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\*\*\* AUDIO TRANSCRIPTION \*\*\*

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI  
PROCEDURAL CONFERENCE VOLUME 1

Jonathan Miller  
Complainant, Case No. GC-2026-0007  
v.  
Spire Missouri Inc. d/b/a Spire  
Respondent.

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Transcribed  
By: Esther Smith

1 MR. CLIZER: I can hear you, Judge.

2 THE COURT: Perfectly. Thank you, Mr.  
3 Clizer. This is a prehearing conference in  
4 case GC-2026-0007. My name is Karolin Walker  
5 and I'm the regulatory law judge assigned to  
6 preside over the case. I'm not empowered to  
7 give legal advice to the parties in this case.  
8 And during this call we're going to not  
9 discuss substantive issues about the case, but  
10 procedural issues.

11 Now, first, I want to clear up some  
12 things because I think there's been some  
13 confusion in this case. The commission does  
14 not issue declaratory judgments, award  
15 damages, or decide constitutional claims.  
16 Data request responses are between the parties  
17 only. And unless and until they become  
18 evidence, the parties making the data request  
19 and the party providing the response receive  
20 them.

21 Filing documents in EFIS doesn't make  
22 those documents evidence. Evidence should be  
23 presented when and if a hearing is held and  
24 those submissions will be ruled on at the  
25 hearing by the judge. And, in addition, I

1 would caution the parties that no filing  
2 should contain the names of people who are not  
3 parties in the case and who are unrepresented.

4 All of the parties in this case have the  
5 same EFIS designation. You all have the  
6 professional designation and you all have the  
7 same access to information. So, first of all,  
8 I want to do entries of appearance of counsel  
9 in the case. If you could state your name,  
10 who you represent, and where you work I would  
11 really appreciate that.

12 Mr. Miller, let's start with you as the  
13 complainant. Could you tell us the correct  
14 pronunciation of your name? And you can  
15 choose to state your address, but it's not  
16 public information. If you do state it, it  
17 will become public information. So you go  
18 ahead and you can go first.

19 MR. MILLER: Can you hear me?

20 THE COURT: Yes, I can.

21 MR. MILLER: Good morning. How are you?

22 THE COURT: Good.

23 MR. MILLER: Good to see you. Glad  
24 everybody's here. My name is Jonathan Miller.  
25 I'm out of Kansas City. I'm actually in

1 Odessa, Missouri. I am self employed. I have  
2 a couple businesses, Newark Venture, Bold  
3 Standard Company that unearths systemic issues  
4 and big utility companies and regulatory  
5 agencies.

6 THE COURT: And are these companies  
7 involved in this case?

8 MR. MILLER: Bold Standard Company would  
9 be.

10 THE COURT: You do realize that if your  
11 company is involved in the case you need to be  
12 represented by an attorney.

13 MR. MILLER: It's my knowledge that we're  
14 all -- that I'm a pro se -- no. The, the  
15 business is involved in high-value  
16 investigative services, not for legal  
17 representation. I'm representing myself. And  
18 I just want to -- in response to what you said  
19 real quickly, I want to make sure that we --  
20 to address some of the things that you just  
21 mentioned in your opening, I want to make sure  
22 that we're clear.

23 As a pro se litigant, none of these  
24 proceedings or the processes through the  
25 system would be to an equal or fair right to

1 these proceedings were to be treated equally  
2 as all parties -- same, same level playing  
3 field as a -- as a -- as an attorney.

4 THE COURT: Yes. Mr. Miller, it's my job  
5 to sort of level the playing field. And  
6 everybody in this case has the exact same  
7 access to information. You all have the same  
8 designation and the same access. So that's  
9 quite true. Everyone is being treated the  
10 same. Now, is there anybody from Spire?

11 MR. ARIAS: Yes. Good morning -- or  
12 actually good afternoon, Your Honor. Antonio  
13 Arias on behalf of Spire Missouri, Inc.

14 THE COURT: How about staff counsel's  
15 office?

16 MS. HANSEN: Andrea Hansen, representing  
17 staff counsel's office. Mark Johnson is also  
18 in this meeting and then we do have staff  
19 members who are listening in as well.

20 THE COURT: Office of Public Counsel.

21 MR. CLIZER: John Clizer on behalf of the  
22 Missouri Office of the Public Counsel, 200  
23 Madison Street, Suite 650, Jefferson City,  
24 Missouri 65102. Thank you.

25 THE COURT: Is there anyone else that

1 I've missed that would like to enter their  
2 appearance? How this call is going to go is  
3 that after we've discussed any issues that we  
4 need to discuss first, then I'm going to exit  
5 the call so that the parties can talk to each  
6 other and attempt to resolve this case. So I  
7 want to know if the parties in the case have  
8 any procedural issues that need to be  
9 discussed.

10 MR. MILLER: I -- Jonathan Miller. I  
11 have some -- I have some issues. I have quite  
12 a few issues with procedural issues.  
13 According to the user help information on the  
14 website -- well, first I'd like to start by  
15 saying that my first procedural issue is not  
16 being asked to be a lawyer in this  
17 investigation.

18 I don't think the PSC has the authority  
19 to compel me to do work. And so investigative  
20 or legal work, and that's one thing.

21 THE COURT: Mr. Miller, you're here as a  
22 volunteer. You're not being asked to be a  
23 lawyer. You're the one that filed the  
24 complaint. The PSC is not making you do  
25 anything just so we're clear.

1 MR. MILLER: Right.

2 THE COURT: You're a pro se litigant.

3 That means you're representing yourself.

4 MR. MILLER: Well, what I was told by the  
5 staff at the PSC and I documented the  
6 transcript for you guys to see. And they did  
7 tell me that just filing a formal complaint  
8 gives them a right to make me the primary  
9 plaintiff in a state regulatory investigation.  
10 And that's not accurate.

11 THE COURT: Well, that is in fact  
12 accurate. You filed the complaint, so you are  
13 the complainant. You don't have to be an  
14 attorney to be a complainant. Next issue.

15 MR. MILLER: My next issue is nobody --  
16 well, I don't think we addressed it. Nobody -  
17 - did you address it? Maybe I didn't hear  
18 you, but nobody asked me.

19 THE COURT: No one asked you if you were  
20 a lawyer?

21 MR. MILLER: No one asked me if I wanted  
22 to be the primary plaintiff.

23 THE COURT: Well, you filed the  
24 complaint. That makes you the primary  
25 complainant.

1 MR. MILLER: No. That just makes me  
2 somebody with a complaint. I'm a customer.

3 THE COURT: You are a complainant and a  
4 customer. The person who files the complaint  
5 is the complainant no matter who they are.

6 MR. MILLER: But I can't -- as far as I'm  
7 aware, I can't be compelled to do legal work.

8 THE COURT: You can't be compelled to do  
9 anything. You're here as a volunteer.

10 MR. MILLER: No. I'm here because -- I'm  
11 actually here because of these systemic  
12 issues. When I couldn't get anybody to  
13 document anything in writing and, and, you  
14 know, close our resolution, I found more and  
15 more issues along the way. In, in the PSC  
16 handbook, the help for the EFIS, it shows  
17 attorneys have access to automatic  
18 notifications.

19 THE COURT: So do you.

20 MR. MILLER: Correct?

21 THE COURT: So do you, Mr. Miller. As I  
22 said, I did address this issue in the first  
23 things that I said. Everyone has the same  
24 access to EFIS. You all have professional  
25 accounts. So you have the same notification



1 that everyone else does in the case.

2 MR. MILLER: Well, that's not true with  
3 regard to data request responses. And that's  
4 my concern, is that I, I didn't know for three  
5 weeks that the defendant had given their  
6 responses through the EFIS system.

7 And I'd also like, if you wouldn't mind,  
8 correct me if I'm wrong, but we are held to  
9 the same standard in these proceedings as  
10 federal law with regard to all discoveries  
11 being legal filings and all attorneys and  
12 parties having a right to equal and access --  
13 fair access to all those discoveries at the  
14 same time.

15 THE COURT: Okay, Mr. Miller. I also  
16 addressed those issues in my preliminary  
17 statement to you. The data requests go from  
18 the party who ask for them to the party who  
19 they are coming from.

20 MR. MILLER: Yes.

21 THE COURT: We are a state agency, and  
22 although we are bound by the constitution, we  
23 do not decide constitutional issues. We  
24 determine cases on the basis of regulations  
25 and state law. So that answers those

1 questions.

2 MR. MILLER: Well, it doesn't. I'm  
3 asking you directly if, if your proceedings  
4 have to comply with federal constitutional  
5 law, even though under the section where you  
6 guys get to make your own laws and rules for  
7 your own way of doing business, I'm asking if  
8 they have to comply with federal law at the  
9 state level.

10 THE COURT: If you're asking me if the  
11 constitution is the overarching legal document  
12 for the United States and for us, that's true.  
13 But the procedures that determine what happens  
14 at the commission are the rules and  
15 regulations and state statutes, as well as the  
16 policies and procedures of the commission made  
17 by the commission. I'm giving you the same  
18 answer. I understand you may not like it, but  
19 that's --

20 MR. MILLER: It's, it's --

21 THE COURT: -- that's the way it works.

22 MR. MILLER: -- it's just a yes or no  
23 answer. Are they compliant with federal law?  
24 Because -- and do you recognize they have to  
25 be compliant with federal law even though they

1 are different? What you're telling me is you  
2 do things differently and you understand that  
3 it -- it's different outside the federal law.

4 THE COURT: Now, Mr. Miller, we're sort  
5 of veering into you asking me for legal  
6 advice, and I don't give legal advice.

7 MR. MILLER: Okay.

8 THE COURT: So next issue?

9 MR. MILLER: I have several issues. Do  
10 you -- do you mind looking at any of our data  
11 requests or does that have anything to, to do  
12 with anything? I've got a lot of questions  
13 I've already posed to the -- to PSC about  
14 these issues through data requests.

15 THE COURT: This procedural conference is  
16 not to issue -- not to determine the data  
17 requests, and I don't look at data requests.  
18 If you have problems with the data, you are  
19 welcome to address those issues as you can in  
20 discovery, and you may bring those issues to a  
21 hearing if you have a hearing. And at that  
22 time, I would rule on whatever issues there  
23 are.

24 MR. MILLER: I appreciate that. Are we  
25 still -- do I still get to tell you what my

1 other issues are?

2 THE COURT: Absolutely.

3 MR. MILLER: Okay. Thank you. My other  
4 issue was obviously a breach in the  
5 investigation. There's some ethical, legal,  
6 and, and -- so what I'm curious is, I, I --  
7 it's my understanding I have a right and a  
8 duty as -- to bring constitutional issues to  
9 your attention if I find them during these  
10 proceedings.

11 And so I know you said that, but I want  
12 to make sure that, that it's not something  
13 that the, the regulatory oversight and the,  
14 the court is -- it -- finds necessary for, for  
15 discrepancies and things like that. If we  
16 find these types of constitutional issues, are  
17 you suggesting that we shouldn't bring them up  
18 to the judge?

19 THE COURT: I'm not just suggesting it.  
20 I'm saying that this is not the forum for  
21 deciding constitutional issues. The Public  
22 Service Commission is an administrative body,  
23 and we don't decide constitutional issues. In  
24 terms of the data breach, I said in my  
25 preliminary remarks that I'm asking everyone

1 not to file pleadings that have the names of  
2 people -- ordinary citizens, who are not  
3 parties to this case.

4 You are breaching their confidentiality.  
5 And I understand you are concerned about these  
6 breaches. And I hope that you will stop  
7 posting people's names and stop the breaches.

8 MR. MILLER: Well, I have permission from  
9 the individuals to use whatever information I  
10 need to for this legal proceeding, the  
11 breached couple.

12 THE COURT: You're welcome to bring those  
13 people to the commission when and if a hearing  
14 happens. You are not welcome to post their  
15 names and addresses and information about them  
16 in EFIS so that it is disseminated to the  
17 world.

18 MR. MILLER: Yeah. Absolutely. And I  
19 just wanted to say --

20 THE COURT: They have a right to privacy.

21 MR. MILLER: Yes. I just wanted to add  
22 the EFIS filing, I was counting on -- they  
23 have their own methodology and system in place  
24 for if some -- if there's confidential  
25 information posted that it creates two copies,

1 one public and one confidential. And so that  
2 was my mistake. I just want to add for the  
3 record. But I also wanted to clarify; if it's  
4 public information, then we're not -- we're  
5 not obligated to confidentiality.

6 THE COURT: That's quite true. If you  
7 file the pleading from another case in the  
8 Public Service Commission, it's public  
9 information. But people's names and addresses  
10 who are not parties and are not represented  
11 and you're not representing, you don't have  
12 permission to file those. And my  
13 understanding is that you're not an attorney  
14 and you're not representing anyone else in  
15 this case.

16 MR. MILLER: Correct.

17 THE COURT: Is that correct?

18 MR. MILLER: I'm actually representing  
19 the people, the public interest, which is what  
20 the PSC should be doing.

21 THE COURT: You can represent yourself,  
22 but you can't represent anyone else. You're  
23 not an attorney in front of the Public Service  
24 Commission.

25 MR. MILLER: Okay. And then so we have

1 to deal with the issues of the breach itself  
2 with regard to discovery. So we --

3 THE COURT: I think one of the -- we have  
4 dealt with one of the issues in the breach,  
5 and that is that I have taken some of that  
6 information off EFIS and redacted the names of  
7 all of the people that have been disclosed.

8 MR. MILLER: Right. And by doing that,  
9 you reordered all the numbers of my filings.  
10 So all my notes and everything are just  
11 completely not -- they're scrambled up because  
12 what was filing number 106 is now filing 46.  
13 And so my notes are --

14 THE COURT: That's quite true.

15 MR. MILLER: But that's not how it's  
16 supposed to be. That should -- there should  
17 be an issue in the system where when the  
18 filing is recalled and a legal attorney's bill  
19 in this case, that the system doesn't screw up  
20 the order of the numbers.

21 THE COURT: Actually, you can blame me  
22 for that. When the filings are taken out of  
23 EFIS, if any judge takes them out, then they  
24 get renumbered and they're still -- all of the  
25 filings that you filed, you can still access

1     them by the date that you filed them and the  
2     time that you filed them.

3             MR. MILLER: But you didn't acknowledge  
4     how it mixes up the numbers and screws up my  
5     notes for my legal proceedings.

6             THE COURT: Well, I'll acknowledge that  
7     now. I apologize to you if you're confused.  
8     That's how the system works.

9             MR. MILLER: And is this -- so you're  
10    saying the system is not set up to actually  
11    keep the file numbered with the file even if  
12    files are removed or you're saying that in the  
13    event that a judge does it, that it screws it  
14    up?

15            THE COURT: Well, I'm saying that those  
16    filings were removed in this case and the  
17    filings are renumbered but they are still  
18    accessible by date and by time.

19            MR. MILLER: Got you. That part I'm  
20    aware of. I appreciate it.

21            THE COURT: Next issue.

22            MR. MILLER: My other issue is handling  
23    of confidential information. You haven't  
24    really addressed here public or -- I don't  
25    know if we're public or private still, but I



1 assumed all of our proceedings were public.  
2 All our filings were public. And so if this  
3 is private -- if you could clarify that, I  
4 would appreciate it.

5 THE COURT: Well, if you're asking me if  
6 this phone call is public, it's not public  
7 now. The only people that are on it are you  
8 all and me but there will be a transcript that  
9 will be filed in EFIS. Is the entire public  
10 going to have access to that? I can't answer  
11 that question. I'm not certain.

12 MR. MILLER: But you're familiar -- but  
13 you are familiar with the EFIS system?

14 THE COURT: A little bit.

15 MR. MILLER: Okay. So then you can tell  
16 me if there's different account tiers?

17 THE COURT: You know what --

18 MR. MILLER: Different -- I know you, you  
19 said we all have the same one but can I verify  
20 that? Can I see all parties accounts that  
21 show --

22 THE COURT: No. You cannot.

23 MR. MILLER: How can I verify that?

24 THE COURT: Other parties accounts are  
25 confidential and confidential in terms of, I'm

1 not giving you information about the other  
2 attorney's accounts just in the way I would  
3 not give them information about your account.

4 MR. MILLER: And that's fine. Could you  
5 tell me where to go where I would find my own  
6 tier? It says I'm unverified. I don't know  
7 what that means.

8 THE COURT: Unverified means that your  
9 phone --

10 MR. MILLER: Now you're unverified.

11 THE COURT: I'm unverified too.

12 MR. MILLER: Now we're both unverified.

13 THE COURT: Welcome to the unverified  
14 club. Yeah. That just means your phone  
15 number is not -- hasn't been entered into the  
16 system.

17 MR. MILLER: Okay. And so is there  
18 anywhere I can see on my own account?

19 THE COURT: There is not.

20 MR. MILLER: And is there any way I would  
21 know, as my own legal representation, what the  
22 different benefits are between the different  
23 tiers of service and why wouldn't I be able to  
24 see what type of account I have in comparison  
25 to other types of accounts?

1 THE COURT: Yeah. There's no way for you  
2 to do that, nor is it necessary or relevant to  
3 the issues in this case.

4 MR. MILLER: Well, it could be if I think  
5 that there -- if the PSC is getting data  
6 response notifications for all notifications.  
7 It says lawyers get automatic notifications  
8 for all filings. It doesn't say what you  
9 said. Your handbook -- so what you're telling  
10 me and what your help text for PSC online is  
11 telling me two different things.

12 THE COURT: Okay, Mr. Miller. For the  
13 fourth time, everyone has the same designation  
14 in this case. You have the exact same  
15 designation as the attorneys in this case.  
16 You have the same access to information that  
17 they do. That answer is not going to change.  
18 And that professional designation, it's pretty  
19 much the highest designation that you can get.  
20 It gives you the right to file things in EFIS.

21 MR. MILLER: Right. And I'm aware of  
22 that, but I'm wanting to determine that, that  
23 we are -- do I need to cite it for you to show  
24 where all notifications are automatic if  
25 you're a lawyer?

1 THE COURT: Well, you have the same  
2 status as a lawyer even though you're not one.

3 MR. MILLER: Isn't that special?

4 THE COURT: It really is.

5 MR. MILLER: And so -- and when -- on  
6 your help center, when it says, "All automatic  
7 notifications," that includes data request  
8 responses. I'm sorry to tell people, but  
9 unfortunately that's the case.

10 THE COURT: Data request responses are  
11 between the parties only unless and until they  
12 become evidence, as I said at the beginning of  
13 this phone call.

14 MR. MILLER: Okay. So they're not legal  
15 filings.

16 THE COURT: Well, I --

17 MR. CLIZER: I'm going to regret this,  
18 but I just want to interject for one moment.  
19 So the commission's EFIS system allows for  
20 data requests to be issued from and to the  
21 commission staff through EFIS, but non-company  
22 parties -- or, sorry, non-staff parties don't  
23 have access to the ability, meaning that they  
24 have to transmit data requests and responses  
25 via email.

1 I don't know that staff has received any  
2 data responses in this case. I believe data  
3 responses have been issued on Spire. Any data  
4 -- sorry, data requests been issued on Spire,  
5 and I think data responses from Spire would  
6 have to come by email. I don't know if that  
7 helps to clarify that. I welcome if anybody  
8 wants to correct me.

9 MR. MILLER: Could you clarify. Are you  
10 basically saying that you get the -- that was  
11 my original concern. Was I was getting  
12 notifications for the filings, but when  
13 someone responded to it. It's not my job to  
14 babysit this. It's not my job to babysit this  
15 for emails showing when people file something  
16 and when they don't. It's just one thing --

17 THE COURT: Actually, Mr. Miller, it is  
18 absolutely your job. It is your job to  
19 determine what you look at for your complaint.

20 MR. MILLER: Well, what I saw was the  
21 data request notification -- I mean, response  
22 was sent to the PSC on the 23rd and I didn't  
23 see it because --

24 THE COURT: Data requests are sent from  
25 the party making the request and the party

1 providing the response. If you didn't make  
2 the request -- if you're not involved in the  
3 response then you're not -- you don't see it.

4 MR. MILLER: And I think -- can you  
5 clarify to me? So you're saying on the  
6 record, that all parties are not legally  
7 entitled to all legal filings at the same  
8 time?

9 THE COURT: Yes. The staff will do an  
10 investigation and then they will file a  
11 report, and the report will be public after  
12 it's filed.

13 MR. MILLER: Could you clarify that? I  
14 don't know that I understood. What I'm asking  
15 is: If someone files a response to a data  
16 request all parties have to be notified at the  
17 same time, legally.

18 THE COURT: The data request responses  
19 are between the parties only, the party making  
20 the data request and the party providing the  
21 response.

22 MR. MILLER: Yeah. That's a policy I'm  
23 trying to change.

24 THE COURT: Well, I think that -- I think  
25 that's great, but that's not an issue in this

1 case.

2 MR. MILLER: It's an issue in the case.  
3 Anything that makes it harder for the citizen  
4 to go up against, you know, fighting  
5 injustices isn't in the public's best  
6 interest.

7 THE COURT: Well, I think anything that -  
8 - I think we're getting a little far field.  
9 What we're here to talk about is the complaint  
10 that you filed. And the complaint that you  
11 filed is you were put on budget billing from  
12 Spire. If you have anything to say  
13 procedurally about that, that is relevant.

14 MR. ARIAS: And, Judge, if I may just  
15 piggyback off of what Mr. Clizer was saying.  
16 When we do get that -- when Spire gets data  
17 requests from the Missouri Public Commission  
18 staff, we do submit those data requests back  
19 through EFIS. Those DR responses are  
20 accessible by all parties. The notification  
21 might not be there. I don't believe we  
22 actually -- a notification is actually  
23 provided.

24 In one of our other cases, I believe the  
25 OPC sent staff data requests. We were

1 notified that those data requests were sent to  
2 the OPC, we were not notified when those  
3 responses were provided by the staff back to  
4 the OPC. So that's just how the EFIS system  
5 is set up. That's just an example of how the  
6 EFIS system is set up. We were able to access  
7 the responses, though, that staff provided,  
8 so, to the opposing --

9 MR. MILLER: And, and real briefly, I  
10 have to say, having access and serving to all  
11 parties are not the same legal terms. I'm  
12 sorry.

13 THE COURT: Actually, they are.

14 MR. MILLER: Okay.

15 MR. JOHNSON: Judge, I would pipe in.  
16 This is Mark Johnson. Pursuant to our rules,  
17 data requests have a default response time of  
18 20 days. So I would state that upon notice  
19 that a data request has been issued, all  
20 parties are aware that a response will be  
21 provided within 20 days, unless, of course,  
22 objected or an additional amount of time is  
23 requested.

24 THE COURT: I want to talk about a little  
25 bit -- it doesn't seem like the facts in the



1 original complaint are disputed. Mr. Miller,  
2 you're saying that you were put on budget  
3 billing and you didn't want to be. Spire has  
4 admitted that they put you on budget billing  
5 and that it was a mistake and they didn't --  
6 that you shouldn't have been and they took you  
7 off of it.

8 I want to know if the parties in this  
9 case would be amenable to submitting the case  
10 on the facts because they're not in  
11 contention.

12 MR. MILLER: Could you put it in layman's  
13 terms for me?

14 THE COURT: The facts are already -- the  
15 facts are already in front of me. I can look  
16 at the facts and the information that's there  
17 and make a decision.

18 MR. MILLER: Oh, you can?

19 THE COURT: I can.

20 MR. MILLER: Well, yeah. If you don't  
21 consider any procedures -- if you don't let me  
22 finish all my procedural issues, I'm sure you  
23 probably could.

24 THE COURT: Well, there are no procedural  
25 issues in your complaint. The complaint that

1 you filed has no procedural issues in it. The  
2 procedure issues that you are raising are  
3 ancillary to the complaint that you filed.

4 MR. MILLER: But, but I have every right  
5 to --

6 THE COURT: This is not the forum to deal  
7 with those issues. I understand that's  
8 frustrating, I understand that you're unhappy  
9 about that, but that's not the situation that  
10 you find yourself in.

11 MR. MILLER: Who does the PSC answer to  
12 for regulatory compliance with regards to US  
13 Constitutional law and the proceedings?

14 THE COURT: Well, as I said in the  
15 beginning of this and a couple of times now,  
16 we don't decide issues of constitutional law.  
17 But if you get a decision, like if you submit  
18 this case on the facts to me and you don't  
19 like my decision, then you have an opportunity  
20 to file for a rehearing in the commission, and  
21 then you have an opportunity to file a case in  
22 the Western District Court of Appeals.

23 I mean, my decision has to come first,  
24 then the rehearing decision, than the Court of  
25 Appeals.

1 MR. MILLER: Oh, yeah. Right. I get it.

2 THE COURT: And they will, at that point,  
3 if they believe the case contains  
4 constitutional issues that need to be decided,  
5 that happens there. That does not happen  
6 here. So back to my question. How about  
7 submitting the case on the facts?

8 MR. MILLER: Are you asking me.

9 THE COURT: I'm asking everyone who's on  
10 this call who's involved in this case. Mr.  
11 Arias --

12 MR. MILLER: My response -- my response  
13 is you can't expect to have a fair and legal  
14 hearing if you're not willing to listen to  
15 ethical and regulatory proceeding issues.

16 THE COURT: So you would prefer to --  
17 you're not open to mediation or to submitting  
18 the case on the facts.

19 MR. MILLER: What I'm suggesting is when  
20 you screwed up all the filing numbers, Judge,  
21 you screwed up my case.

22 THE COURT: Well, I don't agree with that  
23 assessment. I don't think renumbering the  
24 things you filed has done anything to your  
25 case.

1 MR. MILLER: Well, when I have notes that  
2 are titled to a specific filing number, that's  
3 exactly how. And I would say, you know.

4 THE COURT: I understand that's  
5 confusing. You haven't answered my question.  
6 Would you submit the case on the facts?

7 MR. MILLER: Only, only all the facts,  
8 not just the ones the PSC wants and that Spire  
9 want to address.

10 THE COURT: Mr. Arias.

11 MR. ARIAS: I guess my first clarifying  
12 question would be -- and this is the way Spire  
13 answered the complaint as well, would be the  
14 facts that we're discussing submitting the  
15 case on would be the facts from the -- I don't  
16 have the exact date. The July 2nd initial  
17 filing opening the case that's titled formal  
18 complaint.

19 THE COURT: Yes.

20 MR. ARIAS: That's the document that we  
21 answered and are treating as the sole source  
22 of the facts in this complaint. Then your  
23 answer would -- Spire's answer would be yes to  
24 submitting it on the facts. We would also --  
25 I mean, if that's not the method taken here,

1 the path taken from this conference, we'd also  
2 probably be filing for a motion for summary  
3 determination.

4 THE COURT: Staff Counsel, what about  
5 you? Are you amenable to the case being  
6 submitted on the facts, or?

7 MS. HANSEN: Staff is amenable to the  
8 case being submitted on the facts. Correct.

9 THE COURT: All right.

10 MR. MILLER: Could you clarify what you  
11 mean by that. I, I -- only thing that I filed  
12 are facts. Whether you don't like the facts  
13 or the identifiable information or not is  
14 another story. But they're facts. Just for  
15 the record.

16 THE COURT: Well, the facts in the case  
17 that have been submitted are the ones that are  
18 contained in your formal complaint. I mean,  
19 you determine the facts by your formal  
20 complaint, so.

21 MR. MILLER: Yeah. And I mentioned  
22 systemic issues. Wherever that rabbit hole  
23 leads.

24 THE COURT: Well, what I'm hearing from  
25 you, Mr. Miller, is that you are not amenable

1 to submitting the case on the facts. And --

2 MR. MILLER: I don't know what that  
3 means.

4 THE COURT: It means that I take your  
5 formal complaint and the facts in your  
6 complaint and I take the answer from Spire and  
7 input from staff counsel and I look at all of  
8 those things from all of those parties that I  
9 apply -- look at those facts, apply the law,  
10 and issue a decision --

11 MR. MILLER: Is that what you want to do?

12 THE COURT: -- without a hearing. I  
13 think in this case this can be decided as a  
14 matter of law. You have an absolute right to  
15 have a hearing if you want one.

16 MR. MILLER: If, if, if I think that the  
17 PSC will actually lead a case that I can  
18 listen to and -- to me it's, it's the -- it's  
19 the PSC's job to do the investigation, not  
20 mine. That's where we're screwed up here.  
21 And I haven't seen -- you know what I mean?  
22 All I've seen is one data request out of them  
23 and that's it. That's all I've heard.

24 And I spent countless hours up late  
25 nights being a lawyer, looking stuff up,

1 looking for discrepancies, looking for wins.

2 THE COURT: That doesn't really answer my  
3 question.

4 MR. MILLER: Well, it, it sounded like  
5 you told me that you're not going to listen to  
6 all the facts, only the facts in the initial  
7 filing. And I just don't think that's fair.

8 THE COURT: That's not what I told you.  
9 I told you I would listen to what's been filed  
10 by you, by Spire, and by staff counsel. All  
11 of the parties in the case.

12 MR. MILLER: And all the facts that have  
13 states strown (sic) -- all the facts that have  
14 come out because of that initial case.

15 THE COURT: I would probably make a  
16 ruling on some of those issues as well.

17 MR. MILLER: Then I'd be willing to have  
18 a discussion.

19 THE COURT: Well, it's not a discussion.  
20 What happens is I take all the documents that  
21 have been submitted and apply the law and then  
22 make a decision.

23 MS. HANSEN: Judge Walker, may I  
24 interject here very quickly? Mr. Miller, he  
25 did say that he saw the staff -- I think he

1 said staff submitted one DR. Staff has  
2 actually submitted two batches of DRs and  
3 going to take a quick look here.

4 MR. MILLER: Sorry. Two sets of data  
5 requests.

6 MS. HANSEN: Two sets of data requests.

7 MR. MILLER: That's correct. And they  
8 also didn't answer mine by the time we had  
9 this hearing today.

10 THE COURT: Well, that doesn't -- I think  
11 we should just focus on the issue at hand.  
12 And the issue at hand is, Mr. Miller, are you  
13 willing to submit the case on facts or are you  
14 going to a hearing?

15 MR. MILLER: I'm a little concerned that  
16 you would even ask that when there's open data  
17 requests from counsel to counsel still, still  
18 on the books.

19 THE COURT: And you have a perfect right  
20 to wait until there are answers to those  
21 requests or there are more requests. I mean,  
22 this is --

23 MR. MILLER: I'm in it for the long haul,  
24 Judge.

25 THE COURT: That's your right. So what



1 I'm going to do now is I'm going to exit the  
2 call and then let the parties -- I know that -  
3 - I shouldn't know it, but I do know that  
4 there was a settlement offer that was made  
5 that had been rejected.

6 MR. MILLER: Twice.

7 THE COURT: So I would like you -- I  
8 would like you to discuss whether or not there  
9 is any opening for settlement in this case.  
10 So I'm going to leave the call and let you all  
11 talk to each other.

12 MR. MILLER: That is --

13 MR. CLIZER: Wait. Your Honor, hold on.  
14 Before you go, is there an order -- if  
15 settlement does not appear to be forthcoming,  
16 as the commission -- does the commission want  
17 us, the parties, to present a procedural  
18 schedule at some point?

19 THE COURT: Thank you, Mr. Clizer. Yes.

20 MR. MILLER: I didn't hear that.

21 THE COURT: He's asking if we're going to  
22 a hearing, we need a procedural schedule.  
23 Which means --

24 MR. MILLER: Oh, yes. I didn't see one  
25 of those either.

1 THE COURT: We don't have it yet. Why  
2 don't you all submit a procedural schedule  
3 within the next couple of weeks?

4 MR. MILLER: If everybody just owned up  
5 to what they did in the first place, we could  
6 take a short recess and probably come to a  
7 resolution where people, you know, come --

8 THE COURT: Why would I take a recess,  
9 Mr. Miller, I'm leaving.

10 MR. MILLER: Hey, just real quick, Judge.  
11 In the very beginning at, like, July 1st, Mr.  
12 Clizer actually had an email with me where he  
13 pointed out the systemic issues, and that's  
14 what led to the initial complaint leading off  
15 into --

16 MR. ARIAS: Judge, I'm going to object to  
17 all the -- this is not for the judge to hear  
18 right now.

19 MR. MILLER: That's actually --

20 THE COURT: We're not in a hearing and  
21 you can't object, but he's right. I'm not  
22 here to discuss all the facts and issues of  
23 the case.

24 MR. MILLER: Okay.

25 THE COURT: I'm here to get you to talk

1 to each other right now. So I'm going to  
2 leave. Thank you all for coming and  
3 participating.

4 MR. MILLER: Okay.

5 THE COURT: Mr. Arias, do you have  
6 another issue?

7 MR. ARIAS: No. Not an issue, Your  
8 Honor. Just really quick.

9 MR. MILLER: It's nice to meet you.

10 THE COURT: Thank you.

11 MR. MILLER: Are you not getting back on?

12 THE COURT: No. I haven't left yet  
13 because Mr. Arias is trying to speak.

14 MR. MILLER: Well, you said you were  
15 going to take a recess. It sounded like you  
16 were going to get back on the call.

17 THE COURT: No. I am not.

18 MR. MILLER: So when I'm done with these  
19 people, I just hang up?

20 THE COURT: Yes.

21 MR. MILLER: Okay. Thank you.

22 THE COURT: Mr. Arias, do you have an  
23 issue?

24 MR. ARIAS: Not an issue, Your Honor.  
25 Just once we do file -- once we decide whether

1 or not the settlement discussions are going  
2 anywhere today, do you want to set -- it's  
3 like two weeks out after staff files its  
4 report or for procedural schedule to be filed.  
5 Is that what you're thinking?

6 THE COURT: Yeah. You know what, why  
7 don't I issue an order to clarify it, and that  
8 way everybody will be on the same page.

9 MR. ARIAS: That's all right.

10 MS. HANSEN: One thing I do want to say,  
11 and I don't know if this is the proper place  
12 to say it, but I think it's somewhat  
13 procedural. So staff is conducting an  
14 investigation, but it is anticipating that it  
15 will need some more time for -- because of  
16 DRs.

17 So DR responses are due on the 28th. I  
18 think the order states that we need -- or that  
19 the commission needs a response or a status  
20 report by the 31st, which would effectively be  
21 the 29th. So staff is asking -- and we do  
22 anticipate, I guess, depending on how the  
23 talks go after this, we do anticipate that we  
24 might need to send out another batch of DRs  
25 that we do have ready to be sent out today.

1           So because of that, that might affect any  
2       procedural schedule. I just wanted to let  
3       everyone know that as well.

4           MR. MILLER: That was why I filed for a  
5       motion for a continuance, because we still --  
6       they sent the first batch of data requests,  
7       they responded, and then they didn't like  
8       their responses so they sent them another set  
9       saying, "You need to answer these a little  
10      more in depth." And for some reason now,  
11      their response time is going up and up and up.  
12      And so -- and she's correct.

13          So it sounds like they have another set  
14      to go out but with all these not -- us not  
15      having that thing you just mentioned, an  
16      outline, basically, of what the timing is for  
17      this case and the procedures and proceedings  
18      and all that, how are we supposed to all be on  
19      the same page, you know?

20          THE COURT: Well, I'm hoping to solve  
21      that problem for you.

22          MR. MILLER: Oh, thank you.

23          THE COURT: I will issue a procedural  
24      schedule. I would encourage staff to ask for  
25      the time that they need instead of continually

1 asking for continuances. I really am not a  
2 fan of getting a continuance asking for two  
3 weeks and then getting another one and another  
4 one and another one. And I also would note  
5 that this is a fairly contained case, so my  
6 expectation is that the investigation will be  
7 forthcoming soon.

8 MS. HANSEN: Thank you.

9 THE COURT: All right. Good afternoon,  
10 everyone. Thank you for coming.

11 MR. MILLER: Thank you, Judge.

12 MR. CLIZER: Thank you, Judge.

13 MS. HANSEN: Thank you, Judge.

14

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17 (End of audio recording.)

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