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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

PREHEARING CONFERENCE

August 9, 2005

Jefferson City, Missouri

Volume 1

In the Matter of the)
Application of Se-Ma-No)
Technologies, L.L.C., to)
Withdraw and Have Canceled All) Case No. XD-2005-0440, et al.
Certificates of Service)
Authority)

MORRIS L. WOODRUFF, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:
STEPHANIE L. KURTZ MORGAN, RPR, CCR
MIDWEST LITIGATION SERVICES

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APPEARANCES:

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FOR: Staff of the Missouri Public Service
Commission.

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

2 JUDGE WOODRUFF: Good afternoon. We're here for a
3 prehearing conference in Case No. XD-2005-0440, which in--
4 includes several other consolidated cases concerning the
5 matter of the application of Se-Ma-No Technologies, as well as
6 several other companies, to withdraw and have canceled all
7 their certificates of service authority.

8 Gonna begin today by taking entries of appearance.
9 For Se-Ma-No and the other companies?

10 MR. JOHNSON: Thank you, Judge Woodruff.

11 Craig Johnson and Jason Paulsmeyer, Andereck,
12 Evans, Milne, Peace & Johnson, 700 East Capitol, Post Office
13 Box 1438, Jefferson City, Missouri 65102, for all of the
14 consolidated applicants.

15 JUDGE WOODRUFF: Okay. And for the Staff?

16 MR. BERLIN: Robert S. Berlin and William Haas,
17 Post Office Box 360, Jefferson City, Missouri 65102, appearing
18 on the behalf of the Staff of the Missouri Public Service
19 Commission.

20 JUDGE WOODRUFF: All right. And by statute, Public
21 Counsel should be a party in this case as well. I don't see
22 anyone here from Public Counsel, and I -- they have not been
23 filing anything in -- previously in this case.

24 Has anyone had any contact with Public Counsel?

25 MR. JOHNSON: No, Your Honor.

1 MR. BERLIN: No, Your Honor.

2 JUDGE WOODRUFF: All right. Thank you.

3 All right. Well, this prehearing conference was
4 scheduled at the request of the parties and -- when you
5 originally filed your procedural schedule.

6 There's been some -- a Staff recommendation, a
7 response from the companies and a Staff reply filed at this
8 point.

9 And at this point, I believe the purpose of this
10 conference was to determine whether or not there would be any
11 disputed factual issues that would require the filing of
12 testimony and an evidentiary hearing.

13 So let me ask, Mr. Johnson, first, are -- do you
14 believe there are any factual disputes in this case?

15 MR. JOHNSON: Your Honor, I -- I'm not sure I would
16 characterize them as disputes. I think it's our burden in
17 this case to demonstrate the facts upon which the law could be
18 applied.

19 And so far we just supplied conclusory statements
20 from counsel, and we don't have either a stipulation or an
21 evidentiary record on which you could decide what the facts
22 actually are.

23 One of the topics that we -- even though there's a
24 dispute, perhaps, as to the law -- or an interpretation of the
25 law applicable, we need to get the factual record provided

1 first.

2 JUDGE WOODRUFF: Okay.

3 MR. JOHNSON: I anticipate that we will talk about
4 that today.

5 JUDGE WOODRUFF: Mr. Berlin, similar viewpoint?

6 MR. BERLIN: Yes, Your Honor, that's -- that's our
7 view as well.

8 JUDGE WOODRUFF: Okay.

9 MR. BERLIN: We need to establish the -- the facts.

10 JUDGE WOODRUFF: Do you think ultimately you'll be
11 able to give me a stipulation of facts? You don't -- you
12 don't have to give me a definite answer.

13 MR. BERLIN: I don't know --

14 JUDGE WOODRUFF: Okay.

15 MR. BERLIN: -- Your Honor. It's possible.

16 JUDGE WOODRUFF: Okay. Of course, if we have a
17 stipulation of facts, then we wouldn't need a hearing, would
18 be my understanding. And if there are disputed facts, then,
19 of course, we'll -- we'll take testimony.

20 Well, then I'm gonna ask you to file a proposed
21 procedural schedule. That proce-- the proposed procedural
22 schedule might simply be a statement that you're gonna file
23 stipulated facts on such and such a date, and briefs or any
24 formal written argument that you might want to make on another
25 date.

1 If you find that it's necessary after your
2 discussions today that we go through a -- an evidentiary
3 hearing, of course, request dates for that.

4 And I'll ask you to give me a procedural schedule,
5 then, for one -- one week from today, which would be
6 August 16th.

7 Are there any other matters anyone wants to bring
8 up while we're on the record?

9 (NO RESPONSE.)

10 JUDGE WOODRUFF: I see shaking heads out there, so
11 I'll assume that there are none.

12 With that, then, the on-the-record portion of this
13 proceeding is adjourned, and I'll leave you to your dis-- to
14 your discussions.

15 Thank you.

16 MR. JOHNSON: Thank you, Judge.

17 MR. BERLIN: Thank you.

18 WHEREUPON, the on-the-record portion of the
19 prehearing conference was concluded.

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