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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Pre-Hearing Conference
November 2, 2012
St. Louis, Missouri
Volume 1

MARCIA EASON,)
)
Complainant,)
)
Vs.) CASE No. WC-2013-0010
)
MISSOURI AMERICAN WATER)
COMPANY,)
Respondent.)

KENNARD JONES, Presiding
REGULATORY LAW JUDGE

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A P P E A R A N C E S

3

4 For American Water:

5

Mr. John Reichart

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10 For Staff of the Missouri Public Service Commission:

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(Via phone) Ms. Tanya Alm

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17 Also appearing by phone: Mr. Jerry Schieble, Ms. Lisa Kremer

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P R O C E E D I N G S

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JUDGE JONES: We're on the record. The case number

4

WC20130010. Marcia Eason E-A-S-O-N versus Missouri American

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Water Company. Entry of appearance beginning with Missouri

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American.

7

MR. REICHART: Thank you, Judge Jones. Appearing on

8

behalf of Missouri American Water Company John J. Reichart, my

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address is 727 Craig Road, St. Louis, Missouri 63141.

10

JUDGE JONES: And from the staff of the commission.

11

MS. ALM: Good morning, Judge, this is Tanya Alm staff

12

for Missouri Public Service Commission. Appearing on behalf of

13

staff at P.O. Box 360, Jefferson City, Missouri 65101. Also

14

with me the staff Jerry Schieble and Lisa Kremer.

15

JUDGE JONES: Thank you. I'll note for the record

16

that Miss Eason is not present.

17

I see that staff has filed it's recommendation. It

18

appears to be a suggestion to settle the matter and

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Mr. Reichart, have you had a chance to look through that?

20

MR. REICHART: The company has, Your Honor. I think I

21

can make a statement on record. We have reviewed the staff

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report. We are in agreement with the findings in paragraph 6

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that said, we are agreeable to staff's recommendation in

24

paragraph 7, to contact the customer, Miss Eason and allow to

25

make a one time cursory adjustment offer.

1 I had expected to see Miss Eason here today, my
2 understanding is the company intends to attempt to contact her,
3 beginning today.

4 JUDGE JONES: Okay.

5 MR. REICHART: And we will make that offer, and
6 assuming it's acceptable to her, hopefully we can conclude the
7 case. But I didn't know what your preference would be. Should
8 we schedule something in a couple weeks to allow us time to
9 respond, I don't know the process.

10 JUDGE JONES: Well, what we'll do is contact her. I
11 mean, her not being here is indicative of either her not caring
12 to be here, or her being unable to be here. But what I do know
13 is there's no rush on our part to conclude the case, so at your
14 leisure, contact her with the suggested settlement and if after
15 you contact her, she either says yes or no. If you just file a
16 statement of her response.

17 MR. REICHART: Okay.

18 JUDGE JONES: That will be great. If it doesn't
19 happen in you know, two or three months, then I'll probably
20 issue an order for status update of some sort, and if she
21 doesn't want to accept it, then.

22 MS. ALM: Tonya Alm. I'm not sure whether a few
23 months is needed or not, but we definitely would need at least a
24 couple weeks just in terms of past, like the judge has said,
25 status report pending what Miss Eason said. And perhaps

1 additionally, a little bit more discovery if staff understanding
2 that the next bill will be issued within the next week, in the
3 last couple years November 4 has been the date, perhaps the
4 company and staff would need to look at another reading and
5 after the next bill is issued to look at that bill, and then
6 from there, I either that have that status report or we propose
7 doing a joint procedure schedule if the company and the
8 complainant are unable to settle this.

9 JUDGE JONES: Okay, if they're unable to settle, then
10 I'll hear from Missouri American that she didn't accept her
11 offer, and because she has missed this prehearing conference,
12 that in and of itself is reason to dismiss the case, because I'm
13 not going to proceed with a hearing or even go down that road.

14 If she's not interested in participating, so if
15 Missouri American informs the commission that she doesn't accept
16 whatever offer they make, then I'll issue an order to her asking
17 her if she wants to proceed, and from that point, well it'll
18 just be based on her response. If she doesn't respond, it will
19 be moving forward with a dismissal. If she does respond, then
20 yes, we will proceed with the normal procedures.

21 I mean, normally after this hearing I would just issue
22 an order asking her why she wasn't here. If she doesn't tell me
23 why she wasn't here, then her case may be dismissed. If she
24 doesn't file something the case would be dismissed, but because
25 staff has offered something that seems to be reasonable, and I

1 figure you might want to pursue that course.

2 MS. ALM: Judge, is the mediation process available in
3 lieu of a hearing, or is this unnecessary based on the company's
4 current effort?

5 JUDGE JONES: The mediation process is available,
6 something that she would have to request, but I kind of feel
7 like we're already in that process. I don't want to start a
8 formal mediation process, that will set the timeline back a
9 little further, because then it will have to be assigned to a
10 different judge who isn't in Jeff City, rather than here, and
11 they'll have to travel here to handle the mediation, because it
12 would be for all the parties convenience, particularly Missouri
13 American and Miss Eason's convenience to hold something here.
14 So, I would rather just go with what staff has suggested, and
15 see if she accepts some type of settlement offer.

16 If she doesn't, I'll see if she wants to keep
17 participating. If she doesn't respond to any orders directing
18 her to file something, then her case is going to be dismissed.

19 MS. ALM: Thank you Judge.

20 JUDGE JONES: Is that okay with you?

21 MR. REICHART: That's fine, your honor, thank you.

22 JUDGE JONES: Does anyone have anything else that
23 you'd like to suggest? Ms. Alm, you said you all were going to
24 get another reading from her meter?

25 MS. ALM: We would request either from the complainant

1 or the company in the form of a data request, a copy of the next
2 bill that will be issued.

3 JUDGE JONES: And do you think that information will
4 in some way affect your recommendation?

5 MR. SCHIEBLE: It could, it's possible.

6 MS. ALM: It could, it's possible.

7 JUDGE JONES: Why don't you and Mr. Reichart wait
8 until after what that time period is, and then see if that
9 affects maybe it might affect your thinking also, then I'll
10 proceed.

11 MR. REICHART: I won't make a call immediately,
12 because I don't know her -- I'm hoping they didn't contact her
13 already, they were going to try to get it done today.

14 JUDGE JONES: Oh, if you want to do that, that's fine.
15 I mean, staff is here to recommend, you and Miss Eason guide the
16 case.

17 MR. REICHART: I will see if I can -- if we haven't,
18 maybe, I'll put a pause on that until we get this data request
19 and see if that impacts recommendation. We thought the
20 recommendation was final.

21 MS. ALM: Staff doesn't anticipate it shouldn't, the
22 new bill should not change staff's recommendation, absent a
23 reading that is, you know, completely different than past seems
24 to indicate.

25 JUDGE JONES: Let's go ahead and figure this out, so

1 Mr. Reichart can have some specific direction. This -- she had
2 a spike in her usage?

3 MR. REICHART: Correct.

4 JUDGE JONES: Did it level out after that?

5 MR. REICHART: Went down for a couple of months, then
6 I believe it went back to a normal level.

7 JUDGE JONES: It went to a normal level?

8 MR. REICHART: And again, I didn't conduct any
9 investigations, I think maybe staff could do that.

10 JUDGE JONES: What do you guys know about that? She
11 had an unusual increase in usage, did it come back to normal?

12 MS. SCHIEBLE: Yes, that's correct, Judge. This is
13 Jerry Schieble. Basically going back to about August of 2011
14 through August of 2012, her bill basically tripled to what it
15 normally was.

16 JUDGE JONES: For the whole year?

17 MR. SCHIEBLE: Just for those -- well, yes, basically
18 starting with the bill that was issued in November of 2011,
19 which since it's a quarterly bill, we anticipate the usage
20 started going up in or around August of 2011.

21 JUDGE JONES: I see.

22 MR. SCHIEBLE: Then August of 2012, basically is when
23 staff really began it's investigation and started taking extra
24 meter readings, and at that point, it drastically drops back
25 down. I was in the field just this week and took a meter

1 reading, and it looked like the trend still -- it went back to
2 where it normally was before it all occurred. So I don't
3 anticipate any problem, it looks like whatever caused the high
4 usage has been rectified, is what it looks like.

5 JUDGE JONES: Well, in light of that, there's no point
6 in doing it again.

7 MR. SCHIEBLE: That's probably true, basically what it
8 is, in my staff report, one of the options I had told her if the
9 company was going to make any forms of an adjustment, that we
10 needed to make sure that the usage had returned to normal before
11 that occurred, and the way that I proposed that that would
12 happen would be that the November bill would be reviewed, and
13 that should be issued within a week, so that was the only reason
14 to wait to see what that reading was. But since I was out there
15 and took a reading, it really should not be necessary.

16 JUDGE JONES: Let's not do anything at this time.
17 Now, if she were here, I don't know, if she had input she wanted
18 to do that, then we would, but it's not in the interest of
19 anyone to do that. What do you think Mr. Reichart?

20 MR. REICHART: Yeah, I tend to agree. I'm amenable to
21 your recommendation, judge.

22 JUDGE JONES: Okay, go ahead proceed as you would, and
23 if Mr. Schieble, if you feel like that's something you want to
24 do for you own peace of mind, you do that and you find that
25 something some monopoly is still occurring, then let us know.

1 MR. SCHIEBLE: Certainly, fair enough.

2 JUDGE JONES: If not, then we don't need to know.

3 MR. SCHIEBLE: Okay, that's fine.

4 JUDGE JONES: Does anybody have anything else they
5 would like to discuss while we're on the record? Okay, hearing
6 nothing, we will go off the record. Thank you all.

7 (Whereupon, the hearing ended at 10:15 a.m.)

8

9 I N D E X

10 WITNESS NAME PAGE

11 None

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13 E X H I B I T S

14 Marked Rec'd

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REPORTER'S CERTIFICATE

5

6 STATE OF MISSOURI)

7) Ss.

8 COUNTY OF ST. LOUIS)

9

10 I, Angie Kelly, Certified Shorthand Reporter,
11 Certified Court Reporter #1010, and Notary Public, within and
12 for the State of Missouri, do hereby certify that I was
13 personally present at the proceedings as set forth in the
14 caption sheet hereof; that I then and there took down in
15 stenotype the proceedings had at said time and was
16 thereafter transcribed by me, and is fully and accurately
17 set forth in the preceding pages.

18

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Angie Kelly, CSR, CCR #1010

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