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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Procedural Conference
March 8, 2017
Jefferson City, Missouri
Volume 1

MONTGOMERY & GREASER,)
Complainant,)
vs.) File No. GC-2017-0173
UNION ELECTRIC COMPANY)
d/b/a AMEREN MISSOURI)
OPERATIONS COMPANY,)
Respondent.)

NANCY DIPPEL, Presiding,
REGULATORY LAW JUDGE

REPORTED BY:
Pamela S. Gentry, CCR NO. 426
TIGER COURT REPORTING, LLC

1 APPEARANCES:

2 FOR COMPLAINANT:

3 MR. MALCOM H. MONTGOMERY (via telephone)

4 118 Themis

5 Cape Girardeau, Missouri 63701

6 FOR UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI:

7 MS. SARAH GIBONEY

8 Smith Lewis

9 111 South Ninth Street, Suite 200

10 Columbia, Missouri 65201

11 573.443.3141

12 FOR STAFF OF MISSOURI PUBLIC SERVICE COMMISSION:

13 MS. CASI ASLIN

14 MR. JEFF KEEVIL

15 MS. MICHELLE BOCKLAGE

16 MR. KEVIN THOMPSON

17 Missouri Public Service Commission

18 Governor Office Building, Suite 800

19 200 Madison Street

20 P.O. Box 360

21 Jefferson City, Missouri 65102-0360

22 573.751.8517

23 ALSO PRESENT:

24 Ms. Cathy Hart, Ameren Missouri Representative

25

1 PROCEEDINGS

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

4 My name's Nancy Dippel. I'm the
5 Regulatory Law Judge assigned to this case, and we have
6 come here today for Case No. GC-2017-0173, in the
7 matter of Montgomery and Greaser, Complainant, versus
8 Union Electric Company doing business as Ameren
9 Missouri for Respondent. We've come here today for a
10 procedural conference.

11 Mr. Greas-- or Mr. Montgomery was
12 representing this firm in the complaint, is the
13 Complainant, and has not appeared on our teleconference
14 yet, and I have attempted to call his number that was
15 on the pleading and did not get an answer and there was
16 no way to leave a message. So, we're going -- it's now
17 10:15, and we're going to go ahead and --

18 Oh, has someone joined us? Hello?

19 UNKNOWN PERSON: Hello. I'm calling for
20 Malcom Montgomery.

21 JUDGE DIPPEL: Yes.

22 UNKNOWN PERSON: He wanted me to call and
23 get this all set up for him. I will now transfer the
24 call to him. Okay?

25 JUDGE DIPPEL: Okay. Thank you.

1 UNKNOWN PERSON: You're welcome.
2 JUDGE DIPPEL: We can go off the record
3 while we get this set up.
4 (Off the record.)
5 JUDGE DIPPEL: Mr. Montgomery?
6 MR. MONTGOMERY: Hello. This is Malcom
7 Montgomery. I am sorry for being late.
8 JUDGE DIPPEL: All right. We can barely
9 hear you, Mr. Montgomery.
10 MR. MONTGOMERY: Okay. Can you hear me
11 better now?
12 JUDGE DIPPEL: Yes. I'm Nancy Dippel.
13 I'm the Regulatory Law Judge.
14 Okay. So, Mr. Montgomery has joined us
15 on the telephone, and I'm going to begin with entries
16 of appearance.
17 And, Mr. Montgomery, I'll go ahead and
18 let you go first.
19 MR. MONTGOMERY: My name is Malcom H.
20 Montgomery. I am the complainant, and I think that's
21 it? Right?
22 JUDGE DIPPEL: That's fine.
23 MR. MONTGOMERY: Okay.
24 JUDGE DIPPEL: And for the Company?
25 MS. GIBONEY: For Union Electric Company

1 doing business as Ameren Missouri, I'm Sarah Giboney of
2 the law firm Smith Lewis. My address is 111 South
3 Ninth Street, Columbia, Missouri, 65201, and with me as
4 a company representative is Ms. Cathy Hart.

5 JUDGE DIPPEL: And for Staff?

6 MS. ASLIN: For Staff counsel, Casi Aslin
7 and Jeff Keevil, and as our representative from Staff,
8 we have Michelle Bocklidge. Our address is P.O. Box
9 360, Jefferson City, Missouri, 65102.

10 JUDGE DIPPEL: And, Mr. Montgomery, could
11 you hear Ms. Aslin all right?

12 MR. MONTGOMERY: Kind of. That's all
13 right.

14 JUDGE DIPPEL: Okay.

15 MR. MONTGOMERY: No problem.

16 JUDGE DIPPEL: I'll have her speak up a
17 little.

18 MR. MONTGOMERY: All right.

19 JUDGE DIPPEL: All right then.

20 Okay. So, I called you here today for a
21 Procedural Conference and sort of an opportunity for
22 you all to discuss this matter and see if there's any
23 settlement or satisfaction that can be reached.

24 MR. MONTGOMERY: Okay.

25 JUDGE DIPPEL: I don't actually have a

1 lot of procedural matters before us. Just, if there is
2 not a settlement that can be reached, then we would go
3 ahead and -- and do a procedural schedule to set this
4 for hearing. And, so, you might consider that if -- if
5 there's --

6 MR. MONTGOMERY: So -- so, this is not
7 for purpose of -- excuse me. But this is not for
8 purpose of actually arguing the merits today.

9 JUDGE DIPPEL: That is correct.

10 MR. MONTGOMERY: Okay.

11 JUDGE DIPPEL: This is just a conference,
12 like I say, to see if you all can -- can reach any kind
13 of settlement; and, if not, then for you to maybe agree
14 to a date for a hearing or --

15 MR. MONTGOMERY: And -- and the date for
16 hearing, that -- that hearing would be conducted where?

17 JUDGE DIPPEL: Well, as this is a small
18 complaint matter --

19 MR. MONTGOMERY: Yes.

20 JUDGE DIPPEL: Oh, yes. I'm sorry. I
21 was just -- I just realize this is not residential
22 complaint. Our Residential Complaint Rule or a Small
23 Complaint Rule requires that, if you request it, we
24 come to you. But I'm not sure if that counts for
25 commercial.

1 MR. MONTGOMERY: On a commercial
2 building?

3 JUDGE DIPPEL: Does Staff know the answer
4 to that? I'll have to actually -- to be honest, I'll
5 have to look at the rule, Mr. Montgomery.

6 MR. MONTGOMERY: Well, I'd certainly
7 request that you come to me instead of me going to you,
8 but -- but I appreciate you looking into it, yes.

9 JUDGE DIPPEL: And -- and we can, even if
10 -- if it's conducted here.

11 MR. MONTGOMERY: Okay.

12 MS. GIBONEY: I just looked at the rule,
13 and it just says if a customer of a utility files a
14 formal complaint regarding any dispute involving less
15 than \$3,000. So, I guess it applies to any customer.

16 JUDGE DIPPEL: Okay. So, it does apply
17 to you then. So -- so, you --

18 MR. MONTGOMERY: So, we can -- we can
19 have a hearing here -- here in Cape Girardeau?

20 JUDGE DIPPEL: Yes.

21 MR. MONTGOMERY: Good. Okay.

22 JUDGE DIPPEL: You know, as -- as
23 somebody from -- who is from that area, I -- I hope
24 that you can reach a settlement.

25 MR. MONTGOMERY: Well, I -- I'd certainly

1 like to.

2 JUDGE DIPPEL: All right. But, yes. And
3 -- and, Mr. Montgomery, our procedural rules, do you
4 have a copy of those?

5 MR. MONTGOMERY: I'm not sure that I do.
6 You may well have sent them to me. I actually reviewed
7 this matter from the standpoint of merits, but I don't
8 know that I actually reviewed it from the standpoint of
9 procedures.

10 JUDGE DIPPEL: Okay. Well --

11 MR. MONTGOMERY: You may well have sent
12 them to me, but I apologize, I have -- I have not
13 reviewed those.

14 JUDGE DIPPEL: Our small complaints are
15 generally more informal anyway --

16 MR. MONTGOMERY: Okay.

17 JUDGE DIPPEL: -- but I -- I will direct
18 you, they're in the Code of State Regulations --

19 MR. MONTGOMERY: Okay.

20 JUDGE DIPPEL: -- in Chapter -- what is
21 it? -- 240 --

22 MR. KEEVIL: 4-- 4 CSR 240-2.

23 JUDGE DIPPEL: Yeah.

24 MR. MONTGOMERY: Okay. And I'm sorry. I
25 -- I know -- I could not hear him, so --

1 JUDGE DIPPEL: That's fine.

2 MR. MONTGOMERY: CSR what now?

3 JUDGE DIPPEL: It's 4 CSR -- so, it's
4 Title 4 of the Code of State Regulations, Chapter 240,
5 or 240 is the -- the division number.

6 MR. MONTGOMERY: All right.

7 JUDGE DIPPEL: And, then, our procedural
8 rules are in Chapter 2. So, if you go to the Secretary
9 of State's website, you can --

10 MR. MONTGOMERY: Okay.

11 JUDGE DIPPEL: -- you can see all of
12 those rules.

13 MR. MONTGOMERY: Sure. That will be
14 fine. That will be fine.

15 JUDGE DIPPEL: And, so, that's really all
16 I have, unless there are other procedural motions or
17 comments that you would like to make.

18 Mr. Montgomery, did you have anything
19 else?

20 MR. MONTGOMERY: Not from the standpoint
21 of procedural. And I would like to make a couple of
22 points in hopes that we can resolve this matter, but if
23 I'm not allowed to do that at this point, I understand.

24 JUDGE DIPPEL: Well, I'm going to --
25 after we're done with the formal stuff here, the Court

1 Reporter and I are going to leave, and I'm going to
2 leave you all to talk -- talk, hash it out in private.
3 Okay? So --

4 MR. MONTGOMERY: That's fine. But you're
5 more than welcome to be the referee throughout the
6 entire process.

7 JUDGE DIPPEL: Well, to keep my
8 neutrality for a --

9 MR. MONTGOMERY: I understand.

10 JUDGE DIPPEL: -- a hearing, I'll -- I
11 will not do that.

12 MR. MONTGOMERY: Okay.

13 JUDGE DIPPEL: I'll let you have your
14 settlement in private.

15 MR. MONTGOMERY: Yeah.

16 JUDGE DIPPEL: So, did you have anything
17 further, Ms. Giboney?

18 MS. GIBONEY: Judge, I was just wondering
19 what kind of timeline we might be looking at? I'm
20 hopeful we have a settlement, too, but if we don't,
21 should we maybe set a -- a date by which we would file
22 a Joint Procedural Schedule or something like that?

23 JUDGE DIPPEL: Well, yes. I would ask
24 that you all file a procedural schedule joint if you
25 can; if -- if you can't, individual within 10 days.

1 And I'll -- I can issue a notice about that.

2 MS. GIBONEY: Thank you.

3 MR. MONTGOMERY: Thank you.

4 JUDGE DIPPEL: Again, the small complaint
5 procedure is more expedited as well. So --

6 MR. THOMAS: Judge, while you're talking
7 about that, just one thing. I mean, God forbid if it
8 goes to hearing, I do believe you can do the small
9 complaints by video or phone or something like that.

10 JUDGE DIPPEL: Yes. I -- I probably
11 would --

12 MR. THOMAS: I would certainly request
13 that you consider that very strongly.

14 MR. MONTGOMERY: Well, Judge, I -- I
15 certainly understand their request, but I would much
16 prefer everybody come down to Cape Girardeau.

17 JUDGE DIPPEL: Well, we can -- we can
18 figure that out later.

19 MR. MONTGOMERY: Okay.

20 JUDGE DIPPEL: But, certainly, parties
21 such as Staff who is neutral, I would certainly be
22 willing to allow to appear by phone.

23 MS. GIBONEY: So long as anyone filing an
24 exhibit or wishing to use an exhibit would provide
25 copies before time electronically so that all the

1 parties will have them.

2 MR. MONTGOMERY: That's fine, Judge.

3 JUDGE DIPPEL: But, again, we'll discuss
4 that -- or I'll put discuss -- I'll put that in a
5 procedural order that comes out. But if you -- again,
6 if you don't have a settlement on the merits and you do
7 have some particulars about the procedure, you may
8 also, you know, agree to whatever procedure you'd like
9 to follow and -- and submit that to me as well.

10 MR. MONTGOMERY: Okay.

11 JUDGE DIPPEL: Anything else from Staff?

12 MS. ASLIN: No.

13 JUDGE DIPPEL: All right, then. I think
14 that concludes the on-the-record portion, so I will
15 leave the room and let you all talk it out. If you
16 have any questions for me, I will be in my office, and
17 you can reach me there. So --

18 MS. GIBONEY: Thank you, Judge.

19 JUDGE DIPPEL: Thank you, Mr. Montgomery.

20 MR. MONTGOMERY: Judge, thank you.

21 JUDGE DIPPEL: And we'll go off the
22 record.

23 MR. MONTGOMERY: Okay.

24 (Off the record.)

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I, Pamela S. Gentry, Certified Shorthand
Reporter with the firm of Tiger Court Reporting, LLC,
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