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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Evidentiary Hearing
September 10, 2014
Jefferson City, Missouri
Volume 15

In the Matter of Liberty)
Utilities (Midstates Natural)
Gas) Corp. d/b/a Liberty)
Utilities' Tariff Revisions) Case No.
Designed to Implement a General) GR-2014-0152
Rate Increase for Natural Gas)
Service in the Missouri Service)
Areas of the Company.)

RONALD D. PRIDGIN, Presiding,
SENIOR REGULATORY LAW JUDGE.
DANIEL Y. HALL,
COMMISSIONER.

REPORTED BY:
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1 P R O C E E D I N G S

2 (WHEREUPON, the hearing began at
3 1:30 p.m.)

4 JUDGE PRIDGIN: All right. Good
5 afternoon. We are back on the record in
6 GR-2014-0152. It's Wednesday, September 10, 2014,
7 1:30 in the afternoon. And we stood in adjournment
8 until 1:30 today so that the parties could have
9 some time to work on resolving some remaining
10 issues, and I did notice in EFIS a Revised Second
11 Partial Stipulation & Agreement as to certain
12 issues.

13 And let me ask counsel if they have
14 really, I guess, anything else to announce or to
15 add.

16 MR. DORITY: Judge Pridgin, I just
17 would mention that you're correct. Four of the
18 parties were able to reach agreement and file a
19 Revised Second Partial Stipulation & Agreement as
20 to Certain Issues this afternoon.

21 And as that document reflects, by
22 entering into this Revised Second Partial, Liberty
23 Utilities, the Office of the Public Counsel and the
24 Division of Energy are withdrawing the First Second
25 Partial Stipulation & Agreement, which was

1 non-unanimous.

2 As the document reflects, the Revised
3 Second Partial does have now the Staff joining as a
4 signatory. And, of course, Noranda Aluminum once
5 again is not objecting nor requesting a hearing.
6 So I think it can be treated as a unanimous
7 stipulation under the Commission's rules.

8 JUDGE PRIDGIN: Very good. So what
9 I'm understanding is we won't have a need to hear
10 from any more witnesses, although the parties may,
11 if they wish, want to offer other evidence to
12 support the stipulation if you'd like, or if there
13 are any other documents that you want entered, I'll
14 entertain motions to do that.

15 MR. KEEVIL: Yeah. Your Honor, the
16 Revised Second Partial Stipulation which Mr. Dority
17 indicated was just filed this afternoon resolves
18 the list of the issues, Issues No. 4, 5, 6 and 7,
19 the ones which we have not yet heard in this
20 hearing in their entirety, it's my understanding.
21 So there will be no need to have a hearing on
22 those.

23 And really the only exhibits that
24 need to be received, it's my understanding, are the
25 ones that have already been premarked as exhibits

1 but not yet received into the record.

2 JUDGE PRIDGIN: All right.

3 MR. KEEVIL: If we can do that this
4 afternoon --

5 JUDGE PRIDGIN: Certainly.

6 MR. KEEVIL: -- I think that was the
7 intent.

8 JUDGE PRIDGIN: Certainly. Anything,
9 I guess, further from counsel before we go through
10 and see if there are any exhibits counsel would
11 like to offer?

12 MR. DORITY: Nothing for the company,
13 Judge. Thank you.

14 JUDGE PRIDGIN: Thank you.
15 Commissioner Hall, did you have any closing remarks
16 or any comments for the parties?

17 COMMISSIONER HALL: I don't know if
18 I'd characterize it as closing remarks. There's
19 one issue that I would like to see covered in the
20 briefs, and it's probably an issue that you would
21 have covered regardless of my comments here, but I
22 just want to be absolutely clear on that.

23 It appeared to me to be Staff's
24 position -- and this is concerning the special
25 contracts for Noranda and General Mills. It

1 appeared to me to be Staff's position that it was
2 inappropriate for the company to charge the
3 discounted rate during the test year, and as a
4 result, going forward we should impute that
5 discount as revenue to the company.

6 I'd like some briefing or some
7 explanation as to what the Commission should do if,
8 in fact, it determines that the rate charged
9 Noranda and General Mills in 2013 was appropriate.

10 Is it -- does the Commission have a
11 policy decision to make going forward as to whether
12 or not that discounted rate -- and I know I'm using
13 a term that certain parties don't particularly
14 agree with, but as a shorthand, I think we all know
15 what we're talking about.

16 Is it a policy decision for the
17 Commission, or are we somehow bound by the revenues
18 and expenses in the test year and thereby cannot
19 change, make a change on how we treat those special
20 contracts? And I'm more than willing to try to
21 refine that question if anybody thinks I need to.

22 MR. KEEVIL: No. I think that's very
23 understandable, Commissioner. And I do think that
24 at some point during the first day or two, that
25 exactly what Staff's position is or is not did

1 become somewhat muddled. Since we've now entered
2 into a stipulation as to everything else, I'm not
3 going to start throwing around who I
4 would -- we had some responsibility for that as
5 well as I think some other parties.

6 So I do think it's a good point to
7 brief and we certainly intended to anyway, but I'm
8 glad you mentioned it.

9 COMMISSIONER HALL: Okay. Thank you.

10 JUDGE PRIDGIN: All right.

11 Commissioner, thank you. Again, let me inquire, is
12 there anything else the parties need to do before I
13 guess we go through some housekeeping and see what
14 exhibits that you would like to offer or what
15 exhibits have been offered, et cetera?

16 All right. I do show most but not
17 all of the premarked exhibits have been offered and
18 admitted, and I don't know if we want to go party
19 by party. I suppose that might be the cleanest
20 way, or if everyone just simply wants to stipulate
21 that anything that was premarked should be offered
22 and admitted. I have no --

23 MR. KEEVIL: Judge, I'm still showing
24 quite a few of Staff's premarked exhibits -- I'm
25 probably the only guilty of this -- had a lot of

1 premarked -- not premarked but previously marked
2 exhibits that have not yet been received. I'm
3 showing from Staff's exhibits, previously marked
4 exhibits run from 13 through 40 inclusive, and I
5 believe they should all be received into the
6 record. And then I had a few marked during the --
7 I believe all of the ones that I marked during the
8 hearing were -- have already been received.

9 But as far as the premarked
10 testimony, cost of service and rate design reports
11 and that sort of thing, those have not yet been
12 received and still need to be.

13 JUDGE PRIDGIN: Okay. So what I show
14 that Staff had marked and that has not yet been
15 offered, I guess, would be 13, 14, then 17 through
16 21, then 24 through 20-- excuse me, 24 through 30,
17 33, 34, 37, 38 and 40.

18 MR. KEEVIL: That's what I'm showing,
19 too, Judge.

20 JUDGE PRIDGIN: All right. Are you
21 offering those at this time?

22 MR. KEEVIL: Yes. I'm offering all
23 those, Judge.

24 JUDGE PRIDGIN: All right. Any
25 objection to those being admitted?

1 (No response.)

2 JUDGE PRIDGIN: Hearing none, Exhibit
3 13HC, NP and P is admitted. Exhibit 14 is
4 admitted. Exhibit 17NP is admitted. Exhibit 18HC,
5 NP and P is admitted. Exhibits 19, 20, 21 and 24
6 are admitted. Exhibit 25P and NP is admitted.
7 Exhibit 26 is admitted. Exhibit 27HC, P and NP is
8 admitted. Exhibit 28 and 29 are admitted.
9 Exhibit 30HC and NP is admitted. Exhibit 33NP and
10 HC is admitted. Exhibit 34HC is admitted.
11 Exhibit 37, 38 and 40, those exhibits are all
12 admitted.

13 (STAFF EXHIBIT NOS. 13HC, 13NP 13P,
14 14, 17, 18HC, 18NP, 18P, 19, 20, 21, 24, 25P, 25NP,
15 26, 27HC, 27P, 27NP, 28, 29, 30HC, 30NP, 33NP,
16 33HC, 34HC, 37, 38 AND 40 WERE RECEIVED INTO
17 EVIDENCE.)

18 MR. KEEVIL: Thank you, Judge.

19 JUDGE PRIDGIN: I guess we'll just go
20 party by party.

21 MR. DORITY: I believe that the only
22 exhibit for the company that has not been received
23 at this point would be Exhibit No. 1, the Swain
24 direct. And I was showing that the rest, which
25 would be Exhibits 2 through 12, have been admitted.

1 Am I correct?

2 JUDGE PRIDGIN: Yes, sir.

3 MR. DORITY: We also have marked as
4 an exhibit, I believe it's Exhibit 50, but that was
5 a copy of a slide that Mr. Fischer used during his
6 opening statement. So, of course, we would not be
7 offering that into evidence.

8 JUDGE PRIDGIN: All right. So
9 Mr. Dority, you've offered Exhibit 1; is that
10 correct?

11 MR. DORITY: That's correct.

12 JUDGE PRIDGIN: Any objections?

13 (No response.)

14 JUDGE PRIDGIN: Hearing none,
15 Exhibit 1 is admitted.

16 (LIBERTY EXHIBIT NO. 1 WAS RECEIVED
17 INTO EVIDENCE.)

18 JUDGE PRIDGIN: Mr. Poston?

19 MR. POSTON: Yeah. We offer
20 Exhibits 41, 42 and 45.

21 JUDGE PRIDGIN: 41, 42 and 45. Any
22 objection?

23 MR. KEEVIL: Were 43 and 44 already
24 in?

25 JUDGE PRIDGIN: Correct.

1 MR. POSTON: I believe, yes.

2 JUDGE PRIDGIN: Hearing no objection,
3 Exhibit 41HC and NP is admitted. 42 is admitted.
4 45 is admitted.

5 (OPC EXHIBIT NOS. 41HC, 41NP, 42 AND
6 45 WERE RECEIVED INTO EVIDENCE.)

7 JUDGE PRIDGIN: Mr. Knee?

8 MR. KNEE: Yeah. I move for
9 admission of Exhibits 48 and 49 into the record.

10 JUDGE PRIDGIN: Any objection?

11 (No response.)

12 JUDGE PRIDGIN: Hearing none,
13 Exhibits 48 and 49 are admitted.

14 (DOE EXHIBIT NOS. 48 AND 49 WERE
15 RECEIVED INTO EVIDENCE.)

16 JUDGE PRIDGIN: Mr. Downey?

17 MR. DOWNEY: I believe our exhibits
18 have been admitted.

19 JUDGE PRIDGIN: All right. Anything
20 else from counsel? All right. Hearing nothing,
21 that --

22 MR. KEEVIL: Oh, Judge, hang on.

23 JUDGE PRIDGIN: I'm sorry.
24 Mr. Keevil.

25 MR. KEEVIL: Did Ms. Jones have a

1 data request response marked during her cross of
2 Mr. Fallert yesterday? I don't know if that was
3 received or not.

4 JUDGE PRIDGIN: I show Data Request
5 Response 0224 was offered and admitted yesterday,
6 62HC.

7 MR. KEEVIL: Okay. That was one I
8 think I had marked. Do you show 225 being marked?

9 JUDGE PRIDGIN: I have an
10 Exhibit 60HC, and I did not write down what that
11 was. I think that was --

12 MR. KEEVIL: This wouldn't have been
13 HC. This was a public one. But if it wasn't
14 marked, that's okay.

15 JUDGE PRIDGIN: My notes show 60HC.

16 MR. DORITY: 60HC is your DR to
17 Noranda.

18 MR. KEEVIL: Right. This would not
19 have been HC. It's just where Mr. Fallert was
20 discussing depreciation rates is all it was. I
21 believe he read from the thing in the record, so it
22 should be there. What we need should be there.

23 JUDGE PRIDGIN: Okay. Anything else
24 from counsel before we close?

25 (No response.)

1 JUDGE PRIDGIN: All right. Hearing
2 nothing, I'll await your briefs, and that will
3 conclude the hearing in Case No. GR-2014-0152.
4 Thank you. We are off the record.

5 (WHEREUPON, the hearing concluded at
6 1:43 p.m.)

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C E R T I F I C A T E

STATE OF MISSOURI)

) ss.

COUNTY OF COLE)

I, Kellene K. Feddersen, Certified
Shorthand Reporter with the firm of Midwest
Litigation Services, 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.

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

Kellene K. Feddersen, RPR, CSR, CCR

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