

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
Prehearing Conference
May 9, 2014
Jefferson City, Missouri
Volume 2

In the Matter of a Request of a)
Rate Increase by Terre Du Lac) File No.
Utilities Corporation) WR-2014-0104

In the Matter of a Request of a)
Rate Increase by Terre Du Lac) File No.
Utilities Corporation) SR-2014-0105

DANIEL JORDAN, Presiding,
SENIOR REGULATORY LAW JUDGE

REPORTED BY:

Patricia A. Stewart
RMR, RPR, CCR 401
Midwest Litigation Services
3432 West Truman Boulevard, Suite 207
Jefferson City, Missouri 65101
(573) 636-7551

1 APPEARANCES:

2 FOR TERRE DU LAC UTILITIES CORPORATION:

3 Diana C. Carter

Brydon, Swearngen & England, P.C.

4 312 East Capitol Avenue

Jefferson City, Missouri 65101

5 (573) 635-7166

6

FOR OFFICE OF THE PUBLIC COUNSEL:

7

Christina Baker, Senior Public Counsel

8 P. O. Box 2230

Jefferson City, Missouri 65102

9 (573) 751-5565

10

FOR STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION:

11

Kevin A. Thompson, Chief Staff counsel

12 P. O. Box 360

Jefferson City, Missouri 65102

13 (573) 751-6514

14

15

16

17

18

19

20

21

22

23

24

25

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

2 (Start time: 10:00 a.m.)

3 JUDGE JORDAN: The Commission is calling the
4 case in two files, File No. WR-2014-0104 and File
5 No. SR-2014-0105. Each one is styled in the matter of a
6 request for a rate increase by Terre Du Lac Utilities
7 Corporation.

8 My name is Daniel Jordan. I'm the regulatory
9 law judge assigned to this case. We're here for a
10 prehearing conference. We will be discussing scheduling
11 matters and other matters if the parties want to bring
12 them up.

13 We will do part of this procedure on the
14 record and then we will also leave this room available
15 for the parties to discuss matters off the record, and
16 they can also discuss during that time matters of
17 settlement or other issues that may be sensitive and
18 they don't want me to hear.

19 I'll also remind the parties that mediation
20 is possible for issues that the parties cannot resolve
21 between themselves.

22 Let's begin by taking entries of appearance
23 and also introduce client representatives that are
24 present.

25 Let's begin with the Applicant Terre Du Lac.

1 MS. CARTER: Diana Carter of Brydon,
2 Swearngen & England for the Applicant. Our address is
3 312 East Capitol Avenue, Jefferson City, Missouri 65101.
4 And present for the company are Mike and Judy Tilley.

5 JUDGE JORDAN: Thank you.
6 For Staff.

7 MR. THOMPSON: Kevin A. Thompson and
8 Alexander Antal for the Staff of the Missouri Public
9 Service Commission, Post Office Box 360, Jefferson City,
10 Missouri 65102.

11 JUDGE JORDAN: Do you have some client
12 representatives present today?

13 MR. THOMPSON: Yes, I do. I have John
14 Candidly and Jim Busch, Jim Mercies, Lisa Ferguson,
15 Kay Needier, Martin Hummed, Debbie Bunsen, and there are
16 others in the building.

17 JUDGE JORDAN: Very good.
18 For the Office of Public Counsel.

19 MS. BAKER: Thank you.
20 Christina Baker, P.O. Box 2230,
21 Jefferson City, Missouri 65102 appearing on behalf of
22 the Office of the Public Counsel and the customers, and
23 I have with me Ms. Kern Roth.

24 JUDGE JORDAN: Thank you.
25 I'm just going to give a little bit of

1 introduction here. I'm going to remind the parties that
2 I'm not an engineer. I'm not an economist. I'm not an
3 accountant. So in an evidentiary hearing or any other
4 presentations that you will make to me, try to use words
5 of one syllable. My background is administrative law.
6 It doesn't go deep into technicality. So I appreciate
7 that.

8 Any questions about our procedure before we
9 move on?

10 Okay. Now, I understand that the parties
11 have one procedural matter that they want to raise to
12 me.

13 MR. THOMPSON: That's correct, Judge.

14 Staff would move that the due date for the
15 proposed procedural schedule be set back from next
16 Tuesday, which is where I think it presently is, to next
17 Friday.

18 JUDGE JORDAN: Okay. We have a pretty short
19 fuse on that. I think the proposed order setting the
20 procedural schedule is due on May 12, which would be
21 Monday, and you'd like to make that Friday?

22 MR. THOMPSON: Yes, sir.

23 JUDGE JORDAN: Okay. Then I will ask the
24 other parties, starting with the utility, any objection
25 to that extension?

1 MS. CARTER: No objection.

2 JUDGE JORDAN: And Office of Public Counsel?

3 MS. BAKER: No objection.

4 JUDGE JORDAN: All right. I will take that
5 under advisement and issue a ruling probably later
6 today.

7 MR. THOMPSON: Thank you, Judge.

8 JUDGE JORDAN: Anything else that I can do
9 for the parties while we are all together, I'm present
10 and we're on the record?

11 Anything from the utility?

12 MS. CARTER: No.

13 JUDGE JORDAN: Anything from Staff?

14 MR. THOMPSON: No, thank you, sir.

15 JUDGE JORDAN: Anything from the Office of
16 Public Counsel?

17 MS. BAKER: No, thank you.

18 JUDGE JORDAN: All right. Thank you very
19 much for dealing with this efficiently, and with that we
20 will go off the record.

21 WHEREIN, the prehearing conference concluded
22 at 10:06 a.m.

23

24

25

<p>A</p> <p>ability 34:8 accountant 32:3 action 34:10,14 address 31:2 administrative 32:5 advisement 33:5 Alexander 31:8 Antal 31:8 appearance 30:22 APPEARANC... 29:1 appearing 31:21 appears 34:6 Applicant 30:25 31:2 appreciate 32:6 assigned 30:9 attorney 34:12 available 30:14 Avenue 29:4 31:3 a.m 30:2 33:22</p> <hr/> <p>B</p> <p>back 32:15 background 32:5 Baker 29:7 31:19 31:20 33:3,17 behalf 31:21 best 34:7 bit 31:25 Boulevard 28:23 Box 29:8,12 31:9 31:20 bring 30:11 Brydon 29:3 31:1 building 31:16 Bunsen 31:15 Busch 31:14</p> <hr/> <p>C</p> <p>C 29:3 30:1 calling 30:3 Candidly 31:14</p>	<p>Capitol 29:4 31:3 Carter 29:3 31:1 31:1 33:1,12 case 30:4,9 CCR 28:22 34:4 34:19 CERTIFICATE 34:2 Certified 34:5 certify 34:6 Chief 29:11 Christina 29:7 31:20 City 28:7,23 29:4 29:8,12 31:3,9 31:21 client 30:23 31:11 Commission 28:2 29:10 30:3 31:9 company 31:4 concluded 33:21 conference 28:5 30:10 33:21 Corporation 28:11,13 29:2 30:7 correct 32:13 counsel 29:6,7,11 31:18,22 33:2 33:16 34:9,12 Court 34:5 customers 31:22</p> <hr/> <p>D</p> <p>D 30:1 Daniel 28:15 30:8 date 32:14 dealing 33:19 Debbie 31:15 deep 32:6 Diana 29:3 31:1 discuss 30:15,16 discussing 30:10 Du 28:11,13 29:2</p>	<p>30:6,25 due 32:14,20</p> <hr/> <p>E</p> <p>E 30:1,1 East 29:4 31:3 economist 32:2 efficiently 33:19 employed 34:9 34:12 employee 34:12 engineer 32:2 England 29:3 31:2 entries 30:22 evidentiary 32:3 extension 32:25</p> <hr/> <p>F</p> <p>Ferguson 31:14 File 28:11,13 30:4,4 files 30:4 financially 34:13 foregoing 34:7 Friday 32:17,21 further 34:11 fuse 32:19</p> <hr/> <p>G</p> <p>G 30:1 give 31:25 go 32:6 33:20 going 31:25 32:1 good 31:17</p> <hr/> <p>H</p> <p>hear 30:18 hearing 32:3 34:11 Hummed 31:15</p> <hr/> <p>I</p> <p>increase 28:11,13 30:6 interested 34:13 introduce 30:23 introduction</p>	<p>32:1 issue 33:5 issues 30:17,20</p> <hr/> <p>J</p> <p>Jefferson 28:7,23 29:4,8,12 31:3 31:9,21 Jim 31:14,14 John 31:13 Jordan 28:15 30:3,8 31:5,11 31:17,24 32:18 32:23 33:2,4,8 33:13,15,18 judge 28:16 30:3 30:9 31:5,11,17 31:24 32:13,18 32:23 33:2,4,7 33:8,13,15,18 Judy 31:4</p> <hr/> <p>K</p> <p>Kay 31:15 Kern 31:23 Kevin 29:11 31:7</p> <hr/> <p>L</p> <p>Lac 28:11,13 29:2 30:6,25 law 28:16 30:9 32:5 leave 30:14 Let's 30:22,25 Lisa 31:14 Litigation 28:22 little 31:25</p> <hr/> <p>M</p> <p>Martin 31:15 matter 28:10,12 30:5 32:11 matters 30:11,11 30:15,16 mediation 30:19 Mercies 31:14 Midwest 28:22 Mike 31:4</p>	<p>Missouri 28:1,7 28:23 29:4,8,10 29:12 31:3,8,10 31:21 34:5 Monday 32:21 move 32:9,14</p> <hr/> <p>N</p> <p>N 30:1 name 30:8 Needier 31:15 neither 34:9</p> <hr/> <p>O</p> <p>O 29:8,12 30:1 objection 32:24 33:1,3 Office 29:6 31:9 31:18,22 33:2 33:15 Okay 32:10,18 32:23 order 32:19 outcome 34:14</p> <hr/> <p>P</p> <p>P 29:8,12 30:1 part 30:13 parties 30:11,15 30:19,20 32:1 32:10,24 33:9 34:10,13 Patricia 28:21 34:4,18 possible 30:20 Post 31:9 prehearing 28:5 30:10 33:21 present 30:24 31:4,12 33:9 presentations 32:4 presently 32:16 Presiding 28:15 pretty 32:18 probably 33:5 procedural 32:11</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

32:15,20 procedure 30:13 32:8 PROCEEDIN... 28:4 proposed 32:15 32:19 Public 28:2 29:6 29:7,10 31:8,18 31:22 33:2,16 P.C 29:3 P.O 31:20	schedule 32:15 32:20 scheduling 30:10 Senior 28:16 29:7 sensitive 30:17 Service 28:2 29:10 31:9 Services 28:22 set 32:15 setting 32:19 settlement 30:17 short 32:18 sir 32:22 33:14 SR-2014-0105 28:13 30:5 Staff 29:10,11 31:6,8 32:14 33:13 Start 30:2 starting 32:24 State 28:1 34:5 Stewart 28:21 34:4,18 styled 30:5 Suite 28:23 Swarengen 29:3 31:2 syllable 32:5	transcript 28:4 34:7 Truman 28:23 try 32:4 Tuesday 32:16 two 30:4 typewriting 34:8	<hr/> 5 <hr/> 573 28:24 29:5,9 29:13 <hr/> 6 <hr/> 635-7166 29:5 636-7551 28:24 65101 28:23 29:4 31:3 65102 29:8,12 31:10,21 <hr/> 7 <hr/> 751-5565 29:9 751-6514 29:13 <hr/> 9 <hr/> 9 28:6
<hr/> Q <hr/> questions 32:8 <hr/> R <hr/> R 30:1 raise 32:11 rate 28:11,13 30:6 record 30:14,15 33:10,20 reduced 34:8 regulatory 28:16 30:8 related 34:9 relative 34:11 remind 30:19 32:1 REPORTED 28:20 Reporter 34:2,5 representatives 30:23 31:12 request 28:10,12 30:6 resolve 30:20 right 33:4,18 RMR 28:22 34:4 room 30:14 Roth 31:23 RPR 28:22 34:4 ruling 33:5 <hr/> S <hr/> S 30:1	<hr/> T <hr/> take 33:4 taken 34:7,11 technicality 32:6 Terre 28:11,13 29:2 30:6,25 testimony 34:6 thank 31:5,19,24 33:7,14,17,18 thereto 34:13 think 32:16,19 Thompson 29:11 31:7,7,13 32:13 32:22 33:7,14 Tilley 31:4 time 30:2,16 today 31:12 33:6	<hr/> U <hr/> understand 32:10 use 32:4 Utilities 28:11,13 29:2 30:6 utility 32:24 33:11 <hr/> V <hr/> Volume 28:8 <hr/> W <hr/> want 30:11,18 32:11 West 28:23 we're 30:9 33:10 words 32:4 WR-2014-0104 28:11 30:4 <hr/> 1 <hr/> 10:00 30:2 10:06 33:22 12 32:20 <hr/> 2 <hr/> 2 28:8 2014 28:6 207 28:23 2230 29:8 31:20 <hr/> 3 <hr/> 312 29:4 31:3 3432 28:23 360 29:12 31:9 <hr/> 4 <hr/> 401 28:22 34:19	