

In the Matter of:

Stella Lucy

v.

Union Electric Company d/b/a Ameren Missouri, et al.

EC-2018-0376

October 23, 2018



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

October 23, 2018

Jefferson City, Missouri

Volume 2

Stella Lucy,)	
Complainant,)	File No. EC-2018-0376
vs.)	
Union Electric Company d/b/a)	
Ameren Missouri,)	

PAUL T. GRAHAM, Presiding
REGULATORY LAW JUDGE

MAIDA J. COLEMAN
COMMISSIONER

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FOR: Staff of the Missouri Public Service Commission

1 JUDGE GRAHAM: Good morning. This is
2 Tuesday, October 23rd, 2018. Commission has set this
3 time for an evidentiary hearing in the case of Stella
4 Lucy, Complainant, versus Union Electric, doing
5 business as Ameren UE. The File Number is
6 EC-2018-0376.

7 My name is Paul Graham and I'm the
8 Regulatory Law Judge that's presiding over this
9 hearing today. Why don't we go ahead and have an
10 entry of appearance. Ms. Lucy, if you want to turn
11 your microphone -- or that microphone towards you. If
12 yours is like mine, there's a button in the middle
13 that if you'll press, will turn a green light on and
14 that will allow others in the room to hear you. If
15 you want to just state your name, Ms. Lucy, and
16 announce that you're here.

17 MS. LUCY: I'm Stella Lucy and I'm here.

18 JUDGE GRAHAM: Okay. Thank you very
19 much. And Union Electric, if your attorneys wish to
20 make an appearance at this time, you should.

21 MS. GIBONEY: For Ameren Missouri, this
22 is Sarah Giboney of the law firm Smith Lewis, LLP.

23 JUDGE GRAHAM: Okay. Is anyone else here
24 for you today?

25 MS. GIBONEY: Just my witnesses.

1 JUDGE GRAHAM: And then the Commission
2 Staff. I see several faces out there I know. Enter
3 your appearances.

4 MR. IRVING: Yes. For Commission Staff,
5 Ron Irving. I'm also here with Kevin Thompson, as
6 well as Steve Dottheim.

7 JUDGE GRAHAM: All right. And I don't
8 know if the Office of Public Counsel -- anybody here
9 from the Office of Public Counsel? First of all, of
10 course -- and I'm the worst offender on this -- let's
11 make sure our cell phones are turned off.

12 And then as a preliminary matter, it has
13 been brought to my attention by several that we may
14 have confidential matters. As you may or may not
15 know, this proceeding is being streamed at this time
16 out on the internet, so a lot of people can see this.

17 And so I'm going to put it on you to
18 alert me in the course of the hearing if something is
19 confidential -- highly confidential that you don't
20 want streamed out there, you need to flag me on that,
21 say something to me about that. And at that point I
22 will turn off the sound and put us in-camera. We'll
23 handle that as though we are in-camera.

24 Ms. Lucy, that is a nine dollar word that
25 we go to law school to learn so that we can charge

1 people to translate. It means that I will turn the
2 sound off and -- for our purposes, I will turn the
3 sound off and stop streaming for a moment while we
4 discuss whatever that is here. But it will be upon
5 you and all other counsel to flag me on that in
6 advance. Is that okay? Everybody understand?

7 MS. LUCY: Yep.

8 JUDGE GRAHAM: All right. Now, the
9 matter of exhibits. Ms. Lucy, do you have any
10 exhibits that you anticipate that you will be offering
11 into evidence today; pictures, documents, anything
12 that you brought here that you want the Commission to
13 consider as evidence?

14 MS. LUCY: I brought pictures. And if
15 the Commission wants, I've actually got the panel that
16 got blowed up in my car. If you want to see it,
17 you'll have to get somebody to help me get it out and
18 bring it in because it's heavy.

19 JUDGE GRAHAM: Well, it is your case. If
20 Staff wants to see it, if Ameren UE wants to see it,
21 that will be on them or on you. As far as concerns
22 the pictures, where I'm going at this point in time is
23 how we are going to mark those. Ameren has gone ahead
24 and given me an exhibit list that begins Exhibit
25 Number 1 and extends down through 11C. And I'm

1 advised that C stands for confidential.

2 MS. GIBONEY: Yes, Judge.

3 JUDGE GRAHAM: So they have flagged me in
4 advance in that respect. Now, because this is a pro
5 se proceeding, I'm going to take things a little bit
6 out of what I would regard as the ordinary order. I'm
7 going to have you proceed first in this case, but then
8 I'm going to go to Staff. And then I'm going to go to
9 the Respondent in terms of the presentation of the
10 evidence.

11 So that said, Staff has advised that they
12 don't have an exhibit list per se. Does Staff
13 anticipate offering any exhibits into the case?

14 MR. IRVING: Yes. Yes.

15 JUDGE GRAHAM: And how many do you
16 anticipate?

17 MR. IRVING: One.

18 JUDGE GRAHAM: One. Is that your Staff
19 report --

20 MR. IRVING: Correct.

21 JUDGE GRAHAM: -- basically?

22 MR. IRVING: Yes.

23 JUDGE GRAHAM: Well, what I was thinking
24 was that we would -- since Ameren's gone ahead and
25 taken ownership off 1 through 11-C, that we would pick

1 up at 20. Apparently you have only the one, but let's
2 just go ahead and say that your exhibit is going to be
3 21.

4 MR. IRVING: Okay.

5 JUDGE GRAHAM: Okay. And then, Ms. Lucy,
6 if you have exhibits that you are going to mark and
7 we'll -- and they will need to be marked, we're going
8 to pick up with your exhibits at 41. I kind of
9 anticipated there might be 20 for each. And in the
10 course of a hearing, sometimes people suddenly realize
11 they have one more exhibit than they anticipated that
12 they would and so I'm giving some room in there to
13 grow.

14 So your exhibits will pick up at 41. If
15 I said 40, I misspoke. At 41 and go from there.

16 So are there any other preliminary
17 matters that we need to pick up and discuss at this
18 point?

19 MS. GIBONEY: Judge, we do have a pending
20 motion to dismiss just so much of the Lucy's claim as
21 was a claim for damages. So I think that's pending
22 and maybe you were going to address that.

23 JUDGE GRAHAM: Well, thank you for
24 calling my attention to that. I am going to take that
25 with the case.

1 MS. GIBONEY: Thank you.

2 JUDGE GRAHAM: And it will be ruled with
3 the rest of the case. I have read your motion, I
4 understand your motion. There was no response that
5 was filed to the motion, but none was required either.
6 So I'll take that one with the case.

7 Any other preliminary matters that I need
8 to take up? I think I indicated in the procedural
9 schedule that I would take official notice of the
10 pleadings in this case and so at this time as a matter
11 of record, I am taking official notice of those.

12 By pleadings, if anyone doesn't
13 understand what I mean or if there's any ambiguity, I
14 mean the complaint, I mean the answer and the
15 affirmative defense and the motion to dismiss that
16 were raised by Ameren UE. I don't mean Staff's
17 report. Staff's report is not a pleading. So that
18 will have to be proved up in a different way.

19 If there's -- yes, Ms. Lucy?

20 MS. LUCY: I'd like to clarify something
21 to Ameren. They sent me this document. They needed
22 some documents or something from us, a statement or
23 something. And we got it the day after they was
24 required to -- we was required to get it to them.
25 So --

1 JUDGE GRAHAM: Okay. Well --

2 MS. LUCY: -- I guess what I'm saying
3 is --

4 MS. GIBONEY: That's fine. Yeah, I
5 understand.

6 MS. LUCY: Okay. But the statement in
7 here says if we refuse. I just want to let it known
8 that we haven't refused.

9 JUDGE GRAHAM: Okay. Let's take that up
10 at the appropriate point. And by appropriate point,
11 there is nothing in the file at this point that Ameren
12 has filed that can-- that I'm aware of, and I went
13 through the EFIS docket this morning. They have filed
14 nothing. I would have expected them to have filed
15 something if you had not responded to that.

16 Now, they may have another theory on what
17 their duties are in that sort of thing, but I haven't
18 heard from them, the Commission hasn't heard from
19 them. And so unless I do hear from them in the course
20 of the hearing, we won't worry about that --

21 MS. LUCY: Okay.

22 JUDGE GRAHAM: -- at this point.

23 Anything else in the way of preliminary
24 matters? Okay. Well, we're going to proceed to
25 opening statements then. I don't know if you wish to

1 give an opening statement. I would want to begin with
2 you, Ms. Lucy, because this is your case. The -- the
3 order of opening statements that I would like to
4 follow -- again, a little bit out of the ordinary
5 because this is a pro se case.1

6 If Staff has an opening statement that it
7 wishes to make, I'd like to have that opening
8 statement follow the Complainant's, follow Ms. Lucy's,
9 and then proceed to any opening statement that the
10 Respondent, Ameren UE, wishes to give.

11 Ms. Lucy, you are not represented by
12 counsel here. I cannot represent you. Staff cannot
13 represent you. You are on your own here. Having said
14 that, you don't need to make an opening statement, but
15 if you do, please understand that your opening
16 statement is not evidence. You will not be sworn
17 first and I will not consider your opening statement
18 as evidence in your case.

19 The best way to think of an opening
20 statement is to think of it as a road map where you
21 get up and you tell me basically what your case is
22 about. You don't need to talk very long. I'm not
23 telling you you can't talk as long as you feel
24 comfortable in laying out your case, but please
25 understand that all you are doing in your opening

1 statement is flagging me on the sign posts of your
2 case, the road map of your case, but it is not your
3 evidence. Do you understand me?

4 MS. LUCY: Yes.

5 JUDGE GRAHAM: Okay. We're going to --
6 do you wish to give an opening statement and tell me
7 what your case is about and what your main points are?

8 MS. LUCY: Basically it's just the -- the
9 chain of events that happened when we -- when the --
10 when they blew -- set our house on fire and what
11 happened that day and the interaction that I had with
12 the crew that was out there that brought us here. I
13 mean that's --

14 JUDGE GRAHAM: Is that your opening
15 statement?

16 MS. LUCY: Yeah.

17 JUDGE GRAHAM: Okay. Staff? Does Staff
18 have an opening statement for me?

19 MR. IRVING: No, we do not.

20 JUDGE GRAHAM: Okay. I would anticipate
21 that maybe Ameren does.

22 MS. GIBONEY: No, Judge.

23 JUDGE GRAHAM: Going to go -- okay. So
24 that concludes opening statements and we are going to
25 go now directly to testimony. Ms. Lucy, you have

1 witnesses other than yourself? I'm assuming you're
2 going to testify

3 MS. LUCY: Yes. But I have no witnesses.

4 JUDGE GRAHAM: Other than yourself.

5 MS. LUCY: Correct.

6 JUDGE GRAHAM: Okay. Are you ready to
7 testify then at this time?

8 MS. LUCY: Yeah.

9 JUDGE GRAHAM: Okay. Why don't you -- we
10 have you go over here where the witnesses sit, I'll
11 swear you in and I will take your testimony. There
12 you are on the screen. All right.

13 (Witness sworn.)

14 JUDGE GRAHAM: All right. Now, this is
15 your case so this is your direct testimony. Explain
16 your case to me fully and in detail.

17 MS. LUCY: You mean how -- how the day
18 progressed? Is that what you're after?

19 JUDGE GRAHAM: This is your case now.
20 You tell me what you came here to tell the Commission.

21 STELLA LUCY, having been sworn, testified as follows:

22 MS. LUCY: Basically I was outside
23 working in the yard and they had been working on our
24 neighbor's -- putting in a three-phase system for his
25 shop out back. This had been going on for a while.

1 One of the gentlemen approached me and told me they
2 was going to be shutting off our power because they
3 had to do something to the line. I said, That's fine,
4 we have a generator. Okay? So he said, Well, it
5 shouldn't be off long. And I said, That's fine, don't
6 worry about it. So I went ahead about my business of
7 cleaning the yard, cutting trees, et cetera.

8 I went inside because my husband had been
9 recuperating from a heart surgery, told him that they
10 was going to shut the power off. He said, That's fine
11 because we got the generator. We -- I went back
12 outside, started my work; sat there and sat there.
13 And when I went out back to unload a load off the
14 trailer, I heard the generator on, which told me they
15 had cut the power.

16 A while later, I went back with another
17 load and the generator was off. I went inside to
18 check on my husband to let -- see how he was doing and
19 I said, Well, the generator went off, we had to have
20 power. We had no power. The power was still out in
21 the house. I went out through the garage and the
22 garage was full of smoke.

23 I went back inside, got my husband, got
24 him out in the garage, went -- jumped in the truck,
25 went down the road to where the workers were at. I

1 got out, was flagging them and the guy walked around
2 and he says, We didn't do nothing, it ain't our fault.
3 I said, Our house is on fire. You -- you -- you got
4 our switch -- our garage is on fire, full of smoke.
5 You better come down and fix it.

6 So anyway, I left, went down. They came
7 down there and they went in the garage and there it
8 was. And they said, Yeah. So anyway, they started --
9 and it was a Generac switch, okay, that had -- was
10 burning, smoking. And he turned around and he -- he
11 said, Well, we don't know anything about those.

12 My husband was standing in the garage and
13 I said, Can you go in and call the Generac man, the
14 guy who services our generator? So he went in there.
15 In the meantime, we -- the three of us -- there was a
16 tall guy, a short guy about my size, and a younger
17 guy. And I'm taking the younger guy had to be like
18 a -- an apprentice or something because the guy my
19 size -- I call him the boss. Okay? He was basically
20 telling the young guy what to do, unscrew the thing
21 and take it off.

22 We walked outside to where the meter is.
23 The young guy was over with the meter to check the
24 wires. Then I was standing there, the boss was next
25 and there was a taller man that was standing there.

1 He was one of the guys. He turned around then and he
2 says -- the guy checked it and he turned around and he
3 was reading it and he said, We've got 270. And the
4 boss says -- it was -- it was the look that transpired
5 that I -- the only thing I can describe. And he says,
6 You mean 240. And the kid -- I call him a kid -- he
7 looked and he went, Yeah, it was 240. I had no idea
8 at this point what that meant or whatever.

9 We went back inside. They was working on
10 the thing. My husband had got the Generac guy on the
11 phone to tell him how to do the switch. And that one
12 guy -- the boss, he turned around and he said, We
13 didn't do nothing and it's not our fault. The tall
14 guy, he pulled me back in the garage and he says, You
15 need to get ahold of UE, okay, so they can fix your
16 stuff. Okay? He said, You could have lost the whole
17 house. It's fortunate that you all were home because
18 don't -- you could have lost the whole thing, you
19 know. I went, Okay.

20 So anyway, they got the power done. The
21 guy then come around and he -- again he told me, We
22 didn't do nothing, it's not our fault. I said, Well,
23 something caused something, you know. Long story
24 short.

25 He then went back outside. They

1 immediately -- one guy went out there to the pole
2 beside of our house with a long stick and he turned
3 the power off that big thing. Okay? And then our
4 generator kicked back on. Well, they immediately --
5 my husband immediately shut the generator back off
6 because we didn't want it tore up.

7 And then they got the power back into the
8 house, okay, so we had power in the house. And then
9 they left and they went right back down to where they
10 was working at earlier the day at the pole at the
11 street. And then that was it.

12 A couple days later, I went out to the
13 shop to check on our animals and we had no power.
14 Well, I'm sorry. I got ahead of myself. We went in
15 and that night it got cool, we went to heat. We
16 didn't have no heat. So we had to call the heat and
17 air guy. He came out and he fixed the furnace so it
18 worked. He put a new switch or something in.

19 So then a couple days later is when I
20 went out and checked the animals and we found we had
21 no power in our shop. We had a strobe light. On the
22 ceiling fan, there was a strobe light. Okay? I mean
23 it was like the '60s.

24 We knew that we had a problem out there
25 so I walked across the street, walked -- well, yard

1 and told the guys out there, I said, There's something
2 in my shop because we got a strobe light and we don't
3 have a strobe light. And the guy says, Well, you've
4 got to be hooked to a three-phase. I didn't know what
5 the hell that meant. Excuse me, I didn't know what
6 that meant.

7 So anyway I went back in there, we shut
8 the power off to that same -- because we have a
9 400-amp service to our house. We got two panels; one
10 north and a south. We shut the power off of that.
11 And then I had went in and I had called Ameren UE like
12 the guy told me to, okay, and talked to a -- excuse me
13 a minute.

14 Anyway, when I called UE Ameren, I talked
15 to a Margaret Stranger -- Strainger. She was the
16 adjuster. And she gave me -- assigned me a claim
17 number. And she was very nice, very pleasant. Okay?
18 Told me what I had to do, she would send me the claim
19 forms that I had to fill out and stuff. She did
20 stress so -- she said, Make sure when you send your
21 claims in on your receipt, you send us the original.
22 We will not accept a copy. I said, Well, okay, you
23 know. I said, But it's going to be in different
24 parts. She said, That's fine, you know. And she
25 said, I'm here to help you if you need help, blah,

1 blah, blah. I said, Well, it will be a while. So
2 anyway she said -- I said, That's fine. She said, I'm
3 here if you need me.

4 Up until that point, UE was great. Okay?
5 Ameren was great. But after that point, getting ahold
6 of Margaret was impossible. I would call her after I
7 got the -- started getting the receipts in, I turned
8 around then and I called her to make sure -- I sent
9 them certified. I sent them and asked her in the
10 letter, Would you please let me know you got the
11 package. I got nothing.

12 I started calling. I got -- all I got
13 was her answering machine. Answering machine. And it
14 was varying times at day. I would call at nine
15 o'clock, ten o'clock, one o'clock, it didn't matter.
16 Okay? So I sent her a letter through general post,
17 Would you please let me know, comment with me.
18 Nothing.

19 About a week or so, maybe two or whatever
20 after I sent it, I got the first rejection letter from
21 Ameren that they ain't responsible. According to the
22 legal stuff, they're not responsible for interruption
23 of service. I wrote her back. I said, I'm not
24 talking about interruption of service. I'm talking
25 about the damages that was done to our property. I

1 got no response. I then sent her another certified
2 letter asking for her to call me, get back with me,
3 talk to me, you know. I got another rejection letter.

4 I'll still calling all varying times of
5 the day. In fact, I called one woman -- called the
6 same number but didn't ask for her and I said, Is --
7 do you have a Margaret Strainger there? And she said,
8 Well, yeah. And I said, Well, I've been trying to get
9 ahold of her. Could you give her a message? And she
10 said, Yes, I will. And that was the end of that. I
11 never heard nothing else.

12 Then one day I was sitting there and I
13 called her again. This was like four o'clock in the
14 afternoon. I'm like I know what's going on. She's
15 dodging. Okay? Why, I don't have a clue. But
16 anyway, I was sitting there and I had a cell phone,
17 okay, that did not have our name, number, wasn't tied
18 to us nowhere. I called her, left her a message, hung
19 up and immediately turned around and called her number
20 again and guess who answers the phone?

21 And I said, This is Ms. Lucy. I said,
22 Can you tell me why you have not responded to any of
23 my messages I've left you? I've sent you a letter,
24 I've called you, I've left all these things. And she
25 said, What can I do for you? I said, I got a

1 question. I want to know where we go at from this
2 point here. She said, Well, I have to check on that.

3 This was like a Monday or Tuesday. She
4 said, I'll have to check on that. She said, Give me a
5 couple days. I said, Will you call me back Friday?
6 Any time Friday. I will be in the house Friday. She
7 said, Yeah, I'll get back with me [sic] Friday.

8 And you know what I got Friday? I got
9 another rejection letter. At that point I was done
10 with -- with trying to get ahold of anybody. Okay?
11 Period. And that's when I started trying to find out
12 what can be done about what they -- damages they done
13 to my house.

14 Everybody makes a mistake. Okay?
15 There's not one person out there -- I don't care how
16 long you've been in any business whatsoever -- that
17 don't make a mistake. I'm not saying what they done
18 to our house was intentional, because it wasn't. I
19 don't think anybody would do something like that. But
20 mistakes happen.

21 And why Ameren won't admit it is beyond
22 me. Okay? Because the circumstances that day and the
23 way that it programmed out and the repeatedly, It's
24 not my fault, we didn't do nothing, it's not my fault,
25 we didn't do nothing, you know. It's just logical

1 that -- why this happened when it did. And we've
2 never had a problem with that generator before. We've
3 never had a problem since. And trust me --

4 JUDGE GRAHAM: Ms. Lucy, may I interrupt?
5 You will have an opportunity at the end of this case
6 to make a closing argument. You are beginning to make
7 it now.

8 MS. LUCY: Oh, I'm sorry.

9 JUDGE GRAHAM: No, no. That's fine. But
10 your testimony should be limited to the facts that
11 your case is based upon. I will give you an
12 opportunity at the end of this case to sound off and
13 make your argument, but that is not what we're doing
14 now. Okay?

15 MS. LUCY: Okay. Well, that's my
16 argument. That's -- that's the ram of what happened.
17 Okay?

18 JUDGE GRAHAM: All right. Then you're
19 done with your direct testimony? Have you told me all
20 of the facts that you want the Commission to consider
21 in your case?

22 MS. LUCY: Yeah. That's what happened.

23 JUDGE GRAHAM: Okay. I had indicated
24 that we're going to take some things a little bit out
25 of the ordinary order because this is a pro se

1 Complainant. Does Staff -- I'm going to go to Staff
2 now with respect to cross-examination. Do you have
3 cross-examination for the Complainant?

4 MR. IRVING: We have no questions.

5 JUDGE GRAHAM: No questions. We'll go to
6 the Respondent, Ameren UE, then. Does Ameren UE have
7 cross-examination?

8 MS. GIBONEY: Yes, Judge.

9 JUDGE GRAHAM: Go ahead.

10 CROSS-EXAMINATION BY MS. GIBONEY:

11 Q. Good morning, Ms. Lucy.

12 A. Hi.

13 Q. I wanted to ask you just a question or
14 two about information that you put in your complaint.
15 And I'm happy to get up and show it to you if you want
16 to review it to remember what you said.

17 In your complaint, it begins, On October
18 4th --

19 A. Yes.

20 Q. -- and then you tell the story similar to
21 what we heard here. One thing it says is -- and I
22 quote -- Pulled me aside and told me I needed to call
23 Ameren and file a claim so we could get the repairs
24 done.

25 A. Correct.

1 Q. I went in and called Ameren at -- and
2 then gives a number. And here's what I want to ask
3 you about. Your call to Ameren, that wasn't on
4 October 4th, was it?

5 A. It was the day it happened.

6 Q. You sure it wasn't October 5th that you
7 called Ameren?

8 A. It was the day that it happened.

9 Q. All right. Let's see. And then I want
10 to ask you about when the Ameren employees came into
11 your garage and one of them spoke -- at least one of
12 them spoke on the phone to the Generac man; is that
13 correct?

14 A. Correct.

15 Q. And then they were able to bypass your
16 generator and directly hook up your power; is that
17 correct?

18 A. Correct.

19 Q. All right. And when that happened, you
20 didn't have any problems; is that correct?

21 A. That we knew about.

22 Q. All right.

23 MS. GIBONEY: That's all the questions I
24 have, Judge. Thank you.

25 JUDGE GRAHAM: All right. Do you have

1 any re-- what we call redirect? You've been asked
2 some questions by Ameren. They may not have asked you
3 some questions that you would like to have been asked
4 but they didn't ask at this point. Do you have any
5 further direct testimony for the Commission?

6 MS. LUCY: No.

7 JUDGE GRAHAM: Okay. Now, you indicated,
8 Ms. Lucy, here before we began that you had exhibits.
9 This would be the time -- and I'm not encouraging you
10 to just throw a lot of paper at the Commission or
11 something like that. But is there something specific
12 that you've brought here today in the way of documents
13 that you want to have marked as an exhibit and made a
14 part of your case because you believe that it proves
15 your case? Something that -- at the table or
16 something like that?

17 You don't have to give me any exhibits if
18 you don't think that they really add to your case, but
19 if you brought something today that you want me to
20 consider or the Commission to consider as evidence
21 that supports your case, this is the time that we
22 should go ahead and have it marked and introduced into
23 evidence, so.

24 MS LUCY: You want the pictures, you
25 mean, that we took?

1 JUDGE GRAHAM: That's -- that's what --
2 whatever it is that you've got in mind. So why don't
3 you step down there and pick out what you want, hand
4 it to the court reporter and we'll have her mark it.

5 MS. LUCY: Here's --

6 JUDGE GRAHAM: Why don't you go over to
7 the court reporter? And I think that we said that
8 your exhibits would be 41 on, did we not?

9 MS. LUCY: Yeah.

10 JUDGE GRAHAM: Hand it to the court
11 reporter. Is that -- ma'am, is that what you want?
12 Do you want to go ahead and mark those for me?

13 (Off the record.)

14 (Exhibits 41 through 49 were marked for
15 identification.)

16 JUDGE GRAHAM: I believe we are back on
17 the record here. Ms. Lucy, what I would like for you
18 to do, first of all for me, is go through those
19 exhibits one at a time give me the number of the
20 exhibit and then give it a name for the record. This
21 is for the benefit of our record for our court
22 reporter and everybody in here.

23 So just look at the exhibit, tell me what
24 the number is on that exhibit and -- that the court
25 reporter put on there, tell me what the -- what you

1 want to name that. Do you understand me?

2 MS. LUCY: (Nodded head.)

3 JUDGE GRAHAM: Okay. Please do that for
4 us.

5 MS. LUCY: Exhibit 14 -- or 41 is
6 basically a blow-up -- a pull back of the transfer
7 switch.

8 JUDGE GRAHAM: Okay.

9 MS. LUCY: Is that it?

10 JUDGE GRAHAM: Go ahead.

11 MS. LUCY: The -- 42 is a close-up that
12 shows the burnt wires -- how much -- how heat -- how
13 much heat that was in it. So it's just burnt wires of
14 the transf-- I mean the smoke and stuff that's in it.

15 JUDGE GRAHAM: Okay.

16 MS. LUCY: 43 is basically the same
17 thing. It's just a little closer up. But it's a
18 more -- shows more of how the fire was in the bottom
19 of it, the burnt switches were in the top or
20 vice-versa, everywhere you want to look at it. That's
21 what that is.

22 This -- 44 shows the smoke and the damage
23 on the outside before it was took apart and what was
24 involved in it. So that's the outside of it. 45
25 basically is the same thing, same picture. 46 is

1 another close-up of the interior of the box of the
2 transfer switch. 47 shows the line that we had to
3 replace going from the house to the shop that burnt
4 the switch panel out of -- out of the shop. That's
5 what that is.

6 48 basically shows the generator's set
7 data, the rate -- rated voltage, rated amperage,
8 powers, et cetera, et cetera. And the -- 49 is the
9 printout basically of what the picture showed of --
10 actual plate on the generator.

11 JUDGE GRAHAM: Does that complete it?

12 MS. LUCY: Yes, sir.

13 JUDGE GRAHAM: Are you offering those
14 exhibits into evidence? By that I mean do you want
15 those to become a part of the record that the
16 Commission considers?

17 MS. LUCY: Yeah.

18 JUDGE GRAHAM: Are there any objections
19 from Staff?

20 MR. IRVING: No objections.

21 JUDGE GRAHAM: Any objections from Ameren
22 UE?

23 MS. GIBONEY: No objections, Judge.

24 JUDGE GRAHAM: All right. Then the
25 record is going to reflect that the exhibits numbered

1 1 -- I'm sorry, Exhibits numbered 41 through 49
2 inclusive are admitted into evidence.

3 (Exhibits 41 through 49 were received
4 into evidence.)

5 JUDGE GRAHAM: All right. Now I'm going
6 to give Staff an opportunity to ask any questions of
7 the witness at this point -- well, strike that.

8 Is there anything that you wish to add at
9 this point in your sworn testimony concerning any of
10 those exhibits, ma'am? What I did was I asked you
11 simply to name them and number them and you did that
12 for me, and I thank you very much. What I didn't give
13 you an opportunity to do because I didn't ask you was
14 to tell me whether there's any testimony that you
15 would like to share with the Commission at this point
16 concerning any one of those exhibits? And again, I'm
17 not asking you to argue.

18 MS. LUCY: Right.

19 JUDGE GRAHAM: I'm asking you to tell me
20 what facts, if any, you would like me to consider with
21 respect to any or all of those exhibits by number. Do
22 you wish to do that?

23 MS. LUCY: No. I think they're
24 self-explanatory.

25 JUDGE GRAHAM: All right. That -- I'll

1 accept that as your testimony.

2 Does Staff have any questions of the
3 witness with respect to any or all of the Exhibits
4 41 through 49?

5 MR. IRVING: No questions.

6 JUDGE GRAHAM: Okay. Does the
7 Respondent, Ameren UE, have any questions of this
8 witness with respect to any of these specific
9 exhibits?

10 MS. GIBONEY: No, Judge.

11 JUDGE GRAHAM: Any other recross of this
12 witness?

13 MS. GIBONEY: No, Judge.

14 JUDGE GRAHAM: Staff?

15 MR. IRVING: No, Judge.

16 JUDGE GRAHAM: That concludes your
17 testimony then, Ms. Lucy. You can step down. I'm
18 going to ask you at that point if you have any other
19 evidence or witnesses that you wish to present. But
20 you can step down and sit down at the table there with
21 your husband.

22 All right. Ms. Lucy, do you have any
23 more witnesses or evidence that you want the
24 Commission to consider and make a part of the record
25 in your case at this point?

1 MS. LUCY: The only thing I've got is the
2 bills.

3 JUDGE GRAHAM: The bills.

4 MS. LUCY: The bills that we got.

5 JUDGE GRAHAM: Okay. Well, then I
6 think -- you brought the bills with you?

7 MS. LUCY: Yeah.

8 JUDGE GRAHAM: I think then what we
9 better do here is go back off the record. I didn't
10 make myself clear. I think you were probably thinking
11 about the liability part of the case. Let's go back
12 off the record, you take the bills over to the court
13 reporter. We will begin numbering them at 50. We'll
14 be off the record and when we come back on the record,
15 I'll have you get back on the witness stand and tell
16 me whatever it is you want to tell me about those
17 exhibits. Okay?

18 MS. LUCY: Uh-huh.

19 JUDGE GRAHAM: We're going off the record
20 then.

21 (Exhibits 50 and 51 were marked for
22 identification.)

23 JUDGE GRAHAM: Okay. We're going to go
24 back on the record now. We're going to make a proper
25 record with respect to those exhibits because I didn't

1 manage to turn on the audio part when we went through
2 Exhibits 41 through 49. So if you will bear with me
3 and rename them, 41 through 49, for the record and
4 we'll go through that litany of questions that I went
5 through before and then we'll go right on with your
6 damages exhibits. Okay? So why don't you tell me
7 what 41 is and just go right on from there.

8 MS. LUCY: It's a push-back thing of the
9 switch panel, the transfer switch.

10 JUDGE GRAHAM: Okay.

11 MS. LUCY: That's 41. 42 is a close-up
12 of showing the burn patterns and the burnt wires that
13 happened when it -- when it blew up. 43 is basically
14 the same thing only a little clearer. That does point
15 out the smoke, the damage, et cetera. 44 is basically
16 showing the smoke on the exterior of it where it
17 caught fire. And 45 is basically the same picture
18 except just -- that's all that is.

19 And then 46 is another picture showing
20 the interior of the transfer switch that burnt up.
21 The 47 is showing where we had to replace the wire
22 going from the house out to the separate switch thing
23 in the shop, where we had to dig it up, put it in. 48
24 is a picture of the generator set data sheet that's
25 physically on the machine itself. And 49 is the data

1 sheet that has been converted over to a Excel program.

2 JUDGE GRAHAM: Okay. Now, Ms. Lucy, I
3 had asked you a number of questions about those
4 exhibits when you were on the witness stand before,
5 but you have also now marked some other exhibits or
6 had them marked by the court reporter that concern
7 your damages?

8 MS. LUCY: Yes, sir.

9 JUDGE GRAHAM: Okay. And can you do the
10 same thing for those exhibits that you've just done
11 for 41 through 49? Give me the number and give me a
12 name for each exhibit.

13 MS. LUCY: The Exhibit 50 basically is
14 the first and the second stack of receipts, bills that
15 we got that we sent to Ameren. And 41 is the one that
16 came in later --

17 JUDGE GRAHAM: It wouldn't be 41. What
18 would it be?

19 MS. LUCY: I'm sorry. Fifty and 51.
20 Fifty is -- is this one (indicating). It's basically
21 showing receipts of what we paid, who we paid, et
22 cetera, et cetera. And 50-- Exhibit 51 is the one
23 that came in later.

24 JUDGE GRAHAM: 51?

25 MS. LUCY: 51.

1 JUDGE GRAHAM: Okay.

2 MS. LUCY: Is the one that came in later
3 when we found out that the incident, okay, had burnt
4 out all of our GFI plugs on the exterior of our
5 building. And we had to have the electrician to come
6 back out and replace all those. That's what that is.

7 JUDGE GRAHAM: Okay. I'm not sure that
8 counsel has seen the last few exhibits. Are you
9 satisfied that you saw them? If you want to approach
10 and take a look at them real quick before I ask
11 questions about whether you object to their
12 admissibility, I think you ought to be accorded the
13 opportunity to look at them if you want.

14 MS. GIBONEY: May I just ask a question?

15 JUDGE GRAHAM: Sure. You can go ahead
16 and voir dire the witness, yeah.

17 VOIR DIRE EXAMINATION BY MS. GIBONEY:

18 Q. Ms. Lucy --

19 A. Uh-huh.

20 Q. -- are those the same receipts that we --
21 exact same receipts that we saw in your -- that you
22 submitted to Consumer Claims Management?

23 A. Yeah. The only exception may be this
24 last one that came in, Exhibit 51.

25 Q. All right.

1 JUDGE GRAHAM: Do you want to take a
2 look? Go ahead.

3 MR. IRVING: Staff counsel would also
4 take a look.

5 JUDGE GRAHAM: Go ahead.

6 MS. LUCY: But this one, you should have.

7 MS. GIBONEY: Just one second.

8 MR. IRVING: Sure. Thank you.

9 MS. LUCY: Thank you.

10 JUDGE GRAHAM: Okay. I believe everybody
11 has looked at the exhibits. What are the numbers that
12 you have up there, Ms. Lucy? Are they 41 through 51
13 now?

14 MS. LUCY: Yes, sir.

15 JUDGE GRAHAM: And as I asked you before,
16 are you offering all of those exhibits into evidence?

17 MS. LUCY: Yeah.

18 JUDGE GRAHAM: And you're asking the
19 Commission to consider them as evidence of your
20 claim --

21 MS. LUCY: Yeah.

22 JUDGE GRAHAM: -- and your complaint?
23 Any objections from Staff to 41 through
24 51?

25 MR. IRVING: No objections from Staff.

1 JUDGE GRAHAM: Any objections from the
2 Respondent, from Ameren UE, to 41 through 51?

3 MS. GIBONEY: No objections, Judge.

4 JUDGE GRAHAM: Okay. Well, they will be
5 admitted then.

6 (Exhibits 50 and 51 were received into
7 evidence.)

8 JUDGE GRAHAM: Now, as before when I
9 wasn't -- didn't have the audio on, I want to ask you
10 is there any testimony in the way of facts -- not
11 arguments, but in the way of facts that you wish for
12 the Commission to consider with respect to any or all
13 of those exhibits? Anything you want to add?

14 MS. LUCY: Yeah. I've just -- I seen it
15 in here.

16 JUDGE GRAHAM: Please identify the
17 exhibit that you're going to be talking about.

18 MS. LUCY: Exhibit 50, it's like the
19 second page. It's not -- it was -- it's not a
20 receipt. It's just where Ameren -- I went over and
21 told the guy about the strobe light in the shop, they
22 went back down and they was working wherever they was
23 working and he told me at that time, he said, I'm
24 having an official Ameren UE serviceman come out here
25 and check your power. And he did. And this is the

1 statement that he -- that he left at the door, the
2 Ameren UE guy.

3 JUDGE GRAHAM: You are referring to
4 Exhibit 50?

5 MS. LUCY: Yes, sir.

6 JUDGE GRAHAM: How many pages does
7 Exhibit 50 have, for the record?

8 MS. LUCY: A whole bunch.

9 JUDGE GRAHAM: Okay. Well, then don't
10 count them. More than one?

11 MS. LUCY: Yeah.

12 JUDGE GRAHAM: Okay. And the page to
13 which you have just been referring in your testimony,
14 did you tell me that that -- did you tell the
15 Commission --

16 MS. LUCY: Three.

17 JUDGE GRAHAM: -- that that's --

18 MS. LUCY: Third page.

19 JUDGE GRAHAM: The third page of Exhibit
20 Number --

21 MS. LUCY: Yeah.

22 JUDGE GRAHAM: -- 50?

23 MS. LUCY: Yes, sir.

24 JUDGE GRAHAM: Are there any other
25 exhibits that you wish to tell me something about in

1 the way of facts?

2 MS. LUCY: No. That's all. Do you want
3 one of these things from Ameren? I got an extra in
4 here if you want it.

5 JUDGE GRAHAM: Well, go ahead.

6 MS. GIBONEY: Sure.

7 MS. LUCY: That's where they came back
8 out there and checked it.

9 JUDGE GRAHAM: All right. Now, again,
10 does that conclude your testimony?

11 MS. LUCY: Yes, sir.

12 JUDGE GRAHAM: Okay. That's fine. Thank
13 you. Have a seat.

14 MS. LUCY: I done it again. I think
15 they're out of sequence.

16 JUDGE GRAHAM: Remember we're on the
17 record.

18 MS. LUCY: I'm sorry.

19 JUDGE GRAHAM: Now, Ms. Lucy, do you have
20 any other witnesses?

21 MS. LUCY: No, sir.

22 JUDGE GRAHAM: Okay. And I think I had
23 asked you before whether you had any witnesses or
24 evidence and we discovered that you did have. You had
25 two or three more damages exhibits. Have you now

1 presented all of the exhibits that you want the
2 Commission to consider and are they in evidence?

3 MS. LUCY: Yeah.

4 JUDGE GRAHAM: Okay. Then I don't know
5 that you'll understand my question, but are you
6 resting your case at this point? By that I mean is
7 that your case? Have you concluded your case?

8 MS. LUCY: Yeah.

9 JUDGE GRAHAM: Okay. Does anyone need to
10 take a short break? We haven't really been at it an
11 hour yet. If not, we'll proceed to Staff.

12 MS. GIBONEY: Judge, could we take just a
13 moment so that my witness can have a look at
14 Ms. Lucy's photos?

15 JUDGE GRAHAM: Surely. We'll go off the
16 record. I'll try to remember to turn the sound back
17 on when we come back on.

18 (Off the record.)

19 JUDGE GRAHAM: Okay. At this point we're
20 back on the record. The time is five minutes until
21 11:00. And I'm going to ask if the Staff has a case
22 that it wishes to put on, we will proceed with the
23 Staff's case at this point. Mr. Irving, do you have
24 some testimony or evidence?

25 MR. IRVING: Yes, Judge.

1 JUDGE GRAHAM: You can proceed.

2 MR. IRVING: Staff would like to call
3 Cedric to the witness stand -- Cedric Cunigan to the
4 witness stand.

5 JUDGE GRAHAM: Come to the witness stand
6 and be sworn.

7 (Witness sworn.)

8 JUDGE GRAHAM: Go ahead. Counsel for
9 Staff can proceed.

10 CEDRIC CUNIGAN, having been sworn, testified as
11 follows:

12 DIRECT EXAMINATION BY MR. IRVING:

13 Q. All right. Mr. Cunigan, please your --
14 please state your name for the record.

15 A. Cedric Cunigan.

16 Q. Please identify your place of employment.

17 A. The Missouri Public Service Commission.

18 Q. Okay. Please identify your job title.

19 A. Utility engineering specialist three.

20 Q. When did you begin your employment with
21 the Commission?

22 A. I got employed here in January of 2017.

23 Q. Okay. What was your job title?

24 A. Utility engineering specialist three.

25 Q. Please identify your post-high school

1 education, including dates of graduation and degrees.

2 A. I have a Bachelor of Science in
3 biological engineering attained in May of 2011 from
4 the University of Missouri. I also have a Master of
5 Business Administration also from the University of
6 Missouri attained in May of 2013.

7 Q. Okay. Thank you. Did you work anywhere
8 between completing your formal education and taking
9 employment at the Commission?

10 A. Yes.

11 Q. Please identify where you worked and the
12 job positions that you held prior to working at the
13 Commission.

14 A. I worked with the Missouri Department of
15 Natural Resources in the Solid Waste Management
16 Program. I began employment there in August 2013 as a
17 miscellaneous technician and then I was promoted to an
18 environmental engineering in January of 2014. I
19 transferred to the Hazardous Waste Program in
20 September of 2014 and I remained there until my
21 employment with the Commission.

22 Q. What has been nature of your employment
23 while in the -- while in the employment of the
24 Commission?

25 A. I look at various engineering reviews,

1 renewable energy standard, customer complaints and
2 some of the rate cases.

3 Q. Okay. Did the Commission order the Staff
4 to conduct an investigation of Ms. Stella Lucy's
5 formal complaint and file a report no later than
6 July 31st, 2018?

7 A. I don't have the order in front of me,
8 but yes, that was the date that the report was filed.

9 Q. Okay. Mr. Cunigan, were you directed to
10 perform an investigation of Ms. Stella Lucy's formal
11 complaint and file a report respecting your
12 investigation?

13 A. Yes.

14 Q. Mr. Cunigan, had you been working on an
15 informal complaint that -- that -- that you made with
16 the Commission? Like had you been working on inform--
17 informal complaint concerning Ms. Lucy?

18 A. Yes.

19 Q. Okay. Mr. Cunigan, I'm going to hand you
20 a document that I would like to have marked as Exhibit
21 21.

22 (Exhibit 21 was marked for
23 identification.)

24 BY MR. IRVING:

25 Q. Mr. Cunigan, can you identify the

1 document I just handed to you?

2 A. Yes. It's the Staff report filed in this
3 case.

4 Q. Okay. Is that the Staff report based on
5 your Staff investigation of Ms. Stella Lucy's formal
6 complaint?

7 A. Yes.

8 Q. Are there any corrections that you would
9 like to make to the Staff report at this time?

10 A. Yes. On page 2, the fifth line from the
11 bottom where it says, Complainants transformer, there
12 should be an apostrophe in between the T and the S in
13 Complainant's. Also on page 2, the last line, the
14 date October 5th, 2018 should be October 5th, 2017.

15 Then on page 3 under the heading October
16 23rd, 2017, the first line under that heading, The
17 first instance of Complainant's Respondent's
18 representative arrived at Complainants address, that
19 Complainant's should also have an apostrophe between
20 the T and the S. And then under the heading March
21 14th on that page, third line from the bottom, October
22 4th, 2018 should also be October 4th, 2017.

23 Q. Okay. Thank you.

24 A. And then finally on page 4, the second
25 heading, March 26th, 2018, should actually be March

1 28th, 2018.

2 Q. With those corrections, is the
3 information contained in that document true and
4 correct to the best of your knowledge and belief?

5 A. Yes.

6 Q. Does this exhibit set out how you
7 investigated Ms. Stella Lucy's informal and formal
8 complaint?

9 A. Yes.

10 Q. How did you investigate Ms. Stella Lucy's
11 informal and formal complaint?

12 A. Initially I spoke to Ms. Lucy and Ameren
13 to get their story of what happened. And through
14 that, I went back and forth between them several
15 times. I also spoke with Mr. Dawson who was the
16 Generac serviceman and took down their stories and
17 tried to piece together what happened on that date.

18 Q. Okay. Does this exhibit set out whether
19 you were able to reach a conclusion or make any
20 findings as a result of your investigation?

21 A. Yes.

22 Q. Were you able to reach a conclusion or
23 make any findings?

24 A. I was able to determine that there was an
25 error involving the generator transfer switch, but I

1 was not able to say what would have caused that error.

2 Q. Okay. Thank you.

3 MR. IRVING: Judge, I would like to offer
4 Exhibit 21 into evidence.

5 JUDGE GRAHAM: All right. Ms. Lucy, the
6 Staff has offered Exhibit Number 21 into evidence.
7 Exhibit Number 21, we are advised from the testimony,
8 is the Staff report that was prepared by this witness.
9 Have you seen a copy of it at some point?

10 MS. LUCY: Yeah.

11 JUDGE GRAHAM: Okay. The question is
12 whether you have any objections at this point to the
13 admission of that exhibit for the Commission to
14 consider it as evidence, just like the Commission will
15 consider your exhibits. Do you have any objection?

16 MS. LUCY: No.

17 JUDGE GRAHAM: Is there any objection
18 from Ameren UE?

19 MS. GIBONEY: No objection, Judge.

20 JUDGE GRAHAM: Okay. That exhibit will
21 be admitted then.

22 (Exhibit 21 was received into evidence.)

23 MR. IRVING: At this point I would like
24 to tender Mr. Cunigan as a witness for cross.

25 JUDGE GRAHAM: All right. I think that

1 the way that I set this out was at this point we'll do
2 this differently than the different way I was doing it
3 before. And if the company -- if Ameren UE is ready
4 to proceed with cross-examination of this witness,
5 please go ahead.

6 MS. GIBONEY: No cross, Judge. Thank
7 you.

8 JUDGE GRAHAM: All right. Does the Staff
9 have any cross-examination for this witness?

10 MR. IRVING: We don't have any questions,
11 no.

12 JUDGE GRAHAM: I'm sorry. It's any
13 redirect. Ms. Stella, do you have any
14 cross-examination for this witness?

15 MS. LUCY: No.

16 JUDGE GRAHAM: Now does staff have any
17 redirect?

18 MR. IRVING: No, Judge.

19 JUDGE GRAHAM: I take it not.

20 QUESTIONS BY JUDGE GRAHAM:

21 Q. I have a couple questions at this point.
22 Your conclusion is that the -- the incident, if we can
23 refer to it as an incident, or the damages were the
24 result of a transfer switch failure. Is that what I'm
25 understanding you to say?

1 A. Yes. There was an error involving the
2 switch transferring power.

3 Q. And when you use the word "error," do you
4 mean some kind of a failure?

5 A. Failure, equipment malfunction. I just
6 wasn't able to determine what that was that caused it.

7 Q. Okay. So -- but you were able to
8 conclude that the transfer switch itself had failed?

9 A. Yes.

10 Q. Okay. Was there something specific about
11 it that you observed that caused you to reach that
12 conclusion or was that simply an inference that you
13 drew from all of the facts that you analyzed in the
14 case? Was it burned up or something? Something you
15 could eyeball and see?

16 A. From both testimonies of the Complainant
17 and the Respondent, it was burned. And she had
18 provided the pictures earlier --

19 Q. So --

20 A. -- but --

21 Q. -- you did actually look at the pictures?

22 A. I did not see the pictures prior to
23 today. The testimony from the witness and the company
24 was that the switch would -- had fire damage.

25 Q. Okay. And you saw those pictures for the

1 first time today?

2 A. Yes.

3 Q. And there was nothing about those
4 pictures that caused you to change your conclusions as
5 expressed in Exhibit 21?

6 A. No.

7 Q. Those pictures do, in your judgment,
8 corroborate or reinforce the conclusion that the
9 transfer switch had failed?

10 A. Yes.

11 Q. And beyond that, you can't say. Is that
12 your testimony as to what caused the problems?

13 A. Correct.

14 Q. No further questions.

15 JUDGE GRAHAM: Now, I've asked some
16 questions of this witness. And on the basis of the
17 questions that I've asked and on the basis of the
18 answers that the witness has given, Ms. Lucy, do you
19 have any further questions or questions of this
20 witness?

21 MS. LUCY: No.

22 JUDGE GRAHAM: Okay. Does the Respondent
23 have any cross-examination based on my questions or
24 anything else?

25 MS. GIBONEY: No, Judge.

1 JUDGE GRAHAM: Okay. Mr. Irving, do you
2 have any redirect? I won't call it cross this time.
3 Do you have any redirect for this witness based upon
4 the questions that I asked of this witness?

5 MR. IRVING: No, Judge.

6 JUDGE GRAHAM: Okay. May this witness be
7 excused?

8 MR. IRVING: Yes.

9 JUDGE GRAHAM: Now, Ms. Lucy, by that
10 question -- I don't know if he intends to leave, but
11 by that question I've asked is it okay for him to
12 leave if he's got something else to do or do you
13 anticipate that you might have more --

14 MS. LUCY: No.

15 JUDGE GRAHAM: -- questions for him
16 later?

17 MS. LUCY: No, I'm fine.

18 JUDGE GRAHAM: Okay. So this witness is
19 excused.

20 Does Staff have any further testimony or
21 evidence?

22 MR. IRVING: No, Judge.

23 JUDGE GRAHAM: Okay. All right. Does
24 the cus-- does the company, Ameren UE, have evidence
25 to present?

1 MS. GIBONEY: Yes, Judge.

2 JUDGE GRAHAM: Okay. Go ahead and
3 proceed with your case.

4 MS. GIBONEY: Ameren Missouri calls
5 Aubrey Krcmar.

6 JUDGE GRAHAM: All right. Go ahead and
7 state your name and then I'll swear you.

8 THE WITNESS: Aubrey Krcmar.

9 JUDGE GRAHAM: Go ahead and sit down.
10 Well, go ahead and stand and I'll swear you.

11 (Witness sworn.)

12 JUDGE GRAHAM: All right. Go ahead and
13 be seated. Counsel, you can proceed.

14 AUBREY KRCMAR, having been sworn, testified as
15 follows:

16 DIRECT EXAMINATION BY MS. GIBONEY:

17 Q. Okay. Please state your name for the
18 court reporter.

19 A. Aubrey Krcmar.

20 Q. Would you spell that for her?

21 A. K-r-c-m-a-r. First name A-u-b-r-e-y.

22 Q. By whom are you employed?

23 A. Ameren Missouri.

24 Q. And what is your position?

25 A. Regulatory liaison.

1 Q. How many years have you been in that
2 position?

3 A. In that position, only since the first of
4 this year, January of 2018.

5 Q. And by whom were you employed prior to
6 that?

7 A. Ameren Missouri.

8 Q. And what was your position?

9 A. I was in the Customer Care Center for
10 17 years, with the last four years of my employment
11 being as a customer service supervisor.

12 Q. And does that mean that you supervised
13 other customer care advisors?

14 A. That is correct.

15 Q. All right. In your prior position as a
16 supervisor and in your current position, do you -- are
17 you familiar with the company's methods of keeping
18 records?

19 A. Yes.

20 Q. And -- and specifically with regard to
21 its customer service records?

22 A. Yes.

23 Q. All right. Let me ask you about calls to
24 the call center. What happens when a customer calls
25 the call center?

1 A. When a call is -- comes into the call
2 center, an advisor answers the call, makes a record of
3 their interaction in contacts, which is stored in our
4 customer service system. We also, of course, then
5 will record the call.

6 Q. All right. And the contacts are an
7 electronic but written record; is that correct?

8 A. That's correct.

9 Q. All right. And how soon after the
10 contact is -- how soon after the call comes in does
11 the advisor make the contact?

12 A. Should be instantaneously at the same
13 time as the call is -- is taking place.

14 Q. Do they take another call before they've
15 completed their recordkeeping?

16 A. They do not.

17 Q. All right. What other types of
18 information end up in the company's call contacts?

19 A. There are a variety of different contacts
20 left on an account. It could be inbound calls from
21 the customer, it could be outbound calls from either
22 our outage analysis system regarding outages, it could
23 be collection calls that are outbound. But generally
24 any incoming or outbound contact with a customer are
25 recorded automatically or manually on the account.

1 Q. Okay. And then it also includes some
2 written communications?

3 A. It does.

4 Q. A notation about that?

5 A. Yes.

6 Q. All right. Are there call contacts for
7 the account for Stella and Leroy Lucy?

8 A. Yes.

9 MS. GIBONEY: May I approach the witness,
10 Judge?

11 JUDGE GRAHAM: Yes.

12 BY MS. GIBONEY:

13 Q. Ms. Krcmar, I've handed you what's been
14 marked Ameren Missouri Exhibit 10-C.

15 MS. GIBONEY: And, Judge, this will be a
16 confidential exhibit.

17 JUDGE GRAHAM: All right. I'm advised
18 now that we're dealing with a confidential exhibit.
19 And so per my earlier statement or order, we are going
20 to take this one into camera. Well, are you -- do you
21 intend to show this exhibit -- stream this exhibit in
22 any way?

23 MS. GIBONEY: No, Judge.

24 JUDGE GRAHAM: I think then by camera, we
25 can certainly mute the testimony. And will that

1 protect the confidentiality of this exhibit
2 satisfactorily to you? Yes?

3 MS. GIBONEY: To me, yes, Judge.

4 JUDGE GRAHAM: Anybody -- have you handed
5 Ms. Lucy this exhibit?

6 MS. GIBONEY: Yes, Judge.

7 JUDGE GRAHAM: Does the confidential
8 information that's contained in there pertain to you,
9 Ms. Lucy?

10 MS. LUCY: Excuse me?

11 JUDGE GRAHAM: Does that exhibit that has
12 been identified as a confidential exhibit, does that
13 concern you or your affairs or information?

14 MS. LUCY: No.

15 JUDGE GRAHAM: Does Staff have any
16 problem with that exhibit?

17 MR. IRVING: No, Judge.

18 JUDGE GRAHAM: Okay. Then -- then,
19 Counsel, I think all we need to do is mute it.

20 MS. GIBONEY: Okay.

21 JUDGE GRAHAM: Okay. Okay. The sound is
22 no longer being streamed. Go ahead.

23 BY MS. GIBONEY:

24 Q. All right. I've handed the witness
25 Exhibit 10-C. Ms. Krcmar, could you identify what

1 that is, please?

2 A. Yes. This is the listing of all of the
3 historical contacts that are associated with the
4 Lucys' account.

5 Q. All right.

6 MS. GIBONEY: Judge, I'd ask that Exhibit
7 10-C be admitted into the record.

8 JUDGE GRAHAM: Well, first of all, is
9 there any further testimony as to its contents? Can
10 we -- can we --

11 MS. GIBONEY: Yes.

12 JUDGE GRAHAM: -- go back onto the
13 record?

14 MS. GIBONEY: Yeah, there will be --

15 JUDGE GRAHAM: Can we stream it now?

16 MS. GIBONEY: There will be a little
17 testimony. I'm not going to ask for anything
18 confidential, I don't believe.

19 JUDGE GRAHAM: Okay. Ms. Lucy, the --
20 what's the exhibit number, Counsel?

21 MS. GIBONEY: 10-C.

22 JUDGE GRAHAM: 10-C. Ms. Lucy, the
23 Company, Ameren UE, has offered this Exhibit 10-C into
24 evidence for the Commission to consider as evidence.
25 Do you have any objections?

1 MS. LUCY: One, it's not complete.

2 JUDGE GRAHAM: All right. Do you have
3 any other objections?

4 MS. LUCY: No.

5 JUDGE GRAHAM: That objection will be
6 overruled.

7 Staff do you have any objections?

8 MR. IRVING: No, Judge.

9 JUDGE GRAHAM: 10-C will be admitted into
10 evidence.

11 (Exhibit 10-C was received into
12 evidence.)

13 JUDGE GRAHAM: You can go ahead and
14 proceed.

15 BY MS. GIBONEY:

16 Q. Ms. Krcmar, if we look at Exhibit 10-C,
17 can you tell us whether or not there is a call contact
18 entry for October 5th, 2017?

19 A. Yes, there is.

20 Q. And what does that entry indicate about
21 the contact?

22 A. It indicates that Lucy Stella had called
23 into the office and spoke with one of our advisors.
24 She told her, the advisor, that Ameren had done work
25 in her area yesterday and reconnected it, damaged her

1 panel box. So we, in turn, gave Ms. Lucy the phone
2 number to our Claims Department.

3 Q. All right. And, again, the call records
4 indicate that that call came in on October 5th; is
5 that?

6 A. 10/05/17 at 8:16 a.m., yes.

7 Q. Do you see an entry for 10/04/2017?

8 A. There is not one.

9 Q. All right. Thank you. Ms. Krcmar, when
10 calls come in, is the advisors record that they create
11 the only record of that call?

12 A. That is not the only record of the call.
13 We also -- all of our incoming calls are recorded by a
14 system. So we have a record of that call through the
15 system that records calls as well.

16 Q. All right. And what -- what format,
17 generally speaking, is that recorded call?

18 A. Well, it's an internal system that we
19 have, but generally the -- the files are saved as Wave
20 files.

21 Q. Can a Wave file be downloaded to a
22 compact disc?

23 A. Yes.

24 MS. GIBONEY: All right. Judge, may I
25 approach the witness?

1 JUDGE GRAHAM: Yes. Are we still dealing
2 with a confidential exhibit?

3 MS. GIBONEY: Yes. And this one, if it's
4 admitted, we'll -- we'll hear some audio that has some
5 confidential information.

6 JUDGE GRAHAM: Okay. Does this have a
7 different number or something?

8 MS. GIBONEY: This is Exhibit 11-C.

9 JUDGE GRAHAM: Okay.

10 BY MS. GIBONEY:

11 Q. All right. So I'm handing Ms. Krcmar
12 what's been marked Exhibit 11-C.

13 A. Okay.

14 Q. All right. Ms. Krcmar, can you identify
15 what 11-C is?

16 A. I can. This is the recording of the Wave
17 file of the Stella Lucy call into our office on
18 October 5th of 2017.

19 MS. GIBONEY: Judge, I'd ask that that be
20 admitted into evidence and I'd like to play that call
21 real quick.

22 JUDGE GRAHAM: Are there any objections
23 from Ms. Lucy to --

24 MS. LUCY: Not at this time.

25 JUDGE GRAHAM: -- the admission of this

1 exhibit?

2 MS. LUCY: Not at this time.

3 JUDGE GRAHAM: Yeah. The -- the fact
4 that it may not be complete is something you can
5 testify to, but it's not a basis that I will sustain
6 an objection to. Just explaining my earlier ruling to
7 you.

8 Does Staff have any objection?

9 MR. IRVING: No objections, Judge.

10 JUDGE GRAHAM: And this is Exhibit?

11 MS. GIBONEY: 11-C.

12 JUDGE GRAHAM: The record will reflect
13 that 11-C is admitted.

14 (Exhibit 11-C was received into
15 evidence.)

16 MS. GIBONEY: And may I play that, Judge?

17 JUDGE GRAHAM: You may.

18 MS. GIBONEY: It will take me just a
19 minute to get it, you know, rolling.

20 So I guess for the record let me state
21 that I've taken 11-C back from Ms. Krcmar and I'm
22 putting that into my computer to play the audio.

23 JUDGE GRAHAM: All right.

24 MR. IRVING: Is this confidential
25 information?

1 JUDGE GRAHAM: We are still not
2 streaming.

3 MR. IRVING: Okay.

4 JUDGE GRAHAM: Thank you for inquiring
5 though. And I -- the answer to my question is yes,
6 counsel advised that there is some confidential
7 information on this. Go ahead.

8 MS. GIBONEY: All right.

9 (Audio played.)

10 BY MS. GIBONEY:

11 Q. Ms. Krcmar, let's take a quick back look
12 at 10-C.

13 JUDGE GRAHAM: All right. Are we still
14 dealing with confidential information or can we go
15 back on the -- stream this?

16 MS. GIBONEY: Yeah, I think we can go
17 back on for this.

18 JUDGE GRAHAM: All right. Just a second
19 here while I get that done.

20 Okay. Now, for the record -- and we've
21 got it on record here, but for the public record, we
22 have admitted 10-C and 11-C at this point into
23 evidence I believe. Does that -- does everybody
24 agree? Okay. And we have been treating those as
25 confidential exhibits and, hence, went -- went mute on

1 our sound and we are back on sound here because we are
2 done with confidential information. Is that a
3 satisfactory statement to everyone?

4 MS. GIBONEY: Yes, Judge.

5 JUDGE GRAHAM: Ready to go? Okay. Go
6 ahead.

7 BY MS. GIBONEY:

8 Q. Ms. Krcmar, if you would just turn back
9 to Exhibit 10-C, third -- third page. Does the care
10 advisor's contact -- sorry, does the advisor's contact
11 note indicate what time the call came in on 10/05/10--
12 2017?

13 A. Yes. It was 8:16 a.m.

14 Q. All right. Thank you.

15 MS. GIBONEY: Judge, I have no further
16 questions for this witness.

17 JUDGE GRAHAM: All right. Does Staff
18 have any cross-examination for this witness?

19 MR. IRVING: No questions, Judge.

20 JUDGE GRAHAM: Ms. Lucy, do you have any
21 questions for this witness?

22 CROSS-EXAMINATION BY MS. LUCY:

23 Q. Yes. Who's Petty Keesha? Is that you?

24 A. Keesha Petty, that was the name of the
25 advisor who first answered the call that was recorded

1 that you --

2 Q. Okay.

3 A. -- when you first called in on the 5th.
4 That was the -- the name of the advisor you spoke
5 with.

6 Q. The first -- when I called and she gave
7 me the 800 number?

8 A. That's correct.

9 Q. And the next one is a 10/06 outbound that
10 was done at 9:00 a.m. That's supposed to have been
11 me, her or what that's supposed to have been?

12 A. That was an outbound call for an
13 immediate outage notification, that there was a
14 30-minute outage at your home. The cause of that
15 outage was overhead line maintenance.

16 Q. And that was on -- at 9:00 a.m.?

17 A. Yes, ma'am.

18 Q. And then at 9:01 another call came from
19 where? I mean where do these calls -- where are these
20 calls coming from? My phone? Your phone? Whose
21 phone?

22 JUDGE GRAHAM: Ms. Lucy --

23 MS. LUCY: Yeah.

24 JUDGE GRAHAM: -- it would help everyone,
25 including the court reporter -- and I'm terribly

1 solicitous to make sure she remains happy -- if you
2 would ask the witness one question, let her answer and
3 then you can go ahead and follow up with another. So
4 you just piled three of them on her there real quick.

5 MS. LUCY: Okay.

6 JUDGE GRAHAM: So go ahead and ask your
7 questions, but if you'd let her -- do them one at a
8 time and let her answer.

9 BY MS. LUCY:

10 Q. The dates and times on the -- let's just
11 say the last half of the page, where are they coming
12 from?

13 A. Okay. We -- we use a third-party vendor
14 that makes our outbound notification calls for us.
15 It's called 21st Century, I think that's the name of
16 the company. And so what you'll see there is to -- to
17 someone who's not familiar with our contacts, it's
18 probably not very clear.

19 But generally what we do is there's a
20 file that is sent to our vendor and then there will be
21 a contact made. There's going to be a note stating
22 that there's -- we need to make this outbound call.
23 And the actual time that the call was made is -- is
24 the next contact you see. That 9:01 where it says,
25 Sent outbound call. That meant -- means the call was

1 actually released.

2 So it's an automated number. So it's
3 probably -- I'm not 100 percent sure what number it's
4 going to show on your Caller ID, but it's generally an
5 800 or an 855 number. And it's just a call being made
6 to our customers to advise them of an -- of an
7 upcoming outage that -- and with an estimated
8 restoration time of 30 minutes.

9 So that's what those -- and there's
10 several different contacts, but there was probably
11 only one call made. But it's just what -- the file
12 was released, there's an automated contact made and
13 then once the actual call is made, there's a call --
14 there's a contact made on the account.

15 Q. So if I'm hearing you right, most of this
16 stuff in here is just garage, because it may or may
17 not ever communicate to nobody?

18 A. Well, we can tell from the time -- we can
19 tell that a call was made. So we know that, you know,
20 the file was sent out to the customer. And then we
21 can look and confirm that the call was made to the
22 customer. So, therefore, if there's someone looking
23 at this -- these contacts that's familiar with the
24 system, they're going to be able to determine and make
25 sure that the call was made to you to notify you of

1 out-- out -- most of the time we try to do that.

2 We always try to notify a customer, you
3 know, prior to a service interruption if we -- if --
4 if it's a planned outage. Planned outage meaning we
5 know we have to turn the service off for 30 minutes or
6 so to make a repair. Of course, if it's a storm or
7 something like that that's not planned, we wouldn't be
8 able to make the prior call.

9 Q. So all -- on 10/0-- in 10/6 -- October
10 the 6th, there was supposed to have been one, two,
11 three, four, five, six calls made?

12 A. Well, there wouldn't have been six
13 different calls made though. Not all of the contacts
14 refer to the actual call being made. Like I mentioned
15 earlier, some of the calls are the file was sent out.
16 The file was sent to the vendor -- from our system,
17 the file was sent to the vendor to make the call.

18 Q. I guess my question to you is, this is a
19 list of calls that was supposed to have been made by a
20 computer for something that's supposed to happen?

21 A. Uh-huh.

22 Q. Where is the list where I tried to get
23 ahold of Margaret, the adjuster?

24 A. And just to clarify, Margaret Stringer
25 actually was not an Ameren Missouri employee. She

1 works for our Claims Department. So we have a
2 different department -- it's a different company that
3 handles claims for Ameren Missouri.

4 Q. Okay.

5 A. So we, of course, would not have any
6 records of any calls that are made with that company.
7 She -- they're a company that works for us.

8 Q. So you all have no clue why this woman or
9 if this is the procedure of this company not to
10 respond back to somebody after the first initial call?

11 A. I cannot answer that.

12 Q. You can't.

13 A. Like I mentioned I -- unfortunately, I
14 apologize, but she works -- that is a different
15 company then works for Ameren. But I certainly
16 will -- have made a note of this. But I -- I cannot
17 respond to that an-- I can't tell you that -- why.
18 I'm sorry.

19 Q. Well, so what's the purpose of this?

20 A. This was just I think to indicate -- just
21 to put into the record of, you know, the -- the time
22 that your initial call was made on October 5th.

23 Q. So we've got roughly, I don't know, five
24 six pages here that roughly has nothing really to do
25 with anything except just to muddy the water?

1 JUDGE GRAHAM: Well, again, I appreciate
2 your enthusiasm. That's why you're here. You will be
3 given an opportunity to argue and sound off in closing
4 argument. You're getting there again now, Ms. Lucy.

5 MS. LUCY: I'm sorry.

6 JUDGE GRAHAM: And -- and I've been
7 guilty of that myself many years as an attorney, so --

8 MS. LUCY: Okay.

9 JUDGE GRAHAM: -- just ask your questions
10 of fact, if you would. Am I the one making the noise
11 here? I might be.

12 MR. THOMPSON: Yes, sir.

13 JUDGE GRAHAM: Am I? Sorry. Thank you,
14 Kevin.

15 MS. LUCY: Other than that -- okay. I'm
16 done.

17 JUDGE GRAHAM: Any redirect?

18 MS. GIBONEY: No, Your Honor.

19 JUDGE GRAHAM: Any recross from Staff? I
20 don't know that there was any cross, but --

21 MR. IRVING: No, Your Honor. Thank you.

22 JUDGE GRAHAM: Well, I have a couple of
23 questions of this witness then.

24 QUESTIONS BY JUDGE GRAHAM:

25 Q. The lady that you mentioned, what was her

1 name, that worked for your Claims Department?

2 MS. LUCY: Margaret Stringer.

3 BY JUDGE GRAHAM:

4 Q. Margaret Stringer?

5 A. Yes.

6 Q. And do you have any knowledge or
7 information that you can share with me as to why your
8 Claims Department was given -- or why the claim--
9 Complainant here was given the information that she
10 should call your Claims Department?

11 A. The advisor when -- when we have -- they
12 are -- our advisors are trained that if a customer
13 does call and mentions that they believe they have
14 damages caused by the company, that they are -- our
15 advisors are instructed to give the Claims Department
16 phone number.

17 Q. And apparently then when that claims
18 advisor is called, that information that is conveyed
19 to the -- to the claims advisor does not go to your
20 company at that point in time. You're not aware of
21 what this lady or someone else might be telling those
22 folks. Is that a fair statement?

23 A. That is a fair statement.

24 Q. So if she's got information or someone
25 else has information that might be useful in the

1 investigation and the identification of a problem, a
2 technical or electrical problem, because of the
3 procedures that you've set up and this wall that
4 you've set up, that information is not going to get to
5 the company. Is that a fair statement?

6 A. Well, I do believe that our Claims
7 Department does work with internal Ameren Missouri
8 employees and they will reach out to us. They will
9 reach -- they oftentimes reach out to district
10 employees to obtain the factual data to help them make
11 the decision as far as the claim.

12 Q. As to paying the claim?

13 A. That's correct.

14 Q. All right. No further questions.

15 JUDGE GRAHAM: Is there any redirect on
16 the basis of the questions that I've asked this
17 witness?

18 MS. GIBONEY: No, Judge.

19 JUDGE GRAHAM: Any further recross from
20 Staff?

21 MR. IRVING: No, Your Honor.

22 JUDGE GRAHAM: Ms. Lucy, do you have any
23 follow-up questions that are based on the questions
24 that I asked? Not -- not just a bunch of other
25 stuff --

1 MS. LUCY: No.

2 JUDGE GRAHAM: -- but other questions?

3 MS. LUCY: No.

4 JUDGE GRAHAM: All right. May this
5 witness be excused then?

6 MS. GIBONEY: Yes, Judge.

7 JUDGE GRAHAM: Okay. Thank you very
8 much.

9 Any further evidence from the company?

10 MS. GIBONEY: Yes, Judge. Ameren
11 Missouri calls Ed Guehne.

12 JUDGE GRAHAM: And would you spell that
13 name?

14 THE WITNESS: G-u-e-h-n-e.

15 JUDGE GRAHAM: Go ahead and we'll swear
16 you in.

17 (Witness sworn.)

18 JUDGE GRAHAM: Go ahead and be seated.
19 And, Counsel, you can proceed.

20 EDWIN GUEHNE, having been sworn, testified as follows:

21 DIRECT EXAMINATION BY MS. GIBONEY:

22 Q. Please state your name.

23 A. Edwin Guehne.

24 Q. And you've already spelled it. By whom
25 are you employed?

1 A. Ameren Missouri.

2 Q. What is your position with Ameren?

3 A. Supervisor of electrical operations in
4 the Meramec Valley Division, Franklin District.

5 Q. How long have you had that position?

6 A. Four years.

7 Q. Okay. And a supervisor. Who do you
8 supervise?

9 A. I supervise approximately ten line crew
10 workers.

11 Q. Individual workers?

12 A. Yes.

13 Q. Okay. So a few different crews?

14 A. Yes.

15 Q. All right. I believe you said you've had
16 that position four years. What did you do before you
17 supervised line crews?

18 A. I was a lineman for Ameren Missouri
19 starting in 2002. Went through the apprenticeship for
20 two and a half years with Ameren, became a journeyman
21 lineman in August of 2004.

22 Q. And a lineman's physically going out and
23 working on -- on lines?

24 A. Yes.

25 Q. Making repairs?

1 A. Yes.

2 Q. Making upgrades, things like that?

3 A. Yes.

4 Q. All right. Your current job duties, what
5 do they entail briefly?

6 A. Briefly. Meet with customers, look at
7 jobs before they -- before I can send the crews out.
8 Line up all the locates in different necessary jobs
9 before sending crews out to set poles or do various
10 line maintenance.

11 Q. Okay. Do you often meet with crews
12 before and after they are working on a job?

13 A. Yes. We have a pre-job briefing first
14 thing in the morning to explain the job. Then at the
15 end of the day, we'll discuss things that either
16 happened during the day or just, you know, what --
17 what needs to be completed the next day, how far they
18 got on the job that particular day.

19 Q. All right. Do you have technical and
20 specialized knowledge about the operation of Ameren
21 Missouri's Meramec Valley electric distribution
22 system?

23 A. Yes.

24 Q. Do you also have technical and
25 specialized knowledge about the steps Ameren Missouri

1 takes when it upgrades single-phase feeders to
2 three-phase feeders?

3 A. Yes.

4 Q. Have you, yourself, been involved in
5 those projects before?

6 A. Yes.

7 Q. All right. And you supervise them?

8 A. Yes.

9 Q. All right. Do you believe your testimony
10 will aid the Commission in understanding the facts
11 that are in dispute in this case?

12 A. Yes.

13 Q. Do you also have general knowledge about
14 Ameren Missouri keeps records about the operation,
15 maintenance and repair of its distribution systems?

16 A. Yes.

17 Q. All right. And you look at those records
18 every day?

19 A. Yes, I do.

20 Q. Sometimes you're the person making the
21 record; is that correct?

22 A. Correct.

23 Q. All right. Have you reviewed the
24 complaint in the Staff report that was filed in this
25 case?

1 A. Yes.

2 Q. All right. And you've also heard
3 Ms. Lucy's testimony here today?

4 A. Yes.

5 Q. In preparing for your testimony, did you
6 review Company documents and records?

7 A. Yes.

8 Q. And for sake of confidentiality, I'm not
9 going to refer to the Lucys' address, but did you also
10 review records about residential electric service
11 provided at their address on Hendricks Road?

12 A. Yes.

13 Q. Did you also review records that pertain
14 to the conversion of a portion of a single-phase
15 distribution line along Hendricks Road to three-phase?

16 A. Yes.

17 Q. Are you personally familiar with this
18 feeder circuit?

19 A. Yes, I am.

20 Q. Okay. How is it that you're personally
21 familiar with it?

22 A. I had supervised the crews in the
23 construction and conversion of this line on Hendricks
24 Road.

25 Q. Okay. You've also been down that road

1 before?

2 A. Multiple times.

3 Q. Okay. Now, you understand that this
4 complaint involves a dispute about what caused a
5 generator switch failure and some property damage at
6 the Lucys' property at a time when Ameren Missouri was
7 upgrading a distribution system along Hendricks Road?

8 A. Yes.

9 Q. Okay. Just to kind of frame our
10 conversation. All right. In 2017, was your division
11 involved in an upgrade along Hendricks Road?

12 A. Yes.

13 Q. I'm going to ask you about that work, but
14 I'd ask you first to generally define a few words I
15 think you're going to use. Can you tell everybody
16 what a feeder is?

17 A. Feeder typically we refer to as coming
18 from the substation. Typically is going to be a
19 three-phase line to -- to serve all the customers
20 along that feeder. Typically most substations will
21 have six to eight feeders from that particular
22 substation.

23 Q. Now, just because a customer is getting
24 service off a three-phase, that doesn't mean they are
25 getting three-phase. Correct?

1 A. Correct.

2 Q. All right. They could be getting
3 single-phase?

4 A. Yes.

5 Q. Okay. Can you tell me what a tap is?

6 A. Typically we refer to a tap as a point
7 either that three-phase line or another single-phase
8 line where we connect to it and go -- serve sometimes
9 single customers or multiple customers along that
10 line. It's just where we tap onto it. The line
11 continues on, but we tap and go to a customer down
12 off -- off to the side of that main feeder over the
13 line.

14 Q. What is single-phase?

15 A. Single-phase is typically fed with one
16 wire. It's -- for Ameren's distribution system, it's
17 typically 7,200 volts.

18 Q. And what is three-phase?

19 A. Three-phase is typically fed -- or it's
20 going to be fed with three wires from the feeder.
21 It's -- Ameren's typical distribution system is going
22 to be 12,470 volts.

23 Q. Real generally, can you describe for us
24 the 2017 project in your division or district that was
25 taking place along Hendricks Road?

1 A. Yes. We were requested by a customer to
2 provide three-phase service to a machine shop he was
3 building on his property approximately three-quarters
4 of a mile north on Hendricks Road. We proceeded to
5 set new poles.

6 We actually went down the line, we --
7 what we call laying out the phase, the single-phase,
8 moved it on some fiberglass arms out away from the
9 road further -- further into the property over the
10 property lines to set new poles, give us clearance for
11 new poles. Then we typ-- added crossarms to all of
12 our new poles. And then we strung in the two
13 additional phases to provide the three-phase service
14 to the Lucys' neighbor.

15 Q. Okay. So the customer that requested
16 that, that was the Lucys' neighbor?

17 A. Correct.

18 Q. All right. And you said three-quarters
19 of a mile up Hendricks Road. So from where?

20 A. North off of Highway 30. Three-quarters
21 of a mile north of 30.

22 MS. GIBONEY: Judge, may I approach the
23 witness?

24 JUDGE GRAHAM: You may.

25 BY MS. GIBONEY:

1 Q. Mr. Guehne, I've handed you what's been
2 marked Ameren Missouri Exhibit 1. Do you recognize
3 that?

4 A. Yes.

5 Q. All right. Generally what is that?

6 A. It's a Google Earth picture of -- looks
7 typically to be the Lonedell area -- Lonedell,
8 Missouri area, which is -- you see Highway 30 runs
9 east to west, left to right. And then Hendricks Road
10 will run from the lower part of the picture north
11 towards the Lucy residence.

12 Q. Okay. And is there a red pin on that
13 picture?

14 A. Yes, it is.

15 Q. And what does that indicate?

16 A. It indicates the address of the Lucys'
17 address.

18 Q. All right. So as we're talking about
19 that project, do you believe Ameren Missouri Exhibit 1
20 will aid everybody here in understanding kind of the
21 general locale and the project?

22 A. Yes.

23 MS. GIBONEY: All right. I'd offer
24 Ameren Missouri Exhibit 1 into evidence.

25 JUDGE GRAHAM: Any objection, Ms. Lucy?

1 MS. LUCY: No.

2 JUDGE GRAHAM: Any objection, Staff?

3 MR. IRVING: No objections.

4 JUDGE GRAHAM: Admitted. Exhibit Number
5 1 is admitted. Go ahead.

6 (Exhibit 1 was received into evidence.)

7 MS. GIBONEY: Now I don't have Exhibit 1
8 in front of me. I didn't bring enough. That's all
9 right.

10 JUDGE GRAHAM: Do I have it? Here.

11 MS. GIBONEY: That's all right.

12 BY MS. GIBONEY:

13 Q. As we look at Exhibit 1 -- I think I'll
14 remember -- the three-phase project, that did not go
15 all the way to the Lucys, did it?

16 A. No.

17 Q. Okay. It stopped just short?

18 A. Yes. It stopped just -- just to the
19 south of the Lucys' south neighbor's driveway.

20 Q. All right. Are you also familiar with --
21 I'll call it the scene around the Lucys' address?

22 A. Yes.

23 Q. Okay. All right. Mr. Guehne, I've
24 handed you what's been marked Ameren Missouri Exhibit
25 2. Can you identify that?

1 A. Yes. It's a overhead view of the Lucys'
2 property looking west over Hendricks Road.

3 Q. All right. And does that photo fairly
4 and accurately depict Ameren Missouri's electric
5 service lines along Hendricks L-- Hendricks Road along
6 the frontage of the Lucy property, as well as their
7 south neighbor's property?

8 A. Yes.

9 Q. And that would be after completion of the
10 project?

11 A. Yes.

12 MS. GIBONEY: Okay. Judge, I'd move for
13 the admission of Ameren Missouri Exhibit 2.

14 JUDGE GRAHAM: Any objection?

15 MS. LUCY: No.

16 MR. THOMPSON: No objection from Staff.

17 JUDGE GRAHAM: Exhibit Number 2 is
18 admitted.

19 (Exhibit 2 was received into evidence.)

20 BY MS. GIBONEY:

21 Q. All right. To orient everybody, in this
22 photo, what is the blacktop that you see?

23 A. That is the driveway to the Lucy
24 residence.

25 Q. All right. And the brighter white gravel

1 that's parallel and to the left, what is that?

2 A. That is the south neighbor's driveway to
3 access his property.

4 Q. All right. And in this picture can you
5 tell everybody where the three-phase project ended?

6 A. If you will look in the lower left
7 corner, there is a three-phase dead end structure
8 where we stopped the overhead three-phase line.

9 Q. All right. So it started back at
10 Highway 30 and ended at this structure?

11 A. Correct.

12 Q. Okay. The overhead?

13 A. The over-- the three-phase overhead, yes.

14 Q. All right. Where did the three-phase
15 service actually end?

16 A. The three-phase service from that
17 structure had gone underground, which you can see by
18 the brown trench, alongside parallel to the neighbor's
19 white driveway. It proceeded underground to the
20 neighbor's three-phase transfer at his machine shed
21 back -- back on the side -- back of his property.

22 Q. And as an initial part of that project, I
23 believe I heard you say you moved the existing
24 single-phase out onto that fiberglass arm to get it
25 out of your way more or less?

1 A. Correct.

2 Q. All right. Does that line remain
3 energized the whole time?

4 A. Yes.

5 Q. Okay. And then can you explain to us
6 just generally how those -- those new conductors are
7 pulled in?

8 A. Yes. In -- when we installed the new
9 poles, added a wood crossarm, added the fiberglass arm
10 to lay it away from the poles, we're -- we're
11 approximately six to seven feet away from the poles.
12 We pull in a rope -- we set-- we install rollers on
13 the crossarms, pull in a small rope from Highway 30 up
14 to the Lucys' driveway. At that point, then we
15 pull -- I'm sorry.

16 Q. Let me stop you. To the Lucys' driveway?

17 A. Well, the ropes are.

18 Q. Okay.

19 A. The ropes -- we -- we actually set up in
20 Lucys' driveway to pull the ropes to that point -- or
21 pull the ropes to the dead end structure, but -- I
22 apologize if I misspoke. We pulled the ropes to the
23 three-phase structure that -- at the small -- original
24 small rope.

25 Then we proceed to -- a couple days later

1 we had pulled in a larger rope with that small rope
2 what we call a bull rope to -- we use that larger rope
3 for pulling in the wires. Pull that down to Highway
4 30. And then we use the larger rope to pull in our
5 two conductors to that dead end structure.

6 Q. All right. But they -- they end at that
7 structure?

8 A. Yes.

9 Q. Overhead?

10 A. Yes.

11 Q. Okay. Now, when you pull in those
12 additional conductors, are they electrified while
13 you're doing that?

14 A. No.

15 Q. Energized, I should say?

16 A. No. They are grounded actually.

17 Q. All right. So were any additional
18 overhead conductors strung north across the neighbor's
19 driveway over to the pole to the Lucys' driveway?

20 A. No.

21 Q. Do the -- do the additional conductors
22 even cross the neighbor's gravel driveway?

23 A. No.

24 Q. Was the single-phase line that was
25 serving customers along Hendricks Road, was that

1 modified in any way as a result of this project?

2 A. It just laid -- just laid out on those
3 fiberglass arms. That was it.

4 Q. So it's the same connector --

5 A. Same -- same wire it always was from
6 years -- years past.

7 Q. Okay. Can you explain what a normally
8 open switch is?

9 A. It's a -- typically we build it into the
10 system where you'll have a point where two feeders may
11 be on the same pole, will have a switch that it's
12 open. If we have a problem on one side of the line or
13 the other -- say a car hits a pole or a limb falls on
14 a line, we can open up a point in the wire, close that
15 switch and pick up our customers back in service.

16 Q. Okay. So it basically helps you with
17 reliability?

18 A. Correct.

19 Q. You can -- you can close it and allow
20 service to come in from a different direction?

21 A. Yes.

22 Q. Okay. So did you install a normally open
23 switch on the -- on this single-phase conductor?

24 A. Yes. At the pole to the south side of
25 the Lucys' driveway is a normal open switch --

1 Q. Okay.

2 A. -- with -- that we installed.

3 Q. Can you describe the Lucys' tap -- and if
4 you need to refer to Exhibit 2, that's fine, from --
5 and their equipment from Hendricks Road to their meter
6 box?

7 A. The line -- the line taps to the mainline
8 along Hendricks Road. It proceeds up the Lucys'
9 driveway for three poles, dead ending on a
10 single-phase structure with a transformer on it at the
11 Lucys' house.

12 Q. And then it goes underground?

13 A. Yes. The service wires from the
14 transformer feed underground into the su-- Lucys'
15 residence.

16 Q. How does that tap connect to the
17 single-phase feeder at the road?

18 A. We use what we call a hotline clamp.

19 Q. Generally speaking, how does that work
20 and how does that help you?

21 A. It's a -- it's a clamp we use to -- we
22 typically use a stick -- eight-foot, fiberglass,
23 insulated stick where we can -- in certain
24 circumstances we can use our rubber gloves to remove
25 and reapply that tap. And you -- it has a ring on it.

1 You tighten it down and it makes it usable multiple
2 times. Removable and re-attach it multiple times when
3 needed.

4 Q. Okay. Was the Lucys' electric service in
5 any way altered as a result of your three-phase
6 project?

7 A. No.

8 Q. Okay. So they still have a tap connected
9 at the single-phase conductor at the road?

10 A. Yes.

11 Q. All right. Did you move their -- their
12 clamp?

13 A. Yes. On October 4th, when we were
14 preparing the pole to install the normal -- normally
15 open switch, the crew had notified the Lucys that they
16 were going to have their power out for a short
17 duration to move the tap from the south side of the
18 pole to the north side of the pole, and then in turn,
19 having them on a different side of that normally open
20 switch for when the -- it -- for when it was
21 completed -- when the job was completed. At the time
22 it was still the same wire feeding from Highway 30
23 north of Hendricks Road.

24 Q. Okay. And there had been a normally open
25 switch somewhere else before that?

1 A. Yes. We had had the -- had -- the
2 normally open switch before this project was at
3 Highway 30 and Hendricks Road.

4 Q. And then you moved it to the Lucys' pole?

5 A. Yes.

6 Q. So I think you mentioned October 4th, but
7 you recall from the complaint that that's the incident
8 or the event was that date?

9 A. Yes.

10 Q. Okay. What stage was the project on that
11 date?

12 A. On that date, we had the -- the two
13 additional conductors were strung in at the time and
14 they were tied on insulators on the poles. They were
15 still de-energized. We still had -- the existing
16 single-phase line was energized to the -- was
17 energized feeding up Hendricks Road through -- or
18 up -- I'm sorry, feeding south on Hendricks Road to
19 that normally open switch at Highway 30.

20 Q. Okay. So everybody on Hendricks Road
21 that day is getting their service out of the same
22 single-phase feeder?

23 A. That they had been for years, yes.

24 Q. Okay. So what's the first step -- so --
25 so that day the Lucys were notified you were doing

1 some work. What's the very stop in -- in moving their
2 tap?

3 A. The first step after notification was
4 just to use the stick to remove the clamp -- hotline
5 clamp off of the line so they can dead end -- what we
6 call dead ending the wire, which means put it on --
7 instead of it going straight through the pole like it
8 had been, they had been -- we call dead end which is
9 it stops on both sides of the pole.

10 And they put a -- put a jumper over the
11 pole to keep it -- keep it as normal for the time
12 being and then re-installed the Lucys' hotline clamp
13 to the north side of that pole for the -- the status
14 of the end of the project.

15 Q. Okay. So in the complaint, Ms. Lucy had
16 theorized that maybe one of the other phases in that
17 new three-phase line got over into her line, causing a
18 power surge that damaged her generator. So my
19 question to you is, could the two new additional
20 phases physically reach the Lucys' tap?

21 A. No. The tension they're pulled in and
22 permanently attached at, the phases cannot get into
23 each other at that point.

24 Q. All right. And could the underground
25 three-phase that serves the neighbor, could that

1 possibly reach her service line?

2 A. No, it cannot.

3 Q. And her line's overhead. Correct?

4 A. Correct.

5 Q. All right.

6 A. Her line -- yes, her primary line
7 overhead -- to her transformer pole is overhead.

8 Q. Ms. Lucy also theorized that maybe the
9 two new phases got hooked up wrong and that caused a
10 power surge or damage. Could the phases have been
11 hooked up wrong and caused a power surge on
12 October 4th?

13 A. The phases were not energized as of
14 October 4th.

15 Q. Okay. And when were they energized?

16 A. October 9th.

17 Q. How do you know that?

18 A. I went through some of our records, which
19 we call our Job Briefing Form, which is where the crew
20 leader goes out to the job for the morning, over--
21 looks over the job, reviews it with the crew,
22 documents steps they're going to take to complete the
23 job for the day. And each crew member signs the Job
24 Briefing Form.

25 Q. So that's a normal business record that

1 you use?

2 A. Yes, it is. And we do that multiple
3 times a day for each job -- for each job. And then we
4 re-- re-review them after lunch too.

5 Q. Okay. I've handed Mr. Guehne Ameren --
6 what's been marked Ameren Missouri Exhibit 3. Can you
7 tell us what that is?

8 A. Yes. That is our typical electric Job
9 Briefing Form we use every day.

10 Q. And specifically is that a Job Review
11 Form for October 9th?

12 A. Yes, it is. It's for the job at the
13 Hendricks Road job on October 9th, 2017.

14 MS. GIBONEY: Judge, I'd ask that Ameren
15 Missouri Exhibit 9 be -- 3, I apologize, be admitted
16 into the record.

17 JUDGE GRAHAM: Any objections?

18 MS. LUCY: No.

19 MR. THOMPSON: I have a question, Judge.

20 JUDGE GRAHAM: Go ahead and voir dire.

21 VOIR DIRE EXAMINATION BY MR. THOMPSON:

22 Q. I thought we're talking about an incident
23 that occurred on October 4th.

24 A. Yes, we are.

25 Q. So what relation does this have to

1 whatever happened on October 4th?

2 A. My -- what I'm going to state is that
3 it -- on October 4th if it was stated that our
4 three-phase somehow over-v-- had an over-voltage
5 applied to the single-phase line, this will show that
6 on October 9th is when we actually energized those two
7 additional phases. They were de-energized for five
8 days after the incident happened.

9 Q. Do you have something similar for the job
10 that was done October 4th?

11 A. That I could not find. We have multiple,
12 multiple records that we keep. And they do purge them
13 yearly. I had -- I had to pour through some
14 information to find these.

15 MR. THOMPSON: With that explanation,
16 Judge, I have no objection.

17 JUDGE GRAHAM: All right. No objection;
18 the exhibit will be admitted.

19 (Exhibit 3 was received into evidence.)

20 DIRECT EXAMINATION (CONT'D) BY MS. GIBONEY:

21 Q. All right. Mr. Guehne, could you explain
22 how --

23 JUDGE GRAHAM: That was Exhibit 3, I
24 believe.

25 MS. GIBONEY: Yes, Judge.

1 BY MS. GIBONEY:

2 Q. Could you explain what we're seeing there
3 in that Job Briefing Form that tells you that the line
4 was not energized -- that the three-phase -- the
5 additional two phases were not energized until October
6 9th?

7 A. Yes. On the second page on the job steps
8 we had -- the crew had noted, Open the bypass switch,
9 which would be the normally open switch at the Lucys'
10 driveway, which we had closed in days prior to this
11 day. They removed the mack, which is a mechanical
12 jumper we use. It's an insulated jumper we use to --
13 when we energized the one single-phase tap going down
14 Hendricks Road from Highway 30, they had to remove it
15 prior to at -- to closing the switches at Highway 30,
16 which is the third step, close the 365-T switches.

17 So they -- what happened was the phases
18 had changed from -- at the normally open switch. Once
19 they open that switch, we change phases at Highway 30,
20 but that switch remained open at the Lucys' driveway.
21 When we remove that mack and closed the 365-T
22 switches.

23 And then they -- what they did was go to
24 Lucys' driveway, phase that solid blade switch, which
25 means they take a meter and verify that we have the

1 same phase there from the same substation, same --
2 it's an opposite feeder but it's the same substation.
3 And we -- they got a reading of zero, which tells us
4 it's the same phase.

5 Q. So that's all the work that happened on
6 October 9th?

7 A. And then -- yes. And then the last thing
8 they did was pulled poles. Some of the old poles that
9 we had replaced with new ones, they had went down the
10 road to remove some of them old poles from the -- from
11 the ground.

12 Q. And there was an additional length of
13 time until the neighbor's shop actually got -- until
14 his underground service got energized; is that
15 correct?

16 A. That is correct.

17 Q. And that was to -- to allow him to finish
18 his work?

19 A. Yes. We have to -- I typically supervise
20 just overhead line crews. We do a lot of the line
21 construction. There's another supervisor that does
22 the underground cable to this gentleman's shop. He
23 was a little behind on his construction for -- not --
24 we were getting ahead of the game for him so he wasn't
25 waiting on us. He wasn't prepared for us yet to

1 energize his service so we were waiting for a wiring
2 okay from Franklin County before we could pull in
3 anything and energize his service.

4 So there was a delay from us energizing
5 the overhead and then the crews going out at a later
6 date to energize the underground wires.

7 Q. Okay.

8 MS. GIBONEY: Judge, may I approach?

9 JUDGE GRAHAM: Yes.

10 BY MS. GIBONEY:

11 Q. Mr. Guehne, I'm handing you what's
12 already been marked and admitted into evidence as
13 Exhibit 10-C. Could you look at an entry dated
14 10/06 -- well, as Ms. Lucy pointed out, there's a few
15 of them. Do you see an entry that shows where
16 everyone was notified that there was going to be some
17 work on 10/9?

18 A. Yes. At the one timed 3:45 p.m., the
19 outbound call for the immediate outage -- and it has a
20 logged outage number -- immediate outage notification
21 initiated on October 9th, 2017 for 8:30 a.m. lasting a
22 half hour, lasting 30 minutes for overhead line
23 maintenance.

24 And then how we -- do you want me to
25 explain how we do that outage -- that notification?

1 Q. Sure.

2 A. We use a system called eADMS, which we
3 use for a lot of other things, but this is a
4 prearranged outage notification. So when we did this
5 outage, we actually had it -- we can put in a switch
6 number, which at the time was at Hendricks Road and
7 East Linda Lane. We can put it in for that switch and
8 at the -- with that normally open switch at Lucys, the
9 mapping did not show it yet because the job wasn't
10 completed.

11 We put in that outage notification,
12 everybody on Hendricks Road got that outage
13 notification on the 6th that we would have the power
14 out on the 9th for this cut-over to go -- to open the
15 switch at Lucys. But the sy-- like I said, the system
16 didn't know yet that Lucys was on -- Lucys' tap was on
17 the north side of that normally open switch because
18 the mapping didn't show it yet.

19 Q. All right. So if the additional phases
20 were not energized, could they have been hooked up --
21 regardless, could they have been hooked up in some way
22 that would cause single-phase customers like the Lucys
23 to experience an over-voltage or a power surge?

24 A. No.

25 Q. All right. Do you have a record of any

1 other customer along Hendricks Road, north or south of
2 that dead end structure, experiencing a surge or other
3 report of a problem on October 4th?

4 A. No, we do not.

5 Q. All right. How do you know that?

6 A. I had checked into that call records on
7 that system I had mentioned, eADMS, and checked the
8 call logs of adjoining neighbors north and south of
9 the Lucys' residence and checked. I had no -- no call
10 log on any day -- or on October 4th for that -- for
11 the -- any kind of problems.

12 Q. Okay. And this eADMS system, that
13 reflects both calls that are about service as well as
14 outages that have been recorded; is that correct?

15 A. That is correct.

16 Q. All right. All right. I'm handing you
17 what's been marked Ameren Missouri Exhibit 4. Can you
18 tell us what that is?

19 A. That is a screenshot of the eADMS system
20 call -- for any calls -- historic outages and historic
21 calls for the address 1704 Hendricks Road.

22 Q. And what's the address on the next page?

23 A. The next page is 1710 Hendricks Road.

24 Q. Next page?

25 A. 1725 Hendricks Road.

1 Q. Okay. And the next?

2 A. 1752 Hendricks Road.

3 Q. And then the last page?

4 A. 1794 Hendricks Road.

5 Q. All right. So those are the properties
6 on either side of the Lucys; is that correct?

7 A. That is correct.

8 Q. All right. When you look at the outage
9 history, does that show any outage for -- or service
10 problem for anyone else on October 4th?

11 A. No, it does not.

12 Q. All right.

13 MS. GIBONEY: Judge, I'd ask that Ameren
14 Missouri Exhibit 4 be admitted into evidence.

15 JUDGE GRAHAM: Any objections?

16 MS. LUCY: No.

17 MR. THOMPSON: This doesn't appear to
18 show the outage that occurred on October 4th.

19 MS. GIBONEY: Is that an objection or
20 would you like to question the witness about it?

21 JUDGE GRAHAM: Are you voir diring the
22 witness, Counsel?

23 MR. THOMPSON: Well, could be both,
24 Ms. Giboney.

25 THE WITNESS: I can explain if you --

1 JUDGE GRAHAM: Wait, wait, wait. Hold
2 on. Whoa. Ms. Giboney makes a good point. She gave
3 me a look of surprise there. But, Counsel, are you
4 voir diring the witness?

5 MR. THOMPSON: I am.

6 JUDGE GRAHAM: Okay. Proceed.

7 VOIR DIRE EXAMINATION BY MR. THOMPSON:

8 Q. Why is it that this -- the outage that
9 occurred on October 4th doesn't appear?

10 A. When -- when our system -- the meters we
11 use, which I'm sure you know are automatically read,
12 they're -- when they -- the crew will call downtown
13 dispatch office and notify them of that meter number
14 being out for a maintenance outage, we call it.

15 Typically the meter will not show an
16 outage with less than 10 to 15 minutes. It won't be a
17 problem, it won't show up. And if it does, they can
18 cancel the outage so it will not show up into the
19 system as an outage because we have what we call a
20 maintenance outage ahead of time.

21 MS. GIBONEY: Can I follow up, Judge?

22 JUDGE GRAHAM: Yes. This is voir dire.

23 VOIR DIRE EXAMINATION (CONT'D) BY MS. GIBONEY:

24 Q. So that was a planned outage is your
25 answer to Mr. Thompson?

1 A. Yes.

2 JUDGE GRAHAM: Mr. Thompson, do you have
3 an objection then based on the voir dire testimony?

4 MR. THOMPSON: I do not. Thank you,
5 Judge. No objection.

6 JUDGE GRAHAM: On the basis of voir dire
7 testimony, Ms. Lucy -- voir dire is another one of
8 those words that we charge people to translate. It
9 means that we've been asking the witness questions in
10 order to establish whether there is a basis for an
11 objection.

12 On the basis of the questions that you've
13 heard, do you have an objection now to the admission
14 of Exhibit Number 4?

15 MS. LUCY: Can I ask a question?

16 JUDGE GRAHAM: Well, has this got to do
17 with the objection?

18 MS. LUCY: (Nodded head.)

19 JUDGE GRAHAM: All right. Go ahead.

20 VOIR DIRE EXAMINATION BY MS. LUCY:

21 Q. This report here, from what I heard you
22 say, does not record all outages at our property or
23 anybody's property.

24 JUDGE GRAHAM: Ms. Lucy, you are
25 referring to a different exhibit, aren't you?

1 MS. LUCY: I'm sorry.

2 JUDGE GRAHAM: Okay. I'll let you maybe
3 talk about that at a different time.

4 MS. LUCY: Okay.

5 JUDGE GRAHAM: Any other objections to
6 the exhibit? Or are there any objections to the
7 exhibit?

8 Hearing none, Exhibit Number 4 is
9 admitted.

10 (Exhibit 4 was received into evidence.)

11 JUDGE GRAHAM: Go ahead.

12 DIRECT EXAMINATION (CONT'D) BY MS. GIBONEY:

13 Q. While we're looking at Exhibit 4, does it
14 show -- does it reflect any service problems on the
15 date that the three-phase was energized on October 9th
16 for any of these customers?

17 A. No, it does not.

18 Q. All right. And again, it would not
19 reflect a planned outage. It would just reflect a
20 problem outage. Is that a fair statement?

21 A. Yes. I would say unexpected outage,
22 because it does not refer to the outage on the 9th
23 either on here, because it was a maintenance outage
24 for that line.

25 Q. All right. Let's talk about the

1 disconnection and reconnection of the Lucys' tap.

2 Could that have caused a power surge or an
3 over-voltage?

4 A. No, it cannot.

5 Q. Why not?

6 A. The line supplied voltage is 7,200 volts
7 constant or -- you know, give or take a few
8 percentages, but it's 7,200 volts at the -- at
9 Hendricks Road. And just removing it and reinstalling
10 a tap would not cause a surge. We have a -- have
11 fixed voltage at the line.

12 Q. All right. And then there's a
13 transformer between the Lucys' tap and their -- their
14 own service lines. Correct?

15 A. Yes.

16 Q. All right. What does a transformer do?

17 A. A transformer will step down our primary
18 voltage to a usable voltage for the customer.

19 Q. I think you said primary is 7,200?

20 A. Yes.

21 Q. And the -- and the voltage that the
22 customer should get is what?

23 A. 240 volts of leg-- phase to phase.

24 Q. Okay. So could reconnecting that tap,
25 just by re-attaching the hotline clamp on the -- to a

1 different spot on the line, could that have caused
2 their transformer to malfunction maybe?

3 A. No.

4 Q. All right. Were they getting the exact
5 same service ten minutes later when they were
6 reconnected?

7 A. Yes.

8 Q. Okay. Do transformers occasionally just
9 malfunction?

10 A. Yes. At times they do.

11 Q. All right. What typically causes a
12 transformer to malfunction?

13 A. Typically would be either an animal
14 problem; raccoons, squirrels, birds atop the
15 transformer. Lightning. Lightning typically is our
16 biggest problem for transformers.

17 Q. Okay. If a transformer does malfunction,
18 could -- can a customer experience an over-voltage?

19 A. I have not -- no, I have not seen that
20 happen.

21 Q. All right. Let's talk about the -- the
22 metered voltage that Ms. Lucy -- you heard her
23 testimony earlier?

24 A. Yes.

25 Q. All right. She -- she testified that she

1 heard one of your crew say that the -- their volt
2 meter registered 270. You heard her testimony to that
3 effect?

4 A. Yes.

5 Q. All right. Let's talk about that from an
6 electrical point of view. Would it be possible for
7 the transformer the Lucys have to deliver 270 volts?

8 A. No. The only way it can deliver that
9 type of voltage would be with the primary being -- the
10 primary voltage would have to spike also.

11 Q. Okay. So the 7,200 that's -- that's
12 going to -- that's going all the way down the
13 single-feeder -- single-phase, that 7,200 would have
14 to be at some different number?

15 A. Correct.

16 Q. All right. Much higher?

17 A. Yes. Quite a bit higher.

18 Q. Okay. And if the voltage going down the
19 single-feeder was much higher than 7,200, would other
20 customers have experienced a voltage problem?

21 A. Yes.

22 Q. All right. In addition, if it were that
23 high, would that damage the Lucys' transformer?

24 A. Typically it would.

25 Q. All right. If the transformer is

1 damaged, does it -- can it fix itself?

2 A. No. It's a fixed object with fixed
3 coils. It -- it wouldn't be able to repair itself.
4 If it's bad, it -- it just stays bad.

5 Q. Okay. So is it your testimony that --
6 that -- well, let me ask you this: Do you believe
7 that the voltage from the Lucys' transformer to their
8 Generac generator panel on the date in question could
9 have been at 270?

10 A. No.

11 Q. All right. All right. You testified
12 earlier that at the end of the day, your crew comes
13 back and you rehash or recap what's gone on. Did you
14 talk to your crew at the end of October 4th?

15 A. Yes, I did.

16 Q. All right. And did your crew or any
17 member of your crew talk about the incident at the
18 Lucys that day?

19 A. Yes. The crew leader informed me that
20 during the maintenance on the line to move the tap,
21 that Mrs. Lucy had stated that her -- had smoke in her
22 garage. They went to inspect it, see what happened.
23 They spoke with the Generac serviceman on the phone
24 about bypassing or -- yeah, bypassing the bypass
25 switch -- the Generac bypass switch to restore service

1 to Ameren's electrical grid.

2 Q. Okay. So basically you skipped the
3 generator panel and you hooked them up directly into
4 their own electric panel to give them service?

5 A. Yes. I'm not sure how they did the
6 connections in there or if they just forced the
7 switch, but it was -- they did some work. And I'm not
8 exactly sure the details of what they did to get that
9 bypass switch pack to Ameren's power.

10 Q. And at that time service was restored
11 successfully?

12 A. Yes.

13 Q. All right. I believe we heard Ms. Lucy
14 testify, but was the company called back out on a
15 later date to check voltage at the transformer?

16 A. Yes. I believe it was October 23rd we
17 had a serviceman called out to check for -- check
18 voltage for a generator bypass problem.

19 Q. Do you keep -- does the company keep
20 records of call-outs like that?

21 A. Yes, we do.

22 Q. All right. What do you call those
23 records?

24 A. We keep them in what we call our OAS
25 system, with the -- which is our Outage Analysis

1 System.

2 Q. Okay. Do you kind of refer to those as
3 tickets when somebody gets a job?

4 A. Yes. We consid-- we call them trouble
5 tickets.

6 Q. All right. I've handed you what's been
7 marked Ameren Missouri Exhibit 5. Can you tell me
8 what that is?

9 A. That is our -- a screenshot of our OAS
10 system, which is a -- our trouble order, or trouble
11 ticket we call.

12 Q. All right. What date is that ticket?

13 A. It is October 23rd, 2017.

14 Q. All right. Does it show that a trouble
15 man was dispatched to the Lucys' property?

16 A. Yes, it does.

17 Q. All right. And is there a notation in
18 green showing what its conclusions were or what he
19 did?

20 A. Yes. At the center of the screen he made
21 notations that he -- good voltage at the transformer.
22 He checked the connections at the transformer, said
23 they were good and he left the door -- the DH is door
24 hanger -- left the door hanger notification, which was
25 introduced into evidence earlier. And then he checked

1 for Tom Roots (phonetic), which is the other
2 supervisor, just to notify him things were fine
3 because Tom Roots had asked that a trouble man be
4 dispatched to check this.

5 Q. So at that date voltage is normal?

6 A. Correct.

7 Q. Okay. Let me just ask you -- I believe
8 this was in Ms. Lucy's complaint, but I believe there
9 was a notation in her complaint that someone was there
10 for a couple hours. But can you tell me what time the
11 trouble man arrived and when he resolved that call,
12 when he left?

13 A. Yes. The trouble man had dispatched
14 himself at 1359 on the 23rd and he put his arrival
15 time at 1359. And those times are identical because
16 at times our trouble man will show up to the job,
17 assign themselves and put their arrival times the same
18 time. And then he completed the work and took himself
19 off the job, which, in turn, restored the -- the
20 ticket at 1424 on the 23rd.

21 MS. GIBONEY: Judge, I neglected to ask
22 you if Ameren Missouri Exhibit 5, could that be
23 admitted into the record, please?

24 JUDGE GRAHAM: Exhibit Number 5 is being
25 offered. Any objections to Number 5? That's the OAS

1 ticket; is that right?

2 MS. GIBONEY: Yes, Judge.

3 JUDGE GRAHAM: Any objections?

4 MR. THOMPSON: No objection.

5 MS. LUCY: No.

6 JUDGE GRAHAM: Hearing none, it's
7 admitted. Exhibit Number 5 is admitted.

8 (Exhibit 5 was received into evidence.)

9 BY MS. GIBONEY:

10 Q. All right. So let me just make sure I'm
11 clear. If the Lucys' transformer had malfunctioned on
12 October 4th, would you have expected to see -- and
13 caused somehow an over-voltage, would you have
14 expected to see a problem with the voltage reading on
15 October 23rd as well?

16 A. Yes. If something had malfunctioned, it
17 would have -- it would have stayed that way.

18 Q. All right. But the voltage reading was
19 normal on October 23rd. Correct?

20 A. Correct.

21 Q. Okay. Has the Lucys' transformer been
22 replaced or repaired since October 4th?

23 A. No.

24 Q. How do you know that?

25 A. We use our tickets which we use -- it's

1 the same outage system or same mainframe system of
2 what we call our screenshots, which I printed out. It
3 was called a TLM, it's Transformer Load Maintenance,
4 or Load Management screens, which show in -- all the
5 information we need on a typical transformer, when it
6 was installed and serial numbers and everything that
7 we need for our -- our records within Ameren.

8 Q. All right. So if the transformer is
9 replaced, you're -- this information is going to show
10 the newest transformer that's currently at the
11 property?

12 A. Yes.

13 Q. All right.

14 JUDGE GRAHAM: Counsel, I notice we're at
15 about -- we're coming up on Exhibit 6. And are we at
16 a breakpoint so we can --

17 MS. GIBONEY: I think we're pretty close
18 to done.

19 JUDGE GRAHAM: Getting close? Do you
20 want to go ahead and finish?

21 MS. GIBONEY: Yeah.

22 JUDGE GRAHAM: There might be some
23 cross-examination. Is the court reporter doing okay?
24 Thumbs up. All right. Let's go at least ahead and
25 finish the direct of the witness.

1 MS. GIBONEY: Thank you, Judge.

2 BY MS. GIBONEY:

3 Q. All right. I've handed you two
4 documents. First is marked Ameren Missouri Exhibit 6.
5 Can you identify that document?

6 A. Yes. That is a printout of our screen
7 called -- that we use called Transformer Load
8 Management.

9 Q. And you were just referencing that?

10 A. Yes.

11 Q. And is that the Transformer Load
12 Management record pertaining to the Lucys -- the
13 transformer at the Lucys' address?

14 A. Yes.

15 MS. GIBONEY: All right. Judge, I'd ask
16 that Ameren Missouri Exhibit 6 be admitted into the
17 record.

18 JUDGE GRAHAM: Any objections?

19 MR. THOMPSON: No objection.

20 MS. LUCY: No.

21 JUDGE GRAHAM: Hearing none, Exhibit
22 Number 6 is admitted.

23 (Exhibit 6 was received into evidence.)

24 BY MS. GIBONEY:

25 Q. Let me ask you about the next one before

1 we talk about them. I also handed you a document
2 marked Ameren Missouri Exhibit 7. Can you tell us
3 what that is?

4 A. Yes. That is what we refer to as a SIMP
5 job printout, which is a System Improvement job. This
6 is in reference to the -- the Lucys' address. This is
7 when they first requested service to be supplied to
8 their house I guess typically during construction of
9 the home.

10 MS. GIBONEY: All right. Judge, I'd ask
11 that Ameren Missouri Exhibit 7 be admitted into the
12 record as well.

13 JUDGE GRAHAM: Any objections?

14 MR. THOMPSON: No objection.

15 JUDGE GRAHAM: Hearing none, Number 7 is
16 admitted.

17 (Exhibit 7 was received into evidence.)

18 BY MS. GIBONEY:

19 Q. All right. Mr. Guehne, when do Exhibits
20 6 and 7 indicate that the Lucys' transformer, the one
21 that's currently there now, when did they indicate
22 that it was set or installed?

23 A. July 3rd of 2006.

24 Q. All right. All right. So we've gone
25 from the distribution level voltage we've talked about

1 when the three-phase was energized and when it wasn't
2 energized. We've talked about the voltage that's
3 coming through the single-feeder, the meter readings,
4 the transformer. Kind of working our way down to the
5 Lucys' property.

6 So let me ask you this: Do you have an
7 opinion as to whether the Lucys' generator was
8 operating properly on October 4th, 2017?

9 A. I believe initially when we de-energized
10 the service, the generator transfer switch did
11 transfer correctly to the generator power. But when
12 power was restored to Ameren's transformer, I do not
13 believe the transfer switch correctly transferred back
14 to Ameren's power.

15 Q. When you had your -- well, let me ask you
16 this: Did your crew member, Mr. Politte (phonetic),
17 did he take a picture of that transfer switch?

18 A. Yes, he did.

19 Q. All right. And he provided that to you?

20 A. Yes, I [sic] did.

21 Q. All right. I've handed you what's been
22 marked Ameren Missouri Exhibit 8. Can you tell us
23 what that is?

24 A. Yes. That is a photo taken of the Lucys'
25 generator transfer switch.

1 Q. And who took that picture?

2 A. Mr. Politte, crew leader that day on
3 October 4th.

4 Q. All right. So does this picture inform
5 your opinion about the Lucys' generator?

6 A. Yes. Looking at this panel, Mister --

7 Q. Let me --

8 A. Sorry.

9 Q. -- just pause for a second.

10 MS. GIBONEY: Judge, I'd ask that Ameren
11 Missouri Exhibit 8 be admitted into evidence.

12 JUDGE GRAHAM: Any objections?

13 MS. LUCY: No.

14 MR. THOMPSON: No objections.

15 JUDGE GRAHAM: I'm sorry, Mr. Thompson?

16 MR. THOMPSON: No objection.

17 JUDGE GRAHAM: Okay. Exhibit 8 is
18 admitted.

19 (Exhibit 8 was received into evidence.)

20 BY MS. GIBONEY:

21 Q. Now if you want to go ahead and tell us
22 what the picture tells you, please.

23 A. Yes. This was -- this picture was sent
24 to me -- or was sent to my phone by Mr. Politte on
25 October 4th, 2017 to show me the damage that was --

1 they had discovered once they had opened the cover to
2 the Lucys' generator transfer switch. And I can see
3 the right side -- if you hold the reddish block area
4 to the right, that side there appears there's burn
5 damage at the transfer switch, some of the wires
6 there.

7 And then I did notice also if you look at
8 a lot of the by-metal con-- conductor blocks in there,
9 there is quite a bit of corrosion on the fuses.
10 You'll see the green ends. It looks like there is
11 some corrosion in some on -- inside this panel.

12 Q. All right. Were your -- was your crew
13 called out again on October 31st to assist with the
14 work at the Lucys' property?

15 A. Yes. One of our trouble men, they had
16 set up a pre-arranged notification from Robinson
17 Electric to have the power de-energized that morning
18 for allow-- allowing him to replace the generator
19 transfer panel that day. And then later that -- later
20 that -- mid-day, a trouble man was sent back out there
21 to re-energize after Mr. Robinson called in to have
22 the service restored to normal.

23 Q. All right. And on there -- on that day
24 there's no record in the eADMS of an unplanned outage
25 or a problem that occurred when that -- when that

1 generator was reconnected and power was restored?

2 A. No.

3 Q. All right. I've handed you what's been
4 marked Ameren Missouri Exhibit 9. Can you tell us
5 what that is?

6 A. Yes. That is another screenshot of our
7 OAS system, the date October 31st, 2017, where a
8 trouble man was sent back to Lucys' residence to
9 re-energize the service.

10 MS. GIBONEY: I'd ask that Ameren
11 Missouri Exhibit 9 be admitted into evidence.

12 JUDGE GRAHAM: Any objection?

13 MR. THOMPSON: No objection.

14 MS. LUCY: No.

15 JUDGE GRAHAM: Exhibit Number 9 is
16 admitted.

17 (Exhibit 9 was received into evidence.)

18 BY MS. GIBONEY:

19 Q. Mr. Guehne, we heard some testimony from
20 Ms. Lucy about a strobe light out in the shop. Can
21 you explain what causes that -- a strobing to happen
22 generally?

23 A. Generally, in my experiences, the
24 strobing could be a bad neutral where voltage --
25 voltage would be hot or sometimes the primary cable

1 will fault in the ground -- direct bury cables will
2 fault and arcing to ground will cause the power to
3 fluctuate like that, causing a strobe effect.

4 Q. All right. And that neutral would be at
5 the Lucys' property?

6 A. That would be, yes, a neutral on -- on
7 the -- the sy-- neutral going to their shed I believe,
8 because I believe Ms. Lucy stated it was -- they
9 noticed it in their shed. She didn't no-- say
10 anything about her home.

11 Q. Okay. And in case I didn't give you a
12 chance to explain this fully, when we talked about the
13 potential for 270 volts to be being believe delivered
14 from the transformer, is there a mathematical
15 explanation that you can give us for why that's not
16 possible to get that out of the transformer?

17 A. The transformers are wired -- our typical
18 transformers we use for residential customers are
19 wired fixed, which means you put in a certain voltage,
20 only a certain level will come out. When we put in
21 7,200 volts, the way they're wound, it will -- you'll
22 get 240 volts out of the lower side for the customers
23 to use.

24 Q. Tell me about the windings. How does
25 that inform your belief that you can't get much over

1 240 out of them?

2 A. The way the wi-- the way the transformers
3 are wound, for every -- every turn of the primary
4 windings, there's 30 turns on the lower side windings.
5 So on that -- it's a 30-to-1 ratio on the
6 transformers. But the only way to get any more
7 voltage out of it would be to wind more windings on --
8 on the lower voltage side or, you know, change the
9 windings, which they're fixed. You can't be changed
10 without completely disassembling the transformer.

11 Q. All right. Now, there's a little bit of
12 variation, right, that happens in voltage?

13 A. Correct. Ameren -- Ameren allows for a
14 few percentages of voltage fluctuation on the system,
15 which we typically like -- I believe the -- the
16 guideline is less than 5 percent. So at 240 we will,
17 you know, allow up to -- what is it -- 252 or down to
18 238. But typically we're staying very -- relatively
19 close to 240 volts.

20 Q. Why would you ever have it a little bit
21 higher?

22 A. Depends on the use on that line. There
23 is voltage drop. It depends on the length of the line
24 from the substation to the final customer on that
25 line. Different lengths of line there is a voltage

1 drop which occurs on the system. We -- we correct
2 that problem by installing voltage regulators in the
3 line, which will, in turn, boost the voltage back up
4 to those customers further out on the line. And our
5 substations also have voltage regulators which will
6 correct that voltage.

7 Q. But between those voltage regulators, the
8 customer -- this customer down the street from the
9 other one might see a little difference in what their
10 voltage is?

11 A. I believe one or two volts. Depending on
12 how far apart they are, you're talking one or two
13 volts between customers. Typically you don't see it
14 unless they're -- you know, we've seen it before where
15 they're miles part. Not typically, you know, sight
16 distance.

17 MS. GIBONEY: I have no further direct
18 exam questions for this witness, Judge.

19 JUDGE GRAHAM: Thank you. I think we
20 ought to give the court reporter a break here. I
21 don't know. Does Staff have a lot of questions or
22 have questions for this witness?

23 MR. THOMPSON: We will have questions.

24 JUDGE GRAHAM: All right. With that -- I
25 expect Ms. Lucy may have questions. Why don't we take

1 a lunch break. I'm showing that it is 12:22 at this
2 time. Am I crowding you to ask you all to be back
3 here at 1:30? Is that okay with the court reporter
4 and with the parties?

5 All right. We're going into an
6 intermission here and we will come back on the record
7 at 1:30 or thereabouts.

8 (A recess was taken.)

9 (Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10-C
10 and 11-C were marked for identification.)

11 JUDGE GRAHAM: I think we were ready for
12 cross-examination of the last witness. We're back on
13 the record. It's 1:30, again on October 23rd in this
14 case. And we will resume the hearing with the
15 cross-examination of the last witness if you want to
16 go back up. You're still sworn.

17 THE WITNESS: Yes, sir.

18 JUDGE GRAHAM: And I believe we were
19 going to proceed with Staff first with their
20 cross-examination.

21 MR. THOMPSON: Thank you, Judge.

22 CROSS-EXAMINATION BY MR. THOMPSON:

23 Q. Good afternoon, sir.

24 A. Good afternoon.

25 Q. Now, you were not personally present when

1 work was done at complainant's residence or in the
2 vicinity of complainant's residence on October 4th,
3 were you?

4 A. No, I was not.

5 Q. And the crew that did that work, how many
6 people were on that crew?

7 A. Three.

8 Q. And do you know the names of those
9 persons?

10 A. I know the crew leader for sure. And I'm
11 pretty sure I know the -- at least one of the second
12 members of that crew.

13 Q. Okay. And who was the crew leader?

14 A. Marty Politte.

15 Q. And is -- does he work directly for you?

16 A. Yes, he does.

17 Q. Does he still work for you today?

18 A. He has since retired, sir.

19 Q. He has since retired. Okay. And you
20 gave very detailed testimony of what was done that
21 day, but you were not personally there, were you?

22 A. No, I was not.

23 Q. So do crews that are doing that sort of
24 work ever make mistakes?

25 A. Mistakes are made sometimes.

1 Q. Things happen that weren't planned?

2 A. Yes.

3 Q. Things happen that were not intended?

4 A. Correct.

5 Q. And you were not there to see if anything
6 happened that wasn't planned or intended, were you?

7 A. No, I was not.

8 Q. So --

9 MR. THOMPSON: I'll go over to the ELMO
10 here, Judge.

11 How are you, ma'am?

12 COMMISSIONER COLEMAN: Good morning --
13 good afternoon.

14 BY MR. THOMPSON:

15 Q. That's pretty unhelpful, but -- now
16 that's your Exhibit 1; isn't that correct?

17 JUDGE GRAHAM: Mr. Thompson, did you need
18 the podium? I just went over there with it. You're
19 just at the podium. All right. Fair enough.

20 MR. THOMPSON: Right. And some of this
21 material may be highly confidential. I don't know.
22 It's your exhibits.

23 JUDGE GRAHAM: Counsel, do you want me to
24 take action and treat it as confidential?

25 MS. GIBONEY: Judge, it doesn't identify

1 any particular person or account or anything like
2 that, so I don't think so.

3 MR. THOMPSON: So we're okay.

4 JUDGE GRAHAM: I will leave it to you,
5 Counsel, to flag me if something comes up. And,
6 Mr. Thompson, if she flags me, if you'll stop and let
7 me take appropriate action, I would appreciate it.

8 MR. THOMPSON: Yes, Judge. I will do so.

9 JUDGE GRAHAM: Thank you.

10 BY MR. THOMPSON:

11 Q. There's -- it's hard to see it from here,
12 but there's a red location indicator on that
13 photograph; isn't that correct?

14 A. Yes.

15 Q. And that indicates the location of
16 complainant's premises?

17 A. Yes.

18 Q. And the premises where you were adding a
19 new service or enhanced service is directly to the
20 south of complainant's premises?

21 A. Yes.

22 Q. And on that photograph is north at the
23 top?

24 A. Yes, it is.

25 Q. And it's my understanding that -- now,

1 that's Hendricks Road; is that correct?

2 A. Correct. To the east side of that red
3 dot is Hendricks Road.

4 Q. And it runs generally north and south?

5 A. From that -- from the point of Highway 30
6 to the -- yes, towards -- where it heads northeast,
7 yes, it does.

8 Q. Okay. Highway 30 being horizontal at the
9 bottom there?

10 A. Correct. Just above the Google name.

11 Q. Okay. And that line that provides power
12 to those two premises, it runs along Hendricks Lane;
13 is that correct?

14 A. Yes.

15 Q. And the power is coming from the south to
16 the north. Correct?

17 A. After the construction was completed,
18 yes, it was feeding from that direction.

19 Q. Was it feeding from a different direction
20 before?

21 A. Yes, it was.

22 Q. What direction?

23 A. From the north coming down Hendricks
24 Road, if you'll look where -- just to the north of
25 that red dot, there's a road that runs east to west

1 parallel to Highway 30. That is East Linda Lane. The
2 line fed off of East Linda Lane then south on
3 Hendricks Road to that normally open switch at Highway
4 30 --

5 Q. I see.

6 A. -- before the construction.

7 Q. And that was a single-phase service?

8 A. The single-phase -- yes, it -- it takes
9 from East Linda Lane and Hendricks Road, travels south
10 single-phase from there. There is three-phase at
11 Hendricks and East Linda Lane.

12 Q. Okay.

13 A. So it's a ta-- what we could consider a
14 tap off of that feeder heading south on Hendricks
15 Road.

16 Q. Okay. But now that's been reversed and
17 it goes north from Highway 30; is that correct?

18 A. Yes. It's on a different feeder now.

19 Q. Okay.

20 A. The Lucys are still -- I'm sorry. The
21 Lucys are still being served by the same feeder they
22 were originally.

23 Q. So the current that goes to the Lucys,
24 does that come from the north or from the south?

25 A. North.

1 Q. Comes from the north?

2 A. Yes.

3 Q. So there's been no change for them?

4 A. No. With the installation of that
5 normally open switch, when we open that, it
6 de-energized the customers south from that switch from
7 the Lucys' driveway to Highway 30 to where we have
8 another -- that other originally installed normal open
9 switch was. That's where the temporary outage came
10 from generated for the October 9th.

11 Then is when we proceeded down to close
12 those 365-T switches at Highway 30, re-energized those
13 customers north -- heading north on Hendricks Road who
14 were attached to that three-phase line.

15 Q. Okay. I want to make sure I understand
16 you, and I apologize if I'm dense. So from -- from
17 the northern road -- what did you say the name was?

18 A. East Linda Lane.

19 Q. East Linda?

20 A. Yes.

21 Q. So from East Linda Lane down to
22 complainant's premises, there's current running in
23 that direction; is that correct?

24 A. That is correct.

25 Q. And from their southerly neighbor down to

1 Highway 30, there's current running north from Highway
2 30; is that correct?

3 A. At this time after the construction was
4 complete and the switching was completed on October
5 9th, that is how it is actually -- how it is today.

6 Q. That's how it's configured today?

7 A. Correct.

8 Q. And has been since October 9?

9 A. Correct.

10 Q. So on October 4, everybody on that road
11 was getting service from East Linda Lane to the north?

12 A. Correct.

13 Q. Okay. I think I'm with you. Now -- and
14 I think you indicated -- I'm looking at your
15 Exhibit 3.

16 A. Yes.

17 Q. And you explained that that -- that
18 describes the work that was to be done on October 9th.
19 Correct?

20 A. That is correct.

21 Q. And I think you testified that there
22 would have been a similar form for the work that was
23 done on October 4th?

24 A. That is correct.

25 Q. But that you were unable to locate that

1 form?

2 A. Correct.

3 Q. Okay. Nonetheless, you're familiar with
4 the work they were supposed to be doing; is that
5 right?

6 A. That is correct.

7 Q. Is that how you were able to give such
8 detailed testimony about what they did?

9 A. Yes. By the expected -- the work they
10 were going to plan for that day and by the accounts of
11 what happened after the fact when Mr. Politte informed
12 me of the -- the incident at the Lucys' residence, I
13 had -- we had discussed what he had done and that
14 nothing had changed other than just to move the tap
15 from one side of the pole to the other.

16 Q. Now, when they move that tap, do they
17 ever accidentally hook it up in the wrong place?

18 A. Sir, there's only one phase there. It's
19 just 7,200 volts. And actually they just moved it
20 from one side to the other. It was still a continuous
21 path for electricity to flow.

22 Q. Okay.

23 A. It was just pretty much if you would
24 picture just an on and an off is all it was. It
25 wasn't -- besides moving it, there's nothing changed.

1 Only thing that was there is a single-phase 7,200 volt
2 and a neutral.

3 Q. Okay. Thank you.

4 A. Uh-huh.

5 Q. And I think we also looked at your
6 Exhibit 4; is that correct?

7 A. That is correct.

8 Q. And I think you said that that is
9 unplanned outages?

10 A. That is correct.

11 Q. Okay. Let me turn that to the Lucys'
12 page. That doesn't show any unplanned outages for
13 October 4th. Didn't we agree?

14 A. That is correct.

15 Q. But, in fact, there was an unplanned
16 outage on October 4th, wasn't there?

17 A. No.

18 Q. There was not?

19 A. No.

20 Q. Didn't you testify that your crew had to
21 put in a bypass to bypass the malfunctioning generator
22 transfer switch in order to restore power to the
23 Lucys?

24 A. Sir, to -- to clarify, when we consider
25 an outage, we consider an outage up to the meter base

1 of the customer. Our service did not -- there was no
2 planned outage on Ameren's system to the meter. We
3 can't attest to what happened after the meter to the
4 generator bypass panel. That is where they actually
5 helped restore the service on the customer's side.

6 Q. Okay. So that was on the customer's side
7 and you didn't -- Ameren did not consider that to be
8 an unplanned -- unplanned outage?

9 A. No. Because it's nothing we can affect.
10 And by -- technically we really try not to af-- to
11 interfere with any customer's equipment. But due to
12 the fact that they were out of service, our gentlemen
13 I believe went above and beyond to help Mrs. Lucy have
14 her power restored that day.

15 Q. Okay. I believe you testified this is
16 the photograph that your crew took of that
17 malfunctioning generator transfer switch; isn't that
18 correct?

19 MS. GIBONEY: Excuse me. Could you
20 identify the document?

21 MR. THOMPSON: That's your Exhibit 8.

22 MS. GIBONEY: Thank you.

23 THE WITNESS: Yes. That is the -- the
24 Lucys' generator bypass panel.

25 BY MR. THOMPSON:

1 Q. Okay. And did you ever look at that
2 personally?

3 A. No, I did not.

4 Q. And based on what you can see in that
5 photograph, is that consistent with a power surge?

6 A. I can't -- I can't attest whether it was
7 a surge, a malfunction. Obviously I can tell that it
8 was -- there was arcing and there was a -- a
9 substantial amount of heat in there to burn that --
10 that stuff, but I can't attest to what caused that, a
11 surge or an amp draw. What -- what would have caused
12 that, I can't attest to that.

13 Q. Okay. So it might have been a
14 malfunction of that device?

15 A. That is correct. It could have been.

16 Q. Or it might have been a power surge?

17 A. It could have been a power surge, but --

18 Q. I understand --

19 A. -- yes.

20 Q. -- you've testified --

21 A. Uh-huh.

22 Q. -- that there's several different ways
23 that lead you to conclude there was no power surge;
24 isn't that correct?

25 A. That is correct.

1 Q. Okay. But the damage that you see is not
2 inconsistent with a power surge; isn't that correct?

3 A. That I cannot attest to, whether --
4 I'm -- I'm not an expert on power surges, sir.

5 Q. Okay. Would -- would you expect it to
6 look differently if there had been a power surge?

7 A. That I couldn't tell you. I can -- all I
8 can attest to is what Ameren's system provides. I
9 can't testify to what happens in a generator bypass
10 panel. I apologize.

11 Q. Okay.

12 MR. THOMPSON: I have no further
13 questions. Thank you.

14 JUDGE GRAHAM: Ms. Lucy, do you have any
15 questions for this witness?

16 MS. LUCY: Yes, sir.

17 JUDGE GRAHAM: Go ahead.

18 CROSS-EXAMINATION BY MS. LUCY:

19 Q. Could you tell me how much voltage it
20 takes to melt 4-ought wire aluminum?

21 A. Ma'am, the -- the insulation on 4-ought
22 aluminum wire is rated at 600 watts. The voltage we
23 us-- we typically use wires in Ameren's system rated
24 at at least 600 volts. Voltage typically will not
25 melt wire. Amp draw or faults on the system will melt

1 the insulation. It's high heat, high amperage that
2 melts the insulation; not high voltage.

3 MR. LUCY: The wire melted.

4 BY MS. LUCY:

5 Q. What -- what amperage would it take to
6 melt that kind of wire?

7 A. I'm not an electrical engineer. I
8 couldn't attest to what amperage it takes. But I can
9 just tell you what wire for typical residential
10 installations and what Ameren uses is rated at a
11 600 volt insulation rating.

12 Q. Okay. Well, let's -- he answered that
13 question.

14 Okay. The people that done the work on
15 Hendricks Road to put in the three-phase for our
16 neighbor. Okay?

17 A. Yes.

18 Q. Are they Ameren UE employees?

19 A. Yes, they are.

20 Q. They're -- what they identified our
21 self -- to us to be is they're subcontractors.

22 A. I apologize if there was a
23 misunderstanding, but ma'am, they have -- all wear
24 Ameren FR uniforms and Ameren trucks. The ones who
25 were down there doing the work that day are Ameren

1 employees. They're not a subcontractor. You may have
2 been mistaken and spoke to a tree crew, if there was
3 crews in the area. Those are contractors. Ameren
4 employs their own people.

5 That job I supervised from the beginning
6 to the end and those were Ameren employees on that
7 job.

8 Q. The trucks that was out there that was
9 doing the work out there, putting in the lines,
10 putting in the telephone poles, putting in the wires
11 did not have Ameren UE trucks.

12 A. I apologize to -- and I don't want to
13 call you a liar, but you are incorrect. They are
14 Ameren trucks all with Ameren's name on them. I
15 supervised that job from -- from the beginning to the
16 end. And there was only Ameren employees on that job
17 doing the line construction.

18 Now, I know we trimmed the line -- we had
19 to trim the side of the -- the easement along
20 Hendricks Road prior to us commencing our work out
21 there --

22 Q. That's correct.

23 A. -- for construction. That was a
24 contractor for Ameren. Did not have Ameren name on
25 their trucks. And that may have been where you're

1 mistaken, but it was Ameren employees doing the
2 construction on that line crew.

3 Q. No, sir.

4 A. Ms. Lucy, I'm sorry, but --

5 JUDGE GRAHAM: Ms. Lucy, I will give
6 you -- I have absolutely decided that we're going to
7 have some rebuttal from you at the conclusion of the
8 other evidence and I will give you an opportunity at
9 that time to testify and -- and -- in any way that you
10 want to in response to his testimony. Okay?

11 MS. LUCY: Great. Thank you. Uh-huh.

12 BY MS. LUCY:

13 Q. Question. If our ground wire neutral, I
14 guess -- I don't know whether you call them ground
15 neutral. Okay?

16 A. Yes.

17 Q. If it was hooked to a power source off
18 the power -- power line, what would happen?

19 A. It depends on where the wire is located.
20 If it's behind a breaker, your breaker would -- your
21 breaker should trip or you could get a surge on the
22 neutral.

23 Q. I'm saying if there was a hot wire
24 attached to our neutral out at the pole on the
25 street --

1 A. Yes.

2 Q. -- where they was working on this, what
3 would happen?

4 A. A hot wire was attached to the neutral?

5 Q. Uh-huh.

6 A. Nothing. We consider that grounded then.

7 Q. So it wouldn't have any effect to do
8 whatsoever with our -- with our -- it wouldn't do
9 anything?

10 A. No.

11 Q. When you hook a hot wire to a neutral
12 wire and it runs into a house, there's nothing going
13 to happen?

14 A. No, ma'am. That neutral wire -- on our
15 system, the majority of the poles have a ground wire
16 on them which travels down to a ground rod. There
17 would have been a tremendous flash out at the pole,
18 most likely would have burned some wires down because
19 that is a grounded conductor; that neutral is. It --
20 you wouldn't -- you wouldn't have seen it on your end.
21 We -- our crew would have saw it on their end. But
22 you cannot go -- you know, they won't go together.

23 Q. You said a while ago that the -- that the
24 list -- your list or wherever it is, it lists all
25 outages.

1 A. Yes.

2 Q. Planned outages?

3 A. Yes.

4 Q. All right. If they -- if they cut our
5 power on the 4th to do the change down there at the
6 street --

7 A. Yes.

8 Q. -- wouldn't that be a planned outage?

9 A. No. That -- that does not show planned
10 outages. That shows unplanned outages. Our planned
11 outages, like I stated earlier in my testimony, we
12 call our dispatch office, notify them that we're going
13 to have a maintenance outage, which they record it by
14 a maintenance outage number.

15 We notify them of the times we're going
16 to have -- and I -- I'm throwing numbers out there --
17 from 12-- you know, 12:15, we plan to have it back on
18 by 12:45. That stops the outage from showing up in
19 the system. They can notify our computer system that
20 that's a planned outage so it doesn't cloud up the
21 system with maintenance outages, which we typically
22 get quite often.

23 Q. So the list you've got right here is
24 incomplete as to outages that happens to a property --
25 piece of property?

1 A. That is the unplanned outages.

2 Q. But it's -- it doesn't show all the
3 outages. It's only a certain amount -- certain outage
4 that it shows up on -- on here (indicating)?

5 A. Yes. It's just unplanned outages, or
6 you'll even notice on there it says Momentaries.
7 That's when we notice that even the lights flicker, it
8 will notify us. And there's some on there it not--
9 the notes will say momentary. And you'll notice from
10 your other neighbors' records on the same date, same
11 time it says momentary.

12 We may have had a -- you know, could have
13 been a squirrel get into something and it -- and it
14 caused the line to blink, which it will reset itself
15 and that's what it records it as, a momentary outage.

16 Q. So this record here of our -- of our
17 house should show when the -- as Ameren states, when
18 you all flip a switch because of a squirrel or
19 whatever the case may be --

20 A. Yes.

21 Q. -- it's -- it's going to show up on here?

22 A. But that list is -- I didn't -- I didn't
23 keep -- that's like three years' worth from 2016, '17
24 and '18 is what's showing up on that outage sheet.

25 Q. And this was all supposed to be all the

1 outages that are not planned. Am I right?

2 A. That should be -- yes, it should be all
3 the outages -- and I'll have to -- if you're referring
4 to a certain date --

5 Q. No, I'm --

6 A. -- certain case, I can look at it.

7 Q. -- I'm certain -- I'm applying to 1725
8 Hendricks Road. According to what I'm hearing you
9 tell me, this thing here should -- could carry all
10 outages with the exceptions of the ones that you all
11 have planned. So if the lights flicker, it should
12 show up on this?

13 A. Yes. If you'll look on there where yours
14 says Historic Outages, for example, the August 1st of
15 2016 at 9:24 a.m., it says momentary. Not yet
16 determined was the cause. The weather was calm. And
17 then you'll see it says 5050XD. That leaves me to
18 believe we had a 34 outage feeding Lonedell sub. That
19 was a whole transformer went out and came back on
20 because it was momentary and that's what that --

21 Q. Okay. That's what I'm understanding you
22 to say. But what I'm getting at is if I'm hearing you
23 right, this should be a list of all the outages that
24 comes to our house whatever, okay, the neighbor, our
25 house from the time we've started service till now --

1 or in the last three years I think you --

2 A. That is -- yes. That shows last three
3 years' worth.

4 Q. So if this is right, then our -- we've
5 had outages, what, six times?

6 A. Let's see. There's momentary, momentary,
7 wire damage, not yet determined and a wire damage
8 device. That one is -- yes, that one shows everything
9 but the actions as circuit inspection. That one was
10 pro-- most likely, by looking at it, they may have a
11 call to you to let you know people would be in the
12 area inspecting the poles. That's usually what
13 that -- that indicates, that circuit inspection.

14 Q. This may not be the time to ask this, but
15 I could tell you our -- you all flipped a switch at
16 our house, okay -- I don't know about any other
17 house -- at least twice a month.

18 A. Uh-huh.

19 Q. And it's not on here.

20 A. Well, we -- ma'am, we don't flip the
21 switch, like you say. It could be a limb blowing,
22 could be --

23 Q. Well, I'm just saying for whatever
24 reason --

25 A. Yeah. Yeah. The lights may blink.

1 Okay. We don't know. And like I said, I -- I -- I
2 can't attest to -- this is the database that I have to
3 look at outages is what I can pull from. We might be
4 able -- you know, might be able to dig deeper into it.
5 I don't know where that information is. I'd have to
6 find somebody else that has access to it to show
7 exactly every time it does blink.

8 But usually we like to identify those
9 that are the worst performing circuit when we have
10 that many blips on the system to find out why. But
11 yeah, that -- I mean this -- this is showing
12 everything that -- that we have in this -- this record
13 here that --

14 Q. In this program that you're dealing with
15 right here?

16 A. Yes.

17 Q. That's what you're saying. So this may
18 or may not contain all the outages that's happened on
19 our property in the last three years that's happened?

20 A. All I can do is --

21 Q. From this -- from your --

22 A. From what --

23 Q. -- from this one you were --

24 A. From what I can view, yes, that's --
25 that's -- from what I -- the system I have to view

1 from is -- is all I -- all I can attest to.

2 Q. So there may be another system that shows
3 all the outages?

4 A. That I don't know. That -- you know.

5 Q. Okay.

6 A. I guess there could be, but that I'm not
7 aware of.

8 Q. Okay.

9 A. There's some stuff that's in the scope of
10 my work and that -- that usually is not in, you
11 know -- I -- I -- this was just the information I use
12 for my job.

13 Q. This picture that you got right here was
14 taken when?

15 A. The day of the incident, October 4th.

16 Q. Okay.

17 A. October 4th. That was the -- that was
18 the day that Mr. Politte was out there, the one day.

19 Q. That's the day they shut the power off to
20 the house?

21 A. That was the day that -- yes, when you
22 had the incident. Mr. Politte took that picture that
23 day when they were working on transferring the
24 transfer switch so you'd have power restored.

25 Q. And that don't show up on this list

1 because it was supposed to be a planned outage?

2 A. It was a planned outage on the
3 transformer. So what -- when we -- when we call for a
4 planned outage, the meter may see it or may not. The
5 meter reports every six minutes. Sometimes we'll
6 throw a flag saying we need to get out there right
7 away. Sometimes the trouble department will wait on
8 it.

9 When we call dispatch to let them know
10 we'll have an outage, if it shows up, that's a planned
11 outage, they'll stop it. Now, when we went back on
12 with it, we had power to the meter. We -- we had
13 power to your transfer switch. So that meter's back
14 on. As far as Ameren sees and everything else, all of
15 our equipment is back in service.

16 Q. How long was our -- from what you got
17 here, how long was our power down that -- on
18 October 4th?

19 A. That I don't have it because it was --
20 that was a maintenance outage. I don't have anything
21 showing up as an outage on it. I'm going to go off of
22 your testimony saying it was about ten minutes or so.

23 Q. I don't know how long it was.

24 A. Yeah. Okay. Ten or fifteen minutes.
25 Like I say, the crew -- Mr. Politte stated that it was

1 just off for a short time, enough to dead end the wire
2 and move the tap to the other side.

3 Q. But it was not a planned outage?

4 A. Yes, it was.

5 Q. On the 4th?

6 A. On the 4th, it was a planned outage.

7 That was when they notified dispatch that the -- your
8 power would be out while we transferred it.

9 Q. Okay. I got no more. Thank you.

10 JUDGE GRAHAM: Commissioner Coleman, do
11 you have any questions?

12 COMMISSIONER COLEMAN: No questions.

13 QUESTIONS BY JUDGE GRAHAM:

14 Q. I'm going to ask a few questions.

15 A. Yes.

16 Q. Sir, I'd like to direct your attention
17 back to Exhibit Number 8.

18 A. Yes.

19 Q. Exhibit Number 8 is -- for the record,
20 would you tell us again?

21 A. That is a photo taken by my crew leader,
22 Mr. Politte. The day of the incident he took this
23 photo with his iPhone -- his corporate iPhone to -- to
24 attest to the damage in the bypass -- bypass panel.

25 Q. And it is my understanding, sir, that in

1 looking at this, you can discern that there is
2 corrosion?

3 A. If you'll look at the -- you'll see the
4 lugs, which we call the lugs. If you hold the picture
5 with the red bypass to the right, you can notice below
6 that 200 amp main breaker, you'll see the white
7 corrosion on the terminals. They should at least
8 be -- at least be cleaned off, you know. Clean not --
9 the white stuff denotes corrosion.

10 If you'll look to the right of that
11 breaker, there's a neutral busbar that has quite a bit
12 of corrosion on it too. Then if you take your
13 attention above that lower breaker to those two fuses
14 in there, the one has green ends on it, which they --
15 they have brass or copper ends. That leads me to
16 believe there's corrosion on that too with the green
17 ends on that fuse.

18 Q. Okay. Well, I understood you on
19 cross-examination from Staff though to tell us that
20 you were not -- not an expert in the sense that you
21 could tell us with any kind of reasonable certainty
22 what had caused this -- this unit -- this -- this
23 switch to fail. Did I understand you to say that on
24 cross-examination?

25 A. That is correct.

1 Q. Okay. Nevertheless, the picture you --
2 maybe you and I are on the same plain at that point
3 then.

4 A. Yeah.

5 Q. The picture you can see burn marks in.
6 Is that a fair statement?

7 A. That is correct.

8 Q. And apparently you can see what you can
9 discern to be corrosion; is that right?

10 A. That is correct.

11 Q. All right. And you have concluded on the
12 basis of your entire review of this case, that it was
13 this unit that's shown in Exhibit Number 8 that failed
14 and was the cause of the problems that -- that the
15 Lucys sustained. Is that your --

16 A. Yes.

17 Q. Okay.

18 A. Yes. With the -- with the summary, I'll
19 just keep it as yes.

20 Q. Are you really telling us, sir, that what
21 you've concluded is that it was Ameren UE -- it was
22 not Ameren UE's fault? It couldn't have been because
23 it was the fault of this unit that you cannot actually
24 say was the cause? I'm -- I'm confused.

25 A. What I can attest to, sir, is I -- in my

1 years of line work, doing this type of work hundreds
2 upon hundreds of times, have never had a problem
3 removing a transformer from service and putting it
4 back in and having this kind of issue. With the
5 apparent damage in the bypass -- bypass panel at the
6 by-- at the transfer switch, that's all I can surmise,
7 that it was -- something failed in that.

8 Because our system -- since it's been
9 restored that day, October 4th, 2017, nothing has been
10 changed, upgraded or replaced in our system.

11 Q. Did you not say on cross-examination that
12 you've never actually analyzed one of these switches
13 before yourself?

14 A. That is correct.

15 Q. All right. Now, backing up the line, the
16 next -- the next thing in the line that I believe that
17 you looked at proceeding down to the Lucys' home was
18 the transformer.

19 A. Yes.

20 Q. All right. And is it -- it was your
21 testimony that if the surge or whatever it was that
22 came down the line was the first cause of this
23 problem, you would expect to see the transformer
24 damaged; is that right?

25 A. Yes. Transformer damaged and other

1 customers on the same line having the same problems.

2 Q. Okay. In your own personal experience as
3 with this unit, have you ever taken apart yourself and
4 analyzed transformer?

5 A. I wouldn't say analyzed, but I have taken
6 them apart. And part of our training is to -- to have
7 them apart in the training center, look at how they
8 are -- how they are wired and how they work internally
9 too, along with the -- the construction of our lines.

10 Q. I believe you testified that the
11 transformer would not -- this -- this transformer
12 would not be able to sustain the voltage that it
13 would -- would be required to create a 270 volt
14 reading at the other end. This -- this transformer
15 would not be able to sustain that kind of a surge
16 without damage. Did I get that right?

17 A. Yes, sir.

18 Q. Okay. And what kind of a transformer is
19 this?

20 A. This is just a single-phase, which we
21 call a single-phase transformer for -- you know,
22 typically residential customers.

23 JUDGE GRAHAM: Okay. That's all the
24 questions that I have.

25 Do you have redirect?

1 MS. GIBONEY: Yes, Judge.

2 REDIRECT EXAMINATION BY MS. GIBONEY:

3 Q. Mr. Guehne, you went through with
4 Mr. Thompson the direction from which electricity was
5 coming to the Lucys on various dates?

6 A. Yes.

7 Q. And I may have misheard, but I want to
8 ask you again. As of October 4th, is it correct to
9 say that everybody on Hendricks Road between East
10 Linda and Highway 30 was receiving service on the
11 single-phase from the north to the south?

12 A. Correct. Until October 9th when we did
13 the switching that was still feeding from the north at
14 East Linda Lane.

15 Q. And then at that point everybody from
16 East Linda to the Lucys was still receiving it from
17 north to south?

18 A. Yes.

19 Q. And everyone from Highway 30 to the
20 neighbor was receiving it from south to north?

21 A. Yes.

22 Q. All right. And if power -- if we lost
23 power at either side of that switch, what you could do
24 is then close the switch and people who would have
25 otherwise lost power would have been fed from the

1 other direction; is that correct?

2 A. Correct.

3 Q. All right.

4 MS. GIBONEY: That's all the redirect I
5 have, Judge.

6 JUDGE GRAHAM: Okay. Any recross from
7 Staff?

8 MR. THOMPSON: No recross. Thank you,
9 Judge.

10 JUDGE GRAHAM: Ms. Lucy, do you have any
11 recross?

12 MS. LUCY: No.

13 JUDGE GRAHAM: Anything else you'd like
14 to ask? Does the Commissioner have any questions?

15 COMMISSIONER COLEMAN: No, thank you.

16 JUDGE GRAHAM: I have no further
17 questions. You can step down.

18 Does Ameren have any further testimony or
19 evidence?

20 MS. GIBONEY: No, Judge.

21 JUDGE GRAHAM: Rests.

22 All right. Ms. Lucy, I promised that I
23 would allow you to put on rebuttal evidence, if you
24 wish. Now, this is not yet the time to stand up and
25 do your closing argument. This would be the time, if

1 you wish to take the witness stand and if you have
2 testimony that you believe contradicts what you've
3 actually heard from the Company here, or for that
4 matter, the Staff, that contradicts it, then I --
5 then -- then this would be the time to -- to testify.

6 This is not the time to get up there and
7 simply say the same thing that you said before. Do
8 you understand what I'm saying?

9 MS. LUCY: Yeah.

10 JUDGE GRAHAM: Do you have any -- I've
11 just sort of explained to you what rebuttal testimony
12 is. Do you have anything in the way of rebuttal
13 testimony or exhibits or evidence that you would like
14 to offer the Commission for its consideration?

15 MS. LUCY: Well, I don't know if this --

16 JUDGE GRAHAM: Well, you'll need to take
17 the witness stand if you do.

18 MS. LUCY: Okay. All right.

19 JUDGE GRAHAM: And you are still under
20 oath.

21 MS. LUCY: Okay.

22 JUDGE GRAHAM: All right. Go ahead.

23 STELLA LUCY, having been previously sworn, testified
24 as follows:

25 MS. LUCY: The only thing I can say is

1 the three gentlemen that were out there working on the
2 line, okay, they were not driving Ameren trucks, they
3 were not driving -- rid-- wearing Ameren clothes. I
4 have met several Ameren UE employees and, yes, they do
5 drive the trucks, they do we-- they identify their
6 self very well. These three gentlemen that worked out
7 there and put on that three-phase, put the poles were
8 not.

9 Now, the people that was trimming the
10 trees, I am not talking about them. I'm talking about
11 the people that was physically up the pole, down the
12 poles, around the pole, parking in the driveways and
13 stuff like that was not Ameren trucks. And they even
14 said they were subcontractors for Ameren UE. That's
15 it.

16 JUDGE GRAHAM: Is there any
17 cross-examination -- I'm sorry. I may have
18 interrupted you. Is that the conclusion of your --

19 MS. LUCY: Yes.

20 JUDGE GRAHAM: -- testimony?

21 Does Staff have any cross-examination?

22 MR. THOMPSON: No, thank you, Judge.

23 JUDGE GRAHAM: Does the Company have any
24 cross-examination?

25 MS. GIBONEY: No, Judge.

1 JUDGE GRAHAM: Commissioner?

2 COMMISSIONER COLEMAN: No, thank you.

3 QUESTIONS BY JUDGE GRAHAM:

4 Q. I have to ask a point of clarification so
5 that we can tie this up with the record. We are --
6 you are talking about these people because one or some
7 of them made a statement to you?

8 A. That told me they were -- yeah, they were
9 subcontractors for Ameren UE. They didn't work for
10 Ameren UE, they were subcontractors.

11 Q. Okay. And did they -- did one of them
12 tell you something about this occurrence or are you
13 just telling me that -- or telling the Commission that
14 they were out there?

15 A. I was trying to clarify that this was not
16 Ameren UE that done it. They were subcontractors.
17 That's all I can tell you. They were subcontractors
18 for Ameren UE. They had the -- a white with black
19 lettering on it. I think it was like Pax or something
20 like -- I couldn't -- can't swear to that. But they
21 were subcontractors that were subcontractors to put
22 the three-phase into the shop.

23 Q. That -- that's my question.

24 A. Okay.

25 Q. That's what you understood?

1 A. Yes.

2 Q. Did one of them tell you that?

3 A. Yes.

4 Q. Okay. Do you have anything else to add
5 to your rebuttal testimony?

6 A. No, sir.

7 JUDGE GRAHAM: Now, I've asked this
8 witness some more questions. Does Staff have any
9 cross-examination on the basis of my questions?

10 CROSS-EXAMINATION BY MR. THOMPSON:

11 Q. I have one question, ma'am. All of the
12 events that you described having to do with the damage
13 to your transformer or your generator panel and the
14 subsequent repair or bypass at least that those
15 gentlemen put in, it was these gentlemen that did it
16 that you're describing as contractors?

17 A. Yes, sir.

18 Q. Okay. Thank you.

19 MR. THOMPSON: That's all I have.

20 JUDGE GRAHAM: Does the Commissioner have
21 any questions?

22 COMMISSIONER COLEMAN: No, thank you.

23 JUDGE GRAHAM: Ms. Giboney, did I provoke
24 anything that you want to -- well, I shouldn't have
25 asked it that way. Do you have any further questions

1 for the witness?

2 MS. GIBONEY: No, Judge.

3 JUDGE GRAHAM: Okay. May we show that
4 the Company has rested its case?

5 MS. GIBONEY: Yes, Judge.

6 JUDGE GRAHAM: The Company has rested its
7 case.

8 And you may step down, ma'am.

9 Now let's -- let's review the exhibits
10 here before we go any further. I'm showing that
11 the -- Ms. Lucy, I'm showing -- that that you've put
12 in and that we have admitted Exhibits 41 through 51.

13 MS. LUCY: Yes, sir.

14 JUDGE GRAHAM: Okay. And for the Staff,
15 I think we just had the one exhibit, your Staff
16 report, which is Exhibit 21.

17 MR. THOMPSON: That's correct, Judge.
18 And I should note, that should be 21-C.

19 JUDGE GRAHAM: 21-C because it's
20 confidential?

21 MR. THOMPSON: It is confidential.

22 JUDGE GRAHAM: That's the way you want it
23 to be treated?

24 MR. THOMPSON: Yes, Judge.

25 JUDGE GRAHAM: All right. So noted.

1 21-C will be treated as confidential. And then for
2 Ameren UE we had 1 through 11-C.

3 MS. GIBONEY: Yes. And 10 was 10-C

4 JUDGE GRAHAM: Yes, it's 10-C and 11-C.

5 And, Ms. Giboney, did you actually offer those? I
6 think you may have and I made a note in a different
7 place, but you offered those exhibits and they've been
8 received into evidence?

9 MS. GIBONEY: Yes.

10 JUDGE GRAHAM: I'm talking about 10-C and
11 11-C.

12 MS. GIBONEY: 10-C and 11-C I actually
13 offered first with Ms. Krcmar.

14 JUDGE GRAHAM: That's what I thought you
15 had done. All right. So to summarize, we have 1
16 through 9 and then 10-C and 11-C.

17 MS. GIBONEY: Yes, Judge.

18 JUDGE GRAHAM: Those are admitted into
19 evidence and part of the record. 21 is admitted into
20 evidence and part of the record. And 41 through 51
21 have been admitted and are part of the evidence.

22 All right. We will proceed now to any
23 closing arguments that you wish to make. Ms. Lucy, I
24 have promised you a number of times that you would be
25 able to say what's on your mind. This is not

1 testimony now. So please understand that the
2 Commission will not be receiving this as sworn
3 testimony and will consider it as argument, but cannot
4 consider it as evidence. With that in mind, do you
5 wish to make a closing argument?

6 MS. LUCY: I guess what I don't
7 understand about the whole thing, accidents happen
8 like I explained earlier. Accidents happen to
9 everybody. It's what -- why is it so hard for a
10 company to accept it? I mean that's what people do.
11 It happens no matter what profession that you're in;
12 whether it's a lawyer or whether it's a judge, whether
13 it's -- anything.

14 Accidents happen. It's not planned.
15 Okay? They didn't plan on doing whatever they done to
16 make our house catch fire. And we got to go through
17 all this stuff. And it's not like we went out and
18 hired the most expensive electrician in town to have
19 him come out and we're talking thousands and thousands
20 and thousands of dollars. We done the best we could
21 to keep the cost down because everybody's out here to
22 make a living. But at the same token, we're not
23 trying to gig anybody. All we want is our property
24 put back in the same state that it was in before it
25 happened.

1 They've been evidence pointed here --
2 you've got six, eight pages of phones that has nothing
3 to do with nothing. They can't -- you cannot get
4 ahold of their claim management that don't work for
5 them. The subcontractor that he says wasn't out there
6 was out there. We don't know who that is either. You
7 can't get ahold of Ameren to get -- to find out
8 anything from anybody.

9 And something's wrong somewhere when
10 you've got to come up here to Jeff City over a year
11 later to find out what happened. And why? Why?
12 That's the whole question is why. I mean I spent
13 hours on the phone trying to get ahold of Ameren's
14 claim service. Now I find out that they don't work
15 for Ameren. Okay? The lady that was here with the
16 phones; she don't work for them either. It's somebody
17 else. I mean really? That's all I got.

18 JUDGE GRAHAM: Does that conclude your
19 open --

20 MS. LUCY: That's me. I'm done.

21 JUDGE GRAHAM: -- your closing argument?
22 Does the Staff have any kind of closing
23 argument?

24 MR. THOMPSON: Staff does not. Thank
25 you, Judge.

1 JUDGE GRAHAM: Does Ameren UE have a
2 closing argument?

3 MS. GIBONEY: No, Judge.

4 JUDGE GRAHAM: Then we'll regard the case
5 as submitted. I am going to ask Staff and the Company
6 to file briefs for me and -- and I'm going to invite
7 Ms. Lucy if she would like to file a brief with me, to
8 do so. Can be in the form of a letter explaining the
9 case and why you think you've sustained your burden of
10 proof and so forth.

11 I need to ask the court reporter when she
12 thinks the transcript would be available.

13 (Off the record.)

14 JUDGE GRAHAM: Okay. Then what we'll say
15 is the principal briefs -- and by principal briefs I
16 mean the first briefs that you'll file, Ms. Lucy and
17 the parties -- the first briefs will be filed 30 days
18 after November 6th. I will issue an order. You can
19 look for it on EFIS this spells this out. I'm giving
20 you a heads-up now.

21 Those briefs will be due on November the
22 6th and then -- I mean 30 days out from November the
23 6th, which I believe will be December 6th since
24 according to the diddy that I learned, 30 days hath
25 November. And then 15 days after that, if anybody

1 wishes to file a reply brief, it will need to be filed
2 within 15 days after November 6th.

3 Let me look at my notes. Are there any
4 other matters that we need to take up that I have
5 failed to mention? Commissioner or anyone?

6 MS. GIBONEY: Judge, may I ask a
7 question?

8 JUDGE GRAHAM: Yes, Ms. Giboney.

9 MS. GIBONEY: With the briefing, do you
10 have any preferred format?

11 JUDGE GRAHAM: You know, that's -- let me
12 put that in the order. I think I may have a preferred
13 format.

14 MS. GIBONEY: Okay. Thank you.

15 JUDGE GRAHAM: It's not going to be
16 anything egregious, but I'm not doing this casually,
17 of course. There are some issues that I would like to
18 see touched on in the briefs and in my order I will
19 identify what those are. Beyond that, I'm not going
20 to tell you how to write your brief.

21 Okay. With that, the hearing is ended
22 and we will adjourn.

23 (WHEREUPON, the hearing was adjourned.)
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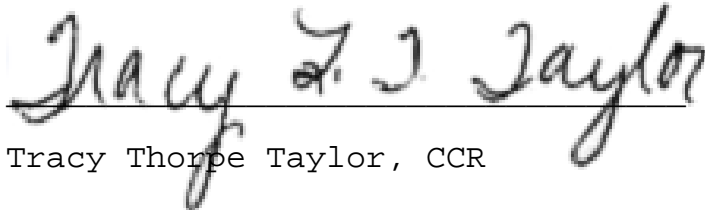
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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the testimony appearing in the foregoing matter was duly sworn by me; that the testimony of said witnesses was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this matter was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.


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