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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

PREHEARING CONFERENCE

November 21, 2001  
Jefferson City, Missouri  
Volume 1

Darryl Marc Stone,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. EC-2002-134
	)	
Union Electric Company,	)	
d/b/a AmerenUE,	)	
	)	
Respondent.	)	

BEFORE:

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

REPORTED BY:

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1 APPEARANCES:  
2 DARRYL MARC STONE, Pro se  
3 321 Cap-Au-Gris Street  
4 Troy, Missouri 63379  
5 FOR: Darryl Marc Stone.  
6  
7 DAVID B. HENNEN, Attorney at Law  
8 1901 Chouteau Avenue  
9 St. Louis, Missouri 63103  
10 FOR: AmerenUE.  
11  
12 BRUCE H. BATES, Associate Counsel  
13 P. O. Box 360  
14 Jefferson City, Missouri 65102  
15 (573) 751-3234  
16 FOR: Staff of the Missouri Public Service  
17 Commission.  
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P R O C E E D I N G S

(Written Entries of Appearance filed.)

JUDGE THOMPSON: We are here in the matter of  
Darryl Marc Stone, Petitioner, versus Union Electric  
Company, doing business as AmerenUE, Case  
No. EC-2002-134. My name is Kevin Thompson; I am the  
Regulatory Law Judge assigned to preside over this  
matter.

We'll go ahead and take oral entries of  
appearance at this time beginning with the Petitioner.

MR. STONE: Darryl Stone.

JUDGE THOMPSON: Tell you what, we'll begin  
with Staff and you can see how it's done.

MR. STONE: Okay.

JUDGE THOMPSON: And then you'll get a chance  
to do it.

MR. BATES: Thank you, Your Honor. I'm  
Bruce H. Bates appearing for the Staff of the Missouri  
Public Service Commission. And my address is Post  
Office Box 360, Jefferson City, Missouri 65102-0360.

JUDGE THOMPSON: Thank you.

Ameren?

MR. HENNEN: Your Honor, appearing on behalf  
of AmerenUE, my name is David B. Hennen. My address is  
1901 Chouteau Avenue, St. Louis, Missouri 63103.

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1 JUDGE THOMPSON: Mr. Stone?

2 MR. STONE: My name is Darryl Marc Stone, and  
3 I'm appearing on the behalf of myself.

4 JUDGE THOMPSON: Thank you.

5 MR. STONE: And my address is 321 Cap-Au-Gris,  
6 C-A-P - A-U - G-R-I-S, Street, Troy, Missouri 63379.

7 JUDGE THOMPSON: Thank you, sir.

8 The purpose of this prehearing conference is  
9 twofold. First of all, it is Commission practice to  
10 bring parties together physically so that you will  
11 engage in settlement conference -- settlement  
12 discussions, which we hope will be fruitful.

13 For that reason the room is available to you  
14 until 5 p.m. today. And you're welcome to be here as  
15 long as you want and use these premises to discuss the  
16 issues that divide you.

17 I should tell you that I'll be leaving at  
18 noon, so if you need me after that time, you'll have to  
19 get me at home, okay, which can be done. Don't  
20 think -- I don't say that jokingly, but I will not be  
21 in the building after that time.

22 The other reason that we bring the parties  
23 together is to give you an opportunity to jointly  
24 prepare a procedural schedule, which will govern the  
25 further proceedings in this matter.

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1           Now, Mr. Stone, since you're representing  
2   yourself, I'll have to explain to you what a procedural  
3   schedule is and what we expect of it. And I should  
4   tell you that in American jurisprudence we don't cut a  
5   whole lot of slack to folks who represent themselves.

6           You'll be expected to comply with all the same  
7   rules and all of the same deadlines as everyone else,  
8   okay?

9           MR. STONE: Yes, sir.

10          JUDGE THOMPSON: But certainly myself and --  
11   and Staff -- or if you have procedural questions -- you  
12   understand, questions that do not go to the merits of  
13   the action, but rather -- that are purely procedural,  
14   you may address those to myself or to anyone else that  
15   you can find that you think will answer them.

16          I cannot, of course, make Staff your resource  
17   or -- or Ameren certainly not your resource, but  
18   perhaps they will answer questions if they come up.  
19   You can always call me. If it's something that I think  
20   they need to hear about, we'll do it on a conference  
21   call, all right?

22          MR. STONE: Yes, sir.

23          JUDGE THOMPSON: With respect to the  
24   procedural schedule in this case, the very first thing  
25   I want is a Staff investigation and report.

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1           Mr. Bates, do you have any idea how long that  
2 would a take?

3           MR. BATES: Just a second, Judge. We think  
4 approximately two weeks, Your Honor.

5           JUDGE THOMPSON: Two weeks. Okay.

6           So go ahead and build that in as the first  
7 item in the procedural schedule and I will issue an  
8 order -- well, it probably won't go out until we get  
9 back from the holiday, directing a staff investigation.

10          I may give you longer than that period within  
11 which to file the report just in case unexpected things  
12 come up as they often do.

13          A Staff report, Mr. Stone, is a -- what this  
14 means is that some experts on our Staff will go out and  
15 investigate your claims, whatever they are. And I have  
16 to tell you, I haven't really read your complaint yet  
17 so I don't know what your complaint -- your claims are,  
18 okay.

19          They will investigate to see whether  
20 their -- in their opinion -- their expert opinion there  
21 is any basis to what you're claiming. For example, if  
22 you say that the meter -- that the bill doesn't  
23 accurately reflect the amount of power that you used,  
24 they'll test your meter or they'll examine the meter.

25          Determine whether it's accurately reporting

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1 the amount of power used, whether they can see anything  
2 that might be going on that would lead to higher than  
3 expected bills, that sort of thing.

4 They'll then create a report of whatever they  
5 find or don't find and provide that to all parties,  
6 okay. The Commission -- very, very frequently we use a  
7 Staff investigation and report in a complaint case of  
8 this kind.

9 You understand that everything you file with  
10 the Commission has to be provided to all parties at the  
11 same time?

12 MR. STONE: Yes, sir.

13 JUDGE THOMPSON: Okay. Well, that about  
14 covers what we need to talk about, I think. Other  
15 items on the procedural schedule, there will dates of  
16 filing of testimony; typically direct, rebuttal,  
17 surrebuttal.

18 By direct testimony we mean the testimony of  
19 any party that supports their case in chief, okay. If  
20 they have a claim on which they have the burden of  
21 proof.

22 You're the Complainant. You have the burden  
23 of proof. You'll need to file direct testimony, which  
24 is simply a written set of questions and answers in  
25 which you ask yourself questions about your claim and

1 then answer those questions.

2           What is your name? My name is Darryl Marc  
3 Stone. Why are you here today? I'm here because I am  
4 contesting a bill that I received from AmerenUE. What  
5 is it about the bill that you don't like? I don't like  
6 the bill because it doesn't accurately reflect my power  
7 usage for the period involved. That sort of thing,  
8 okay.

9           A nice thing about the pre-filed testimony is  
10 you get a chance to see what your opponent is gonna say  
11 in the hearing, you understand? You don't have to  
12 engage in elaborate and expensive discovery to find out  
13 what their witnesses are gonna say, because the  
14 testimony is filed with you before the hearing and you  
15 can read it and prepare your defenses accordingly,  
16 okay. And, of course, they have the same option  
17 because they'll be reading your pre-filed testimony.

18           We also have -- typically we have a list of  
19 issues. And even though this -- our complaint cases  
20 are somewhat different from other cases here in that we  
21 have pleadings that frame the issues. You file a  
22 complaint saying, here's what I don't like. They file  
23 and answer saying, here's what we don't like about what  
24 you don't like.

25           Still other issues will often arise. So what

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1 we do is we have the parties jointly prepare and file a  
2 list of the issues to be decided by the Commission,  
3 okay. Shortly after that, we'll have the parties file  
4 a statement of position in which they set out just very  
5 succinctly their factual and legal basis with respect  
6 to each of those issues -- their particular position.

7           An issue to -- to care on the example I was  
8 using earlier, your issue might be, does the bill  
9 tendered to Mr. Stone by AmerenUE for the period  
10 November 1999 accurately state the charges due for the  
11 amount of power used? There's an example, okay.

12           And your position might be, no, the bill is  
13 not accurate because it does not accurately reflect the  
14 amount of power used, okay. That's your position on  
15 that issue, all right.

16           Anything from anyone, questions, comments,  
17 motions, nothing?

18           (No response.)

19           JUDGE THOMPSON: Okay. Will conclude, then,  
20 the recorded portion of the prehearing conference. As  
21 I told you earlier, the room is available to you for  
22 your use until 5 p.m.

23           I'll be in the building until noon. You can  
24 get me at home after that. Just talk to the designated  
25 principle assistant, the DPA, up in the Adjudication

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1 Division, Dana Krijon (spelled phonetically). She can  
2 reach me.

3 Thank you very much for traveling down here  
4 and taking the time to see us today. Be seated,  
5 please. I hope your discussions will be fruitful.

6 MR. STONE: Thank you, sir.

7 WHEREUPON, the on-the-record portion of the  
8 prehearing conference was concluded.

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