

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

PREHEARING CONFERENCE

Jim Moriarty,)
Complainant,)
v.) Case No. WC-2025-0204
Missouri-American)
Water Company,)
Respondent.)

MONDAY, JULY 28, 2025

1:00 p.m.

Jefferson City, MO

via WebEx

VOLUME 1

KAROLIN WALKER, Presiding
REGULATORY LAW JUDGE

Transcribed By:
Elizaphan Njuguna

1 MS. NIEMEIER: Good afternoon.

2 MS. KERR: Good afternoon, Judge.

3 JUDGE WALKER: I see Mr. Moriarty is not
4 with us, so let's wait a minute and see if he
5 joins us.

6 MS. KING: He's on.

7 MS. NIEMEIER: He's on my screen.

8 MR. MORIARTY: I'm here.

9 JUDGE WALKER: He's gone online. Okay.
10 This is a prehearing conference in case WC-
11 2025-0204. My name is Karolin Walker, and I'm
12 the judge who will be presiding over this
13 case.

14 During this call, I'm going to discuss
15 procedural but not substantive issues. First
16 I'd like to do entry of the counsels. So if
17 you could state your name and where you work,
18 I would be most appreciative.

19 MS. KERR: This is Carolyn Kerr. I'm
20 attorney for the Public Service Commission.

21 MS. NIEMEIER: Rachel Niemeier on behalf
22 of Missouri American Water Company.

23 MS. MARTIN: Anna Martin on behalf of the
24 Missouri Office of the Public Counsel.

25 MR. MORIARTY: Jim Moriarty, complainant.

1 JUDGE WALKER: Mr. Moriarty, Mr. Cooper,
2 you want to enter your appearance?

3 MR. COOPER: Yeah. Dean Cooper appearing
4 on behalf of Missouri American Water Company.

5 JUDGE WALKER: Okay. Mr. Moriarty, can
6 you hear us?

7 MR. MORIARTY: Yes.

8 JUDGE WALKER: You can? Okay, great. Do
9 you want to enter your appearance for the
10 record?

11 MR. MORIARTY: New (indiscernible)?

12 JUDGE WALKER: Yes.

13 MR. MORIARTY: All right.

14 JUDGE WALKER: Well, we'll take your
15 appearance is entered. Okay. This prehearing
16 conference has been requested by Rachel
17 Niemeier of Missouri American water. Ms.
18 Niemeier, go ahead.

19 MS. NIEMEIER: Yes. Thank you. I just
20 wanted to get the group together in a call or
21 in a hearing like this to discuss the hearing
22 date. Previously, we had filed notifying that
23 I was going to be out of town.

24 It's come to our attention that one of
25 our main witnesses, Derek Tarza (phonetic),

1 who is really kind of the leader of the My
2 Water application for Missouri American and
3 American Water will be in Spain for a family
4 member's graduation on that week.

5 And it was just a miscommunication within
6 the company. So we wanted to make you all
7 aware of that and to have a discussion as to
8 whether there was any flexibility with that
9 date, given Mr. Tarza's potential conflict.

10 He would be able to do it via WebEx, but
11 he would be doing that from Spain. So I don't
12 know if that would be logistically difficult
13 for the commission and Mr. Moriarty or not.
14 We just wanted to make you aware of the
15 situation.

16 JUDGE WALKER: Thank you. Any other
17 issues?

18 MR. COOPER: Judge, I think as a part of
19 that, and I guess, we've had obviously some
20 pleadings and commission order on this, but is
21 there any flexibility at all in that August
22 28th hearing date, one way or the other that
23 would potentially work a little better for
24 anyway, Mr. Tarza's appearance obviously, but
25 Ms. Niemeier's appearance?

1 And then there's some other things sort
2 of in the background with that. And so I
3 guess that's sort of the request of you as to
4 whether there's just no flexibility in that
5 hearing date or whether there might be some
6 flexibility.

7 JUDGE WALKER: Well, you're welcome to
8 file in the commission again and ask them to
9 revisit their decision. I apologize, I know
10 this hearing date is difficult for everyone.
11 We looked at hearing dates I got from Ms.
12 Niemeier.

13 There were 39 dates that from the second
14 week in July till the second week in October,
15 plus federal and state holidays that you are
16 not available or your witnesses are not
17 available.

18 And what we do here is look at those
19 dates, look at the trial calendar, start
20 choosing dates, and see when what
21 commissioners wish to appear at the hearing
22 and when they're available. And this is the
23 date that they came up with.

24 And after you filed opposing the date, we
25 tried again, and you're welcome to file again,

1 and the commission will do whatever they're
2 going to do.

3 MR. COOPER: Were there -- and you may
4 not be able to answer this, but were there
5 dates that would have worked for the
6 commission that we just did not identify as
7 possible dates on our end?

8 JUDGE WALKER: I don't want to disclose
9 the inner workings of the commission and the
10 commissioners, but I can assure you that we
11 tried and tried and tried to find a different
12 date. And particularly some of the dates that
13 you would like.

14 MS. NIEMEIER: Is it possible to delay it
15 to later in the fall or did those dates just -
16 - we're still working within the initial dates
17 that we were given, the initial date range
18 we're given?

19 JUDGE WALKER: Well, Mr. Moriarty, your
20 case has been pending. You filed your
21 complaint in January, how do you feel about --

22 MR. MORIARTY: I'm tired.

23 JUDGE WALKER: --putting your case off
24 for months?

25 MR. COOPER: Yeah, my goal is to get it

1 behind me.

2 JUDGE WALKER: I guess I have the same
3 response to that. You can file in the
4 commission and ask them.

5 MS. KERR: Were there some dates on the
6 PSC calendar that we were -- that we were
7 missing? Because I think we all looked on the
8 PSC calendar and didn't -- and we're trying to
9 pick dates that were open.

10 JUDGE WALKER: Well, Carolyn, I think
11 I've answered this already. You know how the
12 commission works. Just because there's not a
13 date on the calendar doesn't mean the
14 commissioners are available.

15 MS. KERR: I understand that as well.

16 JUDGE WALKER: I just looked at the
17 calendar last week, the commissioners were in
18 public hearings, which means that they were
19 not even in Jefferson City, they were all over
20 the state.

21 MS. KERR: I understand that.

22 JUDGE WALKER: Sometimes they have
23 meetings and whatever commitments that they
24 have.

25 MS. KERR: I understand. I was just

1 wondering if we missed -- if we -- if there
2 wasn't -- if there was something on there that
3 we missed. And that's all. I understand.

4 JUDGE WALKER: I tried to get you all a
5 different hearing date. I did. And the
6 commission tried to work with you as well.

7 MS. NIEMEIER: So, I guess --

8 JUDGE WALKER: Any other issues you want
9 to discuss?

10 MS. NIEMEIER: I guess, I have one
11 question, kind of that sort of goes with this,
12 but would we be allowed to have a witness
13 provide testimony from another country in
14 another time zone? Would that be acceptable
15 to the Commission?

16 JUDGE WALKER: That's a question I'd have
17 to ask the commission and I don't have any
18 answer to that.

19 MS. NIEMEIER: Okay. Because typically
20 they're allowed to attend via WebEx. And I
21 didn't know if this was a case where we could
22 do it via WebEx. Whether it's Mr. Tarza, we
23 can find somebody more local to testify. Is
24 this going to be live witness testimony or is
25 it virtual acceptable?

1 JUDGE WALKER: Well, the hearing is set
2 for one day and live. But I mean, it's
3 certainly all right with me if someone appears
4 virtually. I mean, I will ask the commission.
5 How about if I ask the commission and I let
6 you know if it's a problem?

7 MS. NIEMEIER: Okay. That would be
8 great. Thank you.

9 MS. KERR: Yeah. And then which kind of
10 brings up the question that we had on whether
11 where it says the procedural schedule is
12 testimony and exhibits are to be filed by
13 August 14, is that -- we're going to break
14 that down into direct and rebuttal or how were
15 we going to do that? Was that just all the
16 testimony or were we --

17 JUDGE WALKER: The procedural schedule is
18 as it's written. That is what the commission
19 wants for the procedural schedule.

20 MS. KERR: Okay. So all the testimony
21 all at once?

22 MS. KERR: Is that my -- is that the
23 right understanding then?

24 JUDGE WALKER: The procedural schedule
25 that's written is the one that the commission

1 once followed. And it's -- I don't know what
2 you mean by all the testimony all at once. No
3 one's asking you to put all your testimony at
4 once. You have two weeks before the hearing
5 to file your testimony and six, eight weeks
6 from when the hearing date was set.

7 MS. KERR: Okay.

8 MR. MORIARTY: Has there been a decision
9 yet on when the post hearing briefs would be
10 due?

11 JUDGE WALKER: No, I'll make that
12 decision at the hearing. If they're
13 necessary, I will order them. If they're not,
14 we won't do them. And it also depends what
15 the parties want to do at that time. Any
16 other issues?

17 MS. NIEMEIER: I don't think the company
18 has any other. I really appreciate you
19 sending this time for all of us to get
20 together and have this conversation.

21 JUDGE WALKER: Yeah. I'm really sorry.
22 You know, I know everybody wants the hearing
23 date not to be the 28th, but that's the date
24 when the commissioners are available and the
25 calendar is open. I will get with the

1 commissioner about this testimony. Will you
2 do me a favor, Ms. Niemeier, and send me an
3 email with the details of the witness and what
4 you would like so that I can present it to the
5 commissioner?

6 MS. NIEMEIER: Sure.

7 JUDGE WALKER: Okay, Great. I'm going to
8 get off the call and let you all talk to each
9 other. See if there's any kind of resolution
10 you can reach for this case.

11 MS. KERR: Okay.

12 MS. NIEMEIER: Thank you, Judge.

13 JUDGE WALKER: Thank you for your time.

14 MS. MARTIN: Thank you.

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18 (End of audio recording.)

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IN WITNESS THEREOF, I have hereunto set
my hand this 2nd day of August, 2025.

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Elizaphan Njuguna

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