

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
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6 TRANSCRIPT OF PROCEEDINGS  
7 Prehearing Conference  
8 June 19, 2007  
9 Jefferson City, Missouri  
Volume 1

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12 Clyde Bradford, )  
 )  
13 Complainant, )  
 )  
14 v. ) Case No. GC-2007-0382  
 )  
15 Laclede Gas Company, )  
 )  
16 Respondent. )

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19 BENJAMIN H. LANE, Presiding,  
REGULATORY LAW JUDGE

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23 REPORTED BY:

24 KELLENE K. FEDDERSEN, CSR, RPR, CCR  
MIDWEST LITIGATION SERVICES

25

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10 Service Commission.

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1 P R O C E E D I N G S

2 JUDGE LANE: Good morning, ladies and  
3 gentlemen. My name is Benjamin Lane, and I'm the  
4 Regulatory Law Judge assigned to this case. And this case  
5 is Clyde Bradford vs. Laclede Gas Company. That's the  
6 style of the case. It's Case No. GC-2007-0382. It's  
7 about 10:07 a.m. on Tuesday, June 19th, and we're here in  
8 Room 305.

9 This is a prehearing conference that was  
10 scheduled by Order of the Commission dated June 1st at the  
11 appointed time and date, and here we are. Before we get  
12 any further, I'd like to go ahead and have the attorneys  
13 present make their entries of appearance. I know you have  
14 filed written entries of appearance in some cases, and  
15 Mr. Bradford, you've also indicated that you're  
16 representing yourself in this matter. But let's go ahead  
17 and do that. Let's start with the Staff of the  
18 Commission.

19 MR. BERLIN: Bob Berlin and Sarah  
20 Kliethermes, who is an intern with the General Counsel's  
21 Office, are appearing on behalf of the Staff of the  
22 Missouri Public Service Commission, Post Office Box 360,  
23 Jefferson City, Missouri 65102.

24 JUDGE LANE: Thank you very much for that  
25 entry of appearance.

1                   And is there any appearance today -- is  
2   there any appearance today for the Office of Public  
3   Counsel? Seeing none. I don't see them present, so no  
4   appearance for Public Counsel.

5                   And then I understand there are also a few  
6   members of Staff here to be able to answer some questions  
7   or, you know, address any informational needs that  
8   Mr. Bradford may have to help possibly resolve this  
9   matter. And Mr. Bradford, you're representing yourself;  
10   is that correct?

11                  MR. BRADFORD: I'm doing the best I can  
12   with this, yeah. Uh-huh.

13                  JUDGE LANE: I hear you. Okay. I think  
14   we're ready to get started here. These prehearing  
15   conferences serve a very important purpose, and this is  
16   mainly for you, Mr. Bradford, since you may not be  
17   familiar with the process. But what I'd like to try to  
18   accomplish at these prehearing conferences is two things.

19                  First of all, it provides an opportunity  
20   for the parties to pursue settlement discussions, and this  
21   is kind of the last best chance to try to settle this  
22   matter. Did I get the appearance for Laclede?

23                  MR. ZUCKER: Not yet, your Honor.

24                  JUDGE LANE: I'm sorry. I just breezed  
25   right over that.

1                   MR. ZUCKER: I'll be glad to enter my  
2 appearance. This is Rick Zucker, Z-u-c-k-e-r, on behalf  
3 of Laclede Gas Company, 720 Olive Street, St. Louis,  
4 Missouri 63101.

5                   JUDGE LANE: Mr. Zucker, I apologize for  
6 passing you over there.

7                   MR. ZUCKER: Not a problem.

8                   JUDGE LANE: And again, thank you for  
9 appearing by phone. And I want to thank Staff for  
10 bringing the folks here that can answer questions, and  
11 also Mr. Zucker, to have the information that's at hand  
12 that would help facilitate possible resolution of this  
13 case before a formal hearing.

14                   Now, as I was explaining, Mr. Bradford,  
15 this prehearing conference is kind of the last best chance  
16 for you and Laclede and -- to try to resolve your  
17 differences without the necessity of a full-blown hearing  
18 and calling witnesses and having, you know, documentary  
19 exhibits entered into the record, a process that you may  
20 not be familiar with.

21                   MR. BRADFORD: No. I'm not quite familiar  
22 with what all you're saying. I guess Mr. Zucker is  
23 affiliated with Mr. David Abernathy. I've taken this  
24 thing to small claims court, and I was told to channel  
25 this thing in this manner, but I don't know all of my

1 options. I'm just playing the game as far as the way  
2 they're telling me to do it. They told me to channel it  
3 this way.

4 Now, I don't know where this thing is going  
5 to end up. All I know is that I can't afford to let  
6 Laclede take money from me and my family, I mean, just for  
7 no reason.

8 JUDGE LANE: Well, I understand.

9 MR. BRADFORD: I totally understand about  
10 this whole thing.

11 JUDGE LANE: I understand the allegations  
12 in your complaint, and then, of course, I presume you're  
13 also familiar and have read Laclede's answer and also  
14 Staff's detailed report on this matter, have you?

15 MR. BRADFORD: Yes. And I understand  
16 Laclede's position. I understand. If I was Laclede, I'd  
17 probably feel the same way they do. But, I mean, you  
18 know, that's because they don't know.

19 JUDGE LANE: Sure. And I just want to make  
20 it clear to you, I'm not here today, this is not a -- this  
21 is not a hearing, and I don't really -- while I'm here, I  
22 don't want to really get into the facts of this case. My  
23 role is to get the stage set so that if you want to  
24 discuss those issues, where you're coming from, you know,  
25 how you feel, what you believe the facts to be, you can do

1     that with the parties once I leave and we go off the  
2     record.  Okay?

3                     MR. BRADFORD:  Okay.

4                     JUDGE LANE:  So that's the second major  
5     thing that I'd like to do, like to accomplish in this  
6     prehearing conference, and that is to have the parties  
7     discuss the matter so that everybody knows where they're  
8     coming from.

9                     Yes, we have the formal discovery, and the  
10    parties have formally stated their positions, but this is  
11    the last time that you've got basically to sit back and to  
12    talk with everybody involved in this case, let them know  
13    where you're coming from, to let them know where they're  
14    coming from, and to talk about the evidence that exists in  
15    this case and the efforts that Staff and Laclede and you  
16    have made to make your positions clear.

17                    MR. BRADFORD:  Great.

18                    JUDGE LANE:  So you should also be prepared  
19    to discuss the nature of any discovery you want to  
20    conduct.  Do you understand the term discovery, sir?

21                    MR. BRADFORD:  Yes.

22                    JUDGE LANE:  Okay.  So if there's any  
23    documents that you feel Laclede has in their possession  
24    that you need to help prove your case, you can request  
25    them either informally, even in this conference you could

1 do it once I leave.

2 MR. BRADFORD: Okay.

3 MR. ZUCKER: And vice versa.

4 JUDGE LANE: And vice versa, that's exactly  
5 right. That works both ways. If they have information  
6 they want to get from you that they have not received,  
7 either in the form of documents or they can ask you  
8 questions that you, you know, can reply to and so forth.  
9 That's discovery.

10 And then, you know, such things as  
11 witnesses, if this does go to a hearing, you ought to  
12 start thinking about what witnesses you plan to call at  
13 the hearing, you know, in support of your complaint, and  
14 same thing for Laclede and Staff, any witnesses they may  
15 be thinking about presenting to present their side of the  
16 case, thinking about exhibits that may be introduced at  
17 the hearing.

18 Now, in the Order setting this conference,  
19 I also -- the Commission directed that a proposed  
20 procedural schedule be filed no later than July the 9th.  
21 So that's, what, about three weeks away. It should be  
22 jointly prepared and filed. So that means, Mr. Bradford,  
23 that they -- that the attorneys for the other two -- other  
24 two or three parties of this case should work with you to  
25 prepare a procedural schedule.



1                   Now, you're probably not familiar with all  
2   things that that would have in it, but they are, and they  
3   can work with you on that to make sure that the dates that  
4   are set in that are dates that are -- that are feasible  
5   and reachable and allow us to schedule this matter for  
6   hearing should it go to hearing.

7                   Okay. So that's the other thing that you  
8   should be thinking about in the back of your mind is this  
9   procedural schedule which will set the framework for a  
10  possible hearing should one be required.

11                  MR. BRADFORD: Okay.

12                  JUDGE LANE: Okay. So just to reiterate,  
13  two things. One, this is a chance to pursue settlement  
14  discussions before we go through the time and expense of a  
15  hearing.

16                  No. 2, it's a time for you guys to discuss  
17  what your respective positions are, what you expect to be  
18  the main issues at hearing should there be an evidentiary  
19  hearing, and start talking about discovery and what kinds  
20  of witnesses and exhibits you might be introducing into  
21  evidence at a hearing. Okay?

22                  MR. BRADFORD: Okay.

23                  JUDGE LANE: Now, I'm about to close the  
24  on-the-record portion of this conference. I do not want  
25  and cannot be here while you're talking amongst

1 yourselves.

2                   One thing you need to be aware of,  
3 Mr. Bradford, and I know, Mr. Zucker, you're already aware  
4 of this, but anything that you say, anything that you talk  
5 about, any facts you may discuss in the -- in this  
6 prehearing conference cannot be used as evidence in the  
7 hearing unless they are fully supported by independent  
8 record evidence. So even -- you know, so at the hearing,  
9 anything that you say or anything that they say, you  
10 cannot -- at the hearing you won't be able to say, well,  
11 they said during the prehearing conference this. Okay.  
12 Do you understand that?

13                   MR. BRADFORD: Okay.

14                   JUDGE LANE: And the reason for that is to  
15 encourage fair and frank and full discussion and to  
16 maximize our chances of settling this matter if at all  
17 possible.

18                   So does anyone have any questions of me  
19 about what the goals are once we go off the record and I  
20 leave the room?

21                   MR. BRADFORD: I have a question for you.  
22 How far does this prehearing thing go? I trust Laclede  
23 that -- I mean, I have a lot of respect for Laclede, and I  
24 know they service the public, and I trust them to do the  
25 right thing, but how far does this thing have to go? I

1 mean, it's going to -- it seems like it's ridiculous, you  
2 know. I mean, how far does this prehearing thing go? We  
3 do it today and then we do it again?

4 I thought I understood you to say that the  
5 prehearing, then we go -- July 9th we go to something else  
6 again. Is that what you were telling me?

7 JUDGE LANE: What I'm saying is this  
8 prehearing conference, we have this telephone bridge set  
9 up for two hours. So you've got a couple of hours to  
10 discuss. If that's not a sufficient amount of time, we  
11 can schedule an additional prehearing or an extension of  
12 that.

13 But basically, after the prehearing  
14 conference is over and, you know, assuming that you cannot  
15 reach a settlement in this matter, what will happen next  
16 is that procedural schedule that I talked about. That's  
17 exactly right.

18 MR. BRADFORD: That's plenty enough time  
19 for me to just tell them that, you know, they had a loyal  
20 customer and I'm still a customer. I mean, it's not to  
21 say I won't ever come back. But I know that they're  
22 bigger than that. Laclede does not need to rip off an  
23 honest family.

24 I mean, just -- so we can -- I can go ahead  
25 with the hearing with this guy, you know, but it shouldn't

1 take that long for him to understand where one man is  
2 coming from. I understand them. I know where they're  
3 coming from because people abused the services, but I've  
4 been loyal to them. I've been with them for 15 years. I  
5 mean, I've been loyal to them. I just -- I just couldn't  
6 afford the gas.

7 I mean, it's almost like putting gas in my  
8 vehicles now. I'm to the point where I can't -- I don't  
9 drive my vehicles as much, only when I go to work, because  
10 I can't afford the gas. It's not that I have anything  
11 against the oil companies or the gas companies. I  
12 understand if the gas goes up for whatever reason, but I  
13 can't hardly afford it.

14 JUDGE LANE: Well, Mr. Bradford --

15 MR. BRADFORD: I have nothing against  
16 Laclede Gas. I mean, just the fact that I had to stop the  
17 service.

18 JUDGE LANE: Well, Mr. Bradford, the type  
19 of thing you were talking about right there, that's  
20 exactly the type of thing that you should be talking to  
21 the parties about, and I can't -- I can't formally  
22 acknowledge, or what you're saying right now is not  
23 evidence, and I need to be out of here when you're making  
24 those kinds of statements. So I just want you to know  
25 that.

1                   But I think that's true. If you feel that  
2 it won't take you long to let you know what your position  
3 is and they can tell you what their position is, and if  
4 you've read the orders that have come out in this case,  
5 I've attempted to summarize the positions of the  
6 respective parties, and they have responded to some of the  
7 things that you just said in their pleading. So --

8                   MR. BRADFORD: I mean, I understand that,  
9 too. I mean, some of the things, yes, they did respond  
10 to. I'm at a plea here with these people. I mean,  
11 they're much bigger than me. I don't have the resources  
12 to really fight them. I'm just asking them as a -- just  
13 as a courtesy --

14                  JUDGE LANE: Sir?

15                  MR. BRADFORD: -- to treat this family  
16 fair. That's all I want to do. You can put --

17                  MR. BERLIN: Mr. Bradford, this is Bob  
18 Berlin. I'm the Staff attorney. And I think what  
19 Judge Lane is trying to do is to close the on-the-record  
20 portion so that we can enter into a discussion of your  
21 concerns, your facts. And I essentially will take over  
22 and moderate this discussion because it is the role of  
23 Staff, the Staff of the Public Service Commission, we are  
24 a separate party to this case.

25                  MR. BRADFORD: Okay.

1                   MR. BERLIN: And we go into a complaint  
2 objectively, and we do our best to investigate all the  
3 facts that are provided by both the complainant and the  
4 utility, and based upon those facts and the analysis of  
5 the tariff and the Commission rules, we will do some  
6 analysis and make a recommendation based upon everything  
7 that has been provided to us during the course of the  
8 complaint.

9                   And so that's -- I think where we are now  
10 is that you would like to discuss this, and as I said, we  
11 attempt to make sure all the facts come out between the  
12 complainant and the company and try to move this forward  
13 to a proper settlement or, if necessary, we'll develop a  
14 procedural schedule and move it to a hearing, and that's  
15 how this process works.

16                  So if Judge Lane is allowed to go off the  
17 record, he can leave, and then we, you, Laclede, can enter  
18 into a discussion. And I just wanted to let you know that  
19 I have with me Gaye Fred, who is our customer service  
20 manager, and Marilyn Doerhoff, who is a customer service  
21 representative, both of whom have worked on this  
22 particular investigation.

23                  So we're prepared to discuss this, and I  
24 think the Laclede attorney, Rick Zucker, is also prepared  
25 to discuss this, and so I would suggest perhaps now is the

1 time to go off the record and enter into a discussion.

2 MR. BRADFORD: Okay.

3 JUDGE LANE: Okay. So I think that's  
4 exactly what we're going to do. And I just wanted to  
5 emphasize, Mr. Bradford, the reason for this is not that I  
6 don't care about this case. It's just that I can't -- I  
7 shouldn't be influenced by information that's not  
8 officially part of the record in this case. So should  
9 there be a hearing, I'll listen 'til the cows come home,  
10 but now is not the time for me to be involved in that kind  
11 of active listening process. Okay?

12 MR. BRADFORD: Yes, sir.

13 JUDGE LANE: All right. Thank you very  
14 much everyone for coming, and we are now off the record.

15 WHEREUPON, the recorded portion of the  
16 prehearing conference was concluded.

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## 1 C E R T I F I C A T E

2 STATE OF MISSOURI )  
3 COUNTY OF COLE ) ss.

4 I, Kellene K. Feddersen, Certified  
5 Shorthand Reporter with the firm of Midwest Litigation  
6 Services, and Notary Public within and for the State of  
7 Missouri, do hereby certify that I was personally present  
8 at the proceedings had in the above-entitled cause at the  
9 time and place set forth in the caption sheet thereof;  
10 that I then and there took down in Stenotype the  
11 proceedings had; and that the foregoing is a full, true  
12 and correct transcript of such Stenotype notes so made at  
13 such time and place.

14 Given at my office in the City of  
15 Jefferson, County of Cole, State of Missouri.

16

17 Kellene K. Feddersen, RPR, CSR, CCR  
18 Notary Public (County of Cole)  
My commission expires March 28, 2009.

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