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STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

October 9, 2002
Jefferson City, Missouri
Volume 5

In the Matter of the Application)
of Environmental Utilities, LLC,)
for Permission, Approval, and a)
Certificate of Convenience and)
Necessity Authorizing It to) Case No.
Construct, Install, Own, Operate,) WA-2002-65
Control, Manage and Maintain a)
Water System for the Public Located)
in Unincorporated Portions of Camden)
County, Missouri (Golden Glade)
Subdivision).)

MORRIS L. WOODRUFF, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:
MINDY S. HUNT, CSR, CCR
ASSOCIATED COURT REPORTERS

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1 APPEARANCES:

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7 FOR: Environmental Utilities, LLC.

8 THOMAS E. LORAIN, Attorney at Law
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13 FOR: Hancock Construction Company.

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19 FOR: Staff of the Missouri Public Service
20 Commission.

21 M. RUTH O'NEILL, Legal Counsel
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FOR: Office of the Public Counsel and the
Public.

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P R O C E E D I N G S

JUDGE WOODRUFF: We're here for the prehearing conference in Case No. WA-2002-65, which concerns the application of Environmental Utilities for a certificate of convenience and necessity.

And we'll begin by taking entries of appearance beginning with Environmental Utilities.

MR. WILLIAMS: Gregory Williams, P.O. Box 431, Sunrise Beach, Missouri 65079, Applicant, Environmental Utilities.

JUDGE WOODRUFF: And for Staff?

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

JUDGE WOODRUFF: For Public Counsel?

MS. O'NEILL: Ruth O'Neill for the Office of the Public Counsel, P.O. Box 7800, Jefferson City, Missouri 65102.

JUDGE WOODRUFF: And for Hancock Construction?

MR. LORAIN: Thomas Loraine. My address was previously given to you on an entry, but it is 4075, Osage Beach, Suite 300.

JUDGE WOODRUFF: Thank you.

1 The main reason I brought you-all here
2 today was to discuss coming up with a proposed
3 procedural schedule to deal with the issue of
4 whether the submitted wholesale -- sales agreement
5 with Osage Water Company that was submitted back in
6 September by Environmental Utilities, whether or
7 not that agreement satisfies requirements for the
8 issuance of certificate of convenience and
9 necessity that was established in the report and
10 order. That was issued back on June 27th.

11 And by previous order, you were directed
12 to file a proposed procedural schedule by the 15th
13 of October, so I'm going to ask you to work on that
14 today.

15 Are there any other matters anyone wants
16 to bring up while we're on the record?

17 MR. WILLIAMS: Your Honor, just briefly,
18 for the Applicant, it would be the Company's
19 position that the documents submitted speaks for
20 itself. And that an additional evidentiary hearing
21 is unnecessary in this matter. The legal
22 memorandum should be submitted to advise the
23 Commission on various points of law and that
24 interpretation of the document going beyond the
25 scope and extent of its terms would be

1 objectionable and as stated that it exceeds, that
2 the document speaks for itself.

3 And therefore, we would ask the Commission
4 simply to establish a briefing schedule on this
5 point and dispense with further evidence in the
6 matter.

7 JUDGE WOODRUFF: Anyone else want to speak
8 to that?

9 MR. LORAIN: Judge, on behalf of Hancock
10 Construction Company, we're going to be asking the
11 Court to consider removing Greg Williams as the
12 attorney. We believe he has a conflict of
13 interest, and I believe it's been exhibited in a
14 number of times in the past between OWC and past
15 history of OWC, Environmental Utilities at this
16 point. Both companies, the evidence is obviously
17 going to have to come from Mr. Williams himself.
18 In many instances, I don't think he can properly
19 sit as an attorney and be cross-examined. We have
20 had this problems before on similar-related cases.
21 So I'm advising you at this point that that will be
22 our position.

23 JUDGE WOODRUFF: I assume you will be
24 filing a written motion to that affect?

25 MR. LORAIN: I will, sir.

1 JUDGE WOODRUFF: And Mr. Williams, the
2 same situation applies to your position. If you
3 wish the Commission to take that position, go ahead
4 and file a written pleading to that affect.

5 MR. WILLIAMS: Very good.

6 JUDGE WOODRUFF: And if you can all agree
7 upon a procedural schedule, that's great. If you
8 have a minority report and a majority report,
9 however you want to term it, you can go ahead and
10 submit both and the Commission will make a decision
11 on how to proceed. Like I say, the main point of
12 bringing you-all here together was so that you can
13 discuss those issues.

14 Any other matters anyone wants to bring
15 up?

16 MS. O'NEILL: Nothing further from us.

17 JUDGE WOODRUFF: All right. Then at this
18 point, we're off the record, and I'll leave you to
19 your discussions. Thank you.

20 WHEREUPON, the on-the-record portion of
21 the prehearing conference was concluded.

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