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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

PREHEARING CONFERENCE

September 19, 2002
Jefferson City, Missouri
Volume 1

Terry Talley,)
)
Petitioner,)
) Case No. EC-2003-0044
v.)
)
Union Electric Company,)
doing business as AmerenUE,)
)
Respondent.)

BEFORE:

RONALD D. PRIDGIN, Presiding,
REGULATORY LAW JUDGE.

REPORTED BY:

KRISTAL R. MURPHY, CSR, RPR, CCR
ASSOCIATED COURT REPORTERS
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1 APPEARANCES:

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FOR: AmerenUE.

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FOR: Staff of the Missouri Public Service
11 Commission.

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P R O C E E D I N G S

(Written Entries of Appearance filed.)

JUDGE PRIDGIN: Good morning. I'm Ron Pridgin. I am the Regulatory Law Judge assigned to this case.

We're here on the prehearing conference for "Terry Talley versus AmerenUE," and we are here on September 19th, 2002 at 10:00 in the morning because of my September 4th, 2002 Order setting this for prehearing conference.

If I could at this time, I would like to get oral entries of appearance from the parties.

Is there anyone here on behalf of Staff?

MR. BERLIN: Representing Staff of the Missouri Public Service Commission, Robert S. Berlin and Dennis L. Frey, Public Service Commission, Post Office Box 360, Jefferson City, Missouri, 65102.

JUDGE PRIDGIN: Thank you very much.

Anyone here on behalf of the Office of Public Counsel.

(No response.)

JUDGE PRIDGIN: On behalf of AmerenUE?

MR. McCARTNEY: Yes, your Honor.

My name is Brian McCartney with the law firm of Brydon, Swearngen & England, P.C., 312 East

1 Capitol Avenue, Jefferson City, Missouri, 65102.

2 JUDGE PRIDGIN: Thank you, Mr. McCartney.

3 And on behalf of Petitioner, Terry Talley?

4 (No response.)

5 JUDGE PRIDGIN: All right. Mr. Talley is
6 not here and nobody is here on his behalf at this
7 time.

8 I will inform the parties that I received
9 something entitled a "Motion of Forbearance" late
10 yesterday afternoon.

11 Did the parties receive this?

12 MR. McCARTNEY: (Nodded head.)

13 JUDGE PRIDGIN: All right.

14 MR. FREY: We haven't seen it, your Honor.

15 JUDGE PRIDGIN: All right. I do have a copy
16 up here if you would like to look at it.

17 MR. FREY: Apparently, a member of the Staff
18 received it, but we haven't received it in General
19 Counsel's Office.

20 JUDGE PRIDGIN: All right. I do have a --
21 it's very brief, if you have a copy of it.

22 MR. FREY: Yes, we're looking at it now.

23 JUDGE PRIDGIN: If you will let me know when
24 you've finished reading that.

25 MR. FREY: Okay. We've read it.

1 Thank you.

2 JUDGE PRIDGIN: All right. Thank you.

3 I will, just in case -- I'm guessing from
4 this motion that Mr. Talley does not plan to be here
5 this morning. I will give him a little bit more time
6 just in case he's changed his mind.

7 What I would like to do here in just a
8 moment is go off the record briefly just to give
9 Mr. Talley a little extra time in case he's decided to
10 appear.

11 Do the parties have any kind of response, I
12 guess, to Mr. Talley's motion? And let me see if --
13 since Staff just got it, Mr. McCartney, did you
14 receive this motion --

15 MR. McCARTNEY: Yes.

16 JUDGE PRIDGIN: -- yesterday?

17 MR. McCARTNEY: Yes.

18 JUDGE PRIDGIN: Any response to this motion?

19 MR. McCARTNEY: I think the Company's
20 position would be that if Petitioner chooses not to
21 show up for the prehearing conference, then we would
22 move for a dismissal under the Commission's
23 Rule 4 CSR 240-2.090(5).

24 JUDGE PRIDGIN: All right. Mr. Berlin or
25 Mr. Frey, any response from the Staff?

1 MR. BERLIN: No, your Honor.

2 JUDGE PRIDGIN: All right. Thank you.

3 Let me go off the record here briefly again
4 since it's only about five minutes after 10:00, and
5 see if Mr. Talley does appear. Let's take a recess of
6 about ten minutes or so, and then we'll go back on the
7 record and see if Mr. Talley has joined us.

8 We'll go off the record.

9 (A recess was taken.)

10 JUDGE PRIDGIN: We're back on the record.

11 It is now approximately 10:17 a.m., and let
12 me again call to see if Mr. Talley or anyone on
13 Mr. Talley's behalf has come to the prehearing
14 conference.

15 (No response.)

16 JUDGE PRIDGIN: All right. I believe
17 Mr. Talley has not appeared.

18 At this time I will adjourn the prehearing
19 conference, and I will issue some sort of order
20 concerning Mr. Talley's nonappearance.

21 I'm inclined to issue some sort of order
22 dismissing the case but giving Mr. Talley an
23 opportunity to set aside the dismissal if he can
24 explain the reason for the nonappearance and perhaps
25 further explain what he means by this Motion of

1 Forbearance. I'm a little unclear, and, again, I
2 didn't get any response from Staff, and I understand
3 AmerenUE wants this dismissed.

4 And so, again, I'm -- I'm likely to enter
5 some sort of order dismissing the complaint but giving
6 the Complainant time to reply and perhaps get this
7 reset for prehearing again.

8 Anything else the parties would like to take
9 up before we adjourn?

10 (No response.)

11 JUDGE PRIDGIN: All right. Hearing nothing,
12 we will go off the record.

13 This prehearing conference is adjourned.

14 WHEREUPON, the on-the-record portion of the
15 prehearing conference was concluded.

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