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IN THE STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

LOCAL PUBLIC HEARING  
FEBRUARY 3, 2020  
JOPLIN, MISSOURI  
VOLUME 4

IN THE MATTER OF THE )  
EMPIRE DISTRICT ELECTRIC )  
COMPANY'S REQUEST FOR )  
AUTHORITY TO FILE TARIFFS )  
INCREASING RATES FOR ) FILE NO. ER-2019-0374  
ELECTRIC SERVICE PROVIDED )  
TO CUSTOMERS IN ITS )  
MISSOURI SERVICE AREA )  
)  
)

JOHN T. CLARK, Presiding  
Regulatory Law Judge  
Scott T. Rupp, Commissioner

REPORTED BY: Jennifer Norman, CCR, State of Arkansas,  
License No. 768

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1           JUDGE CLARK: Okay. We'll go on the record  
2 now. Good evening, it is February 3rd, 2020, at 6:31  
3 p.m., and we're in Joplin, Missouri. The Missouri  
4 Public Service Commission has set aside this time for a  
5 local public hearing in ER-2019-0374, a general rate  
6 case, which is captioned as, "In the Matter of the  
7 Empire District Electric Company's Request for Authority  
8 to File Tariffs Increasing Rates for Electric Service  
9 Provided to Customers in Its Missouri Service Areas."

10           My name is John Clark. I'm the regulatory  
11 law judge presiding over this hearing tonight. The  
12 Missouri Public Service Commission regulates the rates  
13 charged by investor-owned utility companies in Missouri  
14 to ensure that those rates are just and reasonable.

15           The Commission also regulates the quality  
16 of service and the safety of operations for  
17 investor-owned utilities, as well.

18           The Commission is made up of five  
19 commissioners, and with me tonight is Commissioner  
20 Scott Rupp.

21           Mr. Rupp -- or Commissioner Rupp, did you  
22 have any opening comments you want to make.

23           COMMISSIONER RUPP: Welcome.

24           JUDGE CLARK: The court reporter over here is  
25 transcribing this hearing so that the other

1 commissioners have an opportunity to review your  
2 comments. And at the end of the hearing, I'll tell you,  
3 anyone who didn't get to make a comment but wanted to  
4 make one in a written form through the website, how to  
5 do that.

6 I'm going to begin by asking counsel to  
7 enter their appearances for the record, starting with  
8 the Empire District electric company.

9 MS. CARTER: Diana Carter for Liberty  
10 Utilities, Empire District.

11 JUDGE CLARK: Thank you, Ms. Carter.

12 For the Commission staff?

13 MS. PAYNE: Whitney Payne on behalf of staff of  
14 the Missouri Public Service Commission.

15 JUDGE CLARK: Thank you, Ms. Payne.

16 For the Office of Public Counsel?

17 MR. WILLIAMS: Nathan -- I'm sorry.

18 Nathan Williams.

19 JUDGE CLARK: Mr. Williams, thank you.

20 Are there any intervenors present? I see  
21 no hands and hear no one.

22 For those who would like to provide  
23 comments today, I'm going to call the names listed on  
24 the sign-up sheet in the order they appear. When I call  
25 your name, please come down to the microphone to offer

1 your comments. I'll place you under oath at that time,  
2 and I'll ask you to state your full name and spell your  
3 last name, and then you can offer your comments to the  
4 Commission.

5 I've got, so far, 16 people that have  
6 signed up to speak tonight, which is a fairly large  
7 number. So I'm going to ask out of courtesy, so that  
8 everybody gets an opportunity to offer their comments  
9 that wants to offer them, that you try and keep your  
10 comments brief so that others have an opportunity to  
11 make a comment.

12 Also, please remain at the podium after  
13 your remarks until you've been excused because the  
14 Commission -- either myself, the commissioner, or  
15 possibly some of the attorneys may have questions for  
16 you.

17 If the attorneys have any questions, they  
18 can just interrupt me and let me know. The Commission  
19 won't be able to answer any of your questions tonight.  
20 There was a question-and-answer session prior to this  
21 that I believe most of you showed up for.

22 And the reason the Commission cannot answer  
23 questions today is because they have to remain impartial  
24 until after the evidence is presented at the evidentiary  
25 hearing, which is a hearing that is currently

1 scheduled -- and correct me if I'm wrong; I believe it's  
2 for April the 14th through the 22nd. And that's where  
3 the various parties will present their evidence to the  
4 Commission, and the Commission will hear that evidence  
5 and ultimately make a determination based on that.

6           If you have questions, please speak to the  
7 representatives of the Company, the Commission staff  
8 that's here tonight, or the Office of Public Counsel.  
9 Please be polite and courteous to everyone speaking here  
10 today and treat them as you would ask that they treat  
11 you.

12           With that in mind, I'm going to call the  
13 first name. Mary Rouselle.

14           Did I say your name correctly?

15           MS. ROUSSELLE: Yes.

16           JUDGE CLARK: Ms. Rouselle, would you raise  
17 your right hand to be sworn.

18                           MARY ROUSSELLE,  
19 having been first duly sworn, testified as follows:

20           JUDGE CLARK: Would you please give your full  
21 name and spell your last name for the court reporter.

22           MS. ROUSSELLE: Mary Rouselle,  
23 R-o-u-s-s-e-l-l-e.

24           JUDGE CLARK: Okay. Ms. Rouselle, what would  
25 you like to tell the Commission tonight?

1 MS. ROUSSELLE: Well, I'm just concerned. I'm  
2 almost 76 years old. I haven't been able to work for  
3 between -- close to 20 years. All I get is Social  
4 Security. I live on less than \$2,000 a month. I buy my  
5 clothes at a thrift store because I can't even afford  
6 Walmart. According to this, you want 5.8 percent. My  
7 last cost of living raise for my Social Security was 2.8  
8 percent.

9 I can't afford this. I live alone, I have  
10 no help, no family, and when you take that \$100, that  
11 takes it out of my kitchen. That means I eat  
12 Cup-A-Soup; I don't go to the senior center for lunch  
13 because that's \$5 just for lunch. Cup-A-Soup is \$0.37.  
14 And that's the difference.

15 And I think a lot of these people here are  
16 in this same state I'm in. I have a high credit card  
17 bill because by the end of my \$2,000, I still have a  
18 couple of days that I have to eat; so I put it on a  
19 credit card bill which I pay off the next time. But  
20 it's not bringing it down. I'm just paying what I'm  
21 using for a little bit. I can't get that \$3,000 any  
22 lower because I have nothing extra.

23 I'm sorry. I -- I apologize for being  
24 heated, but I've lived this way for a long time. I had  
25 a catastrophic illness. I have a trach. I breathe

1 through a hole in my neck. I drive a 20-year-old car  
2 and I have to get rides from friends, who are very good  
3 to me.

4 But this, you know, it only seems like \$6  
5 to you, but it's lunch for me.

6 And I think I've probably said enough.

7 JUDGE CLARK: Ms. Roussele, thank you for your  
8 comments.

9 Dan Brown. Mr. Brown, would you raise your  
10 right hand to be sworn.

11 DANIEL BROWN,  
12 having been first duly sworn, testified as follows:

13 JUDGE CLARK: Okay. Would you please state  
14 your full name and spell your last name for the court  
15 reporter.

16 MR. BROWN: Daniel Brown, B-r-o-w-n.

17 JUDGE CLARK: Mr. Brown, what would you like to  
18 tell the Commission tonight?

19 MR. BROWN: The sheer fact that Liberty/Empire  
20 Electric has a bad habit about getting rate increases  
21 and not giving what they're supposedly saying they're  
22 for. This 5 percent rate increase for some people is  
23 not very much. But if you take my bill, it's a  
24 \$28-a-month addition. I'm 70 years old. I worked hard  
25 all my life. I'm a retired operations manager from a



1 multinational gas/electric utility company.

2           And what they're telling you about what  
3 they put out to keep these lines, they're not doing.  
4 They went out and numbered all their system. They don't  
5 even use it. You have an outage, you call in to give  
6 them the live wire number and the transformer number,  
7 and the call center says, "What's that for?" They want  
8 your account number.

9           Okay. That gives your address. When they  
10 dispatch that serviceman for these outages, they start  
11 at the end, the first call they get. They have no sense  
12 and reason on how they approach their outages.

13           And my biggest concern, I don't mind, you  
14 know, an honest bill. But when you sit back and you're  
15 charging people for what you're not getting, just like  
16 the lady just said, when you start adding up every month  
17 and not getting what you're paying for, I'm sorry, I  
18 just don't go along with that. They need to do some  
19 housecleaning.

20           JUDGE CLARK: Mr. Brown, have you had a lot of  
21 service-related issues?

22           MR. BROWN: Yes, I have.

23           JUDGE CLARK: Would you tell me about those?

24           MR. BROWN: Well, there was an ice storm where  
25 I was left out of power for five days. Okay? Now, I

1 understand about ice storms; they're massive and they're  
2 hard to work with. But I contacted Empire about it.  
3 The young man that was -- ran the district, the area  
4 that I was in, he told me point-blank, he said, "My wife  
5 is in the hospital. I don't know if she's living or  
6 dying." I didn't care. I said, "Out of courtesy,  
7 I'll -- you know, I'll withdraw my request."

8                   Eleven months later, I'm out 11 days. And  
9 I went to the Public Service Commission and filed a  
10 complaint, because after losing two different times  
11 everything that I had in my freezer and refrigerators,  
12 got way out of hand.

13                   And I was able to reach a settlement with  
14 Empire, which I had to fight tooth and toenail. They  
15 didn't even do what we call a load survey, something I  
16 -- in the utility company I worked with before. I knew  
17 what power was on my feeders, and I knew what it took to  
18 keep those up.

19                   There was three three-phase switches that  
20 two of them are -- I can see from my front door. They  
21 never even used them once to try to backfeed. But they  
22 put those \$26,000 switches in the rate base because it  
23 was system improvement. So we get to pay for it, but we  
24 don't get any benefit from it. And I'm just out there  
25 by my -- you know, I live at the corner of (redacted

1 information). There's 100 --

2 JUDGE CLARK: Can you strike that, please, the  
3 address?

4 MR. BROWN: Okay. Sorry.

5 JUDGE CLARK: Just not taking personal  
6 information like that. But thank you.

7 MR. BROWN: If you're buying, you can certainly  
8 buy.

9 Anyway. The question that I have is that  
10 rate increase isn't going to be realistic. They closed  
11 out the service centers and they moved their people  
12 south of town on the ruse that it's supposed to improve.  
13 Well, I don't know how the heck it's supposed to improve  
14 when it takes longer to get the serviceman and the crew  
15 person out to where they used to be.

16 Carterville used to be four miles from my  
17 house, which is where the service center was that's  
18 closed, and they moved those people south. And I can't  
19 speak for the rest of the areas in town, but, you know,  
20 we're taking it -- we, the public in this area, are not  
21 getting the service that we require. So that's all I've  
22 got.

23 JUDGE CLARK: Thank you, Mr. Brown.

24 MR. BROWN: You bet.

25 JUDGE CLARK: Sam Ferris?

1 MR. FARRIS: I'm going to pass.

2 JUDGE CLARK: Thank you, Mr. Farris.  
3 Carla Brewster.

4 Ms. Brewster, would you raise your right  
5 hand to be sworn.

6 CARLA BREWSTER,  
7 having been first duly sworn, testified as follows:

8 JUDGE CLARK: And would you state your full  
9 name and spell your last name for the court reporter.

10 MS. BREWSTER: Carla Brewster, and  
11 B-r-e-w-s-t-e-r.

12 JUDGE CLARK: Ms. Brewster, what would you like  
13 to tell the Commission?

14 MS. BREWSTER: We lose power virtually every  
15 day -- maybe every other day, but it's close to every  
16 day, if it's only for a split-second where you have to  
17 go reset everything. Some things we don't have to reset  
18 because it goes out and comes back on so quick. But  
19 also, sometimes it's for 30 minutes, 45 minutes, an  
20 hour. It's not when it's storming. Nothing is going  
21 on. We've gotten the joking thing about "somebody  
22 sneezed somewhere, so now the power is out." It's just  
23 an everyday occurrence. Sometimes it's twice a day.

24 I worry about the appliances, your air  
25 conditioner, your heater, and all that kind of stuff.

1 What is that doing to them?

2                   Then the other thing is when we were out of  
3 power in 2007, I think it was, may have been 2008. But  
4 anyway. We had a repairman from Kentucky that came  
5 because everybody was out from the ice storm, and in  
6 15 minutes, he had our -- everybody in our neighborhood  
7 lit back up. And he told us then that this was the most  
8 screwed-up electric company he had ever dealt with.

9                   He said that we should have been on the  
10 very first day; there was no reason for us to be out  
11 that long; they don't start like they should when they  
12 have outages. And he said, "I had you fixed in  
13 15 minutes because it should have not taken that long."  
14 It was at the end of this line.

15                   And I don't know what he did, but that's  
16 what I was told by him. And I have solar, and so -- I  
17 have had that for five years. And so now that they  
18 can't really raise us on our regular bill, now they're  
19 going after the base rate. And I just want to know how  
20 many times are we going to deal with that? And that's  
21 all I have.

22                   JUDGE CLARK: In relation to the daily outages,  
23 have you contacted the Company about that?

24                   MS. BREWSTER: Yes, sir.

25                   JUDGE CLARK: And what have you gotten in the

1 way of an answer?

2 MS. BREWSTER: Well, once it was a squirrel.  
3 Once they don't -- you know, most of the time they don't  
4 know. And like I said, they have sent a technician out  
5 to check the lines, and they say they're all good;  
6 there's no reason why it should be happening. But it's  
7 happening, so there's a reason.

8 JUDGE CLARK: And you said on an almost daily  
9 basis?

10 MS. BREWSTER: Uh-huh.

11 MS. PAYNE: Judge -- how long has this been  
12 happening?

13 MS. BREWSTER: Probably for the last eight or  
14 nine years.

15 JUDGE CLARK: This is something you might want  
16 to stay afterwards and talk to the Commission staff  
17 about.

18 MS. PAYNE: Have you filed a complaint or  
19 contacted the Commission?

20 MS. BREWSTER: Really, I didn't know what to do  
21 about it, other than filing customer service. And, you  
22 know, by the time you call them, sometimes it's back on.

23 MS. PAYNE: The Commission has a separate  
24 complaint procedure we can talk to you about afterwards,  
25 if you want.

1 MS. BREWSTER: Okay.

2 JUDGE CLARK: Ms. Brewster, thank you for your  
3 comments.

4 And I apologize if I butcher anyone's name  
5 here. Richard J. Bookie?

6 MR. BORN: Born.

7 JUDGE CLARK: Born? I'm sorry, Mr. Born.

8 MR. BORN: Well, I'll pass. Okay?

9 JUDGE CLARK: Some of the lines didn't connect.  
10 Arlene Richmond.

11 ARLENE RICHMOND,  
12 having been first duly sworn, testified as follows:

13 JUDGE CLARK: Would you state your full name  
14 and spell your last name for the court reporter.

15 MS. RICHMOND: Arlene Richmond,  
16 R-i-c-h-m-o-n-d.

17 JUDGE CLARK: And, Ms. Richmond, what would you  
18 like to tell the Commission?

19 MS. RICHMOND: Okay. I live in some senior  
20 apartments in Joplin, and this is going to -- this is  
21 going on my third year that I've lived there. And the  
22 apartments were built around eight years ago, and they  
23 are all low-income apartments.

24 In July of 2018, my bill was \$62.22. July  
25 of 2019, it went up to 73.62. August of 2018, it was

1 only 69.93. August of 2019, it was \$100.56. I had the  
2 thermostats -- they were set on the same temperatures  
3 both summers, around 70 to 75.

4           But since the bill was \$156, I set my  
5 thermostat at 80 degrees when it was 90-some degrees  
6 outside because I could not keep paying for high  
7 electric bills.

8           In the winter, I set my thermostat at  
9 60 degrees when we had temperatures in the low 20s, and  
10 chill -- the chill -- wind chill was like 20 or  
11 12 degrees.

12           We have had three lightning strikes hit our  
13 building over the past three years that I've been there.  
14 The last one was in October, and there were a lot of  
15 people that lost their computers and TVs, not to mention  
16 the power. I believe that the lightning hit our meters  
17 affecting our usage.

18           I sat in my living room and heard the  
19 thunder and lightning hit right where these meters are  
20 located. After eight years, I would think that the  
21 meters should have been changed out, especially after  
22 lightning strikes. There was one meter I think that was  
23 changed out because this person in the apartment  
24 building complained to the electric company.

25           Also, our manager has a monitor that shows



1 the backside of the building where the mon- -- where the  
2 meters are located, and she has never seen anyone at all  
3 come to read those meters, and there's only one way to  
4 get back to those meters.

5           Reading our meters offsite might not show  
6 the true readings. We are senior citizens, as some have  
7 already said what I'm going to say now, and we are  
8 struggling to make ends meet. We are on fixed income.  
9 It seems there should be some concern from -- for the  
10 seniors and others that are on a low income, instead of  
11 raising our rates all the time.

12           I heard on the radio -- and somebody  
13 brought it up, too, I think -- that in 107 years that a  
14 rate increase was never denied, and this should be  
15 changed. It needs to be changed. We tend to think  
16 about the money instead of the person that is struggling  
17 to pay their bills. Will anything I have said do any  
18 good at all, I'm wondering.

19           Everyone I have talked to and told them to  
20 come with me from the apartment building said the  
21 general consensus, which was, "What good would it do?  
22 They have their minds made up." And so that's why --  
23 probably, that's why this place is not packed , because  
24 they're thinking of the same thing: "What good is it  
25 going to do?"

1                   So your name is Liberty, or Liberty -- the  
2 company is Liberty, you know, off of Empire. And I  
3 wonder, do you know the true meaning of Liberty: The  
4 state of being free within society from oppressive  
5 restrictions imposed by authority on one's way of life?

6                   JUDGE CLARK: Ms. Richmond, you indicated that  
7 you had talked to your neighbors. Your neighbors, is  
8 their experience substantially the same as yours?

9                   MS. RICHMOND: Some of them that I know -- that  
10 I know personally, it is the same. But I don't know  
11 everybody in the whole building. They've never  
12 expressed it to me. But I know there are some that are  
13 the same way.

14                  JUDGE CLARK: Thank you for your comments.  
15 Daniel Whitworth.

16                                   DANIEL WHITWORTH,  
17 having been first duly sworn, testified as follows:

18                  JUDGE CLARK: Okay. Would you state and spell  
19 your last name for the court reporter.

20                  MR. WHITWORTH: Yes. My name is Dan Whitworth,  
21 and it's W-h-i-t-w-o-r-t-h. In fact, I haven't seen  
22 some of you for a while, so, hi.

23                  MS. CARTER: Hi.

24                  JUDGE CLARK: Mr. Whitworth, what would you  
25 like to tell the commissioner?

1           MR. WHITWORTH: Yes, sir. It deals, again,  
2 with the customer charge, which, as I understand from  
3 the information, it has -- it's going up \$6 per  
4 customer. And my question about it is, I understand if  
5 you have to increase your rates because of increased  
6 costs or some sort of increased service associated with  
7 it; but the customer charge is based upon -- partially  
8 upon a meter on a wall, and then sometimes if --  
9 depending on the age of the building, it's multiplied by  
10 the number of people that have apartments in there.

11                   I don't see the connection between the two.  
12 In other words, if you're going to increase rates, it  
13 needs to be associated with service provided or some  
14 catastrophic event. This seems somewhat arbitrary.

15                   The other part is that when you have a rate  
16 increase, at least people have an opportunity to do  
17 something to reduce their charge, their cost, their  
18 usage.

19                   There's nothing you can do with a customer  
20 charge; it's there as long as the meter is on the  
21 building or the wall. And it seems to me, if you're  
22 going to increase rates, you should give customers the  
23 opportunity to reduce their cost in some manner. And it  
24 doesn't appear here that there's any means for doing  
25 that. That's all I had.

1           JUDGE CLARK: Thank you for your comments,  
2 Mr. Whitworth.

3                   James S. Haasch.

4           MR. HAASCH: Yes, sir.

5           JUDGE CLARK: Did I say your name right?

6           MR. HAASCH: You did very good.

7           JUDGE CLARK: Thank you.

8           MR. HAASCH: Very few people get it right.

9           JUDGE CLARK: Would you raise your right hand  
10 to be sworn.

11                           JAMES S. HAASCH,  
12 having been first duly sworn, testified as follows:

13           JUDGE CLARK: Would you please state and spell  
14 your last name for the court reporter.

15           MR. HAASCH: James S. H-a-a-s-c-h.

16           JUDGE CLARK: Okay. Thank you, Mr. Haasch.  
17 What comments would you like to offer the Commission?

18           MR. HAASCH: Well, I had solar installed  
19 thinking I would save some money on my utilities. And I  
20 was told that the Liberty Utilities gives you half of  
21 what they charge -- this is from Sun Solar -- for  
22 electricity. I don't know.

23                           I think this is wrong. You should get --  
24 if you have extra electricity, you should get the same  
25 rate they charge you, not half, because I've got to pay

1 for the solar system, which I do not own; I lease.

2           And I was told that only you get a tax  
3 break, but I was not told that it only applies if you  
4 buy the system, because I couldn't afford to buy the  
5 system because it was expensive.

6           So I'm trying to save money, and it's like  
7 you're giving all these stories. I'm on disability.  
8 And half of them are untrue. They're not telling you  
9 the whole truth. They could have told me that when I  
10 bought the system. They didn't tell me that. Perhaps  
11 their salespeople didn't know.

12           But another thing that kind of irritates  
13 me -- I'm not sure, but I heard a commercial for Liberty  
14 Utilities. They can save money by not advertising  
15 because they have a monopoly. You know, it's like, why  
16 spend the money on advertising? They're the only game  
17 in town. I cannot change to my neighbor's electric  
18 company because of some regulation.

19           And I'm like, well, they pay less money  
20 than I do? I'd switch to that company because they  
21 don't ask for an increase every darn year. You know, so  
22 I'm sorry, but I live on a fixed income. All right?  
23 Maybe 2 percent increase, and they're asking for 5.  
24 I -- one, like , I'm sorry. It just doesn't seem right.  
25 It just does not seem right.

1                   I had to turn my oxygen machine off because  
2 I had to cut my electric bill. It's just wrong. What  
3 they're doing to seniors is wrong. You know, I don't  
4 have a lot of money, and I'll be darned if I want to not  
5 have my oxygen because I can't afford my utility bill.

6                   So I think somebody better stop these  
7 people from "We need more money." I do too, but I got  
8 no one to ask for it. The government don't -- they give  
9 you, what, 2 percent. Like come on, guys. Don't ask  
10 for 5 when everyone else down there below, the working  
11 man, gets 2 percent.

12                   All right. That's all I have to say  
13 because I'm getting mad. I'm sorry. I am, because I'm  
14 just so sick of it every year, up, up, up.

15                   JUDGE CLARK: Thank you for your comments.

16                   Ralph Tyler.

17                   MR. TYLER: Let me get my ponies to working.

18                   JUDGE CLARK: Mr. Tyler, would it be easier if  
19 we brought you a microphone?

20                   MR. TYLER: No. I can make it. Just the  
21 inclines I've got to be careful of. I can't bend my  
22 knees like everybody else.

23                   JUDGE CLARK: All right. I'm not going to ask  
24 you to raise your hand, but do you --

25                   MR. TYLER: Go ahead.

1                                   RALPH TYLER,  
2 having been first duly sworn, testified as follows:

3                   JUDGE CLARK: Would you please state your full  
4 name and spell your last name for the court reporter.

5                   MR. TYLER: Ralph Tyler, T-y-l-e-r.

6                   JUDGE CLARK: And, Mr. Tyler, what comments  
7 would you like to tell the Commission today?

8                   MR. TYLER: Well, earlier in the open, they  
9 were talking a little bit about the history. I remember  
10 back in the late '60s my mom was talking about this gas  
11 company getting their rate hike for infrastructure.

12                                   The following years they were asking for a  
13 rate hike, but somebody brought up the fact that what  
14 the gas company did with the rate hike was they went out  
15 and bought a country club, supposed to be for the  
16 employees. But by the time they got done, it turned out  
17 to be a private country club for the top executives  
18 because the working employees couldn't use it because  
19 hours of operation. Historically, Empire has asked for  
20 rate hikes, usually -- give me a minute -- 4 or 5,  
21 6 percent. One year I think they asked for a  
22 12 percent.

23                                   I got a 2.8 percent for this year. That  
24 adds \$10 a month to what I have to spend. My level pay  
25 plan for Empire last year was \$132 a month. And back in

1 2011, we had a blizzard, that snowstorm that took out  
2 power for a couple weeks.

3           We had power reestablished on the north  
4 side of Zora, the east side of north Florida, and the  
5 east side of north St. Louis, and down in the area of  
6 Huntford Park all had lights. Two weeks later, after  
7 they got power, I was still out. We was using coolers  
8 and ice bags to keep our food refrigerated.

9           Now, in 2008 -- or 2011, November, I  
10 endured a severe heart attack and a bypass. Clinically  
11 I should be dead, but that's a different story. And in  
12 2016, June of 2016, I was in a car wreck. That's why  
13 I'm having trouble walking.

14           But I cannot go on with the rate hikes. I  
15 can't work. I got a daughter that lives in Galena.  
16 I've been helping her with her utilities and buying  
17 propane. And like this lady, I've had to put propane on  
18 charge for my daughter to keep my grandkids over there  
19 warm. And that's it.

20           JUDGE CLARK: Okay. Thank you for your  
21 comments.

22           MR. TYLER: But like I said -- I forgot this.  
23 Usually what the Public Service Commission does is they  
24 usually grant half of what utilities ask for. And if  
25 you remember back when Jimmy Carter was president, we



1 had the oil embargo. They were asking us to conserve,  
2 and Empire was coming to the PSC and asking for rate  
3 hikes to protect their profits because they were losing  
4 money because people were conserving energy.

5           And then Obama's administration, every time  
6 we turn around, all of the utilities, in a rotation, was  
7 asking for rate hikes. They didn't get denied; they got  
8 passed. And in the year 2015 or so, Social Security did  
9 not give us a cost-of-living increase. Empire and the  
10 utilities got a rate hike anyway.

11           Thank you.

12           JUDGE CLARK: Thank you, Mr. Tyler.

13           Bill Pate.

14                           BILL PATE,  
15 having been first duly sworn, testified as follows:

16           JUDGE CLARK: Would you please state your full  
17 name and spell your last name for the court reporter.

18           MR. PATE: Bill Pate, P-a-t-e.

19           JUDGE CLARK: Mr. Pate, what would you like to  
20 tell the Commission?

21           MR. PATE: Thank you for this opportunity to  
22 express my concerns. When I have had the opportunity to  
23 interact with Empire District personnel, I've found them  
24 with verbal skills, friendly, and without any evidence  
25 of cognitive dysfunction. But I think it's appropriate

1 at this point to remind us that the definition of  
2 insanity is trying to -- is doing the same thing over  
3 and over again while expecting different results.

4           There are problems, as I see it, ahead for  
5 the financial well-being of the Empire District. Energy  
6 Networks Australia, in a website, on January 28th of  
7 this year, it said that in the future, customers will  
8 have greater say on how their system operates and  
9 greater control over their energy, and that renewal  
10 gases, such as biogas and hydrogen, will be part of the  
11 option in the future.

12           Barron's, September -- or summer of 2016  
13 said the rising fixed cost in competition from energy  
14 storage and microgrids will be a challenge to utilities  
15 and that microgrids will be -- will be technologically  
16 such that smaller groups than utilities can install  
17 them.

18           GreentechMedia.com, in April 2014, said  
19 that increased grid maintenance cost will be increasing  
20 while capital expenses on renewal energy will be  
21 declining and that more customers will be leaving the  
22 grid.

23           The Sydney Morning Herald quoted  
24 U.S. economist Craig Severance, who said in 2016 that he  
25 expected that utilities' more affluent customers will

1 increase purchases of solar power, leaving poorer  
2 customers to pay higher rates.

3           Because Missouri's per capita income is  
4 73 percent of the U.S. per capita, my question is  
5 whether that's a formula that will be successful for  
6 Empire.

7           The Wall Street Journal, March 2014,  
8 reported that in that year that 50 percent more German  
9 companies became energy sufficient compared to the year  
10 before.

11           Now, it's not all doom and gloom, as we  
12 look to the future and this company's financial health,  
13 Forbes magazines, in September 2017, mentioned the  
14 probability of full electrification of commercial  
15 freight and light-utility vehicles, and a rapid cost  
16 decline of battery and electric vehicles.

17           I have a friend who is a trained enthusiast  
18 who shared with me that trains are looking seriously  
19 about being driven primarily by electricity. I also  
20 wonder about the need for ever-increasing electrical  
21 supply to the cloud and the internet workings.

22           In conclusion, I do not see how relying on  
23 individual customers and a friendly reception of state  
24 regulators about rate increases will ensure a sufficient  
25 financial return for Liberty Utilities Empire District.

1 Thank you.

2 JUDGE CLARK: Thank you for your comments.  
3 Tammy Walker.

4 TAMMY WALKER,  
5 having been first duly sworn, testified as follows:

6 JUDGE CLARK: Could you please state your full  
7 name and spell your last name for the court reporter.

8 MS. WALKER: Tammy Walker, W-a-l-k-e-r.

9 JUDGE CLARK: Ms. Walker, what would you like  
10 to tell the Commission?

11 MS. WALKER: I work for Economic Security  
12 Corporation out of Southwest area, and we're your local  
13 Community Action Agency serving Jasper, Barton, Newton,  
14 and McDonald Counties. Our agency has a good working  
15 relationship with Liberty Utilities. We collaborate  
16 with them to provide weatherization services and utility  
17 assistance to low-income families.

18 Our agency has received 140,000 -- \$140,130  
19 in rate case funds and \$50,000 in corporate social  
20 responsibility funds to provide weatherization services  
21 to low-income families in our four-county service area.

22 Our agency receives funds from LIHEAP,  
23 which is Low-Income Home Energy Assistance Program,  
24 which is a block grant program. With these funds, we  
25 offer rate energy assistance and Energy Crisis

1 Intervention Program, which are the largest utility  
2 assistance programs in our four-county service area.

3           Energy assistance helps low-income  
4 customers who qualify with a one-time payment towards  
5 their primary heat source during the winter months.  
6 Last year, our agency assisted 4,907 households. The  
7 average household size is 2.18. And 51 percent of our  
8 households are either elderly and/or disabled.  
9 48 percent of all households served have incomes under  
10 75 percent of the poverty guideline.

11           To give you an example of how much money  
12 this is, for a one-person household, this is less than  
13 \$781 per month. Last year, our agency processed 1,282  
14 energy assistance applications, totaling \$336,591.60,  
15 for customers whose primary heat was electric and their  
16 vendor was Liberty Utilities.

17           The Energy Crisis Intervention Program, we  
18 received winter and summer funds. The program assists  
19 households in a verifiable energy crisis who are either  
20 terminated, have a disconnect notice, low propane of  
21 less than 20 percent, or are cash-on-delivery customers  
22 or prepaid electric customers who are almost out.

23           6,172 households received energy crisis  
24 intervention assistance last year totaling  
25 \$1,077,454.52; this is what was paid out to

1 Liberty Utilities to assist low-income customers for  
2 shutoff notices or to help get their service  
3 reconnected.

4           Here are a few examples of some of our  
5 customers. I've changed the names. Violet and John are  
6 in their early seventies and they are both disabled.  
7 They both receive Social Security and SSI, totaling  
8 \$1,177 per month. They're renters. Their home has not  
9 been weatherized, and they do receive some SNAP  
10 benefits, which is Supplemental Nutrition Assistance  
11 Program, "food stamps."

12           Jim, he's a 58-year-old, and he is  
13 disabled. He's a renter and his home has not been  
14 weatherized. He receives \$771 per month, and he has no  
15 food stamp benefits.

16           Paul is a single parent of six children.  
17 He's a renter and his home has not been weatherized.  
18 He's employed and he does receive some child support and  
19 he does receive food stamp benefits. His total income  
20 is 3,756 per month for a household of seven.

21           The cost of basic needs is a huge challenge  
22 for our customers who struggle each month to make ends  
23 meet. Any rate increase for the economically  
24 disadvantaged and our most vulnerable populations, which  
25 are elderly and disabled households, is too much.

1 JUDGE CLARK: Thank you.

2 Bernard Tallamon.

3 BERNARD TALLAMON,

4 having been first duly sworn, testified as follows:

5 JUDGE CLARK: Would you please state your full  
6 name and spell your last name for the court reporter.

7 MR. TALLAMON: It's Bernard Tallamon,  
8 T-a-l-l-a-m-o-n.

9 JUDGE CLARK: And what would you like to tell  
10 the commissioner?

11 MR. TALLAMON: I'm from Houston, Texas. I've  
12 been here for three years. I live alone. I live by  
13 myself. And my electric has been going up every month.  
14 It's never the same. So I was trying to figure out.

15 I'm wondering why, you know, I don't be at  
16 home much and it still rise. So when I got this letter  
17 in my mail and I started looking at the rates, which I  
18 see the papers and stuff they always giving us, the  
19 rates they bringing it up to, and I was thinking about  
20 the days I was in Houston.

21 If they was asking for 5 percent, this  
22 whole building would be full by now, you know, because  
23 there would be so many people here going against that.  
24 And also, looking at it, that you're moving it up within  
25 six months, you know, cost of living don't move up that

1 fast. So, you know, I mean, I appreciate if y'all  
2 didn't think this -- y'all talk about it a little bit  
3 more and give it a little bit more time to bring it to  
4 this level, because this is too soon to jump it up  
5 5 percent, that fast.

6           You know, and I understand that people need  
7 to live and people need to work and people needs to  
8 survive, and the economy moves and moves and he gets  
9 greater and greater, and we all understand that because  
10 all of us in this building is working people, at least  
11 once before, you know.

12           And -- but to move this rate up this high,  
13 it just is too fast to attack us like that. And I just  
14 wish that you just think about this before you do this  
15 because it's hurting a lot of us here, you know.

16           We the people that are really concerned  
17 about the community and we're concerned about things  
18 that go on, you know, in Missouri, you know. And I'm --  
19 I'm a Missourian, so I'm concerned about my community.  
20 I'm concerned about the things that's going on around  
21 me.

22           And then I saw -- I look at that  
23 7.85 percent all together -- that's what it would be  
24 together with the customer service and everything. And  
25 I was looking at that, too, seeing how high it is. So,



1 you know, I'd just really appreciate it if y'all just  
2 look at it, you know, and see -- yeah, I can do it, but  
3 just do it in a longer term so it can benefit everybody  
4 in Missouri.

5 Thank you.

6 COMMISSIONER RUPP: I have a question for you,  
7 sir. On the increases you're seeing, are they just kind  
8 of a gradual increase or are you seeing big swings from  
9 month to month?

10 MR. TALLAMON: No.

11 COMMISSIONER RUPP: So more of a big swing than  
12 a small increase?

13 MR. TALLAMON: Yes. One month it was \$185; the  
14 next month it was 300. And I said, "Wow. What's going  
15 on?" So when I called them -- and I don't think they --  
16 I'm just being honest because, you know, I work for a  
17 gas company before. You might know them. Their name is  
18 Entex, and it was in Houston, Texas. And I was a  
19 meter-reader. I started as a meter-reader, and I moved  
20 up.

21 But as a meter-reader, you know, some  
22 people -- sometimes I hear with the employees, they  
23 don't want to get in the yard because they have a bad  
24 dog or they got customers they don't like and they don't  
25 want to read it, so they'd write what they want to write

1 on there.

2                   So I'm kind of used to this field because I  
3 was in this field. So -- but, you know, I'm just  
4 thinking some of these meters -- and we not pointing at  
5 y'all, because y'all in the office.

6                   We talking about some of the people out  
7 there in the field actually reading the meters and  
8 feeding the information to you, to y'all. So we talking  
9 about them. Sometimes they being lazy, and a bad day,  
10 bad weather, leave home, feeling bad with they spouse or  
11 whatever, and they attack us, and they just write  
12 anything on there and get -- turn it in to y'all and  
13 make all bills high.

14                   So I'm just saying it's a whole group of  
15 people you've got to look around and look at, not just  
16 the office, but the field, the fieldmen out there in the  
17 field doing that.

18                   Because, you know, I'm reading my meter  
19 myself and I'm seeing it. When I call the people, the  
20 customer service, I'm telling them, you know, it's not  
21 reading the same, you know, because my -- I live by  
22 myself. I don't have no kids with me. I have no spouse  
23 or no one here but me to raise my bill when I'm not  
24 there. So why my bill rising. You know?

25                   And I understand a lot of people is tired

1 of dealing with the situation. You got to get on the  
2 phone and waste your time and call and talk to them  
3 about things they should already know about and things  
4 they should already fix, and you've got to keep calling  
5 them and calling them and get it straight. That's the  
6 confusion and that's the problem that we having right  
7 now to get it fixed.

8           A lot of us are getting retired. A lot of  
9 these people here is older, and a lot of people here is  
10 retired. So they can't get on the phone and sit on  
11 there for hours and 30 minutes, 40 minutes, and they got  
12 conditions going on with their bodies and they trying to  
13 stay on this phone and get this done that they -- we  
14 paying y'all to get done or to have employees to get  
15 that done.

16           That's all I have to say. Thank you.

17           JUDGE CLARK: Excuse me, sir. When you  
18 contacted the Company and indicated to them that your  
19 reading -- meter readings were different from what they  
20 had on your bills, what was the response you got?

21           MR. TALLAMON: They had came out and they  
22 changed the meter and a newer meter, I guess, and -- but  
23 like I said, right now, I still see the difference.  
24 It's still -- it's jumping up and down, up and down. I  
25 was and telling my friend that. KT, I was telling him

1 that, you know, every month I see my bill jumping up.

2                   So I get to a point I get tired of calling  
3 them, too. You know what I'm saying? Because, you  
4 know, once you call them, and then they'll recognize it,  
5 and you've got to fix it. And it's just a lot of  
6 problems, you know. So --

7                   JUDGE CLARK: Thank you, Mr. Tallamon.

8                   Joshua Bard.

9                   JOSHUA BARD,

10 having been first duly sworn, testified as follows:

11

12                   JUDGE CLARK: Would you please state your full  
13 name and spell.

14                   MR. BARD: Joshua Bard, B-a-r-d. Okay. So my  
15 bill, my wife and I have been paying \$150 to \$160 a  
16 month for quite a long time. At the beginning of last  
17 year, it jumped up to around 275.

18                   Come to find out, a couple days ago, I sat  
19 down with a gentleman that actually works for Liberty.  
20 My bill had been estimated eight times last year. So,  
21 you know, to me, when an estimation happens, whether you  
22 come out and read my meter in July during the peak time,  
23 what's that tell you for the rest of the year?

24                   You know, we've got a lot of elderly that's  
25 on fixed incomes. If they're estimating their bills

1 two, three, four times a year, how do they know that  
2 they're actually estimating it correctly? You can't --  
3 I don't care how you put the numbers to it, you're  
4 screwing the customer.

5                   When I -- when I look at it, the  
6 reconciliation, you've got customers that are paying 2-  
7 250, \$300 a month for a deposit; first, last, thousand  
8 bucks, easy. You know, there's a lot of people in  
9 Joplin that can't afford a thousand bucks, let alone the  
10 deposit and the first and last month's rent on a home.

11                   You know, there's a lot of people here that  
12 just can't afford to live, let alone pay a \$300-a-month  
13 electric bill.

14                   If the reading -- if they're not going out  
15 and reading the meter, why do they need a fee, an extra  
16 fee? I've got roughly 4,000 signatures from people all  
17 over Missouri and southeast Kansas that don't want this,  
18 and I'd like to give this to you guys. This is not  
19 something that we take lightly. A \$2 billion company  
20 does not need a \$26-and-a-half raise, period. That's  
21 all I've got.

22                   MS. PAYNE: Mr. Bard, was there any kind of  
23 indication on your bill that it had been estimated?

24                   MR. BARD: Yes.

25                   JUDGE CLARK: So your bills did say that they

1 had been estimated?

2 MR. BARD: Well, when they finally came out and  
3 reconciled it, yeah.

4 MS. PAYNE: Okay. But the bills that you would  
5 receive that you later learned had been estimated didn't  
6 indicate that that was estimated?

7 MR. BARD: No, not until October -- October,  
8 when there was finally a nice, long list of all the  
9 estimates.

10 MS. PAYNE: Okay. Thank you.

11 JUDGE CLARK: I'm going to have this attached  
12 to your comments this evening as Local Public Hearing  
13 Exhibit 1.

14 (Exhibit 1 marked for identification.)

15 JUDGE CLARK: And thank you for your comments.

16 Norman House? Norman House?

17 Franklin Spencer, Jr.?

18 MR. SPENCER: Yes, sir.

19 FRANKLIN SPENCER, JR.,

20 having been first duly sworn, testified as follows:

21 JUDGE CLARK: Thank you, Mr. Spencer. What  
22 would you like to tell the Commission?

23 MR. SPENCER: I want to lead off with a quote  
24 out of a Liberty press release when they acquired  
25 American Water out of New York State: "Customers

1 shouldn't expect any impact of rates as a result of the  
2 acquisition."

3           No press release that was put out three  
4 years ago when Liberty bought Empire stated that  
5 anywhere. In my dealings with them on a personal level,  
6 my meter has not been read accurately every month; I  
7 have gone into the office personally, spoken with  
8 customer service representatives at the Joplin office at  
9 6th and Joplin.

10           When I have approached them regarding this,  
11 I have been told, "Your bill was estimated. If you would  
12 like, we can come out and read your meter, but we don't  
13 read it every month." When I was told that, I said,  
14 "Then how can my bill be accurate?"

15           "Well, if we overcharged you, then we take  
16 it off the next month."

17           I said, "So how do I even know from one  
18 month to the next how much to budget for?"

19           And I say this from a man who -- I am  
20 below -- according to numbers here, I'm one of the 17.4  
21 people in Jasper County, as of the U.S. Census Bureau,  
22 that is living under poverty line.

23           I have a wife who is not able to work full  
24 time. We require every dollar be watched. I am one of  
25 the 51,798 households in Jasper County that are -- that

1 have Liberty electricity going through them, and I guess  
2 I have to ask myself the question: Why do I need to  
3 give them 4.985 million more dollars this next year?  
4 That's what it amounts out to in Joplin alone.

5 I'm sure you'll be proud to know that in  
6 Joplin alone, out of the 23,322 households, we will be  
7 giving the shareholders of Liberty Utilities  
8 2.244 million more dollars if you pass this, and for no  
9 better service.

10 When I have to ask myself the question, as  
11 an employer, do my -- does my employee do more to  
12 deserve more money, I would think that if they're doing  
13 more, they deserve more money. There is not a sliding  
14 scale. Whenever I'm told, "We don't read your meter  
15 every month," and then I look at my bill and I wonder  
16 why isn't my bill read every month, to which the answer  
17 I was given on all three occasions, "We don't have  
18 enough people."

19 Now, last I checked -- and I check pretty  
20 closely on this whenever I get that kind of comment. I  
21 went to every website that I could possibly find where  
22 Liberty Utilities had job postings. Nowhere on there  
23 did they say they were looking for meter-readers,  
24 nowhere. Nowhere on there did they say, "We have  
25 openings."



1                   Now, what the surprise that goes along with  
2 that for me is the fuel adjustment clause. Fuel  
3 adjustment clause, to me, tells me that they're saying,  
4 "We have to run our generators"; that's what it's based  
5 off of.

6                   Last I checked -- and I did numbers all the  
7 time way back to 1920 -- last I checked, gas is actually  
8 lower now than what it has been; petroleum costs are  
9 down. So why should the fuel adjustment clause allow  
10 them to charge more money?

11                   Whenever I look at this and I ask myself  
12 the question of why three -- well, two years ago, almost  
13 to the day, on February 15, 2018, in the Missouri  
14 senate, it was voted that there was supposed to be a  
15 25 percent grid modernization and that the rates were  
16 going to stay flat for three years; that was voted and  
17 passed. It was opposed by -- per the Associated Press,  
18 it was opposed by those that ran the utility companies.  
19 They have a stake -- they have a stake in the game; it's  
20 not service; it's dollars.

21                   Whenever I think to myself that I watch  
22 each and everything that I do in my house -- I own CFL  
23 bulbs; I don't run the heat; I don't run the air  
24 conditioner unnecessarily; I watch every dime. Whenever  
25 I ask myself what can I do to make this better, this is

1 why I'm here. I will try to be part of the solution  
2 instead of the problem.

3           Whenever I look at the fact that in Jasper  
4 County we have 120,217 population with a mean household  
5 income of \$46,617, we're below national standards.  
6 17.4 percent of the people here live below the poverty  
7 line, of which my wife and I are, too.

8           When I compare those numbers up to  
9 Independence, Missouri, over the last seven years, I see  
10 that there has never been a credit reduction on their  
11 customers' bills where they got overcharged by the  
12 electric company where the electric company -- you know,  
13 "Well, we had this much energy, but we're going to give  
14 you a little bit of it back because we overcharged."  
15 No, it went into profits.

16           And believe it or not, Independence,  
17 Missouri's, population is darn close to Joplin; it's  
18 117,306. So when you look at Jasper County and  
19 Independence, Missouri, it's apples to apples; it ain't  
20 apples to oranges.

21           In Keota, Iowa, I have to ask myself why  
22 was there a Better Business Bureau filing, in June 21st  
23 of '17, why are there 17 complaints about Liberty  
24 Utilities and how they go about billing their customers,  
25 all of which were answered back with the copy-and-paste

1 letter, which was beautiful to read 17 times over.

2 I read about a five-year infrastructure  
3 improvement plan that was supposed to take place.

4 Where? What he has been done different? When I sit  
5 here and I hear my Jasper County neighbors here speak  
6 about being out of power for 5 days and 11 days and  
7 watching their food go, I have to ask myself: Where is  
8 it getting better?

9 It's costing me more money. Everything I  
10 do is costing me more money when it comes to my  
11 electricity. I'm a guy who, if they wanted to, they  
12 could drive down the alley and see my meter. I've yet  
13 to have anybody do that. It's read from a distance.

14 My dog is in the house. I have a level  
15 yard. There's no no-trespassing signs up anywhere.  
16 There's no barbed wire for them to jump over or tunnels  
17 for them to dig through. It's pretty easy access.  
18 Someone chooses not to do it.

19 It doesn't take them a mathematician, of  
20 which I am not one, to sit and say to myself, "If I  
21 overcharge 51,000 households a month, what do I do with  
22 that?" I can drop it into a bank account and make a  
23 hefty little sum of change every other month.

24 I want to be charged for what I use. I  
25 don't go to the gas pump and one month get \$200 worth of

1 gas and the next month get charged for 300. "Well, we  
2 thought you might have used that 100."

3 I watch every dollar. I expect those that  
4 are over this to, A, please listen to what I have to  
5 say. I'm speaking from the heart. But I can tell you  
6 this, too: I'm speaking from the pocketbook.

7 I don't want to know that since the '50s  
8 the fuel adjustment clause that's been tacked onto  
9 there, per the World Bank themselves, if you read up on  
10 it, they've been attaching that to their loans since the  
11 1950s to every loan that they process through. Why do  
12 they do that? It's to make money.

13 I'm not here to -- I'm not here for Liberty  
14 Utilities to make money; I'm here to ask them to provide  
15 electricity and to pay out what they're supposed to to  
16 improve it and to bill me for what I use, no more, no  
17 less. Thank you.

18 JUDGE CLARK: Mr. Spencer, could I ask you a  
19 couple questions?

20 MR. SPENCER: Absolutely.

21 JUDGE CLARK: You indicated that nobody has, to  
22 your knowledge, ever come out and read your meter in  
23 person.

24 MR. SPENCER: I have made complaints on three  
25 separate occasions in person at their office at 6th and

1 Joplin, here in Joplin. I have yet to have anyone  
2 contact me and say, "We read your meter." But I'm more  
3 than happy to provide you also with the phone records of  
4 when I have called and had discussions with them  
5 regarding the same things.

6 JUDGE CLARK: Okay. I just wanted to ask you  
7 that question. And additionally, you said that -- do  
8 you know -- the one gentleman who was up here before you  
9 indicated in the last year that his had been estimated  
10 eight times.

11 MR. SPENCER: The answers I've been given every  
12 time, standing at that window, is that it's estimated  
13 month to month. "If it's too high one month, we take it  
14 off the next."

15 JUDGE CLARK: So every other month you believe  
16 it's estimated?

17 MR. SPENCER: Absolutely.

18 JUDGE CLARK: Okay.

19 MR. SPENCER: Because I can tell you my  
20 initials should be "OCD." I do things the same way the  
21 same -- the same way every day. For my bills to vary to  
22 the amount that they do makes absolutely no common  
23 sense. Because I look for one thing. I look for common  
24 denominators. Was it colder outside? Was it warmer  
25 outside? Did we have the air turned up? Did we have it

1 turned down?

2                   Whenever I look at every bit of that, the  
3 facts scream back at me something screwy is going on.  
4 Bill me for what I owe. Walmart doesn't ask me to give  
5 them another 100 bucks a year thinking I may need to pay  
6 in and help Sam Walton's relatives; they manage their  
7 business.

8                   Yes, cost of living is involved there; I  
9 realize that. I'm not living off on an island  
10 somewhere. I want to pay what I owe, and I want them to  
11 provide what they should provide. Without question,  
12 read my meter every month. Don't tell me that there's  
13 people out there, "Well, we didn't have enough people."  
14 Hire them.

15                   Last I checked, per the U.S. Department of  
16 Labor, if you have -- if you look at the numbers, if you  
17 have 5 percent unemployment, what that means is  
18 95 percent of your population is employable. That means  
19 that everybody that wants a job can have a job; most of  
20 us have to have two or three to keep up with what they  
21 want.

22                   At the end of the day if I'm being told,  
23 "We don't have enough people," that sounds like a flat  
24 lie. If they want me to be honest, I need them to be  
25 honest. I need to see the win-win on this. I did begin

1 this conversation with the end in mind, and I did seek  
2 first to understand and then to be understood.

3           What I need is I need those that I -- I'm  
4 glad you have the seal of the State of Missouri. I love  
5 the state that I live in, and I ask that you represent  
6 me and the other folks. I've yet to hear anybody come  
7 up here and say, "Golly, give them what they want."

8           And you know what? There was a little bit  
9 of doublespeak there that I heard earlier that I do want  
10 to address regarding that. "We haven't gotten  
11 everything we've asked for." "No, but you've gotten  
12 something." Manage your business. Don't train your  
13 employees to be dishonest. Don't have dishonest  
14 business dealings, and maybe you won't get the kind of  
15 response you're getting in this meeting.

16           That's my words to them. Do the right  
17 thing. Just do the right thing. And that's -- I  
18 appreciate your time. I realize I've not been brief,  
19 but thank you.

20           JUDGE CLARK: Thank you for your comments,  
21 Mr. Spencer.

22           I apologize; I'm having difficulty reading  
23 this last name on the list. Is there anyone I haven't  
24 called, a Mary? Is there anyone who signed up on the  
25 list that I did not call?

1 MR. POWERS: Gary.

2 JUDGE CLARK: Gary? I apologize. Gary, what's  
3 your first and last name?

4 MR. POWERS: Gary Powers.

5 JUDGE CLARK: And how do you spell your last  
6 name?

7 MR. POWERS: P-o-w-e-r-s.

8 GARY POWERS,  
9 having been first duly sworn, testified as follows:

10 JUDGE CLARK: What would you like to tell the  
11 Commission?

12 MR. POWERS: Well, I've lived in Joplin all my  
13 life. I'm 70 years old. I know lots of people and I  
14 know lots of skeletons. First place, I have a hard time  
15 with anybody -- I do not like waste. And I see all  
16 these people here today, and it does my heart good,  
17 because last time I was here, there was three people  
18 showed up including me; that was all.

19 Now, I want to go back for a little bit  
20 because there's people that's hit on stuff that -- I'm  
21 going to try not to go over it again. But one thing,  
22 starting out, that bothers me, if I run my business --  
23 I've got a small business, been in business for years.  
24 If I run a business like Liberty Mutual [sic] -- or  
25 Empire, I'd be broke.



1                   The Company has been in business  
2 approximately 110 years, approximately. When they sold  
3 out to Empire, they was in debt -- which I've only found  
4 two people that know this. They was in debt 950  
5 million, 950 million.

6                   My cousin, which I will not name, was on  
7 the board of Empire. I'm for everybody working getting  
8 paid good money; that's not a problem. I like to see  
9 people making money. He went to four meetings a year  
10 and he made 130 grand. Now, I got a problem with that.

11                   I've got another friend of mine that his  
12 wife retired, which I will not name, and she would tell  
13 me about the expense of the parties and extracurricular  
14 activities that she would write a check for.

15                   The last meeting when I was here, I talked  
16 to CEO of Empire, and they had just got rid of it -- but  
17 a lot of people don't know this. They had a box seat at  
18 Kansas City stadium to watch football games. Now, I've  
19 got a problem with that.

20                   My electric bill in my business has doubled  
21 in the last five years, has doubled. I got my electric  
22 bill at my house yesterday. I've got a bigger house.  
23 It's a newer house. And it's \$318. Now, 10 years,  
24 15 years ago, you used to have -- if you was total  
25 electric, you would get about a, approximately, maybe

1 10 percent break. That went by the wayside.

2           So to make a long story short, I'm adding 2  
3 and 2, and I ain't getting 4. I think Empire, or  
4 Liberty, is like a -- for lack of a better term, a  
5 professional athlete. They're going to take -- if  
6 you're going to give them \$20 million, they're going to  
7 take it.

8           So the utility commission, as to what I'm  
9 seeing, is not doing their job. If I had the authority,  
10 I'd start over. There is older people in this room that  
11 have got medicine, to keep warm, and food. They can pay  
12 two of them, but they can't pay three.

13           So I don't know what you're going to do.  
14 If it was me, if I was head of the Commission, I'd tell  
15 Liberty Mutual if you even call to want a raise in the  
16 next five years, I'm going to deduct 25 percent -- I'm  
17 going to deduct it off. I'd get their mind right.

18           That's it.

19           JUDGE CLARK: Thank you, Mr. Powers.

20           Those are all the names I have on the list of  
21 people that have signed up to speak. Is there anybody  
22 that -- just a second.

23           I will now call people who did not have an  
24 opportunity or did not sign up but would still like to  
25 say something to the Commission. So if you would raise

1 your hand, I'll have you come down to the mic.

2 And would you please state your full name.

3 MS. ACKERSON: Shauna Ackerson.

4 JUDGE CLARK: And how do you spell your last  
5 name, Ms. Ackerson?

6 MS. ACKERSON: A-c-k-e-r-s-o-n.

7 SHAUNA ACKERSON,  
8 having been first duly sworn, testified as follows:

9 JUDGE CLARK: What would you like to tell the  
10 Commission?

11 MS. ACKERSON: I just basically want to touch  
12 on a few things. I'm not a senior, but by the time I  
13 get to be a senior, it sounds like I'm not going to be  
14 able to pay for electricity. If our rates keep rising,  
15 there's no way.

16 At what point do we actually think, hmm,  
17 maybe we should stop raising the rates and look at our  
18 customers and try to help our customers pay for their  
19 bills, give them more incentives, other than the solar,  
20 you know, electricity.

21 The people that rent can't do solar unless  
22 they get permission from the people who are actually,  
23 you know, buying their house.

24 And also, I think that it would be great to  
25 see the utility company do something with their unused

1 assets instead of asking for raises, because if they  
2 have unused assets, they can actually do something with  
3 those and use that money towards whatever it is towards  
4 the improvements that they want to do.

5           Their linemen are the best paid linemen in  
6 the area. I have researched because I actually have  
7 friends that work for them. And they are great people.  
8 I love the linemen. They take care of us when we have  
9 storms. But a lot of the linemen are like, "We could  
10 use more, because when we do have storms, we're all  
11 stretched thin."

12           And also -- let's see here. Sorry. You  
13 guys have said a lot, which is great. I'm so glad that  
14 everybody came out tonight. And I think I did  
15 everything. Wow. That was quick.

16           The estimates, there was one time when we  
17 did not have estimates. Can you-all remember that? I  
18 mean, estimates have not been around forever on our  
19 bills. They actually had a time where we had bills  
20 where they didn't estimate our bill. So if we were able  
21 to live then with them not estimating our bill, how come  
22 we can't do it now; that is my question.

23           And if -- like they said before, if we  
24 don't have enough people to do the meters, then we need  
25 to hire more. And if it's a matter of trying to read

1 the meter, if it's a bad day, come back the next day.  
2 Read the meter the next day. Don't just give up. You  
3 know, there should be something they can do, because  
4 they've done it in the past without having estimates.  
5 So I don't see why we can't do it again.

6 So anyway. That is all I had. I just  
7 wanted to make sure you guys heard from me. Thank you.

8 JUDGE CLARK: Thank you for your comments,  
9 Mr. Ackerson.

10 MR. WILLIAMS: Oh, I do have a couple  
11 questions.

12 JUDGE CLARK: Come back to the microphone,  
13 please.

14 MR. WILLIAMS: When you were speaking about  
15 estimated meter reads or billings, was that from  
16 personal experience?

17 MS. ACKERSON: Yes. I've had my bill estimated  
18 more than it probably should be. My -- I don't have  
19 pets in my yard. There's no reason why you can't get to  
20 my meter. And like most others, I've never seen a  
21 utility worker in my yard reading a meter.

22 MR. WILLIAMS: Well, you also testified there  
23 was a time where you believed you were -- your billings  
24 were not estimated. Can you give a time or  
25 approximation about when you believe the estimates

1 started?

2 MS. ACKERSON: Oh, my gosh. It's been years.  
3 I would have to say, if I had to guess, because I would  
4 be guessing at this point, probably back early 2000 is  
5 when I can probably remember that we didn't have  
6 estimates. But I'm guessing there, so I'm not for sure,  
7 without looking at my records.

8 MR. WILLIAMS: So almost 20 years ago is what  
9 you're saying?

10 MS. ACKERSON: Yeah.

11 MR. WILLIAMS: Thank you.

12 MS. ACKERSON: Anyway. Thank you.

13 JUDGE CLARK: Is there anyone else who wanted  
14 to comment? Yes, sir.

15 MR. BOWERS: Good evening. My name is  
16 Billy Bowers. I'm from here in Joplin.

17 JUDGE CLARK: Mr. Bowers, could you spell your  
18 last name for the court reporter?

19 MR. BOWERS: Yes, Bowers, B-o-w-e-r-s.

20 BILLY BOWERS,  
21 having been first duly sworn, testified as follows:

22 JUDGE CLARK: Thank you. What would you like  
23 to tell the Commission?

24 MR. BOWERS: Basically, my one comment and one  
25 concern -- I've been happy. Good service, you know,

1 they've done a good job servicing me; I've been very  
2 happy with that. My one comment, my one concern is  
3 relevant to the statement that was made to prudent  
4 investments. I question the prudence of some of their  
5 investments. They've invested some money.

6                   It's been great, great services. I don't  
7 know that it's prudent to invest millions of dollars  
8 into a facility and then close it down within a few  
9 years. I don't know that that's prudent.

10                   That's it, in a nutshell.

11                   JUDGE CLARK: And what facility are you  
12 referring to?

13                   MR. BOWERS: The Asbury plant, the Riverton  
14 plant.

15                   JUDGE CLARK: Okay. Thank you. Thank you for  
16 your comments, sir.

17                   Sir?

18                   JUDGE CLARK: Would you please state your full  
19 name.

20                   MR. DUNN: Matthew Dunn.

21                   JUDGE CLARK: And how do you spell your last  
22 name, sir?

23                   MR. DUNN: D-u-n-n.

24                                   MATTHEW DUNN,  
25 having been first duly sworn, testified as follows:

1           JUDGE CLARK: Thank you. What would you like  
2 to tell the Commission this evening?

3           MR. DUNN: It's interesting that the gentleman,  
4 what he just said, that's exactly what I was going to  
5 talk about. The projections that were made seven years  
6 ago to say that Asbury was a good spend to do the -- the  
7 additions, whatever they did to clean it up, they made  
8 these projections based off of the 20-year projections  
9 that it was absolutely the right thing now to do. Now,  
10 seven years later, we're going to shut the plant down.  
11 Okay? So that doesn't make sense.

12                     A lot of times projections can say whatever  
13 you want them to say and you can have smoke and mirrors.  
14 Okay? So my concern is the same projections are being  
15 made on the wind turbines that they're putting up in  
16 Barton County, just north of the Jasper County line.  
17 And that's where I'm from.

18                     I'm a third-generation farmer, and they  
19 came in there, and it was kind of the David-and-Goliath  
20 situation. They lied to a lot of people in there.  
21 Everybody is signing up; "Y'all need to sign up." And  
22 these same projections are what they're using to say,  
23 "This is going to be the greatest thing ever; it's going  
24 to lower our costs." And I'm going to tell you it's not  
25 going to happen, that as soon as these wind turbines get



1 up -- and you know better than I do how much they're  
2 spending. I have no idea. Millions and millions and  
3 maybe billions. I don't know. But I know how expensive  
4 those things are.

5           They're putting up 65, I think, in our  
6 area. Most people don't want them, but there's a few  
7 farmers that have enough land that they're putting them  
8 on their land.

9           And this is in -- this is just phase one,  
10 basically, because I've seen the contracts. And they  
11 say in the contracts "for future development." So  
12 they're going to continue to put more up there. This  
13 also goes back to the fact that since the Canadians own  
14 Liberty, that Canadian companies chase subsidized  
15 dollars; and that's what happened with all of these wind  
16 turbines is that the administration has given all of  
17 these government subsidies to push wind power.

18           Liberty bought all these wind turbines  
19 years ago, two or three or four years ago when all those  
20 subsidies were going and they had a timeline, they've  
21 got to get those in the ground or they've got to give  
22 that subsidy back.

23           So they had a huge vested interest to get  
24 those things planted somewhere, and they're putting it  
25 in the middle of where a bunch of people are living.

1 And it's just -- it's atrocious what they're doing up  
2 there. People are living within, you know, 600 feet,  
3 700 feet, whatever the bare minimum is. A lot of  
4 times -- and you can ask them. "Oh, yeah, we did a  
5 thousand feet."

6           So what, a thousand feet? These things are  
7 enormous. They've got shadows. They've got all kinds  
8 of health problems. And everybody is on this kick for  
9 wind power, and I'm -- my concern is it's not going to  
10 work, and we're going to have a huge problem, and then  
11 you guys can expect your rates to go up tremendously.

12           JUDGE CLARK: Thank you for your comments,  
13 Mr. Dunn.

14           MR. DUNN: You're welcome.

15           JUDGE CLARK: Is there anybody else?

16           Would you please state your name and spell your  
17 last name for the court reporter?

18           MR. IRVINE: James Irvine, I-r-v-i-n-e.

19           JUDGE CLARK: Mr. Irvine, would you raise your  
20 right hand to be sworn.

21                           JAMES IRVINE,  
22 having been first duly sworn, testified as follows:

23           JUDGE CLARK: What would you like to tell the  
24 Commission this evening?

25           MR. IRVINE: Well, their rates -- the rates are

1 getting residual. Last month I had a \$180 bill. This  
2 month it's almost a \$400 bill. What is it going to be  
3 next month? Is it going up to six? Is it going back  
4 down to one? I keep calling. They say that they do  
5 not -- they keep sending somebody out to read my meter.  
6 Personally, like most other people, I don't believe  
7 that. It doesn't say "estimated" on there.

8           But to have a rate hike of that much or a  
9 bill of difference that much, it makes no sense. And  
10 like many people, there's a lot of elderly here, and  
11 they can't afford paying that much money. I can't  
12 afford it. I still work. I'm retired military. I get  
13 VA disability. I still have a job to cover my bills.  
14 With these people, most of them can't have a job;  
15 they're on Social Security.

16           How many times are we going to raise the  
17 rates? It has to stop somewhere. And I just hope that  
18 you guys will listen to these people and say, "Enough  
19 rate hikes. Let's not raise them this time. Come back  
20 next year." Give these guys rate increases in their  
21 Social Security, and then maybe we'll talk about rate  
22 hikes.

23           That's all I have to say.

24           JUDGE CLARK: Thank you.

25           Sir, would you please state your name and

1 spell your last name.

2 MR. DUFF: Steve Duff, D-u-f-f.

3 STEVEN DUFF,

4 having been first duly sworn, testified as follows:

5 JUDGE CLARK: What would you like to tell the  
6 commissioner?

7 MR. DUFF: Well, as an observations, I've seen  
8 a lot of complaints about the increases and that kind of  
9 thing. Most of them originate from -- particularly  
10 impacts the people on a fixed incomes. You know,  
11 they're not able to pass that along. Some other things  
12 are just questions about how the -- Liberty's operation  
13 compares with the national average, as far as their  
14 associated overheads and that kind of stuff, maybe what  
15 the percentages of services, that seem to be inadequate,  
16 would be on a national base.

17 But anyway. For the Public Commission  
18 Service, it looks to me like we need to see an increased  
19 emphasis put on addressing the future concerns that  
20 we're all looking at, because we're all going to need  
21 power.

22 The power companies have to have a  
23 generated return on investment in the process of  
24 generating our power. So we still have to rely on each  
25 other, but this increased pressure from the individuals

1 and the corporations I see moving towards  
2 self-sufficiency are going to have a negative impact on  
3 the smaller customers that now load the grid; and their  
4 dependence -- and they're kind of in a static economic  
5 posture, and it's going to prohibit them to have any  
6 ability to secure any alternative power sources or  
7 absorb the cost of the energy, that this trend is  
8 increasingly going to concentrate down as the general  
9 population.

10           You know, I think that's a significant  
11 question and a foreseeable trend that our Public Service  
12 Commission and our state needs to look very closely at.

13           I think that's probably all I had as a  
14 comment.

15           JUDGE CLARK: All right. Thank you very much.

16           Is there anybody else that would like to  
17 make a comment this evening? I see no hands.

18           Commissioner, any closing remarks?

19           COMMISSIONER RUPP: I sincerely thank all of  
20 you for coming out and having this amount of testimony.  
21 It's very helpful to us. Thank you.

22           JUDGE CLARK: There was a lot of participation  
23 tonight. I'd like to thank all of our participants who  
24 showed up tonight to offer their comments. If you have  
25 additional comments or someone you know is unable to

1 make it tonight but would still like to offer comments  
2 to the Commission, they can make written comments by  
3 contacting the Office of the Public Counsel or by going  
4 to the Public Service Commission's web page.

5 I hope everybody drives home safe tonight.  
6 I'm going to adjourn this hearing now. Have a good  
7 evening. And we are off the record.

8 (Proceedings concluded at 8:00 p.m.)

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C E R T I F I C A T E

STATE OF ARKANSAS )  
COUNTY OF MADISON )

I, JENNIFER NORMAN, Certified Court Reporter  
in and for the aforesaid county and state, do hereby  
certify to the following:

1) The foregoing proceeding was taken before  
me at the time and place stated in the foregoing styled  
cause with the appearances as noted;

2) Being a Court Reporter, I then reported  
the proceeding in Stenotype to the best of my skill and  
ability, and the foregoing pages contain a full, true  
and correct transcript of my said Stenotype notes then  
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3) I am not in the employ of and am not  
related to any of the parties or their counsel, and I  
have no interest in the matter involved;

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed my seal of office this 14th day of  
February 2020.



*Jennifer Norman*  
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