

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

September 24, 2014
Jefferson City, Missouri

Volume 1

In the Matter of the Empire)
District Electric Company for)
Authority to File Tariffs) Case No. ER-2014-0351
Increasing Rates for Electric)
Service Provided to Customers)
in the Company's Missouri)
Service Area.)

KIM S. BURTON, Presiding
REGULATORY LAW JUDGE

REPORTED BY: Monnie S. Mealy, CCR, CSR, RPR
Midwest Litigation Services
3432 W. Truman Boulevard, Suite 207
Jefferson City, MO 65109
(573) 636-7551

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

2 For Staff of the Missouri Public Service Commission:

3 Mr. Robert S. Berlin

and Alexander Antal

4 Office of the Public Service Commission

200 Madison Street

5 P.O. Box 360

Jefferson City, MO 65102

6 (573) 526-7779

7

For Office Public Counsel and the Public:

8

Ms. Christina Baker

9 Deputy Public Counsel

Office of Public Counsel

10 200 Madison Street

P.O. Box 2230

11 Jefferson City, MO 65102

(573) 751-5565

12

13 For Empire District Electric Company:

14 Ms. Diana C. Carter

Brydon, Swearngen & England

15 312 East Capitol Avenue

P.O. Box 456

16 Jefferson City, MO 65102-0456

(573) 635-7166

17

18 For Department of Economic Development, Division of Energy:

19 Mr. Jeremy Knee

Attorney at Law

20 301 W. High Street, Suite 680

Jefferson City, MO 65201

21 (573) 522-3304

22

For City of Joplin:

23

Ms. Stephanie S. Bell

24 Blitz, Bardgett & Duetsch, LC

308 E. High Street, Suite 301

25 Jefferson City, MO 65101

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S (CONTINUED)

For Midwest Energy Users Association (MEUA):

Mr. Stuart W. Conrad
Finnegan, Conrad & Peterson
1209 Penntower
3100 Broadway
Kansas City, MO 64111
(816) 753-1122

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

2 JUDGE BURTON: Okay, everyone. Let's go
3 ahead and go on the record. The time is currently
4 11:03 a.m., and today is Wednesday, September 24th,
5 2014.

6 We're on the record in the matter of the
7 Empire District Electric Company for Authority to
8 File Tariffs Increasing rates for Electric Service
9 Provided to Customers in the Company's Missouri
10 Service Area. That's File No. ER-2014-0351.

11 The Commission has scheduled this time for
12 a pre-hearing conference on this matter. And just
13 to handle some procedural issues before we get into
14 the entries appearance, some orders granting
15 applications to intervene have been entered into
16 the electronic filing information system or the
17 EFIS system for the Commission.

18 But the parties here present may not have
19 yet received them. So I'll go ahead and note for
20 the record that applications to intervene have been
21 granted for the Missouri Division of Energy's --
22 excuse me -- Missouri Department of Economic
23 Development, Division of Energy, the City of Joplin
24 and the Midwest Energy Users Association as well as
25 the Midwest Energy Consumers Group.

1 At this time, we'll go ahead and go
2 through the entries of appearance. On behalf of
3 the Empire District Electric Company?

4 MS. CARTER: Diana Carter with Brydon,
5 Swearngen & England, 312 East Capitol Avenue,
6 Jefferson City, Missouri, 65101.

7 JUDGE BURTON: All right. Thank you, Ms.
8 Carter. And I'll note for the record that we do
9 have the phone conference on right now, and I
10 believe that some representatives from Empire are
11 on the phone. And on behalf of the Staff of the
12 Missouri Public Service Commission?

13 MR. BERLIN: Yes. Thank you, Judge.
14 Appearing on behalf of the Staff of the Missouri
15 Public Service Commission are Bob Berlin and Alex
16 Antal, Post Office Box 360, Jefferson City,
17 Missouri, 65102.

18 JUDGE BURTON: Thank you. On behalf of
19 the Office of -- wait. I was just -- sorry. I was
20 just going to go through the list.

21 Actually, let me go through the list and
22 make sure who else I have on the phone to be sure
23 it's not just the representatives of Empire. Do we
24 have anyone on the phone?

25 MR. KEITH: This is Empire.

1 JUDGE BURTON: And this is not an
2 attorney? This is just --

3 MR. KEITH: Right. My name is Scott
4 Keith. I work for them.

5 JUDGE BURTON: Okay. Just wanted to make
6 sure. And Ms. Baker?

7 MS. BAKER: Christina Baker, P.O. Box
8 2230, Jefferson City, Missouri, 65102, appearing on
9 behalf of the Office of the Public Counsel and the
10 customers.

11 JUDGE BURTON: Okay. And on behalf of the
12 City of Joplin?

13 MS. BELL: Stephanie Bell with Blitz,
14 Bardgett & Deutsch, 308 East High Street, Suite
15 301, Jefferson City, Missouri, 65101.

16 JUDGE BURTON: Okay. Thank you. And on
17 behalf of the Division of Energy?

18 MR. KNEE: Jeremy Knee. And the court
19 reporter has my address.

20 JUDGE BURTON: Okay. Thank you. And on
21 behalf of the Midwest Energy Users Association?

22 MR. CONRAD: For MEUA, Judge, Stu Conrad.
23 And I, too, have provided the reporter with my
24 address and phone.

25 JUDGE BURTON: Okay. Thank you. We also

1 have the Midwest Energy Consumers Group. I know
2 that we did receive communication from David
3 Woodsmall last week that he would be unable to
4 appear here. Is there any other person here that's
5 in a representative capacity for Midwest Energy
6 Consumers Group?

7 Okay. I'll go ahead and note for the
8 record that Mr. Woodsmall has indicated that he is
9 representing them in this matter.

10 Is there any other party that I've missed?

11 Okay. Seeing no hands, the reason for this
12 pre-hearing conference is to go ahead and allow the
13 parties an opportunity to meet and discuss a
14 procedural schedule.

15 I'm looking at the schedule right now for
16 possible hearing dates. And I would ask that the
17 parties pull up their calendars. Now, I know that
18 after we go off the record the parties will have a
19 chance to discuss more of the procedural schedule,
20 and I would ask that a joint proposed procedural
21 schedule is going to be submitted.

22 Is one week sufficient from today? All
23 right. Then let's say by October 1st, 2014. And I
24 would ask that Staff's Counsel go ahead and submit
25 that on behalf of the parties.

1 MR. BERLIN: Okay.

2 JUDGE BURTON: Looking at the Commission's
3 schedule and the calendar right now, I would
4 request that the parties consider hearing dates
5 looking for the last week of March 2015. That's
6 actually the 30th and the 31st of March.

7 And that goes into the first week of
8 April. And for further options, the first, let's
9 say, two weeks of April. That would be the first
10 week. And then the second week with the 6th
11 through the 10th. If need be, we'll consider the
12 13th through the 16th since currently those dates
13 are available.

14 And if there are any objections to that,
15 please note that and request for different hearing
16 dates.

17 MR. BERLIN: If I might ask?

18 JUDGE BURTON: Yes.

19 MR. BERLIN: We've put together a draft of
20 some proposed dates. So I would ask, would you
21 consider going into the week of the 20th, 24th of
22 April?

23 JUDGE BURTON: When would the true-up be?

24 MR. BERLIN: That would be -- that -- that
25 hearing would -- would be May 18th, 19th.

1 JUDGE BURTON: I want to ensure that we
2 have enough time to get this decided before June of
3 -- sufficient time because I know that's also a
4 difficult time for the Commissioners who travel and
5 have other schedules. So I would ask that the
6 parties move that date up for the hearing.

7 MR. CONRAD: Judge, if it helps any, I can
8 write you an order right now. I'm sure the utility
9 would agree with that. But --

10 JUDGE BURTON: And for what, sir?

11 MR. CONRAD: For the -- for the case.

12 JUDGE BURTON: I'm sure they would love
13 that, and I'm sure the Commission itself would
14 approve that.

15 MR. BERLIN: So we can -- so, Judge, we
16 can keep April 13th and 17th in play?

17 JUDGE BURTON: Yes.

18 MR. BERLIN: Okay.

19 JUDGE BURTON: But I would say is there a
20 reason that we don't think we could have it, let's
21 say, the 6th through the 17th?

22 MR. BERLIN: Well, one of the -- one of
23 the over-arching concerns that Staff has is to sync
24 this procedural schedule somewhat along the lines
25 of the Ameren rate case that's pending before the

1 Commission because many of the Staff are also
2 involved in the Ameren case. So we -- we have some
3 proposed dates that take that into consideration so
4 that we don't pancake the two cases.

5 JUDGE BURTON: I understand that, and I
6 understand the difficulties that Staff is going to
7 be dealing with because of that crunch. But I also
8 think that we can work with that schedule if we
9 push it up a week. Okay?

10 And with that in mind, I would also like
11 to push up the -- the true-up date.

12 MS. CARTER: Scott, are you on the phone
13 there? This is Diana.

14 MR. KEITH: Pardon me?

15 MS. CARTER: I just wanted to make sure
16 you were there, Scott. Do you know the date that
17 Empire can have the true-up information to the
18 parties?

19 MR. KEITH: The true-up is supposed to go
20 through December?

21 MS. CARTER: Yes.

22 MR. KEITH: They can probably be provided
23 sometime in March.

24 JUDGE BURTON: Would the 13th of May work?
25 Or do the parties think they'll need more than one

1 day?

2 MS. CARTER: In May? Yeah.

3 MR. BERLIN: For May 13th would be
4 true-up, evidentiary hearing?

5 JUDGE BURTON: Yes.

6 MR. BERLIN: May 13th. I think we can
7 make that work.

8 JUDGE BURTON: Is one day sufficient?

9 MR. BERLIN: Staff is okay with one day.

10 JUDGE BURTON: Okay.

11 MS. CARTER: I think that should be fine.

12 JUDGE BURTON: Okay. Then let's work
13 around those dates when submitting the procedural
14 schedule. Okay? Are there any additional matters
15 that we need to address while we are on the record?

16 Okay. All right. Seeing nothing, I'm
17 going to go ahead and go off the record. But I
18 would say, do we need to move the -- the phone
19 conference system up? Okay. Then let's go ahead
20 and go off the record. Thank you, everyone.

21 (The proceedings were concluded at 11:10 a.m. on
22 September 24, 2014.)

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

STATE OF MISSOURI)

) ss.

COUNTY OF OSAGE)

I, Monnie S. Mealy, Certified Shorthand Reporter,
Certified Court Reporter #0538, and Registered Professional
Reporter, within and for the State of Missouri, do hereby
certify that I was personally present at the proceedings as
set forth in the caption sheet hereof; that I then and there
took down in stenotype the proceedings had at said time and
was thereafter transcribed by me, and is fully and accurately
set forth in the preceding pages.

Monnie S. Mealy, CSR, CCR #0538
Registered Professional Reporter

<p style="text-align: center;">A</p> <p>accurately 12:12 additional 11:14 address 6:19,24 11:15 agree 9:9 ahead 4:3,19 5:1 7:7,12,24 11:17 11:19 Alex 5:15 Alexander 2:3 allow 7:12 Ameren 9:25 10:2 Antal 2:3 5:16 appear 7:4 appearance 4:14 5:2 appearing 5:14 6:8 applications 4:15 4:20 approve 9:14 April 8:8,9,22 9:16 Area 1:13 4:10 Association 3:2 4:24 6:21 attorney 2:19 6:2 Authority 1:11 4:7 available 8:13 Avenue 2:15 5:5 a.m 4:4 11:21</p> <hr/> <p style="text-align: center;">B</p> <p>Baker 2:8 6:6,7,7 Bardgett 2:24 6:14 behalf 5:2,11,14 5:18 6:9,11,17 6:21 7:25 believe 5:10 Bell 2:23 6:13,13 Berlin 2:3 5:13 5:15 8:1,17,19 8:24 9:15,18,22</p>	<p>11:3,6,9 Blitz 2:24 6:13 Bob 5:15 Boulevard 1:22 Box 2:5,10,15 5:16 6:7 Broadway 3:5 Brydon 2:14 5:4 BURTON 1:16 4:2 5:7,18 6:1,5 6:11,16,20,25 8:2,18,23 9:1 9:10,12,17,19 10:5,24 11:5,8 11:10,12</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1,14 3:1 4:1 calendar 8:3 calendars 7:17 capacity 7:5 Capitol 2:15 5:5 caption 12:10 Carter 2:14 5:4,4 5:8 10:12,15,21 11:2,11 case 1:11 9:11,25 10:2 cases 10:4 CCR 1:21 12:20 CERTIFICATE 12:1 Certified 12:6,7 certify 12:9 chance 7:19 Christina 2:8 6:7 City 1:7,22 2:5 2:11,16,20,22 2:25 3:5 4:23 5:6,16 6:8,12 6:15 Commission 1:1 2:2,4 4:11,17 5:12,15 9:13 10:1 Commissioners 9:4</p>	<p>Commission's 8:2 communication 7:2 Company 1:10 2:13 4:7 5:3 Company's 1:12 4:9 concerns 9:23 concluded 11:21 conference 1:5 4:12 5:9 7:12 11:19 Conrad 3:3,4 6:22,22 9:7,11 consider 8:4,11 8:21 consideration 10:3 Consumers 4:25 7:1,6 CONTINUED 3:1 Counsel 2:7,9,9 6:9 7:24 COUNTY 12:4 court 6:18 12:7 crunch 10:7 CSR 1:21 12:20 currently 4:3 8:12 customers 1:12 4:9 6:10</p> <hr/> <p style="text-align: center;">D</p> <p>D 4:1 date 9:6 10:11,16 dates 7:16 8:4,12 8:16,20 10:3 11:13 David 7:2 day 11:1,8,9 dealing 10:7 December 10:20 decided 9:2 Department 2:18 4:22</p>	<p>Deputy 2:9 Deutsch 6:14 Development 2:18 4:23 Diana 2:14 5:4 10:13 different 8:15 difficult 9:4 difficulties 10:6 discuss 7:13,19 District 1:10 2:13 4:7 5:3 Division 2:18 4:21,23 6:17 draft 8:19 Duetsch 2:24</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1,1,24 3:1,1 4:1,1 East 2:15 5:5 6:14 Economic 2:18 4:22 EFIS 4:17 Electric 1:10,11 2:13 4:7,8 5:3 electronic 4:16 Empire 1:10 2:13 4:7 5:3,10,23 5:25 10:17 Energy 2:18 3:2 4:23,24,25 6:17 6:21 7:1,5 Energy's 4:21 England 2:14 5:5 ensure 9:1 entered 4:15 entries 4:14 5:2 ER-2014-0351 1:11 4:10 evidentiary 11:4 excuse 4:22</p> <hr/> <p style="text-align: center;">F</p> <p>File 1:11 4:8,10 filing 4:16</p>	<p>fine 11:11 Finnegan 3:4 first 8:7,8,9 forth 12:10,13 fully 12:12 further 8:8</p> <hr/> <p style="text-align: center;">G</p> <p>G 4:1 go 4:2,3,19 5:1,1 5:20,21 7:7,12 7:18,24 10:19 11:17,17,19,20 goes 8:7 going 5:20 7:21 8:21 10:6 11:17 granted 4:21 granting 4:14 Group 4:25 7:1,6</p> <hr/> <p style="text-align: center;">H</p> <p>handle 4:13 hands 7:11 hearing 7:16 8:4 8:15,25 9:6 11:4 helps 9:7 hereof 12:10 High 2:20,24 6:14</p> <hr/> <p style="text-align: center;">I</p> <p>Increasing 1:11 4:8 indicated 7:8 information 4:16 10:17 intervene 4:15,20 involved 10:2 issues 4:13</p> <hr/> <p style="text-align: center;">J</p> <p>Jefferson 1:7,22 2:5,11,16,20,25 5:6,16 6:8,15 Jeremy 2:19 6:18 joint 7:20 Joplin 2:22 4:23</p>
--	--	--	---	---

6:12 Judge 1:17 4:2 5:7,13,18 6:1,5 6:11,16,20,22 6:25 8:2,18,23 9:1,7,10,12,15 9:17,19 10:5,24 11:5,8,10,12 June 9:2	mind 10:10 missed 7:10 Missouri 1:1,7 1:12 2:2 4:9,21 4:22 5:6,12,14 5:17 6:8,15 12:3,8 MO 1:22 2:5,11 2:16,20,25 3:5 Monnie 1:21 12:6,20 move 9:6 11:18	9:6 10:18,25 party 7:10 pending 9:25 Penntower 3:4 person 7:4 personally 12:9 Peterson 3:4 phone 5:9,11,22 5:24 6:24 10:12 11:18 play 9:16 please 8:15 possible 7:16 Post 5:16 preceding 12:13 Prehearing 1:5 present 4:18 12:9 Presiding 1:16 pre-hearing 4:12 7:12 probably 10:22 procedural 4:13 7:14,19,20 9:24 11:13 proceedings 1:3 11:21 12:9,11 Professional 12:7 12:21 proposed 7:20 8:20 10:3 provided 1:12 4:9 6:23 10:22 Public 1:1 2:2,4,7 2:7,9,9 5:12,15 6:9 pull 7:17 push 10:9,11 put 8:19 P.O 2:5,10,15 6:7	record 4:3,6,20 5:8 7:8,18 11:15,17,20 Registered 12:7 12:21 REGULATORY 1:17 REPORTED 1:21 reporter 6:19,23 12:6,7,8,21 REPORTER'S 12:1 representative 7:5 representatives 5:10,23 representing 7:9 request 8:4,15 right 5:7,9 6:3 7:15,23 8:3 9:8 11:16 Robert 2:3 RPR 1:21	Shorthand 12:6 sir 9:10 somewhat 9:24 sorry 5:19 ss 12:3 Staff 2:2 5:11,14 9:23 10:1,6 11:9 Staff's 7:24 State 1:1 12:3,8 stenotype 12:11 Stephanie 2:23 6:13 Street 2:4,10,20 2:24 6:14 Stu 6:22 Stuart 3:3 submit 7:24 submitted 7:21 submitting 11:13 sufficient 7:22 9:3 11:8 Suite 1:22 2:20 2:24 6:14 supposed 10:19 sure 5:22,22 6:6 9:8,12,13 10:15 Swearengen 2:14 5:5 sync 9:23 system 4:16,17 11:19
<hr/> K <hr/> Kansas 3:5 keep 9:16 Keith 5:25 6:3,4 10:14,19,22 KIM 1:16 Knee 2:19 6:18 6:18 know 7:1,17 9:3 10:16	<hr/> N <hr/> N 2:1 3:1 4:1 name 6:3 need 8:11 10:25 11:15,18 note 4:19 5:8 7:7 8:15	<hr/> O <hr/> O 4:1 objections 8:14 October 7:23 Office 2:4,7,9 5:16,19 6:9 okay 4:2 6:5,11 6:16,20,25 7:7 7:11 8:1 9:18 10:9 11:9,10,12 11:14,16,19 opportunity 7:13 options 8:8 order 9:8 orders 4:14 OSAGE 12:4 over-arching 9:23	<hr/> S <hr/> S 1:16,21 2:1,3 2:23 3:1 4:1 12:6,20 schedule 7:14,15 7:19,21 8:3 9:24 10:8 11:14 scheduled 4:11 schedules 9:5 Scott 6:3 10:12 10:16 second 8:10 Seeing 7:11 11:16 September 1:7 4:4 11:22 Service 1:1,12,13 2:2,4 4:8,10 5:12,15 Services 1:21 set 12:10,13 sheet 12:10	<hr/> T <hr/> take 10:3 Tariffs 1:11 4:8 Thank 5:7,13,18 6:16,20,25 11:20 think 9:20 10:8 10:25 11:6,11 time 4:3,11 5:1 9:2,3,4 12:11 today 4:4 7:22 transcribed 12:12 TRANSCRIPT
<hr/> L <hr/> Law 1:17 2:19 LC 2:24 let's 4:2 7:23 8:8 9:20 11:12,19 lines 9:24 list 5:20,21 Litigation 1:21 looking 7:15 8:2 8:5 love 9:12	<hr/> M <hr/> Madison 2:4,10 March 8:5,6 10:23 matter 1:10 4:6 4:12 7:9 matters 11:14 Mealy 1:21 12:6 12:20 meet 7:13 MEUA 3:2 6:22 Midwest 1:21 3:2 4:24,25 6:21 7:1,5	<hr/> P <hr/> P 2:1,1 3:1,1 4:1 pages 12:13 pancake 10:4 Pardon 10:14 parties 4:18 7:13 7:17,18,25 8:4	<hr/> R <hr/> R 2:1 3:1 4:1 rate 9:25 rates 1:11 4:8 reason 7:11 9:20 receive 7:2 received 4:19	

PREHEARING CONFERENCE 9/24/2014

1:3 travel 9:4 true-up 8:23 10:11,17,19 11:4 Truman 1:22 two 8:9 10:4	1209 3:4 13th 8:12 9:16 10:24 11:3,6 16th 8:12 17th 9:16,21 18th 8:25 19th 8:25	65109 1:22 65201 2:20 680 2:20		
<hr/> U <hr/>	<hr/> 2 <hr/>	<hr/> 7 <hr/>		
unable 7:3 understand 10:5 10:6 Users 3:2 4:24 6:21 utility 9:8	20th 8:21 200 2:4,10 2014 1:7 4:5 7:23 11:22 2015 8:5 207 1:22 2230 2:10 6:8 24 1:7 11:22 24th 4:4 8:21	751-5565 2:11 753-1122 3:6		
<hr/> V <hr/>		<hr/> 8 <hr/>		
Volume 1:8		816 3:6		
<hr/> W <hr/>	<hr/> 3 <hr/>			
W 1:22 2:20 3:3 wait 5:19 want 9:1 wanted 6:5 10:15 Wednesday 4:4 week 7:3,22 8:5,7 8:10,10,21 10:9 weeks 8:9 we'll 5:1 8:11 We're 4:6 We've 8:19 Woodsmall 7:3,8 work 6:4 10:8,24 11:7,12 write 9:8	30th 8:6 301 2:20,24 6:15 308 2:24 6:14 31st 8:6 3100 3:5 312 2:15 5:5 3432 1:22 360 2:5 5:16			
<hr/> Y <hr/>	<hr/> 4 <hr/>			
Yeah 11:2	456 2:15			
<hr/> # <hr/>	<hr/> 5 <hr/>			
#0538 12:7,20	522-3304 2:21 526-7779 2:6 573 1:23 2:6,11 2:16,21			
<hr/> 1 <hr/>	<hr/> 6 <hr/>			
1 1:8 1st 7:23 10th 8:11 11:03 4:4 11:10 11:21	6th 8:10 9:21 635-7166 2:16 636-7551 1:23 64111 3:5 65101 2:25 5:6 6:15 65102 2:5,11 5:17 6:8 65102-0456 2:16			