

In the Matter of:
Empire District Electric Company

ER-2020-0311, VOL 1

June 08, 2020



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ER-2020-0311, Volume 1
BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

June 8, 2020

Via WebEx Conference

Volume 1

In the Matter of The Empire)
District Electric Company's)
Filing For Authority to Implement) File No. ER-2020-0311
Rate Adjustment Required in)
20 CSR 4240-20.090)

JANA JACOBS, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
Lori D. Mothersbaugh, CCR
TIGER COURT REPORTING, LLC

A P P E A R A N C E S

ALL PARTIES ATTENDED VIA WEBEX CONFERENCE

DIANA C. CARTER, Attorney at Law
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Jefferson City, Missouri 65101

FOR: Empire District Electric Company

JOHN CLIZER, Senior Counsel
LENA MANTLE, Legal Counsel
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P.O. Box 2230
Jefferson City, Missouri 65102

FOR: Office of Public Counsel

JAMIE MYERS, Staff Counsel
BRAD FORTSON, Industry Analysis
BROOKE MASTROGIANNIS, Industry Analysis
NATELLE DIETRICH, Director, Industry Analysis
LISA WILDHABER, Industry Analysis
Governor Office Building
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, Missouri 65102-0360

FOR: Staff of the Missouri Public Service Commission

RON PRIDGIN, Regulatory Law Judge
Also Present, Observing via WebEx

1 JUDGE JACOBS: We are on the record now for
2 the conference scheduled for today, June 8,
3 2020, in this matter. This is File No.
4 ER-2020-0311. This concerns the Empire District
5 Electric Company's rate adjustment filing under
6 20 CSR 4240-20.090. The conference was set for
7 1:15 today. It is now 1:17 p.m.

8 My name is Jana Jacobs. I'm the Regulatory
9 Law Judge assigned to this matter, and this
10 conference is being conducted by telephone and
11 video conference today.

12 Thank you very much, Ms. Myers, for
13 appearing by video. That will be helpful to
14 allow me to disconnect so that the parties can
15 continue with the conversation after I
16 disconnect from the call, so I appreciate that.

17 The Commission has set this time aside for
18 procedural conference. The purpose of this
19 conference is to allow the parties to meet to
20 establish a hearing date and discuss other
21 procedural issues. Once I leave the call, the
22 parties may also wish to discuss the possibility
23 of an agreement to resolve the case.

24 We have a court reporter on the line who
25 will be preparing a transcript of the

1 on-the-record portion of this conference, and I
2 will begin by asking the parties to enter their
3 appearances for the record. Typically counsel
4 will provide a business card to the reporter
5 when all of this takes place in person. Because
6 we're all participating remotely, I will ask the
7 lawyers to identify yourself by name and provide
8 your address and phone number for the court
9 reporter.

10 And for those of you who are appearing only
11 by telephone today, you'll need to be careful --
12 actually, everyone, because our court reporter
13 is not on video, so everyone will need to be
14 careful to identify themselves as you begin your
15 comments today to make sure that
16 Ms. Mothersbaugh is able to identify everyone
17 for the record.

18 So I will start with counsel for the
19 Company appearing today.

20 MS. CARTER: Yes. Thank you. This is
21 Diana Carter, for the Empire District Electric
22 Company, 428 East Capital Avenue, Suite 303,
23 Jefferson City, Missouri, 65101. Phone number,
24 (417) 626-5976.

25 JUDGE JACOBS: Thank you very much,

1 Ms. Carter. And I don't believe there was
2 anyone else on the line with you today for the
3 Company; is that right?

4 MS. CARTER: That's correct.

5 JUDGE JACOBS: Okay. Thank you. And then
6 now for Commission Staff, Ms. Myers.

7 MS. MYERS: Yes. For the Staff of the
8 Missouri Public Service Commission, Jamie Myers
9 M-y-e-r-s. My address is Governor Office
10 Building, Suite 800, 200 Madison Street,
11 P.O. Box 360, Jefferson City, Missouri, 65102.
12 Telephone number, (573) 526-6036.

13 JUDGE JACOBS: Thank you, Ms. Myers. If
14 you're familiar with who's on the line for
15 staff, go ahead and introduce those folks.
16 Thank you.

17 MS. MYERS: I believe we have Brad Fortson
18 and Brook Mastrogianis.

19 JUDGE JACOBS: Okay. That looks right to
20 me, too. And I apologize. This person's last
21 name, I don't know. It might be Dietrich. Is
22 it Natelle Dietrich? Is that right?

23 MS. MYERS: Natelle Dietrich may have
24 joined us as well from Staff.

25 JUDGE JACOBS: Okay. Yes. I see a Natelle

1 here, so let's confirm that's who it is.

2 MS. DIETRICH: Yes, I'm here, and also Lisa
3 Wildhaber.

4 JUDGE JACOBS: Okay. Yes. There's another
5 name I see here. So I think that accounts for
6 everyone from Staff. So then it looks like we
7 can proceed now for Office of the Public
8 Counsel. Mr. Clizer.

9 MR. CLIZER: Yes. John Clizer, appearing
10 on behalf of the Missouri Office of the Public
11 Counsel. My business address is 200 Madison
12 Street, Suite 650, Jefferson City, Missouri,
13 65101. My phone number is (573) 751-5324, and I
14 am joined by Ms. Lena Mantle from our office.

15 JUDGE JACOBS: Thank you very much. Could
16 Ms. Mantle introduce herself or and/or spell her
17 name, please, for JUDGE JACOBS reporter?

18 MS. MANTLE: Yes. My name is Lena Mantle,
19 L-e-n-a M-a-n-t-l-e, and I am a Senior Analyst
20 with Office of the Public Counsel.

21 JUDGE JACOBS: Okay. And then I probably
22 should have asked Ms. Dietrich to spell her name
23 as well.

24 MS. DIETRICH: Natelle, N-a-t-e-l-l-e,
25 Dietrich, D-i-e-t-r-i-c-h, and I'm the Director

1 of Industry Analysis for the Commission Staff.

2 JUDGE JACOBS: Thank you very much. And it
3 looks like I have another person who's joined
4 the call, so if you just now joined the
5 conference, could you speak up and introduce
6 yourself? We are on the record in this hearing
7 or conference.

8 JUDGE PRIDGIN: Judge Jacobs, hi, this is
9 Ron Pridgin. I'm just dialing in late. My
10 apologies for interrupting.

11 JUDGE JACOBS: Thank you very much,
12 Mr. Pridgin. I appreciate that. Mr. Pridgin is
13 attending this hearing today to observe me and
14 see how I do. So welcome, Mr. Pridgin.

15 Okay. So we have -- I believe we've
16 introduced everybody. Ms. Mothersbaugh, did you
17 get the information that you needed?

18 THE REPORTER: Yes, ma'am, I believe so.
19 Thank you.

20 JUDGE JACOBS: Okay. Thank you so much.
21 So now that we all know who's on here, the first
22 thing I'll do is just ask if any of the parties
23 have any preliminary matters that ought to be
24 taken up at this time.

25 (No response.)

1 JUDGE JACOBS: Okay. I think even for a
2 video conference, that was enough time for folks
3 to unmute and speak up, so I'm going to proceed.

4 The parties have been ordered by the
5 Commission to file a Proposed Procedural
6 Schedule in this case no later than June 18,
7 2020, and so I think it's fine if the parties
8 just work out between the parties who wants to
9 go ahead and make that filing, unless for some
10 reason you feel like that has to be clarified at
11 this point.

12 So is that something that I can just leave
13 it, understanding some party is going to do that
14 joint filing by June 18th?

15 MR. CLIZER: Your Honor, John Clizer, from
16 the Office of Public Counsel. I think that's
17 fine. I think we can reach a procedural
18 schedule with little problem.

19 JUDGE JACOBS: Anyone else have any other
20 comment to make? Thank you, Mr. Clizer.

21 (No response.)

22 JUDGE JACOBS: Okay. Looks like there were
23 no additional comments there, so unless there's
24 anything else to be discussed at this time,
25 after all of these introductions and all of us

1 getting together on the record, it's now about
2 time for me to say that we're done.

3 So did anyone have anything they wanted to
4 bring up before I excuse myself and allow all of
5 you to stay on the line to discuss the case?

6 MR. CLIZER: This is, again, John Clizer,
7 from the Office of Public Counsel. My
8 recollection from the Commission order was to
9 allow the tariffs that were not -- rather, allow
10 tariffs that include all costs not in question
11 to go into effect. I believe there's been some
12 off-line discussion amongst the parties
13 regarding those tariff filings. I was just
14 hoping we could have an update as to whether or
15 not those tariffs -- where the filing of those
16 tariffs were at, basically.

17 MS. CARTER: This is Diana, with Empire.
18 It's my understanding that Lena, with OPC,
19 talked with Charlotte, with Empire, on Friday,
20 and I'm not sure if the sheets were finalized at
21 that time or not, so they should be -- should be
22 ready for filing soon. I think once Lena signed
23 off on them, Charlotte was then going to reach
24 out to staff.

25 MR. CLIZER: That's great to hear. Thanks.

1 I'm curious, the effective dates of the original
2 sheet were, I believe -- I'm trying to remember
3 -- June 1st. Do you have an idea what the
4 effective dates of these tariff sheets would be?
5 I'm just curious at this point.

6 MS. CARTER: No. It was my plan to put
7 them with a 30-day effective date on there,
8 since we didn't have an order authorizing a
9 different date.

10 MR. CLIZER: Terrific. All right. Thanks.

11 MS. CARTER: And then I did have one
12 question on the procedural schedule we're to put
13 forward. I don't think we've had -- Empire has
14 had to deal with this situation before, so I
15 didn't know if there is an expectation regarding
16 what we'll include in our procedural schedule
17 for this case in terms of the amount of
18 testimony.

19 JUDGE JACOBS: I think that's probably a
20 question directed at the judge, so I would say
21 that that's going to depend on what the parties
22 believe will be necessary to resolve this issue.
23 So really that's a question of what you think
24 it's going to take. So you would talk to each
25 other about that, and then you would be making a

1 proposal. I suppose if that didn't look
2 adequate to the Commission for some reason, then
3 maybe there would be some back and forth on
4 that.

5 MS. CARTER: Okay. Thanks, Judge.

6 JUDGE JACOBS: Does that make sense?

7 MS. CARTER: Yeah. We'll figure something
8 out.

9 JUDGE JACOBS: Okay. I'm sorry that I
10 don't have anything more specific to say there.
11 I really think a lot of it is just going to
12 depend in the first step what the parties come
13 up with.

14 MS. CARTER: Okay. Sounds good. Thank
15 you.

16 JUDGE JACOBS: Did anyone have anything
17 else to say?

18 (No response.)

19 JUDGE JACOBS: Okay. So what I'm going to
20 do now is, Jamie, I'm going to attempt to pass
21 the host role to you, and that will mean that I
22 don't have to -- I can just disconnect myself
23 and move along here, and then I'm not
24 responsible for your conference, and then all of
25 you can remain and continue your conference as

1 long as you'd like to today.

2 So even though WebEx conferences always
3 have that kind of appointment period for them,
4 from what I understand, they'll just go on as
5 long as you want them to, so -- not that you
6 want to be on here for three hours today, but
7 I'm just saying you're not necessarily limited.
8 So let's see if it actually works, and I will
9 try to pass that to you.

10 We are now going to go off the record so
11 our court reporter doesn't have to type out any
12 additional communications that might take place
13 about trying to pass the host role to Ms. Myers.

14 (Hearing adjourned.)

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C E R T I F I C A T E

I, Lori D. Mothersbaugh, a Certified Court Reporter, CCR No. 0423, the officer before whom the foregoing Prehearing Conference was taken, do hereby certify that the testimony that appears in the foregoing transcript was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.


Lori D. Mothersbaugh, CCR No. 0423

1	800 5:10	bring 9:4	costs 9:10
18 8:6	A	Brook 5:18	counsel 4:3,18 6:8, 11,20 8:16 9:7
18th 8:14	accounts 6:5	Building 5:10	court 3:24 4:8,12 12:11
1:15 3:7	additional 8:23 12:12	business 4:4 6:11	CSR 3:6
1:17 3:7	address 4:8 5:9 6:11	C	curious 10:1,5
1st 10:3	adequate 11:2	call 3:16,21 7:4	D
2	adjourned 12:14	Capital 4:22	D-I-E-T-R-I-C-H 6:25
20 3:6	adjustment 3:5	card 4:4	date 3:20 10:7,9
200 5:10 6:11	agreement 3:23	careful 4:11,14	dates 10:1,4
2020 3:3 8:7	ahead 5:15 8:9	Carter 4:20,21 5:1,4 9:17 10:6,11 11:5,7,14	deal 10:14
3	amount 10:17	case 3:23 8:6 9:5 10:17	depend 10:21 11:12
30-day 10:7	Analysis 7:1	Charlotte 9:19,23	dialing 7:9
303 4:22	Analyst 6:19	City 4:23 5:11 6:12	Diana 4:21 9:17
360 5:11	and/or 6:16	clarified 8:10	Dietrich 5:21,22,23 6:2,22,24,25
4	apologies 7:10	Clizer 6:8,9 8:15,20 9:6,25 10:10	directed 10:20
417 626-5976 4:24	apologize 5:20	comment 8:20	Director 6:25
4240-20.090 3:6	appearances 4:3	comments 4:15 8:23	disconnect 3:14,16 11:22
428 4:22	appearing 3:13 4:10, 19 6:9	Commission 3:17 5:6,8 7:1 8:5 9:8 11:2	discuss 3:20,22 9:5
5	appointment 12:3	communications 12:12	discussed 8:24
573 526-6036 5:12	assigned 3:9	Company 4:19,22 5:3	discussion 9:12
573 751-5324 6:13	attempt 11:20	Company's 3:5	District 3:4 4:21
6	attending 7:13	concerns 3:4	E
650 6:12	authorizing 10:8	conducted 3:10	East 4:22
65101 4:23 6:13	Avenue 4:22	conference 3:2,6,10, 11,18,19 4:1 7:5,7 8:2 11:24,25	effect 9:11
65102 5:11	B	conferences 12:2	effective 10:1,4,7
8	back 11:3	confirm 6:1	Electric 3:5 4:21
8 3:2	basically 9:16	continue 3:15 11:25	Empire 3:4 4:21 9:17, 19 10:13
	begin 4:2,14	conversation 3:15	enter 4:2
	behalf 6:10	correct 5:4	ER-2020-0311 3:4
	Box 5:11		
	Brad 5:17		

establish 3:20			necessarily 12:7
excuse 9:4			needed 7:17
expectation 10:15			number 4:8,23 5:12 6:13
<hr/> F <hr/>	<hr/> I <hr/>	<hr/> L <hr/>	<hr/> O <hr/>
familiar 5:14	idea 10:3	L-E-N-A 6:19	observe 7:13
feel 8:10	identify 4:7,14,16	late 7:9	off-line 9:12
figure 11:7	include 9:10 10:16	Law 3:9	office 5:9 6:7,10,14, 20 8:16 9:7
file 3:3 8:5	Industry 7:1	lawyers 4:7	on-the-record 4:1
filing 3:5 8:9,14 9:15, 22	information 7:17	leave 3:21 8:12	OPC 9:18
filings 9:13	interrupting 7:10	Lena 6:14,18 9:18,22	order 9:8 10:8
finalized 9:20	introduce 5:15 6:16 7:5	limited 12:7	ordered 8:4
fine 8:7,17	introduced 7:16	Lisa 6:2	original 10:1
folks 5:15 8:2	introductions 8:25	long 12:1,5	<hr/> P <hr/>
Fortson 5:17	issue 10:22	lot 11:11	p.m. 3:7
forward 10:13	issues 3:21	<hr/> M <hr/>	P.O. 5:11
Friday 9:19	<hr/> J <hr/>	M-A-N-T-L-E 6:19	participating 4:6
<hr/> G <hr/>	Jacobs 3:1,8 4:25 5:5,13,19,25 6:4,15, 17,21 7:2,8,11,20 8:1, 19,22 10:19 11:6,9,16, 19	M-Y-E-R-S 5:9	parties 3:14,19,22 4:2 7:22 8:4,7,8 9:12 10:21 11:12
good 11:14	Jamie 5:8 11:20	Madison 5:10 6:11	party 8:13
Governor 5:9	Jana 3:8	make 4:15 8:9,20 11:6	pass 11:20 12:9,13
great 9:25	Jefferson 4:23 5:11 6:12	making 10:25	period 12:3
<hr/> H <hr/>	John 6:9 8:15 9:6	Mantle 6:14,16,18	person 4:5 7:3
hear 9:25	joined 5:24 6:14 7:3,4	Mastrogiannis 5:18	person's 5:20
hearing 3:20 7:6,13 12:14	joint 8:14	matter 3:3,9	phone 4:8,23 6:13
helpful 3:13	judge 3:1,9 4:25 5:5, 13,19,25 6:4,15,17,21 7:2,8,11,20 8:1,19,22 10:19,20 11:5,6,9,16, 19	matters 7:23	place 4:5 12:12
Honor 8:15	June 3:2 8:6,14 10:3	meet 3:19	plan 10:6
hoping 9:14	<hr/> K <hr/>	Missouri 4:23 5:8,11 6:10,12	point 8:11 10:5
host 11:21 12:13	kind 12:3	Mothersbaugh 4:16 7:16	portion 4:1
hours 12:6		move 11:23	possibility 3:22
		Myers 3:12 5:6,7,8, 13,17,23 12:13	preliminary 7:23
		<hr/> N <hr/>	
		N-A-T-E-L-L-E 6:24	
		Natelle 5:22,23,25 6:24	

preparing 3:25	role 11:21 12:13	5:12
Pridgin 7:8,9,12,14	Ron 7:9	terms 10:17
problem 8:18	<hr/>	Terrific 10:10
procedural 3:18,21 8:5,17 10:12,16	S	testimony 10:18
proceed 6:7 8:3	schedule 8:6,18 10:12,16	thing 7:22
proposal 11:1	scheduled 3:2	time 3:17 7:24 8:2,24 9:2,21
Proposed 8:5	Senior 6:19	today 3:2,7,11 4:11, 15,19 5:2 7:13 12:1,6
provide 4:4,7	sense 11:6	transcript 3:25
Public 5:8 6:7,10,20 8:16 9:7	Service 5:8	type 12:11
purpose 3:18	set 3:6,17	Typically 4:3
put 10:6,12	sheet 10:2	<hr/>
<hr/>	sheets 9:20 10:4	U
Q	signed 9:22	understand 12:4
<hr/>	situation 10:14	understanding 8:13 9:18
question 9:10 10:12, 20,23	Sounds 11:14	unmute 8:3
<hr/>	speak 7:5 8:3	update 9:14
R	specific 11:10	<hr/>
<hr/>	spell 6:16,22	V
rate 3:5	staff 5:6,7,15,24 6:6 7:1 9:24	video 3:11,13 4:13 8:2
reach 8:17 9:23	start 4:18	<hr/>
ready 9:22	stay 9:5	W
reason 8:10 11:2	step 11:12	wanted 9:3
recollection 9:8	Street 5:10 6:12	Webex 12:2
record 3:1 4:3,17 7:6 9:1 12:10	Suite 4:22 5:10 6:12	Wildhaber 6:3
Regulatory 3:8	suppose 11:1	work 8:8
remain 11:25	<hr/>	works 12:8
remember 10:2	T	
remotely 4:6	<hr/>	
reporter 3:24 4:4,9,12 6:17 7:18 12:11	takes 4:5	
resolve 3:23 10:22	talk 10:24	
response 7:25 8:21 11:18	talked 9:19	
responsible 11:24	tariff 9:13 10:4	
	tariffs 9:9,10,15,16	
	telephone 3:10 4:11	