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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Prehearing Conference
October 28, 2004
Jefferson City, Missouri
Volume 1

Cochran Development, Inc., Doing)	
Business as Expressways Food Shops,)	
)	
Complainant,)	
)	
v.)	Case No. EC-2005-0004
)	
Aquila, Inc.,)	
)	
Respondent.)	

KEVIN A. THOMPSON, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE.

REPORTED BY:

KELLENE K. FEDDERSEN, CSR, RPR, CCR
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APPEARANCES:

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FOR: Cochran Development, Inc.,
d/b/a Expressways Food Shops.

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FOR: Staff of the Missouri Public
Service Commission.

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

2 JUDGE THOMPSON: Good morning. We are here
3 in the matter of Cochran Development, Inc., doing business
4 as Expressways Food Shops, Complainant vs. Aquila, Inc.,
5 Respondent, Case No. EC-2005-0004.

6 My name is Kevin Thompson. I'm the
7 Regulatory Law Judge assigned to preside over this matter.
8 And we will begin by taking oral entries of appearance.
9 Why don't we begin with Complainant?

10 MR. EDMISTON: Thank you. Cochran
11 Development, Inc. appears by counsel John Edmiston.

12 JUDGE THOMPSON: Thank you, sir. Go ahead
13 and state your address if you would.

14 MR. EDMISTON: Address is 118 Hout, that's
15 H-o-u-t, Street in Warrensburg, Missouri 64093.

16 JUDGE THOMPSON: Thank you. Mr. Cooper.

17 MR. COOPER: Dean L. Cooper, the law firm
18 of Brydon, Swearngen & England, P.C., P.O. Box 456,
19 Jefferson City, Missouri 65102, appearing on behalf of
20 Aquila, Inc.

21 JUDGE THOMPSON: Thank you. Mr. Meyer?

22 MR. MEYER: Good morning. David Meyer on
23 behalf of the Staff of the Missouri Public Service
24 Commission. Our address is P.O. Box 360, Jefferson City,
25 Missouri 65102.

1 JUDGE THOMPSON: Thank you. Let the record
2 reflect that the Office of the Public Counsel has elected
3 not to attend this proceeding.

4 The purpose of this what we call an early
5 prehearing conference is to bring the parties together for
6 two reasons. First is so that settlement discussions will
7 be pursued. I assume that there have already been some
8 settlement discussions before you've gotten here today,
9 but by bringing you all the way from home and putting you
10 in this room -- which is available to you, by the way,
11 until five o'clock -- hopefully you will pursue additional
12 discussions that may be fruitful.

13 The second reason we bring you together is
14 so that you can cooperatively develop a proposed
15 procedural schedule. Our Order of the 15th requires that
16 a proposed procedural schedule be filed by November 4th.
17 I think that's a week from today. That's our usual
18 procedure. Generally Staff takes responsibility for
19 filing the proposed procedural schedule, but you all get a
20 chance to talk about what sort of dates you think it ought
21 to contain.

22 For those of you who have not participated
23 in proceedings in front of this Commission in the past,
24 our proceedings are a little bit unusual in that we have
25 prepared prefiled direct testimony, which is filed in

1 booklet form like a -- looks like a deposition really more
2 than anything else. And so the proposed procedural
3 schedule will contain dates for the filing of prepared
4 testimony, unless the parties decide they want to waive
5 prefiled testimony and just do a live hearing, we can do
6 that as well, which perhaps might be more cost effective,
7 more quick. Whatever you decide to do.

8 We also typically will have a statement of
9 contested issues filed. In a complaint case the pleadings
10 can pretty much frame the issues, but in many Commission
11 cases there are no issue-framing pleadings, and so we
12 require the parties to file them prior to the hearing,
13 also a statement of position as to each issue. I think we
14 could probably forego those two items in this complaint
15 case. I think the pleadings frame the issues pretty well.

16 And then typically after the hearing we
17 have briefing. Again, if you want, you can waive briefing
18 and simply do oral arguments at the conclusion of the
19 hearing, if you would prefer to do that.

20 At this time I'll ask the parties if they
21 have anything to bring to my attention. Mr. Meyer?

22 MR. MEYER: Actually, I would seek
23 clarification of what your expectations are of Staff in
24 this matter. Is the expectation that Staff would provide
25 its position through preparing testimony and participating

1 in the hearing process, or is there an alternative view
2 that you would have of what we should do?

3 JUDGE THOMPSON: I'm glad you raised that
4 question. Typically what we do in a consumer complaint
5 case is we direct Staff to undertake an investigation of
6 the circumstances alleged in the pleadings in order to get
7 a non-partisan technical report on whether or not -- you
8 know, here we have a meter that presumably wasn't working
9 for some period of time. It's contested exactly when it
10 wasn't working.

11 So I think at this time we'll go ahead and
12 direct the Staff investigation for exactly that reason.
13 Okay? And you can go ahead and put a date for the filing
14 of a report in the procedural schedule. So you guys get
15 to pick the date.

16 Anything else? See, if you hadn't said
17 anything, you guys would have gotten out of here without
18 that probably.

19 Okay. Hearing nothing further, that will
20 conclude the recorded portion of this prehearing
21 conference. Nice to see you all today.

22 WHEREUPON, the recorded portion of the
23 prehearing conference was concluded.

24

25

TRANSCRIPT OF PROCEEDINGS 10/28/2004

<p>A</p> <p>a 1:18 2:7,10 4:14 4:16,17,19,24 5:1 5:1,5,8,9,13 6:4,7 6:8,13,14 about 4:20 Actually 5:22 additional 4:11 address 3:13,14,24 after 5:16 Again 5:17 ahead 3:12 6:11,13 all 4:9,19 6:21 alleged 6:6 already 4:7 also 5:8,13 alternative 6:1 an 4:4 6:1,5 and 3:8,13 4:9 5:2,5 5:11,16,18,25 6:11,13,13 anything 5:2,21 6:16,17 appearance 3:8 APPEARANCES 2:1 appearing 3:19 appears 3:11 Aquila 1:15 2:5 3:4 3:20 are 3:2 4:24 5:11,23 arguments 5:18 as 1:12 3:4 5:6,13 ask 5:20 assigned 3:7 Associate 2:10 assume 4:7 at 2:2,6 5:18,20 6:11 attend 4:3 attention 5:21 Attorney 2:2,6 available 4:10</p>	<p>but 4:9,19 5:10 by 1:22 3:8,11 4:9 4:10,16</p> <p>C</p> <p>C 3:1 call 4:4 can 4:14 5:5,10,17 6:13 Capitol 2:3 case 1:14 3:5 5:9,15 6:5 cases 5:11 CCR 1:23 chance 4:20 CHIEF 1:19 circumstances 6:6 City 1:8 2:4,12 3:19 3:24 clarification 5:23 Cochran 1:12 2:9 3:3,10 Commission 1:2 2:14 3:24 4:23 5:10 Complainant 1:13 3:4,9 complaint 5:9,14 6:4 conclude 6:20 concluded 6:23 conclusion 5:18 conference 1:7 4:5 6:21,23 consumer 6:4 contain 4:21 5:3 contested 5:9 6:9 Cooper 2:2 3:16,17 3:17 cooperatively 4:14 cost 5:6 could 5:14 counsel 2:10 3:11 4:2 CSR 1:23</p>	<p>direct 4:25 6:5,12 discussions 4:6,8,12 do 5:5,5,7,18,19 6:2 6:4 doing 1:12 3:3 don't 3:9 d/b/a 2:9</p> <p>E</p> <p>E 3:1,1 each 5:13 early 4:4 East 2:3 EC-2005-0004 1:14 3:5 Edmiston 2:6 3:10 3:11,14 effective 5:6 elected 4:2 else 5:2 6:16 England 2:2 3:18 entries 3:8 exactly 6:9,12 expectation 5:24 expectations 5:23 Expressways 1:12 2:9 3:4</p> <p>F</p> <p>FEDDERSEN 1:23 file 5:12 filed 4:16,25 5:9 filing 4:19 5:3 6:13 firm 3:17 First 4:6 five 4:11 Food 1:12 2:9 3:4 for 2:5,9,13 4:5,18 4:22 5:3 6:9,12,13 forego 5:14 form 5:1 frame 5:10,15 from 4:9,17 front 4:23 fruitful 4:12 further 6:19</p>	<p>H</p> <p>H 2:6 hadn't 6:16 has 4:2 have 4:7,22,24 5:8 5:17,21 6:2,8,17 hearing 5:5,12,16 5:19 6:1,19 here 3:2 4:8 6:8,17 home 4:9 hopefully 4:11 Hout 2:7 3:14 H-o-u-t 3:15</p> <p>I</p> <p>I 3:1 4:7,17 5:13,15 5:22 6:11 if 3:13 5:17,19,20 6:16 in 3:3,15 4:10,23,23 4:23,24,25 5:9,10 5:14,23 6:1,4,6,6 6:14 Inc 1:12,15 2:5,9 3:3,4,11,20 investigation 6:5,12 is 3:6,14,24 4:5,6,10 4:13,25 5:24 6:1,5 issue 5:13 issues 5:9,10,15 issue-framing 5:11 it 4:20 6:9 items 5:14 its 5:25 It's 6:9 I'll 5:20 I'm 3:6 6:3</p> <p>J</p> <p>Jefferson 1:8 2:4,12 3:19,24 John 2:6 3:11 Judge 1:19 3:2,7,12 3:16,21 4:1 6:3 just 5:5</p>	<p>LITIGATION 1:23 little 4:24 live 5:5 looks 5:1</p> <p>M</p> <p>Madison 2:11 many 5:10 matter 3:3,7 5:24 may 4:12 meter 6:8 Meyer 2:10 3:21,22 3:22 5:21,22 MIDWEST 1:23 might 5:6 Missouri 1:1,8 2:13 3:15,19,23,25 MO 2:4,7,12 more 5:1,6,7 morning 3:2,22 Mr 3:10,14,16,17 3:21,22 5:21,22 much 5:10 my 3:6 5:21</p>
<p>B</p> <p>be 4:7,12,16 5:6 been 4:7 before 4:8 begin 3:8,9 behalf 3:19,23 bit 4:24 booklet 5:1 Box 2:3,11 3:18,24 briefing 5:17,17 bring 4:5,13 5:21 bringing 4:9 Brydon 2:2 3:18 business 1:12 3:3</p>	<p>D</p> <p>D 3:1 date 6:13,15 dates 4:20 5:3 David 2:10 3:22 Dean 2:2 3:17 decide 5:4,7 deposition 5:1 DEPUTY 1:19 develop 4:14 Development 1:12 2:9 3:3,11</p>	<p>G</p> <p>G 3:1 General 2:10 Generally 4:18 get 4:19 6:6,14 glad 6:3 go 3:12 6:11,13 Good 3:2,22 gotten 4:8 6:17 guys 6:14,17</p>	<p>K</p> <p>K 1:23 KELLENE 1:23 Kevin 1:18 3:6 know 6:8</p> <p>L</p> <p>L 2:2 3:17 law 1:19 2:2,6 3:7 3:17 Let 4:1 like 5:1,1</p>	<p>N</p> <p>N 3:1 name 3:6 Nice 6:21 no 1:14 3:5 5:11 non-partisan 6:7 not 4:3,22 6:7 nothing 6:19 November 4:16</p> <p>O</p> <p>O 3:1 October 1:8 of 1:1,6 2:13 3:3,8 3:18,19,23,23 4:2 4:4,15,20,22,23 5:3,8,13,18,23,23 6:2,5,9,14,17,20 6:22 Office 4:2 Okay 6:13,19 on 3:19,22 6:7 or 6:1,7 oral 3:8 5:18 order 4:15 6:6 ought 4:20 our 3:24 4:15,17,24 out 6:17 over 3:7 o'clock 4:11</p> <p>P</p> <p>P 3:1</p>

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TRANSCRIPT OF PROCEEDINGS 10/28/2004

<p>participated 4:22 participating 5:25 parties 4:5 5:4,12 5:20 past 4:23 perhaps 5:6 period 6:9 pick 6:15 pleadings 5:9,11,15 6:6 portion 6:20,22 position 5:13,25 prefer 5:19 prefiled 4:25 5:5 prehearing 1:7 4:5 6:20,23 prepared 4:25 5:3 preparing 5:25 preside 3:7 Presiding 1:18 presumably 6:8 pretty 5:10,15 prior 5:12 probably 5:14 6:18 procedural 4:15,16 4:19 5:2 6:14 procedure 4:18 proceeding 4:3 proceedings 1:6 4:23,24 process 6:1 proposed 4:14,16 4:19 5:2 provide 5:24 Public 1:2 2:13 3:23 4:2 purpose 4:4 pursue 4:11 pursued 4:7 put 6:13 putting 4:9 P.C 2:2 3:18 P.O 2:3,11 3:18,24</p> <hr/> <p>Q</p> <p>question 6:4 quick 5:7</p> <hr/> <p>R</p> <p>R 3:1 raised 6:3 really 5:1 reason 4:13 6:12 reasons 4:6 record 4:1 recorded 6:20,22 reflect 4:2 Regulatory 1:19</p>	<p>3:7 report 6:7,14 REPORTED 1:22 require 5:12 requires 4:15 Respondent 1:16 3:5 responsibility 4:18 room 4:10 RPR 1:23</p> <hr/> <p>S</p> <p>S 3:1 said 6:16 schedule 4:15,16,19 5:3 6:14 second 4:13 see 6:16,21 seek 5:22 Service 1:2 2:14 3:23 SERVICES 1:23 settlement 4:6,8 Shops 1:12 2:9 3:4 should 6:2 simply 5:18 sir 3:12 so 4:6,14 5:2,11 6:11,14 some 4:7 6:9 sort 4:20 Staff 2:13 3:23 4:18 5:23,24 6:5,12 state 1:1 3:13 statement 5:8,13 Street 2:7,11 3:15 Suite 2:7 Swearengen 2:2 3:18</p> <hr/> <p>T</p> <p>takes 4:18 taking 3:8 talk 4:20 technical 6:7 testimony 4:25 5:4 5:5,25 than 5:2 Thank 3:10,12,16 3:21 4:1 that 4:2,6,7,12,14 4:15,24 5:6,19,24 6:2,3,8,12,18,19 that's 3:14 4:17,17 the 2:13 3:3,6,17,23 3:23 4:1,2,2,4,5,9 4:10,13,15,19,23 5:2,3,4,9,10,12,12</p>	<p>5:15,15,16,18,18 5:20,24 6:1,6,6,12 6:13,14,15,20,22 6:22 them 5:12 then 5:16 there 4:7 5:11 6:1 they 5:4,20 think 4:17,20 5:13 5:15 6:11 this 3:7 4:3,4,10,23 5:14,20,24 6:11 6:20 Thompson 1:18 3:2 3:6,12,16,21 4:1 6:3 those 4:22 5:14 through 5:25 time 5:20 6:9,11 to 3:7 4:3,5,10,20 4:21 5:4,7,12,12 5:13,19,21,21 6:5 6:6,15,21 today 4:8,17 6:21 together 4:5,13 TRANSCRIPT 1:6 two 4:6 5:14 typically 5:8,16 6:4</p> <hr/> <p>U</p> <p>undertake 6:5 unless 5:4 until 4:11 unusual 4:24 usual 4:17</p> <hr/> <p>V</p> <p>v 1:14 view 6:1 Volume 1:9 vs 3:4</p> <hr/> <p>W</p> <p>waive 5:4,17 want 5:4,17 Warrensburg 2:7 3:15 was 6:23 wasn't 6:8,10 way 4:9,10 we 3:2,8,9 4:4,13,24 5:5,8,11,13,16 6:2 6:4,5,8 week 4:17 well 5:6,15 we'll 6:11 what 4:4,20 5:23 6:2,4</p>	<p>Whatever 5:7 when 6:9 WHEREUPON 6:22 whether 6:7 which 4:10,25 5:6 who 4:22 Why 3:9 will 3:8 4:6,11 5:3,8 6:19 with 3:9 without 6:17 working 6:8,10 would 3:13 5:19,22 5:24 6:2,17</p> <hr/> <p>Y</p> <p>you 3:10,12,13,16 3:21 4:1,9,9,10,11 4:13,14,19,20,22 5:7,17,17,19 6:2,3 6:7,13,14,16,17 6:21 your 3:13 5:23 you've 4:8</p> <hr/> <p>1</p> <p>1 1:9 118 2:7 3:14 15th 4:15</p> <hr/> <p>2</p> <p>200 2:11 2004 1:8 28 1:8</p> <hr/> <p>3</p> <p>312 2:3 360 2:11 3:24</p> <hr/> <p>4</p> <p>4th 4:16 456 2:3 3:18</p> <hr/> <p>5</p> <p>573)635-7166 2:4 573)751-3234 2:12</p> <hr/> <p>6</p> <p>64093 2:7 3:15 65102 2:12 3:19,25 65102-0456 2:4 660)747-9141 2:8</p>
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