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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference
July 11, 2012
Jefferson City, Missouri
Volume 1

In The Matter Of The)
Application Of Summit)
Natural Gas Of Missouri,)
Inc., For A Certificate Of)
Convenience And Necessity)
Authorizing It To Construct,) File No. GA-2012-0285
Install, Own, Operate,)
Control, Manage And Maintain)
A Distribution System To)
Provide Gas Service In)
Benton, Morgan, Camden And)
Miller Counties In Missouri,)
As A Certificated Area)

KENNARD L. JONES, Presiding
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:
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1 P R O C E E D I N G S

2 JUDGE JONES: Let's go on the record.

3 This is Case No. GA-2012-0285, Summit Natural Gas,
4 Inc.'s Application for Certificate of Convenience and
5 Necessity. We're here today because of an
6 intervention. Let's take entries of appearance,
7 beginning with Staff.

8 MS. KLIETHERMES: Judge Jones, we're
9 having difficulty hearing you.

10 JUDGE JONES: Can you hear me now?

11 MS. KLIETHERMES: Yes.

12 JUDGE JONES: Let's start with Summit
13 Natural Gas, entry of appearance.

14 MR. COOPER: Your Honor. Dean Cooper
15 from the law firm of Brydon, Swearngen & England,
16 PC, Summit Natural Gas, Inc., and I just gave the
17 address information to the court reporter.

18 JUDGE JONES: Okay. And from the Staff
19 of the Commission?

20 MS. KLIETHERMES: Thank you, Judge. On
21 behalf of the Staff, Sarah Kliethermes, 200 Madison
22 Street, Jefferson City, Missouri 65101.

23 JUDGE JONES: Thank you. And I'm not
24 sure if there's anyone from the Office of Public
25 Counsel.

1 MR. COOPER: Ms. Meisenheimer is here,
2 but no attorney.

3 JUDGE JONES: All right. And are there
4 any Company people there other than yourself, Dean?

5 MR. COOPER: Yes. Ms. Michelle Moorman
6 is here from the Company.

7 JUDGE JONES: And what about Staff that
8 are not attorney?

9 MS. KLIETHERMES: Yes, Judge. Derick
10 Miles and Kim Cox are available. Oh, and Dave
11 Williams.

12 JUDGE JONES: And Ms. McDuffey, can you
13 please just state your name and show me that you're
14 present?

15 MS. McDUFFEY: I'm Michaelaele McDuffey.
16 Good morning.

17 JUDGE JONES: Good morning. All right.
18 Well, let me jump right in with you, Ms. McDuffey.
19 The intervention has been granted, but in your
20 application to intervene, you don't say whether or
21 not you oppose the application. Do you?

22 MS. McDUFFEY: I do not oppose Summit
23 Natural Gas utilities running in gas to the Lake
24 area. I have some concerns with the process and the
25 granting of the certificated area.

1 JUDGE JONES: Okay. What are your
2 concerns?

3 MS. McDUFFEY: My concerns are that
4 there's been no public notice given to enough of the
5 residents in Camden County -- well, in the
6 four-county area. I know that by the state statutes,
7 at least ten persons had to be notified, and ten
8 persons were notified. None of them were landowners
9 upon whose property the main gas line is going to
10 lie.

11 And I didn't receive notice that the
12 application had been filed until after the
13 intervention deadline, and that's when I received a
14 letter from Summit Natural Gas that they wanted to
15 put the pipeline on our property.

16 Had I received notice earlier, I
17 probably would have made some comments to the Public
18 Service Commission. I did make comments to Mr. Bob
19 Berlin, and he assured me that the letter of the law
20 had been followed. And I understand that, and I'm
21 not here to cast any blame on anyone.

22 What I would like to do is initiate some
23 conversation on how this whole process could keep the
24 public more informed and be more transparent, and
25 that's my concern.

1 JUDGE JONES: Okay. Mr. Cooper?

2 MR. COOPER: Yes, Judge.

3 JUDGE JONES: I know in some cases when
4 companies are going to take on a project like this,
5 they have some unregulated public relations effort
6 that goes on. Does Summit go through anything like
7 that other than what was strictly required by the
8 Commission?

9 MR. COOPER: I can't tell you that --
10 well, I don't know exactly what you have in mind.
11 Certainly there's a lot of communication with
12 municipalities. I can't tell you that there was a
13 lot of communication with individuals.

14 JUDGE JONES: Okay.

15 MS. MOORMAN: Since Summit has hired a
16 PR person to do more work to try to -- we understand
17 Mrs. McDuffey's concern and have tried to help with
18 that situation.

19 MS. McDUFFEY: May I add something?
20 This is Michaela McDuffey again.

21 JUDGE JONES: Yes, you may.

22 MS. McDUFFEY: The public officials were
23 notified, I agree with that. Our County
24 Commissioners and our elected officials in the
25 legislature were notified. A press release

1 apparently was sent out to the local newspaper and
2 radio stations. I spoke to someone at the newspaper.
3 They said they never saw it. They may have seen it
4 and they just didn't publish it. I never heard
5 anything on the radio station.

6 I searched their archives and I couldn't
7 find where they had ever given a notice. And Summit
8 Natural Gas has been doing publicity since the Staff
9 recommended approval, but there was nothing before
10 that.

11 And I think -- I'm not saying that we
12 need hearings, but I'm saying that if there had been
13 some information put out to the public, people such
14 as myself and my husband, we could have contacted the
15 PSC and Summit also and said we have some real
16 concerns with this going across so much private
17 right-of-way.

18 And in a letter I sent to Mr. Berlin, I
19 stated it's almost 46 miles of six-inch main line,
20 and almost 44 of those miles are on private
21 right-of-way. And my other concern is, does the
22 Public Service Commission Staff look at this and say
23 hey, folks, you know, this is a lot of private
24 right-of-way. Could we have used more public? And
25 if not, what are the reasons why? And could there

1 be more notification to the landowners who are gonna
2 be directly impacted by the main line? Because once
3 the Certificate of Need is granted, eminent domain is
4 granted to all -- over these four counties, to all
5 these townships in the four-county area.

6 And I think it would just be appropriate
7 that people who are gonna be impacted know that, yes,
8 this is wonderful, we're gonna get natural gas, but
9 this is how it could impact you personally.

10 JUDGE JONES: I understand what you're
11 saying, Ms. McDuffey, and what I understand you to
12 say is that you don't necessarily want to halt this
13 application process, but you would like to see
14 something going forward change with regard to how the
15 public is notified?

16 MS. McDUFFEY: Right. I know it's too
17 late on this case, and I'm not trying to halt it.

18 JUDGE JONES: Actually, it's not too
19 late.

20 MS. McDUFFEY: I'm not trying to halt
21 this. I'm not trying to delay it more than it's
22 already been delayed. I guess what I'm saying is how
23 do we change this process? And I know part of it is
24 legislative, but I think that sometimes Staff and the
25 Company itself can go beyond what's absolutely

1 required and keep the public more informed.

2 If I could just -- is it all right if I
3 just speak about other things --

4 JUDGE JONES: Absolutely.

5 MS. McDUFFEY: -- from my experience?

6 I'm on the Planning and Zoning Commission in Camden
7 County. If my neighbor wants his property rezoned,
8 by our statutes, our regs, our planning and zoning
9 regs, every property owner within a thousand feet has
10 to be notified that there's gonna be a hearing, and
11 they have to be notified what the request is, and
12 it's also published in the newspaper.

13 And that's impacting people in a very
14 small area, and yet, we go through the process of
15 making sure they're notified. And the same thing is
16 true of someone that applies for a variance, even in
17 their setback requirements, that their neighbors are
18 notified.

19 So I think when the right of eminent
20 domain is being granted, it would just be the right
21 thing to do to notify people who are gonna be
22 impacted that this is the process. If you have any
23 comments, we welcome your comments, and open up the
24 dialogue.

25 JUDGE JONES: Okay. This is what I'm

1 going to suggest, then. And you-all can talk about
2 this a little more off the record. What I would
3 suggest at this point, because you are now a party to
4 this case, perhaps you can simply file a statement of
5 your concerns in the docket stating that you don't
6 oppose the application but these are my concerns, and
7 that way it will be squarely in front of the
8 commissioners, considering not necessarily for
9 changing the course of this case but for future
10 endeavors.

11 How does that sound to you,
12 Ms. McDuffey?

13 MS. McDUFFEY: That sounds wonderful.
14 That's what I wanted to hear you say.

15 JUDGE JONES: Okay. How does that sound
16 to everyone else?

17 MR. COOPER: That sounds fine, Judge. I
18 also might mention to you sometimes in these
19 prehearing conferences you sometimes emphasize the
20 fact that they are at least partially for the purpose
21 of getting the parties together for settlement
22 discussions and that sort of thing. And in this
23 particular case there have been discussions between
24 Company personnel and Ms. McDuffey that I think have
25 progressed at least pretty far along in the process,

1 and so there is some of that ongoing as well that may
2 hopefully result in some filings in the near future.

3 JUDGE JONES: Okay. That's great. And
4 Ms. McDuffey, how much time do you think you would
5 need in order to put something together?

6 MS. McDUFFEY: To put something
7 together?

8 JUDGE JONES: Yes, ma'am.

9 MS. McDUFFEY: A day.

10 JUDGE JONES: Okay. Well, how about a
11 week?

12 MS. McDUFFEY: Okay.

13 JUDGE JONES: Go get it filed then. And
14 do any of the parties present think they'll need to
15 respond?

16 MR. COOPER: We do not, your Honor.

17 JUDGE JONES: Staff?

18 MS. KLIETHERMES: I don't believe so,
19 Judge. I guess it would depend on what it says, but
20 based on what we heard this morning, I don't believe
21 so.

22 JUDGE JONES: Okay. Well, you-all go
23 ahead and talk about that after we're off the record.
24 And to avoid prolonging this process, why don't you
25 talk about the substance of what may be in whatever

1 statement Ms. McDuffey files, and if it's clear that
2 you-all have no opposition, then just Ms. McDuffey
3 can simply state that the parties don't have any
4 opposition to her statement, and then I can go ahead
5 and get this before the commissioners and we can
6 file.

7 MS. KLIETHERMES: Or Judge, would it be
8 simpler if -- it sounds like Ms. McDuffey may be able
9 to file sooner than a week. If within, say, two days
10 of her filing or as soon as possible, it could be the
11 next day, Staff would simply file to say that we, you
12 know, don't oppose.

13 MR. COOPER: Have no further comment.

14 MS. KLIETHERMES: Or have no further
15 comment or something, yeah.

16 MS. MOORMAN: Summit would be willing to
17 do the same thing.

18 JUDGE JONES: That's a good idea. I
19 appreciate it. Two days after Ms. McDuffey files her
20 statement, whether you oppose it or not, just simply
21 file a statement in response two days thereafter.
22 How about that?

23 MS. KLIETHERMES: Sounds great.

24 JUDGE JONES: All right. Anyone have
25 any other concerns they'd like to discuss on the

1 record?

2 (NO RESPONSE.)

3 JUDGE JONES: All right. Understanding
4 that, we'll go off. You-all have a great week.

5 (WHEREUPON, the hearing was adjourned.)

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1 C E R T I F I C A T E

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3 STATE OF MISSOURI)

) ss.

4 COUNTY OF COLE)

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6 I, Pamela Fick, Registered Merit Reporter
7 and Certified Shorthand Reporter do hereby certify
8 that I was personally present at the proceedings had
9 in the above-entitled cause at the time and place set
10 forth in the caption sheet thereof; that I then and
11 there took down in Stenotype the proceedings had; and
12 that the foregoing is a full, true and correct
13 transcript of such Stenotype notes so made at such
14 time and place.

15 Given at my office in the City of
16 Jefferson, County of Cole, State of Missouri.

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PAMELA FICK, RMR, CCR #447, CSR

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