

In the Matter of:

THE EMPIRE DIST. ELECTRIC COMPANY'S REQUEST FOR AUTHORITY TO FILE

ER-2019-0374 VOL. I

September 20, 2019



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Pre-Hearing Conference
September 20, 2019
Jefferson City, Missouri
Volume 1

In The Matter Of The Empire)
District Electric Company's)
Request For Authority To File)
Tariffs Increasing Rates For) File No. ER-2019-0374
Electric Service Provided To)
Customers In Its Missouri)
Service Area)

JOHN T. CLARK, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
TIGER COURT REPORTING, LLC

A P P E A R A N C E S

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P R O C E E D I N G S

1
2 JUDGE CLARK: Let's go on the record. It is
3 September 20, 2019, and it is now 10:00 a.m. This is
4 Room 305 of the Governor Office Building. The
5 Commission has set aside this time for a Pre-hearing
6 Conference in the case captioned as In the Matter of the
7 Empire District Company's Request for Authority to File
8 Tariffs Increasing Rates for Electric Service Provided
9 to Customers in its Missouri Service Area and that is
10 File No. ER-2019-0374.

11 My name is John Clark. I'm the Regulatory Law
12 Judge in this matter. I'm going to begin by asking the
13 attorneys to enter their appearance for the record
14 starting with the Empire District.

15 MS. CARTER: Diana Carter for The Empire
16 District Electric Company. My address is 428 East
17 Capitol Avenue, Suite 303, Jefferson City, Missouri,
18 65101.

19 JUDGE CLARK: Thank you. For the Commission
20 Staff.

21 MS. PAYNE: Whitney Payne on behalf of the
22 Staff of the Missouri Public Service Commission, 200
23 Madison Street, Suite 800, Jefferson City, Missouri,
24 65102.

25 JUDGE CLARK: Thank you. For the Office of

1 the Public Counsel.

2 MR. WILLIAMS: Nathan Williams appearing on
3 behalf of the Office of the Public Counsel and the
4 public, and I've provided my contact information to the
5 court reporter.

6 JUDGE CLARK: Thank you. For the National
7 Housing Trust. Anybody from the National Housing Trust?
8 Midwest Energy Consumers Group.

9 MR. WOODSMALL: David Woodsmall on behalf of
10 Midwest Energy Consumers Group.

11 JUDGE CLARK: Thank you. Anyone present for
12 The Empire District Retired Members and Spouses
13 Association?

14 MR. JARRETT: Yes, good morning, Judge. Terry
15 Jarrett appearing on behalf of the Empire District
16 Retired Members and Spouses Association, and I've
17 provided my contact information to the court reporter.

18 JUDGE CLARK: Thank you. For the Natural
19 Resources Defense Council.

20 MR. ROBERTSON: Yes, Judge. For NRDC and
21 Sierra Club, Henry Robertson, Great Rivers Environmental
22 Law Center, 319 North 4th Street, Suite 800, St. Louis,
23 63102.

24 JUDGE CLARK: Thank you. And the Missouri
25 Division of Energy.

1 MR. WESTEN: Yes, Judge, thank you. Jacob
2 Westen appearing on behalf of the Missouri Division of
3 Energy, which is a part of Missouri Department of
4 Natural Resources. My contact information has been
5 provided to the court reporter.

6 JUDGE CLARK: Thank you. I'm just going to
7 say for the record the Missouri Division of Energy
8 applied for intervention on the 9th. Yesterday was the
9 19th. Ten days have passed. So that intervention will
10 be granted.

11 MR. WESTEN: Thank you, Judge.

12 JUDGE CLARK: Some other groups have also
13 applied for intervention at this point. Empire District
14 SERP Retirees and the International Brotherhood of
15 Electrical Workers, Local Unions 1464 and 1474 have
16 requested intervention. Are there any objections at
17 this time to those parties be granted intervention?

18 MS. CARTER: No objection.

19 JUDGE CLARK: Okay. I hear no objections. So
20 those parties will also be granted intervention and
21 notice will go out today. Is there anybody I've missed?

22 MR. OPITZ: Yes, Judge. Tim Opitz on behalf
23 of Renew Missouri.

24 JUDGE CLARK: This is the second time I've
25 done this to you, Mr. Opitz. I'm really not doing it on

1 purpose.

2 MR. OPITZ: That's quite all right. My
3 address is 409 Vandiver Drive, Building 5, Suite 205,
4 Columbia, Missouri, 65202.

5 JUDGE CLARK: Thank you, Renew Missouri. I
6 appreciate it. Is there anybody else who I have
7 inadvertently missed?

8 Okay. Are there any preliminary matters or
9 pending motions at this time? Hearing none, I'm going
10 to go ahead. This is kind of the usual meet and greet.
11 This is the first pre-hearing conference we have in
12 regard to a rate case.

13 Usually at this time, and this is not going to
14 break from the usual, usually at this time what I ask
15 the parties to do is to try and cobble together within a
16 period of time a procedural schedule from which to work.
17 To give you an idea of how I think about things, I
18 generally go about two months back from the operation of
19 law date and that's when I want to see reply briefs. So
20 I've got an operation of law date on this of July 11
21 right now with the full time that the tariff has been
22 suspended and that would make reply briefs roughly
23 Monday, May the 11th.

24 So as long as reply briefs hit that day, I'm
25 pretty flexible prior to that with how much time you

1 want to give yourselves for initial briefs and when you
2 would like to do the hearing. I know there was a
3 request to leave the phone bridge open today so that all
4 the parties could communicate and try and get that done.
5 The phone bridge I believe I have set to stay open until
6 12:30, which should be enough time to get something
7 done.

8 I'm also going to leave a copy of the
9 Commission's -- the ALJ calendar running through the
10 operation of law date so that you'll have something from
11 which to work. And I'd like to see the usual case
12 events, I don't think I have to enumerate what those
13 are, in between now and then.

14 MR. WILLIAMS: Judge, with regard to events,
15 this is Nathan Williams, are you intending to have
16 discovery conferences on a regular basis?

17 JUDGE CLARK: If that's what the parties would
18 like. I'm actually pretty flexible with that. That
19 would be my preference because I like to have those
20 simply so that we don't get up to the end and somebody
21 say oh, well, we didn't get this answered months ago.
22 It would be preferable if there were two to three
23 discovery conferences.

24 That's really all I have. Is there anybody
25 else that has any matters that need to be addressed by

1 the Commission?

2 MR. WOODSMALL: Do we have a date on which to
3 submit the procedural schedule? Has that already been
4 set out?

5 JUDGE CLARK: That has not. That's actually
6 an excellent point.

7 MR. WOODSMALL: We could do it by July 11.

8 MS. PAYNE: Sometime between now and July 11.

9 JUDGE CLARK: That's going to leave you with
10 some compressed briefing time I can say that. It's
11 going to be a very, very short decision. So given that
12 this is slightly larger than other kinds of cases we do,
13 is a week sufficient?

14 MS. PAYNE: That's fine.

15 MS. CARTER: That should be fine.

16 JUDGE CLARK: Why don't we go until the 27th
17 for the procedural schedule to be due. I'm not going to
18 issue an order in regard to that. I'll just expect to
19 see one. Staff, can you be responsible for filing that
20 on behalf of the parties?

21 MS. PAYNE: Yes, we can.

22 JUDGE CLARK: Thank you. Are there any other
23 issues that need to be addressed by the Commission
24 before we go off the record? As I said, I'll leave a
25 copy of the calendar, and good luck cobbling together a

1 procedural schedule. This pre-hearing conference is
2 adjourned and we'll go off the record.

3 (Off the record.)
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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within the State of Missouri, 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.

Beverly Jean Bentch

Beverly Jean Bentch, CCR No. 640

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