

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION

3
4 PREHEARING CONFERENCE

5 September 9, 2002
6 Jefferson City, Missouri
7 Volume 1
8

9 In the Matter of The Empire)
District Electric Company of)
10 Joplin, Missouri, for Authority)
to File Tariffs Increasing Rates) Case No. ER-2002-424
11 for Electric Service Provided to) Tariff No. 200200743
Customers in the Missouri)
12 Service Area of the Company.)

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14 NANCY M. DIPPELL, Presiding,
15 SENIOR REGULATORY LAW JUDGE.
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19 REPORTED BY:

20 STEPHANIE L. KURTZ MORGAN, RPR, CCR
ASSOCIATED COURT REPORTERS
21 714 West High Street
P. O. Box 1308
22 Jefferson City, Missouri 65101
(573) 636-7551
23
24
25

ASSOCIATED COURT REPORTERS
(573) 636-7551 JEFFERSON CITY, MO 65101
TOLL FREE 1-800-636-7551

1 APPEARANCES:

2 JAMES C. SWEARENGEN, Attorney at Law
DEAN L. COOPER, Attorney at Law
3 GARY W. DUFFY, Attorney at Law
Brydon, Swearngen & England, P.C.
4 312 East Capitol Avenue
P. O. Box 456
5 Jefferson City, Missouri 65102-0456
(573) 635-7166

6 FOR: Empire District Electric Company.

7
STUART CONRAD, Attorney at Law
8 Finnegan, Conrad & Peterson
3100 Broadway
9 1209 Penntower Office Center
Kansas City, Missouri 64111
10 (816) 753-1122

11 FOR: Praxair.

12 JOHN B. COFFMAN, Deputy Public Counsel
P. O. Box 7800
13 Jefferson City, Missouri 65102
(573) 751-4857

14 FOR: Office of the Public Counsel
15 and the Public.

16 KEITH R. KRUEGER, Deputy Counsel
DENNY L. FREY, Associate Counsel
17 BRUCE H. BATES, Associate Counsel
NATHAN WILLIAMS, Legal Counsel
18 DAVID MEYER, Associate Counsel
ERIC ANDERSON, Legal Counsel
19 ROBERT FRANSON, Legal Counsel
P. O. Box 360
20 Jefferson City, Missouri 65102
(573) 751-6434

21 FOR: Staff of the Missouri Public Service
22 Commission.

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

2 (Written Entries of Appearance filed.)

3 JUDGE DIPPELL: This is Case No. ER-2002-424,
4 In the Matter of the Empire District Electric Company
5 of Joplin, Missouri, for Authority to File Tariffs
6 Increasing Rates for Electric Service to Customers in
7 the Missouri Service Area of the Company.

8 My name is Nancy Dippell, and I'm the
9 Regulatory Law Judge assigned to this case.

10 I'm gonna begin -- the attorneys are making
11 written entries of appearance, but I'm gonna go ahead
12 and ask you to make oral entries.

13 If you don't want to repeat your address and
14 so forth, that's fine, but I would appreciate knowing
15 who you're gonna represent here today.

16 Let's start with the Staff.

17 MR. FREY: Thank you, Your Honor.
18 Representing the Staff of the Missouri Public Service
19 Commission, Eric Anderson, Bruce Bates, Robert Franson,
20 Keith Krueger, David Meyer, Nathan Williams, Dennis
21 Frey, Post Office Box 360, Jefferson City, Missouri
22 65101.

23 JUDGE DIPPELL: And just to clarify that,
24 Mr. Frey, you're the only one that's shown -- oh, no,
25 Mr. Bates is here.

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1 MR. CONRAD: Players to be named later.

2 JUDGE DIPPELL: The only -- only other Staff
3 attorney that's actually in the room right now -- well,
4 Mr. Anderson just walked in, too, so maybe I just
5 shouldn't even worry about it then.

6 All right, then, for Empire?

7 MR. SWEARENGEN: Yes. James C. Swearengen,
8 Gary Duffy and Dean Cooper, appearing on behalf of the
9 Empire District Electric Company.

10 Thank you.

11 JUDGE DIPPELL: And for the Office of Public
12 Counsel?

13 MR. COFFMAN: John B. Coffman, appearing alone
14 I believe, on behalf of the Office of the Public
15 Counsel.

16 JUDGE DIPPELL: And for Praxair?

17 MR. CONRAD: For Praxair, Your Honor, please
18 let the record show the appearance of Stuart W. Conrad
19 and possibly Jeremiah D. Finnegan later on in the
20 proceeding.

21 And we've -- or I have provided the reporter
22 with the name and address and all that stuff.

23 JUDGE DIPPELL: Thank you.

24 All right. Then everything seems to be moving
25 along in this case. We've had lots of testimony filed.

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1 And we still have a pending motion to
2 consolidate, but we're expecting that to go away if the
3 Commission accepts the stipulation and agreement in the
4 other case.

5 There -- are there any other pending motions
6 that I've overlooked?

7 MR. SWEARENGEN: I'm not aware of any.

8 MR. FREY: I don't think so.

9 JUDGE DIPPELL: My major question today is:
10 Is this going to take two weeks of hearings?

11 (No response.)

12 JUDGE DIPPELL: That's what we have it
13 scheduled for. We have it scheduled for beginning
14 October 28th going possibly through November 8th.

15 And you-all have brought lots of people today,
16 so it looks like you guys are ready to talk about
17 settling some of these issues and so forth.

18 Is there hope on that front or --

19 MR. SWEARENGEN: I think we'll have a better
20 handle later in the week as to where we are, and then
21 we can let you know if we think two weeks to try the
22 case would be necessary.

23 JUDGE DIPPELL: Okay. The reason I am
24 concerned is because I have a conflict on the second
25 week. So if this remains scheduled for two weeks, then

1 this case may actually be reassigned to another judge.

2 So I just wanted to warn you of that.

3 Mr. Conrad?

4 MR. CONRAD: Are -- are -- would you like us
5 to help you out or --

6 JUDGE DIPPELL: Well, no. No. I -- I would
7 prefer to remain the judge on the case. But if it
8 remains scheduled for two weeks, I wanted to give you
9 that advanced -- advanced warning.

10 MR. COFFMAN: Is the conflict for the entire
11 week?

12 JUDGE DIPPELL: Yes.

13 MR. COFFMAN: All right.

14 JUDGE DIPPELL: Because I would like to be
15 away from the office that week. And Judge Ruth has
16 eagerly agreed that since she handled Empire's last
17 rate case that she would stand in for me in that event.

18 But -- and since there hasn't been major
19 substantive issues going along in the -- in these early
20 parts of the -- the case, there won't be any problem
21 with someone else taking over before the hearing.

22 So is there any -- any other issues that
23 you-all have or questions, procedures?

24 (No response.)

25 JUDGE DIPPELL: All right. Then I will leave

1 you to your discussions. This room has been reserved
2 for the remainder of the week.

3 So you're -- you're welcome to remain in here
4 if you need this room. And I will be upstairs if
5 anything comes up.

6 And I will see you-all again -- some of
7 you-all again in Joplin on the 19th for a local public
8 hearing.

9 Thank you. We can go off the record.

10 WHEREUPON, the on-the-record portion of the
11 prehearing conference was concluded.

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