

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
3  
4 TRANSCRIPT OF PROCEEDINGS  
5 Local Public Hearing  
6 March 29, 2008  
7 Monroe City, Missouri  
8 Volume 2  
9  
10 In the Matter of the Joint )  
11 Application of Kenneth Jaeger )  
12 and Blue Lagoon, L.L.C., )Case No.  
13 Authorizing Kenneth Jaeger To )SM-2008-0188  
14 Transfer His Assets To Blue )  
15 Lagoon, L.L.C., and For The )  
16 Establishment of a Rate )  
17  
18  
19  
20 Robert M. Clayton III, Presiding,  
21 SENIOR REGULATORY LAW JUDGE  
22  
23 REPORTED BY:  
24 Randall W. Wells  
25 MIDWEST LITIGATION SERVICES

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

2

3 COMMISSIONER CLAYTON: Then, Mr. Wells, we'll go  
4 ahead on the record.

5 Good morning, everyone. My name is Robert Clayton.  
6 I'm one member of the Missouri Public Service Commission. The  
7 Commission is made up of five commissioners appointed by the  
8 Governor to six year terms.

9 We have a number of these local public hearings that  
10 take place throughout the State on many different cases. In  
11 fact, we've already had three or four related to an electric  
12 company that took place in Joplin, Missouri. So we have  
13 commissioners that take part in various parts of the hearing  
14 process.

15 And I want to go ahead and recognize Commissioner  
16 Connie Murray, who is joining us from Jeff City. So Commissioner  
17 Murray, if you would like to say good morning or do you have any  
18 opening comments?

19 COMMISSIONER MURRAY: Good morning. It looks like we  
20 have a very full room, so I think we should just go ahead and get  
21 started with the comments. Thank you.

22 COMMISSIONER CLAYTON: Great. Thank you,  
23 Commissioner Murray.

24 I will note for the record that we are dealing with  
25 Case Number SM-2008-0188 regarding the joint application of Blue

1 Lagoon and -- Blue Lagoon, LLC and Kenneth Jaeger for  
2 authorization to transfer assets and for the establishment of a  
3 rate.

4           We are here to take your public testimony. So far  
5 you have been able to participate in a question and answer  
6 session. This portion of the hearing is where the Commissioners  
7 are going to take testimony from you. You have the opportunity  
8 to say whatever you like about quality of service, about billing,  
9 about what you think ought to be done, what you like, what you  
10 dislike. You can really tell us all that you need to -- all you  
11 need to at this time.

12           Usually what happens, a transcript will be made. We  
13 have a court reporter here today. And then all the Commissioners  
14 will be able to review this transcript at the time decisions will  
15 be made in the case. So feel free to go ahead and give us all  
16 the comments that you have. The Commissioners do review this  
17 material and it will be made part of the permanent record.

18           At this point I would like to recognize the attorneys  
19 who are here today, some of whom you've already heard from, and I  
20 would like to take their entry of appearance. If we could start  
21 with the attorney for the Missouri Public Service Commission  
22 Staff.

23           MR. KRUEGER: Keith Krueger for the Staff of the  
24 Missouri Public Service Commission. My address is P.O. Box 3630,  
25 Jefferson City, Missouri, 65102.

1 COMMISSIONER CLAYTON: Thank you.

2 Office of Public Counsel.

3 MS. BAKER: Christina Baker. P.O. Box 2230,  
4 Jefferson City, Missouri, 65102, appearing on behalf of the  
5 Office of the Public Counsel and the customers.

6 COMMISSIONER CLAYTON: Thank you.

7 And Mr. Maxwell?

8 MR. MAXWELL: Joe Maxwell. 210 East Love, Mexico,  
9 Missouri. Also providing my phone number, (573) 581-8373. For  
10 anyone that isn't getting notice that thought you should, call  
11 that number. I represent applicant Blue Lagoon. It is a sole  
12 member, LLC, owned by Mr. Bubba Thompson.

13 COMMISSIONER CLAYTON: Thank you very much, Mr.  
14 Maxwell.

15 Are there any other attorneys here today?

16 Yes, sir.

17 MR. EDMONDS: Dave Edmonds, attorney for Salt River  
18 Resort, LLC. The address is 1099 Milwaukee Street, Suite 260,  
19 St. Louis, Missouri, 63122. My phone number is (314) 909-7877.  
20 Salt River Resort. Considered one of the customers.

21 COMMISSIONER CLAYTON: Okay. Welcome to Northeast  
22 Missouri.

23 Any other attorneys that are here today?

24 Any other parties that are unrepresented that want to  
25 be recognized at this time, other than the general public?

1           Seeing none, before we get started I do want to give  
2   an opportunity, I notice that we do have a State Representative  
3   who's joined us here today. Representative Rachel Bringer is  
4   here.

5           Representative Bringer, do you have any comments or  
6   anything you would like to say before we get started?

7           MS. BRINGER: I thank you, Commissioner Clayton. I  
8   just want to thank the Public Service Commission for traveling to  
9   Monroe City for this hearing.

10          This has been a long, ongoing issue for several  
11   years. The folks who initially contacted my office have done  
12   everything they can to work within the system and they're  
13   counting today on the Public Service Commission for fair  
14   treatment, so that they're treated fairly, so that the process  
15   that they've gone through for the last four years is honored and  
16   that fairness is given to them.

17          Thank you.

18          THE COURT: Okay. Thank you very much,  
19   Representative.

20          Without objection, at this time we'll move forward  
21   with the testimony. I do have a sign-up sheet. If you are  
22   interesting in testifying and you have not signed up for the  
23   sheet, that's okay, we'll make a call at the end of the list.  
24   And when we get to that I'll let you know.

25          So we will start at the top. And the first witness

1 will be Mr. Howard Burditt, Monroe City. Come on up to this  
2 chair right up here.

3 MR. BURDITT: My wife told me to decline the first --

4 COMMISSIONER CLAYTON: I --

5 MR. BURDITT: -- to be the first

6 COMMISSIONER CLAYTON: You don't want to be the  
7 first?

8 MR. BURDITT: I didn't want to be, but she -- she  
9 didn't want me to be. Doesn't make any difference to me. I've  
10 got some --

11 COMMISSIONER CLAYTON: Sir, we can resolve a lot of  
12 issues here, but we can't resolve the marital issues. We're not  
13 going to --

14 MR. BURDITT: Here you're supposed to be judging  
15 things.

16 COMMISSIONER CLAYTON: Yes. Well, if you want to  
17 give us that authority we'll do that.

18 I'd first ask you to raise your right hand.

19 HOWARD BURDITT,  
20 having been sworn by Commissioner Clayton, deposes and says:

21 COMMISSIONER CLAYTON: Thank you. You are under  
22 oath. Would you please state your name and address for the us  
23 and give us your comments?

24 MR. BURDITT: My name is Howard Burditt. I'm at Salt  
25 River Inn. I don't remember -- I don't write to myself.

1 COMMISSIONER CLAYTON: I'm sorry?

2 MR. BURDITT: I don't know my address.

3 COMMISSIONER CLAYTON: You don't know your address?

4 We could look to your spouse, if you'd like, if that would be  
5 helpful.

6 MR. BURDITT: Yeah.

7 MRS. BURDITT: 19951 Highway J, Salt River Inn.

8 COMMISSIONER CLAYTON: Okay. And just give us your  
9 comments.

10 First, I guess, tell us: Are you receiving service  
11 from this company at this time?

12 MR. BURDITT: Yes, I am.

13 COMMISSIONER CLAYTON: Okay. Please give us your  
14 comments.

15 MR. BURDITT: My comment is that, first of all, I  
16 think the Commission's doing a good job. They had to start  
17 someplace and they're doing what they really needed to do.

18 As far as I'm concerned, we -- I paid my sewer bill  
19 up until June of last year, 2007. I give Mr. Jaeger a check for  
20 a thousand dollars at that time. He was supposed to come by and  
21 pick up the check, but he's never come by and picked up one since  
22 then.

23 And what I'd really like to see come out of this is  
24 that we find out what the problem is, how to control it, and get  
25 it over with and get a little harmony out there.



1           Everybody's got their own gripe. I don't have a  
2 gripe other than the system's old. It is not the way it should  
3 be.

4           Three years ago Jaeger was supposed to pump the  
5 system down, the lagoon down, and he done it by spraying.  
6 Somebody ruined one of his pumps, so he claimed, and he had to  
7 buy a new one. He was spraying it out on the field. Apparently  
8 he didn't do it right sometimes. That's hearsay.

9           I for one went over and furnished the gas for those  
10 pumps for about two or three months. And the lagoon was pumped  
11 down and the -- it is possible that under controlled conditions  
12 everybody can be on it and it can be pumped down. There's not a  
13 doubt about that.

14           And what I would like to see is a solution in order  
15 for this to be pumped down, everybody satisfied. Just forget all  
16 this bickering because everybody's got something at stake. I'm  
17 almost eighty years old and I'm too old to be arguing, but I will  
18 argue if I have to.

19           There's people that I don't get along with the best,  
20 it's not my fault, it's things that they have done to me, and  
21 consequently I just don't get along with them. I don't want to  
22 have nothing to do with them. But everybody's got something at  
23 stake.

24           When you start a project you have to start from the  
25 bottom and work up. And that's exactly what the Commission has

1 done.

2 I have got a lot of things I need to say, but at this  
3 point I think I ought to give everybody else a chance, but I want  
4 everyone to know where I stand.

5 COMMISSIONER CLAYTON: Okay. Please keep your seat.

6 Commissioner Murray, do you have any questions for  
7 Mr. Burditt?

8 COMMISSIONER MURRAY: Yes. Thank you.

9 Are you in favor of transferring the lagoon and sewer  
10 system to Blue Lagoon?

11 MR. BURDITT: At this point, no.

12 COMMISSIONER MURRAY: And -- all right. I -- the  
13 Commissioners were not a part of the session that you had prior  
14 to 10:00 a.m., so I'm not aware of all of the discussion that  
15 went on prior to that time, but is there something about Blue  
16 Lagoon itself that you have a problem with?

17 MR. BURDITT: No. I have had problems, but the  
18 problems that I've had was I would take care of it and then I  
19 would deduct it off of the bill that I owed Jaeger, or at least I  
20 thought I owed him. Evidently I didn't owe him the money in the  
21 first place. So I might as well just went ahead and fixed what I  
22 needed to fix and let that be it.

23 When we started out we had four pumps; two new ones  
24 and two in the pit. Somewhere along the line both pumps went out  
25 and we had to replace them.

1           The part that I had in it, if I went to town and  
2   bought something, I deducted it out of the sewer bill and I give  
3   Jaeger the bills for it.

4           Now you could see where I've paid, and I didn't pay  
5   according to the water bill. I paid -- I took out what I had to,  
6   just like when we had a -- had to have the pit pumped out. Cost  
7   me \$285, but I deducted it out of the sewer bill.

8           COMMISSIONER MURRAY: So is your objection regarding  
9   the amount you've paid and the amount you would have to pay if it  
10   is transferred?

11          What specifically are you objecting to about the  
12   transfer from Jaeger --

13          MR. BURDITT: I -- I --

14          COMMISSIONER MURRAY: -- to Blue Lagoon?

15          MR. BURDITT: I heard the question. I'm thinking  
16   about the answer.

17          My objection is the theater, the trailer park, and  
18   myself, it was built for -- the lagoon was sized for that. I  
19   don't know how much larger it was sized for.

20          There were -- Jaeger, I guess, thought he had the  
21   right to do what he done, but he definitely didn't. I don't  
22   know.

23          I have no hard feelings toward Jaeger because I done  
24   what I thought was right and I want to continue to do what I  
25   think is right.

1                   COMMISSIONER MURRAY: But your objection is not  
2 specifically to Blue Lagoon itself, is that correct?

3                   MR. BURDITT: That's correct.

4                   COMMISSIONER MURRAY: Thank you very much.

5                   COMMISSIONER CLAYTON: Mr. Burditt, just briefly. I  
6 wanted to make sure I had this written down properly.

7                   What was the name of your business?

8                   MR. BURDITT: Salt River Inn.

9                   COMMISSIONER CLAYTON: Salt River Inn? And what type  
10 of business is that?

11                  MR. BURDITT: It's a motel.

12                  COMMISSIONER CLAYTON: How big of an inn is this?

13                  MR. BURDITT: Twenty-one units, plus two cabins.

14                  COMMISSIONER CLAYTON: And I would assume that you  
15 pay for all that service. They're not individual meters or --

16                  MR. BURDITT: No. No. I --

17                  COMMISSIONER CLAYTON: There's no sewer charge for a  
18 customer that stays in there?

19                  MR. BURDITT: I pay for all of the charges. When  
20 Mike started the tavern up there and the restaurant I have to pay  
21 for the electricity that pumps that over. We had an agreement  
22 that he would pay me \$20 a month for the electricity. And as far  
23 as I'm concerned he still owes me \$240.

24                  COMMISSIONER CLAYTON: That's made in the record here  
25 today, sir.

1                   Let me ask you this. Do you like or dislike the deal  
2   that's been proposed by the parties in this case? Do you like  
3   the new owner, the new operator, the rates? Do you like or  
4   dislike those?

5                   MR. BURDITT: I'm satisfied with them.

6                   COMMISSIONER CLAYTON: Okay.

7                   MR. BURDITT: Because you got to start someplace.

8                   COMMISSIONER CLAYTON: Okay.

9                   MR. BURDITT: Now I'm not -- I don't know what the  
10   costs are. I figured the costs all my life, and I know what has  
11   to be done, and what has to be done right now is figure out how  
12   to get rid of that water in a reasonable way.

13                  COMMISSIONER CLAYTON: So you're okay with the rates.

14                  MR. BURDITT: Yes.

15                  COMMISSIONER CLAYTON: The new rates.

16                  MR. BURDITT: At this --

17                  COMMISSIONER CLAYTON: Are you okay with the new --

18                  MR. BURDITT: At this present time.

19                  COMMISSIONER CLAYTON: Are you okay with the new  
20   operator?

21                  MR. BURDITT: Yes.

22                  COMMISSIONER CLAYTON: Mr. Thompson.

23                  MR. BURDITT: Yes.

24                  COMMISSIONER CLAYTON: Yes. Okay. I don't have any  
25   other questions. I would like to give the attorneys an

1 opportunity if you have any cross-examination at this time.

2 I'll ask you all together. If anyone, if any  
3 attorneys have any questions, speak up. We'll go to you for  
4 cross-examination.

5 MR. KRUEGER: I just would like to know, Mr. Burditt,  
6 whether you know Mr. Thompson and his qualifications and what  
7 your opinion of them is. Whether he's qualified to operate this  
8 facility.

9 MR. BURDITT: I don't -- I haven't heard what his  
10 proposition is. The only thing that I've heard about Mr.  
11 Thompson is that he's supposed to be taking it over from Jaeger.  
12 I don't get in BS conversations. I don't care for them. I'm  
13 straightforward with what I say.

14 You asked me what I know about Mr. Thompson. All I  
15 know about it is he hauls gravel, he hauled me a little gravel  
16 the other day.

17 MR. KRUEGER: So no negative feelings?

18 MR. BURDITT: No. No negative feelings.

19 MR. KRUEGER: Nothing really positive either.

20 MR. BURDITT: I have no negative feelings about  
21 anything right now, but I don't want to agree to something that I  
22 can't back up.

23 COMMISSIONER CLAYTON: Okay. Any further questions?

24 Miss Baker.

25 MS. BAKER: Christina Baker from Public Counsel.

1                   My question is do you think that this proposal of  
2   getting a certificate in front of the Public Service Commission  
3   and getting rates that are on tariff and in writing, is that a  
4   good first step?

5                   MR. BURDITT: Yes. It has to start someplace.

6                   MS. BAKER: That's really all the questions that I  
7   have. And I do appreciate your comments today.

8                   COMMISSIONER CLAYTON: Thank you.

9                   Mr. Maxwell?

10                  MR. MAXWELL: Thank you.

11                  Mr. Burditt, I think you and I have talked and I -- I  
12   just want to make sure I understand what your position is in  
13   regards to easements on your --

14                  MR. BURDITT: I didn't understand you.

15                  MR. MAXWELL: In regards to easements on your land  
16   and who you would like to have responsible for the lift station  
17   and the sewer line as it comes across your property towards the  
18   lagoon.

19                  MR. BURDITT: Right now the sewer from the theater  
20   comes down through me.

21                  MR. MAXWELL: Yes, sir.

22                  MR. BURDITT: And restaurant. And I have no problem  
23   with that.

24                  I have always paid the electric bill, but I've never  
25   been reimbursed for anything. I do think I should have

1 consideration that it is my pump station -- or the pump station  
2 is there on my property. The controls are on the inside. It has  
3 harmed me on some of the things that I wanted to do, but I'm not  
4 ready to say, hey, I'm ready to make an agreeable consideration.

5 And as far as being not part of the sewer district,  
6 I'm against that at this point.

7 MR. MAXWELL: Who would you, if I might continue, who  
8 would you want -- do you want to continue to own and have to  
9 repair that lift station or do you want to give an easement over  
10 to -- if Blue Lagoon would be the receiver of the transfer, would  
11 you want Blue Lagoon to be the one owning the lift station and  
12 responsible for its repair? But you would have to give us an  
13 easement to get on the property to do that.

14 MR. BURDITT: As far as an easement's concerned --

15 MR. MAXWELL: Yes, sir.

16 MR. BURDITT: -- I have no problem. As far as coming  
17 into my motel without announcement, I have a problem. And I  
18 can't answer that because I don't know what's going to take  
19 place.

20 MR. MAXWELL: Okay, sir.

21 MR. BURDITT: But my main concern is let's get it up  
22 and running properly. If there's anything that is not right I  
23 think it ought to be corrected because it was corrected down over  
24 the hill. So everything else should be corrected.

25 DNR has been there seven times. Someone's called



1     them and said that I was doing something wrong. They came seven  
2     times and then nothing wrong any of the times. They said surface  
3     water was running into -- impossible, but DNR had to come.

4                     And I was really in hopes that DNR would have been  
5     here today so that they could answer some of the questions that I  
6     have, mainly.

7                     When -- when we sprayed that on the ground it was not  
8     done properly, but it was done. And we was able to operate.  
9     When the engineers came in and trucked line across it and done  
10    some figures, I don't think Jaeger ever paid the bill. So the  
11    bill -- the engineering department didn't give him the  
12    information. I don't know what that information is.

13                    MR. MAXWELL: Thank you, sir.

14                    Thank you, Mr. Commissioner.

15                    COMMISSIONER CLAYTON: Thank you.

16                    Any other further questions? Hearing none -- yes,  
17    sir, I'm sorry. We may need to get you in the attorney section,  
18    sir.

19                    MR. EDMONDS: I can move back and forth.

20                    COMMISSIONER CLAYTON: We want to be able to identify  
21    you.

22                    MR. EDMONDS: I can move back and forth.

23                    Dave Edmonds, attorney for Mike Knepper, Salt River  
24    Resort, LLC.

25                    MR. BURDITT: Yes, sir.

1                   MR. EDMONDS: Just to clarify one of your statements.  
2 Do you have a rate which they're going to charge you on a  
3 commercial basis? Have they discussed with you a rate as to what  
4 you're going to pay?

5                   MR. BURDITT: No.

6                   MR. EDMONDS: No.

7                   MR. BURDITT: I've paid the same thing -- I've paid  
8 the same thing as anyone else, and which is what the water bill  
9 is

10                  MR. EDMONDS: What the water bill is. All right.  
11 Okay.

12                  MR. BURDITT: I -- I quit paying the taxes about two  
13 or three years ago because that isn't part of the water bill.  
14 They did not give me a special rate. You could check my bills to  
15 see whether I had a special rate or not. Anyone that's said any  
16 different is not telling the truth.

17                  MR. EDMONDS: Do you -- if they were going to charge  
18 commercial owners like yourself a different rate than they charge  
19 residential users of the lagoon, is that acceptable to you?

20                  MR. BURDITT: Repeat that.

21                  MR. EDMONDS: If they were to charge commercial users  
22 like yourself a different rate than residential users, are you  
23 okay with that concept?

24                  MR. BURDITT: More or less.

25                  MR. EDMONDS: Don't know?

1 MR. BURDITT: I don't know.

2 MR. EDMONDS: I don't know. All right.

3 MR. BURDITT: Neither one of us knows.

4 MR. EDMONDS: Right. Exactly. But you have not been  
5 told a commercial rate that you'll be charged being proposed by  
6 Bubb Thompson's Blue Lagoon, LLC, have you?

7 MR. BURDITT: No.

8 MR. EDMONDS: All right. Thank you. No more  
9 questions.

10 COMMISSIONER CLAYTON: Thank you. Thank you.

11 Any further questions?

12 Hearing none, Mr. Burditt, thank you. You are  
13 dismissed.

14 MR. BURDITT: Thank you.

15 COMMISSIONER CLAYTON: And I think we're going to --  
16 why don't we keep the microphone up here? So I guess there's a  
17 problem, everyone can't hear in the back. So we are going  
18 through on the webcast through this little microphone, but it  
19 doesn't amplify. So we'll ask you to hold the microphone and the  
20 other mic will pick you up.

21 At this point the next witness is Gerald Reiersen.

22 And the next name on the list is Joanne Reiersen at the same

23 address. I'm assuming there's a relation. If you would both

24 like to testify, you're invited, but don't have to. Come up to

25 the table together if you like in the interest of time. If you

1 want to testify separately you can do that as well.

2 Before we get started I ask that you each raise your  
3 right hand.

4 GERALD REIERSON & JOANNE REIERSON,  
5 having been sworn by Commissioner Clayton, deposes and says:

6 COMMISSIONER CLAYTON: You're under oath. Please  
7 state, both of you state your names at a different time and give  
8 us your address and then offer your comments.

9 MR. REIERSON: Gerald Reiersen. 43615 Blue Lagoon  
10 Place, Monroe City, Missouri, 63456.

11 COMMISSIONER CLAYTON: You may want to hold that a  
12 little closer.

13 MR. REIERSON: Okay.

14 COMMISSIONER CLAYTON: Go ahead. Or if you want to  
15 go ahead and give us your name and address.

16 MRS. REIERSON: Joanne Reiersen. 43615 Blue Lagoon  
17 Place, Monroe City.

18 COMMISSIONER CLAYTON: And are you both receiving  
19 service from this company at this time?

20 MR. REIERSON: Yes.

21 COMMISSIONER CLAYTON: Okay. Please give us your  
22 comment.

23 MR. REIERSON: Okay. First of all, I would like to  
24 say that I think the rate proposal's outrageous. It's going to  
25 double or triple our rates.

1                   And that being said, I don't even think there should  
2   be any assets transferred until Mr. Jaeger's obligations ordered  
3   by the court have been fulfilled, such as putting two pumps in  
4   the lift station and purchasing a spray off reel.

5                   That being said, the spray off field, which Mr.  
6   Thompson has proposed cutting six times a year and charging us  
7   for it he cut for free in the past, baled the hay and took it  
8   home. So it's an asset, not a liability.

9                   That's all I have to say.

10                  COMMISSIONER CLAYTON: Okay.

11                  MRS. REIERSON: Mr. Clayton, I wonder if I could ask  
12   you to let us know: You are Judge Clayton's son?

13                  COMMISSIONER CLAYTON: I am.

14                  MRS. REIERSON: Do you have a conflict of interest in  
15   this?

16                  COMMISSIONER CLAYTON: If -- if --

17                  MRS. REIERSON: And if so, if not, could you explain  
18   why you don't?

19                  COMMISSIONER CLAYTON: Well, I don't know -- if you  
20   believe that I have a conflict of interest you're welcome to  
21   state that here. I don't have an interest in the outcome one way  
22   or the other. I don't have an interest in the case. I don't  
23   reside in the area.

24                  MRS. REIERSON: But your father is the judge over the  
25   DNR case.

1 COMMISSIONER CLAYTON: He is. He is.

2 MRS. REIERSON: So is there a conflict there?

3 COMMISSIONER CLAYTON: Ma'am, if you believe there's  
4 a conflict please give us that or tell me that and I will act on  
5 that concern.

6 MRS. REIERSON: Okay. Well --

7 COMMISSIONER CLAYTON: I don't believe there's a  
8 conflict just because I don't have an interest in the outcome.

9 Now his -- the case that is pending separate from  
10 here, I am not that familiar with that case. Only the  
11 information that is part of this record is the information that's  
12 been given to us. I've had no conversations outside of the  
13 regulatory process.

14 However, if a party or a customer feels that there is  
15 a conflict of interest, I have no problem taking action in  
16 response to that.

17 MRS. REIERSON: Okay. Well, I will state for the  
18 record that I'm thinking there is a conflict of interest.

19 COMMISSIONER CLAYTON: Okay. Okay. Thank you.

20 MRS. REIERSON: Okay. My other concerns are four  
21 plus years ago when all of this started we were told that Mr.  
22 Jaeger put the cart before the horse. And that's why we're in  
23 the mess that we're in now.

24 According to the docket of March the 10th, 2008,  
25 Judge Clayton has some orders for Ken Jaeger to fulfill, which

1 are not being fulfilled because he's not in the state.

2 And so I'm wondering with us being here today are we  
3 putting the cart before the horse again? Are we entertaining  
4 Blue Lagoon, LLC taking over the lagoon without these orders  
5 being completed?

6 And I oppose the idea of the transfer until all the  
7 court orders are completed. I think once they're completed then  
8 that might be the time to entertain who can take it over because  
9 there might be other people out there willing to do so once they  
10 know that everything is in its place.

11 I don't want the costs of the transfer to be paid for  
12 by the customers. Some of the things I'm reading about looks to  
13 me like the customers are going to be paying for things that  
14 should already be -- be in place.

15 I was told by Mr. Thompson just personally that his  
16 plan was to have the sewer and the water rate the same. I'm  
17 reading in these papers that that doesn't look like it's going to  
18 happen.

19 I also have a concern what Blue -- if Blue Lagoon,  
20 LLC walks away from the whole system then what happens?

21 COMMISSIONER CLAYTON: Does that conclude your  
22 comments?

23 MRS. REIERSON: Yes.

24 COMMISSIONER CLAYTON: Okay. Commissioner Murray?

25 COMMISSIONER MURRAY: I have no questions. Thank you

1 for stating your positions very clearly. I think it's easy to  
2 understand what your position is. Thank you very much.

3 COMMISSIONER CLAYTON: Ms. Reiersen, I have a couple  
4 of questions.

5 If -- do you support the settlement that is part of  
6 the circuit court case? Meaning that if all of the provisions  
7 of the settlement agreement and the orders that have been entered  
8 are complied with, if all the provisions are followed, do you  
9 then support the proposed transfer here?

10 MRS. REIERSON: If -- if everything is done I -- I do  
11 support a transfer, but I'm not saying I support maybe the  
12 transfer to Blue Lagoon, LLC.

13 COMMISSIONER CLAYTON: Okay. Well, let's take this  
14 one step at a time.

15 First of all, I want you to make the assumption that  
16 the circuit court order and the settlement agreement that is in  
17 place, all those provisions are followed; that everything, all  
18 those steps are followed through.

19 Then we get to this point. And we have a joint  
20 application before the Commission to transfer assets. And the  
21 joint application sets out rates, terms of operation, terms of  
22 ownership, how the new utility would then operate the facility.

23 Now assuming that the circuit court settlement is  
24 done, do you support or not support the provisions of the joint  
25 application?



1 MRS. REIERSON: I support.

2 COMMISSIONER CLAYTON: You do support them. So if  
3 everything is put together -- now I want to be clear. You didn't  
4 like Blue Lagoon, though. You do or don't like Blue Lagoon and  
5 the concept of Mr. Thompson operating it?

6 MRS. REIERSON: I don't.

7 COMMISSIONER CLAYTON: You do not like that.

8 MRS. REIERSON: No.

9 COMMISSIONER CLAYTON: So then you don't support this  
10 proposed transfer.

11 MRS. REIERSON: Okay. Well, I thought you meant a  
12 transfer -- but I didn't want it connected to Blue Lagoon, LLC.

13 COMMISSIONER CLAYTON: Okay. So even if -- but as  
14 part of the settlement doesn't it contemplate that Blue Lagoon  
15 would take it over, that the new entity -- no?

16 MRS. REIERSON: Not that I'm aware of.

17 COMMISSIONER CLAYTON: Okay. Do any of the attorneys  
18 have any questions?

19 MR. KRUEGER: You stated that you don't favor Blue  
20 Lagoon, LLC. Can you elaborate on that? Can you tell us the  
21 reasons why?

22 MRS. REIERSON: Well, one of the reasons is the  
23 proposal he has for putting up this shed and buying this reel  
24 system and all these other extras I see as us having to pay for  
25 that. And yet my understanding is that everything is to be in

1 place before a transfer takes over. So why would we need these  
2 extras?

3 I'm sorry. What was your question again? I'm sorry.

4 MR. KRUEGER: Well, let me just ask a follow-up. Is  
5 the proposal that you're concerned about more than Mr. Thompson  
6 specifically?

7 MRS. REIERSON: Well, I think I may be also be  
8 concerned after talking with Mr. Thompson that if this becomes a  
9 heartache for him he'll just maybe give it over to the residents.  
10 I don't know if that's possible, but that's what was said to me.

11 MR. KRUEGER: Okay. Thank you.

12 MRS. REIERSON: And so I'm concerned that he'll walk  
13 away.

14 MR. KRUEGER: Thank you.

15 MS. BAKER: The question that I have is: In this  
16 proposal there are basically two steps. The first step is the  
17 certificate from the Commission given to Blue Lagoon, LLC.

18 Second step would be then what is the reasonable  
19 rate.

20 Okay. Talking about the first step, giving the  
21 certificate to Blue Lagoon, LLC, that alone, are you for that or  
22 are you against that?

23 MRS. REIERSON: I'm against it.

24 MS. BAKER: Okay. All right. And the reasons why  
25 you are against that?

1                   MRS. REIERSON: Well, I think I've already stated  
2     that I'm concerned that -- now are we talking about all the  
3     orders being in place? We're talking about everything's ready to  
4     be transferred according to the court?

5                   MS. BAKER: If that is a condition on you saying that  
6     you would approve of that, if everything were in place, would  
7     that change your mind?

8                   MRS. REIERSON: If everything's in place I would like  
9     to entertain the idea of someone else taking over the sewer  
10    system. I think there would be other options out there besides  
11    Blue Lagoon, LLC.

12                  MS. BAKER: And so then of course if everything were  
13    not in place you would oppose?

14                  MRS. REIERSON: That's right.

15                  MS. BAKER: Okay. If it -- if it were to be  
16    certificated under Blue Lagoon, LLC, at that point you would have  
17    concerns about the proposal of some of the inclusions in the  
18    rate --

19                  MRS. REIERSON: Yes.

20                  MS. BAKER: -- is that correct?

21                  MRS. REIERSON: Yes.

22                  MS. BAKER: So if my office and all the other  
23    attorneys work together to make sure that what came out was a  
24    just and reasonable rate, that would allay the fears that you  
25    have from what is in the application?

1 MRS. REIERSON: And I would hope that you would  
2 communicate to us what these new fees, you know, are about,  
3 what's included in them.

4 MS. BAKER: And that would help to alleviate the  
5 fears?

6 MRS. REIERSON: I believe so.

7 MS. BAKER: I think that's all the questions that I  
8 have. So thank you for coming.

9 COMMISSIONER CLAYTON: Mr. Maxwell? Any questions?  
10 Mr. Edmonds? Any questions?

11 I just wanted to ask you, Ms. Reierson: You were  
12 interested in exploring the possibility of other operators or  
13 other owners.

14 Do you have personal knowledge of others who have  
15 expressed interest? Are there other possibilities?

16 MRS. REIERSON: I believe there are. I believe  
17 Cannon Dam -- or Cannon Water System told us if there was a  
18 permanent system -- is that right?

19 Permanent system in place they would take it over.  
20 We've all agreed that we would love that, or most of us have  
21 agreed. I won't speak for all.

22 COMMISSIONER CLAYTON: Well, that's beyond our  
23 authority, I think.

24 MRS. REIERSON: Okay. I believe there's another  
25 gentleman by the name of Dennis, Dennis Gill, who is in the area

1    who is very experienced with this.  I understand that he has been  
2    approached, but he won't take it over because of issues that he  
3    would like to see resolved before he would take it over.

4                   COMMISSIONER CLAYTON:  Okay.  Is that it?

5                   Okay.  I don't have any other questions.

6                   Commissioner Murray?

7                   COMMISSIONER MURRAY:  No.  Thank you very much.

8                   COMMISSIONER CLAYTON:  Okay.  Then thank you very  
9    much for your testimony.

10                  Donna Kelley?

11                  MS. KELLEY:  Good morning.

12                  COMMISSIONER CLAYTON:  Good morning, Miss Kelley.  
13    Miss Kelley, would you please raise your right hand?

14                               DONNA KELLEY,  
15    having been sworn by Commissioner Clayton, deposes and says:

16                  COMMISSIONER CLAYTON:  You're under oath.

17                  Would you please state your name and address and tell  
18    us whether you are receiving service from the applicant?

19                  MS. KELLEY:  My name is Donna Kelley.  I have a  
20    residence, a summer home on Blue Lagoon Drive.  It's lot 13.  I  
21    don't know the numerics.  I'm sorry.

22                  My husband and I -- my husband William and I bought  
23    the house about -- about the time this all occurred and with the  
24    lagoon.

25                  COMMISSIONER CLAYTON:  Okay.  Please offer us your

1     comments.

2                   MS. KELLEY:   Okay.   I would like to see this resolved  
3     in a way that is permanent for when my children take over our  
4     home when we're no longer here that they don't have the same  
5     fight.

6                   I don't think Blue Lagoon, LLC is going to be there  
7     forever permanent.   It's a band-aid on a big, big problem.

8                   And my fear is that the lagoon is not up to what it  
9     should be.   It's overflowing.   The sewers are overflowing.   At  
10    this point as we speak they have been for quite awhile.   And with  
11    the rain coming it's just going to continue.

12                   We're getting no progress with the court case.   Mr.  
13    Jaeger attends court and proceeds to leave Missouri for Texas and  
14    comes back in one or two days before the next court date.   And we  
15    have no recourse there because the courts just don't seem to be  
16    moving well.   They're very patient with Mr. Jaeger.

17                   Anyway, we do know of Dennis Gill.   He's a local man.  
18    He's certified to run the lagoon.   He does run lagoons.   He has a  
19    trailer park that he sprays off for.

20                   All the man is asking is that a reel system is  
21    purchased, the pumps are replaced, and he would be willing to do  
22    this function for us, I believe.   But he doesn't want to get into  
23    this bickering and trying to figure out what's been done by  
24    Jaeger, what hasn't been done by Jaeger.

25                   He would be approachable at the end when things are

1 in place. And I think that would be more of a recourse than  
2 allowing a friend of Jaeger's to take over that has a financial  
3 request from the homeowners such as the \$8,500 storage building.  
4 He won't have that request. He isn't asking for a \$13,000 loan  
5 at the cost of the homeowners.

6 I think we need to get away from Jaeger. I think we  
7 need to cut the cord and be done with the relationship with him.  
8 And I think we need to -- we need anew. We need someone that we  
9 feel comfortable with that isn't going to gouge us, that isn't  
10 going to walk away.

11 And when we bought into Blue Lagoon there was signs  
12 up, huge signs that says water, sewer, electric and lots. And if  
13 you wanted, they would build your home. And we bought into that.  
14 And I guess buyer beware, but we're from O'Fallon where things  
15 are done appropriately and we felt we were -- we felt this was a  
16 good move for us and -- and unfortunately we're stuck with the  
17 situation.

18 This has basically divided friends. It's been a  
19 total conversation of everybody every weekend. You know. We  
20 don't know if the alarm's going off. We have no one at this  
21 point to contact if there's a problem.

22 We need help. We need someone to listen to us. And  
23 we can't speak in court, we can't share these feelings with Judge  
24 Clayton.

25 And, you know, we're just -- we're at the mercy of

1 all of you to help us. And I hope some way you all can do what's  
2 right by us.

3 So that's my fears and my concerns. Just the  
4 longevity to have a complete, total resolve so we don't have to  
5 face it when Mr. Thompson's gone or when -- you know. Just  
6 resolve this for us, please.

7 COMMISSIONER CLAYTON: Commissioner Murray?

8 COMMISSIONER MURRAY: Thank you, Miss Kelley. Is it  
9 your position that Jaeger should be ordered to do a number of  
10 things to the system to get it to a specific point and that this  
11 application that is before us presently to transfer the system to  
12 Blue Lagoon should be rejected so that another operator such as  
13 Mr. Gill that you mentioned could apply to or perhaps take over  
14 the system at a later date after it is in compliance with  
15 everything?

16 MS. KELLEY: It is my total understanding from  
17 conversation that Mr. Gill was -- it was shared with him that  
18 upon -- that the lagoon would be left up to whoever takes it over  
19 to bring it up to par for it to even function, and that included  
20 the purchasing of the reel system and the pump. And he's not  
21 going to do that.

22 No one that's going to take over the system is going  
23 to walk in and say let me sink X amount of dollars in to bringing  
24 it up so I can come spray it off for you.

25 And the courts are basically taking care of that by



1 ordering Mr. Jaeger to buy the appropriate pumps and the reel  
2 system.

3 I think we need time to get the system up to where it  
4 needs to be, for someone to come in and then apply, have others  
5 apply to run this. I think they've been scared off with small  
6 town gossip and talk and they need to be allowed to put in their  
7 bids as well.

8 And, yeah, I think this shouldn't even be considered  
9 right now until we have what we need and then allow other people  
10 to -- to bid in on this.

11 COMMISSIONER MURRAY: So is it your position that if  
12 the process goes forward in court that the issues will be -- the  
13 issues of the system itself will be resolved so that at a later  
14 date another operator will be willing and able to take over the  
15 system?

16 MS. KELLEY: Yes, ma'am. Yes, ma'am. I think it --  
17 it will open opportunities that we don't have now because no one,  
18 other than Mr. Thompson, wants to walk in on this and -- and take  
19 over, but asking exorbitant requests of the homeowners.

20 And this is just my opinion, but at this point a  
21 \$13,000 loan, just I'm fearful that this is just a payback to  
22 Jaeger for what he has to upgrade. And that's just my personal  
23 opinion.

24 But I think we need to cut the cord with Jaeger. He  
25 needs to fix what he needs to fix, what's been court ordered, and

1 then allow other applicants to give bids and not just see this as  
2 our saving grace.

3 COMMISSIONER MURRAY: Thank you very much for your  
4 testimony this morning.

5 MS. KELLEY: You're welcome.

6 COMMISSIONER CLAYTON: Attorneys?

7 I don't have any questions, Miss Kelley.

8 MS. KELLEY: Thank you.

9 COMMISSIONER CLAYTON: Thank you for coming.  
10 Do any of the attorneys have questions?

11 MR. KRUEGER: Yes. Miss Kelley, you made reference  
12 to Mr. Thompson being a friend of Jaeger's and then a little  
13 later you referred to a payoff to Jaeger.

14 Do you think that there's some kind of a connection  
15 between these two men or less than an arm's length dealing?

16 MS. KELLEY: Yes, sir. They go to court and they go  
17 get a beer afterwards. And -- it gives the appearance. I can't  
18 -- I can't accuse them because that's not right. It gives the  
19 appearance that Ken will still be in the picture very much so at  
20 either a financial gain or -- I don't know. This is my feelings  
21 and my suspicions and my fears.

22 We need to get away from Jaeger. He needs to just be  
23 completely out of the picture. And by hiring Mr. Thompson, I  
24 don't see that as -- it's not going to happen. And we need to  
25 cut that cord. We need to find a neutral party that isn't

1 involved with anything to do with Jaeger.

2 That's my hopes. That's my personal hopes.

3 MR. KRUEGER: And that is part of the reason why you  
4 think that Mr. Gill is a more interesting option.

5 MS. KELLEY: Absolutely. Absolutely. But he is not  
6 willing to visit the idea until the system and the pumps are in  
7 place and then let him make a bid on this, give some time. But  
8 he's not going to get involved in it until then.

9 MR. KRUEGER: Thank you.

10 MS. KELLEY: You're welcome, sir.

11 MS. BAKER: I just have a couple of questions. You  
12 mentioned, you made the statement of cutting the cord.

13 MS. KELLEY: Yes.

14 MS. BAKER: I assume from your statement that you do  
15 not feel that going with Mr. Thompson would be cutting the  
16 cord --

17 MS. KELLEY: No, ma'am.

18 MS. BAKER: -- from Mr. Jaeger.

19 MS. KELLEY: It's just more of the same.

20 MS. BAKER: I guess that's really the only question  
21 that I have. I appreciate your comments today.

22 MS. KELLEY: Thanks.

23 MR. MAXWELL: I have a question. Miss Kelley?

24 MS. KELLEY: Yes, sir.

25 MR. MAXWELL: Are you aware of who put in the sewer

1 system that exists there in the development?

2 MS. KELLEY: Ken Jaeger.

3 MR. MAXWELL: Do you know who the contractor was?

4 MS. KELLEY: I assume Ken Jaeger.

5 MR. MAXWELL: Did you -- you didn't -- were you aware  
6 that Bubb Thompson was the contractor that was contracted to put  
7 in the mains and sewer there?

8 MS. KELLEY: I was -- my husband and I were one of  
9 the last people to move in before all this came out and I assumed  
10 that Ken had either done it or had farmed it out.

11 MR. MAXWELL: Thank you very much.

12 Thank you, Mr. Commissioner.

13 COMMISSIONER CLAYTON: Mr. Edmonds?

14 No questions?

15 No further questions. Thank you very much for your  
16 testimony.

17 Debbie Howard?

18 Good morning. Please raise your right hand.

19 DEBBIE HOWARD,

20 having been sworn by Commissioner Clayton, deposes and says:

21 COMMISSIONER CLAYTON: Would you please state your  
22 name, address, and whether you're receiving service from the  
23 applicant?

24 MS. HOWARD: Debbie Howard. We're --

25 COMMISSIONER CLAYTON: Make sure you hold it closer.

1 MS. HOWARD: Lot 31, Blue Lagoon, in Monroe City.

2 And yes, we do receive service.

3 COMMISSIONER CLAYTON: Please give us your comments.

4 MS. HOWARD: My husband and I feel, are not in favor  
5 of Blue Lagoon, LLC. We believe that some other company or  
6 person of interest not associated with Mr. Jaeger should take  
7 over the lagoon system after it is in compliance, such as Cannon  
8 Water or maybe Dennis Gill.

9 The rates we feel that is he is proposing are too  
10 high. We do not pay that at our home, our permanent residence.

11 I believe Mr. Thompson along with Ken Jaeger upgraded  
12 the new pipes to four inch pipes -- or six inch pipes according  
13 to DNR standards because the original pipes were too small.

14 If Mr. Jaeger -- if Ken and Bubba, or Mr. Thompson  
15 put in the new pipes correctly, why is the system overflowing now  
16 at the lift station? There has to be -- there's groundwater  
17 getting into the system somehow.

18 And before Mr. Thompson or the LLC takes over the  
19 system we would hope that the courts have made Mr. Jaeger  
20 purchase the equipment according to how Mr. Jaeger agreed to it  
21 in court; that he would make all the necessary arrangements to  
22 make it up to standards.

23 That's all

24 COMMISSIONER CLAYTON: Okay. Commissioner Murray?

25 Hello? Commissioner Murray?

1                   COMMISSIONER MURRAY: Oh. Sorry. No, I have no  
2 questions. Thank you very much. Your testimony was very  
3 helpful.

4                   COMMISSIONER CLAYTON: Wasn't sure if we were  
5 disconnected there.

6                   Questions from the attorneys?

7                   MR. KRUEGER: Yes. Miss Howard, I gather that you  
8 think that Mr. Jaeger and Mr. Thompson are not independent of one  
9 another, is that correct?

10                  MS. HOWARD: Correct.

11                  MR. KRUEGER: Can you tell me what led you to that  
12 conclusion?

13                  MS. HOWARD: Well, Mr. Thompson and Mr. Jaeger put in  
14 the new pipes just last year or the year before. There's a  
15 connection there somehow. They are -- they are friends,  
16 whatever.

17                  We need to get rid of Mr. Jaeger. We need him out of  
18 the picture and have someone else that has no interest in him,  
19 has no interest, but with the lagoon system.

20                  MR. KRUEGER: Okay. Thank you.

21                  MS. BAKER: So, again, I guess the question from the  
22 previous one is is it your opinion that going with Blue Lagoon,  
23 LLC would not cut the cord from Jaeger?

24                  MS. HOWARD: No. No.

25                  MS. BAKER: Thank you for your comments today.

1 COMMISSIONER CLAYTON: Mr. Maxwell.

2 MR. MAXWELL: Thank you. You know of any other  
3 relationship business-wise between Mr. Jaeger and Mr. Thompson  
4 besides Mr. Thompson was the contractor in regards to putting in  
5 the new lines that was ordered by DNR?

6 MS. HOWARD: No, that I'm aware.

7 MR. MAXWELL: Thank you.

8 COMMISSIONER CLAYTON: Mr. Edmonds?

9 No questions.

10 I don't have any questions. Thank you very much for  
11 your testimony.

12 The next witness I believe is Stephen Zinn?

13 MR. ZEISS: Zeiss.

14 COMMISSIONER CLAYTON: I'm sorry?

15 MR. ZEISS: Zeiss, Z-e-i-s-s.

16 COMMISSIONER CLAYTON: Well, we'll refrain from  
17 penmanship discussions here.

18 Ask that you raise your right hand.

19 STEPHEN P. ZEISS,  
20 having been sworn by Commissioner Clayton, deposes and says:

21 COMMISSIONER CLAYTON: Then would you please give us  
22 your name and spell it?

23 MR. ZEISS: Stephen, S-t-e-p-h-e-n, middle initial P,  
24 Z-e-i-s-s.

25 COMMISSIONER CLAYTON: All right. And would you give

1 us your address and are you receiving service from the applicant?

2 MR. ZEISS: Address is 17943 Highway 19. Steelville,  
3 Missouri, 65565.

4 I just wondered today apparently whether I'm  
5 receiving service through the motel. I'm one of the owners of  
6 the other building, the opera house and the restaurant. And  
7 apparently we're -- you know. I know there's a lift station  
8 there, but the way it was explained that I'm receiving service  
9 from him.

10 COMMISSIONER CLAYTON: Offer us your comments.

11 MR. ZEISS: Yeah. Off of -- yeah.

12 COMMISSIONER CLAYTON: Okay. Do you have any other  
13 comments? Do you have any comments you would like to offer us  
14 here today?

15 MR. ZEISS: Yeah. Just stating on the few things I  
16 know.

17 That originally the system was just put in place for  
18 the restaurant, the motel, the opera house and the campground.  
19 You know. It was made to take care of that. It's unfortunate,  
20 you know, that the other houses added on later on, but I'm just  
21 afraid of the cost falling back on the original things more than  
22 anything.

23 And like the proposed rates here, too, of -- it only  
24 mentions residential, but then it goes on to say that the ten --  
25 10.50 per thousand gallons of water above the thousand gallon



1 minimum. Just in previous ones up and operating, not, you know,  
2 Mike can speak for the campground, but like the motel and -- or  
3 not the motel, but the restaurant and the opera house was about  
4 eighteen thousand gallons. So just roughly that's -- that would  
5 be 210 a month based on what's proposed right here just at that  
6 just for sewer.

7 COMMISSIONER CLAYTON: Commissioner Murray?

8 COMMISSIONER MURRAY: Thank you very much. Mr.  
9 Zeiss, I -- you are, I just want to make sure I'm correct here,  
10 you are opposed to the proposed transfer, is that correct?

11 MR. ZEISS: Yes. Yes.

12 COMMISSIONER MURRAY: Thank you very much.

13 COMMISSIONER CLAYTON: Attorneys?

14 MR. KRUEGER: Just to clarify. You're opposed to the  
15 transfer or you're just opposed to the rates that are proposed?

16 MR. ZEISS: I'm opposed to the transfer and I'm  
17 concerned about the rates.

18 MR. KRUEGER: Okay. Thank you.

19 COMMISSIONER CLAYTON: Other attorneys?

20 MS. BAKER: Why exactly are you opposed to the  
21 transfer?

22 MR. ZEISS: Two reasons mainly. This was originally,  
23 like I say, it was originally built what it was built for, and  
24 then the things were added on later without approval. And, you  
25 know, like the same thing; I don't want this -- this Jaeger to be

1 involved in this in any way, shape, or form.

2 MS. BAKER: Do you believe that there will still be a  
3 connection to Jaeger?

4 MR. ZEISS: Yes, I do.

5 MS. BAKER: Okay. That's all the questions I have.  
6 Thank you for your comments.

7 COMMISSIONER CLAYTON: Any questions, Mr. Maxwell?

8 MR. MAXWELL: Yes. Your line, I think I understand  
9 this, your line runs into Mr. Burditt's property into a lift  
10 station located there, correct?

11 MR. ZEISS: That's what I understand, yes.

12 MR. MAXWELL: And do you currently pay or reimburse  
13 Mr. Burditt any moneys for --

14 MR. ZEISS: No. And like I said, I just found out  
15 today. I mean, I knew -- he told me that his electric is what  
16 pumped it, but while I've had it we have never had the water on  
17 or anything except when it was being leased to Mike Knepper.  
18 That's the only time it was ever on.

19 MR. MAXWELL: If a transfer was made to someone, Blue  
20 Lagoon or anyone, the others named here, would you consider it  
21 appropriate that there be a meter placed there and that that cost  
22 of that meter base, that electric, be charged to the system and  
23 to the rate -- to the users?

24 MR. ZEISS: Just to separate the -- I know his  
25 electric is what pumps it over there. I believe that there

1     should be something for the electric being pumped over there that  
2     is responsible to the restaurant and the opera house, yes.

3                 MR. MAXWELL:   And you wouldn't oppose that setting a  
4     new meter base and -- and --

5                 MR. ZEISS:    No.   No.

6                 MR. MAXWELL:   Okay.   Thank you.

7                 Thank you.

8                 COMMISSIONER CLAYTON:   Mr. Edmonds?

9                 No questions.

10                Thank you very much.

11                Yes.   Please.

12                MR. ZEISS:    I just wanted to add one more name, you  
13     know, when we talk about the people that might be willing to take  
14     this over.   Mike Knepper had made that he would be willing to  
15     take it over, too, as far as another name.   There are other  
16     people I believe out there that would be willing to do it if  
17     things were already in place.

18                I think the same thing.   I think before rates should  
19     be set and everything else here, everything should be in place  
20     and in working order.   That should be step one.

21                She mentioned earlier about the two steps.   I think  
22     there's three steps.   And I think the step one, should everything  
23     be in place first and then establishing the rates and that.

24                COMMISSIONER CLAYTON:   Okay.   Thank you.

25                MR. ZEISS:    Thank you.

1                   COMMISSIONER CLAYTON: I have no questions. Thank  
2 you very much for your testimony. And I apologize for butchering  
3 your name.

4                   MR. ZEISS: I apologize for the bad penmanship.

5                   COMMISSIONER CLAYTON: I -- it looks like Zinn. I  
6 should have just said man from the opera house.

7                   Now I know I'm probably not going to do very well on  
8 the next one. Robert -- is it Hellebusch?

9                   MR. HELLEBUSCH: Hellebusch.

10                  COMMISSIONER CLAYTON: Hellebusch.

11                  MR. HELLEBUSCH: Hellebusch.

12                  COMMISSIONER CLAYTON: Come on down.

13                  MR. HELLEBUSCH: Come on down.

14                  COMMISSIONER CLAYTON: Come on down.

15                  And actually, looks like there's a Lynda next to  
16 that. If you both want to testify you're welcome to come up  
17 together. You're welcome to speak separate. Whatever you  
18 prefer.

19                  I ask that you first raise your right hand.

20                               ROBERT & LYNDIA HELLEBUSCH,  
21 having been sworn by Commissioner Clayton, deposes and says:

22                  COMMISSIONER CLAYTON: You're under oath.

23                  Please both of you state your name, address, and  
24 whether you are a customer of the applicant.

25                  MR. HELLEBUSCH: My name is Robert Hellebusch. Lot

1 29, Lost Valley Subdivision. And I am now receiving service.

2 MRS. HELLEBUSCH: And my name is Lynda Hellebusch,  
3 and I'm also at Lot 29 in Blue Lagoon, and yes, we receive  
4 service.

5 COMMISSIONER CLAYTON: Okay. Please give us your  
6 comments.

7 MR. HELLEBUSCH: My first comment would be is that on  
8 the joint application under Item N it talks about Mr. Thompson  
9 having forty years of experience of sewer installation. To me  
10 installing the sewer and having the knowledge as to how to pump  
11 it off, evaluate how much the soil can absorb, when to pump it  
12 off, how much are two different things.

13 So his experience of putting in a sewer is fine, but  
14 that doesn't mean he's qualified to run a sewer system.

15 The second thing I would like to bring up is their  
16 Exhibit H. Has to do with the insurance policy, general  
17 liability insurance policy. They first talk of a premium of  
18 \$1,155. And then on the next page they talk about a premium of  
19 \$11,500.

20 Now if I multiply \$1,155 times three that comes to  
21 \$3,465, not \$11,500.

22 This is just kind of of the many things that are in  
23 that joint application. There's many things that are put in  
24 there that seems suspicious to me that I would like clarification  
25 on.

1                   I would also like to see, as has been mentioned  
2 earlier, the cutting of the cord, okay, with Mr. Jaeger and have  
3 somebody of a neutral party operate this system. And until we  
4 get that I think we're still going to have continual hi-jinks and  
5 stalling tactics and everything else that we've had in the past  
6 four years.

7                   That's all I have.

8                   COMMISSIONER CLAYTON: Would you like to offer  
9 comments?

10                  MRS. HELLEBUSCH: Sure.

11                  COMMISSIONER CLAYTON: And then we can open it up to  
12 both of you, may be more efficient.

13                  MRS. REIERSON: First of all, I would like to thank  
14 everyone that took out time to come here. We really appreciate  
15 your input and your interest and trying to help get this further  
16 along and hopefully resolved in a respectable, civil manner.

17                  I feel that the homeowners in Blue Lagoon have come  
18 together. We probably all bought into this thinking that we were  
19 going to have a recreational little community to have a good time  
20 and hopefully have something that was usable without too much  
21 hassle and headache for fun and enjoyment.

22                  Instead we walk into it, we read the sign, we come  
23 in, we think we're going to have sewer included with all the  
24 other utilities and this just isn't happening.

25                  Therefore, we're wanting to have, like you said,

1 maybe not the cart before the horse this time. Let's get these  
2 orders and mandates up to snuff. Let's have the issues resolved  
3 that needs to be done yesterday and it isn't being done in a  
4 timely manner.

5 Before we transfer these assets and get this  
6 certification for convenience, I feel that, as other parties have  
7 stated, we do need to get all of these kinks out of the rope.  
8 It's just been overwhelming and quite frankly not what you came  
9 to -- to expect.

10 Therefore, for one thing in the application, the  
11 joint application, Mr. Clayton, it states that if we go with a  
12 reel system, that that would be implemented and taken care of by  
13 Mr. Jaeger. That hasn't been performed.

14 It says that it would take -- we would pay for man  
15 hours \$6,100, and also for charging us \$520 for travel expenses,  
16 a thousand one hundred -- or \$300 for labor. And if this reel  
17 runs on its own, I'm wondering why do we need to pay those fees?

18 And also a hundred dollar hook-up fee? If there's no  
19 certification for the purpose of having someone operate this,  
20 then any of us should be able to just apply as well.

21 And while it's true Mr. Bubb Thompson may have what  
22 he has as far as his sewer installation is concerned, we were  
23 instructed by various different parties that somebody that does  
24 this, if you're going to have a reel system, should be schooled  
25 and certified. And therefore that is a concern.

1           I don't feel qualified to do it, but I do think that  
2   it would be exceptionally of interest to get somebody that's  
3   certified and has instruction in this. Beneficial for all of us.

4           The pump situations, they go off. There's now --  
5   there's burnout and there's not even a pump that is working  
6   properly. There's no backup pump. There's no recourse for us to  
7   get anything fixed because we don't have a neutral party. The  
8   party is in Padre Island, Texas, and no business person runs a  
9   business like this and gets away with it that we know of.

10          I mean, if you don't pay your taxes you get audited.  
11   You get the recourse. If you, you know, if you don't do what you  
12   need to do, for example you sell drugs, you go to jail.

13          There's been no recourse for Mr. Jaeger. And the  
14   fact that getting the cord cut is a concern here. I think that's  
15   the issue at hand is let's have some of these responsibilities be  
16   met, tie these things in order. Before we can get certification  
17   or anything we need to get the resolve and get the horse before  
18   the cart.

19          And I do feel that other parties might be interested  
20   or available if we can get this part done.

21          Thank you.

22          COMMISSIONER CLAYTON: Commissioner Murray?

23          COMMISSIONER MURRAY: I have no questions, but thank  
24   you very much. Your testimony was helpful.

25          COMMISSIONER CLAYTON: I would -- I would suggest,



1   you know, we've had, there's been some discussion about cart  
2   before the horse and everything. I don't think this case is even  
3   set for evidentiary hearing. So I think there's -- there's a  
4   reason why we're having this public hearing is to receive this  
5   testify, figure out what direction to go in the case. So --  
6   because it's not set for trial.

7                   Has the Staff filed a recommendation in the case yet?

8                   MR. KRUEGER: No, we have not.

9                   COMMISSIONER CLAYTON: Not yet. So we're still  
10   awfully early in this case.

11                   Attorneys' questions?

12                   MR. KRUEGER: No questions.

13                   COMMISSIONER CLAYTON: Miss Baker?

14                   MS. BAKER: I guess the only question I have is I  
15   understand that you would like the circuit court issues and the  
16   repairs resolved with Mr. Jaeger first.

17                   Once that is done, are you opposed to Blue Lagoon,  
18   LLC getting the certificate for this system?

19                   MRS. HELLEBUSCH: Very much so.

20                   MS. BAKER: And why is that?

21                   MRS. HELLEBUSCH: Very much so. And the reason is we  
22   have observed that Mr. Jaeger and Mr. Bubb Thompson have been in  
23   -- they have been in working relationships for many years in  
24   Ralls County. And for reasons stated by other people earlier in  
25   this, it's -- it's very apparent that they have had an ongoing

1 working relationship, and possibly further than that, a definite  
2 friendship relationship. And I would think that it would be hard  
3 to have a clear, open, nonjudgmental reaction between the two of  
4 them under those particular circumstances.

5 MS. BAKER: Thank you. I appreciate your comments  
6 today.

7 COMMISSIONER CLAYTON: Mr. Maxwell? Questions?

8 MR. MAXWELL: On one of your previous statements one  
9 of the witnesses testified that there was a sign that stated some  
10 things that they were going to receive.

11 MRS. HELLEBUSCH: Yes

12 MR. MAXWELL: Was you referring to that sign as well  
13 about providing the electric, and the water, and the sewer?

14 MRS. REIERSON: Yes. That was up in the front of the  
15 Blue Lagoon. That's false advertising.

16 MR. MAXWELL: Do you pay for your electric there?

17 MRS. HELLEBUSCH: Of course we pay for our electric.

18 MR. MAXWELL: And you pay for your water?

19 MRS. HELLEBUSCH: Yes, we have paid for water.

20 MR. MAXWELL: In the end do you expect that you will  
21 pay a sewer rate?

22 MRS. HELLEBUSCH: In the end, yes. However, it was  
23 stated in all kinds of previous legal papers, which I'm sure you  
24 have access to, that things would be according to what they were  
25 initially supposed to have been and they are not at this point.

1                   MR. MAXWELL: Now I don't know that I have access to  
2 those, but I -- I want to ask this again now. Regardless of if  
3 it's Blue Lagoon, or Mr. Gill, or Mr. Knepper has expressed  
4 interest to the Public Service Commission that he would love to  
5 own the thing, there is still, you still have an understanding or  
6 an expectation there will be some rate, not that you're agreeing  
7 to the rate that's in the application, but there will be some  
8 rate to pay to someone that takes it over?

9                   MRS. REIERSON: Of course.

10                  MR. MAXWELL: Okay. Thank you.

11                  COMMISSIONER CLAYTON: Mr. Edmonds?

12                  No questions.

13                  Okay. I have no questions. Thank you very much for  
14 your testimony. You're excused.

15                  We'll go to the next witness. And I'll probably make  
16 a mistake here. It's Ray -- is it Wildhaber? Wildhaber?

17                  MR. WILDHABER: Right the first time.

18                  COMMISSIONER CLAYTON: Wildhaber?

19                  Mr. Wildhaber, please raise your right hand.

20                                 RAY WILDHABER,  
21 having been sworn by Commissioner Clayton, deposes and says:

22                  COMMISSIONER CLAYTON: You are under oath.

23                  Would you please state your name, and spell it for  
24 the court reporter, give us your address, and are you a customer  
25 of the applicant?

1                   MR. WILDHABER: My name is Ray Wildhaber. It's  
2 spelled W-i-l-d-h-a-b, as in big, e-r. I live at 1847 Queen Ann  
3 Court in beautiful Wentzville, Missouri, 63385. And I'm building  
4 a house on lot 16, which is hooked up to the sewer system, but I  
5 do not have plumbing facilities in the building yet.

6                   COMMISSIONER CLAYTON: Okay. Please give us your  
7 comments.

8                   MR. WILDHABER: I can be very brief because my  
9 concerns have already been stated. I just ask that the  
10 Commissioners to look at two things, and that would be, and  
11 they've both been stated already like I said, that Mr. Jaeger be  
12 required at his expense to turn over a working, functional system  
13 to whoever takes over.

14                   And I think once that is done a public request for  
15 bids or interest from other parties be broadcast, be published in  
16 the newspapers or whatever, so that other people who are  
17 interested in taking over the system have that opportunity.

18                   That's it.

19                   COMMISSIONER CLAYTON: Okay. Commissioner Murray?

20                   COMMISSIONER MURRAY: Thank you very much for your  
21 concise and very clear testimony.

22                   COMMISSIONER CLAYTON: Attorneys?  
23 Staff?

24                   MR. KRUEGER: No questions.

25                   COMMISSIONER CLAYTON: Public Counsel?

1 MS. BAKER: I have no questions. Thank you for  
2 coming.

3 COMMISSIONER CLAYTON: Mr. Maxwell?  
4 Mr. Edmonds?

5 Okay. I have no questions. Thank you very much for  
6 your testimony.

7 The next signed, next person signed up on the list is  
8 Mr. Edmonds, the attorney. I'm not sure if you were just signing  
9 in to show that you're present or do you have testimony here  
10 today?

11 MR. EDMONDS: Both.

12 COMMISSIONER CLAYTON: Please come forward.

13 MR. EDMONDS: I also want to ask some questions since  
14 I'm representing an LLC. Can I have Mr. Knepper also sworn in in  
15 case you have any questions of him? Being an attorney I have to  
16 represent the LLC in front of you guys, but can he speak also?

17 COMMISSIONER CLAYTON: Who's the entity?

18 MR. EDMONDS: Mike at Salt River Resort, LLC.

19 COMMISSIONER CLAYTON: Salt River Resort?

20 MR. EDMONDS: A party to the hearing.

21 COMMISSIONER CLAYTON: Why don't you have him -- he  
22 can come up --

23 MR. EDMONDS: Yes.

24 COMMISSIONER CLAYTON: -- and speak on his own, too.

25 Is he --

1 MR. EDMONDS: Yes, he's here.

2 COMMISSIONER CLAYTON: Is he here?

3 MR. EDMONDS: He's here.

4 MS. BAKER: I think I have a little bit of a concern  
5 here.

6 COMMISSIONER CLAYTON: Okay.

7 MS. BAKER: Are we going to be getting comments as  
8 him as a customer or are we giving evidence for the hearing?  
9 Because if we're giving evidence for the hearing that's not the  
10 place for this.

11 MR. EDMONDS: I will make a statement. If you have  
12 questions regarding some of my questions I might have him testify  
13 as to the answer regarding your questions. You tell me how you  
14 want to handle it.

15 MS. BAKER: I mean, what we're here for is a customer  
16 local public hearing. We're not here for evidence on the  
17 hearing.

18 MR. EDMONDS: He is a current customer, Salt River  
19 Resort, LLC is a current customer of the lagoon.

20 MS. BAKER: And he's also a party to the case. So  
21 that's -- that's where the difference is. If he's giving  
22 testimony as a customer then I don't have an objection. If he's  
23 giving testimony as a party in the case I do.

24 MR. EDMONDS: All right then. Let me think about  
25 that a second here.

1                   COMMISSIONER CLAYTON: Well, let me just say that  
2 this is not a trial. This is not -- this is not the proceeding  
3 where the decision is made. The point is accepting comments from  
4 the public. If you are a party that gives you a different  
5 designation.

6                   My inclination, and I'll ask Commissioner Murray to  
7 chime in if she disagrees, or agrees, whatever she likes, would  
8 be to err on the side of being inclusive of information and only  
9 the full Commission can render an evidentiary decision in ruling  
10 on this objection. If -- if -- and so I think the Public Counsel  
11 should raise the objection and then the full Commission will have  
12 the ability to strike the portion of this testimony that would be  
13 inappropriate, if at all.

14                  But I don't think I can exclude you, anyone, any  
15 member of the public, even if you're a lawyer, I don't think we  
16 can exclude you from testifying. This is an open forum to take  
17 public testimony. Even though it is under oath it is not used as  
18 evidence in the case to base a decision on.

19                  So having said that, please note your objection.  
20 Please come up and sit down, or come up to the table, both of  
21 you.

22                  Commissioner Murray, do you have a problem with that?

23                  COMMISSIONER MURRAY: Commissioner Clayton, I think I  
24 agree with you, but I do appreciate the fact that Miss Baker  
25 raised the issue and has noted her objection.

1 Thank you.

2 COMMISSIONER CLAYTON: The question that I have is do  
3 we get to put a lawyer under oath. That's the question that I  
4 would raise.

5 And I'm going to ask that you both raise your right  
6 hand.

7 DAVID EDMONDS & MICHAEL KNEPPER,  
8 having been sworn by Commissioner Clayton, deposes and says:

9 COMMISSIONER CLAYTON: What a treat this will be.

10 I would ask -- I would ask that each of you state  
11 your name and clearly set out your relationship. And then  
12 whoever is offering comments please proceed.

13 MR. EDMONDS: David Edmonds, attorney. Attorney for  
14 Salt River Resort, LLC. Business address 1099 Milwaukee Street,  
15 Suite 260, St. Louis Missouri, 63122. Bar Number 46723.

16 MR. KNEPPER: Mike Knepper. Salt River Resort, LLC.  
17 Manager and owner. 19883 Opry Place, Monroe City, 63456.

18 COMMISSIONER CLAYTON: Okay. And do you receive, Mr.  
19 Knepper, do you receive service from the applicant at this time?

20 MR. KNEPPER: Yes, I do.

21 COMMISSIONER CLAYTON: You do.

22 Would you like to raise an objection, Miss Baker?

23 MS. BAKER: Again, if this is comments on his own --  
24 own issues of service with the -- with the applicant, I have no  
25 objection. But if it goes beyond that then I do.



1                   COMMISSIONER CLAYTON: Okay. Just to let you know  
2     that I'm going to let you go ahead and you give us your comments.  
3     And if she has an objection just be ready and we'll -- I can't  
4     overrule it. I'm only one of five. So I don't have the full  
5     authority to act on behalf of the Commission. As much as I want  
6     to I can't. And much to the relief of Commissioner Murray.

7                   So please proceed.

8                   MR. EDMONDS: Regarding Salt River Resort, LLC's  
9     thought process regarding the issue of the PSC regulating the  
10    issue of the lagoon and the operation thereof, Salt River Resort  
11    supports the idea of the PCS being involved.

12                  At the same time we recognize this is a complicated  
13    issue with multiple parties involved; the DNR, PSC, judicial.  
14    And it's not going to be easy for everybody to figure out what  
15    the proper way to go from this point of view.

16                  From the point of view of Blue Lagoon and Bubb  
17    Thompson being part of the settlement agreement and possibly  
18    taking control of the lagoon, PSC -- Salt River Resort does not  
19    support Blue Lagoon, LLC taking control.

20                  From the point of view of a judicial decision in  
21    which Jaeger is held to certain guidelines, stipulations, and  
22    orders, and the property being transferred to a potential user,  
23    we do support the idea of that taking place, as well as the PSC  
24    regulating the use thereof.

25                  Some of our concerns are the issue of whether or not

1 the design as proposed is in fact going to solve the problem. Is  
2 it proper or is it a stopgap band-aid?

3 I think there's been discussion with Mr. Martin  
4 regarding the issue of whether the spray off field, a temporary  
5 spray off field and the reel system will really support the  
6 amount of water flowing through the sewer system today.

7 Likewise, the issue of what authority a court has to  
8 transfer property is also a question in our minds as to whether  
9 or not this is really, as you say, it's discussed before, just a  
10 cart before the horse scenario. We don't know. We're not asking  
11 for an opinion from that point of view. We're just making the  
12 comment out there.

13 Likewise, also there's a concern that we have an  
14 existing lagoon that was designed for a commercial use, and now  
15 due to the actions of Mr. Jaeger additional property's been  
16 attached to it which is causing most of the problems as we  
17 interpret it today. And how that comes into play of the issue of  
18 a commercial versus residential use being -- part of the house  
19 being designed today and being used is a big concern of ours.

20 Besides the spray off technique, also is there enough  
21 backups available for pumps and everything else to solve the  
22 problem of keeping the lagoon from overflowing as it has for the  
23 past thirty to sixty days.

24 All concerned, I think PSC needs to look at as it  
25 goes forward in the issue of the evidence as to whether or not

1 DNR can or cannot approve what's currently being designed and  
2 where we all go from that point of view.

3 No further questions or comments from us.

4 COMMISSIONER CLAYTON: Any comments from you?

5 MR. KNEPPER: No.

6 COMMISSIONER CLAYTON: None. Okay.

7 This is interesting. Cross-examination. Mr.  
8 Krueger?

9 MR. KRUEGER: I don't have any questions.

10 COMMISSIONER CLAYTON: Miss Baker?

11 MS. BAKER: No questions.

12 COMMISSIONER CLAYTON: Going to miss this  
13 opportunity?

14 MS. BAKER: I am going to miss this opportunity.

15 COMMISSIONER CLAYTON: Mr. Maxwell.

16 MR. MAXWELL: Yes. Mr. Knepper, your name was  
17 brought up today as being someone interested in operating and  
18 owning the sewer system?

19 MR. KNEPPER: Yes, sir.

20 COMMISSIONER CLAYTON: Is that your -- do you have  
21 that interest?

22 MR. KNEPPER: Yes, I do.

23 MR. MAXWELL: And --

24 MR. KNEPPER: I got access to other lands that can be  
25 used for spray off.

1                   MR. MAXWELL: So your concern is that the current  
2     proposal doesn't provide enough or adequate area for spray off.

3                   MR. KNEPPER: That's true.

4                   MR. MAXWELL: The pumps, as you know, in the  
5     development area have been off, or broken, or burned out.

6                   MR. KNEPPER: Right.

7                   MR. MAXWELL: Do you know if they're now working?

8                   MR. KNEPPER: No, they're not.

9                   MR. MAXWELL: The lagoon continues to overflow, I  
10    think was the testimony by Mr. Edmonds. Have you observed it  
11    continuing to overflow?

12                  MR. KNEPPER: The last week I have not because of no  
13    pumping into the lagoon besides the property across the street  
14    and my property.

15                  There is a runoff from my storage area that runs into  
16    that field that you can see the ruts, but the lagoon is staying  
17    pretty steady right now.

18                  MR. MAXWELL: Was the lagoon overflowing when -- when  
19    the pumps were out?

20                  MR. KNEPPER: Because of the rain we had had, yes.  
21    And also because it wasn't pumped down in September like it was  
22    supposed to be to a free base field.

23                  MR. MAXWELL: And it was -- about how far in November  
24    or September when you observed it, how far down was the water  
25    from the berm, the overflow?

1                   MR. KNEPPER: Maybe a foot, foot and a half, where it  
2 was supposed to have been probably I think four feet.

3                   MR. MAXWELL: So you believe that all that water that  
4 was pouring over the dam three weeks ago was because it was  
5 raining at the time?

6                   MR. KNEPPER: We had heavy rains. We've had three  
7 inches of rain in --

8                   MR. MAXWELL: Was it still overflowing when the rain  
9 quit?

10                  MR. KNEPPER: For a couple of days until it settled.

11                  MR. MAXWELL: So if not raining it's still  
12 overflowing? The pumps are out?

13                  MR. KNEPPER: If you're asking if there's I&I in my  
14 system, no, there's not, at today.

15                  MR. MAXWELL: Okay. So -- so you --

16                  MS. BAKER: Commissioner, I'm going to -- I'm going  
17 to put in my objection now because I think we were moving  
18 beyond --

19                  MR. MAXWELL: I think --

20                  MR. KNEPPER: Yeah.

21                  MS. BAKER: I think we are moving beyond a public  
22 comment on his experience here and we're moving into evidence in  
23 the case.

24                  COMMISSIONER CLAYTON: The objection is noted. I'd  
25 ask Mr. Maxwell --

1 MR. MAXWELL: I'll withdraw my last question.

2 COMMISSIONER CLAYTON: Okay.

3 MR. MAXWELL: Thank you.

4 COMMISSIONER CLAYTON: Thank you.

5 Mr. Edmonds, do you have any questions for yourself?

6 Okay. Commissioner Murray, do you have any further

7 questions of these witness?

8 COMMISSIONER MURRAY: No questions. Thank you.

9 COMMISSIONER CLAYTON: Don't you wish you were here

10 right now?

11 Okay. Then each of you are excused. Okay. Thank

12 you.

13 COMMISSIONER MURRAY: I have no questions.

14 COMMISSIONER CLAYTON: Thank you.

15 Shawn Mullins? Come on up. Please raise your right

16 hand.

17 SHAWN MULLINS,

18 having been sworn by Commissioner Clayton, deposes and says:

19 COMMISSIONER CLAYTON: You under oath. Would you

20 please state your name and your --

21 MR. MULLINS: Shawn Mullins. S-h-a-w-n. Mullins,

22 M-u-l-l-i-n-s. Address, 302 East Third Street, Laddonia,

23 Missouri, 63352.

24 COMMISSIONER CLAYTON: Are you receiving service from

25 the applicant at the time?

1                   MR. MULLINS: I thought I was until I showed up this  
2 morning.

3                   COMMISSIONER CLAYTON: Okay.

4                   MR. MULLINS: I own lot number 49, which is a deeded  
5 property in the Salt River Resort. Okay?

6                   I guess technically I own no sewer lines because  
7 somebody else owns the sewer lines. My sewer goes down and goes  
8 into the lagoon.

9                   So yes, I am, as I understand, a customer of the  
10 lagoon.

11                  COMMISSIONER CLAYTON: Give us your comments.

12                  MR. MULLINS: My comment is I need the Public Service  
13 Commission to define I as a landowner what my -- you know. Am I  
14 residential customer? Am I a commercial customer? Who do I pay  
15 my bill to?

16                  Because I looked at my deed and it said that I had a  
17 lagoon. I was attached to a lagoon twenty-five years ago  
18 whenever the -- my lot was set out, and now I'm not attached to a  
19 lagoon; I'm attached to somebody else's lagoon.

20                  At some point in time somebody separated the lagoon  
21 that was the original part of our development from Salt River  
22 Resort. And I don't -- I can't tell you when that happened, but  
23 I am very concerned about that, that somehow we turned it from a  
24 commercial lagoon into a residential lagoon usage.

25                  COMMISSIONER CLAYTON: Any other comments?

1                   MR. MULLINS: No, other than I want to know who I --  
2   what my rates are going to be and who I'm going to owe my bill  
3   to. You know. That's what my concerns are.

4                   COMMISSIONER CLAYTON: Okay.

5                   MR. MULLINS: So I'm paying a fair rate.

6                   COMMISSIONER CLAYTON: Commissioner Murray,  
7   questions?

8                   COMMISSIONER MURRAY: I'm sorry. I had to step out  
9   for just a moment.

10                  I have no questions. Thank you.

11                  COMMISSIONER CLAYTON: Mr. Mullins, lot 49, is that a  
12   business or is that a residence?

13                  MR. MULLINS: That is a thirty-five by seventy lot  
14   that has a -- like thirty by sixty piece of concrete that I have  
15   a camper on.

16                  COMMISSIONER CLAYTON: Is it a business?

17                  MR. MULLINS: No, it's not a business.

18                  COMMISSIONER CLAYTON: Just a residency. Someone  
19   stays there occasionally?

20                  MR. MULLINS: It is a campsite.

21                  COMMISSIONER CLAYTON: Okay. With your knowledge of  
22   the joint application, I know you have questions, and I can't  
23   answer the questions for you, but aside from those concerns are  
24   you familiar with the joint application and the proposal to  
25   transfer assets to Blue Lagoon, the proposed owner, and the rates



1     that go with that?

2                   MR. MULLINS:  I never was -- I was contacted by Salt  
3     River Resort that there was a Public Service Commission open  
4     meeting.  I was never contacted.  I never had a choice -- or  
5     never had a -- any opportunity to know what this was about.

6                   COMMISSIONER CLAYTON:  So, no, you don't --

7                   MR. MULLINS:  No.

8                   COMMISSIONER CLAYTON:  -- you're not familiar with  
9     it.

10                  MR. MULLINS:  No.  I'm not familiar with any of these  
11     proceedings today.

12                  COMMISSIONER CLAYTON:  The information that you've  
13     heard today, are you in a position, and you may not be in a  
14     position, to speak in favor or opposed to the proposed transfer?

15                  MR. MULLINS:  Not at this time.  Not until I get to  
16     read that agreement.

17                  COMMISSIONER CLAYTON:  Okay.  I don't have any  
18     further questions.

19                  Staff?

20                  MR. KRUEGER:  No questions.

21                  COMMISSIONER CLAYTON:  Public Counsel?

22                  MS. BAKER:  No questions.

23                  COMMISSIONER CLAYTON:  Mr. Maxwell?

24                  MR. MAXWELL:  And I'll make sure I get your address,  
25     sir, when you leave.

1           Blue Lagoon, my client, wants to know, you know, what  
2   is in the campground. And we apologize that we've not met you  
3   before.

4           I just want to make sure I do understand. This is an  
5   issue to Blue Lagoon as to how we do address your effluent and in  
6   regards to the relationship to the service line that the RV  
7   campground has.

8           When did you purchase your lot?

9           MR. MULLINS: Let's see. October 31st of 2006.

10          MR. MAXWELL: And is that the deed then that you  
11   received that you're referring to, the 2006 deed?

12          MR. MULLINS: I received all the original transfers  
13   since it was the original layout and the plan on the lot.

14          MR. MAXWELL: You had mentioned that sewer came with  
15   it, but is that written in that deed?

16          MR. MULLINS: That what was written in the original  
17   deed was I was provided the -- Salt River Resort would provide me  
18   with use of the laundry facilities, use of the bathroom  
19   facilities. I would pay no more than \$10 per month for electric  
20   and sewer. And it says, all the little easements and stuff, said  
21   that I was connected to the Salt River Resort lagoon.

22          MR. MAXWELL: Okay. Thank you. That's exactly what  
23   I needed to know. Thank you, sir.

24          COMMISSIONER CLAYTON: Mr. Edmonds?

25          MR. EDMONDS: Mr. Mullins, did you acquire the

1 property from Salt River Resort, LLC, Mike Knepper?

2 MR. MULLINS: No.

3 MR. EDMONDS: Thank you.

4 COMMISSIONER CLAYTON: I have no other questions.

5 Thank you very much for your testimony, Mr. Mullins.

6 Mike Sharkey? Come on down.

7 MR. SHARKEY: I really don't have any further

8 comments. A lot of the --

9 COMMISSIONER CLAYTON: If you -- you can just -- I  
10 mean, if you just want to say I agree with everybody here. I  
11 mean, you're welcome to do whatever you want.

12 MIKE SHARKEY,  
13 having been sworn by Commissioner Clayton, deposes and says:

14 COMMISSIONER CLAYTON: All right. Please state your  
15 name.

16 MR. SHARKEY: My name is Mike Sharkey. That's  
17 S-h-a-r-k-e-y. We own a lot in Lost Valley and that lot number  
18 is 25.

19 COMMISSIONER CLAYTON: And are you receiving service  
20 of some sort from the applicant?

21 MR. SHARKEY: We are currently receiving service.

22 COMMISSIONER CLAYTON: Please tell us what's on your  
23 mind.

24 MR. SHARKEY: Well, there's been a lot of discussion  
25 here and, you know, like everybody's been stating here, you know,

1 the cart is somewhat in front of the horse, I just wanted to  
2 express my sentiments to what has been said.

3 We've been there since I believe May of 2004. At  
4 that time we were promised to pay a sewer bill equal to what our  
5 water bill is. Since that time, you know, we've been through  
6 every others problems that exist. We're just looking for, you  
7 know, a system to be operating before we can decide who we're  
8 going to transfer the lagoon to.

9 Basically all I have.

10 COMMISSIONER CLAYTON: Okay. Let me ask you this  
11 question.

12 Excuse me. Commissioner Murray?

13 COMMISSIONER MURRAY: I have no questions. Thank you  
14 for your testimony.

15 COMMISSIONER CLAYTON: Mr. Sharkey, assume that the  
16 system is operational, the terms of the circuit court action are  
17 complied with, would you at that point support this proposal or  
18 no? Or you don't know, wait and see?

19 MR. SHARKEY: I would like to wait and see. Yes.

20 COMMISSIONER CLAYTON: Okay. Can you identify the  
21 concerns why you would need to wait and see, assuming that the  
22 system transfer's in good working order?

23 MR. SHARKEY: You know, assuming the system is  
24 transferred in good operating order, it has not been in  
25 operational order since the day we moved in. So it's very

1 difficult to come to any form of conclusion to answer that  
2 question properly.

3 COMMISSIONER CLAYTON: Okay. I have no additional  
4 questions. Thank you.

5 Counsel for Staff?

6 MR. KRUEGER: Are you dissatisfied with Mr. Jaeger,  
7 or Mr. Thompson, or just desperate for a solution?

8 MR. SHARKEY: That's a pretty good question. You  
9 know, I'm very dissatisfied with Mr. Jaeger for obvious reasons.

10 Mr. Thompson I don't know very well. I can't really  
11 make a complete determination on whether I'm satisfied with his  
12 background or not.

13 MR. KRUEGER: Thank you. That's all.

14 MS. BAKER: I have no further questions. Thank you  
15 for coming.

16 COMMISSIONER CLAYTON: Mr. Maxwell?

17 Mr. Edmonds.

18 No questions.

19 Mr. Sharkey, thank you for coming forward.

20 MR. SHARKEY: Thank you.

21 COMMISSIONER CLAYTON: For your testimony.

22 James Hunter?

23 Would you please raise your right hand?

24 JAMES HUNTER,

25 having been sworn by Commissioner Clayton, deposes and says:

1 COMMISSIONER CLAYTON: You're under oath.

2 Would you state your name and address for the record?

3 MR. HUNTER: James Hunter. 2429 Oak Forest Drive,  
4 Troy, Missouri, 63379.

5 COMMISSIONER CLAYTON: And are you receiving service  
6 from the applicant at this time?

7 MR. HUNTER: Yes, I am.

8 COMMISSIONER CLAYTON: All right. Please offer your  
9 comments.

10 MR. HUNTER: I'm looking to this proposal, which has  
11 come out, and I think our main goal here is to have the  
12 Commission give us a fair outcome of this proposal, not take this  
13 word for word and just accept it. And I don't expect that to  
14 happen. I would think that the Commission would watch out for us  
15 a little better than that.

16 That being said, I pretty much agree with all the  
17 comments that have been made. And we have a written response to  
18 this proposal that was sent in before.

19 So I'm down to the only question I have now is on  
20 this orange paper, which we were given this morning. It's  
21 stating that the rate will be \$30 a month, plus an additional  
22 \$10.50, when in the original proposal, page 4, paragraph F, it  
23 states \$16 a month additional charge, which would be over the  
24 \$14, and \$5 over the next thousand gallons.

25 I would just like to have that noted. We got a

1 little conflict there.

2 COMMISSIONER CLAYTON: Does that conclude --

3 MR. HUNTER: That's all I have to say.

4 COMMISSIONER CLAYTON: Commissioner Murray?

5 COMMISSIONER MURRAY: I have no questions. Thank  
6 you. And perhaps you can get your questions answered by speaking  
7 to someone there from our staff. Thank you.

8 COMMISSIONER CLAYTON: Counsel for Staff?

9 MR. KRUEGER: No questions.

10 COMMISSIONER CLAYTON: Public Counsel?

11 MS. BAKER: No questions. Thank you.

12 COMMISSIONER CLAYTON: Mr. Maxwell?

13 MR. MAXWELL: None.

14 COMMISSIONER CLAYTON: Mr. Edmonds?

15 MR. EDMONDS: No questions.

16 COMMISSIONER CLAYTON: No questions. Mr. Hunter, I  
17 would -- if we could get our Staff people here to raise their  
18 hands.

19 If you would catch up with these folks following the  
20 hearing, when you have questions, we may be able to -- and that  
21 goes for anyone here. If you have specific questions they need  
22 to be directed to our staff. That's why they're here. Take  
23 advantage of them.

24 MR. HUNTER: Okay. Thank you.

25 COMMISSIONER CLAYTON: Thank you very much for your

1 testimony.

2 Jeff Burditt?

3 MR. BURDITT: Okay. I don't really have any comments  
4 and I'm really going to have to leave here really quick.

5 COMMISSIONER CLAYTON: Well, we're going to -- we'll  
6 do you real quick.

7 MR. BURDITT: Okay.

8 COMMISSIONER CLAYTON: Come on down. Please raise  
9 your right hand.

10 JEFF BURDITT,  
11 having been sworn by Commissioner Clayton, deposes and says:

12 COMMISSIONER CLAYTON: Would you please state your  
13 name and address? Offer your comments.

14 MR. BURDITT: My name is Jeff Burditt. I'm  
15 associated with Howard Burditt as his son.

16 The only thing that I know is my parents have dealt  
17 with this for quite a long time. And after sitting here today I  
18 hear that a lot of people have also dealt with this for quite a  
19 long time. It seems to be a problem that they should not have.

20 It seems like it's a trust issue more than anything  
21 as they move forward with this. And my opinion of today would be  
22 that people are concerned if they move in with Blue Lagoon or  
23 they move in with Thompson because they don't trust anybody  
24 because of the services they've had in the past.

25 And I would just hope the Commission would take time



1 to really investigate what is there and really take everybody's  
2 opinion here as a community. They seem like very good people who  
3 are very concerned of what they're getting into and they want to  
4 move on in life and not have this problem.

5 Those are my basic comments to this.

6 COMMISSIONER CLAYTON: Okay. Commissioner Murray?

7 COMMISSIONER MURRAY: No questions, but thank you.

8 COMMISSIONER CLAYTON: Okay. Thank you very much.  
9 I'm glad that you offered your comments. It made a lot of sense.

10 Attorney for Staff?

11 MR. KRUEGER: No questions. Thank you.

12 MS. BAKER: I have no questions, but certainly that  
13 is -- that is the focus of the Public Counsel and why we called  
14 this meeting today.

15 COMMISSIONER CLAYTON: Mr. Maxwell?

16 MR. MAXWELL: None. Thank you.

17 COMMISSIONER CLAYTON: Mr. Edmonds?

18 UNIDENTIFIED SPEAKER: He just stepped out.

19 COMMISSIONER CLAYTON: Mr. Edmonds lost his chance.

20 Thank you very much for your testimony. Hopefully  
21 you'll make it to your next meeting.

22 MR. BURDITT: Okay. Thank you.

23 COMMISSIONER CLAYTON: The next sign up on the sheet,  
24 I think we've already heard from Howard and Dorothy Burditt.

25 Didn't we already hear from you folks?

1 DOROTHY BURDITT: Yes.

2 COMMISSIONER CLAYTON: You all want to say anything  
3 else? Give you a second bite at the apple, if you like.

4 Are we good?

5 Okay. The last name on the list is Mike -- is it  
6 Moses or Moss?

7 MR. MOSES: Moses.

8 COMMISSIONER CLAYTON: Moses? Please raise your  
9 right hand.

10 MIKE MOSES,  
11 having been sworn by Commissioner Clayton, deposes and says:

12 COMMISSIONER CLAYTON: You're under oath.

13 Please state your name, spell it, and give us your  
14 address.

15 MR. MOSES: Mike Moses. My address is 6501 Davis  
16 Court Northwest, Cedar Rapids, Iowa, 52405.

17 THE REPORTER: Last name is spelled?

18 MR. MOSES: M-o-s-e-s. Just like the Bible.

19 COMMISSIONER CLAYTON: Do you need a reference book  
20 on that?

21 MR. MOSES: I own lot number 23 in the development.  
22 And I also own the building at the end of the development.

23 COMMISSIONER CLAYTON: Make sure you hold the mic  
24 closer.

25 And you're receiving some sort of sewer service at

1     those --

2                     MR. MOSES:   Yes, I am.

3                     COMMISSIONER CLAYTON:  -- those locations?  Please  
4     give us your comment.

5                     MR. MOSES:  I agree with a lot of the things that's  
6     been said.  We have a system that has basically been inadequate.  
7     I've been one of the victims of sewer backing up in my home.

8                     A lot of things have been done, whether they're  
9     correct or they're incorrect.  I have the building at the end of  
10    the lot where the pump station is, the lift station.  That  
11    property I personally own.  It's been running over to the creek  
12    for quite some time because there are no pumps in that.

13                    When we moved from there we assumed that the sewer  
14    would be provided at an expense.  And at the time we were told  
15    that that expense would be approximately equivalent to the  
16    monthly water service charge.

17                    Myself and my neighbor provided hoses for the pumping  
18    of the product into the spray fields.  I also supplied valves,  
19    and gasoline, and a pump when the first pump went bad, and then a  
20    second pump went bad.  And we've worked with Ken Jaeger for the  
21    last couple of years trying to keep that lift station operable.

22                    As it stands right now, we don't feel we have an  
23    adequate sewer system.  And that's what all of us here really  
24    want to have.

25                    My wife and I and our families probably come down

1 eight to ten times a year. And we're not against paying a fee.  
2 We have no issues with paying a fee. We understand there's no  
3 free lunch.

4                   However, what we get in this Commission form is what  
5 we feel we should pay for. By no means do we want to go into any  
6 kind of a program with anyone and basically set up a business for  
7 them, pay for all the equipment, and then turn around and pay a  
8 monthly fee. To me that's not fair.

9                   So that's pretty much all I have to say about it.

10                  As far as Bubb Thompson goes, I've used Bubb Thompson  
11 for a number of things. I have no objections to Bubb personally.  
12 He's never given me any reason to mistrust him.

13                  Unlike some of the people here, I have no real issues  
14 with Ken Jaeger, personal issues with Ken Jaeger, although I do  
15 not feel that the things we understood to be having been provided  
16 are provided.

17                  We would really like the court orders to be complied  
18 with. And I would like to see the pumps in house, that they  
19 work.

20                  They did move the electronics for the pumping station  
21 from inside my building to the outside of my building, but that  
22 also I feel isn't necessarily up to snuff as far as codes go. It  
23 doesn't have a building housing that. The alarm system no one  
24 knows goes off. No one knows what to do with it when it does go  
25 off. And the only protection it has is a piece of tin nailed to

1 my building that's protecting the electrical.

2 So that's pretty much where we're at. We would just  
3 like a system that we can come down and enjoy the State of  
4 Missouri in.

5 COMMISSIONER CLAYTON: Commissioner Murray?

6 COMMISSIONER MURRAY: I have no questions, but thank  
7 you very much, sir, for your testimony.

8 COMMISSIONER CLAYTON: Counsel for Staff?

9 MR. KRUEGER: No questions.

10 COMMISSIONER CLAYTON: Counsel for Public Counsel?

11 MS. BAKER: So in your opinion if the circuit court  
12 issues were resolved, would you be opposed to Blue Lagoon, LLC  
13 taking over and getting a certificate to run the system?

14 MR. MOSES: No, I do not.

15 MS. BAKER: Okay. I have no further questions.

16 MR. MOSES: I have no -- no objections.

17 MS. BAKER: Thank you.

18 COMMISSIONER CLAYTON: Mr. Maxwell?

19 MR. MAXWELL: None. Thank you.

20 COMMISSIONER CLAYTON: Mr. Edmonds?

21 MR. EDMONDS: None.

22 MR. MOSES: Could I -- could I ask one more question?  
23 This may be to Mr. Maxwell.

24 We were asked to give an easement to allow damages or  
25 repairs to be made if -- if the necessary happened, if something

1     happened to our system.

2                     And in doing so, if we give an easement to Blue  
3     Lagoon, LLC, and for whatever the reason Mr. Thompson gets sued  
4     by somebody and he says, "Well, this is the problem," would that  
5     suit or -- or lien or whatever would come about of that, is that  
6     attached to our property?

7                     MR. MAXWELL: I think that -- I think the way they  
8     set up the rules is it's kind of harmful to the process for you  
9     to ask questions.

10                    However, if you want to call my law office I will  
11     have a number of someone who will provide you an answer that is  
12     not -- I could have a conflict of interest because you're a  
13     landowner and you're asking me and I represent Blue Lagoon, but I  
14     have -- I would be happy to provide you another lawyer's number  
15     that would probably be able without any cost to answer that  
16     question because it's a fairly straightforward legal question.

17                    I would rather not respond because there is a  
18     conflict of interest because I do represent Blue Lagoon and I am  
19     the attorney asking for that easement.

20                    MR. MOSES: Okay.

21                    MR. MAXWELL: If that's okay.

22                    MR. MOSES: That's fine.

23                    MR. MAXWELL: I'll try to get you the answer from  
24     another legal counsel. Thank you.

25                    COMMISSIONER CLAYTON: Thank you.

1                   Mr. Edmonds didn't have any questions.

2                   I don't have any questions at this time. Thank you  
3 very much for your testimony.

4                   Okay. We have reached the end of the list. Is there  
5 anyone who signed up and whose name I didn't call?

6                   Or is there anyone who did not sign up, but would  
7 like to offer testimony at this time? Now is the time.

8                   We haven't even gone to noon yet, so -- yes, ma'am.

9                   LYNDA HELLEBUSCH: I just have one more question. I  
10 don't think anybody addressed the deed being transferred over to  
11 whomever it needs to be transferred to, the deed of the  
12 properties in regards to this whole Blue Lagoon sewer system.

13                  COMMISSIONER CLAYTON: I'm going to ask that Staff or  
14 Public Counsel meet with you after this. I can't answer and I  
15 don't know the answer. There's several reasons why I'm not  
16 answering.

17                  LYNDA HELLEBUSCH: Sure. Thank you.

18                  COMMISSIONER CLAYTON: But I ask that you get  
19 together with these folks.

20                  Anyone else wishes to offer testimony?

21                  Okay. Commissioner Murray, do you have any final  
22 thoughts or closing remarks?

23                  COMMISSIONER MURRAY: I would just like to thank  
24 everyone for taking time out of their Saturday morning to be here  
25 and express your concerns. I know it must be extremely

1 frustrating to put up with an inadequate sewer system for an  
2 extended period of time and -- and we do really appreciate  
3 hearing your concerns.

4 Thank you.

5 COMMISSIONER CLAYTON: I would just add in closing  
6 that of all the things that we do in Jefferson City at the Public  
7 Service Commission, we regulate electrical companies, gas  
8 utilities, water and sewer, and telecommunications to some  
9 extent, the most difficult issues that we face relates to small  
10 water and sewer utilities. And there are similar circumstances  
11 such as what you're facing right now that go on around the State  
12 for a variety of reasons. A lot of the entities that are  
13 involved we may regulate, we may not regulate them, or a need for  
14 a lot of money to go into the system do serve a few -- a number  
15 of customers.

16 And I know this is very frustrating, but we have  
17 dealt with a number of these issues around the State and can  
18 assure you that the Commission will do the best it can in trying  
19 to find an equitable and responsible solution here.

20 So having said that, I don't have any anything else.  
21 Any attorneys, any other comments?

22 MS. BAKER: I just want to thank everyone for coming  
23 in today because it is very important that these comments get  
24 before the Commission and that you feel that we're moving along  
25 on in the process. It is not going to be a fast process, it will



1 take some time, but we are moving ahead with it and we will get  
2 there.

3 COMMISSIONER CLAYTON: Yes?

4 UNIDENTIFIED SPEAKER: Meanwhile while this is taking  
5 time and everything, what about the sewage that's running into  
6 the creeks that are overflowing? Is there anything anybody can  
7 do about that?

8 MS. BAKER: It's my understanding that DNR is very,  
9 very aware of what is going on.

10 COMMISSIONER CLAYTON: I think the answer is that  
11 they have to be the ones to take action. We don't have the role  
12 of environmental compliance officer. Basically we relate to  
13 rates and adequacy of the system and not the environmental side.

14 Yes, ma'am?

15 UNIDENTIFIED SPEAKER: Once the Public -- PSC is  
16 overlooking this, the bills that are to be paid, will that start  
17 the day the authority is in place? You know what I --

18 MS. BAKER: We -- we may talk about this beyond.  
19 After we're done let's do another little quick question and  
20 answer, maybe.

21 COMMISSIONER CLAYTON: So you're going to stick  
22 around?

23 MS. BAKER: I will stick around.

24 COMMISSIONER CLAYTON: Okay. I want to -- I want to  
25 add from a personal level: If you are going to stick around and

1 have a conversation with either Staff or Public Counsel that --  
2 that you take advantage of having them here and ask the question,  
3 get the information. A lot of this is complicated, a lot of it  
4 is not, but take advantage of them.

5 On a personal level I also want if -- a concern was  
6 raised about my participation by someone who testified earlier.  
7 If you have a concern about that I'd ask that you convey that in  
8 confidence, even though you -- you don't have to give your name,  
9 but if you would talk to these folks. I take that very seriously  
10 and want to do the right thing here. So please don't hesitate  
11 conveying those concerns.

12 So having that we -- yes, sir?

13 LARRY WINKELMAN: I would like to get my name on that  
14 list, please. We don't have any comments or concerns, but we  
15 would like to be on the list there.

16 COMMISSIONER CLAYTON: Then why don't you just state  
17 your name? We'll put it in the record that you were here.

18 MR. WINKELMAN: Larry and Rebecca Winkelman. 1751  
19 Doll Road, Hermann, Missouri, 65041.

20 We're landowners in Salt River Resort number 12. We  
21 would like to know what's going on here, too, because this is  
22 about the second time we heard about this. We was never really  
23 informed about it, so we don't know what's going on.

24 COMMISSIONER CLAYTON: Okay. That -- you've been  
25 made part of the record now.

1                   Anything else?

2                   Hearing none.

3                   Commissioner Murray, we okay to close?

4                   COMMISSIONER MURRAY:   Yes.   Thank you.

5                   COMMISSIONER CLAYTON:  At this point we will go off  
6 the record and conclude the hearing.  Thank you for coming.

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I, Randall W. Wells, Certified Shorthand Reporter,  
Certified Court Reporter, do hereby certify that the proceedings  
had in the matter set forth in the caption page hereon were  
reported in shorthand by me, afterwards transcribed, and the  
foregoing is a true and complete transcript of said shorthand  
notes.

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