

In the Matter of:

Union Electric Company d/b/a Ameren Missouri's Tariffs to Increase Its Revenues

GR-2019-0077 VOL. III

March 18, 2019



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Discovery Conference

March 18, 2019

Jefferson City, Missouri

Volume 3

In The Matter Of Union)
Electric Company d/b/a Ameren)
Missouri's Tariffs To Increase) File No. GR-2019-0077
Its Revenues For Natural Gas)
Service)

JOHN T. CLARK, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
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David Murray

P R O C E E D I N G S

1
2 JUDGE CLARK: Good afternoon. Today's date is
3 March 18 of 2019. It is currently 2:04 p.m. We're in
4 Room 305 of the Governor Office Building. The
5 Commission has set aside this time today for a Discovery
6 Conference in the case captioned as In the Matter of
7 Union Electric Company d/b/a Ameren Missouri's Tariffs
8 to Increase Its Revenues for Natural Gas Service, File
9 No. GR-2019-0077.

10 My name is John Clark. I'm the Regulatory Law
11 Judge in this matter. I'm going to begin by asking the
12 attorneys to enter their appearance starting with Ameren
13 Missouri?

14 MS. GRUBBS: Jermaine Grubbs on behalf of
15 Ameren Missouri, and my information has been provided to
16 the court reporter.

17 MR. MITTEN: Russ Mitten on behalf of Ameren
18 Missouri. I've also provided my information to the
19 court reporter.

20 JUDGE CLARK: Thank you. Commission staff?

21 MR. BERLIN: Judge, thank you. Appearing on
22 behalf of the staff of the Missouri Public Service
23 Commission are Robert S. Berlin and Ron Irving. I
24 believe the court reporter has all our contact
25 information.

1 JUDGE CLARK: Thank you. On behalf of the
2 Office of the Public Counsel?

3 MR. HALL: Caleb Hall on behalf of public
4 counsel. Our office has provided our contact
5 information to the court reporter.

6 JUDGE CLARK: Thank you. Anybody on the line
7 on behalf of the Missouri Division of Energy? I hear no
8 one. On behalf of the Missouri Industrial Energy
9 Consumers Group, MIEC? I hear no one.

10 The Missouri School Boards' Association
11 e-mailed indicating they would not be participating in
12 today's discovery conference. I assume everybody
13 received that e-mail. National Housing Trust?

14 MR. LINHARES: Good afternoon, Judge. On
15 behalf of National Housing Trust, this is Andrew
16 Linhares. Address is 3115 S. Grand, Suite 600, St.
17 Louis, Missouri 63118.

18 JUDGE CLARK: Mr. Linhares, would you spell
19 your name for the court reporter?

20 MR. LINHARES: Absolutely. L-i-n-h-a-r-e-s.

21 JUDGE CLARK: Anyone present on behalf of
22 Renew Missouri?

23 Anyone present on behalf of Spire?

24 Have I missed anyone? Okay. Are there any --
25 Before we get into the meat of the matter for today, are

1 there any preliminary matters or pending motions that do
2 not relate to today's discovery conference?

3 Okay. Now, the last time we were here the
4 parties agreed to see what discovery issues could be
5 informally resolved without a commission order and to
6 meet back here today to address unresolved or contested
7 discovery issues. Why don't we jump into that. As I
8 said last time, if there's going to be any confidential
9 information presented, let me know before that
10 information is presented because we have a court
11 reporter present and whatever is going to be posted to
12 EFIS I want to be sure that it's posted to EFIS
13 appropriately with the correct confidential designation
14 if necessary.

15 In regard to that, I left with a list last
16 time, and I think everybody agreed on a list, and I
17 don't remember the exact number, of some that were
18 outstanding, some that were resolved, some that were
19 going to be resolved by the end of the day, some that
20 were going to be resolved on Friday, some that were just
21 unknown and possibly some that were contested. Why
22 don't we, if nobody has any objections to this, why
23 don't we go through the list and knock out the ones that
24 have been taken care of so that I can see what's left
25 and then I'll let the parties go. Does that work for

1 everybody?

2 MR. BERLIN: Judge, if you allow me to go
3 through the list, I think I can do it a little bit
4 quicker, because the company has responded to quite a
5 few DRs. I only have some questions on a few remaining
6 ones that are in process.

7 JUDGE CLARK: Any objections to doing that?

8 MR. MITTEN: No.

9 JUDGE CLARK: Go ahead, Mr. Berlin.

10 MR. BERLIN: Okay. I'd also like to state for
11 the record that we have Lisa Ferguson and John Cassidy
12 of our auditing staff linked in by phone and Dave Murray
13 of our financial staff who is present in the hearing
14 room today.

15 What I'd like to state is first I appreciate
16 the responsiveness of the company in working to address
17 many of the DR issues that we had voiced last
18 approximately two weeks ago. I show that of that list
19 19 DRs have been answered, and there are approximately 6
20 that are in process or to be answered or where there's a
21 plan in place to accomplish that.

22 And if you'd like me to, I can go through the
23 numbers of the DRs that have been answered. Would you
24 like that?

25 JUDGE CLARK: Yes, please, just so that I can

1 know what I'm dealing with.

2 MR. BERLIN: Sure. The DRs that have been
3 answered are No. 204, 200, 198, 195, 193, 192, 191, 186,
4 173, 162 --

5 JUDGE CLARK: Hold on just a second. I don't
6 believe I had 162 on my list. I had 62 on my list.
7 Maybe that was 162.

8 MR. BERLIN: 153, 151, 150, 80.2, 47.2, 30,
9 60, 61, 65. I believe --

10 MR. MURRAY: 82.2 or 82.

11 MR. BERLIN: 82 to 82.2?

12 MR. MURRAY: Yes. And then 81 we've come to a
13 reasonable resolution.

14 MR. BERLIN: And 81. And then I have some
15 comments on approximately six.

16 JUDGE CLARK: Can you hold on to those for
17 just a second?

18 MR. BERLIN: Yes.

19 JUDGE CLARK: Office of the Public Counsel,
20 you had a couple on last time's list. Were those --

21 MR. HALL: We had a witness who requested all
22 receipts to be provided from the company. We've reached
23 a resolution of a sample size which will work for our
24 witness provided that a full response is given on time
25 which we do expect the company to provide that.

1 JUDGE CLARK: Can you give me a number of that
2 discovery?

3 MR. HALL: I'm afraid I don't have a number at
4 this time.

5 JUDGE CLARK: All right. Back to you,
6 Mr. Berlin. So I've got outstanding -- Is there a 62
7 outstanding or is that a misnumbering by me?

8 MR. BERLIN: I don't show a DR 62. I believe
9 it was the 162 and that is answered.

10 JUDGE CLARK: I'll knock that off. So what
11 I've got left are 5, 6, 95, 83, 12.1 and 12.2. I
12 believe 12.1 and 12.2 were the Office of the Public
13 Counsel's maybe.

14 MR. MITTEN: 1201 and 1202 would be the
15 enumeration that we've used for public counsel rather
16 than 12.1 and 12.2.

17 JUDGE CLARK: And you said those you've
18 reached a resolution with the company?

19 MR. MITTEN: I believe we have, yes.

20 MR. HALL: Yes.

21 JUDGE CLARK: I'll knock those off.

22 MR. BERLIN: Judge, I do have a couple
23 comments. Maybe this will help clarify.

24 JUDGE CLARK: Go ahead.

25 MR. BERLIN: On DR 185, that is an auditing DR

1 and the company has promised to provide us all the
2 documents by March 20.

3 JUDGE CLARK: Is that sufficient?

4 MR. BERLIN: I believe. I'm hoping that will
5 be. So that's Wednesday, correct. And on DR 181,
6 that's another auditing DR, the company promised all
7 documents related to that again on March 20, Wednesday.

8 JUDGE CLARK: Okay.

9 MR. BERLIN: And then --

10 JUDGE CLARK: 5, 6 and 83.

11 MR. BERLIN: On DR No. 5, the company has
12 promised to provide those documents on March 20,
13 Wednesday, as well as DR No. 6.

14 JUDGE CLARK: What do those DRs relate to?

15 MR. BERLIN: DR No. 5 has to do with the
16 October 2016 to current board of directors committee or
17 Ameren Missouri agendas, presentations and minutes.
18 That's DR 5. DR 6 relates to the October 2016 to
19 current officer meeting agendas, presentations and
20 minutes. So DR 5 and 6 go together, as well as the
21 finance DR No. 83 which is linked to DRs 5 and 6.
22 So when we take care of DR -- or receive the answers or
23 the information that we need to review for DRs 5 and 6,
24 that should take care of DR 83 as well.

25 JUDGE CLARK: 83 was Mr. Murray's; is that

1 correct?

2 MR. MURRAY: Yes.

3 JUDGE CLARK: You said that was the one you
4 indicated that that would take of that.

5 MR. MURRAY: Yes, we anticipate that.

6 JUDGE CLARK: That will happen on 3/20?

7 MR. MITTEN: Bob, on 5 and 6 our notes
8 indicate that meetings have been set up both tomorrow
9 and the 20th to review 5 and 6, and maybe John and Lisa
10 can chime in as to whether or not that's accurate
11 information.

12 MS. FERGUSON: That's correct. We set up a
13 time with Geri Best to start reviewing those minutes
14 tomorrow.

15 MR. BERLIN: Just as a follow up with regard
16 to DRs 5 and 6, staff out of an abundance of caution, I
17 believe, we also submitted supplemental DRs to clarify
18 what may be any vagueness in the original DRs 5 and 6.
19 That's the whole purpose of that is just to clarify any
20 vagueness. I don't anticipate any issues to arise.

21 MR. MITTEN: We think the information that
22 you're going to be looking at tomorrow and Wednesday is
23 going to clear up both the original and the supplemental
24 DR.

25 JUDGE CLARK: Okay. That was in regard to,

1 Mr. Mitten, your comment last time regarding the scope
2 of the request?

3 MR. MITTEN: Yes. We've greatly expanded the
4 scope.

5 MR. BERLIN: There's one more DR I would just
6 like to mention, DR 95. That is one where we asked for
7 other revenue contracts along with five years of other
8 revenue and did not receive contracts. We still need
9 affiliate revenue documentation available other than
10 leases, and that's my comment on that unless Mr. Cassidy
11 or Ms. Ferguson wish to make a comment about DR 95.

12 MS. FERGUSON: This is Lisa Ferguson. I did
13 reach out to Laura Moore this morning. They had
14 supplemented the DR with one of the contracts, but we
15 still need some affiliate revenue documentation. There
16 is -- They're not going to have leases to supplement
17 with because that's part of an ongoing issue in their
18 Cam case right now, but they should have some kind of
19 invoice documentation that shows rental revenue and
20 utilities.

21 MR. MITTEN: Lisa, did you and Laura come to
22 some sort of an agreement as to what she was going to be
23 able to provide you?

24 MS. FERGUSON: On 95?

25 MR. MITTEN: Yes.

1 MS. FERGUSON: Yes. We had talked about it.
2 Because of the fact that there's a Cam case going on
3 right now, leases haven't been executed with the
4 utilities yet. So she did say that there was some type
5 of invoice documentation that she could provide me that
6 would show the rental revenue and the utilities that the
7 affiliates are paying Ameren Missouri. So I just sent
8 her an e-mail this morning to see if she couldn't
9 supplement that in the DR as well.

10 MR. MITTEN: Okay. Thank you.

11 MR. BERLIN: Other than that, Judge, I have no
12 other comments to make. Appreciate the cooperation of
13 the company in getting these answered.

14 JUDGE CLARK: Okay. Now the last time we left
15 off it was noted that there was several that the staff
16 felt was answered unsatisfactorily. Are those at this
17 point resolved to at least where staff would be
18 satisfied with the answers they received?

19 MR. BERLIN: Judge, I'm going to have to punt
20 that one over to Ms. Ferguson and Mr. Cassidy or Mr.
21 Murray if they have any comments. I believe we're okay,
22 but I want to be clear.

23 MR. MITTEN: Or at least we're moving toward
24 okay because some of the information they thought was
25 unsatisfactory is the information they're going to be

1 looking at tomorrow and Wednesday.

2 MS. FERGUSON: I will agree with Mr. Mitten on
3 that. That was the majority of it. However, we did
4 discuss -- when Bob was reading off the list of numbers,
5 that included the inadequate responses. So 95 is the
6 only one left that has an inadequate response of which
7 we just talked about.

8 JUDGE CLARK: Okay. And our next discovery
9 conference is scheduled for April 2, I believe.

10 MS. FERGUSON: Yes. And I assume that after
11 we get done looking at the board documentation and the
12 other items that are promised for us on Wednesday, if we
13 find that we're still missing something we can always
14 address that.

15 MR. MITTEN: We want to reiterate that if
16 staff believes any of the responses that we've given
17 them are inadequate if they'll let us know immediately
18 we'll try and get with that issue.

19 MS. FERGUSON: And I've been trying to do so,
20 Mr. Mitten.

21 MR. MITTEN: No, I wasn't suggesting
22 otherwise, Lisa.

23 MS. FERGUSON: I wanted you to know that I'm
24 still trying.

25 JUDGE CLARK: Anything further, Mr. Berlin?

1 MR. BERLIN: Nothing further, Judge. Thank
2 you.

3 JUDGE CLARK: Mr. Irving?

4 MR. IRVING: No.

5 MR. HALL: I do have a question, Bob. What
6 was the DR that you had referenced would be answered by
7 the company? There was a number that you listed before
8 No. 181. Was that 185?

9 MR. BERLIN: 185.

10 MR. HALL: Okay.

11 JUDGE CLARK: Anything from the Office of the
12 Public Counsel?

13 MR. HALL: Nothing, Your Honor.

14 JUDGE CLARK: Anything from Ameren Missouri?

15 MR. MITTEN: Nothing else, Your Honor.

16 JUDGE CLARK: Okay. Well, this has been
17 amazingly productive. I couldn't be more pleased with
18 how you guys were able to work things out. I can't
19 thank you enough for this. I did not expect -- I was a
20 little worried when I saw people come in with lists with
21 big things in red. I was like okay, well, everybody
22 brief the ones you're having problems with and I'll make
23 a ruling on it. But it appears that you got most of
24 your issues resolved which is outstanding.

25 I should say at this point since we do have

1 other parties on the line, Mr. Linhares, did you have
2 anything that you wanted to say?

3 MR. LINHARES: Yes. Jermaine or other counsel
4 from Ameren, I wanted to let you know that National
5 Housing Trust is preparing some general DRs, document
6 requests, just for some basic information related to
7 efficiency and I didn't want to spring those on you. I
8 just wanted to let you know. Hopefully those will be
9 coming over early this week.

10 MR. BERLIN: Appreciate that.

11 JUDGE CLARK: Thank you, Mr. Linhares. Again,
12 I appreciate you doing everything you did to meet to
13 come to an agreement with staff in regard to resolving
14 this. I've really got nothing further to say along
15 those lines.

16 Are there any other issues that need to be
17 addressed by the Commission at this time? Staff?

18 MR. BERLIN: None, Judge. Thank you.

19 JUDGE CLARK: Office of the Public Counsel?

20 MR. HALL: None at this time.

21 JUDGE CLARK: Ameren Missouri?

22 MR. MITTEN: None, Your Honor.

23 JUDGE CLARK: Okay. Then this hearing is
24 adjourned and we will go off the record.

25 (Off the record.)

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1	30 71:8	A	assume 68:12 77:10
12.1 72:11,12,16	305 67:4	Absolutely 68:20	attorneys 67:12
12.2 72:11,12,16	3115 68:16	abundance 74:16	auditing 70:12 72:25 73:6
1201 72:14	4	accomplish 70:21	B
1202 72:14	47.2 71:8	accurate 74:10	back 69:6 72:5
150 71:8	5	address 68:16 69:6 70:16 77:14	basic 79:6
151 71:8	5 72:11 73:10,11,15, 18,20,21,23 74:7,9,16, 18	addressed 79:17	begin 67:11
153 71:8	6	adjourned 79:24	behalf 67:14,17,22 68:1,3,7,8,15,21,23
162 71:4,6,7 72:9	6 70:19 72:11 73:10, 13,18,20,21,23 74:7,9, 16,18	affiliate 75:9,15	believes 77:16
173 71:4	8	affiliates 76:7	Berlin 67:21,23 70:2, 9,10 71:2,8,11,14,18 72:6,8,22,25 73:4,9, 11,15 74:15 75:5 76:11,19 77:25 78:1,9 79:10,18
18 67:3	60 71:9	afraid 72:3	big 78:21
181 73:5 78:8	600 68:16	afternoon 67:2 68:14	bit 70:3
185 72:25 78:8,9	61 71:9	agendas 73:17,19	board 73:16 77:11
186 71:3	62 71:6 72:6,8	agree 77:2	Boards' 68:10
19 70:19	63118 68:17	agreed 69:4,16	Bob 74:7 77:4 78:5
191 71:3	65 71:9	agreement 75:22 79:13	Building 67:4
192 71:3	9	ahead 70:9 72:24	C
193 71:3	95 72:11 75:6,11,24 77:5	amazingly 78:17	Caleb 68:3
195 71:3		Ameren 67:7,12,15, 17 73:17 76:7 78:14 79:4,21	Cam 75:18 76:2
198 71:3		Andrew 68:15	captioned 67:6
2		answers 73:22 76:18	care 69:24 73:22,24
2 77:9	80.2 71:8	anticipate 74:5,20	case 67:6 75:18 76:2
20 73:2,7,12	81 71:12,14	appearance 67:12	Cassidy 70:11 75:10 76:20
200 71:3	82 71:10,11	Appearing 67:21	caution 74:16
2016 73:16,18	82.2 71:10,11	appears 78:23	chime 74:10
2019 67:3	83 72:11 73:10,21,24, 25	appropriately 69:13	clarify 72:23 74:17,19
204 71:3	3	approximately 70:18,19 71:15	Clark 67:2,10,20 68:1,
20th 74:9		April 77:9	
2:04 67:3		arise 74:20	
3		Association 68:10	
3/20 74:6			

6,18,21 70:7,9,25 71:5,16,19 72:1,5,10, 17,21,24 73:3,8,10,14, 25 74:3,6,25 76:14 77:8,25 78:3,11,14,16 79:11,19,21,23	dealing 71:1	76:1,20 77:2,10,19,23	<hr/> I <hr/>
clear 74:23 76:22	designation 69:13	File 67:8	immediately 77:17
comment 75:1,10,11	directors 73:16	finance 73:21	inadequate 77:5,6,17
comments 71:15 72:23 76:12,21	discovery 67:5 68:12 69:2,4,7 72:2 77:8	financial 70:13	included 77:5
commission 67:5,20, 23 69:5 79:17	discuss 77:4	find 77:13	Increase 67:8
committee 73:16	Division 68:7	follow 74:15	indicating 68:11
company 67:7 70:4, 16 71:22,25 72:18 73:1,6,11 76:13 78:7	document 79:5	Friday 69:20	Industrial 68:8
conference 67:6 68:12 69:2 77:9	documentation 75:9,15,19 76:5 77:11	full 71:24	informally 69:5
confidential 69:8,13	documents 73:2,7,12	<hr/> G <hr/>	information 67:15, 18,25 68:5 69:9,10 73:23 74:11,21 76:24, 25 79:6
Consumers 68:9	DRS 70:5,19,23 71:2 73:14,21,23 74:16,17, 18 79:5	Gas 67:8	invoice 75:19 76:5
contact 67:24 68:4	<hr/> E <hr/>	general 79:5	Irving 67:23 78:3,4
contested 69:6,21	e-mail 68:13 76:8	Geri 74:13	issue 75:17 77:18
contracts 75:7,8,14	e-mailed 68:11	give 72:1	issues 69:4,7 70:17 74:20 78:24 79:16
cooperation 76:12	early 79:9	Good 67:2 68:14	items 77:12
correct 69:13 73:5 74:1,12	efficiency 79:7	Governor 67:4	<hr/> J <hr/>
counsel 68:2,4 71:19 72:15 78:12 79:3,19	EFIS 69:12	GR-2019-0077 67:9	Jermaine 67:14 79:3
Counsel's 72:13	Electric 67:7	Grand 68:16	John 67:10 70:11 74:9
couple 71:20 72:22	end 69:19	greatly 75:3	Judge 67:2,11,20,21 68:1,6,14,18,21 70:2, 7,9,25 71:5,16,19 72:1,5,10,17,21,22,24 73:3,8,10,14,25 74:3, 6,25 76:11,14,19 77:8, 25 78:1,3,11,14,16 79:11,18,19,21,23
court 67:16,19,24 68:5,19 69:10	Energy 68:7,8	Group 68:9	jump 69:7
current 73:16,19	enter 67:12	Grubbs 67:14	<hr/> K <hr/>
<hr/> D <hr/>	enumeration 72:15	guys 78:18	kind 75:18
d/b/a 67:7	exact 69:17	<hr/> H <hr/>	knock 69:23 72:10,21
date 67:2	executed 76:3	Hall 68:3 71:21 72:3, 20 78:5,10,13 79:20	
Dave 70:12	expanded 75:3	happen 74:6	
day 69:19	expect 71:25 78:19	hear 68:7,9	
	<hr/> F <hr/>	hearing 70:13 79:23	
	fact 76:2	hold 71:5,16	
	felt 76:16	Honor 78:13,15 79:22	
	Ferguson 70:11 74:12 75:11,12,24	hoping 73:4	
		Housing 68:13,15 79:5	

L	misnumbering 72:7 missed 68:24 missing 77:13 Missouri 67:13,15, 18,22 68:7,8,10,17,22 73:17 76:7 78:14 79:21 Missouri's 67:7 Mitten 67:17 70:8 72:14,19 74:7,21 75:1, 3,21,25 76:10,23 77:2, 15,20,21 78:15 79:22 Moore 75:13 morning 75:13 76:8 motions 69:1 moving 76:23 Murray 70:12 71:10, 12 74:2,5 76:21 Murray's 73:25	ongoing 75:17 order 69:5 original 74:18,23 outstanding 69:18 72:6,7 78:24	public 67:22 68:2,3 71:19 72:12,15 78:12 79:19 punt 76:19 purpose 74:19	
L-I-N-H-A-R-E-S 68:20 Laura 75:13,21 Law 67:10 leases 75:10,16 76:3 left 69:15,24 72:11 76:14 77:6 lines 79:15 Linhares 68:14,16, 18,20 79:1,3,11 linked 70:12 73:21 Lisa 70:11 74:9 75:12, 21 77:22 list 69:15,16,23 70:3, 18 71:6,20 77:4 listed 78:7 lists 78:20 Louis 68:17	N National 68:13,15 79:4 Natural 67:8 noted 76:15 notes 74:7 number 69:17 72:1,3 78:7 numbers 70:23 77:4	P	Q	
M	majority 77:3 make 75:11 76:12 78:22 March 67:3 73:2,7,12 matter 67:6,11 68:25 matters 69:1 meat 68:25 meet 69:6 79:12 meeting 73:19 meetings 74:8 mention 75:6 MIEC 68:9 minutes 73:17,20 74:13	morning 75:13 76:8 motions 69:1 moving 76:23 Murray 70:12 71:10, 12 74:2,5 76:21 Murray's 73:25	p.m. 67:3 part 75:17 participating 68:11 parties 69:4,25 79:1 paying 76:7 pending 69:1 people 78:20 phone 70:12 place 70:21 plan 70:21 pleased 78:17 point 76:17 78:25 possibly 69:21 posted 69:11,12 preliminary 69:1 preparing 79:5 present 68:21,23 69:11 70:13 presentations 73:17, 19 presented 69:9,10 problems 78:22 process 70:6,20 productive 78:17 promised 73:1,6,12 77:12 provide 71:25 73:1, 12 75:23 76:5 provided 67:15,18 68:4 71:22,24	question 78:5 questions 70:5 quicker 70:4
	O	R		
	objections 69:22 70:7 October 73:16,18 office 67:4 68:2,4 71:19 72:12 78:11 79:19 officer 73:19	reach 75:13 reached 71:22 72:18 reading 77:4 reasonable 71:13 receipts 71:22 receive 73:22 75:8 received 68:13 76:18 record 70:11 79:24, 25 red 78:21 referenced 78:6 regard 69:15 74:15, 25 79:13 Regulatory 67:10 reiterate 77:15 relate 69:2 73:14 related 73:7 79:6 relates 73:18 remaining 70:5 remember 69:17 Renew 68:22 rental 75:19 76:6 reporter 67:16,19,24 68:5,19 69:11		

request 75:2	spell 68:18	
requested 71:21	Spire 68:23	
requests 79:6	spring 79:7	
resolution 71:13,23 72:18	St 68:16	
resolved 69:5,18,19, 20 76:17 78:24	staff 67:20,22 70:12, 13 74:16 76:15,17 77:16 79:13,17	
resolving 79:13	start 74:13	
responded 70:4	starting 67:12	
response 71:24 77:6	state 70:10,15	
responses 77:5,16	submitted 74:17	
responsiveness 70:16	sufficient 73:3	
revenue 75:7,8,9,15, 19 76:6	suggesting 77:21	
Revenues 67:8	Suite 68:16	
review 73:23 74:9	supplement 75:16 76:9	
reviewing 74:13	supplemental 74:17, 23	
Robert 67:23	supplemented 75:14	
Ron 67:23		
room 67:4 70:14		
ruling 78:23		
Russ 67:17		
S	T	
sample 71:23	talked 76:1 77:7	
satisfied 76:18	Tariffs 67:7	
scheduled 77:9	things 78:18,21	
School 68:10	thought 76:24	
scope 75:1,4	time 67:5 69:3,8,16 71:24 72:4 74:13 75:1 76:14 79:17,20	
Service 67:8,22	time's 71:20	
set 67:5 74:8,12	today 67:5 68:25 69:6 70:14	
show 70:18 72:8 76:6	today's 67:2 68:12 69:2	
shows 75:19	tomorrow 74:8,14,22 77:1	
size 71:23	Trust 68:13,15 79:5	
sort 75:22	type 76:4	
		U
		Union 67:7
		unknown 69:21
		unresolved 69:6
		unsatisfactorily 76:16
		unsatisfactory 76:25
		utilities 75:20 76:4,6
		V
		vagueness 74:18,20
		voiced 70:17
		W
		wanted 77:23 79:2,4, 8
		Wednesday 73:5,7, 13 74:22 77:1,12
		week 79:9
		weeks 70:18
		work 69:25 71:23 78:18
		working 70:16
		worried 78:20
		Y
		years 75:7