

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

\_\_\_\_\_  
TRANSCRIPT OF PROCEEDINGS  
Prehearing Conference  
September 20, 2011  
Jefferson City, Missouri  
Volume 2

Eric E. Vickers, )  
)  
Complainant, )  
)  
vs. ) File No. EC-2011-0326  
)  
Union Electric )  
d/b/a Ameren Missouri, )  
)  
Respondent. )

HAROLD STEARLEY, Presiding,  
SENIOR REGULATORY LAW JUDGE

REPORTED BY:

Kristy B. Bradshaw, CCR No. 1269  
TIGER COURT REPORTING, LLC

## A P P E A R A N C E S

KEVIN A. THOMPSON, Legal Counsel

200 Madison Street, Suite 700

Jefferson City, Missouri 65102

573.751.8700

FOR: Staff of the Missouri Public Service Commission

LEWIS MILLER, Legal Counsel

200 Madison Street, Suite 650

Jefferson City, Missouri 65102

573.751.5565

FOR: Office of the Public Counsel

Sarah Giboney, Attorney at Law

Smith Lewis, LLP

200 South Ninth Street, Suite 200

Columbia, Missouri 65201

573.443.3141

FOR: Ameren Missouri

Eric E. Vickers, Pro se, via telephone

FOR: Eric E. Vickers

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

JUDGE STEARLEY: Good morning. Today is Tuesday, September 20, 2011. The Commission has set this time for a prehearing conference in File No. EC-2011-0326, captioned as Eric E. Vickers versus Union Electric, doing business as Ameren Missouri.

My name is Harold Stearley, and I am the regulatory law judge presiding over this matter. And we'll begin by taking entries of appearance, starting with Ameren Missouri.

MS. GIBONEY: Sarah Giboney, Ameren Missouri, 200 South Ninth Street, Columbia, Missouri 65201.

MR. VICKERS: I'm sorry. I couldn't hear.

MS. GIBONEY: Sarah Giboney, Ameren Missouri.

JUDGE STEARLEY: All right. And, Mr. Vickers, if you'd enter your appearance, please.

MR. VICKERS: Yeah. This is Eric Vickers on behalf of Eric Vickers.

JUDGE STEARLEY: All right. Thank you, Mr. Vickers. Staff of the Missouri Public Service Commission?

MR. THOMPSON: Thank you, Judge. Kevin A. Thompson, for the Staff of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri

1 65102.

2 JUDGE STEARLEY: All right. Thank you,  
3 Mr. Thompson. And for the Office of the Public Counsel?

4 MR. MILLS: Lewis Mills. My address is Post  
5 Office Box 2230, Jefferson City, Missouri 65102.

6 JUDGE STEARLEY: All right. Are there any  
7 preliminary matters we need to take up at all? Okay.  
8 Well, basically, we set this conference because we have an  
9 evidentiary hearing scheduled now for the 31st of October.  
10 And I briefly wanted to run through what the procedure --  
11 the way it normally plays out here at the Commission, for  
12 Mr. Vickers' benefit.

13 Mr. Vickers, since you are appearing pro se,  
14 usually what we do is -- and you're the complainant -- is  
15 you will go first. And you will be sworn in and you can  
16 offer your testimony. You don't have to be in that awkward  
17 role of asking yourself questions, just tell us what your  
18 case is.

19 We'll have a round of cross-examination. If  
20 the Commissioners are in attendance and -- or myself --  
21 have questions for you, we will ask them after the first  
22 round of cross-examination. And then there will be a round  
23 of recross. Following which, you'll be allowed to do a  
24 redirect, or rebuttal or response, to the cross and all the  
25 other questions that may have been asked.

1                   If need be, we can do multiple rounds of  
2    recross and redirect, if there's issues that pop up that  
3    need to be addressed. So pretty straightforward procedure,  
4    but I wasn't sure how familiar you might be with the  
5    Commission's proceedings here, Mr. Vickers.

6                   I did order that the parties should appear  
7    in person here at the Commission. We have allowed pro se  
8    complainants to appear by phone, but sometimes that can be  
9    awkward, and we've had problems with phone connections, et  
10   cetera, so it is really better that you appear in person.  
11   Does anyone have any questions for me, or would like to add  
12   any comments?

13                  MR. THOMPSON: Are we going to get a list of  
14   witnesses before the hearing, Judge?

15                  JUDGE STEARLEY: Mr. Vickers, do you have  
16   any witnesses that you plan on bringing?

17                  MR. VICKERS: No, I do not.

18                  JUDGE STEARLEY: All right. I guess Staff  
19   and Public Counsel and Ameren could file a witness list --

20                  MS. GIBONEY: We can do that.

21                  JUDGE STEARLEY: -- in EFIS.

22                  MR. THOMPSON: Sure.

23                  JUDGE STEARLEY: Let's see. We're  
24   September 20th. Let's say no later than October 17th.

25                  MR. THOMPSON: All right.

1 JUDGE STEARLEY: I don't have a calendar in  
2 front of me, so I'm not sure what day of the week that is.

3 MS. GIBONEY: That's a Monday.

4 JUDGE STEARLEY: Okay.

5 MR. LEWIS: That's two weeks before the  
6 hearing.

7 JUDGE STEARLEY: All right. Anything else?

8 MR. THOMPSON: No, sir.

9 MS. GIBONEY: No, sir.

10 JUDGE STEARLEY: All right. Well,  
11 Mr. Vickers, I am going to conclude the on-the-record  
12 portion of this prehearing conference. You're welcome to  
13 stay on the phone, and the parties are all present if you  
14 wish to have any discussions about the case, possible  
15 settlement, or anything else that you wish to discuss. I'll  
16 leave the phone line open here.

17 If you-all wish to conclude -- you've got  
18 the room here for as long as you need it. I don't believe  
19 anybody else has scheduled anything for 305 immediately.

20 Some of the parties present in the room may  
21 need to go to the Commission's agenda session though. I'm  
22 not sure if any of you do or not. But that's scheduled for  
23 9:30, so --

24 MR. VICKERS: I just wanted to confirm the  
25 date and time for the evidentiary hearing.

1 JUDGE STEARLEY: Certainly. It's  
2 October 31st. We're going to start at 1:00 p.m. in the  
3 afternoon, and it will be at Room 310 in the Governor's  
4 Office Building. And when you walk in this building,  
5 Mr. Vickers, street level is the third floor, so don't let  
6 that confuse you. You'll already be on the third floor.  
7 Entrance to the hearing room, 310, will be on your left as  
8 you come through the doors on the front of the building.

9 MR. VICKERS: Is that the Capitol building?

10 JUDGE STEARLEY: No. It is located at  
11 200 Madison Street, which is the corner of Madison and  
12 Capitol.

13 MR. VICKERS: Oh, okay.

14 JUDGE STEARLEY: It's across the street, to  
15 the east, from the city parking garage, and to the north is  
16 the Governor's Mansion, right across the street from that  
17 as well.

18 I am assuming that we could conclude this in  
19 half a day, but if we do need additional time, I have  
20 reserved November 1st, the following day, if we need to go  
21 over into a second day.

22 MR. VICKERS: I think we can conclude it  
23 that day.

24 JUDGE STEARLEY: Okay. All right. Any  
25 other questions the parties have for me?

1                   MR. THOMPSON: No, sir.

2                   JUDGE STEARLEY: All right. Well, with  
3   that, we'll conclude the on-the-record portion of this  
4   conference. And if you-all wish to have any further  
5   discussions, you're certainly free to.

6                   (Off the record.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



## 1 CERTIFICATE OF REPORTER

2  
3 I, Kristy Bradshaw, CCR No. 1269, within the State  
4 of Missouri, do hereby certify that the testimony  
5 appearing in the foregoing matter was taken by me to the  
6 best of my ability and thereafter reduced to typewriting  
7 under my direction; that I am neither counsel for, related  
8 to, nor employed by any of the parties to the action in  
9 which this hearing was taken, and further, that I am not a  
10 relative or employee of any attorney or counsel employed  
11 by the parties thereto, nor financially or otherwise  
12 interested in the outcome of the action.

13  
14  
15 \_\_\_\_\_  
16 Kristy Bradshaw, CCR  
17  
18  
19  
20  
21  
22  
23  
24  
25