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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
TRANSCRIPT OF PROCEEDINGS  
Public Hearing  
June 11, 2007  
Joplin, Missouri  
Volume 6

In the Matter of )  
Missouri-American Water )  
Company's Request for )  
Authority to Implement a )  
General Rate Increase ) Case No.  
for Water Service Provided ) WR-2007-0216, et al.  
in Missouri Service Areas )

TRANSCRIPT OF PROCEEDINGS  
June 11, 2007

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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

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Joplin, Missouri

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Missouri-American Water )  
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General Rate Increase ) Case No.  
For Water Service Provided ) WR-2007-0216, et al.  
In Missouri Service Areas )

BENJAMIN H. LANE, Presiding,  
REGULATORY LAW JUDGE

REPORTED BY: KAREN S. ROGERS, RPR, CRR

## 1 A P P E A R A N C E S

2

3 FOR MISSOURI-AMERICAN (APPEARING BY VIDEOCONFERENCE):

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11 For the Office of Public Counsel:

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13 OFFICE OF THE PUBLIC COUNSEL

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17 christina.baker@ded.mo.gov

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19 For PSC (appearing by videoconference):

20 MR. DALE JOHANSEN

21 PUBLIC SERVICE COMMISSION

22 P.O. Box 360

23 Jefferson City, Missouri 65102

24 (573) 751-3234

25 pscinfo@psc.mo.gov

## A P P E A R A N C E S

(Continued)

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For PSC (continued):

MR. GREGG OCHOA

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

2

3 (Proceedings began at 6:10  
4 p.m. on Monday, June 11,  
5 2007, with appearances as  
6 noted.)

7 JUDGE LANE: Good evening, ladies and  
8 gentlemen. It's Monday, June 11th, 2007.

9 The Missouri Public Service Commission has  
10 set this time for a public comment hearing, Case  
11 Number WR-2007-0216, in which the Missouri-American  
12 Water Company seeks to implement a general rate  
13 increase with the water service it provides to  
14 Missouri customers including those in the Joplin  
15 district.

16 The company is also proposing a plan charge  
17 as related to a three-year, 44 million dollar water  
18 treatment plant rehabilitation and improvement project  
19 in the Joplin district.

20 My name is Benjamin Lane. I am the  
21 regulatory law judge that will be presiding over  
22 tonight's public hearing.

23 As far as doing the background, the Missouri  
24 Public Service Commission regulates the rates that  
25 are charged by investor-owned utility companies in

1 Missouri to ensure those rates are just and  
2 reasonable.

3           And it also ensures the quality of service  
4 and the safety and operations of investor-owned  
5 utilities like Missouri-American Water.

6           The commission is made up of five  
7 commissioners. Unfortunately none will be here for  
8 the hearing of this evening, although I can tell you  
9 they're very interested in hearing your comments and  
10 hearing what you have to say. And they will read  
11 through the transcript, other comments, or view this  
12 video we're making today.

13           The commissioners are appointed by the  
14 governor to fixed terms and they are confirmed by the  
15 senate. And the commission employs a staff of highly  
16 trained engineers, accountants, attorneys, financial  
17 analysts, and other specialists in the field of  
18 utility regulation.

19           This is an official hearing of the Missouri  
20 Public Service Commission. And the statements and  
21 testimony of all of your witnesses will be  
22 transcribed and reported by the court reporter who's  
23 present with you in Joplin. And witnesses will be  
24 under oath or affirmation.

25           All commissioners that are mentioned will

1 have the opportunity to read the witness's remarks or  
2 to view the video.

3           If you are anxious about speaking in public,  
4 but still wish to comment on this case and give your  
5 opinion and you have Internet access, if you will go  
6 to psc.mo.gov, there is an area right there on the  
7 home page of the commission that you can enter  
8 comments directly from, you know, the privacy of your  
9 own home from your computer, if speaking in public  
10 gives you the willies.

11           We're videoconferencing this hearing from  
12 Missouri State's Southern State University in Joplin  
13 as well as here in Jefferson City, Missouri.

14           Now there are no witnesses who are present  
15 here in Jefferson City. It looks like all of them  
16 are down there in Joplin.

17           In addition, we're broadcasting these  
18 hearings over the Internet for anyone to watch so  
19 they can see the testimonies given -- hear the  
20 testimony that's going to be received tonight.

21           The court reporter in Joplin is transcribing  
22 this hearing so the commissioners can read and review  
23 the comments as I mentioned earlier.

24           And the sound and video you're hearing is  
25 being recorded electronically here in Jefferson City

1 on the server that we had set up for that purpose.

2           There are some members of the staff and  
3 other folks that are here in Jefferson City and also  
4 there in Joplin. Some of them you may not have had  
5 the opportunity to meet.

6           Here in Jefferson City with me is -- from  
7 the water public staff we have Dale Johansen. Down  
8 there with you in Joplin from our public information  
9 staff -- you've already met him -- that's Greg Ochoa.

10           And I believe in Joplin you also have  
11 Christina Baker, who is an attorney for the Office of  
12 the Public Counsel, whose job it is to represent the  
13 interests of the public in any proceeding before the  
14 Public Service Commission.

15           And in addition we have representatives of  
16 the company. I believe -- I know we have a  
17 representative of the company at the Joplin location.  
18 We might be having one here.

19           We also have some attorneys who you will  
20 find out about in just a bit when they enter their  
21 appearance.

22           Have I left anybody out?

23           MR. OCHOA: No, Your Honor.

24           JUDGE LANE: Okay. Yes?

25           MR. OCHOA: No. Go ahead.

1           JUDGE LANE: Okay. I'd like to thank  
2 Missouri Southern State University for allowing us to  
3 use the facility that we're using tonight.

4           The commission would -- we would not have  
5 had the opportunity to reach out to so many members  
6 of the public if we were not able to utilize  
7 videoconferencing and webcasting technology, which is  
8 a huge step forward for us and for finding out what  
9 your views and opinions are on the cases that are  
10 before the commission.

11           Remember the purpose of this hearing is to  
12 receive comments from you regarding the rate increase  
13 and the plan improvement charge that's being proposed  
14 by Missouri-American Water.

15           The company is not going to present witnesses  
16 in this proceeding, and the company is also not going  
17 to be answering questions of a general nature while  
18 we're on the record.

19           I know I for one would like to answer  
20 questions that you might have. But this is your  
21 opportunity to comment and speak out on your behalf.  
22 You will be part of the single record with this tape  
23 and will be considered by the commission in resolving  
24 it.

25           Now, if you wish to testify and you haven't

1 already done so, please see the PSC staff member at  
2 your location to put your name on the sign-up sheet  
3 to testify.

4 I will call the name of each witness that is  
5 signed up to speak. And I will swear them in and  
6 they will provide their testimony. And then after  
7 everyone who signed up has been called, I will ask if  
8 there's anybody else who wishes to speak that we  
9 haven't already heard from.

10 Now when your name is called, I want you to  
11 please come forward and stand at the podium. I will  
12 ask you to spell your name for the court reporter, so  
13 he or she can put it in the record correctly and then  
14 you can make your statement.

15 Then there may be questions from the  
16 attorneys who are present or from me. And if we have  
17 any commissioners here tonight, they will also be  
18 entitled to ask questions about the statement that  
19 you just made.

20 Please do not leave the podium until you are  
21 excused, so that everyone has a chance to ask any  
22 questions so that you can make sure that you are  
23 fully heard tonight.

24 Now as I mentioned before, we're going to  
25 finish when everyone who desires to speak has had an

1 opportunity to speak.

2           But while we're talking about speaking, I  
3 want you to know one thing about the videoconferencing  
4 technology we're using. And that's that because  
5 we're separated by such great distances, even on the  
6 information superhighway video information takes  
7 quite some time to travel both ways.

8           So there's going to be a delay between what  
9 you say and between what we hear in Jefferson City  
10 and -- what we hear and see you say.

11           So be aware of that. There's a slight  
12 delay. It's like when you call in to a radio talk  
13 show and you say something, there's a delay.

14           This is not designed so that we can weed out  
15 any bad words or anything like that. It's just due  
16 to the limitations of technology.

17           But in order to get as many of you on the  
18 record as possible, we do ask that you be brief and  
19 concise and right to the point as far as what you  
20 want to tell the commission, and what you want to  
21 tell the Missouri-American Water and its attorneys,  
22 and what you want to tell staff in all of the  
23 departments in this case.

24           Now if a previous speaker has already made  
25 some or many of -- or all the points you have to make,

1 you may simply state that you agree with what that  
2 person said.

3 There's no need to repeat if your comments  
4 are substantially the same as what theirs were and  
5 you can't bring a different perspective to the issue.

6 So why don't we go ahead and get started  
7 here. I want to begin with counsel. The attorneys  
8 for the parties that are present will be making an  
9 oral entry of appearance for the record.

10 Let's start with Missouri-American Water  
11 Company.

12 MR. ENGLAND: Thank you, Your Honor. Let  
13 the record reflect the appearance of W. R. England,  
14 appearing on behalf of Missouri-American Water  
15 Company.

16 I represent the law firm of Brydon Swearngen  
17 & England, Post Office Box 456, Jefferson City,  
18 Missouri 65102.

19 JUDGE LANE: Thank you very much, sir. Do  
20 we have anyone -- I'm not sure who is present on that  
21 end, so I'm going to call a few more of all of the  
22 parties to see if there's anyone present.

23 AG Processing Inc? Anyone?

24 MR. OCHOA: No.

25 JUDGE LANE: Is there an appearance for the

1 City of Joplin tonight?

2 MR. OCHOA: No, Your Honor.

3 JUDGE LANE: How about the City of Jefferson,  
4 Parkville, St. Joe, Lawrenceburg?

5 MR. OCHOA: No, Your Honor.

6 JUDGE LANE: The Missouri Energy Group or  
7 the Missouri Industrial Energy Consumers?

8 MR. OCHOA: No.

9 JUDGE LANE: Metropolitan St. Louis Sewer  
10 District?

11 MR. OCHOA: No one.

12 JUDGE LANE: Any attorneys for the staff of  
13 the commission?

14 And finally any of the public water supply  
15 districts?

16 MR. OCHOA: No, Your Honor.

17 JUDGE LANE: How about the Utility Workers  
18 Union of America Local 335?

19 MR. OCHOA: No.

20 JUDGE LANE: Anyone for the Office of Public  
21 Counsel?

22 MS. BAKER: Thank you, Your Honor. Christina  
23 Baker, Assistant Public Counsel. My address is P. O.  
24 Box 2230, Jefferson City, Missouri, 65102.

25 And I'm appearing for the Office of Public

1 Counsel and the rate payers.

2 JUDGE LANE: Thank you, Ms. Baker. Did I  
3 miss any parties in this case? Very well.

4 If any commissioner were present I would  
5 give them the opportunity to make an opening  
6 statement, but since we're here without the appearance  
7 of any of them, we're just going to go right ahead.

8 And if you will go ahead and call the name  
9 of the first witness, I will swear them in so that we  
10 can get their testimony.

11 MR. OCHOA: Mr. Scherle.

12 MR. SCHERLE: (The witness approaches the  
13 stand.)

14 JUDGE LANE: Good evening, sir.

15 MR. SCHERLE: Good evening.

16 JUDGE LANE: Will you please raise your  
17 right hand to be sworn?

18 (The witness was placed  
19 under oath by Judge Lane.)

20 \* \* \* \* \*

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25

1 MR. ALLEN SCHERLE,  
2 of lawful age, having been called as a witness and  
3 being first duly sworn, testified as follows:

4 JUDGE LANE: Thank you very much. Please  
5 state and spell your name for the record.

6 MR. SCHERLE: It's Allen Scherle. Last name  
7 is S-C-H-E-R-L-E.

8 JUDGE LANE: Thank you, sir. You may  
9 provide us with your comments at this point.

10 MR. SCHERLE: Yeah, I got complaints about  
11 the service we got from the American Water Service.

12 On July the 6th last year they trespassed on  
13 my property. Because my deed to my property says the  
14 right-of-way is for road purpose only.

15 They tore my driveway up. I got pictures  
16 here of them tearing the concrete up. 20 foot by 4  
17 foot.

18 It's been a year next month. They have not  
19 replaced it. Dwight Crossover for Missouri-American  
20 right there, he told me to just let them go ahead and  
21 do it, and I could sue them for it.

22 Three months later this is what it looked  
23 like. They left all the dirt and rocks later.

24 And I had to call the Deputy County  
25 Commissioner Office to get involved in it. They made

1    them come out and clean it up after my wife's truck  
2    got tore up, about \$900 worth of damage.  They have  
3    not paid for that either.

4            I've called them a hundred times.  Their  
5    customer service -- nobody seems to want to take care  
6    of it.  That's all I got to say about it.  Just not  
7    happy with their service.

8            JUDGE LANE:  Okay, sir.  Is that the only  
9    copy of those photographs that you have?  Or if you  
10   were to leave those with a representative of the  
11   staff, would you be able to make additional copies of  
12   those photos or could you make a photocopy of those?

13           MR. SCHERLE:  I've got -- these are the only  
14   two I got with me.  I've got about 30 I'm keeping for  
15   a legal action, probably.  But I need to hang on to  
16   these two, but I could make you copies.

17           JUDGE LANE:  All right.  Does anyone have  
18   access to a photocopy machine down there, so that  
19   they can take that back to Jefferson City with them?

20           MR. OCHOA:  No, Your Honor.

21           JUDGE LANE:  Is there access to a photocopy,  
22   does anybody know, down there?

23           MR. OCHOA:  No.  But Your Honor, I did  
24   provide him with an address of the commission and ask  
25   that if he wanted to submit those photos to the

1 commission and provide the case number, he could do  
2 that.

3 JUDGE LANE: Okay. And that would be  
4 acceptable. And we will just -- we'll mark that as  
5 an exhibit when it's received.

6 Okay. And does that conclude your comments,  
7 sir?

8 MR. SCHERLE: Yes.

9 JUDGE LANE: Are there any questions from  
10 the attorneys present here today?

11 MR. ENGLAND: No, Your Honor.

12 JUDGE LANE: Ms. Baker?

13 MS. BAKER: I'll have to share his mic. No,  
14 I have no questions.

15 But I do want to tell him that I appreciate  
16 him coming and I look forward to looking at the  
17 pictures that he has.

18 JUDGE LANE: Thank you very much, sir. And  
19 the commission and I certainly do appreciate you  
20 coming out to the public hearing today very much and  
21 thank you. You are excused.

22 MR. SCHERLE: Thank you.

23 JUDGE LANE: If you will please call the  
24 next witness.

25 MR. OCHOA: David Weaver.

1           MR. WEAVER: Hello. I don't know if we've  
2 lost our link or not.

3           MS. BAKER: We might have.

4           MR. OCHOA: Can you hear us in Jefferson  
5 City? Bear with us as we work on our technical  
6 problems here.

7           MR. WEAVER: Can you hear us?

8           MR. OCHOA: Your Honor?

9           JUDGE LANE: Mr. Weaver, are you on your way  
10 up there?

11           MR. OCHOA: He's on the at the witness stand,  
12 Your Honor. Your Honor, he's at the witness stand.

13           We're looking for our technical person. I  
14 apologize that we're experiencing this difficulty.

15                       (A recess was taken from  
16                       6:27 p.m. to 6:58 p.m.)

17           JUDGE LANE: It's my understanding that the  
18 entire Missouri Southern system crashed. The  
19 network -- the network became inaccessible and we  
20 were using that system to get through.

21           So I apologize for that. He's here and he's  
22 got our forum up again.

23           But fortunately we did get up and running in  
24 a reasonable amount of time. So let's go ahead and  
25 if you would please call the next witness on the list.

1           And I'm sorry. I can't remember his name.

2           MR. OCHOA: Sure. Mr. Weaver?

3           MR. WEAVER: Yes. (The witness approaches  
4 the stand.) Good evening, Your Honor.

5           JUDGE LANE: Good evening and welcome.  
6 Thank you for coming.

7           Would you please raise your right hand to be  
8 sworn?

9                           (The witness was placed  
10                           under oath by Judge Lane.)

11                           \*   \*   \*   \*   \*

12                           MR. DAVID WEAVER,  
13 of lawful age, having been called as a witness and  
14 being first duly sworn, testified as follows:

15           JUDGE LANE: Thank you very much. Please  
16 state and spell your name for the court reporter and  
17 then you can proceed with your comments.

18           MR. WEAVER: My name is David Weaver.

19 D-A-V-I-D, Weaver, W-E-A-V-E-R.

20           I am the president of the Board of Aldermen  
21 for the City of Duquesne, Missouri. I'm speaking on  
22 the city's behalf.

23           Our citizens are --

24           JUDGE LANE: Thank you very much, Mr. Weaver.  
25 You may now go ahead with your comments.

1           MR. WEAVER: Our citizens would naturally  
2 like their rates to remain the same. However, we  
3 realize that in the interest of quality and safety  
4 and available water supply that sometimes rates need  
5 to go up.

6           We would like to balance the two to maintain  
7 the low rate structure as well as quality service.

8           We have had some issues in our city's service  
9 needs and Mr. Barnhart has responded to those  
10 favorably and we have been pleased with their  
11 response.

12           We have also witnessed the painting of some  
13 fire hydrants in our area. The water tower just to  
14 the west of our city limits was recently repainted  
15 and some other infrastructure issues.

16           So they are doing things in the city. And  
17 we would again like to keep things going as they are,  
18 while still maintaining low rates for our citizens.

19           JUDGE LANE: All right. Does that conclude  
20 your remarks?

21           MR. WEAVER: It does. Thank you.

22           JUDGE LANE: Thank you very much, Mr. Weaver.  
23 Are there any questions from the attorneys?  
24 Mr. England?

25           MR. ENGLAND: No questions, Your Honor.

1                   (A pause in proceedings  
2                   occurs.)

3                   JUDGE LANE: I take it that's a no?

4                   MS. BAKER: No questions from public counsel,  
5 but I want to say that I appreciate the comments very  
6 much.

7                   JUDGE LANE: Thank you very much. I do have  
8 one short question, Mr. Weaver. And that is, where  
9 is your city located in relation to Joplin?

10                  MR. WEAVER: We are on the east boundary of  
11 the city of Joplin -- just to the immediate east of  
12 Joplin.

13                  JUDGE LANE: All right. So -- okay. And so  
14 would it be fair to say it's a suburb or bedroom  
15 community-type situation?

16                  MR. WEAVER: Yes.

17                  JUDGE LANE: Okay. That's all I wanted to  
18 know. Thank you very much.

19                  MR. WEAVER: Thank you.

20                  MR. OCHOA: Next witness is Mr. Charles  
21 Martin.

22                  JUDGE LANE: And you are excused.

23                  MR. OCHOA: Charles Martin.

24                  JUDGE LANE: Would you please call the next  
25 witness on the list?

1           MR. MARTIN: (The witness approaches the  
2 stand.)

3           JUDGE LANE: Welcome, sir. And would you  
4 please raise your right hand to be sworn?

5                         (The witness was placed  
6                         under oath by Judge Lane.)

7                                 \*   \*   \*   \*   \*

8           MR. CHARLES MARTIN,  
9 of lawful age, having been called as a witness and  
10 being first duly sworn, testified as follows:

11           JUDGE LANE: Thank you very much. Please  
12 state and spell your name for the court reporter.

13           MR. MARTIN: I'm Charles Martin. Joplin,  
14 Missouri, 2425 Empire.

15           JUDGE LANE: Thank you, Mr. Martin.

16           MR. MARTIN: I --

17           JUDGE LANE: And --

18           MR. MARTIN: -- can't -- very hard of  
19 hearing.

20           JUDGE LANE: You can go ahead give your  
21 comments now, sir. Yes.

22                         And would you please try to speak into the  
23 microphone? We're having difficulty hearing.

24           MR. MARTIN: If we got with the gas company  
25 and all we're getting -- have to pay for gas that

1 we're not using in the summertime. The meter's just  
2 sitting on the house. The water's gotten everywhere.

3           And I would like to also know where -- how  
4 much income the water company is paying their  
5 shareholders or owners as dividends or -- while we're  
6 doing that.

7           The water company has been in Joplin for  
8 quite a few years. And most of their work has not  
9 been kept up -- their property hasn't been kept up  
10 until 911, which should have been done.

11           And the new proposed down at Shoal Creek has  
12 been -- is for added water supply because of expansion  
13 of the water services.

14           This is -- I'd like to just have them think  
15 about when they give them the raise or do that.

16 Thank you.

17           MR. OCHOA: Did we lose connection in  
18 Jefferson City, Your Honor?

19                           (A recess was taken from  
20                           7:05 p.m. to 7:06 p.m.)

21           MR. OCHOA: Your Honor, I believe -- yeah.  
22 Mr. Martin, are you finished with your testimony?

23           JUDGE LANE: We never got to hear your  
24 testimony, Mr. Martin. We were interrupted with  
25 technical difficulties again.

1           So if you wouldn't mind, please go ahead and  
2 give us your comments at this time again.

3           MS. BAKER: He wants you to state them again.

4           MR. MARTIN: State them again?

5           MS. BAKER: Uh-huh.

6           MR. MARTIN: Yeah. What I was wondering is  
7 if it would be -- it would be charging the people who  
8 were not using the services -- I can hook up like the  
9 gas company which is charging \$25 a month for not  
10 using gas in the summertime to someone.

11           And also I would like to know how much they  
12 are paying their shareholders or stock people that  
13 are invested into the water company.

14           And their maintenance has not been kept up  
15 in the prior years. I've lived next to the water  
16 company for 35 years. And the main line is running  
17 out the back of my place.

18           And there is a new line but that is for  
19 added water service in the Joplin area also. It will  
20 benefit everybody, but this should have been done  
21 every year not all at one racket -- all their big  
22 investments this year.

23           The only thing that has been done is 911  
24 that I've noticed -- a fence put around the water  
25 plant and the water -- the well has been drilled.

1 Thank you.

2 JUDGE LANE: Thank you, Mr. Martin. Does  
3 that conclude your remarks today?

4 MS. BAKER: Are you finished with your  
5 remarks?

6 MR. MARTIN: Huh?

7 MS. BAKER: Are you finished with your  
8 remarks?

9 MR. MARTIN: Yes.

10 JUDGE LANE: All right, sir. Hold on just a  
11 moment.

12 Mr. England, do you any questions of  
13 Mr. Martin?

14 MR. ENGLAND: No, I don't. Thank you, Your  
15 Honor.

16 JUDGE LANE: And Ms. Baker?

17 MS. BAKER: No, I have no questions. But I  
18 want to thank him for coming and making comments.

19 JUDGE LANE: Thank you, sir. You are  
20 excused.

21 MS. BAKER: Thank you so much.

22 MR. OCHOA: Your Honor, that is the last  
23 name on the list.

24 JUDGE LANE: Please call the next witness on  
25 the list.

1           MR. OCHOA: That's the last name on the  
2 witness sheet. Is there anyone else that would like  
3 to testify?

4           MS. BAKER: One more. We have one more --  
5 two more.

6           MR. OCHOA: All right, sir. Sir, if you  
7 want to testify, come on up. Thank you. There was  
8 another hand.

9           MS. BAKER: We had two more hands come up.  
10 Hold on. You want to go first? Okay.

11          MS. SCHERLE: (The witness approaches the  
12 stand.)

13          THE REPORTER: Your name, ma'am?

14          MS. SCHERLE: What is it?

15          THE REPORTER: Could you tell me your name,  
16 please?

17          MS. SCHERLE: Cheryl Scherle.

18          THE REPORTER: C-H-E-R-Y-L?

19          MS. SCHERLE: Yes.

20          THE REPORTER: Thank you.

21          JUDGE LANE: Hello, ma'am.

22          MS. SCHERLE: Hello.

23          JUDGE LANE: Would you please raise your  
24 right hand to be sworn?

25                         (The witness was placed

1 under oath by Judge Lane.)

2 \* \* \* \* \*

3 MS. CHERYL SCHERLE,

4 of lawful age, having been called as a witness and  
5 being first duly sworn, testified as follows:

6 JUDGE LANE: Thank you very much. You may  
7 proceed by please stating and spelling your name for  
8 the court reporter.

9 MS. SCHERLE: Okay. My name is Cheryl  
10 Scherle, C-H-E-R-Y-L, S-C-H-E-R-L-E.

11 JUDGE LANE: All right, Ms. Scherle. You  
12 are welcome to give your comments at this point.

13 MS. SCHERLE: Okay. I want to talk more  
14 about -- I'm here with my husband, Allen Scherle.  
15 And I want to talk more about the digging up our  
16 yard.

17 The first time that they wanted to come  
18 through our yard, they wanted several feet more close  
19 up to our front door.

20 And then we didn't want them to tear up the  
21 yard and all the plants and stuff like that. So a  
22 guy came up and wanted to give us -- ask us what we  
23 would take -- what it would take to come through the  
24 yard.

25 And my husband and I discussed the fences

1 and plants and things like that. And we all wanted --  
2 we discussed if they took the fence out, would they  
3 replace it.

4 And we -- the guy told us if we would go get  
5 an estimate on the fence, that they would take care of  
6 that too.

7 So we did and we had everything figured out  
8 what we wanted. We made them an offer. The guy said  
9 it would be okay; they would take it.

10 So he talked to his boss, which was Matt.  
11 And he told us they weren't going to pay that kind of  
12 money. But earlier we heard people that were before  
13 us that they got paid several thousand for going  
14 through their yard.

15 Well, anyways, the next few days later  
16 they're out there digging up the yard. And we told  
17 them we didn't want him to go through the yard,  
18 because we own the rights to the yard for road  
19 purposes only, as he has explained to you.

20 We were upset, because we were wanting to  
21 know how the county gave them permission, because we  
22 didn't to go through the yard.

23 And I called my husband and a guy gave us a  
24 copy. I was driving by, and the guy that was working  
25 on it with him -- and he gave me a copy where they got

1 permission to go through the yard. But didn't from  
2 us; from the county.

3           And ever since they -- when -- after it was  
4 all over and they dug the yard up, they left our yard  
5 for about four months with rocks and everything.

6           And we had a concrete driveway that was  
7 pretty wide. And I took pictures all of that as he's  
8 shown you.

9           Well, they didn't concrete it back. Which  
10 that's what we're really upset about is the concrete  
11 and the not having the permission to go through the  
12 yard.

13           And they left big chunks of rocks and  
14 everything for four months. But on the east and west  
15 side of us, they grassed everyone else's yards. They  
16 just left us.

17           And so Allen called and he kept asking them  
18 if they would -- you know, when are they going to fix  
19 our yard.

20           Well, they finally grassed it, but they  
21 never did our concrete. And now the driveway isn't  
22 wide enough now. My truck -- I have a little truck  
23 and that's how the body kit got tore off of it.

24           And I'm upset really because my son is 17  
25 and when he backs out, the gravel spins and I'm

1 afraid he's going to get hit. And if he gets hit or  
2 if he's hurt, there's going to be a big lawsuit about  
3 that. That's why I'm upset.

4           And I have a 2005 -- it might not mean  
5 anything to you people. But the 2005 Toyota Tacoma --  
6 and they only made 3,500 of these trucks. And I have  
7 it all autographed from famous people. And I do want  
8 something, you know, taken care of my truck.

9           And to this day, these people have been  
10 unreasonable. We called and called and tried to talk  
11 to people to fix things, and they've refused. They  
12 did send us that letter where not to bug them anymore.

13           So you know we're not even on the waterline,  
14 but, you know, the least decent thing they could do  
15 is have someone come out and talk to us about the  
16 problems.

17           And it's been almost a year this month since  
18 this whole thing started. That's it.

19           JUDGE LANE: Thank you very much, ma'am.  
20 Mr. England, any questions of this witness?

21           MR. ENGLAND: No questions, Your Honor.

22           JUDGE LANE: Ms. Baker, any questions?

23           MS. BAKER: The only question that I have is  
24 just to verify that these are the pictures that your  
25 husband showed us earlier. Is that correct?

1 MS. SCHERLE: Yes. And we have about 35  
2 more. Because when they first started and we told  
3 them not to go through the yard, we had the police  
4 come out to talk to everyone.

5 And they told us that we would be arrested  
6 if we interfered with the water company. And one of  
7 the guys told us to just let them go through, that we  
8 would sue them later.

9 But we do have like 34 -- I just stood there  
10 and took pictures of all of it as they did. And I do  
11 have the pictures where they took the concrete out,  
12 but the driveway isn't wide enough to get through.  
13 And that's it.

14 MS. BAKER: All right. And I will get with  
15 you and give you my address, so that we can get copies  
16 of those pictures to go in as exhibits.

17 MS. SCHERLE: Okay.

18 MS. BAKER: And I appreciate your coming  
19 today. Thank you.

20 MS. SCHERLE: Okay.

21 JUDGE LANE: I could just barely hear what  
22 you were saying. But were you indicating that you  
23 would give the witness your contact information so  
24 the photographs could be provided?

25 MS. BAKER: Yes, that is correct, Judge.

1 JUDGE LANE: All right. And -- okay.

2 I have a quick question. And that is, during  
3 your testimony you mentioned the names of a few of the  
4 Missouri-American employees or contractors.

5 Do you happen to have their full name or just  
6 their first names?

7 MS. SCHERLE: My husband knows their names --  
8 Allen, if you would like to speak with him.

9 JUDGE LANE: Well, we have to have him  
10 provide that information under oath if you don't know  
11 it.

12 MS. SCHERLE: Dwight was one of the men's  
13 names.

14 MR. OCHOA: Your Honor, he testified earlier.

15 MS. SCHERLE: My husband testified earlier  
16 to the names of the men.

17 JUDGE LANE: Okay. I didn't catch that the  
18 first time through. And if he did provide the names,  
19 that's all I wanted to make sure.

20 MS. SCHERLE: Okay.

21 JUDGE LANE: Because the company will need  
22 to know who these individuals are to look into this  
23 or, you know, to respond to your comments. So that's  
24 the only reason I ask.

25 MS. SCHERLE: Okay. We do know who they are,

1 and he knows the names of them. And he told them.

2 JUDGE LANE: All right. In that case, I  
3 don't need to ask the question. Thank you very much  
4 and you're excused.

5 Do we have our last volunteer then?

6 MR. OCHOA: Yes, Your Honor.

7 MR. GUBERA: (The witness approaches the  
8 stand.) Good evening, Your Honor.

9 JUDGE LANE: Hello, sir.

10 MR. GUBERA: How are you doing?

11 JUDGE LANE: I apologize for the technical  
12 difficulties we had a little earlier. Would you  
13 please raise your right hand to be sworn?

14 (The witness was placed  
15 under oath by Judge Lane.)

16 \* \* \* \* \*

17 MR. CONRAD GUBERA,  
18 of lawful age, having been called as a witness and  
19 being first duly sworn, testified as follows:

20 JUDGE LANE: Thank you very much, sir.  
21 Would you please state and spell your name for the  
22 court reporter and the record?

23 MR. GUBERA: Yes, sir. My name is Conrad  
24 Gubera, C-O-N-R-A-D, last name G-U-B-E-R-A.

25 JUDGE LANE: Thank you, Mr. Gubera. You are

1 now free to provide your comments.

2 MR. GUBERA: Thank you, Your Honor. I had  
3 no intention of speaking here tonight, but the process  
4 has always interested me.

5 I was cleaning my office upstairs. I am  
6 finishing my 39th year here at Missouri Southern as a  
7 professor. And I've sat in several of these meetings  
8 before and they've been always an interesting  
9 exercise.

10 I really have no comment against the water  
11 company or the rates as such. They provided a  
12 quality product and they've always delivered well.

13 But as I began to look at their material  
14 that they put forth, there are certain questions  
15 that, you know, comes to mind.

16 And I would certainly like to bring this to  
17 the public services' attention. Not that you don't  
18 already know, but to see that I understand this right  
19 and what this really means in the future.

20 For instance, the material that they  
21 disseminate here indicates that at present Joplin, in  
22 its operating district, has a charge of \$16.29 per  
23 month based upon 5,700 gallons of water usage.

24 Now I just paid my bill this morning and it  
25 was \$16.80, and I only used 750 gallons. Then I got

1 to thinking about this. Well, there's a charge I  
2 believe of \$12.80 a month to deliver the service. So  
3 this 16.29 must be for the product itself, the 5,700  
4 gallons.

5 As I read further, I see that by the end of  
6 2008, in relationship to the improvement of the local  
7 water treatment plant, our service charge will be  
8 raised by \$7.80.

9 So my calculations is that -- are that by  
10 the end of 2008, the \$12.80 per month service charge  
11 will now be \$20.40.

12 I'll probably still be using 750 gallons of  
13 water, which means that I'll be paying a lot more for  
14 service than I am for product.

15 Now this is exactly what happened as far as  
16 the gas company last year, I understand. And  
17 according to an insert in the gas company's billing  
18 in April, we are now all paying \$24 a month for  
19 service regardless of how much gas we use or if we  
20 use any gas at all as far as the summer months are  
21 concerned.

22 In essence, Your Honor, my question simply  
23 is this. Has the Public Service Commission given any  
24 thought to or is there any kind of plan for parroting  
25 for those of us who may live alone, don't have such

1 great needs, and are paying more for the service --  
2 much more than we are for the actual product itself?

3 Thank you, Your Honor.

4 JUDGE LANE: Thank you, sir. Any questions,  
5 Mr. England, of this witness?

6 MR. ENGLAND: No, Your Honor. Thank you.

7 JUDGE LANE: Ms. Baker, any questions of  
8 this witness?

9 MS. BAKER: No questions. But I wish to  
10 thank him for coming and making comments today.

11 JUDGE LANE: Thanks very much. Thank you  
12 for coming, sir. You are excused.

13 MR. GUBERA: Thank you, Your Honor.

14 MR. OCHOA: Your Honor, I believe that is  
15 the last witness to testify. I don't see anybody  
16 else at this time.

17 Your Honor, that was the last witness that  
18 has wanted to testify. We have no other witnesses at  
19 this time.

20 JUDGE LANE: Thank you very much.

21 And I just want to remind the witnesses that  
22 had materials, photographs, to make appropriate  
23 arrangements of the copies of those photographs to  
24 provide them to the parties in this case. And that  
25 can be considered along with the video or the oral

1 testimony.

2           And I want to just once again thank all the  
3 participants tonight for their testimony. We  
4 apologize for the technical glitch, and very much  
5 appreciate you taking the time to come out and share  
6 your thoughts on this case.

7           With that, we are adjourned.

8                   (The hearing ended at 7:22  
9 p.m.)

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