In the Matter of:

GREG STIENS

V.

THE EMPIRE DISTRICT GAS COMPANY d/b/a LIBERTY

GC-2021-0395, VOL. II

October 14, 2021



www.tigercr.com 573.999.2662

BEFORE THE PUBLIC SERVICE COMMISSION 1 2 STATE OF MISSOURI 3 4 TRANSCRIPT OF PROCEEDINGS EVIDENTIARY HEARING 5 October 14, 2021 6 7 HEARING VIA WEBEX 8 Volume 2 9 10 Greg Stiens,) Complainant,) 11) File No. GC-2021-0395) 12 v.)) 13) The Empire District Gas Company) 14 d/b/a Liberty,) Respondent.) 15 JOHN CLARK, Presiding SENIOR REGULATORY LAW JUDGE. 16 Maida J. Coleman, Jason R. Holsman, 17 COMMISSIONERS. 18 19 20 21 22 REPORTED BY: 23 Lisa M. Banks, CCR TIGER COURT REPORTING, LLC 24 25

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1	APPEARANCES		
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7	FOR: The Empire District Electric Company		
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10	P.O. Box 360 Jefferson City, Missouri 65101		
11	staffcounselservice@psc.mo.gov FOR: Staff Of Missouri Public Service Commission		
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1	PROCEEDINGS			
2	JUDGE CLARK: It's 9:05, let's go on the record.			
3	Good morning. Today is October 14th, 2021, and the current time			
4	is not 9:05 a.m This proceeding is being held electronically			
5	via WebEx and telephone conference. The Commission has set			
6	aside time today for an evidentiary hearing in the matter of			
7	Greg Stiens, Complainant versus the Empire District Gas Company			
8	d/b/a as Liberty, the Respondent and this is File Number			
9	GC-2021-0395. My name is John Clark. I'm the regulatory law			
10	judge presiding over this hearing today.			
11	I'm going ask for counsel for the parties to			
12	enter their appearances for the record. I'm going to start with			
13	you Mr. Stiens. Mr. Stiens, you're representing yourself.			
14	Correct?			
15	MR. STIENS: Yes.			
16	JUDGE CLARK: Okay. Mr. Stiens, pro se on			
17	behalf of himself. And for Liberty Gas?			
18	MS. CARTER: This is Diana Carter for the Empire			
19	District Gas Company $d/b/a$ as Liberty. And so I don't do it			
20	wrong through the entire hearing, is it Stiens? Mr. Stiens? is			
21	that the correct pronunciation?			
22	MR. STIENS: Yes. Yes.			
23	JUDGE CLARK: Okay. Thank you, Ms. Carter. For			
24	the Commission's staff?			
25	MS. PAYNE: Whitney Payne on behalf of the Staff			

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1	of the Missouri Public Service Commission. Our address is P.O.			
2	Box 360, Jefferson City, Missouri 65101.			
3	JUDGE CLARK: Okay. Thank you, Ms. Payne. And			
4	while I don't see anyone from OPC present, I'm going to ask			
5	because they took an interest at one point in the case. is			
б	anybody from the Office of the Public Counsel present today? I			
7	hear no one.			
8	I'd like to at this time say for Mr. Stiens'			
9	benefit, as I said before prior, when this hearing was			
10	originally scheduled agenda was presumed to be on a Wednesday.			
11	But the weekly commissioner agenda meeting was moved to			
12	Thursday. So, Mr. Stiens, we're going to break at ten o'clock			
13	until 10:45 to allow the commissioners participating today to			
14	attend their agenda meeting.			
15	Now, with that, there are five commissioners			
16	that oversee the Public Service Commission; Chairman Ryan Silvey			
17	and Commissioners Scott Rupp, Maida Coleman, Commissioner			
18	Holsman, and Commissioner Kolkmeyer. And present today are			
19	Commissioner Coleman and Commissioner Holsman.			
20	Now, are there any preliminary matters that we			
21	need to take up at this time? Are there any pending motions			
22	that I need to address? Liberty? Note for the record that she			
23	shook her head no.			
24	MS. CARTER: Sorry, Judge. I was trying to get			
25	back to unmute. No, I do not.			

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1	JUDGE CLARK: Commission staff?			
2	MS. PAYNE: No. Thank you, Your Honor.			
3	JUDGE CLARK: Mr. Stiens, do you have any			
4	motions that you wanted me to take up at this time?			
5	MR. STIENS: I was wanting a motion actually,			
6	quash some of or the exhibit that Liberty presented. But is			
7	this the time to do it?			
8	JUDGE CLARK: No, this is not the time to do it.			
9	The time to do it would be when they offer the exhibit. Prior			
10	to them offering of an exhibit, I'll ask if there any			
11	objections. At that time you could make your objection. Okay?			
12	MR. STIENS: All right. Now, I've got a			
13	question since this evidentiary hearing. What are we doing			
14	today exactly? I'm a little foggy on this.			
15	JUDGE CLARK: I would more than happy to go to			
16	through the procedure.			
17	MR. STIENS: Is this a trial?			
18	JUDGE CLARK: It is not a trial in the			
19	conventional sense as we are not a court of law in the			
20	conventional sense. This is what would be known as an			
21	administrative hearing. This is hearing where the Commission,			
22	which is a state administrative agency has been asked to			
23	determine your complaint. What the Commission will be asked to			
24	determine is whether or not the Empire District Gas Company			
25	doing business as Liberty and I'm just going to call them			

Liberty for short. 1 2 MR. STIENS: Right. JUDGE CLARK: Has violated either a law to which 3 -- that would be applicable or which the Commission would have 4 some authority, a rule of the Commission, an order of the 5 6 Commission, or a company tariff. You have alleged that they had 7 violated one of the billing rules. But we will be taking into 8 account whether they violated any of those. 9 So what's going to happen is it is like a trial, 10 to answer your question, in the sense that I will allow each of 11 the parties to make an opening statement. Then each of the 12 parties will have an opportunity to offer testimony and 13 evidence. And unlike a trial, we usually do not do a closing statement. I allow an opportunity if the parties wish to brief 14 15 the case, but that is not necessarily a must have. In other 16 words, that is something I generally elicit input from the 17 parties before I decide whether or not the Commission needs 18 briefs. 19 MR. STIENS: Right. Well -- so it's my 20 understanding that instead of having to be in person and present 21 this we are doing on a web; is that right? 22 JUDGE CLARK: That is correct. The Commission's 23 rule normally requires that the Commission conduct the hearing within 30 miles of where services was rendered. 24 25 MR. STIENS: Right.

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1	JUDGE CLARK: We had a hearing conference which			
2	I asked you if you wanted to do that or you wanted to do it via			
3	WebEx. You indicated that WebEx was fine for you.			
4	MR. STIENS: Yeah. I remember that. I guess my			
5	thought is I would rather do it in person. I think at the time,			
6	of course, I was sick and I didn't want any anybody to			
7	what do I want to say have exposure to this COVID stuff, but			
8	I suppose we can go ahead. I guess my thought now was I'd			
9	rather be in person and do it. But since we've already got it			
10	set up I guess this is this is fine.			
11	JUDGE CLARK: Okay. And			
12	MR. STIENS: Or or, is there can we			
13	reschedule and do it so we can do it in person?			
14	JUDGE CLARK: Well, the problem, Mr. Stiens, is			
15	you've already waived the right to do that when you indicated			
16	that you were okay to do it via WebEx.			
17	MR. STIENS: Right. Right.			
18	JUDGE CLARK: What you see here today is you see			
19	that the Company's shown up, the Commission staff has shown up,			
20	everybody is prepared pursuant to the procedural schedule that			
21	was sent out. You've had an opportunity to submit exhibits,			
22	which you have. I've seen them come into			
23	MR. STIENS: Right.			
24	JUDGE CLARK: the Commission's electronic			
25	filing system and we've hired a court reporter to appear today.			

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1	MR. STIENS: Yeah.
2	JUDGE CLARK: So unless there is a compelling
3	reason that you can give me why it would need to be in person
4	MR. STIENS: I just feel I can better present.
5	At the time that I did that, of course, I was sick and of course
б	I still am a little bit but, not not contagious like I was.
7	I think I'd rather do it in person but you know, I understand
8	since we said and we're all set up, we'll just go ahead with
9	it today.
10	JUDGE CLARK: Okay.
11	MR. STIENS: I was trying to figure out the maze
12	of what we were doing here. Of course back then that made sense
13	to do it because, you know, well, I was either in quarantine or
14	just close to pretty the COVID thing was, you know, it was
15	like 90 days or something like this. I felt it would probably
16	be best for everybody to stay away from everybody, but I guess
17	at a later point now I'm feeling better, a little bit, and I
18	guess I just wanted to make the presentation in person. That's
19	okay. I'm familiar with everything. We'll just go ahead since
20	we've got it all set up.
21	JUDGE CLARK: Well, if you see me looking off to
22	the left or the right I've got screens here. I'm not rolling my
23	eyes. I'm looking to see on my other screens. Now, the
24	procedural schedule in this case was issued on September the
25	14th. Is there a reason why between then and today you didn't

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file a motion to either continue the case or to appear in 1 2 person? MR. STIENS: Yeah. I was out of town. 3 I think I notified I was going to be gone for, oh gosh, about 20 days. 4 5 I mean, I've actually still got some interrogatories that I need 6 answered. I thought somebody had said that they wanted to 7 change the dates on all of that and I told them -- I can't find 8 my -- I told somebody that I was going to be gone and I couldn't 9 do anything those days and we would have to wait until -- I 10 think after 20-something of September when I got back. But I 11 never heard anything from anybody about changing them or 12 anything. JUDGE CLARK: I've got the procedural --13 14 MS. CARTER: Your Honor, I --15 JUDGE CLARK: -- schedule based upon the dates 16 that were supplied and based upon any objections received. What 17 I'm gonna do is I'm going to treat what you're saying right now 18 regarding appearing in person as a motion to continue this case 19 and appear in person. As such, I'm going to ask if there are 20 any objections to that motion starting with Liberty. 21 MS. CARTER: The Company does not object to that 22 request, Judge Clark. 23 JUDGE CLARK: And the Commission staff? 24 MS. PAYNE: No, we do not object. 25 JUDGE CLARK: So at this point -- Mr. Stiens,

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1	you've asked me to you said both that you prefer to present			
2	in person, but you are okay with going ahead today. I'm going			
3	to ask you: Is your request to me a motion to continue the case			
4	to appear in person?			
5	MR. STIENS: Yes.			
б	JUDGE CLARK: Okay. Normally I would say no for			
7	all the reasons laid out, the Commission has issued a procedural			
8	schedule, the parties have gone to a great deal of trouble to			
9	get witnesses ready to appear here today, the commissioners are			
10	here to hear your case, and we've hired a court reporter.			
11	However, I've asked both parties and neither party indicates			
12	that they object to a continuance at this time and ultimately at			
13	the end of the date, Mr. Stiens, this is your complaint. So			
14	given that nobody is objecting to continuing the case, I am			
15	going to grant that request.			
16	MR. STIENS: Okay.			
17	JUDGE CLARK: I'm going to ask the parties			
18	obviously let me ask Mr. Stiens, let me ask you another			
19	question: Do you wish to have the hearing within 30 miles of			
20	where service was rendered to you or do you wish to have the			
21	hearing at the Commission's office?			
22	MR. STIENS: Within 30 miles, I believe, would			
23	be maybe sorry.			
24	JUDGE CLARK: I have that information at this			
25	time.			

1 MR. STIENS: Okay. 2 JUDGE CLARK: And that is -- information at this time. 3 4 MR. STIENS: Okay. JUDGE CLARK: Hold on just a second. My next 5 6 question for the parties is: How long will it take the parties 7 to get me a revised or a new procedural schedule with a new 8 evidentiary hearing date? 9 MR. STIENS: I was looking at some time in -- I mean, the middle of November is fine. 10 11 JUDGE CLARK: Well, I'm actually -- what I am 12 asking is how long will it take the parties to get me a proposed 13 hearing date. 14 MR. STIENS: Proposed? You mean submit one to 15 you? MS. CARTER: Judge, if I may. That may depend 16 17 somewhat on if Mr. Stiens is wanting to open up the other dates 18 as well. He mentioned interrogatories. He served those at 19 10:00 last night. We did already have a discovery cutoff some 20 time ago. So if he is wanting to do another round of discovery, 21 that may change things also on when the hearing will take place. 22 JUDGE CLARK: I will leave that to the parties 23 to negotiate. So if you want to submit a new procedural 24 schedule with new discovery deadlines, I am fine with that. Go 25 ahead and submit that. Once the date is approved, I will

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arrange for a place to have it an in-person hearing I believe 1 2 down in southern Missouri. MR. STIENS: Where did you say? Southern 3 Missouri? 4 5 JUDGE CLARK: Well, where -- I don't know --6 MS. CARTER: Mr. Stiens lives near Kansas City. 7 MR. STIENS: Probably north Missouri. 8 JUDGE CLARK: Hold on just a second. I made an 9 assumption. I apologize. I see. Okay. Well, we will set an 10 evidentiary hearing within 30 miles of where the service was 11 rendered. 12 MR. STIENS: Okay. 13 JUDGE CLARK: That is not an issue. 14 MR. STIENS: Okay. 15 JUDGE CLARK: I am going to go ahead and say 16 there was at one point a motion to dismiss filed, which I had lumped under preliminary or pending matters. If it hasn't been 17 18 said so far, it's my intention to take that with the case. I 19 also went looking back through -- I know that Liberty had filed 20 a notice of satisfaction of some sort, which indicated that they 21 had agreed to make the changes that have been proposed by Staff to their disconnect notices. You indicated that that was not 22 23 satisfactory for you, Mr. Stiens. 24 I am going to remind you that this is an 25 administrative body and while if you have been incorrectly

1 overbilled, the Commission can say, yeah, you should get a 2 credit. We have no ability to award money compensation to you. 3 MR. STIENS: Right. JUDGE CLARK: You understand that? 4 5 MR. STIENS: I believe so. 6 JUDGE CLARK: Because at one point I think you 7 said in one of your pleadings that Empire should be required to 8 pay X amount every time they inappropriately issue a disconnect 9 notice. MR. STIENS: Yes. 10 11 JUDGE CLARK: So we have no authority to award 12 you that amount and what you would be asking for there, I quess, would be tantamount to some sort of rule change. 13 14 MR. STIENS: Yeah. Yeah. 15 JUDGE CLARK: Okay. Then what I am going to do 16 is I am going to set a date. I haven't heard from anybody yet 17 as to how long it will take. 18 MR. STIENS: What are you looking at maybe a 19 week to get it in? You think ten days? 20 JUDGE CLARK: That's a reasonable amount of time. Can the parties have me a new procedural schedule by 21 22 Friday, October 22nd? Is that of reasonable amount of time? 23 MR. STIENS: Yes. 24 MS. CARTER: Yes. Thanks, Judge. 25 MS. PAYNE: Yes. Thank you, Judge.

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1 JUDGE CLARK: Thank you, Liberty. Thank you, 2 Staff. And Mr. Stiens, I believe you also said that was a 3 reasonable amount of time? MR. STIENS: Yes. I believe that will be fine. 4 5 JUDGE CLARK: Okay. At this time, is there 6 anything else that needs to be taken up by the Commission at this time? 7 8 MS. CARTER: No. Thank you, Judge. 9 MR. STIENS: I don't have anything. JUDGE CLARK: Thank you, Mr. Stiens. In that 10 11 case, I am going to adjourn this hearing and wait a revised 12 procedural schedule. We'll go off the record. 13 (OFF THE RECORD.) 14 15 16 17 18 19 20 21 22 23 24 25

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CERTIFICATE OF REPORTER

2				
3	I, Lisa M. Banks, CCR within and for the State of			
4	Missouri, do hereby certify that the witness whose testimony			
5	appears in the foregoing deposition was duly sworn by me; that			
6	the testimony of said witness was taken by me to the best of my			
7	ability and thereafter reduced to typewriting under my			
8	direction; that I am neither counsel for, related to, nor			
9	employed by any of the parties to the action in which this			
10	deposition was taken, and further, that I am not a relative or			
11	employee of any attorney or counsel employed by the parties			
12	thereto, nor financially or otherwise interested in the outcome			
13	of the action.			
14				
15	Lank Bank S			
16	An the pane of			
17	Lisa M. Banks, CCR No. 1081			
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