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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS

Discovery Conference

February 13, 2013

Jefferson City, Missouri

Volume 8

In The Matter Of The Empire)
District Electric Company of)
Joplin, Missouri For Authority To)
File Tariffs Increasing Rates For) File No.
Electric Service Provided to) ER-2012-0345
Customers In The Missouri Service)
Area Of The Company)

MICHAEL BUSHMANN, Presiding,
REGULATORY LAW JUDGE

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

2 JUDGE BUSHMANN: Today's date is
3 February 13, 2012, 1:30 p.m. The Commission has set
4 this time for a discovery conference in the case
5 captioned as In The Matter Of The Empire District
6 Electric Company Of Joplin, Missouri, Tariffs Increasing
7 Rates For Electric Service Provided To Customers In
8 The Missouri Service Area Of The Company, File
9 No. ER-2012-0345.

10 My name is Michael Bushmann, Regulatory Law
11 Judge in this matter. We'll start by counsel making
12 entries of appearance for the Empire District Electric
13 Company.

14 MS. CARTER: Diana Carter with Brydon,
15 Swearngen and England, 312 East Capitol Avenue,
16 Jefferson City, Missouri, appearing for Empire District
17 Electric Company.

18 JUDGE BUSHMANN: And for Commission Staff.

19 MS. KLIETHERMES: Thank you, Judge.

20 Sarah Kliethermes for Commission Staff,
21 200 Madison Street, Jefferson City, Missouri.

22 JUDGE BUSHMANN: And I know that Todd Jacobs
23 with Missouri Gas Energy was excused for this
24 conference.

25 Is there any other counsel that is on the

1 phone right now?

2 Let the record show that there are no other
3 counsel appearing for the other parties.

4 Are there any discovery matters that need to
5 be taken up today? This is our last discovery
6 conference, and there was no motions to compel filed
7 yesterday, so I wasn't aware of any.

8 MS. KLIETHERMES: Judge, I would just note
9 that Empire has indicated it would be providing Staff
10 additional information on DR No. 236. At this time that
11 DR hasn't been fully responded to but Empire has
12 indicated they'll provide that information and we have
13 every reason to expect that they will.

14 JUDGE BUSHMANN: Do you concur with that,
15 Ms. Carter?

16 MS. CARTER: I do.

17 Sarah, I'm assuming that is the one we've
18 been e-mailing about?

19 MS. KLIETHERMES: It is.

20 MS. CARTER: Yes, and I concur.

21 JUDGE BUSHMANN: Ms. Carter, did you have any
22 discovery issues that you need to bring up?

23 MS. CARTER: No, Empire does not.

24 JUDGE BUSHMANN: I guess while we're on the
25 record I might bring up a little bit about,

1 Ms. Kliethermes, the filing that you made this morning,
2 for clarification.

3 I wanted to respond -- it may be easier to do
4 that now than to try to write an order about it. And
5 you had asked about the opening statements, the little
6 mini openings.

7 MS. KLIETHERMES: Yes.

8 JUDGE BUSHMANN: It was not my intention to
9 preclude anybody from discussing any issues. When the
10 original schedule that you filed had Roman numerals that
11 kind of segregated the issues by topic --

12 MS. KLIETHERMES: Yes.

13 JUDGE BUSHMANN: -- so there was rate of
14 return, for instance, and rate base and statement of
15 operating income, my intention by having the wording the
16 way I did, which was maybe causing the confusion, is
17 that what I meant is is that for that group of issues
18 the parties should do a little mini opening right
19 before.

20 So, for instance, I may not have the -- may
21 not have the time right yet but for statement of
22 operating income there were issues A through Q.

23 So my intent was to have a little mini
24 opening for those A through Q issues where it says in
25 the schedule that you will start talking about operating

1 income.

2 MS. KLIETHERMES: Okay. And I believe Staff
3 certainly can accommodate that. I would assume the
4 other parties can as well.

5 JUDGE BUSHMANN: Okay.

6 And then you had also mentioned in there that
7 as far as the order of witnesses, that the intention for
8 the order of witnesses was for the parties to testify
9 about all sub issues while they're on the stand. I just
10 want to make sure I know what that is that I'm talking
11 about here.

12 MS. KLIETHERMES: And I apologize, Judge.
13 That isn't necessarily very clear. Well, it's not very
14 clear on it.

15 JUDGE BUSHMANN: Well, this is my first rate
16 case, so I want to make sure I know what is going on.

17 For instance, on the rate base, just take an
18 example for Wednesday morning. There's Iatan plant has
19 two sub issues and Mertens and McMellen were both listed
20 as witnesses.

21 So I take it that Mr. Mertens will testify
22 first about both sub issues and then Ms. McMellen will
23 testify about those sub issues after that?

24 MS. KLIETHERMES: Yes, that was Staff's
25 intent.

1 JUDGE BUSHMANN: Okay. So then the next
2 thing, the next issue below that is depreciation reserve
3 for Iatan adjustments. It has the same two witnesses.

4 So am I correct then that Mr. Mertens will
5 get back on the stand to talk about that issue or will
6 he do all of it while he's up there?

7 I just didn't know how much the scope is
8 going to be when they're up there. Issue by issue? Is
9 that kind of how you were intending?

10 MS. KLIETHERMES: That's what we intended,
11 but you raise a good point. There are a number of
12 closely related issues such as that's a great -- a good
13 example, that I suspect the parties would intend to
14 consolidate those -- their cross on those issues.

15 Did Empire have any thoughts on how to handle
16 matters like that?

17 MS. CARTER: No. I think when the witness
18 takes the stand on a more general topic, then they just
19 stay there to answer all of those questions.

20 JUDGE BUSHMANN: I guess I'll just need for
21 the parties to clue me in as to what they're going to be
22 covering.

23 MS. KLIETHERMES: A nonprecise answer that I
24 think will probably get at what you're looking for is
25 that to the extent that you've got the same issues on

1 the same witness -- or on the same witnesses on the
2 same -- let me start over.

3 To the extent that you have the same
4 witnesses testifying on nominally different issues but
5 in the same morning or afternoon session, more likely
6 than not all of those issues would be taken with one
7 trip to the stand.

8 For examples, on the Iatan issues you just
9 mentioned, that we would -- I would offer all of my
10 cross-examine of Mr. Mertens and Empire would have all
11 of their cross-examine of Ms. McMellen on those three
12 separate issues with one trip to the stand for each.

13 JUDGE BUSHMANN: Okay. That might save some
14 time getting people up and off, down off the stand.

15 MS. CARTER: Yes, I think that's what we all
16 intended.

17 JUDGE BUSHMANN: Okay. Well, that's fine. I
18 just want to make sure I know what to anticipate.

19 MS. KLIETHERMES: Well, that I can't help you
20 on.

21 JUDGE BUSHMANN: At least as far as that
22 goes.

23 Was there anything else relating to that that
24 you needed to address? That answers my questions.

25 MS. KLIETHERMES: If you have any other

1 questions, we're happy to do our best with them.

2 JUDGE BUSHMANN: Well, I think that cleared
3 it up.

4 Was there anything else?

5 Ms. Carter, did you have anything else you
6 needed to bring up today?

7 MS. CARTER: I do not. Thank you, Judge.

8 JUDGE BUSHMANN: All right. In that case
9 we're off the record. Thank you.

10 WHEREIN, the discovery conference concluded.

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Patricia A. Stewart
CCR No. 401

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