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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Evidentiary Hearing
March 5, 2015
Jefferson City, Missouri
Volume 26

In the Matter of Union)
Electric Company d/b/a)
Ameren Missouri's Tariff) File No. ER-2014-0258
to Increase Its Revenues)
for Electric Service)

MORRIS L. WOODRUFF, Presiding,
CHIEF REGULATORY LAW JUDGE.

WILLIAM P. KENNEY,
DANIEL Y. HALL,
COMMISSIONERS.

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

2 (WHEREUPON, the hearing began at
3 9:00 a.m.)

4 JUDGE WOODRUFF: Let's come to order,
5 please. We're back for another day of the hearing
6 in the Ameren rate case, ER-2014-0258.

7 Before we get started with the
8 testimony of Mr. Wakeman, I noted that this morning
9 there was another Nonunanimous Stipulation &
10 Agreement filed that would eliminate one of the
11 issues that was to be heard today, the supplemental
12 services issue. So we're moving right along there.

13 We had also talked yesterday about
14 possibly moving the Labadie ESP issue forward. Is
15 there any progress on that?

16 MR. MITTEN: Your Honor, we talked to
17 Sierra Club, and it's not possible for their
18 attorney to be here to move that issue to today.

19 JUDGE WOODRUFF: Okay. That's fine.
20 We'll take it up on Friday, then. And I believe
21 there was also -- there's another issue scheduled
22 on Friday, the NBEC issue, which last I heard there
23 was close to a settlement on that.

24 MR. MITTEN: That's my understanding.
25 I can get the specifics before the hearing

1 concludes this morning and report back.

2 JUDGE WOODRUFF: Okay. I appreciate
3 that. Just looking to see what we need to do on
4 Friday. Anything else we need to take care of at
5 this point?

6 MR. KNEE: Yeah. Your Honor, this
7 might not be the most ideal time, but it's my last
8 convenient time to bring up the Nonunanimous
9 Stipulation & Agreement that was signed regarding
10 low income evaluation a couple weeks ago, it was
11 approved about a week and a half ago, John Buchanan
12 filed testimony on behalf of the Division of
13 Energy.

14 JUDGE WOODRUFF: Why don't you come
15 up to the microphone so they can hear you out in
16 the world, or I'll start getting e-mails saying we
17 can't hear him.

18 MR. KNEE: Okay. So John Buchanan
19 was a witness for the Division of Energy, and his
20 issues were completely disposed of in the
21 stipulation that was filed and approved towards the
22 very beginning of this hearing. So since he's not
23 going to have a chance to come in in person, I'd
24 like to be able to offer his testimony into the
25 record.

1 JUDGE WOODRUFF: Okay. And he had
2 direct and rebuttal, I believe.

3 MR. KNEE: He had direct and
4 rebuttal. Those would be Exhibits 700 and 701.

5 JUDGE WOODRUFF: 700 and 701 have
6 been offered. Any objections to their receipt?

7 (No response.)

8 JUDGE WOODRUFF: Hearing none it will
9 be received.

10 (DOE EXHIBIT NOS. 700 AND 701 WERE
11 RECEIVED INTO EVIDENCE.)

12 MR. KNEE: Thank you.

13 JUDGE WOODRUFF: Thank you. Okay. I
14 guess we're ready to go ahead and take up testimony
15 about the economic development riders, and we're
16 going to bring Mr. Wakeman up. If he'd come
17 forward, please.

18 COMMISSIONER HALL: Before we begin
19 actual inquiry, I am wondering if counsel for any
20 of the parties would have at their immediate
21 disposal or would be able to give me account
22 categories applicable to distribution. I believe
23 those are account categories 364 to 368, and I
24 don't know what other additional account categories
25 might be contained within that particular item. I

1 don't know, Mr. Beck, would you be able to assist
2 with that?

3 MR. BECK: The first thing that comes
4 to my mind is maybe to give you, which I think
5 would just be a few pages of the actual FERC system
6 of accounts that has the accounts listed and then a
7 short description of each as well.

8 COMMISSIONER HALL: That would be
9 helpful, but I'm also curious as to the amounts
10 that Ameren actually has listed for each of those
11 accounts.

12 MR. BECK: The amount of dollars?

13 COMMISSIONER HALL: Exactly.

14 MR. BECK: Okay.

15 JUDGE WOODRUFF: Would that be in the
16 Staff account schedules?

17 MR. BECK: I think it would. I think
18 we, you know, we need to direct you to those
19 accounts then. Maybe we need to research that just
20 real quickly. I can do that here in a few minutes
21 and see if we can't point you to the specific
22 pages, because typically that's exactly what -- we
23 list it out by account. Of course, you'll have
24 total investment and then you'll have the
25 depreciated and then the net of those. So we'll

1 point you to that information. I think we can get
2 that to you pretty quickly or point you to that
3 pretty quickly.

4 COMMISSIONER HALL: Okay. Would it
5 be possible to move on to another witness and come
6 back to Mr. Wakeman after we have that information
7 in front of us?

8 JUDGE WOODRUFF: That's certainly
9 possible.

10 MR. BECK: I can go research it right
11 now.

12 COMMISSIONER HALL: And also,
13 Commissioner Rupp asked me to let you know that he
14 is at a federal FCC committee meeting. He's
15 monitoring the hearing, and he'll try to get down
16 here as quickly as possible.

17 JUDGE WOODRUFF: Well, let's move --
18 Mr. Wakeman, you can step down from the stand for a
19 moment, and we'll move on to the -- we'll set aside
20 the economic development rider issue for the moment
21 and move into the city streetlights, and we'll take
22 up Mr. Wakeman on economic development after we
23 finish the streetlights.

24 MS. GIBONEY: Good morning. There
25 are three issues in this hearing that relate to

1 street lighting. The first is can the Commission
2 mandate or require that the company sell its
3 streetlights to the Cities of O'Fallon and Ballwin?

4 The cities' counsel conveyed in his
5 opening statement on February 26th the cities'
6 belief that they have, quote, been paying for
7 substantially, unquote, the streetlights under
8 their 5(M) rates for, quote, years and years, well
9 over ten years, end quote. He also stated that,
10 quote, cities have been paying over and over in
11 these 5(M) rates for these streetlights, end quote.

12 Likewise Mr. -- O'Fallon's witness
13 Mr. Bender also testified that under the 5(M) rates
14 O'Fallon, quote, may have already paid
15 substantially more than the value of those
16 fixtures, end quote.

17 These statements highlight a
18 significant misrepresentation that appears to be
19 driving the cities' efforts to take over the
20 company's street lighting systems in those cities.
21 They think they have paid for these facilities
22 already and, therefore, they claim that it's
23 unreasonable for the company not to simply transfer
24 those facilities to them for some amount. They
25 even believe it's unreasonable that the

1 company-owned street lighting tariff doesn't
2 require the company to transfer those facilities to
3 them if they want them.

4 But just as this Commission explained
5 to the Municipal Group in the 2010 rate case,
6 cities must understand the nature of these charges
7 that they've been paying. There the Commission
8 explained that paying pole and span charges under
9 street lighting tariffs does not mean that the
10 members of the Municipal Group would eventually own
11 the poles and spans.

12 Similarly, paying 5(M) street
13 lighting charges for any number of years does not
14 give the cities any current rights in the street
15 lighting fixtures or the right to purchase those
16 facilities in the future because the cities have
17 not been paying for the property, they've been
18 paying for the service.

19 Our U.S. Supreme Court held 90 years
20 ago that a customer has no property interest, legal
21 or equitable, in a public utility's property, and
22 our Supreme Court has been relying on that
23 precedent for the last 80 years.

24 In the Supreme Court case Board of
25 Public Utility Commissioners versus New York

1 Telephone Company our Supreme Court held, customers
2 pay for service, not for the property used to
3 render it. Their payments are not contributions to
4 depreciation or other operating expenses or to
5 capital of the company. By paying bills for
6 service, they do not acquire any interest, legal or
7 equitable, in the property used for their
8 convenience or in the funds of the company.

9 As a result, this Commission cannot
10 and should not, based on the amount a customer has
11 paid for service over the years, enshrine in Ameren
12 Missouri's tariffs a customer's right to acquire
13 company property.

14 Really the issue of whether the
15 Commission can mandate the company to sell its
16 street lighting facilities is purely a legal issue
17 that deals with the Commission's statutory
18 authority or lack of statutory authority to mandate
19 such a sale.

20 And as this Commission recently
21 concluded in the related complaint case filed by
22 the Cities, and as Staff's counsel has again argued
23 in the appeal of that case in their brief, the
24 Commission only has the authority granted by
25 statute.

1 Section 393.190.1, which deals
2 directly with the disposition of property belonging
3 to a public utility, only gives the Commission the
4 authority to authorize a voluntary sale of utility
5 property. Because Ameren Missouri is not willing
6 to sell its street lighting facilities to Ballwin
7 or O'Fallon for reasons that Mr. Wakeman and
8 Mr. Davis can explain to you, the Commission has no
9 authority over such a sale, and it most certainly
10 cannot mandate an involuntary sale.

11 Still, in order to facilitate the
12 cities' desired move to service under the company's
13 6(M) rate, the cities would insist to you that they
14 can mandate a sale based on your authority at
15 Section 393.140 sub 5 over how a utility uses
16 property dedicated to providing public utility
17 service.

18 However, the cities want to elect to
19 terminate 5(M) service. At the point that they
20 terminate 5(M) service, that street lighting
21 property is no longer being used to provide
22 service. Therefore, it is no longer used or useful
23 in meeting our duty to provide service.

24 There is nothing in 393.130 sub 1,
25 which again deals specifically with the transfer of

1 property, which requires the company to obtain any
2 permission about how it's going to use its property
3 that is not used or useful in the performance of
4 its duties. In other words, the company is free to
5 dispose of such property as it sees fit if the
6 cities elect to terminate their 5(M) service, which
7 they're certainly entitled to do.

8 Now, the second street lighting issue
9 for the Commission's determination is, should the
10 Commission approve a revenue neutral adjustment
11 between the 5(M) company-owned and the 6(M)
12 customer-owned lighting rates.

13 This is at issue because the recent
14 detailed street lighting class cost of service
15 study conducted by the company revealed that
16 although rates for the lighting class as a whole
17 reflect its cost of service, the rates for 5(M)
18 were slightly above cost of service and the rates
19 for 6(M) were significantly below cost of service.

20 The company recognizes that adjusting
21 rates within this overall lighting class to rates
22 that are more reflective of costs makes sense.
23 That would mean a reduction in the 5(M) rates and
24 an increase in the 6(M) rates.

25 However, because there are far fewer

1 customers in the 6(M) class than there are in the
2 5(M) class, there are 1,500 customers in 6(M) and
3 52,500 in 5(M), shifting nearly \$4 million onto the
4 6(M) customers all at once would nearly double that
5 class' rate.

6 So the company's position, which
7 Mr. Davis can explain to you in more detail, is
8 that in order to avoid the rate shock that might
9 occur if you shifted all that revenue into 6(M) to
10 make each class's cost of service, the Commission
11 might wish to consider making an adjustment over
12 some specified period of time.

13 The third street-lighting-related
14 issue for the company's -- or the Commission's
15 determination is, should the Commission eliminate
16 the termination fee from the company's -- from the
17 5(M) lighting rate?

18 When a customer requests termination
19 of all or a portion of lighting service within a
20 certain period of time after the company has
21 installed a new lamp or the company's installed,
22 generally speaking, a post, if that's within that
23 customer's contract period, the company charges a
24 \$100 termination fee related to that fixture or
25 that pole. This fee is meant to offset the work

1 that's required for the company to go out and make
2 that change.

3 If the company didn't charge that
4 fee, it doesn't mean it hasn't incurred the cost.
5 It's still going to incur the cost, but it's
6 potentially spread out among all its ratepayers and
7 people who didn't ask to terminate part of the
8 contract early.

9 In addition, the company believes
10 it's reasonable to charge a significant enough fee
11 for that termination to send a signal to the
12 customer to pause and think about whether it really
13 wants to make that termination and whether that's a
14 good long-term decision.

15 It's important for the Commission to
16 note that the company does not charge the \$100 fee
17 for every single lamp or post-top or pole or cable
18 that might relate to the service that a customer
19 wants to terminate. In the cities' opening
20 statement, their counsel indicated that O'Fallon
21 and Ballwin would each pay \$100 per streetlight,
22 period.

23 But actually, in response to a data
24 request by cities, the company reviewed its records
25 regarding when specific street lighting facilities

1 went into service for O'Fallon and for Ballwin, and
2 it determined and it reported back to the cities
3 that 10 percent of their lamps would fall under
4 that termination fee category. So only 10 percent
5 of their facilities would be subject to an early
6 termination fee, and that's if they terminated, you
7 know, today. If they terminated in another few
8 years, we'd have to redo that calculation.

9 I think the raw data that was used to
10 determine that is highly confidential, so I won't
11 go into that, but Mr. Davis could provide you with
12 that information.

13 Thank you.

14 JUDGE WOODRUFF: Okay. Questions?

15 COMMISSIONER HALL: Good morning.

16 MS. GIBONEY: Good morning.

17 COMMISSIONER HALL: You, I believe,
18 stated that the Commission lacks the statutory
19 authority to mandate a sale.

20 MS. GIBONEY: Correct.

21 COMMISSIONER HALL: Is that by
22 implication telling us that if the statute was
23 changed, we could mandate a sale, or are there
24 constitutional limitations as well?

25 MS. GIBONEY: I don't know that there

1 are constitutional limitations. I can tell you
2 that there is another specific statute that
3 prohibits a municipality from condemning -- except
4 under very narrow circumstances, prohibits a
5 municipality from condemning public utility
6 property.

7 And so to the extent if the
8 Commission statute were changed, I certainly think
9 that would create a conflict between those two, if
10 the Commission could do something that the
11 municipality, you know, were not permitted to do.
12 So the public policy indicates that no one has the
13 authority to take away a public utility's property.

14 COMMISSIONER HALL: But you're not
15 arguing that the state or federal constitution in
16 any way limits our ability to mandate a sale?

17 MS. GIBONEY: No, I don't believe
18 there's -- I mean, the general rule is you can't --
19 property can't be condemned for something other
20 than a public service, and of course you have to
21 pay just compensation. But I don't know that
22 there's a constitutional limitation on that, beyond
23 that I should say.

24 COMMISSIONER HALL: Do you believe
25 that the lack of statutory authority to mandate a

1 sale is -- the same prohibition would apply to
2 limiting the sale price that --

3 MS. GIBONEY: Well, if you're -- in
4 my mind, that's essentially condemnation, and
5 condemnation law provides that you're entitled to
6 just compensation, and that's, you know, not
7 generally determined by an administrative body.
8 It's determined by commissioners, condemnation
9 commissioners and then by a jury.

10 So I don't know that you could
11 mandate a price that's inconsistent with what I
12 know about other statutory provisions that permit
13 involuntary transfers.

14 COMMISSIONER HALL: Thank you.

15 JUDGE WOODRUFF: Thank. Opening for
16 Staff.

17 MS. DALE: First I'd just like to
18 enter my appearance. I'm Colleen M. Dale, Senior
19 Counsel, representing the Staff of the Missouri
20 Public Service Commission.

21 On the issue of street lighting, the
22 Staff has not taken a position. We wouldn't oppose
23 it if the company were to sell it, but we don't
24 have a position requiring that the company sell it
25 to the cities.

1 JUDGE WOODRUFF: Questions?

2 COMMISSIONER HALL: I'm just
3 wondering if you could comment on any of the legal
4 arguments raised by Ameren's counsel. Do you agree
5 that there is statutory authority lacking to
6 mandate a sale and that this -- that same
7 prohibition would apply in terms of limiting a sale
8 price?

9 MS. DALE: Yes, this Commission is
10 statutorily prohibited, and I think that same
11 prohibition would -- if that prohibition were
12 removed, I'm not certain that that -- that the
13 Commission couldn't set a price. If the Commission
14 can mandate the sale, then I think the Commission
15 could set a price.

16 COMMISSIONER HALL: If it can't
17 mandate a sale, it can't set a price?

18 MS. DALE: Right.

19 COMMISSIONER HALL: And that
20 prohibition is set forth in statute?

21 JUDGE DALE: I believe so.

22 COMMISSIONER HALL: And do you
23 believe that the state and federal constitution are
24 relevant to this determination?

25 MS. DALE: No.

1 COMMISSIONER HALL: How come?

2 MS. DALE: Because in any instance
3 you're talking before the Commission presumably
4 would pay -- or would require that there be just
5 and reasonable compensation, and it would be done
6 after, of course, due process of law. So I don't
7 see how -- how it could necessarily be
8 unconstitutional.

9 COMMISSIONER HALL: Okay. Thank you.

10 JUDGE WOODRUFF: Thank you. Opening
11 for Public Counsel?

12 MR. OPITZ: Public Counsel waives
13 opening for this issue.

14 JUDGE WOODRUFF: MIEC?

15 MR. DOWNEY: Waive opening.

16 JUDGE WOODRUFF: For the cities then.

17 MR. CURTIS: If it please the
18 Commission, my name is Leland Curtis. I represent
19 the Cities of Ballwin and O'Fallon, and I will be
20 brief because I had previously given an opening
21 statement at the commencement of this case.

22 I want to point out that what we are
23 claiming is an act by Ameren that is unreasonable,
24 an unreasonable act. That unreasonable act is, if
25 a city issued a termination notice pursuant to

1 Ameren's tariff of the street lighting, Ameren
2 would then come in and remove each one of those
3 streetlight fixtures, lamps and wiring, and take
4 them and I don't know what they would do with them,
5 but it would obviously cost them money to remove
6 each one of those streetlights, remove the wiring,
7 dispose of them, refurbish them. Who knows what
8 they would do? That is a large expense.

9 In the case of O'Fallon, we have over
10 4,400 streetlights. Multiply that out, and in
11 Ballwin there are over 1,200 streetlights. That
12 is a significant expense. Ameren would do that and
13 remove those lights and say, they're our lights.
14 We're going to take them. You don't want to
15 continue streetlights, you want to move to a 6(M)
16 rates where the city would have and own its own
17 streetlights, fine. We'll remove all of ours, and
18 force the cities to go out and spend money to buy
19 brand-new streetlight poles, fixtures, and install
20 and pay for the cost of installation.

21 The combination of those acts and
22 refusal by Ameren to sell the streetlights that
23 they already have in place at fair market value to
24 the cities and instead take this spiteful act of
25 removing the streetlights at considerable expense

1 to Ameren and to the ratepayers, we are claiming
2 that's an unreasonable act.

3 And the tariff under which is the
4 termination tariff is also unreasonable because it
5 works together, and the statute that we cite is
6 very clear. It's 393.190 sub 5. When -- and I'm
7 quoting in part from that statute. Whenever the
8 Commission shall be of the opinion after a hearing
9 or upon its own motion or upon complaint that the
10 acts or regulations, and the acts is Ameren
11 refusing to sell and taking all those streetlights
12 out at considerable cost to it and ratepayers, and
13 the regulation, which is the termination tariff, if
14 the acts of such persons or corporations are
15 unjust, unreasonable or unjustly discriminatory or
16 unduly preferential.

17 And we're claiming Ameren's act and
18 refusing and then going ahead and taking the
19 streetlights out is an unjust and unreasonable act.
20 That's in the statute. And the statute goes on to
21 say that if the Commission finds that those acts
22 are unreasonable, the Commission shall determine
23 and prescribe the just and reasonable acts or
24 regulations to be done or observed.

25 This is the difference. It's not

1 just the Commission, does the Commission have the
2 authority to order Ameren to sell. The Commission
3 has the authority to determine whether Ameren's
4 acts in removing streetlights or threatening to
5 remove streetlights is a reasonable act. Is that
6 reasonable and is that just, and is that in the
7 public interest considering every aspect? This
8 Commission has that authority clearly by statute.

9 Thank you.

10 JUDGE WOODRUFF: Thank you.

11 Questions?

12 COMMISSIONER W. KENNEY: Just one.

13 You mentioned 393.190.5. How do you play that with
14 393.130?

15 MR. CURTIS: I'm sorry?

16 COMMISSIONER W. KENNEY: 393.130,
17 which we've been discussing whether RSMo 393.130
18 which we've been discussing whether we have the
19 right to force Ameren to sell something.

20 MR. CURTIS: Right.

21 COMMISSIONER W. KENNEY: How do you
22 put those two together?

23 MR. CURTIS: I don't think 393.130
24 addresses that. The statute, the jurisdictional
25 statute we're relying on, Commissioner Kenney, is

1 393.140 sub 5, and that clearly gives the
2 authority. And I don't think there's anything else
3 that conflicts with 393.140 sub 5. That's where
4 we're relying, and we think the Commission has full
5 authority there.

6 This is an unreasonable act, a
7 spiteful act on behalf of Ameren, and this
8 Commission is in a position to say, yes, that is an
9 unreasonable act, those are unreasonable positions
10 to take. And once you take those, you can -- you
11 know, because again this is property that is
12 dedicated to public use, these are streetlights
13 that are in service. And obviously if Ameren were
14 to sell them, they would have to come and get
15 approval from this Commission.

16 Similarly, if they want to take those
17 out of service and do something else with them, we
18 think the Commission has jurisdiction to say,
19 really? You're going to take those out, remove
20 them, and what are you going to do with them?

21 COMMISSIONER W. KENNEY: Well, the
22 Commission might determine that we're not going to
23 allow them to recover that cost, but you're wanting
24 this Commission to tell the company what to do, how
25 to run their company.

1 MR. CURTIS: Well, I think you do it
2 every day in many ways.

3 COMMISSIONER W. KENNEY: I try to let
4 a company run its own self, run its own company.

5 MR. CURTIS: This is an area where
6 we're claiming unjust acts and an unjust position
7 and an unreasonable position, and this Commission
8 has been charged by the Legislature with the
9 authority to determine whether those acts are
10 unreasonable or unjust.

11 COMMISSIONER W. KENNEY: Okay. Thank
12 you.

13 JUDGE WOODRUFF: Commissioner Hall?

14 COMMISSIONER HALL: So if the
15 Commission were to determine that taking down the
16 poles after the cities terminated service, if we
17 were to determine that that was unreasonable, what
18 would happen from that?

19 MR. CURTIS: I think the Commission
20 could determine that, you know, based on the
21 economics, that that's an uneconomic and
22 unreasonable position. The Commission by the
23 statute shall determine and prescribe the just and
24 reasonable acts to be done and observed. That's
25 the continuation of the statutory section.

1 I think the Commission has the
2 authority to change -- require Ameren to change its
3 termination tariff provision, and we provided an
4 alternate. It's very similar to the one that KCPL
5 has. KCPL has a tariff that says if a city wants
6 to purchase its lights, it can do it. Now, if it's
7 good enough for KCPL, why don't we have it for
8 Ameren? And this Commission has approved that.

9 And so we think that the Commission
10 has the authority to order Ameren to change its
11 termination tariff provision and require it, at the
12 end of ten years in service where the city is
13 paying, if the city wishes to transition to a 6(M),
14 it should be given the right upon termination to
15 pay fair market value, you know, reproduction cost
16 new less depreciation or book value for those
17 lights so that no one is hurt.

18 Ameren is not -- there's no taking of
19 property. It is the Commission recognizing,
20 instead of Ameren removing these depreciated
21 streetlights and doing goodness knows what with
22 them, but paying for the cost of removal, paying
23 for the cost of disposal or refurbishing them, the
24 cities ought to have the right to -- the option to
25 purchase them at fair market value. That's an

1 utterly reasonable position.

2 COMMISSIONER HALL: Counsel for
3 Ameren seems to -- seems to conclude that such an
4 involuntary taking by the cities would essentially
5 be condemnation. Do you agree with that?

6 MR. CURTIS: I disagree with that.

7 COMMISSIONER HALL: Why?

8 MR. CURTIS: I disagree with that.
9 The Commission has actually ruled in at least one
10 case, and we cited to it, back with regard to the
11 customer premises equipment for a number of
12 independent telecommunications companies, and we
13 cited this in some testimony and cited it again in
14 the brief.

15 But it was a case where the
16 independent telephone companies were saying, no,
17 this is our property even though it's in the
18 customers' homes. You know, this is ours. You
19 can't order us to sell it. And the Commission
20 said, yes, we do. We have the authority. It's
21 substantially depreciated. When it's fully
22 depreciated, we're going to order this company,
23 those telephone companies to transfer that
24 equipment to the customers. They did it. And the
25 telephone companies didn't appeal it. There's no

1 Supreme Court case on it.

2 But the Commission, you know,
3 encountered that argument. You can't -- this is
4 our property. You can't order to do it. And the
5 Commission in that case said, yes, we have the
6 authority.

7 COMMISSIONER HALL: And what case is
8 that?

9 MR. CURTIS: It was -- we've cited
10 that, and I can get the cite for you, Commissioner
11 Hall. We've cited that in, I believe, the
12 testimony of Mr. Bender. It's referenced there.
13 And I will get that actual case. I thinks it was a
14 1987 case. And the Commission's language is
15 very -- pretty clear. They have the authority to
16 do it.

17 This Commission has more authority
18 than you might realize. It's not just a matter of
19 coming and saying, okay, you've got to sell this,
20 and I think that the Commission does have within,
21 you know, within the confines of acts involving
22 publicly dedicated property, property dedicated to
23 public service, this Commission has great authority
24 with regard to how that property is disposed of and
25 prudently used.

1 COMMISSIONER HALL: Thank you.

2 JUDGE WOODRUFF: I believe that will
3 conclude the opening statements. First witness
4 then is, I believe, Mr. Wakeman for Ameren.

5 MS. GIBONEY: Correct.

6 JUDGE WOODRUFF: And at this point
7 you'll only be talking about the lighting issue
8 with Mr. Wakeman. We'll bring him back up
9 separately for the other issues. And, Mr. Wakeman,
10 you have testified previously in this proceeding,
11 so you are still under oath.

12 THE WITNESS: Yes. Thank you. I
13 understand

14 MS. GIBONEY: Judge, we could wait
15 until he comes back up on the other issue or move
16 now to admit his testimony. This will be the last
17 issue he's really brought to testify about.

18 JUDGE WOODRUFF: Let's go ahead and
19 I'll accept the offer for him now.

20 MS. GIBONEY: I believe those are
21 Exhibits 46 and 47. Ameren would move the
22 admission of Mr. Wakeman's testimony.

23 JUDGE WOODRUFF: And I previously
24 deferred making a ruling on that. Any objection to
25 the admission of 46 and 47?

1 (No response.)

2 Hearing none, it will be received.

3 (AMEREN MISSOURI EXHIBIT NOS. 46 AND
4 47 WERE RECEIVED INTO EVIDENCE.)

5 JUDGE WOODRUFF: Okay.

6 MS. GIBONEY: And we'll tender the
7 witness for cross, Judge.

8 JUDGE WOODRUFF: For cross, we'll
9 begin with Staff.

10 MS. DALE: I have no questions.
11 Thank you.

12 JUDGE WOODRUFF: Public Counsel?

13 MR. OPITZ: No questions, your Honor.

14 JUDGE WOODRUFF: MIEC?

15 MR. DOWNEY: No questions.

16 JUDGE WOODRUFF: For the cities?

17 MR. CURTIS: Before I begin, if I
18 might respond to Commissioner Hall's question, I
19 have a citation for that case. It is Re
20 Detariffing of Embedded Customer Premises Equipment
21 Owned by Independent Telephone Companies, 90 PUR
22 4th 428, 1987, Case No. WL-258075 Missouri PSC. We
23 can provide a copy of that case for you.

24 COMMISSIONER HALL: That would be
25 appreciated. Thank you.

1 DAVID WAKEMAN testified as follows:

2 CROSS-EXAMINATION BY MR. CURTIS:

3 Q. Good morning, Mr. Wakeman.

4 A. Good morning.

5 Q. My name is Leland Curtis. I

6 represent the cities of O'Fallon and Ballwin.

7 A. Hi.

8 Q. You have -- I think you testified in
9 your direct and your rebuttal testimony that if the
10 cities were to issue, try to move to -- from a 5(M)
11 tariff rate, which is a company-owned tariff, to a
12 6(M) or customer-owned tariff, and issued a
13 termination pursuant to the termination paragraph 7
14 of your tariff, you're familiar with that?

15 A. Somewhat, yes.

16 Q. Yes. Tell me exactly what the
17 company would do upon receipt of a termination
18 notice as provided for in paragraph 7.

19 A. Specifically in the operation side,
20 we would disconnect the lights from service, so we
21 would -- in some fashion. It would vary on the
22 individual light structure and system. We would
23 disconnect service to those lights, if you so chose
24 to ask us to do that.

25 Q. Right. And what would you -- you

1 **would disconnect -- you would remove the light**
2 **fixtures and the poles?**

3 A. You know, we wouldn't do that right
4 away, because there always would be the potential
5 that you'd want to hook them back up when customers
6 began to call. They'd call us first, I expect, and
7 say all these lights are out, you need to come fix
8 them. And we'd have to explain that the city asked
9 us to disconnect the lights.

10 So we wouldn't want to rush to remove
11 them because there could be the potential that
12 you'd want to reestablish service.

13 **Q. Sure. Sure. But if a decision were**
14 **final and the city actually meant what it said when**
15 **it issued its termination notice to you, what would**
16 **you do?**

17 A. You know, we've never had this case
18 occur, to my knowledge, so I'm not exactly sure
19 what we would do. I suppose at some interval of
20 time we would look to remove at least some of them.
21 Depends on how that worked with customers
22 complaining. We may -- I don't know what we'd
23 exactly do because we haven't run across this. So
24 I'm not exactly sure, to be honest.

25 **Q. You know, haven't you advised the two**

1 **cities that you would remove the light fixtures?**

2 A. We said we may do that, yeah. You're
3 asking me specifically what I would do. I'm
4 telling you we may remove them. It would probably
5 be on a case-by-case basis. We'd have to look at
6 what the appropriate course of action would be. To
7 my knowledge, it's unchartered water. So we'd have
8 to make what we thought was the best decision at
9 the time.

10 **Q. What exactly would you be -- if you**
11 **went ahead and then removed them, what would you be**
12 **removing?**

13 A. Well, it would depend on the type of
14 light fixtures, structure. So some are --

15 **Q. Let's talk about the 9500 lumen HPS,**
16 **which is the high-pressure sodium light fixture.**

17 A. Okay. Post-top?

18 **Q. Post-top, yeah. That's fairly**
19 **common.**

20 A. Yeah. If we had to remove that
21 structure, we'd have to remove the pole, and with
22 that would come the -- would come the fixture, so
23 it's attached to it.

24 **Q. The light fixture?**

25 A. The light fixture, yeah. It would

1 come with it. We'd have to remove that, and we
2 would have to terminate the wire in some fashion to
3 make sure that it remained safe for the public.

4 Q. That would be some typical
5 underground wiring?

6 A. Yes, that would be underground
7 wiring.

8 Q. Okay. Would you have a rough idea of
9 the cost to Ameren to remove a 9500 HPS post-top
10 light?

11 A. Yeah, I do not have that cost.

12 MR. CURTIS: If I might approach the
13 witness?

14 JUDGE WOODRUFF: You may.

15 MR. CURTIS: And, your Honor, I've
16 got an exhibit I'd like to mark. I think our --
17 we're at -- up to 854 would be our next one, but I
18 didn't know whether we were doing it sequentially.

19 JUDGE WOODRUFF: We are, and it would
20 be 854.

21 MR. CURTIS: Very good. I'd like to
22 have -- let me hand you a picture there.

23 (O'FALLON/BALLWIN EXHIBIT NO. 854 WAS
24 MARKED FOR IDENTIFICATION BY THE REPORTER.)

25 BY MR. CURTIS:

1 **Q. Can you identify that as a 9500 lumen**
2 **HPS post-top streetlight?**

3 A. It looks like one, yes. It's
4 certainly a post-top streetlight. It seems to be
5 the right size.

6 **Q. And for the record, we'll later**
7 **establish that this is one of Ballwin's 9500.**

8 A. Okay.

9 **Q. Would you accept that just for**
10 **purposes of the --**

11 A. Sure.

12 **Q. So if Ameren were then to remove this**
13 **streetlight, it would remove the post, the**
14 **post-top, and then underground wiring associated**
15 **with the streetlight shown on Exhibit 854?**

16 A. We would remove the post and the
17 post-top light fixture, as I indicated, and then we
18 would make sure that the wire is treated in a way
19 that would be safe for the public.

20 **Q. Right. But at this time you don't**
21 **have an estimate of the cost to remove that**
22 **particular --**

23 A. I don't know off the top of my head.
24 Mr. Davis may be able to testify to that.

25 **Q. Okay. Would you agree with me that**

1 Ballwin has approximately 1,917 of the 9500 lumen
2 HPS post-top --

3 A. I don't have that number in front of
4 me. So if you want to so stipulate, but I don't
5 know their exact light count.

6 Q. I think that's in Mr. Kuntz's
7 testimony. We've got a copy of the bill that shows
8 the breakdown.

9 A. I'm not disputing it. I'm just
10 saying that if you're asking me specifically if
11 that's the number, I couldn't.

12 Q. And if you would accept for the
13 record right now with regard to O'Fallon, O'Fallon
14 has 3,822 of the 9500 HPS high-pressure sodium
15 post-top lights in service in O'Fallon, would you
16 accept that? That's in Mr. Bender's testimony.

17 A. Okay.

18 Q. So the cost for Ameren upon
19 termination to remove these lights, combined it's,
20 goodness, over 5,000, probably 5,700 lights would
21 be considerable, would it not?

22 A. Yeah, it would be a sum of money. I
23 don't know what it may be. You may be able to get
24 that from Mr. Davis.

25 Q. And if -- if Ameren were to remove

1 these lights upon a termination notice by the
2 cities, what would Ameren do with the poles and the
3 light fixtures and the wiring that it had dug up?

4 A. Well, as I mentioned, this is
5 somewhat uncharted water. So we have never, to
6 my knowledge, removed this number of light
7 fixtures. We would certainly do our best to
8 salvage, which means reuse, whatever part of that
9 equipment that we could put back in service. We'd
10 have to work through that issue. So it would be,
11 again, something new for us, and we'd have to
12 determine the best course of action.

13 Q. Right. And for Ameren to refurbish
14 or store or even dispose of these removed
15 streetlights would cost Ameren money, would it not?

16 A. Yes. So we go through a number of
17 lights, changing fixtures on an ongoing basis. So
18 we'd have to look at how we would handle those. If
19 you had to dispose of them, you would have to pay
20 somebody, right? So there's some cost to it. I
21 don't know if it's substantial or not.

22 Q. But you don't know what that would
23 be?

24 A. I do not. Again, this is something
25 we've never done, so you're asking me specifics

1 about something that we haven't done. So to be
2 able to give you that number, I really can't do
3 that.

4 **Q. If we're talking about removing**
5 **5,000, in excess of 5,700 streetlights, there's a**
6 **considerable cost for not only the removal but the**
7 **storage and disposal of those lights, is there not,**
8 **to Ameren?**

9 A. As I said, there's some cost. I
10 don't know what that number is. So whether it's
11 considerable, some, I really can't give you a
12 figure. I'm not trying to be evasive. I'm just
13 telling you I really don't know the number.

14 **Q. In your testimony, I believe at**
15 **page 17 of your rebuttal, you were asked I believe**
16 **at line 3 essentially whether the company has ever**
17 **sold streetlights to a municipality. And I think**
18 **your answer was no, you're not aware of any?**

19 A. That's correct.

20 **Q. Are you aware of any occasion when**
21 **Ameren has offered to sell streetlights to a**
22 **municipality?**

23 A. I know there's been some exchanges
24 between either -- either O'Fallon or Ballwin in the
25 past through some letters that I think you've

1 potentially in your -- in your client's testimony.

2 But specifically there's been some exchanges of
3 information related to that potential sale.

4 **Q. Right.**

5 A. Nothing became of that.

6 **Q. Why -- why would Ameren be opposed to
7 selling streetlights in place to a municipality?**

8 A. Okay. I think there's two primary
9 reasons. The first one is that we're not a
10 contractor. So we build distribution systems to
11 own, operate and maintain them.

12 I think the most important reason is,
13 is because it's an integrated part of our
14 distribution system. These are not standalone
15 systems. They do not stand by themselves. They
16 are part of the Ameren Missouri distribution
17 system. So they share facilities with other pieces
18 of equipment that serve all of our customers in
19 providing safe and reliable service, and
20 maintaining public safety is very important to us.

21 And so this isn't something you can
22 just peel off and say it's a standalone item. It
23 is integrated into our distribution system. They
24 were typically built at the same time, and it's
25 utility equipment. That's the primary reason.

1 Q. Would it be your decision to sell or
2 not to sell on behalf of the company?

3 A. It's partially my decision, yes.

4 Q. You would -- you would have input?

5 A. Absolutely.

6 Q. Do you know Kenneth Schmidt?

7 A. Ken Schmidt. I do know Ken Schmidt.

8 Q. Who is Ken Schmidt?

9 A. He is a director of -- at the time
10 was director of one of our divisions. Now he's a
11 director of our relay operations.

12 Q. And have you reviewed Mr. Kuntz's
13 surrebuttal testimony?

14 A. I did.

15 Q. And did you see the letter that
16 Mr. Kenneth Schmidt, AmerenUE manager, wrote to
17 Mr. Kuntz?

18 A. I did.

19 Q. And essentially in that letter did
20 not Ameren on behalf of Mr. Schmidt offer to sell
21 lights to the city of Ballwin?

22 A. Yeah. I would say there's two things
23 about that letter. One is there was an offer made,
24 and it was never ac--

25 Q. Excuse me. My question, did he offer

1 in this letter to sell the streetlights, some
2 streetlights to the city of Ballwin?

3 A. Yes.

4 Q. He did. And those were 9500 lumen
5 HPS post-top lights, the ones we have identified in
6 Exhibit 854; is that correct?

7 A. I'd have to review the letter again.
8 I don't remember exactly which light fixtures are
9 in that subdivision that was discussed in that
10 specific letter.

11 Q. Did you have occasion to review
12 Mr. Steve Bender's surrebuttal testimony?

13 A. Yes.

14 Q. And do you know who Robert Schnell
15 is?

16 A. I do.

17 Q. And who is he?

18 A. He is a supervising engineer at one
19 of our division operations.

20 Q. For Ameren?

21 A. That's correct. He's an employee.

22 Q. And did you happen to see the e-mail
23 from Mr. Schnell to Mr. Bender dated September 9,
24 2009?

25 A. Yes.

1 **Q.** And in that e-mail does not
2 **Mr. Schnell** on behalf of Ameren offer to sell
3 **certain streetlights to the city of O'Fallon?**

4 A. I believe there was an offer of a
5 limited portion of some streetlights.

6 **Q.** Right. And going back to
7 **Mr. Schmidt's offer to Ballwin contained -- which**
8 **is an attachment to Mr. Kuntz's surrebuttal**
9 **testimony, did not Mr. Schmidt offer to sell**
10 **eventually all of the streetlights to the city of**
11 **Ballwin?**

12 A. I'd have to review that letter. I
13 remember a specific offer of a subdivision.

14 **Q.** Subdivision, right.

15 A. That's what I remember from the
16 letter. If you'd like me to review it, I could do
17 that.

18 **Q.** So the city didn't have any problem
19 **back then in offering to sell streetlights?**

20 A. Could you rephrase your question,
21 please?

22 **Q.** Apparently Ameren had no problem in
23 **offering to sell streetlights to the cities of**
24 **Ballwin and O'Fallon in 2009; is that correct?**

25 A. I would say there was an offer made.

1 However, I think as we would have moved further
2 down that path and done a further investigation, we
3 would have uncovered the significant problems that
4 would occur if you tried to transfer 5(M) type
5 constructed lights into a 6(M) classification
6 because of the joint ownership and issues around
7 service, around safety and around maintaining that
8 equipment.

9 So if it's a 6(M) type of light,
10 that's something where you own all the facilities,
11 and that's not really where -- where the 5(M)
12 lights are currently in these cities.

13 **Q. Are you saying the offers made in**
14 **this correspondence from Mr. Schmidt and**
15 **Mr. Schnell were not made in good faith?**

16 A. No, I'm not saying that at all. I'm
17 saying that had we executed those offers, we would
18 have uncovered other things that would have made it
19 very difficult to achieve the objective in those
20 offers. We were trying to work closely with the
21 cities. We made a very limited offering, and had
22 we walked down that path, I think we would have
23 clearly uncovered that doing this on a widespread
24 basis would be very expensive for the city and very
25 difficult to achieve in a safe and effective

1 manner.

2 **Q. Were you involved in this**
3 **decision-making process back in 2009 with regard to**
4 **either of these offers?**

5 A. I think it was -- I knew about it,
6 but I wasn't involved in the direct decision.

7 **Q. So with regard to these difficulties**
8 **down the road, you're sort of speculating, are you**
9 **not?**

10 A. I am not speculating. The
11 difficulties down the road would have been clearly
12 uncovered, because you look at the situation now,
13 in unwinding that equipment, which is really
14 essentially what you'd be doing, and what I mean by
15 that, you'd be trying to unravel something that was
16 built with a high-voltage distribution system that
17 serves all customers in these neighborhoods.

18 So specifically you'd be trying to
19 think, okay, now, for example, when you feed a set
20 of streetlights, you feed it out of a transformer.
21 This transformer contains 12,000 volts, typically
22 equipment, cables inside, so 12000-volt, 120-volt
23 transformer. We serve streetlights out of there.
24 We also serve all the homes, and potentially
25 businesses, but typically homes out of that same

1 transformer.

2 So the city wouldn't have access to
3 that. So the first thing you'd have to do is you
4 would have to disconnect all those wires from
5 the --

6 Q. Are you saying --

7 A. -- from the transformers and then --

8 Q. Are you saying Mr. Schnell and
9 Mr. Schmidt, when they wrote these letters to the
10 cities of Ballwin and O'Fallon, didn't know what
11 they were talking about?

12 A. I'm not saying that at all. What I'm
13 saying is, they made a limited offer on a very
14 specific case and one that, had we actually done
15 that, we would have determined that this is
16 something that is much more difficult than was
17 understood at the time, and it would have been much
18 more expensive for the city than -- than I think
19 they understand. Because you have to really -- you
20 have to run your own conductors to these lights.
21 You have to put in equipment that would allow a
22 disconnect and/or a meter depending on what kind of
23 service you elect.

24 And so it's not something as simple
25 as just selling the lights. It's something that's

1 quite complicated, which means you have to
2 establish your own service, because the conductors,
3 the wires that feed these lights feed our other
4 customers, and they also are in trenches with our
5 high-voltage and other secondary cables, and those
6 trenches are dedicated to utility service. So you
7 would have to get other wires and put them in.

8 So it's not as simple as just saying,
9 you can take over the lights one day. It's
10 something that you really have to reconstruct the
11 system and rebuild it and put in disconnects and
12 other means in order to appropriately serve these
13 types of lights.

14 **Q. Didn't both Mr. Schmidt and**
15 **Mr. Schnell point out to the cities that they would**
16 **be obligated to maintain those portions of the**
17 **streetlights if they were, in fact, sold to them?**

18 A. You'd have to show me the letter. I
19 don't know that I know exactly.

20 **Q. We'll let the letters speak for**
21 **themselves.**

22 A. Okay.

23 **Q. Mr. Wakeman, looking again at the**
24 **Exhibit 854.**

25 A. The picture?

1 Q. The picture, yes.

2 A. Okay.

3 Q. Do you know when a new housing
4 development goes in and a developer builds new
5 homes and typically will put in streetlights, is
6 that normally the way it would go?

7 A. It's often that way, yeah, depending
8 on some variation in cities, municipalities' wants
9 and desires, developers' desires, but that's often
10 the case.

11 Q. Right. And the developer pays for
12 the streetlights; is that correct?

13 A. The developer puts in the facilities,
14 the conduit. We put in the wires and --

15 Q. You supervise obviously the hookup?

16 A. Yeah. And we do the labor on the
17 individual transformers and things like that.

18 Q. Okay. And then after dedication of
19 the streets, et cetera, Ameren will typically take
20 dedication of the streetlights from the developer;
21 is that correct?

22 A. Yeah. I think it would be best to
23 ask Mr. Davis that question.

24 Q. You know the answer to that. The
25 answer is yes, isn't it?

1 A. I don't know the exact mechanics. I
2 know Mr. Davis will know those exact mechanics on
3 the contract.

4 **Q. Okay. So in a new housing**
5 **development, Ameren doesn't pay for the**
6 **streetlights, the developer does?**

7 A. I think again it's best to ask
8 Mr. Davis that, because I think he'll know the
9 exact answer. I don't want to speculate in this
10 setting.

11 MR. CURTIS: I have nothing further.

12 JUDGE WOODRUFF: Come up for
13 questions from the Bench. Before I do that, did
14 you wish to offer 854?

15 MR. CURTIS: Yes, I will. And
16 actually I will identify that later through a new
17 witness.

18 JUDGE WOODRUFF: All right. 854 has
19 been offered. Any objections to its receipt?

20 MS. GIBONEY: I haven't seen it.

21 MR. CURTIS: I'm sorry.

22 MS. GIBONEY: No objection.

23 JUDGE WOODRUFF: 854 will be
24 received.

25 (O'FALLON/BALLWIN EXHIBIT NO. 854 WAS

1 RECEIVED INTO EVIDENCE.)

2 JUDGE WOODRUFF: Commissioner Kenney,
3 any questions?

4 COMMISSIONER W. KENNEY: Just
5 briefly.

6 QUESTIONS BY COMMISSIONER W. KENNEY:

7 Q. Thank you. The letter that counsel
8 was talking about is the letter from Mr. Schmidt?

9 A. Yes.

10 Q. Is Danbury -- Danbury subdivision, is
11 that a new subdivision, newer?

12 A. I think it's newer, yes. I believe
13 so. I haven't driven out there, but I believe they
14 were talking about a set of underground facilities,
15 I believe.

16 Q. You have said --

17 A. I can verify that, though.

18 Q. Okay. You had said in your testimony
19 on page 18 that you'd have to redesign -- under,
20 excuse me, your rebuttal testimony -- redesign and
21 rebuild a significant portion of the distribution
22 system. Is that -- so I'm just trying to
23 understand this. I can imagine older parts of the
24 city, everything's just kind of in and out, in and
25 out. A newer subdivision, though, you would

1 **have -- the infrastructure would be a little**
2 **different, wouldn't it?**

3 A. It -- so in the newer subdivisions
4 that are typically all underground, the cables that
5 supply streetlights come out of a transformer or a
6 secondary pedestal, just like every other service
7 connection to homes. So it's integrated into the
8 system.

9 So if somebody wanted to work on that
10 wire, they would have to get into our transformer,
11 which has issues around reliability and around
12 safety because it's high-voltage equipment inside
13 that transformer. So that's -- it's part of the
14 system there.

15 In addition, where the wires run,
16 they run in the same trench either direct buried or
17 in conduit, as we discussed a little bit the other
18 day, as the other wires that we use to serve all
19 our customers. That includes secondary wires and
20 high-voltage wires, typically 12,000-volt wires.

21 So this is all in one trench. So
22 really you're going to have -- if you want to own
23 these lights, you have to -- you'd have to put in
24 new wires from each streetlight and put it to a
25 place where you could have a disconnect and either

1 a meter or not a meter, depending on the service
2 you chose. And then we would -- you'd put a wire
3 and then you'd coil it up and we'd come out and run
4 it into the transformer. And so --

5 **Q. If the city wanted to do that and pay**
6 **for that, what would be the argument?**

7 A. They could do that. It would be
8 quite expensive. So that would be --

9 **Q. But if they made that choice to do**
10 **it, would Ameren consider it?**

11 A. We would consider that, absolutely,
12 yeah. But, I mean, for them just to take over the
13 lights as they are today, it's not an opportunity
14 because it's part of our distribution system. If
15 they said, we want to put in our own lights, and
16 then we would work through that with them and say,
17 well, you can put in your own lights. If that was
18 the case and we could find the appropriate price
19 for the existing streetlights, then we could work
20 through those issues.

21 But I think what I'm afraid they're
22 going to find is it's probably pretty expensive for
23 them, because you'd have to put wires in a
24 different place, not in the utility conduit in the
25 utility trenching space. You'd have to move over

1 and get your own space and you'd have to put in the
2 wire. Then you'd have to maintain the lights, and
3 you have to do a lot of other service required
4 things, which is something they could elect to do.

5 **Q. Okay. Going on back to what -- on**
6 **the developer, maybe this is a question for**
7 **Mr. Davis, you mentioned, about who pays for what.**
8 **Should I ask him?**

9 A. Yeah, Mr. Davis would be perfect for
10 that.

11 COMMISSIONER W. KENNEY: Thank you.

12 JUDGE WOODRUFF: Commissioner Hall?

13 QUESTIONS BY COMMISSIONER HALL:

14 **Q. Good morning.**

15 A. Good morning.

16 **Q. If Ameren were to determine that it**
17 **wanted to sell streetlights to a particular city,**
18 **would you be involved in advising as to the price?**

19 A. I think we'd have some -- I would be
20 aware of the numbers and how they arrived at the --
21 at that final price. I wouldn't be directly
22 involved in calculating them.

23 **Q. So how would that price be**
24 **calculated, to the extent you know?**

25 A. I don't know really. I think it's

1 probably something Mr. Davis would be able to
2 answer probably fairly straightforwardly. We would
3 look at the -- I'm not exactly sure, to be honest.

4 **Q. And maybe this is a question for**
5 **Mr. Davis as well, but are you aware of a -- of a**
6 **tariff that specifically mandates how that price is**
7 **to be set?**

8 A. I am not aware of it, no. I'm not
9 sure if there -- I expect there's some language
10 that dictates this, but I don't know what it is.

11 **Q. In situations where -- well, let me**
12 **start over.**

13 **There are some cities in the state of**
14 **Missouri within Ameren's service territory that own**
15 **their own lights, correct?**

16 A. I -- yes. That's correct.

17 **Q. In those situations, do the cities**
18 **also own the distribution system or does that vary?**

19 A. It can go either way. Cities can.
20 Some cities own their own distribution systems,
21 munis, for example, and some have where we have the
22 distribution system, they have their own lighting
23 system, and some buy lighting from us and it's
24 combined.

25 **Q. So would it be possible to sell to**

1 **O'Fallon and Ballwin just the light and the pole**
2 **and keep the distribution system?**

3 A. Yes. The difficulty is they would
4 really have to -- we would have to run -- they
5 would have to run new wires to all those
6 streetlights.

7 **Q. Why?**

8 A. Because it's shared -- it's shared
9 with our distribution system. So those wir-- they
10 have to have a way to connect their streetlight to
11 our distribution system, which would be through a
12 disconnecting switch with their wire. Right now
13 the wire runs in the trench with our wires, and so
14 in the future they would be responsible for
15 maintaining that wire, so --

16 **Q. Why -- if Ameren kept ownership of**
17 **the wire, kept ownership of the distribution**
18 **system, simply sold the pole and the light, why**
19 **would -- why would the city have to put in new**
20 **wires?**

21 A. Well, I think the one issue around
22 that is that we would have to look at -- there's
23 two different kinds of lights. So there's the
24 subdivision lights that are underground. There's
25 overhead lights. So the issue with the overhead

1 light is, they're in the utility space, so they're
2 up at the top of the pole. If they wanted to own
3 that light, they'd have to put it on a pole. So
4 that would be something that they would have to
5 choose to do.

6 On the underground lights, they don't
7 have a way to disconnect that. I think Mr. Davis
8 could speak to this as well. I don't think -- I
9 don't know. I'm not sure that's how the tariff's
10 written for 6(M). I'm certainly not an expert on
11 those areas. Mr. Davis knows about them.

12 So I think that they would have to
13 have a disconnect switch and a way to work off it.
14 So if you're going to take that fixture and you're
15 going to own it, you've got to have a way to
16 disconnect the power going to the light so you can
17 work on it safely.

18 And so there would be a lot more than
19 just saying they take it over, because they don't
20 have a way to work on it effectively because of
21 the -- no way to shut the power off. We don't have
22 a way to, if they have a problem their light, to
23 disconnect that from our system effectively without
24 a disconnect switch.

25 If a car hits a pole and knocks it

1 over and damages a wire, whose is that now? How
2 does that accountability work? So if you own the
3 pole and the wire, which we do, we have emergency
4 responders that go out and make that safe for the
5 public if something happens. Typically cars leave
6 when they hit poles, and even if they don't leave,
7 you've got to make it safe.

8 I think really this is constructed
9 that if we own it, we take care of all that. If
10 they want to own it, they have to take care of all
11 that. And that makes it to where really they
12 should have their own disconnect, their own wiring
13 system and then their own lights.

14 **Q. Let's say that you received a**
15 **termination notice, a 5(M) termination notice, and**
16 **I believe your testimony was that at some point in**
17 **time you would take down the pole and light?**

18 A. Yeah. We haven't been there, but I
19 expect at some point we may do that, yeah. It
20 depends on how many people complained about it and
21 things like that.

22 **Q. If there was an agreement, a sale**
23 **agreement between the city and Ameren before you**
24 **took down the pole and light, there would be no**
25 **need to take down the pole and light, right?**

1 A. If they owned it, yeah. If they
2 bought it from us before we took it down, yeah.
3 That's true. I think the second part is they -- to
4 what we were just talking about, they still have to
5 come in and run their own wire and install some
6 disconnecting switches.

7 So it wouldn't be as simple as they
8 buy the pole and we just hook the wire back up.
9 We're right back into that discussion we just had.

10 COMMISSIONER HALL: Thank you.

11 QUESTIONS BY JUDGE WOODRUFF:

12 **Q. I just have kind of a technical**
13 **question. Can you explain -- we talked about**
14 **customer-owned and company-owned lights, the 6(M)**
15 **and 5(M)s. We've been talking about how the 5(M)**
16 **system works where the company owns the lights.**
17 **How is it wired differently for the customer-owned,**
18 **the 6(M)s?**

19 A. Okay. So if you wanted to put in
20 your own light, the 6(M), you would create a
21 disconnecting device. So you'd install something
22 on the -- if this is underground, on the ground,
23 and it would have a switch that could be turned off
24 and on for safety. And that --

25 **Q. Would be at the transformer or would**

1 **this be in the ground next to the pole?**

2 A. It could be wherever you chose to put
3 it, wherever you had a place you could put it and
4 an easement. It could be closer to the
5 transformer. It really depends on how you wanted
6 to design that system. So it could be closer to
7 the pole. It would be best to have it closer to
8 the transformer.

9 **Q. And that's the way the 6(M) system is**
10 **where they exist now, is that the way they're done?**

11 A. Primarily. Certainly the new ones.
12 There's a history of different types of
13 construction. And then you would run a wire all
14 the way to that pole. You would put the pole in
15 and that would all be your equipment.

16 **Q. Okay. So it's possible to do it?**

17 A. Yes.

18 **Q. It just tends to be expensive?**

19 A. It's possible to do it. It's much
20 easier to do it when you start that way. And it's
21 not -- I don't think the city would find it very
22 cost effective to try to migrate away from
23 something that was built one way and reinstall
24 these facilities. It would be certainly difficult
25 to achieve because there's a lot of wires and other

1 utility systems in the ground, and so they would
2 have to come in and get -- put their wires in.

3 And then there's the ongoing
4 maintenance aspects of those things, of having
5 underground facilities and locates and things like
6 that that you become responsible for.

7 **Q. As I recall, there was some**
8 **discussion in the opening statements, seems like**
9 **forever ago at the start of the hearing, that the**
10 **city of Clayton had bought all streetlights,**
11 **something like 25, 30 years ago?**

12 A. Yeah. I believe that's correct,
13 yeah.

14 **Q. Do you know anything about that?**

15 A. I'm not familiar with the
16 construction of that exactly. I could get some
17 detail on that.

18 JUDGE WOODRUFF: All right. That's
19 all the questions I have then.

20 THE WITNESS: Thank you.

21 JUDGE WOODRUFF: Recross based on
22 questions from the Bench. Staff?

23 MS. DALE: I have no questions.
24 Thank you.

25 JUDGE WOODRUFF: Public Counsel?

1 MR. OPITZ: No, your Honor.

2 JUDGE WOODRUFF: MIEC?

3 MR. DOWNEY: No.

4 JUDGE WOODRUFF: For the Cities?

5 MR. CURTIS: Just a couple. Thank
6 you.

7 RECROSS-EXAMINATION BY MR. CURTIS:

8 Q. Mr. Wakeman, if I might, I just
9 wanted to understand. I believe it was regarding a
10 question from Commissioner Hall, I think you were
11 essentially saying it would be cost prohibitive for
12 a city to terminate, have all the lights removed
13 and then purchase and install new lights. It
14 would be economically astronomical, is that -- or I
15 am not -- strike that word -- cost prohibitive?

16 A. I think, yeah, that was part of the
17 discussion. I thought the discussion was more
18 limited to the conductor itself, not removing all
19 the streetlights and that. But to that point,
20 removing all the streetlights and going out and
21 installing your own lights is an expensive
22 undertaking, and I think people who do that find
23 that out.

24 Q. Do you know, would you have an idea,
25 for instance, what it would take to purchase a

1 new 9500 lumen HPS post-top light as shown in
2 Exhibit 854, what it would cost for a city or any
3 customer to come in and to purchase and install a
4 new light like that?

5 A. You know, I really don't. I think it
6 would be not only the purchase of the light and the
7 fixture, it's the underground, the conductor, the
8 disconnect switch and all those safety precautions
9 that need to be taken.

10 Q. What does it cost Ameren to install a
11 new light such as that?

12 A. I'd have to look that up. I don't
13 know off the top of my head.

14 Q. Is that something Mr. Davis might
15 know?

16 A. He may know. I encourage you to ask
17 him, but I don't know.

18 Q. Commissioner Hall also asked if you
19 were to sell to the cities at fair market value or
20 whatever would be approved by this Commission those
21 lights, what changes would have to be made? I
22 mean, couldn't the city simply take them as is?
23 These are unmetered lights, are they not, in most
24 cases?

25 A. They are unmetered lights, yes, they

1 are.

2 Q. Why couldn't the city simply take
3 them and purchase them and leave the wiring in
4 place which has already been put in by Ameren? Why
5 would they have to put in new wiring?

6 A. Because they would not have the
7 capability to maintain that wiring. As you
8 become -- we own a lot of streetlights. Those
9 cables fail. They develop problems. There's a
10 need to disconnect them to work on them for safety,
11 and so they're integrated with our distribution
12 system, both the overhead lights that are on wooden
13 poles and these underground lights we're talking
14 about.

15 So there would be a need for you to
16 have the capability to maintain your lights, which
17 means you would have to have wires in a trench that
18 you can service if you so chose. You'd have to
19 have a way to disconnect them. The lights that we
20 have are disconnected by entering a transformer,
21 which has high-voltage equipment in it and it runs
22 the risk of reliable service to the rest of our
23 customers.

24 And so there's not something simply
25 that you can do to disconnect your lights. So

1 really it's intended for you to own the system, us
2 to provide you service to a service point, which
3 would be a disconnect switch, and then for you to
4 install, operate and maintain those lights from
5 that service point, not as part of our distribution
6 system.

7 **Q. Well, wouldn't those maintenance**
8 **issues be something that the cities could work out**
9 **with Ameren?**

10 A. You know, I don't think that's an
11 appropriate course of action to have customer
12 equipment intertwined as we move forward with
13 utility equipment and trying to balance the needs
14 of all of our customers.

15 We have a very important
16 responsibility to maintain reliable service to our
17 customers, and we take that very seriously. So
18 intermixing different types of ownership within the
19 same trench, within the transformer --

20 **Q. These are wires that Ameren put in.**
21 **You installed them. Couldn't you work out an**
22 **arrangement with the cities with regard to the**
23 **maintenance of those?**

24 A. Yeah, I do not believe that's the
25 intent of the 6(M) tariff. I believe the intent is

1 for the municipality to own their own system and
2 take service at a point, a disconnecting point, not
3 to be commingled with the utility system. So how
4 would you -- for example, to disconnect that wire,
5 you would have to get into the transformer. That's
6 not part of that structure where we would
7 disconnect those wires.

8 So there's a lot more maintenance on
9 these systems than I think that we've discussed
10 here today. And underground cables do fail. When
11 they do fail, you have to have the capability to
12 find them, fix it and repair the light.

13 **Q. You work with the cities -- Ameren**
14 **works with the cities on an ongoing basis?**

15 A. We do.

16 **Q. Regularly?**

17 A. Right. On a lot of things.

18 **Q. And --**

19 A. Yes.

20 **Q. And I commend you because we have**
21 **very good relations I think with Ameren, many of**
22 **our cities.**

23 A. That's important. We appreciate
24 that.

25 **Q. And I think the number's been thrown**

1 out. Approximately how many cities are in Ameren's
2 service territory?

3 A. I don't know that.

4 Q. 315 sound about right?

5 A. Sounds in the neighborhood, yeah.

6 MR. CURTIS: Thank you.

7 JUDGE WOODRUFF: Redirect?

8 REDIRECT EXAMINATION BY MS. GIBONEY:

9 Q. Mr. Wakeman, maybe it would be
10 helpful, and maybe we talked about this in bits and
11 pieces, but if you could explain what -- under a
12 6(M) system, what the customer owns and is
13 responsible for and pays for by themself with no
14 help from Ameren.

15 A. Yeah. It would be the entire
16 conductor system, the wires, the pole and the
17 fixtures. So it's everything related to service --
18 to serving light through that kind of a system from
19 some type of a disconnecting mechanism.

20 So they would install a disconnecting
21 switch, some kind of switch, most appropriately
22 would be a fuse switch, and meter base if they so
23 chose, and then we would connect that switch to our
24 system like we connect your home. And then they
25 would take service just like it's your home from

1 there and distribute it as they want on their
2 lighting system.

3 **Q. And continuing with that home**
4 **analogy, when I have a problem with the wiring in**
5 **my home, I don't call Ameren?**

6 A. No.

7 **Q. Because I own that system?**

8 A. No. And that's a good analogy. So
9 at Ameren we have a place where we transfer
10 ownership to the customer on that wiring system.
11 If it's overhead, it's up at the weatherhead, and
12 all the wires past that and the equipment is the
13 homeowner's responsibility, which would require an
14 electrician to work on, not a utility employee.

15 **Q. And taking that a step further in**
16 **what I own in my home, part of the reason Ameren**
17 **doesn't come to work on that is Ameren isn't --**
18 **there's no compensation for that, there's no way to**
19 **recover that, correct?**

20 A. Right. Yes. That's not part of our
21 system.

22 **Q. And similarly in the 6(M) tariff, and**
23 **you can tell me if this is a question for**
24 **Mr. Davis, but the 6(M) rates are not designed to**
25 **recover us working on a customer-owned facility; is**

1 **Q. -- someone else accessing those**
2 **facilities?**

3 A. Sure. I can -- couple of different
4 places. One is in the transformer, where you have
5 12,000-volt conductors in there, really right next
6 to 120-volt conductors. Takes a very specialized
7 safety approach and skill set in order to work
8 inside there.

9 Same thing with the conduit. You
10 have to sometimes take outages -- or cable in the
11 ground or conduit, either way. Sometimes you have
12 to coordinate outages to dig in those trenches, and
13 thinking about digging into a 12,000-volt wire, if
14 you grab the wrong wire, something we take very
15 seriously. Public and employee safety is something
16 that we're very good at, and it definitely has a
17 risk component to it.

18 **Q. Commissioner Hall asked you a**
19 **question about don't some cities own their**
20 **distribution system, and you mentioned the munis.**
21 **But I'm wondering if maybe he was referring to the**
22 **street lighting distribution systems. And I just**
23 **wanted to make sure you each understood each other**
24 **and you weren't talking about --**

25 A. Yes. I did take that to the whole

1 distribution system. So some cities absolutely own
2 their own lighting systems. That's a choice they
3 can make.

4 **Q. Does Ameren provide service with**
5 **respect to those cities, city-owned lighting**
6 **systems?**

7 A. Just energy service and a connection
8 to their -- the point of service.

9 **Q. In his opening -- well, we've talked**
10 **about removal, removal if the cities terminated**
11 **their 5(M) services. We've talked about we don't**
12 **know for sure whether you might remove those**
13 **facilities. So let me ask you this: Would you**
14 **remove them out of spite?**

15 A. Absolutely no. No, we would not do
16 that. It would just be a normal course of
17 business. We would have to evaluate what the right
18 thing to do is there. This would be again
19 unchartered water.

20 **Q. And if the cities -- now, the cities**
21 **could build their own 6(M) system, correct?**

22 A. Absolutely.

23 **Q. And if they did that and if Ameren**
24 **wanted to remove its system, there would be cost**
25 **associated with removing its system, correct?**

1 A. If we had to remove the Ameren
2 system, yes.

3 **Q. Would there be reasons, practical**
4 **reasons that you would want to do that? If the**
5 **cities built their own 6(M) system, why would you**
6 **not want to leave your stuff standing there if**
7 **that's the free option?**

8 A. I think -- eventually I think the
9 customers and the public would probably become
10 tiresome of having streetlights one working on one
11 side of the street, potentially not working on the
12 other. I think appropriately you would -- if they
13 installed their own lighting system, it would be
14 appropriate then -- certainly then to remove what
15 you had to remove for the benefit of the public.

16 **Q. Might cause some confusion to have**
17 **half the lights in the city out?**

18 A. We'd get a lot of calls at the
19 beginning. We'd have to figure out how to manage
20 that if the city actually said, disconnect all my
21 lights. And the people would call in and say, hey,
22 the lights are out, you need to know this. So we
23 would have to work through that.

24 **Q. Mr. Curtis asked you quite a bit**
25 **about the post-top luminary lights that are --**

1 correct me -- hard wired below the ground into the
2 company's distribution system.

3 A. Right.

4 Q. There are also a number of lights
5 that are on the company's distribution poles; is
6 that correct?

7 A. Yes. Those are the overhead
8 constructed lights, yes.

9 Q. So when you were asked why couldn't
10 the company simply transfer its street lighting
11 system within the city of O'Fallon, do those lights
12 that are on our distribution poles cause a problem
13 with that?

14 A. Absolutely, because those lights are
15 built in the utility space. So those are up
16 certainly within approach distance of high-voltage
17 conductors, those conductors that are overhead or
18 are isolated so they're not insulated. Therefore,
19 there's serious safety considerations and
20 reliability considerations of having others working
21 in that space.

22 Q. Well, not only that, but who would
23 own the pole in that situation?

24 A. Well, they would have to -- if they
25 wanted to take it down, then they would have to put

1 it on their own pole. That's our -- it's not --
2 again, that's the pole issue that, you know, if
3 you're going to do a 6(M) rate, you have your own
4 wire, your own pole, your own lighting fixture, and
5 we provide some type of service. There's a couple
6 of variations of that, but it's not we install the
7 pole, we install the light or the conductors. It's
8 we take a conductor to a service point, which would
9 have a disconnecting means, and you build the
10 system from there on.

11 MS. GIBONEY: No further questions.

12 JUDGE WOODRUFF: Then, Mr. Wakeman,
13 you may step down. We'll call you back later for
14 the other issue.

15 (Witness excused.)

16 JUDGE WOODRUFF: The next witness is
17 would be Mr. Davis. Welcome back, and you are
18 still under oath.

19 THE WITNESS: Okay. Thank you.

20 JUDGE WOODRUFF: And you may inquire,
21 Ms. Giboney. Did you have any questions or is he
22 ready for cross?

23 MS. GIBONEY: Actually, I believe
24 this may be Mr. Davis' -- is this the last issue
25 that you're testifying on?

1 THE WITNESS: No, it is not.

2 MS. GIBONEY: Then never mind. I'll
3 tender the witness for cross-examination.

4 JUDGE WOODRUFF: Staff?

5 MS. DALE: No questions.

6 JUDGE WOODRUFF: Public Counsel?

7 MR. OPITZ: No questions, your Honor.

8 JUDGE WOODRUFF: MIEC?

9 MR. DOWNEY: No questions.

10 JUDGE WOODRUFF: For the cities?

11 MR. CURTIS: Thank you.

12 WILLIAM DAVIS testified as follows:

13 CROSS-EXAMINATION BY MR. CURTIS:

14 Q. Good morning, Mr. Davis.

15 A. Good morning.

16 Q. Sounds like a lot of questions are
17 coming your way.

18 A. The pressure is really building up.
19 I'll do my best. Thank you.

20 Q. Very good. You heard the testimony
21 of Mr. Wakeman. You were in the hearing room for
22 his testimony?

23 A. Yes, sir.

24 Q. Do you recall I asked him if he had
25 an estimate, if Ameren were to remove the light,

1 street lighting posts and the light fixtures and
2 whatever underground wiring associated with that
3 streetlight, approximately what the cost would be
4 for Ameren to remove that? Do you have -- do you
5 know what that cost would be?

6 A. No, I do not.

7 Q. Do you know what the cost to Ameren
8 would be, once having removed those streetlights
9 and light fixtures, to store them, to refurbish
10 them, to dispose of them would be?

11 A. No, I do not.

12 Q. There would be costs associated with
13 that?

14 A. Yes, there would be.

15 Q. Do you know what it costs Ameren to
16 install a new 9500 lumen HPS post-top streetlight?

17 A. No, I do not.

18 Q. You don't know that?

19 A. No, sir.

20 Q. Are you aware of any cases where
21 Ameren has sold streetlights to a municipality?

22 A. I'm not. I've heard some
23 conversation about --

24 Q. Clayton?

25 A. I think it was mentioned about

1 Clayton, but I'm not aware of that.

2 Q. Are you aware of any other cases
3 where Ameren has offered to sell streetlights to a
4 municipality other than the ones that are
5 referenced in Mr. Bender and Mr. Kuntz's
6 surrebuttal testimony?

7 A. No, sir.

8 Q. Were you aware of those offers that
9 were made to those two cities in 2009 by
10 Mr. Schmidt and Mr. Sheen (sic)?

11 A. Was I aware of them? I'm sorry. At
12 what time?

13 Q. At that time, were you involved in
14 any of those?

15 A. I was not involved in any of that,
16 no.

17 Q. Let me refer you to page 43 of your
18 rebuttal testimony, and at line 7 the question is
19 asked, what is the purpose of the \$100 termination
20 fee in the 5(M) tariff?

21 A. Yes.

22 Q. And I think your answer is, the
23 purpose is simply to give the customer pause before
24 requesting a light be removed or that lighting
25 service be eliminated without sufficient reasons.

1 And then you say, continue at line 10, said another
2 way, the \$100 is not designed to represent the full
3 cost of the facilities affected by the request.
4 Rather, this is an intentional barrier to prevent
5 uneconomic allocation of resources. What do you
6 mean by an intentional barrier?

7 A. What I mean by that is, like, for
8 example, if a customer called Ameren and said I'd
9 like to terminate service for these lights and
10 then, for whatever reason, two months later said,
11 oh, my mistake, I need to reestablish service. The
12 fee is to say, hey, before you call Ameren when you
13 decide you want to terminate service, please make
14 sure you're serious about what you're about to do
15 because there is going to be some cost for Ameren
16 to go out there and terminate that service.

17 Q. At page 40 of your rebuttal
18 testimony, you talk about a shift in the cost of
19 service between the 5(M) and the 6(M)?

20 A. Yes, sir.

21 Q. When Ameren initially filed its rate
22 case and its direct testimony on cost of service
23 between the various customer categories, there was
24 no shift between 6(M) and 5(M) in Ameren's
25 initially filed testimony; is that correct?

1 A. That's correct. When we originally
2 filed the cost of service, we lumped it into one
3 lighting class. But in response to the testimony
4 from the cities, you know, they were talking about
5 the rates being excessive, so I took the time to
6 break that down even further to the rate schedule
7 class to take a look at that.

8 **Q. So you would -- you're suggesting**
9 **that actually there should be a shift of about**
10 **3.8 million from the 5(M) to the 6(M)?**

11 A. Over some period of time, I think
12 that that would be appropriate. It doesn't have to
13 be exactly that amount. But what I've -- what I've
14 described here is that the 6(M) rates are
15 significantly below the cost of service, so it
16 makes sense to increase those rates to get them
17 within a reasonable range of the cost of service,
18 yes.

19 **Q. And you just came up with that shift**
20 **of cost essentially doubling the 6(M) cost to**
21 **cities?**

22 A. I wouldn't say I just came up with
23 it. I actually took the cost of service study that
24 we filed in the case and used the exact same
25 allocation methodologies at a more granular level.

1 So the fact that it ended up being roughly double,
2 that was just a function of the analysis.

3 **Q. I'm curious that Ameren shifted in**
4 **midstream. Was Ameren trying to throw up another**
5 **intentional barrier for cities to go to 6(M)?**

6 A. No, sir. In fact, I had no intention
7 of actually going to that level of granularity. I
8 actually did that in direct response to the
9 testimony from the cities. And, in fact, one of
10 the concerns I had when I started looking at this
11 was, the concern I had was about the
12 decision-making aspect of this from any customers,
13 not just the cities in this case, but any customer
14 who was looking at the rates between 5(M) and 6(M).

15 You know, as the analysis shook out,
16 I thought I was concerned that customers may be
17 making a choice that's uneconomic because of the
18 rates, the way they are today, and if we didn't
19 uncover that, in the future if we did move to those
20 cost-based rates after the cities made that
21 decision, they may have wished they didn't.

22 So I think getting it out at this
23 point would be very informative to customers who
24 are looking at this potential switch.

25 **Q. You recall I was asking Mr. Wakeman**

1 regarding developer built and paid-for street
2 lightings in new housing developments?

3 A. I remember that question.

4 Q. Ameren does receive by donation from
5 developers streetlights that have been built and
6 paid for by the developers, eventually paid for by
7 the homeowners on their purchase of the lots?

8 A. Actually, that's not my understanding
9 at all. My understanding is, in this particular
10 situation, the lights are provided to the cities
11 and the cities take service under 6(M) in that
12 situation. When the company installs its own
13 street lighting, the company is the one who
14 installs those lights. So I was actually kind of
15 confused by the question.

16 Q. Who owns those lights?

17 A. In some cases, if the customer's
18 taking service under 6(M), the customer would own
19 those lights or the cities. If the customer was
20 taking service under 5(M), the company would own
21 those lights.

22 Q. Right. And in the 5(M) situation,
23 those would be lights built for -- paid for, built
24 by the developers and then dedicated, donated to
25 Ameren; is that correct?

1 A. I'm not aware of that situation, no.

2 Q. Well, how does Ameren get ownership
3 of them under the 5(M) if they're not given to
4 them?

5 A. My understanding is that the company
6 would buy and install the lighting system.

7 Q. Ameren would be paying the developers
8 for the street lighting?

9 A. Well, I guess maybe I'm confused by
10 the situation, because when it's company-owned
11 lighting, my understanding is the company is
12 installing its lighting system.

13 Q. Right.

14 A. And when that's the case, those are
15 the company's costs.

16 Q. Are you familiar with this area at
17 all of residential development and how streets and
18 streetlights are put in by developers? Is that an
19 area you work with regularly?

20 A. No, sir.

21 MR. CURTIS: Nothing further.

22 JUDGE WOODRUFF: Questions from the
23 Bench?

24 QUESTIONS BY COMMISSIONER W. KENNEY:

25 Q. I'm going to go back to that, because

1 I have the tariff, and I found out that Ameren
2 supplies the conduit and pulls the cable at their
3 expense, which is different than KCPL. So on that
4 question, do you know if Ameren supplies the poles?

5 A. If it's overhead service, yes, they
6 would.

7 Q. And does -- if -- the new
8 subdivision, do you put in the steel poles?

9 A. I couldn't tell you what type of
10 poles we put up. For lighting?

11 Q. Yes.

12 A. My understanding is that there may be
13 some choice involved there. There's different type
14 of lights. The post-top lights that I --

15 Q. Maybe a developer might pay for the
16 upgrade?

17 A. Well, the rates themselves are based
18 on the type of service you choose. So if you chose
19 like the post-top light, there's a specific rate
20 for that. There's really no up-front cost under
21 5(M) service.

22 Q. Under 5(M) service the -- Ameren is
23 going to supply everything?

24 A. That's my understanding, yes.

25 COMMISSIONER W. KENNEY: I wish KCPL

1 did that.

2 JUDGE WOODRUFF: Commissioner Hall?

3 COMMISSIONER HALL: Yeah.

4 QUESTIONS BY COMMISSIONER HALL:

5 Q. It was my understanding that
6 Mr. Wakeman was the individual who was more
7 knowledgeable of the tariff related to system
8 extension, and I was planning on asking him some
9 questions when he came back later today. Should I
10 be addressing those to Mr. Davis or Mr. Wakeman?

11 A. You can give it a shot with me,
12 Commissioner Hall. I'll do my best.

13 Q. I appreciate that.

14 COMMISSIONER HALL: Let me ask
15 counsel, who would you prefer I address these
16 questions to?

17 MS. GIBONEY: Honestly, I think it
18 just depends on the details of the question. So I
19 hate to have you wait and ask Mr. Wakeman and then
20 Mr. Davis was the right person. So I don't know
21 the questions you're going to ask, so I can't
22 really tell you.

23 COMMISSIONER HALL: Fair enough.
24 Well, let me ask the questions that are more
25 germane to what we're talking about right now and

1 we'll see about the others in a moment.

2 BY COMMISSIONER HALL:

3 **Q. If there was a requirement to sell**
4 **the lighting system at fair market value, would you**
5 **be involved in setting that fair market value?**

6 A. Typically I think that is done by our
7 accountants, but I may be involved in an aspect of
8 it.

9 **Q. What is your sense as to how fair**
10 **market value would be determined?**

11 A. We call it reproduction cost less
12 depreciation. So it's basically the cost of a new
13 system discount less kind of the average life of
14 our existing facilities. So it's -- you know, it's
15 what it would cost to build something new less kind
16 of the age of the system.

17 **Q. The cost to build something new minus**
18 **the value of the current system?**

19 A. No, not the value of the current
20 system. A factor that incorporates the age of the
21 current system.

22 **Q. So if -- and you wouldn't go pole by**
23 **pole. You would -- you would try to age -- figure**
24 **the age of the entire system because is that**
25 **depreciated as one amount?**

1 A. Yes, it is. So it would be -- my
2 expectation is that it would be kind of an average
3 amount. I don't think they would look at
4 individual poles.

5 **Q. Do you know how -- how much either**
6 **Ballwin or O'Fallon's system has depreciated?**

7 A. No. And again, we don't keep our
8 accounting records at that level of detail. It's
9 really created as a mass account. So we don't
10 track the individual assets by the city or by the
11 municipal.

12 **Q. But it would be possible to do?**

13 A. I don't think so.

14 **Q. Wouldn't you just have to determine**
15 **the age of the -- that particular system?**

16 A. Right. I think --

17 **Q. Couldn't that be extrapolated from**
18 **the total depreciation of that category?**

19 A. Maybe I'm misunderstanding your
20 question. Maybe you could restate it.

21 **Q. Well, I mean, if you were told by**
22 **your superiors that you needed to determine the**
23 **fair market value of that system, how would you go**
24 **about doing that? And granted, you may not be the**
25 **individual in charge of determining that process,**

1 but to the extent that your involvement would be
2 required, how would -- how would it be done?

3 A. Well, I'd probably count up the
4 number of lights they have, the type of lights they
5 have, price them out at current prices that we
6 have.

7 Q. At replacement prices?

8 A. Replacement prices. And then look at
9 probably the average value of the entire street
10 lighting system. And so, for example, if it was
11 50 percent depreciated. I would then apply that
12 factor to the reproduction costs that I just came
13 up with.

14 Q. Okay.

15 A. I think that's consistent with how
16 the company has priced other things, and that would
17 also be subject to Commission approval.

18 Q. Right. Any idea at all, even just a
19 ballpark figure as to what that price would be?

20 A. I have no idea. I haven't even
21 looked at it.

22 Q. Is it your understanding that there
23 is not a tariff in place that specifically sets a
24 sale price?

25 A. That's my understanding. And,

1 Commissioner Hall, just to back up one more step, I
2 talked about counting up the number of lights.
3 There would probably also be additional costs with
4 the wiring and all the other components of the
5 system. The lights and the poles and stuff just
6 happen to be on the top of my tongue.

7 **Q. That would be part of the replacement**
8 **costs?**

9 A. Yes.

10 **Q. Looking at the cost of service**
11 **between 6(M) and 5(M), and you said that there is a**
12 **disconnect under the current tariff that 6(M) is**
13 **paying less than it should and 5(M) is paying more**
14 **than it should?**

15 A. Yes, sir.

16 **Q. Any idea how long that's been going**
17 **on? Did you go back and look at prior tariffs to**
18 **determine how long the disconnect had existed?**

19 A. No, I haven't. What I did was just
20 took our current cost of service study and used the
21 current data we had as a snapshot in time.

22 **Q. So if -- if the claim -- the cities**
23 **had not intervened in this case, the fact that**
24 **there's a disconnect between 5(M) and 6(M) never**
25 **would have been brought to our attention, as far as**

1 **you know?**

2 A. Probably not in this case. I would
3 agree with that.

4 **Q. Does that trouble you at all?**

5 A. Maybe a little bit just in terms of,
6 you know, it's my responsibility to be involved in
7 the cost of service study and, you know, sometimes
8 when I see these things creep up, you know,
9 hindsight's 20/20 and I think, man, it would have
10 been better if I would have uncovered that myself.
11 A little bit.

12 **Q. All right. I have some questions**
13 **about the system extension tariff. I only have one**
14 **copy here. I would suspect you don't have that in**
15 **front of you?**

16 A. Actually, let me look. Do you have
17 like the sheet numbers maybe to let me know?

18 **Q. Sheet No. 113. That's what I have.**

19 A. I have that one.

20 **Q. You come well prepared.**

21 A. Thank you, sir.

22 **Q. And my questions are similar to those**
23 **raised by Commissioner Kenney, but I think mine may**
24 **be -- whereas his were specific to subdivision**
25 **poles and lighting, mine's a little more general.**

1 I'm trying to understand the extent to which, when
2 there is a new subdivision, a new Wal-Mart, a new
3 industrial facility, what aspect of the
4 distribution is -- of the new distribution system
5 is paid for by the customer and what -- what aspect
6 of that is being paid by ratepayers generally?

7 MS. GIBONEY: May I ask one
8 clarifying question? Are you asking about the
9 lighting or general --

10 COMMISSIONER HALL: No. I'm speaking
11 broader. I've got single family, multi-family,
12 non-residential and lighting as well. They're all
13 in here.

14 THE WITNESS: Well, I'll tackle
15 residential first, because the rules are a little
16 bit different on the different categories. So
17 residential, basically the tariff outlines what
18 I'll call, for lack of better words, kind of an
19 average amount of extension that is -- that we
20 would consider average. So if you're within those
21 averages, it's not going to cost the customer
22 anything. If you go outside of those averages,
23 then the full amount of that cost is paid for by
24 the customer. I think for the most part it would
25 be paid for up front.

1 And in terms of how that works in the
2 ratemaking process, we would call that contribution
3 in aid of construction, and that is used to offset
4 rate base, so that means other customers didn't pay
5 for it.

6 BY COMMISSIONER HALL:

7 **Q. I'm looking at single family**
8 **residence, No. 1, under F.**

9 A. Sure.

10 **Q. And it says, the company will provide**
11 **single-phase overhead -- and this is just overhead**
12 **because there is a distinction for underground.**

13 A. Sure.

14 **Q. But for overhead, consisting of**
15 **meters, services, transformation capacity and all**
16 **additional facilities required for the distribution**
17 **of electricity at no cost to the customer**
18 **developer. So I'm trying to reconcile that**
19 **statement with what you just said.**

20 A. Okay. So, for example, if you keep
21 going, in this particular one -- I guess you have
22 to -- might have to back up a little bit. I'm
23 not -- I have to stumble my way through this a
24 little bit. But there are limitations on how far
25 the customers -- or Ameren will provide those

1 facilities. So let me just look at this just for a
2 moment and --

3 **Q. Absolutely.**

4 A. -- give me a chance to find the
5 particular section that I was thinking of.

6 **Q. And I'm not opposed to you taking an**
7 **hour or whatever and looking through this and we**
8 **could ask these questions later. And I'm looking**
9 **to your counsel for that. It's your call.**

10 A. If you just give me a moment, I'll
11 try to do it now. I prefer to get it over with.

12 **Q. I'm going to have the same questions**
13 **about each of the other categories.**

14 A. Okay. Well, I guess if we're going
15 to go through in that detail, it's probably best I
16 just come back.

17 COMMISSIONER HALL: I'm fine with
18 that.

19 JUDGE WOODRUFF: We'll bring him back
20 after we bring back Mr. Wakeman.

21 THE WITNESS: Okay.

22 JUDGE WOODRUFF: All right. Anything
23 else on the lighting issue?

24 COMMISSIONER HALL: No, thank you.

25 THE WITNESS: Okay. Thank you.

1 JUDGE WOODRUFF: Any recross based on
2 questions from the Bench? Staff?

3 MS. DALE: No questions.

4 JUDGE WOODRUFF: Public Counsel?

5 MR. OPITZ: No questions.

6 JUDGE WOODRUFF: MIEC?

7 MR. DOWNEY: No questions.

8 JUDGE WOODRUFF: Cities?

9 MR. CURTIS: No questions. Thank
10 you.

11 JUDGE WOODRUFF: Redirect?

12 REDIRECT EXAMINATION BY MS. GIBONEY:

13 **Q. Mr. Davis, Commissioner Hall asked**
14 **you some questions about -- Commissioner Hall asked**
15 **you some questions about the cost or the price of a**
16 **sale of 5(M) fixtures. I'm wondering if that's a**
17 **little less than the scope of that sale. Wouldn't**
18 **the cost of that sale also include costs and**
19 **disentangling our lighting facilities from our**
20 **distribution system?**

21 A. Certainly. If you were talking about
22 the hypothetical that Ameren were to sell that
23 system, there would be additional costs -- I'm
24 sorry -- additional costs on top of that.
25 Mr. Wakeman talked about the additional wiring that

1 would be necessary and disconnect switches and all
2 that stuff would need to be added to that. But
3 that's not necessarily part of the sale. That
4 would just be an additional cost to -- that would
5 be necessary to actually switch to the 6(M)
6 service.

7 **Q. So simply paying for the facilities**
8 **would not be sufficient to switch the service,**
9 **because someone would have to pay to -- really to**
10 **make that system a 6(M) system?**

11 **A. That's correct. That's my**
12 **understanding, yes.**

13 **Q. Earlier Commissioner Hall asked**
14 **Mr. Wakeman a question, and I think it's about the**
15 **difference between 5(M) and 6(M). I believe he**
16 **asked why the company -- I believe he asked why the**
17 **customer can't simply own the fixture and the pole**
18 **when the company owns everything else. Are you**
19 **aware of whether we have a tariff that covers that**
20 **scenario?**

21 **A. No, we do not. The tariffs are**
22 **really divided into two distinct categories, one**
23 **where Ameren owns and operates everything and then**
24 **one where the customer has its own lighting system**
25 **with a specified delivery point.**

1 **Q. And where the customer covers those**
2 **costs of everything up to its delivery point?**

3 A. Yes.

4 MS. GIBONEY: No further questions.

5 JUDGE WOODRUFF: You can step down,
6 and we'll see you again later.

7 THE WITNESS: Thank you.

8 (Witness excused.)

9 JUDGE WOODRUFF: Then we'll -- that
10 concludes Ameren's testimony on this issue. Then
11 we'll move to Mr. Bender for the Cities. Good
12 morning.

13 THE WITNESS: Good morning.

14 JUDGE WOODRUFF: If you'll please
15 raise your right hand, I'll swear you in.

16 (Witness sworn.)

17 JUDGE WOODRUFF: You may inquire.

18 MR. CURTIS: Thank you.

19 STEVE BENDER testified as follows:

20 DIRECT EXAMINATION BY MR. CURTIS:

21 **Q. State your name, please.**

22 A. Steve Bender.

23 **Q. Are you the same Steve Bender who has**
24 **previously caused to be filed in this case direct**
25 **and surrebuttal testimony?**

1 A. Yes, sir.

2 MR. CURTIS: And, your Honor, I
3 believe both Exhibit 850 and 851 have previously
4 been offered and accepted into evidence, so I will
5 tender the witness for cross.

6 JUDGE WOODRUFF: They have not been
7 offered yet, but you can do it now.

8 MR. CURTIS: I beg your pardon. They
9 were marked. Excuse me. I would now offer
10 Exhibits 850 and 851 into evidence.

11 JUDGE WOODRUFF: Do you have a copy
12 of them for the court reporter?

13 MR. CURTIS: I previously provided
14 them, but I have extra copies.

15 JUDGE WOODRUFF: We don't need extra
16 copies, but if the court report already has them,
17 that's all we need.

18 850 and 851 have been offered. Any
19 objections to their receipt?

20 MS. GIBONEY: No objection.

21 JUDGE WOODRUFF: They will be
22 received.

23 (O'FALLON/BALLWIN EXHIBIT NOS. 850
24 AND 851 WERE MARKED AND RECEIVED INTO EVIDENCE.)

25 JUDGE WOODRUFF: Okay. For

1 cross-examination, we would begin with Staff.

2 MS. DALE: I have no questions.

3 Thank you.

4 JUDGE WOODRUFF: Public Counsel?

5 MR. OPITZ: No questions.

6 JUDGE WOODRUFF: MIEC?

7 MR. DOWNEY: No questions.

8 JUDGE WOODRUFF: Ameren?

9 CROSS-EXAMINATION BY MS. GIBONEY:

10 Q. Good morning, Mr. Bender.

11 A. Good morning.

12 Q. The city of O'Fallon has an ordinance
13 that specifically deals with new street lighting
14 installations; is that correct?

15 A. Yes, ma'am.

16 Q. And that ordinance actually requires
17 the developer to construct its streetlights in a
18 way that they will conform to the company -- to
19 Ameren's 6(M) lighting requirements; isn't that
20 correct?

21 A. Yes. That was put in place a few
22 years ago.

23 Q. So, in fact, the city of O'Fallon
24 does take a small amount of service under 6(M)
25 rates; is that correct?

1 A. Yes, we have both.

2 MS. GIBONEY: May I approach the
3 witness?

4 JUDGE WOODRUFF: You may.

5 BY MS. GIBONEY:

6 Q. First, let me ask you a question.

7 Have you reviewed the responses to the data
8 requests that you served on Ameren?

9 A. Yes, ma'am.

10 Q. Did you review the response that
11 addressed your question about how many of the
12 cities, both Ballwin and O'Fallon, how many of the
13 cities' streetlights would be subject to
14 termination fees at this point in time?

15 A. Yes, I did.

16 Q. Do you have any reason to disbelieve
17 those figures that were given to you?

18 A. I think that clarified some of our
19 questions.

20 Q. Is it your understanding that about
21 10 percent of your city's lights would be subject
22 to termination fees if the cities terminated at
23 this point?

24 A. Sounds reasonable, yeah.

25 MS. GIBONEY: No further questions.

1 JUDGE WOODRUFF: We'll come up for
2 questions from the Bench. Commissioner Kenney?

3 COMMISSIONER W. KENNEY: No
4 questions.

5 JUDGE WOODRUFF: Commissioner Hall?

6 COMMISSIONER HALL: No questions.
7 Thank you.

8 JUDGE WOODRUFF: All right. Then
9 there's no recross. Any redirect?

10 MR. CURTIS: No redirect. Thank you.

11 JUDGE WOODRUFF: All right. Then,
12 Mr. Bender, you can step down.

13 (Witness excused.)

14 JUDGE WOODRUFF: We're ready for
15 Mr. Kuntz.

16 MR. CURTIS: I call Mr. Robert Kuntz.

17 JUDGE WOODRUFF: Good morning,
18 Mr. Kuntz.

19 THE WITNESS: Good morning.

20 (Witness sworn.)

21 ROBERT KUNTZ testified as follows:

22 DIRECT EXAMINATION BY MR. CURTIS:

23 Q. Please state your name.

24 A. Robert Kuntz.

25 Q. Are you the same Robert Kuntz who

1 previously caused to be filed direct and
2 surrebuttal testimony in this case?

3 A. Yes, sir.

4 Q. I believe those have been marked as
5 Exhibits 852 and 853; is that correct?

6 A. Yes, sir.

7 MR. CURTIS: At this time I would
8 offer Exhibits 852 and 853 into evidence and tender
9 the witness for cross.

10 JUDGE WOODRUFF: 852 and 853 have
11 been offered. Any objections?

12 MS. GIBONEY: No objection.

13 JUDGE WOODRUFF: Hearing none, they
14 will be received.

15 (O'FALLON/BALLWIN EXHIBIT NOS. 852
16 AND 853 WERE RECEIVED INTO EVIDENCE.)

17 JUDGE WOODRUFF: Cross-examination,
18 Staff?

19 MS. DALE: No questions. Thank you.

20 JUDGE WOODRUFF: Public Counsel?

21 MR. OPITZ: No questions.

22 JUDGE WOODRUFF: MIEC?

23 MR. DOWNEY: No questions.

24 JUDGE WOODRUFF: Ameren?

25 CROSS-EXAMINATION BY MS. GIBONEY:

1 Q. Good morning.

2 A. Good morning.

3 Q. Has the city of Ballwin given Ameren
4 Missouri notice that the city wants to discontinue
5 its 5(M) lighting service?

6 A. No, we have not.

7 Q. Let me ask the same question I asked
8 Mr. Bender. Have you reviewed the response to the
9 data requests that Ameren provided to you?

10 A. Yes, I have.

11 Q. And you've reviewed the response then
12 that shows how many of your city's streetlights
13 would be subject to the termination fee?

14 A. Yes.

15 Q. Is it your understanding it's around
16 or less than 10 percent of the lights are subject
17 to that?

18 A. That's correct.

19 MS. GIBONEY: No further questions.

20 JUDGE WOODRUFF: Come up for
21 questions from the Bench. Commissioner Kenney?

22 COMMISSIONER W. KENNEY: No, I have
23 no questions.

24 JUDGE WOODRUFF: Commissioner Hall?

25 QUESTIONS BY COMMISSIONER HALL:

1 Q. Good morning.

2 A. Good morning.

3 Q. Are you aware of the cost of service
4 testimony of Mr. Davis where he suggests that there
5 should be an adjustment, increase in the 5(M) rate
6 class, a decrease in the 6(M)?

7 A. I'm aware. I'm not sure I completely
8 understand it, but I'm aware.

9 Q. Are you aware of the dollars, the
10 fiscal impact of such an adjustment?

11 A. I am.

12 Q. If the Commission were to incorporate
13 such a change in its final resolution of this case,
14 would your city, if you know, still seek to
15 purchase the streetlights?

16 A. That would be subject to my board of
17 aldermen's determination, but obviously the
18 economic plays a big factor. That's why we're here
19 today is the burden keeps -- the bar keeps raising.

20 Q. So it might -- it might impact
21 your --

22 A. It could.

23 Q. -- your desire?

24 A. Yeah.

25 COMMISSIONER HALL: Thank you. No

1 further questions.

2 JUDGE WOODRUFF: Recross based on
3 those? Any redirect?

4 MR. CURTIS: None, your Honor. Thank
5 you.

6 JUDGE WOODRUFF: Then, Mr. Kuntz, you
7 can step down.

8 THE WITNESS: Thank you.

9 (Witness excused.)

10 JUDGE WOODRUFF: And that concludes
11 the testimony on the street lighting issue. We
12 will need to go back to the economic development
13 rate design, but we'll take a break before we do
14 that.

15 Before we take the break, Mr. Beck, I
16 believe you had some documents that Commissioner
17 Hall wanted to see. Do you have those with you?

18 MR. BORGMEYER: Yes, we've got some
19 here. Good morning. John Borgmeyer for Staff. We
20 have a couple of different ones. We have a
21 document reflecting the accounts as filed in
22 Staff's true-up, and we also have the same document
23 reflecting the values that are in the depreciation
24 stipulation that was just filed but not approved.

25 So I was going to pass out what's in

1 Staff's true-up filing. Depending on the
2 Commission's approval of that stipulation, some of
3 the depreciation expense numbers might change, but
4 if it's okay, I'll pass this one out and we can go
5 through if that's -- if that works for you.

6 COMMISSIONER HALL: What about the
7 FERC description of those account categories, is
8 that available as well?

9 MR. BORGMEYER: This sheet does
10 describe the items of infrastructure that are in
11 each account, and we do have some Staff people who
12 could probably talk in more detail about what these
13 items are, but they are -- the sheet does list the
14 description as well as the values that are in those
15 accounts. So I'll pass this out and we can go from
16 there.

17 COMMISSIONER HALL: Sounds good.

18 JUDGE WOODRUFF: After the break we
19 can decide if it needs to be put into evidence and
20 how we can do that.

21 Okay. Anything else we need to do?

22 MR. MITTEN: Is it the Commissioners'
23 intention to bring Mr. Davis back to talk about the
24 tariff issues that he had --

25 JUDGE WOODRUFF: Yes.

1 MR. MITTEN: Okay. Is that during
2 the discussion on the economic development?

3 JUDGE WOODRUFF: Yes, that will be
4 part of that.

5 MR. MITTEN: Thank you.

6 JUDGE WOODRUFF: Just like for
7 Wakeman. Okay. Let's go ahead and take a break.
8 We'll come back at 11:10.

9 (A BREAK WAS TAKEN.)

10 JUDGE WOODRUFF: We're back from our
11 break, and we're going to move back into the
12 economic rate design mechanism issue. We'll call
13 Mr. Wakeman back up to the stand.

14 MR. BORGMEYER: If may, your Honor
15 while Mr. Wakeman's taking the stand, I talked with
16 Staff and the company about some of the questions
17 from Commissioner Hall, and folks from the Staff
18 and the company would be here to talk about the
19 kind of information you were looking for, whether
20 it's available and what it would take to put it
21 together, but they're here to answer some of those
22 questions on that.

23 COMMISSIONER HALL: Thank you.

24 JUDGE WOODRUFF: Welcome back,
25 Mr. Wakeman. You're still under oath.

1 MR. WAKEMAN: Thank you.

2 JUDGE WOODRUFF: Procedurally, since
3 this is for Commissioner questions, we'll start
4 with questions from Commissioner Hall. After he's
5 asked his questions, I'll give a chance for cross
6 based on his questions and redirect as appropriate.
7 All right. You may inquire.

8 COMMISSIONER HALL: Thank you.

9 DAVID WAKEMAN testified as follows:

10 QUESTIONS BY COMMISSIONER HALL:

11 Q. Counsel for Staff distributed a
12 document titled **Distribution Plant, Reserve and**
13 **Depreciation, which I believe you are now being**
14 **handed.**

15 A. Thank you. Yes. Okay.

16 JUDGE WOODRUFF: For clarity, do you
17 want to go ahead and mark this at this time?

18 COMMISSIONER HALL: Sure.

19 JUDGE WOODRUFF: We'll mark this as
20 Exhibit 1000, which will be Commissioner Hall's
21 exhibit number.

22 (COMMISSION EXHIBIT NO. 1000 WAS
23 MARKED FOR IDENTIFICATION.)

24 BY COMMISSIONER HALL:

25 Q. Now, have you seen this document

1 **before?**

2 A. Just right before it was handed to
3 me, I got one from Dan Beck, just this morning.
4 Not before then.

5 MR. MITTEN: Your Honor, can we get
6 some clarification as to which document is being
7 marked as Exhibit 1000?

8 JUDGE WOODRUFF: This is Distribution
9 Plant, Reserve and Distribution. It's a one-page
10 document. It's a chart.

11 MR. MITTEN: And is there a different
12 exhibit number that's going to be given to the
13 document that Staff passed out?

14 JUDGE WOODRUFF: Yes. That will be
15 given a number when we get to it.

16 THE WITNESS: So just this morning.

17 BY COMMISSIONER HALL:

18 **Q. So I understand that you did not**
19 **prepare this document?**

20 A. That's correct, I did not.

21 **Q. Let me step back for a moment, then.**

22 **Do you believe that when a new customer is added to**
23 **the Ameren system, that there is an incremental**
24 **cost to serve that customer?**

25 A. Okay. So it depends on the type of

1 customer, and certainly on the energy side there's
2 an incremental cost. There's a fixed component and
3 a variable component. So are you talking about
4 just the infrastructure?

5 **Q. I am indeed.**

6 A. Okay. In the infrastructure, if it's
7 a residential customer, there's a -- with all
8 customers, you use some capacity of the system,
9 right? So you use the wires are a certain size,
10 transformers are a certain size. Oftentimes
11 there's capacity available for those customers.
12 Residential customers, it's a very small increment
13 for that.

14 **Q. So if there is excess capacity for a**
15 **particular customer, be it residential, commercial**
16 **or industrial, then to the extent there is**
17 **incremental infrastructure cost, it would be**
18 **relatively small?**

19 A. On the residential. For the
20 industrial and commercial customers, those can be
21 more substantial just to even build the facilities
22 to them. So if you're talking about a residential
23 customer, often, especially if it's overhead,
24 you're talking about extending a service
25 connection. It might already be there depending

1 on what they built.

2 **Q. I'm talking about a situation where**
3 **there's excess capacity.**

4 A. Okay. Yeah. So there's some --
5 well, there's -- so capacity in the substation and
6 the sub-transmission system. Then there's capacity
7 on the distribution feeder, which is the wires that
8 go from the substation to the neighbor--

9 **Q. Let's say there was excess capacity**
10 **with both.**

11 A. Okay. And then the main cost would
12 be, direct cost at that time would be the
13 connection of that customer. So if it's
14 residential, very, very small. If it's an
15 industrial customer, there could transformers and
16 conduit, all kind of other things that connect the
17 existing feeder to that customer. So there would
18 be cost in those larger examples.

19 **Q. But those costs would all be**
20 **significantly less than the hypothetical where**
21 **there is not excess capacity at the substation or**
22 **at the feeder?**

23 A. Yes. Yes. So if you had to -- if
24 you had a customer that was so big, and this does
25 happen, that you have to build a substation, a lot

1 of times, depending on the configuration of the
2 feeders, because the -- when you look at feeder
3 capacity, it doesn't have the same capacity for its
4 entire length. Typically as you move away from the
5 substation, the wires get smaller. So they have
6 less capacity.

7 So at that point on the system, if
8 there's capacity then, yeah, you can just hook them
9 up. If you would have to reconductor, so that's
10 where, you know, commercial, industrial, it's
11 more -- has the more likelihood of having to
12 reconductor a section, then you'd still have
13 capacity in the substation at the front end of the
14 feeder where the wire is bigger. You'd still have
15 that, so you wouldn't have to redo all of it, but
16 you may have to redo a section. So it depends on
17 the size of the customer.

18 Q. But in a nutshell, I'm correct in my
19 understanding that when there is -- when there is
20 not excess capacity either at the substation or in
21 the feeder line, that the incremental
22 infrastructure cost is going to be more substantial
23 for a new customer than a situation where there is
24 excess capacity at the substation and the feeder
25 line?

1 A. Yeah. That's correct, yeah. It's --

2 Q. And that would apply for industrial,
3 commercial and residential, in different amounts,
4 but it would apply for all three categories?

5 A. Yes. So if we have capacity on the
6 system, substation and feeder capacity, there's
7 definitely going to be less cost than if you had to
8 reconfigure the system or build part of it.

9 Q. Okay. So that incremental
10 infrastructure cost, if I wanted to understand what
11 those components are, could I look to the document
12 in front of you, which is exhibit what?

13 JUDGE WOODRUFF: 1000.

14 COMMISSIONER HALL: Exhibit 1000.

15 Does Commissioner Kenney have that exhibit?

16 COMMISSIONER W. KENNEY: Yes, I do.

17 BY COMMISSIONER HALL:

18 Q. Would those various incremental
19 infrastructure costs be set forth between
20 account 360 and account 373?

21 A. I believe that's true, yes. I think
22 it might not include 373 for the street lighting
23 and signals, but it probably would be spread out
24 across the other parts of those to build a
25 substation or to reconductor a line depending on

1 the individual category.

2 **Q. Would there be any other incremental**
3 **infrastructure costs that you're aware of other**
4 **than 360 to 371?**

5 A. With respect to the distribution
6 system only, so it's just a connection, it's not
7 the energy component, just the connection, I
8 believe it would all be included in there.

9 **Q. Okay. Are you involved in making**
10 **decisions for the company as to the construction of**
11 **new distribution?**

12 A. Yes. So we have a staff of engineers
13 that does the analysis, but ultimately all capital
14 projects that would improve the capacity of the
15 system are authorized by me.

16 **Q. Could you take a look at -- and I'll**
17 **look to Staff to make sure that he has it up**
18 **there -- Dan -- or DB-2-3 that we talked about**
19 **yesterday, is that up there? And again, I will --**

20 A. Was this the data request response?

21 **Q. Yes.**

22 A. And it's Data Request 0442?

23 **Q. Yes.**

24 A. I do have that.

25 **Q. Okay. When you are making decisions**

1 as to new distribution, would one of those factors
2 be the amount of excess capacity at a particular
3 substation and feeder line?

4 A. Yes. It would be specific and then
5 generally in the area. So you would look at where
6 the customer's located and you'd say, do we have
7 capacity to serve them from the station that's
8 right there, or is there a capability to
9 reconfigure, so switch customers from one station
10 or one feeder to another and serve them that way.
11 So you would absolutely be making those using that
12 information.

13 Q. So one of the factors you would be
14 looking at is the amount of excess capacity and the
15 existence of additional demand, either current or
16 projected?

17 A. Yes. Absolutely. By that customer
18 and even in the area, so we make sure we build a
19 system to make sure we serve all customers.

20 Q. So looking at Exhibit 1000, which
21 shows plant in service, it doesn't show the amount
22 that Ameren intends to spend or it did spend in any
23 one year on any of these line items. This is just
24 the total amount of plant in service, correct?

25 A. Yeah, I believe that's correct.

1 Q. To the extent that you -- that you
2 know -- well, let's turn to -- this is probably my
3 last shot at you. I don't think it's fair to ask
4 you to come back again. If you don't know, that's
5 fine, and Mr. Davis will and then we can tie a bow
6 on this one. Do you have the tariff, tariff sheet
7 113 up there in front of you?

8 A. No, I do not.

9 Q. I'm sure that can be rectified by
10 someone.

11 A. Thank you. Yeah, I do now, yes.

12 Q. When you are considering new
13 distribution expenses for the company, and you've
14 said that you take into account the existence of
15 additional capacity and the current additional
16 demand or projected demand, do you also take into
17 account the extent to which customers, new
18 customers or new developers or a developer might be
19 covering the costs of some of that infrastructure?

20 A. Well, there's -- so there's two
21 different issues there. One is the technical side
22 of actually serving that customer, and then the
23 secondary side of that is how is it treated with
24 respect to these tariffs. So once you decide how
25 to serve that customer most appropriately, then you

1 would say how does that cost get either attributed
2 directly to that customer where they pay part of it
3 or it becomes part of serving all customers. Does
4 that answer make sense?

5 **Q. I think so. So in some**
6 **circumstances, and those specific circumstances**
7 **would be delineated in this tariff sheet, but in**
8 **some circumstances you've got new customers moving**
9 **into a geographic region in Ameren's service**
10 **territory where there is not current service, and**
11 **Ameren will build distribution in order to get to**
12 **those new customers, and that new distribution**
13 **expenses are borne by either Ameren or the**
14 **developer-customer or sometimes both?**

15 **A. Right. As set out in these tariffs,**
16 **right, for system extension.**

17 **COMMISSIONER HALL: Thank you. I**
18 **have no further questions.**

19 **JUDGE WOODRUFF: Do you want to mark**
20 **the tariff as 1001?**

21 **COMMISSIONER HALL: Sounds good to**
22 **me.**

23 **JUDGE WOODRUFF: And that's tariff**
24 **sheet 113?**

25 **COMMISSIONER HALL: Correct.**

1 JUDGE WOODRUFF: And next question.

2 Did you wish to offer them into the record?

3 COMMISSIONER HALL: So moved.

4 JUDGE WOODRUFF: 1000 and 1001 have
5 been offered. Any objection to their receipt?

6 (No response.)

7 JUDGE WOODRUFF: Hearing none, they
8 will be received.

9 (COMMISSION EXHIBIT NOS. 1000 AND
10 1001 WERE RECEIVED INTO EVIDENCE.)

11 JUDGE WOODRUFF: Anyone wish to offer
12 any cross based on those questions from the Bench?
13 Any redirect? I'm sorry. Ameren, did you have --

14 MR. MITTEN: I had some redirect,
15 yes, your Honor.

16 JUDGE WOODRUFF: Go ahead.

17 REDIRECT EXAMINATION BY MR. MITTEN:

18 **Q. Mr. Wakeman, Commissioner Hall asked**
19 **you a number of questions about excess capacity on**
20 **the system. I'd like to explore that with you for**
21 **a few minutes.**

22 **How do you determine whether or not**
23 **you've got excess capacity on your distribution**
24 **system?**

25 A. Well, we start -- we do planning

1 studies a few times a year, both for winter and
2 summer conditions. We know the loading of
3 customers in the past, and we look at that based on
4 any future plans where developers have, and we're
5 sometimes aware of those, and determine whether or
6 not in its current configuration or within the
7 capabilities to reconfigure the system.

8 So again, a feeder, as I explained,
9 is -- runs through a neighborhood typically from
10 the substation to customers, and then at some point
11 you can -- there's switches along there, so you can
12 reconfigure it. So we made these operating and
13 planning decisions to optimize the usage of our
14 system.

15 So you look at that and say, will
16 this customer being added in this part of the
17 system require first reconductoring locally, or
18 also would you have to upgrade the substation or
19 can you reconfigure the system and able to serve
20 that customer?

21 So it's a technical analysis based on
22 not just ampacity, which this document really
23 speaks of, which is feeder capability, it's also
24 serving them at the correct voltage, which is an
25 important issue.

1 **Q. Your use of the term reconfigure the**
2 **system, that suggests that maybe excess capacity is**
3 **not a static concept but it's in flux?**

4 A. Yeah. When you look at it at a
5 feeder perspective or even at a substation
6 perspective, that's right. When you look at a
7 document like -- I don't know what exhibit number
8 it is, but the data request that we just talked
9 about, that was taken in 2013, and it said, given
10 the configuration we have today, this is the spare
11 capacity in substations and on feeders. And then
12 if you looked at it today, it would be different
13 because the system naturally as we -- as the
14 service territory evolves, customers shut down,
15 customers build, new customers move in and out, we
16 change the configuration of these feeders in order
17 to optimize the use of the system.

18 **Q. How often do you reconfigure your**
19 **distribution system to optimize the facilities you**
20 **have?**

21 A. It can be quite often. We do it
22 dynamically, which means we do it every day to
23 respond to reliability issues. So if we have an
24 outage, we switch the system to restore as many
25 customers as we can as quickly as we can.

1 And then any time the engineer in the
2 division is looking at how to best serve customers
3 with getting the best utilization of the system we
4 have, he's authorized to order permanent switching,
5 we call it. So now you reconfigure the system
6 permanently, and that's the new status of the
7 system.

8 So a group of customers can literally
9 move from one feeder to another feeder. Now, they
10 don't know it. We're still serving them at the
11 appropriate voltage with the ampacity they need.
12 We can serve all their load. But we reconfigure
13 that group of customers and move them to a
14 different feeder in order to optimize the system
15 performance.

16 **Q. So based on what you've just told me,**
17 **looking at the information that is included in the**
18 **response to Staff Data Request 0442, which was**
19 **included as part of the Staff Class Cost of Service**
20 **Report, would those data change on a daily basis as**
21 **you reconfigure your network?**

22 A. It would certainly change -- it could
23 change daily. It would certainly change weekly and
24 monthly when you think about all the feeders.
25 This, I believe, was for the St. Louis City and

1 County area. So it's a lot of feeders. It's a lot
2 of customers that we're serving there. So we would
3 absolutely do switching.

4 As a matter of fact, if you went
5 back, this is 2013, if you looked at the current
6 configuration here in early 2015, I expect some of
7 these, maybe a lot of them would be different. And
8 I can -- there's some examples in here of things
9 that I know that are going to happen where we're
10 optimizing the use of the system. A customer's
11 maybe gone out of business, freed up some capacity,
12 and then we can move that to a new group of
13 customers.

14 Q. Could you give me some specific
15 examples?

16 A. Yeah. There's one that -- now, this
17 is highly confidential, so I don't know if I can
18 say the name, but it's on the first page and
19 it's --

20 MR. MITTEN: Your Honor, could we go
21 in-camera?

22 JUDGE WOODRUFF: We can.

23 (REPORTER'S NOTE: An in-camera
24 session was held, which is contained in Volume 27,
25 pages 1884 through 1888 of the transcript.)

1 JUDGE WOODRUFF: And we're back in
2 regular session.

3 BY MR. MITTEN:

4 Q. Mr. Wakeman, you've talked about the
5 dynamic nature of capacity on your feeder system.
6 Is the rest of your distribution system equally
7 dynamic?

8 A. Well, so yeah. So the feeder
9 systems, and when you think of a feeder really is a
10 circuit breaker in a substation that then is
11 connected to the wires, and the wires go to some
12 customers, and that kind of defines the feeder
13 then. So if we switch it around, you would be on a
14 different feeder. So the feeder is what's
15 currently connected to that.

16 So the whole feeder, which is what's
17 connected to that circuit breaker, that has a
18 capacity and a current usage, and then you have
19 individual sections of the feeder that have
20 potentially different wire size that could be at a
21 different level of capacity and usage. So there
22 could be different -- different spare amount as you
23 walk down the feeder. So it's not all the same.

24 So if you had, if we could take an
25 example of one of these and it says it has 60 -- I

1 just opened it to one of the pages -- 65 percent
2 total available. Well, that's not 65 percent all
3 the way down from the front to the end. It kind of
4 depends on how the conductor size is and what the
5 load is there.

6 So load's not distributed evenly
7 across the feeder. If you have some big customers
8 at the beginning, well, then a lot of the -- a lot
9 of the usage is up front and smaller at the end, or
10 it could be vice-versa. So it varies along the
11 feeder, and it also varies with the substation,
12 depending on how we reconfigure the system, again
13 switch it.

14 **Q. And Mr. Beck told me yesterday that**
15 **the feeders are connected to the substations and**
16 **substations are connected to sub-transmission**
17 **lines --**

18 A. That's correct.

19 **Q. -- and sub-transmission lines are**
20 **then connected to transmission lines. Are**
21 **transmission lines, sub-transmission lines and**
22 **substations also dynamic parts of your distribution**
23 **system?**

24 A. Absolutely. Now, they're a little
25 less dynamic, but they're absolutely dynamic. So

1 when you reconfigure the distribution system and
2 the substation and change that loading, you
3 sometimes have to go back and reconfigure the
4 sub-transmission system as well, which goes to
5 what's called the bulk substation, which is just
6 like the distribution that's in this document
7 except it's a lot bigger and it serves a lot more
8 customers, and then you have to look at the loading
9 on those.

10 And then ultimately you get back to
11 the transmission system, which is much less dynamic
12 and often can serve, but if you can't serve all the
13 load through that, you would have to have a project
14 to increase its ampacity. So it's the entire
15 system.

16 **Q. So in terms of the available capacity**
17 **for substations and sub-transmission lines and**
18 **transmission lines, would those capacities change**
19 **on a daily or weekly or monthly basis?**

20 A. Yeah. The whole system changes.
21 Certainly the feeders change the most. Substations
22 change a little less but absolutely change.
23 Sub-transmission is a little less. The further you
24 get back on the system, the less it changes, but it
25 absolutely changes. And so any time you're going

1 to do a study to look at how do I serve this
2 customer, you have to take it all the way back to
3 the transmission system and look throughout each
4 piece of it, which is the bulk substation, the
5 sub-transmission circuit, the distribution
6 substation, and ultimately the feeder, and then the
7 wires on that feeder to say how can I serve this
8 customer appropriately, again, serve their load and
9 do it at the right voltage.

10 MR. MITTEN: I don't have any further
11 questions, your Honor. Thank you.

12 COMMISSIONER HALL: I do.

13 JUDGE WOODRUFF: Commissioner Hall.

14 FURTHER QUESTIONS BY COMMISSIONER HALL:

15 Q. First of all, I very much appreciate
16 your candor, your both attempts and success at
17 explaining some pretty difficult concepts.

18 A. You're welcome.

19 Q. You did mention in your discussion
20 with your counsel that, if possible, you always try
21 to avoid building a new substation. If there's
22 ways to reconfigure the system, you always do that
23 as opposed to recommending the construction of a
24 new substation; is that correct?

25 A. Yeah. If we have installed capacity

1 in our system and we can serve customers, that's
2 what we do. We look for ways to do that and making
3 sure we serve them appropriately.

4 **Q. Why is that?**

5 A. It's more cost effective overall for
6 customers. So it's more affordable when you look
7 at the overall customer. So the installed
8 equipment we have to serve all our customers, we
9 want to do that as effectively as we can.

10 **Q. So you have a directive from above to**
11 **be as cost effective as possible?**

12 A. I don't know if -- yeah, that's true.
13 But I mean, just being efficient and doing the
14 right thing for customers, both from an
15 affordability perspective and making sure we serve
16 them reliably, safely and reliably is really
17 important to us.

18 **Q. Is there anything that you're aware**
19 **of in your tariffs or the ratemaking process in**
20 **Missouri that provides that incentive, other than**
21 **your ethical obligation to make recommendations to**
22 **your superiors for the most efficient use of Ameren**
23 **infrastructure, which I am not in any way**
24 **discounting?**

25 A. Yeah. There may be. I can't think

1 of what it is right now, to be honest with you.

2 COMMISSIONER HALL: Okay. Thank you.

3 JUDGE WOODRUFF: Any further recross
4 or redirect?

5 MR. MITTEN: No, your Honor.

6 JUDGE WOODRUFF: Then you can step
7 down.

8 (Witness excused.)

9 JUDGE WOODRUFF: Bring Mr. Davis back
10 up.

11 MR. MITTEN: Your Honor, with regard
12 to the potential recall of Mr. Davis, during the
13 break we talked things over, and if Commissioner
14 Hall's questions or questions from the Bench
15 generally pertain to the line extension tariff, we
16 believe that Wilbon Cooper is probably a more
17 knowledgeable witness on that, and we would be
18 happy to call him even though he hasn't filed
19 testimony in this case.

20 COMMISSIONER HALL: I'm fine with
21 that.

22 MR. MITTEN: We'd like to call Wilbon
23 Cooper to the stand.

24 (Witness sworn.)

25 JUDGE WOODRUFF: Thank you.

1 THE WITNESS: Thank you.

2 JUDGE WOODRUFF: Did you have any
3 questions? Then Commissioner Hall.

4 WILBON COOPER testified as follows:

5 QUESTIONS BY COMMISSIONER HALL:

6 Q. Mr. Cooper.

7 A. Good morning.

8 Q. Good morning. I'm sorry. I didn't
9 catch your first name.

10 A. Wilbon, W-i-l-b-o-n as in Norman.

11 Q. Mr. Cooper, are you an Ameren
12 employee?

13 A. Yes. I am Director of Rates and
14 Tariffs for Ameren Missouri, business address
15 1901 Chouteau, St. Louis, Missouri 63103.

16 Q. Do you have in front of you what's
17 been marked as Exhibit 1001?

18 A. I may have. If it's the tariff
19 sheet, if you would provide the sheet number, that
20 would be helpful.

21 Q. 113.

22 A. Yes, I do. Thank you.

23 Q. Okay. So you're familiar with this
24 tariff sheet?

25 A. Yes.

1 **Q. Could you explain to me how costs are**
2 **allocated, and I'm going to go through each of**
3 **these categories, but starting off with single**
4 **family residences? When you've got a potential new**
5 **customer within Ameren's service territory that is**
6 **residential in nature, not currently receiving**
7 **service, how are the costs for distribution**
8 **infrastructure divvied up between the developer-**
9 **customer and Ameren?**

10 A. Maybe we'll start with the single
11 family residential and overhead service. For those
12 customers, we allow up to 1,000 feet of
13 distribution extension, no more than 500 feet on
14 private property.

15 **Q. And so for that Ameren would foot the**
16 **bill for?**

17 A. That those costs would -- those costs
18 would go into rate base.

19 **Q. Ameren pays the cost of that service**
20 **extension?**

21 A. If you would maybe give me a little
22 clarity when you say pays the cost.

23 **Q. Well, there's labor and materials**
24 **that would go into that extension, correct?**

25 A. That is correct. There is no

1 contribution required from the customer, that would
2 be correct.

3 **Q. Okay. Keep going.**

4 A. Okay. So that covers the single
5 family residential home. So 1,000 feet, no more
6 than 500 on private property. Now, the next
7 category that you would like me to discuss is?

8 **Q. Okay. So less than -- I'm sorry.**
9 **Tell me those numbers again.**

10 A. Okay. There's 1,000 feet of
11 distribution extension. No more than 500 feet of
12 that 1,000 can be on private property.

13 **Q. Okay. So in that situation, the**
14 **customer/developer pays zero?**

15 A. That would be correct. There are no
16 up-front costs from the customer or the developer.

17 **Q. Okay. So those costs would include**
18 **meters, wires. What else?**

19 A. That would be covered on page 112 of
20 our tariffs. There's a very exhaustive paragraph
21 there. If you'd like me to read the entire
22 paragraph?

23 COMMISSIONER W. KENNEY: Can I
24 interject?

25 COMMISSIONER HALL: Absolutely.

1 COMMISSIONER W. KENNEY: Is that
2 just -- the 1,000 feet and the 500 feet, that is
3 just getting it to the site, correct?

4 THE WITNESS: This is for an
5 individual residential home. That's --

6 COMMISSIONER W. KENNEY: Just a
7 single home?

8 THE WITNESS: That's correct. That's
9 the first category. That's correct.

10 COMMISSIONER W. KENNEY: Thank you.

11 THE WITNESS: Now, if we want to talk
12 about subdivisions, is that where --

13 BY COMMISSIONER HALL:

14 Q. Sure.

15 A. Okay. On subdivisions, we will go up
16 to 150 feet per lot to get to the subdivision.

17 Q. Is that large lot subdivisions?

18 A. No. That would be the standard lot
19 subdivision. We seldom if ever -- I should say we
20 seldom experience very large lot subdivisions.
21 Those provisions are contained on page 113,
22 paragraph 1A, I believe.

23 Q. 1A is large lot?

24 A. That is correct.

25 Q. Okay. So the subdivision that you're

1 **talking about now, where is that in the tariff**
2 **sheet?**

3 A. Oh, that's -- that would be the first
4 paragraph for single family residences.

5 **Q. Okay.**

6 A. And if you go down about eight lines,
7 it says, company will also provide additional
8 distribution facilities up to 150 feet per
9 subdivision lot as required to extend its existing
10 distribution to the boundaries of the subdivision
11 site at no cost to developer/customer.

12 **Q. So then to get the additional 150**
13 **feet, the customer and customer/developer would**
14 **have to cover those costs?**

15 A. Any costs in excess of 150 feet per
16 lot would be covered by the customer or developer.

17 COMMISSIONER W. KENNEY: May I jump
18 in here?

19 THE WITNESS: Sure.

20 COMMISSIONER W. KENNEY: Who pays for
21 the infrastructure? Once you bring power to the
22 subdivision, is the contribution in aid of
23 construction, the developer pays that to get the
24 infrastructure within the subdivision?

25 THE WITNESS: No. Ameren takes care

1 of the distribution system within the boundaries of
2 the subdivision if there are not large -- if it's a
3 non-large-lot subdivision.

4 COMMISSIONER W. KENNEY: If it's a
5 single family subdivision, first phase comes in, 50
6 lots, Ameren provides the conduit, the developer
7 puts in the conduit; is that correct?

8 THE WITNESS: Are we on overhead or
9 underground? Overhead is on page 113.

10 COMMISSIONER W. KENNEY: I jumped
11 into underground. I'll wait.

12 THE WITNESS: 500 times 150 to get to
13 the subdivision. And again, Ameren would take care
14 of the distribution within the boundaries of the
15 subdivision at no cost to the developer or the
16 customer.

17 COMMISSIONER W. KENNEY: Do you do
18 any overhead, new overhead subdivisions? Does that
19 even exist now?

20 THE WITNESS: I'm not certain.

21 COMMISSIONER W. KENNEY: I would
22 think -- can anybody answer that? Does it even
23 exist that you have new overhead subdivisions?

24 MR. WAKEMAN: It's not very likely.
25 Sometimes if a customer builds up against an

1 overhead line, they'll --

2 COMMISSIONER W. KENNEY: I'm talking
3 about a subdivision.

4 MR. WAKEMAN: No.

5 COMMISSIONER W. KENNEY: Thank you.

6 BY COMMISSIONER HALL:

7 **Q. So the next category?**

8 A. Okay. If we want to go to overhead
9 extensions to nonresidential customers, I'm moving
10 to page 114. What we would do is estimate the cost
11 of the line extension, and so long as the
12 customer's revenue that we expect to receive in one
13 year equals or exceeds that cost, there would be no
14 contribution required from the customer.

15 **Q. Can you ballpark how often that is**
16 **the case that a new nonresidential customer doesn't**
17 **have to pay anything for the new distribution under**
18 **that provision?**

19 A. No. I don't deal with this on a
20 day-to-day basis, but I can give you an example
21 where something like that may happen. A developer
22 may be developing a large tract of land, looking to
23 locate several businesses within that tract, and in
24 order to get to that subdivision -- I'm sorry, that
25 tract of land, the cost may be substantial with

1 regard to if there was only one customer there, and
2 they may not all come into service at the same
3 time. So we may assess that cost, and then we will
4 use the revenues from each of those for a finite
5 period of time to offset those costs, and if within
6 that time frame, that one-year period, those
7 revenues exceed our costs, then there would be no
8 contribution required from the developer or the
9 customer.

10 **Q. Okay. Next category?**

11 A. Okay. Why don't we move to one that
12 I believe there may be a significant interest, and
13 that is underground extensions. Basically our
14 system is constructed as an overhead system. So
15 generally speaking, any cost in excess of what we
16 provide under our overhead tariff provisions would
17 be -- there would be a contribution required from a
18 customer or developer to cover those costs.

19 And as Mr. Davis, I believe, shared
20 with you this morning, those costs would be an
21 offset to rate base, which of course would keep
22 your overall rate base lower and keep our rates
23 lower.

24 And the first category that's
25 mentioned on page 116, I believe, is individual

1 residential customer extensions for underground.
2 Simply stated, the excess cost of underground over
3 overhead would be borne by the customer, and that's
4 covered on page 116.

5 **Q. And that would be for -- that's just**
6 **an individual residential customer?**

7 A. That's correct.

8 **Q. And is there a pretty significant**
9 **discrepancy between the cost for overhead versus**
10 **underground extensions?**

11 A. I'm -- I typically don't look at
12 those estimates. I can say that those costs are
13 usually greater to serve overhead -- I'm sorry, to
14 serve the customer underground than overhead. It
15 would depend, of course, the length of the
16 extension being one factor.

17 **Q. Okay.**

18 A. Okay. And then moving to the
19 residential subdivision underground extensions, I
20 believe Mr. Wakeman touched on this several days
21 ago. Generally again we -- the first step there is
22 to get to that subdivision, and again, it's 150
23 feet per lot to get to the subdivision. And then
24 within the boundaries of the subdivision, the
25 developer is required to install all of our

1 equipment necessary to run the cables to our
2 transformers. We provide that equipment, and then
3 we pull cable to the transformers, and then the
4 developer is required to run the cable from the
5 transformer to the home. That's at no cost to the
6 developer.

7 And as I stated earlier, we are an
8 overhead system, and typically the excess costs for
9 underground/overhead is required to be borne by the
10 customer or the developer. But in this scenario
11 where the developer is doing all of the trenching
12 and installing the materials provided by us,
13 essentially what we're suggesting is that the
14 excess cost of the underground over the overhead is
15 a wash or that those costs are fairly comparable,
16 generally speaking.

17 COMMISSIONER W. KENNEY: Did you
18 misspeak? You said the developer provides the
19 cable from the transformer to the house?

20 THE WITNESS: The service lateral.

21 COMMISSIONER W. KENNEY: They just
22 provide the conduit, correct?

23 THE WITNESS: Let me make sure.

24 COMMISSIONER W. KENNEY: And then
25 Ameren pulls -- I'm sure Ameren pulls the cable.

1 THE WITNESS: Let me make sure. I
2 know we pull our cables.

3 COMMISSIONER W. KENNEY: You're not
4 going to -- you wouldn't allow -- okay.

5 THE WITNESS: Let me make sure.

6 COMMISSIONER W. KENNEY: But Ameren
7 foots the bill for -- you don't take a deposit, a
8 contribution in lieu of construction on that? You
9 don't take a -- Ameren doesn't take a deposit for
10 the infrastructure within the subdivision?

11 THE WITNESS: Not for the standard
12 lot subdivisions, no, because the consideration is
13 that in doing the trenching and installing the
14 equipment that's provided by us, effectively there
15 is no excess cost of underground over overhead.

16 COMMISSIONER W. KENNEY: Is that part
17 of your tariff?

18 THE WITNESS: That is. That's on
19 sheet -- sheets 117 through sheets --

20 COMMISSIONER W. KENNEY: All right.
21 Thank you.

22 BY COMMISSIONER HALL:

23 Q. Okay. Next category.

24 A. Okay. We will now move to
25 nonresidential underground extensions. That's

1 covered on sheet 121 and sheet 122. In that
2 scenario the company first will estimate the cost
3 of equivalent overhead extension, and the rules
4 that I mentioned earlier will apply, and then
5 estimate the cost of the underground extension, and
6 then the customer is responsible for the company's
7 estimated excess cost of the underground extension
8 over the cost of the equivalent overhead extension.

9 And I believe that covers both
10 overhead and underground extensions for residential
11 and nonresidential customers.

12 Q. Okay. Thank you, Mr. Cooper.

13 A. Thank you.

14 Q. Actually, let me ask you this. Do
15 you know how long this particular tariff has been
16 in effect or whether it's been modified in any
17 recent rate cases? And I can ask your counsel that
18 question.

19 A. There have been no material
20 modifications, I would say in the last I'd say
21 almost 30 years, since the early 1990s, I believe.

22 Q. There has not been?

23 A. There has not been or there have not
24 been any material modifications in quite a number
25 of years.

1 COMMISSIONER HALL: Okay. And this
2 particular tariff didn't show up in the list of
3 issues, and I guess it would be the miscellaneous
4 tariff category if it had been an issue. So does
5 that mean that all the parties have agreed to
6 continue this current tariff?

7 MR. MITTEN: No one's objected to it,
8 Commissioner Hall, so we presume that that's the
9 case.

10 COMMISSIONER HALL: All right. Thank
11 you. I have no further questions.

12 THE WITNESS: Thank you.

13 JUDGE WOODRUFF: Any recross?

14 (No response.)

15 JUDGE WOODRUFF: Then redirect.

16 MR. MITTEN: Just briefly.

17 REDIRECT EXAMINATION BY MR. MITTEN:

18 **Q. Mr. Cooper, in your response to**
19 **questions from Commissioner Hall and Commissioner**
20 **Kenney, you talked about developer contributions to**
21 **certain of the extensions. Do you recall that?**

22 A. Yes.

23 **Q. How are those contributions treated**
24 **for rate base purposes?**

25 A. Those are treated as contributions in

1 aid of construction. So they again are used as an
2 offset or reduction to rate base.

3 **Q. They would go into rate base at a**
4 **zero value; is that correct?**

5 A. That is correct.

6 MR. MITTEN: No further questions.

7 Thank you.

8 QUESTIONS BY JUDGE WOODRUFF:

9 **Q. I'm prompted by something that --**
10 **just the last question. You said they were offset**
11 **to rate base. Would they go in at zero or would**
12 **they go in as a negative number?**

13 A. Well, they would go in as zero as
14 Mr. Mitten pointed out. I used the term offset to
15 essentially suggest that, for example, if the
16 entire cost was 1,500 bucks, normally you would put
17 1,500 into rate base, but if you got 500 from the
18 developer, then you would only put in 1,000.

19 JUDGE WOODRUFF: Okay. Did that
20 prompt anybody else? Commissioner Hall, do you
21 have anything else?

22 COMMISSIONER HALL: I have a question
23 for Staff counsel unrelated to that.

24 JUDGE WOODRUFF: All right. Then
25 we're done with Mr. Cooper.

1 MR. MITTEN: Your Honor, may I
2 clarify something I said a minute ago?

3 JUDGE WOODRUFF: Please do.

4 MR. MITTEN: Commissioner Hall and
5 Commissioner Kenney, we didn't refile this
6 particular line extension tariff as part of this
7 rate case. So to the extent no one objected to it,
8 it wasn't put at issue by our filing in this case.

9 COMMISSIONER HALL: So as a legal
10 matter, that means that the tariff will continue?

11 MR. MITTEN: Yes. We haven't
12 proposed to change it.

13 COMMISSIONER HALL: Okay. Thank you.

14 JUDGE WOODRUFF: Mr. Cooper, you can
15 step down.

16 (Witness excused.)

17 JUDGE WOODRUFF: Did you want to
18 bring back Mr. Davis?

19 COMMISSIONER HALL: No, much to his
20 chagrin, I'm sure.

21 JUDGE WOODRUFF: You had a question
22 for Staff?

23 COMMISSIONER HALL: Yeah.
24 Exhibit 1000, could you on the record explain what
25 this document is and how it was derived?

1 MR. BORGMEYER: I will try,
2 Commissioner. This document --

3 COMMISSIONER HALL: If you'd rather
4 me ask an auditor, we can do that.

5 MR. BORGMEYER: It would probably be
6 more reliable if you got the information from an
7 auditor.

8 JUDGE WOODRUFF: I believe you have
9 testified previously, or not?

10 THE WITNESS: Yes.

11 JUDGE WOODRUFF: You're still under
12 oath.

13 JOHN CASSIDY testified as follows:

14 QUESTIONS BY COMMISSIONER HALL:

15 Q. Good morning.

16 A. Good morning.

17 Q. Exhibit 1000, do you have it in front
18 of you?

19 A. I do.

20 Q. Can you explain to me what this is?

21 A. This is a summary of what's reflected
22 in our true-up accounting schedules that were filed
23 on February 6th. So these -- each one of these
24 columns, the first column is the total investment
25 for each one of those distribution plant accounts

1 as offset, and then the second column is the
2 reserve that's been accumulated on those plant
3 balances, and then the third column is the net
4 plant. So that's the balance net of reserve. And
5 then the final column is the depreciation expense
6 that would be annually amortized for each one of
7 those accounts.

8 **Q. So when you say this is a true-up,**
9 **how does it compare to information provided to you**
10 **from Ameren?**

11 A. Well, this is what's reflected on
12 their financial statements, the balance sheet in
13 particular, and then the depreciation expense is
14 what's reflected on their income statement.

15 **Q. Okay. So these are Ameren's numbers?**

16 A. Yes.

17 **Q. Okay. To what extent do you or does**
18 **anyone in Staff, within Staff's office look at the**
19 **amount that Ameren -- Ameren's additional costs in**
20 **any one year for any of these line items?**

21 A. Well, that's something that's handled
22 I think more in the depreciation realm. If there's
23 additions, retirements, that's, you know, something
24 that's handled there. But specifically in terms of
25 what you were just talking about with Mr. Cooper

1 and Mr. Wakeman, we really haven't delved into that
2 kind of detail.

3 **Q. So there's -- are you a part of or**
4 **aware of a process whereby Staff looks at expenses**
5 **for poles or overhead conductors, underground**
6 **conduits, and makes a prudence recommendation?**

7 A. That's addressed by Staff witness
8 Arthur Rice.

9 **Q. So is that somewhere in Staff report**
10 **revenue requirement?**

11 A. It is something that Mr. Rice has
12 addressed in his testimony filings. He
13 specifically has an issue -- he had an issue with
14 regard to the cost of removal with regard to
15 account 364, the poles, towers and fixtures, and
16 account 369.1, services overheads.

17 **Q. Okay. So Staff, as far as you**
18 **know -- and maybe this is a question for Mr. Rice,**
19 **but Staff does look at the amount of money that**
20 **Ameren is spending on a particular distribution**
21 **account number in the test year to make a prudence**
22 **recommendation?**

23 A. It is -- it is something that Staff
24 as a whole addresses.

25 COMMISSIONER HALL: Thank you.

1 JUDGE WOODRUFF: We kind of jumped
2 into questioning. You need to identify yourself
3 for the record.

4 THE WITNESS: Okay. My name is John
5 Cassidy. I'm an auditor, utility auditor,
6 regulatory auditor with the Missouri Public
7 Service Commission.

8 JUDGE WOODRUFF: All right. Thank
9 you. Any cross-examination?

10 (No response.)

11 JUDGE WOODRUFF: Redirect?

12 MR. BORGMEYER: No, thank you, your
13 Honor.

14 JUDGE WOODRUFF: Then you can step
15 down.

16 (Witness excused.)

17 JUDGE WOODRUFF: Anything else?
18 Okay. Well, that concludes that issue then, and --

19 MR. MITTEN: Your Honor, may
20 Mr. Wakeman be excused to return to St. Louis?

21 JUDGE WOODRUFF: Yes. And I believe
22 that the other issues, supplemental services and
23 LED street lighting and other tariff issues, have
24 all been resolved, so I believe that concludes this
25 session of the hearing.

1 We do have one issue -- well,
2 actually, we have at the moment two issues
3 remaining for tomorrow. We have net base energy
4 costs. I understand we're close to a settlement.
5 Ms. Tatro?

6 MS. TATRO: I think we're very close.
7 I think we're working on a little language between
8 the two parties on one issue. I told Mr. Lowery to
9 get it filed.

10 JUDGE WOODRUFF: Then we have the
11 Labadie ESPs, which will go tomorrow.

12 MS. TATRO: Yes. We have waived
13 cross on Mr. Hausman, so I don't think he's even --
14 and the Commissioners did as well, so I don't think
15 he's appearing. And the only witness that the
16 Sierra Club wants to ask questions of is
17 Mr. Michels, from us anyway. So we'll have
18 Mr. Michels here tomorrow morning.

19 JUDGE WOODRUFF: Let's go ahead and
20 start at ten o'clock tomorrow, and we'll see you
21 then.

22 MR. DOWNEY: Judge, may the MIEC be
23 excused from the Labadie issue?

24 JUDGE WOODRUFF: Certainly.

25 MR. DOWNEY: And what time would you

1 start on Monday?

2 JUDGE WOODRUFF: I presume 8:30.

3 MR. DOWNEY: Thank you.

4 JUDGE WOODRUFF: Thank you.

5 (WHEREUPON, the hearing was recessed

6 at 12:03 p.m.)

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C E R T I F I C A T E

STATE OF MISSOURI)

) ss.

COUNTY OF COLE)

I, Kellene K. Feddersen, Certified
Shorthand Reporter with the firm of Midwest
Litigation Services, do hereby certify that I was
personally present at the proceedings had in the
above-entitled cause at the time and place set
forth in the caption sheet thereof; that I then and
there took down in Stenotype the proceedings had;
and that the foregoing is a full, true and correct
transcript of such Stenotype notes so made at such
time and place.

Given at my office in the City of
Jefferson, County of Cole, State of Missouri.

Kellene K. Feddersen, RPR, CSR, CCR

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