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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS
Evidentiary Hearing
February 26, 2015
Jefferson City, Missouri
Volume 20

In the Matter of Union)
Electric Company d/b/a)
Ameren Missouri's Tariff) File No. ER-2014-0258
To Increase Its Revenues)
For Electric Service)

MORRIS L. WOODRUFF, Presiding,
CHIEF REGULATORY LAW JUDGE.

WILLIAM P. KENNEY,
SCOTT T. RUPP,
STEPHEN M. STOLL,
DANIEL Y. HALL,
COMMISSIONERS.

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

2 JUDGE WOODRUFF: Okay. Let's get started.

3 We're back today on the Ameren rate case hearing,
4 ER-2014-0258. When we left off last night, we were
5 working on the Noranda AAO issue. John Cassidy was
6 on the stand. Mr. Cassidy, you were sworn as a
7 witness yesterday and you're still under oath and
8 you may proceed.

9 DIRECT EXAMINATION

10 BY MR. THOMPSON:

11 Q Mr. Cassidy, as far as you know, this is
12 your last scheduled appearance in this hearing, is
13 that not true?

14 A Yes.

15 Q At this time, I would move the admission
16 of Mr. Cassidy's testimony, which has been
17 previously identified. He has, I believe, direct,
18 rebuttal, surrebuttal. You also sponsored the staff
19 accounting schedules, I believe.

20 A That's correct.

21 Q And also the true up accounting
22 schedules?

23 A Yes.

24 Q You contributed to the cost of service
25 report, but we're not going to offer that at this

1 time. You also contributed, I believe, to a
2 document attached to the testimony of
3 Ms. Kliethermes --

4 A That's correct.

5 Q -- respecting Ameren's proposal for a
6 merchant wholesale arrangement with Noranda for
7 power?

8 A That's correct.

9 MR. THOMPSON: Okay. We would move that as
10 well.

11 JUDGE WOODRUFF: All right. Staff
12 accounting schedules are 200. Any objections to
13 its receipt? That will be received. Mr. Cassidy's
14 direct is 209, his rebuttal is 210, and his
15 surrebuttal is 211 HC and NP. Any objections?
16 Hearing none, that will be received. And the staff
17 true up accounting schedules are 241. Any
18 objection? Hearing none, they will be received.
19 Does that cover it?

20 MR. THOMPSON: Do we need the original
21 accounting schedules as well?

22 JUDGE WOODRUFF: That was 200.

23 MR. THOMPSON: Thank you. Sorry, Judge.

24 JUDGE WOODRUFF: Okay. Then, for
25 cross-examination, we will begin with MIEC.

1 MR. DOWNEY: No questions.

2 JUDGE WOODRUFF: Consumer counsel? Public
3 counsel?

4 MR. OPITZ: Yes, Judge.

5 CROSS EXAMINATION

6 BY MR. OPITZ:

7 Q Good morning, Mr. Cassidy.

8 A Good morning.

9 MR. OPITZ: In your rebuttal on Page 6, you
10 characterize the deferred items as lost revenues.
11 Can you explain a little bit what you mean by that?

12 A Well, these are items that essentially
13 it is -- there's a long chain of events that have
14 happened here and I've explained that on Pages 2
15 through 6 and so essentially what happened was when
16 Noranda's load was reduced due to the storm, Ameren
17 Missouri made a decision to enter into contracts
18 with AEP and Wabash to make off system sales and at
19 or near the time that their FAC was approved, that
20 required that those sales be flowed through that FAC
21 and 95 percent of those sales would be returned to
22 customers. However, Ameren Missouri opted not to
23 flow those revenues through the FAC and then
24 subsequently the commission said they acted
25 imprudently in doing so and then later were required

1 to flow those through the FAC. And so, you know,
2 the company calls them fixed costs. You know,
3 they're trying to characterize it as, you know, the
4 investment, it's, you know, a cost that's there,
5 whether or not they, you know, make those sales or
6 not. But, in essence, it's really revenue or lost
7 profit that Ameren Missouri has, you know, not
8 received as a result of this deal.

9 **Q And those fixed costs that they claim to**
10 **be in here, were those included in the revenue**
11 **requirement of the company's 2008 rate case?**

12 A Yes.

13 **Q Has this sort of lost revenue been**
14 **deferred in the past?**

15 A I'm only aware of two other instances
16 where utilities have come in and attempted to defer
17 and recover revenues that resulted from -- that were
18 lost as a result of, say, an ice storm or an act of
19 God, some major storm. And it involved Empire and
20 MGE. I think in the Empire case, that case was
21 settled. So it wasn't really addressed in the
22 context of that case. And then I think with the MGE
23 case, I think that was Case No. GU-2011-0392. The
24 commission denied that request saying those were
25 ungenerated revenues and should not be reflected in

1 rates or, in that case, they weren't even allowed to
2 be deferred for recovery.

3 Q In your time with the commission, do you
4 know of any cases where after granting an AAO the
5 commission either modified or did not allow the
6 amount to be recovered?

7 A Yes. That has occurred before.
8 Another -- I believe it was another MGE case.

9 Q And one of those -- that MGE case, I
10 think you're referring to, was that GR-98140?

11 A Yes, that is the case number.

12 Q In that case, Missouri Gas Energy sought
13 to -- sought rate making treatment for an AAO,
14 correct?

15 A They did.

16 Q And the AAO order that they sought --
17 that they were granted initially specified a number
18 of 10.54 percent for carrying costs, is that
19 correct?

20 A Yes.

21 Q And in the rate case, is that what The
22 Commission allowed them to recover?

23 A It was not.

24 Q So in that case, The Commission did not
25 allow recovery of the full amount of the AAO,

1 correct?

2 A That's correct.

3 Q Are there any other instances where The
4 Commission, to your knowledge, did not allow
5 recovery of the full amount of an AAO?

6 A That's the only case I am aware of.
7 There may be others.

8 Q And was there -- and the reason -- are
9 you aware of the reason that The Commission did not
10 allow recovery of the full amount of that AAO?

11 A I believe that the carrying costs that
12 was being applied to some service line replacement
13 program costs, they believe that it was too high of
14 a carrying cost to be placed on -- it was
15 unreasonable, so they reduced it to a short-term
16 debt carrying cost.

17 Q And they did that even though in their
18 AAO they had specifically ordered a different
19 amount, correct?

20 A That is correct.

21 MR. OPITZ: Judge, I would ask that The
22 Commission take official notice of the order in
23 Commission Case GR-98140.

24 JUDGE WOODRUFF: Do you happen to have a
25 copy of it?

1 MR. OPITZ: I have excerpts of the pages.

2 I don't have a copy of the entire order.

3 JUDGE WOODRUFF: The reason I ask is
4 because it's a pre-EFIS number and it's going to be
5 hard to find.

6 MR. OPITZ: I would be happy to get a full
7 copy of that order. What I have are the relevant
8 pages printed out and I can bring that to you, if
9 you would like.

10 JUDGE WOODRUFF: That would be helpful and
11 we'll go ahead and mark it as a number -- as an
12 exhibit. So, Mr. Opitz, I'm going to mark this as
13 Exhibit 412 and then you're going to substitute the
14 full report and order for this partial order, is
15 that the plan?

16 MR. OPITZ: Yes, I can do that.

17 JUDGE WOODRUFF: 412 has been offered. Any
18 objections to its receipt? Hearing none, it will
19 be received and then you'll substitute the full
20 order later.

21 (OPC Exhibit 412 marked and received into evidence.)

22 MR. OPITZ: Thank you, Judge. That's all
23 the questions I have.

24 JUDGE WOODRUFF: For Ameren Missouri?

25 MR. MITTEN: Thank you, Your Honor. Just a

1 few questions.

2 CROSS EXAMINATION

3 BY MR. MITTEN:

4 Q Mr. Cassidy, regarding the case that you
5 discussed with Mr. Opitz a moment ago, GR-98140.
6 You indicated that The Commission denied the
7 recovery of carrying costs associated with the
8 deferral, is that right?

9 A They denied the initial recovery of
10 carrying costs that was tied to a return that was
11 granted as part of the AAO application and granted
12 instead an AFUDC rate that was more akin to
13 construction costs, which these items related to.

14 Q Was there any dispute in that case as to
15 whether or not the company would be allowed to
16 include in rates the underlying deferred balance to
17 which the carrying charges applied?

18 A I wasn't a party to that case, so I
19 don't recall or don't know.

20 Q What carrying costs did Ameren Missouri
21 seek in connection with the amounts deferred under
22 the Noranda AAO?

23 A There is no carrying costs.

24 Q You also mentioned in connection with
25 your discussion with Mr. Opitz that you were only

1 **aware of a couple of a cases where The Commission**
2 **had allowed utilities to defer lost revenues, is**
3 **that right? You mentioned Empire and MGE related to**
4 **the Joplin tornado.**

5 A I said two cases that were related to
6 storm events or acts of God.

7 Q **Did The Commission allow companies to**
8 **defer lost revenues in connection with the cold**
9 **weather rule?**

10 A Yes. And I addressed that in my
11 rebuttal testimony.

12 Q **Did The Commission also allow utilities**
13 **in Missouri to defer lost revenues that were related**
14 **to energy efficiency programs that have been**
15 **implemented?**

16 A Yes.

17 Q **You know of any other instances where**
18 **lost revenues have been allowed to be deferred?**

19 A Those are the only two that I'm aware of
20 personally.

21 Q **One final question. During his opening**
22 **statement yesterday, I believe in response to a**
23 **question from one of the Commissioners, Mr. Thompson**
24 **indicated that one of the reasons that staff was**
25 **opposing recovery of the amounts deferred under the**

1 **Noranda AAO is because of past over earnings by the**
2 **company. Do you recall that statement by**
3 **Mr. Thompson?**

4 A Generally, I do remember some mention of
5 that.

6 Q I couldn't find that anywhere in your
7 testimony. Did he misspeak on that point?

8 A Well, it's not stated in our testimony,
9 but yesterday, I did mention that it is one of the
10 factors The Commission can consider through the UCCM
11 case that Mr. Woodsmall introduced in his opening
12 statement.

13 Q But, again, my question was is that
14 something that staff included in its testimony in
15 this case regarding why The Commission should
16 disallow the deferrals associated with the Noranda
17 AAO?

18 A It isn't stated in our testimony and
19 it's not really one of our primary arguments.

20 MR. MITTEN: That's fine. Thank you. No
21 further questions, Your Honor.

22 JUDGE WOODRUFF: Come up for questions from
23 the bench, Commissioner Stoll?

24 EXAMINATION

25 BY COMMISSIONER STOLL:

1 Q Good morning, Mr. Cassidy.

2 A Good morning, Commissioner.

3 Q In your surrebuttal testimony on Page
4 10, beginning with Line 3, you say that Ameren
5 Missouri is seeking to implement an unwarranted
6 recovery of lost revenue, revenues slash lost
7 profits through an AAO for no other reason than the
8 fact that one of their customers, albeit their
9 largest one, experienced an extended temporary load
10 reduction. And the next sentence is really what I
11 wanted to ask you about; is you say: In doing so,
12 Ameren Missouri is attempting to abandon the
13 longstanding rate making matching principal that
14 requires a proper matching of revenues, expenses,
15 and investment. Could you tell me a little bit
16 about -- about that -- explain that?

17 A Well, the problem with deferrals and
18 AAOs and you know The Commission is -- should have
19 the latitude and discretion to implement them to
20 address special circumstances. Staff doesn't
21 believe this is one of those special circumstances.
22 But the problem with deferrals is that it -- it does
23 create a problem with keeping the matching principal
24 intact and that is keeping revenues, expenses,
25 investment, and return all synchronized together at

1 the same points in time.

2 **Q Because these are amounts that are out**
3 **of the ordinary?**

4 A These are amounts that occurred in the
5 distant past and, in fact, they already have been
6 reflected in the company's income statements and in
7 2011 and 2012, so they're essentially expired costs
8 and really not eligible for recovery through
9 deferral at this -- at this juncture. This has been
10 a long chain of events and, you know, we've -- the
11 staff believes that, you know, that Ameren Missouri
12 hasn't acted entirely prudently throughout this
13 entire course of events. In fact, The Commission
14 stated that in its orders in the two FAC prudence
15 review cases and so that's just another factor for
16 why we think this is entirely inappropriate.

17 **Q And is that the reason why you described**
18 **it as a special circumstance?**

19 A Well, this --

20 **Q The seeking of recovery for this?**

21 A Well, their seeking of recovery of this
22 is, in Staff's viewpoint, inappropriate. And it's
23 not something that we've seen done before.

24 **Q Okay. Okay. Thank you.**

25 JUDGE WOODRUFF: Commissioner Kenney?

1 EXAMINATION

2 BY COMMISSIONER KENNEY:

3 Q Thank you. Mr. Cassidy, obviously none
4 of us that are here at this table up here today were
5 a part of those cases early on. And so just a
6 little bit of a history lesson for me. I've tried
7 to research back and I know from what I understand
8 after that ice storm, and please correct me if I'm
9 wrong, the discrepancy came that you said -- you
10 made a comment that just kind of made me think of
11 this -- that said they didn't -- they tried -- they
12 did not run these through the FAC like they should
13 have. But didn't Ameren consider these long-term
14 contracts when they thought they made a remedy for
15 the lost Noranda revenue and that The Commission, I
16 believe, on a 3-2 vote said that they were not
17 long-term contracts, they had to go through the FAC,
18 is that correct?

19 A The Commission decided they needed to go
20 through the FAC.

21 Q Was there a 3-2 vote?

22 A I don't know the vote.

23 Q I think it was a 3-2 vote. Because I
24 think I remember talking to former Commissioner
25 Jeffrey Davis about that. And then -- then they

1 **appealed that and went through the courts and then**
2 **when I was on The Commission, it came through the**
3 **courts or it came back to us and we allowed**
4 **Ameren -- The Commission voted, I believe, on --**
5 **might have been a 3-1 vote, to allow it to be a part**
6 **of this rate making procedure. And we classified it**
7 **as an AAO.**

8 A That's my understanding.

9 Q **Now, does Staff's position that they --**
10 **that AAOs are a proper way in extraordinary**
11 **situations to get rate relief?**

12 A Yes, and as an example of that, you
13 know, if the ice storm had caused catastrophic
14 damage, extraordinary and material damage to, you
15 know, Ameren's system and it rose to that threshold,
16 the repair costs of getting customers back in
17 service would certainly be something that should be
18 deferred and recovered. But -- but the lost
19 revenues is a different matter, so a horse of a
20 different color.

21 Q **I think there was another ice storm that**
22 **was mentioned yesterday. Where did that take place?**

23 A There was a ice storm mentioned
24 yesterday but I -- I'm not familiar with that one.

25 Q **I just have a question for you. One**

1 question: On your rebuttal testimony, Page 2 in
2 your opening, Line 8 through 10, you say Staff
3 counsel has advised me that Ameren Missouri's
4 attempt to now recover the financial impact of an
5 event that first occurred almost six years ago from
6 today represents a request for unlawful retroactive
7 rate making. Is that what your testimony's based
8 on; that that's why this should not be allowed?

9 A That's one of many points.

10 Q Okay. Now, I asked Staff counsel
11 yesterday, so what is the relevancy of six years ago
12 from today? What is that relevancy? Why is that
13 there? I mean, what -- is that relevant in this
14 case?

15 A I think it is relevant.

16 Q Why?

17 A And, you know, I think Ameren Missouri,
18 instead of attempting to prevent those revenues from
19 flowing through the FAC, could have requested an AAO
20 for recovery at or near the time of the event. You
21 know, it's not --

22 Q But didn't -- we heard testimony that
23 Ameren thought that they had done the right thing,
24 they had already covered their lost -- their lost
25 fixed -- they call it lost fixed costs. They felt

1 that they had -- I know they changed their tune a
2 few times, but they felt they already recovered but
3 probably thought that they were okay and then it
4 went to The Commission. The Commission ruled
5 against them. Then it went to court. Now, I asked
6 your Staff counsel yesterday if in this case, is
7 this the proper time that we should be dealing with
8 this, and your Staff counsel said yes.

9 A Yes, I believe that rate recovery should
10 be addressed.

11 Q No, they said this issue, this AAO is
12 the proper time to address it, so you're saying that
13 it should have been done a few years ago?

14 A Well, Staff counsel may have a different
15 perception of this than I. But let me try to help
16 explain.

17 Q Okay.

18 A Okay. The 2009 ice storm that struck
19 southeast Missouri is not what triggered Ameren
20 Missouri's request to defer accounting for these
21 lost fixed costs or ungenerated revenues. It was
22 the adverse Commission decision in both of the FAC
23 prudence reviews that triggered that. As a result
24 of that, Ameren Missouri had to record and reflect
25 those amounts in its financial statements in 2011

1 and 2012. And those costs are now expired and
2 they're not really eligible for recovery in this
3 case, because of that outcome. And so, to come in
4 here today and say we want an AAO is untimely.

5 **Q But The Commission granted them an AAO?**

6 A I know they granted that, but generally
7 it's been the proposition of Staff to treat AAOs
8 that if something happens that requires deferral,
9 the company needs to come in and seek recovery near
10 the time of that event.

11 **Q But I'm -- you know, but the event was**
12 **just brought to us now. I mean, you may have a**
13 **different opinion than Staff counsel now, but you**
14 **left with Staff counsel as the reason this is**
15 **unlawful because they've advised, so you can pick --**
16 **because they've advised it's an unlawful event.**
17 **That's one of the reasons that for -- that it should**
18 **not be part of the rate making process in this case.**

19 A That is one of many.

20 **Q Okay. I understand that. So but you**
21 **guys have a differing opinion on why this is before**
22 **us, then, I guess. I mean, I think whether this**
23 **commission grants this or not, it's still -- it is**
24 **an AAO, it is before us, and so, I don't see how**
25 **anybody can say it's retroactive -- unlawful**

1 **retroactive rate making unless every AAO is unlawful**
2 **retroactive rate making.**

3 A Well, I would defer to my counsel to
4 address, you know, the unlawful rate making, you
5 know, retroactive rate making argument, but I can
6 certainly address other points.

7 **Q All right. Thank you.**

8 JUDGE WOODRUFF: Commissioner Hall?

9 EXAMINATION

10 BY COMMISSIONER HALL:

11 **Q Yes, thank you. Good morning,**
12 **Mr. Cassidy.**

13 A Good morning.

14 **Q There was some testimony yesterday that**
15 **the actual amount of lost revenues to Ameren as a**
16 **result of Noranda load being reduced as a result of**
17 **the ice storm was \$58 million. Is that your**
18 **understanding as well?**

19 A That is the amount of revenue.

20 **Q Okay. And do you know what the -- what**
21 **the actual amount of the revenues were from the**
22 **Wabash and AEP contracts?**

23 A It was about 38 million.

24 **Q 38 million. And so, Ameren attempted**
25 **to -- let me strike that. As a result of The**

1 Commission's determinations on FAC prudence reviews,
2 Ameren was required to run 95 percent of that
3 through the FAC?

4 A That's correct.

5 Q Okay. So, that is how we get to the --
6 well, what's 95 percent of 38 million?

7 A Well it's 35.6 million, so whatever that
8 math is is what the revenue was.

9 Q Well, what is 35.6 million?

10 A 35.6 million is 95 percent of the
11 revenue that resulted from sales to AEP and Wabash.

12 Q Well, here is my confusion. Because
13 there is -- there was testimony yesterday. There
14 was filed testimony that the 36 million-dollar
15 figure is the amount of costs that The Commission
16 had allocated to Noranda, the amount of fixed costs
17 allocated to Noranda. So, is that true?

18 A The company characterizes it as lost
19 fixed costs which are the sub costs, the investment,
20 the generating plants, that the allocation of that
21 amount that would be assigned to Noranda, whereas
22 Staff is saying this is really lost revenue.

23 Q Well, I guess it was my understanding,
24 both from the testimony and my understanding in the
25 AAO proceeding, that the 35.6 million was an actual

1 **dollar amount that -- that could be derived from the**
2 **last rate case and Staff's determination of the**
3 **fixed costs allocable to Noranda. Period.**

4 A It is. And it was reflected in that and
5 I don't think there's any dispute with regard to
6 this.

7 Q Okay. Well, so then is it just a mere
8 **coincidence that -- that the fixed costs allocable**
9 **to Noranda equals 95 percent of the -- of the**
10 **Wabash/AEP contracts?**

11 A I understand where you're coming from
12 now with your question. Yes. It represents the
13 lost fixed costs. But it also translates into lost
14 or ungenerated revenues. Albeit that they're not
15 seeking, you know, 58 million of revenues.

16 Q **So just a mere coincidence that those**
17 **two numbers equal each other?**

18 A Well, it's the fact that they've -- it's
19 a fact that that would have been revenue. It's part
20 of the entire 58 million revenue that would have
21 been -- would have been recovered had Noranda not
22 gone down, so the fact that they made sales to get
23 to that point and didn't, you know, receive those,
24 let me see if I can explain this better.

25 Q Okay.

1 A Okay. Those are lost fixed costs that
2 were built and reflected in rates in the prior case.

3 Q Okay. Stop right there. So I could go
4 back to the last rate case and I guess this is --
5 this was part and parcel of a cost of service
6 analysis by Staff that that was the basis for a rate
7 design determination, trying to determine what are
8 the fixed costs that Ameren has to serve Noranda.
9 Is that correct?

10 A It could be identified as such. Yes.

11 Q So there's a dollar amount in that
12 study, okay. I'd be interested in finding that
13 dollar amount. Okay. Keep going.

14 A Yeah, and I wasn't a party to the AAO
15 case or how that was quantified. But it's my
16 understanding that that amount translates into lost
17 revenues or lost profits.

18 Q You lose me there. I mean, I understand
19 how you can allocate and it's important and
20 necessary to allocate fixed costs per class in order
21 to determine rate design and in this case there's
22 only one member -- only one rate payer in that
23 class, so I understand how you get a number for the
24 allocated fixed costs for Noranda. I still don't
25 understand how -- why that -- why that number also

1 equals 95 percent of the Wabash/AEP contracts.

2 A Because the revenue was returned to
3 customers back through the FAC and, as a result,
4 Ameren's earnings were lower because of that outcome
5 from the FAC prudence reviews.

6 Q Well -- yeah, okay. Let's -- let's move
7 on. I know that this is -- this has been -- I'm
8 inquiring about an issue that's been at the heart of
9 this dispute from its inception, as to whether these
10 are costs or lost revenue. And in some ways, my
11 inquiry is re-visiting an issue that has been
12 resolved but it is certainly raising some questions
13 in my mind about -- about that determination. Let
14 me -- let me switch gears for a moment. You said in
15 response to questions, I believe, from Commissioner
16 Stoll, that Ameren failed to act prudently in a
17 number of -- or throughout the process. Or there
18 were instances where they failed to act prudently
19 and there was actually two determinations by The
20 Commission by not running these revenues through the
21 FAC that that was imprudent. Beyond those -- beyond
22 that issue, beyond failing to run it -- run these
23 revenues through the FAC, are there any other
24 instances of imprudence from your perspective?

25 A That would be our primary concern with

1 regard to the prudence aspect.

2 **Q When you say primary concern, that**
3 **implies that there are others.**

4 A Well, I think that Ameren Missouri
5 should have filed an AAO at the time of that event
6 rather than trying to do an end run of its newly
7 implemented FAC, so -- and The Commission, in both
8 of its orders, stated that Ameren Missouri had acted
9 imprudently. And so I also think it's imprudent to
10 come back in here, you know, after that outcome to
11 come in here and try to get an AAO for costs that
12 have already been reflected in their financial
13 statements and prior periods, 2011 and '12. Those
14 are expired costs and not really eligible for
15 recovery.

16 **Q Now, well, I mean, that goes to the**
17 **issue of whether or not the AAO was properly granted**
18 **in the first place. I would --**

19 A I view the -- there's a decision that
20 needs to be made to defer costs. But that doesn't
21 necessarily mean that they should be recovered when
22 you get to the rate case. That's a separate and
23 distinct decision that needs to be made.

24 **Q All right. No further questions. Thank**
25 **you.**

1 JUDGE WOODRUFF: All right. We're coming
2 back for questions based on recross, based on
3 questions from the bench. Anyone wishing to
4 recross? I see Ameren.

5 RE CROSS EXAMINATION

6 BY MR. MITTEN:

7 Q Mr. Cassidy, I want to first address
8 some of the -- of the matters that you discussed
9 with Commissioner Hall. Now, it's your claim the 35
10 and-a-half-million-dollars that Ameren Missouri
11 deferred under the Noranda AAO is related to the
12 \$38 million that it received from the two purchase
13 power agreements with AEP and Wabash, is that
14 correct?

15 A I don't believe they're exactly related.
16 They just happen to be very near in amounts.

17 Q Well, you weren't involved in the AAO
18 case?

19 A I was not.

20 Q And did you hear Ms. Barnes testify
21 yesterday that the 35-and-a-half-million-dollar
22 number was a stipulated amount in that case?

23 A There is no dispute, I heard that.

24 Q And do you have a calculator with you?

25 A I do not.

1 Q Well, would you accept, subject to
2 check, if you take 95 percent of 38 million, you do
3 not get 35 and a half?

4 A It doesn't quite match up.

5 Q So you're just speculating that the 35
6 and-a-half million is 95 percent of the amount that
7 the company collected from AEP and Wabash, is that
8 correct?

9 A I think what's happening here is that
10 this an amount that resulted in lower profits for
11 Ameren Missouri. It's very near to that amount and,
12 you know, I don't know that this amount is really
13 what this amount is or what it derives of, is really
14 all that important at this point in time. We've
15 stipulated to that amount. So --

16 Q And you also mentioned, in response to
17 Commissioner Hall's question, that Ameren Missouri
18 had acted imprudently in the sales that it attempted
19 to make to AEP and Wabash, is that correct?

20 A It wasn't imprudent in making those
21 sales. It was imprudent to attempt to exclude those
22 sales from the FAC mechanism that was in place.

23 Q And when the commissioner found the
24 company had acted imprudently, it made that finding
25 in the context of a prudence review, is that right?

1 A It did.

2 Q That was the finding that you would
3 expect The Commission to make if it disagreed with
4 the treatment that Ameren had given the revenues
5 that it received from those two purchase power
6 agreements, wouldn't you agree?

7 A Yes.

8 Q Now, I also want to explore with you the
9 chronology of events that led to The Commission
10 granting the Noranda AAO. Immediately following the
11 2009 ice storm, Ameren Missouri attempted to
12 mitigate the effects of the lost Noranda load by
13 entering into purchase power agreements with AEP and
14 Wabash, is that correct?

15 A Yes.

16 Q And if Ameren Missouri had been able to
17 keep those revenues and not had to run them through
18 the fuel adjustment clause, would you agree that
19 Ameren Missouri would not have suffered any
20 financial loss as a result of the Noranda outage?

21 A Yes.

22 Q Would you also agree that it wasn't
23 until The Commission determined that Ameren Missouri
24 had to run those AEP and Wabash revenues through the
25 fuel adjustment clause that Ameren Missouri first

1 **suffered a financial loss as a result of the Noranda**
2 **outage?**

3 A I believe the financial loss actually
4 occurred in 2011 and 2012 after those decisions
5 occurred.

6 Q **Tell me, Mr. Cassidy, would Staff**
7 **support the company receiving an AAO for the Noranda**
8 **outage before it suffered any financial loss?**

9 A Probably not.

10 Q **And within just a couple months after**
11 **The Commission issued its decision in the prudence**
12 **review, which told the company that it had to refund**
13 **to customers through the fuel adjustment clause the**
14 **revenues that had received from AEP and Wabash, the**
15 **company asked for an AAO, is that right?**

16 A They did.

17 Q **Could the company have done so any more**
18 **quickly than it did?**

19 A The company could have asked for the AAO
20 prior to its decision to avoid running it through
21 the FAC and then it would have been matched closely
22 to that event and that would have been somewhat of a
23 more appropriate action for the company to take.

24 Q **But a moment ago you told me that until**
25 **the company suffers a financial loss, Staff wouldn't**

1 support the receipt of an AAO.

2 A That doesn't prevent the company from
3 coming in and asking for the AAO.

4 Q And in the AAO proceeding itself, isn't
5 it true The Commission deferred for several months a
6 ruling in that case because there was an appeal
7 pending of the decision made in the prudence case?

8 A I'm somewhat aware of that.

9 Q So, this is really the first rate case
10 that Ameren Missouri has had an opportunity to seek
11 recovery through rates of the amounts deferred
12 through the Noranda AAO, would you agree?

13 A No.

14 Q The Noranda AAO was granted after rates
15 were set in the company's last rate case, is that
16 correct?

17 A It was.

18 Q So when could it have asked for recovery
19 of those deferred amounts?

20 A In 2009.

21 Q That's only if it had filed for an AAO
22 instead of trying to mitigate its losses by entering
23 into purchase power agreements with AEP and Wabash,
24 would you agree?

25 A It could have entered into those

1 contracts as well.

2 Q So it could have mitigated its losses by
3 entering into contracts, kept that revenue, and
4 still asked for an AAO?

5 A That was an option for the company to
6 proceed with.

7 Q One final question. You indicated in
8 response to questions from Commissioner Stoll that
9 one of the concerns Staff has about this AAO is that
10 it is contrary to the matching principle.

11 A Yes.

12 Q And the matching principle is that you
13 try and match revenues and expenses from the same
14 period, is that right?

15 A Yes.

16 Q And in an AAO, you're taking expenses or
17 lost fixed costs or lost revenues from one period
18 and trying to collect them in a future period, is
19 that right?

20 A An AAO creates problems with that
21 matching concept.

22 Q And that's true for all AAOs, not just
23 the Noranda AAO, would you agree?

24 A Yes.

25 Q I don't have any further questions.

1 Thank you.

2 JUDGE WOODRUFF: Redirect?

3 REDIRECT EXAMINATION

4 BY MR. THOMPSON:

5 Q Thank you, Judge. I'm going to attempt
6 to dispel some of the confusion that has settled
7 over those proceedings. Mr. Cassidy, you are not an
8 attorney, are you?

9 A No.

10 Q And your professional specialty is
11 accounting, is that correct?

12 A Yes.

13 Q Now, if you know, are the principles
14 that are important and significant to you as an
15 accountant, as you consider this matter, do you know
16 or do you have an opinion as to whether they are the
17 same as the principles that an attorney might
18 consider significant in considering this matter?

19 A Not at all times.

20 Q And, now, there were questions from
21 Commissioner Kenney about retroactive rate making,
22 do you recall those questions?

23 A Yes.

24 Q I wonder, if you could, as an
25 accountant, tell me what you understand retroactive

1 **rate making to be.**

2 A It would be an unlawful attempt to go
3 back and take into account changes in either
4 revenues or expenses from a much distant period or a
5 period prior to a test year in a rate case and then
6 somehow reflect those in rates.

7 Q Okay. Now, you agreed with Commissioner
8 Kenney, as I recall, that an AAO is a perfectly
9 legitimate regulatory device?

10 A It is.

11 Q And that there are times when it is the
12 appropriate tool to use?

13 A Yes. In certain circumstances, it is an
14 appropriate regulatory tool.

15 Q And The Commission's -- if you know, The
16 Commission's power to grant an AAO is founded in
17 statute?

18 A I believe so.

19 Q And is addressed as well in the uniform
20 system of accounts?

21 A Yes.

22 Q Now, in the uniform system of accounts,
23 deferrals are permitted under certain circumstances,
24 correct?

25 A They are.

1 Q And, in fact, the permission of The
2 Commission isn't even required, isn't that correct?

3 A That's true.

4 Q So, under the uniform system of
5 accounts, is the recovery of those deferrals
6 certain?

7 A No.

8 Q So, from an accounting perspective, what
9 is the effect of a deferral in the subsequent rate
10 case?

11 A It's an item that needs to be addressed
12 in terms of whether or not it's appropriate to
13 include that deferral in rates going forward.

14 Q So, would you agree with me it's --
15 under the rule that all relevant factors must be
16 considered in setting rates, deferred amounts are a
17 relevant factor?

18 A They are.

19 Q But only one relevant factor?

20 A One of many.

21 Q So -- and deferred amounts, am I correct
22 in understanding that deferred amounts may be
23 recovered in whole, in part, or not at all?

24 A Yes.

25 MR. MITTEN: Judge, I've been reluctant to

1 object. Mr. Thompson's questions are almost all
2 leading. I would ask that he rephrase them going
3 forward.

4 JUDGE WOODRUFF: This is direct, so yes.

5 MR. THOMPSON: I apologize, Judge. I'll
6 try to do better. I think I'm at the end of my
7 questions. Thank you.

8 JUDGE WOODRUFF: Good timing, Mr. Mitten.
9 Okay. Then, Mr. Cassidy, you can step down. The
10 next witness is Mr. Meyer. Good morning,
11 Mr. Meyer. You were also sworn yesterday so you
12 are also still under oath. You may inquire. You
13 may inquire.

14 MR. DOWNEY: Judge, I think we already had
15 him identify his testimony and indicate
16 everything's accurate.

17 JUDGE WOODRUFF: I believe so.

18 MR. DOWNEY: So I think it's time for
19 cross.

20 JUDGE WOODRUFF: Okay. For cross, then we
21 begin with Public Counsel.

22 MR. OPITZ: No cross, Your Honor.

23 JUDGE WOODRUFF: Staff?

24 MR. THOMPSON: No questions. Thank you.

25 JUDGE WOODRUFF: Ameren?

1 MR. MITTEN: No questions.

2 JUDGE WOODRUFF: Any questions from the
3 bench? Mr. Stoll?

4 COMMISSIONER STOLL: I have no questions.
5 Thank you.

6 JUDGE WOODRUFF: Commissioner Hall?

7 EXAMINATION

8 BY COMMISSIONER HALL:

9 Q Sure. Do you -- are there any
10 allegations of imprudence with regard to this
11 deferral amount from your perspective?

12 A For the total 35 million?

13 Q Or any portion thereof.

14 A No.

15 Q You were in the courtroom, in the
16 hearing room for the question and answer with
17 Mr. Cassidy?

18 A I was.

19 Q And you heard my questions concerning
20 where this 35.6 million-dollar-figure comes from?

21 A Correct.

22 Q And do you -- do you have an
23 understanding of that?

24 A It's my understanding that those are the
25 claimed unrecovered fixed costs while Noranda was

1 not at full production.

2 Q And so, it does or does not bear any --
3 any connection with the dollar amount of the
4 Wabash/AEP contracts?

5 A In my mind it doesn't.

6 Q So, it was derived from the cost of
7 service analysis by Staff looking at the fixed costs
8 allocable to serving Noranda?

9 A It's claimed to be the fixed costs that
10 was lost or not recovered from Noranda not being in
11 full production for that period of 14 months. And I
12 think where you're going to have problems is if you
13 just go back to the cost of service, you know,
14 because they didn't go completely off, you're going
15 to have -- you're going to have to gradually look at
16 the calculation to see as they move back into full
17 production, obviously the lost -- the, quote, lost
18 fixed costs decline over the period. It's not a
19 constant amount.

20 Q Were you involved in -- in those
21 discussions and negotiations to determine that
22 number?

23 A No, I didn't get involved in the
24 calculation of that number.

25 Q Is this the proper time to ask about the

1 **Noranda load factor that we --**

2 A I was going to come back during the FAC
3 issue.

4 **Q All right. I have no further questions.**
5 **Thank you.**

6 JUDGE WOODRUFF: Any recross, based on
7 questions, from the bench? Any redirect?

8 RECROSS EXAMINATION

9 BY MR. DOWNEY:

10 **Q Just very briefly, Judge. You were**
11 **asked some questions by Commissioner Hall about the**
12 **calculation of costs. Do you recall that?**

13 A Yes.

14 **Q Is it your position that what is at**
15 **issue here are, in fact, unrecovered costs?**

16 A It can be -- in my mind it can be looked
17 at under two different tracts. If you look at it
18 under the fixed costs recovery, those costs were
19 clearly built into rates and in the rate case that
20 was being decided during the ice storm. Those costs
21 were actually recovered in total by the revenues
22 that Ameren received during the period that Noranda
23 was not at full production and that's quantified by
24 a schedule that Mr. Weiss filed on a previous rate
25 case where it showed positive return on equities.

1 So there isn't any, quote, lost fixed costs from a
2 company perspective because revenues covered the
3 full cost. The second tract is that if you want to
4 go down -- if you don't want to go down that one,
5 you can go down the lost fixed revenue and that is
6 since the company did cover all of fixed costs,
7 really what they're seeking here is just a recovery
8 of the lost revenues that were not collected because
9 of Noranda was not at full production.

10 Q I think you said lost fixed revenues.

11 A Lost revenues, ungenerated revenues.

12 Q So in that regard, your testimony, is it
13 the same as Mr. Cassidy's?

14 A That's correct.

15 Q No further questions.

16 JUDGE WOODRUFF: All right. Mr. Meyer, you
17 can step down. Mr. Robertson?

18 (Witness sworn.)

19 JUDGE WOODRUFF: You may inquire.

20 DIRECT EXAMINATION

21 BY MR. OPITZ:

22 Q Mr. Robertson, would you state and spell
23 your name for the record, please?

24 A My name is Ted Robertson, T-E-D,
25 R-O-B-E-R-T-S-O-N.

1 **Q And where are you employed and in what**
2 **capacity?**

3 A I'm the chief accountant for the
4 Missouri Office of the Public Counsel.

5 **Q Are you the same Ted Robertson who**
6 **prefiled direct rebuttal and surrebuttal testimony**
7 **in this case premarked as Exhibits 406 NP and HC,**
8 **407 NP and HC, and 408 NP and HC?**

9 A I am.

10 **Q Do you have any corrections to that**
11 **testimony?**

12 A I do not.

13 **Q To the best of your knowledge and**
14 **belief, are the answers you provided in that**
15 **testimony true and correct?**

16 A They are.

17 **Q If I ask you the same questions in your**
18 **prefiled testimony today, would your answers be the**
19 **same?**

20 A Yes.

21 MR. OPITZ: Your Honor, Mr. Robertson's
22 testimony covers several more issues later on the
23 schedule, so I would wait to offer his testimony
24 until we've taken up his last issue, if it's okay.

25 JUDGE WOODRUFF: What we've been doing is

1 going ahead and offering it but I'll defer ruling
2 on it until after -- until his last time to
3 testify, so at this time I'll take 406, 407, 408 as
4 being offered. And we'll --

5 (NP&HC Exhibits 406, 407, 408 marked.)

6 MR. OPITZ: At this time, I tender the
7 witness for cross-examination.

8 JUDGE WOODRUFF: Thank you. For
9 cross-examination, we would begin with Staff.

10 MR. THOMPSON: No questions, Mr. Robertson.
11 Thank you.

12 JUDGE WOODRUFF: MIEC?

13 MR. DOWNEY: No questions.

14 JUDGE WOODRUFF: Ameren?

15 MR. MITTEN: No questions.

16 JUDGE WOODRUFF: Questions from the bench?
17 Commissioner Stoll?

18 COMMISSIONER STOLL: I have no questions.
19 Thank you for your testimony, though.

20 JUDGE WOODRUFF: Commissioner Hall?

21 EXAMINATION

22 BY COMMISSIONER HALL:

23 Q Sure. Good morning.

24 A Good morning.

25 Q Mr. Robertson, were you involved in the

1 **AAO proceeding and, in particular, the negotiations**
2 **and discussions that led to the -- to the -- I guess**
3 **it's the 35.6 million stipulated figure?**

4 A I was involved in the AAO but, as I sit
5 here today, I can't tell you exactly how those
6 calculations, how they came to the 35 except it was
7 ultimately, I believe, stipulated. There were
8 discussions between the parties in trying to
9 determine what the amount was. There were
10 differences between the parties and ultimately the
11 \$35 million is what they agreed to.

12 **Q Okay. Thank you.**

13 A Thank you.

14 JUDGE WOODRUFF: Any recross based on that
15 question?

16 MR. OPITZ: No, Your Honor.

17 JUDGE WOODRUFF: Any redirect?

18 MR. OPITZ: No, Your Honor.

19 JUDGE WOODRUFF: Thank you. Then,
20 Mr. Robertson, you can step down. That concludes
21 the Noranda AAO issues. Before we move on to the
22 next issue -- don't leave yet. Commissioner Hall
23 had some questions.

24 COMMISSIONER HALL: Brief. I promise. I
25 wanted to return to the stipulation, the

1 non-unanimous stipulation that we discussed
2 yesterday. And, in particular, the rate case
3 expense issue. And mainly what I've got is a
4 couple of brief comments and then a couple more
5 questions. I think there may have been a false
6 impression left as a result of my questions
7 yesterday. I fully understand that what results
8 from a rate case proceeding, at least in the minds
9 of a majority of The Commission, is in the public
10 interest. And as a result of that, it is
11 completely logical and reasonable and appropriate
12 for rate payers to bear some portion of the
13 expenses of the utility in that proceeding. But,
14 unlike other business expenses, operating expenses,
15 this one -- this one is unique in that the process
16 is adversarial by nature. We have the utility on
17 one side. We have consumers and consumer groups on
18 the other. And we have consumers footing the bill
19 for their adversary. And because of that, I
20 believe that it is appropriate in some
21 circumstances for the utility and its shareholders
22 to foot a portion of the bill. Now, having said
23 that, I'd like to ask Staff Counsel and any other
24 counsel that is interested in commenting as well,
25 would it be legal -- would it be legal under

1 current Missouri law for The Commission to order
2 some kind of rate case expense sharing?

3 MR. THOMPSON: First of all, I think it
4 would be legal, but that's a simple answer to a
5 complicated question and, as is usually the case,
6 it's not quite that simple. It would be a serious
7 and dramatic change in the way this commission
8 deals with rate case expense. So, certainly, it
9 would be challenged. In order to make it stick, if
10 that's the right word, I think The Commission would
11 do best to do it by a rule making rather than as a
12 decision in a contested case.

13 COMMISSIONER HALL: Why does the existence
14 of a rule improve the likelihood of that decision
15 being upheld?

16 MR. THOMPSON: Well, a rule making is a
17 legislative type action and all of the stakeholders
18 have an opportunity to file comments and be heard
19 at the rule making hearing. And it gives notice
20 because a rule only operates prospectively. It
21 will give all the stakeholders notice that once the
22 rule becomes effective, and this is the regime that
23 is going to apply, whereas if you were to do it in
24 a contested case, for example, take this case,
25 let's say you decided -- The Commission decided to

1 impose sharing of rate case expense -- of the
2 company's rate case expense in this case. Well,
3 when the case began, the company had no idea that
4 that was a possibility. It was not a contested
5 issue in the case. No one filed any testimony
6 suggesting or proposing that outcome. So I think
7 the company would have an argument that they had
8 been effectively ambushed, that they had incurred
9 rate case --

10 COMMISSIONER HALL: What is the legal -- I
11 mean, I understand they have been surprised, but
12 what is -- how would you legally characterize that
13 surprise?

14 MR. THOMPSON: Perhaps a lack of due
15 process.

16 COMMISSIONER HALL: Okay.

17 MR. THOMPSON: So, again, I think -- I
18 think, personally speaking, I think it's a good
19 idea and I think it should be imposed by rule and
20 that is how I would recommend The Commission
21 approach it.

22 COMMISSIONER HALL: So, from your
23 perspective, it is more likely to be upheld if
24 there's a rule but you're not sitting here today
25 saying that it is an absolute necessity?

1 MR. THOMPSON: No, I'm not saying it's an
2 absolute necessity. I think, again, what you do
3 with rates is based on all relevant factors and,
4 certainly, in the alchemy of all relevant factors
5 consideration, The Commission could find factors
6 that would suggest that rate case expense is too
7 high, for example, or that it's unfair or
8 inequitable to impose it all on the rate payers,
9 absolutely.

10 COMMISSIONER HALL: Okay. Related
11 question: Is there any type of factual record that
12 would be required in order for -- for The
13 Commission to take such action from your
14 perspective or is it simply a policy determination?

15 MR. THOMPSON: Oh, I think that a robust
16 factual record would be necessary.

17 COMMISSIONER HALL: And what would that
18 robust factual record consist of?

19 MR. THOMPSON: I think it would have to
20 include all of the numbers; what was spent and what
21 it was spent for. And, you know, I used to
22 litigate in front of federal courts doing civil
23 rights and other litigation under fee shifting
24 statutes like the Individuals with Disabilities
25 Education Act, for example. And federal judges sit

1 as experts and determine what fees are going to be
2 shifted and how much. And they absolutely
3 determine whether the amounts spent were reasonable
4 both in respect to the absolute cost and to the
5 results obtained, how quickly the litigation
6 proceeded, whether or not they feel a party impeded
7 resolution. So this is not an unknown thing for a
8 tribunal to do at all.

9 COMMISSIONER HALL: All right. I've got a
10 question for -- for Ameren's counsel, but before I
11 move there, I want -- is there any other counsel
12 that wants to respond to the questions that I had
13 or Mr. Thompson's responses?

14 MR. ALLISON: Yeah, if I may. I think I
15 largely concur with what Mr. Thompson offered to
16 The Commission. I just -- I want to step back for
17 a second and say, you know, that -- remind The
18 Commission that this stipulation agreement is
19 entirely up to The Commission's independent
20 judgment as to whether or not The Commission thinks
21 it's appropriate, just, reasonable. You know, we
22 have a true up period in this case in which rate
23 case expense won't be finished until two weeks
24 after the reply produced in this case. If The
25 Commission decides that it doesn't like the

1 stipulation agreement with respect those issues, I
2 think, frankly, The Commission has already brought
3 this up. I think the parties have notice that The
4 Commission is interested in that issue. I think
5 evidence is going to have -- I don't think anything
6 in the stipulation agreement suggests that Ameren
7 is divested of its requirement to provide the
8 substantiation for its rate case expense. It just
9 says that it's going to be handled in a manner
10 consistent with the direct testimony offered by
11 Staff. The final number is not stipulated to. And
12 so I think that The Commission has -- has every
13 opportunity in this case, if it were to decide to
14 do so, to move forward as long as the evidentiary
15 records supported it. And I don't know why there
16 would be in any difference in the evidentiary
17 record on rate case expense in this case as a
18 result of the stipulation and agreement. As long
19 as your decision is rational, it's not arbitrated
20 prejudice, everybody's got notice and has an
21 opportunity to be heard on the issue, so you could
22 do it now if you needed to and if you felt
23 compelled to. I would also remind The Commission,
24 I believe, that there is an open rule workshop on
25 rate case expense that is still open. It may be

1 dormant but I think it is still open and so that
2 may be another avenue for you to consider this
3 issue.

4 MR. LOWERY: Mr. Hall, I would like to be
5 heard, if it pleases The Commission.

6 JUDGE WOODRUFF: It pleases me greatly.

7 MR. LOWERY: I must say that Mr. Allison's
8 comments just a moment ago come dangerously close
9 to violating the agreement that Office of Public
10 Counsel made when they filed this stipulation,
11 which I don't have the language in front of me, but
12 I'm confident it indicates they will support and
13 defend that stipulation just like the rest of us
14 will. So I don't agree that anyone that signed on
15 to that stipulation is in a position to support
16 some kind of proposal for sharing or a different
17 treatment of rate case expense through the true up
18 process or otherwise. The true up process, I will
19 agree, in terms of what the number is, through a
20 given point of time, that certainly would be an
21 appropriate thing if The Commission were not going
22 to prove that aspect of the stipulation but
23 substantively changing the position, I take issue
24 with that. It's not really your issue. It's an
25 issue that I felt I had to respond to given the

1 comments that were made.

2 MR. OPITZ: I didn't change the position at
3 all. I think everybody understands The Commission
4 has to review these stipulations and agreement,
5 exercises its own independent judgment, and this
6 appears to be an issue The Commission's interested
7 in. And I just wanted to remind The Commission of
8 that fact.

9 MR. LOWERY: Far different than a party's
10 position but, nevertheless, let me go back to your
11 comments. Mr. Allison is correct, there is an
12 open -- has been for three or four years, probably,
13 at least three, probably longer -- workshop that
14 has not been pursued by The Commission. I want to
15 talk a little bit about this report Staff filed, a
16 little bit of history because I'm pretty sure
17 Commissioner Hall, you weren't on The Commission
18 when some of this happened. And I'm not sure that
19 any of the Commissioners here today were on
20 commission. The Staff was requested to do -- to
21 prepare a report on rate case expense. I think at
22 least as far back as 2011, might have been sooner
23 than that. During the pendency of our last rate
24 case, I believe this happened in early December,
25 2012, at the request of one of the Commissioners

1 and the report had been essentially done for many
2 months and it had been discussed in agenda that it
3 had been done for many months, but for one reason
4 or another the Staff wasn't producing the report.
5 And one of the Commissioners, and I don't recall
6 which one, essentially insisted Staff, we want to
7 see your report. So the report was submitted in --
8 actually in our rate case docket, as I recall,
9 through EFIS. And when the report came out, the
10 report essentially -- the data in the report, Staff
11 had surveyed utility commissions across the
12 country. I don't know about all of them, but a
13 large number of them. And my recollection of the
14 draft report, as it was called, although as
15 indicated I believe it had been indicated that it
16 was essentially final for some time, indicated that
17 it was virtually unheard of, maybe not entirely
18 unheard of, but almost unheard of, that there would
19 be some type of -- I'm going to use the word
20 arbitrary -- but just sharing of some percentage as
21 a policy matter that there's going to be a sharing
22 of rate case expense. There was very, very little
23 support for the concept of sharing. And Staff
24 certainly made no recommendation that they believed
25 it was an appropriate thing to do whatsoever.

1 Then, as I recall, about a year later, and
2 Mr. Thompson will correct me if my memory's faulty.
3 And his memory is better than mine. The Staff
4 submitted a different report. There were some
5 commonalities between the report but the data
6 wasn't any different, but suddenly Staff submitted
7 a report that by my way of thinking when I read it,
8 out of the blue, Staff was suddenly recommending,
9 as a policy matter, there ought to be 50/50
10 sharing. So it's submitted to The Commission in
11 that workshop docket, I believe. And to my
12 knowledge, not publicly, at least, that report has
13 never once been discussed in the year and a half or
14 two years since it was submitted.

15 JUDGE WOODRUFF: Then it's long overdue.

16 MR. THOMPSON: Well, I guess -- that may be
17 your opinion and you're certainly entitled to it
18 and I think Ms. Tatro indicated yesterday, if The
19 Commission wants to take this issue up, of course
20 we will participate. We will participate in good
21 faith. We will participate as constructively as we
22 can. I guess, a couple of things. One, there
23 isn't support, if you look at other jurisdictions,
24 there really isn't support for this concept of
25 sharing and there's certainly no support for it

1 ever happening in the state of Missouri. Secondly,
2 and I appreciate Mr. Thompson's candor, and I think
3 to a very large degree, sense of fairness in terms
4 of how this is being handled. There is absolutely
5 no reason for the company to have believed that in
6 this case The Commission would make some kind of
7 policy decision, whether it's in the context of a
8 contested case or otherwise, to -- to pursue
9 sharing of rate case expense.

10 COMMISSIONER HALL: I really apologize. I
11 have a question right there. If you had known that
12 rate case expense sharing was the law of the land
13 here, would you have prosecuted this case any
14 differently?

15 MR. LOWERY: No.

16 COMMISSIONER HALL: Not at all? So there
17 would be no detrimental harm to you if we were to
18 impose that?

19 MR. LOWERY: Yes, there would be harm.
20 Because I -- I guess I'm -- I'm going to have to
21 get into the issue. The premise that -- and I'm
22 not -- I don't know whether -- I don't know what
23 you believe to be the appropriate policy or not and
24 I appreciate your remarks at the beginning that I
25 don't think you've purported to prejudge these

1 issues. We haven't been through any kind of -- a
2 workshop is open, there had not been a single
3 workshop has taken place. There's been no
4 discussions amongst stakeholders of any kind. But
5 the premise that our customers are adversaries when
6 we file a rate case, I don't accept that premise.
7 I think that's a false premise. As you pointed
8 out, at the end of the day, The Commission, through
9 the adversary process, has to decide what rates are
10 just and reasonable and what mechanism and so on
11 should be adopted and it's not necessarily at all
12 the case that our customers are adversaries. Other
13 parties can take positions in a rate case that The
14 Commission may find to be completely unreasonable.
15 And the company has to defend against those
16 positions. If those positions were adopted and
17 they resulted in rates that were not just and
18 reasonable, it resulted in regulatory treatment
19 that was not in the long-term interest of
20 customers, that's not necessarily a good thing for
21 customers. So it's a debate that would take a lot
22 longer than the few minutes we have this morning, I
23 think, to have, but I don't think the premise is
24 necessarily a true premise.

25 COMMISSIONER HALL: Did -- were you

1 involved in the workshop docket? Did you provide
2 input, testimony, comments, et cetera?

3 MR. LOWERY: There's been no such
4 opportunity. The workshop was open and what was
5 ordered was that the Staff -- the Staff prepare a
6 report, which ultimately Staff did, and then no
7 further action has been taken.

8 COMMISSIONER HALL: Is that true; that
9 there was no stakeholder involvement in that
10 docket?

11 MR. THOMPSON: That's what I remember.

12 COMMISSIONER HALL: That's intriguing.
13 Okay.

14 MR. LOWERY: So to go back to answer your
15 question. We're going to prosecute the rate case
16 in the appropriate fashion that we believe is
17 necessary to result in just and reasonable rates.
18 And there would be harm because prudently incurred
19 costs that are part of a regulated utility's costs
20 of doing business would be effectively disallowed,
21 I guess, if they were sharing.

22 COMMISSIONER HALL: I didn't really mean
23 harm. I meant prejudice in that the harm that you
24 would suffer would be the same if we had announced
25 this rule five years ago or announced it at the end

1 of the case. You would not have prosecuted the
2 case any differently?

3 MR. LOWERY: The financial consequence
4 would be the same. I agree with that.

5 COMMISSIONER HALL: I understand that.

6 MR. LOWERY: I also am not prepared in part
7 because we haven't dug into this in any great
8 detail because there has been nothing actually
9 pursued at The Commission of any fashion in a rate
10 case or otherwise -- also not prepared to agree --
11 and this is probably the only place I depart from
12 Mr. Thompson's comments. I'm not prepared to agree
13 that you necessarily do have the authority through
14 a sharing mechanism to effectively disallow
15 prudently incurred costs, prudently incurred rate
16 case expense. Mr. Thompson is suggesting if you do
17 it through a rule making that there is a greater
18 likelihood that the courts would agree that you
19 have that authority from the perspective of whether
20 you would have acted arbitrarily and capriciously
21 in a rate case or due process, I would agree from
22 that perspective. I don't agree necessarily that
23 you have the authority pursuant to a rule to
24 disallow prudently incurred rate case expense.

25 COMMISSIONER HALL: Okay. I appreciate

1 those comments. And I, in particular, appreciate
2 you pointing out the fact that as to the lack of
3 stakeholder involvement in the working docket
4 because that was -- I did not know that. I do have
5 a question for -- for Ameren. And that is: Who at
6 the company is responsible for reviewing billing
7 statements from attorneys and consultants?

8 MR. LOWERY: I'll let the person who does
9 that --

10 MS. TATRO: I do.

11 COMMISSIONER HALL: That is your
12 responsibility?

13 MS. TATRO: It is.

14 COMMISSIONER HALL: And in the course of
15 executing that responsibility, would you frequently
16 contact your counsel, your hired counsel, and
17 question particular line items?

18 MS. TATRO: If I had a question about it,
19 yes, I would. We have moved to electronic billing
20 systems, so they input it right into the billing
21 system, which double checks -- well, beginning of
22 the rate case, we negotiate rates and turn into an
23 agreement, that kind of stuff, is all put into the
24 system and the system automatically checks that for
25 me, so if Mr. Lowery bills me at the wrong rate,

1 the system flags it for me so I know, so it can't
2 get missed. So, yeah, I look at every single
3 statement and if there's something on there that I
4 don't agree with, that I don't understand what it
5 is, I would contact them. I have pretty honest
6 attorneys. That really doesn't happen.

7 MR. LOWERY: I don't want to defend my bill
8 but I just want to amplify a little bit what
9 Ms. Tatro said. We provide a great deal of
10 granularity on a task by task basis on what we're
11 doing and when we're doing it. As I understand the
12 system that Ameren has, we don't follow those
13 guidelines, which are pretty -- I guess I'd say
14 they're onerous because they take a lot of time to
15 comply with. This system flags those items.
16 Ameren has -- I've had stretches where I didn't
17 raise my rates for two or three or four years at a
18 time. Ameren has worked very hard. We've
19 negotiated those rates. I'm certainly not
20 embarrassed by my rates and I don't -- this is a
21 dangerous thing to say, but I don't think probably
22 anyone in the room would criticize those rates as
23 being unreasonable at all. So I can just tell you
24 from my personal experience, Ameren pays attention
25 to the expenses that they're incurring.

1 COMMISSIONER HALL: Okay. Thank you. And
2 I appreciate your indulgence re-visiting this issue
3 from yesterday, Counsel.

4 COMMISSIONER KENNEY: Judge, I have a few
5 comments. Commissioner Hall, your two colleagues
6 here and I have heard a statement, be careful when
7 you venture down a path because it may be a very
8 slippery slope. My -- you know, I don't like to
9 cherrypick. And I think something -- when you
10 have -- if you want to share expenses, I think it
11 has to be across the board and I think you put a
12 lot of -- it would -- I don't just cherrypick and
13 say Ameren or KCP&L, or if you have assets of this
14 amount, but we regulate a whole lot of small water
15 and sewer companies who can't afford that. And I
16 think that's why -- because I don't like to
17 cherrypick and I don't like legislators who do it,
18 I know we do it, but I do not want to single out if
19 you have so many assets then you have to share
20 expenses. If you have assets under this amount,
21 you don't have to share. And I think you'd have to
22 get to something like that because, you know, you
23 and I both know a lot of our companies we deal with
24 just have no finances at all.

25 JUDGE WOODRUFF: All right. Let's move on

1 to the next issue at hand. Or Commissioner Stoll?

2 COMMISSIONER STOLL: I'll just make one
3 comment. I'm not sure what prompted the docket to
4 be opened -- the workshop, rather, to be opened.

5 COMMISSIONER KENNEY: I believe it was a
6 KCP&L Iatan 2 in the case of multi multi millions.

7 COMMISSIONER STOLL: I do remember -- I
8 think I remember that Commissioner Jarrett was the
9 one who said this docket has been open for a long
10 time, let's get a report in. I would add that,
11 Commissioner Hall, if you wanted to, you know,
12 pursue comments regarding this, in a workshop, I'm
13 certain that could be done. And, again, I don't
14 recall, was it Mr. Thompson -- was that the reason
15 why the docket was opened or the workshop was
16 opened?

17 MR. THOMPSON: I believe that is true.

18 COMMISSIONER STOLL: Okay. For Iatan.
19 Okay. Well, I think your comments -- all the
20 comments give us food for thought, so thank you.

21 JUDGE WOODRUFF: And I'll add that the
22 workshop file is in my file cabinet at this moment,
23 so we can discuss that further if we need to.
24 Okay. Let's go on to the next issue.

25 MR. THOMPSON: I wonder if we could take a

1 brief recess. We need to get a new team of
2 witnesses and lawyers down here.

3 JUDGE WOODRUFF: That's a good point.
4 Let's come back at 10:10.

5 (Break taken.)

6 JUDGE WOODRUFF: Okay. Let's get started.
7 We're ready to move on to our next issue of the
8 storm expense. We're starting with mini openings
9 beginning with Ameren.

10 MR. MITTEN: Your Honor, we doing storm
11 expense first or vegetation management?

12 JUDGE WOODRUFF: I had storm expense first.

13 MR. MITTEN: That's fine. If it will
14 please The Commission, when a major storm hits and
15 thousands of customers are left without
16 electricity, I believe that everyone in this room
17 would agree that Ameren Missouri should expend its
18 full efforts to restore service to its customers as
19 quickly as possible. In Ameren Missouri's last
20 rate case, The Commission took the bold step of
21 approving a two-way tracker that ensured that the
22 company could fully recover prudently incurred
23 non-internal labor O&M storm restoration costs. As
24 The Commission noted in that order, while
25 traditional regulatory mechanisms for recovering

1 costs incurred to restore service following a major
2 storm, that worked relatively well, major storm
3 costs are particularly well-suited for inclusion in
4 a two-way tracker. The Commission reached its
5 conclusion for at least three reasons. First, The
6 Commission recognized Ameren Missouri has no real
7 ability to control when major storms occur and very
8 little ability to control restoration costs
9 following those storms. The Commission also
10 realized major storm restoration costs can have a
11 major impact on the company's ability to earn a
12 fair rate of return on its investment. But a
13 mechanism that can ensure timely recovery --
14 recovery of all prudently incurred storm
15 restoration costs, can significantly minimize that
16 impact. Finally, The Commission recognized Ameren
17 Missouri has a consistent record of spending money
18 prudently when restoring service following major
19 storms in its service area. These factors cause
20 The Commission to overcome its skepticism regarding
21 tracker mechanisms and adopt one for storm costs.
22 In so doing, The Commission determined a two-way
23 tracker will simply rationalize the method for
24 storm cost recovery The Commission traditionally
25 has employed without reducing Ameren Missouri's

1 incentive to control costs. Despite all the
2 reasons The Commission stated for approving the
3 two-way storm tracker, three parties to this case,
4 Staff, the OPC, and MIEC, are asking The Commission
5 to abandon the tracker in favor of more traditional
6 methods of recovering storm restoration costs.
7 None of these parties provide any evidence the
8 two-way storm tracker isn't working as it was
9 supposed to. Instead, they base their request to
10 do away with the storm tracker simply because they
11 don't like trackers in general. But a quick
12 comparison of the tracker method and the method for
13 dealing with storm restoration costs that these
14 other parties are proposing shows you why the
15 tracker should be retained. Under the traditional
16 method proposed by these parties, storm costs
17 included in the revenue requirement used to set
18 rates would be based entirely on costs associated
19 with what are called normal storms. If that cost
20 estimate is too high, there's no mechanism to
21 return the difference to customers. And if the
22 estimate is too low, Ameren Missouri would be
23 required to absorb the difference in the event of a
24 major storm and in the definition of what
25 constitutes a major storm is far from clear under

1 their proposal. The company would be forced to
2 seek an AAO to defer costs associated with the
3 storm for collection in a future rate case. And if
4 one thing is clear from the testimony and arguments
5 that we've heard over the past day or so, it's that
6 the likely -- that in the future, it will be likely
7 more difficult to obtain AAOs. And even if an AAO
8 is obtained, there's no guarantee that the
9 company's going to be able to recover the amounts
10 deferred in future rates. So the proposal of those
11 parties that are here asking The Commission to
12 adopt in lieu of the tracker is chock full of
13 uncertainty as to whether the company will ever
14 fully recover the costs it reasonably incurs to
15 service following a major storm and that kind of
16 uncertainty should be the furthest thing from
17 Ameren Missouri's mind when it is faced with the
18 task of restoring service to thousands of customers
19 following a major storm. As The Commission noted
20 in its report and order in the last rate case, when
21 faced with a massive power outage, a utility's
22 first priority must be to quickly restore service
23 to its customers. At the same time, the parties
24 who oppose a tracker are denying the consumers they
25 purport to represent the assurance which the

1 current tracker provides that Ameren Missouri's
2 customers will never overpay for rates the cost for
3 restoring service following a major storm. While
4 the current tracker provides certainty, certainty
5 in identifying which storms are major, certainty in
6 ensuring Ameren Missouri will recover all prudently
7 incurred storm restoration costs, and certainty
8 customers won't overpay those costs through rates,
9 the alternative offered by Staff, the OPC, and MIEC
10 is riddled with uncertainty. The factors that
11 cause The Commission to adopt the two-way tracker
12 in the last rate case remain valid and The
13 Commission should reject the arguments of those
14 parties who want to abandon the tracker in favor of
15 more traditional modes of regulation. The virtues
16 and comparative advantages of that traditional mode
17 have not been established by the evidence these
18 parties have presented in this case. With regard
19 to storm costs, there also is an issue regarding
20 the return of over recovery of storm costs. All
21 parties except for the OPC support a five-year
22 amortization of those over recoveries, while OPC
23 proposes a two-year amortization. We believe the
24 testimony in this case will show that the two-year
25 amortization proposed by OPC is unreasonable. The

1 record in this case clearly shows Ameren Missouri's
2 commitment to improve service to customers by
3 reducing outages and controlling its costs. And so
4 the allegation by two Staff witnesses that the
5 storm tracker has caused the company to reduce its
6 O&M expenses is completely without foundation.
7 This is a chart that was included in the direct
8 testimony of Ameren Missouri's CEO Michael Moehn
9 and it shows how, over time, the company has
10 reduced system outages per customer that aren't
11 related to storm. I submit to The Commission that
12 this is not the record of a company that is
13 interested in cutting O&M expenses just to save
14 money at the expense of customer service. So I
15 believe that the Staff's allegations in that regard
16 should be rejected as well. Thank you very much.
17 I'll take any questions from The Commission.

18 JUDGE WOODRUFF: Mr. Stoll?

19 COMMISSIONER STOLL: No questions at this
20 time. Thank you.

21 JUDGE WOODRUFF: Commissioner Kenney?

22 COMMISSIONER KENNEY: No questions.

23 JUDGE WOODRUFF: Mr. Hall?

24 COMMISSIONER HALL: Yes. Thank you. I
25 think it's a very interesting graph. I'd be very

1 interested to hear what opposing parties think of
2 that. And let me ask -- and I appreciate what it
3 shows. But let me ask you this: What incentive is
4 there for the company to reduce costs? I
5 understand that they have, but what is the
6 incentive to do so?

7 MR. MITTEN: The incentive is we want to
8 keep rates as low as possible for customers. And
9 if you're looking for incentive to reduce costs,
10 there's more than incentive to reduce costs if you
11 get rid of the tracker than if you don't get rid of
12 the tracker. Because if the company is forced to
13 live within the confines of the amount of storm
14 restoration costs that The Commission has included
15 in base rates, then it will do everything it can to
16 manage those costs to stay within that limitation.
17 Right now, the company spends what it needs to
18 spend to restore service. Now, those expenditures
19 are subject to review for prudence. So it can't
20 spend money imprudently and still expect recovery
21 of those funds.

22 COMMISSIONER HALL: So then more directly
23 related to that, and I think you responded, what is
24 the incentive to restore service?

25 MR. MITTEN: Well, I think the main

1 incentive to restore service is the fact that
2 Ameren Missouri is committed to providing good
3 service to its customers and restoring service as
4 quickly as possible and all of its actions with
5 regard to major storms in the past underscore that
6 fact.

7 COMMISSIONER HALL: Well, but isn't the
8 monetary incentive to restore service that if
9 you're not selling electricity, you're not getting
10 paid for it?

11 MR. MITTEN: Certainly. That's part of the
12 monetary incentive, yes.

13 COMMISSIONER HALL: Okay. Thank you.

14 JUDGE WOODRUFF: All right. Any -- sorry.
15 Going on to the next opening for Staff.

16 MR. BORGMEYER: If you would leave that up
17 there, might use that in my opening, too. Good
18 morning. May it please The Commission. I guess
19 first I'll say that if -- if it was up to this
20 commission to simply rely on Ameren Missouri's
21 commitments to provide good service, we wouldn't
22 need this commission. This isn't about Ameren's
23 commitments. It's about the economic incentive
24 that the tracker creates. The company does not
25 need this tracker. There's nothing about storm

1 restoration expense for Ameren that justifies this
2 tracker. Moreover, the facts show that this
3 tracker creates an improper economic incentive for
4 the company that has raised Staff concern. It
5 should raise this commission's concern. And I'll
6 talk about that in a second. First, I want to --
7 well, I want to respond to some of the company's
8 statements about what happened in the previous rate
9 case. It's not Staff's burden to show facts
10 that -- that change The Commission's mind. The
11 company has the burden to show facts that justify
12 the tracker. And it's this commission's decision
13 in this case whether or not the company has met
14 that burden. They can't just fall back on the
15 previous order and say, this is how it is now and
16 the other parties have the burden to change your
17 mind. The company has the burden to persuade you
18 and I don't think they've done it. I don't think
19 they've met their burden. The company has no
20 evidence that this type of expense needs a tracker.
21 Staff, on the other hand, has shown in its
22 testimony specific facts which show that the
23 tracker inappropriate for these costs and I urge
24 you to read to rebuttal testimony of Staff witness,
25 Kofi Boateng, on this issue. Staff doesn't oppose

1 all trackers. We're not here just because we have
2 a knee jerk aversion to trackers. We've
3 recommended trackers in certain situations. It's a
4 specific tool that should be used only in a
5 specific circumstance to solve a specific problem.
6 In the past, Staff has recommended a tracker in
7 situations where we don't have enough historical
8 data to determine what a proper base rate amount is
9 for a particular cost. So in situations where
10 maybe a new rule has been passed that requires the
11 company to incur some costs, a tracker might be
12 appropriate because we don't know what they'll be.
13 Staff has recommended trackers for some small water
14 and sewer utilities because they don't have a lot
15 of operating revenue. And sometimes we want them
16 to start doing things to improve their service. In
17 a situation like that, a tracker might be
18 appropriate. So this is not the kind of situation
19 that Ameren's facing; storm restoration expense.
20 For one thing, storm restoration expense is not an
21 unusual cost for a utility. Ever since there have
22 been telephone poles there have been storm damage.
23 This is a normal part of utility operations. And
24 we have a great deal of data that we can use to set
25 a base amount in rates. There is no problem here.

1 And the company should be aggressive in restoring
2 service whether or not it recovers that through a
3 tracker. That shouldn't matter. Also, this is a
4 relatively small amount of money for Ameren. As
5 Staff points out in its rebuttal testimony, the
6 test year expense for storm restoration is
7 .0026 percent of Ameren's total operating costs.
8 It's a fraction of a fraction of a fraction.
9 There's no need for a tracker for this kind of
10 cost. The company says it needs a tracker because
11 the costs fluctuate. All costs fluctuate. That
12 doesn't justify a tracker. The company talked a
13 lot about uncertainty. But Staff points out in its
14 testimony that going back to 2007 before the
15 tracker, the company has recovered every single
16 dollar of its storm restoration costs using
17 traditional regulation and AAO mechanism. Again,
18 there is no problem here for the utility that a
19 tracker needs to solve. Now, sometimes there is a
20 very big storm and the company will have no choice
21 but to incur a very high level of expense in a
22 short period of time. If that happens, the company
23 can defer those expenses through an AAO, and in
24 fact, storm restoration expense is kind of a
25 classic example of an AAO and the company has used

1 the AAO process successfully in the past to recover
2 major storm restoration expenses. The company
3 recovered all the costs it was allowed to defer
4 after a huge storm in January of 2007. Again,
5 there is no problem here for the utility that needs
6 to be solved with a tracker. But here's the
7 problem that the tracker creates for the customer.
8 The tracker creates a perverse incentive. Staff's
9 rebuttal testimony points out that since the
10 company has approved Ameren's storm tracker, the
11 company has steadily reduced its spending on
12 distribution maintenance. And there's a chart in
13 Staff's rebuttal testimony showing that. And that
14 reduction started in '12, continued in '13, and
15 continued in '14. This chart ends at '13. We
16 don't know what the effect is going to be. Staff
17 is not making a prudence -- any kind of prudence
18 allegation in this case. Not making any
19 allegations of imprudence, but we're saying that
20 we're concerned and we're saying The Commission
21 ought to be concerned. Traditional rate making
22 sends the utility the proper incentive to reduce
23 storm expense through prudent preventative
24 maintenance, which creates profits along with good
25 service. The tracker spoils this incentive.

1 Because the company can reduce its spending on
2 preventative maintenance, use that reduction in
3 spending to boost earnings, and if that results in
4 higher storm restoration costs, the utility is
5 economically indifferent to that because it gets
6 all that through a tracker, so it has no incentive
7 to try to reduce storm restoration costs through
8 prudent preventative maintenance. And that's the
9 nature of the economic incentive that we're talking
10 about. Doesn't have anything to do with Ameren's
11 commitments. It's about the economic incentive.
12 So, there are many good reasons to reject this
13 tracker. No good reasons to approve it. Those of
14 you who spent time in the legislature know that
15 it's easy to give something, it's harder to take it
16 away. But in this case the company hasn't met its
17 burden and the tracker should be discontinued. Do
18 you have any questions? I'll be happy to try to
19 answer them.

20 JUDGE WOODRUFF: Questions?

21 COMMISSIONER KENNEY: I have a question.

22 JUDGE WOODRUFF: Commissioner Kenney.

23 COMMISSIONER KENNEY: You were talking
24 about, on their preventative maintenance, the one
25 on Boateng rebuttal testimony, Page 9.

1 MR. BORGMEYER: Yes.

2 COMMISSIONER KENNEY: Okay. So that shows
3 as the reduction -- when did they get their
4 tracker; 2012?

5 MR. BORGMEYER: It was approved -- I
6 believe it took effect January of 2012, maybe, the
7 effective date to the last rate case.

8 COMMISSIONER KENNEY: So those numbers,
9 looking at 12 months in --

10 MR. BORGMEYER: January, '13, yes, sorry.

11 COMMISSIONER KENNEY: -- would be
12 reflective of what the previous rates were. So
13 you're showing a reduction of a few million each
14 year in labor costs, right, and then a little more
15 in non-labor?

16 MR. BORGMEYER: Labor, non-labor, total
17 distribution maintenance expense.

18 COMMISSIONER KENNEY: You said -- the only
19 reason I point that out is you, just a moment ago,
20 you said that by spending less they're boosting
21 their earnings. What? In Pennies?

22 MR. BORGMEYER: Well, there's an amount
23 built in rates for distribution maintenance
24 expense. If they don't spend that, that goes to
25 earnings.

1 COMMISSIONER KENNEY: Well, I know you just
2 said -- I'm just -- you just said a minute ago this
3 is a miniscule amount of money.

4 MR. BORGMEYER: The storm restoration
5 expense.

6 COMMISSIONER KENNEY: It is minuscule. And
7 I'm looking at these numbers and I'm talking a
8 handful of millions, so I would think that --

9 MR. BORGMEYER: Total distribution is \$100
10 million.

11 COMMISSIONER KENNEY: No, the difference
12 from one -- one year to the next, that's all I was
13 saying. By 2013 to '14, you know.

14 MR. BORGMEYER: That's correct.

15 COMMISSIONER KENNEY: 2.2, million, but I
16 understand. You got your point across. I
17 understand. You said the trend is going down?

18 MR. BORGMEYER: Yes.

19 COMMISSIONER KENNEY: Thank you.

20 JUDGE WOODRUFF: Commissioner Hall?

21 COMMISSIONER HALL: Good morning. Under
22 the current two-way tracker, are there any
23 allegations of over recovery?

24 MR. BORGMEYER: The tracker has over
25 recovered is my understanding and that that money

1 is being flowed back to customers.

2 COMMISSIONER HALL: Okay. You mentioned
3 that Ameren's position is that one of the
4 reasons -- one of the justifications for the
5 tracker is the wide fluctuation in -- in storm
6 restoration expense. Do you agree that there are
7 wide fluctuations?

8 MR. BORGMEYER: I do agree that it
9 fluctuates. Yes. Wide fluctuations, I mean,
10 it's -- it's relative to the amount of money we're
11 talking about. But it's relatively fluctuating,
12 yes.

13 COMMISSIONER HALL: So if we have wide
14 fluctuations, under the current two-way tracker,
15 consumers, rate payers, are essentially made whole,
16 but if we were to get rid of the tracker and we
17 were to set an amount for storm restoration, and it
18 came -- and the actual amount came in below that,
19 then Ameren would have -- Ameren would enjoy wind
20 fall?

21 MR. BORGMEYER: I don't know if I would
22 define it as a wind fall, but --

23 COMMISSIONER HALL: I mean, they're getting
24 rates that assume a certain expense and that
25 expense turns out to be less?

1 MR. BORGMEYER: Right. They would make --
2 they would see a profit off that.

3 COMMISSIONER HALL: Okay. So that's what
4 happens if it's below the set amount. And then if
5 it's way above the set amount, then they come in
6 and get an AAO and they get -- and Ameren gets the
7 difference?

8 MR. BORGMEYER: Yes.

9 COMMISSIONER HALL: So, arguably, at least,
10 one advantage to the two-way tracker is that
11 consumers are made whole either way but without a
12 tracker, they could -- they could be adversely
13 affected if the expenses were actually lower?

14 MR. BORGMEYER: That is -- that is true.
15 But just -- but, you know, in the traditional
16 system, sometimes you're up, sometimes you're down,
17 and that's the nature of the business.

18 COMMISSIONER HALL: Going back to the graph
19 that Commissioner Kenney was discussing, you don't
20 have any information that Ameren officials reduced
21 distribution maintenance because of the tracker?

22 MR. BORGMEYER: No, definitely not. This
23 has nothing to do with the reasons why. It's about
24 the economic incentive.

25 COMMISSIONER HALL: But you're implying

1 that -- at least I think you are -- you're implying
2 that there are officials at the company that are
3 making decisions on how much to spend on
4 maintenance and the existence, or lack thereof, of
5 the tracker is impacting that decision?

6 MR. BORGMEYER: I am not making any
7 statements about what is in the mind of Ameren
8 company officials. I'm pointing out the incentive
9 exists and that we are actually seeing declines.
10 Now, as far as why, I don't know. I can't speak to
11 that. That's something you have to ask the
12 company. But I am pointing out the disincentive is
13 there and we're actually seeing a reduction in
14 spending.

15 COMMISSIONER HALL: And it is true that if
16 there is a reduction in distribution maintenance,
17 that in theory that would show up in a test year
18 and that would result in a reduction in rates at
19 least attributable to that expense as well?

20 MR. BORGMEYER: Yes, that's correct.

21 COMMISSIONER HALL: Okay. Thank you.

22 JUDGE WOODRUFF: Then, for Public Counsel?

23 MR. OPITZ: Good morning. May it please
24 The Commission. Most of what I was going to say
25 has been addressed so I'll just briefly say The

1 Commission has an obligation to consider all
2 relevant factors in setting rates. Trackers remove
3 the factor from that consideration. And, instead,
4 guarantee recovery of that cost or possibly return
5 that cost. We believe this removes some incentive
6 for the company to seek efficiencies and other
7 means of controlling their costs and we believe
8 that's a detriment to customers. If trackers do
9 exist, they should be closely guarded exceptions
10 and not the norm. In the case of this storm
11 tracker mechanism, any prior reason to allow it to
12 exist has since expired. The company has been
13 incurring these costs. We have a sufficient length
14 of time, approximately seven years of them
15 recording these costs, and we can use that data to
16 determine a normalized level of expense to include
17 in rates. An annualized level. Further, the
18 amount of this particular level of major storm
19 expense going forward, although it is not
20 insignificant, it does represent less than
21 two-tenths of one percent of the company's total
22 operating expenses. On the other hand, the
23 importance of cost of service rate making and the
24 obligation of The Commission to consider all
25 relevant factors is vital. Not just for the

1 customers of Ameren Missouri but for all customers
2 of Ameren Missouri who take public utility service.
3 In that context, the amount of major storm expense
4 at issue here does not justify a special tracker to
5 replace the normal rate making processes and
6 procedures. Particularly when there is enough
7 historical data to determine an annual level of
8 costs going forward. For those reasons, public
9 counsel believes the storm tracker should be
10 discontinued. Thank you.

11 JUDGE WOODRUFF: Questions? Mr. Kenney?

12 COMMISSIONER KENNEY: No.

13 JUDGE WOODRUFF: Mr. Hall?

14 COMMISSIONER HALL: Thank you. Would you
15 agree with Ameren and Staff that there are indeed
16 wide fluctuations in storm restoration expenses?

17 MR. OPITZ: I don't know that Staff would
18 agree based on what I heard that there are wide
19 fluctuations. They said there were fluctuations
20 and I would say there are fluctuations, but as with
21 any expense, there will be fluctuations, sometimes
22 that's to the company's benefit, sometimes that's
23 to the customers benefit.

24 COMMISSIONER HALL: So you don't believe
25 that fluctuations in this item are any different

1 than any other item, any other expense that the
2 company has? I mean, it seems to me -- granted, we
3 are talking about a small amount of the company's
4 total expenses. But if you just look at the dollar
5 amounts on what they have to spend each year, it's
6 a pretty big -- pretty significant difference.

7 MR. OPITZ: Well, and that's why we have
8 the rate making process that relies on historical
9 data. And when we have fluctuations like that, the
10 way that that's addressed is to develop an
11 annualized level of expense that's going forward
12 and that's part of the drive -- that's one of the
13 drivers of incentivizing the company with
14 controlled costs because they do have the set
15 amount in those years that they are able to spend
16 less than that amount. They're able to earn that
17 money. And we believe that this time period that
18 we're looking at over almost seven years, might be
19 over now, that the costs can be approximated at a
20 reasonable level going forward.

21 COMMISSIONER HALL: Isn't it true that you
22 talk about efficiencies and incentive to be
23 efficient, I mean, it's pretty hard to distinguish
24 efficiencies from reduction in resources for storm
25 restoration. I mean, it's -- isn't it? I mean,

1 when you say that you want to incentivize
2 efficiency, are you at -- well, aren't you at the
3 same time incentivizing a reduction in resources
4 for storm restoration?

5 MR. OPITZ: No, and I think that, I guess,
6 if I may -- inherent in that question is that we
7 think we should -- that Public Counsel believes we
8 should look at a -- try and isolate the
9 fluctuations of this particular account. We
10 don't -- we believe The Commission should look at
11 all relevant factors. And when the company is
12 controlling efficiencies, they may -- they may be
13 able to adjust something else that they bill to a
14 different account and not necessarily into a storm
15 expense. That does have an impact on what their
16 storm expense might be, whether that's -- as in
17 Staff's testimony -- the maintenance of the lines,
18 I believe, and if they were to save costs on not
19 maintaining those lines, they might have increased
20 storm costs, major storm costs because the storms
21 would be more destructive when they do occur. And
22 since they have this tracker in place, there might
23 be an -- which essentially guarantees recovery of
24 the costs they expend. They might not be worried
25 about controlling those costs, so that would allow

1 them to reduce costs in another area. And so the
2 interplay with all the costs that the company has
3 and the expenses that they incur is why it is
4 essential that, when possible, we need to look at
5 all relevant factors.

6 COMMISSIONER HALL: Let me ask you this:
7 If we were to deny this -- this two-way tracker
8 going forward, and there were -- and there was a
9 major storm in Ameren's service area, would OPC be
10 supportive of an AAO and, you know, obviously your
11 definition of major may not be the same as mine,
12 may not be the same as Ameren's, but in your mind,
13 from OPC's perspective, that was a major storm and
14 that was a significant amount of expenses related
15 to that, would OPC be supportive of an AAO?

16 MR. OPITZ: Commissioner, I'm not in a
17 position to give you an answer on a hypothetical
18 into that situation. I can tell you that Public
19 Counsel is generally opposed to AAOs and if that
20 situation were to come up, we would certainly
21 examine it and consider it as we do with all cases,
22 but I don't know whether or not we would ultimately
23 oppose it or not.

24 COMMISSIONER HALL: Thank you.

25 JUDGE WOODRUFF: Thank you. MIEC?

1 MR. DOWNEY: Good morning. May it please
2 The Commission. OPC, MIEC, and Staff all agree to
3 recommend to this commission to discontinue the
4 tracker. Primarily because it disincentivizes the
5 utility to become more efficient. We have a pretty
6 good record right now on what the storm costs are.
7 And as I understand it, in the last seven years,
8 the highest costs the utility has incurred, I was
9 going to say, is less than one percent, but counsel
10 for Staff and OPC have quantified it as
11 approximately two-tenths of one percent. We pay
12 particular attention to what this commission said
13 in the last rate case. It expressed its skepticism
14 of trackers generally. It expressed its position
15 that it did not intend to make this tracker
16 permanent. And we're on that slippery slope right
17 now and it seems like when we create trackers it's
18 hard to get rid of them and trackers seem to breed
19 trackers and we're on the road to formula rate
20 making. So for policy reasons we recommend, you
21 know, that The Commission end this tracker. As far
22 as a base amount to include in rates, if it does
23 end the tracker, all the parties agree that amount
24 should be 4.6 million. So we do have agreement on
25 something.

1 JUDGE WOODRUFF: Questions? Mr. Hall?

2 COMMISSIONER HALL: No questions.

3 JUDGE WOODRUFF: Thank you. Then we'll go
4 with the first witness, which I understand is Laura
5 Moore.

6 MR. DOWNEY: Judge, I may have misstated
7 something. Wendy Tatro just pointed it out to me.
8 I may have talked about vegetative management on us
9 all agreeing on a base amount. No? Never mind.

10 MS. TATRO: I didn't intend to make you
11 correct something. Thank you for trying, though.

12 JUDGE WOODRUFF: Ms. Moore, I believe you
13 testified yesterday, so you're still under oath.

14 MR. MITTEN: She's available for
15 cross-examination.

16 JUDGE WOODRUFF: She'll be back for
17 vegetation management?

18 MR. MITTEN: Yes.

19 JUDGE WOODRUFF: So for cross-examination,
20 we'll begin with Public Counsel.

21 MR. OPITZ: No questions, Your Honor.

22 JUDGE WOODRUFF: MIEC?

23 MR. DOWNEY: No questions.

24 JUDGE WOODRUFF: Staff?

25 MR. BORGMEYER: Staff has no questions for

1 this witness.

2 JUDGE WOODRUFF: Questions from the bench?
3 Commissioner Kenney?

4 COMMISSIONER KENNEY: No questions. Thank
5 you.

6 JUDGE WOODRUFF: Mr. Stoll?

7 COMMISSIONER STOLL: No questions.

8 JUDGE WOODRUFF: Mr. Hall?

9 COMMISSIONER HALL: No questions.

10 JUDGE WOODRUFF: Mr. Rupp? All right. No
11 questions. So no recross, redirect, and you can
12 step down.

13 MR. MITTEN: Your Honor, we call David
14 Wakeman as our next witness.

15 (Witness sworn.)

16 JUDGE WOODRUFF: You may inquire.

17 DIRECT EXAMINATION

18 BY MR. MITTEN:

19 Q Would you please state your name and
20 business address for the record?

21 A David M. Wakeman. My business address
22 is 1901 Chouteau Avenue, St. Louis, Missouri, 63103.

23 Q Mr. Wakeman, by whom are you employed
24 and what is your current job title?

25 A I'm employed by Ameren Missouri and I'm

1 the senior vice president of operations and
2 technical services.

3 Q Mr. Wakeman, did you prepare a cause to
4 be filed in this case rebuttal testimony, which has
5 been designated as Exhibit 46, and surrebuttal
6 testimony which has been designated as Exhibit 47?

7 A Yes.

8 Q Are there any changes or corrections you
9 need to make to this -- that testimony today?

10 A No, there are not.

11 Q If I ask you the questions that are
12 contained in your filed testimony today, would your
13 answers be the same as they're shown there?

14 A Yes, they would.

15 Q And are those answers true and correct
16 to the best of your knowledge and belief?

17 A Yes, they are.

18 MR. MITTEN: Your Honor, I would move for
19 the admission of Exhibits 46 and 47. I have no
20 further questions of Mr. Wakeman. And he's
21 available for cross-examination.

22 JUDGE WOODRUFF: All right. 46 and 47 has
23 been offered and I believe Mr. Wakeman will be back
24 on the next issue also. So we'll defer ruling on
25 the admission of the documents. And

1 cross-examination, beginning with Public Counsel.

2 (Ameren Exhibits 46 and 47 marked.)

3 MR. OPITZ: No questions, Your Honor.

4 JUDGE WOODRUFF: MIEC?

5 MR. DOWNEY: No questions.

6 JUDGE WOODRUFF: Staff?

7 MR. BORGMEYER: Just a few, Your Honor.

8 CROSS EXAMINATION

9 BY MR. BORGMEYER:

10 Q Good morning, Mr. Wakeman. Thank you
11 for being here today. Now, in your testimony, you
12 said that your customers and this commission expect
13 that Ameren Missouri will react to storm events
14 promptly, professionally, and that Ameren will
15 safely and efficiently restore service as quickly as
16 possible. Is that basically what you testified to?

17 A Yes, that's correct.

18 Q Do you agree with me that the company
19 should do this whether or not The Commission
20 approves a tracker?

21 A I think the company should be responsive
22 to storms, absolutely.

23 Q Now, later in your testimony you
24 testified that these expectations are not mitigated
25 if a faster response requires expenditure of

1 significantly more funds than would be necessary if
2 we were less aggressive in responding to storm
3 damage. Did I read that correctly?

4 A If you could point me to the page.

5 Q Sure. Yeah. I believe it's Page 5,
6 beginning with Line 5.

7 A Yes, you did read that correctly.

8 Q Do you agree with me, then, that Staff
9 did not recommend that Ameren be less aggressive in
10 responding to storm damage?

11 A No, I do not believe they recommended
12 that.

13 Q If The Commission does not approve this
14 storm expense tracker, will Ameren be less
15 aggressive in responding to storm damage?

16 A No, we won't be less aggressive. But I
17 think what's important is --

18 Q I'm sorry, you answered my question.

19 A Fair enough.

20 Q Now, for a January, 2007 ice storm The
21 Commission approved Ameren's request to recover
22 those costs for an AAO, is that correct?

23 A I believe that's correct.

24 Q And Ameren has fully recovered those
25 costs as part of the AAO amortization, isn't that

1 correct?

2 A The cost of the AAO?

3 Q The costs that were deferred through the
4 AAO, some \$24.6 million.

5 A I'd expect that's correct. You'd have
6 to ask maybe Laura about that, with respect to how
7 long that was amortized over.

8 Q Okay. And you agree with me, don't you,
9 that Staff's testimony is correct that from
10 April 1st, 2007 through September 30th, 2014,
11 The Commission has allowed Ameren Missouri to
12 recover every single dollar expensed for storm
13 restoration, isn't that correct?

14 A I wouldn't agree with that.

15 Q Okay. That was in Staff's testimony,
16 wasn't it?

17 A I believe it was. You could show me the
18 document if you want to say exactly.

19 Q Sure. If you look at --

20 A I don't have it with me.

21 Q Sure. I'd be happy to show it to you.

22 A I mean, you're asking me what's in their
23 testimony exactly.

24 Q You reviewed Staff's testimony, didn't
25 you?

1 A I absolutely did. But I didn't memorize
2 it.

3 Q Fair enough. Let me just -- I apologize
4 here. I'll get right to it.

5 MR. BORGMEYER: May I approach, Your Honor?

6 JUDGE WOODRUFF: You may.

7 Q (By Mr. Borgmeyer) I'm looking at Page 8,
8 Lines 11 through 13 there. Just below the --

9 A 11 through 13, okay.

10 Q And you agree -- do you agree with that
11 statement?

12 A I do not.

13 Q Did you specifically refute that
14 statement in your testimony?

15 A I'm not sure if I did. I don't agree
16 with it, though.

17 Q Okay. Thank you. Fine. No more
18 questions about that. And you also agree with me
19 that the Missouri Public Service Commission has a
20 longstanding history of approving the deferral of
21 operating and maintenance costs related to severe
22 storms, wouldn't you agree with that?

23 A Could you restate your question?

24 Q The Missouri Public Service Commission
25 has a longstanding history of approving the deferral

1 of operating and maintenance costs related to severe
2 storms, isn't that true?

3 A Yeah, I believe The Commission has a
4 history of when an AAO was requested of allowing
5 that, yes, but I don't know that that accounts for
6 all storms, all major storms.

7 MR. BORGMEYER: Staff has no more
8 questions. Thank you.

9 JUDGE WOODRUFF: Then we'll go on to
10 questions from the bench. Mr. Stoll? Mr. Kenney?
11 Mr. Hall?

12 EXAMINATION

13 BY COMMISSIONER HALL:

14 Q Yeah, I do. Thank you. Good morning.

15 A Good morning.

16 Q On Page 5 of your rebuttal, you state,
17 and I wholeheartedly agree, major storm
18 restoration -- I'm at Line 1; major storm
19 restoration is an extremely important part of our
20 business and prompt restoration of service is
21 critical to the customers and the communities we
22 serve. My question for you is I think similar to
23 the question you got from Staff counsel. That is,
24 in fact, true whether or not there's a tracker or
25 not, correct?

1 A That's correct.

2 Q And do you believe that the company's
3 dedication to this function will vary in any way
4 depending upon whether or not there's a tracker in
5 place?

6 A No, not specifically with storm
7 restorations. I think that, you know, storm
8 trackers proved itself well over the first couple
9 years it's been in existence. I think it's an
10 important thing going forward. It wouldn't vary the
11 costs but it could put pressures on other costs in
12 the business.

13 Q I guess I'm not really concerned about
14 costs. I'm concerned about whether or not Ameren is
15 as focused and dedicated to storm restoration in the
16 future possibly without a tracker as they have been
17 in the past with a tracker and I think you are
18 testifying that it would not affect Ameren's
19 services whether or not we -- we put a tracker in
20 place?

21 A With respect -- yeah, that's what I was
22 trying to answer. With respect to storm restoration
23 specifically, yes.

24 Q All right. Okay. Okay. All right.
25 Thank you. I have no further questions.

1 JUDGE WOODRUFF: Okay. Any recross based
2 on questions from the bench?

3 MR. BORGMEYER: No, Your Honor. Thank you.

4 JUDGE WOODRUFF: Redirect?

5 MR. MITTEN: Thank you, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. MITTEN:

8 Q Mr. Borgmeyer asked you a number of
9 questions regarding Staff's claim that Ameren
10 Missouri has recovered every penny of storm
11 restoration costs in the past. Do you recall those
12 questions?

13 A I do.

14 Q You disagreed with that statement, is
15 that correct?

16 A That is correct.

17 Q Could you explain why you don't think
18 that statement's correct?

19 A Right. Well, there's three main areas.
20 One is, first of all, a lot of storm restoration
21 costs are related to capital and there's obviously
22 regulatory lag associated with capital expenses
23 during storms. I think a second point is that even
24 within the tracker, internal overtime, internal
25 labor overtime, which can be a significant cost, is

1 not included. So that's another avenue. And I
2 think thirdly, that over the history, you know, we
3 talk about major storms being that the catastrophic
4 events and storm restoration has varied over the
5 years from zero to \$29 million in a year, so it does
6 vary widely. And we talk about maybe the
7 29 million-dollar storm but what if there's seven or
8 eight, three or four or five million-dollar storms?
9 Well, that one's not big enough for an AAO. And so
10 those kinds of costs are more difficult to get an
11 AAO for and so I think that's -- that's why I would
12 disagree with that we've recovered every cent.

13 **Q In questions from Commissioner Hall, you**
14 **indicated that a lack of a tracker might put**
15 **pressure on other costs of the business. Could you**
16 **explain that?**

17 **A** Sure. So, we'll still be aggressive
18 with storms, that's absolutely the right thing to
19 do, but as you have limited budgets and you don't
20 feel confident you'll be able to get an AAO in some
21 particular area because there's an uncertainty with
22 that, then there could be other pressures on the
23 budget later in the year for other types of
24 maintenance activities that when you've spent a lot
25 more on storms that you can have any certainty to

1 recover. And I think that's one of the benefits --
2 just one of the benefits of a two-way tracker.

3 **Q If, as you say, the company is not going**
4 **to be any less aggressive in terms of its response**
5 **to storm restoration without the tracker, why**
6 **continue the tracker?**

7 A Well, I think for two reasons. One is
8 because it's -- it allows us some certainty to
9 recover those costs for the major storms, which I
10 think are prudent for and appropriate to do for
11 customers. We've never had any expenses disallowed
12 during major storms, so an argument about
13 inefficiency or prudence hasn't been demonstrated
14 and I think it returns it back to customers. As the
15 discussion was earlier in the opening statements
16 around the first two years we had the tracker
17 already, we spent less than it was in base rates and
18 there's -- there's, although you're averaging the
19 number, it's very unlikely you're going to get that
20 number right. So when the number's too big, we can
21 return it back to customers. And when the expenses
22 are greater than what's in base rates, we can allow
23 the company to recover those with some certainty.

24 MR. MITTEN: No further questions, Your
25 Honor. Thank you, Mr. Wakeman.

1 JUDGE WOODRUFF: Okay. Mr. Wakeman, you
2 can step down. Next witness, Mr. Boateng for
3 Staff. Good morning.

4 (Witness sworn.)

5 JUDGE WOODRUFF: You may inquire.

6 MR. BORGMEYER: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. BORGMEYER:

9 Q Good morning, Mr. Boateng.

10 A Good morning.

11 Q Will you please state and spell your
12 name for the record, please?

13 A Kofi Boateng, K-O-F-I, B-O-A-T-E-N-G.

14 Q By whom are you employed?

15 A Missouri Public Service Commission.

16 Q What is your job title with the Missouri
17 Public Service Commission?

18 A Utility Regulatory Auditor 4.

19 Q Are you the same Kofi Boateng who
20 prepared or caused to prepare direct testimony that
21 was included in Staff's cost of service report,
22 which is marked as Staff's Exhibit 202?

23 A Yes, I am.

24 Q And did you also prepare or cause to be
25 prepared rebuttal testimony marked as Staff's

1 **Exhibit 211?**

2 A Yes.

3 JUDGE WOODRUFF: His rebuttal would be 205.

4 Q (By Mr. Borgmeyer) Excuse me. Sorry. I
5 might not be working from the right -- from the
6 right list. Did you also cause to be prepared
7 surrebuttal testimony that is marked as Staff's
8 Exhibit --

9 JUDGE WOODRUFF: 206.

10 Q (By Mr. Borgmeyer) -- 206?

11 A Yes.

12 Q Do you have any corrections to any of
13 that testimony?

14 A Yes, I do. I have a few corrections to
15 make on the rebuttal testimony and one correction to
16 surrebuttal testimony.

17 Q Okay. Let's start with the rebuttal
18 testimony first, then. What is your correction you
19 need to make to the rebuttal testimony?

20 A Now, on Page 2, Line 13. The 4.3 should
21 be 6.8 million. And on Page 9, Line 6, 4.3 million
22 should be 6.8 million. And on the same page, down
23 on Line 8, .006 should be .0026 percent. And the
24 4.3 million in the brackets should be 6.8 million.
25 That is all the corrections I have for the rebuttal

1 testimony.

2 Q Okay. You said you had corrections to
3 the surrebuttal?

4 A Yes, I do. On Page 8, Line 24,
5 .0016 percent should be .0026 percent and that's the
6 correction I have.

7 Q Okay. Thank you. Now, with those
8 corrections, are the answers in your testimony true
9 and correct to the best of your knowledge and
10 belief?

11 A Yes, they are.

12 Q And if I asked you the same questions
13 would your answers be the same?

14 A Yes.

15 MR. BORGMEYER: Your Honor, Staff moves for
16 the admission of Staff Exhibits -- I'm sorry, I
17 believe it was 201 and 205, rebuttal and
18 surrebuttal.

19 JUDGE WOODRUFF: That would be 205 and 206.

20 MR. BORGMEYER: I'm sorry, 205 and 206.

21 JUDGE WOODRUFF: And I believe this is the
22 last time he'll be appearing?

23 MR. BORGMEYER: I believe so, yes.

24 JUDGE WOODRUFF: Any objections to the
25 receipt of 205 and 206?

1 MR. MITTEN: No objections.

2 JUDGE WOODRUFF: Hearing none, they will be
3 received.

4 (Exhibits 205 and 206 received into evidence.)

5 JUDGE WOODRUFF: And for cross-examination,
6 we would begin with Public Counsel.

7 MR. OPITZ: Thank you, Judge.

8 CROSS EXAMINATION

9 BY MR. OPITZ:

10 Q Mr. Boateng, could you please turn to
11 your rebuttal, Page 3? And I'm looking at Line 13,
12 you say, Other rate making tools already exist to
13 adequately address the storm cost issue and, in
14 fact, those tools have been successfully used on
15 several occasions in the recent past to allow Ameren
16 Missouri to recover all non-labor/labor related
17 storm restoration costs, correct?

18 A That's right.

19 Q And is one of those rate making tools
20 using historical data to develop and annualize
21 costs?

22 A Yes.

23 Q And if you will look at your
24 surrebuttal, Page 4, and at Line -- beginning at
25 Line 4, you testify that a certain number of storm

1 events will occur each year in any electric utility
2 service territory and the repair and restoration
3 costs associated with these events should be
4 considered as part of normal and ongoing expense for
5 an electric utility and therefore should be included
6 in the utility's rates at a reasonable and ongoing
7 level?

8 A Yes, that's my testimony.

9 Q In your opinion, is there enough
10 historical cost data in existence to determine
11 annualization for Ameren Missouri storm costs?

12 A Yes, we have -- we actually have, from
13 April, 2007 through -- to December, for the end of
14 the true up test year, so we do have information.

15 Q And you believe that's enough to develop
16 annualization?

17 A Yes, we do have it and it's been in the
18 last case as exactly what we did, to be able to
19 establish the base level that was included in rates
20 for the tracker. And we've done that same thing for
21 this case.

22 Q And this method will allow the company
23 to recover its storm costs, correct?

24 A Yes, it gives them the opportunity -- we
25 don't guarantee that we are going to collect all the

1 4.6 that we recommend in this case. It may either
2 go up or down. And that is the nature of the rate
3 making process.

4 Q Do I understand correctly that Ameren's
5 storm tracker was authorized only in its last case?

6 A Yes.

7 Q And prior to that tracker, was Ameren
8 able to recover its storm costs?

9 A Yes. We've looked at all the data and
10 it shows that Ameren, through the itemization or the
11 AAO, Ameren has been able to recover all the storm
12 restoration costs.

13 Q In your surrebuttal on Page 10, excuse
14 me, I believe that's your rebuttal, you state that
15 no other Missouri electric utility in the
16 commission's jurisdiction has a storm restoration
17 tracker besides Ameren Missouri, is that correct?

18 A That is my understanding.

19 Q Also on Page 10, looking at Line 9
20 through 11, you testify that Staff believes the
21 storm cost tracker may incorrectly aid in
22 incentivizing Ameren Missouri to reduce distribution
23 maintenance expense levels, expenses to levels that
24 may be too low. Correct?

25 A That is correct.

1 **Q And why do you believe that it creates**
2 **this incentive?**

3 A And that is based on looking at the
4 company's distribution maintenance expense and we've
5 seen whether -- very minute, but we see that the
6 trend is beginning from 2012, you know, it's coming
7 down. And we think that that might be attributable
8 to the storm tracker authorization.

9 **Q And does -- in your opinion, does a**
10 **tracker reduce the company's incentive to reduce**
11 **costs?**

12 A Yes.

13 MR. BORGMEYER: Thank you. That's all the
14 questions I have, Judge.

15 JUDGE WOODRUFF: For MIEC?

16 CROSS EXAMINATION

17 BY MR. DOWNEY:

18 **Q Good afternoon.**

19 A Good afternoon.

20 **Q Or morning, I guess. Starting to lose**
21 **track. Have you read Mr. Meyers' testimony on this**
22 **issue?**

23 A Yes, I have.

24 **Q Do you agree with it?**

25 A Yes.

1 Q Thank you.

2 JUDGE WOODRUFF: For Ameren?

3 MR. MITTEN: Yes, Your Honor, thank you.

4 CROSS EXAMINATION

5 BY MR. MITTEN:

6 Q Mr. Boateng, I want to go over for a few
7 minutes the mechanics of the tracker that Staff is
8 proposing to eliminate in this case. Under the
9 current tracker, the amount of storm costs included
10 in the revenue requirement that's used to set base
11 rates is based on costs for both normal and major
12 storms, is that right?

13 A I won't distinguish between whether
14 normal or major. They are all normal. We consider
15 them all to be all normal on the job because if
16 that's what you want.

17 Q Yes. And if in between rate cases
18 Ameren Missouri experiences a major storm event, as
19 defined under IEEE standard 1366, those internal
20 labor -- excuse me, non-internal labor O&M costs
21 would then be tracked under the tracker, is that
22 right?

23 A I think that's the recommendation the
24 company's making. And that we do not make that
25 recommendation whether to use the IEEE

1 recommendation or we determine that --

2 Q Mr. Boateng, I'm trying to get at what
3 the current tracker provides. And under the current
4 tracker, if in between rate cases the company
5 experiences a major storm event as that is defined
6 by IEEE standard 1366, then those internal --
7 non-internal labor O&M costs would be tracked under
8 the tracker that's in place today, is that right?

9 A That is right.

10 Q And the IEEE standard that I just
11 mentioned is a mathematical formula that looks at
12 customer interruption minutes to determine whether a
13 storm is outside the normal range, is that correct?

14 A That is correct.

15 Q The company is also able, under the
16 current tracker, to track storm preparation costs
17 that exceed one and-a-half million dollars, is that
18 right?

19 A That is correct.

20 Q And if actual storm restorations costs
21 exceed the amount included in base rates, Ameren
22 Missouri is allowed to automatically recover the
23 difference, is that right?

24 A That is correct.

25 Q But before it can recover that

1 difference, Staff would have to review the costs for
2 prudence, is that right?

3 A That is correct.

4 Q If actual storm restoration costs are
5 less than the amount included in base rates, that
6 difference is refunded to customers, is that right?

7 A That is correct.

8 Q Now, staff proposes to discontinue the
9 two-way tracker and return to traditional rate
10 making treatment of storm costs, is that right?

11 A That is correct.

12 Q And under traditional rate making, the
13 storm costs that are included in base rates are only
14 costs associated with normal storms, is that right?

15 A That includes normal storm.

16 Q If between rate cases Ameren Missouri
17 experiences a major storm, it could ask for deferral
18 of the non-internal labor O&M costs associated with
19 that storm via an Accounting Authority Order, is
20 that right?

21 A That is correct.

22 Q But there's no guarantee it will get
23 that Accounting Authority Order, correct?

24 A There's a possibility they will get it
25 and for Ameren has always get AAO for extraordinary

1 storm costs, so I have no doubt to -- I believe that
2 Ameren will know.

3 Q We'll put that discussion off for a few
4 minutes, then. Under traditional methods of
5 regulation, if actual storm costs included in base
6 rates exceed -- excuse me, if Ameren Missouri's
7 actual expenditures to -- for storm restoration
8 costs exceed the amounts that are included in base
9 rates, under traditional methods of regulation,
10 Ameren Missouri can't recover that difference, is
11 that correct?

12 A That is correct.

13 Q And if actual costs for storm
14 restoration are less than the amount in base rates
15 under traditional regulation, that difference isn't
16 returned to customers, is that right?

17 A That is right.

18 Q Now, I want to explore for a moment the
19 standard that Staff would use to determine whether
20 or not a storm is major and therefore entitle Ameren
21 Missouri to receive an AAO from The Commission.
22 Mark Oelschlager is a senior accountant with The
23 Commission staff, is that right?

24 A Yes, he is.

25 Q Do you happen to know what his job title

1 **is?**

2 A He's the auditing manager.

3 MR. MITTEN: May I approach the witness,
4 Your Honor?

5 JUDGE WOODRUFF: You may.

6 MR. BORGMEYER: Can I get a copy of that?

7 MR. MITTEN: I don't have another copy,
8 John. I'm sorry.

9 MR. BORGMEYER: What is it?

10 MR. MITTEN: I'll introduce it in a minute.

11 **Q (By Mr. Mitten) Mr. Boateng, I have handed**
12 **you a copy of Mr. Oelschlager's testimony from**
13 **commission file under EU-2012-0027. Is that**
14 **correct?**

15 A That's correct.

16 **Q Could I ask you to turn to Page 6 of**
17 **that testimony?**

18 MR. BORGMEYER: Your Honor, I'm going to go
19 ahead and object at this time. Asking this witness
20 to testify about someone else's testimony from a
21 previous case is irrelevant to this case. If the
22 company would like to ask Mr. Boateng about his
23 testimony, I think that's acceptable, but I would
24 object to him trying to testify about what some
25 other witness has testified to on a previous case.

1 JUDGE WOODRUFF: I think your objection is
2 premature. I haven't heard yet as to what the
3 question's going to be about the testimony. At
4 this point I'll overrule your objection until we
5 hear what the question is.

6 Q (By Mr. Mitten) Could you read to
7 yourself, just a moment, the question and answer
8 beginning at Line 5 of that page?

9 A Yes, sir.

10 Q The question on Line 5 is what standard
11 has The Commission used to determine whether it
12 should authorize a utility to deviate from normal
13 USOA accounting rules. And the answer given by
14 Mr. Oelschlager is generally The Commission in prior
15 cases has stated that the standards for granting the
16 authority to a utility to defer costs incurred
17 outside of a test year as a regulatory asset are,
18 one, that the costs pertain to an event that is
19 extraordinary, unusual, and unique and not recurring
20 and, two, that the costs associated with the event
21 are material. Did I read that correctly?

22 A Yes, you did.

23 Q Is Mr. Oelschlager correct that those
24 are the standards the commission traditionally
25 employs to determine whether or not a utility is

1 entitled to an AAO?

2 A Yes, it is.

3 Q And I have put that on the chart over
4 there. Did I capture that correctly from
5 Mr. Oelschlager's testimony? Let me move it over so
6 you can see it a little bit better.

7 MR. BORGMEYER: At this point, Your Honor,
8 I would object. This is someone else's testimony.
9 And it's not Mr. Boateng's testimony. I don't even
10 have a copy of the document that he's reading from
11 at this time, so I would just object to this as
12 being irrelevant to this proceeding.

13 JUDGE WOODRUFF: Well, he's asked the
14 question of this witness what -- whether he agrees
15 that this is, in fact, Staff's policy. I think
16 it's a legitimate question as to the document --
17 question of having the document that's in front of
18 us at this point from -- at least that's all that's
19 been referred to at this point, so at this time I'm
20 going to overrule your objection. The witness can
21 answer the question.

22 Q (By Mr. Mitten) Mr. Boateng, how does
23 Staff go about determining --

24 JUDGE WOODRUFF: I don't think he's answer
25 the question.

1 **Q** **(By Mr. Mitten) I'm sorry, is that a fair**
2 **statement of the standard The Commission applies to**
3 **determine whether a utility's entitled to an AAO?**

4 **A** **Yes.**

5 **Q** **How does Staff go about determining if a**
6 **storm is extraordinary, unusual, and unique and not**
7 **recurring?**

8 **A** I think the company has a burden of
9 proof to apply for the AAO. And based on the
10 circumstances, Staff will review whether it merits
11 the AAO or not. You file an application for AAO, so
12 when the company files for the application then
13 we'll have a chance to review whether we have to
14 support it.

15 **Q** **But how -- what standards does the Staff**
16 **use to determine whether or not the company has met**
17 **its burden of proof?**

18 **A** I think based on what I just read from
19 Mr. Oelschlager's testimony, it has to be an
20 extraordinary event. And so if we have consistent
21 storm all year round, maybe from maybe -- either
22 take, for instance, if Jefferson City always have
23 storm every -- all year round and maybe another
24 city, maybe St. Louis, doesn't have it, it's easy to
25 predict that storm that occurs here might be -- not

1 be strong after all because you always have storms,
2 whereas St. Louis might not have it, so in the event
3 St. Louis have maybe a storm, that is more the
4 normal that you can predict that that is
5 extraordinary storm, so in this case that's the
6 criteria we use to determine whether this is
7 extraordinary or not.

8 **Q Let me see if I can get about this a**
9 **different way. Does the staff use an objective**
10 **standard, like IEEE standard 1366, or do you use**
11 **subjective judgment to determine whether or not a**
12 **storm is extraordinary, unusual, and unique and not**
13 **recurring?**

14 **A** If you're thinking about in decision to
15 determine -- in order -- the Staff uses either --
16 generally we have looked at whether the cost impact
17 is close to either five percent of the company's net
18 income. Or even in some cases, the Commission has
19 looked at even when the five percent threshold is
20 not met, so I'm sure The Commission would look at
21 that issue on a case by case basis.

22 **Q Well, I think we're confusing the**
23 **question I'm asking with the question of**
24 **materiality, which we'll get to in a moment. I want**
25 **to focus for a moment on the first part of the**

1 **standard that Mr. Oelschlager articulated. The**
2 **Staff used a subjective standard to determine**
3 **whether or not a storm is extraordinary, unusual,**
4 **unique, and not recurring?**

5 MR. BORGMEYER: Object, Your Honor. I
6 believe that questions been asked and answered.

7 JUDGE WOODRUFF: Overruled.

8 A And I think I answered by saying if you
9 have a consistent storm year in Jefferson City all
10 year and maybe St. Louis maybe in the year may have
11 one or two, maybe at the level compared to what
12 Jefferson City experience, and so in that case when
13 you have a very -- because it's unusual and is
14 extraordinary and so that is a measurement that we
15 use to determine whether that should be classified
16 extraordinary event or it should be considered as a
17 normal event.

18 Q **(By Mr. Mitten) Based on what you just**
19 **told me, if two people on Staff are looking at the**
20 **information that you say you reviewed and make that**
21 **determination, is it possible that they could reach**
22 **different conclusions as to whether or not a**
23 **particular storm is extraordinary, unusual, and**
24 **unique and not recurring?**

25 MR. BORGMEYER: Objection. Calls for

1 speculation.

2 JUDGE WOODRUFF: Overruled again.

3 A I'm sure when it comes to subjective,
4 you know, people may have different opinions and so
5 I'm sure different people will come to different
6 conclusions on that.

7 MR. MITTEN: Your Honor, may I approach the
8 witness again?

9 JUDGE WOODRUFF: You may. Is this going to
10 be an exhibit?

11 MR. MITTEN: I'm going to ask you to take
12 administrative notice. It's a copy of a document
13 entitled Final Report of Staff Investigation of the
14 January, 2009 Southeast Missouri Ice Storm that was
15 filed in Case No. E0-2008-0218. If you'd like to
16 mark it as an exhibit, that's fine. I have copies.

17 JUDGE WOODRUFF: I think I'd prefer to have
18 it as an exhibit. Just easier for everybody to
19 find it. Next number is 58.

20 MS. TATRO: I'm sorry, Your Honor, what was
21 the number?

22 JUDGE WOODRUFF: 58. And do you wish to
23 offer this at this time?

24 MR. MITTEN: I do, Your Honor.

25 JUDGE WOODRUFF: 58 has been offered. Any

1 objection to its receipt? Hearing none, it will be
2 received.

3 (Exhibit 58 marked and received into evidence.)

4 Q (By Mr. Mitten) Mr. Boateng, as I
5 indicated, the document I handed you is a copy of
6 Staff's Final Investigation Report on Ameren
7 Missouri's efforts to restore service following the
8 2009 -- excuse me -- ice storm that hit southeast
9 Missouri. Now, these pages are not numbered
10 consecutively, but if you could turn to the twelfth
11 page of the report, which is a document on Ameren
12 Missouri or Ameren UE letterhead, it looks like
13 this.

14 A Yes.

15 Q Now, this is a letter from someone at
16 Ameren Missouri to Natelle Dietrich, is that
17 correct?

18 A That's correct.

19 Q And the first sentence of that letter
20 says, In describing the southeast Missouri ice
21 storm, the severe ice storm which began
22 January 26th, 2009 resulted in the most
23 significant damage to the UE distribution system in
24 history. Is that correct?

25 A That is correct.

1 Q And if you could turn to the sixteenth
2 page, which is a document entitled storm restoration
3 summary.

4 A Yes, I'm there.

5 Q That document describes the specifics of
6 Ameren Missouri's efforts to restore service
7 following the ice storm, is that correct?

8 A That is correct.

9 Q And according to that document, a total
10 of 36,500 customers were out of service, is that
11 right?

12 A That is right.

13 Q It says it took a total of approximately
14 4,000 individuals to restore service and it breaks
15 those down by linemen, tree trimmers, field
16 checkers, and support personnel, is that right?

17 A That is correct.

18 Q It indicates that the company was
19 required to repair or replace over 6,900 crossarms,
20 3,700 poles, 659 transformers, and approximately one
21 and-a-half million feet of wire and cable, is that
22 right?

23 A That is correct.

24 Q And it also talks about the logistics
25 that were involved in that restoration effort, the

1 number of hotel rooms, the number of meals, the
2 number of loads of laundry that had to be done for
3 the crews that were out there, is that correct?

4 A That is correct.

5 Q Now, based on the information that I've
6 shown you in the report, the statement by Ameren
7 Missouri that the southeast Missouri ice storm
8 resulted in the most significant damage to the Union
9 Electric distribution system in history and all of
10 the details that we've looked at, the document
11 entitled storm restoration summary, would you
12 consider this to be a major storm event?

13 MR. BORGMEYER: I'm just going to object to
14 this question, Your Honor. We have not conducted a
15 detailed examination of this. I don't know that
16 Mr. Boateng participated in this investigation. I
17 don't know that he can necessarily make that
18 determination based on just these pieces of
19 information that have been presented here this
20 morning.

21 JUDGE WOODRUFF: I'm going to overrule the
22 objection. If the witness can't make the
23 determination, he can say so.

24 A Yes, I have to -- I will not be able, as
25 I sit here, to make that determination.

1 Q (By Mr. Mitten) So based upon all this
2 information, you couldn't tell me whether or not
3 this was a major storm event?

4 A Well, just taking by your word, that is
5 what is here, but I have to verify the numbers and
6 the document itself to be able to come to that
7 conclusion.

8 Q Well, again, assuming all the
9 information that is on the storm restoration summary
10 is accurate, would you be able to determine whether
11 or not this is a major storm event?

12 MR. BORGMEYER: Objection. Been asked and
13 answered.

14 JUDGE WOODRUFF: Overruled.

15 A As I said earlier, based on this
16 information that I have here, I will not be able to
17 make a determination as to whether or not this is
18 extraordinary. And maybe the person chose his
19 words, you know, this is history, it might not be
20 history to me, so I will not be able to make a
21 determination at this point in time.

22 Q (By Mr. Mitten) So, sitting here today,
23 you wouldn't be able to tell me whether or not
24 Ameren Missouri would be able to meet the standard
25 that this is an extraordinary, unusual, and unique

1 and non-recurring event?

2 A I will be able to make that conclusion
3 if I had taken time to look at it before coming down
4 here, but, as I said, just going through this
5 document and I have -- it may be on the company's
6 letterhead, and I trust all -- you know, that
7 information in it, but I will not be able to make an
8 assessment to come to the conclusion.

9 Q Looking again at the document that is
10 entitled storm restoration summary. Can you
11 identify any items that are listed on this page that
12 you would consider to be discretionary expenditures
13 by Ameren Missouri in restoring service following
14 the southeast Missouri ice storm?

15 A Just by looking at it, I will not.

16 Q You couldn't tell?

17 A Yes.

18 Q So based upon what you told me, there's
19 no certainty that if Ameren Missouri asked The
20 Commission for an Accounting Authority Order for
21 storm restoration costs associated with this storm,
22 you couldn't guarantee that Staff would support that
23 request? Is that a fair characterization of what
24 you told me?

25 A Can you rephrase your question again?

1 Q If Ameren -- if based upon the data that
2 I have shown you regarding the 2009 Southeast
3 Missouri ice storm, if the company asked for an
4 Accounting Authority Order for storm restoration
5 costs associated with that, you couldn't guarantee
6 that Staff would support that request, is that
7 correct?

8 A Yes, I cannot guarantee.

9 Q Well, assume that with or without
10 Staff's support, Ameren Missouri does request an AAO
11 for these storm restoration costs and obtains an
12 AAO, would you agree that there's no guarantee that
13 the company would be allowed to recover through
14 rates the costs that were deferred through that AAO?

15 A I think there's no -- whenever The
16 Commission grants the company AAO, there's a
17 possibility for the company to get a recovery from
18 rates, but there's no guarantee as to whether they
19 will get the deferred costs or not.

20 Q If you could turn to Page 5 of your
21 surrebuttal testimony.

22 A Yes, sir.

23 Q You indicate in testimony there that
24 there are a number of things that Ameren Missouri
25 could do to reduce the effects of weather-related

1 outages, such as placing certain transmission and
2 distribution facilities under ground or implementing
3 smart grid technologies. Is that correct?

4 A That is correct.

5 Q Do you have any idea how much it would
6 cost Ameren Missouri to implement what you suggest
7 here?

8 A Well, if you read carefully what Staff
9 is recommending is when necessary, when it's cost
10 effective. We're not just saying, oh, we are not
11 making the managerial decision for Ameren to do
12 something that will hurt either the company or rate
13 payers, so if you look at here, the wording is
14 certain distribution or transmission lines, so it's
15 not everything when the company believes it's cost
16 effective to do it.

17 Q Do you agree with me that, generally
18 speaking, it's more expensive to under ground
19 transmission and distribution facilities than it is
20 to hang those aerial lines?

21 A That's my understanding.

22 Q And who would pay those additional costs
23 if the company decided on under ground facilities as
24 opposed to using aerial lines?

25 A I think the company will make the

1 investment and then come to the commission for -- to
2 include their costs in its rate base.

3 **Q And if it was cost effective, would**
4 **Staff support including that cost in rates base?**

5 A I presume.

6 **Q How would you determine whether or not**
7 **it was cost effective?**

8 A I think the company makes that decision
9 to make that investment and then Staff has the
10 opportunity to review it.

11 **Q What standard would Staff use to**
12 **determine whether or not the investment was cost**
13 **effective?**

14 A We would look at the prudently incurred
15 costs, whether that's a reasonable thing for the
16 company to do at the time as they did.

17 **Q How would you determine if the costs**
18 **were prudently incurred?**

19 A I'm sure we have experts here, both
20 accountants, and anyone else to be able to make that
21 determination.

22 **Q Is that a determination you would make**
23 **or would somebody else in the commission staff make**
24 **that determination?**

25 A If as an accountant I'm assigned to it,

1 I'll be able to make that determination.

2 **Q And as an accountant, what standard**
3 **would you use to determine whether or not it was**
4 **cost effective to put facilities under ground**
5 **instead of stringing them aerially?**

6 A Without getting down to that line, I'm
7 sure the Ameren management make decisions to make
8 investment in plant and everything else and so I
9 will not go into what I would do for the company to
10 be able to make its plant investment.

11 **Q So you really can't say today what the**
12 **standards would be that you'd apply?**

13 A Well, I will look at the type of
14 investment that a company has made and how much it
15 caused them to make that investment and then compare
16 it with the other investments that have been made
17 somewhere else to be able to make that conclusion.

18 **Q But you told me a minute ago that**
19 **generally speaking under ground facilities are**
20 **always going to be more expensive than aerial**
21 **facilities, is that correct?**

22 A That is my understanding.

23 **Q So there's always going to be a cost**
24 **difference between those two modes of installation,**
25 **is that right?**

1 A That is correct.

2 **Q And what standard would you apply to**
3 **determine whether or not it was cost effective for**
4 **Ameren Missouri to make the decision to put**
5 **facilities under ground?**

6 A Well, the point you're looking at is if
7 you have heavy storm in such an area and you think
8 all the time the company is experiencing outages
9 because of the bad weather related issues, then it
10 makes sense to put lines under ground to be able to
11 reduce the vulnerability that a company's power
12 lines faces as a result of storm and so those are
13 the factors that maybe would be looking at whether
14 to put the lines under ground or to put it overhead.

15 **Q The facilities that we're taking out of**
16 **service as a result of the 2009 ice storm, do you**
17 **have an opinion as to whether the company should**
18 **have replaced those facilities using under ground**
19 **facilities as opposed to re-stringing aerial wire?**

20 A No, I have no opinion.

21 **Q Just a couple more questions,**
22 **Mr. Boateng. If you could please turn to Page 6 of**
23 **your surrebuttal testimony.**

24 A Yes.

25 **Q You expressed concerns regarding Ameren**

1 Missouri's recent reductions in operations of
2 maintenance expenses and suggest that those
3 reductions are attributable to the storm cost
4 tracker that The Commission approved in the
5 company's last rate case, is that correct?

6 A That is correct.

7 Q Do you have any evidence at all linking
8 those reductions to the storm cost tracker?

9 A Yeah, beyond the basis of looking at the
10 numbers, I have not.

11 Q So you know that there have been
12 reductions and you know that the company got a storm
13 cost tracker, but do you have any evidence linking
14 those two things?

15 A No.

16 MR. MITTEN: I don't have any further
17 questions. Thank you, Your Honor.

18 JUDGE WOODRUFF: Questions from the bench,
19 then? Commissioner Kenney? Commissioner Stoll?

20 COMMISSIONER STOLL: No questions. Thank
21 you.

22 EXAMINATION

23 BY COMMISSIONER KENNEY:

24 Q Thank you, Mr. Boateng. I just have a
25 couple questions. I want you to clarify a couple

1 things in your surrebuttal testimony for me that I
2 didn't quite understand. On Page 3, Line 19 through
3 22, you say, second, Staff does not believe that
4 guaranteed recovery of every single dollar spent on
5 non-labor storm restoration costs the rate tracker
6 is the appropriate rate making approach with regard
7 to this issue or to recovery of expenses in general.
8 What did you mean by that last part; recovery of
9 expenses? Do you not think the company should
10 recover all their expenses for storm restoration?

11 A No, we believe they should be -- they
12 should have the opportunity to recover all prudently
13 incurred storm costs. To answer that is not every
14 cost. And since we have built in the rates some
15 level of normalized costs, those should cover those
16 costs.

17 Q You were just separating the normalized
18 costs that were already built into the rates?

19 A That is correct.

20 Q Okay. Next, on Page 6, Line 14 through
21 16, you say, Staff is concerned that Ameren
22 Missouri's recent decision to reduce distribution
23 maintenance expenditure could result in negative
24 consequences to the company's storm restoration
25 efforts as well as the resulting storm restoration

1 costs. Are you -- is your statement saying that
2 Ameren is making a conscious decision to reduce
3 their distribution maintenance expenditures?

4 A No, I'm not getting into the minds of
5 Ameren management and I'm not making that assertion.
6 What I'm saying is looking at the numbers, it
7 appears to me that once you have the tracker cost
8 guaranteed, the tendency is that if they don't spend
9 on distribution line and my understanding that most
10 of the outages, that force on the company's electric
11 lines are as a result of the distribution system,
12 and so when you have that decline in the
13 distribution maintenance costs, the tendency is that
14 the company is going to suffer severely when it
15 faces a severe storm.

16 Q But could it be that they just -- I
17 mean, I would imagine maintenance requires -- goes
18 into a bunch of areas. Could it be -- now, could it
19 be that they just -- I mean, you showed three years.

20 A That is correct.

21 Q How far have we been tracking this? How
22 many years have they been tracking their
23 maintenance?

24 A I'm sure we have the data but we have in
25 it one year response and that is what we look at.

1 We have from, I think, 2012 to '14 and that was the
2 time period when the tracker was established and so
3 by looking at --

4 Q I understand that. But, I mean, because
5 the assumption is by looking at those numbers you
6 can say, Oh, look, it's gone down, but could it not
7 be that they have not needed that much maintenance,
8 haven't had to replace as many poles, haven't had to
9 do -- or do you think it should be just a set amount
10 every year that they should hit that level?

11 A No.

12 Q Okay. So it could just be -- I mean,
13 okay. You answered that question. You're not
14 making a conscious decision. I had one other
15 question for you. Okay. Page 8 of your
16 surrebuttal, Line 14 through 19. It deals with the
17 IEEE standard 1366 methodology. Now, you familiar
18 with that?

19 A Yes. I've read -- I've seen it.

20 Q And you said since Staff maintains that
21 a storm cost tracker is unnecessary. Does Staff
22 also contend the IEEE standard 1366 methodology for
23 including storm costs in the company's proposed
24 storm cost tracker be rejected by this commission?
25 And your answer was yes. Its traditional rate

1 making approaches are adequate and appropriate to
2 allow recovery of the Ameren's Missouri non-labor
3 related O&M storm costs, there no need to change the
4 type of storms events addressed by these
5 methodologies. Then I went into Mr. Wakeman's
6 testimony and I read what the IEEE standard 1366
7 does and how they -- how they examine -- the IEEE,
8 for those -- for the Institute of Electrical -- of
9 Electronics Engineers, and it seems to me like
10 that's a pretty -- a good way to justify or examine
11 a storm. What approach do we use?

12 A Well, before the company uses -- they
13 had an older system this they used to categorize
14 what should be extraordinary costs or what should be
15 normal costs. That is what they did until they
16 adopted this. Staff, as we -- as I sit here, we
17 don't have any standard. We only look at the
18 extraordinary nature of the event, whether it's
19 usual or infrequent. And so those are the things
20 that we are looking at.

21 Q So we use more subjective decision
22 making?

23 A That is correct. But if you look at
24 what a company's using the IEEE for, either whether
25 it's normal or extraordinary, you know, most of the

1 things that I looked at there was nothing
2 extraordinary about it and that is --

3 **Q Nothing extraordinary?**

4 A From my perspective, there was nothing
5 extraordinary about it. It's just that the company
6 is going to experience storm related issues no
7 matter what, but we are only looking at the impact
8 that's it's going to have on the company's system.

9 **Q So you think that the IEEE standard,**
10 **where they take a -- the minutes of interruption per**
11 **customer on a given day are outside the normal range**
12 **of a day of a classified major event day, by IEEE**
13 **standard, if it's weather related, then they**
14 **classify it as a major storm. Are you stating that**
15 **you think that's a lesser degree of a storm**
16 **classification than what we -- the PSC has used in**
17 **the past or the company's used in the past?**

18 A Commissioner, I think when -- when the
19 institution was developed and they were not looking
20 at whether a utility commission will be looking at
21 it to make a decision whether extraordinary activity
22 should be deferred for cost recovery. What they
23 were doing is, you know, giving up a standard for
24 reliability purposes and so I think that is what it
25 did. If we want to come up with a standard, I'm

1 sure we can be able to do that, you know, if we want
2 to deviate from the usual standard and what we have
3 been using.

4 Q Okay. I think what I heard you say is
5 that in how you would classify a major storm and how
6 the IEEE Standard 1366 does it, we would have a
7 higher level that would have to be met in order to
8 classify it as a major storm?

9 A That is correct.

10 Q Okay. Thank you.

11 A Thank you, Commissioner.

12 JUDGE WOODRUFF: Commissioner Hall?

13 EXAMINATION

14 BY COMMISSIONER HALL:

15 Q Yes. Hello. Would you agree that with
16 or without a tracker for storm restoration expense,
17 Ameren has an economic incentive to restore service
18 after a storm as quickly as possible?

19 A That is correct.

20 Q And how would you describe that -- that
21 economic incentive?

22 A I think the company, the incentive over
23 there is to able to control costs and also be able
24 to restore service to gain the confidence of its
25 customers and so there's always incentive for the

1 company to do that. And even as a public utility
2 company that they provide service to, you know,
3 customers, I think they also have the obligation to
4 be able to provide service and so when the storm
5 hits, whether you have a tracker or not, I think
6 they have that responsibility to be able to restore
7 service in a timely manner.

8 Q Okay. Well, I think everybody would
9 agree they have that obligation. I guess I'm a
10 little more focused on whether they have the
11 economic incentive to do so. And it seems to me
12 that since they are in the business of selling
13 electricity that they have an economic incentive to
14 have service restored as quickly as possible after a
15 storm, with or without a tracker. Would you agree
16 with that?

17 A I agree with that but the question here
18 is whether the costs should be tracked.

19 Q Right. I understand that. But my
20 question is whether that incentive exists with or
21 without a tracker. And it would occur to me that it
22 does and I'm wondering whether you agree.

23 A I have no opinion on that.

24 Q You have no opinion on whether the
25 company has an economic incentive to restore service

1 as quickly as possible because it is in the business
2 of selling electricity and if -- and if there's no
3 service, they're not selling electricity?

4 A Yes, as I mentioned, I think the -- it
5 benefits them to be able to restore service quickly
6 so they will be able to restore --

7 Q Well, doesn't that same principle exist
8 with regards to distribution maintenance? I mean,
9 don't they have the same economic incentive to
10 maintain the distribution system so as to mitigate
11 the possibility of disrupted service?

12 A Yeah, but the point here is when they
13 reduce the distribution maintenance expense costs,
14 what happens is when the storm hits and all that
15 costs that the company incurs in restoring the
16 service is flowed through the tracker, mind you,
17 they don't have a tracking system for distribution
18 maintenance expense, so it becomes difficult for the
19 company. But in the tracker aspect of it, when the
20 storm hits, and then the cost flows through the
21 tracker, they get a guaranteed recovery and so
22 that's also that incentive on that side.

23 Q Right. But on the -- but on the revenue
24 side, storm hits, there is no service, the company's
25 not getting paid. And if service is disrupted

1 because of a reduction in distribution maintenance,
2 that impacts the company's bottom line?

3 A That is correct.

4 Q Okay. Thank you.

5 A Thank you.

6 JUDGE WOODRUFF: Commissioner Rupp?

7 COMMISSIONER RUPP: No questions.

8 JUDGE WOODRUFF: Any recross based on
9 questions from the bench? MIEC?

10 MR. DOWNEY: Yes, thank you, Judge.

11 RE CROSS EXAMINATION

12 BY MR. DOWNEY:

13 Q Commissioner Kenney asked you about your
14 testimony where you indicated traditional rate
15 making approaches are adequate, do you recall that?

16 A Yes, I recall.

17 Q And you recall indicating that you want
18 to focus on the impact on the whole system? I think
19 I'm correctly characterizing your testimony.

20 A Yes.

21 Q Do you recall that?

22 A Yes.

23 Q Were you around for Lynn Barnes'
24 testimony yesterday?

25 A I was not.

1 Q Okay. If I told you that she testified
2 to this commission that Ameren Missouri recovered
3 all of its additional O&M responding to the storm
4 and its base rates, would that have any impact on
5 your opinion about traditional rate making?

6 A No. And, in fact, also have the records
7 that shows that the company has been able to recover
8 all cost expense on storm restoration, so I have no
9 question about that.

10 Q Okay. The question -- I'm not sure that
11 you answered the question the way you think you
12 answered the question, so --

13 A I'm sorry. If you --

14 Q Assuming you're an expert, assuming that
15 Ameren Missouri recovered its costs to respond to
16 the extra O&M expense, to respond to this ice storm
17 in '09, in its base rates, would that fact support
18 your position that you discussed with Commissioner
19 Kenney about traditional rate making being adequate?

20 A That is -- yes.

21 Q All right. Thank you.

22 JUDGE WOODRUFF: Did Ameren wish to
23 recross?

24 MR. MITTEN: No thank you.

25 JUDGE WOODRUFF: Redirect?

1 MR. BORGMEYER: Just very briefly, Your
2 Honor.

3 REDIRECT EXAMINATION

4 BY MR. BORGMEYER:

5 Q Mr. Boateng, regarding this 2009
6 Missouri ice storm that you discussed with Ameren
7 counsel, did Ameren seek an AAO to recover the costs
8 from this storm?

9 A In 2009?

10 Q Yes.

11 A I'm not aware it did.

12 Q Do you know whether this storm resulted
13 in mostly capital costs that the company has already
14 recovered in rates through their inclusion in the
15 company's rate base?

16 A I think so.

17 MR. BORGMEYER: Staff has no other
18 questions. Thank you, Your Honor.

19 JUDGE WOODRUFF: Okay. You can step down.
20 Before we go to the next witness, we'd like to
21 recall Mr. Wakeman to the stand. Commissioner Hall
22 has some additional questions. Thank you for
23 coming back up, Mr. Wakeman. You are still under
24 oath.

25 EXAMINATION

1 BY COMMISSIONER HALL:

2 Q There's been a fair amount of discussion
3 about the fact that Ameren has reduced its
4 distribution maintenance expenditures from 2012 to
5 2014 from looks like 116 to somewhere around
6 \$100 million.

7 A Right.

8 Q Are those -- are those figures accurate?

9 A To my knowledge, they are, yes.

10 Q Can you explain why that occurred?

11 A Sure, I can, on the distribution side of
12 the business. Specifically around a couple things.
13 One is a continuing focus on customers'
14 affordability and making sure that we maintain good
15 rates for our customers and we do that by
16 controlling costs. So that's something we want to
17 do every day. Some of the ways you do that are one
18 thing is using technology and different kinds of
19 tools that we can use in order to do our work more
20 efficiently. Things change over time. We're able
21 to take advantage of those inventions and
22 investments and technology and change the basis of
23 our business. Another way we do that is by the
24 equipment that you buy today and install typically
25 has less maintenance problems than older equipment,

1 so as we replace equipment on our system and we do
2 things better than we did, you know, many, many
3 years ago, we were able to take advantage of those
4 lessening maintenance costs. So the argument about
5 that, we were just -- it was just being discussed
6 with respect to reducing them because we have a
7 storm tracker, that's absolutely not true, and it's
8 never been a discussion that's been had and I don't
9 expect it ever would be.

10 Q So with or without a storm restoration
11 expense tracker, you would have recommended these
12 types of efficiencies?

13 A Absolutely.

14 Q And you would expect to continue to seek
15 these kind of efficiencies going forward with or
16 without a storm restoration tracker?

17 A That's true. We're going to continue to
18 focus on customer affordability and take advantage
19 of technology to make the operation more efficient.

20 Q Thank you.

21 EXAMINATION

22 BY COMMISSIONER KENNEY:

23 Q Now, you may not be the person to ask
24 this question, but it's unrelated to anything we've
25 been talking about, but I'm curious.

1 A Okay.

2 Q I'm up here. I get to do it, right?

3 Okay. When a new developer comes into Ameren
4 territory, and that -- let's say it's in
5 St. Charles, new subdivision goes in and it gets
6 approved by counsel, plans go to someone in Ameren.
7 Is it through -- you probably got a lay -- developer
8 puts in continuous conduit and you design it?

9 A Right. That's correct.

10 Q Then you charge a fee to that developer
11 to put your line in, correct?

12 A Yeah, we -- we give them the conduit,
13 they install the conduit.

14 Q You give them the conduit?

15 A Right. They install the conduit because
16 we want to use the right conduit because it's
17 important in the long term that we get the right
18 pipe in the ground and we come back and install the
19 transformers and pull the wire and install the
20 meters. So it's really a partnership with
21 developers.

22 Q Do they have to pay you a fee up front
23 for all the wire, all the conduit, and everything,
24 or do you provide everything?

25 A We provide that, yes.

1 Q Is that in your tariff?

2 A You know, I don't know the exact answer.
3 I expect it is. I'd have to ask my counsel for that
4 answer.

5 Q I would like to find out if that's a
6 tariff scenario or what, because KCP&L doesn't do
7 that, they charge the developers.

8 A I could be in error there. I don't
9 believe that's true. Can I research that and get an
10 answer to you?

11 Q About what?

12 A About whether we actually have a fee for
13 that.

14 Q Well, yeah, I know -- and I imagine it's
15 a tariff issue, because KCP&L, at the end of the
16 year, they will provide a rebate based on the number
17 of meters installed and then what's in that house,
18 electrical wise, whether they have a heat pump or an
19 air conditioner and, you know, I know Laclede Gas or
20 Missouri Gas Energy has a main line extension that
21 they charge and then give rebates, so I would like
22 to know if Ameren does and if that's a tariff issue
23 or if it's just a company policy.

24 A I can't -- I will absolutely get you
25 that answer and make sure I'm 100 percent correct.

1 **Q Thank you.**

2 JUDGE WOODRUFF: Questions? Mr. Rupp?

3 EXAMINATION

4 BY COMMISSIONER RUPP:

5 **Q Real quick question. Did you know back**
6 **in 2011 you could get a tax deal on getting some**
7 **really large cars and you could write off a whole**
8 **bunch of stuff, especially if you were driving**
9 **around subdivisions?**

10 A I didn't know that, no.

11 **Q Just wanted to make sure.**

12 COMMISSIONER KENNEY: I'd like -- I would
13 like to correct Commissioner Rupp. That was 2003.
14 And to give a further breakdown, you can get
15 100 percent -- even if you bought it on
16 December 30th, you could get 100 percent
17 write-off from the federal government on that off
18 your business that year.

19 JUDGE WOODRUFF: We'll request an essay on
20 that. All right. Well, I think that's it for you,
21 then. Thank you, Mr. Wakeman. Thank you. Okay.
22 It's nearly 12:00. We'll break for lunch and come
23 back at 1:00.

24 MR. LOWERY: Your honor, can I take up one
25 matter, very briefly? And I apologize. I should

1 have brought this up sooner. Mr. Reed was
2 scheduled to testify tomorrow on the fuel
3 adjustment clause issues and I have checked with
4 any parties that might have potentially had
5 questions and nobody has any questions for him.
6 And he has not started his trek to Missouri yet but
7 I obviously need to ask whether the commissioners
8 could agree that we don't need him to come to
9 Missouri and testify.

10 JUDGE WOODRUFF: I will poll the
11 commissioners and let you know after lunch.

12 MR. LOWERY: That would be great. He would
13 have to leave pretty soon. If, by any chance, if
14 the travel didn't work out, maybe this wouldn't be
15 satisfactory and we'll get him here if we need to,
16 but we'll make him go by video for the
17 commissioners if they need to.

18 JUDGE WOODRUFF: He's on fuel adjustment
19 clause, right?

20 MR. LOWERY: That's correct. We were
21 taking him out of order because of travel
22 circumstances already. So I would appreciate if
23 you'd let me know.

24 JUDGE WOODRUFF: We'll let you know. Then
25 we are adjourned until 1:00.

1 (Break taken.)

2 JUDGE WOODRUFF: We're back from lunch.

3 Just before lunch, Ameren indicated that the
4 parties did not have any questions for Mr. Reed for
5 tomorrow. I checked with commissioners, they also
6 did not want to force him to come here to withstand
7 questions from them. So I apparently there will be
8 no need to have Mr. Reed testify tomorrow.

9 MS. TATRO: Thank you.

10 JUDGE WOODRUFF: Since he is the only
11 witness for tomorrow, I guess we get the day off.

12 MS. TATRO: Oh, that's a shame.

13 JUDGE WOODRUFF: I don't know what we'll
14 all do during that extra time. But that's the
15 situation. So we'll go ahead and now get started
16 with Mr. Meyer on storm expense tracker and he's
17 already taken the stand and, Mr. Meyer, you
18 testified also yesterday, so you're still under
19 oath. You may inquire.

20 MR. DOWNEY: Judge, I think we already got
21 his testimony offered and we're offering him up for
22 cross-examination.

23 JUDGE WOODRUFF: Okay. For
24 cross-examination, beginning with Public Counsel.

25 MR. OPITZ: No cross, Your Honor.

1 JUDGE WOODRUFF: For Staff?

2 MR. BORGMEYER: No cross, Your Honor.

3 JUDGE WOODRUFF: And for Ameren?

4 MR. MITTEN: No questions.

5 JUDGE WOODRUFF: I don't know if any of the
6 Commissioners had any questions for him, but since
7 nobody's here, we'll assume they don't. I assume
8 you'll still be in the room if they decide they
9 want any questions later.

10 MR. MEYER: Right. I will.

11 JUDGE WOODRUFF: Okay. So no questions, so
12 you can step down. Good afternoon, Mr. Robertson.
13 Is this the first time you've testified?

14 MR. ROBERTSON: No, it's the second,
15 although I didn't say much the first time.

16 JUDGE WOODRUFF: You're still under oath.
17 We'll see how it goes this time.

18 MR. ROBERTSON: Yeah, that's right.

19 JUDGE WOODRUFF: All right. You can
20 inquire.

21 MR. OPITZ: Judge, since he's already
22 testified today, is it all right if I just tender
23 him for cross?

24 JUDGE WOODRUFF: That is fine.

25 MR. OPITZ: At this time I'll tender the

1 witness for cross.

2 JUDGE WOODRUFF: Okay. For
3 cross-examination? MIEC?

4 MR. DOWNEY: No questions.

5 JUDGE WOODRUFF: Staff?

6 MR. ANTAL: No questions.

7 JUDGE WOODRUFF: Ameren?

8 MR. MITTEN: No questions.

9 JUDGE WOODRUFF: I have no questions, so
10 there's no need for recross or redirect. And you
11 can step down and I believe you'll be in the room
12 if, when they get back, the commissioners decide
13 they do have questions for you. Okay. That takes
14 care of the storm expense tracker issues. And
15 we'll move on to vegetation management and
16 infrastructure inspections and we'll begin with
17 mini openings beginning with Ameren.

18 MR. MITTEN: If it pleases The Commission,
19 in Case No. ER-2008-0318 The Commission initially
20 approved a tracker mechanism for costs Ameren
21 Missouri would incur complying with new rules
22 governing vegetation management, which means
23 basically tree trimming, and inspections of the
24 company's infrastructure. Each according to
25 schedule as prescribed by those rules. In each of

1 the company's subsequent rate cases and most
2 recently in a report and order in the last case,
3 The Commission allowed Ameren Missouri to retain
4 the tracker to allow the company to complete a full
5 cycle of vegetation management and infrastructure
6 inspection. The terms of the tracker is simple.
7 Base expense level for vegetation management and
8 infrastructure inspection expenses included in the
9 revenue requirement used to set rates and then
10 actual expenditures are tracked against that base
11 level. If Ameren Missouri spends more than the
12 base, it gets to book the difference as a
13 regulatory liability and recover the difference
14 through an amortization. If the company spends
15 less than the base, the difference is returned to
16 customers through amortization. Under the tracker,
17 Ameren Missouri doesn't have to worry about under
18 recovering its actual prudently incurred costs to
19 comply with The Commission's rules and customers
20 don't have to worry about paying more in rates than
21 the company is actually spending to comply with
22 those rules. It's a win-win situation for both
23 Ameren Missouri and its customers. And because the
24 benefits flow both ways. Based on the criticisms
25 we've heard over the past day and a half about

1 deferrals and the fact that they seem to only work
2 one way, this tracker seems to be a regulatory
3 mechanism that ought to be embraced by the parties
4 representing the company's customers in this
5 proceeding. But that's not the case. The Staff,
6 the OPC, and MIEC each has filed testimony opposing
7 continuation of the vegetation management and
8 infrastructure inspections tracker. They argue the
9 purpose of the tracker is to allow Ameren Missouri
10 to gain experience regarding how much it will cost
11 the company to comply with The Commission's rules
12 already has been fulfilled because the full
13 vegetation management and infrastructure inspection
14 cycles have been completed. These parties also
15 point to statements made by The Commission in past
16 orders approving the tracker that The Commission
17 never intended the tracker would be permanent. But
18 these arguments ignore the testimony of Ameren
19 Missouri's witness on this issue, Dave Wakeman, as
20 to why the tracker should be continued.

21 Mr. Wakeman cites ongoing volatility in the amounts
22 the company must expend annually to comply with The
23 Commission's rules and notes that much of the
24 uncertainty that caused The Commission to implement
25 the tracker in the first place will continue into

1 the future. He further points out the compliance
2 with The Commission's rules is mandatory, which
3 means Ameren Missouri has little opportunity to
4 control its compliance costs. The company can't
5 manage around compliance cost estimates that's used
6 for rate making purposes that doesn't accurately
7 reflect the actual cost of complying with the
8 commission's rules. Finally, he notes the tracker
9 is fair to both the company and its customers by
10 ensuring full recovery of costs associated with
11 complying with The Commission's rules while also
12 ensuring customers don't overcompensate Ameren
13 Missouri for its compliance efforts. That aspect
14 of the tracker will be lost if The Commission
15 adopts the position of the company's opponents on
16 this issue and abandons the tracker. If the
17 estimate of the cost of compliance that's included
18 in revenue requirement used to set rates is too
19 low, then Ameren's Missouri's shareholder will bear
20 part of the cost of complying with the rules. And
21 if the estimate's too high, the company's customers
22 will be required to pay more than is necessary for
23 compliance. In addition, The Commission's rules
24 establishing the vegetation management and
25 infrastructure mandate seem to contemplate that

1 utilities will be able to recover the difference
2 between the actual compliance costs and the amount
3 of compliance costs that are included in base
4 rates. Eliminating the tracker will take away its
5 ability. And under the rules this can be
6 accomplished by either a tracker mechanism or
7 allowing for deferral -- some other deferral of the
8 cost difference between the amount that's included
9 in base rates and actual expenses. So regardless
10 of the original purpose of the tracker or whether
11 The Commission intended that tracker to be
12 permanent, we believe that there are ample policy
13 reasons to retain the tracker because it's a much
14 fairer alternative to the one proposed by Staff,
15 the OPC, and MIEC. Mr. Wakeman addresses each of
16 these considerations in his filed testimony in the
17 case and I invite The Commission to ask questions
18 of Mr. Wakeman as to why he believes the tracker
19 ought to be continued when he takes the stand on
20 this issue. In addition, I think The Commission
21 has to deal with some inconsistencies that we
22 believe affect the testimony of our opponents on
23 this issue. For example, MIEC's witnesses argue
24 that an over recovery of infrastructure inspection
25 costs should be returned to customers via a

1 three-year amortization, but an under recovery of
2 vegetation management costs should not be recovered
3 from customers at all. That's not the way the
4 tracker was supposed to work. And the company
5 doesn't believe The Commission should approve the
6 treatment proposed by MIEC. There's also a dispute
7 among the parties as to what level of costs should
8 be used to set test year amount of vegetation
9 management and infrastructure tracking expenses.
10 Because there is a trend of increasing costs, the
11 company believes expenses incurred during the test
12 year expended through the true up period most
13 accurately reflect what costs would be incurred
14 during the period rates set in this case are going
15 to be in effect. Staff, OPC, and MIEC propose
16 different normalized amounts based upon periods
17 ranging anywhere from two to five years. Ameren
18 Missouri's witness on these accounting issues
19 related to vegetation management and infrastructure
20 inspection is Laura Moore and if The Commission has
21 any questions regarding the differences between the
22 company, Staff, MIEC, and OPC on these accounting
23 issues, invites you to ask those questions to
24 Ms. Moore when she takes the stand. Thank you.

25 JUDGE WOODRUFF: Questions?

1 COMMISSIONER KENNEY: Unlike a storm
2 tracker, which is variable, you know, my weatherman
3 hits it right about 30 percent of the time, so we
4 never know what storms are going to do. But you
5 have a pretty good feel -- I would think the
6 company has a pretty good feel on vegetation
7 management.

8 MR. MITTEN: I think we have some feel but
9 I'm not sure.

10 COMMISSIONER KENNEY: How many years has
11 Ameren been doing this?

12 MR. MITTEN: Five or six years.

13 COMMISSIONER KENNEY: Vegetation
14 management?

15 MR. MITTEN: Under The Commission's rules
16 we've been doing it for five or six years. They've
17 certainly been doing it a lot longer than that.

18 COMMISSIONER KENNEY: So they have a pretty
19 good handle on it?

20 MR. MITTEN: I think, generally speaking,
21 that's true. Mr. Wakeman can tell you some of the
22 challenges that the company still experiences with
23 regard to vegetation management. Because, after
24 all --

25 COMMISSIONER KENNEY: I read his testimony

1 about insects and dead trees and things, but it's
2 pretty -- I understand, you know, I understand the
3 tracker -- for the need for a tracker towards
4 weather-related events more so than I understand
5 the needs for a tracker for vegetation management.
6 Because I would think it's pretty -- I mean, I
7 understand there's little variable but it's got to
8 be pretty basic. I mean, trees grow at a certain
9 rate and, you know, I'm sure there's some dead
10 trees falling down more often than not sometimes,
11 but I would think it's pretty standard.

12 MR. MITTEN: In the larger scheme of
13 things, this is not -- the variation that we see
14 from year to year in vegetation management is not a
15 huge dollar amount. But if you retain the tracker,
16 and there is a difference, if you include in rates
17 more than the company actually spends for
18 vegetation management, this is an opportunity to
19 return that difference to customers. If you go
20 back to traditional rate making, you don't have
21 that opportunity. Conversely, if you don't put
22 enough in rates and our costs are more than that,
23 we get the benefit of that bargain as well.

24 COMMISSIONER KENNEY: That brings me up to
25 a question I never asked. How often are these

1 trackers adjusted?

2 MR. MITTEN: I think they're adjusted
3 annually. Ms. Moore can answer that question.

4 COMMISSIONER KENNEY: Okay. Great. Thank
5 you.

6 JUDGE WOODRUFF: Commissioner Hall?

7 COMMISSIONER HALL: Yes, just a few. How
8 would you compare, from your perspective, the
9 policy in support of this tracker compared to the
10 policy in support of the storm restoration tracker?

11 MR. MITTEN: I think the policy
12 consideration insofar as they relate to the company
13 getting to recover its actual costs and customers
14 not paying any more than the company actually
15 expends are the same for both of the trackers.
16 Obviously the potential volatility in the storm
17 cost tracker is much more significant because, as
18 Commissioner Kenney pointed out, there is some
19 variation from year to year in our costs of both
20 tree trimming and infrastructure inspection. But
21 we're talking about small millions of dollars. If
22 you have a major storm, that can run into the tens
23 of millions of dollars, so the variances can be
24 extreme for the storm tracker but not nearly as
25 extreme for the vegetation management and

1 infrastructure inspection tracker.

2 COMMISSIONER HALL: Okay. Since there is
3 not the same degree of variability on this expense
4 item, why -- why is a tracker needed here when it
5 isn't needed on a host of other expenses? What is
6 unique about this expense item that requires a
7 tracker?

8 MR. MITTEN: Excuse me. Maybe need is not
9 the word I would use. I guess we've got a tracker
10 in place right now. We know that it has advantages
11 over traditional modes of rate making and the
12 question for The Commission is do you retain the
13 tracker or do you do away with it. I think you're
14 right. We could ask for trackers on a whole host
15 of things. We haven't done so. We know The
16 Commission is reluctant to impose trackers on
17 expenses and a lot of expenses are within the
18 company's management -- ability to manage. This
19 one's slightly different because, first of all, the
20 vegetation management and infrastructure inspection
21 requirements are prescribed by commission rule and
22 included within those rules is language that's
23 suggests to us that it was The Commission's
24 intention all along that there be some sort of
25 deferral or tracker mechanism to ensure the company

1 recovered all of the costs of compliance. I think
2 that's why the tracker was initiated for these
3 particular costs in the first place. We believe
4 those same considerations apply in the future as
5 they have applied in the past and that's why we're
6 asking that The Commission retain the tracker. We
7 don't have any requests in this case for additional
8 trackers. But we are asking to hang on to the ones
9 that we have.

10 COMMISSIONER HALL: What is the current
11 dollar amount?

12 MR. MITTEN: I don't have that. It's in
13 the 50 to 60 million-dollar range, I think.

14 COMMISSIONER HALL: Mr. Wakeman would know
15 that?

16 MR. MITTEN: Ms. Moore would be the better
17 witness to answer that question, too.

18 COMMISSIONER HALL: All right. Thank you.

19 JUDGE WOODRUFF: Thank you, sir.

20 MR. ANTAL: Judge, before I start, I'd like
21 to hand out a handout.

22 MR. MITTEN: Your Honor, Commissioner
23 Kenney, I gave you some wrong information in
24 response to your question. The trackers are
25 rebates in rate cases. They're not rebates

1 annually.

2 COMMISSIONER KENNEY: So they are rebated
3 in rate cases?

4 MR. MITTEN: Yes.

5 COMMISSIONER KENNEY: Thank you.

6 MR. ANTAL: If it pleases The Commission,
7 my name is Alex Antal. I'll be giving Staff's
8 opening on the vegetation management and
9 infrastructure inspection tracker issue. I'll get
10 to the handout in a minute. First I'd like to
11 start by saying there are three separates sub
12 issues under this issue that The Commission must
13 come to a determination on. I'll go through those
14 each one by one. First of those is should the
15 vegetation management and infrastructure inspection
16 tracker be continued in this case. Now, Staff's
17 position is that you should discontinue this
18 tracker. And Mr. Mitten gave you some of the
19 background but I don't think that there was all of
20 the background that needs to be laid for you to
21 make a complete determination on this issue. I
22 believe Mr. Mitten mentioned that the initial
23 reasons for The Commission establishing this
24 tracker were not necessarily important at this
25 juncture. I would tend to disagree with him. Back

1 in 2006, the Ameren service territory and Missouri
2 generally saw a number of severe storms. I
3 personally remember those storms. I remember back
4 in 2006, the summer, there was a big thunderstorm
5 in St. Louis. I was lifeguarding at a subdivision
6 pool at the time. There was a lot of unhappy kids
7 and moms who were trying to escape the heat and the
8 fact that their houses didn't have any electricity
9 by going to the pool, but unfortunately you can't
10 open a swimming pool when the pumps aren't running
11 either, so -- and also that year, there were some
12 severe ice storms in St. Louis. I remember as one
13 of the few times that St. Louis University actually
14 closed its campus because the ice was just too bad
15 for people to travel to and from campus. But
16 that's my personal anecdote of what occurred backed
17 in 2006. As a result of those storms and power
18 outages in the Ameren service territory, this
19 commission decided that Ameren Missouri was not
20 doing enough work proactively to inspect tree limbs
21 or their infrastructure and that they needed to up
22 their game a little bit. So that's the background.
23 And also, at that time when The Commission
24 promulgated these rules, The Commission realized
25 that this was going to create an additional expense

1 on the company and but we didn't know, we didn't
2 have any data on exactly how much that compliance
3 expense would be. So, seeing that we didn't have
4 any reliability data, The Commission established a
5 tracker that would allow the company to defer the
6 expenses of complying with these commission -- new
7 commission rules until a later date when we had
8 more historical data to base rates off of.

9 Now, since that time, Ameren has
10 completed a full cycle under The Commission's rules
11 and while the costs have fluctuated from year to
12 year, as any operating costs would, overall the
13 costs have remained stable, as I think you all are
14 aware. Now, I would like to read a excerpt from the
15 decision in The Commission's 2012 Ameren rate case,
16 which I think speaks to this issue quite clearly.
17 Although Ameren Missouri now has more experience in
18 complying with the rules, it still has not completed
19 a single cycle on inspections for its rural
20 circuits. The Commission finds because of that
21 remaining uncertainty the tracker is still needed.
22 However, as The Commission has indicated in previous
23 rate cases, it does not intend for this tracker to
24 become permanent. For this case, The Commission
25 will renew the existing vegetation management and

1 infrastructure inspection tracker. I think that
2 clearly shows the intent of this commission that
3 they were renewing this tracker for one more case.
4 And they had every intention of not renewing it in
5 this case. The Staff in that case had no opposition
6 to the tracker and but in this case, we have read
7 The Commission's order and we have determined now
8 The Commission doesn't want this around any more.

9 Now, Ameren Missouri has provided a
10 laundry list of reasons for why the costs of
11 complying with The Commission's rules is still
12 unknown. But the vast majority of these listed
13 reasons are the very types of expenses that Staff
14 reviews in every rate case in studying the company's
15 revenue requirements. Staff is not suggesting that
16 we set these costs in stone and never adjust them
17 again. Staff is simply recommending that we treat
18 these costs as established and give them the same
19 regulatory treatment as The Commission gives all
20 other established costs. Because there is now
21 sufficient historical data to determine a reasonable
22 amount of expense for vegetation management and the
23 infrastructure inspection to be included in Ameren
24 Missouri's revenue requirements. And that data
25 shows that there is no significant fluctuation in

1 those costs. There is no legitimate reason for the
2 continuance of this tracker. For these reasons,
3 Staff recommends The Commission discontinue the
4 vegetation management and infrastructure inspection
5 tracker. Turning now to the second sub issue under
6 this issue. The question is what amounts of money
7 should be included in the revenue requirements for
8 vegetation management and infrastructure inspection.
9 Staff's recommendation is to use a three-year
10 average for both vegetation management and the
11 infrastructure inspection expense levels, through
12 the using data ending December 31st of 2014.
13 Staff's three-year average for these expenses for
14 vegetation management expense is approximately
15 54.5 million. And Staff's three-year average for
16 infrastructure inspection is approximately
17 5.8 million. Staff believes that these three-year
18 averages to be included in Ameren Missouri's revenue
19 requirement and that they represent reasonable
20 levels of ongoing expense based on historical data
21 for each of these items.

22 Now, if you'll turn to the handout
23 that I handed out earlier. You'll see all of this
24 information is information that came from the
25 testimony or the position statements of the various

1 parties. Having it all spread out in various
2 places, wanted to provide a simple document where
3 you can compare the dollar amounts and similar
4 percentage differences between the various
5 computations of the levels various parties wants the
6 commission to adopt. You'll see in the first
7 vertical column, we have the test year data of
8 vegetation management, infrastructure, and then the
9 total of those two. In the second column, you have
10 the previous base amounts. That's what's currently
11 in rates today. Third, you have the company's
12 position, which is the -- their actual amounts
13 ending December, 2014. And Staff in Column 4
14 utilizes a three-year average. MIEC, I believe,
15 uses a five-year average for both and then OPC
16 uses -- is using a 62-month average for vegetation
17 management and a two-year average for the
18 infrastructure. Now, if you go down to the totals
19 area, you can see that the difference between
20 Staff's position and the company's position is
21 roughly 3.3 percent. That's approximately
22 \$2.1 million. So that's -- in dollar amounts that's
23 what we're talking here. But wanted to provide this
24 handout for the ease of discussion about this issue
25 here today.

1 So, going back to -- so Ameren
2 Missouri, however, argues that they should be
3 allowed to include expense levels for both of these
4 items using 12-month actual expenses ending in
5 December. While this has been the method for
6 setting the level of expense for these items in
7 Ameren Missouri's most recent rate cases, those
8 treatments were based on the premise that trackers
9 would continue. Since Staff, OPC, and MIEC are all
10 recommending that tracker for vegetation management
11 and infrastructure inspection expense be
12 discontinued, utilizing a three-year average as
13 Staff has employed is the most reasonable method of
14 estimating Ameren Missouri's ongoing level of
15 expense for these items.

16 Now to the third issue, which the
17 question is, should an amount for costs over
18 recovery be included in Ameren Missouri's revenue
19 requirements and, if so, over what period of time
20 should they be. My understanding from -- from
21 discussing this with Staff is that Ameren Missouri
22 and Staff agree on the total amounts, which is
23 approximately 1.5 million. And then that amount
24 should be amortized over three years. Other parties
25 have different positions on that, but I'll let them

1 tell you what their position is. That concludes my
2 remarks. And if you have any questions, I'll be
3 happy to answer them.

4 JUDGE WOODRUFF: Commissioner Kenney?

5 COMMISSIONER KENNEY: No.

6 JUDGE WOODRUFF: Commissioner Hall?

7 COMMISSIONER HALL: Yeah, a few. I want to
8 ask you a similar question I asked Mr. Mitten.
9 Comparing these two trackers from -- from your
10 perspective, are the policy considerations -- how
11 do they compare between the two?

12 MR. ANTAL: I'm not Staff's attorney on the
13 storm tracker, however, there obviously are clear
14 factual differences. Staff is opposed to both
15 trackers. I think we've made that clear that, you
16 know, we only support deferral accounting in
17 certain circumstances.

18 COMMISSIONER HALL: Well, are there facts
19 or issues between the two that make one less
20 appropriate than the other for that kind of
21 treatment? And if you can't answer the question
22 because you didn't handle both, that's fine.

23 MR. ANTAL: I don't want to say that one is
24 more deserving of this -- of discontinuance.

25 COMMISSIONER HALL: How about which one is

1 less deserving?

2 MR. ANTAL: I think that question might
3 also get me into trouble with Staff.

4 COMMISSIONER HALL: Well, I don't want to
5 get you in trouble.

6 MR. ANTAL: I think they're both equally
7 deserving of being discontinued but for different
8 reasons. I think for this in particular one, we
9 have historical data that was originally the reason
10 why we put the tracker in place because we didn't
11 have historical data. We have this that now and
12 that data shows that there is not a significant
13 amount of fluctuation in the amounts that Ameren is
14 spending over time.

15 COMMISSIONER HALL: Over those three years?

16 MR. ANTAL: Not just the three years. The
17 three years is the average Staff was using to come
18 up with an average.

19 COMMISSIONER HALL: I assumed that you --
20 you were focusing on the three years after the
21 tracker was put in place?

22 MR. ANTAL: No, this is -- Staff is
23 utilizing the most -- three most recent years, if
24 you want to know -- I believe OPC, the 62-month
25 average is utilizing approximately, if not all, of

1 the recorded data since the rules have been in
2 place.

3 COMMISSIONER HALL: Okay. I guess I'm
4 confused. When was the rule promulgated? It was
5 2006, right?

6 MR. ANTAL: No, the ice -- the storms that
7 precipitated or brought on The Commission's concern
8 in wanting to make the rules happened in 2006. The
9 actual rules became effective in July of 2008.

10 COMMISSIONER HALL: So, OPC's figure --
11 well, I'll ask OPC about that. Okay. Thank you.

12 JUDGE WOODRUFF: Mr. Rupp? Thank you. An
13 opening for Public Counsel?

14 MR. OPITZ: May it please The Commission.
15 Public counsel opposes a storm tracker for this
16 issue as well. We believe that traditional
17 historic costs -- costs of service rate making is
18 the most appropriate way to set rates. And the
19 fact is that the tracker isn't the norm. It's a
20 deviation from that. The traditional methods for
21 setting rates, it's our belief that that's the best
22 way to incentivize companies to seek efficiencies
23 and control costs. And as well as the other
24 reasons I articulated for the storm -- storm
25 tracker. I would re-emphasize that these are very

1 similar and we are opposed to both trackers. As to
2 the amount to include in rates, Public Counsel,
3 again, uses what is a historical traditional --
4 traditional method of setting rates and what we did
5 is or what our expert did was he looked at the
6 average of actual historical rate -- historical
7 costs to determine a level of expense going
8 forward, whereas in contrast the company attempts
9 to use the actual amount and then a trued up period
10 because that's the way that they have done it in
11 the past. But I would say without some reason to
12 do -- to deviate from the norm, the norm should be
13 our base level to go off of. And the company
14 hasn't shown that here. The fact is we have enough
15 historical data to determine the appropriate
16 expense to include going forward and so for those
17 reasons, Public Counsel opposes this tracker. Do
18 you have any questions for me?

19 JUDGE WOODRUFF: Mr. Kenney? Mr. Hall?

20 COMMISSIONER HALL: Why would standard
21 practice dictate that -- if it we were to disallow
22 the tracker, why wouldn't we just look to a test
23 year? Isn't that how we normally do things to
24 determine the expense for this item? As opposed to
25 finding historical average?

1 MR. OPITZ: I believe that that's a
2 determination that our witness, Ted Robertson,
3 would probably explain better than I could. So if
4 you don't mind, I would prefer you direct that to
5 him. But I can try and answer it if you'd like,
6 although it might be more efficient if you ask him
7 directly.

8 COMMISSIONER HALL: I'll ask him.

9 MR. OPITZ: All right. Thank you.

10 JUDGE WOODRUFF: Commissioner Rupp?

11 COMMISSIONER RUPP: No questions.

12 JUDGE WOODRUFF: Okay. For MIEC? Yeah,
13 just a moment. Go ahead and explain, Commissioner
14 Rupp.

15 COMMISSIONER RUPP: I'm not sure if
16 everybody's watching their Twitter feed, but news
17 just came across that Alderman Tom Schweich is
18 dead. He killed himself. So if we would have a
19 moment of silence, I think, for his family and
20 himself and all those that knew him. Thank you.

21 (Moment of silence.)

22 MR. DOWNEY: Kinds of puts things in
23 perspective, I guess. May it please The
24 Commission, good afternoon. One of the advantages
25 of having almost the same position as Staff and OPC

1 is that we are united. One of the disadvantages is
2 I don't really have a whole lot new to say in my
3 opening statement. I would just point out a couple
4 things. The three parties agree on why the tracker
5 should be suspended. We disagree -- all four
6 parties disagree on what the base amount should be.
7 But if you look at the chart that was provided by
8 Staff, you'll see that both for the infrastructure
9 charge and vegetation management charge, what the
10 MIEC has offered is kind of in the middle along
11 with Staff, with OPC at the low end, and Ameren at
12 the high end. Any questions?

13 JUDGE WOODRUFF: Commissioners?

14 COMMISSIONER HALL: Yeah, explain to me
15 the -- your -- your basis for -- for determining
16 the amount.

17 MR. DOWNEY: And I had a conversation with
18 Mr. Meyer about that and I'm not going to just
19 defer for him, but I'm going to try and explain it.
20 I believe he used averages for some -- well, for
21 one of them. And I believe that was vegetation
22 management. And then for infrastructure, he used a
23 figure that he got from Ameren Missouri.

24 COMMISSIONER HALL: Why -- and I can ask
25 him as well, but why would we just take the test

1 year data?

2 MR. DOWNEY: Okay. And I would encourage
3 you to ask him but I believe his position will be
4 when you ask him that it is typical to normalize an
5 expense like this.

6 COMMISSIONER HALL: Okay. Thank you.

7 MR. DOWNEY: Thank you.

8 JUDGE WOODRUFF: Thank you, sir. All
9 right. Then we'll proceed to the first witness,
10 which will be Ms. Moore.

11 MR. MITTEN: Ameren calls Ms. Moore to the
12 stand.

13 JUDGE WOODRUFF: And you are sworn under
14 oath also. Is this the last time that Ms. Moore
15 will testify?

16 MR. MITTEN: I don't believe so.

17 JUDGE WOODRUFF: Okay.

18 MR. MITTEN: She's available for
19 cross-examination, Your Honor.

20 JUDGE WOODRUFF: Okay. Cross-examination,
21 then, we begin with MIEC.

22 MR. DOWNEY: No questions.

23 JUDGE WOODRUFF: Public Counsel?

24 MR. OPITZ: No questions, Your Honor.

25 JUDGE WOODRUFF: Staff?

1 MR. ANTAL: Just a few.

2 CROSS EXAMINATION

3 BY MR. ANTAL:

4 Q Hello, Ms. Moore.

5 A Hello.

6 Q We know your position here. You're
7 wanting to -- or the company's position is that to
8 use the actual amounts that the company has expensed
9 over the last 12 months. But I wanted to ask you
10 about coming up with revenue requirement generally.

11 A Okay.

12 Q Is it common for the company or other
13 parties to rate cases to use multi-year averages to
14 come up with a base level of expense for the
15 company's revenue requirements?

16 A It is in some cases. Especially items
17 that are tracked.

18 MR. ANTAL: Okay. That's all I have.

19 Thank you.

20 JUDGE WOODRUFF: Questions from the bench,
21 then?

22 EXAMINATION

23 BY COMMISSIONER KENNEY:

24 Q Yes, I have one. Can you explain to me
25 why this tracker is needed in order to cover costs.

1 A I think that's more of an operational
2 question and I would defer to Mr. Wakeman.

3 COMMISSIONER KENNEY: I'll wait. Thank
4 you.

5 JUDGE WOODRUFF: Mr. Hall?

6 COMMISSIONER HALL: No questions.

7 JUDGE WOODRUFF: Mr. Rupp? Then any
8 recross? No recross based on the questions from
9 the bench, then, any redirect? I'm sorry, I guess
10 there was -- she deferred the question, so
11 redirect?

12 REDIRECT EXAMINATION

13 BY MR. MITTEN:

14 **Q Just a couple questions, Ms. Moore. In**
15 **response to a question from Mr. Antal, you said it**
16 **was appropriate in some cases to use a multi-year**
17 **period to normalize expenses. Is that correct?**

18 A Yes.

19 **Q In what cases is it appropriate and in**
20 **what cases isn't it appropriate?**

21 A Well, for example, with the storm costs
22 or in this case when you have a tracker, it's
23 appropriate to normalize and then you actually
24 review those costs against that normal basis and
25 then you defer them out over or under.

1 Q In this case, Staff, MIEC, and OPC are
2 all proposing to normalize based on historical
3 periods, is that correct?

4 A That is correct.

5 Q But none of those parties is proposing
6 to retain the tracker?

7 A That's correct.

8 Q Under those circumstances, is it
9 appropriate to use a multi-year average to normalize
10 the level of vegetation management and
11 infrastructure inspection expense?

12 A I don't believe it is. If you look at
13 our actual costs, the more current costs are more
14 relevant. And even if we look at our future
15 forecast, the costs that we spent through the true
16 up period are more relevant to what we think we'll
17 spend in 2015.

18 Q Do you happen to have a copy of the
19 document that Mr. Antal handed out during his
20 opening?

21 A I do.

22 Q Directing your attention to the third
23 column and the line marked total.

24 A Yes.

25 Q \$62,443,857 is the amount that was

1 actually incurred for the 12 months ended December,
2 2014 for vegetation management and infrastructure
3 inspection, is that correct?

4 A That's correct.

5 Q And assuming that level of expense
6 recurs for the first 12 months that rates set in
7 this case are in effect, if The Commission adopts
8 Staff's proposed normalized number, that means the
9 company would under recover its vegetation
10 management and infrastructure inspection costs by
11 2.1 million?

12 A That's correct.

13 Q And if it adopts MIEC's number, that
14 under recovery would be 2.6 million?

15 A Correct.

16 Q And if it's OPC's number, the under
17 recover would be approximately 4.4 million, is that
18 correct?

19 A That's correct.

20 Q And there would be no way to recover
21 that difference since the tracker would go away, is
22 that right?

23 A If the tracker is canceled that would be
24 the case.

25 Q Has there been a discernible trend in

1 recent years regarding actual expenses for
2 vegetation management and infrastructure inspection?

3 A Yes. Since about 2012 these costs have
4 increased year over year.

5 Q And does that influence your decision as
6 to whether or not it's appropriate to use a
7 multi-year average to normalize?

8 A Yeah, I think that since you're seeing
9 an increase every year, we would expect to increase
10 again next year and for future years.

11 MR. MITTEN: I have no further questions,
12 Your Honor. Thank you.

13 JUDGE WOODRUFF: All right. Ms. Moore, you
14 can step down. Next witness, then, is Mr. Wakeman.

15 MR. MITTEN: Mr. Wakeman.

16 JUDGE WOODRUFF: Welcome back and you are
17 still under oath.

18 MR. MITTEN: Mr. Wakeman's available for
19 cross-examination, Your Honor.

20 JUDGE WOODRUFF: Beginning with MIEC?

21 MR. DOWNEY: No questions.

22 JUDGE WOODRUFF: Public Counsel?

23 MR. OPITZ: No questions.

24 JUDGE WOODRUFF: Staff?

25 MR. ANTAL: No questions.

1 JUDGE WOODRUFF: All right. Come up to the
2 bench for questions. Mr. Kenney?

3 COMMISSIONER KENNEY: No questions.

4 JUDGE WOODRUFF: Commissioner Hall?

5 EXAMINATION

6 BY COMMISSIONER HALL:

7 Q Yeah, I have a few. There's been some
8 testimony that the costs for this particular item
9 have increased at least -- well, year to year since
10 2012. What do you attribute that increase to?

11 A I would say in those cases it's
12 primarily labor rate increases so that the recent
13 trend has been that, you know, if you look over the
14 entire duration of the program, it's gone up and
15 down some, but certainly the trend in recent times
16 has been up.

17 Q Connected to wages?

18 A Primarily, yes.

19 Q The hourly wage?

20 A Yes, yes. Yeah, that's one of the
21 drivers. There's other drivers of just cost of the
22 whole program is around, you know, transportation
23 and things like that. And then labor's a
24 significant part of this cost structure for
25 vegetation.

1 **Q** **So the costs for necessary equipment,**
2 **the amount of hours put into it, none of that has**
3 **changed all that much. Really the only things**
4 **changing is wages going up?**

5 **A** Some associated with the equipment,
6 certainly, from, you know, inflationary pressures
7 but with respect to the wages are the overwhelming
8 part of that.

9 **Q** **Do you know how -- was there a**
10 **significant increase in costs after this new rule**
11 **was in place in July of 2008?**

12 **A** Yes. Yeah. Actually, we started trying
13 to comply with the rule because we knew where it was
14 going in 2007. But from before that time, yeah,
15 there was a significant increase in costs for our
16 company related to this activity.

17 **Q** **Can you quantify that increase?**

18 **A** I would say it's probably close to
19 double. I don't know exactly. But probably
20 approximately double that cost.

21 **Q** **Has it been a successful program?**

22 **A** Absolutely. Yes. Absolutely it's been
23 successful in that we've significantly reduced blue
24 sky day type of cost outages and outages related to
25 storms. That's been impactful in both areas.

1 **Q** I assume and, again, only if you know,
2 **the rule in place applies to all the regulated**
3 **electric utilities in Missouri?**

4 A I believe that's correct, yes.

5 **Q** Do the other regulated electric
6 **utilities have a similar tracker?**

7 A Yeah, I honestly don't know.

8 **Q** Thank you.

9 A You're welcome.

10 JUDGE WOODRUFF: Commissioner Rupp?

11 COMMISSIONER RUPP: No.

12 JUDGE WOODRUFF: All right. Any recross
13 based on the questions from the bench?

14 MR. DOWNEY: Just a couple, Judge.

15 RE CROSS EXAMINATION

16 BY MR. DOWNEY:

17 **Q** I think you, in answering Commissioner
18 **Hall's questions, talked about wage increase, do you**
19 **recall that?**

20 A I do.

21 **Q** Is that internal or contract?

22 A Those are primarily contractor
23 employees.

24 **Q** Okay. Internal wages are annualized or
25 **normalized, correct? Let me rephrase that.**

1 A Yeah, I'm not sure.

2 Q That's a bad question. They're
3 annualized, is that correct?

4 A I'm not sure how to answer your
5 question. You could rephrase it if you want.

6 Q Are internal wages annualized? It's
7 more of an accounting question. I understand if you
8 can't answer it.

9 A I would defer that to Ms. Moore.

10 Q All right. Thank you.

11 A I want to make sure we get it right.

12 JUDGE WOODRUFF: Okay. Then redirect?

13 MR. MITTEN: No redirect, Your Honor.

14 JUDGE WOODRUFF: You can step down. And
15 the next witness is for Staff, Ms. Hanneken.

16 MR. ANTAL: Staff recalls Ms. Hanneken.

17 JUDGE WOODRUFF: And I believe you
18 testified yesterday, is that correct?

19 MS. HANNEKEN: I think it was on Tuesday,
20 yes.

21 JUDGE WOODRUFF: But the key point is
22 you're still under oath.

23 MS. HANNEKEN: I agree.

24 JUDGE WOODRUFF: All right.

25 MR. ANTAL: Staff tenders the witness for

1 cross.

2 JUDGE WOODRUFF: Is this her last time?

3 MR. ANTAL: No. I believe she'll be up
4 here. She's got one more issue.

5 JUDGE WOODRUFF: Okay. For
6 cross-examination then, beginning with Public
7 Counsel.

8 MR. OPITZ: Just a few questions, Your
9 Honor.

10 CROSS EXAMINATION

11 BY MR. OPITZ:

12 Q Good afternoon, Ms. Hanneken.

13 A Good afternoon.

14 Q In Staff's recommendation you don't use
15 the actual test year amount that the company
16 proposes, do you?

17 A Well, I believe currently the company is
18 proposing good true up amount for expenses. Through
19 December of 2014. No, I do not propose doing that.
20 I propose using a three-year average.

21 Q And is using an average -- and using an
22 average is a common practice, correct?

23 A Yes, when there are costs in a cost of
24 service that fluctuate minorly from year to year, it
25 is common to normalize them over whatever period is

1 appropriate for the data.

2 MR. OPITZ: That's all the questions I
3 have. Thank you.

4 JUDGE WOODRUFF: For MIEC?

5 CROSS EXAMINATION

6 BY MR. DOWNEY:

7 Q Just a few. You heard Ms. Moore just
8 testify?

9 A Yes.

10 Q That it's preferable to use the most
11 recent test year trued up figures?

12 A Yes.

13 Q And you recommend the three-year
14 average?

15 A Correct.

16 Q Explain why that's better.

17 A Well, because when I look at the whole
18 body of data, I see that there are minor
19 fluctuations from year to year. And while I see
20 that the older periods of the tracker, when the
21 trackers were in place and the rules were in place,
22 it seems like that that data was, as Ms. Moore said,
23 was less. But in the last three years, it seems
24 like it's stabilized. But there's still those minor
25 fluctuations that you really should take into

1 account.

2 Q And did you take those into account with
3 your three-year average?

4 A Yes, I did.

5 MR. DOWNEY: Thank you. No further
6 questions.

7 JUDGE WOODRUFF: For Ameren?

8 MR. MITTEN: Thank you, Your Honor.

9 CROSS EXAMINATION

10 BY MR. MITTEN:

11 Q Good afternoon, Ms. Hanneken.

12 A Good afternoon.

13 Q As a tracker currently works, there's an
14 amount of vegetation management and infrastructure
15 inspection expenses included in base rates, is that
16 correct?

17 A Correct.

18 Q And then deviations from that amount in
19 terms of the actual expenditures are tracked, is
20 that right?

21 A That is correct.

22 Q And if the company collects more from
23 customers than it actually spends for those
24 activities, it refunds that difference to customers?

25 A That is the way the tracker works, yes.

1 Q And if it doesn't collect as much as it
2 actually spends for those activities, it gets to
3 create a deferred asset and recover that difference
4 from customers in the future, is that right?

5 A Correct.

6 Q And if a tracker is done away with,
7 those two aspects go away, is that right?

8 A Right. You would revert to your
9 traditional rate making.

10 Q Why does Staff think that that's a
11 better system?

12 A Well, because there is no longer a need
13 for this tracker. This tracker was put in place
14 because of the new rules that were put in place for
15 vegetation management and infrastructure
16 inspections. Because there was no real way of
17 knowing what the impact of those rules --

18 Q Mrs. Hanneken, I'm going to interrupt
19 you. I asked you why you think it's better to do
20 away with the system that ensures that customers
21 don't overpay and the company doesn't under recover.

22 A Because now I think it is a stable cost,
23 so there is no real volatility involved, which is
24 one of the premises of having a tracker. In
25 addition to that, there is some disincentive for the

1 company to control some of the costs that are under
2 its control and, third, I think it reduces the risk
3 upon the company and there should be some -- some
4 accounting and some manner for that reduction of
5 risk.

6 Q I think in response to a question that
7 you got earlier from Mr. Opitz, you indicated that
8 there is a fluctuation from year to year in the
9 amount of actual expenditures for both vegetation
10 management and infrastructure inspection, is that
11 right?

12 A Minor like we see with any other
13 traditionally accounted for expense.

14 Q And in his testimony, Mr. Wakeman also
15 identified another difference between this
16 particular set of expenses and others that the
17 company incurs is that this particular set of
18 expenses is incurred in order to comply with
19 mandates from a state governmental agency, is that
20 correct?

21 A Yes.

22 Q And I believe in your testimony you
23 indicated that there are other instances in which
24 the company is required to comply with governmental
25 mandates, but there isn't a tracker involved?

1 A Correct.

2 Q Are you familiar with The Commission's
3 rules governing vegetation management and
4 infrastructure inspection?

5 A I have read them.

6 MR. MITTEN: Your Honor, may I approach the
7 witness?

8 JUDGE WOODRUFF: You may.

9 Q (By Mr. Mitten) Ms. Hanneken, I have
10 handed you a copy of The Commission's rules dealing
11 with infrastructure management and infrastructure
12 inspection and vegetation management, is that
13 correct?

14 A Yes.

15 Q Let me ask you to turn to Page 5 of the
16 document I handed you, specifically 4 CSR
17 240-23.020, Subsection 4. And I'd ask you to read
18 that to yourself briefly and tell me when you're
19 finished, please.

20 A I have done so.

21 Q The particular portion of the rule that
22 I just pointed you to says that a company can ask
23 The Commission for a mechanism tracker or some other
24 deferral mechanism that will allow it to collect the
25 difference between the amount it actually expends to

1 **comply with the rule and the amount that's included**
2 **in base rates, is that correct?**

3 A I think it limited it to the next
4 general rate case after these rules went into
5 effect.

6 Q **It's not an ongoing situation?**

7 A That's not the way I read it.

8 Q **I think we may have a disagreement on**
9 **that, but we'll leave that for another day. Well,**
10 **assuming that that rule does indicate an intention**
11 **that the company should be allowed to recover the**
12 **actual amount of its expenses for vegetation**
13 **management and infrastructure inspection, are you**
14 **aware of any other government mandates that have a**
15 **similar provision like that that contemplates full**
16 **recovery of compliance costs?**

17 A I am not aware of any.

18 MR. MITTEN: I don't have any further
19 questions. Thank you, Your Honor.

20 JUDGE WOODRUFF: All right. Any questions
21 from the bench? Commissioner Kenney? Commissioner
22 Hall?

23 EXAMINATION

24 BY COMMISSIONER HALL:

25 Q **Yeah, you said that you supported a**

1 three-year average to determine the appropriate --
2 the appropriate amount for this line item, right?

3 A That is correct.

4 Q And you said, I think, because it is
5 common when costs fluctuate?

6 A When there's minor fluctuations, yes,
7 which all costs have.

8 Q Right. So why -- why would we ever just
9 go to the test year and take the dollar amount from
10 the test year?

11 A In some cases it is appropriate to do
12 so.

13 Q In what cases are those?

14 A Let's say that you had a contract and
15 there is a new contract in effect and at a certain
16 rate, that old data would no longer be appropriate
17 and you would need to look at the current -- the
18 current amount for that particular item and what is
19 the costs that are appropriately to be put into
20 rates and going forward costs.

21 Q So you would never rely exclusively on
22 the test year except in situations where the dollar
23 amount will not fluctuate at all?

24 A Not necessarily. It is -- we're looking
25 for the most appropriate reasonable amount to

1 determine the ongoing level. So if all the data
2 points to the test year as being the most
3 appropriate amount going forward, then we would use
4 that amount.

5 **Q So there's not a rule that you apply**
6 **for --**

7 **A** No hard and fast rule. It's all an
8 analysis.

9 **Q For what's reasonable?**

10 **A** Yes.

11 **Q Well, does it not stand to reason that**
12 **when you take an average of any number of years**
13 **going backwards as opposed to take the most recent**
14 **year, you're going to come up with numbers that are**
15 **lower, simply because of the inflation?**

16 **A** That has not been my experience. It
17 depends. In fact, the 2012 data that I used is very
18 similar to the 2014 data. However, in 2013, there
19 was a slight decline. My guess would be there may
20 have been some.

21 **Q But, as a general rule, as a general**
22 **rule, I mean, there is inflation, there's not**
23 **deflation, so most costs are going up and so if you**
24 **rely on a test year as opposed to test year plus**
25 **prior years, I mean, there's going to be a common**

1 difference, will there not?

2 A That really depends on the data.

3 Q Okay. Why did you believe that three
4 years was the appropriate amount -- the appropriate
5 number of years and not the -- not going back to the
6 effective date of the new rules?

7 A Because, as you have suggested, there
8 are inflationary pressures and I was able to see the
9 kind of trend in the data. However, when you looked
10 at specifically two years, three years, four years,
11 five years, the most appropriate and reasonable
12 amount that I had calculated was the three-year
13 average.

14 Q So, an alternative would be to determine
15 what that trend is which is an annual increase
16 generally?

17 A Not necessarily. You could renegotiate
18 contracts at a lower rate.

19 Q Right. But, in looking at the prior
20 three years, there was an increase, a gradual
21 increase?

22 A No, there was not.

23 Q Okay.

24 A Not in this case, no.

25 Q So what was the aberration? What year

1 **was the aberration?**

2 A I'm sorry, what year is the what?

3 **Q You got '12, '13, '14?**

4 A Yes.

5 **Q What are the costs in those three years?**

6 A That would depend on what month you were
7 looking at.

8 **Q I'm talking for the whole year.**

9 A Okay. Let me get my -- if you look at
10 it in isolation and look at the December ending
11 numbers, the numbers did trend upward.

12 **Q Okay. So, one alternative would be to**
13 **take -- to determine what that trend is and add that**
14 **to the test year, that would be a reasonable**
15 **approach as well?**

16 A Well, but when you're doing that, you're
17 not necessarily comparing apples to apples.

18 COMMISSIONER HALL: Okay. Thank you.

19 JUDGE WOODRUFF: Okay. Any recross based
20 on questions from the bench? Redirect?

21 REDIRECT EXAMINATION

22 BY MR. ANTAL:

23 **Q Ms. Hanneken, just a moment ago**
24 **discussing looking at the averages from past years**
25 **on these expenses, why is it, in your professional**

1 **opinion, important to look at perhaps on a monthly**
2 **basis as opposed to a yearly basis?**

3 A Well, in some situations you've got
4 seasonality that comes into play. Really when
5 you're making an analysis, you really need to look
6 at the entire body of the data.

7 MR. ANTAL: Okay. Thank you. No further.

8 JUDGE WOODRUFF: All right. Then you can
9 step down. Then Mr. Meyer. And you are also still
10 under oath. Anything else tendered for cross? All
11 right. For cross, we can begin with Public
12 Counsel.

13 MR. OPITZ: No questions, Your Honor.

14 JUDGE WOODRUFF: Staff?

15 MR. ANTAL: No questions.

16 JUDGE WOODRUFF: Ameren?

17 MR. MITTEN: No questions, Your Honor.

18 JUDGE WOODRUFF: All right. We'll come up
19 for questions from the bench, then. Commissioner
20 Kenney?

21 COMMISSIONER KENNEY: No questions.

22 JUDGE WOODRUFF: Mr. Hall?

23 COMMISSIONER HALL: No questions.

24 JUDGE WOODRUFF: All right. Commissioner
25 Rupp? Then you can step down.

1 And welcome back, Mr. Robertson. And
2 you are also still under oath. And I assume
3 Mr. Robertson -- will Mr. Robertson be back?

4 MR. OPITZ: He will be back next week.
5 Yes.

6 JUDGE WOODRUFF: Okay. Tender for cross,
7 then?

8 MR. OPITZ: Yes.

9 JUDGE WOODRUFF: Beginning with MIEC?

10 MR. DOWNEY: Hold on a second, Judge.

11 CROSS EXAMINATION

12 BY MR. DOWNEY:

13 **Q Mr. Robertson, are the rules still up at**
14 **the witness stand? Regulations?**

15 MR. MITTEN: They aren't. She brought them
16 back.

17 A If they are, I don't see them.

18 MR. MITTEN: May I approach?

19 JUDGE WOODRUFF: You may.

20 **Q (By Mr. Downey) I'd like you to turn to --**
21 **let's see, 4 CSR 240-23.020.**

22 A One more time? Page number?

23 MR. DOWNEY: May I approach, Judge?

24 MR. OPITZ: Mr. Downey, do you have another
25 copy of those rules?

1 MR. DOWNEY: Just this. I'm sure the pages
2 are different.

3 Q (By Mr. Downey) I'll try and get you to a
4 page number. All right. So I've asked the witness
5 to look at a particular paragraph, Paragraph 4 of
6 regulation 4 CSR 240-23.020. Just take a quick read
7 of that paragraph.

8 A Okay.

9 Q Now, would you agree with me that the
10 first sentence of that section is about, I don't
11 know, 20 lines long?

12 A Okay.

13 Q I mean, would you agree?

14 A Yes.

15 Q And so I'm not going to ask you to read
16 the whole thing. But do you see some language in
17 the middle of this sentence? Let me just paraphrase
18 it and you tell me if I'm doing it correctly because
19 I think the regulations speak for itself. This
20 paragraph grants the utility a right to seek some
21 sort of tracker type mechanism, would you agree with
22 that?

23 A Yes.

24 Q And it says until the effective date of
25 rates resulting from its next general rate case, do

1 you see that?

2 A I do.

3 Q And does it say filed after the
4 effective date of this rule?

5 A It does.

6 Q A couple pages later in that document,
7 do you see a section in all caps with the word
8 "authority"? You may not have the same kind of copy
9 I have. I'm sorry. May I approach? Right there.

10 MR. OPITZ: Mr. Downey, is this -- is that
11 it? Thank you.

12 Q (By Mr. Downey) Okay. So following that
13 particular regulation, is there a section entitled
14 authority?

15 A Yes, there is.

16 Q All right. And does it show the
17 effective date of the regulation?

18 A It shows the original rule filed
19 December 14th, 2007, effective June 30, 2008.

20 Q Do you happen to know whether Ameren
21 Missouri has had any rate cases since June 30th,
22 2008?

23 A Yes, they have.

24 Q Do you know how many?

25 A Subject to check, I believe two. At

1 least two.

2 MR. DOWNEY: All right. Thank you. No
3 further questions.

4 JUDGE WOODRUFF: All right. For Staff?

5 MR. ANTAL: No questions, Your Honor.

6 JUDGE WOODRUFF: Ameren?

7 MR. MITTEN: No questions.

8 JUDGE WOODRUFF: Mr. Kenney?

9 COMMISSIONER KENNEY: I have a question.

10 EXAMINATION

11 BY COMMISSIONER KENNEY:

12 Q Mr. Robertson, how are you? On your
13 surrebuttal testimony, I'm just trying to
14 understand, I just wanted to clarify, to understand
15 your numbers, on Page 12 of your surrebuttal, you
16 started -- you started off that you didn't agree
17 with company's proposal because they were not
18 accurate. And then you went -- are your numbers --
19 you mentioned on the last paragraph where you said
20 the company's forecast of actual expenses for the 12
21 months ending December, 2014, the end of the true up
22 period, not the test year which ended March, 2014,
23 so do your numbers go to the test year from April,
24 2013 to March, 2014?

25 A They do. Because that was a test year

1 on the case.

2 Q Is that your 56,289,626 number on Page
3 13 -- is that your number, Page 13, your numbers?

4 A That's the actual test year expense
5 incurred during the test year.

6 Q That's where you came up with your
7 number?

8 A Well, the normalization I did used the
9 entire database, historical database of costs
10 incurred. Those numbers there represent the actual
11 test year numbers, the March 14th test years.

12 Q So how did you come up with your number?

13 A Let me explain that. Two parts;
14 vegetation management, infrastructure inspection.
15 The infrastructure inspection costs, we look at
16 those from the period of February, '09 to March,
17 2014. And looking at those costs on an annual
18 basis, 12 months ended, okay, and during that time
19 frame the costs were trending down. Until you got
20 to the 12 months ended March, 2014 and then they
21 went up slightly. Okay. But prior to that, they
22 were trending down.

23 Q So you took the five preceding years?

24 A I took the entire database of history
25 that the company was able to provide me. So

1 approximately five -- one, two, three four five --
2 closer to six years, rather than five. Recognizing
3 that those costs were trending down and in that last
4 year, the test year, the costs went up slightly.

5 I recommended a two-year average of
6 those costs those two years; the test year and the
7 prior 12 months March ended. Right now because they
8 were going down, they didn't go down for the test
9 year, they went up slightly, but prior to that, they
10 kept dropping, okay? For the vegetation management,
11 when you look at those costs, and I discuss those on
12 Page 13 of the surrebuttal testimony.

13 **Q I've got it right here.**

14 A Those costs went up and down. They were
15 variable. Okay. So, recognizing that, they weren't
16 trending up, they weren't trending down, I used the
17 entire database of historical costs at that time was
18 March, 2014 was 62 months and I -- I recommended a
19 normalization based on those -- that entire
20 database, that entire 62 months.

21 **Q That's how you came up with the number?**

22 A That's how I came up with the
23 vegetation. But also recognize that was of the test
24 year, the true up period in this case, and we
25 haven't provided true up numbers yet. The testimony

1 on that's not due, I believe, until a week after
2 this hearing's done. Some parties have already
3 tried that up. We haven't done that yet.

4 COMMISSIONER KENNEY: Great. Thank you for
5 answering my question.

6 JUDGE WOODRUFF: Mr. Hall?

7 EXAMINATION

8 BY COMMISSIONER HALL:

9 Q You were in the hearing room when both
10 of Ameren's witnesses on this issue testified that
11 vegetation management costs had been going up every
12 year, year to year?

13 A Have not gone up?

14 Q Have gone up.

15 A On the analysis I've shown --

16 Q Were you in the hearing room when --

17 A I did, yes.

18 Q Okay. And you disagree with that
19 assertion?

20 A Based on the information that the
21 company has given me, and now we looked at 12 months
22 ending March of each year, the costs have gone up
23 and down but they haven't steadily increased.

24 Q Are those numbers year to year somewhere
25 either attached to your testimony or attached to

1 **anyone else's testimony?**

2 A As Commissioner Kenney was talking
3 about, if you look in my surrebuttal testimony on
4 Page 13.

5 **Q I'm there.**

6 A I've identified those costs in that
7 middle Q and A. For the periods that I looked at
8 for vegetation management there. And then if you
9 look at --

10 **Q But is year to year, I mean, an actual**
11 **dollar amount with an actual year, is that -- does**
12 **that exist somewhere in the record? I'm looking**
13 **around the room for --**

14 A That's what I was doing with my analysis
15 because the test year was the 12 months. March,
16 2014. In order to make a comparable analysis I used
17 the 12 months to March of all the other years to
18 determine that analysis. If you're asking me did I
19 do an analysis of what the 12 months were ending
20 December of each year, we can do that but it's not
21 in my testimony.

22 **Q Do you agree with Staff counsel or**
23 **Staff's witness that -- that it's -- that on an**
24 **expense like this that fluctuates year to year, that**
25 **it should be normalized over some period of time for**

1 **that reason?**

2 A Sure. Yes. Absolutely.

3 **Q Is that standard accounting procedure?**

4 A Well, I don't know if it's standard
5 accounting procedure or anything. But when you're
6 auditing the company and the costs are variable and
7 they fluctuate, and you're going to do some kind of
8 authorization, for example, your question towards
9 why would you use end of the test year, because all
10 prior years have either gone up or down, we don't
11 really know if the costs in the future years are
12 going to go up and down either, but we know
13 historically they have. So if you put in the end of
14 your costs, whether they're low or high, you're
15 making an observation that you think those costs
16 would either stay low or stay high. But
17 historically the costs have shown they go up and
18 down, so in trying to settle a level of reasonable
19 costs, using historical -- historical costs the
20 company incurred, we tried to come up with a
21 reasonable level of what those costs might be on a
22 going forward basis recognizing that they had gone
23 up and they had gone down at least for the
24 vegetation management.

25 **Q Right. Let me ask you the question I**

1 asked your counsel a little while ago. It seems
2 like the policy considerations at issue for this
3 tracker compared to the storm restoration tracker
4 are fairly similar. Both in support of the trackers
5 and against the trackers. How do you characterize
6 those policy considerations?

7 A Well, I think I have to agree with the
8 way Ms. Hanneken described it at least for the
9 vegetation management and infrastructure inspection
10 tracker. For that tracker you had new rules that
11 were implemented. We didn't know what the costs
12 were going to be. This is not the first time this
13 had been done. We've done it with O&M expenses for
14 a new plant, new electric plant; KCP&L and Empire.
15 We didn't know what the costs were going to be. So
16 The Commission authorized the tracker, the parties
17 agreed so we could get a history of what those costs
18 would be. Was never intended to be permanent. Once
19 you develop the history, which you could hopefully
20 develop a reasonable annualized level of costs going
21 forward, whether annualized or normalized, the
22 tracker would end. It's the same way with the
23 storm -- storm tracker. We've got a history of
24 costs associated with that. The cost for that storm
25 tracker had been decreasing. They're now at a level

1 that is really relatively immaterial to the total
2 cost structure of the company. We now believe
3 because that history we can develop annualized or
4 normalized level of costs going forward. That's not
5 to say that's what the company's going to actually
6 incur. Nobody knows. But that's our best most
7 reasonable estimate, if estimate is a proper word to
8 use of what they're likely to incur.

9 **Q Do the other investor-owned utilities or**
10 **electric utilities in Missouri have a tracker for**
11 **vegetation management, do you know?**

12 A Subject to check, I believe that Empire
13 and KCP&L do, but I'd have to check on that for
14 sure. I know in the current case there's --
15 vegetation management is at issue with KCP&L, but
16 I'd have to check on Empire, but I know The
17 Commission, when they promulgated the rules, they
18 gave them an opportunity to get a tracker if they
19 wanted it.

20 COMMISSIONER HALL: Thank you. I have no
21 further questions.

22 JUDGE WOODRUFF: Mr. Rupp?

23 COMMISSIONER RUPP: None.

24 JUDGE WOODRUFF: Any recross based upon
25 questions from the bench? Then redirect?

1 REDIRECT EXAMINATION

2 BY MR. OPITZ:

3 Q Just one question, Mr. Robertson. With
4 your discussion with Commissioner Kenney, you
5 mentioned the -- that you used the entire amount --
6 the entire database of information available to you
7 when determining your average. Can you explain why
8 you chose that, why you used that?

9 A Sure. Basically because my training in
10 statistics, you can do a two-year average,
11 three-year average, five-year average, and I'm only
12 talking about the vegetation management, the
13 infrastructure inspection cost, the trend was
14 decreasing, we were looking to see what the trend
15 was. For infrastructure inspection, costs were
16 decreasing, so probably would be reasonable to
17 assume that those costs would continue to decrease
18 or approximately stay in that same area. But
19 recognizing they did increase a little bit in the 12
20 months ending March, 2014, that's why I proposed a
21 two-year average, most recent two years information.

22 For the vegetation management, the
23 costs were up and down looking at the 12 months
24 ending March, 2014 for all the years data that we
25 have, from my training, my statistical training is

1 that if you have the entire population of costs and
2 you're trying to develop a level what the costs are
3 going to be on a going forward basis, that's
4 probably the best database to use. It's not the
5 only database you can use. You can use a two-year
6 average, a three-year average, or five-year average,
7 but that's why I chose to use all the data points.

8 MR. OPITZ: That's all I have. Thank you.

9 JUDGE WOODRUFF: You can step down.

10 COMMISSIONER HALL: I have a question for
11 counsel. Why are those dollar amounts highly
12 confidential? I'm looking at surrebuttal
13 testimony.

14 MR. OPITZ: For Mr. Robertson?

15 COMMISSIONER HALL: On the dollar amount,
16 Page 13. But I'm just -- this is just another
17 example of another dollar that -- another figure
18 that is identified as highly confidential and
19 everyone just treats it that way and we don't
20 disclose it why. Why is that highly confidential?

21 MR. MITTEN: Which page is it, Commissioner
22 Hall?

23 COMMISSIONER HALL: Page 13.

24 MR. MITTEN: We don't know why they're
25 highly confidential or not.

1 JUDGE WOODRUFF: Do I hear a motion, then?

2 COMMISSIONER HALL: I make that motion.

3 COMMISSIONER KENNEY: I second it. Oh, set
4 of rules, right.

5 MR. MITTEN: We'll remove the confidential
6 indicators on that page.

7 JUDGE WOODRUFF: Then they are made public.

8 COMMISSIONER KENNEY: I already made them
9 public.

10 JUDGE WOODRUFF: That concludes the --

11 MR. MITTEN: Judge?

12 JUDGE WOODRUFF: Yes, sir.

13 MR. MITTEN: We'd like to call Ms. Moore
14 back briefly to provide Commissioner Hall the
15 actual level of expenses for the last three years
16 that Mr. Robertson was unable to provide.

17 JUDGE WOODRUFF: Okay. Anybody object to
18 that? MIEC?

19 MR. DOWNEY: Judge, I mean, it's obvious
20 it's The Commission's call and Your Honor's call,
21 but we're not following the procedural schedule
22 when we do.

23 JUDGE WOODRUFF: It's Commissioner Hall's
24 question, so I guess it's up to you.

25 COMMISSIONER HALL: I think I've got the

1 information I need now, but thank you. Appreciate
2 that.

3 JUDGE WOODRUFF: Mr. Mitten, we talked
4 before we went back on the record at the bar here,
5 you had some additional information from
6 Mr. Kenney's questioning.

7 MR. MITTEN: During lunch break,
8 Commissioner Kenney, Mr. Wakeman was able to
9 confirm that the information he gave you regarding
10 the costs that contractors pay for the extension of
11 service was correct. I've got a copy of the
12 applicable tariff here.

13 COMMISSIONER KENNEY: So it's part of the
14 tariff?

15 MR. MITTEN: Yes, it is part of the tariff.

16 COMMISSIONER KENNEY: I'll get that when
17 we're done. Thank you.

18 COMMISSIONER HALL: On that issue, who from
19 Ameren would be most equipped to answer questions?

20 MR. MITTEN: On the tariff?

21 COMMISSIONER HALL: Yes. And its
22 application -- it's previous application. How it's
23 been used, history of it.

24 MR. MITTEN: It would either be Mr. Wakeman
25 or Mr. Davis or a combination of both of them

1 depending on the nature of the question, Mr. Hall.

2 COMMISSIONER HALL: Well, when we -- when
3 we get into some of the rate design issues that I
4 anticipate getting into, I may want to ask some
5 questions of those two.

6 MR. MITTEN: I will alert Mr. Davis to try
7 and prepare for that, but if he can't answer the
8 questions, we'll make someone available who can.

9 COMMISSIONER HALL: Thank you.

10 JUDGE WOODRUFF: Okay. I believe that
11 concludes the vegetation management infrastructure
12 inspection tracker issue. The next issue will be
13 the union proposals. Let's take about a 15 minute
14 break, come back at 2:40.

15 (Break taken.)

16 JUDGE WOODRUFF: Okay. We're back from
17 break and ready to get started again with the union
18 proposal issue and, as is practice, we'll start
19 with mini openings beginning with Ameren.

20 MS. GIBONEY: May it please The Commission.
21 First, let me introduce myself. I'm Sarah Giboney
22 and I'm representing Ameren Missouri on the issue
23 of the IBEW proposals. As it has in prior rate
24 cases, IBEW Local 1439 has raised some concerns
25 about Ameren Missouri's long-term staffing needs

1 and its aging infrastructure. As Ameren Missouri's
2 vice president of operations and technical
3 services, David Wakeman, has testified, Ameren
4 Missouri management is already aware of these and
5 is already appropriately addressing both of these
6 issues. Still, the IBEW wants The Commission to
7 take over the management of these day-to-day
8 affairs in three specific ways. First, by mandates
9 and staffing quotas. Second, by requiring
10 reporting on infrastructure that would be in
11 addition to and totally apart from what The
12 Commission already requires under its
13 infrastructure inspection rules. And, finally, by
14 dictating to the company a very specific level of
15 investment that would have to be made for
16 infrastructure improvements. But The Commission
17 does not have the authority to dictate these kind
18 of day-to-day management decisions and certainly
19 not in the absence of a determination based on
20 competent and substantial evidence of record that
21 the company is failing to meet a duty to provide
22 safe and adequate utility service.

23 As Mr. Wakeman's testimony indicates,
24 the company has quartile reliability among all U.S.
25 electric utilities. IBEW has not presented any

1 evidence that the company is failing to provide safe
2 and adequate service. And, in fact, its witnesses
3 testified that the company continues to provide safe
4 and reliable service. The bottom line is that there
5 is no justification as a matter of law or fact for
6 The Commission to adopt any of IBEW's requests.
7 Ameren has and will continue to make sound business
8 decisions regarding investments, both in personnel,
9 in infrastructure, and otherwise. And Ameren will
10 continue to be aware that these investments are a
11 cost that are borne by its customers. The company
12 is continuing to provide the services it's required
13 to provide. And for that reason, IBEW's
14 recommendation should be disregarded.

15 JUDGE WOODRUFF: Thank you. Questions?

16 COMMISSIONER HALL: No questions.

17 JUDGE WOODRUFF: Thank you. Staff wish to
18 make an opening?

19 MR. ANTAL: Staff has no position and no
20 opening statement on the issue.

21 JUDGE WOODRUFF: Public Counsel?

22 MR. ALLISON: Public counsel has no
23 position on the issue.

24 JUDGE WOODRUFF: For the Union?

25 MS. HALL: Hi, I'm Sherrie Hall

1 representing International Brotherhood of
2 Electrical Workers, Local 1439. It pleases The
3 Commission, we have great respect for the overall
4 formula that the PSC Commission uses to reach a
5 rate and the historical patterns and true up data
6 that they use to fix the new rates. But historical
7 data isn't helpful to address certain situations.
8 For instance, acute issues. In this case, the
9 union is here to raise two acute results. Although
10 they are somewhat long-term situations, they are
11 acute results. And they haven't been
12 comprehensively addressed by the other parties in
13 this case. And that's the aging work force and
14 aging infrastructure. In both of these cases, we
15 believe they have reached a stage beyond which
16 there is no return so they need to be addressed
17 right now.

18 With regard to the work force,
19 there's an Ameren employee study survey that was
20 done by IBEW Local 1439 showing that 35 percent of
21 the 1439 representative work force intends to retire
22 within five years. National data suggests that
23 there's ten percent of those people who are ready to
24 retire now, who could go at any moment, and
25 55 percent of them will likely go within ten years.

1 The internal survey shows that that number's going
2 to be even higher within Ameren's work force.

3 Training of employees of Ameren to
4 proficiency takes at a minimum seven years, based on
5 the overall components; the classroom, on-the-job
6 training, and field experience. If this issue isn't
7 comprehensively addressed at this point there will
8 be a brain and experience drain at Ameren that will
9 cost the rate payers and, I mean, it will cost
10 everybody in the long run. It will cost the rate
11 payers with higher rates and it will cost them with
12 lower service and reliability. Right now, Ameren
13 has flaunted service and reliability and very, very
14 low rates. This isn't -- for all the disagreements
15 that IBEW 1439 and the company have, this is clearly
16 not a company who goes out and rashly spends the
17 rate payers' money.

18 We are not trying to dictate to
19 Ameren. We're not suggesting that The Commission
20 tell Ameren how to run the company. What we're
21 suggesting is that they need a couple of special
22 allocations because the way rates are set up and are
23 addressed, doesn't really allow for the
24 short-term -- it requires too much upfront money
25 from Ameren to take on the short-term overhaul of an

1 infrastructure or of the kind of comprehensive labor
2 hiring and training that needs to happen here. And,
3 again, if the brain drain isn't taken care of,
4 you're going to have increased cost to the rate
5 payers because of the shortage in employees that are
6 trained to do this work. That's going to require
7 more outside contractor work and they're going to
8 know that there's a shortage. So the costs are
9 going to be higher than the costs that are
10 controlled by a collective bargaining agreement for
11 the internal work force. And, in addition, there's
12 a national drain on these types of employees. So
13 you're going to have an overall shortage that the
14 outside contractors cannot take care of which is
15 going to cause service and reliability problems.

16 The infrastructure -- the aging
17 infrastructure issues are very related. The longer
18 aging infrastructure isn't replaced, the more
19 employees it's going to take to repair and otherwise
20 maintain them. Right now, Ameren's very lucky to
21 have a very skilled and experienced work force that
22 has kept the infrastructure up and running. But,
23 again, this is one of those areas where even CEO,
24 Mike Moehn, agrees with the union that they can't
25 continue on this course. They've got to replace

1 infrastructure. They've got to upgrade. And
2 improvements in infrastructure have recently been
3 mandated through the results of various federal and
4 state inspections and tests and those things are
5 being done on a piecemeal basis, but the union's
6 point is that there needs to be money especially
7 allocated in this case so that Ameren can get ahead
8 of it and, again, Michael Moehn said that in his
9 testimony that Ameren needs to get ahead of this
10 before it becomes a problem that becomes much more
11 costly for the rate payers. And the company can't
12 afford the short-term costs for these master
13 replacements under the current rate approach. And
14 this comes back down, then, to the reporting that
15 Ameren doesn't want to do, which is rather
16 interesting because they're here supporting storm
17 trackers and weather trackers or, I'm sorry,
18 vegetation trackers that now the other parties
19 believe are unnecessary and we're asking for
20 something similar because we believe that historical
21 data is too inflexible to provide the basis for
22 checks and balances that The Commission's going to
23 want and to allow The Commission to review and react
24 to these issues and make spur of the moment
25 adjustments that they need to make.

1 So we don't believe that the
2 reporting that we're talking about is onerous and
3 costly in the large scheme of things. But we do
4 think that it's necessary for The Commission to have
5 this kind of data if they're going to make these
6 special allocations. Everybody needs to be
7 accountable. Even Ameren.

8 We're not trying to dictate specific
9 results. We haven't asked for a specific amount of
10 money for the infrastructure special allocation. We
11 did ask for a specific amount of money for the work
12 force allocation and that's based, again, on the
13 internal survey that showed us how many people were
14 leaving, were intending to leave in the next few
15 years and in specific areas. We expect that Staff
16 and OPC may also object to the special allocations
17 as unnecessary. But, again, with the company's
18 naturally low rates, they've shown that they try to
19 be very good stewards of the rate payer. These are
20 necessary allocations in our minds. Thank you.

21 JUDGE WOODRUFF: Thank you. Wait for
22 questions.

23 MS. HALL: I'm sorry.

24 JUDGE WOODRUFF: Mr. Hall?

25 COMMISSIONER HALL: Could you explain to me

1 what the reporting requirement you're suggesting we
2 require?

3 MS. HALL: Certainly. And Mr. Walter can
4 provide better information for you on that. But
5 basically we're asking for two different reporting
6 requirements. One would be the work force, so you
7 can see that Ameren is actually -- who they're
8 hiring, what particular job classifications and
9 when they start the training, so that you can keep
10 up with how quickly these people are actually in
11 the work force. We've suggested a three-year
12 allocation, 1.11 million each year for the hiring
13 and training of employees. Again, with the
14 understanding that it will take classroom training,
15 on-the-job training, and in the field experience
16 after that to get these people proficient, so we're
17 looking at a long-term process.

18 COMMISSIONER HALL: Have you attempted,
19 through the collective bargaining process, to
20 require either of those items?

21 MS. HALL: At times -- and, again, Mike
22 Walter will be much better in testifying about
23 this, will give you much more information. But at
24 times, the union has requested manning agreements
25 on various things and occasionally they get a

1 manning agreement. They don't have manning
2 agreements on these issues right now. There is,
3 you know, in general an agreement about
4 subcontracting and there's been a longstanding
5 agreement about having enough employees to handle
6 the normal and sustained workload that's been
7 very -- that's been eroded in the last few
8 collective bargaining sessions, but that's been
9 their general -- there's been that sort of general,
10 loose bargaining arrangement about that.

11 COMMISSIONER HALL: Do you believe that the
12 company lacks the ability to determine its work
13 force needs?

14 MS. HALL: I don't believe they lack the
15 ability to determine their needs. I believe that,
16 like most corporations, they react to stockholder
17 desires of having quarterly reports and so they're
18 looking at keeping that bottom line in a way that
19 encourages stockholders and that, without a special
20 allocation, they can't make the commitment of a
21 long-term money -- of the short-term money, I
22 should say, to do sort of the massive hiring that
23 is necessary in order for this long-term goal.
24 Because they won't get the -- they won't get the
25 proceeds back in time and that's, again, a problem

1 with the way a rate process like this reacts to
2 this kind of acute issue. It's very difficult to
3 address these kind of acute issues because the rate
4 cases come back, you know, three years later and
5 looks at some of these costs and they look at the
6 return form and in three years there won't be any
7 return for this. We're looking at probably seven
8 years before Ameren's really showing a return on
9 this. That's why we think these special
10 allocations are so important. And The Commission
11 has done some of that on the union's recommendation
12 in the past.

13 We believe that this is a much more
14 comprehensive look at it and, again, it's one of
15 those things where time is really critical because
16 we are looking at such a really massive retirement
17 in the next -- within the next decade.

18 COMMISSIONER HALL: Are these requests in
19 this case by the union consistent with such
20 requests or have you made these requests in other
21 states?

22 MS. HALL: IBEW Local 1439 only represents
23 Ameren in Missouri and in Arkansas. And I believe
24 that they -- there's a group of locals in Arkansas
25 and they, I believe, did not intervene in the last

1 rate case. So, I can only really answer for
 2 Missouri. This is consistent with what Mr. Walter
 3 and IBEW 1439 has done in the last couple rate
 4 cases except, again, it's more comprehensive and in
 5 part that's because of the data that we got.

6 COMMISSIONER HALL: All right. Thank you.

7 JUDGE WOODRUFF: Ma'am, I just have one
 8 more question for you. In answering The
 9 Commission's question you used the term "manning
 10 agreement." Is there -- can you define what that
 11 is for me?

12 MS. HALL: Certainly. Sometimes in
 13 collective bargaining the parties will agree that
 14 they have to have a certain number of people for a
 15 certain job classification or on a certain task.
 16 And I can't think of one specific to this
 17 collective bargaining agreement but, for instance,
 18 there might be a tree trimming agreement where they
 19 mandate that there be at least five tree trimmers
 20 at all time or that there be at least five tree
 21 trimmers during the main tree trimming season.
 22 That could also happen with linemen, where they
 23 know ahead of time they're going to need at least,
 24 you know, 12 linemen to do the sustained normal
 25 workload.

1 JUDGE WOODRUFF: That's just part of the
2 collective bargaining process?

3 MS. HALL: It's part of the process. It's
4 something that employers generally push back
5 against.

6 JUDGE WOODRUFF: Okay. Thank you. I would
7 invite you to move to one of the tables that has a
8 microphone, in case --

9 MR. THOMPSON: You're welcome to sit right
10 here.

11 JUDGE WOODRUFF: Okay. The first witness,
12 then, is Mr. Wakeman. And welcome back,
13 Mr. Wakeman, and you are still under oath. Is this
14 the last time Mr. Wakeman will be testifying?
15 Okay.

16 MS. GIBONEY: I tender Mr. Wakeman for
17 cross.

18 JUDGE WOODRUFF: Staff?

19 MR. THOMPSON: Thank you, Judge.

20 CROSS EXAMINATION

21 BY MR. THOMPSON:

22 Q Good afternoon, Mr. Wakeman.

23 A Good afternoon.

24 Q I'm looking at your rebuttal testimony
25 on Page 14 at the top of the page where you're

1 responding to a question. It's on Page 13.

2 Mr. Walter's states Ameren Missouri is not keeping
3 up with attrition and has requested The Commission
4 to set mandates or policies for the company in order
5 to address work force needs. Do you see that
6 question?

7 A I do.

8 Q Okay. And in your answer, towards the
9 end of your answer, you say, these types of
10 decisions are management decisions of Ameren
11 Missouri and are not appropriate issues for The
12 Commission to consider in this rate case. Put
13 another way, The Commission should not be in the
14 position of managing the company's most basic
15 day-to-day operations which is effectively the
16 relief Mr. Walters seeks. Did I read that
17 correctly?

18 A You did.

19 Q Is that still your opinion today?

20 A Yes.

21 Q Are you aware that The Commission is
22 obligated by statute to ensure that service is
23 adequate?

24 A I believe that's true.

25 Q And would you agree with me or are you

1 **aware the commission is also obligated by statute to**
2 **ensure that the system is safe?**

3 A Yes.

4 Q **And are you aware that The Commission**
5 **has the authority, after hearing, to order specific**
6 **improvements in Ameren's works and system?**

7 A Yes. I think that's true.

8 Q **Okay. And would you consider a trained**
9 **work force to be part of Ameren's works or system?**

10 A Absolutely.

11 Q **Okay. So, in fact, The Commission by**
12 **statute, would you not agree, is both authorized to**
13 **inquire into this and is empowered to do something**
14 **about it based upon what it finds through its**
15 **inquiry, isn't that correct?**

16 A I would say that's true to your general
17 statement. However, speaking specifically of my
18 comment is specifically around Staffing and manning
19 issues, which I believe is more of a requirement of
20 the management decision, which is what the statement
21 was intended to address.

22 Q **Okay. Fair enough. Now, you were a**
23 **witness for the company on storm expenses and**
24 **storm -- two-way storm tracker, right?**

25 A That's correct.

1 Q And you were a witness for the company
2 on the vegetation management and infrastructure
3 inspection trackers, isn't that correct?

4 A Yes.

5 Q And isn't it true that Staff has raised
6 some concerns about the declining maintenance budget
7 transmission and distribution maintenance budget,
8 isn't that correct?

9 A They raised concerns which I didn't
10 think were founded concerns and I addressed that at
11 the end of my testimony earlier today.

12 Q Okay. And isn't that the same thing
13 that Mr. Walters is talking about?

14 A No, Mr. Walters was specifically talking
15 about staffing and not general expenses related to
16 maintenance. Much more specific issue in my
17 opinion.

18 Q Well, the question we looked at on Page
19 13, did you write your testimony, sir?

20 A I did.

21 Q So did you write that question?

22 A I did.

23 Q That you asked yourself?

24 A I did.

25 Q And we read the question, Mr. Walters

1 **states Ameren Missouri is not keeping up with**
2 **attrition, isn't -- is that something he says?**

3 A Yes, that's what I believe he says and
4 that's attrition directly related to staffing
5 levels.

6 Q I see. Doesn't he also suggest that
7 because of declining staffing levels that work
8 repair and maintenance work is not getting done as
9 quickly as it should be?

10 A He suggests that and I think in a
11 different part of my testimony I refute that as
12 well. I can find it.

13 Q Why don't you find that.

14 A Okay.

15 Q Could that be at the bottom of Page 14?

16 A Yeah, specifically about the reporting
17 requirements. That's one part of it.

18 MR. THOMPSON: I have nothing else. Thank
19 you very much.

20 JUDGE WOODRUFF: Public Counsel?

21 MR. ALLISON: No thank you.

22 JUDGE WOODRUFF: For the Union?

23 CROSS EXAMINATION

24 BY MS. HALL:

25 Q Hi, Mr. Wakeman. We have to quit

1 meeting like this. Let me just have a minute.

2 Mr. Wakeman, I want to start with your testimony at
3 Page 12, where you indicate -- and this is in
4 response to the first substantive question, starting
5 at Line 8 -- that tools, equipment, and technology
6 have provided the ability to reduce staffing by
7 20 percent since 2009. Is that really what you're
8 saying?

9 A Yes, I am saying that. That's one of
10 the capabilities of reducing staffing; is technology
11 improvements.

12 Q All right. But by one-fifth, you're
13 saying that staffing has been reduced by one-fifth
14 since 2009, because of tools, equipment, and
15 technology?

16 A Among other things, yes. Among other
17 things like difference in maintenance schedules
18 related to different types of equipment that are
19 installed in the system now. Equipment they've
20 installed 30, 40, 50 years ago had much higher
21 maintenance activities associated with it and from
22 the improvements and those types of devices and
23 engineering on those types of equipment, maintenance
24 is less on those as well. So that coupled with
25 abilities to continue to improve through continuous

1 improvement, through technology, all coupled, it's
2 not one singular issue, it's many issues, but tools
3 and technology are certainly one of those.

4 **Q** **All right. And the union certainly**
5 **agrees with you that new equipment may be lower**
6 **maintenance and that is one of the reasons why it's**
7 **so important to improve the infrastructure. So it's**
8 **nice to see that we have some agreement. You**
9 **indicate that -- and this is at Line 11 of Page**
10 **12 -- that it's true Ameren Missouri's head count**
11 **has decreased over the past several years?**

12 **A** That is true.

13 **Q** **Isn't it true that during the same time**
14 **period that Ameren's use of outside contractors to**
15 **do the same work that Local 1439 was doing has**
16 **increased rather dramatically?**

17 **A** No, I wouldn't say that's true. I would
18 say that there's been a fluctuation in contractors
19 on our property thinking back probably to around
20 2008, there was probably around -- and I'll speak
21 primarily, if you don't mind, about overhead
22 contractors because we'd have to have a lot of
23 discussions to think about every type of different
24 skilled craft, but around overhead line contractors,
25 there's probably around 200 back in 2008. Through

1 changes in a lot of things, one being the economy
2 and our system and energy efficiency and lack of
3 load growth, we reduced that number to I believe a
4 number of around six. And I think that was 2011,
5 maybe '12. I don't have the data right in front of
6 me. I certainly can go get it. I have it available
7 at my office and I look at it often. And now the
8 number's probably gone back up to about 75, I think,
9 is probably an adequate number. And when we talk
10 about the contractors we're talking a full-time
11 equivalence. You might have 20 one week and a month
12 later you might have less, when we talk about spread
13 out over a year to make it apples to apples.

14 **Q Mr. Wakeman, are you familiar with the**
15 **fact that Ameren's labor relations provides every**
16 **six months to IBEW Local 1439 reports on the number**
17 **of contractors that have been used in those various**
18 **areas?**

19 A I am aware of that, yes.

20 MS. HALL: All right. And I would like to
21 approach the witness with an exhibit, if that's all
22 right.

23 JUDGE WOODRUFF: You may.

24 **Q (By Ms. Hall) And we have marked this as**
25 **Union Exhibit 801 in accordance with the exhibit**

1 schedule. Mr. Wakeman, I just handed you what's
2 just been marked as Union Exhibit 801. Can you hear
3 me?

4 A I can, absolutely.

5 Q This is a summary of those reports for
6 2012 through 2014. Do these numbers -- and I
7 realize that you don't have those reports in front
8 of you today, but do these numbers generally look
9 right to you?

10 A Yes, I have no reason to believe they're
11 not right, yes.

12 Q All right. Do you see that the number
13 of hours -- and, by the way, these are -- these
14 numbers are hours worked by the subcontractors. Do
15 you see the number of hours in subcontractors in
16 2012 was 128,921 and that the numbers, minus the
17 transmission number, which we didn't have at the
18 time this exhibit was put together, for 2014, is
19 424,501 hours?

20 A I do see that.

21 Q And let me just note by everybody, since
22 we've been at this hearing, we have now received the
23 numbers for transmission for 2014, that was 58,777
24 hours.

25 MS. GIBONEY: I'm going to object. I'm not

1 sure if Ms. Hall's testifying or what the
2 foundation of these numbers are, but I haven't
3 heard any foundation for them.

4 JUDGE WOODRUFF: I'll sustain that
5 objection.

6 Q (By Ms. Hall) We'll bring those in through
7 Mr. Walter. At any rate, would you agree,
8 Mr. Wakeman, that even without the transmission
9 numbers, the jump in hours from 2012 through 2014 is
10 significant?

11 A Would I agree with that? Yes, I would
12 agree with that. I think in what I just testified
13 to just a few seconds ago was I said that there was
14 a variation. We talked specifically about overhead
15 line contractors, which I think what I said lines
16 exactly up with what that top row says, which in
17 2012, I told you when I testified I wasn't sure if
18 it was '11 or '12, that the number went way down.
19 So it's 11,000 hours and you probably use a 2,000
20 hours -- 2,080 hours per, so I said that six
21 people -- that lines right up with what I said.
22 Then I said it went up after that. Directly with
23 that top line. So we're in agreement there as well.

24 Q So it's not just overhead repairmen,
25 it's also heavy under ground substations?

1 A Would you like to discuss heavy under
2 ground specifically.

3 **Q Not at this point.**

4 A I'm more than willing to go through
5 those numbers and how we got there and where we're
6 at.

7 **Q We'll be talking about that a little
8 later. And if you'll see at the bottom of the
9 chart, there's -- you mentioned the yearly hours of
10 2,080?**

11 A There it is, yeah.

12 **Q So if you average the hours again
13 without the transmission number, the summary has
14 averaged those at 320,000, which would be 154
15 full-time employee hours. Isn't it true,
16 Mr. Wakeman, that currently the internal work force
17 for these categories is approximately 243 employees?**

18 A I can't give you that number exactly.
19 Because, first of all, I don't break all the various
20 crafts down by bargaining unit represented by 1439
21 and others. We have five unions on the property so
22 it doesn't sound -- it doesn't sound like it's far
23 off.

24 **Q Okay. And you got asked some questions
25 by one of the attorneys earlier and, I'm sorry, I**

1 don't know who it was, in prior testimony about
2 internal work force costs versus outside
3 subcontracting costs. Isn't it true that your
4 internal work force costs are set by a collective
5 bargaining agreement that is a long-term agreement?

6 A Yes. I think the first part of your
7 question was I don't think we discussed labor costs
8 with the attorney over there, but be that as it may,
9 the costs are set in part by the collective
10 bargaining agreement, that's correct.

11 Q And by part, you mean that the labor
12 rate, the rate of pay, the wage rate, was set by the
13 collective bargaining agreement?

14 A Right. Not all costs associated are
15 borne by the collective bargaining agreement. There
16 are other costs associated with putting the employee
17 actively at work in the field.

18 Q You're talking about training costs, is
19 that right? You're not talking about the benefits
20 because that's also handled by the collective
21 bargaining agreement?

22 A Well, partially about training costs.
23 Tools and safety equipment. All those kind of
24 things are all in costs of having an employee
25 working in the field actively.

1 Q And Ameren is currently working under a
2 four-year collective bargaining agreement under
3 Local 1439, is that right?

4 A I believe that's right.

5 Q Outside contractor costs are going to
6 vary more, is that right?

7 A No, I wouldn't say they vary more.
8 Outside contractors similar to our work force, a lot
9 of their costs is heavily driven by labor and most,
10 not all, but most of the outside contractors we use
11 are union representatives employees that have a
12 collective bargaining agreement as well.

13 Q All right. And, again, in prior
14 testimony today, I believe you indicated that the
15 outside contractor costs had increased rather
16 significantly over the last several years?

17 A I believe I said they've increased.

18 Q Have they increased rather significantly
19 over the last few years?

20 A Could you be more specific with your
21 question for me?

22 Q All right. Isn't it true that the rates
23 you are paying to outside contractors has increased
24 more than ten percent in the last few years?

25 A Well, to be honest with you, I mean, the

1 question of last few years and a specific number
2 around ten percent, I would say those costs are
3 escalating like internal labor costs escalate. It's
4 not a direct answer to your question but I would
5 have to ask you to rephrase it if you want a direct
6 answer.

7 **Q All right. Except with internal work**
8 **force costs, the company can budget those things in**
9 **advance because they know what those costs -- they**
10 **know what the costs per person is going to be**
11 **largely because of the collective bargaining**
12 **agreement, is that right?**

13 **A That is correct. But it's also correct**
14 **for contractors as well. We enter into multi-year**
15 **contracts with our contractors outside and they have**
16 **labor contracts which we understand the issues**
17 **around those as well. So we could understand the**
18 **escalation in all these different areas to some**
19 **extent.**

20 **Q All right. And you do agree, don't you,**
21 **that there have been -- there have been decreases in**
22 **the operation and maintenance costs over the last**
23 **few years?**

24 **A Yes.**

25 **Q All right. And the company has utilized**

1 **those savings to make capital investments in**
2 **infrastructure, is that right?**

3 A I think they're two different categories
4 of funds. We have been and we will maintain a focus
5 on customer affordability and part of that focus
6 requires a careful monitoring and management of O&M
7 costs along with capital costs but specifically your
8 question about O&M costs, we are focused on that.
9 We've been focused on that. I think it's
10 100 percent the right thing to do and we'll stay
11 focused on it.

12 Q **Have the miles of lines that Ameren is**
13 **maintaining, operating and maintaining, increased**
14 **since 2009?**

15 A I wouldn't say perceptibly. We haven't
16 built a lot of new circuits. Our service territory
17 hasn't grown significantly, so it might have gone up
18 slightly, but I don't think in a large way. I don't
19 have that number in front of me, but I don't see --
20 I can't think of any reason why it would have gone
21 up significantly.

22 Q **All right. And on Page 13, Lines 13 and**
23 **14 of your testimony, you talk about augmenting the**
24 **internal work force with qualified contractors?**

25 A Yes.

1 **Q Is it your testimony that it is less**
2 **expensive to augment the internal work force by**
3 **outsourcing?**

4 A Can you repeat the question, please? I
5 had to read the testimony.

6 **Q I'm sorry, is it your testimony that it**
7 **is less expensive to augment the internal work force**
8 **by outsourcing?**

9 A Yeah, specifically my testimony says
10 that it's more efficient and effective to have
11 contractors available to balance workload as well as
12 internal employees. Internal employees are very
13 important, but the opportunity and the capability to
14 augment that work force with contractors is
15 important. So you can manage the business most
16 effectively over a wide geographic area.

17 **Q And my question to you now is: Are you**
18 **saying it's less expensive to use outsourcing rather**
19 **than the internal work force?**

20 A I think it's comparable. I'm sure you
21 could find cases that would support each direction,
22 but I think in the aggregate it's comparable.

23 **Q And you're familiar with Mr. Walter's**
24 **testimony, is that right?**

25 A I am.

1 **Q** All right. Because this part of your
2 **testimony is actually in response to that, right?**

3 **A** Right. I read his testimony. I don't
4 have it with me, however.

5 **Q** All right. And you're familiar with --
6 **you also reviewed the attachments to his testimony,**
7 **is that right? The schedules?**

8 **A** I'd have to see them again.

9 **MS. HALL:** Sure. May I approach?

10 **JUDGE WOODRUFF:** You may.

11 **A** Are these the ones with the retirements
12 so, yeah, there's a lot of numbers so I don't know
13 them all by heart, so I did review them.

14 **Q** **(By Ms. Hall) I'm not going to ask you to**
15 **recount them by heart. Actually, at the moment I**
16 **want to direct you to the footnote. Footnote 6 on**
17 **Page 7 of Mr. Walter's testimony.**

18 **A** Of his testimony, yes.

19 **Q** **Where he talks about the appropriate use**
20 **of outside contractors. Let me know when you've had**
21 **a chance to review that.**

22 **A** Yes, I'm familiar with it. I've read it
23 in the past.

24 **Q** **Would you agree that those are**
25 **appropriate uses for outside contractors?**

1 A Those are. Wouldn't say that's the only
2 appropriate usage but those are among those.

3 **Q Would you also agree that it is more**
4 **appropriate to use the internal work force for the**
5 **normal and sustained workload of the company?**

6 A Yes, I would say that, but I would say
7 what's also important is to strike a balance of
8 having some available resources from outside
9 contractors, which we do have now. And having a
10 very well-staffed internal work force as well, which
11 we do now.

12 **Q All right. Would you agree the normal**
13 **and sustained workload of Local 1439 includes**
14 **maintaining, upgrading, reductering, new service,**
15 **new construction, highway widening, and inspection**
16 **generated work?**

17 A That is among the list of things that we
18 use our internal work force for. But we also use
19 contractors for some of that depending on certain
20 variations and fluctuations in the workload that are
21 more specific to given areas and given times.

22 **Q All right. And would you agree that**
23 **replacement of heavy under ground is also an area of**
24 **the normal sustained workload?**

25 A There are parts of replacement of heavy

1 under ground that is part of the normal sustained
2 workload but you couldn't take it in its totality
3 and say the replacement of all under ground is
4 normal workload. I can give you a really good
5 example. In the last two years, we replaced a
6 Martin Luther substation with a new substation,
7 which required a significant amount of under ground
8 work which we didn't have the work force for.
9 That's part of the contracting that you see on that.
10 And we augmented our internal work force with
11 contractors, performed that work, we completed that,
12 and that work's now done. So that wouldn't be part
13 of a normal sustained workload, although it was part
14 of the type of work you just discussed.

15 **Q And I suspect we would have some**
16 **disagreement about that. In fact, at the moment,**
17 **isn't it true that Ameren is replacing the heavy**
18 **under ground for the City of St. Louis?**

19 A That is not true.

20 **Q All right. What is Ameren doing with**
21 **regard to the heavy under ground for the City of St.**
22 **Louis?**

23 A We are making strategic investments to
24 maintain a safe, reliable system for our customers
25 and the public.

1 **Q And roughly what percentage of the under**
2 **ground does that require replacing?**

3 A In any given year? By mile, I don't
4 know that answer. We're investing what we think is
5 an appropriate amount on an annual basis in order to
6 maintain reliability. And I think we're doing that
7 and safety is an important consideration, so we
8 evaluate our facilities on an ongoing basis using an
9 engineering staff that says what critical
10 investments are needed to maintain the functionality
11 of the downtown system specific that we're talking
12 about.

13 **Q All right. Isn't that requiring --**
14 **directing your attention to Union Exhibit 801.**
15 **Isn't most of the 159,000 -- I'm sorry, 161,000**
16 **heavy under ground hours for 2014 spent on the City**
17 **of St. Louis under ground?**

18 A Yes. And I would say -- I don't know
19 the percentage exactly but the majority of that 161
20 by far was spent on the MLK project, which is now
21 complete and in service so no longer relevant work
22 that needs to be done.

23 **Q Sure. But the year before, in 2013,**
24 **Ameren also spent 158,000 hours?**

25 A Right. Same thing. That was a

1 multi-year project. And also in the year '13, we
2 were completing the central substation inspection so
3 sometimes you have to do big projects and when you
4 do these big projects, it's most cost effective for
5 customers to bring in outside resources to affect
6 those specific projects. But then when those
7 projects are completed, you wouldn't want to have
8 that sized work force because you wouldn't have the
9 ongoing investment to sustain that over the long
10 term and to train an under ground employee
11 specifically, as you mentioned, you said seven
12 years, I would probably pick five years. It's a
13 three-year, two and-a-half year program, and then
14 there's some more on-the-job training, a lot of
15 training. You're not 100 percent as knowledgeable
16 as you will be in the future, but most people, like
17 all of us, I guess you get better as you gain some
18 on-the-job experience so you wouldn't want to make
19 the investment and wouldn't be appropriate to hire
20 all these people, train them, make the investment,
21 and then have this number of people when you see a
22 bulge in the workload and that's really what
23 contractors are very effective at.

24 **Q And, Mr. Wakeman, isn't it true that in**
25 **the foreseeable future you anticipate hitting this**

1 158 to 161,000 hours of heavy under ground?

2 A I don't think that's true. I don't have
 3 the number in front of me but I know those projects
 4 I just spoke of are complete and they were heavy.
 5 They are very heavy investments in the downtown
 6 area. That's another way to think about labor
 7 hours. There's some correlation there, certainly,
 8 so I think going forward, I would expect that number
 9 goes down. That would be my expectation. I could
 10 certainly figure it out talking to my staff in the
 11 under ground department.

12 Q Do you, in fact, have projections for
 13 the number of under ground workers, whether internal
 14 or contractor, that you're going to be using in the
 15 next ten years?

16 A We have projections in all work
 17 classifications, all major work classifications to
 18 be exact, that look at current staffing, projected
 19 retirements, and also what is likely to be the
 20 investment or manning needs in those areas, yes.

21 Q And let's talk about those projected
 22 retirements for a moment. You have in front of you
 23 Mr. Walter's testimony and the attachments to that?

24 A I do.

25 Q You saw that he did a survey of the

1 **internal work force. Has Ameren done a similar**
2 **survey?**

3 A We took -- not to this level, but we do
4 talk to employees about what they think they're
5 going to do. I think there's one fallacy in that;
6 is changes in the economy, changes in peoples' 401k,
7 things like that, can often impact their decisions
8 around retirement, so this isn't a binding set of
9 numbers here.

10 **Q Certainly.**

11 A So, I mean, you have to be careful if
12 you're going to plan your business around what
13 somebody might do. You really need to be careful
14 about being prudent with the way we use the funds
15 that we have.

16 **Q You would agree that some of the people**
17 **who say they don't intend to retire in the next five**
18 **years will, probably, correct?**

19 A I would agree with that, but that's a
20 much smaller number than people. And if you look
21 back in 2009 and the change in the economy and the
22 stock market and all those things that I'm sure
23 you're well versed in, a lot of people said they're
24 going to retire didn't. And so just -- so to the
25 point about this, this is interesting. It's good

1 data. We project using an average retirement age
2 that we use that we can continue to update on an
3 annual basis that gives us information about when we
4 anticipate employees may retire, but it's a very
5 personal decision that they make on their own.

6 **Q All right. And do you have any reason**
7 **to disagree with the survey results that Mr. Walter**
8 **produced?**

9 A No. To be honest with you, I don't
10 agree or disagree. It's interesting. It's another
11 source of information. It's interesting and you can
12 look at it and draw some inferences and may or may
13 not be correct.

14 **Q All right. And are you familiar with**
15 **CWED, the National Center for Energy Workforce**
16 **Development that Mr. Walter testified about?**

17 A I'm familiar with it through his
18 testimony.

19 **Q All right. And do you have any reason**
20 **to disagree with his testimony that this is a**
21 **well-respected multi-partisan group?**

22 A No, I don't have any reason to disagree
23 with that.

24 **Q All right. And do you have any reason**
25 **to disagree with the CWED survey results on a**

1 **national basis that over the next ten years power**
2 **companies like yours are going to see 55 percent**
3 **retirements?**

4 A I don't have any reason to disagree with
5 it. What I would say is that, to be specific, it's
6 absolutely a concern. It's something we look at at
7 least on a quarterly basis, sometimes every month.
8 And we've currently invested in hiring individuals
9 into apprentice programs in multiple classifications
10 within the utility that are there to address the
11 work force needs of the future and including
12 starting a class at Florissant Valley that will help
13 pre-qualify individuals into our apprentice lineman
14 class that we intend to do this year, that we've
15 spoken directly with Mr. Walter about. We've hired
16 two classes of under ground mechanics.

17 Speaking to your issue around heavy
18 under ground that we just discussed a few minutes
19 ago, over the last, let's see, that would be
20 probably four years, I believe. We've just hired
21 some relay apprentices. We have some substation.
22 We have some overhead apprentices, so we are
23 absolutely understanding that this is a long-term
24 issue, but it's very important that we make the
25 right decisions, make sure we maximize the benefit

1 and affordability to our customers.

2 Q All right. Mr. Wakeman, are you aware
3 of Ameren district studies comparing the efficiency
4 between outside contractor and internal work force?

5 A I'm aware there's been some studies,
6 yeah. I don't have it with me.

7 Q Okay. I didn't expect you to. Are you
8 aware that the internal work force has consistently
9 used fewer hours to complete the same work in those
10 studies?

11 A I think our internal work force is very
12 qualified and does a very good job and I wouldn't
13 discount the value of contractors.

14 Q All right. That wasn't my question.
15 Are you aware that the internal Ameren studies
16 from -- by district have shown that the internal
17 work force consistently uses fewer hours than the
18 contractor work force?

19 A Yeah, I don't have that in front of me,
20 so I can't recall it and I don't really think that's
21 a wide ranging study that encompasses all work.
22 Sometimes we segment the work and we give the
23 contractors different jobs than internal employees.
24 Sometimes you can give bigger jobs to contractors
25 and our employees are ones that we want in people's

1 yards, knocking on doors and things like that.

2 Particular with jobs, I think we agree on that.

3 **Q Yeah, I think your CEO has even said**
4 **wherever your work force interfaces with the**
5 **company, the company --**

6 MS. GIBONEY: Object. I believe Ms. Hall's
7 testifying again.

8 **Q (By Ms. Hall) I was just finishing my**
9 **question. Isn't that true?**

10 A I think that is true, yeah. I didn't
11 see all the testimony, but specifically, when our
12 internal employees interface with customers, they do
13 a very good job and our customers are appreciative
14 of those efforts and they are a very important part
15 of our business in the past and in the future.

16 **Q Mr. Wakeman, wouldn't it be helpful if**
17 **Ameren had a special allocation for a training**
18 **budget for a budget to hire and train employees?**

19 A You know, the thing I would say about
20 that is is that it depends what stipulations come
21 along with the allocation. Because what's really
22 important is that we maintain an effective use of
23 all these funds over the long-term and so what might
24 seem like a great idea today may or may not be a
25 great idea six or eight or ten months from now. So

1 we want to be careful that we think about how an
2 allocation like that would work and one that gives
3 us the flexibility to make sure that we maximize the
4 value of any such allocation, so --

5 **Q Do you have the same objection to the**
6 **union's request for a special allocation for the**
7 **infrastructure?**

8 A I would say the same thing; that we
9 would have to understand what that really means and
10 what the stipulations are associated with those
11 allocations. So it's general enough that's a
12 difficult question to answer specifically.

13 **Q Do you agree that if 55 percent of your**
14 **work force, of your internal work force in these**
15 **IBEW 1439 representative areas retire within the**
16 **next ten years and that you have not done**
17 **substantial hiring and training during that time,**
18 **that Ameren will lose valuable experience that**
19 **cannot be handed down any other way?**

20 A Okay. So, it's kind of a multi-part
21 question.

22 **Q It is.**

23 A So are you asking me if I think when
24 people walk out the door, when they retire, if they
25 took take knowledge with them.

1 **Q** **Yeah, let me break it up. Would you**
2 **agree that it's an important part of the on-the-job**
3 **training and field experience for a new employee to**
4 **work with an experienced employee?**

5 **A** **Yeah, I think it is given it's the right**
6 **employee. But absolutely. Some people are really**
7 **good at training, some employees aren't as good at**
8 **it, but on-the-job training is an important of**
9 **maturing as a field employee. Absolutely.**

10 **Q** **All right. And would you also agree**
11 **that for every one of these jobs that we're talking**
12 **about today that's listed, for instance, on Union**
13 **Exhibit 801, that we're looking at a long-term**
14 **commitment to get employees trained for a position?**

15 **A** **Yeah, specifically I could talk about**
16 **the first three. Those employees typically take,**
17 **you said seven, again, I would think five is a**
18 **reasonable number. There are about two and a half**
19 **years of apprenticeship training and then they're**
20 **qualified to do a lot of work but they certainly**
21 **will mature as a craftsman over the next few years.**

22 **Q** **All right. And if 55 percent of your**
23 **work force retires within the next ten years, again,**
24 **in these areas, do you agree that you need to get**
25 **hiring?**

1 A I think, as I said before, continuing to
2 study how we're hiring, continuing to be focused on
3 it is something we have done, something we are
4 actively doing, and something we will continue to
5 do, so the answer is yes and, specifically, we have
6 hired, we've started the Flo Valley class. We've --
7 and so we're committed to hiring apprenticeship
8 classes already this year and the overhead and we're
9 working on other areas as well. So, yeah, they're
10 important and we're doing it.

11 **Q All right. And how many people are you**
12 **committing to hire through Flo Valley?**

13 A We're not specifically hired to
14 commitment -- hiring through there. Depends how
15 they come out of that. That's like a
16 pre-apprenticeship qualification to make sure that
17 we're getting people that really want to do this
18 work in the future. And so we are going to have a
19 class this year, in the short-term, of ten overhead
20 line apprentices to start with and then we'll
21 evaluate the need for a second class later in the
22 year. And I can't tell you the answer to that
23 question. Because the evaluation is important and
24 it's ongoing.

25 **Q And have you committed to an apprentice**

1 **class for heavy under ground?**

2 A We had just completed two apprenticeship
3 classes for heavy under ground. And, well, we
4 actually completed one. One is just about to top
5 out in the next, I think, short-term month or so or
6 two. Amount of employees, I don't know all the
7 schedules, they're going to top out, which means
8 they're going to complete their apprenticeship
9 program in the next few months and we're going to
10 continue to evaluate that as well. So we've just
11 invested and hired -- I think it's -- I think it's
12 two classes of nine, so I guess that's 18 people,
13 could be two classes of eight. And just that
14 category alone. That's out of a work force of 40.
15 So in the last couple years, we've hired 18 people
16 into this classification when there's 40 employees
17 in their classification.

18 Q **And that was in response to the PSC**
19 **infusion of money and such, wasn't it?**

20 A Yeah, I wouldn't say that's accurate. I
21 would say, though, however, during that rate case,
22 there was a special allocation for those employees,
23 but we had already been committed to that. And I
24 think that's what's important and that's what my
25 testimony said earlier is that this is an important

1 and very critical decision that we have to make and
2 that's one that is best done by my management team,
3 working in concert with Mr. Walters and others
4 looking at a wide ranging set of data and making the
5 best decision for our company and our customers in
6 the future.

7 **Q** And you mentioned in the last couple of
8 years you've done these two training classes in
9 under ground. Isn't it true that your current under
10 ground complement or the under ground complement in
11 2014 was not 40 employees, it was only 36 employees,
12 that it has dropped by four employees just over the
13 last five years?

14 A That may be true. Yeah.

15 MS. HALL: I have no further questions at
16 this time.

17 JUDGE WOODRUFF: Do you wish to offer
18 either one?

19 MS. HALL: I want to do that through
20 Mr. Walter because he can explain the data.

21 JUDGE WOODRUFF: Okay. Then we'll go to
22 commission with questions from the bench.

23 COMMISSIONER KENNEY: I have of a question
24 for Staff's counsel. I have a question for Staff
25 Counsel.

1 MR. THOMPSON: Certainly. Yes, sir.

2 COMMISSIONER KENNEY: After listening to
3 the questions of Mr. Wakeman, has Staff counsel
4 changed their position?

5 MR. THOMPSON: No, we don't have a position
6 on this issue. But some of the testimony that has
7 been submitted by Mr. Wakeman and Mr. Walter bear
8 on an issue that Staff has raised with respect to
9 vegetation management and storm tracker, which is a
10 decline in maintenance expenses.

11 COMMISSIONER KENNEY: You're saying that
12 the maintenance expense had gone down?

13 MR. THOMPSON: Correct.

14 COMMISSIONER KENNEY: That -- but you have
15 no position on that?

16 MR. THOMPSON: We have no position on this
17 union issue. But there was --

18 COMMISSIONER KENNEY: That's good. Thank
19 you. And counsel for IBEW, I'm sorry, I didn't
20 catch your name. I came in late.

21 MS. HALL: That's all right. Sherrie Hall.

22 COMMISSIONER KENNEY: Ms. Hall, do you
23 represent the union in labor negotiations also?

24 MS. HALL: I don't specifically. No.

25 COMMISSIONER KENNEY: You don't. Okay.

1 Thank you.

2 EXAMINATION

3 BY COMMISSIONER KENNEY:

4 Q I have a question. When you have --
5 when Ameren enters into labor negotiations with IBEW
6 1439, do you bargain hours, wages, overtime, and
7 work force numbers?

8 A We do all those except for work force
9 numbers. We do not bargain work force numbers.

10 Q So the union has no control over the
11 number of workers that you have -- that they have?

12 A The number of workers, I'd say that's
13 true, they do not have control.

14 COMMISSIONER KENNEY: All right. Thank
15 you.

16 JUDGE WOODRUFF: Mr. Hall?

17 EXAMINATION

18 BY COMMISSIONER HALL:

19 Q Yeah, there's been some discussion of
20 the current special rate allocation, but I'm still
21 confused as to what exactly it was. Can you explain
22 that to me?

23 A Yeah, I can. There was -- and I don't
24 remember which case. I believe it was two cases
25 ago, rate cases, that there was a special allocation

1 to hire and train some under ground mechanics,
2 linemen you can call them, too, a couple
3 distribution system testers, which was a very
4 specific classification that worked on smart grid
5 and things like that, and also in that was an
6 opportunity to invest in the training center for
7 these types of employees.

8 **Q And that was two rate cases ago?**

9 A I believe that's right. Yeah. I'd have
10 to check that, if I can get it to you.

11 **Q So was that -- do you know if a special
12 rate allocation was sought in the last rate case?**

13 A I don't believe so, but -- I don't
14 believe so.

15 **Q Two rate cases ago, when The Commission
16 did order this special rate allocation, do you know
17 what Ameren's position was on that?**

18 A Yeah, I do. We were willing to do that.
19 We were planning on doing it, hiring those
20 employees, and we did so. So that was something
21 that was offered by The Commission at the time and
22 our position was that was acceptable.

23 **Q This time, you're not -- you're not open
24 to a special rate allocation for this issue?**

25 A Yeah, I'm a little concerned that as we

1 continue to go down this path, that it -- some of
2 the stipulations that could be associated with it,
3 like even when we hired the nine, made it much more
4 difficult to keep track of everything because there
5 was, okay, these are for the training and the hiring
6 of these specific people and it's in a group of
7 other people so when -- so that made it more
8 difficult and I think that -- I think that there's
9 some risk that as we move forward and we say this is
10 a great idea today, that as we move forward, that
11 maybe wouldn't be a great idea a year or two from
12 now, and I want to have the flexibility to make sure
13 that I'm doing the right thing for our customers and
14 customer affordability in the future. So that's my
15 reservation with it.

16 **Q Concerning the request for a special**
17 **rate allocation for capital improvement, there's**
18 **no -- there's no precedent for that, is there?**

19 A Not -- no, not that I'm aware of,
20 anyway.

21 **Q And this might be a question actually**
22 **for -- for counsel, but would such an allocation**
23 **even be legal?**

24 MS. GIBONEY: Are you asking me?

25 COMMISSIONER HALL: Yeah.

1 MS. GIBONEY: My understanding is if it
2 were for capital, that would be legal -- I'm sorry,
3 if it were not for capital.

4 COMMISSIONER HALL: No, if it was for
5 capital improvement, if it was for infrastructure,
6 would such a --

7 MS. HALL: I think you can rely on the same
8 general authority that The Commission has that
9 Staff counsel cited to Mr. Wakeman at the
10 beginning; that if it's necessary for safety,
11 service, or because this commission believes that
12 there needs to be some specific improvements that
13 The Commission does, in fact, have the authority to
14 do that.

15 COMMISSIONER HALL: But wouldn't it be a
16 rate increase for capital not yet in service and
17 therefore --

18 MS. TATRO: I'm sorry to step in. I know
19 I'm not handling this issue but I'm more familiar
20 with this aspect. That's the problem that it could
21 potentially have is that construction work in
22 progress isn't allowed in rates until it's actually
23 used and useful, so there is a legal issue there if
24 you're talking about capitalized stuff rather than
25 expenses.

1 MR. THOMPSON: Commissioner, the statutes
2 allow you to order the company, following the
3 hearing based on facts developed at a hearing, to
4 make specific improvements to its works and system.
5 It doesn't get to put them into rates until they're
6 finished.

7 MS. GIBONEY: Commissioner, I think The
8 Commission would have to find based on substantial
9 evidence that the company was not providing safe
10 and adequate service in order to get to the issue
11 of what it was going to require the company to do.

12 Q (By Commissioner Hall) Turning to the --
13 to the reporting requests. My understanding is that
14 you believe that they are unnecessary, onerous, and
15 costly and such costs would be borne by rate payers
16 and therefore it's inappropriate?

17 A Ultimately that's correct. Yeah,
18 already do significant reporting and reliability
19 measures to staff on an annual basis and I think
20 those reports that we generate every year, since
21 the -- since the reliability standards around 2007
22 and infrastructure inspections all coupled into
23 one -- one time frame, produce the results necessary
24 for the Staff to evaluate the performance of our
25 system. And I don't think specific reports, as

1 outlined in Mr. Walter's testimony, will add
2 additional value but they absolutely will have
3 additional costs.

4 **Q How would you describe the reporting**
5 **requirements being requested?**

6 A I would say they're unnecessary.

7 **Q But what are they specifically?**

8 A The best I could tell, although it's
9 difficult to know exactly, is they were around -- if
10 I think about his testimony, around equipment
11 loading and such -- and things like that, and what
12 we report on now is equipment performance, which is
13 the most, to me, the most critical determinant of
14 the performance of the utility system, how the chart
15 that we looked at earlier, that was safety, which
16 specifically speaks to outage frequency, how often
17 do customers lights go out, those kind of measures
18 are very important to understand how the system's
19 performing more than one on how much is it loaded.
20 Which is something we maintain and we absolutely
21 take care of, but I don't feel that an exhaustive
22 report on that is really going to produce value, but
23 it will produce costs and I'm really focused making
24 sure what we do has value for the customers in the
25 long term.

1 **Q Do you know if this reporting issue ever**
2 **came up in collective bargaining negotiations?**

3 A It did not. Not to my knowledge. This
4 would be something that's outside of really what I
5 would consider whatever would be in that kind of
6 collective bargaining agreement. It's really more
7 around how is the system performing. And
8 specifically what it appears the reporting request
9 was about was system loading -- you know, if you
10 just look at the -- the economy and our service
11 territory, energy efficiency and things like that in
12 general, in general, system loading stabilized or
13 declining in some areas, just depending on how much
14 customers adopt energy efficiency. And so a report
15 that specifically looks at loading I'm not sure has
16 value from my perspective.

17 **Q Is there internal analysis that would be**
18 **similar to the reporting requirement or the**
19 **reporting requests that the union is seeking?**

20 A We do analysis of loading of feeders and
21 transformers and substations on an annual basis. We
22 look at it globally and specifically in areas of
23 more concern. I don't know that it speaks to the
24 kind of collective report that one could amass.
25 Here's a report that's formalized. We have

1 engineers throughout our service territory that have
2 direct responsibility for analyzing the loads on the
3 system. They're responsible for and making sure we
4 maintain safe and reliable service to customers. So
5 we have the data to be more succinct. We have the
6 data. But it's not rolled up into a report and I
7 don't think that that's really going to -- I really
8 don't see that adding value to this venue or the
9 opportunity for the staff. I think what it does add
10 a lot of value is to reporting requirements that we
11 have today.

12 **Q Why do you believe the union wants this**
13 **information?**

14 A I'm not exactly sure why, to be honest
15 with you.

16 **Q You're not -- you're not concerned about**
17 **what it might show?**

18 A I am not concerned about what it would
19 show. I just don't think it has value. We take
20 great care to make sure that we load our system
21 properly. And that really speaks to the issue of
22 providing service to customers. And so if you think
23 about a transformer, if you overload a transformer
24 too much, it will fail. And if it fails, customers'
25 lights will go out. That's a big deal. Same thing

1 with conductors, wires, those are the same things.
2 So we monitor that and I think we're very successful
3 in providing very good services as that charts shows
4 for reliability.

5 **Q Thank you.**

6 A You're welcome.

7 JUDGE WOODRUFF: Commissioner Rupp?

8 COMMISSIONER RUPP: No questions.

9 JUDGE WOODRUFF: Commissioner Kenney?

10 COMMISSIONER KENNEY: Thank you.

11 EXAMINATION

12 BY COMMISSIONER KENNEY:

13 **Q The request by Mr. Walters was 37**
14 **apprentices for 2015, '16 and '17, at 11,100,000 per**
15 **year or 300,000 per apprentice. First off, who**
16 **would be training them, the apprentices, do you**
17 **know?**

18 A We have a training department and
19 training staff.

20 **Q How much does it take to train an**
21 **apprentice?**

22 A I've always used a number of around half
23 a million dollars.

24 **Q For a year?**

25 A All in for a two and a half year program

1 plus all the support staff and that, so if you look
2 at per year, I've never really done it on a per year
3 basis. I don't know where the 300 and \$11.1 million
4 came from. I certainly didn't supply it. So if you
5 think about it, so it's 150, maybe 1,000 a year,
6 somewhere in that might be right. I'd have to do
7 the work and I can't do the work. But that would
8 be, I think, a good estimate.

9 Q Okay. I'm not one for having the PSC
10 bargain for the union with the company, but
11 you're -- I mean, the payroll of Ameren goes through
12 a rate base, right?

13 A It does.

14 Q So I know the union would love to have
15 another 111 employees.

16 A I'm sure they would.

17 Q Job security and things like that. And
18 they do a good job of showing the numbers. I guess
19 imagine 2014, about 150 full-time employees with
20 that transmission number thrown in there, 180, I
21 guess, about?

22 A Yeah.

23 Q So why -- why does Ameren -- I'm just
24 curious. Why does Ameren not want to go down this
25 road?

1 A Well, for a couple reasons. One is
2 that's one of our unions. We have five. And so
3 what I have to do is I have to make sure that I have
4 a work force that is available to meet needs of my
5 customers and provide safe and reliable service.
6 One that is efficient and effective that can be
7 moved around, that's in the right location. So to
8 sit here today and say I'm going to hire 37 people
9 into 1439 over the next three years no matter what
10 might not be the right decision for customers and it
11 might not provide the right affordability and
12 flexibility that I need in my work force in the
13 future. So what I've said is I'm getting ready to
14 hire ten apprentices now. I've just hired four in
15 relay. We're certainly considering a substation
16 class in the next few months which will be another
17 seven to ten. We're trying to finalize that number,
18 so if you start adding these up, I'm already
19 committing to this, but then when you say 37 for the
20 year for the next three years, I have to make sure
21 that I have a work force that has the flexibility in
22 the future and the right crawl spaces, so although
23 it does flow through the customer rates, we're very
24 focused on affordability and that's what we
25 demonstrated and how we're trying to control our O&M

1 costs. It's something more, from my perspective,
2 the way I think about it, it's more complicated and
3 more less deterministic to say right now 37 is the
4 right number to say it's right for the next three
5 years. That's why I said the stipulations. I'm a
6 little worried signing up for that and getting two
7 years into it and saying this isn't the right thing
8 to do. One good example was when we had 200 outside
9 contractors around 2008 and 2009 and all the things
10 happening in the economy and building trades and all
11 that, we went down to six, so if I would have had
12 those people as internal employees, what would I
13 have done? I would have laid them off and lost a
14 lot of costs for customers because they would have
15 invested and trained people to go work somewhere
16 else. So that flexibility is important but we are
17 investing in an internal work force and we're going
18 to continue to do that. It's difficult here today
19 to sign up for exactly this number over the next
20 three years.

21 **Q I don't want any board or commission**
22 **telling me how to run my business, so you're the**
23 **expert. Thank you.**

24 JUDGE WOODRUFF: I do have one question for
25 you. You've been using the term "heavy under

1 ground." Can you define that?

2 MR. WAKEMAN: Absolutely can. Thank you.
3 I should be careful there. Heavy under ground is
4 typically referred to as downtown infrastructure in
5 cities that have conduit that's encased in concrete
6 and run under ground. You see it in downtown St.
7 Louis. You see it in many major metropolitan
8 areas. And the difference between that and regular
9 under ground like out in the neighborhood we
10 discussed earlier is pipe that's just in the dirt
11 and wire goes through. And heavy under ground is
12 big conduits that are under the sidewalk and
13 streets encased in concrete.

14 JUDGE WOODRUFF: So it's transmission lines
15 and so forth?

16 MR. WAKEMAN: It's not really transmission
17 lines. Because that's a higher voltage. It's just
18 the same kind of voltage. We call it medium
19 voltage, 15,000 volts, but it's just serving a lot
20 more customers and a lot more dense area, so,
21 again, a downtown area, if you think about it that
22 way. What runs through your neighborhood, we call
23 it URD, which is just under ground, which is
24 serving a lot fewer customers and it's in an area
25 that isn't as much risk to dig-ins, although

1 there's still some risk to that. So there's pipe
2 that's in the dirt, so there's a big difference
3 there. When you think about downtown, you have
4 transformers and switch gear and things like that
5 are under the sidewalk in vaults and in big
6 conduits that are encased in concrete, so there
7 could be no dig-ins and it serves a dense
8 population area.

9 JUDGE WOODRUFF: Thank you very much. I've
10 done all these Ameren rate cases over the last
11 several years and I'm trying to remember, were
12 there other special allocations aside from the one
13 that was two rate cases ago?

14 MS. HALL: Yes.

15 MR. WAKEMAN: That's the one I remember.
16 There may have been -- I may be forgetting one. I
17 specifically remember that one.

18 JUDGE WOODRUFF: Okay. Thank you. Then
19 we'll go --

20 COMMISSIONER KENNEY: Can I hear
21 counsel's --

22 JUDGE WOODRUFF: She can't provide
23 testimony, but I'll let her answer the question.

24 MS. HALL: Yeah, Mr. Walter will answer
25 that for you because he can provide testimony.

1 JUDGE WOODRUFF: Okay. Recross based on
2 questions from the bench? Public Counsel? Staff?

3 MR. THOMPSON: No thank you.

4 JUDGE WOODRUFF: Ameren?

5 RECCROSS EXAMINATION

6 BY MS. GIBONEY:

7 Q Mr. Wakeman, let me ask you a question
8 about recording in general. Is there any
9 information that the company would have regarding
10 infrastructure, whether it's the loading data or
11 something like that, that you could not provide to
12 Staff on request?

13 A No, no. I don't know of any data that I
14 couldn't. Certainly if I have it or wouldn't be
15 willing to, absolutely not.

16 Q And I believe you testified you're
17 already planning to hire a number of apprentices for
18 a variety of positions, is that correct?

19 A That is correct, yes. And actively in
20 work as well. So I guess, to be specific, I'm not
21 only planning it, we're in the middle of doing it.
22 Some we've just hired, some in the apprentice class,
23 we're in the middle of doing what's called a job rec
24 and you bid it internally and then you go to the
25 outside, if you don't have enough internal employees

1 that want to bid on that job. And that's coming up
2 in the very short time frame, next few weeks.

3 Q And you're doing that and you're paying
4 for that without any special allocation from The
5 Commission?

6 A Right.

7 Q And you're not requesting any special
8 allocation from The Commission for that purpose,
9 correct?

10 A No.

11 Q Let me ask you kind of a bottom line
12 question about outside contractors. Does the
13 company's decision to utilize outside contractors
14 have any measurable effect on the safety and
15 adequacy of the company's service?

16 A No, no. I don't believe it does.
17 Although, I'll be honest. We have to have a good --
18 which we do -- a properly staffed internal work
19 force as well. So, both are important.

20 Q I wonder if it might be helpful, lastly,
21 if you might want to give The Commission an example.
22 Ms. Hall expressed some surprise, I think, at the
23 fact that you said efficiencies or changes in
24 technologies have related to a 20 percent reduction
25 in the work force. And I wondered if it might be

1 helpful for you to give The Commission some
2 practical examples that everyone can understand of
3 those types of things.

4 A Yeah, there's a couple of fairly easy
5 ones. One is how we put poles in back yards. So
6 the lot of our distribution lines run through back
7 yards. Some advantages to that, but you have to
8 replace the pole, there's certainly some
9 disadvantages. So you have to go in the back yard
10 to do that. Some years ago we would carry the pole
11 in, six or seven guys, literally carry the pole in
12 the back yard, hand dig the pole, lift it up there
13 using a variety of block and tackles and group force
14 and get it set up. Now we have what's called a back
15 yard machine, which is a machine that picks the pole
16 up and drives it through the gate, small enough to
17 drive through the gate, it has a big drill bit on it
18 and we call it an auger. It drills a hole in the
19 ground and it lifts the pole into there. And we can
20 do it with two people. We do it more efficiently
21 and more safely for our employees and better on
22 customers' yards and for efficiency perspectives,
23 that's one example. Battery operated tools is
24 another example. If you think about even in your
25 workshop at home, all the battery operated tools and

1 drills you can have now that you didn't have so many
2 years ago. We have those for people and so we're
3 used to be using ratchets and wrenches, which is
4 slower and certainly more difficult for employees,
5 we now have battery-operated tools. All those
6 things increase efficiency. That's not all of them
7 but there's plenty of ways to increase efficiency
8 when you're operating as a utility and we're taking
9 advantage of those.

10 MS. GIBONEY: Thank you. Nothing further,
11 Judge.

12 JUDGE WOODRUFF: All right. Then you can
13 step down. You can call your witness.

14 Good afternoon, Mr. Walters.

15 (Witness sworn.)

16 JUDGE WOODRUFF: Thank you. You may
17 inquire.

18 DIRECT EXAMINATION

19 BY MS. HALL:

20 Q Thank you. Mr. Walter, are you same
21 Mike Walter that prepared and prefiled direct
22 testimony in this matter on December 2nd, 2014?

23 A Yes, I am.

24 Q Do you have any corrections to your
25 testimony?

1 A No.

2 Q Are the answers that you provided to the
3 questions in your testimony at that time true and
4 accurate to the best of your knowledge?

5 A Yes, they are.

6 Q And you asked -- if you were asked the
7 same questions today, would you provide the same
8 answers?

9 A Yes, I would.

10 MS. HALL: All right. I move for admission
11 of Union Exhibit 800.

12 JUDGE WOODRUFF: 800 has been offered. Any
13 objection to its receipt? Hearing none, it will be
14 received.

15 (Exhibit 800 marked and received into evidence.)

16 JUDGE WOODRUFF: Then for
17 cross-examination, we'll begin with Public Counsel.

18 MR. OPITZ: No cross, Your Honor.

19 JUDGE WOODRUFF: Okay. Staff?

20 MR. THOMPSON: Thank you, Judge.

21 CROSS EXAMINATION

22 BY MR. THOMPSON:

23 Q Mr. Walter, on Page 4 of your testimony,
24 around Line 21, you say that utility workers are
25 meeting the needs of the aging infrastructure

1 despite being shorthanded but only by triaging and
2 addressing issues on a most needed basis. This
3 process has caused a pileup of work which will only
4 get worse if attrition issues are not better
5 addressed. Do you see that testimony.

6 A Yes, I do.

7 Q Is that still your testimony today?

8 A Yes, it is.

9 Q So, would you be surprised if I told you
10 that the Staff has been concerned with what appears
11 to be a steady reduction in the amount of money
12 Ameren Missouri is spending annually on distribution
13 maintenance?

14 A It wouldn't surprise me. Because I do
15 believe there has been some reduction in that area.
16 I can't disagree with what Mr. Wakeman's saying
17 about the -- about the technologies and things are
18 changing, you know, once we get new equipment in
19 there, it doesn't require so much maintenance. Some
20 of the breakers and things and substations, they
21 used to be on a three-year period of maintenance.
22 Some of those are now on a five year, so I can't
23 really deny that. I really do think there probably
24 has been a reduction. I don't see those figures
25 but, in general, I believe that is probably true.

1 For a variety of reasons.

2 MR. THOMPSON: That's all I have. Thank
3 you.

4 JUDGE WOODRUFF: All right. Then for
5 Ameren?

6 CROSS EXAMINATION

7 BY MS. GIBONEY:

8 Q Mr. Walters, you've been the IBEW Local
9 1439's witness in the last few rate cases, is that
10 correct?

11 A Last at least three out of the last
12 four.

13 Q Okay. And if I refer to just IBEW,
14 you'll know I'm referring to your Local 1439?

15 A That's fine.

16 Q That's easier. Is it reasonable to
17 conclude that if a special allocation that you've
18 requested regarding apprenticeships, that if that's
19 granted that that would increase the membership of
20 your local?

21 A When you look at the attrition it does
22 not increase by much at all.

23 Q Will there be some increase?

24 A Probably. So, looking at the 37 number,
25 we're basing that on what we think are needs. So

1 there's a percentage that's about 12. Overall, on
2 average, about 12 people in the various divisions.
3 But when we look at the attrition, there's about --
4 we're predicting 125 this year we'll lose. If you
5 look at the docket, it's a progression. We'll
6 continually lose those because of the age
7 retirements. That's where we come up with the
8 number 37. And even in Dave's testimony, when he's
9 saying we're going to establish an apprentice group
10 of ten and another one -- another ten at the end of
11 the year, and we have four relay techs, I thought it
12 was two, if we have four, we're already -- we're
13 getting closer to that 37 number, so I don't know
14 that we're that far off even in 2015. We're
15 relatively close there. So that's -- will the
16 numbers go up? They're not going to go up by much.
17 I don't anticipate that for another ten years.

18 **Q Respectfully, I don't have the**
19 **responsive answer. I think what I was asking you**
20 **was if these 37 apprenticeships in each of the next**
21 **three years are filled, would you expect those**
22 **people out of those 37, that they will become**
23 **members of your local?**

24 MS. HALL: I object on the grounds it was
25 asked and answered.

1 JUDGE WOODRUFF: Slightly different
2 question. I'll overrule the objection.

3 Q (By Ms. Giboney) Let me clarify. I'm not
4 asking you about net. I'm asking you about these
5 37.

6 A These 37, my intention is those 37 would
7 be Local 1439 members.

8 Q Thank you. And in addition to your
9 direct testimony that was filed in this case, you
10 also testified at the local public hearing in St.
11 Louis, is that correct?

12 A That's correct.

13 Q On January 5th. All right. I have a
14 question about a couple different numbers. One from
15 your local public hearing testimony and one from
16 your direct testimony. And I'm happy to show that
17 to you but I'll just ask you my question first. I
18 think at the local public hearing you suggested that
19 60 percent of some portion of Ameren's work force
20 was going to be retiring in the next five years.

21 A Yeah, I did say five. I'm sorry, go
22 ahead.

23 Q But from your direct testimony it says
24 35 percent, so I was wondering how to reconcile
25 those two numbers.

1 A The testimony you have in front of you
2 is correct. The 60 related to ten years, so that
3 was a mistake when I spoke that time.

4 Q Okay. Is it IBEW's position that Ameren
5 provides consistently reliable service?

6 A Absolutely.

7 Q And, in fact, you testified at the local
8 public hearing that Ameren provides very reliable
9 service, is that correct?

10 A That's correct.

11 Q Let me ask you about infrastructure.
12 You'd agree the company has not asked for a special
13 rate allocation to address aging infrastructure
14 matters?

15 A I would agree.

16 Q And let me make sure I understand what's
17 proposed and I want to ask you a question about it.
18 You proposed that The Commission mandate quarterly
19 reporting on matters such as expenditures, loads,
20 I'm sorry, infrastructure, expenditures, loads, and
21 optimal replacement of certain equipment, is that
22 right?

23 A That's correct.

24 Q That would be what the reporting would
25 be about. And then you've also proposed that The

1 Commission mandate that Ameren spend a specific
2 amount of money on infrastructure, is that correct?

3 A That's correct.

4 Q All right. Are you contending that the
5 company will not make any expenditures for
6 infrastructure unless The Commission makes this
7 special allocation?

8 A No, I'm not.

9 Q So you expect that The Commission --
10 that the company's going to invest in its
11 infrastructure regardless of whether this allocation
12 is made?

13 A They will.

14 Q Are you contending that the company
15 would be unable to continue to provide safe and
16 adequate service without this particular special
17 allocation?

18 A That's possible.

19 Q It's possible. Is that just speculation
20 on your part?

21 A Speculation on my part, yes.

22 Q So no data -- specific data or evidence
23 to suggest that if this special allocation is made
24 that that would be the result, that if it wasn't
25 made, there would be a bad result?

1 A No data.

2 Q Okay. Let me ask the same question
3 about the infrastructure reporting. Is it your
4 position that without this recommended reporting
5 that somehow the safety and adequacy of the system
6 will be negatively affected?

7 A No.

8 Q Are you contending that the company will
9 not make -- I've asked you that. Let me ask some
10 work force questions. You would agree the company
11 is aware of the issue of its aging work force,
12 correct?

13 A I believe they are, yes.

14 Q And, in fact, you meet quarterly with
15 management personnel to discuss work force issues,
16 is that correct?

17 A We meet quarterly, with the leadership
18 team, but not necessarily always about work force
19 issues.

20 Q Do you discuss work force issues
21 sometimes?

22 A Sometimes we do, yes.

23 Q In your direct testimony, you mentioned
24 attrition. Are you contending that Ameren Missouri
25 will not be able to provide safe and adequate

1 **service unless it replaces every single employee**
2 **lost through attrition like one to one?**

3 A That's my belief.

4 Q **You believe if every single employee**
5 **lost through attrition is not replaced, that will**
6 **prevent the company from providing safe and adequate**
7 **service?**

8 A I think it will have an effect on future
9 reliable safe service, yes, I do.

10 Q **Do you have any data evidence that**
11 **supports that belief?**

12 A No, just my personal experience,
13 knowledge of being in the -- in this industry, and
14 the fact that across the country this is a problem.
15 And we -- we're -- and it's my belief that we are of
16 the level now we can't continue to decrease. There
17 has to be, you know, you just can't continue to
18 decrease. At some point we've got to recognize this
19 and that's why we've then come to The Commission to
20 help recognize that this is a serious problem and,
21 as Mr. Wakeman agreed, the commissioner asked about
22 the amount of expense and training. It's a huge
23 investment.

24 Q **Okay. And, also, as to -- well, lost my**
25 **train of thought. Speaking of agreement, I think**

1 you agreed with Mr. Wakeman that it is possible --
2 in fact, it's true that advances in technology
3 sometimes mean you don't need as many personnel,
4 correct?

5 A That's true.

6 Q How do you reconcile that with your
7 statement that -- and I'm paraphrasing -- that you
8 can't lose a single employee from here on out?

9 A Because it's our belief in speaking to
10 our members within each individual group as to how
11 short they are. So in one group they may be of the
12 opinion that we honestly need three more full-time
13 employees to continue to keep up with the normal
14 sustained work maintenance, et cetera. Another
15 group, they might say eight or ten. So based on the
16 information we receive from the field, that's really
17 the only way that we can make a judgment call, is
18 where we're at, so we can't go any lower.

19 Q So you just said -- I think I heard you
20 say one group may say three and one group may say
21 ten but those are just -- you're just creating
22 examples, correct?

23 A Examples based on their knowledge,
24 day-to-day operations in that group. And I'll tell
25 you typically these are people who have been in

1 those groups for 20 plus years.

2 Q And did you read Mr. Wakeman's direct
3 testimony?

4 MS. HALL: His direct?

5 Q (By Ms. Giboney) I'm sorry, his rebuttal.

6 A His rebuttal, yes.

7 Q In his rebuttal, he stated that when a
8 vacancy occurs the company should critically
9 evaluate the need to then fill it, would you agree
10 with that statement or do you think the company
11 should just hire another employee?

12 A No, absolutely not. They need to
13 evaluate and have the responsibility to do that.

14 Q Do you have -- maybe I already asked
15 this, but just to be clear, do you have any data or
16 evidence that suggests that if Ameren fails to
17 conduct 37 apprentices in 2015, 2016, and 2017, that
18 it will be unable to continue to provide safe and
19 adequate service?

20 A I do not. And I don't believe the
21 company does either. The opposite argument.

22 Q I believe you were in the room when
23 Mr. Wakeman testified about the apprentice plans
24 that are in place and already rolling, I would say.
25 Are you aware of those?

1 A I'm aware they've been discussed for
2 about eight to ten months.

3 **Q And, in fact, did you participate in a**
4 **discussion about the Florissant Valley Community**
5 **College pre-training program?**

6 A I don't know if I've had that discussion
7 with Dave, but I've had that discussion with others,
8 yes.

9 **Q At the company?**

10 A No, at my office.

11 **Q At your office. Okay. Do you think**
12 **that's a good idea to help get that rolling; to have**
13 **a pre -- pre-qualification program, I guess?**

14 A There's some advantages to it and
15 probably some disadvantages as well. I'm not a full
16 supporter of that particular system, though, but
17 there could be some advantages.

18 **Q You've estimated the cost -- and I think**
19 **a maybe a little variation to bring on these 37**
20 **apprentices to be 11.1 million a year, that's just**
21 **for the training period, is that correct?**

22 A Um-hmm.

23 **Q Okay. But what will it cost to continue**
24 **to employ those persons going forward?**

25 A I don't know. It would depend on their

1 classification, their wage rates, things of that
2 nature. So I wouldn't have that. I could certainly
3 have that if we had a specific person, we could
4 figure that out for you.

5 **Q Let me ask you this: You haven't**
6 **requested to The Commission that they make a special**
7 **permanent allocation to pay for those future**
8 **employees, have you?**

9 A No, but I believe that's within the
10 base -- the rate case itself is employment costs,
11 pension costs, all those things I believe are built
12 into the request for rate increase or wage
13 increases. It's all built into it, correct me if
14 I'm wrong.

15 **Q And you would recognize that those**
16 **training programs have additional costs and time and**
17 **commitment from the company personnel, to hire and**
18 **train 37 new apprentices, is that correct?**

19 A Absolutely. That's why we're asking for
20 the allocation.

21 **Q Which you understand the company's not**
22 **asking for that?**

23 A I know that.

24 MS. GIBONEY: Nothing further.

25 JUDGE WOODRUFF: Okay. Questions from the

1 bench? Commissioner Kenney?

2 EXAMINATION

3 BY COMMISSIONER KENNEY:

4 Q Thank you. Hello, Mr. Walter. A couple
5 of questions for you. Some of it's just
6 clarification. So your Union 1439 currently has 703
7 members that work for Ameren Missouri as of the 2nd
8 of December?

9 A That's correct. We're 694 as of today.

10 Q How has that number fluctuated over the
11 last five years?

12 A I can look on these documents and tell
13 you where they fluctuate in the last five years.
14 Exhibit 803A, for instance, in 2009, under building
15 service, just the first one there, in 2009, there
16 was 62.

17 Q No, I just want the totals.

18 A The totals. I'm sorry, you did ask
19 that.

20 Q I'm just curious about the total numbers
21 in your union work for Ameren.

22 A I just looked at it.

23 Q If you don't have it, that's fine.

24 A No, I just know in 2000, we had about
25 980 something.

1 Q So in 2000 about 980?

2 A Yeah.

3 Q What about say before the recession, say
4 2007?

5 A 2007, I would guess we were probably at
6 about 780, 790, something like that. Since we've
7 got out of the recession -- let me correct that. We
8 were a little bit over 800 about then.

9 Q So continue to decline over the last
10 several years?

11 A Sure. And, just for instance, just I
12 can tell you some numbers. In 1994, we had a little
13 over 1,600. Of which about 1,500 were Ameren
14 employees.

15 Q Okay. All right. And under your
16 self-identified individuals with Ameren, about
17 35 percent would be retiring in five years?

18 A That's correct.

19 Q 55 percent predict nationwide in ten
20 years? Or Ameren?

21 A Ameren, I think it might be 60
22 nationwide.

23 Q So you're asking for The Commission to
24 grant Ameren 11.1 million or \$300,000 per apprentice
25 for the next three years, correct?

1 A That's not per apprentice. It comes out
2 to --

3 Q **11,100,000 divided by 37 is \$300,000 per**
4 **apprentice.**

5 A That's correct. That's the figure --
6 where we get that is from the company.

7 Q **You get this from the company, so they**
8 **said this is what it would cost?**

9 A Yes.

10 Q **And I imagine now, when you collectively**
11 **bargain -- when IBEW 1439 bargains with -- you guys**
12 **just entered into a new contract not too long --**

13 A 2013.

14 Q **You got how many years left on that?**

15 A We have two and a half more years.
16 June. June 30th or 31st of 2017.

17 Q **Okay. Did you -- has your union ever**
18 **bargained with the numbers in the work force? Have**
19 **you guys ever had that or has there ever been a work**
20 **force number for you?**

21 A Never been a part of the bargaining
22 process.

23 COMMISSIONER KENNEY: Just curious. Thank
24 you. No more questions.

25 JUDGE WOODRUFF: Mr. Hall?

1 EXAMINATION

2 BY COMMISSIONER HALL:

3 Q Good afternoon. A couple of questions.
4 First, the reporting requirements that you're
5 seeking here today, were they ever the subject --
6 were they ever brought up in the collective
7 bargaining process?

8 A No.

9 Q Why is that?

10 A It just -- it would not be something we
11 would bargain over. In my opinion, it doesn't fit
12 over the certification of bargaining to bargain over
13 how they would report to The Commission.

14 Q Well, what you're really interested in,
15 I assume, is getting that information for yourself,
16 at least in part?

17 A Not really.

18 Q No?

19 A No.

20 Q So, your only objective is to get that
21 information in front of us?

22 A Yes. And I can explain why.

23 Q Please.

24 A It's my belief that we have -- we have
25 vegetation trackers and reporting. We have

1 reporting for the inspections. We have a variety of
2 reporting that have come into play in the last, say,
3 ten years. And that provides The Commission the
4 true numbers of what is going on, the cost. And I
5 sat in a little bit of the argument of why we should
6 continue or not. But is there a method of providing
7 you with their costs to the infrastructure, future,
8 past, and everything else. I believe it creates a
9 transparency. So we're asking for that
10 consideration because we're here in support of what
11 Ameren's trying to do. We know from being in the
12 field, there is articulated areas of the company
13 that need to be addressed and they won't deny that.
14 That's what we're trying to do. We're trying to
15 rebuild the infrastructure. It needs it. It's
16 aged. And as part of that, would that not create a
17 method of transparency to The Commission as to the
18 money that's being spent? And I do recognize
19 that -- that that's probably not feasible to provide
20 capital spending in advance of putting it in
21 service. I understand that.

22 **Q So it's my understanding, based on**
23 **previous testimony, that this special rate**
24 **allocation was sought in Ameren's rate case, not the**
25 **previous rate case, but the one before that. Were**

1 **you involved in the previous rate case?**

2 A Yes. I've been involved in the three
3 out of the last four and three out of the last
4 four -- well, there has been an allocation directed
5 specifically for the aging work force training,
6 training for the new technologies, new employees, et
7 cetera. The first one was specific to the
8 generation side.

9 **Q And that was when?**

10 A Oh, gosh, that's probably been at least
11 five or six years ago.

12 **Q Okay. That was the first one?**

13 A Might have been about 2007. Somewhere
14 in that area.

15 **Q That was the first one. And then the
16 second one?**

17 A And then the second one, well, it seemed
18 like it was the next year, maybe 2008.

19 **Q Okay. And that was for what, also?**

20 A That was for -- that was directed
21 toward -- it was directed toward our work force and
22 I believe that was the relay technicians,
23 distribution technicians, the smart grid focus,
24 that's what it was focused on.

25 **Q And that was a special allocation for**

1 training?

2 A That's correct.

3 Q But there was no request in the 2012
4 rate case for such an allocation?

5 A No, there was not.

6 Q Why is that?

7 A We -- we elected to just stay out of the
8 rate case and just remain neutral for that case.

9 Q It wasn't because there wasn't a need
10 for it?

11 A No, there was not, no.

12 Q I'm sorry?

13 A No, that was not the reason. We just
14 elected to just back out for a little bit and just
15 remain neutral and stay out of it.

16 Q Okay. Do you still have -- is Union
17 Exhibit 801 still in front of you?

18 A Yes, it is.

19 Q What is this, do you know?

20 A The exhibit?

21 Q Yeah.

22 A Yes, that is a summary of the reports we
23 get on a six-month basis by virtue of the collective
24 bargaining agreement. We get on a six-month basis a
25 report of all hours contracted out for all hours of

1 bargaining. This is just an example of them because
2 it concentrates here on the distribution, not on
3 support. Distribution transmission. And so, we
4 provide in each category the amount of hours that
5 were contracted out that were reported to us. And
6 each year, 2012, 2013, 2014, in an attempt to
7 identify that almost as many hours in a work -- in
8 the internal work force is now being contracted out
9 and to take the average, to me, would indicate what
10 the normal sustained workload is in that three-year
11 period.

12 **Q So, in 2014, the total is 424,501, what**
13 **does that equate to in actual human beings?**

14 A That particular year, we'd have to
15 divide that by 2,080. We took the average at the
16 bottom 320,045, divided by 2,080 and equals 154
17 full-time employees.

18 **Q And do you have updated information for**
19 **the transmission line?**

20 A Yes. Yes. And that was 58,777. And I
21 just received that this morning.

22 MS. HALL: Can I note for the record that
23 was 2014.

24 A Yes. That's correct.

25 **Q (By Commissioner Hall) Have you done the**

1 calculation of what that equates to for full-time
 2 employees?

3 A Yes, we did. And that's about 164.
 4 Nope? She said -- I don't know. I can look on my
 5 phone, though. Because they sent me that.

6 Q That's okay. Your counsel can ask you
 7 more questions about the numbers. But let me ask
 8 you this: I assume that is your position and it's
 9 the union's position that the quality of work done
 10 by a contract employee is not as high -- is not as
 11 high quality as the work done by a union employee,
 12 is that true?

13 A You know, not -- you can generalize like
 14 that, but the difference between the internal work
 15 force and the contractors is we own that -- that
 16 facility. We own that -- the line equipment, we own
 17 it. We are partners, through the collective
 18 bargaining agreement, 1439 is partners with Ameren
 19 and our employees are all stockholders and, you
 20 know, I guess the -- the thought that people just
 21 come to work to make their hourly wages, that's not
 22 necessarily true. The membership really strongly
 23 believes that these things need to be addressed.
 24 It's not about the membership. It's not about any
 25 of that. It's really what they believe needs to

1 happen to continue the legacy that we have of
2 creating good customer relations, good reliability,
3 and everything else. We are trained specifically on
4 our system. Again, we own it, so we're the ones
5 that have to go back. We're the ones who are going
6 to be getting called out. When a contractor works,
7 they finish that job, they move on. They don't have
8 the ownership that the internal work force has and I
9 think that's a quality that is hard to equate in
10 dollars and cents. But it's a quality that needs to
11 be recognized.

12 **Q So I think maybe you anticipated my next**
13 **question. So I think I know the answer. So**
14 **there's -- there is no way to quantify?**

15 **A No, there isn't.**

16 **Q But it is your -- your belief that the**
17 **quality of the work is improved if it's by the**
18 **internal work force and individuals that have a**
19 **vested stake in the company and the people it**
20 **serves?**

21 **A Absolutely.**

22 **COMMISSIONER HALL: Okay. Thank you.**

23 **JUDGE WOODRUFF: Okay.**

24 **COMMISSIONER KENNEY: I have a follow-up on**
25 **that. I just have a follow-up.**

1 EXAMINATION

2 BY COMMISSIONER KENNEY:

3 Q The rest of the work force, contract
4 labors, do they have to be union?

5 A They don't have to be union, no.

6 Q Will your workers work with merit shop?

7 A What do you mean by merit shop?

8 Q Side by side, would they work with the
9 merit shop?

10 A With the contractors?

11 Q If they're non-union.

12 A Actually, we don't even work side by
13 side with the union contractors. They have a job.
14 We have a separate job. Sometimes we have some
15 separate safety rules and things. So it's very
16 unusual that we work side by side with any
17 contractor.

18 Q Okay. But do you know what percentage
19 would be non-union?

20 A Depending on what area of work you're
21 talking about. If you're talking about overhead
22 line, it's probably 100 percent organized labor. If
23 you're talking about directional boring, it's
24 probably about 80 percent non-union. For the most
25 part, I would -- I would venture to say I feel safe

1 in saying Ameren typically hires across the board,
2 generational, whatever, they'd probably hire about
3 80 percent organized labor when they choose to
4 contract out.

5 COMMISSIONER KENNEY: Okay. Thank you.

6 JUDGE WOODRUFF: Okay. Recross based on
7 questions from the bench?

8 MS. GIBONEY: No questions.

9 JUDGE WOODRUFF: Okay. Redirect?

10 REDIRECT EXAMINATION

11 BY MS. HALL:

12 Q Thank you. Mr. Walter, you heard -- you
13 heard me ask Mr. Wakeman about some studies that
14 Ameren's district have done about the comparison and
15 efficiency between the internal work force and the
16 contractor work force. Can you -- are you familiar
17 with those studies?

18 A Yes.

19 Q Can you describe the outcome of those
20 studies to the commissioner?

21 MS. GIBONEY: I'm going to have to object.
22 I don't believe this relates to any of the cross
23 that I've heard or any of the commissioners'
24 questions.

25 MS. HALL: Actually, it was asked about

1 from a commissioner's question, I thought. Yes, it
2 was Commissioner Hall asked about the difference in
3 the results in the work of the internal work force
4 and the outside contractors.

5 MS. GIBONEY: If I could continue my
6 objection, I think that was based on the quality,
7 not the efficiency.

8 COMMISSIONER HALL: You know, personally, I
9 see those two as pretty similar.

10 JUDGE WOODRUFF: I'll overrule the
11 objection.

12 Q (By Ms. Hall) Thank you. Mr. Walter?

13 A Yes. You know, because of really what's
14 developed as a competition between the internal work
15 force and outsourcing and this has been going on for
16 several years, the districts in conjunction with the
17 crews have done these studies, for instance, if a
18 job is scheduled that's estimated at 400 hours. Our
19 crews continually will come in way below 400. So a
20 job in St. Charles, for instance, recently was
21 reported to me was a 400 hour job, they completed
22 the job in 300 hours. That is a continuous thing.
23 Re-conductering, they did some pretty extensive
24 surveys in the district and proved time and time
25 again that there is a better bang for your buck by

1 getting the proper equipment in there and letting
2 the internal work force do it. Does that mean the
3 outsourcing contractors are not quality? No. It's
4 just a total different concept and animal that you
5 have when you have an internal work force and you
6 have an outsourced work force.

7 So, you know, they're all well
8 trained as well as we are, but, again, it's the --
9 it's the incentive to just continually to perform in
10 the best interests of the company. And you've
11 always got five percent that struggle with that.
12 But I'm very, very confident in saying 95 percent of
13 Ameren's internal work force is very competent,
14 well-trained, and efficient.

15 **Q And Mr. Walter, you started to give --**
16 **you gave the first part of the comparison but not**
17 **the second part. You said the internal work force**
18 **always gets the job done in less than the estimated**
19 **hours. What does the external work force get it**
20 **done in?**

21 A You know, just from what I've been told,
22 it comes in about just where it should. That's all.
23 I don't have it in the documents to show. They
24 typically will come in -- wherever his hours come
25 in, that's about where the contractor will come in.

1 Q Where the estimate was?

2 A Yes.

3 Q All right. Are the internal work force
4 employees are trained 100 percent on the work -- on
5 the Ameren system?

6 A Yes. That's all they're trained on;
7 the Ameren system.

8 Q And do the outside contractors have the
9 same benefit?

10 A The outside contractors are trained on
11 the overhead or under ground, whatever it is, they
12 have their own training centers. And in some cases
13 more lengthy training programs than we do. But it's
14 not necessarily for Ameren system. It's to work on
15 any part of the country.

16 Q All right. You got asked, I think, by
17 Commissioner Kenney about this \$11.1 million per
18 year cost estimate that you had for the 37
19 apprentices. You said you got those numbers from
20 the company. Do you know whether those numbers
21 include the cost of the training facility and the
22 trainers?

23 A No. No.

24 Q All right.

25 A I think -- honestly I think Dave said

1 that.

2 Q Do you remember from former rate cases
3 whether the cost of the trainers were figured in?

4 A No, I don't think it was.

5 Q Okay.

6 A I do not.

7 Q You also got asked, and I think it was
8 also by Commissioner Kenney, or actually I think it
9 was by Ameren's attorney, Ms. Gibbons, if you know
10 how Ameren's going to pay for these people after
11 they're trained. After they're trained, do those
12 people pay for themselves by becoming productive?

13 A That's the logic behind it.

14 Q All right. Okay. I want to direct your
15 attention for a moment to Union Exhibit -- proposed
16 Union Exhibit 801. I'd like to get this entered for
17 one thing. With the transmission numbers that you
18 added to the 2014 category of 58,777 hours, does
19 that bring the total hours for 2014 to 483,278?

20 A I'd have to do the math. I'm not sure.

21 Q Okay. Does that sound approximately
22 right?

23 A It's pretty close, yeah.

24 Q Okay. Would that be approximately 225
25 full-time employee equivalent?

1 A I'd have to do the math.

2 Q I think -- you testified previously
3 about 163 or 164 hours. Was that for the three-year
4 average with the 2014 numbers updated?

5 A I really can't answer that. I'm not
6 sure.

7 Q Okay. This summary that you put
8 together, I think you previously testified that was
9 based on the semi annual reports from labor
10 relations that you get on subcontracting, are you
11 confident that these numbers are accurate?

12 A Yeah, I'm confident they're accurate,
13 yes, and I understand what Dave was explaining about
14 those bulges there on the heavy under ground aspect
15 of it. Whether that will continue, I don't know
16 that. But I do understand that, you know, these are
17 accurate figures from the company.

18 MS. HALL: All right. I would move for the
19 admission of Union Exhibit 801.

20 JUDGE WOODRUFF: It's been offered. Any
21 objection to its receipt, Sarah?

22 MS. GIBONEY: No. No objection.

23 JUDGE WOODRUFF: Hearing none, it will be
24 received.

25 (Union Exhibit 801 marked and received into

1 evidence.)

2 Q (By Ms. Hall) You heard Mr. Wakeman
3 testify about bulges or, yeah, bulges. And you got
4 asked that -- I think actually by the Staff attorney
5 about pileups. And you said that despite the
6 efficiencies there's still pileups, is that right?
7 Pileups.

8 A I think typically we always have a
9 backlog. I don't know if, you know, if it increases
10 or not. But I think as long as I've been around
11 there's been backlogs and it's just -- I think
12 that's just inherent in what we do. There's always
13 something that needs to be done. Now, as a backlog
14 of not being able to have enough to do the normal
15 sustained work, I think that document supports that,
16 that if we are to look at just - as you take
17 trackers and everything else and look at a long
18 period of time, what is the consistent number of
19 hours and that's our -- that's our position that the
20 internal work force should make up enough -- have
21 enough staffing to do the normal sustained work and
22 it is my footnote and my testimony is there's times
23 when contractors are absolutely needed. They're
24 also inherent. They're a must. Those bulges and
25 things of that nature, they're there for that

1 purpose.

2 Q All right. But the pileups you're
3 talking about, are they these seasonal -- the
4 seasonal work or is it the long-term maintenance?

5 A No, it's not seasonal, no.

6 Q Okay. And Mr. Wakeman had testified
7 about the 20 percent Staff reduction in the last
8 five years because of technology, et cetera, and the
9 Staff attorney asked you about that. But I didn't
10 get your answer to the 20 percent part. Do you
11 believe that technology changes and equipment
12 changes, et cetera, account for 20 percent decrease
13 in staffing?

14 A I don't believe it accounts for
15 20 percent. Again, that's another one of those
16 things. It's hard to equate. You can't argue that
17 technology, you know, they're a wide variety of ways
18 to reduce jobs. But to the point of 20 percent, I'd
19 have to dispute that. I don't think it's
20 20 percent, but --

21 Q All right. Again, in response to the
22 Staff attorney's questioning, you talked about --
23 you compared the number of the apprentices that
24 Mr. Wakeman was talking about with the 37 that
25 you're requesting. I believe Mr. Wakeman was

1 **requesting 21, were saying they were looking at**
2 **maybe 21 apprentices this year. Would that keep up**
3 **with attrition?**

4 A For this year, in the overhead, that's
5 probably going to be about right.

6 Q **Except the 21 he described weren't all**
7 **overhead?**

8 A As I heard, there would be a class of
9 ten. That is apparently in the making. And
10 possibly another class of ten at the end of the
11 year. So that's 20. I think that's going to be --
12 that's going to be probably just a little bit above
13 attrition in the overhead this year.

14 Q **And then you're expecting other**
15 **attrition, is that right?**

16 A That's right. All areas.

17 Q **All areas, so will adding possibly 21**
18 **new jobs this year keep up with overall attrition?**

19 A I'd have to look at these numbers. I
20 don't think so. But I'd have to look. I'm
21 anticipating 25 retirements this year.

22 Q **All right. And Staff counsel, you know,**
23 **verified with you that you believe that Ameren**
24 **generally provides reliable service. Are you**
25 **concerned with the company's ability to continue to**

1 provide reliable service if they don't get ahead of
2 the attrition?

3 A Yes, I am.

4 Q And she asked if this was speculation.
5 I'm sorry, this is about the infrastructure money.
6 You said you were -- I guess you agreed at some
7 point that that was speculation. Is that
8 speculation based on something?

9 A Just knowledge and the input I get from
10 the people in the field.

11 Q All right. And have -- you've been --
12 obviously you're very familiar with how Ameren has
13 been replacing the infrastructure over the last 37
14 years. Have they been keeping up with the
15 infrastructure needs recently?

16 A I don't know. I don't know if I can
17 really answer that question. I would think Ameren
18 would even say that they're having a hard time doing
19 it.

20 Q Mr. Wakeman testified about -- and,
21 again, you got asked questions about this from Staff
22 counsel. Yeah, you did. About what might happen if
23 you hired employees and then they weren't needed.
24 In the foreseeable future, are the number of
25 employees that you've requested be hired and trained

1 going to be needed?

2 A I believe so. I don't think that's --
3 to me I don't see that as a concern.

4 Q Are they going to be needed for at least
5 long enough to make them profitable?

6 A I don't know that I can actually answer
7 that question.

8 Q Okay. If the company hires too many
9 employees, can they fix that later?

10 A They could lay off. They've never laid
11 off anybody in the history but they could lay off.

12 Q You got asked about the union's absence
13 from the 2012 rate case. Were there other pressing
14 issues going on at that time that took union time
15 and resources?

16 A You know, I really don't recall why we
17 elected to just stay out of it. I don't recall
18 that.

19 Q Okay.

20 A I mean, we had -- we had issues at the
21 capitol, I know that, so we may have concentrated a
22 little more time over there. ISR bills or Right to
23 Work bills, infrastructure System Replacement, yeah.

24 Q You also got asked by Staff counsel
25 about -- and I think one of the commissioners about

1 **whether your request would increase the union**
2 **membership. Are you looking to try to restore Local**
3 **1439's past membership numbers through this rate**
4 **case?**

5 A No. No. I won't live long enough to
6 ever see that. So that's never going to happen.

7 Q **All right. What are you looking for by**
8 **asking for these additional people?**

9 A I'm looking to maintain the sufficient
10 number to continue to use the internal work force to
11 do what we've been doing for 100 years.

12 MS. HALL: All right. I have no further
13 questions.

14 JUDGE WOODRUFF: All right. Then,
15 Mr. Walters you can step down. And that concludes
16 the union proposals issue and it ends the day for
17 today. Tomorrow we have no witnesses so we will
18 not need to be here. We'll reconvene on Monday at
19 8:30 with the ROE witnesses.

20 (Ending time of the hearing: 4:21 p.m.)

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1	INDEX	
	NORANDA AAO	
2	JOHN CASSIDY	
	Direct Examination by Mr. Thompson	753
3	Cross Examination by Mr. Opitz	755
	Cross Examination by Mr. Mitten	760
4	Examination by Commissioner Stoll	762
	Examination by Commissioner Kenney	765
5	Examination by Commissioner Hall	770
	Recross Examination by Mr. Mitten	776
6	Redirect Examination by Mr. Thompson	782
	GREG MEYER	
7	Examination by Commissioner Hall	782
	Recross Examination by Mr. Downey	788
8	TED ROBERTSON	
	Direct Examination by Mr. Opitz	789
9	Examination by Commissioner Hall	791
	STORM EXPENSES AND TWO-WAY STORM COSTS TRACKER	
10	Opening Statement by Mr. Mitten	811
	Opening Statement by Mr. Borgmeyer	818
11	Opening Statement by Mr. Opitz	828
	Opening Statement by Mr. Downey	834
12	DAVID WAKEMAN	
	Direct Examination by Mr. Mitten	836
13	Cross Examination by Mr. Borgmeyer	838
	Examination by Commissioner Hall	842
14	Redirect Examination by Mr. Mitten	844
	KOFI BOATENG	
15	Direct Examination by Mr. Borgmeyer	847
	Cross Examination by Mr. Opitz	850
16	Cross Examination by Mr. Downey	853
	Cross Examination by Mr. Mitten	854
17	Examination by Commissioner Kenney	875
	Examination by Commissioner Hall	881
18	Recross Examination by Mr. Downey	884
	Redirect Examination by Mr. Borgmeyer	886
19	DAVID WAKEMAN	
	Examination by Commissioner Hall	887
20	Examination by Commissioner Kenney	888
	Examination by Commissioner Rupp	891
21	VEGETATION MANAGEMENT AND INFRASTRUCTURE INSPECTION TRACKERS	
22	Opening Statement by Mr. Mitten	895
	Opening Statement by Mr. Antal	906
23	Opening Statement by Mr. Opitz	915
	Opening Statement by Mr. Downey	917
24	LAURA MOORE	
	Cross Examination by Mr. Antal	920
25	Examination by Commissioner Kenney	920

1	DAVID WAKEMAN		
	Examination by Commissioner Hall	925	
2	Recross Examination by Mr. Downey	927	
	LISA HANNEKEN		
3	Cross Examination by Mr. Opitz	929	
	Cross Examination by Mr. Downey	930	
4	Examination by Commissioner Hall	936	
	Redirect Examination by Mr. Antal	939	
5	TED ROBERTSON		
	Cross Examination by Mr. Downey	941	
6	Examination by Commissioner Kenney	944	
	Examination by Commissioner Hall	947	
7	Redirect Examination by Mr. Opitz	952	
	UNION PROPOSALS		
8	Opening Statement by Ms. Giboney	956	
	Opening Statement by Ms. Hall	959	
9	DAVID WAKEMAN		
	Cross Examination by Mr. Thompson	968	
10	Cross Examination by Ms. Hall	973	
	Examination by Commissioner Kenney	1001	
11	Examination by Commissioner Hall	1001	
	Examination by Commissioner Kenney	1009	
12	Redirect Examination by Ms. Giboney	1015	
	MICHAEL WALTER		
13	Direct Examination by Ms. Hall	1018	
	Cross Examination by Mr. Thompson	1019	
14	Examination by Commissioner Kenney	1032	
	Examination by Commissioner Hall	1035	
15	Examination by Commissioner Kenney	1042	
	Redirect Examination by Ms. Hall	1043	
16			
17	INDEX OF EXHIBITS		
18		Mark'd	Rec'd
19	OPC Exhibit 412		
20	Lexis Nexis Documents	759	759
21	NP&HC Exhibit 406		
22	Direct Testimony of Ted Robertson	791	
23	NP&HC Exhibit 407		
24	Rebuttal Testimony of Ted Robertson	791	
25	NP&HC Exhibit 408		

1	Surrebuttal Testimony of Ted Robertson	791	
2	Ameren Exhibit 46		
3	Rebuttal Testimony of David Wakeman	838	
4	Ameren Exhibit 47		
5	Surrebuttal Testimony David Wakeman	838	
6	Ameren Exhibit 58		
7	Final Report of Staff Investigation	865	865
8	Union Exhibit 800		
9	Affidavit of Michael Walter	1019	1019
10	Union Exhibit 801		
11	Contract of Work in Manhours/Ameren	1049	1049
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
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1 STATE OF MISSOURI)

)SS

2 CITY OF ST. LOUIS)

3 I, Rebecca Brewer, Registered Professional
4 Reporter, Certified Real-time Reporter, and
5 Notary Public in and for the State of Missouri
6 do hereby certify that the witness whose
7 testimony appears in the foregoing hearing was
8 duly sworn by me; that the testimony of the
9 said witnesses was taken by me to the best of
10 my ability and thereafter reduced to
11 typewriting under my direction; that I am
12 neither counsel for, related to, nor employed
13 by any of the parties to the action in which
14 this deposition was taken, and further that I
15 am not relative or employee of any attorney or
16 counsel employed by the parties thereto, nor
17 financially or otherwise interested in the
18 outcome of the action.

19 _____ RPR, MO-CCR,
20 Notary Public within and for the State of Missouri

21

22 My Commission expires April 7, 2017

23

24

25

TRANSCRIPT OF PROCEEDINGS 2/26/2015

A	781:22 814:7	1031:19	764:12 775:8	871:22 885:3
\$100 825:9 887:6	833:19	1041:21	777:18,24	886:22 905:7
\$11.1 1010:3	abandon 763:12	1049:23	806:20	907:25 955:5
1046:17	813:5 815:14	absorb 813:23	action 779:23	1006:2,3
\$2.1 911:22	abandons 898:16	accept 777:1	794:17 796:13	1031:16 1054:8
\$24.6 840:4	aberration	804:6	805:7 1058:13	address 763:20
\$29 845:5	938:25 939:1	acceptable	1058:18	768:12 770:4,6
\$300,000 1033:24	abilities 973:25	858:23 1002:22	actions 818:4	776:7 836:20
1034:3	ability 812:7,8,11	accomplished	actively 979:17	836:21 850:13
\$35 792:11	899:5 904:18	899:6	979:25 997:4	959:7 966:3
\$38 776:12	965:12,15	account 783:3	1015:19	969:5 970:21
\$58 770:17	973:6 1051:25	832:9,14 931:1	activities 845:24	992:10 1024:13
\$62,443,857	1058:10	931:2 1050:12	931:24 932:2	addressed
922:25	able 778:16	accountable	973:21	756:21 761:10
AAO 753:5 757:4	814:9 831:15	963:7	activity 880:21	768:10 783:19
757:13,16,25	831:16 832:13	accountant	926:16	784:11 828:25
758:5,10,18	845:20 851:18	782:15,25	acts 761:6	831:10 879:4
760:11,22	852:8,11	790:3 857:22	actual 770:15,21	959:12,16
762:1,17 763:7	855:15 867:24	872:25 873:2	771:25 826:18	960:7,23
766:7 767:19	868:6,10,16,20	accountants	855:20 856:4	971:10 1020:5
768:11 769:4,5	868:23,24	872:20	857:5,7,13	1036:13
769:24 770:1	869:2,7 872:20	accounted	896:10,18	1040:23
771:25 773:14	873:1,10,17	933:13	898:7 899:2,9	addresses 899:15
775:5,11,17	874:10 881:1	accounting	903:13 911:12	addressing 957:5
776:11,17	881:23,23	753:19,21	912:4 915:9	1020:2
778:10 779:7	882:4,6 883:5,6	754:12,17,21	916:6,9 920:8	adequacy
779:15,19	885:7 887:20	768:20 782:11	922:13 924:1	1016:15 1026:5
780:1,3,4,12,14	888:3 899:1	784:8 856:19	929:15 931:19	adequate 879:1
780:21 781:4,9	938:8 945:25	856:23 859:13	933:9 935:12	884:15 885:19
781:16,20,23	955:8 1026:25	869:20 870:4	944:20 945:4	957:22 958:2
783:8,16 792:1	1049:14	900:18,22	945:10 948:10	969:23 975:9
792:4,21 814:2	absence 957:19	913:16 928:7	948:11 954:15	1005:10
814:7 821:17	1053:12	933:4 949:3,5	1039:13	1025:16
821:23,25	absolute 795:25	accounts 783:20	acute 959:8,9,11	1026:25 1027:6
822:1 827:6	796:2 797:4	783:22 784:5	966:2,3	1029:19
833:10,15	absolutely 796:9	842:5 1050:14	add 810:10,21	adequately
839:22,25	797:2 803:4	accurate 785:16	939:13 1006:1	850:13
840:2,4 842:4	838:22 841:1	868:10 887:8	1008:9	adjourned
845:9,11,20	845:18 888:7	944:18 998:20	added 1047:18	892:25
852:11 856:25	888:13 890:24	1019:4 1048:11	adding 1008:8	adjust 832:13
857:21 860:1	926:22,22	1048:12,17	1011:18	909:16
861:3,9,11,11	949:2 970:10	accurately 898:6	1051:17	adjusted 903:1,2
870:10,12,14	976:4 992:6,23	900:13	addition 898:23	adjustment
870:16 886:7	996:6,9 1006:2	act 756:18	899:20 932:25	778:18,25
1055:1	1006:20 1013:2	774:16,18	957:11 961:11	779:13 892:3
AAOs 763:18	1015:15 1024:6	796:25	1023:8	892:18
766:10 769:7	1029:12	acted 755:24	additional	adjustments

TRANSCRIPT OF PROCEEDINGS 2/26/2015

962:25 administrative 864:12 admission 753:15 837:19 837:25 849:16 1019:10 1048:19 adopt 812:21 814:12 815:11 911:6 958:6 1007:14 adopted 804:11 804:16 879:16 adopts 898:15 923:7,13 advance 981:9 1036:20 advances 1028:2 advantage 827:10 887:21 888:3,18 1018:9 advantages 815:16 904:10 917:24 1017:7 1030:14,17 adversarial 793:16 adversaries 804:5,12 adversary 793:19 804:9 adverse 768:22 adversely 827:12 advised 767:3 769:15,16 AEP 755:18 770:22 771:11 776:13 777:7 777:19 778:13 778:24 779:14 780:23 aerial 871:20,24 873:20 874:19 aerially 873:5 affairs 957:8	affect 843:18 899:22 988:5 Affidavit 1057:9 afford 809:15 962:12 affordability 887:14 888:18 982:5 993:1 1003:14 1011:11,24 afternoon 853:18 853:19 894:12 917:24 929:12 929:13 931:11 931:12 968:22 968:23 1018:14 1035:3 AFUDC 760:12 age 991:1 1022:6 aged 1036:16 agency 933:19 agenda 801:2 aggregate 983:22 aggressive 821:1 839:2,9,15,16 845:17 846:4 aging 957:1 959:13,14 961:16,18 1019:25 1024:13 1026:11 1037:5 ago 760:5 767:5 767:11 768:13 779:24 799:8 805:25 824:19 825:2 873:18 888:3 939:23 950:1 973:20 977:13 992:19 1001:25 1002:8 1002:15 1014:13 1017:10 1018:2 1037:11 agree 778:6,18 778:22 780:12	780:24 781:23 784:14 799:14 799:19 806:4 806:10,12,18 806:21,22 808:4 811:17 826:6,8 830:15 830:18 834:2 834:23 838:18 839:8 840:8,14 841:10,10,15 841:18,22 842:17 853:24 870:12 871:17 881:15 882:9 882:15,17,22 892:8 912:22 918:4 928:23 942:9,13,21 944:16 948:22 950:7 967:13 969:25 970:12 977:7,11,12 981:20 984:24 985:3,12,22 990:16,19 991:10 994:2 995:13 996:2 996:10,24 1024:12,15 1026:10 1029:9 agreed 783:7 792:11 950:17 1027:21 1028:1 1052:6 agreeing 835:9 agreement 797:18 798:1,6 798:18 799:9 800:4 807:23 834:24 961:10 965:1,3,5 967:10,17,18 974:8 977:23 979:5,5,10,13 979:15,21 980:2,12	981:12 1007:6 1027:25 1038:24 1040:18 agreements 776:13 778:6 778:13 780:23 964:24 965:2 agrees 860:14 961:24 974:5 ahead 759:11 791:1 858:19 893:15 917:13 962:7,9 967:23 1023:22 1052:1 aid 852:21 air 890:19 akin 760:12 albeit 763:8 772:14 alchemy 796:4 Alderman 917:17 alert 956:6 Alex 906:7 Alexander 752:2 allegation 816:4 822:18 allegations 786:10 816:15 822:19 825:23 Allison 752:7 797:14 800:11 958:22 972:21 Allison's 799:7 allocable 772:3,8 787:8 allocate 773:19 773:20 allocated 771:16 771:17 773:24 962:7 allocation 771:20 963:10,12 964:12 965:20 994:17,21 995:2,4,6	998:22 1001:20 1001:25 1002:12,16,24 1003:17,22 1016:4,8 1021:17 1024:13 1025:7 1025:11,17,23 1031:7,20 1036:24 1037:4 1037:25 1038:4 allocations 960:22 963:6 963:16,20 966:10 995:11 1014:12 allow 757:5,25 758:4,10 761:7 761:12 766:5 829:11 832:25 846:22 850:15 851:22 879:2 896:4 897:9 908:5 934:24 960:23 962:23 1005:2 allowed 757:1,22 760:15 761:2 761:18 766:3 767:8 822:3 840:11 855:22 870:13 896:3 912:3 935:11 1004:22 allowing 842:4 899:7 allows 846:8 alternative 815:9 899:14 938:14 939:12 ALUMINUM 751:18 amass 1007:24 ambushed 795:8 Ameren 750:12 751:2,3 753:3 755:16,22
--	--	--	--	---

TRANSCRIPT OF PROCEEDINGS 2/26/2015

760:20 763:4	886:6,7 887:3	766:15 774:4	900:8 902:15	805:24,25
763:12 764:11	889:3,6 890:22	797:10 818:22	905:11 909:22	annual 830:7
765:13 766:4	893:3 894:3	820:19 821:7	912:17,23	938:15 945:17
767:3,17,23	895:7,17,20	822:10 823:10	914:13 916:2,9	987:5 991:3
768:19,24	896:3,11,17,23	826:3 833:9,12	918:6,16	1005:19
770:15,24	897:9,18 898:3	839:21 843:18	922:25 926:2	1007:21 1048:9
771:2 773:8	898:12 900:17	852:4 879:2	929:15,18	annualization
774:16 775:4,8	901:11 907:1	898:19 947:10	931:14,18	851:11,16
776:4,10	907:18,19	960:2 961:20	933:9 934:25	annualize 850:20
777:11,17	908:9,15,17	966:8 970:6,9	935:1,12 936:2	annualized
778:4,11,16,19	909:9,23	974:14 975:15	936:9,18,23,25	829:17 831:11
778:23,25	910:18 912:1,7	1002:17	937:3,4 938:4	927:24 928:3,6
780:10 785:25	912:14,18,21	1023:19	938:12 948:11	950:20,21
788:22 791:14	914:13 918:11	1036:11,24	952:5 953:15	951:3
798:6 807:5	918:23 919:11	1043:14	963:9,11 986:7	annually 897:22
808:12,16,18	931:7 940:16	1045:13 1047:9	987:5 998:6	903:3 906:1
808:24 809:13	943:20 944:6	1047:10	1020:11 1025:2	1020:12
811:9,17,19	955:19 956:19	amortization	1027:22 1039:4	answer 786:16
812:6,16,25	956:22,25	815:22,23,25	amounts 760:21	794:4 805:14
813:22 814:17	957:1,3 958:7,9	839:25 896:14	761:25 764:2,4	823:19 833:17
815:1,6 816:1,8	959:19 960:3,8	896:16 900:1	768:25 776:16	843:22 859:7
818:2,20 819:1	960:12,19,20	amortized 840:7	780:11,19	859:13 860:21
821:4 826:19	960:25 962:7,9	912:24	784:16,21,22	860:24 876:13
826:19 827:6	962:15 963:7	amount 757:6,25	797:3 814:9	878:25 890:2,4
827:20 828:7	964:7 966:23	758:5,10,19	831:5 857:8	890:10,25
830:1,2,15	969:2,10 972:1	770:15,19,21	897:21 900:16	903:3 905:17
836:25 838:2	974:10 980:1	771:15,16,21	910:6 911:3,10	913:3,21 917:5
838:13,14	982:12 986:17	772:1 773:11	911:12,22	928:4,8 955:19
839:9,14,24	986:20 987:24	773:13,16	912:22 914:13	956:7 967:1
840:11 843:14	990:1 993:3,15	776:22 777:6	920:8 953:11	969:8,9 981:4,6
844:9 850:15	994:17 995:18	777:10,11,12	ample 899:12	987:4 995:12
851:11 852:7	1001:5 1010:11	777:13,15	amplify 808:8	997:5,22
852:10,11,17	1010:23,24	786:11 787:3	analysis 773:6	1014:23,24
852:22 854:2	1014:10 1015:4	787:19 792:9	787:7 937:8	1022:19
854:18 855:21	1020:12 1021:5	809:14,20	940:5 947:15	1041:13 1048:5
856:16,25	1024:4,8	817:13 820:8	948:14,16,18	1050:10
857:2,6,10,20	1025:1 1026:24	820:25 821:4	948:19 1007:17	1052:17 1053:6
865:6,11,12,16	1029:16 1032:7	824:22 825:3	1007:20	answered 839:18
866:6 867:6	1032:21	826:10,17,18	analyzing 1008:2	863:6,8 868:13
868:24 869:13	1033:13,16,20	827:4,5 829:18	and-a-half 777:6	878:13 885:11
869:19 870:1	1033:21,24	830:3 831:3,15	855:17 866:21	885:12 1022:25
870:10,24	1040:18 1043:1	831:16 833:14	988:13	answering
871:6,11 873:7	1046:5,7,14	834:22,23	and-a-half-mill...	927:17 947:5
874:4,25	1051:23	835:9 854:9	776:10	967:8
876:21 877:2,5	1052:12,17	855:21 856:5	anecdote 907:16	answers 790:14
881:17 885:2	1057:2,4,6	857:14 878:9	animal 1045:4	790:18 837:13
885:15,22	Ameren's 754:5	887:2 899:2,8	announced	837:15 849:8

849:13 1019:2 1019:8 Antal 752:2 895:6 905:20 906:6,7 913:12 913:23 914:2,6 914:16,22 915:6 920:1,3 920:18 921:15 922:19 924:25 928:16,25 929:3 939:22 940:7,15 944:5 958:19 1055:22 1055:24 1056:4 anticipate 956:4 988:25 991:4 1022:17 anticipated 1041:12 anticipating 1051:21 anybody 769:25 954:17 1053:11 anyway 1003:20 apart 957:11 apologize 785:5 803:10 841:3 891:25 apparently 893:7 1051:9 appeal 780:6 appealed 766:1 appearance 753:12 appearing 849:22 appears 800:6 877:7 1007:8 1020:10 1058:7 apples 939:17,17 975:13,13 applicable 955:12 application 760:11 861:11 861:12 955:22	955:22 applied 758:12 760:17 905:5 applies 861:2 927:2 apply 794:23 861:9 873:12 874:2 905:4 937:5 appreciate 803:2 803:24 806:25 807:1 809:2 817:2 892:22 955:1 appreciative 994:13 apprentice 992:9 992:13 997:25 1009:15,21 1015:22 1022:9 1029:23 1033:24 1034:1 1034:4 apprentices 992:21,22 997:20 1009:14 1009:16 1011:14 1015:17 1029:17 1030:20 1031:18 1046:19 1050:23 1051:2 apprenticeship 996:19 997:7 998:2,8 apprenticeships 1021:18 1022:20 approach 795:21 841:5 858:3 864:7 876:6 879:11 934:6 939:15 941:18 941:23 943:9 962:13 975:21	984:9 approaches 879:1 884:15 appropriate 779:23 783:12 783:14 784:12 793:11,20 797:21 799:21 801:25 803:23 805:16 820:12 820:18 846:10 876:6 879:1 913:20 915:18 916:15 921:16 921:19,20,23 922:9 924:6 930:1 936:1,2 936:11,16,25 937:3 938:4,4 938:11 969:11 984:19,25 985:2,4 987:5 988:19 appropriately 936:19 957:5 approve 823:13 839:13 900:5 approved 755:19 822:10 824:5 839:21 875:4 889:6 895:20 approves 838:20 approving 811:21 813:2 841:20,25 897:16 approximated 831:19 approximately 829:14 834:11 866:13,20 910:14,16 911:21 912:23 914:25 923:17 926:20 946:1 952:18 978:17 1047:21,24	April 840:10 851:13 944:23 1058:22 arbitrarily 806:20 arbitrary 801:20 arbitrated 798:19 area 812:19 833:1,9 845:21 874:7 911:19 952:18 983:16 985:23 989:6 1013:20,21,24 1014:8 1020:15 1037:14 1042:20 areas 844:19 877:18 926:25 961:23 963:15 975:18 981:18 985:21 989:20 995:15 996:24 997:9 1007:13 1007:22 1013:8 1036:12 1051:16,17 arguably 827:9 argue 897:8 899:23 1050:16 argues 912:2 argument 770:5 795:7 846:12 888:4 1029:21 1036:5 arguments 762:19 814:4 815:13 897:18 Arkansas 966:23 966:24 arrangement 754:6 965:10 articulated 863:1 915:24 1036:12 aside 1014:12 asked 767:10 768:5 779:15	779:19 780:18 781:4 788:11 844:8 849:12 860:13 863:6 868:12 869:19 870:3 884:13 902:25 913:8 932:19 942:4 950:1 963:9 971:23 978:24 1019:6,6 1022:25 1024:12 1026:9 1027:21 1029:14 1043:25 1044:2 1046:16 1047:7 1049:4 1050:9 1052:4,21 1053:12,24 asking 780:3 813:4 814:11 840:22 858:19 862:23 905:6,8 948:18 962:19 964:5 995:23 1003:24 1022:19 1023:4 1023:4 1031:19 1031:22 1033:23 1036:9 1054:8 aspect 775:1 799:22 883:19 898:13 1004:20 1048:14 aspects 932:7 assertion 877:5 947:19 assessment 869:8 asset 859:17 932:3 assets 809:13,19 809:20 assigned 771:21 872:25 Assistant 752:7
---	---	---	---	---

<p>associated 760:7 762:16 813:18 814:2 844:22 851:3 856:14 856:18 859:20 869:21 870:5 898:10 926:5 950:24 973:21 979:14,16 995:10 1003:2 assume 826:24 870:9 894:7,7 927:1 941:2 952:17 1035:15 1040:8 assumed 914:19 assuming 868:8 885:14,14 923:5 935:10 assumption 878:5 assurance 814:25 attached 754:2 947:25,25 attachments 984:6 989:23 attempt 767:4 777:21 782:5 783:2 1039:6 attempted 756:16 770:24 777:18 778:11 964:18 attempting 763:12 767:18 attempts 916:8 attention 808:24 834:12 922:22 987:14 1047:15 attorney 751:3,8 751:8,13,18 752:7 782:8,17 913:12 979:8 1047:9 1049:4 1050:9 1058:15 attorney's 1050:22</p>	<p>attorneys 807:7 808:6 978:25 attributable 828:19 853:7 875:3 attribute 925:10 attrition 969:3 972:2,4 1020:4 1021:21 1022:3 1026:24 1027:2 1027:5 1051:3 1051:13,15,18 1052:2 auditing 858:2 949:6 Auditor 847:18 auger 1017:18 augment 983:2,7 983:14 augmented 986:10 augmenting 982:23 authority 806:13 806:19,23 856:19,23 859:16 869:20 870:4 943:8,14 957:17 970:5 1004:8,13 authorization 853:8 949:8 authorize 859:12 authorized 852:5 950:16 970:12 automatically 807:24 855:22 available 835:14 837:21 919:18 924:18 952:6 956:8 975:6 983:11 985:8 1011:4 avenue 751:4,14 799:2 836:22 845:1 average 910:10</p>	<p>910:13,15 911:14,15,16 911:17 912:12 914:17,18,25 916:6,25 922:9 924:7 929:20 929:21,22 930:14 931:3 936:1 937:12 938:13 946:5 952:7,10,11,11 952:21 953:6,6 953:6 978:12 991:1 1022:2 1039:9,15 1048:4 averaged 978:14 averages 910:18 918:20 920:13 939:24 averaging 846:18 aversion 820:2 avoid 779:20 aware 756:15 758:6,9 761:1 761:19 780:8 886:11 908:14 935:14,17 957:4 958:10 969:21 970:1,4 975:19 993:2,5 993:8,15 1003:19 1026:11 1029:25 1030:1</p>	<p>805:14 811:4 819:14 821:14 826:1 827:18 835:16 837:23 846:14,21 886:23 889:18 891:5,23 893:2 895:12 902:20 906:25 907:3 912:1 924:16 938:5 941:1,3,4 941:16 954:14 955:4 956:14 956:16 962:14 965:25 966:4 968:4,12 974:19,25 975:8 990:21 1017:5,6,9,12 1017:14 1038:14 1041:5 backed 907:16 background 906:19,20 907:22 backlog 1049:9 1049:13 backlogs 1049:11 backwards 937:13 bad 874:9 907:14 928:2 1025:25 balance 760:16 983:11 985:7 balances 962:22 bang 1044:25 bar 955:4 bargain 902:23 1001:6,9 1010:10 1034:11 1035:11,12 bargained 1034:18 bargaining 961:10 964:19 965:8,10</p>	<p>967:13,17 968:2 978:20 979:5,10,13,15 979:21 980:2 980:12 981:11 1007:2,6 1034:21 1035:7 1035:12 1038:24 1039:1 1040:18 bargains 1034:11 Barnes 776:20 884:23 base 813:9 817:15 820:8 820:25 834:22 835:9 846:17 846:22 851:19 854:10 855:21 856:5,13 857:5 857:8,14 872:2 872:4 885:4,17 886:15 896:7 896:10,12,15 899:3,9 908:8 911:10 916:13 918:6 920:14 931:15 935:2 1010:12 1031:10 based 767:7 776:2,2 788:6 792:14 796:3 813:18 830:18 844:1 853:3 854:11 861:9 861:18 863:18 867:5,18 868:1 868:15 869:18 870:1 884:8 890:16 896:24 900:16 910:20 912:8 921:8 922:2 927:13 939:19 946:19 947:20 951:24 957:19 960:4</p>
<p>B</p>				
<p>B 751:8 B-O-A-T-E-N-G 847:13 back 753:3 765:7 766:3,16 773:4 774:3 775:10 776:2 783:3 787:13,16 788:2 797:16 800:10,22</p>				

TRANSCRIPT OF PROCEEDINGS 2/26/2015

963:12 970:14 1005:3,8 1015:1 1028:15 1028:23 1036:22 1043:6 1044:6 1048:9 1052:8 basic 902:8 969:14 basically 838:16 895:23 952:9 964:5 basing 1021:25 basis 773:6 808:10 862:21 875:9 887:22 918:15 921:24 940:2,2 945:18 949:22 953:3 962:5,21 987:5 987:8 991:3 992:1,7 1005:19 1007:21 1010:3 1020:2 1038:23 1038:24 battery 1017:23 1017:25 battery-operated 1018:5 bear 787:2 793:12 898:19 1000:7 becoming 1047:12 began 795:3 865:21 beginning 763:4 803:24 807:21 811:9 838:1 839:6 850:24 853:6 859:8 893:24 895:17 924:20 929:6 941:9 956:19 1004:10 beings 1039:13	belief 790:14 837:16 849:10 915:21 1027:3 1027:11,15 1028:9 1035:24 1041:16 believe 753:17,19 754:1 757:8 758:11,13 761:22 763:21 765:16 766:4 768:9 774:15 776:15 779:3 783:18 785:17 792:7 793:20 798:24 800:24 801:15 802:11 803:23 805:16 810:5,17 811:16 815:23 816:15 824:6 829:5,7 830:24 831:17 832:10 832:18 835:12 837:23 839:5 839:11,23 840:17 842:3 843:2 849:17 849:21,23 851:15 852:14 853:1 857:1 863:6 876:3,11 890:9 895:11 899:12,22 900:5 905:3 906:22 911:14 914:24 915:16 917:1 918:20 918:21 919:3 919:16 922:12 927:4 928:17 929:3,17 933:22 938:3 943:25 947:1 951:2,12 956:10 959:15 962:19,20	963:1 965:11 965:14,15 966:13,23,25 969:24 970:19 972:3 975:3 976:10 980:4 980:14,17 992:20 994:6 1001:24 1002:9 1002:13,14 1005:14 1008:12 1015:16 1016:16 1020:15,25 1026:13 1027:4 1029:20,22 1031:9,11 1036:8 1037:22 1040:25 1043:22 1050:11,14,25 1051:23 1053:2 believed 801:24 803:5 believes 764:11 830:9 832:7 852:20 871:15 899:18 900:11 910:17 1004:11 1040:23 bench 762:23 776:3 786:3 788:7 791:16 836:2 842:10 844:2 875:18 884:9 920:20 921:9 925:2 927:13 935:21 939:20 940:19 951:25 999:22 1015:2 1032:1 1043:7 benefit 830:22,23 902:23 992:25 1046:9 benefits 846:1,2	883:5 896:24 979:19 best 790:13 794:11 837:16 849:9 915:21 951:6 953:4 999:2,5 1006:8 1019:4 1045:10 1058:9 better 772:24 785:6 802:3 860:6 888:2 905:16 917:3 930:16 932:11 932:19 964:4 964:22 988:17 1017:21 1020:4 1044:25 beyond 774:21 774:21,22 875:9 959:15 bid 1015:24 1016:1 big 821:20 831:6 845:9 846:20 907:4 988:3,4 1008:25 1013:12 1014:2 1014:5 1017:17 bigger 993:24 bill 793:18,22 808:7 832:13 billing 807:6,19 807:20 bills 807:25 1053:22,23 binding 990:8 bit 755:11 763:15 765:6 800:15 800:16 808:8 860:6 907:22 952:19 1017:17 1033:8 1036:5 1038:14 1051:12 block 1017:13 blue 802:8	926:23 board 809:11 1012:21 1043:1 Boateng 819:25 823:25 847:2,9 847:13,19 850:10 854:6 855:2 858:11 858:22 860:22 865:4 867:16 874:22 875:24 886:5 1055:14 Boateng's 860:9 body 930:18 940:6 bold 811:20 Bolivar 751:19 book 896:12 boost 823:3 boosting 824:20 Borgmeyer 752:2 818:16 824:1,5 824:10,16,22 825:4,9,14,18 825:24 826:8 826:21 827:1,8 827:14,22 828:6,20 835:25 838:7,9 841:5,7 842:7 844:3,8 847:6,8 848:4,10 849:15,20,23 853:13 858:6,9 858:18 860:7 863:5,25 867:13 868:12 886:1,4,17 894:2 1055:10 1055:13,15,18 boring 1042:23 borne 958:11 979:15 1005:15 bottom 884:2 958:4 965:18 972:15 978:8 1016:11
--	--	--	--	---

1039:16 bought 891:15 Box 751:4,10,14 752:3,8 brackets 848:24 brain 960:8 961:3 break 811:5 891:22 893:1 955:7 956:14 956:15,17 978:19 996:1 breakdown 891:14 breakers 1020:20 breaks 866:14 breed 834:18 Brewer 750:24 1058:3 brief 792:24 793:4 811:1 briefly 788:10 828:25 886:1 891:25 934:18 954:14 bring 759:8 977:6 988:5 1030:19 1047:19 brings 902:24 Brotherhood 959:1 brought 769:12 798:2 892:1 915:7 941:15 1035:6 Bryan 751:19 Brydon 751:13 buck 1044:25 budget 845:23 971:6,7 981:8 994:18,18 budgets 845:19 building 1012:10 1032:14 built 773:2	788:19 824:23 876:14,18 982:16 1031:11 1031:13 bulge 988:22 bulges 1048:14 1049:3,3,24 bunch 877:18 891:8 burden 819:9,11 819:14,16,17 819:19 823:17 861:8,17 business 793:14 805:20 827:17 836:20,21 842:20 843:12 845:15 882:12 883:1 887:12 887:23 891:18 958:7 983:15 990:12 994:15 1012:22 buy 887:24 <hr/> C C 751:1 753:1 cabinet 810:22 cable 866:21 calculated 938:12 calculation 787:16,24 788:12 1040:1 calculations 792:6 calculator 776:24 call 767:25 836:13 954:13 954:20,20 1002:2 1013:18 1013:22 1017:18 1018:13 1028:17 called 801:14	813:19 1015:23 1017:14 1041:6 calls 756:2 863:25 919:11 campus 907:14 907:15 canceled 923:23 candor 803:2 capabilities 973:10 capability 983:13 capacity 790:2 capital 844:21,22 886:13 982:1,7 1003:17 1004:2 1004:3,5,16 1036:20 capitalized 1004:24 capitol 751:14 1053:21 capriciously 806:20 caps 943:7 capture 860:4 care 895:14 961:3,14 1006:21 1008:20 careful 809:6 982:6 990:11 990:13 995:1 1013:3 carefully 871:8 Carondelet 752:13 carry 1017:10,11 carrying 757:18 758:11,14,16 760:7,10,17,20 760:23 cars 891:7 case 753:3 756:11,20,20 756:22,23,23 757:1,8,9,11,12 757:21,24	758:6,23 760:4 760:14,18 762:11,15 767:14 768:6 769:3,18 772:2 773:2,4,15,21 775:22 776:18 776:22 780:6,7 780:9,15 783:5 784:10 788:19 788:25 790:7 793:2,8 794:2,5 794:8,12,24,24 795:1,2,2,3,5,9 796:6 797:22 797:23,24 798:8,13,17,17 798:25 799:17 800:21,24 801:8,22 803:6 803:8,9,12,13 804:6,12,13 805:15 806:1,2 806:10,16,21 806:24 807:22 810:6 811:20 813:3 814:3,20 815:12,18,24 816:1 819:9,13 822:18 823:16 824:7 829:10 834:13 837:4 851:18,21 852:1,5 854:8 858:21,21,25 862:5,21,21 863:12 864:15 875:5 895:19 896:2 897:5 899:17 900:14 905:7 906:16 908:15,24 909:3,5,5,6,14 921:22 922:1 923:7,24 935:4 938:24 942:25 945:1 946:24	951:14 959:8 959:13 962:7 966:19 967:1 968:8 969:12 998:21 1001:24 1002:12 1023:9 1031:10 1036:24,25 1037:1 1038:4 1038:8,8 1053:13 1054:4 cases 757:4 761:1 761:5 764:15 765:5 833:21 854:17 855:4 856:16 859:15 862:18 896:1 905:25 906:3 908:23 912:7 920:13,16 921:16,19,20 925:11 936:11 936:13 943:21 956:24 959:14 966:4 967:4 983:21 1001:24 1001:25 1002:8 1002:15 1014:10,13 1021:9 1046:12 1047:2 Cassidy 753:5,6 753:11 755:7 760:4 763:1 765:3 770:12 776:7 779:6 782:7 785:9 786:17 1055:2 Cassidy's 753:16 754:13 789:13 catastrophic 766:13 845:3 catch 1000:20 categories 978:17 982:3 categorize 879:13
--	---	---	--	--

<p>category 998:14 1039:4 1047:18 cause 812:19 815:11 837:3 847:24 848:6 961:15 caused 766:13 816:5 847:20 873:15 897:24 1020:3 Cave 751:19 cent 845:12 center 991:15 1002:6 centers 1046:12 central 988:2 cents 1041:10 CEO 816:8 961:23 994:3 certain 783:13,23 784:6 810:13 820:3 826:24 850:25 871:1 871:14 902:8 913:17 936:15 959:7 967:14 967:15,15 985:19 1024:21 certainly 766:17 770:6 774:12 794:8 796:4 799:20 801:24 802:17,25 808:19 818:11 833:20 901:17 925:15 926:6 957:18 964:3 967:12 974:3,4 975:6 989:7,10 990:10 996:20 1000:1 1010:4 1011:15 1015:14 1017:8 1018:4 1031:2 certainty 815:4,4 815:5,7 845:25 846:8,23</p>	<p>869:19 certification 1035:12 Certified 1058:4 certify 1058:6 cetera 805:2 1028:14 1037:7 1050:8,12 chain 755:13 764:10 challenged 794:9 challenges 901:22 chance 861:13 892:13 984:21 change 794:7 800:2 819:10 819:16 879:3 887:20,22 990:21 changed 768:1 926:3 1000:4 changes 783:3 837:8 975:1 990:6,6 1016:23 1050:11,12 changing 799:23 926:4 1020:18 characterization 869:23 characterize 755:10 756:3 795:12 950:5 characterizes 771:18 characterizing 884:19 charge 889:10 890:7,21 918:9 918:9 charges 760:17 Charles 889:5 1044:20 chart 816:7 822:12,15 860:3 918:7</p>	<p>978:9 1006:14 charts 1009:3 check 777:2 943:25 951:12 951:13,16 1002:10 checked 892:3 893:5 checkers 866:16 checks 807:21,24 962:22 cherrypick 809:9 809:12,17 chief 750:16 752:1 790:3 chock 814:12 choice 821:20 choose 1043:3 chose 868:18 952:8 953:7 Chouteau 751:4 836:22 chronology 778:9 circuits 908:20 982:16 circumstance 764:18 820:5 circumstances 763:20,21 783:13,23 793:21 861:10 892:22 913:17 922:8 cited 1004:9 cites 897:21 cities 1013:5 city 750:7 751:15 751:20 752:4,9 861:22,24 863:9,12 986:18,21 987:16 1058:2 civil 796:22 claim 756:9 776:9 844:9 claimed 786:25</p>	<p>787:9 clarification 1032:6 clarify 875:25 944:14 1023:3 class 773:20,23 992:12,14 997:6,19,21 998:1 1011:16 1015:22 1051:8 1051:10 classes 992:16 997:8 998:3,12 998:13 999:8 classic 821:25 classification 880:16 967:15 998:16,17 1002:4 1031:1 classifications 964:8 989:17 989:17 992:9 classified 766:6 863:15 880:12 classify 880:14 881:5,8 classroom 960:5 964:14 clause 778:18,25 779:13 892:3 892:19 clear 813:25 814:4 913:13 913:15 1029:15 clearly 788:19 816:1 908:16 909:2 960:15 close 799:8 862:17 926:18 1022:15 1047:23 closed 907:14 closely 779:21 829:9 closer 946:2 1022:13 coincidence</p>	<p>772:8,16 cold 761:8 colleagues 809:5 collect 781:18 851:25 932:1 934:24 collected 777:7 789:8 collection 814:3 collective 961:10 964:19 965:8 967:13,17 968:2 979:4,9 979:13,15,20 980:2,12 981:11 1007:2 1007:6,24 1035:6 1038:23 1040:17 collectively 1034:10 collects 931:22 College 1030:5 color 766:20 Columbia 751:10 column 911:7,9 911:13 922:23 combination 955:25 come 756:16 762:22 769:3,9 775:10,11 788:2 799:8 811:4 827:5 833:20 864:5 868:6 869:8 872:1 880:25 889:18 891:22 892:8 893:6 906:13 914:17 920:14 925:1 937:14 940:18 945:12 949:20 956:14 966:4 994:20 997:15 1022:7 1027:19 1036:2 1040:21</p>
---	--	---	---	---

TRANSCRIPT OF PROCEEDINGS 2/26/2015

1044:19	806:9 811:14	969:3,12,13,21	806:5,25	940:21,23,24
1045:24,24,25	811:20,24	970:1,4,11	807:11,14	944:9,11 947:4
comes 786:20	812:4,6,9,16,20	999:22 1002:15	809:1,4,5 810:1	947:8 948:2
864:3 889:3	812:22,24	1002:21 1004:8	810:2,5,7,8,11	951:20,23
940:4 962:14	813:2,4 814:11	1004:11,13	810:18 816:19	952:4 953:10
1034:1 1045:22	814:19 815:11	1005:8 1012:21	816:21,22,24	953:15,21,23
coming 772:11	815:13 816:11	1016:5,8,21	817:22 818:7	954:2,3,8,14,23
776:1 780:3	816:17 817:14	1017:1 1024:18	818:13 823:21	954:25 955:8
853:6 869:3	818:18,20,22	1025:1,6,9	823:22,23	955:13,16,18
886:23 920:10	822:20 828:24	1027:19 1031:6	824:2,8,11,18	955:21 956:2,9
1016:1	829:1,24	1033:23	825:1,6,11,15	958:16 963:25
comment 765:10	832:10 834:2,3	1035:13 1036:3	825:19,20,21	964:18 965:11
810:3 970:18	834:12,21	1036:17	826:2,13,23	966:18 967:6
commenting	838:12,19	1058:22	827:3,9,18,19	999:23 1000:2
793:24	839:13,21	commission's	827:25 828:15	1000:11,14,18
comments 793:4	840:11 841:19	771:1 783:15	828:21 830:12	1000:22,25
794:18 799:8	841:24 842:3	783:16 797:19	830:14,24	1001:3,14,18
800:1,11 805:2	847:15,17	800:6 819:5,10	831:21 833:6	1003:25 1004:4
806:12 807:1	857:21,23	819:12 852:16	833:16,24	1004:15 1005:1
809:5 810:12	858:13 859:11	896:19 897:11	835:2 836:3,4,7	1005:7,12
810:19,20	859:14,24	897:23 898:2,8	836:9 842:13	1009:7,8,9,10
commission	861:2 862:18	898:11,23	845:13 875:19	1009:12
750:2 752:6	862:20 869:20	901:15 904:23	875:19,20,23	1014:20
755:24 756:24	870:16 872:1	908:10,15	880:18 881:11	1027:21 1032:1
757:3,5,22,24	872:23 875:4	909:7,11 915:7	881:12,14	1032:3 1034:23
758:4,9,22,23	878:24 880:20	934:2,10	884:6,7,13	1035:2 1039:25
760:6 761:1,7	885:2 895:18	954:20 962:22	885:18 886:21	1041:22,24
761:12 762:10	895:19 896:3	967:9	887:1 888:22	1042:2 1043:5
762:15 763:18	897:15,16,24	commissioner	891:4,12,13	1043:20 1044:2
764:13 765:15	898:14 899:11	762:23,25	901:1,10,13,18	1044:8 1046:17
765:19 766:2,4	899:17,20	763:2 764:25	901:25 902:24	1047:8 1055:4
768:4,4,22	900:5,20	765:2,24 770:8	903:4,6,7,18	1055:4,5,7,9,13
769:5,23	904:12,16,21	770:10 774:15	904:2 905:10	1055:17,17,19
771:15 774:20	905:6 906:6,12	776:9 777:17	905:14,18,22	1055:20,20,25
775:7 778:3,9	906:23 907:19	777:23 781:8	906:2,5 913:4,5	1056:1,4,6,6,10
778:23 779:11	907:23,24	782:21 783:7	913:6,7,18,25	1056:11,11,14
780:5 784:2	908:4,6,7,20,22	786:4,6,8	914:4,15,19	1056:14,15
793:9 794:1,7	908:24 909:2,8	788:11 791:17	915:3,10	commissioner's
794:10,25	909:19 910:3	791:18,20,22	916:20 917:8	1044:1
795:20 796:5	911:6 915:14	792:22,24	917:10,11,13	commissioners
796:13 797:16	917:24 923:7	794:13 795:10	917:15 918:14	750:22 761:23
797:18,20,25	934:23 950:16	795:16,22	918:24 919:6	800:19,25
798:2,4,12,23	951:17 956:20	796:10,17	920:23 921:3,6	801:5 892:7,11
799:5,21 800:3	957:6,12,16	797:9 800:17	925:3,4,6	892:17 893:5
800:7,14,17,20	958:6 959:3,4	803:10,16	927:10,11,17	894:6 895:12
802:10,19	960:19 962:23	804:25 805:8	935:21,21,24	918:13 1043:23
803:6 804:8,14	963:4 966:10	805:12,22	939:18 940:19	1053:25

TRANSCRIPT OF PROCEEDINGS 2/26/2015

commissions 801:11	828:8,12 829:6 829:12 831:2	1005:11 1010:10 1015:9	compared 863:11 903:9	960:5
commitment 816:2 965:20 996:14 997:14 1031:17	831:13 832:11 833:2 838:18 838:21 846:3 846:23 851:22	1024:12 1025:5 1025:14 1026:8 1026:10 1027:6 1029:8,10,21	950:3 1050:23 comparing 913:9 939:17 993:3	comprehensive 961:1 966:14 967:4
commitments 818:21,23 823:11	855:4,15 858:22 861:8 861:12,16	1030:9 1031:17 1034:6,7 1036:12	comparison 813:12 1043:14 1045:16	comprehensively 959:12 960:7
committed 818:2 997:7,25 998:23	866:18 870:3 870:13,16,17 871:12,15,23	1041:19 1045:10 1046:20	compelled 798:23	computations 911:5
committing 997:12 1011:19	871:25 872:8 872:16 873:9	1048:17 1053:8	competent 957:20 1045:13	concentrated 1053:21
common 920:12 929:22,25 936:5 937:25	873:14 874:8 874:17 875:12 876:9 877:14	company's 756:11 764:6 780:15 795:2	competition 1044:14	concentrates 1039:2
commonalities 802:5	876:9 877:14 879:12 880:5 881:22 882:1,2	812:11 814:9 819:7 829:21 830:22 831:3	complement 999:10,10	concept 781:21 801:23 802:24 1045:4
communities 842:21	882:25 883:15 883:19 885:7	830:22 831:3 843:2 853:4,10 854:24 862:17	complete 896:4 906:21 987:21 989:4 993:9 998:8	concern 774:25 775:2 819:4,5 915:7 992:6 1007:23 1053:3
Community 1030:4	886:13 890:23 896:4,14,21	869:5 874:11 875:5 876:24 877:10 878:23	completed 897:14 908:10 908:18 986:11 988:7 998:2,4 1044:21	concerned 822:20,21 843:13,14 876:21 1002:25 1008:16,18 1020:10 1051:25
companies 761:7 809:15,23 915:22 992:2	897:11,22 898:4,9 900:4 900:11,22	879:24 880:8 880:17 883:24 884:2 886:15	completely 787:14 793:11 804:14 816:6	concerning 786:19 1003:16
company 750:11 751:3 756:2 760:15 762:2 769:9 771:18 777:7,24 779:7 779:12,15,17 779:19,23,25 780:2 781:5 789:2,6 795:3,7 803:5 804:15 807:6 811:22 814:1,13 816:5 816:9,12 817:4 817:12,17 818:24 819:4 819:11,13,17 819:19 820:11 821:1,10,12,15 821:20,22,25 822:2,10,11 823:1,16 828:2	901:6,22 902:17 903:12 903:14 904:25 908:1,5 916:8 916:13 920:8 920:12 923:9 926:16 929:15 929:17 931:22 932:21 933:1,3 933:17,24 934:22 935:11 945:25 947:21 949:6,20 951:2 957:14,21,24 958:1,3,11 960:15,16,20 962:11 965:12 969:4 970:23 971:1 981:8,25 985:5 994:5,5 999:5 1005:2,9	884:2 886:15 895:24 896:1 897:4 898:15 898:21 904:18 909:14 911:11 911:20 920:7 920:15 944:17 944:20 951:5 963:17 969:14 1016:13,15 1025:10 1031:21 1051:25	completing 988:2 compliance 898:1,4,5,13,17 898:23 899:2,3 905:1 908:2 935:16	concerns 781:9 874:25 956:24 971:6,9,10 concert 999:3 conclude 1021:17
		comparable 948:16 983:20 983:22	complicated 794:5 1012:2 comply 808:15 896:19,21 897:11,22 926:13 933:18 933:24 935:1	concludes 792:20 913:1 954:10 956:11 1054:15
		comparative 815:16	complying 895:21 898:7 898:11,20 908:6,18 909:11	conclusion 812:5 868:7 869:2,8 873:17
		compare 873:15 903:8 911:3 913:11	components	conclusions 863:22 864:6 concrete 1013:5 1013:13 1014:6 concur 797:15 conditioner 890:19

TRANSCRIPT OF PROCEEDINGS 2/26/2015

conduct 1029:17	969:12 970:8	1025:4,14	1038:25 1039:5	1011:25
conducted 867:14	1007:5	1026:8,24	1039:8	controlled 831:14 961:10
conductors 1009:1	consideration 796:5 829:3	contested 794:12	contracting 986:9	controlling 816:3
conduit 889:8,12	903:12 987:7	794:24 795:4	contractor 927:22 961:7	829:7 832:12
889:13,14,15	1036:10	803:8	980:5,15	832:25 887:16
889:16,23	considerations 899:16 905:4	context 756:22	989:14 993:4	conversation 918:17
1013:5	913:10 950:2,6	777:25 803:7	993:18 1041:6	Conversely 902:21
conduits 1013:12	considered 784:16 851:4	830:3	1042:17	copies 864:16
1014:6	863:16	continually 1022:6 1044:19	1043:16	copy 758:25
confidence 881:24	considering 782:18 1011:15	1045:9	1045:25	759:2,7 858:6,7
confident 799:12	consist 796:18	continuance 910:2	contractors 955:10 961:14	858:12 860:10
845:20 1045:12	consistent 798:10	continuation 897:7	974:14,18,22	864:12 865:5
1048:11,12	812:17 861:20	continue 846:6	974:24 975:10	922:18 934:10
confidential 953:12,18,20	863:9 966:19	888:14,17	975:17 977:15	941:25 943:8
953:25 954:5	967:2 1049:18	897:25 912:9	980:8,10,23	955:11
confines 817:13	consistently 993:8,17	952:17 958:7	981:14,15	corporations 965:16
confirm 955:9	1024:5	958:10 961:25	982:24 983:11	correct 753:20
confused 915:4	constant 787:19	973:25 991:2	983:14 984:20	754:4,8 757:14
1001:21	constitutes 813:25	997:4 998:10	984:25 985:9	757:19 758:1,2
confusing 862:22	construction 760:13 985:15	1003:1 1012:18	985:19 986:11	758:19,20
confusion 771:12	1004:21	1025:15	988:23 993:13	758:19,20
782:6	constructively 802:21	1027:16,17	993:23,24	765:8,18 771:4
conjunction 1044:16	consultants 807:7	1028:13	1012:9 1016:12	773:9 776:14
Connected 925:17	consumer 755:2	1029:18	1016:13	777:8,19
connection 760:21,24	793:17	1030:23 1033:9	1040:15	778:14 780:16
761:8 787:3	consumers 793:17,18	1036:6 1041:1	1042:10,13	782:11 783:24
conscious 877:2	814:24 826:15	1044:5 1048:15	1044:4 1045:3	784:2,21
878:14	827:11	1051:25	1046:8,10	786:21 789:14
consecutively 865:10	contact 807:16	1054:10	1049:23	790:15 800:11
consequence 806:3	808:5	continued 822:14	contracts 755:17	802:2 825:14
consequences 876:24	contained 837:12	822:15 897:20	765:14,17	828:20 835:11
consider 762:10	contemplate 898:25	899:19 906:16	770:22 772:10	837:15 838:17
765:13 782:15	contemplates 935:15	continues 958:3	774:1 781:1,3	839:22,23
782:18 799:2	contend 878:22	continuing 887:13 958:12	787:4 938:18	840:1,5,9,13
829:1,24	contending	997:1,2	981:15,16	842:25 843:1
833:21 854:14		continuous 889:8	contrary 781:10	844:15,16,18
867:12 869:12		973:25 1044:22	contrast 916:8	849:9 850:17
		contract 927:21	contributed 753:24 754:1	851:23 852:17
		936:14,15	control 812:7,8	852:24,25
		1034:12	813:1 881:23	855:13,14,19
		1040:10 1042:3	898:4 915:23	855:24 856:3,7
		1043:4 1057:11	933:1,2	856:11,21,23
		contracted	1001:10,13	857:11,12
				858:14,15

TRANSCRIPT OF PROCEEDINGS 2/26/2015

859:23 865:17	849:2,8	768:21 769:1	869:21 870:5	979:18,22,24
865:18,24,25	1018:24	771:15,16,19	870:11,14,19	980:5,9,15
866:7,8,17,23	correctly 839:3,7	771:19 772:3,8	871:22 872:2	981:2,3,8,9,10
867:3,4 870:7	852:4 859:21	772:13 773:1,8	872:15,17	981:22 982:7,7
871:3,4 873:21	860:4 884:19	773:20,24	876:5,13,15,16	982:8 1005:15
874:1 875:5,6	942:18 969:17	774:10 775:11	876:18 877:1	1006:3,23
876:19 877:20	correlation 989:7	775:14,20	877:13 878:23	1012:1,14
879:23 881:9	cost 753:24 756:4	781:17 786:25	879:3,14,15	1031:10,11,16
881:19 884:3	758:14,16	787:7,9,18	881:23 882:18	1036:7 1055:9
889:9,11	773:5 787:6,13	788:12,15,18	883:13,15	counsel 752:1,1,2
890:25 891:13	789:3 797:4	788:18,20	885:15 886:7	752:7 755:2,3
892:20 921:17	812:24 813:19	789:1,6 805:19	886:13 887:16	767:3,10 768:6
922:3,4,7 923:3	815:2 820:9,21	805:19 806:15	888:4 895:20	768:8,14
923:4,12,15,18	821:10 829:4,5	811:23 812:1,3	896:18 898:4	769:13,14
923:19 927:4	829:23 840:2	812:8,10,15,21	898:10 899:2,3	770:3 785:21
927:25 928:3	844:25 847:21	813:1,6,13,16	899:25 900:2,7	790:4 793:23
928:18 929:22	850:13 851:10	813:18 814:2	900:10,13	793:24 797:10
930:15 931:16	852:21 862:16	814:14 815:7,8	902:22 903:13	797:11 799:10
931:17,21	871:6,9,15	815:19,20	903:19 905:1,3	807:16,16
932:5 933:20	872:3,4,7,12	816:3 817:4,9	908:11,12,13	809:3 828:22
934:1,13 935:2	873:4,23 874:3	817:10,14,16	909:10,16,18	830:9 832:7
936:3 955:11	875:3,8,13	819:23 820:11	909:20 910:1	833:19 834:9
970:15,25	876:14 877:7	821:7,11,11,16	912:17 915:17	835:20 838:1
971:3,8 979:10	878:21,24	822:3 823:4,7	915:17,23	842:23 850:6
981:13,13	880:22 883:20	824:14 829:7	916:7 920:25	886:7 889:6
990:18 991:13	885:8 897:10	829:13,15	921:21,24	890:3 893:24
1000:13	898:5,7,17,20	830:8 831:14	922:13,13,15	915:13,15
1005:17	899:8 903:17	831:19 832:18	923:10 924:3	916:2,17
1015:18,19	925:21,24	832:20,20,24	925:8 926:1,10	919:23 924:22
1016:9 1021:10	926:20,24	832:25 833:1,2	926:15 929:23	929:7 940:12
1023:11,12	929:23 932:22	834:6,8 839:22	933:1 935:16	948:22 950:1
1024:2,9,10,23	950:24 951:2	839:25 840:3	936:5,7,19,20	953:11 958:21
1025:2,3	952:13 958:11	841:21 842:1	937:23 939:5	958:22 972:20
1026:12,16	960:9,9,10,11	843:11,11,14	945:9,15,17,19	999:24,25
1028:4,22	961:4 988:4	844:11,21	946:3,4,6,11,14	1000:3,19
1030:21	1030:18,23	845:10,15	946:17 947:11	1003:22 1004:9
1031:13,18	1034:8 1036:4	846:9 850:17	947:22 948:6	1015:2 1019:17
1032:9 1033:7	1046:18,21	850:21 851:3	949:6,11,14,15	1040:6 1051:22
1033:18,25	1047:3	851:11,23	949:17,19,19	1052:22
1034:5 1038:2	costly 962:11	852:8,12	949:21 950:11	1053:24
1039:24	963:3 1005:15	853:11 854:9	950:15,17,20	1058:12,16
correction	costs 756:2,9	854:11,20	950:24 951:4	counsel's
848:15,18	757:18 758:11	855:7,16,20	952:15,17,23	1014:21
849:6	758:13 760:7	856:1,4,10,13	953:1,2 955:10	Counsel/Gas
corrections	760:10,13,20	856:14,18	961:8,9 962:12	752:2
790:10 837:8	760:23 764:7	857:1,5,8,13	966:5 979:2,3,4	count 974:10
848:12,14,25	766:16 767:25	859:16,18,20	979:7,9,14,16	country 801:12

1027:14 1046:15 couple 761:1 779:10 793:4,4 802:22 843:8 874:21 875:25 875:25 887:12 918:3 921:14 927:14 943:6 960:21 967:3 998:15 999:7 1002:2 1011:1 1017:4 1023:14 1032:4 1035:3 coupled 973:24 974:1 1005:22 course 764:13 802:19 807:14 961:25 court 768:5 courtroom 786:15 courts 766:1,3 796:22 806:18 cover 754:19 789:6 876:15 920:25 covered 767:24 789:2 covers 790:22 craft 974:24 crafts 978:20 craftsman 996:21 crawl 1011:22 create 763:23 834:17 907:25 932:3 1036:16 creates 781:20 818:24 819:3 822:7,8,24 853:1 1036:8 creating 1028:21 1041:2 crews 867:3 1044:17,19 criteria 862:6	critical 842:21 966:15 987:9 999:1 1006:13 critically 1029:8 criticisms 896:24 criticize 808:22 cross 755:5 760:2 785:19,20,22 838:8 850:8 853:16 854:4 893:25 894:2 894:23 895:1 920:2 929:1,10 930:5 931:9 940:10,11 941:6,11 968:17,20 972:23 1019:18 1019:21 1021:6 1043:22 1055:3 1055:3,13,15 1055:16,16,24 1056:3,3,5,9,10 1056:13 cross-examinat... 754:25 791:7,9 835:15,19 837:21 838:1 850:5 893:22 893:24 895:3 919:19,20 924:19 929:6 1019:17 crossarms 866:19 CRR 750:24 CSR 934:16 941:21 942:6 curious 888:25 1010:24 1032:20 1034:23 current 794:1 815:1,4 825:22 826:14 836:24 854:9 855:3,3 855:16 905:10	922:13 936:17 936:18 951:14 962:13 989:18 999:9 1001:20 currently 911:10 929:17 931:13 978:16 980:1 992:8 1032:6 customer 816:10 816:14 822:7 855:12 880:11 888:18 982:5 1003:14 1011:23 1041:2 customers 755:22 763:8 766:16 774:3 779:13 804:5 804:12,20,21 811:15,18 813:21 814:18 814:23 815:2,8 816:2 817:8 818:3 826:1 829:8 830:1,1 830:23 838:12 842:21 846:11 846:14,21 856:6 857:16 866:10 881:25 882:3 887:13 887:15 896:16 896:19,23 897:4 898:9,12 898:21 899:25 900:3 902:19 903:13 931:23 931:24 932:4 932:20 958:11 986:24 988:5 993:1 994:12 994:13 999:5 1003:13 1006:17,24 1007:14 1008:4 1008:22,24 1011:5,10	1012:14 1013:20,24 1017:22 cutting 816:13 CWED 991:15 991:25 cycle 896:5 908:10,19 cycles 897:14 <hr/> D <hr/> D 753:1 d/b/a 750:11 751:3 damage 766:14 766:14 820:22 839:3,10,15 865:23 867:8 dangerous 808:21 dangerously 799:8 DANIEL 750:21 data 801:10 802:5 820:8,24 829:15 830:7 831:9 850:20 851:10 852:9 870:1 877:24 908:2,4,8 909:21,24 910:12,20 911:7 914:9,11 914:12 915:1 916:15 919:1 930:1,18,22 936:16 937:1 937:17,18 938:2,9 940:6 952:24 953:7 959:5,7,22 962:21 963:5 967:5 975:5 991:1 999:4,20 1008:5,6 1015:10,13 1025:22,22	1026:1 1027:10 1029:15 database 945:9,9 945:24 946:17 946:20 952:6 953:4,5 date 824:7 908:7 938:6 942:24 943:4,17 Dave 897:19 1030:7 1046:25 1048:13 Dave's 1022:8 David 836:13,21 957:3 1055:12 1055:19 1056:1 1056:9 1057:3 1057:5 Davis 765:25 955:25 956:6 day 804:8 814:5 880:11,12,12 887:17 893:11 896:25 926:24 935:9 1054:16 day-to-day 957:7 957:18 969:15 1028:24 dead 902:1,9 917:18 deal 756:8 808:9 809:23 820:24 891:6 899:21 1008:25 dealing 768:7 813:13 934:10 deals 794:8 878:16 debate 804:21 debt 758:16 decade 966:17 December 800:24 851:13 891:16 910:12 911:13 912:5 923:1 929:19 939:10 943:19
---	---	--	---	--

944:21 948:20 1018:22 1032:8 decide 798:13 804:9 894:8 895:12 decided 765:19 788:20 794:25 794:25 871:23 907:19 decides 797:25 decision 755:17 768:22 775:19 775:23 779:11 779:20 780:7 794:12,14 798:19 803:7 819:12 828:5 862:14 871:11 872:8 874:4 876:22 877:2 878:14 879:21 880:21 908:15 924:5 970:20 991:5 999:1,5 1011:10 1016:13 decisions 779:4 828:3 873:7 957:18 958:8 969:10,10 990:7 992:25 decline 787:18 877:12 937:19 1000:10 1033:9 declines 828:9 declining 971:6 972:7 1007:13 decrease 952:17 1027:16,18 1050:12 decreased 974:11 decreases 981:21 decreasing 950:25 952:14 952:16 dedicated 843:15 dedication 843:3	defend 799:13 804:15 808:7 defer 756:16 761:2,8,13 768:20 770:3 775:20 791:1 814:2 821:23 822:3 837:24 859:16 908:5 918:19 921:2 921:25 928:9 deferral 760:8 764:9 769:8 784:9,13 786:11 841:20 841:25 856:17 899:7,7 904:25 913:16 934:24 deferrals 762:16 763:17,22 783:23 784:5 897:1 deferred 755:10 756:14 757:2 760:16,21 761:18,25 766:18 776:11 780:5,11,19 784:16,21,22 814:10 840:3 870:14,19 880:22 921:10 932:3 define 826:22 967:10 1013:1 defined 854:19 855:5 definitely 827:22 definition 813:24 833:11 deflation 937:23 degree 803:3 880:15 904:3 demonstrated 846:13 1011:25 denied 756:24 760:6,9	dense 1013:20 1014:7 deny 833:7 1020:23 1036:13 denying 814:24 depart 806:11 department 989:11 1009:18 depend 939:6 1030:25 depending 843:4 956:1 985:19 1007:13 1042:20 depends 937:17 938:2 994:20 997:14 deposition 1058:14 Deputy 752:2 derived 772:1 787:6 derives 777:13 describe 881:20 1006:4 1043:19 described 764:17 950:8 1051:6 describes 866:5 describing 865:20 deserving 913:24 914:1,7 design 773:7,21 889:8 956:3 designated 837:5 837:6 desires 965:17 despite 813:1 1020:1 1049:5 destructive 832:21 detail 806:8 detailed 867:15 details 867:10 determinant 1006:13	determination 772:2 773:7 774:13 796:14 863:21 867:18 867:23,25 868:17,21 872:21,22,24 873:1 906:13 906:21 917:2 957:19 determinations 771:1 774:19 determine 773:7 773:21 787:21 792:9 797:1,3 820:8 829:16 830:7 851:10 855:1,12 857:19 859:11 859:25 861:3 861:16 862:6 862:11,15 863:2,15 868:10 872:6 872:12,17 873:3 874:3 909:21 916:7 916:15,24 936:1 937:1 938:14 939:13 948:18 965:12 965:15 determined 778:23 812:22 909:7 determining 860:23 861:5 918:15 952:7 deterministic 1012:3 detriment 829:8 detrimental 803:17 develop 831:10 850:20 851:15 950:19,20 951:3 953:2	developed 880:19 1005:3 1044:14 developer 889:3 889:7,10 developers 889:21 890:7 Development 991:16 deviate 859:12 881:2 916:12 deviation 915:20 deviations 931:18 device 783:9 devices 973:22 dictate 916:21 957:17 960:18 963:8 dictating 957:14 Dietrich 865:16 difference 798:16 813:21 813:23 825:11 827:7 831:6 855:23 856:1,6 857:10,15 873:24 896:12 896:13,15 899:1,8 902:16 902:19 911:19 923:21 931:24 932:3 933:15 934:25 938:1 973:17 1013:8 1014:2 1040:14 1044:2 differences 792:10 900:21 911:4 913:14 different 758:18 766:19,20 768:14 769:13 788:17 799:16 800:9 802:4,6 830:25 832:14 862:9 863:22
---	---	---	---	---

864:4,5,5	1014:2	888:5 979:7	1039:3	773:11,13
887:18 900:16	Disabilities	986:14 992:18	district 993:3,16	787:3 821:16
904:19 912:25	796:24	1013:10 1030:1	1043:14	831:4 840:12
914:7 942:2	disadvantages	discussing	1044:24	876:4 902:15
964:5 972:11	918:1 1017:9	827:19 912:21	districts 1044:16	905:11 911:3
973:18 974:23	1030:15	939:24	divested 798:7	911:22 936:9
981:18 982:3	disagree 845:12	discussion	divide 1039:15	936:22 948:11
993:23 1023:1	906:25 918:5,6	760:25 846:15	divided 1034:3	953:11,15,17
1023:14 1045:4	947:18 991:7	857:3 887:2	1039:16	dollars 855:17
differently	991:10,20,22	888:8 911:24	divisions 1022:2	903:21,23
803:14 806:2	991:25 992:4	952:4 1001:19	docket 801:8	1009:23
differing 769:21	1020:16	1030:4,6,7	802:11 805:1	1041:10
difficult 814:7	disagreed 778:3	discussions	805:10 807:3	door 995:24
845:10 883:18	844:14	787:21 792:2,8	810:3,9,15	doors 994:1
966:2 995:12	disagreement	804:4 974:23	1022:5	dormant 799:1
1003:4,8	935:8 986:16	disincentive	document 754:2	double 807:21
1006:9 1012:18	disagreements	828:12 932:25	840:18 860:10	926:19,20
1018:4	960:14	disincentivizes	860:16,17	doubt 857:1
dig 1017:12	disallow 762:16	834:4	864:12 865:5	Downey 751:18
dig-ins 1013:25	806:14,24	dispel 782:6	865:11 866:2,5	755:1 785:14
1014:7	916:21	dispute 760:14	866:9 867:10	785:18 788:9
direct 753:9,17	disallowed	772:5 774:9	868:6 869:5,9	791:13 834:1
754:14 785:4	805:20 846:11	776:23 900:6	911:2 922:19	835:6,23 838:5
789:20 790:6	discernible	1050:19	934:16 943:6	853:17 884:10
798:10 816:7	923:25	disregarded	1049:15	884:12 893:20
836:17 847:7	disclose 953:20	958:14	documents	895:4 917:22
847:20 917:4	discontinuance	disrupted 883:11	837:25 1032:12	918:17 919:2,7
981:4,5 984:16	913:24	883:25	1045:23	919:22 924:21
1008:2 1018:18	discontinue	distant 764:5	1056:20	927:14,16
1018:21 1023:9	834:3 856:8	783:4	doing 755:25	930:6 931:5
1023:16,23	906:17 910:3	distinct 775:23	763:11 790:25	941:10,12,20
1026:23 1029:2	discontinued	distinguish	796:22 805:20	941:23,24
1029:4 1047:14	823:17 830:10	831:23 854:13	808:11,11	942:1,3 943:10
1055:2,8,12,15	912:12 914:7	distribution	811:10 812:22	943:12 944:2
1056:13,22	discount 993:13	822:12 824:17	820:16 880:23	954:19 1055:7
directed 1037:4	discrepancy	824:23 825:9	901:11,16,17	1055:11,16,18
1037:20,21	765:9	827:21 828:16	907:20 929:19	1055:23 1056:2
directing 922:22	discretion 763:19	852:22 853:4	939:16 942:18	1056:3,5
987:14	discretionary	865:23 867:9	948:14 974:15	downtown
direction 983:21	869:12	871:2,14,19	986:20 987:6	987:11 989:5
1058:11	discuss 810:23	876:22 877:3,9	997:4,10	1013:4,6,21
directional	946:11 978:1	877:11,13	1002:19	1014:3
1042:23	1026:15,20	883:8,10,13,17	1003:13	draft 801:14
directly 817:22	discussed 760:5	884:1 887:4,11	1015:21,23	drain 960:8
917:7 972:4	776:8 793:1	971:7 1002:3	1016:3 1052:18	961:3,12
977:22 992:15	801:2 802:13	1017:6 1020:12	1054:11	dramatic 794:7
dirt 1013:10	885:18 886:6	1037:23 1039:2	dollar 772:1	dramatically

<p>974:16 draw 991:12 drill 1017:17 drills 1017:18 1018:1 drive 831:12 1017:17 driven 980:9 drivers 831:13 925:21,21 drives 1017:16 driving 891:8 dropped 999:12 dropping 946:10 due 755:16 795:14 806:21 947:1 dug 806:7 duly 1058:8 duration 925:14 Dustin 752:7 dustin.allison... 752:10 duty 957:21</p> <hr/> <p style="text-align: center;">E</p> <p>E 751:1,1,8 753:1 753:1 E0-2008-0218 864:15 earlier 846:15 868:15 910:23 933:7 971:11 978:25 998:25 1006:15 1013:10 early 765:5 800:24 earn 812:11 831:16 earnings 762:1 774:4 823:3 824:21,25 ease 911:24 easier 864:18 1021:16 East 751:14</p>	<p>easy 823:15 861:24 1017:4 economic 818:23 819:3 823:9,11 827:24 881:17 881:21 882:11 882:13,25 883:9 economically 823:5 economy 975:1 990:6,21 1007:10 1012:10 Education 796:25 Edward 751:18 efdowney@br... 751:21 effect 784:9 822:16 824:6 900:15 923:7 935:5 936:15 1016:14 1027:8 effective 794:22 824:7 871:10 871:16 872:3,7 872:13 873:4 874:3 915:9 938:6 942:24 943:4,17,19 983:10 988:4 988:23 994:22 1011:6 effectively 795:8 805:20 806:14 969:15 983:16 effects 778:12 870:25 efficiencies 829:6 831:22,24 832:12 888:12 888:15 915:22 1016:23 1049:6 efficiency 761:14 832:2 975:2 993:3 1007:11</p>	<p>1007:14 1017:22 1018:6 1018:7 1043:15 1044:7 efficient 831:23 834:5 888:19 917:6 983:10 1011:6 1045:14 efficiently 838:15 887:20 1017:20 effort 866:25 efforts 811:18 865:7 866:6 876:25 898:13 994:14 EFIS 801:9 eight 845:8 994:25 998:13 1028:15 1030:2 either 757:5 783:3 827:11 852:1 861:21 862:15,17 871:12 879:24 899:6 907:11 947:25 949:10 949:12,16 955:24 964:20 999:18 1029:21 elected 1038:7,14 1053:17 electric 750:11 750:14 751:3 851:1,5 852:15 867:9 877:10 927:3,5 950:14 951:10 957:25 electrical 879:8 890:18 959:2 electricity 811:16 818:9 882:13 883:2,3 907:8 electronic 807:19 Electronics 879:9 eligible 764:8 769:2 775:14</p>	<p>eliminate 854:8 Eliminating 899:4 else's 858:20 860:8 948:1 embarrassed 808:20 embraced 897:3 Empire 756:19 756:20 761:3 950:14 951:12 951:16 employ 1030:24 employed 790:1 812:25 836:23 836:25 847:14 912:13 1058:12 1058:16 employee 959:19 978:15 979:16 979:24 988:10 996:3,4,6,9 1027:1,4 1028:8 1029:11 1040:10,11 1047:25 1058:15 employees 927:23 960:3 961:5,12,19 964:13 965:5 978:17 980:11 983:12,12 990:4 991:4 993:23,25 994:12,18 996:7,14,16 998:6,16,22 999:11,11,12 1002:7,20 1010:15,19 1012:12 1015:25 1017:21 1018:4 1028:13 1031:8 1033:14 1037:6 1039:17 1040:2</p>	<p>1040:19 1046:4 1052:23,25 1053:9 employers 968:4 employment 1031:10 employs 859:25 empowered 970:13 encased 1013:5 1013:13 1014:6 encompasses 993:21 encourage 919:2 encourages 965:19 ended 923:1 944:22 945:18 945:20 946:7 ends 822:15 1054:16 energy 757:12 761:14 890:20 975:2 991:15 1007:11,14 engineering 973:23 987:9 engineers 879:9 1008:1 England 751:13 enjoy 826:19 ensure 812:13 904:25 969:22 970:2 ensured 811:21 ensures 932:20 ensuring 815:6 898:10,12 enter 755:17 981:14 entered 780:25 1034:12 1047:16 entering 778:13 780:22 781:3 enters 1001:5 entire 759:2</p>
--	---	--	--	--

764:13 772:20 925:14 940:6 945:9,24 946:17,19,20 952:5,6 953:1 entirely 764:12 764:16 797:19 801:17 813:18 entitle 857:20 entitled 802:17 860:1 861:3 864:13 866:2 867:11 869:10 943:13 equal 772:17 equally 914:6 equals 772:9 774:1 1039:16 equate 1039:13 1041:9 1050:16 equates 1040:1 equipment 887:24,25 888:1 926:1,5 973:5,14,18,19 973:23 974:5 979:23 1006:10 1006:12 1020:18 1024:21 1040:16 1045:1 1050:11 equipped 955:19 equities 788:25 equivalence 975:11 equivalent 1047:25 ER-2008-0318 895:19 ER-2014-0258 750:12 753:4 eroded 965:7 error 890:8 escalate 981:3 escalating 981:3 escalation 981:18	escape 907:7 especially 891:8 920:16 962:6 essay 891:19 essence 756:6 essential 833:4 essentially 755:12,15 764:7 801:1,6 801:10,16 826:15 832:23 establish 851:19 1022:9 established 815:17 878:2 908:4 909:18 909:20 establishing 898:24 906:23 estimate 813:20 813:22 898:17 951:7,7 1010:8 1046:1,18 estimate's 898:21 estimated 1030:18 1044:18 1045:18 estimates 898:5 estimating 912:14 et 805:2 1028:14 1037:6 1050:8 1050:12 EU-2012-0027 858:13 evaluate 987:8 997:21 998:10 1005:24 1029:9 1029:13 evaluation 997:23 event 767:5,20 769:10,11,16 775:5 779:22 813:23 854:18 855:5 859:18	859:20 861:20 862:2 863:16 863:17 867:12 868:3,11 869:1 879:18 880:12 events 755:13 761:6 764:10 764:13 778:9 838:13 845:4 851:1,3 879:4 902:4 everybody 800:3 864:18 882:8 960:10 963:6 976:21 everybody's 798:20 917:16 everything's 785:16 evidence 759:21 798:5 813:7 815:17 819:20 850:4 865:3 875:7,13 957:20 958:1 1005:9 1019:15 1025:22 1027:10 1029:16 1049:1 evidentiary 750:5 798:14 798:16 exact 890:2 989:18 exactly 776:15 792:5 840:18 840:23 851:18 908:2 926:19 977:16 978:18 987:19 1001:21 1006:9 1008:14 1012:19 examination 753:9 755:5 760:2 762:24 765:1 770:9 776:5 782:3	786:7 788:8 789:20 791:21 836:17 838:8 842:12 844:6 847:7 850:8 853:16 854:4 867:15 875:22 881:13 884:11 886:3,25 888:21 891:3 920:2,22 921:12 925:5 927:15 929:10 930:5 931:9 935:23 939:21 941:11 944:10 947:7 952:1 968:20 972:23 1001:2,17 1009:11 1015:5 1018:18 1019:21 1021:6 1032:2 1035:1 1042:1 1043:10 1055:2,3,3,4,4 1055:5,5,6,7,7 1055:8,9,12,13 1055:13,14,15 1055:15,16,16 1055:17,17,18 1055:18,19,20 1055:20,24,25 1056:1,2,3,3,4 1056:4,5,6,6,7 1056:9,10,10 1056:11,11,12 1056:13,13,14 1056:14,15,15 examine 833:21 879:7,10 example 766:12 794:24 796:7 796:25 821:25 899:23 921:21 949:8 953:17 986:5 1012:8 1016:21	1017:23,24 1039:1 examples 1017:2 1028:22,23 exceed 855:17,21 857:6,8 exceptions 829:9 excerpt 908:14 excerpts 759:1 exclude 777:21 exclusively 936:21 excuse 848:4 852:13 854:20 857:6 865:8 904:8 executing 807:15 exercises 800:5 exhaustive 1006:21 exhibit 759:12,13 759:21 837:5,6 847:22 848:1,8 864:10,16,18 865:3 975:21 975:25,25 976:2,18 987:14 996:13 1019:11,15 1032:14 1038:17,20 1047:15,16 1048:19,25 1056:19,21,23 1056:25 1057:2 1057:4,6,8,10 Exhibits 790:7 791:5 837:19 838:2 849:16 850:4 1056:17 exist 829:9,12 850:12 883:7 948:12 existence 794:13 828:4 843:9 851:10 existing 908:25
---	--	---	---	---

<p>exists 828:9 882:20 expect 778:3 817:20 838:12 840:5 888:9,14 890:3 924:9 963:15 989:8 993:7 1022:21 1025:9 expectation 989:9 expectations 838:24 expecting 1051:14 expend 811:17 832:24 897:22 expended 900:12 expenditure 838:25 876:23 expenditures 817:18 857:7 869:12 877:3 887:4 896:10 931:19 933:9 1024:19,20 1025:5 expends 903:15 934:25 expense 793:3 794:2,8 795:1,2 796:6 797:23 798:8,17,25 799:17 800:21 801:22 803:9 803:12 806:16 806:24 811:8 811:11,12 816:14 819:1 819:20 820:19 820:20 821:6 821:21,24 822:23 824:17 824:24 825:5 826:6,24,25 828:19 829:16 829:19 830:3</p>	<p>830:21 831:1 831:11 832:15 832:16 839:14 851:4 852:23 853:4 881:16 883:13,18 885:8,16 888:11 893:16 895:14 896:7 904:3,6 907:25 908:3 909:22 910:11,14,20 912:3,6,11,15 916:7,16,24 919:5 920:14 922:11 923:5 933:13 945:4 948:24 1000:12 1027:22 expensed 840:12 920:8 expenses 763:14 763:24 781:13 781:16 783:4 793:13,14,14 808:25 809:10 809:20 816:6 816:13 821:23 822:2 827:13 829:22 830:16 831:4 833:3,14 844:22 846:11 846:21 852:23 875:2 876:7,9 876:10 896:8 899:9 900:9,11 904:5,17,17 908:6 909:13 910:13 912:4 921:17 924:1 929:18 931:15 933:16,18 935:12 939:25 944:20 950:13 954:15 970:23 971:15 1000:10 1004:25 1055:9</p>	<p>expensive 871:18 873:20 983:2,7 983:18 experience 808:24 863:12 880:6 897:10 908:17 937:16 960:6,8 964:15 988:18 995:18 996:3 1027:12 experienced 763:9 961:21 996:4 experiences 854:18 855:5 856:17 901:22 experiencing 874:8 expert 885:14 916:5 1012:23 experts 797:1 872:19 expired 764:7 769:1 775:14 829:12 expires 1058:22 explain 755:11 763:16 768:16 772:24 844:17 845:16 887:10 917:3,13 918:14,19 920:24 930:16 945:13 952:7 963:25 999:20 1001:21 1035:22 explained 755:14 explaining 1048:13 explore 778:8 857:18 expressed 834:13 834:14 874:25 1016:22 extended 763:9 extension 890:20</p>	<p>955:10 extensive 1044:23 extent 981:19 external 1045:19 extra 885:16 893:14 extraordinary 766:10,14 856:25 859:19 861:6,20 862:5 862:7,12 863:3 863:14,16,23 868:18,25 879:14,18,25 880:2,3,5,21 extreme 903:24 903:25 extremely 842:19</p> <hr/> <p style="text-align: center;">F</p> <p>FAC 755:19,20 755:23 756:1 764:14 765:12 765:17,20 767:19 768:22 771:1,3 774:3,5 774:21,23 775:7 777:22 779:21 788:2 faced 814:17,21 faces 874:12 877:15 facilities 871:2 871:19,23 873:4,19,21 874:5,15,18,19 987:8 facility 1040:16 1046:21 facing 820:19 fact 763:8 764:5 764:13 772:18 772:19,22 784:1 788:15 800:8 807:2 818:1,6 821:24</p>	<p>842:24 850:14 860:15 885:6 885:17 887:3 897:1 907:8 915:19 916:14 937:17 958:2,5 970:11 975:15 986:16 989:12 1004:13 1016:23 1024:7 1026:14 1027:14 1028:2 1030:3 factor 764:15 784:17,19 788:1 829:3 factors 762:10 784:15 796:3,4 796:5 812:19 815:10 829:2 829:25 832:11 833:5 874:13 facts 819:2,9,11 819:22 913:18 1005:3 factual 796:11,16 796:18 913:14 fail 1008:24 failed 774:16,18 failing 774:22 957:21 958:1 fails 1008:24 1029:16 fair 812:12 839:19 841:3 861:1 869:23 887:2 898:9 970:22 fairer 899:14 fairly 950:4 1017:4 fairness 803:3 faith 802:21 fall 819:14 826:20,22 fallacy 990:5 falling 902:10</p>
---	--	---	--	---

<p>false 793:5 804:7 familiar 766:24 878:17 934:2 975:14 983:23 984:5,22 991:14,17 1004:19 1043:16 1052:12 family 917:19 far 753:11 800:9 800:22 813:25 828:10 834:21 877:21 978:22 987:20 1022:14 fashion 805:16 806:9 fast 937:7 faster 838:25 faulty 802:2 favor 813:5 815:14 feasible 1036:19 February 750:6 945:16 federal 796:22,25 891:17 962:3 fee 796:23 889:10 889:22 890:12 feed 917:16 feeders 1007:20 feel 797:6 845:20 901:5,6,8 1006:21 1042:25 fees 797:1 feet 866:21 felt 767:25 768:2 798:22 799:25 fewer 993:9,17 1013:24 field 866:15 960:6 964:15 979:17,25 996:3,9 1028:16 1036:12</p>	<p>1052:10 figure 771:15 792:3 915:10 918:23 953:17 989:10 1031:4 1034:5 figured 1047:3 figures 887:8 930:11 1020:24 1048:17 file 794:18 804:6 810:22,22 858:13 861:11 filed 771:14 775:5 780:21 788:24 795:5 799:10 800:15 837:4,12 864:15 897:6 899:16 943:3 943:18 1023:9 files 861:12 fill 1029:9 filled 1022:21 final 761:21 781:7 798:11 801:16 864:13 865:6 1057:7 finalize 1011:17 finally 812:16 898:8 957:13 finances 809:24 financial 767:4 768:25 775:12 778:20 779:1,3 779:8,25 806:3 financially 1058:17 find 759:5 762:6 796:5 804:14 864:19 890:5 972:12,13 983:21 1005:8 finding 773:12 777:24 778:2 916:25 finds 908:20</p>	<p>970:14 fine 762:20 811:13 841:17 864:16 894:24 913:22 1021:15 1032:23 finish 1041:7 finished 797:23 934:19 1005:6 finishing 994:8 first 767:5 775:18 776:7 778:25 780:9 794:3 811:11 811:12 812:5 814:22 818:19 819:6 835:4 843:8 844:20 846:16 848:18 862:25 865:19 894:13,15 897:25 904:19 905:3 906:10 906:14 911:6 919:9 923:6 942:10 950:12 956:21 957:8 968:11 973:4 978:19 979:6 996:16 1009:15 1023:17 1032:15 1035:4 1037:7,12,15 1045:16 fit 1035:11 five 805:25 845:8 862:17,19 900:17 901:12 901:16 938:11 945:23 946:1,1 946:2 959:22 967:19,20 978:21 988:12 990:17 996:17 999:13 1011:2 1020:22 1023:20,21</p>	<p>1032:11,13 1033:17 1037:11 1045:11 1050:8 five-year 815:21 911:15 952:11 953:6 fix 959:6 1053:9 fixed 756:2,9 767:25,25 768:21 771:16 771:19 772:3,8 772:13 773:1,8 773:20,24 781:17 786:25 787:7,9,18 788:18 789:1,5 789:6,10 flags 808:1,15 flaunted 960:13 flexibility 995:3 1003:12 1011:12,21 1012:16 Flo 997:6,12 Florissant 992:12 1030:4 flow 755:23 756:1 896:24 1011:23 flowed 755:20 826:1 883:16 flowing 767:19 flows 883:20 fluctuate 821:11 821:11 929:24 936:5,23 949:7 1032:13 fluctuated 908:11 1032:10 fluctuates 826:9 948:24 fluctuating 826:11 fluctuation 826:5 909:25 914:13 933:8 974:18</p>	<p>fluctuations 826:7,9,14 830:16,19,19 830:20,21,25 831:9 832:9 930:19,25 936:6 985:20 focus 862:25 884:18 887:13 888:18 982:4,5 1037:23 focused 843:15 882:10 982:8,9 982:11 997:2 1006:23 1011:24 1037:24 focusing 914:20 follow 808:12 follow-up 1041:24,25 following 778:10 812:1,9,18 814:15,19 815:3 865:7 866:7 869:13 943:12 954:21 1005:2 food 810:20 foot 793:22 footing 793:18 footnote 984:16 984:16 1049:22 force 877:10 893:6 959:13 959:18,21 960:2 961:11 961:21 963:12 964:6,11 965:13 969:5 970:9 978:16 979:2,4 980:8 981:8 982:24 983:2,7,14,19 985:4,10,18 986:8,10 988:8 990:1 992:11</p>
---	--	---	--	--

993:4,8,11,17 993:18 994:4 995:14,14 996:23 998:14 1001:7,8,9 1011:4,12,21 1012:17 1016:19,25 1017:13 1023:19 1026:10,11,15 1026:18,20 1034:18,20 1037:5,21 1039:8 1040:15 1041:8,18 1042:3 1043:15 1043:16 1044:3 1044:15 1045:2 1045:5,6,13,17 1045:19 1046:3 1049:20 1054:10 forced 814:1 817:12 forecast 922:15 944:20 foregoing 1058:7 foreseeable 988:25 1052:24 forgetting 1014:16 form 966:6 formalized 1007:25 former 765:24 1047:2 formula 834:19 855:11 959:4 forth 1013:15 forward 784:13 785:3 798:14 829:19 830:8 831:11,20 833:8 843:10 888:15 916:8 916:16 936:20	937:3 949:22 950:21 951:4 953:3 989:8 1003:9,10 1030:24 found 777:23 foundation 816:6 977:2,3 founded 783:16 971:10 four 800:12 808:17 845:8 918:5 938:10 946:1 992:20 999:12 1011:14 1021:12 1022:11,12 1037:3,4 four-year 980:2 fraction 821:8,8 821:8 frame 945:19 1005:23 1016:2 frankly 798:2 frequency 1006:16 frequently 807:15 front 796:22 799:11 860:17 889:22 975:5 976:7 982:19 989:3,22 993:19 1024:1 1035:21 1038:17 fuel 778:18,25 779:13 892:2 892:18 fulfilled 897:12 full 757:25 758:5 758:10 759:6 759:14,19 787:1,11,16 788:23 789:3,9 811:18 814:12 896:4 897:12	898:10 908:10 935:15 1030:15 full-time 975:10 978:15 1010:19 1028:12 1039:17 1040:1 1047:25 fully 793:7 811:22 814:14 839:24 function 843:3 functionality 987:10 funds 817:21 839:1 982:4 990:14 994:23 further 762:21 775:24 781:25 788:4 789:15 805:7 810:23 829:17 837:20 843:25 846:24 875:16 891:14 898:1 924:11 931:5 935:18 940:7 944:3 951:21 999:15 1018:10 1031:24 1054:12 1058:14 furthest 814:16 future 781:18 814:3,6,10 843:16 898:1 905:4 922:14 924:10 932:4 949:11 988:16 988:25 992:11 994:15 997:18 999:6 1003:14 1011:13,22 1027:8 1031:7 1036:7 1052:24	gain 881:24 897:10 988:17 game 907:22 Gas 757:12 890:19,20 gate 1017:16,17 gear 1014:4 gears 774:14 general 813:11 876:7 935:4 937:21,21 942:25 965:3,9 965:9 970:16 971:15 995:11 1004:8 1007:12 1007:12 1015:8 1020:25 generalize 1040:13 generally 762:4 769:6 833:19 834:14 859:14 862:16 871:17 873:19 901:20 907:2 920:10 938:16 968:4 976:8 1051:24 generate 1005:20 generated 985:16 generating 771:20 generation 1037:8 generational 1043:2 geographic 983:16 getting 766:16 818:9 826:23 873:6 877:4 883:25 891:6 903:13 956:4 972:8 997:17 1011:13 1012:6 1022:13 1035:15 1041:6 1045:1	Gibbons 1047:9 Giboney 751:8 956:20,21 968:16 976:25 994:6 1003:24 1004:1 1005:7 1015:6 1018:10 1021:7 1023:3 1029:5 1031:24 1043:8,21 1044:5 1048:22 1056:8,12 give 794:21 810:20 823:15 833:17 889:12 889:14 890:21 891:14 909:18 964:23 978:18 986:4 993:22 993:24 1016:21 1017:1 1045:15 given 778:4 799:20,25 859:13 880:11 947:21 985:21 985:21 987:3 996:5 gives 794:19 851:24 909:19 991:3 995:2 giving 880:23 906:7 globally 1007:22 go 759:11 765:17 765:19 773:3 783:2 787:13 787:14 789:4,4 789:5 800:10 805:14 810:24 835:3 842:9 852:2 854:6 858:18 860:23 861:5 873:9 886:20 889:6 892:16 893:15 902:19 906:13 911:18 916:13
			G	
			G 753:1	

TRANSCRIPT OF PROCEEDINGS 2/26/2015

917:13 923:21	869:4 873:20	823:12,13	827:18	829:4 851:25
932:7 936:9	873:23 877:14	825:21 828:23	great 806:7 808:9	856:22 869:22
944:23 946:8	880:6,8 888:15	834:1,6 838:10	820:24 892:12	870:5,8,12,18
949:12,17	888:17 900:14	842:14,15	903:4 947:4	guaranteed
959:24,25	901:4 907:9,25	847:3,9,10	959:3 994:24	876:4 877:8
975:6 978:4	912:1 916:7,16	853:18,19	994:25 1003:10	883:21
999:21 1003:1	918:18,19	879:10 887:14	1003:11	guarantees
1006:17	926:4,14	894:12 901:5,6	1008:20	832:23
1008:25	932:18 936:20	901:19 917:24	greater 806:17	guarded 829:9
1010:24	937:3,13,14,23	929:12,13,18	846:22	guess 769:22
1012:15	937:25 938:5	931:11,12	greatly 799:6	771:23 773:4
1014:19	942:15 946:8	963:19 968:22	GREG 1055:6	792:2 802:16
1015:24 1017:9	947:11 949:7	968:23 986:4	grid 871:3	802:22 803:20
1022:16,16	949:12,22	990:25 993:12	1002:4 1037:23	805:21 808:13
1023:21	950:12,15,20	994:13 996:7,7	ground 871:2,18	818:18 832:5
1028:18 1041:5	951:4,5 953:3,3	1000:18 1009:3	871:23 873:4	843:13 853:20
goal 965:23	960:1 961:4,6,7	1010:8,18	873:19 874:5	882:9 893:11
God 756:19	961:9,13,15,19	1012:8 1016:17	874:10,14,18	904:9 915:3
761:6	962:22 963:5	1018:14	889:18 977:25	917:23 921:9
goes 775:16	967:23 976:25	1030:12 1035:3	978:2 985:23	937:19 954:24
824:24 877:17	980:5 981:10	1041:2,2	986:1,3,7,18,21	988:17 998:12
889:5 894:17	984:14 989:8	gosh 1037:10	987:2,16,17	1010:18,21
960:16 989:9	989:14 990:5	governing	988:10 989:1	1015:20
1010:11	990:12,24	895:22 934:3	989:11,13	1030:13 1033:5
1013:11	992:2 997:18	government	992:16,18	1040:20 1052:6
going 753:25	998:7,8,9	891:17 935:14	998:1,3 999:9	guidelines
759:4,12,13	1005:11	governmental	999:10,10	808:13
773:13 782:5	1006:22 1008:7	933:19,24	1002:1 1013:1	guys 769:21
784:13 785:2	1011:8 1012:17	GR-98140	1013:3,6,9,11	1017:11
787:12,14,15	1022:9,16	757:10 758:23	1013:23	1034:11,19
788:2 791:1	1023:20	760:5	1017:19	
794:23 797:1	1025:10	gradual 938:20	1046:11	H
798:5,9 799:21	1030:24 1036:4	gradually 787:15	1048:14	half 777:3 802:13
801:19,21	1041:5 1043:21	grant 783:16	grounds 1022:24	896:25 996:18
803:20 805:15	1044:15	1033:24	group 966:24	1009:22,25
814:9 818:15	1047:10 1051:5	granted 757:17	991:21 1003:6	1034:15
821:14 822:16	1051:11,12	760:11,11	1017:13 1022:9	Hall 750:21
825:17 827:18	1053:1,4,14	769:5,6 775:17	1028:10,11,15	752:12 770:8
828:24 829:19	1054:6	780:14 831:2	1028:20,20,24	770:10 776:9
830:8 831:11	good 755:7,8	1021:19	groups 793:17	786:6,8 788:11
831:20 833:8	763:1,2 770:11	granting 757:4	1029:1	791:20,22
834:9 843:10	770:13 785:8	778:10 859:15	grow 902:8	792:22,24
846:3,19	785:10 791:23	grants 769:23	grown 982:17	794:13 795:10
851:25 858:18	791:24 795:18	870:16 942:20	growth 975:3	795:16,22
859:3 860:20	802:20 804:20	granularity	GU-2011-0392	796:10,17
864:9,11	811:3 818:2,17	808:10	756:23	797:9 799:4
867:13,21	818:21 822:24	graph 816:25	guarantee 814:8	800:17 803:10

TRANSCRIPT OF PROCEEDINGS 2/26/2015

803:16 804:25	1000:24	Hanneken	977:3 1028:19	881:7 960:2,11
805:8,12,22	1001:16,18	928:15,16,19	1043:12,13,23	961:9 973:20
806:5,25	1003:25 1004:4	928:23 929:12	1049:2 1051:8	1013:17
807:11,14	1004:7,15	931:11 932:18	hearing 750:5	highest 834:8
809:1,5 810:11	1005:12	934:9 939:23	753:3,12	highly 953:11,18
816:23,24	1014:14,24	950:8 1056:2	754:16,18	953:20,25
817:22 818:7	1016:22	happen 758:24	759:18 786:16	highway 985:15
818:13 825:20	1018:19	776:16 808:6	794:19 850:2	hire 988:19
825:21 826:2	1019:10	857:25 922:18	865:1 947:9,16	994:18 997:12
826:13,23	1022:24 1029:4	943:20 961:2	970:5 976:22	1002:1 1011:8
827:3,9,18,25	1034:25 1035:2	967:22 1041:1	1005:3,3	1011:14
828:15,21	1039:22,25	1052:22 1054:6	1019:13	1015:17
830:13,14,24	1041:22	happened 755:14	1023:10,15,18	1029:11
831:21 833:6	1043:11,25	755:15 800:18	1024:8 1048:23	1031:17 1043:2
833:24 835:1,2	1044:2,8,12	800:24 819:8	1054:20 1058:7	hired 807:16
836:8,9 842:11	1048:18 1049:2	915:8	hearing's 947:2	992:15,20
842:13 845:13	1054:12 1055:5	happening 777:9	heart 774:8	997:6,13
881:12,14	1055:7,9,13,17	803:1 1012:10	984:13,15	998:11,15
886:21 887:1	1055:19 1056:1	happens 769:8	heat 890:18	1003:3 1011:14
903:6,7 904:2	1056:4,6,8,10	821:22 827:4	907:7	1015:22
905:10,14,18	1056:11,13,14	883:14	heavily 980:9	1052:23,25
913:6,7,18,25	1056:15	happy 759:6	heavy 874:7	hires 1043:1
914:4,15,19	Hall's 777:17	823:18 840:21	977:25 978:1	1053:8
915:3,10	927:18 954:23	913:3 1023:16	985:23,25	hiring 961:2
916:19,20	977:1 994:6	hard 759:5	986:17,21	964:8,12
917:8 918:14	Hammond	808:18 831:23	987:16 989:1,4	965:22 992:8
918:24 919:6	752:13	834:18 937:7	989:5 992:17	995:17 996:25
921:5,6 925:4,6	hand 810:1	1041:9 1050:16	998:1,3	997:2,7,14
935:22,24	819:21 829:22	1052:18	1012:25 1013:3	1002:19 1003:5
939:18 940:22	905:21 1017:12	harder 823:15	1013:11	historic 915:17
940:23 947:6,8	handed 858:11	harm 803:17,19	1048:14	historical 820:7
951:20 953:10	865:5 910:23	805:18,23,23	Hello 881:15	830:7 831:8
953:15,22,23	922:19 934:10	HC 754:15 790:7	920:4,5 1032:4	850:20 851:10
954:2,14,25	934:16 976:1	790:8,8	help 768:15	908:8 909:21
955:18,21	995:19	he'll 849:22	992:12 1027:20	910:20 914:9
956:1,2,9	handful 825:8	head 974:10	1030:12	914:11 916:3,6
958:16,25,25	handle 901:19	hear 776:20	helpful 759:10	916:6,15,25
963:23,24,25	913:22 965:5	817:1 859:5	959:7 994:16	922:2 945:9
964:3,18,21	handled 798:9	954:1 976:2	1016:20 1017:1	946:17 949:19
965:11,14	803:4 979:20	1014:20	Hi 958:25 972:25	949:19 959:5,6
966:18,22	handling	heard 767:22	high 758:13	962:20
967:6,12 968:3	1004:19	776:23 786:19	796:7 813:20	historically
972:24 975:20	handout 905:21	794:18 798:21	821:21 898:21	949:13,17
975:24 977:6	906:10 910:22	799:5 809:6	918:12 949:14	history 765:6
984:9,14 994:8	911:24	814:5 830:18	949:16 1040:10	800:16 841:20
999:15,19	hang 871:20	859:2 881:4	1040:11	841:25 842:4
1000:21,21,22	905:8	896:25 930:7	higher 823:4	845:2 865:24

867:9 868:19 868:20 945:24 950:17,19,23 951:3 955:23 1053:11 hit 865:8 878:10 hits 811:14 882:5 883:14,20,24 901:3 hitting 988:25 Hold 941:10 hole 1017:18 home 1017:25 honest 808:5 980:25 991:9 1008:14 1016:17 honestly 927:7 1028:12 1046:25 honor 759:25 762:21 785:22 790:21 792:16 792:18 811:10 835:21 836:13 837:18 838:3,7 841:5 844:3,5 846:25 847:6 849:15 854:3 858:4,18 860:7 863:5 864:7,20 864:24 867:14 875:17 886:2 886:18 891:24 893:25 894:2 905:22 919:19 919:24 924:12 924:19 928:13 929:9 931:8 934:6 935:19 940:13,17 944:5 1019:18 Honor's 954:20 hopefully 950:19 horse 766:19 host 904:5,14 hotel 867:1	hour 1044:21 hourly 925:19 1040:21 hours 926:2 976:13,14,15 976:19,24 977:9,19,20,20 978:9,12,15 987:16,24 989:1,7 993:9 993:17 1001:6 1038:25,25 1039:4,7 1044:18,22 1045:19,24 1047:18,19 1048:3 1049:19 house 890:17 houses 907:8 huge 822:4 902:15 1027:22 human 1039:13 hurt 871:12 hypothetical 833:17 <hr/> I <hr/> Iatan 810:6,18 IBEW 752:12 956:23,24 957:6,25 959:20 960:15 966:22 967:3 975:16 995:15 1000:19 1001:5 1021:8,13 1034:11 IBEW's 958:6,13 1024:4 ice 756:18 765:8 766:13,21,23 768:18 770:17 778:11 788:20 839:20 864:14 865:8,20,21 866:7 867:7 869:14 870:3	874:16 885:16 886:6 907:12 907:14 915:6 idea 795:3,19 871:5 994:24 994:25 1003:10 1003:11 1030:12 identified 753:17 773:10 933:15 948:6 953:18 identify 785:15 869:11 1039:7 identifying 815:5 IEEE 854:19,25 855:6,10 862:10 878:17 878:22 879:6,7 879:24 880:9 880:12 881:6 ignore 897:18 imagine 877:17 890:14 1010:19 1034:10 immaterial 951:1 Immediately 778:10 impact 767:4 812:11,16 832:15 862:16 880:7 884:18 885:4 932:17 990:7 impactful 926:25 impacting 828:5 impacts 884:2 impeded 797:6 implement 763:5 763:19 871:6 897:24 implemented 761:15 775:7 950:11 implementing 871:2 implies 775:3 implying 827:25	828:1 importance 829:23 important 773:19 777:14 782:14 839:17 842:19 843:10 889:17 906:24 940:1 966:10 974:7 983:13 983:15 985:7 987:7 992:24 994:14,22 996:2,8 997:10 997:23 998:24 998:25 1006:18 1012:16 1016:19 impose 795:1 796:8 803:18 904:16 imposed 795:19 impression 793:6 improper 819:3 improve 794:14 816:2 820:16 973:25 974:7 improved 1041:17 improvement 974:1 1003:17 1004:5 improvements 957:16 962:2 970:6 973:11 973:22 1004:12 1005:4 imprudence 774:24 786:10 822:19 imprudent 774:21 775:9 777:20,21 imprudently 755:25 775:9 777:18,24 817:20	inappropriate 764:16,22 819:23 1005:16 incentive 813:1 817:3,6,7,9,10 817:24 818:1,8 818:12,23 819:3 822:8,22 822:25 823:6,9 823:11 827:24 828:8 829:5 831:22 853:2 853:10 881:17 881:21,22,25 882:11,13,20 882:25 883:9 883:22 1045:9 incentivize 832:1 915:22 incentivizing 831:13 832:3 852:22 inception 774:9 include 760:16 784:13 796:20 829:16 834:22 872:2 902:16 912:3 916:2,16 1046:21 included 756:10 762:14 813:17 816:7 817:14 845:1 847:21 851:5,19 854:9 855:21 856:5 856:13 857:5,8 896:8 898:17 899:3,8 904:22 909:23 910:7 910:18 912:18 931:15 935:1 includes 856:15 985:13 including 872:4 878:23 992:11 inclusion 812:3 886:14
--	--	---	---	---

TRANSCRIPT OF PROCEEDINGS 2/26/2015

income 764:6 862:18	1056:17	952:6,21 955:1	infusion 998:19	install 887:24
inconsistencies 899:21	indicate 785:15 870:23 935:10	955:5,9 964:4	inherent 832:6 1049:12,24	889:13,15,18 889:19
incorrectly 852:21	973:3 974:9	991:11 1008:13	initial 760:9 906:22	installation 873:24
increase 750:13 924:9,9 925:10	1039:9	1015:9 1028:16	initially 757:17 895:19	installed 890:17 973:19,20
926:10,15,17	indicated 760:6 761:24 781:7	1035:15,21	initiated 905:2	instance 861:22 959:8 967:17
927:18 938:15	801:15,15,16	1039:18	input 805:2 807:20 1052:9	996:12 1032:14 1033:11
938:20,21	802:18 845:14	infrastructure	inquire 785:12 785:13 789:19	1044:17,20
952:19 1004:16	865:5 884:14	895:16,24	836:16 847:5	instances 756:15 758:3 761:17
1018:6,7	893:3 908:22	896:5,8 897:8	893:19 894:20	774:18,24 933:23
1021:19,22,23	933:7,23	897:13 898:25	970:13 1018:17	Institute 879:8
1031:12 1054:1	980:14	899:24 900:9	inquiring 774:8	institution 880:19
increased 832:19 924:4 925:9	indicates 799:12 866:18 957:23	900:19 903:20	inquiry 774:11 970:15	intact 763:24
947:23 961:4	indicating 884:17	904:1,20 906:9	insects 902:1	intend 834:15 835:10 908:23
974:16 980:15	indicators 954:6	906:15 907:21	insignificant 829:20	990:17 992:14
980:17,18,23	indifferent 823:5	909:1,23 910:4	insisted 801:6	intended 897:17 899:11 950:18
982:13	individual 1028:10	910:8,11,16	inspect 907:20	970:21
increases 925:12 1031:13 1049:9	individuals 796:24 866:14	911:8,18	inspection 896:6 896:8 897:13	intending 963:14
increasing 900:10	992:8,13	912:11 918:8	insofar 903:12	intends 959:21
incur 820:11 821:21 833:3	1033:16	918:22 922:11	inspect 907:20	intent 909:2
895:21 951:6,8	1041:18	923:2,10 924:2	inspection 896:6 896:8 897:13	intention 904:24 909:4 935:10
incurred 795:8 805:18 806:15	indulgence 809:2	931:14 932:15	899:24 900:20	1023:6
806:15,24	industry 1027:13	933:10 934:4	903:20 904:1	interest 793:10 804:19
811:22 812:1	inefficiency 846:13	934:11,11	904:20 906:9	interested 773:12 793:24 798:4
812:14 815:7	inequitable 796:8	935:13 945:14	906:15 909:1	800:6 816:13
834:8 859:16	inferences 991:12	945:15 950:9	909:23 910:4,8	817:1 1035:14 1058:17
872:14,18	inflation 937:15 937:22	952:13,15	910:11,16	
876:13 896:18	inflationary 926:6 938:8	956:11 957:1	912:11 922:11	
900:11,13	inflexible 962:21	957:10,13,16	923:3,10 924:2	
923:1 933:18	influence 924:5	958:9 959:14	931:15 933:10	
945:5,10	information 827:20 851:14	961:1,16,17,18	934:4,12	
949:20	863:20 867:5	961:22 962:1,2	935:13 945:14	
incurring 808:25 829:13	867:19 868:2,9	963:10 971:2	945:15 950:9	
incurs 814:14 883:15 933:17	868:16 869:7	974:7 982:2	952:13,15	
independent 797:19 800:5	905:23 910:24	995:7 1004:5	956:12 957:13	
INDEX 1055:1	910:24 947:20	1005:22 1013:4	971:3 985:15	
		1015:10	988:2 1055:21	
		1019:25	inspections 895:16,23	
		1024:11,13,20	897:8 908:19	interests 1045:10
		1025:2,6,11	932:16 962:4	interface 994:12
		1026:3 1036:7	1005:22 1036:1	interfaces 994:4
		1036:15 1052:5		internal 844:24
		1052:13,15		
		1053:23		
		1055:21		
		infrequent 879:19		

TRANSCRIPT OF PROCEEDINGS 2/26/2015

844:24 854:19	867:16 1057:7	830:4 837:24	items 755:10,12	776:1 782:2,5
855:6 927:21	investing 987:4	850:13 853:22	760:13 807:17	784:25 785:4,5
927:24 928:6	1012:17	862:21 876:7	808:15 869:11	785:8,14,17,20
960:1 961:11	investment 756:4	890:15,22	910:21 912:4,6	785:23,25
963:13 978:16	763:15,25	897:19 898:16	912:15 920:16	786:2,6 788:6
979:2,4 981:3,7	771:19 812:12	899:20,23	964:20	788:10 789:16
982:24 983:2,7	872:1,9,12	906:9,12,21		789:19 790:25
983:12,12,19	873:8,10,14,15	908:16 910:5,6	J	791:8,12,14,16
985:4,10,18	957:15 988:9	911:24 912:16	James 751:8	791:20 792:14
986:10 989:13	988:19,20	915:16 929:4	January 822:4	792:17,19
990:1 993:4,8	989:20 1027:23	947:10 950:2	824:6,10	799:6 802:15
993:11,15,16	investments	951:15 955:18	839:20 864:14	809:4,25
993:23 994:12	873:16 887:22	956:12,12,18	865:22 1023:13	810:21 811:3,6
995:14 1007:17	958:8,10 982:1	956:22 958:20	Jarrett 810:8	811:12 816:18
1012:12,17	986:23 987:10	958:23 960:6	Jefferson 750:7	816:21,23
1015:25	989:5	966:2 971:16	751:15,20	818:14 823:20
1016:18 1039:8	investor-owned	974:2 992:17	752:4,9 861:22	823:22 825:20
1040:14 1041:8	951:9	992:24 1000:6	863:9,12	828:22 830:11
1041:18	invite 899:17	1000:8,17	Jeffrey 765:25	830:13 833:25
1043:15 1044:3	968:7	1002:24	jerk 820:2	835:1,3,6,12,16
1044:14 1045:2	invites 900:23	1004:19,23	job 836:24	835:19,22,24
1045:5,13,17	involved 756:19	1005:10 1007:1	847:16 854:15	836:2,6,8,10,16
1046:3 1049:20	776:17 787:20	1008:21	857:25 964:8	837:22 838:4,6
1054:10	787:23 791:25	1026:11	967:15 993:12	841:6 842:9
internally	792:4 805:1	1054:16	994:13 1010:17	844:1,4 847:1,5
1015:24	866:25 932:23	issued 779:11	1010:18	848:3,9 849:19
International	933:25 1037:1	issues 790:22	1015:23 1016:1	849:21,24
959:1	1037:2	792:21 798:1	1041:7 1042:13	850:2,5,7
interplay 833:2	involvement	804:1 874:9	1042:14	853:14,15
interrupt 932:18	805:9 807:3	880:6 892:3	1044:18,20,21	854:2 858:5
interruption	irrelevant 858:21	895:14 900:18	1044:22	859:1 860:13
855:12 880:10	860:12	900:23 906:12	1045:18	860:24 863:7
intervene 966:25	isolate 832:8	913:19 956:3	jobs 993:23,24	864:2,9,17,22
intriguing	isolation 939:10	957:6 959:8	994:2 996:11	864:25 867:21
805:12	ISR 1053:22	961:17 962:24	1050:18	868:14 875:18
introduce 858:10	issue 753:5	965:2 966:3	1051:18	881:12 884:6,8
956:21	768:11 774:8	969:11 970:19	John 752:2 753:5	884:10 885:22
introduced	774:11,22	974:2 981:16	858:8 1055:2	885:25 886:19
762:11	775:17 788:3	1020:2,4	Joplin 761:4	891:2,19
inventions	788:15 790:24	1026:15,19,20	Judge 750:16	892:10,18,24
887:21	792:22 793:3	1053:14,20	753:2 754:11	893:2,10,13,20
invest 1002:6	795:5 798:4,21	item 784:11	754:22,23,24	893:23 894:1,3
1025:10	799:3,23,24,25	830:25 831:1	755:2,4 758:21	894:5,11,16,19
invested 992:8	800:6 802:19	904:4,6 916:24	758:24 759:3	894:21,24
998:11 1012:15	803:21 809:2	925:8 936:2,18	759:10,17,22	895:2,5,7,9
investigation	810:1,24 811:7	itemization	759:24 762:22	900:25 903:6
864:13 865:6	815:19 819:25	852:10	764:25 770:8	905:19,20

913:4,6 915:12	1054:14	824:2,8,11,18	821:24 822:17	843:7 845:2
916:19 917:10	judges 796:25	825:1,6,11,15	888:15 913:20	853:6 857:2,25
917:12 918:13	judgment 797:20	825:19 827:19	918:10 938:9	864:4 867:15
919:8,13,17,20	800:5 862:11	830:11,12	943:8 949:7	867:17 868:19
919:23,25	1028:17	836:3,4 842:10	957:17 961:1	869:6 875:11
920:20 921:5,7	July 915:9	875:19,23	963:5 966:2,3	875:12 879:25
924:13,16,20	926:11	884:13 885:19	979:23 995:20	880:23 881:1
924:22,24	jump 977:9	888:22 891:12	1006:17 1007:5	882:2 886:12
925:1,4 927:10	juncture 764:9	901:1,10,13,18	1007:24	888:2 890:2,2
927:12,14	906:25	901:25 902:24	1013:18	890:14,19,19
928:12,14,17	June 943:19,21	903:4,18	1016:11	890:22 891:5
928:21,24	1034:16,16	905:23 906:2,5	kinds 845:10	891:10 892:11
929:2,5 930:4	jurisdiction	913:4,5 916:19	887:18 917:22	892:23,24
931:7 934:8	852:16	920:23 921:3	Kliethermes	893:13 894:5
935:20 939:19	jurisdictions	925:2,3 935:21	754:3	901:2,4 902:2,9
940:8,14,16,18	802:23	940:20,21	knee 820:2	904:10,15
940:22,24	justification	944:8,9,11	knew 917:20	905:14 908:1
941:6,9,10,19	958:5	947:4 948:2	926:13	913:16 914:24
941:23 944:4,6	justifications	952:4 954:3,8	knocking 994:1	920:6 925:13
944:8 947:6	826:4	955:8,13,16	know 753:11	925:22 926:6,9
951:22,24	justifies 819:1	999:23 1000:2	756:1,2,3,4,5,7	926:19 927:1,7
953:9 954:1,7	justify 819:11	1000:11,14,18	757:4 760:19	942:11 943:20
954:10,11,12	821:12 830:4	1000:22,25	761:17 763:18	943:24 949:4
954:17,19,23	879:10	1001:3,14	764:10,11	949:11,12
955:3 956:10		1009:9,10,12	765:7,22	950:11,15
956:16 958:15	K	1014:20 1032:1	766:13,15	951:11,14,16
958:17,21,24	K 751:3	1032:3 1034:23	767:17,21	953:24 961:8
963:21,24	K-O-F-I 847:13	1041:24 1042:2	768:1 769:6,11	965:3 966:4
967:7 968:1,6	KCP&L 809:13	1043:5 1046:17	770:4,5,20	967:23,24
968:11,18,19	810:6 890:6,15	1047:8 1055:4	772:15,23	979:1 981:9,10
972:20,22	950:14 951:13	1055:17,20,25	774:7 775:10	984:12,20
975:23 977:4	951:15	1056:6,10,11	777:12,12	987:4,18 989:3
984:10 999:17	keep 773:13	1056:14,15	782:13,15	994:19 998:6
999:21 1001:16	778:17 817:8	Kenney's 955:6	783:15 787:13	1002:11,16
1009:7,9	964:9 1003:4	kept 781:3	796:21 797:17	1004:18 1006:9
1012:24	1028:13 1051:2	946:10 961:22	797:21 798:15	1007:1,9,23
1013:14 1014:9	1051:18	Kevin 752:1	801:12 803:22	1009:17 1010:3
1014:18,22	keeping 763:23	kevin.thomпсо...	803:22 807:4	1010:14
1015:1,4	763:24 965:18	752:5	808:1 809:8,18	1015:13
1018:11,12,16	969:2 972:1	key 928:21	809:22,23	1020:18
1019:12,16,19	1052:14	kids 907:6	810:11 820:12	1021:14
1019:20 1021:4	Kenney 750:18	killed 917:18	822:16 823:14	1022:13
1023:1 1031:25	764:25 765:2	kind 765:10	825:1,13	1027:17 1030:6
1034:25	782:21 783:8	794:2 799:16	826:21 827:15	1030:25
1041:23 1043:6	809:4 810:5	803:6 804:1,4	828:10 830:17	1031:23
1043:9 1044:10	816:21,22	807:23 814:15	833:10,22	1032:24
1048:20,23	823:21,22,23	820:18 821:9	834:21 842:5	1036:11

1038:19 1040:4 1040:13,20 1041:13 1042:18 1044:8 1044:13 1045:7 1045:21 1046:20 1047:9 1048:15,16 1049:9,9 1050:17 1051:22 1052:16,16 1053:6,16,21 knowing 932:17 knowledge 758:4 790:13 802:12 837:16 849:9 887:9 995:25 1007:3 1019:4 1027:13 1028:23 1052:9 knowledgeable 988:15 known 803:11 knows 951:6 Kofi 819:25 847:13,19 1055:14	975:2 lacks 965:12 Laclede 890:19 lag 844:22 laid 906:20 1012:13 1053:10 land 803:12 language 799:11 904:22 942:16 large 801:13 803:3 891:7 963:3 982:18 largely 797:15 981:11 larger 902:12 largest 763:9 lastly 1016:20 late 1000:20 latitude 763:19 laundry 867:2 909:10 Laura 835:4 840:6 900:20 1055:24 law 750:16 751:3 751:8,8,13,18 752:7 794:1 803:12 958:5 lawyers 811:2 lay 889:7 1053:10,11 leadership 1026:17 leading 785:2 leave 792:22 818:16 892:13 935:9 963:14 leaving 963:14 led 778:9 792:2 left 753:4 769:14 793:6 811:15 1034:14 legacy 1041:1 legal 752:2 793:25,25 794:4 795:10	1003:23 1004:2 1004:23 legally 795:12 legislative 794:17 legislators 809:17 legislature 823:14 legitimate 783:9 860:16 910:1 length 829:13 lengthy 1046:13 lessening 888:4 lesser 880:15 lesson 765:6 let's 753:2 774:6 774:6 794:25 809:25 810:10 810:24 811:4,6 848:17 889:4 936:14 941:21 956:13 989:21 992:19 letter 865:15,19 letterhead 865:12 869:6 letting 1045:1 level 821:21 829:16,17,18 830:7 831:11 831:20 851:7 851:19 863:11 876:15 878:10 881:7 896:7,11 900:7 912:6,14 916:7,13 920:14 922:10 923:5 937:1 949:18,21 950:20,25 951:4 953:2 954:15 957:14 990:3 1027:16 levels 852:23,23 910:11,20 911:5 912:3 972:5,7	Lewis 751:9 Lexis 1056:20 liability 896:13 lieu 814:12 lifeguarding 907:5 lift 1017:12 lifts 1017:19 lights 1006:17 1008:25 likelihood 794:14 806:18 limbs 907:20 limitation 817:16 limited 845:19 935:3 line 758:12 763:4 767:2 807:17 839:6 842:18 848:20,21,23 849:4 850:11 850:24,25 852:19 859:8 859:10 873:6 876:2,20 877:9 878:16 884:2 889:11 890:20 922:23 936:2 958:4 965:18 973:5 974:9,24 977:15,23 997:20 1016:11 1019:24 1039:19 1040:16 1042:22 lineman 992:13 linemen 866:15 967:22,24 1002:2 lines 832:17,19 841:8 871:14 871:20,24 874:10,12,14 877:11 942:11 977:15,21 982:12,22	1013:14,17 1017:6 linking 875:7,13 LISA 1056:2 list 848:6 909:10 985:17 listed 869:11 909:12 996:12 listening 1000:2 literally 1017:11 litigate 796:22 litigation 750:25 796:23 797:5 little 755:11 763:15 765:6 800:15,16 801:22 808:8 812:8 824:14 860:6 882:10 898:3 902:7 907:22 950:1 952:19 978:7 1002:25 1012:6 1030:19 1033:8 1033:12 1036:5 1038:14 1051:12 1053:22 live 817:13 1054:5 LLP 751:9,19 load 755:16 763:9 770:16 778:12 788:1 975:3 1008:20 loaded 1006:19 loading 1006:11 1007:9,12,15 1007:20 1015:10 loads 867:2 1008:2 1024:19 1024:20 local 752:12 956:24 959:2 959:20 966:22 974:15 975:16
---	---	---	---	---

L

TRANSCRIPT OF PROCEEDINGS 2/26/2015

980:3 985:13 1021:8,14,20 1022:23 1023:7 1023:10,15,18 1024:7 1054:2 locals 966:24 location 1011:7 logic 1047:13 logical 793:11 logistics 866:24 long 755:13 764:10 798:14 798:18 802:15 810:9 840:7 889:17 942:11 960:10 988:9 1006:25 1034:12 1049:10,17 1053:5 1054:5 long-term 765:13 765:17 804:19 956:25 959:10 964:17 965:21 965:23 979:5 992:23 994:23 996:13 1050:4 longer 800:13 804:22 901:17 932:12 936:16 961:17 987:21 longstanding 763:13 841:20 841:25 965:4 look 787:15 788:17 802:23 808:2 831:4 832:8,10 833:4 840:19 850:23 862:20 869:3 871:13 872:14 873:13 877:25 878:6 879:17 879:23 916:22 918:7 922:12 922:14 925:13 930:17 936:17	939:9,10 940:1 940:5 942:5 945:15 946:11 948:3,9 966:5 966:14 975:7 976:8 989:18 990:20 991:12 992:6 1007:10 1007:22 1010:1 1021:21 1022:3 1022:5 1032:12 1040:4 1049:16 1049:17 1051:19,20 looked 788:16 852:9 862:16 862:19 867:10 880:1 916:5 938:9 947:21 948:7 971:18 1006:15 1032:22 looking 787:7 817:9 824:9 825:7 831:18 841:7 850:11 852:19 853:3 863:19 869:9 869:15 874:6 874:13 875:9 877:6 878:3,5 879:20 880:7 880:19,20 936:24 938:19 939:7,24 945:17 948:12 952:14,23 953:12 964:17 965:18 966:7 966:16 968:24 996:13 999:4 1021:24 1051:1 1054:2,7,9 looks 855:11 865:12 887:5 966:5 1007:15 loose 965:10	lose 773:18 853:20 995:18 1022:4,6 1028:8 loss 778:20 779:1 779:3,8,25 losses 780:22 781:2 lost 755:10 756:6 756:13,18 761:2,8,13,18 763:6,6 765:15 766:18 767:24 767:24,25 768:21 770:15 771:18,22 772:13,13 773:1,16,17 774:10 778:12 781:17,17 787:10,17,17 789:1,5,8,10,11 898:14 1012:13 1027:2,5,24 lot 804:21 808:14 809:12,14,23 820:14 821:13 844:20 845:24 901:17 904:17 907:6 918:2 974:22 975:1 980:8 982:16 984:12 988:14 990:23 996:20 1008:10 1012:14 1013:19,20,24 1017:6 Louis 751:5 752:14 836:22 861:24 862:2,3 863:10 907:5 907:12,13 986:18,22 987:17 1013:7 1023:11 1058:2 love 1010:14	low 813:22 817:8 852:24 898:19 918:11 949:14 949:16 960:14 963:18 lower 774:4 777:10 827:13 937:15 938:18 960:12 974:5 1028:18 Lowery 751:8 799:4,7 800:9 803:15,19 805:3,14 806:3 806:6 807:8,25 808:7 891:24 892:12,20 lowery@smith... 751:11 lucky 961:20 lunch 891:22 892:11 893:2,3 955:7 Luther 986:6 Lynn 884:23 <hr/> M M 750:20 836:21 Ma'am 967:7 machine 1017:15 1017:15 Madison 752:3,8 main 817:25 844:19 890:20 967:21 maintain 883:10 887:14 961:20 982:4 986:24 987:6,10 994:22 1006:20 1008:4 1054:9 maintaining 832:19 982:13 982:13 985:14 maintains 878:20 maintenance 822:12,24	823:2,8,24 824:17,23 827:21 828:4 828:16 832:17 841:21 842:1 845:24 852:23 853:4 875:2 876:23 877:3 877:13,17,23 878:7 883:8,13 883:18 884:1 887:4,25 888:4 971:6,7,16 972:8 973:17 973:21,23 974:6 981:22 1000:10,12 1020:13,19,21 1028:14 1050:4 major 756:19 811:14 812:1,2 812:7,10,11,18 813:24,25 814:15,19 815:3,5 818:5 822:2 829:18 830:3 832:20 833:9,11,13 842:6,17,18 845:3 846:9,12 854:11,14,18 855:5 856:17 857:20 867:12 868:3,11 880:12,14 881:5,8 903:22 989:17 1013:7 majority 793:9 909:12 987:19 making 757:13 763:13 766:6 767:7 769:18 770:1,2,4,5 777:20 782:21 783:1 794:11 794:16,19 806:17 822:17
--	---	--	---	---

822:18,21	951:15 952:12	master 962:12	means 829:7	906:22 944:19
828:3,6 829:23	952:22 956:11	match 777:4	895:22 898:3	952:5 978:9
830:5 831:8	957:4,7,18	781:13	923:8 995:9	988:11 999:7
834:20 850:12	969:10 970:20	matched 779:21	998:7	1026:23
850:19 852:3	971:2 982:6	matching 763:13	meant 805:23	merchant 754:6
854:24 856:10	999:2 1000:9	763:14,23	measurable	mere 772:7,16
856:12 871:11	1026:15	781:10,12,21	1016:14	merit 1042:6,7,9
876:6 877:2,5	1055:21	material 766:14	measurement	merits 861:10
878:14 879:1	manager 858:2	859:21	863:14	met 819:13,19
879:22 884:15	managerial	materiality	measures	823:16 861:16
885:5,19	871:11	862:24	1005:19	862:20 881:7
887:14 898:6	managing 969:14	math 771:8	1006:17	meters 889:20
902:20 904:11	mandate 898:25	1047:20 1048:1	mechanics 854:7	890:17
915:17 932:9	967:19 1024:18	mathematical	992:16 1002:1	method 812:23
940:5 949:15	1025:1	855:11	mechanism	813:12,12,16
986:23 999:4	mandated 962:3	matter 750:10	777:22 804:10	851:22 912:5
1006:23 1008:3	mandates 933:19	766:19 782:15	806:14 812:13	912:13 916:4
1051:9	933:25 935:14	782:18 801:21	813:20 821:17	1036:6,17
manage 817:16	957:8 969:4	802:9 821:3	829:11 895:20	methodologies
898:5 904:18	mandatory 898:2	880:7 891:25	897:3 899:6	879:5
983:15	Manhours/Am...	958:5 1011:9	904:25 934:23	methodology
management	1057:11	1018:22	934:24 942:21	878:17,22
811:11 835:8	manner 798:9	matters 776:8	mechanisms	methods 813:6
835:17 873:7	882:7 933:4	1024:14,19	811:25 812:21	857:4,9 915:20
877:5 895:15	manning 964:24	mature 996:21	medium 1013:18	metropolitan
895:22 896:5,7	965:1,1 967:9	maturing 996:9	meet 868:24	1013:7
897:7,13	970:18 989:20	maximize 992:25	957:21 1011:4	Meyer 785:10,11
898:24 900:2,9	March 944:22,24	995:3	1026:14,17	789:16 893:16
900:19 901:7	945:11,16,20	meals 867:1	meeting 973:1	893:17 894:10
901:14,23	946:7,18	mean 755:11	1019:25	918:18 940:9
902:5,14,18	947:22 948:15	767:13 769:12	member 773:22	1055:6
903:25 904:18	948:17 952:20	769:22 773:18	members	Meyers 853:21
904:20 906:8	952:24	775:16,21	1022:23 1023:7	MGE 756:20,22
906:15 908:25	mark 759:11,12	795:11 805:22	1028:10 1032:7	757:8,9 761:3
909:22 910:4,8	857:22 864:16	826:9,23 831:2	membership	Michael 816:8
910:10,14	Mark'd 1056:18	831:23,25,25	1021:19	962:8 1056:12
911:8,17	marked 759:21	840:22 876:8	1040:22,24	1057:9
912:10 918:9	791:5 838:2	877:17,19	1054:2,3	microphone
918:22 922:10	847:22,25	878:4,12 883:8	memorize 841:1	968:8
923:2,10 924:2	848:7 865:3	902:6,8 937:22	memory 802:3	middle 918:10
931:14 932:15	922:23 975:24	937:25 942:13	memory's 802:2	942:17 948:7
933:10 934:3	976:2 1019:15	948:10 954:19	mention 762:4,9	1015:21,23
934:11,12	1048:25	960:9 979:11	mentioned	MIDWEST
935:13 945:14	market 990:22	980:25 990:11	760:24 761:3	750:25
946:10 947:11	Martin 986:6	1010:11 1028:3	766:22,23	MIEC 754:25
948:8 949:24	massive 814:21	1042:7 1045:2	777:16 826:2	791:12 813:4
950:9 951:11	965:22 966:16	1053:20	855:11 883:4	815:9 833:25

TRANSCRIPT OF PROCEEDINGS 2/26/2015

834:2 835:22	787:5 788:16	813:22 815:6	misspeak 762:7	751:16
838:4 853:15	814:17 819:10	818:2 830:1,2	misstated 835:6	MLK 987:20
884:9 895:3	819:17 828:7	836:22,25	mistake 1024:3	MO-CCR
897:6 899:15	833:12 835:9	838:13 840:11	mitigate 778:12	1058:19
900:6,15,22	883:16 917:4	841:19,24	780:22 883:10	mode 815:16
911:14 912:9	974:21	844:10 847:15	mitigated 781:2	modes 815:15
917:12 918:10	minds 793:8	847:16 850:16	838:24	873:24 904:11
919:21 922:1	877:4 963:20	851:11 852:15	Mitten 751:13	modified 757:5
924:20 930:4	mine 802:3	852:17,22	759:25 760:3	Moehn 816:8
941:9 954:18	833:11	854:18 855:22	762:20 776:6	961:24 962:8
MIEC's 899:23	mini 811:8	856:16 857:10	784:25 785:8	moment 760:5
923:13	895:17 956:19	857:21 864:14	786:1 791:15	774:14 779:24
MIEC/NORA...	minimize 812:15	865:9,12,16,20	811:10,13	799:8 810:22
751:18	minimum 960:4	867:7,7 868:24	817:7,25	824:19 857:18
Mike 961:24	miniscule 825:3	869:13,14,19	818:11 835:14	859:7 862:24
964:21 1018:21	minor 930:18,24	870:3,10,24	835:18 836:13	862:25 917:13
mile 987:3	933:12 936:6	871:6 874:4	836:18 837:18	917:19,21
miles 982:12	minorly 929:24	879:2 885:2,15	844:5,7 846:24	939:23 959:24
million 770:17,23	minus 976:16	886:6 890:20	850:1 854:3,5	962:24 984:15
770:24 771:6,7	minuscule 825:6	892:6,9 895:21	858:3,7,10,11	986:16 989:22
771:9,10,25	minute 825:2	896:3,11,17,23	859:6 860:22	1047:15
772:15,20	853:5 858:10	897:9 898:3,13	861:1 863:18	moms 907:7
776:12 777:2,6	873:18 906:10	907:1,19	864:7,11,24	Monday 1054:18
786:12 792:3	956:13 973:1	908:17 909:9	865:4 868:1,22	monetary 818:8
792:11 824:13	minutes 804:22	912:2,21	875:16 885:24	818:12
825:10,15	854:7 855:12	918:23 927:3	894:4 895:8,18	money 812:17
834:24 840:4	857:4 880:10	943:21 951:10	901:8,12,15,20	816:14 817:20
845:5 848:21	992:18	956:22 957:4	902:12 903:2	821:4 825:3,25
848:21,22,24	missed 808:2	966:23 967:2	903:11 904:8	826:10 831:17
848:24 855:17	Missouri 750:1,7	969:2,11 972:1	905:12,16,22	910:6 960:17
866:21 887:6	751:2,3,5,10,15	1020:12	906:4,18,22	960:24 962:6
910:15,17	751:20 752:4,6	1026:24 1032:7	913:8 919:11	963:10,11
911:22 912:23	752:9,14	1058:1,5,20	919:16,18	965:21,21
923:11,14,17	755:17,22	Missouri's	921:13 924:11	998:19 1020:11
964:12 1009:23	756:7 757:12	750:12 767:3	924:15,18	1025:2 1036:18
1010:3 1030:20	759:24 760:20	768:20 811:19	928:13 931:8	1052:5
1033:24	761:13 763:5	812:25 814:17	931:10 934:6,9	monitor 1009:2
1046:17	763:12 764:11	815:1 816:1,8	935:18 940:17	monitoring
million-dollar	767:17 768:19	818:20 857:6	941:15,18	982:6
771:14 845:7,8	768:24 775:4,8	865:7 866:6	944:7 953:21	month 939:6
905:13	776:10 777:11	875:1 876:22	953:24 954:5	975:11 992:7
million-dollar-...	777:17 778:11	897:19 898:19	954:11,13	998:5
786:20	778:16,19,23	900:18 909:24	955:3,7,15,20	monthly 940:1
millions 810:6	778:25 780:10	910:18 912:7	955:24 956:6	months 779:10
825:8 903:21	790:4 794:1	912:14,18	1055:3,5,10,12	780:5 787:11
903:23	803:1 811:17	956:25 957:1	1055:14,16,22	801:2,3 824:9
mind 774:13	812:6,17	974:10	mitten@brydo...	920:9 923:1,6

944:21 945:18 945:20 946:7 946:18,20 947:21 948:15 948:17,19 952:20,23 975:16 994:25 998:9 1011:16 1030:2 Moore 835:5,12 900:20,24 903:3 905:16 919:10,11,14 920:4 921:14 924:13 928:9 930:7,22 954:13 1055:24 morning 755:7,8 763:1,2 770:11 770:13 785:10 791:23,24 804:22 818:18 825:21 828:23 834:1 838:10 842:14,15 847:3,9,10 853:20 867:20 1039:21 MORRIS 750:15 motion 954:1,2 move 753:15 754:9 774:6 787:16 792:21 797:11 798:14 809:25 811:7 837:18 860:5 895:15 968:7 1003:9,10 1019:10 1041:7 1048:18 moved 807:19 1011:7 moves 849:15 multi 810:6,6 multi-part 995:20 multi-partisan	991:21 multi-year 920:13 921:16 922:9 924:7 981:14 988:1 multiple 992:9 <hr/> <p style="text-align:center">N</p> <hr/> N 751:1 753:1 name 789:23,24 836:19 847:12 906:7 1000:20 Natelle 865:16 national 959:22 961:12 991:15 992:1 nationwide 1033:19,22 naturally 963:18 nature 793:16 823:9 827:17 852:2 879:18 956:1 1031:2 1049:25 near 755:19 767:20 769:9 776:16 777:11 nearly 891:22 903:24 necessarily 775:21 804:11 804:20,24 806:13,22 832:14 867:17 906:24 936:24 938:17 939:17 1026:18 1040:22 1046:14 necessary 773:20 796:16 805:17 839:1 871:9 898:22 926:1 963:4,20 965:23 1004:10 1005:23 necessity 795:25	796:2 need 754:20 810:23 811:1 818:22,25 821:9 833:4 837:9 848:19 879:3 892:7,8 892:15,17 893:8 895:10 902:3 904:8 932:12 936:17 940:5 955:1 959:16 960:21 962:25 967:23 990:13 996:24 997:21 1011:12 1028:3,12 1029:9,12 1036:13 1038:9 1040:23 1054:18 needed 765:19 798:22 878:7 904:4,5 907:21 908:21 920:25 987:10 1020:2 1049:23 1052:23 1053:1 1053:4 needs 769:9 775:20,23 784:11 817:17 819:20 821:10 821:19 822:5 902:5 906:20 956:25 961:2 962:6,9 963:6 965:13,15 969:5 987:22 989:20 992:11 1004:12 1011:4 1019:25 1021:25 1036:15 1040:25 1041:10 1049:13	1052:15 negative 876:23 negatively 1026:6 negotiate 807:22 negotiated 808:19 negotiations 787:21 792:1 1000:23 1001:5 1007:2 neighborhood 1013:9,22 neither 1058:12 net 862:17 1023:4 neutral 1038:8 1038:15 never 802:13 815:2 835:9 846:11 888:8 897:17 901:4 902:25 909:16 936:21 950:18 1010:2 1034:21 1053:10 1054:6 nevertheless 800:10 new 811:1 820:10 889:3,5 895:21 908:6 918:2 926:10 932:14 936:15 938:6 950:10 950:14,14 959:6 974:5 982:16 985:14 985:15 986:6 996:3 1020:18 1031:18 1034:12 1037:6 1037:6 1051:18 newly 775:6 news 917:16 Nexis 1056:20 nice 974:8 night 753:4	nine 998:12 1003:3 nobody's 894:7 non-internal 811:23 854:20 855:7 856:18 non-labor 824:15 824:16 876:5 879:2 non-labor/labor 850:16 non-recurring 869:1 non-unanimous 793:1 non-union 1042:11,19,24 Nope 1040:4 Noranda 753:5 754:6 760:22 762:1,16 765:15 770:16 771:16,17,21 772:3,9,21 773:8,24 776:11 778:10 778:12,20 779:1,7 780:12 780:14 781:23 786:25 787:8 787:10 788:1 788:22 789:9 792:21 1055:1 Noranda's 755:16 norm 829:10 915:19 916:12 916:12 normal 813:19 820:23 830:5 851:4 854:11 854:14,14,15 855:13 856:14 856:15 859:12 862:4 863:17 879:15,25 880:11 921:24
--	--	--	--	--

965:6 967:24 985:5,12,24 986:1,4,13 1028:13 1039:10 1049:14,21 normalization 945:8 946:19 normalize 919:4 921:17,23 922:2,9 924:7 929:25 normalized 829:16 876:15 876:17 900:16 923:8 927:25 948:25 950:21 951:4 normally 916:23 Notary 1058:5,20 note 976:21 1039:22 noted 811:24 814:19 notes 897:23 898:8 notice 758:22 794:19,21 798:3,20 864:12 NP 754:15 790:7 790:8,8 NP&HC 791:5 1056:21,23,25 number 757:11 757:17 759:4 759:11 773:23 773:25 774:17 776:22 787:22 787:24 798:11 799:19 801:13 844:8 846:19 846:20 850:25 864:19,21 867:1,1,2 870:24 890:16 907:2 923:8,13	923:16 937:12 938:5 941:22 942:4 945:2,3,7 945:12 946:21 967:14 975:3,4 975:9,16 976:12,15,17 977:18 978:13 978:18 981:1 982:19 988:21 989:3,8,13 990:20 996:18 1001:11,12 1009:22 1010:20 1011:17 1012:4 1012:19 1015:17 1021:24 1022:8 1022:13 1032:10 1034:20 1049:18 1050:23 1052:24 1054:10 number's 846:20 960:1 975:8 numbered 865:9 numbers 772:17 796:20 824:8 825:7 868:5 875:10 877:6 878:5 937:14 939:11,11 944:15,18,23 945:3,10,11 946:25 947:24 976:6,8,14,16 976:23 977:2,9 978:5 984:12 990:9 1001:7,9 1001:9 1010:18 1022:16 1023:14,25 1032:20 1033:12	1034:18 1036:4 1040:7 1046:19 1046:20 1047:17 1048:4 1048:11 1051:19 1054:3 <hr/> O <hr/> O 753:1 O&M 811:23 816:6,13 854:20 855:7 856:18 879:3 885:3,16 950:13 982:6,8 1011:25 oath 753:7 785:12 835:13 886:24 893:19 894:16 919:14 924:17 928:22 940:10 941:2 968:13 object 785:1 858:19,24 860:8,11 863:5 867:13 954:17 963:16 976:25 994:6 1022:24 1043:21 objection 754:18 859:1,4 860:20 863:25 865:1 867:22 868:12 977:5 995:5 1019:13 1023:2 1044:6,11 1048:21,22 objections 754:12,15 759:18 849:24 850:1 objective 862:9 1035:20 obligated 969:22 970:1 obligation 829:1	829:24 882:3,9 observation 949:15 obtain 814:7 obtained 797:5 814:8 obtains 870:11 obvious 954:19 obviously 765:3 787:17 833:10 844:21 892:7 903:16 913:13 1052:12 occasionally 964:25 occasions 850:15 occur 812:7 832:21 851:1 882:21 occured 907:16 occurred 757:7 764:4 767:5 779:4,5 887:10 occurs 861:25 1029:8 Oelschlager 857:22 859:14 859:23 863:1 Oelschlager's 858:12 860:5 861:19 offer 753:25 790:23 864:23 999:17 offered 759:17 791:4 797:15 798:10 815:9 837:23 864:25 893:21 918:10 1002:21 1019:12 1048:20 offering 791:1 893:21 office 752:1 790:4 799:9 975:7 1030:10	1030:11 official 758:22 officials 827:20 828:2,8 oh 796:15 871:10 878:6 893:12 954:3 1037:10 okay 753:2 754:9 754:24 764:24 764:24 767:10 768:3,17,18 769:20 770:20 771:5 772:7,25 773:1,3,12,13 774:6 783:7 785:9,20 790:24 792:12 795:16 796:10 805:13 806:25 809:1 810:18 810:19,24 811:6 818:13 824:2 826:2 827:3 828:21 840:8,15 841:9 841:17 843:24 843:24 844:1 847:1 848:17 849:2,7 876:20 878:12,13,15 881:4,10 882:8 884:4 885:1,10 886:19 889:1,3 891:21 893:23 894:11 895:2 895:13 903:4 904:2 915:3,11 917:12 919:2,6 919:17,20 920:11,18 927:24 928:12 929:5 938:3,23 939:9,12,18,19 940:7 941:6 942:8,12 943:12 945:18 945:21 946:10
---	--	--	--	---

946:15 947:18	897:21 910:20	operational	872:10 876:12	ought 802:9
954:17 956:10	912:14 935:6	921:1	898:3 902:18	822:21 897:3
956:16 968:6	937:1 987:8	operations	902:21 951:18	899:19
968:11,15	988:9 997:24	820:23 837:1	983:13 1002:6	outage 778:20
969:8 970:8,11	OPC 759:21	875:1 957:2	1008:9	779:2,8 814:21
970:22 971:12	813:4 815:9,21	969:15 1028:24	oppose 814:24	1006:16
972:14 978:24	815:22,25	opinion 769:13	819:25 833:23	outages 816:3,10
993:7 995:20	833:9,15 834:2	769:21 782:16	opposed 833:19	871:1 874:8
999:21 1000:25	834:10 897:6	802:17 851:9	871:24 874:19	877:10 907:18
1003:5 1010:9	899:15 900:15	853:9 874:17	913:14 916:1	926:24,24
1014:18 1015:1	900:22 911:15	874:20 882:23	916:24 937:13	outcome 769:3
1019:19	912:9 914:24	882:24 885:5	937:24 940:2	774:4 775:10
1021:13 1024:4	915:11 917:25	940:1 969:19	opposes 915:15	795:6 1043:19
1026:2 1027:24	918:11 922:1	971:17 1028:12	916:17	1058:18
1030:11,23	963:16 1056:19	1035:11	opposing 761:25	outlined 1006:1
1031:25	OPC's 833:13	opinions 864:4	817:1 897:6	outside 855:13
1033:15	915:10 923:16	Opitz 752:7	opposite 1029:21	859:17 880:11
1034:17	open 798:24,25	755:4,6,9	opposition 909:5	961:7,14
1037:12,19	799:1 800:12	758:21 759:1,6	opted 755:22	974:14 979:2
1038:16 1040:6	804:2 805:4	759:12,16,22	optimal 1024:21	980:5,8,10,15
1041:22,23	810:9 907:10	760:5,25	option 781:5	980:23 981:15
1042:18 1043:5	1002:23	785:22 789:21	order 757:16	984:20,25
1043:6,9	opened 810:4,4	790:21 791:6	758:22 759:2,7	985:8 988:5
1047:5,14,21	810:15,16	792:16,18	759:14,14,20	993:4 1007:4
1047:24 1048:7	opening 761:21	800:2 828:23	773:20 794:1,9	1012:8 1015:25
1050:6 1053:8	762:11 767:2	830:17 831:7	796:12 811:24	1016:12,13
1053:19	818:15,17	832:5 833:16	814:20 819:15	1044:4 1046:8
old 936:16	846:15 906:8	835:21 838:3	856:19,23	1046:10
older 879:13	915:13 918:3	850:7,9 893:25	862:15 869:20	outsourced
887:25 930:20	922:20 958:18	894:21,25	870:4 881:7	1045:6
on-the-job 960:5	958:20 1055:10	915:14 917:1,9	887:19 892:21	outsourcing
964:15 988:14	1055:10,11,11	919:24 924:23	896:2 909:7	983:3,8,18
988:18 996:2,8	1055:22,22,23	929:8,11 930:2	920:25 933:18	1044:15 1045:3
once 794:21	1055:23 1056:8	933:7 940:13	948:16 965:23	overall 908:12
802:13 877:7	1056:8	941:4,8,24	969:4 970:5	959:3 960:5
950:18 1020:18	openings 811:8	943:10 952:2	987:5 1002:16	961:13 1022:1
one's 845:9	895:17 956:19	953:8,14	1005:2,10	1051:18
904:19	operated	1019:18 1055:3	ordered 758:18	overcome 812:20
one-fifth 973:12	1017:23,25	1055:8,11,15	805:5	overcompensate
973:13	operates 794:20	1055:23 1056:3	orders 764:14	898:12
onerous 808:14	operating 793:14	1056:7	775:8 897:16	overdue 802:15
963:2 1005:14	820:15 821:7	opponents	ordinary 764:3	overhaul 960:25
ones 905:8	829:22 841:21	898:15 899:22	organized	overhead 874:14
984:11 993:25	842:1 908:12	opportunity	1042:22 1043:3	974:21,24
1017:5 1041:4	982:13 1018:8	780:10 794:18	original 754:20	977:14,24
1041:5	operation 888:19	798:13,21	899:10 943:18	992:22 997:8
ongoing 851:4,6	981:22	805:4 851:24	originally 914:9	997:19 1042:21

1046:11 1051:4 1051:7,13 overload 1008:23 overpay 815:2,8 932:21 overrule 859:4 860:20 867:21 1023:2 1044:10 Overruled 863:7 864:2 868:14 overtime 844:24 844:25 1001:6 overwhelming 926:7 ownership 1041:8	759:1,8 865:9 942:1 943:6 paid 818:10 883:25 paragraph 942:5 942:5,7,20 944:19 paraphrase 942:17 paraphrasing 1028:7 parcel 773:5 part 760:11 765:5 766:5 769:18 772:19 773:5 784:23 805:19 806:6 818:11 820:23 831:12 839:25 842:19 851:4 862:25 876:8 898:20 925:24 926:8 955:13 955:15 967:5 968:1,3 970:9 972:11,17 979:6,9,11 982:5 984:1 986:1,9,12,13 994:14 996:2 1025:20,21 1034:21 1035:16 1036:16 1042:25 1045:16,17 1046:15 1050:10 partial 759:14 partially 979:22 participate 802:20,20,21 1030:3 participated 867:16 particular 792:1 793:2 807:1,17	820:9 829:18 832:9 834:12 845:21 863:23 905:3 914:8 925:8 933:16 933:17 934:21 936:18 942:5 943:13 964:8 994:2 1025:16 1030:16 1039:14 particularly 812:3 830:6 parties 792:8,10 798:3 804:13 813:3,7,14,16 814:11,23 815:14,18,21 817:1 819:16 834:23 892:4 893:4 897:3,14 900:7 911:1,5 912:24 918:4,6 920:13 922:5 947:2 950:16 959:12 962:18 967:13 1058:13 1058:16 partners 1040:17 1040:18 partnership 889:20 parts 945:13 985:25 party 760:18 773:14 797:6 party's 800:9 passed 820:10 path 809:7 1003:1 patterns 959:5 pay 834:11 871:22 889:22 898:22 955:10 979:12 1031:7 1047:10,12 payer 773:22	963:19 payers 793:12 796:8 826:15 871:13 960:9 960:11,17 961:5 962:11 1005:15 paying 896:20 903:14 980:23 1016:3 payroll 1010:11 pays 808:24 PC 751:13 752:13 pendency 800:23 pending 780:7 Pennies 824:21 penny 844:10 pension 1031:11 people 863:19 864:4,5 907:15 959:23 963:13 964:10,16 967:14 977:21 988:16,20,21 990:16,20,23 995:24 996:6 997:11,17 998:12,15 1003:6,7 1011:8 1012:12 1012:15 1017:20 1018:2 1022:2,22 1028:25 1040:20 1041:19 1047:10,12 1052:10 1054:8 people's 993:25 peoples 990:6 percent 755:21 757:18 771:2,6 771:10 772:9 774:1 777:2,6 821:7 829:21 834:9,11	848:23 849:5,5 862:17,19 890:25 891:15 891:16 901:3 911:21 959:20 959:23,25 973:7 980:24 981:2 982:10 988:15 992:2 995:13 996:22 1016:24 1023:19,24 1033:17,19 1042:22,24 1043:3 1045:11 1045:12 1046:4 1050:7,10,12 1050:15,18,20 percentage 801:20 911:4 987:1,19 1022:1 1042:18 perceptibly 982:15 perception 768:15 perfectly 783:8 perform 1045:9 performance 1005:24 1006:12,14 performed 986:11 performing 1006:19 1007:7 period 772:3 781:14,17,18 783:4,5 787:11 787:18 788:22 797:22 821:22 831:17 878:2 900:12,14 912:19 916:9 921:17 922:16 929:25 944:22 945:16 946:24 948:25 974:14
---	--	---	---	--

1020:21	pileups 1049:5,6	772:23 777:14	833:17 834:14	1030:13
1030:21	1049:7 1050:2	799:20 811:3	885:18 898:15	pre-qualify
1039:11	pipe 889:18	824:19 825:16	906:17 910:25	992:13
1049:18	1013:10 1014:1	839:4 844:23	911:12,20,20	pre-training
periods 775:13	place 766:22	859:4 860:7,18	913:1 917:25	1030:5
900:16 922:3	775:18 777:22	860:19 868:21	919:3 920:6,7	precedent
930:20 948:7	804:3 806:11	874:6 883:12	958:19,23	1003:18
permanent	832:22 843:5	897:15 918:3	969:14 996:14	preceding 945:23
834:16 897:17	843:20 855:8	928:21 960:7	1000:4,5,15,16	precipitated
899:12 908:24	897:25 904:10	962:6 978:3	1002:17,22	915:7
950:18 1031:7	905:3 914:10	990:25 1027:18	1024:4 1026:4	predict 861:25
permission 784:1	914:21 915:2	1050:18 1052:7	1040:8,9	862:4 1033:19
permitted 783:23	926:11 927:2	pointed 804:7	1049:19	predicting
person 807:8	930:21,21	835:7 903:18	positions 804:13	1022:4
868:18 888:23	932:13,14	934:22	804:16,16	prefer 864:17
981:10 1031:3	1029:24	pointing 807:2	912:25 1015:18	917:4
personal 808:24	placed 758:14	828:8,12	positive 788:25	preferable
907:16 991:5	places 911:2	points 764:1	possibility 795:4	930:10
1027:12	placing 871:1	767:9 770:6	856:24 870:17	prefiled 790:6,18
personally	plan 759:15	821:5,13 822:9	883:11	1018:21
761:20 795:18	990:12	898:1 937:2	possible 811:19	prejudge 803:25
907:3 1044:8	planning	953:7	817:8 818:4	prejudice 798:20
personnel 866:16	1002:19	pole 1017:8,10	833:4 838:16	805:23
958:8 1026:15	1015:17,21	1017:11,12,15	863:21 881:18	premarked
1028:3 1031:17	plans 889:6	1017:19	882:14 883:1	790:7
persons 1030:24	1029:23	poles 820:22	1025:18,19	premature 859:2
perspective	plant 873:8,10	866:20 878:8	1028:1	premise 803:21
774:24 784:8	950:14,14	1017:5	possibly 829:4	804:5,6,7,23,24
786:11 789:2	plants 771:20	policies 969:4	843:16 1051:10	912:8
795:23 796:14	play 940:4	policy 796:14	1051:17	premises 932:24
806:19,22	1036:2	801:21 802:9	potential 903:16	preparation
833:13 880:4	please 765:8	803:7,23	potentially 892:4	855:16
903:8 913:10	789:23 811:14	834:20 860:15	1004:21	prepare 800:21
917:23 1007:16	818:18 828:23	890:23 899:12	power 754:7	805:5 837:3
1012:1	834:1 836:19	903:9,10,11	776:13 778:5	847:20,24
perspectives	847:11,12	913:10 950:2,6	778:13 780:23	956:7
1017:22	850:10 874:22	poll 892:10	783:16 814:21	prepared 806:6
persuade 819:17	915:14 917:23	pool 907:6,9,10	874:11 907:17	806:10,12
pertain 859:18	934:19 956:20	population 953:1	992:1	847:20,25
perverse 822:8	983:4 1035:23	1014:8	practical 1017:2	848:6 1018:21
phone 1040:5	pleases 799:5,6	portion 786:13	practice 916:21	prescribed
pick 769:15	895:18 906:6	793:12,22	929:22 956:18	895:25 904:21
988:12	959:2	934:21 1023:19	pre 1030:13	presented 815:18
picks 1017:15	plenty 1018:7	position 766:9	pre-apprentice...	867:19 957:25
piecemeal 962:5	plus 937:24	788:14 799:15	997:16	president 837:1
pieces 867:18	1010:1 1029:1	799:23 800:2	pre-EFIS 759:4	957:2
pileup 1020:3	point 762:7	800:10 826:3	pre-qualification	Presiding 750:15

<p>pressing 1053:13 pressure 845:15 pressures 843:11 845:22 926:6 938:8 presume 872:5 pretty 800:16 808:5,13 831:6 831:6,23 834:5 879:10 892:13 901:5,6,18 902:2,6,8,11 1044:9,23 1047:23 prevent 767:18 780:2 1027:6 preventative 822:23 823:2,8 823:24 previous 788:24 819:8,15 824:12 858:21 858:25 908:22 911:10 955:22 1036:23,25 1037:1 previously 753:17 1048:2 1048:8 primarily 834:4 925:12,18 927:22 974:21 primary 762:19 774:25 775:2 principal 763:13 763:23 principle 781:10 781:12 883:7 principles 782:13 782:17 printed 759:8 prior 773:2 775:13 779:20 783:5 829:11 852:7 859:14 937:25 938:19 945:21 946:7,9</p>	<p>949:10 956:23 979:1 980:13 priority 814:22 proactively 907:20 probably 768:3 779:9 800:12 800:13 806:11 808:21 889:7 917:3 926:18 926:19 952:16 953:4 966:7 974:19,20,25 975:8,9 977:19 988:12 990:18 992:20 1020:23 1020:25 1021:24 1030:15 1033:5 1036:19 1037:10 1042:22,24 1043:2 1051:5 1051:12 problem 763:17 763:22,23 820:5,25 821:18 822:5,7 962:10 965:25 1004:20 1027:14,20 problems 781:20 787:12 887:25 961:15 procedural 954:21 procedure 766:6 949:3,5 procedures 830:6 proceed 753:8 781:6 919:9 proceeded 797:6 proceeding 771:25 780:4 792:1 793:8,13 860:12 897:5</p>	<p>proceedings 750:4 782:7 proceeds 965:25 process 769:18 774:17 793:15 795:15 799:18 799:18 804:9 806:21 822:1 831:8 852:3 964:17,19 966:1 968:2,3 1020:3 1034:22 1035:7 processes 830:5 produce 1005:23 1006:22,23 produced 797:24 991:8 producing 801:4 production 787:1 787:11,17 788:23 789:9 productive 1047:12 professional 782:10 939:25 1058:3 professionally 838:14 proficiency 960:4 proficient 964:16 profit 756:7 827:2 profitable 1053:5 profits 763:7 773:17 777:10 822:24 program 758:13 925:14,22 926:21 988:13 998:9 1009:25 1030:5,13 programs 761:14 992:9 1031:16 1046:13 progress 1004:22</p>	<p>progression 1022:5 project 987:20 988:1 991:1 projected 989:18 989:21 projections 989:12,16 projects 988:3,4 988:6,7 989:3 promise 792:24 prompt 842:20 prompted 810:3 promptly 838:14 promulgated 907:24 915:4 951:17 proof 861:9,17 proper 763:14 766:10 768:7 768:12 787:25 820:8 822:22 951:7 1045:1 properly 775:17 1008:21 1016:18 property 974:19 978:21 proposal 754:5 799:16 814:1 814:10 944:17 956:18 proposals 956:13 956:23 1054:16 1056:7 propose 900:15 929:19,20 proposed 813:16 815:25 878:23 899:14 900:6 923:8 952:20 1024:17,18,25 1047:15 proposes 815:23 856:8 929:16 proposing 795:6 813:14 854:8</p>	<p>922:2,5 929:18 proposition 769:7 prosecute 805:15 prosecuted 803:13 806:1 prospectively 794:20 prove 799:22 proved 843:8 1044:24 provide 798:7 805:1 808:9 813:7 818:21 882:2,4 889:24 889:25 890:16 911:2,23 945:25 954:14 954:16 957:21 958:1,3,12,13 962:21 964:4 1011:5,11 1014:22,25 1015:11 1019:7 1025:15 1026:25 1029:18 1036:19 1039:4 1052:1 provided 790:14 909:9 918:7 946:25 973:6 1019:2 provides 815:1,4 855:3 975:15 1024:5,8 1036:3 1051:24 providing 818:2 1005:9 1008:22 1009:3 1027:6 1036:6 provision 935:15 prudence 764:14 768:23 771:1 774:5 775:1 777:25 779:11 822:17,17</p>
---	--	--	---	---

<p>prudence 780:7 817:19 846:13 856:2 prudent 822:23 823:8 846:10 990:14 prudently 764:12 774:16,18 805:18 806:15 806:15,24 811:22 812:14 812:18 815:6 872:14,18 876:12 896:18 PSC 880:16 959:4 998:18 1010:9 public 750:2 752:1,6,7 755:2 785:21 790:4 793:9 799:9 828:22 830:2,8 832:7 833:18 835:20 838:1 841:19,24 847:15,17 850:6 882:1 893:24 915:13 915:15 916:2 916:17 919:23 924:22 929:6 940:11 954:7,9 958:21,22 972:20 986:25 1015:2 1019:17 1023:10,15,18 1024:8 1058:5 1058:20 publicly 802:12 pull 889:19 pump 890:18 pumps 907:10 purchase 776:12 778:5,13 780:23 purport 814:25 purported</p>	<p>803:25 purpose 897:9 899:10 1016:8 1050:1 purposes 880:24 898:6 pursuant 806:23 pursue 803:8 810:12 pursued 800:14 806:9 push 968:4 put 807:23 809:11 843:11 843:19 845:14 857:3 860:3 873:4 874:4,10 874:14,14 889:11 902:21 914:10,21 926:2 932:13 932:14 936:19 949:13 969:12 976:18 1005:5 1017:5 1048:7 puts 889:8 917:22 putting 979:16 1036:20</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualification 997:16 qualified 982:24 993:12 996:20 quality 1040:9 1040:11 1041:9 1041:10,17 1044:6 1045:3 quantified 773:15 788:23 834:10 quantify 926:17 1041:14 quarterly 965:17 992:7 1024:18 1026:14,17</p>	<p>quartile 957:24 question 761:21 761:23 762:13 766:25 767:1 772:12 777:17 781:7 786:16 792:15 794:5 796:11 797:10 803:11 805:15 807:5,17,18 823:21 832:6 839:18 841:23 842:22,23 859:5,7,10 860:14,16,17 860:21,25 862:23,23 867:14 869:25 878:13,15 882:17,20 885:9,10,11,12 888:24 891:5 902:25 903:3 904:12 905:17 905:24 910:6 912:17 913:8 913:21 914:2 921:2,10,15 928:2,5,7 933:6 944:9 947:5 949:8,25 952:3 953:10 954:24 956:1 967:8,9 969:1,6 971:18 971:21,25 973:4 979:7 980:21 981:1,4 982:8 983:4,17 993:14 994:9 995:12,21 997:23 999:23 999:24 1001:4 1003:21 1012:24 1014:23 1015:7 1016:12 1023:2 1023:14,17</p>	<p>1024:17 1026:2 1041:13 1044:1 1052:17 1053:7 question's 859:3 questioning 955:6 1050:22 questions 755:1 759:23 760:1 762:21,22 774:12,15 775:24 776:2,3 781:8,25 782:20,22 785:1,7,24 786:1,2,4,19 788:4,7,11 789:15 790:17 791:10,13,15 791:16,18 792:23 793:5,6 797:12 816:17 816:19,22 823:18,20 830:11 835:1,2 835:21,23,25 836:2,4,7,9,11 837:11,20 838:3,5 841:18 842:8,10 843:25 844:2,9 844:12 845:13 846:24 849:12 853:14 863:6 874:21 875:17 875:18,20,25 884:7,9 886:18 886:22 891:2 892:5,5 893:4,7 894:4,6,9,11 895:4,6,8,9,13 899:17 900:21 900:23,25 913:2 916:18 917:11 918:12 919:22,24 920:20 921:6,8 921:14 924:11</p>	<p>924:21,23,25 925:2,3 927:13 927:18 929:8 930:2 931:6 935:19,20 939:20 940:13 940:15,17,19 940:21,23 944:3,5,7 951:21,25 955:19 956:5,8 958:15,16 963:22 978:24 999:15,22 1000:3 1009:8 1015:2 1019:3 1019:7 1026:10 1031:25 1032:5 1034:24 1035:3 1040:7 1043:7 1043:8,24 1052:21 1054:13 quick 813:11 891:5 942:6 quickly 779:18 797:5 811:19 814:22 818:4 838:15 881:18 882:14 883:1,5 964:10 972:9 quit 972:25 quite 777:4 794:6 876:2 908:16 quotas 957:9 quote 787:17 789:1</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 751:1 753:1 R-O-B-E-R-T... 789:25 raise 808:17 819:5 959:9 raised 819:4 956:24 971:5,9 1000:8</p>
--	---	--	---	--

TRANSCRIPT OF PROCEEDINGS 2/26/2015

<p>raising 774:12 range 855:13 880:11 905:13 ranging 900:17 993:21 999:4 rashly 960:16 ratchets 1018:3 rate 753:3 756:11 757:13,21 760:12 763:13 766:6,11 767:7 768:9 769:18 770:1,2,4,5 772:2 773:4,6 773:21,22 775:22 780:9 780:15 782:21 783:1,5 784:9 788:19,24 793:2,8,12 794:2,8 795:1,2 795:9 796:6,8 797:22 798:8 798:17,25 799:17 800:21 800:23 801:8 801:22 803:9 803:12 804:6 804:13 805:15 806:9,15,21,24 807:22,25 811:20 812:12 814:3,20 815:12 819:8 820:8 822:21 824:7 826:15 829:23 830:5 831:8 834:13 834:19 850:12 850:19 852:2 854:17 855:4 856:9,12,16 871:12 872:2 875:5 876:5,6 878:25 884:14 885:5,19 886:15 896:1</p>	<p>898:6 902:9,20 904:11 905:25 906:3 908:15 908:23 909:14 912:7 915:17 916:6 920:13 925:12 932:9 935:4 936:16 938:18 942:25 943:21 956:3 956:23 959:5 960:9,10,17 961:4 962:11 962:13 963:19 966:1,3 967:1,3 969:12 977:7 979:12,12,12 998:21 1001:20 1001:25 1002:8 1002:12,12,15 1002:16,24 1003:17 1004:16 1005:15 1010:12 1014:10,13 1021:9 1024:13 1031:10,12 1036:23,24,25 1037:1 1038:4 1038:8 1047:2 1053:13 1054:3 rates 757:1 760:16 773:2 780:11,14 783:6 784:13 784:16 788:19 796:3 804:9,17 805:17 807:22 808:17,19,20 808:22 813:18 814:10 815:2,8 817:8,15 820:25 824:12 824:23 826:24 828:18 829:2 829:17 834:22</p>	<p>846:17,22 851:6,19 854:11 855:21 856:5,13 857:6 857:9,14 870:14,18 872:4 876:14 876:18 885:4 885:17 886:14 887:15 896:9 896:20 898:18 899:4,9 900:14 902:16,22 908:8 911:11 915:18,21 916:2,4 923:6 931:15 935:2 936:20 942:25 959:6 960:11 960:14,22 963:18 980:22 1004:22 1005:5 1011:23 1031:1 rational 798:19 rationalize 812:23 Re-conductering 1044:23 re-emphasize 915:25 re-stringing 874:19 re-visiting 774:11 809:2 reach 863:21 959:4 reached 812:4 959:15 react 838:13 962:23 965:16 reacts 966:1 read 802:7 819:24 839:3,7 853:21 859:6 859:21 861:18 871:8 878:19 879:6 901:25</p>	<p>908:14 909:6 934:5,17 935:7 942:6,15 969:16 971:25 983:5 984:3,22 1029:2 reading 860:10 ready 811:7 956:17 959:23 1011:13 real 812:6 891:5 932:16,23 Real-time 1058:4 realize 976:7 realized 812:10 907:24 really 756:6,21 762:19 763:10 764:8 769:2 771:22 775:14 777:12,13 780:9 789:7 799:24 802:24 803:10 805:22 808:6 843:13 873:11 889:20 891:7 918:2 926:3 930:25 938:2 940:4,5 949:11 951:1 960:23 966:8 966:15,16 967:1 973:7 986:4 988:22 990:13 993:20 994:21 995:9 996:6 997:17 1006:22,23 1007:4,6 1008:7,7,21 1010:2 1013:16 1020:23,23 1028:16 1035:14,17 1040:22,25 1044:13 1048:5 1052:17</p>	<p>1053:16 reason 758:8,9 759:3 763:7 764:17 769:14 801:3 803:5 810:14 824:19 829:11 910:1 914:9 916:11 937:11 949:1 958:13 976:10 982:20 991:6 991:19,22,24 992:4 1038:13 reasonable 793:11 797:3 797:21 804:10 804:18 805:17 831:20 851:6 872:15 909:21 910:19 912:13 936:25 937:9 938:11 939:14 949:18,21 950:20 951:7 952:16 996:18 1021:16 reasonably 814:14 reasons 761:24 769:17 812:5 813:2 823:12 823:13 826:4 827:23 830:8 834:20 846:7 899:13 906:23 909:10,13 910:2 914:8 915:24 916:17 974:6 1011:1 1021:1 rebate 890:16 rebated 906:2 rebates 890:21 905:25,25 Rebecca 750:24 1058:3 rebuild 1036:15</p>
--	--	--	--	---

TRANSCRIPT OF PROCEEDINGS 2/26/2015

rebuttal 753:18 754:14 755:9 761:11 767:1 790:6 819:24 821:5 822:9,13 823:25 837:4 842:16 847:25 848:3,15,17,19 848:25 849:17 850:11 852:14 968:24 1029:5 1029:6,7 1056:24 1057:3	1027:18,20 1031:15 1036:18 recognized 812:6 812:16 1041:11 recognizing 946:2,15 949:22 952:19 recollection 801:13 recommend 795:20 834:3 834:20 839:9 852:1 930:13 recommendation 801:24 854:23 854:25 855:1 910:9 929:14 958:14 966:11 recommended 820:3,6,13 839:11 888:11 946:5,18 1026:4 recommending 802:8 871:9 909:17 912:10 recommends 910:3 reconcile 1023:24 1028:6 reconductering 985:14 reconvene 1054:18 record 768:24 789:23 796:11 796:16,18 798:17 812:17 816:1,12 834:6 836:20 847:12 948:12 955:4 957:20 1039:22 recorded 915:1 recording 829:15 1015:8 records 798:15	885:6 recount 984:15 recover 756:17 757:22 767:4 811:22 814:9 814:14 815:6 822:1 839:21 840:12 846:1,9 846:23 850:16 851:23 852:8 852:11 855:22 855:25 857:10 870:13 876:10 876:12 885:7 886:7 896:13 899:1 903:13 923:9,17,20 932:3,21 935:11 recovered 757:6 766:18 768:2 772:21 775:21 784:23 787:10 788:21 821:15 822:3 825:25 839:24 844:10 845:12 885:2 885:15 886:14 900:2 905:1 recoveries 815:22 recovering 811:25 813:6 896:18 recovers 821:2 recovery 757:2 757:25 758:5 758:10 760:7,9 761:25 763:6 764:8,20,21 767:20 768:9 769:2,9 775:15 780:11,18 784:5 788:18 789:7 812:13 812:14,24 815:20 817:20	825:23 829:4 832:23 870:17 876:4,7,8 879:2 880:22 883:21 898:10 899:24 900:1 912:18 923:14 935:16 recross 776:2,4,5 788:6,8 792:14 836:11 844:1 884:8,11 885:23 895:10 921:8,8 927:12 927:15 939:19 951:24 1015:1 1015:5 1043:6 1055:5,7,18 1056:2 recurring 859:19 861:7 862:13 863:4,24 recurs 923:6 redirect 782:2,3 788:7 792:17 836:11 844:4,6 885:25 886:3 895:10 921:9 921:11,12 928:12,13 939:20,21 951:25 952:1 1043:9,10 1055:6,14,18 1056:4,7,12,15 reduce 816:5 817:4,9,10 822:22 823:1,7 833:1 852:22 853:10,10 870:25 874:11 876:22 877:2 883:13 973:6 1050:18 reduced 755:16 758:15 770:16 816:10 822:11 827:20 887:3	926:23 973:13 975:3 1058:10 reduces 933:2 reducing 812:25 816:3 888:6 973:10 reduction 763:10 822:14 823:2 824:3,13 828:13,16,18 831:24 832:3 884:1 933:4 1016:24 1020:11,15,24 1050:7 reductions 875:1 875:3,8,12 Reed 892:1 893:4 893:8 refer 1021:13 referred 860:19 1013:4 referring 757:10 1021:14 reflect 768:24 783:6 898:7 900:13 reflected 756:25 764:6 772:4 773:2 775:12 reflective 824:12 refund 779:12 refunded 856:6 refunds 931:24 refute 841:13 972:11 regard 772:5 775:1 786:10 789:12 815:18 816:15 818:5 876:6 901:23 959:18 986:21 regarding 760:4 762:15 810:12 812:20 815:19 844:9 870:2 874:25 886:5
--	---	--	--	--

TRANSCRIPT OF PROCEEDINGS 2/26/2015

897:10 900:21 924:1 955:9 958:8 1015:9 1021:18 regardless 899:9 1025:11 regards 883:8 regime 794:22 Registered 1058:3 regular 1013:8 regulate 809:14 regulated 805:19 927:2,5 regulation 815:15 821:17 857:5,9,15 942:6 943:13 943:17 regulations 941:14 942:19 regulatory 750:16 783:9 783:14 804:18 811:25 844:22 847:18 859:17 896:13 897:2 909:19 reject 815:13 823:12 rejected 816:16 878:24 relate 903:12 related 760:13 761:3,5,13 776:11,15 796:10 816:11 817:23 833:14 841:21 842:1 844:21 850:16 874:9 879:3 880:6,13 900:19 926:16 926:24 961:17 971:15 972:4 973:18 1016:24 1024:2 1058:12	relates 1043:22 relations 975:15 1041:2 1048:10 relative 826:10 1058:15 relatively 812:2 821:4 826:11 951:1 1022:15 relay 992:21 1011:15 1022:11 1037:22 relevancy 767:11 767:12 relevant 759:7 767:13,15 784:15,17,19 796:3,4 829:2 829:25 832:11 833:5 922:14 922:16 987:21 reliability 880:24 908:4 957:24 960:12,13 961:15 987:6 1005:18,21 1009:4 1041:2 reliable 958:4 986:24 1008:4 1011:5 1024:5 1024:8 1027:9 1051:24 1052:1 relief 766:11 969:16 relies 831:8 reluctant 784:25 904:16 rely 818:20 936:21 937:24 1004:7 remain 815:12 1038:8,15 remained 908:13 remaining 908:21 remarks 803:24 913:2	remedy 765:14 remember 762:4 765:24 805:11 810:7,8 907:3,3 907:12 1001:24 1014:11,15,17 1047:2 remind 797:17 798:23 800:7 remove 829:2 954:5 removes 829:5 renegotiate 938:17 renew 908:25 renewing 909:3,4 repair 766:16 851:2 866:19 961:19 972:8 repairmen 977:24 repeat 983:4 rephrase 785:2 869:25 927:25 928:5 981:5 replace 830:5 866:19 878:8 888:1 961:25 1017:8 replaced 874:18 961:18 986:5 1027:5 replacement 758:12 985:23 985:25 986:3 1024:21 1053:23 replacements 962:13 replaces 1027:1 replacing 986:17 987:2 1052:13 reply 797:24 report 753:25 759:14 800:15 800:21 801:1,4 801:7,7,9,10,10	801:14 802:4,5 802:7,12 805:6 810:10 814:20 847:21 864:13 865:6,11 867:6 896:2 1006:12 1006:22 1007:14,24,25 1008:6 1035:13 1038:25 1057:7 reported 750:23 1039:5 1044:21 Reporter 1058:4 1058:4 reporting 957:10 962:14 963:2 964:1,5 972:16 1005:13,18 1006:4 1007:1 1007:8,18,19 1008:10 1024:19,24 1026:3,4 1035:4,25 1036:1,2 reports 965:17 975:16 976:5,7 1005:20,25 1038:22 1048:9 represent 814:25 829:20 910:19 945:10 1000:23 representative 959:21 995:15 representatives 980:11 represented 978:20 representing 897:4 956:22 959:1 represents 767:6 772:12 966:22 request 756:24 767:6 768:20 800:25 813:9 839:21 869:23	870:6,10 891:19 995:6 1003:16 1007:8 1009:13 1015:12 1031:12 1038:3 1054:1 requested 767:19 800:20 842:4 964:24 969:3 1006:5 1021:18 1031:6 1052:25 requesting 1016:7 1050:25 1051:1 requests 905:7 958:6 966:18 966:20,20 1005:13 1007:19 require 961:6 964:2,20 987:2 1005:11 1020:19 required 755:20 755:25 771:2 784:2 796:12 813:23 866:19 898:22 933:24 958:12 986:7 requirement 756:11 798:7 813:17 854:10 896:9 898:18 910:19 920:10 964:1 970:19 1007:18 requirements 904:21 909:15 909:24 910:7 912:19 920:15 964:6 972:17 1006:5 1008:10 1035:4 requires 763:14 769:8 820:10 838:25 877:17
--	---	---	--	---

904:6 957:12 960:24 982:6 requiring 957:9 987:13 research 765:7 890:9 reservation 1003:15 resolution 797:7 resolved 774:12 resources 831:24 832:3 985:8 988:5 1053:15 respect 797:4 798:1 840:6 843:21,22 888:6 926:7 959:3 1000:8 Respectfully 1022:18 respecting 754:5 respond 797:12 799:25 819:7 885:15,16 responded 817:23 responding 839:2,10,15 885:3 969:1 response 761:22 774:15 777:16 781:8 838:25 846:4 877:25 905:24 921:15 933:6 973:4 984:2 998:18 1050:21 responses 797:13 responsibility 807:12,15 882:6 1008:2 1029:13 responsible 807:6 1008:3 responsive 838:21 1022:19 rest 799:13	1042:3 restate 841:23 restoration 811:23 812:8 812:10,15 813:6,13 815:7 817:14 819:1 820:19,20 821:6,16,24 822:2 823:4,7 825:4 826:6,17 830:16 831:25 832:4 840:13 842:18,19,20 843:15,22 844:11,20 845:4 846:5 850:17 851:2 852:12,16 856:4 857:7,14 866:2,25 867:11 868:9 869:10,21 870:4,11 876:5 876:10,24,25 881:16 885:8 888:10,16 903:10 950:3 restorations 843:7 855:20 restore 811:18 812:1 814:22 817:18,24 818:1,8 838:15 865:7 866:6,14 881:17,24 882:6,25 883:5 883:6 1054:2 restored 882:14 restoring 812:18 814:18 815:3 818:3 821:1 869:13 883:15 result 756:8,18 768:23 770:16 770:16,25 774:3 778:20	779:1 793:6,10 798:18 805:17 828:18 874:12 874:16 876:23 877:11 907:17 1025:24,25 resulted 756:17 771:11 777:10 804:17,18 865:22 867:8 886:12 resulting 876:25 942:25 results 793:7 797:5 823:3 959:9,11 962:3 963:9 991:7,25 1005:23 1044:3 retain 896:3 899:13 902:15 904:12 905:6 922:6 retained 813:15 retire 959:21,24 990:17,24 991:4 995:15 995:24 retirement 966:16 990:8 991:1 retirements 984:11 989:19 989:22 992:3 1022:7 1051:21 retires 996:23 retiring 1023:20 1033:17 retroactive 767:6 769:25 770:1,2 770:5 782:21 782:25 return 760:10 763:25 788:25 792:25 812:12 813:21 815:20 829:4 846:21 856:9 902:19	959:16 966:6,7 966:8 returned 755:21 774:2 857:16 896:15 899:25 returns 846:14 revenue 756:6,10 756:13 763:6 765:15 770:19 771:8,11,22 772:19,20 774:2,10 781:3 789:5 813:17 820:15 854:10 883:23 896:9 898:18 909:15 909:24 910:7 910:18 912:18 920:10,15 revenues 750:13 755:10,23 756:17,25 761:2,8,13,18 763:6,14,24 766:19 767:18 768:21 770:15 770:21 772:14 772:15 773:17 774:20,23 778:4,17,24 779:14 781:13 781:17 783:4 788:21 789:2,8 789:10,11,11 revert 932:8 review 764:15 777:25 779:12 800:4 817:19 856:1 861:10 861:13 872:10 921:24 962:23 984:13,21 reviewed 840:24 863:20 984:6 reviewing 807:6 reviews 768:23 771:1 774:5	909:14 rid 817:11,11 826:16 834:18 riddled 815:10 right 754:11 760:8 761:3 767:23 770:7 773:3 775:24 776:1 777:25 779:15 781:14 781:19 788:4 789:16 794:10 797:9 803:11 807:20 809:25 817:17 818:14 824:14 827:1 834:6,16 836:10 837:22 841:4 843:24 843:24 844:19 845:18 846:20 848:5,6 850:18 854:12,22 855:8,9,18,23 856:2,6,10,14 856:20 857:16 857:17,23 866:11,12,16 866:22 873:25 882:19 883:23 885:21 887:7 889:2,9,15,16 889:17 891:20 892:19 894:10 894:18,19,22 901:3 904:10 904:14 905:18 915:5 917:9 919:9 923:22 924:13 925:1 927:12 928:10 928:11,24 931:20 932:4,7 932:8 933:11 935:20 936:2,8 938:19 940:8 940:11,18,24
---	---	--	---	---

TRANSCRIPT OF PROCEEDINGS 2/26/2015

942:4,20 943:9 943:16 944:2,4 946:7,13 949:25 954:4 959:17 960:12 961:20 965:2 967:6 968:9 970:24 973:12 974:4 975:5,20 975:22 976:9 976:11,12 977:21 979:14 979:19 980:3,4 980:6,13,22 981:7,12,20,25 982:2,10,22 983:24 984:1,2 984:3,5,7 985:12,22 986:20 987:13 987:25 991:6 991:14,19,24 992:25 993:2 993:14 996:5 996:10,22 997:11 1000:21 1001:14 1002:9 1003:13 1010:6 1010:12 1011:7 1011:10,11,22 1012:3,4,4,7 1016:6 1018:12 1019:10 1021:4 1023:13 1024:22 1025:4 1033:15 1046:3 1046:16,24 1047:14,22 1048:18 1049:6 1050:2,21 1051:5,15,16 1051:22 1052:11 1053:22 1054:7 1054:12,14 rights 796:23 risk 933:2,5	1003:9 1013:25 1014:1 road 834:19 1010:25 Robertson 789:17,22,24 790:5 791:10 791:25 792:20 894:12,14,18 917:2 941:1,3,3 941:13 944:12 952:3 953:14 954:16 1055:8 1056:5,22,24 1057:1 Robertson's 790:21 robust 796:15,18 ROE 1054:19 rolled 1008:6 rolling 1029:24 1030:12 room 786:16 808:22 811:16 894:8 895:11 947:9,16 948:13 1029:22 rooms 867:1 rose 766:15 roughly 911:21 987:1 round 861:21,23 row 977:16 RPR 750:24 1058:19 rule 761:9 784:15 794:11,14,16 794:19,20,22 795:19,24 798:24 805:25 806:17,23 820:10 904:21 915:4 926:10 926:13 927:2 934:21 935:1 935:10 937:5,7 937:21,22	943:4,18 ruled 768:4 rules 859:13 895:21,25 896:19,22 897:11,23 898:2,8,11,20 898:23 899:5 901:15 904:22 907:24 908:7 908:10,18 909:11 915:1,8 915:9 930:21 932:14,17 934:3,10 935:4 938:6 941:13 941:25 950:10 951:17 954:4 957:13 1042:15 ruling 780:6 791:1 837:24 run 765:12 771:2 774:22,22 775:6 778:17 778:24 903:22 960:10,20 1012:22 1013:6 1017:6 running 774:20 779:20 907:10 961:22 runs 1013:22 Rupp 750:19 836:10 884:6,7 891:2,4,13 915:12 917:10 917:11,14,15 921:7 927:10 927:11 940:25 951:22,23 1009:7,8 1055:20 rural 908:19 Russell 751:13 <hr/> S <hr/> S 751:1 753:1	safe 957:22 958:1 958:3 970:2 986:24 1005:9 1008:4 1011:5 1025:15 1026:25 1027:6 1027:9 1029:18 1042:25 safely 838:15 1017:21 safety 979:23 987:7 1004:10 1006:15 1016:14 1026:5 1042:15 sahall@hamm... 752:15 sales 755:18,20 755:21 756:5 771:11 772:22 777:18,21,22 Sarah 751:8 956:21 1048:21 sat 1036:5 satisfactory 892:15 save 816:13 832:18 savings 982:1 saw 907:2 989:25 saying 756:24 768:12 771:22 795:25 796:1 822:19,20 825:13 863:8 871:10 877:1,6 906:11 973:8,9 973:13 983:18 1000:11 1012:7 1020:16 1022:9 1043:1 1045:12 1051:1 says 798:9 821:10 865:20 866:13 934:22 942:24 972:2,3 977:16 983:9	987:9 1023:23 scenario 890:6 schedule 788:24 790:23 895:25 954:21 976:1 scheduled 753:12 892:2 1044:18 schedules 753:19 753:22 754:12 754:17,21 973:17 984:7 998:7 scheme 902:12 963:3 Schweich 917:17 SCOTT 750:19 season 967:21 seasonal 1050:3 1050:4,5 seasonality 940:4 second 789:3 797:17 819:6 844:23 876:3 894:14 910:5 911:9 941:10 954:3 957:9 997:21 1037:16 1037:17 1045:17 Secondly 803:1 seconds 977:13 section 942:10 943:7,13 security 1010:17 see 769:24 772:24 776:4 787:16 801:7 827:2 853:5 860:6 862:8 894:17 902:13 910:23 911:6 911:19 918:8 930:18,19 933:12 938:8 941:17,21 942:16 943:1,7 952:14 964:7
---	--	--	--	---

TRANSCRIPT OF PROCEEDINGS 2/26/2015

969:5 972:6 974:8 976:12 976:15,20 978:8 982:19 984:8 986:9 988:21 992:2 992:19 994:11 1008:8 1013:6 1013:7 1020:5 1020:24 1044:9 1053:3 1054:6 seeing 828:9,13 908:3 924:8 seek 760:21 769:9 780:10 814:2 829:6 886:7 888:14 915:22 942:20 seeking 763:5 764:20,21 772:15 789:7 1007:19 1035:5 seeks 969:16 seen 764:23 853:5 878:19 segment 993:22 self-identified 1033:16 selling 818:9 882:12 883:2,3 semi 1048:9 sends 822:22 senior 837:1 857:22 sense 803:3 874:10 sent 1040:5 sentence 763:10 865:19 942:10 942:17 separate 775:22 1042:14,15 separates 906:11 separating 876:17 September 840:10	serious 794:6 1027:20 serve 773:8 842:22 serves 1014:7 1041:20 service 750:2,14 752:6 753:24 758:12 766:17 773:5 787:7,13 811:18 812:1 812:18,19 814:15,18,22 815:3 816:2,14 817:18,24 818:1,3,3,8,21 820:16 821:2 822:25 829:23 830:2 833:9 838:15 841:19 841:24 842:20 847:15,17,21 851:2 865:7 866:6,10,14 869:13 874:16 881:17,24 882:2,4,7,14,25 883:3,5,11,16 883:24,25 907:1,18 915:17 929:24 955:11 957:22 958:2,4 960:12 960:13 961:15 969:22 982:16 985:14 987:21 1004:11,16 1005:10 1007:10 1008:1 1008:4,22 1011:5 1016:15 1024:5,9 1025:16 1027:1 1027:7,9 1029:19 1032:15 1036:21	1051:24 1052:1 services 750:25 837:2 843:19 957:3 958:12 1009:3 serving 787:8 1013:19,24 sessions 965:8 set 780:15 813:17 820:24 826:17 827:4,5 831:14 854:10 878:9 896:9 898:18 900:8,14 909:16 915:18 923:6 933:16 933:17 954:3 960:22 969:4 979:4,9,12 990:8 999:4 1017:14 setting 784:16 829:2 912:6 915:21 916:4 settle 949:18 settled 756:21 782:6 seven 829:14 831:18 834:7 845:7 960:4 966:7 988:11 996:17 1011:17 1017:11 severe 841:21 842:1 865:21 877:15 907:2 907:12 severely 877:14 sewer 809:15 820:14 shame 893:12 share 809:10,19 809:21 shareholder 898:19 shareholders 793:21	sharing 794:2 795:1 799:16 801:20,21,23 802:10,25 803:9,12 805:21 806:14 she'll 835:16 929:3 Sherrie 752:12 958:25 1000:21 shifted 797:2 shifting 796:23 Shinners 752:13 shop 1042:6,7,9 short 821:22 1016:2 1028:11 short-term 758:15 960:24 960:25 962:12 965:21 997:19 998:5 shortage 961:5,8 961:13 shorthanded 1020:1 show 815:24 819:2,9,11,22 828:17 840:17 840:21 943:16 1008:17,19 1023:16 1045:23 showed 788:25 877:19 963:13 showing 822:13 824:13 959:20 966:8 1010:18 shown 819:21 837:13 867:6 870:2 916:14 947:15 949:17 963:18 993:16 shows 813:14 816:1,9 817:3 824:2 852:10 885:7 909:2,25 914:12 943:18	960:1 1009:3 side 793:17 883:22,24 887:11 1037:8 1042:8,8,12,13 1042:16,16 sidewalk 1013:12 1014:5 sign 1012:19 signed 799:14 significant 782:14,18 831:6 833:14 844:25 865:23 867:8 903:17 909:25 914:12 925:24 926:10 926:15 977:10 986:7 1005:18 significantly 812:15 839:1 926:23 980:16 980:18 982:17 982:21 signing 1012:6 silence 917:19,21 similar 842:22 911:3 913:8 916:1 927:6 935:15 937:18 950:4 962:20 980:8 990:1 1007:18 1044:9 simple 794:4,6 896:6 911:2 simply 796:14 812:23 813:10 818:20 909:17 937:15 single 804:2 808:2 809:18 821:15 840:12 876:4 908:19 1027:1,4 1028:8 singular 974:2 sir 859:9 870:22
---	---	---	--	--

905:19 919:8 954:12 971:19 1000:1 sit 792:4 796:25 867:25 879:16 968:9 1011:8 sitting 795:24 868:22 situation 820:17 820:18 833:18 833:20 893:15 896:22 935:6 situations 766:11 820:3,7,9 936:22 940:3 959:7,10 six 767:5,11 901:12,16 946:2 975:4,16 977:20 994:25 1012:11 1017:11 1037:11 six-month 1038:23,24 sixteenth 866:1 sized 988:8 skepticism 812:20 834:13 skilled 961:21 974:24 sky 926:24 slash 763:6 slight 937:19 slightly 904:19 945:21 946:4,9 982:18 1023:1 slippery 809:8 834:16 slope 809:8 834:16 slower 1018:4 small 809:14 820:13 821:4 831:3 903:21 1017:16 smaller 990:20	smart 871:3 1002:4 1037:23 Smith 751:9 solve 820:5 821:19 solved 822:6 somebody 872:23 990:13 somewhat 779:22 780:8 959:10 soon 892:13 sooner 800:22 892:1 sorry 754:23 818:14 824:10 839:18 848:4 849:16,20 858:8 861:1 864:20 885:13 921:9 939:2 943:9 962:17 963:23 978:25 983:6 987:15 1000:19 1004:2 1004:18 1023:21 1024:20 1029:5 1032:18 1038:12 1052:5 sort 756:13 904:24 942:21 965:9,22 sought 757:12,13 757:16 1002:12 1036:24 sound 958:7 978:22,22 1047:21 source 991:11 South 751:9 southeast 768:19 864:14 865:8 865:20 867:7 869:14 870:2 spaces 1011:22 speak 828:10	942:19 974:20 speaking 795:18 871:18 873:19 901:20 970:17 992:17 1027:25 1028:9 speaks 908:16 1006:16 1007:23 1008:21 special 763:20,21 764:18 830:4 960:21 963:6 963:10,16 965:19 966:9 994:17 995:6 998:22 1001:20 1001:25 1002:11,16,24 1003:16 1014:12 1016:4 1016:7 1021:17 1024:12 1025:7 1025:16,23 1031:6 1036:23 1037:25 specialty 782:10 specific 819:22 820:4,5,5 957:8 957:14 963:8,9 963:11,15 967:16 970:5 971:16 980:20 981:1 985:21 987:11 988:6 992:5 1002:4 1003:6 1004:12 1005:4,25 1015:20 1025:1 1025:22 1031:3 1037:7 specifically 758:18 841:13 843:6,23 887:12 934:16 938:10 970:17 970:18 971:14	972:16 977:14 978:2 982:7 983:9 988:11 994:11 995:12 996:15 997:5 997:13 1000:24 1006:7,16 1007:8,15,22 1014:17 1037:5 1041:3 specifics 866:5 specified 757:17 speculating 777:5 speculation 864:1 1025:19 1025:21 1052:4 1052:7,8 spell 789:22 847:11 spend 817:18,20 824:24 828:3 831:5,15 877:8 922:17 1025:1 spending 812:17 822:11 823:1,3 824:20 828:14 896:21 914:14 1020:12 1036:20 spends 817:17 896:11,14 902:17 931:23 932:2 960:16 spent 796:20,21 797:3 823:14 845:24 846:17 876:4 922:15 987:16,20,24 1036:18 spoils 822:25 spoke 989:4 1024:3 spoken 992:15 sponsored 753:18 spread 911:1	975:12 spur 962:24 SS 1058:1 St 751:5 752:14 836:22 861:24 862:2,3 863:10 889:5 907:5,12 907:13 986:18 986:21 987:17 1013:6 1023:10 1044:20 1058:2 stabilized 930:24 1007:12 stable 908:13 932:22 staff 752:1,6 753:18 754:11 754:16 761:24 762:14 763:20 764:11 767:2 767:10 768:6,8 768:14 769:7 769:13,14 771:22 773:6 779:6,25 781:9 785:23 787:7 791:9 793:23 798:11 800:15 800:20 801:4,6 801:10,23 802:3,6,8 805:5 805:5,6 813:4 815:9 816:4 818:15 819:4 819:21,24,25 820:6,13 821:5 821:13 822:16 830:15,17 834:2,10 835:24,25 838:6 839:8 842:7,23 847:3 849:15,16 852:20 854:7 856:1,8 857:19 857:23 860:23 861:5,10,15
---	---	---	--	--

TRANSCRIPT OF PROCEEDINGS 2/26/2015

862:9,15 863:2 863:19 864:13 869:22 870:6 871:8 872:4,9 872:11,23 876:3,21 878:20,21 879:16 886:17 894:1 895:5 897:5 899:14 900:15,22 909:5,13,15,17 910:3,17 911:13 912:9 912:13,21,22 913:14 914:3 914:17,22 917:25 918:8 918:11 919:25 922:1 924:24 928:15,16,25 932:10 940:14 944:4 948:22 958:17,19 963:15 968:18 971:5 987:9 989:10 999:24 1000:3,8 1004:9 1005:19 1005:24 1008:9 1009:19 1010:1 1015:2,12 1019:19 1020:10 1049:4 1050:7,9,22 1051:22 1052:21 1053:24 1057:7 Staff's 764:22 766:9 772:2 816:15 819:9 822:8,13 832:17 840:9 840:15,24 844:9 847:21 847:22,25 848:7 860:15	865:6 870:10 906:7,16 910:9 910:13,15 911:20 913:12 923:8 929:14 948:23 999:24 staffed 1016:18 staffing 956:25 957:9 970:18 971:15 972:4,7 973:6,10,13 989:18 1049:21 1050:13 stage 959:15 stake 1041:19 stakeholder 805:9 807:3 stakeholders 794:17,21 804:4 stand 753:6 886:21 893:17 899:19 900:24 919:12 937:11 941:14 standard 854:19 855:6,10 857:19 859:10 861:2 862:10 862:10 863:1,2 868:24 872:11 873:2 874:2 878:17,22 879:6,17 880:9 880:13,23,25 881:2,6 902:11 916:20 949:3,4 standards 859:15 859:24 861:15 873:12 1005:21 start 820:16 848:17 905:20 906:11 956:18 964:9 973:2 997:20 1011:18 started 753:2 811:6 822:14	892:6 893:15 926:12 944:16 944:16 956:17 997:6 1045:15 starting 811:8 853:20 973:4 992:12 state 750:1 789:22 803:1 836:19 842:16 847:11 852:14 933:19 962:4 1058:1,5,20 stated 762:8,18 764:14 775:8 813:2 859:15 1029:7 statement 761:22 762:2,12 808:3 809:6 841:11 841:14 844:14 861:2 867:6 877:1 918:3 958:20 970:17 970:20 1028:7 1029:10 1055:10,10,11 1055:11,22,22 1055:23,23 1056:8,8 statement's 844:18 statements 764:6 768:25 775:13 807:7 819:8 828:7 846:15 897:15 910:25 states 966:21 969:2 972:1 stating 880:14 statistical 952:25 statistics 952:10 statute 783:17 969:22 970:1 970:12 statutes 796:24 1005:1	stay 817:16 949:16,16 952:18 982:10 1038:7,15 1053:17 steadily 822:11 947:23 steady 1020:11 step 785:9 789:17 792:20 797:16 811:20 836:12 847:2 886:19 894:12 895:11 924:14 928:14 940:9,25 953:9 1004:18 1018:13 1054:15 STEPHEN 750:20 stewards 963:19 stick 794:9 stipulated 776:22 777:15 792:3,7 798:11 stipulation 792:25 793:1 797:18 798:1,6 798:18 799:10 799:13,15,22 stipulations 800:4 994:20 995:10 1003:2 1012:5 stock 990:22 stockholder 965:16 stockholders 965:19 1040:19 Stoll 750:20 762:23,25 774:16 781:8 786:3,4 791:17 791:18 810:1,2 810:7,18 816:18,19 836:6,7 842:10	875:19,20 1055:4 stone 909:16 Stop 773:3 storm 755:16 756:18,19 761:6 765:8 766:13,21,23 768:18 770:17 778:11 788:20 811:8,10,12,14 811:23 812:2,2 812:10,14,21 812:24 813:3,6 813:8,10,13,16 813:24,25 814:3,15,19 815:3,7,19,20 816:5,11 817:13 818:25 820:19,20,22 821:6,16,20,24 822:2,4,10,23 823:4,7 825:4 826:5,17 829:10,18 830:3,9,16 831:24 832:4 832:14,16,20 832:20 833:9 833:13 834:6 838:13 839:2 839:10,14,15 839:20 840:12 842:17,18 843:6,7,15,22 844:10,20 845:4,7 846:5 850:13,17,25 851:11,23 852:5,8,11,16 852:21 853:8 854:9,18 855:5 855:13,16,20 856:4,10,13,15 856:17,19 857:1,5,7,13,20
---	---	--	--	--

TRANSCRIPT OF PROCEEDINGS 2/26/2015

861:6,21,23,25	915:6 926:25	934:17	Suite 751:9,19	949:2 951:14
862:3,5,12	strategic 986:23	subsequent	752:13	952:9 977:1,17
863:3,9,23	Street 751:9,19	784:9 896:1	summary 866:3	983:20 984:9
864:14 865:8	752:3,8	subsequently	867:11 868:9	987:23 990:22
865:21,21	streets 1013:13	755:24	869:10 976:5	992:25 995:3
866:2,7 867:7	stretches 808:16	substantial	978:13 1038:22	997:16 1003:12
867:11,12	strike 770:25	957:20 995:17	1048:7	1006:24
868:3,9,11	985:7	1005:8	summer 907:4	1007:15 1008:3
869:10,14,21	stringing 873:5	substantiation	supply 1010:4	1008:14,20
869:21 870:3,4	strong 862:1	798:8	support 779:7	1010:16 1011:3
870:11 874:7	strongly 1040:22	substantive	780:1 799:12	1011:20
874:12,16	struck 768:18	973:4	799:15 801:23	1024:16
875:3,8,12	structure 925:24	substantively	802:23,24,25	1033:11
876:5,10,13,24	951:2	799:23	815:21 861:14	1047:20 1048:6
876:25 877:15	struggle 1045:11	substation 986:6	866:16 869:22	surprise 795:13
878:21,23,24	studies 993:3,5	986:6 988:2	870:6,10 872:4	1016:22
879:3,11 880:6	993:10,15	992:21 1011:15	885:17 903:9	1020:14
880:14,15	1043:13,17,20	substations	903:10 913:16	surprised 795:11
881:5,8,16,18	1044:17	977:25 1007:21	950:4 983:21	1020:9
882:4,15	study 773:12	1020:20	1010:1 1036:10	surrebuttal
883:14,20,24	959:19 993:21	substitute 759:13	1039:3	753:18 754:15
885:3,8,16	997:2	759:19	supported	763:3 790:6
886:6,8,12	studying 909:14	successful 926:21	798:15 935:25	837:5 848:7,16
888:7,10,16	stuff 807:23	926:23 1009:2	supporter	849:3,18
893:16 895:14	891:8 1004:24	successfully	1030:16	850:24 852:13
901:1 903:10	sub 771:19	822:1 850:14	supporting	870:21 874:23
903:16,22,24	906:11 910:5	succinct 1008:5	962:16	876:1 878:16
913:13 915:15	subcontracting	suddenly 802:6,8	supportive	944:13,15
915:24,24	965:4 979:3	suffer 805:24	833:10,15	946:12 948:3
921:21 950:3	1048:10	877:14	supports 1027:11	953:12 1057:1
950:23,23,24	subcontractors	suffered 778:19	1049:15	1057:5
962:16 970:23	976:14,15	779:1,8	supposed 813:9	survey 959:19
970:24,24	subdivision	suffers 779:25	900:4	960:1 963:13
1000:9 1055:9	889:5 907:5	sufficient 829:13	sure 786:9	989:25 990:2
1055:9	subdivisions	909:21 1054:9	791:23 800:16	991:7,25
storms 812:7,9	891:9	suggest 796:6	800:18 810:3	surveyed 801:11
812:19 813:19	subject 777:1	871:6 875:2	839:5 840:19	surveys 1044:24
815:5 818:5	817:19 943:25	972:6 1025:23	840:21 841:15	suspect 986:15
832:20 838:22	951:12 1035:5	suggested 938:7	845:17 862:20	suspended 918:5
841:22 842:2,6	subjective	964:11 1023:18	864:3,5 872:19	sustain 977:4
842:6 844:23	862:11 863:2	suggesting 795:6	873:7 877:24	988:9
845:3,8,18,25	864:3 879:21	806:16 909:15	881:1 885:10	sustained 965:6
846:9,12	submit 816:11	960:19,21	887:11,14	967:24 985:5
854:12 856:14	submitted 801:7	964:1	890:25 891:11	985:13,24
862:1 879:4	802:4,6,10,14	suggests 798:6	901:9 902:9	986:1,13
901:4 907:2,3	1000:7	904:23 959:22	917:15 928:1,4	1028:14
907:12,17	Subsection	972:10 1029:16	928:11 942:1	1039:10

1049:15,21 Swearengen 751:13 swimming 907:10 switch 774:14 1014:4 sworn 753:6 785:11 789:18 836:15 847:4 919:13 1018:15 1058:8 synchronized 763:25 system 755:18 766:15 783:20 783:22 784:4 807:21,24,24 808:1,12,15 816:10 827:16 865:23 867:9 877:11 879:13 880:8 883:10 883:17 884:18 888:1 932:11 932:20 970:2,6 970:9 973:19 975:2 986:24 987:11 1002:3 1005:4,25 1006:14 1007:7 1007:9,12 1008:3,20 1026:5 1030:16 1041:4 1046:5 1046:7,14 1053:23 system's 1006:18 systems 807:20	766:22 777:2 779:23 783:3 791:3 794:24 796:13 799:23 802:19 804:13 804:21 808:14 810:25 816:17 823:15 830:2 861:22 864:11 880:10 887:21 888:3,18 891:24 899:4 918:25 930:25 931:2 936:9 937:12,13 939:13 942:6 956:13 957:7 960:25 961:14 961:19 964:14 986:2 995:25 996:16 1006:21 1008:19 1009:20 1039:9 1049:16 taken 790:24 804:3 805:7 811:5 869:3 893:1,17 956:15 961:3 1058:9,14 takes 895:13 899:19 900:24 960:4 talk 800:15 819:6 831:22 845:3,6 975:9,12 982:23 989:21 990:4 996:15 talked 821:12 835:8 927:18 955:3 977:14 1050:22 talking 765:24 823:9,23 825:7 826:11 831:3 888:25 903:21 911:23 939:8	948:2 952:12 963:2 971:13 971:14 975:10 978:7 979:18 979:19 987:11 989:10 996:11 1004:24 1042:21,21,23 1050:3,24 talks 866:24 984:19 tariff 890:1,6,15 890:22 955:12 955:14,15,20 Tariff)File 750:12 task 808:10,10 814:18 967:15 Tatro 751:3 802:18 807:10 807:13,18 808:9 835:7,10 864:20 893:9 893:12 1004:18 tax 891:6 tbyrne@amere... 751:6 team 811:1 999:2 1026:18 technical 837:2 957:2 technicians 1037:22,23 technologies 871:3 1016:24 1020:17 1037:6 technology 887:18,22 888:19 973:5 973:10,15 974:1,3 1028:2 1050:8,11,17 techs 1022:11 Ted 789:24 790:5 917:2 1055:8 1056:5,22,24 1057:1	telephone 820:22 tell 763:15 779:6 782:25 792:5 808:23 833:18 868:2,23 869:16 901:21 913:1 934:18 942:18 960:20 997:22 1006:8 1028:24 1032:12 1033:12 telling 1012:22 temporary 763:9 ten 959:23,25 980:24 981:2 989:15 992:1 994:25 995:16 996:23 997:19 1011:14,17 1022:10,10,17 1024:2 1028:15 1028:21 1030:2 1033:19 1036:3 1051:9,10 tend 906:25 tendency 877:8 877:13 tender 791:6 894:22,25 941:6 968:16 tendered 940:10 tenders 928:25 tens 903:22 term 889:17 967:9 988:10 1006:25 1012:25 terms 784:12 799:19 803:3 846:4 896:6 931:19 territory 851:2 889:4 907:1,18 982:16 1007:11 1008:1 test 783:5 821:6	828:17 851:14 859:17 900:8 900:11 911:7 916:22 918:25 929:15 930:11 936:9,10,22 937:2,24,24 939:14 944:22 944:23,25 945:4,5,11,11 946:4,6,8,23 948:15 949:9 testers 1002:3 testified 835:13 838:16,24 858:25 885:1 893:18 894:13 894:22 928:18 947:10 957:3 958:3 977:12 977:17 991:16 1015:16 1023:10 1024:7 1029:23 1048:2 1048:8 1050:6 1052:20 testify 776:20 791:3 850:25 852:20 858:20 858:24 892:2,9 893:8 919:15 930:8 1049:3 testifying 843:18 964:22 968:14 977:1 994:7 testimony 753:16 754:2 761:11 762:7,8,14,18 763:3 767:1,22 770:14 771:13 771:14,24 785:15 789:12 790:6,11,15,18 790:22,23 791:19 795:5 798:10 805:2 814:4 815:24
--	--	--	---	---

T

T 750:19
T-E-D 789:24
table 765:4
tables 968:7
tackles 1017:13
take 758:22

TRANSCRIPT OF PROCEEDINGS 2/26/2015

816:8 819:22	1029:3 1036:23	940:7 943:11	917:22 918:4	839:17 842:22
819:24 821:5	1049:22	944:2 947:4	925:23 926:3	843:7,9,17
821:14 822:9	1056:22,24	951:20 953:8	962:4 963:3	844:17,23
822:13 823:25	1057:1,3,5	955:1,17 956:9	964:25 966:15	845:2,11 846:1
832:17 837:4,6	1058:7,8	958:15,17	973:16,17	846:7,10,14
837:9,12	testimony's	963:20,21	975:1 979:24	853:7 854:23
838:11,23	767:7	967:6 968:6,19	981:8 985:17	858:23 859:1
840:9,15,23,24	tests 962:4	972:18,21	990:7,22 994:1	860:15,24
841:14 847:20	thank 754:23	1000:18 1001:1	1002:5 1006:11	861:8,18
847:25 848:7	759:22,25	1001:14 1009:5	1007:11 1009:1	862:22 863:8
848:13,15,16	762:20 764:24	1009:10	1010:17 1012:9	864:17 870:15
848:18,19	765:3 770:7,11	1012:23 1013:2	1014:4 1017:3	871:25 872:8
849:1,8 851:8	775:24 782:1,5	1014:9,18	1018:6 1020:17	874:7 876:9
853:21 858:12	785:7,24 786:5	1015:3 1018:10	1020:20 1031:1	878:1,9 880:9
858:17,20,23	788:5 791:8,11	1018:16,20	1031:11	880:15,18,24
859:3 860:5,8,9	791:19 792:12	1019:20 1021:2	1040:23	881:4,22 882:3
861:19 870:21	792:13,19	1023:8 1032:4	1042:15	882:5,8 883:4
870:23 874:23	809:1 810:20	1034:23	1049:25	884:18 885:11
876:1 879:6	816:16,20,24	1041:22 1043:5	1050:16	886:16 891:20
884:14,19,24	818:13 825:19	1043:12	think 756:20,22	893:20 899:20
893:21 897:6	828:21 830:10	1044:12	756:23 757:10	901:5,8,20
897:18 899:16	830:14 833:24	theory 828:17	764:16 765:10	902:6,11 903:2
899:22 901:25	833:25 835:3	thereof 786:13	765:23,24	903:11 904:13
910:25 925:8	835:11 836:4	828:4	766:21 767:15	905:1,13
933:14,22	838:10 841:17	thereto 1058:16	767:17 769:22	906:19 908:13
944:13 946:12	842:8,14	they'd 1043:2	772:5 775:4,9	908:16 909:1
946:25 947:25	843:25 844:3,5	thing 767:23	777:9 785:6,14	913:15 914:2,6
948:1,3,21	846:25 847:6	797:7 799:21	785:18 787:12	914:8 917:19
953:13 957:23	849:7 850:7	801:25 804:20	789:10 793:5	921:1 922:16
962:9 968:24	853:13 854:1,3	808:21 814:4	794:3,10 795:6	924:8 927:17
971:11,19	875:17,20,24	814:16 820:20	795:17,18,18	928:19 932:10
972:11 973:2	881:10,11	843:10 845:18	795:19 796:2	932:19,22
979:1 980:14	884:4,5,10	851:20 872:15	796:15,19	933:2,6 935:3,8
982:23 983:1,5	885:21,24	887:18 942:16	797:14 798:2,3	936:4 942:19
983:6,9,24	886:18,22	971:12 982:10	798:4,5,12	949:15 950:7
984:2,3,6,17,18	888:20 891:1	987:25 994:19	799:1 800:3,21	954:25 963:4
989:23 991:18	891:21,21	995:8 1003:13	802:18 803:2	966:9 967:16
991:20 994:11	893:9 900:24	1008:25 1012:7	803:25 804:7	970:7 971:10
998:25 1000:6	903:4 905:18	1044:22	804:23,23	972:10 974:23
1006:1,10	905:19 906:5	1047:17	808:21 809:9	975:4,8 977:12
1014:23,25	915:11,12	things 802:22	809:10,11,16	977:15 979:6,7
1018:22,25	917:9,20 919:6	820:16 870:24	809:21 810:8	982:3,9,18,20
1019:3,23	919:7,8 920:19	875:14 876:1	810:19 816:25	983:20,22
1020:5,7	921:3 924:12	879:19 880:1	817:1,23,25	987:4,6 989:2,6
1022:8 1023:9	927:8 928:10	887:12,20	819:18,18	989:8 990:4,5
1023:15,16,23	930:3 931:5,8	888:2 902:1,13	825:8 828:1	993:11,20
1024:1 1026:23	935:19 939:18	904:15 916:23	832:5,7 838:21	994:2,3,10

TRANSCRIPT OF PROCEEDINGS 2/26/2015

995:1,23 996:5 996:17 997:1 998:5,11,11,24 1003:8,8 1004:7 1005:7 1005:19,25 1006:10 1008:7 1008:9,19,22 1009:2 1010:5 1010:8 1012:2 1013:21 1014:3 1016:22 1017:24 1020:23 1021:25 1022:19 1023:18 1027:8 1027:25 1028:19 1029:10 1030:11,18 1033:21 1041:9 1041:12,13 1044:6 1046:16 1046:25,25 1047:4,7,8 1048:2,8 1049:4,8,10,11 1049:15 1050:19 1051:11,20 1052:17 1053:2 1053:25 thinking 802:7 862:14 974:19 thinks 797:20 third 911:11 912:16 922:22 933:2 thirdly 845:2 Thompson 752:1 753:10 754:9 754:20,23 761:23 762:3 782:4 785:5,24 791:10 794:3 794:16 795:14	795:17 796:1 796:15,19 797:15 802:2 802:16 805:11 806:16 810:14 810:17,25 968:9,19,21 972:18 1000:1 1000:5,13,16 1005:1 1015:3 1019:20,22 1021:2 1055:2 1055:6 1056:9 1056:13 Thompson's 785:1 797:13 803:2 806:12 thought 765:14 767:23 768:3 810:20 1022:11 1027:25 1040:20 1044:1 thousands 811:15 814:18 three 800:12,13 808:17 812:5 813:3 844:19 845:8 877:19 906:11 912:24 914:15,16,17 914:20,23 918:4 930:23 938:3,10,20 939:5 946:1 954:15 957:8 966:4,6 996:16 1011:9,20 1012:4,20 1021:11 1022:21 1028:12,20 1033:25 1037:2 1037:3 three-year 900:1 910:9,13,15,17 911:14 912:12 929:20 930:13	931:3 936:1 938:12 952:11 953:6 964:11 988:13 1020:21 1039:10 1048:3 threshold 766:15 862:19 thrown 1010:20 thunderstorm 907:4 tied 760:10 time 753:15 754:1 755:19 757:3 764:1 767:20 768:7 768:12 769:10 775:5 777:14 785:18 787:25 791:2,3,6 799:20 801:16 808:14,18 810:10 814:23 816:9,20 821:22 823:14 829:14 831:17 832:3 849:22 858:19 860:11 860:19 864:23 868:21 869:3 872:16 874:8 878:2 887:20 893:14 894:13 894:15,17,25 901:3 907:6,23 908:9 912:19 914:14 919:14 926:14 929:2 941:22 945:18 946:17 948:25 950:12 965:25 966:15 967:20 967:23 968:14 974:13 976:18 995:17 999:16 1002:21,23 1005:23 1016:2 1019:3 1024:3	1031:16 1044:24,24 1049:18 1052:18 1053:14,14,22 1054:20 timely 812:13 882:7 times 768:2 782:19 783:11 907:13 925:15 964:21,24 985:21 1049:22 timing 785:8 Timothy 752:7 title 836:24 847:16 857:25 tock 995:25 today 753:3 765:4 767:6,12 769:4 790:18 792:5 795:24 800:19 837:9 837:12 838:11 855:8 868:22 873:11 887:24 894:22 911:11 911:25 969:19 971:11 976:8 980:14 994:24 996:12 1003:10 1008:11 1011:8 1012:18 1019:7 1020:7 1032:9 1035:5 1054:17 told 779:12,24 863:19 869:18 869:24 873:18 885:1 977:17 1020:9 1045:21 Tom 917:17 tomorrow 892:2 893:5,8,11 1054:17 tool 783:12,14 820:4 tools 850:12,14	850:19 887:19 973:5,14 974:2 979:23 1017:23 1017:25 1018:5 top 968:25 977:16,23 998:4,7 tornado 761:4 total 786:12 788:21 821:7 824:16 825:9 829:21 831:4 866:9,13 911:9 912:22 922:23 951:1 1032:20 1039:12 1045:4 1047:19 totality 986:2 totally 957:11 totals 911:18 1032:17,18 track 853:21 855:16 1003:4 tracked 854:21 855:7 882:18 896:10 920:17 931:19 tracker 811:21 812:4,21,23 813:3,5,8,10,12 813:15 814:12 814:24 815:1,4 815:11,14 816:5 817:11 817:12 818:24 818:25 819:2,3 819:12,20,23 820:6,11,17 821:3,9,10,12 821:15,19 822:6,7,8,10,25 823:6,13,17 824:4 825:22 825:24 826:5 826:14,16 827:10,12,21 828:5 829:11
--	---	---	--	--

TRANSCRIPT OF PROCEEDINGS 2/26/2015

830:4,9 832:22	933:25 934:23	970:8 996:14	treat 769:7	851:14 888:7
833:7 834:4,15	942:21 950:3,3	1012:15 1041:3	909:17	888:17 890:9
834:21,23	950:10,10,16	1045:8 1046:4	treatment 757:13	900:12 901:21
838:20 839:14	950:22,23,25	1046:6,10	778:4 799:17	922:15 929:18
842:24 843:4	951:10,18	1047:11,11	804:18 856:10	944:21 946:24
843:16,17,19	956:12 970:24	1052:25	900:6 909:19	946:25 959:5
844:24 845:14	1000:9 1055:9	trainers 1046:22	913:21	969:24 970:7
846:2,5,6,16	trackers 813:11	1047:3	treatments 912:8	970:16 971:5
851:20 852:5,7	820:1,2,3,13	training 952:9,25	treats 953:19	974:10,12,13
852:17,21	829:2,8 834:14	952:25 960:3,6	tree 866:15	974:17 978:15
853:8,10 854:7	834:17,18,19	961:2 964:9,13	895:23 903:20	979:3 980:22
854:9,21 855:3	843:8 903:1,15	964:14,15	907:20 967:18	986:17,19
855:4,8,16	904:14,16	979:18,22	967:19,20,21	988:24 989:2
856:9 875:4,8	905:8,24 912:8	988:14,15	trees 902:1,8,10	994:9,10 999:9
875:13 876:5	913:9,15 916:1	994:17 995:17	trek 892:6	999:14 1001:13
877:7 878:2,21	930:21 950:4,5	996:3,7,8,19	trend 825:17	1019:3 1020:25
878:24 881:16	962:17,17,18	999:8 1002:6	853:6 900:10	1028:2,5
882:5,15,21	971:3 1035:25	1003:5 1009:16	923:25 925:13	1036:4 1040:12
883:16,19,21	1049:17	1009:18,19	925:15 938:9	1040:22
888:7,11,16	1055:21	1027:22	938:15 939:11	trued 916:9
893:16 895:14	tracking 877:21	1030:21	939:13 952:13	930:11 947:3
895:20 896:4,6	877:22 883:17	1031:16 1037:5	952:14	trust 869:6
896:16 897:2,8	900:9	1037:6 1038:1	trending 945:19	try 768:15
897:9,16,17,20	tract 789:3	1046:12,13,21	945:22 946:3	775:11 781:13
897:25 898:8	tracts 788:17	TRANSCRIPT	946:16,16	785:6 823:7,18
898:14,16	trades 1012:10	750:4	triaging 1020:1	832:8 917:5
899:4,6,10,11	traditional	transformer	tribunal 797:8	918:19 942:3
899:13,18	811:25 813:5	1008:23,23	tried 765:6,11	956:6 963:18
900:4 901:2	813:15 815:15	transformers	949:20	1054:2
902:3,3,5,15	815:16 821:17	866:20 889:19	triggered 768:19	trying 756:3
903:9,10,17,24	822:21 827:15	1007:21 1014:4	768:23	773:7 775:6
904:1,4,7,9,13	856:9,12 857:4	translates 772:13	trimmers 866:15	780:22 781:18
904:25 905:2,6	857:9,15	773:16	967:19,21	792:8 835:11
906:9,16,18,24	878:25 884:14	transmission	trimming 895:23	843:22 855:2
908:5,21,23	885:5,19	871:1,14,19	903:20 967:18	858:24 907:7
909:1,3,6 910:2	902:20 904:11	971:7 976:17	967:21	926:12 944:13
910:5 912:10	915:16,20	976:23 977:8	trouble 914:3,5	949:18 953:2
913:13 914:10	916:3,4 932:9	978:13 1010:20	true 753:13,21	960:18 963:8
914:21 915:15	traditionally	1013:14,16	754:17 771:17	1011:17,25
915:19,25	812:24 859:24	1039:3,19	780:5 781:22	1014:11
916:17,22	933:13	1047:17	784:3 790:15	1036:11,14,14
918:4 920:25	train 988:10,20	transparency	797:22 799:17	Tuesday 928:19
921:22 922:6	994:18 1002:1	1036:9,17	799:18 804:24	tune 768:1
923:21,23	1009:20	transportation	805:8 810:17	turn 807:22
927:6 930:20	1027:25	925:22	827:14 828:15	850:10 858:16
931:13,25	1031:18	travel 892:14,21	831:21 837:15	865:10 866:1
932:6,13,13,24	trained 961:6	907:15	842:2,24 849:8	870:20 874:22

<p>910:22 934:15 941:20 Turning 910:5 1005:12 turns 826:25 twelfth 865:10 Twitter 917:16 two 756:15 761:5 761:19 764:14 772:17 774:19 776:12 778:5 788:17 797:23 802:14 808:17 809:5 816:4 846:7,16 859:20 863:11 863:19 873:24 875:14 900:17 911:9 913:9,11 913:19 932:7 938:10 943:25 944:1 945:13 946:1,6 952:21 956:5 959:9 964:5 982:3 986:5 988:13 992:16 996:18 998:2,6,12,13 999:8 1001:24 1002:8,15 1003:11 1009:25 1012:6 1014:13 1017:20 1022:12 1023:25 1034:15 1044:9 two-tenths 829:21 834:11 two-way 811:21 812:4,22 813:3 813:8 815:11 825:22 826:14 827:10 833:7 846:2 856:9 970:24 1055:9 two-year 815:23</p>	<p>815:24 911:17 946:5 952:10 952:21 953:5 type 794:17 796:11 801:19 819:20 873:13 879:4 926:24 942:21 974:23 986:14 types 845:23 888:12 909:13 961:12 969:9 973:18,22,23 1002:7 1017:3 typewriting 1058:11 typical 919:4 typically 887:24 996:16 1013:4 1028:25 1043:1 1045:24 1049:8</p> <hr/> <p style="text-align: center;">U</p> <p>U.S 957:24 UCCM 762:10 UE 865:12,23 ultimately 792:7 792:10 805:6 833:22 1005:17 Um-hmm 1030:22 unable 954:16 1025:15 1029:18 uncertainty 814:13,16 815:10 821:13 845:21 897:24 908:21 underlying 760:16 underscore 818:5 understand 765:7 769:20 772:11 773:18 773:23,25</p>	<p>782:25 793:7 795:11 806:5 808:4,11 817:5 825:16,17 834:7 835:4 852:4 876:2 878:4 882:19 902:2,2,4,7 928:7 944:14 944:14 981:16 981:17 995:9 1006:18 1017:2 1024:16 1031:21 1036:21 1048:13,16 understanding 766:8 770:18 771:23,24 773:16 784:22 786:23,24 825:25 852:18 871:21 873:22 877:9 912:20 964:14 992:23 1004:1 1005:13 1036:22 understands 800:3 unfair 796:7 unfortunately 907:9 ungenerated 756:25 768:21 772:14 789:11 unhappy 907:6 unheard 801:17 801:18,18 uniform 783:19 783:22 784:4 union 750:10 751:3 752:12 867:8 956:13 956:17 958:24 959:9 961:24 964:24 966:19 972:22 974:4</p>	<p>975:25 976:2 980:11 987:14 996:12 1000:17 1000:23 1001:10 1007:19 1008:12 1010:10,14 1019:11 1032:6 1032:21 1034:17 1038:16 1040:11 1042:4 1042:5,13 1047:15,16 1048:19,25 1053:14 1054:1 1054:16 1056:7 1057:8,10 union's 962:5 966:11 995:6 1040:9 1053:12 unions 978:21 1011:2 unique 793:15 859:19 861:6 862:12 863:4 863:24 868:25 904:6 unit 978:20 united 918:1 University 907:13 unknown 797:7 909:12 unlawful 767:6 769:15,16,25 770:1,4 783:2 unnecessary 878:21 962:19 963:17 1005:14 1006:6 unreasonable 758:15 804:14 808:23 815:25 unrecovered 786:25 788:15</p>	<p>unrelated 888:24 untimely 769:4 unusual 820:21 859:19 861:6 862:12 863:3 863:13,23 868:25 1042:16 unwarranted 763:5 update 991:2 updated 1039:18 1048:4 upfront 960:24 upgrade 962:1 upgrading 985:14 upheld 794:15 795:23 upward 939:11 URD 1013:23 urge 819:23 usage 985:2 use 783:12 801:19 818:17 820:24 823:2 829:15 854:25 857:19 861:16 862:6,9,10 863:15 872:11 873:3 879:11 879:21 887:19 889:16 904:9 910:9 916:9 920:8,13 921:16 922:9 924:6 929:14 930:10 937:3 949:9 951:8 953:4,5,5,7 959:6 974:14 977:19 980:10 983:18 984:19 985:4,18,18 990:14 991:2 994:22 1054:10 useful 1004:23 uses 862:15</p>
---	--	---	--	---

879:12 911:15 911:16 916:3 959:4 984:25 993:17 USOA 859:13 usual 879:19 881:2 usually 794:5 utilities 756:16 761:2,12 820:14 899:1 927:3,6 951:9 951:10 957:25 utility 793:13,16 793:21 801:11 820:21,23 821:18 822:5 822:22 823:4 830:2 834:5,8 847:18 851:1,5 852:15 859:12 859:16,25 880:20 882:1 942:20 957:22 992:10 1006:14 1018:8 1019:24 utility's 805:19 814:21 851:6 861:3 utilize 1016:13 utilized 981:25 utilizes 911:14 utilizing 912:12 914:23,25	variability 904:3 variable 901:2 902:7 946:15 949:6 variances 903:23 variation 902:13 903:19 977:14 1030:19 variations 985:20 varied 845:4 variety 1015:18 1017:13 1021:1 1036:1 1050:17 various 910:25 911:1,4,5 962:3 964:25 975:17 978:19 1022:2 vary 843:3,10 845:6 980:6,7 vast 909:12 vaults 1014:5 vegetation 811:11 835:17 895:15,22 896:5,7 897:7 897:13 898:24 900:2,8,19 901:6,13,23 902:5,14,18 903:25 904:20 906:8,15 908:25 909:22 910:4,8,10,14 911:8,16 912:10 918:9 918:21 922:10 923:2,9 924:2 925:25 931:14 932:15 933:9 934:3,12 935:12 945:14 946:10,23 947:11 948:8 949:24 950:9 951:11,15 952:12,22	956:11 962:18 971:2 1000:9 1035:25 1055:21 vegetative 835:8 venture 809:7 1042:25 venue 1008:8 verified 1051:23 verify 868:5 versed 990:23 versus 979:2 vertical 911:7 vested 1041:19 vice 837:1 957:2 video 892:16 view 775:19 viewpoint 764:22 violating 799:9 virtually 801:17 virtue 1038:23 virtues 815:15 vital 829:25 volatility 897:21 903:16 932:23 voltage 1013:17 1013:18,19 volts 1013:19 Volume 750:8 vote 765:16,21 765:22,23 766:5 voted 766:4 vulnerability 874:11	927:18 979:12 1031:1,12 wages 925:17 926:4,7 927:24 928:6 1001:6 1040:21 wait 790:23 921:3 963:21 Wakeman 836:14,21,23 837:3,20,23 838:10 846:25 847:1 886:21 886:23 891:21 897:19,21 899:15,18 901:21 905:14 921:2 924:14 924:15 933:14 955:8,24 957:3 968:12,13,14 968:16,22 972:25 973:2 975:14 976:1 977:8 978:16 988:24 993:2 994:16 1000:3 1000:7 1004:9 1013:2,16 1014:15 1015:7 1027:21 1028:1 1029:23 1043:13 1049:2 1050:6,24,25 1052:20 1055:12,19 1056:1,9 1057:3,5 Wakeman's 879:5 924:18 957:23 1020:16 1029:2 walk 995:24 Walter 964:3,22 967:2 977:7 991:7,16 992:15 999:20	1000:7 1014:24 1018:20,21 1019:23 1032:4 1043:12 1044:12 1045:15 1056:12 1057:9 Walter's 969:2 983:23 984:17 989:23 1006:1 Walters 969:16 971:13,14,25 999:3 1009:13 1018:14 1021:8 1054:15 want 769:4 776:7 778:8 789:3,4 797:11,16 800:14 801:6 808:7,8 809:10 809:18 815:14 817:7 819:6,7 820:15 832:1 840:18 854:6 854:16 857:18 862:24 875:25 880:25 881:1 884:17 887:16 889:16 893:6 894:9 909:8 913:7,23 914:4 914:24 928:5 928:11 956:4 962:15,23 973:2 981:5 984:16 988:7 988:18 993:25 995:1 997:17 999:19 1003:12 1010:24 1012:21 1016:1 1016:21 1024:17 1032:17 1047:14 wanted 763:11 792:25 800:7
V		W		
vacancy 1029:8 valid 815:12 Valley 992:12 997:6,12 1030:4 valuable 995:18 value 993:13 995:4 1006:2 1006:22,24 1007:16 1008:8 1008:10,19		Wabash 755:18 770:22 771:11 776:13 777:7 777:19 778:14 778:24 779:14 780:23 Wabash/AEP 772:10 774:1 787:4 wage 925:19		

TRANSCRIPT OF PROCEEDINGS 2/26/2015

810:11 891:11 911:2,23 920:9 944:14 951:19 wanting 915:8 920:7 wants 797:12 802:19 911:5 957:6 1008:12 wasn't 756:21 760:18 773:14 777:20 778:22 801:4 802:6 840:16 977:17 993:14 998:19 1025:24 1038:9 1038:9 watching 917:16 water 809:14 820:13 way 766:10 794:7 802:7 827:5,11 831:10 843:3 862:9 879:10 885:11 887:23 897:2 900:3 915:18,22 916:10 923:20 931:25 932:16 935:7 950:8,22 953:19 960:22 965:18 966:1 969:13 976:13 977:18 982:18 989:6 990:14 995:19 1012:2 1013:22 1028:17 1041:14 1044:19 ways 774:10 887:17 896:24 957:8 1018:7 1050:17 we'll 759:11 791:4 835:3,20 837:24 842:9	845:17 857:3 861:13 862:24 891:19,22 892:15,16,24 893:13,15 894:7,17 895:15,16 919:9 922:16 935:9 940:18 954:5 956:8,18 977:6 978:7 982:10 997:20 999:21 1014:19 1019:17 1022:4 1022:5 1054:18 we're 753:3,25 776:1 805:15 808:10,11 811:7,8 820:1 822:19,20,20 823:9 826:10 828:13 831:18 834:16,19 862:22 871:10 874:15 887:20 888:17 893:2 893:21 903:21 905:5 911:23 936:24 954:21 955:17 956:16 960:19,20 962:19 963:2,8 964:5,16 966:7 975:10 977:23 978:5 987:4,6 987:11 996:11 996:13 997:2,7 997:8,10,13,17 998:9 1009:2 1011:15,17,23 1011:25 1012:17 1015:21,23 1018:2,8 1021:25 1022:4 1022:9,12,12 1022:14,14	1027:15 1028:18 1031:19 1032:9 1036:9,10,14 1036:14 1041:4 1041:5 we've 764:10,23 777:14 790:24 790:25 808:18 814:5 820:2 845:12 846:11 851:20 852:9 853:4 867:10 888:24 896:25 901:16 904:9 913:15 926:23 950:13,23 964:11 976:22 982:9 992:8,14 992:15,20 997:6,6 998:10 998:15 1015:22 1027:18,19 1033:6 1054:11 weather 761:9 874:9 880:13 962:17 weather-related 870:25 902:4 weatherman 901:2 week 941:4 947:1 975:11 weeks 797:23 1016:2 Weiss 788:24 welcome 924:16 927:9 941:1 968:9,12 1009:6 well-respected 991:21 well-staffed 985:10 well-suited 812:3 well-trained 1045:14	Wendy 751:3 835:7 went 766:1 768:4 768:5 879:5 935:4 944:18 945:21 946:4,9 946:14 955:4 977:18,22 1012:11 weren't 757:1 776:17 800:17 946:15,16 1051:6 1052:23 whatsoever 801:25 wholeheartedly 842:17 wholesale 754:6 wide 826:5,7,9 826:13 830:16 830:18 983:16 993:21 999:4 1050:17 widely 845:6 widening 985:15 WILLIAM 750:18 willing 978:4 1002:18 1015:15 win-win 896:22 wind 826:19,22 wire 866:21 874:19 889:19 889:23 1013:11 wires 1009:1 wise 890:18 wish 864:22 885:22 958:17 999:17 wishing 776:3 withstand 893:6 witness 753:7 785:10 789:18 791:7 819:24 835:4 836:1,14 836:15 847:2,4	858:3,19,25 860:14,20 864:8 867:22 886:20 893:11 895:1 897:19 900:18 905:17 917:2 919:9 924:14 928:15 928:25 934:7 941:14 942:4 948:23 968:11 970:23 971:1 975:21 1018:13 1018:15 1021:9 1058:6 witnesses 811:2 816:4 899:23 947:10 958:2 1054:17,19 1058:9 wonder 782:24 810:25 1016:20 wondered 1016:25 wondering 882:22 1023:24 WOODRUFF 750:15 753:2 754:11,22,24 755:2 758:24 759:3,10,17,24 762:22 764:25 770:8 776:1 782:2 785:4,8 785:17,20,23 785:25 786:2,6 788:6 789:16 789:19 790:25 791:8,12,14,16 791:20 792:14 792:17,19 799:6 802:15 809:25 810:21 811:3,6,12 816:18,21,23 818:14 823:20 823:22 825:20
---	---	--	--	---

TRANSCRIPT OF PROCEEDINGS 2/26/2015

828:22 830:11	951:22,24	981:7 982:24	workers 959:2	807:25 905:23
830:13 833:25	953:9 954:1,7	983:2,7,14,19	989:13 1001:11	1031:14
835:1,3,12,16	954:10,12,17	985:4,10,16,18	1001:12	
835:19,22,24	954:23 955:3	986:8,8,10,11	1019:24 1042:6	<hr/> X <hr/>
836:2,6,8,10,16	956:10,16	986:14 987:21	Workforce	<hr/> Y <hr/>
837:22 838:4,6	958:15,17,21	988:8 989:16	991:15	Y 750:21
841:6 842:9	958:24 963:21	989:17 990:1	working 753:5	yard 1017:9,12
844:1,4 847:1,5	963:24 967:7	992:11 993:4,8	807:3 813:8	1017:15
848:3,9 849:19	968:1,6,11,18	993:9,11,17,18	848:5 979:25	yards 994:1
849:21,24	972:20,22	993:21,22	980:1 997:9	1017:5,7,22
850:2,5 853:15	975:23 977:4	994:4 995:2,14	999:3	yeah 773:14
854:2 858:5	984:10 999:17	995:14 996:4	workload 965:6	774:6 797:14
859:1 860:13	999:21 1001:16	996:20,23	967:25 983:11	808:2 839:5
860:24 863:7	1009:7,9	997:18 998:14	985:5,13,20,24	842:3,14
864:2,9,17,22	1012:24	1001:7,8,9	986:2,4,13	843:21 875:9
864:25 867:21	1013:14 1014:9	1004:21 1010:7	988:22 1039:10	883:12 889:12
868:14 875:18	1014:18,22	1010:7 1011:4	works 931:13,25	890:14 894:18
881:12 884:6,8	1015:1,4	1011:12,21	970:6,9 1005:4	913:7 917:12
885:22,25	1018:12,16	1012:15,17	1041:6	918:14 924:8
886:19 891:2	1019:12,16,19	1015:20	workshop 798:24	925:7,20
891:19 892:10	1021:4 1023:1	1016:18,25	800:13 802:11	926:12,14
892:18,24	1031:25	1020:3 1023:19	804:2,3 805:1,4	927:7 928:1
893:2,10,13,23	1034:25	1026:10,11,15	810:4,12,15,22	935:25 972:16
894:1,3,5,11,16	1041:23 1043:6	1026:18,20	1017:25	978:11 983:9
894:19,24	1043:9 1044:10	1028:14 1032:7	worried 832:24	984:12 993:6
895:2,5,7,9	1048:20,23	1032:21	1012:6	993:19 994:3
900:25 903:6	1054:14	1034:18,19	worry 896:17,20	994:10 996:1,5
905:19 913:4,6	Woodsmall	1037:5,21	worse 1020:4	996:15 997:9
915:12 916:19	762:11	1039:7,8	wouldn't 778:6	998:20 999:14
917:10,12	word 794:10	1040:9,11,14	779:25 818:21	1001:19,23
918:13 919:8	801:19 868:4	1040:21 1041:8	840:14 841:22	1002:9,18,25
919:13,17,20	904:9 943:7	1041:17,18	843:10 868:23	1003:25
919:23,25	951:7	1042:3,6,8,12	892:14 916:22	1005:17
920:20 921:5,7	wording 871:13	1042:16,20	974:17 980:7	1010:22
924:13,16,20	words 868:19	1043:15,16	982:15 985:1	1014:24 1017:4
924:22,24	work 887:19	1044:3,3,14	986:12 988:7,8	1023:21 1033:2
925:1,4 927:10	892:14 897:1	1045:2,5,6,13	988:18,19	1038:21
927:12 928:12	900:4 907:20	1045:17,19	993:12 994:16	1047:23
928:14,17,21	959:13,18,21	1046:3,4,14	998:20 1003:11	1048:12 1049:3
928:24 929:2,5	960:2 961:6,7	1049:15,20,21	1004:15	1052:22
930:4 931:7	961:11,21	1050:4 1053:23	1015:14	1053:23
934:8 935:20	963:11 964:6	1054:10	1020:14 1031:2	year 783:5 802:1
939:19 940:8	964:11 965:12	1057:11	wrenches 1018:3	802:13 821:6
940:14,16,18	969:5 970:9	work's 986:12	write 891:7	824:14 825:12
940:22,24	972:7,8 974:15	worked 808:18	971:19,21	828:17 831:5
941:6,9,19	978:16 979:2,4	812:2 976:14	write-off 891:17	845:5,23 851:1
944:4,6,8 947:6	979:17 980:8	1002:4	wrong 765:9	

TRANSCRIPT OF PROCEEDINGS 2/26/2015

851:14 859:17	years 767:5,11	1036:3 1037:11	1018 1056:13	879:6 881:6
861:21,23	768:13 800:12	1044:16 1050:8	1019 1056:13	14 787:11 822:15
863:9,10,10	802:14 805:25	1052:14	1057:9,9	825:13 876:20
877:25 878:10	808:17 829:14	1054:11	1032 1056:14	878:1,16 939:3
890:16 891:18	831:15,18	yesterday 753:7	1035 1056:14	968:25 972:15
900:8,12	834:7 843:9	761:22 762:9	1042 1056:15	982:23
902:14,14	845:5 846:16	766:22,24	1043 1056:15	1439 752:12
903:19,19	877:19,22	767:11 768:6	1049 1057:11,11	956:24 959:2
907:11 908:11	888:3 900:17	770:14 771:13	11 841:8,9	959:20,21
908:12 911:7	901:10,12,16	776:21 785:11	852:20 974:9	960:15 966:22
916:23 919:1	912:24 914:15	793:2,7 802:18	977:18	967:3 974:15
924:4,4,9,10	914:16,17,20	809:3 835:13	11,000 977:19	975:16 978:20
925:9,9 929:15	914:23 924:1	884:24 893:18	11,100,000	980:3 985:13
929:24,24	924:10 930:23	928:18	1009:14 1034:3	995:15 1001:6
930:11,19,19	937:12,25		11.1 1030:20	1011:9 1021:14
933:8,8 936:9	938:4,5,10,10		1033:24	1023:7 1032:6
936:10,22	938:10,11,20	Z	111 751:9	1034:11
937:2,14,24,24	939:5,24	zero 845:5	1010:15	1040:18
938:25 939:2,8	945:11,23		116 887:5	1439's 1021:9
939:14 944:22	946:2,6 948:17	0	12 775:13 822:14	1054:3
944:23,25	949:10,11	0016 849:5	824:9 920:9	14th 943:19
945:4,5,11	952:21,24	848:23 849:5	923:1,6 939:3	945:11
946:4,4,6,9,24	954:15 959:22	006 848:23	944:15,20	15 956:13
947:12,12,12	959:25 960:4	09 885:17 945:16	945:18,20	15,000 1013:19
947:22,24,24	963:15 966:4,6		946:7 947:21	150 1010:5,19
948:10,10,11	966:8 973:20	1	948:15,17,19	154 978:14
948:15,20,24	974:11 980:16	1 842:18	952:19,23	1039:16
948:24 949:9	980:19,24	1,000 1010:5	967:24 973:3	158 989:1
964:12 975:13	981:1,23 986:5	1,500 1033:13	974:10 975:5	158,000 987:24
987:3,23 988:1	988:12,12	1,600 1033:13	977:18 1022:1	159,000 987:15
988:13 992:14	989:15 990:18	1.11 964:12	1022:2	16 876:21
997:8,19,22	992:1,20	1.5 912:23	12-month 912:4	1009:14
1003:11	995:16 996:19	1:00 891:23	12:00 891:22	161 987:19
1005:20	996:21,23	892:25	125 1022:4	161,000 987:15
1009:15,24,25	998:15 999:8	10 763:4 767:2	128,921 976:16	989:1
1010:2,2,5	999:13 1011:9	852:13,19	13 822:14,15	163 1048:3
1011:20	1011:20 1012:5	10.54 757:18	824:10 841:8,9	164 1040:3
1020:22 1022:4	1012:7,20	10:10 811:4	848:20 850:11	1048:3
1022:11	1014:11	100 890:25	939:3 945:3,3	17 1009:14
1030:20	1017:10 1018:2	891:15,16	946:12 948:4	18 998:12,15
1037:18 1039:6	1022:17,21	982:10 988:15	953:16,23	180 1010:20
1039:14	1023:20 1024:2	1042:22 1046:4	969:1 971:19	19 876:2 878:16
1046:18 1051:2	1029:1 1032:11	1054:11	982:22,22	1901 751:4
1051:4,11,13	1032:13	1001 1056:10,11	988:1	836:22
1051:18,21	1033:10,17,20	1009 1056:11	1366 854:19	1994 1033:12
yearly 940:2	1033:25	101 751:19	855:6 862:10	1st 840:10
978:9	1034:14,15	1015 1056:12	878:17,22	

<u>2</u>	2011 764:7 768:25 775:13 779:4 800:22 891:6 975:4	209 754:14 21 1019:24 1051:1,2,6,17 210 754:14	35-and-a-half-... 776:21 35.6 771:7,9,10 771:25 786:20 792:3 36 771:14 999:11 36,500 866:10 360 752:8 37 1009:13 1011:8,19 1012:3 1021:24 1022:8,13,20 1022:22 1023:5 1023:6,6 1029:17 1030:19 1031:18 1034:3 1046:18 1050:24 1052:13 38 770:23,24 771:6 777:2	424,501 976:19 1039:12 443-3141 751:11 456 751:14 46 837:5,19,22 838:2 1057:2 47 837:6,19,22 838:2 1057:4 483,278 1047:19	
2 755:14 767:1 810:6 848:20 2,000 977:19 2,080 977:20 978:10 1039:15 1039:16 2.1 923:11 2.2 825:15 2.6 923:14 2:40 956:14 20 750:8 942:11 973:7 975:11 1016:24 1029:1 1050:7,10,12 1050:15,18,20 1051:11 200 751:9 752:3 752:8,13 754:12,22 974:25 1012:8 2000 1032:24 1033:1 2003 891:13 2006 907:1,4,17 915:5,8 2007 821:14 822:4 839:20 840:10 851:13 926:14 943:19 1005:21 1033:4 1033:5 1037:13 2008 756:11 915:9 926:11 943:19,22 974:20,25 1012:9 1037:18 2009 768:18 778:11 780:20 864:14 865:8 865:22 870:2 874:16 886:5,9 973:7,14 982:14 990:21 1012:9 1032:14 1032:15 201 849:17	2012 764:7 769:1 779:4 800:25 824:4,6 853:6 878:1 887:4 908:15 924:3 925:10 937:17 976:6,16 977:9 977:17 1038:3 1039:6 1053:13 2013 825:13 937:18 944:24 987:23 1034:13 1039:6 2014 840:10 887:5 910:12 911:13 923:2 929:19 937:18 944:21,22,24 945:17,20 946:18 948:16 952:20,24 976:6,18,23 977:9 987:16 999:11 1010:19 1018:22 1039:6 1039:12,23 1047:18,19 1048:4 2015 750:6 922:17 1009:14 1022:14 1029:17 2016 1029:17 2017 1029:17 1034:16 1058:22 202 847:22 205 848:3 849:17 849:19,20,25 850:4 206 848:9,10 849:19,20,25 850:4	211 754:15 848:1 22 876:3 221 751:19 2230 752:3 225 1047:24 24 849:4 240-23.020 934:17 941:21 942:6 241 754:17 243 978:17 25 1051:21 26 750:6 26th 865:22 29 845:7 2nd 1018:22 1032:7	<u>3</u>	<u>4</u>	<u>5</u>
		3 763:4 850:11 876:2 3-1 766:5 3-2 765:16,21,23 3,700 866:20 3.3 911:21 30 901:3 943:19 973:20 300 1010:3 1044:22 300,000 1009:15 30th 840:10 891:16 943:21 1034:16 312 751:14 314 751:5 752:14 31st 910:12 1034:16 320,000 978:14 320,045 1039:16 35 776:9 777:3,5 786:12 792:6 959:20 1023:24 1033:17	4 847:18 850:24 850:25 911:13 934:16,17 941:21 942:5,6 1019:23 4,000 866:14 4.3 848:20,21,24 4.4 923:17 4.6 834:24 852:1 4:21 1054:20 40 973:20 998:14 998:16 999:11 400 1044:18,19 1044:21 401k 990:6 406 790:7 791:3 791:5 1056:21 407 790:8 791:3 791:5 1056:23 408 790:8 791:3 791:5 1056:25 412 759:13,17,21 1056:19	5 839:5,6 842:16 859:8,10 870:20 934:15 5.8 910:17 50 905:13 973:20 50/50 802:9 526-6036 752:9 54.5 910:15 544-3484 751:5 55 959:25 992:2 995:13 996:22 1033:19 556-6622 751:20 56,289,626 945:2 573 751:11,15,20 752:4,9 58 772:15,20 864:19,22,25 865:3 1057:6 58,777 976:23 1039:20 1047:18 5th 1023:13	
			<u>6</u>		
				6 755:9,15 848:21 858:16 874:22 876:20 984:16 6,900 866:19 6.8 848:21,22,24 60 905:13 1023:19 1024:2 1033:21 62 946:18,20 1032:16	

<p>62-month 911:16 914:24 63103 836:22 63105 752:14 63166 751:5 635-7166 751:15 65101 751:20 65102 751:15 752:4,9 65205 751:10 659 866:20 66149 751:4 694 1032:9</p> <hr/> <p style="text-align: center;">7</p> <p>7 984:17 1058:22 703 1032:6 727-6804 752:14 75 975:8 751-5324 752:4 753 1055:2 755 1055:3 759 1056:20,20 760 1055:3 762 1055:4 765 1055:4 770 1055:5 7730 752:13 776 1055:5 780 1033:6 782 1055:6,7 788 1055:7 789 1055:8 790 1033:6 791 1055:9 1056:22,24 1057:1</p> <hr/> <p style="text-align: center;">8</p> <p>8 767:2 841:7 848:23 849:4 878:15 973:5 8:30 1054:19 80 1042:24 1043:3 800 1019:11,12 1019:15 1033:8</p>	<p>1057:8 801 975:25 976:2 987:14 996:13 1038:17 1047:16 1048:19,25 1057:10 803A 1032:14 811 1055:10 818 1055:10 828 1055:11 834 1055:11 836 1055:12 838 1055:13 1057:3,5 842 1055:13 844 1055:14 847 1055:15 850 1055:15 853 1055:16 854 1055:16 865 1057:7,7 875 1055:17 881 1055:17 884 1055:18 886 1055:18 887 1055:19 888 1055:20 891 1055:20 895 1055:22</p> <hr/> <p style="text-align: center;">9</p>			
--	---	--	--	--