

**FILED<sup>3</sup>**

**AUG 24 2018**

**Missouri Public  
Service Commission**

Exhibit No.: 401  
Issues: Customer Service  
Witness: Don Allsbury  
Sponsoring Party: Ozark Mountain Condominium  
Association, Inc.  
Type of Exhibit: Direct Testimony  
Case No.: WR-2018-0170/SR-2018-0171  
Date Testimony Prepared: June 22, 2018

**MISSOURI PUBLIC SERVICE COMMISSION**

**DIRECT TESTIMONY**

**OF**

**DON ALLSBURY**

**June 22, 2018  
Kimberling City, Missouri**

Exhibit No. 401  
Date 8-16-18 Reporter TLT  
File No. WR-2018-0170

**DIRECT TESTIMONY**

**OF**

**DON ALLSBURY**

**Case No. WR-2018-0170/SR-2018-0171**

1 **Q: Please state your name.**

2 A: My name is Don Allsbury.

3 **Q: By whom and in what capacity are you employed?**

4 A: I am employed by Ozark Mountain Condominium Association, Inc. ("OMCA") as  
5 Property Manager.

6 **Q: What is OMCA, and where is it located?**

7 A: OMCA is a condominium development within Ozark Mountain Resort, located on the  
8 shoreline of Kennel Branch Cove on Table Rock Lake, just south of Kimberly City. The  
9 development consists of 101 privately-owned condominium units ("condos") divided  
10 between 14 buildings, and common elements including common grounds, a clubhouse  
11 and a swimming pool.

12 **Q: Where is the address for OMCA?**

13 A: 1 Marina Circle, Kimberling City, MO 65686

14 **Q: What relation does OMCA have to Liberty Utilities (Missouri Water) LLC**  
15 **("Liberty")?**

16 A: The respective owner of each condo is billed for his or her individually-metered water  
17 service and sewer directly by Liberty, and OMCA is also a customer of and receives  
18 individually-metered water service and sewer from Liberty. The water serves the  
19 common elements of the development including the irrigation system, swimming pool,

1 and the clubhouse showers and toilets, and the sewer serves the clubhouse showers and  
2 toilets.

3 **Q: What is the purpose of your testimony?**

4 A: My testimony addresses the long-standing history of servicing issues and the poor  
5 customer service provided by Liberty to OMCA.

6 **Q: Do you communicate directly with Liberty when there is an issue involving  
7 inadequate services or disruptions in service?**

8 A: Yes. I communicate directly with Liberty employees, and I also communicate directly  
9 with Roger Mullis from R K Water Operations LLC, the company that has a contract to  
10 service Liberty Water customers. Previously, I also communicated directly with Stan  
11 Gilliam at Algonquin Water Resources of Missouri, LLC ("AWS"). In addition to  
12 contacting these people on behalf of OMCA when there are issues involving water and  
13 sewer service to OMCA common elements, when individual condo owners have  
14 problems with their service from Liberty, they often call on OMCA to act as a liaison  
15 between themselves and Liberty, and so I have often times contacted Liberty on behalf of  
16 various condo owners.

17 **Q. Have you maintained a record of servicing issues and related communications with  
18 Liberty?**

19 A. Yes, I have kept a list of water and sewer issues experienced by OMCA and individual  
20 condo owners dating back to 2009.

21 **Q: Please describe what problem was experienced on February 11, 2009.**

22 A: A four inch water main going to condo units B500 and B600 broke. I immediately called  
23 Stan Gilliam of AWS and told him about the leak, but it took 25 minutes for the water to

1 be shut off, and approximately 35,000 gallons of water was lost. Condo unit 607 suffered  
2 major water damage, along with parts of the common elements governed by OMCA.

3 AWS contended the leak was “downstream” of the shut off valve from the main line, and  
4 that OMCA was therefore responsible for any repair work needed. In order to get the  
5 leak fixed, I had to hire KC Plumbing to repair the break. Two buildings (Building 500  
6 and Building 600) were without fire protection for at least 3½ days after the repair was  
7 completed because Stan Gilliam was apparently out of town and no other AWS personnel  
8 were available to charge the line, check for breaks, and restore water service.

9 **Q: Please describe what problem was experienced on February 24, 2009.**

10 A: Another four inch water main broke at a location just before the meter for Unit 1005.  
11 Because Stan Gilliam was out of town, I was told by AWS that I would have to contact  
12 KC Plumbing again to do the repairs. Notably, there had been two water leaks at this  
13 same location during the summer of 2008.

14 **Q: Please describe what problem was experienced on March 7, 2009.**

15 A: A four inch water main broke adjacent to Building 400 around 3:45 a.m. Condo unit  
16 B402 suffered water damage, and I had to hire a contractor to examine whether there was  
17 water intrusion into unit B400’s exterior wall requiring remediation.

18 **Q: Please describe what problem was experienced on June 10, 2009.**

19 A: A water line broke outside of condo unit B600.

20 **Q: Please describe what problem was experienced on October 22, 2009.**

21 A: A four inch water main going into condo units B500 and B600 broke, which was a repeat  
22 of the issue that occurred on February 11, 2009.

23 **Q: Please describe what problem was experienced in January 2010.**

- 1 A: Several water meters froze.
- 2 **Q: Please describe what problem was experienced on August 2, 2011.**
- 3 A: A main line water valve near the clubhouse malfunctioned and water pressure went up to  
4 120psi, requiring OMCA to drain off pressure from the fire sprinkler system.
- 5 **Q: Please describe what problem was experienced on April 26, 2012.**
- 6 A: We lost all water pressure at OMCA at 8:00 p.m.
- 7 **Q: Please describe what problems were experienced in October 2012.**
- 8 A: We had water main breaks on October 10<sup>th</sup>, 15<sup>th</sup>, and 27<sup>th</sup>, and had to send out boil order  
9 notices to all condo owners on each separate occasion.
- 10 **Q: Please describe what problems were experienced in January 2015.**
- 11 A: From January 7<sup>th</sup> through January 15<sup>th</sup> we had frozen water meters. On January 9<sup>th</sup>, water  
12 pressures measured 100psi, which was reported to the water company. On January 17<sup>th</sup>,  
13 high water pressure was again reported to the water company. On January 20<sup>th</sup>, high  
14 water pressure was once against reported to the water company, and it was also reported  
15 at that time that wooden water meter boxes at three of the condo units were rotted and  
16 dangerous. Then, on January 26<sup>th</sup>, 27<sup>th</sup>, and 28<sup>th</sup> I made separate calls to the water  
17 company to report low water pressure.
- 18 **Q: Please describe what problem was experienced on February 10, 2015.**
- 19 A: Condo unit B400 was experiencing water pressure of 90 psi and condo unit B1000 was  
20 experiencing water pressure of 100 psi.
- 21 **Q: Please describe what problem was experienced on February 17, 2015.**

1 A: Condo unit B600 was experiencing water pressure of 58 psi and condo unit B1000 was  
2 experiencing water pressure of 75 psi, both of which remained an issue through February  
3 23, 2015.

4 **Q: Please describe what problem was experienced on March 13, 2015.**

5 A: Condo unit B400 was experiencing water pressure of 90 psi and condo unit B1000 was  
6 experiencing water pressure of 105 psi.

7 **Q: Please describe what problem was experienced on March 27, 2015.**

8 A: Condo unit B400 was experiencing water pressure of 85 psi and condo unit B1000 was  
9 experiencing water pressure of 100 psi.

10 **Q: Please describe what problem was experienced on April 3, 2015.**

11 A: Condo unit B400 was experiencing water pressure of 40 psi and condo unit B1000 was  
12 experiencing water pressure of 60 psi.

13 **Q: Please describe what problem was experienced on April 9, 2015.**

14 A: Condo unit B400 was experiencing water pressure of 85 psi and condo unit B1000 was  
15 experiencing water pressure of 100 psi.

16 **Q: Please describe what problem was experienced on April 13, 2015.**

17 A: Condo unit B400 was experiencing water pressure of 40 psi and condo unit B1000 was  
18 experiencing water pressure of 55 psi.

19 **Q: Please describe what problem was experienced on May 5, 2015.**

20 A: All condo units from B700 to B1400 were experiencing low water pressure between 55-  
21 60 psi. I called the water company to complain about the water pressure problems as  
22 well as the rotted and unrepaired meter boxes and a broken hasp on station 2.

23 **Q: Please describe what occurred on May 6, 2015.**

1 A: In a phone conversation, Liberty representative Mr. Beecher stated the water pressure  
2 issues were the result of high water usage at OMCA, and there was nothing they could do  
3 about that. This response was perplexing given that water pressure issues were  
4 experienced even during off season times when many of the condo units were vacant. In  
5 that same conversation, we were told that they would be repairing the rotted wooden  
6 meter boxes soon, and may have to turn water off for two days in order to complete that  
7 repair.

8 **Q: Were the rotted wooden meter boxes repaired?**

9 A: On May 7, 2015, Liberty came to OMCA and put orange fencing around the pump  
10 station and the meter boxes at condo nits B400, B500, and B600. Several weeks later, on  
11 June 2<sup>nd</sup> and 3<sup>rd</sup>, Liberty replaced the pump station lid and installed plywood on top of the  
12 wooden meter boxes, which was supposed to be a temporary fix until they could repair  
13 the box and replace the meters.

14 **Q: Please describe what problem was experienced on May 15, 2015.**

15 A: Condo unit B400 was experiencing water pressure of 60 psi and condo unit B1000 was  
16 experiencing water pressure of 75 psi.

17 **Q: Please describe what problem was experienced on May 28, 2015.**

18 A: Condo unit B400 was experiencing water pressure of 45 psi and condo unit B1000 was  
19 experiencing water pressure of 55 psi.

20 **Q: Please describe what problem was experienced on June 4, 2015.**

21 A: Condo unit B400 was still experiencing water pressure of 45 psi and condo unit B1000  
22 was experiencing water pressure of 55 psi.

23 **Q: Please describe what problem was experienced on June 4, 2015.**

1 A: Condo unit B400 was still experiencing water pressure of 45 psi and condo unit B1000  
2 was experiencing water pressure of 55 psi.

3 **Q: Please describe what problem was experienced on June 11, 2015.**

4 A: Condo units B100 and B200 were experiencing water pressure of 11 psi, unit B300 was  
5 experiencing water pressure of 25 psi, unit B400 was experiencing water pressure of 42  
6 psi, and units B1000 through B1400 were experiencing water pressure of 5 psi. The  
7 continued problems with low water pressure were further reported to Liberty.

8 **Q: Please describe what happened on June 12, 2015.**

9 A: Liberty was called again to report the low water pressure, and Liberty purported to have  
10 rebuilt the valve at the top of the hill.

11 **Q: Please describe what issues were experienced throughout the remainder of the**  
12 **summer in 2015?**

13 A: On June 13<sup>th</sup>, there was no water. On June 15<sup>th</sup>, there was no water. On June 16<sup>th</sup>, there  
14 was low to no water. Liberty was repeatedly contacted. On June 18<sup>th</sup>, Liberty turned off  
15 the water to rebuild two PRVs. On June 19<sup>th</sup>, there was low to no water. On June 20<sup>th</sup>,  
16 there was no water. On June 21<sup>st</sup>, there was low to no water. Again, Liberty was  
17 repeatedly contacted. On June 24<sup>th</sup>, there was low water pressure in the morning and no  
18 water pressure in the afternoon, and Liberty purported to have repaired a valve at the  
19 clubhouse. However, for sixteen consecutive days, from June 25<sup>th</sup> through July 10<sup>th</sup>,  
20 there was consistently an issue with not having any water at OMCA. On July 1<sup>st</sup>, Liberty  
21 installed an air release water valve in the main line, and on July 4<sup>th</sup> a Liberty  
22 representative stated they would change out the PRV valve at the top of the hill, but that a  
23 new valve would have to be ordered first. The valve at the top of the hill was replaced on



1 July 10<sup>th</sup>. For the next several weeks the clubhouse and condo units B100 and B200  
2 experienced high water pressure because the new valve was no working properly.  
3 OMCA had four lines of irrigation blow out due to the high water pressure. Finally, in  
4 late September, Liberty was able to lower the water pressure.

5 **Q: Please describe what problem was experienced on January 4, 2018.**

6 A: The water meters in boxes between condo units B500 and B600 froze and thousand of  
7 gallons of water ran into Table Rock Lake. These are the same water meter boxes that  
8 were never rebuilt as promised.

9 **Q: Does this conclude your direct testimony?**

10 A: Yes, it does.

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Liberty Utilities (Missouri ) File No. WR-2018-0170  
Water) LLC's Application for a Rate Increase ) SR-2018-0171

**AFFIDAVIT OF DON ALLSBURY**

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF Stone )

Don Allsbury, being fully sworn on his oath, states:

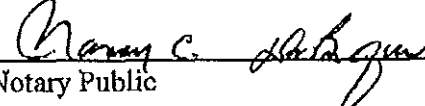
1. My name is Don Allsbury. I am employed by Ozark Mountain Condo Association and provide Property Management services to Ozark Mountain Condominium Association.

2. Attached hereto and made a part hereof for all purposes is my Direct Testimony on behalf of Ozark Mountain Condominium Association consisting of 8 pages and 0 Attachments, all of which have been prepared in written form for introduction into evidence in the above-referenced docket.

3. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded are true and correct.

  
\_\_\_\_\_  
Don Allsbury

Subscribed and sworn to before me this 22<sup>nd</sup> day of June, 2018.

  
\_\_\_\_\_  
Notary Public

My commission expires: 4-19-2021

