

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3
4 TRANSCRIPT OF PROCEEDINGS
5
6 Local Public Hearing
7
8 June 1, 2010
9
10 St. Louis Community College, Meramec Campus
11 11333 Big Bend Road
12 Business Administration Building, Room 105
13 St. Louis, Missouri 63122
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17 Volume 6
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19 In the Matter of Laclede Gas)
20 Company's Tariff to Increase)
21 Its Annual Revenues) File GR-2010-0171
22 For Natural Gas Service)
23

24 MORRIS L. WOODRUFF, Presiding
25 CHIEF REGULATORY LAW JUDGE
KEVIN GUNN, COMMISSIONER
ROBERT KENNEY, COMMISSIONER

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

2 (June 1, 2010, 12:01 p.m.)

3 JUDGE WOODRUFF: Good afternoon. My
4 name is Morris Woodruff. I am the regulatory judge
5 assigned to this case. And this is Case No. GR-2010-0171,
6 which concerns Laclede Gas Company's request for a rate
7 increase.

8 We'll get started today by introducing the
9 Commissioner that's here with me. It's Mr. Robert Gunn --
10 or Kevin Gunn. That's a 50/50 shot.

11 COMMISSIONER GUNN: I want to thank
12 everybody for coming out. I know it's -- it's noon today
13 the day after a long weekend. This is, I think, the fifth
14 local public hearing that we have, and we have another one
15 tonight, and the last one tomorrow at noon at the Thornhill
16 branch, but appreciate everybody taking the time out of
17 your busy schedule.

18 And let's get started. Let everybody get
19 out of here.

20 JUDGE WOODRUFF: Thank you,
21 Commissioner.

22 What we'll have you do, is I've got a list
23 of names of people who have asked to testify today. I'll
24 ask you to come up and sit at the table up here, and then
25 I'll swear you in. And you can go ahead and give us your

1 testimony.

2 Before we do that, I want to take any
3 appearances from the attorneys who are here representing
4 the parties. First of all, Laclede Gas.

5 MR. PENDERGAST: Thank you, your Honor.
6 Michael C. Pendergast and Rick Zucker, appearing on behalf
7 of Laclede Gas Company. Our business address is 720 Olive
8 Street, St. Louis, Missouri 63101.

9 JUDGE WOODRUFF: Okay. For the Public
10 Counsel.

11 MR. POSTON: Thank you. Marc Poston
12 appearing on behalf of the Office of the Public Counsel.

13 JUDGE WOODRUFF: Thank you. Is there
14 anyone here for the staff or the Commission?

15 MS. SLACK: I'm Annette Slack. I'm the
16 Senior Litigation Counsel for the Public Commission.

17 JUDGE WOODRUFF: Thank you very much.
18 And we've just been joined by Commissioner Robert Kenney.

19 COMMISSIONER KENNEY: My apologies for
20 being late.

21 JUDGE WOODRUFF: Would you like to make
22 any comments, Mr. Kenney?

23 COMMISSIONER KENNEY: No, just thanks
24 for being here. I look forward to hearing everybody's
25 comments, and my apologies again for being late.

1 JUDGE WOODRUFF: Okay. Well, the first
2 person who asked to testify then is Mr. Ben Halbert. Good
3 morning, sir. Or good afternoon, actually. Please raise
4 your right hand.

5 (Thereupon, Witness Halbert was sworn
6 on his oath by Judge Woodruff, and testified as
7 follows:)

8 Thank you very much. You may be seated, and
9 if you could tell us your name and spell your last name,
10 please.

11 MR. HALBERT: Ben Halbert.
12 H-A-L-B-E-R-T.

13 JUDGE WOODRUFF: What would you like to
14 tell us?

15 MR. HALBERT: Well, I'd like to make a
16 statement. I've got it written down here.

17 From my experience, my recent experience,
18 dealing with Laclede Gas I am convinced they cannot be
19 trusted. That experience has to do with billing and
20 estimated bills.

21 I believe they have set procedures in place
22 that skirt rules and regulations invented to protect the
23 consumer, and this reflects on their trustworthiness.
24 Complaints of gas billing that I've seen via the internet
25 going back several years indicated they continue in a

1 course of conduct that is anti-consumer.

2 They have failed to correct this conduct.

3 In my particular case, they feel they can ignore what's
4 actually there on the dials of their meter with a claim
5 that the automated meter reader is not registering, and
6 then bill me for usage hundreds of dollars above what it
7 should be.

8 It makes my, at the very least, efforts to
9 conserve because they simply bill as they please. I'm
10 urging the Commission to deny Laclede's request for a rate
11 increase until such time as they can show a willingness to
12 institute and comply with, for lack of a better term, fair
13 standards.

14 That's it.

15 JUDGE WOODRUFF: All right. Mr. Gunn,
16 any questions?

17 COMMISSIONER GUNN: Yeah, I'd like to
18 -- I'm going to make a comment, and then I have a few
19 questions.

20 First of all, is I would like you to either
21 talk to the representative from the Office of Public
22 Counsel or a member of our staff if you haven't already.
23 They might be able to help you. There are also
24 representatives from Laclede here who may be able to help
25 you with -- with your issues. So that's first.

1 But I want to get into a little bit more
2 specifically if you feel comfortable. So you received a
3 bill that appeared to be higher than it was; is that
4 correct?

5 MR. HALBERT: Yes.

6 COMMISSIONER GUNN: And kind of bring
7 me through what happened. You called -- you called Laclede
8 and complained?

9 MR. HALBERT: I asked about the bill.
10 The -- I received an estimated bill. First there was one
11 bill I didn't receive. Then I received an estimated bill.
12 It was higher than it should have been. I was only using a
13 hot water heater. They told me there must be a problem
14 with the automated meter reading, and I received probably a
15 total of three to four estimated bills over the course of
16 several months. And the amounts were into, I believe the
17 final amount, near 700 or 800 dollars for a water heater.

18 COMMISSIONER GUNN: Was that \$700 per
19 month or \$700 total?

20 MR. HALBERT: Total bill.

21 COMMISSIONER GUNN: Yeah.

22 MR. HALBERT: I think it was over 700,
23 probably 700 and close to \$760. And they tell me they came
24 out in June. It was for a charade. They came out and
25 changed the automated meter reader, and they ignored what

1 was on the meter.

2 COMMISSIONER GUNN: Did they ever send
3 anybody out to actual -- actually read the meter?

4 MR. HALBERT: No.

5 COMMISSIONER GUNN: They just sent
6 somebody out to change it?

7 MR. HALBERT: To change out the meter
8 reader.

9 COMMISSIONER GUNN: When -- when did
10 this happen, how long ago?

11 MR. HALBERT: It was I believe the
12 meter or the reader was changed either February or March of
13 last year. I'm not sure at this point.

14 COMMISSIONER GUNN: Do you remember
15 when you first got the estimated bill?

16 MR. HALBERT: The estimated bill, I
17 believe the first one was in February.

18 COMMISSIONER GUNN: Of this year?

19 MR. HALBERT: Of this year.

20 COMMISSIONER GUNN: This year. And
21 have you received estimated bills every month since then,
22 or the --

23 MR. HALBERT: The catch-up bill, I
24 guess you might call it, was the last bill I received. At
25 that point, it totaled 700 and some odd dollars.

1 COMMISSIONER GUNN: And that was still
2 based on an estimate, or was it based on actual reading?

3 MR. HALBERT: They -- it's unclear.
4 The billing, the way it's structured, I'm not sure what
5 they're trying to say. If you -- in fact, I think the
6 actual meter reading on that bill and yet they're billing
7 me for hundreds of CCFs, whatever they are, and it's not
8 even indicated on the meter.

9 COMMISSIONER GUNN: When you called to
10 complain, who did you talk to on the phone, just a simple
11 customer service representative?

12 MR. HALBERT: I'm not sure. I think I
13 took the name. I'm not sure if it was customer service,
14 but I would guess it is. And I've spoken with them, I
15 think, twice now.

16 COMMISSIONER GUNN: But you -- but just
17 the first person that answered the phone; have you gone up
18 higher to the chain?

19 MR. HALBERT: No.

20 COMMISSIONER GUNN: Did you feel that
21 those folks were responsive at all?

22 MR. HALBERT: No. No.

23 COMMISSIONER GUNN: All right.

24 MR. HALBERT: Because the last person I
25 spoke with claimed they couldn't tell me. This was before

1 that final bill came out, they claimed they couldn't tell
2 me how much the next bill was going to be.

3 COMMISSIONER GUNN: Now, you said that
4 you got the first estimated bill in February, and they came
5 out to change your meter.

6 MR. HALBERT: I believe it was.

7 COMMISSIONER GUNN: So -- so it wasn't
8 -- it wasn't that long after you called that they came out
9 to change -- to change the meter?

10 MR. HALBERT: I wouldn't say that. I'm
11 unclear on the time frame, but this went on for at least a
12 short while before they did come out and change that meter.

13 COMMISSIONER GUNN: Okay. Okay. I
14 appreciate you coming out very much. These are -- these
15 are important issues that we have to deal with. You didn't
16 call PSC, or you don't -- do you have anything pending
17 right now, complaints?

18 MR. HALBERT: Nothing started
19 officially. I -- I e-mailed the -- I believe the counsel
20 and a copy of the letter to the editor --

21 COMMISSIONER GUNN: All right.

22 MR. HALBERT: -- probably yesterday or
23 this morning. Yesterday.

24 COMMISSIONER GUNN: Well, I appreciate
25 you coming out. I want to urge you, even right now, to go

1 out, and there are some people at the table right there
2 that -- that are our staff. I know there are Laclede
3 representatives. A lot of times at these local public
4 hearings, we can get some of these issues resolved because
5 we have all the parties here.

6 So I would urge you very much to let our
7 staff know, and then after, once the hearing is over, I
8 would talk to Mr. Poston about anything in the office of
9 Public Service.

10 MR. HALBERT: Sure. And actually I
11 would like to take it further than just my case, because if
12 this is a continuing -- if this -- if they're doing this in
13 '06, the same procedure they're using on the estimated
14 bill, then they're not -- solving my case doesn't prevent
15 them from continuing what they're doing.

16 COMMISSIONER GUNN: The Office of
17 Public Counsel and our staff will be able to help with that
18 as well.

19 I don't have any other questions, but
20 Commissioner Kenney might.

21 COMMISSIONER KENNEY: Mr. Halbert,
22 thanks for coming and taking the time to come out. I just
23 want to probe a little bit further into the issue that
24 you're having with the estimated billing.

25 Prior to this February 2010 issue, had you

1 had any customer service or billing issues with Laclede Gas
2 prior to that?

3 MR. HALBERT: Nothing -- nothing comes
4 to mind. I think over the years, maybe years ago, there
5 was an estimated billing issue, but nothing to this extent.

6 COMMISSIONER KENNEY: Had you
7 previously had occasions to interact with the Customer
8 Service Department at Laclede?

9 MR. HALBERT: Over the -- over the
10 years.

11 COMMISSIONER KENNEY: And have you
12 generally been satisfied with the service that you had
13 received?

14 MR. HALBERT: No. You know, satisfied.
15 That's a hard word to -- to explain.

16 COMMISSIONER KENNEY: Sure.

17 MR. HALBERT: You know, you talk to
18 them and they'll tell you what they're going to tell you,
19 and their position is their position, and there's nothing
20 you can do about it.

21 COMMISSIONER KENNEY: And how -- how
22 long have you lived at the address at which you're having
23 the problem now?

24 MR. HALBERT: I think 20 -- 23, almost
25 years.

1 COMMISSIONER KENNEY: Okay. So this
2 isn't a new residence or a new service?

3 MR. HALBERT: Right.

4 COMMISSIONER KENNEY: It's a
5 long-standing service?

6 MR. HALBERT: Right.

7 COMMISSIONER KENNEY: Okay. And you --
8 you made mention of something, some estimated billing from
9 2006.

10 MR. HALBERT: No, that was something I
11 found on the internet. There was a complaint someone put
12 on the internet that was similar to what happened in my
13 situation. They had their furnace go out, and I think it
14 was a real similar situation that occurred with them that
15 is occurring with me now.

16 COMMISSIONER KENNEY: Okay. Well, as
17 Commissioner Gunn said, I would encourage you to take
18 advantage of the folks that are here today, both from
19 Office of Public Counsel, our staff and Laclede Gas.
20 Hopefully you can get, if not satisfaction, maybe some
21 steps toward resolution of your problem.

22 Thanks again for taking the time.

23 JUDGE WOODRUFF: Any questions from the
24 parties? Anything from Laclede?

25 MR. PENDERGAST: Yes.

1 JUDGE WOODRUFF: Why don't you come up
2 front, Mr. Pendergast, and we can hear you better.

3 MR. PENDERGAST: Sure. Mr. Halbert,
4 thank you for coming. As I indicated before the meeting,
5 we have Customer Service folks over here who are hooked up
6 to the internet. They're able to go ahead and look in your
7 account immediately, and they want to be responsive to any
8 concerns that you may have. This is a great opportunity to
9 go ahead and get those concerns addressed.

10 And you know, if we made a mistake and an
11 error, I want to apologize in advance, and if it was just a
12 misunderstanding, we want to go ahead and get that
13 misunderstanding taken care of as quickly as possible to
14 your satisfaction. And we also want to back the Commission
15 exactly what the circumstances are in this case. So please
16 feel free to go ahead and talk to us, and now is a great
17 time to do it.

18 Thank you.

19 JUDGE WOODRUFF: Okay. Thank you, Mr.
20 Halbert.

21 MR. HALBERT: Thank you, sir.

22 JUDGE WOODRUFF: The next name on the
23 list is a Joseph Blasingame.

24 (Thereupon, Witness Blasingame was

25 sworn on his oath by Judge Woodruff, and

1 testified as follows:)

2 You may be seated. And if you could tell us
3 your name, and spell your last name, please.

4 MR. BLASINGAME: My name is Joseph
5 Blasingame. That's B-L-A-S-I-N-G-A-M-E.

6 JUDGE WOODRUFF: Thank you. What would
7 you like to tell us?

8 MR. BLASINGAME: If I may, once again
9 we find ourselves in the middle of the proverbial ocean
10 that's too deep to touch bottom and too wide to reach
11 shore.

12 With utility companies circling directly
13 under us and one after the other nipping at our legs, these
14 are highly infested waters. They all want a larger and
15 more painful bite than they chewed off the last go-around.
16 Where's our lifeboat?

17 We are the very hard working people of this
18 area. We are the homeowners, renters, poor to middle class
19 people with limited funds. I am speaking of my neighbors,
20 friends and family that reside within the jurisdiction of
21 Laclede Gas Company.

22 We are living in a time when any increases
23 in household operational costs are not offset by salary
24 increases or bonuses, but have to be some form of
25 trade-off, less food to place on the family table, less

1 funds for gas in the car to get us to work, maybe even a
2 reduction of the medications we should be taking, to make
3 up the difference. The days of giving something up just in
4 order to maintain what we have are upon us.

5 Laclede Gas is a successful operation with
6 631,000 customers to feed their need. They are already
7 collecting or recovering almost \$8.1 million through their
8 infrastructure system replacement surcharge. Then
9 proposing to implement a customer usage adjustment that
10 would apply a credit or a surcharge to both residential and
11 commercial customer bills when usage is higher or lower
12 than usage level used to establish rates. Sounds like a
13 little bean counter voodoo to me.

14 Laclede Gas is a monster in their field, and
15 being in such a large company can yield a large amount of
16 power. You can call them a successful and necessary part
17 of our lives. We can enjoy the feed of their service into
18 our homes, while they reap the benefits of their effort.
19 But when the gas owner starts to occur is when the same
20 company decides to take and put a squeeze on the feed line
21 wanting to increase their rates by an unfair amount.

22 They already have their surcharges working
23 in their favor. This is undue stress and pressure on our
24 already fragile economy. In our country, we are facing a
25 very difficult time. What has happened to the American

1 belief that we are in this together? There are times of
2 prosperity and times of hardship. We know this; they know
3 this.

4 In fact, if I may quote from the CFO's
5 remark of Laclede Group from their presentation for annual
6 meeting of shareholders on January 28, 2010. His opening
7 line was, "Fiscal year ending September 30, 2009 was
8 another strong year for the Laclede Group in spite of the
9 general downturn in our nation's economy."

10 Later he states:

11 "Importantly, Laclede Gas's
12 earnings continue to be supported
13 by a stable customer base, which
14 reflects the economic diversity
15 and strength of our service area
16 and provides a solid foundation
17 for the future."

18 Sounds pretty fearless to me. Now, I don't
19 want to Laclede's CEO to feel left out, and therefore, I
20 quote from the same remark -- report his remarks.

21 He states in the second paragraph, "Despite
22 the fact that the US economy remains in one of the most
23 difficult periods since the Great Depression, the Laclede
24 Group continues to grow during 2009."

25 ". . . most difficult period since the Great

1 Depression." People, these are their words, not mine.
2 When they want a rate increase, it sounds like they speak
3 out of both sides of their mouths. Where is their true
4 community concern?

5 The Laclede Group is a partner in a number
6 of "defend my dividends" to help their shareholders. How
7 about creating "defend my customers" and reduce your
8 request? In fact, do you really want to show the community
9 honest concern? Then start offering a matching fund for
10 each dollar that is donated to the Dollar Help Program. We
11 give, you give, the needy gets help, and then you receive.

12 We cannot afford to see this large of an
13 increase in a given time. I hold down two jobs, and know
14 that if either of these businesses over increase their
15 rates, the facilities would be closed within a number of
16 months. Most businesses don't have the luxury of automatic
17 customers that are there day after day, month after month,
18 year after year.

19 The utility companies affix themselves to
20 your home or business, and continue to draw revenue from
21 that same source with minimal effort. The number of people
22 here may be small, but that does not reflect the
23 unhappiness of the customers.

24 I am the voice of anger. When I see my
25 household, my neighbor's household, my dear friend's

1 household struggle more and more to just maintain what we
2 have, while this major utility goes to the watering hole at
3 will, I say when is their thirst going to be quenched?
4 Probably not until the waters of the well are dry.

5 We cannot allow -- we cannot allow this
6 practice of unfair rate increases to harm the good people
7 of our community. To them, we are another spot on the map
8 of our region on their boardroom wall. Currently, just the
9 giant outside our window peering to see how much more they
10 can reach into our limited pocketbooks. We cover our face
11 and shutter each time they decide they want to take more,
12 more from the very people who feed them.

13 Where are we to derive these additional
14 funds. It's hard -- there's hardly a chance we have a pool
15 discretionary funds at our disposal. These are funds that
16 simply aren't there. We have one firewall to protect us,
17 and that is you, the Public Service Commission.

18 From the bottom of my heart, I thank you for
19 your tireless work and sincere efforts. Why can't they
20 request a more reasonable rate, and lastly are they not
21 currently turning a profit for their shareholders and
22 executives?

23 Please hear our plea.

24 JUDGE WOODRUFF: Thank you, sir.

25 Commissioner Gunn?

1 COMMISSIONER GUNN: I -- I don't have
2 any questions. Thank you for coming. I know you've been
3 to a couple of these, and we certainly know that you do
4 make a very similar statement as a lot of folks, and you do
5 represent a lot of folks out there. So we appreciate you.

6 JUDGE WOODRUFF: Commissioner Kenney?

7 COMMISSIONER KENNEY: Mr. Blasingame,
8 thanks for taking the time to read your well-drafted and
9 well-thoughtout remarks. And I have some questions about
10 conservation efforts and those efforts that you have made
11 and what benefits or not have you seen or reaped from those
12 efforts.

13 MR. BLASINGAME: Obviously, you know,
14 any -- anything to offset more costs going out for the
15 utilities. I think it's pretty much anyone's objective.

16 COMMISSIONER KENNEDY: Sure.

17 MR. BLASINGAME: I think the days of
18 people squandering utilities are gone. I think people
19 really realize because it's more and more expensive to make
20 ends meet for everybody.

21 COMMISSIONER KENNEDY: Sure.

22 MR. BLASINGAME: And this is just a bad
23 time in our country to be someone sticking their hand out
24 asking for me money.

25 COMMISSIONER KENNEDY: Thanks for your

1 time.

2 MR. BLASINGAME: Thank you.

3 JUDGE WOODRUFF: Any questions from the
4 parties? Mr. Pendergast?

5 MR. PENDERGAST: Yes. Thank you for
6 your comments, and to the extent that you are interested in
7 any energy efficiency measures that would Laclede may be
8 offering, please check with us after the hearing is over.

9 And I also wanted to ask you are you aware
10 that the typical customer is paying about 15 to 20 percent
11 less today than they were four years ago?

12 MR. BLASINGAME: And who helped bring
13 that about?

14 MR. PENDERGAST: It's a combination of
15 both savings on the distribution side and our successful
16 efforts to acquire gas products and wholesale gas prices
17 have gone down as well.

18 I just wanted to make sure -- you made like
19 comments about the burden on the customer. I just want to
20 make sure you had an awareness of where that burden is
21 today.

22 MR. BLASINGAME: I am aware.

23 MR. PENDERGAST: Okay. Thank you.

24 MR. BLASINGAME: Thank you, sir.

25 JUDGE WOODRUFF: Thank you, Mr.

1 Blasingame. Those are the only names on the list. I've
2 seen several other people come into the room since I have
3 the list up here. Is there anyone else who came in later
4 who'd like to testify, or anyone else who'd to testify at
5 all? All right.

6 Any final comments from the Commissioners?
7 Commissioner Gunn?

8 COMMISSIONER GUNN: No, only that this
9 is the -- kind of the middle part of this process. The
10 hearing -- after we do local public hearings, again, we
11 have one tonight and one tomorrow, written comments will
12 still be accepted, as well as comments over the -- over web
13 for those folks that didn't get -- couldn't come. We'd
14 love to hear from them.

15 The evidentiary hearings in this case are
16 scheduled on August 2nd to the 13th. They will be webcast
17 on our website, psc.mo.gov. So I encourage everybody to
18 watch.

19 Again, as I say, it's a busy time for
20 everybody, and we appreciate everyone coming.

21 JUDGE WOODRUFF: Okay. Commissioner
22 Kennedy?

23 COMMISSIONER KENNEDY: I just thank you
24 again for coming out. This may have already stated, but I
25 think it bears repeating.

1 Local public hearings are a very significant
2 and integral part of the entire overall rate case process,
3 and the statements that were made here, that will be made
4 tonight and tomorrow at the other local public hearings are
5 transcribed and become a part of the record. And do get
6 taken into account in the course of the Commission's
7 deliberations.

8 And so your voices are important, and they
9 are heard. So thank you for taking the time to come out
10 today.

11 JUDGE WOODRUFF: Again, thank you all
12 for coming. And with that, we are adjourned. Thank you.

13 (Thereupon, the proceedings were
14 concluded at 12:24 p.m.)

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16 UNLESS OTHERWISE NOTIFIED IN WRITING BY THE PARTIES
17 INVOLVED, ALL NOTES IN CONNECTION WITH THIS PROCEEDING WILL
18 BE DESTROYED 12 MONTHS FROM THE DATE OF THIS PROCEEDING.

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1 CERTIFICATE OF REPORTER

2

3 I, PATSY A. HERTWECK, Professional Court
4 Reporter within and for the State of Missouri, the officer
5 before whom the foregoing local public hearing was taken,
6 do hereby certify that the hearing aforementioned was held
7 at the time and in the place previously described.

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Patsy A. Hertweck, C. C. R.

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