

THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Prehearing

November 10, 2015

Jefferson City, Missouri

Volume 1

In the Matter of the)
Empire District Electric)
Company's Request For)
Authority to Implement) File No. ER-2016-0023
A General Rate Increase)
For Electric Service)

KIM S. BURTON, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
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TIGER COURT REPORTING, LLC

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1 JUDGE BURTON: Let's go ahead and go on the
2 record In the Matter of The Empire District Electric
3 Company's Request for Authority to Implement a General
4 Rate Increase for Electric Service. This is File Number
5 ER-2016-0023. Today is November 10th, 2015, and the time
6 is 11:00 a.m. The Commission has set this time for a
7 prehearing conference.

8 At this time I would go ahead and ask the
9 parties to enter their appearance for the record. And I
10 know that we also have people, I want to note for the
11 record, that are calling in telephonically to participate
12 in this. So please let me know if you have any
13 difficulties hearing.

14 I'll begin with Empire District Electric
15 Company.

16 MS. CARTER: Diana Carter and Dean Cooper
17 from Brydon, Swearingen & England for Empire District
18 Electric Company. Our address is on the written entry.

19 Thank you.

20 JUDGE BURTON: Okay. Thank you.

21 On behalf of the Staff of the Missouri Public
22 Service Commission.

23 MR. THOMPSON: Thank you, Judge. Kevin
24 Thompson for the Staff of the Missouri Public Service
25 Commission, Post Office Box 360, Jefferson City, Missouri

1 65102.

2 JUDGE BURTON: Thank you.

3 And on behalf of the Office of the Public
4 Counsel .

5 MS. MAYFIELD: Cydney Mayfield on behalf of
6 the Office of the Public Counsel and the ratepayers, and
7 my information has been previously provided to the court
8 reporter.

9 JUDGE BURTON: City of Joplin, Missouri .

10 MR. ELLINGER: Marc Ellinger with the law
11 firm of Blitz Bardgett Deutsch for the City of Joplin.
12 And our address and information has been filed in our
13 formal entry of appearance.

14 Thank you.

15 JUDGE BURTON: The Missouri Division of
16 Energy.

17 MR. ANTAL: Alex Antal with the Missouri
18 Department of Economic Development, appearing on behalf
19 of the Missouri Division of Energy. The court reporter
20 has our address.

21 JUDGE BURTON: Renew Missouri .

22 MR. LINHARES: Thank you, Judge. For Renew
23 Missouri , Andrew Linhares, 910 East Broadway, Suite 205,
24 Columbia, Missouri 65201.

25 JUDGE BURTON: Okay. Now, I will note that

1 we also have some applications to intervene that were
2 filed by MCEG and MEUA. At this time I believe we have
3 counsel for both of those parties present and
4 participating. Correct me if I'm wrong. Okay.

5 I was going to go ahead and ask while we're
6 on the record if there are any objections from Empire and
7 any of the other parties first to the admission of MCEG
8 as a party to this?

9 MS. CARTER: No objection.

10 JUDGE BURTON: Okay. That being said, the
11 Commission finds good cause to go ahead and admit MCEG,
12 and I will let Counsel for MCEG go ahead and enter his
13 appearance at this time.

14 MR. WOODSMALL: Thank you, Your Honor. David
15 Woodsmall on behalf of MCEG. My written appearance has
16 been filed with the court reporter.

17 JUDGE BURTON: Okay. And do any of the
18 parties have any objections to the application to
19 intervene that was filed on November 7th, 2015 by Midwest
20 Energy Users Association?

21 MS. CARTER: No objection.

22 JUDGE BURTON: Okay. Hearing none, the
23 Commission will find good cause and admit Midwest Energy
24 Users Association as a party to this matter, and I will
25 accept any entries of appearance at this time.

1 MR. CONRAD: Your Honor, this is Conrad. Do
2 you want me to go ahead?

3 JUDGE BURTON: Yes, please.

4 MR. CONRAD: Okay. Stuart Conrad on behalf
5 of MEUA. We're at 1209 Penntower, Kansas City, Missouri
6 64111. And since I'm not there, I can't give the court
7 reporter our copy, but we can certainly arrange that if
8 it's needed.

9 JUDGE BURTON: I believe the information
10 you've provided is sufficient. And I will be submitting
11 into the record a notice of your admission after we
12 conclude this hearing.

13 Now, at this time --

14 MR. CONRAD: Thank you.

15 JUDGE BURTON: -- I think we need to --

16 MR. CONRAD: Thank you, ma'am. Thank you,
17 ma'am.

18 JUDGE BURTON: All right. Are there any
19 other procedural matters we need to address or any other
20 parties that I'm missing?

21 Okay. That being said, the purpose of this
22 prehearing conference is obviously to proceed with
23 getting a procedural schedule established for an
24 evidentiary hearing. And this is going to be a little
25 bit different than how things have progressed in the

1 past. The commissioners have requested to have some
2 input in the actual hearing dates to ensure that they
3 have an available date to participate. And I know that
4 we are looking into the future for five very busy
5 commissioners when we set this, but I have submitted
6 potential dates for the actual evidentiary hearing. And
7 I believe two weeks should be sufficient. Let me know if
8 that is not reasonable.

9 Seeing no objections to a potential two-week
10 schedule for an evidentiary hearing, the first option
11 would be, if everyone would pull out their calendars,
12 Monday, May 16th, 2016, through Friday May 20th, and the
13 following week of May 23rd through Friday, May 27th, with
14 a potential true-up of June 8th or 9th.

15 The second option is if we were to have the
16 evidentiary hearings beginning on Tuesday, May 31st and
17 going through that Friday, June 3rd and then resuming the
18 next week, June 6th through June 10th, with a true-up
19 hearing scheduled for June 20th or 21st.

20 Now, I understand that a lot of the parties
21 have witnesses that you need to discuss this with, but
22 I'll just ask if anyone knows of any problems right now
23 with those potential dates?

24 Okay. All right. So I would ask that the
25 parties work with those dates and try to come up with a

1 schedul e.

2 MS. CARTER: Judge, is there anything later
3 that they had available for the true-up hearing?

4 JUDGE BURTON: What dates were you thinking
5 of?

6 MS. CARTER: Possibly the beginning of July.

7 JUDGE BURTON: Could you give me some
8 specific dates?

9 MS. CARTER: July 1 is what we had been
10 looking at.

11 JUDGE BURTON: Okay. So Friday, July 1st?
12 That, I would just say right now, is just not going to be
13 possible --

14 MS. CARTER: Okay.

15 JUDGE BURTON: -- because that's the Friday
16 before the 4th of July weekend. So I haven't presented
17 them with those dates, but I would imagine that there's
18 going to be some potential conflicts with that.

19 MR. WOODSMALL: Does earlier that week work?

20 MR. THOMPSON: Yeah, what about --

21 MR. WOODSMALL: Or is it just because the
22 Friday butts up against the holiday?

23 JUDGE BURTON: I believe because that date
24 would be the conflict. Are we thinking of one or
25 two days for a true-up?

1 MS. CARTER: One day.

2 MR. THOMPSON: One day.

3 JUDGE BURTON: Okay. Let me -- I'm looking
4 at our schedule right now. Let me -- and I know that
5 their schedules aren't published at this time. So I will
6 follow up. But for right now let's pencil in either the
7 28th or the 29th for potential dates for that, and I will
8 send out a notice to the commissioners to see if -- if
9 there are any conflicts with either of those dates --

10 MS. CARTER: Thank you.

11 JUDGE BURTON: -- and I will let the parties
12 know.

13 MS. CARTER: Thank you.

14 JUDGE BURTON: Okay.

15 MR. WOODSMALL: Your Honor, one question.
16 You gave two options --

17 JUDGE BURTON: Yes.

18 MR. WOODSMALL: -- and they all seem to run
19 together. Would May 23rd through 27th and the following
20 week work, if we take the last week of the first block
21 and the first week of the second block? Or are they
22 some -- is there some reason that they're blocked off
23 like that?

24 JUDGE BURTON: I presented those dates
25 because I thought it would be convenient for the parties.

1 So if -- if any of those dates within that timeframe
2 works, that's fine.

3 MR. WOODSMALL: Okay.

4 JUDGE BURTON: And I'll let you know if I
5 hear any pushback on wanting some sort of continuity from
6 the commissioners on those dates.

7 MR. CONRAD: Your Honor, Conrad. We can work
8 with either of those alternatives.

9 JUDGE BURTON: Okay. I don't need to
10 actually set the evidentiary hearing dates today, because
11 I do want the parties to look at their schedules and talk
12 with your witnesses to address this. But let's go ahead
13 and figure out a date to determine when we're thinking of
14 actually having a proposed procedural schedule submitted
15 to the Commission.

16 And I'm assuming either Empire or Staff will
17 take the lead on filing that?

18 MR. THOMPSON: Staff typically files the
19 proposed procedural schedule, presenting the consensus of
20 the parties. And how about a week from today?

21 JUDGE BURTON: That will work. Let me -- so
22 we're looking at November 17th?

23 MR. THOMPSON: Yes. Yes, ma'am.

24 JUDGE BURTON: Okay. Now I will ask about
25 local public hearings. Has there been any discussion or

1 any idea of what time frame we're considering and how
2 many dates or locations we are considering for local
3 public hearings?

4 MS. CARTER: From Empire's standpoint, we
5 were thinking the same as has been in years past, which
6 is two days between Joplin and Reed Springs to get two
7 hearings in Joplin and one in Reed Springs.

8 JUDGE BURTON: Has Public Counsel had a
9 chance to determine how many dates it thinks would be
10 sufficient for --

11 MS. MAYFIELD: Yeah, our understanding is
12 consistent with Empire's. So those three dates or
13 locations articulated by Empire is consistent with Office
14 of Public Counsel's understanding as well.

15 JUDGE BURTON: Local public hearings are,
16 again, always of interest for the commissioners. So we
17 will have to check their availability to determine when
18 we actually set those. So, again, I'm open to
19 suggestions on those dates or timeframes where I can
20 identify if there's any conflicts.

21 MS. CARTER: The schedule Staff proposed
22 before today included April 12th through the 15th, and
23 that works for Empire.

24 MS. MAYFIELD: Yes, Your Honor, the local
25 public hearings proposed by Staff would work for the

1 Office of Public Counsel. We have to discuss the
2 technical conference timing, because I believe Staff
3 scheduled the technical conference consistent with the
4 local public hearing dates. And, unfortunately, due to
5 the staffing in our office, overlapping those two would
6 not work for our office.

7 JUDGE BURTON: It also appears that Missouri
8 American Water Company has a true-up hearing scheduled
9 for Tuesday, the 12th.

10 MS. MAYFIELD: That's correct, for the 11th
11 and the 12th.

12 JUDGE BURTON: Yeah. So I would prefer to
13 avoid those dates, because I would imagine the
14 commissioners would have some conflict, if the true-up
15 dates are needed for that case. But, otherwise, I
16 believe that that week should be fine. Again, I'll
17 double-check with the commissioners' schedules.

18 Are there any other issues that we need to
19 have addressed while we are on the record?

20 Okay. That -- that being the case, just to
21 reiterate, I will provide the notice into the EFIS system
22 about the entries of appearance -- or the admission of
23 the applications to intervene of those two parties and
24 the deadline for Staff to submit the proposed procedural
25 schedule of November 17th.

1 MR. THOMPSON: Thank you, Judge.

2 JUDGE BURTON: That being said, I thank
3 everyone for your appearance and participation. And we
4 will go off the record. But those of you who are
5 appearing through the phone, do not fret. You may
6 participate as long as your little heart desires for the
7 rest of the day on this phone line, and I will not
8 disconnect you.

9 MR. CONRAD: Judge?

10 JUDGE BURTON: Yes.

11 MR. CONRAD: Conrad again. Do you have a
12 sense of when you might find out from the Commission
13 which of those two alternatives?

14 JUDGE BURTON: Oh, for the true-up dates?

15 MR. CONRAD: Well, I understood it was really
16 two packages.

17 JUDGE BURTON: Right.

18 MR. CONRAD: Maybe I didn't understand you.

19 JUDGE BURTON: I'm going to be sending out an
20 email to the commissioners today. However, they are at
21 NARUC. So I would imagine I will have that information
22 to you by Friday, which I hope will give Staff sufficient
23 time to still work with the 17th deadline, the proposed
24 procedural schedule. And I will evaluate the true-up
25 dates and also the local public hearings week to give

1 them a heads up for that week, I believe is what we're
2 looking at in April.

3 Does that answer your question, Mr. Conrad?

4 MR. CONRAD: Yes, ma'am.

5 JUDGE BURTON: Okay. All right. Well, thank
6 you, everyone. And we are going to go off the record
7 now.

8 (Off the record.)
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CERTIFICATE OF REPORTER

I, Angie D. Threlkeld, a Certified Court Reporter, CCR No. 1382, the officer before whom the foregoing hearing was taken, do hereby certify that the foregoing hearing was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Angie D. Threlkeld

Angie D. Threlkeld, CCR



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