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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS
PUBLIC HEARING
JULY 15, 2014
GOVERNOR'S OFFICE BUILDING
200 MADISON STREET
ROOM 305
JEFFERSON CITY, MISSOURI 65102

VOLUME 1

KASEY CAVES)
Complainant)
vs.) EC-2014-0334
THE EMPIRE DISTRICT ELECTRIC COMPANY)
Respondent)

Kim S. Burton, Presiding

Reported by: Sarah Pokorski, CCR 745

1 APPEARANCES:

2

3 For Empire District Electric Company

4 Diana Carter

5 Brydon, Swearngen & England

6 P.O. Box 456

7 Jefferson City, Missouri 65102

8 573-635-7166

9 dcooper@brydonlaw.com

10

11 For Staff of the Missouri Public Service Commission

12 Alexander Antal

13 Nathan Williams

14 P.O. Box 360

15 Jefferson City, Missouri 65102

16

17 Also Present:

18 Brent Baker, Empire District Electric Company

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1 PROCEEDINGS

2 JUDGE BURTON: Okay. Let's go ahead and go
3 on the record. The Public Service Commission has set
4 this time for a prehearing conference in the matter of
5 Kasey Caves versus the Empire District Electric
6 Company, File Number EC-2014-0334. At this time, I
7 would ask the parties to enter their appearance for
8 the record. On behalf of Ms. Caves. Ms. Caves, are
9 you present? Okay. Has anyone had any opportunity to
10 reach out to Ms. Caves?

11 MR. ANTAL: It's been over a week since I
12 spoke to Ms. Caves.

13 JUDGE BURTON: Okay. Let's go ahead and
14 continue with the entries of appearance, and then
15 we'll discuss any contact. Okay. On behalf of Empire
16 District Electric Company.

17 MS. CARTER: Diana Carter with Brydon,
18 Swearngen & England for the Empire District Electric
19 Company.

20 JUDGE BURTON: Okay. And could you please
21 provide your contact information for the court
22 reporter.

23 MS. CARTER: The address is 312 East
24 Capital Avenue, Jefferson City, Missouri 65101. And
25 the phone number is 573-635-7166.

1 JUDGE BURTON: All right. Thank you. And
2 on behalf of the Staff of the Public Service
3 Commission.

4 MR. ANTAL: For Staff of the Missouri
5 Public Service Commission, Alex Antal and Nathan
6 Williams, PO Box 360, Jefferson City, Missouri 65102.

7 JUDGE BURTON: Okay. Are there any other
8 parties that are present that I've missed?

9 MR. BAKER: Brent Baker with Empire
10 District Electric Company.

11 JUDGE BURTON: Okay. Could you please
12 state your contact information.

13 MR. BAKER: Yeah. It's 602 South Joplin
14 Avenue, Joplin, Missouri 64802.

15 JUDGE BURTON: Okay. Now, Mr. Antal, you'd
16 indicated that you had contacted or you had some
17 discussion with Ms. Caves, the complainant, last week.

18 MR. ANTAL: I believe it was about a week
19 ago.

20 JUDGE BURTON: Okay.

21 MR. ANTAL: But it might have been longer.
22 I do not -- I did not make her aware of this
23 prehearing conference during that communication.

24 THE COURT: Okay. Has there been any
25 discussion between the respondent and Ms. Caves?

1 MS. CARTER: There has not. I sent an
2 e-mail that had the complainants on the e-mail as
3 well, just to notify everyone that I would be
4 appearing by phone and that Mr. Baker would be
5 appearing by phone as well, but I did not get any
6 response to that. It didn't require a response. But
7 that's the only communication we've had recently.

8 JUDGE BURTON: Okay. Normally, I would
9 give a little bit extra time for her to call in. But
10 what I might do is, if the parties are okay with this,
11 we'll take a short little recess, go off the record,
12 and we'll see if we can reach her at the phone number
13 that she has identified on the complaint that she
14 originally filed, and see if we can reach her there.
15 And if either the respondent or the Staff have another
16 number other than the 417-291-5676 number, please let
17 me know.

18 MR. ANTAL: I do not.

19 JUDGE BURTON: Ms. Carter?

20 MS. CARTER: I do not.

21 JUDGE BURTON: Okay. Then why don't we go
22 ahead and just go off the record for let's say about
23 five minutes -- I'm showing it's 11:36 now -- and see
24 if we can get ahold of her. Okay?

25 MS. CARTER: And is this line staying open,

1 where Brent and I can just stay on?

2 JUDGE BURTON: Yes.

3 MS. CARTER: Okay.

4 JUDGE BURTON: Yes. Okay. We're going to
5 go off the record real quick.

6 (OFF THE RECORD.)

7 JUDGE BURTON: In that case, let's go ahead
8 and go back on the record. The current time is
9 12:09 p.m. on July 15th, 2014. Attempts have been
10 made to reach the complainant, Kasey Caves, at the
11 number that she provided in her original complaint. A
12 message was left indicating that 30 minutes from the
13 time of the call, which is 11:39, that prehearing
14 conference scheduled for today would be concluded. No
15 call has been received as of yet by Ms. Caves for this
16 prehearing conference. So at this time, I'm going to
17 ask do any of the parties have any motions or other
18 additional issues for the Commission to address?

19 MR. ANTAL: Staff does not.

20 THE COURT: Okay.

21 MS. CARTER: Empire does not. And we'll
22 leave it up to you, Judge, if you think it would be an
23 issue to either set another prehearing or dismiss for
24 failure to prosecute.

25 JUDGE BURTON: What I'm going to do, then,

1 is I'm going to send out an order today giving
2 Ms. Caves 10 days to respond with good cause for her
3 failure to appear at this prehearing and a notice that
4 if she fails to respond by that time frame by
5 communicating at least with my office or addressing
6 this issue with Staff, let's say, that a notice will
7 be sent out that this will be dismissed. Okay?

8 MS. CARTER: Sounds good, Judge. Thank
9 you.

10 JUDGE BURTON: All right. Well, thank you,
11 everyone. We will now go off the record.

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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
) ss.
COUNTY OF FRANKLIN)

I, Sarah J. Pokorski, Certified Court Reporter within and for the State of Missouri, do hereby certify that the hearing appearing in the foregoing transcript was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Sarah Pokorski, CCR 745

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