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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Local Public Hearing
January 3, 2013
Joplin, Missouri
Volume 6

In the Matter of The Empire) File No.
District Electric Company Of) ER-2012-0345
Joplin, Missouri, For Authority)
To File Tariffs Increasing)
Rates For Electric Service)
Provided To Customers In The)
Missouri Service Area Of The)
Company)

MICHAEL BUSHMANN, Presiding,
REGULATORY LAW JUDGE

STEPHEN M. STOLL,
COMMISSIONERS.

(Starting time of the proceedings: 6:58 p.m.)

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A P P E A R A N C E S

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1 A P P E A R A N C E S

2 (Continued)

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A P P E A R A N C E S

(Continued)

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

3 (Proceedings began at
4 6:58 p.m. on Thursday,
5 January 3, 2013, with
6 appearances as noted.)

7 JUDGE BUSHMANN: I bring the
8 proceedings to order. Good evening. It's
9 Thursday, January 3rd, 2013.

10 The Missouri Public Service Commission
11 has set this time for a local public hearing in
12 file number ER-2012-0345, which is captioned as
13 in the matter of the application of the Empire
14 District Electric Company of Joplin, Missouri,
15 tariffs increasing rates for an electric service
16 provided to customers in the Missouri service
17 area of the company.

18 My name is Michael Bushmann. I'm the
19 regulatory law judge that will be presiding over
20 the hearing this evening, and with me is
21 Commissioner Stephen Stoll.

22 Commissioner, do you want to make any
23 opening remarks?

24 COMMISSIONER STOLL: As I did this
25 afternoon, I just wanted to welcome everyone here

1 this evening.

2 We -- the members of the Missouri
3 Public Service Commission do appreciate the fact
4 that you came out tonight.

5 The local public hearings are held in
6 the early part of a case being filed in order to
7 listen to the public, hear your comments.

8 And even though I'm -- there are four
9 public service commissioners at this time, I'm
10 the only one here.

11 But this proceeding is being recorded
12 both on paper and video, and I can assure you
13 that my fellow commissioners will look at the
14 information that you give here tonight in making
15 the final decision.

16 I also wanted to say that if for some
17 reason you decide that you -- or maybe you didn't
18 sign up but you would like to leave comments,
19 there are some forms. I'm searching for one now.

20 But they're on the table outside.
21 It's a comment form. And you can also take one
22 of those, write your comments, and send them in.
23 All these will be part of the record then.

24 So again, thank you for coming out
25 tonight and look forward to hearing from you.

1 JUDGE BUSHMANN: Let's have counsel
2 make your entries of appearance now. For the
3 Empire District Electric Company.

4 MS. CARTER: Diana Carter with Brydon
5 Swearingen & England representing the Empire
6 District Electric Company.

7 JUDGE BUSHMANN: For Office of Public
8 Counsel.

9 MR. MILLS: Let the record reflect the
10 appearance of Lewis Mills. My address is Post
11 Office Box 2230, Jefferson City, Missouri, 65102.

12 JUDGE BUSHMANN: For staff of the
13 Public Service Commission.

14 MR. KEEVIL: Representing the staff of
15 the Public Service Commission, Jeff Keevil, Post
16 Office Box 360, Jefferson City, Missouri, 65102.

17 JUDGE BUSHMANN: Is there anyone
18 present representing the Missouri Department of
19 Natural Resources, Midwest Energy Consumers
20 Group, Midwest Energy Users Association, or
21 Missouri Gas Energy?

22 (There is no response.)

23 JUDGE BUSHMANN: Very well. The
24 process this evening is that I'm going to read
25 off names from the signup sheet.

1 And when I call your name, I would ask
2 you to please come forward to one of these two
3 microphones on either side. I'll ask you to
4 state your name and put you under oath, and
5 you'll be able to offer your comments to the
6 commission.

7 The first name that I have on my list
8 is Dan Hathcox. Would you come forward, sir.

9 (Mr. Hathcox approaches
10 the podium.)

11 JUDGE BUSHMANN: Could you state your
12 name and spell your last name.

13 MR. HATHCOX: My name is Dan Hathcox.
14 Last name is spelled H-A-T-H-C-O-X.

15 JUDGE BUSHMANN: Would you raise your
16 right hand.

17 (Mr. Hathcox was placed
18 under oath by Judge
19 Bushmann.)

20 JUDGE BUSHMANN: All right. You may
21 proceed.

22 * * * * *

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25 DAN HATHCOX,

1 of lawful age, having been called to the podium
2 and being first duly sworn, testified as follows:

3 MR. HATHCOX: Well, what I got is a
4 comment. I may look like I'm not disabled, my
5 back is all torn on up. So -- and I only get
6 like \$800 a month.

7 And I got paid today, and by the time
8 I got done paying for my house and my electric
9 bill, I've got \$2 left in my pocket for the
10 month.

11 And that is my comment. Thank you.

12 JUDGE BUSHMANN: Could you hold just a
13 moment, sir, just to see if we have any questions
14 from any of the attorneys.

15 Mr. Stoll, do you have any questions?

16 COMMISSIONER STOLL: I have no
17 questions, but I do want to thank you for coming
18 out and telling us that.

19 JUDGE BUSHMANN: Thank you, sir.

20 (Mr. Hathcox is excused.)

21 JUDGE BUSHMANN: Next name is Paul
22 Weber.

23 (Mr. Weber approaches the
24 podium.)

25 JUDGE BUSHMANN: Could you state your

1 name.

2 MR. WEBER: Paul Weber, W-E-B-E-R, one
3 B.

4 (Mr. Weber was placed
5 under oath by Judge
6 Bushmann.)

7 JUDGE BUSHMANN: You may proceed.

8 * * * * *

9 PAUL WEBER,
10 of lawful age, having been called to the podium
11 and being first duly sworn, testified as follows:

12 MR. WEBER: Thank you. My comment is
13 basically what the increase that Empire Electric
14 is trying to -- asking for, it seems like every
15 year we go through this.

16 Some of the things that they put on
17 here that is causing their problem, which it
18 caused all of us problems, is the tornado.
19 They're asking basically for a few people that
20 still have a home and paying bills to subsidize
21 people who don't.

22 And I think there's about 8,000 homes,
23 was the last report, how many homes were
24 destroyed in this tornado. Well, that's a lot of
25 electricity that's not being used. They can't

1 get money from them. They're not here.

2 I don't feel that the consumer and the
3 people still left should have to subsidize for a
4 disaster that we had no control over or they had
5 no control over.

6 I think they need to work on it some
7 other way, either through government subsidized
8 money to cover their expenses rather than sucking
9 off all the -- what's left of us people who does
10 still get a dollar or two.

11 The fuel system that they're checking
12 with and constantly changing, I don't get a
13 chance to change my fuel price every time that I
14 need fuel. I have to pay whatever the going rate
15 is.

16 I can't go to my boss or my government
17 or anybody else and say, "Hey, I'm broke. Give
18 me a dollar. Gas went up a dollar."

19 So I think that they need to be done
20 as -- companies need to look at their overall
21 cost, adjust their cost to whatever their budget
22 is. Don't try to maintain a budget that you
23 started back in 2011, 2010. Those days are gone.
24 A disaster has happened.

25 Cut your costs, whatever it may take

1 you to do it. Don't be sucking on the legitimate
2 public constantly to subsidize you.

3 I thank you. I could spend all day,
4 but I don't want to take everybody's time. Thank
5 you very much.

6 JUDGE BUSHMANN: Any questions from
7 attorneys?

8 (There is no response.)

9 JUDGE BUSHMANN: Commissioner Stoll?

10 MR. WEBER: Nobody likes me.

11 COMMISSIONER STOLL: I just -- I just
12 wanted to thank you for your testimony though.
13 We do appreciate you coming out.

14 MR. WEBER: Thank you very much.

15 COMMISSIONER STOLL: Okay.

16 (Mr. Weber is excused.)

17 JUDGE BUSHMANN: Travis Creswell.

18 (Mr. Creswell approaches
19 the podium.)

20 MR. CRESWELL: Travis Creswell,
21 C-R-E-S-W-E-L-L.

22 (Mr. Creswell was placed
23 under oath by Judge
24 Bushmann.)

25 JUDGE BUSHMANN: You may go ahead.

1 * * * * *

2 TRAVIS CRESWELL,
3 of lawful age, having been called to the podium
4 and being first duly sworn, testified as follows:

5 MR. CRESWELL: I wanted to comment on
6 the base charge, which has been disowned for this
7 particular rate case, but I do see a dangerous
8 trend in the base charge increasing.

9 The rate case before last in round
10 numbers, they asked for an increase from about
11 \$11 to 28. It might have even been \$32, which
12 sounds maybe innocuous if you're -- have a 200-
13 or a 300-dollar-a-month electric bill.

14 But the problem, of course, is if you
15 have a \$60 or \$70 a month electric bill, that
16 represents far more than a 3 percent or a 6
17 percent rate increase to you.

18 Not a problem at all with them needing
19 to get their costs back. No problem at all with
20 them needing to make money.

21 But I'm in the industry of energy
22 efficiency. That's what -- that's what my
23 business is on a commercial scale, but I'm just
24 using the residential as an example. The same
25 thing applies but with different metrics, of

1 course.

2 But what I see happening,
3 fast-forwarding ten years, is the base rate now
4 being 80 and 90 percent of your total electric
5 bill. I'm possibly overstating, but I did want
6 to use that as an example.

7 Because what could happen 10 or 15
8 years from now, you could -- you could do all
9 sorts of energy efficiency measures and make a
10 negligible bill -- a negligible difference in
11 your energy bill.

12 And so -- which would of course have
13 the effect of disincentivizing energy efficiency.
14 So that's my comment.

15 JUDGE BUSHMANN: Any questions from
16 attorneys?

17 MR. KEEVIL: What -- are you in the
18 energy efficiency business yourself?

19 MR. CRESWELL: I am.

20 MR. KEEVIL: What company -- or tell
21 me more about your business, if you would.

22 MR. CRESWELL: My name -- my company
23 is Ozark Energy Services. We've been around
24 about 20 years. We started off doing renewable
25 energy stuff on a residential scale. About 10 to

1 15 years ago we focused more on the commercial
2 scale.

3 We are the recipients of probably 40
4 to 50 percent of Empire's commercial rebate
5 money. Not directly.

6 But we highly promote their commercial
7 rebate program to customers such as the
8 hospitals, the trucking companies, grocery
9 stores, lots of warehouses, furniture stores.

10 We've helped a lot of them mainly with
11 lighting upgrade projects. We -- I'm a CEM, a
12 certified energy manager through American
13 Engineering Efficiency Association. Is that a
14 general broad view?

15 MR. KEEVIL: Yes. I mean your
16 interest in this is primarily from the business
17 side as opposed to your personal? I think you
18 said earlier you're not directly a customer.

19 MR. CRESWELL: I am not directly a
20 customer, but I am an -- I am an advocate of
21 energy efficiency as well as a -- as a
22 professional in it, yes. Yes.

23 MR. KEEVIL: Yeah, thank you.

24 MR. CRESWELL: You're welcome.

25 JUDGE BUSHMANN: Any other questions?

1 Mr. Stoll?

2 MR. STOLL: I did want to thank you
3 for your testimony, and you've probably gone to
4 our website before and taken a look at some of
5 the energy efficiency measures that we have out
6 there. So thank you.

7 MR. CRESWELL: Thank you very much.

8 (Mr. Creswell is
9 excused.)

10 JUDGE BUSHMANN: Gary Kenny.

11 (Mr. Kenny approaches the
12 podium.)

13 MR. KENNY: Did you need my address?

14 JUDGE BUSHMANN: I just need your
15 name, and could you please your last name.

16 MR. KENNY: Gary Kenny, K-E-N-N-Y.

17 (Mr. Kenny was placed
18 under oath by Judge
19 Bushmann.)

20 JUDGE BUSHMANN: Please go ahead.

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25 GARY KENNY,

1 of lawful age, having been called to the podium
2 and being first duly sworn, testified as follows:

3 MR. KENNY: In two previous Empire
4 rate hearings in this auditorium, I've requested
5 a written documentation about when and why the
6 preferred rates for all electric users was
7 terminated.

8 I have yet to receive any response
9 from the Public Utility Commission or Empire
10 Electric.

11 How is the public notified about the
12 public hearings? It's my impression -- I was
13 told by someone up in the front lobby that
14 notices were not sent to the TV stations.

15 They were sent to people at radio
16 stations but not the TV stations. In the future
17 would you please add TV stations to your list of
18 public hearings.

19 Another question comes up of people
20 who are renters and their electric is --
21 utilities are included in their rent. They never
22 see the notices that come in the mail to the
23 landowner.

24 And there again, that's another reason
25 why the general public needs to get this

1 information out so that people who, like I say,
2 are renters and they don't see the actual
3 electric bill that's included in the rent.

4 Also at the last public hearing
5 meeting in this auditorium, I asked if there was
6 an average kilowatt usage for total electric
7 homes.

8 In your sheet you passed out, your
9 rates were based on someone using 1,000 kilowatts
10 a month. And I went through my last year's bills
11 and it averaged about \$4,000 a month because I'm
12 all electric. And obviously I'm paying four
13 times as much as people might.

14 When you come up with this average of
15 \$1,000 a month, is that based on somebody who's
16 using natural gas for their heat and they're
17 using 1,000 kilowatts for their other appliances?

18 My basic question, again, is what's
19 the average usage of someone who is all electric?

20 And my original stage -- question
21 here, I was asking about the preferred
22 all-electric rate. When I built my home, I had a
23 special rate because it was a hundred percent
24 electric. There was no propane or anything like
25 that.

1 And I noticed at one time that
2 preferred rate was gone. And I don't know if
3 there was a public hearing on that or what
4 happened on that, but I didn't know anything
5 about it.

6 And that would be it. Thank you.

7 JUDGE BUSHMANN: Any questions from
8 counsel?

9 (There is no response.)

10 JUDGE BUSHMANN: Commissioner Stoll?

11 COMMISSIONER STOLL: I did want to
12 mention on the question about the preferred
13 electric rate, somebody from Empire will be able
14 to answer that for you probably outside our --

15 MS. BOLIN: Our staff.

16 COMMISSIONER STOLL: -- our staff.

17 And so any of those questions you had for Empire
18 staff, I would go to them this evening and --

19 MR. KENNY: Well, why can't I get a
20 written response from the Public Utility
21 Commission?

22 COMMISSIONER STOLL: Did you file a
23 request, a written request with the PSC?

24 MR. KENNY: No, I didn't. I did at
25 this public hearing -- the last public hearing in

1 this room.

2 COMMISSIONER STOLL: If you would go
3 back and talk to the staff person at the -- at
4 the table out there, I do -- I believe you have
5 to do that in writing so that they can start a
6 paper trail.

7 MR. KENNY: Okay. Thank you.

8 COMMISSIONER STOLL: Uh-huh. Thank
9 you for testifying.

10 (Mr. Kenny is excused.)

11 JUDGE BUSHMANN: Glen Griffin. Is
12 Mr. Griffin here?

13 (There is no response.)

14 JUDGE BUSHMANN: Darrell Sour.

15 (Mr. Sour approaches the
16 podium.)

17 JUDGE BUSHMANN: Could you state your
18 name and spell your last name, please.

19 MR. SOUR: Darrell Sour, S-O-U-R.

20 (Mr. Sour was placed
21 under oath by Judge
22 Bushmann.)

23 JUDGE BUSHMANN: Please proceed.

24 * * * * *

25 DARRELL SOUR,

1 of lawful age, having been called to the podium
2 and being first duly sworn, testified as follows:

3 MR. SOUR: My major concern came when
4 I started -- okay. I'm a business major from
5 Missouri Southern. Okay. So when I'm talking
6 about private rates and shareholder rates, I have
7 a general idea of what I'm seeing going on here.

8 And when I come back -- I moved away
9 to Florida for about a year, came back. And when
10 I come back, I'm working for a loan company. I'm
11 not going to name the loan company, because they
12 don't have an interest in getting into local
13 politics. Not going to do it.

14 But I started working with this
15 company and I started noticing that there are
16 people coming in taking out personal loans to pay
17 their electric bills.

18 I don't understand that. Before I
19 left, I thought it was common for -- to have, you
20 know, \$120 electric bill.

21 I moved to Tampa, Florida, in the
22 summertime and I'm paying 60. I don't change my
23 usage habits, and I'm paying roughly half what I
24 pay year-round here in the summer in Florida.

25 That doesn't make sense to me. Now

1 I'm giving anecdotal evidence, but so far that's
2 all I've seen from Empire as well. I've not seen
3 any data presented here.

4 So when I moved back from Florida, I'm
5 noticing I go back to paying \$95 to \$100. Now
6 given this fall since I moved into my recent
7 living arrangement, I've had -- it's been between
8 70 and -- about 75 and 85 degrees, and yet I'm
9 still paying \$100 for my electric bill.

10 I've got a one-bedroom apartment. How
11 is this costing \$100 when, again, two bedrooms in
12 the summertime in southern Florida, 60.

13 I don't understand how they can
14 justify that kind of a difference in rates. And
15 when you compare it to the cost of living, it's
16 cheaper here.

17 If you compare to the -- the cost of
18 rates of Missouri versus Florida, I can almost
19 guarantee you it's cheaper here, because it's not
20 that high. I mean it's just common sense, okay.

21 And when you go -- when I go through
22 and see these reasons, and I see capital costs
23 associated with the May tornado recovery. Don't
24 they have insurance?

25 Don't businesses take risks? Don't

1 those risks pay off for the shareholders? Isn't
2 this a part of doing business?

3 If they don't want to do business,
4 they shouldn't be a -- they should be a public
5 utility and not a shareheld company where they
6 have shareholders. It shouldn't be private if
7 they're afraid to take risks.

8 Now if you talk about operating system
9 replacement expenses, I'm willing to bet that if
10 they let their other stuff fall back to the point
11 that it became outdated, that they're going to
12 see some cost efficiencies with their new
13 upgrade, whether it's ten years -- ten years
14 between the last upgrade or 20 years between the
15 last upgrade. I'm willing to bet it's a decade
16 or more.

17 That kind of burden -- that kind of
18 responsibility falls on the shareholders. They
19 should be the ones investing in the company to
20 reap the rewards of the raise in efficiency.

21 So when the efficiency is raised, the
22 profit rises and they get a return on their
23 investment.

24 Now when the public is the ones -- are
25 the ones making that investment, all you're doing

1 is you're subsidizing the shareholders' profits,
2 because they're the ones that are investing in
3 the company, not the public.

4 The public is the end user, not the
5 investor. If we're the investor, this should be
6 a public company. It is not.

7 And you look at -- they say that
8 there's 63 percent decrease in vegetation causing
9 power outages. There's no trees. They had to
10 import trees after the tornado.

11 People all around here are pulling in
12 trees. Construction companies, nonprofit
13 companies. That's part of why it was so hot this
14 summer after the tornado. That's what happens
15 when you have no shade and the ground absorbs
16 heat.

17 So there was 63 percent less power
18 outages. Go figure. It's not because of what
19 they've done. It's because of natural disaster.

20 And you look at the profit margins.
21 The profit margins are deflated alongside of the
22 inflation of paying executives.

23 Of course you're going to make the
24 same amount of profit, maybe less, when your
25 expenses rise. And those expenses are not rising

1 primarily due to a temporary effect like a
2 tornado or a long-term effect like city growth.

3 The city is not growing at that fast
4 of a rate, okay. And when you look at the amount
5 of people who left the city after the tornado,
6 it's surely not growing at this point. It might
7 be staying the same, but it's not an exceptional
8 growth in this town.

9 So what I'm seeing is that what
10 they're doing is they're actually raising their
11 pay. They're putting money in their pockets, and
12 I'm talking about the executives in particular.
13 But everyone along down the line.

14 I'm pro union. And I'm not going to
15 hate on the electric union. But I can see that
16 when you've got somebody like the gentleman over
17 here said -- and I'm going to take his word
18 because he came up here and his oath -- under
19 oath too.

20 I'm going to take his word when he
21 says that the CEO is making roughly \$300,000 on
22 salary, which you guys consider. And on top of
23 that a million dollars, most of which is not
24 considered.

25 That's not considered a payroll

1 expense? That's considered something that is a
2 bonus that's not considered in this case? That's
3 a million dollars annually to one person, one of
4 many who I'm sure are getting pocket -- getting
5 their pockets filled at what, my expense? So I
6 can pay an extra \$6 a month? That's \$70, man.
7 That's what most of us make in a day.

8 So we all need to give a day's work to
9 this man? This makes no sense. This makes
10 absolutely no sense. And to me this is just
11 utterly shameful. That's all I have to say.

12 When you got -- when you have people
13 who are poor going to privatized loan companies
14 at, compared to banks and credit unions,
15 relatively high interest rates to pay their
16 electric bill, when electric is a necessity --
17 especially when you've got 120 heat index, that's
18 a necessity.

19 When we get to where there's an ice
20 storm around March, like there is every other
21 year, that's a necessity.

22 So when you're charging these people
23 excessive rates and they have to keep their
24 electric on, that's shameful. I don't understand
25 it.

1 From my experience, I've lived in
2 Kansas. In Pittsburg, Kansas, actually and paid
3 less on my electric bill. Never had to worry
4 about a public hearing. Never had to heard about
5 a public hearing for a rate hike.

6 I moved to Tampa and there's -- under
7 TECO. Again, Tampa, Florida, is hot. I'm paying
8 half the electric for a larger square-foot
9 apartment. Makes no sense.

10 To me, all they're doing is they're
11 taking money out of people's pockets who can't
12 afford -- can't afford to have lawyers present,
13 don't have the data to put out that, "Oh, well,
14 we do provide for people who are in need."

15 Okay. We don't have any data to throw
16 back at them because we don't have their profit
17 margin sitting in front of us, and they sure as
18 heck ain't going to provide it for us.

19 That's -- I mean that's obvious. It's
20 been asked and nothing's come up. I haven't
21 heard one number in regard to the profit margins,
22 in regard to their percentage increase. I've
23 never heard any of those questions sufficiently
24 answered before this series of recorded
25 statements.

1 The whole Q and A session, they don't
2 answer a single question with data on the end of
3 where their expenses go.

4 But they're sure going to tell you
5 this that, "Oh, we work alongside economic
6 security," or, "We work alongside this or that
7 public place, this or that private place."

8 But it's pennies on the dollar of what
9 they rob us to put in their own pockets. And
10 that's absolutely shameful.

11 JUDGE BUSHMANN: Any questions from
12 counsel?

13 (There is no response.)

14 JUDGE BUSHMANN: Commissioner Stoll?

15 COMMISSIONER STOLL: I might suggest
16 that you do talk to some of the staff with Empire
17 regarding your electric bill.

18 And you know, you might talk to them a
19 little bit about your circumstances, and maybe
20 they can kind of clarify the -- any issue you may
21 have with that.

22 And I would also mention that this is
23 a long process, and you may want to continue to
24 follow it along when a variety of evidence is
25 entered into the record about some of the

1 business concerns that you may have.

2 And our staff outside can tell you how
3 to do that. You can actually log on and even
4 see -- hear, view the evidentiary hearings that
5 will be held later on. Okay. Thank you.

6 (Mr. Sour is excused.)

7 JUDGE BUSHMANN: Gilbert Millner.

8 (Mr. Millner approaches
9 the podium.)

10 MR. MILLNER: I'm Gilbert Millner
11 from 5693 West 20th Street.

12 JUDGE BUSHMANN: How do you spell your
13 last name?

14 MR. MILLNER: M-I-L-L-N-E-R.

15 (Mr. Millner was placed
16 under oath by Judge
17 Bushmann.)

18 JUDGE BUSHMANN: Please proceed.

19 * * * * *

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25 GILBERT MILLNER,

1 of lawful age, having been called to the podium
2 and being first duly sworn, testified as follows:

3 MR. MILLNER: And we've lived there
4 since 1959, and I want to compliment Empire
5 District Electric Company for the superb service
6 that they've given us every year.

7 And also in good conscience, I feel I
8 must warn you that I'm 82 years old and in my
9 second childhood definitely.

10 And I may be a little -- just a little
11 bit mentally deranged to the point where I can't
12 figure out whether I'm just a little bit whacky
13 or completely out of touch with reality
14 sometimes. Maybe a combination of those three
15 things.

16 But anyway, be that as it may, we
17 appreciate your good service, but we wonder about
18 these -- all these increases. My goodness, and
19 the thing that really concerns us is the reasons
20 that you give for the increases.

21 Now we may not have all the facts,
22 sure. But to us, these increases seem sometimes
23 just a little bit -- the reasons for them just a
24 little bit ludicrous and ridiculous and
25 facetious.

1 For instance, you grasp at straws.
2 For instance, an example would be a wild goose
3 flying over your corporate headquarters down at
4 6th and Main, and that goose gets a little bit
5 too close to the top of the building and he
6 breaks wind. In other words, the goose farts.

7 And the next day Empire District says,
8 "We're going to have to raise rates because we're
9 going to have to fumigate the whole building."

10 So that's one example. You know, Mark
11 Twain said there's three kinds of liars, three
12 types. He said, "There's just plain old garden
13 variety of liars and then there's damn liars and
14 then there are statistics."

15 And we all know that if you have the
16 statistics, you can prove anything you want to
17 prove by their interpretation.

18 The old saying goes, "Liars don't
19 figure -- liars -- figures don't lie. Figures
20 don't lie but liars can figure."

21 So I have no means of identifying the
22 top corporate officers that are wearing those
23 invisible white hats. They may be all wearing
24 those invisible white hats. They're certainly
25 not wearing the black hats and the white hats to

1 where we can see them.

2 In corporate America we have to many
3 times wait till those guys are hauled into court,
4 and then we know who they are. But until then we
5 just have to guess.

6 And every man is innocent until proven
7 guilty. And I don't want to generalize and group
8 all the fat cats at the top of management of
9 Empire District as being bad guys.

10 But like I say, I don't -- I don't
11 have the figures on them. I like to give them
12 the benefit of the doubt and think that they're
13 all wearing white hats and got the best interests
14 of the country at heart, of the company at heart,
15 and of their shareholders at heart, and of their
16 customers at heart.

17 I like to give them the benefit of the
18 doubt, that they put them first instead of
19 themselves first.

20 Because in corporate America today,
21 you read about it and hear about it all the time.
22 The CEOs have gone wrong and bankrupted the
23 company, looking out for themselves.

24 And after they cause the demise of the
25 company and it goes down, they grab the cash and

1 go all the way to the bank laughing. And the
2 employees, some of them are unemployed for the
3 rest of their lives.

4 But be that as it may, you know, in
5 Dante's Inferno he had different degrees in hell
6 for different people, groups of people that had
7 really been bad. And there was a special one
8 there for -- for the liars.

9 And I hope none of our Empire District
10 executives' management do not have any
11 reservation there in that particular section.

12 And now I'm going to tell -- tell what
13 I really think. I'm mad as hell. I'm not going
14 to take it anymore. You have been nickeling and
15 diming us through the years by rate increases
16 every year or so.

17 Ben Franklin said a small leak will
18 sink a great ship. Well, Gilbert Millner says in
19 2013 that a big leak will sink that great ship
20 faster. So all I can say is have mercy on us.

21 I wrote this whole thing out, and then
22 I forgot to bring most of it.

23 In many cases all over America it has
24 been you Einsteins that have bankrupted and
25 caused the demise of many grand old

1 American-established companies strictly because
2 of corporate greed.

3 Money does not bring happiness. I may
4 digress on happiness just a little bit here. A
5 hundred years ago approximately John D.
6 Rockefeller, the Standard Oil magnate, was having
7 terrible digestive troubles.

8 He was sick and maybe headed for the
9 graveyard. At that time he was one of the very
10 richest men in America. And he would go to the
11 doctors, and they couldn't help him.

12 So he was finally wise enough to see
13 that he ought to be a philanthropist and give
14 some of that huge fortune away to deserving
15 people all over the country and entities that it
16 could help.

17 And you know what happened?
18 Miraculously he got well and happy. And today
19 Warren Buffett and Bill Gates are doing the same
20 thing in philanthropy. And their examples are
21 going to be followed by more good people in
22 America.

23 Please tell me how many months this
24 latest increase, if granted, is supposed to last
25 before you're back again holding out your hand to

1 us for more. Well -- oh, you have elected to hit
2 us where it hurts the most, in the pocketbook.

3 And we're going to turn the tables on
4 you, and the best way to get back at you is to
5 give you a dose of your own medicine and hit you
6 also where it hurts the most, in your pocketbooks
7 also.

8 I'm going to unhook from your
9 exclusive line and take my business elsewhere to
10 any of your dozens of competitors out there in
11 the field and hook up and lead anyone else to
12 revolt and do exactly the same thing.

13 Now that's not just an idle threat
14 from a deranged old 82-year-old man. That's a
15 promise, son, and what will happen to you if
16 you -- if you don't reevaluate the true cost of
17 your latest capricious raise request.

18 You'll find yourself in deep, deep
19 doo-doo with competition from all your
20 competitors who can beat the socks off you with
21 lower kilowatt hour cost.

22 Having said all this, it's a joke,
23 son. Ha, ha, ha, ha, ha.

24 JUDGE BUSHMANN: Any questions from
25 attorneys?

1 (There is no response.)

2 JUDGE BUSHMANN: Mr. Stoll?

3 COMMISSIONER STOLL: Mr. Millner,
4 thanks for coming out tonight.

5 (Mr. Millner is excused.)

6 JUDGE BUSHMANN: The last name I have
7 is Eric. And you'll have to help me with the
8 last name. M-A-D something.

9 MR. MALONE: Eric Malone.

10 (Mr. Malone approaches
11 the podium.)

12 JUDGE BUSHMANN: Would you state your
13 name and spell your last name.

14 MR. MALONE: Oh, yes. Eric Malone,
15 M-A-L-O-N-E.

16 (Mr. Malone was placed
17 under oath by Judge
18 Bushmann.)

19 JUDGE BUSHMANN: Please proceed.

20 * * * * *

21 ///

22 ///

23 ///

24 ///

25 ERIC MALONE,

1 of lawful age, having been called to the podium
2 and being first duly sworn, testified as follows:

3 MR. MALONE: Okay. My name is Eric
4 Malone. I've been a resident in Joplin for about
5 six and a half years.

6 I live in an old house, so I have
7 handed over quite a bit of money to Empire
8 Electric over the six and a half years.

9 Service, I would say, is average to
10 below average. I don't really have much to
11 compare it to except, you know, I've noticed the
12 outages, you know, from year to year, whether it,
13 you know, was because of weather or other related
14 causes.

15 But my primary concern isn't just with
16 the service, which is okay, but it's with the
17 poor and elderly.

18 I'm especially concerned that a
19 for-profit monopoly, which is what Empire is, no
20 matter how well-regulated it is by the Public
21 Service Commission, is immoral, especially when
22 people's livelihood depend on it.

23 And I think that the base charge is
24 also immoral because it is regressive against the
25 poor and it benefits the rich.

1 I have a list here of certain things
2 that I think could potentially help the
3 situation.

4 I think information from Empire and
5 the Public Service Commission is difficult to
6 find. I searched on both the websites, and they
7 seemed antiquated and rather difficult to
8 navigate.

9 So I would like to see website
10 improvements to both and easy access for
11 customers to discover amounts of profits that
12 Empire is making, dividends and rate increases
13 and how often the rates have been increased.

14 The notification from the Public
15 Service Commission I feel like is poor. I would
16 like to see a full year's worth of highly
17 marketed notification prior to any hearing like
18 this paid for by Empire.

19 I would also like to see a grace
20 period of at least one year prior to any rate
21 increase going into effect.

22 Also the material -- the resources and
23 explanations are not necessarily in plain
24 language for common people. I would like to see
25 easier-to-understand terminology.

1 I would also like to see vastly
2 increased use of renewables. And I know that
3 Empire has been utilizing wind more, and that's
4 appreciated.

5 I would like to see all rate increases
6 go through public referendum. And I know that
7 that's probably not possible with the Public
8 Service Commission the way it is, but I think
9 that would be a step in the right direction.

10 The base charge again is regressive,
11 and I would like to see that eliminated or
12 modified. I would like to see rates simply
13 reduced for the poor and elderly.

14 I would like to see a luxury fee for
15 homes and businesses that use excessive amounts
16 of energy.

17 I would like to see rebate checks
18 disbursed to customers if profits rise above a
19 certain threshold.

20 And most importantly I would like to
21 see the system where we have a monopolistic
22 corporation regulated, you know, for better or
23 worse by the Public Service Commission
24 transitioned into a nonprofit cooperative or a
25 municipal public power company.

1 And I feel like very little attention
2 has been paid to the poor, and I feel like --
3 from what I could tell, I don't know how much
4 Empire has contributed to economic securities
5 program.

6 Not the efficiency improvement, but
7 the -- whatever their program is to pay the bills
8 for the poor. I don't know that they have
9 contributed much, if anything, to that fund.

10 I know that most of it is sort of --
11 the significant amount of it is funded through
12 donations. I would like to see that be increased
13 drastically.

14 And finally we can't allow such an
15 essential service to be monopolized and the
16 livelihood of so many people dependent on a
17 for-profit corporation.

18 And let me also say I pray that God
19 helps those who are struggling to pay their bills
20 while the shareholders and executives pocket the
21 profits of this monopoly.

22 JUDGE BUSHMANN: Any questions from
23 counsel?

24 (There is no response.)

25 JUDGE BUSHMANN: Commissioner Stoll?

1 COMMISSIONER STOLL: It looks like you
2 do have -- I appreciate your comments, first of
3 all.

4 And some of the information sheets
5 that are out on the table out there, I hope and I
6 think they're in fairly plain English. You might
7 take a look at those, and I think they describe
8 this case and how the whole process works.

9 I will take that back about the
10 website. I'm -- you know, I have a certain way
11 of getting into the information, and I'll kind of
12 see what it looks like for, you know, say --

13 MR. MALONE: Joe Malone.

14 COMMISSIONER STOLL: -- me as the
15 average person to say, "Well, I want to find out
16 out about this case," and be able to navigate
17 into it.

18 MR. MALONE: Mm-hmm.

19 COMMISSIONER STOLL: So I will take
20 that back. Thank you.

21 MR. MALONE: Appreciate it.

22 (Mr. Malone is excused.)

23 JUDGE BUSHMANN: That's all the names
24 I have on the list. Is there anyone else here
25 who would like to testify?

1 MR. BELL: Yes.

2 JUDGE BUSHMANN: Could you come
3 forward, please.

4 (Mr. Bell approaches the
5 podium.)

6 MR. BELL: My name is Adam Bell,
7 B-E-L-L.

8 (Mr. Bell is placed under
9 oath by Judge Bushmann.)

10 JUDGE BUSHMANN: Proceed.

11 * * * * *

12 ADAM BELL,
13 of lawful age, having been called to the podium
14 and being first duly sworn, testified as follows:

15 MR. BELL: With the \$12.52 a month
16 service fee and a 10.7 percent per kilowatt hour
17 rate fee, Empire's customers are already greatly
18 paying more than any other Empire -- or any other
19 electric company's customers in the state.

20 In the winter months when I'm running
21 my furnace, the electric bill in my modest
22 1600-square-foot home is higher than my mortgage
23 is. I cannot afford my electric bill now, and I
24 certainly cannot afford a 6 percent increase.

25 Now these numbers are directly off of

1 Empire's website, their financial earnings
2 postings.

3 In 2010 pre-tornado, Empire reported
4 consolidated earnings of 47.4 billion dollars.
5 Consolidated earnings of 2011 had risen to 54.9
6 million dollars.

7 They posted in 2012 quarter 3 earnings
8 of 25.5 million dollars, up from 25.2 million in
9 the same quarter 2011.

10 Part of their rate increase is cited
11 to increased fuel cost, but they're reporting
12 higher earnings now than they did in June of 2011
13 when they filed for the rate increase.

14 If fuel costs are indeed up, then the
15 revenue must also be up within their current rate
16 structure.

17 In a press release for shareholders
18 from Empire District Electric Company dated
19 October 25th of 2012, Empire closes by saying,
20 "In summary electric segment net income increased
21 approximately .4 million dollars during the third
22 quarter of 2012, as compared to the same quarter
23 of 2011."

24 It seems clear to me that Empire
25 District has made a case against their own rate

1 request. They are clearly still making a sizable
2 profit and showing growth on a yearly margin.

3 Why should the Public Service
4 Commission and the customers be held for Empire's
5 profit dollars? What other investment --
6 investor-owned business is guaranteed to hit
7 their projected numbers?

8 Sometimes you win and sometimes you
9 lose. That's just the cost of doing business. A
10 rate increase should only be granted if the
11 utility is in a danger of operating at a loss.

12 Empire, by their own admission by the
13 numbers posted on their own website, certainly is
14 not operating at a danger of a loss. A rate
15 increase should not be to the benefit of
16 shareholders.

17 As far as Empire's arguments about the
18 loss due to the storm, our elected state
19 officials promised us that they would prosecute
20 to the fullest extent of the law any persons or
21 company that preyed on the citizens of Joplin
22 using the tornado to the benefit of themselves.

23 Is Empire not taking advantage of us
24 by asking for a rate increase to make up for the
25 loss of consumption after the storm?

1 One of their arguments was that they
2 lost customer revenues, and they were down. Now
3 they want us to pay for it. They are asking us
4 to pay for electricity that was never used. How
5 is that not price gouging?

6 Outside of the loss of customers, they
7 also want us to pay for their uninsurable poles
8 and lines.

9 If we have to pay for the poles and
10 lines, shouldn't we then own the transmission
11 grid? If we own the transmission grid, wouldn't
12 we have the right to choose who we -- choose to
13 provide power to that grid?

14 We could choose whoever had the best
15 electric rates, and that would be who we use for
16 our power, enabling us to escape the monopoly
17 that the Empire District Electric Company has on
18 us.

19 The constant rate increases and beyond
20 poor customer service practices have led myself
21 and many of my friends to find ways to produce
22 our own power using renewable resources, only to
23 be met with an uncooperative and unwilling
24 utility company.

25 We did our research, designed a system

1 of solar panels and wind turbines to meet our
2 energy needs. We wanted grid access so that if
3 we were unable to produce the amount of power we
4 needed at the time, we could pull it from the
5 grid.

6 We researched the PSC's rulings on
7 that metering, and we made sure that we had met
8 all of those requirements as we understood them.

9 On more than one occasion we went to
10 Empire's corporate office to try to talk to them
11 about what we were wanting to do, and never got
12 anywhere with it.

13 No one could talk to us. No one could
14 tell us who we should talk to. We made numerous
15 phone calls that went unreturned.

16 So we purchased the solar equipment
17 and the wind turbines. We installed it and we
18 started making our own power. This got Empire's
19 attention. And all of a sudden it seemed like
20 they wanted to work with us, or so we thought.

21 Empire came out and told us that we
22 had to fill out their application and we had to
23 provide them with a drawing of our system.

24 The Public Service Commission briefing
25 on net metering tells us that we have to provide

1 them with a drawing, but it does not say to what
2 degree. We went simply off what we knew.

3 We provided the drawing to Empire, and
4 a week later I received a six-page letter of
5 discrepancies informing us that our application
6 had been denied.

7 They wanted a ridiculous amount of
8 detail. For example, they wanted to know who the
9 manufacturer was of the DC breakers on the DC
10 side of our solar system.

11 They wanted to know what size the
12 cable was that interconnected the two 12-volt
13 batteries tying into a 24-volt service.

14 This is simply ridiculous. There's no
15 reason that Empire needs this kind of detail in a
16 drawing.

17 I talked with Mr. Beck of the Public
18 Service Commission, and he told me I simply had
19 to provide them the details, the statistics
20 sheets that were provided to me with the solar
21 panels, with the inverter, and with my windmill,
22 and a basic diagram of what we're working with.

23 Empire doesn't like to see me play by
24 the same rules.

25 I also, upon doing further

1 investigation, found that in 2008 Missouri passed
2 Proposition C, the Clean Energy Initiative.

3 Empire told us tonight that they've
4 given them some 8 million dollars for Green
5 Energy Act.

6 Part of the Clean Energy Act or Clean
7 Energy Initiative required investor-owned
8 electric companies to offer a \$2-per-watt rebate
9 to customers who purchased and installed and
10 maintained their own renewable resource systems.

11 Empire in 2010 somehow went behind the
12 voters' backs and got legislation signed making
13 them exempt from having to pay this rebate.

14 Today Empire District Electric Company
15 is the only investor-owned electric company in
16 the state of Missouri that is exempt from paying
17 this rebate.

18 We cannot choose our electric
19 provider. We rely on the PSC to decide what is
20 right and wrong. We rely on the Public Service
21 Commission to protect the citizens of Missouri
22 from unjust utility rates.

23 Empire is in no danger whatsoever at
24 operating at a loss. In fact, they are one of
25 the more profitable companies and corporations in

1 the state of Missouri.

2 It is with the utmost respect,
3 Commissioner, that I implore the Public Service
4 Commission to deny this rate request.

5 JUDGE BUSHMANN: Thank you. Are there
6 any questions from counsel?

7 (There is no response.)

8 JUDGE BUSHMANN: Commissioner Stoll?

9 COMMISSIONER STOLL: Sir, I just
10 wanted to thank you for your testimony. We very
11 much appreciate it.

12 MR. BELL: Thank you.

13 COMMISSIONER STOLL: Thank you.

14 (Mr. Bell is excused.)

15 JUDGE BUSHMANN: Anyone else that
16 would like to testify? Sir, did you want to add
17 something to your testimony?

18 MR. KENNY: Yes. I spoke earlier. Do
19 I need to be sworn back in?

20 JUDGE BUSHMANN: No, you're still
21 under oath.

22 THE REPORTER: What's his name,
23 please?

24 MR. KENNY: Gary Kenny. I've attended
25 public hearings in Kansas, and in those hearings

1 there was a public advocate. Is there a public
2 advocate at this meeting?

3 MR. MILLS: (Mr. Mills waves his
4 hand.)

5 MR. KENNY: Okay. I'm looking at the
6 list of the parties in the case here. Is that
7 the Office of the Public Counsel?

8 MR. MILLS: Correct.

9 MR. KENNY: All right. Thank you.

10 JUDGE BUSHMANN: Commissioner Stoll,
11 did you want to make any closing remarks?

12 COMMISSIONER STOLL: I think we have
13 another gentleman.

14 JUDGE BUSHMANN: Oh, there's someone
15 else that wants to testify?

16 (Mr. Ward approaches the
17 podium.)

18 MR. WARD: Just real quick.

19 JUDGE BUSHMANN: And what's your name,
20 sir?

21 MR. WARD: Andrew Ward.

22 JUDGE BUSHMANN: How do you spell your
23 last name?

24 MR. WARD: W-A-R-D.

25 (Mr. Ward is placed under

1 oath by Judge Bushmann.)

2 JUDGE BUSHMANN: Please go ahead.

3 * * * * *

4 ANDREW WARD,

5 of lawful age, having been called to the podium
6 and being first duly sworn, testified as follows:

7 MR. WARD: I just had a comment. I
8 don't believe -- I wanted to say I don't believe
9 profit is a dirty word, but I think it's
10 become -- it has become a little ridiculous with
11 Empire.

12 I just wanted to thank actually the
13 people that this is my first real run-in with the
14 commission, and I think -- I want to thank you
15 all of you guys.

16 I mean being a monopoly around here,
17 we don't have any other choice, and we are
18 relying on the commission to be our protection
19 against what we think is, you know, something
20 that's a little overboard.

21 So that was my only comment. I just
22 wanted to thank you guys.

23 JUDGE BUSHMANN: Okay. Thank you.

24 COMMISSIONER STOLL: Thank you.

25 (Mr. Ward is excused.)

1 JUDGE BUSHMANN: Someone else?

2 (Ms. Downs approaches the
3 podium.)

4 JUDGE BUSHMANN: What's your name,
5 ma'am?

6 MS. DOWNS: Debbie Downs.

7 JUDGE BUSHMANN: How do you spell your
8 last name?

9 MS. DOWNS: D-O-W-N-S.

10 (Ms. Downs is placed
11 under oath by Judge
12 Bushmann.)

13 JUDGE BUSHMANN: Please go ahead.

14 * * * * *

15 DEBBIE DOWNS,
16 of lawful age, having been called to the podium
17 and being first duly sworn, testified as follows:

18 MS. DOWNS: I have a lot of
19 compassion. I'm really sorry that Empire is
20 having some financial problems.

21 But they didn't come and ask me if I
22 could help them out. If I had, there probably
23 would have been interest on it.

24 So you know, I just can't. I think a
25 lot of us are saying that. If we could, we

1 would. Or if we felt like we needed it, then we
2 would be happy to give. But I can't. Thanks.

3 JUDGE BUSHMANN: Thank you, ma'am.
4 Any questions?

5 (There is no response.)

6 JUDGE BUSHMANN: Anyone else who would
7 like to testify?

8 (There is no response.)

9 JUDGE BUSHMANN: Commissioner Stoll?

10 COMMISSIONER STOLL: I would just
11 conclude by saying that we do appreciate you
12 coming out tonight. The other commissioners will
13 receive the transcripts from this proceeding.

14 And cases such as this, as you learned
15 in the initial presentation, take quite a bit of
16 time.

17 And if you're interested, you can
18 definitely contact the Public Service Commission
19 or the local utility and find out exactly how to
20 access that information. You'll probably be
21 reading a lot more about it.

22 So again, thank you for your interest,
23 and we do appreciate you coming this evening.

24 JUDGE BUSHMANN: I would also remind
25 everyone that you can make written comments, if

1 you would like, by contacting the Office of
2 Public Counsel, or you can register those
3 comments at the PSC's web page.

4 The evidentiary hearing in this matter
5 is currently scheduled to take place in Jefferson
6 City beginning February 19th.

7 If you have internet access, you can
8 watch that on your computer on the PSC web page.
9 There won't be a final decision until May.

10 That concludes the night's hearing.
11 We're now adjourned. Thank you for attending.

12 (The proceedings were
13 concluded at 7:50 p.m. on
14 Thursday, January 3,
15 2013.)

16 (No exhibits were marked
17 during the course of
18 these proceedings.)

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TRANSCRIPT NOTES

No exhibits were marked during the
course of these proceedings.

1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)
) SS:
 3 COUNTY OF GREENE)

4
 5 I, Karen S. Rogers, Registered
 6 Professional Reporter, Certified Realtime
 7 Reporter, and Notary Public in and for the State
 8 of Missouri, do hereby certify that I was
 9 personally present at the taking of the
 10 proceedings as set forth in the caption sheet
 11 hereof; that I then and there took down in
 12 stenotype the proceedings had at said time; and
 13 that the foregoing is a full, true, and accurate
 14 transcription of such stenotype notes so made at
 15 such time and place, all to the best of my skill
 16 and ability.

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Karen S. Rogers, RPR,
 CCR No. 846, Notary Public

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