

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

April 11, 2017

Jefferson City, Missouri

Volume 1

Paul Brown and Debra Brown,)
 Complainant,) File No. GC-2017-0199
 vs.)
Summit Natural Gas of)
 Missouri, Inc.,)
 Respondent.)

NANCY DIPPELL, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:

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1 PROCEEDINGS

2 JUDGE DIPPELL: We will go ahead and go on
3 the record. So this is Case No. GC-2017-011 -- I'm
4 sorry -- 0199. In The Matter Of Paul Brown and Debra
5 Brown, Complainants, versus Summit Natural Gas of
6 Missouri, Incorporated, Respondent.

7 My name is Nancy Dippell. I'm the Regulatory
8 Law Judge assigned to this matter and we've come here
9 today for a prehearing conference. I will let the
10 attorneys make entries of appearance. I believe,
11 they've all given written entries to the court
12 reporter, but I'll let them state their entries of the
13 record. So can we just to start here to my left,
14 Mr. Cooper.

15 MR. COOPER: Yeah, Dean Cooper appearing for
16 Summit Natural Gas of Missouri, Inc., and the court
17 reporter has the address.

18 MR. KEEVIL: Appearing on behalf of the Staff
19 of the Missouri Public Service Commission, Jeff Keevil,
20 P.O. Box 360, Jefferson City, Missouri 65102.

21 MS. SPEAKE: Penny Speake with Healy Law
22 Offices, appearing for the complainants, Paul and Debra
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24 Springfield, Missouri 65 -- 65804.

25 MR. HEALY: Doug Healy, also appearing for

1 Complainants, Brown on behalf of Healy Law Offices.

2 JUDGE DIPPELL: All right. And I'll just
3 note for the record that we do have some people on the
4 phone from Summit listening in on our conference call
5 here.

6 So I asked you all to come here today in
7 hopes that maybe you could use this time to settle
8 this.

9 MR. HEALY: We are very agreeable to
10 settling, Your Honor.

11 JUDGE DIPPELL: Okay. That's good news. And
12 basically, I'm -- I mean, we've got a motion to dismiss
13 pending. I would expect the Commission to rule on that
14 in the next week or two if there's no -- nothing coming
15 out of here that tells me you all are going to settle
16 this without the need for that.

17 If the motion is denied, then we would
18 proceed to a hearing if that is necessary. And I would
19 encourage you, if you can't reach a settlement as a
20 whole, to consider stipulation of facts. It sounds
21 like a lot of the facts or agreed to and that perhaps,
22 a lot of this boils down to the interpretation of the
23 tariff. Am I missing anything there?

24 MR. HEALY: I think the facts are pretty well
25 agreed to. Dean, unless you feel there is something

1 missing or different?

2 MR. COOPER: Yeah. I'd say there's probably,
3 I mean, there's some small differences, but I don't
4 think there's any significant differences.

5 MR. HEALY: Okay.

6 JUDGE DIPPELL: And I guess I would just ask
7 the Complainants what relief is it that other than the
8 Commission finding that there's a violation, what other
9 relief is that you believe the Commission can grant?

10 MR. HEALY: Well, I think it's within the
11 Commission's power to amend the prior order and issue a
12 waiver, assuming that MGE Laclede would be willing to
13 give up that particular customer and let Summit serve
14 them. It's an understanding talking to Laclede that
15 they have no objections to that. They're actually very
16 willing to do it. We don't see it being much of an
17 impasse here at the Commission, if all the parties are
18 in an agreement to do that.

19 JUDGE DIPPELL: Okay. But you don't actually
20 believe that the Commission could issue them a
21 certificate for this area that they're not otherwise
22 certificated in without they're --

23 MR. HEALY: It may be in conflict with the
24 prior order --

25 JUDGE DIPPELL: -- request.

1 MR. HEALY: -- but I think that the Court's
2 aware that prior orders can be amended and the waivers
3 can be granted. Really, for one customer that's not a
4 very extreme request particularly, if the parties are
5 all in agreement to that.

6 JUDGE DIPPELL: Okay. And you mentioned that
7 settlements probably in agreement, so I'm assuming that
8 the offer to make them whole is still -- that's still
9 available for discussion?

10 MR. COOPER: It is and actually I had, I
11 guess, a little bit of communication with Terry Jarrett
12 leading up and I would imagine he's spoken to --

13 MR. HEALY: He did.

14 MR. COOPER: -- Doug and Penny and with Jeff
15 as well. And kind of affirmed, I guess, part of that.
16 I mean, it's kind of in a -- I'm not sure how far we
17 want to go on the record with this, but, I think there
18 still are some options to be discussed.

19 JUDGE DIPPELL: Okay. Yeah, don't -- you
20 don't have to get into anything on the record.

21 And I just have one question for Staff. That
22 was -- in Staff's report, the Staff -- Staff didn't
23 find any violation of a tariff. Is it not a violation
24 to bury or to run lines in the territory that you don't
25 have --

1 MR. KEEVIL: It's not a tariff violation.
2 That's what it was alleged in the complaint.

3 JUDGE DIPPELL: Okay.

4 MR. COOPER: I would say that unless it has
5 natural gas flowing through it, it's not a violation of
6 anything. I mean, it's a pipe in the ground. It's not
7 a gas plant until it flow gas.

8 JUDGE DIPPELL: Okay. Let's just -- just
9 want to get Staff's perspective on the that. Okay.
10 Okay. Well, I really don't have a lot --
11 anything else to add or to suggest. You guys -- it
12 sounds like you're ready to discuss this. So is there
13 anything else that you all wanted to put on the record?

14 MR. HEALY: No, not unless -- Penny's there
15 anything you want to --

16 MS. SPEAKE: No.

17 MR. COOPER: No.

18 MR. HEALY: I think we're good with the
19 record as it stands.

20 MR. KEEVIL: Judge, if I could just throw
21 this out there and I'll keep it kind of general for the
22 reasons Dean and Doug mentioned. I would suggest that
23 you probably don't want to issue any orders requiring
24 something filed real soon simply because of the
25 procedural hoops that might be involved with the

1 potential settlement. I'll just leave it at that. I'm
2 not saying it's not doable, but there's things that we
3 have to be done to get there --

4 JUDGE DIPPELL: Okay.

5 MR. KEEVIL: -- potentially.

6 JUDGE DIPPELL: Well, I don't want to delay
7 it any farther, because I didn't have an opportunity to
8 get to this when it was first filed and I don't want to
9 leave it out there, so I would appreciate you all
10 working diligently today to see what you can come up
11 with and letting me know if -- well, first, if you
12 could let me know when you're finished here today.
13 Just so I know you're done.

14 And secondly, if you could give me some idea
15 maybe just where things stand when you leave here
16 today, if you're going to continue discussions or if
17 you've reached an impasse and you want the Commission a
18 go ahead and rule on a motion --

19 MR. KEEVIL: Yeah, yeah.

20 JUDGE DIPPELL: -- and proceed. And I'll
21 just leave a calendar here. This has got the current
22 hearing dates for the next few months just in case you
23 want to take that into consideration in your
24 negotiations today. So I appreciate you all coming
25 today and being willing to talk. It's good to see you

1 all. And we can go off the record.

2 (Record was closed at 10:08 a.m.)

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CERTIFICATE

1
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