

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference
April 19, 2011
Jefferson City, Missouri
Volume 1

Jimmie E. Small)	
)	
Complainant,)	
)	
V.)	Case No. EC-2011-0247
)	
AmerenUE,)	
)	
Respondent.)	

DANIEL JORDAN, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
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1 PROCEEDINGS

2 JUDGE JORDAN: The Commission is calling File
3 Number EC-2011-2047, Small versus Ameren Missouri, it now is
4 Ameren Missouri. I'm Daniel Jordan, I'm the regulatory law
5 judge that's been assigned to this case and I'd like to begin
6 with entries of appearance.

7 We'll begin with the complainant. Mr. Small,
8 will you give your name, spell your name, and also give your
9 address for the court reporter.

10 MR. SMALL: Yeah, Jimmie E. Small and that's
11 spelled J-i-m-m-i-e, middle initial E, for Eugene, last name
12 is S-m-a-l-l. I'm a legal resident of Van Buren County, Iowa
13 since July the 5th, 2005, or thereabouts. Purchased a piece
14 of property there, which --

15 JUDGE JORDAN: That's okay. Just a name and
16 address.

17 MR. SMALL: 606 West Highway 2, Milton, Iowa,
18 which is presently in contention before the Iowa Supreme
19 Court. Milton would like for it to be something other
20 than --

21 JUDGE JORDAN: That's okay.

22 MR. SMALL: -- 606 West.

23 JUDGE JORDAN: Okay. Okay. And for the
24 utility.

25 MS. TATRO: Wendy Tatro, T as in Tom-a-t as in

1 Tom-r-o, 1901 Chouteau Avenue, St. Louis, Missouri, 63103.

2 JUDGE JORDAN: Thank you. And you have
3 someone else with you?

4 MS. HART: Cathy Hart, C-a-t-h-y, last name
5 H-a-r-t, 101 Madison, Jefferson City, Missouri 65101.

6 MS. TATRO: And to be clear, Ms. Hart is not
7 an attorney, she is one of my experts.

8 JUDGE JORDAN: Thank you. All right. And
9 counsel for Staff, will you enter your appearance and also
10 introduce your client's representative.

11 MR. RITCHIE: Good morning, representing the
12 Staff, Sam Ritchie and Jennifer Hernandez, P.O. Box 360,
13 Jefferson City, Missouri 65102. And I have Mary
14 Schierman-Duncan from Staff Consumer Services along with me.

15 MS. HERNANDEZ: I'll go ahead and state my
16 name again, just for those on the phone. Jennifer
17 Hernandez --

18 JUDGE JORDAN: And for the record, also.

19 MS. HERNANDEZ: And for the record. And I
20 will be, I guess, hereafter taking over because Mr. Ritchie
21 is taking a new position outside the Commission, so.

22 MS. TATRO: Judge, I know that was Ms.
23 Hernandez was speaking, but I could barely hear what she
24 said.

25 JUDGE JORDAN: Why don't I move the telephone

1 receiver unit to a more central location so that everyone can
2 hear a little better.

3 MS. TATRO: Thank you.

4 MR. RITCHIE: Wendy, Jennifer just noted that
5 she is going to be taking over this case as lead attorney for
6 Staff after this prehearing conference, because I am moving
7 to a different position outside the Commission.

8 MS. TATRO: Okay.

9 JUDGE JORDAN: And congratulations on that.

10 MR. RITCHIE: Thank you.

11 JUDGE JORDAN: The Commission will miss you.

12 Okay. We have a great opportunity to make
13 progress here today with everyone speaking, some of them
14 face-to-face, some of them on the phone. So I'm -- my part
15 in this can be very, very brief but I don't want it to be if
16 I can be of service to the parties in working out some of the
17 issues preliminary to this hearing.

18 I'd like -- I hope that we can all -- all --
19 stay focused on this dispute, resolving this complaint. So
20 I'm going to ask everyone to be very attentive and very
21 focused and it's also important for everyone to speak only
22 one at a time because we are recording this part of the
23 prehearing conference and the reporter can only report one
24 person at a time. And that means that if I tell someone to
25 stop talking, they must stop talking.

1 Okay. I want to get a few things on the
2 record as far as everyone's understanding of what kind of
3 proceeding this is, just to make sure that everyone is on the
4 same page. This is a formal adjudication. I will be
5 preparing a recommendation to the Commissioners if this goes
6 to a decision on the merits. The Commissioners will make the
7 final decision, but the important thing here is to remember
8 the formality of it. So we must focus on the relief that is
9 requested, the law that supports it, and facts that are
10 relevant under that law. This is crucial.

11 And I'd also like to focus on some procedural
12 matters, and we have some -- some matters that we can take
13 care of today. Discovery is available to -- to each party.
14 All the kinds of discovery that one would get in circuit
15 court can be had, and we'll be talking about some discovery
16 today also.

17 Now, like I said, part of this is on the
18 record and part of it will not be on the record. I hope
19 after I leave this room, the parties will take some time to
20 work through towards the issues that are at the root of this
21 dispute. This is an opportunity that can save everyone a lot
22 of time and money, so I encourage it.

23 And I also will mention that the Commission
24 does offer mediation services if all the parties agree to it.
25 Then we can get someone in here; it can be me, it can be

1 someone else. All the regulatory law judges have had
2 training in mediation and it has been successful at this
3 Commission. So that is an alternative -- an alternative to
4 litigation. But, you know, if someone wants to go to
5 hearing, we can do that too and I will be prepared to run a
6 formal evidentiary hearing, make the record, and make my
7 recommendation to the Commission.

8 A few other things I want to mention, just to
9 make sure. As I said, this is an evidentiary hearing. This
10 is going to be like a trial. The law of evidence is governed
11 mostly -- the most important provision for you here is
12 section -- a section of the Revised Statutes of Missouri, it
13 is 536.070. In preparing for trial, everyone's going to want
14 to review that because that's going to be the source of most
15 of the authority for admitting or excluding things from
16 evidence. And it's only on that evidence that the Commission
17 will make its decision if we go to hearing. So I want
18 everyone to understand that.

19 I think that's probably the most important
20 provision for evidence, but I also want to cite you to
21 another one that is also in the Revised Statutes of Missouri.
22 It is Section 490.065 and that has to do with expert
23 testimony, when it will be admissable and when it will not.
24 That's things that someone in my position might not
25 necessarily understand, technical things, accountancy comes

1 to mind, for example. Sometimes there's engineering in these
2 cases.

3 But I'll tell you, I am not an expert in
4 accountancy or in bookkeeping or anything like that. My
5 background is administrative law. That's where I come from.
6 I am kind of a process guy, so I want everyone to understand
7 where I come from in this.

8 Now, I think that's all I had by way of
9 introductory remarks, but I want to get right down to some
10 issues that are pending right now. Mr. Small has sought some
11 subpoenas. He's asked for subpoenas to obtain certain
12 documents. I have given him forms to fill out according to
13 the Commission's regulation and he's working on that right
14 now; is that correct, Mr. Small?

15 MR. SMALL: That's correct, Your Honor.

16 JUDGE JORDAN: All right. My plan is to take
17 those filled-out documents to the secretary for a signature
18 today and then he will serve them. It is his job to serve
19 them and that's done according to the Rules of Civil
20 Procedure. You would serve a subpoena for this place just
21 like you would in circuit court.

22 MR. SMALL: Very good, Your Honor.

23 JUDGE JORDAN: Good. Now, I don't think -- I
24 can't think of any pending motions right now. I think the
25 subpoena thing was the -- the request for subpoenas were the

1 only thing outstanding right now. Am I correct? I'll start
2 with Mr. Ritchie. Do you know of any outstanding motions or
3 anything like that?

4 MR. RITCHIE: Not any motions. I'm aware of a
5 data request that Mr. Small filed about some -- getting some
6 documentation from Ameren.

7 JUDGE JORDAN: Right, right, and I think
8 that's going to be -- what your subpoena will be directed to;
9 is that correct, Mr. Small?

10 MR. SMALL: That -- that will be -- that will
11 be included as a necessary part of the discovery that I
12 intend to present to the Public Service Commission.

13 JUDGE JORDAN: Very good. Okay.

14 MR. SMALL: And I might add that -- that this
15 matter has been actually dated back to the year 2002, when
16 AmerenUE --

17 JUDGE JORDAN: Let's stop there. Let's stop
18 there. I want to talk about discovery and outstanding
19 motions first. Okay.

20 MR. SMALL: Okay.

21 JUDGE JORDAN: Ms. Tatro, do you have any
22 motions that you want me to rule on today?

23 MS. TATRO: I don't believe so. We are
24 changing the date of the hearing, but you've already
25 cancelled the original date, so.

1 JUDGE JORDAN: That's correct. That's
2 correct. And one of the matters we will discuss today, and I
3 don't even have to be on the phone for that, will be some
4 kind of procedural schedule so that we can all proceed in an
5 orderly fashion, and I hope the parties will be able to work
6 out something like that today. And if not, then the parties
7 can present proposed schedules to me separately and I'll pick
8 one.

9 MR. SMALL: Well, Your Honor, on that, I think
10 I have a duty to -- to apprise the Public Service Commission
11 law judge that I intend to file a Motion for Summary
12 Disposition or a Motion for Summary Judgment --

13 JUDGE JORDAN: Uh-huh.

14 MR. SMALL: -- based upon my experience with
15 receiving the record that AmerenUE has produced, the
16 documentation that Public Service Commission service person,
17 Gay Fred, has provided me, the communications I have had --

18 JUDGE JORDAN: And we can certainly talk about
19 that.

20 MR. SMALL: -- with Cathy Hart and Wendy and
21 other persons, I intend to file a Motion for Summary
22 Disposition and go to the heart of the tree, instead of the
23 leaves or the limbs.

24 JUDGE JORDAN: Very good. And you know, it
25 would be helpful to all parties and to me if we include that

1 in the -- in the procedural schedule, like when should these
2 motions be filed, for example. That's very helpful. So I
3 appreciate you mentioning that.

4 MR. SMALL: Well, I think it would help the
5 administrative law judge, and I think it would certainly help
6 AmerenUE or Ameren Missouri, to come forward without the
7 necessity of a lot of expensive subpoenas, time-consuming
8 processes in order to get accurate identification, for
9 example, of the service meter that's located at lot 23, at
10 23067 Potter Trail, P-o-t-t-e-r, T-r-a-i-l, Kirksville,
11 Missouri, which is a trailer park.

12 JUDGE JORDAN: And Ms. Tatro, I understand
13 from Mr. Small's pleadings that a lot of the current dispute
14 and need for the subpoena, et cetera, has to do with the
15 production of documents. Do you know currently of any
16 objection that AmerenUE will have to producing the kinds of
17 documents that Mr. Small has asked for?

18 MS. TATRO: As you know, I am not the attorney
19 primarily handling this case. I don't believe that we had an
20 objection to his request. If we did, I'm sure she would have
21 sent that objection to him, and it's my understanding that
22 we're still in that process. I don't think the time to
23 answer that data request has expired and we're still planning
24 on answering them, to the best of my knowledge, so.

25 JUDGE JORDAN: Okay. I appreciate that. I

1 think if you had had an objection, you probably would have
2 been briefed on that.

3 MR. SMALL: Well, I have an objection, Your
4 Honor. And here's the objection: Your counsel -- your
5 counsel, this Sarah Giveny (phonetic) from -- or however you
6 pronounce her last name -- a very kind person from Columbia,
7 has entered her appearance, I believe, before the Public
8 Service Commission, and she has filed a Motion for
9 Continuance in this proceeding. What she has not done is
10 signed her name, which is required by law, to a proof of
11 service and she's added an additional attorney out of St.
12 Louis, who purports to represent Ameren Missouri in these
13 proceedings, and unfortunately neither of those attorneys
14 have appeared for this conference to resolve --

15 MS. TATRO: I believe I'm the other attorney,
16 sir.

17 MR. SMALL: Excuse me?

18 MS. TATRO: I believe I'm the other attorney
19 of which you speak.

20 MR. SMALL: You're the other attorney. Can
21 you explain to the administrative law judge, in your motion
22 in which you state that you can't comply with a data request
23 within 20 days? Can you explain to the administrative law
24 judge why you did not state in your motion, within ten days,
25 when you would be able to supply that needed information, to

1 where it could be incorporated into the Public Service
2 Commission's Staff recommendation? Present evidence to the
3 Judge Jordan to where he can make a fair and equitable
4 determination in this? Do you have a reason for this?

5 JUDGE JORDAN: Okay. Hang on. Allow me to
6 rephrase. I think I can cut to the chase here, as you say to
7 the heart of the tree.

8 Ms. Tatro, is AmerenUE planning to produce the
9 documents requested within the time required by law?

10 MS. TATRO: I believe so, yeah.

11 JUDGE JORDAN: Okay. Thank you. And Mr.
12 Small, if they don't, you know how to enforce discovery.

13 MR. SMALL: Well, I'm going to file a motion
14 right now to compel you because you've already had 20 days,
15 okay? And the fact -- the fact that you're going to have a
16 two-week trial down someplace in Benton County, that's fine.
17 That doesn't excuse you from complying with the Missouri
18 public rules data request 20-day rule or the ten days
19 response time if you cannot comply with the 20-day rule.

20 JUDGE JORDAN: Okay.

21 MR. SMALL: And you haven't done either one.

22 JUDGE JORDAN: Okay. Let me ask you, Mr.
23 Small, what -- do you have handy the date that you served
24 your discovery?

25 MR. SMALL: Well, that's a matter of public

1 record. If we can go to Public Service Commission, I have
2 filed these motions on the 7th and 8th day of April. And
3 when --

4 JUDGE JORDAN: Okay. Is it the 27th or the
5 28th yet?

6 MR. SMALL: Yeah. Well -- pardon me? No,
7 it's not the 27th or the 28th.

8 JUDGE JORDAN: So they still have some time to
9 respond then, don't they?

10 MR. SMALL: Yeah.

11 JUDGE JORDAN: Thank you. And if they don't
12 respond timely, you know what to do. Okay. Are there -- I
13 can't think of any other matters to rule on right now.

14 MR. SMALL: There's the ten-day -- there's a
15 ten-day rule, Your Honor.

16 THE COURT: The ten-day rule is that when
17 somebody files a motion -- a motion that's not discovery,
18 it's a motion -- everyone has ten days to respond to it. So,
19 for example, if you file a Motion to Compel, the other side
20 will have ten days to respond. That's the ten-day rule
21 you're thinking of.

22 Okay. And otherwise, the other discovery
23 devices to you are for -- available to you as set forth in
24 the Rules of Civil Procedure. So you're not limited to
25 subpoenas; you can do other things, too.

1 But we also need to discuss today, and I'd
2 like the parties to discuss this after I've left the room,
3 off the record, to discuss the timing of discovery as well in
4 your procedural schedule because that will move us along very
5 helpfully.

6 Okay. And I want to bring up a matter that
7 has appeared in Mr. Small's pleadings, an answer to a
8 question that he has said he's not gotten yet. And it seems
9 fairly simple to me, so if it's possible to make an answer, I
10 think we should answer his question as quickly as we can.
11 The question is, what he wants is an identification of the
12 meter at his residence. Okay? Because the heart of this
13 dispute is a billing issue. And if I read Mr. Small's
14 pleadings correctly, he believes that he has been billed for
15 kilowatt hours that he did not use. Is that accurate, Mr.
16 Small?

17 MR. SMALL: That's absolutely correct. And in
18 order -- in order for that to be incorrect, I think the
19 burden of proof is on Ameren to show, number one, this is the
20 meter that we're talking about, here's the identification
21 meter. And it was disconnected, according to their
22 records --

23 JUDGE JORDAN: Uh-huh.

24 MR. SMALL: -- it was disconnected on two
25 different occasions; once in April of 2006, and again in

1 April of 2008. Now, the problem that I have with that is
2 that they haven't, number one, identified -- identified the
3 meter number, they haven't identified the service or field
4 representative who went out and actually disconnected the
5 service in the first instance. We want to know the date, the
6 time, the place, the service order, if they have them -- if
7 they have them -- and they comply with tariff agreements.
8 They ought to be placed in the record and where Mr. Jordan
9 can look at it and see this meter number at Lot 23 was
10 disconnected legally on such and such a date for the first
11 time.

12 JUDGE JORDAN: Certainly that is the kind of
13 information I will want to have to make a complete decision
14 and recommendation to the Commission. Those are basics. And
15 if I may say, Ms. Tatro, that sounds like the kind of thing
16 that one should not have to go through formal discovery to
17 obtain. My hope is that AmerenUE will simply produce that
18 information for Mr. Small. I'd like to save everyone a lot
19 of time and money. I think that's the kind of thing that you
20 would be putting in pleadings and briefs anyway.

21 MS. TATRO: Your Honor, I think we have
22 provided a lot of this information to Mr. Small. He doesn't
23 necessarily like the answer he's been given and so continues
24 to request. We will provide all the information that he has
25 requested. We're not withholding anything, but, you know,

1 I'm -- I really don't want to have to go in to defend the
2 company that -- I will at the hearing, if necessary, I'm not
3 sure it's really necessary now.

4 JUDGE JORDAN: Right.

5 MS. TATRO: But I don't want anyone to be left
6 with the feeling that we haven't been anything but completely
7 open and honest with this man.

8 MR. SMALL: Okay. And having said that --

9 JUDGE JORDAN: Stop right there, if you
10 please. You certainly have the right to rely on the formal
11 discovery procedures. The benefit of that, Mr. Small, is
12 that everything under -- under that kind of procedure,
13 basically it's documented. They can show what they sent you,
14 when they sent it, and you can do the same, and that way we
15 can be sure that nothing's been left out. So everyone --
16 everyone has the right to rely on formal and legal
17 procedures, including going to a hearing, if we must do so.

18 MR. SMALL: Is Cathy Hart available?

19 MS. HART: Yes, I am.

20 MR. SMALL: Did you ever meet Jim Small?

21 MS. HART: Yes, I have.

22 MR. SMALL: Where did you meet --

23 MS. TATRO: Your Honor, I think this
24 conversation is probably best for when we're off the record.

25 MR. SMALL: Off the record?

1 JUDGE JORDAN: Yeah, you don't want to do --
2 you don't want to try the case yet. That's what I'm trying
3 to say.

4 MS. TATRO: And I'm directing Ms. Hart to not
5 talk on the record at this point in time because --

6 MR. SMALL: Can we talk on the record about
7 the serial number of the meter? Can we talk about that?

8 MS. TATRO: I don't have that information with
9 me as I --

10 MR. SMALL: Do you know of any person who
11 does?

12 MS. TATRO: I do, sir, and we'll get that
13 information.

14 MR. SMALL: What is the individual's name who
15 might have the serial number?

16 MS. TATRO: Your Honor, again, this is
17 information that I would be happy to talk with him off the
18 record. I don't think it is appropriate on the record.

19 MR. SMALL: Off the record?

20 JUDGE JORDAN: Certainly. That's a good idea.
21 We don't need to do that on the record.

22 Okay. Let's see. Ms. Tatro, did you have
23 anything else you wanted to do on the record?

24 MS. TATRO: I do not, sir.

25 JUDGE JORDAN: Okay. Mr. Ritchie, did you

1 have anything else you wanted to do on the record?

2 MR. RITCHIE: No, I don't. Thank you.

3 JUDGE JORDAN: Okay. Mr. Small, anything that
4 -- you want to settle any procedural questions for me before
5 we go off the record and I take my leave of you?

6 MR. SMALL: According to the Public Service
7 Commission Rules and Regulations and Tariff Agreement, it's
8 my understanding that a -- a customer is entitled to review,
9 at Ameren Missouri's location, the customer's specific data
10 information. Do I understand the law correctly?

11 JUDGE JORDAN: You know, I don't know off the
12 top of my head. I know the Commission can do that, but I
13 don't know if the customer can do that. Any reflections on
14 that? Staff or Ms. Tatro?

15 MR. SMALL: That question was sorted to those
16 people. They're saying we don't have anything to hide, but
17 they're standing right here and saying, yeah, yeah, that's
18 the law and we follow the law and we don't have anything to
19 hide, except when I go down to Cathy Hart's office, right
20 down the street right here, I can't see anything. And that's
21 went on since 2010 and 2011. So all we're doing is going
22 around the bush here on this discovery thing, Your Honor.

23 JUDGE JORDAN: Okay. Well, if you feel that
24 you need to rely on formal discovery --

25 MR. SMALL: Yeah, uh-huh.

1 JUDGE JORDAN: -- we can do that, too.

2 MR. SMALL: I relied on the good faith of
3 Cathy Hart when she told me she would gather that information
4 and send it to me, and now months later, we're in a
5 prehearing conference, it's not available, and her attorney
6 is sitting there saying we don't have anything to hide.

7 JUDGE JORDAN: Uh-huh.

8 MR. SMALL: Why don't you produce it if you're
9 not going to hide it?

10 JUDGE JORDAN: Okay.

11 MR. SMALL: Uh-huh.

12 JUDGE JORDAN: If you feel that you're not
13 getting what you want, a Motion to Compel is in order and I
14 will rule on that.

15 MR. SMALL: Uh-huh.

16 MS. TATRO: And I --

17 JUDGE JORDAN: And I think you know how to do
18 that.

19 Yes, Ms. Tatro, did you have something?

20 MS. TATRO: I'm sorry, never mind.

21 JUDGE JORDAN: Okay. I think that concludes
22 all I can do for you right now. I would like the parties to
23 work on a procedural schedule and can I ask -- I will also
24 ask Staff to file a report with me saying -- tomorrow will be
25 soon enough, just giving me an idea of the progress that the

1 parties have made. I don't want you to breach any
2 confidences or any negotiation matters, but I'd like to know
3 whether the parties -- how the parties are proceeding, should
4 I be prepared to set a hearing date, when the parties think
5 they can have their procedural schedules.

6 MR. SMALL: While we have Your Honor available
7 here, is Ameren Missouri in a position to -- on the record,
8 to state that it is absolutely futile in the future to
9 consider a possibility of entering into a dialogue
10 face-to-face for an agreed stipulation of uncontested facts
11 as to any matters that might be relevant to Mr. Jordan's
12 position in this proceeding? That's a question for the
13 attorney or Cathy Hart.

14 JUDGE JORDAN: It's probably --

15 MS. TATRO: No, Ms. Hart is not an attorney so
16 she is not in a position to respond to that.

17 JUDGE JORDAN: Right.

18 MS. TATRO: I am and so I will. Certainly, I
19 think any time the parties can reach stipulation of facts,
20 that makes at least that portion of the hearing simpler for
21 the judge and for the Commissioners.

22 MR. SMALL: And when would you have a time
23 period?

24 MS. TATRO: What I would propose, sir, is that
25 if you would like to draft up a Draft Stipulation of Facts, I

1 can give you my e-mail and you can send that to me, and that
2 is typically how it works. That's how I communicate with Mr.
3 Ritchie or any of the other attorneys. And we can see when
4 Cathy is back -- or I'm sorry, Sarah is back. I think that
5 would be a way to simplify the process if we actually go to
6 hearing. So I'm very open to that concept.

7 MR. SMALL: I'm in agreement with that and I
8 think that's a good idea. So having said that, and you have
9 no objection, why don't you fax Mr. Ritchie the serial number
10 to that meter today.

11 MS. TATRO: I don't have it, sir.

12 JUDGE JORDAN: But if you could get it.

13 MS. TATRO: If I can get it, I will try to do
14 so.

15 JUDGE JORDAN: The sooner you can get that,
16 the sooner that issue will go away. Okay.

17 MS. TATRO: We can hope.

18 JUDGE JORDAN: Mr. -- Mr. Small, do you have
19 access to a word processor?

20 MR. SMALL: Yeah, I got a computer out in my
21 car. A word processor? I got a laptop, yes, I do.

22 JUDGE JORDAN: Okay. If you can do your
23 Pleadings that way, that will help me. That will make things
24 much, much faster.

25 MR. SMALL: Instead of writing them out in

1 longhand. And the reason that they're in longhand is because
2 of the time factor, the expense, because I have to be the
3 window washer, the researcher, the typist, who appears to
4 request these records in Kirksville, St. Louis, and Jefferson
5 City, only to find out, oh, we got to litigate this.

6 JUDGE JORDAN: Right.

7 MR. SMALL: And we're going to have to
8 litigate this even to find out what the hell the serial
9 number is, Your Honor --

10 JUDGE JORDAN: I hope that's not true.

11 MR. SMALL: -- which is absolutely
12 preposterous.

13 MS. TATRO: Your Honor, can we finish the
14 formal portion so he and I can have a discussion about some
15 of the facts off the record?

16 JUDGE JORDAN: Yes.

17 MS. TATRO: He continues to make assertions
18 that are denigration of my client. I'd like to be able to
19 just have a conversation about some of these facts.

20 JUDGE JORDAN: Okay. Okay. Mr. Small, please
21 use word processing for your pleadings, that will make it
22 easier, quicker, more efficient for everyone to address your
23 arguments. Also, as Ms. Tatro suggests, communication by
24 e-mail is also efficient with the other lawyers.

25 MR. SMALL: I don't have access to e-mail.

1 JUDGE JORDAN: Okay.

2 MR. SMALL: I'm a disabled vet and I don't
3 have a lot of accommodations that ordinary people have.

4 JUDGE JORDAN: Right.

5 MR. SMALL: And it doesn't help me to have to
6 litigate with a conglomerate corporation to find out the
7 serial number of my meter.

8 JUDGE JORDAN: That's enough. That's enough.
9 I don't want to put an undue burden on you, so I'm not going
10 to tell you to go down to the library and use their e-mail or
11 anything like that. But word processing your pleadings will
12 help a lot.

13 I think that concludes the formal part of this
14 proceeding, the on-the-record portion. So I am going to -- I
15 am going to leave this line open and I'll ask Staff, when
16 people have left this room, to hang up the phone. We usually
17 have these things for a couple hours. I hope that the
18 parties will make progress while they're all on the line.
19 I'll want to see a procedural schedule and a report from
20 Staff, as I've described.

21 MR. RITCHIE: Okay.

22 JUDGE JORDAN: And I think with that, we will
23 adjourn this prehearing conference, and we will go off the
24 record.

25

1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)

) ss:

3 COUNTY OF GASCONADE)

4

5 I, JENNIFER L. LEIBACH, Registered Professional

6 Reporter, Certified Court Reporter, CCR #1780, and Certified

7 Realtime Reporter, the officer before whom the foregoing

8 matter was taken, do hereby certify that the witness/es whose

9 testimony appears in the foregoing matter was duly sworn;

10 that the testimony of said witness/es was taken by me to the

11 best of my ability and thereafter reduced to typewriting

12 under my direction; that I am neither counsel for, related

13 to, nor employed by any of the parties to the action in which

14 this matter was taken, and further that I am not a relative

15 or employee of any attorney or counsel employed by the

16 parties thereto, nor financially or otherwise interested in

17 the outcome of the action.

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19 _____

20 Court Reporter

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