

In the Matter of:

Claude Scott

v.

Union Electric Company d/b/a Ameren Missouri, et al.

EC-2018-0371 VOL. II

November 08, 2018



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference
November 8, 2018
Jefferson City, Missouri

Volume 2

Claude Scott,)	
)	
Complainant,)	
)	
v.)	File No. EC-2018-0371
)	
Union Electric Company)	
d/b/a Ameren Missouri,)	
)	
Respondent.)	

JOHN T. CLARK, Presiding
REGULATORY LAW JUDGE

REPORTED BY: Stephanie Allen Prewitt, CCR No. 746

A P P E A R A N C E S

COMPLAINANT CLAUDE SCOTT Appears Pro Se
(appearing via telephone conference)

FOR RESPONDENT (appearing via telephone conference):

MR. GEOFFREY GRAMMER
Associate General Counsel
Ameren Missouri
1901 Chouteau Avenue
St. Louis, Missouri 63166
314.554.3909

FOR PUBLIC SERVICE COMMISSION STAFF:

MS. ALEXANDRA KLAUS
Staff Counsel, Missouri Public Service Commission
Governor Office Building, Suite 800
200 Madison Street, PO Box 360
Jefferson City, Missouri 65102-0360
573.751.1854

1 JUDGE CLARK: We will go on the record now.
2 Today's date is November the 8th, 2018, and the current
3 time is 9:59 a.m. We're starting one minute early. We're in
4 Room 305 of the Governor Office Building. The Commission has
5 set aside this time for procedural conference in the case
6 captioned as Claude Scott, Complainant v. Union Electric
7 Company, doing business as Ameren Missouri, Respondent in File
8 Number EC-2018-0371.

9 My name's John Clark. I'm the Regulatory Law
10 Judge in this matter. I'm going to begin by having the
11 attorneys enter their appearance, starting with Ameren
12 Missouri.

13 MR. GRAMMER: Appearing on behalf of Union
14 Electric Company, d/b/a Ameren Missouri, my name is Geoffrey
15 Grammer. My business address is 1901 Chouteau Avenue,
16 St. Louis, Missouri 63166, and my telephone number is
17 314.554.3909.

18 JUDGE CLARK: Okay. Thank you, Mr. Grammer. And
19 on behalf of staff counsel?

20 MS. KLAUS: Staff counsel on behalf of Alexandra
21 Klaus, and my information has been provided to the reporter.

22 JUDGE CLARK: Mr. Scott appears in person pro se.
23 Nobody appears from the Office of Public Counsel.

24 Is there anybody else who may not be an attorney
25 but who may be speaking on today's record?

1 MS. KLAUS: Not planned, Judge.

2 JUDGE CLARK: Okay. In that case, since I haven't
3 missed anybody, I'm going to go on.

4 Are there any preliminary matters that need to be
5 addressed at this time, Mr. Grammar?

6 MR. GRAMMER: I have been instructed to ask or to
7 request a date for an evidentiary hearing.

8 JUDGE CLARK: Okay. Thank you, Mr. Grammer. And
9 I think that's one of the things I'm going to be asking the
10 parties to sort out today as well.

11 Mr. Scott?

12 MR. SCOTT: No, your Honor. I have not -- I do
13 not have anything preliminary. It's just that I have listed
14 various points in my complaint itself and the response to
15 their answer, and the preliminary -- the only preliminary I
16 would like to introduce is that I was never given an
17 opportunity to object to the untimely filing.

18 JUDGE CLARK: Okay. Well, and so you're objecting
19 to the untimely filing?

20 MR. SCOTT: That is correct, your Honor.

21 JUDGE CLARK: Okay. I'm going to overrule that
22 objection. I've already granted their filing out of time. It
23 was one day. It didn't inconvenience you any. They showed up
24 to the last procedural conference. You did not. That did
25 inconvenience them, however, because they did appear in person

1 at that time. So that's going to be overruled.

2 In regards to -- by way of full disclosure,
3 Mr. Scott called me, I believe on Monday, and e-mailed me as
4 well in regard to a disconnect notice. Those correspondence
5 were filed with EFIS so anybody can see them.

6 I did want to address at this time the disconnect
7 notice because I think it's appropriate. Mr. Scott, you
8 indicated to me that you had received a disconnect notice from
9 Ameren that would be effective on November the 16th; is that
10 correct?

11 MR. SCOTT: That is correct.

12 JUDGE CLARK: Okay. I'm going to ask Ameren
13 Missouri at this time, is that disconnect notice related to
14 any amount in controversy in this case?

15 MR. GRAMMER: To my knowledge, your Honor, no.
16 The disconnect notice is related to a past due balance that is
17 not being contested in this matter.

18 JUDGE CLARK: Okay. Is that a balance that has
19 accrued since the filing of this complaint?

20 MR. GRAMMER: Yes, your Honor.

21 JUDGE CLARK: Okay. Mr. Scott, did you understand
22 that?

23 MR. SCOTT: I understood what he's saying, but I
24 think the information is incorrect. Yes, it is relating to a
25 contested amount and also to a specific agreement that

1 AmerenUE violated and they never reinstated that came -- stems
2 from a \$175 payment they received, and I notice in their
3 answer they told -- they specifically told the Public Service
4 Commission how the payment was credited, but that information
5 is totally incorrect.

6 JUDGE CLARK: Okay.

7 MR. SCOTT: They also have a couple of other
8 numbers in here that are false.

9 JUDGE CLARK: Okay. And those are matters for an
10 evidentiary hearing, and that's why we're going to be
11 scheduling an evidentiary hearing. Mr. Scott, have you been
12 -- have you received utility bills since you filed the
13 complaint?

14 MR. SCOTT: I have not, your Honor. The only way
15 I've received a utility bill is I had to inquire about the
16 account itself by way of internet. Apparently, what Ameren
17 has done is stop sending the invoice or monthly billings and
18 they're just basically allowing me, I guess -- I don't know --
19 but they did not inform me that they're going to do that. But
20 they just stopped sending the billing, and I have to go to the
21 internet and try to look up the account to see what has
22 transpired on it lately.

23 JUDGE CLARK: Okay. Have you been paying any
24 utility bills to Ameren since this complaint?

25 MR. SCOTT: I paid the utilities amount that they

1 require, plus I've instructed payment agencies to pay the
2 AmerenUE account. Now, I have not received a bill from
3 AmerenUE regarding payment required, and I'm curious as to
4 why.

5 MR. GRAMMER: Your Honor, the company has been
6 sending monthly bills to him at his address at 3725 Geraldine
7 or Geraldine Avenue, and if he's not receiving those, I can't
8 speak to what is happening between when we put them in the
9 mail and when they are supposed to be delivered to him.
10 However, we are sending them on a monthly basis.

11 JUDGE CLARK: Okay.

12 MR. GRAMMER: And the outstanding balance -- if I
13 may just a little bit more, the outstanding balance is for
14 \$158.15 for past due, and the amount in contest -- I think
15 contested is 198.06, which is separate from that 158.15.

16 JUDGE CLARK: And as you had indicated, that has
17 accrued since this complaint was filed?

18 MR. GRAMMER: Yes.

19 JUDGE CLARK: Okay. Mr. Scott, if you're going to
20 contest that additional amount, you'll have to do so in a
21 separate complaint.

22 MR. SCOTT: Okay. Well, I thought that the
23 complaint that we had established had already addressed that,
24 but it looks like I will file a separate complaint.

25 JUDGE CLARK: Okay. If that's an additional

1 amount in contention. Any amount that would be in contention
2 in this case, Ameren would be stayed from disconnecting your
3 account for. However, any new amount that accrued since this
4 complaint was filed you're responsible for unless it otherwise
5 becomes an amount in contention in a separate complaint, so --

6 MR. SCOTT: Okay. Your Honor, the way I'm going
7 to respond to that is I am going to go ahead and file the
8 complaint on the additional amount because what I'm going to
9 have to do is go through discovery to get a detailed account
10 of it, and to this date I don't know where the amount came
11 from. I do know that it's there, they're claiming that it's
12 due, and so we're going to have to find out through that
13 complaint how they arrived at the figure.

14 JUDGE CLARK: Okay. Well, like I said, that's a
15 matter for another complaint, but I'm not going to stay any
16 shutoff notice as to a new amount at this time.

17 Now the next issue I had to address was one that I
18 had on my list to address at the last procedural conference,
19 but you were not here, Mr. Scott, and that is I received
20 indication that you wanted to move your case to federal court
21 because you didn't believe you were able to obtain a
22 resolution with the Public Service Commission. Is that
23 correct?

24 MR. SCOTT: That is correct, your Honor. What has
25 happened here is that since I've gone pro se with this matter

1 and since I have basically outlined eight areas in which that
2 case should not have been dismissed, I am getting very little,
3 if any, cooperation from the Public Service Commission. I
4 normally get accommodation from them, but in this particular
5 case and as I've spoken to them before, the reason this case
6 has gotten this far is because of their lack of action, and I
7 have seen no action on their part in all of the points that
8 I've listed in this case as far as laying out making AmerenUE
9 accountable for what they're stating. I haven't seen it, so
10 this is why I'm stating what I am.

11 JUDGE CLARK: Okay. Well, I'm going to tell you
12 right now there's no statute or law I'm aware of that allows
13 me to transfer your case to federal court, so that's not going
14 to happen.

15 Number two, you indicated that you might be
16 seeking monetary damages, and I'm going to tell you right now
17 the Public Service Commission is not authorized to award you
18 any kind of damages. All we can do is make a determination as
19 to whether or not Ameren Missouri has violated any law that
20 would be subject to the Commission's jurisdiction or any
21 tariff or order of the Commission. That's the determination
22 we can make in regard to that, as to whether they've violated
23 any law subject to the Commission's jurisdiction in the way
24 that they've billed you, violated any tariff provision in
25 regard to the way they've billed or credited you, or violated

1 any order of the Commission regarding billing practices.

2 Now I don't know when you tell me that the staff
3 has acted on this before but has failed to act this time.
4 That's separate and apart from any adjudication of this. I
5 sit in this as a neutral between the two parties, as actually
6 does staff in this complaint, but it's my job to assist the
7 Commission in making a determination based upon the facts of
8 this case as to whether or not Ameren has violated any law
9 that would be under the Commission's jurisdiction, any tariff
10 provision, or any order of the Commission, so that's
11 ultimately the proceeding we're heading for.

12 And in regard to that, what I'm going to ask the
13 parties to do today is this case has been going on a
14 substantial period of time. There have been a number of
15 delays in it both for mediation and because Mr. Scott didn't
16 appear at the last procedural conference, which is fine. I'd
17 asked Mr. Scott to explain why his case should not be
18 dismissed and he did so and I accepted that explanation, so
19 we're going to move on towards an evidentiary hearing and it's
20 my intention to hold an evidentiary hearing.

21 So I would like the parties to work on a
22 procedural schedule today. The phone bridge, I believe, stays
23 open until 11:15, which should give you enough time to at
24 least work with people's schedule. I'm going to leave a copy
25 of the adjudication calendar for the Commission with staff

1 counsel, Ms. Klaus, here.

2 Ms. Klaus, would it be possible to have a
3 procedural schedule by next Thursday?

4 MS. KLAUS: We can shoot for it, Judge. I'm
5 hopeful that we would be able to do it within a week, and
6 hopefully, we can use some time today to try and find some
7 agreeable dates.

8 Mr. Grammer, may I ask, will you be the attorney
9 who will participate in the evidentiary hearing or will that
10 be a different attorney, just so I know if I need to check
11 with them as to their schedule?

12 MR. GRAMMER: Yes, it will be Ms. Giboney. She'll
13 be the attorney on record in the case.

14 JUDGE CLARK: Okay. I'm going to order that the
15 -- that a procedural schedule be provided by November the 15th
16 or in the alternative, if one is not yet available by then,
17 that a request for additional time be filed.

18 MS. KLAUS: That will be fine. Thank you, Judge.

19 JUDGE CLARK: Do you understand that, Mr. Scott?

20 MR. SCOTT: Well, yes, what I do understand is
21 they're going to -- you're going to go ahead and have your
22 evidentiary hearing on the 15th. Looks like you're scheduling
23 it for the 11/15.

24 JUDGE CLARK: No, I'm not scheduling a hearing for
25 11/15. I'm saying that the schedule leading up to the hearing

1 will be due on 11/15, so by next Thursday, I want to know when
2 the hearing's going to be. The parties are going to work it
3 out. You, staff counsel, and the counsel for Ameren Missouri
4 are going to come up with a hearing date that works for the
5 three of you, and that needs to be submitted by the 15th and
6 staff counsel will do that; okay?

7 MR. SCOTT: Okay.

8 JUDGE CLARK: In regards to -- there are two
9 additional matters that I want to deal with at this procedural
10 conference. One is -- and I believe this is already past
11 anyway -- is the 100-day requirement, that the case be
12 resolved in a hundred days. Because this case was stayed once
13 for mediation and because there has been a continuance to the
14 procedural schedule, I am going to find that there is good
15 cause to carry the case beyond the hundred day limitation,
16 which I believe we're at anyway.

17 And, number two, I'm going to address -- because
18 this is a small complaint, I'm going to address prefiled
19 testimony. Now, do the parties have a preference as to
20 prefiled testimony? Mr. Scott?

21 MR. SCOTT: Your Honor, I have a serious problem
22 with trying to get to Jefferson City for any kind of hearing.

23 JUDGE CLARK: No hearing will be held in Jefferson
24 City. I'm going to tell you right now -- you're located near
25 St. Louis; right?

1 MR. SCOTT: Yes, sir. I'm in St. Louis County.

2 JUDGE CLARK: Any evidentiary hearing will be held
3 at our St. Louis office.

4 MR. SCOTT: Okay.

5 JUDGE CLARK: There is a requirement that the
6 hearing be held within 30 miles of the complainant, which is
7 you --

8 MR. SCOTT: Okay.

9 JUDGE CLARK: -- for your convenience. So you do
10 not have to come to Jefferson City. The hearing will come to
11 the St. Louis office, and you can -- certainly, you'll be able
12 to come to the St. Louis office; is that correct?

13 MR. SCOTT: Sure.

14 JUDGE CLARK: Okay.

15 MR. SCOTT: That's correct.

16 JUDGE CLARK: So we'll have the hearing there for
17 your convenience. I know that you are a little bit frustrated
18 right now because you want to tell me all these things in
19 regards to what you believe are violations by Ameren. Those
20 are all matters for an evidentiary hearing, and that's why I
21 don't address those in procedural conferences. You understand
22 that?

23 MR. SCOTT: Yes, sir.

24 JUDGE CLARK: Okay. Now prefiled testimony is
25 where the parties in advance file what their testimony is

1 going to be. Generally in small complaints, I don't find it
2 very necessary. I think the parties just like to get up and
3 tell their story, be cross-examined by the opposing side, and
4 then have the Commission make a decision. But I understand
5 that at some times people would like to have an opportunity to
6 organize their thoughts and file their own testimony as kind
7 of an organized piece of paper.

8 Mr. Scott, do you have a preference as to whether
9 you would just like to show up at the evidentiary hearing and
10 testify or whether or not you would like to prefile your
11 testimony with the Commission by writing out essentially
12 questions you would ask yourself and answers you would give?

13 MR. SCOTT: I'd rather do the written form, your
14 Honor.

15 JUDGE CLARK: Okay. Then we're going to do
16 prefiled testimony. So beyond the usual dates that I would
17 like to see in a procedural schedule, I would also like to see
18 dates for direct testimony, rebuttal, and any surrebuttal that
19 comes in.

20 MS. KLAUS: Can do, Judge.

21 JUDGE CLARK: Okay. Are there any other matters
22 that need to be addressed by the Commission at this time?

23 MR. SCOTT: Your Honor, I have an issue to address
24 -- to address with the Commission, and my question with the
25 Commission is why is it that there has been no effort in

1 resolving this matter when I'm looking -- I'm staring at a lot
2 of wrong information that the Ameren Company or its attorneys
3 have submitted in its response or in its answer, and all of
4 these numbers that I'm starting to look at as far as the
5 information is concerned, you know, I'd really like to see how
6 they can prove what they're saying. And so the Commission has
7 done absolutely nothing to investigate any of this of what
8 they're showing at Ameren, because usually in my past
9 experience with the Commission, we can -- we usually get these
10 resolved over the telephone. It has never gone this far.

11 JUDGE CLARK: Okay. And that may be the case,
12 Mr. Scott, and that may be that normally it doesn't head to a
13 hearing. There are cases where staff counsel intervenes and
14 everybody is able to work something out. Sometimes they are
15 not. When they're not, that's when it moves to evidentiary
16 hearing.

17 I have no knowledge of what goes on with --
18 between staff counsel, the company, and yourself outside of
19 these procedural conferences beyond what is filed with me. An
20 evidentiary hearing is the appropriate manner with which to
21 determine -- with which to determine the case or the
22 complaint.

23 Now, if you have individual questions that you
24 want answered by in regards to why certain -- certain answers
25 were filed by Ameren, I'm going to refer you to the

1 Commission's discovery practices which are contained in 4 CSR
2 240-2.090, which are Discovery and Prehearing Procedures. I'm
3 sure if you didn't catch that citation that staff would be
4 happy to reiterate it for you, and that tells you the manner
5 by which you can request discovery from Ameren Missouri.

6 MR. SCOTT: Okay.

7 JUDGE CLARK: Okay?

8 MS. KLAUS: Judge, if I may, I'll plan to include
9 citations to rules in the procedural schedule, if that would
10 be helpful.

11 JUDGE CLARK: Yes, it would.

12 If there are no matters -- are there any other
13 matters before the Commission at this time?

14 MR. SCOTT: Let me think. Is there -- yes, sir.
15 Your Honor, I would like to state that I have experienced from
16 -- from my experience in this particular case by the
17 Commission's own statement when they were in St. Louis,
18 Missouri, that they have expressed -- verbally expressed
19 prejudice in this case when they made the statement of making
20 sure you make the payment that Ameren sends you is the same
21 thing as allowing Ameren to make up its own payment and they
22 can send me anything they want without having to prove
23 anything.

24 JUDGE CLARK: Let me ask --

25 MR. SCOTT: At this point --

1 JUDGE CLARK: Let me ask you -- hey, I'm sorry to
2 interrupt you, Mr. Scott, but I have to ask a question right
3 now.

4 MR. SCOTT: Okay.

5 JUDGE CLARK: Is this something that occurred
6 during mediation?

7 MR. SCOTT: Yes, sir.

8 JUDGE CLARK: Okay. Because mediation was done by
9 a different judge -- and it's done by a different judge for a
10 reason -- the only information I ever receive regarding
11 mediation in any way, shape, or form is that mediation was
12 either successful or mediation was unsuccessful. That's the
13 only information I receive. I have no information as to what
14 happened at mediation, and I don't address anything that
15 occurred at mediation. That is outside of my purview
16 entirely.

17 MR. SCOTT: Okay. Then my next question would be
18 if we can have a neutral party assigned from the Commission
19 instead of what I have received or the people that were
20 working on this case prior. Now, if there is a formal process
21 that I need to go through to request a more neutral party from
22 the Public Service Commission, then I would much rather do
23 that than to proceed with the people that's represented the
24 Public Service Commission when we were in mediation because
25 they are the very ones who made these comments, prejudiced

1 comments, and it looks as though they are in favor of Ameren
2 because we did not resolve it in mediation.

3 Now, that is not my fault. Mediation was designed
4 to resolve this matter, as you stated, but Ameren failed to
5 make its case in mediation as far as all of its information,
6 as far as its evidence, et cetera. I happened to see that. I
7 happen to have a law background, so I happened to see what was
8 really believable and what they did not present. One of those
9 happened to be their ledger posting, so that's why I'm asking
10 for a neutral party that is not going to lean in either
11 direction going into that room.

12 JUDGE CLARK: I'm aware of no provision to
13 disqualify staff counsel from this proceeding, so I'm going to
14 deny that.

15 If you have -- you're certainly entitled at the
16 evidentiary hearing to let me as the neutral judge in this
17 matter know how it is you believe staff has misbehaved or
18 prejudiced you as part of the evidentiary hearing, but again,
19 that would be evidence that you would present at the hearing.

20 What I'm going to do is at the hearing, I'm going
21 to hear both sides of evidence. Both sides are going to have
22 an opportunity to fully present their case with the exception
23 of any material that would not be allowed as a matter of law.
24 So I will hear anything you have to say in regards to how you
25 believe staff counsel or staff has prejudiced your case at the

1 hearing; okay?

2 MR. SCOTT: Sure.

3 MS. KLAUS: And, Judge, if I may just quickly add.
4 Mr. Scott, staff did not participate in your mediation.

5 MR. SCOTT: Okay, ma'am. Someone from the Public
6 Service Commission showed up in the mediation.

7 MS. KLAUS: There was a judge assigned to it, but
8 nobody who participated in the investigation of your complaint
9 was present at that mediation.

10 MR. SCOTT: Maybe you can explain to me who the
11 bodies were in that room.

12 JUDGE CLARK: Would you care to do that,
13 Ms. Klaus?

14 MS. KLAUS: Well, Judge, I wasn't in the room, so
15 I can't provide facts as to who was and was not in the room.

16 JUDGE CLARK: I know there was another judge
17 assigned as mediator, Mr. Scott, and that judge would be
18 there.

19 MR. SCOTT: Correct.

20 JUDGE CLARK: And that judge was Ms. Dippell.
21 And, likewise, at the hearing you're welcome to tell me
22 anything that you believe Ms. Dippell did that prejudiced your
23 case. But I'm going to tell you in regard to mediation, when
24 it's -- when it goes to mediation with a judge, it is
25 essentially quarantined off from the judge who hears it, so I

1 don't know anything that occurred in mediation.

2 All I was told is that mediation was unsuccessful
3 and that the case was coming back to me.

4 MR. SCOTT: Okay.

5 JUDGE CLARK: And so I've taken it back.

6 MR. SCOTT: Okay. Then, your Honor, maybe you can
7 explain. Were there two judges in the room at the time? I do
8 happen to have a witness that was there with me, but I just
9 wanted to know were there two judges in that room at the time.

10 JUDGE CLARK: When I said that I don't know what
11 happened in medication, I meant in its totality. I have no
12 idea who was there even.

13 MR. SCOTT: Okay.

14 JUDGE CLARK: Now, you're welcome to -- you're
15 welcome to inquire of staff, of Ameren and staff counsel as to
16 who was there. I'm sure that they can assist you in finding
17 out who was there. You're welcome to bring the person who was
18 with you there to testify in regard to what happened there if
19 you believe it is pertinent. However, if it's not admissible
20 as a matter of law, I won't be admitting it at the hearing.

21 Generally, mediation is confidential and no part
22 of it is admissible as a matter of law, so I find it hard to
23 believe that you can be prejudiced by something that's not
24 going to be admissible at the hearing anyway.

25 MR. SCOTT: My question then becomes maybe we

1 should start recording these hearings, because when I started
2 getting these comments from a supposedly neutral party, then
3 that is a form of prejudice against one side or the other.

4 Now, it would have been better if that comment or
5 those comments had not been made by either side. I'm not the
6 side that made the comment. I do have a witness that heard
7 the comment. So, yes, I will bring the witness with me, and
8 that witness is going to tell exactly what did occur in that
9 room. But as far as I can see, you know, this particular case
10 has got swung from one side to the other simply because of
11 what one side refuses to do to resolve the matter.

12 JUDGE CLARK: Okay, Mr. Scott. I've already said
13 what I've said, too, in regard to mediation, and I've said it
14 and I will say it one last time. I don't know what happened
15 at mediation. I don't hear. Mediations are not recorded.
16 Mediations are generally confidential between the party.

17 You can bring your witness, and if there's an
18 objection, there's a good chance that that witness will not be
19 allowed to testify in regard to what occurred at mediation
20 unless it is deemed in some way pertinent to the case moving
21 forward.

22 In regard to recording procedural conferences,
23 there is a court reporter here right now taking down every
24 word that is said by every single party or person who speaks,
25 and a copy of that transcript will be posted on EFIS and

1 available to you. You'll be able to see exactly what
2 everybody said today.

3 MR. SCOTT: The problem with that, your Honor, is
4 that I don't have a copy of the transcript of that mediation.

5 JUDGE CLARK: There would be no transcript of the
6 mediation. As I explained, mediations are confidential.
7 They're not recorded. There shouldn't have been a court
8 reporter at the mediation anyway.

9 MR. SCOTT: Okay. I understand that, and I don't
10 know if there was one, but what I am stating is that the best
11 way from what I can see is to find out what was said at
12 mediation, even if it is confidential, what was even said
13 there.

14 JUDGE CLARK: Okay.

15 MR. SCOTT: What both parties even stated.

16 JUDGE CLARK: Well, you were the one who was
17 there, Mr. Scott. I was not there, so I can't tell you what
18 was said unfortunately. What I am going to say is we've
19 talked about mediation long enough for today. I'm not willing
20 to address any further issues today in regard to mediation.
21 So do you have any other issues that you wanted to address
22 before the Commission today, Mr. Scott?

23 MR. SCOTT: Yes, I did, your Honor, and that is
24 that I was instructed to proceed with filing a second formal
25 complaint with the Public Service Commission. Now, my

1 question to you becomes is it -- is it beneficial to just go
2 ahead and submit it? I understand you're not allowed to give
3 out legal advice, but I am told that when you feel that the
4 Commission has not responded in the appropriate manner,
5 especially with numerous points in this case, it's better to
6 go ahead and file a separate formal complaint in this
7 particular case because I don't see how this case has gotten
8 resolved with Ameren.

9 We shouldn't even be having this hearing had we
10 resolved this matter in mediation. They failed to explain
11 anything there. So I'm just -- I'm about to proceed with a
12 second formal complaint. I just wanted to know, you know, is
13 there anything barring me from doing that?

14 JUDGE CLARK: You hit the nail on the head. I can
15 offer you no legal advice, and anything I would tell you in
16 regard to whether or not you should file a complaint would be
17 legal advice, so I cannot advise you in regard to that.

18 MR. SCOTT: Your Honor, I'm not asking if you
19 would advise me to do it. I'm asking can it be -- is it
20 allowed?

21 JUDGE CLARK: Again, you're asking me about the
22 law and you're asking me to advise you about the law. If you
23 want to file a complaint, file a complaint. If you do not
24 want to file a complaint, don't file a complaint. As to
25 whether or not it's barred by law, that's something that will

1 be addressed when the complaint is filed.

2 MR. SCOTT: Okay. Thank you.

3 JUDGE CLARK: Okay. Mr. Scott, did you have
4 anything else you wanted to address today?

5 MR. SCOTT: No. I will put everything in writing
6 in a form of discovery for the opposing side to respond to
7 because I noticed quite a bit in their response, in their
8 answer that's false, so that's about all I'm going to state.

9 I'll let the rest go in the form of a written
10 complaint or written response to them, and then we'll just
11 take it from there.

12 JUDGE CLARK: Okay. Thank you, Mr. Scott. As I
13 said before, I provided a copy of the adjudication calendar to
14 staff counsel today. I believe that the phone bridge is open
15 until 11:15. I can't be certain of that. I'm sure it is at
16 least open until 11 o'clock. That will give you all time to
17 work together today on possibly establishing a procedural
18 schedule.

19 That procedural schedule, as I previously stated,
20 is due next Thursday, November the 15th, or any request for an
21 extension of time to file that procedural schedule. At this
22 time, I'm going to -- hearing no other matters before the
23 Commission today, I'm going to adjourn this hearing.

24 MR. GRAMMER: Your Honor --

25 JUDGE CLARK: Well, wait a second.

1 MR. GRAMMER: I apologize. This is Geoffrey from
2 Ameren. We would like to go on the record saying that we are
3 opposed to prefiled testimony. We would like to go straight
4 to an evidentiary hearing. We feel that this matter has been
5 discussed and adjudicated long enough, and we'd like to get
6 right to an evidentiary hearing to resolve this matter.

7 JUDGE CLARK: And I understand that, Mr. Gram
8 [sic].

9 MR. GRAMMER: Right.

10 JUDGE CLARK: It's generally my practice that if
11 the complainant, because it is the complainant's complaint,
12 would prefer to do prefiled testimony because it would help
13 them better organize their thoughts, I allow them to do so, so
14 I will overrule that and we'll be submitting prefiled
15 testimony.

16 MR. GRAMMER: Thank you, your Honor.

17 JUDGE CLARK: Okay. Is there anything else,
18 Mr. Gram?

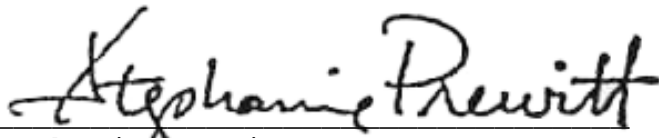
19 MR. GRAMMER: Not from me. Not from the company,
20 your Honor.

21 JUDGE CLARK: Okay. Then this hearing is
22 adjourned. We'll go off the record now.

23 (The hearing was adjourned at 10:31 a.m.)
24
25

CERTIFICATE OF REPORTER

I, Stephanie Prewitt, CCR No. 746, within the State of Missouri do hereby certify that I appeared and reported all testimony and statements made on the record at the Prehearing Conference in this matter in Jefferson City, Missouri, on November 8, 2018; 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 matter.


Stephanie Prewitt, CCR

\$	8	admitting 27:20	authorized 16:17
\$158.15 14:14	8th 10:2	advance 20:25	Avenue 10:15 14:7
\$175 13:2		advice 30:3,15,17	award 16:17
1	9	advise 30:17,19,22	aware 16:12 25:12
100-day 19:11	9:59 10:3	agencies 14:1	B
10:31 32:23	A	agreeable 18:7	back 27:3,5
11 31:16	a.m. 10:3 32:23	agreement 12:25	background 25:7
11/15 18:23,25 19:1	absolutely 22:7	ahead 15:7 18:21 30:2,6	balance 12:16,18 14:12,13
11:15 17:23 31:15	accepted 17:18	Alexandra 10:20	barred 30:25
158.15 14:15	accommodation 16:4	allowed 25:23 28:19 30:2,20	barring 30:13
15th 18:15,22 19:5 31:20	account 13:16,21 14:2 15:3,9	allowing 13:18 23:21	based 17:7
16th 12:9	accountable 16:9	alternative 18:16	basically 13:18 16:1
1901 10:15	accrued 12:19 14:17 15:3	Ameren 10:7,11,14 12:9,12 13:16,24 15:2 16:19 17:8 19:3 20:19 22:2,8,25 23:5,20,21 25:1,4 27:15 30:8 32:2	basis 14:10
198.06 14:15	act 17:3	Amerenue 13:1 14:2, 3 16:8	begin 10:10
2	acted 17:3	amount 12:14,25 13:25 14:14,20 15:1,3, 5,8,10,16	behalf 10:13,19,20
2018 10:2	action 16:6,7	answers 21:12 22:24	believable 25:8
240-2.090 23:2	add 26:3	apologize 32:1	beneficial 30:1
3	additional 14:20,25 15:8 18:17 19:9	Apparently 13:16	bill 13:15 14:2
30 20:6	address 10:15 12:6 14:6 15:17,18 19:17, 18 20:21 21:23,24 24:14 29:20,21 31:4	appearance 10:11	billed 16:24,25
305 10:4	addressed 11:5 14:23 21:22 31:1	Appearing 10:13	billing 13:20 17:1
314.554.3909 10:17	adjourn 31:23	appears 10:22,23	billings 13:17
3725 14:6	adjourned 32:22,23	areas 16:1	bills 13:12,24 14:6
4	adjudicated 32:5	arrived 15:13	bit 14:13 20:17 31:7
4 23:1	adjudication 17:4,25 31:13	assigned 24:18 26:7, 17	bodies 26:11
6	admissible 27:19,22, 24	assist 17:6 27:16	bridge 17:22 31:14
63166 10:16		attorney 10:24 18:8, 10,13	bring 27:17 28:7,17
		attorneys 10:11 22:2	Building 10:4
			business 10:7,15
			C
			calendar 17:25 31:13
			called 12:3

captioned 10:6 care 26:12 carry 19:15 case 10:5 11:2 12:14 15:2,20 16:2,5,8,13 17:8,13,17 18:13 19:11,12,15 22:11,21 23:16,19 24:20 25:5, 22,25 26:23 27:3 28:9, 20 30:5,7 cases 22:13 catch 23:3 cetera 25:6 chance 28:18 check 18:10 Chouteau 10:15 citation 23:3 citations 23:9 City 19:22,24 20:10 claiming 15:11 Clark 10:1,9,18,22 11:2,8,18,21 12:12,18, 21 13:6,9,23 14:11,16, 19,25 15:14 16:11 18:14,19,24 19:8,23 20:2,5,9,14,16,24 21:15,21 22:11 23:7, 11,24 24:1,5,8 25:12 26:12,16,20 27:5,10, 14 28:12 29:5,14,16 30:14,21 31:3,12,25 32:7,10,17,21 Claude 10:6 comment 28:4,6,7 comments 24:25 25:1 28:2,5 Commission 10:4 13:4 15:22 16:3,17,21 17:1,7,10,25 21:4,11, 22,24,25 22:6,9 23:13 24:18,22,24 26:6 29:22,25 30:4 31:23	Commission's 16:20,23 17:9 23:1,17 company 10:7,14 14:5 22:2,18 32:19 complainant 10:6 20:6 32:11 complainant's 32:11 complaint 11:14 12:19 13:13,24 14:17, 21,23,24 15:4,5,8,13, 15 17:6 19:18 22:22 26:8 29:25 30:6,12,16, 23,24 31:1,10 32:11 complaints 21:1 concerned 22:5 conference 10:5 11:24 15:18 17:16 19:10 conferences 20:21 22:19 28:22 confidential 27:21 28:16 29:6,12 contained 23:1 contention 15:1,5 contest 14:14,20 contested 12:17,25 14:15 continuance 19:13 controversy 12:14 convenience 20:9,17 cooperation 16:3 copy 17:24 28:25 29:4 31:13 correct 11:20 12:10, 11 15:23,24 20:12,15 26:19 correspondence 12:4 counsel 10:19,20,23 18:1 19:3,6 22:13,18 25:13,25 27:15 31:14	County 20:1 couple 13:7 court 15:20 16:13 28:23 29:7 credited 13:4 16:25 cross-examined 21:3 CSR 23:1 curious 14:3 current 10:2 <hr/> D <hr/> d/b/a 10:14 damages 16:16,18 date 10:2 11:7 15:10 19:4 dates 18:7 21:16,18 day 11:23 19:15 days 19:12 deal 19:9 decision 21:4 deemed 28:20 delays 17:15 delivered 14:9 deny 25:14 designed 25:3 detailed 15:9 determination 16:18,21 17:7 determine 22:21 Dippell 26:20,22 direct 21:18 direction 25:11 disclosure 12:2 disconnect 12:4,6,8, 13,16	disconnecting 15:2 discovery 15:9 23:1, 2,5 31:6 discussed 32:5 dismissed 16:2 17:18 disqualify 25:13 due 12:16 14:14 15:12 19:1 31:20 <hr/> E <hr/> e-mailed 12:3 early 10:3 EC-2018-0371 10:8 effective 12:9 effort 21:25 EFIS 12:5 28:25 Electric 10:6,14 enter 10:11 entitled 25:15 essentially 21:11 26:25 established 14:23 establishing 31:17 evidence 25:6,19,21 evidentiary 11:7 13:10,11 17:19,20 18:9,22 20:2,20 21:9 22:15,20 25:16,18 32:4,6 exception 25:22 experience 22:9 23:16 experienced 23:15 explain 17:17 26:10 27:7 30:10 explained 29:6 explanation 17:18
--	--	--	--

expressed 23:18 extension 31:21 <hr/> F <hr/> facts 17:7 26:15 failed 17:3 25:4 30:10 false 13:8 31:8 fault 25:3 favor 25:1 federal 15:20 16:13 feel 30:3 32:4 figure 15:13 file 10:7 14:24 15:7 20:25 21:6 30:6,16,23, 24 31:21 filed 12:5 13:12 14:17 15:4 18:17 22:19,25 31:1 filing 11:17,19,22 12:19 29:24 find 15:12 18:6 19:14 21:1 27:22 29:11 finding 27:16 fine 17:16 18:18 form 21:13 24:11 28:3 31:6,9 formal 24:20 29:24 30:6,12 forward 28:21 frustrated 20:17 full 12:2 fully 25:22 <hr/> G <hr/> generally 21:1 27:21 28:16 32:10 Geoffrey 10:14 32:1	Geraldine 14:6,7 Giboney 18:12 give 17:23 21:12 30:2 31:16 good 19:14 28:18 Governor 10:4 Gram 32:7,18 Grammar 11:5 Grammer 10:13,15, 18 11:6,8 12:15,20 14:5,12,18 18:8,12 31:24 32:1,9,16,19 granted 11:22 guess 13:18 <hr/> H <hr/> happen 16:14 25:7 27:8 happened 15:25 24:14 25:6,7,9 27:11, 18 28:14 happening 14:8 happy 23:4 hard 27:22 head 22:12 30:14 heading 17:11 hear 25:21,24 28:15 heard 28:6 hearing 11:7 13:10, 11 17:19,20 18:9,22, 24,25 19:4,22,23 20:2, 6,10,16,20 21:9 22:13, 16,20 25:16,18,19,20 26:1,21 27:20,24 30:9 31:22,23 32:4,6,21,23 hearing's 19:2 hearings 28:1 hears 26:25 held 19:23 20:2,6	helpful 23:10 hey 24:1 hit 30:14 hold 17:20 Honor 11:12,20 12:15,20 13:14 14:5 15:6,24 19:21 21:14, 23 23:15 27:6 29:3,23 30:18 31:24 32:16,20 hopeful 18:5 hundred 19:12,15 <hr/> I <hr/> idea 27:12 include 23:8 inconvenience 11:23,25 incorrect 12:24 13:5 indication 15:20 individual 22:23 inform 13:19 information 10:21 12:24 13:4 22:2,5 24:10,13 25:5 inquire 13:15 27:15 instructed 11:6 14:1 29:24 intention 17:20 internet 13:16,21 interrupt 24:2 intervenes 22:13 introduce 11:16 investigate 22:7 investigation 26:8 invoice 13:17 issue 15:17 21:23 issues 29:20,21	<hr/> J <hr/> Jefferson 19:22,23 20:10 job 17:6 John 10:9 judge 10:1,10,18,22 11:1,2,8,18,21 12:12, 18,21 13:6,9,23 14:11, 16,19,25 15:14 16:11 18:4,14,18,19,24 19:8, 23 20:2,5,9,14,16,24 21:15,20,21 22:11 23:7,8,11,24 24:1,5,8, 9 25:12,16 26:3,7,12, 14,16,17,20,24,25 27:5,10,14 28:12 29:5, 14,16 30:14,21 31:3, 12,25 32:7,10,17,21 judges 27:7,9 jurisdiction 16:20,23 17:9 <hr/> K <hr/> kind 16:18 19:22 21:6 Klaus 10:20,21 11:1 18:1,2,4,18 21:20 23:8 26:3,7,13,14 knowledge 12:15 22:17 <hr/> L <hr/> lack 16:6 law 10:9 16:12,19,23 17:8 25:7,23 27:20,22 30:22,25 laying 16:8 leading 18:25 lean 25:10 leave 17:24
---	---	---	--

ledger 25:9 legal 30:3,15,17 likewise 26:21 limitation 19:15 list 15:18 listed 11:13 16:8 located 19:24 long 29:19 32:5 lot 22:1 Louis 10:16 19:25 20:1,3,11,12 23:17 <hr/> M <hr/> made 23:19 24:25 28:5,6 mail 14:9 make 16:18,22 21:4 23:20,21 25:5 making 16:8 17:7 23:19 manner 22:20 23:4 30:4 material 25:23 matter 10:10 12:17 15:15,25 22:1 25:4,17, 23 27:20,22 28:11 30:10 32:4,6 matters 11:4 13:9 19:9 20:20 21:21 23:12,13 31:22 meant 27:11 mediation 17:15 19:13 24:6,8,11,12,14, 15,24 25:2,3,5 26:4,6, 9,23,24 27:1,2,21 28:13,15,19 29:4,6,8, 12,19,20 30:10 mediations 28:15,16 29:6 mediator 26:17	medication 27:11 miles 20:6 minute 10:3 misbehaved 25:17 missed 11:3 Missouri 10:7,12,14, 16 12:13 16:19 19:3 23:5,18 Monday 12:3 monetary 16:16 monthly 13:17 14:6, 10 move 15:20 17:19 moves 22:15 moving 28:20 <hr/> N <hr/> nail 30:14 name's 10:9 neutral 17:5 24:18,21 25:10,16 28:2 notice 12:4,7,8,13,16 13:2 15:16 noticed 31:7 November 10:2 12:9 18:15 31:20 number 10:8,16 16:15 17:14 19:17 numbers 13:8 22:4 numerous 30:5 <hr/> O <hr/> object 11:17 objecting 11:18 objection 11:22 28:18 obtain 15:21	occur 28:8 occurred 24:5,15 27:1 28:19 offer 30:15 office 10:4,23 20:3, 11,12 open 17:23 31:14,16 opportunity 11:17 21:5 25:22 opposed 32:3 opposing 21:3 31:6 order 16:21 17:1,10 18:14 organize 21:6 32:13 organized 21:7 outlined 16:1 outstanding 14:12, 13 overrule 11:21 32:14 overruled 12:1 <hr/> P <hr/> paid 13:25 paper 21:7 part 16:7 25:18 27:21 participate 18:9 26:4 participated 26:8 parties 11:10 17:5,13, 21 19:2,19 20:25 21:2 29:15 party 24:18,21 25:10 28:2,16,24 past 12:16 14:14 19:10 22:8 pay 14:1 paying 13:23 payment 13:2,4 14:1, 3 23:20,21	people 21:5 24:19,23 people's 17:24 period 17:14 person 10:22 11:25 27:17 28:24 pertinent 27:19 28:20 phone 17:22 31:14 piece 21:7 plan 23:8 planned 11:1 point 23:25 points 11:14 16:7 30:5 possibly 31:17 posted 28:25 posting 25:9 practice 32:10 practices 17:1 23:1 prefer 32:12 preference 19:19 21:8 prefile 21:10 prefiled 19:18,20 20:24 21:16 32:3,12, 14 Prehearing 23:2 prejudice 23:19 28:3 prejudiced 24:25 25:18,25 26:22 27:23 preliminary 11:4,13, 15 present 25:8,19,22 26:9 previously 31:19 prior 24:20 pro 10:22 15:25 problem 19:21 29:3
--	---	---	---

procedural 10:5 11:24 15:18 17:16,22 18:3,15 19:9,14 20:21 21:17 22:19 23:9 28:22 31:17,19,21 Procedures 23:2 proceed 24:23 29:24 30:11 proceeding 17:11 25:13 process 24:20 prove 22:6 23:22 provide 26:15 provided 10:21 18:15 31:13 provision 16:24 17:10 25:12 Public 10:23 13:3 15:22 16:3,17 24:22, 24 26:5 29:25 purview 24:15 put 14:8 31:5	record 10:1,25 18:13 32:2,22 recorded 28:15 29:7 recording 28:1,22 refer 22:25 refuses 28:11 regard 12:4 16:22,25 17:12 26:23 27:18 28:13,19,22 29:20 30:16,17 Regulatory 10:9 reinstated 13:1 reiterate 23:4 related 12:13,16 relating 12:24 reporter 10:21 28:23 29:8 represented 24:23 request 11:7 18:17 23:5 24:21 31:20 require 14:1 required 14:3 requirement 19:11 20:5 resolution 15:22 resolve 25:2,4 28:11 32:6 resolved 19:12 22:10 30:8,10 resolving 22:1 respond 15:7 31:6 responded 30:4 Respondent 10:7 response 11:14 22:3 31:7,10 responsible 15:4 rest 31:9 room 10:4 25:11	26:11,14,15 27:7,9 28:9 rules 23:9 <hr/> S <hr/> schedule 17:22,24 18:3,11,15,25 19:14 21:17 23:9 31:18,19, 21 scheduling 13:11 18:22,24 Scott 10:6,22 11:11, 12,20 12:3,7,11,21,23 13:7,11,14,25 14:19, 22 15:6,19,24 17:15, 17 18:19,20 19:7,20, 21 20:1,4,8,13,15,23 21:8,13,23 22:12 23:6, 14,25 24:2,4,7,17 26:2,4,5,10,17,19 27:4,6,13,25 28:12 29:3,9,15,17,22,23 30:18 31:2,3,5,12 seeking 16:16 send 23:22 sending 13:17,20 14:6,10 sends 23:20 separate 14:15,21,24 15:5 17:4 30:6 Service 13:3 15:22 16:3,17 24:22,24 26:6 29:25 set 10:5 shape 24:11 She'll 18:12 shoot 18:4 show 21:9 showed 11:23 26:6 showing 22:8 shutoff 15:16	sic 32:8 side 21:3 28:3,5,6,10, 11 31:6 sides 25:21 simply 28:10 single 28:24 sir 20:1,23 23:14 24:7 sit 17:5 small 19:18 21:1 sort 11:10 speak 14:8 speaking 10:25 speaks 28:24 specific 12:25 specifically 13:3 spoken 16:5 St 10:16 19:25 20:1,3, 11,12 23:17 staff 10:19,20 17:2,6, 25 19:3,6 22:13,18 23:3 25:13,17,25 26:4 27:15 31:14 staring 22:1 start 28:1 started 28:1 starting 10:3,11 22:4 state 23:15 31:8 stated 25:4 29:15 31:19 statement 23:17,19 stating 16:9,10 29:10 statute 16:12 stay 15:15 stayed 15:2 19:12 stays 17:22 stems 13:1
--	---	---	--

stop 13:17 stopped 13:20 story 21:3 straight 32:3 subject 16:20,23 submit 30:2 submitted 19:5 22:3 submitting 32:14 substantial 17:14 successful 24:12 supposed 14:9 supposedly 28:2 surrebuttal 21:18 swung 28:10	times 21:5 today 11:10 17:13,22 18:6 29:2,19,20,22 31:4,14,17,23 today's 10:2,25 told 13:3 27:2 30:3 totality 27:11 totally 13:5 transcript 28:25 29:4,5 transfer 16:13 transpired 13:22	week 18:5 word 28:24 work 17:21,24 19:2 22:14 31:17 working 24:20 works 19:4 writing 21:11 31:5 written 21:13 31:9,10 wrong 22:2
<hr/> T <hr/>	<hr/> U <hr/>	
taking 28:23 talked 29:19 tariff 16:21,24 17:9 telephone 10:16 22:10 tells 23:4 testify 21:10 27:18 28:19 testimony 19:19,20 20:24,25 21:6,11,16, 18 32:3,12,15 thing 23:21 things 11:9 20:18 thought 14:22 thoughts 21:6 32:13 Thursday 18:3 19:1 31:20 time 10:3,5 11:5,22 12:1,6,13 15:16 17:3, 14,23 18:6,17 21:22 23:13 27:7,9 28:14 31:16,21,22	ultimately 17:11 understand 12:21 18:19,20 20:21 21:4 29:9 30:2 32:7 understood 12:23 Union 10:6,13 unsuccessful 24:12 27:2 untimely 11:17,19 usual 21:16 utilities 13:25 utility 13:12,15,24	
	<hr/> V <hr/>	
	verbally 23:18 violated 13:1 16:19, 22,24,25 17:8 violations 20:19	
	<hr/> W <hr/>	
	wait 31:25 wanted 15:20 27:9 29:21 30:12 31:4	