

1 STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

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3 TRANSCRIPT OF PROCEEDINGS

4 Prehearing Conference  
February 2, 2009  
5 Jefferson City, Missouri  
Volume 1

6 In the Matter of the Consideration of )  
7 Adoption of the PURPA Section 111(d)(16))  
Integrated Resource Planning Standard ) Case No.  
8 as Required by Section 532 of the ) EO-2009-0247  
Energy Independence and Security Act of )  
9 2007 )

10 In the Matter of the Consideration of )  
11 Adoption of the PURPA Section 111(d)(17))  
Rate Design Modifications to Promote )  
Energy Efficiency Investments Standard ) Case No.  
12 as Required by Section 532 of the ) EO-2009-0248  
Energy Independence and Security Act of )  
13 2007 )

14 In the Matter of the Consideration of )  
15 Adoption of the PURPA Section 111(d)(16))  
Consideration of Smart Grid Investments ) Case No.  
Standard as Required by Section 1307 of ) EO-2009-0249  
16 the Energy Independence and Security )  
Act of 2007 )

17 In the Matter of the Consideration of )  
18 Adoption of the PURPA Section 111(d)(17))  
Smart Grid Information Standard as ) Case No.  
19 Required by Section 1307 of the Energy ) EO-2009-0250  
Independence and Security Act of 2007 )  
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21 HAROLD STEARLEY, Presiding,  
REGULATORY LAW JUDGE

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23 REPORTED BY:

24 KELLENE K. FEDDERSEN, CSR, RPR, CCR  
MIDWEST LITIGATION SERVICES

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

2 JUDGE STEARLEY: Good morning. It's  
3 Monday, February 2nd, 2009, and we are here for a combined  
4 prehearing conference for four separate matters, and  
5 please bear with me while I read the style of these cases  
6 into the record.

7 We are here for, in the matter of the  
8 consideration of adoption of the PURPA Section 111(d)(16)  
9 Integrated Resource Planning Standard as required by  
10 Section 532 of the Energy Independence and Security Act of  
11 2007, which is Case No. 2009-0247; in the matter of the  
12 consideration of adoption of the PURPA Section 111(d)(17)  
13 Rate Design Modifications to Promote Energy Efficiency  
14 Investments Standard as required by Section 532 of the  
15 Energy Independence and Security Act of 2007, which is  
16 Case No. EO-2009-0248; in the matter of the consideration  
17 of the adoption of the PURPA Section 111(d)(16)  
18 Consideration of Smart Grid Investments Standard as  
19 required by Section 1307 of the Energy Independence and  
20 Security Act of 2007, which is Case No. EO-2009-0249; and  
21 in the matter of the consideration of adoption of the  
22 PURPA Section 111(d)(17) Smart Grid Information Standard  
23 as required by Section 1307 of the Energy Independence and  
24 Security Act of 2007, which is Case No. EO-2009-0250.

25 My name is Harold Stearley, and I'm the

1 presiding officer over these matters. The court reporter  
2 this morning is Kellene Feddersen. And we will begin the  
3 conference by taking entries of appearance, starting with  
4 counsel for Dogwood Energy.

5 MR. LUMLEY: Good morning. Appearing for  
6 Dogwood Energy, Carl Lumley, Curtis Heinz Law Firm, 130  
7 South Bemiston, Suite 200, Clayton, Missouri 63105.

8 JUDGE STEARLEY: Thank you, Mr. Lumley.  
9 The Empire District Electric Company?

10 MR. MITTEN: Appearing for the Empire  
11 District Electric Company, Russ Mitten, Brydon,  
12 Swarengen & England, 312 East Capitol Avenue, Jefferson  
13 City, Missouri 65102.

14 JUDGE STEARLEY: Thank you, Mr. Mitten.  
15 And Missouri Department of Natural Resources?

16 MS. WOODS: Appearing on behalf of the  
17 Missouri Department of Natural Resources, Shelley A.  
18 Woods, Assistant Attorney General, Post Office Box 899,  
19 Jefferson City, Missouri 65102.

20 JUDGE STEARLEY: Thank you, Ms. Woods.  
21 Southwest Power Pool?

22 MR. LINTON: On behalf of the Southwest  
23 Power Pool, David C. Linton, 44 Summer Top Lane, Fenton,  
24 Missouri 63026.

25 JUDGE STEARLEY: Thank you, Mr. Linton.

1 Union Electric Company?

2 MS. TATRO: Good morning. Wendy Tatro,  
3 1901 Chouteau Avenue, St. Louis, Missouri, appearing on  
4 behalf of AmerenUE.

5 JUDGE STEARLEY: Thank you, Ms. Tatro. The  
6 Missouri Industrial Energy Consumers?

7 MR. DOWNEY: Good morning. Edward F.  
8 Downey on behalf of the MIEC, 221 Bolivar Street,  
9 Suite 101, Jefferson City, Missouri 65101.

10 JUDGE STEARLEY: Thank you, Mr. Downey.  
11 Praxair, Incorporated?

12 MR. WOODSMALL: Your Honor, with your  
13 leave, I'll make an entry of appearance for three  
14 different parties. Appearing on behalf of Praxair,  
15 Incorporated, the Sedalia Industrial Energy Users  
16 Association and Noranda Aluminum, David Woodsmall, the  
17 firm of Finnegan, Conrad & Peterson, 428 East Capitol,  
18 Suite 300, Jefferson City, Missouri 65101.

19 JUDGE STEARLEY: Thank you, Mr. Woodsmall.  
20 The Missouri Energy Group? I believe we had advance  
21 notice that their counsel would not be appearing today.

22 Wal-Mart Stores East? Or Sam's East,  
23 Incorporated?

24 (No response.)

25 JUDGE STEARLEY: Noting for the record

1 there were no entries of appearance for those two  
2 entities.

3 AARP?

4 MR. COFFMAN: Yes. This is John Coffman.  
5 I'm representing AARP. My address is 871 Tuxedo  
6 Boulevard, St. Louis, Missouri 63119.

7 JUDGE STEARLEY: Thank you, Mr. Coffman.  
8 Kansas City Power & Light Company?

9 MR. FISCHER: James M. Fischer, Fischer &  
10 Dority, PC, 101 Madison Street, Suite 400, Jefferson City,  
11 Missouri, appearing today on behalf of Kansas City Power &  
12 Light Company and KCPL Greater Missouri Operations  
13 Company.

14 JUDGE STEARLEY: Thank you, Mr. Fischer.  
15 Midwest Independent Transmission System  
16 Operator, Incorporated?

17 MR. BEALL: Thank you, your Honor.  
18 Appearing on behalf of Midwest ISO, Keith Beall, 720 City  
19 Center Drive, Caramel, Indiana.

20 JUDGE STEARLEY: Thank you, Mr. Beall.  
21 The Staff of the Missouri Public Service  
22 Commission?

23 MR. WILLIAMS: Steven Dottheim and Nathan  
24 Williams, P.O. Box 360, Jefferson City, Missouri 65102.

25 JUDGE STEARLEY: And thank you,



1 Mr. Williams.

2 And the Office of the Public Counsel?

3 MR. MILLS: On behalf of the Office of the  
4 Public Counsel and the public, my name is Lewis Mills. My  
5 address is Post Office Box 2230, Jefferson City, Missouri  
6 65102.

7 JUDGE STEARLEY: Thank you, Mr. Mills.

8 Have we now heard from all the parties?

9 Did I miss anyone? Are there any other entities appearing  
10 with us today?

11 (No response.)

12 JUDGE STEARLEY: Very well. Do we have any  
13 other -- or any preliminary matters we need to take up at  
14 this time?

15 (No response.)

16 JUDGE STEARLEY: Well, hearing none. I  
17 did, I believe, in our scheduling order ask the parties to  
18 file a procedural schedule a week from today. In that  
19 filing, perhaps the parties could indicate if any of these  
20 cases can be consolidated after you've had a chance to  
21 discuss them this morning.

22 I did bring several copies of the current  
23 adjudication calendar, which may be of assistance for you.  
24 And as of right now, I've got our parties participating by  
25 telephone up here on the bench with me by microphone. If

1 it serves you to move the location of that so you can  
2 communicate better, by all means, you can do so.

3                   If there are no other matters we need to  
4 take up at this time, we will conclude the on-the-record  
5 portion of the prehearing conference and I'll leave  
6 you-all to your discussions. Thank you all very much.

7                   WHEREUPON, the recorded portion of the  
8 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.

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