

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Discovery Conference
September 24, 2012
Jefferson City, Missouri
Volume 2

Ag Processing, Inc.,)
)
Complainant,)
)
vs.) File No. HC-2012-0259
)
KCP&L Greater Missouri Operations)
Company,)
)
Respondent.)

HAROLD STEARLEY, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE.

REPORTED BY:
KELLENE K. FEDDERSEN, CSR, RPR, CCR
MIDWEST LITIGATION SERVICES

1 APPEARANCES:

KARL ZOBRIST, Attorney at Law

2 LISA GILBREATH, Attorney at Law

SNR DENTON US, LLP

3 4520 Main Street, Suite 1100

Kansas City, MO 64111

4 (816)460-2400

karl.zobrist@snrdenton.com

5

FOR: KCP&L Greater Missouri Operations
Company.

6 STUART CONRAD, Attorney at Law

Finnegan, Conrad & Peterson

8 3100 Broadway

1209 Penntower Officer Center

9 Kansas City, MO 64111

(816)753-1122

10 stucon@fcplaw.com

11 FOR: Ag Processing, Inc.

12 SARAH KLIETHERMES, Senior Counsel

TANYA ALM, Legal Counsel

13 P.O. Box 360

200 Madison Street

14 Jefferson City, MO 65102

(573)751-3234

15

FOR: Staff of the Missouri Public
Service Commission.

16

17

18

19

20

21

22

23

24

25

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

2 (WHEREUPON, the discovery conference began
3 at 9:01 a.m.)

4 JUDGE STEARLEY: I'm just going to note
5 that the court reporter has everyone's entry of appearance
6 here for HC-2012-0259, the discovery conference scheduled
7 for September 24, 2012. And this was a regularly
8 scheduled conference, but Mr. Conrad has been kind enough
9 to file a motion to compel on Friday, so we kind of know
10 already about the ongoing discovery dispute.

11 Are there any other issues with discovery
12 other than those brought up in the motion that we need to
13 address today?

14 MS. KLIETHERMES: Staff has none pending.

15 MR. CONRAD: Nor do we, other than those
16 mentioned.

17 JUDGE STEARLEY: All right. And I'd
18 received e-mails from Lewis Mills and Lowell Pearson
19 saying they were not going to attend, they had no issues.
20 So we'll just go forward. Mr. Conrad, it's your motion.
21 Do you want to start us out?

22 MR. CONRAD: Sure. We can approach it
23 however your Honor would like. We can either do them all
24 four or one at a time. Let me just start and then you
25 can -- then you can stop as you feel is appropriate.

1 Our first issue is with respect to an
2 objection posed to our Data Request No. 17, which I note
3 has a grammatical error, but I don't know that that
4 appears to have caused any difficulty. The request says
5 monthly surveillance reports showing the company's
6 financial condition for the steam business for January
7 2006 through December 2009, and the objection appears to
8 be it's calling for information that is not relevant,
9 reasonably calculated to lead to the discovery of
10 admissible evidence, because it seeks monthly surveillance
11 financial reports for years not in issue in this case.
12 And I think we have in three following paragraphs to
13 that -- I'm on page 2 of our motion.

14 JUDGE STEARLEY: I've got it on screen
15 here.

16 MR. CONRAD: A, B and C have tried to state
17 that. Now, I probably could have cited you to, and I'm
18 sorry I did not, the Missouri Supreme Court rule and
19 quoted that.

20 JUDGE STEARLEY: That's okay. I've also
21 got that on screen.

22 MR. CONRAD: But that appears to be not
23 a -- not a good basis. I notice the rule does put upon us
24 as the party seeking discovery what the relevancy is. And
25 in the past, and particularly looking back to the past

1 case, GMO has taken the position that it was not
2 financially able, if you will, to deal with these hedges,
3 to deal with liquidation of them, to deal with the
4 potential losses, whatever. And it is our understanding
5 now, I'd have -- I'd be stressed right now to tell you
6 what that's based on, but it is our anecdotal
7 understanding that at least in several of those years
8 they've had a profitable operation. And I guess we would
9 just like to look into that and see if that's true or not
10 or, if not, with respect to what years or, if so, with
11 respect to what years.

12 So the relevance is not -- you know, if you
13 want to look at 2009, I mean, I agree that 2009 is the
14 year that is in specific dispute here, but that is not a
15 year that is -- is able to take out of context because
16 these -- the hedges of which we complain went for several
17 years. And, in fact, the charges go back to 2005-2006
18 when they purchased all of the hedges at one time.
19 Moving -- moving forward, then, are they not able to deal
20 with the financial consequences?

21 If that's going to be an argument here, I'd
22 just like to kind to eliminate it. If it's not going to
23 be an argument, then counsel can stipulate that it's not
24 going to be an argument. I mean, that's -- that's a
25 certain answer to it.

1 But even if you say that, you still have
2 2009, and you still have the issue about whether it's
3 reasonably calculated to lead to the discovery of relevant
4 evidence. And at least as I read the rule, which may be
5 differently than opposing counsel does, it's not a good
6 objection to say that it is not going to lead to
7 admissible evidence. I can see if it were completely a
8 material issue, but that's not the case here.

9 JUDGE STEARLEY: Okay. Mr. Zobrist, do you
10 want to respond?

11 MR. ZOBRIST: Yes, Judge. First of all,
12 when Mr. Conrad filed the motion, there was not a service
13 copy attached. I did get one available to me about
14 four o'clock on Friday afternoon. I have not been able to
15 talk with anyone at the company about this, and so I
16 really can't provide a detailed answer.

17 But I can say that despite the objection to
18 AGP's No. 17 as well as 44, 46 and 48, the company did
19 provide responses. We did not just stand on our
20 objections. And so, you know, I'm in the process this
21 morning of trying to gather up what we did provide, and I
22 believe perhaps not in No. 17 because it may be that we
23 did not provide material going back to '06 and '07 and
24 '08, although I believe we did in a prior case, so I
25 believe Mr. Conrad may have the information he needs, but

1 I cannot confirm that this morning.

2 So actually on both -- or I should say in
3 all four of these requests, I just wanted to advise the
4 Commission that we have provided substantive responses,
5 and I believe actually on 44 and 46 we may have provided
6 Mr. Conrad what he needed, but we did provide responses.
7 And I'd like just another couple of days to be able to
8 confirm what we did provide, and perhaps Mr. Conrad and I
9 can even work these out among ourselves.

10 JUDGE STEARLEY: Well, let me just --

11 MR. CONRAD: Judge, we're happy to do that.

12 JUDGE STEARLEY: Let me clarify while we've
13 got everybody here. My understanding, these were hedges
14 were placed perhaps three years prior to 2009?

15 MR. ZOBRIST: That's correct. The 2006
16 hedges were placed in 2006. The 2000 hedges were placed,
17 I think, over 2006 and 2007, and then the '08 and '09 were
18 placed over a period of about 24 to 28 months. And so
19 some of them were placed back in '06, but some of them,
20 you know, also proceeded over, you know, a series of
21 months, but they were -- they were placed historically
22 before 2009.

23 JUDGE STEARLEY: You know, and as I read
24 the discovery rule, it's kind of a two-part test, and I
25 e-mailed the court citation, but you just look to see if

1 there's any information which could be relevant, which is
2 a really broad standard, or if it's not relevant, if it
3 could reasonably be calculated to lead to the discovery of
4 admissible evidence. It's kind of like two steps, but
5 it's a pretty wide open standard in terms of discovery.
6 You may discover a lot of things, and some of that may or
7 may not be admissible, which would be another issue for
8 another time.

9 The way I'm reading the discovery request
10 or the time period for the information requested on these
11 four, I believe those fall under what would be relevant.
12 And I don't see any objections based on privilege. So
13 just looking at this in general terms, it looks to me like
14 the information being requested is, in fact, discoverable
15 information and should be provided.

16 Now, as far as what may have already been
17 provided in the prior case, which we said at the outset of
18 this case would be able to be pulled into this case, and
19 not seeing what your -- what your responses have been, I'm
20 not sure if, Mr. Conrad, if you have gotten the
21 information that you need or have actually wanted to get
22 or not. So I mean, if you two think you can go through
23 what's been provided and work it out and get back to me,
24 that's fine, too.

25 But in terms of the relevance, I think what

1 I read on your data request is discoverable.

2 MR. CONRAD: Judge, for our part, we're
3 less interested in having a dispute. We've got obviously
4 a basic dispute which will be exposed in the hearing room
5 or elsewhere, but we're not interested in having a dispute
6 about discovery. So if we can work something out within a
7 reasonable time parameter, we're eager to do that.

8 JUDGE STEARLEY: Okay.

9 MR. ZOBRIST: And I would say, Judge, our
10 objections on the time frame that Mr. Conrad has raised
11 were only on No. 17 and 48. We had objections really as
12 to form on 46 and 44. As I said, I think we've responded
13 fully to those, but I need to confirm that and, you know,
14 Lisa and I will be glad to talk to Mr. Conrad offline to
15 see if we have anything more. I do understand your
16 position, your ruling as far as the period of time and the
17 relevance.

18 JUDGE STEARLEY: All right. Well, why
19 don't at this point I'll leave it to you guys to get your
20 heads together and figure out just what you have provided.
21 If there's anything else you need, Mr. Conrad, you can
22 e-mail, contact me by phone. If we need to meet again, we
23 can.

24 MR. CONRAD: Okay. That would be fine.
25 The one thing I think that might be -- might remain open

1 was the objection that was voiced to No. 48, which I
2 understand your ruling on that. And I think the intent
3 was there, Mr. Zobrist, to include the other years from
4 2005 on, and I think that was simply an error on my part
5 or on the consultant's part.

6 So what I would like to be able to do if
7 you need it is to, after we review what you have already
8 provided, is either supplement that or clarify that so
9 that we do have the years covered, but I would -- I would
10 hope that we wouldn't have to go through this again
11 trouble, Judge, about, you know, years that you're
12 acknowledging are involved here.

13 MR. ZOBRIST: So what you're saying is that
14 No. 48 is to read 2005 through 2009?

15 MR. CONRAD: Right.

16 MR. ZOBRIST: Right. That's what I --

17 MR. CONRAD: That's my -- that is my
18 understanding at this point. I'm not the -- I wish I
19 could say that I was the consultant on this, too, but then
20 I wouldn't be able to get on the witness stand, and that
21 would be somewhat more complicated to fuss with. But I
22 will check that out, and also we will check from our
23 direction, Judge, as to what we have received.

24 JUDGE STEARLEY: Okay.

25 MR. CONRAD: And we will -- we will, I'm

1 sure, from our part be eager to confer, and Mr. Zobrist,
2 I'm not in my office right now, but I will be later on
3 this morning, and depending on what time you get closure
4 on your side, perhaps this afternoon or something will be
5 fine.

6 MR. ZOBRIST: We'll try for this afternoon
7 or certainly tomorrow morning.

8 MR. CONRAD: Or tomorrow morning's fine.

9 JUDGE STEARLEY: All right. I do want
10 bring up one other thing. Mr. Zobrist currently has a
11 live motion to stay this matter pending the ruling from
12 the Western District on the prior case, and the Commission
13 may very well hold the case in abeyance and suspend the
14 procedural schedule.

15 If that happens, until that ruling comes
16 out, I do not want it to stay any of the other processes
17 going on behind the scenes. In other words, I would still
18 want discovery completed, because at which time the
19 Commission, if it does stay that, if it resets it for a
20 hearing after that Western District decision comes down, I
21 don't want us to be four, five, six months behind in
22 having these other matters taken care of. Parties have
23 any thoughts or input on that?

24 MS. KLIETHERMES: I have a question, Judge.
25 And I don't have a copy of the procedural schedule with

1 me. I apologize. Would you still expect parties to file
2 things like the issues list and a position statement?

3 JUDGE STEARLEY: No. I would be looking at
4 suspending all of those items, but discovery things,
5 things of that nature, I would want that to continue. I
6 think we're past -- maybe I should pull it up and see. In
7 terms of -- I don't believe there's any outstanding
8 testimony to be filed, is there, at this point?

9 MR. ZOBRIST: I think everything's been
10 filed as of last week, Judge.

11 MR. CONRAD: I believe that's the case.

12 JUDGE STEARLEY: Yeah. We were looking at
13 a November 17 start date, I think.

14 MR. ZOBRIST: 19th.

15 JUDGE STEARLEY: 19th. Yeah.

16 MR. CONRAD: We might just -- so I'm sure
17 it won't catch Mr. Zobrist by surprise, but we might do
18 some depositions. Some might be just simply here's what
19 you said before, but I think that's probably already in
20 pursuant to earlier orders, but there are a couple of
21 folks out there that have some new information that may
22 need to be poked at a little bit. And so we would -- I
23 would intend to do that.

24 There's a possibility after that, Judge, if
25 there were to be a stay pending, as you mentioned, then we

1 might in that period of time ask you for leave to file
2 some supplemental -- I think the last round was
3 surrebuttal. I'm not sure. But we might ask you for
4 leave to do that. That would be based on those
5 depositions.

6 JUDGE STEARLEY: That's perfectly
7 reasonable. And the discovery process is going on, what I
8 would probably do is allow everyone leave to supplement
9 prior testimony if the matters come up prior to picking up
10 with any other parts of the procedural schedule.

11 I did want to make clear that that is out
12 there, and it may very well be that we have a suspension,
13 but I don't want that to stop any of the other -- those
14 would just be for the dates that were on the procedural
15 schedule, and I don't want to bring the matter to a
16 complete halt where we lose time on getting other things
17 accomplished.

18 MS. KLIETHERMES: Do you know what sort
19 of -- I guess alternative's not the right word, but what
20 sort of hearing dates might be contemplated if it does get
21 delayed at all?

22 JUDGE STEARLEY: Well, my guess is we'd
23 have to wait for the Western District decision and then we
24 could set a time frame after that.

25 MR. CONRAD: The case was just submitted, I

1 believe --

2 JUDGE STEARLEY: I believe that's right.

3 MR. CONRAD: -- Wednesday.

4 JUDGE STEARLEY: So we may be looking at
5 six months or longer for that to turn around.

6 MR. CONRAD: There is no operation of law
7 date on that court, as far as I know.

8 JUDGE STEARLEY: Right.

9 MR. CONRAD: They would usually take, I
10 would -- at least it's been my experience that it's less
11 than or not -- excuse me -- not less than three months,
12 but any time after that it's in the, you know, the bosom
13 of the court.

14 MS. KLIETHERMES: I was just contemplating
15 whether this would run into interfering with the Empire
16 hearings and developments in that case. So if we could
17 just keep that and, of course, any other Commission cases
18 mindful.

19 JUDGE STEARLEY: Right. Of course, Ameren
20 and GMO will be behind us if we end up waiting because
21 those are coming up quickly. Do you off the top of your
22 head, Ms. Kliethermes, remember the start date for Empire?

23 MS. KLIETHERMES: It seems like it's the
24 end of January, beginning of February, but I don't recall.

25 JUDGE STEARLEY: Okay. We can adapt.

1 MR. CONRAD: I'm sure that were this to
2 occur, that your Honor would take whatever the existing
3 schedule is at that time into consideration.

4 JUDGE STEARLEY: Certainly.

5 MR. ZOBRIST: Judge, I thought I might
6 mention, something happened to the Commission's website.
7 We used to be able to get about a six-month horizon into
8 the hearing schedule, and it has been truncated recently.
9 I wasn't on it last week, but --

10 MS. GILBREATH: I was, and it's only
11 through October.

12 MR. ZOBRIST: Yeah, it's only through
13 October. Unless you happen to know when your specific
14 case is, you can't see other hearing dates like into next
15 year.

16 JUDGE STEARLEY: Okay. I will bring that
17 up and see what's going on with that.

18 MR. CONRAD: I guess I'd second that,
19 although I haven't tried that. That can be very useful
20 when trying to look ahead.

21 JUDGE STEARLEY: They've made some changes,
22 and, of course, sometimes people think the changes are
23 helping us. Sometimes they're not.

24 MR. CONRAD: Judge, I don't know if this is
25 the time or the place, but at one point in time, maybe

1 this has been as long as a couple years ago or maybe
2 longer, we had a working group on the -- on EFIS, and I
3 don't -- that seems to have been abandoned, and there
4 would be some things that might be useful to get that
5 restarted. Now, I don't know. Sometimes the IT folk
6 don't like to be -- don't like to have their decisions
7 questioned. They just make an assumption that, well,
8 everybody wanted to do what I wanted to do, which is a
9 little like Microsoft Word. The document comes out
10 looking just exactly the way Bill thought you wanted it to
11 look.

12 JUDGE STEARLEY: I can check into that as
13 well. I personally made a request for an additional -- or
14 an addition to the EFIS notification so they'd reflect who
15 the judges were on the cases. That would have some
16 advantage for those of us who get every single EFIS
17 notification to figure out which ones actually involve our
18 cases and things of this nature, and I made that request a
19 couple months ago. So things are very slow in happening.

20 MR. CONRAD: There used to be a box down at
21 the bottom of the filing thingy that you checked if it was
22 due today or not, and the theory that I was told about
23 that was that that sent a notice to whomever the assigned
24 judge was, but that that had absolutely no significance at
25 all. It didn't work. I don't know if it didn't work

1 because just never enabled it or it didn't work because it
2 didn't work. That's the old software game, you know.
3 It's not a bug, it's a feature.

4 JUDGE STEARLEY: I've got too many features
5 and not enough of them that I can really use. Well, is
6 there anything else we need to take up?

7 MR. CONRAD: No. Insofar as we're
8 concerned, I think we're done. Looking forward to hearing
9 from Mr. Zobrist, and we'll work on our end with what we
10 need do.

11 MR. ZOBRIST: We have nothing else either,
12 Judge.

13 JUDGE STEARLEY: All right. If you need to
14 contact me, if we do need to have another meeting, feel
15 free to e-mail. You can also reach me at home this week.
16 It would be 573-474-5040. I mean, we live in the
17 electronic age. I've got the computer and I've got the
18 phone. I can't run. I can't hide.

19 MR. CONRAD: I last four were 4740, but I
20 missed the middle.

21 JUDGE STEARLEY: Yeah. 574-474-5040. And
22 I'll be checking the work e-mail from home as well.

23 MR. CONRAD: Well, I hope your wife gets to
24 feeling better.

25 JUDGE STEARLEY: Thank you. I appreciate

1 that very much.

2 MR. CONRAD: Thank you, Judge.

3 JUDGE STEARLEY: If there's nothing else,
4 we'll --

5 MR. CONRAD: And Karl, thanks for setting
6 up the conference.

7 MR. ZOBRIST: Sure. You're welcome.

8 JUDGE STEARLEY: Yeah. Thank you again for
9 that, Mr. Zobrist.

10 MR. ZOBRIST: Thank you, Judge.

11 JUDGE STEARLEY: If there's nothing else,
12 we'll go ahead and go off the record.

13 (WHEREUPON, the discovery conference was
14 concluded at 9:25 a.m.)

15

16

17

18

19

20

21

22

23

24

25

1

2

C E R T I F I C A T E

3

STATE OF MISSOURI)

) ss.

4

COUNTY OF COLE)

5

I, Kellene K. Feddersen, Certified

6

Shorthand Reporter with the firm of Midwest Litigation

7

Services, do hereby certify that I was personally present

8

at the proceedings had in the above-entitled cause at the

9

time and place set forth in the caption sheet thereof;

10

that I then and there took down in Stenotype the

11

proceedings had; and that the foregoing is a full, true

12

and correct transcript of such Stenotype notes so made at

13

such time and place.

14

Given at my office in the City of

15

Jefferson, County of Cole, State of Missouri.

16

17

Kellene K. Feddersen, RPR, CSR, CCR

18

19

20

21

22

23

24

25

TRANSCRIPT OF PROCEEDINGS 9/24/2012

A	APPEARAN...	Broadway 9:8	closure 18:3	19:11,16
abandoned	9:1	brought 10:12	Cole 26:4,15	20:25 21:3,6
23:3	appears 11:4,7	bug 24:3	come 20:9	21:9 22:1,18
abeyance 18:13	11:22	business 11:6	comes 18:15,20	22:24 23:20
able 12:2,15,19	appreciate	C	23:9	24:7,19,23
13:14 14:7	24:25	C 10:1 11:16	coming 21:21	25:2,5
15:18 17:6,20	approach	26:2,2	Commission	consequences
22:7	10:22	calculated 11:9	8:2 9:16 14:4	12:20
above-entitled	appropriate	13:3 15:3	18:12,19	consideration
26:8	10:25	calling 11:8	21:17	22:3
absolutely	argument	caption 26:9	Commission's	consultant
23:24	12:21,23,24	care 18:22	22:6	17:19
accomplished	assigned 23:23	case 11:11 12:1	company 8:15	consultant's
20:17	assumption	13:8,24 15:17	9:6 13:15,18	17:5
acknowledging	23:7	15:18,18	company's	contact 16:22
17:12	attached 13:13	18:12,13	11:5	24:14
adapt 21:25	attend 10:19	19:11 20:25	compel 10:9	contemplated
addition 23:14	Attorney 9:1,2	21:16 22:14	complain 12:16	20:20
additional	9:7	cases 21:17	Complainant	contemplating
23:13	available 13:13	23:15,18	8:13	21:14
address 10:13	a.m 10:3 25:14	catch 19:17	complete 20:16	context 12:15
admissible	B	cause 26:8	completed	continue 19:5
11:10 13:7	B 11:16	caused 11:4	18:18	copy 13:13
15:4,7	back 11:25	CCR 8:24	completely	18:25
advantage	12:17 13:23	26:17	13:7	correct 14:15
23:16	14:19 15:23	Center 9:8	complicated	26:12
advise 14:3	based 12:6	certain 12:25	17:21	counsel 9:12,12
afternoon	15:12 20:4	certainly 18:7	computer	12:23 13:5
13:14 18:4,6	basic 16:4	22:4	24:17	County 26:4,15
Ag 8:12 9:11	basis 11:23	Certified 26:5	concerned 24:8	couple 14:7
age 24:17	began 10:2	certify 26:7	concluded	19:20 23:1,19
ago 23:1,19	beginning	changes 22:21	25:14	course 21:17
AGP's 13:18	21:24	22:22	condition 11:6	21:19 22:22
agree 12:13	believe 13:22	charges 12:17	confer 18:1	court 10:5
ahead 22:20	13:24,25 14:5	check 17:22,22	conference 8:7	11:18 14:25
25:12	15:11 19:7,11	23:12	10:2,6,8 25:6	21:7,13
allow 20:8	21:1,2	checked 23:21	25:13	covered 17:9
ALM 9:12	better 24:24	checking 24:22	confirm 14:1,8	CSR 8:24
alternative's	Bill 23:10	CHIEF 8:19	16:13	26:17
20:19	bit 19:22	citation 14:25	Conrad 9:7,7	currently 18:10
Ameren 21:19	bosom 21:12	cited 11:17	10:8,15,20,22	D
anecdotal 12:6	bottom 23:21	City 8:9 9:3,9	11:16,22	D 10:1
answer 12:25	box 9:13 23:20	9:14 26:14	13:12,25 14:6	data 11:2 16:1
13:16	bring 18:10	clarify 14:12	14:8,11 15:20	date 19:13 21:7
apologize 19:1	20:15 22:16	17:8	16:2,10,14,21	21:22
appearance	broad 15:2	clear 20:11	16:24 17:15	dates 20:14,20
10:5			17:17,25 18:8	

22:14 days 14:7 deal 12:2,3,3 12:19 December 11:7 decision 18:20 20:23 decisions 23:6 delayed 20:21 DENTON 9:2 depending 18:3 depositions 19:18 20:5 DEPUTY 8:19 despite 13:17 detailed 13:16 developments 21:16 differently 13:5 difficulty 11:4 direction 17:23 discover 15:6 discoverable 15:14 16:1 discovery 8:7 10:2,6,10,11 11:9,24 13:3 14:24 15:3,5 15:9 16:6 18:18 19:4 20:7 25:13 dispute 10:10 12:14 16:3,4 16:5 District 18:12 18:20 20:23 document 23:9 due 23:22	17:8 24:11 electronic 24:17 eliminate 12:22 Empire 21:15 21:22 enabled 24:1 entry 10:5 error 11:3 17:4 everybody 14:13 23:8 everyone's 10:5 everything's 19:9 evidence 11:10 13:4,7 15:4 exactly 23:10 excuse 21:11 existing 22:2 expect 19:1 experience 21:10 exposed 16:4 e-mail 16:22 24:15,22 e-mailed 14:25 e-mails 10:18	19:1 20:1 filed 13:12 19:8 19:10 filing 23:21 financial 11:6 11:11 12:20 financially 12:2 fine 15:24 16:24 18:5,8 Finnegan 9:7 firm 26:6 first 11:1 13:11 five 18:21 folk 23:5 folks 19:21 following 11:12 foregoing 26:11 form 16:12 forth 26:9 forward 10:20 12:19 24:8 four 10:24 13:14 14:3 15:11 18:21 24:19 frame 16:10 20:24 free 24:15 Friday 10:9 13:14 full 26:11 fully 16:13 fuss 17:21	21:20 go 10:20 12:17 15:22 17:10 25:12,12 going 10:4,19 12:21,22,24 13:6,23 18:17 20:7 22:17 good 11:23 13:5 gotten 15:20 grammatical 11:3 Greater 8:15 9:5 group 23:2 guess 12:8 20:19,22 22:18 guys 16:19	Honor 10:23 22:2 hope 17:10 24:23 horizon 22:7
E 10:1,1 26:2,2 eager 16:7 18:1 earlier 19:20 EFIS 23:2,14 23:16 either 10:23	F F 26:2 fact 12:17 15:14 fall 15:11 far 15:16 16:16 21:7 feature 24:3 features 24:4 February 21:24 Feddersen 8:24 26:5,17 feel 10:25 24:14 feeling 24:24 figure 16:20 23:17 file 8:14 10:9	G G 10:1 game 24:2 gather 13:21 general 15:13 getting 20:16 GILBREATH 9:2 22:10 Given 26:14 glad 16:14 GMO 12:1	H halt 20:16 happen 22:13 happened 22:6 happening 23:19 happens 18:15 happy 14:11 HAROLD 8:18 HC-2012-0259 8:14 10:6 head 21:22 heads 16:20 hearing 16:4 18:20 20:20 22:8,14 24:8 hearings 21:16 hedges 12:2,16 12:18 14:13 14:16,16 helping 22:23 hide 24:18 historically 14:21 hold 18:13 home 24:15,22	I include 17:3 information 11:8 13:25 15:1,10,14,15 15:21 19:21 input 18:23 Insofar 24:7 intend 19:23 intent 17:2 interested 16:3 16:5 interfering 21:15 involve 23:17 involved 17:12 issue 11:1,11 13:2,8 15:7 issues 10:11,19 19:2 items 19:4
				J January 11:6 21:24 Jefferson 8:9 9:14 26:15 judge 8:19 10:4 10:17 11:14 11:20 13:9,11 14:10,11,12 14:23 16:2,8 16:9,18 17:11 17:23,24 18:9 18:24 19:3,10 19:12,15,24 20:6,22 21:2 21:4,8,19,25 22:4,5,16,21 22:24 23:12 23:24 24:4,12

24:13,21,25 25:2,3,8,10 25:11 judges 23:15	live 18:11 24:16 LLP 9:2 long 23:1 longer 21:5 23:2 look 12:9,13 14:25 22:20 23:11 looking 11:25 15:13 19:3,12 21:4 23:10 24:8 looks 15:13 lose 20:16 losses 12:4 lot 15:6 Lowell 10:18	11:10 months 14:18 14:21 18:21 21:5,11 23:19 morning 13:21 14:1 18:3,7 morning's 18:8 motion 10:9,12 10:20 11:13 13:12 18:11 moving 12:19 12:19	office 18:2 26:14 Officer 9:8 offline 16:14 okay 11:20 13:9 16:8,24 17:24 21:25 22:16 old 24:2 ones 23:17 ongoing 10:10 open 15:5 16:25 operation 12:8 21:6 Operations 8:15 9:5 opposing 13:5 orders 19:20 outset 15:17 outstanding 19:7 o'clock 13:14	personally 23:13 26:7 Peterson 9:7 phone 16:22 24:18 picking 20:9 place 22:25 26:9,13 placed 14:14 14:16,16,18 14:19,21 point 16:19 17:18 19:8 22:25 poked 19:22 posed 11:2 position 12:1 16:16 19:2 possibility 19:24 potential 12:4 present 26:7 Presiding 8:18 pretty 15:5 prior 13:24 14:14 15:17 18:12 20:9,9 privilege 15:12 probably 11:17 19:19 20:8 procedural 18:14,25 20:10,14 proceeded 14:20 proceedings 8:6 26:8,11 process 13:20 20:7 processes 18:16 Processing 8:12 9:11 profitable 12:8 provide 13:16 13:19,21,23 14:6,8 provided 14:4
K K 8:24 26:5,17 Kansas 9:3,9 Karl 9:1 25:5 karl.zobrist... 9:4 KCP&L 8:15 9:5 keep 21:17 Kellene 8:24 26:5,17 kind 10:8,9 12:22 14:24 15:4 Kliethermes 9:12 10:14 18:24 20:18 21:14,22,23 know 10:9 11:3 12:12 13:20 14:20,20,23 16:13 17:11 20:18 21:7,12 22:13,24 23:5 23:25 24:2	M Madison 9:13 Main 9:3 material 13:8 13:23 matter 18:11 20:15 matters 18:22 20:9 mean 12:13,24 15:22 24:16 meet 16:22 meeting 24:14 mention 22:6 mentioned 10:16 19:25 Microsoft 23:9 middle 24:20 Midwest 8:24 26:6 Mills 10:18 mindful 21:18 missed 24:20 Missouri 8:1,9 8:15 9:5,15 11:18 26:3,15 MO 9:3,9,14 monthly 11:5	N N 10:1 nature 19:5 23:18 need 10:12 15:21 16:13 16:21,22 17:7 19:22 24:6,10 24:13,14 needed 14:6 needs 13:25 never 24:1 new 19:21 note 10:4 11:2 notes 26:12 notice 11:23 23:23 notification 23:14,17 November 19:13	P P 10:1 page 11:13 paragraphs 11:12 parameter 16:7 part 16:2 17:4 17:5 18:1 particularly 11:25 parties 18:22 19:1 parts 20:10 party 11:24 Pearson 10:18 pending 10:14 18:11 19:25 Penntower 9:8 people 22:22 perfectly 20:6 period 14:18 15:10 16:16 20:1	
L law 8:19 9:1,2 9:7 21:6 lead 11:9 13:3 13:6 15:3 leave 16:19 20:1,4,8 Legal 9:12 Lewis 10:18 liquidation 12:3 Lisa 9:2 16:14 list 19:2 Litigation 8:24 26:6 little 19:22 23:9		O O 10:1 objection 11:2 11:7 13:6,17 17:1 objections 13:20 15:12 16:10,11 obviously 16:3 occur 22:2 October 22:11 22:13		

14:5 15:15,17 15:23 16:20 17:8 Public 8:2 9:15 pull 19:6 pulled 15:18 purchased 12:18 pursuant 19:20 put 11:23 P.O 9:13	relevant 11:8 13:3 15:1,2 15:11 remain 16:25 remember 21:22 REPORTED 8:23 reporter 10:5 26:6 reports 11:5,11 request 11:2,4 15:9 16:1 23:13,18 requested 15:10,14 requests 14:3 resets 18:19 respect 11:1 12:10,11 respond 13:10 responded 16:12 Respondent 8:16 responses 13:19 14:4,6 15:19 restarted 23:5 review 17:7 right 10:17 12:5 16:18 17:15,16 18:2 18:9 20:19 21:2,8,19 24:13 room 16:4 round 20:2 RPR 8:24 26:17 rule 11:18,23 13:4 14:24 ruling 16:16 17:2 18:11,15 run 21:15 24:18	<hr/> S S 10:1 SARAH 9:12 saying 10:19 17:13 says 11:4 scenes 18:17 schedule 18:14 18:25 20:10 20:15 22:3,8 scheduled 10:6 10:8 screen 11:14,21 second 22:18 see 12:9 13:7 14:25 15:12 16:15 19:6 22:14,17 seeing 15:19 seeking 11:24 seeks 11:10 Senior 9:12 sent 23:23 September 8:8 10:7 series 14:20 service 8:2 9:16 13:12 Services 8:24 26:7 set 20:24 26:9 setting 25:5 sheet 26:9 Shorthand 26:6 showing 11:5 side 18:4 significance 23:24 simply 17:4 19:18 single 23:16 six 18:21 21:5 six-month 22:7 slow 23:19 SNR 9:2 software 24:2	somewhat 17:21 sorry 11:18 sort 20:18,20 specific 12:14 22:13 ss 26:3 Staff 9:15 10:14 stand 13:19 17:20 standard 15:2 15:5 start 10:21,24 19:13 21:22 state 8:1 11:16 26:3,15 statement 19:2 stay 18:11,16 18:19 19:25 steam 11:6 STEARLEY 8:18 10:4,17 11:14,20 13:9 14:10,12,23 16:8,18 17:24 18:9 19:3,12 19:15 20:6,22 21:2,4,8,19 21:25 22:4,16 22:21 23:12 24:4,13,21,25 25:3,8,11 Stenotype 26:10,12 steps 15:4 stipulate 12:23 stop 10:25 20:13 Street 9:3,13 stressed 12:5 STUART 9:7 stucon@fcpl... 9:10 submitted 20:25 substantive	14:4 Suite 9:3 supplement 17:8 20:8 supplemental 20:2 Supreme 11:18 sure 10:22 15:20 18:1 19:16 20:3 22:1 25:7 surprise 19:17 surrebuttal 20:3 surveillance 11:5,10 suspend 18:13 suspending 19:4 suspension 20:12 <hr/> T T 26:2,2 take 12:15 21:9 22:2 24:6 taken 12:1 18:22 talk 13:15 16:14 TANYA 9:12 tell 12:5 terms 15:5,13 15:25 19:7 test 14:24 testimony 19:8 20:9 Thank 24:25 25:2,8,10 thanks 25:5 theory 23:22 thereof 26:9 they'd 23:14 thing 16:25 18:10 things 15:6 19:2,4,5
--	---	--	---	---

TRANSCRIPT OF PROCEEDINGS 9/24/2012

20:16 23:4,18 23:19 thingy 23:21 think 11:12 14:17 15:22 15:25 16:12 16:25 17:2,4 19:6,9,13,19 20:2 22:22 24:8 thought 22:5 23:10 thoughts 18:23 three 11:12 14:14 21:11 time 10:24 12:18 15:8,10 16:7,10,16 18:3,18 20:1 20:16,24 21:12 22:3,25 22:25 26:9,13 today 10:13 23:22 told 23:22 tomorrow 18:7 18:8 top 21:21 transcript 8:6 26:12 tried 11:16 22:19 trouble 17:11 true 12:9 26:11 truncated 22:8 try 18:6 trying 13:21 22:20 turn 21:5 two 15:4,22 two-part 14:24 <hr/> U <hr/> understand 16:15 17:2 understanding 12:4,7 14:13	17:18 use 24:5 useful 22:19 23:4 usually 21:9 <hr/> V <hr/> voiced 17:1 Volume 8:9 vs 8:14 <hr/> W <hr/> wait 20:23 waiting 21:20 want 10:21 12:13 13:10 18:9,16,18,21 19:5 20:11,13 20:15 wanted 14:3 15:21 23:8,8 23:10 wasn't 22:9 way 15:9 23:10 website 22:6 Wednesday 21:3 week 19:10 22:9 24:15 welcome 25:7 went 12:16 Western 18:12 18:20 20:23 we'll 10:20 18:6 24:9 25:4,12 we're 14:11 16:2,5,7 19:6 24:7,8 we've 14:12 16:3,12 wide 15:5 wife 24:23 wish 17:18 witness 17:20 word 20:19 23:9	words 18:17 work 14:9 15:23 16:6 23:25,25 24:1 24:2,9,22 working 23:2 wouldn't 17:10 17:20 <hr/> Y <hr/> Yeah 19:12,15 22:12 24:21 25:8 year 12:14,15 22:15 years 11:11 12:7,10,11,17 14:14 17:3,9 17:11 23:1 <hr/> Z <hr/> Zobrist 9:1 13:9,11 14:15 16:9 17:3,13 17:16 18:1,6 18:10 19:9,14 19:17 22:5,12 24:9,11 25:7 25:9,10 <hr/> 0 <hr/> 06 13:23 14:19 07 13:23 08 13:24 14:17 09 14:17 <hr/> 1 <hr/> 1100 9:3 1209 9:8 17 11:2 13:18 13:22 16:11 19:13 19th 19:14,15 <hr/> 2 <hr/> 2 8:9 11:13 200 9:13 2000 14:16	2005 17:4,14 2005-2006 12:17 2006 11:7 14:15,16,17 2007 14:17 2009 11:7 12:13,13 13:2 14:14,22 17:14 2012 8:8 10:7 24 8:8 10:7 14:18 28 14:18 <hr/> 3 <hr/> 3100 9:8 360 9:13 <hr/> 4 <hr/> 44 13:18 14:5 16:12 4520 9:3 46 13:18 14:5 16:12 4740 24:19 48 13:18 16:11 17:1,14 <hr/> 5 <hr/> 573)751-3234 9:14 573-474-5040 24:16 574-474-5040 24:21 <hr/> 6 <hr/> 64111 9:3,9 65102 9:14 <hr/> 8 <hr/> 816)460-2400 9:4 816)753-1122 9:9 <hr/> 9 <hr/>	9:01 10:3 9:25 25:14
---	---	---	---	---------------------------------------