

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

STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

CRAIG MERSHON,)
Complainant,) EC-2013-0521
vs.) DANIEL JORDAN
UNION ELECTRIC COMPANY d/b/a) SENIOR REGULATORY
AMEREN MISSOURI,) LAW JUDGE
Respondent.)

Pre-Hearing Conference

January 28, 2014

St. Louis, Missouri

Volume 4

REPORTED BY SARAH POKORSKI, CCR 745

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3 TRANSCRIPT OF PROCEEDINGS
4
5

6 CRAIG MERSHON,)
7 Complainant,) EC-2013-0521
8 vs.) DANIEL JORDAN
9 UNION ELECTRIC COMPANY d/b/a) SENIOR REGULATORY
10 AMEREN MISSOURI,) LAW JUDGE
11 Respondent.)
12

13 PRE-HEARING CONFERENCE held on January
14 28, 2014, between the hours of eight o'clock in the
15 forenoon and six o'clock in the afternoon of that day,
16 at the Missouri Public Service Commission, 200 Madison
17 Street, Jefferson City, Missouri, before Sarah J.
18 Pokorski, a Certified Court Reporter and Notary Public
19 within and for the State of Missouri, in a certain
20 cause now pending before the Public Service
21 Commission, between CRAIG MERSHON, Complainant vs.
22 UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI,
23 Respondent.
24
25

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

2 For the Respondent:

SMITH LEWIS

3 Sarah Giboney

111 South 9th Street

4 Suite 200

Columbia, Missouri 65201

5 573-443-3141

giboney@smithlewis.com

6

7 For the Public Service Commission:

Jeffrey A. Keevil

8 P.O. Box 360

Jefferson City, Missouri 65102

9 573-526-4887

jeff.keevil@psc.mo.gov

10

11 For the Complainant:

Craig Mershon

12 (By telephone.)

13

Also Present:

14 Cathy Hart

15 Gay Fred

16 Justin Edwards

17

18 Court Reporter:

19 Sarah J. Pokorski, CCR

20 Missouri CCR No. 745

21 Midwest Litigation Services

22 711 North Eleventh Street

23 St. Louis, Missouri 63101

24 314-644-2191

25 1-800-280-DEPO

1 IT IS HEREBY STIPULATED AND AGREED by and
2 between counsel for the Complainant and counsel for
3 the Respondent that this hearing may be taken in
4 shorthand by Sarah J. Pokorski, CCR, a Certified Court
5 Reporter and Notary Public, and afterwards transcribed
6 into typewriting.

7

8 * * * * *

9

10 (Starting time of the hearing: 10:04 a.m.)

11

12 THE COURT: Let's go on the record. The
13 Commission is calling the case in File Number
14 EC-2014-0521, which is the complaint of Craig
15 Mershon -- I'm sorry. That's -- that file number is
16 EC-2013-0521. Thank you. And that is the complaint
17 of Craig Mershon versus Union Electric Company doing
18 business as Ameren, Missouri. I am Daniel Jordan. I
19 am the Regulatory Law Judge assigned to this action.
20 I'll begin with entries of appearance for those who
21 are present. Let's start with the utility.

22 MS. GIBONEY: Sarah Giboney, Smith Lewis,
23 111 South 9th Street, Suite 200, Columbia, Missouri
24 65201 for Ameren, Missouri. And with me today is
25 Cathy Hart.

1 MS. HART: Cathy Hart. I'm the regulatory
2 liaison for Ameren Missouri, 101 Madison, Jefferson
3 City, 65109.

4 THE COURT: And for the Staff of the Public
5 Service Commission?

6 MR. KEEVIL: Yes, Judge. Appearing on
7 behalf of the staff of the Public Service Commission,
8 Jeffrey A. Keevil, Post Office Box 360, Jefferson
9 City, Missouri 65102. And with me are Ms. Gay Fred
10 and Mr. Justin Edwards of the Commission Staff, in the
11 event that you have any questions.

12 THE COURT: Thank you. And Office of the
13 Public Counsel is, by regulation, a party to this
14 action, but I don't see anyone here representing
15 Office of the Public Council. And I have opened the
16 phone line before the time scheduled for this
17 prehearing conference. And I have also hung up and
18 opened it again after the time scheduled for the
19 prehearing conference. And I have dialed the number
20 as set forth in the notice and order dated January
21 16th of 2014; but so far, Craig Mershon has not made
22 an appearance. But I will ask again. Mr. Mershon,
23 are you on the line? Is anyone present for
24 Mr. Mershon? And I am not hearing anyone. So what we
25 will do is go off the record for a while, take a few

1 minutes, give Mr. Mershon some extra time to call in,
2 in case he is delayed by some event, and then we will
3 go back on the record in a few minutes. Anything
4 before we go off the record from anyone present?

5 MS. GIBONEY: No, Judge.

6 THE COURT: And then we will go off the
7 record. Thank you.

8 (OFF THE RECORD.)

9 THE COURT: It's ten after, so why don't we
10 go on the record again. We're back on the record, and
11 I haven't heard anyone call in on this line yet.
12 Mr. Mershon, are you there yet? I'm not hearing
13 Mr. Mershon on this line. So off the record, the
14 parties suggested attempting to contact Mr. Mershon by
15 dialing his number. So I think that's what we will
16 try next. I'm going to hang up this line, and we will
17 try Mr. Mershon's direct line. So let's go off the
18 record for just a second.

19 (OFF THE RECORD.)

20 THE COURT: We're on the record. This is
21 Daniel Jordan, the regulatory law judge assigned to
22 this action. And joining us now is Craig Mershon, the
23 complainant in this action. We have gotten him on the
24 line. Well, Mr. Mershon, why don't you go ahead and
25 tell us what you'd like to say about this prehearing

1 conference.

2 MR. MERSHON: This prehearing conference
3 shouldn't have been held. I haven't done any
4 discovery. I'm working on the documents at this time.

5 THE COURT: Okay. The notice dated January
6 16th, you will see that the purpose is to address
7 discovery disputes or other prehearing matters. Then
8 I take it that you have no issues to discuss this
9 morning.

10 MR. MERSHON: No. I have to get the
11 documents first. And I -- I've just about completed
12 the pleading. I have to send it to the typist. Your
13 stuff was sent the other day telling you this.

14 THE COURT: Okay. So right now, you don't
15 have any quarrel with any of the parties as to
16 discovery that you have sent or discovery they have
17 sent you. Is that correct?

18 MR. MERSHON: They haven't sent me any
19 discovery, because I haven't asked for anything yet.

20 THE COURT: Very good. Any other
21 prehearing matters that you'd like to raise this
22 morning?

23 MR. MERSHON: Why did you do what you did,
24 knowing that I had to do discovery? Why did you set
25 up all these things, knowing that I didn't have

1 discovery completed?

2 THE COURT: Well, I think the notice sets
3 forth the purpose of the prehearing conference.

4 MR. MERSHON: Yeah. But you're talking
5 about -- I don't even have -- I'm on my way downstairs
6 to fix my breakfast. And -- it's amazing why you
7 would do that after I told you I had to start with the
8 discovery.

9 THE COURT: Okay. Anything from the
10 utility, as far as discovery disputes or prehearing
11 matters?

12 MS. GIBONEY: Judge, I guess we would just
13 comment that in earlier pleadings, Mr. Mershon noted
14 that he would be finished with discovery by the middle
15 of January, and you gave him until January 20th to do
16 that. And I don't understand why he didn't notify you
17 by January 27th that the deadline of the 20th would
18 not work for him. I hear him complaining about it,
19 but I don't understand why he didn't send an objection
20 to that schedule by the 27th as you ordered him to
21 do. We can't wait until the day before the hearing to
22 take up discovery matters.

23 THE COURT: Okay. Any -- any matters as
24 far as discovery that Ameren has served or received?

25 MS. GIBONEY: No, Judge. We don't intend

1 to serve any discovery. And we have not received any
2 discovery.

3 THE COURT: And any other prehearing
4 matters that Ameren would like to raise?

5 MS. GIBONEY: Not at this time.

6 THE COURT: Okay. Anything from staff?

7 MR. KEEVIL: No, Judge. I mean, it -- like
8 we said in the pleadings, the -- as far as we're
9 aware, there has never been any discovery proposed by
10 Mr. Mershon in the two years this thing has been
11 pending. So like Ms. Giboney said, the discovery
12 deadline was apparently January 20th in your last
13 order, and there still has been none. And beyond
14 that, I really don't know what -- what there is to
15 say.

16 THE COURT: Very good. Well, there seem to
17 be no discovery disputes and no other prehearing
18 matters.

19 MR. MERSHON: But why -- my question to
20 you, Mr. Jordan, why would you draft something and
21 then I told you -- I said well, I have to begin
22 discovery. And that was when I called and told you
23 that I wanted to postpone the -- the hearing because I
24 hadn't done anything. That -- all this stuff wasn't
25 done because of the Christmas holidays. We had

1 Christmas and Thanksgiving holidays. And I think I
2 remember putting that in a pleading. That's why I
3 didn't want any of this stuff done before that time,
4 because people would be on -- on vacations with their
5 relatives, and all this other stuff. Things were
6 closed. I don't understand why you did that. Why did
7 you initiate something instead of leaving things alone
8 and letting the discovery process begin? You set up
9 all these dates -- you did this. Then here they
10 come. I still have to answer their pleadings.

11 MS. GIBONEY: Judge, I don't believe there
12 are any pleadings that Mr. Mershon needs to answer.

13 MR. KEEVIL: There are no outstanding
14 pleadings.

15 MR. MERSHON: Yeah.

16 THE COURT: I can't think of any -- I can't
17 think of any outstanding motions right now.

18 MR. MERSHON: Uh-huh.

19 THE COURT: Yeah. So anyway, yeah, that
20 was the purpose of this prehearing conference, was
21 just to discuss any discovery disputes that had arisen
22 or any other prehearing matters that had arisen. And
23 since there aren't any, if the parties like, I can
24 leave this line open for a while. Not seeing any --
25 okay. All right. So I think with that -- that being

1 the case, Mr. Mershon, thank you for joining us today,
2 and I think that will conclude this prehearing
3 conference. And with that, we will go off the record.

4 MR. MERSHON: Okay. But you --

5 THE COURT: Thank you very much.

6

7 (Ending time of the deposition: 10:19 a.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

EXHIBITS

2

3

EXHIBIT

DESCRIPTION

PAGE

4

5

6

7

8

(No exhibits marked.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)

3) ss.

4 COUNTY OF FRANKLIN)

5

6 I, Sarah J. Pokorski, Certified Court

7 Reporter within and for the State of Missouri, do

8 hereby certify that the hearing was taken by me to the

9 best of my ability and thereafter reduced to

10 typewriting under my direction; that I am neither

11 counsel for, related to, nor employed by any of the

12 parties to the action in which this hearing was taken,

13 and further that I am not a relative or employee of

14 any attorney or counsel employed by the parties

15 thereto, nor financially or otherwise interested in

16 the outcome of the action.

17

18

19

20 Sarah Pokorski, CCR 745

21

22

23

24

25

<p>A</p> <p>ability 89:9</p> <p>action 80:19 81:14 82:22,23 89:12,16</p> <p>address 83:6</p> <p>afternoon 78:15</p> <p>AGREED 80:1</p> <p>ahead 82:24</p> <p>amazing 84:6</p> <p>Ameren 77:10 78:10,22 80:18 80:24 81:2 84:24 85:4</p> <p>answer 86:10,12</p> <p>anyway 86:19</p> <p>apparently 85:12</p> <p>appearance 80:20 81:22</p> <p>Appearing 81:6</p> <p>arisen 86:21,22</p> <p>asked 83:19</p> <p>assigned 80:19 82:21</p> <p>attempting 82:14</p> <p>attorney 89:14</p> <p>aware 85:9</p> <p>a.m 80:10 87:7</p>	<p>80:25 81:1</p> <p>cause 78:20</p> <p>CCR 77:24 79:19 79:20 80:4 89:20</p> <p>certain 78:19</p> <p>CERTIFICATE 89:1</p> <p>Certified 78:18 80:4 89:6</p> <p>certify 89:8</p> <p>Christmas 85:25 86:1</p> <p>City 78:17 79:8 81:3,9</p> <p>closed 86:6</p> <p>Columbia 79:4 80:23</p> <p>come 86:10</p> <p>comment 84:13</p> <p>Commission 77:2 78:2,16,21 79:7 80:13 81:5 81:7,10</p> <p>Company 77:9 78:9,22 80:17</p> <p>complainant 77:7 78:7,21 79:11 80:2 82:23</p> <p>complaining 84:18</p> <p>complaint 80:14 80:16</p> <p>completed 83:11 84:1</p> <p>conclude 87:2</p> <p>conference 77:15 78:13 81:17,19 83:1,2 84:3 86:20 87:3</p> <p>contact 82:14</p> <p>correct 83:17</p> <p>Council 81:15</p> <p>counsel 80:2,2 81:13 89:11,14</p> <p>COUNTY 89:4</p>	<p>Court 78:18 79:18 80:4,12 81:4,12 82:6,9 82:20 83:5,14 83:20 84:2,9,23 85:3,6,16 86:16 86:19 87:5 89:6</p> <p>Craig 77:6 78:6 78:21 79:11 80:14,17 81:21 82:22</p> <p>D</p> <p>Daniel 77:8 78:8 80:18 82:21</p> <p>dated 81:20 83:5</p> <p>dates 86:9</p> <p>day 78:15 83:13 84:21</p> <p>deadline 84:17 85:12</p> <p>delayed 82:2</p> <p>deposition 87:7</p> <p>DESCRIPTION 88:3</p> <p>dialed 81:19</p> <p>dialing 82:15</p> <p>direct 82:17</p> <p>direction 89:10</p> <p>discovery 83:4,7 83:16,16,19,24 84:1,8,10,14,22 84:24 85:1,2,9 85:11,17,22 86:8,21</p> <p>discuss 83:8 86:21</p> <p>disputes 83:7 84:10 85:17 86:21</p> <p>documents 83:4 83:11</p> <p>doing 80:17</p> <p>downstairs 84:5</p> <p>draft 85:20</p> <p>d/b/a 77:9 78:9 78:22</p>	<p>E</p> <p>E 79:1,1</p> <p>earlier 84:13</p> <p>EC-2013-0521 77:7 78:7 80:16</p> <p>EC-2014-0521 80:14</p> <p>Edwards 79:16 81:10</p> <p>eight 78:14</p> <p>Electric 77:9 78:9,22 80:17</p> <p>Eleventh 79:22</p> <p>employed 89:11 89:14</p> <p>employee 89:13</p> <p>entries 80:20</p> <p>event 81:11 82:2</p> <p>EXHIBIT 88:3</p> <p>exhibits 88:1,8</p> <p>extra 82:1</p> <p>F</p> <p>far 81:21 84:10 84:24 85:8</p> <p>file 80:13,15</p> <p>financially 89:15</p> <p>finished 84:14</p> <p>first 83:11</p> <p>fix 84:6</p> <p>forenoon 78:15</p> <p>forth 81:20 84:3</p> <p>FRANKLIN 89:4</p> <p>Fred 79:15 81:9</p> <p>further 89:13</p>	<p>82:3,4,6,10,17 82:24 87:3</p> <p>going 82:16</p> <p>good 83:20 85:16</p> <p>gotten 82:23</p> <p>guess 84:12</p> <p>H</p> <p>hang 82:16</p> <p>Hart 79:14 80:25 81:1,1</p> <p>hear 84:18</p> <p>heard 82:11</p> <p>hearing 80:3,10 81:24 82:12 84:21 85:23 89:8,12</p> <p>held 78:13 83:3</p> <p>holidays 85:25 86:1</p> <p>hours 78:14</p> <p>hung 81:17</p> <p>I</p> <p>initiate 86:7</p> <p>intend 84:25</p> <p>interested 89:15</p> <p>issues 83:8</p> <p>J</p> <p>J 78:17 79:19 80:4 89:6</p> <p>January 77:16 78:13 81:20 83:5 84:15,15 84:17 85:12</p> <p>Jefferson 78:17 79:8 81:2,8</p> <p>Jeffrey 79:7 81:8</p> <p>jeff.keevil@ps... 79:9</p> <p>joining 82:22 87:1</p> <p>Jordan 77:8 78:8 80:18 82:21 85:20</p> <p>judge 77:10</p>
<p>B</p> <p>back 82:3,10</p> <p>behalf 81:7</p> <p>believe 86:11</p> <p>best 89:9</p> <p>beyond 85:13</p> <p>Box 79:8 81:8</p> <p>breakfast 84:6</p> <p>business 80:18</p> <p>C</p> <p>C 79:1</p> <p>call 82:1,11</p> <p>called 85:22</p> <p>calling 80:13</p> <p>case 80:13 82:2 87:1</p> <p>Cathy 79:14</p>			<p>G</p> <p>Gay 79:15 81:9</p> <p>Giboney 79:3 80:22,22 82:5 84:12,25 85:5 85:11 86:11</p> <p>giboney@smit... 79:5</p> <p>give 82:1</p> <p>go 80:12 81:25</p>	

78:10 80:19 81:6 82:5,21 84:12,25 85:7 86:11 Justin 79:16 81:10	86:12,15,18 87:1,4 Mershon's 82:17 middle 84:14 Midwest 79:21 minutes 82:1,3 Missouri 77:1,10 77:17 78:1,10 78:16,17,19,22 79:4,8,20,23 80:18,23,24 81:2,9 89:2,7 morning 83:9,22 motions 86:17	P 79:1,1 PAGE 88:3 parties 82:14 83:15 86:23 89:12,14 party 81:13 pending 78:20 85:11 people 86:4 phone 81:16 pleading 83:12 86:2 pleadings 84:13 85:8 86:10,12 86:14 Pokorski 77:24 78:18 79:19 80:4 89:6,20 Post 81:8 postpone 85:23 prehearing 81:17 81:19 82:25 83:2,7,21 84:3 84:10 85:3,17 86:20,22 87:2 present 79:13 80:21 81:23 82:4 Pre-Hearing 77:15 78:13 PROCEEDIN... 77:3 78:3 process 86:8 proposed 85:9 Public 77:2 78:2 78:16,18,20 79:7 80:5 81:4 81:7,13,15 purpose 83:6 84:3 86:20 putting 86:2 P.O 79:8	R R 79:1 raise 83:21 85:4 really 85:14 received 84:24 85:1 record 80:12 81:25 82:3,4,7 82:8,10,10,13 82:18,19,20 87:3 reduced 89:9 regulation 81:13 regulatory 77:9 78:9 80:19 81:1 82:21 related 89:11 relative 89:13 relatives 86:5 remember 86:2 REPORTED 77:24 Reporter 78:18 79:18 80:5 89:1 89:7 representing 81:14 Respondent 77:11 78:11,23 79:2 80:3 right 83:14 86:17 86:25	sent 83:13,16,17 83:18 serve 85:1 served 84:24 Service 77:2 78:2 78:16,20 79:7 81:5,7 Services 79:21 set 81:20 83:24 86:8 sets 84:2 shorthand 80:4 six 78:15 Smith 79:2 80:22 sorry 80:15 South 79:3 80:23 ss 89:3 St 77:17 79:23 staff 81:4,7,10 85:6 start 80:21 84:7 Starting 80:10 State 77:1 78:1 78:19 89:2,7 STIPULATED 80:1 Street 78:17 79:3 79:22 80:23 stuff 83:13 85:24 86:3,5 suggested 82:14 Suite 79:4 80:23
K Keevil 79:7 81:6 81:8 85:7 86:13 know 85:14 knowing 83:24 83:25	L law 77:10 78:10 80:19 82:21 leave 86:24 leaving 86:7 letting 86:8 let's 80:12,21 82:17 Lewis 79:2 80:22 liaison 81:2 line 81:16,23 82:11,13,16,17 82:24 86:24 Litigation 79:21 Louis 77:17 79:23	N N 79:1 needs 86:12 neither 89:10 never 85:9 North 79:22 Notary 78:18 80:5 noted 84:13 notice 81:20 83:5 84:2 notify 84:16 number 80:13,15 81:19 82:15	S S 79:1 Sarah 77:24 78:17 79:3,19 80:4,22 89:6,20 schedule 84:20 scheduled 81:16 81:18 second 82:18 see 81:14 83:6 seeing 86:24 send 83:12 84:19 SENIOR 77:9 78:9	T take 81:25 83:8 84:22 taken 80:3 89:8 89:12 talking 84:4 telephone 79:12 tell 82:25 telling 83:13 ten 82:9 thank 80:16 81:12 82:7 87:1 87:5 Thanksgiving
M Madison 78:16 81:2 marked 88:8 matters 83:7,21 84:11,22,23 85:4,18 86:22 mean 85:7 Mershon 77:6 78:6,21 79:11 80:15,17 81:21 81:22,24 82:1 82:12,13,14,22 82:24 83:2,10 83:18,23 84:4 84:13 85:10,19	O objection 84:19 Office 81:8,12,15 okay 83:5,14 84:9,23 85:6 86:25 87:4 open 86:24 opened 81:15,18 order 81:20 85:13 ordered 84:20 outcome 89:16 outstanding 86:13,17 o'clock 78:14,15	Q quarrel 83:15 question 85:19 questions 81:11		
P				

86:1 thereto 89:15 thing 85:10 things 83:25 86:5 86:7 think 82:15 84:2 86:1,16,17,25 87:2 time 80:10 81:16 81:18 82:1 83:4 85:5 86:3 87:7 today 80:24 87:1 told 84:7 85:21 85:22 transcribed 80:5 TRANSCRIPT 77:3 78:3 try 82:16,17 two 85:10 typewriting 80:6 89:10 typist 83:12	working 83:4 <hr/> Y <hr/> yeah 84:4 86:15 86:19,19 years 85:10 <hr/> 1 <hr/> 1-800-280-DE... 79:25 10:04 80:10 10:19 87:7 101 81:2 111 79:3 80:23 16th 81:21 83:6 <hr/> 2 <hr/> 20th 84:15,17 85:12 200 78:16 79:4 80:23 2014 77:16 78:14 81:21 27th 84:17,20 28 77:16 78:14 <hr/> 3 <hr/> 314-644-2191 79:24 360 79:8 81:8 <hr/> 4 <hr/> 4 77:18 <hr/> 5 <hr/> 573-443-3141 79:5 573-526-4887 79:9 <hr/> 6 <hr/> 63101 79:23 65102 79:8 81:9 65109 81:3 65201 79:4 80:24 <hr/> 7 <hr/> 711 79:22	745 77:24 79:20 89:20 <hr/> 9 <hr/> 9th 79:3 80:23		
<hr/> U <hr/> Uh-huh 86:18 understand 84:16,19 86:6 Union 77:9 78:9 78:22 80:17 utility 80:21 84:10 <hr/> V <hr/> vacations 86:4 versus 80:17 Volume 77:18 vs 77:8 78:8,21 <hr/> W <hr/> wait 84:21 want 86:3 wanted 85:23 wasn't 85:24 way 84:5 we're 82:10,20 85:8 work 84:18				