

1 STATE OF MISSOURI  
2 Public Service Commission  
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5 TRANSCRIPT OF PROCEEDINGS  
6  
7 Public Hearings  
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9 University of Missouri, St. Louis, Missouri  
10 Volume 7  
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12 In the Matter of Missouri-American)  
13 Water Company's Request for )  
14 Authority to Implement a General )  
15 Rate Increase for Water and Sewer )Case WR-2008-0311  
16 Service Provided In Missouri )  
17 Service Areas )  
18  
19  
20 COMMISSIONERS PRESENT:  
21  
22 Kennard Jones, Regulatory Law Judge  
23 Commissioner Connie Murray, Jefferson City  
24  
25

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

2

3 JUDGE JONES: Good evening. My name  
4 is Kennard Jones. I'm the Judge with the Missouri  
5 Public Service Commission, and I'll be presiding over  
6 the hearing this evening. First of all, I'd like to  
7 welcome you all here on behalf of the Public Service  
8 Commission. Joining us from Jefferson City, as I'm  
9 sure you all just heard, is Commissioner Connie  
10 Murray. Ms. Murray, would you like to make any  
11 opening remarks?

12 COMMISSIONER MURRAY: Just welcome,  
13 and I'm looking forward to hearing what you have to  
14 say. Thank you.

15 JUDGE JONES: Okay. And at this time  
16 we will take entries of appearances from the parties  
17 that are present. First we'll have appearances from  
18 Missouri American Water.

19 MR. REICHART: Thank you, Judge. On  
20 behalf of Missouri American Water John J. Reichart.  
21 My address is 727 Craig Road, St. Louis, Missouri  
22 63141.

23 JUDGE JONES: Thank you,  
24 Mr. Reichart. And from the staff of the Commission?

25 MR. REED: Thank you, Judge. Steve

1 Reed for the staff of the Public Service Commission.  
2 My address is P.O. Box 360, Jefferson City, Missouri  
3 65102.

4 JUDGE JONES: And from the Office of  
5 Public Counsel?

6 MR. DANDINO: Thank you, Your Honor.  
7 Michael Dandino, Deputy Public Counsel, Office of the  
8 Public Counsel, Post Office Box 2230, Jefferson City,  
9 Missouri 65102, representing the Office of Public  
10 Counsel and the public.

11 JUDGE JONES: Thank you, Mr. Dandino.  
12 Are there any other parties present that wish to  
13 enter an appearance? Seeing none, for you all who  
14 intend to testify, I'll call you up here to this  
15 microphone. You'll be sworn in. You will give your  
16 comments. After you're done there may be questions  
17 from myself, Commissioner Murray or the attorneys  
18 that are present. So remain at the microphone until  
19 I excuse you. If you don't want to speak tonight or  
20 if after tonight you wish to provide comments to the  
21 Commission on this rate case with Missouri American  
22 Water, you can either call, write or e-mail the  
23 Missouri Public Service Commission or the Office of  
24 Public Counsel. If you need that information we have  
25 that available for you. We'd be happy to give you

1     that after the hearing today. With that, let's go  
2     ahead and get started. I call our first witness,  
3     Robert Cole. Will you please step here and be sworn,  
4     sir, and will you raise your right hand. Do you  
5     solemnly affirm that the testimony that you are about  
6     to give is the truth?

7                     MR. COLE: Yes.

8                     JUDGE JONES: Thank you, sir. You  
9     may be seated and present your comments.

10                    MR. COLE: Yes. I have two comments.  
11    Number one is the way that a rate increase is  
12    decided. It seems like it's a subjective process.  
13    Now, by that I mean that there is no objective  
14    criteria that has to be met that decides whether or  
15    not this rate increase is valid. It's my  
16    understanding that there are various things that have  
17    to be done in terms of the infrastructure. I  
18    understand that. But the process itself is  
19    subjective, and yet we have to pay with objective  
20    dollars. I have to have some more firm criteria  
21    other than, yes, this seems like it's a good rate  
22    increase. For example, the rate of return on the  
23    investment. That seems like that is a pretty  
24    subjective type of number that we would come up with.  
25    I like a little bit more solid numbers to support

1     that, why that rate of return is valid on their money  
2     when me as a tax payer I can't get a rate of return  
3     of such an amount on my money.

4                     My second comment is that I've just  
5     got a concern about an American natural resource  
6     owned by a foreign company. I have concerns about  
7     that in regard to security and how this fits into  
8     home and security issues and protecting our water  
9     supply. I have seen nothing in terms of how the  
10    revenue has been used to increase the security out  
11    there at that processing plant out there on Riverview  
12    and some of the other locations. It's my  
13    understanding from hearing about the weaknesses of  
14    the infrastructure that it would be particularly  
15    vulnerable to terrorism, and I'd like to see that  
16    addressed and what part of the revenue is going to be  
17    used to address that.

18                    JUDGE JONES: Thank you, Mr. Cole.  
19    Could you remain seated for a moment?

20                    MR. COLE: Sure.

21                    JUDGE JONES: Commissioner Murray?

22                    COMMISSIONER MURRAY: Just briefly.  
23    Were you here for the informational session?

24                    MR. COLE: Just a few minutes ago you  
25    mean?

1 COMMISSION MURRAY: Yes.

2 MR. COLE: Yes, I was.

3 COMMISSIONER MURRAY: I hope you were  
4 able to ask some of your questions at that time. Did  
5 someone discuss it with you?

6 MR. COLE: I was told that some  
7 people would get back to me with some answers on  
8 that.

9 COMMISSIONER MURRAY: Okay. Good.  
10 Thank you very much.

11 JUDGE JONES: Are there any questions  
12 from any of the parties?

13 MR. DANDINO: Yes, Your Honor.

14 JUDGE JONES: Mr. Dandino?

15 MR. DANDINO: Mr. Cole, just for the  
16 record, what's your address and where do you live?

17 MR. COLE: 1339 Highmont in Ferguson.

18 MR. DANDINO: And for the record,  
19 again, are you a Missouri American Water Company  
20 customer?

21 MR. COLE: Yes, I am.

22 MR. DANDINO: Okay. That's all.

23 Thank you very much for coming out.

24 MR. COLE: Sure. You're welcome.

25 JUDGE JONES: Any other questions?

1     Seeing none, Mr. Cole, you may be seated.  Thank you  
2     for your comments.

3                     MR. COLE:  Thank you.

4                     JUDGE JONES:  Next we'll hear from  
5     Lemmie Burden.  Mr. Burden, could you please raise  
6     your right hand?

7                     MR. BURDEN:  Yes.

8                     JUDGE JONES:  Do you solemnly affirm  
9     that the testimony you are about to give is the  
10    truth?

11                    MR. BURDEN:  Yes, I do.

12                    JUDGE JONES:  Thank you, sir.  You  
13    may be seated.

14                    MR. BURDEN:  Thank you.

15                    JUDGE JONES:  For the court reporter,  
16    could you please spell your name before you give  
17    comments?

18                    MR. BURDEN:  Yes.  My name is Lemmie  
19    Burden.  L-e-m-m-i-e B-u-r-d-e-n.  I'm a resident of  
20    Jennings and a user of Missouri Water Company  
21    product.  I have a question.  I am retired and on a  
22    fixed income.  Personally I think the water is too  
23    high.  Jobs, homes and salaries are down.  Food, gas  
24    and electric, sewer runoff fees, MSD trash hauling  
25    are all on the uprise.  I just can't afford it.  So



1 I'm wondering where are we supposed to get the extra  
2 dollars to come up with and pay for what we thought  
3 was being taken care of, the infrastructure and the  
4 other improvements that are being made with their  
5 delivery process? I think that that should have been  
6 taken care of and addressed as they went along  
7 because in this economy it's in such bad shape and we  
8 just don't have the money. Homes are being lost and  
9 incomes are down. Also, the property taxes and fuel  
10 costs are up. Now if they were saying fuel costs  
11 maybe I could understand a little bit better. But at  
12 this juncture I just can't see not even \$7 in three  
13 months, you know.

14 JUDGE JONES: Commissioner murray, do  
15 you have any questions of Mr. Burden?

16 COMMISSIONER MURRAY: I have no  
17 questions for Mr. Burden. Thank you for being here.

18 JUDGE JONES: Are there any questions  
19 from any of the parties?

20 MR. DANDINO: No questions, Your  
21 Honor. Thank you, sir.

22 MR. BURDEN: Thank you.

23 JUDGE JONES: You may be seated, Mr.  
24 Burden. Thank you for your comments.

25 MR. BURDEN: Thank you.

1 JUDGE JONES: Next we'll hear from  
2 Jefferey Coleman. Will you please raise your right  
3 hand, sir. Do you solemnly affirm that the testimony  
4 you are about to give is the truth?

5 MR. COLEMAN: Yes, I do.

6 JUDGE JONES: Thank you. You may be  
7 seated. Please spell your name for the court  
8 reporter before you give your comments.

9 MR. COLEMAN: Jefferey Coleman,  
10 J-e-f-f-e-r-e-y C-o-l-e-m-a-n. I'm the libertarian  
11 committee man for the Spanish Lake Township in St.  
12 Louis County. I'm also a customer of Missouri  
13 American Water residing at 4643 Robins Grove Drive in  
14 Florissant, Missouri. I am here today because I have  
15 some concerns about the integrity of Missouri  
16 American's bookkeeping and I've had some -- I've had  
17 various concerns about that for several years now. I  
18 actually testified two rate cases ago about various  
19 issues that I had had with many of my bills ever  
20 since I've been a customer for the past six years. A  
21 lot of those problems have subsided. But my current  
22 bill -- I've been in the habit of reviewing all of my  
23 bills very carefully. My current bill I discovered  
24 that the infrastructure surcharge, the ISRS, is being  
25 taxed on my current bill when it has not been taxed

1 on any of my prior bills or on any of the bills ever  
2 since the ISRS was implemented approximately four  
3 years ago. A rep from the company that I contacted  
4 explained that it's being taxed because it's being  
5 considered part of the water charge. I asked why it  
6 had not been -- why that surcharge had not been taxed  
7 on any of the prior bills. He has not yet responded.  
8 That was over a week ago. Prior to this bill the  
9 charges that have been taxed are the customer charge,  
10 the usage charge and the fire hydrant service fee.  
11 So now we have the ISRS fee being taxed also, and I  
12 have not yet received an explanation as to why. In  
13 addition to that, two weeks ago I received a bill I  
14 was not expecting because it was in the middle of my  
15 billing cycle. When I inspected the bill I  
16 discovered it was a bill from two years ago with a  
17 due date of May 18, 2006. So it's actually one of my  
18 bills from two years ago that has been sent to me  
19 again. It's not labelled a reprint. There is no  
20 cover letter explaining why I'm being sent a two year  
21 bill. It was not requested by me. So I wonder how  
22 many other customers are receiving outdated bills by  
23 mistake and perhaps just paying the bill? A lot of  
24 people when you receive a bill from a utility company  
25 you pay the bill because that's what a good customer

1 does. So I've got some concerns. I've had some  
2 concerns. I have continued to have some concerns  
3 about Missouri American's billing integrity, and I  
4 believe that any, any rate increases should be tabled  
5 until such time as the company can have a full  
6 complete audit performed on its finances and get to  
7 the bottom of why these errors keep occurring. I've  
8 got to believe I'm not the only customer that's  
9 having problems like this, and I might be one of the  
10 few that's identifying all of the problems I'm  
11 having. But I think there is a lot of problems  
12 working on a lot of Missouri American's customer's  
13 bills, and that needs to be addressed and dealt with  
14 and resolved in a meaningful way before any more  
15 funds are provided by customers to the company.  
16 Thank you.

17 JUDGE JONES: Thank you. Please be  
18 seated. Commissioner Murray, do you have any  
19 questions?

20 COMMISSIONER MURRAY: Yes.  
21 Mr. Coleman, have you spoken to any of the Public  
22 Service Commission staff regarding those specific  
23 billing issues of yours?

24 MR. COLEMAN: I have not with the  
25 current issues that I'm having. I did speak with

1 staff a couple of years ago with my -- with the older  
2 issues that I was having.

3 COMMISSIONER MURRAY: All right. And  
4 you have not heard back regarding your questions on  
5 the item that was being taxed; is that correct?

6 MR. COLEMAN: That's correct.

7 COMMISSIONER MURRAY: And with your  
8 bill that was sent to you dated May of '06, when did  
9 you say you received that bill?

10 MR. COLEMAN: I received it about two  
11 weeks ago. It's postmarked September 8, 2008.

12 COMMISSIONER MURRAY: Okay. And you  
13 have not spoken to any of the Public Service  
14 Commission staff regarding that; is that correct?

15 MR. COLEMAN: That is correct.

16 COMMISSIONER MURRAY: You might wish  
17 to do that this evening while you are there.

18 MR. COLEMAN: I think that would be a  
19 a good idea.

20 COMMISSIONER MURRAY: Thank you very  
21 much.

22 MR. COLEMAN: Thank you.

23 JUDGE JONES: Are there any questions  
24 from any of the parties?

25 MR. DANDINO: Yes, Your Honor.

1 JUDGE JONES: Mr. Dandino?

2 MR. DANDINO: Mr. Coleman, could you  
3 give me or send to the Office of Public Counsel a  
4 copy of that 2006 bill, please?

5 MR. COLEMAN: I certainly could.

6 MR. DANDINO: And I would recommend  
7 you not pay it.

8 MR. COLEMAN: I will take that  
9 advice.

10 MR. DANDINO: Thank you, Your Honor.

11 JUDGE JONES: Questions from either  
12 of the other parties? Okay. Mr. Coleman, thank you  
13 for your comments. Please step down.

14 MR. COLEMAN: Thank you.

15 JUDGE JONES: And now we will hear  
16 from Ron Auer. Did I pronounce your last name  
17 correctly?

18 MR. AUER: Yes.

19 JUDGE JONES: Please raise your right  
20 hand, sir. Do you solemnly affirm that the testimony  
21 you are about to give is the truth?

22 MR. AUER: I do.

23 JUDGE JONES: Thank you. Please  
24 spell your name for the court reporter.

25 MR. AUER: Thank you and good

1 evening. My name is Ron Auer, A-u-e-r, and I am  
2 representing the St. Louis Apartments Association  
3 this evening which resides at 12777 Olive Boulevard,  
4 St. Louis, Missouri 63141. Commissioner Murray, good  
5 to see you and other members of the Public Service  
6 Commission. On behalf of the St. Louis Apartment  
7 Association and all other residential management  
8 companies in Missouri, the proposed Missouri American  
9 Water Company increase of 26.4 percent in St. Louis  
10 County will become an undue burden in the market  
11 that's already suffering from the economy as we know  
12 today. This increase has the potential to hinder the  
13 rental market tremendously. As the profit margins in  
14 the multi housing industry have reduced dramatically,  
15 increases in operating costs severely outpace the  
16 acceptable increases in rent. In order to maintain  
17 the habitability of apartment homes, any increase  
18 must be passed on to its residents. This increase  
19 will force management companies to pass along this  
20 increase to their renters. Due to economic  
21 conditions and an unstable real estate market and  
22 rising costs, an increase such as this could very  
23 easily impact the ability of prospects to qualify for  
24 an apartment home. We would appreciate your  
25 reconsideration to this proposed increase and

1 consider a fair and reasonable rate for those  
2 residents in the State of Missouri and also those  
3 here in St. Louis County. Thank you.

4 JUDGE JONES: Before we go on, I  
5 realize you all need to talk. But if we can hear you  
6 then you're talking too loud. Those of you in the  
7 back, if you want to congregate, we would appreciate  
8 it if you would step out and have a conversation.  
9 Commissioner Murray, do you have any questions for  
10 Mr. Auer?

11 COMMISSIONER MURRAY: I don't. But,  
12 Mr. Auer, thank you very much for being here. We  
13 appreciate hearing your comments.

14 MR. AUER: We appreciate you  
15 servicing the State.

16 JUDGE JONES: Are there any questions  
17 from any other parties?

18 MR. DANDINO: Yes, Your Honor.

19 JUDGE JONES: Mr. Dandino?

20 MR. DANDINO: Mr. Auer, my name is  
21 Mike Dandino. I'm with the Office of Public Counsel.  
22 I just had a couple of questions. How many members  
23 is in your organization?

24 MR. AUER: I was afraid somebody was  
25 going to ask me. Several hundred. But also we have



1 suppliers and other ancillary members that are part  
2 of our association as well, and I don't have that  
3 number with me. I believe I can get that to you.

4 MR. DANDINO: Once again, what's the  
5 purpose of your organization?

6 MR. AUER: Actually, to represent the  
7 trade association of apartment owners and managers in  
8 St. Louis County and the Metropolitan St. Louis area.

9 MR. DANDINO: Okay. So most of these  
10 owners or most of these members are customers of  
11 Missouri American Water, right?

12 MR. AUER: Those in St. Louis County,  
13 that is correct.

14 MR. DANDINO: Okay. Now, is it  
15 typical that the apartment managers or owners pay the  
16 water rather than the renters?

17 MR. AUER: Most owners of properties  
18 do pay the water bill. They do not directly bill  
19 their tenants for that. They built that into the  
20 rate structure for their rental rates.

21 MR. DANDINO: Okay.

22 MR. AUER: They usually rely on gas,  
23 electric, cable, phone. Those types of utilities  
24 that the renters pay.

25 MR. DANDINO: So any increase in the

1 water will be reflected in the rentals, right?

2 MR. AUER: That is correct.

3 MR. DANDINO: That's all I have.

4 Thank you very much, sir. Thank you, Your Honor.

5 JUDGE JONES: Thank you, Mr. Dandino.

6 Any questions from either of the other parties?

7 Seeing none you may step down, Mr. Auer. Thank you.

8 The last person on the list, and I can't read the

9 list. I believe Barry Tuhill maybe? Is there anyone

10 here? Or Jerry. It looks like you may have written

11 it.

12 MR. TUHILL: Yeah. I'm pretty good

13 at scribbling.

14 JUDGE JONES: Can you please step up

15 and give your testimony?

16 MR. TUHILL: But this is what I got

17 through the mail from your company.

18 JUDGE JONES: Well, you do realize

19 that I don't represent Missouri American Water?

20 MR. TUHILL: But that's my name.

21 JUDGE JONES: Go ahead and step up to

22 the microphone.

23 MR. TUHILL: I have a big mouth. I

24 used to be a union president at one time.

25 JUDGE JONES: And could you please

1     raise your right hand, sir?

2                     MR. TUHILL:   For what?

3                     JUDGE JONES:   So I can swear you in.

4                     MR. TUHILL:   I'm afraid I don't

5     swear.

6                     JUDGE JONES:   Then you can't testify.

7                     MR. TUHILL:   I'll swear then.   I

8     swear.

9                     JUDGE JONES:   Do you solemnly affirm

10    that the testimony you are about to give is the

11    truth?

12                    MR. TUHILL:   I always give the truth.

13                    JUDGE JONES:   And will you please

14    spell your name for the court reporter, and then you

15    may give your comments.

16                    MR. TUHILL:   All right.   I came here

17    because people where I live, I live in Northwoods.

18    The address is on the thing they sent me in the mail.

19    Over the last five years since I've been alone, my

20    wife passed away, four different people on different

21    streets, including the street I live on, came down

22    and asked if they could get some water because they

23    turned the water off on them.   I think any company

24    that does that should be hung by the neck until

25    they're stretched.   You can't turn water off of

1 babies or old people or anybody in between. Does  
2 this company have the right to turn the water off if  
3 I can't pay my bill? Can you ask the Commissioner?

4 JUDGE JONES: Actually, you can't  
5 pose questions to the Commission because this is a  
6 pending matter.

7 MR. TUHILL: Oh, it's a pending  
8 matter?

9 JUDGE JONES: And in answer to that  
10 question --

11 MR. TUHILL: Well personally I think  
12 the State of Missouri should buy the company back  
13 from the private company that owns it and say we're  
14 going to run it ourself because the guys that would  
15 cheat us that work for the state can go to the  
16 penitentiary. But those guys can't.

17 JUDGE JONES: Can you remain seated  
18 for a moment, Mr. Tuhill?

19 MR. TUHILL: Pardon?

20 JUDGE JONES: Can you remain seated,  
21 please?

22 MR. TUHILL: What would you want me  
23 to do? I can't hear you.

24 JUDGE JONES: Can you remain seated?

25 MR. TUHILL: Why?

1 JUDGE JONES: Because I need you to  
2 spell your name for the court reporter.

3 MR. TUHILL: T-u-h-i-l-l.

4 JUDGE JONES: And Commissioner  
5 Murray, do you have questions for Mr. Tuhill?

6 COMMISSIONER MURRAY: No.

7 MR. TUHILL: Yeah. She fits the  
8 penitentiary. I don't know why we put up with that  
9 nonsense.

10 JUDGE JONES: We have two more people  
11 who have signed up. It looks like Richard Popovich.

12 MR. TUHILL: They ought to all be  
13 arrested, especially fatty over there.

14 JUDGE JONES: Mr. Tuhill, I  
15 understand that you're passionate about how you feel.

16 MR. TUHILL: I'm very passionate.

17 JUDGE JONES: But you can't interrupt  
18 the proceedings, okay?

19 MR. TUHILL: Well, I don't --

20 JUDGE JONES: Did you hear what I  
21 just said?

22 MR. TUHILL: No. I can't hear you  
23 worth a damn.

24 JUDGE JONES: I said you need to step  
25 out of the room is what I said.

1 MR. TUHILL: I'm going out.

2 JUDGE JONES: Okay.

3 MR. TUHILL: Thank you.

4 JUDGE JONES: Mr. Popovich, could you  
5 please raise your right hand?

6 MR. POPOVICH: Yes.

7 JUDGE JONES: Do you solemnly affirm  
8 that the testimony you are about to give is the  
9 truth?

10 MR. POPOVICH: Yes, it is.

11 JUDGE JONES: Thank you, sir. You  
12 may proceed. Please spell your name for the court  
13 reporter.

14 MR. POPOVICH: It's P-o-p-o-v-i-c-h.

15 My address is 733 Turrentine Trail and I live in  
16 Creve Coeur, Missouri. Your previous speaker,  
17 Mr. Ron Auer, spoke with the St. Louis Apartment  
18 Association, and I used to own Butler Hill  
19 Apartments. We're still involved with some 500  
20 apartments in the Bridgeton area. Really a 26.4  
21 percent increase is a killer. I mean that's  
22 unbelievable. I just can't believe here that we have  
23 a Public Service Commission, and I really question  
24 whether or not in fact it is a Public Service  
25 Commission that could possibly propose such a huge

1    increase to its customers. That's unbelievable. I  
2    mean I don't know what kind of country we're running  
3    here. But it seems like big business, big public  
4    institutions, big utilities are taking the people for  
5    a ride in this country. Now I guess we can't ask  
6    anybody, you know, questions here, and a number of  
7    years ago I spoke at another water hearing. At that  
8    time the increase was I think 13 percent, and I think  
9    they finally knocked it down to about six and a half  
10   or something like that. But for a foreign water  
11   company, you know, to come here and put 26.4 percent  
12   on the American people, the people of the State of  
13   Missouri, is unconscionable. I think, I think the  
14   Commission should definitely reconsider it, and it  
15   would be nice to know just what ties the Commissioner  
16   -- the members of the Commission have with these big  
17   utility companies. I think one thing that should be  
18   asked, and I would like to have it for my own self  
19   and it should be published, is the biographies of our  
20   Commissioners. We should know our Commissioners. We  
21   should know that they're not in the pocket of these  
22   big utility companies. They need to show us that.  
23   Thank you very much.

24                           JUDGE JONES: Thank you. Could you  
25   remain seated for a moment? Commissioner Murray, do

1 you have questions of Mr. Popovich?

2 COMMISSIONER MURRAY: No questions  
3 really. But I would like to point out to you that  
4 our biographies are on our website, and I can assure  
5 you that we hold very strict ethic standards. Thank  
6 you for your testimony.

7 MR. POPOVICH: And all of the  
8 biographies are on the website?

9 COMMISSIONER MURRAY: Yes, they are.

10 MR. POPOVICH: And what is the  
11 website? I did not know that. What is the website?

12 COMMISSIONER MURRAY: psc.mo.gov.

13 MR. POPOVICH: Okay. Thank you.

14 JUDGE JONES: Any questions from any  
15 of the parties?

16 MR. DANDINO: No questions, Your  
17 Honor. Thank you, Mr. Popovich.

18 JUDGE JONES: Thank you,  
19 Mr. Popovich. You may be seated.

20 MR. POPOVICH: Thank you.

21 JUDGE JONES: And next we'll hear  
22 from Rob Lee.

23 MR. LEE: If I can begin, I am hoping  
24 they will hook up a DVD player. Some of the  
25 information I have is on a DVD. They're working on



1 it now.

2 JUDGE JONES: Okay. Could you please  
3 raise your right hand? Do you solemnly affirm that  
4 the testimony you are about to give is the truth?

5 MR. LEE: I do. Absolutely.

6 JUDGE JONES: Could you be seated and  
7 spell your name for the court reporter? Thank you.

8 MR. LEE: My name is Rob Lee. I live  
9 at 11 --

10 MR. DANDINO: Your Honor, I don't  
11 think he's picking up on the microphone.

12 JUDGE JONES: Yeah. Speak into the  
13 mic.

14 MR. LEE: I live at 11119 Carl in  
15 Spanish Lake. I bought the house I live in in 1989.  
16 It was sold to me with a leaking basement. The  
17 basement continued to leak for another 16 years  
18 without me knowing why. During that time even in the  
19 fall when it wouldn't rain for three months there  
20 would still be like a half an inch or three quarters  
21 of an inch of water flowing through my basement. I  
22 rerouted my gutter drains. I would stand around when  
23 it would rain and try to watch for water puddling to  
24 run in my basement. I could never find anything.  
25 Sixteen years after I bought that house I was coming

1 home one day and Missouri American Water is repairing  
2 a water main right around the corner from my house.  
3 About 80 percent of the water stopped flowing through  
4 my basement. It took fixing two other water mains,  
5 one within 300 feet of my basement, for that house to  
6 stop leaking, the basement to stop leaking for the  
7 first time in 16 years. During that time it got a  
8 real bad mold problem in the basement. I inhaled  
9 that mold and got a mold infection in my head that  
10 has affected my brain and miserably affected my  
11 health for the last 10 years. I got so sick I  
12 couldn't work and lost my car repair shop that I  
13 owned. Probably the last five or six years I've  
14 spent laying in bed staring at the ceiling. It has  
15 just messed up my brain. It does something to your  
16 immune system that is very close to people that have  
17 MS. Your muscles start to constrict, and at one  
18 point I could barely walk. After they repaired the  
19 water mains, the one fellow from the water company  
20 gave me a number to call about the damage to my home  
21 and my health problems. So they sent someone from  
22 their insurance company out to look at the mold in my  
23 basement. Never asked anything about my health  
24 problems. Then they started the story that, well,  
25 it's not our water. Okay. My dry basement lasted

1 for probably four or five months. The same thing.  
2 We went around the same tree one more time. Water  
3 starts running in the same place. I call up the  
4 water company, hey, your water is running in my  
5 basement again. Here comes another gauntlet of  
6 denial, a gauntlet of lies from these people. Oh,  
7 water can't flow underground. Water comes out of the  
8 ground. There is no way water can flow under the  
9 ground and make your basement leak. That's not our  
10 water. They'd come to the house, test the water.  
11 Oh, that's not our water. It doesn't have chlorine  
12 or fluorine or something in it. It's not going to  
13 have fluorine in it when it travels 1,000 or 2,000  
14 feet because the ground takes all of the chemicals  
15 that they put in it out. Okay.

16                               Once again a week or two after they  
17 repaired another water main over on Lilac my basement  
18 stops leaking. We're still in denial. That's not  
19 our water. Okay. That lasted for three or four  
20 months. That time frame takes us up to last fall  
21 about November when the same thing started happening  
22 again. Water flowing through my basement. Call the  
23 water company. Oh, there is nothing we can do.  
24 That's not our water. Okay. This time I call my  
25 State Senator, Tim Green, and get him involved in it.

1 They basically tell me there is nothing they can do  
2 to make the water company stop the water leaks. Get  
3 an attorney and file a lawsuit. So I got an attorney  
4 and filed a lawsuit against them. Now they're really  
5 mad at me, okay? You think I'm going to get a leak  
6 fixed now? Probably not. Now the water company  
7 can't talk to me without my attorney present. So we  
8 have a day at my house where the water company  
9 attorney comes and my attorney comes and they look at  
10 the basement and I show the people the water flowing  
11 out of the ground, which I brought a video, a DVD to  
12 show you tonight. Once again, oh, it's not our  
13 water, you know. Stop calling us. Call somebody  
14 else. Why are you calling us? Okay. Once again,  
15 about 1,000 feet or maybe less than an eighth of a  
16 mile up the street they fix another broken main and  
17 the water completely stops flowing out of the ground  
18 by my neighborhood and stops flowing in my basement.  
19 We're still in denial. It's not our water. I'm here  
20 to ask what do I have to do to get the water company  
21 to fix the water flowing out of the ground in my  
22 neighborhood? Do I ask you that? Who do I ask that  
23 question?

24 JUDGE JONES: As you said you do have  
25 an attorney.

1                   MR. LEE: My attorney says he can't  
2     make them fix it.

3                   JUDGE JONES: And I'll -- well, to be  
4     square with you, you can't ask us any questions  
5     because any answers that the Commission or myself  
6     give you it shows some bias in their rate case. Do  
7     you understand what I mean?

8                   MR. LEE: I'm not looking for bias.  
9     I'm not looking for a gauntlet of, you know, a bunch  
10    of words. I'm looking to get the water to stop  
11    flowing out of the ground in my neighborhood.

12                  JUDGE JONES: Well, have you asked --  
13    have you filed a complaint with the Public Service  
14    Commission?

15                  MR. LEE: I've contacted -- Senator  
16    Green put me in touch with a man at the Public  
17    Service Commission named Martin Hubble. I demand you  
18    fire that man. He is useless. Do you hear me up  
19    there, ma'am?

20                  JUDGE JONES: She does.

21                  MR. LEE: I asked that man. I tell  
22    him water is flowing out of the ground in my  
23    neighborhood right around the corner from my house.  
24    I'd also like to add the house a couple of doors up  
25    from me had nearly six feet of water in the basement.

1 It's a bank owned property. Nobody lived there. The  
2 electric was off. The sump pump wouldn't work to  
3 pump the water out of the basement. I tell Mr.  
4 Hubble from the Public Service Commission water is  
5 flowing out of the ground in my neighborhood.  
6 Mr. Hubble says to me have you excavated your  
7 basement and put in a footing drain yet? This is  
8 insanity. Total insanity. And now you're saying  
9 you're going to increase my bill? Holy camoly.  
10 Would you like to see some pictures of the water in  
11 the ground, water flowing out of the ground? It's  
12 not our water.

13 JUDGE JONES: What we'll do is view  
14 what you're talking about, and do you have copies of  
15 what you've made?

16 MR. LEE: I do. Could you please  
17 play it here so everyone could see it?

18 JUDGE JONES: And after we see it  
19 we're going to mark that as an exhibit and enter it  
20 into the record. Would you like that?

21 MR. LEE: I would like that, and I  
22 would also like to be able to stop it and show you  
23 some different things. The water is flowing under  
24 Larimore Road. It stopped flowing through the two  
25 inch clay drain pipe. It's flowing under the drain

1 pipe, and the man on the corner has a sinkhole  
2 problem. His yard is falling in a big sinkhole. And  
3 it's not our water. If it's not our water, you're  
4 the only game in town. Whose water is it? I can't  
5 call Pepsi if I don't like Coke, you know. Whose  
6 water is it? If you look at this video it's like  
7 water is just bubbling out of the ground. The water  
8 stops several weeks after they repair the water main.  
9 That lasted three weeks. Now the water is bubbling  
10 out of the ground again. Guess what? It's not our  
11 water. It's a miracle I'm not on Prozac or something  
12 over 20 years of this. Who do I call? I've called  
13 everybody I know of. Who can make them fix the leak?  
14 Not only are the pipes leaking. In 1941 when the  
15 pipes were put together the technology that they used  
16 to join the pipes was known defective for 10 years.  
17 The expansion rate of the material that they sealed  
18 them with is different than that of the cast iron  
19 that the pipe is made out of. So the pipe -- every  
20 time the temperature changes the pipes wiggle a  
21 little bit. The whole neighborhood is leaking. The  
22 church -- the parking lot at the church, the whole  
23 center of it is eroded away and broken into little  
24 pieces. You go up there three or four days after it  
25 rains and there is a puddle of water in their parking

1 lot still. It's not our water.

2 JUDGE JONES: Okay. Let's see if we  
3 can view -- will we only be able to see it here? So  
4 they can't see it --

5 SPEAKER FROM THE FLOOR: They won't  
6 be able to see it. We'll pull the camera to it. But  
7 we will not be able to see the far side for the  
8 duration of the video.

9 JUDGE JONES: Okay.

10 SPEAKER FROM THE FLOOR: Because we  
11 have to switch it in the front screen.

12 JUDGE JONES: Okay. Well, let's go  
13 ahead and view it. And you said we can take this  
14 copy and have it as a --

15 MR. LEE: I have this and I have  
16 seven or eight other copies. If you get three  
17 intelligent human beings that wanted to solve this  
18 problem to sit down and view this material that I've  
19 videoed you can see. If you can look at your repair  
20 records and look at my video, you can only come up  
21 with one conclusion. You know, several weeks after  
22 the water main is repaired the water stops running  
23 out of the ground.

24 JUDGE JONES: Okay.

25 MR. LEE: How -- you know, what



1 degree of intelligence does it take for that?

2 JUDGE JONES: Can they still hear me  
3 in Jefferson City?

4 SPEAKER FROM THE FLOOR: Yes, they  
5 can.

6 JUDGE JONES: For those of you in  
7 Jefferson City, we are viewing a DVD made by Mr. Lee  
8 that will be entered into evidence for future viewing  
9 so you all don't feel left out. Go ahead and play  
10 it.

11 MR. LEE: This is to show the date  
12 that the video was taken on my cell phone.

13 JUDGE JONES: It looks like is that  
14 June 1, '08?

15 MR. LEE: That's what it looks like.

16 JUDGE JONES: And if you want to --  
17 while this is running, if you want to go ahead and  
18 comment while it's running be sure to speak into the  
19 microphone --

20 MR. LEE: I will.

21 JUDGE JONES: -- so the people in  
22 Jeff City can hear you.

23 MR. LEE: This is the drain pipe that  
24 runs under Larimore right at McQuay. It looks -- I  
25 have not brought a ruler down there to measure it.

1 But it looks like a piece of two inch clay pipe that  
2 is a storm drain that runs under Larimore right at  
3 McQuay there. And you can see the fire hydrant  
4 there, the water main runs very close to right under  
5 that fire hydrant I'm pretty sure. You can see the  
6 water just running right out of the ground there. It  
7 has run out of the ground like that for over two  
8 years that I've been aware of. The first 16 years I  
9 didn't know to go scout around my neighborhood and  
10 look for other problems. I blamed my basement. I  
11 blamed myself. I blamed the guy that sold me the  
12 house. I didn't have the intelligence to blame the  
13 water company. All of their problems are buried.  
14 Like doctors, you know. And I'm sorry if I sound  
15 angry or rude.

16 JUDGE JONES: That's okay.

17 MR. LEE: I think I've had 20 years  
18 of this. I should have brought \$50,000 worth of  
19 medical bills. At least a third of that came out of  
20 my pocket.

21 JUDGE JONES: What's that we're  
22 looking at there? Is that a drain pipe?

23 MR. LEE: That's the other side of  
24 the drain pipe where it's running out. The first  
25 shot was the right side. That's the left side of the

1 drain tile pipe that runs under Larimore. That's  
2 probably at least seven or eight days or more after  
3 it had rained. Here we go with water just flowing up  
4 out of the ground. Out of the ground like an  
5 artesian well running down into the drain there. And  
6 if you look it's right in line with the water main  
7 there. There is another fire hydrant right back to  
8 there. Could you back that up, please, just a  
9 second? On the long shot there you'll see the fire  
10 hydrant, and then I believe you can see the little  
11 store and gas station just right up the road there.  
12 That's too far.

13 SPEAKER FROM THE FLOOR: That's too  
14 far?

15 MR. LEE: Yeah. That's the very  
16 beginning.

17 SPEAKER FROM THE FLOOR: It's not  
18 reacting to the -- let me see if I can get it to go  
19 forward faster. It's acting like a regular DVD for  
20 some reason.

21 JUDGE JONES: While we're doing that  
22 I should ask are there any objections of the  
23 admission of this DVD into the record?

24 MR. DANDINO: No objection.

25 JUDGE JONES: It will be marked as

1 Exhibit 1.

2 MR. LEE: No. I think we need to go  
3 the other way. I'm sorry. It's coming up. Yeah.  
4 Stop it right there. That car just pulled out of the  
5 corner there. There is a little gas station there  
6 and that road crosses Larimore, and that's where the  
7 water main repair was in front of the first house by  
8 Larimore. You can see maybe it's 1,000 feet, 1,500  
9 feet up the road. Maybe further. It's less than an  
10 eighth of a mile I believe.

11 JUDGE JONES: Okay.

12 MR. LEE: And within a week or two  
13 after that repair I think that old earth is like a  
14 balloon. It fills up with water like a sponge and  
15 then slowly it dissipates down to nothing. Then that  
16 pipe there actually had no water running out of it  
17 for about three weeks. Absolutely zero. It dried up  
18 bone dry. Three weeks later we have water running  
19 out of it again. And it's not our water.

20 JUDGE JONES: Can you go ahead and  
21 keep playing this DVD?

22 MR. LEE: Have you ever seen a spring  
23 dry up and three weeks later it's flowing again?  
24 It's a spring. It's not our water. My life has  
25 turned into like a chilling episode of the twilight

1 zone. Nobody seems to hear me when I say there is a  
2 problem in my neighborhood. I don't mean to come  
3 here already angry. But kindness and intelligence  
4 has gotten me nowhere for the last four years with  
5 this water company. The day the lawyers were out and  
6 the water company employees were out they saw all of  
7 this. It's not our water.

8 JUDGE JONES: And how far from your  
9 home is this video taken?

10 MR. LEE: The sign with Larimore and  
11 McQuay, I live probably 800 feet from there maybe.  
12 The way the terrain lays it's on a downhill slope.  
13 The other water main that leaked was up on Lilac, and  
14 in the fall when there is not leaves on the trees I  
15 can see the houses are probably at least 30 or 40  
16 feet higher than my basement. So if there is a leak  
17 underground I mean it just like runs in my basement  
18 because it's the lowest spot around.

19 JUDGE JONES: Okay.

20 MR. LEE: I might like to add that  
21 Mr. Hubble tells me that this problem is not a big  
22 enough problem for him to drive from Jeff City to  
23 look at this. I spoke to that man in the first part  
24 of July and asked him to address this problem. I  
25 have spoken to him a dozen times. I have been kind.

1 I have been intelligent. I have showed him. I have  
2 told him I will send him this video if he'd like,  
3 which he didn't want me to. I called him today and  
4 asked him when will you come out and address this  
5 problem? He tells me I haven't even put it on the  
6 calendar yet. Almost everyone that I have dealt with  
7 with this issue has had that same attitude,  
8 especially the water company. I don't know if you'll  
9 see again. But when we were looking at the Larimore  
10 and McQuay sign, the neighbor's yard that's falling  
11 into a sinkhole is directly under Larimore from where  
12 this water has run under the ground for years and  
13 years and years. His yard is falling in. It won't  
14 be long -- the water doesn't flow through the pipe  
15 anymore. It flows under it. It won't be long before  
16 that water has the drain pipe eroded out and Larimore  
17 road will sink into the ground, like the man's yard  
18 is just 10 feet or 15 feet on the other side of  
19 Larimore. You can see it goes right over there, and  
20 just on the other side of that stone work is where  
21 the yard is falling into the hole.

22 I was involved with another piece of  
23 property over in St. Ann. That's where I had my car  
24 repair shop. They went along and put these four by  
25 four treated posts in the ground as a security deal

1     around the perimeter of the parking lot. You would  
2     wiggle that pole and pull it out of the ground and a  
3     foot hole -- the foot and a half hole that that pole  
4     was in would fill in with water.

5                     JUDGE JONES: And this was near your  
6     home?

7                     MR. LEE: This is in St. Ann. This  
8     is a previous, a different incident.

9                     JUDGE JONES: Oh, okay.

10                    MR. LEE: Okay? Two years later,  
11     three years later the water main up the street broke  
12     and washed a couple of tons of rock and gravel and  
13     blacktop into my parking lot.

14                    JUDGE JONES: What was that you just  
15     put there? Is that a coin?

16                    MR. LEE: That's a quarter.

17                    JUDGE JONES: Yeah.

18                    MR. LEE: I just tried to get the  
19     size so you could tell what size it is, and the lens  
20     on the camera wouldn't pick up that it's a quarter  
21     very well.

22                    JUDGE JONES: While we're viewing  
23     this, Commissioner Murray, can you hear me?

24                    COMMISSIONER MURRAY: I can, Judge  
25     Jones.

1 JUDGE JONES: Do you have -- I know  
2 you are unable to see the video we're watching now.

3 COMMISSIONER MURRAY: Yes. Yes. We  
4 are viewing the video.

5 JUDGE JONES: Oh, you can see? Oh.

6 COMMISSIONER MURRAY: Yes. And we  
7 have staff members from the water department that are  
8 viewing it as we sit here.

9 JUDGE JONES: Okay. Do you have  
10 questions of Mr. Lee?

11 COMMISSIONER MURRAY: I would just  
12 like to know how far are you from the river?

13 MR. LEE: Here we go again. I'm  
14 probably at least a mile and a half uphill from the  
15 river.

16 COMMISSIONER MURRAY: Okay. And do  
17 you know if there are any natural springs in the  
18 area?

19 MR. LEE: Yeah. They originated --  
20 the water treatment plant is the natural springs in  
21 my neighborhood.

22 JUDGE JONES: And I'll --

23 MR. LEE: These springs dry up --  
24 ma'am, please look at me. These springs dry up after  
25 the repairs are made on the water main.



1 JUDGE JONES: Let me, let me, let me

2 --

3 MR. LEE: Dry up.

4 JUDGE JONES: Mr. Lee.

5 MR. LEE: If this was a natural

6 spring --

7 JUDGE JONES: Mr. Lee.

8 MR. LEE: -- they will not dry up.

9 JUDGE JONES: Mr. Lee, when I speak  
10 to you you be quiet.

11 MR. LEE: She asked me a question --

12 JUDGE JONES: Did you hear what I --

13 MR. LEE: -- and I was answering her.

14 JUDGE JONES: Did you hear what I  
15 just said though?

16 MR. LEE: Yes, I did.

17 JUDGE JONES: When I call your name  
18 be quiet. I understand you're upset. But I don't  
19 want to get upset because then your testimony stops.  
20 That's what happens when I get upset. Now her  
21 question was are there natural springs in the area,  
22 and your answer was a sarcastic remark. That's  
23 either a yes or no answer. So now do you want to  
24 answer that question?

25 THE WITNESS: What did I say?

1                   COMMISSIONER MURRAY: The question is  
2    --

3                   JUDGE JONES: You said the springs  
4    start at the water treatment plant.

5                   MR. LEE: I said the only natural  
6    spring in my neighborhood starts at the water  
7    treatment plant.

8                   JUDGE JONES: Now does that --

9                   MR. LEE: There are no natural  
10   springs in my neighborhood --

11                  JUDGE JONES: That's what we need to  
12   hear.

13                  MR. LEE: -- that don't stop flowing  
14   when there are repairs made on that water system.

15                  JUDGE JONES: That's what we need to  
16   hear. Thank you. Commissioner Murray?

17                  MR. LEE: If you could pull your  
18   repair orders --

19                  JUDGE JONES: You need to let her ask  
20   you questions.

21                  MR. LEE: -- and coordinate them with  
22   these --

23                  JUDGE JONES: Mr. Lee.

24                  MR. LEE: -- DVDs you could tell  
25   that.

1 JUDGE JONES: Mr. Lee. Medical  
2 problems or not you can hear me, can't you?

3 MR. LEE: I hear you well.

4 JUDGE JONES: Okay. Commissioner  
5 Murray, do you have any other questions?

6 COMMISSIONER MURRAY: I have no other  
7 questions. But I will tell you that there will be  
8 staff that will be following up on this with you.  
9 Thank you for bringing the information before us.

10 MR. LEE: Thank you, ma'am. I only  
11 -- my only concern here is to resolve the situation.  
12 It's not to make anybody angry or start a war with my  
13 friend over here. I have tried and tried and talked  
14 to people and been on the phone and done everything  
15 that I know to do before I came here. So please,  
16 please know that my only intent is to resolve the  
17 situation.

18 COMMISSIONER MURRAY: I understand  
19 your frustration. Thank you very much.

20 MR. LEE: Thank you.

21 JUDGE JONES: Mr. Dandino, do you  
22 have any questions?

23 MR. DANDINO: I have no questions.  
24 Thank you, Mr. Lee, for bringing this to our  
25 attention.

1                   MR. LEE: Thank you.

2                   JUDGE JONES: Mr. Reed?

3                   MR. REED: No thank you.

4                   JUDGE JONES: Any questions from

5 Missouri American?

6                   MR. REICHART: No.

7                   JUDGE JONES: What are we -- we're on

8 this railroad track. We got distracted. I didn't

9 see how far you walked up to this point.

10                  MR. LEE: This track is -- oh, it's

11 not very far down from McQuay. The river of water

12 that -- I don't think -- see the water running out of

13 there? I don't think that has ever stopped running.

14 You know like when it rains water should drain off

15 and then it should stop running, right? In that

16 little creek like there water never stops flowing

17 through that, and that's just not very far from where

18 we were with the underground pipe at Larimore. I

19 followed that on up, which would be north from

20 Larimore and the tracks there, and came to a place.

21 There is a subdivision way up on the hill there

22 probably -- oh, their backyards are probably 15 or 20

23 feet above the tracks. It looked like water was

24 running out of that. I found a place where that

25 water originated. Where it comes from I don't know.

1   There is a bunch of cattails and stuff growing in  
2   there like it never dries up. I tried throwing this  
3   can in to see the flow of the water, but I don't -- I  
4   think it got stuck there. So I didn't -- it didn't  
5   do what I intended for it to do. That's a lot of  
6   water. If they're losing that much water out of that  
7   system it would be beneficial to repair that.

8                   JUDGE JONES: Now it looks like  
9   you're taping again the next day, June 2nd?

10                  MR. LEE: Yes.

11                  JUDGE JONES: Okay.

12                  MR. LEE: This is a neighbor up the  
13   street who mysteriously had this big wet spot appear  
14   in his backyard. If you kind of watch for the way  
15   the yard lays there, there are other low spots in  
16   that yard that appear to be lower than this spot and  
17   they are dry, which seems kind of strange to me.  
18   This is the neighbor next to the parking lot of the  
19   church that's all eroded. The street -- I'll think  
20   of it in a minute. For days after it rains water  
21   comes up between the cracks in the street on Aspen  
22   Woods. That's the name of the street. It's the  
23   first street past the tracks headed west I guess.  
24   The water flows out of the sidewalk at the church for  
25   days, and moss even grows on it. It's wet so much.

1 I believe that's somehow related to a water leak in  
2 the water system. You know, it rains. Water should  
3 run off and it should dry up. It should not be  
4 seeping up from the cracks in the street for a week  
5 after it rains.

6 I would also like to say that in 1994  
7 when I first started to realize that there is an  
8 underground water problem in my neighborhood, you  
9 could take a shovel and scoop a shovel full of dirt  
10 out in my yard and the hole would fill up with water.  
11 At that time I called the water company and told them  
12 water is running out of the ground, you know, by my  
13 house here. They sent a gentleman out. He got out  
14 of a van and I got out the shovel and showed him the  
15 hole filling up with water. I guess he got back in  
16 his van and drove around the neighborhood, and when  
17 he didn't see a geyser he went home. That is the  
18 mentality of this water company. I saw them in my  
19 neighborhood with no equipment, no ultrasonic  
20 equipment. I saw one man in one truck look at one  
21 shovel full of water and got in his truck and left.  
22 That was in 2004. The street where the water runs  
23 out of the cracks is next to this yard too. I  
24 believe that's Larimore up there, and Aspen Woods  
25 would make a right angle at that street.

1 JUDGE JONES: Does Aspen Woods abut  
2 the church parking lot?

3 MR. LEE: The church is on the corner  
4 of Larimore and Aspen Woods. I've got four or five  
5 more if you got all night.

6 JUDGE JONES: No. We don't have all  
7 night. I appreciate your input. When you say four  
8 or five more, you don't mean copies of this?

9 MR. LEE: No, I don't.

10 JUDGE JONES: You mean just more  
11 evidence?

12 MR. LEE: Yes. From natural water  
13 flowing through my basement to dates that have  
14 stopped flowing, and I'm sure if you correlate that  
15 with the repair records you will begin to see a  
16 regular pattern.

17 JUDGE JONES: And you have copies of  
18 these that you brought tonight, right, for yourself?

19 MR. LEE: For you.

20 JUDGE JONES: Okay. Well we can  
21 enter all of these into the record if you'd like.

22 MR. LEE: I also have -- I didn't  
23 bring a copy. If anybody has a CD I can burn you  
24 some pictures of my basement and the mold and the  
25 humidity in my house.

1 JUDGE JONES: If you want to -- it  
2 may be best for you to contact the Office of Public  
3 Counsel with what you don't have here tonight.

4 MR. LEE: Okay.

5 JUDGE JONES: That's Mr. Dandino  
6 sitting by the door there. He represents the Office  
7 of Public Counsel.

8 MR. LEE: Okay.

9 JUDGE JONES: And through them they  
10 may enter that into the record.

11 MR. LEE: If I need to add in closing  
12 here that to raise my rates would be like smacking me  
13 in the head with a baseball bat.

14 JUDGE JONES: Are there any other  
15 questions from Commissioner Murray or any other  
16 parties?

17 COMMISSIONER MURRAY: I don't have  
18 any other questions. Thank you, Mr. Lee.

19 MR. LEE: Thank you.

20 JUDGE JONES: Okay. Thank you,  
21 Mr. Lee. You may step down. Thank you for your  
22 testimony.

23 MR. REICHART: Your Honor, I have a  
24 comment. It's just a comment reiterating --

25 JUDGE JONES: Can you please come up



1 to the microphone?

2 MR. REICHART: It's not so much a  
3 question. It's just a comment --

4 JUDGE JONES: Well --

5 MR. REICHART: -- reiterating --

6 JUDGE JONES: Listen to me for a  
7 second. What you're saying can't be heard in  
8 Jefferson City.

9 MR. REICHART: I apologize.

10 MR. DANDINO: Your Honor, if he's  
11 going to make a statement I'm going to object to it.  
12 This hearing is just for the public to testify. If  
13 counsel wants to make a statement he can put it in  
14 the record with a filing of a pleading with the  
15 Commission.

16 MR. REICHART: The comment wasn't a  
17 response. I just wanted to note again that the  
18 issues addressed by Mr. Lee are the subject of  
19 pending litigation.

20 JUDGE JONES: Oh, okay. So noted.

21 MR. LEE: Can I please say should  
22 that have a difference in whether --

23 JUDGE JONES: Wait, wait, wait.

24 We're not going to start going back and forth. You  
25 have those CDs in your hand there?

1 MR. LEE: I do.

2 JUDGE JONES: I'll take those.

3 MR. LEE: Sir, it's in litigation.

4 Let's stop the leak.

5 JUDGE JONES: I'll take them back to  
6 Jefferson City myself.

7 MR. LEE: Please help me get the leak  
8 stopped.

9 JUDGE JONES: Okay. We've reached  
10 the end of our list. Is there anyone here who has  
11 not signed up who wishes to make comments? Please  
12 step forward. Can you please raise your right hand.  
13 Do you solemnly affirm that the testimony you are  
14 about to give is the truth?

15 MS. HARRIS: Yes, it is.

16 JUDGE JONES: Thank you. You may be  
17 seated, and please state and spell your name for the  
18 court reporter.

19 MS. HARRIS: My name is Yvonne  
20 Harris. It's spelled Y-v-o-n-n-e. Last name Harris,  
21 H-a-r-r-i-s. What I wanted to talk about was earlier  
22 this year, and I have given up on getting any  
23 resolution. Earlier this year at one of our  
24 community meetings a gentleman complained that he had  
25 been boiling his water in Moline Acres for a year. I

1    called the water company because it really bothered  
2    me overnight that why only this one guy had to boil  
3    his water. I'm thinking well he doesn't have a  
4    separate river from me and we get our water supply  
5    from the same place. If he's having to boil the  
6    water that comes from his faucet why aren't, you  
7    know, the rest of us being told to boil our water? I  
8    called the water company and I asked, I said I don't  
9    know the guy's name. But could you just check the  
10   water supply that comes into Moline Acres. If this  
11   one guy has to do it why aren't we all doing it?  
12   What are we drinking? I couldn't get -- the lady was  
13   very, very, very, very nice. She said she would call  
14   me back. She did call me back. She said someone  
15   would come and check. I never saw anyone. But my  
16   water tastes terrible now and it's been tasting bad  
17   for a long time. I just started buying bottled water  
18   almost immediately after the guy made that complaint.  
19   But whenever I try to drink my water it does smell.  
20   It does taste bad. The ice cubes taste bad. I left  
21   the water running. I called in a plumber, turned the  
22   water off. I mean all of the water was shut off.  
23   When it came back on it still has this bad smell, bad  
24   taste. I called the water company again. Nothing.  
25   So I don't know if there is anything that ever can be

1     done about it or if we just drink bottled water if we  
2     can afford bottled water. Is there any time that you  
3     actually send someone or if you just send them only  
4     to the people who complain or say something about it?  
5     I mean I'm not understanding what we're supposed to  
6     do about it.

7                     JUDGE JONES: Have you contacted  
8     anyone at the Public Service Commission?

9                     MS. HARRIS: I contacted someone at  
10    Missouri American Water.

11                    JUDGE JONES: Okay.

12                    MS. HARRIS: On March 2nd. March  
13    21st. Sorry. That's a 1 behind it.

14                    JUDGE JONES: Oh, okay. There is a  
15    woman raising her hand in the back there.

16                    MS. HARRIS: Oh.

17                    JUDGE JONES: She's from the staff of  
18    the Missouri Public Service Commission. When you're  
19    done could you speak with her?

20                    MS. HARRIS: I sure will.

21                    JUDGE JONES: And she may be able to  
22    help you. If you could remain seated for a moment.  
23    Commissioner Murray, do you have questions of Ms.  
24    Harris? I can't hear you. Commissioner Murray,  
25    could you start over? There was some problem with

1 the sound when you began speaking.

2 COMMISSIONER MURRAY: Okay. Ms.  
3 Harris, do you know why your neighbor was boiling the  
4 water? Was it because someone told him to or because  
5 he didn't like the taste, or do you know why?

6 MS. HARRIS: He said that he didn't  
7 like the taste, and then he had someone check his  
8 water and they told him to boil it. That's all he  
9 was ever able to get. For an entire year he had  
10 someone come and check, and every time they said we  
11 can't find the problem. Boil the water. Continue to  
12 boil it.

13 COMMISSIONER MURRAY: Was this  
14 someone from the water company that came to check it?

15 MS. HARRIS: Yes. He said it was.

16 COMMISSIONER MURRAY: And you don't  
17 know whether the water company actually came out to  
18 check the water after your phone call?

19 MS. HARRIS: No, I don't.

20 COMMISSIONER MURRAY: Thank you.

21 MS. HARRIS: You're welcome.

22 COMMISSIONER MURRAY: I appreciate  
23 your testimony.

24 JUDGE JONES: Are there any other  
25 questions from any of the parties?

1                   MR. DANDINO: No questions. Thank  
2 you, Ms. Harris.

3                   MS. HARRIS: Thank you.

4                   JUDGE JONES: Anyone else who wishes  
5 to make comments? Please step forward. Could you  
6 please raise your right hand. Do you solemnly affirm  
7 that the testimony you are about to give is the  
8 truth?

9                   MS. POWELL: Yes, it is.

10                  JUDGE JONES: Thank you. Could you  
11 please be seated and state and spell your name for  
12 the court reporter.

13                  MS. POWELL: My name is Barbara  
14 Powell. B-a-r-b-a-r-a P-o-w-e-l-l. I'm not sure how  
15 proper this is. I'm not well spoken. My major  
16 complaints through numerous billing attempts over the  
17 last couple of years is I agree with the gentleman  
18 earlier that made a comment about how some of the  
19 figures are calculated out on the billing when they  
20 bill out by cubic feet times whatever. Ironically  
21 the multiplier amount that's given, and it will be  
22 .014 whatever, it never calculates out. Now it may  
23 be minuscule but it adds up over a period of time. I  
24 have called numerous times and addressed it. No one  
25 can explain it. Cannot figure out how they arrived

1 at it. After a good lengthy period of maybe six to  
2 eight months of contacting various representatives I  
3 finally got to the point where they never called me  
4 back. It makes you wonder why they don't call you  
5 back. It's because they can't explain it. The other  
6 thing is regarding the rate increases, and I don't  
7 know how, like I said, appropriate this is. But I'm  
8 not sure I'm understanding since you started your  
9 meeting a little bit earlier than was indicated, that  
10 the monthly rate of \$6.83 or whatever it was per  
11 month, is that across the board for every household  
12 no matter what their usage is? I'm not understanding  
13 that. If it is then I protest it very much because  
14 you have families that are maybe five to six to a  
15 family within maybe two doors from you. Then you may  
16 have a household that only has one. If it's being  
17 regulated based on the usage, then that's one thing.  
18 If they will prorate that amount for a household that  
19 maybe doesn't use as much versus one that uses an  
20 abundance with children, then it could be  
21 understandable. But nowhere have I seen that in  
22 print as to how it's being calculated out. Like I  
23 said, if this amount that's being charged on a  
24 quarterly basis, the proposed increase, if it  
25 reflects the same amount to every single household.

1 JUDGE JONES: Ms. Powell, you weren't  
2 here for the question and answer session?

3 MS. POWELL: No, sir, I wasn't,  
4 because it said 6:30 and I was here promptly at that  
5 time.

6 JUDGE JONES: Well, just for clarity,  
7 it probably said there was a question and answer  
8 session from 6:00 to 6:30 and then the hearing began  
9 at 6:30. But Ms. Faulkner from St. Louis is here who  
10 just raised her hand earlier. You might want to  
11 speak with her. She may be able to answer some of  
12 your questions.

13 MS. POWELL: Well, all I know is that  
14 the postcard mailing that went out only said 6:30.  
15 It said nothing about 6:00 to 6:30.

16 SPEAKER FROM THE FLOOR: It only said  
17 6:30.

18 MS. POWELL: That is correct.

19 SPEAKER FROM THE FLOOR: It only says  
20 6:30.

21 MS. POWELL: Thank you.

22 JUDGE JONES: Commissioner Murray, do  
23 you have questions for Ms. Powell?

24 COMMISSIONER MURRAY: No. I have no  
25 questions. But I apologize that you didn't get the



1 correct information about the time for the question  
2 and answer session, and I hope you'll get your  
3 questions answered by our staff person there this  
4 evening.

5 MS. POWELL: Well, that's a minor  
6 apology. But that's not the main issue. The main  
7 issue is the amount that they want to charge to the  
8 customers, and I think everyone in this room is in  
9 agreement. Otherwise, they wouldn't be here with the  
10 concern with the way that the economy is going and  
11 justification for those charges.

12 COMMISSIONER MURRAY: Yes. I  
13 understand what you're telling us. Thank you.

14 JUDGE JONES: Just a moment. Mr.  
15 Dandino, do you have questions of Ms. Powell?

16 MR. DANDINO: I have no questions.  
17 Thank you.

18 JUDGE JONES: Mr. Reed?

19 MR. REED: No questions.

20 JUDGE JONES: Mr. Reichart?

21 MR. REICHART: No.

22 JUDGE JONES: Okay. Is there anyone  
23 else that would like to give comments? Seeing no  
24 one, with that we will conclude the public hearing.  
25 I thank you all for coming out.

1 (WHEREIN, the hearing was adjourned  
2 at 7:55 p.m.)  
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16  
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24  
25

1	INDEX	
2		
3	WITNESS NAME	PAGE
4	Robert Cole	5
5	Lemmie Burden	8
6	Jefferey Coleman	10
7	Ron Auer	14
8	Jerry Tuhill	18
9	Richard Popovich	21
10	Rob Lee	24
11	Yvonne Harris	50
12	Barbara Powell	54
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	EXHIBITS	
2		
3	MARKED	PAGE NO.
4	DVD from Rob Lee	35
5		
6		
7		
8	(Retained by Judge Jones)	
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

## NOTARIAL CERTIFICATE

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Stephanie D. Darr, CCR