

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Pre-Hearing Conference

August 17, 2016

Jefferson City, Missouri

Volume 1

JAMES DICKSON and ANGELA)
DICKSON,)
 Complainants,)
vs.) File No. EC-2016-0230
KCP&L GREATER MISSOURI)
OPERATIONS COMPANY,)
 Respondent.)

KIMBERLY BURTON, Presiding,
REGULATORY LAW JUDGE.

REPORTED BY:

Pamela S. Gentry, CCR NO. 426
TIGER COURT REPORTING, LLC

APPEARANCES:

FOR COMPLAINANTS:

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MR. JAMES DICKSON (via telephone)

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A P P E A R A N C E S (cont'd.)
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P R O C E E D I N G S

JUDGE BURTON: Let's go on the record then in File No. EC-2016-0230, In The Matter Of James Dickson and Angela Dickson, Complainants, versus Kansas City Power & Light Greater Missouri Operations Company.

At this time, I'm going to ask all the people that are participating in this procedural conference to enter their appearances for the record.

And what that means, Mr. and Mrs. Dickson, is that you can't see her, but there is a lovely lady here who is typing away everything that is stated for today because there will be a transcript made available that will be part of the record for this procedural conference. Okay?

MS. DICKSON: Okay.

MR. DICKSON: Sounds good.

JUDGE BURTON: So, at this point, we're going to identify the people who are here who are representing the parties, and I'm going to go ahead and begin with you, Mr. and Mrs. Dickson.

If you can just state your name for the record, and just please provide the Court Reporter with your address.

MR. DICKSON: Okay. James Dickson
D-i-c-k-s-o-n. Our address is 11005 North Brooklyn

1 Avenue, Kansas Ci ty, Mi ssouri , 64155.

2 MS. DI CKSON: Angi e Di ckson. Angel a
3 Di ckson, D-i -c-k-s-o-n, and i t's 11005 North Brookl yn
4 Avenue, Kansas Ci ty, Mi ssouri .

5 JUDGE BURTON: Okay. Thank you very
6 much.

7 And on behal f of Kansas Ci ty Power &
8 Li ght Greater Mi ssouri Operations Company?

9 MR. FI SCHER: Judge, here i n Jefferson
10 Ci ty, I'm James Fi scher, and my address i s -- I'm wi th
11 the l aw fi rm of Fi scher & Dori ty, P.C. Our address i s
12 101 Madi son Street, Sui te 400, Jefferson Ci ty,
13 Mi ssouri , 65101.

14 And on the phone wi th me i s the i n-house
15 counsel , Roger Stei ner.

16 Roger, do you want to gi ve your address
17 and i nformation?

18 MR. STEI NER: Sure. I t's 1200 Mai n
19 Street, Kansas Ci ty, Mi ssouri , 64105.

20 MR. FI SCHER: And we're representing the
21 KCPL Greater Mi ssouri Operations Company.

22 JUDGE BURTON: Thank you.

23 And, j ust so you know, Mr. and Mrs.
24 Di ckson, you mi ght hear some i ndi vi dual s refer to them
25 as G-MO. Ju st to cl ari fy, that woul d be Greater

1 Missouri Operations Company, if there's any confusion.

2 MS. DICKSON: Okay.

3 JUDGE BURTON: And on behalf of the
4 Missouri Public Service Commission Staff.

5 MR. WILLIAMS: Thank you, Judge.

6 My name is Hampton Williams appearing on
7 behalf of the Staff. The Missouri Public Service
8 Commission, 200 Madison Street, Jefferson City,
9 Missouri, 65102.

10 JUDGE BURTON: All right.

11 I'm not seeing any other parties present.
12 Is there anyone else that I'm missing on the phone
13 conference.

14 (No response.)

15 JUDGE BURTON: Hearing none, I believe
16 that that would be all the parties.

17 Now, the reason I called this procedural
18 conference, Mr. and Mrs. Dickson, you obviously filed
19 the complaint concerning the AMI meters, and you had a
20 chance to respond to Staff's report, and -- and you did
21 file a statement, and this is after G-MO filed its
22 answer to your complaint.

23 Staff had a recommendation to do some
24 testing to ensure that your meter met the FRC
25 standards. And looking over your -- your letter that

1 was filed back in May, Mr. and Mrs. Dickson, it seemed
2 as if that was something you were not inclined to do?
3 So I wanted to follow up and see if -- what your status
4 is on that.

5 MS. DICKSON: That is fine if they do
6 that, but that doesn't take care of the problem.

7 JUDGE BURTON: Okay.

8 MS. DICKSON: I mean, it emits radiation,
9 low-level radiation, so, whether or not they're going
10 to tell us it is emitting the -- the standards that
11 they say, it's still -- it's bad either way. I mean,
12 it doesn't take care of the problem.

13 MR. DICKSON: We submitted documents from
14 studies that showed what is considered standard and not
15 safe. I mean, there are a lot of countries that are
16 banning this, and the -- the studies come in that are
17 saying that this is radiation is very unsafe for human
18 beings. And what the U.S. is saying is a safe amount
19 is not -- is not safe.

20 MS. DICKSON: So the standard is not even
21 safe. So just because it, you know -- finds the
22 standards does not make it acceptable to us.

23 JUDGE BURTON: Okay.

24 Respondent's filed an Answer and -- and a
25 Motion to Dismiss. The Commission's not going to be

1 ruling on that at this point.

2 What I would like to do is -- this is
3 just a procedural conference, Mr. and Mrs. Dickson.
4 We're not actually taking testimony for the record.
5 That would be at an evidentiary hearing.

6 So what I would like to have happen is
7 Staff and the Company and -- and both of you, Mr. and
8 Mrs. Dickson, evaluate whether or not you think it's
9 practical or necessary for any further testing to occur
10 on your meter. If not, based, on what you've stated
11 and what your written response is, I'm looking at going
12 ahead and -- and establishing a procedural schedule and
13 getting a hearing date.

14 Now, what that would mean, Mr. and Mrs.
15 Dickson, is that we would have an evidentiary hearing.
16 You would be able to -- to be present, to call any of
17 -- of the witnesses that you might like to have present
18 to testify. You would, if you testified, be
19 cross-examined by, perhaps, Staff, but also by the
20 Company as well, and this could occur here in one of
21 our hearing rooms in Jefferson City or it could occur
22 in a location closer to you.

23 Are you in Jackson County, or which
24 county are you located in?

25 MR. DICKSON: Clay County.

1 JUDGE BURTON: Clay County?

2 MR. DICKSON: Yeah.

3 JUDGE BURTON: So you're up north of the
4 river.

5 We have an office in Kansas City that's
6 downtown. Would that work for you, or if -- if not, we
7 could look for a location that's in Clay County.
8 There's no guarantee we might be able to find it in the
9 next few months or so. But, otherwise, we have an
10 office in downtown Kansas City.

11 MR. DICKSON: Downtown would be fine.

12 JUDGE BURTON: Okay. Then what I would
13 like is, if all the parties can, off the record, look
14 at your schedules, tell me what time frame would work
15 for you, and submit a proposed procedural schedule with
16 a hearing date.

17 Because, I do believe, Mr. and Mrs.
18 Dickson, if I'm hearing you correctly, you do want to
19 continue your complaint and would like to have an
20 evidentiary hearing on this.

21 MR. DICKSON: Yes.

22 JUDGE BURTON: Okay.

23 MR. STEINER: Judge? Judge, this is
24 Roger.

25 In a lot of cases, we have pre-file

1 testimony. Is that something you're wanting to be in
2 the schedule or not in the schedule? I mean, to --

3 JUDGE BURTON: I don't see a need for a
4 pre-file testimony, because this is -- it appears
5 something that we can handle under our -- our small
6 complaint case.

7 MR. STEINER: Okay.

8 JUDGE BURTON: I know there's no monetary
9 amount that's essentially set.

10 But, Mr. and Mrs. Dickson?

11 MR. DICKSON: Yes.

12 JUDGE BURTON: I know that you were
13 submitted a copy of the Commission's Rules and
14 Regulations where you can find our -- our normal
15 discovery requirements and standards.

16 But just so you know, I would ask that at
17 the hearing, if you're going to be presenting any form
18 of written testimony that you would like the Commission
19 to consider and you'd like to ask to be admitted in the
20 record, that you also be sure to provide enough copies
21 for the other parties.

22 MR. DICKSON: So about how many copies
23 would you recommend?

24 JUDGE BURTON: Well, there -- we can
25 handle one copy for the Commission itself, and then a

1 copy for Staff's counsel and a copy for the Company's,
2 Respondent's counsel.

3 MR. DICKSON: Okay. No problem.

4 JUDGE BURTON: And if you -- if you need
5 any subpoenas, you can request that through the
6 Commission.

7 MR. DICKSON: Okay.

8 MR. STEINER: And then one more thing,
9 Judge.

10 JUDGE BURTON: Yes.

11 MR. STEINER: I don't -- it almost
12 sounded like it was -- that testing was mutually
13 excluded from the procedural schedule. I think the two
14 can happen with a hearing.

15 JUDGE BURTON: Is -- is the testing
16 something that the Company or Staff would like to have
17 happen?

18 MR. STEINER: I believe Staff has said
19 they did.

20 But, Hampton, I may be misstating that.

21 MR. WILLIAMS: Sure, Roger.

22 Staff's concern was that, right now in
23 the record, the Respondents have provided information
24 regarding the -- the performance of the meters they've
25 installed. However, Staff has noticed that there's

1 been no evaluation of the specific meter in question
2 itself.

3 JUDGE BURTON: For the accuracy or just
4 the range.

5 MR. WILLIAMS: So, to any degree that in
6 any effect that -- that the installed meter in question
7 might be performing outside of that range, we don't
8 know that. That's absent of the record.

9 I will say, though, that, were the meter
10 to be found to be nonconformant, the solution would be
11 to replace the meter with another meter of the similar
12 brand that would be performing, which I don't believe
13 is what the Complainants are seeking in this case.

14 And so, again, to obtain the extent that
15 -- the purpose of the -- or what -- what would be
16 fruitful from the investigation itself is not going to
17 satisfy -- provide satisfaction to the Complainants.
18 Again, we're back to that question of necessity.

19 JUDGE BURTON: Does that make sense,
20 Mr. and Mrs. Dickson?

21 MR. DICKSON: Yes. I mean, that's fine.
22 If they want to come out and test it just so we have
23 the -- exact what our meter is doing, we don't have a
24 problem with that.

25 JUDGE BURTON: All right.

1 Then, once we get off of the phone
2 conversation -- and, by "we", I mean with me
3 participating and the Court Reporter while we are on
4 the record -- I will let Staff and -- and the Company's
5 representatives talk with you to sort of arrange
6 something that would work with your schedule for them
7 to go out and evaluate that.

8 MR. DICKSON: Okay.

9 JUDGE BURTON: Now, as far as time frame
10 for a hearing? I'm completely open to you gentlemen.
11 And just so you know, the computer was not letting me
12 log in to Outlook.

13 MR. WILLIAMS: Okay.

14 JUDGE BURTON: So I will -- I -- I see no
15 point of me participating in this when you guys need to
16 sort of look at your schedules --

17 MR. WILLIAMS: Uh-huh.

18 JUDGE BURTON: -- and take a look at what
19 your schedules are, how much time you might need to
20 actually go out and test the meters.

21 MR. FISCHER: Are you involved in any
22 rate cases that need to be worked around?

23 JUDGE BURTON: No.

24 MR. STEINER: Judge, we haven't -- we
25 haven't done any -- go ahead.

1 JUDGE BURTON: No, you're fine.

2 MR. STEINER: We haven't done any
3 discovery, so we might have to build in some time to do
4 that.

5 JUDGE BURTON: And that is fine. My
6 schedule is completely open. I will work with you, and
7 if there is a problem, let me know when you submit the
8 -- the proposed procedural schedule, if it would be
9 fine to just communicate in emails, if there's any
10 conflicts or any further questions about the schedule
11 or alternative dates.

12 But, otherwise, I understand that it's
13 going to take some time to work around testing, any
14 additional discovery that might need to occur, and just
15 let me know in sufficient time so I can reserve a room
16 in Kansas City at our offices there. Okay?

17 MR. WILLIAMS: Okay.

18 JUDGE BURTON: While we are on the
19 record, are there any additional issues that I need to
20 address?

21 Mr. and Mrs. Dickson?

22 MR. DICKSON: Not that I know of.

23 JUDGE BURTON: Okay.

24 Mr. Steiner, Mr. Fischer?

25 (No response.)

1 JUDGE BURTON: Then, I will go ahead and
2 get off the -- the phone.

3 I will conclude this, but please, Mr. and
4 Mrs. Dickson, stay on the line and you can try to work
5 about on the proposed schedule

6 MR. FISCHER: Judge, I certainly don't
7 have an objection if you would like to sit here and
8 help. Or if you would like for us to do it on our own,
9 that would be --

10 JUDGE BURTON: If it would be better for
11 me to participate --

12 MR. WILLIAMS: Again, Judge, we're just
13 talking about dates here for hearings, and so I -- I
14 think I don't see a reason why you couldn't -- well, we
15 can take it off the record.

16 JUDGE BURTON: That's fine.

17 It's me they want. It's you they don't.

18 Okay. That being said, let's go ahead
19 and go off the record after I say let's -- if we don't
20 work this out today, let's have a proposed procedural
21 schedule submitted August 25th.

22 MR. WILLIAMS: Okay.

23 JUDGE BURTON: And I would ask Staff to
24 just take the lead and submit that for the parties.

25 All right. We're off the record, and

1 thank you.

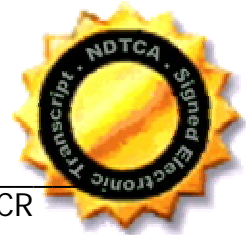
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C E R T I F I C A T E

I, Pamela S. Gentry, Certified Shorthand Reporter with the firm of Tiger Court Reporting, LLC, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

Pamela S. Gentry
Pamela S. Gentry, CSR, CCR



<p>A</p> <p>able 8:16 9:8</p> <p>above-entitled 17:6</p> <p>absent 12:8</p> <p>acceptable 7:22</p> <p>accuracy 12:3</p> <p>additional 14:14 14:19</p> <p>address 4:23,25 5:10,11,16 14:20</p> <p>admitted 10:19</p> <p>ahead 4:19 8:12 13:25 15:1,18</p> <p>alternative 14:11</p> <p>AMI 6:19</p> <p>amount 7:18 10:9</p> <p>Angela 1:10 2:4 4:4 5:2</p> <p>Angie 5:2</p> <p>answer 6:22 7:24</p> <p>appearances 2:1 4:8</p> <p>appearing 6:6</p> <p>appears 10:4</p> <p>arrange 13:5</p> <p>August 1:6 15:21</p> <p>available 4:13</p> <p>Avenue 2:6 5:1 5:4</p>	<p>11:18 12:12</p> <p>better 15:10</p> <p>Box 3:8</p> <p>brand 12:12</p> <p>Brooklyn 2:6 4:25 5:3</p> <p>build 14:3</p> <p>Building 3:6</p> <p>BURTON 1:18 4:2,17 5:5,22 6:3,10,15 7:7 7:23 9:1,3,12 9:22 10:3,8,12 10:24 11:4,10 11:15 12:3,19 12:25 13:9,14 13:18,23 14:1 14:5,18,23 15:1,10,16,23</p>	<p>Commission 1:2 3:2,5 6:4,8 10:18,25 11:6</p> <p>Commission's 7:25 10:13</p> <p>communicate 14:9</p> <p>Company 1:15 2:9,9,17 4:5 5:8,21 6:1 8:7 8:20 11:16</p> <p>Company's 11:1 13:4</p> <p>Complainants 1:12 2:3 4:4 12:13,17</p> <p>complaint 6:19 6:22 9:19 10:6</p> <p>completely 13:10 14:6</p> <p>computer 13:11</p> <p>concern 11:22</p> <p>concerning 6:19</p> <p>conclude 15:3</p> <p>conference 1:5 4:8,14 6:13,18 8:3</p> <p>conflicts 14:10</p> <p>confusion 6:1</p> <p>consider 10:19</p> <p>considered 7:14</p> <p>cont'd 3:1</p> <p>continue 9:19</p> <p>conversation 13:2</p> <p>copies 10:20,22</p> <p>copy 10:13,25 11:1,1</p> <p>correct 17:9</p> <p>correctly 9:18</p> <p>counsel 5:15 11:1,2</p> <p>countries 7:15</p> <p>county 8:23,24</p>	<p>8:25 9:1,7</p> <p>Court 1:23 4:22 13:3 17:4</p> <p>cross-examined 8:19</p> <p>CSR 17:15</p>	<p>Economic 3:4</p> <p>effect 12:6</p> <p>either 7:11</p> <p>emails 14:9</p> <p>emits 7:8</p> <p>emitting 7:10</p> <p>ensure 6:24</p> <p>enter 4:8</p> <p>essentially 10:9</p> <p>establishing 8:12</p> <p>evaluate 8:8 13:7</p> <p>evaluation 12:1</p> <p>evidentiary 8:5 8:15 9:20</p> <p>exact 12:23</p> <p>excluded 11:13</p> <p>extent 12:14</p>
<p>B</p> <p>back 7:1 12:18</p> <p>bad 7:11</p> <p>banning 7:16</p> <p>based 8:10</p> <p>behalf 5:7 6:3,7</p> <p>beings 7:18</p> <p>believe 6:15 9:17</p>	<p>C</p> <p>C 3:1 4:1 17:1,1</p> <p>call 8:16</p> <p>called 6:17</p> <p>caption 17:7</p> <p>care 7:6,12</p> <p>case 10:6 12:13</p> <p>cases 9:25 13:22</p> <p>cause 17:6</p> <p>CCR 1:23 17:15</p> <p>certainly 15:6</p> <p>Certified 17:3</p> <p>certify 17:5</p> <p>chance 6:20</p> <p>City 1:7 2:7,9,13 2:19 3:9 4:5 5:1,4,7,10,12 5:19 6:8 8:21 9:5,10 14:16</p> <p>clarify 5:25</p> <p>Clay 8:25 9:1,7</p> <p>closed 16:2</p> <p>closer 8:22</p> <p>come 7:16 12:22</p>	<p>D</p> <p>D 4:1</p> <p>D-i-c-k-s-o-n 4:25 5:3</p> <p>date 8:13 9:16</p> <p>dates 14:11 15:13</p> <p>degree 12:5</p> <p>Department 3:4</p> <p>Development 3:4</p> <p>Dickson 1:10,11 2:4,5 4:4,4,10 4:15,16,20,24 4:24 5:2,2,3,24 6:2,18 7:1,5,8 7:13,20 8:3,8 8:15,25 9:2,11 9:18,21 10:10 10:11,22 11:3 11:7 12:20,21 13:8 14:21,22 15:4</p> <p>discovery 10:15 14:3,14</p> <p>Dismiss 7:25</p> <p>documents 7:13</p> <p>doing 12:23</p> <p>Dority 2:11 5:11</p> <p>downtown 9:6 9:10,11</p>	<p>E</p> <p>E 3:1,1 4:1,1 17:1,1</p> <p>EC-2016-0230 1:13 4:3</p>	<p>F</p> <p>F 17:1</p> <p>far 13:9</p> <p>file 1:13 4:3 6:21</p> <p>filed 6:18,21 7:1 7:24</p> <p>find 9:8 10:14</p> <p>finds 7:21</p> <p>fine 7:5 9:11 12:21 14:1,5,9 15:16</p> <p>firm 5:11 17:4</p> <p>Fischer 2:10,11 5:9,10,11,20 13:21 14:24 15:6</p> <p>follow 7:3</p> <p>foregoing 17:9</p> <p>form 10:17</p> <p>forth 17:7</p> <p>found 12:10</p> <p>frame 9:14 13:9</p> <p>FRC 6:24</p> <p>fruitful 12:16</p>

full 17:9	in-house 5:14	12:8 13:11	2:19 3:2,5,9	2:9,17 4:5 5:8
further 8:9	inclined 7:2	14:7,15,22	4:5 5:1,4,8,13	5:21 6:1
14:10	individuals 5:24	L	5:19,21 6:1,4,7	Outlook 13:12
G	information	lady 4:11	6:9	outside 12:7
G 4:1	5:17 11:23	law 1:19 5:11	misstating 11:20	P
G-MO 5:25 6:21	installed 11:25	lead 15:24	monetary 10:8	P 3:1,1 4:1
gentlemen 13:10	12:6	let's 4:2 15:18	months 9:9	P.C 2:11 5:11
Gentry 1:23	investigation	15:19,20	Motion 7:25	p.m 16:2
17:3,15	12:16	letter 6:25	mutually 11:12	P.O 3:8
getting 8:13	involved 13:21	letting 13:11	N	Pamela 1:23
give 5:16	issues 14:19	Light 2:9 4:5 5:8	N 3:1 4:1	17:3,15
go 4:2,19 13:7	J	line 15:4	name 4:21 6:6	part 4:13
13:20,25 15:1	Jackson 8:23	LLC 1:23 17:4	necessary 8:9	participate
15:18,19	James 1:10 2:5	located 8:24	necessity 12:18	15:11
going 4:6,18,19	2:10 4:3,24	location 8:22 9:7	need 10:3 11:4	participating
7:9,25 8:11	5:10	log 13:12	13:15,19,22	4:7 13:3,15
10:17 12:16	Jefferson 1:7	look 9:7,13	14:14,19	parties 4:19 6:11
14:13	2:13 3:9 5:9,12	13:16,18	nonconformant	6:16 9:13
good 4:16	6:8 8:21	looking 6:25	12:10	10:21 15:24
Governor 3:6	Judge 1:19 4:2	8:11	normal 10:14	people 4:7,18
Greater 1:14 2:9	4:17 5:5,9,22	lot 7:15 9:25	north 2:6 4:25	performance
2:17 4:5 5:8,21	6:3,5,10,15 7:7	lovely 4:11	5:3 9:3	11:24
5:25	7:23 9:1,3,12	low-level 7:9	notes 17:10	performing 12:7
guarantee 9:8	9:22,23,23	M	noticed 11:25	12:12
guys 13:15	10:3,8,12,24	M 2:10	O	personally 17:5
H	11:4,9,10,15	Madison 2:12	O 4:1	phone 5:14 6:12
Hampton 3:3	12:3,19,25	3:7 5:12 6:8	objection 15:7	13:1 15:2
6:6 11:20	13:9,14,18,23	Main 2:18 5:18	obtain 12:14	place 17:7,11
handle 10:5,25	13:24 14:1,5	Matter 4:3	obviously 6:18	please 4:22 15:3
happen 8:6	14:18,23 15:1	mean 7:8,11,15	occur 8:9,20,21	point 4:17 8:1
11:14,17	15:6,10,12,16	8:14 10:2	14:14	13:15
hear 5:24	15:23	12:21 13:2	office 3:6 9:5,10	Power 2:9 4:5
hearing 6:15 8:5	K	means 4:9	offices 14:16	5:7
8:13,15,21	Kansas 2:7,9,19	met 6:24	Okay 4:14,15,24	practical 8:9
9:16,18,20	4:4 5:1,4,7,19	meter 6:24 8:10	5:5 6:2 7:7,23	pre-file 9:25
10:17 11:14	9:5,10 14:16	12:1,6,9,11,11	9:12,22 10:7	10:4
13:10	KCP&L 1:14	12:23	11:3,7 13:8,13	Pre-Hearing 1:5
hearings 15:13	KCPL 2:17 5:21	meters 6:19	14:16,17,23	present 6:11
help 15:8	KIMBERLY	11:24 13:20	15:18,22	8:16,17 17:5
human 7:17	1:18	missing 6:12	once 13:1	presenting
I	know 5:23 7:21	Missouri 1:1,7	open 13:10 14:6	10:17
identify 4:18	10:8,12,16	1:14 2:7,13,17	Operations 1:15	Presiding 1:18
				problem 7:6,12

11:3 12:24 14:7 procedural 4:7 4:14 6:17 8:3 8:12 9:15 11:13 14:8 15:20 proceedings 1:4 17:6,8 proposed 9:15 14:8 15:5,20 provide 4:22 10:20 12:17 provided 11:23 Public 1:2 3:2,5 6:4,7 purpose 12:15 <hr/> Q <hr/> question 12:1,6 12:18 questions 14:10 <hr/> R <hr/> R 3:1 4:1 17:1 radiation 7:8,9 7:17 range 12:4,7 rate 13:22 reason 6:17 15:14 recommend 10:23 recommendati... 6:23 record 4:2,8,13 4:22 8:4 9:13 10:20 11:23 12:8 13:4 14:19 15:15,19 15:25 16:2 refer 5:24 regarding 11:24 Regulations	10:14 REGULATO... 1:19 replace 12:11 report 6:20 REPORTED 1:22 Reporter 4:22 13:3 17:4 Reporting 1:23 17:4 representatives 13:5 representing 4:19 5:20 request 11:5 requirements 10:15 reserve 14:15 respond 6:20 Respondent 1:16 Respondent's 7:24 11:2 Respondents 11:23 response 6:14 8:11 14:25 right 6:10 11:22 12:25 15:25 river 9:4 Roger 2:16 5:15 5:16 9:24 11:21 room 14:15 rooms 8:21 Rules 10:13 ruling 8:1 <hr/> S <hr/> S 1:23 3:1 4:1 17:3,15 safe 7:15,18,19 7:21	satisfaction 12:17 satisfy 12:17 saying 7:17,18 schedule 8:12 9:15 10:2,2 11:13 13:6 14:6,8,10 15:5 15:21 schedules 9:14 13:16,19 see 4:10 7:3 10:3 13:14 15:14 seeing 6:11 seeking 12:13 sense 12:19 Service 1:2 3:2,5 6:4,7 set 10:9 17:7 sheet 17:7 Shorthand 17:3 showed 7:14 similar 12:11 sit 15:7 small 10:5 solution 12:10 sort 13:5,16 sounded 11:12 Sounds 4:16 specific 12:1 Staff 3:2 6:4,7 6:23 8:7,19 11:16,18,25 13:4 15:23 Staff's 6:20 11:1 11:22 standard 7:14 7:20 standards 6:25 7:10,22 10:15 state 1:1 4:21 stated 4:12 8:10 statement 6:21 status 7:3	stay 15:4 Steiner 2:16 5:15,18 9:23 10:7 11:8,11 11:18 13:24 14:2,24 Stenotype 17:8 17:10 Street 2:12,18 3:7 5:12,19 6:8 studies 7:14,16 submit 9:15 14:7 15:24 submitted 7:13 10:13 15:21 subpoenas 11:5 sufficient 14:15 Suite 2:12 3:6 5:12 sure 5:18 10:20 11:21 <hr/> T <hr/> T 17:1,1 take 7:6,12 13:18 14:13 15:15,24 talk 13:5 talking 15:13 telephone 2:4,5 2:16 tell 7:10 9:14 test 12:22 13:20 testified 8:18 testify 8:18 testimony 8:4 10:1,4,18 testing 6:24 8:9 11:12,15 14:13 thank 5:5,22 6:5 16:1 thereof 17:7 thing 11:8 think 8:8 11:13	15:14 Tiger 1:23 17:4 time 4:6 9:14 13:9,19 14:3 14:13,15 17:6 17:10 today 4:12 15:20 transcript 1:4 4:12 17:10 true 17:9 try 15:4 two 11:13 typing 4:11 <hr/> U <hr/> U.S 7:18 Uh-huh 13:17 understand 14:12 unsafe 7:17 <hr/> V <hr/> versus 4:4 Volume 1:8 vs 1:13 <hr/> W <hr/> want 5:16 9:18 12:22 15:17 wanted 7:3 wanting 10:1 way 7:11 we're 4:17 5:20 8:4 12:18 15:12,25 Williams 3:3 6:5 6:6 11:21 12:5 13:13,17 14:17 15:12,22 witnesses 8:17 WM 3:3 work 9:6,14 13:6 14:6,13 15:4,20 worked 13:22
---	---	---	--	---

written 8:11	7			
10:18				
X	8			
	800 3:6			
Y				
Yeah 9:2				
Z				
0				
1				
1 1:8				
101 2:12 5:12				
11005 2:6 4:25				
5:3				
12:14 16:2				
1200 2:18 5:18				
17 1:6				
2				
200 3:7 6:8				
2016 1:6				
25th 15:21				
3				
360 3:8				
4				
400 2:12 5:12				
426 1:23				
5				
573.526.7779				
3:10				
573.636.6758				
2:14				
6				
64105 2:19 5:19				
64155 2:7 5:1				
65101 2:13 5:13				
65102 6:9				
65102-0360 3:9				