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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS

Local Public Hearing

June 4, 2013

Kirkwood, Missouri

Volume 7

In The Matter Of Laclede)
Gas Company's Filing Of) File No. GR-2013-0171
Revised Tariffs To Increase)
Its Revenues For Natural Gas)

KENNARD L. JONES, Presiding
SENIOR REGULATORY LAW JUDGE
ROBERT S. KENNEY, Chairman
STEPHEN M. STOLL,
COMMISSIONERS

REPORTED BY:
SUZANNE ZES, CCR
MIDWEST LITIGATION SERVICES

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

2 JUDGE JONES: Good afternoon. My name
3 is Kennard Jones and I'm the regulatory law judge
4 who presides over this matter, this rate case that
5 Laclede has filed. You all have just gone through
6 what is called the question and answer session. I
7 hope your questions are answered.

8 At this point, we will take testimony from
9 you on the record. That record will be made part of
10 the case file. And, real quickly, I have three
11 people signed up. I'll call their names. After I
12 have gone through this list of names, I will
13 entertain questions from anyone -- or statements
14 from anyone else who would like to make a statement.
15 When I call your name, you are to come up to this
16 chair here. I'll swear you in as a witness -- can
17 you all hear me by the way?

18 AUDIENCE: Yes.

19 JUDGE JONES: Okay. I'll swear you in
20 as a witness, you'll make your statement, after
21 which, remain at the microphone. Either the
22 Commission or myself may have questions for you and
23 then you can be seated.

24 To my right is Chairman Robert Kenney and to
25 my left is Commissioner Steve Stoll. Do you have

1 anything you'd like to add, Mr. Chairman?

2 CHAIRMAN KENNEY: Good afternoon,
3 everybody. Thank you for being here. As Judge
4 Jones indicated, my name is Robert Kenney and I'm
5 chairman of the Missouri Public Service Commission.
6 I just want to thank you, those of you that are here
7 to testify and those of you that were here for the
8 public presentation earlier, thank you for coming
9 and thank you for participating.

10 As Judge Jones indicated, this is the portion
11 in which you will have the opportunity to provide
12 sworn testimony that will become part of case file.
13 We appreciate your participation and do take your
14 comments seriously and appreciate the fact that you
15 have taken time out of your day to come and make
16 yourselves part of the process.

17 I'm here with my colleague, Commissioner
18 Steve Stoll. There are statutorily required five
19 commissioners and we're currently down one
20 commissioner, so there are four of us that are
21 actually seated. The other two commissioners,
22 Commissioner Jarrett and Commissioner Bill Kenney,
23 were not able to be with us was today but you
24 shouldn't take their absence as any indication of
25 the importance that they place on this.

1 The information that you provide will be
2 transcribed and will become a part of the case file
3 and so the other two commissioners will have the
4 opportunity to also read your testimony and take it
5 into account in the process of any deliberations
6 that we engage in.

7 So, again, thank you for taking the time to be
8 a part of the process. We do consider it to be very
9 significant and very important and we look forward
10 to hearing your testimony.

11 COMMISSIONER STOLL: I will just echo
12 the words of Chairman Kenney and thank everybody for
13 coming out today. I'll also mention, if for some
14 reason you have chosen not to make any presentation
15 and you want your thoughts to be recorded, you can
16 get a form from the table out there and that can be
17 submitted. The lady at the desk will be able to
18 tell you how to do that. And otherwise, again,
19 thanks for coming out today and we look forward to
20 hearing from you.

21 JUDGE JONES: Okay. The first person on
22 the list is David Schilling.

23 Can you raise your right hand, sir? Do you
24 solemnly affirm that the testimony you're about to
25 give is the truth?

1 MR. SCHILLING: I do.

2 JUDGE JONES: Thank you. And would you
3 please state and spell your name for the court
4 reporter before you proceed with your statements.

5 MR. SCHILLING: David Schilling. Here
6 in St. Louis. So you wanted me to spell it?

7 JUDGE JONES: Yeah, your last name.

8 MR. SCHILLING: S-C-H-I-L-L-I-N-G.

9 JUDGE JONES: Thank you. You may
10 proceed.

11 MR. SCHILLING: Having enjoyed a very
12 good question/answer period, knowing I couldn't ask
13 any questions any way but they were answered.
14 Having received this announcement that as of last
15 Friday, what I too would consider a pretty nice
16 agreement has been reached, the fact that there is
17 no general rate increase. I also have had no qualms
18 with the service provided by Laclede Gas.

19 So, specifically, I don't exactly have
20 anything left to say but in general, since this is
21 my only chance to speak before the Commissioners or
22 the Commission staff, I think I still have some
23 relevant facts that I was going to submit. Okay if
24 I continue?

25 JUDGE JONES: Yes, please.

1 MR. SCHILLING: Okay. We are in this
2 recession. I do not believe it is going away for a
3 while. You recognize, the Commission recognizes,
4 they are the only thing we have in place of
5 competition. Here in St. Louis every week we get
6 some brochures from the three major grocery stores.
7 And, currently, one of the major grocery stores,
8 it's brochure, part of it, instead of dealing with
9 the whole of St. Louis and St. Charles, one part of
10 it only deals with one store. Seems one of their
11 stores, a new one, came up against another new
12 store, their main competitor and things aren't too
13 well.

14 Competition is wonderful. I think I, like
15 many others, believe in the free market and
16 competition. So I truly believe in what this
17 Commission and Commissioners have to do and it's
18 that I would rather address, the Commissioners.

19 Since the baby boomers are increasing fixed
20 income, since we know that employment is remaining
21 low, isn't looking too good currently, college
22 debts, et cetera, it is not a pretty business world
23 on the private side and it's just not rapidly
24 changing.

25 We hear over and over again this weekend's

1 post "Healthy Wallets, area hospital CEOs see
2 double-digit pay hikes." A week ago our
3 Post-Dispatch and the business pages did a report
4 and it listed the pay, plus stock options, et
5 cetera, of many of the top executives. The
6 executive Suzanne -- I have trouble reading it
7 upside down -- Suzanne Sitherwood with Laclede Group
8 is listed. And it could easily be argued that her
9 CEO pay and options are not like others and other
10 private businesses and I don't want to pick on one
11 main chairman of a business. There are lots of
12 other salaries and those top executives and there's
13 this word "infrastructure."

14 So my concern, be it this case or other
15 utility cases, who the Commission happily gets to
16 review their books when it accesses all the costs,
17 when it accesses the payroll of these companies,
18 when it looks at how they're putting money into
19 buying new vehicles, new infrastructure, new office
20 equipment, et cetera, that is my main concern, is
21 the Commission really holding things as private
22 businesses, such as our supermarkets are feeling?

23 Indeed, utilities seem to be in an area of
24 their own. At one time it was like, well, women
25 were second-class citizens and couldn't vote.

1 That's changed. Recently we used to have a lot of
2 soda machines in high schools and grade schools.
3 That's changing. So this concept that utilities
4 deserve certain rate structures for their investors,
5 I'm just continually feeling the Commission isn't
6 pressing the thumb enough in this recession and I
7 don't see the recession going away. And I think
8 that is my main case.

9 I appreciate what the Commission does but if
10 they could do it more often, like whatever happened
11 here, to have the rate disappear rather than be
12 found at a compromise of only a rate increase of
13 50 percent of what the utility wanted, when we sort
14 of know the utility asked for more than they
15 expected to get anyway, I'd appreciate the help of
16 the Public Service Commission and Public Service
17 Commissioners.

18 JUDGE JONES: Thank you, Mr. Schilling,
19 for your comments. Mr. Chairman, do you have any
20 questions?

21 CHAIRMAN KENNEY: Just a couple of
22 comments and a question. Mr. Schilling, thank you
23 for your participation and thank you for your
24 well-considered and, obviously, well-thought-through
25 comments. One area you did touch upon was customer

1 service and you said you had no qualm with the
2 services you have been provided so we're obviously
3 pleased to hear that fact.

4 You also mentioned some concerns about
5 executive compensation. Did you have an opportunity
6 to ask, during the question and answer period, how
7 executive compensation is apportioned and how it
8 finds its way into rates?

9 MR. SCHILLING: I had the opportunity.
10 I didn't really feel to get that specific.

11 CHAIRMAN KENNEY: I would encourage you
12 for -- just for your own edification, to maybe visit
13 with a member of our staff or even Laclede, that
14 they can give you further explanation of how
15 executive compensation -- what portion of it finds
16 its way into rates. That may not completely satisfy
17 your concerns, but it will at least provide you with
18 some additional insight that I think you might find
19 beneficial. Thanks for taking the time.

20 MR. SCHILLING: Thank you.

21 COMMISSIONER STOLL: Thank you for your
22 testimony. I have no questions. Thank you.

23 JUDGE JONES: Next we have Jan
24 Burmeister.

25 Please raise your right hand.

1 MS. BURMEISTER: Mm-hmm.

2 JUDGE JONES: Do you solemnly affirm
3 that the testimony you're about to give is the
4 truth?

5 MS. BURMEISTER: Yes.

6 JUDGE JONES: Thank you. You may
7 proceed. You may spell your last name for the court
8 reporter.

9 MS. BURMEISTER: Yeah, it's
10 B-U-R-M-E-I-S-T-E-R, first name Jan, J-A-N.

11 Happy 100th birthday.

12 JUDGE JONES: Thank you.

13 MS. BURMEISTER: In preparing to address
14 the Commission today I tried to find a comprehensive
15 history of utility rate increase requests and
16 grants. I searched news clips online then scoured
17 the websites of Laclede Gas, Missouri American
18 Water, Ameren Missouri, Metropolitan Sewer District
19 and Missouri Public Service Commission. I couldn't
20 find such a list. Though there are numerous
21 scattered tidbits and reports, a detailed
22 chronological listing does not seem to exist and I
23 kind of think I know why because I put one together.

24 When you piece the tidbits together it paints
25 a very disturbing picture. It wasn't always easy to

1 distinguish between request dates, hearing dates and
2 grant dates, so forgive me if I have got some errors
3 in this chronological listing and I'm sure I'm
4 missing some pieces. I'll go through it really
5 quickly for you just from 2007 on.

6 Ameren: 360.7 million asked for, granted
7 6 million for gas and 43 million or 21 percent for
8 electric. 2007, Laclede Gas: 33.1 million. 2007,
9 Missouri American Water granted a 12 percent
10 increase. 2008, Missouri American granted a
11 20 percent increase.

12 March of 2009, Ameren: 250.8 million.
13 July 2009, Ameren filed for another 18 percent
14 increase or 402 million. December 2009, Laclede Gas
15 requested 60 million, granted 31 and a half in
16 August of 2010. March of 2010, Missouri American
17 Water: 48.6 million, 15 percent in the year their
18 profits were 268 million and 12.5 million in bonuses
19 were given to their top executives.

20 January 2011, Ameren granted 5 and a half
21 million. February 2011, Ameren: 263 million after
22 profiting 600 million that year. May of 2011,
23 Missouri Sewer District: 1 billion in increases from
24 2012 to 2015. Customer rates went from \$29 to 47 a
25 month.

1 June 2011, Missouri American Water requested
2 42.3 million or 23 percent, granted 12 million in
3 November of 2011. July 2011, Ameren: 172 million
4 request. February 2012, Ameren requested another
5 376,000, 14 percent, but granted only 260.2 million
6 in December of 2012. Laclede Gas, in 2012 December,
7 requested 58 and a half million, that's this hearing
8 and May of 2013, Missouri Sewer District has made
9 yet another request. That is the end of my list.

10 While this Laclede Gas request for
11 infrastructure replacement is more reasonable than
12 some of the others requesting tax payers to provide
13 risky development costs, this hearing gave an
14 opportunity to once again point out a rotating
15 pattern of Missouri utilities requesting rate
16 increases.

17 Individual requests for a mere \$2 to \$6 a
18 month don't sound that daunting. However, when you
19 add all the increase percents together for any one
20 utility, over even the last five years, 12 to 47
21 percent or consider the aggregate of all utilities
22 put together, you must begin to appreciate the
23 burden this places on fixed-income customers who
24 went several years without a penny of increase in
25 their social security check.

1 Extensive background reading on the rate
2 increase requests and grants shows that even when a
3 grant stipulates no increase for the next two or
4 three years, you notice that within a month or two
5 of that expiration, a new one is filed.

6 My guess is that the utility companies employ
7 a full-time staff of attorneys whose job it is to
8 begin to prepare for the next rate increase just as
9 soon as the last one has been granted. And so this
10 perpetual pattern will go on. Can you discourage it
11 or your staff, by having rollbacks for legitimate
12 requests like this one or suggest a surcharge
13 instead of a general increase, that has an
14 expiration date after costs are recovered and
15 encourage private backing to those who need funding
16 to speculate on new developments?

17 If limiting to filing requests only three or
18 four years, they may have to lose some of their
19 full-time attorneys. Also, please consider the
20 company profits, the bonuses they give out and the
21 efficiency of their management policies in general.
22 Thank you very much.

23 JUDGE JONES: Thank you, Ms. Burmeister.
24 Any questions?

25 CHAIRMAN KENNEY: I don't, except that

1 you -- I appreciate the fact that you, very clearly,
2 pay attention to these issues and that's important
3 to the process, so I appreciate you took the time to
4 provide your list. Thank you.

5 MS. BURMEISTER: Okay.

6 COMMISSIONER STOLL: No questions.

7 JUDGE JONES: Next we have Rebecca
8 Bruchhauser Farris.

9 MS. BRUCHHAUSER: I don't have any
10 remarks.

11 JUDGE JONES: Okay. And at this point,
12 for the record, let's take entries of appearances of
13 the parties who are represented here. For Laclede
14 Gas?

15 MR. ZUCKER: Thank you, Your Honor.
16 Rick Zucker and Michael C. Pendergast here on behalf
17 of Laclede Gas Company.

18 JUDGE JONES: And for the Office of the
19 Public Counsel?

20 MR. POSTON: Thank you. Marc Poston
21 appearing for the Office of Public Counsel.

22 JUDGE JONES: And for the Staff of the
23 Commission?

24 MR. BORGMEYER: Yes, thank you, Your
25 Honor. John Borgmeyer on behalf of the Staff of the

1 Missouri Public Service Commission.

2 JUDGE JONES: Thank you. And I know
3 there are other parties that have intervened in this
4 case. Are any of them represented here today? I
5 don't see a show of hands.

6 We have gone through the list of those who
7 have signed up to give testimony. Is there anyone
8 else here who has not signed the list who would like
9 to make a statement on the record? Okay. I don't
10 see anyone. With that, then we'll go off the record
11 and the hearing is adjourned.

12 (Exhibit 1 was marked for identification
13 by the court reporter.)

14 - - - - -

15 (Proceedings concluded at 1:08 p.m.)

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CERTIFICATE OF REPORTER

I, Suzanne M. Zes, Certified Court Reporter, 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; 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.

Certified Court Reporter

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