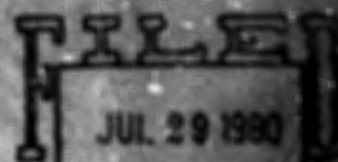


STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

TRANSCRIPT



PUBLIC SERVICE COMMISSION

CASE NO. : WA-80-237

In the matter of the application of Anthony W. Sieve  
and Marcella Sieve, husband and wife, d/b/a Down  
Valley Sub-division Water System, for amendment to a  
certificate of public convenience and necessity  
previously issued pursuant to the Order of the  
Commission of June 16, 1972, in Case No. 17,358.

DATE : July 23, 1980

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VOLUME NO.: ONE

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a hearing of the Public Service  
Commission, held at Jefferson City,  
Missouri, on the 25th day of  
July, . . . . . 1980.

In the matter of the application )  
of Anthony W. Sieve and Marcella )  
Sieve, husband and wife, d/b/a )  
Dawn Valley Subdivision Water )  
System, for amendment to a ) CASE NO. WA-80-237  
certificate of public convenience )  
and necessity previously issued )  
pursuant to the Order of the )  
Commission of June 16, 1972, in )  
Case No. 17,358. )

BEFORE:

MARTHA S. HOGERTY, Presiding,  
HEARING EXAMINER.

REPORTED BY:

Nancy A. Fox, CCR

*Missouri Public Service Commission*

APPEARANCES:

LARRY G. MITTENDORF, Attorney,  
P. O. Box 226,  
Union, Missouri 63084,

FOR: DAWN VALLEY SUBDIVISION  
WATER SYSTEM.

RORY ELLINGER,  
Assistant General Counsel,  
P. O. Box 360,  
Jefferson City, Missouri 65102,

FOR: STAFF OF THE MISSOURI PUBLIC  
SERVICE COMMISSION.



*Missouri Public Service Commission*

1 BE IT REMEMBERED, at a hearing of the Public  
2 Service Commission, held at the time and place mentioned on  
3 the title page hereof; the following proceedings were had:

4 (Written Entries of Appearance Filed.)

5 EXAMINER HOGERTY: This hearing of the  
6 Missouri Public Service Commission will come to order.

7 The Commission has set for hearing at this  
8 time Case No. WA-80-237 in the matter of the application of  
9 Anthony W. Sieve and Marcella Sieve, husband and wife, doing  
10 business as Dawn Valley Subdivision Water System for amend-  
11 ment to a certificate of public convenience and necessity  
12 previously issued pursuant to the Order of the Commission  
13 of June 16, 1972 in Case No. 17,358.

14 The parties will make their entries of appear-  
15 ance for the record beginning with the Applicant.

16 MR. MITTENDORF: My name is Larry G. Mittendorf.  
17 I am an attorney of record for the Applicant, Anthony W. Sieve  
18 and Marcella Sieve, d/b/a Dawn Valley Subdivision Water System.

19 MR. ELLINGER: Appearing for the Staff of the  
20 Missouri Public Service Commission, Rory Ellinger, P. O.  
21 Box 360, Jefferson City, Missouri.

22 EXAMINER HOGERTY: Mr. Mittendorf, would you  
23 like to call your first witness?

24 MR. MITTENDORF: Yes.

25 Mrs. Sieve, would you come forward and be  
sworn, please?

*Missouri Public Service Commission*

(Witness sworn.)

EXAMINER HOGERTY: Proceed.

COMPANY'S EVIDENCE:

M A R C E L L A         S I E V E,

called as a witness in behalf  
of the COMPANY, being duly  
sworn, testified as follows:

DIRECT EXAMINATION BY MR. MITTENDORF:

Q     Would you state your name for the record,  
please.

A     Marcella Sieve.

Q     Mrs. Sieve, you are the Marcella Sieve that  
is one of the co-applicants in this application for amendment  
of a previous certification that is being heard here today;  
is that right?

A     Yes, sir.

Q     Mrs. Sieve, you recall that sometime previous  
to this date you submitted or executed an affidavit concern-  
ing certain items of information that had been requested by  
the technical Staff of the Commission; is that right?

A     Yes, sir.

Q     Has it come to your attention in days that  
passed that some of that information, you misunderstood the  
thrust of the question?

A     Yes, sir.

*Missouri Public Service Commission*

1                   Q     Now, specifically I would like to refer you  
2 to a question propounded to you; namely, how will the cost  
3 of the additional system be financed?

4                   Do you recall that question?

5                   A     Yes.

6                   Q     The discussions we had?

7                   A     Uh-huh.

8                   Q     Would you explain to the Hearing Examiner  
9 what you now understand to be the procedure for the financing  
10 of this additional water system that we're talking about  
11 here today?

12                  A     Yes. It will be financed through the sale  
13 of the lots serviced by this water system by the development  
14 company. And then it will be contributed to the system.

15                  Q     More definitely the system has already been  
16 constructed, has it not?

17                  A     Yes.

18                  Q     And the funds were supplied by you as the  
19 developer; is that right?

20                  A     Yes.

21                  Q     And you anticipate receiving your return on  
22 those funds or that investment through the enhanced sale of  
23 the lots that are serviced by the system; is that right?

24                  A     Yes.

25                  Q     And then in fact the material parts of the



1 expanded system will be contributed to the existing system;  
2 is that right?

3 A Yes.

4 Q In connection with that the Staff was  
5 interested with what, if any, will the addition of this  
6 service area have any effect on the rate already approved  
7 and in effect at this time by the Public Service Commission.  
8 And our answer went in a different direction.

9 Is it your testimony here today that there  
10 will be no rate difference with the additional system?

11 A No.

12 Q The rate will be the same?

13 A The same.

14 Q That's what you anticipate?

15 A Yes.

16 Q There was another question that I have been  
17 told there was some more information needed on and that was:  
18 Will the additional system be deeded to the water company?

19 You had answered that question with the  
20 answer: Ownership of the additional system will be held in  
21 the same manner as the already certificated area. I believe  
22 we need to elaborate on that a little bit more.

23 Your water system out there is operated as a  
24 sole proprietorship, is it not?

25 A Yes.

*Missouri Public Service Commission*

1 Q The ownership of the actual system in the  
2 ground, will that be owned by the company itself?

3 A Yes.

4 EXAMINER HOGERTY: Would you speak up a little  
5 bit, please?

6 WITNESS SIEVE: Yes.

7 BY MR. MITTENDORF:

8 Q Rather than being distinguished from the  
9 existing system in the ground?

10 A No. It will all be one system.

11 Q With ownership exactly the same way, whatever  
12 that is?

13 A Same. Yes.

14 Q If I understand the thrust of the question,  
15 the pipes in the ground become part of the ground; is that  
16 correct?

17 A Well, yes. It will be our pipes, you know.  
18 We will own those pipes.

19 Q But you own the water company?

20 A Yes. We also own the water company. It's  
21 one in the same.

22 MR. MITTENDORF: I have no other questions at  
23 this point.

24 EXAMINER HOGERTY: Mr. Ellinger.

25 MR. ELLINGER: No questions.



*Missouri Public Service Commission*

1 EXAMINER HOGERTY: Thank you, Mrs. Sieve.

2 You may step down.

3 (Witness excused.)

4  
5 MR. MITTENDORF: We have no further evidence,  
6 ma'am.

7 EXAMINER HOGERTY: Mr. Ellinger.

8 MR. ELLINGER: You did indicate that the  
9 affidavits are to be part of the record?

10 EXAMINER HOGERTY: Yes, they are.

11 MR. ELLINGER: The Staff would call  
12 Mr. Merciel to the stand.

13 (Witness sworn.)

14 STAFF'S EVIDENCE:

15 J I M M E R C I E L,

16 called as a witness in behalf  
17 of the STAFF, being duly sworn,  
18 testified as follows:

19 DIRECT EXAMINATION BY MR. ELLINGER:

20 Q Mr. Merciel, would you again state your name,  
21 please.

22 A Jim Merciel.

23 Q And your working address?

24 A Post Office Box 360, Jefferson City.

25 Q Do you work for the Missouri Public Service  
Commission?

*Missouri Public Service Commission*

1 A Yes.

2 Q In what capacity?

3 A As an engineer.

4 Q An engineer with the Water and Sewer  
5 Department?

6 A Yes, with the Water and Sewer Department.

7 Q How long have you worked for the Commission?

8 A Approximately three years.

9 Q Have you ever investigated other applicant  
10 cases before this Commission dealing with either water or  
11 sewer?

12 A Yes, I have.

13 Q Did you cause to be prepared, you and other  
14 Staff members, questions for the Applicant to answer regard-  
15 ing their application?

16 A Yes.

17 Q Did you read their answers?

18 A Yes, I did.

19 Q Did you hear the answers and questions from  
20 Counsel for the Applicant today?

21 A Yes.

22 Q Does the Staff have any additional questions?

23 A No, we have no additional questions.

24 Q Is the Staff in agreement with the application?

25 A Yes. Staff is in favor of granting the

1 certificate of convenience and necessity. We believe it's  
2 in the interest of the public.

3 MR. ELLINGER: We have no further questions.

4 EXAMINER HOGERTY: Are there any questions?

5 MR. MITTENDORF: I have no questions.

6 MR. ELLINGER: Staff rests.

7 We have no evidence to produce.

8 EXAMINER HOGERTY: Thank you, Mr. Merciel.

9 (Witness excused.)

10  
11  
12 EXAMINER HOGERTY: Is there a desire to waive  
13 the reading of the transcript?

14 MR. ELLINGER: We have already so indicated,  
15 Madam Examiner.

16 MR. MITTENDORF: Yes.

17 EXAMINER HOGERTY: Any desire to file briefs?

18 MR. ELLINGER: No.

19 MR. MITTENDORF: No.

20 EXAMINER HOGERTY: The hearing is concluded  
21 and will be submitted to the Commission.

22 WHEREUPON, the hearing of this case was  
23 concluded.



I N D E X

PAGE

COMPANY'S EVIDENCE:

MARCELLA SIEVE

Direct Examination by Mr. Mittendorf

4

STAFF'S EVIDENCE:

JIM MERCIEL

Direct Examination by Mr. Ellinger

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