

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION

3 TRANSCRIPT OF PROCEEDINGS  
4

5 Procedural Conference  
6

7 August 6, 2009  
8 Jefferson City, Missouri  
9 Volume 1

10 In the Matter of I.H. Utilities, )  
11 Inc., Small Company Rate )Case No. WR-2010-0048  
12 Increase, )

13  
14 DANIEL R.E. JORDAN, Presiding  
15 REGULATORY LAW JUDGE  
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A P P E A R A N C E S

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

2 JUDGE JORDAN: Okay. We're on the record. This  
3 is the procedural conference for -- in the matter of I.H.  
4 Utilities, Incorporated, small utility rate case that's  
5 File No. WC-2009-0047. I'm Daniel Jordan. I'm the RLJ  
6 assigned to the case.

7 MS. BAKER: Not the right case number.

8 JUDGE JORDAN: WR. Thank you.

9 MS. BAKER: 0048.

10 JUDGE JORDAN: I have that totally wrong. Let's  
11 try that again. This is for Case No. WR-2010-0048. I'll  
12 take entries of appearance after I've contacted the  
13 representatives of I.H. Utilities, which I am about to do  
14 right now. Whoa. Try that again. Okay. I will try it  
15 with a zero.

16 MRS. STANLEY: Hello.

17 JUDGE JORDAN: Hello. This is Dan Jordan from  
18 the Missouri Public -- Missouri Public Service Commission.

19 MRS. STANLEY: Hello.

20 JUDGE JORDAN: Hello. Is this Lois Stanley?

21 MRS. STANLEY: Yes, it is.

22 JUDGE JORDAN: Well, good morning, Mrs. Stanley,  
23 and welcome to our procedural conference. We're just  
24 getting started. We've gone on the record. And I'm glad  
25 you could be with us today.

1                   Now, I just want to remind you just to make sure  
2 that -- first let me ask you, you're not a member of the  
3 Bar, are you?

4                   MRS. STANLEY: Oh, no.

5                   JUDGE JORDAN: Okay. Well, in that case, that  
6 means that you can't practice law, which means you can't  
7 make any legal arguments on behalf of I.H. Utilities,  
8 Incorporated. But, certainly, you can listen in.

9                   And you can certainly discuss the case with the  
10 other parties and -- and that's not a problem. The only  
11 thing that you cannot do is ask me for something, cite the  
12 law to me, pick out relevant facts. Argument and stuff  
13 like that, you cannot do. Other than that, we're -- we're  
14 happy to have you with us.

15                   MRS. STANLEY: Okay.

16                   JUDGE JORDAN: I will now take entries of  
17 appearance. And we'll start with Staff, please.

18                   MS. BRUEGGEMANN: Here on behalf of Staff is  
19 Shelley Brueggemann and Sarah Kliethermes. And I will  
20 apologize now. I have a doctor's appointment that I will  
21 have to leave for, excuse myself at 9:45 a.m., and Sarah  
22 Kliethermes will remain.

23                   JUDGE JORDAN: Hang on a second. Are we sure  
24 your microphone is on?

25                   MS. BRUEGGEMANN: Yes. The green light is on.

1 JUDGE JORDAN: Okay. The green light is on.

2 MRS. STANLEY: We can hear very faintly.

3 JUDGE JORDAN: Very faintly. Okay.

4 MRS. STANLEY: My husband is on the other line,  
5 too.

6 JUDGE JORDAN: I wonder if I turn up the volume  
7 if that will turn up your microphone as well. Can we try  
8 that again, Counsel?

9 MS. BRUEGGEMANN: Sure. This is Shelley  
10 Brueggemann. Can everybody hear me a little better now?

11 JUDGE JORDAN: Is that any better?

12 MRS. STANLEY: Not really.

13 MR. STANLEY: Let me get off the line and try  
14 this other phone.

15 JUDGE JORDAN: Okay.

16 MRS. STANLEY: Okay.

17 MS. BRUEGGEMANN: It doesn't sound like it's  
18 picking up in the back of the room.

19 UNIDENTIFIED PERSON: That's on. Yeah.

20 MS. BRUEGGEMANN: That's on.

21 JUDGE JORDAN: Okay. No different? No better?

22 MRS. STANLEY: No.

23 JUDGE JORDAN: Okay. Well, maybe I should just  
24 take it telephone unit and put it more centrally. Maybe  
25 if I put it by the court reporter, that will help.

1           JUDGE JORDAN: Mr. and Mrs. Stanley, can you  
2 hear me?

3           MR. STANLEY: Yes, I can.

4           JUDGE JORDAN: Okay. Counselor, would you like  
5 to make sure that they can hear you as well?

6           MS. BRUEGGEMANN: Can you hear me, Mr. and Mrs.  
7 Stanley?

8           MR. STANLEY: Oh, yeah. It's a lot better now.

9           MRS. STANLEY: Great.

10          JUDGE JORDAN: Okay. Good. Good. Thank you  
11 very much. All right. Counsel, you have some  
12 representatives of your client with you. Will you  
13 introduce them, please?

14          MS. BRUEGGEMANN: Yes. Absolutely. In the room  
15 today, we have Jim Russo, the Case Coordinator for this  
16 case. We have Jim Bush, the Manager of the Water & Sewer  
17 Department. We have Kim Bowling, an Auditor from the  
18 Auditing Department. And we have Dana Eaves, also from  
19 the Auditing Department. And we have Debbie Bernson from  
20 Engineering Management Services.

21          JUDGE JORDAN: All right. Thank you very much.  
22 And next, the Office of Public Counsel?

23          MS. BAKER: Thank you. Christina Baker, P.O.  
24 Box 2230, Jefferson City, Missouri, 65102, appearing on  
25 behalf of the Office of the Public Counsel. And with me,

1 I have Ted Robertson.

2 JUDGE JORDAN: Okay. Thank you very much. I  
3 also want to mention on the record that Judge Stearley,  
4 Judge Harold Stearley, Senior Regulatory Law Judge of the  
5 Missouri Public Service Commission, is with us, also, to  
6 observe this.

7 And he's not assigned to this case. He also has  
8 some small utility rate cases. And there's plenty of  
9 issues, procedural issues in these cases that we'd like to  
10 address. So he's here for to -- to observe this  
11 discussion.

12 And the purpose of the discussion today is to  
13 discuss procedure. As my Order indicates, I've not called  
14 a prehearing conference because there is no hearing  
15 scheduled right now. But we do need to discuss procedural  
16 issues.

17 And here's how I'm going to -- I'm planning to  
18 do things. And, of course, I'm open to suggestions as  
19 well. We're not taking evidence today. This is not a  
20 hearing.

21 But what I want to do is discuss some of these  
22 issues on the record, review the procedure today, discuss  
23 how we'll run the procedure from here. And then we will  
24 also -- since we're all gathered together, when that part  
25 is done, we will go off the record and I will leave the

1 room, but the parties can remain here. And I encourage  
2 them to do so to work out any issues and as many issues as  
3 they can between them.

4 I also want to mention that the Commission  
5 offers mediation in these cases just like anything else.  
6 It's a little different. Under the -- under the newer  
7 regulation, I can mediate disputes if you want me to. And  
8 if you don't feel comfortable with decisions -- the  
9 recommended decision-maker making a decision, well, we  
10 have plenty of other people that can help. Yes.

11 MS. BRUEGGEMANN: When you said under the newer  
12 regulation, were you referring to the mediation is only  
13 available under 3.050, that --

14 JUDGE JORDAN: I know it is available under 050.  
15 I don't remember whether it is under the older regulation.

16 MS. BAKER: It is not.

17 JUDGE JORDAN: It doesn't specifically mention  
18 it, but we do have a separate regulation that discusses  
19 mediation in the hearing context.

20 MS. BRUEGGEMANN: Okay.

21 JUDGE JORDAN: So if someone wants to mediate an  
22 issue, we're here for that. Now, speaking of old rules  
23 and new rules, this is a situation that I have not  
24 experienced outside this Commission.

25 The Commission had made a rule, we'll call it



1 the old rule, for small utility rate cases. And then this  
2 case was filed under that rule, and then a new rule was  
3 passed without rescinding the old rule. So we now have  
4 two procedures for one situation. And we're going to live  
5 with both of those because both of them are law. Both of  
6 them are law, and they will be, both of them, until the  
7 end of September when the rescission of the old rule  
8 finally takes place. Until then, both rules provide the  
9 parties with certain rights.

10 And my intention right now, I just want you to  
11 know how I -- how I read this is that I'd like to read  
12 them generously, that is, where they provide rights --  
13 where one provides rights to a party more than another, my  
14 inclination is to read them together and be more generous  
15 with the rights that they provide.

16 That is, if one rule sets a time limit, another  
17 rule sets a longer time limit, I'm inclined to go with the  
18 longer time limit. Certainly, there are conflicts between  
19 these regulations. One of them provides procedures that  
20 the other does not. I'd like to provide more procedures,  
21 more options for the parties. That's how I'm inclined to  
22 read this regulation, just generally.

23 Any questions or comments about that before --  
24 before we go on? I just want to give you an idea of how  
25 I'm looking at this right now because it is something of a

1 puzzle.

2           And that brings me to the documents, motions  
3 pending before the Commission right now. I'd like to  
4 start with the Office of Public Counsel's request for a  
5 local public hearing. And I'd like to discuss that a  
6 little bit.

7           I appreciate Public Counsel's explanation of the  
8 timing for the filing of this motion, referring to both  
9 regulations that are in place and the time frames set  
10 forth by both of them.

11           I -- I have a question with regard to a couple  
12 of your paragraphs in this, Ms. Baker. And I'm referring  
13 to -- mostly to paragraphs 5 and 7. And in paragraph 5,  
14 you refer to the provision that allows to you ask for  
15 either a local public hearing or an evidentiary hearing.  
16 And you very helpfully cite both regulations. And for  
17 that, I appreciate that.

18           Then under 7, you ask for both a local public  
19 hearing and an evidentiary hearing. And the evidentiary  
20 hearing is not provided in the old regulation, but you do  
21 have the right to ask for one under the new regulation.

22           And I'm looking about halfway in the middle of  
23 paragraph 7, to prevent the unnecessary duplicative cost  
24 of customer notice and a separate notice of evidentiary  
25 hearing at a later date.

1 MS. BAKER: Oh, I -- I'm sorry. That is  
2 probably just a typo on my part. A local public hearing  
3 is what I meant there.

4 JUDGE JORDAN: Okay. So in that sentence --

5 MS. BAKER: I'm sorry.

6 JUDGE JORDAN: -- where the record is  
7 evidentiary, you'd like to substitute local public --

8 MS. BAKER: Right. A separate notice of a local  
9 public hearing. Sorry. I didn't notice that.

10 JUDGE JORDAN: All right. Well, you know, I  
11 suspected that, but I didn't want to misread it or  
12 misconstrue it.

13 MS. BAKER: I appreciate it.

14 JUDGE JORDAN: So that clears that up. Okay.

15 MS. BRUEGGEMANN: So there is no evidentiary  
16 hearing request at this time, then, just the assertion of  
17 the local public hearing request? Is that clear?

18 MS. BAKER: That was my intent. Yes.

19 MS. BRUEGGEMANN: Thank you.

20 JUDGE JORDAN: Okay. So you're not --

21 MS. BAKER: No.

22 JUDGE JORDAN: -- asking for a new evidentiary  
23 hearing under the new regulations; is that correct?

24 MS. BAKER: No.

25 JUDGE JORDAN: Thank you very much. I

1 appreciate that. That's pretty important because,  
2 otherwise, we would be looking at an entirely different  
3 procedure.

4 MS. BAKER: I see that. That was a mistake.

5 JUDGE JORDAN: All right. All right. Well,  
6 that being the case, let's talk about that request for a  
7 local public hearing.

8 Ms. Baker, do you want to speak briefly to that  
9 motion and why you think you need to -- what you need to  
10 show for a local public hearing and what shows that, that  
11 is, what the standard by which the Commission will decide  
12 whether to grant a local public hearing, and what facts  
13 have you brought us that show us that it should happen?

14 MS. BAKER: The -- the issue of a local public  
15 hearing is basically to allow the customers the  
16 opportunity to provide comments to the Commission. And  
17 especially when there are issues of service problems,  
18 billing problems, things like that, which were brought up  
19 back in, I believe, 2006, whenever the original notice  
20 came out, there were comments relating to those issues.

21 And so now that we are basically three years  
22 later, the customers should have the opportunity to give  
23 their comments to the Commission and have the ability to  
24 have a local public hearing in their area where they can  
25 attend.

1 JUDGE JORDAN: Okay.

2 MS. BRUEGGEMANN: And if I may, your Honor,  
3 Staff has no opposition to a local public hearing in this  
4 matter being carried out.

5 JUDGE JORDAN: Okay. That's fine. Now, I noted  
6 that figuring prominently in Public Counsel's motion is  
7 the idea of getting out that customer notice as to the  
8 proposed settlement terms promptly so that -- with a  
9 notice of a local public hearing as well.

10 MS. BAKER: Right. The -- the issue between the  
11 two rules is if you -- if you go with the -- I believe it  
12 is the older rule. It states that -- no, actually it's  
13 the newer rule -- pleading -- no -- no -- I'm sorry. I  
14 don't see it here.

15 But anyway, there's basically a local public  
16 hearing would -- a customer notice would have to go out  
17 next Monday based on one of the rules.

18 JUDGE JORDAN: Right.

19 MS. BAKER: And so since there is a customer  
20 notice required in both rules, a notice is going to be  
21 mailed out. And so our thought was that we would combine  
22 those two notices together as to keep the -- the customer  
23 -- or the company from having to do duplicate mailings.

24 JUDGE JORDAN: Okay. All right.

25 MS. BRUEGGEMANN: And along those lines, I -- I

1 believe since Staff is also involved in developing the  
2 customer notice that getting a customer notice out by  
3 Monday would have been extremely difficult in and of  
4 itself.

5           But to make sure that both are within that and  
6 that OPC has the chance to approve and Staff has the  
7 chance to review and develop with the company, getting it  
8 out by next Monday would be impossible. So that's another  
9 highlight to this discussion for the time frame.

10           At this point -- since -- if I can take a moment  
11 to -- to deal with another issue with the parties here and  
12 the Judge here -- well, first, I want to make sure -- our  
13 -- I believe what you said, Judge Jordan, was that you  
14 feel as though since both rules are active.

15           JUDGE JORDAN: Uh-huh.

16           MS. BRUEGGEMANN: Neither have been repealed.  
17 Therefore, both are to be applied, and then -- and that's  
18 just kind of how we're going to have to go with this case.  
19 Is that generally your position?

20           JUDGE JORDAN: Well, I'm -- I'm -- yeah. I'm  
21 giving -- trying to give you an idea so as to make things  
22 less unpredictable of how I -- how I read these things.  
23 There are conflicts. And, of course, we'll have to  
24 resolve them --

25           MS. BRUEGGEMANN: Okay.

1           JUDGE JORDAN: -- between the rules. There's no  
2 doubt about that. But my -- my reading is that both of  
3 them are law.

4           MS. BRUEGGEMANN: Okay. That's good to know for  
5 us to kind of start this out.

6           JUDGE JORDAN: Yes.

7           MS. BRUEGGEMANN: The other thing that Staff  
8 found out late yesterday by fax from the company is that  
9 there may be revenue that -- that -- that -- I'm sorry. I  
10 was reading a note.

11          JUDGE JORDAN: That's okay.

12          MS. BRUEGGEMANN: We received a fax late  
13 yesterday that described the potential for a revenue  
14 requirement change. It was basically addressing fees that  
15 may have been collected that were not in the books  
16 reviewed by Mr. Eaves in the audit.

17                 But the company has brought it to Staff's  
18 attention that there is a separate billing -- I'm not sure  
19 if it's a system or just an Excel spreadsheet that they  
20 were keeping that was not presented to Staff that could  
21 affect the revenue requirement number that was presented  
22 in the Company/staff disposition agreement. And Staff has  
23 an ethical duty to make sure that that revenue requirement  
24 number is correct --

25          JUDGE JORDAN: Okay.

1 MS. BRUEGGEMANN: -- to the best of its ability  
2 at that time.

3 Until this new evidence and information is  
4 reviewed by Mr. Eaves or Water & Sewer Department staff,  
5 we can't verify now, as of late yesterday, that the  
6 revenue number presented in that company Staff disposition  
7 is accurate. So I've never been presented with a  
8 situation like this before.

9 JUDGE JORDAN: Uh-huh.

10 MS. BRUEGGEMANN: This has never really  
11 happened. It may be the most prudent thing to do at this  
12 juncture to withdraw the Company/Staff disposition  
13 agreement and the tariffs that were filed or ask for a  
14 stay temporarily.

15 We are trying to deal with this as quickly as  
16 possible to go ahead and validate numbers with the  
17 company. But, again, late yesterday to today, this thing  
18 rushes forward once it's filed. And so we were not  
19 prepared that there would be any kind of information like  
20 this.

21 JUDGE JORDAN: Okay. So what you're telling me  
22 is you've got some newly discovered information which  
23 changes --

24 MS. BRUEGGEMANN: May.

25 JUDGE JORDAN: Which may change -- which may



1 change the content of the disposition agreement.

2 MS. BRUEGGEMANN: And substantively.

3 JUDGE JORDAN: Substantively so. Okay.

4 MS. BRUEGGEMANN: And that would also change  
5 that number of what the customer notice bases its number  
6 to customers of what the potential asked for rate or  
7 amount is. So it affects, like domino effect, everything  
8 down the line.

9 JUDGE JORDAN: Right. Well, it sounds like the  
10 -- the Office of Public Counsel's idea of combining the  
11 notice is -- is a good idea. It's -- it -- it also sounds  
12 like it's, No. 1, difficult or impossible just under the  
13 timing of the new regulation and, in this case, certainly  
14 impossible given the appearance, the late appearance of  
15 this new information. Is that a good summary?

16 MS. BRUEGGEMANN: I think -- go ahead.

17 MS. BAKER: That is my understanding of what is  
18 occurring. The other thing that -- that will come out of  
19 this is possibly an additional amount of customers who  
20 will have to be notified of this. So there may be a  
21 larger notification that -- than what was --

22 JUDGE JORDAN: By the way, how many customers  
23 are we talking about?

24 MR. EAVES: I don't know that we have -- based  
25 on the evidence that we have --

1 JUDGE JORDAN: Please identify yourself.

2 MS. BRUEGGEMANN: Say your name.

3 MR. EAVES: I'm Dana Eaves, Auditing Staff. I  
4 don't know that we have a firm number locked down.

5 JUDGE JORDAN: Really?

6 MR. EAVES: And that's part of the issue is  
7 identifying the new customers that -- that falls under  
8 this -- this --

9 JUDGE JORDAN: Okay.

10 MR. EAVES: -- billing type. Exactly the  
11 Staff's --

12 JUDGE JORDAN: How many did you think you had  
13 before?

14 MR. EAVES: I had zero before.

15 MS. BRUEGGEMANN: Well, no. Just for this new  
16 issue. How many --

17 MR. EAVES: For the new issue?

18 MS. BRUEGGEMANN: For the company service area,  
19 how many customers did you -- did you think was -- they  
20 were serving?

21 MR. EAVES: Approximately 700.

22 JUDGE JORDAN: 700. Okay. And in this new  
23 service category, any idea?

24 MR. EAVES: 350 to 400.

25 JUDGE JORDAN: So we're talking about over a

1 thousand -- possibly over a thousand customers, then?

2 MR. EAVES: Possibly.

3 JUDGE JORDAN: Possibly. Okay.

4 MS. BRUEGGEMANN: Or non-hooked up customers.  
5 They're all in the category of an availability charge or  
6 something like that, so that they're not necessarily  
7 receiving service at this time, but have a reservation --

8 JUDGE JORDAN: Okay. So these --

9 MS. BRUEGGEMANN: -- ability. So it could be  
10 its own category.

11 JUDGE JORDAN: So these are people not currently  
12 receiving service, but they may have the right to in the  
13 future, so they may become customers.

14 MS. BAKER: There -- well, there is a charge  
15 that is already in the -- in the tariff that it is filed  
16 with the Commission. And it provides for an availability  
17 charge. There is an issue of whether these customers have  
18 been taken into account.

19 JUDGE JORDAN: Well, that sounds like a whole  
20 new issue, doesn't it? I hope the parties will -- will  
21 take the time after we go off the record to discuss  
22 this --

23 MS. BRUEGGEMANN: Absolutely.

24 JUDGE JORDAN: -- and exchange information. And  
25 may I suggest that as this -- as the possibility of a new

1 settlement agreement develops, I hope you'll bring Public  
2 Counsel in on the process. And, you know, the new  
3 regulation, not the old regulation, provides for the  
4 possibility of disposition agreement on which company,  
5 Staff and OPC are signatories. So I -- I hope we'll work  
6 on -- work towards that goal. All right. Let's see.

7 MS. BRUEGGEMANN: Well, if I may ask, then, with  
8 everybody in the room, since I've never been faced with  
9 this situation before, what the best path is as to the  
10 Company/Staff disposition agreement that's been filed,  
11 whether a stay might be the best idea or whether a  
12 withdrawal of the agreement and tariffs -- you know, since  
13 tariffs go into effect by operation of law --

14 JUDGE JORDAN: September 30th is the date, is it  
15 not?

16 MS. BRUEGGEMANN: Right. I -- it may be that --  
17 that a withdrawal is the best option at this point.

18 JUDGE JORDAN: Uh-huh. Let me give you my  
19 thoughts off the top of my head. I don't know if I have  
20 the power to stay anything under this -- under either  
21 regulation. I don't remember seeing the word stay.

22 I know there's a possibility of extensions. I  
23 also know this case has been going on since 2006. There  
24 is a possibility, one thing that leaps to my mind, is to  
25 dismiss this case, file another one immediately, and that

1 would precede -- well, that requires -- if another letter  
2 comes in, the new regulation provides that that opens a  
3 new case. The old regulation did not provide that it was  
4 a case. We have the current regulation, which does. So  
5 that's a possibility, too. I don't want to tell anyone  
6 how to try their case.

7 MS. BAKER: Your idea is for the company to  
8 submit a new letter to open up under the new rule? Is  
9 that --

10 JUDGE JORDAN: That's an option that occurs to  
11 me. That's an option. I'm not trying to --

12 MS. BAKER: No. I'm just clarifying your  
13 options.

14 JUDGE JORDAN: But I -- but that's something  
15 that's worth discussing today, also. Definitely.  
16 Definitely. Now -- all right. You know, and that -- that  
17 possibility, we're going to have to start all over. That  
18 affects the timing of everything else. And it makes --  
19 your new information that's just been discovered also  
20 makes it difficult to have a local public hearing when we  
21 don't know what the terms of the disposition agreement  
22 are.

23 The disposition agreement controls -- that's  
24 really what the local public hearing is largely about. So  
25 I don't know that we can make a whole lot of progress with

1 scheduling a local public hearing at this point. And I  
2 don't know what else we can -- I don't know that we had  
3 anything before us other than that. Are there any other  
4 issues that -- that the parties have in mind to discuss  
5 today?

6 MS. BRUEGGEMANN: Well, we were only planning on  
7 discussing the customer notice issue and the -- the timing  
8 of the customer notice to go out. So I think withdrawal  
9 would obviously moot that discussion.

10 Or if we -- if there -- if withdrawal wasn't the  
11 most appropriate avenue to go about it, then I'm not sure  
12 if -- if a waiver of -- well, I guess if we're looking at  
13 both rules, 336 -- 3.635 doesn't have, I don't believe, a  
14 time frame specifically set out for how quickly a customer  
15 notice has to go out after the tariffs are filed.

16 Is that -- I don't -- I don't believe it's set  
17 out in there as a hypothetical. Or as another option, the  
18 one -- the one issue might be what would be the -- the  
19 proper date to start off with when that customer notice  
20 would have to go out if this case were to remain. But  
21 that would also, again, mean that we would want to have  
22 our revenue requirement number clarified. And I'm just --  
23 I'm not sure there's enough time for that.

24 JUDGE JORDAN: Well, I can see this has really  
25 thrown you a curve.

1 MS. BRUEGGEMANN: Yes.

2 JUDGE JORDAN: Really thrown a wrench in the  
3 process. Let me make it clear. My reading of these  
4 regulations is not to obstruct the resolution of -- of  
5 this issue. It's to -- to bring us more options, more  
6 possibilities under a generous reading of both regulations  
7 and -- and I don't want to obstruct your process. I want  
8 to help it continue. So -- make sure that everyone is  
9 clear on that. But yeah. That's going to be -- that's a  
10 challenge. I can see it as a challenge for you.

11 MS. BRUEGGEMANN: But other than that, yeah,  
12 nothing else was necessary for today. So this just kind  
13 of changes.

14 MS. BAKER: My issues were the local public  
15 notice and the customers who will be notified of -- in the  
16 customer notice.

17 JUDGE JORDAN: Right. Right. Well, that's  
18 important information, and it's changed the complexion of  
19 your case, hasn't it?

20 MS. BRUEGGEMANN: Yes.

21 JUDGE JORDAN: I can tell that's true. Okay.  
22 Well, I think I had -- no. I had nothing else that I  
23 wanted to discuss. And Staff has nothing else that it  
24 wants to discuss on the record right now?

25 MS. BRUEGGEMANN: I don't think so.

1           JUDGE JORDAN: Okay. And does Public Counsel  
2 have anything else that it wants to discuss on the record  
3 right now?

4           MS. BAKER: I don't believe so. No. Thank you.

5           JUDGE JORDAN: Judge Stearley, did you have any  
6 questions for these parties while they're present?

7           JUDGE STEARLEY: Not at all.

8           JUDGE JORDAN: All right. With that, then,  
9 we'll adjourn this procedural conference, and we'll go off  
10 the record.

11           And I encourage the parties to work through  
12 these new issues and their new challenges, and I'm in the  
13 office all day. So if someone wants to inform me of such  
14 resolutions that occur, I'll be around to listen to it and  
15 to help you work things out if -- if you like.

16           MS. BRUEGGEMANN: Thank you.

17           MS. BAKER: Thank you.

18           JUDGE JORDAN: You're welcome. You're welcome.  
19 And we'll go off the record. We are adjourned.

20           (The proceedings were concluded at 9:25 a.m. on  
21 August 6, 2009.)

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