

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

PREHEARING CONFERENCE

January 7, 2004
Jefferson City, Missouri
Volume 1

In the Matter of the)
Application of The Empire)
District Electric Company and)
White River Valley Electric)
Cooperative for Approval of)
a Written Territorial)
Agreement Designating the) Case No.: EO-2004-0246
Boundaries of Exclusive)
Service Areas for Each Within)
the Canyon Springs of Branson)
Residential Development Near)
Branson, Missouri)

NANCY M. DIPPELL, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:

STEPHANIE L. KURTZ MORGAN, RPR, CCR
ASSOCIATED COURT REPORTERS
714 West High Street
P. O. Box 1308
Jefferson City, Missouri 65102
(573) 636-7551

ASSOCIATED COURT REPORTERS
(573) 636-7551 JEFFERSON CITY, MO 65102
TOLL FREE 1-800-636-7551

1 APPEARANCES:

2 RODRIC A. WIDGER, Attorney at Law
3 Andereck, Evans, Milne, Peace &
4 Johnson, L.L.C.
5 1111 South Glenstone
6 P. O. Box 4929
7 Springfield, Missouri 65808-4929
8 (417) 864-6401

9 FOR: White River Valley Electric Cooperative,
10 Inc.

11 GREGORY C. MITCHELL, Attorney at Law
12 Brydon, Swearngen & England, P.C.
13 312 East Capitol Avenue
14 P. O. Box 456
15 Jefferson City, Missouri 65102-0456
16 (573) 635-7166

17 FOR: Empire District Electric Company.

18 STEVEN DOTTHEIM, Chief Deputy General Counsel
19 P. O. Box 360
20 Jefferson City, Missouri 65102
21 (573) 751-6434

22 FOR: Staff of the Missouri Public Service
23 Commission.

24

25

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

2 (Written Entries of Appearance filed.)

3 JUDGE DIPPELL: This is Case No. EO-2004-0246,
4 In the Matter of the Application of the Empire District
5 Electric Company and White River Valley Electric
6 Cooperative for approval of a written territorial
7 agreement designating the boundaries of exclusive
8 service areas for each within the Canyon Springs of
9 Branson residential development near Branson, Missouri.

10 My name is Nancy Dippell. I'm the Regulatory
11 Judge assigned to this matter, and we've come here
12 today for a prehearing conference on January 7th of
13 2004.

14 And basically the purpose of this particular
15 conference will be to discuss procedural schedules, and
16 because I believe there aren't any contentious issues
17 in this case, unless you all would like to bring
18 something to my attention, however if you have any?

19 MR. DOTTHEIM: Yes. There's a -- an item in
20 the territorial agreement that we need to discuss.

21 JUDGE DIPPELL: Oh, okay. Well, we will --

22 MR. DOTTHEIM: That the Staff needs to
23 discuss.

24 JUDGE DIPPELL: I was gonna say, you all will
25 be able to have an opportunity to discuss that. I

1 guess I'll go ahead and -- before we go any further, I
2 will ask for oral entries of appearance. You all have
3 made written entries of appearance.

4 And I'll just start with Staff. Mr. Dottheim?

5 MR. DOTTHEIM: Steven Dottheim, Post Office
6 Box 360, Jefferson City, Missouri 65102, appearing up--
7 appearing on behalf of the Staff of the Missouri Public
8 Service Commission.

9 MR. WIDGER: My name is Rod Widger. I'm with
10 the firm of Andereck, Evans, Milne, Peace & Johnson,
11 L.L.C. Our address is 1111 South Glenstone,
12 Springfield, Missouri. I serve as general counsel for
13 White River Valley Electric Cooperative.

14 MR. MITCHELL: Greg Mitchell. I'm here on
15 behalf of the Empire District Electric Company. And
16 I'm here with Brydon, Swearngen & England here in Jeff
17 City, 312 East Capitol Avenue.

18 JUDGE DIPPELL: All right. Then -- so it does
19 sound like there's at least some other settlement
20 issues you all have an opportunity to discuss.

21 Are there any issues that I need to be aware
22 of as far as the scheduling or any motions or anything
23 like that?

24 MR. WIDGER: No.

25 JUDGE DIPPELL: All right. But I will note

1 that Mr. Coffman had called me last week and said that
2 no one from the Office of the Public Counsel was going
3 to be available, that everyone was in hearing or had
4 other matters. And he just wanted to make sure that I
5 was aware that -- that no one was going to be present
6 from Public Counsel at this settlement discussion.

7 I'm assuming that if that -- there's some
8 issue that you all need to discuss with him, that
9 someone will be available to discuss that with you
10 sometime today. Let me know if you have any problems
11 in that area.

12 And if you don't have anything else for me,
13 then we can conclude the on-the-record portion.

14 All right. We can go off the record.

15 Thank you.

16 WHEREUPON, the on-the-record portion of the
17 prehearing conference was concluded.

18

19

20

21

22

23

24

25