

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Public Hearing
May 18, 2005
Jefferson City, Missouri
Volume 1

In the Matter of a Proposed)
Amendment to the Commission Rule) Case No. EX-2003-0371
4 CSR 240-3.130, Filing and Report)
Requirements)

In the Matter of a Proposed)
Amendment to Commission Rule) Case No. EX-2003-0372
4 CSR 240-3.135, Filing and)
Reporting Requirements)

NANCY M. DIPPELL, Presiding,
SENIOR REGULATORY LAW JUDGE.

CONNIE MURRAY,
LINWARD "LIN" APPLING,
COMMISSIONERS.

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

2 JUDGE DIPPELL: This is Case
3 No. EX-2003-0371 and EX-2003-0372, in the matter of a
4 proposed amendment to Commission Rule 4 CSR 240-3.103,
5 filing and reporting requirements, and in the matter of
6 proposed amendment to Commission Rule 4 CSR 240-3.135,
7 filing and reporting requirements.

8 My name is Nancy Dippell, and I'm the
9 Regulatory Law Judge assigned to this matter. And we come
10 here today for a joint public commission hearing on these two
11 proposed rule amendments. We're going to hear these cases
12 simultaneously since they pretty much pertain to the same
13 matters and are similar in nature.

14 We're going to go ahead -- I'll ask for, I
15 guess, comments in support first and then opposing
16 comments, but if you have mixed comments, that's fine.
17 You can make those. And I'll also let you go ahead and
18 make all of your comments relating to each of the rules
19 when you're speaking so we don't have to call people back
20 and forth, but if you would please be clear for the
21 purpose of summarizing the comments later, it's easier if
22 you're clear about which rule it is that your comments
23 relate to.

24 So I guess I'll go ahead and ask for
25 comments in support of the rules, and I'll also -- I know

1 some of you are attorneys here, but in a rulemaking
2 hearing, I consider everybody a public commenter, so I
3 will swear you in if the attorneys are testifying.

4 Mr. Frey?

5 MR. FREY: Are we going to have entries of
6 appearance, your Honor?

7 JUDGE DIPPELL: No, we're not going to do
8 that at this time. The attorneys have made written
9 entries of appearance, and that will suffice to show that
10 you were here.

11 Okay. We'll go ahead and begin with
12 comments in support. Are there other comments in support
13 besides Staff?

14 All right. Then we'll begin with Staff.

15 MR. FREY: Your Honor, Staff would like to
16 tender Warren Wood as the manager of the energy
17 department.

18 JUDGE DIPPELL: All right. Mr. Wood, would
19 you please raise your right hand.

20 (Witness sworn.)

21 JUDGE DIPPELL: Thank you.

22 WARREN WOOD testified as follows:

23 MR. WOOD: My initial comments will be
24 relative to rulemaking Case No. EX-2003-0371, Commission
25 Rule 4 CSR 240-3.130.

1 Missouri Public Service Commission Rule
2 4 CSR 240-3.130 currently addresses filing requirements
3 for applications for approval of electric service
4 territorial agreements and references Rule 4 CSR 240-3.135
5 regarding fees.

6 Staff is proposing that Rule 4 CSR
7 240-3.130 be expanded to also address petitions for
8 designation of electric service areas, require that
9 additional information that is typically requested now
10 during a case proceeding be provided in the application or
11 petition and describe the fees associated with these
12 applications or petitions without references to another
13 rule.

14 These proposed amendments were published by
15 the -- for public comment in the Missouri Register on
16 April 1st, 2005. In order to resolve as many of the
17 potential issues as possible before today's hearing, the
18 Staff arranged to conduct a collaborative meeting with
19 interested parties on April 18th, 2005. This
20 collaborative meeting was arranged to give all interested
21 parties a chance to discuss the changes initially proposed
22 by the Staff in the rule version published in the Missouri
23 Register, as well as any additional changes proposed by
24 the parties in attendance.

25 As a result of this collaborative meeting

9 Staff did not agree to remove the
10 requirement in the rule that rate information and proposed
11 Section 1E and tax impacts in proposed Section 1G be
12 provided to the Commission. It's Staff's impression that
13 the Commission has requested this information in the past
14 and should be provided with the opportunity to hear
15 arguments regarding the need for this information.

AmerenUE and the Association of Missouri
Electric Cooperatives both filed comments that were very
similar in their objections to the data submittal
requirements in proposed Sections 1E and 1G of Rule 3.130.

1 240-3.130 rule. Would you like me to proceed into the
2 comments on 3.135?

3 JUDGE DIPPELL: Would the Commissioners
4 have questions for those comments?

5 COMMISSIONER MURRAY: He can proceed as far
6 as I'm concerned.

7 JUDGE DIPPELL: Okay. Go ahead with your
8 comments on the other rule, Warren.

9 MR. WOOD: Okay. Thank you. These
10 comments will relate to rulemaking case EX-2003-0372,
11 Commission Rule 4 CSR 240-3.135.

12 Missouri Public Service Commission Rule
13 4 CSR 240-3.135 currently addresses fees applicable to
14 applications for approval of electric service territorial
15 agreements, petitions for designation of an electric
16 service area and applications for resolution of
17 annexation-related disputes.

18 Requirements for applications for approval
19 of electric service territorial agreements are provided in
20 Commission Rule 4 CSR 240-3.130. Staff is proposing that
21 Rule 4 CSR 240-3.135 be revised to require the following
22 requirements associated with applications for resolution
23 of annexation-related disputes be added to this rule, and
24 then narrowing the scope of the rule such that it no
25 longer addresses fees for applications for approval of

1 electric service territorial agreements and petitions for
2 designation of electric service areas as these provisions
3 will be moved to Rule 4 CSR 240-3.130.

4 These proposed amendments were published
5 for public comment in the Missouri Register on April 1st,
6 2005. In order to resolve as many of the potential issues
7 as possible before today's hearing, the Staff arranged and
8 conducted a collaborative meeting of interested parties on
9 April 18th, 2005.

10 This collaborative meeting was arranged to
11 give all interested parties a chance to discuss the
12 changes initially proposed by the Staff in the rule
13 version published in the Missouri Register, as well as any
14 additional changes proposed by the parties in attendance.

15 As a result of this collaborative meeting
16 and the negotiations that took place in it, the Staff is
17 proposing that the final rule approved by the Commission
18 include the changes proposed in the version of the rule
19 published in the Missouri Register on April 1st, 2005, as
20 additionally modified by changes suggested in its May 6,
21 2005 comments. These comments reflect the changes Staff
22 agreed to during the April 18th collaborative meeting.

23 During the collaborative meeting, some
24 objections were raised regarding providing the tax impacts
25 in Staff's rule version Section 3E. Staff did not remove

1 this provision as it believed the Commission should have
2 the opportunity to hear arguments on the need for this
3 language. Staff notes now, however, that no parties
4 raised the language in this section as a concern in their
5 written comments.

6 KCPL was the only party to provide comments
7 on the proposed amendments to 3.135 during the written
8 comment period. I will briefly address each of these
9 comments.

10 Section 1B, KCPL objected to the term
11 "legal description." Staff notes that legal description
12 was used in the language related to this topic in the
13 original Rule 3.130 that was brought into Rule 3.135.

14 Staff would, however, clarify their
15 expectations for what information is provided is not
16 changed. We basically need it provided with sufficiently
17 detailed information to draw an accurate line on a map
18 that shows territories. We haven't been provided
19 sufficient information to delineate exactly where are
20 territories on a map, and we haven't provided sufficient
21 information.

22 Section 3, Kansas City Power & Light
23 objected to 10 days and recommends 20 days in terms of the
24 time for the electric supplier to respond with the
25 information required in Section 3. Staff has no objection

1 to this revision, but notes a 120-day statutory limit
2 regarding these provisions, and that this additional time
3 further reduces the time for other parties to do their
4 work and to concluding the time for the Commission to
5 formulate an Order.

6 Section 3C, Kansas City Power & Light
7 stated that this section is confusing. Upon review, Staff
8 believes that this section reasonably points to the
9 provisions of Revised Statutes of Missouri 386.800,
10 Section 5, which authorizes the request for this
11 information.

12 And finally, Section 1, Kansas City Power &
13 Light requests that that section more clearly point to
14 municipally owned electric utilities as the filing party.
15 Staff provides this provision in its May 6th comments to
16 include applications by a municipally owned electric
17 utility to further clarify.

18 And that concludes my comments regarding
19 Rule 3.135. Thank you.

20 JUDGE DIPPELL: Thank you. Commissioners,
21 did you have any questions for Mr. Wood on -- Commissioner
22 Murray?

23 COMMISSIONER MURRAY: Thank you.

24 QUESTIONS BY COMMISSIONER MURRAY:

25 Q. Good morning, Mr. Wood.

1 A. Good morning.

2 Q. You talked awfully fast.

3 A. Sorry.

4 Q. That's all right. In terms of the
5 objection to the impact that it will have on tax revenues,
6 what was Staff's position there again?

7 A. It's Staff's position that that
8 information, we recall that there have been requests for
9 that kind of information from the Commission during
10 proceedings of the case. It's not necessary information,
11 I believe, for Staff to formulate a recommendation as to
12 what to do, but we understand the Commission has requested
13 information in the past.

14 If there's -- if the Commission at this
15 time determines they don't believe that's a necessary
16 aspect of the rule, we're not in a position at the time to
17 argue against removal from the rule.

18 Q. So Staff is fairly neutral on that?

19 A. Yes.

20 Q. And in terms of the legal description, is
21 that in the -- did you say that is in the current rule?

22 A. The current --

23 Q. The rule measure?

24 A. Yeah. The current version of 3.130 does
25 include the term "legal description." When we brought the

1 language over, because we were moving some stuff from
2 3.130 to 3.135 and vice versa, we moved the term "legal
3 description" over as well.

4 And there was some discussion of the issue
5 in the collaborative meeting, and the concern was
6 expressed, what does legal description mean, do we have a
7 surveyor come out with a certified drawing and sealed by a
8 Missouri land surveyor? That wasn't the intent.

9 The point is we need something where we can
10 draw a legally binding line on a map so the people know
11 when they're coming in for a territorial agreement
12 designation service area, we need to draw a line in the
13 sand that says who has service responsibility on both
14 sides of that line.

15 Q. And in implementing the current 3.130,
16 there has not been that certified land surveyor
17 requirement?

18 A. No, I don't believe so.

19 Q. Is there a definition anywhere of legal
20 description?

21 A. I'm not familiar with one. During the
22 development of final order of rulemaking where we will
23 draft initial response on behalf of the Commission, you
24 will have an opportunity to review before this rule is
25 final. We may look at trying to modify that language

1 somewhat, but we will need to maintain -- it is Staff's
2 opinion we will need to maintain the obligation to provide
3 the information necessary to draw a line on a map and --

4 Q. Okay. And would you just, as succinctly as
5 possible, just list for me the changes that Staff agreed
6 to.

7 A. In the 3 --

8 Q. In both rules.

9 A. In both rules.

10 JUDGE DIPPELL: Mr. Wood, can I get you to
11 speak up just a little bit?

12 THE WITNESS: Sorry. If someone had -- if
13 you have the May 6th Comments of Staff, do you have that?
14 BY COMMISSIONER MURRAY:

15 Q. Which rule are you looking at?

16 A. 3.130, I'll start with that one. If you go
17 to the Appendix A in Staff's comments, the May 6th
18 submitted comments, you can see there anything that's in
19 bold or in square brackets was an initial proposed change
20 to the rule in the Missouri Register on April 1st. Any
21 underlined text was language added during the April 18th
22 collaborative meeting, and any language that's been struck
23 out was language that was removed as a result of the
24 discussions in the April 18th meeting.

25 If you'd like, I can start stepping section

1 by section through what those additional changes were.

2 Q. Just give me a minute to look at it.

3 A. Okay. As you can see, there were quite a
4 few changes. Most of them were edits and clarifications
5 in language without a change in intent.

6 Q. And this was not the one that had the
7 response time in it; is that right?

8 A. No. 3.135 is the one that includes the
9 response times, the 10-day response times, I assume you're
10 referring to.

11 Q. And the change in Subsection 7 was changing
12 will to may, and each July 1 the filing fee may be
13 modified. Okay. I see. Otherwise it would have been --
14 had to have been done annually.

15 A. Yeah. Frankly, that hasn't been happening
16 on a regular basis. We'd just as soon make it a may.

17 Q. Okay. Now you can go to the other rule.

18 A. Okay. Thank you. Do you have the May 6th
19 comments on the 3.135 rule that Staff filed? It's the
20 same format, in terms of bold text, text in square
21 brackets, underlined and strike-through language. There's
22 quite a few more changes here, quite a few additions.

23 There was a recognition during the
24 development of these comments that the original language,
25 the additional filing requirements under Section 1 were

1 really those that would need to be provided by a
2 municipally owned electric utility that was filing for
3 this application petition and really needed to create a
4 new section that would delineate what the electric
5 supplier would need to file.

6 Q. And is this the -- well, is this 10 days an
7 adequate time period?

8 A. There are two provisions that refer to a
9 10-day period. The first one is that, upon receipt of an
10 application or petition from municipally owned electric
11 utility, the Commission would notify affected electric
12 suppliers within ten days of receipt of an application
13 from a municipally owned electric utility. Then after --
14 within 10 days of that notice, the affected electric
15 supplier would then have to file the following
16 information.

17 Kansas City Power & Light commented on this
18 as an insufficient time period, proposed 20 days, and
19 Staff is agreeable, thinks that's a reasonable change in
20 the time frame.

21 Q. But you didn't change it on this?

22 A. No. During the collaborative meeting, we
23 put in the 10 days, and I don't recall that there were
24 objections. We certainly didn't pick it up in the version
25 we filed on May 6th.

1 Q. Okay. And then, once again, sub E, 3E, the
2 impact on tax revenues, that's -- Staff is neutral on
3 that, that's the Commission's --

4 A. Yes, I believe so.

5 COMMISSIONER MURRAY: Okay. Thank you.

6 JUDGE DIPPELL: Thank you. Commissioner
7 Applling, do you have questions?

8 QUESTIONS BY COMMISSIONER APPLING:

9 Q. I think Commissioner Murray and I had
10 basically the same questions, but it would seem to me, do
11 you know exactly who furnishes the description, the legal
12 description of an item? Seems those things can get to be
13 very long and sometimes be short. It would seem to me
14 that what you need is a modified description, legal
15 description, to get what you need in order to draw your
16 lines on the map. Where did you-all end up with that?

17 A. In terms of what's required, the language
18 in our May 6th --

19 Q. I can see that you need something in order
20 to define it, because that's a forever changing thing,
21 specifically when you're talking about annexing
22 municipalities and other areas, but I just question where
23 did you-all end up at?

24 A. Where we ended up regarding that was, you
25 know, if we're looking at Rule 3.135, it's in Section 1B,

1 and we said a specific designation of the proposed
2 exclusive electric service territory boundary, including
3 maps showing the boundary and the legal description of the
4 area. We're trying to avoid just receiving a map with a
5 line drawn on it, without being able to say, I mean, at
6 some scale I need to know what portion of a township or
7 range, if we're splitting through township and ranges.

8 Q. But it would seem to me that the city or
9 the township would have to furnish you that and not KCPL.

10 A. Oh, okay. I understand. If the -- if
11 we're looking at 3.135, it would be the municipally owned
12 electric utility that would have to provide that, yes.

13 COMMISSIONER APPLING: I was just trying to
14 determine why it was -- would be so difficult for KCPL to
15 provide that, when they're not really providing it. But I
16 understand now. So no problem. Thank you.

17 JUDGE DIPPELL: All right. I believe
18 that's all the questions for you right now, Mr. Wood.
19 Thank you very much.

20 MR. WOOD: Thank you.

21 JUDGE DIPPELL: Are there other comments in
22 support of this rule?

23 (No response.)

24 JUDGE DIPPELL: We have some mixed
25 comments. Okay. We can go ahead. Ms. Chase, would you

1 like to go next?

2 MS. CHASE: Certainly. Do you want me at
3 the stand or at the podium?

4 JUDGE DIPPELL: I've got the camera on the
5 stand for now.

6 (Witness sworn.)

7 JUDGE DIPPELL: Thank you. Would you state
8 your name for the court reporter?

9 MS. CHASE: My name is Lisa Chase. I work
10 with Andereck, Evans, Milne, Peace & Johnson, LLC, and
11 today I represent the Association of Missouri Electric
12 Cooperatives.

13 JUDGE DIPPELL: Go ahead.

14 MS. CHASE: First, I'd like to say that
15 AMEC participated in the collaborative meeting and
16 supports the proposed modifications. We did have concern
17 about a couple of sections, and that's what I'd like to
18 discuss today.

19 With respect to 4 240-3.130(1)(e), that
20 provision provides for a comparison of electric rates if
21 the territorial agreement or proposed electric service
22 area designation includes an exchange of customers.
23 First, we'd point out that a territorial agreement does
24 not need to include the customer exchange requests and,
25 therefore, when it does not have a customer exchange

1 request included with it, this section would be not
2 relevant.

3 When a customer exchange request is
4 attached with a territorial agreement, what we have
5 typically done in the past is filed the territorial
6 agreement together with -- in the same application with
7 the customer exchange, but what we're seeking are two
8 different orders, essentially, from the Commission.
9 It's all bound into one for efficiency purposes, but the
10 customer exchange request is pursuant to either
11 Sections 91.025, 393.105 or 394.315.

12 The standard for each section's approval is
13 for reasons other than a rate differential. The
14 Commission is to make a determination on a customer
15 exchange based on public interest, and the statutes
16 specifically preclude rate differential issues from the
17 public interest determination. Therefore, AMEC does not
18 believe that Section 240-3.130(1)(e) should be a part of
19 this rule since it is not relevant with respect to
20 territorial agreements or electric service area
21 designations.

22 I would go on to Section 4 240-3.130(1)(g),
23 and I'd note that AMEC's concerns with this section are
24 the same as its concerns with 4 CSR 240-3.135(3)(e). They
25 both pertain to tax impact statements. I apologize. We

1 did not when filing our written comments include the --
2 include the case number for Rule No. 3.135, but I would
3 like to go on the record to show that AMEC does have a
4 concern with respect to the tax impact statement for both
5 rules.

6 The statement of the tax impact, if any,
7 the territorial agreement or proposed electric service
8 area or, in the case of 135, the annexation-related change
9 of electric supplier will have on tax revenues of a
10 political subdivision in which utilities involved are
11 located. With respect to a territorial agreement, if
12 there's no request made to transfer facilities and
13 equipment, then the tax impact statement is not relevant.
14 The tax impact statement is not relevant to determine if a
15 territorial agreement is not detrimental to the public
16 interest. The standard for approving a territorial
17 application or territorial agreement application is
18 whether or not it is not detrimental to the public
19 interest.

20 Currently in Section 393.190, which
21 pertains to electric corporations, if an electric
22 corporation seeks to sell facilities, then the rule
23 already requires a tax impact statement. There is no
24 Commission jurisdiction over the sale or transfer of rural
25 electric coop or municipal facilities. The tax impact

1 information may provide a false impression, based on the
2 fact that there is a difference of tax rates between IOUs
3 and rural electric cooperatives.

4 That tax determination is not -- is a
5 legislative decision. The Commission has no authority or
6 jurisdiction to alter or modify the tax rates each pay.
7 The Commission lacks jurisdiction to require rural
8 electric cooperatives to provide tax impact information as
9 an electric cooperative is not required to seek Commission
10 approval to transfer facilities and equipment to another
11 utility.

12 And that concludes my comments.

13 JUDGE DIPPELL: Thank you. Commissioner
14 Murray, did you have questions for Ms. Chase?

15 QUESTIONS BY COMMISSIONER MURRAY:

16 Q. I wish I had done a little more research on
17 this before I got here this morning, but the -- is there
18 something in the statute that references the tax impact?

19 A. 393.190 does require an electric
20 corporation to provide a tax impact statement when they
21 are transferring or selling their facilities.

22 Q. And that is to provide that statement to
23 whom?

24 A. To the Commission, and that should be part
25 of their application.

1 Q. But that's just for an electric
2 corporation?

3 A. That's right.

4 Q. And your objection to this statement of the
5 impact is that it applies to coops and municipals?

6 A. Yes.

7 Q. And as to the comparison of electric rates,
8 your statement there, I believe, was that it was not
9 relevant to the -- to an application for territorial
10 agreements?

11 A. Right, because there's -- there does not
12 need to be an exchange of customers in a territorial
13 agreement, and often there is no exchange of customers in
14 a territorial agreement. Often the electric suppliers
15 continue to supply the existing customers that they've
16 already had.

17 Q. But any new customers would then be with a
18 different supplier than they would have been without the
19 agreement; is that correct?

20 A. Right, but that will not -- their new
21 supplier, it will not have been a change for them. They
22 will just have the services from the supplier that's
23 providing in that area.

24 Q. Do you think that the comparison should be
25 provided if there -- if the approval would result in some

1 exchange of customers?

2 A. No, because in Sections 91.025, 393.105 and
3 394.315, the statutes say that the standard for approval
4 of a customer exchange is for reasons other than a rate
5 differential. The only purpose for acquiring the rates of
6 each supplier is to determine the rate differential.

7 Q. If you determine there was no rate
8 differential, wouldn't that be one finding toward
9 approving the agreement, that it couldn't be because of a
10 rate differential because there is none?

11 A. If you don't -- well, the standard is for
12 approval for reasons other than a rate differential,
13 whether there is a rate differential or not.

14 Q. I understand that, but I'm just saying if
15 there is not, then approval would certainly be for reasons
16 other than a rate differential?

17 A. Yes.

18 Q. And what would be the harm in providing the
19 information?

20 A. It would be against the statute, and it
21 would potentially taint the Commission's decision.

22 Q. Assume there was a large rate differential.
23 I'm assuming -- I guess that's what you're assuming that
24 would possibly taint the Commission's decision, if there
25 were a large rate differential. But if there were none, I

1 still think it would clarify that the decision is
2 certainly based on something other than a rate
3 differential.

4 COMMISSIONER MURRAY: All right. I think
5 that's all I have. Thank you.

6 JUDGE DIPPELL: Commissioner Appling, did
7 you have questions?

8 COMMISSIONER APPLING: I think just one
9 question.

10 QUESTIONS BY COMMISSIONER APPLING:

11 Q. Let's go back to 3-130(g). We talked about
12 the statement of tax revenue impact. What would you do
13 with that? Are you saying we just should take that out of
14 there, take that out of -- that statement out of the
15 rules?

16 A. Yes, Commissioner, I would recommend taking
17 the statement out of the rules, and the information that
18 the Commission would like with respect to electric
19 corporations is already required pursuant to 393.190.

20 Q. So really by default, there will always be
21 a tax differential?

22 A. That's correct.

23 Q. So that's one of the reasons you're
24 recommending that we take this out?

25 A. That's right. The electric corporations

1 and the rural electric cooperatives are taxed differently.
2 There will always be a ta-- there will always be
3 differential with the taxes, and that is not something
4 that the Commission has any control to change with respect
5 to either the electric cooperatives or electric
6 corporations.

7 COMMISSIONER APPLING: Okay. Thank you.

8 JUDGE DIPPELL: Thank you, Ms. Chase. I
9 don't think there's any further questions for you.

10 MS. CHASE: Thank you.

11 JUDGE DIPPELL: Then one more commenter.

12 (Witness sworn.)

13 JUDGE DIPPELL: Thank you. Would you
14 please state your name for the court reporter.

15 MR. BLANC: My name is Curtis Blanc with
16 KCPL, and my comments today will be brief, basically just
17 having to do with the request for legal descriptions and
18 the 10-day response time that has already been discussed
19 this morning.

20 With respect to the legal descriptions, we
21 are aware and understand that Staff and the Commission
22 needs the necessary information to draw reliable lines on
23 the map and that the term "legal description" appears in
24 the existing regulation, but we also understand that the
25 accepted practice had been for the Staff of the Commission

1 to accept maps, a schedule of townships, ranges and
2 sections and information of that sort to draw those lines.

3 And in our opinion that has worked in the
4 past, and we would like the new rule to reflect that --
5 that type of flexibility. And perhaps KCPL would suggest
6 that Staff be given the option of requesting legal
7 descriptions if the initial proposal isn't clear enough or
8 if there are ambiguities.

9 It's our concern, one, that legal
10 descriptions are sometimes difficult to come by, and
11 they're often cumbersome and potentially confusing and, in
12 our opinion, would be more prone to misunderstandings and
13 error.

14 And then with respect to the 10-day
15 response time, our comments were based on my discussions
16 with the people at KCP&L who would actually be
17 accumulating and providing that information. And their
18 concern was that a vast majority of the time they wouldn't
19 be able to accumulate the information necessary within 10
20 days. And we recognize the proposed rule would permit us
21 to request additional time, but since we would anticipate
22 doing so close to always, we thought a more reasonable
23 deadline might be a better way to go.

24 That concludes my comments.

25 JUDGE DIPPELL: Thank you. Commissioner

1 Murray, did you have questions for Mr. Blanc?

2 QUESTIONS BY COMMISSIONER MURRAY:

3 Q. Did you have any specific suggestions as to
4 how that language should be drafted according -- in
5 reference to the description that would have to be
6 provided?

7 A. We did not prepare draft language. We
8 would be happy to submit, but I guess it would be
9 something to the effect that we would provide a map and a
10 reasonable description to the Staff's satisfaction of the
11 line, and then the Staff would be able to request
12 additional information if it wasn't clear.

13 Q. And it seems that you're really objecting
14 to the term "legal description" as maybe being interpreted
15 to be a legal term that has ramifications as to what has
16 to be supplied; is that right?

17 A. Correct, and with it being the
18 Plan A requirement, so to speak, as opposed to the Plan B
19 if other information isn't sufficiently clear.

20 Q. And I believe Mr. Wood indicated earlier
21 that there might still be some chance to look at that
22 language as to whether it could be drafted in a more
23 acceptable manner, and then the time frame I believe has
24 agreed that your 20 days is acceptable, and that was it?

25 A. That was all we had.

1 COMMISSIONER MURRAY: Thank you.

2 JUDGE DIPPELL: Commissioner Appling?

3 COMMISSIONER APPLING: No questions.

4 JUDGE DIPPELL: I believe that's all the
5 questions for you, then, Mr. Blanc.

6 MR. BLANC: Thank you.

7 JUDGE DIPPELL: Are there any other
8 comments or additional comments?

9 (No response.)

10 JUDGE DIPPELL: Seeing none, then I guess
11 this concludes the comment portion of this hearing. Thank
12 you. We can go off the record.

13 WHEREUPON, the public hearing was
14 concluded.

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