

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI
TRANSCRIPT OF PROCEEDINGS
ON-THE-RECORD PRESENTATION

6 In the Matter of the Request)
for the Empire District)
7 Electric Company d/b/a Liberty) Case No. ER-2024-0261
for Authority to File Tariffs)
8 Increasing Rates for Electric)
Service Provided to Customers)
9 In its Missouri Service Area)

13 Governor Office Building
200 Madison Street
14 Jefferson City, MO 65101

15
16 CHARLES HATCHER, Presiding
SENATOR REGULATORY LAW JUDGE

17 KAYLA HAHN, Chair,
18 MAIDA J. COLEMAN,
19 GLEN KOLKMEYER,
JOHN MITCHELL,
COMMISSIONERS

22 | REPORTED BY:
Tracy Taylor, via WebEx, CCR No. 939

1 A P P E A R A N C E S

2 JERMAINE GRUBBS, via WebEx
3 1901 Chouteau Avenue, MC 1310
4 St. Louis, Missouri 63103
5 314.554.3533
6 jermaine.grubbs@libertyutilities.com
7 FOR: Empire District Electric Company

8 DEAN COOPER
9 Brydon, Swearengen & England, PC
10 312 E. Capitol Avenue
11 Jefferson City, Missouri 65102-0456
12 573.635.7166
13 dcooper@brydonlaw.com
14 FOR: Empire District Electric Company

15 JAMES FLAHERTY, via WebEx
16 Anderson & Byrd, LLP
17 216 S. Hickory
18 Ottawa, Kansas 66067
19 785.521.3238
20 FOR: Empire District Electric Company

21 JOHN COFFMAN
22 871 Tuxedo Boulevard
23 St. Louis, Missouri 63119
24 573.424.6779
25 FOR: Consumers Council of Missouri

26 TIMOTHY OPITZ
27 Opitz Law Firm, LLC
28 308 E. High Street, Suite B101
29 Jefferson City, Missouri 65101
30 573.825.1796
31 tim.opitz@opitzlawfirm.com
32 FOR: Midwest Energy Consumers Group

33 NICOLE MERS
34 501 Fay Street, Suite 206
35 Columbia, Missouri 65201
36 nicole@renewmo.org
37 FOR: Renew Missouri

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39
40
41
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43
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47
48
49
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A P P E A R A N C E S (CONT'D)

NATHAN WILLIAMS
Department of Commerce & Insurance
200 Madison Street, Suite 650
PO Box 2230
Jefferson City, Missouri 65102
opcservice@opc.mo.gov
FOR: Office of the Public Counsel (OPC)

MARK JOHNSON
TRAVIS PRINGLE
ERIC VANDERGRIFF
ANDREA HANSEN
ALEXANDRA (LEXI) KLAUS
SCOTT HANNON
Department of Economic Development
200 Madison Street, Suite 800
PO Box 360
Jefferson City, Missouri 65102-0360
staffcounselservice@psc.mo.gov
FOR: Staff of the Missouri Public Service
Commission

1 JUDGE HATCHER: Let's go on the record.

2 This is the 7th of January, 2026. We are here for an
3 on-the-record evidentiary proceeding in --

4 (Pre-recorded announcement.)

5 JUDGE HATCHER: Thank you.

6 This is Case Number ER-2024-0261. For
7 everyone on our WebEx, please mute your phones and
8 double check your WebEx at this moment to make sure
9 that you are muted, please.

10 For everyone in the courtroom, please
11 just check your phones and make sure that those are
12 muted or any other electronic devices.

13 Let's go ahead and, for the record, make
14 our entries of appearance. We will start with counsel
15 for the company, Empire District Electric Company.

16 MR. COOPER: Thank you, Judge. Dean
17 Cooper from Brydon, Swearengen and England, PC,
18 appearing on behalf of the Empire District Electric
19 Company, doing business as Liberty.

20 On the WebEx, we also have Mr. James
21 Flaherty of the law firm of Anderson and Byrd and
22 Ms. Jermaine Grubbs, who is of the company.

23 JUDGE HATCHER: Thank you. And this is a
24 good time to note that Empire Witness Brian
25 Berkstresser has been excused from appearing today.

1 Let's move on to introductions of staff.

2 MR. VANDERGRIFF: Good morning, Your
3 Honor. Eric Vandergriff appearing on behalf of Staff.
4 I'm joined today by Mark Johnson, Travis Pringle, Lexi
5 Klaus, Andrea Hansen and Scott Hannon.

6 Our business address is the Governor
7 Office Building, 200 Madison Street, Jefferson City,
8 65102. The PO Box is 360.

9 JUDGE HATCHER: Thank you.

10 And for the Office of the Public Counsel,
11 Mr. Williams.

12 MR. WILLIAMS: Nathan Williams, chief
13 deputy public counsel, appearing on behalf of the
14 Office of Public Counsel and the public.

15 JUDGE HATCHER: Thank you.

16 And Consumers Council for Missouri.

17 MR. COFFMAN: Good morning, Your Honor.
18 John B. Coffman appearing on behalf of the Consumers
19 Council of Missouri.

20 JUDGE HATCHER: And for the record, the
21 next two parties have been excused; Empire District
22 Retired Member --

23 (Off the record due to PSC internet
24 outage; proceedings paused.)

25 JUDGE HATCHER: And we are back on the

1 record. Because this recording will be slightly
2 different than Ms. Johnson [as said], our court
3 reporter who was online, I'll go ahead and restate
4 some of the pertinent facts.

5 This is Case Number ER-2024-0261. This
6 is an on-the-record evidentiary proceeding. In
7 attendance and already entered their appearance was
8 counsel for Empire, Staff, Office of Public Counsel,
9 Consumers Council of Missouri, and Midwest Energy
10 Consumers Group.

11 Influent has not entered an appearance
12 and the Empire District Retired Members and IBEW Local
13 1474 have already been excused from the hearing.
14 Mr. Berkstresser has also been excused from the
15 hearing.

16 We are set to begin with witnesses. This
17 on-the-record proceeding was set with no opening
18 statements. The Commission would like to call Amy
19 Walt to the stand.

20 MR. WILLIAMS: Judge, if I may.

21 JUDGE HATCHER: Yes, Mr. Williams.

22 MR. WILLIAMS: I just want to emphasize
23 that Public Counsel is not waiving its objection to
24 this proceeding.

25 JUDGE HATCHER: Thank you. And I did

1 forget to mention that. I was going to mention that,
2 make sure that was on the record.

3 Public Counsel has objected to the
4 carrying out of this on-the-record evidentiary
5 proceeding. That objection is still pending.

6 MR. COFFMAN: Your Honor?

7 JUDGE HATCHER: Yes.

8 MR. COFFMAN: Yeah, if -- if you don't
9 mind, I would like to go on record in support of the
10 OPC's objection on that point, just as an ongoing
11 objection.

12 JUDGE HATCHER: Consumers Council now
13 joins in the previously objected to -- objection filed
14 by Public Counsel.

15 MR. COFFMAN: That's right.

16 JUDGE HATCHER: Ms. Walt, please raise
17 your right hand.

18 (Witness sworn.)

19 JUDGE HATCHER: Thank you. And we will
20 now start with Commissioner questions. Are there any
21 Commissioner -- Commissioner Mitchell, would you
22 please lead us off?

23 COMMISSIONER MITCHELL: Sure. Sure. I'd
24 be happy to.

25 AMY WALT, having been previously sworn, testified as

1 follows:

2 QUESTIONS BY COMMISSIONER MITCHELL:

3 Q. Ms. Walt, I am just reading from the
4 first page of the Supplemental Stipulation and
5 Agreement and it -- it says in the first paragraph
6 that this Supplemental Agreement establishes specific
7 billing and customer service metrics that Liberty is
8 required to meet for three consecutive months bef- --
9 and goes onto say: Before implementing any changes in
10 rates.

11 So I'm -- I'm curious of what provisions
12 of the Supplemental Stipulation would assure that the
13 customer service improvements will be made before new
14 rates can be implemented?

15 A. I'm sorry. If I understand your question
16 properly, which metrics are we going to be looking at?
17 Is that your question?

18 Q. Yes.

19 A. Yeah, so there are six metrics that we
20 have outlined in the Stipulation and Agreement. They
21 all stem from Schedule 13, the service regulations for
22 Missouri. And those are the metrics that we're
23 looking at. So would you like me to state the six
24 metrics? I can go through those.

25 Q. Yeah. Would you walk us through them?

1 A. Sure. The first one is really related
2 to -- let me just make sure I got them all here. So
3 it's making sure that our customers who move into an
4 account or that are moving out of an account are not
5 receiving an estimated bill unless being able to get
6 an actual read is outside of the control of the
7 company, such as a aggressive dog or a ice storm or
8 something like that.

9 We should be offering a actual bill to
10 our customers who are moving in or having a final
11 read. So that's one of them.

12 Another one is that we are required to
13 give our customers a bill -- that it has a usage
14 period between 26 and 35 days. So that's ensuring
15 that our meter reads are occurring on a regular basis
16 and that our customers are receiving usage on a
17 consistent basis between 26 and 35 days.

18 Then we have one that says our customers
19 need to ensure that they have 21 days between the time
20 that the bill is issued and the due date that's stated
21 on that bill has to have a minimum of 21 days in order
22 for them to pay their bill. So we need to make sure
23 that that is there.

24 There was one about -- that we had a
25 issue where we were prorating a customer service

1 charge even though the bill was between 26 and 35.
2 That was an error in the system that was fixed in
3 August and we haven't seen any of those going forward,
4 but that is one of the rules. We have to make sure
5 that -- whoops, we have to make sure that that stays
6 in place.

7 And then we have one that is nine plus.
8 So any customer's bills are expected that they get
9 their bill consistently during the same cycle every
10 single month. The metric is that we need to make sure
11 that we're within nine days of that bill cycle
12 99.7 percent of the time for our customers.

13 And there is one more that I am missing.
14 Oh, the last one is that customers are not going to
15 receive just a service charge on their bill. That
16 their bill -- if they are on a tariff that requires us
17 to have a meter with usage associated with that, that
18 we have to be able to demonstrate that the meter is
19 attached to the account and that the customers can
20 actually see their usage, a beginning and ending read
21 on their bill. We can't just send out just a service
22 charge to the customer.

23 And those are the six metrics, I believe.
24 One, two, three, four, five, six. Yes, those are the
25 six. Move in, move out, 25, 21 days, nine plus

1 service charge and then the one that's kind of a bit
2 of an error.

3 Q. Uh-huh. So I -- I can appreciate that
4 the metrics proposed here are -- are, in my mind,
5 aimed at billing -- primarily at billing. And those
6 would be intended to bring Empire into compliance with
7 Commission rules.

8 But what I'm -- what I'm having a hard
9 time connecting is billing and customer service
10 metrics to this agreement. And customer service, in
11 my mind, relating to the ability to have issues
12 resolved at call service centers, being able to go to
13 a field office and actually be able to understand
14 what's in the bill and for a customer to be able to
15 pay the bill.

16 So I -- I don't see the service aspects
17 covered in the Stipulation Agreement as well. So I'm
18 curious if you could shed any light on that for me?

19 A. Yeah. Those service agreement -- or the
20 service level agreements today are not in Schedule 13,
21 but we do report out on them every month to the
22 Commission Staff.

23 And so we have been meeting the average
24 service level. We met that for six months in a row.
25 November we were a little bit higher than the

1 80 percent of our calls within 30 seconds is what we
2 strive for today. There isn't today a -- a law or a
3 rule around that 80 percent within 30 seconds. That's
4 just something that we have historically achieved.
5 And so that's something that we continue to strive
6 towards.

7 I've stated my opinion to the Staff that
8 I feel like that is a very costly model and not really
9 an expectation of our customers to be at answering --

10 MR. WILLIAMS: Judge, I'm going to object
11 at this point. I believe this is going beyond the
12 purpose for which this hearing was noticed up. The
13 hearing says it's concerning the Supplemental
14 Stipulation, including its relation to the Global
15 Stipulation.

16 What we're now going on into is a bunch
17 of evidence about customer metrics, which are not part
18 of this agreement, to my knowledge.

19 JUDGE HATCHER: Overruled. Thank you.

20 THE WITNESS: So as I was saying, the
21 80/30 -- so answering a call within 30 seconds, again,
22 in my history, 30 years I've been in the utility
23 industry serving in the customer service space at
24 three different utilities, the 30 seconds is
25 incredibly aggressive. We have done statistics at

1 other companies that have shown anything greater than
2 120 seconds is where your customer satisfaction starts
3 to dip.

4 So 30 seconds is very fast, which in
5 order for us to achieve that is also an expensive
6 model. So I've expressed that to Staff, but currently
7 that's historically where we've been is just more of
8 an agreement of -- of where we should try to strive
9 for.

10 So we've been striving towards the
11 80 percent at 30 seconds. We met that for six months
12 in a row. We were a little bit higher than that in
13 November just primarily due to holidays, vacations,
14 sick time for our staff. But we continue to strive
15 towards that until we can come into a different
16 agreement around that 80/30.

17 So we continue to measure those and
18 provide them to Staff every month and will -- we will
19 continue to do that.

20 And we continue to share with them call
21 volume stats as well, how many calls are coming into
22 our Customer Contact Centers. We just recently opened
23 the Aurora office for just an assessment of what type
24 of needs do our customers have from more of a walk-in
25 type center, are we not able to serve them through the

1 call centers.

2 We've seen eight customers come in since
3 mid-December when we opened that office. Again,
4 primarily just questions around their bill, setting up
5 payment arrangements, things like that.

6 (Pre-recorded announcement.)

7 JUDGE HATCHER: Thank you, Ms. Walt.
8 This seems like a good opportunity to interrupt the
9 questioning very quickly. Internet has been restored
10 and we are now back onto the WebEx.

11 We are still recording, so I'm going to
12 let this play out for five or ten minutes before I
13 double check to make sure our court reporter has
14 re-joined, but we are still on the record and
15 everything is still being recorded.

16 I just wanted to very quickly interrupt
17 and let everyone know that. I apologize,
18 Commissioner, and Ms. Walt, for the interruption.
19 Please go ahead.

20 COMMISSIONER MITCHELL: No worries.

21 BY COMMISSIONER MITCHELL:

22 Q. Please continue.

23 A. So I -- I believe those are metrics that
24 we will continue to measure. We also measure customer
service satisfaction metrics, so we've measured first

1 call resolution. We ask our customers how they feel
2 about their service levels through after-call surveys.

3 We also look at, you know, is the same
4 phone number coming in multiple times? And so we can
5 actually see if we're achieving first call resolution.
6 We've improved that from 71 percent to
7 79 percent year over year.

8 And our customer satisfaction with
9 our agents, we've seen that raise as well. We were at
10 86 percent customer satisfaction with our agents.

11 So those are all metrics that we provide
12 on a monthly basis to Staff and we'll -- we'll
13 continue to do so.

14 Q. Okay. So as I understand it, the
15 relationship between the Global Stipulation and the
16 Supplemental Stipulation, there are -- there are
17 really two sets of metrics involved here.

18 One, being metrics for billing and
19 customer service, which -- which need to be met before
20 any new rates can go into place. The other metrics
21 revolve around the customer first recovery.

22 So can you elaborate on how those metrics
23 are differentiated in -- and you've already talked
24 about billing metrics, but --

25 A. Uh-huh.

1 Q. -- what about the Customer First metrics?

2 A. Yeah. The way -- the way I think about
3 it is in order for us to get rate recovery, we -- we
4 really need to able to show that we are meeting the
5 service regulations, the laws of the -- the level of
6 service that we're able to provide.

7 That's those billing metrics. They're in
8 Schedule 13. They, you know, are service regulations
9 that we have to meet.

10 As we think about the Customer First
11 metrics, the additional recovery for Customer First,
12 those metrics will be determined by -- in May through
13 additional conversations.

14 At this point we do anticipate that it
15 would be a combination of those billing metrics and
16 also some of these customer service type metrics that
17 I just spoke about.

18 Q. Do -- do you think the Company would
19 object -- or the metrics that will be developed and
20 submitted in May, would -- would there be any
21 objection to those metrics focusing, in part, on
22 customer service improvements?

23 A. For the Customer First --

24 Q. Yes.

25 A. -- metrics?

1 No, we're fully anticipating that --
2 obviously pending additional discussion, but we're --
3 we're very supportive of the additional customer
4 service metrics being included as part of the Customer
5 First recovery.

6 Q. And would -- would the Company, in your
7 view, have any objection to submitting those metrics
8 to the Commission for their review and approval?

9 A. Absolutely not.

10 Q. Okay. So just to be clear, in the
11 supplemental and in the -- and in the -- though not in
12 the non-unanimous, in the supplemental, the new rates
13 would not go into effect until such metrics were met
14 and verified?

15 A. Correct. We will not receive any rate
16 recovery until those six metrics are reviewed, that
17 are the service regulations of the State are met for
18 three consecutive months.

19 And then in addition to that, we will not
20 receive recovery of Customer First until such time
21 that we've established additional metrics that will
22 take place in May. And then we have to achieve those
23 every month and the recovery is spread over a 12-month
24 period. We recover 1/12th of that recovery each month
25 that we make the metrics, as we think about the

1 Customer First. So those metrics have to be sustained
2 over that year period.

3 Q. Okay. And -- and just as a follow-up,
4 do -- do you -- your opinion that just compliance with
5 the Commission rules would ensure adequate service for
6 your customers?

7 A. I view the billing rules that are the six
8 metrics are the laws, those are the ones that we're
9 going to focus on achieving. I believe that's a -- a
10 yardstick that we have to meet. Those are bare
11 minimum standards in order for us to do service for
12 our customers.

13 I do sus- -- expect that we will continue
14 to improve our levels of service for our customers in
15 other ways as well. In addition to these six metrics,
16 we're also looking at other metrics that we provide on
17 a monthly basis to staff; such things as how often are
18 we having to cancel re-bill customers? You know, how
19 often are we having complaints come into the
20 Commission Staff? So those are other metrics that we
21 look at on a regular basis.

22 So we'll -- we'll continue to advance the
23 service levels for our customers. I fully expect us
24 to be serving our customers well. That's what we're
25 here for.

1 Q. And -- and do those things by themselves
2 define adequate service?

3 A. Do they by themselves? I mean, we're --
4 we're required to provide service in multiple
5 different ways. You know, my area is around customer
6 service, but you know, there's reliability standards
7 that we also are focused on, making sure that our
8 infrastructure and all of those things are also in
9 place for our customers. So it's -- it's -- it's
10 actually just one piece of what we're required to do
11 as a utility.

12 Q. I just have one more question for you,
13 Ms. Walt. In the -- in the Global Stipulation and
14 Agreement, there is discussion about arrearage
15 forgiveness. Where does the money for that come from?
16 Is that from shareholders? Is it -- some split with
17 shareholders and customers? How -- how is that
18 funded?

19 A. As I understand it and it's -- might be a
20 better question for my colleague here. But as I
21 understand it, is the 8.5 million dollars would be
22 given to customers who are struggling with their past
23 due balances.

24 As we ask for rate recovery, we do a
25 five-year average for uncollectible expense. And so

1 we'll continue to ask for that recovery over the
2 five-year average as we file future rate cases. So in
3 the future, those dollars would be recovered, but it
4 would be as we file future rate cases. And it would
5 be dependent on what uncollectible expense looks like
6 at that time.

7 Q. Okay. And then is there another witness
8 that you think I should ask the same question?

9 A. Yes. Charlotte Emery is here and you
10 probably could ask her. She might have a more
11 eloquent answer.

12 Q. Okay. Just want to make sure I
13 understand it.

14 A. Yes. For sure.

15 COMMISSIONER MITCHELL: Judge, I don't
16 have any more questions for Ms. Walt.

17 JUDGE HATCHER: Thank you, Commissioner.
18 The Chair has questions.

19 QUESTIONS BY CHAIR HAHN:

20 Q. Good morning, Ms. Walt.

21 A. Good morning.

22 Q. As Commissioner Mitchell highlighted in
23 his questions, you know, we're very interested in
24 customer experience. I think the Supplemental
25 Stipulation did a good job in identifying the billing

1 components of that.

2 And so when we're talking about customer
3 experience and those metrics, I think one of the
4 issues that's continued to sort of come up is the
5 Aurora office.

6 Even in the meantime while this case has
7 been pending, we have received inquiries into our call
8 center regarding the Aurora center, folks not being
9 notified that it's open, not being able to accept
10 payment.

11 And I do understand that, you know, there
12 are additional logistics that have to go with
13 accepting payment. But as part of improving customer
14 experience, I'm really hoping that the metrics that
15 are developed and the Commission may look at in the
16 future could have some measure of, you know, in-person
17 customer experience.

18 Are there -- are you all contemplating
19 additional improvements at the Aurora center or your
20 payment centers or any -- that you could share?

21 A. So we have expanded our -- I will call
22 them third party. So as the customers will go
23 shopping at Wal-Mart, they can make their payment. As
24 they walk into a CVS store, they can make a payment.

25 You know, so looking at options where

1 it's more convenient for them to make a payment versus
2 coming into one of our centers. So that's really what
3 we've been trying to do is create more of a
4 convenience for our customers that actually then is a
5 more cost-effective option for the rest of the
6 customers who aren't, you know, using those walk-in
7 centers.

8 We did understand that you know, our
9 customers have experienced challenges from a billing
10 perspective and some of those challenges can be
11 complex and some of them have been struggling to get
12 answers over the phones.

13 And so that is the primary purpose of why
14 we are reopening Aurora, to just see what is happening
15 out there. Are there still these more complex issues
16 out there that our customers are struggling to get
17 responses?

18 From an industry perspective, we are
19 outside of the norm to continue to have walk-in
20 centers. That isn't really the norm of the industry
21 anymore. I do understand why we have them is because
22 we really struggled with our deployment of our
23 Customer First system and so we really wanted to make
24 sure that we were out there and offering an option for
25 our customers to have an in-person option.

1 But these other opportunities should
2 actually be more convenient for them to go into the
3 Wal-Marts, to go into the CVSs. And as those stores
4 and those footprints grow, we're also growing with
5 them.

6 Our provider has told us that if there's
7 a -- you know, some of these communities are smaller.
8 They might not have a big Wal-Mart there, they might
9 not have a CVS. They're very much willing to work
10 with a smaller, you know, Mom and Pop liquor store or
11 a grocery store that's smaller that's in the area that
12 they will accept payments -- you know, set up an
13 arrangement where we can accept payments from there.

14 And so we're very much wanting to work
15 with our customers, but as you've seen, opening an
16 office is quite an expense to us as a company. And
17 logistically with, you know, having to take -- set up
18 credit cards through a third party and armored cars
19 and all those things for cash is definitely an expense
20 for us as a company.

21 Q. I understand and acknowledge those
22 expenses. I think we're in a place of customer
23 experience where we want to be helpful, but then when
24 the person comes in to get help, we may not be being
25 as helpful as we could be to the customer.

1 And so I really would encourage thinking
2 about trying to expand those -- at least in the short
3 term -- payment options at any in-person center until
4 customer experience improves in the long-term. So
5 I'll be looking forward to looking at those metrics in
6 May.

7 A. Appreciate that. And appreciated your
8 feedback and --

9 Q. Yeah.

10 A. -- that's one of the reasons why we did
11 the Aurora experiment, so that we could really see
12 what the need is out there. So appreciate your
13 feedback.

14 Q. Thank you.

15 JUDGE HATCHER: Thank you, Chair.

16 Are there any other Commissioner
17 questions for Witness Walt? Commissioner Coleman, go
18 ahead.

19 COMMISSIONER COLEMAN: Thank you.

20 QUESTIONS BY COMMISSIONER COLEMAN:

21 Q. Excuse Mis- -- excuse me, Ms. Walt. I
22 may have just been having one of my "senior moments"
23 when you answered the question from Chair Hahn, so I
24 might have missed this.

25 I do know that the number of complaints

1 that we received are still centering around the
2 offices. Did I miss you explaining anything relative
3 to customers being able to pay in the office? Is that
4 the part that Chair Hahn is questioning because of the
5 inability to pay in the offices?

6 A. They can pay in all of our existing
7 walk-in offices. We -- based on some feedback, we
8 actually reopened our Aurora office. It had been
9 closed for five years. We reopened that office as
10 a -- as a bit of an information-gathering experiment.

11 And so we've opened it two days a week
12 and we were offering it for customers to come in who
13 had complex billing challenges. We did not set up all
14 the logistics at that Aurora office in order to take
15 payments at that one office.

16 Because it had been closed for five
17 years, we have already set up our third-party pay
18 arrangements with the Wal-Marts and the CVSs and all
19 of that in the area. And so we felt -- we felt the
20 need was really about ensuring that those customers
21 who had complex issues could have those one-on-one
22 conversations.

23 And so we've reopened the office to allow
24 for those one-on-one conversations. We did not open
25 the office to allow for payments, given the logistics

1 that would need to be necessary, the security. We
2 only have one person there. I wouldn't be able to do
3 that if I have cash there. We'd have to have multiple
4 people there for security for, you know, controls
5 around the cash. We'd have to have armored car.

6 We cannot take credit cards at -- at --
7 our own internal people at Liberty cannot take credit
8 cards, we can't touch credit cards, only a third party
9 can. So we'd have to set up all that.

10 So it would have been a very lengthy time
11 as well to get all of that set up. And we understand
12 the need is -- is now when our customers were
13 experiencing these more challenging issues, so we
14 wanted to get set up very quickly.

15 And so we've set up, we have it opened as
16 we speak. To date, again, we've seen -- well,
17 actually as of the 6th, we had three more customers.
18 So we've seen 11 customers in those offices.

19 We have posted on Facebook, we have it on
20 our website. We are trying to communicate more that
21 the office is available and what it's available for,
22 but do appreciate the feedback around potentially
23 needing to look at, you know, how can we take payments
24 there as well.

25 But again, our thinking was we have these

1 other actually more convenient options for them to
2 make payments, but we'll -- we'll take a look at that.

3 Q. So in Missouri, how many walk-in offices
4 do you have in your service territory, do you know?
5 Down in -- you're in Joplin, I assume?

6 A. Yes. We're in Joplin, absolutely. I do
7 not have that number off the top of my head. I -- I
8 believe it's like -- but Charlotte probably does have
9 that number off the top of her head, so you could ask
10 her that exact number.

11 But yes, we do have staff -- I believe
12 it's five or six, but we can -- we'll get that exact
13 number for you.

14 Q. Thank you very much.

15 COMMISSIONER COLEMAN: Thank you, Judge.

16 JUDGE HATCHER: Thank you, Commissioner.
17 The Judge has just a couple quick questions before we
18 get to cross-examination.

19 QUESTIONS BY JUDGE HATCHER:

20 Q. I would like to confirm in the
21 Supplemental Stipulation there is no recovery, zero,
22 of Customer First until after the metrics are met; is
23 that correct?

24 A. That's correct. There's nothing in the
25 original 97 million dollars that we're going to

1 receive after we consistently receive -- three months
2 of consistent performance of those billing metrics
3 still does not have Customer First recovery.

4 Not until we set up the additional
5 customer service metrics that we've talked about
6 setting up in May. That's when the Customer First
7 recovery kicks in.

8 MR. COOPER: Judge, just so we don't get
9 too confused by that, if it's okay, Ms. Emery probably
10 would be the right person to talk to about -- about
11 those rate issues, because that -- that second step
12 really is a regulatory asset. There's no rate change
13 associated with that until potentially a future rate
14 case.

15 JUDGE HATCHER: Thank you. I appreciate
16 that.

17 BY JUDGE HATCHER:

18 Q. And I did misspeak. That was in the
19 global. And I just wanted to confirm that the
20 supplemental did not modify that.

21 A. That's correct.

22 Q. Okay. My second question is, the metrics
23 that are in the supplemental, did Empire start
24 tracking those on January 1st?

25 A. That's correct.

1 Q. Okay. Thank you.

2 JUDGE HATCHER: We will go to
3 cross-examination. And for the information of the
4 parties, I've made up my own schedule. I -- I tried
5 to look at our procedural order from the evidentiary
6 hearing, could not locate the cross-exam order. And
7 in the couple minutes that we had before we started, I
8 even tried to look it up in the rule.

9 So from my memory, the rule states
10 something that the cross-exam goes by order of, I
11 guess, disagreement with the party of that witness.
12 So for Company witnesses, I have the Commission asking
13 questions; and then MECG; Influent, who is not in
14 attendance; Staff; CCM; and OPC. Does anyone have any
15 objections to that order?

16 Excellent. We'll go with that. So we'll
17 open this up for cross-examination. We'll start with
18 Mr. Opitz.

19 MR. OPITZ: No, thank you, Your Honor.

20 JUDGE HATCHER: Thank you. We'll move to
21 Staff.

22 MR. VANDERGRIFF: Yes, Your Honor.

23 CROSS-EXAMINATION BY MR. VANDERGRIFF:

24 Q. Earlier you were asked about, you know,
25 the Customer Call Centers. And you said that you've

1 only had 11 customers whose visited. My question for
2 you is what time frame were those 11 visitors visiting
3 the call centers?

4 A. I'm sorry. That was just for Aurora.
5 That's just since we opened Aurora. So that was in
6 December when we opened that and that was through
7 January 6th.

8 Q. Have you had more visitors at other
9 locations? Do you have that number?

10 A. I do not have that number --

11 Q. Okay.

12 A. -- but yes.

13 Q. You said that, you know, you decided that
14 the need was now and that you have several venues to
15 pay, Wal-Mart, so on, so forth.

16 Is that a forever plan or is there any
17 plans on having that -- that availability at your --
18 at your call centers to pay in Aurora?

19 A. I would say the current plan was to
20 further expand the third-party network for the
21 convenience of customers to make payments. There
22 was -- there's currently not plans to expand walk-in
23 centers for the -- on the utility property.

24 Q. Moving onto the metrics, there's two
25 different sets of metrics, one in the Non-Unanimous

1 Global Stipulation and Agreement, the other in the
2 Supplemental. You're going to be keeping track of
3 these metrics, but who will decide ultimately when
4 these metrics are met and when you will be allowed
5 to -- to start collection?

6 A. We submit the metrics on a monthly basis
7 to the Commission Staff. And the Staff reviews those
8 metrics and they determine whether we've met the
9 metrics or not.

10 Q. But does Staff actually decide when the
11 rates go in effect or is it another body that does?

12 A. I'm not sure of that.

13 Q. Okay. No further questions.

14 JUDGE HATCHER: Thank you. That will
15 take us to Consumers Council.

16 MR. COFFMAN: Thank you, Your Honor.

17 CROSS-EXAMINATION BY MR. COFFMAN:

18 Q. Good morning, Ms. Walt.

19 A. Good morning.

20 Q. Let me -- let me first ask a question
21 about the arrearage forgiveness part of the original
22 Non-Unanimous Stipulation that you referred to.

23 That is a -- as I understand it, a
24 one-time 8.5 million dollar forgiveness of -- of
25 arrearages. And that -- that's -- and the way that

1 that money would be spent is yet to be determined; is
2 that right?

3 A. That's correct.

4 Q. And is that -- and under the stipulation,
5 it states that the Company will forgive the
6 8.5 million dollars through a targeted relief
7 initiative. And is your understanding that that is
8 something that the Company would absorb and not
9 necessarily the ratepayers, at least as regards as
10 this rate case goes?

11 A. I'll let Charlotte answer that, just to
12 make sure that it's answered appropriately. Just to
13 make sure --

14 Q. That's a question for the rates
15 department?

16 A. That's correct, yes.

17 Q. Okay. Understood. Okay. Well, let me
18 go back to the -- the metrics that are in the
19 Supplemental Stipulation. And those are the ABCDE
20 ones that you went through. And -- or ABCDF.

21 And is it -- would you agree with me that
22 all except for one of those is targeting basic
23 compliance with the rules that are -- that are the
24 Commission's billing rules in Chapter 13?

25 A. That's correct.

1 Q. And I think Commissioner Mitchell was
2 asking what part of that relates to customer service
3 instead of just billing. And I wasn't sure I
4 understood your answer. Is there -- which one of the
5 those ABCDEF metrics do you believe relates to the
6 customer experience or customer service generally?

7 A. I think they all relate to how the
8 customer experiences us, because I think that bill
9 that they receive every month is a reflection of how
10 they -- how we build trust with our customers. They
11 expect an accurate and a timely bill each and every
12 month from us. That's what these metrics look at.

13 What I understood the question to be was
14 specifically about our call center performance or how
15 our customer service agents are handling service for
16 our customers. And that is not reflected in these
17 particular metrics, but we do provide visibility to
18 that to the Staff and to OPC and others on a monthly
19 basis.

20 Q. So you -- and so you mentioned that you
21 are tracking the 30 seconds to answer the phone.

22 A. Correct.

23 Q. And you know what the progress is on
24 that. Is that something that you believe would be
25 appropriately put into a metric that could condition

1 the rate increase?

2 A. As we think about the Customer First or
3 the SAP system, I -- I would anticipate through
4 those -- through that dialogue that that would most
5 likely be -- some level of that will be included in
6 that portion of the agreement.

7 Q. And then you also mentioned that tracking
8 the number of complaints at the Public Service
9 Commission would also be a potential metric?

10 A. I think there's discussions happening --
11 you know, we need to have those discussions. Those
12 metrics have yet to be determined. And I'm very open
13 to the feedback from Staff and others as to what those
14 metrics should be for our customers.

15 But at the end of the day, I'm here to
16 improve service for our customers even outside of
17 these arrangements and so that is something that I do
18 watch and track and make sure that I understand.

19 Q. Is that -- do you track those contacts
20 with the Public Service Commission differently as far
21 as complaints and inquiries or different types -- do
22 you make a distinction between contacts that are
23 complaints and other types of contacts?

24 A. I'm not sure. The report that I see I
25 believe are informal complaints.

1 Q. Okay.

2 A. Informal complaints that come into the --
3 the PUC.

4 Q. Okay. Are there any other metrics that
5 you think might be appropriate and helpful with regard
6 to customer service --

7 A. So the --

8 Q. -- to be considered?

9 A. The metrics that I've spoke about in
10 my -- in my testimony and the ones that I -- I share
11 on a monthly basis can continue to be ones that I
12 watch, which are the first call resolution, customer
13 satisfaction with our agents, you know, cancel
14 re-bills and average speed of answering -- you know,
15 those -- those types of metrics.

16 Q. Is -- is there any sort of data that the
17 utility collects from customers rating their
18 experiences on the phone?

19 A. That it -- that is specifically from the
20 customers. When we say: Are you satisfied with the
21 service from the agent that you spoke to, that is one
22 of the metrics that we measure and monitor. And our
23 customers have said that they are 86 percent satisfied
24 with speaking with that agent, which is an
25 improvement. Ever since August, we've been above

1 80 percent success on that particular metric, and that
2 is actual feedback from our customers.

3 Q. Is -- is that a metric that you've been
4 reporting to the Staff or Public Counsel?

5 A. Yes. Yes, on a monthly basis.

6 Q. What about the idea of tracking customer
7 service based on a third-party entity such as JD Power
8 and Associates? Do you think that could be a metric
9 that would be worth considering?

10 A. I -- I have been exploring that actually
11 with JD Power. Some of you may be aware, we've used
12 JD Power in the past. What I have learned from them
13 is that only two of the utilities within the Liberty's
14 29 separate utilities are actually large enough to be
15 measured against their methods and how they use them.

16 So we -- I'm in talks with them as we
17 speak to figure out how we could use them as a -- as a
18 method for us to do an assessment, but I would say
19 currently the price tag is pretty steep for only two
20 utilities to be able to measure.

21 Q. So JD Power and Associates requires the
22 utility to pay them to be monitored?

23 A. That's correct. A lot.

24 Q. Right. Is there any monitoring that
25 you're aware of that JD Power and Associates does

1 without the utility subscribing or paying for
2 services?

3 A. I have not been able to get any free
4 service from them, no.

5 Q. Okay. Are you -- what -- what services
6 are you currently subscribing to?

7 A. We currently do not have any. We
8 canceled our agreement in March of 2025 with them. So
9 they were doing some assessments up until March of
10 2025.

11 Since then, we have not been using them.
12 And I've just recently been engaging in conversations,
13 like I said, to try to understand what it is they
14 could potentially do for us.

15 Q. What was the reason for the cancellation?

16 A. The price tag.

17 Q. Okay. That's all I have. Thank you.

18 JUDGE HATCHER: Thank you.

19 Mr. Williams.

20 MR. WILSON: Public Counsel stands on its
21 objection and does not intend to waive it by engaging
22 in cross.

23 JUDGE HATCHER: Okay. Redirect from the
24 Company.

25 MR. COOPER: Thank you, Your Honor.

1 REDIRECT EXAMINATION BY MR. COOPER:

2 Q. Ms. Walt, and you may have said this in
3 response to -- to Mr. Coffman's questions, but would
4 you describe the metrics in the Supplemental
5 Stipulation as being focused on correct and timely
6 billing?

7 A. Yes.

8 Q. And do you believe that that's a part of
9 good customer service?

10 A. Absolutely.

11 Q. Is there any benefit to the call center
12 and its ability to respond to the customer interaction
13 and complaints from a reduction -- or an improvement
14 of billing accuracy and timeliness?

15 A. Sorry. Say that again.

16 Q. Well, I'm -- I guess -- I'm trying to get
17 around to the i- -- to the question of whether the
18 things you have done so far, whether the metrics show
19 that the complaints that you've received have reduced
20 over the course -- or did reduce over the course of
21 2025?

22 A. Yes. We've seen a significant reduction
23 in complaints through 2025. We see less than
24 20 complaints coming in now. I think for the month of
25 December only four or five complaints, versus a peak

1 of over 100 complaints earlier in 2025.

2 Q. And earlier when you testified in the
3 primary evidentiary hearing here, I think you talked a
4 little bit about you did take time to review comments
5 that were provided in the local public hearings,
6 correct?

7 A. Yes. And I attended the public hearings
8 as well.

9 Q. And did you hear a lot of complaints at
10 those hearings about billing accuracy and timeliness?

11 A. I did.

12 Q. That's all the questions I have.

13 MR. COOPER: Thank you, Your Honor.

14 JUDGE HATCHER: Thank you, Mr. Cooper.

15 Ms. Walt, you are excused from the
16 witness stand.

17 The next witness will be Charlotte Emery,
18 please.

19 (Witness sworn.)

20 JUDGE HATCHER: Thank you.

21 And I didn't ask the previous witness,
22 but her name was spelled A-m-y W-a-l-t.

23 Would you please spell your name for our
24 court reporter?

25 MS. EMERY: Yes. It's Charlotte,

1 C-h-a-r-l-o-t-t-e, and it's Emery, E-m-e-r-y.

2 JUDGE HATCHER: Thank you. And we will
3 begin with Commissioner questions. Chair Hahn.

4 QUESTIONS BY CHAIR HAHN:

5 Q. Yeah. Just to follow up on a couple
6 things we talked about already.

7 Customer First recovery. As mentioned
8 earlier, this -- is it your understanding that in this
9 case, there is no recovery for Customer First until a
10 future rate case; and in a future rate case, if
11 metrics are met by month, it offers the potential,
12 though not guaranteed, option for recovery? Something
13 for the Commission to consider in a future rate case,
14 not in this one; is that right?

15 A. That is an accurate understanding. This
16 97 million does not include any dollars associated
17 with Customer First.

18 And if you look at that first Global
19 Settlement, it pulls out roughly 20 million I believe
20 that's associated with C-1. And the only portion that
21 will be allowed, if we meet and when we meet the
22 metrics, is that -- related to the 13 million.

23 The six million is forever gone.

24 We're -- the company is going to forego ever being
25 able to recover those expenses associated with

1 Customer First.

2 However, if and when we determine those
3 metrics and we meet them on a monthly basis, we would
4 record that in a regulatory asset and that regulatory
5 asset would be brought forth in a future rate case
6 proceeding.

7 And at that time, that is when the
8 Commission, the Staff, all parties would get an
9 opportunity to evaluate whether it would be
10 appropriate to include that balance in customer rates
11 at that time.

12 Q. Thank you. The Customer First metrics,
13 the Global Stipulation says that the parties -- I'm
14 assuming that's the parties to the stipulation -- come
15 up with the metrics; is that correct?

16 A. That is the company's understanding, yes.

17 Q. So it's only the parties that are
18 signatories to the stipulation determine those
19 metrics?

20 A. It is -- that is the Company's
21 understanding. Of course, it is up to the --
22 ultimately up to the Commission to approve whether or
23 not those metrics are satisfactory.

24 Q. Yeah, thank you for that clarification.

25 Okay. Can you describe generally the

1 phase-in of rates?

2 A. Sure. So the phase-in is essentially a
3 third a year of the 97 million is how it's
4 contemplated.

5 And so that first year, customer
6 rates -- we would file tariffs that would increase
7 rates by essentially a third, roughly 32 million, I
8 believe. And then those rates would stay into effect
9 for one year.

10 And then the next year, we would have an
11 additional third added on to that. So then customers
12 would be at that point paying two-thirds of the
13 97 million. And then that third and final year is
14 when rates would fully reflect the 97 million.

15 And then the -- the deferral that's
16 happening -- because that first year if you're only
17 collecting from customers one-third, the two-thirds is
18 getting hung up in a deferred regulatory account that
19 will be brought forth in a subsequent -- subsequent
20 rate case.

21 So for -- from the -- the effective date
22 of the rates in this case until the Commission changes
23 rates again, they would not be recovering above the 97
24 million.

25 Q. Okay. And with any of those deferrals,

1 with the -- are there carrying costs associated with
2 that?

3 A. No. It's zero percent.

4 Q. Okay. Earlier, Commissioner Mitchell
5 asked about the customer forgiveness program, the
6 8.5 million.

7 A. Uh-huh.

8 Q. I think I might have asked before, but I
9 want to ask for updated information. So I think the
10 last time, if I recall, 8.5 million was going to be
11 all shareholder dollars, but there was about a
12 15 million dollar overall customer arrearage.

13 Is the 15 million dollar overall
14 arrearage, is that current or what's the current
15 overall arrearage?

16 A. I don't have the current overall
17 arrearage. At that point in time, that was -- when we
18 spoke in October, I believe that was the arrearage at
19 that time. So it could have grown. I -- I can't
20 speak to what the balance is today. But I can
21 speak -- provide a little bit more clarity on the
22 8.5 million.

23 Q. Great.

24 A. I -- I testified in October that that
25 8.5 million would be shareholder supported. And so

1 how it would be brought forth in a rate case, it would
2 be a subsequent rate case. Depending on how the
3 accounting team records it, whether they record that
4 8.5 million below the line or above the line.

5 And so in the world of -- of accounting,
6 if it's above the line, for rate-making purposes, I
7 would need to remove that so it doesn't get reflected
8 in customer rates going forward.

9 But if it's recorded below the line, then
10 no adjustment's needed inside of a revenue requirement
11 because below the line accounts are not included in a
12 revenue requirement calculation.

13 I may have -- I -- I may have spoke a
14 little bit too much accounting like, so apologies.

15 Q. I do struggle.

16 So I think now my question is, it could
17 potentially come before the Commission in a -- it
18 won't come --

19 A. It should not -- not as far as be- -- we
20 would -- if it's recorded above the line, I would have
21 to make -- the Company would make an adjustment to
22 remove it from its revenue requirement calculation.
23 So then it should not actually be requested to be
24 included in rates that would come before the
25 Commission for -- for approval.

1 Q. Okay. I just want to make sure that
2 what -- however it's recorded, it would not come
3 before the Commission to be considered in a future
4 rate case?

5 A. Yes. I will, on the record, indicate
6 that that is not an item that should be recovered from
7 customers in their rates.

8 Q. Thank you.

9 A. You're welcome.

10 JUDGE HATCHER: Any other Commissioner
11 questions? Go ahead, Commissioner.

12 QUESTIONS BY COMMISSIONER KOLKMEYER:

13 Q. Good morning.

14 A. Good morning.

15 Q. Okay. Of this 97 million, how does that
16 adjustment -- does that affect the fuel surcharge at
17 all?

18 A. It do- -- in essence, it does because the
19 fuel cost as part of the settlement has -- I think
20 it's thirteen-ninety-seven is the new FAC base rate.
21 So that's -- you know, 97 million includes fuel.

22 So we do -- we have modified when those
23 rates -- the 97, once that's actually met the criteria
24 of those three months of the billing metrics, the FAC
25 will be adjusted to reflect a FAC base amount of

1 \$13.97.

2 Q. Okay. Thank you. I -- you answered --
3 or between the Chair and you, you answered several of
4 my questions that I had.

5 But I also want to go back to the Staff's
6 question a while ago about who's going to make that
7 determination and then that determination then goes on
8 the books. It doesn't go into rates, correct? Is
9 that the way I understood it?

10 A. So the determination of whether or not --

11 Q. The metrics have been met for a month and
12 then the Staff's going to approve or not approve,
13 disallow it and then it goes on the books. You don't
14 immediately then get to charge that. Is that the --
15 what -- is that the way I'm understanding it?

16 A. So -- so to go back to how I understood
17 the conversation with Staff in respect to who's making
18 the ultimate decision, we are providing -- the
19 stipulation requires that we provide on a monthly
20 basis by the 15th our metrics and support for that.

21 And then we also agree to fully cooperate
22 with Staff in giving them the evidence to make sure
23 that they are comfortable with if we've satisfied it.

24 But ultimately at the end of the day,
25 that comes back to the Commission. The Staff will

1 give their recommendation that it -- from their work,
2 their evaluation of it, it appears that the Company
3 has met the metrics.

4 But ultimately the authority to change
5 rates lies within the Commission, not within the
6 Staff's determination of whether or not we've met
7 that -- those metrics.

8 However, please -- please know that that
9 first -- let's hypothetically say that we actually
10 meet the first -- first month's metrics. There isn't
11 anything financially happening; nothing. And second
12 month, we meet it; nothing happens financially for the
13 Company or for the customers. Rates are staying the
14 same. The Company is still not able to change its
15 rates. So it's only charging customers the tariffs
16 that were actually authorized from the '21 case.

17 That third month, if it's met, we
18 actually still don't record anything. We don't change
19 anything on our financials until those new rates take
20 effect by the Commission order.

21 Q. Okay. Okay.

22 A. Hope that helps.

23 Q. Yes, it does.

24 A. Okay.

25 Q. Yes, it does. Because I was wondering if

1 it would go into effect if the Staff said -- you know.

2 A. No. It -- it requires the approval from
3 the Commission.

4 Q. Yes, thank you.

5 A. You're welcome.

6 JUDGE HATCHER: Thank you.

7 Commissioner Mitchell.

8 QUESTIONS BY COMMISSIONER MITCHELL:

9 Q. In the determination of the three months,
10 they're three consecutive months, correct?

11 A. Correct.

12 Q. So if you miss a month, it sort of
13 becomes a rolling three months?

14 A. Yeah. The clock restarts if we miss a
15 month.

16 Q. Okay. I had just one other question for
17 you. And -- and if you're not the appropriate witness
18 for it, let me know and -- and -- but the Global
19 Stipulation refers to an external audit -- engaging an
20 independent auditor to conduct external audits to
21 include, but not be limited to customer billing
22 accuracy, timeliness, customer service and
23 satisfaction levels across all channels.

24 What is the purpose of that audit and how
25 does it relate to determining whether the metrics have

1 been met? Or -- or does it relate to it at all?

2 A. I think indirectly it could relate to --
3 to the metrics, but the purpose of -- of that
4 paragraph inside the settlement was to -- to come in
5 and make sure that we're actually looking and
6 measuring things correctly.

7 As we have discovered throughout the --
8 the pendency of this case, the investigation and
9 several other ways, there's a significant amount of
10 data now in SAP, our -- our new software.

11 And if you aren't using the right
12 criteria, like the fields, you might pull in something
13 and it may distort the data at the end of it because
14 you pulled in a -- an account instead of a customer --
15 a customer account level, you're doing it at the
16 parent level instead of at the customer level.

17 So what we were evaluating or considering
18 with the purpose of that is to go in and make sure all
19 the definitions that we're using to measure stuff is
20 right.

21 And then on top of that, we just wanted
22 to make sure that they're going to go in and look to
23 make sure that we're in compliance with all the rules,
24 regulations, tariffs. Just have a third pers- --
25 party come in and independently evaluate that for us

1 and -- and help us see if there was something that,
2 you know, we could be doing better along the way to
3 improve this customer satisfaction at the end of the
4 day.

5 Q. So I'm trying to resolve in my mind
6 whether -- if that audit should determine that the
7 metrics weren't met prior, is there a backward look to
8 correct that?

9 A. I don't believe it was contemplated to go
10 backwards and look at that. Of course, the metrics,
11 we just developed that since the discussion in
12 November. So I don't -- I think it would be
13 inappropriate to say it was designed to do that
14 because we didn't design the metrics until the
15 December-ish time frame.

16 But I will say that the metrics that
17 we -- we have agreed to inside of the -- the
18 Supplemental Settlement, those are -- are metrics that
19 Staff -- you know, they're very qualified in being
20 able to determine whether or not the company has met
21 those.

22 Those are Chapter 13 rules and
23 regulations. Staff has numerous years and experience
24 in being able to determine what's -- if a Company is
25 meeting those requirements or not.

1 Q. But at the end of the day, they rely on
2 the Company's data to make that determination and the
3 audit will then collect that data?

4 A. They abs- -- yeah, they absolutely rely
5 on the data. They do a very thorough audit on the
6 data and they ask questions. And that's why, you
7 know, there -- they see discrepancies at times.

8 And that's why we end up having to -- to
9 dig into the data a little bit more along the way
10 and -- and figure out, hey, did we pull in the wrong
11 field because this other data point that we provided
12 to Staff looks a little different.

13 So it -- Staff does a very good audit on
14 it to make sure that what we're providing at the end
15 of the day is -- is satisfactory.

16 Q. Thank you.

17 A. You're welcome.

18 JUDGE HATCHER: Thank you, Commissioner.
19 Are there any other Commission questions for
20 Ms. Emery?

21 Hearing none, we will start with our
22 cross-examination and we will go first to MECG. And I
23 note the attendance of Renew Missouri, and I left you
24 off of my cross-exam list. Ms. Mers, would you please
25 state your name for the record as representative of

1 Renew Missouri?

2 MS. MERS: Sure. It's Nicole Mers with
3 Renew Missouri. And my information is in the record.
4 And it is okay that you missed me because I have no
5 questions. Thank you.

6 JUDGE HATCHER: Thank you, ma'am. I
7 appreciate that. Let's move to Staff.

8 CROSS-EXAMINATION BY MR. VANDERGRIFF:

9 Q. You were asked about internal audits from
10 the Commission. And you stated that Staff is a -- is
11 a good party to do that audit.

12 What complications or issues do you have
13 with -- what's the time frame for -- sorry if this is
14 compound -- for using a internal audit as opposed to
15 Staff?

16 A. I believe that that particular portion of
17 the Stipulation -- I could pull it up here, but I
18 think it indicates that it was the external audit.
19 And it would be done within a year of -- of the rates
20 being effective.

21 Q. So --

22 A. My -- sorry. I -- I would elaborate that
23 it -- it's using -- we're going to do an RFP process,
24 use the help of the -- the other signees on the
25 settlement agreement to make sure that the scope of

1 the work and scope of that audit is appropriate.

2 Q. So is it fair to say that if you did have
3 to use an external audit, then that would mean that
4 you wouldn't be able to collect on anything until
5 after a year?

6 A. So I -- I was saying that I don't -- I do
7 not believe that the intention of that paragraph was
8 to guide the metrics associated with the three
9 consecutive months or the metrics that's -- that's
10 held in the supplemental.

11 Because that -- that part of the
12 paragraph or that paragraph was contained within the
13 original -- original agreement, which was formed in
14 October. The supplemental metrics came in in -- after
15 the discussion in November.

16 I don't believe there was any intention
17 for a -- for that particular paragraph stipulation to
18 govern the supplemental. However, I do think that
19 there -- there was some discussion that perhaps
20 depending on the timing, they could look at the -- the
21 metrics associated with the Customer First, which was
22 designed to come in in May of 2026.

23 Q. Thank you. No further questions.

24 A. You're welcome.

25 JUDGE HATCHER: Thank you,

1 Mr. Vandergriff.

2 Next on my list, Consumers Council.

3 MR. COFFMAN: No questions. I think my
4 questions have been asked. Thanks.

5 JUDGE HATCHER: Thank you, Mr. Coffman.
6 I appreciate that.

7 And, Mr. Williams.

8 MR. WILLIAMS: Stand on our objection.

9 JUDGE HATCHER: Thank you, Mr. Williams.
10 Ms. Emery -- redirect from the Company.

11 MR. COOPER: Thank you, Your Honor.

12 REDIRECT EXAMINATION BY MR. COOPER:

13 Q. Real quickly and not to be too
14 repetitive, but just so that we're all on the same
15 sheet of music in terms of the metrics. We really
16 have been talking about two sets of metrics, correct?

17 A. Correct.

18 Q. And the first set there included -- or
19 that will be applied first that are included in the
20 Supplemental Stipulation apply to Empire getting a
21 rate -- a rate increase, correct?

22 A. Yes.

23 Q. And separately -- and -- and you
24 described that rate increase and the phase-in and all
25 those aspects of it, correct?

1 A. Yes.

2 Q. Okay. And then there's a second set of
3 metrics yet to be determined that were originally
4 described at a high level in the base Stipulation --
5 or the original Non-Unanimous Global Stipulation,
6 correct?

7 A. Yes.

8 Q. And it's those metrics -- the consequence
9 of achieving those metrics are the potential for
10 recording some dollars into a regulatory asset,
11 correct?

12 A. Yes, yeah.

13 Q. And -- and that's the -- one of the
14 potential regulatory assets that could be considered
15 in the next rate case that you discussed with -- with
16 Chair Hahn, correct?

17 A. Correct.

18 Q. Okay. Do you have the base stipulation
19 with you?

20 A. I do. Let me get it pulled up here.
21 Okay.

22 Q. And if you would turn to page six and
23 paragraph 19?

24 A. Okay.

25 Q. And that's -- would you agree that's the

1 external audits paragraph that was being discussed
2 recently in your testimony?

3 A. Yes.

4 Q. Okay. And if you would look down to the
5 third line of that paragraph, there's a sentence that
6 says: The primary goal. Would you read that
7 sentence?

8 A. Sure. The primary goal of these audits
9 is to evaluate Liberty's current policies and
10 performance against industry standards and peer
11 utility benchmarks with the intent of identifying
12 opportunities for improvement and establishing
13 measurable criteria for future success.

14 Q. And the sentence after that establishes
15 the time frame for that audit, correct? What's the
16 time frame?

17 A. Yep. The audits will be completed within
18 one year from the effective date of new rates
19 established in this proceeding.

20 Q. Okay.

21 MR. COOPER: That's all the questions
22 that I have, Your Honor.

23 JUDGE HATCHER: Thank you, Mr. Cooper.

24 Before we excuse our witness, we do have
25 one more question from the Chair. That does mean that

1 we will go back through cross-examination and
2 redirect. Chair Hahn.

3 FURTHER QUESTIONS BY CHAIR HAHN:

4 Q. Sorry. I'm back on the arrearage
5 forgiveness program. Absent this Stipulation and
6 Agreement, would that arrearage forgiveness program
7 exist?

8 A. No.

9 Q. Follow-up. If this stipulation is
10 adopted, when would that arrearage forgiveness program
11 be made available to customers?

12 A. So inside of the -- this settlement term,
13 it indicates that we would need to work with the
14 parties to -- to determine how to apply it. You know,
15 there's -- at the end of the day, we have the
16 8.5 million, but there's -- there's different views
17 among the parties on how that should -- which
18 customers -- how to let that benefit. So we'll start
19 working with the parties on that.

20 However, I would say the 8.5 million
21 going out the door and being applied to customer
22 accounts will align with the effective date of rates.
23 So the -- when the 97 million comes in, that that's
24 when the 8.5 million would essentially be owed to
25 apply to customer accounts. To me, it -- it aligns

1 with the matching principle and that 97 million aligns
2 with the eight million on that.

3 So said another way, if the Company meets
4 all three months -- so we meet it in January, meet it
5 in February and meet it in March, during those time
6 frames -- during that time we need to be working with
7 the parties to determine what that forgiveness program
8 actually looks like.

9 And then in a perfect world, let's say
10 we -- we sign off, we give all the documentation to
11 Staff by April 15th of -- for March's data. And then,
12 you know, administratively it -- let's just say it
13 takes a couple of weeks to do what they need to do, so
14 then they get to the end of April. They give their
15 recommendation to the Commission that hey, it looks
16 like the Company has met all the criteria.

17 You all agree with that and let's say you
18 issue an order in April to make those new rates
19 effective. That's when we would go out and apply --
20 if -- if the parties had -- had fully reached an
21 agreement on how the 8.5 million should be sent out or
22 applied to customer accounts, that's when we would do
23 that at that point in time.

24 Q. So if you don't meet the metrics, when
25 would you plan to apply the program?

1 A. If we never meet the metrics?

2 Q. Or on the timeline you described. Maybe
3 it takes longer. When would the customer arrearage
4 program be available?

5 A. Again, I -- I believe that it is when the
6 effective date -- that -- that is how -- we haven't
7 actually discussed it, so this is just Charlotte's --
8 Charlotte's opinion.

9 We can certainly work with the parties,
10 work with the Commission on -- on the timing of it.
11 But in my head, it was -- it goes with the matching of
12 the 97 million. So when the Company has rates
13 designed to collect 97 million, even if it's phased
14 over three years, that's when the obligation to pay
15 that out and put that on customer bills or apply it to
16 their accounts would occur.

17 Q. I'm glad you stated that, because that's
18 not the way I had contemplated it or thought that it
19 might work.

20 A. That particular paragraph is silent in
21 regards to the effective date. If you look throughout
22 many portions of the paragraphs and stipulated items,
23 it -- it -- many other areas say like effective -- a
24 year from the effective date of rates or -- but that
25 particular item is silent.

1 I suspect -- I -- well, not suspect. I
2 know that sitting here today was not contemplated when
3 we put that stipulation together in that particular
4 term.

5 Generally speaking, if it -- if the
6 settlement would have been approved without the
7 additional supplemental and the rates would have went
8 into effect, it would have just been effective at the
9 date of the Commission order as well.

10 This is a unique situation in the fact
11 that we have a settlement term that isn't -- it's
12 silent in regards to it. So frankly, at the end of
13 the day, I -- I suppose it -- it is ultimately up to
14 the Commission. If you wanted to order us to be --
15 that that becomes effective at the effective date of
16 the order, it could be.

17 Q. I'm contemplating that it could be
18 applied prior to performance metrics being met. It's
19 apparent that customers have significant arrearage
20 now, potentially as a result of billing discrepancies.

21 A. Uh-huh.

22 Q. And so I think that the Commission will
23 just need to contemplate how that program is applied.
24 Thank you.

25 A. You're welcome.

1 JUDGE HATCHER: Any other Commissioner
2 questions for Ms. Emery?

3 Hearing none, we will go back through our
4 cross-examination list. We will start first with
5 MECG.

6 MR. OPITZ: No, thank you, Your Honor.

7 JUDGE HATCHER: Renew Missouri. Staff.

8 MR. VANDERGRIFF: No, thank you, Your
9 Honor.

10 JUDGE HATCHER: CCM.

11 MR. COFFMAN: Yes, thank you, Your Honor.

12 CROSS-EXAMINATION BY MR. COFFMAN:

13 Q. I just want to make sure that we're on
14 the same page on this arrearage forgiveness, you know,
15 paragraph 28 of the original base stipulation. And as
16 the Company's stipulation here, which is now a
17 position statement, the wording is -- the first
18 sentence is: The Company will forgive 8.5 million in
19 customer arrears through a targeted relief initiative.

20 I don't see anything in that paragraph
21 that conditions that on any particular revenue
22 requirement being phased in; is that right?

23 A. Yes. That's -- that's what I indicated.

24 Q. Okay. And so even though there might
25 have been a different contemplation, there's nothing

1 in either the first stipulation or the supplemental
2 stipulation that conditions that. Am I --

3 A. Correct.

4 Q. Okay. Thank you.

5 JUDGE HATCHER: Thank you, Mr. Coffman.
6 And Office of Public Counsel.

7 MR. WILLIAMS: Stand on our objections.

8 JUDGE HATCHER: Thank you, Mr. Williams.

9 And redirect.

10 MR. COOPER: No further redirect. Thank
11 you, Your Honor.

12 JUDGE HATCHER: Thank you. Ms. Emery,
13 you are excused from our witness stand.

14 The Commission would like to now turn to
15 Staff witnesses. The Commission would like to call up
16 Mr. Tyrone Thomason.

17 And while Mr. Thomason makes his way to
18 the witness stand, I just wanted to remind everyone in
19 the room and listening online, we will be
20 adjourning -- I'm sorry, we will be recessing at about
21 10:40, assuming we do not get through all of the
22 witnesses in that time. And that is to make time for
23 agenda and then we have a rulemaking hearing. We will
24 likely adjourn to one o'clock. I am sorry for the
25 delay.

1 Mr. Thomason, please raise your right
2 hand.

3 (Witness sworn.)

4 JUDGE HATCHER: Please have a seat and
5 state and spell your name for the record.

6 THE WITNESS: My name is Tyrone Thomason,
7 T-y-r-o-n-e T-h-o-m-a-s-o-n.

8 JUDGE HATCHER: Thank you, sir.

9 And are there any Commissioner questions
10 for Mr. Thomason?

11 COMMISSIONER COLEMAN: May I ask one?

12 JUDGE HATCHER: Commissioner Coleman, go
13 ahead.

14 COMMISSIONER COLEMAN: Since he's gone
15 through the trouble of getting sworn in.

16 QUESTIONS BY COMMISSIONER COLEMAN:

17 Q. So good morning.

18 A. Good morning.

19 Q. You've heard the testimony this morning
20 from Ms. Lalt -- excuse me, I got to go back and make
21 sure I say her name right -- Walt and Ms. Emery. And
22 they were asked about the billing questions and
23 customer service metrics that must be met before
24 Empire can get anything and then another metric for
25 Customer First.

1 Can you give me your perspective on
2 what's been said about these metrics or your opinion?

3 A. To be specific, just Staff's opinion on
4 how the metrics were designed or how this is going to
5 work.

6 Q. How it's going to work.

7 A. Okay. So Staff chose these six metrics
8 because during the course of the -- well, some of the
9 metrics -- some of these issues are discussed in
10 testimony in this case. A few of these issues are
11 issues that were covered over the course of the
12 investigation. They're essentially rule and tariff
13 violations that Staff has found that occurred more or
14 less continuously since April of 2024.

15 And so our thought was that if we can
16 provide metrics that have the Company, like, fix these
17 issues, then that would show improvement from the
18 starting point of April 2024. So that is what -- for
19 the -- just for the 97 million, that is what we're
20 doing for just the rule -- the rule violations.

21 This will not cover all of the other
22 customer service issues, many of which you will find
23 in my testimony in this case. Those will be covered
24 in the Customer First asset metrics that will be
25 developed by the end of May of 2025 -- 2026, sorry.

1 Q. In your opinion, what happens if the
2 customer service metrics are not met? What are our
3 options?

4 A. For the 97 million?

5 Q. Yes.

6 A. The Company -- my understanding is they
7 don't receive the 97 million increase unless they're
8 met for three consecutive months.

9 Q. I'm sorry. Say that again. I couldn't
10 hear you very well.

11 A. My -- my understanding is that they would
12 not receive their revenue requirement increase if they
13 do not meet those metrics for three consecutive
14 months.

15 Q. Okay.

16 A. And I can add onto that, that Staff's
17 intention is to roll in these metrics into the
18 Customer First metrics as well. So compliance won't
19 be just for the three months. It will be going
20 forward as well.

21 Q. Okay. Thank you.

22 COMMISSIONER COLEMAN: Thank you, Judge.

23 JUDGE HATCHER: Thank you, Commissioner.

24 Are there any other Commissioner
25 questions for Mr. Thomason? Commissioner Kolkmeyer,

1 go ahead.

2 COMMISSIONER KOLKMEYER: Yes, thank you,
3 Judge.

4 QUESTIONS BY COMMISSIONER KOLKMEYER:

5 Q. Good morning, Mr. Thomason. For the most
6 part, have you agreed with the procedures that the two
7 customer -- Company witnesses have set forth? Have
8 you agreed with that process? I don't want you to go
9 back over it, but have you agreed with what they have
10 said?

11 A. Yes.

12 Q. Okay. Thank you.

13 JUDGE HATCHER: Thank you, Commissioner.
14 Any other Commission questions for Mr. Thomason?

15 We will go to cross-examination. Let me
16 check my list. For Staff witnesses, the order I have
17 written down is Empire, MECG, Renew, CCM and OPC. So
18 we will turn first to the Company.

19 MR. COOPER: No questions, Your Honor.

20 JUDGE HATCHER: Mr. Opitz, Ms. Mers.
21 Consumers Council.

22 MR. COFFMAN: Thank you, Your Honor.

23 CROSS-EXAMINATION BY MR. COFFMAN:

24 Q. Good morning, Mr. Thomason.

25 A. Good morning.

1 Q. I want to -- first, I want to clarify
2 that I heard you correctly earlier. You were -- you
3 were talking about the metrics relating to Customer
4 First. And I think you said something about how you
5 expected those metrics to go forward into the future?

6 A. Yes.

7 Q. Could you explain what you meant by that?

8 A. So the six metrics that we have here in
9 the Supplemental Stipulation, Staff's intention is
10 that when we do the Customer First assets, the ones --
11 Customer First metrics, those metrics that will be
12 developed by the end of May --

13 Q. Uh-huh.

14 A. -- it will be these six metrics with
15 additional metrics, the customer service metrics.

16 Q. Okay. So you -- so you're saying that
17 you would anticipate that the -- the -- that the
18 Supplemental Stipulation metrics that are proposed as
19 a condition to any rate increase going in effect would
20 also -- would then also be part of the Customer First
21 metrics?

22 A. Yes.

23 Q. Okay. All right. I understand. And let
24 me ask you about the Staff investigation into
25 Liberty's -- the -- the separate case that the -- that

1 I believe you're involved with?

2 A. Yes, I am.

3 Q. And the -- when we were here for the
4 regular hearing, you said that you were expecting a
5 report by December 31st and that the delay up until
6 then had been because new issues kept resurfacing and
7 the scope --

8 MR. COOPER: Judge, before we finish this
9 question -- I'm sorry, Mr. Coffman -- I'm going to
10 make an objection just because I think this is beyond
11 the Commission questions that were asked of
12 Mr. Thomason.

13 JUDGE HATCHER: Mr. Coffman?

14 MR. COFFMAN: Well, I think they're
15 pretty relevant. They're just about the -- about
16 billing issues and -- and, you know, what's -- you
17 know, issues that we think aren't -- aren't
18 sufficiently included in the current metrics.

19 JUDGE HATCHER: This has been a pretty
20 convoluted -- convoluted case and this on-the-record
21 has been scheduled rather late in the process. So
22 I'm -- I'm willing to -- to give Consumers Council a
23 little latitude. Go ahead.

24 BY MR. COFFMAN:

25 Q. Okay. Anyway, regardless of what the

1 reason for the delay to December 31st, there -- you
2 asked for another delay -- the Staff asked for another
3 delay and the Commission granted it until February,
4 right? So those of us that are parties to this case
5 will not have the benefit of that report until after a
6 rate case decision is made in this rate case, right?

7 A. That's most likely, yes.

8 Q. Well, first of all, what is the -- what
9 was the reason for -- that Staff requested another
10 delay in that report?

11 A. I believe in the motion for the status
12 report, the reasons were continued discovery and press
13 of business.

14 Q. Okay. Are there any billing issues that
15 you've seen in the investigation thus far that would
16 be relevant --

17 JUDGE HATCHER: I'm -- I'm sorry.
18 Mr. Coffman, I misunderstood. I thought you had asked
19 about heat rates, which is paragraph 42 of the Global
20 Stipulation. I did not --

21 MR. COFFMAN: No, Your Honor.

22 JUDGE HATCHER: -- understand that you
23 intended to ask about a separate case.

24 MR. COFFMAN: Well, it was a case about
25 the very topic we're here discussing, the -- the

1 billing issues of this utility. And I mean the
2 witness --

3 JUDGE HATCHER: How many more questions
4 do you have, Mr. Coffman?

5 MR. COFFMAN: Just -- I don't know. A
6 couple, depending on the answers I get. And let me
7 say the question that I want to ask is, are there
8 other issues that have popped up in the investigation
9 that Staff has made that are not being addressed in
10 either of these stipulations?

11 JUDGE HATCHER: Mr. Coffman, on its face,
12 that does not seem like an appropriate question to me.
13 Do you have another question?

14 MR. COFFMAN: No, that's -- that's what I
15 had.

16 JUDGE HATCHER: Okay. Thank you.

17 MR. COFFMAN: I understand. Thank you.

18 JUDGE HATCHER: Public Counsel,
19 Mr. Williams.

20 MR. WILLIAMS: Public Counsel stands on
21 its objection.

22 JUDGE HATCHER: Thank you, sir. And we
23 will go back to redirect.

24 REDIRECT EXAMINATION BY MR. VANDERGRIFF:

25 Q. Good morning, Mr. Thomason. You were

1 asked earlier do you agree with the positions that the
2 Company witnesses had, you know, portrayed before the
3 Commission before. I want to turn back to the
4 question regarding who will agree on -- on the
5 metrics.

6 Do you have the -- the Original
7 Non-Unanimous Global Stipulation and -- and Agreement
8 available to you?

9 A. Yes, I do.

10 Q. If you turn to page two, paragraph six,
11 would you mind reading the first sentence in -- in
12 that section, in that paragraph?

13 A. It says: The parties will confer on the
14 appropriate and reasonably achievable monthly
15 normalized performance metrics and targets in a
16 separate investigation and reach agreement by
17 May 31st, 2026.

18 Q. Do you agree -- or do you find anything
19 in that sentence that limits the approval process to
20 the signatories? Or does it include all parties,
21 including parties like the OPC and Consumers Council?
22 I'll rephrase it.

23 Will the OPC and Consumer Council be
24 involved with conferring on the appropriate and
25 reasonably achievable monthly normalized performance

1 metrics and targets?

2 A. I'm not aware of anything in the -- in
3 this agreement that would say otherwise.

4 Q. And are we still, the parties, working on
5 the new conditions to be met for Customer First or --
6 or has that been established?

7 A. Those discussions have not started yet.

8 MR. VANDERGRIFF: No further questions.

9 JUDGE HATCHER: Thank you.

10 And thank you, Mr. Thomason. You are
11 excused from the witness stand.

12 Commissioners, we have one more witness
13 that I have on my list. We are up against our time to
14 try and get in activities of the Commissioners and
15 then agenda at 11:00. Would the Commissioners like to
16 go ahead and call one witness or would the
17 Commissioners prefer to recess until one o'clock?

18 (Discussion held off the record.)

19 JUDGE HATCHER: Okay. We have a
20 decision. We will recess in just a minute and we will
21 come back at 11:30. I previously had mentioned
22 one o'clock. That is incorrect. 11:30. I have it on
23 good advice that agenda will be relatively short today
24 and so we are coming back at 11:30.

25 Any questions before I bang the gravel

1 and we go into recess? Excellent. We are at recess.

2 (Recess was held.)

3 JUDGE HATCHER: All right. Let's go back
4 on the record. We have had a complicated morning. We
5 have had our internet go out, we have reestablished
6 our internet connection and our WebEx.

7 We are continuing the on-the-record
8 evidentiary proceeding in Case Number ER-2024-0261.
9 This is the general rate increase request of the
10 Empire District Electric Company, doing business as
11 Liberty.

12 Commission will call this next witness,
13 Ms. Kim Bolin, please.

14 (Witness sworn.)

15 JUDGE HATCHER: Thank you. Please state
16 and spell your name for the record.

17 THE WITNESS: My name is Kimberly Bolin,
18 and Bolin is spelled B-o-l-i-n.

19 JUDGE HATCHER: Thank you. Are there any
20 Commissioner questions for Ms. Bolin? Chair Hahn?
21 Oh, I'm sorry, Commissioner Coleman.

22 COMMISSIONER COLEMAN: Thank you.

23 QUESTIONS BY COMMISSIONER COLEMAN:

24 Q. Ms. Bolin, this is probably -- this is a
25 general question. We've heard testimony this morning

1 from Empire, from our Staff. And based on the talk
2 about the performance metrics in relation to billing
3 requirements that needs to be complied with regarding
4 existing Commission rules, do you have any input, any
5 information you can provide to us about your
6 perspective?

7 A. I'm not quite sure I understand your
8 question.

9 Q. Well, I guess relative to the purposes of
10 the Commission rules, which I believe is to ensure
11 that adequate service is provided. So does the
12 compliance with the listed Commission rules and the
13 Stipulation ensure that Empire customers are receiving
14 adequate service?

15 A. For the supplemental metrics, it goes to
16 proper billing, the customers are receiving a timely
17 and accurate bill. So I believe that is part of
18 adequate customer service.

19 There are other things, you know,
20 reliability and other metrics too that go into
21 adequate customer service. But I believe these
22 metrics meet the billing timeliness and billing
23 accuracy metrics we would like to see.

24 Q. I know that it was mentioned a couple
25 times by the Empire witnesses that -- and even

1 Mr. Thomason noted also Staff participation. And I'm
2 looking forward I think to there being some
3 significant oversight regarding the Stipulation.
4 And -- and I suspect that the attitude of Staff, your
5 department, will certainly be on top of all of this
6 also.

7 A. Absolutely. We -- we take these metrics
8 very seriously and we will be evaluating these very
9 thoroughly.

10 Q. Thank you.

11 COMMISSIONER COLEMAN: Thank you, Mis- --
12 Judge.

13 JUDGE HATCHER: Thank you, Commissioner.
14 Any other Commissioner questions for
15 Ms. Bolin? Chair Hahn?

16 QUESTIONS BY CHAIR HAHN:

17 Q. Good morning, Ms. Bolin.

18 A. Good morning.

19 Q. One, just want to say appreciate you
20 working with the Company to try to develop some
21 metrics that we can measure performance by. I think
22 ultimately we are interested in performance.

23 This is a unique stipulation in a lot of
24 ways. It has metrics, performance, targets, no
25 immediate increase, deferrals. I am a short -- I have

1 been a short-timer, but it seems unique.

2 And because it is so unique, do you think
3 that these are the best possible positions that the
4 Commission could adopt to result in just and
5 reasonable rates?

6 A. Yes, I do.

7 Q. In your experience, have you seen similar
8 stipulations like this?

9 A. Not to this level and all the definitions
10 of metrics and developing metrics for a later case. I
11 have seen phase-ins, but this is a unique case in my
12 experience.

13 Q. I don't -- I think that's all.

14 JUDGE HATCHER: Thank you, Chair. Any
15 other Commissioner questions for Ms. Bolin?

16 QUESTIONS BY JUDGE HATCHER:

17 Q. I have just a couple. I just want to ask
18 confirmation questions. We heard from Empire
19 witnesses that they felt that the metrics started
20 being tracked on January 1st of 2026. Is that also
21 your view?

22 A. That is my understanding, yes.

23 Q. And is it also Staff's view that there is
24 no recovery of Customer First until after the metrics
25 are met and then submitted in a rate case?

1 A. Which set of metrics are you talk -- we
2 have the original -- the one in the supplemental,
3 those we know for sure they are tracking January 1st.
4 We agreed to that.

5 The ones that are in the Non-Unanimous
6 Global Stipulation, those metrics are yet to be
7 determined.

8 Q. Yes. My question is, did you agree with
9 the earlier witnesses that there is no recovery of the
10 Customer First asset?

11 A. Until those -- the metrics that are
12 included in the Global Stipulation are met.

13 Q. Thank you very much. That's all the
14 questions I have.

15 JUDGE HATCHER: I'll ask one more time,
16 any Commissioner questions for Ms. Bolin? We will go
17 to cross-examination. And we will start with the
18 Company.

19 MR. COOPER: No questions.

20 JUDGE HATCHER: Thank you. MECG.

21 MR. OPITZ: No, thank you.

22 JUDGE HATCHER: Renew Missouri.

23 MS. MERS: No questions, thank you.

24 JUDGE HATCHER: Mr. Coffman with
25 Consumers Council.

1 MR. COFFMAN: Yes, thank you.

2 CROSS-EXAMINATION BY MR. COFFMAN:

3 Q. I still have some confusion regarding the
4 timing of the metrics and -- and the phase-in. As --
5 and the -- my confusion stem from trying to read these
6 two documents together, the original Stipulation and
7 the Supplemental Stipulation.

8 And so with regard to the -- the metrics
9 that are a condition of getting any rate increase, in
10 the -- that are -- that's the -- the -- the metrics
11 that are specified in the Supplemental Stipulation.
12 When -- when those are met for three consecutive
13 months, does that start year one as far as the
14 phase-in in the original Stipulation?

15 A. Yes, it does.

16 Q. Okay. So in other words, if Liberty --
17 if it takes 12 months for Liberty to meet those
18 metrics in the Supplemental Stipulation, year one
19 would start 12 months -- you know, at that point?

20 A. That is correct.

21 Q. So the rate increase that would occur at
22 that time would be the 32.3 million, not the
23 64.6 million?

24 A. That is correct, right.

25 Q. Okay. That helps clarify -- or at least

1 I guess what Staff's position is on this.

2 And when -- when the -- that phase-in
3 goes in in year one, that is -- that's a revenue
4 requirement increase, right?

5 A. The 32 million is a revenue requirement
6 increase, yes.

7 Q. But in the -- and in the original base
8 Stipulation, referring to it, it is mentioned that
9 there will be a phase-in of rates as agreed to by
10 these parties. This will result in a regulatory
11 asset.

12 Could you clarify to me how you
13 understand what this means in paragraph eight?

14 A. When you have a phase-in, the Company --
15 if you didn't have a phase in, the Company would
16 normally earn 97 million dollar increase over rates.
17 In the case of the phase-in, they will not earn that
18 two-thirds or roughly 62 million dollars, so that
19 62 million dollars will go into a deferred asset to be
20 recovered in a future rate case.

21 Q. Okay. So when -- when this document says
22 this will result in a regulatory asset, it's referring
23 to the difference between the year one, 32.3 million
24 and --

25 A. The 97 million, yes.

1 Q. Okay.

2 A. And then in year two, it would be the
3 difference between the 97 million and the 60 --
4 roughly 62 million -- or 64.6 million, excuse me.

5 Q. Is that specified anywhere in these two
6 documents?

7 A. I think that is normally how a phase-in
8 works.

9 Q. Okay. And --

10 A. I'm not sure if it is exactly spelled out
11 that way in the document.

12 Q. Okay. So do you believe it would be
13 important for the Commission to specify how they're
14 interpreting that sentence?

15 A. If the Commission feels they need to,
16 that would be fine.

17 MR. COFFMAN: Okay. That's all I have.
18 Thank you.

19 JUDGE HATCHER: Thank you, Mr. Coffman.
20 And the Office of the Public Counsel,
21 Mr. Williams.

22 MR. WILLIAMS: Stand on our objection.

23 JUDGE HATCHER: Thank you, sir.
24 And we have redirect.

25 MR. VANDERGRIFF: No redirect, Your

1 Honor.

2 JUDGE HATCHER: Thank you.

3 Ms. Bolin, thank you. You are excused
4 from the witness stand.

5 I know that a lot of employees of the
6 various parties have made themselves available to be
7 here today and I sincerely appreciate that. The
8 Commission has been working on the questions and how
9 to approach this and we were unable to give anyone a
10 heads-up that they would or would not be called.

11 So with that said, I really appreciate
12 and thank all of the online folks that have appeared,
13 all of the folks that are here in the back prepared to
14 testify, but that does conclude the witnesses that the
15 Commission would like to call.

16 Is there anything else from the parties?

17 Okay. With that, any announcements from
18 the Bench? I'm ready to adjourn our proceeding.

19 Okay. Thank you all. We are adjourned
20 and off the record.

21 (Whereupon, the proceedings concluded at
22 11:45 a.m.)

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1	INDEX	
2	EMPIRE WITNESSES	
3	AMY WALT	
4	Questions by Commissioner Mitchell	8
5	Questions by Chair Hahn	20
6	Questions by Commissioner Coleman	24
7	Questions by Judge Hatcher	27
8	Cross-Examination by Mr. Vandergriff	29
9	Cross-Examination by Mr. Coffman	31
10	Redirect Examination by Mr. Cooper	38
11	CHARLOTTE EMERY	
12	Questions by Chair Hahn	40
13	Questions by Commissioner Kolkmeyer	45
14	Questions by Commissioner Mitchell	48
15	Cross-Examination by Mr. Vandergriff	52
16	Redirect Examination by Mr. Cooper	54
17	Further Questions by Chair Hahn	57
18	Cross-Examination by Mr. Coffman	61
19	STAFF WITNESSES	
20	TYRONE THOMASON	
21	Questions by Commissioner Coleman	63
22	Questions by Commissioner Kolkmeyer	66
23	Cross-Examination by Mr. Coffman	66
24	Redirect Examination by Mr. Vandergriff	70
25	KIMBERLY BOLIN	
26	Questions by Commissioner Coleman	73
27	Questions by Chair Hahn	75
28	Questions by Judge Hatcher	76
29	Cross-Examination by Mr. Coffman	78

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CERTIFICATE OF REPORTER

2

3 I, Tracy Thorpe Taylor, CCR No. 939, within the
4 State of Missouri, do hereby certify that the
5 testimony appearing in the foregoing matter was duly
6 sworn by me; that the testimony of said witnesses was
7 taken by me to the best of my ability and thereafter
8 reduced to typewriting under my direction; that I am
9 neither counsel for, related to, nor employed by any
10 of the parties to the action in which this matter was
11 taken, and further, that I am not a relative or
12 employee of any attorney or counsel employed by the
13 parties thereto, nor financially or otherwise
14 interested in the outcome of the action.

15

Tracy Thorpe Taylor

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Tracy Thorpe Taylor, CCR, RPR

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\$	2024 64:14,18	64.6 78:23	A	absolutely 17:9 27:6 38:10 51:4 75:7
\$13.97 46:1	2025 37:8,10 38:21,23 39:1 64:25	80:4		17:9 27:6 38:10 51:4 75:7
1	2026 4:2 53:22 64:25 71:17 76:20	65102 5:8	A-M-Y 39:22	absorb 32:8
1/12th 17:24	6th 26:17 30:7	7	a.m. 81:22	accept 21:9 23:12,13
100 39:1	21 9:19,21 10:25 47:16	71 15:6	ABCDE 32:19	accepting 21:13
10:40 62:21	25 10:25	79 15:7	ABCDEF 33:5	account 9:4 10:19 42:18 49:14,15
11 26:18 30:1, 2	26 9:14,17 10:1	7th 4:2	ABCDF 32:20	accounting 44:3,5,14
11:00 72:15	28 61:15	8	ability 11:11 38:12	accounts 44:11 57:22, 25 58:22 59:16
11:30 72:21, 22,24	29 36:14	8.5 19:21 31:24 32:6 43:6,10,22,25 44:4 57:16, 20,24 58:21 61:18	able 9:5 10:18 11:12,13,14 13:25 16:4,6 21:9 25:3 26:2 36:20 37:3 40:25 47:14 50:20, 24 53:4	accuracy 38:14 39:10 48:22 74:23
11:45 81:22	3	80 12:1,3 13:11 36:1	about 9:24 12:17 15:2,24 16:1,2,10,17	accurate 33:11 40:15 74:17
12 78:17,19	30 12:1,3,21, 22,24 13:4,11 33:21	80/30 12:21 13:16	17:25 19:14 21:2 24:2 25:20 28:5,10 29:24 31:21	achievable 71:14,25
12-month 17:23	31st 68:5 69:1 71:17	86 15:10 35:23	33:14 34:2 35:9 36:6	achieve 13:5 17:22
120 13:2	32 42:7 79:5	9	39:4,10 40:6 43:5,11 46:6	achieved 12:4
13 8:21 11:20 16:8 32:24 40:22 50:22	32.3 78:22 79:23	97 27:25 40:16 42:3, 13,14,23	52:9 54:16 62:20 63:22	achieving 15:5 18:9 55:9
1474 6:13	35 9:14,17 10:1	45:15,21,23	64:2 67:3,4, 24 68:15	acknowledge 23:21
15 43:12,13	360 5:8	57:23 58:1	69:19,23,24	across 48:23
15th 46:20 58:11	4	59:12,13	74:2,5	activities 72:14
19 55:23	42 69:19	64:19 65:4,7 79:16,25 80:3	above 35:25 42:23 44:4,6, 20	
1st 28:24 76:20 77:3	6	99.7 10:12	abs- 51:4	
2	60 80:3		Absent 57:5	
20 38:24 40:19	62 79:18,19 80:4			
200 5:7				

actual 9:6,9 36:2	adjustment's 44:10	66:6,8,9 77:4 79:9	allow 25:23, 25	answering 12:9,21 35:14
actually 10:20 11:13 15:5 19:10 22:4 23:2 25:8 26:17 27:1 31:10 36:10, 14 44:23 45:23 47:9, 16,18 49:5 58:8 59:7	administrative ly 58:12	agreement 8:5,6,20 11:10,17,19 12:18 13:8,16	allowed 31:4 40:21	answers 22:12 70:6
add 65:16	adopt 76:4	adopted 19:14 31:1	along 50:2 51:9	anticipate 16:14 34:3 67:17
added 42:11	57:10	34:6 37:8 52:25 53:13 57:6 58:21 71:7,16 72:3	already 6:7,13 15:23 25:17 40:6	anticipating 17:1
addition 17:19 18:15	advance 18:22	advice 72:23	also 4:20 6:14 13:5 14:24 15:3 16:16	any 4:12 7:20 8:9 10:3,8 11:18 15:20
additional 16:11,13 17:2,3,21 21:12,19 28:4 42:11 60:7 67:15	affect 45:16	after 27:22 28:1 53:5,14	18:16 19:7,8 23:4 34:7,9	16:20 17:7,15
address 5:6	after-call 15:2	56:14 69:5 76:24	46:5,21 67:20 75:1,6 76:20, 23	20:16 21:20
addressed 70:9	again 12:21	against 36:15 56:10 72:13	among 57:17	24:3,16 29:14
adequate 18:5 19:2 74:11,14,18, 21	14:3 26:16,25 38:15 42:23 59:5 65:9	agenda 62:23 72:15,23	amount 45:25 49:9	30:16 35:4,16
adjourn 62:24 81:18	agent 35:21, 24	against 36:15 56:10 72:13	Amy 6:18 7:25	36:24 37:3,7
adjourned 81:19	agents 15:9, 10 33:15 35:13	all 8:21 9:2 15:11 19:8	Anderson 4:21	38:11 40:16
adjourning 62:20	aggressive 9:7 12:25	21:18 23:19	Andrea 5:5	42:25 45:10
adjusted 45:25	ago 46:6	25:6,13,18	announcemen t 4:4 14:6	51:19 53:16
adjustment 44:21 45:16	agree 32:21 46:21 55:25 58:17 71:1,4, 18 77:8	26:9 32:22 33:7 37:17 39:12 41:8 43:11 45:17 48:23 49:1, 18,23 54:14, 67:23 69:8	announcemen ts 81:17	61:1,21 63:9
	agreed 50:17	71:20 73:3 75:5 76:9,13 77:13 80:17 81:12,13,19	another 9:12 20:7 31:11 58:3 63:24 69:2,9 70:13	65:24 66:14
			answer 20:11 32:11 33:4,21	67:19 69:14
			answered 24:23 32:12 46:2,3	72:25 73:19
				74:4 75:14
				76:14 77:16
				78:9 81:17
				anymore 22:21
				anyone 29:14 81:9
				anything 13:1 25:2 47:11, 18,19 53:4
				61:20 63:24
				71:18 72:2
				81:16
				Anyway 68:25
				anywhere 80:5

apologies 44:14	44:25 48:2 71:19	19:11,19,20, 24 20:2,4,22 21:13,22,23 23:3,15,16, 20,25 25:9,10 26:11,15,17, 24 31:23 32:9 34:2,13,20,21 36:7,16,17 38:5 39:8 40:7 44:19 45:19 49:7 51:25 52:14 60:9,20 61:15 65:18,20 67:18 73:10 78:4,13 79:9	79:11,19,22 assets 55:14 67:10 associated 10:17 28:13 40:16,20,25 43:1 53:8,21 Associates 36:8,21,25 assume 27:5 assuming 41:14 62:21 assure 8:12 at 4:8 8:16,23 11:5,12 12:9, 11,23,25 ask 15:1 19:24 20:1,8, 10 27:9 31:20 39:21 43:9 51:6 63:11 arrangement 23:13 arrangements 14:5 25:18 34:17 arrearage 19:14 31:21 43:12,14,15, 17,18 57:4,6, 10 59:3 60:19 61:14 arrearages 31:25 arrears 61:19 as 4:19 6:2 7:10,25 9:7 11:17 12:20 13:21 15:9,14 16:10 17:4,25 18:3,15,17	attached 10:19 attendance 6:7 29:14 51:23 attended 39:7 attitude 75:4 audit 48:19,24 50:6 51:3,5, 13 52:11,14, 18 53:1,3 56:15 auditor 48:20 audits 48:20 52:9 56:1,8, 17 August 10:3 35:25 Aurora 13:23 21:5,8,19 22:14 24:11 25:8,14 30:4, 5,18 authority 47:4 authorized 47:16 availability 30:17 available 26:21 57:11 59:4 71:8 81:6 average 11:23 19:25 20:2 35:14 aware 36:11, 25 72:2
---------------------------	---------------------	---	---	--

B	45:18 47:25 49:13 50:14 51:11 52:4 53:11 59:17 64:8 68:6,10 76:2	Berkstresser 4:25 6:14 best 76:3 better 19:20 50:2	75:15,17 76:15 77:16 81:3	16:12 19:1,3 20:19 24:20 27:19 28:9,17 29:10,23 31:17 37:21 38:1 40:4,11 42:7 45:12 46:20 47:20 48:8 52:8 54:12 57:3 58:11 61:12 63:16 64:25 66:4,23 67:7, 12 68:5,24
B-O-L-I-N 73:18		becomes 48:13 60:15	between 9:14, 17,19 10:1 15:15 34:22 46:3 79:23 80:3	Box 5:8 Brian 4:24 bring 11:6 brought 41:5 42:19 44:1
back 5:25 14:10 32:18 46:5,16,25 57:1,4 61:3 63:20 66:9 70:23 71:3 72:21,24 73:3 81:13		bef- 8:8	beyond 12:11 68:10	Brydon 4:17 build 33:10 big 23:8 bill 9:5,9,13, 20,21,22 10:1,9,11,15, 16,21 11:14, 15 14:4 33:8, 11 74:17
backward 50:7		begin 6:16 40:3	beginning 10:20	but 10:4 11:8, 21 13:6,14 14:14 15:24 17:2 19:6,20
backwards 50:10				but 10:4 11:8, 21 13:6,14 14:14 15:24 17:2 19:6,20
balance 41:10 43:20		behalf 4:18 5:3,13,18		but 10:4 11:8, 21 13:6,14 14:14 15:24 17:2 19:6,20
balances 19:23		believe 10:23		C
bang 72:25		12:11 14:23 18:9 27:8,11 33:5,24 34:25 38:8 40:19 42:8 43:18 50:9 52:16		C-1 40:20
bare 18:10		18:7 20:25 22:9 25:13 28:2 32:24 33:3 38:6,14 39:10 45:24 48:21 60:20 63:22 68:16		C-H-A-R-L-O- T-T-E 40:1
base 45:20,25 55:4,18 61:15 79:7		50:9 52:16 53:7,16 59:5 68:1 69:11 74:10,17,21 80:12		calculation 44:12,22
based 25:7 36:7 74:1		below 44:4,9, 11		call 6:18 11:12 12:21 13:20 14:1 15:1,5 21:7, 21 29:25
basic 32:22		Bench 81:18		
basis 9:15,17 15:12 18:17, 21 31:6 33:19 35:11 36:5 41:3 46:20		benchmarks 56:11		
be- 44:19		benefit 38:11 57:18 69:5		
because 6:1 22:21 25:4,16 28:11 33:8 42:16 44:11				

came 53:14	21:20 22:2,7, 20 29:25 30:3,18,23	chose 64:7	31:5	Commission's 32:24
cancel 18:18 35:13		City 5:7	collects 35:17	Commissioner 7:20,21,23 8:2 14:18,20,
anceled 37:8	certainly 59:9 75:5	clarification 41:24	combination 16:15	21 20:15,17, 22 24:16,17, 19,20 27:15, 16 33:1 40:3
cancellation 37:15	Chair 20:18, 19 24:15,23	clarify 67:1 78:25 79:12	come 13:15 14:2 18:19	43:4 45:10, 11,12 48:7,8
cannot 26:6,7	25:4 40:3,4	clarity 43:21	19:15 21:4 25:12 35:2	51:18 61:1
car 26:5	46:3 55:16 56:25 57:2,3	clear 17:10	41:14 44:17, 48:14	63:9,11,12, 14,16 65:22,
cards 23:18 26:6,8	73:20 75:15, 16 76:14	clock 48:14	18,24 45:2 49:4,25 53:22	23,24,25
carrying 7:4 43:1		closed 25:9, 16	72:21	66:2,4,13
cars 23:18	challenges 22:9,10 25:13	Coffman 5:17, 18 7:6,8,15	comes 23:24 46:25 57:23	73:20,21,22, 23 75:11,13,
case 4:6 6:5 21:6 28:14 32:10 40:9, 10,13 41:5 42:20,22 44:1,2 45:4 47:16 49:8 55:15 64:10, 23 67:25 68:20 69:4,6, 23,24 73:8 76:10,11,25 79:17,20	challenging 26:13	31:16,17 54:3,5 61:11, 12 62:5 66:22,23	comfortable 46:23	14 76:15 77:16
cases 20:2,4	change 28:12 47:4,14,18	changes 8:9 42:22	coming 13:21 15:4 22:2 38:24 72:24	Commissioners 72:12,14, 15,17
cash 23:19 26:3,5	channels 48:23	channels 48:23	comments 39:4	communicate 26:20
CCM 29:14 61:10 66:17	Chapter 32:24 50:22	Chapter 32:24 50:22	Commission 6:18 11:7,22 17:8 18:5,20 21:15 29:12 31:7 34:9,20	communities 23:7
center 13:25 21:8,19 24:3 33:14 38:11	charge 10:1, 15,22 11:1 46:14	charge 10:1, 15,22 11:1 46:14	Coffman's 38:3	companies 13:1
centering 25:1	charging 47:15	charging 47:15	Coleman 24:17,19,20 27:15 63:11, 12,14,16 65:22 73:21, 22,23 75:11	company 4:15,19,22 9:7 16:18 17:6 23:16,20
centers 11:12 13:22 14:1	Charlotte 20:9 27:8 32:11 39:17, 25	Charlotte 20:9 27:8 32:11 39:17, 25	colleague 19:20	29:12 32:5,8 37:24 40:24
	Charlotte's 59:7,8	Charlotte's 59:7,8	collect 51:3 53:4 59:13	44:21 47:2, 13,14 50:20, 24 54:10
	check 4:8,11 14:13 66:16	check 4:8,11 14:13 66:16	collecting 42:17	58:3,16 59:12 61:18 64:16
	chief 5:12	chief 5:12	collection 81:8,15	65:6 66:7,18 71:2 73:10

75:20 77:18 79:14,15	78:9 conditions 61:21 62:2 72:5	10:9 28:1 Consumer 71:23	convenience 22:4 30:21	costs 43:1 could 11:18 20:10 21:16, 20 23:25
company's 41:16,20 51:2 61:16	conduct 48:20	Consumers 5:16,18 6:9, 10 7:12 31:15	convenient 22:1 23:2	24:11 25:21 27:9 29:6 33:25 36:8,17
complaints 18:19 24:25 34:8,21,23,25 35:2 38:13, 19,23,24,25 39:1,9	confer 71:13 conferring 71:24	54:2 66:21 68:22 71:21 77:25	conversation 46:17	37:14 43:19 44:16 49:2
completed 56:17	confirm 27:20 28:19	Contact 13:22	conversations 16:13 25:22, 24 37:12	50:2 52:17 53:20 55:14 60:16,17 67:7 76:4 79:12
complex 22:11,15 25:13,21	confirmation 76:18	contacts 34:19,22,23	convoluted 68:20	couldn't 65:9
compliance 11:6 18:4 32:23 49:23 65:18 74:12	confused 28:9	contained 53:12	Cooper 4:16, 17 28:8 37:25	Council 5:16, 19 6:9 7:12
complicated 73:4	confusion 78:3,5	contemplate 60:23	38:1 39:13,14 54:11,12 56:21,23	31:15 54:2 66:21 68:22 71:21,23 77:25
complications 52:12	connecting 11:9	contemplated 42:4 50:9 59:18 60:2	62:10 66:19 68:8 77:19	counsel 4:14 5:10,13,14
complied 74:3	connection 73:6	contemplating 21:18 60:17	cooperate 46:21	6:8,23 7:3,14 36:4 37:20
components 21:1	consecutive 8:8 17:18 48:10 53:9 65:8,13 78:12	contemplation 61:25	correct 17:15 27:23,24 28:21,25	62:6 70:18,20 80:20
compound 52:14	consequence 55:8	continue 12:5 13:14,17,19, 20 14:22,24	32:3,16,25 33:22 36:23 38:5 39:6	couple 27:17 29:7 40:5 58:13 70:6 74:24 76:17
concerning 12:13	consider 40:13	15:13 18:13, 22 20:1 22:19	41:15 46:8 48:10,11 50:8 54:16,17,21, 25 55:6,11, 16,17 56:15	course 38:20 41:21 50:10 64:8,11
conclude 81:14	considered 35:8 45:3 55:14	continued 21:4 69:12	62:3 78:20,24 correctly 49:6 67:2	court 6:2 14:13 39:24
concluded 81:21	considering 36:9 49:17	continuing 73:7	cost 45:19	courtroom 4:10
condition 33:25 67:19	consistent 9:17 28:2	continuously 64:14	cost-effective 22:5	cover 64:21
	consistently	control 9:6	costly 12:8	covered 11:17 64:11,

23	6 29:25 33:2, 6,8,15 34:2 35:6,12 36:6 38:9,12 40:7, 9,17 41:1,10, 12 42:5 43:5, 12 44:8 48:21,22 49:14,15,16 50:3 53:21 57:21,25 58:22 59:3,15 61:19 63:23, 25 64:22,24 65:2,18 66:7 67:3,10,11, 15,20 72:5 74:18,21 76:24 77:10 10:8	CVS 21:24 23:9 CVSS 23:3 25:18 cycle 10:9,11 D data 35:16 49:10,13 51:2,3,5,6,9, 11 58:11 date 9:20 26:16 42:21 56:18 57:22 59:6,21,24 60:9,15 customer's 10:8	42:25 75:25 deferred 42:18 79:19 define 19:2 definitely 23:19 definitions 49:19 76:9 delay 62:25 68:5 69:1,2,3, 10 demonstrate 10:18 department 32:15 75:5 dependent 20:5 depending 44:2 53:20 70:6 days 9:14,17, 19,21 10:11, 25 25:11 Dean 4:16 December 30:6 38:25 68:5 69:1 December-ish 50:15 decide 31:3, 10 decided 30:13 decision 46:18 69:6 72:20 deferral 42:15 deferrals	50:6,20,24 57:14 58:7 determined 16:12 32:1 34:12 55:3 77:7 determining 48:25 develop 75:20 developed 16:19 21:15 50:11 64:25 67:12 developing 76:10 devices 4:12 dialogue 34:4 difference 79:23 80:3 different 6:2 12:24 13:15 19:5 30:25 34:21 51:12 57:16 61:25 differentiated 15:23 differently 34:20 dig 51:9 dip 13:3 disagreement 29:11 disallow 46:13 discovered 49:7 discovery
----	---	---	---	--

69:12	32:6 40:16	either 62:1	37:12,21	even 10:1
discrepancies	43:11 55:10	70:10	48:19	21:6 29:8
51:7 60:20	79:18,19	elaborate	England 4:17	34:16 59:13
discussed	done 12:25	15:22 52:22	enough 36:14	61:24 74:25
55:15 56:1	38:18 52:19	Electric 4:15,	ensure 9:19	ever 35:25
59:7 64:9	door 57:21	18 73:10	18:5 74:10,13	40:24
discussing	double 4:8	electronic	ensuring 9:14	every 10:9
69:25	14:13	4:12	25:20	11:21 13:18
discussion	down 27:5	eloquent	entered 6:7,	17:23 33:9,11
17:2 19:14	56:4 66:17	20:11	11	everyone 4:7,
50:11 53:15,	due 5:23 9:20	else 81:16	entity 36:7	10 14:17
19 72:18	13:13 19:23	Emery 20:9	entries 4:14	62:18
discussions	during 10:9	28:9 39:17,25	ER-2024-0261	everything
34:10,11 72:7	58:5,6 64:8	40:1 51:20	4:6 6:5 73:8	14:15
distinction	<hr/>	54:10 61:2	Eric 5:3	evidence
34:22	E	62:12 63:21		12:17 46:22
distort 49:13	E-M-E-R-Y	emphasize	evidentiary	
District 4:15,	40:1	6:22	4:3 6:6 7:4	
18 5:21 6:12	each 17:24	Empire 4:15,	29:5 39:3	
73:10	33:11	18,24 5:21	73:8	
do- 45:18	earlier 29:24	6:8,12 11:6	exact 27:10,	
document	39:1,2 40:8	28:23 54:20	12	
79:21 80:11	43:4 67:2	63:24 66:17	exactly 80:10	
documentatio	71:1 77:9	73:10 74:1,	EXAMINATIO	
n 58:10	earn 79:16,17	13,25 76:18	N 38:1 54:12	
documents	effect 17:13	employees	70:24	
78:6 80:6	31:11 42:8	81:5	Excellent	
dog 9:7	47:20 48:1	encourage	29:16 73:1	
doing 4:19	60:8 67:19	24:1	except 32:22	
37:9 49:15	effective	end 34:15	excuse 24:21	
50:2 64:20	42:21 52:20	46:24 49:13	56:24 63:20	
73:10	56:18 57:22	50:3 51:1,8,	80:4	
dollar 31:24	58:19 59:6,	14 57:15	excused 4:25	
43:12,13	21,23,24	58:14 60:12	5:21 6:13,14	
79:16	60:8,15	64:25 67:12	39:15 62:13	
dollars 19:21	eight 14:2	ending 10:20	72:11 81:3	
20:3 27:25	58:2 79:13	Energy 6:9	exist 57:7	
		engaging		

existing 25:6 74:4	exploring 36:10	fields 49:12	five-year 19:25 20:2	32:14,22 33:15 34:14, 16 36:18,19
expand 24:2 30:20,22	expressed 13:6	figure 36:17 51:10	fix 64:16	37:1,14,15 38:24 39:23
expanded 21:21	external 48:19,20 52:18 53:3 56:1	file 20:2,4 42:6	fixed 10:2	40:9,12,13 41:24 42:9,21
expect 18:13, 23 33:11		filed 7:13	Flaherty 4:21	43:9 44:6,25
expectation 12:9		final 9:10 42:13	focus 18:9	46:11,20 47:12,13
expected 10:8 67:5		financially 47:11,12	focused 19:7 38:5	48:16,18 49:25 51:19,
expecting 68:4	FAC 45:20,24, 25	financials 47:19	focusing 16:21	25 52:13,14
expense 19:25 20:5 23:16,19	face 70:11	find 64:22 71:18	folks 21:8 81:12,13	53:17 55:9 56:12,13,15
expenses 23:22 40:25	Facebook 26:19	fine 80:16	follow 40:5	58:11 61:2 62:22,24
expensive 13:5	fact 60:10	finish 68:8	follow-up 18:3 57:9	63:5,10,24 64:18,19,20
experience 20:24 21:3, 14,17 23:23 24:4 33:6 50:23 76:7,12	facts 6:4	firm 4:21	follows 8:1	65:4,8,13,19, 25 66:5,14,16
experienced 22:9	fair 53:2	first 8:4,5 9:1 14:25 15:5,21 16:1,10,11,23 17:5,20 18:1 22:23 27:22 28:3,6 31:20	footprints 23:4	68:3 69:1,2,9, 11 72:5 73:16,20 74:15 75:14
experiences 33:8 35:18	far 34:20 38:18 44:19 69:15 78:13	February 58:5 69:3	for 4:2,6,10, 13,15 5:10, 16,20 6:8 8:8, 21 9:22 10:12 11:14,18,24 12:2,12 13:5, 9,11,14,23 14:12,18	76:10,15 77:3,16 78:12,17 80:13
experiencing 26:13	fast 13:4	feedback 34:2 35:12 40:7,9,17,18 41:1,12 42:5, 16 47:9,10 51:22 53:21 54:18,19	forego 40:24	
experiment 24:11 25:10	feel 12:8 15:1	feel 12:8 15:1 61:4,17 62:1 63:25 64:24 65:18 66:18 67:1,4,10,11, 20 69:8 71:11 72:5 76:24	forever 30:16 40:23	
explain 67:7	felt 25:19 76:19	felt 25:19 76:19	forget 7:1	
explaining 25:2	few 64:10	few 64:10 77:10	forgive 32:5 61:18	
	field 11:13 51:11	field 11:13 51:11	forgiveness 19:15 31:21, 24 43:5 57:5, 6,10 58:7 61:14	
		five 10:24 14:12 25:9,16 27:12 38:25	formed 53:13	

forth 30:15 41:5 42:19 44:1 66:7	46:21 58:20	glad 59:17 global 12:14 15:15 19:13 28:19 31:1 40:18 41:13 48:18 55:5 69:19 71:7 77:6,12	68:9 gone 40:23 63:14 good 4:24 5:2,17 14:8 20:20,21,25 31:18,19 38:9 45:13,14	24:23 25:4 40:3,4 55:16 57:2,3 73:20 75:15,16
forward 10:3 24:5 44:8 65:20 67:5 75:2	further 30:20 31:13 53:23 57:3 62:10 72:8	future 20:2,3, 4 21:16 28:13 40:10,13 41:5 45:3 56:13 67:5 79:20	go 4:1,13 6:3 7:9 8:24 11:12 14:19 15:20 17:13 21:12,22 23:2,3 24:17 29:2,16 31:11 32:18 45:11 46:5,8,16	hand 7:17 63:2 handling 33:15 Hannon 5:5 Hansen 5:5 happening 22:14 34:10 42:16 47:11
found 64:13		G	got 9:2 63:20	happens 47:12 65:1
four 10:24 38:25		general 73:9, 25	govern 53:18	happy 7:24
frame 30:2 50:15 52:13 56:15,16		generally 33:6 41:25 60:5	Governor 5:6	hard 11:8
frames 58:6		get 9:5 10:8 16:3 22:11,16 23:24 26:14 27:12,18 28:8 37:3 38:16 41:8 44:7 46:14 55:20 58:14 62:21 63:24 70:6 72:14	granted 69:3	HATCHER 4:1,5,23 5:9, 15,20,25 6:21,25 7:7, 12,16,19
frankly 60:12		get all 26:11	gravel 72:25	12:19 14:7
free 37:3		getting 42:18 54:20 63:15 78:9	Great 43:23	20:17 24:15
from 4:17,25 6:13,14 8:3, 21 13:24 15:6 19:15,16 22:9,18 23:13 24:23 29:5,9 33:12 34:13 35:17,19,21 36:2,12 37:4, 23 38:13 39:15 42:17, 21 44:22 45:6 47:1,16 48:2 52:9 54:10 56:18,25 59:24 62:13 63:20 64:17 72:11 74:1 76:18 78:5 81:4,16,17		goal 56:6,8	greater 13:1	27:16,19
fuel 45:16,19, 21		goes 8:9 29:10 32:10 46:7,13 59:11 74:15 79:3	grocery 23:11	28:15,17
fully 17:1 18:23 42:14		going 7:1 8:16 10:3,14 12:10,11,16 14:11 18:9 27:25 31:2 40:24 43:10 44:8 46:6,12 49:22 52:23 57:21 64:4,6 65:19 67:19	grown 43:19	29:2,20 31:14
			Grubbs 4:22	37:18,23
			guaranteed 40:12	39:14,20 40:2
			guess 29:11 38:16 74:9 79:1	45:10 48:6
			guide 53:8	51:18 52:6
				53:25 54:5,9
				56:23 61:1,7, 10 62:5,8,12
				63:4,8,12
				65:23 66:13, 20 68:13,19
				69:17,22
				70:3,11,16, 18,22 72:9,19

73:3,15,19	39:3 52:17	80:7,13 81:8	immediately	24:2,4,5 25:3,
75:13 76:14,	55:20 60:2	however 41:2	46:14	5,6,12,14,19
16 77:15,20,	61:16 67:8	45:2 47:8	implemented	26:18 27:3,4,
22,24 80:19,	68:3 69:25	53:18 57:20	8:14	5,6,20,24
23 81:2	81:7,13	hung 42:18	implementing	28:6,7,18,23
having 7:25	hey 51:10	hypothetically	8:9	29:7,8,13
9:10 11:8	58:15	47:9	important	30:5,18,25
18:18,19	high 55:4	I	31:1,11	31:1,11
23:17 24:22	higher 11:25	i- 38:17	improve	32:18,24
30:17 51:8	13:12	IBEW 6:12	18:14 34:16	33:16 34:5
head 27:7,9	highlighted	ice 9:7	50:3	35:9,10
59:11	20:22	idea 36:6	improved	36:12,16
heads-up	historically	identifying	15:6	37:8,12,22
81:10	12:4 13:7	20:25 56:11	improvement	38:2,4,23,24
hear 39:9	history 12:22	if 6:20 7:8	39:1,2,5 40:8,	
65:10	holidays	8:15 10:16	10,13,14	41:4,5,10
heard 63:19	13:13	11:18 15:5	42:18,19,22	42:18,19,22
67:2 73:25	Honor 5:3,17	23:6 26:3	43:17,18,24	43:17,18,24
76:18	7:6 29:19,22	28:9 40:10,	improvements	44:1,5,8,11,
hearing 6:13,	31:16 37:25	18,21 41:2	17,24 45:3,7,	17,24 45:3,7,
15 12:12,13	39:13 54:11	42:16 43:10	18 46:17,22	18 46:17,22
29:6 39:3	56:22 61:6,9,	44:6,9,20	improves	48:9 49:4,10,
51:21 61:3	11 62:11	46:23 47:17,	24:4	12,14,18,22,
62:23 68:4	66:19,22	25 48:1,12,	improving	23,25 50:5,
hearings	69:21 81:1	14,17 49:11	21:13	11,19,24
39:5,7,10	Hope 47:22	50:1,6,24	in 4:3,10 6:6	51:10 52:3
heat 69:19	hoping 21:14	52:13 53:2	7:9,13 8:5,9,	53:10,13,14,
held 53:10	how 13:21	55:22 56:4	20 9:10,21	15,22 54:15,
72:18 73:2	15:1,22	57:9 58:3,20,	19 55:4,15	19 55:4,15
help 23:24	18:17,18	24 59:1,13,21	10:2,6,25	56:2,19 57:23
50:1 52:24	19:17 26:23	60:5,14 64:15	11:4,10,14,	58:4,5,9,18,
helpful 23:23,	27:3 33:7,9,	65:1,12 71:10	17,20,24	23 59:11,20
25 35:5	10,14 36:15,	78:16,17	12:22,23	60:3,10,12
helps 47:22	17 42:3 44:1,	79:15 80:10,	13:4,12 14:2	61:18,20,22
78:25	2 45:15 46:16	15	15:4,23 16:3,	62:1,18,22
here 4:2 9:2	48:24 57:14,	immediate	7,12,20,21	63:15 64:9,
11:4 15:17	17,18 58:21	75:25	17:6,10,11,	10,23,24
18:25 19:20	59:6 60:23		12,19,22	65:1,17 67:8,
20:9 34:15	64:4,6 67:4		18:11,14,15	19 68:18,21
	70:3 79:12		19:4,8,13	69:6,10,11,15
			20:2,22,23,25	70:8,9 71:11,
			21:6,15	12,15,19
			23:11,22,24	72:2,14,20

73:8 74:2 75:22,23 76:4,7,11,25 77:2,5,12 78:9,11,14, 16,18 79:3,7, 10,13,15,17, 20,22 80:2,5, 11 81:13	49:25 indicate 45:5 indicated 61:23 indicates 52:18 57:13 indirectly 49:2 industry 12:23 22:18, 20 56:10	intent 56:11 intention 53:7,16 65:17 67:9 interaction 38:12 interested 20:23 75:22 internal 26:7 52:9,14 internet 5:23 14:9 73:5,6 Influent 6:11 29:13 informal 34:25 35:2 information 29:3 43:9 52:3 74:5 information-gathering 25:10 infrastructure 19:8 initiative 32:7 61:19 input 74:4 inquiries 21:7 34:21 inside 44:10 49:4 50:17 57:12 instead 33:3 49:14,16 intend 37:21 intended 11:6 69:23	issue 9:25 58:18 issued 9:20 issues 11:11 21:4 22:15 25:21 26:13 28:11 52:12 64:9,10,11, 17,22 68:6, 16,17 69:14 70:1,8 it 8:5 9:13 15:14 16:3,14 interpreting 80:14 interrupt 14:8,16 interruption 14:18 into 9:3 11:6 12:16 13:15, 21 15:20 17:13 18:19 21:7,24 22:2 23:2,3 33:25 35:2 42:8 46:8 48:1 51:9 55:10 60:8 65:17 67:5,24 73:1 74:20 79:19 inside 44:10 49:4 50:17 57:12 instead 33:3 49:14,16 intend 37:21 intended 11:6 69:23	71:13,20,22 72:22 74:15, 24 75:24 76:1,2,23 78:15,17 79:8 80:2,10,12 it's 9:3 12:13 19:9,19 21:9 22:1 26:21 27:8,12 28:9 32:12 39:25 40:1 41:17 42:3 43:3 44:6,9,20 45:2,20 47:15,17 52:2,23 55:8 59:13 60:11, 18 64:6 79:22 item 45:6 59:25 items 59:22 its 6:23 12:14 37:20 38:12 44:22 47:14 70:11,21 J James 4:20 January 4:2 28:24 30:7 58:4 76:20 77:3 JD 36:7,11,12, 21,25 Jefferson 5:7 Jermaine 4:22 job 20:25
---	---	--	---	---

John 5:18	17:10 18:3,4 19:10,12 20:12 22:14 24:22 27:17 28:8,19 30:4, 5 32:11,12 33:3 37:12 40:5 45:1 48:16 49:21, 24 50:11 54:14 58:12 59:7 60:8,23 61:13 62:18 64:3,19,20 65:19 68:10, 15 70:5 72:20 75:19 76:4,17	58:12 60:2 61:14 68:16, 17 70:5 71:2 74:19,24 77:3 78:19 81:5	let's 4:1,13 5:1 47:9 52:7 58:9,12,17 73:3	liquor 23:10 list 51:24 54:2 61:4 66:16 72:13
joined 5:4			level 11:20,24 16:5 34:5 49:15,16 55:4 76:9	listed 74:12 listening 62:19
joins 7:13				little 11:25 13:12 39:4 43:21 44:14 51:9,12 68:23
Joplin 27:5,6			levels 15:2 18:14,23 48:23	local 6:12 39:5
Judge 4:1,5, 16,23 5:9,15, 20,25 6:20, 21,25 7:7,12, 16,19 12:10, 19 14:7 20:15,17 24:15 27:15, 16,17,19 28:8,15,17 29:2,20 31:14 37:18,23 39:14,20 40:2 45:10 48:6 51:18 52:6 53:25 54:5,9 56:23 61:1,7, 10 62:5,8,12 63:4,8,12 65:22,23 66:3,13,20 68:8,13,19 69:17,22 70:3,11,16, 18,22 72:9,19 73:3,15,19 75:12,13 76:14,16 77:15,20,22, 24 80:19,23 81:2			Lexi 5:4	locate 29:6 locations 30:9
just 4:11 6:22 7:10 8:3 9:2 10:15,21 12:4 13:7,13,22,23 14:4,16 16:17			Liberty 4:19 8:7 26:7 73:11 78:16, 17	logistically 23:17
			Liberty's 36:13 56:9 67:25	logistics 21:12 25:14, 25
			lies 47:5	long-term 24:4
			light 11:18	longer 59:3
			like 6:18 7:9 8:23 9:8 12:8 14:5,8 20:5	look 15:3 18:21 21:15
			latitude 68:23	26:23 27:2
			law 4:21 12:2	29:5,8 33:12
			laws 16:5 18:8	40:18 49:22
			lead 7:22	50:7,10 53:20
			learned 36:12	56:4 59:21
			least 24:2 32:9 78:25	looking 8:16, 23 18:16
			left 51:23	21:25 24:5
			lengthy 26:10	49:5 75:2
			less 38:23 64:14	looks 20:5 51:12 58:8,15
			let 9:2 14:12, 17 31:20 32:11,17	
			likely 34:5 62:24 69:7	
			limited 48:21	
			limits 71:19	
			line 44:4,6,9, 11,20 56:5	

lot 36:23 39:9 75:23 81:5	Maybe 59:2 M	50:25 me 8:23 9:2 11:18 24:21 31:20 32:17, 21 48:18 52:4 55:20 57:25 63:20 64:1 66:15 67:24 70:6,12 79:12 80:4 mean 19:3 53:3 56:25 70:1 means 79:13 meant 67:7 meantime 21:6 measurable 56:13 measure 13:17 14:24 21:16 35:22 36:20 49:19 75:21 measured 14:25 36:15 measuring 49:6 MECG 29:13 51:22 61:5 66:17 77:20 meet 8:8 16:9 18:10 40:21 41:3 47:10,12 58:4,5,24 59:1 65:13 74:22 78:17 meeting 11:23 16:4	12:17 14:23, 25 15:11,17, 18,20,22,24 Member 5:22 Members 6:12 memory 29:9 mention 7:1 mentioned 33:20 34:7 40:7 72:21 74:24 79:8 Mers 51:24 52:2 66:20 77:23 met 11:24 13:11 15:19 17:13,17 27:22 31:4,8 40:11 45:23 46:11 47:3,6, 17 49:1 50:7, 20 60:18 63:23 65:2,8 72:5 76:25 77:12 78:12 met all 58:16 meter 9:15 10:17,18 method 36:18 methods 36:15 metric 10:10 33:25 34:9 36:1,3,8 63:24 metrics 8:7, 16,19,22,24 10:23 11:4,10	Midwest 6:9 million 19:21 27:25 31:24 32:6 40:16, 19,22,23 42:3,7,13,14, 24 43:6,10, 12,13,22,25 44:4 45:15,21 57:16,20,23, 24 58:1,2,21 59:12,13 61:18 64:19 65:4,7 78:22, 23 79:5,16, 18,19,23,25 80:3,4 mind 7:9 11:4, 11 50:5 71:11 minimum 9:21 18:11 minute 72:20 minutes 14:12 29:7 Mis- 24:21 75:11 miss 25:2 48:12,14 missed 24:24 52:4 missing 10:13 Missouri 5:16,19 6:9 8:22 27:3 51:23 52:1,3 61:7 77:22 misspeak 28:18
-------------------------------------	-----------------------------------	--	--	---

misunderstood 69:18	months 8:8 11:24 13:11 17:18 28:1 45:24 48:9, 10,13 53:9 58:4 65:8,14, 19 78:13,17, 19	37:19,20,25 38:1,3 39:13, 14 52:8 54:1, 3,5,7,8,9,11, 12 56:21,23 61:6,8,11,12 62:5,7,8,10, 16,17 63:1,10 65:25 66:5, 14,19,20,22, 23,24 68:8,9, 12,13,14,24 69:18,21,24 70:4,5,11,14, 17,19,20,24, 25 72:8,10 75:1 77:19, 21,24 78:1,2 80:17,19,21, 22,25	muted 4:9,12 my 11:4,11 12:7,18,22 19:5,20 24:22 27:7 28:22 29:4,9 30:1 35:10 44:16 46:4 50:5 51:24 52:3,22 54:2,3 59:11 63:6 64:23 65:6,11 66:16 72:13 73:17 76:11,22 77:8 78:5	network 30:20
Mitchell 7:21, 23 8:2 14:20, 21 20:15,22 33:1 43:4 48:7,8	more 10:13 13:7,24 19:12	23,24 68:8,9, 12,13,14,24 69:18,21,24 70:4,5,11,14, 17,19,20,24, 25 72:8,10 75:1 77:19, 21,24 78:1,2 80:17,19,21, 22,25	next 5:21 39:17 42:10 54:2 55:15 73:12	
modified 45:22	Ms 4:22 6:2	23,24 68:8,9, 12,13,14,24 69:18,21,24 70:4,5,11,14, 17,19,20,24, 25 72:8,10 75:1 77:19, 21,24 78:1,2 80:17,19,21, 22,25	Nicole 52:2	
modify 28:20	most 34:4 66:5 69:7	23,24 68:8,9, 12,13,14,24 69:18,21,24 70:4,5,11,14, 17,19,20,24, 25 72:8,10 75:1 77:19, 21,24 78:1,2 80:17,19,21, 22,25	nine 10:7,11, 25	
Mom 23:10	motion 69:11	23,24 68:8,9, 12,13,14,24 69:18,21,24 70:4,5,11,14, 17,19,20,24, 25 72:8,10 75:1 77:19, 21,24 78:1,2 80:17,19,21, 22,25	name 39:22, 23 51:25 63:5,6,21 73:16,17	no 6:17 14:20 17:1 27:21 28:12 29:19 31:13 37:4 40:9 43:3 44:10 48:2
moment 4:8	move 5:1 9:3 10:25 29:20 52:7	23,24 68:8,9, 12,13,14,24 69:18,21,24 70:4,5,11,14, 17,19,20,24, 25 72:8,10 75:1 77:19, 21,24 78:1,2 80:17,19,21, 22,25	Nathan 5:12	
moments 24:22	moving 9:4, 10 30:24	23,24 68:8,9, 12,13,14,24 69:18,21,24 70:4,5,11,14, 17,19,20,24, 25 72:8,10 75:1 77:19, 21,24 78:1,2 80:17,19,21, 22,25	necessarily 32:9	
money 19:15 32:1	Mr 4:16,20	23,24 68:8,9, 12,13,14,24 69:18,21,24 70:4,5,11,14, 17,19,20,24, 25 72:8,10 75:1 77:19, 21,24 78:1,2 80:17,19,21, 22,25	necessary 26:1	
monitor 35:22	multiple 15:4 19:4 26:3	23,24 68:8,9, 12,13,14,24 69:18,21,24 70:4,5,11,14, 17,19,20,24, 25 72:8,10 75:1 77:19, 21,24 78:1,2 80:17,19,21, 22,25	need 9:19,22 10:10 15:19 16:4 24:12 25:20 26:1,12 30:14 34:11 44:7 57:13 58:6,13 60:23 80:15	
monitored 36:22	music 54:15	23,24 68:8,9, 12,13,14,24 69:18,21,24 70:4,5,11,14, 17,19,20,24, 25 72:8,10 75:1 77:19, 21,24 78:1,2 80:17,19,21, 22,25	needed 44:10	
monitoring 36:24	mute 4:7	23,24 68:8,9, 12,13,14,24 69:18,21,24 70:4,5,11,14, 17,19,20,24, 25 72:8,10 75:1 77:19, 21,24 78:1,2 80:17,19,21, 22,25	need 26:23	
month 10:10 11:21 13:18 17:23,24 33:9,12 38:24 40:11 46:11 47:12,17 48:12,15			needs 13:24 74:3	
month's 47:10			normalized	
monthly 15:12 18:17 31:6 33:18 35:11 36:5 41:3 46:19 71:14,25				

71:15,25	50:12 53:15	occurring	47:2,6 48:9, 12,24 49:3,8, 9,13,14,16, October	15,23,25 26:21 62:6 80:20
normally	now	43:18,24	18,21 50:3, 10,17 51:1, 15,23,24,25	offices 25:2,5, 7 26:18 27:3
79:16 80:7	12:16 14:10	53:14	52:16,19,24, 25 53:1,7,11,	often 18:17, 19
not 6:11,23	26:12 30:14	of 4:2,14,18,	22 54:15,16, 25 55:2,9,13	on 4:1,7,18,20
9:4 10:14	38:24 44:16	21,22 5:1,3,	25 56:5,8,11,18	5:1,3,13,18,
11:20 12:8,17	49:10 60:20	10,13,14,18,	25 7:2,9,10	25 7:2,9,10
13:25 17:9,	61:16 62:14	19 6:4,8,9	9:15,16,21	9:15,16,21
11,13,15,19	number 4:6	24:5 15:4	10:15,16,21	10:15,16,21
21:8,9 23:8,9,	6:5 15:4	24:25 27:7,9,	11:18,21	11:18,21
24 25:13,24	24:25 27:7,9,	10,13 30:9,10	12:16 14:14	12:16 14:14
27:7 28:3,4,	34:8 73:8	34:8 73:8	15:12,22	15:12,22
20 29:6,13	numerous	numerous	16:21 18:9,	16:21 18:9,
30:10,22	50:23	12 11:1,2	16:21 19:7	16:21 19:7
31:9,12 32:8		12:1,9,17,18	20:5 25:7	20:5 25:7
33:16 34:24		13:7,8,23,24	26:19 28:24	26:19 28:24
37:3,7,11,21		15:17 16:5,	30:15,17,23	30:15,17,23
40:12,14,16		15,16 17:3,4,	31:6 33:18,23	31:6 33:18,23
41:23 42:23		17,20,24	35:11,18	35:11,18
44:11,19,23	o'clock 62:24	18:14 19:8,10	36:1,5,7	36:1,5,7
45:2,6 46:10,	72:17,22	21:1,3,4,13,	37:20 38:5	37:20 38:5
12 47:5,6,14	object 12:10	16 22:2,3,5,	40:5 41:3	40:5 41:3
48:17,21	16:19	10,11,13,19,	42:11 43:21	42:11 43:21
50:20,25 53:7	objected 7:3,	20,22 23:7,22	44:2 45:5	44:2 45:5
54:13 59:18	13	24:10,22,25	46:7,13,19	46:7,13,19
60:1,2 62:21	objection	25:4,6,10,19	47:19 49:21	47:19 49:21
64:21 65:2,	6:23 7:5,10,	26:11,17	51:1,5,13	51:1,5,13
12,13 69:5,20	11,13 16:21	27:7,9,22	52:24 53:4,20	52:24 53:4,20
70:9,12 72:2,	17:7 37:21	28:2 29:3,10,	54:2,8,14	54:2,8,14
7 74:7 76:9	54:8 68:10	11 30:21,25	57:4,17,19	57:4,17,19
78:22 79:17	70:21 80:22	31:2,12,21,24	58:2,21 59:2,	58:2,21 59:2,
80:10 81:10	objections	32:22 33:2,3,	10,15 61:13,	10,15 61:13,
note 4:24	29:15 62:7	4,9 34:5,6,8,	14,21 62:7	14,21 62:7
51:23	obligation	15,16,23	offering 9:9	64:1,3 70:6,
noted 75:1	59:14	35:14,15,16,	22:24 25:12	11,20 71:4,
nothing 27:24	obviously	22 36:6,11,	offers 40:11	13,24 72:4,
47:11,12	17:2	13,25 37:8,9	41:21 42:1,3,	13,22 73:4
61:25	occur 59:16	38:8,14,17,	12,22,25	74:1 75:5
noticed 12:12	78:21	20,24 39:1,9	44:5,10	76:20 79:1
notified 21:9	occurred	41:21 42:1,3,	21:5 23:16	80:22 81:8
November	64:13	12,22,25	25:3,8,9,14,	
11:25 13:13		44:5,10		
		45:15,19,24,		
		25 46:3,10,24		

on-the-record	14:10 30:24	original	35:13,22 36:2	
4:3 6:6,17 7:4	65:16	31:21 53:13	37:8 39:23	P
68:20 73:7	OPC 29:14	55:5 61:15	46:20 47:19	
once 45:23	33:18 66:17	71:6 77:2	49:10 51:21	
one 9:1,11,12,	71:21,23	78:6,14 79:7	54:8 56:24	
18,24 10:4,7,	OPC's 7:10		61:3 62:7,13	
13,14,24 11:1	open 21:9		64:15 65:2	
15:18 19:10,	25:24 29:17		72:13 73:5,6	
12 21:3 22:2	34:12		other 4:12	
24:10,22	opened 13:22		13:1 15:20	
25:15 26:2	14:3 25:11		18:15,16,20	
30:25 32:22	26:15 30:5,6		23:1 24:16	
33:4 35:21	opening 6:17		27:1 30:8	
40:14 42:9	23:15		31:1 34:23	
48:16 55:13	opinion 12:7		35:4 45:10	
56:18,25	18:4 59:8		48:16 49:9	
62:24 63:11	64:2,3 65:1		51:11,19	
72:12,16,17,	Opitz 29:18,		52:24 59:23	
22 75:19	19 61:6 66:20		61:1 64:21	
77:2,15	77:21		65:24 66:14	
78:13,18	opportunities		70:8 74:19,20	
79:3,23	23:1 56:12		75:14 76:15	
one-on-one	opportunity		78:16	
25:21,24	14:8 41:9		others 33:18	
one-third	opposed		34:13	
42:17	52:14		otherwise	
one-time	option 22:5,		72:3	
31:24	24,25 40:12		our 4:7,14 5:6	
ones 18:8	options 21:25		6:2 9:3,10,13,	
32:20 35:10,	24:3 27:1		15,16,18	
11 67:10 77:5	65:3		10:12 12:1,9	
ongoing 7:10	order 9:21		13:14,22,24	
online 6:3	13:5 16:3		14:13 15:1,8,	
62:19 81:12	18:11 25:14		9,10 18:12,	
only 26:2,8	29:5,6,10,15		14,23,24	
30:1 36:13,19	47:20 58:18		19:7,9 21:7,	
38:25 40:20	60:9,14,16		21 22:2,4,8,	
41:17 42:16	66:16		16,22,25	
47:15			23:6,15 25:6,	
onto 8:9			8,17 26:7,12,	
			20,25 29:5	
			33:10,14,15,	
			16 34:14,16	

52:11	perhaps	51:24 63:1,4 73:13,15	81:13	58:7,25 59:4 60:23
past 19:22 36:12	period 9:14 17:24 18:2	plus 10:7,25	press 69:12 pretty 36:19 68:15,19	progress 33:23
paused 5:24	pers- 49:24	PO 5:8	previous 39:21	proper 74:16
pay 9:22 11:15 25:3,5, 6,17 30:15,18 36:22 59:14	person 23:24 26:2 28:10	point 7:10 12:11 16:14 42:12 43:17 51:11 58:23 64:18 78:19	previously 7:13,25 72:21	properly 8:16
paying 37:1 42:12	perspective 22:10,18 64:1 74:6	policies 56:9	price 36:19 37:16	property 30:23
payment 14:5 21:10,13,20, 23,24 22:1 24:3	pertinent 6:4	Pop 23:10	primarily 11:5 13:13 14:4	proposed 11:4 67:18
payments 23:12,13 25:15,25 26:23 27:2 30:21	phase 79:15	popped 70:8	primary 22:13 39:3 56:6,8	prorating 9:25
PC 4:17	phase-in 42:1,2 54:24 78:4,14 79:2, 9,14,17 80:7	portion 34:6 40:20 52:16	principle 58:1	provide 13:18 15:11 16:6 18:16 19:4 33:17 43:21 46:19 64:16
peak 38:25	phase-ins 76:11	portions 59:22	Pringle 5:4	
peer 56:10	phased 59:13 61:22	portrayed 71:2	prior 50:7 60:18	
pendency 49:8	phone 15:4 33:21 35:18	position 61:17 79:1	probably 20:10 27:8 28:9 73:24	
pending 7:5 17:2 21:7	phones 4:7, 11 22:12	positions 71:1 76:3	procedural 29:5	
people 26:4,7	piece 19:10	possible 76:3	procedures 66:6	
percent 10:12 12:1,3 13:11 15:6,7,10 35:23 36:1 43:3	place 10:6 15:20 17:22 19:9 23:22	posted 26:19	proceeding 4:3 6:6,17,24 7:5 41:6	
perfect 58:9	plan 30:16,19 58:25	potential 34:9 40:11 55:9,14	potentially 26:22 28:13 37:14 44:17 60:20	
performance 28:2 33:14 56:10 60:18 71:15,25 74:2 75:21,22,24	plans 30:17, 22	Power 36:7, 11,12,21,25	proceedings 5:24 81:21	
	play 14:12	pre-recorded 4:4 14:6	process 52:23 66:8 68:21 71:19	
	please 4:7,9, 10 7:16,22 14:19,22 39:18,23 47:8	prefer 72:17	program 43:5 57:5,6,10	
		prepared		

55:20	22 65:25	44:8,24 45:7,	71:14,25	79:20
pulls 40:19	66:4,14,19	23 46:8 47:5,	reasons	recovering
purpose	68:11 70:3	13,15,19	24:10 69:12	42:23
12:12 22:13	72:8,25	52:19 56:18	recall 43:10	recovery
48:24 49:3,18	73:20,23	57:22 58:18	receive 10:15	15:21 16:3,11
purposes	75:14,16	59:12,24 60:7	17:15,20 28:1	17:5,16,20,
44:6 74:9	76:15,16,18	69:19 76:5	23,24 19:24	23,24
put 33:25	77:14,16,19,	79:9,16	20:1 27:21	20:1
59:15 60:3	23 81:8	rather 68:21	received 21:7	28:3,7 40:7,9,
Q	quick 27:17	rating 35:17	25:1 38:19	12 76:24 77:9
qualified	quickly 14:9,	re-bill 18:18	receiving 9:5,	redirect 37:23
50:19	16 26:14	re-bills 35:14	16 74:13,16	38:1 54:10,12
question	54:13	re-joined	recently	57:2 62:9,10
8:15,17	quite 23:16	14:14	13:22 37:12	70:23,24
19:12,20 20:8	74:7	reach 71:16	56:2	80:24,25
24:23 28:22	R	reached	recess 72:17,	reduce 38:20
30:1 31:20	raise 7:16	58:20	20 73:1,2	reduced
32:14 33:13	15:9 63:1	read 9:6,11	recessing	38:19
38:17 44:16	rate 16:3	10:20 56:6	62:20	reduction
46:6 48:16	17:15 19:24	78:5	recommendati	38:13,22
56:25 68:9	20:2,4 28:11,	reading 8:3	on 47:1 58:15	reestablished
70:7,12,13	12,13 32:10	71:11	record 4:1,13	73:5
71:4 73:25	34:1 40:10,13	reads 9:15	5:20,23 6:1	referred 31:22
74:8 77:8	41:5 42:20	ready 81:18	7:2,9 14:14	referring
questioning	44:1,2 45:4,	Real 54:13	41:4 44:3	79:8,22
14:9 25:4	20 54:21,24	really 9:1 12:8	45:5 47:18	refers 48:19
questions	55:15 67:19	15:17 16:4	51:25 52:3	reflect 42:14
7:20 8:2 14:4	69:6 73:9	21:14 22:2,	63:5 72:18	45:25
20:16,18,19,	76:25 78:9,21	20,22,23	73:4,16 81:20	reflected
23 24:17,20	79:20	24:1,11 25:20	recorded	33:16 44:7
27:17,19	rate-making	28:12 54:15	14:15 44:9,20	reflection
29:13 31:13	44:6	81:11	45:2	33:9
38:3 39:12	ratepayers	reason 37:15	recording 6:1	regard 35:5
40:3,4 45:11,	32:9	69:1,9	14:11 55:10	78:8
12 46:4 48:8	rates 8:10,14	reasonable	records 44:3	regarding
51:6,19 52:5	15:20 17:12	76:5	recover 17:24	21:8 71:4
53:23 54:3,4	31:11 32:14	reasonably	40:25	74:3 75:3
56:21 57:3	41:10 42:1,6,		recovered	78:3
61:2 63:9,16,	7,8,14,22,23		20:3 45:6	

regardless 68:25	remove 44:7, 22	15:1,5 35:12	61:22 63:1,21 67:23 69:4,6 73:3 78:24 79:4	15:8,10 35:13 48:23 50:3
regards 32:9 59:21 60:12	Renew 51:23 52:1,3 61:7 66:17 77:22	resolved 11:12	roll 65:17	satisfactory 41:23 51:15
regular 9:15 18:21 68:4	reopened 25:8,9,23	respect 46:17	rolling 48:13	satisfied 35:20,23 46:23
regulations 8:21 16:5,8 17:17 49:24 50:23	reopening 22:14	respond 38:12	room 62:19	say 8:9 30:19 35:20 36:18 38:15 47:9 50:13,16 53:2
regulatory 28:12 41:4 42:18 55:10, 14 79:10,22	repetitive 54:14	response 38:3	roughly 40:19 42:7 79:18 80:4	57:20 58:9, 12,17 59:23
relate 33:7 48:25 49:1,2	rephrase 71:22	responses 22:17	row 11:24 13:12	63:21 65:9 70:7 72:3 75:19
related 9:1 40:22	report 11:21 34:24 68:5 69:5,10,12	rest 22:5	rule 12:3 29:8, 9 64:12,20	saying 12:20 53:6 67:16
relates 33:2,5	reporter 6:3 14:13 39:24	restate 6:3	rulemaking 62:23	says 8:5 9:18 12:13 41:13 56:6 71:13 79:21
relating 11:11 67:3	reporting 36:4	restored 14:9	rules 10:4 11:7 18:5,7 32:23,24	schedule 8:21 11:20 16:8 29:4
relation 12:14 74:2	representative 51:25	result 60:20 76:4 79:10,22	49:23 50:22 74:4,10,12	scheduled 68:21
relationship 15:15	request 73:9	resurfacing 68:6	Retired 5:22 6:12	scope 52:25 53:1 68:7
relative 25:2 74:9	requested 44:23 69:9	revenue 44:10,12,22 61:21 65:12	revenue 37:13 38:2	Scott 5:5
relatively 72:23	required 8:8 9:12 19:4,10	79:3,5	48:1 58:3 64:2 66:10	seat 63:4
relevant 68:15 69:16	requirement 44:10,12,22 61:22 65:12 79:4,5	review 17:8 39:4	67:4 68:4 81:11	second 28:11, 22 47:11 55:2
reliability 19:6 74:20	requirements 50:25 74:3	reviewed 17:16	same 10:9 15:3 20:8	seconds 12:1, 3,21,24 13:2, 4,11 33:21
relief 32:6 61:19	requires 10:16 36:21 46:19 48:2	revolve 15:21	47:14 54:14 61:14	section 71:12
rely 51:1,4	resolution	RFP 52:23	SAP 34:3 49:10	security 26:1,
remind 62:18		right 7:15,17 28:10 32:2 36:24 40:14 49:11,20	satisfaction 13:2 14:25	

4	11,14,23 19:2,4,6 27:4 28:5 33:2,6, 15 34:8,16,20 35:6,21 36:7 37:4 38:9 48:22 63:23 64:22 65:2 67:15 74:11, 14,18,21 services 37:2, 5 serving 12:23 18:24 set 6:16,17 23:12,17 25:13,17 26:9,11,14,15 28:4 54:18 55:2 66:7 77:1 sets 15:17 30:25 54:16 setting 14:4 28:6 settlement 40:19 45:19 49:4 50:18 52:25 57:12 60:6,11 several 30:14 46:3 49:9 share 13:20 21:20 35:10 shareholder 43:11,25 shareholders 19:16,17 shed 11:18	sheet 54:15 shopping 21:23 short 24:2 72:23 75:25 short-timer 27:12 40:23 55:22 64:7 67:8,14 71:10 slightly 6:1 smaller 23:7, 10,11 software 49:10 some 6:4 16:16 19:16 21:16 22:10, 11 23:7 25:7 sign 58:10 signatories 41:18 71:20 signees 52:24 significant 38:22 49:9 60:19 75:3 settlement 40:19 45:19 49:4 50:18 52:25 57:12 60:6,11 several 30:14 46:3 49:9 share 13:20 21:20 35:10 shareholder 43:11,25 shareholders 19:16,17 shed 11:18	situation 60:10 six 8:19,23 10:23,24,25 11:24 13:11 17:16 18:7,15 short-timer 27:12 40:23 55:22 64:7 67:8,14 71:10 slightly 6:1 smaller 23:7, 10,11 software 49:10 some 6:4 16:16 19:16 21:16 22:10, 11 23:7 25:7 sign 58:10 signatories 41:18 71:20 signees 52:24 significant 38:22 49:9 60:19 75:3 settlement 40:19 45:19 49:4 50:18 52:25 57:12 60:6,11 several 30:14 46:3 49:9 share 13:20 21:20 35:10 shareholder 43:11,25 shareholders 19:16,17 shed 11:18	21 speaking 35:24 60:5 specific 8:6 64:3 specifically 33:14 35:19 specified 78:11 80:5 specify 80:13 speed 35:14 spell 39:23 63:5 73:16 spelled 39:22 73:18 80:10 spent 32:1 split 19:16 spoke 16:17 35:9,21 43:18 44:13 spread 17:23 staff 5:1,3 6:8 11:22 12:7 13:6,14,18 15:12 18:17, 20 27:11 29:14,21 31:7,10 33:18 34:13 36:4 41:8 46:17, 22,25 48:1 50:19,23 51:12,13 sort 21:4 35:16 48:12 space 12:23 speak 26:16 36:17 43:20, 37:1 48:14
---	--	--	--	--

Staff's 46:5, 12 47:6 64:3 65:16 67:9 76:23 79:1	stats 13:21 status 69:11 stay 42:8 staying 47:13 stays 10:5 steep 36:19 stem 8:21 78:5	stores 23:3 storm 9:7 Street 5:7 strive 12:2,5 13:8,14 striving 13:10 struggle 44:15 struggled 22:22 struggling 19:22 22:11, 16	50:18 53:10, 14,18 54:20 60:7 62:1 67:9,18 74:15 77:2 78:7,11, 18 support 7:9 46:20 supported 43:25 supportive 17:3 suppose 60:13 surcharge 45:16 submit 31:6 submitted 16:20 76:25 submitting 17:7 subscribing 37:1,6 subsequent 42:19 44:2 success 36:1 56:13 such 9:7 17:13,20 18:17 36:7 sufficiently 68:18 supplemental 8:4,6,12 stipulations 70:10 76:8 store 21:24 23:10,11	39:19 63:3,15 73:14 system 10:2 22:23 34:3
				T

47:15 49:24	72:9,10 73:15,19,22 75:10,11,13 76:14 77:13, 20,21,23 78:1 80:18,19,23 81:2,3,12,19	19:1,3 81:6 then 9:18 10:7 11:1 17:19,22 20:7 22:4 23:23 29:13 34:7 37:11 42:8,10,11, 13,15 44:9,23 46:7,12,13, 14,21 49:21 51:3 53:3 55:2 58:9,11, 14 62:23 63:24 64:17 67:20 68:6 72:15 76:25 80:2	18 17:25 20:8,24 21:3 23:22 33:1,7, 8 34:2,10 35:5 36:8 38:24 39:3 43:8,9 44:16 45:19 49:2 50:12 52:18 53:18 54:3 60:22 67:4 68:10,14,17 75:2,21 76:2, 13 80:7	64:4,10,21,23 68:8,10,19,20 69:4,6 70:1 72:3 73:9,12, 24,25 75:5,23 76:8,9,11 79:1,10,13, 21,22 81:9
team 44:3				Thomason
ten 14:12				62:16,17
term 24:3				63:1,6,10
57:12 60:4,11				65:25 66:5, 14,24 68:12
terms 54:15	Thanks 54:4			70:25 72:10
territory 27:4				75:1
testified 7:25	that's 7:15			thorough
39:2 43:24	9:11,14,20			51:5
testify 81:14	11:1 12:3,5			thoroughly
testimony	13:7 16:7			75:9
35:10 56:2	18:9,24 21:4			those 4:11
63:19 64:10,	22:2 23:11			8:22,24 10:3, 23,24 11:5,19
23 73:25	24:10 27:24			13:17 14:23
than 6:2 11:25	28:6,21,25			15:11,22
13:1,12 38:23	30:5 31:25			16:7,12,15,21
thank 4:5,16,	32:3,14,16,25			17:7,16,22
23 5:9,15	33:12 36:23			18:1,8,10,20
6:25 7:19	37:17 38:8			19:1,8 20:3
12:19 14:7	39:12 40:20			21:3 22:6,10
20:17 24:14,	41:14 42:15			23:3,4,19,21
15,19 27:14,	45:21,23			24:2,5 25:20, 21,24 26:18
15,16 28:15	51:6,8 53:9			28:2,11,24
29:1,19,20	55:13,25			30:2 31:7
31:14,16	56:21 57:23			32:19,22 33:5
37:17,18,25	58:19,22			34:4,11,13,19
39:13,14,20	59:14,17			35:15 39:10
40:2 41:12,24	61:23 69:7			40:25 41:2, 18,23 42:8,25
45:8 46:2	70:14 76:13			45:22,24
48:4,6 51:16,	77:13 78:10			47:7,19
18 52:5,6	79:3 80:17			50:18,21,22,
53:23,25	them 8:25 9:2,			
54:5,9,11	11,22 11:21			
56:23 60:24	13:18,20,25			
61:6,8,11	21:22 22:1,			
62:4,5,8,10,	11,21 23:2,5			
12 63:8	27:1 36:12,			
65:21,22,23	15,16,17,22			
66:2,12,13,22	37:4,8,11			
70:16,17,22	41:3 46:22			
	themselves			
		think 16:2,10,		
			61:14 63:19	

25 54:25	77:15 78:22	26:1,2,3,5,9, 11,14,16,20, timeline 59:2	14,15,21 60:12,13,14, 23 27:1,18, timeliness	tracking 28:24 33:21 34:7 36:6 77:3
55:8,9 58:5, 18 64:23	38:14 39:10 48:22 74:22	20,25 28:10, 19 29:2,5,8, 15,20 30:14, 18,19,21,22	18,22,24 63:20 64:3,4, 6 65:17 66:8, 31:2,5,7,15,	Travis 5:4 tried 29:4,8 trouble 63:15 trust 33:10 try 13:8 37:13 72:14 75:20
65:13 67:5,11	timely 33:11 38:5 74:16	22 32:1,11, 12,18 33:2,5, 7,13,17,18,21	15,18 67:1,3, 5,19 68:9,22 69:1,4,23 70:7,12,23	trying 22:3 24:2 26:20 38:16 50:5 78:5
69:4 72:7	times 15:4 51:7 74:25	34:11,12,13, 15 35:6,8,11, 21 36:4,14,	71:3,8,10,19 72:5,13,15,17 74:2,3,5,9,10, 15,23 75:2,	turn 55:22 62:14 66:18 71:3,10
77:3,6,11	timing 53:20 59:10 78:4	19,22,23 7:1, 3,9,13,24 8:8, 16,23 9:2,5,9,	37:3,6,13,21 38:3,11,12, 16,17 39:4 40:5,13,22,	two 5:21 10:24 15:17
78:12,17	to 4:8,24 5:1, 23 6:16,18,	12,19,21,22	78:5,8,17 79:8,9,12,19, 23 80:13,15	25:11 30:24 36:13,19 54:16 66:6 71:10 78:6 80:2,5
though 10:1	23 6:16,18, 19,22,23 7:1,	3,9,13,24 8:8, 16,23 9:2,5,9,	81:6,9,13,15, 18	two-thirds 42:12,17 79:18
17:11 40:12	3,9,13,24 8:8, 16,23 9:2,5,9,	12,19,21,22	today 4:25 5:4 11:20 12:2 43:20 60:2 72:23 81:7	type 13:23,25 16:16
61:24	10:4,5,10,14, 17,18,19,22	10,14,18,21, 22 42:11	together 60:3 78:6	types 34:21, 23 35:15
thought 59:18	11:6,10,11, 12,13,14,21	43:9,10,20	top 27:7,9 49:21 75:5	Tyrone 62:16 63:6
64:15 69:18	12:5,7,9,10, 14,18 13:3,5, 6,8,13,14,17,	44:7,21,23 45:1,3,25	topic 69:25	
three 8:8	18,19,20,25	46:5,6,12,14, 16,17,21,22, 25 47:4,14	touch 26:8	
10:24 12:24	14:8,11,13, 16,24 15:6,	48:19,20,21, 25 49:1,2,3,4,	towards 12:6 13:10,15	U
17:18 26:17	12,13,19	18,19,22	track 31:2 34:18,19	Uh-huh 11:3 15:25 43:7 60:21 67:13
28:1 45:24	16:3,4,6,9,21	50:2,5,7,9,13, 17,20,24	tracked 76:20	
48:9,10,13	17:7,8,10,19,	51:2,8,12,14, 22 52:7,11,		
53:8 58:4	22 18:1,9,10,	14,23,25		
59:14 65:8,	11,14,15,17,	53:2,3,4,8,17,		
13,19 78:12	18,22,24	22 54:13,20		
through 8:24,	19:4,10,22	55:3,22 56:4,		
25 13:25 15:2	20:1,12 21:4,	9 57:11,13,		
16:12 23:18	9,12 22:1,3,	14,18,21,24,		
30:6 32:6,20	11,14,16,19,	25 58:6,7,10,		
34:3,4 38:23	23,25 23:2,3,	13,14,15,18,		
57:1 61:3,19	9,14,16,17,	22,25 59:13,		
62:21 63:15	23,24,25			
throughout	24:2,5 25:3,5,			
49:7 59:21	12,14,23,25			
thus 69:15				
time 4:24 9:19				
10:12 11:9				
13:14 17:20				
20:6 26:10				
30:2 39:4				
41:7,11				
43:10,17,19				
50:15 52:13				
56:15,16				
58:5,6,23				
62:22 72:13				

ultimate 46:18	69:3,5 72:17 76:24 77:11	V	W	31:25 46:9,15 50:2 51:9 58:3 59:18 62:17 80:11
ultimately 31:3 41:22 46:24 47:4 60:13 75:22	up 12:12 14:4 21:4 23:12,17 25:13,17 26:9,11,14,15 28:4,6 29:4,8, 17 37:9 40:5 41:15,21,22 42:18 51:8 52:17 55:20 60:13 62:15 68:5 70:8 72:13	vacations 13:13	W-A-L-T 39:22	ways 18:15 19:5 49:9 75:24
unable 81:9		Vandergriff 5:2,3 29:22, 23 52:8 54:1 61:8 70:24 72:8 80:25	waive 37:21	we 4:2,14,20 5:25 6:16 7:19 8:16,19
uncollectible 19:25 20:5		various 81:6	Wal-mart 21:23 23:8 30:15	9:9,12,18,22, 24,25 10:3,4, 5,7,10,18,21
under 32:4		venues 30:14	Wal-marts 23:3 25:18	11:21,23,24, 25 12:1,4,5, 25 13:8,11, 12,14,15,17,
understand 8:15 11:13 15:14 19:19, 21 20:13 21:11 22:8,21 23:21 26:11 31:23 34:18 37:13 67:23 69:22 70:17 74:7 79:13		verified 17:14	walk 8:25	18,20,22,25
understandin g 32:7 40:8,15 41:16,21 46:15 65:6,11 76:22	updated 43:9	versus 22:1	21:24	14:3,10,11, 14,24 15:1,3, 4,9,11 16:3,4, 9,10,14
	us 7:22 8:25 10:16 13:5 16:3 18:11,23 23:6,16,20 31:15 33:8,12 36:18 37:14 49:25 50:1 60:14 69:4 74:5	38:25	walk-in 13:24 22:6,19 25:7 27:3 30:22	17:15,19,22, 24,25 18:10, 13,16,18,19,
	usage 9:13,16 10:17,20	very 12:8 13:4 14:9,16 17:3 20:23 23:9,14 26:10,14 27:14 34:12 50:19 51:5,13 65:10 69:25 75:8 77:13	Walt 6:19 7:16,25 8:3 14:7,18 19:13 20:16,20 24:17,21 31:18 38:2	20:19:7,24
understood 32:17 33:4,13 46:9,16	use 36:15,17 52:24 53:3	view 17:7 18:7 76:21,23	want 6:22	20:2,4 21:7, 21 22:8,14, 18,21,22,23,
unique 60:10 75:23 76:1,2, 11	used 36:11	views 57:16	43:9 45:1	24 23:13,23, 24,25 24:10,
unless 9:5 65:7	using 22:6 37:11 49:11, 19 52:14,23	violations 64:13,20	46:5 61:13 66:8 67:1	11 25:1,7,9, 12,13,17,19, 24 26:1,6,8,
until 13:15 17:13,16,20 24:3 27:22 28:4,13 37:9 40:9 42:22 47:19 50:14 53:4 68:5	utilities 12:24 36:13,14,20	visibility 33:17	70:7 71:3 75:19 76:17	17 28:1,4,8 29:2,7 30:5,6 31:6 33:10,17
	utility 12:22 19:11 30:23 35:17 36:22 37:1 56:11 70:1	visited 30:1	wanted 14:16 22:23 26:14 28:19 49:21	34:2,11 35:20,22 36:16,17
		visiting 30:2	60:14 62:18	
		visitors 30:2, 8	wanting 23:14	
		volume 13:21	watch 34:18 35:12	
			way 16:2	

37:7,11 38:23	27:6,25 40:24	13,23 34:13	which 8:16	70:23 71:4,
40:2,6,21	49:5,19,23	36:6,12 37:5,	12:12,17 13:4	13,23 72:20,
41:2,3 42:6,	51:14 52:23	13,15 43:20	15:19 33:4	23 73:12
10 43:17	54:14 61:13	45:2 46:15	35:12,24	75:5,8 77:16,
44:19 45:22	64:19 69:25	48:24 49:17	53:13,21	17 79:9,10,
46:18,19,21	we've 13:7,10	51:14 52:12	57:17 61:16	17,19,22
47:9,12,17,18	14:2,25 15:6,	58:7,13 61:23	64:22 69:19	Williams 5:11,
48:14 49:7,	9 17:21 22:3	64:18,19	74:10 77:1	12 6:20,21,22
17,21 50:2,	25:11,23	65:1,2 66:9	while 21:6	12:10 37:19
11,14,17	26:15,16,18	67:7 68:25	46:6 62:17	54:7,8,9 62:7,
51:8,10,11,	28:5 31:8	69:8 70:14	who 4:22 6:3	8 70:19,20
21,22 54:15	35:25 36:11	79:1,13	9:3,10 19:22	80:21,22
56:24 57:1,	38:22 46:23	what's 11:14	22:6 25:12,21	willing 23:9
13,15 58:4,6,	47:6 73:25	43:14 50:24	29:13 31:3	68:22
10,19,22	Webex 4:7,8,	52:13 56:15	71:4	WILSON
59:1,6,9 60:3,	20 14:10 73:6	64:2 68:16	who's 46:6,17	37:20
11 61:3,4	website 26:20	when 14:3	whoops 10:5	with 4:14
62:19,20,21,	week 25:11	21:2 23:23	whose 30:1	6:16,17 7:20
23 64:15	weeks 58:13	24:23 26:12	why 22:13,21	10:17 11:6
66:15,18	welcome 45:9	28:6 30:6	24:10 51:6,8	13:20 15:8,10
67:8,10 68:3,	48:5 51:17	31:3,4,10	will 4:14 6:1	18:4 19:16,22
8,17 70:22	53:24 60:25	35:20 39:2	7:19 8:13	21:12 22:22
72:4,12,13,	well 11:17	40:21 41:2,7	13:18 14:24	23:4,10,15,17
19,20,24	13:21 15:9	42:14 43:17	16:12,19	25:18 28:13
73:1,4,5,7	18:15,24	45:22 57:10,	17:15,19,21	29:11,16,17
74:23 75:7,8,	26:11,16,24	23,24 58:19,	18:13 21:21,	32:21,23
21,22 76:18	32:17 38:16	22,24 59:3,5,	22 23:12 29:2	33:10 34:20
77:1,3,4,16,	39:8 60:1,9	12,14 60:2	35:5,13,20,24	35:5,13,20,24
17 80:24	64:8 65:10,	67:10 68:3	36:11,16 37:8	36:11,16 37:8
81:9,19	18,20 68:14	78:12 79:2,	31:3,4,14	40:3,17,20,25
we'd 26:3,5,9	69:8,24 74:9	14,21	32:5 34:5	41:15 42:25
we'll 15:12	where 9:25	where 9:25	39:17 40:2,21	43:1 46:17,
18:22 20:1	13:2,7,8	13:2,7,8	42:19 45:5,25	22,23 49:18,
27:2,12	went 32:20	19:15 21:25	46:25 50:16	23 51:21
29:16,17,20	60:7	23:13,23	51:3,21,22	52:2,13 53:8,
57:18	what 8:11	whether 31:8	54:19 56:17	21 55:15,19
we're 8:22	11:8 12:1,16	38:17,18	57:1,22 60:22	56:11 57:13,
10:11 12:16	13:23 16:1	41:9,22 44:3	61:3,4,18	19,22 58:1,2,
15:5 16:6	18:24 19:10	46:10 47:6	62:19,20,23	6,17 59:9,10,
17:1,2,3 18:8,	20:5 22:2,14	48:25 50:6,20	64:21,22,23,	11 61:4 66:6,
16,24 19:3,4,	24:12 26:21		24 65:19	8,9 67:14
10 20:23 21:2	30:2 33:2,12,		66:15,18	68:1 71:1,24
23:4,14,22			67:11,14 69:5	

74:3,12 75:20 77:8,17,24 78:8 81:11,17	72:4 75:20 81:8	written 66:17 wrong 51:10	yet 32:1 34:12 55:3 72:7 77:6	
within 10:11 12:1,3,21 36:13 47:5 52:19 53:12 56:17	world 44:5 58:9	Y	Z	
without 37:1 60:6	worries 14:20	yardstick 18:10	zero 27:21 43:3	
witness 4:24 7:18 12:20 20:7 24:17 29:11 39:16, 17,19,21 48:17 56:24 62:13,18 63:3,6 70:2 72:11,12,16 73:12,14,17 81:4	worth 36:9 would 6:18 7:9,21 8:12, 23,25 11:6 16:15,18,20 17:6,13 18:5 19:21 20:3,4 24:1 26:1,10 27:20 28:10 30:19 32:1,8, 21 33:24 34:3,4,9 36:9, 18 38:3 39:23 41:3,5,8,9 42:6,8,10,12, 14,23 43:25 44:1,7,20,21, 24 45:2 48:1 50:12 51:24 52:19,22 53:3 55:22,25 56:4,6 57:6, 10,13,20,24 58:19,22,25 59:3,16 60:6, 7,8 62:14,15 64:17 65:11 67:17,19,20 69:15 71:11 72:3,15,16 74:23 78:19, 21,22 79:15 80:2,12,16 81:10,15	yeah 7:8 8:19, 25 11:19 16:2 24:9 40:5 41:24 48:14 51:4 55:12 year 15:7 18:2 42:3,5,9,10, 13,16 52:19 53:5 56:18 59:24 78:13, 18 79:3,23 80:2 years 12:22 25:9,17 50:23 59:14 Yep 56:17 yes 6:21 7:7 8:18 10:24 16:24 20:9,14 27:6,11 29:22 30:12 32:16 36:5 38:7,22 39:7,25 41:16 45:5 47:23,25 48:4 54:22 55:1,7,12 56:3 61:11,23 65:5 66:2,11 67:6,22 68:2 69:7 71:9 76:6,22 77:8 78:1,15 79:6, 25		
witnesses 6:16 29:12 62:15,22 66:7,16 71:2 74:25 76:19 77:9 81:14	wouldn't 26:2 53:4			
won't 44:18 65:18				
wondering 47:25				
wording 61:17				
words 78:16				
work 23:9,14 47:1 53:1 57:13 59:9, 10,19 64:5,6				
working 57:19 58:6				