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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

LOCAL PUBLIC HEARING

In the Matter of)
Missouri-American Water)
Company's Request for Authority)
to Implement a General Rate) File No. WR-2024-0320
Increase for Water and Sewer)
Service in Missouri Service)
Areas)

WEDNESDAY, NOVEMBER 6, 2024
6:00 p.m.

Jefferson City, MO 65101
via WebEx

VOLUME 4

KENNETH J. SEYER, Presiding
REGULATORY LAW JUDGE

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

REPORTED BY:
Tracy Taylor, CCR No. 939

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A P P E A R A N C E S

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Commission

1 JUDGE SEYER: Today is November 6th,
2 2024. The time is 6:40 p.m. The Commission has set
3 this time for a local public hearing to give members
4 of the public a chance to comment about
5 Missouri-American Water's Amer- -- excuse me,
6 Missouri-American Water Company's application for a
7 general rate increase for water and sewer service,
8 which is Commission File Number WR-2024-0320.

9 Before we go any further, I'd ask that
10 everyone make sure their device is on mute until I
11 call on you to speak. If you're using a landline or
12 an older cell phone with a mute button, *6 will mute
13 and unmute your phone.

14 Tonight's hearing is being conducted
15 online via Cisco WebEx. My name is Ken Seyer. I'm a
16 Regulatory Law Judge with the Missouri Public Service
17 Commission and I will preside over this hearing.

18 The Commission regulates the rates
19 charged by public utility companies in Missouri to
20 ensure that those rates are just and reasonable. The
21 Commission also regulates the quality of service and
22 safety of the operations of public utilities.

23 The Commission has five Commissioners.
24 They are appointed by the Governor and confirmed by
25 the Senate. The Commission employs a staff of

1 engineers, accountants, attorneys, financial analysts
2 and other specialists in the field of utility
3 regulation.

4 With us tonight is Chair Kayla Hahn and
5 Commissioners Jason Holsman, Glen Kolkmeyer, Maida
6 Coleman and John Mitchell. The Commissioners have not
7 made any decisions in this case and cannot answer
8 questions -- any questions today because they have to
9 remain impartial until after all the evidence is
10 presented at the evidentiary hearing in this matter,
11 which is scheduled to begin on February 27th, 2025.

12 At this time, Commissioner Holsman, would
13 you like to make opening remarks?

14 COMMISSIONER HOLSMAN: Thank you, Judge.
15 On behalf of Chairwoman Hahn and the entire
16 Commission, we would like to welcome everybody to the
17 virtual local public hearing this evening. We know
18 you have many options for your time and you've chosen
19 to spend it us to share your thoughts.

20 We have not made any decisions in this
21 case and we will be listening and evaluating to the
22 best of our objective abilities.

23 I'd like to thank the Judge and the
24 Staff, OPC and all the stakeholders who have joined us
25 this evening and we look forward to a good hearing.

1 Thank you, Judge.

2 JUDGE SEYER: All right. Thank you,
3 Commissioner.

4 There are attorneys here online
5 representing parties in the matter. For the record,
6 would each of you identify yourselves and state which
7 party you're representing, beginning with
8 Missouri-American Water?

9 MR. COOPER: Thank you, Judge. Dean
10 Cooper from the law firm of Brydon, Swearngen and
11 England, PC, PO Box 456, Jefferson City, Missouri
12 65102. Appearing on behalf of Missouri-American Water
13 Company.

14 JUDGE SEYER: Thank you. Counsel for the
15 Staff of the Commission?

16 MR. IRVING: Yes, thank you, Judge. My
17 name is Ron Irving with the -- representing the Staff
18 for the Missouri Public Service Commission. The
19 recorder should have my information.

20 JUDGE SEYER: All right. And for the
21 Office of Public Counsel?

22 MR. CLIZER: Thank you, Your Honor. John
23 Clizer on behalf of the Missouri Office of Public
24 Counsel. My contact information is in the record.

25 JUDGE SEYER: Thank you.

1 Are there any other attorneys
2 representing parties online?

3 All right. Hearing none, the way this
4 portion of tonight's proceedings will play out is that
5 I will call the names of any people who have signed up
6 to testify tonight. When I call your name, please
7 unmute your phone or other device and I will place you
8 under oath, ask you to state and spell your name and
9 then you can offer your comments to the Commission.

10 We will try to limit comments to five
11 minutes per person. Once you finish your comments,
12 please remain on the line in case there are questions
13 from the Commissioners or the attorneys for the
14 parties.

15 The list that has been forwarded --
16 forwarded to me tonight has one name on the list and
17 that is Brett Felber. Mr. Felber, are you online?

18 MR. FELBER: I am.

19 JUDGE SEYER: All right. Good evening,
20 Mr. Felber.

21 MR. FELBER: Good evening.

22 JUDGE SEYER: Would you raise your right
23 hand to be sworn in, please? Thank you.

24 (Brett Felber sworn in.)

25 JUDGE SEYER: All right. If you would,

1 go ahead and state and spell your name for the record.

2 MR. FELBER: My name is Brett, B as in
3 boy, R as in Robert, E as in echo, T as in Tom, T as
4 in Tom. Felber, F, as in Frank, E-L-B as in boy, E-R.

5 JUDGE SEYER: All right. Go ahead,
6 Mr. Felber.

7 MR. FELBER: All right. So mine is a
8 little lengthy and everything. First and foremost, I
9 want to thank everybody for allowing me to go ahead
10 and speak here. I've dealt with the Commission
11 before, so I reserve my suspicion on how smoothly -- I
12 have done stuff with Staff before as well too. I've
13 dealt with these -- with the Commissioners.

14 And I understand the water company wants
15 their rate increase and everything. However,
16 sometimes can be -- things can be deceiving.

17 Personal experiences, I have no trust in
18 the PSC, I have no trust in the Commission because
19 I've been victimized by their counterfeit documents
20 game that I brought aware to them on certain things,
21 certain matters that they've given me copies that was
22 forwarded to me from Staff. Despite my pleadings for
23 that, there was nothing done. And each of those
24 Commissioners know who they are.

25 It says a lot, and especially when we're

1 dealing with rate increases. If certain companies are
2 sending counterfeit documents out to appeal to them,
3 what are other utility companies -- one bad apple
4 makes it bad for the other bad apples. And that's
5 where I sit with that.

6 So yes, I do reserve my right with the
7 Commissioner -- the PSC Staff. I think there are some
8 uncertainties -- uncertainties on how they investigate
9 things and all that.

10 With that being said, I don't hold any
11 grudge against, you know, anybody. I understand we
12 all have jobs to do. Sometimes things, you know, get
13 overlooked, but I think they overlooked it the wrong
14 way. I reserve -- Mr. Mitchell wasn't a part of it,
15 so whatever.

16 Now onto the next thing. I think the
17 Commission minus taking our input -- honestly, I think
18 the Commission laughs at our comments. I mean, we
19 have never seen something really between all the
20 Commissioners that have said, hey, you know -- we've
21 always seen them get an approved increase.

22 Eventually it's going to drive
23 Missourians into debt. I mean, we're already gouged
24 out to our eyeballs with debt. I mean, there's people
25 that more in utilities. This is going to hike up more

1 than whatever. There's people that pay more in their
2 rent -- than their rent and mortgage per month just on
3 utilities. That's kind of bad when your utilities are
4 costing more than your rent, your mortgage.

5 People are trying to put food on the
6 table and they can't even put food on the table
7 because they've only got one utility company who they
8 have to go to. And, unfortunately, that company has
9 that leverage because of that.

10 That being said, let's take a look at --
11 yesterday is a prime example, November 5th, and even
12 last year and the year before. I'll use that as an
13 example. Look at the flooding that we've had. Look
14 at our wastewater systems and all that. That's --

15 JUDGE SEYER: Mr. Felber, what does
16 wastewater systems have to do with Missouri-American
17 Water in this -- in this case?

18 MR. FELBER: I'll get -- I'll get to it,
19 don't worry. I'll get to it, don't worry.

20 This is -- this is a common problem.
21 We're giving all these money to the utility companies
22 and they're neglecting to take care of the
23 infrastructure. That's where that gets from. You
24 know, we have MSD, we have the water company with
25 their pipes bursting everywhere. It does.

1 But anyway, let's go ahead and go on to
2 that for Missouri-American Water. Facts: The CEO
3 makes roughly 20 million dollars a year in base
4 salary. I wish I could make 20 million dollars a
5 year. I mean, I really would. That being said,
6 regulated bon- -- that's -- that's the total
7 compensation. That's a red flag right there when a
8 water company corporate executive is making 20 million
9 dollars a year.

10 Regulated business, net income was
11 971 million dollars 2023. Stock went up -- this past
12 quarter in the third quarter, Missouri-American Water
13 posted a net of 356 million dollars of 2024. In
14 May of 2023, Missouri-American Water asked for a rate
15 increase. Where's that money gone?

16 Plus, Missouri-American Water got -- back
17 in I believe it was 2022, the State was given 106 --
18 106.4 million dollars for the Infrastructure and Jobs
19 Act to go towards the neglected water infrastructure
20 in Missouri. Where's that money gone, PSC? Where has
21 it gone? I mean, that's money that was supposed to go
22 towards it.

23 That being said, the water company has
24 3.93 billion in revenue, their operating costs were
25 1.2 billion. This is based off of 2021, I believe.

1 Their net was 1.26 billion, total assets 26.08 billion
2 and a total equity of 7.3 billion.

3 If I had assets and stuff like that, I
4 would not be coming to a Commission and asking them
5 for a rate hike. I would be paying for that out of my
6 own pocket. What's even worse is consumer --

7 JUDGE SEYER: Mr. Felber -- Mr. Felber,
8 you're beyond five minutes so I'd ask you to -- to
9 kind of wrap up your comments.

10 MR. FELBER: If you don't want to hear
11 it, I'm the only person talking tonight. I'm pretty
12 sure the other people would love to hear it, Your
13 Honor. I mean --

14 JUDGE SEYER: Well, Mr. Felber, how is
15 that -- how is that fair to people in other hearings
16 that are limited to five minutes?

17 MR. FELBER: If -- this goes to show my
18 point of the fair and neutral process, Your Honor. If
19 you don't want to hear it, you don't have to. I mean,
20 I have -- if -- if you -- the whole goal of this is to
21 give the basis of everything that goes on, and you're
22 trying to silence me from that. You're trying to
23 silence me from --

24 COMMISSIONER HOLSMAN: Judge -- Judge --

25 JUDGE SEYER: Yes, Commissioner Holsman?

1 COMMISSIONER HOLSMAN: I think it would
2 be appropriate for you to call for any other witnesses
3 at the five-minute mark here. And if we don't have
4 anyone else who does wish to testify, I believe we can
5 afford Mr. Felber an additional five minutes to try
6 and -- and summarize his -- his points tonight.

7 JUDGE SEYER: Sure, Commissioner. That
8 sounds reasonable.

9 Mr. Felber, just a second here then. Are
10 there any other people online who did not sign up
11 ahead of time who would like to testify tonight?

12 All right. Hearing none, Mr. Felber, go
13 ahead.

14 MR. FELBER: All right. All I ask is for
15 my -- my input to be heard. And these are exact
16 things that other regulatory judges have done. I'm
17 just telling you, it doesn't look good. All right?

18 1.5 billion dollars. The average
19 person's increase is going to go up probably anywhere
20 from 18 to 34, maybe even 50 bucks based off of
21 calculations that they've uploaded for their files and
22 what they are calculating what they need.

23 That doesn't include their lobbying money
24 to the PSC. How much money did they backbone lobby
25 in money to the PSC this past year? Does anybody want

1 to answer that for me? Public record.

2 The PSC is the biggest supporter of the
3 utility company. They get their funding, PSC gets
4 their funding, the federal government gives them their
5 funding.

6 According to the American Society of
7 Civil Engineering Missouri Water Infrastructure,
8 Missouri sits at a C minus. With all this money that
9 they've gotten in rate increases over the past five,
10 ten years, why is our water infrastructure sitting at
11 a C minus?

12 Well, I would expect -- I would expect a
13 leverage of an A, maybe a B plus. That's concerning.
14 Because, once again, we're putting the cost in for the
15 consumer to pay while we're giving the CEOs all this
16 money.

17 It's only a matter of time before
18 consumers stand up and they boycott paying their water
19 bills. What's going to happen when that happens?
20 Eventually there's no water system. Look at
21 third-world countries. That's exactly what you guys
22 are trying to do to our sector. You're trying to turn
23 us into a third-world country and give us lack of
24 quality, lack of -- a lack of hope in what our
25 infrastructure is.

1 And a 30 point -- 34.4 percent rate hike
2 is unconstitutional on all levels. In fact, as I said
3 in a question/answer for the first part, the
4 Commission has no authority to raise it 34.4 percent.
5 If you look under the rules and statutes, it's
6 1 percent incremental.

7 This would have to be transferred into a
8 circuit court for a circuit court to hear. And then
9 they would have to go back and offset and talk to the
10 State Tax Commissioner's Office to re-level
11 everybody's actual rate for their municipality. I
12 know I have to do that when I do stuff. Happens all
13 the time.

14 If the PSC and Missouri-American Water
15 need a better financial consultant, I can refer
16 plenty. Because the numbers that they're asking for
17 are way off. I'm not going to point out statutes,
18 federal statutes or go on for any of that because I've
19 done that before in the past for you guys and you guys
20 have hibernated off of me.

21 However, I believe the PSC is -- is much
22 of a manipulator as the company is when it comes to
23 this when playing with it. And I already believe you
24 guys have your decision made.

25 So I appreciate your time. And if the

1 Public Counsel wants those documents, they are more
2 than welcome to have them. In fact, I would love for
3 them to have them.

4 JUDGE SEYER: All right. Thank you,
5 Mr. Felber.

6 MR. FELBER: Uh-huh.

7 JUDGE SEYER: Are there any questions
8 from the Commissioners for Mr. Felber? Any questions
9 from the attorneys for the parties?

10 MR. CLIZER: Very briefly, Your Honor.
11 Mr. Felber, at the beginning of your comments you
12 described an issue you had had regarding -- I think
13 you might have said counterfeit documents and I
14 apologize if I paraphrase.

15 Just to clarify, was that in relationship
16 to this case or was that a separate matter that has
17 occurred before the PSC?

18 MR. FELBER: It was in a separate -- it
19 was in a separate matter. Yeah, they sent me a
20 counterfeit document --

21 MR. CLIZER: I -- I don't mean to cut you
22 off. I'm sorry. I don't -- I don't want to get into
23 the details. I just needed to verify whether or not
24 that was related to this case or not.

25 You have not -- you're not claiming to

1 have received any incorrect information with regard to
2 this case specifically? I just want to verify that.

3 MR. FELBER: It could kind of go in with
4 their -- that was another thing I wanted to bring up.
5 We don't hear them talking about the -- speaking of
6 that -- sorry, it was not with this case. However,
7 the data breach. There was a data breach with the
8 water company, correct?

9 MR. CLIZER: I apologize. I was not
10 intending to solicit additional comments from you. I
11 was -- just needed to clarify that.

12 MR. FELBER: Yes.

13 MR. CLIZER: And to the part you said at
14 the end about -- you are more than welcome to send any
15 information you would like to the Office of Public
16 Counsel. You can find our contact information online.
17 Or if you want to submit a comment through the
18 Commission's website or directly to our contact
19 information, which I believe is attached on the L-page
20 handout, we'd be happy to look at that for you. Thank
21 you.

22 I have no further questions, Your Honor.

23 JUDGE SEYER: All right. Thank you.

24 MR. FELBER: I did have one more
25 question -- or one more thing I forgot to say.

1 JUDGE SEYER: Go ahead.

2 MR. FELBER: We had the data breach.
3 Why -- why isn't the Commission launching an
4 investigation into that? Why aren't they talking
5 about that? I think that right now the water company
6 should be looking at that. Why aren't we talk -- what
7 are they doing to safeguard everybody's personal
8 information? What are they doing to make sure of
9 that?

10 We don't hear anything about that.
11 That's on the back burner. But the rate increase is
12 more important. It makes you wonder. I'm not making
13 any conspiracy theory. I've heard of Spire recently
14 also finding ways to make documents disappear. And it
15 just so comes convenient during a rate hike.

16 JUDGE SEYER: All right, Mr. Felber.
17 Thank you for your testimony.

18 MR. FELBER: You're welcome, Your Honor.

19 JUDGE SEYER: If any of the -- if
20 Mr. Felber or any of the other people who are
21 participating online would like to make comments after
22 the hearing, written comments, you can go to the
23 Public Service Commission website, that's PSC.mo.gov.
24 And then on the right side of the home page is a
25 Submit Comments link. We would just ask you to

1 reference this case number. It's WR-2024-0320.

2 Before we end the hearing tonight,
3 Commissioner Holsman, would you like to make any
4 closing remarks?

5 COMMISSIONER HOLSMAN: Thank you, Judge.
6 Just wanted to thank you and Staff and OPC and all the
7 fellow Commissioners for joining us. I want to thank
8 Mr. Felber for making comments to the Commission. We
9 understand that not everybody is going to agree with
10 every decision that is made, but this is an
11 opportunity to express those opinions and I do
12 appreciate him taking that opportunity to express his.

13 Judge, hope everyone has a safe evening
14 and -- and thank you very much.

15 JUDGE SEYER: Yes, thank you,
16 Commissioner. And thank everyone who logged on
17 tonight or phoned in. This hearing is now adjourned
18 and we are off the record.

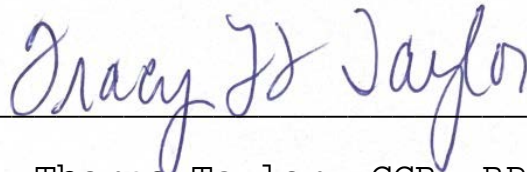
19 (Whereupon, the proceedings concluded at
20 7:00 p.m.)

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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Tracy Thorpe Taylor, CCR, RPR

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