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2 PUBLIC SERVICE COMMISSION
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7 TRANSCRIPT OF PROCEEDINGS
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9 EARLY PREHEARING CONFERENCE
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12 Jefferson City, Missouri

13 Volume 1
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16 In the Matter of the Tariff)
17 Filing of The Empire District)
18 Electric Company to Implement)
19 a General Rate Increase for)
20 Retail Electric Service) Case No. ER-2004-0570
21 Provided to Customers in Its)
22 Missouri Service Area)

23
24 KEVIN A. THOMPSON, Presiding,
25 DEPUTY CHIEF REGULATORY LAW JUDGE.

26 REPORTED BY:

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6 FOR: Staff of the Missouri Public Service
7 Commission.
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1 P R O C E E D I N G S

2 JUDGE THOMPSON: Let's go ahead and go on the
3 record.

4 Good morning. My name is Kevin Thompson. I'm the
5 Regulatory Law Judge assigned to preside over this matter,
6 which is In the Matter of the Tariff Filing of The Empire
7 District Electric Company to Implement the General Rate
8 Increase for Retail Electric Service Provided to Customers in
9 Its Missouri Service Area, Case No. ER-2004-0570.

10 At this time we'll take entries of appearance,
11 beginning with the Company.

12 MR. COOPER: Dean L. Cooper from the law firm of
13 Brydon, Swearngen & England, P.C., P. O. Box 456, Jefferson
14 City, Missouri 65102, appearing on behalf of The Empire
15 District Electric Company, along with Mr. Jeff Keevil.

16 MR. KEEVIL: Yeah. Also on behalf of Empire, Jeff
17 Keevil of the law firm of Stewart & Keevil, L.L.C., 4603 John
18 Garry Drive, Suite 11, Columbia, Missouri 65203.

19 JUDGE THOMPSON: Thank you, Mr. Keevil, Mr. Cooper.
20 Staff?

21 MR. FREY: Thank you, Your Honor. Dennis Frey and
22 Steve Dottheim, P. O. Box 360, Jefferson City, Missouri 65102,
23 appearing on behalf of the Staff of the Missouri Public
24 Service Commission.

25 JUDGE THOMPSON: Thank you.

1 Public Counsel?

2 MR. COFFMAN: John B. Coffman, appearing on behalf
3 of the Office of the Public Counsel, P. O. Box 2230, Jefferson
4 City, Missouri 65102.

5 JUDGE THOMPSON: Intervenor Praxair?

6 MR. CONRAD: Your Honor, let the record show the
7 appearance for Praxair of Stuart W. Conrad, the law firm of
8 Finnegan, Conrad & Peterson, 1209 Penntower Office Center,
9 3100 Broadway, Kansas City, Missouri 64111.

10 JUDGE THOMPSON: Thank you.

11 And are there -- is there counsel present
12 representing intervention applicants?

13 MS. WOODS: Yes, Your Honor.

14 JUDGE THOMPSON: Yes, ma'am.

15 MS. WOODS: Shelley Woods, Assistant Attorney
16 General, representing Missouri Department of Natural
17 Resources, Post Office Box 899, Jefferson City, Missouri
18 65102.

19 JUDGE THOMPSON: Thank you.

20 And, Mr. Conrad, you're also here for Explorer
21 Pipeline?

22 MR. CONRAD: Yes, Your Honor, I am. And if it
23 please the Commission, I'll not repeat all of that.

24 JUDGE THOMPSON: Thank you.

25 We have pending two applications for intervention,

1 one, Explorer Pipeline, the other the Missouri Department of
2 Natural Resources.

3 Are there any objections to those intervention
4 applications?

5 (No response.)

6 JUDGE THOMPSON: Hearing none, they will both be
7 granted.

8 Pursuant to the procedural schedule -- or excuse
9 me -- the -- the suspension order, there is a proposed
10 procedural schedule due, I believe, a week from today. So I
11 would urge the parties to use their -- their time here this
12 morning to discuss their calendars.

13 Finally, there's also pending a motion to lift stay
14 with respect to one of the proposed tariff sheets, and there's
15 been a number of pleadings filed with respect to that. And we
16 are not going to take up that issue this morning.

17 Do the parties have any other issue or matter to
18 take up at this time?

19 Mr. Conrad?

20 MR. CONRAD: Yes, sir.

21 Just very brief -- really more in the line of
22 clarification. First of all, I think substantial progress has
23 been made. And one of the things that we're gonna be talking
24 about today is just clarifying that everybody's on the same
25 page with respect to the procedural schedule that's been

1 circulated.

2 But in the course of that, I need to get, I guess,
3 some clarification here on the record. Mr. Frey has entered
4 appearance as counsel for the Staff, and that's well and good.

5 In the course, however, of the exchanges regarding
6 procedural schedule, I have received some copies of pleadings
7 from Mr. Watkins on behalf of Staff.

8 And I guess the first level of my concern is that
9 under the -- the ethical canons, I should not have contact
10 directly with him if he's represented by counsel, which I'm
11 sure he is based on Mr. Frey's appearance.

12 But I do need to have clarification as to kind of
13 who's -- to whom I should be responding and -- and -- and so
14 on.

15 Danny, if -- if you could help me out on that.

16 JUDGE THOMPSON: Mr. Frey?

17 MR. FREY: Your Honor, I'd just respond by saying
18 that Mr. Conrad needs to respond to me in this matter. And
19 if it -- if it's a -- a concern or a problem that Mr. Watkins
20 has helped out in the course of our e-mails in the past, I
21 respectfully apologize for that to Mr. Conrad. And we'll take
22 steps to ensure that it doesn't occur again.

23 JUDGE THOMPSON: Okay.

24 Are you satisfied?

25 MR. CONRAD: Yeah, it's not -- it -- you know, the

1 fact that it occurs is not an issue. I just needed to have
2 clarification as to who --

3 JUDGE THOMPSON: Who you should respond to.

4 MR. CONRAD: -- who was running the show, if you
5 will. And that's -- that's fine.

6 Thank you.

7 JUDGE THOMPSON: Thank you.

8 Anyone else have any other matter to bring to my
9 attention at this time?

10 JUDGE THOMPSON: Mr. Coffman?

11 MR. COFFMAN: No.

12 JUDGE THOMPSON: Mr. Cooper?

13 MR. COOPER: No, Your Honor.

14 JUDGE THOMPSON: Okay. There's been a lot of talk
15 about changing the way that the Commission processes things,
16 particularly rate cases. And I can tell you that as far as
17 I'm concerned at this time, we are proceeding in an entirely
18 traditional manner.

19 So just expect things to unfold in the way that
20 they typically do in rate cases. If they're going to be any
21 changes, you'll find out about them shortly after I do.

22 There being nothing else, we will conclude the
23 recorded portion of the prehearing conference.

24 WHEREUPON, the on-the-record portion of the
25 prehearing conference was concluded.