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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

October 1, 2013  
Jefferson City, Missouri  
Volume 1

CRAIG MERSHON, )  
 )  
Petitioner, )  
 )  
vs. )Case No. EC-2013-0521  
 )  
UNION ELECTRIC COMPANY d/b/a )  
AMEREN MISSOURI )  
 )  
Respondent. )

DANIEL JORDAN, Presiding  
SENIOR REGULATORY JUDGE

REPORTED BY: Monnie S. Mealy, CCR, CSR, RPR  
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1 A P P E A R A N C E S

2

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

2 JUDGE JORDAN: The Commission is  
3 calling the case in File No. EC-2013-0521. This is  
4 the complaint of Craig Mershon versus Union  
5 Electric Company doing business as Ameren Missouri.

6 I'm Daniel Jordan. I am convening a  
7 pre-hearing conference pursuant to notice that was  
8 issued on September 12th, 2013.

9 The time is now 1:03, and the  
10 Complainant has not called in pursuant to my order  
11 and has not appeared in person.

12 It is my intention to go off the  
13 record briefly, give the Complainant a little bit  
14 more time to make his appearance and take it from  
15 there. Unless anyone present has any other ideas,  
16 I will go off the record. Anything?

17 MR. KEEVIL: Did you -- did you want  
18 Ms. Giboney and I to make entries?

19 JUDGE JORDAN: Well, since I've asked  
20 for your input, why don't we do that? We'll start  
21 with the utility. Ms. Giboney?

22 MS. GIBONEY: Sarah Giboney, Smith  
23 Lewis, for Ameren Missouri. Smith Lewis is  
24 111 South Ninth Street, Columbia, Missouri, 65201.

25 JUDGE JORDAN: Thank you, Counselor.

1 And you also have a representative of your client  
2 with you today?

3 MS. GIBONEY: Kathy, are you on the  
4 line?

5 MS. HART: I am here.

6 MS. GIBONEY: Go ahead, Kathy.

7 MS. HART: Kathy Hart. And our  
8 address is 101 Madison, Jefferson City, Missouri.  
9 65101.

10 JUDGE JORDAN: Thank you. And for  
11 Staff?

12 MR. KEEVIL: Appearing on behalf of  
13 Staff, Jeffrey A. Keevil. My address is P.O. Box  
14 360, Jefferson City, Missouri, 65102.

15 JUDGE JORDAN: And I believe there's  
16 a representative from Staff present in the room,  
17 also?

18 MR. KEEVIL: Yes. We have Ms. Fred  
19 and, also, Mr. Edwards from Staff in the room.

20 JUDGE JORDAN: All right. And  
21 looking around, I don't see anyone from the Office  
22 of Public Counsel. Technically, they are a party  
23 to this action, but they are not required to render  
24 an appearance.

25 So with that, having identified all

1 of the persons on the line and in the hearing room,  
2 any other suggestions before I go off the record  
3 briefly?

4 MR. KEEVIL: No. I think that's it.

5 JUDGE JORDAN: Okay. Then we'll go  
6 off the record and take a few minutes, give  
7 Mr. Mershon some time to show. We're off the  
8 record.

9 (Break in proceedings.)

10 JUDGE JORDAN: We're back on the  
11 record. We left the record at five minutes past  
12 one in the afternoon. It is now 1:16 p.m., and  
13 Mr. Mershon has not appeared in the hearing room  
14 and he has not called in on this line.

15 And so I will ask the parties on the  
16 record whether they have any matters they would  
17 like to discuss pursuant to the Notice, which I  
18 issued and referred to earlier dated September 12,  
19 2013, of a prehearing conference.

20 What would the parties like to  
21 discuss while such parties as are here are here?

22 MS. GIBONEY: Judge, this is Sarah  
23 Giboney. The company would like to discuss, to the  
24 extent that you think it's appropriate,  
25 Mr. Mershon's request -- and I'll just read it the

1 way he's worded it most recently, that all adverse  
2 actions stop while this Complaint is in motion.

3 I believe Mr. Mershon has made a few  
4 requests now that there be no disconnection actions  
5 while his Complaint is pending. And we have --  
6 excuse me -- we filed responsive pleadings  
7 explaining that as of the last time he made that  
8 request, he -- I believe, only had about \$18 that  
9 was a delinquent balance.

10 Now, that's not something the company  
11 would disconnect for. But at this point, and Ms.  
12 Hart can tell you the exact amount, the balance has  
13 built up quite substantially, and we are not  
14 talking about the specific amount.

15 The \$608 and some odd cents still  
16 remains suspended. But at this point, Mr. Mershon  
17 has already accrued a balance of again, of -- how  
18 much is it, Kathy?

19 MS. HART: The total bill is 777.62.  
20 The past due right now is 86.59. His current bill  
21 is 82.91. And 608/12 is suspended. So --

22 MS. GIBONEY: And the current bill is  
23 due when and delinquent when, Kathy?

24 MS. HART: The current bill of 82.91  
25 is due October 4th, and it's delinquent after

1     October 15th.

2                   MS. GIBONEY:   So, Judge, I guess what  
3     we're trying to get to before the proceedings, you  
4     know, go on another month with no real answer is,  
5     you know, will the company be permitted to send a  
6     disconnection notice and to disconnect for amounts  
7     that are clearly not in dispute, amounts for  
8     service that has been rendered to the Complainant  
9     after the time he filed this Complaint and for  
10    which he's just not paying his bill in full?

11                  JUDGE JORDAN:   Okay.  To clarify, I  
12    think you're referring to the motion filed today,  
13    the motion requesting extended time for filing  
14    motion?

15                  MS. GIBONEY:   Yes.  Thank you.  
16    Paragraph 3 of that motion is where he asks to have  
17    all adverse actions stopped while the Complaint is  
18    in motion.

19                  JUDGE JORDAN:   And that's the --  
20    that's the words that I'm looking at right now in  
21    that motion.  First, I'll ask Staff if Staff has  
22    any position on that.

23                  MR. KEEVIL:    I -- I think, typically,  
24    I mean, the rules do allow for disconnect for  
25    amounts accrued after the filing of the Petition.

1 So the rules -- it would be permitted, I believe,  
2 under the rules.

3 MS. FRED: Right. The rules do  
4 permit disconnection of service if ongoing payments  
5 that are not in dispute have not been paid.

6 JUDGE JORDAN: And my recollection of  
7 the regulation -- I don't have it in front of me,  
8 but my recollection is that undisputed amounts are  
9 still a basis for disconnection.

10 MS. GIBONEY: Yes. And I can give  
11 the cite to the regulation if you'd like that,  
12 Judge.

13 JUDGE JORDAN: Sure. If you've got  
14 it in front of you, that would be good.

15 MS. GIBONEY: 4 CSR  
16 240-13.050(1)(A). That is what permits utilities,  
17 provided proper notice is given, to discontinue  
18 service for nonpayment of an undisputed delinquent  
19 charge.

20 JUDGE JORDAN: Okay

21 MS. GIBONEY: In addition, Judge,  
22 there's a subsequent Section F that same 13.050,  
23 and I don't have that in front of me, which  
24 basically just says that you can't send a  
25 disconnect notice for amounts that are in dispute.



1 JUDGE JORDAN: Uh-huh.

2 MS. GIBONEY: So leaving open,  
3 obviously, that you can disconnect them for amounts  
4 that are not in disputed.

5 JUDGE JORDAN: Okay. It sounds like  
6 Ameren is asking for a ruling on this part of  
7 Mr. Mershon's motion. Am I correct?

8 MS. GIBONEY: Yes. Thank you.

9 JUDGE JORDAN: Okay. Does Staff have  
10 anything to add on that -- on that issue?

11 MR. KEEVIL: I don't believe so,  
12 judge.

13 JUDGE JORDAN: Okay. Here's the way  
14 I see it. Mr. Mershon has asked for this relief,  
15 but he has not appeared today at a time when we  
16 could have discussed this and Ameren has made an  
17 argument against it.

18 I'm going to go ahead and deny  
19 Mr. Mershon's motion that all adverse actions stop  
20 while this Complaint is in motion. And I will also  
21 -- I'm going to be issuing an order this afternoon  
22 when I get back into my office, and it will be in  
23 the nature of a show cause against Mr. Mershon as  
24 to why I should not dismiss his Complaint for  
25 failure to appear.

1 I'll probably put my ruling in that  
2 order, also. What else can we -- can we make  
3 progress on this -- this afternoon while we are  
4 together?

5 MR. KEEVIL: Well, you still have the  
6 -- the question in my mind is because of the --  
7 what he called the amended -- what I'm calling the  
8 Amended Complaint. I think he just calls it a  
9 Petition.

10 Are we proceeding under the original  
11 Complaint, or are we proceeding under the Amended  
12 Complaint? Or has that been even been -- have you  
13 received that? Or how is that being --

14 JUDGE JORDAN: Right. I have the  
15 Petition, and I see that Ameren has filed an Answer  
16 to it. So I'm looking at all the -- I'm looking at  
17 the -- the document which, as you -- as you've  
18 mentioned, is identified solely as Petition.

19 And I'm considering that as I was  
20 considering that as an Amended Complaint. And I  
21 saw that Ameren had filed a responsive pleading to  
22 that. Did Staff want to file any further --  
23 anything in response, an amendment to its reports  
24 or anything?

25 MR. KEEVIL: I don't think so, Judge.

1 JUDGE JORDAN: Okay.

2 MR. KEEVIL: I think we've reached  
3 the same conclusion that we reached initially.  
4 There's nothing really --

5 JUDGE JORDAN: Right.

6 MR. KEEVIL: Didn't look like really  
7 anything substantive had changed. But that could  
8 affect their post Petition -- when Ameren's talking  
9 about the amount accrued subsequent to the filing  
10 of the Petition, I don't know how that's going to  
11 affect the calculation of the amount that's post  
12 Petition -- or post complaint versus pre-complaint  
13 because --

14 MS. GIBONEY: Well, this is Sarah  
15 Giboney. I could answer that. I don't actually  
16 believe the way the regulations are worded that  
17 it's post complaint. I think it just simply says  
18 an amount -- an undisputed amount.

19 So even if the complaint were amended, if  
20 there's no dispute in there about, you know, that  
21 period between the original complaint and the  
22 amendment, we'll say, those amounts remain  
23 undisputed to be my position.

24 But I -- but I am concerned hearing what  
25 you're saying with -- and we don't have a

1 particular objection to allowing the complaint to  
2 be amended out of time to include the allegations  
3 in the Petition and like you know and we've  
4 answered it, I am concerned with their -- any  
5 further amendments being allowed.

6 I really -- we really hope that would  
7 not be permitted for the example that Mr. Keevil is  
8 bringing up.

9 JUDGE JORDAN: Well, you know, I  
10 think that's timely because I noted that in the  
11 latest filing Mr. Mershon did ask for more time to  
12 file more pleadings.

13 In fact, I think he called it an  
14 extension of time, and I don't know what he was  
15 extending the time from because he doesn't say. I  
16 know he wants more time, but I don't know, more  
17 time than what?

18 So it sounds like I am being asked to  
19 rule upon that motion as well. Would that be a  
20 fair construction, Ms. Giboney?

21 MS. GIBONEY: Yes, Judge.

22 JUDGE JORDAN: Okay. Does anyone  
23 want to say anything more about that motion before  
24 I make my ruling? Anyone from Staff? Nothing from  
25 Staff. Anything more from AmerenUE?

1 MS. GIBONEY: No, Judge.

2 JUDGE JORDAN: All right. Well I'm  
3 going to go ahead and I'm going to deny that as  
4 well. And I'll include that ruling in my Order  
5 that I will be drafting this afternoon. What else  
6 can we take up?

7 MS. GIBONEY: Is there -- is there  
8 any way to at least maybe get in place a -- a  
9 potential schedule?

10 JUDGE JORDAN: Oh, absolutely.

11 MS. GIBONEY: I think that -- and I  
12 think, you know, the shorter the timing, the  
13 better. I can't speak for Mr. Mershon, but my  
14 guess is he doesn't intend do any discovery.

15 And I don't believe that Ameren needs  
16 to do any discovery for this complaint. I think a  
17 -- a procedural schedule that would -- pretty quick  
18 would satisfy Ameren. I can't speak for Staff.  
19 But --

20 JUDGE JORDAN: Well, I will leave  
21 this line open for the parties such as are present  
22 to discuss that. But I will let you know that I  
23 intend to file an order to show cause -- to  
24 Mr. Mershon to show cause why he did not appear and  
25 we did not -- and I should not dismiss his action.

1                   That may make your scheduling a lot  
2   easier. But, certainly, you may discuss that. And  
3   if you want to file something proposed, you  
4   absolutely may do so.

5                   MS. GIBONEY: Okay. I guess we'll  
6   wait and see what the time is that you give him to  
7   -- maybe we'll wait and see how long you give him  
8   to respond to the show cause and then go from  
9   there.

10                  JUDGE JORDAN: That would be fine --  
11   fine by me. Let me raise one other procedural  
12   device. I had a case dealing with a different  
13   utility this summer in which Counsel for the  
14   utility filed a motion to disconnect service,  
15   actually filed a motion to disconnect service.

16                  Now, that was in the nature of  
17   interlocutory relief, and it was pretty close to  
18   the hearing date. So we took up the evidentiary  
19   presentation on that motion, at the motion on the  
20   substance of the customer's complaint.

21                  At the conclusion of that hearing, I  
22   did issue an order granting that motion. That may  
23   be something that the parties want to discuss,  
24   also.

25                  It seemed to me a device to do what

1 the utility is -- to address what the utility is  
2 concerned about, which is the ever-changing amount  
3 due on the bill, the moving target, that is, to  
4 nail it down and say, Hey, may we disconnect on  
5 this given a showing -- given proof of that. So  
6 the parties might want to talk about that as well.

7 MS. GIBONEY: So -- so an evidentiary  
8 hearing on that issue alone?

9 JUDGE JORDAN: That's -- yeah.  
10 That's a possibility. And one of my colleagues on  
11 the 9th Floor is also considering that in one of  
12 his complaints as well.

13 I mean, the disconnection of service  
14 is pretty important. It's pretty crucial. It's  
15 not something that the Commission is -- is happy to  
16 see. And I'm sure the utility isn't either.

17 So that's the way we addressed it in  
18 that case, and that got the utility some certain  
19 relief on those facts.

20 MS. GIBONEY: Okay.

21 JUDGE JORDAN: It's just something to  
22 think about. It's just something to consider. But  
23 it seemed to give the utility what it wanted.

24 And anything else that we can discuss  
25 before I -- I leave the room? Staff is reviewing

1 his notes.

2 MR. KEEVIL: I --

3 JUDGE JORDAN: Staff Counsel is  
4 reviewing his notes.

5 MR. KEEVIL: My only other thing,  
6 Judge, would be -- no. Actually, scratch that.  
7 You're going to do the show cause. So never mind.

8 JUDGE JORDAN: Okay.

9 MR. KEEVIL: Thank you.

10 JUDGE JORDAN: Okay.

11 MR. KEEVIL: To quote a famous woman  
12 of the stage, Emily Latella. Never mind.

13 JUDGE JORDAN: Uh-huh. Uh-huh.  
14 Uh-huh. Television commentator or independent.  
15 Yes, indeed. Anything else from AmerenUE?

16 MS. GIBONEY: No, Judge.

17 JUDGE JORDAN: Okay, then. I'll go  
18 ahead and I'll leave the room, and you all can  
19 discuss these matters. And I'll just ask Staff  
20 Counsel to hang up when -- when you're done.

21 And I think that's all -- all for me  
22 unless anybody else needs anything else from me.

23 MS. GIBONEY: Thank you, Judge.

24 JUDGE JORDAN: You're entirely  
25 welcome, and do have a good day.



1 MS. GIBONEY: Thanks.

2 JUDGE JORDAN: Thank you for your  
3 input on this, and I'll get to work drafting.

4 MR. KEEVIL: Sounds good.

5 MS. GIBONEY: Thanks.

6 JUDGE JORDAN: All right. And we're  
7 off the record.

8 (The proceedings were concluded at 1:30 p.m.  
9 on October 1, 2013.)

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1 REPORTER'S CERTIFICATE

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3 STATE OF MISSOURI )

4 ) ss.

5 COUNTY OF OSAGE )

6

7 I, Monnie S. Mealy, Certified Shorthand Reporter,  
8 Certified Court Reporter #0538, and Registered Professional  
9 Reporter, within and for the State of Missouri, do hereby  
10 certify that I was personally present at the proceedings as  
11 set forth in the caption sheet hereof; that I then and there  
12 took down in stenotype the proceedings had at said time and  
13 was thereafter transcribed by me, and is fully and accurately  
14 set forth in the preceding pages.

15

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20 \_\_\_\_\_  
Monnie S. Mealy, CSR, CCR #0538

21 Registered Professional Reporter

22

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**PREHEARING CONFERENCE 10/1/2013**

<p align="center"><b>A</b></p> <p><b>absolutely</b> 13:10 14:4</p> <p><b>accrued</b> 6:17 7:25 11:9</p> <p><b>accurately</b> 18:13</p> <p><b>action</b> 4:23 13:25</p> <p><b>actions</b> 6:2,4 7:17 9:19</p> <p><b>add</b> 9:10</p> <p><b>addition</b> 8:21</p> <p><b>address</b> 4:8,13 15:1</p> <p><b>addressed</b> 15:17</p> <p><b>adverse</b> 6:1 7:17 9:19</p> <p><b>affect</b> 11:8,11</p> <p><b>afternoon</b> 5:12 9:21 10:3 13:5</p> <p><b>ahead</b> 4:6 9:18 13:3 16:18</p> <p><b>allegations</b> 12:2</p> <p><b>allow</b> 7:24</p> <p><b>allowed</b> 12:5</p> <p><b>allowing</b> 12:1</p> <p><b>amended</b> 10:7,8 10:11,20 11:19 12:2</p> <p><b>amendment</b> 10:23 11:22</p> <p><b>amendments</b> 12:5</p> <p><b>Ameren</b> 1:13 2:8 3:5,23 9:6,16 10:15,21 13:15 13:18</p> <p><b>AmerenUE</b> 12:25 16:15</p> <p><b>Ameren's</b> 11:8</p> <p><b>amount</b> 6:12,14 11:9,11,18,18 15:2</p> <p><b>amounts</b> 7:6,7,25 8:8,25 9:3 11:22</p> <p><b>answer</b> 7:4 10:15 11:15</p>	<p><b>answered</b> 12:4</p> <p><b>anybody</b> 16:22</p> <p><b>appear</b> 9:25 13:24</p> <p><b>appearance</b> 3:14 4:24</p> <p><b>appeared</b> 3:11 5:13 9:15</p> <p><b>Appearing</b> 4:12</p> <p><b>appropriate</b> 5:24</p> <p><b>argument</b> 9:17</p> <p><b>asked</b> 3:19 9:14 12:18</p> <p><b>asking</b> 9:6</p> <p><b>asks</b> 7:16</p> <p align="center"><b>B</b></p> <p><b>back</b> 5:10 9:22</p> <p><b>balance</b> 6:9,12 6:17</p> <p><b>basically</b> 8:24</p> <p><b>basis</b> 8:9</p> <p><b>behalf</b> 4:12</p> <p><b>believe</b> 4:15 6:3,8 8:1 9:11 11:16 13:15</p> <p><b>better</b> 13:13</p> <p><b>bill</b> 6:19,20,22,24 7:10 15:3</p> <p><b>bit</b> 3:13</p> <p><b>Boulevard</b> 1:22</p> <p><b>Box</b> 2:5,11 4:13</p> <p><b>Break</b> 5:9</p> <p><b>briefly</b> 3:13 5:3</p> <p><b>bringing</b> 12:8</p> <p><b>built</b> 6:13</p> <p><b>business</b> 3:5</p> <p align="center"><b>C</b></p> <p><b>C</b> 2:1 3:1</p> <p><b>calculation</b> 11:11</p> <p><b>called</b> 3:10 5:14 10:7 12:13</p> <p><b>calling</b> 3:3 10:7</p> <p><b>calls</b> 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