

In the Matter of:

The Propriety of the Rate Schedule for Gas Services of Empire Dist. Gas Co.

GR-2018-0229

November 15, 2018



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

November 15, 2018

Jefferson City, Missouri

Volume 2

In The Matter of The Propriety Of)
The Rate Schedules For Gas Service) File No. GR-2018-0229
Of Empire District Gas Company)

MORRIS L. WOODRUFF, Presiding
CHIEF REGULATORY LAW JUDGE

REPORTED BY:
Lisa M. Banks, CCR No. 1081
TIGER COURT REPORTING, LLC

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DAVID WOODSMALL:
Woodsmall Law Office
308 E. High Street, Suite 204
Jefferson City, Missouri 65101
573.797.0005
FOR: Midwest Energy Consumers Group

DIANA CARTER
Brydon, Swearngen & England
312 E. Capitol Ave
Jefferson City, Missouri 65102
FOR: Empire District Gas Company

TIM OPITZ via telephone
409 Vandiver Drive
Building 5, Suite 205
Columbia, Missouri 65202
FOR: Renew Missouri Advocates

RICHARD BROWNLEE, III via telephone
121 Madison Street
Jefferson City, Missouri 65101
573.616.19811
FOR: Missouri School Board Association

MARC POSTON
Department of Economic Development
Office of the Public Counsel
200 Madison Street
PO Box 2230
Jefferson City, Missouri 65102
573.526.4975
FOR: Office of the Public Counsel

JEFFREY KEEVIL
Department of Economic Development
Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, Missouri 65102-0360
573.751.7431
FOR: Staff of the Missouri Public Service Commission

1 JUDGE WOODRUFF: We're here for a procedural
2 conference in File No. GR-2018-0229, which concerns the Gas
3 Service Rates of Empire District Gas Company. Let's begin by
4 taking entries of appearance beginning with Empire.

5 MS. CARTER: Diana Carter with Brydon,
6 Swearngen and England for The Empire District Gas Company.

7 JUDGE WOODRUFF: And for Staff?

8 MR. KEEVIL: Representing Staff Jeff Keevil, PO
9 Box 360, Jeff City, Missouri 65102.

10 JUDGE WOODRUFF: And from Public Counsel?

11 MR. POSTON: Marc Poston appearing for the
12 Office of the Public Counsel.

13 JUDGE WOODRUFF: And Missouri School Board
14 Association?

15 MR. BROWNLEE: Richard Brownlee, Missouri School
16 Board Association.

17 JUDGE WOODRUFF: And MECG?

18 MR. WOODSMALL: David Woodsmall on behalf of
19 MECG.

20 JUDGE WOODRUFF: And Renew Missouri is also a
21 party. Is anyone here for Renew Missouri?

22 MR. OPITZ: Tim Opitz for Renew Missouri. My
23 address is 409 Vandiver Drive, Building 5, Suite 205, Columbia
24 Missouri 65202.

25 JUDGE WOODRUFF: All right. I believe that is

1 everyone. Did I miss anyone? All right.

2 I brought you all here together today to discuss
3 a procedural schedule to resolve this case. And I'll ask you to
4 submit a proposed procedural schedule by next Wednesday, which
5 will be November 21. Any questions or any other matters that we
6 need to take care of while we're on the record?

7 MS. CARTER: Judge, what are you contemplating
8 for our procedural schedule?

9 JUDGE WOODRUFF: Well, we have -- in these other
10 cases we've -- they've been requesting an evidentiary hearing
11 presumably on the question of an AAO.

12 MR. KEEVIL: Can I jump in there real quick?

13 JUDGE WOODRUFF: Sure.

14 MR. KEEVIL: Because I've unfortunately been
15 involved with all of those. One of them we filed a procedural
16 schedule with three rounds of testimony and a hearing sometime
17 in February, I think. The other one we have not filed anything
18 yet other than a status report because of the different postures
19 of the different companies and different -- the way that they
20 have treated the taxes and booking.

21 So Empire may be yet a third -- in fact they
22 will be, I know, because Empire unlike the other two, have
23 already filed tariffs to reduce the current rates due to the tax
24 cuts. Empire's in even a different situation than the other two
25 and the other two I think were looking to hopefully file a

1 procedural schedule by the end of the month, but may not -- that
2 depends too on what transpires there.

3 I'll just throw that out there. They haven't
4 all gone the procedural schedule hearing route yet. They may.

5 JUDGE WOODRUFF: Okay. Well, I'm certainly
6 willing to be flexible. I'm sure the Commission is as well. So
7 however you believe it will best be resolved, the Commission is
8 open to whatever may have to suggest. There's the AAO issue and
9 then there's the ADIT now, how to handle all that, so.

10 MR. KEEVIL: Is there any chance the -- let's
11 see, today is the 15th -- in terms of the proposal -- I mean, I
12 think we had two and a half weeks on the other ones, filing the
13 proposed schedule.

14 JUDGE WOODRUFF: If you need longer, that's
15 fine. Just tell me when you think you can do it. If you want
16 to wait until after Thanksgiving --

17 MS. CARTER: Judge, is there a chance you could
18 give us a date for a status report perhaps, or no? It needs to
19 be a procedural schedule?

20 JUDGE WOODRUFF: A status report will be fine.

21 MS. CARTER: Okay.

22 JUDGE WOODRUFF: Let's make the status report
23 due next Wednesday and then you could tell me how things are
24 going.

25 MR. BROWNLEE: And by status are we assuming the

1 Company is going to start with just some dates and then we are
2 all going to respond back and forth amongst ourselves and then
3 that status report would be the proposed procedural schedule
4 next Wednesday? Is that what we are kind of thinking about or
5 not?

6 MS. CARTER: What I was thinking is no, not that
7 we'd have a procedural schedule yet, but that we could file with
8 the judge saying here's what we're looking at. Here's when we
9 think we can file the procedural schedule if a procedural
10 schedule is necessary. We don't need to keep Judge Woodruff
11 probably for this, but I would just wanted to let the parties
12 know where Empire is and how Empire is already booking things
13 for ADIT. And for part of it we may not need an AAO like some
14 of the companies are because of how Empire is already booking
15 the ADIT, the excess ADIT.

16 MR. BROWNLEE: Don't you think one way or the
17 other -- I mean, I don't mean to argue the merits, but there's
18 surely going to have to be some testimony. I mean, ultimately
19 whatever we do, the Commission is going to have to -- there's
20 gotta be some kind of record. And just because we all know
21 something doesn't mean they do.

22 MR. KEEVIL: You could do it by stipulation,
23 Richard.

24 MR. BROWNLEE: Yeah.

25 MR. KEEVIL: You wouldn't have to have

1 testimony.

2 MR. BROWNLEE: Yeah and that usually would take
3 us to about June to get that worked out.

4 JUDGE WOODRUFF: Hopefully not quite that long.

5 MR. BROWNLEE: Okay.

6 JUDGE WOODRUFF: All right. Well, it sounds
7 like you -- I'm going to leave you to your negotiations here and
8 that's fine. Anything else while we're on the record?

9 MR. KEEVIL: You mentioned -- you said the ADIT
10 and AAO when you're speaking a moment ago, Judge?

11 JUDGE WOODRUFF: Yes.

12 MR. KEEVIL: Which AAO are you talking about if
13 not the ADIT?

14 JUDGE WOODRUFF: The AAO I assume would apply to
15 the earnings between the time when the tax cut went into effect
16 and the Company reduced their rates, so between January and
17 October.

18 MR. KEEVIL: So you could have two AAOs?

19 JUDGE WOODRUFF: I suppose so.

20 MR. KEEVIL: One for that one, you got one from
21 the ADIT.

22 JUDGE WOODRUFF: Yeah. Okay. With that then,
23 we are off the record.

24 (OFF THE RECORD.)

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CERTIFICATE OF REPORTER

I, Lisa M. Banks, CCR within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Lisa M. Banks, CCR No. 1081

(OFF THE RECORD.) Think very much.

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