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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
TRANSCRIPT OF PROCEEDINGS  
Local Public Hearing  
March 23, 2010  
Reeds Spring, Missouri  
Volume 5

In the Matter of ) File No. ER-2010-0130  
The Empire District )  
Electric Company of Joplin, )  
Missouri For Authority To )  
File Tariff Increasing )  
Rates For Electric Service )  
Provided To Customers In )  
The Missouri Service Area )  
Of The Company, )

KENNARD L. JONES, Presiding  
SENIOR REGULATORY LAW JUDGE

REPORTED BY: PAULA C. VOYLES, CCR, RPR, CRR

1 APPEARANCES:

2 For Empire District Electric Company of Joplin :

3 DIANA C. CARTER  
4 dcarter@brydonlaw.com  
5 BRYDON, SWEARENGEN & ENGLAND, PC  
6 312 East Capitol Avenue  
7 P.O. Box 456  
8 Jefferson City, MO 65102-0456  
9 Tel: 573.635.7166, Fax: 573.634.7431

7 For Office of the Public Counsel:

8 LEWIS R. MILLS, JR. (Present via Videoconference)  
9 STATE OF MISSOURI  
10 Department of Economic Development  
11 Office of the Public Counsel  
12 200 Madison Street, Suite 650  
13 P.O. Box 2230  
14 Jefferson City, MO 65102  
15 Tel: 573.751.5565, Fax: 573.751.5562

13 For Missouri Public Service Commission:

14 SARAH L. KLIETHERMES  
15 sarah.kliethermes@psc.mo.gov  
16 STATE OF MISSOURI  
17 Department of Economic Development  
18 Public Service Commission  
19 200 Madison Street, Suite 800  
20 P.O. Box 360  
21 Jefferson City, MO 65102  
22 Tel: 573.751.5472, Fax: 573.751.9285

20 Reported by:

21 PAULA C. VOYLES, RPR, CRR, CCR No. 750  
22 MIDWEST LITIGATION SERVICES  
23 1911 South National Avenue, Suite 402  
24 Springfield, MO 65804  
25 Tel: 417.877.9700, Fax: 417.877.9704

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

2

3 JUDGE JONES: This is case number  
4 ER-2010-0130, and this is the local public hearing in  
5 Reed Springs, Missouri, to take comments on the Empire  
6 Electric Company's request for a rate increase.

7 My name is Kennard Jones. I'm the regulatory  
8 law judge assigned to this matter.

9 And at this time, I'll take entries of  
10 appearances from the attorneys representing the various  
11 parties in the case, beginning with the Empire District  
12 Electric Company.

13 MS. CARTER: Diana Carter, with Brydon,  
14 Swaengen & England of Jefferson City, counsel for  
15 Empire District Electric Company.

16 JUDGE JONES: And we've heard the Office of  
17 Public Counsel, Lewis Mills.

18 Is there anyone from City of Joplin? (No  
19 audible response).

20 Kansas City Power & Light Company? (No  
21 audible response).

22 Midwest Users Association? (No audible  
23 response).

24 Missouri Department of Revenue? (No audible  
25 response).

1                   And the Staff of the Commission?

2                   MS. KLIETHERMES: Thank you, Judge. Sarah  
3 Kliethermes, on behalf of the Public Service  
4 Commission.

5                   JUDGE JONES: Prior to now and this  
6 on-the-record proceeding, you all have had the  
7 opportunity to ask some questions, and hopefully you've  
8 gotten some answers to those questions. If you  
9 haven't, I presume that you've been provided  
10 information that will allow you to in the future get  
11 answers to your questions.

12                   At this time, we're going to take comments  
13 which will be recorded, and a record will be made for  
14 the five Commissioners and any other party in the case  
15 to be able to reference. It will be in -- it's an  
16 official file in the case.

17                   After I go through the three people who are  
18 signed up, anyone else who would like to give comment,  
19 I'll afford that opportunity for you to do that at that  
20 time. When you come up to here, I'm assuming at this  
21 table, I'll swear you in as a witness. You make your  
22 statements. I'll keep notes and whatnot. And if I  
23 have questions, I'll ask afterwards, and then we'll  
24 move to the next person. And that will be it.

25                   Does anybody have any questions about the

1 procedure of the hearing? (No audible response).

2 Okay. With that, let's go ahead and get  
3 started with Judy Thornton.

4 Hi. You can go ahead and have a seat.

5 MS. THORNTON: Okay.

6 JUDGE JONES: And raise your right hand.

7 Whereupon--

8 JUDY THORNTON

9 having first affirmed that the testimony given will be  
10 the truth, then testified as follows:

11 JUDGE JONES: Thank you. You may proceed.

12 MS. THORNTON: Okay. My concern, first off,  
13 I'd like to say that I know that dealing with Empire  
14 Electric -- I have for about the last year -- I have no  
15 problem as far as the company is concerned. They're  
16 all -- their staff's always congenial. They answer --  
17 take care of any problems that I have.

18 My concern over this whole thing is the rate  
19 increase. And while I realize that they're like  
20 everybody else, they have expenses and costs that they  
21 have to incur, myself, as a small business, I can't  
22 afford another increase of this magnitude.

23 For example, the last three months, my  
24 electric bill has been the equivalent of five months'  
25 rent for me. And I'm at the point now that any

1 increase will shut my doors.

2           And, you know, our area, Stone County --  
3 maybe it's different for other counties -- but  
4 especially the little town of Reed Springs that we were  
5 bypassed by the highway, and we're struggling to keep  
6 our doors open now.

7           The unemployment rate is tremendous in this  
8 area. I know the State's average is maybe nine. Here  
9 in Stone County we have up to 13, 14 percent  
10 unemployment.

11           We have people without jobs. They're  
12 wondering how to put fuel in their cars, if they do  
13 have a job; how to feed their kids; pay their bills  
14 now; you know, trying to keep food on the table.

15           And I can understand the electric company  
16 wanting a return on their money. But when I'm out  
17 there and my return, I'm only getting maybe  
18 1 percent -- I think that if they were asking for a 3  
19 or 4 percent return, we might could live with that.

20           But I don't see how people can afford to pay  
21 any more money in this economy, and how they can  
22 justify asking us to pay any more when we have things  
23 like we've got kids in the school system here that  
24 literally are sent backpacks full of food home with  
25 them to have something to eat on the weekends because

1 their parents are barely surviving now to put a roof  
2 over their head.

3 My mom, you know, she sets her thermostat on  
4 55 degrees -- and I go in there and turn it up so she's  
5 warm -- because she's got to live on Social Security  
6 and she's got a 400-dollar electric bill. You know,  
7 these people, they can't afford it. And personally, as  
8 a small business owner, I can't afford it. And I don't  
9 know how they can.

10 I don't know how to put it any different. I  
11 maybe said it a little differently in the question and  
12 answering, but that's basically the whole thing.

13 I have no objections to Empire Electric  
14 getting a little something back on their return, but I  
15 don't think it should be at the cost of people that are  
16 barely surviving now.

17 JUDGE JONES: You mentioned earlier that your  
18 bill is five months times your rent. Is that the  
19 business that you run?

20 MS. THORNTON: That's the business that I  
21 have.

22 JUDGE JONES: What kind of business do you  
23 have?

24 MS. THORNTON: I have a secondhand store, and  
25 it's in Reeds Spring.

1                   JUDGE JONES: How much is your bill? You  
2 mind me asking?

3                   MS. THORNTON: My bill?

4                   JUDGE JONES: Yeah. Electric bill.

5                   MS. THORNTON: Well, my electric bill in  
6 January was \$693. And in February, it was 571. I pay  
7 \$320 a month rent.

8                   JUDGE JONES: Okay.

9                   MS. THORNTON: And I -- and I know we've had  
10 a colder-than-normal winter, and I know I can't base --  
11 truly base maybe the electric bill that I had in  
12 January and February to what it was last year, because  
13 we did have colder weather there for the electric, the  
14 heaters are going to run a little bit longer and all  
15 that.

16                   But still, you know, you add -- on mine, if  
17 you added the 19 percent that they're wanting to, just  
18 last month's bill, instead of 571, you would have added  
19 another \$117 to that. And I can't do it. You know, we  
20 can't do it.

21                   And I know people out there that are  
22 literally having their lights shut off because they  
23 can't pay their bills. I know two businesses that have  
24 gone down in our town because they can't pay their  
25 electric bills and they're shut down.

1           You know, my landlord, they've got -- their  
2 building next to me, they had -- their electric bill  
3 was so high, they shut it off. \$3,000. And they're  
4 not even -- they're remodeling that side, and they were  
5 going to open it up into a new business, and they had  
6 to have the lights turned off because they couldn't  
7 afford to pay the bill. So they're at a standstill in  
8 remodeling the rest of the building to open it up to  
9 bring jobs back into our area.

10           And I think at some point this time -- and I  
11 made this statement before -- some point in time, fair  
12 is as fair does. In this economy, people are  
13 struggling to survive. And I believe that while Empire  
14 Electric is afforded a fair return, that fair return  
15 also has to come to their subscribers. Because we have  
16 to -- we have to have them to survive. We have to have  
17 them.

18           But then on the same term, they have to have  
19 us to survive, too. And in these economical times,  
20 it's about time that industry and people worked  
21 together for a mutual end.

22           Times are going to turn around. Then they  
23 can get their return. Don't get their return by taking  
24 it away and us having to do more backpacks sending home  
25 with kids on weekends so they've got something to eat

1 besides what they get at school Monday through Friday.

2 I don't care about my business. You know, my  
3 business -- my business, I do because I love it and I  
4 love what I'm doing, but it was a hobby that turned  
5 into a business. And if I have to close my doors  
6 tomorrow, it will not be the end of the world. I have  
7 worked there a year and I have yet to draw a paycheck  
8 because everything goes right back into the bills. And  
9 I'm fortunate that my husband and I don't have to  
10 depend on my business to pay our bills. We're  
11 comfortable.

12 But I also have two children. Of course,  
13 they're not in this electric company, but I do have two  
14 children. And out of my two children, my son lost his  
15 job in May. He just started a new job Monday. Since  
16 May, he's been looking for a job.

17 My son-in-law lost his job. He still doesn't  
18 have one. His company is going out of the United  
19 States.

20 And this is things that's happening here and  
21 now. And it's even worse in this area.

22 And we've got to think about the little guys.  
23 And I know they say most of their shareholders are the  
24 mom and pops. But you know what? Those mom and pops  
25 that are their shareholders are having to support their

1 kids right now because their kids are losing their jobs  
2 right and left. And I'm sure that their shareholders  
3 would understand that.

4 And that's all I got to say.

5 JUDGE JONES: Thank you for your comments.

6 Are there any questions from any of the  
7 parties? Mr. Mills?

8 MR. MILLS: I have no questions.

9 JUDGE JONES: Okay. Thank you.

10 MS. THORNTON: Thank you.

11 JUDGE JONES: Next is Bob Grenier.

12 Raise your right hand, sir.

13 Whereupon--

14 BOB GRENIER

15 having first affirmed that the testimony given will be  
16 the truth, then testified as follows:

17 JUDGE JONES: Thank you.

18 Can you spell your last name for the court  
19 reporter?

20 MR. GRENIER: Yeah. It's G-R-E-N-I-E-R.

21 JUDGE JONES: Thank you. You may proceed.

22 MR. GRENIER: Well, I don't know that I have  
23 a lot to say. I hope some people that have come  
24 tonight will say something as well.

25 I've been an Empire District customer twice

1 since we've lived in the Ozarks: once over by Joplin,  
2 and now we live over in Branson. So we're in Taney  
3 County, but we're Empire District customers.

4 My wife and I are 67 years old. We are  
5 essentially fixed income, even though we make some  
6 attempts along the way to impact that some.

7 The last year and-a-half, as has been the  
8 case with most of us, the investments we had has  
9 deteriorated some. We've done a lot of things at the  
10 place we live to improve the usage, lower the usage of  
11 electricity.

12 We use a heat pump to heat our house and a  
13 heat pump to air condition it in the summertime. So we  
14 use electricity for both of those. We use electricity  
15 to heat our water. We use electricity to cook our  
16 food, run all the appliances in our house and light the  
17 house. So we're essentially dependent totally upon  
18 whether or not the electricity keeps flowing through  
19 the line.

20 It seems to me that utilities, like Empire  
21 District, like the others who serve this area, you  
22 know, simply decide along the way what they want to do  
23 with regards to increases. They go to the Public  
24 Utilities Commission and if they get approved, the rest  
25 of us really don't have much to say about it.

1           They have indicated in their publications  
2 that the increase will, on a thousand kilowatt hours,  
3 increase the monthly cost about \$20, \$19 and change. I  
4 believe, just based on my usage, we have a -- we've put  
5 in a higher SEER heat pump, so we've saved some money  
6 there. But we're still using, just the wife and I,  
7 just the two of us, are using about 1500-kilowatt a  
8 month. So let's call it \$30.

9           Thirty dollars, according to my calculations,  
10 about \$360 a year. If we were strictly living on fixed  
11 income, Social Security, et cetera, that increase  
12 essentially takes away about a month's worth of what  
13 we'd spend on food. So the \$360 may not seem like much  
14 to Empire District, but to us it's a month of food.

15           I don't know that we'll get to where we have  
16 to make that decision, but I certainly think that the  
17 Commissioners ought to consider that as they grant or  
18 not the request that Empire District has made. It  
19 seems to me that the companies can do some of the same  
20 things we've had to do, and that's figure out how to  
21 operate more efficiently, cut out some of the waste  
22 that I'm sure exists, figure out how to buy the sources  
23 of energy that they acquire to generate electric,  
24 et cetera.

25           It seems to me they can do a better job at

1 that, rather than just come to the consumer to satisfy  
2 the needs they have.

3 I don't really have much more to say.

4 JUDGE JONES: All right. I thank you for  
5 your comments, Mr. Grenier.

6 MR. GRENIER: You're more than welcome.

7 JUDGE JONES: I'm not sure what the last name  
8 is. I believe the first name is Dolores. Is it  
9 Dolores?

10 MS. LOE: Yes.

11 JUDGE JONES: Okay. Can you raise your right  
12 hand?

13 Whereupon--

14 DOLORS LOE

15 having first affirmed that the testimony given will be  
16 the truth, then testified as follows:

17 JUDGE JONES: Thank you. Could you spell  
18 your last name for the court reporter?

19 MS. LOE: L-O-E.

20 JUDGE JONES: L-O-E, Loe. And your first  
21 name is Dolores.

22 All right. You may proceed.

23 MS. LOE: I have a place out in Galena that's  
24 with another power company. But I have two places in  
25 Branson: a nightly rental actually at Pointe Royale,

1 and also a home. And this is the first year I've had  
2 to stay in the area, the first winter, and my light  
3 bill has been horrible.

4           Of course, I know we've had a worse winter, a  
5 lot of cold weather. And they say that the economy in  
6 Branson is down about 17, 18, maybe 20 percent. I'm  
7 here to tell you, it's down about 40 percent. And it's  
8 hard to keep those utilities on, which we have to do  
9 year 'round, having a nightly rental.

10           And I also have a son that I try to get over  
11 to stay at the nightly rental when it wasn't being  
12 rented, and he couldn't -- he just had a hard time  
13 affording the utilities.

14           So I just think this is a bad time to raise  
15 it so high. I think a little bit of an increase would  
16 be okay, but I think going up almost \$20 for a thousand  
17 kilowatts is maybe really unfair to people that are on  
18 fixed incomes and a lot of people on disability, and  
19 wages over there in Branson are about 8.50 an hour.  
20 You're lucky to get that. We have a very low income  
21 when you go to work here in this area.

22           Also have a daughter that's out of work with  
23 four children, and that's been -- you know, sometimes  
24 you have to help as a parent. And I just think that  
25 it's just a big increase, a large increase for most

1 people. There's few that won't notice the difference,  
2 but I for one will.

3 That's all.

4 JUDGE JONES: Okay. Ms. Loe, thank you very  
5 much.

6 I see a couple of other people have come in.  
7 Is there anyone else who would like to give a comment?

8 Yes. Please state and spell your name for  
9 the court reporter.

10 MS. SCHMOLKE: Jennifer Schmolke,  
11 S-C-H-M-O-L-K-E.

12 JUDGE JONES: Can you raise your right hand?  
13 Whereupon--

14 JENNIFER SCHMOLKE  
15 having first affirmed that the testimony given will be  
16 the truth, then testified as follows:

17 JUDGE JONES: Thank you. You may proceed.

18 MS. SCHMOLKE: I'm an owner of a small mobile  
19 home court, which at this time has approximately eight  
20 families, and I feel kind of responsible for all of  
21 them to come and defend them, including me.

22 At this point, we have a proposal in our area  
23 for county sewer to be going in, which at this point we  
24 have been on a septic system, and I've been working  
25 with the county on that.

1           The monthly fee for my tenants will be  
2 anywhere from 30 to \$40 a month after this goes in,  
3 plus deposit. And just as I'm trying to figure this  
4 one out, I got the notice about the Empire District.  
5 That's going to be \$20 a month extra for them. So at  
6 this point we're at 50.

7           And then satellite television, they entered  
8 into a contract. And I hadn't even been on the  
9 contract for two months, and they raised the prices.  
10 And I called them and asked them, you know, "What's  
11 going on here? I was on a contract, and you've raised  
12 the prices." Well, if you read the fine print, if  
13 their costs go up, they can charge us.

14           So there's just one after another after  
15 another of increases right now. When this is a very  
16 seasonal -- not only is it a small hourly wage for a  
17 lot of the people, it's seasonal, and it cuts off just  
18 at Christmastime and doesn't come back into full swing  
19 until actually the schools let out, pretty much.

20           So the people that are living in my court,  
21 either they're retired, on Social Security, and they  
22 don't have -- they didn't even get a cost of living  
23 increase last year. Their bills are going up faster  
24 than the government is helping them pay for them or  
25 whatever that they've paid in through their whole

1 lives.

2           And one lady told me she had 45 cents left  
3 after she paid her bills for her -- out of her Social  
4 Security. She's 84 years old, and she just can't  
5 afford this.

6           It is bad timing. The economy has hurt so  
7 many people. And this area is unique in a lot of  
8 different ways that it is seasonal, it is lower wages,  
9 and on top of all that, now we have to pay for health  
10 insurance.

11           And it's just -- it's getting to the point  
12 where people just can't -- it's like leaving your purse  
13 open on the counter and everybody goes by and takes  
14 what they need, and you're left to try and buy  
15 groceries and stuff out of the rest of it. I just -- I  
16 just think the timing is really bad.

17           JUDGE JONES: Are the utility bills included  
18 in the rent? Is that how you do it?

19           MS. SCHMOLKE: Well, we used to pay for  
20 water, sewer and trash. And now the sewer company is  
21 wanting to hold the landlord totally responsible if the  
22 tenants don't pay.

23           If that happens, and the tenants know that  
24 they don't really have to pay it because I'm going to  
25 have to if they don't, and they can move down the road

1 and rent again and get hooked up again and everything,  
2 because the bill is going to come back to me, then I'm  
3 paying \$300 a month for just sewer -- or that's just an  
4 estimate at this point. It could be more.

5 But it will have to decide whether their  
6 rents go up. If they are included in the rent, then  
7 the rent is going to have to go up. If they aren't  
8 included in the rent, then they're still going to have  
9 to pay. One way or another, they're the bottom of the  
10 totem pole. They can't charge it to anyone else.  
11 We're the bottom.

12 JUDGE JONES: Thank you, Miss Schmolke. I  
13 thank you for your comments.

14 MS. SCHMOLKE: Thank you.

15 JUDGE JONES: Is there anyone else who would  
16 like to make comments? Sir.

17 Could you raise your right hand?

18 Whereupon--

19 ROGER DUNN  
20 having first affirmed that the testimony given will be  
21 the truth, then testified as follows:

22 JUDGE JONES: What is your name?

23 MR. DUNN: Roger Dunn.

24 JUDGE JONES: D-U-N-N?

25 MR. DUNN: Correct.

1           JUDGE JONES: You may proceed.

2           MR. DUNN: I just got notice yesterday that  
3 71 people in my company lost their jobs. This is a  
4 time where a lot of people are losing their jobs. I am  
5 one of them that has lost their job.

6           This does come at a very bad time for me. I  
7 know that companies have to make a profit. And the  
8 company I work with also is making a profit. We just  
9 negotiated a new contract for the employees, and it was  
10 2 percent increase in pay.

11           So when I think about when a company is  
12 making such a profit and the amount that the employee  
13 is getting percentage of increase, it's not keeping up.

14           And it's really hurting the families. And I  
15 think that this is something that -- I don't know if  
16 it's -- what's driving the prices up exactly. I don't  
17 know if it's bad management. I don't know if they're  
18 not finding better ways to use the money. I don't know  
19 if it's greed. I don't know what it is, but I just  
20 know it's really hurting the family, and we need to  
21 think wiser in using electricity.

22           And my own family, we don't watch TV. That's  
23 an expense. We don't watch -- except for maybe a  
24 football game. But we don't watch daily at all. And  
25 we try to stay away from burning excessive lights and

1 spending foolishly. But I just -- we just can't keep  
2 up with the increases that companies are charging on  
3 us.

4 I know that my own company, which is Yellow  
5 Pages, AT&T, that in order to get the customers coming  
6 back into buying ads, they are reducing the prices of  
7 ads, trying to get people to use it more.

8 And I just think that's something that every  
9 company needs to look at: trying to help the consumer  
10 instead of really making it very uncomfortable for us.

11 Anyway, that's all I have to say.

12 JUDGE JONES: Okay. Thank you, Mr. Dunn.

13 I didn't see any other show of hands. Is  
14 there anyone else who would like to testify?

15 Ma'am?

16 MS. MEEKER: Sorry. I was late getting here.

17 JUDGE JONES: That's okay. So was I.

18 Can you raise your right hand, please?

19 Whereupon--

20 BARBARA MEEKER

21 having first affirmed that the testimony given will be  
22 the truth, then testified as follows:

23 JUDGE JONES: Thank you. And what's your  
24 name?

25 MS. MEEKER: Barbara Meeker.

1 JUDGE JONES: Can you spell your last name?

2 MS. MEEKER: M-E-E-K-E-R.

3 JUDGE JONES: Thank you. You may proceed.

4 MS. MEEKER: While I was waiting for my  
5 baby-sitter to show up this evening, since I was late,  
6 I heard on the TV that in our area, our unemployment  
7 rate has reached an all-time high of 21.9.

8 I know that people are scurrying to get  
9 enough money together to pay just their residential  
10 bills. I know that there's been a lot of talk about  
11 high bills at this time.

12 I recently started a new business in downtown  
13 Reed Springs. If you're not from this area, you don't  
14 know how big Reed Springs is, and that's not -- I think  
15 about 410 people. This is going to be quite a blow to  
16 an area that small, and to the businesses in that area.

17 My business is a restaurant. My electric  
18 bill last -- this month was \$1,288.78. If your  
19 20 percent increase had been in operation at that time,  
20 I would have paid an additional \$250.

21 My question at this time, to coin a phrase  
22 from Dr. Phil, is: "What in the hell are you  
23 thinking?"

24 Thank you.

25 JUDGE JONES: All right. Thank you.

1           Is there anyone else who would like to make a  
2 comment? (No audible response).

3           Okay. I don't see anyone else.

4           At this time, we'll go ahead and go off the  
5 record, and I thank you all for your comments.

6

7                           (Concluded at 6:39 p.m.)

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## 1 CERTIFICATE OF REPORTER

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3 In the Matter of ) File No. ER-2010-0130  
4 The Empire District )  
5 Electric Company of Joplin, )  
6 Missouri For Authority To )  
7 File Tariff Increasing )  
Rates For Electric Service )  
8 Provided To Customers In )  
9 The Missouri Service Area )  
10 Of The Company, )

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13 I, Paula C. Voyles, a Registered Professional Reporter,  
14 Certified Real-Time Reporter, Certified Court Reporter,  
15 and Notary Public within and for the State of Missouri,  
16 do hereby certify that the foregoing matter was  
17 recorded by me to the best of my ability and was  
18 thereafter reduced to written form under my direction.  
19 I further certify that I am not a relative or employee  
20 of counsel of any of the parties, nor a relative or  
21 employee of the parties involved in said action, nor a  
22 person financially interested in the action.

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25 PAULA C. VOYLES, RPR, CRR,  
CCR No. 750

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