

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

April 2, 2007  
Jefferson City, Missouri  
Volume 1

WILLIAM RAPP, )  
 )  
Petitioner, )  
 )  
vs. ) Case No. GC-2007-0164  
 )  
LACLEDE GAS COMPANY )  
 )  
Respondent. )

BENJAMIN H. LANE, Presiding  
REGULATORY LAW JUDGE

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

2 JUDGE LANE: Let's go ahead and go on the  
3 record, then. Every -- this is Case No. GC-2007-0164.  
4 That's William Rapp versus Laclede Gas Company.

5 It's Monday, April 2nd, 2007, about 10:19 a.m.  
6 And -- and we had some difficulties on our end here,  
7 Mr. Rapp, establishing the call on time, and we appreciate  
8 your patience and for calling the hotline so that we could  
9 get you -- get you squared away. And for that, we  
10 apologize.

11 I want to go ahead and start -- I know some of  
12 you have filed written entries of appearance, but if you  
13 -- if you would, please go ahead and do an oral entry of  
14 appearance. And we'll start with Staff.

15 MR. BAKER: Blane Baker, Staff for the --  
16 attorney for the Staff of the Missouri Public Service  
17 Commission, P.O. Box 360, Jefferson City, Missouri, 65102.

18 JUDGE LANE: Okay.

19 MR. POSTON: Oh, I'm sorry. Marc Poston  
20 appearing on behalf of the Office of Public Counsel and  
21 the Public.

22 JUDGE LANE: Thank you very much. Mr. Rapp,  
23 would you please just indicate that you're here appearing  
24 on your own behalf and state your address for the record?

25 MR. RAPP: William Rapp. It's P.O. Box 16473,

1 St. Louis, Missouri, 63125, appearing on my behalf before  
2 Laclede Gas.

3 JUDGE LANE: Thank you very much. Before we get  
4 started, I just want to reiterate what was stated in the  
5 order establishing this prehearing conference. And that's  
6 just to note that one of the main reasons for a prehearing  
7 conference is designed to permit the parties to pursue  
8 settlement discussions before the matter proceeds to a  
9 contested evidentiary hearing and, also, to identify any  
10 procedural or scheduling matters of concern that need to  
11 be taken care of prior to a formal disposition of all the  
12 issues in the case.

13 The Commission also believes, as stated in that  
14 order, that a prehearing conference offers the parties a  
15 valuable opportunity to resolve their differences orally  
16 in discussion, full, fair, frank discussion, or perhaps  
17 even agree to voluntary mediation of the dispute, which is  
18 still possible even at this date and just to remind  
19 everyone that this is not an evidentiary hearing.

20 We will not be taking evidence, and no final  
21 decision will be rendered in this case as a result of this  
22 prehearing conference.

23 Some of the things that you may want to discuss  
24 during this conference includes the matters that I just  
25 mentioned. Also, if there are any outstanding discovery

1 issues that may need to be resolved -- it looks like  
2 discovery in this matter -- everything's in the -- in the  
3 record right now, all of the reports, Staff's reports, the  
4 investigation reports, the billing records and so forth.  
5 They're all part of the file.

6 But if any party believes that there is  
7 additional discovery that needs to be conducted before  
8 this matter proceeds to an evidentiary hearing, now would  
9 be a good time to talk about it.

10 I do not require the parties to come up with a  
11 -- with a scheduling order yet. But that might be a  
12 little premature given that -- the possibility of -- that  
13 maybe settlement could be pursued. But that's another one  
14 of the things you might want to talk about if you feel  
15 that there's documentary evidence of some sort that has  
16 not been provided to all the parties in this matter.

17 One of the other things you might want to talk  
18 about during this conference is who -- who each party  
19 plans to call as witnesses at -- at the evidentiary  
20 hearing so that nobody is blind-sided by that. That might  
21 be another thing.

22 If you have any exhibits that you plan to  
23 introduce, the nature of those exhibits, what they  
24 contain, et cetera, again, a lot of that is going to be  
25 pretty straightforward if no additional discovery is going

1 to be needed in this case.

2 One other thing that could be a potential  
3 outcome of this -- of this prehearing conference is a  
4 stipulation as to any facts that are not in dispute, any  
5 facts that all the parties agree on as -- as being true,  
6 so as to eliminate uncontroverted matters, you know, items  
7 that aren't in controversy from being discussed during the  
8 evidentiary hearing.

9 So I think I've hit the high points of the  
10 things that this prehearing conference is to concern.

11 Mr. Rapp, do you have any questions about that  
12 discussion?

13 MR. RAPP: My -- my question is to what -- what  
14 record that Laclede has present in the history of this --  
15 of this case. This dates back for some time, actually,  
16 the problems that have been incurred with this.

17 JUDGE LANE: There is a representative of  
18 Laclede here present, Mr. Pendergast. He's on the line.  
19 Also, Staff is here, and they can tell you what records  
20 that they have regarding this case and whether they've  
21 been admitted into the record already as part of their  
22 answer or as part of their recommendation.

23 So if you would like to discuss that matter with  
24 them, this would be a good time to do it.

25 MR. RAPP: All right. Mine is not just the

1     billing, but it's the -- the services that went along from  
2     the time when this first -- this transponder device was  
3     installed I was only notified that there was to be a meter  
4     change which was regulated by the Public Service  
5     Commission for a new meter.

6             And when it was installed, it was obvious there  
7     was this transponder on top, which was a largely  
8     inoperable device through the period of time. And that's  
9     been, I think, about a ten-year period or better.

10            JUDGE LANE: I understand that, Mr. Rapp. If  
11     there are any issues regarding the transponder, its proper  
12     operation, et cetera, et cetera, that you feel need to be  
13     discussed at the evidentiary hearing, feel free to bring  
14     that up.

15            MR. RAPP: All right.

16            JUDGE LANE: And if there are any records  
17     regarding that that you have or that you believe that  
18     Laclede has --

19            MR. RAPP: Well, unfortunately, I didn't know I  
20     was in for a long-term problem and wasn't -- wasn't  
21     recording it as that. But I would suspect that Laclede  
22     should have it.

23            JUDGE LANE: Well, and, again, that would be a  
24     discovery request that you could -- you know, you could  
25     propose as long as it doesn't go beyond the scope of the

1 pleadings that we've had so far. So if you want -- that  
2 -- that is one of the reasons we're trying to get  
3 everybody on the same page here. That's one of the  
4 reasons we're having this so that, you know, we don't have  
5 a situation where come hearing time, you're asking about  
6 records that could have been requested prior to hearing  
7 but were not.

8 MR. RAPP: I understand. But, largely, all I've  
9 ever received from Laclede is copies of everything wanting  
10 to dismiss or deny.

11 MR. PENDERGAST: Mr. Rapp, it's Mike Pendergast.  
12 How are you this morning?

13 MR. RAPP: I am well.

14 MR. PENDERGAST: I apologize. Mr. Zucker, who  
15 has been working on this, couldn't be here today because  
16 of an illness in the family. But I just wanted to make  
17 sure that if you understood that if there are any records  
18 that you'd like to see regarding your particular account,  
19 anything that's transpired with regard to that account,  
20 I'll be sure and get them to you.

21 MR. RAPP: All right. Appreciate it.

22 MR. PENDERGAST: You bet.

23 JUDGE LANE: Very good. Thank you,  
24 Mr. Pendergast and Mr. Rapp. We're about to conclude the  
25 on -- if there are no further questions about the -- what



1    this -- what this prehearing conference is designed to  
2    achieve and the matters -- or the topics of discussion,  
3    we're about to go off the record.

4                   And the court reporter is here taking down what  
5    we've said so far. But when we go off the record, the --  
6    you can have discussion on all of these issues.

7                   I also wanted to remind anyone here that any  
8    facts that you discuss at this conference, including any  
9    settlement offers, any discussions about facts or material  
10   that's needed, those are all privileged and cannot be used  
11   against any party participating unless the parties agree  
12   to disclose them and use them at the hearing or they are  
13   fully authenticated by other independent evidence.

14                  Do you understand that, Mr. Rapp?

15                  MR. RAPP: Yes.

16                  JUDGE LANE: Okay. Very good. Well, I'm about  
17   to take us off the record. Would anyone like to make any  
18   comments before I do?

19                  MR. PENDERGAST: Judge, I would just go ahead  
20   and -- for the record, when we were making the  
21   appearances, I don't think I got a chance to say me, too.  
22   So I just wanted to make it clear for the record that I'm  
23   appearing on behalf of Laclede Gas.

24                  JUDGE LANE: Very good. And I'm sorry I skipped  
25   you over. I remembered you identifying yourself earlier,

1 but I don't think we were on the record yet then.

2 MR. PENDERGAST: That's correct. Thank you,  
3 your Honor.

4 JUDGE LANE: Thank you. All right. If you  
5 should need me, you can call me at my -- at my -- at my  
6 phone number, which -- which everybody should have  
7 directly to my office if you should need me for any reason  
8 during this prehearing.

9 I don't think it will be necessary, but in the  
10 occasion that it is, you have my number. And I wish you  
11 luck in having a productive prehearing conference. And  
12 we're going to go off the record, and thank you very much  
13 for -- for appearing this morning.

14 MR. PENDERGAST: Thank you, Judge.

15 MR. BAKER: Thank you.

16 MR. RAPP: Thank you.

17 JUDGE LANE: We're off the record.

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