

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

PREHEARING CONFERENCE

June 28, 2000  
Jefferson City, Missouri  
Volume 1

In the Matter of the Application of )  
Kansas City Power & Light Company for an )  
Order Authorizing the Transfer of Certain )  
Electrical Generation Assets Used to ) Case No.  
Provide Electric Service to Customers in ) EM-2000-753  
Missouri and Other Relief Associated with )  
Kansas City Power & Light Company's Plan )  
to Restructure Itself into a Holding )  
Company, Competitive Generation Company, )  
Regulated Utility Company and Unregulated )  
Subsidiary )

BEFORE:

MORRIS L. WOODRUFF, Presiding,  
REGULATORY LAW JUDGE.

REPORTED BY:

STEPHANIE L. KURTZ  
ASSOCIATED COURT REPORTERS, INC.  
714 West High Street  
Post Office Box 1308  
JEFFERSON CITY, MISSOURI 65101  
(573) 636-7551

ASSOCIATED COURT REPORTERS, INC.  
(573) 636-7551 JEFFERSON CITY, MO 65101  
TOLL FREE 1-888-636-7551

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

2 DEBORAH R. SWANK, Attorney at Law  
3 WILLIAM G. RIGGINS, Attorney at Law  
4 1201 Walnut, 20th Floor  
5 Kansas City, Missouri 64106-2124

6 LARRY W. DORITY  
7 FISCHER & DORITY  
8 101 West McCarty, Suite 215  
9 Jefferson City, Missouri 65101

10 FOR: Kansas City Power & Light Company.

11 PAUL S. DEFORD, Attorney at Law  
12 LATHROP & GAGE  
13 2345 Grand Boulevard  
14 Kansas City, Missouri 64108

15 PETER J. BRICKFIELD  
16 BRICKFIELD & BURCHETTE  
17 1025 Thomas Jefferson  
18 Washington D.C. 20002

19 FOR: GST Steel.

20 GARY W. DUFFY, Attorney at Law  
21 BRYDON, SWEARENGEN & ENGLAND, P.C.  
22 P. O. Box 456  
23 Jefferson City, Missouri 65102-0456

24 FOR: UtiliCorp United, Inc. and The Empire  
25 District Electric Company.

26 JEFFREY A. KEEVIL, Attorney at Law  
27 STEWART & KEEVIL, L.L.C.  
28 Cherry Street Centre  
29 1001 Cherry Street, Suite 302  
30 Columbia, Missouri 65201

31 FOR: Missouri Gas Electric.

32 JAMES J. COOK, Attorney at Law  
33 MANAGING ASSOCIATE GENERAL COUNSEL  
34 One Ameren Plaza  
35 1901 Chouteau Avenue  
36 P. O. Box 66149, MC 1310  
37 St. Louis, Missouri 63166-6149

38 FOR: Union Electric Company d/b/a Ameren UE.

39

ASSOCIATED COURT REPORTERS, INC.  
(573) 636-7551 JEFFERSON CITY, MO 65101  
TOLL FREE 1-888-636-7551

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

APPEARANCES (CONTINUED)

MARTHA S. HOGERTY, Public Counsel  
JOHN B. COFFMAN, Senior Public Counsel  
P. O. Box 7800  
Jefferson City, Missouri 65102

FOR: Office of the Public Counsel and the  
Public.

DANA K. JOYCE, General Counsel  
STEVEN R. DOTTHEIM, Chief Deputy General Counsel  
DENNIS L. FREY, Assistant General Counsel  
P. O. Box 360  
Jefferson City, Missouri 65102

FOR: Staff of the Missouri Public Service  
Commission.

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

P R O C E E D I N G S

(Written Entries of Appearance filed.)

JUDGE WOODRUFF: Good morning everyone. My name is Morris Woodruff. I'm going to be the Regulatory Law Judge in this case, and we're here for the prehearing conference in the case of application of Kansas City Power & Light Company for an order authorizing it to basically restructure itself. Case No. EM-2000-753.

We'll begin by taking entries of appearance, and we'll start with Kansas City Power & Light.

MS. SWANK: Good morning, Your Honor. Deborah Swank and William Riggins, Kansas City Power & Light Company, 1201 Walnut, Floor 20, Kansas City, Missouri 64106, and also Larry Dority of Fischer and Dority, 101 West McCarty, Suite 215, Jefferson City, Missouri 65101 on behalf of the applicant.

JUDGE WOODRUFF: Thank you.

And for Staff?

MR. DOTTHEIM: Steven Dottheim, Dana K. Joyce, Dennis Frey, Post Office Box 360, Jefferson City, Missouri 65102 appearing on behalf of the Staff of the Missouri Public Service Commission.

JUDGE WOODRUFF: Public Counsel?

MS. HOGERTY: Martha Hogerty and John Coffman,

ASSOCIATED COURT REPORTERS, INC.  
(573) 636-7551 JEFFERSON CITY, MO 65101  
TOLL FREE 1-888-636-7551

1 P. O. Box 7800, Jefferson City, Missouri appearing on  
2 behalf of the Public Counsel.

3 JUDGE WOODRUFF: Okay. And Laclede County?  
4 Is anyone here for Laclede?

5 (No response.)

6 Okay. And for GST Steel?

7 MR. DEFORD: Paul S. DeFord with the law firm  
8 of Lathrop & Gage, 2345 Grand Boulevard, Kansas City,  
9 Missouri 64108, also appearing Peter J. Brickfield,  
10 Brickfield and Burchette.

11 JUDGE WOODRUFF: Okay. And the International  
12 Brotherhood of Electrical Workers?

13 Is anyone for the IBEW?

14 (No response.)

15 Okay. St. Joseph Light & Power?

16 MR. DUFFY: Gary Duffy, Brydon, Swearngen &  
17 England, P.C., P. O. 456, Jefferson -- wait. No, I'm  
18 not appearing for St. Joseph Light & Power.

19 JUDGE WOODRUFF: Okay.

20 MR. DUFFY: I usually do, but not this time.

21 JUDGE WOODRUFF: Okay.

22 MR. DUFFY: Sorry.

23 JUDGE WOODRUFF: Is anyone else here for  
24 St. Joseph Light & Power?

25 MR. DUFFY: Get in the hang of it.

ASSOCIATED COURT REPORTERS, INC.  
(573) 636-7551 JEFFERSON CITY, MO 65101  
TOLL FREE 1-888-636-7551

1 JUDGE WOODRUFF: Okay. No one's here for  
2 St. Joseph Light & Power then?

3 MR. DUFFY: I thought Comley was intervening  
4 for them.

5 JUDGE WOODRUFF: He's not here.  
6 Missouri Joint Municipal Electrical Utility  
7 Commission?

8 Anyone here for them?

9 (No response.)

10 Okay. And the Missouri Energy Group?  
11 No one for them.  
12 UtiliCorp?

13 MR. DUFFY: That's me.  
14 Gary Duffy, Brydon, Swearengen & England,  
15 P.C., P. O. Box 456, Jefferson City, Missouri 65102,  
16 and I'm also here for the Empire District Electric  
17 Company.

18 JUDGE WOODRUFF: Okay. And for the City of  
19 Kansas City?

20 Anyone here for Kansas City?

21 (No response)

22 Okay. Missouri Gas Electric or MGE?

23 MR. KEEVIL: Jeffrey A. Keevil of the law firm  
24 of Stewart & Keevil, L.L.C., 1001 Cherry Street,  
25 Suite 302, Columbia, Missouri 65201.

1 JUDGE WOODRUFF: And for Western Resources?

2 Anyone for Western Resources?

3 (No response.)

4 For Union Electric?

5 MR. COOK: James J. Cook, Ameren Services

6 Company, 1901 Chouteau Avenue, P. O. Box 66149,

7 St. Louis, Missouri 63166 appearing on behalf of Union

8 Electric Company, doing business as Ameren UE.

9 JUDGE WOODRUFF: And for the Missouri

10 Industrial Energy Consumers?

11 Anyone here for them?

12 (No response.)

13 Okay. Well, this is a pretty full courtroom

14 and half the people aren't even represented. We may

15 need to expand somehow.

16 All right. We're here today really to -- to

17 get the ball rolling on -- on the case. The previous

18 order that established this prehearing conference also

19 directed that procedural schedules were to be filed by

20 July 7th, so that's, of course, one of the main reasons

21 that you're going to be here today is to talk about

22 what that procedural schedule is going to be.

23 KCPL has proposed some fairly interesting and

24 unique ideas on how to proceed in this case, so we'll

25 allow them to discuss that with the other parties. I

ASSOCIATED COURT REPORTERS, INC.  
(573) 636-7551 JEFFERSON CITY, MO 65101  
TOLL FREE 1-888-636-7551

1     don't think that's necessary to do that on the record  
2     however.

3             Anything else that anyone needs to bring up  
4     while we're on the record?

5             MS. SWANK: Judge, I have two matters.

6             JUDGE WOODRUFF: Go ahead.

7             MS. SWANK: We are going to try to seek  
8     agreement today on a procedural schedule that's  
9     acceptable to the parties. If we're unable to do so in  
10    light of the number of parties involved and the  
11    upcoming holiday, at least, the applicants or perhaps  
12    the applicant and one -- and one or more parties may  
13    seek an extension -- a short extension of the deadline  
14    in which to file the procedural schedule.

15            And if it's convenient for the judge, we may  
16    seek to go back on the rec-- on the record later this  
17    morning and seek an extension in order to avoid having  
18    to contact and coordinate amongst all the parties next  
19    week.

20            JUDGE WOODRUFF: That -- I certainly don't  
21    have any objection to do that if it's necessary to  
22    request an extension. The court reporter will not be  
23    here after we go off the record.

24            MS. SWANK: I see.

25            JUDGE WOODRUFF: You can certainly contact me

ASSOCIATED COURT REPORTERS, INC.  
(573) 636-7551 JEFFERSON CITY, MO 65101  
TOLL FREE 1-888-636-7551



1     however and I'll come back in and we can discuss it  
2     further, if we want to, but we won't be able to make a  
3     record.

4             MS. SWANK:   Thank you.

5             JUDGE WOODRUFF:  Anything else?

6             MS. SWANK:  Yes.  The second item is the  
7     Office of Public Counsel filed request for hearing on  
8     June 13.  KCPL was not served with a copy of this  
9     pleading, and, in fact, KCPL is not listed on the  
10    certificate of service.

11            We learned of the pleading through  
12    conversation, and yesterday obtained a copy of the  
13    pleading directly from the Commission.  Since KCPL was  
14    not served, we would request that we have 10 days in  
15    which to respond to the pleading up to and including  
16    July 8.

17            JUDGE WOODRUFF:  Certainly you may take the  
18    time you need to respond.  Let me ask, Public Counsel,  
19    was there anything in that request for hearing that  
20    would require a response from the Commission?

21            MR. COFFMAN:  I -- I can tell you that the  
22    intent of that motion was -- was merely to preserve our  
23    procedural rights.  Certainly have no problem with the  
24    additional time and certainly apologize for not serving  
25    the applicants with a copy of that.

1 JUDGE WOODRUFF: Okay.

2 MR. COFFMAN: It was obviously an oversight.

3 JUDGE WOODRUFF: Correct me if I'm wrong, but

4 I don't believe there's a motion re-- connected with

5 that that would require the Commission to take any

6 action other than -- is there any reason?

7 MR. COFFMAN: No, not at this time, Judge.

8 JUDGE WOODRUFF: Okay.

9 MR. COFFMAN: The -- the intent was -- was

10 purely to preserve our rights as this matter goes

11 forward.

12 JUDGE WOODRUFF: Okay.

13 MS. SWANK: Thank you.

14 JUDGE WOODRUFF: Anything else?

15 MS. SWANK: No, Your Honor.

16 JUDGE WOODRUFF: Yes, Mr. Dottheim.

17 MR. DOTTHEIM: I think we've been joined by

18 some additional people. I don't know if those are --

19 happen to be any additional parties that weren't here

20 for entry of appearance.

21 JUDGE WOODRUFF: Let me ask, is there any --

22 are any additional parties represented that did not

23 enter their appearance before?

24 (No response.)

25 Okay. I'm not seeing anyone.

1           MR. MADRIGAL: You're asking about the people  
2   that intervened at filing, is that what you're asking?  
3           JUDGE WOODRUFF: I'm asking if there are any  
4   other attorneys here that are --  
5           MR. MADRIGAL: Oh.  
6           JUDGE WOODRUFF: Okay. Are you -- are you  
7   here for someone?  
8           MR. MADRIGAL: We're intervenors in the  
9   filing.  
10          JUDGE WOODRUFF: Okay. Who are you?  
11          MR. MADRIGAL: Our attorney's not here though.  
12          JUDGE WOODRUFF: Okay. Who are you?  
13          MR. MADRIGAL: I'm IBEW Local 1464, 412 and  
14   1613.  
15          JUDGE WOODRUFF: Okay. And -- and your name?  
16          MR. MADRIGAL: I'm Bob Madrigal. I represent  
17   IBEW Local 1464, Ray Marvin from 412 and Mike Long from  
18   1613.  
19          JUDGE WOODRUFF: Okay. And who is your  
20   attorney?  
21          MR. MADRIGAL: James Waers.  
22          JUDGE WOODRUFF: Was he planning on being here  
23   later on?  
24          MR. MADRIGAL: No.  
25          JUDGE WOODRUFF: Okay. I'm -- I can't accept

1 your appearance today --

2 MR. MADRIGAL: No problem.

3 JUDGE WOODRUFF: -- or your formal appearance  
4 or anything, but you can certainly take part in the  
5 conference.

6 MR. MADRIGAL: Sure.

7 JUDGE WOODRUFF: Mr. Dottheim?

8 MR. DOTTHEIM: Yes. On another matter, the --  
9 the order that you issued, Judge, earlier which  
10 indicated that a procedural schedule should be filed on  
11 July 7th, and there's been an indication there might be  
12 a request for some additional time for that.

13 If there's a request for additional time, I  
14 suspect, at least, on -- on the part of the Staff since  
15 the following week are hearings scheduled in the  
16 St. Joseph Light & Power-UtiliCorp merger case that, at  
17 least, from the Staff's perspective if there was an  
18 extension of time it probably would be a -- a request  
19 to some time after that -- that next week because of  
20 the proceedings that are presently scheduled.

21 JUDGE WOODRUFF: Yes. And I'm -- I'm involved  
22 in those proceedings also, so it's unlikely that  
23 anything else is going to happen on this case during  
24 that week anyway.

25 Let me ask the parties, is the deadline of the

1 7th a reasonable one or should we go ahead and take up  
2 a motion to extend that deadline right now.

3 Mr. DeFord?

4 MR. DEFORD: We would have no objection to  
5 extending that deadline. I think that would be kind of  
6 a crunch for everyone.

7 JUDGE WOODRUFF: Okay.

8 Ms. Swank, do you want to make a motion at  
9 this point?

10 MS. SWANK: Yes, Your Honor. We move to  
11 extend the deadline for 10 days until July 17th.

12 JUDGE WOODRUFF: That would be --

13 MR. KEEVIL: The Monday right after that.

14 MR. DOTTHEIM: That would be a Monday.

15 MR. KEEVIL: That's the Monday right after  
16 that hearing that Mr. Dottheim was referring to --

17 JUDGE WOODRUFF: Yeah.

18 MR. KEEVIL: -- so I don't think --

19 MR. DOTTHEIM: Or -- or maybe if the 18th  
20 might help?

21 MR. KEEVIL: I was going to suggest the 19th.  
22 I think a lot of people in here are going to be in that  
23 hearing.

24 JUDGE WOODRUFF: Yes.

25 MR. KEEVIL: I am, and looking around the room

1 I see Mr. Duffy, lots of people that will be. So if  
2 we're going to go that far, we might as well go to the  
3 19th. It seems to me like that would be a good date.

4 MS. SWANK: That's fine.

5 JUDGE WOODRUFF: The 19th?

6 MS. SWANK: Yes.

7 JUDGE WOODRUFF: Okay.

8 Mr. Dottheim?

9 MR. DOTTHEIM: Yes. And -- and just one other  
10 thing, that the order in the -- the order section  
11 indicates that a proposed procedural schedule is to be  
12 filed, but also in the body of the -- of the order  
13 indicates that if after the prehearing conference any  
14 party believes that the application is deficient, it  
15 may file an appropriate motion with the Commission.

16 So the Commission is not necessarily only  
17 looking for a procedural schedule -- any other  
18 procedural motion from -- from the parties that they  
19 might think is appropriate at that -- at that stage.

20 JUDGE WOODRUFF: Yes. Although I -- I don't  
21 believe that order is setting deadlines for those  
22 procedural motions nor I don't -- nor do I think that  
23 the deadline would be appropriate.

24 If anybody wants to file those motions, they  
25 can do so, otherwise I suggest that they wait until

1 after the 19th, and the filing of procedural schedules,  
2 and they can be -- I'll address it at the same time.

3 MR. DOTTHEIM: Okay. Thank you.

4 JUDGE WOODRUFF: All right. We -- the motion  
5 was made to extend the filing of the procedural  
6 schedule until July 19th.

7 Does anyone have any objection to doing so?

8 (No response.)

9 All right. Then the Commission will order  
10 that the procedural schedule be due on July 19th rather  
11 than July 7th as previously ordered.

12 MS. SWANK: Thank you, Your Honor.

13 JUDGE WOODRUFF: Thank you.

14 Anything else anyone wants to bring up while  
15 we're on the record?

16 (No response.)

17 Hearing none, then, at this time we'll go off  
18 the record.

19 WHEREUPON, the on-the-record portion of the  
20 prehearing conference was concluded.

21

22

23

24

25