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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS
Local Public Hearing
March 11, 2009
Nevada, Missouri
Volume 7

)Case No. ER-2009-0089

In The Matter Of The Application)
of Kansas City Power and Light)
Company For Approval To Make)
Certain Changes In Its Charges For)
Electric Service To Continue The)
Implementation Of Its Regulatory)
Plan,)

)Case No. ER-2009-0090

In The Matter Of The Application)
of Aquila, Inc., d/b/a KCP&L)
Greater Missouri Operations)
Company, For Approval To Make)
Certain Changes In Its Charges For)
Electric Service,)

)Case No. ER-2009-0092

In The Matter Of The Application)
of Aquila, Inc. d/b/a KCP&L Greater)
Missouri Operations Company, For)
Approval To Make Certain Changes In)
Its Charges For Steam Heating)
Service,)

NANCY DIPPELL, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE
GAY FRED
GREGG OCHOA
CURT WELLS

REPORTED BY: PAULA C. VOYLES, CCR, RPR, CRR

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

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3 JUDGE DIPPELL: This is case number
4 ER-2009-0090, In the Matter of the Application of
5 Kansas City Power and Light Greater Missouri Operations
6 Company for Approval to make certain changes in its
7 electric charges.

8 My name is Nancy Dippell, and I'm the
9 regulatory law judge that's assigned to conduct this
10 hearing this evening, and we're also going to receive
11 comments, if there are any, in the related cases,
12 ER-2009-0089, and HR-2009-0092.

13 I'd like to thank everyone for coming this
14 evening, and I'd like to thank the facility for letting
15 us be here and use your computer services and so forth.

16 The Missouri PSC regulates the rates charged
17 by investor owned utility companies in Missouri to
18 ensure that those rates are just and reasonable.

19 The Commission also regulates the quality of
20 service of operations of investor owned utilities, and
21 safety also.

22 The Commission is made up of five
23 commissioners, who are appointed by the governor, to
24 fix terms, and confirmed by the Senate.

25 The Commissioners employ a staff of

1 engineers, accountants, attorneys, financial analysts,
2 and other specialists in the field of utility
3 regulations.

4 This is an official hearing of the Missouri
5 Public Service Commission, and the statements and
6 testimony of witnesses will be recorded by the court
7 reporter and will be given under oath or affirmation.
8 That way, all of the commissioners then will have the
9 opportunity to read the witnesses' remarks, and they
10 will become part of the record.

11 In addition, we are video conferencing this
12 meeting, as you're aware, and it is being broadcast
13 over the Internet. And in addition, it is being
14 recorded here in Jefferson City.

15 I'm sure that I think most of you were
16 probably there for the information session, and so you
17 probably met the Commission staff who are present, but
18 I'll ask once again for them to raise their hand and
19 let you know who they are.

20 They are available to answer questions, and
21 if they don't know the answers, I'm sure they will be
22 happy to find them out for you and get back to you.

23 I also have some staff counsel here in the
24 room with me, and some other staff members. And, let's
25 see. We have the Office of the Public Counsel, I

1 believe, Mr. Mills, is there. Is that correct?

2 MR. MILLS: Yes. I'm here. Thank you.

3 JUDGE DIPPELL: I think you probably met him
4 as well, but Mr. Mills is the Public Counsel and is
5 charged with representing ratepayers before the
6 Commission.

7 In addition, there's some company
8 representatives there; and I believe I heard Mr. Mills
9 say as I was coming in, I'm sure, that they would also
10 be happy to talk to you, if you still have questions
11 that weren't answered during the information session.

12 And at this time I'd ask the Company
13 personnel to kind of wave your hands so that everybody
14 knows who you are.

15 (Hands raised.)

16 JUDGE DIPPELL: Great. The purpose of this
17 hearing is to receive comments from you regarding the
18 rate increase.

19 The company will not present witnesses and
20 will not receive questions while we're on the record.

21 In addition, I am not here to answer
22 questions this evening. But rather, I'm here just to
23 record your comments and hear your remarks regarding
24 the rate proposal.

25 JUDGE DIPPELL: If you used to testify --

1 sorry.

2 MS. FRED: Excuse me, Judge?

3 JUDGE DIPPELL: I'm sorry. I wasn't sure if
4 you were having a technical difficulty.

5 MS. FRED: No.

6 JUDGE DIPPELL: Can you all see me or just
7 hear me?

8 MR. MILLS: We can see you fine.

9 JUDGE DIPPELL: Okay. Thank you. Sorry.
10 We're maybe just having difficulties on our
11 end. So video conferencing is great when it works, but
12 sometimes we have technical difficulties. So I'll ask
13 you to bear with me.

14 I'm sorry. If you wish to testify and you
15 haven't already done so, please put your name on the
16 list. Or, after all the other witnesses have been
17 called, I'll ask if anyone else wishes to speak, and
18 you can let me know at that time.

19 When your name is called, I'd ask you to
20 please come forward and sit at the witness chair here
21 in the front, and I'll ask you at that time to spell
22 your name for the court reporter so that it can be in
23 the record correctly.

24 After you've given your comments, there may
25 be some questions from myself or from some of the

1 attorneys, so I ask you to stay seated until those
2 questions have been asked.

3 We'll end when everyone has had an
4 opportunity to speak. I believe we'll be able to get
5 through everyone this evening in the time we have
6 allotted.

7 If a previous speaker has made the point that
8 you wanted to make, it's perfectly alright if you want
9 to simply state that you agree with what a previous
10 person has said.

11 At this time, I'm going to go ahead and let
12 the attorneys make their formal appearance, and I'm
13 going to start here in Jefferson City with Staff
14 counsel.

15 MS. OTT: Jami Ott, legal counsel for Staff,
16 P.O. Box 360, Jefferson City, Missouri 65102.

17 JUDGE DIPPELL: And Mr. Mills?

18 MR. MILLS: Lewis Mills, appearing on behalf
19 of the Office of the Public Counsel and the Public. My
20 address and Post Office Box 2230, Jefferson City
21 Missouri, 65102.

22 JUDGE DIPPELL: And is there an attorney
23 present for the company?

24 MR. STEINER: Yes, your Honor. My name is
25 Roger Steiner, appearing for Kansas City Power and

1 Light and Kansas City Power and Light Greater Missouri
2 Operations. My address is 4520 Main Street, Kansas
3 City, Missouri 64111.

4 JUDGE DIPPELL: Are there any other attorneys
5 present who need to make an entry?

6 (No audible response).

7 All right, then. In that case, I believe
8 we're ready to begin.

9 Miss Fred, can you tell me who the first
10 witness is?

11 MS. FRED: The first one is Ladine Casey.
12 So, Ladine, if you could come up to this table here and
13 sit at the chair so the judge can see you and the
14 recorder can hear you.

15 MS. CASEY: My name is Ladine Casey.

16 Do you want my address, too?

17 JUDGE DIPPELL: No. That's all right. We
18 don't need it. That's fine. Thank you.

19 MS. CASEY: Okay.

20 JUDGE DIPPELL: I will swear you in, once you
21 get situated.

22 MS. CASEY: All right.

23 JUDGE DIPPELL: Sorry. If it would have been
24 easier, we could have made some other arrangements.

25 Do you solemnly swear or affirm that the

1 testimony you give at this hearing will be the truth,
2 the whole truth, and nothing but the truth?

3 MS. CASEY: Yes.

4 JUDGE DIPPELL: Could you spell your name for
5 us, please?

6 MS. CASEY: L-A-D-I-N-E. C-A-S-E-Y. Casey.

7 JUDGE DIPPELL: Thank you.

8 Go ahead with your comments.

9 MS. CASEY: My concern -- and I live in an
10 area of senior citizens and handicapped people, and I'm
11 very concerned about how they are going to pay an
12 increase.

13 I'm going to give you just in a two block
14 area of me, the people that are there that I don't see
15 how in the world they can possibly have another
16 increase in their living.

17 One of them is a quadriplegic, and he lives
18 alone. He does have a caretaker that comes in. He's
19 able to take care of -- use his hands a little bit, but
20 he's on a fixed income, a very fixed income. And
21 that's just across the street.

22 Right next to me is a lady that lives on \$600
23 a month. That's her Social Security and her -- what's
24 the other one -- anyway, the other one that goes with
25 it. And she lives on 600 a month.

1 And her utility bill, this is gas and
2 electricity, was over \$150 in the worst of this
3 weather. She can't possibly continue to pay any more
4 on her bill than that, and she could hardly pay that.
5 She had to have some help with that.

6 Then just a block up the street from her is
7 another lady that's a bad diabetic, can't get out of
8 the house, and in a very poor family; and she is
9 confined to her home, and her children can't help her
10 that much either. She can't afford another increase.

11 Down the street is another diabetic, and he
12 manages to manage, but that's just all. Then up the
13 street a ways from -- across the street from him is
14 another bad diabetic. And this is in a two block area
15 that is very bad. And he can't afford another increase
16 either.

17 And then across the street in the other
18 direction, there's a lady that lives alone, and she is
19 70 years old and still having to work to make ends
20 meet. She can't tolerate another increase either. And
21 this is only a two-block area in this town, and this
22 town is over 65 percent senior citizens. We can't
23 afford it.

24 And I don't see how -- my bills together, my
25 utility bill for both electric and gas last month was

1 \$370. I can't go any farther than that even without
2 asking for help. So I don't see how in the world our
3 senior citizens are going to be able to survive this.

4 And it's them that I'm concerned about,
5 because they can't get out and work to make more money.
6 Their health has not let them get there anymore. So
7 that is my big concern, and that's why I hate to see
8 it -- see them go up, because they've gone as far as
9 they can go with the increase of groceries.

10 And these people -- these people, most of 'em
11 don't even drive a car. They have to rely on the cab
12 to go get groceries. So they're stretched absolutely
13 to their limit. And those are the people that I think
14 we should consider very much, because there's a lot of
15 us out there now.

16 Younger people can work for it, but we can't.
17 That's all I have to say.

18 JUDGE DIPPELL: Thank you very much, ma'am.
19 Let me just ask you a couple of quick things. I don't
20 need your specific address, but can you just tell me
21 what town you live in?

22 MS. CASEY: I live in Nevada. Here.

23 JUDGE DIPPELL: You live in Nevada. Okay.
24 Great.

25 MS. CASEY: Mm-hmm.

1 JUDGE DIPPELL: And then just in general,
2 have you had any service-related issues with your
3 electric service there?

4 MS. CASEY: No. I have no complaints.

5 JUDGE DIPPELL: And any customer service
6 complaints, billing issues?

7 MS. CASEY: No, I haven't had. I've had
8 KCP&L before when I lived in Kansas City and was very
9 pleased with it, and I have no complaints about it,
10 ma'am.

11 JUDGE DIPPELL: Thank you. Were there any
12 other questions for Miss Casey?

13 MS. OTT: No.

14 JUDGE DIPPELL: All right. I'll just assume
15 that there won't be any questions for the witnesses,
16 and if the attorneys have questions, they can hop up
17 and let me know. All right?

18 Thank you, Miss Casey. Thank you very much
19 for coming out to give us your concerns.

20 RATEPAYER: Thank you very much. I just want
21 you to look after us, too, all of us.

22 JUDGE DIPPELL: I'm going to take just one
23 moment and step away. And I apologize. I have a bit
24 of a cold, and I left my water out of reach. Be right
25 back.

1 I apologize. I might go into a coughing
2 attack.

3 Who is our next witness?

4 MS. FRED: The next witness is Carol Branham.
5 I believe I pronounced it right.

6 JUDGE DIPPELL: Do you solemnly swear or
7 affirm that the testimony you are about to give in this
8 hearing will be the truth, the whole truth, and nothing
9 but the truth?

10 THE WITNESS: I do.

11 JUDGE DIPPELL: Would you spell your name?

12 MS. BRANHAM: Carol Branham. C-A-R-O-L,
13 B-R-A-N-H-A-M.

14 JUDGE DIPPELL: Go ahead with your comments.

15 MS. BRANHAM: Well, I live in Nevada,
16 Missouri, and first off I would like to say that as far
17 as our local service here and our employees and the
18 agency here, we have very good cooperation and they go
19 above and beyond to work with our customers here in
20 Nevada, Vernon County.

21 I represent a group of elderly and special
22 needs through my employment, but also through
23 non-for-profits that I work with, and my concern would
24 affirm some of Miss Casey's comments previously, that
25 this is going to make -- a lot of our lower income

1 residents, they're having to make choices, keeping
2 utilities on, buying food, being able to pay their
3 other expenses. And that's just my concern on behalf
4 of them, to express concern as a community that we need
5 to be very sensitive to that in our economic times.

6 And, you know, just I -- as far as our local,
7 we could not ask for better customer service from our
8 local employees, and their involvement in our
9 community, but \$12 and 50 cents does make some very
10 serious choices for a number of our residents. And
11 right now our community is struggling.

12 We deal with a number of homeless, and just
13 from my own experience, people are making choices, and
14 oftentimes utilities are one of things that they cannot
15 stay in their homes because they can't afford the
16 utilities. So that would just be a concern I'd like to
17 make a statement to the Commission.

18 That's all I have.

19 JUDGE DIPPELL: All right. You mention that
20 you worked with a bunch of elderly and special aid
21 people. Where do you work?

22 MS. BRANHAM: I'm the executive director of
23 our public housing agency here in Nevada. And I also
24 am -- work with our Vernon County Cancer Relief Fund,
25 which helps -- we supply a lot of assistance to people

1 that are in cancer treatment that live in Vernon
2 County, and a number of things that we help with are
3 with utility payments.

4 JUDGE DIPPELL: Thank you very much for your
5 comments, Miss Burnham.

6 MS. BRANHAM: Thank you.

7 JUDGE DIPPELL: Who is our next witness?

8 MS. FRED: Our next witness is Michael or
9 Sharon Pruitt.

10 JUDGE DIPPELL: Do you solemnly swear or
11 affirm the testimony you are about to give at this
12 hearing will be the truth, the whole truth, and nothing
13 but the truth?

14 MS. PRUITT: I do.

15 JUDGE DIPPELL: Thank you. If you could
16 state your name and spell it, please.

17 MS. PRUITT: My name is Sharon Pruitt.

18 S-H-A-R-O-N. Pruitt is P-R-U-I-T-T.

19 JUDGE DIPPELL: Go ahead.

20 MS. PRUITT: Okay. My husband and I have
21 been teaching in small schools since 1966. That adds
22 up to approximately 42 years or so of service. And we
23 have been teaching most of our lives in the Nevada
24 area, and I've taught in Bronaugh, Missouri, since
25 1973.

1 We're both retired. However, we do teach
2 part-time. And at this point in our lives, we felt it
3 was important for us to invest in a wind turbine, and
4 we did that. And we have taken quite a chunk of our
5 life savings because we felt so strongly that this was
6 important for us to do.

7 At this point, we have a wind turbine that's
8 100 feet in the air, has 10 foot blades. It will
9 generate approximately 10 kilowatts of energy, and we
10 hope that it will run our home, and then whatever is
11 left over will feed into the grid.

12 Our question was, if Kansas City Power and
13 Light gets this rate increase, will we be able to --
14 the cogeneration right now is .0524 per kilowatt hour.
15 Will that increase incrementally with -- you know, with
16 what we have down?

17 I guess that's all I have to say about the
18 wind turbine. I hope that this is something that we
19 have done that is one of the best things we've ever
20 done. If it's not, we're going to have to take up a
21 collection.

22 However, when I talk about our community of
23 Bronaugh, which is approximately 17 miles southwest of
24 Nevada, and having taught there for several years, I
25 know that our school has over 50 percent of our

1 students are on free and reduced lunches, which means
2 that they come from a very low economic area and a low
3 economic base.

4 We used to have a railroad, which we no
5 longer have, for a tax base. We used to have coal
6 mines, which we no longer have, for tax base. The
7 conservation department has bought quite a bit of our
8 land for the Bushwhacker area, and lake area, and we
9 are not living in good economic times, as every one in
10 the country and in the United States or the world knows
11 right now.

12 But knowing and caring for the children and
13 the students and the people in our community, I feel
14 like we need to keep our rate increases as -- and I
15 realize that it probably needs to increase, but we need
16 to keep them as significantly low as possible.

17 So I appreciate the opportunity to discuss
18 this tonight.

19 JUDGE DIPPELL: Thank you.

20 I wanted to ask you just a couple things.
21 First, you mentioned somewhere in Missouri that you had
22 taught since 1973. What was the name of that?

23 MS. PRUITT: Bronaugh, Missouri. It's about
24 a little town about 17 miles southwest of Nevada.

25 JUDGE DIPPELL: Thank you. Pardon me.

1 I hope that you have an opportunity to talk
2 to staff, if you haven't already, or the company about
3 your question about the cogeneration rates. It's not
4 something that I would know the answer to even if I was
5 able to answer you, but I believe that that's the kind
6 of thing that staff probably can talk to you about, if
7 you haven't already gotten that question answer.

8 MS. PRUITT: All right. Thank you very much.

9 JUDGE DIPPELL: Thank you for your comments.

10 MS. PRUITT: Thank you.

11 JUDGE DIPPELL: Miss Fred.

12 MS. FRED: The next witness is Melissa Earll.

13 MS. EARLL: He's going to join me (referring
14 to service dog).

15 Thank you. Lay down. Good boy.

16 JUDGE DIPPELL: Just so that the record is
17 clear, I believe we have a working animal in training
18 with us?

19 RATEPAYER: Well, I happen to be deaf, and I
20 read lips, and the camera that's focused on you right
21 now is sufficient, but there might -- if there are
22 questions afterwards, I might be looking to somebody to
23 assist me and make sure I understand exactly what's
24 being asked. But I do read lips, and if you just speak
25 normal, clearly, and slowly, I'll get it all.

1 JUDGE DIPPELL: All right. Let me know if
2 you need me to repeat anything.

3 MS. EARLL: I will.

4 JUDGE DIPPELL: If you could please raise
5 your right hand. Do you solemnly swear or affirm the
6 testimony that you're about to give in this hearing
7 will be the truth, the whole truth, and nothing but the
8 truth?

9 MS. EARLL: Yes, I do.

10 JUDGE DIPPELL: If you could state your name
11 and spell it, please.

12 MS. EARLL: My name is Melissa Earll.
13 M-E-L-I-S-S-A. Earll, E-A-R-L-L.

14 JUDGE DIPPELL: Go ahead with your comments.

15 MS. EARLL: I have a couple concerns related
16 to KCP&L's post-Aquila acquisition as it relates to
17 provision of services on behalf of the ratepayers in
18 this area.

19 I reside here in Nevada, Missouri, in the
20 city limits. And as I explained, I happen to be deaf.
21 And I was born deaf, as a matter of fact. And I took
22 about 12 years of speech therapy to acquire language
23 and linguistics so that I'm able to participate such as
24 I am right now at this moment without an interpreter or
25 any of those other matters.

1 One of the first things I wanted to address
2 is I have printed up from KCP&L's own web site -- I
3 tried to log on and be a registered user of the KCP&L
4 web site. And you click on the link; your name and
5 then the password, and then there's a link there that
6 says "Forgot your password?" And then there's a link
7 below that says to register.

8 So I click on that, and this is (indicating)
9 the -- basically, the format page that comes up to
10 create an online profile and to set up your online
11 profile.

12 It asks you to create a user name for you, a
13 password, to confirm the password. It asks for your
14 first name. It asks for your last name. It asks for a
15 business name, an email address, an account number, and
16 it asks for customer type. And of course I clicked on
17 residential. And then it asks for a telephone number.

18 I'm deaf. I don't have a phone. So I just
19 skip that. And I hit submit, and it comes up, "The
20 following errors have occurred: A phone number is
21 required," and "please enter the entire ten digit
22 number."

23 Again, I don't have a phone number. And so
24 what I have done before, such as Radio Shack or other
25 businesses that require a phone number -- and it's

1 usually to direct advertising mail in your direction, I
2 put in (123)456-7890, because that's a ten-digit.

3 It would not accept that, so I could not even
4 create an online profile for me to access and have
5 access that's available to everybody else without a
6 disability.

7 And this is an online profile where I can get
8 account summary, details, my payment history, my usage
9 history, payment options, payment arrangements,
10 metering, assistance for service, so on and so forth.

11 And the reason that I was looking to do this
12 online is, as I mentioned in the question and answer
13 session earlier, I have tried to do deaf relay calls
14 with KCP&L customer service representatives.

15 And I do want to bring something to your
16 immediate attention, because when it comes to
17 disability regulations and laws, I don't know how well
18 versed any of you might be because you don't have as
19 great of a personal investment as somebody like me, who
20 lives with it. And that is, the ADA and FCC regulation
21 governing the provision of telecommunication relay
22 service requires that calls made using deaf relay be
23 functionally equivalent to regular telephone calls made
24 by individuals who are not deaf and just picking up the
25 phone. So "functionally equivalent."

1 And the -- and then, furthermore, reaching a
2 communication assistant, and that's the operator who
3 handles the deaf relay calls between myself and the
4 customer service rep for KCP&L, and my instructing the
5 customer communication assistant to make a TRS call for
6 me is, in effect, the same as receiving a dial tone for
7 somebody who is not deaf and just picks up the phone.

8 So I have documented several conversations
9 that I have tried to have since December. I had
10 surgery in December. In fact, I had a cochlear implant
11 surgery, and I was required to keep my -- keep my heat
12 and utility at a certain level to prevent infection and
13 to aid in my recovery.

14 And I was trying to contact KCP&L customer
15 service to request a payment plan because, like many
16 people, I'm on a fixed income as well. I haven't
17 always been. I'm a former journeyman electrician, and
18 if I was -- and if I was capable of working again, I'd
19 be applying to KCP&L, for the journeyman electrician
20 opening that's current on your web site.

21 But anyhow, so I was contacted -- I was
22 trying to contact to establish a payment plan. I
23 couldn't do it because I kept getting -- to me, it's
24 the equivalent of somebody hanging up.

25 The call was going through on your end, and

1 what's communicated to me through the communication
2 assistant is, in parentheses she communicates -- or
3 he -- "called party has hung up" after somebody's
4 picked up on the other end.

5 The protocol that's followed is when a deaf
6 related call is made to customer service, the
7 communication assistant identifies the call as being a
8 relay call, and the very first thing they will ask the
9 customer service rep is, "Will you accept a relay
10 call?" The correct answer should be, "Yes.
11 Absolutely. By all means."

12 And by the fact that hang-ups are occurring
13 is telling me two things. Number 1, KCP&L needs to
14 train it's customer service representatives not only
15 about the provision of relay call, but also how to
16 actually conduct themselves during those calls with a
17 deaf ratepayer like myself.

18 Because again, the operator speaks for me. I
19 type out my message on my keyboard, he or she will read
20 it. And the protocol is, is that they are not to
21 intervene, to assume, or presume. They are to say only
22 what I have typed.

23 So the customer service representative of
24 KCP&L is supposed to address me directly in first
25 person, and that's not always the case. I will

1 encounter customer service representatives who will
2 say, "Well, she needs to" or "she has to" or "she
3 should," when they should be saying, "Hello, Melissa,"
4 after I have identified myself, "how can I help you?
5 What can I do for you?", instead of talking to the
6 communication assistant, the operator.

7 The other thing is, I looked on KCP&L's web
8 site for a TTY phone number, because that's another way
9 that I can try and attempt to access service and
10 assistance, and there was not a TTY phone number on the
11 web site anywhere. And I would appreciate that.

12 And this concerns me, because when Aquila was
13 my electric provider, I didn't have these problems; and
14 if I needed a payment plan, I was able to actually
15 engage in a dialogue with the customer service
16 representative and advocate for my needs.

17 I'm a 43-year-old adult woman. The last
18 thing I want to do is to contact my mom to make a phone
19 call for me and to handle a personal matter such as
20 this. So -- and the reason this concerns me is at the
21 hearing that was held when KCP&L was seeking to acquire
22 Aquila, it was said -- KCP&L stated that the merger
23 would not have any effect on rates, that the rates,
24 terms or conditions of any service, subject to the
25 Commission's jurisdiction, would not be affected as a

1 result of this merger.

2 Well, I'm here on record to say it has been.
3 That's exactly what has happened. And I'm just one of
4 800,000 ratepayers for the KCP&L greater service area,
5 but I have a voice, and I know it counts.

6 And because I've not been able to contact and
7 get through to KCP&L without having to rely on writing
8 a letter -- I mean, in this modern era of technology
9 and access and service, I should be able -- again, FCC
10 regulation -- I should be able to have the functional
11 equivalent of somebody who is not disabled.

12 And another concern I have that has
13 absolutely nothing to do with my disability, but in
14 general with KCP&L as a business is, you know, I'm
15 concerned by what is never discussed at these sorts of
16 rate hearings, and that's the fact that the control of
17 market power and efficient transmission capacity,
18 expansion, such as what's going on at Iatan, and there
19 was a conversation about wind power that was, I
20 believe, perhaps -- 100 megawatts, I believe it was --
21 that the control of market power and efficient
22 transmission capacity expansion are essentially still
23 unresolved problems, and they have been since even
24 before deregulation.

25 This is an issue and these are concerns that

1 have existed at all times for electric or gas or
2 whatever the rate may be, utility generation rates.

3 I had the for working for Richard Metzler and
4 Associates in Pottstown, Pennsylvania. Richard Metzler
5 and Associates had been hired by the Pennsylvania
6 Public Utilities Commission to conduct the audit of the
7 Limerick Nuclear Power Plant 1 and 2.

8 Limerick Nuclear Power Plant number 1 was --
9 construction began on it in the late 1970's, I believe
10 off the top of my head. And it's been a while, and I
11 apologize in advance if I'm not correct, but I believe
12 it's right about 1978 that construction began.

13 And by 1987, not only had -- and all along
14 Philadelphia Electric Company had been petitioning for
15 similar to what's going on right now, rate increases to
16 offset the cost for overruns or any other associated
17 expenses related to the construction of the nuclear
18 power plant. And enough concerned citizens had
19 petitioned the Pennsylvania Public -- State Public
20 Utility Commission to bring a halt to the Limerick
21 Nuclear Power Plant 1 and 2 construction because the
22 time line for final construction for power plant
23 number 1 had already been exceeded and expanded and
24 pushed back and back and back.

25 And an audit was conducted and there were a

1 tremendous number of cost irregularities that had been
2 incurred during the construction and, even when
3 adjusted for the cost of inflation over that period of
4 time, far exceeded the actual material expenses related
5 to the construction. And this gentleman that spoke
6 here earlier in the lovely brown tweed jacket made the
7 comment that -- in response to a question that was
8 asked, "Will you be asking for another rate increase,"
9 and this is going to be a continual thing.

10 And my concern is there will not be an end to
11 this. The people that have testified before me --
12 Miss Casey testified on behalf of some of her neighbors
13 and friends and acquaintances who are on a limited
14 budget, who are literally at their wit's end having to
15 make choices over food or shelter, medicine, whatever;
16 the same kind of choices that I'm having to make.

17 What happens to us when we can no longer
18 afford the privilege and luxury of electricity to heat
19 our homes, or to light our houses or power our
20 appliances? What happens to those of us who become
21 marginally disenfranchised and are no longer able to
22 afford a necessity, a basic necessity?

23 You know, there was the -- and I hate to
24 bring it up in this kind of a situation, but there was
25 the news story of the man in Michigan, Wisconsin,

1 something like that, who electricity had been shut off
2 because he had not paid his bill, and he had died. He
3 died. And then it turns out, he actually had the money
4 to pay his bill, but perhaps there was an issue of
5 dementia or something related to that, a bit of
6 confusion, and the bill didn't get paid. And there was
7 actually a lockout -- what I would call the equivalent
8 of a lockout padlock barrier on his meter, that when it
9 reached a certain level, it cut off the electricity or
10 the, you know, whatever it was.

11 But that's what's going to happen. If you
12 have somebody that's living on \$650 a month and there's
13 a -- it used to be -- it used to be that if you turn
14 down your thermostat, or if you turn off your lights,
15 or if you unplug your computer, or if you -- you know,
16 things that you have control over in your own home, you
17 can see a cost factor savings in your bill the next
18 month. Your actions would have a result, and you could
19 see that, and you could realize that, and you could
20 capture those savings.

21 Now it doesn't matter what you do. I -- I've
22 kept my -- my house is heated with gas, and I kept my
23 thermostat between 60 and 65 all winter long, with the
24 exception of December and January, while I was
25 recovering from the head surgery for the cochlear

1 implant. But like I said, it used to be that you could
2 do this and this and this and capture the savings in
3 the end use when you got your bill the next month.
4 That's not happening anymore.

5 And if this rate increase goes through, and I
6 believe KCP&L just handed out something that says for
7 the first 1,000 -- forgive me. Let me see. For a
8 residential customer using 1,000-kilowatt hours of
9 electricity, the proposed increase would be
10 approximately \$12.50 a month. Well, that's going to be
11 \$12.50 that I need to pay for my service dog, or I need
12 to pay for something else.

13 I mean, I'm not going to have any increase in
14 my income. And then what's the -- a year later, KCP&L
15 comes back and says, "We want another 77 million-dollar
16 increase, so that's going to be another \$12.14."
17 You're going to have people dieing. You're going to
18 have people dieing because they've chosen to pay their
19 electric bill and they've said, "I can't afford to take
20 my medication this month." Or they have chosen to pay
21 their electric bill, and they say, "I can't afford to
22 go see my grandkids, who's in the hospital from an
23 accident."

24 You know, it's all dollars and numbers and
25 figures to the lawyers, to the vice presidents, to

1 the -- to you -- to all of you guys, but it's real
2 lives and it's real people and it's -- and it's
3 unfortunate that in this modern era of technological
4 advances and innovation and invention that we're still
5 relying on coal powered electricity, and we're bound by
6 the environmental limitations, and we're hurt by the
7 de-regulatory environment, where the focus is on the
8 shareholders' value in the business that's being
9 conducted, and the burden is on the ratepayer to ensure
10 that dividend is paid.

11 I've touched on a lot of subjects. This
12 is -- I appreciate and I'm very grateful for the
13 opportunity to speak with you. And at this time, of
14 course I'm grateful that I had a mother that forced me
15 to learn to talk so that I could have this opportunity
16 to engage you in a dialogue.

17 And I'm happy to answer any questions that
18 you might have at this time.

19 JUDGE DIPPELL: Thank you very much for your
20 testimony.

21 I did want to ask you, you had some papers
22 with you that were printouts from the Internet web
23 site, and I wanted to ask you if that was something you
24 wanted to actually have attached to the transcript
25 or --

1 MS. EARLL: Absolutely. In fact, I can
2 relinquish it, since my comments are on the record
3 right now.

4 JUDGE DIPPELL: All right. I would just need
5 you to give that to the court reporter, if you would,
6 before you leave. And I will mark those document,
7 then, Exhibit No. 1 for identification purposes.

8 MS. EARLL: The other documents related to
9 the deaf relay calls are actually logged on on my
10 phone, and I could -- I suppose I could -- if a email
11 address was provide to do me, I suppose I could capture
12 those and send those as an attachment also, so that
13 they are logged in and reflect the fact that I'm
14 saying -- but otherwise, this web page issue is good.

15 JUDGE DIPPELL: I'm not sure if our system is
16 able to handle that technically, but if I was trying to
17 think -- I think, to be honest, I think your testimony
18 about what has occurred is sufficient for our purposes,
19 and you might be better trying to actually get those to
20 the Kansas City Power and Light people. And I'm
21 assuming that you've had an opportunity at some time to
22 talk to them tonight.

23 MS. EARLL: Not yet. I actually arrived
24 after the 5:30 start time for the question-and-answer
25 session, but I plan on sticking around a little bit

1 afterwards and call them and engage in a dialogue,
2 hopefully constructively.

3 JUDGE DIPPELL: We really appreciate you
4 bringing these kinds of items. Those are the kinds of
5 things I think the commissioners are very interested in
6 knowing about, especially if you had a difference in
7 service from Aquila to Kansas City Power and Light.
8 That's the kind of comments that they really -- that
9 are valuable.

10 And I think that's all I have for you. So I
11 appreciate very much you making the effort to come out
12 this evening, and if you should ever experience any
13 kind of issues like that with the state, especially
14 with our agency, we would also like you to make the
15 extra effort to find a way to let us know.

16 MS. EARLL: Absolutely.

17 JUDGE DIPPELL: We try to accommodate, and if
18 there's ever any way we can improve, we want to know
19 about that as well.

20 MS. EARLL: Absolutely. And your name again
21 was?

22 JUDGE DIPPELL: My name is Nancy Dippell, I'm
23 the regulatory law judge assigned to one of the rate
24 cases.

25 MS. EARLL: Thank you very much.

1 JUDGE DIPPELL: Thank you.

2 Who is our next witness, Miss Fred?

3 MS. FRED: Is there anyone else who would
4 like to testify? (No response).

5 That's all we had on the list, Judge.

6 Is there anyone else who would like to get up
7 and speak? (No audible response).

8 If so, this is the opportunity to do so. We
9 welcome your comments. (No audible response).

10 I think that must be it.

11 JUDGE DIPPELL: All right. Well, we do
12 appreciate. I overheard, Mr. Ochoa was saying that in
13 some times past we haven't had any comments when we've
14 come to Nevada. So we really appreciate seeing you-all
15 that did come out, took the time to give your comments.
16 It's very important to us.

17 So thank you all very much. And we can go
18 off the record.

19 (Exhibit 1 marked.)

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21 (Concluded at 6:55 p.m.)

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I N D E X

WITNESS	Page
LADINE CASEY	9
CAROL BRANHAM	13
SHARON PRUITT	15
MELISSA EARLL	19

E X H I B I T S

Exhibit No.	Page
1 Web page printout	33
CERTIFICATE OF REPORTER	35

CERTIFICATE OF REPORTER

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STATE OF MISSOURI)

) ss:

COUNTY OF WEBSTER)

RE: STATE OF MISSOURI, PUBLIC SERVICE COMMISSION
NEVADA, MISSOURI
Case Style: Local Public Hearing, Nos. ER-2009-0089,
ER-2009-0090, AND ER-2009-0092

I, Paula C. Voyles, a Registered Professional Reporter,
Certified Real-Time Reporter, Certified Court Reporter,
and Notary Public within and for the State of Missouri,
do hereby certify that the foregoing matter was
recorded by me to the best of my ability and was
thereafter reduced to written form under my direction.
I further certify that I am not a relative or employee
of counsel of any of the parties, nor a relative or
employee of the parties involved in said action, nor a
person financially interested in the action.

PAULA C. VOYLES, RPR, CRR,
CCR No. 750, and Notary Public
within and for the State of Missouri

My commission (05400900) expires November 1, 2009