

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI
TRANSCRIPT OF PROCEEDINGS
PREHEARING CONFERENCE

Andrew J. Norris,)
Complainant,)
v.) Case No.: WC-2026-0372
Missouri-American Water)
Company,)
Respondent.)

THURSDAY, SEPTEMBER 3, 2026
9:00 a.m.

Jefferson City, MO
via WebEx

VOLUME 1

CHARLES HATCHER, Presiding
SENIOR REGULATORY LAW JUDGE

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

Transcribed by:
Kanak Thapa

1 THE COURT: Okay. Good morning. Let's
2 go on the record. Today is September 3, 2026. The
3 Commission has set this time for a prehearing conference
4 in case number WC-2026-0372. There is no court
5 reporter, but the hearing is being recorded for
6 transcription. This Webex will be divided into two
7 parts. The first part I will participate in, and we
8 will discuss the next steps coming up in this case. The
9 second part will be just the parties to discuss the
10 details of scheduling, any issues in the case, and the
11 potential of settlement.

12 Only the first part will be on the
13 record. I'll press the record button to stop the
14 recording when I get off the phone. My understanding is
15 that the host responsibilities will transfer once I
16 close that out. Unless there is anything of a
17 procedural nature to take up, I will be asking the
18 parties to come up with a procedural -- proposed
19 procedural schedule, and I will ask that staff take the
20 responsibility of filing that.

21 We'll talk a little bit more about what
22 we are looking for in the schedule a little bit later.
23 Again, for the record, this conference is being held
24 only by Internet and Webex application. My name again
25 is Charles Hatcher, I'm the regulatory law judge

1 assigned to this case. Let's go ahead and have the
2 parties make their entries of appearance. Andrew
3 Norris. You're still muted, Mr. Norris.

4 MR. NORRIS: Sorry. Yeah. I'm the
5 newbie here so -- yeah. Let me know what I should say
6 or whatever if I -- but, yeah, I'm here.

7 THE COURT: No, you're perfect.

8 MR. NORRIS: Should I have an entry
9 statement or anything or?

10 THE COURT: No, no, no, this isn't a
11 hearing. This is just a procedural conference. All
12 we're going to discuss is what, what direction you all,
13 the parties, want this case to take. We're, we're
14 either going to be talking about going to a hearing or
15 some other alternative. For Missouri-American.

16 MR. THOMPSON: Kevin Thompson, Brydon,
17 Swearngen & England. The address is on file, with the
18 Commission here for Missouri-American Water Company.

19 THE COURT: Thank you.

20 MR. THOMPSON: Also, with me is Jennifer
21 Coleman, in-house counsel for Missouri-American Water
22 Company.

23 THE COURT: Thank you. And for the Staff
24 of the Commission.

25 MR. GRAHAM: Paul Graham, for the Staff

1 of the Missouri Public Service Commission. And our
2 address is on file in this case.

3 THE COURT: Thank you. And the Office of
4 the Public Counsel.

5 MS. MARTIN: This is Anna Martin, with
6 the Office of the Public Counsel. Our address is also
7 on file.

8 THE COURT: Excellent. Thank you all.
9 Like as I mentioned, the prehearing conference is a very
10 informal meeting, and its purpose is to discuss what the
11 next steps in the, the case are. So I have a list of a
12 couple things I'd like to discuss before I turn the
13 meeting over to the parties. First, Mr. Norris, I
14 wanted to make sure that it was clear that your filings
15 are not evidence. The, the evidence that you will be
16 presenting would be added evidentiary hearing.

17 I've been noticing that you've been
18 making filings -- as, as information that you're passing
19 on or status reports, they haven't made any requests, so
20 I've been taking them basically as that just
21 information. However, the Commission will not be
22 considering any of those filings in its decision unless
23 they are officially entered as evidence during the
24 evidentiary hearing --

25 MR. NORRIS: Okay.

1 THE COURT: -- that would be introduced
2 as exhibits. Go ahead.

3 MR. NORRIS: Okay. So I should prepare
4 an evidentiary filing then?

5 THE COURT: No. This operates very much
6 like a regular court case. And the time that you
7 introduce evidence is going to be at the evidentiary
8 hearing.

9 MR. NORRIS: Okay.

10 THE COURT: And that's when you're
11 presenting exhibits, and it's, it's going to really play
12 out a lot like you see on TV. There would be opening
13 statements, and then one side presents their evidence,
14 maybe some witnesses. And as part of that would be
15 introducing exhibits. A lot of what you have been
16 filing could be exhibits that you would introduce during
17 that hearing.

18 But I just wanted to let you know that
19 these filings are, are not going to be considered
20 evidence, and they won't be considered by the Commission
21 in its decision unless they are formally introduced as
22 an exhibit in that evidentiary hearing.

23 MR. NORRIS: Yeah. Okay.

24 THE COURT: I also wanted to make sure
25 that it was clear that the Commission does not award

1 monetary damages.

2 MR. NORRIS: Yeah.

3 THE COURT: It also does not rule on
4 issues outside of its purview. The only question that
5 will be before the Commission will be whether Missouri-
6 American violated a statute, a rule, a tariff, or an
7 order of the Commission. So your, your complaint listed
8 a damages request of \$37,000, and so I wanted to make
9 sure that, that really seemed to be the underlying issue
10 in your complaint was the, the damages issue, and that
11 will not be addressed by the Commission.

12 MR. NORRIS: Understood. There was a
13 request on the intake form to detail monetary damages.

14 THE COURT: Yeah. Kind of looking back,
15 I, I, I've, I've -- I had kind of the same question that
16 I think you're alluding to here. Well, why are we
17 asking for damages if we don't have that? I think part
18 of that might just be how the, the case is handled
19 within the Commission. And we divide cases into --
20 complaint cases into two distinctions. A small
21 complaint case, which is a, a value less than \$3,000,
22 and then a formal complaint case, which is anything over
23 that amount.

24 They have slightly different rules, but
25 as far as I know, that's the main distinction. Let's

1 see. I'm, I'm sorry I'm checking my, my list, but kind
2 of skipped around a little bit on my notes. Okay. Next
3 is the next steps. And what I want to talk about here
4 is how do the parties see the case concluding? That's
5 really the point of our discussion this morning. Not to
6 come to an answer. You all might come to that answer
7 after I drop off the phone call. But I wanted to, to go
8 over a couple of those options.

9 The first and foremost option, obviously,
10 is an evidentiary hearing. What will happen is the
11 parties would produce a schedule. They will submit that
12 schedule to me. If the dates all line up with the, the
13 Commissioner's needs, then we can implement that
14 schedule. What that basically means is the court case.
15 If I can go back to my analogy of how this is similar
16 to, to an actual court is, there might be introduction
17 of prefiled testimony. That's something that we do here
18 in, in this forum.

19 It might be a decision to go with live
20 testimony. It would include some discovery. It would
21 include filing of the issues in the case of position
22 statements, and then the actual evidentiary hearing,
23 which will last however long that the parties are
24 suggesting. But I would kind of ballpark it as a day or
25 two. The witnesses would be lined up, and then

1 witnesses would be presented, your evidence would be
2 introduced, and then the case is submitted to the
3 Commission for decision.

4 The other option would be mediation. If
5 the parties agree to engage in mediation, then we
6 appoint a third-party neutral mediator that would not be
7 me. And the parties would meet and discuss and see if
8 they can come to a resolution. Mediation is not binding
9 unless the, the parties can, can find an agreement. The
10 kind of a third option would be if the parties agree on
11 some other resolution. As I think, Mr. Thompson noted
12 in his motion to dismiss, he alluded to perhaps the next
13 step in this case would be going to circuit court to
14 discuss those damages.

15 So the parties might discuss that further
16 in this meeting, can come to a resolution, to, to see
17 how we conclude the administrative case, to see whatever
18 the next steps are for the parties there. If the
19 parties decide on an evidentiary hearing, I wanted to
20 make sure that everyone was aware of what the Commission
21 would need in that proposal. And again, Mr. Graham, if
22 I can, please task you or Mr. Curtis with submitting a
23 proposed procedural schedule.

24 What I would be looking for is at least
25 one scheduled settlement conference. I'm listing that

1 first because that is probably one of the most important
2 parts that the Commission requires. The Commission will
3 not waive the requirement, will not accept a filing that
4 says that the parties agree that they didn't need to
5 talk about it. The Commission wants the parties to at
6 least pick up the phone and talk to each other about
7 settlement in a scheduled meeting besides this one.

8 Second, that proposed schedule would
9 include a determination of whether the testimony is
10 going to be pre-filed or live. It would also include
11 hearing dates. Also a determination of whether we have
12 briefs in this case or not. We do not require that
13 briefs are written or, or submitted in every case. So
14 this would be something that would be optional and
15 decided upon with the parties. Also a cutoff date for
16 discovery.

17 And then we have rules about the
18 provision of lists for the hearing. And that's a list
19 of witnesses, a list of issues. I would like that those
20 lists be submitted at least one calendar week prior to
21 the hearing. We also have a rule about position
22 statements, and I would request those position
23 statements follow the list within a day or two.

24 And then, lastly, the location, whether
25 we have an in-person hearing and the location of that

1 in-person hearing or whether we have our evidentiary
2 hearing by Webex. Okay. That was a lot. Let me pause
3 here and see if there's any questions. Okay.

4 MR. THOMPSON: Judge.

5 THE COURT: Yes, Mr. Thompson?

6 MR. THOMPSON: The company would request
7 that the proposed procedural schedule be due about 30
8 days from today.

9 THE COURT: Are there any objections,
10 inputs? This is pretty informal. So, Mr. Norris, does
11 30 days sound good to you? That's to turn in the
12 schedule.

13 MR. NORRIS: I think that's fine.

14 THE COURT: Okay. Let me look at my
15 handy calendar. We're at September 3rd. How about we
16 make October 5th, Mr. Thompson?

17 MR. THOMPSON: That would be great.

18 MR. NORRIS: Actually, actually, can I
19 request we go a little bit farther out? I'm actually in
20 a conference at that point, on that day, in another
21 state. Let me go out, October -- I get back on the 8th.
22 So can we do something in that following week?

23 THE COURT: Yeah, that would be fine.
24 But, Mr. Norris, I want to make sure that it's clear,
25 this is the -- just the date to file the proposed

1 schedule. What will happen is Mr. Graham, who I've
2 asked to file it, but it also might be Mr. Thompson,
3 they will -- let me start over. I would suppose that
4 the three of you, and possibly the Office of the Public
5 Counsel, but definitely you, Mr. Norris, Mr. Thompson,
6 and Mr. Graham, would probably discuss in, in this phone
7 call after this and possibly on the phone or an email
8 in, in, in the days or weeks following what you all
9 think the schedule should be.

10 You all might come up with some dates.
11 You might all discuss whether you want to have briefs.
12 You might discuss whether you want to have live
13 testimony or pre-filed testimony. Kind of discuss all
14 of those options that I was just saying, here's what we
15 need to, to focus on with an evidentiary hearing. I'm
16 expecting Mr. Graham and Mr. Thompson is going to put
17 all that down on paper, and then they are going to
18 submit that to the Commission, not as the final schedule
19 but as a proposed schedule.

20 MR. NORRIS: Okay.

21 THE COURT: And so we're just setting the
22 due date for that. So I --

23 MR. NORRIS: Got it. Okay. I
24 misunderstood. Yeah, go ahead. I mean, 30 days is
25 fine. I'll, I'll be, you know, unable to do anything at

1 that point, but yeah.

2 THE COURT: Yeah. Hopefully, your part
3 will be completed in the next few weeks on what the
4 schedule is.

5 MR. NORRIS: Okay.

6 THE COURT: So I'll go ahead and make
7 that October 5th, which is just over 30 days. We've got
8 a weekend in there in October, the first weekend. So
9 we're going to go back that to the next -- the following
10 Monday. Okay. I believe that was everything I needed
11 to bring up. Are there any questions or procedural
12 matters that the parties would like to bring up? I just
13 want to give fair warning. My portion of this meeting
14 is probably going to end in the next minute or two
15 minutes.

16 So if anyone would like to discuss
17 anything while I'm here, now is that time. Anyone have
18 any issues, any concerns, questions?

19 MR. NORRIS: I, I do have one quick one.
20 I submitted a comment regarding the, the main shutoff
21 valve on the curbside. PSC hadn't looked at it. It was
22 part of the initial filing, and there's some confounding
23 things going on with there. So I don't know if anybody
24 read my comments, but we never asked it to be turned on.
25 It is turned on and we discovered that, I don't know,

1 about two weeks ago. But also the American Missouri
2 Water, when we called them, they said it's never been
3 turned off since, what was it, 2024.

4 It's been on ever since, which is
5 contrary to, you know, what we know. So there is water
6 coming out of the, the housing to the valve as well.
7 Currently, we don't know if it's on or off, but water
8 pressure is, is full inside the house. So I don't know
9 if there's a need for further -- we, we did ask American
10 Missouri Water -- Tom, I know you probably got my email
11 to check that and provide the data as to what actually
12 happened and what is going on.

13 THE COURT: I'm, I'm hearing several
14 topics that you're bringing up. It sounds like you are
15 wanting to talk about the, the testing of the valve, but
16 you're also bringing up an issue that you think that the
17 water is currently running, and I'm taking your comment
18 to mean today. I, I, I do see Ms. Coleman -- let me --
19 let me pause there. I'm hearing a couple topics there.
20 Ms. Coleman?

21 MS. COLEMAN: Yes, Judge. Thank you. So
22 the company did in fact receive your email request, and
23 the company will respond to that request in accordance
24 with the data request timelines associated in the
25 Commission rules.

1 MR. NORRIS: Okay. And what is that?

2 MS. COLEMAN: Which is not -- just so you
3 know, Mr. Norris, it's not within two business days.

4 MR. NORRIS: Okay. And what is it?

5 MS. COLEMAN: 20 days. Right -- or no,
6 10. Sorry, team. Mr. Thompson --

7 MS. MARTIN: It's 20. So it's, it's 20
8 calendar days?

9 MS. COLEMAN: Yeah.

10 MR. NORRIS: Okay.

11 MR. GRAHAM: I would interpose the staff
12 that the complainant did ask for two days, which is, of
13 course, inconsistent with general discovery, but it was
14 a request, and I read it as a request that was being
15 made to the Commission. And the Commission could do
16 that. I would think that would be a little bit sudden,
17 but it's, it's not foregone that it's 20 days. It was a
18 request made to the Commission, in effect, to shorten
19 the time from 20 days to 2 days. That's actually before
20 the Commission.

21 I expect that because of the context that
22 the complainant put it in, it may not have been -- it
23 may have been overlooked or may not have been seen, or
24 maybe I misconstrued. But I make that offering, you
25 know, on behalf of -- well, not on behalf of anyone, but

1 it's an observation staff made. So --

2 MR. THOMPSON: On behalf of the company,
3 let me go ahead and say that we would object to two
4 days.

5 MR. GRAHAM: Well, I guess my question
6 is, would you shorten it from 20 days to help the man
7 out to keep the case moving, or do you need 20 days?

8 MS. COLEMAN: We would need to confer
9 with our client in order to agree to a shortened
10 timeline.

11 MR. GRAHAM: Okay.

12 THE COURT: Okay. I'm going to let the
13 parties discuss that further. Okay. Are there any
14 other issues or questions before I get off this phone
15 call?

16 MR. NORRIS: I don't think so. No.

17 MR. GRAHAM: Not from staff.

18 THE COURT: Okay. Then I will put out an
19 order, hopefully, this afternoon. Although, as Mr.
20 Thompson pointed out, I am the regulatory law judge on
21 that second procedural conference that we have this
22 afternoon. That's a different case. But that doesn't
23 mean that I'll be a little bit tied up today. But today
24 or tomorrow, I will get out a, a, a written order
25 confirming the due date of October 5th, or a proposed

1 procedural schedule if there is nothing else. Last
2 call.

3 Okay. I'm going to go ahead and get off
4 the phone call and let the parties discuss all of the,
5 the points that I just made specifically around the
6 procedural schedule, if that is the direction the
7 parties want to go. Other than that, I wish you all the
8 best of luck and have a very good day. I'll stop the
9 recording and get off the phone call.

10 MR. GRAHAM: Thank you.

11 (End of audio recording.)
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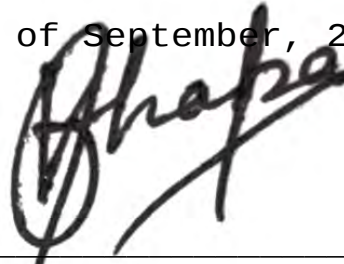
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my hand this 15th day of September, 2026.



Kanak Thapa

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