## PUBLIC SERVICE COMMISSION 3/22/2011

Page 1 1 2 STATE OF MISSOURI 3 PUBLIC SERVICE COMMISSION 4 TRANSCRIPT OF PROCEEDINGS 5 Local Public Hearing Volume 3 6 March 22, 2011 7 Joplin, Missouri 6:00 p.m. 8 9 10 In The Matter Of The Empire District Electric Company Of Joplin, Missouri 11 For Authority To File Tariffs Increasing Rates For Electric Service Provided To 12 Customers In The Missouri Service Area 13 Of The Company File No. ER-2011-0004 14 HAROLD STEARLEY, Presiding 15 SENIOR REGULATORY LAW JUDGE 16 JEFF DAVIS COMMISSIONER 17 REPORTED BY: 18 Erika Schaffer, CCR Midwest Litigation Services 19 20 21 22 23 24 25

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Page 3 1 PROCEEDINGS JUDGE STEARLEY: Good evening. Today is Tuesday 2 March 22nd and the Missouri Public Service Commission 3 set this time for a local public hearing for file number 4 ER-2011-0004 which is captioned as In the Matter of 5 Empire District Electric Company on Joplin, Missouri, 6 7 Seeking Authority to File Tariffs Increasing Rates for Electric Service Provided to Customers in the Missouri 8 9 Service Area of the company. My name is Harold Stearley and I'm the Regulatory Law Judge assigned to this case. 10 With me tonight is Commissioner Davis and the procedure 11 we're going to follow is I will be calling people's 12 names off the list, which they've signed up to testify, 13 14 I'll have you come down to the microphone, I will swear you and you will give your statements to the commission. 15 Prior to that I'm going to take entries of appearance 16 17 from counsel, but before we get started I'm going to ask 18 Commissioner Davis if he'd like to make any opening 19 statements. 20 COMMISSIONER DAVIS: I'd just like to say welcome this evening. I look forward to hearing your testimony. 21 Particularly, if you have any complaints related to 22

24 you know, I understand that these are difficult times 25 financially, for many people, and these are not easy

quality of service that you are receiving from Empire,

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1	decisions that we have to make at the commission, so,
2	thank you.
3	JUDGE STEARLEY: All right. At this time I will
4	take entries of appearance from counsel, starting with
5	the Empire District Electric Company.
6	MS. CARTER: Diana Carter with Brydon, Swearengen
7	and England. Counsel to the Empire District Electric
8	Company.
9	JUDGE STEARLEY: Thank you, Ms. Carter. For the
10	Office of the Public Counsel.
11	MS. BAKER: Thank you. Christina Baker appearing
12	on behalf of the Office of the Public Counsel and the
13	Rate Payors.
14	JUDGE STEARLEY: Thank you, Ms. Baker. And, for
15	the staff of the Missouri Public Service Commission.
16	MS. KLIETHERMES: Thank you, Judge. Sarah
17	Kliethermes, Staff Counsel's Office. Counsel for the
18	Missouri Public Service Commission Staff.
19	JUDGE STEARLEY: Thank you, Ms. Kliethermes. Are
20	any of our interveners here tonight, through counsel?
21	Okay. Well, seeing none, we will begin taking
22	testimony. First person I have on the list is Brenda
23	Wheat. And Ms. Wheat, if you would begin by stating and
24	spelling your name, so our court reporter can enter that
25	correctly into the record.

1	Page5 WITNESS: My name is Brenda Wheat. B-R-E-N-D-A
2	W-H-E-A-T
3	BRENDA WHEAT,
4	of lawful age, having been produced and sworn, testified
5	as follows:
6	JUDGE STEARLEY: Thank you. You may proceed.
7	WITNESS: As I said, my name is Brenda Wheat. I
8	live here in Joplin and I'm here tonight to voice my
9	opposition to this rate increase that Empire is asking
10	for of 9.2 percent. This increase, as we have talked in
11	the previous hour, will put approximately \$13.62 each
12	month increase on each customer's bill. In September of
13	last year, only six months ago, approximately six months
14	ago, Empire received a rate increase of 13.4 percent at
15	the time. I remember at that time, hearing within just
16	a very short time, I think it was said here tonight end
17	of September, so within a short two to three weeks
18	Empire turned around and asked for another 9.2 percent
19	increase, which is what we're here to talk about
20	tonight. As we know, we're living in difficult times.
21	People have lost jobs, those that do have jobs have had
22	to take cuts in benefits, salary cuts, hourly cuts, and
23	as in the case in my household the salary, our salary
24	has been frozen for three years. There's been no
25	increase in Social Security payments for senior citizens

Page 6 for at least two years. I got on Empire District 1 Electric Company's website, and I have a few facts that 2 I'd like to share. The company reported consolidated 3 earnings for the year until December 31st of 2010 of 4 47.4 million dollars. As we've heard many people 5 testify here tonight, of people are hurting, and this 6 7 man over here, who is paying bills of his people in his trailer park just to help them out, and Empire has made 8 earnings of 47.4 million dollars and that is up, from 9 the previous year 2009, which was 41.3 million dollars. 10 The President and CEO of Empire District, Bill Gibson, 11 last year received an annual salary of \$365,000. 12 The President of the United States makes a \$400,000 a year. 13 14 That means, the President of Empire District Electric is only making \$35,000 a year less than the President of 15 the United States of America. Mr. Gibson's total 16 17 compensation package for 2010 was \$1.4 million dollars. 18 I don't see how Empire can come before a public and ask 19 for a 9.2 percent increase in my electric bill, when we're talking about a company that's made 47 million 20 dollars and the top executive's total compensation 21 22 package was over one million dollars last year. The top 23 five executives of Empire each received six-figure 24 salaries last year and their total compensation packages started at \$397,000 a year for the bottom one; they went 25

Page 7 up from there. Based on this information, I suggest 1 Empire's top five executives take a pay cut much like 2 the rest of America has done, in order to help their own 3 company. Empire District has recently put a Utility 4 Arboretum in Landreth Park in Joplin. The power lines 5 run through the park on the south side of the park. 6 7 They are not near the shelters, or the picnic area. The power lines are not in the playground area. 8 Empire District has planted 44 different shrubs and trees in 9 that area, where the power lines run through. They have 10 laid water lines or some kind of watering system 11 underneath wood chips -- that my husband and I walked 12 through that this past weekend -- those water lines are 13 14 already surfacing above the wood chips. There are signs there that say -- they've identified each shrub and 15 There is a sign that has a map, identifying the 16 tree. location of each of those 44 shrubs and trees. 17 Then, 18 there is a sign, which I took a picture of, and brought 19 with me tonight, and part of the sign reads, "on a yearly basis the trees in the Arboretum will absorb 20 90,000 gallons of storm water runoff, reduce 21 22 approximately 5 tons of carbon dioxide from the 23 atmosphere and provide \$1700 in annual benefits for the 24 park." I asked the Empire representatives that were here earlier in the question-and-answer period, how this 25

Page 8 -- these trees provide \$1700 in annual benefits for the 1 park. They could not answer my question. I'd further 2 suggest that this Arboretum that they are talking about 3 would be costly to Empire to maintain 44 shrubs and 4 trees and to water them. All of the wood chips are 5 either going to blow away, or be washed away during 6 7 heavy rainfall. This is a slope of a hillside. May I suggest that Empire District stick to providing 8 9 electricity, and not waste my money planting trees under power lines in a city park? There was the article in 10 The Joplin Globe. I have the article with me. This was 11 dated Sunday, February 13th, 2011, just about a month 12 ago. It was written by Carol Stark, a guest columnist 13 for The Joplin Globe. The article is all about 14 15 pseudoephedrine. Pseudoephedrine is an ingredient in cold medicines and is also used to make meth. I quess 16 17 there's a meth problem here in Joplin so law 18 enforcement, here locally, has asked the City Council of 19 Joplin to make any cold medicine that contains pseudoephedrine available only by prescription. 20 It is now being sold as an over-the-counter drug. They have 21 22 asked that it be available only by prescription. That 23 is what this whole article pertains to. But, in the article, the author Carol Stark, says, "I want to invite 24 you to join us Thursday night for informational forum 25

1	$$\operatorname{Page}9$$ called the Cold Truth. The Joplin Globe, with funding
2	from Empire District Electric Company, will air the
3	forum at 7:00 p.m." My question, and I know the don't
4	answer, why is Empire District Electric Company funding
5	forums on pseudoephedrine? My electric bill is paying
6	for forums? I don't care what side of the issue they're
7	on pseudoephedrine. I don't think Empire District
8	Electric Company needs to be funding forums on
9	pseudoephedrine. I have another article from the Joplin
10	Globe. It is more recent March 13th, not too long ago.
11	It is written by a lady named Charlotte Jay from Webb
12	City. And I will read part of her article. "I am
13	appalled and astounded by the mitigating gall of Empire
14	District Electric Company and Missouri Gas Energy in
15	requesting any type of rate increase while our nation,
16	and our area in particular, is undergoing such dire
17	economic circumstances. It is beyond comprehension that
18	they assume they can justify one scintilla of an
19	increase. While the rest of us struggle to merely
20	survive, these companies, their investors and even their
21	employees enjoy obscenely outrageous profits and
22	benefits. Their quote need end quote need for
23	additional funds, for any reason, is paramount to
24	perpetuate a fraud upon their customers. If they can't
25	operate within their current financial structures, then

Page 10 they need to implement some serious restructuring. 1 Their creed is beyond abhorrent. Our powers that be in 2 Washington have determined, for two consecutive years, 3 there's been no increase in the cost of living, and 4 denied those of us on fixed incomes a cost of living 5 raise. PSC, stop the Empire and MGE madness now. Their 6 7 greed and total lack of consideration for their consumers are incomprehensible. At no time should their 8 profit margins matter more than the welfare of the 9 majority of the actual consumers. I think most people 10 here tonight, based upon what we heard in the earlier 11 session, would agree with the paragraph, that if they 12 can't operate within their current financial structures, 13 14 then they need to implement some serious restructuring. In closing, I would like to say that it's time that 15 Empire cut their costs." People have had to buckle down 16 17 and live on less because of this current economy. It's 18 time Empire does the same. If Empire wants to do public 19 service for the community, then I suggest that instead of funding public forums on pseudoephedrine, and 20 planting trees under power lines in the park, and pay 21 22 their executives outrageous salaries and benefits, I'd 23 rather see Empire help everyone and reduce rates for all 24 their customers. I would like to ask Bill Gibson if he is willing to cut his salary. I realize he's getting 25

	Page 11
1	ready to retire, but are all these top five executives
2	willing to cut their salaries, to help people like this
3	man over here, who is helping his customers in the
4	trailer park. I'm asking the Public Service Commission
5	to deny this request for a rate increase for Empire
6	District Electric Company, and I'm asking that you deny
7	it in full. I will not be happy to hear, in a few
8	weeks, that you have denied the 9.2 percent, but have
9	allowed a two percent, or three percent. I am asking
10	tonight, that the Public Service Commission, based on
11	information I've given, deny this request in full.
12	Thank you.
13	JUDGE STEARLEY: Excuse me, Ms. Wheat. Before
14	the witnesses step down, I need to ask if the attorneys
15	or the commissioner has questions for you specifically,
16	so please remain at the microphone for just a moment.
17	Do any of the attorneys present, tonight, have any
18	questions for this witness?
19	MS. KLEITHERMES: Judge, not a question, just a
20	suggestion, or question for the judge. If we would like
21	to have her exhibits, particularly the photograph,
22	marked? Typically, we'd do that.
23	JUDGE STEARLEY: If Ms. Wheat would like to offer
24	those as exhibits, we can admit them into the record.
25	WITNESS: For what purpose?

1	Page 12 JUDGE STEARLEY: It would go in the record and it
2	would be in the file for all the other commissioners to
3	view.
4	WITNESS: Okay.
5	JUDGE STEARLEY: It would be a matter of public
6	record.
7	WITNESS: It is very obvious. You can go out to
8	Landreth Park and see that. It's there for the public
9	to read Empire, tonight, could not explain to me why
10	it says that those trees, those 44 trees and shrubs,
11	which by the way, Empire needs to get out and check
12	them; some of them are dying. But anyway, they could
13	not explain to me why this is a benefit to the park for
14	\$1700
15	JUDGE STEARLEY: This particular picture is going
16	to be labeled as Exhibit 1.
17	(Exhibit 1 marked and identified for the
18	record.)
19	WITNESS: Would you like the exhibit on why
20	Empire is holding pseudoephedrine forums?
21	JUDGES STEARLEY: If you'd like to offer those,
22	we can take them all as exhibits. Okay. The article on
23	the pseudoephedrine is marked as Exhibit Number 2. And
24	the other article will be marked as Exhibit Number 3.
25	Those will be received into the record. Commissioner

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Page 13 Davis, did you have any questions for Ms. Wheat? 1 (Exhibits 2, and 3 marked and identified for the 2 record.) 3 COMMISSIONER DAVIS: No. 4 5 JUDGE STEARLEY: Thank you very much for your testimony. Our next witness is Shirley Hull. Ms. Hull, 6 7 could you please begin by stating and spelling your name for our court reporter? 8 9 WITNESS: S-H-I-R-L-E-Y. And the last name is Hull, H-U-L-L. 10 11 SHIRLEY HULL, of lawful age, having been produced and sworn testified 12 13 as follows: 14 JUDGE STEARLEY: Thank you. You may proceed. WITNESS: As I have stated earlier. When my 15 level pay was increased \$50 in November, I was told by 16 17 the customer service person this was to cover their 2011 18 rate increase that they were getting. Now, they've 19 already tried to whitewash this and say it was just a -the customer service person didn't quite understand what 20 she was saying. I think she knew exactly what she was 21 22 They have already planned on getting another saving. 23 rate increase this year, and they are collecting money 24 up front for it, and I think there's a problem with the legality of that. Another issue that I would like to 25

Page 14 address is that a couple years ago, right before the big 1 ice storm that we had, I had made a telephone call to 2 Empire, explaining where I lived, and the fact that all 3 of the tree limbs that were hanging over the lines 4 because no one had been around in over 20 years since I 5 moved there, and I was informed then, that that was my 6 7 responsibility to get the right of way clear and to trim the trees. I had a security light, because it is in the 8 9 country. The vegetation had overgrown the security light. I was told that I could climb their pole to 10 clean it up myself. Now, according to the gentleman 11 that had talked a few minutes earlier, is it the Public 12 Service Commission tells him that he had to take care of 13 14 the vegetation and I don't know why I was told that I could go climb up a pole and do it myself. When I told 15 him that I wasn't physically able to do that, he said 16 17 well, that's not our problem, that's your problem. Ι 18 don't think that addresses the safety of the service 19 that Empire is delivering to the customers. I think when the elderly people have to go without their 20 medications -- they have to cut them in half, or they 21 22 just take them every other day. I don't think that is 23 addressing the safety of their consumers. 24 JUDGE STEARLEY: Okay. 25 Thank you. WITNESS:

1	Page 15 JUDGE STEARLEY: And you're quite welcome. We
2	appreciate your comments. Are there any questions for
3	Ms. Hull? Commissioner Davis?
4	COMMISSIONER DAVIS: Ma'am, you asked some good
5	questions. I'm not sure about the budget billing issue,
6	but we will look into that and also on vegetation
7	management with regard to your security light, so, thank
8	you.
9	JUDGE STEARLEY: All right. Our next witness is
10	Stephanie Ayres. Ms. Ayres, would you please begin by
11	stating and spelling your name?
12	WITNESS: My name is Stephanie Ayres.
13	S-T-E-P-H-A-N-I-E. Last name Ayres, A-Y-R-E-S.
14	STEPHANIE AYRES,
15	of lawful age, having been produced and sworn testified
16	as follows:
17	JUDGE STEARLEY: You may proceed.
18	WITNESS: Empire's wanting this rate increase and
19	they're reaping benefits from the people who are paying
20	their electric bills on time. My statement is, is where
21	we live. We live out in the country. We have a light
22	pole at the end of our property. It's an old pole.
23	Throughout the years we have complained and numerous
24	times in reference to our power goes out all the time.
25	It's constantly going out, constantly flickers day in

Page 16 and day out, and we have had several surges a month that 1 goes through our power lines. I've lost TVs, 2 refrigerators, microwaves. We've had to replace them 3 all, and insurance doesn't cover it. And I work very 4 hard for my money, and I have asked Empire if they 5 6 would, since they won't replace the light pole, which 7 we've asked them to do. Our response is, "well, it's really old, you know. We're not going to be able to 8 9 replace it, we have other things that we have to do right now." I can't get anybody to call me back, except 10 for the first time I've asked somebody to call me back 11 today. But this has been going on for years. 12 I've asked them if they were going to replace my appliances 13 14 that I have lost, because I cannot afford to go out and buy and replace all these appliances that I keep on 15 losing because of the power surges, lights going out, 16 17 and again I get the same response, that's not our 18 responsibility. And this has been an ongoing thing, the 19 -- we have a farm that's across the road that just has one light pole and a well; that's it. It has nothing 20 else. No house; no anything. Our electric bill tripled 21 22 this last month. For this month's bill it actually 23 tripled. Its only \$60 less than our total of our 24 electric residence that we live in. We went from a 25 household of five down to two last October, and our

1	Page 17 electric bill has just barely changed, maybe \$15, ten to
2	\$15 a month from having five in the house to two. And
3	again, I can't get any response back from Empire
4	whenever I call to talk with them, or I request
5	assistance or anything on that nature. So, I don't
6	believe they should be getting another rate increase and
7	getting profits and paying the high the president and
8	vice president the amount of money that they do, when I
9	can't get any satisfaction on my end, but yet, I still
10	have to pay or if I if I pay on the date that it's
11	due and they don't get it recorded till the next two or
12	three days later, I get a shut off notice. I just don't
13	think that's right. That's it.
14	JUDGE STEARLEY: Okay. Are there any questions
15	for Ms. Ayres? Commissioner Davis?
16	COMMISSIONER DAVIS: Ms. Ayres, I don't have any
17	questions for you, but I would like for maybe if it
18	would be possible for you to could some of our staff
19	people hold up their hands here? If you could maybe see
20	Mr. Beck, or Mr. Beck, if you could see her after this
21	and Judge, would it be appropriate to ask staff or order
22	staff to investigate Ms. Ayres' quality-of-service
23	problems, as well as her billing problems? Final
24	report, say, within 15 days.
25	JUDGE STEARLEY: Certainly.

1	Page 18
1	COMMISSIONER DAVIS: Thank you, Ms. Ayres.
2	JUDGES STEARLEY: Mr. Beck, I'm not sure when
3	that 15 days would fall, I don't have a calendar in
4	front of me, but your file should be on the business
5	day, obviously, so if that falls on a weekend it would
6	be the following Monday. And, thank you for your
7	testimony, Ms. Ayres. The next witness, is Richard
8	Bourne.
9	WITNESS: Richard B-O-U-R-N-E
10	RICHARD BOURNE,
11	of lawful age, having been produced and sworn testified
12	as follows:
13	WITNESS: My question is for you guys. I've been
14	to a lot of these meetings, and every time Empire says
15	they want a rate increase and three or four months down
16	the line, they get it. I thought you're supposed to
17	protect us, the little people. You know, you're
18	supposed to be neutral. But every time Empire comes to
19	you guys, you give it. I just don't understand that.
20	You know can you give me a little bit of I
21	thought, you know, it's strange, because you're supposed
22	to help us, but then you give Empire a rate increase.
23	You know, right now is in outright down times times
24	is tough. I work I have worked 32 hours out of hours
25	there's something wrong. You know, like that other

1	Page 19 gentleman said, this is a low income. I mean, we're not
2	making no big bucks. Do you know what the average wage
3	in this area is? It's like \$9. You know, so,
4	something's got to be done. You know, I'm 58 years old.
5	And, I know Empire needs to make a profit, but give me a
6	break. Okay? Let's just kind of keep it simple. You
7	know, can Mr. Davis, can you give me an answer, if
8	it's possible? That every time I've been here
9	several times, and you guys okay, Empire, that sounds
10	good. We're going to give it to you.
11	COMMISSIONER DAVIS: I will endeavor to do the
12	best I can, sir. And, in essence, we are required to
13	follow the law, and the law says that utilities are
14	entitled to recover their prudently their prudently
15	incurred costs. Plus, they have an opportunity, not a
16	guarantee, but an opportunity to earn a fair return on
17	that investment.
18	WITNESS: How do you determine what's fair? I'm
19	just curious, you know. I'm just
20	COMMISSIONER DAVIS: Based on our decisions
21	have to be supported by competent and substantial
22	evidence. We will take three rounds of pre-filed
23	testimony on all of the issues, which include, you know,
24	the rate of return that the company is asking for, all
25	of the major expense issues etc. And, then, we will

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1	have cross examination live, in front of the Commission.
2	It will be a one week to two week hearing in Jefferson
3	City, and then there'll be a true-up period to reconcile
4	all the numbers in the case, and at that point we will
5	make a decision, and our decisions have to be supported
6	by competent and substantial evidence.
7	WITNESS: Okay.
8	JUDGE STEARLEY: All right. Thank you. Are
9	there any questions for Mr. Bourne? Mr. Bourne, thank
10	you. Our next witness is Marilyn Beasley.
11	WITNESS: My name is Marilyn Beasley.
12	M-A-R-I-L-Y-N B-E-A-S-L-E-Y.
13	MARILYN BEASLEY,
14	of lawful age, having been produced and sworn testified
15	as follows:
16	JUDGE STEARLEY: You may proceed.
17	WITNESS: The things I wanted to bring out, when
18	I heard that they were going to have this hearing, I
19	contacted the Public Service Commission, just to get
20	some information on the rates that had been given over
21	the last four years. And, in August '08 there was a
22	6.7 percent increase of \$22,040,395. And then, since
23	2009, I was told the utility was allowed to adjust rates
24	every six months to a tab for changes in the fuel costs.
25	Of those four that they did do, three of them were

Page 21 increases, one was a decrease. Then, in September of 1 2010 there was a \$46,800,000 increase which was up 2 13.9 percent, and now they're asking for 36,500,000, 3 from I was told which is 9.2 percent increase. 4 Mv concern is, if those of us who use the services of these 5 6 utility companies, not just Empire, but gas, water 7 whatever, if we knew that these companies were doing everything they could to cut costs, perhaps it wouldn't 8 be so hard to take at times, but, some of the things 9 we've here, that have been given to you, makes us wonder 10 how the money is being spent. The other issue I have, 11 and I brought it up earlier, is what we face and what 12 probably a number of cities face is the monopolies. And 13 14 yes, I understand from what was said, that these are granted to these utility companies to be a monopoly, but 15 in order to have competition, we need to have more than 16 one electric company, and we need to have more than one 17 18 gas company, other providers that will create 19 competition. I understand that, from what was told earlier, that, the legislators have to do this, but I 20 also understand, that according to the mission 21 22 statement, that's part of what the Public Service 23 Commission is to do, is to establish standards, so that 24 competition will maintain or improve the quality of services provided to Missourians. And I for one, would 25

1	Page 22
1	like to have the competition, so not only the quality of
2	service improves, but also the cost.
3	JUDGE STEARLEY: Are there any questions for Ms.
4	Beasley? Commissioner Davis?
5	COMMISSIONER DAVIS: Ms. Beasley, thank you for
6	your testimony. Do you know anyone who lives in a state
7	where they have retail competition for electricity or
8	gas?
9	WITNESS: No, I don't. But, that's not the
10	point. I mean, the point is, we need competition.
11	That's the only way you bring costs down with any
12	service.
13	COMMISSIONER DAVIS: Do you understand that in
14	those states where they have retail competition that you
15	still only have one distribution company?
16	WITNESS: Well, that's what we want to get away
17	from, is one distribution company. We don't just want
18	one Empire, or one Southern Union, or one water company.
19	We need people who can come in and compete. If it's a
20	co-op, like the one lady just asked, then we need
21	something that will bring the cost down, and improve the
22	competition, and service to customers. So, I mean,
23	whatever we have to do, we need to do it.
24	COMMISSIONER DAVIS: All right. Thank you.
25	WITNESS: Thank you.

1	Page 23 JUDGE STEARLEY: Our next witness is Dr. Gaskin.
2	Sir, could you please begin by stating and spelling your
3	name for the record?
4	WITNESS: Okay. My name is Doctor L. Gaskin.
5	D-O-C-T-O-R L. G-A-S-K-I-N.
6	DOCTOR L. GASKIN,
7	of lawful age, having been produced and sworn testified
8	as follows:
9	JUDGE STEARLEY: You may proceed.
10	WITNESS: All right. As I said earlier, it's
11	time that maybe Mr. Gibson comes down off the top of the
12	stool and comes to where the normal people are. The
13	last time I was here, it was all lies and you people was
14	in Jeff City that's where you're out of and I'll talk
15	with you there. I used to have five rental houses and I
16	called and called to talked to somebody, but I never
17	talked to the people, the fine people that was up there,
18	but that's beside the point. Right now is the CEO,
19	all the people on the Board, do they really deserve all
20	that money for what they do for the poor people? Do
21	they go out and help the poor people? Is Mr. Gibson
22	here tonight? All right. I'll talk to you when I'm
23	done. It's time that we come back down to civilization
24	and take care of our people that help make this country
25	what it is today. If we don't do something, it's not

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1	Page 24 getting any better and we surely don't want it to go on
2	like our sons or grandsons are fighting for this
3	country, so it's time that we stand up and fight for us,
4	and for the big companies to back off. The man that's
5	going to replace Mr. Gibson, what's he going to get in
6	perks every year, and the rest of the board? It's
7	already set up, they get it all and we don't get nothing
8	except the shaft. Amen. Thank you. Have a good day.
9	I've got one more question. Is this young lady over
10	here breathing, or are we all contaminated?
11	JUDGE STEARLEY: That's a device she uses for
12	recording all the testimony.
13	WITNESS: Okay.
14	JUDGE STEARLEY: She's our court reporter. Some
15	of them use a stenography type of piece of equipment,
16	and she has a special microphone.
17	WITNESS: Do you have a question for me?
18	COMMISSIONER DAVIS: No. But I just Doctor
19	Gaskin I just see that by your cap that you're a
20	veteran. I just want to say thank you for your service
21	for our country.
22	WITNESS: Did you recognize the hat?
23	COMMISSIONER DAVIS: I'm sorry?
24	WITNESS: Did you recognize to know what that
25	means?

1	Page 25 COMMISSIONER DAVIS: No, sir, I don't.
2	WITNESS: All right. I'll take you back just a
3	little bit and then I'll get off. Remember what stopped
4	the war in Japan? You know the bombs that dropped?
5	COMMISSIONER DAVIS: Yes, sir.
6	WITNESS: Okay. I'm one of 400,000 guinea pigs
7	that went through in Desert Rock, Nevada, and a lot of
8	us only lived to be 30 years old. I don't have too much
9	respect for them people that created the bomb. And then
10	the man that just died in November that had another one,
11	this is a little bit off of it, but it's a target. The
12	bomb that he had created, that they used, if leaves
13	everything to sand. Now but you and I, we all die
14	from inside and we're just a little puddle of water on
15	the ground. So, I'm a hard-nose when it comes to our
16	veterans. It's time that we stop and take care of them
17	like myself for them, in 1953 when I was there, and
18	only in November of last year admit, admit that that I
19	was there. They burned all the records, but that's what
20	they told me. But with the freedom of information you
21	can get it back. Thank you.
22	JUDGE STEARLEY: Our next witness is Diana, and
23	I'm having a little trouble looking at your last name.
24	WITNESS: Willard.
25	JUDGE STEARLEY: Willard? And, if you would also

1	Page 26 begin by stating and spelling your name.
2	WITNESS: Diana D-I-A-N-A Willard W-I-L-L-A-R-D.
3	DIANA WILLARD,
4	of lawful age, having been produced and sworn testified
5	as follows:
6	JUDGE STEARLEY: You may proceed.
7	WITNESS: I'm Diana Willard. I'm on the
8	Governor's Council for Developmental Disabilities and I
9	want to thank you, and thank you, Commissioner. This
10	rate increase will affect the people with developmental
11	disabilities immensely. Our we haven't seen an
12	increase I just came back from the DD Council. I've
13	been I go to Jeff City and Columbia. We just had our
14	meeting, and the DD Council, we haven't seen people
15	an increase on our half for a long time. You know
16	what ISL's are? Assisted-living.
17	COMMISSIONER DAVIS: Yes.
18	WITNESS: Yes. Okay. ISL's are they're
19	making them mandatory. With this rate increase, a
20	person in an ISL home, they only get maybe \$30 to \$10
21	for PCA money. This is going to cut their PCA money
22	down to maybe \$5 a month. That they're going to be able
23	to spend on their everyday, for a month, you know, for
24	personal money. So, I mean, this is it's affecting
25	me on how I'm able to even buy shampoo, bath soap,

Page 27 everything else, and some of these other people -- we 1 haven't gotten increases on disability, Social Security, 2 anything else for a long time. My Empire bill is \$176 3 and it's fixed, and it keeps going up. And, with this 4 new rate increase, it's going to be over \$200 a month, 5 6 and I'm unplugging everything as I can. And we have a 7 controller on the wall and everything else, and I've helped a lot of people with disabilities go through 8 Economic Security. As a matter of fact, I've helped 9 several people go through Economic Security, and at the 10 Brotherwise Nation done to their homes, and everything 11 else, and they still -- coming up with the money to pay 12 their utility bills with they get right now, they don't 13 14 have it. So, some of them are going without their psychotropic medications and they're ending up in the 15 state institutions and everything else. And you know 16 that we're closing them? So, I mean, this is going to be 17 18 a lose-lose situation all the way around. So, I'm 19 asking you, please, not to raise the rates at this time, until we're able to come out of this state of depression 20 that the economy is in. And, we're working on the DD 21 22 side to keep people in homes and to get them out of 23 places, but we also need your support as well, and I 24 want to say thank you. Do you have any questions? I'm quick to ask attorneys. I'm used to doing that. 25

	Bass 28
1	Page 28 JUDGE STEARLEY: Well, thank you for your
2	testimony.
3	COMMISSIONER DAVIS: Thank you for your
4	testimony, Ms. Willard.
5	WITNESS: And I'm going to be up doing another
б	bill pretty soon, the SB40. Do you know about that one,
7	people coming out of the hab centers?
8	COMMISSIONER DAVIS: Oh, okay. Yes, ma'am. I
9	understand the issue, yes, ma'am.
10	WITNESS: I'm working on that one.
11	JUDGE STEARLEY: Our next witness will be Jerry
12	Black.
13	WITNESS: Jerry Black. J-E-R-R-Y B-L-A-C-K.
14	JERRY BLACK,
15	of lawful age, having been produced and sworn testified
16	as follows:
17	JUDGE STEARLEY: You may proceed.
18	WITNESS: As I said, my name is Jerry Black I'm
19	here not only on my behalf but I am a County
20	Commissioner for Newton County, so I represent the
21	citizens of Newton County who are also customers of
22	Empire District. And I can tell you, that there's a
23	small group of people here, but the people I talk to
24	throughout are just appalled and outraged about this
25	rate increase request that Empire has put in at this

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1	Page 29 time, after having just received a 13-1/2 percent
2	increase not only seven months ago. You know, I serve
3	on the board of the Economic Security Corporation the
4	lady behind me just mentioned that, and one of their
5	programs, their agency helps the low-income people in
6	the area. One of their incomes is for utility
7	assistance you're probably familiar with that and
8	our director just told us a couple weeks ago, that he
9	has just more and more people come in for assistance.
10	In fact, they are at the door when they open up in the
11	morning, to get help on these electric bills. Get up
12	here and forget what I had in my mind to say. I've sat
13	here for so long. But, you know, we're in tough
14	economic times. You know, the unemployment rate still
15	hovers around nine percent. People that are working
16	have lot of them have not seen a pay increase for two
17	to three years. In Newton County we've not been able to
18	give our employees an increase for two years. In fact,
19	we had to cut some of their benefits this year. In
20	Jasper County it's been three years since they had a pay
21	increase over there, and as you well know, in the state
22	somebody mentioned it it's been three years. And
23	not only that, but they eliminated hundreds of jobs
24	through attrition and retirement and so forth, and our
25	county in the circuit clerk's office they've lost

Page 30 four employees; they're not allowed to re-hire anybody. 1 You know, businesses have seen their profits diminish 2 over the years. Some businesses have had to even close. 3 I think that the timing of this increase, in these times 4 of economic hardship, is just outrageous to come back to 5 us so quickly for an increase. I think that Empire, you 6 7 know, really needs to take a look in the mirror and say you know what, we're just like any other business here. 8 9 Maybe we shouldn't expect to make the same profits that we were making in 20'7 when things were good. You know, 10 maybe even our stockholders don't need that six percent 11 dividend now. You know, you get one percent at the 12 bank. You know, maybe we can -- everybody's having to 13 14 suffer through this time and this whole thing is a timing thing. I understand the money they spent and all 15 In fact, you know, frankly, I have been a big fan 16 this. of -- I've lived here all my life. I've always been a 17 18 great supporter of Empire District. I've been a 19 commissioner for ten years. Prior to that I've owned a company here for 28 years. Power was one of my biggest 20 expenses, and I knew that I had good service and I had 21 reasonable, reasonable costs throughout. But this thing 22 23 here, after just seven months in the economic 24 environment we are in right now is, just unacceptable. I say shame on Empire District for even asking for this 25

1	Page31 rate increase at this time, and shame on the Public
2	Service Commission if they grant even a dollar of it.
3	So, I would respectfully submit that you deny this
4	request in its entirety.
5	JUDGE STEARLEY: Any questions for Mr. Black?
6	Mr. Black, I appreciate your testimony. Our next
7	witness is Dennis Robbins. And, you've kind of seen how
8	this works, Mr. Robbins. If you'd start by spelling
9	your name for us.
10	DENNIS ROBBINS,
11	of lawful age, having been produced and sworn testified
12	as follows:
13	WITNESS: My name is Dennis Robbins. D-E-N-N-I-S
14	R-O-B-B-I-N-S.
15	JUDGE STEARLEY: Okay. Please proceed.
16	WITNESS: First, I'd like to say I wish I could
17	say it as eloquently as Mr. Black, but I probably won't
18	be able to. Secondly, I'd like to say one positive
19	thing about Empire, and it's probably the only positive
20	thing I can say about them tonight, is I'm very happy
21	with the service I receive from Empire for the mobile
22	home park. I don't have any issues about the service.
23	Then, what I would like to address is the fact of the
24	franchise charge again. I'd like to have it on record
25	that I still don't completely understand why we are

1	Page 32 paying a franchise charge and why it's seven percent of
2	our bill and we pay it monthly. And I'm not sure even
3	after I got the answer that the money went to the city,
4	what the city spends that money on. I'm very confused
5	about why I'm paying for that. And then, the next issue
6	would be that as I stated earlier, I'm 50 years old
7	and I'm a painter and I've been out of the military for
8	27 years. And I've worked a 60 to 80 hours a week
9	average ever since I got out and I started buying my
10	first rentals 20 years ago in the hopes that by the time
11	I was 50 I wouldn't have to work so hard. But with the
12	economy, it's not all Empire, but with the economy I'm
13	forced to work harder for less money and but I keep
14	getting kicked back down by the higher rate hikes, and
15	of course fuel and everything else. My biggest
16	adversary of success in my mobile home park is electric
17	bills. Bar none, bar none. My tenants' electric bills,
18	out there at the mobile home park, reflect anywhere from
19	20 to 35 percent of their income, and it makes it not
20	only hard for their survival, it makes it hard for me as
21	a landlord to ever re-rent one of my properties, because
22	people can't afford to get the electric and they can't
23	even afford to pay for it once they have it. Anyway, I
24	prepared a little bit of a statement. I hope you'll
25	bear with me, some of it I've already stated. I spent

Page 33 approximately \$17,800 on electric in 2010 to supply 1 power to seven families in my mobile home park. 2 The tenants were able to reimburse me about 10,500, so I 3 personally lost \$7300, which I didn't have a cushion in 4 there like Empire does, to recoup that. So, this rate 5 hike, I should expect to only lose, say another 700 on 6 7 top of the 7300 this year. I'm forced to leave the power in my name when the tenants move in because 8 oftentimes the electric deposits are the same or double 9 the highest bill in the last 12 months, or double the 10 average bill. Many people, who come to me looking for 11 affordable place to rent have already fallen behind due 12 to hard times on their past electric bill at the 13 14 previous residence. Yes, with some of these people it's simply because they're irresponsible, and I understand 15 that, but with many others it is simply a matter of 16 17 having more monthly expenses than there is income coming 18 Because the power for these families is in my name, in. 19 that means zero assistance on the bill, and zero assistance in any form of weatherization, which many of 20 my tenants are on HUD, by the way, and the ones who are 21 22 on HUD, who, the electric has to remain in my name get 23 -- do not get to go down there. I can't walk in that 24 line and get any help to pay that bill because I'm a landlord. I have to pay it all. So, in essence, I get 25

Page 34 punished for trying to help people survive. By the way, 1 you'll have to forgive me for the fact -- I'm talking to 2 Empire here. You'll have to forgive me for the fact 3 that every month last, for the last three years, I don't 4 get to give you a check until just days before the shut 5 off date goes into effect, but it's only because I am 6 7 out working my butt off nights and weekends to come up with the money to make sure that check will clear. 8 Т 9 personally have to come up with anywhere, in the winter months, between 2000 to 2200 a month to give them. 10 And then, I come before you today a very simple man with 11 very simple values. I work hard, I do a good job, I do 12 right by others and I always stand up for what I believe 13 When I decided to come here, I realized what I had 14 in. to say would fall upon deaf ears, but despite that, I 15 came because it's the right thing to do. You're here 16 17 again, Empire, asking us to accept another rate hike, 18 this time 9.2 percent, which to you simply relates to 19 1362, \$13.62 to residential customers for every 1000 kilowatts used. To me it, what it means, as a parent, 20 trying to decide what else to sacrifice, or how many 21 22 more hours per month they have to try to work, or with a 23 person on a fixed income, how many more meals will they 24 have to skip that month to pay for that newest increase? The current economy, being what it is, how can you have 25

Page 35 the nerve, no, rather the audacity to ask us to 1 sacrifice even more so that you can maintain a higher 2 profit margin. While most Americans are working harder 3 and making less, you want to increase your profit. 4 I am here, representing not only myself, but the 16 families 5 6 that live in the total electric mobile home park in 7 south Joplin. These are real people with real children, whose lives have already been put into survival mode 8 because of our economy. While everything around them, 9 food, fuel and utilities increases, their incomes have 10 remained the same, or in many cases, gone down. They're 11 faced each and every day to make decisions of what they 12 might sacrifice so as to keep food on the table and a 13 14 roof over their heads. These are people who are already giving up so much for this cause, yet you want them to 15 sacrifice even more for another increased utility bill. 16 By the way, which is approximately \$35 per month, per 17 18 family, within my mobile home park. Even though it 19 costs more to operate the park than what is coming in, I cannot ask these folks to pay more rent. Instead, I 20 have lowered many of them -- their rent, so they might 21 be more able to pay their already high electric bills, 22 23 and others I have to pay part, and at times, all of 24 their electric bills, so that what little money they make can cover their other basic bills, and assure that 25

Page 36 they have food for their families. I personally am 1 making sacrifices, doing all I can. I keep my electric 2 thermostat set at my home in the winters at 62 degrees 3 and 60 at night, and my children have to dress warmly 4 because of it, so that I can keep my bill low enough so 5 I can help them pay theirs. I have three small children 6 7 at home. I still work a 60, 70 and I'll have oftentimes an 80-hour work week, so that I can pay all my bills, 8 and then help many of these other families to pay their 9 electric bills. How can I, in clear conscience, 10 continue to work even more hours so as to pay you even 11 more money, so that I can spend even more, less time 12 with my family? Instead, I think it is time to draw a 13 14 line in the sand, and dare the bully to cross that line. Empire, I come to you -- Empire, I dare you to cross 15 that line with yet another rate hike, because of 16 17 eventually, you push an old country boy too hard, he's 18 going to come back at you with a vengeance. I'm here to 19 tell you that enough is enough and the insanity must stop. A final thought I'd like to leave you with is 20 this, throughout history, many empires have come and 21 22 gone. All of them relied on their existence of the hard 23 work of their people, the peasants if you will, but many 24 of these empires eventually crumbled, because their leaders were consumed by their own greed. Thank you. 25

1	Page 37
1	JUDGE STEARLEY: Any questions for Mr. Robbins?
2	COMMISSIONER DAVIS: Okay. Mr. Robbins, I just
3	want to follow up with you on the so you've got
4	you own the mobile home park?
5	WITNESS: Yes, sir.
6	COMMISSIONER DAVIS: You don't own the trailers?
7	WITNESS: Yes, sir, I do.
8	COMMISSIONER DAVIS: You do.
9	WITNESS: Yes, sir, I do.
10	COMMISSIONER DAVIS: Okay. So you own the
11	trailers. And, so you rent the trailers out what,
12	you've got 16
13	WITNESS: Sixteen now, yes, sir. Fourteen last
14	year.
15	COMMISSIONER DAVIS: Fourteen, and now you've got
16	16. And is it forgive me, because I'm not familiar
17	with Empire's deposit
18	WITNESS: Okay. Go ahead.
19	COMMISSIONER DAVIS: So, the deposit policy is
20	based on the highest bill in the last 12 months at that
21	particular address, is that correct?
22	WITNESS: Correct.
23	COMMISSIONER DAVIS: And so, they make everyone
24	put down a deposit, regardless of credit history, or
25	WITNESS: No, sir. If you've already got service

1	Page 38 with Empire, you can transfer to there, if you're
2	current with Empire and have service with them.
3	COMMISSIONER DAVIS: Right.
4	WITNESS: Many people who are forced to live in a
5	mobile home do not have great credit, don't even have
6	great records with Empire. Okay? And I understand
7	that.
8	COMMISSIONER DAVIS: Okay. So, you just keep the
9	utilities in your name and then they pay
10	WITNESS: They're supposed to pay me, yes.
11	COMMISSIONER DAVIS: They're supposed to pay you.
12	WITNESS: The ones that can't, then I absorb that
13	loss, and there's no help whatsoever, from any source,
14	for me because of that. Sir, when you've got a family
15	living there with two or three children and their income
16	is say a thousand to \$1200 a month and their rent is 400
17	and electric bill averages 2, to 300 per month, and then
18	they've got to get a car to get to work, they have to
19	have food on the table, how can they pay? And I
20	understand that. I can take that. My bills are I've
21	been in the red for years, like I told you. I just
22	instead of whining about it, I just go out and work
23	harder, and the ones that are helping themselves, I help
24	them, anybody who's trying I do what I can. I'm
25	physically able to still 50 years old to go out

1	Page 39
1	work as hard as anybody I know, and I do it because it's
2	the right thing to do, because they're not getting help
3	from anywhere else.
4	COMMISSIONER DAVIS: Thank you, sir.
5	WITNESS: Okay. Thank you.
6	JUDGE STEARLEY: Our next witness is Kathy
7	Wilson. Ms. Wilson, if you'd begin by stating and
8	spelling your name?
9	WITNESS: It's Kathy Wilson. K-A-T-H-Y
10	W-I-L-S-O-N.
11	KATHY WILSON,
12	of lawful age, having been produced and sworn testified
13	as follows:
14	JUDGE STEARLEY: Please proceed.
15	WITNESS: I have a question that involves the
16	service. Actually, it's the deposit you have a
17	statement was made that your budget doesn't include
18	or Empire made a statement that the budget did not
19	include a bad debt allowance. And I'm wondering what
20	bad debt allowance means, when Empire requires you pay
21	double the deposit on whatever house you're going to
22	move in to and they double what the highest electric
23	bill is. For example, we've been a customer of Empire
24	District for 30 years. I run recovery houses for women.
25	We took over a house, a recovery house that went under.

Page 40 When I went in to have Empire turn the electric on, even 1 though I had been doing business in these recovery 2 houses for the last seven years, when I went in to have 3 them turn on the electric, because that, those tenants, 4 I don't know what their agreement was with those 5 tenants, but they left a bill, they came back and told 6 7 me I had to come up with a \$1200 deposit, not only for that house, but for another house that we had. We had 8 to come up with another \$600 other deposit for that 9 house, so that's \$1800. Anybody that I've talked to 10 that moves in and has to have the electric turned on, 11 Empire requires, requires that they have a deposit that 12 is double what the highest bill is. Under the 13 14 circumstances, I do not understand how there would be a bad debt. The other thing that I wanted to talk about 15 was, I can understand any company, any business, wanting 16 17 a fair rate of return. That's a no-brainer. My 18 question is what do you consider a fair rate of return, 19 if their earnings was 47.4 million? What is a fair rate? What do you consider -- how high does that have 20 to go for them to get their money back? How much do 21 they want? And I agree with everybody else that's here; 22 23 Social Security, no raise in the last two years, no cost 24 of living increase. I never ever thought that I would see the day that I would be paying more money for my 25

Page 41 electric bill, than my house payment. When we bought 1 our house back in '97 our electric bill averaged about a 2 \$170 a month. Not any time did we ever go under a 3 thousand, or did we use a thousand, it's always been 4 over that. You make it sound so small, it's only \$13 5 and -- you know what, I don't understand that, because 6 7 that's not the increase I see. I see a 100, 200, \$300 increase, and it just keeps going up year after year. 8 9 Seriously, I'm getting to the point -- I'm worried, are we going to have to make a choice between heating or 10 eating? I mean, a lot of people out there, including 11 myself, are on Social Security. My husband hits a total 12 in the middle of the year. We spent all our money on 13 14 medication for him. We're not the only ones. I've looked in today and I've looked at all the people here, 15 and I noticed there are no young people, and I thought, 16 17 I wonder why? Because maybe they can't pay their 18 electric bills so they're living at home with their 19 folks. It's gotten that bad. I really, really beg you, please do not let them have an increase. If they can 20 afford to pay their CEOs almost as much money as the 21 22 President of the United States, they've got to cut back 23 somewhere. We have to. They should have too. 24 JUDGE STEARLEY: Are there any questions for Ms. 25 Wilson?

1	Page 42 COMMISSIONER DAVIS: No, ma'am.
2	JUDGE STEARLEY: Thank you very much for your
3	testimony. Our next witness is Gary Kenny.
4	WITNESS: My name is Gary Kenny. G-A-R-Y
5	K-E-N-N-Y.
6	GARY KENNY,
7	of lawful age, having been produced and sworn, testified
8	as follows:
9	JUDGE STEARLEY: Please proceed.
10	WITNESS: I'm here, basically, about ten years
11	ago I built a house, and it was all electric, we went
12	that option, and at the time we were getting a special
13	discount rate because we were an all-electric home. For
14	me to change about 100 percent relying on Empire
15	Electric, I would have to heat change my stove, my
16	furnace, my water heater, to switch over to propane
17	those items. And I'd like to know when that preferred
18	rate for all-electric users was taken away, and how it
19	could be possibly put back into service for those of us
20	that are forced to use more electricity than a person
21	that's on natural gas or propane, if we could get a
22	discount on our rates? Thank you.
23	JUDGE STEARLEY: All right. Are there any
24	questions for Mr. Kenny?
25	COMMISSIONER DAVIS: No sir. Maybe, sir, maybe

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Page 43 Mr. Beck or Mr. Oligschlaeger could help, or someone 1 from Empire can help answer the question about when the 2 space heating rebate, or the all-electric rate went away 3 and --4 WITNESS: Well, I'd just like the the Commission 5 to consider -- I'm not sure what their -- if it has to 6 7 be a Legislature that puts on or what has to happen, 8 what process -- some process went through, and I never 9 heard about it, to take that away. There probably was a 10 public notice in the paper, in a back page someplace, but I never heard about a public hearing where they were 11 going to take that away from the people that were 12 all-electric users. So, whatever that process to take 13 14 it away, cannot be reversed to bring it back? 15 COMMISSIONER DAVIS: Sir, I apologize I can't answer that question at this time. 16 WITNESS: I'm finished. 17 18 JUDGE STEARLEY: Thank you, Mr. Kenny. I have 19 reached the end of the names of people who have signed up to testify. Is there anyone else here tonight who 20 would like to offer testimony to the Commission? I'm 21 not seeing any volunteers. Commissioner Davis do you 22 23 have any closing remarks? 24 COMMISSIONER DAVIS: I just want to thank everyone for coming out tonight, and we are mindful of 25

1	Page 44 your testimony. Thank you.
2	JUDGE STEARLEY: All right. And with that, the
3	public hearing in ER-2001-0004 is hereby adjourned, and
4	I thank you all very much.
5	(The foregoing proceedings were concluded at
б	7:58 p.m. on March 22, 2011.)
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