

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
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6 TRANSCRIPT OF PROCEEDINGS  
7 Early Prehearing Conference  
8 April 17, 2008  
9 Jefferson City, Missouri  
Volume 1  
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11  
12 In The Matter of )  
Missouri-American Water )  
13 Company's Request For )  
Authority To Implement A ) Case No. WR-2008-0311  
14 Generation Rate Increase )  
For Water And Sewer )  
15 Service Provided In )  
Missouri Service Areas )  
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20 KENNARD L. JONES, Presiding,  
21 SENIOR REGULATORY LAW JUDGE  
22  
23 REPORTED BY:  
24 PAMELA FICK, RMR, RPR, CCR #447, CSR  
25 MIDWEST LITIGATION SERVICES

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

2 JUDGE JONES: Let's go ahead and go on  
3 the record. This is Case No. WR-2008-0311 in the  
4 matter of Missouri-American Company's request for  
5 authority to implement a general rate increase for  
6 water and sewer service provided in Missouri service  
7 areas. My name is Kennard Jones. I'm presiding  
8 judge over this matter.

9 At this time let's take entries of  
10 appearances, starting with Missouri-American.

11 MR. ENGLAND: Thank you, Judge. Let the  
12 record reflect the appearance of Dean Cooper and Trip  
13 England on behalf of the company Missouri-American  
14 Water Company.

15 JUDGE JONES: The Office of Public  
16 Counsel.

17 MS. BAKER: Thank you. Christina Baker,  
18 P.O. Box 2230, Jefferson City, Missouri 65102,  
19 appearing on behalf of the Office of Public Counsel  
20 and the ratepayers.

21 JUDGE JONES: And Staff of the  
22 Commission.

23 MR. KRUEGER: Keith R. Krueger for the  
24 Staff of the Public Service Commission. My address  
25 is P.O. Box 360, Jefferson City, Missouri 65102.

1 JUDGE JONES: And although they have not  
2 been granted intervention as of yet, we're still  
3 taking entries of appearances from those who have  
4 requested intervention, beginning with Ag Processing.

5 MR. CONRAD: On behalf of Ag Processing,  
6 Stuart W. Conrad, Finnegan, Conrad & Peterson, 3100  
7 Broadway, Suite 1209, Kansas City, Missouri 64111. I  
8 believe when I filed that, I also added David  
9 Woodsmall to that, and I will fill out for him the  
10 reporter's form later. Frankly, I couldn't remember  
11 the address.

12 JUDGE JONES: And Public Water Supply  
13 District No. 1 and 2 of Andrew County.

14 MR. DORITY: Thank you, Judge.  
15 Appearing on behalf of Public Water Supply District  
16 Nos. 1 and 2 of Andrew County and Public Water Supply  
17 District No. 1 of DeKalb County, Larry W. DORITY and  
18 James M. Fischer, Fischer & DORITY, PC. Our address  
19 is 101 Madison, Suite 400, Jefferson City, Missouri  
20 65101.

21 JUDGE JONES: And I see someone else  
22 here.

23 MR. COMLEY: Good morning, Judge Jones.  
24 Appearing for the City of Kansas City, let the record  
25 reflect Mark W. Comley of Newman, Comley & Ruth. My

1 address is 601 Monroe, Suite 301, Jefferson City,  
2 Missouri 65101. And the City has not yet filed an  
3 application to intervene. It anticipates doing so  
4 very shortly, and I would hope that the parties and  
5 the Commission would allow me to participate in some  
6 limited way in the prehearing.

7 JUDGE JONES: When you say very shortly,  
8 you mean just the act of going through filing it or  
9 do you want to just do that now?

10 MR. COMLEY: Well, I need some final  
11 authority.

12 JUDGE JONES: Okay.

13 MR. COMLEY: But we're waiting on that  
14 before I can make the leap, but we anticipate doing  
15 so and I hope on the strength of that remark that the  
16 parties and the Commission would not object too  
17 strenuously to my appearance here.

18 JUDGE JONES: The Commission certainly  
19 doesn't. Do any of the other parties object?

20 MR. ENGLAND: Does that mean we get to  
21 mildly object? And does that have any weight? No,  
22 we don't.

23 MR. CONRAD: As long as we're addressing  
24 that point, I don't think we do. But my recollection  
25 is that Kansas City is a city in the state.

1                   MR. COMLEY: No, it's Jefferson City,  
2   Missouri. Did I say Kansas City? I'm sorry. It's  
3   Jefferson City, Missouri.

4                   MR. DORITY: Well, in that case.

5                   JUDGE JONES: Does anyone have any  
6   objection to the Public Water Supply Districts or Ag  
7   Processing's interventions, request for intervention?

8                   (NO RESPONSE.)

9                   JUDGE JONES: Seeing none, I hereby  
10   grant their interventions and issue a notice so that  
11   that is put in the docket.

12                  Okay. Is there any other, other than  
13   the application to intervene, is there anything else,  
14   motions or prehearing matters we need to take care  
15   of?

16                  MR. CONRAD: I don't -- Judge, I don't  
17   know exactly -- maybe just throw the thought out. If  
18   I recall correctly -- and I don't for some reason  
19   have the suspension order, but my recollection is  
20   that the interventions were due through the 23rd.

21                  MR. COMLEY: That's correct.

22                  JUDGE JONES: That's correct.

23                  MR. CONRAD: And we did not have any  
24   objection to setting this matter for this purpose at  
25   this date and time to make that clear, because we

1 already had our stuff filed. I'm just wondering,  
2 though, if your Honor has reflected on the question  
3 of how we handle this if we all come to some  
4 procedural problem and somebody else pops in and how  
5 we deal with that --

6 JUDGE JONES: Yeah, I know where you're  
7 going.

8 MR. CONRAD: -- because they would be  
9 entitled.

10 JUDGE JONES: I was just talking with  
11 the chief judge about why we set the intervention  
12 date after the prehearing conference. I don't know  
13 where we're going to go with it in the future. I  
14 intend on doing it otherwise because it just doesn't  
15 make sense to me to set it before the prehearing  
16 conference -- or to set the intervention date after  
17 the prehearing conference.

18 Now, as far as any problems arising, I'm  
19 more of an optimist. I don't like to anticipate  
20 problems. If there are problems, then we'll deal  
21 with them as they arise. If someone files an  
22 application to intervene between now and next  
23 Thursday -- or next Wednesday, I forget which date it  
24 is, then everyone will be afforded an opportunity to  
25 object.



1                   I'll probably accelerate the time for  
2   objection, particularly if no one objects, so that  
3   they can be granted intervention. And to the extent  
4   that their intervention after this date upsets any  
5   resolutions that you-all come to today, well, then,  
6   that's just too bad. I don't know how to change  
7   that.

8                   MR. ENGLAND: Judge, let me -- let me  
9   jump in here. When we filed the case, we made a  
10  point of sending copies to all of the parties that we  
11  knew we had in the last case which wasn't that long  
12  ago, so they're well aware of it.

13                  And my other thought would be to suggest  
14  whatever agreement or proposed schedule we come up  
15  with here, we share it with those people in  
16  anticipation that they're going to be filing  
17  applications.

18                  JUDGE JONES: You mean procedural  
19  schedules?

20                  MR. ENGLAND: Procedural, correct. So  
21  my thought would be maybe we push back a couple of  
22  days the date for the filing of the procedural  
23  schedule past the date for interventions so that we  
24  can get participation from those we anticipate being  
25  parties but not here today.

1                   MR. CONRAD: And just briefly to follow  
2 up on that, I certainly endorse Mr. England's comment  
3 insofar as since it has not been very long since they  
4 have been in here for rate relief before. That said,  
5 your Honor indicated something that made me -- I  
6 guess rang my bell a little bit because the standard  
7 rule, I think, is 20 days --

8                   JUDGE JONES: It is 20 days.

9                   MR. CONRAD: -- on the intervention, and  
10 I know in dealing with corporate clients, it is  
11 sometimes very easy to get them to say great, get in.  
12 Sometimes it's not. So I would -- for what it's  
13 worth, I would encourage you for the future to not  
14 shorten that part of the time.

15                  JUDGE JONES: No, no, I would just make  
16 it longer.

17                  MR. CONRAD: Okay. I misunderstood,  
18 then, what your Honor was saying. I apologize.

19                  JUDGE JONES: No need to apologize.  
20 Okay. Well, I don't know what other business I have  
21 here. You-all know what you have to do. Is there  
22 any question about that? Public hearing is probably  
23 my biggest concern because of the logistics.

24                  MR. CONRAD: Are you going to be  
25 available today?

1 JUDGE JONES: Today? Sure, I'll be  
2 here. Anybody else have anything from me?

3 (NO RESPONSE.)

4 JUDGE JONES: Okay. With that, then,  
5 we'll go off the record.

6 (WHEREUPON, the recorded portion of the  
7 early prehearing conference was concluded.)

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