

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
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6 TRANSCRIPT OF PROCEEDINGS  
7 Pre-hearing Conference  
8 November 1, 2007  
9 Jefferson City, Missouri  
10 Volume 1  
11  
12 In the Matter of the Application )  
13 of Wasatch Investments, LC, for )Case No.  
Change of Electric Supplier. )EO-2008-0031  
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16 CHERLYN VOSS, Presiding,  
REGULATORY LAW JUDGE  
17 JEFF DAVIS, Chairman  
CONNIE MURRAY,  
18 ROBERT M. CLAYTON III,  
LINWARD "LIN" APPLING,  
19 TERRY JARRETT,  
COMMISSIONERS  
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23 REPORTED BY:  
24 MINDY VISLAY, CCR  
MIDWEST LITIGATION SERVICES  
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1 P R O C E E D I N G S

2 JUDGE VOSS: Good afternoon, we're here for  
3 the pre-hearing conference in Commission Case No.  
4 EO-2008-0031 in the matter of the application of  
5 Wasatch Investments, LC, for change of electric  
6 supplier.

7 My name is Cherlyn Voss, I'm the Regulatory Law  
8 Judge assigned to hear this case. I'll be presiding  
9 over this pre-hearing conference.

10 We're going to begin by taking entries of  
11 appearance, beginning with Wasatch.

12 MR. WITT: Jeff Witt.

13 JUDGE VOSS: And could you state your  
14 address for the record?

15 MR. WITT: Address is 11860 Lackland Road,  
16 St. Louis, Missouri 63146.

17 JUDGE VOSS: AmerenUE.

18 MS. THATRO: Well, first, Your Honor, I  
19 need you to approve a verbal motion to be admitted  
20 subject to making the paper filing later.

21 JUDGE VOSS: Are there any objections to  
22 that motion? Hearing none; granted.

23 MS. THATRO: Wendy Thatro for AmerenUE,  
24 1901 Chouteau Avenue, St. Louis, Missouri 63103.

25 JUDGE VOSS: Cuiver River.

1                   MR. SPORLEDER: Andrew Sporleder, 700 East  
2 Capitol, Jefferson City, Missouri 65101.

3                   JUDGE VOSS: Commission Staff.

4                   MR. REED: Steven Reed, P.O. Box 360,  
5 Jefferson City, Missouri 65102.

6                   JUDGE VOSS: Office of the Public Counsel.

7                   MR. MILLS: On behalf of the Office of  
8 Public Counsel and the public, my name is Lewis Mills.  
9 My address is Post Office Box 2230, Jefferson City,  
10 Missouri 65102.

11                  JUDGE VOSS: The primary purpose of this  
12 pre-hearing conference is to bring the parties  
13 together to give them an opportunity to determine the  
14 appropriate course of action to resolve this case.

15                  I will not establish a deadline for proposed  
16 procedural schedules at this time, as I'm not sure  
17 that a hearing in this case will be necessary if there  
18 are truly no facts in dispute but legal issues that we  
19 can address through briefing without the need for a  
20 hearing.

21                  And there's also some question whether the  
22 Commission has jurisdiction to grant the relief  
23 requested, in which case the hearing wouldn't be  
24 necessary.

25                  So, basically, in the order scheduling this

1 pre-hearing, I addressed the parties -- by the 15th,  
2 actually next Tuesday -- to file a list of stipulated  
3 facts, and if necessary, any facts that are still in  
4 dispute in the case. And based on that I will decide  
5 what next course of action will be appropriate.

6 And if there are no other issues that anyone has  
7 for me to address -- does anyone have any questions or  
8 issues?

9 MR. REED: Judge, can I ask a question?  
10 Let's suppose -- and this may be more hypothetical  
11 than anything else. Let's suppose there are a set of  
12 facts that we could agree on, the law is what the law  
13 is, but there's not a party who plans to file a motion  
14 to dismiss rather than let the case run its course and  
15 go to hearing?

16 JUDGE VOSS: Well, if there are no facts in  
17 dispute, and there's no need for an evidentiary  
18 hearing to take evidence into the record, then the  
19 parties could agree to submit their legal reasons why  
20 the Commission has or does not have jurisdiction in  
21 briefs. And then the Commission could take up an  
22 issue of decision based on that.

23 MR. REED: Based on just the written  
24 filings?

25 JUDGE VOSS: Yes. Because if there's no

1 facts in dispute there's no need to present witnesses  
2 and take evidence. That's why I want one list of  
3 facts that everyone can agree to being the facts, so  
4 there's no question.

5 MR. REED: And that's due next week by --  
6 I'm sorry, Judge.

7 JUDGE VOSS: The 15th. And of course, if  
8 there's some issue that more time is required due to  
9 the press of other business, I know there are several  
10 other cases at this time -- extensions needed -- let  
11 me know.

12 Lewis is looking at me as if he has a question.

13 MR. MILLS: I do, and I can do it on the  
14 record if you want.

15 If today is the first, how does the 15th get to be  
16 next week?

17 JUDGE VOSS: I'm leaving town next week --  
18 I specifically did give two weeks because of the  
19 holiday next week, and it might take some time to  
20 generate a list and then route it through everyone  
21 that needs to approve it.

22 I have five pre-hearings, two hearings and a  
23 mediation this month, so it's kind of a crazy month  
24 for me.

25 Does anybody have any questions about anything

1     else before we go off the record?  Thank you.

2             (WHEREIN, the recorded portion of the pre-hearing  
3                     conference was concluded.)

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## 1 CERTIFICATE OF REPORTER

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4 I, Mindy Vislay, Certified Court Reporter with the  
5 firm of Midwest Litigation Services, and Notary Public  
6 within and for the State of Missouri, do hereby  
7 certify that I was personally present at the  
8 proceedings had in the above-entitled cause at the  
9 time and place previously described; that I then and  
10 there took down in Stenotype the proceedings had; and  
11 that the foregoing is a full, true and correct  
12 transcript of such Stenotype notes so made at such  
13 time and place.

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Mindy Vislay, CCR

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Notary Public (County of Cole)

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My commission expires March 19, 2011

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