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IN THE STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

LOCAL PUBLIC HEARING  
FEBRUARY 3, 2020  
BOLIVAR, MISSOURI  
VOLUME 3

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  
Scott T. Rupp, Commissioner

REPORTED BY: Jennifer Norman, CCR, State of Arkansas,  
License No. 768

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1           JUDGE CLARK: Okay. I'm going to call the  
2 public comment session to order. Let's go on the record  
3 now. Good afternoon. It is February the 3rd of 2020 at  
4 12:35 p.m., and we're in Bolivar, Missouri.

5           The Missouri Public Service Commission has set  
6 aside this time for a local public hearing in file  
7 number ER-2019-0374, a general rate case, which is  
8 captioned as: In The Matter of Empire District Electric  
9 Company's Request For Authority to File Tariffs  
10 Increasing Rates For Electric Service Provided to  
11 Customers in Its Missouri Service Areas.

12           My name is John Clark. I'm the regulatory law  
13 judge presiding over this hearing.

14           The Missouri Public Service Commission  
15 regulates the rates charged by investor-owned utility  
16 companies in Missouri to ensure that the rates are just  
17 and reasonable. The Commission also regulates the  
18 quality of service and the safety of operation of  
19 investor-owned utilities.

20           The Commission is made up of five  
21 commissioners. With me today is  
22 Commissioner Scott Rupp.

23           Commissioner Rupp, do you have any comments  
24 you'd like to open with?

25           COMMISSIONER RUPP: No. Welcome.

1           JUDGE CLARK: Okay. The court reporter is  
2 transcribing this hearing so that the other  
3 commissioners may review the comments that are made at  
4 this comment session.

5           I'm going to begin by asking counsel to  
6 enter their appearance for the record, starting with the  
7 Empire District Electric Company.

8           MS. CARTER: Diana Carter for the Empire  
9 District Electric Company. I've provided my contact  
10 information to the court reporter.

11          JUDGE CLARK: Thank you, Ms. Carter.  
12 For the Commission staff?

13          MS. PAYNE: Whitney Payne on behalf of the  
14 staff of the Missouri Public Service Commission, and I  
15 have also provided my contact information to the court  
16 reporter.

17          JUDGE CLARK: Thank you, Ms. Payne.  
18 From the Office of Public Counsel?

19          MR. WILLIAMS: Nathan Williams, and I've  
20 provided my information to the court reporter, as well.

21          JUDGE CLARK: Thank you, Mr. Williams.

22          Are there any intervenors present? I hear  
23 nothing and see no hands.

24          For those who would like to provide  
25 comments today, I'm going to call the names listed on

1 the sign-up sheet in the order they appear.

2           When I call your name, please stand up. I'll  
3 place you under oath and ask you to state and spell your  
4 name, and then you can offer your comments to the  
5 Commission.

6           We seem to have a fairly packed house today, so  
7 I'm going to request you be courteous and limit your  
8 comments to an appropriate amount of time so that  
9 everybody who wants to speak can speak.

10           After I've gone through the list of people  
11 that have signed up to speak, I will ask if anybody else  
12 would like to offer comments to the Commission. At that  
13 time, if you'd like to, I'll have you stand up and state  
14 your name, and I'll swear you in.

15           Also, please remain standing until I've  
16 asked you to have a seat, because the Commission may  
17 have some questions for you or the attorneys may have  
18 some questions for you. If the attorneys have a  
19 question, if they can just let me know, you can  
20 interrupt me at that time.

21           Now, the Commission won't be able to answer  
22 your questions today, and that's because they have to  
23 remain impartial until after the evidence is presented  
24 at the evidentiary hearing. If you have any questions  
25 or are left with any questions today, please speak to

1 representatives of the Company, the Commission staff, or  
2 the Office of the Public Counsel.

3           Also, please be polite and courteous to  
4 everyone speaking and treat them as you would like to be  
5 treated. Okay. With that, I'll start calling names.

6 Jay Helm. Mr. Helm, good morning.

7           MR. HELM: Good morning.

8           JUDGE CLARK: Would you raise your right hand  
9 to be sworn.

10                                           JAY HELM,  
11 having been first duly sworn, testified as follows:

12           JUDGE CLARK: Would you please state and spell  
13 your name.

14           MR. HELM: Jay Helm, H-e-l-m.

15           JUDGE CLARK: Mr. Helm, what would you like to  
16 tell the Commission today?

17           MR. HELM: Well, I don't think the increase is  
18 justified or just, and I don't think it's called for. I  
19 worked my entire life in the oil and gas industry,  
20 worked in all of the major coalfields.

21           I am a cryogenic specialist; I oversee  
22 construction of midstream extraction facilities; the --  
23 so I know a little bit about the cost and what contracts  
24 and how companies buy and purchase their product, or  
25 their fuel, in advance and what those contracts are

1 like. I've had some dealing with them.

2 My experience with Liberty has been --  
3 well, first of all, let me start off this way: My  
4 little town of Wheatland, Missouri, here, which I have  
5 bought some property in the last few months that brought  
6 me into this, is made up of social -- probably half of  
7 our demographics, or maybe even more, are fixed-income,  
8 Social Security, check-to-check people. That's what  
9 they live on. All right?

10 They can't really even support our  
11 utilities inside our city, with our water, sewer, since  
12 we have loans with the Department of Agriculture and  
13 others, and so the rate increase really hits them hard.  
14 Okay?

15 Now, that being said, let's get back to  
16 what I consider to be Liberty's responsibility here, was  
17 to tell us, "All right. This is what we're getting our  
18 electricity out -- to the end user, this is roughly what  
19 we've got in it per kilowatt-hour, and this is roughly  
20 what" -- you know, so we as consumers, and you as the  
21 governing body, can see what that differential is.

22 Because like we've stated, we know -- some  
23 of us know what you can buy it for. We know what our  
24 utilities are. I have five -- I think four accounts  
25 with Liberty, and I have three with Southwest, a co-op,

1 private owned.

2                   They're a thousand, on average, across  
3 my -- Southwest, I'm paying a little under \$0.09 a  
4 kilowatt, all in, everything, to my properties.  
5 Liberty, I'm running closer to 15, and that's all in.  
6 So that's a wide enough margin right there to -- I think  
7 that's evidence right there that they don't need an  
8 increase that would basically reward them for  
9 inefficient, because obviously they've either got too  
10 much overhead, their production costs are too high,  
11 their transmission cost is too high.

12                   I can tell you, inside our little town  
13 there is zero maintenance, line maintenance, zero line  
14 maintenance. It's -- I could probably take NEC Code 70  
15 and walk through there and come up with pages in one day  
16 of stuff that just ain't right. You know, so they're  
17 not spending on the infrastructure. I'm not seeing it's  
18 being spent on the infrastructure.

19                   We know that the cost per kilowatt-hour to the  
20 end consumer is more -- or I can prove that with my  
21 data, that I have for me anyway, is more than what the  
22 co-op is charging.

23                   I understand they're publicly traded, they  
24 have to make money. But they also have their own  
25 generating; they don't have to buy it off the grid. And



1 if they can't generate it cheaper than they buy it off  
2 the grid, then they need to shut the coal-fired plants  
3 down and get them out, and we can all breathe a little  
4 better, maybe.

5                   So, of course, I'm natural gas, so I'm for  
6 natural gas, and I wish we all would have converted to  
7 natural gas years ago. But anyway. I don't think they  
8 have met their burden to the Commission and to the  
9 Public Counsel here to justify their rate increase; and  
10 until they do or can, and we can see it in a layman's  
11 term where all of us can look at it and say, "Yep, you  
12 know, it's fair to give them some more money." But I  
13 don't see that they need a rate increase and I don't see  
14 that they need an extension on the fuel adjustment  
15 clause.

16                   The fuel adjustment clause was put in back  
17 when we were paying almost four dollars a gallon for  
18 gasoline. And when we were building plants back then,  
19 we were having to bid -- a bid on copper was only  
20 worth -- was only good for 48 hours. Fuel, we were  
21 having to put surcharges on fuel because the price was  
22 going up every day. You know?

23                   So I understand what was happening then,  
24 but it's not now. The fuel is cheap, natural gas is  
25 cheap, oil is cheap, so the fuel adjustment charge, in

1 my opinion, should be done. It should be, "Let's figure  
2 out what it is right now," and then eliminate it.  
3 There's no need for a fuel adjustment charge. We don't  
4 have those specific, special problems that we had back  
5 in '06 and '07. And I'm just going to leave it at that  
6 so I can't rant and rave.

7 JUDGE CLARK: Mr. Helm, stay standing for just  
8 a second.

9 MR. HELM: Sorry.

10 JUDGE CLARK: So you had mentioned that you had  
11 not seen any maintenance work done in your town in quite  
12 a while; is that correct?

13 MR. HELM: Well, I've -- for fairness, I've  
14 only been -- I've only owned property there for five  
15 months. Now, I've been there. Me and Mr. Parsons grew  
16 up there in that -- outside of that town and went to  
17 school in that school down there. But -- and I own his  
18 parents' house, but that don't have anything to bear  
19 with it.

20 You know, I've only been there for five  
21 months, but like I say, I have a little more experience  
22 than most people because I've had to work with  
23 utilities, I've had to bring it in from the primary,  
24 take it from the transformer secondary and bring -- and  
25 build it myself, or build it through my contractors.

1                   So I know what's right and what's wrong,  
2 and these -- there's freaking lines going through trees,  
3 and these trees are limbs this big; they just didn't  
4 grow up around it, you know.

5                   Now, we pay an access fee to Southwest, but  
6 they're out there trimming. And I don't like it because  
7 I pay about \$100 a month access fees with all my  
8 accounts, but at least you can see something happening.  
9 You can see the lines.

10                  I can tell you, by my property there's  
11 places -- I mean, you can see the lines, but they're  
12 running through the freaking trees. You know, so I'm  
13 not seeing any maintenance. I don't see the trucks. I  
14 don't see anything.

15                  JUDGE CLARK: Have you had any service issues?

16                  MR. HELM: No, because I'm cutting them off. I  
17 bought a trailer park, an old trailer park that happened  
18 to be full of one of our other problems, our meth; so  
19 I'm cleaning that up so we can repurpose that,  
20 hopefully, in the community into a better deal for  
21 better housing is what I'm doing with it.

22                  So I had eight services, and I'm down to --  
23 that I inherited. So I had eight meters -- nine meters.  
24 Nine meters. All right. So I had nine meters out there  
25 on these properties. So I had to identify them all,

1 look at them, all the feeds, and I'm down to, I think,  
2 four active meters right now.

3 JUDGE CLARK: Okay. Thank you, Mr. Helm.

4 MR. WILLIAMS: I do have a couple questions.

5 JUDGE CLARK: Go ahead, Mr. Williams.

6 MR. WILLIAMS: Mr. Helm, I believe you  
7 mentioned something called C [sic] Code 70. Would you  
8 briefly explain what that is?

9 MR. HELM: NEC Code 70. National Electronic  
10 Code 70.

11 UNIDENTIFIED SPEAKER: NFPA Code 70. NEC.

12 MR. WILLIAMS: And then you visually said what  
13 size the tree limbs were. Could you give an approximate  
14 diameter so that somebody reading will have an idea of  
15 what you were showing visually?

16 MR. HELM: Certainly. I will say I have lines  
17 going through -- the largest are through a tree with  
18 limbs of five inches in diameter; I would say that would  
19 be the largest. I would say that the average is  
20 probably two.

21 MR. WILLIAMS: Thank you.

22 JUDGE CLARK: Thank you for clarifying that.  
23 Nicole Tyler.

24 Ms. Tyler, would you raise your right hand  
25 to be sworn.

1                                   NICOLE TYLER,  
2 having been first duly sworn, testified as follows:

3                   JUDGE CLARK: Would you please state and spell  
4 your last name for the record.

5                   MS. TYLER: Nicole Tyler, T-y-l-e-r.

6                   JUDGE CLARK: And what would you like to tell  
7 the Commission today?

8                   MS. TYLER: I purchased my home in Buffalo in  
9 October of 2018, and by mid-February, I moved out. I've  
10 been paying the house payment and paying the  
11 excruciatingly high electric bills even though I'm not  
12 living there.

13                               I've had my house tested by licensed  
14 electricians to make sure that I am getting gypped by my  
15 electric company. I've had plastic on all my windows  
16 and doors; I've done -- I've closed off bedrooms; I've  
17 put in a programmable thermostat.

18                               I haven't been living there since February  
19 of 2019 because of this electric company. It was my  
20 first home I purchased by myself. I have no children in  
21 the home. There's no reason -- and I work ten-hour  
22 days. There's no reason my electric bill should be  
23 upwards of \$200 to \$400 a month. I do not use 1,000  
24 kilowatts per hour during the day when I am gone at  
25 work, and that is what my meter is showing.

1 I've written letters to PSC; I've written  
2 letters to the Federal Energy Regulation Commission, or  
3 whatever they're called, and I've written letters to  
4 everybody that, you know, anybody could have  
5 recommended, because here I was excited; I bought my own  
6 home by myself. 40 years old, and I can't even afford  
7 it because of this electric company.

8 I've put in all new insulation, new walls,  
9 drywall, six-millimeter-thick plastic on the walls to  
10 ensure extra insulation, new flooring, all new  
11 appliances, for which the first two months I lived  
12 there, I didn't even have appliances but, yet, my bill  
13 was over \$200 a month. Explain that.

14 I have brand-new appliances. My water  
15 heater is not testing irregularly. I've had my furnace  
16 tested by a licensed electrician. It's showing that I'm  
17 getting screwed. Excuse my French. I'm only waiting  
18 this out because -- because I'm going to sell because I  
19 want out of there and I want away from these people.

20 But I feel bad for a lot of the people that  
21 are dealing with this, as well, and I'm very fortunate  
22 that I've been able to live outside of my home and still  
23 pay my bills. But until I don't have to pay a tax by  
24 selling my house too soon, I'm waiting it out, and I'm  
25 trying my best to put upgrades into my home so that the

1 next person that lives there doesn't have to get this  
2 same feeling, because it's wrong.

3                   I think I've done everything I could  
4 possibly do. I put in new light fixtures. I use LED  
5 lighting. I block off portions of my home so I don't  
6 have to worry about it. My thermostat in the winter is  
7 set at 57, 58 roughly. So I don't have to worry about  
8 it, because I'm not living there. The only thing I have  
9 to do is prevent my water pipes from freezing right now.  
10 I go there and check on it daily.

11                   I have battery-operated surveillance  
12 cameras in my house that tell me the temperature of my  
13 home, which would justify why my furnace is not running  
14 constantly.

15                   I think I've pretty much covered my bases  
16 as much as I possibly could to try to prevent this from  
17 keeping on going. And there's inconsistencies  
18 throughout my bills for the whole last year that I've  
19 not lived there, and it doesn't make any sense as far as  
20 the usage is concerned on the back that explains it all.

21                   I've kept records and pictures of my meter  
22 readings, just like Jay did, and I've done everything I  
23 could possibly do. And it's going to come down to me  
24 having to sell my house because of this electric  
25 company.

1 JUDGE CLARK: Go ahead, Commissioner.

2 COMMISSIONER RUPP: Thank you for bringing that  
3 to light. What was the response you got from the  
4 Company?

5 MS. TYLER: Everybody told me that they were  
6 not -- my service is running at 100 percent accuracy.  
7 I've got copies of all the e-mails.

8 COMMISSIONER RUPP: Did they send anyone out to  
9 test the meter?

10 MS. TYLER: Liberty said they were going to  
11 send a guy out on a specific day. It was a Monday. I  
12 called off work so I could be there for it. He never  
13 showed. I called Liberty at least five times that day,  
14 and I'm pretty sure they probably knew my phone number  
15 by the end of that whole day, but they never sent  
16 anyone.

17 COMMISSIONER RUPP: Okay. And when you sent  
18 your letters to the staff of the Public Service  
19 Commission, did you get a response?

20 MS. TYLER: I did. And they told me the same  
21 thing, that they had audited my meter and that Liberty  
22 states that my service is running at complete accuracy  
23 and they have no reason to, you know, worry about it.

24 COMMISSIONER RUPP: Did you -- in your letter  
25 to the PSC, did you make an official complaint or did



1 you just --

2 MS. TYLER: Yes, yes.

3 COMMISSIONER RUPP: Okay.

4 MS. TYLER: I made an official complaint.

5 COMMISSIONER RUPP: OKAY. I would ask you to  
6 talk to the staff of the Commission again after this and  
7 talk to them, and we'll make sure this gets checked  
8 into.

9 MS. TYLER: Okay.

10 JUDGE CLARK: Thank you, Ms. Tyler.

11 MR. WILLIAMS: I do have a question or two. I  
12 think it's pretty apparent that you're talking about  
13 electric heat in your furnace and electric water heater.  
14 But would you explicitly say that?

15 MS. TYLER: Yes. Yes, the house is 100 percent  
16 electric, 1,250-square foot, three -- a tri-level is  
17 what they refer to it as. And the basement doesn't have  
18 heat running to it, so it's completely shut off. And I  
19 put draft stops at the bottom of every -- all the doors,  
20 and the house is completely covered in plastic as far as  
21 the windows and the sliding glass door is concerned.

22 MR. WILLIAMS: Thank you for the clarification.

23 JUDGE CLARK: Thank you, Ms. Tyler.

24 MS. TYLER: You're welcome.

25 JUDGE CLARK: Victoria Dvorak. Did I say that

1 right?

2 MS. DVORAK: Yes.

3 JUDGE CLARK: Ms. Dvorak, would you raise your  
4 right hand to be sworn.

5 VICTORIA DVORAK,  
6 having been first duly sworn, testified as follows:

7 JUDGE CLARK: Ms. Dvorak, would you please  
8 state and spell your last name for the court reporter.

9 MS. DVORAK: Oh, I'm sorry. D- -- as in dog --  
10 -v-o-r-a-k.

11 JUDGE CLARK: Ms. Dvorak, what comments would  
12 you like to offer to the Commission today.

13 MS. DVORAK: Some of this is going to be  
14 redundant from what I've heard previously. I am here as  
15 an advocate for not only myself but also my elderly  
16 aunt. She does not like to tell people her age, and she  
17 looks like she's 75, but she is pushing 100. And I can  
18 tell you right now that if you raised this rate or if  
19 Liberty raises this rate another \$8 -- which I'm kind of  
20 confused with all of this information that I've been  
21 reading.

22 It sounds like to me that it's only on the  
23 first 1,000 kilowatts; and that's the, quote, "average  
24 bill," that that's going to be a \$7.85 rate increase.

25 So if you use over a thousand, then you go

1 into the next tier, which is much, much higher. Last  
2 month her bill was enormous; it was \$300 a month. I  
3 called Liberty in Joplin, and I talked to a young lady  
4 there who -- I wanted them to come out and check the  
5 meter. I thought there was something wrong with the  
6 meter or maybe they didn't get by her duplex to read the  
7 meter.

8                   However, the lady continued talking to me  
9 and she said, "Well, you know, we've had these 24-degree  
10 days, you know, it's been down to," blah, blah, blah,  
11 how cold it has been, so, really, "it really is  
12 consistent with the history of this particular address."

13                   I know that that was incorrect because the  
14 person who sold it to us shared her data and shared her  
15 budget, and she had budgeted \$100 a month for the  
16 electricity. This is also a totally electric apartment,  
17 or whatever you want to call it.

18                   It's 1,200 square feet. We have -- the  
19 rooms, the master bedroom -- the master bathroom is  
20 totally shut off. So she just spends her days in one  
21 small area of the house. We get another bill for this  
22 month, it's the same. It's the same. I -- there's got  
23 to be something wrong.

24                   And in addition to that, I've also checked  
25 with -- it's a little bit senior citizen area here in

1 Bolivar. I've checked with all of those owners, and  
2 their electric bills are \$100 still. So I'm just going,  
3 "There's got to be something wrong."

4           So why will they not come out and look at  
5 this meter. You know? I mean, we pay this bill. We  
6 paid the bill. Okay? But you know, I -- I know that  
7 she's on a fixed income; I'm on a fixed income. You  
8 know, I don't even understand why we even have to pay  
9 this exorbitant price.

10           And the last time that you had -- Liberty,  
11 whoever the Liberty people are here, the last time that  
12 you had a rate increase in 2016, it was all based on  
13 infrastructure, the infrastructure needs. Well, okay.  
14 I'm a little bit confused because, you know, as one of  
15 the gentlemen has pointed out, there's a lot of  
16 commodities that have actually decreased since that  
17 time.

18           So I'm kind of with the Public Service  
19 Commission thinking we need a decrease here. We don't  
20 need an increase. And I don't know what we're going to  
21 do if these prices keep going up when you're on a fixed  
22 income. So that's all I have to say.

23           COMMISSIONER RUPP: So when you talked to the  
24 neighbors around the property, are they also completely  
25 electric homes or are they natural gas heat?

1 MS. DVORAK: Yes. It was all built by the same  
2 man here in Bolivar. He built seven buildings. There's  
3 14 actual units, because it's like duplexes, all senior  
4 housing. And --

5 COMMISSIONER RUPP: Okay.

6 MS. DVORAK: What they've told me -- I mean,  
7 and I don't have any reason to not believe them.

8 COMMISSIONER RUPP: I see.

9 MS. DVORAK: We had a meeting here just about  
10 two weeks ago, and I mentioned this, and they were all  
11 aghast. I mean, they were going, you know, "Vickie,  
12 there has to be something wrong here."

13 COMMISSIONER RUPP: So you requested the  
14 Company come out and check the meter, and they did not  
15 come out?

16 MS. DVORAK: No.

17 COMMISSIONER RUPP: Thank you.

18 JUDGE CLARK: Thank you for your comments.

19 COMMISSIONER RUPP: Okay.

20 JUDGE CLARK: Jessica Milbourn.

21 Ms. Milbourn, can you wait just a moment?

22 MS. MILBOURN: Yes.

23 JUDGE CLARK: I'm going to swear you in, if you  
24 don't mind.

25 MS. MILBOURN: Oh, I'm sorry.

1 JESSICA MILBOURN,  
2 having been first duly sworn, testified as follows:

3 JUDGE CLARK: Would you state and spell your  
4 last name for the court reporter.

5 MS. MILBOURN: My last name is Milbourn,  
6 M-i-l-b-o-u-r-n.

7 JUDGE CLARK: Thank you, Ms. Milbourn.

8 And what comments would you like to make  
9 today?

10 MS. MILBOURN: Well, I was kind of like she  
11 said there. When you have to live on a fixed income,  
12 and like, for instance, this year I got a raise, but my  
13 medical took my raise, so I didn't get anything extra.  
14 And these rates on these electric companies just keep  
15 going up.

16 How do they think that people on a fixed  
17 income can keep paying these prices? I mean, I know  
18 several people that are in Humansville that is having  
19 problems even affording their medication because they  
20 either have to pay their electric bill or buy medicine  
21 or pay their electric bill or eat, you know.

22 There's a lot of poor people in our areas  
23 around here, small areas. There's lack of work for even  
24 the younger people. I don't know how they're doing it,  
25 and I think at some point something has got to give for

1 these little towns, because these people can't keep  
2 doing it. They're already struggling as it is. And  
3 something -- either they need to bring work in here for  
4 these young people where they can make a life here and  
5 be able to afford their bills or they need to adjust on  
6 the disabled and the elderly on their checks to afford  
7 this. You know, something has to give somewhere.  
8 That's all I've got to say.

9 JUDGE CLARK: Okay. Thank you for your  
10 comments.

11 MS. MILBOURN: Thank you.

12 JUDGE CLARK: Fern Floyd.

13 Ms. Floyd, would you raise your right hand  
14 to be sworn.

15 FERN FLOYD,  
16 having been first duly sworn, testified as follows:

17 JUDGE CLARK: Could you please state and spell  
18 your last name for the court reporter.

19 MS. FLOYD: F-l-o-y-d.

20 JUDGE CLARK: And that's Floyd?

21 MS. FLOYD: Yes.

22 JUDGE CLARK: Okay. What comments would you  
23 like to make to the Commission today?

24 MS. FLOYD: Well, kind of what she said, and  
25 the little gal up there. I've got a sister that lives

1 on Circle Drive down in Humansville. Her light bill was  
2 nearly \$200. She lives in a little ol' three-room  
3 apartment. The rooms ain't big enough hardly to cuss a  
4 cat in. She hardly ever opens the door, unless I go  
5 down there, and her bill runs nearly \$200 a month. And  
6 I know some of her neighbors is the same way, and  
7 they're all disabled people.

8                   Yeah, quit running the furnace because of  
9 it. Had to get these little infrared heaters. And I  
10 think it's ridiculous, you know, that these high-up  
11 people are putting the pressure and the hurt on these  
12 smaller areas and these -- the people that can't keep up  
13 with it. I think it's a disgrace.

14                   You know, we're not millionaires that lives  
15 in this part of the world. As my brother-in-law said  
16 one time, we're living in a third-world country, and  
17 that's about what it's beginning to come. And I think  
18 it's terrible.

19                   COMMISSIONER RUPP: Is it all electric or is it  
20 gas heater?

21                   MS. FLOYD: It's all electrics, the apartments  
22 is down there.

23                   COMMISSIONER RUPP: Thank you.

24                   MS. FLOYD: And it's just literally ridiculous  
25 what them old people is being charged. And, I mean, my



1 daughter, she can't even run the furnace in her house  
2 because of it being so much. And she lives in my house.  
3 And I had it all redone, insulated everything, had new  
4 siding with a new roof put on and everything. Okay?  
5 The bill was running about 300, maybe just a little over  
6 in the wintertime. And then after I had all that  
7 insulation done, it went to 500. I called the Company,  
8 and they said, well, they couldn't do anything about it.  
9 That's what you used, so you had to pay it; and that was  
10 Liberty.

11 JUDGE CLARK: So after you had the insulation  
12 and stuff, your bill went up?

13 MS. FLOYD: Up.

14 JUDGE CLARK: Did it --

15 MS. FLOYD: I liked to have had a heart attack.

16 JUDGE CLARK: Did you call the Company about  
17 that?

18 MS. FLOYD: Oh, I called them. They said,  
19 "That's what you used, so that's what it is."

20 JUDGE CLARK: Okay. Did you --

21 MS. FLOYD: So I paid it.

22 JUDGE CLARK: Did you request they come out and  
23 look at the meter?

24 MS. FLOYD: Yeah. I told them, I said,  
25 "Something is not right."

1 "Well, that's what it read."

2 JUDGE CLARK: Did they send anybody out to look  
3 at your meter?

4 MS. FLOYD: No.

5 JUDGE CLARK: Thank you, Ms. Floyd.

6 MS. FLOYD: You're welcome.

7 JUDGE CLARK: Robert Jackson.

8 Mr. Jackson, would you please raise your  
9 right hand to be sworn.

10 ROBERT JACKSON,  
11 having been first duly sworn, testified as follows:

12 JUDGE CLARK: Thank you. Would you state and  
13 spell your last name for the court reporter.

14 MR. JACKSON: My last name is Jackson,  
15 J-a-c-k-s-o-n.

16 JUDGE CLARK: Okay. Mr. Jackson, what comments  
17 would you like to offer?

18 MR. JACKSON: I'm a little nervous. I'm not  
19 normally doing this. But I just was -- about 15 years  
20 ago, I had been in the travel industry as a travel agent  
21 and things like that, and I sat down to start my own  
22 little travel agency, you know, do a home-based  
23 business, kind of try it out.

24 And it didn't work out, so I got back into  
25 the workaday world. But no one guaranteed me, and I

1 knew it. I put in the money for printers and computers  
2 and stuff. I guaranteed -- you know, no one guaranteed  
3 me to make money. I started out as a small businessman.  
4 I didn't make it. A lot of people don't. It's just  
5 happens.

6 I worked for a newspaper for five and a  
7 half years. The gentleman who ran the newspaper in  
8 Mississippi -- we were small town, small county, we had  
9 competing newspapers, and the other newspapers, which  
10 was a corporate-owned chain newspaper, was able to  
11 survive and the locally owned paper went away. Five and  
12 a half years. That's fine, go and work for another  
13 company.

14 But he says, hey, you know, he just  
15 couldn't keep the business going. He never went to  
16 anybody; you know, when I was a small business, I never  
17 went to anybody and cried and said, "I deserve to be a  
18 travel agent," or the guy says, "I never wanted to be a  
19 news" -- you know, it's what I wanted to do, but we were  
20 in a market economy. If you make the money, you  
21 survive; if you don't, you know, that's the way it is.  
22 That's what America is.

23 I don't see how a company could go around  
24 and ask people, particularly many who are on a fixed  
25 income, to make sure that they survive and they can make

1 higher profits, not just keeping the same profit but  
2 higher profits. That is against market economy.

3           They are simply saying, we have  
4 municipal -- we have a utility, that we're not a  
5 municipal utility, we are a for-profit company, and we  
6 are to be protected. Well, that is not the way it is in  
7 America, or it shouldn't be.

8           America, you do what you can do, and if you  
9 don't make it, you fail; you go on to something else.  
10 No one is guaranteed anything in this country. That's  
11 what this country is. No one is guaranteed anything.

12           But we have utilities who all of a sudden  
13 feel that they are guaranteed something. So there was  
14 an option for them to buy cheaper power in other places.  
15 Well, they don't have to do it. They make these  
16 decisions to keep inefficient plants open that we are  
17 paying for, and they say, "Well, that's just the way it  
18 is."

19           What do you mean that's just the way it is?  
20 We're in a market economy. We shouldn't be paying for  
21 inefficient plants and allowing companies to get profit.  
22 They are now saying, "We want not just a profit but we  
23 want profit at a certain level." What do you mean you  
24 want profit at a certain level? That's just not  
25 guaranteed or should not be guaranteed in the United

1 States.

2 IBM has never guaranteed a profit. Woods  
3 grocery stores is not guaranteed a profit. But why is  
4 this utility guaranteed a profit and allowed to go ahead  
5 and come to a few people at the state level, who they  
6 can pay the legislators to okay their rate increases,  
7 which is routinely done in state after state after  
8 state, and as a result, utilities have the greatest  
9 stock prices and dividends in this country, more so  
10 compared to other industrial entities.

11 So it just is not right just on a moral  
12 basis in terms of what the United States stands for that  
13 they are allowed to set their own price.

14 A second thing is that there is no  
15 competition. Well, they say, "Well, that's why you have  
16 regulation." There should be competition. In many  
17 cities and central and northern parts of the  
18 United States, you have municipal utilities which  
19 compete directly with for-profit utilities. That's not  
20 allowed here in Missouri, or in some regions of  
21 Missouri, so we are stuck. We are stuck because of that  
22 fact, because the politicians in Jefferson City limit  
23 our options and reduce the opportunity for competition.  
24 That's all I'm asking.

25 I'm not some sort of crazy loon. I think I

1 probably am. But we should have competition, and that  
2 will determine the marketplace. But they're coming in  
3 here and saying, "Hey, we want a rate increase to pay  
4 for, oh, some extra secretaries," or, "We want our rate  
5 increase because Liberty was purchased -- or purchased  
6 Empire." And some Algonquin company, which is a  
7 Canadian-based company, "Because we're able to make the  
8 books read, "Oh, we can charge the people more money to  
9 pay for extra items that show up in your accountant's  
10 books," and all of a sudden that is not a real cost.

11           It is like somebody paying -- it's like  
12 we're paying for costs that don't really exist that are  
13 made up by accountants that were established simply as a  
14 result of Liberty purchasing Empire. These were  
15 purchase costs that we're having to pay for.

16           Why should we pay for the purchasing costs  
17 that Liberty is incurring when they bought Empire? That  
18 is just not right. That is just not right. It is an  
19 improper way to run a railroad, and that's one of the  
20 things that I'm opposed to this rate increase, in  
21 addition to the fact that I've had problems, just like  
22 these people have, meters being misread. And they're  
23 not being notified that the meter was misread until I've  
24 placed a phone call to them saying, "Did you read my  
25 meter a second time?"

1 "Yes, we did."

2 "What did you find out?"

3 "We found out we misread your meter."

4 "Were you going to call me?"

5 "No. You had to call us back to find out  
6 that your meter was misread."

7 What? I mean, that's not customer service.  
8 How would I have known? If I had not paid that first  
9 bill, I'd have paid \$150 when I -- when I should have  
10 paid just 95. And I would have never have known had I  
11 not placed multiple phone calls before and after the  
12 fact. It just is not right.

13 Their customer service is bad. No company  
14 would do that, not respond to you and say, "Oh, we made  
15 a mistake." They don't let -- they don't admit that  
16 they make a mistake. They're, again, not responsible  
17 because they are a monopoly and there is no competition.

18 We need more competition in a market. That  
19 could be from solar groups; that could be competition.  
20 The state ought to allow co-ops to compete with these  
21 for-profit companies where there is no municipal  
22 electric entity.

23 Like when I was growing up in New Orleans,  
24 we had NOPSI. NOPSI competed with the Southern  
25 Corporation, if you know the Southern Corporation. So

1 you had competition. You know, and it's been in  
2 Atlanta; it's been in Cleveland; it's been in New York.  
3 These big cities allow competitions or have had it.  
4 That is what -- small towns can't compete because the  
5 marketplace does not -- is not big enough.

6 But the State ought to step in and allow  
7 co-ops to be directly with, you know, these Libertys and  
8 Empires; and if they did, I promise you the rates from  
9 Liberty and Empire would go down, the service would go  
10 up, and people would get modern meters that are read  
11 properly, that operate properly.

12 When was the last time they even checked to  
13 see if their meters were working properly? So that's  
14 my -- I'm very sorry to go on. I apologize.

15 COMMISSIONER RUPP: I have a question. So you  
16 stated that you had called them numerous times before  
17 and questioned your usage and the Company stated that,  
18 on its second look, they had misread your meter; is that  
19 correct?

20 MR. JACKSON: Yes.

21 COMMISSIONER RUPP: How many times had that  
22 happened, ballpark? Do you remember?

23 MR. JACKSON: Well, it happened once.

24 COMMISSIONER RUPP: Once? Okay.

25 MR. JACKSON: I had been there for six months



1 when it happened, and so it just happened they misread  
2 it. So I says, "Okay." I've had one bill, two bills  
3 since then, and they seem to be this is about probably  
4 what it should be, or a little bit more or less. But  
5 because of the cold weather, I'm not going to quibble.  
6 I think they have fixed it, or at least the second time  
7 they corrected with their meter.

8 COMMISSIONER RUPP: Thank you.

9 JUDGE CLARK: Thank you very much, Mr. Jackson.

10 MR. JACKSON: I'm not sure if I went on. I  
11 apologize.

12 JUDGE CLARK: No.

13 Okay. Daniel Biggs.

14 MR. BIGGERS: Biggers.

15 JUDGE CLARK: Biggers.

16 Mr. Biggers, would you raise your right  
17 hand.

18 DANIEL BIGGERS,  
19 having been first duly sworn, testified as follows:

20 JUDGE CLARK: Would you please --

21 MR. BIGGERS: B- -- as in boy -- -i-g-g-e-r-s.  
22 I'm going to use my phone. I have some notes on there,  
23 if that's okay with you guys.

24 JUDGE CLARK: Go ahead.

25 MR. BIGGERS: First off, thank you, Your Honor,

1 and thank you for taking our comments and listening to  
2 us today complain and gripe and moan about our electric  
3 rates; they are pretty high. So I live here in Bolivar,  
4 I grew up in Missouri, been around the area my whole  
5 life.

6 I am a former Polk County deputy. I left  
7 Polk County because the pay wasn't enough to provide for  
8 all my bills. Electric, water, sewer, and rent, you've  
9 got to choose one of the three to pay or two of the  
10 three to pay and roll the next one over to the next  
11 month.

12 I went to work for a solar company in  
13 Missouri based out of Springfield, and looking and  
14 working for them, I learned a whole lot about power and  
15 why we're paying so much. It just -- there's no  
16 competition. It's all monopoly in this state. You  
17 can't pick and choose your power company, which is  
18 terrible.

19 As a renter, I don't have an option to get  
20 solar or put a turbine in my backyard. And I can't  
21 afford a house right now because I'm paying so much for  
22 my utilities. I want to buy a house. But at the same  
23 time, what options do I have when I'm trying to pay  
24 bills and manage my money efficiently?

25 Most of the population nowadays, the

1 millennials or the younger generation growing up is  
2 still renting because we can't afford to buy houses  
3 because our bills are so high. Student loans are  
4 kicking in, and the economy is going to take a tank soon  
5 if we keep increasing the rates for everything.

6 I grew up in Webster County out in  
7 Marshfield. Webster County, today, their rate for  
8 electricity is 6 and a half cents per kilowatt-hour.  
9 Empire's is 13 and a half cents. So how is, two  
10 counties away, the rate is half the price for what we  
11 pay here? It just doesn't make sense for that short of  
12 a distance.

13 Why are the rates all different in each and  
14 every county or from your provider? They should all be  
15 normalized throughout the state based off of, you know,  
16 the price that they have to pay. If it's a  
17 state-regulated electrical provider, then it should be  
18 regulated by the state for what they charge.

19 Otherwise, let us shop -- kind of like he  
20 touched on, let us shop power from other companies. You  
21 know, let us choose a rate that we want to pay and stick  
22 with them, or a company with good customer service or so  
23 on.

24 Liberty is just one of the highest rates in  
25 the state. 13 and a half cents, I mean, that's a lot of

1 money per kilowatt-hour. And if it goes up to 14 or 14  
2 and a half cents or 15 cents per kilowatt-hour, I don't  
3 know how some people are going to pay it. I don't know  
4 how I'm going to pay it, and I had to switch jobs just  
5 to make more money to pay my bills.

6 I just ask that the Commission will look at  
7 it deeply and see what the rate is compared to other  
8 rates in the state and make a judgment based off of  
9 that, that maybe they don't need to make as much money  
10 as they want to.

11 JUDGE CLARK: Mr. Biggers, I didn't catch --  
12 who was your electrical provider over in Webster County?

13 MR. BIGGERS: Webster County Co-Op. I don't  
14 know what their rate was when I was growing up. I know  
15 today it is 6 and a half cents per kilowatt-hour.

16 JUDGE CLARK: All right. Thank you very much  
17 for your comments.

18 MR. BIGGERS: Thank you.

19 JUDGE CLARK: That is all the names that I have  
20 on my list.

21 Is there anybody, who having heard -- yes?  
22 Is there anybody else, who having heard, would like to  
23 make a comment to the Commission? And then if you'll --  
24 after I call on this lady here, if you'll raise your  
25 hand, I'll call on you.

1                   Yes.  What's your name, ma'am?

2                   MS. MCGOWNE:  Sarah McGowne.

3                   JUDGE CLARK:  Ms. McGowne, would you spell your  
4 last name.

5                   MS. MCGOWNE:  M-c-G-o-w-n-e.

6                                   SARAH MCGOWNE,  
7 having been first duly sworn, testified as follows:

8                   JUDGE CLARK:  Okay.  What would you like to  
9 tell the Commission today, Ms. McGowne?

10                   MS. MCGOWNE:  I live in Bolivar.  I live in a  
11 senior -- it's called an elderly community.  There are  
12 28 apartments where I live; they're all on one floor.  
13 And we are -- our rates on the rent goes up, and I  
14 understand that.

15                                   Everything goes up because of, you know,  
16 price.  I am on my Social Security.  And it seems like  
17 that -- and I know that you guys can't have any control  
18 over this.

19                                   But it seems like every time we get a raise  
20 on our Social Security, then they're going to pull a  
21 little bit more rent; the utilities is charging a little  
22 bit more or the city.  We also got a raise this year  
23 also on our city utilities.  And I understand that you  
24 guys are looking to buy our city water and sewer, or at  
25 least it's being talked about.

1                   But when you increase the electricity for  
2 seniors, it hurts, because -- and I know because I live  
3 out there. And I am 76 years old, and between your  
4 medicine and everything else, it seems like that they  
5 should give the seniors a break.

6                   I have a record of every utility bill  
7 that -- electric bill that I have paid since I moved  
8 here, which will be eight years in August. I can look  
9 at any particular month and tell you what my bill was,  
10 and it does -- I just hope that they won't increase it  
11 or give us a break, something or another for the  
12 seniors, because we're the ones that has worked all  
13 these years.

14                   And now, you know, the city bill goes up,  
15 the rent goes up, and the electric goes up. What are we  
16 going to do? And I just -- you know, it has really --  
17 it's hurting us. It's hurting us. We decide whether we  
18 want to take our meds or pay our bills.

19                   And I'm a firm believer on paying my bills.  
20 Don't like to be late. Never been late, and I don't  
21 want to start now.

22                   JUDGE CLARK: Thank you, Ms. McGowne.

23                   Is there anybody else who would like to offer  
24 comments to the Commission?

25                   Yes, please.

1 MS. REED: My name is Ashley Reed.

2 JUDGE CLARK: Reed?

3 MS. REED: Yes.

4 JUDGE CLARK: Would you spell your last name  
5 for the court reporter.

6 MS. REED: R-e-e-d.

7 ASHLEY REED,

8 having been first duly sworn, testified as follows:

9 JUDGE CLARK: What would you like to tell the  
10 Commission today?

11 MS. REED: So as everyone knows, obviously  
12 utility companies here in Missouri are monopolies. It's  
13 the only legal monopoly anyone could think of. There's  
14 no free trade; there's no competition. As it goes, they  
15 can set their rates at whatever they want, and we have  
16 to pay it. We can't really choose.

17 When you move to a home, you can't go, "Oh,  
18 I want to choose this one for six and a half or this one  
19 for seven if they have better customer service." You  
20 don't get the choice. So obviously opening up the  
21 ability to have more utility companies would be  
22 something long term the state needs to look into.

23 But I do -- would like to say that they  
24 need to implement meter-reading every month. I know  
25 they don't have to but once a quarter. But I've had

1 three different places I've live around the area, and I  
2 know many people had the same complaint where they don't  
3 read your meter.

4           And for most people, we don't mind paying  
5 for what we are actually using. It's when you're paying  
6 for something you're not using that's the issue. When  
7 you have to actually call the Company and complain to  
8 them, you know, on every bill, you can't trust is this  
9 actually my bill, is this my usage, or is this my  
10 neighbors.

11           I know when I was in Bolivar, my bills  
12 would be about 125 to 175; so I could expect that. It  
13 jumped a little here and there. And then I'd get a bill  
14 for 350, and I would have to call and talk to them for a  
15 long time before they'd finally go, "Well, it was just  
16 estimated off of your neighbors."

17           It's like, "It's just estimated?"

18           "Well, you know, we estimate bills so  
19 sometimes."

20           And I didn't realize this. So there's  
21 hundreds of dollars, I guarantee, that we've all paid  
22 out, you know, throughout the year that none of us ever  
23 used that we didn't deserve to pay.

24           I know when I moved to Ozark, I was gone  
25 for two weeks, and then I came back; I had everything



1 turned off; I was in a bottom apartment; there was no  
2 usage, everything turned off, everything unplugged. My  
3 bills were normally 50, 60 bucks a month.

4 I came back and got a bill for 220. I had  
5 to call back in, because at this point I had already  
6 known that they don't read meters half the time. And  
7 the lady finally admitted, "Yeah, we just estimate.  
8 This is what your neighbors, you know, used. How do you  
9 want to pay that?"

10 It's like, "No. Come read my meter."

11 She's like, "Well, this is probably close  
12 to yours."

13 "No, I haven't been here for almost three  
14 weeks in a month. Everything is turned off and  
15 unplugged. It's not mine. Come read it."

16 Finally, they showed up, they read it, and  
17 I got a \$30 bill, which is what was owed.

18 Ozark, same thing, have another house up  
19 there. No one is using it whatsoever. Had to call in  
20 the other day. It's pending to be sold. It's \$330. No  
21 one is there. No lights on. I think the heat is down  
22 to, like, 60 degrees. It just gets shown here or there  
23 and they'll turn it up for the ten minutes before, turn  
24 it back off when they leave.

25 We had to call and ask, because apparently

1 the usage is \$800 a month if anybody wanted to live in  
2 the home and use the utilities. And we've had to ask  
3 about it. It's energy-efficient; it's a nice, newer  
4 home. No reason whatsoever. But with that, no one can  
5 really trust is this your actual bill or is it not.

6           So there's something that needs to be  
7 reviewed. I think people, morality-wise, would feel  
8 better, even with the rate increase, with using a  
9 company that would go out of their way to actually check  
10 their bills and not be pulling teeth to have to get  
11 someone to come out and read what you're using.

12           JUDGE CLARK: Wait just a second.

13           Commissioner?

14           COMMISSIONER RUPP: How many times, if you had  
15 to guess, have you had to call the Company and say,  
16 "This is incorrect"?

17           MS. REED: Five or six, off the top of my head  
18 as of right now that I can think of, but I would  
19 guarantee it's more than that. And that's just me  
20 alone. I would say every person in here has paid bills  
21 they shouldn't have many times over. And, I mean,  
22 there's been a lot of bills that was two, three, four  
23 times as high that I would catch. So I'm kind of  
24 curious myself how much money I've overpaid to them for  
25 no reason.

1                   And I don't mind if I used it. I'll pay  
2 for it. I mean, I'm not happy the rates are increasing.  
3 We're about to have the highest utility rate of any  
4 electric company in Missouri, but if I used it, I'm  
5 willing to pay for it versus, you know, my neighbors and  
6 their six kids with their water running and, you know,  
7 hot water going all day long. I don't want to pay for  
8 their usage.

9                   So that's my thing, just morality-wise, if  
10 the Company would make sure they check the meters every  
11 month and not just the once a quarter, I think that  
12 would probably help keep people a little bit happier.

13                  JUDGE CLARK: Okay. I didn't follow there. I  
14 had one question. You said on your property there  
15 was -- there was an \$800 bill, or that was what it would  
16 be?

17                  MS. REED: Yeah, that's what it would be if we  
18 were living in it currently.

19                  JUDGE CLARK: That's what it would be or you  
20 received it and that's what it was?

21                  MS. REED: No. That's like the actual bill  
22 what it was with people living in that home.

23                  JUDGE CLARK: Okay.

24                  MS. REED: So it's like once we're not in the  
25 home, it's at 330. When that's just -- I mean, that's

1 just more of how high the cost can be. That's fairly  
2 energy efficient. We had to call in, complain. I don't  
3 know if the meter is correct or not.

4 I don't know of any possible way, because  
5 of me working for a solar company, looking at the  
6 kilowatts, there's no way -- there's no way at all we've  
7 used that many kilowatts with no one being there,  
8 nothing plugged in. The heat is barely on, just to keep  
9 the pipes from freezing. I mean, there's not even  
10 lights turned on. The garage doors aren't being used.

11 So with something like that, you'd think a  
12 utility, that they would reach out and go, you know, "It  
13 does seem pretty high, but, you know, why don't we send  
14 someone out to look at it."

15 JUDGE CLARK: Okay. Thank you, Ms. Reed.

16 Is there anybody else who would like to  
17 offer comments to the Commission?

18 Yes, sir. What's your name?

19 MR. VASTINE: First name is Richard. Last name  
20 is Vastine, V- -- as in Victor -- -a-s-t-i-n-e.

21 JUDGE CLARK: Would you raise your right hand  
22 to be sworn.

23 RICHARD VASTINE,  
24 having been first duly sworn, testified as follows:

25 JUDGE CLARK: What would you like to tell the

1 Commission today?

2 MR. VASTINE: It's a question I know you're not  
3 going to be able to answer, but it's a question to  
4 Liberty and to the folks that will eventually look at  
5 what this rate increase is. I've been fortunate enough  
6 to live with Sac Osage Electric Cooperative before we  
7 moved to Bolivar. And that move was a personal thing  
8 necessitated by medical needs.

9 But the rates that we're paying with  
10 Liberty compared to Sac Osage compared to Southwest  
11 Electric, what is the justification? Why is there such  
12 a difference between \$0.09, \$0.10, \$0.11 per  
13 kilowatt-hour compared to what the folks at Liberty are  
14 proposing?

15 I came out -- I'm an industrial engineer by  
16 trade, retired. I worked for a grocery cooperative  
17 where we had lots of competition. And we -- as a  
18 company, we worked to be as efficient as possible to  
19 reduce the costs for our retailers.

20 The same thing should be occurring for  
21 Liberty, to work as hard as possible to reduce the cost  
22 for the consumers; and they're not doing that. And  
23 what's troubling in Missouri, particularly here, we have  
24 Southwest Electric Cooperative down here on Springfield  
25 Avenue. We can't buy electricity from them.

1                   And I know the way that it works and the  
2 laws within the state. It's just wrong. We have no --  
3 this gentleman was correct; we have no other outlet for  
4 our energy needs. We are stuck with Liberty, and I just  
5 struggle with how they can justify this rate increase.  
6 They have not demonstrated it. They have not given any  
7 information to the consumers to say, "This is why we  
8 need it."

9                   That little brochure that they handed out  
10 there is fluff; it's nothing; there's no substance  
11 behind that. And if this is going to continue on -- and  
12 I would encourage Liberty to at least produce something  
13 for us as consumers that we can understand and read  
14 through the data, understand why they want this rate  
15 increase.

16                   And, again, I go back to the earlier  
17 comment that I made in the open session, they want  
18 \$26-million-a-year increase, and the folks over here  
19 that analyze it say, "Wait a second. It should be  
20 \$140-million-a-year decrease."

21                   Something is not right here. I mean, it  
22 just makes no sense at all. And I struggle with that  
23 because Liberty, they're not providing adequate  
24 information for us.

25                   That's all I have.

1 JUDGE CLARK: Okay. Thank you.

2 Is there anybody else who wanted to offer  
3 comments to the Commission today? I see no hands.

4 MR. BIGGERS: Can I say one more quick thing?  
5 I apologize.

6 JUDGE CLARK: Yes, Mr. Biggers. Go ahead.

7 MR. BIGGERS: As far as I know, the Commission  
8 has never declined a rate increase in the history of  
9 requests to the Commission. I only request that the  
10 Commission not continue the rate increase and allow it  
11 just to save face and keep their perfect record, but  
12 that the Commission will look at it and make a true  
13 judgment and decline it if it is warranted to be  
14 declined.

15 That's all I had. Thank you.

16 JUDGE CLARK: Thank you very much.

17 MS. DVORAK: Can I ask just a general question?  
18 So who does make the final decision?

19 JUDGE CLARK: That would be the Commission.  
20 But as I indicated before, I can answer that question,  
21 but the Commission can't answer any other questions in  
22 regard to this.

23 MS. DVORAK: Okay.

24 COMMISSIONER RUPP: I'll give you a little --  
25 this is going to culminate in a trial, and it's going to

1 be held in Jefferson City. You can watch it online when  
2 it happens. We stream them all. And there will be  
3 multiple attorneys offering evidence, and Office of  
4 Public Counsel is there representing the ratepayers.  
5 You'll have intervenors ranging from big users to small  
6 users and a whole bunch of people. So it will go on.  
7 It's scheduled over several period of days, and that's  
8 how it culminates.

9           And it's a trial, and myself and the fellow  
10 commissioners, we sit there and we take all the evidence  
11 in; that's why we can't answer any questions about the  
12 rate case, because you couldn't walk into a court case  
13 in a murder trial and ask the judge, "Hey, judge, what  
14 did you think of that last piece of evidence?" You  
15 know, they can't talk.

16           That's why we have to stay quiet, because  
17 we're still gathering all the information, and then  
18 there will be basically a trial where all the  
19 spreadsheets and everything is entered in, and expert  
20 testimony will be given, and then we take all that  
21 information and we go through it and we come up with our  
22 decision. And there's five commissioners. And we do  
23 that, so that's how it works.

24           MS. DVORAK: Okay. Can I ask Liberty a  
25 question?



1           COMMISSIONER RUPP: Maybe when we're done here.

2           JUDGE CLARK: Yeah, after this. I'd like to  
3 thank everybody who came today, especially those who  
4 participated and offered comments. If you have  
5 additional comments, or if someone could not be present  
6 that you know who would like to make a comment, you can  
7 make written comments by contacting the Office of Public  
8 Counsel, or by going to the PSC's, the Public Service  
9 Commission's, web page.

10           With that, I'll now adjourn this hearing. Have  
11 a good day, and we'll go off the record.

12                           (Proceedings concluded at 1:32 p.m.)

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C E R T I F I C A T E

STATE OF ARKANSAS )  
COUNTY OF MADISON )

I, JENNIFER NORMAN, Certified Court Reporter in and for the aforesaid county and state, do hereby certify to the following:

1) The foregoing proceeding was taken before me at the time and place stated in the foregoing styled cause with the appearances as noted;

2) Being a Court Reporter, I then reported the proceeding in Stenotype to the best of my skill and ability, and the foregoing pages contain a full, true and correct transcript of my said Stenotype notes then and there taken;

3) I am not in the employ of and am not related to any of the parties or their counsel, and I have no interest in the matter involved;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 14th day of February 2020.



*Jennifer Norman*  
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