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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
Public Hearing  
February 20, 2015  
Reeds Spring, Missouri  
Volume 4

In the Matter of The Empire ) File No.  
District Electric Company For ) ER-2014-0351  
Authority To File Tariffs )  
Increasing Rates For Electric )  
Service Provided To Customers In )  
The Company's Missouri Service )  
Area )

KIM S. BURTON, Presiding,  
REGULATORY LAW JUDGE  
  
WILLIAM KENNEY,  
COMMISSIONER.

(Starting time of the proceedings: 12:29 p.m.)

REPORTED BY: KAREN VEST, Registered Professional  
Reporter, Certified Realtime Reporter, and Certified  
Court Reporter within and for the State of Missouri

1 A P P E A R A N C E S

2

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20

21

22

23

24

25

1 \* \* \* \* \*

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

3 IT IS HEREBY STIPULATED that this  
4 hearing may be taken in shorthand by Karen Vest,  
5 RPR, CRR, a Registered Professional Reporter,  
6 Certified Court Reporter, and Certified Realtime  
7 Reporter in the state of Missouri, and afterwards  
8 transcribed into typewriting.

9 (Whereupon, proceedings began at  
10 12:29 p.m. on Friday,  
11 February 20, 2015, with  
12 appearances as noted.)

13 JUDGE BURTON: Let's go ahead and go on  
14 the record in File Number ER-2014-0351 in the Matter  
15 of the Empire District Electric Company For  
16 Authority to File Tariffs Increasing Rates For  
17 Electric Service Provided to Customers in the  
18 Company's Missouri Service Area.

19 Good afternoon, everyone. My name is  
20 Kim Burton. I am a judge with Missouri Public  
21 Service Commission, and I have with me here today  
22 Mr. Bill Kenney, who is with the commission.

23 COMMISSIONER KENNEY: Welcome. I  
24 appreciate all of you attending. My name is Bill  
25 Kenney. I'm one of five public service

1 commissioners.

2           You'll notice that we have a court  
3 reporter over here, and she is here -- all the  
4 information that you provide today or you discuss  
5 will go on record, and the other four commissioners  
6 have an opportunity to review that also.

7           As -- I know our staff did an excellent  
8 job of answering your questions and instructing you  
9 on the process, and I'm sure they told you that we  
10 have a hearing starting April 6th and this is the  
11 last of our three public hearings.

12           Appreciate you being here.

13           JUDGE BURTON: Okay. So how this will  
14 work is I'm going to call the individuals from the  
15 list that's been provided, if you've signed up.

16           And I'll ask you to please come forward  
17 and just stand over by the podium, so that that way  
18 you can be recorded. And I'll swear you in, and you  
19 can make your statements.

20           At that point either myself or  
21 Commissioner Kenney might ask some questions to  
22 follow up on your testimony or the parties'  
23 attorneys might ask you some questions. So I please  
24 ask you to stay up there at the podium until you're  
25 done.

1                   Now if someone testifies to something  
2                   and you don't feel the need to testify and you just  
3                   want to reiterate what they've said, you can state  
4                   that, or if you haven't signed up but would like to  
5                   at the end of the list, I'm going to provide that  
6                   opportunity to anyone who wants to testify.

7                   At this point I'm going to go ahead and  
8                   ask the attorneys to enter their appearance for the  
9                   record. And we'll go ahead and start with Empire.

10                  MS. CARTER: Diana Carter with Brydon  
11                  Swearngen & England, PO Box 456, Jefferson City,  
12                  Missouri, 65102, for the Empire District Electric  
13                  Company.

14                  JUDGE BURTON: Thank you. And the  
15                  Office of Public Counsel?

16                  MR. OPITZ: Thank you, Judge. For the  
17                  Office of Public Counsel, I'm Tim Opitz. My address  
18                  is PO Box 2230, Jefferson City, Missouri, 65102.

19                  JUDGE BURTON: Thank you. And on  
20                  behalf of the staff of the Missouri Public Service  
21                  Commission?

22                  MR. BERLIN: Thank you, Judge. Bob  
23                  Berlin appearing on behalf of the staff of the  
24                  Missouri Public Service Commission, Post Office Box  
25                  360, Jefferson City, Missouri, 65102.

1 JUDGE BURTON: Okay. Thank you. At  
2 this point I would ask P. J. Wilson to please step  
3 forward.

4 AUDIENCE MEMBER: I'm P. J. Wilson.

5 JUDGE BURTON: Okay. If you could just  
6 stand up over here, that way everyone can see you  
7 and we can go ahead and have you recorded as well.  
8 Now please raise your right hand.

9 (A witness is called to the stand  
10 and is placed under oath by Judge  
11 Burton.)

12 \* \* \* \* \*

13 P. J. WILSON,  
14 of lawful age, having been called as a witness and  
15 being first duly sworn, was examined and testified  
16 as follows:

17 JUDGE BURTON: Please state your name  
18 for the record.

19 AUDIENCE MEMBER: P. J. Wilson.  
20 Patrick James Wilson is my full name. I go by P. J.  
21 Wilson.

22 JUDGE BURTON: Okay. You can go ahead  
23 and offer your testimony.

24 AUDIENCE MEMBER: Okay. Great. I'm  
25 the director of Renew Missouri, a nonprofit located

1 in Columbia, Missouri. Do you need my address  
2 there?

3 JUDGE BURTON: Yeah, if you would like.

4 AUDIENCE MEMBER: My address there is  
5 910 East Broadway, Suite Number 205, Columbia,  
6 Missouri, 65201.

7 The mission of my nonprofit is to  
8 transform Missouri into a leading state in renewable  
9 energy and energy efficiency by 2016, which is just  
10 right around the corner so it's timely this rate  
11 case is going on now.

12 So my comments today will just pertain  
13 to renewable energy and energy efficiency.

14 And as I mentioned earlier, we're not  
15 an intervenor in this case, so we haven't seen the  
16 all the details of it, so I'll just be speaking to  
17 what my knowledge of the case is on a couple of  
18 different points.

19 One is raising the minimum -- a  
20 customer charge or the base rate, whatever that's  
21 referred to as the minimum bill, from the \$12 to \$18  
22 a month is something that we object it to.

23 We're seeing -- from an energy  
24 efficiency or renewable energy standpoint is we're  
25 seeing what appears to be kind of a

1 well-orchestrated campaign nationwide where  
2 utilities are advocating for raising the base rate  
3 and for a variety of reasons, I'm sure.

4 But from our perspective for renewable  
5 energy and energy efficiency, you imagine someone  
6 that has a house and they retrofit the house to be  
7 energy efficient. They put solar panels on their  
8 roof and do everything they can to get their energy  
9 use down or supply some of their own power.

10 Raising that base rate sort of can  
11 negate the investments they've made in energy  
12 efficiency and renewable energy, and it also upsets  
13 some of the people that sell renewable energy and  
14 energy efficiency products because --

15 THE REPORTER: Sir?

16 AUDIENCE MEMBER: Oh, I'm sorry.

17 THE REPORTER: Would you please slow  
18 down?

19 AUDIENCE MEMBER: Okay. Okay. You're  
20 trying to type all this up. Yeah, okay.

21 So when businesses go to sell things  
22 like home energy audits and installing more  
23 insulation and more modern windows and that kind of  
24 thing and solar panels on a roof, they do forecasts  
25 of how long it will take for those investments to



1 pay for themselves.

2           And they need to make a guess about  
3 what's going to happen to the price of electric  
4 rates in the future, assuming that the electric  
5 rates are going to go up by a certain percentage  
6 each year and whatnot.

7           But if that base rate goes up, then  
8 even if a customer does everything they can possibly  
9 do to make their home energy efficient and use  
10 energy conservation measures and put solar on their  
11 roof, they would still be subject to that minimum  
12 bill no matter what investments they make in energy  
13 efficiency and renewable energy.

14           And as was mentioned earlier, if  
15 someone has more than one meter, then it doubles,  
16 triples, or quadruples or quintuples that impact on  
17 them.

18           So as we're encouraging people to  
19 invest more in energy efficiency and renewable  
20 energy, if the base rate goes up, then it becomes a  
21 disincentive for people to make those investments in  
22 efficiency or renewable energy.

23           So this is something that we have  
24 opposed in other rate cases and will -- even though  
25 we're not intervenors in this, we're opposed to the

1 concept of raising the base rate. We would like to  
2 see it stay at where it is now, around the \$12  
3 level. \$12 a month level.

4 Another thing to comment on, we're  
5 seeing that a large portion of this proposal to  
6 raise rates has to do with environmental retrofits  
7 for our coal plant, and we think that there are a  
8 lot more costs that are coming down the road because  
9 of other environmental regulations that are in the  
10 pike right now, specifically the carbon rules that  
11 are close to being finalized by the EPA.

12 So we would strongly encourage Empire  
13 to take the farthest looking reach into the future  
14 when doing financial cost evaluations.

15 You know, at some point you stop  
16 putting money in old technology if it's -- if you  
17 can get a better return for your investment by  
18 putting it in newer technology.

19 So we would just question whether  
20 this -- whether this environmental retrofit is  
21 actually necessary, or if it's that amount of money  
22 should have been spent on energy efficiency programs  
23 or renewable energy or more modern technology, again  
24 because this probably is not the last retrofit that  
25 will have to happen.

1                   We're anticipating more environmental  
2 regulations coming down at the federal level,  
3 perhaps at the state level as well.

4                   So I just want to note that we  
5 encourage utilities to ramp up their investments in  
6 efficiency and renewable because we're seeing a  
7 larger customer command demand for those  
8 technologies than from keeping investing in those  
9 old coal power plants.

10                  I had to make that decision with my old  
11 Toyota Corolla once it had 350,000 miles on it.  
12 Every time it would break down, I would have to  
13 decide if I was going to invest another \$500 to keep  
14 it going or not.

15                  As long as I remembered to dump a  
16 quarter of oil in it every four or five tanks of  
17 gas, then I kept that thing going, milked that  
18 thing for a long time. But at some point you've got  
19 to say, "Hey, maybe we should invest in something  
20 new."

21                  Also a comment that we have, that with  
22 Renew Missouri, we have about 900 people that are  
23 supporters of ours that are also in Empire's  
24 territory.

25                  And so I'm not here authorized to speak

1 on their behalf in this case today, but we are in  
2 pretty close contact with our supporters, and so I'm  
3 to some extent speaking on behalf of the  
4 organization that I manage and the customers that  
5 are in the Empire territory.

6 And certainly supporters of Renew  
7 Missouri are in favor of -- would rather see more  
8 investments in efficiency and renewable than more  
9 investments in keeping the old coal plants going.  
10 That's all I got.

11 JUDGE BURTON: Okay. Thank you.

12 COMMISSIONER KENNEY: Mr. Wilson, you  
13 mentioned you have 900 members in Empire  
14 approximately?

15 AUDIENCE MEMBER: Yeah, in supporters.  
16 We're not a membership-based organization. So when  
17 I say supporters, it's people that are -- that have  
18 taken some action in past.

19 COMMISSIONER KENNEY: They interact  
20 with you?

21 AUDIENCE MEMBER: Yeah.

22 COMMISSIONER KENNEY: How many  
23 statewide?

24 AUDIENCE MEMBER: It's about 10,000  
25 statewide.

1 COMMISSIONER KENNEY: Thank you. No  
2 more questions. Thank you very much.

3 AUDIENCE MEMBER: Thank you.

4 JUDGE BURTON: Any questions from  
5 Empire?

6 MS. CARTER: I have just a couple  
7 questions. Mr. Wilson, are you a paid employee of  
8 Renew Missouri?

9 AUDIENCE MEMBER: Yes. I'm the  
10 director. It's my full-time job.

11 MS. CARTER: And are you an Empire  
12 customer?

13 AUDIENCE MEMBER: I'm not. I live in  
14 Columbia, Missouri, Columbia Water & Light is my  
15 personal -- my utilities provider.

16 MS. CARTER: That's all the questions I  
17 have. Thank you.

18 JUDGE BURTON: Okay. And staff?

19 MR. BERLIN: I have no questions.  
20 Thank you.

21 MR. OPITZ: Not from me, judge.

22 JUDGE BURTON: Okay. Thank you,  
23 Mr. Wilson.

24 AUDIENCE MEMBER: I guess I can stop  
25 swearing to tell the truth now.

1 (The witness is excused.)

2 JUDGE BURTON: Okay. Next the  
3 commission will hear from Jim Evans.

4 (A witness is called to the stand  
5 and is placed under oath by Judge  
6 Burton.)

7 \* \* \* \* \*

8 JIM EVANS,  
9 of lawful age, having been called as a witness and  
10 being first duly sworn, was examined and testified  
11 as follows:

12 AUDIENCE MEMBER: Can I do this like a  
13 marriage? I do?

14 JUDGE BURTON: You can.

15 AUDIENCE MEMBER: I do.

16 JUDGE BURTON: Okay. Please state your  
17 name for the record.

18 AUDIENCE MEMBER: Jim Evans.

19 JUDGE BURTON: Okay. You may proceed.

20 AUDIENCE MEMBER: And I live in  
21 Republic and I am an Empire customer. And I will  
22 tell you straight off, my testimony today is  
23 basically going to be that I'm going to send you an  
24 email.

25 But I just want to tell you a little

1 bit about myself. I am a customer on Empire. In  
2 2010 I built a net-metered solar energy -- solar  
3 array at my house, so I am also a supplier of  
4 electricity to Empire. I produce about 12 megawatts  
5 of power per year that goes into the system.

6 I am a stockholder, have about 5,000  
7 shares of Empire Electric stock in my portfolio. So  
8 I am all three: a producer, a customer, and an  
9 owner of the company.

10 And one of the things that I will talk  
11 to you about, and I would like to put it in better  
12 words.

13 But I just want to emphasize that my  
14 position is I want to have a strong company that  
15 provides me low rates that makes -- that gives  
16 others on the system incentives to invest in  
17 alternate energy like I have.

18 So it's kind of an interesting balance  
19 that I feel like we need to try to meet. And as  
20 P. J. was saying, one of the things I think we are  
21 concerned about is the customer charge, because if  
22 you -- if they try to offset their costs by raising  
23 customer charges, then I liken it to taxes.

24 You know, if we try to collect money  
25 off poor people, then we just make people poorer and

1 make it harder to collect taxes.

2 And so I feel like the -- the rates  
3 need to -- they need to raise the money by raising  
4 rates, not by customer charges, because the people  
5 who use the most electricity should be paying the  
6 most, and in the process, we encourage efficiency so  
7 those that are using the most become more efficient  
8 consumers.

9 And so that's one of the things that I  
10 will be putting into the report that I give you.

11 JUDGE BURTON: Okay.

12 AUDIENCE MEMBER: Thank you.

13 JUDGE BURTON: Any questions?

14 COMMISSIONER KENNEY: No, no questions.

15 Thank you very much.

16 JUDGE BURTON: Any questions from

17 Empire?

18 MS. CARTER: No questions. Thank you.

19 JUDGE BURTON: Staff?

20 MR. BERLIN: No questions. Thank you.

21 JUDGE BURTON: Thank you, Mr. Evans.

22 (The witness is excused.)

23 JUDGE BURTON: All right. Next the

24 commission will hear from Leroy Smith.

25 (A witness is called to the stand



1 and is placed under oath by Judge  
2 Burton.)

3 \* \* \* \* \*

4 LEROY SMITH,  
5 of lawful age, having been called as a witness and  
6 being first duly sworn, was examined and testified  
7 as follows:

8 JUDGE BURTON: Will you please state  
9 your name.

10 AUDIENCE MEMBER: My name is Leroy  
11 Smith. I live in Ozark, and I'm a retired truck  
12 driver. And it just seems like it was my electric  
13 just got out of -- out of hand this year.

14 And I just wanted to know if there's  
15 anything like a solar system or something that I  
16 could maybe cut it down with.

17 JUDGE BURTON: Okay. We're only  
18 allowed to hear your testimony right now, but there  
19 are members of the staff and the OPC and the company  
20 here who, after we go off the record, I'm sure will  
21 be willing to talk to you and answer any questions  
22 you might have.

23 COMMISSIONER KENNEY: And I'm sure  
24 Renew Missouri can help you on that also.

25 JUDGE BURTON: Yeah.

1 AUDIENCE MEMBER: That's all I have to  
2 say. It just seems like it went kind of out of sync  
3 this year.

4 JUDGE BURTON: Okay.

5 AUDIENCE MEMBER: And I just want to  
6 know why.

7 JUDGE BURTON: Okay. Well, I'm sure  
8 there will be plenty of people here who would like  
9 to talk to you afterwards. All right.

10 AUDIENCE MEMBER: Thank you.

11 JUDGE BURTON: Any questions? All  
12 right.

13 COMMISSIONER KENNEY: Thank you, sir.

14 JUDGE BURTON: All right. Thank you.

15 (The witness is excused.)

16 JUDGE BURTON: Now Mr. Smith is the  
17 last individual I have who has provided their name  
18 on the sheet. Are there any other individuals here  
19 who would like to go ahead and testify?

20 Okay. Well, seeing no hands, I'm going  
21 to go ahead and say thank you very much, everyone,  
22 for your participation here today, and I hope you  
23 have a good afternoon. And we're going to go ahead  
24 and go off the record.

25 (Whereupon, the proceedings were

1 concluded at 12:44 p.m. on Friday,  
2 February 20, 2015.)  
3 (No exhibits were marked during  
4 the course of these proceedings.)

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CERTIFICATE OF REPORTER

I, Karen Vest, Registered Professional Reporter, Certified Realtime Reporter, and Certified Court Reporter within and for the State of Missouri, do hereby certify that I was personally present at the taking of the proceedings as set forth in the caption sheet hereof; that I then and there took down in stenotype the proceedings had at said time; and that the foregoing is a full, true, and accurate transcription of such stenotype notes so made at such time and place, all to the best of my skill and ability.

Karen Vest, RPR, CRR,  
Missouri CCR No. 846

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