

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
3  
4  
5 TRANSCRIPT OF PROCEEDINGS  
6 Public Hearing  
7 July 23, 2007  
8 Columbia, Missouri  
9 Volume 1  
10 The Staff of the )  
Missouri Public Service)  
11 Commission, )  
12 )  
Complainant, )  
13 v. ) Case No. WC-2007-0452 et al.  
14 )  
Suburban Water and )  
Sewer Co. and Gordon )  
15 Burnam, )  
16 Respondents. )  
17  
18 BENJAMIN H. LANE, Presiding,  
REGULATORY LAW JUDGE  
19 CONNIE MURRAY,  
STEVE GAW,  
20 ROBERT M. CLAYTON, III,  
LINWARD "LIN" APPLING,  
21 Commissioners.  
22 REPORTED BY:  
23 PAMELA FICK, RMR, RPR, CCR #447, CSR  
24 MIDWEST LITIGATION SERVICES  
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1                               P R O C E E D I N G S

2                               JUDGE LANE: I'd like to call this  
3 hearing to order. Thank you very much. It's Monday,  
4 July 23rd, 2007. And by order dated July the 10th,  
5 the Missouri Public Service Commission set this time  
6 for a public comment hearing in Case No. WC-2007-0452.

7                               Now, that's a consolidated complaint  
8 case in which the Commission Staff alleges that  
9 Suburban Water and Sewer Company and Suburban's  
10 president, Gordon Burnam, have violated the terms of  
11 a disposition agreement of the Staff and the Office  
12 of the Public Counsel which was approved by the  
13 Commission back in 2005 prior to their last rate  
14 increase.

15                              The Commission Staff has also requested  
16 in this case authority for the Commission's general  
17 counsel to file an action in the Circuit Court  
18 seeking the imposition of financial penalties for  
19 those alleged violations.

20                              My name is Benjamin Lane. I'm the  
21 regulatory law judge that will preside over tonight's  
22 hearing. Here with me in Jefferson City are three of  
23 the Public Service Commission's Commissioners. On my  
24 left is Commissioner Lin Appling, on -- to my right  
25 is Commissioner Connie Murray, and to her right is

1 Commissioner Steve Gaw. And I'm not sure, but  
2 Commissioner Robert Clayton was planning on trying to  
3 attend the hearing down there in Columbia.

4 COMMISSIONER CLAYTON: I'm here, Judge.

5 JUDGE LANE: Are you there? All right.

6 COMMISSIONER CLAYTON: I'm here.

7 JUDGE LANE: Thank you very much.

8 COMMISSIONER CLAYTON: Sorry.

9 JUDGE LANE: Just -- just for your  
10 information, the Commission is made up of five  
11 Commissioners, and they're appointed by the governor  
12 to fix terms and they're confirmed by the Senate.  
13 And the Commissioners employ a staff of engineers,  
14 economists, attorneys, financial analysts and other  
15 specialties -- specialists in the field of utility  
16 regulation, and they're all involved in this case.

17 This is an official hearing of the  
18 Missouri Public Service Commission, and the  
19 statements and testimony of the witnesses here will  
20 be recorded by the court reporter who's there with  
21 you in Columbia, and must be given under oath or  
22 affirmation.

23 All of the Commissioners including those  
24 who are not present here today will have the  
25 opportunity to read all of the witnesses' remarks or

1 a transcript of those remarks. We're  
2 video-conferencing this hearing from two locations.  
3 One of them is Room 130 of the Osher Lifelong  
4 Learning Institute in the LeMone Building in  
5 Columbia, that's where you are. And the other  
6 location is here at the Commission's offices in  
7 Jefferson City in one of the hearing rooms.

8 In addition, we're broadcasting these  
9 hearings over the internet, and a court reporter is  
10 transcribing this hearing so that the Commissioners  
11 may review and read the comments when they get to  
12 making their decision in this case.

13 And the sound and video of this  
14 hearing is also being recorded here in Jefferson  
15 City.

16 So let me just give you the names and  
17 introduce some of the Staff members and others in  
18 case you have not had the opportunity to meet them.  
19 In Columbia with you, it's my understanding there are  
20 several individuals who are involved with or working  
21 on this case.

22 As I announce the names of the  
23 attorneys, would you please enter your appearances  
24 for the record. Let's begin with counsel for the  
25 Staff of the Public Service Commission.

1 MS. SYLER BRUEGGEMANN: I'm Shelley  
2 Syler Brueggemann. I'm here on behalf of Staff. Our  
3 address is 200 Madison Street, Jefferson City,  
4 Missouri 65102. Thank you.

5 JUDGE LANE: Thank you, Ms. Brueggemann.  
6 For the Office of the Public Counsel?

7 MS. BAKER: Thank you. Christina Baker,  
8 Assistant Public Counsel, P.O. Box 2230, Jefferson  
9 City, Missouri 65102, appearing for the Office of  
10 Public Counsel and the ratepayers.

11 JUDGE LANE: Thank you very much,  
12 Ms. Baker. For Suburban and Gordon Burnam?

13 MR. HARRISON: Your Honor, thank you.  
14 Tom Harrison on behalf of both respondents, 1103  
15 East Broadway, Columbia, Missouri 65201. Thank  
16 you.

17 JUDGE LANE: Thank you, Mr. Harrison.  
18 For the water department's staff, is it my  
19 understanding that Jim Merciel is present?

20 MR. MERCIEL: (Raised hand.)

21 JUDGE LANE: Is that correct?

22 MR. MERCIEL: Yes, yes, I'm here.

23 JUDGE LANE: And from the Commission's  
24 public information staff, Gregg Ochoa?

25 MR. OCHOA: Yes, your Honor.

1 JUDGE LANE: And I may have mangled the  
2 pronunciation of your last name, and I apologize if I  
3 did.

4 MR. OCHOA: That's okay.

5 JUDGE LANE: Ochoa?

6 MR. OCHOA: Yes, that is correct.

7 COMMISSIONER CLAYTON: You did, Judge.

8 MR. OCHOA: It happens all the time,  
9 your Honor.

10 JUDGE LANE: From the technical and  
11 management services staff, Debbie Bernsen?

12 MS. BERNSEN: I'm here.

13 JUDGE LANE: Is that correct?

14 MS. BERNSEN: Yes.

15 JUDGE LANE: Thank you, Ms. Bernsen.  
16 And is there anybody else that I have neglected to  
17 mention?

18 MR. OCHOA: No, your Honor.

19 JUDGE LANE: Well, I want to thank you  
20 all -- I'm sorry?

21 MR. OCHOA: No, go ahead.

22 JUDGE LANE: I want to thank you all  
23 for taking the time to be here today and participating  
24 in this hearing. And I also want to thank the staff  
25 of what I understand is a very nice facility for this

1 type of interactive event for allowing us to use  
2 the facilities at the Osher Lifelong Learning  
3 Institute.

4               The Commission would not have the  
5 opportunity to reach out to so many members of the  
6 public if we were unable to utilize the video  
7 conferencing and web casting facilities that are  
8 available at facilities like this across the state.

9               Before we go on, I just want to say, and  
10 I'm sure this was covered to some extent in the  
11 public information session before we went on the  
12 record, but the focus of this hearing is to receive  
13 comments from you, the public, regarding Suburban  
14 Water and Sewer Company, Gordon Burnam and its water  
15 utility operations, especially as they relate to the  
16 specific allegations to the Staff's complaint, but in  
17 general as well.

18              The company will not present witnesses  
19 and they will not answer your questions while we're  
20 on the record in the official portion of this  
21 proceeding. I'm not here to answer questions and  
22 neither are the Commissioners.

23              What this is, is your opportunity to  
24 speak up, comment and go on the record so that your  
25 remarks can be part of the official record in this



1 case and can aid the Commission in reaching a  
2 decision in this matter.

3                   Now, if you wish to testify and you  
4 haven't already done so, please see Mr. Ochoa at your  
5 location there in Columbia to put your name on the  
6 sign-up sheet to testify. He will call the name of  
7 each witness who is signed up to speak in the order  
8 that they signed up, and after everyone who's signed  
9 up has been called, I'll ask if anybody else would  
10 like to speak and provide testimony.

11                   When your name is called, I'd like you  
12 to please come forward to the podium, and I will ask  
13 you to spell your name for the court reporter so the  
14 court reporter can put it in the record correctly,  
15 and then you can make your statement.

16                   Then there may be questions. There may  
17 be additional follow-up questions from the attorneys  
18 representing the parties to this case, there might be  
19 questions from a Commissioner or there might be  
20 questions from me. But please do not leave the  
21 podium which is essentially our witness stand until  
22 you're excused. We'll finish this hearing when  
23 everyone who desires to speak has had an opportunity  
24 to do so.

25                   Now, in order to get as many of you on

1 the record as possible, we ask that you be brief and  
2 succinct with your comments. If a previous speaker  
3 has already made the points that you wanted to make,  
4 stole your thunder, you may simply state that you  
5 agree with what that person said and state the extent  
6 of any disagreement you might have with what that  
7 person said.

8 Now, we've already had entries of  
9 appearance from the counsel in this case, and so I  
10 think we're ready to begin. Let me begin just before  
11 we call the first witness. I want to ask the  
12 Commissioners very quickly if they would like to make  
13 any opening remarks. Commissioner Murray?

14 COMMISSIONER MURRAY: I -- I don't have  
15 any, thank you.

16 JUDGE LANE: Commissioner Gaw?

17 COMMISSIONER GAW: No. Just thank  
18 you for coming this evening. We appreciate your  
19 input.

20 JUDGE LANE: Commissioner Clayton?

21 COMMISSIONER CLAYTON: I would just  
22 welcome everyone here to this facility. We  
23 appreciate them making it available to us. This  
24 technology is a great technology that we use to have  
25 information go back and forth to Jefferson City. Be

1 aware that there may be a delay. I mean, you  
2 probably already noticed that. So be patient, and if  
3 there are questions coming back and forth, just be  
4 aware that it may take a few seconds for that  
5 information to come through. So thank you very much  
6 for coming, and I look forward to your comments.

7 JUDGE LANE: Thank you. And  
8 Commissioner Appling?

9 COMMISSIONER APPLING: I have no  
10 questions or comments, Judge. I only want to say  
11 thank you for being here tonight, and I look forward  
12 to your questions.

13 JUDGE LANE: All right. We're ready  
14 to commence, then, the -- the witness testimony in  
15 this matter. Mr. Ochoa, if you would please call  
16 out the name of the first witness on the sign-up  
17 sheet.

18 MR. OCHOA: Sure. Mr. Bill DeJaynes.

19 MR. DeJAYNES: My name is Bill DeJaynes,  
20 B-i-l-l, D-e, capital J, a-y-n-e-s.

21 JUDGE LANE: Thank you, Mr. DeJaynes.  
22 I'm going -- I'm now going to give you the oath for  
23 your testimony today.

24 (THE WITNESS WAS SWORN.)

25 JUDGE LANE: You've already stated and

1 spelled your name. You may give your comments.

2 Thank you.

3 MR. DeJAYNES: Thank you. Well, the  
4 curious part -- what started it all is when they sent  
5 those letters out. About a week to two weeks before  
6 those letters were sent, the water either broke down  
7 or stopped for about a 24-hour period. I mean, I'm  
8 not exactly sure on the hours.

9 But then it was kind of curious, about a  
10 week to two weeks later the letters were sent. And  
11 not -- during the time -- I'm not sure about the  
12 water quality, but I know it's been hard, real hard  
13 water.

14 The pressure is never the same at any  
15 given time of the day. The -- I've never -- never at  
16 one time seen the meter read, and I've had different,  
17 you know, jobs during -- that I've been at home  
18 during the day to be able to see this, and I've never  
19 seen it being read.

20 I've never had an issue with them per se  
21 customer service-wise because I've never had to call  
22 except for the one time when the water went out, and  
23 I got ahold of nobody at that point. I had to go in  
24 and talk to them. When I went in to talk to them,  
25 they basically gave me the name of their lawyer and

1 wouldn't give me any information, which may be  
2 required, I'm not sure.

3 Past that, I'm not sure what else I  
4 could say.

5 JUDGE LANE: Thank you, sir, for  
6 providing your testimony today. Are there any  
7 questions from the Commissioners, starting with  
8 Commissioner Murray?

9 COMMISSIONER MURRAY: Yes.

10 QUESTIONS BY COMMISSIONER MURRAY:

11 Q. How long have you been a customer?

12 A. I've lived there just shy of six years.

13 COMMISSIONER MURRAY: All right. Thank  
14 you.

15 JUDGE LANE: Commissioner Gaw?

16 QUESTIONS BY COMMISSIONER GAW:

17 Q. Can you tell me when you received these  
18 letters that you were talking about? Just  
19 approximately.

20 A. It was probably --

21 UNIDENTIFIED SPEAKER: April 1st.

22 MR. DeJAYNES: About -- yeah, April 1st.

23 BY COMMISSIONER GAW:

24 Q. Okay. Thank you. And how long have you  
25 been experiencing the water pressure issues

1 approximately?

2 A. Since the day I moved in.

3 Q. Okay. And when you say that you haven't  
4 seen anyone read the meters, have you ever looked at  
5 the bill for a month and compared that water usage on  
6 the bill to what the meter might have said? Have you  
7 looked at it yourself? Can you give me some sort of  
8 frame of reference there?

9 A. No, I -- my -- unfortunately, my wife  
10 usually looks at the bills a little bit closer than I  
11 do, but I have noticed that the bills didn't usually  
12 fluctuate a whole lot. I didn't look at the water  
13 usage.

14 Q. Why is that?

15 A. Every once in a while I'd look at the  
16 water usage myself, and it -- you know, I'm not sure,  
17 you know, however many gallons it said and  
18 everything. But past that, I'm not -- I just am not  
19 real -- I haven't kept up on that. I just know that  
20 the amounts normally doesn't -- don't change. And  
21 there is one other thing I wanted to say. Shortly  
22 after --

23 Q. Go ahead.

24 A. Shortly after we got the letters, we --  
25 everybody got bills that they were saying that we

1 were in arrears, that we owed. And I talked to  
2 several people around there, and we were all  
3 up to date.

4           There was people that moved in right  
5 across the street, hadn't even been there a month,  
6 said that they were -- owed like \$102 or something on  
7 their water, and they'd been there two weeks. I  
8 mean, that's impossible.

9           Q.       Okay. The -- how many letters did  
10 you -- did you receive? Was it one or more than one?

11          A.       I received one that said that they were  
12 closing or said that they were gonna be shutting the  
13 water off, and then there was another letter past  
14 that that came that said you're in arrears, you owe  
15 this, and it also said that we're shutting it off  
16 July 1st.

17                 It's like a reminder letter on top of  
18 letting -- letting us know that we owed money.

19                 COMMISSIONER GAW: Okay. Thank you very  
20 much.

21                 JUDGE LANE: Commissioner Appling?

22       QUESTIONS BY COMMISSIONER APPLING:

23           Q.       Mr. DeJaynes, did you ever have a  
24 conversation with anyone from the company, like the  
25 owners or anything, was there any communication

1 between you and the owners?

2 A. To do with this situation? No. I --

3 the only contact I've had with them was when I went

4 in there and I was paying -- actually paying the

5 in-arrears part because I didn't know if I was -- I

6 didn't think I was behind, but I didn't want my water

7 shut off.

8 And I asked the lady that was behind the

9 counter and she said -- she sent me to the lawyer.

10 And I actually spoke to the lawyer, like I think the

11 next day, and I asked a couple of quick questions. I

12 wasn't quite sure exactly what I needed to ask at

13 that time.

14 COMMISSIONER APPLING: Thank you very

15 much, sir.

16 MR. DeJAYNES: You're welcome.

17 JUDGE LANE: Commissioner Clayton?

18 QUESTIONS BY COMMISSIONER CLAYTON:

19 Q. You said that there was an April 1st

20 letter, that was the very first letter that you

21 received --

22 A. Yes.

23 Q. -- that announced that the water was

24 gonna be shut off on July 1st; is that correct?

25 A. Yes, I did.



1           Q.       And then what was the approximate date  
2 of the second reminder letter that you were -- that  
3 you were delinquent and your water was gonna be shut  
4 off?

5           A.       I would say that was probably like  
6 probably middle May, beginning of June. I mean, just  
7 somewhere in that area.

8           Q.       Middle of June?

9           A.       Yeah, somewhere in there.

10          Q.       Okay. Now, you said your water was  
11 always very hard and that the pressure varies  
12 greatly. On the quality of water, do you have any  
13 other comments about the quality of the service that  
14 you had received up to that point?

15          A.       Other -- the water was hard. Other than  
16 that, it -- I mean, it didn't taste well. I mean, I  
17 never saw anything disgusting come out of the faucets  
18 myself, but, you know, it could have happened to my  
19 wife or my daughter. I just don't know.

20                   COMMISSIONER CLAYTON: Okay. I don't  
21 have any other questions. Thank you, Judge. Thank  
22 you, Mr. DeJaynes.

23                   MR. DeJAYNES: You're welcome.

24                   JUDGE LANE: Thank you, sir.

25                   QUESTIONS BY JUDGE LANE:

1           Q.       Mr. DeJaynes, I have one quick question,  
2   and that's in your testimony, you mentioned something  
3   about the meter never getting in the red.  What --  
4   what did you mean by that?

5           A.       Never being read.  I never -- the -- no  
6   one ever came out to read the meter that I'd ever  
7   seen.

8                   JUDGE LANE:  Oh, read as in read the  
9   meter.  I thought you were talking about the color  
10  red.  Okay.  I just wanted to make sure.  Okay.  All  
11  right.  Great.  I think that's it --

12                  MS. SYLER BRUEGGEMANN:  Your Honor?

13                  JUDGE LANE:  -- from the Commissioners  
14  and from me.  Let's proceed now to any questions from  
15  the attorneys.  Let's begin with counsel for the  
16  Staff of the Commission.

17                  MS. SYLER BRUEGGEMANN:  Thank you, your  
18  Honor.

19  QUESTIONS BY MS. SYLER BRUEGGEMANN:

20           Q.       I just have a couple questions,  
21  Mr. DeJaynes.  Did you -- do you know if you actually  
22  have a meter?

23           A.       Yes, there is a meter.  It's in the  
24  back.  It's -- I have to mow pretty much around it  
25  all the time.  And on top of that, I don't know if

1 the meters are supposed to be seated or sealed down  
2 to where we're not supposed to be able to lift the  
3 top, but mine's loose all the time.

4 Q. Okay. And if you don't mind my asking,  
5 what type of residence do you live in? Is it a  
6 single-family home --

7 A. Single-family home.

8 Q. -- is it a duplex?

9 A. Single-family home.

10 Q. Okay. Now, on your bills, do you recall  
11 if there's an actual meter number of a reading  
12 beginning and end, do you recall ever seeing that on  
13 a bill?

14 A. No, I honestly don't.

15 Q. Okay.

16 MR. DeJAYNES: There is a bill?

17 UNIDENTIFIED SPEAKER: There is.

18 MR. DeJAYNES: There is a bill.

19 BY MS. SYLER BRUEGGEMANN.

20 Q. Okay. And real quick, did you ever pay  
21 a deposit when you moved in, do you recall?

22 A. I don't believe I did. I don't believe  
23 we did.

24 Q. Okay. And last question, on the paying  
25 in arrears that you were mentioning, how much arrears

1 do you think the amount was for?

2 A. It was for \$63. I know exactly -- I  
3 remember that amount. And then -- that that's --  
4 that would be like five or six months in arrears, and  
5 I don't believe I was ever that far.

6 Q. Did you ask anyone about that amount?

7 A. Yeah, I asked her -- I asked -- when I  
8 went in and asked the lady, she asked -- she pretty  
9 much told me that that's what they had on their  
10 records and that that's all there was.

11 You know, she said that's what we have  
12 on our records as you being behind. I'm like -- I  
13 mean, we even checked our checks at home to see  
14 because we have -- we pay it automatically through  
15 the computers, so it's not gonna be late.

16 Q. Okay. And did she mention anything  
17 about an estimate?

18 A. No, no.

19 Q. Okay. Did you ask the attorney about  
20 the arrears part --

21 A. No.

22 Q. -- of your bill? Were you asking about  
23 the shut-off?

24 A. Yeah, I was asking about the shut-off  
25 stuff. I wasn't -- the arrears part, I mean, I

1 wasn't horribly worried about it, but I was still  
2 worried about it because there was like three or four  
3 other people that I personally had talked to that  
4 didn't have -- that had the same letter sent to them  
5 that they were behind, and they weren't either. They  
6 checked their records and they weren't behind.

7 Q. Okay. And did you happen to keep any of  
8 these letters or --

9 A. Yeah, we got them -- I got them.

10 Q. You do? If you wouldn't mind leaving a  
11 contact number, I can give you a piece of paper, I'd  
12 appreciate it.

13 A. Sure, yeah.

14 MS. SYLER BRUEGGEMANN: That's all.

15 JUDGE LANE: All right. Ms. Baker, any  
16 questions of this witness?

17 MS. BAKER: I have one question.

18 QUESTIONS BY MS. BAKER:

19 Q. Have you noticed that the amount on your  
20 bill, has it changed in the past, say, six months,  
21 other than the arrears part?

22 A. Yeah, other than that, I don't -- I'm  
23 not sure that it has. I mean, like I said, again, we  
24 have it set up to where it automatically comes out  
25 and we pay it, a certain amount every -- every couple

1 of weeks, so it's usually stayed pretty much the  
2 same.

3 Q. Do you know if your meter has ever been  
4 read?

5 A. I've never seen anybody pick it up and  
6 lift it and look in there and read it. I've never  
7 seen anybody do it.

8 Q. Okay.

9 A. And you know, like I said, I've been  
10 there at different times during the day and never  
11 seen anybody, so ...

12 MS. BAKER: That's all the questions I  
13 have.

14 JUDGE LANE: Thank you. Mr. Harrison?

15 MR. HARRISON: No questions of this  
16 witness, Judge.

17 JUDGE LANE: Thank you very much. Any  
18 follow-up questions from the Commissioners after  
19 those -- after those questions?

20 COMMISSIONER GAW: Real quick, Judge.

21 QUESTIONS BY COMMISSIONER GAW:

22 Q. Mr. DeJaynes, do you recall whether or  
23 not there was any kind of a late penalty on your bill  
24 when you got that one that suggested there was an  
25 arrearage?

1           A.       Yeah, there was a late penalty. I think  
2 like -- I think it was five dollars, I think. But  
3 she waived -- when I got there I told her that --  
4 that I don't believe it was late and they -- they  
5 waived that. If I remember right, they didn't make  
6 me pay that five dollars, but I still had to pay the  
7 arrears amount.

8           Q.       Okay. That may be -- that may be  
9 important for us to see on that letter if you've --

10          A.       Okay.

11          Q.       So hopefully someone will get a copy of  
12 that.

13          A.       Okay.

14          Q.       Because at this point I'm not clear  
15 about whether that was -- whether they were  
16 suggesting some arrearage due to an estimation of  
17 your bills in the past, and I'd like to have that  
18 clarified.

19                   And I know you can't do that from there,  
20 but maybe if we can get a copy of the letter, it will  
21 be clear.

22          A.       Okay.

23                   COMMISSIONER GAW: Thank you.

24                   MR. DeJAYNES: Welcome.

25                   JUDGE LANE: Mr. DeJaynes, thank you

1 very much, and you're excused.

2 MR. DeJAYNES: Thank you.

3 MR. OCHOA: Your Honor, Brian Fobes.

4 JUDGE LANE: Brian Fox?

5 MR. OCHOA: Fobes.

6 COMMISSIONER CLAYTON: Come on down.

7 Come on down. He'll -- he'll do his name.

8 MR. FOBES: It's Brian, B-r-i-a-n, and

9 Fobes, F-o-b-e-s.

10 COMMISSIONER CLAYTON: Close.

11 MR. FOBES: Close.

12 JUDGE LANE: Thank you, Mr. Fobes.

13 (THE WITNESS WAS SWORN.)

14 JUDGE LANE: Thank you very much.

15 Please provide your comments.

16 MR. FOBES: I'm account No. 33. I've

17 lived in Bon Gor Lake, used to be lot 52, for about

18 20 years now. And when we first moved out there,

19 there were water problems with the well being -- the

20 sulfur oxide sorber is making the sulfur gas, when

21 you'd turn on the spigot, you would get rotten egg

22 smell in your face.

23 And it was like that for a few years,

24 and then they supposedly got a chlorinating system

25 to improve that. And the chlorinating's always



1 been spotty. At times you could tell it was  
2 heavily chlorinated, and then other times you  
3 couldn't detect any chlorination at all. That  
4 could be through dissipation and oxidizing and such  
5 like that.

6                   But we never had any -- you never really  
7 know that anybody's actually monitoring this system  
8 or taking care of it. I've stumbled into people who  
9 were supposedly working on this system, and they were  
10 saying that they were less than professionally  
11 maintained in those regards.

12                   About the time that the last person was  
13 testifying, we got a letter for the shut-off, the  
14 water failed, the system failed. And when it was  
15 restored, there was a water main break in my back  
16 yard. And this hadn't been the first time the system  
17 had failed. It'd off and on gone out for a weekend  
18 or a day or two, you know, over the last 20 years.  
19 That's probably just normal, I would imagine.

20                   But they actually fixed the water main  
21 pretty fast, but when they were done, they had to  
22 pull a tree out and kind of made a muddy mess. And I  
23 contacted them a couple of weeks later and asked them  
24 if they were gonna fill in the hole that was left  
25 over from all this repair that they'd done, and they

1 said they -- they said they were waiting for it to  
2 dry out in order to do that. It was kind of a rainy  
3 season.

4                   And we just kept waiting and waiting.  
5 And then sometime in about June, 30 days before the  
6 deadline to shut-off, I contacted the PSC and was  
7 asking about what -- if there was any sort of legal  
8 action as far as getting the hole filled or if I was  
9 just on my own to try and fill on my own, and PSC  
10 said they weren't really regulating that. That was  
11 more of a civil matter.

12                   But they did contact the water district,  
13 and shortly after that I was -- they did come out and  
14 fill it in. But they'd let it ride, you know, as  
15 long as they possibly could, seemed to me, before  
16 they actually filled in the hole. And it was right  
17 next to an electric power service transformer.

18                   So -- and we have a lot of small kids in  
19 the neighborhood, and they were actually wanting to  
20 get in the hole and dig around in there. And it just  
21 appeared to be an unsafe situation for a couple of  
22 months or so.

23                   But like the last gentleman testified,  
24 the water pressure's always been up and down over the  
25 last 20 years. You know, you'd have varying water

1 pressure. And you have to have a water softener.  
2 if you don't have a water softener, your fixtures  
3 are gonna get destroyed, your clothing gets  
4 destroyed. It's just part of a hard well, you have  
5 to have a water softener, and this is a very hard  
6 well.

7                   Other than that, I'm just concerned as  
8 to what it's gonna take to keep the water on and what  
9 I, as a homeowner, can do to facilitate the takeover  
10 of a legitimate or reputable company to run this  
11 organization.

12                   I know in the past when we had dealings  
13 with this subdivision individual, the owner, in the  
14 case of the roads, the homeowners had to take the  
15 obligation of upgrading the roads to a level that  
16 the county would assume their maintenance, which  
17 involved putting a lien on everybody's property tax  
18 to make up -- to pay for the improvements to the  
19 road so that somebody could take them over and  
20 maintain them. And I'm wondering if this is an  
21 option, but I haven't been able to talk to anybody  
22 about that.

23                   You know, all during this other part  
24 with the main repair I was somewhat frustrated and  
25 actually went to the PSC in regards to filling up

1 that hole because I couldn't get ahold of anybody at  
2 Vista. You'd leave messages on the machines or write  
3 a note on your water bill and give it in to them, and  
4 then wait for a phone call that you could never get  
5 back.

6 Other than that, I don't really -- you  
7 know, I don't really have any grief against them,  
8 personally, too much. I just need to make sure that  
9 we're gonna have water.

10 JUDGE LANE: Thank you, Mr. Fobes. Any  
11 questions from the Commissioners, beginning with  
12 Commissioner Murray?

13 QUESTIONS BY COMMISSIONER MURRAY:

14 Q. Mr. Fobes, do you know who actually  
15 operates the system?

16 A. As far as I know, it's Vista Management  
17 because that's where we pay the bills to.

18 Q. Have you had direct contact with any  
19 individual who is actually working on the system from  
20 time to time?

21 A. I have.

22 Q. And do you know who that is?

23 A. I don't recall the person's name, but I  
24 could get it.

25 Q. And how long did you say you have lived

1 there?

2 A. 20 years.

3 COMMISSIONER MURRAY: Thank you.

4 JUDGE LANE: Commissioner Gaw?

5 COMMISSIONER GAW: I don't have any

6 questions, but thank you very much, sir, for coming.

7 JUDGE LANE: Commissioner Clayton?

8 COMMISSIONER CLAYTON: Thank you, Judge.

9 QUESTIONS BY COMMISSIONER CLAYTON:

10 Q. Mr. Fobes, I wanted to ask you about

11 this -- this tree and the hole and when you called

12 the Commission. Do you know when that occurred, when

13 that whole scenario occurred?

14 A. Well, the repair was made after April.

15 Q. Of this year?

16 A. Of this year to the main, and then about

17 June is when I contacted the Commission because we

18 were getting down to like the 30-day deal on the

19 shutting off the water for good and boxing up the --

20 the company going out of business.

21 Q. And then how much time did it take to

22 fill in the hole after --

23 A. Once the Commission was contacted, it

24 was within a week.

25 Q. Okay. So -- so there was some response?

1 I thought you --

2 A. No, they responded.

3 Q. I thought you said the PSC didn't handle

4 that sort of thing.

5 A. The PSC said they didn't handle that,

6 but they were actually more than happy to make a

7 complimentary call for me.

8 Q. So it got it solved, it got the problem

9 solved?

10 A. It did get it solved, you know, which

11 was kind of the deal where you're reading in the

12 newspaper how the PSC is working against them, and

13 yet, you know, I didn't experience that myself.

14 Q. Okay. So -- so the Commission -- I

15 mean, it -- that phone call got the hole filled?

16 A. It did.

17 Q. Government in action?

18 A. Government in action even though it

19 wasn't "within their jurisdiction" of ...

20 Q. There was one other question that I

21 wanted to ask you. How long ago would you say that

22 the chlorination actually started, or when did

23 that --

24 A. It would have had to have been like in

25 the -- I moved in, in '86, so --

1 Q. So it's been a long time since then?

2 A. It would have had to have been like '87

3 almost, yeah, '88. It was really --

4 COMMISSIONER CLAYTON: Okay. We won't

5 talk where any of us were in 1987. Thank you very

6 much.

7 JUDGE LANE: Commissioner Appling?

8 COMMISSIONER APPLING: I have no

9 questions. Thank you very much for coming in

10 tonight.

11 JUDGE LANE: Thank you, Mr. Fobes. You

12 are excused.

13 MS. SYLER BRUEGGEMANN: Your Honor?

14 MR. FOBES: What about these guys?

15 JUDGE LANE: Oh, what am I saying? Boy,

16 that was quick. Let's start with the Staff of the

17 Commission.

18 MS. SYLER BRUEGGEMANN: Thank you, your

19 Honor.

20 QUESTIONS BY MS. SYLER BRUEGGEMANN:

21 Q. Mr. Fobes is it?

22 A. Uh-huh.

23 Q. Okay. Are you in a single-family

24 dwelling --

25 A. Uh-huh.

1 Q. -- or a duplex?

2 A. Yeah, single-family.

3 Q. And does your residence have a meter?

4 A. Yeah.

5 Q. Okay.

6 A. No. 33.

7 Q. Now, are you aware of whether or not

8 that's been read?

9 A. We get a lot of estimated bills, but I

10 think the -- our family said they've seen people read

11 it before, so yeah.

12 Q. Okay. And --

13 A. Some of these meters are inside fenced

14 yards. I don't know if they can get into them --

15 Q. Okay.

16 A. -- you know.

17 Q. Then when you said that you were trying

18 to get ahold of someone at Vista, you'd written

19 notes on bills or called and gotten no answer, would

20 you mind specifying a little bit more on what

21 happened or what you were trying to get ahold of

22 Vista about?

23 A. Well, I was trying to get the hole

24 filled up in the back yard.

25 Q. It was that one?



1           A.       Yeah, and I'd actually gotten ahold of  
2 them right after they made the repair, within a week  
3 or so. You know, you have this ugly hole and the  
4 kids are trying to dig in the mud there next to a  
5 power transformer.

6                   And so I got ahold of them. They go,  
7 "Well, we're gonna go ahead and fix it," which was  
8 fine because I didn't -- I just needed to know one  
9 way or the other, either I had to fill it in or them,  
10 I don't -- one way or the other. And they said they  
11 would, so you're like, well, I'll wait. And so you  
12 just waited another month, another month.

13          Q.       How many times --

14          A.       And you're like covering it up to keep  
15 the kids from getting into it and stuff.

16          Q.       How many times do you think you tried to  
17 contact them?

18          A.       It was only -- it was spotty at best.  
19 I'd say maybe two or -- you know, one note on a bill  
20 and, you know, probably called them a couple times  
21 from work and got an answering machine and stuff like  
22 that.

23          Q.       Okay. And did someone call you back  
24 when you left the message on an answering machine?

25          A.       No, I didn't get any response until I

1 called the PSC.

2 Q. Did you leave a message on the answering  
3 machine at that time?

4 A. Yeah, I left at least one message.

5 MS. SYLER BRUEGGEMANN: Okay. Thank  
6 you. That's all for me.

7 JUDGE LANE: Thank you. Ms. Baker, any  
8 questions for this witness?

9 QUESTIONS BY MS. BAKER:

10 Q. I know you've been there about 20 years,  
11 you said. Do you remember if you paid a deposit  
12 whenever?

13 A. To be honest, I cannot.

14 Q. Okay. All right. And have your bills  
15 changed any in the past, say, six months?

16 A. No, I didn't notice any bill  
17 discrepancy, but I kind of overpay the bills, so I'm  
18 not keeping accurate track of it at all.

19 MS. BAKER: Okay. All right. That's  
20 all the questions I have. Thank you.

21 JUDGE LANE: Mr. Harrison, any  
22 cross-examination?

23 MR. HARRISON: Your Honor, thank you.  
24 Just a couple of questions.

25 QUESTIONS BY MR. HARRISON:

1           Q.       Sir, with respect to your bills, you  
2   said that they -- they do change from month to month;  
3   is that correct?  They fluctuate over a little bit?  
4           A.       Yeah.  Yeah.  
5           Q.       Okay.  I mean, I just want to  
6   understand, they're not -- it's not a flat amount  
7   that you get billed every month?  
8           A.       Not as far as I know.  
9           Q.       Okay.  Your -- one of your comments in  
10   your testimony was that you're interested in seeing,  
11   I think you said, someone take over the system; is  
12   that a fair statement?  
13          A.       Well, ensuring that the subdivision has  
14   water.  
15          Q.       Right.  
16          A.       If that involves somebody taking over  
17   the system, which -- if somebody's going to go out of  
18   business, then that would be what comes to mind as  
19   far as that goes.  
20          Q.       Fair enough.  Are you aware if -- that  
21   the company has had discussions with the public water  
22   supply district -- with a local public water supply  
23   district for not -- for doing that?  
24          A.       No.  7?  
25          Q.       I think that's No. 7 but I'm not sure.

1           A.       That's the one.

2           Q.       Have you heard of that?

3           A.       I read it in the newspaper.

4           Q.       And are you aware that the company has

5 offered essentially to give the system to them?

6 Would you have any problem if that were to occur if

7 the water supply district would accept it?

8           A.       Yeah, I had read that in the newspaper

9 as well, but once again, like I was giving the

10 example with the streets, if the system's degraded to

11 the point that the utility cannot take it over, in

12 the case of the streets, the streets are being

13 substandard when the subdivision was built.

14                   And so Boone County would not accept

15 responsibility for their maintenance.

16           Q.       Yeah, I understand.

17           A.       So they had to be upgraded. These water

18 lines may need that same type of work, and in which

19 case, can that be facilitated by the residents?

20 Does that need to be done beforehand, after the

21 fact?

22           Q.       One last question. I couldn't quite

23 hear your answer to a previous question about the

24 meters --

25           A.       Uh-huh.

1           Q.       -- but you said you have seen people  
2 read the meters?

3           A.       I haven't personally seen them, but my  
4 family at home said they saw the same person who was  
5 digging the hole --

6           Q.       Right.

7           A.       -- you know, read the meters.

8                   MR. HARRISON: Fair enough. No further  
9 questions.

10                   JUDGE LANE: Thank you. Any follow-up  
11 questions from the Commissioners?

12                   (NO RESPONSE.)

13                   JUDGE LANE: Hearing none -- and I did  
14 not mean to -- to limit the questions by the  
15 attorneys -- Mr. Fobes, you are now finally excused  
16 as a witness.

17                   MR. FOBES: Thank you.

18                   MR. OCHOA: Val Meyer?

19                   MS. MEYER: My name is Val Meyer, V-a-l,  
20 M-e-y-e-r.

21                   JUDGE LANE: Thank you, Ms. Meyer.

22                   (THE WITNESS WAS SWORN.)

23                   MS. MEYER: I contacted multiple people  
24 when I first got the letter, and I did contact the  
25 DNR a couple of times. And one time they were saying

1 that they had tried to put a meter -- because of the  
2 fluctuating water pressure on one of the apartments,  
3 but they couldn't get an accurate reading because of  
4 multiple tenants.

5                   So I said, "Well, you can use my home."  
6 So they came and they put a meter on one of the  
7 outside faucets for two weeks, from May 3rd to  
8 May 15th. And I asked them, could they please send  
9 me the information, and I have it with me. It's  
10 amazing.

11                   The water pressure -- it's just like a  
12 mountain up and down every single day. And on  
13 multiple times it went below 20 psi. I guess it's  
14 not supposed to do that. They sent me the letter  
15 they sent to Burnam that said that -- let's see. "A  
16 photocopy of the recorder printout is enclosed for  
17 your information. The recording shows frequent  
18 times that the water pressures in the system dropped  
19 below the minimum required protective pressure of 20  
20 psi. Maintaining water pressure above minimum  
21 protective pressure prevents contamination from  
22 entering household plumbing and the water  
23 distribution system.

24                   "Failure to maintain the minimum  
25 protective pressure is a serious health defect.

1 This is why the Missouri Public Drinking Water  
2 Regulations" -- and they gave some numbers behind  
3 it -- "require public water systems to maintain  
4 a minimum positive pressure of 20 psi. Thus, the  
5 Bon Gor system is in violation of the regulations  
6 for failure to maintain the required minimum  
7 pressure."

8                   Then they told them what they needed  
9 Burnam to do. I don't know if anything's happened  
10 with that, but it was a very interesting graph that I  
11 have with my hand (sic). My water bill has been read  
12 in the past, and you can see the differences in the  
13 amounts.

14                   The past -- since we got the letter  
15 saying the water was gonna be cut off, my bill,  
16 except for this past month, had been -- I used  
17 exactly 5,000 gallons every single month, and I paid  
18 ten dollars a month. It was never 5,012, 4,984. It  
19 was exactly 5,000 gallons for three or four months,  
20 which I found extremely interesting.

21                   This past month, though, they did read  
22 the water pressure, although I was gonna compare it  
23 to bills and I didn't, and my bill was for 16  
24 something. I knew that I had used more than 5,000  
25 gallons because we've been watering the plants and

1 stuff, so that was interesting.

2                   The water does occasionally smell like

3 chlorine, not often, but it does occasionally. The

4 biggest problem I think is water pressure, it just

5 fluctuates widely.

6                   COMMISSIONER CLAYTON: Can I see that?

7                   MS. MEYER: Sure. You can have it. You

8 can make a copy of it. Here's one of specific days

9 and then one.

10                  COMMISSIONER CLAYTON: Go ahead with

11 your testimony if you have anything else. I don't

12 want to --

13                  MS. MEYER: Do I have anything else?

14                  COMMISSIONER CLAYTON: Only if you have

15 anything else.

16                  MS. MEYER: I don't know if I have

17 anything else right this minute.

18                  MS. BERNSEN: We can get a copy made of

19 that right now.

20                  MS. MEYER: Sure, that would be fine.

21 Oh, who else did I call? Oh, I know. When they -- I

22 contacted Water District No. 7 when we first got this

23 letter, and they said that they -- that they knew --

24 I first of all contacted Matt Volkert, I think, who

25 is the attorney for Burnam, and he said that they



1 have offered to give the water system to them but the  
2 water company didn't want it.

3               So I contacted the water company to see  
4 why they didn't want it. And they said, "Well, we  
5 told them there had to be these upgrades or we won't  
6 take it over." And Burnam said, "I don't want to do  
7 those upgrades."

8               So then they dropped the ball. That's  
9 what I was told by people at Water District 7 and by,  
10 I think, Everett whatever his name is at the DNR.  
11 Pretty much --

12              MR. MERCIEL: Everett Baker?

13              MS. MEYER: Everett Baker, that's right.  
14 I talked to someone at the Public Service Commission  
15 too. The people in the apartments don't get -- and  
16 the duplexes don't have to pay for their water.  
17 That's included in the rent. Only the homeowners get  
18 water bills. I have lived in the neighborhood since  
19 '84. I've been a homeowner since '88. Yes?

20              COMMISSIONER CLAYTON: Let's go, Judge.  
21 Ready for questions.

22              JUDGE LANE: All right. I just wanted  
23 to -- can we -- can I ask the court reporter to mark  
24 those documents that Ms. Meyer was referring to in  
25 her testimony as Exhibit 1 proffered by Ms. Meyer,

1 please, so that we have an official copy for the  
2 record.

3 And let's go ahead with the questions  
4 from the Commissioners. First, Commissioner Murray?

5 COMMISSIONER MURRAY: I don't have any  
6 questions. Thank you, though.

7 JUDGE LANE: Commissioner Gaw?

8 COMMISSIONER GAW: You've been very  
9 helpful, ma'am. Thank you for coming.

10 MS. MEYER: Sure.

11 JUDGE LANE: Commissioner Clayton?

12 QUESTIONS BY COMMISSIONER CLAYTON:

13 Q. I just wanted to verify, and I know I'm  
14 gonna -- we're gonna take back a copy of that  
15 exhibit. The date on that pressure reading was May  
16 of --

17 A. May 3rd of '07 to May 15th of '07.

18 Q. So it was this May of this calendar  
19 year?

20 A. Yeah.

21 Q. Okay. Now, what type of -- are you  
22 in --

23 A. Home.

24 Q. -- a single-family home now?

25 A. Yes, correct.

1           Q.       Okay. And that reading -- that's where  
2 the reading occurred --  
3           A.       Correct.  
4           Q.       -- was in the -- was in your house, I  
5 guess?  
6           A.       Right. They did it on the outside  
7 faucet. I don't know how it works, but there's some  
8 computer thing that figured it out.  
9                    COMMISSIONER CLAYTON: Okay. Okay. I  
10 don't have any other questions. Thank you, Judge.  
11                   JUDGE LANE: Thank you. Commissioner  
12 Appling?  
13                   COMMISSIONER APPLING: No questions,  
14 Judge.  
15                   JUDGE LANE: Very well. Questions from  
16 the attorneys, beginning Ms. Brueggemann?  
17                   MS. SYLER BRUEGGEMANN: Thank you, your  
18 Honor.  
19 QUESTIONS BY MS. SYLER BRUEGGEMANN:  
20           Q.       Have you seen or received any type of  
21 brochures from Suburban?  
22           A.       Oh, right, we have. After the article  
23 was in the paper that we never got a brochure, we  
24 did get one a couple days later. Horrible grammar.  
25 But -- words were spelled correctly but the grammar

1 was horrible. I was gonna bring a copy but I  
2 forgot.

3 MR. STOUT: Was it an '04 or '05  
4 brochure?

5 MS. MEYER: No, I think they just wrote  
6 it. Didn't they -- I had never gotten one before,  
7 but it was just terrible grammar. I think a high  
8 school student could have done better.

9 BY MS. SYLER BRUEGGEMANN:

10 Q. Did you receive that last month?

11 A. Yes.

12 Q. Okay. And do you recall if you've ever  
13 paid a deposit?

14 A. I don't recall that, no.

15 Q. Okay. And would you mind giving the  
16 information after you're done to contact you?

17 A. Sure.

18 MS. SYLER BRUEGGEMANN: Thank you.

19 JUDGE LANE: Ms. Baker?

20 MS. BAKER: No, I have no other  
21 questions, but thank you for coming.

22 JUDGE LANE: Mr. Harrison?

23 MR. HARRISON: No questions, but I'd  
24 also like to thank the witness for coming.

25 MS. MEYER: Am I done?

1 JUDGE LANE: Thank you very much. Any  
2 follow-up questions from the Commissioners?  
3 COMMISSIONER CLAYTON: Judge, I wanted  
4 to get a -- I wanted an example of bad grammar, if  
5 she could get that in the record.  
6 MS. MEYER: Yeah, I can -- I'll find --  
7 I have the thing at home, but it was amazing.  
8 COMMISSIONER CLAYTON: That's all right.  
9 You just send that thing in. I want to read it.  
10 JUDGE LANE: All right. Thank you,  
11 Ms. Meyer, you're excused as a witness. Thank you.  
12 MR. OCHOA: Karol Clark.  
13 MS. CLARK: My name is Karol Clark,  
14 K-a-r-o-l, C-l-a-r-k. I want to address the  
15 questions of the billings.  
16 COMMISSIONER CLAYTON: He's gonna swear  
17 you in.  
18 JUDGE LANE: Ma'am, let me -- let me --  
19 let me swear you in as a witness, please, before you  
20 begin your testimony.  
21 MS. CLARK: Okay.  
22 (THE WITNESS WAS SWORN.)  
23 JUDGE LANE: Thank you. You may  
24 proceed.  
25 MS. CLARK: Okay. I've been a resident

1 at Bon Gor for about 20 years. I've been a homeowner  
2 for the last 17. It's a single-family dwelling. I  
3 have been receiving for several years bills for  
4 approximately \$1,000 a month (sic). They were often  
5 estimated. They would tell me things like the reader  
6 was afraid of my dogs.

7 I live in a -- have a fenced yard with  
8 dogs, and if I let my dogs run loose in the yard,  
9 the meter reader was afraid to come in because of  
10 dogs on occasion. And so I've often had estimated  
11 bills.

12 Now, I noticed starting -- it seemed  
13 like last fall they stopped reading the bills (sic)  
14 around the time the leaves fell. And I would look at  
15 my meter and I could see nothing had been disturbed  
16 until sometime this spring. And I suddenly started  
17 getting estimated bills for, instead of 1,000 gallons  
18 a month, 3,000 gallons a month.

19 Now, I live there by myself, I work in  
20 Jeff City, so I'm gone during the day. I help with  
21 family members at other family members' homes in the  
22 evenings and weekends, so I very -- don't use much  
23 water.

24 A couple years ago they did change my  
25 meter and I started getting bills for like maybe 300

1 gallons a month which I thought was appropriate for  
2 the amount I had been home and using it. But then  
3 the first of this year I was getting bills for 3,000  
4 gallons a month which I knew was not correct.

5               In May I went into the office and spoke  
6 to a girl who claimed to be the one who had handled  
7 the billings, about the problem.

8               And she said that since I had written  
9 her a note previously explaining that I was there  
10 just myself in the house and not home, she had  
11 started billing me the 3,000 gallons a month because  
12 that's half of a normal homeowner's usage.

13              And I said, "Well, we hadn't used that  
14 much before. I don't know why it would suddenly go  
15 up." But she was apparently basing it on an estimate  
16 for the homeowners for the community rather than what  
17 mine previously had been based on.

18              And I said, well, I didn't agree with  
19 it, and she ended up taking the bill from me that  
20 day and putting it away saying she was going to mark  
21 it as refused to pay and -- so that they would shut  
22 off my service the following -- this was a Friday  
23 afternoon, they would be shutting off my service  
24 the following Monday.

25              There was a late charge on the bill

1   which it was honestly owed, and it's been 5,000 --  
2   five dollars a month whenever I've been late.  And  
3   when I've gone in there in the past years and had a  
4   problem -- a question with the billing, they will  
5   pull out the book and show me the readings.

6                   This girl did not do anything to show me  
7   any readings or any proof.  She had what my readings  
8   were.

9                   I -- she mentioned going home and  
10   reading my meter, and I did go home that evening and  
11   I cleaned off my meter.  I had to dig down in the  
12   leaves to get the meter cover.  I had to dig out mud  
13   from where you lift the handle, so I knew it had been  
14   months since they'd actually read it to be able to  
15   read it.

16                   And where my bill had had my usage at  
17   the last bill, like the 141,000 gallons, my meter  
18   only read two -- like 2,895 gallons.  So I knew that  
19   they were not only billing me a totally overestimated  
20   amount, but they weren't even billing me for my own  
21   meter.

22                   And I made out a check for what I  
23   believed I owed them, and I left it in the drop box  
24   that weekend.  And I have gotten another couple bills  
25   from them, and I still don't believe they're reading



1 my meter quite correctly. The latest bill was --  
2 stated that they read it on July 18th and their new  
3 reading was 31,300 gallons. I went out and read it  
4 this morning and I read it as 3,195 gallons.

5               They're billing -- they did bill me  
6 the last couple of months at what they claim is  
7 their minimum billing, \$7.50 a month. The brochure  
8 that came with last month's bill stated that the  
9 basic service was like \$286 a month and there was  
10 another dollar and something per thousand gallons  
11 used.

12              So at 1,000 gallons used, the basic plus  
13 that 1,000 gallons usage, is still less than five  
14 dollars. So that didn't add up to the 7.50 I was  
15 billed.

16              This month they've billed me for 1,900  
17 gallons and they've billed me for \$7.50. Because  
18 they overestimated my bill so much earlier in the  
19 year, my bill from Boone Sewer which was based on  
20 those overestimated bills has now increased and  
21 it's -- for years it was based on an average monthly  
22 use of 1,000 gallons; it's now based on 3,000  
23 gallons.

24              JUDGE LANE: Thank you very much,  
25 Ms. Clark. Any questions from the Commissioners?

1                   COMMISSIONER MURRAY: No questions from  
2 me. Thank you, Ms. Clark.

3 QUESTIONS BY COMMISSIONER GAW:

4           Q.       Ms. Clark, have you filed a complaint  
5 with the Commission on this matter?

6           A.       No, I haven't.

7           Q.       Have you had any discussions with Staff  
8 of the Commission about resolving the issue or  
9 attempting to resolve the issue?

10          A.       No, I haven't.

11          Q.       Okay. If you haven't done so, would  
12 you -- would you mind if you -- it's up to you, but  
13 it might be appropriate for you to make some contact  
14 tonight while they're there.

15                   The other question I have is, I think I  
16 heard you answer this but I want to make sure I'm  
17 clear. This dispute about how much water that you  
18 used during the time frame that you've described is  
19 still in contention. They're still billing you for  
20 that -- that extra amount that you don't believe that  
21 you've used; is that true?

22          A.       The part in May where I went in the  
23 office and spoke to the woman, she accepted the  
24 amount that I believed I owed her at that point.

25          Q.       Okay.

1           A.       And so she's been billing me the 7.50 a  
2 month for the last two months.

3           Q.       Okay. What -- and the past amount they  
4 took off of your bill, is that accurate?

5           A.       It -- it came out to be just a few cents  
6 difference, and apparently she called the amount I  
7 paid even.

8           Q.       Okay.

9           A.       So she accepted what I paid in lieu of  
10 what she had said I owed previously.

11          Q.       All right. And the issue -- and I  
12 realize this is a little different -- the issue in  
13 regard to the sewer bills that you're getting, is  
14 that an issue that relates back, as I understand it,  
15 to your water usage, is that an issue you've cleared  
16 up or are attempting to clear up?

17          A.       I haven't done anything with it this  
18 time because I don't have any -- I don't have any  
19 documentation to show the water people what I  
20 actually would have used -- or the sewer people what  
21 I actually would have used. They're going by what  
22 the water people reported, which was the 3,000  
23 gallons a month. And --

24          Q.       Yes, but --

25          A.       I don't know how to prove it.

1 Q. I'm sorry. It's the delay. It's my  
2 fault. When you're dealing with -- with this issue,  
3 you've resolved it in regard to the water company  
4 adjusting the amount --

5 A. Yes.

6 Q. -- but the water company has not -- has  
7 not sent those updated amounts to the sewer company,  
8 if I'm following you?

9 A. That's correct.

10 Q. Okay. Have they said whether -- have  
11 you asked them to do that?

12 A. No.

13 Q. Okay. If it's possible for us to have  
14 an update on that after you've had discussion with  
15 Staff and -- and the company this evening, after  
16 you've finished with your testimony, perhaps someone  
17 can update us on whether or not that's been resolved  
18 subsequent to this.

19 A. Okay.

20 COMMISSIONER GAW: Okay. So thank you  
21 very much for coming.

22 JUDGE LANE: Commissioners Clayton or  
23 Appling?

24 COMMISSIONER APPLING: No questions.

25 COMMISSIONER CLAYTON: Judge, all I'll

1 say is, ma'am, Ms. Bernsen is right behind you there.  
2 If you could meet with her, maybe she could give you  
3 some information on a complaint or possibly ways of  
4 resolving this. I think that's what Commissioner Gaw  
5 was referencing, so I was just gonna suggest that.

6 MS. CLARK: Okay.

7 JUDGE LANE: Questions from the  
8 attorneys. Any cross-examination of this witness,  
9 Ms. Brueggemann?

10 QUESTIONS BY MS. SYLER BRUEGGEMANN:

11 Q. Just a quick question. Did you also  
12 receive a brochure at some point from Suburban Water  
13 and Sewer?

14 A. With the last month's bill.

15 Q. Okay. And have you ever paid a deposit  
16 that you can recall?

17 A. I may have, like 10 or 15, \$25,  
18 something like that, if I did.

19 Q. Okay. How long have you been a  
20 resident?

21 A. 20 years.

22 Q. Okay. And do you recall who you  
23 brought -- bought your residence from?

24 A. The family's last name was Knight,  
25 K-n-i-g-h-t.

1 MS. SYLER BRUEGGEMANN: Okay. That's  
2 all. Thank you.

3 JUDGE LANE: Ms. Baker,  
4 cross-examination?

5 QUESTIONS BY MS. BAKER:

6 Q. You mentioned that your sewer bill had  
7 increased. Do you remember about how much that was?

8 A. It had been running like nine or ten  
9 dollars a month on my electric bill, and it's now up  
10 to 18.

11 MS. BAKER: Okay. That's all the  
12 questions I have. Thank you for coming.

13 JUDGE LANE: Mr. Harrison, any questions  
14 of this witness?

15 MR. HARRISON: No, sir.

16 JUDGE LANE: Thank you very much. Any  
17 follow-up questions from the Commissioners?

18 (NO RESPONSE.)

19 JUDGE LANE: Hearing none, thank you  
20 very much, Ms. Clark, for your testimony. You are  
21 finally excused.

22 MS. CLARK: Thank you.

23 MR. OCHOA: Dan Simon.

24 COMMISSIONER CLAYTON: Hey, Judge, can  
25 we hold off? We're having a technical moment here.

1 There we go. We want to accommodate our friends in  
2 the media. Appreciate their support. Okay. We're  
3 all set.

4 MR. SIMON: Judge, my name is Dan Simon,  
5 D-a-n, S-i-m-o-n. I am an attorney in Columbia,  
6 Missouri. My office is 2101 Corona Road, Suite 201,  
7 Columbia, Missouri 65203. My office phone number is  
8 (573) 256-8989. I represent an interest holder of 15  
9 duplexes in the Bon Gor Subdivision. Those 15 units  
10 are located on the streets of Michael, Mauller and  
11 Moberly.

12 JUDGE LANE: Sir, may I -- may I swear  
13 you as a witness or is this just in the matter of  
14 introduction?

15 MR. SIMON: That was just a matter of  
16 introduction. You can swear me in wherever you're  
17 ready, Judge.

18 JUDGE LANE: Go ahead with that and you  
19 can complete that.

20 (THE WITNESS WAS SWORN.)

21 JUDGE LANE: Thank you very much.  
22 Please proceed.

23 MR. SIMON: Thank you, Judge. As I  
24 indicated in my introduction, I represent the owner  
25 of 15 duplexes in the Bon Gor Subdivision. These

1 units were purchased by the interest holders in March  
2 of 2004. At the time that they were purchased, they  
3 were purchased from an entity -- and entity  
4 controlled by the Burnam family. That since  
5 acquiring the units, we've learned of a number of  
6 things that have caused difficulty in erecting the  
7 units and keeping the property values up.

8                   One of those issues -- the first issue  
9 is that there are no meters on any of these 15  
10 duplexes, so it's 30 units. None of the 30 units are  
11 separately metered so there's no way to have the  
12 tenants pay for the -- or put the water in their own  
13 name.

14                   The -- since the time of -- since the  
15 time of acquiring the units, there's been a lot of  
16 double billing, and the customer service has been  
17 extremely poor. In fact, my client has been in  
18 contact with a representative of the company by the  
19 name of Paula who was rude to him on the phone and  
20 was not willing to resolve his disputes amicably.

21                   Those disputes included -- or included  
22 the double billing and the additional billing for a  
23 unit that he sold more than a year prior to -- to the  
24 notice in 2000 and -- I'm sorry, in April of 2007.  
25 He also received -- the company's also received



1 notice in April of 2007 that their water service  
2 would be disconnected.

3 I spoke to Matt Volkert, the attorney  
4 with -- for the water company and for Mr. Burnam, and  
5 he indicated that nothing -- he didn't anticipate at  
6 the time that water would be shut off because of the  
7 fact that -- that the Commission was getting  
8 involved, but that it was their intention to shut  
9 down the company and turn off the water.

10 (DISCUSSION HELD OFF THE RECORD.)

11 MR. SIMON: Can you hear me again,  
12 Judge?

13 JUDGE LANE: Yes, I can. Can you hear  
14 us?

15 MR. SIMON: Now we can. We had -- we  
16 had a disconnect. With regard to the other  
17 witnesses, we would ditto the pressure concerns. The  
18 quality of the water is poor, it's hard. We have  
19 issues with the sulfur smell still to this day from  
20 time to time.

21 The water, because it is so hard, has  
22 caused a number of water heaters to be needed -- to  
23 be replaced prematurely. It has also caused toilets  
24 to be -- to be damaged as a result of the hard water.  
25 The -- the other issues -- oh, with regard to the

1 meters, the way that my client is charged for his 15  
2 meters is that they have an amount that they charge  
3 for each of his 30 units. They multiply that amount  
4 times 30, and that's what he pays for water because  
5 again, there is no meter.

6                   We do not believe there's any ability to  
7 even shut off the water, should he not pay his bill,  
8 but he has been keeping those bills current, and, in  
9 fact, was ahead of what he owed at the time in --  
10 within the last two weeks when the water district  
11 called him and indicated he was behind, and after  
12 working it through with his -- with his bookkeeper,  
13 they determined that not only was he not behind, he  
14 was ahead, and that matter was resolved.

15                   My client is not aware that he has  
16 received a brochure. If he has received it, it may  
17 have been with the last bill, and he did not see the  
18 bill, but he is not aware that a brochure has been  
19 received.

20                   And again, he would just like me to  
21 reiterate that -- that he has been very dissatisfied  
22 since this acquisition of the properties with --  
23 well, first, he was dissatisfied that he was not  
24 notified that this water system was -- was not a  
25 metered system, that he would be paying an estimated

1 amount for all of his units, that the billing is so  
2 poor and that the customer service when he calls to  
3 deal with a -- with an ownership issue, with a  
4 billing issue, that they're rude and not responsive  
5 to his concerns. I have nothing further.

6 JUDGE LANE: Thank you very much. Any  
7 questions of Mr. Simon from the Commissioners?

8 COMMISSIONER MURRAY: None here. Thank  
9 you, Mr. Simon.

10 COMMISSIONER GAW: None here either.  
11 Thank you, Mr. Simon. Good to see you.

12 COMMISSIONER CLAYTON: No questions  
13 here, Judge.

14 COMMISSIONER APPLING: Thank you for  
15 coming in, sir. Appreciate your comments.

16 MR. SIMON: Thank you.

17 JUDGE LANE: Cross-examination from the  
18 attorneys, Ms. Brueggemann?

19 QUESTIONS BY MS. SYLER BRUEGGEMANN:

20 Q. As to the double billing, are you aware  
21 of how often that that occurred?

22 A. I think it has been on -- well, again,  
23 because it's 30 units, it would have happened a  
24 couple months in the three years that he has owned  
25 it, but for the 30 units.

1           Q.       Okay.  So two times, three times maybe?

2           A.       Two to three times.

3           Q.       Okay.  And then who did he acquire the

4 property from?

5           A.       It's unclear.  The property was owned by

6 an entity controlled by the Gordon family --

7 Gordon -- the Burnam family, and it was then

8 transferred to another entity right before closing to

9 close it to him.  I think they 1031'd that money into

10 maybe the Parkade Center or something like that.

11          Q.       Any idea what either of the entities,

12 the holding entities were called?

13          A.       They'd be public record because it was

14 done through the Boone County Recorder of Deeds.  I

15 could get that information to you real easily.

16                   MS. SYLER BRUEGGEMANN:  Okay.  I may

17 contact you for that information.  That's all for

18 now.  Thank you.

19                   JUDGE LANE:  Ms. Baker, any questions of

20 this witness?

21 QUESTIONS BY MS. BAKER:

22          Q.       Do you know if any deposits were

23 required?

24          A.       No deposits.

25                   MS. BAKER:  Okay.  That's all the

1 questions I have. Thank you.

2 JUDGE LANE: Mr. Harrison, any  
3 cross-examination?

4 MR. HARRISON: No questions, but I'd  
5 like to thank my friend Dan for coming -- coming in  
6 tonight.

7 MR. SIMON: Thank you, Mr. Harrison.

8 JUDGE LANE: Thank you. Any follow-up  
9 questions from the Commissioners?

10 (NO RESPONSE.)

11 JUDGE LANE: Hearing none, thank you,  
12 Mr. Simon. You're excused.

13 MR. SIMON: Thank you.

14 MR. OCHOA: Reynold Stout.

15 MR. STOUT: Reynold Stout,  
16 R-e-y-n-o-l-d, S-t-o-u-t.

17 (THE WITNESS WAS SWORN.)

18 JUDGE LANE: Please proceed with your  
19 testimony, sir.

20 MR. STOUT: Yes. My comments are about  
21 customer service and water quality. The billing  
22 is -- I've received three past due notices, and on  
23 the first two I just blew off, you know. I paid the  
24 fee for past due, and the third one was like, I know  
25 I have not had this many past due notices.

1                   So I went back into my checks and it  
2   showed they'd received it ten days before the due  
3   date. And I sent a letter, not a very nice letter,  
4   and a few days later I received an apology letter.  
5   And I never -- I never had looked back at my other  
6   two past due notices, but I'm suspecting they were  
7   wrong too.

8                   And then on the water quality, I have an  
9   RO system, reverse osmosis filter, and they clean  
10  themselves and -- and they wash out the dirt and  
11  stuff in the lines themselves. And the drain line  
12  that washes the contaminants out, I have to clean it  
13  out about once every two months, and it's just black  
14  sludge that clogs this line. And that's what I'd be  
15  drinking if I didn't have the filtered water.

16                  And then with the sewer bills, I was  
17  just noticing that a couple months that the sewer  
18  bills didn't quite match up with my gallons used with  
19  my water bill. I was paying more for my sewer than  
20  what my water bill was saying that I actually used.  
21  That's all.

22                  JUDGE LANE: Thank you, sir. Any  
23  questions from the Commissioners?

24                  COMMISSIONER MURRAY: No. Thank you,  
25  though, for being here.

1 QUESTIONS BY COMMISSIONER GAW:

2 Q. Thank you for coming, sir. I'd like to  
3 ask you if you've kind of taken any pictures of that  
4 filtering system when you were cleaning it out?

5 A. I could probably do it tonight.

6 Q. Would you -- would you mind? And  
7 perhaps there will be somebody there that could tell  
8 you how to -- that might be able to be in a position  
9 to come in front of the Commission.

10 A. Get a picture for the Commission?

11 Q. Yes, if that's possible.

12 A. Okay. Yeah, yes.

13 Q. Perhaps some -- perhaps someone there  
14 can give you a little more --

15 A. Yeah. When -- the line back --

16 Q. And I would like --

17 A. The line backs up and I know it's backed  
18 up because it drains out into my sink because it's  
19 plugged, and it comes back and it's not -- it's  
20 gross.

21 COMMISSIONER GAW: Yes, sir, I got that  
22 picture pretty clearly. Thank you.

23 JUDGE LANE: Commissioners Clayton or  
24 Appling?

25 COMMISSIONER APPLING: No questions.

1 COMMISSIONER CLAYTON: No questions,  
2 Judge. Thank you for coming, sir.

3 JUDGE LANE: Any cross-examination from  
4 counsel, Ms. Brueggemann?

5 MS. SYLER BRUEGGEMANN: Just a few  
6 questions. Thank you, your Honor.

7 QUESTIONS BY MS. SYLER BRUEGGEMANN:

8 Q. Okay. Are you in a single-family  
9 dwelling or a --

10 A. Yes, single-family.

11 Q. Okay. How long have you been there?

12 A. Three years.

13 Q. And have you ever noticed any sulfur  
14 smells or --

15 A. Yes. Yes, my shower, my clothes, they  
16 smell sometimes, you know. I can't eat -- I can't  
17 use the ice out of my ice maker. It's not hooked up  
18 to my RO, but it just makes everything undrinkable.

19 Q. Okay.

20 A. The smell is just ...

21 Q. Did you receive a brochure --

22 A. Yes.

23 Q. You did. And do you recall if you paid  
24 a deposit?

25 A. No, I don't recall paying one.



1 Q. Okay. And would you mind me getting  
2 your information --  
3 A. Yeah.  
4 Q. -- after this?  
5 MS. SYLER BRUEGGEMANN: That's all.  
6 Thank you, your Honor.  
7 JUDGE LANE: Ms. Baker?  
8 QUESTIONS BY MS. BAKER:  
9 Q. Okay. You had said that your sewer  
10 bills don't match your water bills?  
11 A. Yeah, I had checked a couple months ago  
12 because I was questioning it -- well, just thinking  
13 about it one day, and I looked and the water amounts  
14 didn't match up.  
15 Q. Okay. What -- what are your typical  
16 water amounts?  
17 A. Seven dollars to \$12.  
18 Q. Okay.  
19 A. I'm pretty -- and they've been down  
20 lower, below seven dollars before. I've had a couple  
21 below seven dollars.  
22 Q. And what amounts are on your sewer  
23 bills?  
24 A. It -- the average sewer bill is \$30, 20  
25 to \$30. And I don't -- I don't -- it just -- the

1 water amount per gallon, they -- the sewer, you know,  
2 they tell you how many gallons you used and it didn't  
3 match.

4 Q. How many gallons did they say on your  
5 sewer bill, do you remember?

6 A. I don't remember. I just know that  
7 they ...

8 Q. It was excessive?

9 A. Yes, on the sewer.

10 MS. BAKER: All right. All right.  
11 That's all the questions I have. Thank you for  
12 coming.

13 JUDGE LANE: Mr. Harrison?

14 MR. HARRISON: Yes, sir, very briefly.

15 QUESTIONS BY MR. HARRISON:

16 Q. Your water bill, though, sir, is not the  
17 same every month?

18 A. Not -- there's been two months I've  
19 received seven dollar bills, and then the next --  
20 just in the recent months, the last five months, I've  
21 received two bills for like \$12 two months in a row,  
22 and then two months later I've received two bills for  
23 seven dollars in a row.

24 Q. Okay. And just for the record, your  
25 sewer service is provided by a different company?

1           A.       Yes.

2           Q.       Not Suburban?

3           A.       Yes.

4                   MR. HARRISON:  Okay.  I didn't want

5 anyone to be under the impression otherwise.  Okay.

6 Thanks.

7                   MR. STOUT:  Yes.

8                   MR. HARRISON:  Okay.  That's all the

9 questions I have.  Thank you, Judge.

10                  JUDGE LANE:  Any follow-up questions

11 from the Commissioners?

12                  (NO RESPONSE.)

13                  JUDGE LANE:  All right.  Hearing none,

14 Mr. Stout, thank you for your testimony.  You're

15 excused.

16                  MS. HERMAN:  I'm Shelly Herman,

17 S-h-e-l-l-y, H-e-r-m-a-n.  I live at 7112 North

18 Moberly Drive, account 8 on the Suburban water bill.

19                  (THE WITNESS WAS SWORN.)

20                  JUDGE LANE:  You may proceed.

21                  MS. HERMAN:  I've just kind of written

22 down several notes from what people have talked.

23 Quality of water, everyone has to have water

24 softeners.  In our water softeners, when it's time to

25 put more pellets in there, the bottoms are rusty.

1 Our toilets, we will have to change the mechanisms in  
2 the back of the toilets yearly, if not more than  
3 that, because the toilets get really rusty inside and  
4 everything from the water quality.

5               We have one of the systems from Culligan  
6 where you have drinking water that's filtered through  
7 also, and if you make ice cubes with that and you  
8 make ice cubes from the regular sink faucet, they are  
9 definitely two different colors. So I know there's  
10 water quality questions.

11              In my house the water pressure, if  
12 you're taking a shower and someone flushes the  
13 toilet, you're in big trouble. And so my kids, we  
14 all have this thing, if I'm getting in the shower,  
15 you can't wash laundry, you can't run the dishwasher  
16 or do anything else when you're running the shower or  
17 else that person either ends up with no water, it's  
18 just completely shutting off, or having hot or cold  
19 water on you. And very little of either one of  
20 those.

21              My meters have been read but they're not  
22 read on a regular basis at all. My bills, I can have  
23 bills for three months and they're all the same,  
24 maybe ten dollars. Then another month I might get  
25 one for 13, and then the next month it goes back to

1 the ten dollars. I know part of that is because I  
2 have two black dogs in my back yard that they don't  
3 like. But -- and I've gotten messages on the  
4 answering machine to "Please put your dogs up today.  
5 We're gonna read your meter." But they call that at  
6 about 9:30 when I'm already at work, so that doesn't  
7 help them.

8 I do have a copy of all of my bills for  
9 probably the past ten years, if anybody does like --  
10 would like to see them. My mom calls me a pack rat,  
11 but I do probably have tons of bills if anybody would  
12 like to see those.

13 The sewer bill I understand is maybe not  
14 the same, but I was concerned because our sewer bill  
15 has been \$34 for probably the last five years, and  
16 then in the last two months it's changed to 16, and I  
17 didn't know if there was a connection there or not.

18 I do have to say I can't say anything  
19 about the office help. I've always been helped  
20 courteously by the office help. I have always -- I  
21 have had problems where I've had to call, and you  
22 call the emergency number that's on our bill and it  
23 leaves you a voice message to call another number.  
24 I've always had to call that other number and get  
25 someone. But I have to say I've never really had a

1 problem with a person in the office when it comes to  
2 customer service.

3                   And I think that for most of the  
4 neighbors that I have talked to, we all would be  
5 willing to pay more for a better quality of water if  
6 there could be some kind of solution. And that's  
7 really all I have to say.

8                   JUDGE LANE: Thank you -- thank you,  
9 Ms. Herman. Questions from the Commission?

10                   COMMISSIONER MURRAY: No questions.  
11 Thank you, Ms. Herman.

12                   COMMISSIONER GAW: No questions from me  
13 either. Thank you very much for coming.

14                   COMMISSIONER CLAYTON: None from me  
15 either, Judge.

16                   COMMISSIONER APPLING: None from me,  
17 Judge.

18                   JUDGE LANE: All right. Questions from  
19 the attorneys. Ms. Brueggemann?

20                   MS. SYLER BRUEGGEMANN: Just a few.

21 QUESTIONS BY MS. SYLER BRUEGGEMANN:

22           Q.       I'm assuming yours is a single-family  
23 dwelling?

24           A.       Yes, it is.

25           Q.       And how long have you lived there?

1           A.       Ten years this month.

2           Q.       Did you ever pay a deposit?

3           A.       I think I might have, but I really am

4 not positive of that.

5           Q.       Not in your pack rat stuff?

6           A.       Could possibly be.

7           Q.       Okay.

8           A.       I won't say no.

9           Q.       Okay. And did you receive a brochure?

10          A.       I received a brochure last month.

11          Q.       Okay. Was that the first that you'd

12 ever received --

13          A.       Yes.

14                   MS. HERMAN: And can I add one more

15 thing, your Honor?

16                   JUDGE LANE: Of course.

17                   MS. HERMAN: The notice that we got

18 April 1st that we weren't having water, that is the

19 only notice I ever got that we would have the water

20 shut off in July. And I called the office a couple

21 times, was told to call the lawyer's office, and I

22 called the lawyer's office twice and have never

23 received return phone calls back to find out what our

24 situation was, whether our water was gonna be turned

25 off July 1st or not.

1 JUDGE LANE: All right. Thank you.

2 BY MS. SYLER BRUEGGEMANN:

3 Q. And when did you call the attorney?

4 JUDGE LANE: Does that conclude your

5 questions, Ms. Brueggemann?

6 MS. SYLER BRUEGGEMANN: No. Can I ask

7 one more?

8 JUDGE LANE: Of course, of course. Go

9 ahead.

10 MS. SYLER BRUEGGEMANN: Thank you.

11 BY MS. SYLER BRUEGGEMANN:

12 Q. When did you call the attorneys'

13 offices?

14 A. About a week before July 1st, because I

15 had heard rumors that there was a -- you know, that

16 they were supposed to not turn it off, but I'd never

17 gotten any official notice.

18 Q. Okay. And did you call -- those two

19 times were in late June?

20 A. Yes.

21 MS. SYLER BRUEGGEMANN: Okay. Nothing

22 further, thank you. Thank you.

23 JUDGE LANE: Ms. Baker, any

24 cross-examination of Ms. Herman?

25 MS. BAKER: Just a question about the



1 sewer bill.

2 QUESTIONS BY MS. BAKER:

3 Q. Did you say that your sewer bill changed  
4 from \$34 down to 16?

5 A. Yes, but it's been 34 for probably five  
6 years, and then all of a sudden it is now 16.

7 Q. Okay. Did it show a water usage on the  
8 sewer bill that you remember?

9 A. It probably does, but I couldn't tell  
10 you what it said.

11 Q. Okay.

12 A. I don't ever look at that.

13 MS. BAKER: Okay. No further questions.  
14 Thank you for coming.

15 MS. HERMAN: Uh-huh.

16 JUDGE LANE: Mr. Harrison?

17 MR. HARRISON: No questions, Judge,  
18 thanks. Thanks for the witness, though, for coming  
19 out.

20 QUESTIONS BY JUDGE LANE:

21 Q. I have a brief follow-up question in  
22 that regard. That's concerning the shut-off notice  
23 that you testified that you received.

24 A. Uh-huh.

25 Q. Did you ever receive subsequent to that

1 a letter or any kind of a notification that was  
2 rescinding that notice or that indicated that they  
3 had changed their plans and were planning on staying  
4 in business?

5 A. No, sir, I did not, and I know several  
6 of my neighbors did not either because we all got  
7 together one night outside and said, "Do you know if  
8 the water is going off or not," and none of us had  
9 any idea. We'd all heard rumors but did not know for  
10 sure. What we read in the paper is the only notice  
11 we had.

12 JUDGE LANE: Okay. Thank you. Any  
13 recross based on my question?

14 COMMISSIONER CLAYTON: No.

15 JUDGE LANE: Hearing none, thank you  
16 very much for your testimony, Ms. Herman, and you're  
17 excused.

18 MS. HERMAN: Thank you.

19 MR. LUDEMAN: Hello. My name is James  
20 Ludeman, J-a-m-e-s, L-u-d-e-m-a-n. And I've heard --  
21 oh, yeah, I have to be sworn.

22 JUDGE LANE: Mr. Ludeman, yes, let me  
23 swear you in.

24 (THE WITNESS WAS SWORN.)

25 JUDGE LANE: Thank you, sir. Please

1 proceed.

2 MR. LUDEMAN: I've heard several people  
3 state an assumption that there was some kind of  
4 chlorinated -- chlorination system in place. I don't  
5 believe this is true. I don't have any evidence one  
6 way or the other.

7 But when we rented from the Burnams, we  
8 lived in an apartment that was very close to the  
9 water tower, and on several occasions I saw in the  
10 dumpster many, many cases of bleach where the bottles  
11 of bleach had just been dumped directly into the  
12 water tower. And I believe that is their standard  
13 method for chlorinating their water system is to just  
14 dump raw bleach into their water tower.

15 Now, as far as water quality is  
16 concerned, I don't think that's going to make water  
17 quality any better. It's probably just gonna cause  
18 the water to be very chlorinated and then not very  
19 chlorinated as it dissipates.

20 We have had to replace anodes in our  
21 water heater. They get destroyed very quickly. Our  
22 dishwasher gets clogged up very quickly. We don't  
23 have a soft water -- or a water softener, rather.  
24 And I have a clog-free shower head that's supposed to  
25 be impervious to hard water that I have to clean

1 about every three months. And it has rubber jets. I  
2 mean, it's not supposed to clog. It's supposed to be  
3 a lifetime clog-free, and it doesn't help.

4 Our water quality out there has been  
5 very, very poor for quite a few number -- quite a few  
6 years. And I've only been out there for three or  
7 four years, but I've known people that have moved out  
8 there and then moved back to town because of the  
9 water quality.

10 And as far as the other comments, I  
11 don't really have anything to say about billing or  
12 customer service. Every time I've called I've gotten  
13 good service. We've had -- we've had a leak in our  
14 back yard. They came out and fixed it. I mean, it's  
15 service you would expect. It's just water quality.  
16 I'm done.

17 JUDGE LANE: Thank you, Mr. Ludeman.  
18 Any questions from the Commission?

19 COMMISSIONER MURRAY: I have none, but  
20 thank you for testifying.

21 COMMISSIONER GAW: None here either.  
22 Thank you for coming, sir.

23 COMMISSIONER CLAYTON: No questions,  
24 Judge.

25 JUDGE LANE: Thank you very much.

1 Cross-examination from the -- from counsel for Staff?

2 QUESTIONS BY MS. SYLER BRUEGGEMANN:

3 Q. Do you still rent?

4 A. No. We purchased a home in the same  
5 subdivision about three years ago.

6 Q. Okay. And how long did you rent for?

7 A. My wife was out there for many years.

8 Q. How many years were you out there for?

9 A. Since 2000. For three years I rented,  
10 and then we've been homeowners for three years.

11 Q. Okay. Did you receive the brochure?

12 A. Yes.

13 BY MS. SYLER BRUEGGEMANN: And I think  
14 that's all I have. Thank you.

15 QUESTIONS BY MS. BAKER:

16 Q. Do you know if you paid a deposit?

17 A. No, we never paid a deposit.

18 Q. Okay. Have any of your bills fluctuated  
19 or changed any?

20 A. No, they pretty much stayed within a  
21 couple of dollars of each other. There's always  
22 around 11 or \$12.

23 MS. BAKER: All right. That's all the  
24 questions I have. Thank you.

25 JUDGE LANE: Mr. Harrison, any

1 questions?

2 MR. HARRISON: No, sir. Thank you, your  
3 Honor.

4 JUDGE LANE: No follow-up from the  
5 Commissioners?

6 COMMISSIONER CLAYTON: No.

7 JUDGE LANE: Thank you, Mr. Ludeman.  
8 You're excused.

9 MR. LUDEMAN: Thank you.

10 MR. OCHOA: Is there anyone else that  
11 wants to testify at this time?

12 COMMISSIONER CLAYTON: That's the end of  
13 the list, Judge. We're moving to ask for other  
14 folks.

15 MS. OKULICZ: Your Honor, my name is  
16 Edith Okulicz. That's E-d-i-t-h, O-k-u-l-i-c-z. I  
17 live at 7208 North Moberly which is a single-family  
18 residence. I moved there in 1998.

19 MS. SYLER BRUEGGEMANN: Ms. Okulicz?

20 MS. OKULICZ: Yes.

21 MS. SYLER BRUEGGEMANN: He needs to  
22 swear you in.

23 MS. OKULICZ: Oh, I'm sorry, sir.

24 JUDGE LANE: Yes, let me go ahead and  
25 swear you in and you can continue on.

1 (THE WITNESS WAS SWORN.)

2 JUDGE LANE: Thank you very much.

3 Please provide your testimony.

4 MS. OKULICZ: Okay. Do I have to go

5 back over what I said?

6 JUDGE LANE: No, you don't.

7 MS. OKULICZ: It's the truth. I have a

8 No. 2 account on Suburban Water and Sewer. I have

9 never been mistreated by any personnel in the office

10 at all. They've been more than nice. But when I

11 moved in, the house had been empty for four months,

12 and it was almost ungodly, the stench of the -- the

13 smell of the water.

14 And I had my mom living with me, so she

15 was in her mid 90s. She was 95. And I had a friend

16 go in, get the house cleaned up before we ever moved

17 her in, get her room set up because we had lived in

18 another house in Columbia, so she didn't have a

19 trauma.

20 Because both of us had lost -- I'd lost

21 my husband, and then less than six months later I

22 lost my father. And we had moved near where my

23 parents lived in Florida. So I said, "Mom, you want

24 to come with me?" which she did. And we loved being

25 out at the edge of the country and seeing the cows

1 walk by and everything.

2                   And I saw people reading the meter --  
3 meter often, but that first -- the first water and  
4 the first disaster with the -- with, you know, the  
5 hot water tank and things like that, really were a  
6 killer because we had to replace toilets and take out  
7 plumbing and take out the hot water tank, a lot of  
8 expenses at first that I wasn't able to afford a  
9 Culligan system. And finally I decided that would be  
10 the wise thing. So I have a Culligan system which is  
11 a big help.

12                   But it's been difficult living out  
13 there. Not that I don't like the place, and I love  
14 the neighbors that I know. They're great. But it's  
15 been hard when you have to do so much maintenance. I  
16 mean, if you aren't proactive in what you do, if you  
17 don't have a little bit of money to spend on  
18 something, it's hard because it isn't -- I don't even  
19 like to give the plain tap water -- I got better  
20 now -- but I didn't even like to give it to the pets,  
21 you know.

22                   And I always thought that water  
23 utilities were regulated to the point where somebody  
24 couldn't voice off a really inferior system, and it  
25 seems like a lot of things were installed in an



1 inferior way.

2                   And then they would keep -- like there  
3 was always work ongoing on the tower, and I didn't  
4 even realize it was a water tower. It's real skinny.  
5 And it would be pouring water out. I didn't even  
6 realize what it was. After it did it once, I knew,  
7 you know, when it was leaking again and stuff like  
8 that.

9                   But my meter's been read, like I said.  
10 I've been happy with the people, but it's the  
11 equipment and the water quality were very hard to get  
12 used to. And that's about all I have to say.

13                   JUDGE LANE: Thank you very much,  
14 Ms. Okulicz. Any questions from the Commissioners?

15                   COMMISSIONER MURRAY: No questions from  
16 me, but thank you, Ms. Okulicz. That was very  
17 helpful.

18                   MS. OKULICZ: Well, you're very welcome.

19 QUESTIONS BY COMMISSIONER GAW:

20           Q.       Thank you very much, ma'am, for coming.  
21 I want to make sure that we're clear. The items that  
22 you said you had to replace, was that due to the  
23 hardness of the water?

24           A.       They were so corroded and the stench,  
25 like you couldn't use the water out of the hot water

1 tank, it smelled of that rotten smell. I mean, I  
2 gagged. And I think I would have thrown up if I  
3 stayed in the house. It wasn't drinkable or usable.  
4 It took a lot of flushing out of the system to get to  
5 where we could use the water.

6                   And like I said, we had to replace a lot  
7 of things, and same as the other people have said,  
8 you're doing parts on the toilet and parts on this  
9 and the heater elements in the tanks and stuff like  
10 that. So it's a constant -- I used to be able to do  
11 all the -- a lot of the repairs myself. I can't do  
12 it anymore, so it makes it a little harder.

13           Q.       Yes, ma'am. And how long have you had  
14 the Culligan system?

15           A.       You know, I don't honestly know. It's  
16 recent for me. It's recent.

17           Q.       Okay.

18           A.       It's the last few months, but it's --  
19 it's been great.

20           Q.       Once you got that system, has it helped  
21 with the problems?

22           A.       Oh, the water's been great since.  
23 Comparatively speaking, it's a big boom. And I was  
24 really upset when they said the service was gonna be  
25 terminated because I kind of figured I had my last

1 move. I don't want to move anywhere. And I don't  
2 share the house with anybody but my pets, so they  
3 don't use water on me, and I'm happy where I am. So  
4 I thank you.

5 COMMISSIONER GAW: Thank you for coming.

6 MS. OKULICZ: You're very welcome.

7 COMMISSIONER CLAYTON: No questions,  
8 Judge.

9 COMMISSIONER APPLING: No questions,  
10 Judge.

11 JUDGE LANE: Thank you very much. Any  
12 questions from counsel for Staff?

13 QUESTIONS BY MS. SYLER BRUEGGEMANN:

14 Q. Just one quick question.

15 A. Sure.

16 Q. How long have you actually lived in the  
17 house?

18 A. Since '98. And my mother lived with me  
19 until she passed away the next year. She was  
20 ninety -- almost 96 when she died.

21 Q. Well, that's pretty good.

22 A. Yeah.

23 Q. And you said your address was 71 --

24 A. 7208 North Moberly.

25 Q. Okay.

1           A.       Meter number was 2 if you didn't -- the  
2   account number was 2.

3           Q.       Yeah. And how's the pressure in your  
4   house?

5           A.       It seems to be okay, but a lot of times  
6   I'd go -- you know, I was home all the time or, you  
7   know, I didn't go to work, so I'd go to take a  
8   shower -- I'd be out gardening, come in to take a  
9   shower, no water, you know. Or the pets would -- the  
10   bucket would be empty, no water. So that was -- you  
11   never knew when it was coming. It was only very  
12   recently that I got a call that said we're gonna be  
13   shutting off -- or, no, I'm not sure which that said  
14   they were gonna be shutting off the water. But I  
15   have no complaints about the personnel I've dealt  
16   with over the years. They're all --

17          Q.       Well, and how often do you think that  
18   there was no water, that event would actually happen,  
19   you know?

20          A.       Many times over the years, but it was  
21   hit and miss because you couldn't tell when it was  
22   coming, so it was always at the worst possible  
23   moment.

24          Q.       Okay.

25          A.       You know how that goes.

1 MS. SYLER BRUEGGEMANN: Nothing further.  
2 Thank you.  
3 MS. OKULICZ: Okay.  
4 JUDGE LANE: Any questions from Office  
5 of the Public Counsel?  
6 QUESTIONS BY MS. BAKER:  
7 Q. Have you noticed any of your bills  
8 fluctuating?  
9 A. Just I always paid about \$50 at a clip  
10 because my normal bill would run close to \$12 and it  
11 wasn't worth writing a check every time. So I'd pay  
12 50 bucks, 50 bucks, 50 bucks which made it easier.  
13 And the last two bills I'm sure have been estimated  
14 because they were ten dollars even, and, you know --  
15 but over the years, no.  
16 MS. BAKER: No further questions. Thank  
17 you for coming.  
18 JUDGE LANE: Okay. And Mr. Harrison,  
19 any cross-examination from your clients?  
20 MR. HARRISON: No. No questions. Thank  
21 you very much, ma'am.  
22 MS. OKULICZ: Okay.  
23 JUDGE LANE: Thank you. Any follow-up  
24 questions?  
25 (NO RESPONSE.)

1 JUDGE LANE: Very well. Thank you,  
2 Ms. Okulicz.

3 MS. OKULICZ: Thank you, sir.

4 JUDGE LANE: And for your testimony.  
5 You're excused.

6 MR. OCHOA: Is there anyone else that  
7 wants to testify?

8 MR. PAUGH: Your Honor, my name is Jim  
9 Paugh, J-i-m, P-a-u-g-h.

10 (THE WITNESS WAS SWORN.)

11 JUDGE LANE: Thank you, sir. Please  
12 proceed.

13 MR. PAUGH: Mostly I want to reiterate  
14 whatever was said about the water pressure. It goes  
15 up and down. When I first moved out there, the  
16 pressure was good because there were a few houses out  
17 there. Since they've built so many houses, I think  
18 that has really hurt the water pressure.

19 My bills have been sometimes estimated,  
20 sometimes they read the meter. I've never had any  
21 complaints. Whenever I call the office, they've  
22 always been responsive, and that's basically it. The  
23 water pressure is the biggest concern I have.

24 JUDGE LANE: Thank you, Mr. Paugh. Any  
25 questions from the Commissioners?

1                   COMMISSIONER MURRAY: No questions.  
2 Thank you.  
3                   COMMISSIONER APPLING: No questions.  
4                   COMMISSIONER GAW: No, thank you, sir.  
5 Thanks for coming.  
6                   JUDGE LANE: Ms. Brueggemann, any  
7 questions of this witness?  
8                   MS. SYLER BRUEGGEMANN: No, thank you.  
9 Thank you.  
10                  JUDGE LANE: Ms. Baker?  
11                  MS. BAKER: No questions, but I do thank  
12 you for coming.  
13                  JUDGE LANE: And Mr. Harrison?  
14                  MR. HARRISON: No, sir. Thank you very  
15 much.  
16                  JUDGE LANE: No follow-up from the  
17 Commissioners, so thank you very much, Mr. Paugh, for  
18 testifying. You're excused.  
19                  MR. OCHOA: Anyone else?  
20                  COMMISSIONER CLAYTON: Going once, going  
21 twice.  
22                  (NO RESPONSE.)  
23                  JUDGE LANE: All right. I'd like to  
24 thank all of our participants for their testimony.  
25 Do we have any closing remarks from the Commissioners

1 before we go?

2 (NO RESPONSE.)

3 JUDGE LANE: This local public hearing  
4 is adjourned. Thank you very much.

5 (EXHIBIT NOS. 1, 2 AND 3 WERE MARKED FOR  
6 IDENTIFICATION BY THE COURT REPORTER.)

7 (WHEREUPON, the public hearing in this  
8 case was concluded.)

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