

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

November 22, 2016

Jefferson City, Missouri

Volume 1

Midwest Energy Consumers Group,)
Complainant,) File No. EC-2017-0106
vs.)
Westar Energy, Inc.,)
Respondent.)
Midwest Energy Consumers Group,)
Complainant,) File No. EC-2017-0107
vs.)
Great Plains Energy, Inc.,)
Respondent.)

DANIEL JORDAN, Presiding,
REGULATORY LAW JUDGE.

REPORTED BY:

Chevon D. McFadden, CCR NO. 1399
TIGER COURT REPORTING, LLC

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APPEARANCES:

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PROCEEDINGS

JUDGE JORDAN: Let's go on the record.

The Commission is calling the actions in File No. EC-2017-0106; and that one is Midwest Energy Consumers Group versus Westar Energy, Inc. And in File No. EC-2017-0107; that one is Midwest Energy Consumers Group versus Great Plains Energy, Incorporated.

My name is Daniel Jordan. I'm the Regulatory Law Judge assigned to this action. We will begin with entries of appearance and I'll ask council to introduce any representative of the complainant that are present or on the telephone.

Let's begin with the complainant.

MR. WOODSMALL: David Woodsmall on behalf of MEEG, 308 East High Street, Suite 204, Jeff City, Missouri 65101.

JUDGE JORDAN: Thank you. And for the respondent, Westar Energy, Inc?

MR. COOPER: Dean Cooper appearing for Westar Energy, Inc. The court reporter has the address. And on the telephone from Westar, Cathy Dinges and Jeff Martin.

JUDGE JORDAN: Thank you. And for Great Plains Energy, Incorporated?

1 MR. FISCHER: Yeah, let the record reflect
2 the appearance of James M. Fischer and Robert J. Hack
3 on behalf of GPE and our contact information has been
4 provided to the court reporter.

5 JUDGE JORDAN: Thank you. And for Staff?

6 MR. THOMPSON: Thank you. Kevin Thompson for
7 the Staff of the Missouri Public Service Commission,
8 Post Office Box 360, Jefferson City, Missouri 65102.

9 JUDGE JORDAN: And you have a representative
10 of your client?

11 MR. THOMPSON: I apologize. I -- I have my
12 client, Natelle Dietrich.

13 JUDGE JORDAN: Thank you. And for the Office
14 of Public Counsel?

15 MR. OPITZ: Thank you, Judge. Tim Opitz for
16 the Office of Public Counsel, P.O. Box 2230,
17 Jefferson City, Missouri 65102.

18 JUDGE JORDAN: Thank you. And for the
19 Intervenor Consumers Council of Missouri?

20 MR. COFFMAN: John B. Coffman, 871 Tuxedo
21 Boulevard, St. Louis, Missouri 63119.

22 JUDGE JORDAN: Thank you. I think that's
23 everyone. I don't think I've missed anyone, have I?

24 (No response.)

25 JUDGE JORDAN: I'm not hearing anything so I

1 will explain that we're here for a procedural
2 conference. The first part of this is on the record
3 with myself and court reporter present. The parties
4 may discuss procedure. You can discuss substantive
5 matters, possibilities for settlement.

6 And then we will go off the record so that
7 the parties may proceed without me to discuss matters
8 that may aid in settlement and without me hearing
9 sensitive information. I will be in the building for
10 the rest of the business day till five o'clock in case
11 the parties need me for anything and I will just ask
12 the Staff counsel to inform me when the parties are
13 done with the room and hang up the line. And you can
14 send me an e-mail and that will be fine. I'll take
15 care of the rest.

16 MR. THOMPSON: Thank you, Judge.

17 JUDGE JORDAN: I want to remind the parties
18 that mediation is also available at the Commission,
19 that all regulatory law judges have been trained at the
20 University of Missouri Law School Civil Mediation
21 class.

22 I believe there is a recommendation due from
23 Staff tomorrow and a proposed procedural scheduling up
24 in one week. I saw also that the Commission's
25 Electronic Filing Information Systems have received a

1 first amended complaint in EC-2017-0107. And I think
2 that brings us up to date. Is there anything else that
3 anyone else wants to bring to my attention?

4 MR. WOODSMALL: One question, you talk about
5 a procedural schedule -- of the e-mails that have been
6 going around amongst counsel thus far, it -- it's
7 anticipated a procedural schedule that only looks as
8 far as the motion to dismiss, motion for summary
9 judgment -- a jurisdictional type thing. It doesn't
10 look as far as any testimony. Would that suffice for
11 you?

12 JUDGE JORDAN: Well, it's appropriate to
13 address those things. The Commission has made it clear
14 that it wants a resolution on the jurisdictional issue
15 expeditiously.

16 MR. WOODSMALL: Uh-huh.

17 JUDGE JORDAN: Since that is most likely --
18 most likely does not matter -- involve a whole lot of
19 disputed facts and is mostly a matter of law. So
20 that's appropriate, but I would ask the parties to look
21 beyond that because I don't know whether that will
22 resolve. These cases are not, so I've asked the
23 parties to look beyond that as well.

24 MR. WOODSMALL: Okay.

25 JUDGE JORDAN: Anything else before we go off

1 the record?

2 (No response.)

3 JUDGE JORDAN: Well, I'm not hearing
4 anything, so thank you everyone for being here and with
5 that we will adjourn this part of the procedural
6 conference and we will go off the record.

7 (Record was closed at 10:07 a.m.)

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CERTIFICATE

I, Chevon D. McFadden, a Certified Verbatim Reporter, Certified Court Reporter, CCR No. 1399, do hereby certify that the foregoing proceeding had in the above-entitled cause was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Chevon D. McFadden
Chevon D. McFadden, CCR, CVR



<p style="text-align: center;">A</p> <p>a.m 9:7 ability 10:6 above-entitled 10:5 action 5:10 10:8 10:12 actions 5:3 address 5:22 8:13 adjourn 9:5 aid 7:8 amended 8:1 anticipated 8:7 apologize 6:11 appearance 5:11 6:2 APPEARAN... 2:1 3:1 4:1 appearing 2:15 2:20 5:20 appropriate 8:12,20 asked 8:22 assigned 5:10 attention 8:3 attorney 2:4 10:10 available 7:18 Avenue 2:17,22</p> <hr/> <p style="text-align: center;">B</p> <p>B 6:20 behalf 5:15 6:3 believe 7:22 best 10:5 beyond 8:21,23 Boulevard 3:17 6:21 Box 2:11 4:8,17 6:8,16 bring 8:3 brings 8:2 Brydon 2:10</p>	<p>building 4:6,15 7:9 business 7:10</p> <hr/> <p style="text-align: center;">C</p> <p>calling 5:3 care 7:15 case 7:10 cases 8:22 Cathy 2:15 5:22 cause 10:5 CCR 1:24 10:3 10:17 CERTIFICATE 10:1 Certified 10:2,3 certify 10:4 Chevon 1:24 10:2,17 Chief 4:4 City 1:7 2:6,12 3:6,10,12 4:9 4:18 5:16 6:8 6:17 Civil 7:20 class 7:21 clear 8:13 client 6:10,12 closed 9:7 Coffman 3:15 6:20,20 Commission 1:2 4:2,5 5:3 6:7 7:18 8:13 Commission's 7:24 complainant 1:11,16 5:12 5:14 complaint 8:1 conference 1:5 7:2 9:6 Consumers 1:10 1:15 2:2 3:14</p>	<p>3:16 5:5,7 6:19 cont 3:1 4:1 contact 6:3 Cooper 2:9 5:20 5:20 council 3:14,16 4:11 5:11 6:19 counsel 4:4,13 4:14 6:14,16 7:12 8:6 10:7 10:10 court 1:24 5:21 6:4 7:3 10:3 CVR 10:17</p> <hr/> <p style="text-align: center;">D</p> <p>D 1:24 10:2,17 Daniel 1:21 5:9 date 8:2 David 2:3 5:15 day 7:10 Dean 2:9 5:20 Dietrich 6:12 Dinges 2:15 5:23 direction 10:7 discuss 7:4,4,7 dismiss 8:8 disputed 8:19 Dority 3:4 due 7:22</p> <hr/> <p style="text-align: center;">E</p> <p>e-mail 7:14 e-mails 8:5 East 2:5 5:16 EC-2017-0106 1:11 5:4 EC-2017-0107 1:16 5:6 8:1 Electronic 7:25 employed 10:8 10:11 employee 10:10 Energy 1:10,13</p>	<p>1:15,18 2:2,8 2:16,21 3:2 5:4 5:5,6,7,19,21 5:25 England 2:10 entries 5:11 expediently 8:15 explain 7:1</p> <hr/> <p style="text-align: center;">F</p> <p>facts 8:19 far 8:6,8,10 File 1:11,16 5:4 5:6 Filing 7:25 financially 10:11 fine 7:14 first 7:2 8:1 Fischer 3:3,4 6:1 6:2 five 7:10 foregoing 10:4 further 10:9</p> <hr/> <p style="text-align: center;">G</p> <p>go 5:2 7:6 8:25 9:6 going 8:6 Governor 4:6,15 GPE 6:3 Great 1:18 3:2 5:7,24 Group 1:10,15 2:2 5:5,7</p> <hr/> <p style="text-align: center;">H</p> <p>Hack 3:9 6:2 hang 7:13 hearing 6:25 7:8 9:3 High 2:5 5:16</p> <hr/> <p style="text-align: center;">I</p> <p>Incorporated 3:2 5:8,25</p>	<p>inform 7:12 information 6:3 7:9,25 interested 10:12 Intervenor 3:14 6:19 introduce 5:11 involve 8:18 issue 8:14</p> <hr/> <p style="text-align: center;">J</p> <p>J 3:9 6:2 James 3:3 6:2 Jeff 5:16,23 Jefferson 1:7 2:6 2:12 3:6 4:9,18 6:8,17 Jeffrey 2:20 John 3:15 6:20 Jordan 1:21 5:2 5:9,18,24 6:5,9 6:13,18,22,25 7:17 8:12,17 8:25 9:3 Judge 1:21 5:2 5:10,18,24 6:5 6:9,13,15,18 6:22,25 7:16 7:17 8:12,17 8:25 9:3 Judges 7:19 judgment 8:9 jurisdictional 8:9,14</p> <hr/> <p style="text-align: center;">K</p> <p>Kansas 2:17,18 2:22,23 3:10 3:12 Kevin 4:3 6:6 know 8:21</p> <hr/> <p style="text-align: center;">L</p> <p>L 2:9 law 1:21 2:4</p>
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