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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Prehearing Conference
November 25, 2008
Jefferson City, Missouri
Volume 1

In the Matter of the)
Application of Aquila, Inc.)
d/b/a KCP&L Greater Missouri)
Operations Company For) Case No. EO-2009-0148
Authority to Sell Its Platte)
City and Liberty Service)
Centers)

NANCY M. DIPPELL, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE.

REPORTED BY:
KELLENE K. FEDDERSEN, CSR, RPR, CCR
MIDWEST LITIGATION SERVICES

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APPEARANCES:

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FOR: Staff of the Missouri Public
Service Commission.

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

2 JUDGE DIPPELL: This is Case
3 No. EO-2009-0148, in the matter of the application of
4 Aquila, Inc., doing business as KCPL Greater Missouri
5 Operations Company, for authority to sell its Platte City
6 and Liberty service centers.

7 My name is Nancy Dippell, and I am a
8 Regulatory Law Judge here. I'm sitting in this morning
9 for Judge Jones who is ill. We've come here today for a
10 prehearing conference, and I'm going to begin by letting
11 the attorneys make entries of appearance. Mr. Poston,
12 would you begin?

13 MR. POSTON: Thank you. Marc Poston
14 appearing on behalf of the Office of the Public Counsel.

15 MR. FISCHER: James M. Fischer with
16 Fischer & Dority, PC. Our address is 101 Madison Street,
17 Suite 400, Jefferson City, Missouri 65101, and I'm
18 appearing on behalf of the Applicant, which has recently
19 changed its name to KCP&L Greater Missouri Operations
20 Company.

21 JUDGE DIPPELL: Is that official now?

22 MR. FISCHER: Yes.

23 MR. WILLIAMS: Nathan Williams, P.O.
24 Box 360, Jefferson City, Missouri 65102, appearing on
25 behalf of Staff of the Public Service Commission.

1 JUDGE DIPPELL: I thought we had some
2 intervenors. We don't. All right. Well, since I don't
3 have any idea if you-all have any issues that need to be
4 brought up, is there anything that needs to be brought up
5 on the record?

6 MR. WILLIAMS: I think the reason this
7 prehearing got set is because the company had requested
8 expedited treatment in this case, and I don't know if the
9 Commission's wanting to rule or just have the parties get
10 together and discuss and see if we can work out some kind
11 of schedule, or I don't know exactly what Kennard had in
12 mind.

13 JUDGE DIPPELL: Yeah. Now that's coming
14 back to me. I probably should have given Judge Jones a
15 call at home and asked him, because I know he had some
16 specific thoughts about today. And there's a pending
17 motion for expedited treatment?

18 MR. WILLIAMS: Yes.

19 MR. FISCHER: Judge, we've got two service
20 centers. One's under contract to be sold, and the other
21 one is on the market but we haven't got a contract on it.
22 We are under some pressure to get the first one
23 particularly approved so that we can get that transaction
24 closed. We'd also like to get the other authority to go
25 ahead and transfer both to outside entities. So that was

1 the reason for the expedited motion.

2 JUDGE DIPPELL: And is there opposition to
3 that?

4 MR. WILLIAMS: Well, Judge, as the Staff's
5 pointed out in its pleadings, (designated HC - see pages
6 6-7)

7 We just need
8 enough time in order to take a look at the transaction and
9 make sure it's in the public interest or rid our concerns
10 with it before the Commission.

11 JUDGE DIPPELL: Okay. And does Public
12 Counsel have a position on it?

13 MR. POSTON: Staff has asked some questions
14 of the company, and we're just interested in seeing the
15 responses to those questions at this point.

16 JUDGE DIPPELL: And were there -- are there
17 pending Data Requests out there?

18 MR. WILLIAMS: It wasn't done in the form
19 of Data Requests. There were questions that were raised
20 to the company. Actually before they filed their
21 application, they provided Staff with a draft copy prior
22 to filing, and we'd responded to that with some queries.

23 JUDGE DIPPELL: Okay.

24 MR. FISCHER: I would also just also like
25 to indicate that we weren't sure that this required

1 approval from the Commission, but in the past we had -- we
2 had sold one of our service centers and we did seek
3 approval and the Commission ultimately granted that, so we
4 decided to go ahead and file it here. There's a pending
5 issue about whether it's really something that would
6 require approval.

7 JUDGE DIPPELL: Okay. I think that because
8 there was -- I know Judge Jones had a specific reason for
9 wanting you-all to come in here to try to get something
10 accomplished. So I think what I'm going to do is just
11 take a little break, and I'm going to try to get ahold of
12 him and see if there was some action or something he
13 needed from you-all specifically today or if he really was
14 just trying to get you guys to talk about it further.
15 So why don't we take just a five-minute break and I will
16 come back in just a few minutes.

17 (A BREAK WAS TAKEN.)

18 JUDGE DIPPELL: Okay. We're back on the
19 record, and I did speak to Judge Jones, and his reason for
20 having you-all come in here today was really just for
21 you-all to try to talk things out and get things expedited
22 as much as you can on your own rather than leaving it to
23 the Commission to decide about expediting treatment and so
24 forth.

25 And during the break Mr. Williams made me

1 aware that when we discussed earlier one of the terms of
2 the contract about the length of the contract and so
3 forth, that that term should actually be designated as
4 highly confidential. So I'll ask the court reporter to
5 designate in the transcript that section of the transcript
6 as highly confidential where we discussed the length of
7 the contract and any other specific terms, but I think
8 that was the only one that was discussed.

9 So with that, that's really all I have,
10 then. Do you-all need anything else from me or on the
11 record? All right, then. Thank you all for coming today
12 and I hope you have productive discussions.

13 WHEREUPON, the recorded portion of the
14 prehearing conference was concluded.

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C E R T I F I C A T E

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Kellene K. Feddersen, Certified

Shorthand Reporter with the firm of Midwest Litigation Services, and Notary Public within and for the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

Given at my office in the City of Jefferson, County of Cole, State of Missouri.

Kellene K. Feddersen, RPR, CSR, CCR
Notary Public (County of Cole)
My commission expires March 28, 2009.