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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Prehearing Conference
March 29, 1999
Jefferson City, Missouri
Volume 1

In the Matter of the Investigation)
into the Class Cost of Service and) Case No. E0-96-15
Rate Design for Union Electric)
Company.)

SHELLY A. REGISTER, Presiding,
REGULATORY LAW JUDGE.

REPORTED BY:
KELLENE K. FEDDERSEN, CSR, RPR
ASSOCIATED COURT REPORTERS, INC.

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10 FOR: Laclede Gas Company.

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15 FOR: Missouri Retailers Association.

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19 St. Louis, Missouri 63102

20 FOR: Missouri Industrial Energy Consumers.

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23 St. Louis, Missouri 63101

24 FOR: Industrials/Hospitals, Chrysler
25 Corporation, et al.

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15 Jefferson City, Missouri 65102

16 FOR: Staff of the Missouri Public
17 Service Commission.

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P R O C E E D I N G S

JUDGE REGISTER: We're at ten o'clock on March 29th. Case number in this case is EO-96-15, in the matter of the investigation into the class cost service and rate design for Union Electric Company. This case was opened pursuant to Commission's Report and Order in Case No. ER-95-411, issued July 21st, 1995, which approved the parties' Stipulation and Agreement in that case.

This prehearing conference was set by the Commission Order September 1, 1999, and continued with the Order Amending Procedural Schedule that was issued on February 16th, 1999.

I'm Judge Register, and I'll ask for your appearances. If you would like to start Mr. Cook, I'd appreciate it.

MR. COOK: Thank you. James J. Cook, appearing on behalf of Union Electric Company, Post Office Box 66149, St. Louis, Missouri 63166, also at 1901 Chouteau Avenue, St. Louis, Missouri.

MR. OVERFELT: Sam Overfelt, appearing on behalf of Missouri Retailers Association, 618 East Capital Avenue, Jefferson City, Missouri 65102, P.O. Box 1336.

MR. KRUEGER: Keith R. Krueger and Dennis L.

1 Frey for the Staff of the Missouri Public Service
2 Commission. My mailing address is P.O. 360, Jefferson
3 City, Missouri 65102-360.

4 MS. SCHMIDT: Diana Schmidt appearing for
5 the Missouri Industrial Energy Consumers. My address
6 is Bryan Cave, 211 North Broadway, Suite 3600,
7 St. Louis, Missouri 63102.

8 MR. FULTON: Rob Fulton appearing on behalf
9 of Doe Run Company, P.O. Box 151, Fredericktown,
10 Missouri 63645.

11 MR. COFFMAN: John B. Coffman on behalf of
12 the Office of the Public Counsel, P.O. Box 7800,
13 Jefferson City, Missouri 65102.

14 MR. JOHNSON: Robert C. Johnson appearing on
15 behalf of the Missouri Energy Group, Chrysler, et al.
16 My address is 720 Olive Street, 24th Floor, St. Louis,
17 Missouri 63101.

18 MR. BYRNE: Thomas M. Byrne appearing on
19 behalf of Laclede Gas Company. My address is 720
20 Olive Street, St. Louis, Missouri 63101.

21 MS. FORREST: Dallas M. Forrest appearing on
22 behalf of Retirement Facilities Coalition. My address
23 is Goller, Gardner & Feather, 131 East High Street,
24 Jefferson City, 65101.

25 MR. MOLTENI: Ronald Molteni and Mark Long

1 with the Office of the Attorney General, appearing on
2 behalf of the State of Missouri. Office address is
3 P.O. Box 899, Jefferson City, Missouri 65102.

4 JUDGE REGISTER: Just to clarify, there are
5 a couple -- between this case and E0-96-14 and
6 EM-96-149 there have been some party issues. And I
7 think in this case we've just recently issued an Order
8 permitting withdrawal. I still have Laclede Gas
9 Company as a party, an Intervenor in this case with
10 Michael Pendergast representing, and he's not --

11 MR. BYRNE: I'm Tom Byrne. I'm representing
12 Laclede.

13 JUDGE REGISTER: I'm sorry. I had you down
14 under the wrong place there, Tom. Thank you very
15 much. Okay. And then Ms. Schmidt, I had a filing the
16 other day on E0-96-14 that indicated that McDonald
17 Douglas is now the Boeing Company, and they're still a
18 party?

19 MS. SCHMIDT: Yes.

20 JUDGE REGISTER: And is RC Cement Company
21 one of your clients?

22 MS. SCHMIDT: No. I think RC Cement is
23 represented by Bob Johnson.

24 JUDGE REGISTER: Is that correct,
25 Mr. Johnson?

1 MR. JOHNSON: That's correct.

2 JUDGE REGISTER: And Mr. Johnson, I have you
3 down for Barnes and Jewish Hospital, Emerson Electric
4 and the Doe Run Company.

5 MR. JOHNSON: Not Doe Run.

6 JUDGE REGISTER: Not Doe Run. Thank you
7 very much. Mr. Fulton, I have you down for Doe Run
8 Company and Asarco.

9 MR. FULTON: I'll probably be filing a
10 withdrawal by Asarco. They're no longer in business
11 in the state of Missouri.

12 JUDGE REGISTER: That would take them out of
13 the litigation, wouldn't it? Okay. That's with some
14 of these older cases, as they turn over, it's
15 difficult to keep up with all of that.

16 Trigen St. Louis Energy Corporation,
17 Mr. French was representing them previously, and he's
18 not present today. And I had Comenco American
19 represented by Mr. Otto, Donald Otto, previously in
20 litigation, and they're not present today.

21 Okay. And I have UtiliCorp United, Missouri
22 Public Service represented by James Swearengen,
23 Christine Egbarts previously, and they're not present
24 today.

25 I'm not excusing anyone, but I'm just trying

1 to clarify who's still parties and who's still here
2 because our policy is going to be these days not to
3 excuse anyone, but if you're not present you take your
4 own chances based upon what the other parties agree
5 to.

6 And if the parties file a motion to dismiss
7 parties that aren't present at the prehearing
8 conference, it's my understanding that the rules allow
9 parties who do not show up for the prehearing
10 conference to be dismissed. That's not going to be
11 done unless there's a motion or an Order to show cause
12 filed, but I just wanted to clarify that.

13 Do we have any motions pending in this case
14 that we need to rule on at this point?

15 (No response.)

16 I know this hearing was scheduled -- this
17 prehearing conference was scheduled as a prehearing
18 slash settlement conference, and I know that while
19 some of the judges in the past have set prehearing
20 conferences for various reasons, you know, we're
21 trying to set them or trying to use them to determine
22 whether there are any actual issues in controversy or
23 whether those issues can be resolved and settled.

24 I expect in this case, I understand that
25 we're talking class cost of service and rate design,

1 that you probably all have issues to resolve and
2 settle today. And so what I'm hoping to do is
3 maybe -- I'd like to meet back with you maybe
4 Wednesday morning if you-all are still going to be
5 proceeding at that date to determine if there are any
6 issues that still remain or are unresolved.

7 Does anyone else have any suggestion on what
8 your proposal for proceeding in this prehearing
9 conference is?

10 MR. COOK: I hope -- well, if we're still
11 here Wednesday morning, I hope we're well on our way
12 to settling, and it would be appropriate to bring you
13 up to date at that time.

14 If we recognize by the end of the day
15 tomorrow -- end of the day today or sometime tomorrow
16 that we're not going there, I think that at least some
17 of us are of the opinion that it would be better to
18 just recognize that, let you know and go about our
19 business. I assume that if we reach that we can let
20 you know at that point and report in.

21 JUDGE REGISTER: I'd appreciate it if that's
22 the case. Does anybody else have any different
23 opinion or perspective there?

24 (No response.)

25 That's what I'd like to do then, is if you

1 could let me know if it appears that you're going to
2 proceed and you're not going to be meeting Wednesday,
3 you're not proceeding towards that settlement, let me
4 know. And I may try to get the court reporter back at
5 that time to see if we can resolve any remaining
6 issues.

7 I hate to go into what your issues are at
8 this point because I expect that there are going to be
9 numerous at this time. Is that accurate?

10 MR. COOK: Yes.

11 JUDGE REGISTER: Have the parties had an
12 opportunity to use anything other than this time for
13 settlement conference yet?

14 MR. COOK: Not really, no. I think there
15 may have been a few minor discussions amongst a few of
16 the parties just on clarifications, but nothing
17 substantial.

18 JUDGE REGISTER: So the consensus would be
19 today, your expectation as the parties is that this is
20 the time for settlement conference?

21 MR. COOK: Yes.

22 JUDGE REGISTER: I see a nodding of heads
23 around the room, and so you would like for me to leave
24 and you can proceed with your business; is that
25 correct?

1 MR. OVERFELT: On the case we're hearing,
2 did you say 96-11? I understood you to say 96-11. I
3 thought it was 9615.

4 JUDGE REGISTER: Oh, I'm sorry. This case,
5 if I stated it incorrectly, it should be 96-15.

6 MR. COOK: It was 96-411.

7 JUDGE REGISTER: 95-411 was the previous
8 case that established this case. That was just the --
9 95-411 was the previous case.

10 MR. OVERFELT: About four years ago?

11 JUDGE REGISTER: Yeah. Got you. All right.
12 Just one last question. Mr. Overfelt, I had gotten in
13 one of the other cases, 96-14, a withdrawal in that
14 case, but you're going to be remaining in this case;
15 is that correct?

16 MR. OVERFELT: Yes.

17 JUDGE REGISTER: And is Missouri Retailers
18 in the other case expecting to withdraw entirely or
19 you're just representing your representation is being
20 withdrawn?

21 MR. OVERFELT: Just my representation and
22 the association's representation.

23 JUDGE REGISTER: Okay. I don't think we
24 have anything else.

25 We can go off the record.

1 WHEREUPON, the recorded portion of the
2 prehearing conference was concluded.

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