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1	BEFORE THE PUBLIC SERVICE COMMISSION					
2	STATE OF MISSOURI					
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4	TRANSCRIPT OF PROCEEDINGS					
5	PREHEARING CONFERENCE					
6						
7	Jim Moriarty, ) Complainant, )					
8	)					
9	v. ) Case No. WC-2025-0204 ) Missouri-American )					
10	Water Company, )					
11	Respondent. )					
12	MONDAY, JULY 28, 2025					
13	1:00 p.m.					
14						
15	Jefferson City, MO					
16	via WebEx					
17						
18	VOLUME 1					
19						
20	KAROLIN WALKER, Presiding REGULATORY LAW JUDGE					
21	REGULATORI LAW UUDGE					
22						
23						
24	Transcribed By: Elizaphan Njuguna					
25	ETTZapiiaii Njuguiia					



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?



And then there's some other things sor	t
of in the background with that. And so I	
guess that's sort of the request of you as	to
whether there's just no flexibility in that	
hearing date or whether there might be some	
flexibility.	
JUDGE WALKER: Well, you're welcome to	
file in the commission again and ask them to	0

file in the commission again and ask them to revisit their decision. I apologize, I know this hearing date is difficult for everyone. We looked at hearing dates I got from Ms. Niemeier.

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

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

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



2.

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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 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



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commissioner about this testimony.
 1
                                           Will you
 2
     do me a favor, Ms. Niemeier, and send me an
 3
     email with the details of the witness and what
     you would like so that I can present it to the
 4
 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
             See if there's any kind of resolution
     other.
10
     you can reach for this case.
11
          MS. KERR:
                      Okay.
12
                          Thank you, Judge.
          MS. NIEMEIER:
13
          JUDGE WALKER:
                          Thank you for your time.
14
          MS. MARTIN:
                        Thank you.
15
16
17
18
     (End of audio recording.)
19
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21
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12	parties in said action, nor to their
13	respective counsel.
14	
15	IN WITNESS THEREOF, I have hereunto set
16	my hand this 2nd day of August, 2025.
17	
18	AMM VIL
19	Elizaphan Njuguna
20	ETTZapitati Njagatia
21	
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