

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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6 TRANSCRIPT OF PROCEEDINGS
7 Conference
8 June 19, 2013
9 Jefferson City, Missouri
Volume 2

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12 In the Matter of the)
Application of Union Electric)
13 Company d/b/a Ameren Missouri)
for Permission and Approval)
14 and a Certificate of Public) Case No.
Convenience and Necessity) EA-2012-0281
15 Authorizing it to Construct,)
Install, Own, Operate, Maintain)
16 and Otherwise Control and)
Manage a Utility Waste Landfill)
17 and Related Facilities at its)
Labadie Energy Center.)

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20 MORRIS L. WOODRUFF, Presiding,
CHIEF REGULATORY LAW JUDGE.

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

2 (WHEREUPON, the conference began at
3 2:30 p.m.)

4 JUDGE WOODRUFF: We're here for a
5 conference concerning Case No. EA-2012-0281. We'll
6 begin today by taking entries of appearance.

7 MR. LOWERY: James B. Lowery, law
8 firm of Smith Lewis, LLP, P.O. Box 918, Columbia,
9 Missouri 65205, on behalf of Union Electric
10 Company, d/b/a Ameren Missouri.

11 JUDGE WOODRUFF: And for Sierra Club
12 and LEO.

13 MS. LIPELES: I'm Maxine Lipeles with
14 the Interdisciplinary Environmental Clinic at
15 Washington University School of Law -- I gave my
16 card to the reporter -- on behalf of the
17 intervenors Sierra Club and Labadie Environmental
18 Organization.

19 JUDGE WOODRUFF: For Staff.

20 MS. MOORE: Amy Moore and Nathan
21 Williams on behalf of the Missouri Public Service
22 Commission, P.O. Box 360, Jefferson City, Missouri
23 65102.

24 JUDGE WOODRUFF: And Public Counsel.

25 MR. MILLS: On behalf of the Office

1 of the Public Counsel and the public, my name is
2 Lewis Mills. My address is Post Office Box 2230,
3 Jefferson City, Missouri 65102.

4 JUDGE WOODRUFF: Thank you. I
5 believe that's all the parties. I called you here
6 today just so we can have some discussions leading
7 into the local public hearing that's set for next
8 Tuesday evening in Union.

9 This is a little bit unusual for our
10 local public hearings because usually we're doing
11 these in rate cases and the procedure's kind of
12 established for that. We want to try and head off
13 any disagreements that might come up so we can
14 resolve them now rather than kind of do things on
15 the fly on Tuesday night.

16 So I just kind of wanted to go
17 through the stages of the procedure for the local
18 public hearing and make my suggestions on how
19 things go, and I'll let you guys just chime in as
20 you want. We are, of course, having this
21 transcribed so that we -- so that I can make any
22 sort of rulings that need to be made on the record,
23 so that we have a record of what's happening.

24 Start with before the hearing, and I
25 will say that I was contacted by a person from LEO,

1 a Ms. Kahn, who asked that they set up a table
2 beforehand. I told her she could. Of course,
3 Ameren will also be able to set up a table if they
4 want to. Same for Sierra Club, et cetera. Staff
5 will, I believe, also have a table in the lobby.
6 And I would ask you that -- and Public Counsel. So
7 we're going to have a crowded lobby it looks like.
8 I just ask that everybody defer to Staff as far as
9 placement of the tables so that we not confuse
10 people as they come in.

11 Staff will have a signup sheet to
12 sign up witnesses, and we have had some confusion
13 sometimes in previous rate cases and so forth where
14 various organizations are trying to sign up --
15 collect names and so forth on signatures for
16 petitions, that sort of thing. We just want to
17 make sure we're not confusing people, that Staff
18 has the signup sheet. Don't want to have anybody
19 misled.

20 Anything else anybody is concerned
21 about before the hearing?

22 MR. MILLS: Do we know if there's
23 room in the lobby for four or five tables to be set
24 up? Do we have arrangements made for tables to be
25 there?

1 Mr. OCHOA: I've not been able to --

2 THE REPORTER: You need to state your
3 name.

4 MR. OCHOA: My name is Greg Ochoa,
5 G-r-e-g O-c-h-o-a. I'm with PSC Staff.

6 MR. KELLY: My name is Kevin Kelly
7 with PSC Staff. This is the same place that we
8 held the local public hearing in the last rate
9 case; is that right?

10 JUDGE WOODRUFF: Yes.

11 MR. LOWERY: That's my understanding.

12 MR. KELLY: There were several tables
13 that were set up at that point. I think you do in
14 terms of -- because I think you guys had a table.

15 MR. MILLS: Probably.

16 MR. KELLY: And I think Ameren did.
17 Staff did.

18 JUDGE WOODRUFF: I think we'll have
19 enough room.

20 MR. LOWERY: We are actually probably
21 just going to have a couple placards with answering
22 questions and a handout. We're not going to have
23 as extensive of a setup as we do for a rate case.
24 We don't have -- then we have customer questions
25 about their bill, questions about their service.

1 We have people there and actually computers there.
2 This is not that type of proceedings, so we're not
3 going to have that kind of apparatus. We won't be
4 taking up as much room as we maybe have in the
5 past.

6 JUDGE WOODRUFF: Anything else as far
7 as preliminaries?

8 Okay. Then procedures during the
9 question and answer period. As you're probably
10 aware, when I issued the order, I directed that the
11 actual testimony will be taken after a question and
12 answer period.

13 Normally in a rate case and so forth
14 Staff does the preliminaries and makes a statement.
15 Does Staff want to make any sort of presentation or
16 anything at the beginning of the Q and A?

17 MR. WILLIAMS: I see a lot of head
18 shaking by Staff.

19 MR. MILLS: A lot of that typically
20 is sort of a here's how a rate case works and
21 here's what the role of the local public hearing
22 is. I'm not sure we're going to need that in this
23 case.

24 JUDGE WOODRUFF: What I thought I
25 would do is I'll make an appearance at the

1 beginning of the Q and A session, introduce myself
2 and let the people know what's going on. Then I'll
3 let, I guess -- does Public Counsel wish to make
4 any sort of opening presentation or anything?

5 MR. MILLS: You know, maybe two
6 minutes, just to explain what the office is and
7 what we do and what our role is, but no extensive
8 presentations.

9 JUDGE WOODRUFF: I'll just kind of
10 introduce everybody. Then I'll give Ameren say 20
11 minutes to make a presentation if you want to.

12 MR. LOWERY: Yeah. I think -- I
13 think we plan to speak for three or four minutes
14 and just say this is what we've asked for, this is
15 why we've asked for it, some basic facts about the
16 plant, and then that person will be available to
17 take questions like they always are. So it
18 certainly won't be a 20-minute. We're talking five
19 minutes or less, I think.

20 MR. WILLIAMS: You're talking about
21 somebody getting up and speaking, right?

22 MR. LOWERY: Right, and who also will
23 be the person available to take questions as is
24 typical in these Q and A.

25 JUDGE WOODRUFF: And then I'll give

1 the same opportunity to Sierra Club and LEO,
2 limited to about 20 minutes.

3 MS. LIPELES: My guess is they won't
4 take that long either. I think they do want to
5 make some preliminary statements.

6 JUDGE WOODRUFF: And, of course, that
7 portion is not on the record, so it's not going to
8 be preserved in any way. Of course, I won't be
9 there. I'll give everybody a chance to ask
10 questions of -- members of the audience a chance to
11 ask questions.

12 We don't have a set amount of time
13 for question and answer. I would anticipate we
14 wouldn't go more than an hour on it, just because
15 by that time people in the audience are starting to
16 get restless, am I going to get a chance to speak?
17 We'll just kind of leave that go.

18 MR. MILLS: And I think we have this
19 problem in rate cases, and it may be even a bigger
20 problem in this case, where people want to testify
21 during the question and answer session. So I guess
22 we'll just all have to sort of try to continually
23 explain to them what the different parts of the
24 proceeding are about.

25 MR. LOWERY: I think Staff has

1 generally in the past sort of tried to take on that
2 role when that sort of starts happening. Wouldn't
3 that be your anticipation --

4 MR. WILLIAMS: Yes.

5 MR. LOWERY: -- that you would here
6 as well?

7 JUDGE WOODRUFF: Greg, are you the
8 one that's going to be there?

9 MR. OCHOA: Quite possibly, yes.

10 JUDGE WOODRUFF: I would anticipate
11 that Staff then would be kind of the moderator to
12 call on people to ask questions.

13 MR. OCHOA: Right. Kind of traffic
14 cop, if you will.

15 JUDGE WOODRUFF: Exactly. Then
16 we'll -- all right. Any other questions or
17 anything anyone else has?

18 MR. KELLY: On the presentations of
19 20 minutes, are we saying that there's 20 minutes
20 for each one of those organizations?

21 JUDGE WOODRUFF: Yeah.

22 MR. KELLY: I'm just trying to figure
23 out in terms of time.

24 JUDGE WOODRUFF: They both say
25 they're not likely to take that long.

1 MR. LOWERY: Let me ask you, I think
2 I understand what you mean by that, but I mean,
3 what we've done in the past in rate cases generally
4 is, it's not a situation where Ameren will have 20
5 minutes and have a presentation and only take
6 questions for that 20 minutes. It's a case of
7 Lewis may say a few things, we may say a few
8 things, Maxine or her people may say a few things,
9 and then the floor's sort of opened for questions
10 to whomever. Is that what you're --

11 JUDGE WOODRUFF: That's what I'm
12 anticipating, yes. I didn't want to have an hour
13 of formal presentations before we even get to
14 questions and answers.

15 MS. LIPELES: One question I have. I
16 don't think either of our organizations will take
17 anywhere close to 20 minutes, but I'm not sure, but
18 they might want to show overheads. Is that an
19 option?

20 JUDGE WOODRUFF: That's okay with me.

21 MS. LIPELES: So do we need to make
22 arrangements with East Central?

23 JUDGE WOODRUFF: With the college.

24 MS. LIPELES: So we should contact
25 their AV people or whatever?

1 JUDGE WOODRUFF: Yeah. Then moving
2 on to taking testimony, at that point I'll come
3 back in the room and tell people that we'll draw
4 names off the list of people who prefiled to
5 testify or who signed their name up to testify, and
6 we'll call them up and take testimony.

7 I don't know how many people are
8 going to be there. If we're going to have a large
9 crowd, we can tell people to limit themselves to
10 about five or ten minutes just so everybody has a
11 chance to speak.

12 Anything else anybody wants to bring
13 up concerning concerns or questions?

14 MR. LOWERY: No, not in particular.
15 Generally, we don't cross-examine most people. We
16 may have some questions depending on the nature of
17 what's said or who folks are. I just don't know.
18 I guess I just phrase that as a possibility that we
19 might. I would certainly intend to keep that as
20 minimal as I can so we're not there 'til midnight.

21 JUDGE WOODRUFF: And this is sworn
22 testimony and it is subject to cross-examination.
23 You can ask questions as you see fit. And like you
24 say, the Commission doesn't generally want to see
25 extensive cross-examination, but we don't want to

1 preclude you from asking relevant questions that
2 need to be asked.

3 MR. LOWERY: I don't know, Judge, if
4 it would expedite things if you were to suggest to
5 people who are testifying that they identify
6 themselves, you know, where they live, not give
7 street address but at least what city they live in
8 and maybe what their general position is. It might
9 expedite things a little bit instead of that sort
10 of being -- just come out right off the bat and
11 they don't have to -- you don't have to ask them
12 that or we don't have to ask them that. I think
13 you might have done that before occasionally, kind
14 of had a standard set of some basic questions. I
15 just throw that out if you want to do that or not.
16 Might make it a little bit more efficient.

17 JUDGE WOODRUFF: I think that's
18 appropriate.

19 MS. LIPELES: My guess is you're not
20 going to have -- I mean, this public has gone
21 through a series of public hearings in Franklin
22 County in I think this same setting, so --

23 MR. MILLS: Was it in the same
24 building?

25 MS. LIPELES: I don't know if it was

1 in the same building.

2 MR. LOWERY: I believe it was in the
3 same building.

4 MS. LIPELES: In the theater arts
5 building?

6 JUDGE WOODRUFF: I don't think it was
7 the theater arts building.

8 MR. LOWERY: No. I thought -- well,
9 I may have been misinformed. I thought that one of
10 the county proceedings was held in the same
11 community college auditorium.

12 MS. LIPELES: It's definitely the
13 same community college in a big auditorium.

14 JUDGE WOODRUFF: This is actually --
15 Kevin, do you remember what it was called?

16 MR. KELLY: East Central Training.

17 JUDGE WOODRUFF: East Central
18 Training Center, that's right.

19 MS. LIPELES: In any event --

20 MR. KELLY: Building 12 is what it's
21 actually called. Building 12.

22 MS. LIPELES: So they're familiar
23 with kind of public -- I mean, I don't know all
24 who's going to come, but there's a core of people
25 that are concerned about this landfill who I assume

1 will be there who have been through some of this
2 before. The county imposed all sorts of
3 restrictions on what people could say or not say,
4 and so that's presumably not going to be an issue
5 here because -- so I'd be surprised if we have
6 those kind of problems.

7 MR. LOWERY: I will say, it's my
8 understanding, and I wasn't at -- I believe there
9 were two or three proceedings. I know there were
10 two proceedings before either the county commission
11 or county planning and zoning commission. One of
12 those did, I believe, go to one o'clock in the
13 morning, and I think it got a little heated at
14 times. I don't know the particulars because I
15 wasn't there, but that's what I've been told.

16 Of course, hopefully we don't have
17 that kind of situation here, but I'm just passing
18 that on. At least one of those that's kind of the
19 way the evening went.

20 MS. LIPELES: If I can, I was at all
21 of them. The -- I have no idea how many people are
22 going to come. I would assume that it's not going
23 to be the same numbers as with the county zoning,
24 in the county zoning context where the context was
25 a little bit different. The heatedness was because

1 the county said you couldn't discuss the impact of
2 the proposed landfill, and that's what the zoning
3 ordinance was about. That's an issue in litigation
4 we have in state court right now, so we're not
5 trying that here, but that's where it got heated,
6 where they cut people off who were trying to
7 address the site and they said you can't discuss
8 the site. So it's not like an unruly crowd, but
9 that's the extent to which --

10 MR. LOWERY: And that may very well
11 be why it was. I just know I was told it was
12 heated.

13 JUDGE WOODRUFF: And the local
14 politics can get very heated. Basically, my
15 philosophy for local public hearings is to let
16 people talk, tell us what they want to tell us,
17 subject, of course, to objections that are raised
18 and we'll deal with them.

19 MR. LOWERY: And I'll be loath to
20 raise any unless I have to. Let's put it that way.
21 I'm not sure I ever have at any local public
22 hearing.

23 JUDGE WOODRUFF: All right. I think
24 that's about -- I've covered everything I had on my
25 list to cover. Is there anything else anybody

1 wants to bring up?

2 MR. WILLIAMS: I don't know if
3 everyone's familiar with what we do at the local
4 public hearing in terms of how we coordinate, and
5 we'll have a court reporter there.

6 JUDGE WOODRUFF: We will have a court
7 reporter there. Are we going to have a camera also
8 to record?

9 MR. OCHOA: We can. If you want one,
10 we'll have one.

11 MR. KELLY: We typically do.

12 JUDGE WOODRUFF: Let's go ahead and
13 do that. And we just set up a camera in front of
14 the room that's trained on the witness stand and we
15 make a video recording of it that's made available
16 on the website, the Commission's website.

17 MS. LIPELES: In the county
18 proceedings a lot of people brought documents to
19 submit to the county. I assume that's part of
20 this, too.

21 JUDGE WOODRUFF: Yeah. We can go
22 ahead and take documents. Okay.

23 MR. LOWERY: And depending -- I might
24 tend to have more objections to some of those
25 depending on what they are, that there's no

1 foundation, that type of thing.

2 MR. MILLS: There may be foundation.

3 MR. LOWERY: Might be. Might not be.

4 JUDGE WOODRUFF: We'll deal with
5 those kinds of questions as they arise.

6 MS. LIPELES: Well, actually, can I
7 ask that, because it's a little bit -- you have lay
8 witnesses without attorneys, so there's not -- you
9 don't have the direct where you build a foundation
10 and you don't have people who are steeped in the
11 rules of evidence to build a foundation for
12 submitting documents. So what are the standards?

13 I mean, my suggestion is to let
14 everything come in and then, to the extent that
15 people want to fight about it later as evidence,
16 then lawyers can fight about it later.

17 JUDGE WOODRUFF: That's pretty much
18 the way I --

19 MR. LOWERY: And that would be fine
20 if they're being marked for identification for that
21 purpose and we have an opportunity to object,
22 because, you know, from my perspective, if you just
23 let them in, then they're in the record, and, you
24 know, I have an obligation not to -- not to let
25 that happen if it's inappropriate.

1 JUDGE WOODRUFF: And you can
2 certainly make an objection for the record and we
3 don't have a big argument about it in front of the
4 public.

5 MR. LOWERY: Right. But I guess what
6 I'm asking, Judge, is I can be completely silent
7 and you can mark these for identification as long
8 as they're not being admitted into evidence and we
9 have an opportunity then to submit objections about
10 them actually being admitted and made a part of the
11 evidentiary record before the case is actually
12 submitted. And then I don't have to say a word,
13 don't have to take any time with it at all.

14 MR. MILLS: But the issue there is,
15 if you do it that way, you're almost guaranteed
16 that there won't be a foundation. Whereas, if you
17 object to what you find objectionable, then someone
18 else could ask questions to perhaps establish a
19 foundation.

20 If we just wait until later when the
21 witness is long gone, then you're virtually
22 guaranteed that you're not going to be able to lay
23 a foundation.

24 MR. LOWERY: The problem is, though,
25 if you have to look at every document, if there are

1 a lot of documents being submitted and you have to
2 look at them, we're going to -- we're going to have
3 a -- this case is much different than a rate case
4 because what documents are you really going to
5 submit in a rate case? You know, bills are too
6 high, you know.

7 This one's different because there's
8 an opportunity to submit all kinds of documents
9 about groundwater and coal ash and all kinds of
10 things that maybe purport to make points about
11 science or contamination or kinds of things like
12 that. You don't have those issues in rate cases,
13 so it's not really an issue.

14 I do think that just allowing all
15 these documents immediately to be part of the
16 record presents a different problem than we
17 generally have, and I don't -- I don't want to take
18 up minutes and hours and hours examining documents
19 and going through all that. That's sort of -- is
20 going to interfere, I think, with trying to let
21 people have their say.

22 But at the same time, I don't want my
23 client to be in a situation where we get to the
24 briefing stage of this case and all these things
25 are being cited as evidence in opposition to the

1 application. That's not fair to my client.

2 So I guess I'm asking, I'm trying to
3 find a way to fairly deal with that -- with that
4 circumstance.

5 JUDGE WOODRUFF: I understand your
6 concern.

7 MR. MILLS: It's likely to vary from
8 witness to witness and document to document. Some
9 of these witnesses are very likely to have the
10 credibility to lay a foundation, establish why a
11 particular document comes in, and others maybe not.

12 So I don't -- I don't know that we're
13 going to be able to come up with a procedure here
14 today that's going to be able to address in advance
15 all of these questions.

16 JUDGE WOODRUFF: I think you'll just
17 need to feel free to raise objections as you feel
18 appropriate at the time and we'll deal with them.

19 MS. LIPELES: Yeah. My concern is
20 that that puts then the burden on me to walk the
21 witnesses through a foundation, and then we turn
22 it -- then it becomes not a local public hearing.

23 JUDGE WOODRUFF: Turns into an
24 evidentiary hearing.

25 MS. LIPELES: So, you know, and I'm

1 not sure that people, just laypeople who they've
2 got a document off the Internet are going to -- it
3 seems to me the time -- I mean, this is -- it seems
4 to me the issue is going to be relevance, that
5 people can argue later as to relevance. Whether
6 they're in or not, my inclination is in order to
7 have a local public hearing like this, you need to
8 have a broad definition of what's admissible and
9 then have issues come up later as to relevance and
10 weight of the documents as opposed to a strict
11 application of the rules of evidence.

12 MR. LOWERY: How about this: How
13 about if we -- Judge, if we have the understanding
14 that we're not waiving our ability to move to
15 strike a document on some ground later by not
16 objecting on all grounds at the hearing? And I
17 don't intend -- I don't intend to en masse pursue
18 that, but there may be -- there may be documents
19 that that would be appropriate for, and then we
20 don't have to get into all those issues.

21 I mean, I don't want to turn this
22 into a big evidentiary fight, and I fully recognize
23 the Commission tends to apply the rules of evidence
24 with some relaxation in any event, which is
25 appropriate. But I do think this one has the

1 potential, and I may be wrong, has potential to
2 present some issues we don't normally have to deal
3 with that will be unfairly prejudicial to my
4 client.

5 JUDGE WOODRUFF: The thing I would
6 anticipate would be somebody handing me an article
7 from a magazine that they took off the Internet
8 about dangers of coal ash or something. Is that
9 the kind of thing we're talking about?

10 MR. LOWERY: And groundwater
11 contamination and hydrogeology and all kinds of
12 things that have been -- I know have been subjects
13 and I would suspect may very well be subject of
14 dispute in the future.

15 MS. LIPELES: I guess what I would
16 propose is that we also reserve the right to try to
17 build the foundation after the fact if there --
18 because otherwise if they're reserving their right
19 to move to strike, it still raises the issue of
20 when do we need to make the proper foundation. And
21 it seems to me a way to avoid having this turn into
22 an evidentiary fight over each potential document
23 at the time --

24 JUDGE WOODRUFF: That's exactly what
25 I mean.

1 MS. LIPELES: -- would be to reserve
2 rights for both parties. If they move to strike,
3 then we move to make an effort to build a
4 foundation later. So whether it's bringing an
5 affidavit of the witness or we'd have to sort of
6 walk through what the procedures might be. My
7 guess --

8 JUDGE WOODRUFF: Yeah. That's going
9 to depend upon what the objection is and what the
10 offered evidence is, too. Is that agreeable?

11 MR. LOWERY: I think that's agreeable
12 if we -- if we move to strike something and
13 Ms. Lipeles believes needs to have an opportunity
14 to respond and lay a foundation or do whatever,
15 then I think that would be appropriate.

16 You know, one thing that I think I do
17 feel compelled to say is, local public hearings are
18 not supposed to -- and the Commission's talked
19 about this in orders before -- they're not supposed
20 to be an opportunity for parties to the case to
21 sort of circumvent the prefiled -- the requirement
22 to prefile testimony and that things be offered and
23 then cross-examination at the evidentiary hearing
24 take place.

25 So I'm not accusing anybody one way

1 or the other, but these are things that -- these
2 are things that occur to me, a situation where no
3 prefiled testimony was filed and rebuttal at all
4 and now we're talking about having witnesses show
5 up and present documents.

6 You know, I have -- I obviously have
7 an ethical obligation to protect my client's
8 interests, and I hope, your Honor, you can
9 appreciate the issues I'm raising. They may not --
10 they may not arise, but they may. And you asked
11 the question other things we might be concerned
12 about. This is one of the things that I think
13 comes to mind for me.

14 MS. LIPELES: Yeah. I mean, their
15 direct was so thin that we decided we were going to
16 attack it by other than filing prefiled testimony.
17 There are people that live in this community that
18 have been aware of Ameren's proposal since it was
19 announced in the fall of 2009 and have educated
20 themselves a lot, and they're not experts, but
21 they're educated neighbors, and they have a lot of
22 concerns and they've done a lot of homework. And
23 this public hearing is an opportunity for them to
24 get their concerns out, and that's really what our
25 clients are about in this.

1 JUDGE WOODRUFF: Well, the Commission
2 certainly wants to be able to hear whatever the
3 public has to say. That's the purpose for the
4 local public hearing. And as you've both agreed,
5 we don't want to have an evidentiary argument in
6 front of the public. Well, we'll have it in front
7 of the public at the hearing here.

8 MR. LOWERY: Nor in front of the
9 Commissioners either on Tuesday night.

10 JUDGE WOODRUFF: We don't want to do
11 it on Tuesday night. So I think we've got an
12 agreement on that that any sort of objections will
13 be reserved and an opportunity granted to argue the
14 other side as well, and if something needs to be
15 presented.

16 MR. LOWERY: That's acceptable to me,
17 your Honor.

18 MS. LIPELES: Well, more than argue,
19 but to establish a foundation sort of nunc pro tunc
20 almost, because otherwise we have to walk through
21 all the steps at the hearing.

22 JUDGE WOODRUFF: Is that okay with
23 you, Mr. Mills?

24 MR. MILLS: Yeah. I can see some
25 issues arising after the fact, but it's -- it's a

1 difficult situation and it's -- you know,
2 establishing a foundation after the fact is maybe
3 not going to be as easy as doing it on the fly, but
4 you know, we don't necessarily want to have to have
5 somebody cross-examine each witness to say and how
6 have you educated yourself and what is your
7 background and all this stuff. This is probably a
8 reasonable way to approach it.

9 JUDGE WOODRUFF: All right. Anything
10 else anybody wants to add?

11 MR. BECK: Dan Beck, Staff. We have
12 contacted the Department of Natural Resources to
13 possibly get maybe a one-page summary of their
14 process from -- statement from them. We have not
15 seen that document yet, but it obviously will be
16 part of the hearing itself, but as part of this
17 process to inform the public we were thinking of
18 sharing that, you know, at the time.

19 I don't know if parties can see that
20 ahead of time or Staff would just like to make you
21 aware that that's likely to be a handout that we
22 have.

23 JUDGE WOODRUFF: That would be a
24 handout at the table beforehand?

25 MR. BECK: Yes.

1 MR. LOWERY: That was going to be my
2 question. We have no objection to whatever Staff
3 wants to hand out. So whether we like it or not,
4 you're free to hand out what you want.

5 MR. BECK: We just feel it's
6 important for people to understand that there is an
7 additional process within state government but not
8 our agency.

9 JUDGE WOODRUFF: Very good. Anything
10 else?

11 MR. OCHOA: Judge, do you have a
12 preference on the order in which to give the
13 presentations? Typically in a rate case the
14 company will go first. Do you have a preference?

15 JUDGE WOODRUFF: The company is the
16 applicant here, so they would go first.

17 MR. OCHOA: And then followed by
18 Staff or OPC and intervenors?

19 MR. LOWERY: The Staff doesn't really
20 intend to say much of anything.

21 MR. WILLIAMS: That's correct.

22 JUDGE WOODRUFF: All right. Then I
23 thank you all for coming, and we're adjourned.

24 (WHEREUPON, the conference was
25 concluded at 2:58 p.m.)

1

C E R T I F I C A T E

2

3 STATE OF MISSOURI)

4) ss.

5 COUNTY OF COLE)

6

7 I, Kellene K. Feddersen, Certified

8 Shorthand Reporter with the firm of Midwest

9 Litigation Services, do hereby certify that I was

10 personally present at the proceedings had in the

11 above-entitled cause at the time and place set

12 forth in the caption sheet thereof; that I then and

13 there took down in Stenotype the proceedings had;

14 and that the foregoing is a full, true and correct

15 transcript of such Stenotype notes so made at such

16 time and place.

17 Given at my office in the City of

18 Jefferson, County of Cole, State of Missouri.

19

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21

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23

24

Kellene K. Feddersen, RPR, CSR, CCR

25

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