BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

PREHEARING CONFERENCE

The Manager of the Manufactured Homes and Modular Units Program of the Missouri Public Service Commission,	)
Complainant,	)
v.	) Case No.: MC-2025-0108
Stephen L. Johnson d/b/a Colony Cove, Inc. and/or Sequiota Investments, Inc.,	)
Respondent.	)

THURSDAY, OCTOBER 15, 2026
9:00 a.m.

Governor Office Building
200 Madison Street, Room 305
Jefferson City, MO 65101

VOLUME 1

CHARLES HATCHER, Presiding
SENIOR REGULATORY LAW JUDGE

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

Transcribed by:

Anuradha Krishnan

THE COURT: And we'll discuss the next steps in the case. And the second part will be just the parties to discuss scheduling issues in the case and potential settlement. I recognize that you guys have just been talking about settlement for a, a few months. So again, only the first part is going to be on. (Indiscernible). They don't have any interest in what you guys are discussing and I'm not listening. So whatever amount of privacy security that, that provides to you, that's what we have.

MS. KERR: Okay.

THE COURT: All right. For the record, this conference is being held in room 305 of the Governor Office Building and also via Internet WebEx, as we just discussed. Again, my name is Charles Hatcher. I'm the regulatory law judge assigned to this case. And let's have counsel, for the parties make their entry of appearance for The Manager of the Manufactured Homes and Modular Units Program.

MS. KERR: Hi, my name is Carolyn Kerr. I'm attorney with the staff of the Public Service Commission.

THE COURT: Thank you. And for Stephen L. Johnson, doing business as Colony Cove, Inc. and/or Sequiota Investments, Inc.?

MR. TURNER: Matt Turner, for respondent Stephen Johnson individually.

THE COURT: Thank you. And we have now received notice that the Office Of Public Counsel is not participating. But they are not present and that was not unexpected for today. Are there any procedural matters anyone wants to go over before we -- I start my, my little shtick?

MS. KERR: Okay. I think we're just.

MR. TURNER: Yeah. I think we were just the, the plan was to try to get a new hearing date and set the other deadlines unless there are other things to talk about in the case. We could report on settlement or discussions if you want.

MS. KERR: Yeah.

THE COURT: No, what I'm looking for is a submission of a proposed procedural schedule. All that I'm -- I look for in that is, kind of, very standard outline. The Commission does request at least one scheduled and attended settlement conference. I understand you guys have just come out of a lengthy settlement discussion.

MS. KERR: I, I looked at the history of the docket (indiscernible) on this case. And it looks we had a procedural schedule because we were going to

hearing and we did. We got all the way to the list of issues and then that's when we decided we're going to try to settle.

THE COURT: Right.

MS. KERR: So do you want us to start the beginning or do you want us to start at where we were? Position statements, evidentiary hearing. I continue that. Do you want us to continue that procedural schedule that's already -- that was in -- that was in the docket. Would you want us to start?

THE COURT: I see. So just change the dates and then calculate how many days. That's fine with me.

MS. KERR: Yeah.

THE COURT: However you guys want to do it. If you want to start from the beginning and let's plan this out and here's our new schedule, that's great. If you want to start with the schedule that we have and just adjust the dates accordingly, that's great. I know that we also had a separate document for the procedural requirements. Same thing. We can keep those as they are, or we can come up with new ones. From my --- from my perspective, all I'm looking for is the actual schedule and an indication of here are the procedures we're following, or we're adopting the procedures that

we already agreed to on whatever date. As far as the schedule is concerned, the Commission is really just looking for hearing dates. A determination on whether testimony is prefiled or is going to be live. Determination on whether briefs are ordered. Because this is a complaint case, all of those things are up in the air.

We don't have to have briefs. However, both parties are represented by counsel. Counsel typically likes to file briefs in the matter. So we might go ahead and do that testimony because it's a complaint case. It, kind of, breaks 50-50 on a complaint case. Do we have prefiled testimony? In a -- in the normal course of business in the Commission, the cases involve expert testimony. So the system is set up to have -- that -- usually three rounds of prefiled testimony where we have one expert that says, "I've done my calculations." And then the next round of prefiled testimony is, my expert disagrees with those calculations. That may not be the case here.

I don't know. I'll let you guys, kind of, figure that out. Cutoff date for discovery. And then, you know, the that the lists and location. The lists I refer to as list of issues. The parties need to write out, hopefully jointly. But I understand that may

not occur. A list of the issues that you're wanting to litigate and then following that same numbering system, position statements from each party on those lists. The Commission likes to get those a week before the hearing date. And that is so the commissioners can go over the case and have a little bit better grasp of what the specific things that we're going to be talking about in the evidentiary hearing are. That's, that's really, kind, of it.

MR. TURNER: Can we omit the settlement conference? I think we already had a settlement conference.

THE COURT: Yeah.

MS. KERR: Yeah.

MR. TURNER: Last time we were here, I mean, we had the settlement conference and then we decided, "Oh, we'll keep talking." And we kept talking for six months, but we've now reached the settlement. I'm not sure if something -- further settlement conference -- at this point it's not going to settle.

THE COURT: I'm fine with it. My hesitation is the general rule is we want the parties to have that settlement conference, kind of, close to when we're getting ready for the evidentiary hearing. In this case, you guys have been talking for six months.

You have each other's phone numbers and emails. If somebody has a solution, I, I, I can have faith that somebody will email somebody and say, "Hey, we might be able to maybe do this," without the prodding of having it on the calendar. So I'm fine with that. But please, if there is some path forward to settle or settle part of the case, please follow that up. That I, I hear -- I hear more from the commissioners about parties agreeing on something as we're going into hearing. "Well, this, this position statement looks a lot like this position statement. They, they seem to agree, Judge. How come you didn't make them agree?"

Well, that's not in my power, but that's something that they're always concerned about. So if there is some portion of the case or all of it, please email each other and, and explore that opportunity. But, yeah, I'll go ahead and let you guys leave that off the calendar.

MR. TURNER: Okay. And just so you know, I mean, just -- I'm not, like, revealing settlement communications. We've worked, I mean, literally, as hard as we possibly, like, we -- no stone was unturned, I mean, we went through 10, 20 different scenarios of how it might be involved.

MS. KERR: Yeah.

MR. TURNER: Just could not get there, so.

THE COURT: Well, good. That's, that's good to hear. I'm glad.

MR. TURNER: Well, unfortunately, just out, out of curiosity -- for the hearing, what would we expect all the commissioners to be present?

THE COURT: Yeah.

MR. TURNER: Okay.

THE COURT: It is the, the rare event these days that they are not all present. And it will likely be in the large courtroom. I don't know. Mr. Turner, if you've seen that, it's obviously a little bit larger than this.

MR. TURNER: Yeah, I've seen the one that's -- if you're talking about over on the other side.

THE COURT: Yeah, we only have the two.

MR. TURNER: Do you think that would -- is that going to cause it to be longer than -- because I would think that, I mean, if we're the three of us and our witness -- our two witnesses would probably knock out in a day easily. But if we've got a bunch of commissioners also, whether we need to set up for two days?

MS. KERR: No.

MR. TURNER: I'm fine to set it for one day, but if it doesn't get done, then.

THE COURT: I have only two witnesses. I would think one.

MS. KERR: I think one is.

THE COURT: But, yeah, I -- I'll let you guys, kind of, have set up. I don't know that the commissioners are going to add a lot of time. There will -- they have the opportunity to ask questions. We also get questions from technical advisors. I have not seen that extend a hearing significantly. It, it certainly feels like it when you're in the middle of a witness. And it's, like, "Well I've got five more questions for you." But over the course of a one day hearing, I wouldn't think that, that would be the deciding factor.

MR. TURNER: Yeah. So we should probably anticipate access to a full eight hours of time for the day. Is that normal?

THE COURT: Okay.

MR. TURNER: Yeah, but think we'll get it done then.

THE COURT: Yeah, and we'll start at 9:00. That's the standing order I have from my bosses.

Let's start at 9 o'clock. They don't like starting at 10:00. So we'll start at 9:00. Opening statements again, those are optional. You guys will decide that here in a minute. And opening statements and then, yeah, witness 1, witness 2.

MS. KERR: Yeah, I mean, I might have two witnesses but.

THE COURT: Okay.

MS. KERR: I mean, they're sure. I mean, this.

THE COURT: Yeah.

MS. KERR: One of them will be pretty short just like this. But I don't think it'll take two days. I think we'll -- I think if we start at 9:00 we'll be -- do you get that?

THE COURT: We'll see what Mr. Johnson if he will.

MR. TURNER: He's always got a lot to say about this stuff so. But I think.

MS. KERR: Yeah, I mean, I know what my -- I know about my way.

THE COURT: (Indiscernible). Shorten the testimony because we already have everything that you're going to say in paper. So a live testimony, if it's your witness you're going to be saying here's, you know,

"I tender my witness." That you don't really ask any questions, you know, state and spell your name, is everything that you asked in this document more or less the same that you'd say today. Your witness, we have cross exam, then it comes to the bench for questions and then it goes back for recross. If we have bench questions and then redirect. With live testimony, you might have a little bit longer because then you are going to have much more like a regular courtroom hearing. You have a witness on the stand, you're going to have questions that you ask, they're going to have answers given orally. Then you're going to have cross to, kind of, go over that.

So it can -- it can, kind of, be a positive on, on either side depending on, on what your goals are. But that might be a way to shorten it up or to make sure we're within one day. However, that does place a slightly different burden just because of the background. Staff and staff witnesses, you know, this is what they do on, on a daily basis. So it, it might be a little bit more of a challenge on, on your side. But it also may cut down on time.

MR. TURNER: Yeah.

THE COURT: I tried not to push you either way.

MR. TURNER: Well, I think the thought was to not do that. So part of the issue is trying to save my client a little bit of money and for that preparation. Now, if you guys wanted to prefile and let us not, that would be fine, but I wouldn't.

MS. KERR: Yeah, I mean, we might prefile testimony. I don't know, but.

MR. TURNER: I got it.

MS. KERR: But that doesn't mean you -- but that doesn't mean you have to.

THE COURT: Yeah. I leave that up to you guys.

MR. TURNER: Okay.

THE COURT: However you want to play that out. My role here is to generally approve whatever you all suggest unless there's some problem. The biggest problem that I ever have is the dates. You-all suggest a date to me that you-all have negotiated. Here's our date that we want to have the hearing. And then the commissioners check their calendars. And then I got to email you all and say, "Hey, they got a conflict. Can we pick another date?" That's typically the only pushback that, that comes from my side. I mean, I, kind of, have a sense of where we need -- if we're trying to get it done this year. I, kind of, a sense where we

need to land.

MR. TURNER: I mean, my client's not available after -- from December 16th through, like, February 15th. He's going to be out of state, I guess. So I think we either have to get it done like the first week of December, something like that, or it's going to have to be pushed until -- I'm not sure he really wants to push it, or you guys probably don't either to next year.

MS. KERR: Yeah, I know that.

MR. TURNER: But if, you know the commissioners aren't available or you aren't or your witnesses aren't. I know that your client is on leave or something. Do we have any sense of when -- what the availability might be? If we're looking at like the first week of December or something like that?

THE COURT: We have the calendar that's online that lists all of the commissioner's events.

MR. TURNER: It's actually the week of December 7th was. And I'd, kind of, calculated based on having a reasonable dates prior to leading up to the hearing date.

THE COURT: I don't have that on my phone, but we can check December 7th.

MS. KERR: I can't. I'd have to start

late on December 7th. So I can't.

MR. TURNER: Well, any day that week.

MS. KERR: Yeah, the rest of that week, I'm free. I don't know about you, Dave. What does the week of December 7th look like?

MR. FREEMAN: (indiscernible) get it done. I'm good. I couldn't get done. I'm muted, sorry. The week of December 7th, I'm looking good for that right now.

THE COURT: I think this is a good time for me to leave. I will go check the calendar upstairs and send the two of you an email either confirming or letting you know of any dates on the commissioners' calendars for that. I'm free that week. I'm good. Any other questions for me?

MR. TURNER: No.

THE COURT: Okay.

MR. TURNER: Also, that following Monday would be an option to the 14th. That might not be -- would that be ideal since he's leaving the 16th?

THE COURT: Okay. I'll go check on those dates and email you guys within a few minutes. And with that, let's go off the record. And, Valerie, if you could go ahead and stop the recording and leave the. (End of audio recording.)

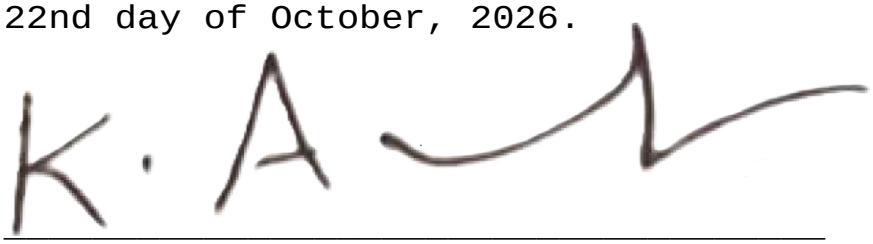
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Anuradha Krishnan

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