

Evidentiary Hearing

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Evidentiary Hearing
June 19, 2018
St. Charles, Missouri
Volume 2

Anita Wessling,)
Complainant,)
v.) File No. EC-2018-0089
Union Electric Company,)
d/b/a Ameren Missouri,)
Respondent.)

JOHN T. CLARK, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
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Evidentiary Hearing

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21 Robert J. Schnell, Ameren Missouri

22 Cedric Cunigan, PSC Staff

23 Dan Beck, PSC Staff

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1 JUDGE CLARK: Good morning. Today is
2 June 19, 2018, and the current time is 9:15 a.m. The
3 Commission has set aside this time for an evidentiary
4 hearing in Anita Wessling, Complainant, versus Union
5 Electric Company, d/b/a Ameren Missouri, Respondent.
6 File No. EC-0218-0089.

7 My name is John Clark. I'm the regulatory law
8 judge presiding over this hearing. This hearing is
9 being held at the St. Charles Administration Building
10 at 201 North Second Street in St. Charles, Missouri.

11 I'd like at this time, Counsel, for the parties
12 to enter their appearances, starting with Ameren
13 Missouri.

14 MS. GIBONEY: For Ameren Missouri, I'm
15 Sarah Giboney, of the law firm, Smith Lewis. My
16 address is 111 South Ninth Street, Columbia, Missouri
17 65201.

18 THE COURT: And for Commission staff?

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

22 THE COURT: And I will note for the record
23 that Anita Wessling does not appear here today. She
24 was given 15 additional minutes to show up, and so the
25 hearing will proceed without her presence.

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1 I'm going to say at this time, if anybody has a
2 cell phone, please silence it.

3 Are there any preliminary matters that need to be
4 addressed at this time? Ms. Giboney?

5 MS. GIBONEY: No, Judge.

6 JUDGE CLARK: Ms. Klaus:

7 MS. KLAUS: No, Judge.

8 JUDGE CLARK: Thank you. Are there any
9 pending motions that need to be addressed at this time?
10 Ms. Giboney?

11 MS. GIBONEY: Not that I'm aware of,
12 Judge.

13 JUDGE CLARK: Ms. Klaus?

14 MS. KLAUS: No, Judge.

15 JUDGE CLARK: All right. I've already
16 mentioned exhibits. Exhibits should be pre-marked and
17 given to the court reporter as they're admitted. If
18 they're admitted, I will take a look at them.

19 And why don't we go ahead and start with opening
20 statements with Ameren Missouri.

21 MS. GIBONEY: Judge, just very briefly --

22 JUDGE CLARK: Oh, wait. Before you go on,
23 I should address we're going to be dealing with some
24 confidential information here. That's the nature of
25 the complaint. The Commission has the power to waive

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1 certain amounts of confidential information. What I
2 would like to do is in regards to immediately
3 identifiable information in regard to the complaint,
4 such as address, Social Security number, birthdate,
5 anything like that, I'd like to go in camera for.
6 Anything that relates to accounts, anything that
7 relates to service in the area, I don't want to
8 necessarily go in camera for, if it's more general in
9 nature. Okay?

10 MS. GIBONEY: May I ask for a
11 clarification?

12 JUDGE CLARK: Yes.

13 MS. GIBONEY: Are you just wanting to go
14 in camera if there's oral testimony about that, that
15 reveals that information?

16 JUDGE CLARK: Yes.

17 MS. GIBONEY: Okay. All right. So if
18 it's on a paper exhibit, then --

19 JUDGE CLARK: If it's on a paper exhibit,
20 then --

21 MS. GIBONEY: -- and we don't discuss it,
22 then we don't need to go in camera?

23 JUDGE CLARK: We do not.

24 MS. GIBONEY: Okay.

25 JUDGE CLARK: If it's going in and it's

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1 going in as confidential, then it doesn't need to be
2 addressed in camera.

3 MS. GIBONEY: All right. Thank you.

4 JUDGE CLARK: Okay. Go ahead with your
5 opening.

6 MS. GIBONEY: All right, Judge, just very
7 briefly, this is a complaint that really deals with, I
8 think, a reliability issue, and it appears that the
9 Complainant's position basically is that the Company
10 has failed in its duty and it appears that
11 Complainant's position is that the Company has an
12 obligation to provide uninterrupted service. And it's
13 our position that that's not the Company's duty.
14 That's not what its tariffs or the Commission's rules
15 say.

16 The tariff and the rules in general deal with
17 reporting certain reliability metrics and the Company
18 has complied with that. And the rules deal with
19 performing certain amount of vegetation management and
20 the Company has complied with that. And the rules also
21 address certain inspection, maintenance and repair of
22 infrastructure and the Company has complied with those
23 rules.

24 We do understand that Ms. Wessling is
25 dissatisfied with the number of outages that she's

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1 experienced and we believe the Company has taken all
2 reasonable steps to address what it can. But given
3 that, there are some limitations with the type of
4 circuit she's on and she -- we've acknowledged that
5 there will be some outage-related issues mostly likely
6 for her circuit.

7 But we don't believe that the Company has
8 violated any statute, rule, order or tariff.

9 JUDGE CLARK: Thank you.

10 Commission Staff?

11 MS. KLAUS: Briefly. On May 2, 2018, it
12 was ordered that this complaint will apply small formal
13 complaint procedures. In small formal complaint cases,
14 such as these, Staff completes the investigation and
15 files an investigative report with the Commission and
16 all parties to the complaint case. The member of Staff
17 who investigates the complaint is available as a
18 witness at this hearing should the judge or a party
19 call them to testify. Importantly, Staff does not
20 advocate a position beyond reporting the results of its
21 investigation.

22 In this case, Staff received an extension of time
23 in which to file its staff report and filed this report
24 on February 13, 2018.

25 Having concluded its investigation, having filed

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1 this report, Staff concludes that the Company has not
2 violated any applicable statutes, Commission rules or
3 Commission-approved Company tariffs related to the
4 complaint.

5 Additionally, Staff filed a supplemental report
6 on April 23, 2018 with respect to a notice regarding
7 power outage. Staff found no violation of the
8 Company's tariffs, Commission rules or Missouri
9 statutes with regard to the March 2, 2018 outage.

10 Mr. Cedric Cunigan is the member of Staff who
11 assisted with the investigation, will be adopting the
12 Staff report, and co-author of the supplemental report.
13 Mr. Cunigan is here today to answer factual questions
14 regarding Staff's investigation.

15 Again, and still importantly, Staff does not
16 advocate a position beyond reporting the results of its
17 investigation.

18 Thank you.

19 JUDGE CLARK: Thank you.

20 Since, as again I've mentioned, the plaintiff
21 does not appear, in that case, Ms. Giboney, you can
22 call your first witness for Ameren.

23 MS. GIBONEY: Judge, may I ask a question?

24 JUDGE CLARK: Yes.

25 MS. GIBONEY: Will Staff be presenting its

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1 report? And I'm only asking because --

2 MS. KLAUS: I had intended to -- to call
3 Mr. Cunigan to get the reports admitted.

4 MS. GIBONEY: It's been my experience that
5 generally Staff has preceded Ameren. I don't --

6 JUDGE CLARK: I have no problem with that.
7 And I have -- I have less experience with it. I have
8 no preference if Staff would like to testify first.
9 I'm fine with that.

10 MS. KLAUS: That's fine with me.

11 JUDGE CLARK: Okay. Staff, you can ahead
12 and put on your first witness.

13 MS. KLAUS: Staff will call Cedric
14 Cunigan.

15 JUDGE CLARK: Mr. Cunigan, would you raise
16 your right hand in order to be sworn?

17 (Witness sworn)

18 CEDRIC CUNIGAN,
19 of lawful age, being first duly sworn to tell the truth
20 the whole truth, and nothing but the truth, testified
21 as follows:

22 DIRECT EXAMINATION

23 BY MS. KLAUS:

24 Q. Can you please state your name for the
25 record.

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1 A. Cedric Cunigan.

2 Q. Can you please spell your name for the
3 record?

4 A. C-E-D-R-I-C. C-U-N-I-G-A-N.

5 Q. By whom are you employed and in what
6 capacity?

7 A. Missouri Public Service Commission. And
8 I'm an engineering specialist.

9 Q. And you are adopting Staff report in this
10 matter that has been marked as Exhibit 100C?

11 A. Yes.

12 Q. Do you have any changes or corrections to
13 that report?

14 A. No.

15 Q. Did you prepare or cause to be prepared a
16 supplemental report in this matter that has been marked
17 as Exhibit 101?

18 A. Yes.

19 Q. Do you have any changes or corrections to
20 that supplemental report?

21 A. No.

22 Q. And the information contained in the
23 report of the original staff report and the
24 supplemental report is true and correct to the best of
25 your belief and knowledge?

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1 A. Yes.

2 MS. KLAUS: I'd move for admission of
3 Exhibits 100C and 101 and would tender the witness.

4 JUDGE CLARK: Okay. 100C is confidential
5 and that will be marked as such.

6 Ameren, any objection to the admission of those
7 two exhibits onto the record?

8 MS. GIBONEY: No objection, Judge.

9 JUDGE CLARK: Okay. Exhibits No. 100C and
10 101 are admitted onto the hearing record.

11 Go ahead.

12 MS. KLAUS: Tendered for cross.

13 MS. GIBONEY: No cross, Judge.

14 JUDGE CLARK: Okay. Mr. Cunigan, you're
15 excused. Thank you for your testimony.

16 Staff, if you have another witness, you can call
17 that witness at this time.

18 MS. KLAUS: No further witnesses, Judge.

19 JUDGE CLARK: Ameren Missouri?

20 MS. GIBONEY: Ameren Missouri calls Bob
21 Schnell.

22 JUDGE CLARK: Mr. Schnell, could you raise
23 your right hand to be sworn?

24 (Witness sworn)

25 //

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1 ROBERT J. SCHNELL,
2 of lawful age, being first duly sworn to tell the truth
3 the whole truth, and nothing but the truth, testified
4 as follows:

5 DIRECT EXAMINATION

6 BY MS. GIBONEY:

7 Q. Bob, please state your name for the
8 record.

9 A. I'm Robert Schnell.

10 Q. And can you spell that for the court
11 reporter?

12 A. Yes. Robert, R-O-B-E-R-T. And Schnell is
13 S-C-H-N-E-L-L.

14 Q. By whom are you employed?

15 A. Union Electric, doing business as Ameren
16 Missouri.

17 Q. What is your educational background?

18 A. I have a Bachelor's and Master's degree in
19 electrical engineering from the University of Missouri,
20 Rolla; and a Master's in Business Administration from
21 the University of Missouri in St. Louis, and I'm a
22 Registered Professional Engineer in the State of
23 Missouri.

24 Q. What is your position with Ameren
25 Missouri?

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1 A. Supervising Engineer.

2 Q. How many years have you been in that
3 position?

4 A. Twenty-four.

5 Q. What do your job duties entail as
6 supervising engineer?

7 A. It's the tuning and design of the
8 electrical distribution system as part of the division.

9 Q. What geographic area do you supervise?

10 A. Right now, it's the -- we call it the
11 Gateway Division, which is the Berkeley, Dorsett; and
12 St. Charles Districts. The Berkeley and Dorsett
13 Districts are St. Louis County, North and Central
14 St. Louis County. And the St. Charles District is
15 mostly St. Charles City and a good percentage of
16 St. Charles County.

17 Q. Does the Gateway District include the
18 Complainant's address of [address redacted] --

19 A. Yes, it does.

20 Q. -- St. Charles, Missouri?

21 A. Uh-huh.

22 Q. Okay. Do you have technical and
23 specialized knowledge about the operation of Ameren
24 Missouri's electric distribution system in St. Charles?

25 A. I do.

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1 Q. Do you also have technical and specialized
2 knowledge about how Ameren Missouri addresses power
3 outages in that division?

4 A. I do.

5 Q. Or district? Sorry.

6 Do you also have technical -- or do you also have
7 general knowledge about how Ameren Missouri performs
8 its vegetation management?

9 A. Yes, I have a working knowledge of it.
10 I'm not an arborist, but I understand what our forestry
11 department does.

12 Q. And do you work on a day-to-day basis with
13 members of the forestry department and coordinate your
14 activities with them?

15 A. Not daily, but very frequently.

16 Q. And have you had occasion to look at their
17 reports and work with them to respond to issues
18 regarding outages?

19 A. I have.

20 Q. Okay. Do you also have general knowledge
21 about Ameren Missouri's methods of keeping records
22 about the maintenance and repair and inspection of its
23 distribution systems?

24 A. Yes, I do.

25 Q. Do you also have general knowledge about

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1 its reliability records?

2 A. Yes.

3 Q. And you, as we just mentioned, access its
4 vegetation management records from time to time?

5 A. Uh-huh. Yes.

6 Q. Are you appearing here today on behalf of
7 the Company as a corporate representative?

8 A. I am.

9 Q. Mr. Schnell, have you reviewed the
10 complaint in this case?

11 A. Yes, ma'am.

12 Q. What about Staff's report and its
13 supplemental report?

14 A. I have read that.

15 Q. What about the data requests and the data
16 responses filed in this case?

17 A. Yes, I have either prepared them or they
18 were prepared under my direction.

19 Q. All right.

20 A. Most of them.

21 Q. In preparing for your testimony today, did
22 you review company documents and records?

23 A. I did.

24 Q. How about records pertaining to
25 residential electric service provided by the Company at

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1 [address redacted], St. Charles, Missouri?

2 A. Yes.

3 JUDGE CLARK: Let's stop right here. Can
4 we -- would you redact the earlier mention of
5 Complainant's address?

6 MS. GIBONEY: Should we just say "the
7 address"?

8 JUDGE CLARK: I think that would be fine.

9 MS. GIBONEY: "Complainant's address". I
10 will try and do that.

11 JUDGE CLARK: And in this instance, as
12 well.

13 MS. GIBONEY: All right.

14 Q. (By Ms. Giboney) Did you also review
15 vegetation management records pertaining to the
16 electric service that serves the Complainant,
17 Ms. Wessling?

18 A. Yes.

19 Q. All right. And you reviewed records
20 pertaining to inspection, maintenance and repair of
21 that circuit?

22 A. I did.

23 Q. Are you personally familiar with this
24 circuit?

25 A. Yes.

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1 Q. And how so?

2 A. I've studied it on our maps. I have
3 walked out portions of it in the field.

4 Q. When did you visit the circuit most
5 recently?

6 A. I think that was late November of 2017.

7 Q. And was that related to this complaint?

8 A. Yes, it was.

9 Q. And you understand that this complaint
10 involves a dispute about outages that Ms. Wessling has
11 experienced?

12 A. I do.

13 Q. Are you familiar with the Commission's
14 regulations that relate to electric utility
15 reliability?

16 A. I am.

17 Q. What about the Company's tariffs that
18 relate to reliability?

19 A. I am.

20 Q. Is the Company required under either of
21 those to provide uninterrupted service to its
22 residential electric service customers?

23 A. No, we are not.

24 Q. What is it required to do?

25 A. We are required to have -- make reasonable

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1 effort to provide service to our customers.

2 Q. On what bases?

3 A. Cost. Safety. Safety, number one. Cost
4 and timeliness.

5 Q. All right. I'm handing you what's been
6 marked Ameren Missouri Exhibit 1.

7 A. Okay.

8 Q. Do you recognize that?

9 A. I do.

10 Q. What is it?

11 A. This is out of our tariff and it describes
12 our obligations to provide service.

13 Q. All right. Does that exhibit show a PSC
14 tariff number?

15 A. This one doesn't. But it's 105 right now.

16 Q. Okay. Well -- all right. Which provision
17 were you relating -- referring to earlier about the
18 Company's obligations with respect to service?

19 A. Service Item J, continuity of service.

20 Q. All right. And what does that provision
21 provide?

22 A. I will -- I will read it, if I may?

23 Q. Sure.

24 A. "Company will make all reasonable efforts
25 to provide the service requested on an adequate and

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1 continuous basis, but will not be liable for service
2 interruptions, deficiencies or imperfections which
3 result from conditions which are beyond the reasonable
4 control of the Company." (as read)

5 And it goes further if you'd like me to read it
6 for you.

7 MS. GIBONEY: That's sufficient for me.

8 Judge, I'd move to admit Ameren Missouri
9 Exhibit 1.

10 JUDGE CLARK: Have you received that?

11 MS. KLAUS: Yes. And I actually have a
12 copy of it with the tariff sheet number on there.
13 Judge, would that be improper to admit it with the
14 number on there or?

15 MS. GIBONEY: I would like to admit -- I
16 would like to use that as my exhibit, if you don't
17 mind. And I could mark that Ameren Missouri Exhibit 1.

18 (Thereupon, the court reporter marked Ameren
19 Missouri Exhibit 1, for identification)

20 JUDGE CLARK: Any objection to admitting
21 Ameren Exhibit 1 onto the hearing record?

22 MS. KLAUS: No objection.

23 JUDGE CLARK: Ameren Exhibit 1 is admitted
24 onto the hearing record.

25 Q. (By Ms. Giboney) All right. And just to

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1 cover our basis, does this Ameren Missouri Exhibit 1
2 show a PSC tariff number?

3 A. Yes.

4 Q. All right. What's the sheet number?

5 A. Sheet number 105.

6 Q. All right. And does that show an
7 effective date down at the bottom?

8 A. It does.

9 Q. And what is the effective date?

10 A. June 30, 2013.

11 Q. All right. Thank you.

12 All right. How would you summarize or categorize
13 the different approaches that the Company takes to
14 making all reasonable efforts to provide service to its
15 customers on an adequate and continuous basis?

16 A. Sure. The first thing we do is we follow
17 the Missouri Public Service Commission requirements for
18 inspecting all of our circuits. And there are
19 different periods that we have to patrol, or do our
20 detailed or intrusive inspections. We follow all of
21 those. We follow vegetation management to make sure
22 the trees are clear from all of our lines. We follow
23 the requirements of the Missouri clearance
24 stipulations, as far as the clearances that are
25 required. And then if there are any outages, we

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1 respond to them immediately.

2 Q. To restore service?

3 A. To restore service. Uh-huh.

4 Q. Well, let's talk about -- so it sounds
5 like there's three basic approaches, the first being
6 related to the infrastructure; is that correct?

7 A. Yes.

8 Q. All right. Let's talk about that. Are
9 there Commission regulations that tell the Company what
10 its responsibilities are as to inspection?

11 A. There are.

12 Q. All right. Are those found in Chapter 23
13 of the Commission's rules?

14 A. They are.

15 Q. Very generally, for circuits like the one
16 that serves Ms. Wessling, if you know, what are the
17 inspection requirements?

18 A. Sure. We classify circuits are that
19 the -- Missouri State regulations classify services
20 urban or rural, and it depends on how many customers
21 per mile. If it's 35 customers or less, it's rural.
22 If it's 35 customers or more, it's considered urban.
23 And her circuit is considered urban.

24 So with that definition, as far as the
25 inspections go, we need to, every four years, patrol

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1 it, visually patrol it, and identify any problems and
2 then submit corrective actions for that. So that's
3 every four years.

4 Every 12 years, we have to do an intrusive
5 inspection, which consists of -- it's for the poles,
6 excavating around the poles and digging into the poles
7 and checking their integrity. And then if the pole
8 needs either reinforcement or replacement, it's so
9 ordered.

10 Then for our underground equipment, we have to do
11 a detailed inspection, which is mainly open up the
12 equipment and then look at it, do an infrared
13 inspection to see if there is any problem with it. So
14 that's for, I'll say, the facilities.

15 And then for the vegetation, every two years for
16 an urban circuit, we have to inspect it. And so our
17 protocol is, you know, we -- we do a full-term every
18 four years. And so on an off-cycle, in two years, we
19 do a mid-cycle patrol to see if anything grew up in
20 between that time and has to be corrected.

21 MS. GIBONEY: All right. I'd ask the
22 Commission to take administrative notice of
23 4 CSR 240-23.020, which would contain the details of
24 the infrastructure inspection rules that Mr. Schnell
25 just described.

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1 JUDGE CLARK: 4 CSR 240 what?

2 MS. GIBONEY: -23.020. And since he
3 mentioned vegetation management, let me find that
4 reference. I believe it's 030. So those two
5 subsections of Chapter 23.

6 JUDGE CLARK: Okay. The Commission will
7 take administrative notice of both of those sections --
8 or official notice.

9 Q. (By Ms. Giboney) All right. But what
10 happens if the -- back to the infrastructure
11 inspection, what happens if the inspection reveals a
12 problem? What does -- what is the Company required to
13 do?

14 A. We have to fix it. And we're given
15 timelines to fix it. Most -- most things need to be
16 fixed within a fiscal year. But then if there's an
17 emergency, it has to be fixed as quickly -- depending
18 on the severity of it, if it's a danger to the general
19 public, a safety issue, that has to be -- that's
20 considered an emergency. It has to be responded to
21 right away.

22 Q. What would be an example of a concern that
23 would need to be addressed within a reasonable period
24 of time such as that fiscal year?

25 A. Within a fiscal year, maybe a cross arm is

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1 broken or a VEE brace when a cross arm is broken, it
2 doesn't really impact any reliability issues, it
3 can -- it can be fixed in -- in time without any cause
4 of safety to anybody or reliability issues.

5 JUDGE CLARK: Not being an engineer, is
6 there a simple way you can explain that to me?

7 THE WITNESS: Sure. May I draw a picture?

8 JUDGE CLARK: Sure.

9 THE WITNESS: A typical pole might be like
10 that with -- with a cross arm on it. You'll see some
11 insulators on it. And then there would be some braces
12 on it, VEE braces on it.

13 And so maybe on this section we see maybe this
14 VEE brace is -- maybe it's broken or deteriorated or
15 something. Well, it doesn't mean it's going to fall
16 down today or tomorrow, but it needs to be done
17 sometime. So we'll -- we'll schedule ahead and it will
18 be -- it's going to be completed within a year. So
19 that would be something that -- not imminent, but I'd
20 want it to -- to take care of it.

21 JUDGE CLARK: Okay.

22 Q. (By Ms. Giboney) Bob, could you --

23 A. Sure.

24 Q. -- mark your drawing and just mark --
25 identify where the VEE brace is?

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1 A. Oh, sure. By that cross arm. How's that?

2 Q. That looks great. I would just -- I'm
3 going to ask you to hold on to that --

4 A. Sure.

5 Q. -- for just a minute.

6 A. Sure.

7 Q. So using that same drawing, could you
8 explain to the Commission what type of deficiency in a
9 structure like that would require immediate attention?

10 A. Sure. Let's just say I had lines going
11 through it right here and we found one of these lines
12 falling off the insulator in -- down here at five feet
13 above the ground or something like that, that would be
14 a huge safety hazard to the general public and we have
15 to respond immediately, I mean, that day.

16 Q. All right.

17 MS. GIBONEY: Judge, I'm going to mark
18 Mr. Schnell's drawing as Ameren Missouri Exhibit 30.
19 And I would offer Ameren Missouri Exhibit 30 into
20 evidence.

21 JUDGE CLARK: Does Staff have any
22 objection?

23 MS. KLAUS: No objection.

24 JUDGE CLARK: Ameren Exhibit 30 is
25 admitted onto the hearing record.

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1 Q. (By Ms. Giboney) Bob, why do you not just
2 go ahead and send a crew out immediately to address
3 every single concern? Why do you allow yourself --

4 A. Sure.

5 Q. -- a year?

6 A. Cost constraints. We try to be efficient
7 with our repair money and if we just ran out and did
8 everything right away, it would be cost ineffective.

9 Q. Why do you care about costs?

10 A. Because costs are an important part of the
11 utility customers' -- economic value is based on the
12 cost of -- of our power. So if we -- if we have really
13 excessive rates, this could hurt the whole economic
14 climate of our service territory.

15 Q. Bob, has the company conducted the types
16 of inspections that are required, those urban patrol
17 and detailed and intrusive inspections, at the
18 frequency that's required by Chapter 23 rules?

19 A. Yes, we have.

20 Q. How do you know that?

21 A. Because I reviewed all the records and I
22 spoke to the people who do the inspections to verify
23 everything.

24 Q. Where are those -- what's the database or
25 source of those records?

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1 A. We have a company called QUES, who is a
2 contract company who helps us in this area with
3 programming and they have databases for it. I reviewed
4 it initially.

5 Q. All right. So that database will reflect
6 every one of those inspections?

7 A. It will reflect the -- the pole
8 inspections. Another database reflects the vegetation
9 inspections.

10 Q. Okay. We're just talking about
11 infrastructure right now?

12 A. Yes, infrastructure.

13 Q. Okay.

14 A. The QUES is the source.

15 Q. How expansive, how big is that database,
16 voluminous?

17 A. When I went into it, it looks like such a
18 huge database that has existed since we started these
19 inspections in 2006-ish, I believe it was.

20 Q. I'm handing you what's been marked Ameren
21 Missouri Exhibit 2. Do you recognize that?

22 A. I do.

23 Q. All right. What is that?

24 A. I have prepared this to describe the
25 inspections that we've done, and put on here the

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1 overhead equipment inspection cycles that we've had,
2 the underground inspection site with some forestry
3 inspections. And where we are, we first did our first
4 patrol on this circuit in 2010. We did another one in
5 2014. And in 2018, we will be doing another patrol
6 with intrusive. We've actually started that, I think,
7 maybe last week.

8 Q. And this -- some of the inspections is
9 specific to the Droste subsection circuit 544-056?

10 A. Yes. Correct.

11 Q. And is that the circuit that serves
12 Ms. Wessling?

13 A. Yes.

14 Q. All right. So rather than bring in the
15 database, you extracted that information; is that
16 correct?

17 A. We did.

18 Q. All right. Is this a true and accurate
19 copy of that information as it appears in the database?

20 A. Yes, it is.

21 Q. All right.

22 MS. GIBONEY: I'd move to admit Ameren
23 Missouri Exhibit 2.

24 JUDGE CLARK: Does the Staff have any
25 objection?

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1 MS. KLAUS: No objection.

2 JUDGE CLARK: Ameren Exhibit 2 is admitted
3 onto the hearing record.

4 So you just -- this is -- all of this --
5 you just last week started the intrusive?

6 THE WITNESS: Yeah, I'm pretty sure that
7 it was scheduled for late June. I think they started
8 last week.

9 JUDGE CLARK: Okay.

10 Q. (By Ms. Giboney) Have any of the recent
11 inspections that relate to this report, have they
12 indicated that corrective action was needed?

13 A. All the inspections did find stuff and
14 we've completed everything.

15 Q. All the corrective actions --

16 A. Yes.

17 Q. -- were taken?

18 A. Yes.

19 Q. All right. And was it taken within the
20 time frames that are -- that are indicated?

21 A. Yes.

22 Q. Okay. So within that year period?

23 A. Within the year or if we needed to -- it
24 would be faster for emergency. It's all been done.

25 Q. All right. Now I would like to ask you

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1 some questions about vegetation management. So you
2 understand that this complaint also involves a dispute
3 about whether the Company has performed adequate
4 vegetation management?

5 A. I do.

6 Q. All right. What does vegetation
7 management mean, in general?

8 A. Keeping trees and foliage away from our
9 power lines, our overhead power lines.

10 Q. What are the -- you use chemical means and
11 physical means; is that correct?

12 A. Mostly just tree trimming is what they do
13 with chainsaws and snippers.

14 Q. All right. What is the vegetation
15 management cycle for urban energized conductors?

16 A. Well, we have to inspect it every two
17 years.

18 Q. Okay. And if that inspection shows that
19 vegetation management is needed, what does the -- what
20 is the Company required to do?

21 A. We have to trim it and -- and trim it
22 back. And we have -- in the Missouri Code State
23 Regulations, it describes the distance we have to have
24 cleared back. And for circuits 50,000 volts and under
25 -- and the circuit that serves her is 12,000 volts --

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1 we have to trim it back ten feet or whatever is within
2 the easement.

3 Q. Okay. And how wide is the easement on
4 this circuit?

5 A. Our easement on this circuit is ten feet.
6 So it's five foot either side the central line. So we
7 can't go out ten feet unless the property owners would
8 give us permission to do that.

9 Q. So what is the time frame for performing
10 vegetation management if you see -- if you do an
11 inspection and you see an issue?

12 A. When they identify an issue, they have to
13 have it trimmed out, I believe, within that year.

14 Q. Okay. But if they identify an immediate
15 emergency type concern, what's the deadline?

16 A. That would be right away.

17 Q. All right. So let me ask you like I did
18 before, why doesn't the Company just send out the
19 forester immediately to address every single
20 circumstance where it might see that there is a
21 developing need for vegetation management?

22 A. Sure. It's the cost. You know, proper
23 management of time and money with people on our crews.
24 It's best to go out and plan the work and then schedule
25 the work and have it done properly and prudently with

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1 the resources. If we just ran out and did everything
2 at one time, it would be very ineffective.

3 Q. Is there certain vegetation management
4 that requires outages?

5 A. Some, there is.

6 Q. Do you attempt to plan those outages?

7 A. Yes. If we need to, we will plan the
8 outage and notify all the customers that there would be
9 an outage.

10 Q. All right. And you mentioned crews. Is
11 there an issue with mobilizing crews and scheduling
12 that?

13 A. Yes. Just -- we have -- our forestry is
14 done by a contract crew. There are several contractors
15 that we hire. They have limited resources. And so we
16 utilize them as best we can to make it as efficient as
17 they can for the trimming process.

18 Q. Has the Company conducted the types of
19 vegetation management inspections and maintenance
20 that's required at the frequency that it's required by
21 Chapter 23.030 for Ms. --

22 A. Yes.

23 Q. -- for Ms. Wessling's circuit?

24 A. Yes.

25 Q. All right. How do you know that?

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1 A. Talking to our forestry supervisor and
2 having him show me the records.

3 Q. All right. I'm handing you what's been
4 marked Ameren Missouri Exhibit 3. Do you recognize
5 that?

6 A. I do.

7 Q. All right. What is that?

8 A. This is from our forestry group. They
9 have an Excel database with all the work they've done.
10 And this particular -- this particular spreadsheet is
11 the circuit set we trimmed -- they trimmed in 2016, the
12 Droste subsection.

13 Q. All right. Does that show the date that
14 that circuit serving Ms. Wessling was served?

15 A. It does. It's this last one right here.

16 Q. And is this an excerpt from the larger
17 Excel spreadsheet database that's provided to the
18 Commission on an annual basis?

19 A. Yes.

20 Q. All right. How many distribution circuits
21 would be covered on that entire Excel spreadsheet?

22 A. We have more than 800 substations. Every
23 substation has two to six feeders. So it would be
24 2,400 feeders, so voluminous. And so we have a large
25 Excel database.

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1 Q. Is the information shown on Exhibit 3 the
2 only information that's relevant to inspection of
3 Ms. Wessling's service?

4 A. Yes.

5 Q. All right.

6 MS. GIBONEY: Judge, I'd ask that the
7 Commission take official notice by reference of the
8 Company's annual vegetation management report, which
9 was filed as a public record in Case EO-2017-0239. And
10 that was filed on March 20, 2017.

11 JUDGE CLARK: The Commission will take
12 official notice of the vegetation on the report filed
13 on EO-2017-0239.

14 MS. GIBONEY: And next I would move for
15 admission of Ameren Missouri Exhibit 3.

16 JUDGE CLARK: Any objections from Staff to
17 admission of Ameren Exhibit 3?

18 MS. KLAUS: No objection.

19 JUDGE CLARK: Okay. Ameren Exhibit 3 is
20 admitted onto the hearing.

21 This is maybe a good time for me to ask some
22 questions and not -- to see where this is going.
23 Because I -- we're talking about -- we're talking a
24 little bit about things that have to be done within a
25 year that relate to equipment, and we're talking about

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1 vegetation separately. And so I'm going to ask and
2 kind of, to cut to the chase, and see where we're going
3 with this. Do you know what was causing Ms. Wessling's
4 outages results?

5 THE WITNESS: A variety of things, Judge.
6 It was two problems. They were coal fires. We had
7 some equipment damage. Just a large variety of things.

8 JUDGE CLARK: Was she experiencing -- to
9 the best of your knowledge, was she experiencing more
10 problems than other Ameren customers in the area?

11 THE WITNESS: Yes.

12 JUDGE CLARK: Do you know why that was?

13 THE WITNESS: Yes. Her -- her feeder is
14 mostly a rear-lot overhead feeder. It goes through
15 back yards with creeks. And so she is more susceptible
16 to damage than, say, similar feeders that are on the
17 roadway and don't have tree issues and our trucks can
18 get to them very quickly.

19 JUDGE CLARK: Would you say that the
20 largest problem with hers was vegetation?

21 THE WITNESS: That's a significant problem
22 is vegetation. I don't know if the largest problem,
23 but it probably is. And the last time I was taking
24 care of it was in 2016.

25 JUDGE CLARK: '16?

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1 THE WITNESS: And then we did a mid --
2 yeah. Yes. I'm starting to get my dates mixed up. In
3 '16. And then we also did some more work in '17 after
4 one of her outages, I think, in the fall of '17. And
5 then we did another mid-cycle patrol in January of this
6 year. And then a regular mid-cycle patrol is scheduled
7 for the third quarter of this year.

8 JUDGE CLARK: Okay.

9 THE WITNESS: We're going to do that same
10 one to keep all the feeders on the same schedule. If
11 that makes sense.

12 JUDGE CLARK: Yes, it does, for the
13 questions I have.

14 Do you believe that that has solved her problem,
15 at least right now, as to vegetation?

16 THE WITNESS: Yes.

17 JUDGE CLARK: Okay. Thank you.

18 Go on.

19 Q. (By Ms. Giboney) Let me ask you a
20 clarifying question. Do you believe that solves her
21 problem with respect to vegetation within the right-of-
22 way?

23 A. Within the right-of-way, yes.

24 Q. All right. Are there also problems that
25 occurred with vegetation outside the right-of-way?

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1 A. Yes.

2 Q. Would you consider those to be outside the
3 Company's control?

4 A. Yes.

5 Q. All right. And Ms. Wessling actually had
6 a recent outage on -- well, tell me, did she have a
7 recent outage pertaining to vegetation, first of all?

8 A. She did.

9 Q. All right. What was the date, do you
10 remember?

11 A. April.

12 Q. Let me hand you what's been marked --

13 A. It's this one right here. Well --

14 Q. Yeah. Let me -- let me do some --

15 A. Okay.

16 Q. Let me just mark it. All right.

17 What's been marked Ameren Missouri Exhibit 5C,
18 all right, can you identify the very recent outage that
19 Ms. Wessling --

20 A. Sure.

21 Q. -- experienced?

22 A. It happened on May 4, 2018. It started at
23 3:41 in the morning and it was a 6-hour, 55-minute
24 outage.

25 Q. All right. And that's a pretty extended

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1 duration outage; is it not?

2 A. Yes, it is.

3 Q. All right. Can you tell the Commission
4 what -- and it was vegetation related; correct?

5 A. It was.

6 Q. All right. Can you tell the Commission
7 what happened?

8 A. It was a clear day. Well, that morning,
9 it was clear. And there's a 80 -- 80-foot, 85-foot-
10 tall white oak in the back yard, in Ms. Wessling's back
11 yard, and it just fell over.

12 Q. Okay. How far away from the right-of-way
13 was that tree growing?

14 A. About 60 foot.

15 Q. All right. And when the tree came down,
16 what effect did it have on the line?

17 A. It tore the single-phase line down.

18 Q. How many customers were affected by that
19 outage?

20 A. Seventy-seven? Seventy-seven customers.

21 Q. Okay. Explain what the process and the
22 timeline was for getting service restored to those
23 customers?

24 A. Sure. We don't have a troubleman on duty
25 at night, at nighttime. So when the outage happened,

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1 we had to call out a troubleman, tell them they had to
2 go out there and find it. And then he saw what it was,
3 a big tree tore down the power line. So we had to call
4 our forestry group in and they had to clear the tree.
5 It was a rather large oak tree. So the forestry had to
6 clear the tree first. Well, first the troubleman had
7 to make safe the ground and everything to make sure
8 there's no other sources coming in to it. Then they
9 had to clear the tree.

10 Then our line crews came in and they put the
11 lines back up. And there was some broken hardware on
12 the poles, but I don't think any pole was broken,
13 though. And so I know it took about, linemen time,
14 about 32 manhours of our line crews. But I didn't look
15 at the troubleman's time or the forestry time.

16 So it was a rather intensive outage as far as
17 duration goes and a lot of labor involved, as well.

18 Q. What -- if there was no weather involved,
19 what's the guess about what caused that tree to come
20 down?

21 A. Well, the forestry supervisor inspected
22 the tree and he said when he looked at it, the tree was
23 leafed out, so it appeared to be good. But then he
24 looked at it closer and at the base of it, it was
25 rotten.

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1 Q. All right. I'm handing you what's been
2 marked Ameren Missouri Exhibit 10C. Can you identify
3 that?

4 A. Yes.

5 Q. All right. What is that?

6 A. It's the tree that fell over.

7 Q. All right. What's the view there? What's
8 that showing?

9 A. This is the base of the tree.

10 Q. All right. What's that demonstrating to
11 the forester?

12 A. To the forester, it says that this wood is
13 rotten and that's what caused the failure, just --

14 JUDGE CLARK: This was on Ms. Wessling's
15 property?

16 THE WITNESS: Yes, sir, it was.

17 Q. (By Ms. Giboney) I'm going to hand you
18 another exhibit, just kind of for completeness. I'm
19 going to hand you 11C. And does that show a branch
20 from that same tree?

21 A. It does.

22 Q. And is that branch leafed out --

23 A. Yes.

24 Q. -- as though the tree was healthy?

25 A. Yes.

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1 Q. All right. I'm going to hand you another
2 exhibit, it's 12C. And whose residence is that in the
3 background?

4 A. That's Ms. Wessling's residence. There's
5 -- there's two houses on her house. I see the main
6 house and the carriage house. And this is the -- you
7 see the main house here, the brick house.

8 Q. All right. And is the tree falling
9 towards what's in that picture, the chainsaw? The tree
10 is falling towards the photo taker?

11 A. It -- it --

12 Q. That's all right.

13 A. Ask your question again?

14 Q. Well, that's all right.

15 A. Okay.

16 Q. And let me show you Exhibit 13C. And is
17 that another photo of the tree that fell?

18 A. Yeah. It fell -- so her house is, I'll
19 say here. Then -- then there's a residential
20 neighborhood behind her house with a chain link fence
21 between the two. And that's where the power line --
22 you know, her power line is, you know, right along the
23 property line. So the tree fell, I'll say, toward the
24 residential neighborhood, the back yard to the
25 residential neighborhood, and took down the power line.

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1 Q. All right. And I'll show you one last
2 picture. This is Exhibit 14C. And can you tell me
3 what you see in that picture?

4 A. It's the chain link fence and looking into
5 the back yard of the -- behind it, one of the foresters
6 right there.

7 Q. Does that show one of the utility poles in
8 the photo and indicate where the center line -- where
9 the line would be?

10 A. Yes. But the -- so when I look at this
11 photo, the power lines just run parallel to the --
12 relative to that line.

13 Q. Right.

14 MS. GIBONEY: Judge, I'd --

15 JUDGE CLARK: Well, quick question here
16 and it may seem like an obvious one. So before it
17 falls, obviously it's outside of the right-of-way?

18 THE WITNESS: Uh-huh.

19 JUDGE CLARK: There's nothing that Ameren
20 can do about it. But once it falls, you're allowed to
21 touch it?

22 THE WITNESS: Yes, sir.

23 MS. GIBONEY: Judge, I'd move to admit 10C
24 through -- is that 14C?

25 JUDGE CLARK: Plus you've got 5C.

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1 MS. GIBONEY: I'm sorry?

2 JUDGE CLARK: Plus you've got 5C.

3 MS. GIBONEY: Oh, I'm sorry. Is that 5?
4 Oh, and 5C, as well. Thank you, Judge.

5 JUDGE CLARK: Any objection to any of
6 those exhibits from Staff?

7 MS. KLAUS: No objections.

8 JUDGE CLARK: All right. So 5C, 10, 11,
9 12 and 13 and 14C are admitted onto the hearing record.

10 Q. (By Ms. Giboney) Okay. So in this case
11 it appears that there was just a tree with a rotting
12 base.

13 A. Yes.

14 Q. What other types of vegetation issues can
15 occur between vegetation cycles?

16 A. Sure. Some trees grow fast. And fast-
17 growing trees can sprout up -- like I say, a soft oak
18 tree grows really fast. You get vines that grow up.
19 You can have a storm, branches knocked over, just a
20 variety of things that can happen. That's why they do
21 the cycle patrol.

22 Q. Okay. You mentioned briefly that the
23 additional patrol was conducted at the -- I think you
24 did -- at the end of --

25 A. Yes.

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1 Q. -- August, vegetation --

2 A. Yes.

3 Q. -- management patrol?

4 A. Yes.

5 Q. All right. Please explain why that was
6 conducted, again, and what action, if any, was taken.

7 A. Sure. We had -- Ms. Wessling had another
8 outage and so patrol was made of her cap. And as far
9 as the supervisor found a wishbone limb on the pole
10 that serves her on the line. And so he identified
11 that. And he got it -- he got -- he made a -- he asked
12 a troubleman to take care of it. And so that was
13 removed the next day.

14 Q. All right. How do you know that that
15 troubleman removed that the next day?

16 A. Because I talked to his forestry
17 supervisor about it and I also reviewed the -- our --
18 our records that were taken by the troubleman, who I
19 know.

20 Q. All right. I'm handing you Ameren
21 Missouri Exhibit 4. Can you identify that?

22 A. Yes. It's our outage analysis record of
23 this particular repair or line clearance. The
24 troubleman went out there and he took the limb off the
25 line. And there's no outage needed --

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1 Q. All right.

2 A. -- to do that work.

3 JUDGE CLARK: Does that indicate what date
4 that was?

5 THE WITNESS: Yes, sir. It should be down
6 here. 9/1/17.

7 Q. (By Ms. Giboney) Bob, does this also
8 indicate the time that the personnel was dispatched?

9 A. Yes.

10 Q. All right.

11 A. Yeah. At the --

12 Q. What time was he dispatched?

13 A. He was dispatched at 12:03 on September
14 1st.

15 Q. What time did he arrive?

16 A. At 12:41.

17 Q. And what time did he complete the work?

18 A. 1313.

19 Q. At 1:13 in the afternoon?

20 A. Uh-huh.

21 Q. All right. So from the time that -- who
22 was the forester that went out and visited with
23 Ms. Wessling?

24 A. John Eberling.

25 Q. All right. From the time that John

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1 Eberling visited Ms. Wessling, until the time that that
2 limb was removed, is it safe to say that was a 24-hour
3 turnaround?

4 A. Yes. He visited her one day and then the
5 troubleman took the limb off the next day.

6 MS. GIBONEY: Judge, I'd move to admit
7 Ameren Missouri Exhibit 4.

8 JUDGE CLARK: Any objection from Staff?

9 MS. KLAUS: Can I see a copy?

10 MS. GIBONEY: Oh, I apologize.

11 MS. KLAUS: No objection.

12 JUDGE CLARK: Okay. Ameren Exhibit 4 is
13 admitted onto the hearing record.

14 Q. (By Ms. Giboney) Mr. Schnell, in your
15 opinion, is a 24-hour turnaround time a prompt response
16 to this identified vegetation management concern?

17 A. Yes, it is.

18 Q. Okay. And you understand that from
19 reading Ms. Wessling's complaint that she believes that
20 that limb was not removed prior to a September 9th,
21 outage; is that correct?

22 A. That is correct.

23 Q. But, in fact, the record shows that the --
24 that that limb was removed on September 1st?

25 A. Correct.

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1 Q. All right. Let's talk, if we can, about
2 that September 9th outage. If you refer to Ameren
3 Missouri Exhibit 5C. Have you looked a little further
4 into that outage?

5 A. This one on 5, yeah.

6 Q. Yeah. This one that was six hours on
7 September 9th. I'll show you a different record.

8 All right. I'm handing you what's been marked
9 Ameren Missouri Exhibit 6C. Do you recognize that?

10 A. I do.

11 Q. All right. And what is this?

12 A. This is just the -- the summary of the
13 outages that Ms. Wessling had. And this was prepared
14 by an engineer who worked for me.

15 Q. Was that at your direction?

16 A. At my direction, yes.

17 Q. All right. Using the same --

18 A. Yes.

19 Q. -- eADMS data?

20 A. Yes. This is a basis data. And this was
21 the summary of what it was.

22 Q. All right. And do you recall looking in
23 your records that indicated that Mr. Kanling [phonetic]
24 responded to that September 9th outage?

25 A. Yes.

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1 Q. All right. And what did your additional
2 records --

3 A. Yeah, I think --

4 Q. -- say about that outage, do you recall?

5 A. -- on this particular record here, that we
6 also had problems with the -- with the fuse and had to
7 replace the fuse switch that holds the -- because it
8 was defective on that particular outage.

9 Q. All right. And was -- what were the --
10 was Mr. Kanling, alone, able to address that outage and
11 restore power, do you recall?

12 A. Say that again.

13 Q. Was Mr. Kanling able by himself --

14 A. Oh. No.

15 Q. -- to manage that?

16 A. No, because he -- in the rear-lot pole, it
17 would have a climbing pole with energized conductor up
18 there. So he called another troubleman in to help him.
19 And so he had some assistance on that particular outage
20 to --

21 Q. All right.

22 A. -- replace that fuse switch.

23 Q. And in looking back on Exhibit 5C, do you
24 recall what time that outage began?

25 A. Again, it was at 1922.

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1 Q. Okay.

2 A. So 6:00.

3 Q. And then --

4 A. 7:00. At 7:22.

5 Q. And then it took six hours, it was dark,
6 by the time he was attempting that repair?

7 A. Yeah. In -- in September, it would be --
8 about that time it started to get dark.

9 Q. Okay. All right. So what's required when
10 a lineman needs to climb a pole in the dark? I mean,
11 is that a rush job or not?

12 A. Well, the biggest thing is you have to
13 take your time doing it. It's safety. When I say --
14 the -- the fuse was open. So downstream, it should be
15 de-energized. But upstream, it's energized. So a
16 lineman has to get there. First, he has to check
17 the -- check the integrity of the pole to make sure the
18 pole is -- is good. So they -- they took a -- they
19 beat around on the pole with a hammer just to make sure
20 it's okay. Even though things look good, sometimes
21 they deteriorate below ground. So they beat on the
22 pole, check sound.

23 And then they have to climb the pole. Having two
24 linemen there to do an operation like that is a good
25 thing for safety. He's up there around energized

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1 conductors. This is a 7,200-volt, single-phase line.
2 And the switch was defective, so he had to physically
3 change that out. Those switches probably weigh, I'd
4 say, 20 pounds. I mean, I'm -- I'm guessing. I'm not
5 sure. And that -- so, he had to, you know, take that
6 down. And when they do that, they have to wear their
7 rubber gloves and safety gloves with leather on top of
8 it, and then put another one back up there. So having
9 two people to do that job, rear lot, it's -- it's --
10 it's an involved operation.

11 The weather was good that particular day. And I
12 don't believe there was any other bigger storms in the
13 area.

14 Q. But the malfunction that resulted in that
15 switch breaking, if I can put it that way, it's just an
16 involved repair?

17 A. It is. I'm not sure why it broke to begin
18 with, what caused it. But they couldn't just --
19 whatever they did, they couldn't just restore it by
20 taking a hot stick and closing the switch back in. So
21 they had to replace it, so it took longer.

22 Q. And you refer to a back lot. So can you
23 explain to the Commission what's the difference in
24 accessing a back lot to do a repair like this, as
25 opposed to accessing a line that's on the street?

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1 A. Sure.

2 JUDGE CLARK: I'm assuming it's just you
3 can't use the truck?

4 THE WITNESS: Yes, sir. Yes, sir. Years
5 ago -- and this line was -- this subdivision was built,
6 I think in the '70s. And it was kind of impacted back
7 there due to an awful lot of construction. So --
8 overhead construction -- so those lines, to get to
9 them, you can't drive a truck up to them. You have to
10 park your truck out on the street and walk back to it.

11 Q. (By Ms. Giboney) So would you consider
12 six hours and eight minutes a prompt response to a
13 back-lot overhead switch malfunction requiring two
14 linemen working at night on an energized conductor?

15 A. I would.

16 Q. All right. Thank you.

17 MS. GIBONEY: Judge, I'd move to admit
18 Ameren Missouri Exhibit 6C.

19 MS. KLAUS: Do you have a copy, please?

20 JUDGE CLARK: On further exhibits, if
21 you've got a copy, if you'll just give it --

22 MS. GIBONEY: Yes, I apologize. I just --

23 JUDGE CLARK: -- to her so she can follow
24 along.

25 MS. KLAUS: And you said 6C, correct?

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1 MS. GIBONEY: Yes.

2 MS. KLAUS: No objection.

3 JUDGE CLARK: Okay. Exhibit 6C is
4 admitted on the hearing record.

5 Q. (By Ms. Giboney) All right. You said
6 that the switch malfunctioned; is that correct?

7 A. Yes.

8 Q. All right.

9 JUDGE CLARK: I thought you said it was
10 defective?

11 THE WITNESS: Yeah. It's -- they --
12 whatever it was, they couldn't put it back, so they put
13 up a new switch.

14 Q. (By Ms. Giboney) When the Company is
15 performing its infrastructure inspections, it's
16 patrolling, and however it patrols, whether by foot or
17 by drone, are you being able to necessarily see a
18 defective switch in that kind of inspection?

19 A. Not necessarily. A lot of those old
20 switches are porcelain. And it was closed in. And
21 sometimes when a porcelain switch opens up, then try to
22 close it back in, it breaks. They can't close it back
23 in, so we replace it with an epoxy switch.

24 But you don't necessarily notice that. And a lot
25 of times, a switch, you don't notice it then until you

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1 try operate it. And when you try to operate it, that's
2 when you find out there's something wrong with it.

3 Q. So despite your inspection cycle and your
4 repair of facilities, that's no reflection -- that --
5 that type of malfunction is no reflection on the
6 Company's meeting its duties to inspect --

7 A. No, it is not.

8 Q. -- and maintain? All right.

9 You go through switches, I assume, a fair number
10 of them every year?

11 A. They -- they fail. Not a high percentage
12 of them, but they do. So -- but you can't look at a
13 switch and know for sure there's something wrong with
14 it. When you operate it, that's when you find out
15 maybe something is wrong with it.

16 Q. All right. So you understand that this
17 complaint also involves the Complainant's contention
18 that the -- just the sheer number of outages she's
19 experienced indicates some violation of Ameren
20 Missouri's duties?

21 A. Yes, I understand that's her concern.

22 Q. All right. Is there a Commission rule
23 that holds electric utilities to any absolute standard
24 in terms of an unacceptable number of outages?

25 A. There is not.

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1 Q. All right. How about the duration of
2 outages, any hard and fast rule about restoring power
3 in a certain amount of time?

4 A. There is not.

5 Q. All right. Is there a Commission rule
6 that requires you to collect and monitor information
7 about outages?

8 A. Yes.

9 Q. Is that its reliability report?

10 A. Yes.

11 Q. Okay.

12 MS. GIBONEY: Judge, I'd ask the
13 Commission to take administrative notice of the
14 Commission's Electric Utility System Reliability
15 Monitoring and Recording Submission Requirements Rule,
16 which is 4 CSR 240-23.010.

17 JUDGE CLARK: Can you say that again,
18 please?

19 MS. GIBONEY: 4 CSR 240-23.010. And
20 that's the rule that Mr. Schnell just mentioned.

21 JUDGE CLARK: Thank you. The Commission
22 will take official notice of rule.

23 Q. (By Ms. Giboney) Has the Company filed
24 this reliability report covering 2017?

25 A. Yes, we have.

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1 MS. GIBONEY: Judge, I'd move for the
2 admission by reference of the Company's 2017 annual
3 reliability report as Exhibit 26. And that report was
4 filed as a public record in case EO-2018-0305. And
5 that was filed on April 30, 2018.

6 JUDGE CLARK: Are you moving for admission
7 or are you asking me to take notice?

8 MS. GIBONEY: I believe for admission by
9 reference. But if you want to just take notice of it,
10 then that's fine with me.

11 JUDGE CLARK: Any objection?

12 MS. KLAUS: No objection.

13 JUDGE CLARK: I will take notice.

14 MS. GIBONEY: All right.

15 Q. (By Ms. Giboney) In that reliability
16 reporting, is the Company required to report on the
17 average frequency of interruptions?

18 A. Yes.

19 Q. All right. And is that on a system-wide
20 basis, on a division or district basis, or on a circuit
21 basis?

22 A. We -- we do all of them. On a system-wide
23 basis, we report over all the reliability. And then we
24 break it out by -- by division and district and feeder.

25 Q. All right. Feeder, being -- is it smaller

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1 than a circuit or a circuit?

2 A. A circuit.

3 Q. Okay.

4 A. A feeder is a circuit. I use that term --

5 Q. All right.

6 A. -- most of us.

7 Q. In that reliability reporting, is the
8 Company also required to report on its top five percent
9 worst performing circuits?

10 A. Right. We -- we list all of our circuits
11 and we list them by order of their reliability, the
12 frequency of interruptions. And then we take the top
13 five percent of those and those are designated the
14 worst performing circuits of the Company. So then we
15 have to look at those specifically to see what type of
16 corrective actions that we take on those circuits.

17 And if the circuit is on it for, like, two years
18 in a row or two out of three years, then we have to --
19 we do additional recording and submit, you know, what
20 we're going to do for corrective actions to try and
21 make it better.

22 Q. So specifically, the Company is required
23 to focus on those top five percent worst performing
24 circuits?

25 A. Yes.

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1 Q. All right.

2 A. Yes.

3 Q. Was the circuit serving Ms. Wessling in
4 the top five percent worst performing circuits for the
5 Gateway Division in 2017?

6 A. It was not.

7 Q. All right.

8 A. And it's not five percent in Gateway, it's
9 throughout the whole company.

10 Q. All right. Has your division, though,
11 been working on particular programs to maintain or
12 improve reliability?

13 A. Yes.

14 Q. All right. What are those?

15 A. Well, on this particular circuit, what
16 we've done is in addition to our regular patrols and
17 everything, we did --

18 And we're getting more into this now, Judge --

19 -- is flying drones. So we flew a drone over
20 this particular circuit. It's got an advantage over
21 just somebody walking and looking up because looking
22 down, you can see a lot more things.

23 And so we did drone patrol on this circuit. And
24 we did find some things that we missed. And so we --
25 we changed out a pole that we found bad. We found some

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1 animal guards that were -- we changed those outs or,
2 you know, put the animal guards on. That was all
3 completed the first quarter of 2018.

4 And then the other thing we did is -- mostly the
5 outages is -- something like 80 percent of all outages
6 are just temporary in nature. Maybe a tree branch
7 blows against the line and it's -- it's just a
8 momentary outage. Those are the majority of outages.
9 And so what we've done -- typically, when that happens,
10 you don't want a fuse to blow and take customers out
11 for that. So we've -- in the past, we would have a
12 circuit breaker at the subsection. We'd detect those
13 and -- and, you know, turn it on and off. And so
14 everybody on that circuit would be flicked flint by
15 momentary.

16 So we put in -- a company called S&C developed
17 trip savers, it's called S&C TripSaver. And it's a --
18 it's a reclosing devise. They first came out with it
19 years ago and we put them in St. Charles. They didn't
20 work so well. We took them all down. But they came
21 out with TripSaver II. And what it does is it takes
22 the place of a fuse. And if it notices, like, an
23 outage downstream, it'll trip and then reclose
24 automatically. And most times, it's just a tree branch
25 hitting the line. And -- and so nobody has an extended

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1 outage. And so it will go through maybe two reclosing
2 cycles just checking to see. And if there's still a
3 fault on the line, the fuse will blow and the customers
4 will be out. But only the customers downstream, not
5 all the customers on it.

6 So we put TripSavers on this circuit this past --
7 this past spring and we found that this works.

8 Q. Is that a new program that the Company is
9 rolling out?

10 A. It is. It is. And we're starting to put
11 TripSavers more on our feeders. We put them out on
12 another feeder in St. Charles County that serves a big
13 machine Company that makes machine parts. If they have
14 a momentary or they have any kind of outages, they
15 almost have to throw all of their product away. And so
16 we put those TripSavers on that other circuit to
17 protect -- to isolate the outages so all customers,
18 including them, would see them. So it's something
19 we're rolling out more to minimize momentaries on our
20 customers. That's a big focus of our Company right
21 now.

22 Q. To focus on momentaries, as well as trying
23 to prevent those extended outages --

24 A. Yes.

25 Q. -- that might result from vegetation or --

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1 A. Right.

2 Q. -- storms?

3 A. Yes.

4 Q. Okay. You mentioned animals and I wanted
5 to go back to that briefly. Animals, some sort of
6 animal interference was the cause of a couple of
7 Ms. Wessling's outages over the last few years; is that
8 correct?

9 A. That's correct.

10 Q. All right. And in response to that and at
11 the suggestion of Staff, Ameren installed some animal
12 guards under transformers; is that correct?

13 A. We did that.

14 Q. All right. Even with those animal guards,
15 are animals still a problem?

16 A. They are.

17 Q. All right.

18 A. Animals -- in this case, mostly it's been
19 squirrels we've found, but we have all types of animals
20 that cause problems. We've got snakes that crawl into
21 our facilities. Birds, birds especially spread their
22 wings and cause troubles. We -- we have avian
23 protection to make sure our fences are far enough apart
24 so that, you know, eagles and that don't get
25 electrocuted. They're protected under federal law. So

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1 we have to make sure that we have adequate spacing for
2 that.

3 But still, animals cause problems. They get into
4 equipment. Even if we have the animal protectors with
5 guards on them, they -- the squirrels still sometimes
6 chew threw things and cause problems.

7 Q. In a treed area, are you more likely to
8 see squirrel problems?

9 A. Yes.

10 Q. All right. And you don't have any license
11 to eradicate squirrels; correct?

12 A. No, we don't.

13 Q. All right. Okay. Let me ask you another
14 question about the animals. When you look at the
15 Exhibit 5C, it appears that there was an outage caused
16 by an animal on October 17th of 2017.

17 A. Uh-huh.

18 Q. As well as one caused a little bit further
19 back, let's see, January 4th of 2016.

20 A. Uh-huh.

21 Q. Does the number of customers affected tell
22 you anything about whether those -- whether it was the
23 same spot, whether it's a persistent problem in the
24 same spot?

25 A. No. This -- this animal one --

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1 Q. Which one are you talking about? It's
2 important for -- which date?

3 A. Oh, okay. I'll read it upside down. This
4 one here on 10/17/2017, it says animal on the line.
5 And there was one customer out, which was Ms. Wessling.
6 So that was just her transformer.

7 Further back, the other one that you asked about,
8 which was January 4th, 2016, this one had 99 customers.
9 So it was at a different location. It was further,
10 I'll say, upstream that happened.

11 Q. All right. So it's not a problem that the
12 Company is not addressing at the same pole with the
13 same family of squirrels?

14 A. Correct.

15 Q. All right. So it's spotty?

16 A. Correct.

17 Q. All right. Let me ask you about efforts
18 that could be made in general to improve the
19 reliability of Ms. Wessling's service, because you
20 would admit that her reliability is -- or her number of
21 outages is higher than the average customers on that
22 circuit?

23 A. Yes, because she's at the end of the
24 circuit. So that --

25 JUDGE CLARK: I'm assuming that's what you

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1 refer to as downstream?

2 THE WITNESS: Yes, sir.

3 JUDGE CLARK: So she's the furthest
4 downstream?

5 THE WITNESS: Yes, sir.

6 Q. (By Ms. Giboney) All right. Let's --
7 let's just talk about for a minute exactly how her
8 service is lined up. All right. So I'm going to hand
9 you what's been marked -- and I'll hand to Ms. Klaus --
10 Ameren Missouri Exhibit 9C. So if you'll hand that on
11 down, please.

12 All right. Can you identify that?

13 A. Yes, that's -- that's the meter that
14 serves her -- her home at the carriage house, her
15 property. That serves her property.

16 Q. And that's a photograph of that meter?

17 A. Yeah, I took that photo.

18 Q. All right. Is that meter back in the
19 woods?

20 A. It is.

21 Q. All right. So it's near the -- those back
22 -- it's near the back yards of her neighbors that you
23 described earlier?

24 A. It is.

25 Q. All right. Something else I'll hand you

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1 for reference, Ameren Missouri Exhibit 15. Can you
2 identify that?

3 A. I can. These here are Google Earth
4 pictures of Ms. Wessling's property from a little
5 higher-up view and then from up close -- a little
6 closer.

7 Q. All right. In the first picture, can you
8 see the long drive that leads to Ms. Wessling's house?

9 A. Yes.

10 Q. All right. Now, in that picture, if you
11 were talking about the top of the -- the top of the
12 page, the top of the picture versus the bottom, where
13 approximately is her meter located?

14 A. Right. Her meter is located -- you come
15 up this drive and the meter is located back here along
16 the rear lots of these residential homes here.

17 Q. Okay. So it's --

18 A. And it's on her property.

19 Q. So that meter is back in the woods?

20 A. Right. Maybe a few feet inside her
21 property line.

22 Q. Rather than being on that front drive; is
23 that correct?

24 A. Correct.

25 Q. All right. And at one time, was service

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1 to that residence served along the main drive provided?

2 A. Yes. As far as I can tell, yes, it was.

3 Q. All right. And how do you know that?

4 From a -- from a physical perspective, how do you know
5 that?

6 A. When I went out and visited the property,
7 there's an overhead line that comes up this road here,
8 and the poles are still there, and it stops. And that
9 line was, from my best records searching, that's
10 what -- the records of the property, I think those
11 homes were built in the '30s or '40s, from what
12 Ms. Wessling told me. It was -- it was a while ago.

13 And so at some time or another, this subdivision
14 was built. I think it was built maybe in the '70s.
15 And so then services were provided to these homes,
16 rear-lot services. And so her point of service is from
17 this rear-lot line -- from her transformer, she goes
18 underground to this meter base. And then from there,
19 there's -- there's actually two houses on her property,
20 which can be seen probably better, a little close-up
21 here.

22 But there's a main house, and there's a carriage
23 house. And the carriage house originally, from what
24 Ms. Wessling told me, was over where this is and it got
25 moved --

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1 Q. And you're pointing to like --

2 A. Yeah, there's like --

3 Q. -- the third house, bottom of the picture?

4 A. Yeah. Yes. Yes.

5 JUDGE CLARK: So she received service
6 underground, up to this to her meter box?

7 THE WITNESS: Right.

8 MS. GIBONEY: Behind the homes; correct?

9 THE WITNESS: Right.

10 JUDGE CLARK: And then from here, where
11 does it go? Is it above ground? Is it --

12 THE WITNESS: No. Here, it goes to her
13 two houses. The main house, it goes underground. This
14 is all her wire, her cable. She put this all in. Or
15 somebody put it in. That goes, I'll say -- one of
16 these goes to the main house and one goes to the
17 carriage house -- I'm going to guess maybe 60 to 80
18 foot away. And now it's --

19 JUDGE CLARK: I'm a little confused now
20 because if a tree -- if this is all underground --

21 THE WITNESS: Sure.

22 JUDGE CLARK: -- and there's a tree that
23 fell over on something --

24 THE WITNESS: Sure.

25 JUDGE CLARK: -- explain that to me.

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1 THE WITNESS: Sure. May I draw it again
2 on here?

3 JUDGE CLARK: Yeah.

4 THE WITNESS: Okay. The overhead line, it
5 serves --

6 JUDGE CLARK: Okay. And so it's outside
7 of her --

8 THE WITNESS: Right. That's the overhead
9 line.

10 JUDGE CLARK: It's her tree that fell
11 on --

12 THE WITNESS: Yes.

13 JUDGE CLARK: -- overhead line that serves
14 the adjacent neighborhood?

15 THE WITNESS: Yes. The power comes in and
16 down the street. It comes up this way here. And so
17 there's a transformer right here. And so off that
18 transformer, it serves these houses here, but also we
19 take it underground to her meter base, which is right
20 there. And then her two homes are -- I'll say one
21 is -- one is here and one is here. And so they go
22 underground to each of those homes.

23 And so the overhead power line, there's a tree
24 that fell, fell across that line there and knocked --
25 knocked out the power, if I -- if I explained it

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1 properly.

2 Q. (By Ms. Giboney) And Bob, let me clarify.
3 For one, you're making marks on Ameren Missouri Exhibit
4 15; is that correct?

5 A. I did.

6 MS. GIBONEY: All right. So I'd move for
7 the admission of Ameren Missouri Exhibit 15, as well as
8 9C.

9 MS. KLAUS: No objection.

10 Q. (By Ms. Giboney) And let me also clarify
11 that the judge asked you when this tree fell on this
12 overhead line that's shown in Exhibit 14C, he asked
13 whether that took out service to the adjacent
14 neighborhood. And you said yes. That also took out
15 Ms. Wessling's service; did it not?

16 A. It did. It took all out these customers
17 right in this area.

18 Q. All right.

19 A. Or up to -- up to about here. This is
20 where the fuse is right here.

21 Q. Let me hand you Exhibit 7C. Do you
22 recognize that?

23 A. I do.

24 Q. All right. What's that a picture of?

25 A. This is the lane going up to her home.

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1 Q. All right. And that shows overhead power
2 lines in the photo?

3 A. Yes, it does.

4 Q. All right. So those are lines that could
5 serve her; is that correct?

6 A. Yes.

7 Q. And most likely did in the past?

8 A. Yes.

9 Q. All right. Are those lines relatively
10 cleared, there's open space on one side?

11 A. They're -- they're clear.

12 Q. Okay. All right. But that's not the way
13 service comes in anymore?

14 A. No.

15 Q. All right. Could Ms. Wessling move to
16 that as her source of service?

17 A. Yes, if she wanted to.

18 Q. Would that take her off of being the
19 furthest point downstream on a feeder?

20 A. Yes.

21 Q. All right. What's the reliability like
22 for the circuit that these poles on her drive -- what's
23 the reliability like for the circuits that those poles
24 would connect to?

25 A. This is a very reliable circuit. There's

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1 very few outages at all on it because it follows the
2 main road down. And so there are very few trees.
3 There's no creeks it goes through. And so it has very
4 good exposure.

5 Q. Is Ameren Missouri willing to re-energize
6 those lines through coming down her drive --

7 A. Yes.

8 Q. -- to serve her that way?

9 A. Yes.

10 Q. What would be required from Ms. Wessling's
11 side of things to hook up to that service? What would
12 she have to do with her own facilities?

13 A. She would have to move her meter base to
14 some location that's agreeable to the Company and to
15 herself, whether she'd put a meter base on both homes
16 or have a centralized meter base similar to this and --
17 and say put it -- put it -- put it over here, I'll say,
18 in the front of her home. And then we could serve her.

19 MS. GIBONEY: I'll stop and move for the
20 admission of Exhibit 7C, if I didn't already.

21 MS. KLAUS: No objection.

22 Q. (By Ms. Giboney) Which portion --

23 JUDGE CLARK: Exhibit 7C is admitted on
24 the hearing record.

25 MS. GIBONEY: I apologize.

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1 Q. (By Ms. Giboney) Which portion of the --
2 well, let's break this down. Which portion of these
3 physical facilities belong to Ms. Wessling and which is
4 she responsible for in terms of cost?

5 A. Sure. She is responsible for the -- the
6 meter base. And most residents put their meter base on
7 their home themselves. But they're responsible for
8 that. And for putting in the underground conduit to
9 our transformer if they're going to take underground
10 service from us. And we are responsible for pulling
11 in, you know, the cable that we own the cable for. And
12 we own the cable.

13 So for us to do this job, we could -- since these
14 overhead lines are already here, we'd have to set a new
15 transformer for her and then we'd pull underground
16 cable into where her meter base would be. And then her
17 expense would be hiring an electrician to -- to build
18 something like this, you know, a central -- we call it
19 like a meter pedestal, is how we refer to that. Or to
20 put it on the both houses or however she choose --
21 chose to take -- chose to take service.

22 Q. So if --

23 MS. GIBONEY: Oh. Go ahead.

24 JUDGE CLARK: Let me ask you a few
25 questions based on what you said.

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1 THE WITNESS: Sure.

2 JUDGE CLARK: And you indicated that
3 initially she was at one point receiving service up
4 that main drive?

5 THE WITNESS: Best that I can tell, yes.

6 JUDGE CLARK: Do you know why it was
7 switched to behind?

8 THE WITNESS: I do not.

9 JUDGE CLARK: Was that -- do you know
10 if -- do you know if that was done at the behest of the
11 utility serving her or if that was done at her behest?

12 THE WITNESS: I don't know. But typically
13 we wouldn't require somebody to put a meter base in the
14 back yard and serve them like that. That would not be
15 something we would normally do.

16 JUDGE CLARK: But you have no idea of when
17 that was done?

18 THE WITNESS: I don't.

19 Q. (By Ms. Giboney) Even if Ms. Wessling
20 didn't maybe choose to switch her service to this
21 overhead line coming down her private drive, the
22 Company will continue to perform vegetation
23 management --

24 A. Yes.

25 Q. -- right? And continue to inspect its --

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1 its facilities?

2 A. Uh-huh.

3 Q. And continue to report on the reliability?

4 A. Sure.

5 Q. All right. And, in particular, continue
6 to respond to Ms. Wessling's particular concerns; is
7 that right?

8 A. Yes.

9 Q. All right. But chances are, in this
10 location, with the meter base where it is and her
11 service coming in, would you expect that her
12 reliability is going to be less than optimal compared
13 to other customers on that circuit?

14 A. Well, she's at the end of a long circuit.
15 The -- the circuit is eight miles long, but there's all
16 caps going out in different directions. So -- and as
17 the circuit goes, it starts out as three-phase, and
18 then it goes to single-phase as it goes to different
19 subdivisions. And she's at the very end of one the
20 caps and there's several fuses along the way, so she
21 has a lot of overhead exposure. So the chances of
22 something happening with all that exposure are greater,
23 especially with all the trees. And other circuits like
24 the one that comes down the main road here, that's --
25 mostly the -- the problem with that would be a car

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1 running off and hitting the pole.

2 Q. Which is less likely?

3 A. Yes.

4 Q. All right.

5 A. Yes. But if -- but if it does happen, our
6 linemen can get there quickly because it's right on the
7 road.

8 Q. All right. Let's just talk real briefly
9 about responding to outages. So we talked about sort
10 of the third leg on that stool and how you attempt to
11 continue to provide adequate, continuous service, you
12 know, with limited interruptions. What are just some
13 of the variables that play into actually responding and
14 then restoring service?

15 A. Sure. Typically, during the week, Monday
16 through Friday, we have a troubleman on duty from 7 in
17 the morning until 11 at night. So we're staffed. And
18 then on weekends, we have a troubleman on duty from
19 7:00 to 3:00. So if anything happens during that time,
20 a troubleman will get there pretty quickly in normal
21 cases unless a big storm is going on.

22 But then at nighttime, if there's a problem, then
23 we'd have to call out for a troubleman to come and
24 respond to it. So depending on the time of day and
25 where it is and what -- what else is going on in the

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1 division is how quickly we can initially respond to a
2 troubleman. A troubleman gets there and he makes the
3 initial assessment of what needs to get done. Many
4 things a troubleman can take care of, but sometimes a
5 troubleman has to call a crew in because there's more
6 damage than -- than he can handle.

7 And then a crew is called in. If it's during the
8 week, we have crews that are working regular jobs, that
9 they can respond. Restoring customers that are out of
10 service takes precedence over new business that's going
11 on. So paying customers always take precedence for
12 restoration.

13 But if it's at nighttime, after hours or a
14 weekend, then we have to do a crew call-out to get
15 them. And then if we're in a major storm, like most
16 recently, we had a big storm this past Thursday,
17 Friday, where we had 11,000 customers out, it will take
18 longer to respond because everybody is engaged in
19 restoration.

20 Q. All right. And you've looked at the
21 Company records, in particular, the Ameren Missouri 5C,
22 that show the outages that Ms. Wessling has
23 experienced?

24 A. I have.

25 Q. And that you've also looked into the

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1 amount of time that it's taken the Company to respond
2 and restore service; correct?

3 A. I have.

4 Q. All right. In your opinion, has the
5 Company reestablished service to Ms. Wessling with the
6 shortest possible delay?

7 A. We have.

8 MS. GIBONEY: All right. I think that's
9 all the question I have for you, Mr. Schnell.

10 JUDGE CLARK: Any cross from Staff?

11 MS. KLAUS: No.

12 JUDGE CLARK: I have a few questions for
13 you I just want to address real quickly, and you're
14 welcome to refer to any exhibit that you need to.

15 EXAMINATION BY REGULATORY LAW JUDGE
16 BY JUDGE CLARK:

17 Q. Ms. Wessling, in her complaint, points out
18 two particular dates, June 15th of 2017 and September
19 8th of 2017. She indicates that she had outages that
20 were of concern to her. What can you tell me about
21 those outages?

22 A. Okay. June 15th. Okay. June 15th, this
23 one was -- the same fuse blew as earlier, the 76
24 customers, 77 customers.

25 Q. And when you say the same fuse, is this

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1 the same fuse that you mentioned earlier as being
2 defective?

3 A. No, there was another one. The fuse had
4 blew. The fuse right here, Judge, that serves her.
5 And there's 77 customers, yeah, again, so that's --
6 that's why I know which one blew.

7 And there was rain that day, tree contact. And
8 we had a 2-hour and 11-minute outage.

9 Q. Okay. And the September 8th.

10 A. The September 8th one.

11 Q. I know you mentioned a September 9th one.

12 A. The 9th one on the 17th maybe, or --

13 Q. She mentions September 8th, 2017. Now, I
14 remember you mentioned September 9th, 2017.

15 A. I've got -- I've got on the 9th. So a
16 six-hour outage on that day. It says it was calm, 101
17 customers were out. I think this is the one I was
18 talking about with the -- the switch had to be
19 replaced.

20 Q. Okay. That answers that question.

21 JUDGE CLARK: I have no further questions
22 for you.

23 Does anybody have any follow-up based on my
24 questions?

25 MS. KLAUS: I don't think so.

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1 MS. GIBONEY: No, Judge.

2 JUDGE CLARK: You're excused.

3 THE WITNESS: Thank you.

4 MS. GIBONEY: Judge, Ameren Missouri calls
5 Aubrey Krcmar.

6 JUDGE CLARK: Ms. Krcmar, will you raise
7 your right hand to be sworn?

8 (Witness sworn)

9 AUBREY KRCMAR,
10 of lawful age, being first duly sworn to tell the truth
11 the whole truth, and nothing but the truth, testified
12 as follows:

13 DIRECT EXAMINATION

14 BY MS. GIBONEY:

15 Q. Would you please state and spell your name
16 for the court reporter.

17 A. Yes, my name is Aubrey Krcmar. It's
18 A-U-B-R-E-Y. Last name, K-R-C-M-A-R.

19 Q. All right. Ms. Krcmar, do you work for
20 Ameren Missouri?

21 A. Yes.

22 Q. What's your position?

23 A. I am the regulatory liaison in our
24 Regulatory Affairs Department.

25 Q. How long have you held that position?

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1 A. Just six months.

2 Q. And what position did you hold before that
3 and for how long?

4 A. Prior to that, I was with our Customer
5 Service/Customer Experience Department for 17 years.
6 And starting out as an advisor on the phone for eight,
7 our admin for five, and then the most recent four to
8 five years, I was a customer service supervisor.

9 Q. All right. As a customer service
10 supervisor and as a regulatory liaison, do you have
11 general knowledge of Ameren Missouri's methods of doing
12 business?

13 A. Yes.

14 Q. Do you also have technical and specialized
15 knowledge with respect to its billing practices?

16 A. Yes.

17 Q. What about its customer service protocols?

18 A. Yes.

19 Q. What about its recordkeeping with respect
20 to those subjects?

21 A. Yes.

22 Q. All right. Do you believe your testimony
23 will assist the Commission in understanding any
24 evidence relating to Ms. Wessling's account or contacts
25 about her account?

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1 A. Yes.

2 Q. All right. Are you also here today as
3 corporate representative of the Company?

4 A. I am.

5 Q. All right. In preparing today, did you
6 review some company records pertaining to
7 Ms. Wessling's service?

8 A. Yes.

9 Q. All right. Did you review an account
10 activity statement for her account?

11 A. I did.

12 Q. All right. Are those statements kept in
13 the company's ordinary course of business?

14 A. Yes.

15 Q. What are those statements used for by the
16 company?

17 A. Generally speaking, if a customer calls in
18 and needs help with explanation of a balance on an
19 account or charges on an account or the usage on an
20 account, one of our customer representatives, a
21 customer care advisor, refers to the account activity
22 statement to help clearly explain the charges and
23 payments and credits on an account.

24 Q. All right. You understand that part of
25 Ms. Wessling's complaint is her belief that she wanted

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1 to use less service in a period when she went on
2 vacation in June of 2017. She was unable to turn her
3 electricity down because of an outage?

4 A. Yes.

5 Q. All right. Have you had occasion to
6 compare the amount of service that was taken in that
7 30-day billing period in June of 2017 with a prior
8 similar billing period?

9 A. Yes, I compared that with the last year's,
10 2016's.

11 Q. All right. I'm handing you what's been
12 marked Ameren Missouri Exhibit 19C. All right. Can
13 you identify that?

14 A. Yes. That is an account activity
15 statement for Ms. Wessling's account.

16 Q. All right. And let me also hand you
17 Ameren Missouri Exhibit 21C.

18 Let's pass those down to Ms. Klaus, if you don't
19 mind.

20 A. Sure.

21 Q. All right. Can you identify 21C?

22 A. Yes, I can. That is taken from Weather
23 Underground. But that is a historical source that we
24 use for weather history for this particular location.

25 Q. How do you use that information in your

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1 daily business?

2 A. I use this in my normal course of
3 business. I prepare monthly a report of any complaints
4 that we've received -- the Company has received through
5 various sources, and I present this to the Ameren
6 Missouri president amongst other executives. And in my
7 monthly report, I include the historical weather data
8 as compared to the previous years, because we do find a
9 correlation between weather and the number of
10 complaints in certain situations.

11 Q. Okay. And this Weather Underground is the
12 source you rely on?

13 A. Yes.

14 Q. All right.

15 MS. GIBONEY: Let me just move for the
16 admission of Exhibits 19C and 21C.

17 MS. KLAUS: No objection.

18 JUDGE CLARK: Any objection?

19 MS. KLAUS: No, Judge.

20 JUDGE CLARK: Exhibit 19C and Exhibit 21C
21 will be admitted on the hearing record.

22 Q. (By Ms. Giboney) Ms. Krcmar, when you
23 compared the weather for those mid-June, mid-July
24 periods of 2017 and 2016, what did they show?

25 A. They showed that -- and I used the date

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1 period which exactly correlated with the specific
2 billing dates for the particular periods. But in June
3 of -- June 13th through July 13th of 2016, compared to
4 the same era of June 12th through July 12th of 2017,
5 the temperature, the mean average temperature was very
6 similar. It's only about a degree off.

7 Q. All right. And when you compare the usage
8 -- the -- the service that was provided, the kilowatt
9 hours of electricity provided to Ms. Wessling for those
10 two periods, how did they compare?

11 A. The actual usage, she used 3,569 kilowatts
12 in the 2016 time frame. And in the 2017 time frame,
13 she only used -- well, she used 2,575 kilowatts, for a
14 difference of approximately 1,000 kilowatts less, in
15 2017.

16 Q. All right. What were the amounts billed
17 for that period of service?

18 A. Amounts billed. In 2016, the amount
19 billed was \$482.88. And in June to July of 2017, it
20 was \$373.82.

21 Q. So the bill was less during the period of
22 the most recent year?

23 A. Yes. A little more than \$100 less.

24 Q. All right. And you understand as part of
25 her complaint, Ms. Wessling was -- has explained that

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1 the morning of the 15th she left on vacation and was --
2 alleged in her complaint that she was unable to turn
3 down her thermostat or turn off lights or those things;
4 correct?

5 A. Yes.

6 Q. But it appears that her usage was actually
7 much lower in the -- in the current period; is that
8 correct?

9 A. That is correct.

10 Q. All right. You understand that
11 Ms. Wessling has asked for relief or some sort of
12 offset to her bill to reflect the service that she took
13 in that June to July period of this year?

14 A. Yes.

15 Q. All right. Is there any -- to your
16 knowledge, any Company tariff or Commission regulation
17 that requires or even permits the Company to adjust a
18 bill based on a customer's outage?

19 A. No, there is not.

20 Q. All right. What is a customer bill based
21 on?

22 A. They're billed for the amount of usage,
23 the amount of electricity actually used. So obviously
24 during a time of an outage, they're not being billed
25 because they're not using any electricity.

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1 Q. All right. But they are billed for their
2 actual usage?

3 A. They are.

4 Q. All right. If a customer would like to
5 not be billed for usage, what do they need to do?

6 A. The only way that a customer can -- is no
7 longer billed for services is if they call to request
8 us to terminate their service.

9 Q. All right. And until that time, are they
10 responsible for service?

11 A. Yes.

12 Q. All right. I'm handing you what has been
13 marked Ameren Missouri Exhibit 23. Do you recognize
14 that?

15 A. I do. That is our tariff regarding
16 customer obligations.

17 Q. All right. And what is the tariff sheet
18 number at the top?

19 A. 103.

20 Q. And what is the effective date shown at
21 the bottom?

22 A. May 31, 2013. No, I'm sorry. That was
23 the date issued. The date effective was June 30 of
24 2013.

25 MS. GIBONEY: All right. Judge, I'd move

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1 for the admission of Ameren Missouri Exhibit 23.

2 MS. KLAUS: No objection from Staff.

3 JUDGE CLARK: Ameren Exhibit 23 is
4 admitted on the hearing record.

5 Q. (By Ms. Giboney) Ms. Krcmar, could you
6 please identify for the Commission which of those
7 numbered sub-paragraphs relates to the customer's
8 responsibility for electric service?

9 A. Sure. That would be 7.

10 Q. And what does that say?

11 A. "The customer shall be responsible for
12 payment of all electric service used on customer's
13 premises and for all requirements of the provisions of
14 the service classification under which the electric
15 service is provided, until such time as customer
16 notifies the company to terminate service." (as read)

17 Q. All right. Have you reviewed the call --
18 well, let me ask you this: Does the company keep a
19 record of the contacts that are made to the customer
20 and from the customer?

21 A. Yes, we do.

22 Q. All right. What do you call that record?

23 A. We call that our contacts list.

24 Q. All right. Have you reviewed the contacts
25 list for Ms. Wessling's account?

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1 A. Yes, I have.

2 Q. All right. I'm handing you what's been
3 marked Ameren Missouri Exhibit 20C. Do you recognize
4 that?

5 A. I do.

6 Q. And what is that?

7 A. This is the record of all contacts on
8 Ms. Wessling's account. These are contacts made via --
9 a contact is made any time a customer calls in and a
10 contact is made by the advisor speaking with the
11 customer. A lot of automatic contacts are made, such
12 as a disconnection notice is being sent out or outbound
13 calls for a restoration check during -- after an outage
14 has been restored. Those are our -- those are our
15 automatic contacts that are made.

16 We also have a contact on the account any time a
17 customer calls in and they get a get a voice response
18 unit and reports an outage or checks the status of an
19 outage. Any time, of course, they talk with an
20 advisor, the advisor is trained to put the contact on
21 the account with basically a summary of what they've
22 discussed.

23 Q. All right.

24 MS. GIBONEY: Judge, I'd move for the
25 admission of Ameren Missouri Exhibit 20C.

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1 JUDGE CLARK: Any objection?

2 MS. KLAUS: No objection.

3 Q. (By Ms. Giboney) Ms. Krcmar, do these
4 contacts from Ms. Wessling's account --

5 JUDGE CLARK: Exhibit 20C is admitted onto
6 the hearing record.

7 MS. GIBONEY: I apologize.

8 Q. (By Ms. Giboney) Ms. Krcmar, do these
9 contacts from Ms. Wessling's account, in your review,
10 show that she ever called to terminate service in her
11 name at this address?

12 A. No.

13 Q. All right. Oh, incidentally, as -- as
14 part of the complaint, I believe Ms. Wessling alleged
15 that she had made multiple or frequent calls reporting
16 outages or discussing outages. I don't believe she
17 mentioned the number of times. But did you review
18 these contacts to determine the number of times that
19 the Company has made a record of call about outages to
20 Ms. Wessling?

21 A. Yes.

22 Q. All right. How many calls did you find?

23 A. In 2016, I found one call. And then 2017,
24 there were a total of four calls. There were three
25 calls that could be reflected in the contacts.

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1 Q. All right. And so you found another call
2 that wasn't reflected in the contacts?

3 A. I did.

4 Q. All right. How did you find that call?

5 A. We also have -- we record our calls, both
6 incoming and outgoing, through our system. And we can
7 search by a telephone number. There are many different
8 ways to search for a call, but we can look for a call
9 by searching the telephone number that the customers
10 use. So I did run Ms. Wessling's telephone number
11 through our system just to make sure that we had
12 captured all of her interactions with us. And I did
13 find a call that she had made on September 9th that was
14 -- she spoke with an advisor. The advisor failed to
15 make a note of that call. And so it's not reflected on
16 the contacts.

17 Q. All right. But we have a record of it?

18 A. We do have a record of it, yes.

19 Q. All right.

20 MS. GIBONEY: I don't think I have -- I
21 have no further questions for the witness.

22 JUDGE CLARK: Any cross-examination from
23 Staff?

24 MS. KLAUS: No questions.

25 JUDGE CLARK: I have no questions,

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1 Ms. Krcmar. Thank you, Ms. Krcmar.

2 THE WITNESS: Yes.

3 JUDGE CLARK: Thank you for your testimony
4 here.

5 MS. GIBONEY: No further testimony, Judge.

6 JUDGE CLARK: Okay. You had a number of
7 exhibits that you did admit. Did you just choose not
8 to --

9 MS. GIBONEY: I believe that I did choose
10 not to admit. Could we review what's been offered and
11 admitted?

12 JUDGE CLARK: Sure.

13 MS. GIBONEY: Thank you.

14 JUDGE CLARK: Staff, I've got 100C and
15 101.

16 MS. KLAUS: Uh-huh.

17 JUDGE CLARK: I've got -- just to kind of
18 do it in order, I've got -- and I will use the C's.

19 I've got 1, 2, 3, 4, 5, 6, 7. No 8. 9, 10, 11,
20 12, 13, 14, 15, 19, 20, 21 and 23.

21 MS. GIBONEY: I don't have any other
22 exhibits that I wish to admit, Judge. Thank you.

23 JUDGE CLARK: Okay. Thank you.

24 If there are any late exhibits that need to be
25 filed, provide a copy to all parties and then written

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1 objections will need to be filed with the Commission. I
2 guess I'll set a deadline for that. About one week.
3 So next Tuesday.

4 Any other matters that need to be taken up at
5 this time?

6 MS. GIBONEY: I guess we just wonder about
7 scheduling of any briefing or any other requirements?

8 JUDGE CLARK: I was actually going to get
9 to that after I --

10 MS. GIBONEY: All right.

11 JUDGE CLARK: Okay. Does either -- does
12 Ameren desire to do a brief?

13 MS. GIBONEY: Does the Commission desire
14 that Ameren prepare a brief?

15 JUDGE CLARK: That wasn't my question. My
16 question was: Does Ameren want to do a brief?

17 MS. GIBONEY: No, Judge, I believe we've
18 covered the law and the regulations in our answer. But
19 we are happy to brief this.

20 JUDGE CLARK: I understand. And I
21 appreciate that.

22 Does Staff have any desire to do a brief?

23 MS. KLAUS: No, Judge.

24 JUDGE CLARK: I'm not going to order
25 briefs. And I don't have any questions that I don't

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1 believe have been answered by testimony. Any other
2 questions that I would have would be for Ms. Wessling,
3 who is not available herself for today's hearing.

4 With that in mind, if there's nothing further,
5 we'll adjourn the hearing at this time and go off the
6 record. Thank you all for your time.

7 (Off the record.)
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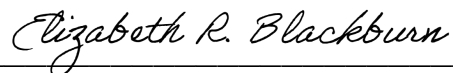
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1 STATE OF MISSOURI)

2 COUNTY OF PIKE)

3
4 I, Elizabeth R. Blackburn, a Certified Court
5 Reporter within and for the State of Missouri, do
6 certify that I was present at the St. Charles County
7 Administration Building, 201 North Second Street, Rooms
8 115 and 116, in the City of St. Charles, State of
9 Missouri, on the 19th day of June, A.D., 2018; that
10 thereafter, a hearing was held, commencing at 9:15 in
11 the morning of that day, that all proceedings which
12 then transpired were contemporaneously reduced to voice
13 writing by me, and later transcribed into typewriting,
14 and that the foregoing 95 pages are a true and accurate
15 transcript of the record of proceedings made by me at
16 that time.

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 this 2nd day of July, A.D., 2018.

19
20
21 

22 Elizabeth R. Blackburn #1092
23 Certified Court Reporter within
24 and for the State of Missouri
25

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