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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Procedural conference

Volume 1

April 2, 2014

Jefferson City, Missouri

The Office of the Public Counsel,)
)
Petitioner,)
) Case No.
vs.) WC-2014-0138 et al.
)
Missouri-American Water Company)
)
Respondent.)

MICHAEL BUSHMANN, Presiding
SENIOR REGULATORY LAW JUDGE

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

2 JUDGE BUSHMAN: We'll go on the record.

3 Today is April 2nd, 2014, at 2:00 p.m. The
4 Commission has set this time for a procedural
5 conference in the case captioned as the Office of
6 the Public Counsel, Complainant, versus
7 Missouri-American Water Company, Respondent,
8 File No. WC-2014-0138, et al.

9 My name is Michael Bushmann. I'm the
10 Regulatory Law Judge that's been assigned to this
11 matter. Let's begin with the attorneys making
12 their entries of appearance. For the Office of
13 Public Counsel?

14 MS. BAKER: Thank you. Christina Baker,
15 P.O. Box 2230, Jefferson City, Missouri, 65102,
16 appearing on behalf of the Office of the Public
17 Counsel and the customers.

18 JUDGE BUSHMAN: And for Missouri-American
19 Water Company?

20 MR. COOPER: Dean Cooper from Brydon,
21 Swearngen & England, PC. The court reporter has
22 the address. Appearing on behalf of
23 Missouri-American Water Company.

24 MR. LUFT: Tim Luft with Missouri-American
25 Legal Department, 727 Craig Road, St. Louis,

1 Missouri, 63141.

2 JUDGE BUSHMANN: And for Commission Staff?

3 MR. THOMPSON: Thank you. Kevin Thompson,
4 Whitney Hampton, Tim Opitz for the Staff of the
5 Missouri Public Service Commission, P.O. Box 360,
6 Jefferson City, Missouri, 65102.

7 JUDGE BUSHMANN: Okay. Thank you all.
8 For those people that may be on the phone and
9 listening in, you may not be familiar with the
10 procedure that's followed in these conferences, so
11 let me just briefly explain that for you.

12 This is a procedural conference, and it's
13 being transcribed by a court reporter. And that
14 transcript will be filed in the case later.

15 The purpose of today's conference, and
16 this is the on-the-record portion, is that the
17 attorneys and I are going to be talking about
18 procedure and making some determinations about how
19 that's going to go and how the case will proceed,
20 kind of a road map as to how the case will proceed.

21 What we won't be talking about today is
22 anything of substance related to the complaint in
23 the case.

24 The first thing I did want to bring up was
25 there is a pending motion. Missouri-American filed

1 a motion for extension of time requesting until
2 April 18th to respond to the Staff report, and I
3 saw that there was not a response from OPC.
4 Ms. Baker, did you have any objection to that
5 motion?

6 MS. BAKER: I do not.

7 JUDGE BUSHMAN: Okay. In that case, I
8 will grant the motion for extension of time, and
9 I'll issue a notice today that has something on the
10 file to that effect.

11 The Staff report, I wanted to talk briefly
12 about that. And what I wanted to ask about was the
13 classification. In reading through this Staff
14 report, it appeared to me that there wasn't any
15 confidential information in the body of the report.

16 Some of the schedules did contain some
17 information. I believe Schedule 5 had some billing
18 amounts. Schedule 7 had some names of customers
19 Schedule 8 had a few names, phone numbers and
20 amounts.

21 And I wanted to see what the parties
22 thought about filing a public version of that
23 report. And if it needs to be redacted -- if some
24 of the schedules need to have that information
25 redacted, that would be fine. I just wanted to see

1 if any parties had an opposition to changing that
2 classification.

3 MR. THOMPSON: Well, are you talking,
4 Judge, about filing a redacted version that is an
5 NP version, or are you talking about changing the
6 classification of the report that's already been
7 filed?

8 JUDGE BUSHMANN: Either one. I just
9 wanted to throw that out there and see what your
10 opinion was on that.

11 MR. THOMPSON: It's my understanding that
12 the regulations require that it be HC, and so
13 that's why Staff filed it HC. Of course, the
14 schedules containing customer proprietary
15 information would have been filed HC in any case.

16 JUDGE BUSHMAN: Okay. And -- that's in
17 the complaint rule?

18 MR. THOMPSON: I believe it is.

19 JUDGE BUSHMAN: Any other parties want to
20 weigh in on that?

21 MR. COOPER: Not in any -- any detail. I
22 mean, I -- I think that -- well, our impression
23 from a higher level is that the reason for the HC,
24 as Mr. Thompson is talking about, is individual
25 complainant information. It's not company

1 information, I guess, per se.

2 So, you know, depending upon what we --
3 what the rule says, I don't know that the company
4 has an objection to there being an NP version.

5 MS. BAKER: Office of Public Counsel has
6 no objection as long as the customer information is
7 redacted.

8 JUDGE BUSHMAN: Okay. I'll discuss that
9 with the Chief Judge. There's been some discussion
10 about that with the adjudication staff about these
11 complaints being HC.

12 And I know there's a provision for waiver
13 in the rules if good cause is found. So I take it
14 that there's no opposition -- strong opposition to
15 having that reclassified if Judges change that?

16 MR. COOPER: No. Although, again, I don't
17 think it's our information. I don't think we are
18 the ones that --

19 MR. LUFT: Maybe we're not entitled --

20 MR. COOPER: We're not the ones impacted
21 by it.

22 JUDGE BUSHMANN: Some of it may need to be
23 redacted.

24 MR. THOMPSON: Staff would strongly urge
25 the Commission to maintain the sanctity of the CPI

1 in the schedules that you mentioned.

2 JUDGE BUSHMAN: In these schedules?

3 MR. THOMPSON: In those schedules. I'm
4 not aware of the body of the report that needs to
5 be --

6 JUDGE BUSHMAN: I didn't see any. I
7 didn't see any. Okay. Well, let me take that
8 under consideration, then, and I'll make some
9 decision about that later.

10 MR. THOMPSON: Thank you, Judge.

11 JUDGE BUSHMANN: While we're all here
12 today together, I know that Missouri-American's got
13 until April 18th to file a response to the Staff
14 report, but I thought that since the parties are
15 all here together, once we're off the record, then
16 you might want to consider discussing a proposed
17 procedural schedule just so we don't have to -- I
18 don't want to reconvene another prehearing
19 conference to do any of that.

20 I was thinking that I would like the Staff
21 to file on behalf of the three parties by April
22 25th, a week after the response would be filed by
23 Missouri-American --

24 MR. THOMPSON: Okay.

25 JUDGE BUSHMAN: -- either a status report

1 if you're in the process of discussing a proposed
2 settlement maybe or you need more time to -- to do
3 that, or if that seems -- and it depends on the
4 nature of the response, obviously.

5 And if -- if that is not productive, then
6 either -- maybe a proposed procedural schedule so
7 that we could move expeditiously, if necessary. I
8 don't know that that will be necessary, but just in
9 case.

10 If you could make that filing by the 25th
11 depending on how things happen between now and
12 then.

13 MR. THOMPSON: Very good.

14 JUDGE BUSHMANN: Is there any other issues
15 that any of the other parties want to bring up at
16 this point? I don't hear any.

17 In that case, I think we can finish the
18 on-the-record portion, and I'll let you proceed
19 after that. We'll be off the record.

20 MR. THOMPSON: Thank you, Judge.

21 MR. OPITZ: Thank you, Judge.

22 (The proceedings were concluded at 2:10 p.m. on
23 April 2, 2014.)

24

25

1 REPORTER'S CERTIFICATE

2

3 STATE OF MISSOURI)

) ss.

4 COUNTY OF OSAGE)

5

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

14

15 IN WITNESS WHEREOF, I have hereunto set my hand and
16 seal on _____, 2014.

17

18

19

20 _____
Monnie S. Mealy, CSR, CCR #0538

21 Registered Professional Reporter

22

23

24

25

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