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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

BETTY R. BARNES-MAYS

VS.

LACLEDE GAS COMPANY

Case No. GC-2010-0121

PREHEARING CONFERENCE

VOLUME 1

FEBRUARY 11, 2010

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3 TRANSCRIPT OF PROCEEDINGS
4 Prehearing Conference
5 February 11, 2010
6 Jefferson City, Missouri
7
8 Volume 1
9
10 BETTY R. BARNES-MAYS,)
11 Complainant,) Case No. GC-2010-0121
12 VS.)
13)
14 LACLEDE GAS COMPANY,)
15 Respondent.)
16
17 DANIEL R. E. JORDAN, presiding,
18 REGULATORY LAW JUDGE
19
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21 REPORTED BY:
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1 P R O C E E D I N G S

2 JUDGE JORDAN: The Commission is calling Case
3 No. GC-2010-0121. The case is styled Betty Barnes-Mays
4 versus Laclede Gas Company. We're here for a prehearing
5 conference.

6 I'm Daniel Jordan. I'm the regulatory law
7 judge assigned to this case, and I will now take entries
8 of appearances. I'll begin with the Complainant.

9 Ms. Barnes-Mays, will you state your name and
10 spell it for the record also?

11 MS. BARNES-MAYS: My name is Betty
12 Barnes-Mays.

13 My entire name or just the last name?

14 JUDGE JORDAN: I'm sorry?

15 MS. BARNES-MAYS: Do I need to spell my
16 entire name or my last name?

17 JUDGE JORDAN: Spell your name however you
18 would like it to appear in the record, ma'am.

19 MS. BARNES-MAYS: Okay. It's Betty,
20 B-e-t-t-y, Barnes-Mays, B-a-r-n-e-s-hyphen-M-a-y-s.

21 JUDGE JORDAN: Okay. And for Laclede Gas
22 Company.

23 MR. ZUCKER: Rick Zucker here on behalf of
24 Laclede, 720 Olive Street, St. Louis, Missouri 63101.

25 JUDGE JORDAN: Thank you.

1 And for Staff.

2 MS. OTT: Jaime Ott on behalf of Staff of
3 the Public Service Commission, P. O. Box 360,
4 Jefferson City, Missouri 65102.

5 And I have with me Consumer Service Contessa
6 Poole-King and Mary Schierman-Duncan.

7 JUDGE JORDAN: Thank you.

8 Mr. Zucker, I should have asked if you had
9 any other representatives of your client here.

10 MR. ZUCKER: No, sir.

11 JUDGE JORDAN: Okay.

12 And, Mrs. Barnes-Mays, did you have anyone
13 come with you?

14 MS. BARNES-MAYS: No, sir.

15 JUDGE JORDAN: Okay. That's fine. That's
16 fine.

17 Also, by regulation, Office of the Public
18 Counsel is a party to all cases, so I will ask whether
19 Office of Public Counsel is present at that end.

20 MR. ZUCKER: There is no one else here.

21 JUDGE JORDAN: Okay. Thank you, Mr. Zucker.

22 And I sure don't see anyone at this end, so
23 that tells me that Public Counsel has elected not to
24 appear in this case.

25 Well, here is what we're going to do. I'm

1 going to discuss procedure to make sure that everyone
2 understands how we intend to proceed. We can also
3 discuss -- the parties can discuss substantive issues if
4 they like, and I hope they will take this time to work
5 towards the settlement of their dispute as well.

6 We'll do the first part on the record, and
7 then the parties can discuss settlement off the record
8 since we do have the room reserved at your end in
9 St. Louis for the rest of the day, and also this room
10 for Staff.

11 Also, I'd like the parties to keep in mind
12 that if negotiations don't go as they would like, if
13 they feel they're not making the progress that they want
14 to make, the Commission does offer mediation services
15 amongst the parties to help work things out.

16 Every regulatory law judge at the Public
17 Service Commission has received training in civil
18 mediation from the University of Missouri, and we have
19 used it to good effect in past cases. It's often
20 helpful to help the parties work out a settlement. So I
21 hope you'll keep that in mind.

22 I have to mention a few things as to hearing
23 procedure. It's often said that these hearings are
24 informal. Well, that's not really all that true
25 anymore. We're pretty formal.

1 We have a prehearing procedure that includes
2 discovery. Discovery is how you get information from
3 the other side to prepare your case. They're devices
4 like requests for admissions, interrogatories and
5 document production requests and all kinds of things
6 like that.

7 Of course, the parties can also exchange
8 information in less formal ways. Our rules provide a
9 device called the data request. And parties can simply
10 exchange information on their own if they like.

11 Now, the hearing itself, if we go to an
12 evidentiary hearing, it is like a trial. It's very much
13 like what you would see in a Missouri circuit court.

14 The Complainant has the burden of proof to
15 show that Laclede has violated a tariff, the terms of
16 its service or some other provision, and we do decide
17 that based on evidence that's admitted into the record.
18 We're talking about documents that are properly
19 authenticated and testimony that is taken under oath.

20 I'm going to give you a citation -- this will
21 be particularly important for Mrs. Barnes-Mays -- that
22 will discuss evidence and how to get things into the
23 record, and that is a statute, a Missouri statute. It
24 is No. 536.070, Section 536.070.

25 And also if there is, like, something that --

1 someone like me who is not versed in technicalities,
2 does not understand it, would like to get into evidence
3 and wants an expert to testify to it, then you want to
4 look at Section 490.065, 490.065.

5 If we do go to hearing, here is the order of
6 proof that I anticipate. I anticipate that Complainant,
7 Mrs. Barnes-Mays, will present her case first, followed
8 by Laclede Gas, followed by Staff. That proceeding is
9 on the record. It's recorded by a reporter such as we
10 have here today.

11 The reporter prepares a transcript, and you
12 can use that to file written argument, and you have the
13 write to file a brief afterwards.

14 And then from all that material I will draft
15 a decision and recommend it to the Public Service
16 Commissioners, the Governor's appointed officials, that
17 make ultimately the decisions in these cases.

18 And that is a quick rundown of how this
19 process works.

20 Any questions so far?

21 MS. BARNES-MAYS: No.

22 JUDGE JORDAN: Okay.

23 MR. ZUCKER: No, sir.

24 MS. BARNES-MAYS: No, sir.

25 JUDGE JORDAN: Well, I think that's about all

1 I have to say.

2 Was there any questions from Staff?

3 MS. OTT: No.

4 JUDGE JORDAN: Okay. All right.

5 Well, then my job here is done if you have no
6 questions for me, so I will leave the parties to discuss
7 any remaining issues.

8 I hope you're able to compare your documents
9 and see what is what you agree on and what you do not
10 and what remains to be tried, and with any luck I hope
11 that you can work out something so that you don't have
12 to go to hearing because it is an expensive and
13 difficult process.

14 And my experience is that the parties can
15 generally come up with a solution better than the
16 Commission or any other outsider can.

17 So I wish you luck in that and I encourage
18 you to pursue such discussions.

19 Is there anything else before I go off the
20 record and leave the room?

21 MS. OTT: No.

22 JUDGE JORDAN: Okay. I will also ask Staff
23 to file a memorandum the next business day after this to
24 inform me as to whether they believe the parties are
25 close to settlement or whether we should just go ahead

1 and set a hearing.

2 Okay?

3 MS. BARNES-MAYS: Yes, sir.

4 JUDGE JORDAN: Okay. Thank you for your
5 attention during this proceeding, and I will go off the
6 record but leave this phone line open, and I'll ask
7 Staff to hang up when everyone is done.

8 MS. BARNES-MAYS. Okay.

9 MR. ZUCKER: Thank you, Your Honor.

10 JUDGE JORDAN: Thank you very much.

11 We're off the record now.

12 WHEREUPON, the on-the-record portion of the
13 prehearing conference is concluded.

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3 CERTIFICATE OF REPORTER

4 I, Patricia A. Stewart, RMR, RPR, CCR, a
5 Certified Court Reporter in the State of Missouri, do
6 hereby certify that the witness whose testimony appears
7 in the foregoing deposition was duly sworn by me; that
8 the testimony of said witness was taken by me to the
9 best of my ability and thereafter reduced to typewriting
10 under my direction; that I am neither counsel for,
11 related to, nor employed by any of the parties to the
12 action in which this deposition was taken, and further
13 that I am not a relative or employee of any attorney or
14 counsel employed by the parties thereto, nor financially
15 or otherwise interested in the outcome of the action.

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20 Patricia A. Stewart

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