

1 Company's testimony.

2 Q Did you have a occasion to look at
3 the NOAA heating degree data in doing your
4 analysis at all?

5 A I worked on a number of different
6 areas in this case. And with respect to -- in a
7 portion of the research that I did with -- related
8 to low income, the low income portion, I could --
9 I mean, I wouldn't want to say that I didn't look
10 to some degree at something having to do with
11 heating degree days, but at this time I honestly
12 don't remember to -- you know, what that involved.
13 I -- I just have -- I've worked on too many things
14 since then.

15 Q Well, let me ask it this way.
16 What's the source of the heating degree data that
17 you used?

18 A Well, I think heating degree data,
19 based on my knowledge, comes from many different
20 sources in geographic areas. I -- I looked to
21 some degree at some work that the Staff had done
22 and Company adjustments. I didn't make any
23 adjustments based on heating degree days.

24 Q Are you familiar with the agency
25 that we referred to as NOAA?

1 A Um, yes.

2 Q Is that -- I'm sorry, go ahead,
3 please.

4 A National Oceanic and Atmospheric --
5 Q Administration?

6 A Thank you.

7 Q As though we could administer those
8 things.

9 MR. CONRAD: Let me just ask, and
10 maybe the best way to do this, Judge, would be
11 through an exhibit.

12 (Exhibit 611 marked for
13 identification.)

14 Q (By Mr. Conrad) Let me try to cut
15 this short, Miss Meisenheimer. I've showed you
16 what's been marked for identification as Exhibit
17 611. Have you ever seen a table like that or a
18 listing like that before?

19 A No. And there is at least one
20 column on here that I -- I mean, no. I have not
21 examined data from this source in this format to
22 be comfortable answering questions about it.

23 Q Okay. That's fair. And you didn't
24 provide this, this isn't from your work papers, so
25 we'll just, with His Honor's permission, we'll

1 just set that one aside, then.

2 And let me ask you one further
3 question. I believe it is in your, kind of a
4 different topic, your Exhibit 208, and I believe
5 it is -- let's see where this is marked. I
6 believe it appears to be part of Schedule
7 BAM-DIR-2. There are two charts that follow that.

8 A There -- the two -- is this --

9 Q Yes, ma'am.

10 A They're labeled at the top Schedule
11 3.

12 Q Yes. BAM-DIR-3 and BAM-DIR-4. I
13 apologize. Thank you. Let me ask you very
14 quickly about that. That's just what you might
15 call a production function graph, correct?

16 A It would be cost illustrated as a
17 function of capacity. So it wouldn't be
18 production function.

19 Q But when you're dealing with a
20 cylindrical object, you have that ratio there; is
21 that correct?

22 A Are you talking about the power that
23 --

24 Q Let me ask you this. Do you know,
25 is it more common to find pipe that is square or

1 round?

2 A Round.

3 Q Good. And that's a cylinder, isn't
4 it?

5 A It is a cylinder. My --

6 Q And the relationship that you're
7 trying to illustrate with those two graphs, I take
8 it, is that as the diameter of the pipe goes up,
9 you can move more capacity through that pipe, and
10 that's a function of the way the math works, if
11 you will, for things like the circumference of a
12 circle, πr^2 and stuff like that, correct?

13 A Yes. It utilizes those and other
14 things to get there, yes.

15 Q Okay. Did you come up with that
16 relationship or discover that relationship on your
17 own?

18 A There are -- the basic formula that
19 -- that I relied on initially came from work that
20 an engineer that Public Counsel had previously
21 employed had done.

22 He was -- he actually worked on it
23 at a time when I was with Public Counsel and we
24 had discussed portions of the mathematical
25 derivation. His name was Barry Hall. And so I

1 relied on a formula that he referenced in his
2 testimony.

3 Q With that mathematical relationship
4 has been around for a while, right?

5 A There is a mathematical relationship
6 that has been around for a while and is utilized
7 in various different areas with certain pinches
8 and tweaks to do effectively the same thing, and
9 that is to measure the flow-through through pipes
10 under various assumptions, yes.

11 Q Does the name Archimedes ring a bell
12 with you?

13 A The name rings a bell. I hate to
14 admit I'm not with the program on the exact
15 connection.

16 MR. CONRAD: Thank you, Miss
17 Meisenheimer. That's all.

18 JUDGE WOODRUFF: Further cross
19 examination from Jackson County.

20 CROSS EXAMINATION BY MR. FINNEGAN:

21 Q Good afternoon, Miss Meisenheimer.

22 A Good afternoon.

23 Q Is it my understanding from your
24 direct testimony that a portion of what you did
25 was give an economic basis for Public Counsel's

1 method of developing allocation factors for
2 transmission distribution mains that was used by
3 Public Counsel Witness Busch?

4 A Yeah, I -- I developed the economies
5 of scale factor that he used in his cost study.

6 Q Did you testify in the last case,
7 MGE case, GR-2001-292?

8 A I very well may have. Do you have a
9 copy of my testimony?

10 Q No, I'm not going to -- I don't have
11 that with me.

12 A I --

13 Q My question is, when developing
14 these things, did you rely any on Charles
15 Laderoute's RSUM theory?

16 A For the -- for the factor that I
17 developed?

18 Q Well, in the main economy scale
19 factor that you developed.

20 A The -- the piece of it that I did
21 was to derive the relationship, in other words, to
22 develop, if you will, an equation describes a
23 curve representative of how costs are incurred.
24 And so nothing that -- there was nothing with
25 respect to his work that I needed to do what I

1 did. I did not rely on --

2 Q Okay. So you did not read Mr.
3 Laderoute's testimony from the last rate case?

4 A I may have read it at some time in
5 the past. I did not read it to do the portion of
6 the testimony that I prepared for this case.

7 Q Okay. And did -- after reading it,
8 did you pass on to Mr. Busch the criticism that
9 Mr. Laderoute had for the OPC's methodology of
10 utilizing his system?

11 A I don't think that Mr. Busch and I
12 worked together on that in that time frame.

13 MR. FINNEGAN: Okay. That's all the
14 questions.

15 JUDGE WOODRUFF: Okay. For MGE?

16 MR. HACK: No questions.

17 JUDGE WOODRUFF: Okay. I have no
18 questions, so no recross. Any redirect?

19 MR. MICHEEL: No.

20 JUDGE WOODRUFF: All right. Ms.
21 Meisenheimer, you can step down.

22 Before we go to the next witness,
23 we're about ready for a break, but let me ask the
24 parties, do you have extensive cross examination
25 of Mr. Beck?

1 MR. HACK: I have more than I had
2 for Mr. Busch, but not a ton.

3 JUDGE WOODRUFF: All right. Well,
4 it sounds like we'll go ahead and take a break and
5 come back at 3:30.

6 (Off the record.)

7 JUDGE WOODRUFF: Let's come to
8 order, please. We're back from break. Mr. Beck
9 is on the stand, please raise your right.

10 (Witness sworn.)

11 JUDGE WOODRUFF: You may be seated,
12 and you can inquire.

13 DANIEL I. BECK, testified as follows:

14 DIRECT EXAMINATION BY MR. SCHWARZ:

15 Q Would you state your name for the
16 record, please?

17 A Daniel I. Beck.

18 Q And by whom are you employed?

19 A I am employed by the Missouri Public
20 Service Commission.

21 Q And what position do you hold there?

22 A I am a engineer.

23 Q And did you cause to be filed --

24 prefiled in this case Beck direct which has been
25 marked Exhibit 803, Beck rebuttal which has been

1 marked Exhibit 804, and Beck surrebuttal which has
2 been marked Exhibit 805?

3 A Yes, I did.

4 Q And do you have any corrections to
5 make to that testimony?

6 A No, I do not.

7 Q If I asked you the same questions
8 today as are in your prefiled testimony, would
9 your answers be the same?

10 A Yes, they would.

11 Q And are those answers true to your
12 -- the best of your information and belief?

13 A Yes.

14 MR. SCHWARZ: Um, I would offer
15 Exhibits 803, 804, 805, and tender the witness for
16 cross examination.

17 JUDGE WOODRUFF: I believe this is
18 his only time on the stand?

19 MR. SCHWARZ: Yes, sir.

20 JUDGE WOODRUFF: All right. 803,
21 804, and 805 have been offered into evidence. Are
22 there any objections to their receipt?

23 MR. CONRAD: Your Honor, could I ask
24 you to reserve, please, on that, on the ruling?
25 We may have a part we need to address, but I would

1 need to be through cross.

2 JUDGE WOODRUFF: All right. I'll
3 wait until you've had your cross.

4 And for cross, then, we will begin
5 with Public Counsel.

6 MR. MICHEEL: No questions for Mr.
7 Beck.

8 JUDGE WOODRUFF: Okay. Kansas City
9 and Joplin are not here. Federal Agencies?
10 CROSS EXAMINATION BY MAJOR PAULSON:

11 Q Good afternoon, Mr. Beck. How are
12 you today?

13 A Doing fine. Good afternoon to you.

14 Q Thank you. Mr. Beck, what is your
15 recommendation as far as I believe what you call
16 shifting revenues between the customer classes?

17 A My recommendation is that there are
18 no shifts between classes, and then the subsequent
19 to that would be that all classes receive the same
20 percentage increase.

21 Q All the studies, all the cost of
22 service studies in this case show that the large
23 general service class is currently paying more
24 than its share of costs; is that correct?

25 A To the best of my knowledge, yes.

1 Q I'd like to draw your attention to
2 page 5 of your surrebuttal. Actually, page 4.
3 The initial question, the mains are a large part
4 of any of the cost of service studies; is that
5 correct?

6 A That's correct.

7 Q On lines 21 through 23 -- well, wait
8 a minute. Strike that.

9 Yeah, it is page 5. On page 5, I
10 interpret your testimony there beginning on line
11 13 as indicating that your allocator for mains is
12 more accurate than the one used by Mr. Price. Is
13 that correct?

14 A That would be my opinion, yes.

15 Q That's your opinion. Now, one thing
16 about your allocator for mains, a significant
17 portion of that is not based on actual gathered
18 data; is that correct?

19 A I'm sorry, I don't know what you're
20 referring to.

21 Q The Kansas City -- your study as it
22 relates to the Kansas City area, you did not
23 gather any actual empirical data from Kansas City,
24 did you?

25 A The -- well, first the --

1 Q No. Did you? Did you gather actual
2 empirical data for the mains in Kansas City? Or
3 did you impute data?

4 A The problem I'm having with your
5 question is the word mains. I -- I think -- I
6 think I can -- I'm trying to be honest here.

7 Q All right. Go ahead.

8 A What I did not use was data related
9 to Kansas City to calculate the size of a
10 customer's property or their lot.

11 MAJOR PAULSON: All right. You've
12 correctly answered my question. Thank you. I
13 have no further questions.

14 JUDGE WOODRUFF: Thank you. Then
15 for Midwest Gas?

16 CROSS EXAMINATION BY MR. CONRAD:

17 Q Afternoon, Mr. Beck.

18 A Good afternoon.

19 Q Do you have the rebuttal testimony
20 of Mr. Johnstone before you? Exhibit 600?

21 A Finally, yes.

22 Q Look please at page 6. Or excuse
23 me, page 7. Pardon me. Page 7, line 6. Are you
24 there?

25 A I am there.

1 Q I believe there Mr. Johnstone states
2 as a general observation, MGE has not adequately
3 accounted for the lower than average costs
4 associated with LVS customers. Have I read that
5 correctly?

6 A Yes.

7 Q Would you agree with me that this
8 sentence suggests that the lower than average
9 costs have been addressed, but in a way that is
10 not adequate in the opinion of Mr. Johnstone?

11 A That -- that would be my
12 interpretation of the sentence.

13 Q Can you explain for me what is meant
14 by the term class cost of service study?

15 A A class cost of service study is a
16 study to determine the assignment and allocation
17 of costs to the various classes for a company.

18 Q Would you agree with me that the
19 basis of that is the principle of cost causation?

20 A Yes.

21 Q And what to you does the principle
22 of cost causation mean?

23 A It means that you attempt to assign
24 or allocate costs to the classes that cause those
25 costs.

1 Q Now, looking to your direct
2 testimony, Mr. Beck, which I believe has been
3 marked as 803, where in that testimony do you
4 describe the method you followed in your class
5 cost of service study?

6 A When you say method, are you looking
7 for a specific calculation or --

8 Q No, I'm looking to -- to find in
9 Exhibit 803, your direct testimony, where you
10 describe the method that you use to perform your
11 class cost of service study.

12 A I guess since -- since a cost of
13 service study involves many calculations, I don't
14 think there's a single method that you use to
15 perform one. So that's why I'm having trouble
16 answering the question.

17 Q Well, let's put a little finer point
18 on it. You agree with me that when we're looking
19 at the cost, class cost allocation for a gas
20 distribution utility, that the cost of gas mains
21 are one of the most important issues or one of the
22 important issues in a class cost of service study
23 for that type of a utility?

24 A Yes, I do.

25 Q What method did you use in your

1 direct testimony to allocate the cost of gas
2 mains?

3 A I used the method called the stand
4 alone and integrated system method.

5 Q Point to me -- point out to me where
6 in Exhibit 803 you describe that method.

7 A I don't have a specific reference
8 using that -- that -- that specific accounts
9 allocation. I simply just describe this as being
10 an update of the previous cost of service study
11 that I filed.

12 Q In fact, could you point me to a
13 place in the six pages of your direct testimony
14 where you use the term stand alone?

15 A I thought my previous answer
16 basically said that I did not use the description
17 of that method.

18 Q Now, Mr. Beck, you're an engineer,
19 correct?

20 A Yes, I am.

21 Q You're not an attorney.

22 A No.

23 Q So the next couple of questions I
24 want to ask you, I don't want a legal answer, I
25 just want to -- based on your experience as a

1 witness in rate cases before the Commission.

2 Understood?

3 A Okay.

4 Q Do you believe that the Staff or the
5 Commission should be required to follow the same
6 procedural rules as the other parties, or do you
7 believe that Staff should receive some kind of
8 preferential treatment?

9 A To my knowledge, there's nothing
10 that -- that allows the Staff to have preferential
11 treatment.

12 Q And is it your understanding that
13 the Commission would be required to make a
14 decision based on the factual record that's
15 established in this proceeding?

16 A That's correct.

17 Q Why, then, did you not describe your
18 alleged stand alone method for the allocation of
19 mains in your direct testimony?

20 A On page 4, starting with line 16 --

21 Q Excuse me, sir, I didn't ask you for
22 a location. I asked you why you did not describe.
23 We previously established that you did not
24 describe it.

25 A Yes.

1 Q And you did not use the term stand
2 alone. Now I'm asking you why you didn't, not
3 citing me to a place where you didn't do it. Why
4 didn't you use it? Why didn't you identify that
5 method, sir?

6 A Well, my answer would be the same
7 today, which is that there are a lot of detailed
8 calculations in a class cost of service study, and
9 therefore, it was my belief that it would be best
10 to wait till rebuttal testimony to discuss those
11 issues which were significant. And that's exactly
12 what I did.

13 Q So basically do I understand your
14 testimony, then, at this point in time to be that
15 you hid out in bushes for other people to --

16 MR. SCHWARZ: I'll object to the
17 form of the question as being argumentative.

18 MR. CONRAD: I'll withdraw it.

19 Q (By Mr. Conrad) Your expectation
20 was that you would put forward this method in
21 rebuttal. Is that correct?

22 A No. My expectation was that -- that
23 the method would be shared with the other
24 witnesses in my work papers.

25 Q But again, you didn't -- you didn't

1 describe it or identify it as stand alone in your
2 direct.

3 A Except for the reference back to the
4 previous case.

5 MR. CONRAD: Your Honor, it seems
6 clear to us that Mr. Beck's testimony,
7 particularly his direct, has been offered in
8 violation of the Commission's rules of practice
9 and procedure which require a party to set forth
10 their case in direct testimony.

11 By withholding his substantive
12 testimony until essentially his surrebuttal, not
13 his rebuttal, but his surrebuttal, the Staff has
14 violated this rules, and that's forced all the
15 rest of us to not agree with that, to his -- with
16 his method that was revealed at that point to
17 attempt to ferret out Mr. Beck's position based on
18 his testimony and that of other unnamed Staff
19 witnesses in other proceedings.

20 Indeed, his first meaningful
21 description of what he is proposing appeared only
22 in the third and final round of testimony.

23 I, therefore, would ask that you
24 strike all the testimony of Staff Witness Beck
25 that pertains to the issues of the Staff cost of

1 service study.

2 And upon that decision, I would, of
3 course, move to withdraw and would withdraw that
4 part of Mr. Johnstone's testimony that addresses
5 Mr. Beck's costs of service.

6 Specifically Beck direct, page 2,
7 lines 8 through 10; Beck direct, page 2, line 16
8 through page 4, line 9; and on his direct, page 4,
9 line 16 through 23; page 5, the sentence that
10 starts with the results at line 4 and that ends on
11 line 5. Continuing with his direct, page 5, line
12 7 through 17, and all of Schedule 1.

13 In his rebuttal, page 13 on line 17
14 through page 15, line 11. And surrebuttal, page
15 3, lines 21 through page 5, line 19.

16 JUDGE WOODRUFF: Mr. Schwarz, do you
17 have a response?

18 MR. SCHWARZ: Yes, I do. Mirabile
19 dictu. Amazing to speak. Here at the last
20 moment, MGUA suggests that Staff has been laying
21 in the weeds, has been somehow duplicitous in the
22 way that it has presented its direct testimony on
23 class cost of service and rate design; although it
24 was, as Mr. Beck has pointed out, clearly
25 referenced in direct testimony that it was the

1 same method that these same parties have seen
2 before.

3 And that the complete description
4 was being provided contemporaneously to the
5 parties, and in fact, Mr. Johnstone devoted seven
6 pages of his testimony rebutting Staff's method.
7 I would suggest to you that if there was some
8 mystery, some hidden mechanics that the parties
9 didn't understand, that it would be difficult to
10 explain the production of seven pages of rebuttal
11 testimony on it.

12 Certainly there was -- there have
13 been no discovery motions by or complaints by MGUA
14 or any of the other parties to this case with
15 respect to Mr. Beck's testimony, and I would
16 suggest to you that there have been more of those
17 types of complaints in this case than in any
18 similar Commission case that I recall.

19 The Commission has recently
20 suggested, as a matter of fact, that they start at
21 the back and read their way to the front. That
22 issues that -- that are resolved and -- and are no
23 longer material, that is, in controversy, are not
24 necessarily things that they want to see.

25 I think that Mr. Beck's testimony,

1 his direct testimony adequately describes the
2 Staff's position, has not caused the parties, MGUA
3 or any other party, to my knowledge, any problems
4 in the preparation of their case or preparation
5 for this hearing.

6 And I think that given the history
7 of -- of these rate cases and the history
8 particularly of the rate design issue, that the
9 objection is not well taken.

10 JUDGE WOODRUFF: All right. I'm
11 going to handle this the way I've handled many
12 other objections earlier in the week, or actually
13 last week, I'm going to defer ruling on it until a
14 later date. And we'll discuss that tomorrow
15 exactly what I want to do with it, whether we want
16 to take it actually with the case or try and make
17 rulings on it before the report and order itself
18 is issued. But we'll discuss that tomorrow.

19 With those -- subject to those
20 objections, the Exhibits 803, 804, 805 will be
21 admitted.

22 MR. CONRAD: I'm not done.

23 JUDGE WOODRUFF: I'm sorry, go
24 ahead.

25 MR. CONRAD: Just to very quickly,

1 for the benefit of the record, to point out one
2 comment. It is certainly true that in the
3 workshops which are off record, the Commissioners
4 have been talking about trying to read the case
5 from the back. And I think at least one of the
6 Administrative Law Judges has indicated that he --
7 he likes to do that, too.

8 The ability to do that, however, is
9 premised upon the idea that the issues are laid
10 out in the beginning, in the front of the case and
11 then refined. If the issues are held back, then
12 you don't have the benefit of that method.

13 JUDGE WOODRUFF: And I might add
14 that I am not one of those law judges. I read
15 them as they come in.

16 MR. CONRAD: Well, it's -- we'll
17 move on, then, from that.

18 Q (By Mr. Conrad) Does MGE, Mr. Beck,
19 have an integrated system that is used to provide
20 service to all customers?

21 A With regards to mains?

22 Q Well, with regard to all of its
23 system.

24 A I guess I would answer they have
25 many integrated systems to serve their customers,

1 then.

2 Q Are you aware, sir, of whether any
3 large customers have ever bypassed MGE?

4 A I am almost positive that there has
5 been that occurrence, but I can't name any
6 particular instances.

7 Q Okay. And to avoid us trying --
8 having to go in camera to do that, let me just ask
9 you, was it not in an earlier stage of this case
10 some question about some residual income from one
11 customer who had done a bypass that was still
12 making some kind of a payment for capacity release
13 to MGE?

14 A There -- there was a discussion
15 about a customer paying.

16 Q Now, you would agree, I presume,
17 with me that a bypass is precisely a stand alone
18 service for an individual customer, isn't it?

19 A I guess up until the point that they
20 reach the interstate pipeline.

21 Q But at least with respect to the
22 part that we're talking about today, that's
23 precisely a bypass? Precisely a stand alone
24 service?

25 A Yes.

1 Q And if a large volume customer
2 bypasses MGE, the customer then would need to
3 construct or someone would need to construct a
4 pipeline from the customer's business to the point
5 of connection with an interstate. You would
6 agree?

7 A That's correct.

8 Q And that's the essence of bypass?

9 A That's correct.

10 Q And would the same be true if a
11 residential customer were to bypass MGE?

12 A Theoretically, I guess, yes.

13 Q Why do you say theoretically, Mr.
14 Beck?

15 A To my knowledge, I don't know that
16 there's any residential customers that have
17 bypassed.

18 Q Why do you suppose that is?

19 A I generally want to say that they
20 don't have the legal right, but I can't cite any
21 specifics, and I'm not a lawyer. So it's --

22 Q Would it have anything to do with
23 economics?

24 A It -- certainly economics is part of
25 any bypass decision.

1 Q Even assuming just for purposes of
2 discussion here that they had a legal right, would
3 this be an economic decision for them, wouldn't
4 it?

5 A Yes. That would be -- that would be
6 a key part.

7 Q Have you ever designed a bypass for
8 a customer?

9 A No.

10 Q Now, I understand that your method,
11 as we're talking about here, for allocating the
12 cost of mains, what you're using is to propose to
13 allocate a portion of the mains to the classes
14 basing on what you're alleging is a stand alone
15 cost; is that correct?

16 A That's correct.

17 Q And you've already agreed with me
18 that a bypass represents a stand alone cost for a
19 customer, correct?

20 A In -- in that, yes.

21 Q How would you determine the bypass
22 cost for a single customer?

23 A To calculate the bypass cost, you
24 would have to determine the cost to reach the
25 interstate pipeline.

1 Q Have you ever designed a bypass for
2 service to more than one customer?

3 A No.

4 Q Have you ever designed a bypass for
5 a class of MGE customers?

6 A No.

7 Q Well, I'm puzzled, then, Mr. Beck.
8 Perhaps you can help me. If you've not designed a
9 bypass for a customer or for a group of customers
10 or a class of customers, how is it you determined
11 the stand alone cost for your class cost of
12 service study?

13 A I simply determined the size of a
14 typical customer within that class, of their
15 parcel or lot, and then I calculate that length
16 and determine the size of pipe that would be
17 needed to serve them, and used that -- the
18 resulting cost of that particular piece of pipe.

19 Q Now, I believe you previously
20 advised me that you did not in your direct
21 testimony describe this stand alone approach. Is
22 that correct?

23 A No. I did not describe the details
24 of that, no.

25 Q And you merely made a reference to

1 the last case, GR-2001-0292. Am I right?

2 A That's correct.

3 Q Now, did you describe the method in
4 your testimony in GR-2001-0292, or did you just
5 take the same approach there as you did this time
6 and refer back to the prior case?

7 A In GR--- is it 91?

8 Q GR-2001-0292.

9 A GR-2001-0292, I had the pleasure of
10 filing direct, rebuttal, and surrebuttal on this
11 topic.

12 Q And did you refer in that testimony
13 to what you've done in the prior case or what had
14 been done in the prior case?

15 A Yes.

16 Q How far back do we need to go to
17 find the substantive testimony on this issue?

18 A As far as finding substantive
19 testimony, I feel that there is substantive
20 testimony in this record here.

21 Q Who presented the testimony -- this
22 is, again, Mr. Beck, this is the reference in your
23 direct to GR-2001-0292. That's --

24 A Yes.

25 Q Your view is that's a substantive

1 piece of testimony right here?

2 A Yes.

3 Q I'm referring back to what was done
4 in GR-2001-0292. Right?

5 A Yes.

6 Q Well, did you go back further to the
7 prior case, was it 98-140?

8 A I'm sorry, did I go back further
9 when?

10 Q Did you go back further when you put
11 this method together?

12 A Yes. I -- this method was developed
13 and I first testified on it in GR-96-285.

14 Q Who presented that testimony in that
15 proceeding?

16 A There were several Staff witnesses
17 in terms of class cost of service rate design, if
18 that's what you mean.

19 Q I don't doubt that. But who
20 described this method in that prior case, Mr.
21 Beck?

22 A I believe I did.

23 Q So your testimony here is that in
24 96-285, you described this method?

25 A Yes.

1 Q Do you remember anyone by the name
2 of Eve Lissek?

3 A Yes.

4 Q Who is Eve Lissek?

5 A Eve Lissek was a former employee of
6 the Missouri Public Service Commission and an
7 engineer.

8 Q Was it Ms. Lissek that developed the
9 distance component of your alleged stand alone
10 method back in the mid 1990s?

11 A That would be a true statement.

12 Q At the time she did that work, were
13 you her supervisor?

14 A No.

15 Q Who was her supervisor?

16 A Either Dr. Michael Procter or Martin
17 Turner. I'm not sure which.

18 Q So her work was not done under your
19 supervision and direction; is that correct?

20 A No.

21 Q Is it true that you have used in
22 your study her work product for the distance
23 component of your so-called stand alone allocator?

24 A I used the work product that she
25 sponsored in that case, yes.

1 Q Now, in response to a prior motion,
2 your counsel indicated that nothing had been --
3 should be surprising. I believe he used the Latin
4 phrase mirabile dictu.

5 Where in your rebuttal testimony do
6 you describe the stand alone approach that you
7 used in your class cost of service study?

8 A My rebuttal testimony did not
9 describe -- spend time describing my method. It
10 talks about others'.

11 Q So when your counsel was arguing in
12 opposition of my motion a few moments ago and he
13 indicated that you had described your method in
14 rebuttal testimony, he was in error; is that
15 correct?

16 A I guess -- I would call it I did not
17 describe it in detail or --

18 Q Where did you describe it, Mr. Beck,
19 in your rebuttal testimony? Show me the page and
20 line, please.

21 A What I described was a comparison of
22 -- of other -- of the results of the cost of
23 service study and discussion of the -- one of the
24 other methods used by other parties.

25 Q In fact, sir, is it not true that

1 the words stand alone costs do not appear in your
2 rebuttal testimony?

3 A To the best of my knowledge, no,
4 they do not.

5 Q Now, let's turn, then, to your
6 surrebuttal testimony. Page 4, line 11.

7 A I'm there.

8 Q And I read since Mr. Johnstone feels
9 that this data needs discussing. Couple of
10 questions, Mr. Beck. First of all, how do you
11 know what Mr. Johnstone feels?

12 A That was -- that was the opinion
13 that I derived from reading his rebuttal
14 testimony.

15 Q What is this data?

16 A I'm sorry, what is what --

17 Q Well, it's your phrase. Mr.
18 Johnstone feels, you have indicated that was your
19 opinion, that this data needs discussing. What
20 data?

21 A What is this data -- the term this
22 data referring to?

23 Q Yeah.

24 A It is referring to the calculations
25 of various details of the mains allocators.

1 Q Then on the same line and to the
2 next one, you indicate you would like to explain
3 exactly how the Staff estimated. Do you see that
4 phrase?

5 A Yes.

6 Q Who is the Staff?

7 A It is the group of people that make
8 up the Commission Staff.

9 Q Which of them? All of them did this
10 estimation, Mr. Beck? Collectively?

11 A No.

12 Q Who did it?

13 A The -- the specific calculation for
14 --

15 Q No. I'm talking, sir, at line 12 on
16 page 4. You say there how the Staff estimated. I
17 want to know who, who the Staff is that estimated.

18 A And it's important to -- to --

19 Q I want to know the names of the
20 Staff that estimated. Who are they?

21 A The people that sponsored this --

22 Q Who are the people that estimated,
23 Mr. Beck?

24 MR. SCHWARZ: He's entitled to ask
25 the question, but the witness needs to answer.

1 MR. CONRAD: A responsive answer
2 needs to start with someone's name.

3 Q (By Mr. Conrad) Who are the people
4 that sponsored the estimate, Mr. Beck?

5 A I did.

6 Q You and you alone, sir?

7 A Yes.

8 Q So you collectively refer to
9 yourself as Staff; is that it?

10 A I did in this case.

11 Q When was this work done, Mr. Beck?

12 A That work was done in -- as for the
13 specific length, was done in probably 1996.

14 Q By whom?

15 A Um, as you mentioned earlier, Eve
16 Lissek was one of the people working to gather
17 this data in this calculation.

18 Q Who else?

19 A Myself. Um -- to the best of my
20 memory, I believe that Anne Ross did some
21 calculations. There may have been others.

22 Q Again, Mr. Beck, we're talking about
23 the Staff that estimated the lengths of the main
24 that borders an average customer's property for
25 each customer class. And your testimony here

1 today under oath is that this was done in 1996?

2 A Uh-huh.

3 Q Correct? Your testimony was filed,
4 your direct was, in April of 2004.

5 A That's correct.

6 Q That's roughly eight years. Right?

7 A That's correct.

8 Q And you testified that Ms. Lissek
9 did part of this work.

10 A That's correct.

11 Q Correct? And that you did not
12 supervise her, nor was she under your supervision
13 or direction.

14 A That's correct.

15 Q How much did Staff pay each of the
16 counties where they had to purchase the data, Mr.
17 Beck?

18 A I don't recall the specific amounts.
19 I know that it was a nominal fee in almost every
20 case.

21 Q Now, where is MGE's principal
22 service territory?

23 A There are three general areas.
24 Kansas City being the largest, St. Joe -- excuse
25 me, Joplin being the next largest, and St. Joe

1 area being the third area.

2 Q At lines 18 through 19, you indicate
3 it was determined it was too expensive to purchase
4 Kansas City specific data for the largest service
5 territory that this LDC serves. How much did it
6 -- did it cost? How much would it have cost, Mr.
7 Beck?

8 A I can't be 100 percent certain, but
9 it is my vague recollection that it was around
10 \$25,000.

11 Q Now, have you ever since 1995 or
12 1996, or whenever the other Staff people that
13 you've identified did this work, on your own
14 sought the Kansas City data?

15 A No, I have not.

16 Q Kansas City is an intervenor in this
17 case, are they not?

18 A That's true.

19 Q Did you suddenly become unable to do
20 data requests?

21 A No.

22 Q Did you ever think about a data
23 request?

24 A Never occurred to me.

25 Q Do you have any personal knowledge

1 of what it would have cost this year to get the
2 Kansas City data for your work?

3 A No, I do not.

4 Q Now, as I understand your method,
5 you designed a stand alone system for each class
6 of customers. Is that correct?

7 A That's correct.

8 Q Now please describe for me the stand
9 alone system you've designed for the residential
10 class.

11 A Well, the stand alone component is
12 simply a calculation of the average or typical
13 size of a cust -- of a residential customer times
14 the number of customers, and then using the
15 typical size of a service to that customer, which
16 would be what they would require.

17 Q Is it true that you simply assumed a
18 main size of .88 inches for the residential
19 customer?

20 A No, it's not true that I simply
21 assumed it.

22 (Exhibit 612 marked for
23 identification.)

24 Q (By Mr. Conrad) Mr. Beck, I show
25 you what's been marked for identification as

1 Exhibit 612. Can you identify that document,
2 please?

3 A That is a document from my work
4 papers on the first page. The second page, I have
5 never seen before.

6 Q Am I correct on the very first page,
7 your stand alone diameter for residential is
8 .8888?

9 A That's correct.

10 Q Isn't .88 inches about the size of a
11 large garden hose?

12 A It's a little larger than the garden
13 hoses that I have at my house, but maybe -- maybe
14 there's other hoses in the world.

15 Q Well, how many feet of this large
16 garden hose size pipe did you use in your
17 residential stand alone system, Mr. Beck?

18 A 70.63 feet.

19 Q For a total of?

20 A For a total of 30,805,854.

21 Q If I wanted to reflect that in
22 miles, I would divide by what?

23 A 5,280.

24 Q So by your main and customer length
25 calculation of roughly 71 feet, if I take -- if I

1 understand your work paper here, you have assumed
2 that each residential customer is within 71 feet
3 of an interstate pipeline. Correct?

4 A No, that's not correct.

5 Q Well, what does this average main,
6 then, per customer mean? Average length?

7 A It represents the portion of the
8 main that is directly in front of that customer's
9 piece of property. Or another way to describe it
10 might be to say from -- from the previous person's
11 service line to where their service line takes off
12 of the main.

13 Q Okay. That takes me to my next
14 question. How many, in your model system here,
15 your stand alone residential system, how many
16 average residential customers can share a slightly
17 larger than average garden hose size main on a
18 peak day?

19 A The -- the point of stand alone is
20 they're not sharing that portion. Or they
21 wouldn't share that portion for that calculation.

22 Q I thought your prior answer
23 indicated that it was -- it was hooked like a
24 daisy chain.

25 A It is.

1 Q Well, then, does it begin at some
2 point?

3 A Yes.

4 Q Where does this slightly larger than
5 a garden hose main begin, Mr. Beck? Per your
6 stand alone system?

7 A It begins at the -- where the
8 customer's service line takes off.

9 Q Where does the customer service line
10 take off, Mr. Beck?

11 A Just -- normally at the edge of
12 their property.

13 Q No. What does it connect to? Does
14 it just begin out there? Do they have a well out
15 there? What is out there 71 feet away from their
16 meter? What is out there, Mr. Beck? Is there an
17 interstate pipeline out there, sir?

18 A I'm sorry, I was on the wrong end of
19 the main. Yes, there is a city gate on the
20 opposite end.

21 Q Okay. So going back then, you have,
22 in fact, assumed that each residential customer is
23 within 71 feet of an interstate pipeline.

24 A No. I have simply assumed that each
25 residential customer has 70.63 feet in front of

1 their property.

2 Q Well, they may have that, Mr. Beck.
3 But we're talking about pipe. The pipe goes
4 somewhere. Where does it -- where does the pipe
5 begin on their end of the pipe? Let's start at
6 their end since that's the end you started.

7 A It would start at their -- where
8 their service line takes off the main.

9 Q Oh. Their service line takes off of
10 -- what was it you called it?

11 A The main.

12 Q Okay. So it's not really a stand
13 alone system, is it, then?

14 A It --

15 Q It's only stand alone back to the
16 mains; isn't that right, Mr. Beck?

17 MR. SCHWARZ: Is the witness going
18 to be permitted to get an answer in sometime?

19 JUDGE WOODRUFF: Is there an
20 objection there?

21 MR. SCHWARZ: I object to Mr. Conrad
22 asking a question and not giving the witness time
23 to answer it before he asks another question.
24 Yes. That's my objection.

25 MR. CONRAD: I will give him all the

1 time he wants to answer these questions. I would
2 just like to get them answered.

3 JUDGE WOODRUFF: Since there was an
4 objection, I will state to Mr. Conrad, please
5 allow him to make his answer. But of course, the
6 witness has to be giving responsive answers and
7 Mr. Conrad is under no obligation to allow the
8 witness to ramble on. All right.

9 Q (By Mr. Conrad) Do you remember
10 what the question was, Mr. Beck?

11 A No, I do not.

12 Q Well, I think we were trying to get
13 down to the question of you started this stand
14 alone system, and you characterized it as starting
15 it -- the last statement you made was it started
16 at the main. Right?

17 A At the service line, you mean?

18 Q Well, start again. I'm in a house.
19 I want gas service at my house.

20 A Okay.

21 Q Okay? Now, just outside my house,
22 what usually goes along with gas service?
23 Something that goes whir and click in the night.
24 Is it called a meter?

25 A Okay.

1 Q Would you agree?

2 A A meter is something that you --
3 that would be part of a service.

4 Q A meter and a regulator. Right?

5 A That's correct.

6 Q Okay. Okay, now, take me back from
7 there on this slightly larger than a garden hose
8 piece of pipe, and where does that go?

9 A There is typically a service line
10 that goes from the meter to the main, which is
11 normally located at the edge of the customer's
12 property.

13 Q Now, do other people hook their
14 slightly larger than a garden hose size pipes onto
15 that main?

16 A Typically, yes.

17 Q So that's not a stand alone system,
18 then, for a residential customer that you're
19 describing, is it?

20 A Nor is it for any other service
21 class.

22 Q I didn't ask you that. We asked
23 you, if you remember, sir, what you had designed,
24 and I asked you to describe for me your -- your
25 design of a stand alone residential system.

1 What you've described for me is a
2 partly stand alone system; in fact, it's nothing
3 different than what we actually have. That is,
4 you have service lines that connect to mains. But
5 that's not what you've done. You've called it
6 stand alone.

7 I ask you again, can a residential
8 customer bypass MGE?

9 A Again, I -- I am almost positive
10 they can't, but I can't cite you to specific
11 reasons, legal reasons.

12 Q But your stand alone system that
13 you've described, and we're looking at 612 again,
14 is a total length of 30,805,000 feet, and that is
15 just residential customer upon residential
16 customer daisy chained to each other?

17 A That is the length of mains for all
18 residential customers and for the typical
19 residential customer times the number of
20 residential customers that exist.

21 Q I understand. But we talked about a
22 bypass by a larger customer. And that's a
23 complete stand alone system. You agreed with
24 that.

25 A In that particular case, it is.

1 Q And you agreed with me that if it
2 was legally possible for a residential customer to
3 do that, they would have to go to the interstate
4 pipeline, wouldn't they? In order to do a stand
5 alone service?

6 A That's true. That --

7 Q Okay. And I asked you then, sir,
8 what your model stand alone system for residential
9 customers involved, and what you've done is you've
10 responded back and told me that it went to the
11 main.

12 Are you assuming, though, that each
13 of the residential customers in your example is 71
14 feet from an interstate pipeline where they can
15 connect their .8888 size hose?

16 A No, that was not my assumption.

17 Q Well, answer me this, then, sir.
18 How many average residential customers can share
19 your slightly larger than a garden hose sized pipe
20 on a peak day?

21 A The intent was that one could share
22 each section.

23 Q And again, your concept is that all
24 of those bundles of spaghetti go back to a main;
25 is that right?

1 A The full -- the full system does,
2 but my concept is simply the piece that is there
3 by his property.

4 Q So where in your stand alone system
5 are the larger mains that this Company would have
6 to have in order to provide the capacity to serve
7 all those .8888 size pipes?

8 A Their costs are in the demand
9 portion.

10 Q So I guess we need to find some
11 capacity in your stand alone system, your alleged
12 stand alone system if we're going to have enough
13 capacity in the mains to serve the residential
14 customers. Right?

15 A To serve any customer, yes.

16 Q To serve -- well, let's just stay on
17 the residentials, we've had so much fun with them.

18 A Residential customers are part of
19 any customers, yes.

20 Q Well, is this -- is this or is this
21 not, then, a stand alone system that you've
22 developed?

23 A It's a stand alone allocator. It's
24 not meant to be a real system.

25 Q But would you agree with me, Mr.

1 Beck, that there would just be really two choices
2 for this stand alone system? Either you must, if
3 you use this slightly larger than a garden hose
4 sized pipe, have enough of that pipe for each
5 residential customer to reach all the way back to
6 the interstate pipeline source of gas, or you must
7 have large size mains, let's call them fire hoses
8 and larger, to carry enough gas out to serve all
9 the customers? Would you agree?

10 A The second option is how a real
11 system works.

12 Q Did you do any of those? Do you do
13 either of those in your stand alone -- your
14 alleged stand alone system?

15 A No, certainly not in the stand alone
16 system.

17 Q Then pursuant to your calculation,
18 Mr. Beck, what is the size of the mains you used
19 for large volume customers?

20 A Diameter is the question?

21 Q All right. Try it on 612, then.

22 A The diameter is five point -- for a
23 typical large volume customer is 5.1099.

24 Q Now, is that more like a garden hose
25 or the large fire hose?

1 A It's probably at least as large as a
2 large fire hose.

3 Q And would a main of .88 inch
4 diameter be virtually useless for service to a
5 large volume customer?

6 A If that was the single service, yes.

7 Q And any -- so by definition,
8 anything smaller than that would be useless for
9 service to an LV, correct?

10 A If there's a single -- if it was
11 only a single one, yes.

12 Q How about a one inch diameter pipe?

13 A At the pressures that MGE serves
14 customers, it -- I would believe that a one inch
15 pipe is -- would also not do the job.

16 Q How about a two inch diameter?

17 A At two inch I start to struggle,
18 because it starts to depend on how much
19 variability they have in their load, but generally
20 I would guess that a two inch pipe would not serve
21 a customer.

22 Q And keep in mind that in order to be
23 an LV customer, they have to move what in a month?

24 A Um --

25 Q Do you remember?

1 A I believe that was 15 --

2 Q It was 15,000 Ccfs, if you want to
3 take time to look.

4 A Yes. Per month. At least for one
5 month of the year.

6 Q How about a six inch diameter main?
7 That'd probably do the job, wouldn't it?

8 A Oh, I am sure six inches would do
9 the job for most customers. Not all.

10 Q Now, Mr. Beck, you would agree that
11 the pressure that -- any given pressure -- I'm
12 going to ask you an engineering question here, get
13 you back to things that you know about.

14 At a given pressure, the capacity is
15 proportional to a cross sectional area of the
16 pipe; is that correct?

17 A Yes.

18 Q And that's really what was
19 illustrated by Miss Meisenheimer's chart we looked
20 at a little bit ago, isn't it?

21 A Yes, with some assumptions, that's
22 correct.

23 Q Sure. How does the capacity of the
24 5.1 inch pipe that we've -- you have averaged here
25 compare to the capacity of a .8888 inch pipe?

1 A It would be significantly larger.

2 Q Just a couple more questions, Mr.

3 Beck, then we'll let you go.

4 I have -- I want to ask you if you
5 know when MGE goes about to design its
6 distribution system, in general, does the gas move
7 from higher pressure pipes to lower pressure
8 pipes?

9 A In general, yes.

10 Q And from larger pipes to smaller
11 pipes?

12 A In general, yes.

13 Q Now, as an engineer, would you be
14 surprised to see something like 144 one inch mains
15 that feed gas into a six inch main?

16 A Yes, I would be surprised to see
17 that.

18 Q Even though the relationship between
19 the capacities would be roughly the same?

20 A I can't verify your premises that
21 those capacities are the same, but it certainly
22 would take a lot of one inch pipes to equal one
23 six inch main capacity-wise.

24 MR. CONRAD: Mr. Beck, I think we'll
25 leave it there.

1 Now, Judge, there was a question,
2 Mr. Beck could not identify the second page of
3 612. He did identify the first page of 612, and I
4 will offer the first page of 612 at this time.

5 JUDGE WOODRUFF: All right. First
6 page of 612 has been offered into evidence, are
7 there any objections to its receipt? Hearing
8 none, it will be received into evidence.

9 MR. CONRAD: Thank you, Mr. Beck.
10 Thank you, Judge.

11 JUDGE WOODRUFF: One more thing with
12 Mr. Beck. You indicated that you weren't done yet
13 when I was going to offer 803, 804, and 805.

14 MR. CONRAD: It turns out I was. My
15 point was that I think the witness established
16 that he really had not done this work or under his
17 direction or supervision.

18 I will, however, given your rulings,
19 simply append that as additional justification to
20 my earlier motion rather than -- and then we won't
21 have to go through a whole new motion and argue.
22 So if you would -- if Your Honor would take it at
23 that level, then that's satisfactory for me.

24 JUDGE WOODRUFF: I will take it at
25 that, and subject to those objections, then 803,

1 804, and 805 are admitted.

2 MR. CONRAD: Very well. Thank you,
3 Your Honor.

4 JUDGE WOODRUFF: Thank you. All
5 right. For further cross examination, Jackson
6 County?

7 MR. FINNEGAN: No questions.

8 JUDGE WOODRUFF: MGE?

9 CROSS EXAMINATION BY MR. HACK:

10 Q Hello.

11 A Hello.

12 Q Is MGE weather sensitive with
13 respect to sales, revenues, and gas costs,
14 particularly in relation to the residential and
15 small general service customer classes?

16 A Yes, I think that would be a true
17 statement.

18 Q Would you agree that most of MGE's
19 operating costs, aside from the cost of gas, are
20 fixed in the sense that they don't vary with
21 fluctuations in the weather?

22 A It -- it's true that those costs do
23 not vary with the fluctuation in weather
24 generally.

25 Q In your surrebuttal testimony, page

1 9 at the bottom through the top of page 10, you
2 discuss the methodology you propose for adjusting
3 the fixed monthly rate element and the volumetric
4 rate elements. Correct? Surrebuttal, page 9,
5 line 7 through page 10, line 3.

6 A Correct.

7 Q Would it be accurate to conclude
8 that the methodology you propose here would
9 recover the revenue increase for the residential
10 class in this case to a greater degree from
11 volumetric rate elements versus the fixed monthly
12 rate?

13 A I think it would be a fact that it
14 would -- you would recover more costs through the
15 volumetric rate than through the customer charge
16 for this -- for that -- for this incremental
17 piece.

18 Q Okay. Can you provide an estimate
19 of the relative proportion of volumetric rate
20 recovery versus fixed rate revenue recovery for
21 the residential class under your proposal? I'm
22 just looking for order of magnitude.

23 A I'm thinking something like one to
24 five. One being the amount collected in the
25 customer charge and five being the amount

1 collected in the commodity charge. That's just --

2 Q Ballpark?

3 A Ballpark.

4 Q So if I do the math through 100
5 percent, that would be about 16 percent for the
6 customer, or fixed monthly, versus 84 percent
7 roughly for the volumetric?

8 A It sounded better when the ballpark
9 didn't have exact percentages, but yes.

10 Q Again, order of magnitude.

11 A Order of magnitude, yes.

12 Q Were you here when Mr. Busch
13 testified earlier about proportional class --
14 proportional residential revenue recovery from
15 fixed versus volumetric rate elements today?

16 A Yes, I was.

17 Q And do you recall that he ballparked
18 current revenue recovery from volumetric rates for
19 the residential class at about 45 percent in terms
20 of distribution revenues?

21 A Yes.

22 Q Would you agree with -- with that
23 ballpark estimate?

24 A That seemed reasonable.

25 Q Would you agree, therefore, that one

1 result of adopting your proposal would be an
2 increased reliance on volumetric rates to recover
3 residential revenues for MGE?

4 A I think the -- there would be a
5 reduction in that -- in that 55/45 percentage
6 split. So I think that would be a true statement.

7 Q And so -- yeah. The --

8 A From a percentage-wise, that would
9 be a true statement. Obviously there would be
10 more revenue being collected, but there would be a
11 lot more revenue being collected on the commodity
12 side.

13 Q Okay. And given past experience
14 with residential actual average per customer usage
15 consistently falling short of rate case levels as
16 shown on page 8 of Dr. Cummings' direct testimony,
17 do you understand why the Company might be
18 reluctant to agree to your proposal?

19 A I certainly understand that it's a
20 concern of theirs, yes.

21 Q In your rebuttal testimony on page
22 16, lines 3 through 7, you refer to the weather
23 mitigation rate design of Laclede Gas Company.
24 And you refer to that weather mitigation design as
25 an experiment. Do you recall that part of your

1 testimony?

2 A Yes, I do.

3 Q Would you agree with me that neither
4 the Laclede stipulation nor the Commission order
5 approving the stipulation nor the tariff sheets
6 implementing that order ever use the words
7 experiment or experimental to describe the weather
8 mitigation rate design for Laclede?

9 A I went back and looked at a couple
10 of those documents and did not find the word
11 experimental, but I can't conclude all of them,
12 but I do know that several of those documents do
13 not have the word experimental in them, that is
14 correct.

15 Q And I can give you a chance to look
16 at those documents if you'd like to refresh your
17 recollection and see if the word experiment comes
18 in there. Do you feel the need to do that today?

19 A I -- no, I don't.

20 Q So at least for purposes of your
21 testimony, you would accept my representation that
22 the word experiment does not appear in those
23 documents?

24 A That's correct.

25 Q You've been around Commission

1 proceedings for quite a while, haven't you, Mr.
2 Beck?

3 A I'm feeling like it's been an awful
4 long time, after today.

5 Q When did you begin working for the
6 Commission?

7 A I began in 19 -- I'd like to, you
8 know, maybe move it by ten years, but 1987.

9 Q And you've participated in rate
10 cases for quite a bit of that time, have you not?

11 A Among other things, I've got to
12 participate in every rate case that MGE has been
13 involved in.

14 Q You're one better than me. Don't
15 parties to stipulations and agreements before the
16 Commission almost always reserve the right to take
17 different positions or propose alternative
18 resolutions in future proceedings?

19 A That's -- that's the -- my general
20 understanding of how a stipulation works, yes.

21 Q In fact, permanent tariffs and/or
22 term rates are only permanent until they are
23 changed in the subsequent Commission proceeding;
24 isn't that correct?

25 A That would be correct with the

1 caveat that it doesn't necessarily take an act of
2 the Commission for tariffs to change. They can
3 also change simply by going into effect after 30
4 days, for example.

5 Q But there needs to be some
6 intervening action?

7 A There is a mechanism, yes.

8 Q In your experience when the
9 Commission adopts a mechanism or a concept as an
10 experiment, doesn't the Commission usually
11 describe it that way, as an experiment?

12 A Typically, yes.

13 Q Would you agree that -- that -- and
14 I -- I can't remember if you were asked this,
15 whether -- that residential customers comprise
16 roughly 85 percent of the total numbers on MGE's
17 system?

18 A That sounds reasonable.

19 Q Do you know what Laclede's current
20 residential customer charge is? Does \$12 ring a
21 bell?

22 A I was trying to decide between \$12
23 and \$12.50, and \$12 is the best of my
24 recollection.

25 Q Okay. Do you know how long in terms

1 of months, years, or whatever, Laclede's
2 residential customer charge has been \$12?

3 A Not off the top of my head, no.

4 Q Is it -- is it a very recent vintage
5 or has it been there for perhaps years?

6 A Um, I believe it's happened in the
7 -- it was in the prior rate case that they filed,
8 not -- but I don't know that for sure. I just
9 honestly cannot recall.

10 Q I'm just looking for a ballpark.
11 Three years?

12 MR. SCHWARZ: Asked and answered.

13 JUDGE WOODRUFF: Overruled.

14 THE WITNESS: My best guess is two
15 years. But that's just a guess.

16 Q (By Mr. Hack) Okay. And what is
17 MGE's current residential customer charge?

18 A \$10.05.

19 Q And do you know how long MGE's
20 residential charge has been \$10.05?

21 A I believe about three years.

22 Q Do you know what it was before that?

23 A I believe it was one dollar less.

24 At 9.05.

25 Q Okay. And do you know how long

1 prior to that it had been 9.05?

2 A That, I don't recall.

3 MR. HACK: Thank you.

4 JUDGE WOODRUFF: All right. I have
5 no questions from the bench, so no recross. Is
6 there any redirect?

7 REDIRECT EXAMINATION BY MR. SCHWARZ:

8 Q I'd like to start off by asking you
9 the same questions I've asked a number of other
10 witnesses. Assume for me that the Commission
11 decides to reduce MGE's volumetric risk exposure.
12 Would you agree that an increase in the monthly
13 customer charge would be the easiest to implement?

14 MR. HACK: Objection, beyond the
15 scope of any cross.

16 JUDGE WOODRUFF: Sustained.

17 Q (By Mr. Schwarz) Would you look at
18 your rebuttal on page -- excuse me, surrebuttal on
19 page 5, and -- actually it's on page 4, line 11.
20 Mr. Conrad asked you something about the words,
21 quote, "this data," close quotes, on line 11. And
22 I would refer you to the bottom of page 3 and the
23 top of page 4. And would -- is that the
24 antecedent of the pronoun this on line 11?

25 A Yes, it is.

1 Q In response to one of Mr. Conrad's
2 questions, you -- you indicated that the testimony
3 in this case is yours.

4 Is it -- and I just want to be clear
5 for the record, that to the extent that it is
6 referenced in cases going back to -- to MGE's
7 first rate case, GR-96-285, you are adopting those
8 Staff positions; is that correct?

9 A That is correct.

10 Q And is that -- is it -- if not a
11 frequent, it's certainly not unheard of for
12 parties' witnesses to adopt the testimony of other
13 party witnesses; is that correct?

14 A That's correct.

15 Q And what was your -- Exhibit 612,
16 your work paper that Mr. Conrad took you through?

17 A Yes.

18 Q This -- this does not purport to be
19 an engineering study developing or describing the
20 construction or operation of a natural gas
21 distribution system?

22 MR. HACK: Objection, leading.

23 JUDGE WOODRUFF: Sustained.

24 Q (By Mr. Schwarz) What was your
25 purpose in developing this work paper?

1 A The purpose of this work paper was
2 to determine the portion of costs that should be
3 assigned to the classes based on the size of main
4 and length of main that they would need basically
5 in front of their property, or you can view it as
6 from their service line to the next upstream
7 service line.

8 Q I think also in response to a
9 question from Mr. Conrad, you indicated that there
10 was also a demand allocator. Would you expand on
11 that, please?

12 A The -- my allocation of mains on
13 this table, as you can see, the largest portion is
14 actually allocated based on peak day demands. And
15 in this case, 71.7 approximately percent of those
16 costs are allocated based on those peak day
17 demands. So those integrated -- the demand
18 allocator ends up being the primary allocation of
19 the cost of mains.

20 Q Do you recall during Mr. Conrad's
21 questioning that he used the phrase or the term
22 stand alone system?

23 A Yes, I recall.

24 Q Is -- is that a term that you used
25 in your testimony? Strike that question.

1 Let me ask you this. Looking at
2 Exhibit 612, does this purport to be a stand alone
3 system description?

4 A It -- it -- the upper portion
5 purports to be a stand alone allocator.

6 Q And what would be the difference
7 between a stand alone allocator and a stand alone
8 system?

9 A A stand alone allocator would be
10 developed to allocate costs, which is the purpose
11 of what I did here.

12 Q And what would a stand alone system
13 be?

14 A Assuming that the word system was
15 attempting to develop a system of mains, then I
16 guess a stand alone system would either have to
17 have the class or each customer be served
18 individually.

19 Q And you're not under the -- strike
20 that.

21 Has any witness in this proceeding
22 suggested that MGE's system looks like that?

23 A No. I can't imagine what relevance
24 that would have to allocating costs.

25 Q Mr. Conrad asked you if you had ever

1 designed or overseen the construction of a stand
2 alone system. Do you recall that?

3 A I recall those questions, yes.

4 MR. CONRAD: Objection. That's not
5 the question. I asked if he's constructed a
6 bypass.

7 MR. SCHWARZ: I'll stand corrected.

8 Q (By Mr. Schwarz) Do you recall that
9 he asked you if you constructed a bypass?

10 A That's correct.

11 Q You ever played Major League
12 Baseball?

13 A No.

14 Q Can you recognize a single as
15 opposed to a double as opposed to a home run?

16 A Yes, I can.

17 MR. CONRAD: Can you recognize an
18 out?

19 JUDGE WOODRUFF: All right. Then
20 you can step down, Mr. Beck. And I believe that
21 brings us to the end for today. We'll come back
22 in at 8:30 tomorrow and deal with the low income
23 proposals. And as we did before the break last
24 time, we will at 10 o'clock take questions from
25 the Commissioners about the non-unanimous partial

1 stipulation and agreement.

2 MAJOR PAULSON: Were there some
3 other issues we were going to cover at 10 that you
4 mentioned?

5 JUDGE WOODRUFF: I don't believe so.

6 At the end of all the proceedings,
7 we'll discuss procedural -- further procedural
8 schedule and briefing and so forth.

9 MAJOR PAULSON: Is there any way we
10 could do that at 10 tomorrow?

11 JUDGE WOODRUFF: Do you need to be
12 out of here? Is that --

13 MAJOR PAULSON: Well, yeah, that'd
14 be nice.

15 JUDGE WOODRUFF: We will make sure
16 we discuss it before you have to leave.

17 MAJOR PAULSON: Well, I'm thinking
18 I'll probably leave around noon.

19 JUDGE WOODRUFF: Okay. I expect
20 we'll be done by then, but even if we're not,
21 we'll make sure we take care of that before we
22 have to leave.

23 MAJOR PAULSON: I appreciate that.
24 Thank you.

25 JUDGE WOODRUFF: We aim to oblige.

1 Thank you.

2 (Off the record.)

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6 601 Pages from the Company's
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9 603 One of Dr. Cummings' work
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12 604 One of Dr. Cummings' work
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15 605 Chart
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17 608 Listing of individuals who
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23	607 HC	Listing of all current LVS customers	
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1 For to install telemeasuring equipment on
customers:

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Representation of costs incurred to

3 install telemeasuring equipment on
customers

4 606 HC

2051:1

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