

In the Matter of:

William L. Gehrs, Jr.

v.

The Empire District Electric Company, et al.

EC-2018-033 VOL. III

March 12, 2019



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A P P E A R A N C E S

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P R O C E E D I N G S

1
2 JUDGE CLARK: Let's go on the record now.
3 Today's date is March 12, 2019. It is 10:01 a.m. We're
4 in Room 305 of the Governor Office Building. The
5 Commission has set aside this time for a Procedural
6 Conference in the case captioned as William Gehrs, Jr.,
7 Complainant vs. The Empire District Electric Company,
8 Respondent, File No. EC-2018-0033.

9 My name is John Clark. I'm the Regulatory Law
10 Judge in this matter. We'll begin by asking the
11 attorneys to make their entry of appearance for the
12 record starting with Commission staff?

13 MS. ASLIN: Casi Aslin for staff of the Public
14 Service Commission, and my information has been provided
15 to the court reporter.

16 JUDGE CLARK: And for the Empire District
17 Electric Company?

18 MS. CARTER: Diana Carter with Brydon,
19 Swearngen & England for The Empire District Electric
20 Company.

21 JUDGE CLARK: And Mr. Gehrs, you're appearing
22 pro se on your own behalf; is that correct?

23 MR. GEHRS: That is correct. William L.
24 Gehrs, Jr., Joplin, Missouri. Thank you, sir.

25 JUDGE CLARK: And as you indicated off the

1 record, the intervening party, Mr. Bob Higginbotham, was
2 unable to appear at this procedural conference and asks
3 that we continue without him.

4 MR. GEHRS: That is correct.

5 MR. WHITWORTH: Your Honor, this is Dan
6 Whitworth. Just to provide you with information, he
7 just texted me back and said he will be here in our
8 office in about six minutes but he still indicated to go
9 forward if you want.

10 MR. GEHRS: I think we'll move forward and he
11 can read the documents as we prepare them here.

12 JUDGE CLARK: We're already on the record.
13 I'm going to say one thing concerning Mr. Higginbotham,
14 and I'll try and hold that towards the end depending on
15 how long we go on, because Ms. Carter brought up last
16 time a question regarding what his status is as a party
17 regarding whether he's an interested party or a
18 co-complainant, and I have had an opportunity to look at
19 that.

20 Are there any preliminary matters or pending
21 motions at this time? Commission staff?

22 MS. ASLIN: None from staff.

23 JUDGE CLARK: Empire District?

24 MS. CARTER: No, Judge, thank you.

25 JUDGE CLARK: And Mr. Gehrs?

1 MR. GEHRS: No, sir, I do not.

2 JUDGE CLARK: Okay. Now, this complaint was
3 stayed until February 10, 2019 and then Mr. Gehrs
4 informed everyone that he was going to be unavailable
5 until after March 1 and that was no problem so here we
6 are. What I'm going to do today is after I leave I'm
7 going to ask the parties to come up with a new proposed
8 procedural schedule and ask staff to file that schedule.
9 As usual, that proposed procedural schedule should
10 include proposed dates for the usual case events and
11 also include any stipulation of non-disputed material
12 facts. And I will leave a copy of the adjudication
13 calendar, which I believe I printed off through July,
14 with the parties for them to do so.

15 That's really all I had planned for today.
16 Since Mr. Higginbotham is not here, I'm going to go
17 ahead and indicate what I've decided in regard to that
18 and he can read it in the transcript and you can tell
19 him about it, Mr. Gehrs.

20 He was allowed to intervene, which means that
21 he can see all the filings. He can also participate in
22 the case to at least a limited degree. Certainly if you
23 need him to testify about something on your behalf at
24 the hearing and he's able to do so and is not limited by
25 any rule of law he would be allowed to do so. But in

1 terms of making him a co-complainant, the problem I have
2 with doing that is you're talking about two different
3 buildings here. That's correct?

4 MR. GEHRS: That is correct, sir.

5 JUDGE CLARK: Okay. So the buildings while
6 they may be similar are not going to be exact; and
7 because at least to some degree this does involve
8 interpretation of dates, I don't feel comfortable
9 allowing him to be a co-complainant. Now, certainly
10 whatever the ruling is on your case certainly may be
11 something that he could use taking forward in his case
12 if it were positive and in your favor and if it were
13 negative it might be something that might influence
14 whether or not he wanted to pursue a complaint, but I'm
15 not going to allow him to be a co-complainant. I am
16 going to allow him to be an interested party.

17 MR. GEHRS: I understand that, sir.

18 JUDGE CLARK: Okay?

19 MR. GEHRS: Yes, sir.

20 JUDGE CLARK: Are there any other matters that
21 need to be addressed by the Commission at this time?

22 MS. ASLIN: When would you like the procedural
23 schedule filed?

24 JUDGE CLARK: Thank you for asking that. When
25 would be a reasonable amount of time? I think I've got

1 the phone bridge available to the parties until about
2 11:00. So that gives you a period of time to work with
3 to try and find a time not only when yourselves but also
4 when Mr. Higginbotham can be available if he wants to
5 participate. Would a week be good? Would that be
6 sufficient time?

7 MS. ASLIN: Yes.

8 JUDGE CLARK: So today is the 12th. The 19th?

9 MS. ASLIN: That works for staff.

10 JUDGE CLARK: Do I need to issue a written
11 order or is everybody okay just having it filed by the
12 19th?

13 MS. ASLIN: I'm good just filing by the 19th.

14 JUDGE CLARK: Are there any other matters that
15 need to be addressed at this time?

16 MS. CARTER: Will the hearing be here in
17 Jefferson City or in Joplin?

18 JUDGE CLARK: The hearing will be in Joplin,
19 because the rule states that the hearing, unless
20 Mr. Gehrs wants to have it in Jeff City for whatever
21 reason and I don't think any party would oppose that,
22 I'd be happy to have it in Jeff City, but if Mr. Gehrs
23 wants to have it where he lives, I believe the rule
24 states that the hearing must be held within 30 miles of
25 where service was provided.

1 MR. GEHRS: I would be very happy and a
2 pleasure for us.

3 JUDGE CLARK: What will happen, Mr. Gehrs, is
4 once we have a date for all testimony and everything to
5 be filed by and have a hearing date, what I'll do is
6 I'll find a location down there in the Joplin area in
7 which a hearing can be held.

8 MR. GEHRS: All right, sir. If you need any
9 help, we know the Chamber of Commerce pretty well.

10 JUDGE CLARK: That's certainly a possibility.
11 I leave that to my administrative assistant. She does a
12 very good job of setting up hearing locations for me.
13 If it becomes a problem, I'll let her know that the
14 Chamber of Commerce is certainly a possibility. Okay?

15 MR. GEHRS: I sure appreciate it. Thank you.

16 JUDGE CLARK: Thank you, Mr. Gehrs. Are there
17 any other matters that need to be addressed by the
18 Commission? Empire?

19 MS. CARTER: None, thank you.

20 JUDGE CLARK: Staff?

21 MS. ASLIN: None.

22 JUDGE CLARK: Mr. Gehrs?

23 MR. GEHRS: I have nothing else. Appreciate
24 your time.

25 JUDGE CLARK: Appreciate yours. I'm glad to

1 have the case back on track. Hearing no matters at this
2 time, this hearing will be adjourned and we'll go off
3 the record.

4 As I indicated before, I believe the phone
5 bridge is available until 11:00.

6 MS. CARTER: Thanks, Judge.

7 JUDGE CLARK: Thank you.

8 MR. GEHRS: Thank you, sir.

9 (Off the record.)

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