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STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

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TRANSCRIPT OF PROCEEDINGS

Hearing

October 8, 1999  
Jefferson City, Missouri  
Volume 2

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In the Matter of the Application of )  
Union Electric Company d/b/a AmerenUE )  
and Ozark Border Electric Cooperative )  
for Approval of a Written Territorial )  
Agreement Designating the Boundaries )  
of Each Electric Service Supplier within )  
Portions of Bollinger, Butler, Carter, )  
Dunklin, Iron, Madison, New Madrid, )  
Reynolds, Ripley, Stoddard and Wayne ) Case No.  
Counties, Authorizing the Sale, ) EO-99-599  
Transfer, and Assignment of Certain )  
Electric Distribution Facilities, )  
Easements and Other Rights, Generally )  
Constituting the Applicants' Electric )  
Utility Business Associated with its )  
Customers Transferred Pursuant to the )  
Territorial Agreement. )

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BILL HOPKINS, Presiding,  
SENIOR REGULATOR 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                               (EXHIBIT NOS. 1 THROUGH 8 WERE MARKED FOR

3   IDENTIFICATION.)

4                               JUDGE HOPKINS: My name is Bill Hopkins,

5   Regulatory Law Judge, and this is October 8, 1999.

6   And we're here on Case Number EO-99-599 and that is

7   the application of Union Electric Company d/b/a

8   AmerenUE and Ozark Border Electric Cooperative for

9   approval of a written territorial agreement.

10                              Now, let's go around the room and take

11   oral entries of appearance, please.

12                              We'll start with you, Ms. Perkins.

13                              MS. PERKINS: Yes. Patricia Perkins of

14   Hendren and Andrae, representing Stoddard County

15   Intervenors. Do you need an address?

16                              JUDGE HOPKINS: No. We've got that

17   written down.

18                              MS. COOK: Shannon Cook on behalf of the

19   Office of the Public Counsel and the Public.

20                              MR. DUFFY: Gary Duffy with the law firm

21   of Brydon, Swearngen and England, P.C., appearing

22   for the City of Malden and the City of Poplar

23   Bluff.

24                              MR. BOBNAR: William Bobnar, Ameren

25   Services Company, appearing on behalf of AmerenUE

1     which is doing business -- excuse me -- appearing  
2     on behalf of Union Electric Company which is doing  
3     business as AmerenUE.

4             MR. WIDGER: My name is Rod Widger. I'm  
5     with the firm of Andereck, Evans, Milne, Peace and  
6     Baumhoer. I'm here today representing Ozark Border  
7     Electric Cooperative.

8             MR. FREY: My name is Dennis Frey, and I'm  
9     representing the Staff of the Missouri Public  
10    Service Commission.

11            JUDGE HOPKINS: All right. Off the record  
12    we have marked exhibits and went over some  
13    preliminary matters. One of them was the -- there  
14    was one small typo in the unanimous Stipulation and  
15    Agreement, and the parties are going to file what's  
16    called a unanimous Stipulation and Agreement  
17    corrected.

18            Also the unanimous Stipulation and  
19    Agreements made reference to a territorial  
20    agreement between the City of Poplar Bluff and  
21    Ozark Border, and there was no citation as to the  
22    case number on that. So I'm going to put in there  
23    as EO-98-143.

24            Any other preliminary matters? All  
25    right. I'm going to go off the record and go get

1 the Commissioner Lumpe.

2 (OFF THE RECORD.)

3 JUDGE HOPKINS: Commissioner Lumpe has  
4 some other things going on that she can't come in  
5 here, so she said to go ahead with the opening  
6 statements. I also wanted to remind you-all, I  
7 think I mentioned this before, is that we do not  
8 need briefs here. So if anybody wants to make a  
9 closing argument, they may do so.

10 Mr. Bobnar, go ahead with your opening  
11 statement.

12 MR. BOBNAR: Thank you, your Honor. May  
13 it please the Commission. My name is William  
14 Bobnar. I'm an attorney for Ameren Service  
15 Company, and I'm here today representing Union  
16 Electric Company which is doing business as  
17 AmerenUE. I'd like to introduce AmerenUE's sole  
18 witness in this case, Mr. Doug Groesbeck. Doug is  
19 the manager of the district that negotiated the  
20 territorial agreement between Ozark Border and  
21 AmerenUE, therefore he is fully familiar with the  
22 issues before us today.

23 The matter before us today is whether the  
24 revised territorial agreement between AmerenUE and  
25 Ozark Border Electric Cooperative and the unanimous

1 Stipulation and Agreement should be approved. I'd  
2 like to start by giving you a little background on  
3 this case.

4 On June 16, 1999 AmerenUE and Ozark Border  
5 filed a joint application requesting among other  
6 things that the Commission issue an order approving  
7 the territorial agreement authorizing the answer of  
8 certain customers slash members between the parties  
9 and authorizing the sale, transfer and assignment  
10 of certain electrical distribution facilities that  
11 are used to serve the customers or members  
12 transferred pursuant to the agreement.

13 The territorial agreement, a portion of  
14 the agreement established exclusive service areas  
15 as between the parties in Bollinger, Butler,  
16 Carter, Dunklin, Iron, Madison, New Madrid,  
17 Reynolds, Ripley, Stoddard and Wayne Counties.

18 The joint application was docketed as  
19 Case No. EO-99-599. Shortly thereafter the Cities  
20 of Poplar Bluff, the Cities of Malden and Stoddard  
21 County Intervenor, a group of Ozark Border Members  
22 requested to intervene in this case the Commission  
23 granted. At the request of the Office of Public  
24 Counsel the Commission also ordered a local public  
25 hearing to be held in Dexter, Missouri. On

1 August 19, 1999 the public hearing was held.

2 At the public hearing many Ozark Border  
3 members testified in opposition to the proposed  
4 forced exchange of Ozark border members to  
5 AmerenUE. In their testimony presented in this  
6 case, the Office of the Public Counsel also raised  
7 concerns with respect to the customer exchange.

8 Shortly after the public hearings, all  
9 parties in case EO-99-599 entered into  
10 negotiations. And these negotiations have resulted  
11 in the unanimous Stipulation and Agreement, which  
12 resolves all issues in the case. As a result of  
13 this Ameren -- as a result of this unanimous  
14 Stipulation and Agreement and to reflect the  
15 understandings contained therein, AmerenUE have  
16 revised the territorial agreement, which is now  
17 referred to as the revised territorial agreement.

18 I wish now to highlight some of the major  
19 changes. The territorial agreement boundaries  
20 remain the same. However, a language was added to  
21 the revised territorial agreement stating that the,  
22 quote, exclusive service territories -- excuse  
23 me -- exclusive service areas, end quote, of  
24 AmerenUE and Ozark Border described in the revised  
25 territorial agreement and the Commission approval

1 of said agreement doesn't in no way affect or  
2 diminish the present rights or duties of the cities  
3 of Poplar Bluff and Malden.

4 The revised territorial agreement will  
5 only be used to apportion customers between  
6 AmerenUE and Ozark Border. Thus, after the  
7 effective date, AmerenUE and Ozark Border between  
8 them shall have the exclusive right to furnish  
9 electric service to all new structures located in  
10 the respective, quote, exclusive service areas.

11 Further, the language was also included in  
12 the revised territorial agreement that state, one,  
13 nothing in the revised territorial agreement in any  
14 way limits the existing or future service  
15 territory of either Poplar Bluff, Malden or any  
16 other municipal areas.

17 Two, that Poplar Bluff, Malden and any  
18 other municipally owned electric supplier is and  
19 shall be free to serve anywhere it may legally  
20 choose without regard to the revised territorial  
21 agreement boundaries.

22 Three, nothing in the revised territorial  
23 agreement prohibits Poplar Bluff, Malden or any  
24 other municipally owned electric supplier from  
25 serving any load or area that they may otherwise



1     legally serve in the future.

2             Or, four, any situation that affects the  
3     rights of Poplar Bluff, Malden, AmerenUE, Ozark  
4     Border or any other municipally owned electric  
5     supplier under Section 386.800 RSMo including the  
6     municipalities rights to annex the territory.

7             The second major change to the agreement  
8     is as follows: The agreement still requires that  
9     AmerenUE customers listed in the joint application  
10    be transferred to Ozark Border. However, the  
11    agreement was modified such that existing Ozark  
12    Border members located in AmerenUE's, quote,  
13    exclusive service area will not be transferred to  
14    AmerenUE. No structure being served by Ozark  
15    Border will be transferred to AmerenUE without the  
16    expressed consent of the owner of that structure,  
17    and the consent provision will apply to the  
18    owners -- the current owner of the Ozark Border  
19    service structure and their successors in title.

20            The third major provision added to  
21    Ozark -- the revised territorial agreement permits  
22    any Ozark Border member in the AmerenUE service  
23    area to request a transfer to AmerenUE. Ozark  
24    Border will not object to this transfer and will  
25    serve the member until AmerenUE can technically and

1 economically implement the transfer.

2           The fourth provision added to the revised  
3 territorial agreement permits any Ozark Border  
4 member who builds a residence on property owned by  
5 that member and it's presently being served by  
6 Ozark Border to obtain Ozark Border service for  
7 this new residence provided said residence is to be  
8 occupied for relative of the owner.

9           The fifth provision clarifies the fact  
10 that Water District No. 1 will remain an Ozark  
11 Border member. There were some misconceptions  
12 about that at the public hearings, and that was  
13 specifically included in the agreement, along with  
14 provisions that allow them to continue to serve  
15 new -- buy any new wells and pumps to their  
16 system.

17           As a result of these changes the Staff of  
18 the Commission and the Office of Public Counsel,  
19 AmerenUE, Ozark Border and the Stoddard County  
20 Intervenors now agree that these changes and other  
21 clarifications, which I have not mentioned in my  
22 opening statement to the revised -- make the  
23 revised territorial agreement in the public  
24 interest, and therefore recommend the Commission  
25 should approve it.

1           To this end we're here today to have a  
2   hearing on this unanimous Stipulation and Agreement  
3   and present the evidence necessary to support the  
4   finding that the agreement is in the public  
5   interest.

6           Today I am going to be presenting my  
7   witness, Mr. Groesbeck, and he will present his  
8   recommendations on the revised territorial  
9   agreement and the stipulation should be approved.  
10   Thank you very much.

11           JUDGE HOPKINS: Thank you, Mr. Bobnar.  
12           Shannon Cook?

13           MS. COOK: Thank you, your Honor. I'd  
14   just like to make a few brief comments. I believe  
15   Mr. Bobnar has thoroughly presented the main points  
16   in this stipulation. I'd just like to remark that  
17   there was a lot of public interest in this case.  
18   And by our count, 305 people at the local public  
19   hearing, and Public Counsel appreciates the  
20   extensive efforts and hard work that went into the  
21   companies addressing the concerns of those  
22   customers, I believe almost to the extent that it  
23   was humanly possible. So OPC whole heartedly  
24   supports this agreement and addresses the  
25   Commission to adopt it as submitted. Thank you.

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1 JUDGE HOPKINS: Ms. Perkins?

2 MS. PERKINS: Yes. Just very briefly, I

3 represent the Stoddard County Intervenors, which

4 substantially was the group at the public hearing

5 were Ozark Border members who were so opposed to

6 the territorial agreement. They were in opposition

7 to being switched from Ozark Border to AmerenUE.

8 And other than having the territories not switched

9 at all, I believe that AmerenUE and Ozark Border

10 have both met all the concerns that my clients have

11 and worked diligently towards that, and I do

12 appreciate their hard work and their willingness to

13 try to respond to the concerns of my clients.

14 JUDGE HOPKINS: Thank you.

15 Any other opening statements? Hearing

16 none, are you ready to proceed, Mr. Bobnar?

17 MR. BOBNAR: Yes. Thank you, your Honor.

18 MR. HOPKINS: All right. Call your

19 witness, please.

20 MR. BOBNAR: Yes, your Honor, I call Doug

21 Groesbeck.

22 (WITNESS SWORN.)

23 JUDGE HOPKINS: Please sit down,

24 Mr. Groesbeck and spell your first and last name

25 for the court reporter.

1                   MR. GROESBECK: Doug Groesbeck. First  
2     name, D-O-U-G; last name, G-R-O-E-S-B-E-C-K.  
3                   MR. HOPKINS: Direct examination,  
4     Mr. Bobnar, you may proceed.  
5                   MR. BOBNAR: Thank you, your Honor.  
6     DOUG GROESBECK, being first duly sworn, testified  
7     as follows:  
8     DIRECT EXAMINATION BY MR. BOBNAR:  
9         Q.     Please state your name and business  
10    address.  
11         A.     My name is Doug Groesbeck. My business  
12    address is 45 South Minnesota Avenue, Cape  
13    Girardeau, Missouri 63703.  
14         Q.     By whom are you employed?  
15         A.     I am employed by Union Electric doing  
16    business as AmerenUE.  
17         Q.     And what capacity are you employed?  
18         A.     I'm a manager of a district and it's  
19    termed Southeast District and it covers quite a bit  
20    of the southeast area of Missouri, bootheel area.  
21         Q.     Are you familiar with the subject matter  
22    of a joint application of AmerenUE and Ozark Border  
23    Electric Cooperative in this case?  
24         A.     Yes, I am.  
25         Q.     Mr. Groesbeck, I'm going to direct your

1 attention to a document that has been marked for  
2 the record as Exhibit 1. Would you please identify  
3 that document for me?

4 A. It's the revised territorial and exchange  
5 agreement between Union Electric Company and Ozark  
6 Border Electric Cooperative.

7 MR. BOBNAR: Your Honor, without  
8 objections I would move to enter the revised  
9 territorial exchange agreement, which has been  
10 marked as Exhibit 1 into evidence.

11 JUDGE HOPKINS: All right. Does anyone  
12 have any objection to enter the revised territorial  
13 agreement, Exhibit No. 1?

14 MS. COOK: No, your Honor.

15 MS. PERKINS: No, your Honor.

16 MR. WIDGER: No, your Honor.

17 JUDGE HOPKINS: I hear no objections.  
18 I'll receive that into evidence.

19 (EXHIBIT NO. 1 WAS RECEIVED INTO EVIDENCE  
20 AND MADE A PART OF THE RECORD.)

21 BY MR. BOBNAR:

22 Q. Mr. Groesbeck, I'm going to now hand you a  
23 copy of a document which has been marked as  
24 Exhibit No. 2, and I'm going to ask you to identify  
25 that for me?

1           A.    This is the unanimous Stipulation and  
2   Agreement that has been corrected that pertains to  
3   this territorial agreement.

4           MR. BOBNAR:   Your Honor, for a point of  
5   clarification for the record, Mr. Groesbeck stated  
6   that the unanimous Stipulation and Agreement as  
7   marked notes that it has been corrected.   This  
8   correction was not substantive.   It simply  
9   corrected a scripture area that was found in the  
10  document after it was submitted.

11          MR. FREY:   Right.   Just if I might, your  
12  Honor, for point of further clarification.   On  
13  page 14 the wherefore section of the document  
14  paragraph L, there's a reference to -- there was a  
15  reference to paragraph six 26 -- 25 -- excuse me --  
16  of the original filing.   That has been changed and  
17  corrected to paragraph 26.   That is the only  
18  correction or difference between this document and  
19  the one that was filed previously.

20          JUDGE HOPKINS:   All right.   Thank you.

21          MR. FREY:   Thank you.

22          JUDGE HOPKINS:   Any objections to the  
23  corrected Stipulation and Agreement being entered  
24  into evidence?

25          MR. BOBNAR:   No, your Honor.

1 MS. COOK: No, your Honor.

2 MS. PERKINS: No.

3 JUDGE HOPKINS: Hearing no objection, I'll  
4 receive that into evidence.

5 (EXHIBIT NO. 2 WAS RECEIVED INTO EVIDENCE  
6 AND MADE A PART OF THE RECORD.)

7 MR. BOBNAR: Thank you, your Honor.

8 BY MR. BOBNAR:

9 Q. Mr. Groesbeck, have you prepared testimony  
10 for submission in this proceeding?

11 A. Yes, I have.

12 Q. I'm going to hand you another document  
13 which has been marked as Exhibit 3. I'm going to  
14 ask you to identify this.

15 A. This is a copy of my direct testimony with  
16 the appropriate attachments and exhibits.

17 Q. Thank you, Mr. Groesbeck.

18 If I asked you each of the questions  
19 appearing in this testimony, would your answers be  
20 as shown therein?

21 A. Yes, they would.

22 Q. Do you wish to make any other additions,  
23 corrections or deletions to your testimony at this  
24 time?

25 A. Well, I think the essence of my testimony



1 remains basically the same even though the  
2 territorial agreement has been revised through the  
3 negotiation effort that culminated with the  
4 unanimous stipulation, but the essence of the  
5 testimony dealing with the benefits of territorial  
6 agreements and keeping with the direction and  
7 intent of the statutes that provide for such, I  
8 think my original testimony pretty well reflects  
9 still the principles that we drove for.

10 And even though the end result is not  
11 achieved, I guess the maximum regarding the intent,  
12 the original intent of the statutes that provided  
13 for territorial agreements, there are still  
14 benefits being derived from this revised agreement,  
15 and we certainly support that.

16 Q. Do you recommend that the Commission  
17 approve the revised territorial agreement?

18 A. Yes, I do.

19 MR. BOBNAR: Your Honor, I offer Exhibit  
20 No. 3, Mr. Groesbeck's testimony, for entering into  
21 evidence in this case.

22 JUDGE HOPKINS: All right. Does anyone  
23 have any objections to James -- I'm sorry --  
24 Douglas Groesbeck's direct testimony being entered  
25 into evidence as Exhibit No. 3?

1 MS. COOK: No, your Honor.

2 JUDGE HOPKINS: Hearing no objection, I

3 will allow this into evidence.

4 (EXHIBIT NO. 3 WAS RECEIVED INTO EVIDENCE

5 AND MADE A PART OF THE RECORD.)

6 MR. BOBNAR: Your Honor, I offer

7 Mr. Groesbeck now for cross-examination.

8 JUDGE HOPKINS: All right.

9 Cross-examination, Ozark Border?

10 MR. WIDGER: No questions.

11 JUDGE HOPKINS: Staff?

12 MR. FREY: No questions, your Honor.

13 JUDGE HOPKINS: Mr. Duffy?

14 MR. DUFFY: No questions, your Honor.

15 JUDGE HOPKINS: OPC?

16 MS. COOK: No questions, your Honor.

17 JUDGE HOPKINS: And Ms. Perkins?

18 MS. PERKINS: No questions.

19 JUDGE HOPKINS: Thank you. There are no

20 questions from the Bench.

21 You may step down, Mr. Groesbeck.

22 All right. Next we have on this -- you

23 have no further witnesses, Mr. Bobnar?

24 MR. BOBNAR: I have no further witnesses,

25 your Honor. Thank you.

1 JUDGE HOPKINS: Ozark Border, no  
2 witnesses?  
3 MR. WIDGER: No witnesses.  
4 JUDGE HOPKINS: And Staff?  
5 MR. FREY: Thank you, your Honor. Staff  
6 calls James Ketter.  
7 (WITNESS SWORN.)  
8 JUDGE HOPKINS: Please be seated and spell  
9 your first and last name for the court reporter.  
10 MR. KETTER: My name is James, J-A-M-E-S,  
11 Ketter, K-E-T-T-E-R.  
12 JUDGE HOPKINS: Direct examination,  
13 Mr. Frey?  
14 MR. FREY: Thank you, your Honor.  
15 JAMES KETTER, being first duly sworn, testified as  
16 follows:  
17 DIRECT EXAMINATION BY MR. FREY:  
18 Q. By whom are you employed, Mr. Ketter and  
19 in what capacity?  
20 A. I'm employed by the Missouri Public  
21 Service Commission as a staff member. I'm an  
22 engineer in the electric department of the Public  
23 Service Commission.  
24 Q. And did you prepare and cause to be filed  
25 in this docket rebuttal testimony, which has been

1 marked for purposes of identification as Exhibit 4?

2 A. Yes, I have.

3 Q. And do you have any corrections to that

4 testimony at this time?

5 A. No.

6 Q. If I were to ask you the questions posed

7 in the testimony today, would your answers be

8 substantially the same?

9 A. Yes.

10 Q. Are those answers true and correct to the

11 best of your information, knowledge and belief?

12 A. Yes.

13 Q. And, Mr. Ketter, have you read the revised

14 territorial agreement and the unanimous Stipulation

15 and Agreement in this case?

16 A. Yes, I have.

17 Q. And you indicated, did you not, in your

18 testimony that the territorial agreement is in the

19 public interest. Is that your belief today --

20 A. Yes, it is.

21 Q. -- that the revised agreement is in the

22 public interest?

23 A. Yes.

24 Q. Thank you, Mr. Ketter.

25 MR. FREY: With that, your Honor, I would

1 offer for admission into the record Exhibit 4,  
2 which is Mr. Ketter's rebuttal testimony.

3 JUDGE HOPKINS: Any objection to James  
4 Ketter's rebuttal testimony being entered into  
5 evidence as Exhibit No. 4?

6 MS. COOK: No, your Honor.

7 MR. BOBNAR: No, your Honor.

8 JUDGE HOPKINS: Hearing no objection, I  
9 will enter that into evidence.

10 (EXHIBIT NO. 4 WAS RECEIVED INTO EVIDENCE  
11 AND MADE A PART OF THE RECORD.)

12 MR. FREY: And now I tender the witness  
13 for cross-examination.

14 JUDGE HOPKINS: Thank you.

15 Cross-examination, Mr. Bobnar?

16 MR. BOBNAR: No questions, your Honor.

17 JUDGE HOPKINS: Mr. Duffy?

18 MR. DUFFY: No questions, your Honor.

19 JUDGE HOPKINS: Do you pronounce it  
20 Widger?

21 MR. WIDGER: Widger. No questions.

22 JUDGE HOPKINS: Mr. Widger, thank you.

23 Ms. Cook?

24 MS. COOK: No questions, your Honor.

25 JUDGE HOPKINS: Ms. Perkins?

1 MS. PERKINS: No questions.

2 JUDGE HOPKINS: No questions from the

3 Bench.

4 May this witness be excused?

5 Thank you. You may step down.

6 Now, we also had Mr. Rackers as one of

7 your witnesses. We're going to wait till the end

8 of the testimony for all the rest of the testimony

9 to be entered into evidence of witnesses who are

10 not here.

11 MR. FREY: That's correct, your Honor. We

12 would move at this time to have the remaining

13 prefiled testimony entered into evidence.

14 JUDGE HOPKINS: All right. Is there any

15 objection to Stanley Estes' direct testimony being

16 entered into evidence as Exhibit No. 5?

17 MS. COOK: No.

18 MR. BOBNAR: No, your Honor.

19 JUDGE HOPKINS: Hearing no objection, I

20 will allow that into evidence.

21 (EXHIBIT NO. 5 WAS RECEIVED INTO EVIDENCE

22 AND MADE A PART OF THE RECORD.)

23 JUDGE HOPKINS: Any objection to Stephen

24 Rackers' rebuttal testimony being entered into

25 evidence as Exhibit No. 6?

1 MS. COOK: No, your Honor.  
2 MR. BOBNAR: No, your Honor.  
3 MS. PERKINS: No.  
4 MR. FREY: No.  
5 JUDGE HOPKINS: Hearing no objection, I  
6 will enter that into evidence.  
7 (EXHIBIT NO. 6 WAS RECEIVED INTO EVIDENCE  
8 AND MADE A PART OF THE RECORD.)  
9 JUDGE HOPKINS: As Exhibit No. 7 we have  
10 David Darnell's rebuttal. Any objection to that?  
11 MS. COOK: No, your Honor.  
12 MR. BOBNAR: No, your Honor.  
13 JUDGE HOPKINS: Hearing no objection, I  
14 will enter that into evidence.  
15 (EXHIBIT NO. 7 WAS RECEIVED INTO EVIDENCE  
16 AND MADE A PART OF THE RECORD.)  
17 JUDGE HOPKINS: We have Doug Bagby's  
18 rebuttal as No. 8. Is there any objection to that  
19 being entered into evidence?  
20 MR. BOBNAR: No, your Honor.  
21 MS. COOK: No.  
22 MR. WIDGER: No.  
23 JUDGE HOPKINS: Hearing no objection, I  
24 will enter that into evidence.  
25 (EXHIBIT NO. 8 WAS RECEIVED INTO EVIDENCE

1       AND MADE A PART OF THE RECORD.)

2               JUDGE HOPKINS: Barb Meisenheimer is No. 9

3       and that is her rebuttal testimony. Any objection

4       to that being entered into evidence?

5               MR. BOBNAR: No, your honor.

6               MR. WIDGER: No.

7               JUDGE HOPKINS: Exhibit No. 10, which is

8       the final exhibit, are letters from the public

9       tendered by OPC. Is there any objection to those

10       being entered into evidence?

11              MR. BOBNAR: No, your honor.

12              MR. WIDGER: No.

13              JUDGE HOPKINS: Hearing no objection, I

14       will enter those into evidence.

15              (EXHIBIT NOS. 9 AND 10 WERE RECEIVED INTO

16       EVIDENCE AND MADE A PART OF THE RECORD.)

17              MS. COOK: Your Honor, can I make a

18       comment about that? The exhibit isn't here at the

19       moment. I'm expecting it any second. It's rather

20       voluminous, and when I left the office, staff was

21       almost finished with it. So if it turns out to be

22       after we have adjourned and there are enough copies

23       for everyone, could it be late filed or how could I

24       handle that?

25              JUDGE HOPKINS: Yes, that would be fine.



1 All right. Now, we've stopped here  
2 because we've run out of witnesses; is that  
3 correct?  
4 MR. FREY: That's correct, your Honor.  
5 JUDGE HOPKINS: Good place to stop then.  
6 Again, I have told you-all we do not need briefs.  
7 Does anyone have any closing statements?  
8 MR. BOBNAR: No, your Honor.  
9 MR. WIDGER: No.  
10 MS. COOK: No.  
11 JUDGE HOPKINS: No one is volunteering to  
12 have any closing statements?  
13 If there's nothing further I'm going to go  
14 off the record and adjourn the hearing. Thank  
15 you.  
16 WHEREUPON, the hearing in this case was  
17 concluded.  
18 (EXHIBIT NO. 9 WAS MARKED FOR  
19 IDENTIFICATION.)  
20  
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1	E X H I B I T S		MARKED REC'D
2	EXHIBIT NO. 1		
3	Revised Territorial and Exchange Agreement	3	14
4	EXHIBIT NO. 2		
5	Unanimous Stipulation and Agreement	3	16
6	EXHIBIT NO. 3		
7	Direct Testimony of Doug Groesbeck	3	18
8	EXHIBIT NO. 4		
9	Rebuttal Testimony of James L. Ketter	3	21
10	EXHIBIT NO. 5		
11	Direct Testimony of Stanley Estes	3	22
12	EXHIBIT NO. 6		
13	Rebuttal Testimony of Stephen M. Rackers	3	23
14	EXHIBIT NO. 7		
15	Rebuttal Testimony of David Darnell	3	23
16	EXHIBIT NO. 8		
17	Rebuttal Testimony of Doug Bagby	3	23
18	EXHIBIT NO. 9		
19	Rebuttal Testimony of Barbara Meisenheimer	9	24
20	EXHIBIT NO. 10		
21	Letters from the Public	*	24
22	* Exhibit was later marked for identification.		
23			
24			
25			

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