

1 STATE OF MISSOURI  
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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6 TRANSCRIPT OF PROCEEDINGS  
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8 January 15, 2014  
9 Jefferson City, Missouri  
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10

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12 Brandy William McKenzie, )  
 )  
13 Complainant, )  
 ) File No. EC-2014-0130  
14 vs. )  
 )  
15 Union Electric Company )  
 d/b/a Ameren Missouri, )  
16 )  
 Respondent. )

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18

19 KIM S. BURTON, Presiding,  
REGULATORY LAW JUDGE.

20

21 REPORTED BY:  
22 PAMELA S. GENTRY, CCR  
Missouri CCR No. 426  
23 Midwest Litigation Services  
3432 West Truman Boulevard  
24 Suite 207  
Jefferson City, MO 65109  
25 (573) 636-7551

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

FOR: Ameren Missouri.

13

JENNIFER HERNANDEZ, Senior Counsel

14 NATHAN WILLIAMS, Deputy Counsel

ALEXANDER ANTAL, Legal Counsel

15 Missouri Public Service Commission

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

1 (Start time of conference: 10:39 a.m.)

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

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

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.

15 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.

21 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

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.

11 Now, the reason I called this prehearing  
12 conference is because, Ms. McKenzie, you filed a  
13 complaint back in November?

14 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.

23 JUDGE BURTON: Okay.

24 MS. McKENZIE: She called, so I was kind of  
25 surprised.

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  
4 this call.

5 JUDGE BURTON: All right. Just so you know,  
6 in the future, to make sure and change your setting  
7 then for your email account, because any of the  
8 notices or orders from the Public Service  
9 Commission will be received through your electronic  
10 email that you provided. Okay?

11 MS. McKENZIE: Okay. I will definitely do  
12 that.

13 JUDGE BURTON: Okay. But you have been in  
14 receipt of the answer from Ameren to your  
15 complaint?

16 MS. McKENZIE: Yes, I did.

17 JUDGE BURTON: Okay. And you were in  
18 receipt of the Staff's recommendation as well?

19 MS. McKENZIE: I was, to provide more  
20 information.

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  
25 to see if there's been any discussion amongst the

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.

20 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



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.

20 Okay, Ms. McKenzie?

21 MS. McKENZIE: Okay.

22 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,

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.

13 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.

17 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?

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.

19 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.

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.

13           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

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  
15 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?

19 MS. HERNANDEZ: Okay.

20 MS. McKENZIE: Okay. If I can say --

21 JUDGE BURTON: Yes.

22 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.

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.

14 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

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?

13 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.

22 JUDGE BURTON: Yes.

23 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

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



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.

23 JUDGE BURTON: After November 5th, 2013.

24 MS. GIBONEY: Actually, amounts of service  
25 after November 5th, 2013.

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?

20 MS. HERNANDEZ: No. Thank you.

21 MS. MCKENZIE: No. Thank you.

22 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.

25 MS. HERNANDEZ: Thank you.

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 C E R T I F I C A T E

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

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\_\_\_\_\_  
Pamela S. Gentry, CCR #426

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