

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

July 25, 2011

Jefferson City, Missouri

Volume 1

In the Matter of:

Briarcliff Development,)
Company, a Missouri)
Corporation,)
Complainant,)
v.) File No. EC-2011-0383
Kansas City Power and)
Light Company,)
Respondent.)

HAROLD STEARLEY, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:

Shelley L. Mayer, CCR
TIGER COURT REPORTING, LLC

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13 FOR: The Staff of the Missouri Public Service
Commission

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1 JUDGE STEARLEY: Let's go ahead and go on
2 the record.

3 Good morning. Today is Monday,
4 July 25th, 2011. The Commission has set this time
5 for a prehearing -- or a procedural conference in
6 File No. EC-2011-0383 captioned as Briarcliff
7 Development Company, a Missouri corporation, versus
8 Kansas City Power and Light Company.

9 My name is Harold Stearley; I'm the
10 regulatory law judge presiding over this hearing or
11 prehearing. And I'll begin by taking entries of
12 appearance starting with Briarcliff Development
13 Company.

14 MR. FINNEGAN: Okay. For Briarcliff,
15 this is Jeremiah Finnegan with Finnegan, Conrad,
16 Peterson, 3100 Broadway, Suite 1209, Kansas City,
17 Missouri 64111.

18 And David?

19 MR. WOODSMALL: David Woodsmall, same
20 firm, 428 East Capitol, Suite 300 in Jeff City,
21 Missouri 65101.

22 JUDGE STEARLEY: Okay, gentlemen.

23 And from the Kansas City Power and Light
24 Company?

25 MR. FISCHER: I'm James M. Fischer,

1 Fischer & Dority, P.C., 101 Madison Street, Suite
2 400, Jefferson City, Missouri, appearing on behalf of
3 Kansas City Power and Light Company.

4 JUDGE STEARLEY: Okay. Thank you,
5 Mr. Fischer.

6 For the Commission Staff?

7 MS. KLIETHERMES: Okay. Thank you,
8 Judge. Sarah Kliethermes for the Commission Staff,
9 200 Madison Street, Jefferson City, Missouri 65101.

10 JUDGE STEARLEY: Thank you,
11 Ms. Kliethermes.

12 And we'll let the record reflect that
13 there's been no appearance by the Office of the
14 Public Counsel today.

15 Are there any preliminary matters we need
16 to pick up?

17 MS. KLIETHERMES: I guess I'd just
18 clarify, I printed off the -- what's in the public
19 folders as the adjudication calendar. Is there
20 anything that I should know about that's not on here
21 as far as hearing dates go or availability?

22 JUDGE STEARLEY: Well, as far as I know
23 the hearing dates should be there. There's a couple
24 of conflict dates I may have.

25 MS. KLIETHERMES: Okay.

1 JUDGE STEARLEY: I believe -- may I?
2 Thursday, September 1st, I believe there's a day --
3 September 22nd are conflict dates for me. I don't
4 know how early you're looking at things. Also
5 Thursday, October 6th.

6 MR. WOODSMALL: You don't like Thursdays,
7 do you, Judge?

8 JUDGE STEARLEY: I'm doing some work for
9 the state courts.

10 And November 17th, also a Thursday.

11 If I may inquire, Staff has filed a
12 pretty thorough investigation report in this matter.
13 Are there any factual disputes at this point or is
14 this a matter that could come in to be determined on
15 summary determination, by motion, or the parties
16 are -- just kind of give me some insight here.
17 Mr. Finnegan?

18 MR. FINNEGAN: Well, I have not really
19 gone through --

20 COURT REPORTER: Mr. Finnegan, could you
21 speak up please?

22 MR. FINNEGAN: Yeah. I'm trying -- I'm
23 having a hard time hearing everybody there too, so
24 let me turn my volume up. Does that help any?

25 JUDGE STEARLEY: Yes, that helps.

1 MR. FINNEGAN: Okay.

2 JUDGE STEARLEY: We turned ours up; I
3 hope you can hear us all right.

4 MR. FINNEGAN: Yes, I can.

5 JUDGE STEARLEY: Okay. Well, I'm -- of
6 course we're going to -- you filed the complaint and
7 it's --

8 MR. FINNEGAN: Right.

9 JUDGE STEARLEY: -- your option on
10 whether or not you want to request a hearing or how
11 you want to proceed on this.

12 I was just trying to clarify because if
13 there are no factual disputes, this could be
14 something that could be resolved without hearing.
15 And of course I want to give you all an opportunity
16 to speak. You may work out some other resolution on
17 your own as well, so. And I just wanted to ask with
18 regard --

19 MR. WOODSMALL: We'll look at their
20 report with an eye towards that and see if -- and,
21 you know, maybe even if there is a dispute, we can,
22 you know, just narrow everything down at least.

23 JUDGE STEARLEY: Sure.

24 MS. KLIETHERMES: If there are, from my
25 recollection, they would be pretty minimal.

1 JUDGE STEARLEY: All right. And so what
2 I'll do I guess is maybe ten days from now you can
3 file either a status report or a procedural schedule,
4 whatever is appropriate based upon your discussions.

5 MR. FINNEGAN: All right.

6 JUDGE STEARLEY: Is there anything else
7 that we need to take up today while we're on the
8 record?

9 All right. Very well. We'll go off the
10 record.

11 (Off the record.)
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1 CERTIFICATE

2 I, Shelley L. Mayer, a Certified Court Reporter,
3 CCR No. 679, the officer before whom the foregoing
4 hearing was taken, do hereby certify that the
5 testimony which appears in the foregoing hearing was
6 taken by me to the best of my ability and thereafter
7 reduced to typewriting under my direction; that I am
8 neither counsel for, related to, nor employed by any
9 of the parties to the action in which this hearing
10 was taken, and further, that I am not a relative or
11 employee of any attorney or counsel employed by the
12 parties thereto, nor financially or otherwise
13 interested in the outcome of the action.

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17 Shelley L. Mayer, CCR
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