

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

Evidentiary Hearing

April 20, 2015

Kirksville, Missouri

Volume 1

Jimmie E. Small,)
Complainants,)
vs.) File No. EC-2015-0058
Union Electric Company)
d/b/a Ameren Missouri,)
Respondent)

DANIEL JORDAN, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
WENDY GOLDING, CCR NO. 1366
MIDWEST LITIGATION SERVICES

1 APPEARANCES:

2 SARAH GIBONEY, Attorney at Law

Smith Lewis, LLP

3 111 South 9th Street, Suite 200

P.O. Box 918

4 Columbia, MO 65201

(573)443-3141

5 sgiboney@smithlewis.com

FOR: Union Electric Company,

6 d/b/a AmerenUE.

7 CYDNEY D. MAYFIELD, Senior Staff Counsel

Missouri Public Service Commission

8 P.O. Box 360

200 Madison Street

9 Jefferson City, MO 65102

(573)751-4227

10 FOR: Staff of the Missouri Public Service
Commission.

11

12 MR. JIMMIE E. SMALL, pro se

13

14

15

16

17

18

19

20

21

22

23

24

25

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

2 (WHEREUPON, the hearing began at
3 9:01 a.m.)

4 JUDGE JORDAN: Let's go on the record. Good
5 morning, everyone. We are on the record. The
6 Commission is calling the action in file number
7 EC-2015-0058. We are here for a -- an
8 evidentiary hearing on the merits of the
9 complaint of Jimmie Small versus Union Electric
10 Company doing business as Ameren Missouri. My
11 name is Daniel Jordan. I am the Regulatory Law
12 Judge assigned to this action. We will start
13 with entries of appearance.

14 Mr. Small, please identify yourself for the
15 court reporter.

16 MR. SMALL: My name is Jimmie Small. I
17 reside -- I'm a resident of 606 West Highway 2,
18 Milton, Iowa 52570. I'm the complainant in this
19 particular case. The complaint was filed in the
20 --

21 JUDGE JORDAN: That's okay. The record
22 already shows when the complaint was filed.

23 MR. SMALL: Thank you, your Honor.

24 JUDGE JORDAN: And for the Respondent,
25 Ameren?

1 MS. GIBONEY: For Ameren Missouri, I'm Sarah
2 Giboney. I'm with Smith Lewis, LLP, at 111 South
3 9th Street, Columbia, Missouri 65201.

4 JUDGE JORDAN: Thank you. And for Staff?

5 MS. MAYFIELD: I'm Cydney Mayfield. I am
6 with the Staff of the Missouri Public Service
7 Commission, and our address is 200 Madison
8 Street, Jefferson City, Missouri 65102.

9 JUDGE JORDAN: Thank you. According to
10 earlier orders of the Commission, while the
11 burden of proof is -- remains the same, the order
12 of proof will be as follows: We'll start with
13 Ameren's defense; we'll go to Mr. Small, if he
14 chooses to put on evidence; and then Staff may
15 make such statements as they -- as they wish.
16 Everyone has the right to cross-examination, and
17 we'll do that in order as we go along.

18 And with that, we will start with Ameren's
19 case. Anything before Ameren offers evidence on
20 its defense?

21 MS. GIBONEY: From Ameren, Judge, I would
22 ask that you take administrative notice of the --
23 of the Chapter 13 rule, the Commission's Chapter
24 13 rules and in particular, the denial of service
25 rule. I have brought a copy of that if you need

1 it.

2 JUDGE JORDAN: Oh, sure.

3 MS. GIBONEY: Okay. Denial of service is at
4 4 CSR 240-13.035, and the specific rule will be
5 Subsection 1, Subsection A. And I'd also ask
6 that you take administrative notice of Union
7 Electric Company's tariffs for electric service
8 and in particular, Sheet 101, Paragraph I,
9 Subparagraph C, Application for Service. And I
10 have brought a copy of that as well if you would
11 like that.

12 JUDGE JORDAN: All right. Thank you.

13 MS. GIBONEY: And now Ameren would call as
14 its first witness, Cathy Hart.

15 JUDGE JORDAN: And before I administer the
16 oath -- Counsel, did you want these to be marked
17 and put in the record or are they just for my
18 reference today?

19 MS. GIBONEY: Well, I didn't know if you --
20 I believe the rules state that if you want them
21 admitted, I can ask they be admitted, or you can
22 just take administrative notice of them.

23 JUDGE JORDAN: Well, I'm just asking whether
24 you have a preference. It sounds like you don't.
25 Taking official notice means that the Commission

1 will look at whatever is the actual published
2 copy. So this I will take for demonstrative
3 purposes and for reference today.

4 MS. GIBONEY: All right.

5 JUDGE JORDAN: All right. And you have just
6 called your first witness, Cathy Hart; is that
7 correct?

8 MS. HART: That is correct.

9 JUDGE JORDAN: All right. I'm going to go
10 ahead and administer the oath to you. Please
11 raise your right hand.

12 (Witness sworn.)

13 JUDGE JORDAN: Thank you very much. And
14 does the reporter have the spelling of your name?

15 MS. HART: C-A-T-H-Y, last name Hart,
16 H-A-R-T.

17 JUDGE JORDAN: Very good. Counsel?

18 CATHY HART, testified as follows:

19 DIRECT EXAMINATION BY MS. GIBONEY:

20 **Q. Ms. Hart, are you employed with Ameren Missouri?**

21 A. I am.

22 **Q. What is your title?**

23 A. My title is a regulatory liaison.

24 **Q. And what are the job responsibilities?**

25 A. My responsibilities are to -- I work with any of the

1 complaints, any of the formal complaints, informal.

2 **Q. And those would be complaints filed by public utility**
3 **customers; is that correct?**

4 A. That is correct.

5 **Q. All right. What was your former job title?**

6 A. My former job title was customer service supervisor,
7 and that was dealing with all the billing issues, anything
8 to do with billing, and I was in that position since 2001.

9 **Q. As a customer service supervisor, did you also handle**
10 **former complaints for Ameren Missouri -- formal complaints**
11 **for Ameren Missouri?**

12 A. I did, yes.

13 **Q. And how long have you been a regulatory liaison?**

14 A. Since December of '13.

15 **Q. All right. Do you have a general knowledge about**
16 **Ameren Missouri's methods of doing business?**

17 A. I do.

18 **Q. Specifically with respect to its billing practices?**

19 A. Yes.

20 **Q. Do you also have knowledge about its recordkeeping?**

21 A. Yes, I do.

22 **Q. Do you, on a regular basis as part of your job**
23 **responsibilities, access and review customer account**
24 **records?**

25 A. I do.

1 Q. Are you here today as a corporate representative of the
2 company?

3 A. Yes, I am.

4 Q. And in preparing for your testimony today, have you
5 reviewed company documents and records?

6 A. I have.

7 Q. Let me ask you about that -- the Complainant,
8 Mr. Small's, account history. Was Mr. Small previously a
9 residential electric utility customer of the company?

10 A. He was, yes.

11 Q. Are you familiar with his account history?

12 A. I am.

13 Q. And in what ways -- how have you been become familiar
14 with his account history?

15 A. Mr. Small has filed complaints in the past.

16 Q. As part of those complaints, did you review his account
17 records?

18 A. I have.

19 MS. GIBONEY: Judge, would you like me to
20 mark the exhibits that I will be offering? The
21 sticker just says "Defendant's Exhibit." Do I
22 need to write "Ameren Missouri" or just --

23 JUDGE JORDAN: We'll get it.

24 MS. GIBONEY: All right.

25 (DEFENDANT'S EXHIBIT NO. 1HC WAS MARKED

1 FOR IDENTIFICATION BY COUNSEL)

2 BY MS. GIBONEY:

3 **Q. Ms. Hart, I'm handing to you what I have marked**
4 **Defendant's Exhibit 1HC. I'll hand a copy to the court**
5 **reporter. Mr. Small, I'll hand you that.**

6 A. Thank you.

7 **Q. Ms. Hart, can you identify Defendant's Exhibit 1HC?**

8 A. Yes.

9 **Q. And what is it?**

10 A. This is an account activity statement.

11 **Q. Right. What is an account activity statement,**
12 **generally speaking?**

13 A. It's basically a compilation of a lot of information
14 that comes from meter reading, from credit and
15 collection -- it's going to show dates of service, the
16 billing amounts, payments made, kilowatt usage, things of
17 that nature.

18 **Q. Are these automated entries into the company's computer**
19 **system?**

20 A. Yes, they are.

21 **Q. Are account activity statements generated for every**
22 **single Ameren Missouri electric customer?**

23 A. They are.

24 **Q. Is Exhibit 1HC the account activity statement for**
25 **Mr. Small's electric utility account?**

1 A. Yes. It's for the account No. 3443307009.

2 Q. And we'll be referring today, I believe, to a couple of
3 different account numbers. If I refer to this account by
4 shorthand as the 09 account, will you know what I'm
5 referring to?

6 A. Yes, I will.

7 Q. All right. And I believe you stated how this was
8 prepared, but could you just maybe restate how the entries
9 come to be included in this statement?

10 A. Well, it's -- it's automatic. All the information --
11 if I go in and request an activity statement for a
12 particular account, and in this case I would look from
13 whatever the date -- the dates that I needed that were
14 available, then the software will pull together all the
15 information for the billing periods, the charges, the
16 payments, and that type of thing.

17 Q. All right. Why does the company generate account
18 activity statements that include all of this information?

19 A. Sometime the customers request them. Sometimes if our
20 customer care advisors are speaking to a customer, it's
21 helpful for them to go back and look at this because it has
22 a history, shows a history of the account. So...

23 Q. So, are these statements used by the customer care
24 advisors in the ordinary course of their business?

25 A. Yes, it is.

1 Q. All right. Are the individual data points such as the
2 kilowatt hours recorded or the dates the bill were issued,
3 are those data points entered into this statement at or
4 near the time that the event occurred? For example, at or
5 near the time that a bill is issued?

6 A. Yes, it is.

7 Q. Is this account activity statement essentially a
8 read-only report?

9 A. It is.

10 Q. Is there any way for a customer care advisor to change
11 any of the data on this statement?

12 A. No, not at all.

13 Q. Is this a true and accurate copy of Mr. Small's account
14 activity statement as it would appear in the company's
15 computer system as of the date of the very last entry?

16 A. It is. The only difference with this copy is that up
17 at the top right-hand corner it will show the date that was
18 printed, and this one happens to be 2-10 of '11.

19 MS. GIBONEY: Judge, I would ask for the
20 admission of Ameren Missouri Exhibit 1HC.

21 JUDGE JORDAN: Any objections based on --

22 MR. SMALL: Yes, I'm going to object. I'm
23 going to have a running objection to all that to
24 where they can go ahead and put on their case. I
25 want a running objection to it, and then when I

1 get -- when it's -- when it's my turn, I'm going
2 to try and supplement why I'm objecting to the
3 submission of this evidence.

4 JUDGE JORDAN: Okay. You may have your
5 running objection and speak to it when it's your
6 turn. Very good.

7 MR. SMALL: And I would back that up from
8 some documentation from Ameren, which totally
9 completely contradicts what she just testified
10 to.

11 JUDGE JORDAN: Okay. Then we'll do that
12 when we get to your turn.

13 MR. SMALL: Thank you, Your Honor. Thank
14 you.

15 JUDGE JORDAN: You're quite welcome. Then
16 we have a running objection. I'm going to
17 overrule the objection. I understand it's a
18 running objection. I'm going to overrule this
19 and -- for now, and put -- enter this document,
20 Defendant's Exhibit No. 1, into the record.

21 (DEFENDANT'S EXHIBIT NO. 1HC WAS
22 RECEIVED INTO EVIDENCE)

23 BY MS. GIBONEY:

24 **Q. Ms. Hart, could you tell me the service address that**
25 **account activity statement, Exhibit 1H, pertains to?**

1 A. Yes. It's 23 Lakeroad Court, Kirksville, Missouri.

2 (DEFENDANT'S EXHIBIT NO. 2HC WAS MARKED
3 FOR IDENTIFICATION BY COUNSEL)

4 BY MS. GIBONEY:

5 Q. All right. And now I'm handing you what I've marked
6 Defendant's Exhibit 2HC, and I'll ask that you hold onto
7 that for just a minute --

8 A. Okay.

9 Q. -- while I mark a copy for the court reporter.

10 MS. MAYFIELD: Thank you.

11 BY MS. GIBONEY:

12 Q. Ms. Hart --

13 MR. SMALL: You have marked these as
14 exhibits but these are not marked as exhibits and
15 I'll get them a little bit mixed up.

16 MS. GIBONEY: You're welcome to mark them,
17 Mr. Small. Do you need a pen?

18 MR. SMALL: Why don't you just put 1 or 2 on
19 them for me so I can keep them straight and a
20 date on it.

21 MS. GIBONEY: Let the record reflect, if the
22 judge permits, that I'm marking Mr. Small's
23 copies.

24 JUDGE JORDAN: Yes.

25 MS. GIBONEY: 1HC and 2HC.

1 JUDGE JORDAN: Yes.

2 MR. SMALL: Thank you.

3 JUDGE JORDAN: Thank you, Counselor. Thank
4 you, Mr. Small.

5 BY MS. GIBONEY:

6 **Q. Ms. Hart, can you identify the document that I've**
7 **handed to you and marked as Exhibit 2HC?**

8 A. Yes. This is an account activity statement.

9 **Q. And is it for a different account number?**

10 A. This would be for account No. 3443307018.

11 **Q. And if I refer to that as account 018, will you know**
12 **what I'm referring to?**

13 A. I will.

14 **Q. All right. And who is the customer on that account?**

15 A. Jim E. Small.

16 **Q. And what is the service address?**

17 A. Service address is 23 Lakeroad Court, Kirksville,
18 Missouri.

19 **Q. All right. Was this document prepared just the exact**
20 **same way as Exhibit 1HC was?**

21 A. Yes, it was.

22 **Q. All right. Is this also a read-only type report?**

23 A. It is.

24 **Q. It's also a compilation of data from various**
25 **departments within the company?**

1 A. That's correct.

2 Q. All right. And it reflects things such as kilowatt
3 hour usage and the dates bills are sent, the dates payments
4 are received, etc.?

5 A. Yeah. The exact same, with the exception of the date,
6 again, up in the right-hand corner.

7 Q. And that will be the date that the document was
8 printed?

9 A. That's correct.

10 Q. By whoever prints it?

11 A. Yes.

12 Q. All right. Is this also a document that the company
13 uses in its ordinary course of business?

14 A. It is.

15 Q. All right. And is this a true and accurate copy of Mr.
16 Small's account activity statement for account 018 as it
17 would appear in the company's computer system as of the
18 date of the last entry?

19 A. Yes.

20 MS. GIBONEY: Judge, I move for admission of
21 Exhibit 2HC.

22 JUDGE JORDAN: Mr. Small?

23 MR. SMALL: Again, a running objection.

24 JUDGE JORDAN: Very good. I will overrule
25 that objection. I will enter Respondent's

1 Exhibit No. 2 into the record.

2 (RESPONDENT'S EXHIBIT NO. 2HC WAS
3 RECEIVED INTO EVIDENCE)

4 (DEFENDANT'S EXHIBIT NO. 3HC WAS MARKED
5 FOR IDENTIFICATION BY COUNSEL)

6 BY MS. GIBONEY:

7 **Q. All right. Ms. Hart, I'm handing you what I've marked**
8 **Defendant's Exhibit 3HC, if you will hold onto that for**
9 **just a moment.**

10 A. All right.

11 JUDGE JORDAN: Thank you, Counselor. And
12 you have marked No. 3 for Mr. Small?

13 MS. GIBONEY: That's correct. I've marked
14 it 3HC as well.

15 BY MS. GIBONEY:

16 **Q. Ms. Hart, can you identify what I've marked as**
17 **Defendant's Exhibit 3HC?**

18 A. Yes, I can.

19 **Q. And what is it?**

20 A. This is a collection activity screen shot.

21 **Q. And what is a collection activity screen shot,**
22 **generally speaking?**

23 A. This basically is all of the collection activity
24 information for a particular account on a screen.

25 **Q. Is this a company record that's used in the ordinary**

1 **course of business?**

2 A. Yes, it is.

3 **Q. And how is it used by the company?**

4 A. In the same way, basically, that the account activity
5 statement is. Sometimes when a customer calls in, in order
6 to actually explain the information on that particular
7 account, this is a screen that's available to the customer
8 care advisor to go in and see what kind of collection
9 activity has occurred on that account.

10 **Q. Is the data included in that report -- is it**
11 **automatically inserted into that report?**

12 A. Yes, it is.

13 **Q. So the customer care representative is not entering**
14 **information. He or she is just viewing the information**
15 **from the company's records?**

16 A. Yes.

17 **Q. All right. Is the data that's contained in the**
18 **collection activity screen shot, will that appear in this**
19 **record at or near the time of the event that is shown? For**
20 **example, if the record reflects an outbound call, will then**
21 **entry of that outbound call appear about the same time as**
22 **the call?**

23 A. Yes, that's correct.

24 **Q. All right.**

25 MS. GIBONEY: Judge, I would ask that

1 Defendant's Exhibit 3HC be admitted into
2 evidence.

3 JUDGE JORDAN: Mr. Small?

4 MR. SMALL: Same running objection, Your
5 Honor.

6 JUDGE JORDAN: Very good. I will overrule
7 that. And by way of explanation, while I'm
8 overruling these objections, you may certainly
9 try to change the Commission's mind in briefing.
10 You can still address these rulings in briefing,
11 just so you know.

12 And with that, I will enter Defendant's
13 Exhibit No. 3 into the record.

14 (DEFENDANT'S EXHIBIT NO. 3HC WAS
15 RECEIVED INTO EVIDENCE)

16 BY MS. GIBONEY:

17 **Q. And Ms. Hart, if I -- if I failed to ask you before, is**
18 **-- is this the collection activity screen shot for**
19 **Mr. Small's account ending in 09?**

20 A. Yes, it is.

21 **Q. All right. So would this display information about**
22 **collection activities related to that account?**

23 A. Related to the 09 account, yes.

24 **Q. All right. Ms. Hart, does the company keep copies of**
25 **disconnection notices that it sends to its customers?**

1 A. We do not.

2 Q. Is this report the way the company keeps track of when
3 those notices are sent?

4 A. Yes, it is.

5 Q. All right. Does it also show the amounts that are
6 reflected in those disconnection notices?

7 A. It does.

8 Q. All right. All right.

9 (DEFENDANT'S EXHIBIT NO. 4HC WAS MARKED
10 FOR IDENTIFICATION BY COUNSEL)

11 BY MS. GIBONEY:

12 Q. I'm now handing you what I've marked Defendant's
13 Exhibit 4HC.

14 MS. GIBONEY: Let the record reflect that
15 I'm also handing Mr. Small a copy of Defendant's
16 Exhibit 4HC so marked.

17 MR. SMALL: Defendant's Exhibit 4HC? And
18 for the record, you'd explain -- I understand
19 Ameren's the defendant. 4HC -- what's HC stand
20 for?

21 MS. GIBONEY: Highly confidential.

22 MR. SMALL: It's highly confidential? Does
23 that pertain to all parties?

24 JUDGE JORDAN: Yes. This basically makes it
25 a closed record for anyone except a party. A

1 party can look at these things. A party can show
2 a witness, but even the witnesses have to keep it
3 secret from everyone else in the world.

4 MR. SMALL: Except when they decide to put
5 it on the internet, like they did mine.

6 JUDGE JORDAN: I understand that's a subject
7 of a motion that the Commission overruled, but we
8 haven't made any factual determinations on that.

9 MR. SMALL: Well, I have an order to the
10 effect that the Commission staff did publish
11 highly confidential information, account specific
12 information with Jim Small's name on it. How
13 does that enter into highly confidential
14 information? Isn't that somewhat a denial of due
15 process and equal protection of the law?

16 JUDGE JORDAN: I'm not going to make any
17 ruling on that. I'm going to tell you this: I
18 am receiving the copies for the Commission and
19 they will stay in my file and they will go
20 straight to the data center, which understands
21 the meaning of HC as highly confidential. So,
22 they know how to handle that.

23 MR. SMALL: I appreciate that, Your Honor.
24 But will you take judicial notice that they -- of
25 the Public Service Commission's order that you

1 ruled already on in this particular case, which
2 is already found -- which is already found that
3 highly confidential information, account specific
4 information, on the complainant Jim Small, has
5 been published?

6 JUDGE JORDAN: I will take official notice
7 of the content of the orders of the Commission.

8 MR. SMALL: Okay. Very good.

9 JUDGE JORDAN: And if there are factual
10 findings in there, we will take notice of those
11 factual findings. And if there are not, we'll
12 take notice that there's no factual finding.

13 MR. SMALL: Very good.

14 BY MS. GIBONEY:

15 **Q. Ms. Hart, can you identify what has been marked**
16 **Defendant's Exhibit 4HC?**

17 A. Yes.

18 **Q. And what is it?**

19 A. This is a collection activity screen shot.

20 **Q. All right. And is that for an account for Mr. Small?**

21 A. It is for the account ending in 018.

22 **Q. All right. Does this collection activity screen shot,**
23 **Exhibit 4HC, does that show collection-related activity on**
24 **Mr. Small's account ending in 018?**

25 A. Yes, it does.

1 Q. All right. And, again, this screen shot -- was it
2 prepared in the same way that 3HC was prepared?

3 A. Yes, it was.

4 Q. Automated entries of data?

5 A. Yes.

6 Q. Do the customer care advisors use this information for
7 the same purposes as 3HC?

8 A. Yes, they do.

9 Q. All right. And can a customer care advisor change
10 anything, or is this a read-only type of report for them?

11 A. It's read only.

12 Q. All right.

13 MS. GIBONEY: Judge, I would move for the
14 admission of Ameren Missouri Exhibit 4HC.

15 JUDGE JORDAN: Mr. Small?

16 MR. SMALL: Your Honor, I would like
17 clarification on the record. "Read only"? That
18 has a meaning to some. It doesn't have any
19 meaning to me. People can read it. "Read only"
20 meaning -- what does "read only" mean, just --

21 MS. GIBONEY: Judge, he can cross Ms. Hart
22 or I can ask her a clarifying question.

23 JUDGE JORDAN: Well, I'll just go ahead and
24 voir dire this witness.

25 Can you explain to us, in nontechnical

1 terms, the meaning of "read only."

2 MS. HART: Read only is where we are not
3 able to enter any data to change anything that's
4 on the screen. It strictly is a screen to view
5 only. You cannot make any entries to it. None
6 of the information can be changed.

7 MR. SMALL: Very good. Thank you.

8 BY MS. GIBONEY:

9 **Q. And does 4HC, and does 3HC, also, contain information**
10 **about when disconnect notices were sent to Mr. Small**
11 **pertaining to the accounts ending in 09 and the accounts**
12 **ending in 018?**

13 A. Yes, they both do.

14 **Q. All right. Let me ask you generally about customer**
15 **service calls to the company. Generally speaking, what**
16 **happens when a customer contacts the company?**

17 A. When the call comes in to the customer care advisor,
18 the advisor will verify who they are speaking to, the
19 address involved, and also they will ask the verification
20 of the customer of the last four of the Social Security
21 number. That way they are positive as to the account and
22 who they're speaking with.

23 **Q. And the representatives or the care advisors, they are**
24 **trained to take certain information during the call; is**
25 **that correct?**

1 A. Yes, they are.

2 Q. Do they reflect that information in contact notes?

3 A. They do.

4 Q. And do they enter those notes into the computer that's
5 in front of them?

6 A. Yes, they do.

7 Q. Do they also sometimes categorize the calls by a call
8 type?

9 A. They will. There are some -- just, for example, it
10 could be a billing inquiry, it could be a delinquent
11 inquiry, depending on what they feel like that call is
12 closest related to. That's how they will do them.

13 Q. Do the care advisors also take notes about the general
14 discussion during the call?

15 A. They do take notes, yes.

16 Q. Do they take those notes verbatim, or do they sometimes
17 summarize the content?

18 A. They will summarize those because the field for typing
19 into is not -- it's limited.

20 Q. Do you refer to those notes they take as call contacts;
21 is that generally correct?

22 A. Yes, we do.

23 Q. Let me ask you a quality-of-service related question.

24 Per your review of company records pertaining to

25 Mr. Small's accounts and based on any personal knowledge

1 you might have, has Mr. Small ever made a complaint about
2 the quality of electric utility service that Ameren
3 Missouri has provided to him?

4 A. No, he has not.

5 Q. Now I'd like to ask you about the account ending in 09,
6 and, again, I believe you said you have reviewed his
7 account history; is that correct?

8 A. I have.

9 Q. When did Mr. Small first establish electric utility
10 service at 23 Lakeroad Court in Kirksville?

11 A. He first established service May 15 of '02.

12 Q. And that was at the 23 Lakeroad Court address that
13 Mr. Small set out in his complaint in this case; is that
14 correct?

15 A. Yes, it was.

16 Q. How long did service under the account ending in 09
17 continue?

18 A. It continued through 4-17 of '07.

19 Q. So April 17, 2007?

20 A. That's correct.

21 Q. And why was service terminated?

22 A. For nonpayment of account.

23 Q. What was the account balance on the date that service
24 was discontinued?

25 A. It would have been \$648.16.

1 Q. So, at that time he had an unpaid delinquent account
2 balance?

3 A. Yes, he did.

4 MR. SMALL: Your Honor, I've got an
5 objection.

6 JUDGE JORDAN: And what is your objection,
7 Mr. Small?

8 MR. SMALL: The objection -- she's made
9 reference to the date that the account ended is
10 4-something-07, and I'm looking at a record here
11 that says it's 4-23-08. A final bill was mailed
12 in the amount of \$846.15. So, there appears to
13 be one-year discrepancy when it was shut off.

14 JUDGE JORDAN: Okay. So, that's not really
15 an objection. That's a -- that's really more
16 like counter-evidence. So, that's something that
17 you would present maybe in cross-examination,
18 perhaps --

19 MR. SMALL: Very good. Very good. I'll be
20 more than happy to do that. Thank you.

21 JUDGE JORDAN: Okay.

22 MS. GIBONEY: Judge, I failed to mark my
23 exhibit list. Did you admit Exhibit 4HC? I
24 apologize.

25 JUDGE JORDAN: If I didn't before --

1 MS. GIBONEY: I'll ask that it be admitted

2 --

3 JUDGE JORDAN: I'm doing it now, subject to
4 Mr. Small's standing objection.

5 MR. SMALL: It's a running objection, Your
6 Honor.

7 JUDGE JORDAN: Standing, running. We get
8 the idea.

9 (DEFENDANT'S EXHIBIT NO. 4HC WAS
10 RECEIVED INTO EVIDENCE)

11 BY MS. GIBONEY:

12 **Q. All right. I believe you just testified that service**
13 **on the account ending in 09 was terminated for nonpayment;**
14 **is that correct?**

15 A. Yes.

16 MR. SMALL: Are you saying 09?

17 MS. GIBONEY: Yes.

18 BY MS. GIBONEY:

19 **Q. Let me ask again. Ms. Hart, was service under account**
20 **No. 34433-07009 terminated for nonpayment?**

21 A. Yes, it was.

22 **Q. All right. From your review of the company records,**
23 **while service was being provided to Mr. Small under that**
24 **account number, the account number ending in 09, did**
25 **Mr. Small ever contact the company in writing or by phone**

1 to dispute the validity of the amounts charged to him?

2 A. No, he did not.

3 Q. Was April 17, 2007 the last time that Mr. Small
4 received a letter about utility service from Ameren at the
5 23 Lakeroad Court, Kirksville, Missouri address?

6 A. No, it was not.

7 Q. When did Mr. Small again begin receiving electric
8 utility service from the company? On what date?

9 A. He received service again on December 20, 2007.

10 Q. Between April 17, 2007 and December 20, 2007, had
11 Mr. Small paid off the \$648.16 balance for account 09? Had
12 he paid that off in full?

13 A. No, he had not.

14 Q. Had he made any payments?

15 A. He did make two payments. He made -- it was a \$200
16 payment on April the 19th and then he made -- April 19th of
17 '07, and then he made a \$130 payment on December 6 of '07.

18 Q. Did that reduce the unpaid balance on the account
19 ending in 09 to \$365.78?

20 A. Yes, it did.

21 Q. When Mr. Small began taking electric utility service
22 again on December 20 of 2007, what did the company do about
23 the remaining \$365.78 account balance?

24 A. What happens is whenever an account finals and is
25 stopped and later service is started again, a new account

1 number is associated with that new account. So, when
2 service was reconnected on December 20 of '07, then a new
3 account number was established. The -- the amount -- the
4 \$300-some dollars, that balance was then transferred over
5 into the new account.

6 **Q. And when you refer to the new account, what was the**
7 **account number for the new account?**

8 A. The new account number is 3443307018.

9 **Q. And when you refer to the account balance that was**
10 **transferred over, how much was that exactly?**

11 A. It was \$365.78.

12 **Q. All right. After service was restored at 23 Lakeroad**
13 **Court on December 20, 2007, was Mr. Small billed for**
14 **service on a regular basis?**

15 A. Yes. He was billed monthly.

16 **Q. And does the account activity statement -- I believe**
17 **it's Exhibit 2HC -- does that reflect that kilowatt hours**
18 **were taken, that electricity was used at the premises?**

19 A. It does.

20 **Q. All right. And does it reflect when bills were issued**
21 **to him?**

22 A. Yes, it does.

23 **Q. And does it reflect that the bills were sent to his 606**
24 **West Highway 2, Milton, Iowa address?**

25 A. Yes, it does.

1 Q. All right. Was electric utility service provided at
2 the 23 Lakeroad Court address under the 018 account number
3 -- was that eventually terminated by the company?

4 A. It was.

5 Q. And why was it terminated?

6 A. For nonpayment of the account.

7 Q. And when was that account, 018, terminated?

8 A. On April the 14th of '08.

9 Q. Was a final bill issued for the outstanding balance
10 accrued through April 14th of '08?

11 A. Yes, it was.

12 Q. And when was that bill issued?

13 A. That bill was issued on April 23rd of '08.

14 Q. Would it have gone out on April 23rd or maybe the next
15 day?

16 A. It would have gone to batch that night, printed, and
17 gone out -- basically it would have an April 24th date.

18 Q. All right. And what was the amount of that final bill?

19 A. \$846.15.

20 Q. Has the company received any payments on account
21 34433-07018?

22 A. No, we have not.

23 Q. Does the entire \$846.15 account balance remain
24 outstanding today?

25 A. It does.

1 Q. Did Mr. Small request electric utility service from the
2 company in 2014?

3 A. Yes, he did. In August of 2014.

4 Q. And how did he make that request?

5 A. He actually contacted our field office in Kirksville
6 and spoke to one of the CSAs, marketing persons there.

7 Q. And when you say "contacted," did he stop into that
8 office?

9 A. Yes.

10 Q. Does the Kirksville -- what type of office is the
11 Kirksville office?

12 A. It is -- it's not a customer service office. It is a
13 field office that deals with marketing, like for bigger
14 businesses and for maybe -- construction superintendent --
15 excuse me -- is housed out of that office. So, it would be
16 for the linemen and things like that.

17 Q. Does the Kirksville field office process requests for
18 service from customers?

19 A. No, they do not.

20 Q. And why don't they do that?

21 A. Well, we've had some changes over the years as to our
22 computer system, and we handle things differently within --
23 whenever a customer calls into our contact center, we now
24 offer them phone alerts, text alerts, and the people in the
25 outlying offices would not be trained on that type of

1 information.

2 Q. So they wouldn't be able to go through the entire
3 process that's required when you set someone up for
4 service?

5 A. That's correct.

6 Q. All right. So when Mr. Small came into the Kirksville
7 office in August of 2014, what did the -- I believe you
8 said she was a marketing person?

9 A. Yes.

10 Q. What did she do when he asked for service?

11 A. She asked him to call the 800 number, and he then
12 insisted on speaking to someone, and the construction
13 supervisor from that office actually returned his call.

14 Q. And what was the construction supervisor's objective,
15 maybe, in calling him?

16 A. Just to let him know -- really to be helpful, to say
17 this is -- you know, I'll help you any way I can. If
18 there's something that you need or I can explain to you, I
19 will do that. But basically they -- they really wanted him
20 to call the contact center.

21 Q. All right. And you've reviewed the company's contact
22 records; is that correct?

23 A. Yes, I have.

24 Q. Did Mr. Small ever call the company after the August
25 visit to the Kirksville office and actually apply for an

1 **electric utility account?**

2 A. He did not.

3 **Q. All right. If he had done that, what would that have**
4 **entailed?**

5 A. Well, he -- we -- from the contact center, the customer
6 care advisor would have first looked -- of course she would
7 have verified the account, just like I spoke to earlier;
8 verified who she was speaking to; looked at the account.
9 Because there was an amount due on there, there is a
10 requirement to pay a certain percentage of that before
11 service can be reconnected. That's -- that is really the
12 trail of what would have happened had he called.

13 **Q. And there's no record of any call like that having**
14 **taken place?**

15 A. No.

16 **Q. All right. Now, was that the end of the matter?**

17 A. No. Actually, I ended up calling Mr. Small because I
18 had spoken to him in the past; and, so, I called -- I
19 called and left him a message, asked him to call me back.
20 I would go over the things that he would be required to do
21 in order to gain service again at that -- that location,
22 but I did not hear back from him.

23 So, in September I wrote him a letter, and I lined out
24 within that letter what he needed to do in order to get
25 service. And I put on there the amount that was due and

1 the amount that he needed to pay in order to get service.

2 Q. Ms. Hart, are you qualified to do a service order
3 intake, I'll call it -- I may not be using the right words.
4 Are you trained and qualified to process those requests?

5 A. I am.

6 Q. So, if Mr. Small had called you back, would you have
7 been able to go through the requirements with him?

8 A. Yes, I would.

9 Q. But Mr. Small did not call you back?

10 A. He did not.

11 Q. All right.

12 (DEFENDANT'S EXHIBIT NO. 5HC WAS MARKED
13 FOR IDENTIFICATION BY COUNSEL)

14 BY MS. GIBONEY:

15 Q. Ms. Hart, I'm handing you what's been marked
16 Defendant's Exhibit 5HC. And let the record reflect I'm
17 also handing Mr. Small a copy of Exhibit 5HC so marked.

18 Ms. Hart, can you identify Exhibit 5HC?

19 A. Yes.

20 Q. What is it?

21 A. This is a copy of the letter that I wrote and mailed to
22 Mr. Small.

23 Q. A true and accurate copy of that letter?

24 A. Yes, it is.

25 Q. All right.

1 MS. GIBONEY: Judge, I'd ask that Exhibit
2 5HC be admitted into evidence.

3 JUDGE JORDAN: Mr. Small, any objection
4 other than those you've already made?

5 MR. SMALL: Yes. I don't see any signature
6 of any person, Ameren or in official capacity, in
7 a private capacity. I could have typed this up.
8 So, I'm going to object to it. It's not signed
9 by anybody. Uniform Commercial Code in the state
10 of Missouri, something that is going to be
11 enforceable needs to contain a person's
12 signature, and if you don't sign your name to a
13 check, well, it's not enforceable. If you don't
14 sign your name to a contract, it's not
15 enforceable.

16 JUDGE JORDAN: That will go to the weight
17 that the Commission gives this document. I will
18 enter this Exhibit -- this -- for the record,
19 these stickers are noted as Defendant's --

20 MS. GIBONEY: Exhibit.

21 JUDGE JORDAN: -- exhibit.

22 MS. GIBONEY: 5H --

23 JUDGE JORDAN: And this one will be 5HC.

24 (DEFENDANT'S EXHIBIT NO. 5HC WAS
25 RECEIVED INTO EVIDENCE)

1 MR. SMALL: You might also note I've
2 received correspondence from this same witness.
3 She has signed her name. So, I know she knows
4 how to sign her name. She has done it before in
5 connection with these complaints.

6 JUDGE JORDAN: So noted.

7 MR. SMALL: Don't understand why this one
8 isn't signed.

9 BY MS. GIBONEY:

10 **Q. Ms. Hart, did you send Mr. Small the signed copy of the**
11 **letter?**

12 A. Yes, I did.

13 **Q. And did you keep an unsigned copy?**

14 A. I did.

15 **Q. And is 5HC an exact copy, but for the fact that you did**
16 **not keep a photocopy of your signature?**

17 A. Yes, it is.

18 **Q. All right. Thank you.**

19 **Did you receive any response from Mr. Small --**

20 MR. SMALL: Excuse me. Is she saying that
21 she signed this at one time?

22 JUDGE JORDAN: You may ask that on
23 cross-examination.

24 MR. SMALL: Very good. Very good.

25 BY MS. GIBONEY:

1 Q. Did you receive any response in writing or via callback
2 from Mr. Small asking about how he could set up service?

3 A. No, I did not.

4 Q. Ms. Hart, is the company required to restore service to
5 a customer who has failed to pay a delinquent utility
6 charge?

7 A. No, we are not.

8 Q. Do the Commission's regulations permit you to deny
9 service?

10 A. Yes.

11 Q. In that event?

12 A. They do.

13 Q. All right. Do the company's tariffs also permit you to
14 deny service if a customer has a delinquent bill?

15 A. Yes. You know, if that -- if some -- part of that bill
16 is not paid -- whatever is required of Ameren Missouri, if
17 that's not paid, yes, we can deny them.

18 Q. All right. And in this case, per the letter, you
19 advised Mr. Small he needed to pay 80 percent of that
20 outstanding bill; is that correct?

21 A. That is correct.

22 Q. All right.

23 MS. GIBONEY: I have nothing further, Judge.

24 JUDGE JORDAN: Very good. Let's go ahead

25 and go into cross-examination from Mr. Small.

1 You had some questions for this witness?

2 MR. SMALL: Yes, I do. Yes, I do. Is this
3 lady through testifying, then?

4 JUDGE JORDAN: The direct is over. We are
5 going to do your cross-examination.

6 MR. SMALL: Okay.

7 JUDGE JORDAN: So, she will still be
8 testifying. She is still under oath, and this is
9 your chance to question her.

10 CROSS-EXAMINATION BY MR. SMALL:

11 **Q. Would you prefer I call you Ms. Hart, Cathy, or --**

12 A. I have no --

13 **Q. Ms. Hart, do you -- does your records for the company,**
14 **Ameren Missouri, do they reflect -- do they reflect the**
15 **first date -- the first date that Ameren Missouri become**
16 **aware that there was a dispute on either Defendant's**
17 **Exhibit 1HC and Defendant's Exhibit 2HC?**

18 MS. GIBONEY: Judge, I'm going to object.
19 It assumes facts not in evidence that there was a
20 dispute. If he'd like to ask her if there -- if
21 she's aware that there was a dispute, then he
22 could ask her if a record reflects that.

23 JUDGE JORDAN: I will clarify. Are you
24 aware that there's been a billing dispute with
25 regard to the accounts described in Defendant's

1 Exhibits 1 and 2HC?

2 MS. HART: For the formal complaint? Is
3 that what you're asking me?

4 JUDGE JORDAN: At any time has there been a
5 dispute?

6 MS. GIBONEY: Judge, I believe the billing
7 dispute -- sorry.

8 BY MR. SMALL:

9 **Q. Well, let me clarify -- let me clarify my question.**
10 **You testified that Mr. Small and others, customers, are**
11 **encouraged by the utility Ameren Missouri to use a 1-800**
12 **number if they need it?**

13 A. Uh-huh. That's correct.

14 **Q. And when they ring the 1-800 number, can they lodge a**
15 **dispute?**

16 A. They can dispute with the customer care advisor the
17 fact that they don't agree with some of the charges and ask
18 for them to be explained. Yes, they can do that.

19 **Q. But there isn't any record of it?**

20 A. Which one are you talking about? A record of which
21 dispute?

22 **Q. The dispute in 2009 and the dispute that occurred in 2**
23 **-- in the twenty eighteen case when you transferred a debt**
24 **from one account to the second account. When you**
25 **transferred account from HC -- transferred account from**

1 **1HC, which is this 2009 account to Defendant's Exhibit No.**

2 **2HC, which is the 218 account, 07018.**

3 A. Well, I don't -- I don't have the list of contacts in
4 front of me. So, I can't -- I can't swear to that.

5 **Q. So disputes, they just have to be in writing or it's**
6 **not a dispute?**

7 A. Okay. And I'll ask you -- a dispute can come in many
8 ways, in my mind. So, a dispute -- if you are contacting
9 our customer care advisor in the contact center and you're
10 disputing, let's say a high bill, and you ask that customer
11 care advisor to explain to you, "Okay, I'm disputing this
12 high bill. Would you explain to me how -- how you came up
13 with that?" Is that what you're -- if it's a dispute that
14 cannot be resolved there and it goes over to Missouri
15 Public Service Commission, that's a different type of
16 dispute.

17 **Q. Well, once a dispute arises -- once a dispute arises**
18 **between a customer -- residential customer and Ameren**
19 **Missouri, you can just go ahead and shut his electricity**
20 **off?**

21 A. The only time service can be disconnected to an
22 account, an active account, is when payments are not made
23 as they are required to be made on that account.

24 **Q. Did you understand my question?**

25 A. Apparently I didn't if that didn't answer you. I don't

1 know. Could you restate, please?

2 Q. Well, I'm Ameren Missouri and this gentleman at the end
3 of the table phones in a dispute. I don't like the sound
4 of his voice; so, I go shut his electricity off, and he's
5 trying to lodge a legitimate dispute. What's he do for --
6 what's he do for electricity? Shut him off and he's
7 disputing something, can he -- cannot -- I just go shut his
8 electricity off?

9 A. Well, I'll say again that we do not just turn someone
10 off -- electricity off -- because we don't like the sound
11 of their voice. We will disconnect service to an account
12 -- to a property if payments are not made as they are
13 required to be made.

14 Q. Could we agree -- could we agree that Ameren Missouri
15 is the exclusive electrical provider for the electricity
16 that's generated out of Bagnell Dam that services
17 approximately 2,400,000 people in Missouri, some in
18 Illinois, and some in Oklahoma?

19 MS. GIBONEY: Judge, I'm going to object to
20 the relevance of that question. It's completely
21 irrelevant.

22 JUDGE JORDAN: Could you give us an idea of
23 -- of what this is going to prove, Mr. Small?

24 BY MR. SMALL:

25 Q. What we're trying to get at -- what we're trying to get

1 at here -- does Ameren Missouri -- do they have a policy as
2 a public utility to treat everyone fairly and impartially
3 when a dispute arises?

4 A. Yes, we do.

5 Q. You do?

6 A. Internally we certainly do, and we have Chapter 13
7 rules and regulations through the Commission that also
8 govern us. So, yes, we do. Uh-huh.

9 Q. So, I'm Ameren Missouri and I get a phone call from
10 this gentleman at the end of the table down here and he
11 wants to file a dispute. You can't file a dispute with me.
12 You have to file a complaint with the Missouri Public
13 Service Commission or I'm going to shut your electricity
14 off. Is that the only option he's got?

15 A. That is not correct, sir.

16 Q. That's not correct? Okay.

17 A. No.

18 Q. Do you send him any type of a written notice, that the
19 ordinary common person can understand, what your options
20 are?

21 A. In relation to filing a dispute? Is that what you're
22 asking me? If you are not happy with us on the phone and
23 we cannot come to a resolution with you in regards to your
24 bill, we will suggest that you call the Missouri Public
25 Service Commission and we will give you their telephone

1 number. So, it does not have to be in writing.

2 Q. In the United States Supreme Court, in its Memphis
3 Light and Gas Water Division versus Craft, 330 -- 436 US1.
4 This United States Supreme Court, which is a nationwide
5 case, it seems to -- just when I read this -- that the
6 utility, when there is a dispute, they give the individual
7 customer -- when you threaten to shut his electricity off,
8 you tell him specifically the time, date, and location that
9 he might contact the utility and speak with management.

10 Are you management?

11 MS. GIBONEY: Object, Judge. I didn't hear
12 a question. I believe he's making a legal
13 argument.

14 BY MR. SMALL:

15 Q. Are you management?

16 MS. GIBONEY: I believe he's also asking Ms.
17 Hart to make a legal conclusion.

18 JUDGE JORDAN: I'm going to sustain that and
19 I'm going to let you rephrase your question, and
20 trim it down a little bit. You can't really ask
21 this witness to give an opinion on the law. So,
22 let's try that last little part again.

23 BY MR. SMALL:

24 Q. Okay. Isn't it -- isn't it true, Ms. Hart, that you
25 have sent Mr. Small correspondence here about March of

1 2011, so, back in this EC2011-0247 case, explaining the
2 first date that the electricity that you testified to on
3 Defendant's Exhibit 1HC --

4 A. Okay.

5 Q. -- 2009 case -- you started in 2002 and turned
6 electricity on there at Lakeroad Village trailer park; is
7 that accurate?

8 A. We did put the service in your name on May 15th of '02.
9 Yes, that part is correct.

10 Q. And your records -- Ameren's records reflect that you
11 shut it off on April the 23rd, 2008 for a final bill that
12 was mailed in the amount of \$846.15?

13 A. Actually we turned it off for nonpayment on April the
14 17th of '07, and the final bill was issued out a few days
15 later, April 25th of '07.

16 Q. According to your own records, without going back and
17 saving some time here, from the year 2002 when you turned
18 the electricity on --

19 A. Okay.

20 Q. -- and April 23rd, 2008, or thereabouts, you shut it
21 off for nonpayment?

22 A. On April 23rd? Well, as I just testified, April 17, I
23 believe, was the date it was turned off -- of '07.

24 Q. You turned it off?

25 A. April 17th of '07. It was turned off for nonpayment of

1 the account.

2 Q. In 2007? Well, if that's true and it wasn't turned
3 back on, then how did Mr. Small exhaust 9,700 kilowatts
4 from the time he shut it off in 2007 until the time you
5 submitted him -- mailed him a final bill for \$846.15?

6 You shut it off in 2007; correct?

7 A. Yes.

8 Q. Hadn't been on since then?

9 A. It was turned back on -- it was -- it was turned off in
10 April of '07. It was reconnected December 20th of '07. It
11 was turned off again in April of '08.

12 Q. Okay. For purposes of clarifying the record to the
13 Commission, Your Honor, the appellate court -- "turned off"
14 -- does that mean disconnect?

15 A. It does, disconnected. Yes, it does. Uh-huh.

16 Q. Okay. Do you have -- do you have a general estimate of
17 how many times that you have provided Mr. Small, on this 09
18 account and the 18 account, how many times you provided
19 notice to him, "If you don't come up with some bucks, we're
20 going to shut your electricity off"? Can you -- from 2002
21 until 4-23-08?

22 A. If I had that record of information in front of me --

23 Q. We got one right here. We got one right here. It can
24 be ballpark figures. Ten or fifteen times?

25 A. I can't even take a guess at that, sir, without looking

1 at something. No.

2 Q. Well, we don't need to guess because you've already
3 submitted Defendant's Exhibit No. 1 and No. 2.

4 A. Well, these --

5 Q. If you want to go down and count them for me -- excuse
6 me -- if you want to count them for the Missouri Public
7 Service Commission. The reason we need to take a little
8 bit of time with this, in my view, is you folks serve
9 2,400,000 people in the state of Missouri and we'd like to
10 get these accounts and the manner in which they're kept,
11 the terms "disconnect" and "shut off" clarified. And we
12 don't care whether it's a rich person, a poor person, a
13 black person, a white person -- we'd like to give them a
14 notice under this United States Supreme Court case that you
15 can go to Ameren Missouri management and get a hearing,
16 save these Commission 3 or 4 or 500 hours investigating a
17 moving target. Does it apply?

18 JUDGE JORDAN: Ms. Hart, do you need a
19 minute to --

20 MS. HART: I do.

21 JUDGE JORDAN: -- count up the disconnect
22 notices? I think -- let me make sure I
23 understand what Mr. Small is asking.

24 Mr. Small, you're asking how many disconnect
25 notices are reflected on the exhibits you're

1 referencing?

2 MR. SMALL: Exactly. Exactly.

3 JUDGE JORDAN: Well, Ms. Hart needs a minute
4 to count that up. So, why don't we take about --
5 will five minutes do it?

6 MS. HART: That's perfect.

7 JUDGE JORDAN: Why don't we take a
8 five-minute break, and then we'll come back.

9 MR. SMALL: That'd tickle me to death.
10 That'd tickle me to death. And you can take more
11 time than that if you want because I think this
12 is important for 2,400,000 people.

13 JUDGE JORDAN: We will be in recess for five
14 minutes. The clock on the wall says five and a
15 half minutes till 10:00. Why don't we come back
16 when the clock on the wall says 10:00.

17 MR. SMALL: You know, Your Honor, thank you.
18 I'm not sure -- I think I recognize this lady
19 here but --

20 JUDGE JORDAN: Hang on just a second. We
21 were not off the record yet. We are still on the
22 record.

23 Mr. Small, please continue.

24 MR. SMALL: I just wanted this lady to
25 identify herself.

1 MS. FRED: Gay Fred. I'm with the Missouri
2 Public Service Commission staff. Gay Fred. You
3 and I have met before.

4 MR. SMALL: I didn't want to get you
5 confused with the Honorable Mary Duncan or --

6 MS. FRED: Mary Sherman Dunn, yes. She is
7 no longer with the commission.

8 JUDGE JORDAN: Okay. We're --

9 MR. SMALL: Her records are with the
10 Commission.

11 JUDGE JORDAN: -- in recess and we are off
12 the record.

13 (OFF THE RECORD)

14 JUDGE JORDAN: Let's go back on the record.
15 We have just finished our recess. Ms. Hart
16 informs me that she has an answer to Mr. Small's
17 inquiry; is that correct?

18 MS. HART: I do, yes.

19 JUDGE JORDAN: Go ahead.

20 A. Okay. You asked me about the yellow and pink notices
21 that were issued on each account, and I have counted those
22 up and written down the dates here on a scrap piece of
23 paper. From the 09 account, there were actually 12.

24 BY MR. SMALL:

25 Q. Okay.

1 A. And on the 018 account, there were four. Now, just to
2 clarify, you know, these are issued after an account has
3 become delinquent but before an account is actually
4 disconnected for nonpayment.

5 **Q. Very good. Very good. Now, my next question is: Do**
6 **you have -- do you have any -- do you have any objections**
7 **of us marking this into an exhibit? Do you have any**
8 **problem with that?**

9 MS. GIBONEY: Judge, I do think that the
10 records speak for themselves. And if the
11 Commission wants to count up the number of
12 notices based on Exhibits 3 and 4HC that have
13 been admitted into evidence, I would -- I think
14 that would be cumulative, redundant, you know, to
15 have Ms. Hart's scratchings admitted into the
16 record. But...

17 MR. SMALL: Or you can give it to me and I
18 can mark it an exhibit when I testify.

19 BY MR. SMALL:

20 **Q. The point that I'm getting at here is that everything**
21 **on this page right here, there's nine on the 09, or however**
22 **many, twelve, and four on the 18 case, but there are other**
23 **entries into Ameren Missouri's -- what'd you call it --**
24 **read-only notice?**

25 A. Well, and this is from -- what I have before me

1 actually starts at August 27 of '04. So...

2 **Q. That's -- that's fine. Now, you send -- you send these**
3 **notices -- you send -- does your record reflect Ameren --**
4 **out of all these entries right here, do you reflect**
5 **specifically where they were sent to? Where did you send**
6 **them to?**

7 A. I don't -- the only thing I can do is look at the
8 account activity statement.

9 **Q. That would be good.**

10 A. Okay. And at the time that this account was printed
11 out, this activity statement was printed out, on 2-10 of
12 '11, the mail-to address that we were given by you was P.O.
13 Box 133, Quincy, Illinois. Now, that was for the 09
14 account.

15 For the 018 account, we showed 606 West Highway 2,
16 Milton, Iowa which was given -- an address given by you.

17 **Q. But isn't it true that for years that you've been**
18 **sending correspondence concerning this electricity bill to**
19 **Jim Small at 606 West Highway 2? Is that true or not true?**

20 A. What type of correspondence? I do show the September
21 8, 2014 letter.

22 **Q. Correspondence that Ameren Missouri would want**
23 **Mr. Small to have.**

24 A. Well --

25 **Q. You want Mr. Small to be aware of something?**

1 JUDGE JORDAN: Let me make a suggestion here
2 as far as moving through Mr. Small's
3 cross-examination. He is asking yes or no
4 questions. If you can answer yes or no, do that.
5 If the answer is you don't know or you don't
6 understand, you can say that.

7 MS. HART: Okay.

8 JUDGE JORDAN: But do that first; and if he
9 wants more explanation, he can get it from you.

10 MS. HART: Okay.

11 BY MR. SMALL:

12 Q. Very good. Very good. And I'd like to clarify one
13 point here. You know, I raised my voice a little bit. I
14 have no -- I have no right whatsoever to attack any of
15 Ameren's personnel's people that come out to check the
16 meter, turn the meter on, turn the meter off. None
17 whatsoever. I don't have any right to personally attack or
18 challenge you, and I don't believe I have. But I have
19 every right to object and dispute and raise objections to
20 Union Electric Company doing business as Ameren Missouri
21 and that's what we're getting at here. So, it doesn't have
22 anything to do -- those records kind of speak for
23 themselves. And if it's not all there, I'm going to
24 implore the Commission to find in favor of the Plaintiff --
25 of the Complainant in this particular case.

1 Now, you've already testified that some of your records
2 are not there in the Kirksville memos.

3 MS. GIBONEY: Objection. That misstates the
4 testimony.

5 BY MR. SMALL:

6 Q. Now, since you've testified to that --

7 JUDGE JORDAN: Hang on. Let me rule on the
8 objection. There wasn't a question; so, I'm not
9 going -- I'm going to overrule the objection.
10 So, go ahead and proceed. Go ahead. Ask your
11 question, Mr. Small.

12 MR. SMALL: Thank you, Your Honor.

13 BY MR. SMALL:

14 Q. Ameren Missouri is attempting to collect money on a
15 past-due account and what I'd like to get in the record and
16 get clarified for everybody that's even slightly interested
17 -- what is the first date -- what is the first date that
18 Ameren account people become aware that any portion -- that
19 any portion of this \$846.15 -- when did it first start?
20 When did it first start? The account -- they've already
21 testified here the account started in 2002. Okay. And we
22 have a final -- we have a final letter here dated September
23 8, 2014 that says, "Okay. We've tallied it up. The total
24 bill is \$846.15," and my question is: According to your
25 record, when did any portion of this \$846.15 -- what year

1 -- can you explain to the Commission -- what year did that
2 start?

3 MS. GIBONEY: Your Honor, the witness has
4 handed -- I would just like a chance to review
5 that, whatever document the --

6 MR. SMALL: You could just -- I think those
7 are four or five duplicates. They're the same.
8 You can just tear -- tear them off. And
9 eventually -- there are more correspondence with
10 that that's more explanatory. And I'm trying to
11 get to the times, the dates, and places that
12 these 2,400,000 people would actually receive a
13 notice that -- you've got a -- not a privilege.
14 A driver's license is a privilege, but you have a
15 right to confer with Ameren Missouri Union
16 Electric management about a dispute. You're
17 calling it a dispute. We call it a turn-off,
18 shut-off. It ain't no dispute. I want to know
19 -- that's -- that's kind of what we are getting
20 at here. You can have all those.

21 JUDGE JORDAN: Are you sure you want the
22 witness to use that document in connection with
23 her answer?

24 MR. SMALL: It is -- it is -- it is the
25 first -- it is a page of something that this kind

1 lady has sent me in the past in which she did
2 sign. And the reason this is just one page is
3 because instead of handing her eight or ten pages
4 to thumb through, I gave her this single page
5 that showed at least -- at least back on 7-10 of
6 '06 --

7 JUDGE JORDAN: I understand. Will you pass
8 that down to me, please?

9 MR. SMALL: You've got one right there.
10 They are the same.

11 JUDGE JORDAN: For the record, I am looking
12 at a document. It looks to be on the letterhead
13 of Ameren Missouri. And it begins, "On 7-10-06,
14 we received two payments totalling \$77.95."
15 That's the first sentence. Okay. Now I need --

16 MR. SMALL: Then it goes on -- it goes on to
17 explain there that -- on down that list. There
18 were several entries on that list.

19 JUDGE JORDAN: Right.

20 MR. SMALL: Some of them pertain to if you
21 don't pay a bill, we are going to disconnect it.
22 There's -- for example --

23 JUDGE JORDAN: We don't need to read the
24 whole thing into evidence. I'm going to have
25 this marked as Commission Exhibit No. 1, and I'll

1 put it into the record just so that the record is
2 complete as to the examination of this witness.

3 Can you mark that, reporter? I'm handing
4 that to the reporter, and everyone else has had a
5 copy; is that correct? All the other parties
6 have had a copy?

7 MR. SMALL: And I have other copies here if
8 you want one.

9 MS. MAYFIELD: Actually, if I could have
10 another I would greatly appreciate it. Thank
11 you.

12 JUDGE JORDAN: And while the reporter is
13 marking that, I'll ask Ms. Hart to take some time
14 to review that. The question that's before us,
15 if I understand it, Mr. Small, to get back to
16 clarifying the record -- does -- you are now
17 looking for the first indication in your records
18 of a dispute with Mr. Small.

19 A. Okay.

20 BY MR. SMALL:

21 **Q. And if there is a date -- if there is a date earlier**
22 **than 7-10 of '06 -- if there's a date earlier -- earlier in**
23 **your records --**

24 JUDGE JORDAN: You understand the question;
25 right?

1 MS. HART: I do.

2 JUDGE JORDAN: Let's give her a minute to
3 take a look at her records while the court
4 reporter is marking that exhibit, and she is
5 looking for the answer to your question.

6 MR. SMALL: Thank you, Your Honor.

7 A. Okay. As I look at the account activity statement, I
8 see the first late payment charge assessed on the account
9 was February 27th of '04. There was another late payment
10 charge on March 26th of '04.

11 BY MR. SMALL:

12 **Q. Okay. Could I interrupt --**

13 JUDGE JORDAN: Hang on just a second. No.
14 Please let her finish her answer. Then we'll get
15 back to your questioning.

16 MR. SMALL: Okay.

17 A. And as I look at the -- on down the account activity
18 statement, I can go through each month that there was a
19 late-payment charge assessed on the account. I can't tell
20 if this is the first page of this assessment because there
21 -- it looks like it's a full page. So, if that included
22 anything from '04 or '05, I -- you know, and up to July 10
23 of '06, I can't be sure of that. But if -- do you want --

24 BY MR. SMALL:

25 **Q. Ms. Hart, I do believe -- I do believe that this single**

1 document here would go back to March 4th of 2011, when you
2 wrote me a kind letter outlining "This is what our records
3 reflect from the date it was first -- electricity was first
4 turned on," and I'm sure you've given your counsel a copy
5 of that, and you signed it. And my -- my question is,
6 going back, I'm not so concerned about the late payments.
7 I'm concerned about the first entry on your account records
8 -- I say your account records -- on Ameren account records,
9 the account record -- the date which was included,
10 incorporated, and brought into a \$846.15 amount. I'm not
11 concerned about any others. Not concerned about any
12 others. Something totals -- something totals \$846.15. I
13 don't want to go back to 2002 because it doesn't apply.
14 But some of these dates on this do apply, and it looks to
15 me like on this one sheet right here on 7-10 of '06, you
16 claim that's a portion of this. We're just going to add
17 these up, including late charges.

18 JUDGE JORDAN: Is that a question? Are you
19 asking --

20 BY MR. SMALL:

21 Q. Is that -- is that -- is that what your -- is that what
22 your account records reflect from 07 -- 10 of -- from July
23 10, '06 down to 4-23-08, the final bill was \$846? I'm
24 trying to get into the record accurately these entries
25 which total \$846.15, excluding the rest of the figures.

1 A. And you're asking me if that is accurate? Is that your
2 question?

3 **Q. I'm asking you -- and take all the time you want -- to**
4 **point out which of these entries total up \$846.15.**

5 A. Well, as I look at this paper that you gave me, it
6 states here that when you -- we received two payments
7 totalling seventy-seven ninety-five. The excess amount of
8 \$25 went toward additional payment agreement installments.
9 So, that tells me there was a bigger balance to start with
10 than just what you have listed here.

11 JUDGE JORDAN: If you can't answer the
12 question by looking at that document, you can
13 just say "I don't know."

14 A. I don't know.

15 BY MR. SMALL:

16 **Q. Looking at your account records -- looking at your**
17 **account records, can you -- can you state for the record**
18 **that on July the 7th -- on July 10, 2006 that the**
19 **seventy-nine ninety-five plus the \$25 was included in the**
20 **846.15?**

21 A. I do not know.

22 **Q. Are your records complete? Are your records -- is**
23 **Ameren Missouri's records in Exhibit No. 1 -- Defendant's**
24 **Exhibit No. 1HC and Defendant's Exhibit 2HC -- are they**
25 **complete?**

1 A. They're complete for the 09 account.

2 Q. Well, the 09 account was 1HC; the 18 account was 2HC;
3 is that correct?

4 A. The 2HC was the 018 account, yes.

5 Q. How is the Commission, their investigators, able to
6 pick up your record that you have submitted to them,
7 including Gay Fred for years and years, and I think at one
8 time in a hearing before Honorable Judge Bushmann, they had
9 spent 350 hours. How would the Commission pick up your
10 records and determine where the \$846.15 came from
11 accurately?

12 A. We would have sent a full detail of where those charges
13 came from. This doesn't look like the full detail to me.

14 Q. So you're suggesting there's a possibility that the
15 record is incomplete -- not your record but Ameren
16 Missouri's. I'm not talking about your record; I'm talking
17 about Ameren's.

18 A. No, that's not correct. I'm suggesting that the sheet
19 you gave me is not -- is not complete. I'm not positive
20 that it is. So...

21 Q. Your attorney doesn't have those records? March 4th?

22 A. I don't know.

23 Q. Of the entries that you have made on 09, you said that
24 there were 12; is that right?

25 A. Yes.

1 Q. And there were four -- is this yours or mine?

2 A. That's mine.

3 Q. That's yours?

4 A. That's yours.

5 Q. Okay. And this -- was we going to have this marked as
6 an exhibit?

7 JUDGE JORDAN: You may, if you wish, during
8 your --

9 MR. SMALL: I'd like to have a copy of it in
10 order to just try and straighten out any portion
11 of this record to where people can clearly
12 understand what the point we are trying to make.

13 JUDGE JORDAN: I'll ask counsel to hand that
14 to the reporter so that she may mark that as
15 Complainant's Exhibit No. 1. And we'll take a
16 break while she does that. We'll go off the
17 record.

18 (OFF THE RECORD)

19 (COMPLAINANT'S EXHIBIT NO. 1 WAS MARKED
20 BY THE REPORTER)

21 (COMMISSION EXHIBIT NO. 1 WAS MARKED BY
22 THE REPORTER)

23 JUDGE JORDAN: Let's go back on the record.
24 And we have had her marked Complainant's Exhibit
25 No. 1. It is the tally that Witness Hart has

1 made as of yellow and pink disconnect notices for
2 each account, account ending in 09 and the
3 account ending in 018. Mr. Small?

4 MR. SMALL: Could I have that, Your Honor?

5 JUDGE JORDAN: You absolutely may.

6 BY MR. SMALL:

7 **Q. Ms. Hart, I'm going to hand you what's marked**
8 **Complainant's Exhibit No. 1 and ask you to review that.**
9 **Then I'm going to ask you if it accurately reflects the**
10 **number on account 2009 and 2018 -- the number of disputes**
11 **or notices that Ameren Missouri provided the complainant in**
12 **this case in regard -- in regard to this Ameren notice.**
13 **Now you went down -- your notes from Complainant's Exhibit**
14 **No. 1, they came -- they came directly from Defendant's**
15 **Exhibit No. 1HC and Defendant's Exhibit 2HC; is that**
16 **correct?**

17 A. This came -- this information I wrote on this paper --

18 **Q. Yes.**

19 A. -- came from --

20 **Q. Wrote on the paper Plaintiff's Exhibit No. 1.**

21 A. Came from Defendant's Exhibit 4HC and Defendant's
22 Exhibit 3HC.

23 **Q. Okay. Are they -- are they the same entries and same**
24 **notices that would be contained in Defendant's Exhibit 1HC,**
25 **2HC?**

1 A. The -- no.

2 Q. Then they're different?

3 A. The account activity statement does not show the
4 collection activity. That's why I looked at the collection
5 activity statement to get these figures.

6 Q. What document could we direct the Commission's
7 attention to that would reflect the times, the dates, and
8 places that a dispute arose -- a disconnect notice arose?
9 Would it be 1HC? 2HC? Or do we need to go to Ameren's
10 business record in H -- 3HC or 3H4? I'm trying to get --
11 I'm trying to get from what accurate record this
12 information here, Plaintiff's Exhibit No. 1 --

13 JUDGE JORDAN: That's been answered already.

14 She's already told you that it came from 3 and 4.

15 BY MR. SMALL:

16 Q. 3 and 4. Okay. So, 3 and 4 accurately reflects this?

17 A. Yes, it does.

18 Q. Okay. So -- and on the 09 case we had twelve and on
19 the 18 case we had four. So, we had a total of sixteen; is
20 that correct?

21 A. Yes, correct.

22 Q. Does Ameren Missouri Union Electric Company have any
23 place in their records that pertain to Jim Small's
24 complaint over the past five years where you've sent
25 written notices -- written notices that Mr. Small could go

1 to management with a dispute to resolve disconnect threat
2 or any other -- do you have a written notice?

3 A. I'm trying to understand your question.

4 JUDGE JORDAN: Okay. I've heard this
5 question several times. I'll rephrase it to see
6 if I can get a yes or no answer, and you can tell
7 me if I'm inaccurate, Mr. Small. Absolutely you
8 may correct me.

9 What we're looking for -- we've been looking
10 for two things: No. 1, what's the earliest
11 record that Ameren has of any dispute between
12 itself and Mr. Small. That's No. 1. The second
13 one is does Ameren issue a notice to a customer
14 that when there is a dispute that a customer has
15 the right to some kind of procedure or process or
16 hearing with the management of Ameren. It's that
17 second part that I want you to focus on right
18 now. Does Ameren issue such a notice, to begin
19 with, to anyone that they have the right to a
20 dispute resolution procedure, like a hearing or
21 something, with Ameren's management?

22 A. We do not send out a notice.

23 BY MR. SMALL:

24 Q. You don't do that. And you're sure of that? Now, my
25 next question is -- my next question is: Based upon your

1 **September the 8th, 2014 notice that you sent to**
2 **Mr. Small --**

3 JUDGE JORDAN: Is that marked as an exhibit,
4 Mr. Small?

5 MR. SMALL: It's Defendant Exhibit 5; is
6 that --

7 A. 5HC.

8 MR. SMALL: 5H.

9 JUDGE JORDAN: Yes.

10 BY MR. SMALL:

11 **Q. Does that reflect, in your judgment, in your position**
12 **and years of experience, does that reflect any type of a**
13 **dispute, Defendant's Exhibit No. 5HC?**

14 A. No. This does not show me that there is a dispute on
15 the account.

16 **Q. How come you sent Mr. Small the September 8th, 2014**
17 **correspondence?**

18 A. Because I was trying to explain to you what was
19 necessary for you to get your service reconnected and the
20 amount that was required for you to pay to get that service
21 restored.

22 **Q. Does your job position -- does your job position**
23 **classify you as company management?**

24 A. Yes, it does.

25 **Q. It does?**

1 A. Uh-huh.

2 Q. Prior to you -- did you type this memo?

3 A. I did.

4 Q. You did?

5 A. Uh-huh.

6 Q. Is this the Green Hills office out here on Osteopathy
7 Street or Cottonwood Street -- is that the Green Hill
8 office?

9 A. I'm not aware of what the address is, but it's the
10 Kirksville office.

11 Q. You testified earlier Mr. Small appeared out there?

12 A. Uh-huh, yes.

13 Q. What was the subject of his business?

14 A. What I was told by Annette Sweet was that you were
15 inquiring as to how to get your service reconnected.

16 Q. Annette Sweet?

17 A. Uh-huh.

18 Q. And she didn't have the power, authority to turn the
19 electricity on or turn it off, but she had the power and
20 authority to communicate with you as management; is that
21 correct?

22 A. She does have that. She does have the authority to
23 talk to me, yes.

24 Q. When you talked to Ms. Sweet in connection with
25 Mr. Small's appearance out there back in August of 2014,

1 **you had already talked to your counsel, hadn't you? The**
2 **reason that you had talked to your counsel --**

3 JUDGE JORDAN: Can we get an answer if
4 you're asking --

5 A. I don't know if I had.

6 JUDGE JORDAN: Stop. If you ask a question,
7 you must give the witness a chance to answer
8 before you move to your next one.

9 MR. SMALL: I apologize, Your Honor.

10 JUDGE JORDAN: The answer was: "Had you
11 consulted with counsel?" Your answer is?

12 A. I do not know if I had consulted with counsel at the
13 time.

14 JUDGE JORDAN: Very good. Mr. Small?

15 BY MR. SMALL:

16 **Q. Number one, Annette. Who did you talk to besides**
17 **Annette Sweet?**

18 A. Well, Annette had spoken with Theresa Kaiser, who
19 originally -- she works in that office, and then Annette
20 talked to me.

21 **Q. Ms. Kaiser?**

22 A. Uh-huh.

23 **Q. Number two, number three. Who else did you talk to?**

24 A. I've only talked to Annette Sweet from that office.

25 **Q. Didn't you testify earlier that there was a -- kind of**

1 a company manager that kind of drove around a truck that
2 got on the telephone and called Jim Small less than two
3 hours after he left that office?

4 A. I was told by Ms. Sweet that the construction
5 supervisor did call you.

6 Q. The construction supervisor?

7 A. Yes, he called you.

8 Q. Do you have a name?

9 A. I don't recall that name. I'm sorry.

10 Q. Could we get it into the record? Could you supply the
11 Missouri Public Service Commission access to the accuracy
12 of the individual that called Mr. Small?

13 A. I don't recall the man's name. I'm sorry.

14 Q. Could that information be acquired?

15 A. If I can locate it in some records, I would say yes, it
16 could.

17 Q. Isn't it also true, for the record, that when you
18 drafted and assimilated and served this September 8, 2014
19 letter and sent it, where'd you send it to?

20 A. I sent it to the address there, 606 West Highway 2,
21 Milton, Iowa.

22 Q. Could we stipulate for the record that Mr. Small is an
23 Iowa resident, not a Missouri resident?

24 A. I cannot verify that. We have a lot of vacationers who
25 have -- who have residences within the state of Missouri.

1 So, this may just be mailing address. I can't verify that.

2 Q. Several days before September the 8th, 2014. Didn't
3 you just get through testifying that Mr. Small was back in
4 Ms. Sweet's office back in August?

5 A. You did come to the office, yes, I was told that, in
6 August.

7 Q. How many times, for the Commission on this record right
8 here -- how many times Mr. Small in that office?

9 A. That I do not know.

10 Q. But according to your testimony he was in there once,
11 wasn't he?

12 A. That's what I was told, yes.

13 Q. Back there in August?

14 A. Yes.

15 Q. Isn't it also true that when you wrote this September
16 8, 2014 communication to Mr. Small concerning an alleged
17 debt and Mr. Small on the same day he left Ms. Sweet's
18 office went to a location and used a fax machine and faxed
19 a complaint to Missouri Public Service Commission about
20 this?

21 A. I do not know.

22 Q. So, if these other people testify and they bring up
23 some information that shows that Mr. Small had a complaint
24 on file with the Missouri Public Service Commission, that
25 would be way before September the 8th, wouldn't it? In

1 **August and September? August comes before September,**
2 **doesn't it?**

3 A. Yes, it does.

4 **Q. Sure it does. So -- but you don't have any record of**
5 **that?**

6 A. Of where you were in --

7 **Q. You don't have any record other than Mr. Small was in**
8 **the office, but you don't have any record that he filed a**
9 **complaint with this gentleman at the end of my table at the**
10 **place he works, Missouri Public Service Commission?**

11 MS. GIBONEY: Judge, I'm going to object.
12 You've taken already taken judicial -- or
13 administrative notice of the entire complaint
14 file and that would include the complaint which
15 would reflect the date that it was filed. I
16 believe he's just badgering the witness about the
17 date.

18 JUDGE JORDAN: I'm going to sustain --

19 MR. SMALL: We are concerned about home
20 plate here, not the outfield and all the
21 audience, okay? We're concerned about the date
22 that Mr. Small filed this complaint. Thank you.

23 JUDGE JORDAN: We know what that date is.

24 MR. SMALL: We know what that date is?

25 JUDGE JORDAN: Yes, because the Commission's

1 records reflect it, and at your request, I have
2 taken official notice of that. So you don't have
3 to have evidence of when you filed the complaint.
4 The thing -- the beauty of official notice is
5 that it is a substitute for evidence. It is
6 better than evidence. You get that in, you don't
7 need any further evidence on the point.

8 BY MR. SMALL:

9 **Q. So you was aware that after Mr. Small filed his**
10 **complaint, you filed a filing in complaint with the**
11 **Missouri Public Service Commission. Is that a protected**
12 **activity?**

13 MS. GIBONEY: Objection; relevance.

14 A. I don't understand what a protected activity is.

15 JUDGE JORDAN: You'll have to rephrase your
16 question. It might help to understand where
17 you're going with this line of questioning.
18 What's it going to prove to us?

19 BY MR. SMALL:

20 **Q. That Mr. Small never did file any objections to this**
21 **services. You testified that earlier?**

22 A. Correct.

23 **Q. That's accurate?**

24 A. Yes.

25 JUDGE JORDAN: You don't have to -- if you

1 ask the question once and you get the answer, you
2 need to move on.

3 BY MR. SMALL:

4 **Q. Ameren Missouri respond to a complaint by Jim E. Small,**
5 **filed with the Missouri Human Rights Commission?**

6 A. I believe we did.

7 **Q. And that was in connection with this EQ 2011-0047 case**
8 **and this 2012-0050 case and this EC2015-0058 case; right?**

9 MS. GIBONEY: Judge, I'm going to object. I
10 don't believe that Missouri Human Rights
11 complaint that Mr. Small filed is relevant in any
12 way to the complaint that we are here to address
13 today, or at least he hasn't shown that it's
14 relevant.

15 JUDGE JORDAN: Mr. Small, what's the Human
16 Rights Commission got to do with reconnecting
17 your service?

18 MR. SMALL: Not turning an individual's
19 electricity on because of a fraudulent, induced
20 bill -- padded bill -- and filing a complaint
21 with the Missouri Public Service Commission
22 because of that, and my view on a Chapter 213 --

23 JUDGE JORDAN: Stop. Thank you. We are not
24 trying that case today.

25 MR. SMALL: No?

1 JUDGE JORDAN: We are determining only
2 whether there is amount outstanding. So, I'm
3 going to sustain the objection on relevance.

4 Mr. Small, do you have any questions -- any
5 further questions for this witness as to the
6 amount that is due?

7 MR. SMALL: Yes.

8 BY MR. SMALL:

9 Q. So, if I understand your testimony correctly, you do
10 not have out of the -- out of the -- there was 12. I'm
11 looking for that piece of paper there.

12 A. Oh, here it is.

13 Q. Yeah. Plaintiff's Exhibit No. 1. So, out of these 12
14 plus 4 -- out of these 16 entries that reflect a
15 disagreement, a notice of disconnect, a notice of possible
16 disconnect, you don't have a notice or a document of record
17 that we could show the Commission where you provided
18 Mr. Small an opportunity if you're dissatisfied with any of
19 these decisions on your account, you have a right to
20 contact on appeal with Ameren Missouri management?

21 JUDGE JORDAN: We've had that question
22 already. Do you have any other questions for
23 this witness? And if you don't, that's fine.

24 BY MR. SMALL:

25 Q. If the count goes back as early as July 10, 2006 --

1 **that's what your record shows; is that correct?**

2 A. That's -- that the 09 account begins at that date? Is
3 that your question to me?

4 **Q. Well, it appears to me that we have added and merged**
5 **these accounts, 09 and 018, together because there was**
6 **money due on the 09 account?**

7 A. Correct.

8 **Q. The 09 account was added onto the 18 account; is that**
9 **accurate?**

10 A. The balance from the 09 account was transferred to the
11 018 account. That is correct.

12 **Q. When is the date you first transferred, sent, or**
13 **assigned this account balance to consumer collection**
14 **management?**

15 MS. GIBONEY: Objection; relevance.

16 JUDGE JORDAN: I don't -- I don't see the
17 relevance, Mr. Small, to reconnection.

18 MR. SMALL: A reconnection. If there is no
19 -- if there's no money due on an account and it
20 was sent to Consumer Collection Management and if
21 the statute of limitations has ran on the debt --

22 JUDGE JORDAN: Okay. Then this gets to the
23 statute of limitations issue; is that correct?

24 MR. SMALL: Well, first of all, it gets to
25 the record that they won't release to show they

1 are keeping the records from Ameren Missouri.
2 They are keeping the records from Missouri Public
3 Service Commission.

4 JUDGE JORDAN: And I'm trying to figure out
5 why referral to a collection agency matters as to
6 reconnection of your service and a possible
7 amount outstanding.

8 MR. SMALL: Because this issue come up in
9 the EQ012 case, 0050, before Honorable Bushmann,
10 and Ameren Missouri and this lady here will
11 testify they weren't trying to collect any debt
12 on the account.

13 JUDGE JORDAN: I have read the account. I
14 have read the transcript from that case. It does
15 not state that. It states -- counsel stated
16 plainly she did not know whether there were
17 collection efforts pending or not. Those are the
18 words that I read, number one. Number two, I
19 don't see how that gets you reconnection. Even
20 if you're characterization is correct, I can't
21 see how that gets you reconnection. So...

22 MR. SMALL: They are using a debt -- they
23 are using a debt, okay, to hold that meter really
24 hostage. They're using an alleged debt.

25 JUDGE JORDAN: Yes, which --

1 MR. SMALL: But when I ask for damages, the
2 Missouri Public Service Commission says we can't
3 -- we get a judgment against Ameren Missouri, we
4 can't give you a nickel. And today we're dealing
5 with \$846.15 worth of nickels, aren't we?

6 JUDGE JORDAN: Here's what we are dealing
7 with: We are dealing with your allegation that
8 there's been a violation -- that's all a
9 complaint is about -- of the regulations
10 governing reconnection. Ameren says we did not
11 violate anything. There is an amount outstanding
12 which allows us to deny reconnection.

13 Now, I understand your theory from pleadings
14 is that a statute of limitations bars that
15 defense. The Commission's reading of the case
16 law surrounding that statute is to the contrary.
17 And that's what I have set forth in my previous
18 orders. I even cited an earlier decision of the
19 Commission where they set forth their analysis,
20 and the analysis is that the statute of
21 limitations, to which you're referring, bars
22 Ameren Missouri from initiating an action in
23 circuit court to collect money from you. That's
24 all it does. It does not extinguish the debt.
25 That's the Commission's reading of that case law.

1 So, the debt still exists, according to that
2 reading, and may be used as a defense. So,
3 whether they've referred it to a collection
4 agency, whether they're trying to collect that
5 money or not, is not relevant under this
6 governing law. And, so, I'm going to sustain the
7 objection on the grounds of relevance. Do you
8 have any other questions for this witness?

9 MR. SMALL: Well, apparently I have misread
10 revised statute Missouri 6 and 516.120 five-year
11 statute of limitations.

12 JUDGE JORDAN: Yes, sir, you have.

13 MR. SMALL: I misinterpreted it. So, it
14 doesn't apply to an electric company?

15 JUDGE JORDAN: I'm not going to repeat the
16 Commission's reading of that. Do you have any
17 more questions for this witness?

18 MR. SMALL: I would have more questions for
19 this witness if they would comply with the
20 discovery, which they have not done.

21 JUDGE JORDAN: So, I take that as a "no"?
22 Then we'll move on to Staff. Any clarification
23 you want to do for the Commission?

24 CROSS-EXAMINATION BY MS. MAYFIELD:

25 **Q. I do have some very quick clarifying questions for you,**

1 **Ms. Hart.** On the 09 account, what class of service was
2 being provided at the 23 -- or I guess at the -- whatever
3 address that was at on the 09 account, what class of
4 service?

5 A. That would be electric.

6 **Q.** Would that be residential, commercial?

7 A. Residential. Okay. I'm sorry. Residential.

8 **Q.** So it was residential?

9 A. Yes.

10 **Q.** On the 018 account, what class of service was being
11 provided at that address?

12 A. Residential electric.

13 **Q.** And requested by Mr. Small to be connected at the 23
14 Lakeroad Court, Kirksville, Missouri address, what class of
15 service was requested to be provided there?

16 A. Residential electric.

17 **Q.** So all three were the same class of service?

18 A. Yes, they are.

19 MS. MAYFIELD: No further questions, Your
20 Honor.

21 JUDGE JORDAN: Any redirect for this
22 witness?

23 MS. GIBONEY: Yes, Judge. Thank you.

24 REDIRECT EXAMINATION BY MS. GIBONEY:

25 **Q.** **Ms. Hart, Mr. Small asked you to prepare a tally and I**

1 **believe that was admitted as Complainant's Exhibit 1.**

2 MS. GIBONEY: Should that be marked 1HC,
3 Judge, by the way? Oh. There are no dollar
4 amounts. Never mind. Withdraw it.

5 JUDGE JORDAN: I don't think there's
6 anything individually identifiable, but, you
7 know, here's what I'm thinking: The context will
8 identify the customer. So we should probably
9 make that HC.

10 MS. GIBONEY: All right. Mr. Small, would
11 you like to mark that HC before I ask Ms. Hart
12 questions about it?

13 MR. SMALL: Excuse me?

14 MS. GIBONEY: Would you like to mark it HC
15 so that -- thank you.

16 MR. SMALL: You want a 1 in front of it or
17 --

18 MS. GIBONEY: It's already marked with the
19 exhibit number so now that you've marked it HC,
20 we'll just all know that it's highly
21 confidential.

22 BY MS. GIBONEY:

23 **Q. Ms. Hart, Mr. Small asked you to prepare -- I'll call**
24 **it a tally; correct?**

25 A. Yes.

1 Q. All right. Now, this tally for the account ending in
2 09 and the account ending in 018 -- this is a tally of
3 disconnection notices that went out; correct?

4 A. That is correct.

5 Q. A number of times I believe I heard Mr. Small refer to
6 this as relating to disconnections, disputes, something
7 else. But this does not reflect dates that disputes were
8 lodged, does it?

9 A. No, it does not.

10 Q. Purely the dates that the company sent disconnection
11 notices?

12 A. Yes.

13 Q. All right. On a disconnection notice, is the customer
14 provided with a 1-800 number where he can call the -- where
15 he can call the company?

16 A. Yes.

17 Q. All right. So if a customer received a disconnection
18 notice and did question the amount or think the amount
19 wasn't right, would the customer be able to call the 1-800
20 number and speak to a customer advisor about that?

21 A. Yes, he would.

22 Q. All right. Mr. Small also asked you a number of
23 questions about the dollar amount, \$846.15, and I'll ask
24 you -- where in the account activity statements does that
25 \$846.15 amount appear?

1 A. It actually appears on the 018 account on -- under
2 payments/credits, under charge-off, on May 27th of '08.

3 Q. Does that also appear on the 4-23 entry?

4 A. Yes, it does, as a final -- final bill amount, yes. I
5 overlooked that.

6 Q. And was the -- was that the amount of the final bill
7 for service sent to Mr. Small for the account ending in
8 018?

9 A. Yes, it was.

10 Q. All right. And would that amount reflect the net bills
11 for service against all the net payments --

12 A. Yes, it would.

13 Q. -- that have been received? All right. So, you have
14 to look at each entry, how much the bill was sent, how much
15 was collected for that bill, how much was billed the next
16 month?

17 A. That is correct.

18 Q. Okay.

19 MS. GIBONEY: I have nothing further, Judge.

20 JUDGE JORDAN: Very good. Mr. Small, there
21 were matters that you wanted to inquire as to
22 that are outside this complaint, as I mentioned
23 earlier. I'm going to remind you that we will be
24 doing briefing in this case and you will have the
25 right to mention those in written argument after

1 this, just so you know. Other than those
2 matters, did you have any clarifying questions
3 and recross for this witness?

4 RE CROSS-EXAMINATION BY MR. SMALL:

5 **Q. I wanted to clarify -- I wanted you to clarify on the**
6 **record that out of these sixteen entries, there was no**
7 **written notices to Mr. Small that he could have a hearing,**
8 **a due process hearing, with management for those entries --**
9 **sixteen entries, twelve on 9 and four on the other?**

10 A. Those are disconnections, yellow and the pink notices,
11 and on it, as I stated earlier, is provided an 800 number
12 to our contact center for you to dispute any charges that
13 have been billed to you.

14 JUDGE JORDAN: If I understand correctly,
15 your answer is the same as when I phrased that
16 question?

17 THE WITNESS: Yes, it is.

18 JUDGE JORDAN: Okay. You have your answer.
19 Staff -- anything further to clarify on that?

20 MS. MAYFIELD: No, Your Honor.

21 JUDGE JORDAN: Very good. Then this witness
22 may stand down and may be excused. I think we
23 are done with this witness. Am I correct? Yes?

24 MS. MAYFIELD: Yes, Your Honor.

25 MS. GIBONEY: Yes, Your Honor.

1 JUDGE JORDAN: Then you may step down,
2 though in this room there's not a whole lot of
3 stepping space, is there? Okay.

4 (Witness excused.)

5 JUDGE JORDAN: Ameren, do you have another
6 witness for us or anything else on your
7 case-in-chief?

8 MS. GIBONEY: No, Judge. I do want to
9 inquire of Staff's witness, but Ameren does not
10 have another witness. I understand they'll make
11 her available; is that correct?

12 MS. MAYFIELD: That's correct, and we will
13 be making Ms. Fred available for questions.

14 JUDGE JORDAN: Okay.

15 MS. GIBONEY: So, do I need to call her, or
16 will that be --

17 JUDGE JORDAN: Well, I'll tell you what we
18 can do. We can just go ahead and do Staff's
19 case, such as they have.

20 The regulation bars them from taking a
21 position, but they have made a recommendation.
22 So, they may speak to that.

23 Unless Mr. Small objects, we can just get
24 Staff's presentation out of the way.

25 MR. SMALL: Yeah. I want to make a running

1 objection to that, also.

2 JUDGE JORDAN: Very well.

3 MR. SMALL: And one of the reasons -- there
4 was a -- a gentleman, an attorney, that did
5 represent the Missouri Public Service -- the
6 Staff. His name Alexander Axtell or something?

7 JUDGE JORDAN: Antal.

8 MR. SMALL: Is that correct?

9 JUDGE JORDAN: Antal.

10 MR. SMALL: But he's -- he's not here today.

11 JUDGE JORDAN: That's correct.

12 MS. FRED: He is no longer with the
13 Commission.

14 MR. SMALL: He's no longer -- okay. And he
15 was the individual that signed a Staff's report
16 and recommendation that favored Ameren Missouri
17 in this disputed account; is that correct?

18 JUDGE JORDAN: It sounds like we're going to
19 get into some questioning.

20 I'll go ahead and we'll do Staff's case.
21 And you can -- you will be able to cross-examine
22 and get your information out that way on the
23 record.

24 MR. SMALL: Thank you, Your Honor.

25 JUDGE JORDAN: Counsel?

1 GAY FRED, testified as follows:

2 DIRECT EXAMINATION BY MS. MAYFIELD:

3 Q. Could you please state your full name for the record?

4 A. Gay Fred.

5 Q. And, Ms. Fred, in what capacity are you currently
6 employed?

7 A. I'm the manager of the consumer services unit for the
8 Missouri Public Service Commission.

9 Q. And, Ms. Fred, how long have you held that position?

10 A. Thirteen years.

11 Q. And, Ms. Fred, are you familiar with the complaint
12 currently before the Commission involving Jimmie Small?

13 A. Yes, I am.

14 Q. Have you had a chance to do a review of the information
15 contained within Mr. Small's complaint?

16 A. Yes.

17 Q. And were you able to provide a report of that
18 investigation?

19 A. Yes.

20 Q. Would you be able to summarize your investigative
21 report?

22 A. Yes.

23 Q. What did you find upon reviewing the complaint lodged
24 by Mr. Small?

25 A. Our primary goal at the consumer services unit is to

1 review any formal complaint or informal complaint brought
2 forth to us by the consumer on whatever allegation they
3 choose to make for whether or not we can present the facts
4 on the compliance with the rules and the regulation of the
5 Commission and the company-approved tariff. In doing that,
6 we are simply looking at the facts. We are there to
7 present a neutral, non-biased position as far as the facts
8 are concerned.

9 In doing so, we found that in the case of Mr. Small,
10 the issue was disputing an outstanding balance that he felt
11 he did not owe the company before getting his services
12 restored. In our review of the rules and of the facts
13 presented by Mr. Small and Ameren Missouri, we found that
14 they were in compliance with the rules and regulation of
15 the Commission and their approved tariff. Therefore, our
16 summary of findings was that there was no violation by
17 Ameren Missouri of the rules and regulations in their
18 approved tariff.

19 **Q. Now, Ms. Gay, are you referring to -- I'm sorry-- Ms.**
20 **Fred, are you referring to 4CSR240-13.035, denial of**
21 **service?**

22 **A. Yes, I am.**

23 **Q. And in your review, did you find that the applicant was**
24 **informed in writing that they had a balance due or**
25 **withstanding with the utility company?**

1 A. Yes, we did.

2 Q. And did you find that Ameren maintained that written
3 record?

4 A. Yes.

5 Q. And did you find that there was an outstanding balance
6 owed by Mr. Smalls to Ameren?

7 A. Yes.

8 Q. And did you find that Ameren was denying service
9 reconnection based on that outstanding balance?

10 A. Yes.

11 Q. Is it your testimony that Ameren did not violate a
12 rule, order, statute, or tariff?

13 A. Yes.

14 MS. MAYFIELD: Your Honor, I have no further
15 questions for this witness.

16 JUDGE JORDAN: I'll go next to Ameren for
17 any cross-examination.

18 MS. GIBONEY: Thank you, Judge.

19 CROSS-EXAMINATION BY MS. GIBONEY:

20 Q. Ms. Fred, I believe you stated that as part of your
21 report you do an investigation; is that correct?

22 A. Yes.

23 Q. As part of your investigation you consider facts; is
24 that correct?

25 A. Yes.

1 Q. And are part of those facts that you consider documents
2 that have been provided by a complainant?

3 A. Yes.

4 Q. All right. As part of your investigation, did
5 Mr. Small provide you with some account documentation,
6 generally speaking?

7 A. Yes.

8 Q. All right. Was one of the documents that he provided
9 to you a final bill for his account ending in 018?

10 A. Yes.

11 Q. All right. Ms. Fred, I'm handing you what I will mark
12 Defendant's Exhibit 6HC. I believe we are up to 6.

13 MS. MAYFIELD: Yeah, that's correct.

14 MS. GIBONEY: I apologize. I don't have
15 another copy. I'll show this first to Mr. Small.

16 (DEFENDANT'S EXHIBIT NO. 6HC WAS MARKED
17 FOR IDENTIFICATION BY COUNSEL)

18 A. Okay.

19 MS. GIBONEY: Mr. Small, this is the
20 document that I'm going to hand to Ms. Fred.

21 BY MS. GIBONEY:

22 Q. All right, Ms. Fred. I'm handing you 6HC. Do you
23 recognize that document?

24 A. Yes.

25 Q. Is that a copy of a final bill dated April 23rd -- I'm

1 **sorry -- April 24, 2008?**

2 A. Yes.

3 **Q. That was sent to Mr. Small?**

4 A. Yes.

5 **Q. Does that bill reflect an amount due of \$846.15?**

6 A. Yes, it does.

7 **Q. All right.**

8 MS. GIBONEY: Judge, I would ask that
9 Defendant's Exhibit 6HC be admitted into
10 evidence.

11 JUDGE JORDAN: I'm not hearing any
12 objections.

13 MR. SMALL: I object, Your Honor.

14 JUDGE JORDAN: And what's your objection,
15 Mr. Small?

16 MR. SMALL: It's part and parcel of an
17 incomplete record. It doesn't identify where it
18 come from in this particular case. Did it come
19 -- did it come from Gay Fred's request? Did it
20 come from --

21 JUDGE JORDAN: I understand your -- your
22 objection. I'll voir dire briefly.

23 Ms. Fred, is that document included in a
24 larger document that you prepared in connection
25 with this case.

1 MS. FRED: Yes, it is.

2 JUDGE JORDAN: And what is that document?

3 MS. FRED: It would be my staff report and
4 the exhibits attached to that report.

5 JUDGE JORDAN: Very good.

6 MS. GIBONEY: Judge, just in response to
7 Mr. Small's objection, I do believe this document
8 stands on its own, it's complete in and of
9 itself, separate from the report. And in
10 addition, Ms. Fred has testified that that was
11 provided directly to her by Mr. Small. In that
12 regard, I would consider it an admission.

13 MR. SMALL: I didn't understand her to say
14 that. Where did it originate from?

15 MS. FRED: It did come from you, Mr. Small.
16 I think it was actually --

17 MR. SMALL: In what year?

18 MS. FRED: -- a part of your formal complaint
19 case.

20 MR. SMALL: In what year?

21 MS. FRED: I don't know.

22 MR. SMALL: Okay.

23 MS. FRED: I mean, you -- you filed three
24 formal complaints. So, I'm not sure --

25 MR. SMALL: Let me ask you this question --

1 let me ask you this question: This is part of
2 your Staff recommendation and report?

3 MS. FRED: Yes.

4 MR. SMALL: What's the case number on it?

5 MS. FRED: Well, we have three.

6 MR. SMALL: Well, yes.

7 MS. FRED: So, currently -- currently it is
8 EC20150058.

9 MR. SMALL: It was taken out of 0248? It
10 was taken out of 0050 and put into 58?

11 MS. FRED: As one of my exhibits, yes.

12 MR. SMALL: As one of your exhibits. My
13 question is: Where -- which -- which case file
14 did it come out of?

15 MS. GIBONEY: Objection to the relevance the
16 case file it came out of if Mr. Small provided
17 it.

18 MR. SMALL: Well, now, we're going to merge
19 three cases here together, Your Honor?

20 JUDGE JORDAN: No. We're not going to merge
21 three cases together, but here's what I can do.
22 I can compare that document with what's on file
23 with the Commission, and certainly you may remind
24 me to do that in briefing. When the Commission
25 enters something into the record, that doesn't

1 necessarily mean it believes what is written in
2 it. That means it's part of what the Commission
3 will base its decision on. If you would be more
4 comfortable with the Commission taking in the
5 entire Staff recommendation, we could do that as
6 well.

7 MR. SMALL: I'd be more comfortable if we
8 could mark that exhibit and I -- and that's the
9 Commission's exhibit; right?

10 MS. GIBONEY: No. That's my exhibit.

11 JUDGE JORDAN: That's --

12 MR. SMALL: That's your exhibit?

13 JUDGE JORDAN: -- Ameren's Exhibit 6HC; is
14 that correct?

15 MR. SMALL: Okay. Can we stipulate that
16 that same exhibit right there was part and parcel
17 of the Staff commission's binder of documents
18 that involved highly confidential information
19 which the Commission ruled on that was a
20 violation of the rules?

21 JUDGE JORDAN: I'm not going to rule on
22 that. I'm going to enter that document into
23 evidence.

24 (DEFENDANT'S EXHIBIT NO. 6HC WAS
25 RECEIVED INTO EVIDENCE)

1 BY MS. GIBONEY:

2 **Q. Ms. Fred, I don't have any further questions for you.**

3 A. Okay.

4 JUDGE JORDAN: Mr. Small, do you have
5 cross-examination for this witness?

6 CROSS-EXAMINATION BY MR. SMALL:

7 **Q. Do you know the name of the individuals that were**
8 **involved in the Commission Staff in putting together,**
9 **assimilating these reports and recommendations to the**
10 **Commission? You were one of those persons; right?**

11 A. Correct.

12 **Q. Mary Duncan, another one? Another person?**

13 A. She's a former employee of mine, yes.

14 **Q. Who else? Mr. Axtell?**

15 A. Mr. Antal is actually Staff counsel, which Ms. Mayfield
16 is substituting for today since he is no longer employed by
17 the Commission.

18 **Q. So he signed affidavits and documents like Mary Duncan**
19 **did?**

20 A. No. Staff counsel doesn't have to go through that
21 procedure.

22 **Q. Didn't Mary Duncan and yourself?**

23 A. Yes, we have to.

24 **Q. You have to?**

25 A. Uh-huh. I mean, we are testing that the information we

1 have put together in our report is accurate to the best of
2 our knowledge.

3 **Q. So you're here and I can cross-examine you under the**
4 **right of confrontation clause to the United States --**

5 JUDGE JORDAN: Don't ask her legal
6 questions. Ask your question of her.

7 MR. SMALL: Yeah.

8 JUDGE JORDAN: You don't have to do that
9 background.

10 BY MR. SMALL:

11 **Q. But Mary Duncan is not here; so, I can't cross-examine**
12 **her?**

13 A. No.

14 **Q. But the Commission has access to her reports and**
15 **recommendations that could influence her decision?**

16 A. The Commission has before them the reports and the
17 information in this EC20150058 case. That's the case
18 before them now.

19 **Q. But this document here could have come out of two other**
20 **cases; right?**

21 A. You could have supplied it multiple times. I can't
22 really answer that question for you.

23 **Q. You don't file stamp them when they come in, do you?**

24 A. Yes, we do file stamp.

25 **Q. I don't see any file stamp on this one.**

1 A. No. We don't on every page. That's correct.

2 Q. So it could have come out of a 2011 case? 2012 case?

3 A. And the 2015 case. It could have, yes.

4 Q. But we're not sure?

5 A. I would have -- it would be subject to me reviewing.

6 MR. SMALL: I would like to mark this. Is
7 there any way I can get this marked here? Your
8 Honor, it's the same; but it's been marked highly
9 confidential.

10 MS. MAYFIELD: It's been marked as
11 Defendant's Exhibit 5HC which indicates that it
12 is highly confidential. So, it has already been,
13 I believe, entered into the record by Your Honor.

14 MR. SMALL: And you're going to offer that?

15 JUDGE JORDAN: It's already --

16 MR. SMALL: How about this Exhibit A?

17 JUDGE JORDAN: Same document, is it not?

18 MR. SMALL: Well, it's not marked Exhibit A.
19 That come from Mrs. Hart.

20 JUDGE JORDAN: Okay. Would you like to tell
21 us a little bit about that and why it's important
22 that it's marked Exhibit A?

23 MR. SMALL: Well, I think -- I think the
24 dates on it -- the dates on it is September the
25 8, 2014. I think -- I think that's relevant.

1 And it's attached to some other information that
2 I have submitted in regard to my motion to
3 supplement the record. And there's also a motion
4 for reconsideration.

5 JUDGE JORDAN: And both of those have been
6 ruled on.

7 MR. SMALL: Except some people got notices
8 of it, the decisions, the Commission's decision,
9 and I never. So, I wanted to get that into the
10 record.

11 JUDGE JORDAN: Okay. Well, the Commission
12 issued that -- its orders as it does with all
13 other orders. I'm not seeing a reason to have
14 another copy of the same document in the record.

15 MR. SMALL: Well, it's marked Exhibit A and
16 it was marked highly confidential, and exhibits
17 highly confidential mean that you won't publish
18 it. Now, they haven't published this document,
19 but whenever I submitted evidence to the
20 Commission, the Staff decided we're going to bind
21 this together with 30 or 40 pages of other stuff,
22 including Mr. Small's case-specific information
23 or account-specific information, and I wanted to
24 get that in the record that I objected to it as a
25 violation of the Commission rule.

1 JUDGE JORDAN: Okay. We're not trying that
2 case today.

3 MS. GIBONEY: Judge, could I respond with
4 regard to the Exhibit A?

5 JUDGE JORDAN: Please do.

6 MS. GIBONEY: In looking at the record in
7 this case, the 0058 case, it appears that Ms.
8 Hart's letter dated September 8, 2014 was marked
9 Exhibit A when it was attached as an exhibit to
10 our answer to the original complaint. So, that
11 exact document is already in the record of which
12 you've already taken notice. I don't believe it
13 would be necessary to enter it into evidence
14 again. But...

15 MR. SMALL: I think we've got it identified,
16 Your Honor.

17 JUDGE JORDAN: I think we do. And, so, I'm
18 going to -- okay. So, did you have anything more
19 for --

20 MR. SMALL: I don't believe so.

21 JUDGE JORDAN: Thank you very much. This
22 was your witness, any -- Ms. Mayfield. Any
23 redirect?

24 MS. MAYFIELD: No, Your Honor.

25 JUDGE JORDAN: Did that raise anything for

1 re-cross?

2 MS. GIBONEY: No, Judge.

3 JUDGE JORDAN: Then you're done. You could
4 step down if we had a place to step. You may
5 also be excused.

6 (Witness excused.)

7 JUDGE JORDAN: Okay. I think this is a good
8 time to take a break. I think when we come back
9 we'll hear Mr. Small's case-in-chief. And let's
10 take -- let's see. That says four minutes after
11 11:00 now. Why don't we come back at ten minutes
12 after 11:00, according to that clock. And we'll
13 go off the record.

14 (OFF THE RECORD)

15 JUDGE JORDAN: And we're back on the record.
16 We are ready for Mr. Small's case-in-chief. And,
17 Mr. Small, you've gotten a lot into the record by
18 cross-examination. Are you going to have
19 anything more for us?

20 MR. SMALL: I don't think other than if I
21 could get -- the Commission has already been
22 provided copies with this United States Supreme
23 Court case. They say this is nationwide for
24 utilities, gas, electric. And the way I read
25 this case -- we're on the record now? The way I

1 -- the way I read this case, there are -- there
2 are broad discrepancies across this nation --
3 there are broad discrepancies when it comes to
4 providing gas customers, electric customers, a
5 right to dispute a decision over a gas or
6 electric bill. And if my dispute had been with
7 management in this particular case, then these
8 three complaints might possibly avoided taking up
9 350 or 450 hours of you folks' time, but it
10 didn't work that a way. And I'm not surprised
11 after I read this United States Supreme Court
12 case. This United States Supreme Court case says
13 that you are entitled to dispute an alleged bill,
14 validly dispute it, and you should be able to go
15 to management, and you can't even get in
16 management in Jefferson City. They won't let you
17 in. You can't get in management out here because
18 it's not a service office out here in Kirksville.

19 So, all these entries here and all this
20 evidence that I have heard, that I have seen, and
21 what's been my experience that once you get big
22 enough and your name's Hillary, the law doesn't
23 apply to you. The law doesn't apply to you. And
24 you get big enough in these electric utilities,
25 you either get a bill and you pay it or they're

1 going to shut you off. One thing you're not
2 going to get is you're not going to get a due
3 process, fair and impartial meeting with
4 management. That's what this United States
5 Supreme Court case says, and I have supplied a
6 copy of that to the Commission. I think this
7 case here means what it says.

8 And I'm not belittling the Commission,
9 because I've read a lot of the Commission cases.
10 And lo and behold, I've known Gay Fred for years.
11 I talk to her on the telephone from Iowa. When
12 you come from Iowa into Missouri to defend, you
13 got any constitutional rights? I'm talking about
14 rights now, not privileges. I would talk to Gay
15 Fred -- Gay Fred? Well, she's got so much
16 investigative regulatory power and authority, but
17 she's not the decision maker in this case. Cathy
18 Hart sitting right here. You can't get in the
19 St. Louis office down there. I've been down
20 there. I've been down to Consumer Collection
21 Management, talking about these specific bills.
22 Said we got this back in 2008, found that it was
23 an uncollectible, I'm gonna turn around and send
24 it back to them, but you're not entitled access
25 to their records, nor are you entitled to go to

1 management. You can't get in Jefferson City?
2 Well, how about St. Louis? Can you make an
3 appointment to get in and talk to Don Horn or
4 anybody else that actually documents and take
5 these uncollectible account balances that they
6 feel is valid and send them to a collection
7 agency? We ain't about to do that. Why? You're
8 not about to get in and get a meeting with Ameren
9 management.

10 Right here is their defense and she is one
11 fine -- she's done one fine job of defending this
12 company. She got a bunch of rotten apples dumped
13 in her lap with these records. I'm saying that
14 over a period of time, we're talking about she
15 spread you people out over 450 or 500 hours
16 investigation. Have they got their money yet?
17 No. Has Mr. Small, in these entries right here,
18 did he -- undisputed, on the record. We got a
19 dispute here. But you can't actually dispute
20 whether or not a debt is due. I'm talking about
21 with management. I can't -- I'm no match for
22 this young lady right here. Got a college
23 graduate, law degree, years of experience. She
24 knows this stuff inside and out like her watch.
25 She knows who to talk to, who not to talk to.

1 She knows how to defend, and she knows how to
2 prepare it, and that's why they go outside and
3 hire legal counsel to get around United States
4 Supreme Court cases.

5 And that was the reason that I asked so many
6 questions about Plaintiff's Exhibit No. 1 right
7 here. How many times did you have an opportunity
8 to send Mr. Small a written notice telling him,
9 "Mr. Small"? Just like the Missouri Public
10 Service Commission sent you a notice that on
11 April the 20th here, there was going to be an
12 evidence hearing. You believe that? Well, it's
13 in writing.

14 And you can also believe that if you get one
15 of these notices and you don't show up for a
16 quasi-judicial hearing, you don't show up in
17 small claim court or a circuit court, and you
18 don't show up and you haven't got a -- there's a
19 really good chance you'll get dismissed. Okay?
20 They thought, well, they're going to get a
21 judgment here. They're going to get a judgment
22 of \$846.15 in this case right here. They might
23 do that, and they might get to defend an appeal.
24 But they can't give me a judgment in this if I'd
25 win. They -- they can -- they can give me a

1 judgment that it's not owed.

2 But this gentleman, the Honorable Jordan, he
3 can't give me these notices because he can't get
4 access to them because they never did exist. You
5 don't get any due process notice. I'm talking
6 about in a timely manner going back to 2006
7 period of time. Now we are in what? 2015?
8 Exhibit A there we all agree on. It's marked
9 Exhibit A. The Ameren Missouri's counsel done
10 admitted it was attached to our answer. Where
11 inside of Exhibit A does it inform Mr. Small if
12 you're dissatisfied with any amount on that
13 \$846.15, you are entitled to a due process
14 hearing before management, not the Missouri
15 Public Service Commission?

16 How convenient would it be if this lady
17 right here was left alone and not pressurized,
18 have a meeting with a complainant in a dispute
19 over a bill and get it resolved back in 2005 or
20 2006? Would that relieve the Missouri Public
21 Service Commission, Gay Fred, and her staff,
22 Commission staff, three or four administrative
23 law judges and the Commission, would that save
24 them any time? Well, what would the issue have
25 been if they got it resolved with management?

1 None. It would have been moot.

2 It doesn't work that a way in Missouri. It
3 doesn't work that a way in Arkansas. It doesn't
4 work that in Oklahoma and doesn't work that in
5 Iowa. It just doesn't work so says this United
6 States Supreme Court case. And they give a lot
7 of reasons in there, and they back up. You --
8 you were sent this, weren't you? Yeah. You were
9 sent this, but it didn't give you any due process
10 notice.

11 JUDGE JORDAN: Can I just interrupt for a
12 second, Mr. Small, since you referred to that
13 case?

14 MR. SMALL: Certainly. Certainly.

15 JUDGE JORDAN: Would you read the name of
16 that case into the record for us.

17 MR. SMALL: It's United States Supreme Court
18 case, Memphis Light and Gas and Water Division
19 versus C-R-A-F-T, 436US1, 1978. So, this case,
20 1978, now we are in 2015.

21 The reason the United States and these other
22 communities, Canada, Australia, haven't
23 effectively combatted and done away with the drug
24 situation because it's too damn lucrative. They
25 just -- it's too lucrative. That's the problem

1 that they have with it, which is a tremendous
2 problem. What's the problem -- what's the
3 problem with this utilities? It's too lucrative
4 to give -- it's too lucrative to give a
5 complainant a due process hearing. He might come
6 in at the early stage and prevail. I don't know
7 what portion of \$846.15 you want to plug in a
8 calculation involving 2,400,000 people, but that
9 seems considerable to me.

10 And I'm not doubting the Missouri Public
11 Service Commission has rules and regulations, but
12 I do -- I do question their power and authority
13 and their abuse of discretion in overlooking this
14 case right here and saying it doesn't apply to
15 Mr. Small's electric bill, when the United States
16 Supreme Court say -- says this is a national
17 case. This applies to everyone including the
18 utility company. They are talking about due
19 process of law and they are not talking about due
20 process law before the Commission. They're
21 talking about a common sense -- they're talking
22 about a common-sense procedure where you get on a
23 1-800 number and you get ahold of a responsible
24 individual that answers on behalf of Ameren
25 Missouri and says, "I have power and authority to

1 talk to you. I am management."

2 Today I learned she's management. But I
3 learned over the past -- since 2010 and 2011,
4 that when you go down there and trying to get in
5 Jefferson City to see this lady right here, I'm
6 sorry. You're not welcome. And why is that?
7 Well, common sense. If somebody's going to bring
8 a weapon or a knife in here, say, no, let's lock
9 the door. Let's call that gentleman right over
10 there. He's trained for that. Let's keep
11 everybody safe. That guy right there can keep
12 you safe. When he sees a knife or a gun, he
13 don't sit around there, you know. He knows
14 exactly what to do. Why don't Ameren Missouri
15 give these individuals right here in management
16 -- you can't talk to management. You get on the
17 telephone and you will go through three or four
18 different steps. Will you get to talk to
19 management? No. I'm a supervisor. Are you a
20 manager? Are you a manager under the terms of
21 this United States Supreme Court case? No.
22 You're not. Can I leave Jefferson City and leave
23 Ms. Hart out of it and go to Jefferson City and
24 talk to one of the higher-ups that sign these
25 tariff agreements?

1 Who in the hell do you think you are anyway?
2 You come from Iowa. You think you come in
3 Missouri here and you got some protection? Well,
4 under the United States constitution, this case
5 says -- in the Blom Crest (phonetic) case says
6 yeah, you do have. You mean -- you mean an Iowa
7 resident getting sent these bills to Iowa for a
8 period of years? You come in Missouri and you've
9 got some rights to constitutional protection?
10 Sure you do. You mean come into Missouri and get
11 a due process hearing with management? That's
12 the way I understand it. And if that was true
13 and it was -- it was maintained on a consistent
14 basis, look how many people you folks could have
15 helped in 500 hours in investigative reports.
16 How many? Probably a lot. Probably a lot. This
17 case right here in this Missouri Public Service
18 Commission ruling -- I don't think it's going to
19 do anything to change that.

20 I got a Judge Adams up there that's a
21 magistrate that says, "Mr. Small, one more time.
22 You got till May 15th to bring any of these
23 Missouri residents into Davenport, Iowa into
24 federal court." You're talking about raising a
25 federal question? That's exactly what I'm

1 talking about. That's exactly what I'm talking
2 about.

3 JUDGE JORDAN: Okay. I appreciate your
4 argument, and I see how that ties in with your
5 questions of these witnesses as far as notice of
6 the right to a meeting with management.

7 MR. SMALL: Well, I appreciate that. And
8 there's 200 -- 2,400,000 other people that are
9 just unsuspecting. They appreciate it, too.

10 JUDGE JORDAN: Do you think you have any
11 further documents or any testimony that you would
12 like to give on this?

13 MR. SMALL: Well, I just -- I just wanted to
14 get it in the record. So they, Ameren Missouri
15 and their officials, understand where I'm coming
16 from.

17 JUDGE JORDAN: Right. We have your argument
18 on the record that's being -- that's going to be
19 transcribed.

20 MR. SMALL: Ms. Cathy Hart, she didn't
21 create this record. Other people underneath of
22 her and now they're going to dump this on her,
23 okay? They are going to dump this on her. Yeah,
24 you go up testify on behalf of us. Well, she
25 doesn't have any power or authority to change

1 this United States Supreme Court decision and
2 neither does the Missouri Public Service
3 Commission and whether or not I have to pay any
4 of this bill or get a judgment against me for
5 this bill doesn't have anything to do with a
6 conspiracy thing. They said you know you don't
7 run a conspiracy of 42 United States code
8 sections, 1985 subpart 3. Now I come out of the
9 Iowa -- I come out of Iowa into Missouri to
10 defend before the Missouri Public Service
11 Commission and the Missouri Human Rights
12 Commission. I'm not entitled to any more or any
13 less highly confidential protection than this
14 young lady sitting right here, and this lady
15 right here, and that lady right over there.

16 JUDGE JORDAN: Do you have any more
17 documents that you want the Commission to look at
18 in making its decision?

19 MR. SMALL: Well, I've already -- I've
20 already submitted those arguments in a motion for
21 rehearing, which I never received. I already
22 submitted it in a motion to supplement the record
23 which I learned today from you that it's been
24 denied but I hadn't got a copy of it. And my
25 understanding of this federal law, you're not

1 bound by any of this -- this state stuff.

2 JUDGE JORDAN: Okay. Then if you have no
3 more documents, do you want to give any more --
4 any testimony?

5 MR. SMALL: But I would like to give them an
6 opportunity, you know. Fair is fair, and I'm not
7 entitled to a perfect proceeding. She's not,
8 either. None of us. The gentleman back there in
9 the badge, he's not entitled to a perfect
10 proceeding, but what he goes through whenever you
11 get him in a corner, he's entitled to a fair one
12 and a partial one.

13 JUDGE JORDAN: Okay. Any other -- anything
14 else that's not argument? Anything -- any --

15 MR. SMALL: So, if they wanted in around
16 this --

17 JUDGE JORDAN: Hang on. Hang on. Any more
18 facts that you want to point the Commission to
19 that are relevant to your argument, because I
20 think we've got it pretty well nailed down here
21 what your argument is.

22 MR. SMALL: Well, I think we've just skipped
23 over the fact that I wanted number one because
24 discovery is not completed in this. I wanted to
25 take, you know, a voluntary dismissal of this

1 case but I didn't get very far on that, so we've
2 already put in some evidence, see? And, so --
3 but I got it in the record that that's what I
4 wanted to do. But I don't want to inconvenience
5 all these people. They've traveled quite away,
6 okay?

7 JUDGE JORDAN: And -- and just so the record
8 is clear, you cited a provision of law under
9 which you wanted to make a dismissal?

10 MR. SMALL: Well, it's 6702, you know.

11 JUDGE JORDAN: Okay. Very good.

12 MR. SMALL: And I think 6702 applies to
13 anybody who wants to come in Missouri and protect
14 their rights. They can't take Ameren Missouri up
15 to -- to the Commission, public commission, up in
16 Des Moines where I live. I live in Des Moines,
17 yeah. Or I live in Iowa. So, you go up there.
18 They got a public service commission, too. But
19 the service -- the service that I requested is
20 down here in Adair County. And I'm thinking that
21 when the Missouri Public Service Commission
22 communicated me early on in an informal complaint
23 that they actually did have jurisdictions over
24 disputes. But if you're not disputing anything,
25 Mr. Small, why would you ask us to assume

1 jurisdiction? There's the problem right there
2 with the dispute thing. They want to -- they
3 want to put a different term on it. They want to
4 use the different term to confuse people, mire
5 the record. They don't have a complete
6 administrative record, and when you get this all
7 done, the Missouri Public Service Commission is
8 not going to have a complete administrative
9 record, either.

10 JUDGE JORDAN: Let me make this convenient
11 for you because I think this is going to help you
12 out and everyone else a lot. I'm going to go
13 ahead and give you the oath and I'll just ask you
14 if you are asked on the same matters again
15 whether you would say the same thing. That will
16 put everything that you've said into the record
17 as testimony; okay? Please raise your right
18 hand. Do you solemnly swear that the testimony
19 you are about to give will be the truth, the
20 whole truth, and nothing but the truth?

21 MR. SMALL: I do, Your Honor. Yes.

22 JUDGE JORDAN: Very good. Now, if I were to
23 ask you about the same matters that you've been
24 addressing since we went back on the record,
25 would your answers be about the same?

1 MR. SMALL: Well, I think they would be
2 based upon these --

3 JUDGE JORDAN: That's a yes or no question.

4 MR. SMALL: Yes, yes, would be.

5 JUDGE JORDAN: Very good.

6 MR. SMALL: And it would be based on these
7 Missouri rules of court and they'd be based on
8 this decision of law. And if it involved me --
9 if it involved just me, I'd get my dog and go
10 fishing, but it doesn't. It involves 2,400,000
11 people. Now, these people -- these people in
12 this Craft case, they weren't -- they weren't
13 plush with a lot of money, either. I couldn't
14 have even talked about that case if those people
15 hadn't got down in the trenches and won their
16 case before the United States Supreme Court.
17 Now, I wonder what that Judge Adams is going to
18 do when I file an amended complaint and name
19 Ameren Missouri and the Missouri Public Service
20 Commission and the people that signed these
21 documents and reports violating highly
22 confidential -- saying what are you trying to do
23 to him? We're trying to run him back into Iowa.

24 JUDGE JORDAN: Okay.

25 MR. SMALL: Now, if they wanted to enter

1 into something reasonable on this --

2 JUDGE JORDAN: Go ahead.

3 MR. SMALL: They want to enter something
4 reasonable on this to where they can go back and
5 treat people fairly and partially, I'm going to
6 sit down and listen. But I don't want to dump it
7 on these ladies right here because they're really
8 not the decision makers. Them people in St.
9 Louis tell them this is what your decision is
10 going to be. And with regard to Missouri Public
11 Service Commission, the same goes for here.

12 JUDGE JORDAN: Okay. I think we are ready
13 to start talking about briefing. Before I do
14 that, does anyone have any cross-examination for
15 Mr. Small?

16 MS. MAYFIELD: Staff does not, Your Honor.

17 MS. GIBONEY: Ameren Missouri does not.
18 Thank you, Judge.

19 JUDGE JORDAN: Okay. I'd like to have some
20 written argument on this. I'd like Ameren to
21 address Mr. Small's reading of the court case
22 that he cited, the United States Supreme Court
23 case which he reads as providing a due process
24 right to a discussion with Ameren's management.

25 MS. GIBONEY: And other legal arguments that

1 we want to make?

2 JUDGE JORDAN: I want to make sure that's
3 included and of course the rest of it is up to
4 you.

5 The briefing -- the ordinary briefing
6 schedule is set forth in our regulations. I'll
7 refer you to that. And if somebody needs more
8 time, then we can talk about that later. You can
9 certainly move for an expansion of that schedule.

10 MR. SMALL: The Court is asking Ameren to
11 brief it?

12 JUDGE JORDAN: Yes, yes. Yes, sir. And of
13 course, you have the right to written argument as
14 well.

15 MR. SMALL: Well, once again, once again --

16 JUDGE JORDAN: Hang on. I want to ask the
17 reporter when she thinks the transcript will be
18 ready.

19 THE COURT REPORTER: Ten days, I think will
20 be.

21 JUDGE JORDAN: Is that satisfactory, Mr.
22 Small?

23 MR. SMALL: It's in when?

24 JUDGE JORDAN: Ten days. Is that
25 satisfactory?

1 MR. SMALL: No, that's fine. That's fine.

2 JUDGE JORDAN: Very good.

3 MR. SMALL: They're pushing me in these Iowa
4 cases. You've got these deadlines. You've got
5 these deadlines to make. They don't realize --
6 they don't realize that, you know, this is
7 important for 2,400,000 people in Missouri and
8 I'm going to do my level best to see that they
9 get some due process and equal protection rights
10 in this proceeding.

11 JUDGE JORDAN: Anything else that the
12 parties want to discuss before we go off the
13 record?

14 MS. GIBONEY: So, just to clarify, Judge,
15 the briefing schedule -- after the transcript is
16 available, how many days until the brief is due?
17 I just don't recall.

18 JUDGE JORDAN: Well, let's take a look. I
19 don't want to rely on memory.

20 MS. GIBONEY: And I don't recall; so, I just
21 want to make sure.

22 JUDGE JORDAN: I want to start with the
23 language of a regulation. I'm looking at
24 4CSR240-2.140 on briefing, and I'm looking at
25 Section 2 which states, "Unless otherwise ordered

1 by the Commission or presiding officer," which is
2 me, "initial post hearing briefs shall be filed
3 no later than 20 days after the date on which the
4 complete transcript of the hearing is filed."

5 MS. GIBONEY: Okay.

6 JUDGE JORDAN: And then reply briefs, ten
7 days. This contemplates simultaneous briefs.

8 MS. GIBONEY: And, Judge, one last matter,
9 if I may ask. There are at least two exhibits
10 that there are no copies of. We'll leave those
11 with the court reporter and she'll --

12 JUDGE JORDAN: After we go off the record,
13 I'm going to get with the court reporter and make
14 sure she's got at least one copy of every exhibit
15 that has been put into evidence today.

16 MS. GIBONEY: Okay.

17 MR. SMALL: That's fair.

18 MS. GIBONEY: I don't see the notebook page.
19 That's why I'm --

20 MS. MAYFIELD: I think Mr. Small still has
21 that, I believe.

22 JUDGE JORDAN: I might have one of them,
23 too. I might have one copy.

24 MS. GIBONEY: All right. Thank you, Judge.
25 I just want to be sure we didn't leave with

1 exhibits.

2 MR. SMALL: Is there any possibility, Your
3 Honor, we could get the March 4th -- March 4,
4 2000 letter -- the cover letter to that document
5 that shows completely what Mrs. Hart sent to me?
6 That one page document that's got several entries
7 in it?

8 JUDGE JORDAN: I don't have a problem with
9 that. Do you think you can find that?

10 MS. HART: I don't know.

11 MR. SMALL: I got one with mice holes have
12 ate in it and all that, or I'd photocopy it and
13 enter it in, but it's got -- you know, it's just
14 -- it's not suitable to photocopy, you know.

15 MS. GIBONEY: Judge, if we can find a
16 complete copy of that, shall we just submit it in
17 nesis or how would you like us to handle that? I
18 don't know if we can.

19 JUDGE JORDAN: That's fine. If you can,
20 then -- then do. Can you do that within -- look
21 for that and file it within the week? And if it
22 doesn't come in within the week, Mr. Small --

23 MR. SMALL: That's fine. That's fine. I
24 just wanted to get it in the record to where it
25 would show -- it's a more complete record than

1 just a bobtail one.

2 JUDGE JORDAN: Right.

3 MS. GIBONEY: I'll look for it.

4 JUDGE JORDAN: Okay. All right. If there's
5 nothing else before we go off the record and
6 adjourn? Not hearing anything. Then we are
7 adjourned and we're off the record.

8 (WHEREUPON the hearing concluded at 11:37 a.m.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1	AMEREN MISSOURI'S EVIDENCE:	
2	CATHY HART	PAGE
3	Direct Examination by Ms. Giboney	6
4	Cross-Examination by Mr. Small	38
5	Cross-Examination by Ms. Mayfield	76
6	Redirect Examination by Ms. Giboney	77
7	Recross Examination by Mr. Small	81
8		
9	STAFF'S EVIDENCE:	
10	GAY FRED	
11	Direct Examination by Ms. Mayfield	84
12	Cross-Examination by Ms. Giboney	86
13	Cross-Examination by Mr. Small	92
14		
15	COMPLAINANT'S EVIDENCE	111
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	EXHIBIT INDEX		
2	AMEREN MISSOURI'S EXHIBITS		
3		MARKED	REC'D
4	EXHIBIT NO. 1HC	8	12
5	Direct Testimony of Cathy Hart		
6	EXHIBIT NO. 2HC	13	16
7	Direct Testimony of Cathy Hart		
8	EXHIBIT NO. 3HC	16	18
9	Direct Testimony of Cathy Hart		
10	EXHIBIT NO. 4HC	19	27
11	Direct Testimony of Cathy Hart		
12	EXHIBIT NO. 5HC	34	35
13	Direct Testimony of Cathy Hart		
14	EXHIBIT NO. 6HC	87	91
15	Cross-Examination Testimony of Gay Fred		
16	MR. SMALL'S EXHIBITS		
17	COMMISSION EXHIBIT NO. 1	60	
18	Cross-Examination Testimony of Cathy Hart		
19	COMPLAINANT'S EXHIBIT NO. 1	60	
20	Cross-Examination Testimony of Cathy Hart		
21			
22			
23			
24			
25			

1 CERTIFICATE OF REPORTER

2

3 I, Wendy Golding, a Certified Court Reporter (MO CCR
4 No. 1366), within and for the State of Missouri, do hereby
5 certify that the witnesses whose testimony appears in the
6 foregoing proceedings was duly sworn by me; that the
7 testimony of said witnesses was taken by me to the best of
8 my ability and thereafter reduced to typewriting under my
9 direction; that I am neither counsel for, related to, nor
10 employed by any of the parties to the action in which this
11 proceeding was taken, and further that I am not a relative
12 or employee of any attorney or counsel employed by the
13 parties thereto, nor financially or otherwise interested in
14 the outcome of the action.

15

16

17

Wendy Golding

18

19

20

21

22

23

24

25

A	77:10 79:1,2,24	29:24 30:2	ain't 53:18 100:7	44:12 57:10
ability 121:8	80:1,7 83:17	50:12,16 65:9	alerts 31:24,24	58:7 64:20 72:2
able 23:3 32:2	87:5,9 100:5	67:20 68:1	Alexander 83:6	72:6 74:7 75:11
34:7 59:5 79:19	accounts 23:11	71:12 77:3,11	allegation 75:7	79:18,18,23,25
83:21 84:17,20	23:11 24:25	77:14 113:21	85:2	80:4,6,10 88:5
98:14	38:25 46:10	addressing	alleged 68:16	102:12
absolutely 61:5	73:5	111:24	74:24 98:13	amounts 9:16
63:7	account-specific	adjourn 118:6	allows 75:12	19:5 28:1 78:4
abuse 104:13	95:23	adjourned 118:7	amended 112:18	analysis 75:19,20
access 7:23 67:11	accrued 30:10	administer 5:15	Ameren 1:12	Annette 65:14,16
93:14 99:24	accuracy 67:11	6:10	3:10,25 4:1,19	66:16,17,18,19
102:4	accurate 11:13	administrative	4:21 5:13 6:20	66:24
account 7:23 8:8	15:15 34:23	4:22 5:6,22	7:10,11,16 8:22	answer 40:25
8:11,14,16 9:10	44:7 58:1 62:11	69:13 102:22	9:22 11:20 12:8	48:16 51:4,5
9:11,21,24,25	70:23 73:9 93:1	111:6,8	22:14 25:2 28:4	53:23 56:5,14
10:1,3,3,4,12	accurately 57:24	admission 11:20	35:6 37:16	58:11 63:6 66:3
10:17,22 11:7	59:11 61:9	15:20 22:14	38:14,15 39:11	66:7,10,11 71:1
11:13 12:25	62:16	89:12	40:18 41:2,14	81:15,18 93:22
14:8,9,10,11,14	acquired 67:14	admit 26:23	42:1,9 46:15	96:10 102:10
15:16,16 16:24	action 3:6,12	admitted 5:21,21	49:23 50:3,22	answered 62:13
17:4,7,9 18:19	75:22 121:10	18:1 27:1 35:2	51:20 52:14,18	answers 104:24
18:22,23 20:11	121:14	49:13,15 78:1	53:15 54:13	111:25
21:3,20,21,24	active 40:22	88:9 102:10	57:8 58:23	Antal 83:7,9
23:21 25:5,7,16	activities 18:22	advised 37:19	59:15 61:11,12	92:15
25:22,23 26:1,9	activity 9:10,11	advisor 11:10	62:22 63:11,13	anybody 35:9
27:13,19,24,24	9:21,24 10:11	17:8 22:9 23:17	63:16,18 71:4	100:4 110:13
28:11,18,23,24	10:18 11:7,14	23:18 33:6	72:20 74:1,10	anyway 106:1
28:25 29:1,3,5	12:25 14:8	39:16 40:9,11	75:3,10,22 82:5	apologize 26:24
29:6,7,7,8,9,16	15:16 16:20,21	79:20	82:9 83:16	66:9 87:14
30:2,6,7,20,23	16:23 17:4,9,18	advisors 10:20	85:13,17 86:2,6	apparently 40:25
33:1,7,8 39:24	18:18 21:19,22	10:24 22:6	86:8,11,16	76:9
39:24,25,25	21:23 29:16	23:23 24:13	100:8 102:9	appeal 72:20
40:1,2,22,22,23	50:8,11 56:7,17	affidavits 92:18	104:24 105:14	101:23
41:11 45:1,18	62:3,4,5 70:12	agency 74:5 76:4	107:14 110:14	appear 11:14
45:18 48:21,23	70:14 79:24	100:7	112:19 113:17	15:17 17:18,21
49:1,2,3 50:8	actual 6:1	agree 39:17	113:20 114:10	79:25 80:3
50:10,14,15	Adair 110:20	41:14,14 102:8	119:1 120:2	appearance 3:13
52:15,18,20,21	Adams 106:20	agreement 58:8	AmerenUE 2:6	65:25
56:7,8,17,19	112:17	agreements	Ameren's 4:13	APPEARANC...
57:7,8,8,9,22	add 57:16	105:25	4:18 19:19	2:1
58:16,17 59:1,2	added 73:4,8	ahead 6:10 11:24	44:10 51:15	appeared 65:11
59:2,4 61:2,2,3	addition 89:10	22:23 37:24	59:17 62:9	appears 26:12
61:10 62:3	additional 58:8	40:19 48:19	63:21 91:13	73:4 80:1 96:7
64:15 72:19	address 4:7	52:10,10 82:18	113:24	121:5
73:2,6,8,8,10	12:24 14:16,17	83:20 111:13	amount 26:12	appellate 45:13
73:11,13,19	18:10 23:19	113:2	29:3 30:18 33:9	apples 100:12
74:12,13 77:1,3	25:12 28:5	ahold 104:23	33:25 34:1	applicant 85:23

Application 5:9	73:13	47:8,15 48:14	51:18 56:25,25	97:8
applies 104:17	assimilated	54:5 55:15	69:16 71:6,10	brief 114:11
110:12	67:18	56:15 57:1,6,13	78:1 79:5 86:20	115:16
apply 32:25	assimilating 92:9	60:23 65:25	87:12 89:7	briefing 18:9,10
46:17 57:13,14	associated 29:1	68:3,4,13 72:25	94:13 96:12,20	80:24 90:24
76:14 98:23,23	assume 110:25	97:8,11,15	101:12,14	113:13 114:5,5
104:14	assumes 38:19	99:22,24 102:6	116:21	115:15,24
appointment	ate 117:12	102:19 103:7	believes 91:1	briefly 88:22
100:3	attached 89:4	109:8 111:24	belittling 99:8	briefs 116:2,6,7
appreciate 20:23	95:1 96:9	112:23 113:4	best 93:1 115:8	bring 68:22
55:10 107:3,7,9	102:10	background 93:9	121:7	105:7 106:22
approved 85:15	attack 51:14,17	badge 109:9	better 70:6	broad 98:2,3
85:18	attempting 52:14	badgering 69:16	big 98:21,24	brought 4:25
approximately	attention 62:7	Bagnell 41:16	bigger 31:13 58:9	5:10 57:10 85:1
41:17	attorney 2:2	balance 25:23	bill 11:2,5 26:11	bucks 45:19
April 1:6 25:19	59:21 83:4	26:2 28:11,18	30:9,12,13,18	bunch 100:12
28:3,10,16,16	121:12	28:23 29:4,9	37:14,15,20	burden 4:11
30:8,10,13,14	audience 69:21	30:9,23 58:9	40:10,12 42:24	Bushmann 59:8
30:17 44:11,13	August 31:3 32:7	73:10,13 85:10	44:11,14 45:5	74:9
44:15,20,22,22	32:24 50:1	85:24 86:5,9	50:18 52:24	business 3:10
44:25 45:10,11	65:25 68:4,6,13	balances 100:5	54:21 57:23	7:16 10:24
87:25 88:1	69:1,1	ballpark 45:24	71:20,20 80:4,6	15:13 17:1
101:11	Australia 103:22	bars 75:14,21	80:14,15 87:9	51:20 62:10
argument 43:13	authority 65:18	82:20	87:25 88:5 98:6	65:13
80:25 107:4,17	65:20,22 99:16	base 91:3	98:13,25	businesses 31:14
109:14,19,21	104:12,25	based 11:21	102:19 104:15	
113:20 114:13	107:25	24:25 49:12	108:4,5	C
arguments	automated 9:18	63:25 86:9	billed 29:13,15	C 3:1 5:9
108:20 113:25	22:4	112:2,6,7	80:15 81:13	calculation 104:8
arises 40:17,17	automatic 10:10	basically 9:13	billing 7:7,8,18	call 5:13 17:20
42:3	automatically	16:23 17:4	9:16 10:15	17:21,22 23:17
Arkansas 103:3	17:11	19:24 30:17	24:10 38:24	23:24 24:7,11
arose 62:8,8	available 10:14	32:19	39:6	24:14,20 32:11
asked 32:10,11	17:7 82:11,13	basis 7:22 29:14	bills 15:3 29:20	32:13,20,24
33:19 48:20	115:16	106:14	29:23 80:10	33:13,19 34:3,9
77:25 78:23	avoided 98:8	batch 30:16	99:21 106:7	38:11 42:9,24
79:22 101:5	aware 38:16,21	beauty 70:4	bind 95:20	49:23 53:17
111:14	38:24 50:25	began 3:2 28:21	binder 91:17	67:5 78:23
asking 5:23 37:2	52:18 65:9 70:9	begins 54:13	bit 13:15 43:20	79:14,15,19
39:3 42:22	always 110:5	73:2	46:8 51:13	82:15 105:9
43:16 46:23,24	Axtell 83:6 92:14	behalf 104:24	94:21	callback 37:1
51:3 57:19 58:1	a.m 3:3 118:8	107:24	black 46:13	called 6:6 33:12
58:3 66:4		behold 99:10	Blom 106:5	33:18,19 34:6
114:10	B	believe 5:20 10:2	bobtail 118:1	67:2,7,12
assessed 56:8,19	back 10:21 12:7	10:7 25:6 27:12	bound 109:1	calling 3:6 32:15
assessment 56:20	33:19,22 34:6,9	29:16 32:7 39:6	Box 2:3,8 50:13	33:17 53:17
assigned 3:12	44:1,16 45:3,9	43:12,16 44:23	break 47:8 60:16	calls 17:5 23:15

24:7 31:23 Canada 103:22 capacity 35:6,7 84:5 care 10:20,23 11:10 17:8,13 22:6,9 23:17,23 24:13 33:6 39:16 40:9,11 46:12 case 3:19 4:19 10:12 11:24 21:1 25:13 37:18 39:23 43:5 44:1,5 46:14 49:22 51:25 61:12 62:18,19 71:7,8 71:8,24 74:9,14 75:15,25 80:24 82:19 83:20 85:9 88:18,25 89:19 90:4,13 90:16 93:17,17 94:2,2,3 96:2,7 96:7 97:23,25 98:1,7,12,12 99:5,7,17 101:22 103:6 103:13,16,18 103:19 104:14 104:17 105:21 106:4,5,17 110:1 112:12 112:14,16 113:21,23 cases 90:19,21 93:20 99:9 101:4 115:4 case-in-chief 82:7 97:9,16 case-specific 95:22 categorize 24:7 Cathy 5:14 6:6 6:18 38:11 99:17 107:20	119:2 120:5,7,9 120:11,13,18 120:20 CCR 1:19 121:3 center 20:20 31:23 32:20 33:5 40:9 81:12 certain 23:24 33:10 certainly 18:8 42:6 90:23 103:14,14 114:9 CERTIFICATE 121:1 Certified 121:3 certify 121:5 challenge 51:18 chance 38:9 53:4 66:7 84:14 101:19 change 11:10 18:9 22:9 23:3 106:19 107:25 changed 23:6 changes 31:21 Chapter 4:23,23 42:6 71:22 characterization 74:20 charge 37:6 56:8 56:10,19 charged 28:1 charges 10:15 39:17 57:17 59:12 81:12 charge-off 80:2 check 35:13 51:15 choose 85:3 chooses 4:14 circuit 75:23 101:17 cited 75:18 110:8 113:22 City 2:9 4:8 98:16 100:1	105:5,22,23 claim 57:16 101:17 clarification 22:17 76:22 clarified 46:11 52:16 clarify 38:23 39:9,9 49:2 51:12 81:5,5,19 115:14 clarifying 22:22 45:12 55:16 76:25 81:2 class 77:1,3,10,14 77:17 classify 64:23 clause 93:4 clear 110:8 clearly 60:11 clock 47:14,16 97:12 closed 19:25 closest 24:12 code 35:9 108:7 collect 52:14 74:11 75:23 76:4 collected 80:15 collection 9:15 16:20,21,23 17:8,18 18:18 18:22 21:19,22 62:4,4 73:13,20 74:5,17 76:3 99:20 100:6 collection-relat... 21:23 college 100:22 Columbia 2:4 4:3 combatted 103:23 come 10:9 40:7 42:23 45:19 47:8,15 51:15 64:16 68:5 74:8 88:18,18,19,20	89:15 90:14 93:19,23 94:2 94:19 97:8,11 99:12 104:5 106:2,2,8,10 108:8,9 110:13 117:22 comes 9:14 23:17 69:1 98:3 comfortable 91:4 91:7 coming 107:15 commercial 35:9 77:6 commission 1:1 2:7,10 3:6 4:7 4:10 5:25 20:7 20:10,18 21:7 35:17 40:15 42:7,13,25 45:13 46:7,16 48:2,7,10 49:11 51:24 53:1 54:25 59:5,9 60:21 67:11 68:7,19,24 69:10 70:11 71:5,16,21 72:17 74:3 75:2 75:19 76:23 83:13 84:8,12 85:5,15 90:23 90:24 91:2,4,19 92:8,10,17 93:14,16 95:11 95:20,25 97:21 99:6,8,9 101:10 102:15,21,22 102:23 104:11 104:20 106:18 108:3,11,12,17 109:18 110:15 110:15,18,21 111:7 112:20 113:11 116:1 120:17 commission's	4:23 18:9 20:25 37:8 62:6 69:25 75:15,25 76:16 91:9,17 95:8 common 42:19 104:21 105:7 common-sense 104:22 communicate 65:20 communicated 110:22 communication 68:16 communities 103:22 company 1:11 2:5 3:10 8:2,5,9 10:17 14:25 15:12 16:25 17:3 18:24 19:2 23:15,16 24:24 27:22,25 28:8 28:22 30:3,20 31:2 32:24 37:4 38:13 51:20 62:22 64:23 67:1 76:14 79:10,15 85:11 85:25 100:12 104:18 company's 5:7 9:18 11:14 15:17 17:15 32:21 37:13 company-appr... 85:5 compare 90:22 compilation 9:13 14:24 complainant 3:18 8:7 21:4 51:25 61:11 87:2 102:18 104:5 Complainants 1:10
--	--	---	--	---

Complainant's 60:15,19,24 61:8,13 78:1 119:15 120:19 complaint 3:9,19 3:22 25:1,13 39:2 42:12 62:24 68:19,23 69:9,13,14,22 70:3,10,10 71:4 71:11,12,20 75:9 80:22 84:11,15,23 85:1,1 89:18 96:10 110:22 112:18 complaints 7:1,1 7:2,10,10 8:15 8:16 36:5 89:24 98:8 complete 55:2 58:22,25 59:1 59:19 89:8 111:5,8 116:4 117:16,25 completed 109:24 completely 12:9 41:20 117:5 compliance 85:4 85:14 comply 76:19 computer 9:18 11:15 15:17 24:4 31:22 concerned 57:6,7 57:11,11 69:19 69:21 85:8 concerning 50:18 68:16 concluded 118:8 conclusion 43:17 confer 53:15 confidential 19:21,22 20:11 20:13,21 21:3 78:21 91:18	94:9,12 95:16 95:17 108:13 112:22 confrontation 93:4 confuse 111:4 confused 48:5 connected 77:13 connection 36:5 53:22 65:24 71:7 88:24 consider 86:23 87:1 89:12 considerable 104:9 consistent 106:13 conspiracy 108:6 108:7 constitution 106:4 constitutional 99:13 106:9 construction 31:14 32:12,14 67:4,6 consulted 66:11 66:12 consumer 73:13 73:20 84:7,25 85:2 99:20 contact 24:2 27:25 31:23 32:20,21 33:5 40:9 43:9 72:20 81:12 contacted 31:5,7 contacting 40:8 contacts 23:16 24:20 40:3 contain 23:9 35:11 contained 17:17 61:24 84:15 contemplates 116:7 content 21:7 24:17	context 78:7 continue 25:17 47:23 continued 25:18 contract 35:14 contradicts 12:9 contrary 75:16 convenient 102:16 111:10 copies 13:23 18:24 20:18 55:7 97:22 116:10 copy 4:25 5:10 6:2 9:4 11:13 11:16 13:9 15:15 19:15 34:17,21,23 36:10,13,15 55:5,6 57:4 60:9 87:15,25 95:14 99:6 108:24 116:14 116:23 117:16 corner 11:17 15:6 109:11 corporate 8:1 correct 6:7,8 7:3 7:4 15:1,9 16:13 17:23 23:25 24:21 25:7,14,20 27:14 32:5,22 37:20,21 39:13 42:15,16 44:9 45:6 48:17 55:5 59:3,18 61:16 62:20,21 63:8 65:21 70:22 73:1,7,11,23 74:20 78:24 79:3,4 80:17 81:23 82:11,12 83:8,11,17 86:21,24 87:13 91:14 92:11 94:1	correctly 72:9 81:14 correspondence 36:2 43:25 50:18,20,22 53:9 64:17 Cottonwood 65:7 counsel 2:7 5:16 6:17 9:1 13:3 16:5 19:10 34:13 57:4 60:13 66:1,2,11 66:12 74:15 83:25 87:17 92:15,20 101:3 102:9 121:9,12 Counselor 14:3 16:11 count 46:5,6,21 47:4 49:11 72:25 counted 48:21 counter-eviden... 26:16 County 110:20 couple 10:2 course 10:24 15:13 17:1 33:6 114:3,13 court 3:15 9:4 13:1,9 14:17 25:10,12 28:5 29:13 30:2 43:2 43:4 45:13 46:14 56:3 75:23 77:14 97:23 98:11,12 99:5 101:4,17 101:17 103:6 103:17 104:16 105:21 106:24 108:1 112:7,16 113:21,22 114:10,19 116:11,13 121:3 cover 117:4	Craft 43:3 112:12 create 107:21 credit 9:14 Crest 106:5 cross 22:21 cross-examinat... 4:16 26:17 36:23 37:25 38:5,10 51:3 76:24 86:17,19 92:5,6 97:18 113:14 119:4,5 119:12,13 120:15,18,20 cross-examine 83:21 93:3,11 CSAs 31:6 CSR 5:4 cumulative 49:14 currently 84:5,12 90:7,7 customer 7:6,9 7:23 8:9 9:22 10:20,20,23 11:10 14:14 17:5,7,13 22:6 22:9 23:14,16 23:17,20 31:12 31:23 33:5 37:5 37:14 39:16 40:9,10,18,18 43:7 63:13,14 78:8 79:13,17 79:19,20 customers 7:3 10:19 18:25 31:18 39:10 98:4,4 Cydney 2:7 4:5 C-A-T-H-Y 6:15 C-R-A-F-T 103:19
<hr/>				
D				
<hr/>				
D 2:7 3:1 Dam 41:16				

damages 75:1	98:5 99:17	determinations	display 18:21	27:3 51:20
damn 103:24	108:1,18 112:8	20:8	dispute 28:1	80:24 85:5,9
Daniel 1:15 3:11	113:8,9	determine 59:10	38:16,20,21,24	dollar 78:3 79:23
data 11:1,3,11	decisions 72:19	determining 72:1	39:5,7,15,16,21	dollars 29:4
14:24 17:10,17	95:8	difference 11:16	39:22,22 40:6,7	Don 100:3
20:20 22:4 23:3	defend 99:12	different 10:3	40:8,13,16,17	door 105:9
date 10:13 11:15	101:1,23	14:9 40:15 62:2	40:17 41:3,5	doubting 104:10
11:17 13:20	108:10	105:18 111:3,4	42:3,11,11,21	drafted 67:18
15:5,7,18 25:23	defendant 19:19	differently 31:22	43:6 51:19	driver's 53:14
26:9 28:8 30:17	64:5	dire 22:24 88:22	53:16,17,18	drove 67:1
38:15,15 43:8	Defendant's 8:21	direct 6:19 38:4	55:18 62:8 63:1	drug 103:23
44:2,23 52:17	8:25 9:4,7	62:6 84:2 119:3	63:11,14,20	due 20:14 33:9
52:17 55:21,21	12:20,21 13:2,6	119:11 120:5,7	64:13,14 81:12	33:25 72:6 73:6
55:22 57:3,9	16:4,8,17 18:1	120:9,11,13	98:5,6,13,14	73:19 81:8
69:15,17,21,23	18:12,14 19:9	direction 121:9	100:19,19	85:24 88:5 99:2
69:24 73:2,12	19:12,15,17	directly 61:14	102:18 111:2	100:20 102:5
116:3	21:16 27:9	89:11	disputed 83:17	102:13 103:9
dated 52:22	34:12,16 35:19	disagreement	disputes 40:5	104:5,18,19
87:25 96:8	35:24 38:16,17	72:15	61:10 79:6,7	106:11 113:23
dates 9:15 10:13	38:25 40:1 44:3	disconnect 23:10	110:24	115:9,16
11:2 15:3,3	46:3 58:23,24	41:11 45:14	disputing 40:10	duly 121:6
48:22 53:11	61:14,15,21,21	46:11,21,24	40:11 41:7	dump 107:22,23
57:14 62:7 79:7	61:24 64:13	54:21 61:1 62:8	85:10 110:24	113:6
79:10 94:24,24	87:12,16 88:9	63:1 72:15,16	dissatisfied 72:18	dumped 100:12
Davenport	91:24 94:11	disconnected	102:12	Duncan 48:5
106:23	defending 100:11	40:21 45:15	Division 43:3	92:12,18,22
day 30:15 68:17	defense 4:13,20	49:4	103:18	93:11
days 44:14 68:2	75:15 76:2	disconnection	document 12:19	Dunn 48:6
114:19,24	100:10	18:25 19:6 79:3	14:6,19 15:7,12	duplicates 53:7
115:16 116:3,7	degree 100:23	79:10,13,17	35:17 53:5,22	d/b/a 1:12 2:6
deadlines 115:4	delinquent 24:10	disconnections	54:12 57:1	
115:5	26:1 37:5,14	79:6 81:10	58:12 62:6	E
dealing 7:7 75:4	49:3	discontinued	72:16 87:20,23	E 1:10 2:12 3:1,1
75:6,7	demonstrative	25:24	88:23,24 89:2,7	14:15 71:4
deals 31:13	6:2	discovery 76:20	90:22 91:22	earlier 4:10 33:7
death 47:9,10	denial 4:24 5:3	109:24	93:19 94:17	55:21,22,22
debt 39:23 68:17	20:14 85:20	discrepancies	95:14,18 96:11	65:11 66:25
73:21 74:11,22	denied 108:24	98:2,3	117:4,6	70:21 75:18
74:23,24 75:24	deny 37:8,14,17	discrepancy	documentation	80:23 81:11
76:1 100:20	75:12	26:13	12:8 87:5	earliest 63:10
December 7:14	denying 86:8	discretion 104:13	documents 8:5	early 72:25 104:6
28:9,10,17,22	departments	discuss 115:12	87:1,8 91:17	110:22
29:2,13 45:10	14:25	discussion 24:14	92:18 100:4	EC-2015-0058
decide 20:4	depending 24:11	113:24	107:11 108:17	1:11 3:7
decided 95:20	Des 110:16,16	dismissal 109:25	109:3 112:21	EC2011-0247
decision 75:18	described 38:25	110:9	dog 112:9	44:1
91:3 93:15 95:8	detail 59:12,13	dismissed 101:19	doing 3:10 7:16	EC2015-0058

71:8 EC20150058 90:8 93:17 effect 20:10 effectively 103:23 efforts 74:17 eight 54:3 eighteen 39:23 either 38:16 98:25 109:8 111:9 112:13 electric 1:11 2:5 3:9 5:7,7 8:9 9:22,25 25:2,9 28:7,21 30:1 31:1 33:1 51:20 53:16 62:22 76:14 77:5,12 77:16 97:24 98:4,6,24 104:15 electrical 41:15 electricity 29:18 40:19 41:4,6,8 41:10,15 42:13 43:7 44:2,6,18 45:20 50:18 57:3 65:19 71:19 employed 6:20 84:6 92:16 121:10,12 employee 92:13 121:12 encouraged 39:11 ended 26:9 33:17 enforceable 35:11,13,15 entailed 33:4 enter 12:19 15:25 18:12 20:13 23:3 24:4 35:18 91:22 96:13 112:25 113:3 117:13	entered 11:3 94:13 entering 17:13 enters 90:25 entire 30:23 32:2 69:13 91:5 entitled 98:13 99:24,25 102:13 108:12 109:7,9,11 entries 3:13 9:18 10:8 22:4 23:5 49:23 50:4 54:18 57:24 58:4 59:23 61:23 72:14 81:6,8,9 98:19 100:17 117:6 entry 11:15 15:18 17:21 57:7 80:3,14 EQ 71:7 equal 20:15 115:9 EQ012 74:9 essentially 11:7 establish 25:9 established 25:11 29:3 estimate 45:16 event 11:4 17:19 37:11 eventually 30:3 53:9 everybody 52:16 105:11 evidence 4:14,19 12:3,22 16:3 18:2,15 27:10 35:2,25 38:19 49:13 54:24 70:3,5,6,7 88:10 91:23,25 95:19 96:13 98:20 101:12 110:2 116:15 119:1,9,15	evidentiary 1:5 3:8 exact 14:19 15:5 36:15 96:11 exactly 29:10 47:2,2 105:14 106:25 107:1 examination 6:19 55:2 77:24 84:2 119:3,6,7 119:11 example 11:4 17:20 24:9 54:22 exception 15:5 excess 58:7 excluding 57:25 exclusive 41:15 excuse 31:15 36:20 46:5 78:13 excused 81:22 82:4 97:5,6 exhaust 45:3 exhibit 8:21,25 9:4,7,24 11:20 12:20,21,25 13:2,6 14:7,20 15:21 16:1,2,4 16:8,17 18:1,13 18:14 19:9,13 19:16,17 21:16 21:23 22:14 26:23,23 27:9 29:17 34:12,16 34:17,18 35:1 35:18,20,21,24 38:17,17 40:1 44:3 46:3 49:7 49:18 54:25 56:4 58:23,24 58:24 60:6,15 60:19,21,24 61:8,13,15,15 61:20,21,22,24 62:12 64:3,5,13 72:13 78:1,19	87:12,16 88:9 91:8,9,10,12,13 91:16,24 94:11 94:16,18,22 95:15 96:4,9,9 101:6 102:8,9 102:11 116:14 120:1,4,6,8,10 120:12,14,17 120:19 exhibits 8:20 13:14,14 39:1 46:25 49:12 89:4 90:11,12 95:16 116:9 117:1 120:2,16 exist 102:4 exists 76:1 expansion 114:9 experience 64:12 98:21 100:23 explain 17:6 19:18 22:25 32:18 40:11,12 53:1 54:17 64:18 explained 39:18 explaining 44:1 explanation 18:7 51:9 explanatory 53:10 extinguish 75:24 <hr/> F <hr/> fact 36:15 39:17 109:23 facts 38:19 85:3 85:6,7,12 86:23 87:1 109:18 factual 20:8 21:9 21:11,12 failed 18:17 26:22 37:5 fair 99:3 109:6,6 109:11 116:17 fairly 42:2 113:5	familiar 8:11,13 84:11 far 51:2 85:7 107:5 110:1 favor 51:24 avored 83:16 fax 68:18 faxed 68:18 February 56:9 federal 106:24,25 108:25 feel 24:11 100:6 felt 85:10 field 24:18 31:5 31:13,17 fifteen 45:24 figure 74:4 figures 45:24 57:25 62:5 file 1:11 3:6 20:19 42:11,11 42:12 68:24 69:14 70:20 90:13,16,22 93:23,24,25 112:18 117:21 filed 3:19,22 7:2 8:15 69:8,15,22 70:3,9,10 71:5 71:11 89:23 116:2,4 filing 42:21 70:10 71:20 final 26:11 30:9 30:18 44:11,14 45:5 52:22,22 57:23 80:4,4,6 87:9,25 finals 28:24 financially 121:13 find 51:24 84:23 85:23 86:2,5,8 117:9,15 finding 21:12 findings 21:10,11 85:16
--	---	--	---	---

100:11,11 115:1,1 117:19 117:23,23 finish 56:14 finished 48:15 first 5:14 6:6 25:9,11 33:6 38:15,15 44:2 51:8 52:17,17 52:19,20 53:25 54:15 55:17 56:8,20 57:3,3 57:7 73:12,24 87:15 fishing 112:10 five 47:5,13,14 53:7 62:24 five-minute 47:8 five-year 76:10 focus 63:17 folks 46:8 98:9 106:14 follows 4:12 6:18 84:1 foregoing 121:6 formal 7:1,10 39:2 85:1 89:18 89:24 former 7:5,6,10 92:13 forth 75:17,19 85:2 114:6 found 21:2,2 85:9,13 99:22 four 23:20 49:1 49:22 53:7 60:1 62:19 81:9 97:10 102:22 105:17 fraudulent 71:19 Fred 48:1,1,2,6 59:7 82:13 83:12 84:1,4,5 84:9,11 85:20 86:20 87:11,20 87:22 88:23 89:1,3,10,15,18	89:21,23 90:3,5 90:7,11 92:2 99:10,15,15 102:21 119:10 120:15 Fred's 88:19 front 24:5 40:4 45:22 78:16 full 28:12 56:21 59:12,13 84:3 further 37:23 70:7 72:5 77:19 80:19 81:19 86:14 92:2 107:11 121:11 <hr/> G G 3:1 gain 33:21 gas 43:3 97:24 98:4,5 103:18 Gay 48:1,2 59:7 84:1,4 85:19 88:19 99:10,14 99:15 102:21 119:10 120:15 general 7:15 24:13 45:16 generally 9:12 16:22 23:14,15 24:21 87:6 generate 10:17 generated 9:21 41:16 gentleman 41:2 42:10 69:9 83:4 102:2 105:9 109:8 getting 49:20 51:21 53:19 85:11 106:7 Giboney 2:2 4:1 4:2,21 5:3,13 5:19 6:4,19 8:19,24 9:2 11:19 12:23 13:4,11,16,21	13:25 14:5 15:20 16:6,13 16:15 17:25 18:16 19:11,14 19:21 21:14 22:13,21 23:8 26:22 27:1,11 27:17,18 34:14 35:1,20,22 36:9 36:25 37:23 38:18 39:6 41:19 43:11,16 49:9 52:3 53:3 69:11 70:13 71:9 73:15 77:23,24 78:2 78:10,14,18,22 80:19 81:25 82:8,15 86:18 86:19 87:14,19 87:21 88:8 89:6 90:15 91:10 92:1 96:3,6 97:2 113:17,25 115:14,20 116:5,8,16,18 116:24 117:15 118:3 119:3,6 119:12 give 41:22 42:25 43:6,21 46:13 49:17 56:2 66:7 75:4 101:24,25 102:3 103:6,9 104:4,4 105:15 107:12 109:3,5 111:13,19 given 50:12,16 50:16 57:4 gives 35:17 go 3:4 4:13,17 6:9 10:11,21 11:24 17:8 20:19 22:23 32:2 33:20 34:7 35:16 37:24,25 40:19 41:4,7	46:5,15 48:14 48:19 52:10,10 56:18 57:1,13 60:16,23 62:9 62:25 82:18 83:20 86:16 92:20 97:13 98:14 99:25 101:2 105:4,17 105:23 107:24 110:17 111:12 112:9 113:2,4 115:12 116:12 118:5 goal 84:25 goes 40:14 54:16 54:16 72:25 109:10 113:11 going 6:9 9:15 11:22,23 12:1 12:16,18 20:16 20:17 35:8,10 38:5,18 41:19 41:23 42:13 43:18,19 44:16 45:20 51:23 52:9,9 54:21,24 57:6,16 60:5 61:7,9 69:11,18 70:17,18 71:9 72:3 76:6,15 80:23 83:18 87:20 90:18,20 91:21,22 94:14 95:20 96:18 97:18 99:1,2,2 101:11,20,21 102:6 105:7 106:18 107:18 107:22,23 111:8,11,12 112:17 113:5 113:10 115:8 116:13 Golding 1:19 121:3,17 gonna 99:23	good 3:4 6:17 12:6 15:24 18:6 21:8,13 23:7 26:19,19 36:24 36:24 37:24 49:5,5 50:9 51:12,12 66:14 80:20 81:21 89:5 97:7 101:19 110:11 111:22 112:5 115:2 gotten 97:17 govern 42:8 governing 75:10 76:6 graduate 100:23 greatly 55:10 Green 65:6,7 grounds 76:7 guess 45:25 46:2 77:2 gun 105:12 guy 105:11 <hr/> H H 62:10 half 47:15 hand 6:11 9:4,5 60:13 61:7 87:20 111:18 handed 14:7 53:4 handing 9:3 13:5 16:7 19:12,15 34:15,17 54:3 55:3 87:11,22 handle 7:9 20:22 31:22 117:17 Hang 47:20 52:7 56:13 109:17 109:17 114:16 happened 33:12 happens 11:18 23:16 28:24 happy 26:20 42:22 Hart 5:14 6:6,8
---	---	---	--	--

6:15,15,18,20 9:3,7 12:24 13:12 14:6 16:7 16:16 18:17,24 21:15 22:21 23:2 27:19 34:2 34:15,18 36:10 37:4 38:11,13 39:2 43:17,24 46:18,20 47:3,6 48:15,18 51:7 51:10 55:13 56:1,25 60:25 61:7 77:1,25 78:11,23 94:19 99:18 105:23 107:20 117:5 117:10 119:2 120:5,7,9,11,13 120:18,20 Hart's 49:15 96:8 HC 19:19 20:21 39:25 78:9,11 78:14,19 hear 33:22 43:11 97:9 heard 63:4 79:5 98:20 hearing 1:5 3:2,8 46:15 59:8 63:16,20 81:7,8 88:11 101:12 101:16 102:14 104:5 106:11 116:2,4 118:6,8 held 84:9 hell 106:1 help 32:17 70:16 111:11 helped 106:15 helpful 10:21 32:16 high 40:10,12 higher-ups 105:24 highly 19:21,22 20:11,13,21	21:3 78:20 91:18 94:8,12 95:16,17 108:13 112:21 Highway 3:17 29:24 50:15,19 67:20 Hill 65:7 Hillary 98:22 Hills 65:6 hire 101:3 history 8:8,11,14 10:22,22 25:7 hold 13:6 16:8 74:23 holes 117:11 home 69:19 Honor 3:23 12:13 18:5 20:23 22:16 26:4 27:6 45:13 47:17 52:12 53:3 56:6 61:4 66:9 77:20 81:20,24,25 83:24 86:14 88:13 90:19 94:8,13 96:16 96:24 111:21 113:16 117:3 Honorable 48:5 59:8 74:9 102:2 Horn 100:3 hostage 74:24 hour 15:3 hours 11:2 29:17 46:16 59:9 67:3 98:9 100:15 106:15 housed 31:15 Human 71:5,10 71:15 108:11 H-A-R-T 6:16	IDENTIFICA... 9:1 13:3 16:5 19:10 34:13 87:17 identified 96:15 identify 3:14 9:7 14:6 16:16 21:15 34:18 47:25 78:8 88:17 Illinois 41:18 50:13 impartial 99:3 impartially 42:2 implore 51:24 important 47:12 94:21 115:7 inaccurate 63:7 include 10:18 69:14 included 10:9 17:10 56:21 57:9 58:19 88:23 114:3 including 57:17 59:7 95:22 104:17 incomplete 59:15 88:17 inconvenience 110:4 incorporated 57:10 INDEX 120:1 indicates 94:11 indication 55:17 individual 11:1 43:6 67:12 83:15 104:24 individually 78:6 individuals 92:7 105:15 individual's 71:18 induced 71:19 influence 93:15 inform 102:11	informal 7:1 85:1 110:22 information 9:13 10:10,15,18 16:24 17:6,14 17:14 18:21 20:11,12,14 21:3,4 22:6 23:6,9,24 24:2 32:1 45:22 61:17 62:12 67:14 68:23 83:22 84:14 91:18 92:25 93:17 95:1,22 95:23 informed 85:24 informs 48:16 initial 116:2 initiating 75:22 inquire 80:21 82:9 inquiring 65:15 inquiry 24:10,11 48:17 inserted 17:11 inside 100:24 102:11 insisted 32:12 installments 58:8 intake 34:3 interested 52:16 121:13 Internally 42:6 internet 20:5 interrupt 56:12 103:11 investigating 46:16 investigation 84:18 86:21,23 87:4 100:16 investigative 84:20 99:16 106:15 investigators 59:5	involved 23:19 91:18 92:8 112:8,9 involves 112:10 involving 84:12 104:8 Iowa 3:18 29:24 50:16 67:21,23 99:11,12 103:5 106:2,6,7,23 108:9,9 110:17 112:23 115:3 irrelevant 41:21 issue 63:13,18 73:23 74:8 85:10 102:24 issued 11:2,5 29:20 30:9,12 30:13 44:14 48:21 49:2 95:12 issues 7:7
J				
Jefferson 2:9 4:8 98:16 100:1 105:5,22,23 Jim 14:15 20:12 21:4 50:19 62:23 67:2 71:4 Jimmie 1:10 2:12 3:9,16 84:12 job 6:24 7:5,6,22 64:22,22 100:11 Jordan 1:15 3:4 3:11,21,24 4:4 4:9 5:2,12,15 5:23 6:5,9,13 6:17 8:23 11:21 12:4,11,15 13:24 14:1,3 15:22,24 16:11 18:3,6 19:24 20:6,16 21:6,9 22:15,23 26:6 26:14,21,25				

27:3,7 35:3,16 35:21,23 36:6 36:22 37:24 38:4,7,23 39:4 41:22 43:18 46:18,21 47:3,7 47:13,20 48:8 48:11,14,19 51:1,8 52:7 53:21 54:7,11 54:19,23 55:12 55:24 56:2,13 57:18 58:11 60:7,13,23 61:5 62:13 63:4 64:3 64:9 66:3,6,10 66:14 69:18,23 69:25 70:15,25 71:15,23 72:1 72:21 73:16,22 74:4,13,25 75:6 76:12,15,21 77:21 78:5 80:20 81:14,18 81:21 82:1,5,14 82:17 83:2,7,9 83:11,18,25 86:16 88:11,14 88:21 89:2,5 90:20 91:11,13 91:21 92:4 93:5 93:8 94:15,17 94:20 95:5,11 96:1,5,17,21,25 97:3,7,15 102:2 103:11,15 107:3,10,17 108:16 109:2 109:13,17 110:7,11 111:10,22 112:3,5,24 113:2,12,19 114:2,12,16,21 114:24 115:2 115:11,18,22 116:6,12,22	117:8,19 118:2 118:4 judge 1:15 3:4,12 3:21,24 4:4,9 4:21 5:2,12,15 5:23 6:5,9,13 6:17 8:19,23 11:19,21 12:4 12:11,15 13:22 13:24 14:1,3 15:20,22,24 16:11 17:25 18:3,6 19:24 20:6,16 21:6,9 22:13,15,21,23 26:6,14,21,22 26:25 27:3,7 35:1,3,16,21,23 36:6,22 37:23 37:24 38:4,7,18 38:23 39:4,6 41:19,22 43:11 43:18 46:18,21 47:3,7,13,20 48:8,11,14,19 49:9 51:1,8 52:7 53:21 54:7 54:11,19,23 55:12,24 56:2 56:13 57:18 58:11 59:8 60:7 60:13,23 61:5 62:13 63:4 64:3 64:9 66:3,6,10 66:14 69:11,18 69:23,25 70:15 70:25 71:9,15 71:23 72:1,21 73:16,22 74:4 74:13,25 75:6 76:12,15,21 77:21,23 78:3,5 80:19,20 81:14 81:18,21 82:1,5 82:8,14,17 83:2 83:7,9,11,18,25 86:16,18 88:8	88:11,14,21 89:2,5,6 90:20 91:11,13,21 92:4 93:5,8 94:15,17,20 95:5,11 96:1,3 96:5,17,21,25 97:2,3,7,15 103:11,15 106:20 107:3 107:10,17 108:16 109:2 109:13,17 110:7,11 111:10,22 112:3,5,17,24 113:2,12,18,19 114:2,12,16,21 114:24 115:2 115:11,14,18 115:22 116:6,8 116:12,22,24 117:8,15,19 118:2,4 judges 102:23 judgment 64:11 75:3 101:21,21 101:24 102:1 108:4 judicial 20:24 69:12 July 56:22 57:22 58:18,18 72:25 jurisdiction 111:1 jurisdictions 110:23 <hr/> K <hr/> Kaiser 66:18,21 keep 13:19 18:24 20:2 36:13,16 105:10,11 keeping 74:1,2 keeps 19:2 kept 46:10 kilowatt 9:16	11:2 15:2 29:17 kilowatts 45:3 kind 17:8 51:22 53:19,25 57:2 63:15 66:25 67:1 Kirksville 1:7 13:1 14:17 25:10 28:5 31:5 31:10,11,17 32:6,25 52:2 65:10 77:14 98:18 knife 105:8,12 know 5:19 10:4 14:11 18:11 20:22 32:16,17 36:3 37:15 41:1 47:17 49:2,14 51:5,13 53:18 56:22 58:13,14 58:21 59:22 66:5,12 68:9,21 69:23,24 74:16 78:7,20 81:1 89:21 92:7 104:6 105:13 108:6 109:6,25 110:10 115:6 117:10,13,14 117:18 knowledge 7:15 7:20 24:25 93:2 known 99:10 knows 36:3 100:24,25 101:1,1 105:13 <hr/> L <hr/> ladies 113:7 lady 38:3 47:18 47:24 54:1 74:10 100:22 102:16 105:5 108:14,14,15 Lakeroad 13:1 14:17 25:10,12	28:5 29:12 30:2 44:6 77:14 language 115:23 lap 100:13 larger 88:24 late 56:8,9 57:6 57:17 late-payment 56:19 law 1:15 2:2 3:11 20:15 43:21 75:16,25 76:6 98:22,23 100:23 102:23 104:19,20 108:25 110:8 112:8 learned 105:2,3 108:23 leave 105:22,22 116:10,25 left 33:19 67:3 68:17 102:17 legal 43:12,17 93:5 101:3 113:25 legitimate 41:5 letter 28:4 33:23 33:24 34:21,23 36:11 37:18 50:21 52:22 57:2 67:19 96:8 117:4,4 letterhead 54:12 let's 3:4 37:24 40:10 43:22 48:14 56:2 60:23 97:9,10 105:8,9,10 115:18 level 115:8 Lewis 2:2 4:2 liaison 6:23 7:13 license 53:14 Light 43:3 103:18 limitations 73:21
--	---	---	---	--

73:23 75:14,21 76:11 limited 24:19 line 70:17 lined 33:23 linemen 31:16 list 26:23 40:3 54:17,18 listed 58:10 listen 113:6 LITIGATION 1:20 little 13:15 43:20 43:22 46:7 51:13 94:21 live 110:16,16,17 LLP 2:2 4:2 lo 99:10 locate 67:15 location 33:21 43:8 68:18 lock 105:8 lodge 39:14 41:5 lodged 79:8 84:23 long 7:13 25:16 84:9 longer 48:7 83:12 83:14 92:16 look 6:1 10:12,21 20:1 50:7 56:3 56:7,17 58:5 59:13 80:14 106:14 108:17 115:18 117:20 118:3 looked 33:6,8 62:4 looking 26:10 45:25 54:11 55:17 56:5 58:12,16,16 63:9,9 72:11 85:6 96:6 115:23,24 looks 54:12 56:21 57:14	lot 9:13 67:24 82:2 97:17 99:9 103:6 106:16 106:16 111:12 112:13 Louis 99:19 100:2 113:9 lucrative 103:24 103:25 104:3,4 <hr/> M machine 68:18 Madison 2:8 4:7 magistrate 106:21 mailed 26:11 34:21 44:12 45:5 mailing 68:1 mail-to 50:12 maintained 86:2 106:13 maker 99:17 makers 113:8 making 43:12 82:13 108:18 management 43:9,10,15 46:15 53:16 63:1,16,21 64:23 65:20 72:20 73:14,20 81:8 98:7,15,16 98:17 99:4,21 100:1,9,21 102:14,25 105:1,2,15,16 105:19 106:11 107:6 113:24 manager 67:1 84:7 105:20,20 manner 46:10 102:6 man's 67:13 March 43:25 56:10 57:1 59:21 117:3,3	mark 8:20 13:9 13:16 26:22 49:18 55:3 60:14 78:11,14 87:11 91:8 94:6 marked 5:16 8:25 9:3 13:2,5 13:13,14 14:7 16:4,7,12,13,16 19:9,12,16 21:15 34:12,15 34:17 54:25 60:5,19,21,24 61:7 64:3 78:2 78:18,19 87:16 94:7,8,10,18,22 95:15,16 96:8 102:8 120:3 marketing 31:6 31:13 32:8 marking 13:22 49:7 55:13 56:4 Mary 48:5,6 92:12,18,22 93:11 match 100:21 matter 33:16 116:8 matters 74:5 80:21 81:2 111:14,23 Mayfield 2:7 4:5 4:5 13:10 55:9 76:24 77:19 81:20,24 82:12 84:2 86:14 87:13 92:15 94:10 96:22,24 113:16 116:20 119:5,11 mean 22:20 45:14 89:23 91:1 92:25 95:17 106:6,6 106:10 meaning 20:21 22:18,19,20	23:1 means 5:25 91:2 99:7 meeting 99:3 100:8 102:18 107:6 memo 65:2 memory 115:19 memos 52:2 Memphis 43:2 103:18 mention 80:25 mentioned 80:22 merge 90:18,20 merged 73:4 merits 3:8 message 33:19 met 48:3 meter 9:14 51:16 51:16,16 74:23 methods 7:16 mice 117:11 MIDWEST 1:20 Milton 3:18 29:24 50:16 67:21 mind 18:9 40:8 78:4 mine 20:5 60:1,2 92:13 minute 13:7 46:19 47:3 56:2 minutes 47:5,14 47:15 97:10,11 mire 111:4 misinterpreted 76:13 misread 76:9 Missouri 1:1,7 1:12 2:7,10 3:10 4:1,3,6,8 6:20 7:10,11 8:22 9:22 11:20 13:1 14:18 22:14 25:3 28:5 35:10 37:16 38:14,15 39:11	40:14,19 41:2 41:14,17 42:1,9 42:12,24 46:6,9 46:15 48:1 50:22 51:20 52:14 53:15 54:13 61:11 62:22 67:11,23 67:25 68:19,24 69:10 70:11 71:4,5,10,21 72:20 74:1,2,10 75:2,3,22 76:10 77:14 83:5,16 84:8 85:13,17 99:12 101:9 102:14,20 103:2 104:10 104:25 105:14 106:3,8,10,17 106:23 107:14 108:2,9,10,11 110:13,14,21 111:7 112:7,19 112:19 113:10 113:17 115:7 121:4 Missouri's 7:16 49:23 58:23 59:16 102:9 119:1 120:2 misstates 52:3 mixed 13:15 MO 2:4,9 121:3 Moines 110:16 110:16 moment 16:9 money 52:14 73:6,19 75:23 76:5 100:16 112:13 month 56:18 80:16 monthly 29:15 moot 103:1 morning 3:5 motion 20:7 95:2
---	---	--	---	---

<p>95:3 108:20,22 move 15:20 22:13 66:8 71:2 76:22 114:9 moving 46:17 51:2 multiple 93:21</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 3:1 nailed 109:20 name 3:11,16 6:14,15 20:12 35:12,14 36:3,4 44:8 67:8,9,13 83:6 84:3 92:7 103:15 112:18 name's 98:22 nation 98:2 national 104:16 nationwide 43:4 97:23 nature 9:17 near 11:4,5 17:19 necessarily 91:1 necessary 64:19 96:13 need 4:25 8:22 13:17 32:18 39:12 46:2,7,18 54:15,23 62:9 70:7 71:2 82:15 needed 10:13 33:24 34:1 37:19 needs 35:11 47:3 114:7 neither 108:2 121:9 nesis 117:17 net 80:10,11 neutral 85:7 never 70:20 78:4 95:9 102:4 108:21 new 28:25 29:1,2 29:5,6,7,8</p>	<p>nickel 75:4 nickels 75:5 night 30:16 nine 49:21 ninety-five 58:7 58:19 nonpayment 25:22 27:13,20 30:6 44:13,21 44:25 49:4 nontechnical 22:25 non-biased 85:7 note 36:1 notebook 116:18 noted 35:19 36:6 notes 24:2,4,13 24:15,16,20 61:13 notice 4:22 5:6 5:22,25 20:24 21:6,10,12 42:18 45:19 46:14 49:24 53:13 61:12 62:8 63:2,13,18 63:22 64:1 69:13 70:2,4 72:15,15,16 79:13,18 96:12 101:8,10 102:5 103:10 107:5 notices 18:25 19:3,6 23:10 46:22,25 48:20 49:12 50:3 61:1 61:11,24 62:25 62:25 79:3,11 81:7,10 95:7 101:15 102:3 number 3:6 14:9 23:21 27:24,24 29:1,3,7,8 30:2 32:11 39:12,14 43:1 49:11 61:10,10 66:16 66:23,23 74:18</p>	<p>74:18 78:19 79:5,14,20,22 81:11 90:4 104:23 109:23 numbers 10:3</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O 3:1 oath 5:16 6:10 38:8 111:13 object 11:22 35:8 38:18 41:19 43:11 51:19 69:11 71:9 88:13 objected 95:24 objecting 12:2 objection 11:23 11:25 12:5,16 12:17,18 15:23 15:25 18:4 26:5 26:6,8,15 27:4 27:5 35:3 52:3 52:8,9 70:13 72:3 73:15 76:7 83:1 88:14,22 89:7 90:15 objections 11:21 18:8 49:6 51:19 70:20 88:12 objective 32:14 objects 82:23 occurred 11:4 17:9 39:22 offer 31:24 94:14 offering 8:20 offers 4:19 office 31:5,8,10 31:11,12,13,15 31:17 32:7,13 32:25 65:6,8,10 66:19,24 67:3 68:4,5,8,18 69:8 98:18 99:19 officer 116:1 offices 31:25</p>	<p>official 5:25 21:6 35:6 70:2,4 officials 107:15 Oh 5:2 72:12 78:3 okay 3:21 5:3 12:4,11 13:8 21:8 26:14,21 38:6 40:7,11 42:16 43:24 44:4,19 45:12 45:16 48:8,20 48:25 50:10 51:7,10 52:21 52:23 54:15 55:19 56:7,12 56:16 60:5 61:23 62:16,18 63:4 69:21 73:22 74:23 77:7 80:18 81:18 82:3,14 83:14 87:18 89:22 91:15 92:3 94:20 95:11 96:1,18 97:7 101:19 107:3,23 109:2 109:13 110:6 110:11 111:17 112:24 113:12 113:19 116:5 116:16 118:4 Oklahoma 41:18 103:4 once 40:17,17 68:10 71:1 98:21 114:15 114:15 one-year 26:13 opinion 43:21 opportunity 72:18 101:7 109:6 option 42:14 options 42:19 order 4:11,17</p>	<p>17:5 20:9,25 33:21,24 34:1,2 60:10 86:12 ordered 115:25 orders 4:10 21:7 75:18 95:12,13 ordinary 10:24 15:13 16:25 42:19 114:5 original 96:10 originally 66:19 originate 89:14 Osteopathy 65:6 outbound 17:20 17:21 outcome 121:14 outfield 69:20 outlining 57:2 outlying 31:25 outside 80:22 101:2 outstanding 30:9 30:24 37:20 72:2 74:7 75:11 85:10 86:5,9 overlooked 80:5 overlooking 104:13 overrule 12:17 12:18 15:24 18:6 52:9 overruled 20:7 overruling 18:8 owe 85:11 owed 86:6 102:1</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 3:1 padded 71:20 page 49:21 53:25 54:2,4 56:20,21 94:1 116:18 117:6 119:2 pages 54:3 95:21 paid 28:11,12 37:16,17 paper 48:23 58:5</p>
---	---	---	---	---

61:17,20 72:11 Paragraph 5:8 parcel 88:16 91:16 park 44:6 part 7:22 8:16 37:15 43:22 44:9 63:17 86:20,23 87:1,4 88:16 89:18 90:1 91:2,16 partial 109:12 partially 113:5 particular 3:19 4:24 5:8 10:12 16:24 17:6 21:1 51:25 88:18 98:7 parties 19:23 55:5 115:12 121:10,13 party 19:25 20:1 20:1 pass 54:7 past-due 52:15 pay 33:10 34:1 37:5,19 54:21 64:20 98:25 108:3 payment 28:16 28:17 56:8,9 58:8 payments 9:16 10:16 15:3 28:14,15 30:20 40:22 41:12 54:14 57:6 58:6 80:11 payments/cred... 80:2 pen 13:17 pending 74:17 people 22:19 31:24 41:17 46:9 47:12 51:15 52:18 53:12 60:11	68:22 95:7 100:15 104:8 106:14 107:8 107:21 110:5 111:4 112:11 112:11,11,14 112:20 113:5,8 115:7 percent 37:19 percentage 33:10 perfect 47:6 109:7,9 period 100:14 102:7 106:8 periods 10:15 permit 37:8,13 permits 13:22 person 32:8 35:6 42:19 46:12,12 46:13,13 92:12 personal 24:25 personally 51:17 personnel's 51:15 persons 31:6 92:10 person's 35:11 pertain 19:23 54:20 62:23 pertaining 23:11 24:24 pertains 12:25 phone 27:25 31:24 42:9,22 phones 41:3 phonetic 106:5 photocopy 36:16 117:12,14 phrased 81:15 pick 59:6,9 piece 48:22 72:11 pink 48:20 61:1 81:10 place 33:14 62:23 69:10 97:4 places 53:11 62:8 plainly 74:16	Plaintiff 51:24 Plaintiff's 61:20 62:12 72:13 101:6 plate 69:20 pleadings 75:13 please 3:14 6:10 41:1 47:23 54:8 56:14 84:3 96:5 111:17 plug 104:7 plus 58:19 72:14 plush 112:13 point 49:20 51:13 58:4 60:12 70:7 109:18 points 11:1,3 policy 42:1 poor 46:12 portion 52:18,19 52:25 57:16 60:10 104:7 position 7:8 64:11,22,22 82:21 84:9 85:7 positive 23:21 59:19 possibility 59:14 117:2 possible 72:15 74:6 possibly 98:8 post 116:2 power 65:18,19 99:16 104:12 104:25 107:25 practices 7:18 prefer 38:11 preference 5:24 premises 29:18 prepare 77:25 78:23 101:2 prepared 10:8 14:19 22:2,2 88:24 preparing 8:4	present 26:17 85:3,7 presentation 82:24 presented 85:13 presiding 1:15 116:1 pressurized 102:17 pretty 109:20 prevail 104:6 previous 75:17 previously 8:8 primary 84:25 printed 11:18 15:8 30:16 50:10,11 prints 15:10 Prior 65:2 private 35:7 privilege 53:13 53:14 privileges 99:14 pro 2:12 probably 78:8 106:16,16 problem 49:8 103:25 104:2,2 104:3 111:1 117:8 procedure 63:15 63:20 92:21 104:22 proceed 52:10 proceeding 109:7 109:10 115:10 121:11 proceedings 1:4 121:6 process 20:15 31:17 32:3 34:4 63:15 81:8 99:3 102:5,13 103:9 104:5,19,20 106:11 113:23 115:9 proof 4:11,12	property 41:12 protect 110:13 protected 70:11 70:14 protection 20:15 106:3,9 108:13 115:9 prove 41:23 70:18 provide 84:17 87:5 provided 25:3 27:23 30:1 45:17,18 61:11 72:17 77:2,11 77:15 79:14 81:11 87:2,8 89:11 90:16 97:22 provider 41:15 providing 98:4 113:23 provision 110:8 public 1:1 2:7,10 4:6 7:2 20:25 40:15 42:2,12 42:24 46:6 48:2 67:11 68:19,24 69:10 70:11 71:21 74:2 75:2 83:5 84:8 101:9 102:15,20 104:10 106:17 108:2,10 110:15,18,21 111:7 112:19 113:10 publish 20:10 95:17 published 6:1 21:5 95:18 pull 10:14 Purely 79:10 purposes 6:3 22:7 45:12 pushing 115:3 put 4:14 5:17
---	---	---	---	--

11:24 12:19 13:18 20:4 33:25 44:8 55:1 90:10 93:1 110:2 111:3,16 116:15 putting 92:8 P.O 2:3,8 50:12	raise 6:11 51:19 96:25 111:17 raised 51:13 raising 106:24 ran 73:21 read 22:11,17,19 22:19,20 23:1,2 43:5 54:23 74:13,14,18 97:24 98:1,11 99:9 103:15 reading 9:14 75:15,25 76:2 76:16 113:21 reads 113:23 ready 97:16 113:12 114:18 read-only 11:8 14:22 22:10 49:24 realize 115:5,6 really 26:14,15 32:16,19 33:11 43:20 74:23 93:22 101:19 113:7 reason 46:7 54:2 66:2 95:13 101:5 103:21 reasonable 113:1 113:4 reasons 83:3 103:7 recall 67:9,13 115:17,20 receive 36:19 37:1 53:12 received 12:22 15:4 16:3 18:15 27:10 28:4,9 30:20 35:25 36:2 54:14 58:6 79:17 80:13 91:25 108:21 receiving 20:18 28:7 recess 47:13	48:11,15 recognize 47:18 87:23 recommendation 82:21 83:16 90:2 91:5 recommendati... 92:9 93:15 reconnected 29:2 33:11 45:10 64:19 65:15 reconnecting 71:16 reconnection 73:17,18 74:6 74:19,21 75:10 75:12 86:9 reconsideration 95:4 record 3:4,5,21 5:17 12:20 13:21 16:1,25 17:19,20 18:13 19:14,18,25 22:17 26:10 33:13 34:16 35:18 38:22 39:19,20 45:12 45:22 47:21,22 48:12,13,14 49:16 50:3 52:15,25 54:11 55:1,1,16 57:9 57:24 58:17 59:6,15,15,16 60:11,17,18,23 62:10,11 63:11 67:10,17,22 68:7 69:4,7,8 72:16 73:1,25 81:6 83:23 84:3 86:3 88:17 90:25 94:13 95:3,10,14,24 96:6,11 97:13 97:14,15,17,25 100:18 103:16	107:14,18,21 108:22 110:3,7 111:5,6,9,16,24 115:13 116:12 117:24,25 118:5,7 recorded 11:2 recordkeeping 7:20 records 7:24 8:5 8:17 17:15 24:24 27:22 32:22 38:13 44:10,10,16 48:9 49:10 51:22 52:1 55:17,23 56:3 57:2,7,8,8,22 58:16,17,22,22 58:23 59:10,21 62:23 67:15 70:1 74:1,2 99:25 100:13 recross 81:3 119:7 RECROSS-EX... 81:4 REC'D 120:3 redirect 77:21,24 96:23 119:6 reduce 28:18 reduced 121:8 redundant 49:14 refer 10:3 14:11 24:20 29:6,9 79:5 114:7 reference 5:18 6:3 26:9 referencing 47:1 referral 74:5 referred 76:3 103:12 referring 10:2,5 14:12 75:21 85:19,20 reflect 13:21 19:14 24:2	29:17,20,23 34:16 38:14,14 44:10 50:3,4 57:3,22 62:7 64:11,12 69:15 70:1 72:14 79:7 80:10 88:5 reflected 19:6 46:25 reflects 15:2 17:20 38:22 61:9 62:16 regard 38:25 61:12,12 89:12 95:2 96:4 113:10 regards 42:23 regular 7:22 29:14 regulation 82:20 85:4,14 115:23 regulations 37:8 42:7 75:9 85:17 104:11 114:6 regulatory 1:15 3:11 6:23 7:13 99:16 rehearing 108:21 related 18:22,23 24:12,23 121:9 relating 79:6 relation 42:21 relative 121:11 release 73:25 relevance 41:20 70:13 72:3 73:15,17 76:7 90:15 relevant 71:11,14 76:5 94:25 109:19 relieve 102:20 rely 115:19 remain 30:23 remaining 28:23 remains 4:11 remind 80:23
Q qualified 34:2,4 quality 25:2 quality-of-serv... 24:23 quasi-judicial 101:16 question 22:22 24:23 38:9 39:9 40:24 41:20 43:12,19 49:5 52:8,11,24 55:14,24 56:5 57:5,18 58:2,12 63:3,5,25,25 66:6 70:16 71:1 72:21 73:3 79:18 81:16 89:25 90:1,13 93:6,22 104:12 106:25 112:3 questioning 56:15 70:17 83:19 questions 38:1 51:4 72:4,5,22 76:8,17,18,25 77:19 78:12 79:23 81:2 82:13 86:15 92:2 93:6 101:6 107:5 quick 76:25 Quincy 50:13 quite 12:15 110:5	R R 3:1			

90:23 repeat 76:15 rephrase 43:19 63:5 70:15 reply 116:6 report 11:8 14:22 17:10,11 19:2 22:10 83:15 84:17,21 86:21 89:3,4,9 90:2 93:1 REPORTED 1:19 reporter 3:15 6:14 9:5 13:9 55:3,4,12 56:4 60:14,20,22 114:17,19 116:11,13 121:1,3 reports 92:9 93:14,16 106:15 112:21 represent 83:5 representative 8:1 17:13 representatives 23:23 request 10:11,19 31:1,4 70:1 88:19 requested 77:13 77:15 110:19 requests 31:17 34:4 required 32:3 33:20 37:4,16 40:23 41:13 64:20 requirement 33:10 requirements 34:7 reside 3:17 residences 67:25 resident 3:17 67:23,23 106:7	residential 8:9 40:18 77:6,7,7 77:8,12,16 residents 106:23 resolution 42:23 63:20 resolve 63:1 resolved 40:14 102:19,25 respect 7:18 respond 71:4 96:3 Respondent 1:12 3:24 Respondent's 15:25 16:2 response 36:19 37:1 89:6 responsibilities 6:24,25 7:23 responsible 104:23 rest 57:25 114:3 restate 10:8 41:1 restore 37:4 restored 29:12 64:21 85:12 returned 32:13 review 7:23 8:16 24:24 27:22 53:4 55:14 61:8 84:14 85:1,12 85:23 reviewed 8:5 25:6 32:21 reviewing 84:23 94:5 revised 76:10 re-cross 97:1 rich 46:12 right 4:16 5:12 6:4,5,9,11 7:5 7:15 8:24 9:11 10:7,17 11:1 13:5 14:14,19 14:22 15:2,12 15:15 16:7,10	17:17,24 18:21 18:24 19:5,8,8 21:20,22 22:1,9 22:12 23:14 27:12,22 29:12 29:20 30:1,18 32:6,21 33:3,16 34:3,11,25 36:18 37:13,18 37:22 45:23,23 49:21 50:4 51:14,17,19 53:15 54:9,19 55:25 57:15 59:24 63:15,17 63:19 68:7 71:8 72:19 78:10 79:1,13,17,19 79:22 80:10,13 80:25 87:4,8,11 87:22 88:7 91:9 91:16 92:10 93:4,20 98:5 99:18 100:10 100:17,22 101:6,22 102:17 104:14 105:5,9,11,15 106:17 107:6 107:17 108:14 108:15,15 111:1,17 113:7 113:24 114:13 116:24 118:2,4 rights 71:5,10,16 99:13,14 106:9 108:11 110:14 115:9 right-hand 11:17 15:6 ring 39:14 room 82:2 rotten 100:12 rule 4:23,25 5:4 52:7 86:12 91:21 95:25 ruled 21:1 91:19	95:6 rules 4:24 5:20 42:7 85:4,12,14 85:17 91:20 104:11 112:7 ruling 20:17 106:18 rulings 18:10 run 108:7 112:23 running 11:23,25 12:5,16,18 15:23 18:4 27:5 27:7 82:25 <hr/> S <hr/> S 3:1 safe 105:11,12 Sarah 2:2 4:1 satisfactory 114:21,25 save 46:16 102:23 saving 44:17 saying 27:16 36:20 100:13 104:14 112:22 says 8:21 26:11 47:14,16 52:23 75:2,10 97:10 98:12 99:5,7 103:5 104:16 104:25 106:5,5 106:21 schedule 114:6,9 115:15 scrap 48:22 scratchings 49:15 screen 16:20,21 16:24 17:7,18 18:18 21:19,22 22:1 23:4,4 se 2:12 second 39:24 47:20 56:13 63:12,17 103:12	secret 20:3 Section 115:25 sections 108:8 Security 23:20 see 17:8 35:5 56:8 63:5 73:16 74:19,21 93:25 97:10 105:5 107:4 110:2 115:8 116:18 seeing 95:13 seen 98:20 sees 105:12 send 36:10 42:18 50:2,2,3,5 63:22 67:19 99:23 100:6 101:8 sending 50:18 sends 18:25 Senior 1:15 2:7 sense 104:21 105:7 sent 15:3 19:3 23:10 29:23 43:25 50:5 54:1 59:12 62:24 64:1,16 67:19 67:20 73:12,20 79:10 80:7,14 88:3 101:10 103:8,9 106:7 117:5 sentence 54:15 separate 89:9 September 33:23 50:20 52:22 64:1,16 67:18 68:2,15,25 69:1 69:1 94:24 96:8 serve 46:8 served 67:18 service 1:1 2:7,10 4:6,24 5:3,7,9 7:6,9 9:15 12:24 14:16,17 20:25 23:15
--	---	--	--	--

25:2,10,11,16	show 9:15 11:17	11:22 12:7,13	76:13,18 77:13	Smith 2:2 4:2
25:21,23 27:12	19:5 20:1 21:23	13:13,17,18	77:25 78:10,13	Social 23:20
27:19,23 28:4,8	50:20 62:3	14:2,4,15 15:22	78:16,23 79:5	software 10:14
28:9,21,25 29:2	64:14 72:17	15:23 16:12	79:22 80:7,20	solemnly 111:18
29:12,14 30:1	73:25 87:15	18:3,4 19:15,17	81:4,7 82:23,25	somebody 114:7
31:1,12,18 32:4	101:15,16,18	19:22 20:4,9,23	83:3,8,10,14,24	somebody's
32:10 33:11,21	117:25	21:4,8,13,20	84:12,24 85:9	105:7
33:25 34:1,2	showed 50:15	22:15,16 23:7	85:13 87:5,15	somewhat 20:14
37:2,4,9,14	54:5	23:10 25:1,9,13	87:19 88:3,13	sorry 39:7 67:9
40:15,21 41:11	shown 17:19	26:4,7,8,19	88:15,16 89:11	67:13 77:7
42:13,25 44:8	71:13	27:5,16,23,25	89:13,15,17,20	85:19 88:1
46:7 48:2 64:19	shows 3:22 10:22	28:3,7,11,21	89:22,25 90:4,6	105:6
64:20 65:15	68:23 73:1	29:13 31:1 32:6	90:9,12,16,18	sound 41:3,10
67:11 68:19,24	117:5	32:24 33:17	91:7,12,15 92:4	sounds 5:24
69:10 70:11	shut 26:13 40:19	34:6,9,17,22	92:6 93:7,10	83:18
71:17,21 74:3,6	41:4,6,7 42:13	35:3,5 36:1,7	94:6,14,16,18	South 2:3 4:2
75:2 77:1,4,10	43:7 44:11,20	36:10,19,20,24	94:23 95:7,15	space 82:3
77:15,17 80:7	45:4,6,20 46:11	37:2,19,25 38:2	96:15,20 97:17	speak 12:5 43:9
80:11 83:5 84:8	99:1	38:6,10 39:8,10	97:20 100:17	49:10 51:22
85:21 86:8	shut-off 53:18	41:23,24 43:14	101:8,9,17	79:20 82:22
98:18 101:10	sign 35:12,14	43:23,25 45:3	102:11 103:12	speaking 9:12
102:15,21	36:4 54:2	45:17 46:23,24	103:14,17	10:20 16:22
104:11 106:17	105:24	47:2,9,17,23,24	106:21 107:7	23:15,18,22
108:2,10	signature 35:5,12	48:4,9,24 49:17	107:13,20	32:12 33:8 87:6
110:18,19,19	36:16	49:19 50:19,23	108:19 109:5	specific 5:4 20:11
110:21 111:7	signed 35:8 36:3	50:25 51:11	109:15,22	21:3 99:21
112:19 113:11	36:8,10,21 57:5	52:5,11,12,13	110:10,12,25	specifically 7:18
services 1:20	83:15 92:18	53:6,24 54:9,16	111:21 112:1,4	43:8 50:5
41:16 70:21	112:20	54:20 55:7,15	112:6,25 113:3	spelling 6:14
84:7,25 85:11	simply 85:6	55:18,20 56:6	113:15 114:10	spent 59:9
set 25:13 32:3	simultaneous	56:11,16,24	114:15,22,23	spoke 31:6 33:7
37:2 75:17,19	116:7	57:20 58:15	115:1,3 116:17	spoken 33:18
114:6	single 9:22 54:4	60:9 61:3,4,6	116:20 117:2	66:18
seventy-nine	56:25	62:15,25 63:7	117:11,22,23	spread 100:15
58:19	sir 42:15 45:25	63:12,23 64:2,4	119:4,7,13	St 99:19 100:2
seventy-seven	76:12 114:12	64:5,8,10,16	Smalls 86:6	113:8
58:7	sit 105:13 113:6	65:11 66:9,14	Small's 8:8 9:25	staff 2:7,10 4:4,6
sgiboney@smi...	sitting 99:18	66:15 67:2,12	11:13 13:22	4:14 20:10 48:2
2:5	108:14	67:22 68:3,8,16	15:16 18:19	76:22 81:19
sheet 5:8 57:15	situation 103:24	68:17,23 69:7	20:12 21:24	83:6 89:3 90:2
59:18	sixteen 62:19	69:19,22,24	24:25 27:4	91:5,17 92:8,15
Sherman 48:6	81:6,9	70:8,9,19,20	48:16 51:2	92:20 95:20
she'll 116:11	skipped 109:22	71:3,4,11,15,18	62:23 65:25	102:21,22
shorthand 10:4	slightly 52:16	71:25 72:4,7,8	84:15 89:7	113:16
shot 16:20,21	small 1:10 2:12	72:18,24 73:17	95:22 97:9,16	Staff's 82:9,18,24
17:18 18:18	3:9,14,16,16,23	73:18,24 74:8	104:15 113:21	83:15,20 119:9
21:19,22 22:1	4:13 8:8,15 9:5	74:22 75:1 76:9	120:16	stage 104:6

stamp 93:23,24 93:25	sticker 8:21	95:3 108:22	110:14 115:18	12:9 27:12
stand 19:19 81:22	stickers 35:19	supplied 93:21 99:5	taken 29:18 33:14 69:12,12	39:10 44:2,22
standing 27:4,7	stipulate 67:22 91:15	supply 67:10	70:2 90:9,10	52:1,6,21 65:11
stands 89:8	stop 31:7 66:6 71:23	Supreme 43:2,4 46:14 97:22	96:12 121:7,11	70:21 84:1
start 3:12 4:12 4:18 52:19,20	stopped 28:25	98:11,12 99:5	talk 65:23 66:16	89:10
53:2 58:9	straight 13:19 20:20	101:4 103:6,17	66:23 99:11,14	testify 49:18
113:13 115:22	straighten 60:10	104:16 105:21	100:3,25,25	66:25 68:22
started 28:25	Street 2:3,8 4:3,8 65:7,7	108:1 112:16	105:1,16,18,24	74:11 107:24
44:5 52:21	strictly 23:4	113:22	114:8	testifying 38:3,8 68:3
starts 50:1	stuff 95:21 100:24 109:1	sure 5:2 46:22 47:18 53:21	talked 65:24 66:1 66:2,20,24	testimony 8:4 52:4 68:10 72:9
state 1:1 5:20	subject 20:6 27:3 65:13 94:5	56:23 57:4	112:14	86:11 107:11
35:9 46:9 58:17	submission 12:3	63:24 69:4	talking 39:20	109:4 111:17
67:25 74:15	submit 117:16	89:24 94:4	59:16,16 99:13	111:18 120:5,7
84:3 109:1	submitted 45:5 46:3 59:6 95:2	106:10 114:2	99:21 100:14	120:9,11,13,15
121:4	95:19 108:20	115:21 116:14	100:20 102:5	120:18,20
stated 10:7 74:15	108:22	116:25	104:18,19,21	121:5,7
81:11 86:20	Subparagraph 5:9	surprised 98:10	104:21 106:24	testing 92:25
statement 9:10	subpart 108:8	surrounding 75:16	107:1,1 113:13	text 31:24
9:11,24 10:9,11	Subsection 5:5,5	sustain 43:18 69:18 72:3 76:6	tallied 52:23	thank 3:23 4:4,9 5:12 6:13 9:6
11:3,7,11,14	substitute 70:5	swear 40:4 111:18	tally 60:25 77:25	12:13,13 13:10
12:25 14:8	substituting 92:16	Sweet 65:14,16 65:24 66:17,24	78:24 79:1,2	14:2,3,3 16:11
15:16 17:5	suggest 42:24	67:4	target 46:17	23:7 26:20
29:16 50:8,11	suggesting 59:14 59:18	Sweet's 68:4,17	tariff 85:5,15,18	36:18 47:17
56:7,18 62:3,5	suggestion 51:1	sworn 6:12 121:6	86:12 105:25	52:12 55:10
statements 4:15	suitable 117:14	system 9:19 11:15 15:17	tariffs 5:7 37:13	56:6 69:22
9:21 10:18,23	Suite 2:3	31:22	tear 53:8,8	71:23 77:23
79:24	summarize 24:17 24:18 84:20	T	telephone 42:25 67:2 99:11	78:15 83:24
states 43:2,4	summary 85:16	table 41:3 42:10 69:9	105:17	86:18 96:21
46:14 58:6	superintendent 31:14	take 4:22 5:6,22 6:2 20:24 21:6	tell 12:24 20:17 43:8 56:19 63:6	113:18 116:24
74:15 93:4	supervisor 7:6,9 32:13 67:5,6	21:10,12 23:24	82:17 94:20	That'd 47:9,10
97:22 98:11,12	105:19	24:13,15,16,20	113:9	theory 75:13
99:4 101:3	supervisor's 32:14	45:25 46:7 47:4	telling 101:8	thereabouts 44:20
103:6,17,21	supplement 12:2	47:7,10 55:13	tells 58:9	Theresa 66:18
104:15 105:21		56:3 58:3 60:15	ten 45:24 54:3 97:11 114:19	thereto 121:13
106:4 108:1,7		76:21 97:8,10	114:24 116:6	they'd 112:7
112:16 113:22		100:4 109:25	term 111:3,4	thing 10:16 50:7 54:24 70:4 99:1
115:25			terminated 25:21 27:13,20 30:3,5	108:6 111:2,15
statute 73:21,23			30:7	things 9:16 15:2 20:1 31:16,22
75:14,16,20			terms 23:1 46:11 105:20	33:20 63:10
76:10,11 86:12			testified 6:18	think 46:22 47:11,18 49:9
stay 20:19				
step 82:1 97:4,4				
stepping 82:3				
steps 105:18				

49:13 53:6 59:7 78:5 79:18 81:22 89:16 94:23,23,25,25 96:15,17 97:7,8 97:20 99:6 106:1,2,18 107:10 109:20 109:22 110:12 111:11 112:1 113:12 114:19 116:20 117:9 thinking 78:7 110:20 thinks 114:17 Thirteen 84:10 thought 101:20 threat 63:1 threaten 43:7 three 66:23 77:17 89:23 90:5,19 90:21 98:8 102:22 105:17 thumb 54:4 tickle 47:9,10 ties 107:4 till 47:15 106:22 time 11:4,5 17:19 17:21 26:1 28:3 36:21 39:4 40:21 43:8 44:17 45:4,4 46:8 47:11 50:10 55:13 58:3 59:8 66:13 97:8 98:9 100:14 102:7 102:24 106:21 114:8 timely 102:6 times 45:17,18 45:24 53:11 62:7 63:5 68:7 68:8 79:5 93:21 101:7 title 6:22,23 7:5,6 today 5:18 6:3	8:1,4 10:2 30:24 71:13,24 75:4 83:10 92:16 96:2 105:2 108:23 116:15 told 62:14 65:14 67:4 68:5,12 top 11:17 total 52:23 57:25 58:4 62:19 totalling 54:14 58:7 totally 12:8 totals 57:12,12 track 19:2 trail 33:12 trailer 44:6 trained 23:24 31:25 34:4 105:10 transcribed 107:19 transcript 1:4 74:14 114:17 115:15 116:4 transferred 29:4 29:10 39:23,25 39:25 73:10,12 traveled 110:5 treat 42:2 113:5 tremendous 104:1 trenches 112:15 trim 43:20 truck 67:1 true 11:13 15:15 34:23 43:24 45:2 50:17,19 50:19 67:17 68:15 106:12 truth 111:19,20 111:20 try 12:2 18:9 43:22 60:10 trying 41:5,25,25 53:10 57:24	60:12 62:10,11 63:3 64:18 71:24 74:4,11 76:4 96:1 105:4 112:22,23 turn 12:1,6,12 41:9 51:16,16 65:18,19 99:23 turned 44:5,13 44:17,23,24,25 45:2,9,9,11,13 57:4 turning 71:18 turn-off 53:17 twelve 49:22 62:18 81:9 twenty 39:23 two 28:15 54:14 58:6 63:10 66:23 67:2 74:18 93:19 116:9 type 10:16 14:22 22:10 24:8 31:10,25 40:15 42:18 50:20 64:12 65:2 typed 35:7 typewriting 121:8 typing 24:18 <hr/> U <hr/> Uh-huh 39:13 42:8 45:15 65:1 65:5,12,17 66:22 92:25 uncollectible 99:23 100:5 underneath 107:21 understand 12:17 19:18 20:6 36:7 40:24 42:19 46:23 51:6 54:7 55:15 55:24 60:12	63:3 70:14,16 72:9 75:13 81:14 82:10 88:21 89:13 106:12 107:15 understanding 108:25 understands 20:20 undisputed 100:18 Uniform 35:9 Union 1:11 2:5 3:9 5:6 51:20 53:15 62:22 unit 84:7,25 United 43:2,4 46:14 93:4 97:22 98:11,12 99:4 101:3 103:5,17,21 104:15 105:21 106:4 108:1,7 112:16 113:22 unpaid 26:1 28:18 unsigned 36:13 unsuspecting 107:9 usage 9:16 15:3 use 22:6 39:11 53:22 111:4 uses 15:13 US1 43:3 utilities 97:24 98:24 104:3 utility 7:2 8:9 9:25 25:2,9 28:4,8,21 30:1 31:1 33:1 37:5 39:11 42:2 43:6 43:9 85:25 104:18 <hr/> V <hr/> vacationers 67:24	valid 100:6 validity 28:1 validly 98:14 various 14:24 verbatim 24:16 verification 23:19 verified 33:7,8 verify 23:18 67:24 68:1 versus 3:9 43:3 103:19 view 23:4 46:8 71:22 viewing 17:14 Village 44:6 violate 75:11 86:11 violating 112:21 violation 75:8 85:16 91:20 95:25 visit 32:25 voice 41:4,11 51:13 voir 22:24 88:22 Volume 1:8 voluntary 109:25 vs 1:11 <hr/> W <hr/> wall 47:14,16 want 5:16,20 11:25 46:5,6 47:11 48:4 50:22,25 53:18 53:21 55:8 56:23 57:13 58:3 63:17 76:23 78:16 82:8,25 104:7 108:17 109:3 109:18 110:4 111:2,3,3 113:3 113:6 114:1,2 114:16 115:12 115:19,21,22
---	--	--	--	--

116:25 wanted 32:19 47:24 80:21 81:5,5 95:9,23 107:13 109:15 109:23,24 110:4,9 112:25 117:24 wants 42:11 49:11 51:9 110:13 wasn't 45:2 52:8 68:11 79:19 watch 100:24 Water 43:3 103:18 way 11:10 14:20 17:4 18:7 19:2 22:2 23:21 32:17 68:25 71:12 78:3 82:24 83:22 94:7 97:24,25 98:1,10 103:2,3 106:12 ways 8:13 40:8 weapon 105:8 week 117:21,22 weight 35:16 welcome 12:15 13:16 105:6 Wendy 1:19 121:3,17 went 58:8 61:13 68:18 79:3 111:24 weren't 74:11 103:8 112:12 112:12 West 3:17 29:24 50:15,19 67:20 we'll 4:12,13,17 8:23 10:2 12:11 21:11 47:8 56:14 60:15,16 76:22 78:20 83:20 97:9,12	116:10 we're 41:25,25 45:19 48:8 51:21 57:16 63:9 69:21 75:4 83:18 90:18,20 94:4 95:20 96:1 97:15,25 100:14 112:23 118:7 we've 31:21 52:23 63:9 72:21 96:15 109:20,22 110:1 whatsoever 51:14,17 what'd 49:23 where'd 67:19 white 46:13 win 101:25 wish 4:15 60:7 Withdraw 78:4 withstanding 85:25 witness 5:14 6:6 6:12 20:2 22:24 36:2 38:1 43:21 53:3,22 55:2 60:25 66:7 69:16 72:5,23 76:8,17,19 77:22 81:3,17 81:21,23 82:4,6 82:9,10 86:15 92:5 96:22 97:6 witnesses 20:2 107:5 121:5,7 won 112:15 wonder 112:17 words 34:3 74:18 work 6:25 98:10 103:2,3,4,4,5 works 66:19 69:10 world 20:3 worth 75:5	wouldn't 32:2 68:25 write 8:22 writing 27:25 37:1 40:5 43:1 85:24 101:13 written 42:18 48:22 62:25,25 63:2 80:25 81:7 86:2 91:1 101:8 113:20 114:13 wrote 33:23 34:21 57:2 61:17,20 68:15 Y yeah 15:5 72:13 82:25 87:13 93:7 103:8 106:6 107:23 110:17 year 44:17 52:25 53:1 89:17,20 years 31:21 50:17 59:7,7 62:24 64:12 84:10 99:10 100:23 106:8 yellow 48:20 61:1 81:10 young 100:22 108:14 \$ \$130 28:17 \$200 28:15 \$25 58:8,19 \$300-some 29:4 \$365.78 28:19,23 29:11 \$648.16 25:25 28:11 \$77.95 54:14 \$846 57:23 \$846.15 26:12 30:19,23 44:12 45:5 52:19,24	52:25 57:10,12 57:25 58:4 59:10 75:5 79:23,25 88:5 101:22 102:13 104:7 0 0050 74:9 90:10 0058 96:7 018 14:11 15:16 21:21,24 23:12 30:2,7 49:1 50:15 59:4 61:3 73:5,11 77:10 79:2 80:1,8 87:9 02 25:11 44:8 0248 90:9 04 50:1 56:9,10 56:22 05 56:22 06 54:6 55:22 56:23 57:15,23 07 25:18 28:17 28:17 29:2 44:14,15,23,25 45:10,10 57:22 07018 40:2 08 30:8,10,13 45:11 80:2 09 10:4 18:19,23 23:11 25:5,16 27:13,16,24 28:11,19 45:17 48:23 49:21 50:13 59:1,2,23 61:2 62:18 73:2 73:5,6,8,10 77:1,3 79:2 1 1 1:8 5:5 12:20 13:18 39:1 46:3 54:25 58:23 60:15,19,21,25 61:8,14,20	62:12 63:10,12 72:13 78:1,16 101:6 120:17 120:19 1H 12:25 1HC 8:25 9:4,7 9:24 11:20 12:21 13:25 14:20 38:17 40:1 44:3 58:24 59:2 61:15,24 62:9 78:2 120:4 1-800 39:11,14 79:14,19 104:23 10 56:22 57:22 57:23 58:18 72:25 10:00 47:15,16 101 5:8 11 11:18 50:12 11:00 97:11,12 11:37 118:8 111 2:3 4:2 119:15 12 48:23 59:24 72:10,13 120:4 13 4:23,24 7:14 42:6 120:6 133 50:13 1366 1:19 121:4 14th 30:8,10 15 25:11 15th 44:8 106:22 16 72:14 120:6,8 17 25:19 28:3,10 44:22 17th 44:14,25 18 45:18 49:22 59:2 62:19 73:8 120:8 19 120:10 19th 28:16,16 1978 103:19,20 1985 108:8 2
--	---	---	---	---

2 3:17 13:18 16:1 29:24 39:22 46:3 50:15,19 67:20 115:25 2HC 13:2,6,25 14:7 15:21 16:2 29:17 38:17 39:1 40:2 58:24 59:2,4 61:15,25 62:9 120:6 2,400,000 41:17 46:9 47:12 53:12 104:8 107:8 112:10 115:7 2-10 11:18 50:11 20 1:6 28:9,10,22 29:2,13 116:3 20th 45:10 101:11 200 2:3,8 4:7 107:8 2000 117:4 2001 7:8 2002 44:5,17 45:20 52:21 57:13 2005 102:19 2006 58:18 72:25 102:6,20 2007 25:19 28:3 28:9,10,10,22 29:13 45:2,4,6 2008 44:11,20 88:1 99:22 2009 39:22 40:1 44:5 61:10 2010 105:3 2011 44:1 57:1 94:2 105:3 2011-0047 71:7 2012 94:2 2012-0050 71:8 2014 31:2,3 32:7 50:21 52:23 64:1,16 65:25 67:18 68:2,16	94:25 96:8 2015 1:6 94:3 102:7 103:20 2018 61:10 213 71:22 218 40:2 23 13:1 14:17 25:10,12 28:5 29:12 30:2 77:2 77:13 23rd 30:13,14 44:11,20,22 87:25 24 88:1 24th 30:17 240-13.035 5:4 25th 44:15 26th 56:10 27 50:1 120:10 27th 56:9 80:2 <hr/> 3 3 16:12 18:13 46:16 49:12 62:14,16,16 108:8 3HC 16:4,8,14,17 18:1,14 22:2,7 23:9 61:22 62:10 120:8 3H4 62:10 30 95:21 330 43:3 34 120:12 34433-07009 27:20 34433-07018 30:21 3443307009 10:1 3443307018 14:10 29:8 35 120:12 350 59:9 98:9 360 2:8 38 119:4 <hr/> 4	4 5:4 46:16 62:14 62:16,16 72:14 117:3 4CSR240-13.035 85:20 4CSR240-2.140 115:24 4HC 19:9,13,16 19:17,19 21:16 21:23 22:14 23:9 26:23 27:9 49:12 61:21 120:10 4th 57:1 59:21 117:3 4-something-07 26:10 4-17 25:18 4-23 80:3 4-23-08 26:11 45:21 57:23 40 95:21 42 108:7 436 43:3 436US1 103:19 450 98:9 100:15 <hr/> 5 5 64:5 5H 35:22 64:8 5HC 34:12,16,17 34:18 35:2,23 35:24 36:15 64:7,13 94:11 120:12 500 46:16 100:15 106:15 516.120 76:10 52570 3:18 573)443-3141 2:4 573)751-4227 2:9 58 90:10 <hr/> 6 6 28:17 76:10 87:12 119:3 6HC 87:12,16,22	88:9 91:13,24 120:14 60 120:17,19 606 3:17 29:23 50:15,19 67:20 65102 2:9 4:8 65201 2:4 4:3 6702 110:10,12 <hr/> 7 7th 58:18 7-10 54:5 55:22 57:15 7-10-06 54:13 76 119:5 77 119:6 <hr/> 8 8 50:21 52:23 67:18 68:16 94:25 96:8 120:4 8th 64:1,16 68:2 68:25 80 37:19 800 32:11 81:11 81 119:7 84 119:11 846.15 58:20 86 119:12 87 120:14 <hr/> 9 9 81:9 9th 2:3 4:3 9,700 45:3 9:01 3:3 91 120:14 918 2:3 92 119:13
--	--	--	---