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For Staff of the Missouri Public Service Commission:

Mr. William K. Haas
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For House Springs Sewer Company, Inc.:

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

2 JUDGE JORDAN: And there we are. We are on the
3 record, and we are recording now. Missouri Public Service
4 Commission is calling Case Number SC-2008-0409, Scrivner
5 versus House Springs Sewer Company. The parties --
6 counsel make their entry of appearance, please?

7 MR. MILLER: Danny Miller for House Springs
8 Sewer Company.

9 MR. HAAS: William K. Haas, appearing for the
10 Staff of the Public Service Commission.

11 JUDGE JORDAN: And for the record, who else is
12 present, Counsel?

13 MR. MILLER: Pat Fribis on behalf of House
14 Springs Sewer Company.

15 MR. HAAS: And we have three Staff members
16 present, Jim Busch, Jim Merciel and Steve Loethen.

17 JUDGE JORDAN: Well, Counselors, I don't see our
18 Petitioners present. Have you seen them in the building?

19 MR. MILLER: I have not.

20 JUDGE JORDAN: Have you had any communications
21 from them as to whether they will appear?

22 MR. HAAS: We have not.

23 JUDGE JORDAN: I haven't either. We have waited
24 until 10:15.

25 MR. MILLER: Well, I think we may have --

1 JUDGE JORDAN: No. No. That's the Commission's
2 advisor.

3 MR. MILLER: Oh, okay.

4 MR. SMITH: Hello. Everything good?

5 JUDGE JORDAN: As far as I know. I didn't mute
6 it and we're recording.

7 MR. SMITH: We're streaming, recording. We're
8 good.

9 JUDGE VOSS: Who are you looking for?

10 JUDGE JORDAN: We're looking for the
11 Petitioners, and they have not appeared. So I will ask
12 Counsel how you wish to proceed.

13 MR. MILLER: One, Judge, we can either -- I
14 mean, I'm happy to either take a default -- you know your
15 procedures here better than I do. I mean, I'm happy to
16 request that it be dismissed, or if you want to hear the
17 evidence and make a decision based upon that, I'm happy to
18 do that, too.

19 JUDGE JORDAN: Okay. Counsel for Staff?

20 MR. HAAS: We don't have a position. Thank you.

21 JUDGE JORDAN: So you don't have any preference
22 as to whether you want to make a record today on this or
23 simply dismiss for failure to prosecute?

24 MR. HAAS: We don't have a position on that.
25 We're a neutral party in this.

1 JUDGE JORDAN: All right. Right. And,
2 Counselor, you're happy either way?

3 MR. MILLER: I'm happy either way, Judge.

4 JUDGE JORDAN: All right.

5 JUDGE VOSS: Are you on the record?

6 JUDGE JORDAN: I'm sorry?

7 JUDGE VOSS: Are you on the record?

8 JUDGE JORDAN: We are on the record. We are on
9 the record. Yes.

10 MR. MILLER: I see no need to do the evidence
11 unless there's a possibility if you would consider if they
12 showed up later going, Well, gee, set the default aside
13 and -- and re-do it. If that's not a possibility, then it
14 would be an additional waste of time to sit and present
15 evidence.

16 JUDGE JORDAN: Well, and I'm -- I'm mindful of
17 the party's resources. So what I will do, if someone is
18 inclined to make one, is entertain a Motion to Dismiss for
19 failure to prosecute. And that will go -- that will have
20 to go to a session. The Commission's -- dismissals occur
21 through the Commission's action. And unless the
22 Petitioners make some kind of communication with the
23 Commission before that happens, then the Commission will
24 very likely dismiss the case for failure to prosecute.

25 MR. MILLER: Judge, let's do that.

1 JUDGE JORDAN: All right. Okay. Let's take a
2 five minute recess, if you please.

3 (Break in proceedings.)

4 JUDGE JORDAN: And we will go back on the record
5 now. And we are back on the record in the case of
6 Scrivner versus House Springs Sewer Company. We have a
7 Motion to Dismiss for failure to prosecute pending.

8 MR. MILLER: Correct.

9 JUDGE JORDAN: Petitioners still have not
10 appeared or made any communication. And so with that, I
11 will adjourn this hearing, unless there's anything else.
12 Then this hearing is adjourned.

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1 REPORTER'S CERTIFICATE

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3 STATE OF MISSOURI)
)ss.
4 COUNTY OF OSAGE)

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6 I, Monnie S. VanZant, Certified Shorthand Reporter,
7 Certified Court Reporter #0538, and Registered
8 Professional Reporter, and Notary Public, within and for
9 the State of Missouri, do hereby certify that I was
10 personally present at the proceedings as set forth in the
11 caption sheet hereof; that I then and there took down in
12 stenotype the proceedings had at said time and was
13 thereafter transcribed by me, and is fully and accurately
14 set forth in the preceding pages.

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16 IN WITNESS WHEREOF, I have hereunto set my hand and
17 seal on December 1, 2008.

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Monnie S. VanZant, CSR, CCR #0539

22 Registered Professional Reporter

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