

In the Matter of:

Union Electric Company d/b/a Ameren Missouri's Tariffs to Increase ...

GR-2019-0077

January 07, 2019



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Procedural Conference
January 7, 2019
Jefferson City, Missouri
Volume 1

In the Matter of Union Electric)
Company d/b/a Ameren Missouri's) File No. GR-2019-0077
Tariffs to Increase Its)
Revenues for Natural Gas Service)

JOHN T. CLARK, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
TIGER COURT REPORTING, LLC

A P P E A R A N C E S

1
2 LEWIS MILLS, JR., Attorney at Law (By telephone)
3 Bryan Cave
4 221 Bolivar Street, Suite 101
5 Jefferson City, Missouri 65101
6 573.556.6622
7 FOR: Missouri Industrial Energy Consumers

8
9 JERMAINE GRUBBS, Corporate Counsel
10 1901 Chouteau Avenue
11 PO Box 66149, MC 1310
12 314.554.2041
13 FOR: Ameren Missouri

14
15 LERA SHEMWELL, Senior Counsel
16 CALEB HALL, Senior Counsel
17 PO Box 2230
18 Jefferson City, Missouri 65102
19 573.526.1445
20 FOR: Office of the Public Counsel

21
22 ROBERT S. BERLIN, Deputy Counsel
23 200 Madison Street, Suite 800
24 PO Box 360
25 Jefferson City, Missouri 65102-0360
573.526.7779
FOR: Staff of the Missouri Public Service Commission

RICHARD S. BROWNLEE, Attorney at Law
121 Madison Street
Jefferson City, Missouri 65101
573.616.1911
FOR: Missouri School Boards' Association

ANDREW J. LINHARES, Attorney at Law (By telephone)
3115 S. Grand Avenue
Suite 600
St. Louis, Missouri 63118
314.471.9973
FOR: National Housing Trust

RICK E. ZUCKER, Attorney at Law (By telephone)
14412 White Pine Ridge Lane
Chesterfield, Missouri 63017-6301
FOR: Spire Missouri, Inc.

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A P P E A R A N C E S
(Continued)

TIM OPITZ, Staff Attorney (By telephone)
409 Vandiver Drive
Building 5, Suite 205
Columbia, Missouri 65202
573.825.1796
FOR: Renew Missouri

Present: Martin Hyman, Missouri Division of Energy
Lisa Kremer, Missouri Division of Energy

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

2 JUDGE CLARK: We'll go on the record now. It
3 is January 7, 2019. The current time is 10:09 a.m.
4 We're getting a little bit of a late start today. The
5 wrong room was opened by mistake, and the court reporter
6 had to move over to this room and get re-set up again in
7 Room 310 of the Governor Office Building.

8 The Commission has set aside this time today
9 for a Procedural Conference in the case captioned as In
10 the Matter of Union Electric d/b/a Ameren Missouri's
11 Tariffs to Increase Its Revenues for Natural Gas
12 Service, File No. GR-2019-0077.

13 Anybody who's going to be speaking today, I'm
14 going to ask that you be sure that your mike is on
15 because we've got several people participating by phone
16 and I want to be sure that everybody is adequately able
17 to hear. I'm going to start by asking the parties
18 to enter their appearance. I'm John Clark. I'm the
19 Regulatory Law Judge for this proceeding today.
20 Starting appearances with Ameren Missouri?

21 MS. GRUBBS: Good morning, Your Honor. This
22 is Jermaine Grubbs appearing on behalf of Union Electric
23 Company d/b/a Ameren Missouri.

24 JUDGE CLARK: Thank you. From the Commission
25 staff?

1 MR. BERLIN: Yes, Judge. Let the record
2 reflect Robert S. Berlin appearing on behalf of the
3 staff of the Missouri Public Service Commission at the
4 Commission's Jefferson City offices. The court reporter
5 has all the contact information.

6 JUDGE CLARK: Thank you. Office of the Public
7 Counsel?

8 MS. SHEMWELL: Good morning. Thank you,
9 Judge. Lera Shemwell and Caleb Hall representing the
10 Office of the Public Counsel and the public, and the
11 court reporter has our information. Thank you.

12 JUDGE CLARK: Thank you. The Missouri
13 Division of Energy has no attorney present today but
14 does have staff here. I'm noting that for the record.

15 Missouri Industrial Energy Consumers?

16 MR. MILLS: Yes, Judge. This is Lewis Mills
17 appearing on behalf of Missouri Industrial Energy
18 Consumers. My address is 221 Bolivar Street, Jefferson
19 City, Missouri 65101. Thank you.

20 JUDGE CLARK: Thank you. The Missouri School
21 Boards' Association?

22 MR. BROWNLEE: Let the record show the
23 appearance of Richard Brownlee. The court reporter has
24 my location data, and with me today is Mike Parnell,
25 representative of the Missouri School Boards'

1 Association. Thank you.

2 JUDGE CLARK: Thank you. The National Housing
3 Trust?

4 MR. LINHARES: Yes, thank you, Judge.
5 Appearing by phone on behalf of the National Housing
6 Trust, Andrew Linhares. My address is 3115 South Grand,
7 Suite 600, St. Louis, Missouri 63118.

8 JUDGE CLARK: Thank you. From Renew Missouri?

9 MR. OPITZ: Thank you, Judge. For Renew
10 Missouri, Tim Opitz. My address is 409 Vandiver Drive,
11 Building 5, Suite 205, Columbia, Missouri 65202.

12 JUDGE CLARK: Thank you. And Spire Missouri?

13 MR. ZUCKER: Thank you, Judge Clark. Rick
14 Zucker, Z-u-c-k-e-r, appearing on behalf of Spire
15 Missouri, Inc.

16 JUDGE CLARK: Thank you. Is there anybody
17 I've missed?

18 MR. BROWNLEE: Judge, Richard Brownlee again.
19 I was remiss also not to mention that Louie Ervin is on
20 the call with us today also.

21 JUDGE CLARK: Mr. Ervin, you're present?

22 MR. ERVIN: Yes, Your Honor. Louie Ervin.
23 I'm with Latham, Ervin & Associates.

24 JUDGE CLARK: Thank you. Are there any
25 preliminary matters or pending motions at this time? I

1 see no hands. I'm going to go over a few things.

2 The Commission staff originally had requested
3 that the parties put together a procedural schedule and
4 have it presented on Friday so that we could talk about
5 that today if there are any changes. The Commission
6 staff filed a motion indicating that they wanted an
7 extension of that time and that the usual practice
8 before the Commission was that this is a time when there
9 are numerous and diverse parties that they meet and put
10 together a procedural schedule. That motion was granted
11 and a procedural schedule is due January 14, 2019.

12 Originally I had been thinking of a late
13 August the 30th date for an evidentiary hearing. I
14 believe I had put that in. After considering what a
15 briefing schedule might be and looking at the number of
16 parties that were involved, what I'm going to ask is
17 that any procedural schedule have no hearing that ends
18 past the end of July. So I don't want to be going into
19 August for an evidentiary hearing. So when you're
20 designing your procedural schedule, look at the end of
21 July as the last possible hearing date.

22 The second thing I want to discuss, because
23 there were two things submitted in regards to it, were
24 local public hearings. And I received suggestions for
25 discussions of local public hearings, a very well

1 written motion considering that I extended the time for
2 the procedural schedule and you proposed, I believe, six
3 potential locations; is that correct?

4 MS. SHEMWELL: Actually we're not proposing
5 those locations for public hearings specifically but
6 simply suggested that those were the locations where
7 hearings have been held in the past. It's been since
8 2010 that there's been an Ameren gas case, and I just
9 wanted to open up the locations for the discussions of
10 the parties to see what everyone would find to be
11 suitable. We're not suggesting seven local public
12 hearings by any means, but we did not feel comfortable
13 making the decision ourselves whether or not to set one
14 for central Missouri if that would be adequate and also
15 to discuss -- we didn't have the attendance numbers at
16 the time we filed this, but I just wanted to mention
17 that those were possibilities in Ameren's territory just
18 for consideration. I was not recommending that many
19 public hearings for this small case but just that that
20 would cover Ameren's territory.

21 JUDGE CLARK: Okay. And there may have been
22 some misunderstanding there. Staff filed a motion
23 indicating that due to the low number of turnout at
24 several of the locations, I believe they cited Cape
25 Girardeau as having zero attendance, Wentzville as

1 having zero attendance, Columbia as having four,
2 Jefferson City as having three and Mexico as having nine
3 at the last rate case. They were suggesting that some
4 of those places might not be necessarily good locations.
5 Is that correct, Mr. Berlin?

6 MR. BERLIN: That's correct, Judge. And staff
7 has recommended that we have one local public hearing
8 with the possibility if the Commission so directs having
9 a second one as stated in my response to public
10 counsel's filing.

11 JUDGE CLARK: Is there any other party that
12 would like to weigh in on that?

13 MS. SHEMWELL: I would like to weigh in
14 further if I might. Public counsel is obviously
15 interested in involving the public, and we would like to
16 explore a variety of ways of reaching the public more
17 effectively so that they can participate in some way,
18 and we would like to suggest that the Commission
19 consider taking official notice of written comments that
20 are filed in the case and that all of Ameren's customers
21 be notified of the ability to file either with the
22 Commission or submit comments in some way if they can't
23 or are just not able to attend a local public hearing.

24 JUDGE CLARK: Okay. When you say "official
25 notice," are you talking about like as evidence at an

1 evidentiary hearing?

2 MS. SHEMWELL: Well, I'm thinking that that's
3 what we were thinking. We just discussed it briefly
4 this morning. Public counsel can submit those attached
5 to testimony so that they would come into the record.

6 JUDGE CLARK: I don't see any need to address
7 that today.

8 MS. SHEMWELL: Thank you.

9 JUDGE CLARK: In regard to locations, however,
10 I do have some concerns about potential leaving out any
11 area of Ameren's service area. When I looked at the map
12 this morning, I saw four essentially distinct service
13 areas relevant to this. What I was currently thinking,
14 and since I don't want to leave any of those out and it
15 has been a substantial period of time since the last
16 rate increase, I was thinking Rolla, Wentzville, Cape
17 Girardeau and either a hearing in Jefferson City or
18 Columbia.

19 Now, that contemplates four hearings and I'll
20 leave it to the parties to discuss among themselves
21 whether they want to do Jefferson City or Columbia. I'm
22 not opposed to reducing it to three if the parties can
23 substantially agree, but right now I'm thinking four is
24 a good number and that does hit all the service areas.

25 Now, with that I'd asked -- Several parties

1 last week, and they're on the phone, several parties
2 asked to have a call-in number established so that they
3 could call in and participate in today's hearing and a
4 call-in number was established. I believe I have that
5 call-in number open until noon. That will give the
6 parties an opportunity to discuss at least in a general
7 way the laying down of a procedural schedule for this
8 case.

9 That being said, are there any other issues
10 that need to be taken up by the Commission at this time?

11 MR. BERLIN: Judge, I'd like to make a comment
12 on a procedural schedule. You may not be aware of it
13 but last week Ameren and staff had worked to put
14 together a procedural schedule based upon previous
15 Commission orders, and all parties should have a copy of
16 the draft that Ameren and staff had agreed upon and done
17 for the purpose of facilitating discussion today.
18 Although you had just changed, I want to make sure I'm
19 correct, that no evidentiary hearings to be held in
20 August but the end of July.

21 JUDGE CLARK: That's correct. That's because
22 I'm contemplating a briefing schedule. I guess I hadn't
23 initially factored that into account.

24 MR. BERLIN: Because in the proposal that I
25 had circulated to the parties I had put in we had

1 drafted and come to some dates for a briefing schedule,
2 for example, and I'll just give this to you for your
3 information. Initial post-hearing briefs would be due
4 September 13, reply and true-up briefs September 20,
5 Commission order by September 30, operation of law date
6 November 2.

7 JUDGE CLARK: The problem I have with that is,
8 as you said, the operation of law is November. To allow
9 the potentiality for a 30-day notice on that, I really
10 have to have an order done by the beginning of
11 September. So I'm going to stick by no evidentiary
12 hearing past the end of July. So I know that means
13 you're going to have to rework what you and Ameren
14 agreed on, but as was put in staff's motion that's part
15 of today's hearing is an opportunity for everybody to
16 get some input and discuss the procedural schedule and
17 submit something that will work for all the parties and
18 will work for me.

19 MR. HALL: Your Honor, just for clarification,
20 public counsel noticed that July 31 falls on a
21 Wednesday. Is July 31 a hard deadline that you do not
22 want an evidentiary past that time or is the
23 understanding that we could have if it need be hearing
24 dates opened on the Thursday and Friday following that
25 date on August 1 and 2?

1 JUDGE CLARK: I think that's a good question.
2 I think that's a reasonable question. I think that when
3 I'm looking at the potentiality of two weeks for
4 hearings is what I'm thinking. So if I'm looking at a
5 two-week hearing schedule and Thursday and Friday fall
6 past that date, I think that would be fine.

7 MR. HALL: Thank you, Your Honor.

8 JUDGE CLARK: Okay. Is there anybody else
9 with any comments or questions or anything that needs to
10 come before the Commission at this time?

11 MR. BROWNLEE: Richard Brownlee.

12 JUDGE CLARK: Yes.

13 MR. BROWNLEE: I had one comment. It's
14 probably a keen sense of the obvious but right now the
15 Commission there's about four or five cases going on,
16 whether the tax cases and other rate cases, and I would
17 only ask that the parties working on this scheduling try
18 to take a peek at that or keep that in mind too because
19 what's going to happen I'm fearful is we're going to end
20 up putting four or five of these cases together and
21 we're all going to be here for about three months at a
22 time or something. I know that's hard to do. I don't
23 think anybody else has got schedules yet but at least I
24 think it's something we should be mindful, because I
25 know that has occasionally happened in the past when

1 we've just been inundated with too many things to barely
2 keep them straight. That's all I have to say.

3 JUDGE CLARK: That's true. There's a lot
4 going on right now. There's also as we're looking out
5 towards this there are things in August like the MARC
6 conference that could mean that the commissioners are
7 going to be out of town, things like that. Office of
8 Public Counsel, is there a time period on these local
9 public hearings?

10 MS. SHEMWELL: We typically do them I think
11 after rebuttal, and that's something we were going to
12 look at today. At least after direct so that the
13 parties' positions are better known. We don't want to
14 do them before direct because we want to be able to tell
15 the public what the file positions are. We could
16 certainly agree to do them after direct and even before
17 rebuttal if the schedule requires that.

18 JUDGE CLARK: I don't think -- I think that
19 answered my question but my question was more do we have
20 any deadlines by law.

21 MS. SHEMWELL: I don't think so. Thank you.

22 JUDGE CLARK: All right. If there's nothing
23 further, I will adjourn this hearing. We'll go off the
24 record and that will give the parties an opportunity to
25 talk today and work out a procedural schedule. You can

1 move the speaker phone up here to wherever it best suits
2 all of you. Thank you for your appearances today. And
3 I will look forward to seeing a procedural schedule on
4 the 14th.

5 MS. SHEMWELL: Thank you.

6 (Off the record.)

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I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

Beverly Jean Bentch

Beverly Jean Bentch, CCR No. 640

1	65101 5:19	attorney 5:13	CCR 16:3,15
1 12:25	65202 6:11	August 7:13,19 11:20 12:25 14:5	central 8:14
10:09 4:3	7	aware 11:12	CERTIFICATE 16:1
13 12:4	7 4:3	B	Certified 16:4
14 7:11	A	barely 14:1	certify 16:6
14th 15:4	a.m. 4:3	based 11:14	changed 11:18
2	ability 9:21	beginning 12:10	circulated 11:25
2 12:6,25	above-entitled 16:7	behalf 4:22 5:2,17 6:5,14	cited 8:24
20 12:4	account 11:23	Bentch 16:3,15	City 5:4,19 9:2 10:17, 21
2010 8:8	address 5:18 6:6,10 10:6	Berlin 5:1,2 9:5,6 11:11,24	clarification 12:19
2019 4:3 7:11	adequate 8:14	Beverly 16:3,15	Clark 4:2,18,24 5:6, 12,20 6:2,8,12,13,16, 21,24 8:21 9:11,24 10:6,9 11:21 12:7 13:1,8,12 14:3,18,22
205 6:11	adequately 4:16	bit 4:4	Columbia 6:11 9:1 10:18,21
221 5:18	adjourn 14:23	Boards' 5:21,25	comfortable 8:12
3	agree 10:23 14:16	Bolivar 5:18	comment 11:11 13:13
30 12:5	agreed 11:16 12:14	briefing 7:15 11:22 12:1	comments 9:19,22 13:9
30-day 12:9	Ameren 4:10,20,23 8:8 11:13,16 12:13	briefly 10:3	Commission 4:8,24 5:3 7:2,5,8 9:8,18,22 11:10,15 12:5 13:10, 15
30th 7:13	Ameren's 8:17,20 9:20 10:11	briefs 12:3,4	Commission's 5:4
31 12:20,21	Andrew 6:6	Brownlee 5:22,23 6:18 13:11,13	commissioners 14:6
310 4:7	appearance 4:18 5:23	Building 4:7 6:11	Company 4:23
3115 6:6	appearances 4:20 15:2	C	concerns 10:10
4	appearing 4:22 5:2, 17 6:5,14	Caleb 5:9	conference 4:9 14:6
409 6:10	area 10:11	call 6:20 11:3	consideration 8:18
5	areas 10:13,24	call-in 11:2,4,5	Consumers 5:15,18
5 6:11	Associates 6:23	Cape 8:24 10:16	contact 5:5
6	Association 5:21 6:1	caption 16:8	contemplates 10:19
600 6:7	attached 10:4	captioned 4:9	contemplating 11:22
63118 6:7	attend 9:23	case 4:9 8:8,19 9:3,20 11:8	copy 11:15
640 16:3,15	attendance 8:15,25 9:1	cases 13:15,16,20	

correct 8:3 9:5,6 11:19,21 16:10		full 16:10	
counsel 5:7,10 9:14 10:4 12:20 14:8	<hr/> E <hr/>	<hr/> G <hr/>	<hr/> I <hr/>
counsel's 9:10	effectively 9:17	gas 4:11 8:8	increase 4:11 10:16
court 4:5 5:4,11,23 16:4	Electric 4:10,22	general 11:6	indicating 7:6 8:23
cover 8:20	end 7:18,20 11:20 12:12 13:19	Girardeau 8:25 10:17	Industrial 5:15,17
current 4:3	ends 7:17	give 11:5 12:2 14:24	information 5:5,11 12:3
customers 9:20	Energy 5:13,15,17	good 4:21 5:8 9:4 10:24 13:1	Initial 12:3
<hr/> D <hr/>	enter 4:18	Governor 4:7	initially 11:23
d/b/a 4:10,23	Ervin 6:19,21,22,23	GR-2019-0077 4:12	input 12:16
data 5:24	essentially 10:12	Grand 6:6	interested 9:15
date 7:13,21 12:5,25 13:6	established 11:2,4	granted 7:10	inundated 14:1
dates 12:1,24	evidence 9:25	Grubbs 4:21,22	involved 7:16
deadline 12:21	evidentiary 7:13,19 10:1 11:19 12:11,22	guess 11:22	involving 9:15
deadlines 14:20	explore 9:16	<hr/> H <hr/>	<hr/> J <hr/>
decision 8:13	extended 8:1	Hall 5:9 12:19 13:7	January 4:3 7:11
designing 7:20	extension 7:7	hands 7:1	Jean 16:3,15
direct 14:12,14,16	<hr/> F <hr/>	happen 13:19	Jefferson 5:4,18 9:2 10:17,21
directs 9:8	facilitating 11:17	happened 13:25	Jermaine 4:22
discuss 7:22 8:15 10:20 11:6 12:16	factored 11:23	hard 12:21 13:22	John 4:18
discussed 10:3	fall 13:5	hear 4:17	Judge 4:2,19,24 5:1, 6,9,12,16,20 6:2,4,8,9, 12,13,16,18,21,24 8:21 9:6,11,24 10:6,9 11:11,21 12:7 13:1,8, 12 14:3,18,22
discussion 11:17	falls 12:20	hearing 7:13,17,19, 21 9:7,23 10:1,17 11:3 12:12,15,23 13:5 14:23	July 7:18,21 11:20 12:12,20,21
discussions 7:25 8:9	fearful 13:19	hearings 7:24,25 8:5, 7,12,19 10:19 11:19 13:4 14:9	
distinct 10:12	feel 8:12	held 8:7 11:19	<hr/> K <hr/>
diverse 7:9	file 4:12 9:21 14:15	hit 10:24	keen 13:14
Division 5:13	filed 7:6 8:16,22 9:20	Honor 4:21 6:22 12:19 13:7	<hr/> L <hr/>
draft 11:16	filing 9:10	Housing 6:2,5	late 4:4 7:12
drafted 12:1	find 8:10		
Drive 6:10	fine 13:6		
due 7:11 8:23 12:3	firm 16:4		
	foregoing 16:10		
	forward 15:3		
	Friday 7:4 12:24 13:5		

Latham 6:23	mindful 13:24	occasionally 13:25	places 9:4
law 4:19 12:5,8 14:20	missed 6:17	Office 4:7 5:6,10 14:7	positions 14:13,15
laying 11:7	Missouri 4:20,23 5:3, 12,15,17,19,20,25 6:7, 8,10,11,12,15 8:14 16:5	offices 5:4	possibilities 8:17
leave 10:14,20	Missouri's 4:10	official 9:19,24	possibility 9:8
leaving 10:10	mistake 4:5	open 8:9 11:5	post-hearing 12:3
Lera 5:9	misunderstanding 8:22	opened 4:5 12:24	potential 8:3 10:10
Lewis 5:16	months 13:21	operation 12:5,8	potentiality 12:9 13:3
Linhares 6:4,6	morning 4:21 5:8 10:4,12	Opitz 6:9,10	practice 7:7
LLC 16:5	motion 7:6,10 8:1,22 12:14	opportunity 11:6 12:15 14:24	preliminary 6:25
local 7:24,25 8:11 9:7, 23 14:8	motions 6:25	opposed 10:22	present 5:13 6:21 16:6
location 5:24	move 4:6 15:1	order 12:5,10	presented 7:4
locations 8:3,5,6,9, 24 9:4 10:9		orders 11:15	previous 11:14
looked 10:11		originally 7:2,12	problem 12:7
lot 14:3			procedural 4:9 7:3, 10,11,17,20 8:2 11:7, 12,14 12:16 14:25 15:3
Louie 6:19,22	<hr/> N <hr/>	<hr/> P <hr/>	proceeding 4:19
Louis 6:7	National 6:2,5	Parnell 5:24	proceedings 16:6,9
low 8:23	Natural 4:11	part 12:14	proposal 11:24
	necessarily 9:4	participate 9:17 11:3	proposed 8:2
<hr/> M <hr/>	noon 11:5	participating 4:15	proposing 8:4
made 16:11	notes 16:11	parties 4:17 7:3,9,16 8:10 10:20,22,25 11:1, 6,15,25 12:17 13:17 14:24	public 5:3,6,10 7:24, 25 8:5,11,19 9:7,9,14, 15,16,23 10:4 12:20 14:8,9,15
make 11:11,18	notice 9:19,25 12:9	parties' 14:13	purpose 11:17
making 8:13	noticed 12:20	party 9:11	put 7:3,9,14 11:13,25 12:14
map 10:11	notified 9:21	past 7:18 8:7 12:12,22 13:6,25	putting 13:20
MARC 14:5	noting 5:14	peek 13:18	
Matter 4:10	November 12:6,8	pending 6:25	<hr/> Q <hr/>
matters 6:25	number 7:15 8:23 10:24 11:2,4,5	people 4:15	question 13:1,2 14:19
means 8:12 12:12	numbers 8:15	period 10:15 14:8	questions 13:9
meet 7:9	numerous 7:9	personally 16:6	
mention 6:19 8:16		phone 4:15 6:5 11:1 15:1	
Mexico 9:2	<hr/> O <hr/>	place 16:7,12	
mike 4:14 5:24	obvious 13:14		
Mills 5:16			
mind 13:18			

R	room 4:5,6,7	stick 12:11	today 4:4,8,13,19 5:13,24 6:20 7:5 10:7 11:17 14:12,25 15:2
rate 9:3 10:16 13:16	RPR 16:3	straight 14:2	today's 11:3 12:15
re-set 4:6	S	Street 5:18	town 14:7
reaching 9:16	schedule 7:3,10,11, 15,17,20 8:2 11:7,12, 14,22 12:1,16 13:5 14:17,25 15:3	submit 9:22 10:4 12:17	transcript 16:11
reasonable 13:2	schedules 13:23	submitted 7:23	true 14:3 16:10
rebuttal 14:11,17	scheduling 13:17	substantial 10:15	true-up 12:4
received 7:24	School 5:20,25	substantially 10:23	Trust 6:3,6
recommended 9:7	sense 13:14	suggest 9:18	turnout 8:23
recommending 8:18	September 12:4,5,11	suggested 8:6	two-week 13:5
record 4:2 5:1,14,22 10:5 14:24 15:6	service 4:12 5:3 10:11,12,24	suggesting 8:11 9:3	typically 14:10
reducing 10:22	set 4:8 8:13 16:8	suggestions 7:24	U
reflect 5:2	sheet 16:8	suitable 8:11	understanding 12:23
regard 10:9	Shemwell 5:8,9 8:4 9:13 10:2,8 14:10,21 15:5	Suite 6:7,11	Union 4:10,22
Regulatory 4:19	show 5:22	suits 15:1	usual 7:7
relevant 10:13	simply 8:6	T	V
remiss 6:19	small 8:19	taking 9:19	Vandiver 6:10
Renew 6:8,9	South 6:6	talk 7:4 14:25	variety 9:16
reply 12:4	speaker 15:1	talking 9:25	W
reporter 4:5 5:4,11,23 16:1,4	speaking 4:13	Tariffs 4:11	wanted 7:6 8:9,16
Reporting 16:5	specifically 8:5	tax 13:16	ways 9:16
representative 5:25	Spire 6:12,14	territory 8:17,20	Wednesday 12:21
representing 5:9	St 6:7	testimony 10:5	week 11:1,13
requested 7:2	staff 4:25 5:3,14 7:2,6 8:22 9:6 11:13,16	thereof 16:8	weeks 13:3
requires 14:17	staff's 12:14	thing 7:22	weigh 9:12,13
response 9:9	start 4:4,17	things 7:1,23 14:1,5,7	Wentzville 8:25 10:16
Revenues 4:11	Starting 4:20	thinking 7:12 10:2,3, 13,16,23 13:4	work 12:17,18 14:25
rework 12:13	State 16:5	Thursday 12:24 13:5	worked 11:13
Richard 5:23 6:18 13:11	stated 9:9	Tiger 16:4	working 13:17
Rick 6:13	Stenotype 16:9,11	Tim 6:10	
Robert 5:2		time 4:3,8 6:25 7:7,8 8:1,16 10:15 11:10 12:22 13:10,22 14:8 16:7,11	
Rolla 10:16			

written 8:1 9:19

wrong 4:5

Z

Z-U-C-K-E-R 6:14

Zucker 6:13,14