

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

July 31, 2014  
Jefferson City, Missouri  
Volume 2

Kasey Caves, )  
)  
Petitioner, )  
)  
vs. )Case No. EC-2014-0334  
)  
The Empire District )  
Electric Company, )  
)  
Respondent. )

JUDGE KIM S. BURTON, Presiding  
REGULATORY LAW JUDGE

REPORTED BY: Monnie S. Mealy, CCR, CSR, RPR  
Midwest Litigation Services  
3432 W. Truman Boulevard, Suite 207  
Jefferson City, MO 65109  
(573) 636-7551

1 A P P E A R A N C E S

2 For Staff of the Missouri Public Service Commission:

3 Mr. Alexander Antal

4 Missouri Public Service Commission

5 200 Madison Street

P.O. Box 360

6 Jefferson City, MO 65102

(573) 751-3234

7

8 For Empire District Electric Company:

9 Ms, Diana Carter

Brydon, Swearngen & England

10 312 E. Capitol

Jefferson City, MO 65102

11 (573) 635-7166

12

For Ms. Kasey Caves, Pro Se:

13

Ms. Kasey Caves

14 1204 N. Scotch Pine Lane

Joplin, MO 64801

15

16

17

18

19

20

21

22

23

24

25

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

2 Then let's go ahead and go on the record.

3 It's currently 2:59 on July 31st, 2014. I am Kim  
4 Burton, the Regulatory Law Judge.

5 We have set a prehearing conference in the  
6 matter of the complaint of Kasey Caves versus the  
7 Empire District Electric Company. That's case No.  
8 EC-2014-0334.

9 Now, at this time, I would ask the parties  
10 to enter their appearance. So, Ms. Caves, would  
11 you please state your name and your address for the  
12 court reporter?

13 MS. CAVES: My name is Kasey Caves. I  
14 live at 1204 North Scotch Pine Lane, Joplin,  
15 Missouri, 64801.

16 JUDGE BURTON: Okay. Thank you. And on  
17 behalf of the Empire District Electric Company?

18 MS. CARTER: Diana Carter, Brydon,  
19 Swearngen & England, 312 East Capital Avenue,  
20 Jefferson City, Missouri, 65102.

21 JUDGE BURTON: Thank you. And on behalf  
22 of the Staff of the Missouri Public Service  
23 Commission?

24 MR. ANTAL: For the Staff, Alexander  
25 Antal, P.O. Box 360, Jefferson City, Missouri,

1 65102.

2 JUDGE BURTON: All right. Thank you. And  
3 is there any other person present that I have not  
4 already recognized?

5 MR. BAKER: Brent Baker with Empire.

6 JUDGE BURTON: Okay. Thank you. Now,  
7 Ms. Caves, the Public Service Commission has  
8 received your complaint. And have you had an  
9 opportunity to review the answer filed by Empire or  
10 the Staff's report?

11 MS. CAVES: Yes. I believe I read it  
12 correctly.

13 JUDGE BURTON: Okay. Now, I don't know if  
14 you've had an opportunity to talk to either a  
15 representative from the staff or from the utility  
16 to negotiate a possibly settlement of this  
17 complaint, but just to let you know what the  
18 procedure is here, the reason I called this  
19 prehearing is to provide an opportunity, first and  
20 foremost, for you to know that the Commission is  
21 addressing your complaint and to say that, on  
22 behalf of all the parties, I'm going to be needing  
23 to set a time for a hearing if it comes to that.

24 Now, what's going to happen after we go  
25 off the record, Ms. Caves, is I'm going to allow

1 the parties an opportunity to talk and see if they  
2 want to discuss the issues.

3 MS. CAVES: Okay.

4 JUDGE BURTON: Then I don't know if you've  
5 been made aware, but we also offer mediation as an  
6 option. So that's --

7 MS. CAVES: Okay.

8 JUDGE BURTON: So that's something that we  
9 discuss if you would like to.

10 MS. CAVES: Okay. Yeah. I -- I'm kind of  
11 -- kind of learning all this because I've  
12 definitely never done any of this before, so --

13 JUDGE BURTON: Okay. Then this is what  
14 I'm going to do. Mr. Antal, if you could, after  
15 the discussions after we go off the record, provide  
16 a status report to me.

17 MR. ANTAL: Okay.

18 JUDGE BURTON: Just stating whether or not  
19 the parties would like some additional time to  
20 discuss resolution of this complaint, whether or  
21 not there's any interest on behalf of the parties  
22 for a mediation, and, also, if that doesn't seem  
23 likely, dates for possible hearing.

24 And what that would involve, Ms. Caves, is  
25 an opportunity for yourself and the company to

1 present evidence before me. And that will be a  
2 hearing which will have a record and will have the  
3 exhibits admitted and that will be offered to the  
4 Commission for review and a determination on your  
5 complaint.

6 MS. CAVES: Okay.

7 JUDGE BURTON: Okay? So just so the  
8 parties know, obviously, this would involve a  
9 weekday, Ms. Caves, and I don't know what your work  
10 schedule is like. But if it does come to a  
11 hearing, I would like to look at possibly September  
12 at the latest, October. And --

13 MS. CAVES: Okay.

14 JUDGE BURTON: Let me know the dates,  
15 Mr. Antal, and, also, the options of whether or  
16 not the hearing would be here in Jefferson City,  
17 Missouri, or if it would be down in Joplin so that  
18 we can plan accordingly.

19 MR. ANTAL: Okay. Okay.

20 JUDGE BURTON: Okay? Are there any  
21 questions or comments from any party present?

22 MS. CARTER: No questions.

23 JUDGE BURTON: Ms. Caves?

24 MS. CAVES: No. No, I don't.

25 JUDGE BURTON: Okay. Then why don't we go

1 ahead and we'll conclude this prehearing. And I  
2 will0 just say, Mr. Antal, how about by next Friday  
3 the Staff file a status report?

4 MR. ANTAL: Okay.

5 JUDGE BURTON: And if need be, a list of  
6 possible dates for a hearing and locations.

7 MR. ANTAL: Okay.

8 JUDGE BURTON: And I would like to have at  
9 least three date options to work with. Okay?

10 MR. ANTAL: We can do that.

11 JUDGE BURTON: Any questions? All right.  
12 Well, thank you very much. We'll go ahead and go  
13 off the record.

14 And, Ms. Caves, please don't hang up.  
15 You'll have an opportunity to talk with the  
16 parties, and they're going to move the Polycom over  
17 so that you can hopefully hear them better.

18 MS. CAVES: Okay.

19 JUDGE BURTON: All right. Thank you,  
20 everyone.

21 MS. CARTER: Thanks, Judge.

22 MR. ANTAL: Thank you, Judge.

23 (The proceedings were concluded at 3:05 p.m. on  
24 July 31, 2014.)

25

1 REPORTER'S CERTIFICATE

2

3 STATE OF MISSOURI )

4 ) ss.

5 COUNTY OF OSAGE)

6

7 I, Monnie S. Mealy, Certified Shorthand Reporter,  
8 Certified Court Reporter #0538, and Registered Professional  
9 Reporter, within and for the State of Missouri, do hereby  
10 certify that I was personally present at the proceedings as  
11 set forth in the caption sheet hereof; that I then and there  
12 took down in stenotype the proceedings had at said time and  
13 was thereafter transcribed by me, and is fully and accurately  
14 set forth in the preceding pages.

15

16

17

18

19 \_\_\_\_\_  
Monnie S. Mealy, CSR, CCR #0538

20 Registered Professional Reporter

21

22

23

24

25



<b>A</b> accurately 16:13 additional 13:19 address 11:11 addressing 12:21 admitted 14:3 ahead 11:2 15:1 15:12 Alexander 10:3 11:24 allow 12:25 answer 12:9 Antal 10:3 11:24 11:25 13:14,17 14:15,19 15:2,4 15:7,10,22 appearance 11:10 Avenue 11:19 aware 13:5	15:21 case 9:12 11:7 Caves 9:10 10:12 10:13 11:6,10 11:13,13 12:7 12:11,25 13:3,7 13:10,24 14:6,9 14:13,23,24 15:14,18 CCR 9:22 16:19 CERTIFICATE 16:1 Certified 16:7,8 certify 16:10 City 9:7,23 10:6 10:10 11:20,25 14:16 come 14:10 comes 12:23 comments 14:21 Commission 9:1 10:2,4 11:23 12:7,20 14:4 company 9:14 10:8 11:7,17 13:25 complaint 11:6 12:8,17,21 13:20 14:5 conclude 15:1 concluded 15:23 conference 9:5 11:5 correctly 12:12 COUNTY 16:5 court 11:12 16:8 CSR 9:22 16:19 currently 11:3	Diana 10:9 11:18 discuss 13:2,9,20 discussions 13:15 District 9:13 10:8 11:7,17 <b>E</b> E 10:1,1,10 11:1 11:1 East 11:19 EC-2014-0334 9:12 11:8 either 12:14 Electric 9:14 10:8 11:7,17 Empire 9:13 10:8 11:7,17 12:5,9 England 10:9 11:19 enter 11:10 evidence 14:1 exhibits 14:3 <b>F</b> file 15:3 filed 12:9 first 12:19 foremost 12:20 forth 16:11,14 Friday 15:2 fully 16:13 <b>G</b> G 11:1 go 11:2,2 12:24 13:15 14:25 15:12,12 going 12:22,24 12:25 13:14 15:16 <b>H</b> hang 15:14 happen 12:24 hear 15:17 hearing 12:23 13:23 14:2,11 14:16 15:6	hereof 16:11 hopefully 15:17 <b>I</b> interest 13:21 involve 13:24 14:8 issues 13:2 <b>J</b> Jefferson 9:7,23 10:6,10 11:20 11:25 14:16 Joplin 10:14 11:14 14:17 Judge 9:17,18 11:4,16,21 12:2 12:6,13 13:4,8 13:13,18 14:7 14:14,20,23,25 15:5,8,11,19,21 15:22 July 9:7 11:3 15:24 <b>K</b> Kasey 9:10 10:12 10:13 11:6,13 Kim 9:17 11:3 kind 13:10,11 know 12:13,17 12:20 13:4 14:8 14:9,14 <b>L</b> Lane 10:14 11:14 latest 14:12 Law 9:18 11:4 learning 13:11 let's 11:2 list 15:5 Litigation 9:22 live 11:14 locations 15:6 look 14:11 <b>M</b> Madison 10:5	matter 11:6 Mealy 9:22 16:7 16:19 mediation 13:5 13:22 Midwest 9:22 Missouri 9:1,7 10:2,4 11:15,20 11:22,25 14:17 16:3,9 MO 9:23 10:6,10 10:14 Monnie 9:22 16:7,19 move 15:16 <b>N</b> N 10:1,14 11:1 name 11:11,13 need 15:5 needing 12:22 negotiate 12:16 never 13:12 North 11:14 <b>O</b> O 11:1 obviously 14:8 October 14:12 offer 13:5 offered 14:3 Okay 11:16 12:6 12:13 13:3,7,10 13:13,17 14:6,7 14:13,19,19,20 14:25 15:4,7,9 15:18 opportunity 12:9 12:14,19 13:1 13:25 15:15 option 13:6 options 14:15 15:9 OSAGE 16:5 <b>P</b> P 10:1,1 11:1
<b>B</b> Baker 12:5,5 behalf 11:17,21 12:22 13:21 believe 12:11 better 15:17 Boulevard 9:23 Box 10:5 11:25 Brent 12:5 Brydon 10:9 11:18 Burton 9:17 11:4 11:16,21 12:2,6 12:13 13:4,8,13 13:18 14:7,14 14:20,23,25 15:5,8,11,19	<b>C</b> C 10:1 11:1 called 12:18 Capital 11:19 Capitol 10:10 caption 16:11 Carter 10:9 11:18,18 14:22			

<p>pages 16:14</p> <p>parties 11:9 12:22 13:1,19 13:21 14:8 15:16</p> <p>party 14:21</p> <p>person 12:3</p> <p>personally 16:10</p> <p>Petitioner 9:11</p> <p>Pine 10:14 11:14</p> <p>plan 14:18</p> <p>please 11:11 15:14</p> <p>Polycom 15:16</p> <p>possible 13:23 15:6</p> <p>possibly 12:16 14:11</p> <p>preceding 16:14</p> <p>prehearing 9:5 11:5 12:19 15:1</p> <p>present 12:3 14:1 14:21 16:10</p> <p>Presiding 9:17</p> <p>Pro 10:12</p> <p>procedure 12:18</p> <p>proceedings 9:3 15:23 16:10,12</p> <p>Professional 16:8 16:20</p> <p>provide 12:19 13:15</p> <p>Public 9:1 10:2,4 11:22 12:7</p> <p>p.m 15:23</p> <p>P.O 10:5 11:25</p> <hr/> <p><b>Q</b></p> <p>questions 14:21 14:22 15:11</p> <hr/> <p><b>R</b></p> <p>R 10:1 11:1</p> <p>read 12:11</p> <p>reason 12:18</p> <p>received 12:8</p> <p>recognized 12:4</p>	<p>record 11:2 12:25 13:15 14:2 15:13</p> <p>Registered 16:8 16:20</p> <p>Regulatory 9:18 11:4</p> <p>report 12:10 13:16 15:3</p> <p>REPORTED 9:22</p> <p>reporter 11:12 16:7,8,9,20</p> <p>REPORTER'S 16:1</p> <p>representative 12:15</p> <p>resolution 13:20</p> <p>Respondent 9:15</p> <p>review 12:9 14:4</p> <p>right 12:2 15:11 15:19</p> <p>RPR 9:22</p> <hr/> <p><b>S</b></p> <p>S 9:17,22 10:1 11:1 16:7,19</p> <p>schedule 14:10</p> <p>Scotch 10:14 11:14</p> <p>Se 10:12</p> <p>see 13:1</p> <p>September 14:11</p> <p>Service 9:1 10:2 10:4 11:22 12:7</p> <p>Services 9:22</p> <p>set 11:5 12:23 16:11,14</p> <p>settlement 12:16</p> <p>sheet 16:11</p> <p>Shorthand 16:7</p> <p>ss 16:4</p> <p>staff 10:2 11:22 11:24 12:15 15:3</p> <p>Staff's 12:10</p> <p>state 9:1 11:11</p>	<p>16:3,9</p> <p>stating 13:18</p> <p>status 13:16 15:3</p> <p>stenotype 16:12</p> <p>Street 10:5</p> <p>Suite 9:23</p> <p>Swearengen 10:9 11:19</p> <hr/> <p><b>T</b></p> <p>talk 12:14 13:1 15:15</p> <p>thank 11:16,21 12:2,6 15:12,19 15:22</p> <p>Thanks 15:21</p> <p>three 15:9</p> <p>time 11:9 12:23 13:19 16:12</p> <p>transcribed 16:13</p> <p>TRANSCRIPT 9:3</p> <p>Truman 9:23</p> <hr/> <p><b>U</b></p> <p>utility 12:15</p> <hr/> <p><b>V</b></p> <p>versus 11:6</p> <p>Volume 9:8</p> <p>vs 9:12</p> <hr/> <p><b>W</b></p> <p>W 9:23</p> <p>want 13:2</p> <p>weekday 14:9</p> <p>we'll 15:1,12</p> <p>will0 15:2</p> <p>work 14:9 15:9</p> <hr/> <p><b>Y</b></p> <p>Yeah 13:10</p> <hr/> <p><b>#</b></p> <p>#0538 16:8,19</p> <hr/> <p><b>1</b></p>	<p>1204 10:14 11:14</p> <hr/> <p><b>2</b></p> <p>2 9:8</p> <p>2:59 11:3</p> <p>200 10:5</p> <p>2014 9:7 11:3 15:24</p> <p>207 9:23</p> <hr/> <p><b>3</b></p> <p>3:05 15:23</p> <p>31 9:7 15:24</p> <p>31st 11:3</p> <p>312 10:10 11:19</p> <p>3432 9:23</p> <p>360 10:5 11:25</p> <hr/> <p><b>5</b></p> <p>573 9:24 10:6,11</p> <hr/> <p><b>6</b></p> <p>635-7166 10:11</p> <p>636-7551 9:24</p> <p>64801 10:14 11:15</p> <p>65102 10:6,10 11:20 12:1</p> <p>65109 9:23</p> <hr/> <p><b>7</b></p> <p>751-3234 10:6</p>
---	---	--	--