

In the Matter of:  
**Barbara Edwards**  
v.  
**Evergy Missouri West**

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**EC-2020-0252, VOL 1**

*May 19, 2020*

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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
Procedural Conference  
May 19, 2020  
Jefferson City, Missouri  
Volume 1

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Barbara Edwards,	)	
	)	
Complainant,	)	
	)	
Vs.	)	File No. EC-2020-0252
	)	
Evergy Missouri West, Inc.,	)	
	)	
Respondent.	)	

JANA JACOBS, Presiding  
REGULATORY LAW JUDGE

REPORTED BY:  
Cindy Keast Plowman, CCR No. 774  
TIGER COURT REPORTING, LLC

A P P E A R A N C E S

TRAVIS PRINGLE, Legal Counsel  
TAMMY HUBER  
AMANDA COFFER  
JOEL SMITH, Intern Staff Counsel Office  
Suite 800  
200 Madison Street  
P.O. Box 360  
Jefferson City, Missouri 65102-0360  
FOR: Staff of the Public Service Commission

ROGER W. STEINER, Attorney at Law  
TIA ALEXANDER, Regulatory Affairs Department  
1200 Main Street  
Kansas City, Missouri 64105  
FOR: Evergy Missouri West

Also participating: Barbara Edwards

P R O C E E D I N G S

JUDGE JACOBS: So we are on the record for the conference scheduled today which is May 19th, 2020 in this matter which is file Number EC-2020-0252. This concerns Ms. Barbara Edwards, the complainant, and Evergy Missouri West, Incorporated, doing business as Evergy Missouri West, the respondent.

It looks like there's actually a couple -- No. I got the Evergy entities correct there.

So the conference was set for one-fifteen p.m. today.

It is now one-seventeen p.m. I thank everyone for being on time. My name is Jana Jacobs. I am the Regulatory Law Judge assigned to this matter and this conference is being conducted by telephone. The Commission has set this time for a procedural conference in this case.

The purpose of the conference is to allow the parties to meet to establish a hearing date and discuss other procedural issues. Once I leave the call, the parties may wish to discuss the possibility of settlement to resolve this case.

The purpose of the conference is not to resolve Ms. Edwards' claim so we will not be hearing any argument today about the facts or allegations in this case. Instead we're simply getting together to give you the opportunity to discuss the process for resolving the

1 case.

2 We have a court reporter on the line who will be  
3 preparing a transcript of the on-the-record portion of  
4 this conference. In addition, one of the Commission's  
5 Senior Regulatory Law Judges, Mr. Ron Pridgin is also on  
6 the line to observe today.

7 I will begin by asking the parties to enter their  
8 appearances for the record. So let's start with the  
9 complainant, Ms. Barbara Edwards. Ms. Edwards, if you  
10 would just give your name and then spell it for the  
11 court reporter, please, ma'am.

12 MS. EDWARDS: Thank you. It's Barbara,  
13 B-a-r-b-a-r-a, Edwards, capital E-d-w-a-r-d-s.

14 JUDGE JACOBS: Thank you very much, ma'am.  
15 And because we're all participating by phone, I'm going  
16 to ask the lawyers who are participating here today to  
17 identify themselves by name and then provide your  
18 address and phone number for the court reporter.  
19 We'll start with the company. So Mr. Steiner, for  
20 Every Missouri West.

21 MR. STEINER: Yes. Let the record reflect  
22 the appearance of Roger W. Steiner for Every Missouri  
23 West. My address is 1200 Main Street, Kansas City,  
24 Missouri, 64105. Phone number is 618-556-2314.

25 JUDGE JACOBS: Thank you very much, sir.

1 And appearing for Commission staff today?

2 MR. PRINGLE: Good morning, Judge. This is  
3 Travis Pringle, legal counsel for the Staff, Missouri  
4 Public Service Commission. My address is 200 Madison  
5 Street, P.O. Box 360. Phone number, 573-751-4140.

6 I am also joined by Tammy Huber and Amanda  
7 Coffer from Staff. And Joel Smith, Intern for the Staff  
8 Counsel Office.

9 JUDGE JACOBS: Okay. Thank you very much,  
10 Mr. Pringle.

11 Mr. Steiner, did you want to introduce  
12 anyone who's on the line for the company?

13 MR. PRINGLE: Tia Alexander is from the  
14 regulatory affairs department of Evergy.

15 JUDGE JACOBS: Okay. Ms. Alexander, how do  
16 you spell your name?

17 MS. ALEXANDER: First name is T-i-a. Last  
18 name is A-l-e-x-a-n-d-e-r.

19 JUDGE JACOBS: Okay. Thank you very much.

20 And I don't believe we have anyone on the  
21 line today for Office of Public Counsel. So I think  
22 everyone who appears with us has been introduced. If I  
23 missed you, speak up now, but I don't think I should  
24 have missed anyone.

25 Okay. So first I'll just start with asking

1 the parties whether there's any preliminary matters that  
2 you would like to discuss at this time.

3 MR. STEINER: I don't have any, Judge.

4 JUDGE JACOBS: And I'm sorry --

5 MS. EDWARDS: I have a question.

6 JUDGE JACOBS: First of all -- Ms. Edwards,  
7 I'll come back to you. I just want to figure out who  
8 was it who said that they didn't have any. I just want  
9 to make sure the court reporter knows who the different  
10 male voices are on the line.

11 MR. STEINER: I'm sorry. No problem, Judge.  
12 Roger Steiner does not have any preliminary questions.

13 JUDGE JACOBS: Thank you very much. I don't  
14 think we've heard enough from any of you today to  
15 distinguish your voices so I appreciate that.

16 Okay. Ms. Edwards, would you like to go  
17 ahead, ma'am.

18 MS. EDWARDS: Yes. I'd like to ask: Does  
19 the State agency -- the Commission and the State have  
20 powers greater than the Constitution of the United  
21 States of America?

22 JUDGE JACOBS: So we're not going to engage  
23 in a discussion of legal concepts today. As I said  
24 before, this is a procedural conference. So you have  
25 complained to the Commission, so you've asked the

1 Commission for some sort of relief. Your complaint has  
2 come to the Commission.

3 MS. EDWARDS: Right. I understand that.  
4 Thank you.

5 JUDGE JACOBS: Okay. All right. So one  
6 question that I've had is whether this case should be  
7 designated a small formal complaint under the  
8 Commission's rules.

9 Staff or anyone else, would you like to  
10 address that issue at all at this time?

11 MR. PRINGLE: I believe that would be --  
12 that is what we've been going under.

13 JUDGE JACOBS: I don't think it has actually  
14 been designated a small formal complaint yet.

15 (A discussion was held off the record.)

16 JUDGE JACOBS: So in fact, your case has  
17 not -- that designation hasn't been made. And so I've  
18 been considering whether it should be.

19 So Mr. Pringle, you're saying that  
20 essentially Staff has proceeded essentially on the  
21 assumption that that designation would be made?

22 MR. PRINGLE: Yes. If it's within the  
23 approved formal complaint process to proceed.

24 JUDGE JACOBS: Right. And then within the  
25 complaint process, a case could be considered a small



1 formal complaint which is kind of a separate subset of a  
2 complaint.

3 MR. PRINGLE: Yes.

4 JUDGE JACOBS: Okay.

5 MR. PRINGLE: So that's for -- I think it's  
6 below a thousand dollars at issue.

7 JUDGE JACOBS: I think it's a three thousand  
8 dollar threshold.

9 MR. PRINGLE: Okay.

10 JUDGE JACOBS: Okay. So Mr. Steiner, is  
11 there anything you want to say today about whether or  
12 not that designation should be made in this case?

13 MR. STEINER: No. That's fine if that's  
14 what the Commission thinks it should be.

15 JUDGE JACOBS: Okay. So Ms. Edwards, I  
16 believe that when this case was started, a copy of the  
17 Commission's rules were mailed to you and that  
18 information is also available on-line if you have access  
19 to the Internet to find that information.

20 But what I'm mentioning here is just a set  
21 of rules that deal with a consumer complaint where the  
22 allegations are of less than three thousand dollars or  
23 three thousand dollars or less. So I'm just asking  
24 whether this case should be treated that way, okay?

25 MS. EDWARDS: Well, I think if I had to take

1 this to court, if this goes further, it's going to be a  
2 lot more than three thousand dollars.

3 JUDGE JACOBS: Okay. And that raises a  
4 question of how much, is what you're asking the  
5 Commission actually has the authority to deal with.

6 So in order to determine how the case should  
7 be handled, that's one of the questions that would be  
8 posed. Because, of course, the Commission isn't a  
9 court.

10 MS. EDWARDS: Okay.

11 JUDGE JACOBS: It's an administrative  
12 agency.

13 MS. EDWARDS: Right.

14 JUDGE JACOBS: So it doesn't have all the  
15 authority that a judge may have.

16 MS. EDWARDS: Right.

17 JUDGE JACOBS: Okay.

18 MS. EDWARDS: Okay. So --

19 JUDGE JACOBS: I just wanted to raise the  
20 issue to let the parties know that that designation  
21 hasn't been made in the case, and the result of that  
22 designation kind of changes, to some degree, the way the  
23 case could be handled.

24 So is that something the parties are willing  
25 to discuss today once I'm no longer on the line? And if

1 it seems appropriate to include something like that in a  
2 proposed procedural schedule or let me know your  
3 thoughts on it. I would welcome that. If I don't have  
4 get that, I might ask for it later.

5 MS. EDWARDS: I don't have the law degree to  
6 really understand whether that would be appropriate to  
7 designate it as a small formal complaint. And as well,  
8 I think the attorneys and I would hope that the Staff  
9 attorneys -- I'm sure everybody has probably read the  
10 letters that were sent and my stand.

11 So I think, at this point, I'm just going to  
12 have to trust you to insure that my further actions  
13 would be appropriate if necessary.

14 MR. PRINGLE: Yeah. This is Travis Pringle,  
15 Staff Counsel. I can go through and make sure if this  
16 is the correct -- if the small formal complaint is the  
17 correct process for us going forward, Judge.

18 JUDGE JACOBS: Okay. And the reason I'm  
19 bringing that up is just because it does affect, to some  
20 degree, where a hearing would take place. And really  
21 when and where and how a hearing is going to be  
22 conducted is one of the main issues that needs to be  
23 resolved at a procedural conference. And so that's why  
24 I felt like I needed to bring that up.

25 Okay. So I will let the parties discuss

1 that when I am no longer be on the line and I'll see  
2 what you all come up with. If it's necessary to revisit  
3 this issue with another conference, then we'll do that,  
4 okay?

5 MS. EDWARDS: Okay.

6 JUDGE JACOBS: All right. So as I said, one  
7 of the real reasons that we're here is to talk about a  
8 proposed procedural schedule. I was going to request if  
9 Staff Counsel could submit that schedule on behalf of  
10 the parties.

11 Mr. Pringle, is that something that you can  
12 do?

13 MR. PRINGLE: Yes, Judge. I can go ahead  
14 and do that for us.

15 JUDGE JACOBS: Okay. Thank you. I'd like  
16 to ask you to do that in ten days. Would that work?

17 MR. PRINGLE: Yes. That shouldn't be a  
18 problem. That would be, I think -- Would that be by  
19 next Friday? Next Thursday?

20 JUDGE JACOBS: The 29th. I never am very  
21 good at visualizing calendars in my head. Let's see.

22 MR. PRINGLE: Yeah. The 29th would be  
23 Friday.

24 JUDGE JACOBS: Yep. Very good. Okay.

25 So the issues that I would hope you would

1 include in the schedule, the proposed schedule, would be  
2 whether the parties, in this case, are able to  
3 participate in a hearing by phone or by video conference  
4 over the Internet, given this situation that we're in  
5 with some limited use of certain buildings and  
6 continuing restrictions on groups of people assembling  
7 with the Covid-19 pandemic.

8 I think to plan the resolution of this case,  
9 I think it's safe to assume that we're going to have  
10 limited venues available to actually come together  
11 in-person. So what I'll need you to talk about is the  
12 viability of conducting a hearing, if it's necessary to  
13 have one, over the phone or over video conference. And  
14 then --

15 MR. PRINGLE: Okay.

16 JUDGE JACOBS: -- a date of range -- I'm  
17 sorry -- a range of proposed dates for such a hearing.

18 And then another issue would be whether we  
19 would use pretrial written testimony in this case or if  
20 some of the parties would like to use that. And you  
21 might need to discuss with Ms. Edwards how that works.  
22 And we can talk about that now if you'd like.

23 But typically, Ms. Edwards, often in  
24 Commission proceedings, testimony is submitted in a Q  
25 and A format that is written. So instead of having a

1 witness appear and give all their testimony in front of  
2 the Commission, all of that is written down, and that  
3 that person might be subject to some additional  
4 questions about their testimony that may take place  
5 in-person live. So --

6 MS. EDWARDS: While I was reading over some  
7 of the rules and practices of the code, State  
8 regulations somewhere -- I don't know where it was that  
9 I read that -- that they talked about this. They talked  
10 about the fact of having a meeting place that is more  
11 conducive or to being closer to where the complainant  
12 resides. And --

13 JUDGE JACOBS: And that issue is related to  
14 whether or not this case should be a small formal  
15 complaint. So that's one of the provisions in the  
16 Commission's rules for small formal complaints.

17 MS. EDWARDS: Oh, I see. I see. Thank you.

18 JUDGE JACOBS: Okay. And even -- But even  
19 understanding that undercurrent circumstances, I believe  
20 you would be in the Kansas City area. So then there be  
21 a question about whether the Commission facilities in  
22 that area are available for a hearing.

23 So we have a real logistical problem about  
24 whether we can come together and have a hearing  
25 in-person or not. And so that's why I'm asking the

1 parties to talk about what our alternative ways of  
2 conducting a hearing might be.

3 MS. EDWARDS: Thank you.

4 JUDGE JACOBS: Okay. And then -- So those  
5 are the main things that I think you're -- that I would  
6 want to make sure that you include in a proposed  
7 schedule. And you know, Ms. Edwards, you could just  
8 point out the issue of having a hearing in-person and  
9 you correctly remembered that there's a mention of  
10 conducting a hearing in small formal complaints closer  
11 to where the service is provided.

12 But as I said before, we have a real  
13 question about whether we would be able to have a  
14 hearing in this case in-person anytime soon. And so I  
15 did notice that you don't have an e-mail address on  
16 record in this case. So I don't know what your ability  
17 for Internet access is or anything like that.

18 MS. EDWARDS: I do have an e-mail address.  
19 And I actually gave it to -- I don't remember who I  
20 talked with yesterday. I think it was -- Oh, it was  
21 Tammy. Tammy should have that.

22 Tammy, do you still have my e-mail address?

23 MS. HUBER: Yes, I do.

24 MS. EDWARDS: Okay.

25 JUDGE JACOBS: Okay. So Ms. Edwards, is

1 e-mail -- I mean, do you have ready access to e-mail;  
2 you check your e-mail; you're able to check it whenever  
3 you want to; and you have access to the Internet?

4 MS. EDWARDS: I do have access to the  
5 Internet. My computer has been giving me problems here  
6 in the last several days. I do live out in the rural  
7 area so sometimes the Internet is not always available  
8 and working properly.

9 JUDGE JACOBS: Okay.

10 MS. EDWARDS: You know, without good  
11 service, it makes a difference.

12 JUDGE JACOBS: Okay. So I think --

13 MS. EDWARDS: Generally I would say I could  
14 get in.

15 JUDGE JACOBS: Okay. Have you --

16 MS. EDWARDS: I'm sorry.

17 JUDGE JACOBS: Have you participated in  
18 video conferences at all? Have you done any video  
19 conferencing?

20 MS. EDWARDS: I've done some -- I've done  
21 some video conferencing with school because my  
22 great-grandson is -- you know, with the Corona virus,  
23 I've been kind of home schooling him. And so I've done  
24 something like -- I don't remember -- I've used Zoom out  
25 here with our church trying to -- you know, for church



1 services. But Zoom doesn't seem to -- It floats in and  
2 out. So the other thing I did was -- they called it a  
3 Team app and I put that on my phone. And I was adapting  
4 to work better than the Zoom did. So that's the extent  
5 of any type of conference, just basically with the  
6 elementary school.

7 JUDGE JACOBS: Okay. So you have done some  
8 conferencing with -- for school and church; you have  
9 some experience with that. You have maybe  
10 intermittent -- maybe not super reliable Internet but  
11 you do have Internet access at your house.

12 MS. EDWARD: Yes.

13 JUDGE JACOBS: Okay. And I will ask that  
14 you discuss this with -- if I can impose upon Staff in  
15 that way, I would ask that after I get off the call, if  
16 Staff could talk to Ms. Edwards about whether or not she  
17 wants to use e-mail as a means of communication in this  
18 case, and if she wants to do that, to make sure that  
19 information is included on EFIS so that her e-mail  
20 address is there.

21 If we were to actually try to do a  
22 web-conference hearing in this case, Ms. Edwards would  
23 need to have reliable -- and be using her e-mail to make  
24 sure that she had all the information she needed to  
25 participate in a conference.

1           It's also possible, Ms. Edwards, that you  
2 might be able to use -- It sounds like you have a smart  
3 phone of some kind. You might be able to use your phone  
4 to participate in a conference.

5           MS. EDWARDS: Right.

6           JUDGE JACOBS: Okay. So Staff Counsel,  
7 please go ahead and let me know if that is something  
8 that you think Staff could do here and that's within the  
9 kind of rules that Staff normally takes on in these  
10 cases or not.

11           MR. PRINGLE: Normally -- This is Travis  
12 Pringle with Staff Counsel. Normally the complainant's  
13 contact info is always just located in the Complaint.  
14 But since her file, as a whole, is confidential and not  
15 open to the public, I don't think it would be a problem  
16 if you do want a filing with her saying, I want  
17 correspondence in this e-mail account.

18           JUDGE JACOBS: Right. I'm just trying to --  
19 Because she doesn't have e-mail included at all on EFIS  
20 right now, I'm trying to avoid putting it on the record  
21 in this discussion. And I also want her to have a  
22 chance to consider whether her e-mail is reliable enough  
23 that that's how she should be communicating with the  
24 Commission.

25           And that all seems to be wrapped up with

1 this -- you know, whether her Internet access is good  
2 enough to do a hearing that way.

3 So I guess what I'm saying is, that in your  
4 discussion, if the parties decide that we can go ahead  
5 and attempt a virtual or video conference hearing in  
6 this matter, then we need make sure that Ms. Edwards'  
7 e-mail address is part of her contact information.

8 And if Staff could help with that, I would  
9 appreciate it. I don't really know how else to  
10 accomplish that.

11 MR. PRINGLE: Yeah. We can make sure that  
12 that e-mail address, or whatever is going to be used for  
13 the hearing, has e-mail attached to it.

14 MS. JACOBS: Okay. Thank you.

15 So those are the main issues that I was  
16 concerned to have addressed in a proposed procedural  
17 schedule. Does anybody have anything else that they  
18 want to talk about that before I excuse myself from the  
19 call and allow all the parties to talk?

20 MR. PRINGLE: For Staff Counsel, Judge, I  
21 just want to make sure I've got the rundown on my notes  
22 right. I have, for what you want to see in the  
23 procedural schedule file, whether we're going to do a  
24 hearing by phone or by video; a range of proposed dates  
25 for the hearing; whether we'll do pretrial versus live

1 testimony; and a confirmation of an e-mail address from  
2 for Ms. Edwards.

3 JUDGE JACOBS: Yes. That sounds right to  
4 me. Thank you.

5 Okay. Mr. Steiner, did you have anything  
6 you wanted to say before I ended the call?

7 MR. STEINER: Judge, I had filed a Motion to  
8 Dismiss and wanted to know if the Commission is going to  
9 entertain that before we actually got down to having a  
10 hearing.

11 JUDGE JACOBS: Okay. Let me take a look at  
12 this. So I notice your Motion is included in your  
13 Answer so I think that if you wanted to have that  
14 addressed, it would be best if you put that in a Motion  
15 that complied in every way with the Commission's rule  
16 for -- What do they call it -- Summary Disposition.

17 MR. STEINER: Disposition.

18 Okay.

19 JUDGE JACOBS: Yes. So a lot of people  
20 simply throw a Motion to Dismiss in with their Answer.  
21 I understand why they do it. But the Commission has a  
22 rule that addresses summary determination and allows you  
23 to ask for that after the filing of a Responsive  
24 Pleading.

25 So I think that requires you to do it after

1 you filed your Answer. And it also includes some  
2 specifics for how that's done. So I think that's the  
3 best way to get that addressed.

4 MR. STEINER: Thank you very much.

5 JUDGE JACOBS: If I could make that  
6 suggestion there. Okay.

7 MR. STEINER: Thank you very much. The  
8 Commission doesn't ever take those up so I appreciate  
9 that.

10 JUDGE JACOBS: Well, that's just one  
11 person's evaluation of the situation.

12 MR. STEINER: I understand.

13 JUDGE JACOBS: Okay.

14 MS. EDWARDS: So we're not -- Your Honor,  
15 would I have the right to object to that? Because  
16 there's some objections I have to that already.

17 JUDGE JACOBS: And it sounds like you have  
18 taken a look at the rules the Commission operates under,  
19 Ms. Edwards. And I can't provide you any legal advice  
20 about what your rights would be.

21 There is a rule that governs Summary  
22 Disposition as I just mentioned. And so you could take  
23 a look at that if you wanted to figure out how it would  
24 be handled under the rule. Okay?

25 MS. EDWARDS: Thank you.

1 JUDGE JACOBS: Okay. All right.

2 Mr. Steiner, do you have anything else?

3 MR. STEINER: I do not. Thank you.

4 JUDGE EDWARDS: Okay. And Ms. Edwards, did  
5 you have anything else?

6 MS. EDWARDS: No, thank you.

7 JUDGE JACOBS: Okay. And one important  
8 point that I have not yet made is that, in addition to  
9 the proposed procedural schedule, this hearing -- or  
10 this preconference hearing is scheduled to get you all  
11 together. In addition to talking about the process, you  
12 can also talk about whether it's possible to resolve the  
13 case without going to hearing.

14 So I believe that this line is reserved for  
15 your use until three-fifteen, quite awhile there. Yeah.  
16 So you have some time to discuss whether it's possible  
17 to resolve this case without a hearing. And I would  
18 invite you all to take advantage of that opportunity,  
19 once I'm off the line, as well.

20 So I'm going to disconnect my audio line.  
21 And I believe Mr. Pridgin will also do so. And then you  
22 will just be on the line together and I won't be able to  
23 hear the rest of your discussion.

24 So I'm going to excuse myself now unless  
25 anyone needs anything else.

1                   So hearing no additional requests or  
2       comments from anyone else, we are now off the record.  
3       Thank you so much.   Have a great day.

4                               (Off the record.)  
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C E R T I F I C A T E

I, Cindy Keast Plowman, Certified Court Reporter,  
do hereby certify that the proceedings had in the matter  
set forth in the caption page hereon were reported in  
shorthand by me, afterwards transcribed, and the  
foregoing is a true and complete transcript of said  
shorthand notes.



Cindy Keast Plowman, CCR No. 774

Date: May 20, 2020



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