

1 BEFORE THE PUBLIC SERVICE COMMISSION

2 STATE OF MISSOURI

3 _____
4 TRANSCRIPT OF PROCEEDINGS

5 HEARING

6 March 14, 2007

7 Jefferson City, Missouri

8 Volume 1
9 _____

10 In the Matter of the Application of)
11 Kansas City Power & Light Company for)
12 Approval to Make Certain Changes in Its) Case No.
13 Charges for Electric Service to) ER-2007-0291
14 Implement Its Regulatory Plan)
15

16 _____
17 RONALD D. PRIDGIN,
18 REGULATORY LAW JUDGE.

19 REPORTED BY:
20 TRACY L. THORPE TAYLOR, CCR
21 MIDWEST LITIGATION SERVICES
22
23
24
25

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

2 SHELLEY A. WOODS, Assistant Attorney General
221 West High Street
3 Jefferson City, Missouri 65102
573-751-8795
4 FOR: Missouri Department of Natural Resources

5 JAMES M. FISCHER, Attorney at Law
Fischer & Dority
6 101 Madison Street, Suite 400
Jefferson City, Missouri 65101
7 573-636-6758
FOR: Kansas City Power & Light

8 JEREMIAH D. FINNEGAN, Attorney at Law
9 DAVID WOODSMALL, Attorney at Law
Finnegan, Conrad & Peterson
10 3100 Broadway, Suite 1209
Kansas City, Missouri 64111
11 816-753-1122
FOR: Pershing Road Development

12 STUART W. CONRAD, Attorney at Law
13 DAVID WOODSMALL, Attorney at Law
428 East Capital, Suite 300
14 Jefferson City, Missouri 65101
573-635-2700
15 FOR: Praxair

16 JEFFREY A. KEEVIL, Attorney at Law
Stewart & Keevil
17 4603 John Garry Drive, Suite 11
Columbia, Missouri 65203
18 573-499-0635
FOR: Trigen-Kansas City Energy Corporation

19 LEWIS CAMPBELL, Attorney at Law
20 811 Lamp Post Cir SE
Albuquerque, New Mexico 87123
21 505-323-8292
FOR: United States Department of Energy
22 National Nuclear Security Administration

23

24

25

1 LEWIS MILLS, Public Counsel
CHRISTINA BAKER, Assistant Public Counsel
2 P.O. Box 2230
Jefferson City, Missouri 65102
3 573-751-5565
FOR: Office of the Public Counsel and the Public
4
ROBERT S. BERLIN, Associate General Counsel
5 P.O. Box 360
Jefferson City, Missouri 65102
6 573-751-3234
FOR: Staff of the Missouri Public Service Commission
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

2 JUDGE PRIDGIN: All right. Good morning.
3 We're on the record. This is the prehearing conference in the
4 matter of the application of Kansas City Power & Light Company
5 for approval to make certain changes in its charges for
6 electric service to implement its regulatory plan. It's
7 Case No. ER-2007-0291.

8 Good morning. I'm Ron Pridgin. I am the
9 regulatory law judge assigned to preside over this prehearing
10 conference. It's being held about 10:15 in the morning
11 March 14th, 2007. We're in the Commission's offices, the
12 Governor Office Building in Jefferson City, Missouri.

13 I would like to get entries of appearance from
14 counsel, please, beginning with Staff.

15 MR. BERLIN: Appearing on behalf of the Staff
16 of the Missouri Public Service Commission, Robert S. Berlin,
17 Governor Office Building, suite 800, Post Office Box 360,
18 Jefferson City, Missouri 65102.

19 JUDGE PRIDGIN: Mr. Berlin, thank you.

20 On behalf of the Office of Public Counsel,
21 please.

22 MS. BAKER: Christina Baker, PO Box 2230,
23 Jefferson City, Missouri 65102, appearing for Office of Public
24 Counsel and for the ratepayers.

25 JUDGE PRIDGIN: Ms. Baker, thank you.

1 On behalf of Kansas City Power and Light
2 Company, please.

3 MR. FISCHER: James M. Fischer, Fischer and
4 Dority, PC, 101 Madison, suite 400, Jefferson City, Missouri
5 65101, appearing on behalf of Kansas City Power & Light.

6 JUDGE PRIDGIN: Mr. Fischer, thank you.

7 On behalf of Trigen-Kansas City Energy
8 Corporation, please.

9 MR. KEEVIL: Appearing on behalf of Trigen,
10 Jeffrey A. Keevil of the law firm Stewart and Keevil, LLC.
11 Address is 4603 John Garry Drive, suite 11, Columbia, Missouri
12 65203.

13 JUDGE PRIDGIN: Mr. Keevil, thank you.

14 On behalf of the Missouri Department of
15 Natural Resources, please.

16 MS. WOODS: Appearing on behalf of the
17 Missouri Department of Natural Resources, Shelley Ann Woods,
18 assistant attorney general, Post Office Box 899, Jefferson
19 City, Missouri 65102.

20 JUDGE PRIDGIN: Ms. Woods, thank you.

21 On behalf of Praxair, Incorporated, please.

22 MR. WOODSMALL: Thank you, your Honor. Let
23 the record reflect the appearance of Stu Conrad and David
24 Woodsmall of the firm of Finnegan, Conrad and Peterson,
25 428 East Capital, suite 300, Jefferson City, Missouri 65101.

1 JUDGE PRIDGIN: Mr. Woodsmall, thank you.

2 Mr. Conrad, thank you.

3 On behalf of the United States Department of
4 Energy National Nuclear Security Administration, please.

5 MR. CAMPBELL: Louis Campbell substituting for
6 Paul Jones PO Box 51508 Albuquerque, New Mexico 87123.

7 JUDGE PRIDGIN: All right. Mr. Campbell,
8 thank you.

9 I don't believe I see any other counsel in the
10 room.

11 MR. WOODSMALL: Your Honor, I've been asked to
12 enter an appearance on behalf of Jeremiah Finnegan for -- for
13 Pershing Road Development Company. Finnegan, Conrad and
14 Peterson, 3100 Broadway, suite 1209, Kansas City, Missouri
15 65111. He was not able to attend today, but I wanted to enter
16 his appearance.

17 JUDGE PRIDGIN: Mr. Woodsmall, thank you.

18 I see that we have other Intervenor, but I
19 don't see any other counsel. Does counsel wish to enter an
20 appearance on anyone else at this time?

21 All right. Hearing nothing, I don't recall
22 any pending motions. I believe I just granted the US
23 Department of Energy's application to intervene yesterday so
24 they are now an intervenor. Is there any pending motion or
25 anything counsel wishes to bring to my attention?

1 MR. FISCHER: Judge, I would ask, the current
2 pleadings that have been issued by the Commission have an
3 evidentiary hearing in this case beginning on September 4th
4 through September 21st and there's also a true-up hearing
5 scheduled for October 29th and 30th.

6 I just wanted to inquire before you left,
7 whether there was any flexibility in changing those
8 evidentiary dates if we needed to. It's a little -- it's five
9 weeks faster than the 2006 case that we tried.

10 JUDGE PRIDGIN: I suppose it's possible. I
11 would want to look at the board. And, of course, you're
12 welcome to come up and look at the calendar. And I think some
13 of that was done in anticipation of another rate case also
14 being filed around the same time and trying to have both of
15 those cases heard almost back to back because they would have
16 operation of law dates that were either the same or very close
17 to each other.

18 So, you know, somebody has to go first. And,
19 you know, bottom line I guess the short answer is, yes, it's
20 possible, but there are so many different permutations from
21 these different cases, I don't know. You can certainly feel
22 free to file a motion. In fact, I think in the last case, the
23 parties asked for the hearing to be moved back and I think we
24 accommodated you. So I suppose it's always possible.

25 MR. FISCHER: Okay. Thank you.

1 MR. WOODSMALL: Your Honor, another issue. In
2 the last case we had initial briefs and reply briefs. I've
3 noticed in a couple recent cases that we've just gone to one
4 round of post-hearing briefs. Do you have a preference on
5 that? Because it may help with the hearing date.

6 JUDGE PRIDGIN: Sure. Absolutely. I think my
7 preference is just for one round of briefs, but I mean, I'm
8 always willing to listen if parties really think -- obviously
9 if we're going to have two rounds of briefs, that would
10 necessitate moving the hearing up somewhat, but I like just
11 the one round of briefs for the most part.

12 MR. KEEVIL: Related to that, Judge, I know
13 there was some issue in the MGE case, maybe even in the last
14 KCPL case, I don't remember, regarding the prehearing brief,
15 whether it's really a brief or whether it is just a statement
16 of position. And it's my understanding that things have now
17 sort of permutated back to where that is essentially just a
18 statement of position. And could you elaborate or confirm or
19 deny or --

20 JUDGE PRIDGIN: I think that the rules
21 contemplate more of a statement of position and that's more
22 what I'm looking for so I can brief the Commission, you know,
23 in the agendas heading into the hearing here are the parties'
24 stances. And obviously, you know, your position of statements
25 can be pretty brief. You know, here's the issue as we see it,

1 here's where we stand on this issue.

2 Anything further I can help counsel with?

3 Okay. If there's nothing further, I believe a
4 proposed procedural schedule is due March 21st. And obviously
5 not all the Intervenor's have appeared and I don't know --
6 counsel probably will have a better idea the extent to which
7 they want to participate in this process or they're simply
8 willing to go along with the other -- you know, the other
9 counsel's wishes on a proposed procedural schedule.

10 I'm up on nine, again, if you have any
11 questions. You're welcome to have this room the rest of the
12 day. And the calendar's up on nine if you need to look at
13 different dates. Anything else from counsel before we
14 adjourn?

15 All right. Hearing nothing, we'll go off the
16 record. That is the end of the prehearing conference in Case
17 No. ER-2007-0291. Thank you very much. We're off the record.

18 WHEREUPON, the hearing was adjourned.

19

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2

3 I, Tracy L. Thorpe Taylor, a Certified Shorthand
4 Reporter, within the State of Missouri, do hereby certify that
5 the witness whose testimony appears in the foregoing
6 deposition was duly sworn by me; that the testimony of said
7 witness was taken by me to the best of my ability and
8 thereafter reduced to typewriting under my direction; that I
9 am neither counsel for, related to, nor employed by any of the
10 parties to the action in which this deposition was taken, and
11 further, that I am not a relative or employee of any attorney
12 or counsel employed by the parties thereto, nor financially or
13 otherwise interested in the outcome of the action.

14

15

Tracy L. Thorpe Taylor, CSR, CCR

16

17

18

19

20

21

22

23

24

25