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1	STATE OF MISSOURI
2	PUBLIC SERVICE COMMISSION
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6	TRANSCRIPT OF PROCEEDINGS
7	Public Hearing
8	June 7, 2004
	Jefferson City, Missouri
9	Volume 1
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12	In the Matter of the Proposed)
	Amendment of Commission Rule) Case No. AX-2004-0308
13	4 CSR 240-13.015)
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	MORRIS L. WOODRUFF, Presiding,
16	SENIOR REGULATORY LAW JUDGE.
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	CONNIE MURRAY,
20	LINWARD "LIN" APPLING,
	COMMISSIONERS.
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23	REPORTED BY:
24	KELLENE K. FEDDERSEN, CSR, RPR, CCR
	MIDWEST LITIGATION SERVICES
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PROCEEDINGS 1 JUDGE WOODRUFF: We're here today for a 2 public comment hearing in Case No. AX-2004-0308. Concerns 3 the proposed amendment of Commission Rule 4 5 4 CSR 240-13.015. And we'll begin today by taking entries of appearance, beginning with Staff. 6 MS. SHEMWELL: Good morning and thank you. 7 Lera Shemwell representing the Staff of the Missouri 8 Public Service Commission, Post Office Box 360, Jefferson 9 City, Missouri 65102. 10 JUDGE WOODRUFF: Public Counsel? 11 12 MR. COFFMAN: Thank you. Appearing on 13 behalf of the Office of the Public Counsel, John B. Coffman, P.O. Box 2230, Jefferson City, Missouri 65102. 1415 JUDGE WOODRUFF: The notice that was published in the Missouri Register indicated that this 16 17 hearing would begin at 10 a.m. on June 7th. It is now about 10:05. I don't see anyone from the public here 18 other than -- Ms. Shemwell, would you like to present any 19 20 testimony on behalf of the Staff? 21 MS. SHEMWELL: Thank you, Judge. Gay Fred, head of the consumer services department, has a few 22 23 comments. JUDGE WOODRUFF: If you'd please come 24 25 forward and we'll swear you in. Why don't you go ahead

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1	and go to the podium.
2	(Witness sworn.)
3	JUDGE WOODRUFF: What would you like to
4	tell us?
5	GAY FRED testified as follows:
6	MS. FRED: Good morning, Judge and
7	Commissioners. It's nice to see you this bright, early
8	Monday morning.
9	Regarding the definitions that have been
10	added for the proposed amendment of the denial of service
11	rule, we're proposing that we add two new one no,
12	two new definitions; one, applicant, which means an
13	individual who has applied to receive residential service
14	from a utility, and the second one denial of service,
15	meaning the utility's refusal of I'm sorry. It's
16	Monday morning refusal to commence service upon an
17	applicant's request for service at a particular location.
18	The consumer services department staff and
19	myself and as well as General Counsel and other parties to
20	this case and this rulemaking have requested these two
21	definitions for purposes of clarification.
22	As a matter of enforcement, any time that
23	we have a particular dispute or a disagreement or a
24	misunderstanding about a particular rule, it helps all
25	parties to have a clear, concise definition that can be
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1	Page 4 consistently applied to all parties or consumers that it
2	would need to apply to.
3	Therefore, we felt a need to add these
4	definitions in the rule so that there's a set point in
5	time, there's a set definition, there can be consistency
6	added to any consumer's dispute or questioning of this
7	particular rule so that there's no doubt within anyone's
8	mind actually how it is applied.
9	We have had in the past where all the
10	parties will sit in a room and agree, but without a proper
11	black and white written definition, there's subjective
12	interpretation. This will eliminate that subjectiveness.
13	So with that, that's all I have, Judge.
14	JUDGE WOODRUFF: Thank you. Mr. Coffman,
15	do you have any questions for the witness?
16	MR. COFFMAN: No, thank you.
17	JUDGE WOODRUFF: Commissioner Murray, do
18	you have any questions for this witness?
19	COMMISSIONER MURRAY: Good morning.
20	MS. FRED: Good morning.
21	COMMISSIONER MURRAY: Originally when this
22	rule was proposed there were some comments in opposition
23	to it; is that right?
24	MS. FRED: Right. Correct. But as a
25	matter of consensus among all parties, we came to an

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1	agreement on the proposed amendment which has been already
2	published and actually due to go into effect November of
3	this year.
4	COMMISSIONER MURRAY: Okay. And here we're
5	simply talking about the two clarifications of
6	definitions?
7	MS. FRED: Correct. That's all, uh-huh.
8	COMMISSIONER MURRAY: Thank you.
9	MS. FRED: Sure.
10	JUDGE WOODRUFF: Commissioner Appling, do
11	you have any questions?
12	COMMISSIONER APPLING: She asked the
13	question. The only two that we're talking about are the
14	two in bold?
15	MS. FRED: Right. That's correct.
16	COMMISSIONER APPLING: Thank you.
17	JUDGE WOODRUFF: Can you explain why these
18	two definitions became separated from the main rule?
19	MS. FRED: I'm going to defer that to my
20	General Counsel, Lera Shemwell.
21	JUDGE WOODRUFF: All right. Ms. Shemwell.
22	MS. SHEMWELL: They became separated
23	because the Commission did not do was not asked to do
24	two separate findings of necessity. So it was our opinion
25	that the finding of necessity that's required by 536.036,
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1	Page 6 I think, applied only to the actual rule itself.
2	So to be conservative in our approach and
3	assure that the rule would take effect and would not be
4	able to be challenged on that basis, we withdrew the
5	definition section and are putting it through after a
6	finding of necessity by the Commission. The Commission
7	has issued its finding of necessity, and the rule was then
, 8	published as required by 536.
9	JUDGE WOODRUFF: Okay. I believe this was
10	a separate section from the other rule?
11	MS. SHEMWELL: It is a separate section.
12	It's in the definition section, which is up front in every
13	rule.
14	JUDGE WOODRUFF: And that was the reason
15	why you needed to have it separately listed?
16	MS. SHEMWELL: Actually, there was probably
17	some thought that it could go through under the other
18	finding of necessity, but to be particularly cautious, we
19	decided to assure that the procedural requirements of 536
20	were complied with.
21	JUDGE WOODRUFF: All right. Thank you very
22	much.
23	MS. SHEMWELL: You're welcome.
24	JUDGE WOODRUFF: Mr. Coffman, do you have
25	anything you wanted to add on behalf of Public Counsel?

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1	Page 7 MR. COFFMAN: I don't think I have anything
2	too substantive. Maybe I should go to the podium.
3	No. It appears that these two definitions
4	are pretty simple cleanup as far as that goes. We're very
5	happy that the Commission has adopted the denial of
6	service rule. We have some very strong and definite
7	opinions on that.
8	Maybe one reservation with the way that
9	that has the final form of that, but generally very
10	happy the Commission has decided to make it clear that the
11	same rules apply to discontinuance of service as to denial
12	of service, particularly with regard to having to pay the
13	bill of someone else who has not received substantial
14	benefit from the service that you did not receive.
15	So what's before you now, the definitions
16	we have no problem with and have no objection.
17	JUDGE WOODRUFF: All right. Thank you very
18	much. Is there anything else anyone wants to add while
19	we're still on the record?
20	COMMISSIONER MURRAY: May I ask?
21	JUDGE WOODRUFF: Certainly.
22	COMMISSIONER MURRAY: And Mr. Coffman, you
23	can answer if you know. Do you know the date that we
24	adopted the denial of service rule?
25	MR. COFFMAN: It was effective May 30th,

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1	Page 8 2004, according to my book, and I imagine it was published
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2	a month earlier, either April or May it was published, and
3	I believe, for the benefit of anyone here that doesn't
4	know, the rule requires utilities to implement it no later
5	than November 1, 2004. So I assume that the hope is that
6	it would be in effect before the cold weather period
7	that's coming up.
8	COMMISSIONER MURRAY: Thank you.
9	COMMISSIONER APPLING: Judge, one other
10	question. I don't know exactly who would answer this, but
11	will these definitions be published in some kind of
12	pamphlet where the consumer can see those?
13	MS. SHEMWELL: They're actually in the Code
14	of State Regulations, and that's how they become
15	effective. We certainly could look at amending the
16	pamphlets that the Commission sends to consumers. We have
17	a variety of information in pamphlet form that we can send
18	out, and certainly we can make that available. We also
19	are in a position to discuss it with a consumer who calls
20	and asks for information.
21	COMMISSIONER APPLING: Thank you very much.
22	I was I'm not advocating anything. I'm just trying to
23	clarify for myself, the consumers have access to these
24	definitions.
25	MS. SHEMWELL: The codes are available from
1	

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1	Page9 the Secretary of State website.
2	COMMISSIONER APPLING: Thank you.
3	JUDGE WOODRUFF: Anything further from any
4	party?
5	All right. It is now approximately 10:12.
6	I don't see any other comments that wish to be made. So
7	at this point, then, we are adjourned. Thank you.
8	WHEREUPON, the public hearing in this case
9	was concluded.
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