

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3
4 TRANSCRIPT OF PROCEEDINGS
5
6 Local Public Hearing
7 June 12, 2014
8 Hillsboro, Missouri
9 Volume 2
10
11 In The Matter M.P.B.,)
Inc.'s Request For Increase)
12 In Annual Sewer System)
Operating Revenues)
13) File No. SR-2014-0067
14)
In The Matter of P.C.B.,)
15 Inc.'s Request For Increase)
In Annual Sewer System)
16 Operating Revenues)
) File No. SR-2014-0068
17
18 RONALD D. PRIDGIN, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE
19
STEPHEN M. STOLL,
20 COMMISSIONER
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22 REPORTED BY:
AMANDA N. FARRAR, CCR
23 MIDWEST LITIGATION SERVICES
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APPEARANCES

For the Office of the Public Counsel:

MS. CHRISTINA BAKER

Governor Office Building, Suite 650

200 Madison Street

Jefferson City, Missouri 65102

christina.baker@ded.mo.gov

(573) 751-5565

For the Staff of the Missouri Public
Service Commission:

MS. COLLEEN M. DALE

Senior Counsel

Governor Office Building, Suite 900

200 Madison Street

Jefferson City, Missouri 65102

cully.dale@psc.mo.gov

(573) 751-4255

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

2 (The hearing commenced at 6:59 p.m.)

3 JUDGE PRIDGIN: Good evening. Welcome
4 to this evening's local public hearing in File No.
5 SR-2014-0068. I appreciate you being here for the
6 question-and-answer session.

7 I'm Ron Pridgin. I'm one of the judges
8 at the Missouri Public Service Commission and with
9 me this evening is Commissioner Stoll. He is one of
10 five commissioners.

11 What I will do here is in just a moment
12 is I will read an opening statement and again we've
13 already had a question-and-answer session and the
14 purpose of the rest of the hearing is to hear from
15 you. If you have any remarks that you'd like to
16 give to the commissioners, what I'll do is ask you
17 to be sworn. I've got a sign-in sheet and I have a
18 few people that have signed up and when we're done
19 with that list, I'll ask if there's anybody else who
20 would like to testify.

21 And basically I'll just ask you to come
22 to one of these two microphones and I'll swear you
23 in, I'll ask you a couple of preliminary questions
24 such as your name and if you're a customer of P.C.B.
25 and then I'll ask you to just make your remarks to

1 the commission. And if you would when you're
2 finished, please stay at the microphones in case I
3 have any questions or Commissioner has any
4 questions.

5 Is there any question about the
6 procedure before I begin with an opening statement,
7 start taking testimony?

8 It's all right.

9 All right. Seeing no questions, we'll
10 go ahead with an opening statement.

11 Missouri Public Service Commission
12 regulates the rates charged by investor-owned
13 utility companies in Missouri to ensure those rates
14 are just and reasonable. The commission also
15 regulates the quality of service and the safety of
16 the operations of those utilities. The commission
17 is made up of five commissioners, one of whom is
18 here with me this evening. The commissioners are
19 appointed by the Governor to fix terms and confirmed
20 by the Senate. The commissioners employ a staff of
21 engineers, accountants, attorneys, financial
22 analysts and other specialists in utility
23 regulation.

24 This is an official hearing of the
25 Commission and the statements and testimony will be

1 recorded by the court reporter and must be given
2 under oath. The purpose of the hearing is to hear
3 from you. The company will not present witnesses
4 and will not answer questions during this hearing.
5 This is your chance to testify.

6 I'll call the name of each witness who
7 is signed up and I will ask you when I call your
8 name to please come forward, I'll ask you to please
9 spell your name for the court reporter so she can
10 get it in the record correctly. I will ask you a
11 few questions such as your name and spelling and if
12 you're a customer of P.C.B. and then I'll ask you to
13 make your remarks for the Commission. Again, when
14 you are finished, if you'll please stay at the
15 microphone in case there are any questions from
16 myself or from Commissioner Stoll.

17 If there's someone here who wishes to
18 testify, but for religious reasons does not wish to
19 take an oath, if you'll please let me know and I'll
20 ask your testimony to be affirmed instead of sworn.

21 Any questions before we begin taking
22 testimony?

23 All right. Seeing none, let me see if
24 we have any entries of appearance from counselor,
25 please. Anyone on behalf of the staff of the

1 Commission?

2 MS. DALE: Colleen M. Dale, senior
3 counsel. Post Office Box 360, Jefferson City,
4 Missouri 65102 on behalf of the staff of the
5 Missouri Public Service Commission.

6 JUDGE PRIDGIN: Ms. Dale, thank you.
7 On behalf of the Office of the Public
8 Counsel, please.

9 MS. BAKER: Thank you. Christina Baker,
10 P.O. Box 2230 Jefferson City, Missouri 65102
11 appearing on behalf of the Office of the Public
12 Counsel and the customers.

13 JUDGE PRIDGIN: Ms. Baker, thank you.
14 Anyone else?

15 All right. The first witness I have
16 signed up is Linda Shaver. Did I read that
17 correctly? Linda Shaver here? No.

18 Karl Schwartz?

19 Jonathan Self. Are you Mr. Self?

20 MR. SELF: Yes.

21 JUDGE PRIDGIN: All right. If you'll
22 raise your right hand to be sworn, please, sir.

23 JONATHAN SELF,
24 was sworn to tell the truth and testified as
25 follows:

1 JUDGE PRIDGIN: Thank you very much,
2 sir. If you would please state your name and spell
3 it for the court reporter.

4 MR. SELF: Jonathan Self,
5 J-O-N-A-T-H-A-N, Self, S-E-L-F.

6 JUDGE PRIDGIN: Thank you. And
7 Mr. Self, are you a customer of P.C.B.?

8 MR. SELF: P.C.B., yes.

9 JUDGE PRIDGIN: All right. Do you have
10 any remarks for the Commission, sir?

11 MR. SELF: Yes. I think you guys ought
12 to just keep it, the rate at the current 24.03 for
13 the simple fact is the gentleman that's been taking
14 our moneys hasn't really done nothing in nine months
15 with the money that he's been receiving from the
16 paying customers for one, and two, if they would go
17 and make a list of all the people in the subdivision
18 and collect all the money, I don't see a need for a
19 rate increase. That's it.

20 JUDGE PRIDGIN: Mr. Self, thank you.

21 Commissioner Stoll, do you have any
22 questions?

23 COMMISSIONER STOLL: I don't have any
24 questions really, but I did want to make a brief
25 statement and welcome everybody here. Even though

1 I'm the only commissioner here tonight, that doesn't
2 reflect how important people feel the case is.
3 Because we have a court reporter, all of your
4 testimony will be transcribed and they will have the
5 opportunity to read that. It's just I'm the lucky
6 one who gets to be here tonight because I live in
7 Festus and I can go home after this. So, but we
8 really do appreciate you coming out, your testimony
9 is important to us and thank you for giving us that
10 information.

11 MR. SELF: Thank you.

12 JUDGE PRIDGIN: Mr. Self, thank you.

13 Sherry is it Weber? Weaver?

14 MS. WEBER: I would like my husband to
15 speak for it.

16 JUDGE PRIDGIN: Certainly. And that's
17 going to be Tom?

18 MR. WEBER: Yes, sir.

19 JUDGE PRIDGIN: Please come forward.

20 All right. If you'll raise your right
21 and be sworn please.

22 THOMAS WEBER,
23 was sworn to tell the truth and testified as
24 follows:

25 JUDGE PRIDGIN: Thank you very much,

1 sir. If you would, please state your name and spell
2 it for the court reporter.

3 MR. WEBER: Thomas Weber, T-H-O-M-A-S
4 W-E-B-E-R.

5 JUDGE PRIDGIN: And are you a customer
6 of P.C.B.?

7 MR. WEBER: Yes, I am.

8 JUDGE PRIDGIN: All right. Any remarks
9 for the Commission, sir?

10 MR. WEBER: We've lived at Centerwood
11 Village since 1991. In all those years of being
12 there I have seen much done at the sewer plant
13 because we live just -- we're two homes away from
14 the plant. I'd see tanker trucks go down, I'd see
15 maintenance crews go down.

16 Several years ago, from my
17 understanding, P.C.B. changed hands. When it
18 changed hands, all that stopped. It seems like
19 that's when the trouble began. So I believe the
20 last several years the money has just been taken,
21 nothing's been put out. So here we are today with a
22 sewer plant that's failing, with increases that are
23 astronomical.

24 And I too believe that if everyone in
25 the neighborhood was paying and had been paying

1 since the beginning, we wouldn't be in this spot. I
2 also believe that the regulations that are put on
3 these plants are so rigid that they can't do the
4 repairs and the upkeep and keep them regulated to
5 the rules and the codes.

6 Who in their right mind is going to step
7 up and say I'll take over. They're going to have to
8 put hundreds of thousands of dollars in these seven
9 systems in order to get them operational and
10 nobody's going to do that. I think everybody's
11 going to -- whoever is going to stand up it's
12 because there's something in it for them. Nobody's
13 going to do it for nothing.

14 And so I'm afraid we're going to pay 36
15 bucks a month and we're going to have a crippling
16 system still. We're not going to get the repairs
17 that are required. So, you know, that's my concern.

18 I too think that, that, that the
19 increase is way too much. And if P.C.B. would have
20 asked for these increases over the 28 years I've
21 been there, they may have and were turned down. You
22 can't do this, you can't do this. And that's what
23 left them holding the bag of, you know, of a bad
24 system. That's all I got.

25 JUDGE PRIDGIN: Mr. Weber, thank you.

1 Commissioner Stoll?

2 COMMISSIONER STOLL: So you've lived in
3 the subdivision 28 years and --

4 MR. WEBER: I've lived there 23 years,
5 but that system is 28 years old.

6 COMMISSIONER STOLL: Okay.

7 MR. WEBER: Thirty years old almost.

8 COMMISSIONER STOLL: And has it just
9 been in the last couple years that the problems have
10 really developed or?

11 MR. WEBER: It seemed like probably four
12 or five years ago from my knowledge P.C.B. changed
13 hands because the person that we contacted to send
14 our money to, that changed. They were in Washington
15 Missouri or something and during that time it seemed
16 like I didn't see near as much action going on. You
17 know, we used to see them tanker trucks come down
18 once a month. They'd come down and pump out the
19 systems, you know, and then, you know, they'd do
20 the -- they'd have maintenance crews, you'd see the
21 guy.

22 My mother-in-law, God rest her soul, she
23 lived right next door to me and when -- she even
24 talked to these people all the time and she died in
25 2010 and she complained back in 2010 that it wasn't

1 being taken care of the way it was.

2 Somebody had made a comment earlier

3 about the grass not being cut, the fences all that.

4 You walk down there and this looks like, you know,

5 like a third world country, you know, it's terrible.

6 And, you know, even when it was being operated, you

7 know, correctly, they did very little maintenance to

8 the cosmetics of it, you know. I know a sewer plant

9 is not supposed to be pretty to look at, but you

10 would think, you know, the water tower at the

11 entrance of the neighborhood they'd cut the grass

12 and maintain the property, you know. That didn't

13 look like it was ever happening.

14 COMMISSIONER STOLL: Okay. Well, thank

15 you for your testimony.

16 MR. WEBER: You bet.

17 JUDGE PRIDGIN: Mr. Weber, thank you.

18 Jim O'Dell?

19 MR. O'DELL: That's me.

20 JUDGE PRIDGIN: Yes, sir. If you'll

21 raise your right hand to be sworn in, please.

22 JAMES O'DELL,

23 was sworn to tell the truth and testified as

24 follows:

25 COMMISSIONER STOLL: Thank you, sir. If

1 you'll state your name and spell it for the court
2 reporter.

3 MR. O'DELL: I'm James O'Dell, J-A-M-E-S
4 O, apostrophe, D-E-L-L.

5 COMMISSIONER STOLL: And are you a
6 customer of P.C.B.?

7 MR. O'DELL: I am.

8 COMMISSIONER STOLL: All right. Any
9 remarks for the Commission, sir?

10 MR. O'DELL: Yes. I've also been in the
11 neighborhood for several years, since 1986, and they
12 did used to take very good care of our sewer systems
13 and, like Tom said, over the last few years they
14 quit. But one of the comments I have, I don't mind
15 paying a little more if I know what we're getting
16 for our money.

17 Right now it doesn't seem like you guys
18 have any kind of a structured system here. You
19 don't have a company. You don't have any employees.
20 You don't have any kind of structure whatsoever. So
21 how can we pay for something that we don't even know
22 what we're getting. You know, how can we increase
23 our money to give to somebody for salary. That
24 don't work. We got to get somebody in there to take
25 care of the system. That's really all I've got.

1 COMMISSIONER STOLL: Well, I appreciate
2 your comments. I know that folks are working to
3 solve this problem. Our staff is here and the
4 Office of Public Counsel. And again, we'll take
5 these comments to -- I'll take these to the rest of
6 the Commission.

7 MR. O'DELL: I've dealt a lot with MSD
8 and other sewer districts in the area. We don't
9 have an MSD here. We don't have anything here.

10 COMMISSIONER STOLL: Right.

11 MR. O'DELL: So, I mean, until we see
12 something structured, I can't see us paying anymore
13 money for what we have.

14 COMMISSIONER STOLL: Central sewage
15 system in Jefferson County is something that's very
16 important and we have a lot of subdivisions out
17 there that have the on-site treatment and I know
18 what you mean.

19 MR. O'DELL: I actually had an on-site
20 system and I got rid of it to tie onto the sewer
21 system because I thought it would be better.

22 COMMISSIONER STOLL: Yeah.

23 MR. O'DELL: I guess I'll have to go
24 back to my septic.

25 COMMISSIONER STOLL: Thank you for

1 testimony.

2 MR. O'DELL: Thank you.

3 JUDGE PRIDGIN: Mr. O'Dell, thank you.

4 I don't have anyone else who has signed
5 up. Is there anyone else who has remarks? I see a
6 few volunteers. I'll let you. Since everybody's
7 hand went up at once, if you'll come forward and.

8 Thank you. Can I get your name, please.

9 MR. SADLER: My name's Tim Sadler.

10 JUDGE PRIDGIN: All right. If you'll
11 raise your right hand to be sworn, please.

12 TIM SADLER,
13 was sworn to tell the truth and testified as
14 follows:

15 JUDGE PRIDGIN: All right. Thank you,
16 sir. If you'll state your name again and spell it
17 for the court reporter.

18 MR. SADLER: My name's Tim Sadler, T-I-M
19 S-A-D-L-E-R.

20 JUDGE PRIDGIN: And are you a customer
21 of P.C.B.?

22 MR. SADLER: No. I live in Lake
23 Virginia.

24 JUDGE PRIDGIN: All right. Thank you.
25 And your remarks for the Commission.

1 MR. SADLER: Yes, sir. We've lived out
2 there. My wife bought the house back in March or
3 somewhere around there and we didn't even know we
4 had a sewer bill for five, six months. So in
5 September we got a bill and no problem paying it.
6 And then they add this extra fee on it and when I
7 asked her what it was for, they said it was to pay
8 this man's salary over here and for helping with the
9 sewers and stuff.

10 Since I've been there, not one thing's
11 been done to our sewer. The grass has all grewed
12 up, the fences are down, no chemicals have been put
13 in it, so I'm sure it's running over in the creek.
14 I mean, I keep getting smoke thrown at me saying,
15 well, we're going to do this or this is, but nothing
16 has been done.

17 We asked about the people paying. Some
18 of us pay and some of us ain't. They're saying they
19 can't make them pay. Why should I pay and I get the
20 same thing that these people get. If they're going
21 to put a new system in and half of us is going to
22 pay for it and the other half is going to enjoy it,
23 it's not going to happen.

24 I'm about ready to go back and put my
25 house up for sale because this is crazy. I'm paying

1 money since last September and I'd like to know
2 where the money's going. All I keep hearing is this
3 guy's getting paid and it's for emergencies. Well,
4 nothing's been touched in our subdivision. I'd sure
5 appreciate if you guys could find out what the
6 heck's going on with our money. And if a new system
7 goes in, are they going to force everybody to pay
8 for it or is it just going to be the ones who's
9 paying for it now? I mean, they couldn't answer me.

10 COMMISSIONER STOLL: Are you a customer
11 of M.P.B. then I guess?

12 MR. SADLER: Yes.

13 COMMISSIONER STOLL: Okay.

14 MR. SADLER: I have no problem paying,
15 sir, if I'm getting something for it. Same as you.

16 COMMISSIONER STOLL: Yep.

17 MR. SADLER: You have no problem paying
18 at a gas station as long as you getting that gas.

19 COMMISSIONER STOLL: No. You're right.

20 MR. SADLER: Nine months and we have not
21 even seen one person out there. It's kind of scary.
22 I mean, most of these people are retired and on
23 fixed incomes and stuff in there and they're saying
24 if they're going to come in there and rip that out
25 and put a whole new system in, they couldn't even

1 tell us how much it's going to be or nothing. These
2 people can't pay for that. I mean, like I said, I'm
3 about ready to put my place up for sale because
4 they're literally scaring the crap out of me. So
5 maybe you guys can do something or I don't know, but
6 I'd appreciate it.

7 COMMISSIONER STOLL: Yeah. I appreciate
8 your testimony and it's something we -- will be
9 worked on.

10 MR. SADLER: Thank you.

11 JUDGE PRIDGIN: Thank you.

12 I think I saw one or two more hands.

13 Yes, sir. If you'd like to come up.

14 And if I could have your name, please, sir.

15 MR. HURTGEN: Name's Herold Hurtgen.

16 JUDGE PRIDGIN: All right. If you'll
17 raise your right hand to be sworn, please.

18 HEROLD HURTGEN,
19 was sworn to tell the truth and testified as
20 follows:

21 JUDGE PRIDGIN: Thank you, sir. Again,
22 if you'll state your name and if you'll spell it for
23 the court reporter.

24 MR. HURTGEN: Name is Herold Hurtgen,
25 H-E-R-O-L-D H-U-R-T-G-E-N.

1 JUDGE PRIDGIN: And are you --

2 MR. HURTGEN: I'm a M.P.B. customer.

3 JUDGE PRIDGIN: You're a M.P.B.

4 customer, yes, sir.

5 MR. HURTGEN: Lake Virginia.

6 JUDGE PRIDGIN: All right. And your
7 statement for the Commission.

8 MR. HURTGEN: Right now they got the
9 current charges as 7.94, incorrect. I'm paying
10 13.91 Lake Virginia per month. They said it was 200
11 customers M.P.B. That's just in your subdivision,
12 makes 200. If they can't tell the rate increase
13 \$419.76 a year comes out to \$83,896, and tonight
14 they told me if the other companies don't have the
15 money to pay the bills, they take the money M.P.B.
16 and pay the bills. Why should -- why should we pay
17 somebody else's sewer bills?

18 I don't mind paying, but I want
19 something to be done. I've been living there since
20 1988. There's not a thing been done in the lagoons.
21 I called M.P.B. and the other people have complaint
22 about and that's all as far as it went. Grass,
23 mosquitoes, smell, it's ridiculous.

24 And they said they only got -- they got
25 two lagoons. There's actually three lagoons at Lake

1 Virginia. Needs to be taken care of. I'm really
2 upset on this situation. Thank you for your time.

3 JUDGE PRIDGIN: Thank you very much.

4 COMMISSIONER STOLL: I understand.

5 Thank you for your testimony.

6 JUDGE PRIDGIN: Was there any other -- I
7 got a couple, two, three, four. I'm here as long as
8 you're here. Somebody grab a microphone.

9 All right. If I can get your name,
10 please, sir.

11 MR. FAULKNER: Joseph Faulkner.

12 JUDGE PRIDGIN: All right. If you'll
13 raise your right hand to be sworn, please.

14 JOSEPH FAULKNER,
15 was sworn to tell the truth and testified as
16 follows:

17 JUDGE PRIDGIN: Thank you. Again, if
18 you'll state your name and spell it for the court
19 reporter.

20 MR. FAULKNER: Joseph, J-O-S-E-P-H,
21 Faulkner, F-A-U-L-K-N-E-R.

22 JUDGE PRIDGIN: And are you a customer
23 of?

24 MR. FAULKNER: M.P.B., Lake Virginia.

25 JUDGE PRIDGIN: All right. Whenever

1 you're ready, sir.

2 MR. FAULKNER: I've lived in the
3 subdivision for 12 years. My question to you is:
4 Shouldn't DNR have some responsibility to blame for
5 this because, obviously, these systems have gotten
6 to the point to where now they're unmanageable. So
7 basically they got to the point where they're out of
8 control, they're not meeting the standards that the
9 current codes require. So now they're in -- going
10 to be shut down if, in fact, they don't bring them
11 up to code.

12 So why is it taking DNR so long to come
13 to these companies or even the State and say you
14 need to get on these companies to make sure they
15 meet all the guidelines and maintenance because so
16 now all that's falling on us. So I mean, if the
17 company that's providing our service is not giving
18 us any service for our moneys, basically DNR needs
19 to, you know, take some responsibility for that.

20 The subdivision is, you know, it's a
21 nice subdivision, a lot of nice houses like most of
22 these folks said, you know, but it's unfortunate
23 that we're going to -- you're not going to be able
24 to hold anybody accountable for not paying these
25 sewer bills and if we get a new -- like we're

1 required to get a new plant or whatever the case may
2 be, then, you know, if we're paying -- you know, me
3 too, I don't mind paying a little more. You know, I
4 understand things go up and that's understandable,
5 but going from, you know, \$10 to \$30, you know,
6 that's a significant increase per month and most of
7 these fixed incomes that most of these folks in this
8 subdivision have, I don't think that's acceptable.

9 So I just think that, you know, we need
10 to make sure that the State is regulating. Even
11 though this gentleman that we're paying our money
12 to, he was stumbling a lot when he was telling us
13 what he was doing because, obviously, this gentleman
14 is not doing what he -- what I believe he should be
15 doing. He needs to get out there, go from house to
16 house if that's what was required to make sure these
17 folks and know what is, in fact, hooked into the
18 systems and know who is paying and who is not
19 paying. That's really all I have.

20 COMMISSIONER STOLL: Did you ask any of
21 those questions when you --

22 MR. FAULKNER: Yes. And he stumbled a
23 lot. So I don't know exactly what his
24 qualifications for -- are for this particular
25 position. If he's a manager, if that's what his job

1 is to manage, then my suggestion is to get a subject
2 matter expert and whatever the plant, the
3 operations, that's who should be managing, not this
4 guy.

5 COMMISSIONER STOLL: Thank you for your
6 testimony.

7 JUDGE PRIDGIN: All right.
8 Mr. Faulkner, thank you very much.

9 All right. I saw some other hands.

10 JUDGE PRIDGIN: If you'd state your
11 name, please.

12 MS. KLUEGEL: Judy Kluegel.

13 JUDGE PRIDGIN: All right. If you'll
14 raise your right hand to be sworn in, please.

15 JUDY KLUEGEL,
16 was sworn to tell the truth and testified as
17 follows:

18 JUDGE PRIDGIN: Thank you so much. If
19 you'll state your name and spell it for the court
20 reporter.

21 MS. KLUEGEL: Judy, J-U-D-Y, Kluegel,
22 K-L-U-E-G-E-L.

23 JUDGE PRIDGIN: And who is your sewer
24 service provider, please?

25 MS. KLUEGEL: P.C.B.

1 JUDGE PRIDGIN: Statement for the
2 Commission.

3 MS. KLUEGEL: It started 2009 when it
4 changed hands. I paid all my bills on time. I've
5 got all my bills from that date. If you ever want
6 to see anything, just give me a holler because I've
7 got every one. My checks were being held, they
8 weren't being cashed. I called. I complained about
9 two and a half years ago and started some kind of
10 ball rolling because then things started happening.

11 But what I want to know is why did it
12 take so long for all this to come to a head all at
13 once when -- all right. We're being penalized
14 because of failure for the government or whomever is
15 in charge. Keeping an eye on these guys, I did a
16 better job of that sitting in my home knowing that
17 my bills weren't -- you know, my checks are being
18 held, my bills weren't coming on time, you name it,
19 but I still paid them because I was told by the
20 government when I called that if I didn't pay my
21 bill, they could charge me extra. So here I am
22 paying my bill all these years and now I'm being
23 penalized with an intermine -- inter -- I can't say
24 the word right, because of other people not paying
25 theirs.

1 I have a neighbor that was actually
2 laughing about it saying, why pay it, you know, I
3 can flush my toilet. Well, now here we are paying
4 extra that I have to pay extra. I have called
5 Mr. Johansson, I have complained to him, I have
6 complained to him definitely about -- all right.

7 I called and I called him in -- over two
8 and a half months ago, I'm sorry I'm shaky, two and
9 a half months ago stating my concern about the trees
10 that had fallen. I called him in the middle of one
11 heck of a thunderstorm. It was bad. It was
12 flooding. The tree fell and it went over top. The
13 pipe goes across the creek. All right. I've seen
14 the water go over that pipe and I kind of wondered,
15 but now the tree's there, there's other trees there.
16 I called him. He said, oh, we're having lots of
17 rain here. I have a really good, efficient
18 maintenance crew and I'll have them right there.

19 Guess what, I don't know how many more
20 trees are backing up on that, but when that thing
21 breaks, that pipe is going to -- I mean, it's a
22 sewer pipe. It's not that big. But these trees
23 have been laying there now for over two months.
24 Nothing's being done.

25 The billing, I called him and I said

1 something about the billing. I've got -- this is
2 ridiculous. The last bill we got was in April and I
3 pay it right away. I started paying it through the
4 bank so that I had something I could go back on. I
5 have a paper trail that goes from 2009 when P.B.C.
6 changed hands and this is ridiculous.

7 We're being penalized for something that
8 nobody took -- nobody cared about. All at once, now
9 there's some money involved, everybody's caring
10 about it. The rates are outrageous at one time,
11 especially when we can't see what's being done now
12 at all. So I think something ought to be done,
13 that's period.

14 And like I said, if you want to know
15 anything about bills, just give me a call because
16 I've got every bill from P.C.B. and everything
17 stating that I tried so hard to pay these bills.

18 COMMISSIONER STOLL: I understand your
19 frustration. Thank you for your testimony.

20 MS. KLUEGEL: You're welcome.

21 JUDGE PRIDGIN: All right. Anyone else?

22 Yes, ma'am.

23 MRS. HURTGEN: I'm Barbara Hurtgen. I
24 live in Lake Virginia.

25 JUDGE PRIDGIN: All right. If I can get

1 you to raise your right hand and be sworn please.

2 BARBARA HURTGEN,

3 was sworn to tell the truth and testified as

4 follows:

5 JUDGE PRIDGIN: Thank you very much.

6 Again, if you'll state your name and spell it for

7 the court reporter.

8 MRS. HURTGEN: Barbara Hurtgen,

9 B-A-R-B-A-R-A H-U-R-T-G-E-N.

10 JUDGE PRIDGIN: And I'm sorry. You're a

11 M.P.B. customer?

12 MRS. HURTGEN: Yes.

13 JUDGE PRIDGIN: All right. Do you have

14 a statement for the Commission?

15 MRS. HURTGEN: Yes. We've lived here

16 since '88. The last meeting you stated that one of

17 our lagoons were a bridge. So that means that water

18 has been running specially since all the floods have

19 been around. We have a creek that's lower part of

20 the subdivision and water did get up almost into a

21 person's house, which is the time that De Soto got

22 flooded and the lower part of Hematite got flooded

23 and the Joachim Creek is on the other side where the

24 nuclear plant is. If we ever breach one, don't you

25 think that's a priority to get out there and take

1 care of it?

2 Second of all, we've had homes, they
3 told us if there's problems with our lagoon, that
4 the lower properties -- now, our land, the houses
5 out there are appraised for over \$100,000 and above.
6 We're not a cheap little trailer park. These people
7 is taking care of their homes. They said at last
8 meeting if you're having problems, you'll start
9 having backup in the lower part. They had people
10 that's had backup into the basements. They called.
11 And, of course, we didn't know who to call.

12 So then we got the letter and they
13 called them and said, you know, these are like -- I
14 work for the government, this other guy worked for
15 the government. He opened up the main pipe and it
16 was full. He even did some looking and offered to
17 even put a camera to see if weeds or roots was
18 backing into his house, and so that was the first
19 house. Then a little higher up the same thing with
20 them. It backed up, water came to theirs. They
21 came out, sure enough, it was full. Where the main
22 drains were there was roots and stuff that has never
23 been taken care of.

24 Why don't you guys go after the
25 companies that had this was not doing, not keeping

1 up code according to -- we would have to keep up
2 code if it's on our property. If something's wrong
3 with our septic tank and it was doing some damage to
4 other people's properties or what, you would send
5 somebody out to tell us to get it fixed.

6 We had people come out and told us only
7 a little bit of water got on a little tiny pond and
8 my husband was in the hospital and I had 30 days to
9 get that covered up or put fish in it, and it was
10 only about an inch or water, and yet the lagoon
11 hasn't had any chemicals put in it. We got
12 septic -- I mean, it's a lagoon, but we're having
13 mosquitoes so bad you can't even step out at night.
14 Early in the mornings it is -- we got across the
15 road we have the nuke plant that they're digging up,
16 we got water running there. We are surrounded by
17 mosquitoes. Now, are we going to have to get sick
18 before somebody realizes something's wrong?

19 If we got a lagoon that is leaking into
20 possibly that little creek and when we have all this
21 rain, that's going to run into Joachim. Now, you
22 can't tell me that that's possibly polluting. So
23 who's going to pay for all this? If you know that
24 you have a problem, don't you think that should be a
25 priority? If a tree's down and it's causing a

1 problem, that's priority.

2 You know, we pay our taxes, but what is
3 going on? You just left us out in the little old
4 town of Hematite or wherever these people are from.
5 We don't mind paying. We pay our bills. If
6 somebody is contracted by the government and I was a
7 purchase agent, that person has to answer to me. Do
8 you guys -- does he answer to you? Are you
9 contracted to him? Are you paying anything of his
10 salary? If he's hired only by us, then he should be
11 answering to us.

12 We want things done because if it's
13 causing a public problem and it gives into somebody
14 else's land or into water or the sewers, you're
15 going to come to us and say we're contaminating.
16 And it's not that we don't want to fix a problem,
17 but you guys said you was going to fix it, but now
18 we're getting billed again. It's like wait a
19 minute.

20 All we're asking is just be honest with
21 us. Are you going to do something or not do it, or
22 tell us just because we live in Hematite and there's
23 only -- there's close to 40 houses. We're not a
24 shack. I mean, our homes are worth something, we're
25 paying taxes and we're going to be put aside and let

1 somebody else who has 75 homes, they're going to
2 take care of them. It's not fair. We're not out
3 here in the boondocks.

4 Why can't you hook us up to the public
5 water? There's the new system in Festus. We're
6 7 miles out of Festus. You can tell us you can't
7 take the idea of maybe hooking up to their sewer
8 system? You know, there's got to be some way of
9 taking care of us. If we were paying our taxes --
10 if people's not paying, put a lien on their
11 property. If they're not paying on the road
12 association and they're driving up the road, we put
13 a lien on their house after so many warnings because
14 we're living there. We're trying to maintain our
15 home.

16 Why isn't Jefferson County doing this to
17 people? Why aren't you going after the companies
18 that had these properties, I mean, had these sewage
19 system? They were not doing their job, so that
20 means somebody's not monitoring them. Don't you
21 drive around and have people to check to make sure
22 that they're up to standard because somewhere along
23 the line somebody's failing.

24 COMMISSIONER STOLL: The folks that own
25 your sewer company, it was a private operation and

1 evidently they walked away from that -- the P.C.B.
2 and M.P.B. are both in receivership and that's why
3 we're here, to figure out how to get you back so
4 that --

5 MRS. HURTGEN: Why don't you go after
6 them for all the money that we paid them?

7 COMMISSIONER STOLL: I can't really
8 answer questions.

9 MRS. HURTGEN: I know. I'm just
10 throwing it out to you.

11 COMMISSIONER STOLL: Yeah. But I
12 understand that you, you want to get -- you don't
13 mind paying, you want to get what you pay for and
14 that would be our goal to get you back to that
15 status.

16 MRS. HURTGEN: But we don't want -- if
17 this creek -- if ours is going into the creek, we
18 don't want somebody to come up and say we've been
19 polluting and then we all have a big fine. It's not
20 our fault. We didn't know about. So we're just
21 asking. And they knew about it at the last meeting
22 and so --

23 COMMISSIONER STOLL: If you, if you'd
24 like to maybe to have some of the questions
25 answered. I don't know if -- what can be answered

1 and what can't at this time, but Office of Public
2 Counsel or our staff, maybe talk to them privately,
3 but we are working -- I mean, it is being worked on.

4 MRS. HURTGEN: Okay. Well, you can't
5 blame -- especially mosquitoes, because there is
6 small children and some older ones out there and we
7 sure don't want anybody to get sick.

8 COMMISSIONER STOLL: I understand.

9 MRS. HURTGEN: Thank you.

10 COMMISSIONER STOLL: Thank you for your
11 testimony.

12 JUDGE PRIDGIN: Thank you very much,
13 ma'am.

14 All right. Anyone else?

15 Yes, sir. If you'll state your name,
16 please.

17 MR. HAYDEN: Dan Hayden, H-A-Y-D-E-N.

18 JUDGE PRIDGIN: And if you'll raise your
19 right hand to be sworn, please.

20 DAN HAYDEN,
21 was sworn to tell the truth and testified as
22 follows:

23 JUDGE PRIDGIN: Thank you. So once
24 again, if you'll state your name and spell it for
25 the court reporter.

1 MR. HAYDEN: Dan Hayden, H-A-Y-D-E-N.

2 JUDGE PRIDGIN: And who is your sewer
3 provider?

4 MR. HAYDEN: P.C.B.

5 JUDGE PRIDGIN: And do you have a
6 statement for the Commission?

7 MR. HAYDEN: Yes, sir, I do. First of
8 all, I'm going to go into a little bit of a
9 different direction here in my statement.

10 I kind of blame Missouri Public Service
11 Commission for our problems and why is that? Let me
12 tell you. I talked to the owner before he had to
13 step away. He said he approached the Public Service
14 Commission several times to seek a rate increase.
15 We did not -- we moved in Wedgewood, we're in plat
16 2, in 1987. To my knowledge, the day that we moved
17 in our bill monthly was not monthly, but it was
18 every three months, but it was \$13 something a
19 month, it came out to \$13 a month, which was, you
20 know, no problem at all.

21 And as prices increase, as we do realize
22 that things do increase, and he tried to maintain
23 the system, and as prices increased, he did try to
24 seek adjustments on his rates through the Public
25 Service Commission and they were denied. For what

1 they were denied, I don't know.

2 We had the meeting a few months ago and
3 they did an emergency increase of \$24 I believe it
4 is, which is 100 percent increase. Now, if you
5 consider from 1987 to that date, that \$10 increase
6 monthly is not unreasonable I don't think if we're
7 getting service for that, if we're getting
8 satisfaction.

9 The people with the lagoon seem like
10 they have a lot bigger problem than we do with our
11 mechanical systems; however, after -- I'm on the
12 board, so you can imagine the phone calls that I've
13 been getting ever since this started. These guys
14 had it easy tonight in the question-and-answer
15 period compared to the board members at Wedgewood.

16 Anyhow, so they did provide some service
17 initially when they took over. Now, our
18 understanding was when I talked to the Public
19 Service Commission that the gentleman did walk away,
20 but we had a pump problem and they did --
21 Mr. Johansson and ECO did come in, they pumped the
22 sludge up from above, replaced the pump, but they
23 took all the sludge and put it in our unit down at
24 the bottom of the hill. When they did do the pump
25 down, we thought they were going to take it to a

1 reservoir and dispense it in a reservoir.

2 And so I could understand and I could go
3 along and agree with 100 percent increase.
4 Three-hundred increase without seeing anything done
5 with our system, you can understand our
6 disappointment and our suspicion.

7 Now, one thing I have done, I've talked
8 to DNR. Quite frankly, I thought that DNR was more
9 of a badass system than they are. They're kind of
10 pussycats, because they have allowed things to
11 happen that I was surprised. I had residents
12 telling me they're calling Channel 4 News and I
13 started thinking, well, we've got a place down here
14 in Murphy that they're going to shut down because
15 their sewer system. That's the power of the Public
16 Service Commission, that's the power of our State
17 government, what we can do.

18 None of us want to lose our house to
19 that. None of us want to lose these systems. Our
20 system has not worked properly after questioning
21 several people for over seven years.

22 We have an aeration system, a
23 de-sludging system and an ultraviolet purification
24 system. The ultraviolet purification system has not
25 worked properly for over seven years. This is all

1 things that I found out once I started questioning
2 the gentleman at the Public Service Commission.

3 I retired from Laclede gas. I know the
4 power of the Public Service Commission, trust me.
5 I've been to rate cases. You guys are badass. You
6 guys are a hell of a lot more badass than the DNR,
7 which I thought was the badasses. You guys can do
8 things.

9 We don't mind paying the money, the
10 100 percent increase, the emergency upgrade, we
11 don't mind that, it's ten bucks, but we got to see
12 something for our money, we just got to.

13 These people here, the tragedies I'm
14 hearing, hell, we got it pretty good over at
15 Wedgewood. We have odor. We have discharge into
16 the creek. We do understand that the new owner of
17 P.B.C., which is the one that walked away, they were
18 not the original owners of P.B.C. When we moved in
19 there, they were the good owners, then we got the
20 second owner and he falsified records, he falsified
21 samples and no one got into his, almost said a bad
22 word, into him until it was too late and he also
23 approached the Public Service Commission to try to
24 get a comparable rate increase.

25 These are things that I've been told.

1 How honestly I've been told, I don't know, but my
2 statement is simply this: I don't mind a rate
3 increase of 100 percent, of \$24, where we're
4 standing right now. Another -- and my wife and I
5 are on fixed income and I know a lot of these people
6 are on. By the way, thank you for your service,
7 sir.

8 So if -- when you decide this case,
9 please listen to our plea that we want systems safe,
10 we want systems that work. We don't mind paying a
11 fair price. One-hundred percent, that's cool,
12 because the guy's never had an increase since 1987,
13 so I can see the 24 bucks. I don't like it, but,
14 hell, you know, I don't like the price of gas
15 either. So that's really all I have to say.

16 COMMISSIONER STOLL: My question would
17 be is the same gentleman who didn't operate the
18 system properly, the second owner, is he the same
19 one who told you he went to the PSC and asked for a
20 rate increase?

21 MR. HAYDEN: Yes, he did, and as did the
22 previous owner. That's why he -- the previous
23 owner, the first owner said he couldn't afford to
24 run the systems anymore. He had to get rid of it
25 because he was unable. Now, again, how honest are

1 these people when they talk to an individual. They
2 don't know me from Adam. You know, when I walk
3 down -- when I walk down to our treatment plant, I
4 start talking or questioning these people because
5 I'm so tired of the phone calls, I'm so tired of
6 being cussed out by the constituents in my
7 subdivision.

8 And by the way, the gentleman made a
9 statement that in our subdivision all they had to do
10 was come to the board. We will give them a list of
11 everyone that lives in our subdivision, and so
12 that's no problem to find out who they can bill. I
13 don't buy that part of his story. I just don't buy
14 that. You call the County Assessor's Office,
15 they'll provide you, even if you have to summon that
16 information, they will provide you that information.

17 But so both owners as far as I know that
18 I've been told had went before the public -- well,
19 hearsay they went before the Public Service
20 Commission and seeked a rate increase.

21 COMMISSIONER STOLL: My comment would be
22 you ought to talk privately with our staff regarding
23 that.

24 MR. HAYDEN: Okay.

25 COMMISSIONER STOLL: And I too -- I

1 really do understand your frustration. If I had the
2 problems that you had and the other folks you've
3 described, I'd be, I'd be feeling the same way. So
4 we will do what we can to put this in order and I
5 guess I won't say anything more than that right now.

6 MR. HAYDEN: Well, thank you for calling
7 this meeting and thank you to the people who showed
8 up. I really appreciate it.

9 COMMISSIONER STOLL: Maybe, Jim, would
10 that be a fair question for you after?

11 MR. JIM: I would be happy to speak with
12 him at any time.

13 COMMISSIONER STOLL: This gentleman
14 right back here would be a good one for you to talk
15 to when it's over.

16 MR. HAYDEN: Thank you, sir.

17 COMMISSIONER STOLL: Thank you.

18 JUDGE PRIDGIN: Are you wanting to come
19 forward to testify? State your name, please.

20 MR. GOSTLING: Dean Gostling.

21 JUDGE PRIDGIN: Okay. If you'll raise
22 your right hand to be sworn, please.

23 DEAN GOSTLING,
24 was sworn to tell the truth and testified as
25 follows:

1 JUDGE PRIDGIN: Thank you, sir. If
2 you'll again state your name and spell it for the
3 court reporter.

4 MR. GOSTLING: Dean Gostling, last name
5 G-O-S-T-L-I-N-G.

6 JUDGE PRIDGIN: And who is your sewer
7 provider, please?

8 MR. GOSTLING: P.C.B.

9 JUDGE PRIDGIN: All right. And your
10 statement, please.

11 MR. GOSTLING: I've been a resident
12 there over in Sandy Heights now for eight years.
13 I've seen the decline since the new owners took over
14 at P.C.B. I would just like to formally go on the
15 record and request you to deny Mr. Johansson his
16 rate increase. He said he's never seen any
17 information from the water company, the bills and
18 how much usage is. I'd like to submit that to you.
19 I've got that right here. It's my last two months
20 of water bills.

21 JUDGE PRIDGIN: I'll have this marked as
22 Exhibit 1. I can keep this, correct?

23 MR. GOSTLING: Correct.

24 (Exhibit No. 1 was marked for
25 identification.)

1 MR. GOSTLING: What he is requesting
2 exceeds what I paid monthly for water. I've seen
3 zero maintenance done on our plant as some of the
4 other people here. I don't mind paying the \$24 a
5 month. I think the 13.59, quite frankly, wasn't
6 enough to cover expenses but, you know, 24 is a fair
7 price. It's similar to what I paid up in St. Louis
8 County to MSD. Don't have an issue with that at
9 all, but anything more is not worth it. Thank you.

10 COMMISSIONER STOLL: Appreciate your
11 comments.

12 JUDGE PRIDGIN: And Mr. Gostling, thank
13 you. And just to be sure that counsel knows,
14 they'll get to see it. This is a bill for you from
15 Public Water Supply District number 7; is that
16 correct?

17 MR. GOSTLING: It is indeed.

18 JUDGE PRIDGIN: All right. It's dated,
19 well, recently, May --

20 MR. GOSTLING: It's last month. I just
21 got it today.

22 JUDGE PRIDGIN: Very good. Thank you
23 very much.

24 All right. Anyone else? Yes, sir. Had
25 you spoken already?

1 MR. SELF: Yes.

2 JUDGE PRIDGIN: All right. You're still
3 under oath. And tell me your name again, please.

4 MR. SELF: Jonathan Self.

5 JUDGE PRIDGIN: Okay. When you're
6 ready.

7 MR. SELF: I'm just curious. Now, when
8 is this going to be heard and when are we going to
9 find out what the results are, you know, and who
10 will we hear that from? Will we hear it from P.C.B.
11 or will we hear it from the Commission itself?

12 JUDGE PRIDGIN: That's something that
13 can be handled outside the testimony. I don't have
14 a short answer, but if you'll talk to Ms. Baker or
15 Ms. Dale, they'll have an idea. They'll be able to
16 give you some direction on that.

17 MR. SELF: Okay. Thank you.

18 JUDGE PRIDGIN: You're welcome. Any
19 other witnesses?

20 All right. Anything from counsel?

21 MS. BAKER: No.

22 MS. DALE: No.

23 JUDGE PRIDGIN: Commissioner Stoll, any
24 closing remarks?

25 COMMISSIONER STOLL: No. Just thanks

1 for coming out. It really was -- you know, it's not
2 always pleasant the things we hear, but it's good to
3 hear from the folks that are affected by these
4 issues and I appreciate you coming out tonight.

5 JUDGE PRIDGIN: And I would echo
6 Commissioner Stoll's comments. Thank you for coming
7 out on a rainy evening and speaking your mind. This
8 is what makes the system work and we appreciate it
9 very much. That will close tonight's local public
10 hearing in File No. SR-2014-0068. Thank you. We're
11 off the record.

12 (The hearing concluded at 7:45 p.m.)
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1 CERTIFICATE OF REPORTER

2 I, Amanda N. Farrar, a Certified Court
3 Reporter for the State of Missouri, do hereby
4 certify that the witnesses whose testimony appears
5 in the foregoing transcript were duly sworn; the
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11 taken, and further that I am not a relative or
12 employee of any attorney or counsel employed by the
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14 interested in the outcome of the action.

15

16

17

Certified Court Reporter

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