

0001

1

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

2

3

TRANSCRIPT OF PROCEEDINGS

4

5

Prehearing

6

7

November 17, 2005

8

Jefferson City, Missouri
Volume 1

9

10

John B. Jackson,

)

11

Petitioner,

)

12

vs.

)

Case No. EC-2006-0002

13

Union Electric Company,

)

d/b/a Ameren UE,

)

14

Respondent.

)

15

16

17

VICKY RUTH, Presiding
SENIOR REGULATORY LAW JUDGE

18

19

REPORTED BY:

Monnie S. VanZant, CCR, CSR, RPR
Midwest Litigation Services
714 W. High Street
Jefferson City, MO 65102
(573) 636-7551

20

21

22

23

24

25

0002

1

A P P E A R A N C E S

2

For Staff of the Missouri Public Service Commission:

3

Mr. Robert S. Berlin

4

Public Service Commission

Governor Office Building, Suite 800

5

200 Madison Street

P.O. Box 360

6

Jefferson City, MO 65102-0360

7

(573) 526-7779

For Ameren UE:

8

Mr. Thomas M. Byrne

9

Attorney at Law

1901 Chouteau Avenue

10

St. Louis, MO 63103

(314) 554-2514

11

12 For John B. Jackson via Telephone:

13

Pro Se

14

15

16

17

18

19

20

21

22

23

24

25

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

2 JUDGE RUTH: Okay. Good afternoon.

3 My name is Vicky Ruth, and I'm the regulatory
4 law judge assigned to this case. Today is
5 Thursday, November 17th, 2005. We are here for
6 a prehearing conference in Case No.
7 EC-2006-0002, John B. Jackson, Complainant,
8 versus Union Electric Company, d/b/a Ameren UE,
9 Respondent.

10 This conference was scheduled primarily to
11 facilitate the resolution of this case. During
12 the discussions today, the parties are expected
13 to discuss the nature of any discovery that is
14 expected, the time necessary to complete the
15 discovery, and the parties should also discuss
16 the names of the witnesses that each side
17 anticipates calling at the hearing. The
18 parties should also talk about the length of
19 the hearing, and they should, of course,
20 discuss possible settlement.

21 If the parties are not able to resolve
22 this matter, they will be directed to file a
23 proposed procedural schedule. And I'll have to
24 double-check my records. I don't think a date
25 has been set. Oh, it has. November 22nd is

0004

1 when that proposed procedural schedule would be
2 due. The Commission prefers that the parties
3 agree on one procedure schedule. But if
4 parties are unable do so, each party may file a
5 separate proposal.

6 I would like to make a note that
7 Mr. Jackson is appearing by conference call.
8 And, Mr. Jackson, you are able to hear us,
9 correct?

10 MR. JACKSON: Correct.

11 JUDGE RUTH: Thank you. Let's do
12 entries of appearance. I'm actually going to
13 go ahead and start with Ameren at this time.

14 MR. BYRNE: Thank you, your Honor.
15 My name is Tom Byrne. I'm the attorney
16 representing Ameren UE, and my business address
17 is 1901 Chouteau Avenue, St. Louis, Missouri,
18 63103.

19 JUDGE RUTH: Thank you. Staff?

20 MR. BERLIN: This is Bob Berlin. I'm
21 the attorney representing the staff of the
22 Missouri Public Service Commission at Post
23 Office Box 360, 200 Madison Street, Jefferson
24 City, Missouri, 65102.

25 JUDGE RUTH: Thank you. And since we

1 are participating by conference call, I would
2 like the attorneys to introduce any other
3 person that they have brought.

4 MR. BYRNE: Yes, your Honor. Tom
5 Byrne here. And I -- with me is Wendy Tatro,
6 who is also another lawyer from Ameren UE.

7 MR. BERLIN: This is Bob Berlin with
8 the staff. With me today is Gay Fred, the
9 customer service manager for the staff.

10 JUDGE RUTH: And I'll note, then,
11 that Public Counsel has not yet entered any
12 filing in this case and is not at the
13 prehearing conference.

14 Mr. Jackson, I want to first look at a
15 handwritten pleading that you submitted to the
16 Commission by fax on October 20. It's the one
17 that begins -- in the top left-hand corner, it
18 says, John B. Jackson, October 19th, 2005.
19 Then it says Attention Judge Vicky Ruth. It
20 goes on down. This is a written response. Do
21 you have a copy of that document right now,
22 Mr. Jackson?

23 MR. JACKSON: I believe I do. I'm
24 still -- I've got a lot of it.

25 JUDGE RUTH: Sure. When you find

1 that document, would you please read it into
2 the record? There's a front page and a back
3 page, so it's -- it's not terribly long. Then
4 there appears to be a fax cover sheet and some
5 more information.

6 And since it's handwritten, was fax and
7 then scanned into EFIS, our copy -- or my copy
8 is just a little bit blurry, and I want to make
9 sure that everyone is clear as to what your
10 statement says. So when you find that, just go
11 ahead and start reading.

12 MR. JACKSON: Okay. For October
13 19th, 2005?

14 JUDGE RUTH: Yes.

15 MR. JACKSON: Written response.
16 "Since I can't literally owe someone else's
17 total bill" -- I'm sorry about my handwriting
18 being so illegible.

19 JUDGE RUTH: I didn't say your
20 handwriting was illegible, sir. I just --

21 MR. JACKSON: Oh, I know. I know
22 that. I actually was looking at it myself, and
23 there was certain things I couldn't actually
24 make out. And it's my own handwriting. "Since
25 I can't really owe someone else's total bill,

1 it would be Ameren that would determine -- it
2 would be Ameren that has determined" -- I'm
3 sorry. That's wrong. My own handwriting. A
4 Hundred percent -- "have determined me to be a
5 hundred percent responsible for Alfonso
6 Armstrong's balance. Alfonso Armstrong can't
7 transfer balances or" -- I'm sorry.

8 MR. BYRNE: Bill. A bill, I think.

9 MR. JACKSON: Or place a -- I guess I
10 meant place a bill in any name. "Ameren can.
11 Ameren did. They legally transferred Alfonso
12 Armstrong's name to my bill. Alfonso Armstrong
13 can't do that. Al -- Ameren did this also.
14 This is fraud. If Ameren has deemed me a
15 roommate, that would leave me 50 percent of the
16 balance.

17 Ameren UE has all but disconnected service
18 while a bill was still in dispute. Ameren has
19 received a total of \$800 and per agreement to
20 restore services \$79 of my own personal money.
21 This means I have satisfied more than 80
22 percent of the balance owed.

23 And to bring it up to a current issue,
24 Ameren has added \$196 for October of 2005 as
25 deposit arrears. I have paid the deposit

1 monthly. There should be no deposit in
2 arrears. I request that this be removed.

3 In addition, I've attached additional Fed
4 Ex transmissions on October 18th, 2005. In my
5 conversation with Berlin and Dottheim, I was
6 made aware that possibly Ameren could make an
7 agreement paying a lesser amount. Ameren never
8 made me aware of such a thing." And I believe
9 that's all I have on there.

10 JUDGE RUTH: That's all you have on
11 that sheet. And then I have a fax cover sheet.

12 MR. JACKSON: Correct. For Fed Ex.

13 JUDGE RUTH: Right. And then behind
14 that, I have something -- it looks like it's
15 dated October 18, 2005, has your name in the
16 top left. And then it says --

17 MR. JACKSON: Right. I have found
18 out that my original fax faxed from Kinko's did
19 not go through.

20 JUDGE RUTH: This actually is in the
21 record, and I'd like you to go ahead -- you
22 don't have to read the fax transmittal sheet,
23 but the back where it says, Response is as
24 follows, 1, Ameren UE. If you could find that
25 document and read it into the record. Do you

0009

1 have this?

2 MR. BYRNE: Uh-huh.

3 MS. TATRO: Uh-huh.

4 JUDGE RUTH: This is the one where
5 you make a statement at the bottom about
6 improper mail handling.

7 MR. JACKSON: If I'm not mistaken,
8 that was about the fact that I didn't get the
9 -- I didn't -- I didn't get it because actually
10 my -- my mail has been very funny. It hasn't
11 always been coming to the correct address. But
12 I'll go through my things and make sure. Sorry
13 about that. I don't mean to hold you up.

14 JUDGE RUTH: No. We'll -- we'll
15 wait.

16 MR. JACKSON: I am also requesting
17 additional time -- or response until --

18 JUDGE RUTH: That's kind of at the
19 bottom of the page, and it starts with
20 responses as follows.

21 MR. JACKSON: Right. For October 18,
22 2005?

23 JUDGE RUTH: Yes.

24 MR. JACKSON: Okay. One, Ameren UE
25 has not produced a lease at 1812 Lafayette

0010

1 address. A copy of the lease hasn't
2 materialized. Two, Ameren UE has not stated
3 just how much of the -- just how much of that
4 transferred balance that John Jackson is
5 responsible for.

6 Three, according to Ameren's findings,
7 they did not investigate any further into the
8 itemized statement. Ameren investigated
9 Alfonso Armstrong's itemized statement. That
10 was not requested.

11 Four, investigation would have been
12 proven, according to Ameren, of the addresses
13 I've resided at deeming me responsible for the
14 delinquent balances as well, this proving me as
15 the applicant or a customer. Is there any
16 consideration for a customer of 4954 Kemper?

17 I am also asking an extension on time and
18 proper mail handling. I have only received
19 this two days prior to the above date with only
20 so much time to provide actual sites and dates
21 as well as understanding contact with Ameren
22 UE. And I also have on there about it wasn't
23 at Fed Ex.

24 JUDGE RUTH: Thank you very much, Mr.
25 Jackson. That will just make it clear and that

0011

1 will also be in the transcript. So if anyone
2 has a question about one of the handwritten
3 documents, they can refer to the transcript
4 also. I do not have any other preliminary
5 matters at this time.

6 In a moment, I will go off the record or I
7 will leave the room and allow the parties to
8 continue their negotiations. That portion of
9 the conference will not have a court reporter
10 present, but it will be an opportunity for the
11 parties to discuss those things I mentioned
12 such as settlement or, if the matter is going
13 to a hearing, a proposed procedural schedule.

14 But before we get to that, I'll give each
15 of the parties an opportunity to make a
16 statement, if you have a statement, or to bring
17 up a procedural matter. But at this time,
18 we're not actually going to be trying the case,
19 if you will.

20 This is what we call the prehearing
21 conference. It a conference between the
22 parties before the actual hearing. I just go
23 onto the record for a few minutes to facilitate
24 things, give the parties my expectations. And
25 then I'll -- I'll allow to you discuss this

0012

1 matter with counsel. Do you have any
2 questions, Mr. Jackson?

3 MR. JACKSON: Yes. Actually, I was
4 kind of curious as to what happened to the
5 mediation process.

6 JUDGE RUTH: We never received a
7 request for mediation. The -- the Commission,
8 meaning me or anyone I'm associated here with,
9 did not get a mediation request.

10 Now, I'm not adverse to turning this over
11 to mediation. But I wasn't aware that that's
12 what you wanted.

13 MR. JACKSON: Well, actually, I was
14 just curious in way as far as just the process,
15 as far as -- I'm thinking mediation is in
16 prehearing conference or is it the other way
17 around?

18 JUDGE RUTH: Well, the way it works
19 is the Notice of Complaint indicated, and that
20 went out in July, that if one of the parties
21 wants mediation, voluntary mediation, you're
22 supposed to make a written request within 30
23 days, which would have been back in August.
24 And the commission actually refers that
25 normally to the University of Missouri's

0013

1 mediation center.

2 MR. JACKSON: Correct.

3 JUDGE RUTH: And then they contact
4 the parties and set up a mediation conference
5 where they have a -- a trained mediator present
6 along with the parties.

7 MR. JACKSON: Okay.

8 JUDGE RUTH: Now, we didn't realize
9 you were interested in mediation, so we have
10 not made that referral. I'm not adverse to it.
11 When I get off the phone, that's something the
12 parties can discuss. And if you want that,
13 then I would like one of the parties, it can be
14 you or one of the other others, to notify me of
15 that in writing.

16 MR. JACKSON: Okay. Actually, I was
17 just curious as far as just the process if that
18 was actually just --

19 JUDGE RUTH: Well, the way we have it
20 set up is we don't do mediation unless you
21 notify us that you want to. And we send out
22 that notice of complaint that says if you want
23 it, tell us in 30 days. And then if not,
24 that's when we move -- we start moving forward.

25 So at this point, the assumption was that

0014

1 you did not want mediation, so we're moving
2 towards the direction of a hearing. Again,
3 it's -- I'm not saying we can't change and go
4 back to mediation if that's what you end up
5 deciding. Okay?

6 MR. JACKSON: Okay.

7 JUDGE RUTH: Now, did you have any
8 other procedural matter that needs to be
9 addressed at this time?

10 MR. JACKSON: You're addressing me?

11 JUDGE RUTH: Yes, sir. I'm sorry.

12 MR. JACKSON: Wow.

13 JUDGE RUTH: What I'll do is I'll
14 move on to the other counsel, and then I'll
15 come back to you. Again, this would be
16 procedural. I'm not really going to get into
17 the merits of the case.

18 MR. JACKSON: Okay.

19 JUDGE RUTH: And, Mr. Byrne, did you
20 have anything?

21 MR. BYRNE: No, your Honor.

22 JUDGE RUTH: Mr. Berlin?

23 MR. BERLIN: No, your Honor.

24 JUDGE RUTH: Okay. Mr. Jackson, did
25 you have any procedural matter to discuss at

1 this time?

2 MR. JACKSON: I believe I may have
3 discussed with Dottheim and Berlin on a
4 previous date about. But I hate -- I can't
5 quite come to -- to a very clear thought on
6 what it would be that we had discussed.

7 We had discussed about the fact that there
8 was certain things that Ameren may have done as
9 far as how they were supposed to have properly
10 handled this process and did not. And I can't
11 recall it right now.

12 But it's just -- but I actually was in a
13 rush and I had to sort of just grab what I
14 could. So I'm kind of just maybe a little
15 unprepared, but not -- I mean, I basically have
16 all my documents with me. And I guess that's
17 what we're going to be discussing, so --

18 JUDGE RUTH: Okay, Mr. Jackson. Then
19 I'll remind the parties to discuss some of
20 those procedural times -- time lines that I
21 mentioned and also, of course, discuss possible
22 settlement. We will go off the record.

23 If it comes time to set -- or to suggest a
24 proposed hearing date, counsel is welcome to
25 come upstairs and get a few dates and get back

0016

1 to you as to what might available.

2 Thank you very much. We are now adjourned
3 for the on-the-record portion of the prehearing
4 conference.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25