

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

March 30, 2005
Jefferson City, Missouri
Volume 1

Cynthia Cline,)
)
Complainant,)
)
v.) Case No. EC-2005-0220
)
Union Electric Company, doing)
business as AmerenUE,)
)
Respondent.)

KEVIN A. THOMPSON, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE.

REPORTED BY:

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1 P R O C E E D I N G S

2 JUDGE THOMPSON: Good morning, ladies and
3 gentlemen. My name is Kevin Thompson. I'm the Regulatory
4 Law Judge assigned to preside over this matter, which is
5 Cynthia Cline, Complainant vs. Union Electric Company,
6 doing business as AmerenUE, Respondent. This is Case
7 No. EC-2005-0220.

8 We are here for a prehearing conference.
9 As usual, the purpose of this prehearing conference is
10 twofold. It's to bring the parties together so that
11 settlement discussions may continue or commence if they
12 haven't started yet, and also so that the parties can get
13 their calendars out and work together to put together a
14 procedural schedule, the filing of which I believe is
15 required a week from today.

16 We'll go ahead and take oral entries of
17 appearance at this time. Normally we'd start with the
18 Complainant, but since the Complainant is not yet here we
19 will begin with Union Electric Company.

20 MR. LOWERY: Good morning, your Honor.
21 James B. Lowery, Smith Lewis, LLP, 111 South Ninth Street,
22 Suite 200, Columbia, Missouri 65201, appearing on behalf
23 of Union Electric Company.

24 JUDGE THOMPSON: Thank you. Mr. Dottheim?

25 MR. DOTTHEIM: Steven Dottheim and Robert

1 Berlin, Post Office Box 360, Jefferson City, Missouri
2 65102, appearing on behalf of the Staff of the Missouri
3 Public Service Commission.

4 JUDGE THOMPSON: Thank you. Mr. Coffman?

5 MR. COFFMAN: John B. Coffman, appearing on
6 behalf of the Office of the Public Counsel, P.O. Box 2230,
7 Jefferson City, Missouri 65102.

8 JUDGE THOMPSON: Thank you. Do any of the
9 parties have anything to bring to my attention at this
10 time?

11 MR. LOWERY: Your Honor, I suppose that I
12 do. This complaint was filed on January 7th, and the
13 company answered on February 14th. The company in the
14 course of -- before this complaint was filed and since it
15 was filed has attempted to be in contact with the
16 Complainant on several occasions.

17 As you probably know, it involves -- the
18 complainant arose out of some transferred balances from
19 other addresses that we believe the Complainant lived at
20 and did not pay when she left those addresses. We have a
21 substantial amount of information that would indicate --
22 same Social Security number, same name, et cetera, that
23 would indicate that it is the same person.

24 And we've asked the Complainant to provide
25 us -- she indicates that that's not the case, but when

1 we've asked her to provide us information such as a lease
2 at another location, identification, utility bills,
3 essentially she's refused to provide us any information
4 and becomes rather agitated, et cetera. I believe the
5 Commission Staff has also had similar conversations with
6 her and also has not been able to get any reciprocal
7 information.

8 She was given due notice of this hearing.
9 And so based upon her lack of appearance and lack of
10 cooperation, I would move that the complaint be dismissed
11 because of her failure to appear this morning.

12 JUDGE THOMPSON: Thank you. We'll take
13 that motion under advisement.

14 Mr. Dottheim, I understand that the Staff
15 conducted an investigation; is that correct?

16 MR. DOTTHEIM: Yes, that is correct. And
17 as directed, the Staff submitted a report on March 15th,
18 2005.

19 JUDGE THOMPSON: Now, I understand the
20 report in its entirety has been designated highly
21 confidential; is that correct?

22 MR. DOTTHEIM: Yes, and that is pursuant to
23 how the Staff reads the Commission's rules regarding the
24 filing of a Staff report after being directed by the
25 Commission to conduct an investigation.

1 JUDGE THOMPSON: So is it your reading that
2 all such investigation reports necessarily must be
3 designated HC?

4 MR. DOTTHEIM: At least initially.

5 JUDGE THOMPSON: Okay. And other than that
6 particular rule, do you see anything in the contents of
7 that report that would require that it be designated
8 highly confidential?

9 MR. DOTTHEIM: No, because I believe,
10 amongst other things, the information that's contained in
11 that report I believe is otherwise in the record on file
12 with the Commission.

13 JUDGE THOMPSON: In other words, the
14 information is well known to the parties?

15 MR. DOTTHEIM: Yes. Yes. And again, I
16 think it is otherwise in the case file at the Commission
17 for Case No. EC-2005-0220 as public information.

18 JUDGE THOMPSON: Okay. I am going to
19 redesignate the Staff report as a public document unless I
20 hear an objection from someone.

21 MR. LOWERY: No objection, your Honor.

22 JUDGE THOMPSON: Mr. Coffman?

23 MR. COFFMAN: No objection.

24 JUDGE THOMPSON: Very well. The Staff
25 report will be redesignated as a public document in its

1 entirety.

2 Mr. Dottheim, could you give me a summary
3 of the contents of that report?

4 MR. DOTTHEIM: Yes. The Staff conducted an
5 investigation as directed by the Commission. I don't
6 believe that the Staff itself was able to determine any
7 matters in dispute respecting how AmerenUE has
8 characterized the facts and the circumstances in the case.

9 The Staff was not able to reach any
10 resolution in its dealings with the Complainant, and as a
11 consequence, since the issues are still in dispute, that
12 is the assertion of prior outstanding unpaid accounts of
13 the Complainant on the AmerenUE system, since the
14 Complainant still disputes that, the Staff recommended
15 that the Commission set a prehearing conference and direct
16 the parties to provide the Commission with a procedural
17 schedule.

18 JUDGE THOMPSON: So far as you know,
19 Mr. Dottheim, did Staff discover any evidence that would
20 tend to support the allegations made by Complainant?

21 MR. DOTTHEIM: No. And again, this very
22 morning I've just checked with the staff members who were
23 involved in the investigation, and they have indicated
24 that they have not been able to determine any matters that
25 would dispute AmerenUE's representation of the facts.

1 JUDGE THOMPSON: And do you happen to know
2 whether or not the Complainant cooperated with Staff in
3 the course of the investigation?

4 MR. DOTTHEIM: I myself do not. We have
5 here Mr. McDuffey who drafted the Staff report. We also
6 have here Mr. Imhoff of the Staff who was also -- who is
7 also involved in this case if you would like to take any
8 evidence or statements from them this morning.

9 But I think Mr. McDuffey indicated this
10 morning that in particular in his effort to work with the
11 Complainant he encountered some difficulty in doing so.

12 JUDGE THOMPSON: Very well. I'm not going
13 to take any evidence this morning because there was no
14 notice given to the parties that that might happen today.
15 But thank you very much, Mr. Dottheim.

16 Does anyone have anything else? Very well.
17 At this time we're going to go ahead and adjourn the
18 hearing or the prehearing conference. Excuse me. The
19 record will reflect the Complainant, although duly
20 notified, has failed to appear. We are recessed.

21 WHEREUPON, the recorded portion of the
22 prehearing conferences was concluded.

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