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2	PUBLIC SERVICE COMMISSION	
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6	TRANSCRIPT OF PROCEEDINGS	
7	Prehearing Conference	
8	January 15, 2014	
9	Jefferson City, Missouri	
	Volume 1	
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18	(Start time of conference: 10:39 a.m.	
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                    Prehearing Conference
 8
                      January 15, 2014
 9
                  Jefferson City, Missouri
                          Volume 1
10
11
     Brandy William McKenzie,
12
13
                  Complainant,
                                 )
                                 ) File No. EC-2014-0130
14
     VS.
                                  )
15
    Union Electric Company
                                  )
    d/b/a Ameren Missouri,
16
                  Respondent.
                                 )
17
18
19
                       KIM S. BURTON, Presiding,
                            REGULATORY LAW JUDGE.
20
21
    REPORTED BY:
22
    PAMELA S. GENTRY, CCR
    Missouri CCR No. 426
    Midwest Litigation Services
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     3432 West Truman Boulevard
    Suite 207
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    Jefferson City, MO 65109
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```

		Page 3
1	APPEARANCES:	
2	BRANDY McKENZIE (via telephone)	
	18 Richardson Drive	
3	Union, MO 63084	
	(479) 531-2448	
4	billyvmom@aol.com	
5	FOR: Complainant.	
6	SARAH GIBONEY, Attorney at Law (via telephone) Smith Lewis, LLP	
7	111 South 9th Street, Suite 200	
	Columbia, MO 65201	
8	(573) 443-3141	
	giboney@smithlewis.com	
9		
	CATHY HART, Regulatory Liaison (via telephone)	
10	101 Madison	
	Jefferson City, MO 65109	
11	(573) 681–7216	
	chart@ameren.com	
12	HOD America Miles	
13	FOR: Ameren Missouri.	
13	JENNIFER HERNANDEZ, Senior Counsel	
14	NATHAN WILLIAMS, Deputy Counsel	
	ALEXANDER ANTAL, Legal Counsel	
15	Missouri Public Service Commission	
10	P.O. Box 360	
16	200 Madison Street	
	Jefferson City, MO 65102	
17	(573)751-3234	
18	FOR: Staff of the Missouri Public	
	Service Commission.	
19		
20	ALSO PRESENT:	
21	Ms. Courtney Dunham, Consumer Services Department, PSC	
22	Ms. Gay Fred, Consumer Services Department, PSC	
	Mr. Justin Edwards, Consumer Services Department,	
23	PSC	
24		
25		

		Page 4
1	(Start time of conference: 10:39 a.m.)	
2	PROCEEDINGS	
3	JUDGE BURTON: We are now on the record in	
4	File No. EC-2014-0130, in the matter of Brandy	
5	William McKenzie versus Union Electric Company	
6	doing business as Ameren Missouri. I have that the	
7	time is now 10:39 a.m. on Wednesday, January 15th,	
8	2014.	
9	My name is Kim Burton. I'm the Regulatory	
10	Law Judge that's been assigned to this case that's	
11	resulted from a complaint filed by Ms. McKenzie	
12	with the Public Service Commission against Ameren	
13	Missouri.	
14	At this time, I'm going to ask that the	
15	parties enter their appearance, and provide their	
16	address as well as their contact information. And	
17	the reason I'm doing that is because we've got a	
18	Court Reporter here who needs to have that contact	
19	information for the record.	
20	So, I'm going to go ahead and start with	
21	you, Ms. McKenzie. If you would, go ahead and	
22	state your name and address.	
23	MS. McKENZIE: Brandy McKenzie, 18	
24	Richardson Drive, Union, Missouri, 63084.	
25	JUDGE BURTON: Okay. And could you go ahead	

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- 1 and provide your phone number and email address so
- 2 we can make sure we have that correct?
- 3 MS. McKENZIE: My phone number is
- 4 479-531-2448, and my email is billy, b-i-l-l-y, v
- 5 as in Victor, mom, m-o-m, at aol.com.
- 6 JUDGE BURTON: For Ameren Missouri?
- 7 MS. GIBONEY: For Ameren Missouri, this is
- 8 Sarah Giboney, G-i-b-o-n-e-y. Mailing address is
- 9 111 South 9th Street, Suite 200, Columbia,
- 10 Missouri, 65201. Telephone number is 573-443-3141,
- 11 and my email address is my last name, giboney,
- 12 g-i-b-o-n-e-y, at smithlewis, s-m-i-t-h-l-e-w-i-s,
- 13 dot com. And with me on the line also is Cathy
- 14 Hart.
- MS. HART: Yes. This is Cathy Hart. I am a
- 16 liaison -- Regulatory Liaison for Ameren, and my
- 17 mailing address is 101 Madison, Jefferson City,
- 18 Missouri, 65109, and my email address is c-h-a-r-t
- 19 at Ameren.com, and my telephone number is
- 20 573-681-7216.
- JUDGE BURTON: Okay. Thank you. And on
- 22 behalf of the Staff of the Public Service
- 23 Commission.
- 24 MS. HERNANDEZ: Appearing for the Staff of
- 25 the Missouri Public Service Commission, this is

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- 1 Jennifer Hernandez, and I'll also enter the
- 2 appearance of Alex Antal and Nathan Williams. Our
- 3 address is P.O. Box 360, Jefferson City, Missouri,
- 4 65102.
- 5 May the record also reflect here for
- 6 off-the-record discussions are Justin Edwards,
- 7 Courtney Dunham, and Gay Fred of the Consumer
- 8 Services Department here at the Public Service
- 9 Commission.
- 10 JUDGE BURTON: Okay. Thank you.
- Now, the reason I called this prehearing
- 12 conference is because, Ms. McKenzie, you filed a
- 13 complaint back in November?
- MS. McKENZIE: Yes.
- 15 JUDGE BURTON: And I want to go ahead and
- 16 clarify, were you in receipt of the order for this
- 17 prehearing or any of the other additional
- 18 information and responses provided by Ameren or the
- 19 Staff?
- 20 MS. McKENZIE: I did get a couple, but I did
- 21 not get this hearing. I don't know if it got
- 22 bumped into my spam mail and I didn't see it.
- JUDGE BURTON: Okay.
- MS. McKENZIE: She called, so I was kind of
- 25 surprised.

Page 7 1 JUDGE BURTON: Okay. 2 MS. McKENZIE: I was on a break from work, 3 so I was, Yes, I guess I could go ahead and take this call. 4 5 JUDGE BURTON: All right. Just so you know, in the future, to make sure and change your setting 6 7 then for your email account, because any of the notices or orders from the Public Service 8 Commission will be received through your electronic email that you provided. Okay? 10 11 MS. McKENZIE: Okay. I will definitely do 12 that. 13 JUDGE BURTON: Okay. But you have been in receipt of the answer from Ameren to your 14 15 complaint? 16 MS. McKENZIE: Yes, I did. JUDGE BURTON: Okay. And you were in receipt of the Staff's recommendation as well? 18 19 MS. McKENZIE: I was, to provide more information. 20 21 JUDGE BURTON: Okay. 22 MS. McKENZIE: And I faxed the information. 23 JUDGE BURTON: Okay. Now, the reason I'm 24 mainly calling this prehearing conference is I want to see if there's been any discussion amongst the 25

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- 1 parties about trying to settle this or mediate
- 2 this, or if that's been an option that the parties
- 3 have discussed and declined. But, based off of
- 4 discussions prior to us going on the record, it
- 5 appears that there hasn't been any communication
- 6 between you, Ms. McKenzie, and either Ameren
- 7 Missouri or the Staff of the Public Service
- 8 Commission.
- 9 MS. McKENZIE: That's correct.
- 10 JUDGE BURTON: Okay. Now, let me go ahead
- 11 and ask, is this something that the parties would
- 12 be interested in doing? By that, I mean discussing
- 13 this matter in a mediation sort of venue?
- 14 MS. GIBONEY: I think Ameren Missouri would
- 15 be open to doing that, although we do concur with
- 16 Staff's report.
- 17 JUDGE BURTON: Okay. What about you, Ms.
- 18 McKenzie? Let me go ahead and explain what that
- 19 means.
- MS. McKENZIE: Thank you.
- 21 JUDGE BURTON: Just so if you don't know,
- 22 I'll try to stop at the legalese as much as
- 23 possible. What this means is that, um, we can --
- 24 can provide another judge other than myself here to
- 25 sort of help facilitate discussions between the

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- 1 parties, or if you would prefer, we can go ahead
- 2 and just, after we go off the record here today,
- 3 have you talk with the Staff and representatives
- 4 from Ameren to see about settling any of the issues
- 5 that were discussed in the complaint.
- 6 Would this be something you would be open
- 7 to?
- 8 MS. McKENZIE: Um, yes.
- 9 JUDGE BURTON: Okay. Now, that would be
- 10 fine. Why don't we go ahead and try the option of
- 11 having everyone sort of discuss the issues first,
- 12 and then I would ask the Staff that if there is,
- 13 after discussion with the parties, a need or an
- 14 interest in having mediation or some other sort of
- 15 facilitation for discussions, that you would let me
- 16 know and we can go ahead and make those
- 17 arrangements. And if it seems like that might not
- 18 be possible, we can also discuss the option of
- 19 having a hearing on your complaint.
- Okay, Ms. McKenzie?
- MS. McKENZIE: Okay.
- JUDGE BURTON: Now, I just wanted to clarify
- 23 an issue that I was a little bit confused about
- 24 from reading the recommendation as well as the
- 25 answer in the original complaint. And, perhaps,

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- 1 this is something that the parties just need to
- 2 discuss amongst themselves afterwards or just sort
- 3 of evaluate if we do go to a hearing level. That
- 4 would be something that I would be interested in is
- 5 are we discussing bills from the 2003 through 2000
- 6 -- let's say -- 5 time frame?
- 7 Ms. Giboney?
- 8 MS. GIBONEY: Just -- I'm looking back to
- 9 the answer real quick. It's been a while. I
- 10 believe the transfer bill was not from 2003. It
- 11 was from -- oh, goodness, it was more recent than
- 12 that -- 2006, 2007 time period.
- JUDGE BURTON: So -- so, there was nothing
- 14 in dispute as far as any bill being claimed for a
- 15 period from 2003, 2004, 2005? And I'm asking
- 16 anyone if they are aware.
- MS. McKENZIE: I was pretty sure the bill
- 18 was from 2003, 2004 time frame of a good portion of
- 19 that bill.
- 20 JUDGE BURTON: Okay. Then, maybe that could
- 21 be an issue that the parties would sort of be able
- 22 to address if we get that far. I wasn't aware --
- 23 and maybe -- Ms. Giboney, maybe you can tell me --
- 24 is there any kind of issue with the statute of
- 25 limitations from the bill?

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- 1 MS. GIBONEY: I don't believe so, Judge, and
- 2 I sort of understand what Ms. McKenzie is saying
- 3 and I don't want to misrepresent what she's trying
- 4 to explain, but there had been on her utility
- 5 account during 2006, 2007 time period, there had
- 6 been a transfer bill at that time as well; however,
- 7 I believe nearly all of that was resolved. And
- 8 then there was a bill from 2007 that was
- 9 transferred to the current utility account, but any
- 10 time that that's -- well, I won't say any time --
- 11 but my understanding from looking at the documents
- 12 in the record is that the bill that was
- 13 transferred, that was a balance that there wasn't
- 14 any dispute about in 2007.
- 15 MS. McKENZIE: I think it's convenient that
- 16 the part that I wasn't disputing is the part that
- 17 you say the bill is the one -- the only one that's
- 18 owed when, originally, it said 2003, 2004.
- MS. GIBONEY: I'm not exactly sure.
- 20 JUDGE BURTON: Now, about this, I'm going to
- 21 go ahead and stop this right now just because this
- 22 is getting a little bit more into the issues than I
- 23 want to delve into while I'm present. You can kind
- 24 of discuss these issues after I go and see if we
- 25 can mediate that if need be.

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- 1 Now, Ms. McKenzie, just so you know right
- 2 now, if we have to get to the stage where you want
- 3 to proceed with a hearing, and that would be, you
- 4 know, more of a formal sort of setting in a
- 5 situation where it would go before me, there would
- 6 be presentments of evidence and witnesses and that
- 7 form, we'd do that in St. Louis or here, you could
- 8 appear by phone or in person, and, normally, we
- 9 have a 100-day timeframe for that, from the date
- 10 that you filed your complaint, which was -- I
- 11 believe it was around November 24th or so. I might
- 12 be wrong on the exact date. I can double check.
- MS. HERNANDEZ: Yes. November 5th.
- 14 JUDGE BURTON: November 5th. So, if it
- 15 sounds like -- and it does sound like that to me --
- 16 if the parties are looking to possibly resolve
- 17 this, I was going to originally look at scheduling
- 18 a hearing in February to try to work with that
- 19 100-day frame. But if the parties in -- are in
- 20 agreement, maybe we could sort of see about
- 21 resolving this issue informally; and if it doesn't
- 22 look like it's going to work, I'll be looking at
- 23 hearing dates in February. So, please check with
- 24 your schedule, Ms. Giboney and Ms. McKenzie, as
- 25 well. Unless the parties can agree to extend past

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- 1 that hundred-day frame. And, then, for a good
- 2 cause, I will go ahead and allow that. Okay?
- 3 Because I'm sure that everyone wants to resolve
- 4 this issue as expediently as possible.
- 5 MS. GIBONEY: I guess I'm wondering whether
- 6 you're asking whether we'd like you to go ahead and
- 7 set that and then work towards a resolution at that
- 8 time, but have that hearing date already set? Is
- 9 that --
- 10 JUDGE BURTON: I'm not going to require that
- 11 right now because I think it might be a little bit
- 12 rushed, but what I will say is this, I'll let the
- 13 parties discuss today, and then what I would ask --
- 14 and let me know, Ms. Hernandez, if you have a copy
- of the schedule; I have a copy of the schedule here
- 16 -- but we can make arrangements for St. Louis or
- 17 here for a hearing. Is that -- let's say by the
- 18 end of the week?
- MS. HERNANDEZ: Okay.
- 20 MS. McKENZIE: Okay. If I can say --
- JUDGE BURTON: Yes.
- MS. McKENZIE: If we do schedule a hearing,
- 23 the week the 3rd through the 7th and the 17th
- 24 through the 21st, those are chemo weeks for me and,
- 25 um, generally I'm not doing so great.

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- 1 JUDGE BURTON: Okay.
- 2 MS. McKENZIE: So, if we could do it the
- 3 10th through the 14th or the 24th to the 28th, that
- 4 would be better for me.
- 5 JUDGE BURTON: Let me ask you this. Ms.
- 6 McKenzie, it sounds like there might be some health
- 7 issues. Would you be okay if we had the hearing
- 8 after February?
- 9 MS. McKENZIE: Um, that would be okay. Um,
- 10 basically, though, um, I'm -- I'm on -- let's see.
- 11 I'm looking at my schedule. My last treatment is
- 12 March 17th. As long as it's around those.
- 13 JUDGE BURTON: Okay.
- MS. McKENZIE: But, like I said, if you get
- 15 me on non-chemo weeks, I'm usually pretty good.
- 16 JUDGE BURTON: Okay. Well, then, why don't
- 17 we go ahead and just stay with the original option
- 18 of I'll give you to the end of the week for the
- 19 parties to kind of discuss and let me know what you
- 20 want to do about having a hearing date and, also, a
- 21 location. If you want it to be in St. Louis, we
- 22 can do it at the Public Service Commission's office
- 23 in St. Louis or we could do it in the office we
- 24 have here in Jefferson City.
- 25 And, Ms. McKenzie and Ms. Giboney, if you

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- 1 want to have options to participate telephonically
- 2 as well. What I'm saying -- and I want this to be
- 3 crystal clear -- is I would like to have this
- 4 hearing as soon as possible to sort of resolve
- 5 these issues, but under no means am I stating that
- 6 it has to be done within the hundred days. If the
- 7 parties say, We'd like a little additional time,
- 8 I'm amenable to that.
- 9 And if that means, Ms. McKenzie that you
- 10 would prefer to wait until after your final round
- 11 of chemo in March, I will accept that request.
- 12 Okay?
- MS. McKENZIE: Okay. Thank you.
- 14 JUDGE BURTON: So, is there anything
- 15 additional before we go off the record and I allow
- 16 the parties to sort of discuss the issues outside
- 17 my presence?
- 18 MS. GIBONEY: I did have one question --
- 19 JUDGE BURTON: Yes.
- 20 MS. GIBONEY: -- that relates to your
- 21 original notice -- giving notice of the case.
- JUDGE BURTON: Yes.
- MS. GIBONEY: In that order, although Ms.
- 24 McKenzie didn't request the release -- trying to
- 25 look at your order. Sorry. I'm flipping through

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- 1 it real quickly. Well, I can't find that part
- 2 right now. Oh, directing respondent to suspend
- 3 actions. I don't know why I can't find the part.
- 4 There's something about that being disconnections.
- 5 MS. HERNANDEZ: I think the second paragraph
- 6 maybe.
- 7 MS. GIBONEY: Jennifer, if you found it --
- 8 the Commission's actions to suspend services until
- 9 the complaint is resolved.
- 10 Is that one of the reasons that you're
- 11 wanting to stick within the hundred-day timeline,
- 12 because the Company does have some concerns of
- 13 that, and there's no delinquency at this time? The
- 14 amount in dispute has been suspended, and,
- 15 obviously, we didn't have disconnection related to
- 16 that, but we do have concern having just a sort of
- 17 hold on the entire account for as long as it takes
- 18 to resolve the complaint.
- 19 JUDGE BURTON: Okay. At the time that this
- 20 complaint was filed, we understood from Ms.
- 21 McKenzie that there was an eminent threat of
- 22 disconnection, so that's what that was intended
- 23 for. So, if there are other issues with the
- 24 account and, you know, pending bills or other
- 25 statuses, you can go ahead and discuss that, and I

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- 1 would say go ahead, and if you could put that in
- 2 the request to the Commission and I'll address
- 3 that, that motion.
- 4 MS. GIBONEY: So, if another amount became
- 5 delinquent and relates to amount of services that
- 6 were provided after the day of the complaint, we
- 7 could address that in a pleading to the Commission?
- 8 JUDGE BURTON: Yes.
- 9 MS. GIBONEY: Okay.
- 10 JUDGE BURTON: Yes.
- 11 MS. GIBONEY: Okay.
- 12 JUDGE BURTON: Okay. Do you understand
- 13 that, Ms. McKenzie?
- 14 MS. McKENZIE: Yeah. I don't mind paying
- 15 the current amount owed, and I even offered to, you
- 16 know, try and get a reasonable payment arrangement,
- 17 but the lady on the phone said no.
- 18 JUDGE BURTON: Okay.
- 19 MS. GIBONEY: Just to be clear -- this is
- 20 Sarah again -- I am just talking about amounts that
- 21 have accrued after the date the complaint was
- 22 filed.
- JUDGE BURTON: After November 5th, 2013.
- MS. GIBONEY: Actually, amounts of service
- 25 after November 5th, 2013.

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- 1 JUDGE BURTON: I don't think we're in
- 2 disagreement about that.
- 3 MS. GIBONEY: Okay.
- 4 JUDGE BURTON: So, to be clear then, then
- 5 let's go ahead and say by Friday, January 17th,
- 6 2014, we can go ahead and have, let's say, a status
- 7 report, which I would request the Staff file as far
- 8 as whether or not we need to continue discussions
- 9 in an informal manner or if the parties are ready
- 10 to go ahead and schedule a hearing. Okay?
- 11 And if -- if you want to go ahead and get a
- 12 hearing date scheduled while discussion's ongoing,
- 13 that's fine. I would just ask, in that case,
- 14 provide me dates that the parties have agreed to
- 15 and locations, if you want it to be in Jefferson
- 16 City or St. Louis.
- 17 MS. HERNANDEZ: Okay.
- 18 JUDGE BURTON: All right. Is there anything
- 19 else that we need to discuss?
- MS. HERNANDEZ: No. Thank you.
- MS. McKENZIE: No. Thank you.
- JUDGE BURTON: Okay. Well, in that case,
- 23 I'm going to go ahead off the record, and I wish
- 24 everyone a very good day.
- MS. HERNANDEZ: Thank you.

		Page 19
1	MS. McKENZIE: Thank you.	
2	MS. GIBONEY: Thank you.	
3	(Whereupon, the record ended at 10:55 a.m.)	
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1	CERTIFICATE	-
2	STATE OF MISSOURI)	
) ss.	
3	COUNTY OF COLE)	
4	I, Pamela S. Gentry, Certified Court	
5	Reporter with the firm of Midwest Litigation	
6	Services, do hereby certify that I was personally	
7	present at the proceedings had in the	
8	above-entitled cause at the time and place set	
9	forth in the caption sheet thereof; that I then and	
10	there took down in Stenotype the proceedings had;	
11	and that the foregoing is a full, true and correct	
12	transcript of such Stenotype notes so made at such	
13	time and place.	
14	Given at my office in the City of	
15	Jefferson, County of Cole, State of Missouri.	
16		
17		
18		
	Pamela S. Gentry, CCR #426	
19		
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21		
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Appearing 5:24 Appe	A	APPEARANC	13:10,21 14:1,5	14:22 16:8	declined 8:3
Appearing 5:24 appears 8:5 17:8,10,12,18 4:5 16:12 16:13 account 7:7 11:5 11:9 16:17,24 arrangement 17:16 asking 10:15 13:6 asking 10:15 asking 10:15 asking 10:15 asking 10:15 asking 10:15 a					
20:8 accept 15:11 account 7:7 11:5 11:9 16:17,24 accrued 17:21 actions 16:3,8 additional 6:17 15:7,15 address 4:16,22 5:1,8,11,17,18 6:3 10:22 17:2 17:7 agree 12:25 agreed 18:14 agreement 12:20 ahead 4:20,21,25 6:15 7:3 8:10 8:18 9:1,10,16 11:21 13:2,6 14:17 16:25 17:1 18:5,6,10 18:11,23 Alex 6:2 ALEXANDER 3:14 allow 13:2 15:15 3:12 4:6,12 5:6 5:7,16 6:18 7:1 8:5,6,10 18:11,23 Alex 6:2 Ameren 2:15 3:12 4:6,12 5:6 5:7,16 6:18 7:1 8:5,6,10 18:11,23 Alex 6:2 Ameren 2:15 3:12 4:6,12 5:6 5:7,16 6:18 7:1 8:5,6,10 18:11,23 allow 13:2 15:15 3:12 4:6,12 5:6 5:7,16 6:18 7:1 8:5,6,10 18:11,23 Alex 6:2 Ameren 2:15 3:12 4:6,12 5:6 5:7,16 6:18 7:1 48:6,14 9:4 Ameren.com 5:19 amount 16:14 17:4,5,15 amounts 17:20 17:24 amounts 17:20 17:24 answer 7:14 9:25 10:9 Antal 3:14 6:2 answer 7:14 9:25 10:9 Antal 3:14 6:2 anpear 12:8 appear nee 4:15 4:10 16:13 17:23 18:1,4,18 4:5 16:12 Complainant 2:13 3:5 complaint 4:11 6:13 7:15 9:5 9:19,25 12:10 16:918,20 17:6 6:13 7:15 9:5 9:19,25 12:10 16:13 7:4 called 6:11,24 called 6:11,24 called 6:11,24 called 6:11,24 called 6:11,24 called 6:11,24 caption 20:9 case 4:10 15:21 18:13,22 20:18 Concern 16:16 concerns 16:12 concern 16:16 c		= '	· ·		
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