

1 BEFORE THE PUBLIC SERVICE COMMISSION

2 STATE OF MISSOURI

3 _____

4 TRANSCRIPT OF PROCEEDINGS

5 Local Public Hearing

6 Monday, October 29, 2007

7 Columbia, Missouri

8 volume 2

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12 The Staff of the Missouri)
13 Public Service Commissioner,) case No. WC-2008-0079
14 Complainant,)
15 V.)
16 Universal Utilities, Inc. and)
17 Nancy Carol Croasdell,)
18 Respondents.)

19 _____

20 MORRIS WOODRUFF, Presiding,
21 DEPUTY CHIEF REGULATORY LAW JUDGE
22 LINWARD "LIN" APPLING
23 TERRY JARRETT
24 ROBERT CLAYTON III,
25 Commissioners

26 REPORTED BY:
27 LISA M. BANKS, CCR

A P P E A R A N C E S

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

2 JUDGE WOODRUFF: All right. Well,
3 welcome everyone. Let's open up the public meeting
4 WC-2008-0079, which is the Staff of the Missouri Public
5 Service Commission versus the Universal Utilities
6 Incorporated and Nancy Carol Croasdell. The purpose of
7 this proceeding this evening is to allow the parties an
8 opportunity to -- or excuse me -- allow the public an
9 opportunity to tell the Commission what's on their
10 minds.

11 We'll hear comments from the public.
12 That's -- that has probably been explained to you
13 already. Your testimony will be sworn. There's a
14 court reporter there, and she will be taking down your
15 testimony and transcripts will be made, and they'll
16 eventually be reviewed all the Commissioners when they
17 make their decision in this case eventually. At this
18 time, I'd like to introduce the Commissioners who are
19 here.

20 First of all, Robert Clayton is there
21 with you in Columbia. And with me here in Jefferson
22 City is Commissioner Lin Appling and Commissioner Terry
23 Jarrett. We'll start this evening by making entries of
24 appearance from the attorneys who are there for the
25 parties. First of all, is there anyone there from

1 staff?

2 MS. HEINTZ: Yes, Your Honor. Thank
3 you. Steve Reed and Jennifer Heintz for the Staff of
4 the Missouri Public Service Commission, P.O. Box 360,
5 Jefferson City, Missouri, 65102.

6 JUDGE WOODRUFF: Thank you. And for the
7 Office of Public Counsel?

8 MS. BAKER: Thank you, Your Honor.
9 Christina Baker, Assistant Public Counsel,
10 P.O. Box 2230, Jefferson City, Missouri, 65102,
11 appearing on behalf of the Office of Public Counsel and
12 the customers.

13 JUDGE WOODRUFF: Thank you. And is
14 there anyone there for the company?

15 COMMISSIONER CLAYTON: Is there anyone
16 here from the company? Any attorneys? Hang on, Judge.
17 We're doing a lawyer search right now.

18 JUDGE WOODRUFF: Okay. Is there anyone
19 there from the company who's not an attorney?

20 COMMISSIONER CLAYTON: Any civilians
21 here from the company? No one is acknowledging the
22 call for action there, Judge.

23 JUDGE WOODRUFF: All right. Thank you,
24 Commissioner.

25 COMMISSIONER APPLING: Do I have anybody

1 from the company here?

2 JUDGE WOODRUFF: Apparently there's no
3 one there from the company.

4 All right. Ms. Fred, are you back with
5 the sign-up sheet?

6 COMMISSIONER CLAYTON: Gay? She's
7 coming back in.

8 MS. FRED: Judge, the first party is
9 Jim Jawling (ph.).

10 MR. JAWLING: I'm going to pass.

11 MS. FRED: You're going to pass? Okay.
12 Then the next one is Lillian Davis.

13 COMMISSIONER CLAYTON: Judge, if --
14 Judge, could I be recognized just for a minute?

15 JUDGE WOODRUFF: Certainly.

16 COMMISSIONER CLAYTON: I just wanted to
17 say I know there was a lot of discussion in the hearing
18 room. The purpose of the hearing here tonight is to
19 take your comments and take testimony that'll be part
20 of the record where we don't have two Commissioners
21 that are with us, and a transcript will be made of
22 this -- made part of the record in the case. So
23 anything that was said before right now will not be
24 part of the record.

25 So I don't want to feel like anyone has

1 to testify, but if you've got something to say -- if
2 you want it on the record, now's the time to say it.
3 Anything you said before was not made part of the
4 record, so feel free to sign up as you like. If you
5 don't want to testify, that's fine too.

6 Gay, was working down the list there,
7 Judge, so be patient with us.

8 JUDGE WOODRUFF: Okay. Thank you,
9 Commissioner Clayton. And I'll also give a chance to
10 our Commissioners here in Jefferson City if they'd like
11 to make any opening comments. Commissioner Appling?

12 COMMISSIONER APPLING: I just want to
13 say thank you all for coming out, and we really want to
14 hear what you have to say. So if you have something,
15 please speak up tonight. Thank you.

16 JUDGE WOODRUFF: Commissioner Jarrett?

17 COMMISSIONER JARRETT: Thank you, Judge.
18 I would echo Commissioner Appling's comments and say
19 that would view your comments and your testimony
20 tonight as being a very important part of the record.
21 It's something that we will seriously consider as we
22 consider the case. So thank you all for coming, and we
23 do consider your input important.

24 JUDGE WOODRUFF: All right. Thank you,
25 Commissioners.

1 COMMISSIONER CLAYTON: Okay.

2 JUDGE WOODRUFF: All right. Is
3 Ms. Davis there ready to testify?

4 MS. FRED: Yes. Ms. Davis is here ready
5 to testify, Your Honor.

6 MS. DAVIS: Back in --

7 JUDGE WOODRUFF: Wait a minute, ma'am.
8 I needed to swear in this witness first.

9 (Witness sworn.)

10 LILLIAN DAVIS testified as follows:

11 JUDGE WOODRUFF: All right. Thank you.

12 And you said your name was Lillian Davis?

13 MS. DAVIS: Yes.

14 JUDGE WOODRUFF: And where do you live
15 now?

16 MS. DAVIS: Right now, I live at 213
17 East Highway 00, in Hallsville, Missouri. I used to
18 reside at Lot No. 80, Blue Acres Trailer Court. And I
19 could not afford to pay triple-digit water bills.

20 JUDGE WOODRUFF: Triple-digit? Over
21 \$100?

22 MS. DAVIS: Yes, sir.

23 JUDGE WOODRUFF: Okay.

24 MS. DAVIS: And my son --

25 JUDGE WOODRUFF: Ma'am, could get a

1 little bit closer to the microphone? We're having a
2 hard time hearing?

3 MR. MOORE: Just speak up a little
4 louder.

5 COMMISSIONER CLAYTON: Belt it out,
6 sister. Give it to us straight.

7 MS. DAVIS: Okay. I'll pretend
8 everybody's hard of hearing.

9 COMMISSIONER CLAYTON: There you go.

10 JUDGE WOODRUFF: That helps a lot.
11 Thank you.

12 MS. DAVIS: My son lived at Lot No. 82.
13 I was down there at his trailer cleaning it up one day
14 waiting for Mediacom to come out and hook up cable for
15 him. And this guy come around and handed me a slip of
16 paper -- a letter for him and said that his water was
17 to be turned off and stayed turned off otherwise he
18 would be charged with a fine for stealing water.

19 And he had given Mr. Jacobs \$200 on a
20 water bill, and his water has been turned off -- had
21 been turned off from that lot since late February,
22 early March. And he keeps getting a bill. Right now,
23 it's over \$400.

24 JUDGE WOODRUFF: The Mr. Jacobs you're
25 talking about, is that Delbert Jacobs?

1 MS. DAVIS: Yes, sir.

2 JUDGE WOODRUFF: He's the owner of the
3 trailer park?

4 MS. DAVIS: Yes, sir.

5 JUDGE WOODRUFF: All right. Thank you.
6 I'm not trying to interrupt you. Go ahead.

7 MS. DAVIS: He and Michelle Jacobs both
8 are owners of the trailer court.

9 JUDGE WOODRUFF: Is there anything else
10 you'd like to tell us?

11 MS. DAVIS: Yes. I have also been made
12 aware that Universal Utilities Incorporated is working
13 throughout the whole state of Missouri. The locations
14 of these places I do not know, and, I think, that's
15 about all I have to give right now.

16 JUDGE WOODRUFF: Thank you. Hold on.
17 Wait. Ma'am, wait for a moment, please. We might have
18 some questions for you here.

19 MS. DAVIS: Okay.

20 JUDGE WOODRUFF: I'll ask Staff. Does
21 Staff have any questions?

22 MS. HEINTZ: Yes. Thank you, Your
23 Honor.

24 CROSS-EXAMINATION BY MS. HEINTZ:

25 A. Thanks for being here, Ms. Davis. I

1 just wanted to clear up some things about the fees
2 being charged to your son.

3 A. Yes.

4 Q. Okay. He lives at that pad currently?

5 A. No.

6 Q. When did he move out?

7 A. After a tree fell on the mobile home.

8 Q. Do you remember when that was?

9 A. Yes. It was August 14th.

10 Q. Okay. So his water got shut off in
11 February?

12 A. Yes.

13 Q. Okay. He lived there until August?

14 A. He was in that mobile home. Yes.

15 Q. Okay. And you said he's still being
16 billed now for water --

17 A. Yes.

18 Q. -- even at that old pad even though he
19 no longer resides there?

20 A. Right.

21 Q. So has his pad lease been terminated?

22 A. He terminated whenever he moved out of
23 the trailer court with me.

24 Q. And yet he's still receiving a water
25 bill?

1 A. Yes, ma'am.

2 Q. Okay. Thank you.

3 JUDGE WOODRUFF: Public Counsel have any
4 questions? I'm sorry.

5 CROSS-EXAMINATION BY MS. BAKER:

6 Q. I'm sorry. I guess, the question that I
7 have is whenever he's left in August, was there an
8 amount that was due at that point?

9 A. Yes. There was, and there's still --
10 it's still being accumulated.

11 Q. Okay. On the bills that he is getting,
12 are they listing out water usage from the meters?

13 A. No.

14 Q. Okay. So this is an accumulated bill?

15 A. Uh-huh.

16 Q. Okay. Have you -- whenever you lived
17 there, did you have any quality of service issues? Did
18 you have any water quality problems?

19 A. Yes, ma'am. At one or two times, the
20 water came out of the kitchen faucet cloudy -- kind of
21 like ammonia.

22 Q. Okay.

23 A. There was a lot of chlorine odor to the
24 water.

25 Q. Did you have any frequent outages of

1 your water?

2 A. On August the 14th, they came -- had
3 left an envelope on my door with a \$75 check in it
4 because I figured I was working on the other bill that
5 said a hundred some-odd dollars. I don't have right in
6 front of me, so I can't give you the exact amount.

7 But he left a note on that envelope
8 stating that \$75 was not enough, that my bill was
9 \$95.75, and turned my water off. I was not at home,
10 and my water stayed turned off until, I think, it was
11 eight days later when after they had collected
12 altogether \$210.75.

13 Q. You paid \$210.75?

14 A. There was \$210.75 paid to Universal
15 Utilities Incorporated in Benton -- or Benton,
16 Michigan.

17 Q. But you had been told that the amount
18 that you owed was 90 --

19 A. 95.75.

20 Q. Did they tell you what the additional
21 charges were for?

22 A. Yes, ma'am. It was brought to my
23 attention that there was a \$20 collection fee, \$10 late
24 fee, \$25 turn-off fee, and another \$25 turn-on fee.

25 Q. And those payments were made to

1 Universal Utility?

2 A. Yes, ma'am.

3 Q. And the bill that came to you was from
4 Universal Utility?

5 A. Yes, ma'am.

6 MS. BAKER: I have no further questions,
7 but I appreciate that you came today and made these
8 comments. Thank you.

9 JUDGE WOODRUFF: Commissioner Clayton,
10 do you have any questions?

11 COMMISSIONER CLAYTON: I don't have any
12 additional questions. Ms. Davis, thanks for coming out
13 and sharing with us your comments. There may be --
14 there are two other Commissioners that may want to work
15 you over here in questioning.

16 JUDGE WOODRUFF: Commissioner Appling,
17 do you have any questions?

18 QUESTIONS BY COMMISSIONER APPLING:

19 Q. Ms. Davis?

20 COMMISSIONER CLAYTON: Told you.

21 BY COMMISSIONER APPLING:

22 Q. Can you hear me?

23 A. Yes.

24 Q. Ms. Davis, how long have you been living
25 at this location?

1 A. I moved in Blue Acres Mobile Home Court
2 in 1996, and I lived --

3 Q. 1996? What has been your average bill,
4 monthly, over the last couple years --

5 A. The water --

6 Q. -- usually?

7 A. The water was not in my name until
8 June -- May or June. It was included in my rent.

9 Q. You don't know exactly what you were
10 paying for the water?

11 A. No. It was supposed to have been --
12 they were supposed to be keeping an eye on my water
13 usage, and I had no idea how many gallons of water I
14 used. But I was being very sparingly with my water
15 being an only --

16 Q. Did they give you a written notification
17 that your water bill was going to go up or change or
18 they were going to start charging you for the water?

19 A. Yes.

20 Q. A notification?

21 A. Yes, sir. I was notified and was told
22 that I was going to have to pay my own water bill, and
23 that was fine. I had problems with paying my water
24 bill as long as it was reasonable. But whenever it's
25 in triple digits, that's not reasonable.

1 Q. Okay. Ma'am, thank you for coming out.

2 JUDGE WOODRUFF: Commissioner Jarrett?

3 COMMISSIONER JARRETT: Thank you, Judge.

4 QUESTIONS BY COMMISSIONER JARRETT:

5 Q. Good evening, Ms. Davis. Thanks for
6 being here. I wanted to ask you a couple of questions
7 about the triple-digit bills. Was that -- were they
8 charging over \$100 per month?

9 A. That was paying late fees and \$20
10 collection fees added to the water bill. I think, it
11 was -- the average water bill was like \$70 a month.

12 Q. Okay. And you say they were collection
13 fees. Why were they charging you collection fees?

14 A. Because I only get -- I'm on a fixed
15 income, and I only get paid once a month. And their
16 bill came due like seven or eight days before I got my
17 money. And they give me a late fee to pay and a
18 collection to pay.

19 Q. Okay. Did you ever contact the company
20 and talk to them about that and try to work something
21 out with them?

22 A. I tried to work with them. They would
23 not work with me -- very uncooperative people.

24 Q. Okay. My other question is: You said
25 something about that you had heard Universal Utilities

1 was providing service in other places in Missouri. I
2 just wanted to ask how did you find that out? What was
3 the source of that information?

4 A. I can't say the source right now because
5 I don't know their name.

6 Q. Okay.

7 A. But they -- we're friends actually. I
8 don't know their names. I can say their first names
9 are Tom and Debbie. I think it's Debbie?

10 Q. And Tom or Debbie told you that they
11 were providing service in other parts of Missouri?

12 A. Yes. And not only that, the guy that
13 came out to read the water meters also said that
14 they -- he had other places he had to go and read
15 meters and do the same thing.

16 Q. Okay. All right. Thank you, Ms. Davis.
17 I appreciate your testimony.

18 JUDGE WOODRUFF: Thank you, Ms. Davis.

19 You can step down.

20 And the next name on the list?

21 MS. FRED: Judge, I have a brief public
22 service announcement if you don't mind. If anyone has
23 a grey, four-door Dodge ES, your lights are on out in
24 the parking lot. We don't want you to have a dead
25 battery when you get out there.

1 MS. BAKER: But please come back.

2 MS. FRED: The next one on the list,
3 Judge, is Michelle Jacobs.

4 (Witness sworn.)

5 JUDGE WOODRUFF: Your name is
6 Michelle Jacobs?

7 MS. JACOBS: Yes.

8 JUDGE WOODRUFF: What would you like to
9 tell us?

10 MICHELLE JACOBS testified as follows:

11 MS. JACOBS: Basically, my husband and I
12 are the owners of the mobile home park. Universal
13 Utilities was a company brought in to do the billing
14 for the water, sewer, and trash. So the bill that
15 actually comes out includes water, sewer, and trash.
16 And they have an administrative fee, I believe, of 5.79
17 a month that is also billed to each tenant to read the
18 meter, send out the billing, that sort of thing.

19 We, in turn, have the base meter charge
20 that is billed by Water District No. 9, and the sewer
21 is billed by the City of Columbia. And then trash is a
22 private trash service that does the billing. We pay
23 the main bills.

24 It all has been going to Universal
25 whatever their 5.79 administrative fee, whatever late

1 charges and things that they collect, has not been --
2 is not coming back to us. We just get reimbursed what
3 water, sewer, trash usage has been billed to the
4 tenants. We typically recoup about 80 to 85 percent of
5 our total cost for those services.

6 The meters were put in by the previous
7 owner to conserve water. At that time which was in
8 2003 -- early of 2003, I have copies which we'll
9 present tomorrow, I believe, at court that the utility
10 bills were running anywhere between 4,800 and 5,800 a
11 month for water alone. And at that point, water usage
12 was billed at, I believe, \$3.83 per 1,000 gallons.

13 We are now billed \$5 per 1,000 gallons
14 by Water District No. 9, and our current water usage is
15 probably 3,500 gallons -- or \$3,500 a month. So about
16 \$2,000 a month savings of a natural resource that is
17 now billed at a much higher rate than what it was in
18 '03 when the meters weren't on.

19 And I just wanted to, you know, let it
20 be known that, you know, we're not recouping any
21 additional income off of that, and the bills are for
22 water usage, sewer usage, and trash.

23 MR. JACOBS: The charges --

24 MS. JACOBS: Well, I mean, that's
25 regulated by the City of Columbia. We are in the

1 County and our sewer service is the City of Columbia.
2 So because we are County using a City resource, they
3 bill at 150 percent more. And Universal should be, to
4 my knowledge and my husband's knowledge, billing at the
5 rates those utility companies have set.

6 They've received notice when we receive
7 notice. They get a copy of what that charge is per
8 1,000 gallons. So as it has it has increased over the
9 past few years, they should be, as far as our
10 knowledge, billing at that rate, which is right now \$5
11 per 1,000 from Public Water District No. 1.

12 What else? I think that's probably it
13 at this time.

14 JUDGE WOODRUFF: Staff, do you have any
15 questions from Ms. Jacobs?

16 MS. HEINTZ: Yes. Thank you, Your
17 Honor.

18 CROSS-EXAMINATION BY MS. HEINTZ:

19 Q. Ms. Jacobs, do you know the name of the
20 person who reads the meters on behalf of Universal?

21 A. I do not know his name. There have been
22 several different people over the years that have been
23 assigned there. I know one gentlemen came in every
24 month --

25 MR. JACOBS: One's Jerry. Jerry's one

1 of them.

2 MS. JACOBS: Yeah. He had major heart
3 surgery, and so then somebody else came in. And --

4 BY MS. HEINTZ:

5 Q. But they were Universal employees?

6 A. Yes, ma'am. Correct.

7 Q. Okay. And has your relationship with
8 Universal Utilities changed since this complaint was
9 brought by Staff?

10 A. Yes and no, I suppose. They are still
11 reading the meters, calculating the charges for water
12 and sewer usage. Trash is billed at a flat \$5 per
13 month. It is picked up at the tenants' curb five --
14 three times a week: Monday, Wednesday, and Friday.
15 They are still doing the billing, still reading the
16 meters, and they are billing with lot rent included on
17 that bill.

18 Q. So is Universal Utilities now billing
19 for the rent -- the pad fee as well as the water,
20 sewer, and trash --

21 A. That -- it's all coming on one bill.

22 Q. As one bill?

23 A. And then it's being -- going to be all
24 paid to us. And then we will, in turn, I guess, pay
25 the 5.79 per meter read back to Universal. And they

1 are no longer disconnecting or charging late fees.

2 Q. Okay. So they collect all the money?

3 A. No. All of the money is now being
4 collected in the park.

5 Q. Okay. And you're remitting the 5.79
6 plus the water -- I'm sorry. I'm not understanding how
7 you're paying --

8 A. The -- they -- yeah. They have like a
9 \$5.79 monthly service fee, and that -- if it is
10 collected in the park, will be remitted back to
11 Universal. And they are no longer -- since the PSC has
12 stepped in and said water needed to be turned on and
13 they can no longer turn off -- they have not done that.

14 Q. Okay. And are you aware of a notice
15 that went out to the residents on October 16th that's
16 kind of explaining the changes?

17 A. That was sent out by Universal
18 Utilities, and I was aware that was being sent.

19 Q. And did you help draft that?

20 A. No. I did not.

21 Q. Or did you just approve it after? Did
22 you see it before it got sent to the residents?

23 A. I saw it before it went out.

24 Q. Okay. Thank you. Those are all my
25 questions.

1 JUDGE WOODRUFF: Questions for Public
2 Counsel?

3 CROSS-EXAMINATION BY MS. BAKER:

4 Q. In this change of relationship with
5 Universal Utilities, what happened to the existing
6 customer accounts? Who holds the customer accounts if
7 someone is behind in their payments? Who do they owe
8 now?

9 A. I guess that would --

10 MR. JACOBS: You want me to answer that?
11 It's going to be --

12 COMMISSIONER CLAYTON: Hang on, hang on,
13 hang on just a second, Judge. We've got a person that
14 is speaking that is not sworn in. You can be sworn in.

15 MS. JACOBS: I'm not aware of how that's
16 going to be handled. I believe, that my husband and
17 Universal Utilities have discussed that matter.

18 BY MS. BAKER:

19 Q. Are you aware of any service issues
20 between the customers and Universal Utilities?

21 A. I am aware that there have been
22 complaints of late fees, things like that.

23 Q. Okay. Are you aware of disconnections
24 that have been performed by Universal Utilities?

25 A. In the past, there have been

1 disconnections. Yes.

2 Q. But those are no longer being done?

3 A. No longer being done.

4 Q. Okay. Is your office doing
5 disconnections?

6 A. No, ma'am. We are not. I am not
7 getting into that.

8 Q. That's all the questions I have. Thank
9 you.

10 JUDGE WOODRUFF: Commissioner Clayton,
11 do you have any questions?

12 COMMISSIONER CLAYTON: I do have a
13 handful of questions, Judge.

14 QUESTIONS BY COMMISSIONER CLAYTON:

15 Q. Ms. Jacobs, first of all, why don't you
16 go ahead and identify who were cheating with -- who the
17 person is that you're getting answers from? Is this
18 Mr. Jacobs?

19 A. Yeah.

20 Q. Is that right?

21 A. This is Delbert Jacobs.

22 Q. Delbert Jacobs. Thank you. How long
23 have you all owned the mobile home court?

24 A. Since -- when is it September --

25 MR. JACOBS: Be five years in September.

1 MS. JACOBS: -- of '03?

2 MR. JACOBS: Five years in September.

3 BY COMMISSIONER CLAYTON:

4 Q. September of '03. And when did you say
5 that you contracted with Universal Utilities?

6 A. It was never contracted with us. It was
7 contracted with the previous owner which was
8 Eddie Sachs (ph.). In that contract, it stated that it
9 was a five-year contract regardless of who owned the
10 park, and that it was transferable.

11 Q. Okay. And what is the termination date
12 of that contract? When would the five-year period end?

13 A. It was either January or February of
14 '08. We're almost to that point.

15 Q. Okay. And after you purchased the
16 mobile home court in September of '03, at any time
17 after that did you determine or find that there were
18 problems in the utility collections and utility
19 services offered to the residents of the mobile home
20 court?

21 A. One problem that we noted was that the
22 office was in Michigan, and there was a delay in that,
23 you know, two- to three-day mail time in getting it
24 processed. So for a while if people came to us, we
25 would collect it and fax them a notice that it had been

1 collected, and then they asked that we stop doing that.

2 Q. Any other problems that you've noticed
3 since you took over the mobile home court?

4 A. No, sir.

5 Q. So you weren't aware of any problems in
6 service or errors in billing or changes in the
7 arrangements between the customers and Universal
8 Utilities?

9 A. Nothing other than complaints that
10 charges were astronomical.

11 Q. Okay. So you were aware that there were
12 complaints about the services that were being provided
13 by Universal?

14 A. Well, as far as the fees. Correct.

15 Q. Yeah. When did you hear about that the
16 first time?

17 A. Probably October of '03.

18 Q. Okay. So you were aware of the
19 complaints going back to really whenever you took over
20 the mobile home court.

21 A. (Witness nodded.)

22 Q. Did you take any action to address those
23 complaints?

24 A. We have an attorney -- local attorney
25 here that handles just like our evictions, things like

1 that. And we had him look over that contract, and he
2 said that that was legally binding. Asked if we were
3 made aware of it prior to purchasing the park, and we
4 were made aware of that contract and the services being
5 offered by Universal. And so he said, well, in '08 you
6 can do something different.

7 Q. Okay. So basically, no action was
8 taken --

9 A. No, sir.

10 Q. -- in response to the complaints that
11 were made?

12 A. No, sir.

13 Q. Okay. Are you aware of how the
14 Commission became aware? Did you report these
15 complaints to the Commission?

16 A. No. I believe it was one of our
17 tenants.

18 Q. Okay. And how has the interaction that
19 you've had with Public Service Commission been since
20 that complaint was lodged whenever that happened?

21 A. Repeat your question?

22 Q. How was your interaction been with the
23 Commission?

24 A. Fine. They asked for a copy of the
25 agreement between us and Universal and a copy of our

1 lease, and I have cooperated with them in getting them
2 that information. And as I have stated to them, I just
3 want to get into compliance be it Universal Utility, if
4 we have to become a water company, if we have to have a
5 meeting my husband.

6 And I were discussing on -- once we find
7 out what happens tomorrow, then maybe meeting with the
8 PSC and DNR in gathering information so we can have a
9 meeting with tenants to decide how they want to handle
10 the situation.

11 Q. Have the problems associated with the
12 utility services in the mobile home court effected the
13 number residents or the number of tenants that you have
14 residing there? Has that effected your business?

15 A. I would say that it effects the
16 happiness of our tenants, and it effects them
17 financially.

18 Q. Is that important to you -- the
19 happiness of your tenants?

20 A. Certainly.

21 Q. Okay. I don't have any other questions.
22 Thank you, Judge.

23 JUDGE WOODRUFF: Commissioner Appling,
24 do you have any questions?

25 QUESTIONS BY COMMISSIONER APPLING:

1 Q. I just have question, Mrs. Jacobs.

2 What's the total number of residents do you have in
3 your trailer court there?

4 A. There are 114 pad sites, and there are
5 approximately 100 tenants at this time.

6 Q. Thank you very much.

7 JUDGE WOODRUFF: Commissioner Jarrett?

8 COMMISSIONER JARRETT: Thank you, Judge.

9 I don't have any questions.

10 JUDGE WOODRUFF: Okay. Ms. Jacobs, I
11 just want to clear up one thing on -- for the record
12 here. You mentioned something having tomorrow in
13 court. Can you tell us what's happening?

14 MS. JACOBS: I've been subpoenaed to go
15 to court tomorrow. I assume that's at -- it's at Boone
16 County Courthouse tomorrow at nine o'clock.

17 JUDGE WOODRUFF: Okay.

18 MS. JACOBS: And it is a case --

19 JUDGE WOODRUFF: Thank you, Ms. Jacobs.

20 MS. JACOBS: -- PSC versus Universal.

21 JUDGE WOODRUFF: Ms. Fred, who's next on
22 the list?

23 MS. FRED: Ruth Martin is next on the
24 list, Judge. Is Ruth here? Ruth?

25 MS. MARTIN: I've had my question

1 answered.

2 MS. FRED: Okay. She's going to pass,
3 Judge.

4 COMMISSIONER CLAYTON: Can I just ask --
5 can I ask, do you concur in the statements that have
6 been made so far by other witnesses?

7 MS. MARTIN: Yes.

8 COMMISSIONER CLAYTON: Okay. Thank you.

9 MS. FRED: The next one on the list is
10 John -- is it Bare -- Barn?

11 MR. BAKER: Baker.

12 MS. FRED: Baker?

13 MR. BAKER: John Baker.

14 MS. FRED: I'm sorry.

15 MR. BAKER: Any time.

16 JUDGE WOODRUFF: Hello, Mr. Baker.

17 MR. BAKER: Hello.

18 (Witness sworn.)

19 JOHN BAKER testified as follows:

20 JUDGE WOODRUFF: Where do you live,
21 Mr. Baker?

22 MR. BAKER: I live at No. 26, Blue Acres
23 Trailer Court.

24 JUDGE WOODRUFF: What would you like to
25 tell us?

1 MR. BAKER: Pardon me? I have trouble
2 hearing.

3 JUDGE WOODRUFF: Okay.

4 COMMISSIONER CLAYTON: You can start
5 your testimony, sir.

6 MR. BAKER: I've been there -- I've been
7 there since '98, but when the utility company took it
8 over, my first bill was \$130. And the next month, I
9 got another \$130 -- the same bill. And whenever we get
10 bills there, I've got mine caught up. They was late in
11 sending them out so that they would get that penalty.
12 And they did this to me a couple of times.

13 And like I say, I'm on a fixed income.
14 Once I've spent my money, I can't go back and get it,
15 and it's kind of hard on me. I been without water at
16 least three months this year -- at least three months,
17 and they still charge me for it. So --

18 JUDGE WOODRUFF: Okay.

19 MR. BAKER: And, you know, it's kind
20 of -- it's really kind of hard.

21 JUDGE WOODRUFF: Does Staff have any
22 questions for Mr. Baker?

23 MS. HEINTZ: Yes. Thank you, Your
24 Honor.

25 CROSS-EXAMINATION BY MS. HEINTZ:

1 Q. Mr. Baker, if you have trouble hearing
2 me, please let me know?

3 A. Yes. I do.

4 Q. Okay. Your Honor, I'm going to step a
5 little closer. You said that you were living in the
6 mobile home park when University Utilities took over?

7 A. Yeah. When they came in. Yeah.

8 Q. Okay. Do you remember how you were
9 notified that Universal Utilities would be taking over
10 service?

11 A. Well, I was notified that he was
12 bringing in a company, and they was going take it over.

13 Q. Was that a verbal notice --

14 A. That's verbal. Yeah. Through Ed Sachs.

15 Q. Were the tenants given anything warning?
16 Okay. And you were not given anything or were you
17 explaining how your rates would be charged or
18 calculated?

19 A. Well, at that time, we got free meters
20 and everything. They didn't charge us for -- they
21 didn't -- they gave us the rates and everything, but
22 I'm telling you when it comes on the -- on the paper,
23 it don't look like that.

24 You know, you get a bill. You like to
25 know what you got to pay for, and they don't show you

1 what you're paying for or nothing. They just send you
2 a bill. I got them right here. But they send you a
3 bill, and says this is your bill. You've got to pay
4 it. But you should be able to know what you're paying
5 for. That should show it to you. I'm not getting all
6 the water and everything. They charge me for the
7 water. I don't use it.

8 Q. Do you know which three months this year
9 you haven't --

10 A. My bill usually runs \$25 -- \$35 a month.

11 Q. Okay. But you said -- I'm sorry. Go
12 ahead.

13 A. That's my water bill.

14 Q. Uh-huh.

15 A. But if I get behind, it runs a lot more
16 than that.

17 Q. Okay. And you said earlier that you've
18 been without water at least three months this year?

19 A. Yeah.

20 Q. Do you know when that was?

21 A. Well, I was out -- without last month
22 until the Commission had it turned back on.

23 Q. And how much time would they give you
24 between --

25 A. They don't give you no time, ma'am. You

1 know, when you get a bill, it comes, and you got a
2 disconnection notice right off the get when they send
3 you the bill. And, you know, it's not -- it's not
4 right. It's just not right.

5 Q. And so someone would just come to your
6 door and say, I'm going to off your water?

7 A. No. They wouldn't come to my door.
8 They can't wake me up anyhow. I'm a hard sleeper. I
9 can't hear anything. I -- I really sleep hard. They
10 try to wake me up. I know that, but they can't wake
11 me.

12 Q. Okay. Thank you, Mr. Baker.

13 A. Yeah.

14 JUDGE WOODRUFF: All right, Public
15 Counsel?

16 CROSS-EXAMINATION BY MS. BAKER:

17 Q. Do you have copies of your bill?

18 A. Yeah. I do. I took them to the Lake of
19 the Ozarks and lost them. The last one -- I got -- I
20 got the last three months.

21 Q. Okay. Is that something that you would
22 like to give to --

23 A. Yeah.

24 Q. -- the Commission to look at?

25 A. Yeah.

1 Q. Okay. How many months do you have on
2 you?

3 A. Two -- two months, three months right
4 now.

5 Q. And that would be August, September,
6 October?

7 A. Yeah. Just a minute. Oh wait, I see
8 09/28, and that's it. And 10/12, so that'd be, what,
9 October?

10 Q. Would you mind if we took those and --

11 A. No, ma'am.

12 Q. -- put them in and sent them back to
13 you?

14 A. Yeah. That'd be fine.

15 Q. Okay.

16 MS. HEINTZ: Judge, could I -- can I
17 have those put in as exhibits?

18 JUDGE WOODRUFF: Certainly. Do I mark
19 them as a single exhibit and call them Exhibit 1?

20 MS. HEINTZ: Yes. That would be fine.

21 JUDGE WOODRUFF: All right. And
22 Ms. Baker if you could make some copies of those and
23 put in the record. Could you see to make a copy there
24 this evening or --

25 MS. FRED: Yes. Your Honor, I can make

1 a copy.

2 MS. HEINTZ: Yes, I believe so. Yes.

3 JUDGE WOODRUFF: All right.

4 MS. HEINTZ: Okay.

5 (WHEREIN; Exhibit 1 was marked for the
6 record.)

7 JUDGE WOODRUFF: And Mr. Baker, we want
8 to make sure you get your originals back, and they'll
9 print a copy of the bills for the record.

10 MS. HEINTZ: Thank you, Your Honor.

11 JUDGE WOODRUFF: Have they been marked
12 as Exhibit 1? Are there any objections to receipt into
13 evidence. Hearing no objection, Exhibit 1 is received
14 into evidence.

15 (WHEREIN; Exhibit 1 was received into
16 evidence.)

17 JUDGE WOODRUFF: Ms. Baker, did you have
18 any other questions?

19 MR. BAKER: No.

20 BY MS. BAKER:

21 Q. Have you had any service problems, any
22 quality of water problems?

23 A. We just --

24 Q. All right. I would get those from you
25 in just one second. I'll make copies and give them

1 back. Stay right there, but thank you for coming, sir.

2 JUDGE WOODRUFF: Thank you.

3 Commissioner Clayton, do you have any
4 questions?

5 QUESTIONS BY COMMISSIONER CLAYTON:

6 Q. Mr. Baker?

7 A. Yes, sir.

8 Q. I was wondering maybe Steve could you --
9 would you mind giving your -- those bills to Mr. Reed?
10 I'd kind of like to look at those real quick while I've
11 got you on the stand. And we need to get those from
12 you before you go back to the Lake of the Ozarks.

13 A. All right.

14 Q. We don't want you to lose any more bills
15 there.

16 A. I wish I was going there to fish.

17 Q. Mr. Baker, how many months did you say
18 you went without water?

19 A. I've been probably at least three to
20 four months this year without water.

21 Q. And can you --

22 A. I went down to the lake and just left it
23 until I came back.

24 Q. Okay. What -- you earlier said that
25 your normal bill ran around \$30 -- \$35?

1 A. Yes.

2 Q. Did I hear that correctly?

3 A. Yeah.

4 Q. Okay. These bills are for significantly
5 more. We got one for 157, 126. Where are these
6 numbers coming from?

7 A. I don't know. I, you know -- see that's
8 the reason I ask them what -- what am I paying for
9 because I don't never see what I'm paying for.

10 Q. Well, here I'm looking at this bill. It
11 says, this bill's for \$194. It says, meter reading,
12 651 to 651, zero usage.

13 A. Yeah.

14 Q. That doesn't make a whole lot of sense,
15 does it?

16 A. No. It don't. No.

17 Q. Now, how many months would you say
18 you've been popped by a late fee or a penalty?

19 A. Probably six or seven.

20 Q. Six or seven.

21 A. Yeah.

22 Q. And then you earlier said that you get
23 the bill so late that there's no way for you to even
24 get the bill paid?

25 A. Yeah. We tried that. We held up, and

1 we sent our bills in. And then they wouldn't send us a
2 bill until it was already past due.

3 Q. How much time did they give you pay the
4 bill. I mean, do you get it after the due date?

5 A. Well, I think it's about 15 days, wasn't
6 it?

7 MS. MARTIN: I think it was. Yeah.
8 It's after the due date.

9 MR. BAKER: I'm telling you that's the
10 truth.

11 BY COMMISSIONER CLAYTON:

12 Q. So you get the bills after the due date?

13 A. Yeah.

14 Q. Is that right?

15 A. Yeah.

16 Q. And so then you get popped for late fee
17 month after month; is that right?

18 A. Yeah.

19 Q. And then you go without water for three
20 months at a time? I -- Mr. Baker, I'm not going to ask
21 you any more questions. We're going to mark these as
22 an exhibit. Right here we're going to put this sticker
23 with an exhibit number on it. And we'll make a copy,
24 and you can take these home with you.

25 A. All right.

1 Q. Because you may want to take them back
2 to the lake whatever -- however you lose them down
3 there. But we'll get some helpers to come up here
4 and --

5 A. There's big blue catfish.

6 Q. I understand. Thank you very much for
7 coming. We appreciate -- this is very helpful
8 information.

9 JUDGE WOODRUFF: Commissioner Appling,
10 do you have any questions?

11 COMMISSIONER APPLING: I have no
12 questions. I just wondered where you got any water
13 from, but I don't have any questions.

14 JUDGE WOODRUFF: Okay.
15 Commissioner Jarrett?

16 COMMISSIONER JARRETT: Thank you, Judge.

17 QUESTIONS BY COMMISSIONER JARRETT:

18 Q. I just had one question. I wanted to
19 have you describe if you've had any interaction with
20 the company over the billing. And can you tell me were
21 they cooperative or uncooperative? Did they, you know,
22 treat you respect? Or how did they treat you?

23 COMMISSIONER CLAYTON: Mr. Baker, he
24 asks, how was your interaction with the company? Did
25 you ever call them? Did they treat you with respect?

1 Were they rude? Did they --

2 MR. BAKER: They're real rude people.

3 They was always rude to me. I mean, they -- they tell

4 me, well, that's the way it is. That's what they told

5 me. That's the way it is. You got -- you do it --

6 we're going turn you in, all that, to the welfare for

7 being without water. But my sister's next door. I go

8 next door and use her water.

9 COMMISSIONER CLAYTON: Lucky her.

10 COMMISSIONER JARRETT: Well, that's the

11 only question I had, sir. I appreciate your testimony.

12 Thank you.

13 MR. BAKER: Uh-huh.

14 JUDGE WOODRUFF: All right. Thank you,

15 Mr. Baker.

16 MR. BAKER: Is that it?

17 COMMISSIONER CLAYTON: Thank you.

18 JUDGE WOODRUFF: Ms. Fred, the next name

19 on the list?

20 MS. FRED: The next name is Fred Parks.

21 MR. PARKS: I'd like to pass at this

22 time, if I could?

23 JUDGE WOODRUFF: The next name then?

24 MS. FRED: The next one on the list is

25 Delbert Jacobs.

1 (Witness sworn.)

2 DELBERT JACOBS testified as follows:

3 JUDGE WOODRUFF: Now, Mr. Jacobs you
4 are --

5 MR. JACOBS: Go ahead. I'm sorry.

6 JUDGE WOODRUFF: -- one of the park
7 owners to the trailer park?

8 MR. JACOBS: That's correct. Yes.

9 JUDGE WOODRUFF: What would you like to
10 tell us?

11 MR. JACOBS: Well, the reason I thought
12 you guys might have some questions for me. I mean, my
13 wife pretty well said everything, but I thought maybe
14 you had some questions directed to me?

15 JUDGE WOODRUFF: All right. Well, I'll
16 ask Staff. Do you have any questions of Mr. Jacobs?

17 MS. HEINTZ: No. Thank you.

18 JUDGE WOODRUFF: Okay. Public Counsel?

19 CROSS-EXAMINATION BY MS. BAKER:

20 Q. One question that Michelle was not able
21 to answer was do you know the status of the customer
22 accounts and those that had amounts that were owing to
23 Universal Utilities?

24 A. Yes.

25 Q. Okay. And what is that status?

1 A. Well, the status now is we used to get a
2 printout every month -- people who paid and did not pay
3 and what their balance were, and that's about it. The
4 way it's set up now is that Universal has the lot rent
5 included on their water, sewer bill. And what they did
6 is with any prior existing water amount that has not
7 been paid, it is now also on that bill. That's the
8 only way I can track that now.

9 Q. And you get printouts of each bill that
10 goes out each --

11 A. Well, no. This is something new. This
12 is the first month. I think I've heard some of the
13 guys talking about it. No. I have not had a printout
14 yet. In fact, I don't even know what kind of water use
15 is being used right now.

16 All I know is what I paid up front. I
17 paid all the water up front. We've got a master meter,
18 then we got a meter on every pad.

19 Q. So it is your understand that those who
20 did owe for previous non-payment still owe Universal
21 Utilities?

22 A. I would say, yes, because there's people
23 in the park now that their water was off, and they're
24 on now. I know there's a balance still owed to me.

25 Q. A balance still owed to you for?

1 A. Yeah. I mean, the water -- I mean, the
2 late fees and everything, that's Universal. But the
3 water use, that's -- that's -- I've paid for that water
4 up front. So that's lost revenue for me and so --

5 Q. Do you collect that yourself or that is
6 collected through Universal?

7 A. That's what Universal does. Uh-huh.

8 Q. All right. So the amount is basically
9 owing to Universal, and Universal will refund back to
10 you?

11 A. Well, that's the how it used to be.
12 Yes.

13 Q. Okay. So the status of the customer
14 accounts are they are still owing to Universal first?

15 A. Universal -- when we first -- that's a
16 hard question because I really -- I really -- I don't
17 know. I don't know the answer to that because this --
18 we're in the process of switching over some things.
19 But prior to that, Universal would -- they had -- they
20 read the meters. They sent out the bill. They
21 collect.

22 And then again about the 22nd -- 23rd of
23 each month, we get a check reimbursing some of the
24 costs that -- for the water, sewer, and trash that we
25 pay up front. At that time, they used to have a legal

1 system if somebody didn't pay or if somebody moved out
2 of the park and they didn't pay for the water, they
3 actually had a legal system that they actually went
4 after these folks. Okay.

5 They don't want -- no longer do that.
6 So to answer your question, I, you know -- I -- you
7 have to go off the bill. You got one? You got one of
8 the new bills or anything yet?

9 Q. We'll get those.

10 A. Some people that has a prior. I know
11 these guys have a prior -- I know these folks have a
12 prior.

13 Q. But I'm just asking your own
14 understanding of it. Is the money would be owed to
15 Universal, Universal would reimburse back to you?

16 A. On the prior money? That's how it used
17 to be. Now, they're basically washing their hands from
18 everything, and, you know, it's up to me to collect the
19 money, I guess. You know --

20 Q. All right. Thank you. That's my
21 questions.

22 JUDGE WOODRUFF: Commissioner Clayton?

23 COMMISSIONER CLAYTON: Judge, I don't
24 think I have any questions.

25 JUDGE WOODRUFF: Commissioner Applling?

1 COMMISSIONER APPLING: I have no
2 questions. I think he's answered most the questions
3 that we had.

4 JUDGE WOODRUFF: Commissioner Jarrett?

5 COMMISSIONER JARRETT: No questions.

6 JUDGE WOODRUFF: All right. Thank you,
7 Mr. Jacobs. You can step down.

8 MS. FRED: Your Honor, the next
9 witness --

10 JUDGE WOODRUFF: The next name on the
11 list?

12 MS. FRED: -- the next witness is
13 Inga Ross.

14 JUDGE WOODRUFF: Good evening, Ms. Ross.

15 MS. ROSS: Hello, Judge.

16 (Witness sworn.)

17 INGA ROSS testified as follows:

18 JUDGE WOODRUFF: All right. And where
19 do you live now?

20 MS. ROSS: I live at 107 -- Lot 107 at
21 the Blue Acres Trailer Court. I've lived there the --

22 JUDGE WOODRUFF: What did you want to
23 tell us?

24 MS. ROSS: Well, I guess, business
25 practices about these late charges from Universal. I

1 that to somebody else. You know, I made a list before
2 I came here. I went back to 2006 -- actually 2005
3 probably. And the amount -- I wrote all down what they
4 billed me for. You know, the numbers like it goes from
5 870 to 895, and the dates and the amounts. And I paid,
6 I think, on the 9th of October in 2006, I paid \$35.31.
7 The previous month I paid \$75.02 that was the two
8 months.

9 I got billed I was late under the late
10 charges was correct on that. I was late with it, so
11 the new bill came in. So I paid them both together.
12 Then for October 17th, which I paid on 11/25, I got
13 billed for 10,200 gallons of water for \$99.10. I about
14 hit the roof. I'm on a fixed income.

15 So I called up there, and she says, Well
16 -- she says, Your meter was wrong. I says, what the
17 heck you mean? I paid \$35.31 the previous months and
18 paid \$35 and divided it to about 35 bucks or so for
19 that month. So how come I'm getting charged for 10,200
20 gallons?

21 She says, Well, that's just how it is.
22 I says, I don't buy no 10,200 gallon. I use anywhere
23 from 12 to 2,000. I think 2,000 is on a heavy side. I
24 don't know why, but 10,200 gallons in one month? It
25 went from 997 to -- they charge from 997 to 1020. That

1 I don't understand. Oh, here we go. From 895 to 997,
2 so they charged me for 10,200 gallons.

3 And I had to pay it or they would have
4 shut my water off. Now, I do not get this. I really
5 don't. They cheated me out of about 8,000 gallons. I
6 would say over 8,000 gallons for that month. I do not
7 understand. That's a triple bill, and I no have no
8 leaks -- no leaks in my house. My water bill is usual
9 consistent, so it was between \$5, either less or more,
10 each month depends.

11 Now, I come to the other part. When
12 Mr. Delbert (sic) -- Mrs. Delbert (sic) said she pays
13 \$5 per 1,000 gallons of water, and they only get 80
14 percent back. I got news for you. I get charged also
15 5,000 -- 1,000 -- \$5 per 1,000 gallons of water by
16 Universal. So how could you pay more -- say you not --
17 you not getting enough money back? They charging me
18 for the same amount that you pay for. Something is
19 wrong.

20 MS. JACOBS: The non-payments.

21 MS. ROSS: I'm not talking about
22 non-payment lady. I'm talking about -- I get the bill
23 right in front of me. I tell you what they charge. I
24 get charged every month ever since I lived there, and
25 I've lived there since December of '99. I get charged

1 10.50, period, if I use water or not. Then I get
2 charged 50 cents for every 100 gallons. That's \$5 for
3 a thousand gallon. That's what you paying. So how
4 come you make only 80 percent back?

5 COMMISSIONER CLAYTON: Ma'am, you -- we
6 can't have this type of dialog. Just --

7 MS. ROSS: 6.33 I pay for sewer if I use
8 it or not. And 20 cents for each 100 gallons that I
9 use. I think that's awful high.

10 And our water is really terrible. I
11 cannot use it with my coffee. It ruins your coffee
12 pot. I do not cook with it, but I do have to take a
13 bath unfortunately and do dishes. So I don't know what
14 they are doing, but now, there's still the same thing.

15 We're going to get billed. They read
16 the meter like they used to like old business. But on
17 top of it, I'm getting a bill now for the rent and the
18 water included. But my water doesn't say, water. It
19 says, rent adjustment on it. I won't accept it.
20 That's not legal.

21 JUDGE WOODRUFF: Ms. Ross, I have a
22 question for you.

23 MS. ROSS: I don't think that's legal.

24 JUDGE WOODRUFF: Ms. Ross?

25 MS. ROSS: Yes?

1 JUDGE WOODRUFF: I have a question for
2 you. You said you called an -- other woman to talk
3 about your billing you say -- I think, you described
4 her as a kind of snotty woman?

5 MS. ROSS: Yes. She is.

6 JUDGE WOODRUFF: Is that woman up in
7 Michigan?

8 MS. ROSS: Yes.

9 JUDGE WOODRUFF: That's the woman up in
10 Michigan?

11 MS. ROSS: Yes.

12 JUDGE WOODRUFF: Okay. Does Staff have
13 any questions for Ms. Ross?

14 MS. HEINTZ: Yes. Thank you.

15 CROSS-EXAMINATION BY MS. HEINTZ:

16 Q. Ms. Ross, you told us about -- you had
17 set up Internet pay with your bank to pay the water
18 bill and it arrived on a Friday and Universal didn't
19 post it until Monday?

20 A. Yeah.

21 Q. Before that Friday due date that you set
22 this payment up for, did you have a prior balance
23 owing?

24 A. No. Huh-uh.

25 Q. You had no prior balance. And how much

1 time then -- so you're saying, my bill was due on
2 Friday, they didn't post it until Monday, and they
3 showed up the same Monday to turn off your water?

4 A. Yeah. I do not understand that. I
5 really don't.

6 Q. Okay. And you talked about the poor
7 water quality?

8 A. Yes. I tested it about -- I don't know,
9 three -- four years ago. It was a hardness of 24, and
10 then I put some drops in there. I was going to sell
11 water purification system, but it just so expensive. I
12 couldn't make any sales so it normally didn't, you
13 know, make a living. And I put some drops in there,
14 and it turns the water yellow so that you can see
15 what's in the water.

16 And you leave it set for about any where
17 from an hour to two, and then you shake. And there was
18 stuff in there. I mean, I'm sorry. But it looked
19 almost like snot balls -- something awful. And I said,
20 that's in our water and we drink it? But you can't see
21 it; when the water's clear, you don't.

22 I bought that stuff you put in so it'd
23 be -- you put a color to the water. You can't see it.
24 You don't know what's in there, but it was awful. I
25 haven't -- I didn't drink the water since then. We

1 still have to wash our clothes and, you know, do the
2 cleaning and everything.

3 Q. Do you remember when it was that you
4 tested your water?

5 A. About three, four years ago, I was going
6 to go with a company that comes out of the Ozarks that
7 had a meeting over there at the Holiday Inn, and I took
8 them in as six or \$7,000 units, you know.

9 Q. Uh-huh.

10 A. I guess, that's about all I have to say.

11 Q. Well, I'm sorry. I have a few more
12 questions for you.

13 A. I mean --

14 Q. Okay? And the Commissioners will have
15 questions for you as well. Do you remember an incident
16 last spring where you had worse water problems than
17 usual?

18 A. That was January and February, we had
19 our water cut off four or five times within a six weeks
20 period. I mean, that was cut off all day long. This
21 month's been shut off twice. Yesterday. Yeah.
22 Yesterday and, I don't know, couple three weeks ago.

23 Q. Okay. And I'm going to ask you the same
24 question that Christina asked Mr. Baker. Do you have
25 copies of Universal bills with you tonight?

1 A. No. I just have got my last one.

2 Q. Would you mind if we made a copy of that
3 and use it as an exhibit?

4 MS. HEINTZ: Your Honor, I'd like to
5 mark this as Exhibit 2?

6 JUDGE WOODRUFF: All right. And is
7 there a --

8 MS. HEINTZ: I'll make a copy of that
9 after the Commissioners have finished their questions,
10 and I'll offer that exhibit.

11 MS. ROSS: Okay.

12 (WHEREIN; Exhibit 2 was marked for
13 identification.)

14 JUDGE WOODRUFF: Okay. And Exhibit 2
15 has been offered into evidence. Are there any
16 objections to its receipt?

17 Hearing none, it will be received into
18 evidence.

19 (WHEREIN; Exhibit 2 was received into
20 evidence.)

21 JUDGE WOODRUFF: All right. Public
22 Counsel have any questions?

23 CROSS-EXAMINATION BY MS. BAKER:

24 Q. How many times do you think you have
25 contacted the Universal Utilities in Michigan?

1 A. I don't know. Maybe a couple -- three
2 times maybe.

3 Q. Have you found them to be --

4 A. And since I go always at that same
5 girl -- very snotty.

6 Q. Okay.

7 A. I don't -- I guess, they don't like for
8 us to call. I don't know. I really don't. And then
9 I'm a person, I just say what I have to say. I mean,
10 you know, you dish it out, and I dish it right back to
11 you.

12 Q. Do you feel that they helped you with
13 your issues?

14 A. No. She just plain out told me if I
15 don't pay my bill, they shut the water off.

16 Q. Has there been any other times or -- I
17 guess, how many times has it been that your bank has
18 paid on say a Friday and then it not posted for a
19 while?

20 A. I don't know. I don't know.

21 Q. More than once?

22 A. Huh-uh. No. This just happened this
23 one time.

24 Q. It just happened once.

25 A. Anyway, I did it for three or four

1 months, and my computer broke down. So I have to pay
2 and send it in again. And my computer's so ancient, so
3 I don't want to fix it. I want to get me a new one.

4 Q. Have you ever received bills after the
5 due date on the bill?

6 A. No. If was due and I didn't pay it and
7 the new water bill came out, there's a shut-off date on
8 that, and the past due amount, and then the new amount
9 for the water usage.

10 Q. Okay. All right. That's all the
11 questions that I have. Thank you for coming. Stay
12 right there for a second.

13 A. Okay.

14 JUDGE WOODRUFF: Commissioner Clayton,
15 do you have any questions?

16 QUESTIONS BY COMMISSIONER CLAYTON:

17 Q. Yeah. Ms. Ross, tell me about this time
18 in -- you said January and February your water was
19 cutoff four or five times? Was that this year?

20 A. No. Not shut off. I mean, they shut
21 off -- I mean, they shut the water off to the park, I
22 guess.

23 Q. And was that this year --

24 A. Yeah. Yeah.

25 Q. -- of 2007?

1 A. Yes, sir.

2 Q. And were -- and over how many days do
3 you think that occurred where the water would turn on
4 or off?

5 A. The whole day usually.

6 Q. Be gone -- it would not work all day?

7 A. Uh-huh.

8 Q. Okay. Now, you said you tested the
9 water three or four years ago?

10 A. Yes, sir.

11 Q. Have you tested it since then?

12 A. Well, yes. I had it tested. I -- I
13 don't know his name.

14 MR. COBBINS: Reggie.

15 MS. ROSS: He lives across from me in
16 the alley there. I talked to his attorney, and they
17 sent out somebody to test the water. And they said it
18 came up back okay.

19 BY COMMISSIONER CLAYTON:

20 Q. It came back --

21 A. That was two weeks after he had his
22 tested and got the test back already, and Shawn said it
23 had E. coli in it and something else.

24 Q. The water had E. coli in it?

25 A. Yeah. That's what it said --

1 Q. Okay.

2 A. -- on this test.

3 Q. Okay.

4 A. Mine came back okay because after he got
5 his test back and showed me, I -- I -- I talked to his
6 attorney, and they sent somebody out. Meanwhile, it
7 was two weeks later. Our water started smelling really
8 bad from --

9 Q. Okay. Let me stop you right there.
10 When was that test done with the E. coli?

11 A. Sometime this summer.

12 Q. This summer?

13 A. Wasn't it spring -- summer. April
14 something. April -- May.

15 Q. Okay. And who -- did you report that
16 test result to anybody? Did you report it to anybody?

17 A. I talked to his attorney. Yes. And he
18 said --

19 COMMISSIONER CLAYTON: Are you going to
20 testify?

21 MR. COBBINS: Yes. Are you -- well.
22 Okay.

23 MS. ROSS: He said, well, we're not --
24 at this moment, we do not know.

25 BY COMMISSIONER CLAYTON:

1 Q. Did you call -- did you tell the
2 company --

3 A. No.

4 Q. -- about the bad test? You tell the
5 Jacobs about the bad test?

6 A. No. See my test came okay, and so did
7 his.

8 Q. I thought you said his test came back --

9 A. The first time when he had it tested.
10 He sent his test to Jefferson City, but his attorney
11 send somebody out that went around and checked the
12 water in the park. And that water the test came back
13 negative.

14 Q. Okay. So let me just get this right:
15 There are three tests that you're aware of. You had
16 that -- well, you had your yellow water and the funny
17 things bouncing around in the --

18 A. Yeah. I did that by myself.

19 Q. I'm not going to repeat that. I think
20 we got it in the record your description of it, and I
21 don't feel comfortable describing that again.

22 A. I did that before.

23 Q. But -- so you had that test, but then
24 you had the second test had E. coli, and then a third
25 test had no E. coli?

1 A. That's what they said. Yes, sir.

2 Q. Okay. How long have you lived at the
3 mobile home court?

4 A. Since December of '99.

5 Q. December of '99. And has the water
6 gotten worse since that time or has it always been a
7 problem?

8 A. I think it's gotten worse, and we didn't
9 used have troubles like that.

10 Q. Okay. Thank you very much for coming
11 tonight. I have no other questions.

12 JUDGE WOODRUFF: Commissioner Appling?

13 COMMISSIONER APPLING: No questions.

14 JUDGE WOODRUFF: Commissioner Jarrett?

15 COMMISSIONER JARRETT: Yes.

16 QUESTIONS BY COMMISSIONER JARRETT:

17 Q. Ms. Ross, good evening. I have a couple
18 of questions. You were there when Mr. Baker testified?

19 A. Yes, sir.

20 Q. Do you remember listening to his
21 testimony?

22 A. I did.

23 Q. He'd indicated that he had gotten some
24 bills after the due dates, and they were charging him
25 late fees or he received the bill after the due date.

1 Did you remember that -- him saying that?

2 A. Yes. It comes on the next bill. You
3 get a late fee of \$10.

4 Q. Did you ever get a --

5 A. Yeah.

6 Q. Did you ever get a bill after the due
7 dates?

8 A. For the current bill? No.

9 Q. And then get charged for late fees for
10 not paying it on time?

11 A. Well, let me get this straight. The
12 current bill. Okay? Let's say we're in October now.
13 If they read it after October -- let's see I got it
14 here -- right here.

15 My current charges were due on 10/26.
16 Okay? If I don't pay my current bill by 10/26, on my
17 next bill there's going to be the new amount that I for
18 the water from my reading which this here was on
19 09/18 -- from 08/15 to 09/18.

20 So from 09/19 or 09/18 until 10 whatever
21 17 or 10/18, it'd be that amount plus \$10 late fee.
22 But otherwise, I did not get no -- no, I don't. I have
23 never gotten a bill that's -- no.

24 Q. Yeah. That was my question. Have you
25 ever gotten a bill says it's currently due say

1 September 26th, but you got the bill after
2 September 26th --
3 A. No. No.
4 Q. -- so it was already overdue?
5 A. No. I never -- no. No. I'm not aware
6 of that.
7 Q. Okay. That was my only question. Thank
8 you, ma'am.
9 A. Thank you.
10 JUDGE WOODRUFF: Thank you, Ms. Ross.
11 We're finished with you.
12 MS. ROSS: Thank you. I need that.
13 MS. FRED: Judge, the next party is
14 Mary Warren.
15 (Witness sworn.)
16 MARY WARREN testified as follows:
17 JUDGE WOODRUFF: What was your name?
18 MS. WARREN: Mary Warren.
19 JUDGE WOODRUFF: Mary Warren. Okay.
20 And where do you live Ms. Warren?
21 MS. WARREN: I live at Lot 109, Blue
22 Acres.
23 JUDGE WOODRUFF: All right. And what
24 would you like to tell us?
25 MS. WARREN: Well, I just think that

1 we're being charged a lot for our water because my
2 water usage when they first came out my water bills was
3 \$55 and \$60. And I had four kids at home. I now have
4 two kids at home, and I'm using almost 15 -- 20,000
5 gallons of water, and I don't see it. There's no way.

6 We get turned off a lot without any
7 notice, and the water quality is really bad. It's
8 really rusty.

9 JUDGE WOODRUFF: Is there anything else
10 you want to tell us?

11 MS. WARREN: Huh-uh.

12 JUDGE WOODRUFF: Questions from Staff?

13 MS. HEINTZ: Yes. Thank you.

14 CROSS-EXAMINATION BY MS. HEINTZ:

15 Q. You said your water gets turned off a
16 lot?

17 A. Uh-huh. Like the other day, I was -- I
18 was in the middle of cooking, and I went to the
19 restroom and the toilet wasn't flushing. And I
20 thought, well, that's bizarre, and I turned on the
21 faucets and that water was off.

22 Q. And when the water is off, do you call
23 Universal or do you complain to Delbert or Michelle?

24 A. If it's after hours, we can call
25 Universal, leave a message, and someone from there is

1 on-call, and they'll pick up the message. A lot of the
2 times when we try to call Delbert, he doesn't always
3 return our calls or he might be out town and we don't
4 know it or -- I mean, there's -- if in the middle of
5 winter and we can't get a hold of him and Universal
6 Utilities is in Michigan and it's 20 degrees below zero
7 and our pipes break, if we can get somebody, it's going
8 to cost 4 -- \$500 for them to come down and fix it, and
9 they will tell you that on the phone.

10 A lot of us end up doing our own
11 maintenance if we know how because we just can't -- and
12 the trash -- as far as the trash is concerned, the
13 trash pick up is a local person with a pickup. It's
14 not a trash company. It's just one of the local
15 fellows that gets paid to pick up the trash.

16 Q. Okay. And you said that, you know, you
17 lose the water a lot, but you're describing maintenance
18 problems. It's not a billing issue?

19 A. Right.

20 Q. Okay. And the water is really rusty?

21 A. Uh-huh. It's very rusty, very hard.

22 Q. Okay. Do you remember an incident last
23 May where the water was dirtier or rustier than usual?

24 A. I see it cloudy a lot. I know this
25 is -- I don't know how else to describe it. When you go to

1 Wal-mart, and you buy a toilet bowl brush, and it's
2 white. And you use it three times to clean your
3 toilet, and it's red, and the red won't go away with
4 bleach, there's something wrong with the water.

5 Q. Have you ever gotten a boil order?

6 A. No.

7 Q. And how long have you lived at the park?

8 A. Probably '99.

9 Q. Okay. And did you bring any of your
10 bills with you?

11 A. No. I didn't.

12 Q. Okay. All right. Thank you. That's
13 all the questions I have.

14 JUDGE WOODRUFF: Public Counsel?

15 CROSS-EXAMINATION BY MS. BAKER:

16 Q. Have you been subjected to any extra
17 charges on your bills?

18 A. Yes. If I'm running a little behind
19 with my bills, and I have to -- they will take your
20 debit card, but they will charge you \$8 to do so. And
21 then there was one point where I had paid my bill like
22 Inga. I had paid it on a Friday afternoon, and Monday
23 the guy was at my house to turn the water off.

24 And I had to go ahead and authorize a
25 payment from my bank right away to -- and so basically,

1 I paid twice.

2 Q. So you had paid on a Friday?

3 A. Uh-huh.

4 Q. It had not posted? Is that --

5 A. Yeah.

6 Q. Okay. And so you paid it again?

7 A. I had to pay again and overdrawn my

8 checking account actually to do that.

9 Q. Did they credit you back --

10 A. No.

11 Q. -- for the double payment?

12 A. No. Because they said they had no

13 record for double payment.

14 Q. So they never saw your Friday payment?

15 A. Right.

16 Q. Have you contacted Universal Utilities?

17 A. I've been -- I've talked to them on the

18 phone. I've talked to --

19 A. Have they helped you with your issues?

20 Q. They do help you, but they kind they

21 kind of condescend you a little bit. They treat you

22 like you're wasting their time, but they do fix the

23 problem. I mean, I try to stay ahead of everything.

24 It's just I don't always do that.

25 Q. Have you ever gotten bills that were

1 past due whenever you received them?

2 A. No.

3 Q. That's all the questions I have. Thank
4 you for coming.

5 COMMISSIONER CLAYTON: Ms. Warren, I
6 don't have any questions. Your testimony has been very
7 helpful, and I don't think I have any additional
8 questions for the things that you've raised. Thank you
9 for coming.

10 JUDGE WOODRUFF: Commissioner Appling?

11 COMMISSIONER APPLING: No questions.

12 JUDGE WOODRUFF: Commissioner Jarrett?

13 COMMISSIONER JARRETT: I don't have any
14 questions either. Thank you, Ms. Warren.

15 MS. WARREN: Thanks.

16 JUDGE WOODRUFF: Thank you, Ms. Warren.

17 Our next witness?

18 MS. FRED: Reggie -- I'm sorry. I'll
19 let you pronounce the last name.

20 MR. COBBINS: Cobbins.

21 COURT REPORTER: Can you spell it?

22 MR. COBBINS: C-O-B-B-I-N-S.

23 JUDGE WOODRUFF: That was

24 Reggie Cobbins?

25 MR. COBBINS: Uh-huh. Yeah.

1 JUDGE WOODRUFF: Is that the name?

2 MR. COBBINS: Correct.

3 JUDGE WOODRUFF: Okay.

4 (Witness sworn.)

5 JUDGE WOODRUFF: What would you like to
6 tell us?

7 REGGIE COBBINS testified as follows:

8 MR. COBBINS: My complaint is the
9 quality of the water and the high bills. And I had --
10 I had went around and -- 'cause my daughter was taking
11 a shower and some yellow -- she said like pee came out
12 of the shower.

13 And that's when I got involved and went
14 around to my neighbors and walked the whole
15 neighborhood of Blue Acres and got a petition started.
16 And which I had about like 66 names on it about people
17 complaining about the prices of the water, and the
18 smell, the taste, the odor, you know.

19 Just -- you know. And I got -- I got --
20 I got that started, and I got 66 names on that. And
21 the price -- the price of the water is just outrageous.
22 I paid bills -- I don't have them here in front of me.
23 But I paid bills like in three bills in about 30 days,
24 you know, to keep my water on.

25 And sometimes the bill will come in the

1 mail, and you might not go and -- to your mailbox for a
2 couple days or whatever, but the bill be in there and
3 next day they cut your water off, you know. So the
4 bill then got there to your mailbox late. So it was
5 like that with me.

6 But, you know, this man right here he
7 has worked with me on my water and different kinds of
8 stuff like that so I appreciate that. But, you
9 know --

10 JUDGE WOODRUFF: You refer to this man?
11 Who are you --

12 MR. COBBINS: Mr. Jacobs, right here.

13 JUDGE WOODRUFF: All right. Thank you.

14 MR. COBBINS: And I have had issues. I
15 had talked to one of the customer service people in --
16 at the Universal Utilities about why was the sewage --
17 the sewage charge. I asked her, I said, you know -- I
18 said, y'all getting paid for sewage and stuff like
19 that? She said, yeah. You know, and refuge and all
20 that. And I said, well, you going to tell me if I got
21 a problem with my sewage?

22 Because I had had a problem with my
23 sewage where it backed up and came through my sink, my
24 bathtub, just green water. You know, just real nasty,
25 you know. And I said, you're going to tell me you come

1 out and fix a problem like that?

2 And she's like, No. I said, you know,
3 You up in Michigan. You know, how am I going to get
4 this problem down here taken care of because that's
5 nasty?

6 And, you know -- and then we just kept
7 on -- she just kept on going back and forth with me.
8 Then I had her send me some -- I said I just want an
9 itemized statement of all my bills that I've paid
10 because the water prices are just outrageous. And they
11 sent me like a statement with all that stuff on there,
12 and I have that.

13 I don't have it with me tonight.
14 Unfortunately, I didn't -- I didn't know about the
15 meeting. When I drove down through the park, the
16 neighbors was letting me know about the meeting, then I
17 just came right on over.

18 JUDGE WOODRUFF: Staff, any questions?

19 MS. HEINTZ: Just a couple, Your Honor.
20 Thank you.

21 CROSS-EXAMINATION BY MS. HEINTZ:

22 Q. Mr. Cobbins, have you experienced
23 service interruptions that are not related to billing
24 issues -- that are related to just maintenance issues?

25 A. Yes. I think everybody has, you know.

1 I had chloroform in my water too, so it tested positive
2 for chloroform. The E. coli was just telling what the
3 E. coli was on the piece of paper, I think, most of the
4 people here read. But chloroform tested positive in my
5 water.

6 Q. And who performed that test?

7 A. The Health Department.

8 Q. And did you call them?

9 A. Well, they -- you pick up a little
10 sample. They give you directions and stuff about how
11 to clean your -- about how to clean your -- you take
12 the nozzle off and clean your deal in there, and runs
13 some water in the little spout thingy, and they send it
14 off. Bring it back into the office.

15 Q. So you took in a sample and they --

16 A. Yeah.

17 Q. -- sent it off to be tested?

18 A. Yes.

19 Q. When -- do you remember when that was
20 done?

21 A. I think it was like April -- April or
22 May, somewhere in there.

23 Q. And is that the only test you've had
24 done?

25 A. No. I talked to a guy. I think his

1 name was Richard something from Macon. He said he was
2 head over the water district here in Missouri about the
3 water. And I took like off two days to try to get
4 something done about my water because my daughters
5 would not -- absolutely not take a bath in that water.

6 And, you know, we buy Culligan. We buy
7 Culligan bottled water and everything like that, and
8 our -- our water is still outrageous. 88 gallons --
9 8,800 gallons or 112 -- hundred, you know, like a --
10 almost like 1,100 gallons of water which is impossible.

11 Q. How do people are living in your house?

12 A. Me, my wife, and my two daughters.

13 Q. And you don't drink the water --

14 A. I don't drink the water. I don't --

15 Q. But you cook and bathe and clean with
16 it?

17 A. No. We don't even cook with it because,
18 you know, on the paper it said I -- you got to add so
19 much bleach to the water to kill the germs. I'm not
20 going all that. We just won't use it, you know. You
21 put bleach in the water to wash the dishes and clothes
22 and different kinds of stuff like that. But, you know,
23 really don't want to take a bath with it neither, but
24 we had no choice. You know, and --

25 Q. Okay. And this gentleman, Richard, from

1 Macon, do you know if he was with the Department of
2 Natural Resources?

3 A. I think so.

4 Q. Okay.

5 MR. JACOBS: He is Rick Merle.

6 MR. COBBINS: Rick Merle. Yeah. That's
7 it.

8 BY MS. HEINTZ:

9 Q. And he tested the water. Do you know
10 what the results of that test were?

11 A. That test what he done was negative.

12 Q. Do you know when that was done?

13 A. No. I don't -- I don't have the papers
14 here.

15 Q. Was that before or after you had the
16 first testing April or May?

17 A. It was after.

18 Q. Okay. And I asked you earlier if you
19 had experienced service interruptions due to
20 maintenance issues. Have you ever had your water
21 disconnected for non-payment or late payment?

22 A. I think I have a couple times. Yes.

23 Q. Okay. And how much -- do you remember
24 how much -- how far behind you had to fall before they
25 would disconnect your water?

1 A. You didn't have to not fall -- fall very
2 far behind because of -- they turned my water off, and
3 I tried to get it turned back on. It cost me -- I put
4 it on a credit card, and it cost me like, I think, my
5 bill was like \$28, and I had to pay like \$128 to get it
6 back on.

7 Q. Okay. And you said you didn't have any
8 bills or anything here with you tonight?

9 A. Right.

10 Q. Okay. I think that's all the questions
11 I have. Thank you.

12 JUDGE WOODRUFF: Public Counsel?

13 CROSS-EXAMINATION BY MS. BAKER:

14 Q. Did you recently -- did you get a bill
15 today or yesterday?

16 A. I haven't -- I haven't looked in by
17 mailbox today.

18 Q. Okay. Do you have a set rent -- a set
19 pad rent?

20 A. Yes.

21 Q. Okay. What is that set amount for the
22 rent?

23 A. One seventy-five.

24 Q. One seventy-five for a pad rent? Do you
25 have any other rental fees that you pay besides just

1 the pad rent?

2 A. I guess, the -- besides the water,
3 refuge, and sewage? I don't have anything. That's all
4 I've got.

5 Q. Okay. Have you ever been charged a
6 rental adjustment before?

7 A. Yes.

8 Q. And what was that for?

9 A. Rent had -- rent went up for everybody
10 like from \$150 to 175.

11 Q. And when did that happen?

12 A. I can't --

13 Q. And that was just a normal rental
14 adjustment from 150 to 175?

15 A. Yeah.

16 Q. Okay. That's all the questions I have.
17 Thank you for coming.

18 QUESTIONS BY COMMISSIONER CLAYTON:

19 Q. Mr. Cobbins, do you still have copies of
20 the tests that were done on the water? Did you get a
21 piece of paper that said all that stuff out?

22 A. Yes.

23 Q. Do you still have copies of those?

24 A. Yes.

25 Q. Is that something that you could

1 possibly send to either the attorneys here or Ms. Fred
2 who's in the back? Is that something --

3 A. Yes.

4 Q. Maybe we could even send you an
5 envelope, and you can send that material back?

6 A. I have an envelope. Yeah.

7 Q. You'd be willing to do that?

8 A. Yes.

9 Q. And then I wanted to ask you, your
10 children, have they ever become sick that you think has
11 come from poor water quality?

12 A. Yes.

13 Q. How many occasions has that happened?

14 A. I've had several occasions because I --
15 I just got tired of them missing school and stuff, and
16 I was just telling them. They said, Daddy, I'm not
17 feeling good. And they have the diarrhea and stuff
18 like that.

19 Q. Have you been -- did it happen after
20 they drank the water or after a -- I mean, was there
21 some occurrence that lead you to believe that it
22 related to the water?

23 A. Right. I kind of did. They was telling
24 about smell of the water, and I was just, you know --
25 you know, I wasn't, you know, really taking them

1 seriously with about the water because I had been out
2 there for a while. And I, you know -- but after a
3 while, they started getting after that -- that
4 shower -- the incident that when it came out yellow.

5 Then my daughter had caught it. I got
6 pictures of that when she caught it in the sink when
7 she said, Dad, come in here and look at this. And it
8 was gold, you know, like okay then.

9 That's -- we going to go ahead and get
10 something done about it. I'm going to go ahead and try
11 to talk to who I need to talk. I talked to Mr. Jacobs
12 about it and he told me he didn't really have anything
13 to do with the water and, you know, I have to talk to
14 District No. 1.

15 I went talked to District No. 1 from
16 them. I took a sample of the water down there. They
17 said they couldn't do it like that. So I took it down
18 there and then I went to the Health Department. They
19 sent the sample off, and gave me a jug and I sent it
20 off then.

21 COMMISSIONER CLAYTON: Well, Ms. Fred?
22 Are you out there?

23 BY COMMISSIONER CLAYTON:

24 Q. If you would just meet with Ms. Fred and
25 there are a couple of cards out there. Just if you

1 could forward that material before -- you know, take a
2 card, and then send it into us on the testing results.
3 I'd appreciate that.

4 A. Okay. No problem.

5 Q. Thank you. No further questions, Judge.

6 JUDGE WOODRUFF: Commissioner Appling?

7 COMMISSIONER APPLING: No further
8 questions.

9 JUDGE WOODRUFF: Commissioner Jarrett?

10 COMMISSIONER JARRETT: Yeah. I just had
11 one.

12 QUESTIONS BY COMMISSIONER JARRETT:

13 Q. Mr. Cobbins, about the late billing.

14 Did you experience the same type of late billing? Did
15 I hear you right -- as Mr. Baker had described?

16 A. Yes.

17 Q. Where you would get the bill after it
18 was due, and then they would have charged you a late
19 fee?

20 A. Yes.

21 Q. How many times did that occur?

22 A. I -- I done had it happen several times,
23 you know. If they got everything right on that list, I
24 could send that off there too because I have -- I
25 have -- I had them send me an itemized list of every

1 bill that I done had since I've been with this
2 University Utilities come out.

3 Q. That would be great. Did they ever turn
4 off your water due to one of those late bills?

5 A. Yeah. They -- they shut my water off.
6 Like I said, it was like \$28, then it cost me like \$128
7 to get it back on, you know.

8 Q. Okay. Yes. If you could send that
9 information as well, that would be very helpful. Thank
10 you. I have no further questions.

11 JUDGE WOODRUFF: All right. Thank you,
12 Mr. Cobbins.

13 All right. Ms. Fred, how many more
14 people are on the list?

15 MS. FRED: I have two more. The next
16 one, Judge, is Audrey Leaton.

17 JUDGE WOODRUFF: Well --

18 MS. FRED: Excuse me?

19 JUDGE WOODRUFF: Just a moment. We were
20 going to have some technical problems here. And that
21 we've been going for -- our broadcast here because I'm
22 two hours and the -- need to take a short break to
23 reset that. I'm going to ask my technical expert here,
24 Daniel, how long will we need to take a break now?

25 MR. DANIEL: Seven minutes at the most.

1 JUDGE WOODRUFF: All right. We're going
2 to, at this point, take a seven minute break.

3 (WHEREIN; a recess was taken.)

4 MS. FRED: Okay.

5 JUDGE WOODRUFF: All right.

6 MS. FRED: The next witness is
7 Audrey Leaton.

8 (Witness sworn.)

9 JUDGE WOODRUFF: And I got your first
10 name was Audrey. What was your last name?

11 AUDREY LEATON testified as follows:

12 MS. LEATON: Leaton, L-E-A-T-O-N.

13 JUDGE WOODRUFF: All right. Thank you,
14 Ms. Leaton. And where do you live?

15 MS. LEATON: I live at No. 79, Blue
16 Acres Mobile Home Park.

17 JUDGE WOODRUFF: What would you like to
18 tell us?

19 MS. LEATON: Well, I -- I guess, I'm
20 here more on the quality of the water that we've got
21 out there. I've been hospitalized twice in the last
22 year with H. pylori. H. pylori apparently is a
23 bacteria that is in everyone's stomach but mine was
24 completely so far out of whack that I was hospitalized
25 for three days the last time with sick to your stomach,

1 diarrhea. It was just bad -- bad headaches.

2 So I wanted to make you aware of that,
3 and I wanted to reiterate what Reggie had said about
4 the quality of the water, the smell of the water. It's
5 almost sulphuric. You can almost smell the sewage in
6 the water. When you're running water in your sink, you
7 can smell gasses coming up through the sewage pipe in
8 your tub, and it'll smell like sewage.

9 Now, I don't know if there's an
10 infrastructure problem underneath Blue Acres Mobile
11 Home Park. As far as I know, there's not one
12 underneath my mobile home. I don't know. I know that
13 the majority of the people that live in mobile home --
14 in that mobile home court are on fixed incomes. And I
15 know that every time that they turn off somebody within
16 two or three days -- and I've never had that
17 experience.

18 When I was turned off, it was my own
19 fault. I'm not, you know -- I'm not here to debate
20 that, and I don't believe it's Mr. Jacob's fault that I
21 was turned off. But the quality of the water is really
22 what is driving me. That and the percent of usage.
23 We've got two adults living in our home. We don't
24 drink the water because we can't, because it makes us
25 sick.

1 We don't -- we have to use it for our
2 laundry, but all of our white clothes come out yellow.
3 I meant, we don't -- we have to use it for bathing
4 unfortunately. And my -- and the other party that
5 lives in the mobile home with me has developed sores on
6 his body from what we believe is the water. That's the
7 only thing we can think of because he works out in the
8 sun. So, I mean, he's not enclosed in clothing all the
9 time. So we can't think of anything other than the
10 water that might be causing it.

11 We have had our water interrupted on
12 occasion when they've had to do maintenance which I
13 understand if somebody's water goes down, you have
14 maintenance. I had a leak which we thought was on
15 Delbert's side, and we tried to get a hold of Delbert
16 and couldn't because he was busy and I understand that.

17 And I called up to Fenton, Michigan, and
18 they're right. Everyone that's come up here and said
19 that they're snotty up there, they're right.
20 They're -- you know, they didn't -- they didn't care.
21 You couldn't hardly get them on the phone, and when you
22 did, they wanted you off. There was no doubt about it
23 in your mind. They didn't want to talk to you.

24 They didn't want to deal with your
25 problem. When I called the young man after hours to

1 let him know that I had the water leak the first day
2 that I found it, he told me it was going to cost me
3 \$1,200 to get it fixed because they would have to send
4 somebody from Fenton to fix it -- Fenton, Michigan, not
5 Missouri -- Fenton, Michigan. They were going to
6 charge me \$1,200 to fix it.

7 Eventually, I got a hold of Delbert, and
8 Delbert said, no. Don't worry about that. You know,
9 we'll send somebody out there. So he sent somebody out
10 there. The guy fixed it. I paid for it to get it
11 fixed. I paid it to Delbert. Delbert had already
12 reimbursed the gentleman who had worked on my water.

13 But if you're on a fixed income like
14 most of these people -- if you're elderly like most of
15 these people -- if you have -- if you have disabilities
16 like some of these people, then you can't do that. I
17 mean you just -- they can't get underneath their
18 trailers and their mobile homes. And obviously, mobile
19 homes is not where they'd rather be.

20 But it gives them the option and the
21 opportunity to have their own home without having to
22 live in an apartment complex or a duplex and it gives
23 them some kind of -- I think it gives us some kind of,
24 you know -- it gives us a little sense of worth that we
25 have something that we truly own.

1 But, you know, obviously, mobile home
2 courts are for low-income people. I don't see anybody
3 with high incomes living in our court, and I don't see
4 them drinking our water. But that's my problem is just
5 the quality of the water.

6 JUDGE WOODRUFF: Ma'am, I have a
7 question about the quality of the water?

8 MS. LEATON: Yes, sir.

9 JUDGE WOODRUFF: Do you know if the
10 problem is -- it's my understanding the water comes
11 from a water district ultimately. Right?

12 MS. LEATON: Yes, sir. That's what I
13 understand. Yeah.

14 JUDGE WOODRUFF: Is the problem with the
15 water district or is the problem with something
16 happening to it once it gets off to the property there
17 at Blue Acres?

18 MS. LEATON: I have no idea. I know
19 that --

20 JUDGE WOODRUFF: Have you talked --

21 MS. LEATON: I'm sorry. Go ahead.

22 JUDGE WOODRUFF: I was going to ask you
23 if you talked to anyone outside of the trailer park
24 that also gets water from the same water district?

25 MS. LEATON: No. I haven't. No. I

1 haven't. But I have talked to the same attorney that
2 Reggie -- Mr. Cobbins, had spoke to you about. When he
3 came through with the petition, I'd just been released
4 from the hospital from -- from Columbia Regional after
5 being in there for three days.

6 When -- When he came through with the
7 petition, I was more than eager to sign it because
8 there's something wrong with that water out there.
9 Now, I don't know, it may be the infrastructure. I
10 don't know.

11 It may be -- it may be something
12 underneath my mobile home. If that's the case, then
13 there's several people that are having the same problem
14 because they're all smelling this and it's -- it's --
15 sometimes it's a sulfur smell almost like after you lit
16 a cigarette -- the sulfur smell. And then sometimes
17 it's just raw sewage smell. It smells like somebody
18 has must dumped their sewage right underneath your
19 nose.

20 JUDGE WOODRUFF: Thank you, ma'am.

21 Staff, do you have any questions?

22 MS. HEINTZ: Just a few, Your Honor.

23 Thank you.

24 CROSS-EXAMINATION BY MS. HEINTZ:

25 Q. Thank you, Ms. Leaton; is that correct?

1 A. Uh-huh.

2 Q. Okay. And you were in the hospital for
3 three days. When was that?

4 A. That was it. The begin -- the last of
5 April, 1st of May -- or last of May, 1st of June. It
6 was right in that two-month area.

7 Q. And that was a bacterial infection?

8 A. Yes. H. pylori is what they called it.

9 Q. Okay. And did your doctors tell you
10 that that type of infection could have come from
11 your --

12 A. Yes.

13 Q. -- drinking water?

14 A. Yes.

15 Q. Were you drinking the water at that
16 time?

17 A. Yeah. Yeah. I mean, we had to, we
18 thought.

19 Q. Okay. Have you ever gotten a boil order
20 for your water telling you you should boil your water?

21 A. No.

22 Q. Okay. And you said --

23 A. I had.

24 Q. I'm sorry. Go ahead.

25 A. I didn't even know until just recently

1 who even supplied the water. I had no clue. I was
2 thinking, well, okay. Well, where is Fenton, Michigan,
3 getting our water? But I really had no idea what
4 district it -- where it was even coming from.

5 We had no idea because before Eddie
6 Sacks -- when Eddie Sacks owned the mobile home park --
7 and Eddie was right to put in meters. I am not against
8 the meters at all. I want to pay for the water that I
9 use, you know.

10 And Delbert and Michelle should not be
11 responsible for the water that's just left running all
12 the time, and I can understand their -- I can
13 understand. But these people are billing you for
14 10,000 gallons of water. We've had it happen to us,
15 and there's only two people living in our -- in our
16 mobile home. In our home, there's only two people, and
17 we've been billed outrageous amounts of gallons of
18 usage.

19 Q. Okay. And you said earlier that you had
20 been disconnected?

21 A. Yes. Through my own fault.

22 Q. And that was for billing issues?

23 A. No. Well, yeah. That was through my
24 own fault. I just didn't have the money to pay it.

25 Q. Okay.

1 A. And I never -- you know, you can call
2 and talk to them, but they -- they don't -- they didn't
3 want to listen so.

4 Q. But do you remember how much time
5 between the time you fell behind and the time your
6 water got disconnected?

7 A. No. I can't tell you. I couldn't tell
8 you exactly.

9 Q. Okay. And do you remember being charged
10 any reconnection fees?

11 A. Yeah. Sure.

12 Q. Do you remember what they were?

13 A. Well, they had to charge me \$25 to come
14 out there and take the pair of scissors to clip off a
15 piece of wire that I could do. You didn't have to come
16 out here and do that for \$25. I could have done that
17 myself. And I'm sure some people have because they
18 would rather do that and get in trouble than to not
19 have running water in their own homes. I've been
20 tempted to do it myself, you know, but I never done it.

21 Q. Okay. And how long was your water off
22 when you did disconnected?

23 A. It was off for a long time. I
24 couldn't -- I mean, it just kept accumulating and
25 accumulating, and they wouldn't work with you. I mean,

1 you know, Delbert -- Delbert and Michelle have done me
2 right. I mean, I cannot complain about them at all.
3 They've done well by me, but -- but Universal Utilities
4 is another subject entirely, you know. I mean, they
5 just -- they just wouldn't work with you.

6 Q. So when you had no water --

7 A. Uh-huh.

8 Q. -- you were still receiving a monthly
9 bill --

10 A. Sure.

11 Q. -- it would not have a usage shown on
12 it?

13 A. Yeah. You had -- you had a minimum
14 amount you were going to pay whether you used water or
15 not.

16 Q. Would you pay late fees on your on top
17 of your late fees?

18 A. Sure.

19 Q. Okay.

20 A. It was like a pyramid effect. It just
21 kept growing.

22 Q. Okay. Thank you. I think that's all
23 the questions I have.

24 A. Uh-huh.

25 JUDGE WOODRUFF: All right. And Public

1 Counsel?

2 MS. BAKER: Thank you.

3 CROSS-EXAMINATION BY MS. BAKER:

4 Q. Do you pay a set pad rental fee?

5 A. Yes.

6 Q. Okay. Did you get a bill today?

7 A. I did not check my mail today.

8 Q. Okay. Have you ever had a rental
9 adjustment charge before?

10 A. No. If -- if you're meaning by a rental
11 adjustment, have they sent me a bill for my water and
12 then put the rental adjustment with the -- broke it out
13 that way from the water and the -- then, no. I have
14 never had it that way. Of course, you know, Delbert's
15 had to raise our rates, and that's understandable, you
16 know, for a pads. I understand that.

17 Q. But you've never had any rental
18 adjustment fees that was really a water charge?

19 A. Not -- not that I'm aware of. I have --
20 like I said, I didn't check my mail today. But, no.
21 Not that I'm aware of.

22 Q. How many people live in your household?

23 A. Two.

24 Q. Two people. And you've said that you've
25 had some --

1 A. One was over 10,000 -- almost 10,000
2 gallons. It was 9,999 gallons or something like that
3 because I called him and talked to him. It's like this
4 is ridiculous. There's no way, you know. We don't do
5 that much laundry. You know, we don't take that -- you
6 know. I meant, if there's -- there's just no way that
7 we could have used 10,000 gallons I didn't think.

8 Q. Did you know if you had a leak at that
9 time?

10 A. No. We did not have at that time. No.

11 Q. Did -- after you called and asked about
12 it, did they offer to check it? Did they offer any
13 changing in it?

14 A. You know, I don't remember exactly.
15 They didn't change the bill I can tell you that. Now,
16 whether or not they -- they -- I don't remember them
17 saying, you know -- for certain, they did not change
18 the bill.

19 Q. Okay.

20 A. So -- and there is one other thing I
21 wanted to bring up when you all were talking about the
22 responsibility of the past due bills that people have,
23 I'd like to know where's my deposit? Who has that? I
24 know we spent money on deposits for this water service.

25 Q. How much of it -- how much on deposits?

1 A. You know, I can't remember, and I hate
2 to give you an exact amount. But I -- it seemed like
3 it was like \$350.

4 Q. Okay. And would that have been --

5 A. I don't know, but I can't remember the
6 exact amount.

7 Q. When would you have paid that?

8 A. When we moved in.

9 Q. And that was?

10 A. To the utility company. When we -- when
11 we made our application out, that's when the deposit
12 was paid.

13 Q. And what year was that?

14 A. I've been there it seems next to
15 forever, so I don't know. We've been in our -- we've
16 been in our mobile home three years, but I lived in
17 another one before that. My father lived across the
18 street. He was just -- you know, that's where we were,
19 and it was a great court at one point.

20 Q. So it's been several years ago --

21 A. Yeah.

22 Q. -- that you paid the deposit?

23 A. Yeah.

24 Q. Okay.

25 A. A few I'd say. Maybe not several, but a

1 few.

2 Q. Okay. Thank you very much. Thank you
3 for coming.

4 JUDGE WOODRUFF: Commissioner Clayton?

5 COMMISSIONER CLAYTON: Ms. Leaton, all
6 my questions have been asked by the attorneys, but
7 thank you very much for coming.

8 MS. LEATON: Uh-huh. Thank you.

9 JUDGE WOODRUFF: Commissioner Jarrett?

10 QUESTIONS BY COMMISSIONER JARRETT:

11 Q. Yeah. Ms. Leaton, I think there's been
12 at least a few other people that are, maybe more, that
13 said that they don't drink the water, and you were one
14 of those. Are aware of anybody that hasn't testified
15 tonight in the mobile home park that doesn't drink the
16 water?

17 A. Yes, sir. Mr. Cobbins said he didn't
18 drink the water. That they bring in Culligan.

19 Q. Right.

20 A. We've gotten just a, you know -- we're
21 just running it through a filtration system at our
22 kitchen sink. But I believe that there's others that
23 don't drink the water because it's nasty, you know. I
24 meant, they may have to -- they use it -- you know, we
25 tried -- we tried not to use anything that's not

1 filtered in our house unless we absolutely have to and
2 that's showering and washing laundry. Those are the
3 only times that we use unfiltered water.

4 Q. All right. Well, thank you. That's
5 what I wanted to know. I appreciate your testimony.
6 Thank you.

7 A. Uh-huh. Thank you.

8 JUDGE WOODRUFF: Thank you, Ms. Leaton.

9 MS. LEATON: Thank you.

10 JUDGE WOODRUFF: You may step down.

11 MS. FRED: Your Honor, our next witness
12 is Mr. Declue.

13 JUDGE WOODRUFF: And tell us your first
14 name, sir?

15 MR. DECLUE: Dennis.

16 JUDGE WOODRUFF: Dennis Declue?

17 MR. DECLUE: Yes.

18 JUDGE WOODRUFF: D-E-C-L-U-E?

19 MR. DECLUE: Yes.

20 (Witness sworn.)

21 JUDGE WOODRUFF: All right. What would
22 you like to tell us?

23 DENNIS DECLUE testified as follows:

24 MR. DECLUE: I just wanted to make a
25 little clarification on the rates. They are --

1 Universal Utility charges much more than what was said
2 previously -- the \$5 per thousand. The rate charged by
3 Consolidated to the park is \$5 a thousand plus there's
4 a monthly \$80 meter fee at the park according to
5 Consolidated is what they told me.

6 The City is on a fixed rate. It goes by
7 year. I'm sure you already have all the things. How
8 they figure it and stuff. It probably went up a few
9 cents this month, but the service fee at the City with
10 the 150 percent -- the six point -- \$6.91 for the whole
11 park. And usage rate now under the new fee is \$1.64
12 per CCF, but the CCF is approximately 748 gallons.

13 And then according to the City, they
14 charge the sewage then -- they've been charging \$443 a
15 month. That will go until January, and then they use
16 an average on how they charge at the park.

17 What Universal Utilities is charging
18 us -- they're not just charging us a \$5.79 fee. They
19 are, in fact, charging me \$10.50 fee for water in
20 addition to the \$5 a thousand. They are charging me a
21 \$6.34 fee for sewage per month in addition to basically
22 20 cent a hundred. Then they are charging their \$5.79
23 service fee. So they are charging us \$22.63 in fees
24 for water and sewage. Then there's the \$5 refuse fee
25 and there's no minimum on that. So that's what they're

1 charging on that.

2 I received the bill today. There seems
3 to be some confusion on the rented -- I keep asking
4 that question. The bill I received is dated 10/22/07.
5 It was mailed 10/27. It's in a Universal Utilities
6 envelope, but yet the postmark on this envelope is
7 St. Louis. I don't understand that.

8 So again the billing date -- they mailed
9 it five days after the bill date. The bill is due on
10 11/01 so what's that? Two days or three days on that.
11 On this bill, they show at the top -- they just say
12 volume -- actual from 311 to 317 usage, six equals 600
13 gallons.

14 I have to assume that that volume is
15 water. It doesn't say water. It says volume. Then
16 they go down and say, service fee 5.79, refuse \$5, rent
17 175. The next line reads, rent adjustment \$21.04. I
18 have to assume that is their new words for water and
19 sewage charges.

20 So that's where you've asked that
21 several times. This is the first bill it's come on.
22 So now they're trying to say, oh, we don't charge you
23 for water and sewage. We're charging you a rent
24 adjustment. They are not just charging, as I said
25 earlier, the \$5 per thousand and the 80 -- you know,

1 that works out if you have a hundred of us, \$80 meter
2 fee, that's 80 cents a piece for us. Yet they're
3 charge me 10.50. The sewage fee would run out, I
4 think, it's about seven cents -- 6.91. They're
5 charging me whether I said before 6.91 before they
6 charge you the sewer. That's it.

7 JUDGE WOODRUFF: Staff, do you have any
8 questions?

9 MS. HEINTZ: Yes, I have just a couple.

10 CROSS-EXAMINATION BY MS. HEINTZ:

11 Q. Thank you Mr. Declue for being here.
12 You said that the sewer services are provided by the
13 City or the County?

14 A. City of Columbia.

15 Q. And they charge a service fee of \$6.91
16 for the whole park --

17 A. Yes.

18 Q. -- is that correct? But --

19 A. That's the 1.5. It's 4.61, times one
20 and a half.

21 Q. Okay. But you are charged individually
22 a fee of \$6.34 per month --

23 A. Correct.

24 Q. -- for sewer. That's before your volume
25 charges?

1 A. Correct.

2 Q. 20 cents per hundred gallons? Okay. So

3 this 22.65 that you said you're being charged every

4 month in fees that's what you pay before you've turn on

5 the tap once?

6 A. Correct.

7 Q. That's before any usage at all?

8 A. That's correct.

9 Q. \$22.65 in fees?

10 A. Correct. I didn't include refuse in

11 there.

12 Q. Okay.

13 A. And I'm looking at Universal Utilities

14 stuff. It's 27-whatever with refuse.

15 Q. Okay. And this bill you received

16 today --

17 A. Yes.

18 Q. -- was in a Universal Utilities

19 envelope?

20 A. Yes.

21 Q. And it was postmarked in St. Louis?

22 A. Correct.

23 Q. And the postmarked date is five days

24 after the bill date?

25 A. Correct. Postmark date is October the

1 27th. The bill date is October the 22nd.

2 Q. And the due date is November 1st and
3 that's Thursday; is that correct?

4 A. Correct.

5 Q. Okay. So you have two days to pay this
6 bill once it comes in.

7 A. Technically.

8 Q. Okay. Where do you have to remit the
9 payment now?

10 A. Send your total due to your community
11 manager, Blue Acres. So now, they're no longer owners.
12 They're community managers. You didn't know that did
13 you?

14 MS. JACOBS: I didn't know that.

15 BY MS. HEINTZ:

16 Q. But you wouldn't have to mail it?

17 A. No.

18 Q. You're just -- okay. Now, does the new
19 bill provide any provisions for a late fee?

20 A. Says, payments received after the 10th
21 of this month will incur a late fee of \$25.

22 Q. Okay. So essentially, you get a 10-day
23 grace period?

24 A. Uh-huh.

25 Q. And then a \$25 late fee?

1 A. Correct.

2 Q. All right. And Mr. Declue, what is your
3 average water usage, do you know?

4 A. I'm averaging probably about 600
5 gallons.

6 Q. And you're the only person that lives in
7 your home?

8 A. Yes.

9 Q. So that seems pretty low?

10 A. I do -- I have a business in town. The
11 water's much cheaper there. I do my laundry in town.
12 I -- in the summer of this year, I didn't, I just let
13 everything die. Last summer, I hauled water to water
14 my flowers and stuff from my business because it never
15 effected me there.

16 Q. Okay. So you had another source where
17 you could obtain water that costs you less, and that's
18 what you do?

19 A. Yeah.

20 Q. Okay.

21 A. It goes -- I -- I'm thinking average --
22 I've got 12 -- I got every month bill here from this
23 year, but I'm around a 600 average.

24 Q. And I see that you have lots of bills
25 and documentation here tonight, and we would certainly

1 appreciate it if you would be willing to let us make
2 copies of that and offer that as an exhibit. Can you
3 do that for us?

4 A. You can do that. You can send it to me
5 because somebody's going to leave me standing here. I
6 drove my car and the other person took my car.

7 Q. How -- would you mind if we just would
8 mail those back to you then if you don't for us to make
9 copies tonight?

10 A. If somebody's willing to wait while I
11 go --

12 Q. Yeah. We can make copies right now.

13 A. I mean, you can. I don't what you want
14 to copy.

15 Q. Everything you brought.

16 MS. HEINTZ: Yeah, and I would need to
17 mark that, Your Honor. Are we at four now?

18 COURT REPORTER: Three.

19 JUDGE WOODRUFF: It'll be Exhibit 3.

20 (WHEREIN; Exhibit 3 was marked for
21 identification.)

22 MS. HEINTZ: Three. Okay. And I'll
23 offer that at this time as well.

24 JUDGE WOODRUFF: Anybody object to the
25 receipt of that document into evidence?

1 Hearing no objections, it will be
2 received.

3 MR. DECLUE: I have no objections.

4 (WHEREIN; Exhibit 3 was received into
5 evidence.)

6 MS. HEINTZ: That's all the questions I
7 had. Thank you, Your Honor.

8 JUDGE WOODRUFF: For Public Counsel?

9 MS. BAKER: I have no questions, but I
10 appreciate that you came.

11 JUDGE WOODRUFF: Commissioner Clayton?

12 COMMISSIONER CLAYTON: I don't have any
13 questions. I appreciate the detail on the billing.
14 That is the most accurate billing information I think
15 we've ever received down to the penny on how everything
16 is structured. That's very helpful. Thank you.

17 MR. DECLUE: It's my money.

18 COMMISSIONER CLAYTON: I understand.

19 Thank you.

20 JUDGE WOODRUFF: Commissioner Jarrett?

21 COMMISSIONER JARRETT: Thank you. I
22 have no other questions either, but I want to echo
23 Commissioner Clayton's comments. The summary that you
24 provided will be very, very helpful. Thank you.

25 JUDGE WOODRUFF: All right. Thank you,

1 Mr. Declue. You can step down.

2 MR. DECLUE: Thank you.

3 COMMISSIONER CLAYTON: Anyone else

4 Ms. Fred?

5 MS. FRED: No. We have no one else on

6 the list unless someone else who's here would like to

7 testify. That concludes everyone on the list.

8 COMMISSIONER CLAYTON: Going once?

9 JUDGE WOODRUFF: Anyone else want to

10 testify, step on forward.

11 MR. BURKS: I'd like to.

12 MS. FRED: Okay. We have one more.

13 COMMISSIONER CLAYTON: Going twice. Got

14 one more.

15 JUDGE WOODRUFF: All right.

16 (Witness sworn.)

17 FRED BURKS testified as follows:

18 JUDGE WOODRUFF: What is your name?

19 MR. BURKS: My name is Fred Burks. I'm

20 the owner of Green Hills --

21 JUDGE WOODRUFF: Spell the last name?

22 MR. BURKS: B-U-R-K-S.

23 JUDGE WOODRUFF: Okay.

24 MR. BURKS: I am the owner of Green

25 Hills Mobile Home Park. Approximately two years ago, I

1 put in water meters with Universal Utilities. I've
2 been here the whole evening. I've listened to everyone
3 talk. I did not have one tenant that came down here.
4 The notices were sent throughout my whole park. They
5 were put on everyone's door. I did get phone calls
6 about it. I explained to them about the meeting, and
7 if they had a beef, they needed to come down and state
8 their case.

9 I'm in a -- I'm in Public Water District
10 No. 1 which I'm conservatively 11 miles north of Blue
11 Acres -- about 11 or 12 miles north. I get -- I get a
12 complaint occasionally on Universal. I have -- I have
13 had approximately maybe three where the people felt
14 that their meter readings were not correct. Okay.

15 I take it upon myself to got down there,
16 and I go to their homes and I read their meters for
17 them. And I explain to them how to read the meter.
18 It's very simple. It's numerics. I contact Universal.
19 One of them was a mistake. The man just wrote a seven
20 down instead of a one. It happens, human error.

21 The others, the people -- we found leaks
22 in their homes, found toilets running, you know, stuff
23 that you don't really notice where water will drip
24 past. So I -- my -- my position with Universal is
25 they've done me a service for the fact that before I

1 put water meters in, my water bills for eighty tenants
2 would be in the \$3,500 range a month which is
3 astronomical.

4 I put meters in. My bills dropped in
5 half. When the people started having to pay for their
6 own water, they started fixing leaky faucets. They
7 started -- they stopped letting the garden hose run out
8 in yard, and the kids play in it all day. You know, it
9 was -- it was -- what it was is I was trying to keep
10 rent low at a reasonable rate, but when the water usage
11 got out of control, you have to adjust your rates --
12 your rent to compensate for it.

13 But is that fair to compensate someone
14 that conserves water? You know, they're conserving
15 water, not using a lot of water. Why do you increase
16 their rent when someone on the other side of the street
17 is wasting water. So my answer was to put meters in.
18 If you use it, you pay for it. I have yet -- yet since
19 I have had it to recoup 70 percent -- more than 70
20 percent of my monthly water bill.

21 I'm not making a profit on it at all.
22 My biggest concern was, you know, use what you need to
23 use but don't waste it. And it's funny that when they
24 start having to pay for it, that they stop wasting it
25 and conserve the water. So, you know, as far I'm with

1 Universal Utilities at my mobile home park, you know,
2 if I have that problem, the problems that some of these
3 people are having, I'm not seeing it.

4 You know, now I'll get one that'll come
5 in every now and then, but, you know, most of the time
6 they'll admit they're late. And on occasion, I have
7 had people come in and say, hey. I'm going to be late
8 on my water bill. Can I pay it here?

9 And this is how I do it. You make out a
10 money order or a check to Universal Utilities, you
11 bring your stub with you, I photocopy it, fax it to
12 them, tell them I have received it, and then I put it
13 in the mail in an envelope provided by me and a stamp
14 and mail it to them.

15 And I have not had one person come back
16 to me and tell me that when I did it like that they
17 were charged a late fee. And that's -- you know, I
18 don't know if it's because I'm a -- I feel like I'm a
19 water hawk because I just sneak up on my water bill
20 every month when it comes in the mailbox because it's
21 astronomical. And, you know, you wonder where does the
22 water go?

23 I ask myself how can anybody use 500 --
24 600,000 gallons of water a month with 80 tenants?
25 Where does it go? So, that's all I have to say.

1 JUDGE WOODRUFF: Does Staff have any
2 questions for Mr. Burks?

3 MS. HEINTZ: Yes, Your Honor. Thank
4 you.

5 CROSS-EXAMINATION BY MS. HEINTZ:

6 Q. You said you put the meters in about two
7 years ago?

8 A. Yeah. I don't -- I'm sorry. I should
9 have looked up the exact date, but it's been about two
10 years.

11 Q. Okay. And before that did you charge
12 anything for water at all or was it sort of rolled into
13 the pad fee?

14 A. No. What I did was I'd take -- I'd just
15 keep raising the rent. Raising the rent to try to
16 compensate for the waste and the increase in, you know,
17 whenever the public water raise theirs.

18 Q. Uh-huh.

19 A. And it just got to a point that I --
20 where does it stop?

21 Q. So the park still gets one bill every
22 month from the public water supply district? You have
23 a master meter; is that correct?

24 A. I have master meter.

25 Q. Okay. Do you have the same billing

1 structure as Blue Acres where you pay \$80 flat and then
2 usage.

3 A. You know, I don't -- I don't even know.
4 I just -- I just see what the balance is and cry and
5 send them a check. I can tell you this much though.
6 After, you know, knowing about this meeting, I was
7 leaving my office, and I looked at a bill.

8 If I don't have my water bill paid -- if
9 I had to have my water bill paid by the 15th of this
10 month, the day after that my water bill increased \$325.
11 That's the late fee I would have had in my mobile home
12 park. I would gladly pay a \$25 late fee.

13 Q. Okay. And do your tenants have
14 individual contracts with Universal Utilities? In
15 other words, do they have to sign up for Universal
16 Service?

17 A. It's a just basically your name and
18 billing information.

19 Q. Do you know if a deposit is collected?

20 A. There is no deposits collected in my
21 park.

22 Q. Has Universal contacted you at all about
23 changing the contractual relationship that you have at
24 Green Hills since this litigation began?

25 A. I've had some phone calls. Yes.

1 Q. Okay. All right. And the public water
2 supply district will own everything in the water
3 distribution system up to the master meter; is that
4 correct?

5 A. Correct.

6 Q. And then the park side of the master
7 meter, that's owned by you?

8 A. Correct.

9 Q. Okay. So you would own that
10 distribution system. Where would the homeowner's
11 responsibility take over?

12 A. Where is their responsibility take over?

13 Q. Uh-huh.

14 A. After the meter.

15 Q. After their meter?

16 A. Uh-huh.

17 Q. Okay. I think that's all I have. Thank
18 you.

19 JUDGE WOODRUFF: Questions from Public
20 Counsel?

21 CROSS-EXAMINATION BY MS. BAKER:

22 Q. Do any of your tenants have any quality
23 of water issues?

24 A. I've never had one. It's a -- it's a
25 little -- which is kind of surprising to me. Friday

1 afternoon, I get a call at one o'clock from
2 Richard Merle from the Department of Natural Resources
3 out of the blue. Says that he can't, you know -- he
4 doesn't know who, what, where in my park but somebody
5 thinks he might have got sick from the water quality.
6 Okay. He said he wanted to set up a meeting with me at
7 9:45 this morning. I said, Sure. Come on down.

8 He took a sample of the water. He
9 looked at it there, and he said, Well, your water looks
10 fine. I drink the water out there because my office is
11 there, and I drink the water. I have -- I've never
12 been sick, and I've never -- I never had a complaint on
13 the water.

14 Now, occasionally, there -- we had some
15 murky looking water back in the summer but what
16 happened was they had added a -- there's a new
17 subdivision went in, and they did a tap-in because our
18 water was off for about four hours.

19 And I called the water company because
20 people were calling me and saying, Hey, what's the
21 deal? They said, We're tapping some new -- a new line
22 to feed this subdivision. It should be on shortly.
23 Then after that, you know, you could smell the chlorine
24 where they were treating it. But as far as anybody
25 ever calling and complaining, I never heard anything.

1 Q. You said Mr. Merle was there today?

2 A. Today.

3 Q. So you don't have test results back?

4 A. No.

5 Q. So your statement that the water
6 looked good?

7 A. Well, he -- I'm just telling you what he
8 told me. He goes -- he goes, I can't see you having a
9 water problem. He could smell the chlorine. I could
10 smell the chlorine. So, I mean, my water comes from
11 public water districts, I'm sure they test it.

12 Q. I have no further questions. Thank you.

13 COMMISSIONER CLAYTON: No questions,
14 Judge.

15 JUDGE WOODRUFF: All right.
16 Commissioner Jarrett?

17 COMMISSIONER JARRETT: I have no
18 questions either. Thank you, Mr. Burks.

19 QUESTIONS BY JUDGE WOODRUFF:

20 Q. Mr. Burks, I have a question for you,
21 and I don't know if you can answer it but I'll ask it
22 anyway. Is there a reason why the tenants of the
23 mobile home parks can't have a direct relationship with
24 the public water district?

25 A. Yep. I would give anything for public

1 water district to take over my meters in my mobile home
2 park and have a direct relationship with them.
3 That's -- that's the biggest question that I would love
4 to have answered: Why -- why the public water district
5 does not meter and monitor mobile home parks.

6 They will -- you know, they'll take over
7 any subdivision. You know, the question I have -- I
8 bought Green Hills Mobile Home Park in July 1st of
9 2000. I went to the public water district, put my
10 \$2,000 water deposit down so I could get the master
11 meter in, and then I asked the gentleman -- couldn't
12 tell you who it was.

13 I don't know if he was in charge of
14 what, and I asked him why we couldn't get individual
15 meters. Why they wouldn't meter them. And he said, We
16 do not do mobile home parks. But he'll do apartment
17 buildings, but he will not do mobile home parks. And
18 that was it. There was no discussion. There was, you
19 know, no other reason.

20 I don't understand why, but, you know,
21 if they would come in and do that, these -- none of
22 these people would be here. We'd all be talking to
23 them because they're regulated. They do quality
24 testing. And these people could go straight to the
25 water district say -- call them straight up and say,

1 Why is my water yellow? They'll say where do you live?
2 We had a water break today. We had a construction --
3 we did a tap.

4 You know, when they tap into a line
5 everybody knows contaminants, debris gets in there.
6 That's why they load it up with chlorine. That's --
7 that's the angle I would love to have. I would be --
8 believe me, it would be the best thing that ever
9 happened to anybody that owns a mobile home park.

10 The City of Columbia does it. The City
11 of Columbia water meters the City of Columbia mobile
12 home parks. If your mobile home park's in the City,
13 they will come meter your park, and they will meter
14 your tenants. But if you're in the county, you're on
15 your own.

16 JUDGE WOODRUFF: Thank you, Mr. Burks.

17 Ms. Jacobs, I can see you in the
18 background there. You had prompt reaction. Would you
19 like to comment on that also?

20 MS. JACOBS: Okay. Do I need to raise
21 my hand again?

22 JUDGE WOODRUFF: You're already sworn.

23 MS. JACOBS: Okay. Well, yeah. I would
24 love it if the municipalities were not allowed to pick
25 and choose who they meter and who they don't. It would

1 be case solved. There wouldn't have been a need for
2 the previous owner to bring Universal Utilities in.

3 You know, if you talk about the need to
4 conserve a natural resource in essentiality (ph.)
5 that's what Universal Utilities had done. However,
6 maybe they didn't follow the rules. We are going to be
7 metered by the City. We are currently on Water
8 District No. 1. Some time in the next month or two, we
9 were told by the City, they're going to take us over.

10 Now, because we are in the County and
11 going to be on City services, we're going to be charged
12 a much higher rate than I would be than if I was in the
13 City. I talked to them about being voluntarily annexed
14 into the City and then would they meter our park, and
15 they said, no way -- period.

16 So municipalities are allowed to pick
17 and chose who they meter, and then we have this type of
18 dilemma.

19 JUDGE WOODRUFF: Ms. Jacobs, are you in
20 the same water district as Mr. Burks?

21 MS. JACOBS: Yes, sir.

22 JUDGE WOODRUFF: Was it the same?

23 MS. JACOBS: Water District 1. Same
24 district.

25 MS. LEATON: We're in nine, I thought.

1 MS. JACOBS: No. We're in one.

2 MS. LEATON: We're in the same as 11
3 miles north?

4 MR. BURKS: Public Water Service
5 District 1.

6 MS. WARREN: I thought you said nine
7 earlier.

8 JUDGE WOODRUFF: Since I have no more
9 questions of Ms. Jacobs, I'll send it back to the
10 attorneys there. Do you have any questions that you
11 might have for Ms. Jacobs about that last question?

12 MS. HEINTZ: No. Thank you.

13 MS. BAKER: No, Your Honor. Thank you.

14 JUDGE WOODRUFF: All right.
15 Commissioners?

16 COMMISSIONER JARRETT: No.

17 JUDGE WOODRUFF: All right. Ms. Fred,
18 was there anyone else there that wanted to testify?

19 MS. FRED: We have one witness that
20 would like to make an additional comment if she may.
21 She's already -- Okay.

22 JUDGE WOODRUFF: All right. Have her
23 come forward.

24 MS. LEATON: All right. It's
25 Audrey Leaton again.

1 JUDGE WOODRUFF: Okay. Ms. Leaton, what
2 do you want to tell us?

3 MS. LEATON: Well, you know, I
4 appreciate the fact that Mr. Burks came down here to
5 speak on behalf of his residents at Green Hills. Go
6 have a Commission meeting out by the Green Hills
7 people. I've been in Green Hills. These people are
8 also on fixed incomes, some with disabilities, some
9 that might not be able to make it 11 miles south in
10 order to hear this to have -- be heard at this meeting.

11 So for him to come in and speak for his
12 tenants, I don't think is right. I meant, he may not
13 have heard of any problems directly. But if there's
14 problems, he may not hear about it, you know. I meant,
15 Delbert necessarily didn't hear about the problems that
16 I was having because it wasn't Delbert's problem. It
17 was the water problem, and I think that's what we need
18 to get back to.

19 As far as conserving water, I don't know
20 that that's their objective is to help us conserve
21 water. I really don't think that's what it's about. I
22 don't believe that they put the meters in to save the
23 water or save the earth.

24 I believe they put the meters in to save
25 their pockets which I can understand. But don't try

1 and pull something over my eyes and say it -- say it's
2 not to towel, you know. Because I don't think they can
3 care less whether or not we conserve water unless it's
4 effecting their pocket.

5 JUDGE WOODRUFF: All right. Any of the
6 attorneys have any other questions for Ms. Leaton?

7 MS. HEINTZ: No. Thank you, Your Honor.

8 MS. BAKER: No, Your Honor.

9 QUESTIONS BY COMMISSIONER CLAYTON:

10 Q. Ms. Leaton, are you recommending that we
11 hold another local public hearing at the other place?

12 A. Yes. I am. I am. Let's have one north
13 and see what happens, you know. I mean, I don't know
14 that anybody is having problems with water in his area.
15 I have no idea. I know what the problems are in my
16 area, and I'm not going to speak to his -- to what
17 his -- his tenants are going through, I don't know.

18 But I know also that they're on low
19 incomes. So there is a real possibility that they
20 couldn't make it here, you know. So, you know -- and
21 this -- like I said, when I came in, I -- this isn't
22 about Delbert and Michelle. This has nothing to do
23 with them. It's the quality of the water, and the fact
24 that Universal Utilities is charging way too much money
25 per gallon.

1 COMMISSIONER CLAYTON: Thank you.

2 MS. LEATON: Thank you.

3 JUDGE WOODRUFF: Commissioner Garrett?

4 COMMISSIONER GARRETT: No questions.

5 Thank you.

6 JUDGE WOODRUFF: Thank you --

7 MS. LEATON: Thank you.

8 JUDGE WOODRUFF: -- Ms. Leaton.

9 Anyone else there would like to testify?

10 MS. FRED: Your Honor, there's --

11 Mr. Jacobs would like to testify again?

12 JUDGE WOODRUFF: All right. Come on

13 forward. You're still under oath also.

14 MR. JACOBS: Okay. The question about

15 the water. Okay? Okay. We all know that it comes

16 from the county. Okay? I get a reading every month

17 what I pay, and I also know I -- I know for a fact that

18 if there's a leak in that park, I'll know about it

19 because my numbers show it.

20 And then if it's a leak that is not

21 coming from a house, I can -- what I'll do when I get

22 my printout, I start add up, you know, how much water

23 every house is using, and I come pretty close. If it's

24 not coming close, that's tells me I got a leak

25 someplace between the meters like down the road or in

1 between the homes. Okay?

2 Second thing about the -- the other
3 thing, 90 percent of the people in that park drinks
4 their water. I drink that water. There's nothing
5 wrong with that water. There's a restaurant that is
6 hooked on that same water line. There's never been an
7 issue. Not one time -- a restaurant. Okay?

8 The incident they were talking about
9 back in April, what happened Elvin (ph.) Sapp had a
10 big -- he's doing a big development there on the south
11 of my mobile home park. And what happened down in the
12 valleys, they ruptured a main water line. The water
13 was off for a while. I think it was a day, but the
14 thing was, it wasn't my doing. They was -- a line
15 ruptured. There was some stuff in there, and they -- I
16 guess, they did clean it up.

17 But any other time when there is a water
18 issue, I get on it as quick as possible. If the water
19 is turned off, it's turned off as quick -- it's turned
20 off and turned back on as soon as possible. But the
21 bottom line is there's a -- there's a restaurant that
22 uses the same water. This building is on the same
23 water.

24 So, you know, I -- a lot of times an
25 older home -- their pipes will -- that build up in

1 calcium, and what happens it'll -- it'll clog up and
2 then it'll gradually break lose and you get a lot of
3 that in your water too. That's the reason you get
4 dirty, grey-looking water in your toilets. That's it.

5 JUDGE WOODRUFF: Any attorneys have any
6 questions for Mr. Jacobs?

7 MS. HEINTZ: Yes, please, Your Honor.

8 JUDGE WOODRUFF: Okay. Who is this.

9 MS. HEINTZ: This is Jennifer Heintz
10 from Staff.

11 JUDGE WOODRUFF: Thank you.

12 RE-CROSS-EXAMINATION BY MS. HEINTZ:

13 Q. You own -- you would own the
14 distribution system from the master meter to the meters
15 at the tenants homes?

16 A. That's correct.

17 Q. Okay. And you talked about there was a
18 main break, and so the system got contaminated or
19 something like that?

20 A. Down the very south of Boone County
21 where their water district -- yeah. I mean, there was
22 a main -- it was main rupture -- rupture and there was
23 a main water line. It was shut down. I hadn't -- I
24 had no control of that.

25 Q. But in the system that you own, the

1 pipes under -- you know, that are going to take the
2 water from the master meter to the homes, do you have
3 any ability at all to clean that system or flush it out
4 a way you know that contaminants get in?

5 A. There is a line on the back that I flush
6 when need be. I mean, yeah.

7 Q. Okay. And have you ever --

8 A. But --

9 Q. I'm sorry.

10 A. No. Go ahead.

11 Q. And when you know that the system has
12 been compromised as it was when this main broke in
13 April or May, did you flush the system then?

14 A. Yes.

15 Q. And did you tell your residents that you
16 should boil your water or do anything with the water?

17 A. No. That's not my job to do that. I
18 would say the county water district's responsibility to
19 do that.

20 Q. But did the County tell you --

21 A. No. They didn't announce to me.

22 Q. -- to boil the water?

23 A. No. Did not.

24 Q. Okay. So have you ever gotten a boil
25 notice from the County?

1 A. Not once.

2 Q. Or from DNR?

3 A. No. DNR was in the park probably about
4 two months, but, I think -- they been off an on ever
5 since this has been going on, and they've never had a
6 bad reading while I was there. I mean, they said the
7 water's fine.

8 Q. Did DNR ever test the water before this
9 litigation started?

10 A. Yes.

11 Q. Would it be regularly or routinely?

12 A. They came in what once, twice, maybe
13 something like that but --

14 Q. Since you've owned the park in 2003?

15 A. Yeah. They've been here quite a few
16 times checking but more recently because of all this
17 stuff going down.

18 Q. Where do they get the water that they
19 test? I mean, what's this -- I mean, are they running
20 it from the Consolidated side of the meter? From your
21 side of the meter?

22 A. On my side of the meter.

23 Q. Okay. All right. Thank you.

24 JUDGE WOODRUFF: Public Counsel have any
25 questions?

1 MS. BAKER: No further questions. Thank
2 you.

3 COMMISSIONER CLAYTON: No questions
4 here, Judge.

5 COMMISSIONER JARRETT: No questions.

6 JUDGE WOODRUFF: All right. Then you
7 can sit down, sir.

8 One more time, anybody else there that
9 wants to testify?

10 MS. FRED: One more time, Judge.

11 MR. BURKS: I want to make a fact clear.
12 I'm not here speaking for my tenants. Okay? They --
13 they found out about it the same way I did. There was
14 a note stuck in my office door actually, and I've got
15 the paper. And everybody -- I drove through and I'd --
16 people would call me and ask about it. I'd tell them
17 it's an open meeting. Please come down there.

18 I don't -- I don't have a problem with
19 this. I think this is a great thing that needs to be
20 brought out. I want it corrected just like the Jacobs
21 want it corrected, you know? But the thing is, you
22 know, the water is an expense. I'm a businessman.
23 Okay?

24 I don't have a problem with people using
25 water in a reasonable way. But when it's wasted and

1 it's coming out of my pocket, then I have to raise the
2 rates through lot rent. It's just business, you know.
3 If -- if the County water has a bunch of ruptured pipes
4 and have to replace two miles of pipe, somebody's going
5 to pay for that. They're going to increase their rates
6 to pay for that.

7 All I'm asking is just pay for what you
8 use and, you know, it's not that big a deal. I spent
9 the money to put meters in out of my pocket. I'm not
10 recouping that. I barely get back just the amount of
11 money that covers -- I don't even get 70 to 75 percent
12 of what my monthly bill is.

13 So I've lost on any -- anything to do
14 with the meters, and that's -- it's just, you know --
15 it's not fair to keep raising the rates for lot rent to
16 penalize someone that doesn't, you know -- a person on
17 a fixed income.

18 You know, the one gentleman that was
19 here said he uses 600 gallons a month. Should I raise
20 his rates \$100 a month lot rent when he uses 600
21 gallons or at the same when somebody's over here using
22 20,000 gallons a month? It's not fair. You know, this
23 is a society. At my house, I pay for what I use.

24 If I use 150,000 gallons at my house, I
25 get a bill from the water district. I have to pay for

1 it. That's all. I just, you know -- I mean, I'd like
2 to see something done. I don't want to -- I don't want
3 to mess with the water. I would just assume the Public
4 Water District take care it -- take it over, do what's
5 right. Protect the people. I don't have a problem
6 with that.

7 JUDGE WOODRUFF: All right. Any
8 questions for Mr. Burks?

9 MS. HEINTZ: Yes, please, Your Honor.
10 I'm sorry -- just a few.

11 RECROSS-EXAMINATION BY MS. HEINTZ:

12 Q. You said that you paid to have the
13 meters installed?

14 A. Yeah. I think I like -- I bought the
15 meters and then they -- it's on a lease. I'd have to
16 look at it to see how it's done.

17 Q. So who owns the meters now?

18 A. I think technically Universal Utilities
19 owns the meters.

20 Q. Okay. You so you paid Universal to
21 install them?

22 A. Yes. Paid the labor to put them in, and
23 they own the meters.

24 Q. And they own the meters?

25 A. I have a five-year lease with them.

1 Q. Okay.

2 A. Five-year lease.

3 Q. And you said -- I know you said it. I'm
4 just am blanking now. How much of your monthly water
5 bill that your park pays to Consolidated -- how much of
6 that is recovered from your deal with Universal?

7 A. To my bill? Maybe 70 percent -- 75.
8 Because, I mean, you get -- here's the deal. All I get
9 is just whatever -- you know. And I -- I don't know
10 who's the fees as well as everybody. You know, they
11 supposedly -- Universal Utilities is supposed to charge
12 if it's \$5 per thousand gallons or whatever -- whatever
13 goes through the meter, I'm supposed to be reimbursed
14 for that. You know, whatever water that's used. I
15 don't get -- I don't get a monthly fee.

16 I don't get a -- I don't get the late
17 fees. I don't get any of that. So between the people
18 that just don't pay or, you know, water that's -- I --
19 I've had -- I've had people take hammers, break the
20 meters, to break them off. And I've had people that --
21 pretty creative where they take a PVC and hook on one
22 side of it and U-shape around the meter so that the
23 water goes through there, they don't have to pay for
24 it.

25 Then -- and they're very -- I -- I give

1 them credit because they're very ingenious because they
2 know the guy comes maybe 15th to the 16th of the month.
3 Okay? And I can go up there and look under the home
4 and see that on there, but on the 15th or 16th it's
5 off, and they're going through -- it's going back
6 through the meters.

7 You know, it's PVC that hooks to them.
8 It's -- people go through an unbelievable amount of
9 work to bypass the meter. I've had them take hammers
10 because there's a remote -- there's a wire that comes
11 off. It goes to the outside so that, you know, no one
12 has go underneath the home to read the meter.

13 A lot of them -- and they're -- it's a
14 Styrofoam box that's got a heat tape running through to
15 protect it from heating. I've had them before where
16 they've just looped it around that, and the only way
17 the meter reader guy will notice it is they -- if they
18 crawl underneath there, maybe run 10 -- 20 gallons
19 through to see the usage.

20 You know, I had one guy that didn't have
21 usage for six months on his meter, but he had a 20-foot
22 round swimming pool in his front yard full of water.
23 You know, I mean, so it's -- it's a never-ending
24 battle. I mean, and they caught -- you know, it costs
25 everybody. It doesn't just cost me.

1 I mean, I'm not going to sit here think
2 you're naive enough to think that I'm not in this for a
3 profit because I am. I mean, that's just my business.
4 I -- I've got to make living. And, you know -- but it
5 just -- it gets to the point that if everything goes
6 up, you just keep raising the rent.

7 So, I mean, this is America. You're
8 going to get -- my business is going to prevail. It's
9 going to make a profit, and unfortunately the people
10 don't understand that. You know, don't -- conserve the
11 water, you'll have lower bills, take care of your leaky
12 faucets. You won't have this.

13 Q. I would be interested in seeing a copy
14 of your contract with Universal. Is that something
15 that if I gave you my fax number you can send to me?

16 A. Possibly.

17 Q. I know you don't it with you here
18 tonight, but if I could see it, that would great.
19 Also, just one more question. You negotiated this
20 contract with Universal about two years ago you said?

21 A. Yeah. About two years ago.

22 Q. Okay. Do you remember how it was
23 decided what usage rates would be charged to the
24 tenants? You know, we know that they pay monthly fees,
25 but they also pay a volume metric charge. Do you know

1 how that was determined?

2 A. They pretty much told me -- they said,
3 you can't --- and I -- I was -- I was asking about the,
4 I guess -- the rate by gallon or whatever. I asked
5 about that, and they said you have to -- you can't --
6 you can't charge more for the water than what you're
7 paying for it.

8 And I didn't have a problem with that.
9 You know, that was fine. They charge a fee for reading
10 the meters, I guess, I'm assuming that's what it's for.

11 And on my bills, I have trash. I don't
12 have -- I have my own sewer system, so I don't charge
13 for sewer. And then so I -- I have -- I think it's --
14 I want to say I think mine's like \$10 a month, and it's
15 door-to-door trash service by -- I hire a trash company
16 to come pick those up.

17 Q. Okay. Thank you.

18 JUDGE WOODRUFF: Public Counsel, any
19 questions?

20 MS. BAKER: No further questions, thank
21 you.

22 COMMISSIONER CLAYTON: No questions,
23 Judge.

24 COMMISSIONER JARRETT: No questions,
25 Judge.

1 JUDGE WOODRUFF: All right. Then
2 Mr. Burks, you can step down.

3 MR. BURKS: Thank you.

4 JUDGE WOODRUFF: All right. I'll ask
5 one more time. Anybody else want to testify?

6 MS. FRED: Judge, I think you're safe at
7 this point to say there's no one else.

8 JUDGE WOODRUFF: All right. Thank you,
9 Ms. Fred.

10 Well, I want to thank everyone for being
11 here again tonight, and with that we are adjourned.
12 Thank you.

13 (OFF THE RECORD.)

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16 Lisa M. Banks, CCR
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