

THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Procedural Conference  
November 21, 2016  
Jefferson City, Missouri  
Volume 1

The Staff of the Missouri  
Public Service Commission,

Complainant,

vs.

Missouri Utilities Company  
and Gary Cover,

Respondents.

File No. WC-2017-0095

The Staff of the Missouri  
Public Service Commission,

Complainant,

vs.

Missouri Utilities Company  
and Gary Cover,

Respondents.

File No. SC-2017-0096

MORRIS L. WOODRUFF, Presiding  
CHIEF REGULATORY LAW JUDGE

REPORTED BY:  
Angie D. Threlkeld, CCR  
TIGER COURT REPORTING, LLC

A P P E A R A N C E S

MARCI E FORCK, Associate Staff Counsel  
Governor Office Building  
200 Madison Street  
Suite 800  
PO Box 360  
Jefferson City, Missouri 65102-0360  
573.751.4140

JACOB T. WESTEN, Senior Counsel  
Governor Office Building  
200 Madison Street  
Suite 800  
PO Box 360  
Jefferson City, Missouri 65102-0360  
573.751.5472

FOR: Staff of the Missouri Public Service Commission

1 JUDGE WOODRUFF: Good morning. Welcome to  
2 the procedural conference in File Number WC-2017-0095 and  
3 File Number SC-2017-0096. Both concerns complaints by  
4 Staff of the Commission versus Missouri Utilities Company  
5 and Gary Cover.

6 We'll begin today by taking entries of  
7 appearance, beginning with Staff.

8 MS. FORCK: This is Marcie Forck from Staff  
9 of the Missouri Public Service Commission. Also here  
10 with me is Jacob Westen. Our contact information is on  
11 file with the court reporter.

12 JUDGE WOODRUFF: Okay. And I don't see  
13 anyone here from Missouri Utilities or from the Office of  
14 Public Counsel. So we'll deal with Staff exclusively  
15 here.

16 I had a couple of questions about the case  
17 that you might be able to enlighten me on. First of all,  
18 we have two separate cases here, one water and the other  
19 sewer. Is there any reason not to consolidate them?

20 MS. FORCK: No, Judge.

21 JUDGE WOODRUFF: I will take care of that and  
22 make everything a little bit procedurally simpler.

23 I notice that there was a partial payment  
24 made by Mr. Cover along with his complaint. I assume  
25 that's been applied to --

1 MS. FORCK: Yes.

2 JUDGE WOODRUFF: -- it?

3 MS. FORCK: And so the remaining balance is  
4 still due. I haven't heard anything from Mr. Cover or  
5 from our technical staff that collects that that says  
6 that he's made any further payments.

7 JUDGE WOODRUFF: And then there was mention  
8 of a sale, that it was -- been approved. Do you know  
9 anything about the status of the sale?

10 MR. WESTEN: Your Honor, I have not heard  
11 anything about the status of the sale. And to be frank,  
12 the pleading and document included in Mr. Cover's answer  
13 is the first I had heard of that sale.

14 JUDGE WOODRUFF: Okay. I assume that you've  
15 checked with your technical staff as well?

16 MR. WESTEN: I have not conferred directly  
17 with technical staff. But they have not mentioned,  
18 brought it up to me specifically.

19 JUDGE WOODRUFF: Okay. Then final question  
20 is about the claim against Gary Cover as an individual as  
21 receiver. His answer indicated that he believes he has  
22 judicial and administrative immunity.

23 Does Staff have any position on that? Do you  
24 wish to continue with leaving Mr. Cover in the complaint?  
25 You don't have to tell me the answer now. I'm just

1 bringing it up.

2 MS. FORCK: Yeah, if we can let you know  
3 after today.

4 JUDGE WOODRUFF: That's fine. That will be  
5 fine.

6 MS. FORCK: Just to verify with the  
7 decision-makers.

8 JUDGE WOODRUFF: Okay. I just wanted to  
9 bring it up.

10 MS. FORCK: Sure.

11 JUDGE WOODRUFF: Well, then, what I'll ask  
12 you to do is give me a proposed procedural schedule by  
13 December 1st. You can email how the Staff would like to  
14 proceed to resolve this case. And if you hear anything  
15 from Mr. Cover, of course you can include his thoughts on  
16 that, if he has something. If you can't all agree, you  
17 can file something separately, and the Commission can  
18 decide.

19 MS. FORCK: Okay. Thank you, Judge.

20 JUDGE WOODRUFF: Anything else we need to  
21 take up while we're on the record?

22 MS. FORCK: I don't believe so.

23 JUDGE WOODRUFF: All right. Well, thank you  
24 then. We are adjourned.

25 MS. FORCK: Thank you.

1 JUDGE WOODRUFF: And normally I would say you  
2 can confer with the other party at this point, unless you  
3 can get them on the phone at this point, if you want to.  
4 I'll just leave it up to you.

5 MS. FORCK: Thank you, Judge.

6 MR. WESTEN: Thank you.

7 (Off the record.)  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE OF REPORTER

I, Angie D. Threlkeld, a Certified Court Reporter,  
CCR No. 1382, the officer before whom the foregoing  
hearing was taken, do hereby certify that the foregoing  
hearing was taken by me to the best of my ability and  
thereafter reduced to typewriting under my direction;  
that I am neither counsel for, related to, nor employed  
by any of the parties to the action in which this hearing  
was taken, and further, that I am not a relative or  
employee of any attorney or counsel employed by the  
parties thereto, nor financially or otherwise interested  
in the outcome of the action.

*Angie D. Threlkeld*

Angie D. Threlkeld, CCR



<p><b>A</b></p> <p>ability 7:6 able 3:17 action 7:9,13 adjourned 5:24 administrative 4:22 agree 5:16 Angie 1:24 7:3 7:19 answer 4:12,21 4:25 appearance 3:7 applied 3:25 approved 4:8 Associate 2:2 assume 3:24 4:14 attorney 7:11</p>	<p><b>CHIEF</b> 1:21 City 1:5 2:5,9 claim 4:20 collects 4:5 Commission 1:1 1:9,15 2:10 3:4 3:9 5:17 Company 1:12 1:18 3:4 Complainant 1:10,16 complaint 3:24 4:24 complaints 3:3 concerns 3:3 confer 6:2 conference 1:4 3:2 conferred 4:16 consolidate 3:19 contact 3:10 continue 4:24 counsel 2:2,6 3:14 7:8,11 couple 3:16 course 5:15 court 1:24 3:11 7:3 Cover 1:12,18 3:5,24 4:4,20 4:24 5:15 Cover's 4:12</p>	<p><b>E</b></p> <p>E 2:1,1 email 5:13 employed 7:8,11 employee 7:11 enlighten 3:17 entries 3:6 exclusively 3:14</p> <p><b>F</b></p> <p>file 1:10,16 3:2,3 3:11 5:17 final 4:19 financially 7:12 fine 5:4,5 first 3:17 4:13 Forck 2:2 3:8,8 3:20 4:1,3 5:2 5:6,10,19,22 5:25 6:5 foregoing 7:4,5 frank 4:11 further 4:6 7:10</p>	<p>interested 7:12</p> <p><b>J</b></p> <p>Jacob 2:6 3:10 Jefferson 1:5 2:5 2:9 Judge 1:21 3:1 3:12,20,21 4:2 4:7,14,19 5:4,8 5:11,19,20,23 6:1,5 judicial 4:22</p> <p><b>K</b></p> <p>know 4:8 5:2</p> <p><b>L</b></p> <p>L 1:21 LAW 1:21 leave 6:4 leaving 4:24 little 3:22 LLC 1:24</p> <p><b>M</b></p> <p>Madison 2:3,7 Marcie 2:2 3:8 mention 4:7 mentioned 4:17 Missouri 1:2,5,8 1:12,14,18 2:5 2:9,10 3:4,9,13 morning 3:1 MORRIS 1:21</p>	<p>Office 2:3,7 3:13 officer 7:4 Okay 3:12 4:14 4:19 5:8,19 outcome 7:13</p> <p><b>P</b></p> <p>P 2:1,1 partial 3:23 parties 7:9,12 party 6:2 payment 3:23 payments 4:6 phone 6:3 pleading 4:12 PO 2:4,8 point 6:2,3 position 4:23 Presiding 1:21 procedural 1:4 3:2 5:12 procedurally 3:22 proceed 5:14 PROCEEDIN... 1:3 proposed 5:12 Public 1:1,9,15 2:10 3:9,14</p> <p><b>Q</b></p> <p>question 4:19 questions 3:16</p> <p><b>R</b></p> <p>R 2:1 reason 3:19 receiver 4:21 record 5:21 6:7 reduced 7:7 REGULATO... 1:21 related 7:8 relative 7:10 remaining 4:3</p>
<p><b>B</b></p> <p>balance 4:3 beginning 3:7 believe 5:22 believes 4:21 best 7:6 bit 3:22 Box 2:4,8 bring 5:9 bringing 5:1 brought 4:18 Building 2:3,7</p>	<p><b>D</b></p> <p>D 1:24 7:3,19 deal 3:14 December 5:13 decide 5:18 decision-makers 5:7 direction 7:7 directly 4:16 document 4:12 due 4:4</p>	<p><b>G</b></p> <p>Gary 1:12,18 3:5 4:20 give 5:12 Good 3:1 Governor 2:3,7</p>	<p><b>N</b></p> <p>N 2:1 need 5:20 neither 7:8 normally 6:1 notice 3:23 November 1:5 Number 3:2,3</p> <p><b>O</b></p>	
<p><b>C</b></p> <p>C 2:1 care 3:21 case 3:16 5:14 cases 3:18 CCR 1:24 7:4,19 CERTIFICATE 7:1 Certified 7:3 certify 7:5 checked 4:15</p>		<p><b>H</b></p> <p>hear 5:14 heard 4:4,10,13 hearing 7:5,6,9 Honor 4:10</p> <p><b>I</b></p> <p>immunity 4:22 include 5:15 included 4:12 indicated 4:21 individual 4:20 information 3:10</p>		



<b>REPORTED</b> 1:23	<b>thank</b> 5:19,23 5:25 6:5,6	<b>Z</b>		
<b>reporter</b> 3:11 7:1,3	<b>thereto</b> 7:12	<b>0</b>		
<b>REPORTING</b> 1:24	<b>thoughts</b> 5:15	<b>1</b>		
<b>resolve</b> 5:14	<b>Threlkeld</b> 1:24 7:3,19	<b>1</b> 1:6		
<b>Respondents</b> 1:13,19	<b>TIGER</b> 1:24	<b>1382</b> 7:4		
<b>right</b> 5:23	<b>today</b> 3:6 5:3	<b>1st</b> 5:13		
<b>S</b>	<b>TRANSCRIPT</b> 1:3	<b>2</b>		
<b>S</b> 2:1	<b>two</b> 3:18	<b>200</b> 2:3,7		
<b>sale</b> 4:8,9,11,13	<b>typewriting</b> 7:7	<b>2016</b> 1:5		
<b>says</b> 4:5	<b>U</b>	<b>21</b> 1:5		
<b>SC-2017-0096</b> 1:16 3:3	<b>Utilities</b> 1:12,18 3:4,13	<b>3</b>		
<b>schedule</b> 5:12	<b>V</b>	<b>360</b> 2:4,8		
<b>see</b> 3:12	<b>verify</b> 5:6	<b>4</b>		
<b>Senior</b> 2:6	<b>versus</b> 3:4	<b>5</b>		
<b>separate</b> 3:18	<b>Volume</b> 1:6	<b>573.751.4140</b> 2:5		
<b>separately</b> 5:17	<b>vs</b> 1:11,17	<b>573.751.5472</b> 2:9		
<b>Service</b> 1:1,9,15 2:10 3:9	<b>W</b>	<b>6</b>		
<b>sewer</b> 3:19	<b>want</b> 6:3	<b>65102-0360</b> 2:5 2:9		
<b>simpler</b> 3:22	<b>wanted</b> 5:8	<b>7</b>		
<b>specifically</b> 4:18	<b>water</b> 3:18	<b>8</b>		
<b>staff</b> 1:8,14 2:2 2:10 3:4,7,8,14 4:5,15,17,23 5:13	<b>WC-2017-0095</b> 1:10 3:2	<b>800</b> 2:4,8		
<b>STATE</b> 1:2	<b>we'll</b> 3:6,14			
<b>status</b> 4:9,11	<b>we're</b> 5:21			
<b>Street</b> 2:3,7	<b>Welcome</b> 3:1			
<b>Suite</b> 2:4,8	<b>Westen</b> 2:6 3:10 4:10,16 6:6			
<b>Sure</b> 5:10	<b>wish</b> 4:24			
<b>T</b>	<b>WOODRUFF</b> 1:21 3:1,12,21 4:2,7,14,19 5:4 5:8,11,20,23 6:1			
<b>T</b> 2:6	<b>X</b>			
<b>take</b> 3:21 5:21	<b>Y</b>			
<b>taken</b> 7:5,6,10	<b>Yeah</b> 5:2			
<b>technical</b> 4:5,15 4:17				
<b>tell</b> 4:25				