

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
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6 TRANSCRIPT OF PROCEEDINGS  
7 Prehearing Conference  
8 March 2, 2010  
9 Jefferson City, Missouri  
Volume 1

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12 In the Matter of Application of )  
Canyon Treatment Facility, LLC For )  
13 Permission, Approval and a )  
Certificate of Convenience and )  
14 Necessity Authorizing it to ) File No. SA-2010-0219  
Acquire, Construct, Install, Own, )  
15 Operate, Control, Manage, and/or )  
Maintain a Sewer System For the )  
16 Public Located in Stone County, )  
Missouri )

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19 KENNARD L. JONES, Presiding,  
20 SENIOR REGULATORY LAW JUDGE.

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22 REPORTED BY:

23 KELLENE K. FEDDERSEN, CSR, RPR, CCR  
24 MIDWEST LITIGATION SERVICES

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8 FOR: Canyon Treatment Facility.

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22 FOR: Royal Vista.

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FOR: Staff of the Missouri Public  
Service Commission.

1 P R O C E E D I N G S

2 JUDGE JONES: On the record with Case  
3 No. SA-2010-0219, the matter of the application of Canyon  
4 Treatment Facility for a certificate of convenience and  
5 necessity authorizing it to manage a sewer system in Stone  
6 County, Missouri.

7 My name is Kennard Jones. I'm presiding  
8 judge over this case. At this time let's take entries of  
9 appearances, beginning with Canyon Treatment Facility.

10 MR. ENGLAND: Thank you, your Honor. Let  
11 the record reflect the appearance of W.R. England  
12 appearing on behalf of Canyon Treatment Facility. My  
13 mailing address is P.O. Box 456, Jefferson City, Missouri  
14 65102. Thank you.

15 JUDGE JONES: Let me ask now, Mr. Hall,  
16 were you able to hear Mr. England okay?

17 MR. HALL: I was. It was a little -- a  
18 little soft, but if I can't hear, I'll interject and ask  
19 folks to speak up a little bit, but I could hear him.

20 JUDGE JONES: Next we'll have entry from  
21 the Staff of the Commission.

22 MS. HERNANDEZ: Good morning, your Honor.  
23 After Mr. England's formalities, maybe I should stand up  
24 as well.

25 Again, this is Jennifer Hernandez, and I

1 represent the Staff of the Missouri Public Service  
2 Commission. And may the record reflect we also have  
3 Mr. Merciel and Mr. Busch here this morning for our  
4 discussions.

5 JUDGE JONES: And entry from Royal Vista --  
6 is it Vista or Vista?

7 Mr. HALL: Vista, Royal Vista, LLC. My  
8 name is Ken Hall. I'm an attorney out of Fayetteville,  
9 Arkansas. I'm licensed in the state of Missouri, and I am  
10 entering my appearance on behalf of Royal Vista, LLC.

11 JUDGE JONES: And from VPG Partners, LLC.

12 MR. WOODSMALL: Thank you, your Honor. Let  
13 the record reflect the appearance of David Woodsmall, the  
14 firm of Finnegan, Conrad & Peterson, appearing on behalf  
15 of VPG Partners VI. I previously provided a written  
16 appearance with my address.

17 JUDGE JONES: I'll note for the record that  
18 the Office of Public Counsel is not present and has not up  
19 to this point been participating.

20 Before I go off the record, I just want  
21 you-all to be clear about what your disagreement is, and  
22 I'd like to know, is there disagreement, first of all,  
23 amongst the parties?

24 MR. WOODSMALL: I don't know yet. I would  
25 note that in our interventions we raised some issues, but

1 we haven't had any formalized process to determine if  
2 those are disagreements or at this point just concerns.

3 MS. HERNANDEZ: And maybe that's my part  
4 since Staff did file the motion for a prehearing  
5 conference. Just prior to filing a recommendation, the  
6 Staff felt it appropriate for the parties to get together,  
7 discuss not only for our purposes that we understand what  
8 the entire scope of this case is, but also to possibly  
9 discuss options for moving this case forward, and maybe,  
10 not to make predictions, it may be more appropriate in  
11 this case for a Stipulation & Agreement between the  
12 parties regarding the certificate depending on what issues  
13 are at hand.

14 I think that's about as far as we can go  
15 with the scope as we know it today.

16 JUDGE JONES: So you were just as a  
17 precautionary measure trying to bring the parties together  
18 before submitting a rec?

19 MS. HERNANDEZ: That's correct. With there  
20 being intervenors in this case, the Staff just wanted to  
21 be sure that we understood the full context of the case  
22 before us.

23 JUDGE JONES: Is there anything in  
24 particular you-all need to discuss on the record before I  
25 leave you to yourselves?

1                   MR. ENGLAND: Judge, on an unrelated  
2 matter, related but unrelated, there is a companion case  
3 involving a complaint that I believe is assigned to you as  
4 well.

5                   JUDGE JONES: Yes.

6                   MR. ENGLAND: And Staff has an outstanding  
7 motion to stay the filing of answers in that case pending  
8 resolution of this case. I don't think anyone has filed  
9 an opposition that I'm aware of, and I know that there are  
10 other respondents besides Canyon that have been operating  
11 under the assumption that, in fact, it will be stayed, but  
12 there's been no formal order to that effect.

13                  JUDGE JONES: I'll send something out today  
14 so we'll have a record of it.

15                  MR. ENGLAND: Thank you.

16                  JUDGE JONES: Mr. Hall, did you want to add  
17 anything on the record before I --

18                  MR. HALL: No, sir. I agree with what's  
19 been stated in terms of that there are just some issues  
20 that in particular were raised by the intervenors,  
21 including my client, that we want to just discuss and make  
22 sure that we're all tracking as far as understanding what  
23 is being asked and how it would work and that type of  
24 thing.

25                  JUDGE JONES: Well, with that, then, I

1 will -- we'll go off the record and I'll leave you-all to  
2 your discussions.

3 WHEREUPON, the recorded portion of the  
4 prehearing conference was concluded.

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## 1 C E R T I F I C A T E

2 STATE OF MISSOURI )  
3 ) ss.  
4 COUNTY OF COLE )

5 I, Kellene K. Feddersen, Certified  
6 Shorthand Reporter with the firm of Midwest Litigation  
7 Services, do hereby certify that I was personally present  
8 at the proceedings had in the above-entitled cause at the  
9 time and place set forth in the caption sheet thereof;  
10 that I then and there took down in Stenotype the  
11 proceedings had; and that the foregoing is a full, true  
12 and correct transcript of such Stenotype notes so made at  
13 such time and place.

14 Given at my office in the City of  
15 Jefferson, County of Cole, State of Missouri.

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Kellene K. Feddersen, RPR, CSR, CCR

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