

# Exhibit No. 21

Staff – Exhibit 21  
Blevins' Testimony  
from WO-2024-0036  
File No. WC-2023-0353

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BEFORE THE PUBLIC SERVICE COMMISSION  
OF STATE OF MISSOURI

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,

File No. WO-2024-0036

JOHN T. CLARK, Presiding  
Senior Regulatory Law Judge

EVIDENTIARY HEARING  
Volume III  
Pages 1 - 100

OCTOBER 26th, 2023

(Starting time of the Hearing: 8:30 a.m.)

1 being sworn by Judge Clark on his oath saith:

2 EXAMINATION

3 STATEMENTS BY LEON TRAVIS BLEVINS:

4 JUDGE CLARK: Since you are your own witness  
5 generally we don't go with the farcical, you know, where you  
6 answer your own questions. But, what this is going to give you  
7 an opportunity to do is you can just kind of go over in  
8 narrative form what the, what it is you want to tell the  
9 Commission in relation to this receivership hearing.

10 In regard to that I am going to caution you, again,  
11 not to use any customers' actual names or identifying  
12 information.

13 And if an objection is made while you are giving your  
14 testimony, please stop talking and give me time to rule on the  
15 objection. Okay? \_\_\_\_\_

16 MR. BLEVINS: Okay.

17 JUDGE CLARK: If you would like to go ahead and  
18 let the Commission know your side of the story, please.

19 MR. BLEVINS: Okay. I guess I'll begin normally.  
20 My name is Leon Travis Blevins. I'm almost eighty years old.  
21 I've retired a couple of three times. I retired military,  
22 veteran of twenty years, and I'm on Social Security and my wife  
23 is the same. Both of us have a lot of medical problems. So I'm  
24 not going into any situation, either past or future, that is  
25 going to cause a problem for anybody, and especially my wife and

1 I.

2 The wells that I own I own these wells in a couple of  
3 three different ways. I own some of them by deed, which is fee  
4 simple transfer of property from one owner, which is the grantor  
5 and to me as the grantee. If I dispose of those properties then  
6 I become the grantor to somebody else.

7 Now, I acquired also some wells by contract of sale.  
8 And the reason why they were done by contract of sale is because  
9 there was a problem with maybe the legal description of the  
10 particular well site or there might have been some problem or  
11 discrepancy in the easement, either in the well site itself or  
12 the lines that are -- the distribution system that are in the  
13 easement along the roads and in the properties.

14 The people that I acquired these wells from are very  
15 short. Don Becker, he is a contractor. He builds houses and  
16 constructed some of these wells through other contracts, well  
17 drillers, etc., twenty some years ago.

18 Also another contractor Jim Parsons. Same scenario as  
19 far as the constructing the wells or owning the wells or having  
20 them built for a particular purpose of providing water.

21 The most recent one acquired was from Mark Rowden, he  
22 is a contractor, but from him I had no contractual agreement,  
23 simply wanted the deed. That deed is in my possession, I had it  
24 dated 1 December, and there are four wells in that deed.

25 I know that through all of this process there is some

1 confusion about what I own or don't own. But, I have no  
2 confusion whatsoever of what I own. And I can show whatever  
3 documentation that someone would want to see to let you know  
4 what my interest is in that particular well or system.

5           There is also one other individual and that's Kevin  
6 Rowden. I kind of forgot about him -- not that I forgot about  
7 him. But, that is a recent purchase. That's a handshake. And  
8 there's about two wells, I think, in reference to that  
9 particular agreement and that's over on the Corvair side.

10           But, those wells have been sold. They've been sold in  
11 the same manner in which I purchased them. In other words, they  
12 were mine to sell by whatever reason of ownership and I've  
13 transferred those out.

14           When I started gathering wells -- not gathering them,  
15 but acquiring these wells I was in some places asked to do that.  
16 I was asked to take over these wells, or maybe offered to take  
17 over the wells.

18           I would like to go back to originally Mr. Don Baker  
19 was the first well sites that I acquired. I worked for Mr. Don  
20 Baker for a couple of years, and one of the things that I did  
21 was take care of these wells. These wells were in not the best  
22 of shape and they're not in perfect shape today. But, he has  
23 confidence -- he had confidence in what I did do for the wells.  
24 I improved them even when I was working for them. Made sure  
25 that during the wintertime that if there was a call that's -- I

1 was the guy that went and took care of that problem. Nobody had  
2 to show me how to do it or tell me to do it. I did it because  
3 of responsibility.

4 In the well idea of another reason why I really  
5 acquired these was not to dodge any laws or anything like that.  
6 It was to create something that could be returned to me and my  
7 wife on our retirement. We've been retired -- and I still work.  
8 I have to work every day.

9 I had a total of twenty-four of these wells and if  
10 you'll notice in some of the identification of some of these  
11 wells you'll find the MW-01 clear on up to MW-24. Right now I  
12 have eight wells left and those eight wells make up the three  
13 public systems that the Department of Natural Resources has  
14 recently activated. The Misty Mountain, the Charity, and the  
15 Rolling Hills. Those are the eight wells in total.

16 There is particular problems with some of those wells,  
17 but there are circumstances and reference that has not been  
18 addressed in any of the other investigation type information  
19 that we've been receiving through these investigations or  
20 through these witnesses, etc.

21 I would like to go over some of those just briefly,  
22 though. Let's say that the wells that are nonoperational at the  
23 present time one of them is what we call a concrete well which  
24 is out on the Charity system. It was taken out of operation. I  
25 took it out of operation myself some time back, but we connected

1 it up to the other Charity wells.

2 There is two Charity wells on that one -- or two wells  
3 on Charity Road that we connected so that the concrete well that  
4 serviced the Covenant properties would be all covered by those  
5 two wells.

6 Now, individually my anticipation is to continue to  
7 get that well repaired by an appropriate person which is Rick  
8 Guill which is Rick's Pump Service. Also the other well that is  
9 nonoperational obviously is the Topo [phonetic] well. That's on  
10 Misty Mountain. Different area.

11 But, since we talk about Topo so much in this process  
12 that was a difficult well to deal with for the DNR and also for  
13 myself.

14 I would like to clarify a few points maybe there from  
15 all the other testimony that's been talked about in reference to  
16 that particular well. The well tested with an e. coli  
17 obviously. So my attempt through the DNR was to find out why  
18 that particular well is coming up with e. coli. As we would do  
19 the investigations we would eliminate certain things.

20 DNR talked about the pitless area. There was nothing  
21 wrong with the pitless area. I inspected it with equipment,  
22 videoed and etc., and found that it was not the pitless area but  
23 it was a little bit below that. And that was on a line, it's on  
24 a water line. That water line is four hundred feet long at  
25 least; in fact, that well I think is four hundred and forty or

1 four hundred and sixty feet in the ground. The wet end of it is  
2 that far, which is the pump and the motor that hangs on that  
3 pitless. But, there was nothing wrong with the pitless. We  
4 kept investigating.

5 I understood at one time that there was a connection  
6 to the Public Water System of Pulaski County. I inquired about  
7 it early on, but could not receive any good information as to  
8 where that line still existed and where it came out at the well  
9 site.

10 Finally after doing many things to investigate why we  
11 had e. coli there and everything kind of -- it didn't solve the  
12 problem because we would do shocking, which was directed, and  
13 then later it would come back with e. coli again.

14 I finally got to talk with Don Baker. He was actually  
15 in Florida at the time and he had just returned. Come to find  
16 out that particular line or that particular property over there  
17 was initially hooked up to the Pulaski County Water District.  
18 But it was put in or connected with a line that Don Baker's  
19 brother had actually installed in the ground which was a one  
20 inch hex line. Nobody could remember twenty years back as to  
21 what happened at that particular line. And also in reference to  
22 that particular well.

23 We understood that all of the residents at that time  
24 did not like the Pulaski County water supply. They wanted to  
25 stay on the well or have a well water, so that was done. But,



1 what we did find out that there was still an existing line and I  
2 hooked it up myself.

3 The line has never been dug up -- as there was some  
4 testimony that the line was dug up. What was dug up was a  
5 different line that was a valve that actually turned the well  
6 water off when that particular water from the County would be  
7 coming in to that, into the distribution system. It worked.

8 After we discovered at this late date -- I didn't know  
9 this in the beginning. I had no idea of the County being  
10 collected or connected to that particular well in the beginning  
11 of twenty years ago. Didn't know it. And neither could Don  
12 Baker even remember part of that. But, we sat down and talked  
13 extensively about it and come to find out we -- he remembered  
14 who put it in, which was Don Baker's brother. So I got hold of  
15 him and we determined that that, he remembered there was a line  
16 there.

17 So we went ahead and went down to the County,  
18 confirmed that there was a meter out there, so I said let's take  
19 it out and see what happens. We hooked it up.

20 And I think there was one question about what the  
21 deposit was, I believe it was three hundred dollars deposit, but  
22 that's not really an issue to me anyway.

23 So we hooked it up and water started coming in through  
24 the well distribution system. So that solved that and that's  
25 what's operating even today. We are trying to get maybe the

1 public water system there to just take over that line. They  
2 don't want it. My understanding is that they don't think that  
3 that line would be sustainable for their period of time, I  
4 guess.

5 But, anyway DNR is talking about plugging up that  
6 particular well. I would rather see the well repaired. But, if  
7 they decide that that needs to be plugged that's probably what I  
8 would have to do. In order for the residents to get back on a  
9 well they would probably have to drill another well. I don't  
10 know.

11 I'm in the retirement mode. I'm ready to not do this  
12 so much. So I'm not here to cause anybody a problem, but I  
13 don't want to go out of this process of obligations and  
14 fiduciary agreements that I've made with other people. I want  
15 to go out equitably. \_\_\_\_\_

16 I'm not even opposed to receivership in my opinion,  
17 but I think it would be way, way too expensive for clients out  
18 there to pay the expenses that would come about with all that,  
19 especially if I had to gear what I do into the FSC [sic]  
20 requirements. I can't make those requirements. And it's way  
21 too late in the game for these wells to be brought up into that  
22 type of situation.

23 But, there are other solutions. My solution would be  
24 for the wells to be incorporated into a homeowner's association.  
25 Doing that I've already arranged for an attorney to prepare all

1 the documents and make all the reports to the Secretary of State  
2 and, etc., but there is a lot of work to do an HOA.

3 I'm sure you're probably familiar with it. I don't  
4 know if you are or not, but there has to be agreements by the  
5 people that use the water in these wells. But, that can be  
6 arranged also. There are choices that they would have. If they  
7 didn't want to be in the HOA they could drill their own well.

8 At the present time the cost of a well for one  
9 property I would give you some numbers that would probably be up  
10 in around twenty-five thousand dollars. That's a tremendous  
11 amount of cost in relation to twenty years ago when that same  
12 well could be put in the ground and operating for maybe eight  
13 thousand. That's a big increase. Then twenty years ago when  
14 that was put in the -- thank you.

15 The cost or the fee that was being charged by these  
16 contractors that owned the wells at that time was like thirty  
17 dollars, some of them twenty-five dollars. Today the cost of  
18 that from my viewpoint and from the agreements to furnish water  
19 that I try to get from each one of these customers that want the  
20 water is fifty-five dollars.

21 There are other incentives, though, in this agreement.  
22 Agreement to furnish water. They can pay a discount or prepay  
23 it if they prefer which I was asked to -- by many of the  
24 customer people, clients, if they could pay a year at a time or  
25 three months at a time or six months at a time. I provided that

1 to them at a discount.

2 Also they can pay by automatic deposit. I've only got  
3 two or three of those that actually do that, but most of them  
4 just pay monthly. I've never had any real complaints about the  
5 money or the charge until the -- until at such time when DNR got  
6 involved and also the FSC got involved, the Staff I'm referring  
7 to.

8 The DNR when they activated those particular wells  
9 created expenses. My determination was about a thousand dollars  
10 a month, that's twelve thousand dollars a year.

11 JUDGE CLARK: Can I clarify something real quick?  
12 When you say FSC do you mean the PSC?

13 MR. BLEVINS: I'm sorry, you're correct. That is  
14 the PSC. I'm sorry.

15 JUDGE CLARK: Thank you.

16 MR. BLEVINS: Public Service Commission. Yeah.  
17 And mostly I'm referring to the Staff. That's the people I know  
18 that I met with or that say they met with me.

19 My testimony is that twenty years ago you paid thirty  
20 dollars for water for a residence and now it's fifty-five  
21 dollars. That increase over twenty years is not much over a  
22 dollar a year. I don't know if that equates or not but when  
23 you -- to somebody's belief or whatever.

24 But, when a well costs twenty-five thousand dollars to  
25 put in the ground and that's probably a horse and a half and

1 that -- wells that I have are five horse wells, three horse  
2 wells, and very few of them are one point five horse wells.  
3 But, those have all been sold. They're individually and they  
4 can only handle two or three clients or two or three residences  
5 getting water.

6 All of these wells were taken in good faith for me to  
7 improve. Those to date since I started with these wells and  
8 agreements with the contractors and etc. they had confidence in  
9 me to go ahead and do that I probably -- I've improved each and  
10 every one of them in some way or another. And they probably  
11 still need more work, I'm real sure that they do.

12 But, I do not have a staff. I don't know. I do not  
13 have employees.

14 The young lady that has been referred to as an  
15 employee is what I call an adopted granddaughter. Not legally  
16 adopted, but her father and me previously had business  
17 relations, and I've tried to help that family as much as I can.  
18 And she does come in and work with me. She helps us kind of  
19 maintain and run a store, an antique type store or whatever.  
20 And something that my wife likes to do is handle antiques and so  
21 forth.

22 I mean she's not paid a salary. But, she does help in  
23 everything that I do. I do pay her, I do pay her but she also  
24 earns a little commission when she makes a sale or something of  
25 that nature. She is not an employee. She's independent and she

1 can -- doesn't have any particular hours that she comes in. She  
2 works on her own. But, she is familiar with a lot of things  
3 that I do.

4 I've had several businesses in my lifetime, even in  
5 Pulaski County.

6 But, back to this particular receivership at the  
7 present time I've invested funds in improving these wells and  
8 right now at the bank, and if I needed something done I would go  
9 to the bank and draw on what I call a line of credit loan. I've  
10 got about forty thousand dollars on that line of credit which  
11 has been used, but I still pay it monthly back to the bank.

12 Those are financial situations that I think has been  
13 said that I'm not capable of doing this or doing that. I've  
14 went ever since 2006 with these particular wells on my own. I  
15 didn't ask for any help from anyone else. It was mine. But,  
16 the incentive there is to create the wells because of the  
17 relationship I had with these contractors.

18 I've actually with Don Baker -- I was a partner with  
19 Don Baker in years back constructing homes and Don Baker has  
20 probably built a thousand homes. I owned a real estate  
21 brokerage firm at that particular time and I probably sold more  
22 than half of what he's built in my previous years of dealing  
23 with real estate and construction, etc.

24 Again, I'm retired but I retired from the military in  
25 1981. Right here in -- well, in Pulaski County. But, I've been

1 associated with these people and we have good relationships.

2 The last well that I actually upgraded is the Rolling  
3 Hills well. And where we upgraded it it was about seventeen  
4 thousand dollars. That is still owed. Not all of it, just part  
5 of it, because we pay Rick Guill, who is our pump guy, we pay  
6 him monthly and this is by agreement with him.

7 At one time or another he was going to purchase these  
8 particular wells for his daughter, which we were going to sell  
9 them to him. But, it turned out that there was too much  
10 involvement for Rick Guill in reference to the Department of  
11 Natural Resources. But, he's not opposed to DNR, but he didn't  
12 want to deal with it at that particular time. He's a busy guy.  
13 He's an honest guy. He's truthful. And he does not overcharge  
14 anybody. And that's the reason I do business with him.

15 I will not do business with some other people,  
16 companies, that are around. I'm not going to mention their  
17 names. But, I wait for Rick Guill because he knows -- and I've  
18 talked with him on several different occasions about the wells  
19 that we've got.

20 Let 's see. The CCN, the Certificate of Convenience  
21 and Necessity. I admit I had no idea what a CCN was when they  
22 come in my door which was -- wanted to know. I was cooperative  
23 with them. And I understood that I had to submit this  
24 application for a CCN without really understanding why I needed  
25 to do that. But, I very quickly after receiving information

1 that I was to provide over forty-four some data information,  
2 which that data information was not available. And it had to be  
3 created.

4           Everybody has talked about it already in this whole  
5 process when they say they can't determine what I own or don't  
6 own. That was part of why I took on this job of taking these  
7 wells from Don Baker, Jim Parsons, is to help get all of that  
8 straightened out in the proper manner. I'm the guy that he  
9 called and wanted to fix it. I'm the fixer, I guess I'm trying  
10 to say. I've done it all my life. That's what I do. But, I do  
11 it honestly and truthfully. There is no other way to do that  
12 and do it proper.

13           I admit, like, the Topo well is a problem and really  
14 it's still a problem but just plugging up the holes really  
15 doesn't solve the problem. I believe I know where the problem  
16 is when I discovered that -- or myself and Rick Guill discovered  
17 that particular casing around there was all cracked. That's  
18 where I think the real problem existed then and still exists  
19 now. But, that well is not into operation.

20           There has been so many different things said in this  
21 whole process here that it's kind of hard to keep it in one  
22 line, but I want to go back to this receiver, I guess it is.

23           If a receiver comes into play then I foresee a lot of  
24 expenses that's going to happen to these people out here that  
25 are now complaining about increases in their prices. DNR caused



1 some of these increases which I equated to you at a thousand  
2 dollars a month. This last testing was six hundred and ten  
3 dollars, that's just for the testing. So there is other  
4 expenses already that has to be paid. So it's going to be over  
5 a thousand dollars. But, over a year's time I don't think it  
6 would go over a thousand.

7 I'm not objecting to the DNR. I think it's necessary  
8 and would be good for whatever structure comes about. I don't  
9 believe this receiver would be -- would have that particular  
10 thing in mind about these clients out there. I think I have a  
11 responsibility to protect them as well as myself. And as well  
12 to protect as the way I can with the people that I made these  
13 agreements with, that I acquired these wells from. For those  
14 people I owe no money. There is no debt to them because I've  
15 already paid that debt for the acquisition.

16 But, I didn't -- I've spent a lot of money just  
17 improving them and bringing them up to where they are today.  
18 And I anticipate that at the present time there needs to be  
19 about five to ten thousand dollars more spent on some of these  
20 improvements or some of the problems that I know exist with  
21 these wells right now.

22 But, I don't want to -- I wouldn't want to intermingle  
23 all of that into what's going on today. That's something that's  
24 going to have to be taken care of and, but not only we're down  
25 to the point I guess with just what DNR has activated in eight

1 wells, that's where I'm at, eight wells.

2 If they -- an equitable solution is not attainable  
3 somewhere then I think it would fall apart. I think the system  
4 would fall apart. These wells, especially the ones on Charity  
5 and the ones on Misty Mountain now, the only single well that  
6 would qualify under the DNR guidelines of fifteen connections  
7 and twenty-five users is the Rolling Hills well. That one has  
8 one well and nineteen connections.

9 And that brings my thought up to some of the  
10 complaints that have come about here, even the ones that you  
11 have read yesterday and today for the first time. I've not  
12 received any of those complaints other than one or two of them  
13 there that I believe -- and I've already answered to that  
14 particular complaint that was on some of the previous  
15 submissions that I gave to the Commission, you all.

16 I submitted that the other day when we talked about  
17 having the answers to the receivership or the complaint. The  
18 complaints made by the Staff asking for a receiver. I think I  
19 answered all that. I assume that you all received all of those  
20 documents. I personally delivered them to your mail activity  
21 downstairs.

22 JUDGE CLARK: I don't know what documents you may  
23 have provided to Staff. Now, are you referring to the answer  
24 that I ordered you to provide?

25 MR. BLEVINS: Yes, sir.

1 JUDGE CLARK: Yes. That was filed, I have that  
2 right in front of me inclusive of the various attachments.

3 MR. BLEVINS: Yes. And the reason I brought that  
4 up is because the complaints -- there was a complaint in there,  
5 but I believe I've answered that complaint. All those other  
6 complaints that I see either by email or just mentioned or etc.  
7 I've not seen before until yesterday or today -- yesterday  
8 actually. And those exhibits I've not seen those before so no  
9 opportunity to reply to them.

10 But, I can reply to them now I think by saying that I  
11 think I recognize some of the complaints, especially those ones  
12 that are lengthy, that that one would have come from one of the  
13 water users that has owed money for water for several years --  
14 not months, but years. I think the balance is probably over  
15 four or five thousand dollars.

16 I've never threatened any of those clients out there  
17 in any manner. It's not in my character to do that. But, it is  
18 in my character to try to talk with them and come to a  
19 resolution of what's going on.

20 And I've heard complaints about threatening to cut  
21 their water off. In that agreement to furnish water it says  
22 specifically if you do not pay your water usage fee that was  
23 agreed upon for over six months then I as the owner would have  
24 the right to disconnect that water and permanently terminate the  
25 water from that residence. I have never done that. Even though

1 it's in that writing it's not in my character to cut people's  
2 water off either. I've never cut people's water off for any  
3 particular reason, even non-payment. I've never threatened to  
4 cut it off, but I have indicated that if you're -- that you need  
5 to, and that goes back to the billing.

6 I don't do billings at all. I don't bill you out  
7 fifty-five dollars every month on a piece of paper. Because  
8 there is no meter, there is no meters, there never has been for  
9 twenty years. And so I don't bill it out. But, I do send out a  
10 notice after ten days of not receiving the water payment and  
11 it's important that we did that because the -- we have to pay  
12 the expenses.

13 Now, totally in this whole system even with the  
14 fifty-five dollars a month if you would count a hundred clients  
15 out there that's fifty-five hundred dollars a month. Is that  
16 correct? And that would be my calculation.

17 And that's quickly taken up in electric fees with so  
18 many wells out there. Every one of those wells are on a  
19 separate meter. So I can tell you right up front that the  
20 electric bill to Laclede Electric, for example, has been like  
21 fifteen hundred dollars a month. The electric bill over at the  
22 Dixon area five, six hundred dollars a month. There's two  
23 thousand dollars in just electric services.

24 We haven't paid for all of the maintenance that needs  
25 to be done on a daily basis or a weekly basis or a monthly basis

1 or even in a situation where a water leak does happen. You've  
2 got three backhoes, but when a water leak needed repair to take  
3 a backhoe out there and fix it that's what I did.

4 I don't know why it was determined that I don't fix  
5 leaks or something or don't perform maintenance. The  
6 investigations that went on in my particular opinion was not  
7 very well conducted. Lackadaisical in nature, in my opinion.  
8 There was not investigated thoroughly enough to find out really  
9 what the situation was, especially with the complaints.

10 I've heard complaints that I've never heard before.  
11 And I think what prompted these complaints in my opinion were  
12 the involvement. They finally had somebody I guess maybe  
13 because of their frustrations, whatever it may be, and I can  
14 understand that they would have frustrations when we had to  
15 raise the prices because of the cost of DNR, for one.

16 We had to raise the prices in the beginning because  
17 the people I purchased these wells from were tired. They  
18 were -- didn't have the time to go make these collections or  
19 anything like that. So all of the sudden, you know, the people  
20 that have not paid for years I've provided a solution to that  
21 for them, and the people that owned these wells prior to me and  
22 also for the people that were using the water. I don't think it  
23 was fair that they just not pay it and let them go. So I  
24 created a past due account for them to pay whatever they could  
25 afford on a monthly basis to take care of that, their own

1 responsibility.

2           And in one case, just to give you an idea, the  
3 individual user would owe I think maybe twelve hundred dollars  
4 or so and what they can afford to pay was five dollars a month.  
5 No interest. Okay. That's okay. But, you had to keep your  
6 current payment up to date. At that time it was probably  
7 forty-five dollars, I don't know. So we just carry that on  
8 through.

9           There's more than one or two or three or four of those  
10 kind of situations. Some of that there were -- most every one  
11 was behind when I first took all of these wells. And -- or  
12 acquired them. I didn't take them.

13           Like for Mr. Mark Rowden who was the seller of those  
14 four wells out there. He simply told me, he said he does not  
15 want to get involved with trying to collect money from those  
16 people for those wells. But, he obviously had been paying the  
17 electric every month on them and no income. So he asked me to  
18 take them over. I did that.

19           Right now those wells being twenty years old would you  
20 imagine that maybe the pumps and the motors right now are kind  
21 of in the area where they're going to need replaced right away?  
22 Here pretty quick. But, if I do that, which I've already  
23 committed to do that, then when I convert these out or sell them  
24 out I'll get my money back. And it would be equitable for me to  
25 do that. And even with going to a homeowner's association I

1 provided -- in that document that I provided in that report how  
2 they could pay for that. That's equitable in my opinion.

3 They can even pay in cash let's say, that's an option.  
4 Anybody has that option. Or they can just continue to pay what  
5 they're paying now.

6 But, at the end of a certain period they would be  
7 already in the homeowner's association, no longer have that debt  
8 to get there, and they would be clearing back into twenty or  
9 twenty-five dollars a month that the HOA would probably be  
10 charging at that time. Even in the beginning when it's set up  
11 the HOA needs to collect money in order to take care of expenses  
12 and take care of the wells. How much they collect depends on  
13 what really needs to be done, etc.

14 I understand also that people that use these wells may  
15 not be familiar with an HOA, but that's a corporation and it's  
16 run like a corporation and they owned the wells. Everybody in  
17 that HOA would own that well. They can determine and --  
18 determine how much of that fee even on a monthly basis if they  
19 wanted to. They can do whatever they want. They're not subject  
20 to any of the PSC guidelines and rules. Because they are  
21 activated as a public water system they would be subject to the  
22 Department of Natural Resources and all of their guidelines,  
23 which I think are good guidelines. I don't object to that at  
24 all. But the HOA is a nonprofit organization. Nonprofit. It's  
25 not for profit.

1           And if anybody thinks that these wells are for profit  
2 at the present time they need to step in my shoes. They'll find  
3 out that five thousand dollars a month is not adequate. Of  
4 course, I don't do that now because there's only eight wells  
5 left so I'm trying to get this equitability finished.

6           My job was to take these wells, get them in a good  
7 operating condition like with DNR especially, and do something  
8 else with them. One of the main goals was to put it in an HOA  
9 even from the beginning. I wouldn't own the wells at that  
10 point, but the HOA would, and they have a board just like  
11 everybody else is set up in different corporations. That's who  
12 governs that nonprofit organization or the homeowner's  
13 association.

14           I'm just reading and checking my notes here if I  
15 could, please.

16                                 JUDGE CLARK: Take your time.

17           MR. BLEVINS: Again, I think that the complaint  
18 that seems to be a crutch that some of the investigators are  
19 using are unfounded. Or they're motivated by something else.

20           And like the example I gave you those I mentioned,  
21 also that same person that I send out people to collect money I  
22 do not do that. I have never done that ever. If there's  
23 anything to do with money I do that personally and I try to do  
24 it without demanding anything but, being reasonable about the  
25 whole process. And I think I've been more than reasonable with



1 all of the clients that are out there.

2 And if you actually investigated and talked to enough  
3 people I think you would find that what has been presented in  
4 this investigation process is in most cases erroneous.

5 The case of Misty Mountain especially. There's a  
6 client up there that every time that we went like to the Topo  
7 well if he was around he had to come in and get involved with it  
8 and take pictures. And I don't mind that at all. But, when  
9 they begin to create something that is not there or interfere  
10 with the people that I had there I've got to say something to  
11 them. And I did. Not in my character to throw somebody off  
12 their property. Physically I couldn't do it anyway and I  
13 wouldn't do that. But, I asked him to leave more than once and  
14 he absolutely refused and just got more belligerent and started  
15 in my opinion telling untruths. Creating something.

16 I've heard a point where maybe somebody seen me put  
17 something down a well head. Why would I do that when I drink  
18 the same water? That don't make sense to me, but I don't know  
19 why somebody would actually say that other than the fact that  
20 they really don't know what they're looking at.

21 I've heard comments that well heads have froze up.  
22 Well heads don't freeze up. There's no water up there other  
23 than through the pipe and up through the line that comes through  
24 the pedal that's where it hangs.

25 **A lot of those comments like that need to be**

1 investigated a little bit further to find out really what  
2 motivated it. What motivated them to say things like that. I  
3 think you'll find it's unfounded in most cases.

4 But, in any situation if I would have been notified or  
5 told of that particular complaint I would have answered it. I  
6 would have answered it honestly and truthfully, whatever it is.  
7 And I've done that with the ones that I have been notified or  
8 been told about or even provided. In writing. I've provided  
9 that in its entirety.

10 I don't know. All the testimony that has went on here  
11 I would just like to maybe close this out and let you know that  
12 I'm not here to fight with anybody. I would like to resolve the  
13 whole situation. I do not -- I'm not happy with the way the FSC  
14 conducted -- I'm sorry, PSC, conducted whatever they conducted  
15 as they -- an investigation. I'm not happy with that at all.  
16 But I understand where you might be.

17 So I have a resolution, not a resolution, but a  
18 solution to it under the HOA guideline. I would like for you to  
19 at least consider. It doesn't mean that you have to do it, I'm  
20 sure.

21 I did all of this in good faith. And I'll stay in  
22 good faith.

23 I'll answer any other questions anybody may have  
24 honestly and truthfully.

25 They -- I've been with my wife for sixty-six years and

1 married for sixty-two years. She must have had some confidence  
2 in me to keep me around that long. So my character is not what  
3 I've heard in these proceedings. I want people to know that.

4 I don't think I've made any real enemies. Although I  
5 guess everybody does once in awhile. But not intentionally. I  
6 do not avoid the law. I try to stay within the law. I try to  
7 do what is necessary to do. Not only just for myself, but in  
8 this case with the receivership I believe would be a real  
9 mistake not only for me personally because of my involvement but  
10 what I wanted to do with these wells I feel like I wouldn't be  
11 able to do that. So it's not equitable. And it's not equitable  
12 in my opinion for the people that use the water. Because if a  
13 person comes in and says they're the ones that take care of this  
14 they're going to have expenses and it's going to be a different  
15 story, it's different progress with each client.

16 That created not a good image for me personally  
17 because it's being taken away, I guess.

18 I'm not really sure what a receiver is. I'm not sure  
19 that there is even a receiver that would accept these wells in  
20 my opinion. I don't know. But, if that would be the solution I  
21 wouldn't object to it.

22 But I would ask for all of it to be equitable for all  
23 parties involved. I think maybe that's about where I'm at. I  
24 just wanted to express my -- the way why I did that or what I  
25 do, it was not against the law to my knowledge. That those

1 wells have been operating for twenty years. I just tried to  
2 continue on and get them improved and get them into a situation  
3 that they were needing.

4 Even the contractors they didn't want to -- the  
5 contractors did not want to spend more time, more money, etc.  
6 But, I was willing to do that. And I did. I have done that. I  
7 just told you in my testimony here that the line of credit forty  
8 thousand, I still owe that but I can't pay it with the normal  
9 procedures or something equitable. Then what does that do to  
10 me? Is that what everybody wants?

11 We've got laws that says when you can't pay a bill you  
12 file bankruptcy. I've never filed bankruptcy in my life, but if  
13 I get forced into that corner I may not have a choice. I'm not  
14 saying I'm filing bankruptcy. I'm just telling you where my  
15 thoughts are.

16 Receivership in this case I don't think it's good. I  
17 don't know how else to say that.

18 I think I'm finished. I've said what I said maybe, my  
19 point of view or my testimony.

20 I would be glad to answer any questions that any of  
21 you might have.

22 JUDGE CLARK: Thank you, Mr. Blevins.

23 Any Cross Examination from the Staff or the  
24 Commission?

25 MS. KERR: Yes. Thank you.

1

2

## CROSS EXAMINATION

3

QUESTIONS BY MS. KERR:

4

Q. I have several questions and kind of here and there.

5

So just bear with me now.

6

We talked when the DNR witness was testifying you have a -- do you remember talking about your licensed operator Laura Jean?

8

9

A. Laura Jean, yes, ma'am.

10

Q. And you signed an agreement with her, that was a DNR

11

agreement, where you work with her on making repairs and where

12

she does, takes care of the wells and takes samples and does all

13

of that?

14

A. Yes, ma'am.

15

Q. Do you remember signing that agreement?

16

A. Of course.

17

MS. KERR: May I approach?

18

JUDGE CLARK: Yes.

19

Q. (By Ms. Kerr) I'm going to hand you, I handed you

20

what was previously marked Exhibit 8. I think you have a copy

21

of that.

22

Is that correct?

23

A. Exhibit A?

24

Q. 8.

25

A. 8. I do over there probably.

1 Q. Okay. Is that what I -- I just handed that to you?

2 A. This is 8?

3 Q. Yes.

4 A. Okay.

5 Q. Do you recognize that?

6 A. Yes. It's a -- Laura provided this to me as the  
7 agreement.

8 Q. Okay. And that's the three agreements that -- did you  
9 sign those?

10 A. Yes. I did.

11 Q. Okay. Are those the three agreements that you signed  
12 for each of the three public --

13 A. One for each public water system, yes, ma'am.

14 Q. Okay. And in those agreements you agree that if  
15 you're going to make any changes or you are going to take any  
16 samples or you are going to do anything to those wells that you  
17 notify her first before you do any of that?

18 A. That is correct. Let me explain that. Can I?

19 Q. Let me ask the questions first.

20 A. Okay.

21 Q. And there are times where you've done, made changes to  
22 the, made repairs to the wells or shocked the wells without  
23 telling her first.

24 Is that right?

25 A. Well, the explanation of that is that when --

1 Q. Have you done that? Yes or no. Have you done that?

2 A. Pardon?

3 Q. Have you made -- have you shocked the wells or made  
4 changes, made repairs?

5 A. Not to my knowledge, no.

6 Q. Without telling her first?

7 A. Not to my knowledge. But, I would explain that when  
8 this document was first done DNR required this document so there  
9 was a learning process from the time that DNR activated until  
10 such time as we come to a point to where the wells would need to  
11 be shocked.

12 I talked with Lori [sic] on almost every occasion. I  
13 don't think we got to the point to where it said I can't do this  
14 without seeing you first, which may be. I understand that at  
15 the present time, but that is the learning process of...

16 Q. Thank you.

17 A. I shouldn't be doing anything that Lori doesn't -- is  
18 not aware of or has already approved or disapproved. If she  
19 disapproved something obviously I can't do that or shouldn't.

20 Q. Thank you.

21 MS. KERR: I ask that Exhibit 8 be admitted into  
22 evidence.

23 JUDGE CLARK: Mr. Blevins, do you have any  
24 objection to admitting Exhibit 8 onto the hearing record and  
25 that is the water, the three water facility operations

1 agreement?

2 MR. BLEVINS: No objection.

3 JUDGE CLARK: Exhibit 8 is admitted onto the  
4 hearing record.

5 Q. (By Ms. Kerr) So would you say that a request for  
6 payment from someone is a bill?

7 A. Pardon, what was your question?

8 Q. Would you define a bill as a request for payment for  
9 something?

10 A. A bill? I don't send out bills.

11 Q. I didn't ask if you sent out bills. I just asked if a  
12 request for payment for services, would that be a bill?

13 A. Not in my process of asking for money.

14 Q. So if somebody does work for you does -- fixes your  
15 car and gives you a request for payment is that a bill?

16 A. That for my car I'm sure it probably would be.

17 Q. So you provide services for somebody and you ask for  
18 payment. Would you call that a bill?

19 A. I already asked for payment a year in advance -- or a  
20 year behind.

21 Q. All right. Thank you. You've answered the question.

22 A. A flat fee.

23 Q. So who do customers call if you're not available like  
24 in an emergency?

25 A. I've always been available. The only number that's



1 provided out there for a call is my number.

2 Q. So if you're on vacation who would they get in touch  
3 with?

4 A. Well, if I was on vacation or out of town I would  
5 contact someone within my scope to go check that well if I'm not  
6 there to do it myself.

7 Q. Does DNR know who that person is?

8 A. I don't think so.

9 Q. Thank you.

10 A. Well, they may.

11 Q. Have you filed that with DNR?

12 A. Filed it? No. Not particularly filed that particular  
13 name with DNR.

14 But, I have provided to DNR the people that work on  
15 these wells, which is Rick Guill.

16 Q. Okay. Thank you.

17 A. Laura Jean is another one.

18 Q. So when you come up with how much you charge for  
19 customers for water did you do some kind of calculation as to  
20 how much people would be charged?

21 A. Well, I suppose you could say that I calculated and  
22 come to a figure, but the calculation was based on what the  
23 expenses are.

24 Q. Was there a formula that you used?

25 A. Oh, no. The plus and minus, times, divide. That's

1 the only formula that I know of.

2 And I've been a mortgage broker before. I pretty well  
3 know how to put numbers together. I know how to put expenses  
4 together also.

5 Q. Is there a formula or a plan that you could provide to  
6 the PSC to show us how you came up with those rates?

7 A. Well, I think I did that in that document that I  
8 provided. But, what I provided was how much the electric was,  
9 how much the estimated maintenance and service per month would  
10 be, even provided what rent might be. But, I don't charge rent  
11 or pay rent because I own the building myself. So I didn't  
12 charge the water company or water people in this case with rent.

13 Q. So it's just an estimate?

14 A. Just provided it.

15 Q. So five years ago when you were charging you just came  
16 up with an estimate for the rate?

17 A. Pardon?

18 Q. So you just came up with an estimate for what you  
19 might charge people for water?

20 A. I had to estimate that, sure.

21 Q. Does everybody pay the exact same amount?

22 A. What?

23 Q. Does everybody pay the exact same amount?

24 A. Yes, ma'am. It's all the same throughout the whole --  
25 thread it out over different customers. All the same. Which is

1 their agreement to furnish water. And in that agreement there  
2 are charges for also the residence itself.

3 And also for if you own a pool there is a separate  
4 charge which is an addition to the fifty-five. That's a hundred  
5 and eighty dollars a month or a year or fifteen dollars a month,  
6 depending on how you actually wanted to pay it.

7 And I think at one time I even offered discounts if  
8 they wanted to just pay it and not have to worry about it month  
9 to month.

10 Q. Okay. So in going back to what you said at the  
11 beginning of your testimony you said some of the deeds that you  
12 have, some of the ownership records, that you have filed with  
13 the Recorder's office and some you haven't?

14 A. That's correct.

15 Q. Okay. So the ones that you have filed with the  
16 Recorder's office you pay property tax on?

17 A. Yes, ma'am.

18 Q. So the ones that you have not filed do you not pay  
19 property tax on those?

20 A. No, not personally. But, taxes have been paid on it  
21 by a different process.

22 Q. Okay.

23 A. Our county is not up to date.

24 Q. Okay. Thank you.

25 A. If you really want to know the reason why.

1 Q. I think you answered my question. Thank you.

2 You talked about collecting back payment from people  
3 that owed you money that hadn't paid and they owed you past due  
4 money. Does everyone pay the same amount?

5 A. For the back?

6 Q. Yes.

7 A. No. They do not. That's a particular situation. If  
8 you look at -- if you're a water person I mean you're using the  
9 water off a well and you haven't paid that bill to anyone -- me  
10 or anybody else -- for a year or two years, and in some cases  
11 five years, then I give them an opportunity to make that  
12 payment.

13 Obviously it's kind of hard for people to pay cash all  
14 the time. But, the responsibility of making that payment I  
15 offer to them as a past due account set aside so that they  
16 wouldn't be subject to any late fees because of the way that the  
17 agreement is written to furnish the water and the payment.

18 Q. Okay. So there is no uniformity between --

19 A. For past due account?

20 Q. No.

21 A. Just the ability of the individual without interest.

22 Q. Okay. It's just based on whatever you decide.

23 Correct?

24 A. Not what I decide. It's what they were able to pay.

25 Q. But, it's based on what you and that person decide?

1 A. That's correct. It was --

2 Q. Thank you.

3 A. It allowed them to do that. No other --

4 Q. Okay. Thank you.

5 A. I didn't have any other choices because they couldn't  
6 do anything else.

7 Q. Okay. Thank you.

8 In your data request responses you said you had,  
9 getting your receipts was time consuming and too hard to get  
10 together. Is that because your records are voluminous or what  
11 would you -- you have trouble getting your records together?

12 A. What was the question?

13 Q. In your response to the Staff's data request --

14 A. Oh, data request. Yeah. You were asking for  
15 information there the way I read that that was not available.

16 Q. Why aren't they available?

17 A. Well, because of the situation in the beginning.

18 Twenty years ago they didn't do things exactly the way they do  
19 today, especially contractors, surveyors. So in order to get  
20 that information and get it properly to you I would have to go  
21 to the surveyor, research his records or ask him to research his  
22 records, and provide me with a legal description, for example,  
23 for a well. Or did they actually -- when they put that easement  
24 in did they write a description? If they didn't write one,  
25 which is sometimes the case, I would have had to ask them to

1 write the description or write it myself, which I'm capable of  
2 doing that also.

3 Q. Okay. What about your records? Were you able to --  
4 you said it was hard for you to get your records together to  
5 answer some of these DRs because it took a lot of time.

6 A. Yes. Because the answers and the records have to come  
7 from other people like surveyors or the owners or the attorneys  
8 that are maybe involved at that time.

9 You're talking about ownership. Right?

10 Q. Well, I'm talking about your records in general.

11 A. What records in general then?

12 Q. Just your business records.

13 A. My business records? My accountable, the records I  
14 show where they've made payment? Is that -- I don't know what  
15 you're referring to there, I guess, specifically. I do know  
16 that it takes time for me to get through other people to get the  
17 proper records that you were asking for at that time.

18 Q. Okay. I'll just withdraw that question.

19 MS. KERR: I don't have any other questions.

20 Thank you.

21 JUDGE CLARK: Are there any Commission questions?  
22 Commissioner Hahn.

23 COMMISSION HAHN: Thank you. I appreciate it.

24 Thank you, Mr. Blevins. This is not a question.

25 But I just want to let you know that I appreciate you

1 being here and I appreciate your testimony today. I know this  
2 is a time intensive process and I don't think it's unusual that  
3 people haven't heard of CCNs before. People in the regular  
4 world have usually never heard these terms.

5 MR. BLEVINS: No.

6 COMMISSIONER HAHN: So I just wanted to let you  
7 know that we appreciate your testimony and your travels to  
8 inform us of your side. Thank you.

9 JUDGE CLARK: Are there any other Commission  
10 questions? I hear none.

11 Mr. Blevins, I know you expressed yesterday that you  
12 have a doctor's appointment and so we need to get you out of  
13 here fairly quickly.

14 I am going to ask you a few questions, not all the  
15 questions I had. But, if you can keep the answers short that  
16 would probably speed the process.

17

18 EXAMINATION

19 QUESTIONS BY JUDGE CLARK:

20 Q. So you had indicated you initially owned twenty wells.

21 Is that correct?

22 A. **Twenty-four wells.**

23 Q. Twenty-four wells. And you owned those outright?

24 A. **Some of them were outright. The other ones were**

25 **either by contract and later fixed and disposed of. Not**

1 disposed of, but disposition -- other disposition made of the  
2 wells. Properly.

3 Q. How many wells have you sold since you first had  
4 contact with DNR?

5 A. Well, I've had contact with DNR for a few years. But,  
6 I would have to say maybe half. I don't know.

7 Q. How many wells have you sold since you've had contact  
8 with the PSC?

9 A. PSC? I believe eight. Eight or nine, I think.

10 Q. Okay. Now, Mr. Cloverside [phonetic] said yesterday  
11 he visited sixteen wells with you.

12 Is that the total at that time?

13 A. I don't know. I don't know when he visited the wells.

14 Q. Okay. But, you're now down to eight. Correct?

15 A. I'm down to eight wells, yes, sir.

16 Q. And that would be four on the Charity system, three on  
17 the Misty Mountain system, and one on the Rolling Hills system.

18 Is that correct?

19 A. Three -- you say three on Misty Mountain?

20 Q. Yes. You said -- yesterday you said it was five but  
21 now three because you disposed of two?

22 A. That's correct, yes.

23 Q. So I'm getting four plus three plus one equals eight.

24 A. That's correct. Eight wells.

25 Q. How many current connections are there on the Charity



1 system?

2 A. On the Charity system I would have to look at my  
3 record, but I think there's twenty-two.

4 Q. There's twenty-two connections?

5 A. I think so.

6 Q. How many households?

7 A. Twenty-two.

8 Q. Now before you had expressed that the only one that  
9 you still felt would fall under DNR regulation would be the  
10 Rolling Hills system.

11 A. That's correct. \_\_\_

12 Q. With nineteen. Why would Charity if it has twenty-two  
13 connections not fall under their jurisdiction?

14 A. Well, the guideline is fifteen connections or  
15 twenty-five users, individuals. So if you take -- at that time  
16 wells there is four wells, one of them is nonoperational, that's  
17 the reason why you say three on Charity. There was four wells  
18 but the nonoperational well I don't count at the present time.

19 Q. Okay. How many connections are on the Misty Mountain  
20 system?

21 A. On the Misty Mountain would be fourteen -- probably  
22 fourteen.

23 Q. Fourteen connections. And you indicated there were  
24 nineteen on the Rolling Hills. Correct?

25 A. Nineteen on the Rolling Hills. On Misty Mountain now

1 there's fourteen without the connection to the Pulaski County,  
2 and Pulaski County is connected to five.

3 Q. Thank you. Now, you indicated you owned an antique  
4 store?

5 A. Yes.

6 Q. Do you have any other businesses?

7 A. Not at the present time other than I do construction.  
8 I have --

9 Q. What kind of construction?

10 A. Backhoe. I construct sewer systems, water lines,  
11 backhoe. I've also -- I do remodeling. I don't do that much  
12 any more. I also operated salvage, I would tear down old houses  
13 and re-claim lumber in old houses. I do that.

14 Q. Do you have -- do you have loans on any of the wells?

15 A. What? \_\_\_\_\_

16 Q. Did you take out loans to buy any of the wells?

17 A. No. I did not.

18 Q. Now, you indicated in your Opening Statement that the  
19 wells barely cover their cost and you've reiterated that here  
20 today in your testimony. If that's the case are you running  
21 these wells for profit?

22 A. No, sir. I'm not running these wells for profit in  
23 that respect. I run the wells for the investment. And it would  
24 go back to the reasons why I took these wells. The HOA would be  
25 paying for the -- about three thousand dollars per connection to

1 become a part of that HOA.

2 Q. So -- I'm sorry to interrupt you here, like I said I  
3 want to keep the answers short and get you out of here.

4 So when you say that it's for the investment what you  
5 mean is instead of running them for profit you're hoping that  
6 you will glean a profit at the end when you sell the wells?

7 A. Yes.

8 Q. What I call -- you're calling it an equitable  
9 solution?

10 A. Equitable solution to my investment, that's correct.  
11 On a monthly basis I usually have to add to, to subsidize the  
12 expenses. Obviously in my opinion and my record keeping I owe  
13 forty thousand dollars for repairs and upkeep and etc., and plus  
14 the last recent upgrade on the Rolling Hills well and I think  
15 there's a balance of about fourteen thousand there. So fifty  
16 thousand.

17 And I'm also testifying or I did say that there is  
18 about five to ten thousand dollars probably needs to be spent on  
19 bringing them up a little bit more.

20 Q. But, you currently own and operate these eight wells.  
21 Correct?

22 A. Yes. I do.

23 Q. And from them you distribute water to individuals.  
24 Correct?

25 A. I distribute water, yes.

1 Q. And you do that through a contractual agreement  
2 whereby they pay you for the water they receive. Correct?

3 A. That's correct.

4 Q. Plus expenses that you have in regard to -- as you  
5 indicated electricity, to get water out of the ground requires  
6 quite a bit of electricity?

7 A. Yeah.

8 Q. And you would agree that a well is a water source.  
9 Correct?

10 A. Yes, sir. It's a water source.

11 Q. Now, the other day both DNR witnesses I believe said  
12 at different times that in regard to the Topo well they had  
13 several times -- I don't know whether they were suggestions or  
14 directives but indicated to you what they felt needed to be done  
15 to bring those wells up to standard and they indicated that  
16 there was a failure on your part to follow through and do that.

17 Is there a reason -- and you indicated today that you  
18 had an awareness of what needs to be done that seemed separate  
19 and apart from what DNR dictated.

20 Was there a reason that you chose not to do the things  
21 that DNR suggested or directed?

22 A. They suggested as maybe places to look and investigate  
23 about that. I chose -- I didn't refuse to do what they wanted  
24 done. They in my opinion when they talked about digging up the  
25 pitless -- I think they mentioned that, that I refused to dig up

1 the pitless. I never refused to do it. It was the time frame  
2 and their requirements of what they wanted. They didn't want me  
3 to dig up anything unless everybody was there. DNR, Lori,  
4 myself, and whatever. And we never could get that together for  
5 whatever reason.

6 One of the reasons was that they asked me to dig it up  
7 and expose it during the time where the ground was frozen, it  
8 was cold or muddy.

9 On two occasions I remember that very clearly because  
10 I said well, if I start digging up the front of that where the  
11 pitless is then I'm going to damage it by doing that. I told  
12 them, I said I prefer not to do it. And they said well -- their  
13 reply at that time for that particular that I remember they said  
14 well, do you want us to hire somebody to do it? And I said no,  
15 we don't need to do that, I've got my own backhoe, got fifty  
16 horse of backhoe here so I can dig up anything I need to dig up.  
17 But, later on shortly after that even I had Rick Guill who is  
18 the well, my well, not mine but the fellow I go to to help me  
19 determine what's going on with the well because he's more  
20 knowledgeable and he fixes wells, that's what he does. He's a  
21 pump service. To help me determine what the real problem was  
22 with this well throwing out e. coli which is a very serious  
23 problem and I recognize that. And I'm concerned about it and  
24 still am.

25 What else can we do to see what's going on? So we got

1 his video cameras and all of his other type of equipment and we  
2 inspected the pitless. There was nothing wrong with the  
3 pitless.

4 I guess DNR felt that I was evading them or telling  
5 them a lie or in some way avoiding them. I was not avoiding  
6 them. I was trying to get to the bottom of what the real cause  
7 of that problem is on that well. There was nothing wrong with  
8 the pitless at that time.

9 But, we did discover that the line, the pipe that  
10 connects on to that pitless was busted below the pitless, but it  
11 had been repaired. It had been repaired. And I remember paying  
12 another pump service to repair that. But, I did not tell them  
13 to repair it the way it was. That's another pump company that I  
14 will never do another business with at all.

15 Q. Mr. Cloverside from DNR testified that he had talked  
16 to you and you indicated that you had -- and he says that you  
17 indicated you had shocked the wells prior to realtors coming out  
18 to take samples and prior to DNR inspections.

19 Did you tell them that?

20 A. No, sir. Prior to a DNR inspection was not a common  
21 practice for me to do. DNR was there for a different reason.

22 We tried to -- it was a common practice when a realtor  
23 wanted to take a sample, for example, for the lenders, that's  
24 when -- that's the time that maybe a week before that we would  
25 shock that well for them to ensure that there was nothing wrong

1 basically coming from the well because they usually wanted to  
2 take that sample from the house or in some cases from the well.

3 Taking those samples is a delicate process. And we  
4 really don't want to have chlorine in it; when they're taking a  
5 test and then they test and get clear chlorine. Bleach is  
6 chlorine also. Some people may not understand that bleach is  
7 actually less powerful than chlorine tablets that they use in  
8 these wells. Don't let any of the well people toss chlorine  
9 down the well head, but they do. But, they'll toss a whole  
10 handful just down there and then walk away. I don't like that.

11 But, it was a common practice and had been for twenty  
12 years. I don't -- that was something I guess normal. And I  
13 just followed through with that normal.

14 Since that time the learning process, again, is  
15 another reason why I agree with DNR. They have more knowledge  
16 and more guidelines and rules to follow that makes sense.

17 Q. It was indicated that among the other things that need  
18 to happen at this point from DNR is that the Topo well needs to  
19 be capped and that something needs to be done if you've taken a  
20 well I believe on the Charity system that's not currently being  
21 used, that those wells need to be plugged or in some other way  
22 decommissioned, for lack of a better word. There have also been  
23 mentions here and there of other issues with wells.

24 Given that you're down to the eight wells right now  
25 how long do you believe it would take you to bring those wells

1 into DNR compliance?

2 A. I would have to contact Rick Guill and get his  
3 schedule.

4 Q. Okay. So the answer is you don't know or can you --  
5 do you have any idea of a time period whatsoever?

6 A. I think it would probably be within maybe a ninety to  
7 a hundred and twenty days. Just knowing that people are busy at  
8 this time and the proper people to actually do that work.

9 I can't do it myself any more.

10 Q. Now, DNR also said that they're drafting a  
11 noncompliant well agreement. Correct?

12 A. Yes, sir.

13 Q. And that you've been given some time period to do some  
14 things within that time period. Do you believe you're going to  
15 get that done within that time period?

16 A. Oh, yeah. Yes, sir. Some of it has already been  
17 done. And reports have been made back to the DNR through Laura  
18 Jean. However, I also understand that besides Lori I need to  
19 reply to it also as the owner.

20 JUDGE CLARK: Those are all the questions I have.

21 Does Staff have any questions based upon bench  
22 questions?

23 MS. KERR: I don't have any, no.

24 JUDGE CLARK: Well, do you all have Redirect on  
25 this one?



1 MS. KERR: No. I don't.

2 JUDGE CLARK: Mr. Blevins, is there anything else  
3 you wanted to tell the Commission before I conclude this  
4 hearing?

5 MR. BLEVINS: At this point I don't think so. I  
6 just ask for consideration is all.

7 JUDGE CLARK: Okay. I would like to echo what  
8 Commissioner Hahn said. I do appreciate your time today. I  
9 appreciate your explanation. I wish in a lot of ways that I was  
10 as articulate as you are. You're extraordinarily articulate  
11 when you were explaining this to me, so I appreciate that.

12 Is there anything else that needs to be addressed to  
13 the Commission at this time before I adjourn this hearing?

14 MS. KERR: I don't think so. Will there be a  
15 briefing schedule?

16 JUDGE CLARK: I hadn't anticipated ordering one.  
17 Did Staff want to do a brief?

18 MS. KERR: I would prefer to do a brief just to  
19 put our argument together.

20 JUDGE CLARK: Okay. Mr. Blevins, do you  
21 understand what a brief is?

22 MR. BLEVINS: Well, I pretty well know basically  
23 what a brief would be. But, yes, sir.

24 JUDGE CLARK: It's basically a short -- it is...  
25 What Staff will do is it is not actual evidence, it is