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STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

August 29, 2012

Jefferson City, Missouri

Volume 1

SHERRY VEACH,)

)

Complainant,)

)

vs.) File No.

) EC-2012-0406

THE EMPIRE DISTRICT ELECTRIC)

COMPANY,)

)

Respondent.)

MICHAEL BUSHMANN, Presiding,

REGULATORY LAW JUDGE

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

2 JUDGE BUSHMANN: We're on the record.

3 Today is Wednesday, August 29th, 2012 at
4 two o'clock p.m. The Commission has set this time for a
5 prehearing conference in File No. EC-2012-0406, which is
6 captioned as Sherry Veach, Plaintiff, versus the Empire
7 District Electric Company.

8 My name is Michael Bushmann. I'm the
9 regulatory law judge who has been assigned to this
10 matter.

11 Let's start by taking entries of appearance.

12 Ms. Veach, am I correct that you'll be
13 representing yourself in this matter?

14 MS. VEACH: Yes.

15 JUDGE BUSHMANN: And attorneys for Empire
16 District Electric Company.

17 MS. CARTER: Diana Carter with Brydon,
18 Swearngen & England, and the court reporter has my
19 address on the written entry.

20 JUDGE BUSHMANN: Thank you, Ms. Carter.
21 For Staff of the Commission.

22 MS. MOORE: Amy Moore and Nathan Williams.
23 We also gave our address to the court reporter.

24 JUDGE BUSHMANN: And I don't see anybody
25 present for Public Counsel.

1 Are there any preliminary matters that we
2 need to take up at this time?

3 MS. CARTER: Not that I'm aware of.

4 JUDGE BUSHMANN: Well, the purpose of a
5 prehearing conference is primarily for the parties to
6 get together and talk about settlement before we go --
7 or after we go off the record.

8 And I know in this case that there was a
9 requirement that the parties file a proposed procedural
10 schedule no later than September 6th, and in thinking
11 about that, it seems to me that if settlement is being
12 talked about and is proceeding and there is being some
13 progress made, that you just need more time to talk,
14 then I think it would be best if you filed a joint
15 status report by the 6th.

16 But, however, if settlement isn't going
17 anywhere and there's no progress being made, then I
18 would prefer that you go ahead and make that filing a
19 joint procedural schedule.

20 This is a small formal complaint case, so
21 there won't be a requirement that there be any prefiled
22 testimony.

23 However, if you do go ahead and file the
24 joint proposed procedural schedule on the 6th, there's a
25 couple of things that I would like you to do.

1 Did someone just enter the conference?

2 (OFF THE RECORD.)

3 JUDGE BUSHMANN: Okay. I think I was talking
4 about the procedural schedule.

5 There is some things that I wanted you to
6 include in there even though it is a small relatively
7 informal case, and that would be a date for conclusion
8 of discovery, a date for the filing of the joint
9 stipulation of nondisputed material facts, a list of
10 issues and witnesses, proposed hearing date and then a
11 date for optional post-hearing briefs.

12 Ms. Veach, did you understand the stuff that
13 I've just been talking about? Do you have any questions
14 about any of that?

15 MS. VEACH: I'd like you to go through it and
16 explain everything as far as what is included and why --
17 you know, this is the first time I've ever been --

18 JUDGE BUSHMANN: Okay. Let me try and
19 explain.

20 MS. VEACH: And do you mind if I record it?

21 JUDGE BUSHMANN: Well, it's being
22 transcribed.

23 MS. VEACH: Okay. As long as it's
24 transcribed.

25 JUDGE BUSHMANN: We will have a copy that

1 would be provided to you.

2 MS. VEACH: Okay. That will work.

3 JUDGE BUSHMANN: So what I've just been
4 talking about is the requirement of some preliminary
5 filings.

6 MS. VEACH: Right.

7 JUDGE BUSHMANN: And since there's a
8 possibility that the -- since the parties might be
9 talking about settlement after we go off the record, one
10 of those filings might be a joint status report.

11 These joint filings that I'm talking about
12 would be filed by Staff. They'd be on behalf of all of
13 the parties.

14 MS. VEACH: Okay.

15 JUDGE BUSHMANN: So they would be things that
16 you would be discussing later after I leave --

17 MS. VEACH: Okay.

18 JUDGE BUSHMANN: -- with the other parties.

19 And one of those might be a status report,
20 just to say that we're talking and need more time. The
21 other thing is called a procedural schedule. That will
22 be the thing that -- it's basically a roadmap to how the
23 rest of the case is going to proceed if it looks like
24 there is going to be a hearing --

25 MS. VEACH: Okay.

1 JUDGE BUSHMANN: -- and it sets out certain
2 dates and events when certain things have to be done.

3 MS. VEACH: Okay.

4 JUDGE BUSHMANN: So that's what I mean when I
5 say procedural schedule.

6 MS. VEACH: Okay.

7 JUDGE BUSHMANN: And what I just described to
8 the attorneys was certain standard things that are
9 normally in a procedural schedule. This one has less
10 than normal because it's a much less formal case.

11 MS. VEACH: Okay.

12 JUDGE BUSHMANN: But there are certain
13 things, certain dates that I want to get set so that we
14 all know what's going to happen before we get to a
15 hearing.

16 MS. VEACH: Okay.

17 JUDGE BUSHMANN: And you will be talking with
18 the attorneys after I leave and trying to come up with
19 mutually agreeable dates for this.

20 MS. VEACH: Okay.

21 JUDGE BUSHMANN: Does that answer your
22 question?

23 MS. VEACH: Yes. Yes.

24 JUDGE BUSHMANN: Now, since this is a small
25 formal complaint, the rule about small formal complaints

1 says that unless the parties agree otherwise, the
2 hearing is supposed to be held in the county where the
3 service was rendered.

4 I'm not familiar with Fair Grove, Missouri.
5 Could you tell me where that's located?

6 MS. VEACH: You go down 65, and from
7 Springfield you head north. It's 15 miles north of
8 Springfield on 65.

9 JUDGE BUSHMANN: What county is that?

10 MS. VEACH: It's Greene. And we do have a
11 courtroom there in City Hall.

12 JUDGE BUSHMANN: In Fair Grove?

13 MS. VEACH: Yes.

14 JUDGE BUSHMANN: And if it looks like we're
15 heading that direction as far as having a hearing. I'll
16 remind that the rule does say that parties and witnesses
17 and attorneys can make a request to appear by telephone
18 since it's a less formal hearing.

19 Is there anything else that I need to address
20 before I go off the record? Anything else that anybody
21 needs to bring up?

22 Okay. In that case we're off the record.

23 WHEREIN, the prehearing conference concluded
24 at 2:10 p.m.

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CERTIFICATE OF REPORTER

I, Patricia A. Stewart, RMR, RPR, CCR, a
Certified Court Reporter in the State of Missouri, do
hereby certify that the testimony that appears in the
foregoing transcript was taken by me to the best of my
ability and thereafter reduced to typewriting by me;
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.

Patricia A. Stewart

CCR No. 401

PREHEARING CONFERENCE 8/29/2012

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