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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
Prehearing Conference  
February 8, 2001  
Jefferson City, Missouri  
Volume 1  
  
Zoltek Corporation, )  
Complainant, )  
vs. ) Case No. EC-2001-345  
Union Electric Company, )  
doing business as AmerenUE, )  
Respondent. )

NANCY M. DIPPELL, Presiding,  
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:  
KELLENE K. FEDDERSEN, CSR, RPR  
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18 FOR: Staff of the Missouri Public  
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1 P R O C E E D I N G S

2 JUDGE DIPPELL: This is Case No. EC-2001-345,  
3 the complaint of Zoltek Corporation vs. Union Electric  
4 Company, doing business as AmerenUE.

5 At this time I'd like to go ahead and take  
6 oral entries of appearance. Zoltek Corporation?

7 MR. ALLEN: My name is Terry C. Allen, and  
8 it's T-e-r-r-y, middle initial C., A-l-l-e-n, with Allen,  
9 Holden & McIntosh Law Offices, LLC here in Jefferson City,  
10 and I've supplied the reporter with the document for the  
11 entry of appearance.

12 I am cocounsel with the firm of Kodner,  
13 Watkins, Muchnik & Dunne. Jerry Dunne, D-u-n-n-e, and  
14 that's Gerald, G-e-r-a-l-d, Brian May, M-a-y, and Zane  
15 Yates, Y-a-t-e-s, also appear of record on the entry of  
16 appearance that's heretofore been filed.

17 I might mention that the original counsel who  
18 filed the Complaint was a Dempster Holland. That withdrawal  
19 as I understand it has now been granted in light of the new  
20 entry of appearance, and all of us folks represent Zoltek.

21 JUDGE DIPPELL: Thank you. And I will note,  
22 however, that you are the only counsel physically present  
23 here today; is that correct?

24 MR. ALLEN: I was asked to appear by the lead  
25 counsel.

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1 JUDGE DIPPELL: That's fine. Thank you.

2 AmerenUE?

3 MR. COOK: James J. Cook, 1901 Chouteau  
4 Avenue, Post Office Box 66149, St. Louis, Missouri 63166,  
5 appearing on behalf of Union Electric Company, doing  
6 business as AmerenUE.

7 JUDGE DIPPELL: Staff?

8 MR. DOTTHEIM: Lera Shemwell and Steven  
9 Dottheim, Post Office Box 360, Jefferson City, Missouri  
10 65102, appearing on behalf of the Staff of the Missouri  
11 Public Service Commission.

12 JUDGE DIPPELL: And Office of the Public  
13 Counsel?

14 MR. MICHEEL: John B. Coffman and Douglas E.  
15 Micheel appearing on behalf of the Office of the Public  
16 Counsel and the Public, P.O. Box 7800, Jefferson City,  
17 Missouri 65102-7800.

18 JUDGE DIPPELL: And again, I will note for the  
19 record that there is only Mr. Micheel present, that  
20 Mr. Coffman is entering his appearance but not present  
21 today.

22 As I said, my name is Nancy Dippell, and I am  
23 Regulatory Law Judge at the Commission. Judge Thompson has  
24 been assigned to this case and will continue to preside over  
25 the remainder of it. However, he couldn't be available this

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1 morning, so I'm presiding over the prehearing conference.

2           There was some discussion before we went on  
3 the record about objections that were made to the form of  
4 the Complaint, and those have not been ruled on. I'm not  
5 prepared to rule on those today, and I understand that  
6 you-all are going to have some additional discussions  
7 perhaps at this prehearing conference about what you would  
8 like to do with regard to those.

9           And along that vein, part of what has been  
10 ordered in this case is, part of the procedural order says  
11 that there should be a filing of a joint list of the issues,  
12 and something -- this might be a little unusual, but because  
13 of the questions raised in this case regarding what exactly  
14 this Commission is being asked to determine, I'm going to  
15 direct that when you set out your procedural schedule, you  
16 go ahead and set a date for filing your list of issues as  
17 your first item instead of waiting until after the testimony  
18 is filed so that it's clear to this Commission and clear to  
19 all of you when you're preparing the testimony exactly what  
20 issues it is that you're dealing with.

21           If you have supplemental issues after the  
22 testimony is prepared and filed and want to request  
23 permission to supplement that issues list, you can do so at  
24 that time.

25           So I would expect that you would take part of

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1 your time today, as well as discussing settlement, to  
2 discuss a proposed procedural schedule, which is supposed to  
3 be filed by February 15th, and include that issues list as  
4 the first item to be filed.

5               Also, on procedural matters, I just wanted to  
6 remind you-all that there are procedures set out for  
7 Commission hearings if you haven't been before the  
8 Commission before or very much. Those are found in Code of  
9 State Regulations 240 Chapter 2.

10              And I recommend that you-all review those and,  
11 as a reminder, to remember to bring six copies for the Bench  
12 of any exhibits that you don't prefile and, of course,  
13 copies for counsel. That's one for each Commissioner and  
14 one for the Regulatory Law Judge.

15              Are there any matters that you wish to discuss  
16 on the record or --

17              MR. ALLEN: I have none, your Honor.

18              MR. COOK: I don't believe so.

19              JUDGE DIPPELL: Well, again, I hope you'll  
20 take this opportunity to discuss settlement of these issues,  
21 at least discuss -- do you have some feeling for how long  
22 the hearing might last on this?

23              MR. ALLEN: I really don't at this time. In  
24 terms of what has been filed and in reviewing it and being  
25 kind of the new kid on the block, if you will, with respect

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1 to these matters, it appears that there's been substantial  
2 discovery in the past in regard to an existing damage suit  
3 that this is a spinoff from, and I understand there will be  
4 some other need for discovery from talking to Mr. Dunne, and  
5 we can talk about that also off the record.

6 But until personally we have more involvement  
7 in this with cocounsel, I wouldn't be able to speak to the  
8 time.

9 JUDGE DIPPELL: I will just again refer you,  
10 the Commission does have some different procedures than  
11 other courts, the circuit court would have for discovery,  
12 and there are some special procedures set out in the  
13 Commission's rules regarding data requests and that kind of  
14 thing.

15 MR. ALLEN: I have reviewed the rules, ma'am.  
16 Thank you.

17 JUDGE DIPPELL: I will refer you to those to  
18 familiarize yourself with the process before the Commission.  
19 And is there anything else? Mr. Cook?

20 MR. COOK: At this point, unless -- of course,  
21 prior to knowing what the list of issues might show, the  
22 company would anticipate as many as eight witnesses, again  
23 depending on what it is that the complaint really is asking  
24 for. Hopefully it will not be that much. So it may be a  
25 longer hearing than a typical bill complaint case.

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1 JUDGE DIPPELL: All right. Thank you. Is  
2 there anything else? All right. Then we can go off the  
3 record.

4 WHEREUPON, the recorded portion of the  
5 prehearing conference was concluded.

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