could picture this again, three wells in  
13 the Charity system is originally connected to 7  
14 or 7, 4 and 11. That can be reduced to almost  
15 no cost to the consumer. The person that is  
16 getting the water or paying for the water now  
17 at \$55. Maybe that can go down to 25 or 30.  
18 Get that back there where they're more  
19 comfortable with it, because they're only  
20 having to deal with a smaller number of  
21 connections with less rules.

22 They can still do testing. They can still  
23 do that, even at the public laboratory of the  
24 water well or the water laboratory of the  
25 County Health Department, basically. You can

1 do that for \$15 a month, period. Not 150 or  
2 200 or 900, like one was quoted to me.

3 LAW JUDGE CLARK: Does that answer your  
4 question, Commissioner Mitchell?

5 COMMISSIONER MITCHEL: It does. I'm also  
6 curious, you know, I see now that this  
7 aggregation, this is a streamline of regulatory  
8 clients, but, in your viewpoint, is that --  
9 that strategy of sale or disaggregating the  
10 ownership, how does that -- how does that  
11 strategy meet, you know, water quality  
12 standards? I mean as I understand it, several  
13 of the subsystems that are having trouble  
14 meeting the water quality standards for E.  
15 coli, and, I guess, just because the DNR  
16 wouldn't regulate a small system or a system  
17 that's smaller than 15 connections; but that  
18 doesn't change the -- it doesn't change the  
19 situation that there's still some well sites  
20 that the contamination needs to be dealt with.

21 So how does -- how does -- how does  
22 distributing the ownership to get under DNR's  
23 threshold resolve the water quality issue?

24 LAW JUDGE CLARK: The commissioner's  
25 question is, how does separating the ownership

1 of the wells into small enough parcels to not  
2 be regulated by DNR, how does that improve  
3 water quality? Or how does that address the  
4 problem with the water quality, I think is more  
5 specific.

6 MR. BLEVINS: Well, the address to the  
7 water quality, even at the present time, is the  
8 lack of testing. And, so, they could still  
9 test. And they could -- that would be even the  
10 HOA's choice.

11 LAW JUDGE CLARK: Okay. So your answer  
12 then is, that's their responsibility as the  
13 well owner?

14 MR. BLEVINS: That would be -- right. It  
15 would be their responsibility to test the  
16 water, and they could do so at a much lower  
17 cost to -- to the consumer. I would -- I would  
18 guess that that particular fee would be about  
19 \$15. That's what's I pay before with the  
20 Public Health Department and their laboratory  
21 report for water and E. coli or bacteria.

22 LAW JUDGE CLARK: Are you saying that  
23 would be cheaper to get it tested locally then  
24 to send it to DNR?

25 MR. BLEVINS: Yes, sure. That would

1 eliminate \$300 a year for bottles, I guess. I  
2 don't know. Only in this case, it's \$900.

3 LAW JUDGE CLARK: Do you have any  
4 follow-up questions, Commissioner?

5 COMMISSIONER MITCHEL: Just one. If  
6 you're -- as you had mentioned, your plan for  
7 the system going forward, I think what I  
8 understand, is that you would still have at  
9 least one system where you would -- you would  
10 continue to own and operate the system and sell  
11 water to -- to other customers. Is that  
12 correct?

13 LAW JUDGE CLARK: The Commissioner is  
14 asking, if you'll remember, you said you  
15 disconnected your house from the Tigger-1 Well  
16 and connected to another well, and you  
17 indicated that you would like to retain that  
18 well. Is it your intention in retaining that  
19 well, to continue to sell water from that well,  
20 to other people that are connected to that  
21 well?

22 MR. BLEVINS: Well, it would be at a  
23 lesser cost. If there would be six people on  
24 that well, that would be me, plus five other  
25 households right there on Tigger. It would be,



1 even then, a reduced cost.

2 LAW JUDGE CLARK: So the answer would be,  
3 yes, it's your intention to still sell water  
4 from that well?

5 MR. BLEVINS: Yeah, they would sell --  
6 each resident would have a cost to pay for the  
7 water, including myself.

8 LAW JUDGE CLARK: Okay. Would that be  
9 through you running it as a business, or would  
10 that be through you as a member of a HOA?

11 MR. BLEVINS: It would be me -- not  
12 particularly me, but I would probably organize  
13 some other type of group with the other owners,  
14 because it's just simply a well that we all get  
15 water from. We have an electrical bill to pay.  
16 Somebody has got to pay for that electric. The  
17 repairs, somebody has got to pay for the  
18 repairs. Somebody has to do the maintenance on  
19 it.

20 So someone has to do that. I'm willing to  
21 do that with them. I know all of these people.  
22 They would probably tell me to do what I want  
23 to do, but I would still and then, do you want  
24 to have a different type of agreement; which I  
25 would assume would be a different type of

1 agreement, even if it's an HOA, I guess. If --  
2 I guess that would answer -- there are still  
3 expenses that have be to paid for, and that  
4 would be under a different structure, not the  
5 HOA.

6 LAW JUDGE CLARK: Commissioner Mitchell,  
7 do you have any further questions?

8 COMMISSIONER MITCHEL: No, thank you for  
9 that. Thank you for your testimony and  
10 patience necessary in answering my questions.

11 LAW JUDGE CLARK: Commissioner Coleman has  
12 a question.

13 QUESTIONS

14 BY COMMISSIONER COLEMAN:

15 Q Thank you, Judge. I'm sorry, Mr. Blevins,  
16 if this is redundant. I had to step out for moment  
17 and don't know if this came across -- if this was  
18 asked. However, in earlier testimony, you noted --  
19 you started with a litany of issues surrounding your  
20 wife's health and the drama and the everything else  
21 that goes on with managing these various water  
22 systems, but I'm not -- and then you also talked  
23 about maybe getting out of the well water business  
24 all together. I'm still slightly confused as to  
25 what your real intentions are, because now, under

1 Commissioner Mitchell's questions, you talked about  
2 staying on a line and managing that if people want  
3 you to, you would share it with five others. So I'm  
4 not sure what your -- I'd really like to know what  
5 your long term plan is regarding the ownership and  
6 management of the different water systems that  
7 you've had and -- that you've had in a -- again,  
8 excuse me, if that was answered while I was out of  
9 the room.

10 A I think I can answer that in a short  
11 period of time here. One of the things that I was  
12 asked to do when I took these wells over from  
13 different contractors, is correct the -- correct  
14 some of the problems that exist with these wells and  
15 existed 15 years ago. Maybe they weren't set up  
16 properly for descriptions, easements or other  
17 distributions of the lines that were put in, mainly  
18 talking about the easements.

19 Some of the wells I have the deed to;  
20 some of the wells I do not have the deed to, because  
21 there is no description to make a deed from. It was  
22 a mistake made back 15, 20 years ago. I have  
23 corrected some of those, beginning from the count of  
24 24 wells. That -- that's the big number of wells  
25 that I've owned or had control of.

1                   Now, my long term goal is actually a  
2 short term goal, and that is to sell these wells. I  
3 do not want to be in the well business any longer,  
4 but I will not just turn my back on everything and  
5 walk away. I still have a fiduciary that I have to  
6 maintain with my original agreements. I've known  
7 these people for years. I've been partners with  
8 some of them and I've worked with them, and it's  
9 always been an honest and truthful relationship and  
10 loyal relationship.

11                   I intend to keep that. That's part  
12 of our -- of our relationship, let's say. They -- I  
13 will keep one well for the reason that that's where  
14 I get my water from. That's the only one I want or  
15 would keep, not particularly that I wanted it; but  
16 that's the only one that I would keep. But if  
17 someone else wanted to buy it, I would sell it to  
18 them, and I would pay them if they wanted me to pay  
19 them.

20                   But I don't want to operate a well  
21 system like the Public Service Commission is wanting  
22 me to do, like a utility. I don't want to do that,  
23 and I'm not able to do that. That's the reasoning  
24 for my plans. Part of the -- part of the reasoning,  
25 not the whole reasoning, but it's part of that.

1           When you -- when I am here working on  
2 wells or I've acquired these wells, and all of a  
3 sudden, I've been working on these wells for four or  
4 five years and even before that, as taking care of  
5 maintenance on some of them, for them, for the  
6 contractors.

7           But when all of a sudden DNR, says,  
8 comes in and regroups things for me and says you  
9 have three public water systems, and we're going to  
10 activated to that, they did that. They didn't ask  
11 me if I wanted to do. They did that. That's  
12 evident. They didn't ask my permission. They  
13 didn't have to ask my permission, apparently, but I  
14 can't meet those -- all of those requirements. I  
15 don't want to. I'm too old for it as you might say,  
16 and I just -- I can't do that work much anymore  
17 physically.

18           I have to hire people to do that, the  
19 physical part of it. So when that accumulated with  
20 DNR, all of a sudden now, I had some more  
21 stipulations coming in on me, which is from the  
22 Public Service Commission.

23           There are two groups that are  
24 pointing sharp sticks at me, so to speak, and poking  
25 me with sharp sticks. Those are requirements. I'm

1 trying to meet every one I can and able to, but I  
2 still have other things that are on the personal  
3 side that I can't meet either, which is physical  
4 labor. I can't do that.

5 I have to take care of my wife. I  
6 have to take care of myself, and I have business  
7 connections that I still have to take care, but I  
8 have to hire some of that to be done, so that's  
9 become a -- I don't want to say a burden, because  
10 even though it is a burden, I will take care of it.  
11 I have taken care of my burdens all of my life. And  
12 that's what's going to continue. That's my long  
13 term. My short term is to get that done as quickly  
14 as possible.

15 I'd have people assisting me to try  
16 to get buyers for these wells, and -- but I don't  
17 want to just sell them to anybody. I won't do that.  
18 It has to be a person that has a need for that. The  
19 person that has a need for that are the people that  
20 are actually using the well. So one person in that  
21 group, like, one well is serving seven people. One  
22 of those people should buy it, or maybe they should  
23 organize together and buy it, and I'm giving them  
24 that opportunity. The HOA is an opportunity that I  
25 can get away from in the long term, because I'm

1 giving them the way to pay for it.

2 Q Okay, so the -- when DNR came in, there  
3 was some restructuring done, it sounds like, based  
4 on what you've said?

5 A Yes, ma'am.

6 Q So those that have been restructured, do  
7 you have the legitimate deeds on those? Because  
8 earlier, there was testimony to there not being some  
9 deeds in place.

10 A That's correct. Some of the properties,  
11 still I have to get the deed from the grantors, but  
12 there's no problem in that happening either with the  
13 ones that are left. One of those wells is the  
14 Rolling Hills Well. I don't have the deed to it  
15 yet, but I can get that tomorrow.

16 Q So without deeds you can't sell anything,  
17 correct?

18 A That's correct.

19 Q Okay. So there has been --

20 A No --

21 Q If you -- when you talk about, sir, the --  
22 that you're happy to sell these to an HOA or the  
23 appropriate person, when you have not moved forward  
24 with a clean title to a deed, it applies to me that  
25 maybe you really aren't.

1           A       Well, the -- here's what the agreement is,  
2           is that when this deed is required, all I have to do  
3           is request for it. So what I would do is go to the  
4           grantor and say, take the information down to the  
5           title company and get the deed, so that they can  
6           pass it on to me and my wife, and then we can pass  
7           it on to the new buyer, the new grantees.

8                    COMMISSIONER COLEMAN: Thank you, Judge.

9                    MR. BLEVINS: Does that answer your  
10           question, though, ma'am?

11                   COMMISSIONER COLEMAN: Actually, I think  
12           we're going after in circles --

13                   LAW JUDGE CLARK: I guess --

14                   COMMISSIONER COLEMAN: -- so we'll just --  
15           I'll end my questions there.

16                   MR. BLEVINS: Well, I would just say that  
17           the deed would be provided. If that's --

18                   LAW JUDGE CLARK: I guess --

19                   MR. BLEVINS: -- necessary.

20                   COMMISSIONER COLEMAN: Thank you.

21                   LAW JUDGE CLARK: I'm sorry to interrupt.  
22           I guess that maybe what the Commissioner is  
23           stuck on and that's where I'm stuck on as well,  
24           if I buy something like a house, I want the  
25           deed to it to show that I own it. And if



1 somebody says, I'll give you the deed if you  
2 need it and you don't need it now, that  
3 would -- that would probably talk me out of  
4 buying that house.

5 MR. BLEVINS: That's not what I'm saying,  
6 sir.

7 LAW JUDGE CLARK: Okay. What are you  
8 saying? Are you saying it would need to be  
9 separated from another property?

10 MR. BLEVINS: No, I'm saying --

11 LAW JUDGE CLARK: Then what would --

12 MR. BLEVINS: I'm saying that the deed  
13 would be provided. I can get the deed  
14 tomorrow.

15 LAW JUDGE CLARK: I just -- I guess the  
16 question is, why don't you have the deed when  
17 you bought the well?

18 MR. BLEVINS: Because I have a different  
19 document for it. It says that I have the  
20 responsibility of that, and these were some of  
21 the problems from the contractors is that they  
22 had not made any descriptions for those wells.  
23 So if there is no description for the -- for  
24 example, the Rolling Hills Well, then I would  
25 survey it, get the description, provide that to

1 the grantor that would grant me that deed or  
2 the description of that well to me in a deed  
3 form.

4 LAW JUDGE CLARK: Okay. I think I  
5 understand. That makes sense to me. Are there  
6 any other Commission questions at this time?  
7 Okay, I hear none. I've got a few of you, and  
8 then I'm going to go on a rather tedious run  
9 through the wells.

10 QUESTIONS

11 BY LAW JUDGE CLARK:

12 Q So, to start with, let's talk the three  
13 HOAs that you had indicated to me you were forming.  
14 Have you filed those with the Secretary of State?

15 A Yes, sir.

16 Q And what names have you filed those under?

17 A Charity. I have the certificates here if  
18 you want to take a look at them.

19 Q I would love to take a look at them.  
20 Would you mind if we made a copy of those and made  
21 those an exhibit?

22 A Sure.

23 MS. KERR: That's fine. And I think these  
24 were also submitted with one of the status  
25 report -- monthly status reports that Staff

1 filed.

2 LAW JUDGE CLARK: Is this -- is this --  
3 what is exactly? Is this -- is this -- because  
4 I heard -- I heard lots of talk about how it  
5 couldn't be found on the Secretary of State's  
6 website.

7 MS. KERR: Well, his businesses can't be  
8 found on the.

9 LAW JUDGE CLARK: The businesses can't,  
10 but the HOA can?

11 MS. KERR: Yes. Yes.

12 LAW JUDGE CLARK: Okay. I don't think  
13 that was clear at all. I think myself and the  
14 other commissioners got the impression that the  
15 HOAs had not been -- were not findable on the  
16 Secretary of State's website.

17 MS. KERR: I'm sorry. I thought I may --  
18 my questions were trying to make that clear  
19 but --

20 LAW JUDGE CLARK: And they may have. I  
21 may have just missed it. It's entirely  
22 possible.

23 MS. KERR: Do you want to know which  
24 status report that was -- I mean, I'm not sure  
25 what he has today but --

1           LAW JUDGE CLARK: Well, if those are  
2 attached to a status report, they're attached  
3 to a status report, but they're not in  
4 evidence. So I'd still like to have them in  
5 evidence.

6           MS. KERR: Okay.

7           LAW JUDGE CLARK: Now, if you can point me  
8 to a status report and nobody objects, I can  
9 make those an exhibit --

10          MS. KERR: Okay.

11          LAW JUDGE CLARK: -- without anybody  
12 having to copy anything.

13          MS. KERR: That would be great.

14          LAW JUDGE CLARK: Mr. Blevins, hold on. I  
15 think if -- if it's already in existence  
16 electronically in our records, I'd just like to  
17 make an exhibit if there's no objection from  
18 either of the parties.

19          MR. BLEVINS: I have no objection.

20          MS. KERR: It looks like it was the March  
21 status report that was filed in W02024-0036,  
22 and that was filed March 7th of '24.

23          LAW JUDGE CLARK: I will call that  
24 Exhibit 22; and I will call that a Commission  
25 Exhibit.

1 MS. KERR: And, again, I don't know if  
2 Mr. Blevins has something different, but that's  
3 what we found was just the fact there are HOAs  
4 registered.

5 LAW JUDGE CLARK: I think that's all we  
6 wanted to know.

7 MS. KERR: Okay.

8 LAW JUDGE CLARK: Mr. Blevins, do you have  
9 any objection to admitting the attachments that  
10 are Secretary of State HOA filings for you from  
11 the Staff's March status report?

12 MR. BLEVINS: I don't know what it looks  
13 like.

14 LAW JUDGE CLARK: If you want to show it  
15 to him.

16 MS. KERR: Sure.

17 LAW JUDGE CLARK: And just the  
18 attachments, not the status report.

19 MS. KERR: Right.

20 LAW JUDGE CLARK: Mr. Blevins, are those  
21 your -- are those copies of your Secretary of  
22 State filings for the HOAs?

23 MR. BLEVINS: Yes, sir. That's the  
24 articles of incorporation and the --

25 LAW JUDGE CLARK: To the best of your

1 knowledge, do they look correct?

2 MR. BLEVINS: Well, that'd be the same  
3 thing I'm pulling out of here for you to copy.  
4 What you don't have, I guess, there's the  
5 articles and there's the certificate -- I guess  
6 you all got all three of them, right?

7 MS. KERR: Yes.

8 MR. BLEVINS: That came from the State.

9 LAW JUDGE CLARK: Okay. And those look  
10 identical to the filings you made, correct?

11 MR. BLEVINS: Yes, and the only thing that  
12 you probably don't have is the bylaws and the  
13 declaration.

14 LAW JUDGE CLARK: Okay, but outside of  
15 that --

16 MR. BLEVINS: If you want copies of those,  
17 I have these here.

18 LAW JUDGE CLARK: No, I don't believe  
19 that's necessary.

20 MR. BLEVINS: Okay.

21 LAW JUDGE CLARK: Do you have any  
22 objection to the Commission making an exhibit  
23 of those --

24 MR. BLEVINS: I don't know --

25 LAW JUDGE CLARK: Of attaching the status

1 reports?

2 MR. BLEVINS: You still want a copy of --

3 LAW JUDGE CLARK: No, not if we got one.

4 MR. BLEVINS: You have already them?

5 Okay.

6 LAW JUDGE CLARK: Any objection from  
7 Commission Staff?

8 MS. KERR: No.

9 LAW JUDGE CLARK: Okay, Commission Exhibit  
10 22, the Secretary of State HOA filings, is  
11 admitted onto hearing record.

12 (Commission Exhibit 22 marked and admitted onto the  
13 hearing record.)

14 MS. KERR: Okay. I don't -- do you need  
15 copies?

16 LAW JUDGE CLARK: I can make those.

17 MS. KERR: Okay.

18 LAW JUDGE CLARK: Thank you.

19 MS. KERR: Sure.

20 Q (By Law Judge Clark) Okay, Mr. Blevins, I  
21 want to briefly, just because the ownership of the  
22 wells has been such an issue in this case, I kind of  
23 want to just go through briefly, as quickly I can,  
24 through each one; and I want to kind cover of three  
25 things which is, you know, what it is? Who owns it

1 now? And why it is or how it is you came to acquire  
2 it.

3 So let's start with MW-01, which is  
4 Tigger Number 1, I believe. That had ten  
5 connections; currently has nine connections; and my  
6 understanding is that the Tigger HOA has taken that  
7 over.

8 A That's correct.

9 Q Okay. Now, MW-02 is the Tricia Well, and  
10 that has four connections, correct?

11 A Well, MW-02 has been sold sometime back.

12 Q I understand, but it has four connections?

13 A It has one --

14 THE COURT REPORTER: You might -- might  
15 want to speak into the microphone.

16 MR. BLEVINS: Oh, I'll get that out of the  
17 way. MW-02, I believe, is one -- three or four  
18 at the most. I don't recall.

19 Q (By Law Judge Clark) All right, well,  
20 let's not go over a number of connections now then.  
21 You said that was sold. Do you -- when was that  
22 sold?

23 A A few months ago.

24 Q Okay.

25 A I don't know the exact date. I'd have to



1 look it up.

2 Q And who was that sold to?

3 A That was sold to one of the occupants  
4 there, that wanted the well and the property that it  
5 was on.

6 Q So it was sold to a property owner?

7 A Yes, it was sold to a property owner  
8 that's on the well. Jack was his first name. I'd  
9 have to look it up for the proper name.

10 Q MW-03 is the Taylor Well?

11 A That's correct.

12 Q And who owns that now?

13 A I own it now. I got that deed on the 2nd  
14 of February just in the mail with no expectation of  
15 it from the person I sold it to.

16 Q Okay. I remember your explanation then.

17 A Yep. But there's kind of legal question  
18 there, too, because I didn't have to accept that  
19 deed but --

20 Q Yeah, I'm not going into that right now.  
21 My understanding, if I remember correctly from you,  
22 is you sold it for \$12,000. You put \$12,000 back  
23 into fixing the well --

24 A Yes.

25 Q -- essentially gave it to them, and they

1 mailed you the deed and there's been no  
2 communication between you and that party so --

3 A That's correct.

4 Q You don't know if they're asking for  
5 \$12,000 --

6 A Or what.

7 Q Or what.

8 A Yeah.

9 Q Let's go onto MW-04, which is Tigger  
10 Number 2.

11 A That's correct.

12 Q And that's the one you're currently hooked  
13 to?

14 A That's correct.

15 Q And who owns that?

16 A That it is a -- there is no legal  
17 description for that particular well.

18 Q How did you acquire it?

19 A Well, I acquired it from the contractor.  
20 Can I give you the name, or do you want the name?

21 Q Um --

22 A He's the grantor --

23 Q Hold on a second. I'm thinking for just a  
24 second. How was it sold to you? Was it a handshake  
25 deal? Is this is contract? Is there anything

1 written?

2 A I think it's in one of those exhibits  
3 there, where purchase of a well, and that would have  
4 been on Tigger, and it was the one that shows the  
5 responsibility and the transfer.

6 Q So that's on one of the tax documents,  
7 correct?

8 A I don't know what document it was put on  
9 there. Maybe it was. I'm not positive.

10 Q Okay.

11 A That was acquired in a written document,  
12 and that was a problem -- a problem project there to  
13 get the deed or the description of that particular  
14 well finalized, basically. So it's going to require  
15 a survey of sorts or it can just stay like it is, as  
16 far as I'm concerned.

17 Q I understand it if you're not selling,  
18 yeah?

19 A We're not selling it at all.

20 Q So MW-05 is the Topo Well. It has  
21 collapsed, and you have no idea who owns that,  
22 correct?

23 A Well, I do have an idea who owns it, which  
24 is one of the neighbors. It's on their property,  
25 very similar to -- very similar to -- well, I've

1 been told that there is a description for that  
2 particular well, but I haven't seen it. I'm going  
3 to ask for that description, so I can find out  
4 who actually owns it on -- by the courthouse.

5 Q Okay. And MW-06 is one I am not familiar  
6 with. That is the Rustler (sic) Well?

7 A The what?

8 Q The Rustler Well, I believe what they're  
9 calling it?

10 A No, that's not Rustler. MW-06, I think,  
11 would probably be the one that's testified to be on  
12 Rejoice.

13 Q What's Rejoice?

14 A Pardon?

15 Q What is Rejoice?

16 A Just a roadway, where there is a well up  
17 there. It's a 3-horse well. It was owned by  
18 another party.

19 Q Okay.

20 A It has -- I don't know, four connections,  
21 maybe. Four or five connections.

22 Q The MW-06 has four or five connections?

23 A I think so. I have to research on it.  
24 That was, I think, in the original transfer. Was  
25 that in the transfer on that one Exhibit, Ms. Kerr?

1 Q I don't think they know which particular  
2 wells are on that particular --

3 A Well, it would be -- Rejoice would be the  
4 address. It showed each address. It was  
5 transferred.

6 MS. KERR: There -- let me get to that.

7 LAW JUDGE CLARK: Is it in the tax  
8 documents?

9 LAW JUDGE CLARK: I believe that is from  
10 the Recorder's Office.

11 LAW JUDGE CLARK: Okay, so that's in with  
12 the deeds.

13 MS. KERR: Oh, yes. I think what he's  
14 referring to is the first document in  
15 Exhibit 17, which is called a well transfer  
16 agreement.

17 MR. BLEVINS: Yeah.

18 MS. KERR: And it lists --

19 LAW JUDGE CLARK: A number of wells, if I  
20 remember correct.

21 MS. KERR: A number of wells, and does  
22 have Rejoice Road on it, but there's nothing in  
23 there that says which well it is or describes  
24 the well --

25 Q (By Law Judge Clark) Okay. Who owns

1 MW-06?

2 A LD Property Management does. At the  
3 present time, that's only been a recent transaction.

4 Q You sold it to them?

5 A No. The other person sold it to the  
6 property management. I do own part of LD Property  
7 Management, and the control of it and pay for it,  
8 for the water, goes to HOME, H-O-M-E, which is  
9 another company that the grantor at that time --

10 Q That would be HOME, LLC?

11 A LLC, that's correct. That's -- I think  
12 they listed that on there as -- the person or the  
13 entity that was transferring, right, on that  
14 document --

15 Q Now, HOME is the owner of -- HOME, LLC, is  
16 the owner of MW-07; is that correct?

17 A Yes. MW-07 is the Rustler location, and  
18 they -- that is described, but the -- I'll be asking  
19 for that deed, probably, when I get to it.

20 Q So you believe you own that?

21 A I do. I own it. I don't have the deed to  
22 it, but I own it by -- by virtue of these other  
23 transfers that have taken place. And I either own  
24 it or manage it or have possession of it.

25 Q Okay, so this was a contract or transfer

1 to you?

2 A Yes, it was. In the beginning, yes.

3 Q Okay. Now, I don't see on my list an  
4 MW-08, but I heard you mention an MW-08?

5 A MW-08 was a well that was also up on  
6 Rolling Hills, and I sold that sometime back a  
7 couple years ago, maybe. A year and a half, two  
8 years or whatever.

9 Q Who owns that?

10 A That is owned by one of the residents up  
11 there that the well is on.

12 Q Okay. So a property owner?

13 A A property owner, yes. And they  
14 service -- let's see, one, two, three, four homes, I  
15 think.

16 Q Okay. And MW-09 is -- well, it's labeled  
17 as Carthage?

18 A Carthage is -- that's not part of the  
19 public water system. It's part of that --

20 Q No, I'm just going through all the wells.

21 A Yeah.

22 Q I just want to kind of be able to figure  
23 out who owns all of them.

24 A That is -- that description -- I don't  
25 know if I got -- I don't think I had the deed to it

1 yet, but there is a deed for it.

2 Q Do you own that?

3 A I own it by virtue of either the transfer  
4 or a deed. I think it's a transfer, and all I have  
5 to do is get -- is ask for the deed and that would  
6 be made.

7 Q Would it be owned by Nicholas Perez (sic)?

8 A No, he's the user-consumer. He's the  
9 property owner but not to the well.

10 Q Okay. M -- is there an MW-10?

11 A There is. I'm trying to remember. It's  
12 not -- MW-10 is an older well. I don't -- it's not  
13 a current --

14 Q Not a current?

15 A Not a current reminder in my mind here.

16 Q Would that be true of MW-11 as well?

17 A 10 and 11 would be also on Carthage.

18 They've been sold, both of them, to the property  
19 owners. Actually, one property owner, I think,  
20 owned both of them.

21 Q MW-12?

22 A 12 is on Chicago Road. That's been sold,  
23 property owner.

24 Q MW-13.

25 A Let's see --



1 Q And I have that listed as the Corvair  
2 (sic)?

3 A Corvair, yes. I sold -- part of the  
4 seven -- well, it's on a contract, sold to that  
5 other individual.

6 Q So that's been sold to a property owner as  
7 well?

8 A Yes. No, not property owners. That was  
9 sold to that lady I told you about that has the  
10 other seven wells that I help manage with her.

11 Q Okay. What's her name?

12 A Amanda. I've got those documents that --

13 Q No, I don't need to see the documents.  
14 I'm just trying to square who owns what, and Amanda  
15 what? Does she have a last name?

16 A Pardon. Amanda Rector (sic) is her last  
17 name.

18 Q Okay. MW-15 is Charity Number 1?

19 A Uh --

20 Q Well, actually, I skipped 14. Is there an  
21 MW-14?

22 A MW-14 was -- a sale long time ago, and it  
23 was not a well house. It was just a hole in the  
24 ground. It was drilled, but never put in. But  
25 we -- that was one that DNR had some issues about.

1 I don't know what really happened with that. That  
2 was a different owner altogether.

3 Q Okay. So that's -- is that owned by a  
4 property owner now?

5 A That's owned by the property owner, yeah,  
6 yes, sir.

7 Q Thank you. MW-15 is Charity Number 1?

8 A Charity Number -- yeah, that was the one  
9 that was sold. That's the property owner, owns it.

10 Q Bear with me just a second. For  
11 simplicity, why you don't you tell me the seven  
12 wells that are now owned by Amanda and managed by  
13 you.

14 A That would be --

15 Q And you can just refer to them by their MW  
16 number.

17 A MW-09.

18 Q Okay.

19 A MW-19 and 20.

20 THE COURT REPORTER: Sir, you might want  
21 to talk in the microphone.

22 MR. BLEVINS: Oh, MW-19, 20. 19 and 20.

23 Q (By Law Judge Clark) Okay. All right, any  
24 others?

25 A MW-21, MW-22, MW-23 and MW-24, owned by

1 Amanda Rector.

2 Q So those are all -- that's 19 through 24,  
3 as well as 13 and 9?

4 A 9, currently; 13 originally; but it has  
5 been sold. 13 has been sold.

6 Q I was talking about the ones that you  
7 managed that Amanda owns.

8 A Yes, that's correct.

9 Q So that's 9, 13 and 19 through 24?

10 A That's correct.

11 Q So she owns eight, correct?

12 A She originally owned eight, but number 13  
13 was sold. So with the balance, it's seven.

14 Q Okay. So 13 was sold to somebody else?

15 A Yes, to the new property owner.

16 Q Okay.

17 A When they bought that house from the  
18 original property owner, she wanted to buy the well  
19 with it and took -- took out three other homes with  
20 that, I think it was.

21 Q Okay. And that -- that leaves three  
22 unaccounted for at this time, and that's 16, 17 and  
23 18, which I believe are all Charity wells; is that  
24 correct?

25 A That's correct. 16, 17 and 18.

1 Q Yes, who owns those?

2 A Who owns them? I own 17. I have the deed  
3 to it. I believe I have the deed to MW-18. I still  
4 have to get the deed to the concrete well, which is  
5 the MW-16. I think 16.

6 Q 16, what's that one called? When you say  
7 "concrete well", that's not the Taylor Well,  
8 correct?

9 A No, it's not the Taylor Well. That's the  
10 one on PP Highway.

11 Q But you believe you own that one?

12 A Yes, oh, yeah. That's the one that DNR  
13 wants me to -- that originally wanted me to plug,  
14 that I put the new box in, the control box, to  
15 repair it.

16 Q Okay. Second round of questions, which  
17 ones do you have deeds for?

18 A I own --

19 Q All right, I'll just go through. Do you  
20 have a deed for MW-03?

21 A Yes, that's Taylor.

22 Q Okay. Do you have a deed for MW-04?

23 A No, that is still an easement in the  
24 records.

25 Q Do you have a deed for MW-16?

1 A No, that is still in -- probably be in  
2 HOME, LLC, and I can get the deed to it supposedly.

3 Q Okay.

4 A All I can do is and for it.

5 Q Is that true of MW-17 and 18 as well?

6 A 17, have the deed. 18, I have the deed.

7 Q Okay. So just to go over what you believe  
8 you own, MW-03, because you received the deed in the  
9 mail, but you may or may not accept that.

10 A I already accept it by -- by continuing to  
11 repair it and put it back into operation.

12 Q Okay. MW-04?

13 A I don't have -- MW-04 is the one on  
14 Tigger, which is still an easement.

15 Q Yeah, but you believe you own that as  
16 well, correct?

17 A Oh, yeah, I own it --

18 Q So you own -- I'm just going over the ones  
19 you own. You own: MW-03, MW-04, MW-16, MW-17 and  
20 MW-18?

21 A Yes.

22 Q Is that it?

23 A No. Well --

24 Q Because that's five by my count?

25 A Well --

1 Q We've gone over the ownership of the  
2 others, so is five correct?

3 A Oh, let me double check. Well, I own  
4 seven. I have control of seven.

5 Q Okay. I have that listed as owned by  
6 HOME, LLC. You own it but they just -- they have  
7 the deed; is that correct?

8 A They have the deed, but that's also in  
9 that transfer. If it's -- if I don't have the deed,  
10 it's in the transfer.

11 Q Okay. Would that be true of MW-06 as  
12 well?

13 A Uh --

14 Q Or is that -- you said LD Property  
15 Management?

16 A That's correct. That's a new  
17 transaction --

18 Q Okay.

19 A -- that was done probably -- I think -- I  
20 don't know maybe three months ago. Two months ago,  
21 maybe.

22 Q Okay. Let's go over briefly this  
23 transaction with Amanda that took all of these wells  
24 off your hand. Did you transfer deeds with any of  
25 those to Amanda?

1           A     No, absolutely not. Not at the present  
2 time. I took a down payment and a contract for the  
3 deed with a note -- with a note for payment.

4           Q     And you indicated that there's a clause in  
5 there that allows you to sell it to somebody else?

6           A     What clause?

7           Q     Well, you indicated there was something in  
8 your arrangement with Amanda that you could sell the  
9 well to anybody else; is that correct?

10          A     Oh, yes, yes. The agreement there is that  
11 I was -- I'm trying to help her pay for some things  
12 that she needed to pay for. So I sold her these  
13 wells on what I call a fire sale. I don't know what  
14 you may interpret a fire sale to be, but it sold for  
15 less than --

16          Q     I'm aware of what a fire sale is.

17          A     Okay, so I sold those wells to her for  
18 \$6,000 each, okay? With an agreement that I would  
19 help her sell them to different property owners, so  
20 that it gets in the right hands, and she would be  
21 sold for more than the \$6,000. So --

22          Q     Well, that doesn't just sort of take them  
23 out of your hands?

24          A     Not really.

25          Q     Because you're not -- you don't --

1 technically, according to you and contract, you  
2 don't own them, but you still manage all those wells  
3 correct?

4 A I help her do that, yes.

5 Q Now, I want talk briefly about your  
6 arrangement with -- with the contractors that gave  
7 you these wells or transferred these wells to you.  
8 Did you buy these wells from these contractors?

9 A Yes, sir.

10 Q Was it -- was it a payment over time  
11 agreement? I mean, are you still remitting  
12 payments --

13 A No.

14 Q -- to these developers?

15 A To the developers, they're all paid off.

16 Q Then what is this fiduciary duty that you  
17 are talking about?

18 A Well, fiduciary is what the original  
19 agreement was, that -- a responsibility for -- to  
20 get -- to get the wells, and that's the agreement,  
21 in the right hands if there's a problem with them.  
22 And there are problems with these wells. Obviously,  
23 there was problems with the legal descriptions on  
24 some of them and still is. A couple of them need to  
25 be surveyed, but the fiduciary is that it would go



1 to -- not just to anybody to -- for whatever  
2 purpose; that they would go to a HOA. That was some  
3 of the verbiage that was used. I don't know if it's  
4 written in there, or it was just verbiage, but I  
5 recall that to be true, especially with one of the  
6 contractors.

7 LAW JUDGE CLARK: Okay. Let's see, I  
8 thought I had -- okay, those are all my  
9 questions. That went much faster than I  
10 thought it would. Any recross from Staff based  
11 upon Commission or bench questions?

12 RECROSS-EXAMINATION

13 BY MS. KERR:

14 Q Yes, I just had -- I just wanted to  
15 clarify something. The ones -- the wells that you  
16 looked at that the Judge listed that you don't own  
17 or you say that you don't own, are you still  
18 charging those customers for the use of the water?

19 A Let me clear up how I understand your  
20 question and what verbiage you're using by "don't  
21 own." I own all of these wells in some fashion or  
22 manner, either by that -- either that document that  
23 you presented there, showing the transfer of the  
24 responsibility for them and et cetera. I own them.  
25 The problems existing with the ones that I owned by

1 deed, there is no problem with them; I've got the  
2 deed already, but some of them, I don't have the  
3 deed to --

4 Q Okay. But you just testified you didn't  
5 own a number of wells that the Judge just listed  
6 off.

7 A Which wells are we talking about?

8 Q Rejoice, MW-08, 11, 12, 13, 15, and I  
9 guess the ones that were --

10 A I think they're mixed up there from the  
11 public water system ones and the other ones, other  
12 eight original wells that went to Amanda Rector.

13 LAW JUDGE CLARK: I guess, my  
14 understanding, if I'm wrong, of Counsel's  
15 question is, are you still billing and  
16 receiving payments for water from the wells  
17 that are now owned by Amanda?

18 MR. BLEVINS: Yes, we do, but it's  
19 credited to Amanda. We -- she uses our office  
20 for the collection of those funds. We do. We  
21 still manage with her.

22 Q (By Ms. Kerr) And I guess I was asking  
23 about some of those other wells that you said you  
24 don't own, that you just testified to that you don't  
25 own. Like the Rejoice System, MW-08, MW-11, 12, 13

1 and 15. You said you didn't own those, but you  
2 still service them and you still charge those  
3 customers?

4 A I guess I don't follow your question  
5 because some of those have been sold.

6 Q Right. The ones you say have been sold --

7 A No, we don't collect any money on them,  
8 except for the ones with Amanda.

9 Q Okay.

10 A We collect those into our accounting  
11 system that we use here in the office but --

12 Q Okay. I just wanted to -- so, the Rejoice  
13 System, do you still service them?

14 A Rejoice, that's a new one, yes.

15 Q Okay.

16 A We service them, but we service them  
17 through HOME, LLC --

18 Q Do you charge --

19 A We don't collect the money there. The  
20 money goes directly to HOME, LLC. HOME, LLC, later  
21 distributes the funds by our further other  
22 agreements. We don't handle the money there.

23 Q Okay.

24 A But I do go, if there's a problem, I go  
25 and fix the problem.

1 Q Okay. I just --

2 A -- for HOME, LLC, and the LD Property  
3 Management.

4 Q Okay, thank you.

5 A I don't know how else to explain that.

6 Q And the deeds -- you said had -- those  
7 deeds -- some of those deeds have not been recorded  
8 with the Recorder's Office.

9 A All of the deeds that I have have been  
10 recorded, because that's where I get the deed from.  
11 They have been recorded, the ones that I do have. I  
12 don't have any that's not yet recorded, other than  
13 the ones -- the ones that I don't have the actual  
14 deed made up for.

15 Q And those are the ones you say you own,  
16 but you just don't have the deeds in your hand?

17 A Yes, I own all of the wells by either that  
18 document that transferred, that ownership, to me or  
19 responsibility to me or the deed. That's how I own  
20 all of the wells.

21 LAW JUDGE CLARK: What document  
22 transferred responsibility to you?

23 MR. BLEVINS: That was in one of those  
24 exhibits there --

25 LAW JUDGE CLARK: Okay, so that's the sale

1 of the wells agreement?

2 MS. KERR: I believe that's the Well  
3 Transfer Agreement.

4 LAW JUDGE CLARK: Yeah, that's what I'm  
5 talking about.

6 MR. BLEVINS: Yes.

7 LAW JUDGE CLARK: That's lists the  
8 whole -- it's broken by section?

9 MS. KERR: Yes.

10 LAW JUDGE CLARK: Yes, okay.

11 MR. BLEVINS: Then it's got the address of  
12 those -

13 LAW JUDGE CLARK: So, that's that -- that  
14 is the document that you say originally  
15 transferred ownership to you.

16 MR. BLEVINS: Yes.

17 LAW JUDGE CLARK: -- from the contractors,  
18 and I believe it's Baker and --

19 MR. BLEVINS: Don Baker --

20 LAW JUDGE CLARK: -- Parsons --

21 MR. BLEVINS: Don Baker, since you  
22 mentioned the name, yes, sir, it's Don Baker.  
23 That's correct.

24 LAW JUDGE CLARK: Okay.

25 Q (By Ms. Kerr) Okay.

1           A       And I can just -- I can pick up the phone  
2 and tell Don that I need the deed to whatever; and I  
3 tell him why; and he'll have it done. He'll go down  
4 to the title company and have it made. That's our  
5 agreement. I dealt with him for many years.

6                   MS. KERR:   Okay. I think that sort of  
7 answers my questions?

8                   LAW JUDGE CLARK:   Mr. Blevins, normally  
9 there's something call Redirect. It's  
10 essentially an opportunity for you to tell the  
11 Commission anything, finally, you wanted to  
12 tell the Commission before I end the hearing.

13                   MR. BLEVINS:   I -- I don't know. There's  
14 probably a lot I could tell you, but I think  
15 maybe to close it up, from my viewpoint, is  
16 that I would just want the Commission to look  
17 at what the real purpose of me operating these  
18 wells and what I want to do with them, and look  
19 at maybe the difficulties in trying to meet all  
20 of the Department of Natural Resources  
21 requirements and the Public Service Commission.

22                   Personally, I don't know what the Public  
23 Service Commission is really after. I don't  
24 know what that is, other than what they've  
25 testified to. If they want to -- well, I don't

1 know what to tell them.

2 The Department of Natural Resources has  
3 been the one that's helped me in the past  
4 with -- with these wells, especially on  
5 condition, that they're -- that we evolved to  
6 from all these transactions that have taken  
7 place. It was never intended for these wells  
8 to be any type of a public water system. This  
9 was created by one of the Department of Natural  
10 Resources employees. That's where -- that's  
11 what was created. I didn't create that.

12 I certainly didn't know about the Public  
13 Service Commission until they walked in my  
14 door. I still really don't know what they keep  
15 wanting from me. I provided what I can --  
16 could. I've taken steps to -- to not have to  
17 be under that particular guideline or whatever  
18 it is legally, not legally, but, honestly. I  
19 mean, I can't meet what they want. Do they  
20 want me to -- I don't know.

21 So, it's my goal, is to not have to deal  
22 with any CCN requirements because I can't do  
23 it. Neither can the consumers for these wells.  
24 There's no other water available to them. I'm  
25 their only source at the present time. I'm not

1 going to let them down. I'm going to try to  
2 finish up what I'm supposed to finish up from  
3 the time that I started this with the -- with  
4 the contractors that I took these wells over  
5 and what I've done since then.

6 I spent a lot of money, which -- that's  
7 water under the bridge. It's already gone.  
8 I've got money to go ahead and spend again,  
9 more, because there are other requirements  
10 that's not met yet. So I'm going to have to  
11 meet them some way or another. It may not be  
12 on their timeline, and maybe I'll be put in a  
13 different category; I don't know. I don't know  
14 what's going to happen. But I can't continue  
15 to be not informed or what to expect from the  
16 Public Service Commission, for example. I  
17 still really don't know what to expect.

18 From DNR, pretty well I can expect what  
19 they've already written to me. I don't know  
20 what to expect if I can't meet their  
21 requirements, and I guess there's been  
22 testimony that tomorrow I'll be referred to the  
23 Attorney General; is that right? Is that one  
24 of the statements I think --

25 LAW JUDGE CLARK: I believe, yeah, that



1 was my understanding from Witness Johnson.

2 MR. BLEVINS: Okay, well, I didn't know it  
3 would be tomorrow. I heard that today.

4 LAW JUDGE CLARK: Well, that -- that --  
5 that --

6 MR. BLEVINS: Or yesterday.

7 LAW JUDGE CLARK: -- is new to me, but my  
8 understanding was, that from Witness Johnson  
9 was that today was a DNR deadline for certain  
10 actions.

11 MR. BLEVINS: Yes, that was -- there is a  
12 deadline there today, yes, correct? And I  
13 think that is the plugging of Well Topo.

14 LAW JUDGE CLARK: Okay.

15 MR. BLEVINS: I believe that's one. I  
16 don't know. That's -- that can't happen,  
17 because there's still a problem there. DNR is  
18 not aware of the problem. As far as I know,  
19 they haven't been told. We don't know who yet  
20 really, but I'll find out. I'm going to find  
21 out. I just haven't had time. Again,  
22 timeframes are pretty important apparently to  
23 the Department of Natural Resources and the  
24 Public Service Commission, but those timeframes  
25 don't fit very well in my world. I tried to.

1 I tried my best, but some of them, I just can't  
2 do.

3 LAW JUDGE CLARK: I understand. Thank you  
4 for testimony, Mr. Blevins. You can step down,  
5 and I'll end the hearing. What I say, is that  
6 that at some point, an order will go up before  
7 the Commission, and the Commission usually has  
8 an agenda meeting once a week. Occasionally  
9 around holidays, an agenda maybe bumped or  
10 skipped, but usually once a week, there's an  
11 agenda meeting whereby the Commission discusses  
12 and renders their decisions on various actions  
13 that are pending before the Commission.

14 If, at some point, your case will be up  
15 for consideration at an agenda, and if you  
16 listen to that agenda, you might -- you might  
17 hear some discussion about your case, as well  
18 as have an idea of what an order is going to  
19 say, okay? All right.

20 MR. BLEVINS: How do I -- how do I get in  
21 touch with the agenda?

22 LAW JUDGE CLARK: Well, that's -- that  
23 gets to be a little more difficult, because I  
24 can't really walk you through all of the  
25 internet things that are involved. But,

1 basically, it's available to watch online on  
2 YouTube; is that correct, Bryan? Yeah, on  
3 YouTube. So if you go to YouTube, it's also if  
4 you go to our website on the homepage, you'll  
5 find a link to Agenda. And when Agenda is  
6 live, that link is clickable.

7 MR. BLEVINS: Okay.

8 LAW JUDGE CLARK: Is there anything else I  
9 need to address before this hearing is  
10 adjourned?

11 MS. KERR: Did you want Staff to do a  
12 brief?

13 LAW JUDGE CLARK: Does Staff want to do a  
14 brief?

15 MS. KERR: We'd prefer to do, yes.

16 LAW JUDGE CLARK: Okay, how long would  
17 Staff like to have to do have a brief? Today  
18 is June --

19 MS. KERR: I guess once the transcript is  
20 available, then --

21 LAW JUDGE CLARK: Let's go off the record  
22 for two seconds.

23 (Off-the-record discussion.)

24 LAW JUDGE CLARK: Okay, let's go back on  
25 the record. Okay, Staff has requested to do a

1 brief. We discussed off the record what the  
2 availability of the transcript and a briefing  
3 schedule, and, so, any briefs by Staff will be  
4 due on the 23rd.

5 Mr. Blevins, if there's anything that you  
6 want to write about this, a brief is usually  
7 kind of like a closing argument. It's very  
8 similar to an opening argument. It's  
9 not actually evidence, but it frames for the  
10 Commission how they may want to look at certain  
11 issues from the perspective of parties. If  
12 you, and I'm not requiring you to write a  
13 brief, you do not have to do one if you don't  
14 want to, but Staff has asked to do one. If you  
15 do wish to write, essentially, an argument on  
16 your own behalf beyond what you've done today,  
17 you would need to submit that by July 23rd for  
18 this complaint case, okay.

19 MR. BLEVINS: Okay.

20 LAW JUDGE CLARK: All right. Is there  
21 anything else before I adjourn?

22 MS. KERR: Do you want -- I think all of  
23 the exhibits that were offered have been marked  
24 and received.

25 LAW JUDGE CLARK: I have 22 Exhibits, all

1 of which were marked and taken into evidence,  
2 five of which are confidential.

3 MS. KERR: Okay. That's what I have as  
4 well.

5 LAW JUDGE CLARK: All right?

6 MS. KERR: Yes, I think that's it then,  
7 yes.

8 LAW JUDGE CLARK: I have got 21 issues  
9 from the party. 20 of those are from the  
10 Commission Staff. One of those is from  
11 Mr. Blevins, and one is a commission issue or  
12 is a Commission Exhibit.

13 MS. KERR: Yes.

14 LAW JUDGE CLARK: And if you want, I'll be  
15 happy to list through them. But if we're going  
16 to do that, I just assume go off the record for  
17 that.

18 MS. KERR: No, I think we're fine.

19 LAW JUDGE CLARK: All right. Hearing  
20 nothing else before the Commission today, I  
21 will adjourn this hearing. Thank you for all  
22 your participation.

23 (Wherefore, the hearing adjourned at 5:03 p.m.)  
24  
25

1	INDEX	
2		PAGE
3	QUESTIONS BY:	
4	CURT GATELEY	
	Direct examination by Ms. Kerr	341
5	Cross-examination by Mr. Blevins	377
	Questions by Commissioner Hahn	390
6	Questions by Judge Clark	397
	Redirect examination by Ms. Kerr	411
7	Redirect examination by Ms. Aslin	415
8	ADAM STAMP	
9	Direct examination by Ms. Kerr	418
	Cross-examination by Mr. Blevins	477
10	Questions by Judge Clark	488
	Redirect examination by Ms. Kerr	490
11	Redirect examination by Ms. Aslin	493
	Further redirect examination by Ms. Kerr	493
12		
13	LEON TRAVIS BLEVINS	
14	Testimony by Mr. Blevins	497
	Cross-examination by Ms. Kerr	548
15	Questions by Commissioner Mitchell	555
	Questions by Commissioner Coleman	563
16	Questions by Judge Clark	571
	Recross examination by Ms. Kerr	594
17		
18	Index	607
	Exhibits	608
19	Reporter's Certificate	609
20		
21		
22		
23		
24		
25		

## EXHIBITS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
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21  
22  
23  
24  
25

## Staff's Exhibits:

Marked Received

12	Curtis Gateley Testimony	358	424
13	Consumer Complaint-Inquiry (Confidential)	425	427
14	Outlaw's Corral Letter (Confidential)	429	432
15	Photos (Confidential)	444	448
16	Polaski County Real Estate Tax Statement	454	458
17	Well Transfer Agreement (Confidential)	458	464
18	Blevin Responses to PSC's Questions	470	474
19	Mr. Stamp's Testimony WO202024-0036	476	476
21	Travis Blevins Testimony from Receivership Hearing	553	553

## Respondent Exhibit:

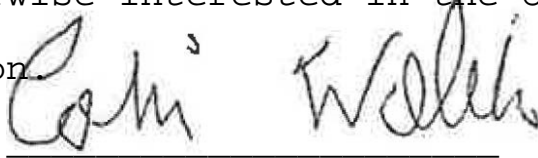
20	Patricia Blevins Letter to Commission	547	547
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## Commission Exhibit:

22	March Status Report WO2024-0036	576	576
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(Original exhibits retained by the Public Service  
Commission.)

1 I, Colin Wallis, in and for the State of  
2 Missouri do hereby certify that the witness  
3 whose testimony appears in the foregoing  
4 Examination Under Oath was duly sworn by me;  
5 that the testimony of the said witness was  
6 taken by me to the best of my ability and  
7 thereafter reduced to typewriting under my  
8 direction; that I am neither counsel for,  
9 related to, nor employed by any of the parties  
10 to the action in which this examination was  
11 taken, and further that I am not relative or  
12 employee of any attorney or counsel employed by  
13 the parties thereto, nor financially or  
14 otherwise interested in the outcome of the  
15 action.

  
\_\_\_\_\_

17 within and for the State of Missouri  
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<b>\$1</b> 542:17,20	<b>1</b> 364:17 519:23	<b>14-C</b> 432:17,20	<b>2.5</b> 483:6 500:13, 15 551:10
<b>\$1,000</b> 516:19	577:4 586:18	<b>15</b> 348:6 382:18	<b>20</b> 435:3 442:10, 14 481:10,14,17
<b>\$10,000</b> 535:22	587:7	433:14 444:18,19, 21 448:5,9,12,14	500:10 506:6
<b>\$12,000</b> 509:16,19	<b>10</b> 341:1 585:17	449:1,5,12	546:16 547:1,5,7
578:22 579:5	<b>10,000</b> 535:24	500:10,23 521:9	552:10 557:21
<b>\$15</b> 514:22 559:1	<b>100</b> 375:8 392:3	524:5 526:12	564:22 587:19,22
560:19	412:23 413:1,9	557:4,15 559:17	606:9
<b>\$17,000</b> 505:24	438:18,21 537:13, 21	564:15,22 595:8	<b>20-day</b> 554:10,11
506:5	<b>100,000</b> 375:9	596:1	<b>200</b> 559:2
<b>\$180</b> 514:23,24	<b>10:10</b> 418:2	<b>15-plus</b> 382:17	<b>2019</b> 382:10 450:18 484:5
<b>\$20,000</b> 408:5	<b>10:55</b> 417:22	<b>15-year-old</b> 524:2	<b>2022</b> 343:1 346:10 435:23
537:4	<b>10th</b> 554:5,9	<b>150</b> 559:1	<b>2023</b> 343:20 346:13 354:8
<b>\$25</b> 532:10,13	<b>11</b> 521:16 558:14	<b>15th</b> 354:8 355:15	355:1,15 358:20
<b>\$3,000</b> 531:20	585:17 595:8	<b>16</b> 454:18,19	421:3,17 428:6
532:15 533:3	<b>11:10</b> 417:24	457:21,23 458:2,4	431:7 436:5
<b>\$300</b> 561:1	418:3	526:14 527:16,25	471:24
<b>\$40,000</b> 506:7	<b>12</b> 356:18 357:1,4	528:1 588:22,25	<b>2024</b> 340:4
548:16	424:12,14,15	589:5,6	<b>20th</b> 510:23
<b>\$50,000</b> 516:4	585:22 595:8,25	<b>17</b> 458:6,7 463:7, 10,13 464:14,18	<b>21</b> 552:9,15,16
<b>\$55</b> 514:16 531:2, 24 548:11 551:2	<b>120</b> 410:23	582:15 588:22,25	553:2,4 606:8
558:5,17	<b>123</b> 475:6	589:2 590:6	<b>21st</b> 554:7
<b>\$6,000</b> 548:20	<b>12:30</b> 476:14	<b>18</b> 441:8 470:5,6	<b>22</b> 346:12 398:5
592:18,21	<b>12:37</b> 476:15	473:12,19 474:5,9	520:17 521:4
<b>\$60</b> 514:20	477:3	477:25 480:25	557:21 573:24
<b>\$7</b> 542:14	<b>13</b> 350:10 356:18	496:5 527:19	576:10,12 605:25
<b>\$8,000</b> 509:23	374:13 423:23,24	588:23,25 590:5,6	<b>22nd</b> 540:6
<b>\$900</b> 532:3 561:2	424:16 425:2,3,9	<b>19</b> 475:5 476:5,7,9	<b>23</b> 356:5
	427:1,7,10 588:3, 4,5,9,12,14 595:8, 25	530:23 587:22	<b>23rd</b> 605:4,17
	<b>13-C</b> 427:4	588:2,9	<b>24</b> 497:10,12
	<b>14</b> 383:13 429:24, 25 432:23 433:1	<b>1981</b> 535:9	537:16,17 564:24
	448:9 551:7	<b>1:04</b> 494:20	573:22 588:2,9
	586:20		<b>24/7</b> 554:17
		<b>2</b>	<b>25</b> 348:6 475:6
<b>0036</b> 354:23		<b>2</b> 367:7 432:11	500:11,17,18
495:25		519:13 521:12	521:9 526:12
		522:15 579:10	
		<b>2-horse</b> 539:21	
		540:1	

557:4 558:17			<b>accompanying</b> 354:10
<b>25th</b> 340:4 356:4	<b>5</b>	<b>9</b>	<b>account</b> 478:19,22 510:1 545:1
<b>26</b> 520:18,19	<b>5-horse</b> 505:15 510:7	<b>9</b> 552:21 588:3,4,9	<b>accountability</b> 545:25
<b>26th</b> 356:4	<b>50</b> 412:22,25 413:21 438:22 537:23 552:21	<b>90</b> 410:23	<b>accounted</b> 532:6 533:15
<b>2:00</b> 494:21,24	<b>51</b> 391:25	<b>90-some</b> 537:15	<b>accounting</b> 596:10
<b>2nd</b> 578:13	<b>54</b> 537:18,19,21 549:17,22	<b>900</b> 502:15,17 516:20 559:2	<b>accounts</b> 498:23
<b>3</b>	<b>55</b> 514:21	<b>9:00</b> 340:1,3,5	<b>accumulated</b> 566:19
<b>3</b> 356:20 519:19 552:20	<b>5:03</b> 606:23	<b>A</b>	<b>accurately</b> 483:5
<b>3-horse</b> 505:14 581:17	<b>5th</b> 511:12	<b>A-D-A-M</b> 418:22	<b>acknowledge</b> 395:15
<b>3.4</b> 413:24	<b>6</b>	<b>a.m</b> 340:3	<b>acknowledged</b> 451:15
<b>3.5</b> 413:24	<b>60</b> 391:25 438:22 439:2 548:13	<b>a.m.</b> 340:1,5	<b>acquire</b> 412:8 577:1 579:18
<b>30</b> 433:23 442:10 500:15 502:3 506:6 551:8 558:17	<b>62</b> 536:11	<b>abandoned</b> 524:13	<b>acquired</b> 412:10 497:9,13 505:11 513:13 540:7,18 566:2 579:19 580:11
<b>30-mile</b> 442:14	<b>66-plus</b> 536:12	<b>ability</b> 350:8 363:13,16 371:17 373:8 384:1,2,4,8, 12,13 385:6,21 386:8 406:22 414:16 443:25	<b>acquisition</b> 497:14 532:14
<b>300</b> 482:21 483:3 537:12	<b>6th</b> 511:11,12	<b>absolute</b> 413:13	<b>acquisitions</b> 419:10
<b>300-plus</b> 438:20	<b>7</b>	<b>absolutely</b> 365:20 370:20 392:19 409:22 414:7 422:22 476:20 493:12 592:1	<b>acres</b> 498:12
<b>33</b> 521:6,7	<b>7</b> 356:19 504:13 509:23 558:13,14	<b>abstract</b> 523:17	<b>act</b> 409:25
<b>36</b> 354:23	<b>70s</b> 544:15	<b>abstractor</b> 523:19	<b>acting</b> 361:7
<b>393.130.1</b> 367:15	<b>7th</b> 573:22	<b>abundance</b> 464:11	<b>action</b> 354:25 356:4 357:7,8 361:4 372:3 376:8 395:10,20 401:17 417:4 474:16,17, 19 480:5
<b>3rd</b> 511:11	<b>8</b>	<b>accept</b> 511:5 514:5 578:18 590:9,10	<b>actions</b> 348:17 373:6 389:6
<b>4</b>	<b>80</b> 409:5 534:10	<b>acceptable</b> 350:17 529:16	
<b>4</b> 519:16 521:14 558:14	<b>80-years-old</b> 409:4	<b>accepted</b> 511:5	
<b>40</b> 433:23	<b>800</b> 516:20	<b>access</b> 448:1,4	
<b>41</b> 549:5	<b>80s</b> 544:15		
<b>418</b> 351:16	<b>85</b> 482:24 483:1		
<b>48</b> 356:19	<b>87</b> 534:11		
<b>4th</b> 349:22			

397:1,13 417:10 602:10 603:12	<b>addresses</b> 359:4 437:10 461:2	<b>affected</b> 361:5,6 512:6	<b>alarmed</b> 386:11
<b>activate</b> 530:14	<b>adequacy</b> 369:16, 18,22 450:1 467:8	<b>afford</b> 408:11,16 502:23 536:25	<b>alarming</b> 368:17
<b>activated</b> 500:7,20 515:23 518:14 519:4 524:23 539:4 566:10	<b>adequate</b> 344:4 347:11,14 350:9, 20,24 364:17 367:11,16 368:23 369:9,10,24 384:9 385:7 421:23 469:20 493:17	<b>agencies</b> 359:12 417:19	<b>algae</b> 446:19
<b>actively</b> 499:4	<b>adjourn</b> 605:21 606:21	<b>agency</b> 397:17,18	<b>alleging</b> 387:23
<b>activities</b> 387:6 406:11 513:4	<b>adjourned</b> 604:10 606:23	<b>agenda</b> 411:2 603:8,9,11,15,16, 21 604:5	<b>alleviate</b> 390:23
<b>activity</b> 388:2 513:9 518:15 526:5 537:22	<b>adjusted</b> 532:19	<b>aggregation</b> 559:7	<b>allowed</b> 377:2 386:8 405:24 519:5 547:13
<b>actual</b> 472:5 507:7 511:12 597:13	<b>admit</b> 432:17 548:8	<b>agree</b> 506:22	<b>alluding</b> 543:7
<b>adam</b> 342:9 343:8, 11,21 345:18 378:6 379:23 389:1 391:8 392:25 393:9 399:23 418:11,15, 22 495:1	<b>admitted</b> 341:6 351:7 352:9 424:12,14 427:8, 10 432:24 433:1 448:12,14 449:11 457:21 458:2,4 463:15 464:16,18 474:7,9 476:8,9 547:5,7 553:3,4 576:11,12	<b>agreed</b> 527:10 546:4	<b>altogether</b> 587:2
<b>Adam's</b> 342:15	<b>admitting</b> 351:23 424:8 427:4 432:20 448:8 457:23 463:10 473:19 547:1 552:24 574:9	<b>agreeing</b> 462:23	<b>Amanda</b> 586:12, 14,16 587:12 588:1,7 591:23,25 592:8 595:12,17, 19 596:8
<b>add</b> 472:7 526:14 550:12	<b>advised</b> 375:11 400:23 503:14	<b>agreement</b> 430:21 458:10 461:21 462:6 463:14 464:15 498:7 514:10 522:4,6,9 529:2 535:15 539:15 544:25 547:19 562:24 563:1 569:1 582:16 592:10,18 593:11,19,20 598:1,3 599:5	<b>amount</b> 405:15 407:16 429:15 439:18 450:12 467:2 505:21,22 543:4,13
<b>addition</b> 441:11	<b>advise</b> 375:11 400:23 503:14	<b>agreements</b> 462:7,8,9,10,19 463:14 464:16,23 468:19 508:21 528:5 545:3 553:13 565:6 596:22	<b>amounts</b> 430:22 462:11 486:3
<b>additional</b> 345:2 392:21 394:24 432:7,12	<b>advisories</b> 385:17	<b>ahead</b> 341:16 377:10 390:11 411:9 418:10,17 464:10 476:18 477:7,10 504:4 505:6 511:6,8,18 555:17 601:8	<b>analyst</b> 405:15 407:16 429:15 439:18 450:12 467:2 505:21,22 543:4,13
<b>additionally</b> 534:16	<b>advisory</b> 357:21 370:6,8	<b>air</b> 505:4	<b>analysts</b> 430:22 462:11 486:3
<b>address</b> 341:7 344:3 353:23 407:7 448:17 449:1 511:18 539:7 560:3,6 582:4 598:11 604:9	<b>affect</b> 512:7		<b>and/or</b> 443:9
<b>addressed</b> 386:16,17,21,23 417:8 480:23			<b>angry</b> 342:14 419:3 455:3

<b>apologize</b> 385:1 428:14	453:11	493:3,22 552:3	<b>attempting</b> 382:8
<b>apparent</b> 357:22 492:17	<b>appropriately</b> 366:1 372:5	<b>aspect</b> 440:14	<b>attendance</b> 360:6, 11 436:24 439:22 440:8
<b>apparently</b> 481:1 497:24 511:25 512:20 514:5 524:1 566:13 602:22	<b>approved</b> 467:21	<b>assessed</b> 396:10 455:18	<b>attended</b> 438:14
<b>appeared</b> 357:18 399:24 465:11 549:8	<b>approximately</b> 392:3 413:1,9 471:22	<b>asset</b> 407:9	<b>attendees</b> 360:17
<b>appears</b> 350:7 385:23 400:6 411:1 456:17 458:10 487:5 518:3	<b>April</b> 428:6 465:6 481:15	<b>assets</b> 394:16 410:12,14 412:8	<b>attention</b> 449:5 554:21
<b>applicable</b> 437:3 465:5 491:5 525:9	<b>aquifer</b> 368:5,7 372:14 397:9	<b>assigned</b> 421:8 441:9	<b>attentive</b> 469:15
<b>application</b> 349:14,21 352:7 353:16 400:25 406:13 411:9 549:2	<b>arc</b> 442:8,10	<b>assist</b> 394:24 556:2	<b>attentiveness</b> 443:24
<b>applications</b> 342:6	<b>arch</b> 442:9	<b>assistance</b> 367:20,21 375:7 421:6 543:1	<b>attorney</b> 356:11 389:21 399:23 400:22 408:10,13, 16 474:24 496:20 523:17,18 537:1 601:23
<b>applied</b> 400:11 465:8 518:7	<b>area</b> 370:2 388:10 402:21 507:19 512:3 523:2 540:25 544:1	<b>assisting</b> 567:15	<b>attorneys</b> 491:9
<b>applies</b> 568:24	<b>areas</b> 372:7 498:13 500:7 557:24	<b>associate</b> 526:5	<b>audit</b> 344:18 374:20 407:13 468:2,7,11
<b>apply</b> 385:24 402:7 406:13 429:3 522:10 557:8	<b>argue</b> 382:22	<b>association</b> 529:18 530:2 556:23	<b>auditors</b> 467:22
<b>appoint</b> 394:18 396:7	<b>argument</b> 605:7,8, 15	<b>associations</b> 391:8 529:20 545:6 553:14	<b>August</b> 349:20 354:8,25 355:15
<b>appointed</b> 394:15	<b>arisen</b> 416:24	<b>assume</b> 402:4 466:21 503:15 508:8 533:17 562:25 606:16	<b>authorization</b> 364:22 365:8 382:13,15 383:16 405:8
<b>appointing</b> 393:23,25	<b>arising</b> 459:25	<b>assumed</b> 482:13	<b>authorized</b> 364:19
<b>appointment</b> 355:11	<b>army</b> 375:9	<b>assuming</b> 391:25 475:24	<b>authorizing</b> 378:22
<b>approached</b> 360:2	<b>arranged</b> 363:23	<b>assumption</b> 413:23	<b>availability</b> 605:2
	<b>arrangement</b> 592:8 593:6	<b>attached</b> 351:11, 12 524:20 573:2	<b>avenue</b> 395:17 452:21
	<b>arrangements</b> 511:7	<b>attaching</b> 575:25	<b>avenues</b> 371:23
	<b>arteries</b> 534:13	<b>attachments</b> 432:14 574:9,18	<b>average</b> 441:2
	<b>articles</b> 528:19 574:24 575:5	<b>attempt</b> 420:24	<b>avoid</b> 387:21,23 404:2 498:8
	<b>artificial</b> 534:12	<b>attempted</b> 381:1 407:9	
	<b>Aslin</b> 415:10 417:21 423:22 429:23 444:17 454:17 458:5		

<b>aware</b> 363:19 404:15 412:13 416:10 485:24 486:12 503:22 509:9 516:14 592:16 602:18	<b>barely</b> 537:14	493:18	<b>Blevins</b> 340:8,9 342:20 343:3,14, 22 345:8,12,14,17 347:24 348:23 349:21 350:23 351:14,17,21 352:2,5,12,21 353:3,9,13,25 355:16,23 356:9 357:8 359:2,20 360:7,10,15 361:20 362:16 363:7 364:8,25 366:4 367:24 373:19 374:21 376:25 377:7,9,12 378:15 380:22,23 384:19,22 385:1, 5,25 390:2,20 392:7 393:1 395:6,25 396:25 399:7,10,17,22 401:22 403:6 404:15 407:1,11 408:5,8 409:15, 16,20 411:12,15 413:4,12 415:3,4 416:3,19 419:15, 25 420:13 421:2, 7,14,18 422:24 423:6,17,20 424:7,11 426:14, 22 427:3,6 428:5, 6,21 429:3,6 431:3,22,23 432:1,19,22 433:3,8 434:16 435:1 437:9,13,23 438:10 440:12 442:17 447:18 448:7,11 450:7,12 451:7 452:24 453:9,24 455:10, 24 456:17 457:1, 23 458:1,17 462:23 463:9,12 465:4,9 468:3,8,
<b>awful</b> 397:14	<b>base</b> 438:23 439:3 487:2	<b>believed</b> 343:24 400:7 413:1 486:20	
<hr/> <b>B</b> <hr/>	<b>based</b> 364:23 373:1 386:18 387:5 389:20 409:13 411:13 413:2 422:13,16 437:18 438:16,19, 25 455:15 461:9 472:1 490:9 491:20 493:13 520:11 568:3 594:10	<b>believes</b> 399:13	
<b>back</b> 353:8 361:21 379:8 418:3,4 421:17 432:6 453:4 480:3 481:7 487:16 488:22 492:7 494:7,25 501:18 507:3 510:4,12,21 511:9,13,15 512:12,13,19 518:2,7,12 519:3 520:3,22 525:13 529:25 532:24 542:10 543:8 544:15 554:5 557:21 558:18 564:22 565:4 577:11 578:22 584:6 590:11 604:24	<b>basic</b> 374:10	<b>believing</b> 520:24	
<b>backflow</b> 538:24	<b>basically</b> 388:2 397:1 426:6 430:9 442:6 452:19 498:7 499:18 507:25 513:14 518:16 533:1,13 535:15 558:25 580:14 604:1	<b>bench</b> 594:11	
<b>backup</b> 373:4	<b>basis</b> 429:22 441:12 477:19 498:6 537:6	<b>beneficial</b> 371:23	
<b>bacteria</b> 358:12 450:17 560:21	<b>Bear</b> 587:10	<b>benefit</b> 400:23 472:16	
<b>bacterial</b> 368:10 402:3,11,22	<b>began</b> 340:1 518:10	<b>big</b> 348:6 369:25 375:7 406:4 503:3 558:2 564:24	
<b>bad</b> 499:21,22 516:13	<b>begin</b> 348:19 497:8	<b>bigger</b> 505:14	
<b>Baker</b> 598:18,19, 21,22	<b>beginning</b> 343:10 431:8 434:13,25 453:24 496:16 497:8 503:1 506:24 518:5 537:16 564:23 584:2	<b>biggest</b> 451:21	
<b>balance</b> 588:13	<b>basis</b> 429:22 441:12 477:19 498:6 537:6	<b>bill</b> 368:21 373:1,2 379:5 380:20 404:12 426:25 481:2 489:25 562:15	
<b>bankrupt</b> 396:15	<b>Behalf</b> 496:12 605:16	<b>billed</b> 367:1 430:11	
	<b>behavior</b> 386:18	<b>billing</b> 348:25 393:5 413:4 517:5,6 543:13 595:15	
	<b>belief</b> 409:17	<b>billings</b> 498:5	
		<b>bills</b> 368:22 374:6, 23 380:9 414:18 422:11 426:21 492:18 543:2	
		<b>bit</b> 367:20 375:6 403:11 408:25 410:24 427:15 452:11 472:17 507:3 510:5 514:2 515:23 517:25 518:25 530:1	
		<b>blame</b> 517:22	
		<b>blend</b> 347:3	

16 470:13 471:2,8  
 472:16,22 473:18,  
 21,23 474:2,4,6,  
 22 475:8,13,25  
 476:3,13,18,21  
 477:2,4,10,14  
 478:3,10,19  
 480:12 488:7  
 490:8,10 492:18,  
 22 493:10,16  
 495:18 496:9,13,  
 25 497:3,6,7  
 500:18 546:15,17,  
 19,20,21,22,23  
 547:9 552:23  
 553:1 555:12,19,  
 24 556:8,12  
 557:2,9 560:6,14,  
 25 561:22 562:5,  
 11 563:15 569:9,  
 16,19 570:5,10,  
 12,18 573:14,19  
 574:2,8,12,20,23  
 575:2,8,11,16,20,  
 24 576:2,4,20  
 577:16 582:17  
 587:22 595:18  
 597:23 598:6,11,  
 16,19,21 599:8,13  
 602:2,6,11,15  
 603:4,20 604:7  
 605:5,19 606:11

**Blevins'** 346:8  
 363:13 370:25  
 374:15 411:4  
 412:15 420:5  
 429:16 435:5  
 439:23 444:6  
 454:14 461:10  
 466:17 472:2  
 488:24 489:24  
 493:7 547:2  
 552:7,19 556:18

**board** 467:1  
 544:14

**body** 534:23  
**boil** 357:21 370:6,  
 8 385:17  
**book** 407:14  
**boost** 555:23  
**bottled** 362:17,23  
**bottles** 561:1  
**bought** 520:14  
 570:17 588:17  
**box** 516:18,19,23  
 517:7 589:14  
**brand** 520:11  
**break** 406:15  
 417:24 476:16,25  
 477:5 494:21  
 522:12  
**breaking** 552:11  
**bridge** 601:7  
**briefing** 605:2  
**briefly** 428:8 433:4  
 576:21,23 591:22  
 593:5  
**briefs** 605:3  
**bring** 373:3  
**bringing** 449:4  
**broader** 446:22  
**broke** 368:1,16  
**broken** 368:8  
 402:1,18 598:8  
**brought** 497:17  
 544:17  
**Bryan** 604:2  
**build** 403:25  
 404:1,7,8 414:22  
**builders** 388:12  
**building** 405:21  
 517:18

**built** 348:10  
 369:25 380:15  
 387:19 498:8,11  
 535:17  
**bumped** 603:9  
**bunch** 414:23  
 464:22  
**burden** 567:9,10  
**burdens** 567:11  
**business** 340:9  
 361:10 365:7,21,  
 22,23 366:23  
 403:7 404:5,23  
 409:6,10 419:25  
 420:18,21,22  
 425:24 429:6  
 431:14,19 439:23  
 445:4,8 453:10  
 455:2 459:13  
 473:3 535:8,11,  
 13,16,23 536:5,7,  
 9 544:19 562:9  
 563:23 565:3  
 567:6  
**businesses**  
 366:20 391:5  
 407:12 535:11  
 536:4 572:7,9  
**buy** 370:24  
 412:14,15 565:17  
 567:22,23 569:24  
 588:18 593:8  
**buyer** 410:11,13  
 522:19 569:7  
**buyers** 533:21  
 567:16  
**buying** 558:10  
 570:4  
**bylaws** 528:21  
 575:12

---

**C**


---

**C-U-R-T-I-S**

341:21

**calculations** 374:6

**call** 341:8,10  
 377:16 389:14,15  
 399:1 407:5  
 418:10,11 422:9  
 426:8 429:1 436:7  
 441:5,11 442:25  
 446:2 470:3 476:4  
 478:20 480:2  
 490:19 505:21  
 517:6 519:12,23  
 521:1 522:5  
 534:10 540:6  
 541:18 543:22  
 546:17 573:23,24  
 592:13 599:9

**called** 379:7

402:13 408:3  
 427:22 437:22  
 511:24 525:22  
 582:15 589:6

**calling** 489:9,10,  
 13 505:8 581:9

**calls** 340:24

378:20 434:6  
 477:22 478:18,20,  
 21 480:1 489:5,6  
 490:15,20,23  
 544:6

**cancer** 534:18,25**cap** 368:4

**capable** 349:3,9  
 520:9

**capped** 368:2

**care** 362:4 397:16  
 508:5,22 513:8  
 517:15 534:16,17  
 536:3 538:23

544:9 566:4 567:5,6,7,10,11 <b>carry</b> 497:25 <b>Carthage</b> 584:17, 18 585:17 <b>case</b> 342:22 343:6 349:17,24 351:1, 2,3,15,16 352:4 354:8,17,18 355:20 356:16 364:13 375:12 378:15 382:12 387:14 388:6,7 394:13 396:7 411:4 419:12 424:10 432:15 453:16,24 464:6 465:1 466:14 467:24 474:11 475:3,4,11 495:23,25 496:11 497:2 508:23 515:19 552:12 561:2 576:22 603:14,17 605:18 <b>cases</b> 342:17 343:21 344:2 357:6 370:22 388:8 396:13 397:2 470:16 498:23 <b>casing</b> 402:2,18 541:3,20,24 542:2 <b>catastrophic</b> 363:2 402:5 <b>category</b> 507:22 601:13 <b>caused</b> 557:14 <b>CCN</b> 349:15,24,25 350:2 351:2,3,15, 25 352:4,7,14,24 353:14,15 354:17 390:24 400:12	404:23 410:20,21 411:25 429:3 465:8 537:2 549:2,3 600:22 <b>center</b> 524:21 <b>centralized</b> 387:9 <b>certainty</b> 413:14 <b>certificate</b> 343:4, 25 348:22 349:20 352:1 364:22 377:3 378:21 528:15,16 575:5 <b>certificated</b> 370:2 <b>certificates</b> 349:6 571:17 <b>certified</b> 361:13 414:1 415:5 430:19 <b>cetera</b> 365:10 525:7 534:24 544:12,18 594:24 <b>chair</b> 390:6,10,11, 13 397:21 416:13 496:15 <b>chance</b> 349:5 436:22 468:21,22 <b>change</b> 368:15 379:12 383:24 404:23 406:11 533:9 536:2 559:18 <b>changed</b> 359:23 377:4 518:9 <b>changing</b> 465:2 <b>Chapter</b> 350:10 374:13 <b>characterize</b> 359:16 <b>charge</b> 347:18 377:2 382:18 406:12 432:12	443:18 453:25 514:22 548:11,24 550:25 596:2,18 <b>charged</b> 344:6,15 357:17,24 393:19 403:2 422:7 435:2 486:22 502:15 <b>charges</b> 421:25 423:12 432:7 467:11 471:9,10 <b>charging</b> 361:8 365:6 392:8,12 399:18 405:1 421:20 423:17 431:24 432:4 434:23 465:13 466:6 467:1,3,14 548:9 550:4 551:17,20 594:18 <b>Charity</b> 340:11 441:25 487:21,23 489:3 500:20 515:21,24 519:9, 10,21 521:1,5 528:17 529:24 530:17 531:19 532:4,20 533:18 537:20 557:22 558:13 571:17 586:18 587:7,8 588:23 <b>cheaper</b> 560:23 <b>cheapest</b> 403:3 <b>check</b> 419:13 509:10 553:10 591:3 <b>checked</b> 435:5 <b>cheese</b> 372:12 <b>Chicago</b> 585:22 <b>children</b> 362:3 <b>chlorine</b> 402:13, 19	<b>choice</b> 417:16,17 510:14 560:10 <b>chooses</b> 374:8 405:2 417:9 <b>choosing</b> 350:13 376:17 <b>circles</b> 569:12 <b>Circuit</b> 355:10 <b>circumstances</b> 380:3 421:5 486:16 <b>cite</b> 378:23 <b>cities</b> 406:4 <b>city</b> 414:23 <b>civil</b> 407:7 <b>claim</b> 480:18,19 486:5,24,25 489:20 <b>claimed</b> 435:2 437:24 454:4 479:10 480:21,22 482:3 512:17,24 <b>claiming</b> 459:23 <b>clarification</b> 391:18 <b>clarifies</b> 399:8 <b>clarify</b> 478:12 480:7 594:15 <b>clarifying</b> 428:19 <b>Clark</b> 340:2,13 341:3,5,11,15 351:8,10,14,18,21 352:6,17,25 353:5,8,21 354:1, 9,12,16 355:16,25 356:21,24 377:7, 10 384:19,23 390:5,11 397:23 398:2 411:11,16 415:11 417:22
---	---	--	---

418:2,9,12,16  
 424:1,7,12,17,23  
 425:7 427:3,7  
 428:11,15,18  
 432:19,23 448:7,  
 12,22 449:3,8,11  
 457:22 458:2  
 463:9,13,22  
 464:2,7,10,14  
 471:18 472:9  
 473:13,16,18,22,  
 24 474:5 475:8,  
 14,21,24 476:4,7,  
 13,20,22 477:3,6,  
 12 478:5,13  
 488:10,13 490:7,  
 11 494:20,24  
 495:5,11,16,19,25  
 496:4,6,9,14  
 497:1,4 500:16  
 546:15,20,22,25  
 547:4 548:4  
 552:11,16,23  
 553:2,7 555:11,  
 16,21 556:5,10,  
 13,25 559:3,24  
 560:11,22 561:3,  
 13 562:2,8 563:6,  
 11 569:13,18,21  
 570:7,11,15  
 571:4,11 572:2,9,  
 12,20 573:1,7,11,  
 14,23 574:5,8,14,  
 17,20,25 575:9,  
 14,18,21,25  
 576:3,6,9,16,18,  
 20 577:19 582:7,  
 9,11,19,25 587:23  
 594:7 595:13  
 597:21,25 598:4,  
 7,10,13,17,20,24  
 599:8 601:25  
 602:4,7,14 603:3,  
 22 604:8,13,16,  
 21,24 605:20,25  
 606:5,8,14,19

**class** 504:8,11,14,  
 22 505:5  
**classes** 504:16  
**classified** 419:2  
**clause** 592:4,6  
**clean** 363:24  
 411:7 568:24  
**cleaned** 451:5  
 488:16,18  
**cleanliness** 443:3  
 449:21  
**clear** 344:1 348:21  
 349:2 390:19  
 399:24 439:9  
 481:11 498:3  
 499:18 531:1  
 572:13,18 594:19  
**cleared** 499:1  
**clever** 404:4  
**clickable** 604:6  
**clients** 559:8  
**Clos-versailles's**  
 495:22  
**close** 373:13  
 483:3 537:5  
 599:15  
**closed** 513:7  
**closer** 410:23  
 447:24 555:25  
**closes** 513:2  
**closing** 547:13  
 605:7  
**coffers** 523:2  
**coincided** 427:18  
**colder** 485:9  
**Cole** 355:11  
**Coleman** 563:11,  
 14 569:8,11,14,20

**coli** 358:11 559:15  
 560:21  
**collapsed** 580:21  
**collect** 532:13  
 596:7,10,19  
**collected** 380:17  
**collection** 595:20  
**collector** 453:17,  
 21  
**collector's** 454:5,  
 6,10,24 455:14  
**combined** 500:8  
**comfortable**  
 558:19  
**comment** 481:13  
 484:23,24 486:22  
**comments** 477:20  
 482:17 484:14  
 485:18  
**commission**  
 340:7 341:25  
 342:8 343:4  
 344:17 346:19  
 351:5,25 352:10  
 353:10 355:8,17,  
 25 357:11 365:9  
 367:10 371:9  
 375:21 376:4  
 378:13 390:6,8  
 393:14,23 394:4  
 395:10 396:8  
 397:24 398:6  
 403:24 405:17  
 411:1,17 412:5,7  
 418:25 421:11  
 430:7 436:9  
 446:13 451:3  
 454:20 467:19  
 475:14 488:10  
 496:23,24 503:15  
 508:13 518:19  
 529:9 531:9 534:1  
 536:18 537:3,9

539:9 545:7  
 546:3,5 548:5  
 553:24 555:12  
 565:21 566:22  
 571:6 573:24  
 575:22 576:7,9,12  
 594:11 599:11,12,  
 16,21,23 600:13  
 601:16 602:24  
 603:7,11,13  
 605:10 606:10,11,  
 12,20  
**Commission's**  
 355:19 425:23  
 446:14  
**commissioner**  
 555:14,16,18,22,  
 23 556:4,6,14,17  
 557:2 559:4,5  
 561:4,5,13 563:6,  
 8,11,14 564:1  
 569:8,11,14,20,22  
**commissioner's**  
 559:24  
**commissioners**  
 340:16,18 572:14  
**committees**  
 544:16  
**common** 378:2  
 387:15 439:15  
 485:16 486:9  
**communication**  
 490:25 579:2  
**communications**  
 343:1 346:11  
 403:5  
**companies** 342:7,  
 18 348:24 349:2,7  
 350:18 361:10  
 362:24 363:3,18  
 366:10,16,25  
 367:2 369:7  
 371:4,17,19



<p>373:7,17,22 374:1,9 375:3 377:24 380:8 409:8,19 414:19, 25 417:13 419:13 449:19 469:6 516:21</p> <p><b>company</b> 343:3 349:6 350:12,13, 19 352:16 357:18 362:20 363:19 364:6 365:7,13, 17,21,24 366:5 370:2 371:10,13, 15 372:1,24 374:4,5 375:5,8,9, 15,23,24 376:11 377:3,25 378:22 379:4,7,8,12,18 380:14,17,19 382:13 384:10 393:13,15 394:17, 19 395:14 396:14 400:20 409:23 411:5,23,24 412:1,4,5,13 414:8 417:6,9 419:25 420:5,6 467:20 471:14 479:16 481:6 489:24 492:8,10 498:14 516:9 517:19 530:15 543:8,16 549:11 569:5 583:9 599:4</p> <p><b>compare</b> 472:13</p> <p><b>compared</b> 374:16 441:1 449:18 456:9 472:11</p> <p><b>comparison</b> 374:18</p> <p><b>compel</b> 389:22</p> <p><b>compiling</b> 343:21</p> <p><b>complain</b> 397:17</p>	<p><b>complained</b> 381:12 481:24 513:22</p> <p><b>complaining</b> 370:12 426:17 446:6</p> <p><b>complaint</b> 349:13 357:6 364:12 367:8 370:10,22 374:12 375:19 376:2,3,9 377:21 378:12,14,17 393:6 396:7 398:4 403:18 405:6 416:19,23 417:17 426:5,9 432:14 446:8 478:1 479:2,3 481:4 489:6,7,12 605:18</p> <p><b>complaints</b> 342:8 346:1,13 348:19, 25 350:21 362:9 377:15,17,19 378:1,18,19 379:2 381:6 382:6 389:2,9,11 397:15 398:21,24 403:21 419:9 425:12,14, 15,17 426:3,13, 18,19,20 427:12, 20 428:4 429:10 433:18 436:6 438:5 439:15 452:22 466:8 469:5,17 477:20 478:14,17 479:10, 16,18,22,24 480:10 487:1,2 491:11,13 493:5 509:11 513:21</p> <p><b>complete</b> 400:16 437:13 471:25 518:1 519:5</p> <p><b>completed</b> 506:16,17</p>	<p><b>completely</b> 444:7, 11 447:4 448:3 513:7</p> <p><b>completes</b> 410:25</p> <p><b>compliance</b> 342:1 361:12</p> <p><b>compliant</b> 404:1</p> <p><b>complicated</b> 533:8</p> <p><b>complications</b> 501:17 538:10</p> <p><b>comply</b> 350:10 389:22 406:21 417:9</p> <p><b>complying</b> 347:12,13 349:3, 4,9 367:24 378:25</p> <p><b>comprised</b> 541:15</p> <p><b>computer</b> 374:3, 10</p> <p><b>concern</b> 368:24 398:14 443:17,21 449:23 450:13 457:14,15 492:11, 16,20,21</p> <p><b>concerned</b> 343:2 358:5 367:10 466:5 492:14 580:16</p> <p><b>concerns</b> 346:24 358:16 359:14,15, 16 360:1,7 369:1, 2 443:4,5 449:14, 16 450:7 469:11 484:7,9 493:13 514:4</p> <p><b>concluded</b> 340:21</p> <p><b>conclusions</b> 382:4</p> <p><b>concrete</b> 444:8 589:4,7</p>	<p><b>condition</b> 498:18 507:7 508:1 520:2 538:3 600:5</p> <p><b>conditions</b> 358:9 444:7 528:7,9 534:12,13</p> <p><b>conducted</b> 436:1 529:23</p> <p><b>conducting</b> 342:16</p> <p><b>conducts</b> 342:17</p> <p><b>confidence</b> 497:19,24 544:8</p> <p><b>confidential</b> 371:8 425:5 427:2,8 430:2 432:24 448:19,21 449:2,6 463:17,25 464:8, 12,15 606:2</p> <p><b>conflict</b> 410:9</p> <p><b>confused</b> 391:21 426:24 563:24</p> <p><b>confusion</b> 344:24</p> <p><b>connect</b> 541:13,21</p> <p><b>connected</b> 370:1 413:7 509:6 526:6 558:13 561:16,20</p> <p><b>connection</b> 523:23 527:19,23 541:2,16 542:5 551:6 557:23</p> <p><b>connections</b> 348:6,10 438:19 446:21 447:25 467:2 470:14 482:24 483:2,7 500:10,14,23 517:25 519:11,15, 17,20 520:18 521:4,16 522:13, 16,21 525:25 526:14,16 527:1,</p>
--	--	---	--

16,20,25 528:1 532:17,20 537:12, 15,21 539:23 540:2,3,4 549:18, 22 550:13,17,18 551:3,7 557:4,16, 21 558:21 559:17 567:7 577:5,10, 12,20 581:20,21, 22	<b>contacted</b> 346:8 398:6 433:25 434:3 452:20 453:12,21 454:5 501:4 <b>contacts</b> 389:9 <b>contaminants</b> 347:17 369:19,20 <b>contaminate</b> 372:14 <b>contaminated</b> 357:21 358:11 372:10,12 386:10 388:20 401:2 <b>contamination</b> 347:15 368:4,9,10 397:8 401:14,23 402:3,12,22 523:2 559:20 <b>contemplating</b> 504:14 <b>contempt</b> 395:22 <b>continue</b> 405:2 406:7,12 441:11 510:3 532:12 533:17 535:11 539:5 545:1 547:18 555:7 561:10,19 567:12 601:14 <b>continued</b> 506:19 524:18 <b>continuing</b> 545:13 590:10 <b>continuously</b> 441:8 454:2 469:24 <b>contract</b> 359:24 414:10,24 501:19 504:15 509:17 579:25 583:25 586:4 592:2 593:1	<b>contractor</b> 407:5 501:7 507:16 517:11,12,19 527:8 579:19 <b>contractors</b> 497:18,22 498:8, 11,19 500:1 507:5 508:22 515:12 517:15,18 520:7 524:21 535:16 544:8 545:4 564:13 566:6 570:21 593:6,8 594:6 598:17 601:4 <b>contracts</b> 359:18 <b>contractual</b> 544:25 <b>control</b> 401:23 421:22 497:12 500:2 516:18,23, 25 521:2 544:23 564:25 583:7 589:14 591:4 <b>convenience</b> 352:1 <b>convenient</b> 394:12 <b>convening</b> 460:20 <b>conversation</b> 345:1 509:4 <b>convey</b> 460:13,15 547:16 <b>cook</b> 362:1 <b>cooperated</b> 359:2 <b>copies</b> 341:1 472:8 574:21 575:16 576:15 <b>coppers</b> 505:18 <b>copy</b> 571:20 573:12 575:3	576:2 <b>corporation</b> 361:8 395:14 404:22 <b>corral</b> 367:2,6 420:10 <b>correct</b> 349:16 351:11 354:10,20 357:22 361:3 370:17 397:20 398:6 401:3,4,8,9 403:15,16 405:20 408:23,24 412:2 413:23 414:3 416:6,7,16,17 418:7 425:21 426:12 432:16 438:10 442:19 445:5,9,19 452:6, 9 454:25 455:21 457:12,13 458:21, 24 460:3 461:16, 17,25 462:3,4 463:2,6 467:15,17 468:12 471:2,3 472:3 479:21 482:21 489:15 491:22 494:3,10 495:3 496:6 500:15,18 520:6 527:9 537:9 538:12 550:24 551:2 561:12 564:13 568:10,17, 18 575:1,10 577:8,10 578:11 579:3,11,14 580:7,22 582:20 583:11,16 588:8, 10,11,24,25 589:8 590:16 591:2,7,16 592:9 593:3 598:23 602:12 604:2 <b>corrected</b> 384:11 487:9 501:11 543:15 564:23
---	---	--	---

<b>corrective</b> 372:2 389:6 397:1	526:18 544:16,17 558:25	<b>cross-examined</b> 356:9 475:12 552:2,5	363:9 364:7 366:24 368:13 369:17 370:1
<b>correctly</b> 556:24 578:21	<b>couple</b> 340:22 361:20 434:14 436:14 479:12	<b>cryptosporidium</b> 358:15	372:6 374:11,22, 23 375:8,9 376:1 379:3,6,16 380:17
<b>correspond</b> 451:8	499:5 540:13 584:7 593:24	<b>culminating</b> 375:19	381:12 382:6 383:19 385:16 387:13 389:2,13
<b>Corvair</b> 586:1,3	<b>coupling</b> 541:13	<b>curious</b> 395:2 403:22 559:6	391:23,24,25 392:1,4,23 393:4 398:23 401:2
<b>cost</b> 376:18 414:20 422:15 502:11,13 513:25 514:12 516:4 531:21 532:16 557:18,25 558:2, 15 560:17 561:23 562:1,6	<b>court</b> 355:11 386:12 393:24 394:18 395:19,22 577:14 587:20	<b>current</b> 340:5 386:20 480:9 519:5 520:2,21 585:13,14,15	402:23 412:20,23, 25 413:2,3,14,17 414:19 420:14 421:25 422:2,20
<b>costing</b> 542:14	<b>court-appointed</b> 375:23	<b>curt</b> 341:10,14 418:5	423:19 426:7 427:22 429:5,15, 18 430:17 431:12
<b>costly</b> 505:19	<b>courthouse</b> 545:17 581:4	<b>Curtis</b> 341:21 418:5	433:10 434:14 435:18 436:21 437:11,16,19,20
<b>costs</b> 380:15,16 414:20 467:23 509:23 513:23 514:24 515:7	<b>courts</b> 394:15	<b>customer</b> 342:8 344:20 346:1,12 350:10 362:9 370:9,10,12 374:12 377:17,19, 20 378:8,10,14 379:20 381:1,6, 10,22 391:19,22 392:6 398:21 403:20 422:10,16 425:12 426:2,13 430:10 435:13 437:9,10,13 438:9,18,23 439:3 445:11,18,25 447:1 461:10,11 468:18 478:1 479:18 480:22 482:2 485:5 487:2	441:11 443:23 445:21 446:5 449:15 450:11,16 451:7 452:9,20,21 457:18 459:6,23 462:17 463:23 467:1,4,16 468:1 469:9,23 477:23 478:18 479:23 480:18 481:5,24 482:19,21 484:5, 7,10 485:6,11,14, 19 486:18 489:6 490:6 492:1,8,15 493:5 494:11 498:19 502:14,22 548:9 551:9 561:11 594:18 596:3
<b>counsel</b> 355:10	<b>covenants</b> 529:3	<b>customer's</b> 486:24	<b>customers'</b> 359:4 407:8 438:8 449:25
<b>Counsel's</b> 595:14	<b>cover</b> 345:4 362:17 448:19 576:24	<b>customers</b> 344:5 345:15 346:2 350:16 357:17,19, 20,24 359:2,5,25 360:12,14 362:11	<b>cut</b> 492:5
<b>count</b> 364:15,17 367:7 564:23 590:24	<b>covered</b> 510:20 547:10		
<b>counties</b> 414:13	<b>crack</b> 541:8		
<b>counting</b> 412:24 413:5	<b>cracked</b> 516:11		
<b>counts</b> 364:13	<b>create</b> 600:11		
<b>county</b> 348:4,16 355:11 372:9 373:10,16 387:8 393:3 399:14,16, 19,20 414:12 435:5,15 438:4 451:11,14 452:5 453:12,17 454:6 457:24 461:9 482:8 491:20 493:9,15 498:15 523:8 525:15	<b>created</b> 388:23 600:9,11		
	<b>credit</b> 533:1,16 538:5		
	<b>credited</b> 532:23 595:19		
	<b>creditors</b> 394:2		
	<b>critical</b> 364:6		
	<b>cross-examined</b> 474:21		
	<b>cross-examination</b> 377:11 411:13 477:13 548:4,6		

<b>cutting</b> 395:7	<b>deals</b> 400:5 435:11 459:24	462:1,2,5 464:22 568:7,9,16 582:12 589:17 591:24 597:6,7,9,16	599:20 600:2,9 602:23
<b>D</b>	<b>dealt</b> 362:25 559:20 599:5	<b>deep</b> 372:14 468:11	<b>depend</b> 416:25
<b>daily</b> 534:20	<b>December</b> 343:1 346:12 398:5	<b>defunct</b> 394:17	<b>depending</b> 350:22 362:6 369:24 377:21 516:21
<b>Dalten</b> 340:21	<b>Decemberish</b> 346:9	<b>degree</b> 369:4 397:6 404:24	<b>depends</b> 446:7 469:19 533:19
<b>damage</b> 517:8	<b>decide</b> 378:11 536:22	<b>delays</b> 519:1	<b>depict</b> 446:25
<b>danger</b> 457:17	<b>decided</b> 396:3 436:12	<b>delinquency</b> 457:4,11	<b>describe</b> 384:9 386:4 422:11 437:4 442:22 443:1 452:17,18 461:15 469:18 472:3 527:4
<b>data</b> 470:15,19,24 471:1,6 473:22 553:12	<b>decides</b> 536:24	<b>delinquent</b> 456:2	<b>describes</b> 381:18 582:23
<b>date</b> 355:2 399:6 457:6 511:13 577:25	<b>deciding</b> 366:2 373:15 376:21	<b>deliver</b> 547:11	<b>describing</b> 507:25 544:11
<b>dates</b> 431:5	<b>decision</b> 396:23 404:18	<b>delivered</b> 388:20	<b>description</b> 461:6, 14 507:21 508:25 520:6,8 545:18 564:21 570:23,25 571:2 579:17 580:13 581:1,3 584:24
<b>day</b> 340:5,14,17 362:8,10 429:2 499:16 513:14 538:20 542:14,20	<b>decision-making</b> 534:2	<b>demand</b> 388:19	<b>descriptions</b> 564:16 570:22 593:23
<b>day-to-day</b> 534:5	<b>decisions</b> 603:12	<b>demonstrate</b> 366:1 385:21 386:7	<b>designated</b> 466:3
<b>days</b> 361:20,24 362:10,19,21 410:23 434:15 469:22 484:23 485:1,7,9,25 486:15,16 502:3 505:1	<b>declaration</b> 529:1 575:13	<b>demonstrated</b> 371:17 373:8 386:19 407:16 415:6	<b>designed</b> 372:5 387:16
<b>DBA</b> 420:1	<b>decreased</b> 434:6	<b>demonstrates</b> 363:16 406:14 492:22	<b>desire</b> 498:20
<b>deadline</b> 511:9 535:4 602:9,12	<b>deed</b> 393:1 482:12 507:10,11,13,15 510:23 511:1,3,5 515:14,17 527:3,5 544:25 564:19,20, 21 568:11,14,24 569:2,5,17,25 570:1,12,13,16 571:1,2 578:13,19 579:1 580:13 583:19,21 584:25 585:1,4,5 589:2,3, 4,20,22,25 590:2, 6,8 591:7,8,9 592:3 595:1,2,3 597:10,14,19 599:2	<b>demonstrating</b> 399:12	<b>destroyed</b> 535:1
<b>deadlines</b> 534:7 535:3	<b>deeds</b> 461:19,24	<b>denial</b> 350:2	<b>details</b> 345:3 400:24
<b>deal</b> 367:18 382:19 402:11 545:10 549:6 558:20 579:25 600:21		<b>denied</b> 548:24	<b>determination</b> 466:4
<b>dealing</b> 342:17 346:1 395:13 398:10 401:14 450:17 528:12		<b>denying</b> 350:1	<b>determine</b> 380:10, 13 382:19 384:2, 3,5 385:7 387:3
		<b>department</b> 342:2 426:11 491:12 516:1 518:13 519:14,16,18,21 522:3,8 526:13 528:5 529:8 531:8 536:17 538:4,14 539:1 548:14,18 558:4,25 560:20	

388:1 389:23 440:15 467:23 482:6 484:9 488:6 <b>determined</b> 515:7 <b>deterrent</b> 376:16, 21 396:11 403:13 404:14 405:18 406:16 <b>deterring</b> 405:20 <b>developer</b> 393:13 <b>developers</b> 348:8 387:8 403:25 404:6 593:14,15 <b>development</b> 387:15 <b>difference</b> 375:8 447:21 466:21 475:25 527:8 <b>differently</b> 375:4 412:24 <b>difficult</b> 392:18 423:1,4 464:25 488:6 518:20,21, 22 531:13 534:6,8 545:9 603:23 <b>difficulties</b> 599:19 <b>dig</b> 452:2 <b>digital</b> 469:2 <b>dilapidated</b> 449:20 <b>dilapidation</b> 443:2 <b>Direct</b> 341:17 418:18 496:21 497:6 <b>directing</b> 355:9 <b>direction</b> 408:23 <b>directly</b> 360:10 469:9 470:2 480:1 489:9,10,13 510:24 526:19	596:20 <b>dirty</b> 443:2 448:1 <b>disaggregate</b> 556:20 557:6 <b>disaggregating</b> 559:9 <b>disagree</b> 415:2 433:6 <b>disaster</b> 363:5 <b>disbelieve</b> 382:1 <b>disconnected</b> 561:15 <b>discontent</b> 436:21 446:2 <b>discount</b> 493:5 530:21,22 532:2, 3,10 533:13 <b>discover</b> 508:10 <b>discovered</b> 415:24 532:8 540:22 <b>discovery</b> 399:11 <b>discuss</b> 343:23 361:22 450:6 <b>discussed</b> 343:19 344:1 360:8 371:12 395:24 396:3 409:7,10,11 422:10 435:22 491:24 605:1 <b>discusses</b> 367:15 603:11 <b>discussing</b> 374:23 375:11 <b>discussion</b> 344:22 419:20 603:17 604:23 <b>discussions</b> 345:2,6 357:15 358:2 360:12	416:18 485:14 <b>disinfect</b> 363:24 <b>disinfection</b> 347:1 372:7 385:14 388:19 402:4,8, 15,23 403:4 <b>dispersed</b> 404:2 <b>disposal</b> 393:20 <b>dispose</b> 394:16 <b>dispute</b> 378:2 <b>disrepair</b> 442:25 <b>distance</b> 542:2 <b>distribute</b> 356:25 540:9 <b>distributes</b> 596:21 <b>distributing</b> 362:23 559:22 <b>distribution</b> 372:18 387:10 443:10 446:18 507:8 523:13,22 524:20 526:17 538:25 <b>distributions</b> 564:17 <b>district</b> 373:11 451:11,14 453:14 523:8 524:10 526:18 <b>districts</b> 544:17 <b>divide</b> 414:20 <b>DNR</b> 343:1 346:7, 16,20,22,23 347:7,12,19,22 348:5,7,9 349:4 359:1 360:19 361:1,2,16 367:16,17 369:15 370:5,6,15 372:4, 7 381:17 383:9,13	387:5,11,14,21 388:9,18 389:3,9, 14,15,19 397:10 398:5,20 399:3 401:15 402:8,12, 15 403:5,19 404:1,2,3 406:2 413:23 417:4,7,19 421:6 427:16 430:19 440:2,6,7, 10 442:3,18 447:17 451:4,10 452:11,14,22 453:6 465:20,22, 24 466:3,4,11,20, 22 467:7,13 472:5 481:22 483:6 488:17 493:9,15 500:6,11,19 501:6,10 502:6,8 503:14 505:9 506:13,18 508:12 511:24 515:22 517:4 519:4 520:18 521:12,14, 20 522:17 523:1 525:12 526:25 527:14 528:20,22, 23 530:4,11 533:22 537:9 539:11 540:9 547:18 549:19 550:23 557:4,6,8, 13 559:15 560:2, 24 566:7,20 568:2 586:25 589:12 601:18 602:9,17 <b>DNR's</b> 369:2,13 387:17 409:14 417:7 474:7 522:14 559:22 <b>DNR-REGULATED</b> 466:8 <b>DNRS</b> 472:2 <b>doctors</b> 535:5
---	---	---	--

<b>document</b> 352:23 426:5 434:19 457:8 460:24 461:3,8,13 470:8 472:6 507:12 515:17 520:16 523:16,19 526:16 545:16,21 546:1 570:19 580:8,11 582:14 583:14 594:22 597:18,21 598:14	<b>double</b> 368:22 553:10 591:3	396:5,24 435:10 451:2 462:10 525:1 534:5 563:18 568:8	<b>elevation</b> 452:2
<b>documentation</b> 398:25 423:11,16 429:13 433:19 477:19,23 478:14 514:9 523:11 539:2 553:13,20	<b>dozens</b> 360:2	<b>early</b> 377:1 417:17 543:11	<b>eleven</b> 519:19
<b>documentations</b> 529:6	<b>drama</b> 563:20	<b>easement</b> 544:1 589:23 590:14	<b>eligible</b> 394:19
<b>documents</b> 353:18 423:20 429:15 430:14,23 431:5,10 432:13 433:3,9 434:17 454:21 456:16 458:8,18 459:16, 17,19 460:1,4,9, 14 461:20 462:7, 10 467:22 468:17, 19 470:9 482:23 495:7 545:14 554:8 580:6 582:8 586:12,13	<b>draw</b> 442:8	<b>easements</b> 372:17 411:7 507:8 564:16,18	<b>eliminate</b> 526:20 527:12 533:6,7 561:1
<b>dollar</b> 430:22 462:11	<b>drinking</b> 347:13 369:20 387:17 405:23 414:14	<b>easier</b> 416:9	<b>eliminated</b> 527:19
<b>dollars</b> 502:16,17 509:25 510:1	<b>drive</b> 414:24	<b>easily</b> 447:6	<b>else's</b> 502:21
<b>Don</b> 598:19,21,22 599:2	<b>driveway</b> 378:4	<b>easy</b> 448:1,3 506:4	<b>emergency</b> 357:16 373:3 395:16 481:7 492:9 554:15
<b>door</b> 404:16 423:1 437:2 447:8 600:14	<b>driving</b> 415:12	<b>economic</b> 369:5	<b>emergent</b> 368:17
	<b>drop</b> 340:16	<b>effect</b> 390:22 449:24	<b>emphasis</b> 406:3
	<b>DRS</b> 496:7 554:4,7 555:4,8	<b>effective</b> 404:14	<b>employ</b> 403:8
	<b>dry</b> 535:18	<b>effort</b> 361:9 387:25 408:23	<b>employed</b> 341:23 418:23
	<b>DS-I</b> 502:25 503:11,19 504:7, 9,16 505:5	<b>efforts</b> 394:8 406:5	<b>employee</b> 343:9 462:22
	<b>due</b> 370:7 385:17 430:19 445:21 480:12 492:5 554:5,8 605:4	<b>eighteen</b> 447:14 451:3	<b>employees</b> 600:10
	<b>dug</b> 523:3	<b>eighty</b> 540:24	<b>empowers</b> 367:15
	<b>duties</b> 342:4,13 419:5 445:3	<b>elderly</b> 534:10	<b>enclosed</b> 444:8
	<b>duty</b> 593:16	<b>elected</b> 389:18	<b>end</b> 348:18 404:11 405:11 467:24 505:8 527:6 529:15,16 531:22 544:10 569:15 599:12 603:5
	<hr/> <b>E</b> <hr/>	<b>electric</b> 380:20 562:16	<b>ended</b> 375:18 497:9,20 515:12 540:8
	<b>e-mail</b> 399:1 448:17,25 449:1 480:2 490:25	<b>electrical</b> 446:21 481:6 491:24 492:17 516:9 540:13,16 543:2, 8,16 562:15	<b>endorsing</b> 393:24
	<b>e-mails</b> 378:20 478:18 491:4	<b>electricity</b> 481:2 489:25 492:12	<b>enforce</b> 347:19
	<b>earlier</b> 395:1	<b>electronically</b> 573:16	<b>enforced</b> 518:24
			<b>enforcement</b> 387:6 388:6 406:5
			<b>engage</b> 360:10
			<b>engineer</b> 403:8

407:7	<b>evaluating</b> 347:10 411:6	<b>exhibit</b> 341:1 351:7 356:17,18, 22,25 357:4 423:23,24 424:12, 14 425:2,3,5,9 427:1,2,4,7,10 429:24,25 430:2 432:17,20,23 433:1 444:18,19, 21 448:5,9,12,14, 16,25 449:1,5,12 454:18,19 457:21, 23 458:2,4,6,7 463:7,10,13 464:14,18 470:4, 5,6 471:19,25 472:7 473:12,19 474:5,9 475:5,20, 22 476:1,5,7,9 496:5 546:16 547:1,5,7 552:10, 17 553:2,4 571:21 573:9,17,24,25 575:22 576:9,12 581:25 582:15 606:12	<b>expand</b> 410:21 471:7
<b>engineers</b> 342:5 403:1	<b>evaluations</b> 347:21	<b>expanding</b> 370:3	
<b>enrolled</b> 430:18	<b>event</b> 416:3	<b>expect</b> 363:18 389:4 414:6 444:2,3,4,13 453:20 464:24 472:21,25 485:8 601:15,17,18,20	
<b>ensure</b> 362:22	<b>events</b> 385:18	<b>expectation</b> 358:7 578:14	
<b>entered</b> 356:12,16 416:15 424:5,19, 20 427:2 448:6 449:7 463:8 474:24 475:4,18 546:5 552:8,22	<b>eventually</b> 372:25 395:25 449:24 483:17	<b>expectations</b> 345:24 361:14	
<b>enterprise</b> 440:16	<b>evidence</b> 351:7 352:10 356:11,12, 17 375:1 385:9, 11,14 388:3 424:6,10 427:5 432:18 448:6 463:8 474:24 475:4 552:9,22 573:4,5 605:9 606:1	<b>expected</b> 514:3	
<b>entire</b> 360:1 557:9	<b>evident</b> 519:2 566:12	<b>expecting</b> 438:24 464:21	
<b>entities</b> 367:18 420:21,23 451:9	<b>evidentiary</b> 340:6 352:18	<b>expects</b> 462:24	
<b>entity</b> 344:15,17 346:17 365:25 366:23 370:24 373:15 384:10 405:2 420:18 431:1,2 583:13	<b>evolved</b> 600:5	<b>expedited</b> 355:13	
<b>equipment</b> 363:2 402:9 444:10	<b>exact</b> 388:10 470:22 577:25	<b>expenses</b> 375:13 506:12 513:11,12, 18 535:22,24 548:14,15 563:3	
<b>essentially</b> 557:3 578:25 599:10 605:15	<b>Examination</b> 341:17 411:20 415:9 418:18 490:12 493:2,23 496:21 497:6	<b>expensive</b> 404:10 414:10	
<b>establish</b> 372:17 399:9 493:9	<b>examples</b> 362:25	<b>experience</b> 345:23 383:22 387:5,22 409:14 415:23 438:25 446:4	
<b>establishing</b> 344:19	<b>excavated</b> 512:3	<b>experienced</b> 396:21	
<b>estate</b> 454:22 457:24 544:13	<b>excess</b> 499:3 516:4	<b>experiences</b> 359:9 529:21	
<b>estimate</b> 366:3	<b>exchanged</b> 511:1	<b>experiencing</b> 484:12	
<b>estimated</b> 532:11	<b>excuse</b> 343:13 389:3 440:10 501:7 564:8	<b>explain</b> 344:7 347:8 359:15 360:25 364:18 367:9 369:11,12 376:12 401:25 419:21 434:9 446:10 467:18	
<b>estimates</b> 515:2,3	<b>excuses</b> 536:20		
<b>ev-</b> 424:5			
<b>evade</b> 348:9 376:17,18 387:2, 14,16 388:2			

470:8 483:12 484:16 492:20,21 501:14 518:25 530:1 597:5 <b>explained</b> 377:1 400:19 421:9 524:4 525:5 530:13 <b>explaining</b> 345:16 423:12 <b>explanation</b> 385:10,23 433:6 451:19 503:5 515:15 540:7 578:16 <b>exposed</b> 443:7,11 444:11 446:21 447:4,25 448:3 <b>expound</b> 451:22 <b>expressed</b> 371:2 372:4 373:10 400:10 408:9 409:3,5 <b>expressing</b> 398:13,14 404:18 417:5 <b>extended</b> 357:23 <b>extension</b> 554:21 <b>extensive</b> 375:1 <b>extent</b> 359:3 486:21 <b>externally</b> 490:1 <b>extra</b> 432:4,5 <b>extreme</b> 436:21 446:2 <b>extremely</b> 392:24 402:6 464:25 <b>eyes</b> 378:7 380:18	<b>F</b>	<b>fact</b> 344:5 382:16 390:23 424:19 426:22 448:2 467:3 498:3 509:10 512:6 534:9 538:23 545:10 557:11 574:3 <b>fact-finding</b> 436:19 <b>facts</b> 367:23 382:22 399:4 <b>fail</b> 363:20 365:21 380:8 <b>failed</b> 450:18 477:25 479:7 488:20 494:6 <b>failure</b> 363:2 364:16 385:18 <b>failures</b> 402:5 <b>fair</b> 397:5 400:9 416:22 <b>fairly</b> 395:2 442:24 482:25 489:22 <b>faith</b> 409:13 <b>fall</b> 350:19 416:5,6 441:4 442:10 500:9 507:22 <b>falling</b> 444:9 <b>familiar</b> 342:19,22, 24 374:9 419:14 420:9 421:2 581:5 <b>familiarity</b> 383:15 411:3 <b>family</b> 536:14 <b>fashion</b> 594:21 <b>faster</b> 407:17 594:9	<b>fault</b> 372:10 520:20 531:15 <b>fear</b> 359:17 <b>feasible</b> 451:17, 20,25 <b>February</b> 431:7 510:22,23 545:24 578:14 <b>federal</b> 387:18 406:2 <b>fee</b> 422:7,9 432:12 434:24 560:18 <b>feed</b> 534:19,20 <b>feeds</b> 420:2 <b>fees</b> 432:4,5 <b>feet</b> 540:24 <b>felt</b> 349:10 359:24 398:11 479:5 517:2 <b>fewer</b> 348:10 387:13 414:19 <b>fictitious</b> 420:5 <b>fiduciary</b> 535:15 565:5 593:16,18, 25 <b>field</b> 342:16 413:2 <b>fifteen</b> 497:25 <b>figure</b> 348:14 422:23 438:20 482:21 483:1,2,5 584:22 <b>figures</b> 515:2 <b>file</b> 344:2 349:7 352:9 400:25 404:21 405:6 411:24 412:1 417:17 <b>filed</b> 349:14,19 350:25 351:6,9	352:3,4 354:7,18, 25 355:14,15,19 358:3 364:12 366:8,17,21 370:21 391:7,16 393:2 395:5 432:15 433:18 571:14,16 572:1 573:21,22 <b>files</b> 445:6 <b>filing</b> 350:21 355:4 357:7,16 375:19 391:4 395:9 398:23 411:9,23 416:19,23 417:14 <b>filings</b> 367:4 375:12 391:1 399:5 574:10,22 575:10 576:10 <b>fill</b> 512:12 <b>filled</b> 504:13 512:18 <b>final</b> 430:24 434:19 <b>finalized</b> 580:14 <b>finally</b> 474:10 503:9 599:11 <b>financial</b> 350:11 363:16 372:2 384:13 407:3 <b>financially</b> 375:16 502:21 <b>find</b> 368:16 370:23 407:10 421:24 422:21 439:24 454:3 456:16,19, 25 457:6 469:8 492:3 502:4 506:25 512:3,4 524:17 531:12,14 540:19 544:2 548:20 581:3 602:20 604:5
--	----------	---	---	--



<b>findable</b> 572:15	<b>folks</b> 358:9,11,16 359:6,7,8,22 362:5,14 363:4 368:18,20,21 373:1 376:15,19 388:7 389:16 392:12 395:20 397:17 402:12 406:10 413:10 414:23 415:7 451:16	455:21 456:9 466:14 475:6 480:13 485:14 510:13 511:22 524:19 529:18 540:20 541:4 552:19 572:5,8 574:3	11,14,21 390:15 397:25 418:6 419:3 421:7,9 424:8 440:7 469:2 491:8
<b>finding</b> 403:2 410:10	<b>follow</b> 415:20 596:4	<b>fourth</b> 392:10	<b>Gateley's</b> 356:15, 19 424:3
<b>findings</b> 375:18 417:5	<b>follow-up</b> 561:4	<b>frames</b> 605:9	<b>Gately</b> 428:21 438:19
<b>fine</b> 347:5 451:1 476:20 512:1 525:23 546:21 571:23 606:18	<b>food</b> 362:1 534:23	<b>freezes</b> 485:10	<b>gather</b> 436:18 556:18
<b>finish</b> 545:15 547:20 548:1 601:2	<b>for-gain</b> 365:7	<b>frequency</b> 375:11	<b>gathering</b> 399:4 435:24,25
<b>finished</b> 418:5	<b>force</b> 386:13	<b>frequently</b> 416:15	<b>gave</b> 434:20 437:13 461:11 481:16 482:18 502:3 532:8 578:25 593:6
<b>fire</b> 592:13,14,16	<b>forget</b> 522:5	<b>fresh</b> 477:8	<b>general</b> 344:14 345:12 350:4 355:10 359:15 384:16 385:23 397:3 400:21 443:3,13 470:12 601:23
<b>firm</b> 407:2	<b>form</b> 404:24 420:25 571:3	<b>front</b> 417:7 472:1	<b>General's</b> 389:21
<b>fish</b> 541:22 542:12	<b>formal</b> 378:12 435:24,25 436:2 489:12 491:11	<b>fulfill</b> 518:17,18	<b>generally</b> 342:3,13 350:3,6 362:22 403:17 405:7 419:8 426:4,5,16 430:13 453:19 471:4
<b>fishhook</b> 541:18, 19 542:4,9,11	<b>formally</b> 344:2 489:8	<b>fulfilled</b> 538:7	<b>genesis</b> 398:4
<b>fit</b> 403:8 602:25	<b>formed</b> 366:11 391:20 392:9 400:18 413:11	<b>full</b> 363:25 374:20 437:2	<b>geography</b> 451:21,24
<b>five-horse</b> 516:5	<b>forming</b> 571:13	<b>fully</b> 480:13,15	<b>Geological</b> 383:20
<b>five-year</b> 498:25	<b>forms</b> 490:24,25	<b>funds</b> 545:25 595:20 596:21	<b>giardia</b> 358:14
<b>fix</b> 372:3,21 386:13 402:14 404:11 407:6 450:20 596:25	<b>Fort</b> 414:15	<b>furnish</b> 430:21 462:7,10,20,23 463:15 464:16,23 468:19 498:7 514:10	<b>Gile</b> 511:7 542:10 548:17
<b>fixed</b> 350:15 363:20 364:4,5 384:15,18 407:15 483:24	<b>forthcoming</b> 423:19 445:22	<b>future</b> 386:23 521:19	<b>GIS</b> 482:14
<b>fixing</b> 350:14 578:23	<b>fortunately</b> 492:10	<hr/> <b>G</b> <hr/>	<b>give</b> 346:19,20
<b>flat</b> 422:7,18	<b>forward</b> 393:12 561:7 568:23	<b>G-A-T-E-L-E-Y</b> 341:22	
<b>flexible</b> 362:8	<b>found</b> 343:23 356:19 389:1 421:16 425:20 435:5 438:18	<b>G-TUBE</b> 534:20,22	
<b>floodgate</b> 398:22		<b>gain</b> 365:12,14,18 366:6	
<b>fluid</b> 345:23 413:13		<b>gained</b> 345:23	
<b>flush</b> 358:10 362:1		<b>Gateley</b> 341:10,	
<b>focused</b> 426:21 440:11,13			

371:9 392:2 422:2 423:9 429:12 436:22 451:19 476:23 495:7 496:22 517:24 522:7,8 528:1 538:4 542:24 570:1 579:20	<b>greatly</b> 556:3 <b>ground</b> 372:11 396:19 402:5,16 452:1 505:18 510:19 586:24 <b>group</b> 405:20 562:13 567:21 <b>groups</b> 566:23 <b>growth</b> 370:3 446:20 <b>Grube</b> 361:18 407:22,23,24 <b>guarantee</b> 515:1 543:1 <b>guess</b> 353:4 378:15 403:22 410:20 420:1 429:2 432:18 433:23 434:13 435:19 436:8 438:20,22 439:10 440:10,13 448:15 451:4 457:16,19 460:16 466:6 477:4 480:2 481:19 486:25 488:19 492:7 494:1 496:5 497:8 501:5 506:16 512:18 513:8 518:16 527:20 528:1 529:21 534:10 536:23 537:19 547:12,17 548:2 551:9 552:9 559:15 560:18 561:1 563:1,2 569:13,18,22 570:15 575:4,5 595:9,13,22 596:4 601:21 604:19 <b>guesses</b> 413:8 <b>guessing</b> 551:12	<b>guideline</b> 500:10, 21 501:16 600:17 <b>guidelines</b> 501:1 547:19 <hr/> <b>H</b> <hr/> <b>H-O-M-E</b> 583:8 <b>Hahn</b> 390:6,10,13 397:21 416:13 <b>half</b> 435:6 440:23 442:9 466:7,9 483:2 502:18 536:11 542:15 558:1 584:7 <b>half-heartedly</b> 408:22 <b>halfway</b> 432:6 <b>hand</b> 341:12 418:14 423:21,22 444:17 454:17 458:6 470:4 591:24 597:16 <b>handed</b> 425:1,9 430:3,8 <b>handful</b> 393:8 <b>handing</b> 357:2 429:23 <b>handle</b> 536:1 558:6 596:22 <b>handled</b> 370:12 <b>handles</b> 469:5 <b>hands</b> 358:10 362:1 592:20,23 593:21 <b>handshake</b> 400:5 435:11 579:24 <b>Hang</b> 556:6 <b>happen</b> 363:11 429:7 510:21	538:22 545:11 557:10 601:14 602:16 <b>happened</b> 358:2 382:9,17 451:13 587:1 <b>happening</b> 417:19 568:12 <b>happy</b> 359:22 477:9 484:17 556:10,16 568:22 606:15 <b>hard</b> 413:6 446:16 452:1 506:2 555:24 <b>harder</b> 358:15 <b>harm</b> 358:4 <b>hate</b> 403:10 424:1 <b>haul</b> 362:24 363:3, 24 <b>hauler</b> 363:23 <b>hazardous</b> 443:12 <b>he'll</b> 599:3 <b>head</b> 390:20 443:10 446:18 477:8 516:10 517:9 <b>health</b> 364:7,16 367:11 407:8 417:3 558:25 560:20 563:20 <b>healthy</b> 375:16 <b>hear</b> 360:13 397:24 434:14 497:5 547:4 552:4 555:12 571:7 603:17 <b>heard</b> 350:15 367:16 378:13 389:20 391:13,24 459:6 469:21
--	--	---	---

482:20 486:17 493:5,14 511:19 515:16,18 518:2 531:5 537:6 538:19 572:4 584:4 602:3	<b>Hills</b> 340:12 441:25 500:22 505:22 515:24 527:15,17 528:3, 18 533:10 537:20 568:14 570:24 584:6	<b>homeowner</b> 391:8 529:18,20 530:2 545:5 553:13	422:6 483:3 523:20
<b>hearing</b> 340:3,6, 15 341:6 351:23 354:19 355:21 356:4,7,13 358:19 390:7 400:2,3 408:8 409:2,4 424:10,13,14 427:8,10 432:24 433:1 448:10,13, 14 449:12 457:25 458:3,4 463:11,15 464:17,18 474:7, 9,13,18 476:8,10 496:17 547:2,6,8 551:24 552:8,25 553:3,5 555:25 576:11,13 599:12 603:5 604:9 606:19,21,23	<b>hire</b> 400:22 414:11 520:10 527:4 566:18 567:8	<b>homeowner's</b> 556:23	<b>households</b> 412:22 422:1 521:6 561:25
<b>hearings</b> 345:13 439:1	<b>hired</b> 501:2	<b>homeowners</b> 359:14 361:21,23	<b>houses</b> 443:8,14 444:3,9,25 488:16 535:17
<b>heart</b> 534:12	<b>history</b> 510:3	<b>homepage</b> 604:4	<b>hundreds</b> 421:20
<b>hearts</b> 379:9	<b>hit</b> 363:1	<b>homes</b> 413:5 442:4 466:12 498:11 584:14 588:19	<b>I</b>
<b>heat</b> 381:23	<b>HOA</b> 391:23 392:6,9 413:11 483:18 487:13 507:23 511:10,11, 20 512:20 525:23 526:1 529:4 530:14,19 531:4 532:8,9,12 533:7, 11,17 545:12,15, 25 562:10 563:1,5 567:24 568:22 572:10 574:10 576:10 577:6 594:2	<b>honest</b> 565:9	<b>idea</b> 387:20 395:12 396:21 409:22 414:25 439:22 454:13 580:21,23 603:18
<b>heating</b> 381:21	<b>HOA's</b> 560:10	<b>honestly</b> 464:24 600:18	<b>identical</b> 575:10
<b>heavy</b> 516:4	<b>HOAS</b> 366:11 391:19 393:8 416:4 420:24 528:24 571:13 572:15 574:3,22	<b>honor</b> 359:18	<b>identified</b> 519:13, 15,18
<b>held</b> 358:19 435:23 436:5,11 481:25 508:4	<b>hold</b> 367:20 373:2 428:11 437:12 439:1 555:21 573:14 579:23	<b>hook</b> 533:4 541:22 542:11	<b>identify</b> 394:6,7
<b>helped</b> 454:11 600:3	<b>hole</b> 512:19 586:23	<b>hooked</b> 509:15 542:4 579:12	<b>iffy</b> 464:2
<b>high</b> 441:5 487:3 490:19	<b>holidays</b> 603:9	<b>hope</b> 501:14 521:18 543:15	<b>II</b> 475:6
<b>higher</b> 414:18	<b>home</b> 358:9 583:8, 10,15 590:2 591:6 596:17,20 597:2	<b>hoped</b> 429:2	<b>III</b> 552:21
<b>Highway</b> 589:10		<b>horse</b> 542:15	<b>illegal</b> 404:4
		<b>hospital</b> 554:16,17	<b>illicit</b> 376:10
		<b>hostilely</b> 525:21	<b>imagine</b> 383:25
		<b>hotel</b> 362:6	<b>immediately</b> 379:6 398:20 407:5,6 421:16 427:14
		<b>hour</b> 345:4 486:15 543:9,20 546:11	<b>immune</b> 534:19
		<b>house</b> 362:3 385:19 413:7 414:22 436:13 446:23 447:4,9,11 448:2,9 488:22 508:9 538:25 541:1 561:15 569:24 570:4 586:23 588:17	<b>impact</b> 361:22 362:14
		<b>household</b> 413:18,19,22	<b>imply</b> 405:12
			<b>important</b> 443:22 602:22
			<b>imposed</b> 506:14
			<b>impossible</b> 415:1 502:20 518:20

538:22 545:11 554:13 <b>impression</b> 428:25 503:9 572:14 <b>improve</b> 506:9 560:2 <b>improvement</b> 498:20 505:20 <b>improvements</b> 505:12 506:14,16 513:17 537:25 <b>inability</b> 385:13 <b>inappropriate</b> 405:13 <b>inch</b> 541:8 <b>incident</b> 386:6 <b>include</b> 419:6 438:18 <b>included</b> 430:7 432:13 444:21 482:2 <b>including</b> 361:11 372:24 562:7 <b>income</b> 502:12 513:15 549:12 <b>incorporation</b> 528:16,19 574:24 <b>incorporations</b> 528:24 <b>incorrect</b> 537:11, 13 <b>increase</b> 422:16 426:21 467:20 513:23,25 514:2, 8,11 <b>increased</b> 430:20 434:6,8,11 <b>incredibly</b> 404:10	<b>independently</b> 391:6 <b>indicating</b> 384:1 540:16 <b>indicator</b> 358:12, 13 <b>individual</b> 497:23 521:25 525:17 539:7 586:5 <b>individual's</b> 448:25 <b>individually</b> 361:15 526:11 557:16 <b>individuals</b> 426:17 429:10 502:9 521:7 523:13 526:10 529:25 533:11 551:9 <b>inertia</b> 396:2 <b>inform</b> 404:20 430:10 <b>informal</b> 378:18 394:8 398:24 489:12 <b>informally</b> 489:8 <b>information</b> 345:14 346:20 358:21 359:2,8 364:9,23 371:8,9 377:21,23 389:1 411:1 422:25 423:14,16 425:6 429:12,18,21 431:25 435:25 436:16 437:18 438:8 439:12 445:23 446:5 449:15 452:19,25 453:4,19,20 454:9,11,13 455:8 458:15 464:19 470:13 471:5,11	472:18 473:1 481:19 482:22 489:14 490:24 491:6,19 499:8 500:12 502:7 503:17 515:6 517:4 518:4 520:11,20,21 525:10,11 531:16, 17 533:8 537:8,10 547:10 553:12,16 569:4 <b>informational</b> 439:1 <b>informed</b> 405:4 441:13 601:15 <b>infrastructure</b> 349:1 350:9,19 <b>iniated</b> 528:15 530:1 <b>initial</b> 344:13,24 346:11 371:3 372:23 374:22 400:17 516:7 <b>initially</b> 342:25 343:7 346:7 348:4 377:22 383:21 399:14 435:4 483:16 <b>injunction</b> 357:16 358:3 395:5,12,18 <b>injunctions</b> 386:13 <b>inoperable</b> 483:19 484:2,4 <b>inoperative</b> 483:21 <b>inquiries</b> 505:9 521:25 <b>inside</b> 444:24 447:24 542:2	<b>inspected</b> 506:13 <b>inspection</b> 540:22 <b>inspections</b> 342:16,18 501:11 <b>inspector</b> 342:14 <b>inspector-field</b> 419:4 <b>inspectors</b> 342:11 <b>install</b> 346:25 402:4,8,23 <b>installation</b> 372:25 <b>installed</b> 388:15, 19 <b>instances</b> 543:3 <b>instrument</b> 541:16 <b>intend</b> 528:20 539:1,5 545:1,14 547:16 565:11 <b>intended</b> 512:13 515:10 530:16 600:7 <b>intention</b> 561:18 562:3 <b>intentionally</b> 387:9,22 <b>intentions</b> 530:9 563:25 <b>interest</b> 371:2 462:22 <b>interested</b> 369:8 371:14 373:12 393:13 394:8 409:8 502:10 503:1,2 521:13, 15,17 558:10 <b>interesting</b> 367:16 401:24 <b>interim</b> 355:9
---	---	--	--

393:24 394:14 495:15	531:11,14	<b>Jean</b> 401:8 501:2, 18,25	11 494:20,24 495:5,11,16,19,25 496:4,6,9,14 497:1,4 500:16 546:15,20,22,25 547:4 548:4 552:11,16,23 553:2,7 555:11, 14,16,21 556:5, 10,13,25 559:3,24 560:11,22 561:3, 13 562:2,8 563:6, 11,15 569:8,13, 18,21 570:7,11,15 571:4,11 572:2,9, 12,20 573:1,7,11, 14,23 574:5,8,14, 17,20,25 575:9, 14,18,21,25 576:3,6,9,16,18, 20 577:19 582:7, 9,11,19,25 587:23 594:7,16 595:5,13 597:21,25 598:4, 7,10,13,17,20,24 599:8 601:25 602:4,7,14 603:3, 22 604:8,13,16, 21,24 605:20,25 606:5,8,14,19
<b>internal</b> 357:15 396:1	<b>investigator</b> 419:4 428:3	<b>Jean's</b> 401:18	<b>July</b> 501:24 504:12 605:17
<b>internally</b> 395:24	<b>investigatory</b> 381:17	<b>Jeff</b> 407:23	<b>jumped</b> 518:23
<b>internet</b> 603:25	<b>invitation</b> 437:7	<b>jerk</b> 506:3	<b>June</b> 340:4 358:19 435:23 436:5 481:25 501:23 511:11 554:5,9 604:18
<b>interpret</b> 485:22 592:14	<b>invited</b> 437:17	<b>job</b> 342:3 443:25 501:3	<b>jurisdiction</b> 416:6
<b>interrupt</b> 424:1 478:3 499:6 569:21	<b>involved</b> 380:4 387:24 388:5,8,13 397:18 421:5 428:2 441:12 488:17 540:9 544:7 603:25	<b>John</b> 340:13	<hr/> <b>K</b> <hr/>
<b>interrupting</b> 384:20,23 385:2	<b>involvement</b> 343:5 345:7 417:6	<b>Johnson</b> 359:1 440:6 465:20 505:8 538:20 602:1,8	<b>karst</b> 372:8 402:14,21
<b>investigate</b> 342:8 381:24 419:9 485:17 486:6 489:20 490:4 512:2	<b>involving</b> 452:24	<b>joined</b> 390:7 391:14	
<b>investigated</b> 381:15	<b>issue</b> 349:6 352:24 353:14 359:21 369:18,19 382:18 392:1,15, 16 417:3,5 511:17 522:10 559:23 576:22 606:11	<b>jot</b> 491:5	
<b>investigating</b> 348:19 374:15 435:4	<b>issued</b> 378:21 379:1 423:3	<b>judge</b> 340:2,14 341:3,5,11,15 351:8,10,14,18,21 352:6,17,25 353:5,8,21 354:1, 9,12,16 355:16,25 356:21,24 377:7, 10 384:19,23 386:13 390:5,11, 14 395:19 397:22, 23 398:2 411:11, 16 415:11 417:22 418:2,9,12,16 424:1,7,12,17,23 425:7 427:3,7 428:11,14,15,18 432:19,23 448:7, 12,22 449:3,8,11 457:22 458:2 463:9,13,22 464:2,7,10,14 471:18 472:9 473:13,16,18,22, 24 474:5 475:8, 14,21,24 476:4,7, 13,20,22 477:3,6, 12 478:5,13 488:10,13 490:7,	
<b>investigation</b> 343:7,11,15 345:19 364:25 371:3 375:18 381:8 382:3 398:19 410:25 421:7,17 422:4,21 427:13,14 431:8 433:16 434:6,25 438:6,17 440:19, 24 441:3,8 452:15,24 453:13 455:6 459:10 462:16 466:15 486:21 490:18 493:6 512:8	<b>issues</b> 351:11,13 368:25 369:1,22 370:9,10 395:3 450:15 453:8 494:16 563:19 586:25 605:11 606:8	<b>item</b> 464:7	
<b>investigations</b> 342:16 362:13 413:2 441:2 516:7 523:25 524:18,19	<hr/> <b>J</b> <hr/>	<hr/> <b>J</b> <hr/>	
	<b>Jack</b> 578:8	<b>Jackie</b> 359:1,10 360:3 505:8	
	<b>January</b> 346:13 421:3,17 431:6		

<b>Kayla</b> 390:6	366:8 367:3	384:12,13 385:16, 17,21,22 386:7	464:2,7,10,14
<b>keeping</b> 369:19 374:10,25 375:13	369:11 371:8,10 377:2 389:11 394:13 395:13 396:6,12 398:3 404:8 408:25 419:5,21 422:14 426:3 429:21 434:1 439:12 446:10 447:2 449:13,14,16,21 451:2 462:12 464:2 466:18 467:5 468:2 471:5 515:13 517:19 526:5 545:7 551:11 556:20 576:22,24 578:17 584:22 605:7	406:22,24 407:16 443:3 484:13,15, 22 499:10 509:11 560:8	471:18 472:9 473:13,16,18,22, 24 474:5 475:8, 14,21,24 476:4,7, 13,20,22 477:3,6, 12 478:5,13 488:10,13 490:7, 11 494:20,24 495:5,11,16,19,25 496:4,6,9,14 497:1,4 500:16 546:15,20,22,25 547:4 548:4 552:11,16,23 553:2,7 555:11, 16,21 556:5,10, 13,25 559:3,24 560:11,22 561:3, 13 562:2,8 563:6, 11 569:13,18,21 570:7,11,15 571:4,11 572:2,9, 12,20 573:1,7,11, 14,23 574:5,8,14, 17,20,25 575:9, 14,18,21,25 576:3,6,9,16,18, 20 577:19 582:7, 9,11,19,25 587:23 594:7 595:13 597:21,25 598:4, 7,10,13,17,20,24 599:8 601:25 602:4,7,14 603:3, 22 604:8,13,16, 21,24 605:20,25 606:5,8,14,19
<b>Kerr</b> 341:1,4,10,18 351:9,12,20 352:3 354:6,11,14,17 355:7 356:3,15,23 357:2,5 377:5 411:18,21 418:8, 11,19 423:25 424:4,15,21,25 425:4,8 427:12 428:20 430:1 432:17 433:2 444:20 448:5,15, 24 449:7,9,13 454:20 457:20 458:5,8 463:7,18, 24 464:6,9,13,19 470:7 471:16,20, 21 472:11 473:15, 17 474:3,10 475:2,17,23 476:6,11 478:2 490:13 493:24 494:18 495:4,6, 14,24 496:1,5,8 546:4 547:3 548:7 552:15,18 553:6, 9,11 555:9 571:23 572:7,11,17,23 573:6,10,13,20 574:1,7,16,19 575:7 576:8,14, 17,19 581:25 582:6,13,18,21 594:13 595:22 598:2,9,25 599:6 604:11,15,19 605:22 606:3,6, 13,18	<b>kinds</b> 389:18 429:20 535:10,18	<b>lacks</b> 350:7,9 <b>lady</b> 542:25 586:9 <b>land</b> 460:13,15,17 462:2,13 463:4 465:15 <b>Lane</b> 348:11,12 392:22 393:7 <b>lapse</b> 504:19 <b>large</b> 404:12 407:21 412:7 436:25 439:23 517:19 <b>largely</b> 400:12 <b>larger</b> 375:5 410:19 <b>largest</b> 406:3 <b>late</b> 432:4,12 <b>law</b> 340:2,14 341:3,5,11,15 351:8,10,14,18,21 352:6,17,25 353:5,8,21 354:1, 9,12,16 355:16,25 356:21,24 377:7, 10 378:10 384:19, 23 390:5,11 394:11 397:23 398:2 405:4 406:15 411:11,16 417:22 418:2,9, 12,16 424:1,7,12, 17,23 425:7 427:3,7 428:11, 15,18 432:19,23 448:7,12,22 449:3,8,11 457:22 458:2 463:9,13,22	<b>lead</b> 343:12
<b>Kerr's</b> 393:10	<b>knew</b> 345:1 368:13 393:4 410:1 435:14 497:13 505:11 520:2 <b>knowing</b> 405:7 <b>knowledge</b> 370:11 376:6 384:14 387:6 390:25 394:13 460:7 463:3 516:8 575:1		<b>lawyer</b> 376:6 <b>lay</b> 378:7 <b>laying</b> 444:12 488:21 510:18 <b>LD</b> 583:2,6 591:14 597:2
<b>key</b> 396:15			
<b>kind</b> 347:20 363:17 364:2	<b>lack</b> 344:4 349:1 350:7 359:19,21 363:15,16 381:22		
	<b>L</b>		
	<b>labeled</b> 584:16 <b>labor</b> 567:4 <b>laboratories</b> 505:7 <b>laboratory</b> 503:24, 25 504:2 558:23, 24 560:20		

345:25 429:4	<b>Leon</b> 340:7 342:19 419:14	603:16	412:12 415:24
<b>leading</b> 343:7	<b>lesser</b> 561:23	<b>listened</b> 485:4	433:11 435:11
<b>leak</b> 511:22 512:2, 3,4,5,24 513:5,8 540:23 541:4,12	<b>letter</b> 437:11 530:5,12,13,22 531:1 546:7,18, 19,20 547:2	<b>listening</b> 340:19	436:9 452:3
<b>leaks</b> 359:20 446:17,19 447:25 494:14	<b>letterhead</b> 420:13	<b>lists</b> 461:1 468:18 582:18 598:7	470:21 485:12,15, 17,24 486:11,12, 14 489:24 543:10
<b>lean</b> 555:25	<b>letters</b> 389:15 530:17	<b>litany</b> 563:19	544:14 564:5
<b>learn</b> 491:25 503:17 504:3 542:25	<b>letting</b> 350:19 360:16	<b>literally</b> 413:5	565:1 567:12,25 586:22 604:16
<b>learned</b> 348:23 359:4 368:8 402:1 493:8,15	<b>level</b> 374:10	<b>literature</b> 500:12	<b>longer</b> 361:20 408:14 411:10
<b>leave</b> 404:6,8 512:11 527:1,7	<b>levels</b> 373:22 374:2	<b>litigation-type</b> 523:18	414:2 506:5 520:4 521:1,21 565:3
<b>leaves</b> 588:21	<b>liable</b> 538:13,15	<b>live</b> 414:22 604:6	<b>looked</b> 413:6 594:16
<b>leaving</b> 405:16	<b>licensed</b> 502:6 503:20	<b>lives</b> 417:11	<b>Lori</b> 401:8,18 501:2,18,25
<b>led</b> 346:3 387:14	<b>life</b> 362:7 554:18 567:11	<b>livestock</b> 422:17	<b>lose</b> 532:19
<b>ledger</b> 374:24	<b>lightening</b> 363:1	<b>living</b> 362:7	<b>losing</b> 457:17
<b>left</b> 340:20 368:1 374:24 392:1 404:10 418:4 429:2 494:25 502:1 512:4,9 527:14 528:4 534:2 536:1 537:18 568:13	<b>likes</b> 367:22 477:17	<b>LLC</b> 583:10,11,15 590:2 591:6 596:17,20 597:2	<b>loss</b> 509:9 512:9
<b>legal</b> 365:25 394:1 395:17 400:19,22 410:3,6 461:6,14 508:18,24 527:11 538:11 544:10 545:18 578:17 579:16 593:23	<b>lined</b> 541:25 542:1	<b>local</b> 363:23 503:24,25	<b>lot</b> 353:17 359:7 363:4 369:15 372:12,13,23 377:13 378:1 389:8 397:14 400:4 403:24 406:1 409:16 411:3 414:17 419:9 435:12 436:2,15,16 437:4 439:6,14 440:21 443:11 446:17,19, 20 450:3 452:2 453:4 477:17 479:22,25 485:5,7 488:6 497:14 501:10,17 518:2, 11,15 556:5 599:14 601:6
<b>legality</b> 508:25	<b>lines</b> 378:3 485:12 564:17	<b>locally</b> 414:11 560:23	<b>lots</b> 348:9 572:4
<b>legally</b> 600:18	<b>lining</b> 542:2	<b>locate</b> 416:10	<b>love</b> 571:19
<b>legitimate</b> 568:7	<b>link</b> 490:2 604:5	<b>located</b> 442:7,13 551:13	<b>low</b> 370:7 385:18
<b>lender</b> 499:13	<b>list</b> 351:11,13 393:6 438:9 461:11 471:8 481:16 495:11,12 552:14 584:3 606:15	<b>location</b> 379:21 420:4 456:12 522:23,24 583:17	
	<b>listed</b> 430:22 462:11 583:12 586:1 591:5 594:16 595:5	<b>locations</b> 551:16	
	<b>listen</b> 436:19	<b>locks</b> 444:7	
		<b>lodged</b> 491:11	
		<b>lodging</b> 489:12	
		<b>log</b> 479:20	
		<b>logs</b> 374:12 437:9, 10,13 482:3	
		<b>long</b> 376:22 379:25 382:15 386:5,9 410:21	

<b>lower</b> 439:6 541:19 557:23 560:16	405:6 424:18 426:8 441:9 442:9 443:12 448:21 449:10 471:25 472:7 475:25 476:21,22 493:15 511:6 515:5 520:8,10 526:19 527:8 528:8 536:20 545:23 564:21 572:18 573:9,17 576:16	<b>mark</b> 444:18 463:25 464:11 546:13,16	428:4 518:22 528:7 530:3 534:6,8 535:3,4 538:17 540:10 547:15,18 549:5, 10 559:11 566:14 567:1,3 600:19 601:11,20
<b>loyal</b> 565:10		<b>marked</b> 357:4 423:22,24 425:1, 2,3 429:24,25 430:2 444:19 448:21 449:2,5 454:18,19 458:6,7 470:5,6 476:9 547:7 553:4 576:12 605:23 606:1	<b>meet all</b> 548:18 558:3 599:19
<b>lunch</b> 476:17,24 494:21,23		<b>married</b> 536:11	<b>meeting</b> 344:13 345:10,11 347:15 360:9,11,13,14,18 374:22 399:3 400:17 428:25 435:21 436:3,4,12 437:8,12 438:15, 21 440:3 481:25 559:14 603:8,11
<b>M</b>		<b>math</b> 551:11	<b>meetings</b> 439:2
<b>made</b> 366:6 386:12 439:9 482:17 498:5 503:23 505:20 516:11 529:12 545:13 564:22 570:22 571:20 575:10 585:6 597:14 599:4	<b>makes</b> 448:18 571:5	<b>mathematics</b> 537:24 551:6	<b>member</b> 343:22 431:14 530:19,20, 23 531:22 545:17, 21 562:10
<b>mail</b> 510:24 515:15 578:14 590:9	<b>making</b> 353:20 365:13 369:23 375:12 408:23 447:5 489:7 523:19 535:23 575:22	<b>matter</b> 416:25	<b>members</b> 391:14 399:3 441:19,22 514:17,18,19
<b>mailed</b> 514:9 579:1	<b>manage</b> 583:24 586:10 593:2 595:21	<b>mature</b> 396:20	<b>membership</b> 531:20
<b>main</b> 359:14	<b>managed</b> 487:14 500:4 587:12 588:7	<b>maximum</b> 531:24	<b>memorandum</b> 354:10,15
<b>maintain</b> 514:24 565:6	<b>management</b> 498:22 508:3 564:6 583:2,6,7 591:15 597:3	<b>Mcdaniel</b> 504:10	<b>mention</b> 480:4 584:4
<b>maintained</b> 385:19 499:25	<b>manager</b> 342:1	<b>Mcdaniels</b> 504:24	<b>mentioned</b> 384:1 388:14 393:12 395:1,4 432:7 433:13 435:10 481:9 534:5 538:10 561:6 598:22
<b>maintaining</b> 347:14 374:21	<b>managing</b> 563:21 564:2	<b>meaning</b> 405:12	<b>mentions</b> 434:20
<b>maintenance</b> 443:3 449:21 517:16 540:21 562:18 566:5	<b>manner</b> 369:10 484:12 489:6 499:12 526:2 539:17 594:22	<b>means</b> 364:18 365:12 396:17 421:10 465:21 500:2 520:4	<b>menu</b> 536:17
<b>maintenance-type</b> 506:10	<b>manufacture</b> 541:19	<b>meant</b> 482:20 484:22 512:22	
<b>major</b> 364:3	<b>maps</b> 482:14	<b>meantime</b> 505:6 522:2 532:5	
<b>majority</b> 403:20 406:5	<b>March</b> 573:20,22 574:11	<b>measure</b> 486:3,7	
<b>make</b> 365:21 366:3 372:18,20 375:15 390:24		<b>mechanisms</b> 541:21	
		<b>media</b> 389:17	
		<b>medical</b> 534:11,13	
		<b>medicine</b> 534:23	
		<b>meet</b> 352:14 363:17 405:23	



<b>menus</b> 536:18	<b>mission</b> 436:20	429:19 434:14	<b>multiple</b> 362:19
<b>mercy</b> 368:20	<b>Missouri</b> 340:7	452:16 501:20,23	387:13,20 389:14
<b>message</b> 367:23	405:22 418:25	502:16 514:16	413:18 428:8
470:3	528:14,25 529:13	531:2 532:11,13	429:19 452:16
<b>met</b> 343:13,22	<b>mistake</b> 564:22	535:22 551:2	486:17,18
399:7 428:6,7,16,	<b>Misty</b> 340:9,11	558:5 559:1	<b>multiplied</b> 514:14
20,21 538:9	355:12 366:9,13	<b>monthly</b> 373:2	<b>municipality</b>
601:10	419:17,19,20,24	422:9 439:25	373:13
<b>meter</b> 374:11	420:1,3,4 430:11	498:6 571:25	<b>MW</b> 587:15
378:2 524:12,19	441:24 444:9	<b>months</b> 368:15	<b>MW-01</b> 525:22
<b>metered</b> 515:8,9,	450:16 451:17	374:24 393:1	526:1 577:3
10	489:3 500:20	397:10 401:3,10	<b>MW-02</b> 577:9,11,
<b>meters</b> 372:25	515:24 522:11,14	412:17,18 441:9	17
486:2,7	527:12 528:18	447:15 450:18	<b>MW-03</b> 522:16
<b>method</b> 394:1	532:21,22,23,24	451:3 477:25	578:10 589:20
395:13	533:18 537:20	480:25 487:13	590:8,19
<b>meticulous</b> 374:7	<b>MITCHEL</b> 555:14	498:24 520:3	<b>MW-04</b> 522:14
<b>microphone</b> 556:1	556:4,6,17 559:5	577:23 591:20	525:24 579:9
577:15 587:21	561:5 563:8	<b>morning</b> 340:4	589:22 590:12,13,
<b>microphone's</b>	<b>Mitchell</b> 555:16,	341:19 390:14,16	19
556:1	18,24 556:13,14	<b>motion</b> 355:13	<b>MW-05</b> 522:22
<b>miles</b> 442:10	559:4 563:6	<b>motor</b> 505:17	523:5 580:20
551:13	<b>Mitchell's</b> 564:1	<b>Mountain</b> 340:10	<b>MW-06</b> 581:5,10,
<b>military</b> 535:9	<b>mixed</b> 595:10	355:12 366:13	22 583:1 591:11
<b>milk</b> 363:23	<b>moment</b> 346:21	419:19,20 420:1,3	<b>MW-07</b> 583:16,17
<b>mind</b> 368:17	353:1,6 457:7	441:24 444:9	<b>MW-08</b> 584:4,5
473:12 547:11	471:17 563:16	450:16 451:17	595:8,25
554:24 571:20	<b>moments</b> 362:12	489:4 500:21	<b>MW-09</b> 584:16
585:15	<b>monetary</b> 440:14	515:24 522:11,14	587:17
<b>minds</b> 380:19	<b>monetization</b>	527:12 528:18	<b>MW-10</b> 585:10,12
<b>mine</b> 396:23	373:22	532:21,22,24,25	<b>MW-11</b> 585:16
404:19 485:23	<b>money</b> 380:20	533:18 537:20	595:25
519:8	394:1 505:21	<b>move</b> 349:11	<b>MW-12</b> 585:21
<b>minimally</b> 362:22	511:1,2 513:19	351:6 355:7	<b>MW-13</b> 585:24
<b>minimum</b> 361:14	532:7 533:15	356:15 409:6	<b>MW-14</b> 586:21,22
367:24 369:16	543:13 549:12	427:1 429:4	<b>MW-15</b> 519:23
<b>minutes</b> 517:9	550:25 596:7,19,	473:12	586:18 587:7
<b>missed</b> 572:21	20,22 601:6,8	<b>moved</b> 374:9	<b>MW-16</b> 519:12
	<b>monitor</b> 467:8,10	568:23	521:12 589:5,25
	<b>monopoly</b> 368:19	<b>movement</b> 357:22	
	<b>month</b> 422:12	<b>movie</b> 437:1	
		<b>moving</b> 393:12	
		410:21	

590:19	<b>negatives</b> 377:14	352:11 353:11	<b>O</b>
<b>MW-17</b> 519:15	<b>neighborhood</b>	354:4 355:8,18	
521:14 590:5,19	420:2	356:1 405:14	
<b>MW-18</b> 519:17	<b>neighbors</b> 421:20	430:9,17 437:7	
521:16 589:3	423:2 512:16	475:9,15 476:2	
590:20	580:24	495:9,13,17,19,21	
<b>MW-19</b> 587:19,22	<b>Nicholas</b> 585:7	<b>noticed</b> 482:2	
<b>MW-21</b> 587:25	<b>non-for-profit</b>	510:18	
<b>MW-22</b> 587:25	366:9	<b>notices</b> 420:14	
<b>MW-23</b> 587:25	<b>non-profit</b> 529:4,	430:24 491:13	
<b>MW-24</b> 587:25	10 530:14	<b>notification</b>	
	<b>noncompliance</b>	543:12,15	
<b>N</b>	398:11	<b>notified</b> 406:11	
<b>names</b> 371:7	<b>nonlawyer</b> 364:21	437:17 485:24	
463:23 571:16	<b>nonoperational</b>	543:11	
<b>naming</b> 371:7	483:23	<b>number</b> 348:2	
<b>Natural</b> 516:1	<b>nonpayment</b>	349:17 356:16	
518:13 519:14,16,	379:15 492:5	370:1 372:6 392:2	
18,22 522:3,8	<b>nonprofit</b> 344:16	412:23 413:13,22	
526:13 528:6	390:21	416:1 432:11	
529:8 531:8	<b>nonprofits</b> 391:1	433:15,22 441:3	
536:17 538:4,14	<b>normal</b> 417:4	466:7 470:22	
539:1 548:14,18	425:23 431:13,18	482:24 483:1	
558:4 599:20	445:3,7 455:2	484:25 497:12	
600:2,9 602:23	459:9,12	500:11,14 518:6	
<b>nature</b> 398:8	<b>not-for-profit</b>	519:13,16,19,23	
417:1 463:17	365:24 366:2,23	521:12,14 522:15,	
<b>nearby</b> 368:11	373:15	17 526:23 550:12	
<b>necessarily</b> 370:8	<b>not-for-profits</b>	558:20 564:24	
378:24 379:10	404:25	577:4,20 579:10	
384:10 460:16	<b>notation</b> 424:19	582:19,21 586:18	
<b>necessity</b> 352:1	<b>note</b> 390:5 430:1	587:7,8,16 588:12	
<b>needed</b> 350:14	491:3 592:3	595:5	
497:15,16 501:11	<b>noted</b> 563:18	<b>numbers</b> 412:21	
517:16 529:6	<b>notes</b> 477:16	424:17 433:13	
592:12	490:17 491:5	527:24	
<b>needing</b> 530:7,8	499:5 513:10	<b>numerous</b> 433:20	
<b>negative</b> 377:15	529:19 555:1	479:24	
388:24,25 477:17	<b>notice</b> 351:5	<b>NW-22</b> 540:6,12,	
		13,17	

<p><b>occasions</b> 499:18</p> <p><b>occupants</b> 578:3</p> <p><b>occur</b> 365:23 417:14</p> <p><b>occurred</b> 489:20 501:15 513:12,18</p> <p><b>occurring</b> 361:19</p> <p><b>occurs</b> 395:16 415:17</p> <p><b>October</b> 349:21,22 356:4 551:24</p> <p><b>off-the-record</b> 604:23</p> <p><b>offer</b> 424:2,5 532:2</p> <p><b>offered</b> 530:21 531:19 546:6 605:23</p> <p><b>office</b> 366:19,22 389:22 390:22 420:16,19,23 453:22 454:6,7, 10,24 458:12,15, 23 459:18,20 460:2,5 463:1,20 464:20,22 582:10 595:19 596:11 597:8</p> <p><b>offices</b> 343:23 453:13</p> <p><b>official</b> 352:11 353:10 354:4 355:8,18 356:1 465:15,18 475:9, 15 476:2 477:23 478:23,24 480:3 490:16 495:9,12, 13,16,19,21</p> <p><b>officially</b> 419:2</p> <p><b>officials</b> 389:18</p> <p><b>oftentimes</b> 359:19</p>	<p><b>older</b> 396:20 517:21 585:12</p> <p><b>omitted</b> 359:5</p> <p><b>ongoing</b> 389:3,5 441:8 459:24 479:6 489:22 529:14</p> <p><b>online</b> 340:17,19 399:15 604:1</p> <p><b>open</b> 436:13 447:4 502:1 512:10,11, 13,14 548:2</p> <p><b>opened</b> 398:22</p> <p><b>opening</b> 409:3 447:6 605:8</p> <p><b>operate</b> 347:24 350:12,13 365:22 366:12 375:24 378:22 390:24 391:1 404:22 414:14 492:23 522:9 542:15,20 557:19 561:10 565:20</p> <p><b>operated</b> 344:16 482:1 487:13</p> <p><b>operates</b> 395:14 470:14 471:8 488:24 542:24</p> <p><b>operating</b> 343:3, 24 348:22,24 361:1 364:18,25 365:7,18 366:5 367:3 373:16 376:10 392:20 421:10,15 431:22 453:9 481:17 482:25 493:10 511:17 512:15 538:2 557:20 599:17</p> <p><b>operation</b> 364:14 382:13,16 383:2,</p>	<p>4,8 488:22 494:7 502:5 511:9 547:22 590:11</p> <p><b>operational</b> 471:10 511:16</p> <p><b>operations</b> 415:24 419:13 420:16 422:6</p> <p><b>operator</b> 361:13 401:8,11 402:24 403:4 408:17,21 414:1,10,24 415:1,5 471:11 501:3,19 502:1,2, 4,6 503:10,20,21 504:6,16</p> <p><b>operators</b> 342:6 373:3,4 403:1 404:15 414:12,13, 14 504:16</p> <p><b>opine</b> 403:10,23</p> <p><b>opinion</b> 365:2 367:21 368:23 400:18 404:18 406:9 478:25 480:6,8,10 531:9, 15,18 543:20</p> <p><b>opinions</b> 367:17 484:11</p> <p><b>opportunity</b> 378:12 395:18 440:19 496:11 539:16 567:24 599:10</p> <p><b>option</b> 403:3</p> <p><b>options</b> 393:11 395:23</p> <p><b>order</b> 355:9 395:19 412:4,5,7 473:3 500:9 520:6 603:6,18</p> <p><b>ordinary</b> 425:24</p>	<p>431:14,18 445:4,7 455:2 459:9,13</p> <p><b>organization</b> 529:10</p> <p><b>organize</b> 562:12 567:23</p> <p><b>organized</b> 358:25</p> <p><b>orientation</b> 505:1</p> <p><b>original</b> 387:8 506:8 508:21 565:6 581:24 588:18 593:18 595:12</p> <p><b>originally</b> 400:10 453:6 515:25 524:6,9,22 527:9 544:16 557:12 558:13 588:4,12 589:13 598:14</p> <p><b>outag</b> 380:23 489:20</p> <p><b>outages</b> 357:24 361:19 362:18,21 370:5 381:7,11</p> <p><b>Outlaw's</b> 367:6 420:10</p> <p><b>outlined</b> 530:7</p> <p><b>overcame</b> 396:1</p> <p><b>overrule</b> 354:3</p> <p><b>oversight</b> 365:9 406:3 467:6</p> <p><b>owed</b> 408:5</p> <p><b>owned</b> 392:7 400:6,7 426:22 431:1 434:22 435:17 438:3 442:16 454:1,3,14 461:12 465:11 482:4,6 500:1 564:25 581:17 584:10 585:7,20</p>
---	--	---	---

587:3,5,12,25 588:12 591:5 594:25 595:17 <b>owner</b> 372:10 394:2 403:7 456:17,20,21 510:8,9 538:11 560:13 578:6,7 583:15,16 584:12, 13 585:9,19,23 586:6 587:2,4,5,9 588:15,18  <b>owners</b> 482:15 515:4 524:6,7 557:7 562:13 585:19 586:8 592:19  <b>ownership</b> 348:16 393:2 399:15,25 430:25 434:18 435:8,9 456:14 457:17 458:19 464:25 465:3 481:9,14 488:5 491:19 556:21 559:10,22,25 564:5 576:21 591:1 597:18 598:15  <b>owning</b> 392:20  <b>owns</b> 399:10,13 416:5 434:20 438:4 456:25 487:11 488:2 544:11 576:25 578:12 579:15 580:21,23 581:4 582:25 584:9,23 586:14 587:9 588:7,11 589:1,2	<b>packet</b> 430:7  <b>pages</b> 356:19 430:24 470:12 475:6 552:20,21  <b>paid</b> 379:5 454:16 455:24 456:4,7, 11,24 492:18 498:24 516:20 530:20,21,23 531:2 532:10,22, 23 533:12,16 545:22 563:3 593:15  <b>paper</b> 374:2,5,7,8 477:21  <b>papers</b> 455:15  <b>paperwork</b> 388:11 404:21 422:2,15 438:16,17 465:5,7 469:1 483:8  <b>paragraph</b> 432:9, 10  <b>paraphrasing</b> 406:18  <b>parcels</b> 399:16 560:1  <b>Pardon</b> 384:22 581:14 586:16  <b>Parsons</b> 598:20  <b>part</b> 343:14 353:20 354:12 361:9 364:5 367:14 391:19,23 393:7 394:9 407:21 416:18 422:4 426:6 441:7,24 445:3 455:5 474:11 515:20 527:11 529:17 531:25 533:12 539:11 548:25 550:6,7 557:17 565:11,24,25	566:19 583:6 584:18,19 586:3  <b>participating</b> 340:18  <b>participation</b> 606:22  <b>parties</b> 523:10 552:13 573:18 605:11  <b>partners</b> 517:17 535:16 565:7  <b>parts</b> 444:12 488:21  <b>party</b> 509:15 519:24 579:2 581:18 606:9  <b>party's</b> 543:24  <b>pass</b> 504:21 505:2 569:6  <b>passed</b> 520:16 538:18  <b>past</b> 345:3 382:21, 23,25 386:17 412:17 438:5,6 479:5 480:13 483:23,24 484:1 489:21 499:10 517:17 600:3  <b>Pat</b> 546:19,22,23  <b>pathogenic</b> 358:12  <b>pathogens</b> 347:16 358:14 368:14 385:16  <b>paths</b> 444:8  <b>patience</b> 563:10  <b>Patricia</b> 340:9 546:23 547:1  <b>pause</b> 499:7	<b>pay</b> 380:9,20 414:24 422:10 481:2 486:10 502:21 513:14,16 530:25 532:4,7,9, 12 543:4 548:23 560:19 562:6,15, 16,17 565:18 568:1 583:7 592:11,12  <b>paying</b> 374:23 421:21 423:2 432:1 439:17 489:25 499:3 535:21 558:16  <b>payinging</b> 362:14  <b>payment</b> 462:24 526:19 532:2,25 533:2,3,14 545:23 592:2,3 593:10  <b>payments</b> 439:25 531:19 593:12 595:16  <b>pays</b> 532:10  <b>peak</b> 413:14  <b>penalties</b> 376:10, 13,20 382:9 396:8,11,18,23 403:12 404:19 405:5,9,10 406:9  <b>penalty</b> 378:23 379:10 405:15  <b>pending</b> 521:11 603:13  <b>people</b> 344:23 360:2,16 362:2 363:6,25 372:1 376:21 387:17,19 388:9 389:19 392:8 405:20 406:20 413:18,22 414:15 431:24 433:9 435:2,12
<b>P</b>			
<b>p.m.</b> 606:23			

436:3 437:2,5,6, 24 438:5,12,20,21 439:22 443:19 453:25 466:6 467:23 469:22 471:9 483:3,4 486:9 489:9 494:7 502:25 503:13,15 512:10 513:22 515:3,4 529:16,19 530:18 541:10 557:5 558:9 561:20,23 562:21 564:2 565:7 566:18 567:15,19, 21,22	21 <b>person</b> 340:17 374:7 378:5 387:23 390:7 398:15 407:4 439:17 448:17 510:25 520:14 521:11,13,15,16, 22 525:4,10 530:19,21 532:10 539:15 558:15 567:18,19,20 568:23 578:15 583:5,12 <b>person's</b> 542:23 <b>personal</b> 404:18 409:14 567:2 <b>personally</b> 379:17 396:19 399:21 405:4 407:15 507:18 525:5 526:9 599:22 <b>persons</b> 348:6 539:6 550:11 <b>perspective</b> 347:9 369:18 605:11 <b>petition</b> 355:8,10, 18,20,23 356:2 495:14,17 <b>petitioner</b> 356:1 <b>phone</b> 378:20 434:15 470:2,3 477:22 478:18 480:1,2 599:1 <b>phoned</b> 492:8 <b>photograph</b> 487:5 <b>photographs</b> 448:8 <b>physical</b> 566:19 567:3 <b>physically</b> 535:20	566:17 <b>pick</b> 599:1 <b>picture</b> 445:2 446:9,15 447:10, 19,20,23 448:1 487:14 526:21 558:12 <b>pictures</b> 441:14, 19,20,22 444:24 445:2,10,17 446:1,4,11,24 447:1,21,22 520:1 <b>piece</b> 363:2 <b>pieces</b> 455:13 <b>pipe</b> 372:20 510:18 541:21 <b>pipes</b> 369:21 <b>pitless</b> 540:24,25 541:13,14 <b>place</b> 378:21 414:21 443:12 503:16 512:15 513:9 520:25 545:2 568:9 583:23 600:7 <b>plan</b> 416:11 501:22,24 504:4 505:4 506:8 507:2 522:1 523:16 525:21 527:13 533:22 547:20 557:3,5 561:6 564:5 <b>planning</b> 370:3 409:23 <b>plans</b> 517:25 519:5,6 547:16 565:24 <b>plastic</b> 541:5 <b>play</b> 412:11 <b>pleading</b> 405:14	<b>plenty</b> 372:9 <b>plug</b> 507:1,2 516:2 517:3 548:19 589:13 <b>plugged</b> 386:22 397:10 506:22 507:1 508:17 522:25 523:1 538:21 <b>plugging</b> 368:5 506:20 508:25 538:8 602:13 <b>pocket</b> 509:24,25 510:1 513:15 <b>point</b> 343:8 344:25 376:13 394:20 395:6 399:6 400:18 401:7 408:13 424:6 425:6 429:13 447:12 457:5 468:7,9 475:2 479:5,25 483:20 485:8 490:22 508:6 510:22 525:12 527:13 547:9 573:7 603:6,14 <b>pointed</b> 402:25 450:21 <b>pointing</b> 566:24 <b>points</b> 410:15 <b>poking</b> 566:24 <b>Polaski</b> 372:8 373:16 387:8 399:14 414:12 454:6 457:24 482:8 493:9 498:15 523:8 525:14 526:17,18 544:16 <b>pool</b> 422:16 514:22,23,25
--	--	--	---

515:4	<b>prefer</b> 475:21 523:10 604:15	411:5 427:18 431:23 433:7 436:25 442:13 449:19 507:6 513:23 601:18 602:22	<b>problems</b> 348:25 350:14 353:22 372:3 379:13 386:3,20,23 388:23 389:4,5 406:1 410:2,3 440:11 450:4,6, 20,22 479:6 484:12 491:15 494:13 506:22,23, 25 508:22 536:22 544:6 564:14 570:21 593:22,23 594:25
<b>pools</b> 432:8 515:4, 5	<b>preference</b> 476:23	<b>prevent</b> 347:15 369:19 523:1	<b>procedure</b> 471:11 525:1
<b>portion</b> 347:18 357:20 411:4 535:7	<b>prepaid</b> 542:22	<b>previous</b> 400:2,3 424:9	<b>proceeding</b> 408:10,16
<b>portray</b> 499:9	<b>prepared</b> 394:24 546:2	<b>previously</b> 391:5 393:3 396:21 415:24 519:24	<b>proceedings</b> 340:1 509:4
<b>position</b> 341:24 418:24 419:1 521:23	<b>preparing</b> 399:4	<b>price</b> 410:11	<b>process</b> 342:6 367:18,22 383:12, 15,21 389:20 393:22 394:25 400:13,16,19,23 401:11 405:7 410:22 489:23 529:14 545:14
<b>positive</b> 429:1 511:12 580:9	<b>preponderance</b> 385:9	<b>prices</b> 516:20	<b>produce</b> 507:12 537:5
<b>possession</b> 520:4 523:20 556:22 583:24	<b>present</b> 345:13 363:10 374:22 496:11 501:21 504:18 506:11 513:3,13,14 514:17 517:21 519:10 521:23 522:13 523:6 527:15,25 528:3, 11 529:5 530:24 531:2 538:12 546:12 550:1,21 553:18 558:5 560:7 583:3 592:1 600:25	<b>primarily</b> 369:5 518:22	<b>profit</b> 365:13,18, 21 366:3,7 530:15
<b>possibilities</b> 415:4	<b>presented</b> 356:11 385:15 594:23	<b>primary</b> 342:15 359:16	<b>profitable</b> 515:10
<b>possibility</b> 415:15	<b>presently</b> 521:5	<b>prior</b> 343:20 506:6 509:21 529:21	<b>program</b> 504:7,8 506:10 542:22,23
<b>possibly</b> 486:6 516:11 524:3	<b>president</b> 544:14	<b>priorities</b> 508:12	<b>progress</b> 518:6
<b>potential</b> 358:4 368:10 395:4	<b>presiding</b> 340:14	<b>priority</b> 535:3 536:13	<b>project</b> 523:21 580:12
<b>potentially</b> 390:23 443:12	<b>pressure</b> 347:14 369:17 370:7 385:18 389:9,11 447:18 509:9,10, 11 512:6,7,9	<b>privately</b> 442:17	<b>promised</b> 509:17 520:7 546:12
<b>power</b> 379:4,7,8, 17 380:9,23 447:4 489:23 492:4,8,9 505:15 539:21 540:1	<b>pressured</b> 451:4	<b>probing</b> 531:11	
<b>powering</b> 448:3	<b>pressurized</b> 369:20	<b>problem</b> 357:23 364:3 369:7 382:9,20,23 385:25 386:9,14, 15 406:7 407:6,7 408:3 416:24 417:1,6,8 426:8 508:16,18 510:10, 14 516:12 524:1,2 540:5,18,19 544:3,10 545:4 557:15 560:4 568:12 580:12 593:21 595:1 596:24,25 602:17, 18	
<b>PP</b> 589:10	<b>pretty</b> 344:3 345:18 349:2 358:2,9 360:3 362:8 399:24		
<b>practice</b> 396:12,14 404:5,23 405:10			
<b>practices</b> 429:6			
<b>pre</b> 438:6			
<b>prearranged</b> 394:10			
<b>precautionary</b> 538:23			

<p><b>promulgated</b> 531:7</p> <p><b>proof</b> 477:18 486:13</p> <p><b>proper</b> 400:13 402:7 405:9 452:21 539:6,17 542:5 578:9</p> <p><b>properly</b> 350:13 383:10,11 391:16 393:1 402:11 404:21,22 429:3 529:23 545:2 564:16</p> <p><b>properties</b> 411:8 455:19,25 456:9, 10,24 457:1 508:8 545:19 568:10</p> <p><b>property</b> 394:3 399:25 453:16 454:12 455:13,18, 24 458:18 462:2, 13 465:4 482:14 508:7 512:17 520:15 523:4 524:7 527:22 570:9 578:4,6,7 580:24 583:2,6 584:12,13 585:9, 18,19,23 586:6,8 587:4,5,9 588:15, 18 591:14 592:19 597:2</p> <p><b>proportion</b> 434:12</p> <p><b>protect</b> 387:17 402:23 538:16</p> <p><b>protecting</b> 367:10</p> <p><b>protection</b> 364:15</p> <p><b>protracted</b> 405:7</p> <p><b>prove</b> 382:8</p> <p><b>proved</b> 477:18</p>	<p><b>provide</b> 350:8,20, 24 363:4 364:16 365:7 367:19,21 368:4 375:7 381:5,23 385:14 414:21 452:7 455:9 466:11 472:5 504:1 515:4 539:1 544:25 546:2 553:12 554:25 570:25</p> <p><b>provided</b> 377:22 399:22 413:15,16 498:14,16 520:1 525:17 528:21 553:15,20 569:17 570:13 600:15</p> <p><b>provider</b> 457:16</p> <p><b>providers</b> 451:10 469:15</p> <p><b>providing</b> 347:10 348:14 359:3 362:17 365:5 367:11 431:24 433:8 434:23 435:17 443:18 457:18 493:16</p> <p><b>prudent</b> 403:2</p> <p><b>PSC</b> 343:25 344:7 346:8,14,22 347:6,9 349:3,6 357:19 361:4 364:19 367:15 368:19 369:8 370:12,15 373:18 374:17 377:4 380:15 382:14 395:15 398:12 400:20 404:16 415:13,16,23 416:5,6 421:6 425:12 426:7,8 427:16,20,22 431:15,17 434:4 436:17 438:25</p>	<p>445:7 447:17 449:23 455:3 457:15 459:13 462:22 464:5 466:5,18,22,24 467:6,16 468:3,6, 10 469:11 474:6 488:17 489:8,12</p> <p><b>PSC's</b> 369:11,12, 23</p> <p><b>public</b> 340:7,10, 11,12 341:25 342:7 343:4 344:17 345:14 346:18 358:19,21 360:19 364:14,16 365:6 367:9,10 373:11 383:17 403:24 418:25 421:11 425:23 430:19 435:21 436:4,8,12 437:8 440:2 441:25 451:3,11 463:19 464:1,4 465:21,23 466:3 500:8 502:14 503:14 508:13 515:22 518:19 519:3 521:5,20 524:9 525:13,14 526:20, 25 527:14 528:13, 17 529:1,9 531:9 533:25 536:18 537:2,8 539:3,8, 11 545:7 549:18, 24 550:7 553:23 558:7,23 560:20 565:21 566:9,22 584:19 595:11 599:21,22 600:8, 12 601:16 602:24</p> <p><b>pull</b> 541:11,17,22 543:23</p> <p><b>pulled</b> 510:12 542:5</p>	<p><b>pulling</b> 575:3</p> <p><b>pump</b> 363:21 505:17,25 506:1 509:21 510:7,13 516:5 542:16</p> <p><b>pumped</b> 510:5,6</p> <p><b>pumps</b> 534:23 543:23</p> <p><b>punch</b> 363:21 372:3 387:20</p> <p><b>punched</b> 387:13 388:7</p> <p><b>purchase</b> 371:16 393:16 394:19 409:24 410:19,21 523:7,9 580:3</p> <p><b>purchased</b> 387:24 388:8 416:11 510:25 527:22</p> <p><b>purchasing</b> 371:14 393:14 409:8 410:1</p> <p><b>pure</b> 549:14</p> <p><b>purpose</b> 376:25 531:25 594:2 599:17</p> <p><b>purposes</b> 364:20 421:11</p> <p><b>pursue</b> 343:10 404:19</p> <p><b>pursued</b> 379:10</p> <p><b>pursuing</b> 521:14</p> <p><b>push</b> 533:25</p> <p><b>put</b> 387:7,19 393:15 394:5 421:18 433:22 466:7 492:7 500:19 501:5 506:18 510:4,21 511:10 512:20 514:9 521:7</p>
--	---	---	---

523:23 524:6,9,  
12,22 532:15  
547:24 557:13  
564:17 578:22  
580:8 586:24  
589:14 590:11  
601:12

**puts** 521:22

**putting** 387:9  
392:20 396:9  
402:13,19 409:11  
447:18 556:22

---

**Q**

---

**qualified** 500:25

**qualifies** 521:7

**qualify** 521:10  
526:12 557:16

**quality** 359:23  
422:14 440:11,12  
450:5,15 453:7  
477:24 499:15  
525:3,20 559:11,  
14,23 560:3,4,7

**quarter** 465:12  
541:8

**question** 377:14  
384:21,25 385:4,7  
392:17 409:21  
410:17 424:2  
434:21 444:25  
478:8 493:25  
495:8 497:11  
502:24 542:18  
548:24 556:8,11,  
15 557:1 559:4,25  
563:12 569:10  
570:16 578:17  
594:20 595:15  
596:4

**questionable**  
507:6 508:7

**questioning**  
393:11 405:18

**questions** 359:11  
377:6,8 390:3,8,  
12 394:24 397:22,  
24,25 398:1 410:6  
411:12,13,14,19,  
23 417:21 472:6,  
12,13,23 473:1,5,  
17 474:1 476:12,  
15 477:8 488:8,  
11,12 490:8,9,10,  
14 494:19 496:21  
503:25 505:7  
514:4,8 539:9  
548:2 553:8  
555:10,11,13,15,  
18 561:4 563:7,  
10,13 564:1  
569:15 571:6,10  
572:18 589:16  
594:9,11 599:7

**quick** 351:22  
488:15 513:11  
550:12 551:5

**quicker** 545:8

**quickly** 375:25  
386:6 397:14  
417:9,12 567:13  
576:23

**quit** 535:19,21,22  
536:3

**quote** 400:4  
402:11 537:3

**quoted** 559:2

---

**R**

---

**radius** 442:14

**raise** 341:12  
418:13 449:16

**ramp** 506:2

**ramped** 545:7

**ramrodding** 530:9

**random** 368:21

**rapidly** 344:3  
358:9

**rare** 436:7 439:3

**rate** 359:18,23,24  
375:12 422:18  
423:3 426:21  
467:20,25 514:8

**rates** 344:19 365:9  
366:3 380:15  
422:20 430:20  
468:4 471:10

**reach** 377:24  
407:6

**reached** 371:1  
514:15

**reaching** 377:22  
398:23

**reaction** 450:10

**read** 353:2,3  
500:12

**reading** 378:2  
499:5

**readings** 374:11

**ready** 542:10

**real** 351:22 454:22  
457:24 506:25  
516:12 524:1  
544:13 563:25  
599:17

**realm** 376:5

**Realtors** 544:15

**reason** 353:19  
359:6 382:1,2  
423:4,7 436:20  
437:15 445:24,25  
479:19 492:16,17  
498:21 501:24

526:4 530:24  
540:12 543:10,18  
554:14 565:13

**reasonable**  
380:19 402:21  
416:12

**reasoning** 557:10  
565:23,24,25

**reasons** 350:1  
395:8 403:12  
406:20 421:22  
423:9 436:14  
497:20 503:4  
516:5 534:8  
536:15 544:7  
545:12

**recall** 355:2  
401:12 408:12,15  
457:2 470:21  
471:21 473:10  
479:15 484:15  
517:11,14 543:21  
577:18 594:5

**receive** 373:1  
377:20 398:22  
429:17 431:13  
478:17 515:14

**received** 362:9  
364:24 367:23  
379:2 381:7  
423:11 425:22  
426:2,10,14 431:6  
433:19 454:23  
458:22 460:2,9  
462:16 465:10  
479:11 500:13  
503:16 510:23  
511:1 590:8  
605:24

**receiver** 355:9,12,  
18 356:2 370:23  
375:22,23 393:19,  
21,24,25 394:6,  
14,18,25 396:7



409:25 410:10,18 416:10 495:15 <b>receivers</b> 394:15 <b>receivership</b> 349:8,11,14 350:22 351:1,2 354:18 370:22 376:3 382:12 393:15 394:5 396:9,12,17 400:2 408:8 409:1,2,4 410:12 416:15 474:11,14,17,18, 25 475:11 552:25 <b>receiving</b> 342:25 346:12 349:1 357:20,25 358:11 368:23 429:20 479:16 595:16 <b>recent</b> 352:2 420:24 489:22 583:3 <b>recently</b> 412:15 483:22 494:1,13 <b>recess</b> 417:23 418:1 494:23 <b>recognize</b> 425:8 430:3 444:20 470:9 <b>recognized</b> 453:8 <b>recollection</b> 352:12 499:20 549:7 <b>recommend</b> 372:7 395:9 405:15,16 <b>recommendation</b> 349:19,23 350:25 351:5,15,24 352:8 353:11,13 354:4, 7,13,14 495:20 <b>recommended</b> 352:23 396:9	400:22 403:4 <b>recommending</b> 350:2 <b>recommends</b> 402:15 <b>reconnected</b> 492:7 <b>record</b> 340:3 341:7,20 351:24 353:1,5,7,9 354:7 366:18,19 375:13 390:5 391:1,20 399:19,25 417:25 418:3,4,21 424:13,14 425:4 426:8 427:9,11 432:21,25 433:1 448:10,13,14 449:12 457:25 458:3,4 463:11,16 464:17,18 474:8,9 476:8,10 478:23, 24 480:3 490:16, 17 494:22,25 547:2,6,8 552:18 553:3,5 576:11,13 604:21,25 605:1 606:16 <b>recorded</b> 348:15 462:25 491:4 545:16 597:7,10, 11,12 <b>recorder</b> 453:18 465:15 <b>recorder's</b> 453:21 458:12,15,23 459:18,19 460:2,5 463:1,20 464:20, 22 582:10 597:8 <b>recording</b> 348:3 <b>recordkeeping</b> 373:25 374:2,16 375:1 468:22	<b>records</b> 348:14 374:5,7,20 393:4 399:12,15,19,22 401:15 431:17,18 435:5,15 438:4 445:7 455:1,14,23 458:11,16 459:8, 12 461:10 463:19 464:1,4 465:4,15 468:11,13,16 469:2 481:9,14 482:8,14,18 491:20 493:9,15 520:23 573:16 589:24 <b>recross</b> 594:10 <b>RECROSS- EXAMINATION</b> 594:12 <b>rectify</b> 479:7 <b>Rector</b> 586:16 588:1 595:12 <b>redirect</b> 411:16,20 415:9 490:11,12 493:2,23 599:9 <b>reduce</b> 527:24 <b>reduced</b> 518:6 537:22 542:3 557:23 558:14 562:1 <b>reduces</b> 542:3 <b>reducing</b> 540:10 <b>redundant</b> 563:16 <b>refer</b> 463:4 587:15 <b>reference</b> 481:18 482:18 513:4 524:5 529:3 535:2 537:2 <b>referencing</b> 381:20 <b>referral</b> 403:19	<b>referrals</b> 346:19 <b>referred</b> 453:6 601:22 <b>referring</b> 358:23 388:16,18 392:6 401:5 481:10,12, 13 483:7 582:14 <b>refers</b> 460:17 461:3 522:17 <b>refusal</b> 359:17 385:14 <b>refused</b> 388:15 395:22 <b>refuses</b> 395:15 <b>refusing</b> 346:25 <b>regard</b> 354:1 357:8 366:13 367:7 373:25 401:13 426:14 448:16 488:15 557:5 <b>registered</b> 383:19 390:21 407:11 420:7,17,22 504:11 528:24 530:2 574:4 <b>registration</b> 528:13 539:3 <b>registrations</b> 529:13 <b>regroups</b> 566:8 <b>regular</b> 499:11 533:2 540:21,22 545:23 <b>regulate</b> 346:23 347:6,23 368:19 369:3 370:6 373:18 380:8 403:14 559:16 <b>regulated</b> 342:18 346:18 348:5,7
---	--	---	--

350:18 361:1,2,16 370:4,5,15 374:19 377:23 398:15 400:20 412:10 414:19 415:13,16, 21,25 416:1 442:3,17 453:10 466:10,18 468:8, 10 493:11,19 560:2 <b>regulates</b> 360:20 374:17 <b>regulation</b> 344:8 347:7 357:19 361:11 369:5 376:18,19 387:11, 21 398:12 404:2,3 407:12 416:5 429:4 466:22 467:5 549:19 550:25 554:12 <b>regulations</b> 346:22 348:9 369:8 380:15 383:23 387:16,19 406:21 465:22,24 498:9 528:12 529:7 557:8 <b>regulatory</b> 340:13 342:1 359:12 559:7 <b>reimbursed</b> 375:14 <b>Rejoice</b> 348:12 392:22 437:22 481:18,24 581:12, 13,15 582:3,22 595:8,25 596:12, 14 <b>relation</b> 465:7 <b>relationship</b> 346:16 565:9,10, 12	<b>relatives</b> 362:5 <b>relay</b> 398:9 525:10 <b>relevant</b> 467:3 <b>reliability</b> 450:4 <b>reliable</b> 421:23 <b>remained</b> 450:19 <b>remake</b> 542:8 <b>remediation</b> 363:8 <b>remedied</b> 424:24 <b>remedy</b> 378:24 379:5 397:2 <b>remember</b> 346:9 347:2 355:1 356:5 367:1 396:25 399:6 400:2,3 406:19 436:24 447:13 459:2 470:20 482:3 516:15 537:14 551:23,24 561:14 578:16,21 582:20 585:11 <b>remembrance</b> 510:2 <b>remind</b> 352:19 388:11 496:17,20 <b>reminder</b> 585:15 <b>remitting</b> 593:11 <b>remove</b> 368:4 <b>renders</b> 603:12 <b>repair</b> 385:18 404:11 506:19 509:18 516:17 517:5,6,7,12,13 541:11 542:13 544:9 589:15 590:11 <b>repaired</b> 378:3 450:22,23 487:25 497:15 516:15,16	<b>repairing</b> 510:14 <b>repairs</b> 506:20 562:17,18 <b>repeat</b> 402:22 556:8,11 <b>replace</b> 505:20 516:2 <b>replaced</b> 505:16, 19,22,24 509:21 516:23 <b>replacement</b> 516:18 517:7 <b>report</b> 499:14 525:18 527:21 560:21 571:25 572:24 573:2,3,8, 21 574:11,18 <b>reported</b> 511:25 <b>REPORTER</b> 577:14 587:20 <b>reports</b> 381:17 571:25 576:1 <b>represent</b> 537:1 <b>representation</b> 468:1 <b>represented</b> 391:5 <b>repurposed</b> 437:1 <b>request</b> 398:24 471:13 474:25 527:5 569:3 <b>requested</b> 427:20 473:2 503:5 525:3 604:25 <b>requesting</b> 547:25 <b>requests</b> 399:11 403:12 470:16,19, 24 471:2,6 473:22 553:12 <b>require</b> 370:8 395:5 499:13	580:14 <b>required</b> 374:12 383:19 506:21 569:2 <b>requirement</b> 503:21 521:9 538:18 <b>requirements</b> 347:16 352:15 361:14 383:24 506:13,19 508:14 518:17,18 530:11 538:6 540:11 545:10 549:5,6 558:3 566:14,25 599:21 600:22 601:9,21 <b>requires</b> 443:23 <b>requiring</b> 516:1 557:4 605:12 <b>research</b> 410:6 511:21 581:23 <b>researched</b> 508:24 <b>resell</b> 523:9 539:5, 17 <b>residence</b> 525:9 <b>resident</b> 562:6 <b>residential</b> 466:12 <b>residents</b> 404:9 423:12,17 430:25 433:17,20 436:23 437:7 490:15 525:2 527:17,21 584:10 <b>resigned</b> 501:25 <b>resolve</b> 379:13 508:20 559:23 <b>resolved</b> 381:11 386:6 396:1 397:11
---	--	---	--

<b>resort</b> 389:19 416:23	508:4 547:22	<b>risk</b> 387:20 417:11	344:7,18,19 347:13,19,20 349:3,4 350:10 367:19 368:5 369:15 376:20,22 378:10 387:17,18 406:11 493:19 498:9 558:21
<b>resources</b> 407:11 414:8 492:25 516:1 518:13 519:14,16,19,22 522:4,8 526:13 528:6 529:8 531:8 536:17 538:4,14 539:2 548:15,19 558:4 599:20 600:2,10 602:23	<b>responsive</b> 372:16	<b>road</b> 396:22 582:22 585:22	<b>rumor</b> 381:9
<b>respect</b> 480:12 481:3	<b>responsiveness</b> 359:19	<b>roadway</b> 523:4 581:16	<b>rumors</b> 459:6
<b>respond</b> 378:8 382:5,7 473:9 484:11	<b>rest</b> 345:19 540:2	<b>Robert</b> 442:8	<b>run</b> 363:13 373:5 375:10 377:2 447:5 473:3 515:11 516:10 571:8
<b>respondence</b> 450:10 469:24 470:15	<b>rested</b> 496:10	<b>role</b> 358:20 369:13,14 419:4 440:9	<b>rundown</b> 517:24
<b>respondences</b> 473:20 474:6	<b>restored</b> 378:4	<b>roles</b> 359:12	<b>running</b> 361:21,23 364:6 380:16,21 515:13 562:9
<b>respondent</b> 547:7 552:12	<b>restrictions</b> 529:3	<b>Rolling</b> 340:12 441:25 500:22 505:22 515:24 527:15,17 528:3, 18 533:10 537:20 568:14 570:24 584:6	<b>runs</b> 420:16 447:5 452:3
<b>responding</b> 348:25 469:17	<b>restructured</b> 568:6	<b>roof</b> 483:18,22,25 488:21	<b>rural</b> 414:18 498:13
<b>response</b> 364:2 402:21	<b>restructuring</b> 568:3	<b>roofing</b> 535:18	<b>Rustler</b> 581:6,8,10 583:17
<b>responses</b> 363:5 474:1	<b>rests</b> 495:5	<b>roofs</b> 443:9 483:11	<hr/> <b>S</b> <hr/>
<b>responsibilities</b> 342:4,14 419:6 508:20	<b>result</b> 375:17 415:14	<b>room</b> 355:22 359:10 390:7 436:25 437:3 564:9	<b>S-T-A-M-P</b> 418:22
<b>responsibility</b> 342:15 382:5 421:21 548:25 560:12,15 570:20 580:5 593:19 594:24 597:19,22	<b>results</b> 516:13	<b>roughly</b> 481:17 490:19	<b>safe</b> 344:4 347:10 350:8,20,24 359:17 364:16 367:11,15 385:20 395:21 421:23 463:24 493:16
<b>responsible</b> 372:24 403:7 407:8 421:19	<b>retain</b> 561:17	<b>round</b> 589:16	<b>safety</b> 347:12,14, 18,19 361:12 364:7 365:10 367:25 368:24 369:6,18 370:13 398:13 407:8 417:3 440:14 443:4 449:25
	<b>retainer</b> 537:4	<b>routine</b> 342:18 419:12,13	
	<b>retaining</b> 561:18	<b>routinely</b> 394:16	
	<b>retire</b> 409:6 517:20,22	<b>Rowden</b> 348:11 393:7 480:25 489:2 539:24 540:6 542:21 543:19	
	<b>retired</b> 517:20 535:9	<b>rule</b> 378:25 387:2 464:5	
	<b>retirement</b> 547:23	<b>rules</b> 343:25	
	<b>returned</b> 492:10		
	<b>returns</b> 465:18		
	<b>review</b> 399:21 528:8 546:5		
	<b>Rick</b> 511:7 542:10 548:17		
	<b>rid</b> 536:8		
	<b>rights</b> 453:16 460:18,19,24 464:25		
	<b>rings</b> 434:15		

464:11 467:8	420:7,18,23	<b>served</b> 360:19,22	<b>session</b> 345:14
<b>sale</b> 394:1,2 409:1	571:14 572:5,16	392:8 401:2	358:21
509:17 521:11	574:10,21 576:10	<b>service</b> 340:7	<b>set</b> 347:12 366:1
526:23 533:19	<b>section</b> 348:18	341:25 342:7	470:24 471:1
559:9 586:22	372:20 598:8	343:4 344:4,6,15,	510:16 546:10
592:13,14,16	<b>seek</b> 376:9 379:6	17,20 346:18	564:15
597:25	382:9 396:8,23	347:11 348:15	<b>sets</b> 347:19
<b>salvage</b> 536:6	<b>seeking</b> 353:15	350:9,10,20,24	470:19
<b>samples</b> 402:22	376:13 396:18	357:17,25 358:8	<b>settings</b> 402:15
408:22	405:8 406:8	359:21 361:8	414:18
<b>satisfaction</b>	<b>seized</b> 363:21	362:15 364:17	<b>settled</b> 467:25
520:24	<b>sell</b> 365:12 409:20	365:5,6 367:9,11,	<b>severe</b> 350:22
<b>satisfied</b> 502:5	533:5,9 561:10,19	16 368:18,23	<b>severed</b> 447:6
529:10	562:3,5 565:2,17	369:9,10 370:9	<b>severity</b> 446:8
<b>satisfy</b> 503:20	567:17 568:16,22	372:20,22 377:2	<b>sewer</b> 342:2,7
529:7 530:11	592:5,8,19	381:4,5 392:8	373:21 375:3
<b>scale</b> 363:6	<b>selling</b> 398:15	393:5 395:3,7,21	526:18 544:17
<b>scared</b> 359:7	522:20 547:20	399:18 403:24	<b>shadowing</b> 343:9
<b>schedule</b> 530:24,	556:21 580:17,19	406:12 413:4,15,	<b>share</b> 479:2,8
25 533:14 605:3	<b>send</b> 389:14 399:1	16 414:21 418:25	491:6 564:3
<b>scheduled</b> 358:25	426:24 437:7,11	421:11,19,23	<b>shared</b> 452:24
533:20 534:7	470:19,20 491:8	423:13,18 425:23	480:9 482:23
<b>scope</b> 439:23	536:19 560:24	429:5 431:24	484:10
440:15 446:22	<b>sending</b> 368:13	433:8 435:2 436:8	<b>sharing</b> 452:19
<b>screws</b> 541:17	385:15 408:21	439:14 443:23	<b>sharp</b> 566:24,25
<b>search</b> 407:9	433:9 445:25	449:25 451:3,10	<b>sheet</b> 460:17
482:13 507:19	531:10	465:13 466:6	<b>shock</b> 402:13
<b>searched</b> 435:15	<b>sense</b> 405:6 571:5	467:9 469:14	<b>shop</b> 536:6
502:7	<b>separate</b> 382:12	486:11 492:10	<b>short</b> 373:14
<b>searches</b> 399:20	392:10 412:22	493:17 503:14	386:6 418:1
461:9 504:17	425:13,15,17,19	508:13 512:11	476:21,23 477:1
<b>searching</b> 415:12	460:8 521:9	518:19 529:9	510:6 564:10
<b>seat</b> 496:15	<b>separated</b> 557:11,	531:9 533:25	565:2 567:13
<b>seated</b> 341:15	12 570:9	536:18 537:2,8	<b>shorten</b> 504:20
418:16	<b>separately</b> 381:1	539:8,21,22 545:7	<b>shortly</b> 399:2
<b>Sebastien</b> 495:21	<b>separating</b> 360:14	553:24 565:21	<b>shove</b> 531:3
<b>seconds</b> 604:22	557:6,17 559:25	566:22 584:14	<b>show</b> 351:18
<b>Secretary</b> 366:18,	<b>series</b> 390:17	596:2,13,16	359:7 365:17
22 390:22 391:2	<b>serve</b> 370:1	599:21,23 600:13	388:3,11 393:3
	437:24 438:12	601:16 602:24	
		<b>services</b> 414:9	
		426:2,11 491:12	
		546:6	
		<b>serving</b> 438:2	
		567:21	

426:1 431:21 446:11 456:15 458:9 461:14 482:9 569:25 574:14 <b>showed</b> 366:25 404:16 458:18 465:16 500:3 582:4 <b>shower</b> 362:2 <b>showing</b> 343:10 436:21 469:16 594:23 <b>shown</b> 450:12 <b>shows</b> 366:5 423:17 439:4 447:2 448:1 455:10 482:15 486:13 580:4 <b>shut</b> 379:4 481:1 489:24 491:25 492:12 <b>shutoff</b> 492:17 <b>sic</b> 351:16 372:8 474:6 581:6 585:7 586:2,16 <b>sick</b> 358:17 <b>side</b> 377:25 432:6 525:16 526:21 567:3 <b>sign</b> 522:7 <b>signed</b> 359:18 528:5 553:14 <b>significant</b> 358:16 362:13 368:24 395:3 447:3 <b>significantly</b> 411:10 <b>similar</b> 373:19 462:15 472:13,15 485:4 487:2	580:25 605:8 <b>simple</b> 370:5 431:23 549:14 <b>simplicity</b> 587:11 <b>simplified</b> 472:16 <b>simply</b> 350:12 366:2 374:8 395:15 485:19 498:10 510:25 511:2 513:18 526:6 528:22 529:25 533:9 536:19 540:21 549:4 562:14 <b>single</b> 439:17 490:21 501:1 538:7 <b>sir</b> 351:17 355:24 390:3 477:2 479:5 481:12,22 482:11, 13 483:14 484:16 487:17,22 488:6, 19 489:10,18 490:3 568:21 570:6 571:15 574:23 587:6,20 593:9 598:22 <b>site</b> 378:6 419:11 440:20,21 441:3, 15 488:24 493:8, 14 494:1,13 507:7 509:18 523:6 540:17 556:19 <b>sites</b> 442:21,23,24 443:6 494:14 505:17 559:19 <b>situation</b> 344:3 345:12 350:22 360:1 368:3 369:6 371:3,12 373:9 376:17 379:11 382:6 386:5,11 388:24,25 392:25	394:23 395:16 398:11 402:10,17 403:9 404:25 406:9 412:9 416:14 417:5 421:18 439:11 443:13 446:7 453:7 466:25 467:25 469:19 480:19,20,22 481:23 486:2 493:20 515:9 526:2,22 559:19 <b>situations</b> 346:2 357:23 358:1 360:3 368:18 381:13,18 387:12 389:8,16 395:25 396:2 397:12,13 412:9 428:8,12 435:12 453:16 459:24 485:6 486:18 <b>sixteen</b> 522:13 <b>sixty</b> 540:23 <b>size</b> 363:19 <b>sized</b> 372:5 <b>skim</b> 351:22 <b>skipped</b> 424:22 586:20 603:10 <b>skirt</b> 376:22 <b>skyline</b> 501:6 <b>slightly</b> 472:16 563:24 <b>small</b> 346:23 348:4 350:18 361:16 363:18 371:20 373:19,21 374:16 375:2,13 404:14 406:6 412:8 416:21 472:12,19,25 512:5 539:20	559:16 560:1 <b>smaller</b> 363:6 557:20 558:20 559:17 <b>socioeconomic</b> 392:24 <b>sold</b> 375:23 413:12 499:13 509:14,16 519:24 520:3 521:2,18,22 533:21 539:14 577:11,21,22 578:2,3,6,7,15,22 579:24 583:4,5 584:6 585:18,22 586:3,4,6,9 587:9 588:5,13,14 592:12,14,17,21 596:5,6 <b>sole</b> 456:20,21 <b>solid</b> 400:18 <b>solution</b> 373:17 382:10 <b>solutions</b> 386:10 <b>solve</b> 544:4 <b>solved</b> 545:5 <b>solving</b> 416:24 <b>somebody's</b> 519:7 <b>sophistication</b> 373:23 <b>sort</b> 343:25 344:20 368:4,12 380:24 387:2 406:4 449:20 462:8 471:10 523:10 592:22 599:6 <b>sorts</b> 347:17 361:13 368:16 373:5 375:14 378:4 379:9
--	---	---	---

387:12 389:10 522:9 580:15 <b>sough</b> 378:24 <b>sought</b> 405:11 <b>soughtt</b> 378:24 <b>sounds</b> 356:6 568:3 <b>sour</b> 529:19,20 <b>source</b> 397:9 447:5 457:17 467:2 525:19 600:25 <b>sources</b> 436:16 <b>space</b> 542:3,6 <b>speak</b> 344:14 350:3 379:17 393:9 428:3,4 429:9 436:22 459:25 531:4 534:24 546:8 566:24 577:15 <b>speaking</b> 364:21 377:17 393:11 <b>specific</b> 344:12 360:1,12 378:14, 17 385:24 386:11 400:24 472:14 484:24 488:18 560:5 <b>specifically</b> 356:18 358:5 379:14,23 408:12, 15 458:15 475:5 492:3 <b>spell</b> 341:20 418:21 <b>spend</b> 403:14 536:9 601:8 <b>spent</b> 406:5 506:6 509:19 554:16,21 601:6	<b>split</b> 541:9 <b>spoke</b> 345:3 373:17 481:15,25 517:8 <b>spoken</b> 393:13 399:13 429:11 433:20 <b>spouse</b> 535:4 536:10 <b>spring</b> 343:20 399:5 471:23 <b>Springfield</b> 504:8 <b>square</b> 586:14 <b>St</b> 442:8 <b>staff</b> 340:6,22,24 341:8,16,25 343:22 348:21 349:19 351:24 352:8,23 354:7,14 355:19 357:4,6,11 358:1,5 364:24 369:23 370:21,22 371:1 375:2,10 376:12 395:9 396:10 398:6,18 399:3,9 403:12,13 405:6,12 409:11 410:25 411:3,17, 25 412:3,4,13 414:5 415:11 416:9 418:6,17 424:14 425:3 427:10 429:25 431:14 433:1 436:6,12,18 439:7 440:2 441:19,21 444:19 448:14 449:17 454:8,19 458:4,7 464:18 470:6,20 471:5,6 473:20 474:9 476:9 490:11 492:11,14 495:5 496:10 503:15	508:13 548:5 552:12 553:4,12, 16,24 571:25 576:7 594:10 604:11,13,17,25 605:3,14 606:10 <b>staff's</b> 349:23 350:1 351:15 353:11 354:4 356:2 365:2 375:18 417:16 418:5 474:6 495:1,17,20 574:11 <b>stage</b> 362:6 <b>Stamp</b> 342:9 345:18,19,22 360:5 364:24 374:15 391:8 418:11,12,15,22 476:16 477:15 487:4 488:7,14 495:1 510:18 519:25 540:15 541:25 542:16 543:7 <b>Stamp's</b> 475:3,10, 15 <b>stand</b> 418:13 <b>standard</b> 370:13 396:12,14 405:9 497:17 <b>standards</b> 347:11 361:12 362:23 363:17 367:25 405:23 559:12,14 <b>standing</b> 415:24 437:3 <b>stands</b> 462:20 <b>start</b> 377:19 398:18 427:14 497:2 501:23 514:20 519:9	530:10 548:13 571:12 577:3 <b>started</b> 342:25 346:12 350:19 376:25 399:4 427:13 435:4 438:17 447:17 462:16 483:16 523:25 530:3 535:13 540:8,10 545:24 563:19 601:3 <b>starting</b> 376:5 385:10,13 417:12 <b>state</b> 341:20 391:2 405:25 413:23 415:12 417:19 418:20 420:7 504:2 528:14,25 529:13 530:3 571:14 574:10,22 575:8 576:10 <b>State's</b> 366:19,22 390:22 420:19,23 572:5,16 <b>stated</b> 379:20 415:11 416:13 <b>statement</b> 397:5 401:24 <b>statements</b> 454:22 457:24 601:24 <b>status</b> 366:9,23 379:12 391:15 407:3 571:24,25 572:24 573:2,3,8, 21 574:11,18 575:25 <b>statute</b> 347:19 412:11 <b>statutes</b> 367:14 <b>stay</b> 362:5,6 441:10,12,13
---	--	--	---

522:3 580:15	<b>struggle</b> 402:11	<b>supervise</b> 342:5,9	<b>surveyor</b> 507:19
<b>stayed</b> 434:7	<b>struggled</b> 401:22	<b>supervises</b> 452:8	520:10,12 527:4
<b>staying</b> 443:25 564:2	<b>stuck</b> 569:23	<b>supplement</b> 496:3	<b>surveys</b> 507:20
<b>stays</b> 375:16	<b>subcontracting</b> 535:18	<b>supplementing</b> 473:14,25	<b>survivor</b> 534:18
<b>steam</b> 342:2,7	<b>subdivisions</b> 387:7 498:10,16	<b>supplied</b> 460:23 516:19 528:20	<b>suspect</b> 346:17
<b>step</b> 349:10 360:15 371:16 372:2 373:8 377:24 389:22 403:7 543:4 563:16 603:4	<b>subject</b> 344:8,17, 18 346:22 357:18 361:11 369:8 380:14 387:10 398:12 407:12 554:18	<b>supplier</b> 451:16	<b>suspected</b> 523:2
<b>stepping</b> 373:12	<b>submit</b> 465:7 467:22 605:17	<b>supplies</b> 431:1 471:9	<b>suspicious</b> 359:25
<b>steps</b> 372:16,23 600:16	<b>submitted</b> 429:10 483:9 517:4 571:24	<b>supply</b> 340:10,11, 12 365:12 373:11 385:20 430:10,19 451:11 460:21 461:1 467:23 492:4,5,6 524:10	<b>sustain</b> 478:5
<b>stick</b> 389:20	<b>substance</b> 426:4, 18	<b>supplying</b> 442:3	<b>sustainable</b> 403:3
<b>sticks</b> 566:24,25	<b>substantiate</b> 459:7	<b>support</b> 474:25 498:18	<b>swimming</b> 432:7 514:25
<b>stipulations</b> 566:21	<b>subsystems</b> 559:13	<b>supposed</b> 406:22 410:10 507:2 543:11 544:1 601:2	<b>Swiss</b> 372:12
<b>stood</b> 473:9	<b>successful</b> 349:5	<b>supposedly</b> 442:16 590:2	<b>sworn</b> 341:13,14 418:14,15 496:16
<b>stop</b> 373:15 384:19,23 395:7 405:1	<b>successfully</b> 350:8 400:16	<b>surface</b> 372:13 402:18	<b>syringe</b> 534:22
<b>storage</b> 363:25 369:24	<b>sudden</b> 514:1 566:3,7,20	<b>surgeries</b> 554:16, 17	<b>system</b> 359:5 369:20 371:5,14 372:18 373:5,13, 19 383:17 387:10 396:9,11 401:7,11 402:24 403:1 404:1,10,22 408:17,21 409:9, 24,25 410:19,20 411:4 414:15 416:11 419:11 420:2 423:2 430:18,19 437:22, 23 438:6,11 443:11 446:18 447:24 453:9 465:22 482:1,5,7 485:9 487:22,23 489:2,3,4 491:25 493:7 500:8 501:3,19 502:1,2 505:23 506:4 509:13 515:22 521:1,5,21 525:14,15 526:25 527:14 528:14 529:1 534:19
<b>story</b> 377:25 510:3 533:6	<b>suffice</b> 509:8	<b>surprise</b> 439:7	
<b>straight-up</b> 410:19	<b>sufficed</b> 520:16	<b>surprised</b> 439:21 515:13	
<b>straightforward</b> 433:7	<b>sufficient</b> 362:18 513:16	<b>surrounding</b> 414:13 563:19	
<b>strategy</b> 556:19 559:9,11	<b>suggest</b> 350:23 412:3	<b>survey</b> 383:20 507:17 520:11 527:5 570:25 580:15	
<b>straw</b> 368:7	<b>summation</b> 397:1, 4	<b>surveyed</b> 593:25	
<b>streamline</b> 559:7	<b>summer</b> 471:24		
<b>Street</b> 392:22			
<b>strong</b> 517:2			
<b>structure</b> 416:4 563:4			

535:1 538:25  
539:12 549:18,24  
550:8 557:6  
558:8,13 559:16  
561:7,9,10 565:21  
584:19 595:11,25  
596:11,13 600:8

**systems** 346:8  
347:22 360:19  
366:12 370:4,25  
371:20 374:15  
375:24 390:24  
391:2,21 392:11,  
12,15 393:14,16  
394:5,13 402:16  
403:14,18 404:8,  
11 405:24 406:3,6  
412:15 414:12  
415:13,15,20  
416:4 420:22  
429:16 439:19  
441:25 444:16  
465:24 466:2,3,8,  
17 467:6 502:15  
507:8 519:4  
528:17 539:4  
563:22 564:6  
566:9

---

**T**

---

**table** 548:16  
**takes** 361:4  
523:11 534:15,16  
535:5,6 547:15  
**taking** 353:10  
355:17 362:4  
392:16 404:9  
441:19 475:9  
504:21 517:15  
531:23 566:4  
**talk** 360:16 364:12  
365:11 376:2  
395:10 396:9  
408:25 433:2

515:3 568:21  
570:3 571:12  
572:4 587:21  
593:5

**talked** 343:18  
396:6 440:7  
453:17 498:20  
502:9,11,25  
503:13 504:10  
515:23 525:4  
529:19 546:3  
549:17 563:22  
564:1

**talking** 345:16  
385:5 410:18,22  
420:3,5 480:20  
483:12 489:23  
494:9 504:24  
509:2 518:5  
537:12,13 538:8  
553:23 564:18  
588:6 593:17  
595:7 598:5

**talks** 460:22

**tamper** 443:10

**tampered** 447:6

**tank** 363:24

**tanks** 363:3

**targeting** 405:19

**tariff** 378:10,20,  
23,25 379:1  
543:22,23

**tax** 454:12,22  
455:18,24 457:4,  
11,24 465:18  
580:6 582:7

**taxed** 455:13

**taxes** 454:16  
456:10,24

**Taylor** 450:18,25  
483:19,21 488:19  
494:9 509:5,14

511:24 512:14,21,  
23 513:1,6 515:15  
522:15,16,18,19  
526:24 578:10  
589:7,9,21

**team** 342:5

**technical** 350:8  
384:1,2,4,8 386:8

**technically** 593:1

**technician** 511:8

**tedious** 571:8

**telling** 437:8 534:7  
536:21

**tells** 521:20

**temporary** 402:14

**ten** 440:25 478:20  
500:13,15 513:25  
514:14 531:24  
577:4

**term** 451:5 564:5  
565:1,2 567:13,25

**termed** 420:10

**terms** 344:14  
400:21

**test** 358:15 503:19  
504:21,22,23  
505:2,3,4 560:9,  
15

**tested** 511:14  
560:23

**testified** 356:7  
358:6 361:18  
391:18 407:25  
411:22 465:21  
474:18 475:12  
518:4,8 540:15  
551:25 581:11  
595:4,24 599:25

**testify** 346:4  
381:10 512:8  
552:1

**testifying** 370:18  
428:22

**testimony** 350:15  
353:23 356:12,16,  
19 358:18 367:17  
368:2 377:13  
388:17 391:13  
396:6 397:4  
401:18 406:17  
407:18 412:20  
414:4 421:12  
422:19 424:3,9  
452:12 475:3,5,  
10,15,17 495:22  
511:19 518:2,3  
525:1 531:5 537:7  
538:19 552:7,19,  
24 553:17 555:2,  
20 563:9,18 568:8  
601:22 603:4

**testing** 361:12  
478:15 499:10,11,  
17,19 500:5  
501:20,21,22  
502:12,22 503:11,  
23 504:1,5 505:6  
516:13 525:8,16  
558:22 560:8

**tests** 477:24

**text** 470:3 490:25

**that'd** 575:2

**thaw** 350:16

**theater** 437:1

**theme** 439:16  
486:9

**thereof** 381:22

**thing** 344:1,20  
368:12,16 375:25  
388:10 402:2,7,20  
406:4 447:2  
451:21 505:19  
516:15 548:20  
575:3,11



<b>things</b> 344:18 347:7,17 358:15 368:20 374:12 375:10,14 376:4 377:18 378:5 379:10 384:14,18 386:12,20 387:2 389:10,18 390:18, 19 407:10,15 408:9 409:16 411:6 417:18 443:16 444:1 451:5 464:3 468:20 471:12 480:14,15,16 488:16 493:14,15 497:15 501:10 507:5 510:17 513:3 537:18 564:11 566:8 567:2 576:25 592:11 603:25	20,23 512:20,21 513:6 525:23 526:1 561:25 577:4,6 579:9 580:4 590:14 <b>Tigger-1</b> 561:15 <b>time</b> 340:5 341:8 343:2,11 345:4,16 352:13,22 373:12 376:15,16 383:24 386:5,9 388:16 390:20 392:18 394:3 398:7 400:15 407:16 410:24 413:10 417:23 429:14 434:3 435:11 436:9 440:14 441:14 447:11 451:18 459:7 461:11 469:22 470:21 477:2 479:6 484:24 485:7,13 486:3, 11,13,14,15,21 487:14 488:23 492:14 496:22 499:1 500:21,24 501:18,21 503:3 504:19 506:11 507:20 510:8 512:14 513:3,13 514:17 516:6,10, 24 517:21 518:8, 12 519:7,10 521:24 522:14 523:6 527:16,25 528:3,11 529:5 530:24 531:2,23 532:18,19 534:15, 16 535:2,5,6,7 536:10,19 538:12 541:10,23 542:8,9 543:6 544:14 547:14 548:1,17 550:1,21 553:18	554:3,11,15,17 555:24 558:5 560:7 564:11 571:6 583:3,9 586:22 588:22 592:2 593:10 600:25 601:3 602:21 <b>timeframe</b> 501:16 529:12 <b>timeframes</b> 518:23,24 602:22, 24 <b>timeline</b> 501:13,16 601:12 <b>timelines</b> 528:12 530:4 533:23 536:16 <b>timely</b> 397:5,19 484:11 <b>times</b> 362:11 378:1 389:14 413:21 414:17 419:10,12 429:19 434:14 435:22 441:21 452:16 469:20,21 480:1 485:15,18 501:15 509:22 514:14 540:13 <b>timing</b> 403:15 <b>title</b> 411:7 568:24 569:5 599:4 <b>today</b> 340:4,15 352:19 386:16 479:19 500:24 511:16 518:9,10 524:24 538:2 555:2 572:25 602:3,9,12 604:17 605:16 606:20 <b>toilet</b> 358:10 362:1	<b>told</b> 344:11 362:12 366:11 371:13 379:7,16 383:3,9 389:13,25 408:19 438:11 440:1 481:23 485:6 492:9 503:10 505:11 507:17 514:6 520:25 525:12 529:22 540:18 544:22 581:1 586:9 602:19 <b>tomorrow</b> 386:16 390:1 568:15 570:14 601:22 602:3 <b>top</b> 368:8 402:2,19 442:9 443:25 457:8 541:13,14 <b>Topo</b> 388:21,22 401:5 506:21,23 507:14,15,21,22, 24 508:6,16,24 510:4 522:23,24 523:4,5,14,21 524:1,2,5,21 525:2 526:21 580:20 602:13 <b>topography</b> 372:8 <b>total</b> 497:12,21 <b>totally</b> 390:19 497:10 <b>touch</b> 603:21 <b>touched</b> 367:8 369:12 390:18 <b>track</b> 374:10,25 <b>tracks</b> 498:12 <b>transaction</b> 583:3 591:17,23 <b>transactions</b> 600:6
---	--	---	--

<b>transcript</b> 356:20 475:7 552:20,21 604:19 605:2	<b>truth</b> 484:19 518:11 531:13	<b>unaccounted</b> 588:22	<b>unhappy</b> 426:7 427:22 439:10 445:22 452:20 479:23 494:11
<b>transfer</b> 458:10 461:21 462:2,6,12 463:4,14 464:15 580:5 581:24,25 582:15 583:25 585:3,4 591:9,10, 24 594:23 598:3	<b>truthful</b> 565:9	<b>unauthorized</b> 364:14,19 365:4 421:10,15	<b>unit</b> 381:21
<b>transferring</b> 460:24	<b>turn</b> 349:7 372:19 379:8 499:21 501:8 504:5 509:7 512:22 556:1 565:4	<b>unavailable</b> 504:15	<b>unkept</b> 443:2
<b>transferred</b> 461:15 582:5 593:7 597:18,22 598:15	<b>turned</b> 366:6 370:7 481:7 503:23 511:13,14 543:8	<b>uncertain</b> 453:23	<b>unknown</b> 437:14
<b>transferring</b> 583:13	<b>turnout</b> 439:2	<b>uncleanliness</b> 443:13 446:22	<b>Unreasonable</b> 537:4
<b>transfers</b> 430:24 461:23 583:23	<b>twenty</b> 498:1	<b>unclear</b> 453:15	<b>unsanitary</b> 358:8
<b>trash</b> 443:13 444:12 488:20	<b>twenty-five</b> 478:21	<b>underneath</b> 355:4	<b>unusual</b> 402:6 416:14
<b>Travis</b> 340:8 342:19 419:15	<b>tying</b> 531:17	<b>understand</b> 344:21 352:20,21 359:12 390:25 398:3 400:5 405:17 423:4 439:16 465:1,22 528:8 556:24 558:9 559:12 561:8 571:5 577:12 580:17 594:19 603:3	<b>up-to-date</b> 520:19 522:3
<b>treat</b> 478:21 499:16	<b>type</b> 357:7 396:13 419:4 435:24,25 446:5 458:16 466:21,22 505:25 506:1 541:15 544:18,19 562:13, 24,25 600:8	<b>understanding</b> 345:24 392:14 395:17,24 397:3 398:5 400:8,14 413:11 432:15 440:8 442:20 446:14 456:5 473:11 543:14 577:6 578:21 595:14 602:1,8	<b>update</b> 527:16
<b>treated</b> 499:20	<b>types</b> 347:6	<b>understandings</b> 435:11	<b>updated</b> 441:10
<b>treatment</b> 355:13 466:19,20,22	<b>typical</b> 372:6 402:6 449:20	<b>understood</b> 344:25 413:3 478:7 486:4 516:9	<b>upgrades</b> 513:17
<b>tremendous</b> 429:14 450:12	<b>typically</b> 377:20 419:3,25 422:10 434:15 444:15 449:18 450:11 471:13 478:17 491:8	<b>undervalue</b> 410:14	<b>upkeep</b> 497:17
<b>Tricia</b> 577:9		<b>unfamiliar</b> 544:18, 20	<b>urgency</b> 386:24
<b>tricky</b> 392:17	<b>U</b>		<b>urgent</b> 358:2
<b>trouble</b> 559:13			<b>usage</b> 373:1 422:1,14 423:3
<b>truck</b> 543:22,23	<b>uh-huh</b> 465:19 552:1		<b>user</b> 500:11
<b>true</b> 400:1 417:18 436:17 556:24 585:16 590:5 591:11 594:5	<b>ultimately</b> 358:3		<b>user-consumer</b> 585:8
<b>trust</b> 480:13,16,17	<b>unable</b> 417:9		<b>users</b> 500:11,14, 15 502:23 513:16 530:5
	<b>unacceptable</b> 380:7,11,13,18		<b>utilities</b> 368:20 374:17 416:22
			<b>utility</b> 343:3,24 344:16 352:15 363:14 364:6,15, 19 365:1,4 372:16 375:24 412:7,8,10 421:11,15 431:22 444:14 453:9 468:9 472:12,19, 25 473:3 492:23

493:11,19 498:14 529:11 549:10,11 565:22 <b>utility-type</b> 530:15	447:11 488:24 494:1 518:14 <b>visited</b> 444:3 465:6 489:1,2,16 <b>visits</b> 419:12 440:20,21 441:3, 16 493:8,14 494:13 <b>volatile</b> 439:11 <b>volume</b> 356:20 475:6 487:1 490:19 552:20,21 555:23 556:2 <b>voluntarily</b> 409:15 416:16 <b>voluntary</b> 396:17 <b>vulnerable</b> 392:24	566:11 574:6 578:4 588:18 589:13 594:14 596:12 599:11 <b>wanting</b> 348:18 357:11 409:9 565:21 600:15 <b>warranty</b> 461:19, 20,24 462:1,2,5 464:22 <b>wash</b> 358:10 362:1 <b>wastewater</b> 383:14,23 405:22 <b>wasting</b> 519:7 <b>watch</b> 375:15 604:1 <b>water</b> 340:10,11, 12 342:1,6 347:11,13,16 355:12 357:21 358:11,14 359:17, 18,22 360:19 361:8,21,23 362:8,10,17,23,24 363:3,4,13,24,25 364:1,6,19 365:1, 4,5,8,12 366:12, 14 368:6,13 369:16,19,24 372:11,13 373:11, 21 375:3 378:3 379:3 380:21 382:18 383:17 385:15,20 386:10 387:17 388:20 394:13 395:14 398:16 401:2 402:16,18 403:13 404:1,22 405:1,23 409:10,24 414:12, 14 415:15 419:17, 20,24 420:2,4 421:10,15,19	422:1,14 423:13, 18 426:23 430:10, 11,18,19,21 431:1,24 432:1 433:8 434:23 435:17 439:18 440:12 441:25 442:3 443:10,19, 23 444:10,13 447:25 449:25 450:5,11,17 451:11,14 452:7 453:8,9,13,25 454:1 457:16,18 460:21,23,25 461:1 462:7,11, 20,23 463:15 464:16,23 465:21, 24 466:3,11 467:1,4,24 468:19 469:23 471:9,10, 13 473:3 478:14 484:13,16,23,25 485:7,8,11,15,25 486:7,8,10 492:4, 5,6,15,23 493:7 494:8 497:9,10,11 498:7,10,14,24 499:15 500:8 502:13,15,21,23 505:18,23 510:5 511:14 512:11,23 513:5 514:10,12, 22,25 515:8,22 519:3 521:5,20 522:10 523:7,8,13 524:8,9,24 525:3, 6,14,15,16,18,20 526:17,18,20,25 527:14 528:13,17 529:1,17 530:6 535:12 537:1,12 539:4,12 540:25 541:21 545:20 548:9 549:18,24 550:4,8 551:18,21 558:7,11,16,24
<b>V</b>	<b>W</b>		
<b>vacation</b> 522:21 <b>valve</b> 509:7 512:21,22,25 <b>valves</b> 372:19 <b>varies</b> 442:24 <b>vary</b> 486:19 <b>varying</b> 373:22 374:1 <b>vast</b> 403:20 406:4 <b>veracity</b> 382:8 <b>verbiage</b> 353:17, 22 354:2 594:3,4, 20 <b>verified</b> 528:23 <b>verify</b> 363:10 390:19 391:6,9 <b>versus</b> 340:7 444:4 <b>veteran</b> 535:9 <b>vicinity</b> 446:20 <b>view</b> 399:15 403:18 447:24 <b>viewpoint</b> 559:8 599:15 <b>violating</b> 367:19 <b>violation</b> 378:9,23 <b>violations</b> 346:21 378:10 397:11 <b>virtue</b> 583:22 585:3 <b>visit</b> 378:6 441:15	<b>WA</b> 351:3 <b>WA2023-0418</b> 349:17 351:4,6 353:12 354:5 495:20 <b>waiting</b> 510:20 <b>walk</b> 393:22 565:5 603:24 <b>walked</b> 600:13 <b>walking</b> 405:21 <b>wall</b> 535:18 <b>walls</b> 541:2 <b>wanted</b> 352:7 359:8 373:15 399:1 414:22 420:25 425:6 436:22 449:9 476:23,24 510:10 512:16 524:11 525:11 546:8,11 565:15,17,18		

559:11,14,23	455:11 456:14,18,	<b>whatever's</b> 404:24	<b>WO2024-0037</b>
560:3,4,7,16,21	21 460:25 461:23	441:10	354:21
561:11,19 562:3,	465:12 466:5,11	<b>whatsoever</b> 410:7	<b>wonderful</b> 414:21
7,15 563:21,23	470:13 471:8	<b>wherefore</b> 606:23	<b>wondering</b> 463:22
564:6 565:14	477:24 481:16	<b>wherewithal</b>	<b>Wood</b> 414:15
566:9 583:8	483:11,17 484:7	350:12 372:2	<b>word</b> 485:21,23
584:19 594:18	487:16,18 488:2,	492:23	516:16
595:11,16 600:8,	6,24 489:1,2,3,24	<b>wife</b> 455:10	<b>words</b> 531:23
24 601:7	492:12 494:2,14	456:21,22 482:15	546:8 558:11
<b>waters</b> 366:9	497:9,10,11,13,	522:7 534:9,11,17	<b>work</b> 347:20
373:19	16,18,21,23	535:4 536:4,24	362:21 371:18
<b>Waynesville</b> 437:1	498:1,8 499:12,	546:2,8 554:15,22	375:3 383:13
<b>ways</b> 486:2	14,25 500:9	567:5 569:6	411:8 417:12
<b>website</b> 502:8	501:12 504:4	<b>wife's</b> 563:20	455:5 497:16
572:6,16 604:4	505:10,14,15	<b>wildlife</b> 443:9	517:14 541:24
<b>week</b> 478:25 479:1	506:7,9,14,15,20	<b>willingly</b> 421:18	566:16
503:18 504:3	507:4,9,10,11,14	<b>wintertime</b> 350:17	<b>worked</b> 371:19
554:16 603:8,10	509:2 511:23	<b>wire</b> 448:2	383:14 452:14
<b>weekly</b> 429:22	513:13 515:13	<b>wiring</b> 443:11	453:2 506:24
441:12 477:19,22	516:24 518:1,5,7,	446:21	565:8
478:20 479:11	14 519:10,12	<b>wise</b> 514:13	<b>working</b> 346:16
490:22	521:18 523:3	<b>withdraw</b> 352:7	417:7 431:15
<b>weeks</b> 363:23	533:5,9,19 535:12	406:14	452:23 485:12
450:19 459:3	537:5,16,17,18,	<b>withdrawing</b>	566:1,3
479:13 488:25	19,22 538:1,21	353:16	<b>Works</b> 340:11
494:17	539:6,8,10,13,14,	<b>withdrew</b> 349:21	355:13 366:14
<b>wells</b> 346:22,24	17,20,25 540:8,10	549:2,3	419:17,21,24
347:22,23 348:2,	542:21 544:5,9,23	<b>withheld</b> 437:19	420:4 430:11
8,11 350:16	547:21 548:2,9,10	<b>witness'</b> 424:9	<b>world</b> 602:25
360:23,25 361:1,	549:16,17 550:3,	<b>witnesses</b> 340:23	<b>wrap</b> 541:20
5,7 368:5,11	7,14,19,21,22	361:18 435:23	<b>write</b> 490:20
372:5,9 379:4	556:21 557:7	<b>WO202024-0036</b>	605:6,12,15
382:16 383:2,18	558:10,12 560:1	475:16	<b>written</b> 580:1,11
387:7,13,20,24	564:12,14,19,20,	<b>WO2024-0036</b>	594:4 601:19
388:7,16,25	24 565:2 566:2,3	355:14,19 356:2,	<b>wrong</b> 359:20
391:21 392:15,19	567:16 568:13	16 475:3,10	531:16 534:14
397:3 399:17,24	570:22 571:9	495:17 552:8	541:15 595:14
400:6,7 405:21	576:22 582:2,19,	573:21	<b>wrote</b> 477:16
409:20 413:12	21 584:20 586:10		530:12
416:5 426:23	587:12 588:23		
434:18,20,22	591:23 592:13,17		
435:1,9,17 441:23	593:2,7,8,20,22		
442:2,7 444:2,6,8	594:15,21 595:5,		
449:14 454:1,3	7,12,16,23		
	597:17,20 598:1		
	599:18 600:4,7,23		
	601:4		

---

**Y**

---

**yard** 543:24**year** 349:20,22  
350:16 365:24  
412:17 440:23  
485:9 514:23,24  
561:1 584:7**yearly** 537:6**years** 382:17,18  
383:13 386:19  
388:13 409:5  
416:1 433:14  
451:1 457:4,11,12  
483:20 484:3  
488:20 494:7  
498:1,24,25  
499:3,24 513:25  
514:1,14 516:25  
523:24 531:25  
533:3 534:10,11  
536:11,12 564:15,  
22 565:7 566:4  
584:7,8 599:5**yesterday** 340:15,  
20 341:3 350:15  
361:17 366:4  
367:17 368:3  
389:21,25 390:20  
391:18,22,24  
401:19 407:19  
422:10 435:13  
485:5 538:19  
602:6**yesterday's**  
381:20**young** 340:22  
362:3**Youtube** 604:2,3