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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Public Hearing

January 9, 2001  
Osage Beach, Missouri  
Volume 2

In the Matter of Osage Water )  
Company's Request for a Rate Increase ) Case No. SR-2000-556  
for Sewer Service Pursuant to the )  
Public Service Commission's Small )  
Company Rate Increase Procedure. )  
In the Matter of Osage Water )  
Company's Request for a Rate Increase ) Case No. WR-2000-557  
for Water Service Pursuant to the )  
Public Service Commission's Small )  
Company Rate Increase Procedure. )

LEWIS R. MILLS, Presiding,  
DEPUTY CHIEF REGULATORY LAW JUDGE.

CONNIE MURRAY,  
KELVIN SIMMONS,  
COMMISSIONERS.

REPORTED BY:

KELLENE K. FEDDERSEN, CSR, RPR  
ASSOCIATED COURT REPORTERS, INC.

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P R O C E E D I N G S

JUDGE MILLS: Let's go on the record.

We're on the record this evening for a local public hearing in Case Nos. SR-2000-556 and WR-2000-557, both cases for Osage Water Company for increases for sewer and water service respectively pursuant to the Commission's rules for small company rate procedures.

With me this evening are Commissioners Connie Murray and Kelvin Simmons. Before we begin taking your statements, I'll give the two Commissioners the opportunity to address you. Commissioner Murray.

COMMISSIONER MURRAY: Thank you. Just briefly, I'm sure it was explained to you earlier that we haven't made any decision on this rate increase request, and at the hearing tonight I'd be particularly interested in hearing any service-related problems or any problems that you're experiencing.

COMMISSIONER SIMMONS: Good evening. I am Commissioner Kelvin Simmons.

First of all, I'd like to thank each and every one of you for coming out tonight. As I'm sure some of you have been told earlier, your statements to us tonight is very important and very crucial as we start to decide this case.

I want to state to each and every one of you,

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1 as I have been on this Commission, it's very important that  
2 we hear from you so that we can have this on the record as  
3 you testify tonight along with our other Commissioners, the  
4 other three Commissioners, as we make these decisions.

5                   Again, we know that you could be anywhere  
6 tonight but you chose to be here, and so we say that it is  
7 very important and we are thankful that you were here  
8 tonight, and I look forward to your testimony.

9                   Thank you.

10                   JUDGE MILLS: Thank you, Commissioners.

11                   We'll begin going through the list of people  
12 that signed up. I notice that there are 16 names here and  
13 there's quite a few more people. As we go along, if someone  
14 hasn't signed up, if you decide that you'd like to make a  
15 statement, you're free to do so at the end, and I'll give  
16 you the opportunity to do it then.

17                   Let's begin with your first witness,  
18 D.A. Schroeder, please. Mr. Schroeder, I understand that it  
19 was explained to you that we're going to swear in the  
20 witnesses tonight.

21                   MR. SCHROEDER: That's fine.

22                   (Witness sworn.)

23                   JUDGE MILLS: Thank you. Mr. Schroeder, are  
24 you a customer of Osage Water Company?

25                   MR. SCHROEDER: Yes, I am.

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1 JUDGE MILLS: And in what service territory?

2 MR. SCHROEDER: Cavern View Estates.

3 JUDGE MILLS: Thank you. Please go ahead with  
4 your statement.

5 MR. SCHROEDER: I'm speaking without notes  
6 because I have a lot on my mind. You're not going to have  
7 time to listen to all the complaints in detail.

8 We've been with Osage water service for five  
9 and a half years. We had some problems at the outset that  
10 have gotten continuously worse from year to year. It's a  
11 problem that the residents have not created. It's a problem  
12 created by Osage Water Company.

13 When we first moved there, there were, I  
14 think, seven homes on the line. Went up to 11. Went up to  
15 14. The water has gone down. It's diminished as they've  
16 continued adding customers to it. We're at the point now,  
17 and we're not the worst off in the area, but we are at the  
18 point now where we have no water at some times virtually  
19 every day. This has all been charted.

20 Martin has been out there. He's put a circle  
21 graph on our water system to record the pressure. Just for  
22 the day and a half or so that they ran it, it went down to  
23 six pounds, which is unhealthy. Anything below 20 pounds is  
24 unhealthy. I will say that every day of the year it's below  
25 20 pounds, and sometimes it's zero. Two days ago we had

1 over two hours where there was not one drop of water. Some  
2 people here have a worse situation than that.

3 I resent the fact that anything so essential  
4 has to be brought before hearings like this. The company is  
5 a company in business for profit. They make a profit out of  
6 this. If they don't know how to make a profit, they ought  
7 to get out of the business. They're in the business for  
8 profit.

9 I pay a water bill. That's my responsibility.  
10 It's their responsibility to give me enough water to take  
11 care of our needs, which includes a minimum of 20 PSI. In  
12 order to stop any disease or problems from accumulating in  
13 the water, there should be a minimum of 20 PSI. I don't  
14 know if any people in that area have 20 PSI.

15 I think what has happened, I know in one case  
16 someone has a special hookup with the well, which I think is  
17 unfair. Why should one have a different situation? I say I  
18 know that. I have not seen it. I have only heard that from  
19 the individual. Some have possibly put on water pressure  
20 pumps or reserve tanks or something. I don't know what  
21 everybody has done, but no one has given us any advice on  
22 how to solve the problem.

23 I've called Osage Water so many times, I  
24 stopped calling them. I got the same answer every time.  
25 It's like they had it written down. The lady that answers

1 would say something like, Oh, we're fixing it right now or  
2 at the moment, at this moment, or as we're speaking there's  
3 someone out there. It was not the truth.

4 I asked her several times, If there's someone  
5 out there, you have them come to my door. I live two doors  
6 from the well. You have them come to my door and tell me  
7 what they've done. Well, no one has ever come because they  
8 weren't doing anything about it.

9 So I got to the point where I said, Forget it.  
10 I'm not going to call you people. It doesn't do any good.  
11 So I started calling PSC, and to their credit, about two  
12 days after I called the first time there was a man came  
13 down, took water pressure, went to the well. The well was  
14 unlocked at that time. He watched the well. The well was  
15 running and the pressure was going down.

16 He tested the water in a couple homes up the  
17 street and found that their pressure was as low as ours. So  
18 it's not a single house problem. It's not the water system  
19 in my home. It's a continuing problem for I don't know how  
20 many homes. I know there are some other people here from  
21 the same area. I think some people have no problems with  
22 their water for various reasons. Well, they're not here  
23 tonight.

24 I resent the fact that we have to go through  
25 this when a company is supposed to give us this service for

1 the price that we pay. Now they're asking for an increase,  
2 but they're not going to increase the water.

3                   Now, there's another group here that's going  
4 through the same thing we are in that Osage Water's saying,  
5 Well, we'll just deed it over to the customers. Well, are  
6 they going to deed a sick well over to the customers and  
7 leave -- you know, they get out of it and turn it over to  
8 the customer and say, Well, you fix it up now. I don't  
9 think it's fair. I don't think it's right.

10                   If they're going to deed it over to the  
11 customers, fine. I think it's a better deal for the  
12 customers to take the well and have someone else oversee it  
13 in order to get it out of the hands of Osage Water. But if  
14 they're going to do it, I believe they have the  
15 responsibility to fix it properly before they deed it over.  
16 We didn't create the problem. They created the problem.

17                   My wife could probably tell you all kinds of  
18 things that I forgot about, but these are the main things  
19 that I wanted to get across. I don't want to take any more  
20 time than necessary because I know a lot of folks have a lot  
21 to say.

22                   JUDGE MILLS: Thank you, sir. If you could  
23 hang on just a second, we might have a few questions for  
24 you. Please stay at the podium. We'll begin questions from  
25 the Commissioners. Commissioner Murray?

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1                   COMMISSIONER MURRAY: Yes. Mr. Schroeder,  
2 what did you say that your service territory is again?

3                   MR. SCHROEDER: Cavern View Estates.

4                   COMMISSIONER MURRAY: Cavern View. All right.  
5 And how long have you been a customer?

6                   MR. SCHROEDER: Five and a half years,  
7 approximately.

8                   COMMISSIONER MURRAY: And you spoke about  
9 something about deeding the well over to the customers.

10                  MR. SCHROEDER: Yes.

11                  COMMISSIONER MURRAY: Are you talking about  
12 back to the homeowners association?

13                  MR. SCHROEDER: Yes.

14                  COMMISSIONER MURRAY: And is this something  
15 that has been discussed?

16                  MR. SCHROEDER: This is something that has  
17 been sent out by Osage Water, that that is one of their  
18 options. The other options were to raise the prices to \$60  
19 a month if they do a certain amount of work, \$110 a month if  
20 they do another certain amount of work. The other option is  
21 to turn it back over, deed it back over to the homeowners,  
22 which to me is not -- I think that's a good solution, but it  
23 should be fixed first.

24                  COMMISSIONER MURRAY: I think that's all the  
25 questions. Thank you very much.

1 JUDGE MILLS: Commissioner Simmons?

2 COMMISSIONER SIMMONS: I have just one  
3 question.

4 Good evening, Mr. Schroeder. With your last  
5 statement, you talked about the options that Osage  
6 mentioned. How were you notified about those options? Was  
7 that in the mail?

8 MR. SCHROEDER: Yes. I have the letter right  
9 here, as a matter of fact. It reads as part of -- this is  
10 almost whited out the extent I can't -- If we wait for the  
11 next cycle of DNR low interest revolving fund loans,  
12 construction would be in the year 2002 and your water bills  
13 would be above \$60 per month. If we obtain bank financing  
14 and start construction in 2001 your water bills will be over  
15 \$110 per month.

16 And then down below it gives the other option.  
17 The other option -- the only other option we have is to turn  
18 the water system over to you, the homeowners. We propose to  
19 quit claim the system to you at no cost. We will have to  
20 pay -- you will have to pay for title insurance to the well  
21 lot if you want title insurance. You will have to pay the  
22 recording fee to record the deed at the courthouse, and so  
23 forth.

24 So those were the three options that they had  
25 mentioned in that letter which was dated November 1st, 2000.

1                   COMMISSIONER SIMMONS: Thank you, sir. Can I  
2 ask one thing? Can we get a copy of that letter and have  
3 that introduced so that we have that record on file?

4                   JUDGE MILLS: Mr. Schroeder, do you have an  
5 extra copy of that letter?

6                   MR. SCHROEDER: No. This is the only one I  
7 have.

8                   COMMISSIONER SIMMONS: We'll see that Staff  
9 gets a copy of that letter and have that introduced. Thank  
10 you, sir.

11                  JUDGE MILLS: We're going to allow questions  
12 from the parties. We'll begin over on my right with Public  
13 Counsel, and if you could, for all of you, before you begin  
14 your questions, enter your appearance on the record. Thank  
15 you.

16                  MS. O'NEILL: Yes. I'm Ruth O'Neill with the  
17 Office of the Public Counsel, P.O. Box 7800, Jefferson City,  
18 Missouri. Also present with me tonight is Kim Bolin who is  
19 an accountant with our office.

20                  Mr. Schroeder, I don't have any questions at  
21 this time, but I was also going to ask what Commissioner  
22 Simmons asked, that we could have a copy of that letter so  
23 we could make it an exhibit. So I would join in that.

24                  JUDGE MILLS: Thank you. For the Staff?

25                  MR. SNODGRASS: Your Honor, thank you. My

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1 name is Cliff Snodgrass. I'm appearing on behalf of the  
2 Staff of the Public Service Commission. I'm with the  
3 General Counsel's Office and I'm Senior Counsel.

4 UNIDENTIFIED AUDIENCE MEMBER: We can't even  
5 hear half of what you just said.

6 MR. SNODGRASS: I'm sorry. I'll speak up a  
7 little bit.

8 My name is Cliff Snodgrass. I'm an attorney  
9 representing the interests of the Staff of the Missouri  
10 Public Service Commission, and I'm with the General  
11 Counsel's Office.

12 We have some comments, Judge, maybe some  
13 clarification comments on this last witness' testimony if we  
14 may offer them for the record.

15 JUDGE MILLS: You certainly may ask him some  
16 questions. I don't want you -- this is not your opportunity  
17 to testify.

18 MR. SNODGRASS: I understand. Sir, to your  
19 knowledge, is your area certificated by Osage Water at this  
20 time?

21 MR. SCHROEDER: I understand it is not.

22 MR. SNODGRASS: All right. I believe that's  
23 all the questions we have, Judge. Thank you very much.

24 JUDGE MILLS: And for the Company?

25 MR. WILLIAMS: Gregory Williams, attorney in

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1 private practice representing Osage Water Company. I have  
2 no questions.

3 JUDGE MILLS: Thank you. Thank you,  
4 Mr. Schroeder. You may be seated again.

5 Our next witness is Bill Mack.

6 MR. MACK: I'm going to pass to another party  
7 in my division.

8 JUDGE MILLS: Thank you. Donald Murphy.  
9 (Witness sworn.)

10 JUDGE MILLS: Thank you. Mr. Murphy, are you  
11 a customer of Osage Water Company?

12 MR. MURPHY: Yes, I am.

13 JUDGE MILLS: And where do you receive service  
14 from Osage Water Company?

15 MR. MURPHY: Moss Hollow.

16 JUDGE MILLS: Moss Hollow?

17 MR. MURPHY: Uh-huh.

18 JUDGE MILLS: Thank you. Please go ahead.

19 MR. MURPHY: Well, we too have received a  
20 letter from Osage Water Company dated -- I believe it's  
21 dated the 1st of November, too. I've got it here somewhere.

22 December 18th is mine, and basically states  
23 the same thing. The PCS Staff has required that we file for  
24 certificate of convenience and necessity to continue to  
25 operate the water system in your area by May 2001. Our cost

1 estimate is 10,000. Your water bills would be above \$60 per  
2 month to pay for the cost of the certificate. I believe  
3 that the PCS Staff requirement is not in your best  
4 interests.

5                   The only other option we have is to turn the  
6 water system over to you, the homeowners. We propose to  
7 quit claim the system to you at no cost. You will have to  
8 pay for title insurance to the well lot if you want title  
9 insurance. You will have to pay the recording fee to record  
10 the deed at the courthouse if you want the deed recorded.  
11 The ball is in your court. What do you want to do? It's  
12 signed by William P. Mitchell, Vice President, Osage Water  
13 Company.

14                   I resent this action. We -- several years  
15 ago, and I don't have the exact dates, but we came into a  
16 situation where we had a homeowner -- well, actually, the  
17 contractor that developed our area which has seven homes on  
18 a single family well. If I'm correct, if my recollection is  
19 correct, this well was put in after the law in '86 that  
20 limited the amount of families on a single family well to  
21 three, I think. I may be incorrect on that, but I don't  
22 think so.

23                   But anyway, we were put in a position that in  
24 order to legalize or rectify our problem, I guess, to -- our  
25 option was to drill another well, bring the existing well up

1 to multiple family -- multiple family configuration or to  
2 put in a community well or to sign our well over to a public  
3 service or a water company, a utility company.

4                   We opted to sign the well over to Osage Water  
5 Company, which was arranged by Greg Williams and Glen Graham  
6 the contractor. Now, we felt at that time that this was the  
7 least expensive way for us to resolve the problem, and we  
8 were led to believe that the Osage Water Company would then  
9 update the system. There would be meters coming in in a  
10 reasonable amount of time, but at that point we were put on  
11 a nonmetered system at 7.75 a month.

12                   Within, I don't know -- a period of almost two  
13 years passed. We never received a bill. Then all of a  
14 sudden we got a bill for over \$200. Everybody paid as far  
15 as I know. At least I did. I met my responsibility there.

16                   But I resent the fact that I paid this money  
17 for this water service on a promise that this utility would  
18 bring our system up and maintain it so that we would meet  
19 our needs for water and also meet requirements by financial  
20 institutions so this property can be sold or whatever's  
21 necessary in order for people to get loans and so forth.

22                   They've not done anything. They came out.  
23 They put a sign on our wellhouse, which is now theirs of  
24 course. Put a lock on the door. They did put in a  
25 chlorinator pellet machine. We've had some problems with

1 that. I've written them twice where suddenly they've  
2 chlorinated the water to the point that it bleached your  
3 clothes when you washed them. Ruined clothes, there's so  
4 much bleach in it or chlorine. That happened twice. I  
5 called them and notified them both times.

6                   However, to my knowledge, nothing has been  
7 done. I don't know what their action is or why they feel  
8 they don't need to meet their obligation. Maybe we're just  
9 not big enough to be a problem for them or whatever.

10                   But I resent that -- I'm like the other  
11 gentleman. I resent the fact that we pay for the service of  
12 a utility and we're not getting treated by the utility as we  
13 should be.

14                   A few years ago, I can't remember the exact  
15 date, but they doubled our rate, 7.75 to 16.03. I received  
16 notice in the mail they were going to do this, and -- but by  
17 the time you get the notice, it's almost history.

18                   But at any rate, I did protest to the PSC, and  
19 after a period of time I did have one of your people come.  
20 They actually came out there and we discussed the situation  
21 there, and he looked at the well and everything and  
22 basically told me that the reality of it was that 16.03  
23 wasn't a bad price to be paying for the water.

24                   On that assumption, I dropped it and I didn't  
25 push it any further. I figured, well, if that's a fair

1 price to pay, then that's what we have to pay. Now they  
2 tell us they want to charge us \$60. I really resent that,  
3 or I have the option of taking the problem back and we're  
4 right back where we've started.

5                   They've collected the money for whatever term.  
6 I don't remember the exact dates. I wish I had them with  
7 me, but I wasn't prepared to testify. I didn't know we  
8 would be testifying. I thought it would be a little more  
9 informal.

10                   However, I resent that, and I feel if they're  
11 going to give the problem back to us, they better give the  
12 money back to us. I'll take the well back. I'll be glad to  
13 be rid of it, but I don't -- I don't think it's right that  
14 they can just collect the money, do nothing, and then walk  
15 away from us, say, Well, the problem's yours. Tough.

16                   Fact is when you've got seven homes on it, you  
17 don't have the financial capability to go to litigation. I  
18 mean, the option is not there. So that's really about all I  
19 have to say.

20                   JUDGE MILLS: Thank you, Mr. Murphy. Let's  
21 see if there are any questions for you. Commissioner  
22 Murray?

23                   COMMISSIONER MURRAY: Thank you. Mr. Murphy,  
24 are you individually?

25                   MR. MURPHY: Yes, I am.

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1                   COMMISSIONER MURRAY:  And are those bills from  
2 Osage Water Company?

3                   MR. MURPHY:  Yes, they are.

4                   COMMISSIONER MURRAY:  And I assume there's a  
5 homeowners association?

6                   MR. MURPHY:  We dissolved the homeowners  
7 association once we turned the well over to the Osage Water  
8 Company.

9                   COMMISSIONER MURRAY:  And when that -- when  
10 you say you turned the well over, was that -- was there any  
11 exchange there?  Was that an exchange for promises or  
12 exchange for money or exchange for anything?

13                  MR. MURPHY:  There was no money paid, no  
14 compensation at all.  It was -- basically, the well was  
15 transferred.  Actually, I think it probably was deeded  
16 directly from Glen Graham to Osage Water Company, but we  
17 each had to sign a sheet of paper saying we agreed to it.  
18 It's a little contract affair.  Didn't amount to much, but  
19 we each had to sign it.  At least I did.  I'm assuming the  
20 rest did.

21                  COMMISSIONER MURRAY:  And Glen Graham was the  
22 developer?

23                  MR. MURPHY:  Contractor.

24                  COMMISSIONER MURRAY:  Contractor.  And then  
25 following that, the homeowners association was dissolved?

1 MR. MURPHY: Yes.

2 COMMISSIONER MURRAY: Thank you.

3 JUDGE MILLS: Commissioner Simmons?

4 COMMISSIONER SIMMONS: Good evening,

5 Mr. Murphy. I don't have a question but would like to make  
6 a comment. Earlier you talked about the letter which was  
7 dated December 18th. I'd like to see if we can't get a copy  
8 of that letter and introduce that letter.

9 I know that that seems to be different than  
10 the November letter that Mr. Schroeder talked about earlier,  
11 but I think it would be a good idea if we have at least a  
12 copy of that. I don't need it now. I just want to make  
13 sure that it's part of the record.

14 MR. MURPHY: Do you want that from me or do  
15 you want to get it from Osage Water Company?

16 COMMISSIONER SIMMONS: I'm not sure Staff --

17 MR. GREEN: It would appear to be the same  
18 letter.

19 COMMISSIONER SIMMONS: It appears to be the  
20 same letter? Okay.

21 MR. MURPHY: There is some difference.

22 COMMISSIONER SIMMONS: I know I heard  
23 Mr. Schroeder talk about a November letter, and I think  
24 Mr. Murphy talked about a December letter. Seems like there  
25 were two different dates.

1 MR. GREEN: The one we got copied was a  
2 December letter, December 18th.

3 MR. SNODGRASS: Judge Mills, if it's  
4 permissible, I can show the witness what we have and have  
5 him authenticate the letter if that would be permissible,  
6 Judge. I would be glad to show counsel Williams or OPC what  
7 we have.

8 JUDGE MILLS: That would be fine. Why don't  
9 we do that? Thank you, Mr. Snodgrass.

10 MR. SNODGRASS: For the record, Cliff  
11 Snodgrass. Sir, I'm presenting you what we'll call Osage  
12 Water Company letter and ask you to examine it.

13 JUDGE MILLS: Go ahead, Mr. Murphy, when  
14 you've had a chance to look at them.

15 MR. MURPHY: I have examined both. They are  
16 two different letters.

17 COMMISSIONER SIMMONS: Two different letters.  
18 Okay.

19 JUDGE MILLS: Do you have an extra copy of the  
20 letter that you received?

21 MR. MURPHY: I've only got a single copy with  
22 me, but I'll be glad to relinquish it to the PSC.

23 JUDGE MILLS: That would be great. We would  
24 appreciate that.

25 COMMISSIONER SIMMONS: I think we can have a

1 copy made for you, sir, so that you can retain the original.

2 JUDGE MILLS: That would be great.

3 COMMISSIONER SIMMONS: I have no other  
4 questions. Thank you, sir.

5 JUDGE MILLS: Thank you. If you'll wait just  
6 a second, we'll see if there's some questions from the  
7 attorneys. Ms. O'Neill?

8 MS. O'NEILL: Just a few, and if -- your  
9 Honor, if I may borrow one of these microphones.

10 JUDGE MILLS: Sure.

11 MS. O'NEILL: Mr. Murphy, I'm Ruth O'Neill  
12 from the Office of the Public Counsel.

13 You indicated that the contractor, Mr. Graham,  
14 made the arrangements with Greg Williams to transfer your  
15 well to Osage Water; is that right?

16 MR. MURPHY: That's correct.

17 MS. O'NEILL: And is that the same Greg  
18 Williams who's entered his appear on behalf of Osage Water  
19 tonight, the same gentleman that's here?

20 MR. MURPHY: I believe so.

21 MS. O'NEILL: You'd indicated that you've had  
22 a lot of problems ongoing since the well was turned over.  
23 Have those problems continued in the last six months?

24 MR. MURPHY: I have not had any chlorine  
25 problems that I can recall within the last six months.

1 MS. O'NEILL: Have you had other problems with  
2 your service or has it improved?

3 MR. MURPHY: Nothing that I have chosen to  
4 call them about. We have had some pressure fluctuation, but  
5 just like it's pulsating, but at least we have water. Count  
6 my blessings for that.

7 MS. O'NEILL: It sounds like that's a good  
8 thing. But you have had some problems with your water  
9 pressure in the last few months?

10 MR. MURPHY: Yes. When you have the faucet  
11 on, it'll pulse. It's like the pump is just -- is not  
12 building pressure. I don't know how much pressure is there.  
13 I never thought about measuring it. So I don't know.

14 MS. O'NEILL: And you said that you had called  
15 the company about that. You also testified that you got  
16 tired of calling them after a while?

17 MR. MURPHY: No, I didn't.

18 MS. O'NEILL: Okay. That was the other  
19 witness. Have you made telephone calls to complain about  
20 the quality of your service in the past?

21 MR. MURPHY: Only in regards to the chlorine,  
22 and I have called a couple of times about billing. There's  
23 a -- once a year we get a \$2 billing that I called about  
24 that. It's some special charge. I don't know. The lady on  
25 the phone explained it to me, that it was an annual fee.

1 \$2, I didn't care to make a fuss.

2 MS. O'NEILL: So you've tried to handle these  
3 on your own, but there have been times you've had to call  
4 the company and complain?

5 MR. MURPHY: Yeah, there have been times.

6 MS. O'NEILL: Thank you.

7 JUDGE MILLS: Thank you. Mr. Snodgrass?

8 MR. SNODGRASS: Thank you, Judge. Sir, to  
9 your knowledge, is the area that you live in certificated  
10 under Osage Water Company?

11 MR. MURPHY: It is not.

12 MR. SNODGRASS: That's all I have. Thank you.

13 JUDGE MILLS: Thank you. Mr. Williams?

14 MR. WILLIAMS: No questions, your Honor.

15 JUDGE MILLS: Thank you. Thank you,  
16 Mr. Murphy. If you could stick around, we're going to get  
17 copies made of that letter you referred to and I'd like you  
18 to take a look at it, make sure that we got the right copy  
19 when we get ready to enter it into the record. It should be  
20 just a few minutes. Thank you.

21 We're going to move on to our next witness,  
22 Bill Louis, please.

23 MR. LOUIS: I'll pass, your Honor.

24 JUDGE MILLS: Okay. Marianne Louis.

25 MS. LOUIS: Hi.

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1 (Witness sworn.)

2 JUDGE MILLS: Thank you. Could you state your  
3 name, please.

4 MS. LOUIS: Marianne Louis.

5 JUDGE MILLS: And are you a customer of Osage  
6 Water?

7 MS. LOUIS: Yes, sir.

8 JUDGE MILLS: And in what district do you  
9 receive water?

10 MS. LOUIS: Harbor Bay Condo. I think that's  
11 Cinnamon Bay's area.

12 JUDGE MILLS: Thank you. Please go ahead.

13 MS. LOUIS: Okay. First I'm going to talk  
14 about the septic system that apparently they installed. We  
15 were told -- I had called the DNR about it, and they said  
16 that they did not follow the regulations. It was supposed  
17 to be, like, self-poured with forms, and they put in already  
18 built tanks.

19 Okay. And we had -- we are right in the  
20 corner next to where this is, and the entire summer we  
21 hardly could sit on our deck because there was -- it just  
22 reeked terrible. There was a leak.

23 And I complained and nobody did anything, and  
24 finally then they came and they dug the hole bigger and they  
25 put, like, a form at the bottom and these huge rods coming

1 out that somebody could have impaled themselves on. It was  
2 like that for months. And then they finally did come  
3 through the summer and they poured this other free-standing  
4 tank.

5                   Okay. But even after that was poured, we  
6 could watch when it wasn't raining, you would watch the  
7 water come up around the outside. They kept saying it's not  
8 leaking. Well, something was doing something.

9                   Now, we've been there since November of '99,  
10 okay, and we are still not hooked up to the pumping station.  
11 They truck it out. In the summer sometimes you watch them  
12 truck it daily. You know, I don't know if that means the  
13 tanks aren't big enough. I don't know what that means.  
14 There's 16 of us in our particular building, but it's not  
15 often that everybody's down there at the same time.

16                   But the hole still is not totally covered up.  
17 Our air conditioners are dangling over the side. I don't  
18 know what -- when one of them falls in, I guess it's our  
19 problem. I don't know whose problem it's going to be, you  
20 know. So that's my main complaints about the sewer.

21                   Now, the water is another story. We are  
22 private pay. We are billed individually from Osage Water.  
23 This summer apparently there was a little dispute with the  
24 builder over another building and they turned our water off.  
25 Now, many of us were down there. We got no notice when they

1 turned it off. It was turned off on a Monday. I don't know  
2 what time. About five o'clock is when we knew about it. I  
3 don't know what time it was turned off.

4                   But the next day we did receive a letter at  
5 our homes that was dated the 24th, which was the day of the  
6 turnoff, but it wasn't mailed from Camdenton until the 25th,  
7 and I have the envelope showing that.

8                   My husband called Pat Mitchell, who was  
9 extremely rude on the phone. He said he didn't really care  
10 that it was turned off, they had no intentions of doing  
11 anything until something was settled with the builder. Now,  
12 we pay our own bill. We had nothing to do with this. So I  
13 don't know what gave them the right to come in and turn our  
14 water off.

15                   We were put under a boil order for I believe  
16 it was, I think, 48 hours. We didn't get a notice at our  
17 door. As you walked out to go to your car, there was this  
18 stack of papers laying there. So if you hadn't paid  
19 attention to that, you wouldn't know you were under a boil  
20 order.

21                   So I don't know. I just think that that's  
22 bad. I have personally had the water tested four times.  
23 I've had it tested two times by private individuals, and the  
24 first time it was 5,000 per 100 milliliter, I guess this is,  
25 of aerobic bacteria, which he said was not necessarily

1 dangerous to an average person. It would be dangerous to a  
2 baby. It would be dangerous to anybody who had an immune  
3 depressed problem.

4                   The second time it came as 15,000, which -- I  
5 mean 1,500 per 100 milliliters, which still was higher than  
6 it should be but that was more tolerable.

7                   Now, two other times the water company, Gary  
8 Roll from I guess Jeff City -- that's who I called and they  
9 gave me his name. He came and tested it. The first time it  
10 was a bad testing, and he asked to come back to retest it a  
11 second time. The second time he did retest it and said it  
12 came back fine. So he assumed it was chlorinated at that  
13 point.

14                   My friend that did the original testing said  
15 the only thing they would have had to do was to chlorinate  
16 the system. It would have gotten rid of this other  
17 bacteria, but I don't know.

18                   I called and got a testing from them at one  
19 point, and they sent me this paper, which I didn't  
20 understand, but anyway it doesn't make any difference.

21                   But I found out supposedly -- this is hearsay,  
22 but supposedly some of the people that work for Osage Water  
23 also own the water testing company. I personally think  
24 that's kind of a conflict of interest. I don't know, and I  
25 don't have proof of that, I just was told. So that's my

1 biggest beef.

2 JUDGE MILLS: All right. Thank you.

3 Questions, Commissioner Murray?

4 COMMISSIONER MURRAY: Thank you. Mrs. Louis,  
5 how long have you been a customer?

6 MS. LOUIS: We moved in November of '99.

7 COMMISSIONER MURRAY: And there are 16 homes  
8 in your area that are served?

9 MS. LOUIS: We're in a condo complex. There's  
10 16 people in our building. I don't know how many are in the  
11 next building by now, but it's still not totally sold out.

12 COMMISSIONER MURRAY: And you said that you  
13 called DNR originally --

14 MS. LOUIS: Yes, I did, many times.

15 COMMISSIONER MURRAY: -- about the septic  
16 system? Then after something new was put in --

17 MS. LOUIS: They came back and made a -- I  
18 don't know anything about septic systems. It's a bigger  
19 tank and it was built on the spot, like they put forms up  
20 this time instead of dropping something in. It still  
21 leaked. They had to come back and do something. I don't  
22 know what they did. Then finally I don't believe it's  
23 leaking anymore. At least we don't smell it.

24 COMMISSIONER MURRAY: When was the last time  
25 you were in contact with DNR?

1 MS. LOUIS: I tried to call today. Couldn't  
2 get through. Probably October.

3 COMMISSIONER MURRAY: And what was that  
4 contact?

5 MS. LOUIS: Wondering what was going on, if  
6 anything was getting done, because it's still sitting there  
7 open. The air conditioners are still dangling.

8 COMMISSIONER MURRAY: And what was DNR's  
9 response?

10 MS. LOUIS: That they kept filing some kind  
11 of -- I don't know, some kind of paperwork with the people  
12 telling them they were supposed to do some repairs and they  
13 don't do it.

14 I also know supposedly that they did some  
15 ground testing. When I complained that it was leaking, they  
16 did ground testing and they said yes, it definitely was  
17 leaking. That came from Tim Neal.

18 COMMISSIONER MURRAY: Okay. And you say that  
19 to date the sewage is still being trucked out?

20 MS. LOUIS: Oh, yeah. They did it today, I  
21 believe. One of my neighbors told me they did it today. In  
22 the summer sometimes a couple times I saw them come twice a  
23 day. One truck wouldn't take it all. They came back a  
24 second time.

25 COMMISSIONER MURRAY: And when was your last

1 contact with Osage Water Company?

2 MS. LOUIS: I called whenever we got that last  
3 two -- two months ago when I got the bill with the \$2. I  
4 didn't know what the \$2 was. There was no explanation what  
5 that was on there. But I've called many times. They just  
6 don't return the call.

7 COMMISSIONER MURRAY: And who do you call?

8 MS. LOUIS: Just the number on the bill. They  
9 always say somebody will call you back.

10 COMMISSIONER MURRAY: Who answers?

11 MS. LOUIS: Some lady. I don't know who it  
12 is.

13 COMMISSIONER MURRAY: It's not a recording?  
14 It's a real person answers?

15 MS. LOUIS: No. I've talked to people, yeah.

16 COMMISSIONER MURRAY: Okay. And you say you  
17 never get your call returned?

18 MS. LOUIS: No. Well, they did the -- the  
19 night of when they shut the water off that night, they did  
20 call. Pat Mitchell called back my husband and was extremely  
21 rude on the phone. It was just like too bad we didn't have  
22 any water.

23 COMMISSIONER MURRAY: And what has been the  
24 quality of the water?

25 MS. LOUIS: I'm sorry?

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1                   COMMISSIONER MURRAY: The quality of the water  
2 in terms of taste, smell?

3                   MS. LOUIS: It has this rotten egg odor, but  
4 we don't know if that's because we're not there all the  
5 time. I don't know what that is. I'm not so concerned  
6 about that. We have St. Louis water, so it's going to taste  
7 different than we have at home.

8                   But I am concerned about when I've had it  
9 tested that it's come back that it's not being chlorinated  
10 properly.

11                  COMMISSIONER MURRAY: And what do you pay for  
12 water service right now?

13                  MS. LOUIS: I think it's \$10. I think it's  
14 23.90 for the sewer, and it's all one bill, it's just all on  
15 one bill, and then plus \$10 for the water.

16                  COMMISSIONER MURRAY: And how often are you in  
17 the condominium?

18                  MS. LOUIS: In the summer we're there a lot,  
19 like every weekend and probably a couple weeks. Now we  
20 haven't been down there eight weeks now because of weather.  
21 Last winter we were there every weekend or every other  
22 weekend.

23                  COMMISSIONER MURRAY: Thank you.

24                  MS. LOUIS: Thank you.

25                  JUDGE MILLS: Commissioner Simmons?

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1                   COMMISSIONER SIMMONS: I have no questions,  
2 but thank you for your testimony.

3                   JUDGE MILLS: Ms. O'Neill.

4                   MS. O'NEILL: Thank you. I don't have any  
5 questions for you, ma'am.

6                   MR. SNODGRASS: Judge, Staff has a few  
7 questions.

8                   Ma'am, are you aware of any complaint that's  
9 been filed against Osage Water Company for the disconnection  
10 of your service?

11                  MS. LOUIS: Yes, I am. They told me they were  
12 filing a complaint, and there's been a court battle going  
13 on.

14                  MR. SNODGRASS: Who's they?

15                  MS. LOUIS: Jim Merciel, one person.

16                  MR. SNODGRASS: And who is he with? Who does  
17 he work with?

18                  MS. LOUIS: Jefferson City.

19                  MR. SNODGRASS: Are you aware that he works  
20 for the Public Service Commission?

21                  MS. LOUIS: That's it, right. Yeah.

22                  MR. SNODGRASS: Nothing further.

23                  MS. LOUIS: I've talked to John somebody at  
24 the water company. I've talked to -- or water part. I've  
25 talked to so many people.

1 I do have one other thing, I'm sorry, that I  
2 didn't say. I was of the assumption when this meeting took  
3 place or, for instance, when our water was turned off,  
4 everyone in our condo should have been notified. The people  
5 downstairs have never been notified. I called her last --  
6 well, when the water was turned off before they came that  
7 next time, I said, Oh, did you get the letter? And they  
8 didn't get that.

9 And then last night I called and I said, Are  
10 you guys going down tomorrow? And she said, For what? So I  
11 don't know. That's the only person I personally talked to,  
12 but she said they did not get any notification, and I would  
13 think everyone should have been notified.

14 JUDGE MILLS: Thank you. Go ahead.

15 COMMISSIONER MURRAY: How did you receive your  
16 notification?

17 MS. LOUIS: I'm sorry?

18 COMMISSIONER MURRAY: How did you receive your  
19 notice of this meeting?

20 MS. LOUIS: In the mail. The one about this  
21 meeting?

22 COMMISSIONER MURRAY: Uh-huh. Was it a  
23 separate mailing?

24 MS. LOUIS: We got it about a week ago.

25 COMMISSIONER MURRAY: By a separate mailing

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1 all by itself?

2 MS. LOUIS: Yes, ma'am. Not with a bill, is  
3 that what you mean?

4 COMMISSIONER MURRAY: Yes.

5 MS. LOUIS: Yes, ma'am.

6 COMMISSIONER MURRAY: And you say your  
7 neighbors in the condominium --

8 MS. LOUIS: She said she did not get that.

9 Then when we had that -- it was -- I have the envelope here.  
10 I think it's certified mail, and she did not get this in the  
11 summertime.

12 COMMISSIONER MURRAY: And is she a customer of  
13 Osage Water Company?

14 MS. LOUIS: Yes, ma'am.

15 COMMISSIONER MURRAY: Do you know her name?

16 MS. LOUIS: Yes. Cindy Mitchell.

17 COMMISSIONER MURRAY: I assume she's not  
18 related to Mr. Mitchell with the water company?

19 MS. LOUIS: Not that I know of. His name is  
20 Greg, and they're Unit 204.

21 COMMISSIONER MURRAY: Thank you.

22 MS. LOUIS: Thank you.

23 JUDGE MILLS: Further questions, Mr. Williams?

24 MR. WILLIAMS: None, your Honor.

25 JUDGE MILLS: Thank you. You may sit down.

1 Mr. Snodgrass, did you have copies made of the letter that  
2 Mr. Murphy talked about?

3 MR. SNODGRASS: I did, Judge, and I gave  
4 counsel Williams a copy and counsel O'Neill a copy of that  
5 document. Do you wish me to present it to you at this time,  
6 Judge?

7 JUDGE MILLS: Just a second. Mr. Murphy, have  
8 you seen a copy of the letter that was made? Is that the  
9 same one that you testified about?

10 MR. MURPHY: Yes?

11 JUDGE MILLS: Thank you. Do any of the  
12 parties have any objection to the admission of that letter  
13 into the record for this hearing tonight?

14 MR. WILLIAMS: Not on behalf of Osage Water  
15 Company.

16 JUDGE MILLS: Mr. Snodgrass?

17 MR. SNODGRASS: None, Judge.

18 MS. O'NEILL: No objection.

19 JUDGE MILLS: Okay. Let's go ahead and mark  
20 that as Exhibit 1, and since there are no objections to it,  
21 we'll admit it into the record for the hearing this evening.

22 MR. SNODGRASS: Judge, just for clarification,  
23 your Honor, does the Commission also want the other letter  
24 with the same date admitted or just the one from the witness  
25 that just testified earlier?

1 JUDGE MILLS: I think right now we only have a  
2 foundation for the one that Mr. Murphy testified about.  
3 From what Mr. Schroeder read, the letter that he received on  
4 the November 1st letter, it sounds very similar, although  
5 not identical. I think for purposes of the record tonight,  
6 the one that Mr. Murphy identified will be sufficient.

7 MR. SNODGRASS: And just for the record, I'm  
8 presenting the document that Mr. Murphy testified about to  
9 the Commission at this time.

10 JUDGE MILLS: Thank you. Just hand it to the  
11 court reporter and we'll have it marked.

12 (EXHIBIT NO. 1 WAS MARKED FOR IDENTIFICATION  
13 AND RECEIVED INTO EVIDENCE.)

14 MS. O'NEILL: Your Honor, if I may have an  
15 opportunity to show the other letter to Mr. Schroeder to see  
16 whether or not this is the same letter. Because they are  
17 somewhat different, I believe it would be appropriate for us  
18 to also request that that be made an exhibit.

19 JUDGE MILLS: Do you have a copy of the  
20 November 1st letter?

21 MS. O'NEILL: It's actually also dated  
22 December 18th, your Honor. Your Honor, maybe to clarify the  
23 foundation, maybe if Mr. Schroeder could answer just a  
24 couple more questions.

25 JUDGE MILLS: Sure. Mr. Schroeder, why don't

1 you come back forward, please. Let me just note for the  
2 record that you're still under oath. Please go ahead.

3 MS. O'NEILL: Mr. Schroeder, I'm showing you a  
4 copy of a letter. Is this the letter that you were  
5 referring to in your testimony earlier?

6 MR. SCHROEDER: Yes. In fact, this is my  
7 handwriting on the letter. So this is the one that I read  
8 from.

9 MS. O'NEILL: And it does have a date of  
10 December 18th, is that correct, on this letter here?

11 MR. SCHROEDER: Yes, this one does, as well as  
12 did my -- right here it is. Yes.

13 MS. O'NEILL: So your letter is a  
14 December 18th letter as well?

15 MR. SCHROEDER: Yes, it is.

16 MS. O'NEILL: And there's also handwriting of  
17 yours referring to the Department of Natural Resources and  
18 some other items?

19 MR. SCHROEDER: Yes.

20 MS. O'NEILL: Your Honor, at this time we  
21 would ask that this letter also be made an exhibit?

22 JUDGE MILLS: Is it different from the letter  
23 that Mr. Murphy talked about?

24 MS. O'NEILL: It is, your Honor.

25 JUDGE MILLS: Okay. Are there any objections

1 to the admission of the letter that Mr. Schroeder at Cavern  
2 View received being admitted? Mr. Williams?

3 MR. WILLIAMS: Not on behalf of the Company.

4 JUDGE MILLS: Mr. Snodgrass?

5 MR. SNODGRASS: None, Judge.

6 JUDGE MILLS: And I assume, Ms. O'Neill, you  
7 have no objections.

8 MS. O'NEILL: That's correct, your Honor.

9 JUDGE MILLS: Let's have this one marked as  
10 Exhibit 2, and we'll admit that into the record in this  
11 proceeding as well.

12 (EXHIBIT NO. 2 WAS MARKED FOR IDENTIFICATION  
13 AND RECEIVED INTO EVIDENCE.)

14 JUDGE MILLS: Okay. Let's move on to our next  
15 witness, Marcel Devos.

16 MR. DEVOS: I live in Harbor Bay Condo, and  
17 Ms. Louis covered pretty well everything on that, so I pass.

18 JUDGE MILLS: Okay. Well, thank you very  
19 much. Dennis Blake.

20 UNIDENTIFIED AUDIENCE MEMBER: He stepped out.

21 JUDGE MILLS: Well, we'll come back to him if  
22 he comes back in.

23 MR. BLAKE: I'm here. I pass.

24 JUDGE MILLS: You're going to pass. Okay.  
25 Bob Carson.

1 (Witness sworn.)

2 JUDGE MILLS: Thank you. Mr. Carson, are you  
3 a customer of Osage Water Company?

4 MR. CARSON: Yes, I am.

5 JUDGE MILLS: And where do you receive  
6 service?

7 MR. CARSON: At the Cedar Glen Condos.

8 JUDGE MILLS: Thank you. Please go ahead.

9 MR. CARSON: I have a couple of comments. One  
10 is that I've owned a home here on the Lake for about 40  
11 years, different houses, different subdivisions. The water  
12 that we had in all those places was pretty cheap.

13 Like, in one of the subdivisions we had about  
14 25 or 30 houses. We owned the water well. One well served  
15 the whole system. We never had a shortage. The total cost  
16 was \$24 a year for many years per house. It's now \$48 a  
17 year for that same subdivision.

18 I just wonder how can water get so expensive  
19 since wells in this area are so easy to drill and the water  
20 doesn't have to be processed through any kind of a system  
21 that would be normally required if you took the water out of  
22 a river.

23 The cost of a water treating system here from  
24 a well or a number of wells maybe should be relatively  
25 simple. I don't think there's any great processing unit

1 that goes in to purify the water.

2                   When we bought a condominium in the Cedar Glen  
3 Condos, which we've owned it now two years, a little over,  
4 one of the selling points of that condominium was the low  
5 cost of water. There's about 80 or 90 units completed now,  
6 and all of a sudden the water bill's doubled or at least  
7 wanted to double or more.

8                   It seems to me that an engineering company can  
9 bid a job a lot more closely. They know what it's going to  
10 cost to build a unit. It isn't any great engineering feat  
11 to design a system to pump water out of the ground in this  
12 area.

13                   I just can't believe in a condominium where  
14 probably there's only maybe ten people at the most in each  
15 unit of 16 units that's ever there, unless it's a weekend,  
16 and then there's very few through the wintertime. There's  
17 not that much water processed or pumped. It just seems like  
18 that's an awful lot of money for that amount of money for  
19 the water that you get here at the Lake of the Ozarks.

20                   Another thing, another point is I don't know  
21 how this meeting was set up on a Tuesday when most of our  
22 condominiums, most of our subdivisions that I live in are  
23 almost like ghost towns through the week.

24                   People would have come to this meeting had it  
25 been maybe on a Friday night or maybe on Saturday, but on a

1 Tuesday, whoever picked the date, you just know nobody's  
2 going to be here. They can't take off work when they live  
3 in St. Louis and Kansas City, Iowa. It seems like that was  
4 a little unfair because people cannot be here to speak.

5 I think that's most of the things that I  
6 wanted to say. I think that the main point that I'd like to  
7 make is the fact that I can't visualize a lot of money being  
8 spent to process this kind of water and pump it into the  
9 houses, and I don't know how much water usage, but I doubt  
10 that in a 16-unit complex, the people that are in that  
11 complex are very -- percentage-wise, they're just not there.  
12 So there's not that much water, I don't believe, that's been  
13 used, but it's something that should be looked at.

14 That's all I have to say.

15 JUDGE MILLS: Thank you. Questions?

16 COMMISSIONER MURRAY: Mr. Carson, did I -- I  
17 think I must have misunderstood you when you indicated how  
18 much you were paying for your service now. Would you repeat  
19 that?

20 MR. CARSON: I didn't say it, but we pay 30 --  
21 we pay \$33 and something a month for the sewer and the  
22 water. I think the water's -- I forget what it is. Do you  
23 know what the water is?

24 MR. BLAKE: Dennis Blake also from Cedar Glen  
25 Condos. We figured it out that right now we have --

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1 JUDGE MILLS: Mr. Blake, if you're going to be  
2 talking, I need to swear you in, not that I don't trust you.

3 (Witness sworn.)

4 JUDGE MILLS: Thank you. Please go ahead.

5 MR. BLAKE: Okay. Doing a little calculation,  
6 right now Cedar Glen Condos has plus 90 units sold. \$33.90  
7 per unit comes out to in excess of \$36,000 per year.  
8 They're building another two units, 16 condos apiece,  
9 another 32 units at another \$33.90 a month. I don't know  
10 what this figures out. I don't have a calculator with me.

11 But that's almost half this guy's bill, but I  
12 think that's a little bit much. Like Bob was saying, most  
13 of our people don't stay there year round. They come down  
14 maybe three, four, five times a year, and they're still  
15 paying \$33.90, which is water and sewer. Something's wrong  
16 with this picture.

17 MR. CARSON: All through the week there's  
18 probably not five cars in front of each unit total.

19 MR. BLAKE: And I don't think there's anybody  
20 stationed up there in the wellhouse that they're paying a  
21 salary for. I don't know how much chlorine he uses. I  
22 don't think it comes out to \$36,000 for what we get right  
23 now. Obviously he's making a little bit of money. Thank  
24 you.

25 JUDGE MILLS: Why don't you both stay there,

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1 and we'll go for a round of questions on both of you at  
2 once. Let's go back to Commissioner Murray, questions for  
3 either Mr. Carson or Mr. Blake.

4                   COMMISSIONER MURRAY: Okay. And either one of  
5 you that -- whoever wants to answer this can, or you can  
6 both answer it. But in terms of the service and the quality  
7 of the water, any problems with your service or your  
8 quality?

9                   MR. CARSON: We have had several times we had  
10 so many cloudy water we couldn't drink it. Nobody drank it  
11 in the whole unit.

12                   COMMISSIONER MURRAY: And did you contact  
13 anyone at the company?

14                   MR. CARSON: We did. We did. I don't know  
15 what caused it, but that's happened several times.

16                   COMMISSIONER MURRAY: What was the response  
17 when you contacted the company?

18                   MR. CARSON: They fixed it. I don't know what  
19 they did.

20                   COMMISSIONER MURRAY: So did they come out  
21 right away?

22                   MR. CARSON: Yeah. I think it was pretty --  
23 it was -- it cleared up pretty quick.

24                   COMMISSIONER MURRAY: And when was the last  
25 time you had a service or quality --

1 MR. CARSON: It's been several months. I  
2 don't know. It's been quite a while since it's done that.

3 COMMISSIONER MURRAY: All right. And in terms  
4 of the sewer, any problems experienced that you know of?

5 MR. CARSON: No.

6 MR. BLAKE: We've got two lift stations that I  
7 know of right now that are operating. There's one between  
8 Building 1 and 2, another one between 3 and 4, and we've had  
9 continuous problems with both of them. I used to live in  
10 Building 1. Now I live in Building 4, and that alarm on  
11 that one rang all the time and they just said, Well, just go  
12 out and push the button and it'll reset. I don't know if  
13 they ever fixed it or not because I'm not over there  
14 anymore. And now the one between 3 and 4 continuously goes  
15 off, and they did have a honey do truck out a couple weeks  
16 ago, something like that.

17 So that's not the problem. There's something  
18 internally wrong if they have to come out with a honey do  
19 truck and clean out a lift station, but they did do that.

20 COMMISSIONER MURRAY: Did you contact the  
21 company yourself?

22 MR. BLAKE: Not me personally, but one of our  
23 people did. That's why they come out with the honey do  
24 truck.

25 COMMISSIONER MURRAY: Do you know how long it

1 took them to respond?

2 MR. BLAKE: Pardon me?

3 COMMISSIONER MURRAY: Do you know how long it  
4 took the company to respond?

5 MR. BLAKE: No, I don't. Probably a day or  
6 two.

7 MR. CARSON: Having worked all my life for one  
8 of the larger process engineering companies in the world, we  
9 bid all kinds of process type units, oil refining, petro  
10 plants and gas processing plants. We were able to bid  
11 \$200 million jobs within \$30,000.

12 It would seem a small process plant if one is  
13 installed on a water system, which I don't think there's one  
14 there, would be very easy to estimate very accurately within  
15 a few dollars.

16 And when we were sold on buying those condos  
17 at those water rates, it's always a suspicion to everybody  
18 that they kept the rates real low to sell everybody, and  
19 then once everybody got there and got a bunch of people, now  
20 they've doubled the rates.

21 It doesn't seem that there's been enough time  
22 since those were designed. It would be very easy to design  
23 one for that many units since they're all right together.

24 COMMISSIONER MURRAY: How old are those  
25 condos?

1 MR. CARSON: About two and a half years.

2 MR. BLAKE: First one was opened up in 1980.

3 MR. CARSON: But they're building and they're  
4 going to build a lot more. They're still building.

5 MR. BLAKE: We have plans for 12 buildings  
6 with 350 units.

7 JUDGE MILLS: Commissioner Simmons?

8 COMMISSIONER SIMMONS: Good evening,  
9 Mr. Carson, Mr. Blake. I just have one question.

10 I was struck by your testimony earlier,  
11 Mr. Carson about notice. Can you tell me or can you recall  
12 when you actually received notice of this meeting tonight?

13 MR. CARSON: I received it from the water  
14 company.

15 COMMISSIONER SIMMONS: Okay.

16 MR. CARSON: About, oh, I don't know, maybe a  
17 month or so ago.

18 COMMISSIONER SIMMONS: It was about a month  
19 ago?

20 MR. CARSON: I forget. It come from them. It  
21 was probably at least a month.

22 COMMISSIONER SIMMONS: Thank you, sir. That's  
23 all the questions I have.

24 JUDGE MILLS: Ms. O'Neill.

25 MS. O'NEILL: I don't have any questions, your

1 Honor.

2 JUDGE MILLS: Mr. Snodgrass?

3 MR. SNODGRASS: No questions.

4 JUDGE MILLS: Mr. Williams?

5 MR. WILLIAMS: No questions, your Honor.

6 JUDGE MILLS: Gentlemen, thank you both. You  
7 made a great team.

8 Michael McCarthy.

9 MS. McCAFFREY: He stepped out, and that's  
10 McCaffrey.

11 JUDGE MILLS: McCaffrey. Well, we'll come  
12 back. Leslie McCaffrey.

13 (Witness sworn.)

14 JUDGE MILLS: Thank you. Please go ahead.

15 MS. McCAFFREY: I'm kind of like the gentleman  
16 before. I really didn't know this was all going to take  
17 place tonight. So I'm a little unprepared. But I would  
18 like to start out -- do you need to know where I live?

19 JUDGE MILLS: Yes, I do. Thank you very much.  
20 Are you a customer of Osage Water Company?

21 MS. McCAFFREY: Yes.

22 JUDGE MILLS: And where do you receive  
23 service?

24 MS. McCAFFREY: Well, on here it has Chelsea  
25 Rose Fl2. I'm actually in Cinnamon Hollow, and I assume

1 that is considered under F12.

2 JUDGE MILLS: I'm not sure what F12 is. Is  
3 that a condominium number?

4 MS. McCAFFREY: No. I have a home. And I'm  
5 going to start out with the sewer problems. We've lived  
6 there right at two and a half years. From November of '98  
7 when we moved in until around March of '99, major sewer  
8 problems. In fact, it got so bad it flooded our house.

9 The pump or the breaker kept blowing. We kept  
10 calling Osage Water. Oh, yes, they'll come right out. I  
11 don't know what they did, but within a couple hours it was  
12 going off again. And finally they had someone coming in on  
13 every Friday, we hoped, and they would stick a line or a  
14 water hose into my sewer and drain it out. And finally  
15 around March they did get everything settled, but I am on a  
16 sewer with my neighbor.

17 So, you know, that was one of my big  
18 complaints because they were extremely rude. They did not  
19 want to help, period.

20 Okay. On to the water here. Also from day  
21 one when I moved in, nothing -- from five to probably seven  
22 o'clock, I had no water. During the day somewhat, you know,  
23 small stream. Put in a new yard, of course. I just built a  
24 home. Had to have it redone the next year because I did not  
25 have enough water pressure to water my yard.

1                   And I did call the Public Service Commission,  
2 and Mark Hummel did come to my house I know at least two or  
3 three times. So I did notify the Public Service Commission.  
4 Still nothing was done.

5                   Eventually they did get a new well built,  
6 which was -- I think it was turned on February, March, in  
7 that area. Water pressure minutely better, but for the  
8 first two months my clothes were a reddish brown, you know.  
9 And we did call them up asking, Is this water safe to drink?  
10 They told us it was. We took their word on it.

11                   Another thing is, is right now I'm looking at  
12 a sheet of paper that was sent to me. We right now are  
13 paying \$22.70 for water, which on whatever sheet I have  
14 right here there's only like four listed.

15                   We're double what everyone else is, and  
16 they're wanting to double our rates again, which is going to  
17 put us at 45.30, not including my sewer, which they do want  
18 to -- right now my sewer's 23.90. They want to -- it will  
19 be 26.03, which that's not a problem.

20                   I have a big problem with the water because I  
21 don't feel -- I mean, I don't feel I'm getting \$22.70 worth  
22 now, and now we're going up to 45.30.

23                   And another thing, I was sent a letter here  
24 stating this meeting tonight, and I will skip down here  
25 where it does say the PSC Staff and the company have agreed

1 to new changes in rates. You were notified of new rates and  
2 changes in November. A copy is enclosed.

3                   Because of this letter, half of the people in  
4 my subdivision did not come because they thought the rates  
5 were already set, which I kind of find that a little  
6 deceiving. So I wish that had not been put in there because  
7 more people would have shown up because, you know, we find  
8 it a big problem.

9                   And I guess last, I would -- actually, this is  
10 kind of a question. I know that Mr. Williams is also my  
11 developer, and I know he has something to do with Osage  
12 Water, which I find conflicting. Maybe I'm wrong. Maybe  
13 I'm not, but that's a question I have to ask, and maybe  
14 someone can answer that for me. And that's all I have for  
15 tonight.

16                   JUDGE MILLS: Thank you. Questions,  
17 Commissioner Murray?

18                   COMMISSIONER MURRAY: Yes. Do you live  
19 full-time --

20                   MS. McCAFFREY: Yes.

21                   COMMISSIONER MURRAY: -- at the property?

22                   And the water pressure problems, are they  
23 still persisting?

24                   MS. McCAFFREY: They are somewhat better, but  
25 now, you know, when you go from having no water and not

1 getting the soap out of your hair when you wash it to  
2 getting somewhat of the soap out, if you can call that  
3 better. I don't.

4 My big problem is the doubling of our price  
5 when we're already double what most people already are.

6 COMMISSIONER MURRAY: And when you have had  
7 problems in the past, you have contacted the company?

8 MS. McCAFFREY: Many times.

9 COMMISSIONER MURRAY: And I believe you  
10 said -- I think I'm quoting you properly -- that they were  
11 very rude?

12 MS. McCAFFREY: Very rude, yes.

13 COMMISSIONER MURRAY: Would you elaborate on  
14 what you mean by that?

15 MS. McCAFFREY: Hanging up on me, just  
16 telling, Oh, yeah, somebody's going to come out there.  
17 Nobody shows up. You call back.

18 Well, for one instance, if I may go on here,  
19 we were out of town, came home. We had ten people coming  
20 in. Turned on our water. We had no water. Okay. So we  
21 thought maybe the line had busted, something. We go out and  
22 look at our meter and there's a padlock on it, and this was  
23 about 5, or 4:50, close to 5 o'clock.

24 I called. I have no idea who I talked to.  
25 They told me, I'm sorry, but you have not paid your bill

1 this month. So immediately -- and she basically hung up on  
2 me, because I did get a little irate. I was a little upset  
3 because I knew I had paid my bill.

4                   We got all the check stubs out. I called  
5 back. No one answered. The next morning my husband was  
6 down there at eight o'clock with the last two years that we  
7 had lived there, actually, it was a year and a half at that  
8 time, and, you know, said, you know, why is my water cut  
9 off? And the comment was made, You called me up and said  
10 you were selling your house, so we turned your water off, no  
11 notice, no nothing. Come home with a padlock on my water  
12 meter.

13                   COMMISSIONER MURRAY: And how long was your  
14 water off?

15                   MS. McCAFFREY: When we got home, I don't know  
16 when the lock was actually put on, but it was off for at  
17 least another 10 to 15 hours. It was the next day.

18                   COMMISSIONER MURRAY: Were you given a boil  
19 order when it was turned back on?

20                   MS. McCAFFREY: I don't know what that is.

21                   COMMISSIONER MURRAY: Were you told to boil  
22 your water?

23                   MS. McCAFFREY: No, I was not.

24                   COMMISSIONER MURRAY: I think that's all the  
25 questions I have. Thank you.

1 JUDGE MILLS: Thank you. Commissioner  
2 Simmons?

3 COMMISSIONER SIMMONS: Good evening,  
4 Ms. McCaffrey. The letter that you spoke about earlier,  
5 what is the date of that letter that gave notice?

6 MS. McCAFFREY: Okay. It's dated  
7 December 30th, 2000.

8 COMMISSIONER SIMMONS: December 30th, 2000.  
9 And could you read a portion of that letter that you said --  
10 that you read earlier?

11 MS. McCAFFREY: The one that I had read  
12 earlier?

13 COMMISSIONER SIMMONS: Yes.

14 MS. McCAFFREY: It says, The PSC Staff and the  
15 company have agreed to new changes and rates. You were  
16 notified of the new rates and changes in November. A copy  
17 is enclosed.

18 COMMISSIONER SIMMONS: That's all the  
19 questions I have. Thank you for your testimony.

20 JUDGE MILLS: Thank you. Ms. O'Neill?

21 MS. O'NEILL: Thank you, your Honor.

22 Mrs. McCaffrey, the letter that you're  
23 referring to, does it maybe say new charges and rates?

24 MS. McCAFFREY: To new charges and rates.

25 MS. O'NEILL: And is that the notice that you

1 said that you and your neighbors received and it looks like  
2 this (indicating)?

3 MS. McCAFFREY: I don't have my glasses.

4 MS. O'NEILL: May I approach?

5 JUDGE MILLS: Please do.

6 MS. McCAFFREY: Yes.

7 MS. O'NEILL: That appears to be the same  
8 letter?

9 MS. McCAFFREY: Yes, it does.

10 MS. O'NEILL: Your Honor and Commissioners, I  
11 filed a pleading on January 5th which has a copy of the  
12 letter she's referring to attached to it. I'd ask that a  
13 copy of that letter also be made an exhibit this evening,  
14 and I can provide a copy of that.

15 JUDGE MILLS: Well, inasmuch as it was  
16 attached to a pleading that you filed, it's already in the  
17 record in this case and I don't think we need another copy.

18 MS. O'NEILL: That's fine.

19 JUDGE MILLS: Correct me if I'm wrong, but I  
20 believe you filed a similar pleading in 557 and 556?

21 MS. O'NEILL: That's correct, your Honor.

22 COMMISSIONER MURRAY: Your Honor, excuse me.  
23 Just recalling, I don't believe that that letter was  
24 attached. I thought that I recalled Office of the Public  
25 Counsel had quoted from the letter in the pleading. Do you

1 recall for sure that you had attached the letter?

2 MS. O'NEILL: It is attached to my file copy,  
3 Commissioner. If it was not attached to your copy, it will  
4 be refiled tomorrow morning.

5 COMMISSIONER MURRAY: Do you recall it was  
6 filed? It was not on the copy that I received.

7 MS. O'NEILL: And Mrs. McCaffrey, you said  
8 that some of your neighbors thought that there was no reason  
9 to appear tonight because of the letter?

10 MS. McCAFFREY: Right. I did speak to one  
11 neighbor, and the way that she talked is that, you know,  
12 Well, I read the letter. It sounds like the rates are  
13 already changed, already locked in. So, you know, I'm not  
14 going to bother going.

15 MS. O'NEILL: And also you had indicated that  
16 you did not believe that this was going to be a formal  
17 proceeding based on --

18 MS. McCAFFREY: No, I didn't.

19 MS. O'NEILL: Would it be fair to say you  
20 thought there might be some question and answer?

21 MS. McCAFFREY: Right.

22 MS. O'NEILL: That's pretty much what the  
23 letter says?

24 MS. McCAFFREY: Right.

25 MS. O'NEILL: Thank you. I have no further

1 questions.

2 JUDGE MILLS: Mr. Snodgrass?

3 MR. SNODGRASS: Are you requesting, ma'am,  
4 that the letter be rephrased so that the recipient  
5 understands that just because there's an agreement between  
6 Staff and the Company, that it's not binding on the customer  
7 until the Commission passes?

8 MS. McCAFFREY: Right. I find this very  
9 deceiving.

10 MR. SNODGRASS: I see. That's all I have.

11 JUDGE MILLS: Mr. Williams?

12 MR. WILLIAMS: No questions.

13 JUDGE MILLS: Thank you. Thank you very much.  
14 You may be seated. Is Mr. McCaffrey back?

15 MS. McCAFFREY: No. Can he pass?

16 JUDGE MILLS: Sure.

17 MS. McCAFFREY: Or does he need to come in and  
18 tell you that?

19 JUDGE MILLS: I'm sure you can speak for him.  
20 Earl King?

21 MR. KING: Pass.

22 JUDGE MILLS: I'm sorry?

23 COMMISSIONER SIMMONS: He passed.

24 JUDGE MILLS: Oh, okay. Dolly King?

25 MS. KING: I pass, too, because she just

1 talked for me.

2 JUDGE MILLS: Dallas Erb?

3 (Witness sworn.)

4 JUDGE MILLS: Thank you. Ms. Erb, are you a  
5 customer of Osage Water Company?

6 MS. ERB: Yes, I am.

7 JUDGE MILLS: And where do you receive  
8 service?

9 MS. ERB: Foxhead Meadows. We're also a part  
10 of Cavern View.

11 JUDGE MILLS: Thank you. Please go ahead.

12 MS. ERB: We have been with Osage Water for  
13 five years, unknowingly for the first four years. When we  
14 moved in the house out there, our contractor ran the water  
15 lines and everything for us to apparently Osage Water's  
16 hookup and told us that, because of him putting in the lines  
17 himself and Osage Water not doing it, because he said Osage  
18 Water refused to do it, that we would not have to pay for  
19 water.

20 So we lived there for four years, and then one  
21 day Mr. Mitchell shows up at my door and said he's taking a  
22 survey for the water company. He wanted to know how many  
23 people lived there, their names, address and so on and so  
24 forth. So I filled it out, and then a week or so later I  
25 get a bill for over \$400 in the mail from Osage Water

1 Company.

2                   I called him to discuss it and find out why  
3 my -- why I had to pay so much money, and he said it was for  
4 the first four years that I had lived there. And I argued  
5 with him about it, and I said, Well, that's not what our  
6 contractor told us because he went to the expense of running  
7 the lines for us, that we did not have to pay for water. He  
8 said, No, that's not right.

9                   And I said, Well, I don't have the money. I  
10 can't pay it. I said, Legally you cannot shut my water off.  
11 And his exact words were, Yes, I can. I can shut your water  
12 off any time I want.

13                   So I went ahead and paid it. I don't have  
14 very much money. I'm not a rich person. It took me eight  
15 months to pay it, but I went ahead and paid it because I  
16 thought that maybe he did have a point and that we should  
17 have been responsible and I should have been un-naive enough  
18 to know at the outset to know that we'd eventually have to  
19 pay for water. So that was fine.

20                   But since in the last year it has been raised  
21 two times, we started out at \$8 and now we're up to 16, and  
22 because of this notice and the letter and everything it has  
23 been said it's going to change to 24.

24                   I've lived all over the country, in several  
25 different states, and I have never paid more than \$10 a

1 month in water, and that's why I think this is very  
2 unreasonable.

3                   Also because the fact is because we have had  
4 no water whatsoever for the last seven days. We have had no  
5 water, period. We had a -- I called them -- last Wednesday  
6 night is when we ran out of water. I called Thursday to  
7 have him come check it. The response I got was -- it wasn't  
8 from Mr. Mitchell. It was from someone who apparently works  
9 for him, said, Well, we have had no other calls in that  
10 area. Everybody else seems to be fine. He acted like he  
11 didn't believe me.

12                   So I called back, and I said, Look, we have no  
13 water. Something needs to be done about this situation. I  
14 have a disabled person in a wheelchair in my home that makes  
15 it very hard to care for with no water.

16                   So eventually Mr. Mitchell came out, I think  
17 it was the next day, that afternoon, looked around at all  
18 the water hookups. I saw him coming, so I went out to talk  
19 to him about it. And he ran around and looked at all the  
20 hookups, and I asked him, I said -- actually, this is the  
21 fifth time since we have lived there in five years that we  
22 have had no water, period. We've had pipes and stuff break  
23 before, but my contractor has been kind enough fix it at his  
24 own expense up to this point.

25                   So when he was out there looking around, I

1 said, Well, should I call my contractor? And his exact  
2 words were, Well, it won't do you any good until I find the  
3 leak. And then he never -- I went back in the house, and he  
4 never came back to my door to tell me what was going on or  
5 anything.

6                   So I called the company later on again that  
7 afternoon to find out and told them, I said, Please call me  
8 back and let me know in case I have to call my contractor.  
9 At least I can start to get something done about this  
10 problem.

11                   So they finally called me back that afternoon,  
12 and the person who worked for him called me and he said,  
13 Well, he's been out there checking it, and everything seems  
14 to be fine. And I said -- he said, If you still have a  
15 problem in the morning, call us back.

16                   So I called back Friday morning, told him, I  
17 said, We are still out of water. And he said -- he said --  
18 asked him if he had any other calls. He said no. Then he  
19 said that they were going to check into it.

20                   I never heard another word. All weekend we  
21 sat, no water, no nothing. I've had to go to the local gas  
22 stations in the area, cart in water and everything so we  
23 could at least flush the toilets. And, fortunately, where I  
24 work has a shower in the employee bathroom, so I have been  
25 able to take a shower.

1                   But my contractor, I finally got ahold of him.  
2 He was out of town. He called me over the weekend and said  
3 that they were going to check into it first thing Monday  
4 morning, try to get me some water.

5                   So they checked Monday. My contractor called  
6 me back and said that they found the leak where the pipes  
7 had broken, but it was across the street from us under  
8 someone else's driveway, but they are also with Osage Water.  
9 And my contractor said that he was going to break up their  
10 driveway and they were going to fix it for us so we'd have  
11 water.

12                   I asked my contractor, I said, Well, why are  
13 you doing this if it's not your responsibility? It should  
14 be Osage Water. He said that he talked to Mr. Mitchell and  
15 that Mr. Mitchell told him that he didn't have any money, he  
16 could not fix it.

17                   So I've been gone all day. I had to go to  
18 Jefferson City today. Supposedly they were supposed to have  
19 it fixed today, and I have not been home to see.

20                   That's not the only thing. Like I said, in  
21 the summertime I work 60 hours a week. I work very hard for  
22 my money, and I do not feel it is fair to have to pay so  
23 much for water, especially whenever we don't have any to pay  
24 for. I don't mind -- you know, I pay my bills all the time.  
25 I don't mind paying for something if I'm going to get fair

1 in return, but obviously that has not been the case.

2 So that's about all I have to say.

3 JUDGE MILLS: Thank you. Questions,  
4 Commissioner Murray?

5 COMMISSIONER MURRAY: Well, I'd just like to  
6 commend you for being able to laugh about it. I cannot  
7 imagine being --

8 MS. ERB: Haven't been able to do much else.  
9 That was the only thing, we lost electricity, too, when it  
10 was seven degrees, but that wasn't the water company's  
11 fault.

12 COMMISSIONER MURRAY: I don't think I have any  
13 questions, but thank you.

14 JUDGE MILLS: Commissioner Simmons?

15 COMMISSIONER SIMMONS: Good evening, Ms. Erb.  
16 Thank you for testifying. Thank you for being here.

17 I just want to go to some of the testimony  
18 that you talked about earlier. Your period of not having  
19 water, how many days has that been, this recent occurrence?

20 MS. ERB: Since last Wednesday.

21 COMMISSIONER SIMMONS: Since last Wednesday?

22 MS. ERB: Wednesday night, uh-huh.

23 COMMISSIONER SIMMONS: You said earlier that  
24 this is your fifth time?

25 MS. ERB: Since I've lived there five years,

1 that I've been totally out of water for at least two days at  
2 a time.

3                   COMMISSIONER SIMMONS: Were these water main  
4 breaks or --

5                   MS. ERB: Yes. The loss of water has been due  
6 to pipes breaking in the cold weather, but also my  
7 contractor said that when he goes out there to check it, he  
8 shuts off certain valves and stuff and that builds up the  
9 pressure, so when they are turned back on it blows the  
10 gasket.

11                   COMMISSIONER SIMMONS: When you've had these  
12 outages, what was the time frame of getting your service  
13 turned back on?

14                   MS. ERB: How long did it take?

15                   COMMISSIONER SIMMONS: Yeah, how long did it  
16 take?

17                   MS. ERB: I think the earliest was -- the  
18 soonest was two days at one time, and once it was four days.

19                   COMMISSIONER SIMMONS: Okay. And this was  
20 mainly done by your contractor, not Osage?

21                   MS. ERB: Yes. The whole time that these  
22 pipes have been fixed my contractor has done it. I'm  
23 fortunate to have such a good contractor.

24                   COMMISSIONER SIMMONS: And was this an expense  
25 that you had to pay out of your pocket or just --

1 MS. ERB: No.

2 COMMISSIONER SIMMONS: -- the good will of  
3 your contractor?

4 MS. ERB: My contractor did not charge me.

5 COMMISSIONER SIMMONS: That's all the  
6 questions I have. Thank you for your testimony.

7 COMMISSIONER MURRAY: I have one more that I  
8 forgot. I wanted to ask you if you still have a copy of the  
9 bill that you received for \$400 after four years of  
10 receiving service?

11 MS. ERB: No. I wish I did. I don't.

12 MS. WALTERS: It's at home.

13 MS. ERB: I have all kinds of checks of my  
14 payments because I paid it \$50 a month for eight months.

15 COMMISSIONER MURRAY: Do you think you have a  
16 copy of the bill at home?

17 MS. ERB: I don't think so. I can look, but I  
18 don't think so.

19 COMMISSIONER MURRAY: Someone is telling you  
20 you do.

21 MS. ERB: Okay. Well, we'll be happy to look.

22 COMMISSIONER MURRAY: I would like to ask, if  
23 this would be appropriate, Judge, if she can find that, if  
24 she would give it to the Office of the Public Counsel so  
25 they can file that in our record.

1 MS. ERB: I would be happy to if I can find  
2 it.

3 JUDGE MILLS: Certainly you can forward it to  
4 Ms. O'Neill at the Office of the Public Counsel and --

5 MS. ERB: Okay. And I have a letter here. I  
6 don't know if you have a copy of this one, about the gallons  
7 and stuff on the back where they notified us about the rates  
8 going up. I don't know if you wanted that or not.

9 JUDGE MILLS: Ms. O'Neill, do you have  
10 questions?

11 MS. O'NEILL: I do not have any questions.  
12 Thank you.

13 JUDGE MILLS: Mr. Snodgrass?

14 MR. SNODGRASS: What was the question, Judge?  
15 I apologize.

16 JUDGE MILLS: Do you have any questions for  
17 this witness?

18 MR. SNODGRASS: No, I do not.

19 JUDGE MILLS: Mr. Williams?

20 MR. WILLIAMS: No questions, your Honor.

21 JUDGE MILLS: Thank you. Thank you very much.  
22 You may be seated again.

23 Lisa Walters, please.

24 (Witness sworn.)

25 JUDGE MILLS: Thank you. Are you also a

1 customer of Osage Water Company?

2 MS. WALTERS: Yes, sir.

3 JUDGE MILLS: And where do you receive  
4 service?

5 MS. WALTER: Foxhead Meadows.

6 JUDGE MILLS: I'm sorry?

7 MS. WALTERS: Foxhead Meadows.

8 JUDGE MILLS: Thank you. Please go ahead.

9 MS. WALTERS: I'm nervous. Sometimes I talk  
10 too fast. You're going to have to forgive me. But I have  
11 not been able to work both my jobs because I had an accident  
12 at work, and I have to go to therapy three times a week. I  
13 have to be out in the public three times a week. I have no  
14 way to take a shower. I don't even have a drizzle of water.  
15 I have to go to gas stations and take their water or ask  
16 them for water. That's embarrassing.

17 I'm 40 years old. I work hard for my money.  
18 I work two jobs. One's an hour away. The other one I've  
19 been at for 12 years. And I don't feel I should be treated  
20 this way at all. I pay my bills good on time.

21 This man is really rude. Call him up on the  
22 phone, he just gives you the runaround. He don't care.  
23 He's got water. I don't even know if he's got animals, but  
24 I've got two dogs, two cats. I've got to worry about them,  
25 too, you know. I can't get away from the house. I can't --

1 you know, it's hard not living with water.

2                   We lost electricity a week ago, and to tell  
3 you the truth, I think I'd rather have electricity sometimes  
4 than water, but when you're without it for a week, you get  
5 thirsty. Our roads are so slick you can't get out because  
6 they're icy, and she has to drive me everywhere. Thank God  
7 she's off for the time I'm off.

8                   If I couldn't get out myself, I'd be calling  
9 that man up and I'd be telling him to give me fuckin' water.  
10 Excuse my language. But he'd have to give it to me because  
11 I would have no way to get out and get water.

12                   I've been out for seven days, and I feel  
13 that's -- I'm human like everybody else here. They work  
14 their jobs. They probably make more money than we do.  
15 We're down at the end of the line. I think we were the last  
16 people that were hooked up to this well, unknownst that  
17 everybody else here is on the same well we are.

18                   I really think that's illegal. I'm not a  
19 lawyer or anything, but that's a lot of people for water,  
20 don't you think?

21                   I don't know how you guys feel. You probably  
22 had a nice shower today. I had to sneak in my other job the  
23 back way and use the employee shower this morning. That's  
24 pretty sad.

25                   You know, and when we call him up to get

1 things done, he's rude to us on the phone. He could really  
2 give a hoot, and that's pretty sad for a man to have a  
3 business like that and treat -- I'm sure I'm not the only  
4 one who's treated that way.

5 I'm sorry I sound a little nervous, but like I  
6 said, I'm not good at speaking in front of people. But I'm  
7 sticking up for myself because I have no other way to stick  
8 up for myself due to this water problem, and like Dallas  
9 said, it's been five times without water.

10 I don't know if you guys have ever been  
11 without water, but, you know, for a week or two weeks or two  
12 days, you know, that means a lot to someone like me. I can  
13 only stand up for an extended period of time to take a  
14 shower. I can't get in my bathtub. I can't reach the sink.  
15 I have to use these crutches, and I just -- I can't do it.

16 I have no water. I need water, and he will  
17 not do anything about it. I think that's unfair. If I had  
18 enough money and enough documentation, I'd probably sue him  
19 if I could, but I don't make that much money to do it. I'm  
20 tired of being without water, and that's all I've got to  
21 say.

22 I don't mean to complain or anything, but I  
23 don't know how else to present my case. Like I said, if I  
24 didn't have her there, I'd be screwed. I mean, my other  
25 neighbors, they're gone and they just got back a couple days

1 ago, and we had to tell them they didn't have any water.

2 He's not happy either. He's 80-something years old.

3                   And the other couple, they've got two  
4 children. They have to stay at a motel and everything  
5 because we have had no water for seven days. And they have  
6 not been able to make it to the meeting because they thought  
7 the same thing that some of these other people thought, that  
8 they're going to get the rates no matter whether they're  
9 here or not.

10                   They didn't have to suffer like we did. We're  
11 way down at the end of the line. Some of these people that  
12 said they couldn't get shampoo out of their hair, I'd be  
13 lucky to get shampoo in my hair. I'd like that. I wouldn't  
14 care if it would come out as long as I knew I could get it  
15 clean.

16                   It's hard to get up in the morning when you  
17 want to say hi to your two dogs or two cats and your breath  
18 sends them out of the room. That's pretty sad, your  
19 animals, you know.

20                   And I don't know what else to say to you guys  
21 to show how important it is, but, you know, I'm home 24/7  
22 unless I'm in therapy, and I have to go to surgery the 25th  
23 of January, and God forbid that my water is on by then,  
24 because after I have the surgery I'm totally immobilized for  
25 a couple of months. If I can't get out to get water, I

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1 don't know what I'm going to do, if someone can't get me  
2 water.

3                   And I pay good. I've never missed a bill.  
4 And like she said, all of a sudden out of the blue we got  
5 \$400, and I work two jobs as it is. I work for the State.  
6 I'm a correctional officer, and plus for the 12 years I've  
7 been at Lodge of Four Seasons. I've never missed except one  
8 day of work, and that's pretty good.

9                   And I pay my bills on time, and like I said,  
10 I've worked hard for what I have. I don't think I should be  
11 treated this way, period, especially -- I'm not using this  
12 as anything or to make you feel sorry for me, but it is  
13 something that happened at work and I am disabled right now.

14                   But I don't know about you guys, but it's hard  
15 for me to get around, and when I have to go be carted to a  
16 freaking gas station to get water, that's pretty sad. And  
17 the only reason she gave us water because she said, Well,  
18 I've only been here for a week, so I guess it's all right.  
19 If she wouldn't have been there for a week and we couldn't  
20 have got it, I don't know what I would have done. I don't  
21 have the money to go out to Wal-Marts and buy 16 gallons of  
22 water at a time when I need it, you know. That's not fair.

23                   And I don't know how everybody else feels, but  
24 I feel pretty darn sick about it myself. I'm tired of it.  
25 You know, even if he was at least human, you know, call up

1 on the phone and say, Hey, I understand your situation. As  
2 soon as I can I'll be out there to help you. You know,  
3 niceness goes a long ways. You can catch a lot of bees with  
4 honey. You know what I mean? Niceness really goes a long  
5 way.

6 I feel that since I had to go this far, that's  
7 pretty bad. And there's a lot of people from these wells.  
8 I mean, they're giving us a well. They want to turn it over  
9 to us and they're saying that we have to fix it. I don't  
10 have the money to fix it. I do not have the money. I'm not  
11 rich, and I'm not going to take something over that's  
12 already sick and ready to go down the hill.

13 If they're going to do that, they should fix  
14 it. By law, it should be in writing saying that it should  
15 be 100 percent well before they even give us the option of  
16 taking it over.

17 And \$60 to \$110 a month, you know, that's a  
18 lot for water I don't have. And for the time I've been out  
19 of water, I think it's only fair I shouldn't have to pay for  
20 the seven days I've been without water. What do you think?  
21 I'm a paying customer. What do you honestly think? Would  
22 you pay for being out of water for seven days?

23 I mean, you know, you have to go to a gas  
24 station and get water, okay, that they hose down a driveway  
25 with, that they probably wouldn't drink themselves. She has

1 to boil the water. If I need something to eat, she has to  
2 boil the water. I mean, that's pretty sad.

3 We have to limit what we eat because we don't  
4 have that much water that we got from the gas station. Six  
5 gallons of water doesn't go a long ways. You either eat or  
6 you don't get to drink. I mean, which one are you going to  
7 do?

8 That's all I've got to say. I'm sorry if I  
9 bent your ear.

10 JUDGE MILLS: Thank you. Let's see if we have  
11 any questions for you. Commissioner Murray?

12 COMMISSIONER MURRAY: Yes. Ms. Walters, you  
13 are in the Foxhead Meadows Area?

14 MS. WALTERS: Yes, ma'am.

15 COMMISSIONER MURRAY: Which is a part of  
16 Cavern View Estates; is that correct?

17 MS. WALTERS: Yes, ma'am.

18 COMMISSIONER MURRAY: So that's a  
19 noncertificated area to this company?

20 MS. WALTERS: Exactly what do you mean by  
21 noncertificated?

22 COMMISSIONER MURRAY: Well, they don't have a  
23 certificate to operate as -- from the Public Service  
24 Commission.

25 MS. WALTERS: You mean you're saying that he's

1 supposed to be supplying water to us illegally? Is that why  
2 he's not fixing it?

3 COMMISSIONER MURRAY: I'm not going to comment  
4 on that. I'm just trying to establish something here.  
5 We're not here to -- I'm sorry. We Commissioners are not  
6 here to answer your questions tonight, but I'd like to --

7 MS. WALTERS: No. I just wanted to know  
8 exactly what that meant. Does that mean we're in trouble  
9 because he didn't do his job or what?

10 COMMISSIONER MURRAY: Let me follow up with  
11 this and maybe you'll understand here. Maybe we'll both  
12 understand a little better.

13 I'm trying to find out if the letter that you  
14 received, was the letter that you received the letter that  
15 indicated that the Public Service Commission had -- the  
16 Staff of the Public Service Commission is requiring the  
17 company to file for a certificate and that you have the  
18 option to take the water supply over? Was that the letter  
19 you received?

20 MS. WALTERS: I don't remember reading  
21 anything about certificate or certified or whatever. The  
22 only letter I received was saying that on November something  
23 you were given this attached letter, which I don't even  
24 think I seen that letter, because this came separate from  
25 our bill. All of a sudden it just said \$60, \$110 or some

1 ungodly fee for a well. I mean, \$200,000. Geez, I can buy  
2 a nice house for that.

3 COMMISSIONER MURRAY: Okay. So it's --

4 MS. WALTERS: But I didn't see anything in the  
5 letter pertaining to being certified.

6 COMMISSIONER MURRAY: But you did see \$60 and  
7 \$110 in the letter? You recall that?

8 MR. CURTIS: Yes. I have the letter right  
9 here.

10 COMMISSIONER MURRAY: You do have the letter  
11 with you that you received?

12 MS. WALTERS: Yeah. All right. I guess I  
13 didn't have that with me. This one here that I've got says  
14 it's \$209,578 for sewer service, \$98,625. This company  
15 believes these increases in its operating revenues are  
16 necessary to meet current operating expenses.

17 For that much, I think you could build a  
18 brand-new well or he could at least fix the existing well,  
19 don't you think, and still have a profit?

20 COMMISSIONER MURRAY: What I'm trying to  
21 establish here is whether you received a notice that the  
22 company was trying to increase its rates for its  
23 certificated areas or whether you received a notice that  
24 they're being told to apply for a certificate?

25 MS. WALTERS: No.

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1 COMMISSIONER MURRAY: No to which question?

2 MS. WALTERS: No to the first question, and no  
3 to the one that said 60 or 110. I don't have that letter  
4 with me today.

5 COMMISSIONER MURRAY: Is the letter in your  
6 hand what you received?

7 MS. WALTERS: Yes. Do you want to look at it?

8 COMMISSIONER MURRAY: And is there a letter on  
9 both sides of that piece of paper?

10 MS. WALTERS: Yes.

11 COMMISSIONER MURRAY: Is that the way you  
12 received it?

13 MS. WALTERS: Yep.

14 COMMISSIONER MURRAY: Can you leave that as  
15 something that can be filed here in this case?

16 MS. WALTERS: Sure.

17 COMMISSIONER MURRAY: I believe that's all my  
18 questions. Thank you.

19 JUDGE MILLS: Commissioner Simmons?

20 COMMISSIONER SIMMONS: Good evening,  
21 Ms. Walters. First of all, let me thank you for coming out  
22 under such extraordinary circumstances and testifying  
23 tonight. I just have one question for you.

24 Have you been told at any point in time when  
25 your service may be restored?

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1 MS. WALTERS: No.

2 MS. ERB: Possibly today.

3 MS. WALTERS: Well, to you, but not to me.

4 COMMISSIONER SIMMONS: Have you personally  
5 called and complained and received any word when you might  
6 have service or anybody within your household called and  
7 received that kind of information?

8 MS. WALTERS: Yes. We called on Wednesday,  
9 Thursday, Friday, and was it today before we left? Not  
10 today before we left. We had to go to doctor's appointments  
11 today.

12 COMMISSIONER SIMMONS: Again, thank you,  
13 Ms. Walters. That's the only question I have.

14 JUDGE MILLS: Ms. O'Neill, do you have  
15 questions?

16 MS. O'NEILL: Thank you, your Honor.

17 Ms. Walters, you said that -- you referred to  
18 a man who treated you rudely on the telephone. Do you know  
19 what his name is?

20 MS. WALTERS: That guy right there, Pat  
21 Mitchell.

22 MS. O'NEILL: Pat Mitchell. Okay. Thank you.  
23 That's all the questions I have.

24 JUDGE MILLS: Commissioner Murray?

25 COMMISSIONER MURRAY: I'm sorry, but what

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1 happened to the letter that I asked be put into evidence?

2 MR. GREEN: That's already in the record.

3 That's the official filing.

4 COMMISSIONER MURRAY: I wanted that particular

5 one because apparently there was a letter on both sides.

6 It's the same customer notice that's in the file in the

7 record in this case?

8 MR. WILLIAMS: Yes, ma'am.

9 COMMISSIONER MURRAY: Okay. Thank you.

10 JUDGE MILLS: Thank you.

11 MS. WALTERS: Am I done?

12 JUDGE MILLS: Not quite yet. Mr. Snodgrass,

13 do you have questions?

14 MR. SNODGRASS: No questions.

15 JUDGE MILLS: Mr. Williams, do you have

16 questions?

17 MR. WILLIAMS: No questions.

18 JUDGE MILLS: Thank you. Now you're done.

19 Thank you very much.

20 MR. SCHROEDER: Point of information?

21 JUDGE MILLS: Mr. Schroeder, yes.

22 MR. SCHROEDER: I just want to say that I

23 believe her water system, she's in Fox Hill, but it's the

24 same as the Cavern View Estates water system in case there's

25 any confusion.

1 JUDGE MILLS: Okay. Thank you very much.  
2 The last person on the list is Jan Turner.  
3 (Witness sworn.)  
4 JUDGE MILLS: Thank you. Ms. Turner, are you  
5 a customer of Osage Water Company?  
6 MS. TURNER: Yes.  
7 JUDGE MILLS: And where do you receive  
8 service?  
9 MS. TURNER: F12 in the Cinnamon Ridge  
10 subdivision.  
11 JUDGE MILLS: Cinnamon Ridge. Thank you.  
12 Please go ahead.  
13 MS. TURNER: First of all, I'd like to start  
14 out by saying, up until two and a half years ago I took  
15 water for granted, and I no longer do that.  
16 It was about a year ago, at my home we had a  
17 meeting with Shannon Cook, and we had in excess of 30, 35  
18 people at my home, and they did sign a petition, and I would  
19 like for that to be on record. And I believe that was  
20 turned over to John Coffman, if I understand, if I'm correct  
21 about that information, but all of that should be on file.  
22 Again, we have the same concerns that a lot of  
23 people here are expressing today, and No. 1, the quality of  
24 our water, the service interruption in water and sewer,  
25 response by Osage Water about our problems, and concerns

1 over construction of water and sewer lines in our  
2 neighborhood.

3                   And I'll just be very, very brief, but it  
4 would seem to me that the Public Service Commission is  
5 very -- is concerned or should be concerned about a utility  
6 company that is under a number of violations by the  
7 Department of Natural Resources. That's it.

8                   JUDGE MILLS: Thank you. Questions,  
9 Commissioner Murray?

10                   COMMISSIONER MURRAY: I don't believe so, but  
11 thank you.

12                   JUDGE MILLS: Commissioner Simmons?

13                   COMMISSIONER SIMMONS: Just one question.  
14 Your last statement, you talked about violations from the  
15 Department of Natural Resources. Which violations are you  
16 referring to? Are there some that you have specific that  
17 you'd like to tell us at this point in time?

18                   MS. TURNER: Yes. Could I bring somebody else  
19 up here?

20                   COMMISSIONER SIMMONS: Sure.

21                   JUDGE MILLS: Sure.

22                   MR. McCAFFREY: There's not much I can say.  
23 My wife's already spoke to you.

24                   JUDGE MILLS: Could you first state your name  
25 for the record.

1 MR. McCAFFREY: Mike McCaffrey.

2 (Witness sworn.)

3 JUDGE MILLS: Thank you. Please go ahead.

4 MR. McCAFFREY: I think the -- I wasn't at the  
5 meeting, and that's why I think she brought this up. I  
6 think my wife forgot to bring this up. There was a lady by  
7 the name of Shannon Cook, which are you guys aware of this?  
8 You are? You're not?

9 COMMISSIONER SIMMONS: I'm not.

10 MR. McCAFFREY: What it is, I think she was  
11 Department of --

12 COMMISSIONER SIMMONS: Is that your former  
13 Public Counsel officer?

14 MR. McCAFFREY: Anyway --

15 MS. O'NEILL: For the record, Shannon Cook  
16 formerly was employed by the Office of the Public Counsel.  
17 She's not there any longer.

18 MR. McCAFFREY: Right. She's no longer there.  
19 There was a bunch of records. She took all this down. We  
20 thought there was going to be a meeting again, like a public  
21 hearing I think about eight months ago. Somehow it got  
22 canceled. When I made the call to Mr. -- is it Cohen or --

23 MS. TURNER: Coffman.

24 MR. McCAFFREY: John Coffman. I've got all  
25 this in a file over here. Anyway, when I made a call to

1 him, he expressed the feeling that Mr. Williams decided not  
2 to have one because there was going to be too many  
3 complaints.

4                   We had all this big meeting. There was 35 of  
5 us, 38 of them were there. I was out of town, but my wife  
6 did go to the meeting. I think we do have a copy of the --  
7 of all the people that signed it, the petition, and there  
8 was -- you know, again bringing back to having a meeting and  
9 going forward from there. And basically, that's what I can  
10 add on to it. I just wanted you guys to be aware of what  
11 happened and, you know, that this was on record.

12                   COMMISSIONER SIMMONS: Earlier I asked a  
13 question about the Department of Natural Resources  
14 violations that Ms. Turner brought up during her testimony.  
15 I guess I wanted to have elaboration on exactly what that  
16 was or if you had specifics.

17                   MR. McCAFFREY: I think Mr. Hummel can  
18 probably answer a lot of it. He was at our house a couple  
19 times. I mean, he did a lot of things at our house, put  
20 this thing on, a water thing to check the pressure and stuff  
21 like that, and then I think there was something about a  
22 letter that we received that there was an e-coli type thing  
23 in our well.

24                   I moved in in '98. I think this was in '98  
25 when it happened or '99, and I didn't get the letter until

1 2000. You know, I've got records now that where they -- I  
2 guess they tested the well, and I didn't -- well, I just now  
3 received 1999 as of November, I think, of 2000.

4 COMMISSIONER SIMMONS: Okay.

5 MR. McCAFFREY: I can't say specifically, but  
6 Mr. Hummel, I think, basically told us they were on that.  
7 You know, I can elaborate some more about things Mr. Hummel  
8 talked about.

9 MS. TURNER: I also believe on record at the  
10 time, some of the neighbors took some pictures of raw sewage  
11 being dumped in the lake, and that problem went unresolved  
12 for a period of time, and I don't know how long, but they  
13 did have pictures because they did take pictures to back  
14 that up.

15 MR. McCAFFREY: To get back, I think my wife  
16 expressed this, we had problems with our sewer where the  
17 breaker kept going off because the sewer would fill up. You  
18 know, they kept saying they didn't know what was wrong with  
19 it. They kept coming out.

20 And how they fixed it was by sticking a pump  
21 down into our sewer tank and draining it in the back of our  
22 yard. I can -- I've got witnesses on this. And I think  
23 that's -- I think that's what really upset Martin first when  
24 we first explained that to him. I think that's when they  
25 started looking into things.

1 MS. TURNER: Our sewer lines also leaked.  
2 That problem has been resolved, to the best of my knowledge,  
3 because it is not leaking now. But you could actually walk  
4 out in the backyard and the smell was so bad, plus the  
5 ground was wet continually. So we knew that there was a  
6 leakage.

7 And just on several occasions just getting up  
8 and not having water coming home and not having water, we  
9 have not experienced that for the last few months, but the  
10 water pressure is ongoing. We don't have enough water  
11 pressure to water our lawn. Sometimes there isn't enough  
12 water pressure to wash the shampoo out of your hair, and  
13 that's pretty miserable.

14 MR. McCAFFREY: You build a nice home and you  
15 have to take numbers to take showers. That's not fun,  
16 especially when you have company.

17 MS. TURNER: But it is documented and on  
18 record with the people that signed the petition and  
19 everything. Everything should be very well documented.

20 MR. McCAFFREY: We just know if -- that stuff  
21 that Shannon had for us, we just don't know if that got  
22 forwarded on. It seemed like there was a lot of confusion  
23 back at the PSC.

24 MS. TURNER: Because there were a lot of  
25 people that could not make it tonight for one reason or

1 another, but they certainly want to be heard.

2 MR. McCAFFREY: Yeah. The guy sends a letter  
3 out saying it's basically been taken care of, you know,  
4 they've already approved this. We had 35, almost 38 or  
5 something like that on a petition that probably -- I'd say a  
6 lot of them probably would have been here tonight.

7 So that's where I'm at. I think my wife  
8 basically told you everything else as far as on my house.

9 MS. TURNER: And thank you very much.

10 JUDGE MILLS: Thank you. Just stay there for  
11 a minute. I'll check and see if there's questions for  
12 either of you. Ms. O'Neill, questions?

13 MS. O'NEILL: I don't have any questions.  
14 Thank you.

15 JUDGE MILLS: Mr. Snodgrass?

16 MR. SNODGRASS: None, Judge. Thank you.

17 JUDGE MILLS: Mr. Williams?

18 MR. WILLIAMS: No questions.

19 COMMISSIONER MURRAY: I don't think we did  
20 establish, though, where you are -- where your service area  
21 is, Mrs. Turner, unless I missed it.

22 MS. TURNER: It's --

23 MR. McCAFFREY: You're Cinnamon Hollow, or is  
24 it Ridge?

25 MS. TURNER: I thought it was Cinnamon Ridge.

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1 It's Cinnamon Ridge. I don't know where I live. It's down  
2 F12.

3 COMMISSIONER MURRAY: Okay. I'm sorry. I  
4 guess I just missed it. I think you said it.

5 MR. McCAFFREY: They're about six houses down  
6 from us.

7 MS. TURNER: Yes, about six houses down from  
8 the McCaffreys.

9 MR. McCAFFREY: I'm in Cinnamon Hollow, which  
10 is not -- my wife made it clear, something about Chelsea  
11 Rose or something.

12 MS. TURNER: It's in that subdivision.

13 JUDGE MILLS: Thank you very much.

14 That is all the people that signed up ahead of  
15 time to speak. If there's anyone here that would like to  
16 testify and didn't have a chance to sign up, please just  
17 raise your hand and come on forward. Anyone?

18 Well, let me thank you all for coming out. As  
19 was explained to you ahead of time, we're having a  
20 transcript made of these proceedings. The three  
21 Commissioners that weren't able to be here tonight will get  
22 a copy of the transcript, so even the ones that weren't here  
23 will have a chance to hear what you all said.

24 Is there anything further, Commissioners?

25 COMMISSIONER SIMMONS: Commissioner Murray?

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1                   COMMISSIONER MURRAY: Just thank you very much  
2 for being here. We do appreciate it.

3                   COMMISSIONER SIMMONS: And I'm just going to  
4 say ditto what Commissioner Murray said. We appreciate your  
5 testimony. As it was explained earlier, the rest of our  
6 Commissioners will also get the transcripts from this  
7 testimony, but it does make a difference when we hear  
8 directly from you, and we'd like to thank you for coming  
9 out.

10                  JUDGE MILLS: Anything further from the  
11 parties?

12                  MS. O'NEILL: None from the Public Counsel.

13                  JUDGE MILLS: From the Staff?

14                  MR. SNODGRASS: Nothing from the Staff.

15                  JUDGE MILLS: From the Company?

16                  MR. WILLIAMS: No, your Honor.

17                  JUDGE MILLS: Mr. Schroeder, did you have a  
18 further question?

19                  MR. SCHROEDER: I just want to thank the  
20 Commission and those who do come out and try to help us. We  
21 do greatly appreciate that.

22                  JUDGE MILLS: Well, thank you. And thank you  
23 all once again for coming.

24                  We're off the record.

25                  WHEREUPON, the public hearing was concluded.

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EXHIBITS INDEX

RECEIVED

|   |                                   |    |
|---|-----------------------------------|----|
| 4 | EXHIBIT NO. 1                     |    |
|   | 12/18/2000 Letter to Moss Cove    |    |
| 5 | Customer from William P. Mitchell | 36 |
| 6 | EXHIBIT NO. 2                     |    |
|   | 12/18/2000 Letter to Cavern View  |    |
| 7 | Customer from William P. Mitchell | 38 |