

1 BEFORE THE PUBLIC SERVICE COMMISSION

2 STATE OF MISSOURI

3

4 In the Matter of Aquila Networks,)
5 Inc., d/b/a Aquila Networks - MPS)Case No. GT-2004-0050
6 For Tariff Changes Related to)
7 Large Volume Tariff Services)

8 In the Matter of Aquila Networks,)
9 Inc., d/b/a Aquila Networks -)Case No. GT-2004-0051
10 L&P for Tariff Changes Related to)
11 Large Volume Tariff Services)

12 PRE-HEARING CONFERENCE

13 TRANSCRIPT OF PROCEEDINGS

14 VOLUME I

15 LEWIS MILLS, PRESIDING

16 DEPUTY CHIEF REGULATORY LAW JUDGE

17 Wednesday, September 24
18 10:00 a.m.
19 Missouri Public Service Commission
20 200 Madison Street
21 Jefferson city, MO

22 REPORTED BY: Monnie S. VanZant, CCR, CSR, RPR
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A P P E A R A N C E S

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1 TRANSCRIPT OF PROCEEDINGS

2 JUDGE MILLS: Let's go on the
3 record. We're on the record this morning for
4 a pre-hearing conference in two cases, Case
5 No. GT-2004-0050 and Case No. GT-2004-0051.
6 We'll begin by taking entries of appearance on
7 my left. Ms. Shemwell?

8 MS. SHEMWELL: Good morning, your
9 Honor. Lera Shemwell, appearing on behalf of
10 the Staff of the Missouri Public Service
11 Commission, 200 Madison, Post Office Box 360,
12 Jefferson City, Missouri, 65102.

13 MR. COOPER: Dean L. Cooper from the
14 law firm of Brydon, Swearngen & England, PC,
15 P.O. Box 456, Jefferson City, Missouri, 65101,
16 appearing on behalf of the Aquila, Inc., doing
17 business as Aquila Networks MPS and Aquila
18 Networks L&P.

19 JUDGE MILLS: Thank you.

20 MS. O'NEILL: Good morning. Ruth
21 O'Neill. I'm actually appearing on behalf of
22 Doug Micheel, who is also of the Office of the
23 Public Counsel. We're appearing on behalf of
24 the Office of Public Counsel and the Public.
25 Our address is P.O. Box 7800, Jefferson City,

1 Missouri, 65102.

2 MR. CONRAD: Stuart W. Conrad of the
3 law firm of Finnegan, Conrad & Peterson. Our
4 address is 1209 Penn Tower, 3100 Broadway,
5 Kansas City, Missouri, 64111, on behalf of
6 intervenor Sedalia Industrial Energy Users
7 Association, also known as SIEUA. And let the
8 record note that we had intervened only in the
9 5-0 docket. So unless these have been
10 consolidated, I don't what the status of that
11 is.

12 JUDGE MILLS: Okay. Thank you. I
13 set this prehearing because I wanted to get
14 some information about where this case is and
15 where it's going. Quite some time ago, staff
16 filed a pleading, virtually identical
17 pleadings, in each of those two cases in which
18 it said that Aquila had some tariff language
19 that may address staff's concerns. Since
20 those pleadings have been filed, nothing has
21 been done in the case. And I wanted to ask
22 staff where we are in this case. What's going
23 on? What has been going on? What's expected
24 to go on next?

25 MS. SHEMWELL: Staff has worked with

1 the company to try to resolve all of the
2 issues that it had in terms of the tariff
3 language and some of the numbers in the
4 tariff. It was technical concerns. And as
5 far as I know, we have resolved those
6 issues --

7 JUDGE MILLS: Okay. And when did
8 that --

9 MS. SHEMWELL: -- with the company.

10 JUDGE MILLS: When did that
11 resolution happen?

12 MR. COOPER: Well, your Honor, I
13 think the issue is that we still -- while we
14 have had some discussions with staff, we still
15 have to have some discussions with, at a
16 minimum, Mr. Conrad who we've talked to a time
17 or two, but not substantively about that. And
18 I don't know that we have had input from the
19 Office of the Public Counsel at this point.
20 But I think that from -- from the company's
21 perspective where we are is we need to go
22 ahead and -- and complete some discussions
23 with Mr. -- Mr. Conrad before we can tell you
24 how this case might -- might play out.

25 JUDGE MILLS: Okay. Well, let's --

1 let's skip ahead and make the assumption that
2 you've had those discussions with Mr. Conrad,
3 you've had the discussions with staff. You've
4 had discussions with the office of public
5 counsel. You all have come to an agreement on
6 what you think are appropriate numbers or
7 words, whatever. You come to an agreement on
8 what the tariff sheets ought to look like.
9 What do you anticipate doing then?

10 MR. COOPER: If we were to reach
11 that point, I would envision probably a
12 stipulation and agreement amongst the parties
13 that would -- as an attachment include
14 different tariff sheets than what are
15 currently on the file with the commission

16 JUDGE MILLS: Okay. Well, you'd
17 have to withdraw the current tariff sheets to
18 do that.

19 MR. COOPER: (Mr. Cooper nods head.)

20 MS. SHEMWELL: (Ms. Shemwell nods
21 head.)

22 JUDGE MILLS: Okay.

23 MR. COOPER: Yeah. Any number of
24 ways, I suppose. I mean, if we tried to do it
25 within the existing case, it would be some

1 sort of the stipulation agreement. We could
2 always withdraw those tariffs and file
3 separately, you know, with some sort of use or
4 something else.

5 MR. CONRAD: The stipulation could
6 certainly include the recommendation that the
7 Commission reject and --

8 MS. SHEMWELL: What did you say? I
9 was having trouble hearing you around your
10 hand.

11 MR. CONRAD: That the Commission
12 reject the file tariffs and substitute the
13 attached tariffs if we got to that point.

14 MR. COOPER: We certainly could take
15 care of that.

16 MR. CONRAD: That's how most of the
17 cases, including rate cases, go. Refile a new
18 set of tariffs and start a new set of clocks
19 running. Otherwise, utilities would never get
20 released. And that would be a terrible thing.

21 MR. COOPER: I was going to say,
22 something that you're very concerned about.

23 JUDGE MILLS: Okay.

24 MR. CONRAD: Read the papers. It's
25 a terrible thing.

1 JUDGE MILLS: Well, I think -- I
2 mean, just to -- just to keep this thing
3 moving, I'm going to set a deadline of two
4 weeks from today for a procedural schedule.
5 If you all can get something resolved and
6 filed before then, that's fine. Otherwise,
7 we're going to have to have a procedural
8 schedule and set some dates for hearings
9 because then it's -- it's -- you know, it's --
10 it isn't a rate case, but it's on the same
11 time clock as a rate case. And months have
12 already ticked by.

13 MR. CONRAD: And so that it's known
14 to the Judge and the record, we have some
15 discovery that has been tendered to the
16 applicant.

17 JUDGE MILLS: Okay.

18 MR. CONRAD: It was tendered, I
19 believe -- actually, I finally got the last
20 part of it yesterday. Didn't you get some
21 e-mail?

22 MR. COOPER: Yesterday was when we
23 received it.

24 JUDGE MILLS: Okay.

25 MR. CONRAD: In the form of data

1 requests, not requests to admit or whatever.
2 Seems to be the mode right now.

3 JUDGE MILLS: Okay. That's all I
4 have. I mean, I think you all ought to --
5 since you're all here today together, you
6 ought to use this opportunity to start talking
7 about Mr. Conrad's concerns and Ms. O'Neill's
8 concerns. And we can go forward from there.
9 I'll issue a notice just so there's a paper
10 trail and it will probably be an order setting
11 a date for the filing of procedural schedule
12 two weeks from today. I think that's all I
13 have.

14 MR. CONRAD: That's fine.

15 JUDGE MILLS: Anything else from the
16 parties?

17 MS. SHEMWELL: No.

18 MR. COOPER: No, your Honor.

19 MS. O'NEILL: No.

20 JUDGE MILLS: Okay. Let's go off
21 the record.
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