

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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6 TRANSCRIPT OF PROCEEDINGS
7 Prehearing Conference
8 May 10, 2005
9 Jefferson City, Missouri
Volume 1

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12 Nathan G. Godsy and Leah N. Godsy,)
13)
Complainants,)
14 v.) Case No. SC-2005-0371
15 Philadelphia Suburban Corporation,)
d/b/a AquaSource Development,)
16 AquaSource/RU, AquaSource/CU,)
AquaSource, and/or Aqua)
17 Missouri, Inc.)
18 Respondent.)
19)

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21 MORRIS L. WOODRUFF, Presiding,
22 SENIOR REGULATORY LAW JUDGE.

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24 REPORTED BY:

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21 Service Commission.

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

2 JUDGE WOODRUFF: Good afternoon, everyone.

3 We're here today for a prehearing conference in Case
4 No. SC-2005-0371, which is complaint by Nathan and Leah
5 Godsy vs. Philadelphia Suburban Corporation, various
6 AquaSource entities and Aqua Missouri.

7 We'll begin today by taking entries of
8 appearance, beginning with the Godsys.

9 MS. CHASE: My name is Lisa Chase with
10 Andereck, Evans, Milne, Peace & Johnson, LLC, 700 East
11 Capitol, P.O. Box 1438 Jefferson City, Missouri 65102,
12 appearing on behalf of the Godsys.

13 JUDGE WOODRUFF: And for Aqua Missouri?

14 MR. FISCHER: James M. Fischer, Fischer &
15 Dority, PC, 101 Madison, Suite 400, Jefferson City,
16 Missouri 65101, appearing on behalf of Aqua Missouri.

17 JUDGE WOODRUFF: And for Staff?

18 MS. WESTON: Mary Weston, Assistant General
19 Counsel here at the Public Service Commission,
20 200 Madison Street, Jefferson City, Missouri.

21 JUDGE WOODRUFF: Thank you.

22 The first question I had, and this is
23 brought up in Aqua Missouri's response, the complaint
24 names several defendants, including Philadelphia Suburban
25 and several other entities. The response, the answer

1 indicated that perhaps some of those should be dismissed.
2 I'll ask you, Ms. Chase, can we dismiss some of those
3 defendants?

4 MS. CHASE: It was unclear to me who the
5 party ought to be because of the way the -- when I went to
6 the Secretary of State's web page, I could see that
7 Philadelphia Suburban was an entity in good standing, but
8 it did not appear that AquaSource was, so I just named
9 everybody.

10 JUDGE WOODRUFF: That's kind of what I
11 thought. I'm just wondering if there's an agreement
12 amongst the parties who is the proper defendant.

13 MR. FISCHER: I think the utility that
14 serves the area in question is AquaSource/CU, doing
15 business as Aqua Missouri, Inc. I would suggest that's
16 the proper regulated entity.

17 MS. CHASE: And I have no objection to
18 that.

19 MS. WESTON: Neither do I.

20 JUDGE WOODRUFF: I'll do a separate order,
21 then, dismissing the other defendants and keeping
22 AquaSource/CU, doing business as Aqua Missouri.

23 MR. FISCHER: Right. Correct.

24 JUDGE WOODRUFF: All right. And the other
25 reason for being here is to decide amongst yourselves how

1 we want to proceed in this case.

2 As you're probably all aware, normally the
3 Commission will do prefiled testimony and so forth and
4 these things can go on for several months. It appears
5 that there is a need to move more quickly in this case.
6 The Commission certainly is willing to do that if you can
7 reach an agreement amongst yourselves as to how we want to
8 proceed. If we want to go ahead and proceed without
9 prefiled testimony and just have everybody come in and
10 present their testimony, we can do that. I'm open to
11 suggestions from the parties. Ms. Chase, what is your
12 view?

13 MS. CHASE: I don't believe that prefiled
14 testimony would be necessary. We have been discussing the
15 matter between ourselves, and we may be able to reach
16 settlement on this issue. I think -- but I don't know the
17 availability of Mr. Fischer's clients or witnesses, so I
18 hate to cut that possibility off.

19 JUDGE WOODRUFF: Mr. Fischer?

20 MR. FISCHER: I'm hopefully, too, Judge,
21 that we're going to be able to settle the case, especially
22 based upon the Staff's report that was filed in the
23 docket. If we can't reach a resolution and it does have
24 to go to the Commission, I don't really have -- I would
25 think the complainant would want to go first and then we'd

1 have the opportunity to respond.

2 But like I say, I would like to see if we
3 can't pursue settlement for a few days and see if we can
4 avoid having a hearing at all.

5 JUDGE WOODRUFF: Certainly that's the best
6 result is to get this settled before it has to come to me
7 and the Commission for a decision.

8 MR. FISCHER: As Ms. Chase mentioned, we've
9 had some meetings between my client and actually several
10 of the interested people out there, the Godsys and also a
11 developer. We're talking at this point, so --

12 JUDGE WOODRUFF: Very good. Ms. Weston, do
13 you have anything to add for Staff on that question?

14 MS. WESTON: No, I don't.

15 JUDGE WOODRUFF: All right. Well, then,
16 what I'm going to let you do is go ahead and discuss this
17 amongst yourselves, and fortunately we're around a
18 conference table, it makes it easier to do. And why don't
19 you give me a report in a couple days as to what you want
20 to do. If you can't work it out, obviously we'll have a
21 hearing just as promptly as we possibly can if that will
22 meet with your schedule and meet with the Commission's
23 schedule.

24 As you may have noted by looking at the
25 Commission's schedule, things are pretty booked up for the

1 next several months. We can probably squeeze something
2 in. If the Commissioners are agreeable to it, we might do
3 it in this room, in the small hearing room while something
4 else is going on in the large hearing room as well, but
5 we'll try and work with you if that's necessary. Of
6 course, as indicated, it's best if you can work it out
7 amongst yourselves and not have to come to us.

8 What I'll ask you to do, then, is file a
9 report with me by Friday of this week -- that will be the
10 13th, I believe -- indicating if you need to go to hearing
11 and give me a date for a hearing. And we'll just do it
12 without prefiled testimony unless you tell me otherwise.

13 MS. CHASE: Your Honor, with respect to the
14 motion to dismiss that's been filed, the tenth day is on
15 the 12th. Would there be any opposition to my filing that
16 on the 13th as well, my response to that?

17 JUDGE WOODRUFF: That's certainly fine with
18 me.

19 MR. FISCHER: I don't have a problem with
20 that.

21 Judge, I would say that just one of the
22 issues that we're talking about, and I don't want to get
23 into settlement discussions necessarily, but is a question
24 of what a cost of a connection would be, and it may be
25 that by Friday we are not going to have a total

1 resolution, but I guess we could just tell you that we're
2 still talking.

3 JUDGE WOODRUFF: Yes. That will be fine.
4 I just want to know what's happening. And, of course,
5 that's up to you. You'll have a better idea how your
6 negotiations are going, where you might be on that.

7 Anything else you want to bring up while
8 we're on the record? All right. With that, then this
9 portion of the -- the on-the-record portion of the
10 prehearing conference is adjourned and I'll leave you to
11 your discussions.

12 WHEREUPON, the recorded portion of the
13 prehearing conference was concluded.

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