

1 (THE FOLLOWING PORTION OF THE PROCEEDINGS
2 WERE REPORTED BY MELINDA ADOLPHSON.)

3 JUDGE THOMPSON: Mr. Krueger, recross?

4 RECROSS-EXAMINATION BY MR. KRUEGER:

5 Q. Even under the Company's surcharge
6 proposal, is it not true that a part of the capital
7 cost of the St. Joseph plan would be shared with
8 customers in other districts in their single tariff
9 proposal modified of the surcharge?

10 A. That's my general understanding. My focus
11 on this case of the rate design portion is simply
12 the impact and the phase-in, so I'm not as
13 intimately familiar with the surcharge proposal as
14 Mr. Busch is from my office.

15 MR. KRUEGER: Thank you. That's all the
16 questions I have.

17 JUDGE THOMPSON: Thank you, Mr. Krueger.

18 Mr. Conrad -- Mr. Finnegan? Excuse me.

19 RECROSS-EXAMINATION BY MR. FINNEGAN:

20 Q. Following up on a question from Vice Chair
21 Drainer concerning customer classes, isn't it true
22 that the rates for the water company are not true
23 class rates in that you don't have a separate rate
24 for industrial or a separate rate for commercial
25 and a separate rate for residential?

1 A. It's -- excuse me -- that's my
2 understanding.

3 Q. That it depends on what size meter you
4 have the customer charge and depending on how much
5 water you use, you go through step one, then step
6 two and step three so you can be -- a residential
7 customer with a huge -- you don't fill your pot or
8 something you can be charged industrial rates or --

9 A. That brings to mind a St. Louis County
10 customer who wanted a four-inch main for his car
11 wash out in West County. Unfortunately, they only
12 had a two-inch distribution main running down the
13 street. So, yes, it is a meter-size situation.

14 MR. FINNEGAN: Okay. Thank you.

15 JUDGE THOMPSON: Mr. Deutsch?

16 RE CROSS-EXAMINATION BY MR. DEUTSCH:

17 Q. Following up on that same line that
18 Commissioner Drainer initiated, do you believe that
19 no matter what choice is made among the various
20 positions being put forward here whether it is the
21 Company, Staff or Public Counsel or somebody else,
22 there is going to be a rate increase under any of
23 the proposals that are being brought forward here,
24 right?

25 A. That's my understanding. I know of no one

1 who is a number lower than either the number
2 generated by Dr. Morris or the overall revenue
3 requirement recommended by Public Counsel.

4 Q. And under even the lowest numbers that are
5 being put forward as the revenue requirement to be
6 recovered through rates, the rate increases are
7 going to be at least noteworthy to customers?

8 A. Yes, I believe they will be noteworthy.
9 That's one reason we looked at the phase-in and
10 utilized the 15 percent was the nominal dollar
11 impact on customers.

12 Q. And would you agree that customers in
13 looking at their bills based upon the rates coming
14 out of this case no matter what those rates are and
15 seeing increases will understand much better why
16 they are seeing those increases if, in fact, it is
17 because their own costs of service are driving
18 those increases?

19 A. I'm sorry. My mind must have wondered a
20 little bit. Could you repeat that, please, sir?

21 Q. Yeah. Commissioner Lumpe was asking you
22 earlier about the impact of the rates, you were
23 explaining the phase-in and how you were trying to
24 cushion that impact, and I think mentioned also
25 that people tell her that there are a couple of

1 things that are real important, one of which is
2 paying your own costs.

3 I'm asking you, don't you agree or do you
4 agree with me that if, in fact, we're going to have
5 an increase anyway, and if, in fact, that increase
6 to customers will be doubled, they will pay
7 attention, they will see that it is much easier for
8 the customer to understand that that increase is
9 related to them paying their own cost of service
10 than it is for them to understand why they are
11 paying somebody else's cost of service like in
12 St. Joseph if you're in Joplin?

13 A. The basic position of the Office of Public
14 Counsel in this case is on a district-specific
15 basis, so I think the answer to your question is
16 that is our general feeling. We did modify our
17 proposal because of the reasonableness of rates and
18 the impacts of some of the changes that would occur
19 and the revenue responsibility from the various
20 districts.

21 Q. Do I take it from that answer that your
22 answer is yes?

23 A. I tried to say yes and then qualify it,
24 so, yes.

25 Q. Okay. So a qualified yes?

1 A. Yes.

2 Q. So you think that to a limited extent
3 people would understand the increase is better if
4 they were related to their own cost of service
5 rather than to somebody else in some other part of
6 the State?

7 A. If the primary -- I think the customers
8 will understand better that the primary driver in
9 the increase is what it costs to serve them, so,
10 yes, I believe that is.

11 Q. So I take it that you would also agree
12 then to the extent that these increases, which will
13 occur no matter what, will be noted or explained to
14 the public as being in part attributable to paying
15 for somebody else's cost of service in another part
16 of the State, that they will not be as
17 understanding of those bills as would be the
18 contrary?

19 A. I don't know that I'd say they would be
20 not as understanding, because I don't think that
21 customers -- the customers would have a -- I'm
22 trying to think how I want to say this exactly --
23 but it will be a little more difficult for them to
24 accept, but the part of the problem we had was the
25 increases for some of the customers were so

1 outrageous that if you went totally to district
2 specific -- primarily Brunswick. But some of the
3 other smaller entities that we could modify within
4 reason a district-specific basis so that it would
5 not be unacceptable to communities such as Joplin
6 which should get in our proposal no increase. And,
7 in fact, if it went district specific, should get a
8 slight decrease.

9 Q. And is it your understanding that the
10 movement that you're making towards
11 district-specific pricing is really not likely ever
12 to occur as far as the result being that everyone
13 gets to district-specific pricing?

14 A. I'm not sure how that question -- I fully
15 understand. Let me restate it. Are you saying are
16 we recommending that we ultimately get to district
17 specific?

18 Q. I'm just trying to determine from your
19 testimony, which as I understand it, is that the
20 Office of Public Counsel would like to move towards
21 district-specific pricing whether that is a
22 commitment to get there or not or whether we will
23 just forever be moving?

24 A. At this point in time I can't tell you
25 what the cost of service is going to be for any

1 district five years out with all the changes like
2 Mr. England and I discussed earlier. At this point
3 in time if Brunswick -- if the relationship of
4 Brunswick stays as it is to everybody else and
5 their size stays, I mean, it would be very
6 different to take them all the way to district
7 specific and maintain a reasonable rate. It might
8 be a just cost of service based rate, but I
9 don't -- the Office of Public Counsel at this point
10 in time doesn't feel it would be a reasonable rate
11 for Brunswick.

12 Q. So I guess we are safe in concluding then
13 that what you're saying is that the rates that you
14 are suggesting subject to Commissioner Drainer's
15 observation that you really haven't developed a
16 rate are really what we are going to be stuck with
17 for the indeterminate future at least in Joplin?

18 MR. COFFMAN: Objection, your Honor. If
19 Mr. Trippensee feels qualified to answer, he can.
20 Of course, these issues are subject of the
21 interdistrict rate design which isn't exactly
22 Mr. Trippensee's -- isn't the topic of his
23 testimony in this case.

24 MR. DEUTSCH: Your Honor, I'm following up
25 on questions from the Bench, and I'm sure that now

1 that Mr. Trippensee knows from his lawyer that he's
2 not qualified he'll tell me that, but I still would
3 like to hear it from him.

4 JUDGE THOMPSON: Mr. Trippensee?

5 THE WITNESS: Well, it would be very
6 tempting to say I'm not qualified. Where we will
7 be in the future would be determined at that point
8 in time. We have set out a rate design at this
9 point in time that we feel addresses the current
10 conditions. If the conditions change in the
11 future, we would address those at that point in
12 time. I can't tell you what we're going to do in
13 the future exactly, but we are committed toward
14 district-specific pricing as the base concept.
15 We're also committed, though, to reasonable rates.

16 MR. DEUTSCH: I guess I struck out. He's
17 the last witness, isn't he?

18 JUDGE THOMPSON: I believe so for today.

19 BY MR. DEUTSCH:

20 Q. Let me switch over to just shortly the
21 surcharge question. Isn't it true -- I guess I was
22 looking at the surcharge issue as there being a
23 proposal for a district-specific pricing, and then
24 there's a proposal for single-tariff pricing, and
25 then the surcharge issue come up.

1 It's really -- isn't it true that actually
2 if you go to some kind of a surcharge, you really
3 are talking about either being, as I've described
4 it, single-tariff pricing light or moving towards
5 DSP, but it really has nothing to do with picking
6 one or the other philosophy, it's just like the
7 phase-in, it's a method to shield the impact, isn't
8 it?

9 A. No. The surcharge is not a method to
10 shield the impact. It is a rate design, just
11 method. It is whether you take district specific,
12 that is one method. Single tariff is another
13 method. The surcharge -- let's say you just stayed
14 with single tariff, but you put a surcharge on
15 St. Joseph for their plan, that's a rate design
16 issue. You're moving St. Joseph toward district
17 specific. Maybe not all the way, not far enough in
18 some people's opinion, but it's a rate design.

19 The phase-in is strictly an impact
20 question on the customer. If you look at Public
21 Counsel's phase-in testimony, you will find that
22 our rates that are revenues, not the calculation of
23 rates, but the revenues those rates produce will be
24 equal at the end of the phase-in to the rates that
25 would have been charged absent the phase-in. The

1 revenues generated absent the phase-in.

2 The phase-in is nothing more than a
3 mitigation procedure. Surcharge is a rate. It
4 will generate revenue. So there's a definite
5 distinction between the two.

6 Q. If you went to a district-specific pricing
7 regime, there would be no need for a surcharge,
8 because the surcharge would -- that would be it.
9 For instance, St. Charles, you can call what
10 happens if St. Charles goes to cost of service a
11 surcharge or you would just say that they are in
12 cost of service?

13 A. In discussions with Chair Lumpe on the
14 surcharge, I would analogize a surcharge to
15 district-specific pricing. It is much closer to
16 that than it is to a single tariff. Because what
17 you're doing is, you're taking the capital cost and
18 setting it out on the bill as a separate billable
19 item. But as far as the cost of service is
20 concerned from determining the revenue -- excuse
21 me -- I'm using revenue requirement -- for that
22 district, St. Charles in your example, I either put
23 that plan in their revenue requirement
24 determination and then develop my commodity and
25 customer charge or I take it out of the revenue

1 requirement determination, develop a commodity and
2 a customer charge and then a third surcharge. It's
3 the same difference or the same thing. It's just a
4 little different form.

5 Q. So if there were a district-specific
6 pricing regime instituted with a phase-in, that
7 would basically solve the problem that the Public
8 Counsel is trying to solve because of your approach
9 with the phase-in, I assume is no different. I
10 mean, that's what you're trying to do with your
11 phase-in?

12 A. No different than --

13 Q. Than district-specific pricing with an
14 adjustment on where the revenue is going to come
15 from?

16 A. No. Again, the phase-in is not rate
17 design. If I owe the Company -- let's say I'm
18 their one customer, and I owe them -- today I'm
19 paying them \$50. This Commission determines I
20 should pay them \$100 a year, but this Commission
21 says that's too big an increase in one year. Now,
22 they could charge me a surcharge for that extra
23 50. They could charge me a new customer charge and
24 commodity charge. That is not the form of how they
25 charge me or they authorize the company to charge

1 me, is not critical with regard to the phase-in.

2 It doesn't make any difference.

3 The phase-in is I'm supposed to give the
4 company \$100. Now, they say, But do it over two
5 years and do a phase-in. It's the same thing as I
6 go down to a local lending institution and get a
7 loan for that \$50, or I can pay the company 25, an
8 additional 25 for 75. The Company says, You don't
9 have to pay me the 25 this year. You pay it to me
10 next year. So next year I'll pay them my 75, maybe
11 a little bit closer to the full 100 plus a portion
12 of that 25. I'm repaying the principal, and I also
13 repay a carrying cost.

14 But that has nothing -- that payment of
15 principal of interest has nothing to do with the
16 fact that I owe them \$100 per year for using their
17 water.

18 Q. Okay. I think I'm understanding then.
19 Rather than where the money comes from, it is when
20 the money comes?

21 A. Exactly. Phase-in is when. Rate design
22 is where and how much.

23 Q. So now I understand what the Office of
24 Public Counsel is mainly interested in that is
25 where the money comes from?

1 A. With regard to the phase-in. Not with
2 regard to our rate design proposal.

3 Q. I thought you said that where the money
4 comes from has nothing to do with phase-in?

5 A. It doesn't have -- the only -- where it
6 comes from and it affects our phase-in is simply to
7 the extent we say a customer class should not be
8 responsible for an increase greater than 15 percent
9 of a responsibility to that class.

10 Q. Isn't that a where it comes from issue?

11 A. Not in my view. It's the timing of when
12 that customer class is going to ultimately pay in
13 my single customer the \$100. I'm just taking my
14 single customer example and expanding it to
15 classes, but it ultimately has got to come from who
16 you design a rate design.

17 Let me try this: There's a step process
18 that has to go on here. First, you have to
19 determine the total revenue requirement for the
20 company. This Commission then has to determine
21 whether they assign that revenue requirement to
22 districts or leave it at a total company. It gets
23 a little bit mirky there because of the interaction
24 of single-tariff pricing versus district specific.
25 But you determine the revenue requirement.

1 You then determine who has to pay that
2 revenue requirement, a district, a class,
3 whatever. District first, then class. Once that's
4 determined, you can design rates based on the
5 usages built in determining the total revenue
6 requirement and stop. Phase-in has not even been
7 discussed.

8 Now, if you determine that increase in
9 revenue requirement is of such magnitude you want
10 to let the customers react to it, have the company
11 give -- effectively give the customer a loan so
12 that they can react to this increased revenue, then
13 you say do I want to do a phase-in or not. There
14 is no relationship between rate design and phase-in
15 except for if you're mitigating impact. And all
16 you're saying is when does -- who I decided should
17 pay for it, when do they pay.

18 Q. Okay. And from all of that when does
19 Joplin get to its cost of service?

20 A. In our proposal?

21 Q. Yeah.

22 A. We propose that Joplin's current revenue
23 responsibility does not change. Our cost of
24 service study, as I understand it, shows that
25 Joplin could receive a rate decrease if you go to a

1 pure district-specific cost of service study. We
2 do not propose that movement at this point in time.

3 Q. And why not?

4 A. I believe Mr. Hong -- Ms. Hong and
5 Mr. Busch, that's their area that they discussed.

6 Q. You didn't participate in the decision as
7 to whether Joplin should continue to subsidize the
8 system?

9 A. I sat in on some of the discussions, but,
10 no, I was not in the -- the person who made the
11 final decision.

12 MR. DEUTSCH: Okay. That's all the
13 questions I have, your Honor.

14 JUDGE THOMPSON: Thank you, Mr. Deutsch.
15 Mr. Fisher?

16 RECROSS-EXAMINATION BY MR. FISCHER:

17 Q. Mr. Trippensee, do you have any reason to
18 believe that the customers in St. Joseph understood
19 that the reason for the rate increase in the last
20 case was because of capital investments in Joplin
21 and St. Charles?

22 A. No, I have no reason to believe that.

23 Q. Is it your understanding that that is
24 indeed the case, the drivers in that case wanted
25 capital investments in St. Charles and Joplin?

1 A. To be honest, Mr. Fisher, I don't remember
2 the components of the last case that well. I
3 believe Mr. Robertson may have worked on that from
4 our office more than I did.

5 Q. Yeah. I think the record has already
6 reflected some of that.

7 That's all I have. Thank you.

8 JUDGE THOMPSON: Thank you, Mr. Fischer.
9 Mr. England?

10 MR. ENGLAND: Yes, thank you.

11 RE CROSS-EXAMINATION BY MR. ENGLAND:

12 Q. Would you agree with me that if the
13 Commission desired to maintain single-tariff
14 pricing and spread the increase in this case on an
15 equal percentage basis to all classes of customers,
16 using your revenue deficiency of \$6 million in an
17 existing revenue base of approximately 30 million,
18 the Company -- or rather the recovery of that
19 revenue requirement could simply be achieved by
20 increasing rates one time by approximately 20
21 percent across the board?

22 A. Yes.

23 Q. It's really when you start introducing the
24 shift if there's going to be one from the
25 single-tariff pricing of today to district-specific

1 pricing that some of the wide variations on --
2 excuse me -- and overlay the results of your class
3 cost of service study that we begin to see some of
4 the wild variations between increases and decreases
5 in customer responsibility, right?

6 A. If the Company would stipulate that Public
7 Counsel's revenue requirement is appropriate, your
8 statement is correct.

9 Q. Well, I'm not stipulating to that. I'm
10 just assuming it for purposes of the hypothetical.

11 A. I was hoping you would, but, you know.

12 Q. I know it's late in the week and -- late
13 in the second week. Excuse me.

14 A. It was worth a shot.

15 Q. And I do want to switch gears on you.
16 It's been eight days of hearing, and I haven't
17 drawn on the board, and so I'm going to do that
18 right now, if I may with the Bench's permission?

19 JUDGE THOMPSON: Oh, yes, Mr. England.

20 MR. ENGLAND: I want to make sure that you
21 understand the surcharge proposal as proposed by
22 the Company.

23 JUDGE THOMPSON: Is this going to be a
24 farm animal analogy?

25 MR. ENGLAND: You know, sometimes I get

1 going and I have no idea where I'm going to end up,
2 Judge, so I'm not promising anything.

3 BY MR. ENGLAND:

4 Q. The Company's surcharge proposal was to
5 take a look at the revenue requirement impact of
6 any particular plant item, correct?

7 A. That's my understanding.

8 Q. Okay. Let's say that the St. Joe plant
9 has a \$10 million revenue requirement impact, and
10 the thought is or the concept is to compare that to
11 current revenues, total Company current revenues,
12 and those are roughly 30 million, correct?

13 A. 30.5 million, but, yes.

14 Q. For purposes of my math, let's leave it
15 even.

16 A. I can understand that.

17 Q. The Company has two proposals. One, a 15
18 percent criteria and the second was a 20 percent
19 criteria. And, again, to keep it simple for
20 purposes of my math, let's assume the 20 percent.
21 You apply the 20 percent to the total Company
22 revenues to develop, if you will, a ceiling or a
23 criteria above which a surcharge may come into
24 play.

25 A. I can understand that.

1 Q. So 20 percent of the 30 million total
2 revenues gives you \$6 million criteria or benchmark
3 or whatever you want to call it?

4 A. Uh-huh.

5 Q. And now what you do is compare the revenue
6 requirement of the St. Joseph plant to that \$6
7 million figure, and to the extent it exceeds it,
8 that's what the surcharge is designed to recover,
9 correct?

10 A. That's my general understanding.

11 Q. Okay. So in this case we're looking at a
12 \$4 million difference or a \$4 million surcharge on
13 the St. Joseph district?

14 A. Yes, sir.

15 Q. Okay. And I think this got to a question
16 by Mr. Krueger earlier, to the extent that you use
17 a 20 percent criteria, that means that \$6 million
18 of these plant costs will be recovered through
19 rates to all districts?

20 A. Assuming that you assign each dollar of
21 the total revenue requirement without tracing it,
22 yes.

23 Q. Right. Okay. And to the extent all of
24 the other capital projects and all of the other
25 districts come in under the 20 percent, they get

1 assigned to the pool, if you will, of costs that
2 are allocated statewide or Company wide?

3 A. I believe that's my understanding.

4 Q. Now, you had mentioned in response to a
5 question from Chair Lumpe, that because plants,
6 particularly treatment plants tend to be long
7 lived, you have depreciable lives of maybe 40 or 50
8 years, it might be 40 or 50 years before the
9 surcharge would go away. Do you recall that line
10 of testimony?

11 A. The plant cost associated with the
12 surcharge.

13 Q. Okay. That's the distinction I want to
14 make. The surcharge could go away sooner than that
15 if the revenue requirement impact comes down and
16 the total revenues of the Company go up, correct?

17 A. Well, the 30 million you are calling
18 revenues is actually, from my viewpoint, they are
19 total cost of service or total, which you then set
20 revenues to recover. So it would -- if your
21 revenues go up, your expenses, your revenue
22 requirement, your costs, overall cost of service
23 could go up correspondingly.

24 Q. Right. But what the Company's surcharge
25 proposal does is look at present revenues, not cost

1 of service. Our cost of service really under your
2 scenario is 36 million, but our present revenues
3 are 30, and the differential gives you the revenue
4 deficiency, correct?

5 A. You're current -- correct.

6 Q. Okay. My point is and maybe I can make it
7 a little bit more specific hypothetical. Let's
8 assume in three years from now St. Louis County and
9 Missouri American are merged into one company with
10 revenues of 130 million total company revenues.
11 Okay. We won't assume any change, although we
12 could expect this requirement to come down because
13 of depreciation.

14 A. Yes, sir.

15 Q. But let's assume no change in that for the
16 the time being. Applying the 20 percent factor to
17 the new base, if you will, of revenues gives you a
18 \$26 million threshold, if I've done my math
19 correctly, which far exceeds the impact of this
20 particular plant and all of the sudden no
21 surcharge.

22 MR. CONRAD: Okay. Now, at that point, I
23 know it's late and I know it's also late in the
24 case. And I know we're trying to follow up on
25 recross from the Bench, but I think we have really

1 gone beyond that now. I do not recall anybody
2 asking about St. Louis County Water in this
3 situation. And not only that, but I think people
4 who have that hasn't been able to get an answer
5 from the Company about any time period or any
6 amount of dollars in the case. So there's
7 absolutely no foundation for the hypothetical.

8 MR. COFFMAN: I would join Mr. Conrad's
9 objection given the fact that this is beyond the
10 scope of Mr. Trippensee's testimony.

11 MR. CONRAD: We're really now into
12 lecturing. And as much as I have respect for my
13 law school classmate, Mr. England, the witnesses
14 are all gone. And unless he wants to climb over
15 there and be sworn, I'll be happy to cross him on
16 his exam.

17 JUDGE THOMPSON: Anyone else want to jump
18 in on this first before we hear a response from
19 Mr. England? Mr. Deutsch?

20 MR. DEUTSCH: Yeah. I'll join in on the
21 objection for the reason before stated.

22 JUDGE THOMPSON: Thank you.

23 MR. FISCHER: Your honor, I'll support
24 Trip England on this matter.

25 JUDGE THOMPSON: Anybody want to jump in

1 on that side?

2 MR. ENGLAND: I want the record to reflect
3 that, please.

4 MR. FISCHER: That's the reason why I said
5 it on the record, your Honor, but I think it's
6 appropriate because we have been talking about the
7 surcharge and the appropriateness of the surcharge
8 here, and this is merely asking what it could be in
9 a hypothetical situation in the future.

10 MR. ENGLAND: May I respond?

11 JUDGE THOMPSON: Yes, Mr. England.

12 MR. ENGLAND: I will admit that this is a
13 hypothetical. I'm not representing any particular
14 facts or course conduct in the future. But the
15 fact of the matter is that this witness did discuss
16 with Chair Lumpe the surcharge and the life of the
17 surcharge. And I wanted to point out what I
18 believe to be a misunderstanding or maybe my
19 misinterpretation of what the witness said in
20 response to that questioning and make sure that he
21 understood what our proposal was, and that's the
22 sole purpose of this. I'm not trying to represent
23 that there will be a merger.

24 MR. CONRAD: Is the proposal to merge
25 St. Louis County Water Company in three years at

1 \$130 million? Is that what counsel is proposing?

2 MR. ENGLAND: No. As a matter of fact,
3 everything is fluid, but the proposal is to file a
4 merger here within the next days if not weeks. I
5 have no idea what the total revenues will be in the
6 future. I'm just using this for purposes of a
7 hypothetical to show how the 20 percent factor --

8 JUDGE THOMPSON: I believe your
9 hypothetical does follow up on the line of
10 questioning that Chair Lumpe addressed to the
11 witness, so I will overrule the objections.

12 Please proceed.

13 MR. ENGLAND: And now I forgot the
14 question that I was involved in when the objection
15 was made.

16 JUDGE THOMPSON: You were just pointing
17 out that the 26 million greatly exceeds the 10
18 million and so now no surcharge.

19 MR. ENGLAND: Thank you.

20 JUDGE THOMPSON: All right.

21 BY MR. ENGLAND:

22 Q. Would you agree with the question as
23 restated by the Bench, please, Mr. Trippensee?

24 A. When I responded to Chair Lumpe, I was
25 under the assumption she was speaking about a

1 surcharge that was tied to the value of the plant,
2 and that's how my response was characterized. What
3 you have explained here if this is the general
4 format of the Company's surcharge, it basically
5 will be rendered totally irrelevant -- not
6 irrelevant, but unconnected to any plant
7 investment. It's just a charge that would be on
8 the bill that would then go away. But it would not
9 be related to the plant, because you're tying it to
10 revenues, not to the cost of service and the
11 ultimate investment.

12 Q. Well, one aspect is tied to the plant and
13 that's the revenue requirement impact, correct?

14 A. That initial part is but when you tie it
15 to revenues that are at this point in time and then
16 any growth in revenues over the future and not
17 looking at the cost of service, that's an apple to
18 orange comparison and makes it -- would not have
19 much value in my viewpoint.

20 Q. So you don't think it's appropriate to
21 examine at this future date when the total revenues
22 of the Company may be 130 million specific plant
23 impacts at that point to determine whether or not a
24 surcharge is appropriate?

25 JUDGE THOMPSON: Mr. Conrad, you have an

1 objection?

2 MR. CONRAD: I move that that part of it
3 be stricken and that's clearly beyond what Chair
4 Lumpe asked. It has nothing to do with it. Again,
5 I've asked him two or three times if he wants to
6 make that proposal. He has refused to do so. Now
7 he wants to bury the witness with it. Again, it's
8 not this witness's proposal. It's his own
9 witness's proposal, and he's had ample opportunity
10 through the whole course of the proceeding to put
11 that before the Commission.

12 JUDGE THOMPSON: Any response,
13 Mr. England?

14 MR. ENGLAND: Yes. I thought I was
15 following up on the answer I received to my prior
16 question.

17 JUDGE THOMPSON: That's what I thought,
18 too. I'll overrule the objection.

19 THE WITNESS: Could you restate it,
20 Mr. England?

21 BY MR. ENGLAND:

22 Q. I was trying to understand if your
23 response to my prior question was that it would be
24 inappropriate in the future if the revenues of the
25 Company are \$130 million to compare revenue

1 requirements for any particular plant project at
2 that time to the \$130 million base?

3 A. And I believe as I indicated, I do not --
4 while the Company's proposal -- and you're calling
5 this a surcharge, it just would be a temporary
6 increase for one district. It wouldn't be tied to
7 what their capital project is. So, no, I don't
8 believe it to be appropriate.

9 MR. ENGLAND: Thank you. No other
10 questions.

11 JUDGE THOMPSON: Thank you, Mr. England.
12 Mr. Coffman, redirect?

13 MR. COFFMAN: Thank you.

14 REDIRECT EXAMINATION BY MR. COFFMAN:

15 Q. Getting back to the phase-in, just to make
16 sure that we're all clear here about the phase-in
17 recommendation that you testified to, Mr.
18 Trippensee. Regardless of the revenue requirement
19 deemed appropriate by the Commission and regardless
20 of the rate design as that would be structured
21 between the districts and between the customer
22 classes, can your phase-in recommendation be
23 applied in this case regardless of the revenue
24 requirement in rate design?

25 A. Yes, it can be applied. I believe I

1 indicated in my initial cross-examination by
2 Mr. England, that the phase-in worksheet as printed
3 in hard copy in my rebuttal and surrebuttal
4 testimony, is designed to accommodate changes in
5 the parameters to be included in it in those
6 primary parameters are the revenue requirement, the
7 maximum increase in revenues per year, and also the
8 maximum increase in any class, change in class
9 revenue responsibility per year. And it's
10 actually -- and also the number of years being the
11 third -- or fourth parameter.

12 Q. And your recommendation is based on a 15
13 percent threshold as you laid out in your
14 testimony; is that correct?

15 A. For both revenue requirement and class
16 revenue responsibility.

17 Q. And can you explain how you arrived at
18 that 15 percent threshold?

19 A. Our office internally has traditionally
20 kind of stayed along the lines of the threshold
21 that was utilized in the Callaway case, which was
22 around 10 percent. I mean, at points in time we've
23 had rate cases where we have had increases slightly
24 larger than that and hadn't proposed a phase-in.
25 But basically we used internally the Callaway 10

1 percent, but the Callaway case was on an electric
2 company which has a larger bill per customer and
3 nominal dollars than a water company. And because
4 of that nominal real dollars out of your pocket
5 increase, since water is a smaller number on a
6 monthly bill than an electric bill, is we raised it
7 in this case to 15 percent.

8 Q. And that 15 percent threshold, if I
9 understand your answers to Mr. England's questions,
10 might have to be larger if the Commission approves
11 a much greater revenue requirement than the Office
12 of Public Counsel has recommended in order to keep
13 it within a certain number of years, keep the
14 phase-in within a manageable period?

15 A. If we recommend -- my recommendation is
16 that phase -- any increases should not occur over a
17 period to exceed six years of increases. That's
18 the first test. And then if you could do that and
19 keep under 15 percent, that would be preferable.
20 But if you do six years of increases, and then you
21 can't get -- keep it under 15, then you would have
22 to raise the revenue requirement increase per year
23 above 15 percent.

24 Q. Have you calculated what that threshold
25 might have to be if you applied the revenue

1 requirement that the Water Company is requesting?

2 A. I haven't specifically calculated. You
3 can kind of derive it by looking at some of
4 Mr. Rackers revised phase-in proposal. He's got
5 some increases approaching -- Brunswick is the
6 largest increase at 27 percent, but that's only for
7 five years. So if you go out to six years, that 27
8 would probably drop into the upper 20s. And
9 Staff's revenue requirement is not that
10 dramatically different from the Company's as is our
11 revenue requirement. So it would probably be in
12 the lower 20s.

13 Q. I guess just one more question, and I
14 apologize if this again appears somewhat redundant,
15 but to be perfectly clear, even if the Commission
16 were to adopt a rate design that included the
17 alternative surcharge proposal of the Water
18 Company, would it still be appropriate to adopt
19 your phase-in proposal to mitigate the impact?

20 A. If the Commission found that they did not
21 want to raise customer rates greater than 15
22 percent and the total rate, the total bill paid by
23 the customer greater than 15 percent, then, yes, a
24 phase-in as we have proposed could be implemented.
25 But that decision, whether to implement a phase-in

1 or not, is not totally -- is not dependent upon the
2 design of the rates. You don't have to do
3 phase-ins to do rate design.

4 MR. COFFMAN: Okay. That's all the
5 redirect I have. Thank you.

6 JUDGE THOMPSON: Thank you, Mr. Coffman.

7 And as I understand, we don't have anymore
8 witnesses today; is that correct? So if you have a
9 tee time later this afternoon, you will be able to
10 make it.

11 MR. DEUTSCH: It's raining.

12 JUDGE THOMPSON: Bummer.

13 MR. ENGLAND: Your Honor?

14 JUDGE THOMPSON: Sir, Mr. England?

15 MR. ENGLAND: I have to some housekeeping
16 matters --

17 JUDGE THOMPSON: Please.

18 MR. ENGLAND: -- that I would like either
19 to address now or you can tell me to take it up
20 later.

21 JUDGE THOMPSON: Now is fine.

22 MR. ENGLAND: If it's appropriate, I would
23 like to offer at this time the direct testimony of
24 Company Witness Linda Gutowski, which was Exhibit
25 No. 2.

1 JUDGE THOMPSON: Okay. Do I hear any
2 objections to the receipt of Exhibit No. 2?

3 Hearing no objections, Exhibit 2 is
4 received and made a part of the record in this
5 proceeding.

6 (EXHIBIT NO. 2 WAS RECEIVED INTO
7 EVIDENCE.)

8 MR. ENGLAND: Similarly, I would offer the
9 direct testimony of Company Witness Watkins,
10 Exhibit No. 15.

11 JUDGE THOMPSON: Any objections to the
12 receipt of Exhibit No. 15?

13 Hearing none, Exhibit No. 15 is received
14 and made a part of the record of this proceeding.

15 (EXHIBIT NO. 15 WAS RECEIVED INTO
16 EVIDENCE.)

17 MR. ENGLAND: I have one other.

18 JUDGE THOMPSON: Number 83, the history of
19 rates for Brunswick requested by Commissioner
20 Schemenauer. Has everybody had a chance to look at
21 that?

22 MR. ENGLAND: We're still working on that
23 and putting it together.

24 JUDGE THOMPSON: That would explain why no
25 one has had a chance to look at it. Okay.

1 MR. COFFMAN: What was 84?

2 MR. ENGLAND: That was going to be my next

3 one.

4 JUDGE THOMPSON: 84 is the corrected page

5 to JSY-8.

6 MR. ENGLAND: And I believe it was

7 offered, but no --

8 MR. DEUTSCH: I don't have it as received.

9 MR. ENGLAND: My notes were that the

10 ruling was deferred to give the parties an

11 opportunity to review it.

12 JUDGE THOMPSON: That is true. Has

13 everyone had a chance to review the corrected

14 page?

15 MR. DEUTSCH: No objection.

16 JUDGE THOMPSON: Is this the one that was

17 dog-eared in the original?

18 MR. CONRAD: No. That was --

19 MR. FINNEGAN: That was 81.

20 JUDGE THOMPSON: Oh, okay. This one is --

21 what was this page?

22 MR. ENGLAND: We were missing several

23 pages, I think, from the original schedule attached

24 to his testimony.

25 JUDGE THOMPSON: Okay. Everybody has had

1 a chance to see it. Do I hear any objections to
2 the receipt of Exhibit 84?

3 Hearing no objections, Exhibit 84 is
4 received and made a part of the record of this
5 proceeding.

6 (EXHIBIT NO. 84 WAS RECEIVED INTO
7 EVIDENCE.)

8 MR. ENGLAND: And then if my notes are
9 accurate, 103, which was the letter that we
10 distributed earlier this morning --

11 JUDGE THOMPSON: Which I requested as I
12 recall?

13 MR. ENGLAND: That's correct. In-room
14 operating authority for the St. Joseph plant, I'd
15 offer that at this time.

16 JUDGE THOMPSON: Any objections to the
17 receipt of Exhibit 103?

18 Hearing no objections, Exhibit 103 is
19 received and made a part of the record of this
20 proceeding.

21 (EXHIBIT NO. 103 WAS RECEIVED INTO
22 EVIDENCE.)

23 JUDGE THOMPSON: Mr. Coffman?

24 MR. COFFMAN: Yes. I believe I would have
25 some testimony that would be appropriate to offer

1 into the record.

2 JUDGE THOMPSON: Please.

3 MR. COFFMAN: Since we waived all
4 cross-examination on the witness's proposed or
5 offered in the testimony of Kim Bolin, I would
6 offer Exhibits 21, 22 and 23 into the record.

7 JUDGE THOMPSON: And what about the
8 exhibits relating to Mr. Burdette, 24, 25 and 26?

9 MR. COFFMAN: He will be subject to
10 cross-examination in two weeks.

11 JUDGE THOMPSON: Do I hear any objections
12 to the receipt of Exhibits 21, 22, or 23?

13 Hearing no objections, those exhibits are
14 received and made a part of the record in this
15 proceeding.

16 (EXHIBIT NOS. 21, 22 AND 23 WERE RECEIVED
17 INTO EVIDENCE.)

18 JUDGE THOMPSON: Let's see. Staff, we've
19 got Griggs and Gruner, 38 and 39?

20 MR. KRUEGER: Yes, your Honor. All
21 parties have waived cross-examination of both of
22 them, and I would at this time offer Exhibit 38,
23 direct testimony of Mark Griggs.

24 JUDGE THOMPSON: How about 39?

25 MR. KRUEGER: And 39, Mike Gruner.

1 JUDGE THOMPSON: Do I hear any objections
2 to the receipt of Exhibits 38 or 39?

3 Hearing no objections, those exhibits are
4 received and made a part of the record of this
5 proceeding.

6 (EXHIBIT NOS. 38 AND 39 WERE RECEIVED INTO
7 EVIDENCE.)

8 MR. KRUEGER: Also, your Honor, Exhibit 44
9 by Jolie Mathis, direct testimony?

10 JUDGE THOMPSON: Do I hear any objections
11 to the receipt of Exhibit 44?

12 Hearing no objections, Exhibit 44 is
13 received and made a part of the record of this
14 proceeding.

15 (EXHIBIT NO. 44 WAS RECEIVED INTO
16 EVIDENCE.)

17 MR. KRUEGER: And Exhibit 51, direct
18 testimony of Dennis Patterson.

19 JUDGE THOMPSON: Any objections to the
20 receipt of Exhibit 51, testimony of Mr. Patterson?

21 Hearing no objections, Exhibit 51 is
22 received and made a part of the record of this
23 proceeding.

24 (EXHIBIT NO. 51 WAS RECEIVED INTO
25 EVIDENCE.)

1 JUDGE THOMPSON: How about Exhibit 55,
2 Mr. Krueger, the Staff of accounting schedules?

3 MR. KRUEGER: It was my intention to wait
4 until after Roberta McKiddy testifies on the return
5 on equity --

6 JUDGE THOMPSON: All right.

7 MR. KRUEGER: -- on Tuesday the 27th.

8 JUDGE THOMPSON: Very well. Exhibit 71,
9 Office of the Public Counsel hypothetical system
10 peak which is identical also to Exhibit 68; is that
11 what I'm hearing?

12 MR. COFFMAN: I believe -- well, maybe
13 that -- if it was -- yeah. It was not exactly
14 identical, and in that case I guess I would offer
15 it up. I would offer 71 into the record.

16 JUDGE THOMPSON: Any objections to the
17 receipt of Exhibit 71?

18 Hearing no objections, Exhibit 71 is
19 received and made a part of the record of this
20 proceeding.

21 (EXHIBIT NO. 71 WAS RECEIVED INTO
22 EVIDENCE.)

23 JUDGE THOMPSON: Exhibit 81, a missing
24 page to the Public Counsel exhibit. This was the
25 dog-eared page.

1 MR. CONRAD: No. This was the missing
2 page, your Honor, from the St. Joe public hearing.

3 MR. COFFMAN: My notes show that it had
4 been accepted. I'll offer it if it hasn't been.

5 JUDGE THOMPSON: Okay. Any objections to
6 the receipt of Exhibit 81?

7 Hearing no objections, Exhibit 81 is
8 received and made a part of the record of this
9 proceeding.

10 (EXHIBIT NO. 81 WAS RECEIVED INTO
11 EVIDENCE.)

12 JUDGE THOMPSON: That looks like we're
13 pretty much up to date.

14 MR. DEUTSCH: Can I inquire, your Honor,
15 as to the status of Exhibits 78, 79, 80 and 82?

16 JUDGE THOMPSON: 78 has been received, 79
17 has been received, 80 has been received, 82 has
18 been received.

19 MR. DEUTSCH: And 83?

20 JUDGE THOMPSON: 83 has not yet been
21 produced as we said before.

22 MR. ENGLAND: Along those lines, could you
23 tell me the status of Exhibits 60 and 63 then,
24 please?

25 JUDGE THOMPSON: Exhibits 60 and 63 have

1 both been received.

2 MR. ENGLAND: Thank you.

3 MR. DEUTSCH: Your Honor, what do you have
4 on Exhibit 73, corrected schedule of JAB-2?

5 JUDGE THOMPSON: That has been received.

6 Thanks for working so hard this week.

7 Mr. England?

8 MR. ENGLAND: If now would be a good time,
9 we can take it up at the conclusion of the hearing,
10 which hopefully will be when we do the rate of
11 return, but one of your earlier scheduling orders
12 directed the briefs be limited to 30 pages. I
13 would like to request at this point that that
14 limitation be lifted. I suspect that between
15 prudence --

16 JUDGE THOMPSON: Let me echo Mr. Ciottone
17 and say regretfully. Yes. If you can cover this
18 in 30 pages, I would be surprised.

19 MR. DEUTSCH: I can cover it in 30 pages.
20 I like that.

21 MR. CONRAD: It's either way with the
22 page, margins or the type size.

23 JUDGE THOMPSON: He says he can do it in
24 30 pages, I will bring you a copy of his decision
25 in the Duncan and Gilliam hearing case, if I can

1 find a couple of guys to help me bring it down.

2 MR. ENGLAND: I think it will take 30
3 pages just to list his friends in Joplin.

4 JUDGE THOMPSON: With respect to briefs,
5 let's talk about that for a moment so that we won't
6 have brief shock when the briefing schedule is
7 prepared. At the conclusion of this case, which it
8 now will be concluded this last week of June, we
9 will have July and August and 14 days in
10 September. And during that two and a half months,
11 approximately, we will have to have briefs
12 produced, we will have to have the decision
13 written, we will have to have the Commission voted
14 out, that's not much time.

15 Mr. England?

16 MR. ENGLAND: And let me suggest that
17 there also needs to be about 10 days between the
18 date and the order is issued and becomes effective,
19 so hopefully the Company can react and file
20 compliant tariffs.

21 JUDGE THOMPSON: Exactly. So it's not
22 even true that there's two and a half months.
23 There's basically two months.

24 MR. CONRAD: Your Honor, Mr. Deutsch and I
25 will gladly offer the right decision for you.

1 MR. DEUTSCH: I agree to that. You wrote
2 them for me, I think it's the least I can do.

3 MR. FISCHER: Be careful what you wish
4 for.

5 JUDGE THOMPSON: It may be too late in the
6 day to do any useful work at this point. I just
7 raised the issue of briefs so you will understand
8 that I'm going to have to curtail the briefing
9 period. And it will not be because I'm evil, but
10 because I have to produce a decision within a
11 limited period of time. Okay.

12 Mr. Conrad?

13 MR. CONRAD: Seriously, though, we would
14 be getting a take of transcripts on serial --

15 JUDGE THOMPSON: I assume so. The
16 transcripts are being produced so far as I know
17 according to the normal two-week turn around thus
18 far, which means they should be available during
19 that last week, right? Isn't that two weeks from
20 this week? I'm going to ask that the transcripts
21 for the last be produced on a one-day turn around.
22 They will be immediately available, and then I'm
23 going to give you two weeks to write your briefs
24 and two weeks to write reply briefs. That takes up
25 a month out of my two months. Okay.

1 I can't do it in less time than a month.
2 However hard I try and writing all the parts I can
3 write, you know, before that, nonetheless, this
4 decision is going to obviously be a difficult one,
5 and I anticipate it taking quite a bit of time to
6 get it out of agenda. So that's what we're looking
7 at at this point.

8 MR. KRUEGER: Your Honor, I think my
9 preference would be to have a little more time for
10 the initial brief and a little less time for the
11 reply brief.

12 JUDGE THOMPSON: Well, if you want to have
13 three weeks and one week, that will work. But
14 we're not going to go over four weeks for the
15 entire circus.

16 MR. KRUEGER: 20 and 10?

17 JUDGE THOMPSON: And I realize that's
18 quite a burden in view of the size of this case and
19 the number of issues, but I just don't see any
20 other way to do it.

21 MR. ENGLAND: May I suggest --

22 JUDGE THOMPSON: Unless you would like me
23 to just rule right now?

24 MR. CONRAD: 14 and 14 is -- I think
25 that's fine.

1 JUDGE THOMPSON: That will work for you?
2 Okay.
3 MR. ENGLAND: My suggestion -- and you
4 don't have to necessarily settle on it today --
5 JUDGE THOMPSON: No. I just --
6 MR. ENGLAND: -- I tend to agree with
7 Mr. Krueger if we could do 20 and 10. 20 for the
8 initial and 10 for the reply.
9 JUDGE THOMPSON: That would work. Like I
10 say, as long as we don't go over 30 days or four
11 weeks for the entire briefing period.
12 Sir?
13 MR. CONRAD: The concern that I have about
14 the 10 days is the same concern that I have when we
15 have motions down here and have a 10-day response
16 time. By the time it gets up to Kansas City, I've
17 lost five or six days. And that gives me
18 effectively four or five to write. People who are
19 down here and simply exchange materials from office
20 to office has a full timeframe.
21 JUDGE THOMPSON: Well, I think you raise a
22 very, very valid point.
23 MR. CONRAD: There's ways around that. I
24 mean, we can expedite delivery.
25 JUDGE THOMPSON: Given the incredibly

1 short briefing schedule we're going to have to
2 have, I think it's fair that briefs be served by
3 overnight mail or be served by electronic mail so
4 that, you know, every party has the opportunity to
5 start working on their work as quickly as
6 possible. I think that's fair. Certainly I will
7 want to have your briefs electronically because
8 maybe that will save me some writing.

9 MR. ENGLAND: I have no problem with that
10 requirement. As a matter of fact, the parties had
11 agreed to that for purposes of rebuttal and
12 surrebuttal testimony was my understanding of doing
13 overnight delivery, if not, same day.

14 JUDGE THOMPSON: Great. Like I said, we
15 don't have to settle all this now, but I just
16 wanted to raise it as a mitigated brief shock.
17 Think of it as a phase-in.

18 MR. DEUTSCH: You know, I don't care for
19 phase-ins, Judge.

20 MR. COFFMAN: We can't phase-in our brief
21 to you one chapter at a time?

22 JUDGE THOMPSON: Two phases, initial and
23 reply. Two phases. Go have a great afternoon.

24 MR. DEUTSCH: Judge, what is the actual
25 date and time that we will reconvene for the next

1 date.

2 JUDGE THOMPSON: We will reconvene on

3 Monday, June 26 at 9:00 a.m.

4 MR. DEUTSCH: Thank you for that 9:00 a.m.

5 JUDGE THOMPSON: You're welcome. I

6 figured since you're not going to be here before

7 then anyway, that I might as well start --

8 MR. DEUTSCH: You might as well start

9 late.

10 MR. FISCHER: Your Honor, I don't know if

11 it's necessary, but I would ask to be excused from

12 that hearing so I can start my brief.

13 JUDGE THOMPSON: It is not necessary, but

14 you certainly are excused. Thank you.

15 WHEREUPON, the hearing was adjourned until

16 9:00 a.m., Monday, June 26, 2000.

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I N D E X

DEFFERED TAX ISSUE

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RATE DESIGN AND PHASE-IN

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24	Phase-In Calculations	1971 2025
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