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4 STATE OF MISSOURI  
5 PUBLIC SERVICE COMMISSION  
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8 IN THE MATTER OF THE EMPIRE DISTRICT GAS COMPANY OF  
9 JOPLIN, MISSOURI FOR AUTHORITY TO FILE TARIFFS INCREASING  
RATES FOR GAS SERVICE PROVIDED TO CUSTOMERS IN THE  
MISSOURI SERVICE AREA OF THE COMPANY

10 Case No. GR-2009-0434  
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13 TRANSCRIPT OF PROCEEDINGS  
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15 PREHEARING CONFERENCE  
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17 VOLUME 1  
18

19 JULY 16, 2009  
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STATE OF MISSOURI

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PUBLIC SERVICE COMMISSION

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TRANSCRIPT OF PROCEEDINGS

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Prehearing Conference

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July 16, 2009

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Jefferson City, Missouri

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Volume 1

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In the Matter of the Empire            )  
District Gas Company of Joplin,        )  
Missouri for Authority to File        )  
Tariffs Increasing Rates for Gas    ) GR-2009-0434  
Service Provided to Customers in    )  
the Missouri Service Area of the    )  
Company.                                )

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NANCY DIPPELL, Presiding,  
DEPUTY CHIEF REGULATORY LAW JUDGE  
DAN JORDAN, REGULATORY LAW JUDGE

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REPORTED BY:

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

2 JUDGE DIPPELL: This is Case  
3 No. GR-2009-0434 in the matter of the Empire District Gas  
4 Company of Joplin, Missouri for authority to file tariffs  
5 increasing rates for gas service provided to customers in  
6 the Missouri service area of the company.

7 My name is Nancy Dippell. I am the  
8 regulatory law judge assigned to this case, and I also  
9 have with me on the bench today Judge Jordan, who is also  
10 currently assigned to this case. And we have come here  
11 today for a prehearing conference, mostly to discuss the  
12 scheduling and any settlement and those kinds of issues.

13 Let's begin with entries of appearance. We  
14 can start with Staff.

15 MS. KLIETHERMES: For the Staff Sarah  
16 Kliethermes, 200 Madison Street, Jefferson City, Missouri  
17 65102, and also entering appearances for Lera Shemwell,  
18 Bob Berlin, Jaime Ott, Sam Ritchie, Jennifer Hernandez and  
19 Eric Dearmont.

20 JUDGE DIPPELL: Thank you.  
21 Empire District Gas Company.

22 MR. COOPER: Dean L. Cooper and James C.  
23 Swearngen from the law firm of Brydon, Swearngen &  
24 England, P.C., P.O. Box 456, Jefferson City, Missouri  
25 65102, appearing on behalf of the Empire District Gas

1 Company.

2 JUDGE DIPPELL: Office of Public Counsel.

3 MR. POSTON: Thank you. Marc Poston  
4 appearing for the Office of Public Counsel.

5 JUDGE DIPPELL: And Pittsburg Corning.

6 MR. WOODSMALL: David Woodsmall and  
7 Stu Conrad of the firm of Finnegan, Conrad and Peterson  
8 appearing on behalf of Pittsburg Corning.

9 JUDGE DIPPELL: Thank you.

10 Missouri DNR.

11 MS. BLOME: Jessica Blome appearing on  
12 behalf of Sarah Callier, 221 West High Street, P. O.  
13 Box 899 and Missouri Department of Natural Resources  
14 Energy Center.

15 JUDGE DIPPELL: And Constellation New  
16 Energy - Gas Division.

17 MR. STEINMEIER: Thank you, Your Honor.

18 Please let the record reflect the appearance  
19 of William D. Steinmeier and Mary Ann Garr Young,  
20 William D. Steinmeier, P.C., Post Office Box 104595,  
21 Jefferson City, Missouri 65110-4595, appearing on behalf  
22 of Constellation New Energy - Gas Division LLC.

23 JUDGE DIPPELL: Thank you.

24 I previously ordered that a procedural  
25 schedule be filed next week on the 23rd. I set in the

1 original suspension orders some hearing dates. Please  
2 note that I have at this point the hearing beginning on a  
3 Thursday. That gives us a week and two days for hearing.

4 If you think that those dates are not  
5 appropriate or you can squeeze it into one week or  
6 whatever, I'm open to those kinds of suggestions in your  
7 proposed procedural schedule. I can't guarantee them.

8 But with the way this rate case fell out, it  
9 came right over the holiday season for hearing. And also  
10 there is another rate case here at the Commission that  
11 some of you will be involved in probably. So keep that in  
12 mind when you're looking at your dates.

13 But I am open to a little bit of revision if  
14 you all convince me that that's necessary.

15 Also, at this point no one has indicated  
16 that there will be a need for a true-up. So that could  
17 give a little extra time at the end if that remains the  
18 case.

19 Also, there were no objections to the test  
20 year and update period. So I will set that at the 12-  
21 month period ending December 31st, 2008, updated through  
22 June 30th of 2009.

23 Besides local public hearings, which some of  
24 the staff and the judges and Office of the Public Counsel  
25 had a brief meeting on Monday about logistics regarding

1 local public hearings, and one of the things that was  
2 suggested at that meeting was that everyone be a little  
3 more involved in choosing locations and setting those  
4 locations and getting that done as early as possible.

5 I have ordered in the procedural order for  
6 the parties to make suggestions about local public  
7 hearings, along with their procedural schedule. You may,  
8 if you want to, contact my office about particular  
9 locations, what has worked in the past and what hasn't.

10 That might be helpful if there is a little  
11 more of a collaborative process to get the best location  
12 and the best public participation.

13 Is there anything else? Is there any  
14 pending motions or any issues that you-all want to bring  
15 up on the record?

16 Judge Jordan, did you have anything you  
17 wanted to add?

18 JUDGE JORDAN: No, ma'am.

19 JUDGE DIPPELL: I don't have anything else.

20 I do have a calendar here that I printed  
21 out, if you-all need it, of the Commission's hearing  
22 calendar, and we will be upstairs. If you have any  
23 questions, you can let us know.

24 That concludes the on-the-record portion of  
25 the prehearing conference, and we can go off the record.

1 MR. STEINMEIER: Thank you, Your Honor.

2 WHEREUPON, the on-the-record portion of the  
3 pre-hearing conference was concluded.

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## CERTIFICATE OF REPORTER

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I, Patricia A. Stewart, RMR, RPR, CCR, a

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Certified Court Reporter in the State of Missouri, do

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hereby certify that the testimony that appears in the

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foregoing transcript was taken by me to the best of my

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I am neither counsel for, related to, nor employed by any

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of the parties to the action in which this hearing was

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taken, and further that I am not a relative or employee of

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any attorney or counsel employed by the parties thereto,

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nor financially or otherwise interested in the outcome of

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the action.

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Patricia A. Stewart

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CCR No. 401

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