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ELECTRIC COMPANY,)

Respondent.)

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

2 THE COURT: We're on the record. Good
3 morning. Today is Monday, November 5, 2012. The
4 Commission has set this time for an evidentiary
5 hearing in Sherry Veach versus the Empire District
6 Electric Company, file No. EC-2012-0406. And let's
7 start with counsel making their entries of appearance.

8 Ms. Veach, my understanding is you're
9 representing yourself today; is that correct?

10 MS. VEACH: Yes, I am.

11 THE COURT: And for the Empire District
12 Electric Company?

13 MS. CARTER: Diana Carter, Brydon,
14 Swearngen & England, P.C., representing the Empire
15 District Electric Company.

16 THE COURT: For staff of the Public Service
17 Commission.

18 MS. MOORE: Amy Moore for staff of the
19 Missouri Public Service Commission.

20 THE COURT: And office of public counsel.

21 MR. MILLS: Lewis Mills for the office of
22 public counsel.

23 THE COURT: My name is Michael Bushmann.
24 I'm the regulatory law judge that's been assigned to
25 this case. Sherry Veach filed a complaint with the

1 Commission on June 4, 2012 alleging primarily that the
2 Empire District Electric Company has overcharged her
3 due to an electric meter that was improperly
4 calibrated. On July 5, 2012 Empire filed its answer
5 to the complaint which has resulted in today's
6 hearing. Empire stated that it was unable to detect
7 any meter or billing errors related to Ms. Veach's
8 electric and that it has acted in accordance with its
9 tariffs. Staff investigated Ms. Veach's allegations
10 and filed a report with the Commission on August 1,
11 2012. The main issue in this hearing is whether
12 Empire improperly overcharged Ms. Veach for electric
13 service as a result of a malfunctioning or a
14 miscalibrated electric meter.

15 Since this matter is a small formal
16 complaint case under the Commission rules, it will be
17 conducted in an informal summary matter. I'll first
18 take the testimony of Ms. Veach and then she will have
19 the opportunity to provide additional information.
20 Empire, Staff, and public counsel will then present
21 testimony from their witnesses. Each party will have
22 the right to ask questions of the opposing party's
23 witnesses. Commission staff will not be advocating a
24 position, but staff members are available as witnesses
25 and staff counsel can question other party's witnesses

1 for clarification purposes.

2 Ms. Veach, do you have any questions about
3 the hearing process or the procedure we're going to
4 follow today?

5 MS. VEACH: Not yet, but if I do have, can
6 I ask?

7 THE COURT: You may.

8 MS. VEACH: Okay.

9 THE COURT: And any counsel have any
10 questions about the process?

11 MS. CARTER: No.

12 THE COURT: All right. I show that
13 witnesses today would be Ms. Veach first, and then
14 we'll have Empire witnesses John Crawford, Anne Butts,
15 and Staff's witness Dan Beck; is that correct?

16 MS. CARTER: Yes.

17 THE COURT: Why don't we -- at this point
18 before we get going into the testimony, if you have
19 any exhibits that you wanted to have marked, if we can
20 bring them up to the court reporter and have them
21 marked and that would be probably -- for instance,
22 Empire Exhibit 1, Empire Exhibit 2, and then
23 Veach Exhibit 1, Veach Exhibit 2. That way we can
24 have each party designation and a number. So if you
25 want to take a few minutes right now to do that, we

1 can get that done.

2 Ms. Veach, we will start with your
3 testimony first.

4 * * * * *

5 SHERRY VEACH,
6 of lawful age, produced, sworn and examined on behalf
7 of the COURT, deposes and says:

8 THE COURT: Could you please state your
9 full name for the record and spell your last name?

10 THE WITNESS: Sherry, S-h-e-r-r-y, Lynne,
11 L-y-n-n-e, Veach, V-e-a-c-h.

12 THE COURT: And where do you currently
13 reside?

14 THE WITNESS: 98 North Swan Street,
15 Fair Grove, Missouri.

16 THE COURT: How long have you resided at
17 that address?

18 THE WITNESS: Since July of 1988.

19 THE COURT: And while residing there, were
20 you a customer of the Empire District Electric
21 Company?

22 THE WITNESS: Yes, since July 1 of '88.

23 THE COURT: It was stipulated that you made
24 a request to Empire to test your electric meter in
25 1997 approximately; is that correct?

1 THE WITNESS: Somewhere around that point.

2 I did not write that date down.

3 THE COURT: Was the meter tested then?

4 THE WITNESS: I do not know.

5 THE COURT: Did you follow up with the
6 company about that?

7 THE WITNESS: At that time my house wasn't
8 my priority. The company that I worked for was my
9 priority, so I trusted them to do what needed to be
10 done.

11 THE COURT: So is that you -- you didn't
12 follow up at that point?

13 THE WITNESS: No.

14 THE COURT: Now, you also stipulated you
15 made another request for having your meter tested on
16 January 23, 2012; is that right?

17 THE WITNESS: That is correct.

18 THE COURT: Why did you make a request for
19 a meter test on that date?

20 THE WITNESS: Because I had quit using the
21 dryer during the summer of 2011 to see if there was
22 any difference in the meter readings, and I saw no
23 difference, so I requested a meter test. And over the
24 years I had called about high utility costs
25 periodically over the years.

1 THE COURT: Do you know when that test was
2 performed?

3 THE WITNESS: No, I do not. I was not
4 there or --

5 THE COURT: Well --

6 THE WITNESS: I stayed home on the 24th and
7 I saw no one.

8 THE COURT: In the stipulation, I think it
9 said it was on January 24, 2012 Empire performed a
10 meter test; is that correct?

11 THE WITNESS: That's what they said. I
12 called a little after eight o'clock on the 24th to
13 find out what time they would be there. Whoever I
14 talked to said the test was done the day before and it
15 tested okay.

16 THE COURT: So do you dispute that there
17 was a test performed on that date?

18 THE WITNESS: I dispute that the
19 information is not correct.

20 THE COURT: Well, that's not exactly what I
21 was asking. Just whether the test was actually
22 performed by Empire on that date, not what the results
23 of it was.

24 THE WITNESS: Okay. No I'm not disputing
25 the test.

1 THE COURT: Do you know what the result
2 was?

3 THE WITNESS: According to what they said.

4 THE COURT: And what was that result?

5 THE WITNESS: They said that it tested
6 okay.

7 THE COURT: Were you satisfied with that?

8 THE WITNESS: No.

9 THE COURT: So what did you do then?

10 THE WITNESS: I started unplugging
11 everything that I had. I quit using appliances to
12 find out why there was an excessive amount of kilowatt
13 usage.

14 THE COURT: When did you start unplugging
15 things?

16 THE WITNESS: If you -- there was a
17 spreadsheet. If I can enter that in.

18 THE COURT: Right now I just want to get a
19 date. Just let me know what date that was -- or
20 approximate date when you started unplugging things.

21 THE WITNESS: I started taking a meter
22 reading on the 29th of January, and then the next day
23 I started unplugging things.

24 THE COURT: So that's January 29, 2012?

25 THE WITNESS: Yes. It was January 30th

1 that I shut everything off.

2 THE COURT: And when you say "everything,"
3 can you specify what appliances it was that you turned
4 off on January 30th?

5 THE WITNESS: I quit using the kitchen
6 stove. I shut the water heater off except for 15
7 minutes a day when I took a shower. I did not use the
8 electric range. I quit using the kitchen
9 refrigerator. I don't use the dishwasher. I just
10 wash dishes by hand.

11 THE COURT: What about other electrical
12 appliances like lights or small appliances or things
13 like that?

14 THE WITNESS: I used the microwave. I used
15 the toaster oven. I do not use the furnace. I heat
16 with wood and a vent-free propane stove.

17 THE COURT: So on January 30th you said you
18 turned off a lot of these major appliances, but there
19 were some things on; is that right?

20 THE WITNESS: The microwave, the toaster
21 oven were things that I used. And when I turned
22 lights on, it was the same light all the time.

23 THE COURT: Was there anything else on
24 besides that at that point?

25 THE WITNESS: No.

1 THE COURT: What about the way you used
2 electricity other than just unplugging things? Did
3 you change the way that you used it?

4 THE WITNESS: No. The things that I quit
5 using, I quit using.

6 THE COURT: Let me clarify. When you say
7 you quit using things, how long did that -- how long
8 did that go on?

9 THE WITNESS: I quit using things until
10 February 21st.

11 THE COURT: So from January 30, 2012 to
12 February 21, 2012, is it your testimony that the only
13 electrical appliances you used in your house was the
14 microwave, toaster oven, and some electrical items?

15 A. The TV -- just a minute. The things that
16 were actually used -- I pulled out a small
17 refrigerator. It's a camper refrigerator that was
18 purchased on 7/18/11. It was purchased to use in a
19 teardrop camper when I go camping. I pulled it out,
20 downsized everything out of the refrigerator, stuffed
21 it in pint jars, Ziploc baggies, whatever I could get
22 in there. What I couldn't get in there I put in the
23 freezer. I had purchased a water cooler to use in my
24 school, the Interior Artist of School of Home Repair
25 in Springfield and I pulled it out. It has a small

1 little cooler area in there.

2 THE COURT: When you say "you pulled it
3 out," what does that mean?

4 THE WITNESS: It means it was purchased to
5 use in my school and I did not use it. I don't use
6 it. It was -- I pulled it out and started using it.
7 I pulled it out of storage.

8 THE COURT: Okay. So there was a freezer
9 also?

10 THE WITNESS: I have a chest freezer.

11 THE COURT: And that stayed on during that
12 January 30th to February 21st?

13 THE WITNESS: Yes. The fireplace has a
14 blower on it. The fireplace blower, you know, was on.
15 The TV was on. The washer, when I needed to wash
16 clothes. So what we've got is a small refrigerator,
17 the water cooler, the microwave, the toaster oven, the
18 fireplace blower, TV, the water heater, the freezer,
19 and the washing machine when I needed to wash clothes.

20 THE COURT: So you say that stayed about
21 the same until February 21st?

22 THE WITNESS: The -- give me a minute here.

23 THE COURT: Sure.

24 THE WITNESS: The kilowatt usage -- when I
25 say I used these appliances, I also did an amp draw on

1 every one of the appliances at the breaker box. I did
2 a time study on them, and I figured the duty time and
3 the kilowatt usage in a 24-hour period of time for
4 each one of these.

5 THE COURT: When you say you did an amp
6 draw, can you tell me what that means?

7 THE WITNESS: That means you take the cover
8 off the breaker box and you pull the wire out that
9 goes to that circuit that that appliance is plugged
10 into and while that appliance is running, you actually
11 do an amp draw. And in order to figure out how --
12 what your watts are, you multiply your amps times your
13 volts which gives you your amp. Then you divide that
14 by 1,000 because it takes the kilowatts -- you know,
15 there's 1,000 in one watt.

16 THE COURT: So you measured the amount of
17 electricity that that particular appliance was using?

18 THE WITNESS: Yes.

19 THE COURT: And that was during the
20 January 30th through February 21st period?

21 THE WITNESS: Yes.

22 THE COURT: Did you do that for all the
23 appliances that were still operating?

24 THE WITNESS: I did that for every
25 appliance that I owned.

1 THE COURT: Even the ones that had been --
2 that you weren't using as well as the ones you were;
3 is that correct?

4 THE WITNESS: I measured the ones that I
5 weren't -- that I wasn't using and I measured those
6 afterwards because I did not want to plug those in and
7 use them while I was doing this study. I didn't want
8 to do anything that was going to alter this study that
9 I was doing.

10 THE COURT: What was the purpose of doing
11 this measurement?

12 THE WITNESS: To find out why I had an
13 excessive amount of kilowatt usage because with the
14 study that I did, the time study, the amp draw, there
15 was no way with what I was using that I could be
16 pulling what the meter was saying it was pulling.

17 THE COURT: What was the conclusion and
18 result that you came to after measuring the electrical
19 usage on those appliances?

20 THE WITNESS: That it was not the fault of
21 the appliances, that it had to be the meter. That was
22 the only other variable in the equation.

23 THE COURT: What did you use to do this
24 test?

25 THE WITNESS: I used a Greenlee amp meter,

1 and after February 14th, then all of a sudden the
2 kilowatt hours usage dropped to exactly what I had it
3 figured up to be. Prior to February 14th, there were
4 readings that were too high for what I was using.

5 THE COURT: So when you used this Greenlee
6 amp meter, you hooked that up to your breaker box; am
7 I correct?

8 THE WITNESS: You hook it up to the wire.
9 You pull the wire out away from the rest of the wires
10 to where you don't have any interference. You clamp
11 the meter on around that wire and it actually measures
12 the amp draw while the appliance is running.

13 THE COURT: And how is -- the testing
14 device that you used, how is that calibrated?

15 THE WITNESS: It is very accurate.

16 THE COURT: And how do you know that?

17 THE WITNESS: The results of the
18 spreadsheet prove that with what it was measured and
19 what is actually being read is right on.

20 THE COURT: So you said that on
21 February 21st --

22 THE WITNESS: February 21st is when I
23 started plugging things back in and using them
24 regularly on a normal basis, and I have a spreadsheet
25 that has everything I did on the day to show what the

1 usage was and what activity was going on.

2 THE COURT: Is that something you wanted to
3 include as part of the records?

4 THE WITNESS: Yes, I would like to --

5 THE COURT: Is that one of your exhibits?

6 THE WITNESS: That is one of my exhibits.

7 THE COURT: What exhibit is that?

8 THE WITNESS: That's Exhibit 3.

9 THE COURT: So that's the formal complaint
10 that was filed with the Commission?

11 THE WITNESS: Yes, the formal complaint
12 with the updated spreadsheet with --

13 THE COURT: Do you have a copy of that for
14 counsel?

15 THE WITNESS: Yes.

16 THE COURT: Why don't you give that to
17 them, and do you have a copy for me?

18 THE WITNESS: Yes. And does the recorder
19 need one?

20 THE COURT: She will have the original to
21 keep with the file, the one that has been marked.

22 THE WITNESS: Okay.

23 THE COURT: So this exhibit includes more
24 information than just the usage logs that you're
25 talking about; is that right?

1 THE WITNESS: Yes.

2 THE COURT: I noticed that the pages are
3 not marked. Why don't --

4 THE WITNESS: The pages are marked with the
5 dates on the spreadsheet.

6 THE COURT: Why don't we -- since there's
7 no numbers to these pages and you're wanting to
8 include this in this record -- to make it clear for
9 the record, why don't we go through these pages and
10 mark the numbers and then what I would like you to do
11 is tell me what each of these pages are.

12 THE WITNESS: Okay.

13 THE COURT: The first page is -- I won't
14 mark that. That's just your cover sheet where it says
15 Exhibit 3. But page 1 I have is the -- which says the
16 complaint. Is that pages 1 and 2?

17 THE WITNESS: 1 and 2 are the complaint.

18 THE COURT: And is that what you filed with
19 the Commission?

20 THE WITNESS: Yes. The next is basically a
21 content on what is included in -- this is the original
22 listing of --

23 THE COURT: Is this page 3?

24 THE WITNESS: Page 3 and 4 are the contents
25 that was filed with the Commission.

1 THE COURT: Is this something that you
2 prepared?

3 THE WITNESS: Yes.

4 THE COURT: And what's page 5?

5 THE WITNESS: Pages 5, 6, 7, 8, and 9 is a
6 letter to Reta in Shane's office with an explanation
7 on what happened in order.

8 THE COURT: And what's page 10?

9 THE WITNESS: Page 10 is the cover sheet
10 for the spreadsheet and this also went to the
11 commission.

12 THE COURT: Page 11?

13 THE WITNESS: Page 11 is the appliances
14 that were not used January 30th through February 21st.

15 THE COURT: Page 12?

16 THE WITNESS: 12 is the equipment that I
17 used to replace my appliances.

18 THE COURT: 13?

19 THE WITNESS: 13 is the spreadsheet and
20 that goes -- 13 through 21 is the spreadsheet where it
21 is daily readings of kilowatt hours used. It is the
22 calculations from one date to the next on how many
23 were used per day and it's got the description of the
24 activities that went on, the day before's hour
25 activities will reflect the next morning's readings.

1 THE COURT: Page 22?

2 THE WITNESS: 22 is the actual calculations
3 and the amp draw and the duty time of each one of the
4 appliances. It will give you the total of kilowatt
5 hours used if those appliances were used on a daily
6 basis. If I used the washer everyday and did -- well,
7 it's figured out to two loads per week on that, but it
8 tells you the 8.9424 kilowatt hours that would have
9 been figured up, you know, per day.

10 THE COURT: So these are calculations that
11 you made yourself based on your measurements?

12 THE WITNESS: Yes.

13 THE COURT: What's page 23?

14 THE WITNESS: The lower part in the blue on
15 that same page is the kilowatt hour usage of those
16 appliances that were not used and it will stipulate
17 that it wasn't used. And 22 is just the footnotes
18 that go with the page prior to that.

19 THE COURT: So you mean page 23 is
20 footnotes?

21 THE WITNESS: Yes.

22 THE COURT: What's page 24?

23 THE WITNESS: 24 is where I had put a
24 color-coated zip tie on the breaker box so I could
25 tell whether or not anybody got into it.

1 THE COURT: Is that a photograph?

2 THE WITNESS: Yes.

3 THE COURT: And what's it a photograph of?

4 THE WITNESS: It's a photograph of that zip
5 tie along with the phone to show when the -- the time
6 and the date that it was put on there.

7 THE COURT: Did you take this photograph
8 yourself?

9 THE WITNESS: Yes.

10 THE COURT: Is it a true and accurate
11 representation of the meter and security device that
12 you put on?

13 THE WITNESS: Yes. I just held the phone
14 up and shot with the camera.

15 THE COURT: What's page 25?

16 THE WITNESS: 25 is the kilowatt hour usage
17 the average temperature that was provided to Dan Beck
18 from what he said from Empire Electric where I had
19 taken this year's kilowatt hour usage and compared it
20 to the previous years.

21 THE COURT: Is page 26 the continuation of
22 that?

23 THE WITNESS: Yes.

24 THE COURT: What's page 27?

25 THE WITNESS: 27 is phone records from when

1 I had called to have the meter checked and that's
2 those next two pages.

3 THE COURT: 27 and 28 are the phone records
4 of that?

5 THE WITNESS: Yes.

6 THE COURT: What's page 29?

7 THE WITNESS: The next page is the card
8 that was supposed to have been the meter test and the
9 next page is the continuation of that.

10 THE COURT: So that would be page 30.
11 What's page 31?

12 THE WITNESS: 31 throughout the rest is --
13 those are the electric bills with the kilowatt hour
14 usage for this year.

15 THE COURT: Page 33?

16 THE WITNESS: That is an e-mail sent to
17 Reta Clarkson at Shane's office.

18 THE COURT: And 34?

19 THE WITNESS: That is an e-mail sent to
20 Reta at Shane's office.

21 THE COURT: 35?

22 THE WITNESS: That is an e-mail sent from
23 Reta to Elizabeth that -- Elizabeth Dunn at
24 Empire Electric.

25 THE COURT: 36?

1 THE WITNESS: It is from Reta Clarkson to
2 me.

3 THE COURT: Is that an e-mail?

4 THE WITNESS: Yes.

5 THE COURT: And what's page 37?

6 THE WITNESS: 37 is the wattage and the amp
7 of a window air conditioner unit with the calculations
8 on how many kilowatt hours it would use a day and then
9 for a 30-day billing cycle.

10 THE COURT: Is this an actual window unit
11 in your house?

12 THE WITNESS: Yes.

13 THE COURT: Did you do a measurement of
14 that air conditioner?

15 THE WITNESS: I pulled this information off
16 the tag because I used the central air this summer. I
17 didn't have to use the window air conditioner. In
18 previous years, I used the window air conditioner
19 because the kilowatt usage was so high.

20 THE COURT: Is there any objections to
21 having Veach No. 3 entered into the record?

22 MS. CARTER: No objection.

23 MR. MILLS: No.

24 MS. MOORE: No objection.

25 THE COURT: Veach Exhibit No. 3 is received

1 into the record.

2 (WHEREIN, Veach Exhibit 3 was marked for
3 identification by the Court Reporter.)

4 THE COURT: Ms. Veach, let's talk a little
5 bit about these logs that you have and that would be
6 page 13 of Veach Exhibit No. 3. You've broken this up
7 into what you call first group readings, second group
8 readings, third group readings. Can you tell me what
9 that means?

10 THE WITNESS: The first group meetings is
11 where I eliminated appliances and started using camp
12 equipment to survive so I could eliminate appliances.

13 THE COURT: And the column headed readings,
14 is that actual meter readings that you --

15 THE WITNESS: That's actual meter readings.

16 THE COURT: Well, let me finish the
17 question. Is that actual meter readings that you took
18 from your meter that you were using for testing or was
19 that something that --

20 THE WITNESS: This is meter readings from
21 Empire Electric's meter.

22 THE COURT: So these were readings taken
23 off the Empire meter?

24 THE WITNESS: Right.

25 THE COURT: And how did you come up with

1 the column called kilowatt hours used?

2 THE WITNESS: You take today's readings
3 minus the previous -- the day before's reading.

4 THE COURT: And that's based on the Empire
5 meter readings?

6 THE WITNESS: The Empire meter readings.

7 THE COURT: And what's the column next to
8 that called activity? What is that?

9 THE WITNESS: That is the activity that I
10 did that day. If you look on February 8th, I did
11 bookbinding. I used florescent lights only and I
12 changed the refrigerator out to a small camper
13 refrigerator and unplugged the large refrigerator.

14 THE COURT: So this first group readings is
15 when you were not using a lot of your major
16 appliances; is that correct?

17 THE WITNESS: Right.

18 THE COURT: So what's the second group
19 readings?

20 THE WITNESS: The second group of readings
21 is the readings that I started getting after the visit
22 from Empire Electric on February 14th. If you look at
23 February 14th, the reading, the daily use went from 13
24 down to 6 the very next morning. Then we had rain on
25 February 15th which caused the sump pump to run, so it

1 did use 12, but then it dropped right back down to 8,
2 9, and 9.

3 THE COURT: And what is the third group of
4 readings?

5 THE WITNESS: The third group?

6 THE COURT: On page 14.

7 THE WITNESS: Okay. That point -- the
8 third group of readings is after the water heater was
9 turned back on, there was a point where I turned the
10 water heater completely off and I used the camp stove
11 in order to heat water that I used. I actually turned
12 the water heater back on. If you look at
13 February 21st, I turned the water heater back on and
14 that will cause a surge for it to heat up because it
15 was turned completely off at the breaker for 12 days.
16 Then after the hot water heated up, from that point
17 that was when the hot water heater was turned back on
18 and it was used normally.

19 And then the fourth group of readings is
20 when everything went back to living normal. The
21 kitchen refrigerator was turned back on. If you look
22 at March 4th, I turned the kitchen refrigerator back
23 on so there was going to be a surge to get it cooled
24 back down, and then on the 5th, I unplugged the camper
25 refrigerator and put it back into storage. But from

1 March 6th throughout the entire readings, everything
2 is the way I normally lived.

3 THE COURT: So it's not correct to say that
4 you turned everything back on February 21st? It was a
5 process after that date; is that correct?

6 THE WITNESS: It was a process.
7 February 21st is when the hot water heater -- that
8 reading -- the 21st the hot water heater was turned
9 on, so things started getting turned back on. That's
10 the reason I've got them broken up into different
11 groups so that it can be explained on what was turned
12 on and what was still off.

13 THE COURT: And after March 6th is it your
14 testimony that everything that you had used before you
15 began your test in January was operating at that
16 point?

17 THE WITNESS: Everything is back to normal,
18 yes.

19 THE COURT: Has that continued until today?

20 THE WITNESS: Yes.

21 THE COURT: Is there anything about your
22 electrical usage after March 6th that is different
23 than it was before you began your test in January?

24 THE WITNESS: I used the central air unit
25 this summer. I didn't use it before, so that is what

1 is different.

2 THE COURT: So you're saying you did not
3 use less electricity after March 6th?

4 THE WITNESS: I used less electricity after
5 everything went back to normal living. After all the
6 appliances were turned back on, then these readings
7 are true and accurate readings for everything that I
8 do, the way I live.

9 THE COURT: How do you know that?

10 THE WITNESS: Because I haven't changed the
11 way I live.

12 THE COURT: Other than that period of time
13 of January 30th through March 6th --

14 THE WITNESS: That changed because I
15 eliminated appliances.

16 THE COURT: Other than that period, was
17 your usage -- I'm not talking about meter readings.
18 I'm talking about the way you used your electricity.
19 Was it identical before and after that period of time?

20 THE WITNESS: Everything is identical. The
21 way I used everything, my usage. Everything is
22 identical. After everything was up and going was
23 identical to what I did prior to January 29th.
24 January 29th is when I started -- well, it would have
25 been January 30th is when I started turning things

1 off, but I am living now -- from March 6th I am living
2 exactly the way I've lived for the past 24 years.

3 THE COURT: How did your bill change during
4 that period of time?

5 THE WITNESS: It dropped drastically.

6 THE COURT: When did it start dropping?

7 THE WITNESS: It started dropping -- the
8 usage actually started dropping after February 14th.
9 If you want to look at the usage after everything was
10 back up and running in a normal sense, then March 6th
11 is when the normal electric usage for now compared to
12 prior to -- you know, comparing apples to apples --
13 it's exactly the way it was before I started this
14 test.

15 THE COURT: Your logs go up to --

16 THE WITNESS: Actually these go up to
17 November 2nd because I had to run the copies.

18 THE COURT: So you continued to record your
19 meter, am I correct, all the way up until a few days
20 ago? Is that what these logs show?

21 THE WITNESS: Yeah, but my meter
22 readings -- I have yesterdays and this mornings and
23 with running copies all day Saturday and all day
24 Sunday, Saturday I had 24 kilowatt hours used and
25 Sunday I had 19 kilowatt hours used, so, yes, I am

1 still reading it.

2 THE COURT: Did you bring this information
3 that you have about your usage change? Did you bring
4 that to the attention of any Empire employee?

5 THE WITNESS: I had e-mailed this
6 information to -- I believe her name was Pat
7 Straighter and at that time she got ahold of Reta at
8 Shane's office and told her not to -- to tell me not
9 to send them any more information.

10 THE COURT: I'm talking about back in
11 January and February when you were doing this testing.
12 Did you notify any Empire employee about what you were
13 doing at that point?

14 THE WITNESS: I contacted Orville Jackson
15 because when I tried to get the meter test done, it
16 was almost impossible to get her to write the work
17 order.

18 THE COURT: Who is Orville Jackson?

19 THE WITNESS: Orville Jackson was the
20 lineman for this area.

21 THE COURT: What happened after you
22 contacted Mr. Jackson?

23 THE WITNESS: I showed Orville the
24 spreadsheet and I said, "Orville, something is not
25 right. Something isn't working right." I said, "The

1 meter is not reading right." He said he would --

2 MS. CARTER: Judge, I am sorry. I know
3 this is informal, but I would object to her testifying
4 as to what other people said who aren't present to
5 testify today.

6 THE COURT: I will sustain that objection.
7 You can't tell me about what someone out of the court
8 here today told you about something unless they are
9 here.

10 THE WITNESS: All I was going to say is he
11 said he would have to give the information to someone
12 else.

13 THE COURT: Is Mr. Jackson employed by
14 Empire District Electric Company?

15 THE WITNESS: He is now retired from them.

16 THE COURT: Was he employed at the time?

17 THE WITNESS: Yes.

18 THE COURT: I think I am going to reverse
19 that as an admission of a party opponent, so I am
20 going to change my ruling on that you. You can go
21 ahead and tell me what Mr. Jackson told you.

22 MS. VEACH: Okay. He said he would have to
23 get ahold of the person that is taking care of the
24 meter and give it to them because he didn't know what
25 was wrong. So I called him a few days later and asked

1 him if he had gotten ahold of him and he finally got
2 ahold of him on February 14th.

3 THE COURT: What happened on February 14th?

4 THE WITNESS: February 14th was when I told
5 Orville that once he gave the spreadsheet to the
6 person that takes care of the meters, that they needed
7 to call me before they came out because I had to run
8 to Springfield and get some samples and I wanted to
9 make sure that I was home.

10 THE COURT: What happened then?

11 THE WITNESS: I did not receive a phone
12 call. I went to Springfield. I came back home and I
13 wasn't home a few minutes and Mr. Crawford came in.

14 THE COURT: Who is Mr. Crawford?

15 THE WITNESS: He is the one that is
16 supposed to take care of the meters.

17 THE COURT: Is he an Empire employee?

18 THE WITNESS: Yes.

19 THE COURT: What happened then?

20 THE WITNESS: I took him into the family
21 room, took the spreadsheet and said, "Let me explain
22 to you what I did." And when I started in telling him
23 that I took the amp draw, figured the duty time and
24 the kilowatt hour usage, he told me I was wrong. I
25 said, "No, I am right." He said, "You're wrong." I

1 said, "No, I am right." And I pulled up one of the
2 books that I had open, that I had as a college manual
3 when I was in college, and I said, "There's the
4 formula." And at that time he took off. I said, "If
5 I am so wrong, tell me why" -- "when I had absolutely
6 everything unplugged and turned off at the breaker
7 except for the TV and 11 and a half hours, why with
8 only the TV running for six hours that day that I used
9 8 kilowatt hours?"

10 THE COURT: Did you observe Mr. Crawford
11 doing anything with your meter on that day?

12 THE WITNESS: No, I was gone part of that
13 day.

14 THE COURT: Where is your meter located?

15 THE WITNESS: It's located on the side of
16 the house, on the backside.

17 THE COURT: Did you have your security
18 device on it at that time?

19 THE WITNESS: There was a security
20 device -- oh, no, I did not have my zip tie on it.

21 THE COURT: Was there any other security
22 device on it?

23 THE WITNESS: There was an Empire Electric
24 security device.

25 THE COURT: Were you familiar with what the

1 meter looked like before February 14th?

2 THE WITNESS: Yes.

3 THE COURT: Did it look any different after
4 Mr. Crawford had been there?

5 THE WITNESS: A digital -- or a mechanical
6 meter doesn't change its appearance.

7 THE COURT: I'm just saying did it appear
8 to be the same meter that was there the day before?

9 THE WITNESS: Appeared.

10 THE COURT: Did Mr. Crawford ever say that
11 he had calibrated or recalibrated your meter that day?

12 THE WITNESS: No.

13 THE COURT: But you think that right now --
14 I think you said you believed that the meter is
15 reading correctly; is that correct?

16 THE WITNESS: The meter is reading
17 correctly.

18 THE COURT: When do you think that that
19 started reading correctly?

20 THE WITNESS: The very next morning when I
21 took that next meter reading, the morning of the 15th.

22 THE COURT: February 15, 2012; is that
23 correct?

24 THE WITNESS: Yes.

25 THE COURT: And do you believe it's been

1 continuing to operate or read properly after that day?

2 THE WITNESS: Yes.

3 THE COURT: Why do you think the readings
4 changed after February 14th?

5 THE WITNESS: I can only make assumptions.

6 THE COURT: What do you base your
7 conclusion on that it's different now than it was
8 before that day?

9 THE WITNESS: Because of the readings that
10 I am getting, because of the accuracy, because my
11 readings have dropped from over a thousand kilowatt
12 hour usage down to 450, 535, and the spreadsheet on
13 the last page of the daily usage readings, it has got
14 the dates that the meter was read and the kilowatt
15 usage. February -- or March 14th, kilowatt usage was
16 454 for that billing cycle. The next billing cycle
17 was 450. May, it was 662, and I actually turned the
18 AC on. July 16th, that meter reading it was 1,194,
19 but I was running the AC unit. I did not use the AC,
20 the central air prior to that. I would use a window
21 air conditioner in my bedroom at night while I slept.

22 THE COURT: Do you think that Empire
23 replaced that meter at any time that you know of?

24 THE WITNESS: I think it is a possibility.

25 THE COURT: You just testified it appeared

1 to be the same before and after February 14th. Would
2 they have had time to replace that meter without your
3 knowledge on that day?

4 THE WITNESS: Yes.

5 THE COURT: How long were you away from
6 your house?

7 THE WITNESS: At least an hour and a half
8 to two hours.

9 THE COURT: Do you think that the meter was
10 miscalibrated?

11 THE WITNESS: I think the meter was not
12 reading correctly.

13 THE COURT: So I am trying to find out
14 whether you think that the meter was either defective,
15 in which case it was broken and it couldn't be fixed
16 no matter what the calibration was, or whether it was
17 miscalibrated, which means that it was -- it could
18 operate properly, but it just wasn't set right?

19 THE WITNESS: I don't think the meter has
20 ever read right since I lived in the house in 1988
21 which I have -- it would be No. 9 on the exhibits
22 where the very first --

23 THE COURT: Are you talking about page 9 of
24 Veatch Exhibit No. 3?

25 THE WITNESS: No, it's Exhibit 9. It's a

1 different exhibit, but I have a copy of the first
2 electric bill that I ever got in that house. And in a
3 13-day period, the meter said that I used 994 kilowatt
4 hours. That comes up to 76 kilowatt hours a day.

5 THE COURT: That was back in 1988?

6 THE WITNESS: That was July of 1988. I
7 have the original electric bills.

8 THE COURT: If you think it was
9 miscalibrated, how much do you think it was off?

10 THE WITNESS: I did a comparison from one
11 year to the previous years and that's in Exhibit 4
12 that I have. What I did was I picked out the month --
13 just a minute. I picked out the month of April and
14 May because you would know that you didn't have any
15 heat or AC running during those two time periods, and
16 I took 2011, '10, '09, '08, and '07 and I logged in
17 this year's readings and -- and right beside on the
18 corresponding year and month. In 2011 the meter said
19 I used 1,246 kilowatt hours and the billing cycle for
20 this year I used 450. In April it said I used 1,301,
21 this year 454.

22 THE COURT: So how did you calculate what
23 you believed that that difference was?

24 THE WITNESS: By the percentage. The old
25 meter reading versus the new meter reading on these

1 two months actually calculated out to 62 percent
2 higher than what the new readings are.

3 THE COURT: So you think 62 percent is the
4 amount of the miscalibration?

5 THE WITNESS: It shows it for those two
6 months.

7 THE COURT: Did you read the Staff report
8 that was submitted in this case?

9 THE WITNESS: Yes, I did.

10 THE COURT: I believe the conclusion in
11 that report was that the meter on your house could not
12 physically be -- change calibration more than 3 to 4
13 percent. How do you explain that with the result that
14 you calculated?

15 THE WITNESS: If the meter is not
16 recalibrated, the meter can be changed. If you look
17 at the design of the meter, these meters are made in a
18 production setting where several meters go down the
19 assembly line all at the same time. They are made
20 with identification plates where the identification
21 plate can be put onto the meter when a company calls
22 for them.

23 This is the picture of my meter right here
24 (indicating). The only thing that holds that
25 identification plate on are these two screws which go

1 into a screw box on the side of this framing. That
2 plate does not attach to anything. In order to change
3 that plate out, all you have to do is take that glass
4 bowl off, take those screws loose, and put a new plate
5 on it.

6 THE COURT: And what effect would that have
7 on the readings?

8 THE WITNESS: If the meter was replaced by
9 a different one, the old identification plate could be
10 replaced onto a new meter and it could be a new meter.
11 That is one possibility. I'm not saying that is what
12 happened. I am saying that is a possibility.

13 THE COURT: Are there any other -- is there
14 any other information related to the issue in this
15 case that you would like to tell me that you haven't
16 already told me?

17 THE WITNESS: I have -- back in
18 September -- August and September of 2010 I was home
19 four days that entire billing cycle. I was in -- I
20 left for Ohio on August 14th. I got home the night of
21 August 28th. I was in Ohio renovating my mother's
22 bathroom prior to her knee reconstruction surgery. I
23 was home on the 29th. On the 30th I left for
24 Colorado. I left Colorado on the 6th of September. I
25 was home the 7th, the 8th, and the 9th, and on the

1 10th I left for Ohio. On the 16th I left Ohio and
2 came back to Missouri. I was home for a total of four
3 days. That billing cycle with the only thing running,
4 the refrigerator, the freezer and the hot water
5 heater, that meter said I used 932 kilowatt hours, and
6 I have receipts to Lowe's in Sidney, Ohio, and I have
7 receipts from where I bought gas in Pueblo, Colorado,
8 with the dates on them.

9 THE COURT: Are these part of the exhibits
10 that you have brought that you wanted to include?

11 THE WITNESS: These are part of the
12 exhibits.

13 THE COURT: If you have anything you want
14 to include in the record now that is not already
15 included, why don't you go ahead and hand that to the
16 other counsel so we can deal with that.

17 THE WITNESS: Okay.

18 THE COURT: Any other exhibits you want to
19 include?

20 THE WITNESS: And I will include the one of
21 the meter.

22 THE COURT: Any other exhibits you want to
23 include in the record today?

24 THE WITNESS: Yes. Here are propane
25 receipts from where I had a propane stove, a vent-free

1 propane stove installed in '04. Here is the
2 spreadsheet that compares 2012 usage to previous
3 years. Here is phone records for February 14th. Here
4 is pictures of appliances along with the camp
5 equipment that was used. You should have 1 through 9
6 if I didn't miss one.

7 THE COURT: I don't believe I have 6.

8 THE WITNESS: Number 6 is the receipt for
9 the teardrop camper that I bought and the camper
10 refrigerator to use in it when I go out to the
11 mountains camping.

12 THE COURT: Why don't we just briefly go
13 through these so counsel has a chance to look at them.
14 Let's start with what been marked as Veach Exhibit 1.
15 Can you tell me what that is and how it's relevant to
16 today's hearing?

17 THE WITNESS: The phone records for 2/14.
18 These are being brought up due to an answer that I had
19 gotten from Empire Electric on a phone call which I
20 never received and this is all the phone calls that I
21 received and made on February 14th with a name
22 assigned to each and every one of them.

23 THE COURT: And what is Veach Exhibit 2?

24 THE WITNESS: That is a picture of the
25 appliances that I have and ones that I used. You will

1 see where a camp stove is sitting on top of the
2 kitchen stove.

3 THE COURT: Are these the appliances that
4 you referred to during your testimony?

5 THE WITNESS: Yes.

6 THE COURT: Did you take these pictures?

7 THE WITNESS: Yes.

8 THE COURT: Are these true and accurate
9 representations of the appliances that you own?

10 THE WITNESS: Yes.

11 THE COURT: And what's Veach Exhibit No. 4?

12 THE WITNESS: That is where I have taken
13 this year's kilowatt hour usage and compared it to the
14 previous year's usage and these usages were pulled off
15 the Empire Electric bills on the kilowatt hours that
16 they recorded that I used in that length of time.
17 You've got on the year, the days, and the billing
18 cycle the total kilowatt hour usage and it's broken
19 down to how many kilowatts per day so that you can
20 compare it to how many kilowatts per day --

21 THE COURT: Am I correct that you started
22 with actual meter readings from the Empire meter?

23 THE WITNESS: Yes.

24 THE COURT: And then you did some
25 mathematical calculations based upon that?

1 THE WITNESS: Right.

2 THE COURT: And what is Veach Exhibit 5?

3 THE WITNESS: Number 5 is where you will
4 see the receipts when I went to Lowe's and bought
5 things to do the renovation of the bathroom where it
6 says Sidney, Ohio, in it. It's got the electric --
7 Empire Electric's billing with the kilowatt hour usage
8 up in the right-hand corner. It has where I had
9 purchased fuel in Colorado on 9/05, 9/06, and you have
10 a calendar showing when I was gone, where I was, and
11 when I was home.

12 THE COURT: And what is Veach Exhibit 6?

13 THE WITNESS: Number 6 is where I had
14 bought the teardrop camper with the date and then
15 where I had bought the camper refrigerator to go in
16 it, and I had to buy it at a truck stop so that it
17 would plug into the DC of the camper.

18 THE COURT: And is this the same camper
19 refrigerator that you testified that you used during
20 that period of time as January 29th through
21 February 21st?

22 THE WITNESS: Yes, and there is a
23 photograph in the pictures that show you how small it
24 is. It's 1.5 cubic foot. When I took a picture of
25 it, I put a teacup in front of it so you could see how

1 small it is.

2 THE COURT: What's Veach Exhibit 7?

3 THE WITNESS: Number 7 is the propane
4 receipts that I have ever since Country Pride
5 installed it on 2/9/04. They are all the propane
6 receipts.

7 THE COURT: How is this relevant to the
8 issue today?

9 THE WITNESS: To show that I've used the
10 vent-free propane stove to heat and a wood fireplace.
11 I do not use the furnace.

12 THE COURT: And what's Veach Exhibit 8?

13 THE WITNESS: Number 8 is the meter
14 dissection where it shows you how the meter looks on
15 the inside and how that cover, the identification
16 plate is held on there.

17 THE COURT: Are these photographs of your
18 meter on your house?

19 THE WITNESS: These are the photographs of
20 the meter on my house.

21 THE COURT: Did you take the photographs?

22 THE WITNESS: Yes. The dissection is what
23 I got off the Internet to show --

24 THE COURT: Is that the last page of that
25 exhibit? Is that what you are referring to --

1 THE WITNESS: Yes.

2 THE COURT: -- the last page of the
3 exhibit?

4 THE WITNESS: Yes. And if I could have the
5 recorder change her label because this one that she's
6 labeled is missing this page.

7 THE COURT: Well, we can substitute that
8 out if you need to. But the exhibits that you've
9 handed out, can you tell me what it is that we're
10 looking at here, the one that you think is correct?

11 THE WITNESS: This is the meter.

12 THE COURT: Page 1, is that what you're
13 referring to?

14 THE WITNESS: Yes.

15 THE COURT: What is that?

16 THE WITNESS: That is showing the two
17 screws that hold the identification plate. This is my
18 meter.

19 THE COURT: And you took this photograph?

20 THE WITNESS: I took this photograph.

21 THE COURT: What is page 2?

22 THE WITNESS: Page 2 is a side view of that
23 meter showing the screw boxes that those screws go
24 into showing that that plate, that identification
25 plate does not attach to anything except that screw

1 box.

2 THE COURT: And page 3 I believe you
3 testified is a photograph that you took off the
4 Internet?

5 THE WITNESS: I printed it off the Internet
6 because it shows where that meter has been taken
7 apart.

8 THE COURT: Is this a photograph of your
9 meter?

10 THE WITNESS: No.

11 THE COURT: Is it a photograph of the same
12 kind of meter that you have on your house?

13 THE WITNESS: Yes, it's the same kind of
14 meter. It's an old mechanical meter. It just has the
15 faceplate off of it.

16 THE COURT: So can you tell me what Veach
17 Exhibit No. 9 is?

18 THE WITNESS: Number 9 is all the electric
19 bills from 2010, '11 -- well, it's from '11 all the
20 way to 2007, plus it has the first electric bill that
21 I received in 1988 on the front and it's only there to
22 show that the meter read high back then.

23 THE COURT: Is there any objection to the
24 introduction of those exhibits into the record?

25 MS. CARTER: No.

1 MR. MILLS: No.

2 MS. MOORE: No objection.

3 THE COURT: Then Exhibits 1, 2 and 4
4 through 9 are admitted into the record.

5 (WHEREIN, Veach Exhibits 1, 2, and 4
6 through 9 were marked for identification by the Court
7 Reporter.)

8 THE COURT: Ms. Veach, is there anything
9 else you want to tell me about your case now that you
10 haven't already told me?

11 THE WITNESS: If I think of something
12 later, can I come back to it?

13 THE COURT: Yes. All right. That
14 concludes all the questions I have.

15 Ms. Carter, do you have any questions?

16 MS. CARTER: Yes.

17 EXAMINATION

18 QUESTIONS BY MS. CARTER:

19 Q. Ms. Veach, if you will look at your Exhibit
20 No. 3, page 18, please.

21 A. Yes.

22 Q. What does it mean when there is nothing
23 written in the column on the right for a given day?

24 A. That just means it's normal life. I just
25 did not write anything in there because I do this

1 before I go to work in the morning. If there is
2 something -- I got to where if there was something
3 unusual, then I would write it in there. If you look
4 at September 14th, I made banana bread, two batches.
5 It rained and the sump pump ran.

6 **Q. So what does it mean if nothing is written**
7 **in there? What does it mean -- what was used during**
8 **that day?**

9 A. It's just normal living. There's nothing
10 unusual. If there's nothing in there, I got up. I
11 cooked my breakfast. I went to work. I cooked
12 supper. I didn't do the laundry. I didn't bake
13 anything. Nothing unusual out of the normal living.

14 **Q. I'm confused because if I look at page 13**
15 **of that exhibit, for example, there's nothing written**
16 **in the right column for January 31st or February 5th**
17 **or February 7th or February 10th or February 11th. Do**
18 **those mean also nothing unusual, normal living?**

19 A. Keep in mind I did not start this
20 spreadsheet to be used in a court. This spreadsheet
21 started out being taken by me to find out what was
22 going on that caused the fluctuation of the meter. If
23 I did bookbinding, it's in there. If I did a load of
24 laundry, it's in there. If I didn't perform anything
25 other than getting up, going to work, eating a normal

1 breakfast, eating a normal supper, then it's normal
2 living.

3 Q. Is that the same for all of the days? If
4 nothing is written for all of the days --

5 A. It's pretty much normal.

6 Q. And so when you've written in, for example,
7 that you did a load of laundry, you would consider
8 that part of your normal --

9 A. That's not a daily routine. You don't do
10 the laundry everyday.

11 Q. How about on days when it says that you
12 worked in a client's house?

13 A. That means I got up early and I was gone
14 and I didn't get home until late. I wasn't even home.

15 Q. You didn't have breakfast or dinner at your
16 house on those days?

17 A. Sometimes no. Sometimes I do.

18 Q. On days when it says -- for example, I'm
19 looking at page 17 of the exhibit. June 5th through
20 June 8th, and all that's listed in the right column
21 for those days is AC still running, worked in client's
22 house all day.

23 A. AC is running because I didn't use AC in
24 previous years. I used the window air conditioner in
25 the bedroom.

1 Q. So if I could finish my question, please.

2 A. Okay.

3 Q. Does that mean even though you weren't at
4 home and possibly didn't have breakfast or dinner, you
5 left the air conditioning running? Am I reading that
6 right?

7 A. Do you leave the AC running on your house?

8 Q. I'm sorry, ma'am. I'm asking the question.

9 A. The reason it says AC running is because
10 this summer I used the central air unit. It's still
11 running. That's the reason the numbers are different
12 than what the calculated usage of appliance is.

13 Q. Ms. Veach, I'm just trying to understand
14 exactly what you have written here. If you could
15 explain for me what it means to say AC is running but
16 worked in client's house all day. Does that mean you
17 had the air conditioning running while you were out of
18 the house?

19 A. Yes. When I turned the central air on this
20 summer, I left it on. I did not turn it off.

21 Q. And what temperature was it set at?

22 A. Seventy-eight degrees.

23 Q. Did it vary from day to day?

24 A. It's set on 78 degrees.

25 Q. And did that vary at any time?

1 A. No. I do not like a cold house.

2 Q. So once you turned it on, you put it on 78
3 and it stayed on 78 all day no matter the time of day
4 or what you were doing?

5 A. Correct.

6 Q. And that stayed that way until we would
7 find an entry where it said turned AC off?

8 A. Right. And if the weather, the temperature
9 changed to where I didn't need the AC, I turned it
10 off. If the temperature got to where it was hot, I
11 would turn it back on.

12 Q. I had a question also on your Exhibit 8.

13 A. Yes.

14 Q. The first page after the cover is the
15 picture you took of your meter; is that correct?

16 A. That is correct.

17 Q. When did you take that?

18 A. I took that a day or two before the
19 prehearing.

20 Q. So very recently?

21 A. Yes.

22 Q. Do you have a picture of your meter from
23 before February 14th of this year?

24 A. No. This meter was not taken -- a picture
25 of this meter was not taken to prove this meter was a

1 different meter. It was taken to show how the
2 faceplate could be changed on it.

3 Q. Ms. Veach, I was just asking, though, if
4 you had a picture from before February of 2012?

5 A. No.

6 Q. Does your meter today look different than
7 it did before February 14th of 2012?

8 A. It looks like that.

9 Q. I understand it does now. I asked if it
10 looked differently before February 14th of 2012.

11 A. No.

12 Q. Did the glass cover -- is it plastic or
13 glass that covers the meter?

14 A. It's glass.

15 Q. Did the glass look any differently before
16 February 14th of 2012 than it looks now?

17 A. It was a glass bulb that goes on the meter.

18 Q. Did it look any differently to you?

19 A. I don't go out and look at it everyday.

20 The glass bulb could be the original glass bulb if the
21 meter was changed. It doesn't have to have a new
22 glass bulb.

23 Q. I'm sorry, ma'am. I'm not asking that.
24 I'm just asking from your observations. You told the
25 judge a little bit ago that you looked at the meter

1 before February 14th of 2012 and now you just told us
2 you looked at it since then.

3 A. Well --

4 Q. I'm asking if you saw any differences, any
5 physical differences with the meter before and after
6 February 14, 2012?

7 A. No.

8 Q. Have you had training in recalibration of
9 utility meters?

10 A. I have had classes in college where it
11 teaches the workings of the meters.

12 Q. What classes were those?

13 A. Those were at SMS.

14 Q. I'm sorry. What type of classes were
15 those?

16 A. They were instrumental classes.

17 Q. Did you learn about recalibration of the
18 type of meter that's at your house?

19 A. Yes.

20 Q. And what's your understanding of how much a
21 meter could be recalibrated?

22 A. It depends on the meter.

23 Q. What's your understanding of the maximum?

24 A. According to the Duncan meter that is on my
25 house that was made in Lafayette, Indiana, the specs

1 on it says plus or minus four.

2 **Q. Do you disagree with that?**

3 A. I don't disagree with what they had
4 manufactured it to do.

5 **Q. Do you believe that the meter at your house**
6 **was recalibrated on February 14th of 2012?**

7 A. I believe the meter is reading differently.

8 **Q. I understand that. Do you believe it was**
9 **recalibrated on February 14th?**

10 A. I don't know what happened on
11 February 14th. I believe the meter is reading
12 differently.

13 **Q. So then you don't believe it was**
14 **recalibrated?**

15 A. I believe the meter is reading differently.

16 **Q. And I am very sorry, Ms. Veach. I need you**
17 **to actually answer that question for me.**

18 A. Well, I am sorry. I do not know what
19 happened to that meter. I believe the meter is
20 reading differently.

21 **Q. And is February 14th of 2012 the exact date**
22 **you believe it's all different now?**

23 A. I believe whatever happened, it happened on
24 February 14th.

25 **Q. And that's of this year, 2012?**

1 A. Yes.

2 Q. Do you have all of your usage with you? Do
3 you have your meter read usage report with you today?

4 A. What are you calling my meter read usage?

5 Q. I'm not certain on all of your exhibits.
6 Do you have something that would show your different
7 meter reads per month from Empire for the life of --

8 A. For the life of it?

9 Q. Yes.

10 A. I have the electric bill dating back to
11 1988. I have copies of the electric bills that you
12 have copies back to '07. I have the originals here
13 back to '07.

14 Q. Do you have something that would show
15 your --

16 A. Here are some of the old bills that go back
17 to 1988.

18 Q. Do you have something that would show your
19 kilowatt usage per day?

20 A. Prior to me taking Exhibit 3?

21 Q. And I am sorry. I mean, Empire's meter
22 readings for your kilowatt usage per day?

23 A. Are you talking a spreadsheet, or are you
24 talking --

25 Q. It doesn't matter the form it takes. Do

1 **you have something with you that you could look at**
2 **that for me?**

3 A. I guess I'm not understanding your question
4 because I have the bills. I have the spreadsheet I
5 did. You have a copy of the bills, and the copy of
6 the bills are No. 9, so I am not sure what you're
7 asking for. Are you asking if since 1988 I broke them
8 down on a daily kilowatt use?

9 Q. I'm not. This might be easier. I will
10 hand you what's been marked as Empire Exhibit 2. This
11 isn't into evidence yet so I was not wanting to ask
12 you questions about my exhibit, but if you could tell
13 me if you had something similar that was admitted into
14 evidence already?

15 A. This is exactly what I've done with the
16 spreadsheet where it's got the reads, the days, the
17 kilowatt hour usage.

18 Q. Which exhibit is that?

19 A. That's in Exhibit No. 3. That is the
20 spreadsheet, and then you have got a spreadsheet that
21 is No. 4 where you have got this year's compared to
22 previous years and the previous years on the left-hand
23 side are taken off of Empire's bills. It's No. 4. Is
24 that what you're asking for?

25 Q. Yes. I have Empire's Exhibit 2 and that

1 came from the company to show usage -- I'm sorry.
2 Empire Exhibit 2. I am looking at your Exhibit 4,
3 Veatch Exhibit 4. On the second page I see a date for
4 August 17, 2009. Do you see that?

5 A. Okay.

6 Q. And that has kilowatt usage, kilowatt hour
7 usage per day at 45.9 for 8/17/09; is that correct?

8 A. Yes.

9 Q. And then if I look at -- if I follow that
10 row over, we get to 8/16/12?

11 A. Yes.

12 Q. And if I keep following that, that has
13 kilowatt hour usage per day at 48.94?

14 A. That's because I used the central air. In
15 the previous years I did not use the central air.

16 Q. Yes, ma'am. Does that say 48.94?

17 A. Yes.

18 Q. Where did that number come from?

19 A. All you have to do is divide your kilowatt
20 hour usage by the number of days in the billing cycle.

21 Q. Did that come from a document from Empire?

22 A. Yes, it came from your bills.

23 Q. When I look at Empire's Exhibit 2 -- and I
24 understand that's not been admitted into evidence
25 yet -- I see the number 52 for 8/15/12?

1 A. Exhibit 2?

2 Q. Empire's Exhibit 2 that I just handed you.

3 A. You see what?

4 Q. If I look at August 15 of 2012, it shows
5 kilowatt hour per day usage of 52?

6 A. Okay.

7 Q. And those don't match up and I was just
8 trying to figure out why. You have 48 --

9 A. You have 30 days down for that billing
10 cycle and I've got down 32.

11 Q. My other question is when I look at those
12 two Augusts, they look roughly similar. One from 2009
13 and one from 2012; is that correct?

14 A. And I explained to you that I did not use
15 the central air in previous years.

16 Q. Ma'am, do those look roughly similar for
17 usage?

18 A. I am looking for something else right at
19 the moment.

20 THE COURT: Ms. Veach, you just need to
21 respond to her question when she asks you in the way
22 that she's asking you.

23 THE WITNESS: I was looking for the number
24 of days.

25 THE COURT: I don't think that's what she

1 was asking.

2 THE WITNESS: Well, she made the statement
3 that they had 30 days in their billing cycle and I had
4 32 (sic). I was going to pull up the bill.

5 THE COURT: I just need you to be
6 responsive to her question.

7 A. Yes.

8 Q. (By Ms. Carter) Is the usage for August of
9 2009 roughly similar to the usage for August of 2012?

10 A. Similar.

11 Q. What do you have as the usage for August of
12 2009 per day?

13 A. 48.9.

14 Q. And for 2012?

15 A. Well, you said for 2009 or 2012?

16 Q. Yes, for August of 2009.

17 A. 2009 it was 45.9.

18 Q. And for 2012?

19 A. 48.9.

20 Q. How about August 2008? What's your usage?

21 A. It is 55.54.

22 Q. And August of 2007?

23 A. It is 39.32.

24 Q. So even lower than it was in August of
25 2012; is that correct?

1 A. That is correct because AC was used in
2 2012, was not used in previous years, showing that the
3 meter read incorrect consistently throughout the years
4 without AC.

5 **Q. How much usage -- how much electricity is**
6 **used by your window unit?**

7 A. That is in Exhibit 3, the very last page.
8 It will use 4.48 kilowatts per eight hours of use.
9 134 kilowatt hours for a 30-day billing cycle.

10 **Q. What's the source of that information on**
11 **page 37?**

12 A. It's on the label of the AC unit.

13 **Q. You didn't take a picture of that. We've**
14 **gotten lots of pictures from you. Is there a reason**
15 **you didn't show us that in original form?**

16 A. Open your exhibit up of the pictures, go to
17 the right-hand side, look below the teardrop camper
18 and there's the window AC unit. Second row,
19 right-hand side.

20 **Q. And I'm sorry. I was asking about the tag**
21 **information about usage. Can I see that on your**
22 **Exhibit No. 2?**

23 A. I didn't include that picture because I was
24 trying to get all pictures in there, but if you want
25 to see it, there is the tag that makes the readings on

1 it.

2 Q. Ms. Veach, how old is your window air
3 conditioning unit?

4 A. I don't remember exactly what year I bought
5 that.

6 Q. Do you know approximately?

7 A. No, I don't.

8 Q. Why did you stop using your window air
9 conditioning unit?

10 A. Because the kilowatt hours went down this
11 year to where they were reasonable and I wanted to see
12 what the AC would do and it didn't drive it up that
13 high, so I continued to use the central air unit.

14 Q. When did you start using your window air
15 conditioner instead of your central air?

16 A. Years ago.

17 Q. Do you know approximately when?

18 A. I told you I didn't remember.

19 Q. But you know you didn't use your central
20 air in 2005?

21 A. I will either use the attic fan or I will
22 use the window AC. If the temperature outside was
23 cool enough, I would open the windows and use the
24 attic fan.

25 Q. And I'm sorry. I just didn't understand

1 **that. You don't know when you started using the air**
2 **conditioner instead of your central air?**

3 A. I do not know the date I would have started
4 using it. I would have to go back through the file
5 cabinet and find the receipt for it.

6 **Q. Do you know if it was or wasn't in 2005?**

7 A. I don't remember what year I used it. It
8 was prior to this study. I spent several years using
9 the attic fan.

10 **Q. Prior to 2012 when did you last use your**
11 **central air conditioning?**

12 A. I didn't use it.

13 **Q. You never used it?**

14 A. I used the attic fan.

15 **Q. So in 2012 that was the first time in your**
16 **home you ever turned on your central air conditioning?**

17 A. Yes.

18 **Q. How did you know that it would cost less to**
19 **use your room air conditioning?**

20 A. When I first moved into the house and
21 bought it, I saw all the utility bills from the
22 Gambers who left their utility bills laying out prior
23 to the purchase of the house. I looked at the heating
24 in the summer and saw how high their utility bills
25 were. They were extremely high.

1 **Q. Did you know what their central air**
2 **conditioning usage was?**

3 A. That was back in 1988 when I bought the
4 house. I looked at their utility bills. I cannot
5 tell you what their kilowatt hour usage was.

6 **Q. Do you know if they were using the central**
7 **air conditioning unit?**

8 A. Yes, because when I looked at the house,
9 the central air was on.

10 **Q. How old is your central air conditioning**
11 **unit?**

12 A. It was there with the house when I bought
13 it in '88.

14 **Q. Does your room air conditioner work?**

15 A. Yes, I used it last summer.

16 **Q. And that was the last time you used it?**

17 A. Yes.

18 **Q. I'm going to hand you back the picture you**
19 **handed me. I'm not finding all the same numbers. Not**
20 **that I am finding different numbers, but I'm just not**
21 **finding the numbers. If you could tell me how they**
22 **were calculated? If you could keep that out,**
23 **Ms. Veach, the picture that you showed me.**

24 A. What do you want to know what was
25 calculated?

1 Q. On page 37 of Exhibit 3, the number I could
2 find on that picture you showed me was the 560 watts
3 number and I didn't see the other numbers on that
4 picture. Could you tell me how you calculated those?

5 A. The 560 watts is a 5-amp motor. You
6 multiply your 5-amp motor by 120 volts coming into it
7 which gives you watts. If you divide that by 1,000,
8 it will give you kilowatt usage per hour.

9 Q. You're able to set your central air
10 conditioner at a certain temperature. Are you able to
11 do that with your room air conditioner?

12 A. It runs when I am asleep, and then it's
13 shut off when I would leave.

14 Q. Were you able to set it at a certain
15 temperature?

16 A. It has a control where you can set it at
17 the temperature you want it to. It's a remote
18 control. It's got a LED readout to tell you.

19 Q. Is that yes, you could set it at a certain
20 temperature?

21 A. Yes.

22 Q. And what temperature did you keep it set
23 at?

24 A. Usually about 80 degrees.

25 Q. And you would turn it on and then off?

1 A. I would turn it on when I would go to bed
2 at night and turn it off when I left for work in the
3 morning.

4 MS. CARTER: I think that's all the
5 questions I have for you, Ms. Veach. Thank you.

6 THE COURT: Mr. Mills, do you have any
7 questions?

8 MR. MILLS: I do not. Thank you.

9 THE COURT: Ms. Moore?

10 MS. MOORE: Just a clarifying question.

11 EXAMINATION

12 QUESTIONS BY MS. MOORE:

13 Q. If we could look back at your Exhibit 3
14 that we've been looking at. Page 13, that first page
15 that shows when you started doing your study. Now, I
16 know you said earlier when you started turning
17 appliances back on, it was a process.

18 A. Yes.

19 Q. You started adding things one at a time,
20 correct?

21 A. Right.

22 Q. It looks like from your notes here that it
23 was also a process in turning them off?

24 A. Yes.

25 Q. So it looks like on February 9th you've

1 **noted that you quit using the water heater completely?**

2 A. Right. I started turning the breaker off
3 on the hot water heater except for about 15 minutes a
4 day when I would take a shower. It's a 52 gallon hot
5 water heater and with one person using water out of
6 it, it didn't cool down that much.

7 **Q. Okay.**

8 A. And then I just shut the breaker off
9 totally and completely.

10 **Q. And then -- so I guess would it be accurate**
11 **to say between February 9th and February 14th you had**
12 **most of your appliances turned off for those days?**

13 A. Yes.

14 **Q. Including the water heater? And it looks**
15 **like the usage for those days was 13 to 17 kilowatt**
16 **hours per day?**

17 A. Right, and if you look at the time study,
18 the amp draw and so on of the appliances, you will
19 have the kilowatt usage for an eight hour period of
20 time for each one of those that's on. I didn't number
21 mine while you were numbering them, but it's the one
22 where all of the appliances are listed, meaning that
23 this was running extremely high compared to what the
24 actual measurement was. And if you look at after the
25 February 14th -- granted February 16th the sump pump

1 ran the day before, but if you look, the rest of them
2 have dropped down and they are reading exactly what I
3 said they were supposed to read.

4 Q. So for that February 9th through the 14th,
5 we have 13 to 17 kilowatt hours per day, and then you
6 have that short period of time where you kept those
7 appliances off, correct?

8 A. Right.

9 Q. And then it started -- you started slowly
10 adding in appliances after that, correct?

11 A. Yes.

12 Q. And it looks like your highest reading of
13 this year was 70 kilowatt hours per day on July 25th;
14 is that correct?

15 A. Yes. And this year we had the record
16 breaking temperatures. If you noticed, it had 102
17 degrees.

18 MS. MOORE: That's all I had. Thank you,
19 Judge.

20 THE COURT: Ms. Veach, that concludes your
21 testimony. Why don't we take about a 10-minute break
22 before we have the remainder of the witnesses.

23 (WHEREIN, a recess was taken.)

24 THE COURT: Let's go back on the record.
25 The next witness that I have is for Empire and that's

1 John Crawford. Mr. Crawford, are you present?

2 MS. CARTER: And we were going to call
3 Ann Butts first, if we could.

4 THE COURT: We can do Anne Butts first.

5 Ms. Butts, can you come forward? Why don't you have a
6 seat right here (indicating).

7 * * * * *

8 ANNE BUTTS,

9 of lawful age, produced, sworn and examined on behalf
10 of the COURT, deposes and says:

11 EXAMINATION

12 QUESTIONS BY MS. CARTER:

13 Q. State your full name, please.

14 A. Anne M. Butts.

15 Q. And who is your employer?

16 A. Empire District Electric.

17 Q. What's your title with Empire?

18 A. Credit collections customer service
19 manager.

20 Q. How long have you worked for Empire?

21 A. Twenty-nine years.

22 Q. I'm going to hand you what's been marked as
23 Empire Exhibit 2. Can you identify that document for
24 me?

25 A. Yes, we call this a read and charge

1 history. I downloaded this out of our CIS system into
2 Excel and the only thing added to this is the
3 kilowatts per day that we put into a formula.

4 Q. And who put the kilowatt per day column in?

5 A. I did.

6 Q. Did you make the calculations or did the
7 computer make the calculations?

8 A. Excel made the calculations.

9 Q. And what was the date that you generated
10 this document?

11 A. November 2, 2012.

12 Q. And you put your name and the date on
13 there; is that correct?

14 A. Yes, I did.

15 Q. Can you tell us what each column -- just
16 briefly what each column of Exhibit 2 shows us?

17 A. The first column called read date is the
18 date that we actually read the meter. The meter
19 number is in the second column. The read code is
20 there in case we have an estimated read or an anomaly,
21 and when it says a normal read, that just means a
22 regular read. The reads are the actual reads we took
23 on the meter from the meter. The number of days in
24 the billing cycle, the kilowatt hours charged that
25 month. The charge is actually on there, too; cost.

1 And then the kilowatt hours per day is calculated by
2 dividing the kilowatts by the number of days, the
3 kilowatt hours by the number of days.

4 Q. And you said everything but the kilowatt
5 hour per day column was taken directly from your
6 Empire system?

7 A. That's correct.

8 MS. CARTER: Move for the admission of
9 Empire Exhibit 2?

10 THE COURT: Ms. Veach, do you have any
11 objection?

12 MS. VEACH: No.

13 THE COURT: Any other objections?

14 MS. MOORE: No.

15 THE COURT: Then Empire Exhibit 2 will be
16 admitted into the record.

17 (WHEREIN, Empire Exhibit 2 was marked for
18 identification by the Court Reporter.)

19 Q. (By Ms. Carter) Ms. Butts, to your
20 knowledge has the meter at Ms. Veach's residence been
21 replaced at any time within the last five years?

22 A. No.

23 Q. Would a new meter number show on what's
24 been marked as Exhibit 2 if that had been done?

25 A. Yes, it would.

1 **Q. Is a new meter number assigned anytime**
2 **there is a new meter for a customer?**

3 A. Yes.

4 MS. CARTER: I have no other questions for
5 you. Thank you.

6 THE COURT: Ms. Veach, do you have any
7 questions for Ms. Butts?

8 EXAMINATION

9 QUESTIONS BY MS. VEACH:

10 **Q. Ms. Butts, do you know whether or not a**
11 **meter has been changed out without your knowledge or**
12 **without a work order?**

13 A. I would not know that.

14 MS. VEACH: Thank you.

15 THE COURT: Any other questions?

16 MS. CARTER: No.

17 THE COURT: Mr. Mills?

18 MR. MILLS: Just briefly.

19 EXAMINATION

20 QUESTIONS BY MR. MILLS:

21 **Q. On page 2 of Exhibit 2 there are a couple**
22 **of dates when the read was listed as missed?**

23 A. That means it was estimated.

24 **Q. So that was going to be my next question,**
25 **so the number for the actual data on the meter in the**

1 **next column would be estimated, correct?**

2 A. Actually on January 17th of 2007 that
3 reading of 37014 was an estimated read.

4 **Q. And the same for 11/15 of '05?**

5 A. Yes, that's correct.

6 MR. MILLS: That's all the questions I
7 have.

8 THE COURT: Ms. Moore, do you have any
9 questions?

10 MS. MOORE: No questions. Thank you.

11 THE COURT: Thank you, Ms. Butts. That
12 completes your testimony.

13 Mr. Crawford, why don't you come on up.

14 * * * * *

15 JOHN CRAWFORD,
16 of lawful age, produced, sworn and examined on behalf
17 of the COURT, deposes and says:

18 EXAMINATION

19 QUESTIONS BY MS. CARTER:

20 **Q. Mr. Crawford, who is your employer?**

21 A. Empire District Electric Company.

22 **Q. And what is your job title?**

23 A. Journeyman meter tester.

24 **Q. How long have you been employed by Empire?**

25 A. Almost 34 years.

1 **Q. Have you ever been to Ms. Veach's**
2 **residence?**

3 A. Yes, I have.

4 **Q. How many times have you been there?**

5 A. Twice.

6 **Q. What typically takes you to a customers**
7 **house? What type of work?**

8 A. It will be a meter test order.

9 **Q. Is that all you do for Empire is work with**
10 **meters?**

11 A. Meters and voltage complaints.

12 **Q. When were you first to the Veach residence?**

13 A. I believe it was in January.

14 **Q. January of this year, correct?**

15 A. Yes.

16 **Q. And what did you do at that first visit to**
17 **the residence?**

18 A. I tested the meter.

19 **Q. And what type of meter is at Ms. Veach's**
20 **residence?**

21 A. I believe it's a Duncan.

22 **Q. Can you explain the calibration or**
23 **recalibration abilities of that meter?**

24 A. It's a mechanical meter and it has
25 possibilities of three to five percent plus or minus.

1 **Q. Could you describe for us exactly what you**
2 **did to test her meter in January of this year?**

3 A. Yeah. Whenever I go to a location, I knock
4 at the door to find out if there's anyone at home to
5 let them know what's going to happen and then go
6 around. There was no one home at the Veach residence,
7 which is not uncommon. I went around to the back. I
8 isolate the meter out of the circuit so I can put the
9 identical amount of load on the meter of the customer
10 as well as our meter which is calibrated every three
11 months by our standards meter in Joplin. Then I put
12 the same identical amount of load on the customer's
13 meter as my meter. I test it on full load and then
14 light load of the meter to make sure it's calibrated
15 correctly, full load and light load.

16 **Q. And what was the result of your meter test?**

17 A. The meter was well within the Public
18 Service Commission's standards.

19 **Q. And what did you do to complete the**
20 **activities at her residence that day?**

21 A. After I tested it, I took it out of the
22 test check, put it back into service, sealed the meter
23 back and filled out my report as I do for every meter,
24 and I left the premise.

25 **Q. On that day in January that you were at the**

1 **Veach residence, did you recalibrate or repair the**
2 **meter in any way?**

3 A. I did not do anything to the meter.

4 Q. And then when was the next time you were at
5 **the Veach residence?**

6 A. I believe it was on February 14th.

7 Q. And that's of this year also?

8 A. Yes.

9 Q. And did you meet with Ms. Veach at that
10 **time?**

11 A. Yes, I did.

12 Q. Did you touch her meter again on that date?

13 A. No, I did not.

14 Q. Either in her presence or out of her
15 **presence, did you touch Ms. Veach's meter in any way**
16 **in February of this year?**

17 A. No.

18 Q. If someone for Empire were going to replace
19 **Ms. Veach's meter, would it be you?**

20 A. Yes.

21 Q. And yours is a union job, correct?

22 A. Yes.

23 Q. And you have specific union duties for
24 **Empire?**

25 A. Exactly.

1 **Q. What did you do with Ms. Veach on**
2 **February 14 of 2012?**

3 A. I called her residence. She was not there.
4 I left a message. She called me back. I told her
5 that I could come back that evening on my way home. I
6 believe I had an order to do in Sparta. Anyway, I was
7 coming back through, headed back to my house there in
8 Buffalo, so I told her I could stop by. She said she
9 would be there. When I showed up, she was there. She
10 invited me in and then proceeded to show me her
11 documentation.

12 **Q. And did you provide her with any**
13 **information at that time?**

14 A. No, as far as she was showing me her stuff.

15 **Q. Did you on February 14th or at any other**
16 **date in February, did you repair or recalibrate her**
17 **meter in any way?**

18 A. No, I did not.

19 **Q. Do you work with other meters I'm assuming**
20 **for Empire?**

21 A. Yes, I do.

22 **Q. How many meters do you think you have**
23 **replaced for Empire in your years?**

24 A. Numerous meters.

25 **Q. When you replace a meter, does it get a new**

1 identification number, a new meter number?

2 A. The whole meter is replaced.

3 Q. That includes the tag that shows the
4 number?

5 A. Yes, everything.

6 Q. I believe you've already answered this, but
7 just so we're clear, did you at any time change the
8 meter name plate on Ms. Veach's meter?

9 A. No, it's not company policy. I never do
10 that.

11 Q. Is there a check in/check out procedure for
12 obtaining a new meter from Empire's supply department?

13 A. Yes, there sure is. We have an extensive
14 document that we -- the meters that are shipped to me
15 from Joplin are maintained that we get these meters in
16 and where do they go.

17 Q. And it would have a new meter number if you
18 were to obtain a new meter?

19 A. Yes.

20 Q. And that would not be the meter number of
21 154588?

22 A. No.

23 Q. Are those numbers sequentially, the meter
24 numbers?

25 A. Usually, yes.

1 **Q. Do you still use that same type of meter**
2 **that's at Ms. Veach's residence?**

3 A. There's not a company out there that makes
4 mechanical meters now. We've gone to electronic
5 meters now.

6 **Q. So if you install a new meter at someone's**
7 **residence here in 2012, it would not look like her**
8 **meter?**

9 A. More than likely unless it's been -- we
10 have some that have been brought back in from being --
11 either the people moved out of the house and have come
12 back in for recalibration to use back out. We have
13 some mechanical meters, but they are on their way out.

14 **Q. Would they have their own meter numbers**
15 **assigned?**

16 A. Yes.

17 **Q. You said you telephoned Ms. Veach on**
18 **February 14th; is that correct?**

19 A. Yes.

20 **Q. And what was the reason for that call?**

21 A. Orville Jackson had asked me to call her
22 and set up an appointment when I could meet with her,
23 which I did. Like I said, when I called, there was no
24 one home, but she did call me back and we met on that
25 day on my way home.

1 Q. How about when you did the meter testing in
2 January of this year? Did you speak with her on the
3 phone on that day?

4 A. No, I did not.

5 Q. You just knocked on the door when you
6 arrived?

7 A. Yes.

8 Q. Is that your typical procedure?

9 A. Yes, unless they have it on the order
10 itself.

11 Q. To call first?

12 A. To call first.

13 Q. Did you have a written order for either of
14 those visits?

15 A. Yes, I had one for the meter test. I did
16 not have one for the go by and see her. That was just
17 a call from Orville.

18 Q. And did you know the reason for the meter
19 test in January of 2012?

20 A. Best of my memory, I don't think it had it
21 on there. Sometimes it just says test meter, so I
22 don't know whether it's a high bill, something wrong
23 with the reads in our system to get things correct.

24 Q. To your knowledge, is that the first time
25 you were asked to test the meter at Ms. Veach's

1 **residence?**

2 A. Yeah, that's all I can remember.

3 **Q. That's the one and only time you worked**
4 **with her meter, correct?**

5 A. Yes.

6 **Q. And at that time you did not change it in**
7 **any way?**

8 A. I did not.

9 MS. CARTER: Thank you. That's all the
10 questions I have, Mr. Crawford.

11 THE COURT: Ms. Veach, do you have any
12 questions?

13 MS. VEACH: Yeah.

14 EXAMINATION

15 QUESTIONS BY MS. VEACH:

16 **Q. Mr. Crawford, what did you do in order to**
17 **get to my meter? Did you just walk up to it?**

18 A. I went around to the back of the house. I
19 stepped over a fence and walked to the meter.

20 **Q. Mr. Crawford, you said on the 14th that you**
21 **called me. Here is a phone record. 2/14 is**
22 **highlighted in orange. Could you please show me your**
23 **phone number on there?**

24 A. I do not see it.

25 **Q. Well, if it's not on there, how could you**

1 have called me?

2 A. On my phone.

3 Q. It would register on my bill if it was an
4 incoming or outgoing. In your statement you said that
5 I called you.

6 A. You did.

7 Q. I could not have called you. The cell
8 phone is what I use. I did not receive a call from
9 you and I did not call you back; therefore, we could
10 not have set up an appointment. You could not have
11 told me what time you were going to be there, and you
12 have also got down that you left at 3:30 to 4:00.

13 Now, at 3:30 -- I was on the phone at 3:10
14 to Atlanta, Georgia, for three minutes. At 3:20 I
15 called Jefferson City to file a formal complaint.
16 That leaves a seven minute open time that you could
17 have been there. Now, if you did not call me, you
18 could not have left a message. I could not have
19 called you back. I could not have set up an
20 appointment with you, so why would I believe anything
21 else that you have given in your statement? Can you
22 explain that?

23 A. I guess I don't understand other than are
24 you just trying to call me a liar?

25 Q. I am saying I do not have a phone record

1 **and this phone record comes from Verizon.**

2 A. You did not call me?

3 **Q. No, I did not.**

4 A. So how did I know to call you?

5 **Q. Right there. The phone records never lie.**

6 A. How did I know to call you?

7 THE COURT: Mr. Crawford and Ms. Veach,
8 this is an opportunity for Ms. Veach to ask questions,
9 not make statements. And, Mr. Crawford, you just need
10 to respond to her questions.

11 THE WITNESS: Okay.

12 **Q. (By Ms. Veach) Okay. You have got in here**
13 **that when you start to do a meter test, that that**
14 **information is logged in prior to you getting to the**
15 **residence. Is this logged in in the office?**

16 A. I guess I don't know what your question is,
17 ma'am.

18 **Q. It says please provide the testing**
19 **procedures of a residential meter and under what**
20 **conditions that the meter is calibrated, under what**
21 **condition is the meter replaced before getting to a**
22 **site. A test card is repaired documenting the street**
23 **location of the meter and filling out preliminary test**
24 **information. Is that filled out by you or is that**
25 **filled out by someone in the office?**

1 A. It's filled out by me.

2 Q. And you have worked with meters for how
3 many years?

4 A. Thirty years.

5 Q. That means you pretty much know all the
6 settings that a meter should have, correct?

7 A. Correct.

8 Q. Could you have filled that information out
9 prior to getting to the house and prior to doing what
10 you call a meter test?

11 A. I guess I don't understand your question.

12 Q. Could you have filled in that information
13 without doing a meter test since it's handwritten and
14 it's not a digital printout?

15 MS. CARTER: I'm going to object to the
16 relevance of the question.

17 THE COURT: And what's the relevance to the
18 issue, Ms. Veach?

19 MS. VEACH: That anything that is a
20 handwritten document can be falsified.

21 THE COURT: I will overrule the objection.
22 You can ask the question.

23 Q. (By Ms. Veach) Can this meter test be
24 falsified since it is handwritten?

25 A. Are you asking was yours falsified?

1 Q. I am asking if it can be falsified since it
2 is handwritten?

3 A. Got me. Yeah, I guess it could. I mean,
4 if I was a liar.

5 MS. VEACH: Thank you. That's all.

6 THE COURT: Mr. Mills, any questions?

7 MR. MILLS: Yeah, just briefly.

8 EXAMINATION

9 BY MR. MILLS:

10 Q. Do you have a copy of the exhibit that
11 shows the meter pictures, Exhibit 8?

12 A. Yes, I do now.

13 Q. And specifically the first two pictures,
14 are those accurate pictures of the type of Duncan
15 meter at Ms. Veach's residence?

16 A. Yes.

17 Q. And accurate pictures of that specific
18 meter?

19 A. Yes.

20 Q. And is it correct that the metal plate that
21 has the Empire District identification number could be
22 removed by simply removing two screws once you've got
23 the meter apart and the glass off?

24 A. Yes.

25 Q. And how difficult is it to get the meter

1 off of the meter base and take the glass off?

2 A. Not difficult.

3 Q. When you do a meter test and you plug the
4 meter into your jack, specifically how do you do that?
5 Do you pull the meter off the meter base?

6 A. Pull the meter off the meter base,
7 disconnect the power to the customer. We have to open
8 up what's called the potential link in order to test
9 the meter or it will seem like a dead short. Then I
10 put the identical amount on the -- then I plug the
11 meter into the meter jack and the jack into the house
12 which allows the power back to the customer that the
13 meter cannot see and my meter doesn't see. That way
14 no power is seen by the customer's meter before my
15 meter. They both see the same thing.

16 Q. Now, I believe you testified that there
17 are -- that the Duncan meter of the type that's in
18 Ms. Veach's house is no longer being manufactured; is
19 that correct?

20 A. Correct.

21 Q. Do you have an inventory of those meters
22 and the location where you keep your meters for this
23 service territory?

24 A. Yes.

25 Q. And how many of this type of meter do you

1 **keep in inventory?**

2 A. I don't have any.

3 **Q. You don't have any?**

4 A. None of this stuff.

5 **Q. And you said you've got meters allocated to**
6 **you by headquarter in Joplin. Is that a fair way to**
7 **describe it?**

8 A. That's correct.

9 **Q. How many meters do you keep under your**
10 **jurisdiction?**

11 A. Usually single faced type -- and there
12 again, I cover a large area, so I will have probably
13 10 boxes of four, so that's 80 meters at the Bolivar
14 location. I will have maybe 8 or 10 at the
15 Humansville location. Maybe 20 at the Greenfield
16 location. Maybe 80 at the Ozark location.

17 **Q. And those are all the locations under your**
18 **jurisdiction?**

19 A. No, Ash Grove. I probably have four or
20 five boxes down at Ash Grove. That would be the last
21 one.

22 **Q. And is it your testimony that none of those**
23 **locations do you have a single meter that's like this?**

24 A. No Duncans.

25 **Q. And would you have inventory logs that show**

1 **when you last got this type of meter and where it**
2 **went?**

3 A. Yes. I would not have them, but Joplin
4 would have them. I don't keep any records at my
5 location. Once they're shipped to me, then they go
6 into the system.

7 MR. MILLS: That's all the questions I
8 have.

9 THE COURT: Ms. Moore, any questions?

10 MS. MOORE: No questions.

11 THE COURT: I have one question.

12 Ms. Veach has put forward some evidence
13 that her usage changed during the winter of 2012 due
14 to her taking some appliances kind of off her line and
15 not using them and then she had some -- she's
16 testified that after that period of time and around
17 the middle of February to the beginning of March, she
18 started her appliances back up again and using them
19 again. She's also testified after she started using
20 them again, her electrical usage did not go up, but it
21 remained relatively constant. So I am trying to
22 figure out is there a mechanical explanation for why
23 that would occur if you assume her usage went back to
24 normal around the 1st of March.

25 THE WITNESS: Mechanically it just can't

1 happen. The meter is either good or it's bad and if
2 it's bad, it stays bad.

3 THE COURT: That's all the questions I
4 have. Thank you, sir.

5 Did you have any redirect?

6 MS. CARTER: I do not. I did have an
7 additional question for Ms. Veach based on testimony
8 she provided during that questioning. I don't know if
9 that can be permitted at a certain time.

10 THE COURT: It's an informal hearing, so if
11 you wanted to ask another question, that's fine.

12 FURTHER EXAMINATION

13 QUESTIONS BY MS. CARTER:

14 **Q. Ms. Veach, do you recognize this phone**
15 **number 417-759-7224?**

16 A. That is my house number and that number --
17 my cell phone receives all the 759 numbers.

18 **Q. Ms. Veach, I just asked if you recognized**
19 **that phone number.**

20 A. Yes.

21 **Q. And that's your home number?**

22 A. 759-7224.

23 **Q. And it's a landline at your house?**

24 A. No, it's not a landline.

25 **Q. What is it?**

1 A. It is a unit that is through Verizon that
2 powers off the cell towers.

3 **Q. Your Exhibit No. 1 -- I don't see that cell**
4 **number on your Exhibit 1.**

5 A. That is because the 759 number had
6 absolutely no calls coming in to it on 2/14.

7 **Q. Your Exhibit No. 1, does that show calls**
8 **for 759-7224?**

9 A. If anything is coming in on the 759-7224,
10 then the cell phone will receive the number 759-7224.

11 **Q. And I didn't understand that answer to my**
12 **question. Does your Exhibit 1 show calls for the**
13 **number 759-7224?**

14 A. No, because it's not applicable to it.

15 **Q. It doesn't show those calls?**

16 A. There is no calls on here from the
17 759-7224.

18 **Q. Do you have a similar printout for that**
19 **phone number?**

20 A. I have it right here. Would you like to
21 look at it?

22 **Q. Yeah. I am just confused --**

23 A. That is the only copy I have. I can get
24 some more copies made. If you look, there is no calls
25 coming in on 2/14 for the 759-7224.

1 Q. So you don't have a home phone number then?

2 A. Yes.

3 Q. You have two cell phone numbers?

4 A. Yes.

5 Q. Do you have another cell phone number?

6 A. This is it.

7 Q. Those two phone numbers?

8 A. Yes.

9 Q. Are those both separate phones?

10 A. Yes.

11 Q. What's the reason for the two separate cell
12 phones?

13 A. Because the 759-7224 number is the number
14 that I started using when I started my business and
15 that is on business cards.

16 Q. I see on your Exhibit 1 on the date of 2/14
17 at 1:42 p.m. there's a number that pops up as
18 000-000-0086?

19 A. Okay. Where are you looking at it at?

20 Q. 2/14, 1:42 p.m.

21 A. That's the voicemail.

22 Q. That's you calling out to get a voicemail?

23 A. That is the voicemail number.

24 Q. Is that you calling out to obtain your
25 voicemail?

1 A. Yes, because I had a client call in and
2 leave me a message.

3 Q. Which client was that? Which number does
4 it correspond with?

5 A. I would have to go through and look at it.

6 Q. So if someone leaves you a voicemail
7 message, does that show up here?

8 A. If someone calls in and leaves me a
9 voicemail message, their number will still show up.

10 Q. As a received call?

11 A. Yes.

12 Q. And so you only checked your voicemail that
13 one time?

14 A. Yes.

15 Q. What was your reason -- is it you are
16 receiving calls or placing calls to Orville? I am
17 assuming that's Orville Jackson with Empire?

18 A. Okay. At 9:35 I called him that morning to
19 find out when he would be there to pick up the
20 spreadsheet, a copy for him and a copy for
21 Mr. Crawford.

22 Q. But Orville didn't see you on February
23 14th, did he?

24 A. Yes, he did.

25 Q. He did also?

1 A. He came by and picked up the spreadsheet
2 that morning to give -- he got one and I gave one to
3 him to give to Mr. Crawford.

4 **Q. And why did you call Orville Jackson back**
5 **then or did you receive a call at 5:07 on that same**
6 **date?**

7 A. I called him to get some information and
8 did not get an answer. I was going to ask him
9 information about a meter.

10 **Q. So you disagree that you spoke on the**
11 **telephone with Mr. Crawford on the 14th, correct?**

12 A. Yes.

13 **Q. But you did speak with him in person on the**
14 **14th, correct?**

15 A. Yes.

16 **Q. So you don't disagree that he came to you?**

17 A. He came to the house. I did not receive a
18 call. I did not set up an appointment.

19 **Q. Why do you believe he came to your house on**
20 **that day?**

21 A. Because Orville gave him the spreadsheet to
22 come by.

23 **Q. And you wanted someone to come by and talk**
24 **to you about the spreadsheet; is that correct?**

25 A. To talk to me about the meter.

1 Q. And did you talk with Mr. Crawford about
2 your meter on February 14th?

3 A. Yes.

4 Q. Did you ever speak with Mr. Crawford on the
5 phone?

6 A. No.

7 Q. Were you informed of the results of the
8 meter test in January?

9 A. No.

10 Q. At any time?

11 A. Not until Dan Beck sent me a copy.

12 Q. And do you dispute those results?

13 A. I don't know if those results are correct
14 or not.

15 MS. CARTER: Thank you, Ms. Veach.

16 MS. VEACH: Thank you.

17 THE COURT: Any other witnesses,
18 Ms. Carter?

19 MS. CARTER: No.

20 THE COURT: And the last witness I have is
21 Mr. Beck.

22 MR. MILLS: And before we move on to
23 Mr. Beck --

24 THE COURT: Did you have a follow up?

25 MR. MILLS: No. I just wanted to make sure

1 that -- for purposes of the record, can we get an
2 exhibit marked for the other phone number that also
3 shows no calls on the 14th as well as the data request
4 response that talks about the calls that Mr. Crawford
5 made or didn't make to Ms. Veach?

6 THE COURT: Ms. Veach, did you say that
7 phone record was your only copy?

8 MS. VEACH: Yes. I can go get one made. I
9 can do that.

10 THE COURT: Did you want to have that
11 included in the record?

12 MS. VEACH: Yes.

13 MR. MILLS: And then the other piece of
14 information, maybe the data request response that you
15 received that talked about the phone calls.

16 MS. VEACH: What?

17 MR. MILLS: Did you ask Empire a question
18 to which the answer talked about phone calls that
19 Mr. Crawford made to you?

20 MS. VEACH: Did I talk to Empire about it?
21 I'm lost.

22 MR. MILLS: Okay. Did you send questions
23 to Empire?

24 MS. VEACH: Yes, I sent questions to
25 Empire.

1 MR. MILLS: Did you get responses?

2 MS. VEACH: Yes.

3 MR. MILLS: Those responses are not -- even
4 though they were made in the course of this case,
5 those are not in the record yet unless you've put them
6 in.

7 MS. VEACH: May I put those in?

8 THE COURT: Well, you can offer them.

9 MS. VEACH: Can I offer them?

10 THE COURT: You may. We don't have a copy
11 of it. If you have anything that you want to include
12 that Mr. Mills is talking about, then you can do that.

13 MS. CARTER: Are we off the record?

14 THE COURT: Let's go off the record.

15 (WHEREIN, a discussion was held off the
16 record.)

17 THE COURT: Ms. Veach, you have two
18 additional exhibits, am I correct, that you wanted to
19 offer into the record?

20 MS. VEACH: Yes, 10 and then 11.

21 THE COURT: What is Veach No. 10?

22 MS. VEACH: 10 is the questions that I
23 submitted to Empire Electric.

24 THE COURT: Can I see that? Are these the
25 responses that you received from Empire Electric to

1 the questions that you asked?

2 MS. VEACH: Yes.

3 THE COURT: And what is Exhibit No. 11 that
4 you're offering?

5 MS. VEACH: 11 is the phone records for the
6 759-7224 number.

7 THE COURT: And is that the telephone
8 number that you were discussing with Ms. Carter a few
9 minutes ago?

10 MS. VEACH: Yes.

11 THE COURT: Any objection to the
12 introduction of those exhibits?

13 MS. CARTER: No.

14 MR. MILLS: No.

15 MS. MOORE: No.

16 THE COURT: Veach Exhibits 10 and 11 are
17 admitted into the record.

18 (WHEREIN, Veach Exhibits 10 and 11 are
19 marked for identification by the Court Reporter.)

20 THE COURT: Anything further before we move
21 on to Staff's witness?

22 FURTHER EXAMINATION

23 QUESTIONS BY MS. CARTER:

24 Q. I am sorry, Ms. Veach, can I ask you a
25 question about Exhibit 11 so I understand? When it

1 **shows calls, it just refers to your phone number that**
2 **is shown on Exhibit 1; is that correct?**

3 A. Yes.

4 MS. CARTER: Thank you.

5 THE COURT: Mr. Beck, we are ready for you.

6 * * * * *

7 DANIEL BECK,
8 of lawful age, produced, sworn and examined on behalf
9 of the COURT, deposes and says:

10 EXAMINATION

11 QUESTIONS BY MS. MOORE:

12 **Q. Could you state your full name for the**
13 **record?**

14 A. Daniel I. Beck.

15 **Q. Could you spell your last name for us?**

16 A. B-e-c-k.

17 **Q. And where are you employed?**

18 A. With the Missouri Public Service Commission
19 Staff.

20 **Q. And what is your role there?**

21 A. I am the engineer analysis supervisor in
22 the energy department.

23 **Q. Are you the same Daniel Beck who filed or**
24 **caused to be filed the Staff report marked as**
25 **Exhibit 5 here?**

1 A. Yes.

2 Q. It's the Staff memorandum?

3 A. Yes, I am.

4 Q. And did you file that report in the course
5 of your normal role at the PSC?

6 A. Yes.

7 Q. Mr. Beck, what is your educational
8 background?

9 A. I have an industrial engineering degree
10 from the University of Missouri-Columbia and I am also
11 a professional engineer with -- in industrial
12 engineering.

13 Q. How long have you worked for the
14 Commission?

15 A. This month will 25 years.

16 Q. And in what positions have you served the
17 Commission over the years?

18 A. I would like to correct that I am actually
19 in the energy unit. We had a slight reorganization.
20 We're not a department anymore, but a unit. I have
21 been in that supervisory role for approximately five
22 years. Prior to that I was an engineer -- I would
23 characterize it as a senior engineer for a lot of
24 years. I've also worked as -- my title of economist
25 and operations research specialist during the years.

1 Both of those are technical positions that are some of
2 the areas related to industrial engineering.

3 **Q. So how did you first learn of the situation**
4 **we're discussing today?**

5 A. I believe -- I don't recall who I talked
6 to, you know, the Staff first, but the Consumer
7 Services section wanted me to look at the informal
8 complaint because there was some technical issues that
9 they were trying to understand and that's how I got
10 involved.

11 **Q. And what did you do after you learned about**
12 **this?**

13 A. Through e-mails and phone calls I kind of
14 had an ongoing dialogue for several weeks with
15 Ms. Veach and then ultimately I visited on -- I
16 believe it was the 15th of March, 2012. There was a
17 couple more e-mails and then kind of a period of time
18 where I didn't have any contact and then the formal
19 complaint was filed.

20 **Q. Can you describe your visit with Ms. Veach**
21 **at her house?**

22 A. I visited the residence. I spent
23 approximately three hours there. We had a long talk
24 and looked at some information she had on the
25 computer. She had old bills. I looked at the meter.

1 I looked at appliances. I even ultimately looked at
2 the electrical panel. I looked -- I'm trying to think
3 of any other specifics. For example, I got to see the
4 bookbinding area of the home, so I guess that would in
5 theory at least be more of a business part of the
6 home.

7 **Q. You mentioned the formal complaint. What**
8 **was your role in the formal complaint?**

9 A. The Staff was directed to file a Staff
10 recommendation and we did so on August 1, 2012. In
11 cases like this, my understanding of the role is that
12 there was very little information, in my opinion,
13 provided by the company in their reply other than
14 denying the issue and there was some additional
15 information that I thought relevant, so those are the
16 type of things that I was trying to accomplish with
17 the Staff report.

18 **Q. And that report is what we've marked as**
19 **Staff Exhibit 5?**

20 A. That's correct.

21 MS. MOORE: Judge, I would like to offer
22 that into evidence?

23 THE COURT: Any objection, Ms. Veach?

24 MS. VEACH: No.

25 THE COURT: Any other objections?

1 MR. MILLS: No.

2 MS. CARTER: No.

3 THE COURT: Staff Exhibit 5 is admitted
4 into the record.

5 Q. (By Ms. Moore) Mr. Beck, you said that you
6 were the author of this memorandum and can you tell us
7 what you did to prepare to write this memorandum?

8 A. Other than some of the conversations and
9 knowledge that I previously talked about in the
10 informal complaint process, I also met with company
11 personnel to observe a meter test of a mechanical
12 meter at the meter shop in Bolivar. I -- I had a
13 couple more data requests or information request from
14 the company in addition, but a lot of the information
15 I had previously gathered in the informal complaint
16 process.

17 Q. You mentioned that you observed a meter
18 test. What did you observe and can you describe that
19 test for us?

20 A. The test was very similar to what was just
21 described. You know, I guess to me the kind of --
22 some of the basic important parts of a meter test is
23 that the meter physically has to be pulled away from
24 the house and taken off and there literally will be no
25 power flowing through at that point, and then -- you

1 know, as a part of this, when the test device is
2 placed on that meter socket and then the meter placed
3 on that test device, that does two things. One is it
4 allows power to route straight to the home, but then
5 it also allows power to go through the meter. At that
6 point I observed both a high-low test and what I would
7 refer to as a low-low test being done.

8 **Q. And what did you observe about whether or**
9 **not these meters could be adjusted?**

10 A. After we observed -- I observed the first
11 test, then we literally took the cover off of the
12 meter, adjusted the re-calibration screws, retested
13 and came up with a 3 percent difference. You know --
14 and to get that difference, you literally had to, of
15 course, plug the meter back on the test apparatus and
16 rerecord the values.

17 **Q. Did you receive any other information about**
18 **the meter's ability to be adjusted besides your direct**
19 **observation?**

20 A. At that time I was told that they had
21 verbally talked to the manufacturer but ultimately
22 received a company document from the manufacturer that
23 states the plus or minus 4 percent number that's been
24 discussed earlier.

25 **Q. And is a copy of that letter in your**

1 memorandum?

2 A. Yes, that was Staff's Scheduled DB1.

3 Q. Thank you. So what did you conclude about
4 Ms. Veach's claims?

5 A. I first concluded that I could not
6 determine that there was any statute rule or tariff
7 violated, and then my second observation was that
8 based on my analysis, no restitution for overcharges
9 was owed by Empire to Ms. Veach.

10 Q. Since your initial investigation in
11 submitting your report to the Commission, have you
12 done any additional comparison of the kilowatt usage
13 Ms. Veach detailed for us?

14 A. Yes. Since that time -- of course, when
15 the report was done in August, there would have been
16 no way that anyone would have the actual usage history
17 past that date, so -- and, in fact, I did not have the
18 actual usage history up to that date. There was a
19 couple -- my last reading I believe I had was the May
20 14th reading. And so since that time, there has been
21 additional readings and Staff received those data
22 request response, so I have analyzed that and compared
23 that to the graph that I had submitted as Schedule
24 DB2. That is the primary -- there was also several
25 data requests and I did review that information.

1 Q. Have you received any information since
2 your initial conclusion or done any analysis since
3 your initial conclusion that has changed that
4 conclusion?

5 A. No.

6 Q. One final question: Very generally, based
7 on your experience and your examination of Ms. Veach's
8 home, how would you compare her electricity usage in
9 past years to the electricity usage of houses similar
10 in size and age?

11 A. I would consider it consistent with the
12 house that has both central air and an electric
13 furnace. In fact, the -- some of the readings in past
14 history I would actually consider much lower than I
15 would expect for an electric furnace while others are
16 more consistent with what I would expect to see.

17 MS. MOORE: That's all the questions I
18 have.

19 THE COURT: Ms. Veach, do you have any
20 questions?

21 MS. VEACH: Yes.

22 EXAMINATION

23 QUESTIONS BY MS. VEACH:

24 Q. You have got the information from Landis on
25 this meter. Is it not true that Landis is not the

1 ones that manufactured that meter, that they were
2 actually -- it was actually manufactured in Lafayette,
3 Indiana by Duncan and that Duncan has been sold out a
4 couple of times over and bought?

5 A. And it's my understanding that Landis
6 and -- it's Landis+GYR.

7 Q. GYR.

8 A. It's my understanding that they bought the
9 Duncan facilities and, in fact, they are at 2800
10 Duncan Road in Lafayette, Missouri, is their business
11 address.

12 Q. Okay. With the new owners, do you think
13 they had information about the manufacturer of this
14 meter when it was first manufactured?

15 A. Yes, I do.

16 Q. How do they inspect it? Do you think they
17 know the inspection procedure that was done when this
18 meter was sent down the assembly line?

19 A. I think that just as there's been several
20 witnesses here that have had 25 years experience and
21 34 years experience and 37 years experience that they
22 have similar employees that have that knowledge.

23 Q. Do you think they can guarantee how this
24 meter was tested before it was sent out on a truck --
25 let me rephrase that.

1 Since they were not the manufacturers of
2 this meter, do you honestly think they know whether or
3 not this meter was inspected correctly before it left
4 the manufacturing line? Whether or not it was a
5 random inspection?

6 A. Given the letter that I read here, there
7 was nothing to indicate anything about what
8 inspections were or were not don't.

9 Q. So do you think they can guarantee that
10 when that meter left the production line, that it
11 inspected out correctly?

12 A. I think the company warranted it at the
13 time. What Landis+GYR is willing to guarantee at this
14 time, I do not know.

15 Q. Do you think there is a possibility that a
16 meter could have left the manufacturing facility not
17 being calibrated correctly or built correctly?

18 A. I think that's possible.

19 Q. So could this -- if this was a highchair,
20 could this meter have been on a recall list for --

21 MS. CARTER: I'm going to object to the
22 relevance of the question.

23 THE COURT: Could you explain how that
24 question is relevant to this issue?

25 MS. VEACH: We all know that manufacturing

1 cannot guarantee --

2 THE COURT: You asked about a highchair.
3 How does that have anything to do with this issue?

4 MS. VEACH: I am using that as an example
5 of a recall.

6 THE COURT: Well, I will overrule the
7 objection if you're going to ask about a recall of
8 electric meters.

9 Q. (By Ms. Veach) In manufacturing, being a
10 manufacturing expert, after spending 30 years in
11 manufacturing, you cannot guarantee that every product
12 that goes out the door --

13 THE COURT: Ms. Veach, you need to ask a
14 question, not a statement.

15 MS. VEACH: I am getting to that.

16 Q. (By Ms. Veach) That every product going
17 out the door is correct. Do you disagree or agree
18 with that, or do I need to reword it?

19 A. I think -- I agree that there is almost no
20 situation where you can have 100 percent guarantee
21 that there isn't a bad defective device being
22 manufactured.

23 Q. Do you think it is a possibility that that
24 meter that had been on the house could have been a
25 defective meter?

1 A. It is a possibility.

2 MS. VEACH: That's all.

3 THE COURT: Mr. Mills, any questions?

4 MR. MILLS: No.

5 THE COURT: Ms. Carter?

6 MS. CARTER: Yes.

7 EXAMINATION

8 QUESTIONS BY MS. CARTER:

9 Q. Mr. Beck, have you seen any evidence to
10 indicate that the meter at the Veach residence was
11 defective?

12 A. No, I have not.

13 MS. CARTER: That's all. Thank you.

14 THE COURT: Mr. Beck, did you personally
15 observe any test of the Veach's meter?

16 THE WITNESS: No, I did not.

17 THE COURT: Did you hear her testimony
18 about how she conducted her testing of the appliances
19 with her meter today?

20 THE WITNESS: Yes -- I guess when you say
21 "her meter," I want to make sure that I understand --
22 I am answering your question.

23 THE COURT: Her testing device.

24 THE WITNESS: Yes, correct.

25 THE COURT: And was there anything in the

1 way that she described that process -- based on your
2 experience, was there anything improper or inadequate
3 to the testing process that she went through?

4 THE WITNESS: Well, first, I just --
5 because of my role at the PSC, I have to say that we
6 do not encourage customers to take their meter -- the
7 cover off of their meter box and -- and what we're
8 talking about here is a device that you physically
9 clamp over the -- the single wire and -- and it
10 inductively monitors the amperage going through that
11 wire, so that's the device that we're -- test device
12 we're talking about. But what that device gives you
13 is a reading at a moment in time. Okay?

14 And so the second important component of
15 this then is to make the estimate of how -- well,
16 first, we're measuring a wire at the box, so you have
17 to make sure that all the devices that -- the only
18 device plugged into that circuit is that single
19 device. That can be done, but that's the first step
20 you need to do. Then the second thing then is once
21 you've got that reading, you just have amperage and
22 you now need to come up with a way to convert that
23 into kilowatt hours which means you have to come up
24 with some estimate of how often the appliance in
25 question runs and that -- that requires judgment. And

1 so I guess I just point out that while the reading is
2 a -- looking at a meter, seeing what the results are,
3 the judgment has to be applied to the actual hours of
4 use.

5 THE COURT: So there's some subjectivity to
6 the end result of that calculation. Is that what
7 you're telling me?

8 THE WITNESS: That's correct.

9 THE COURT: I want to ask you a little bit
10 about the chart that you've prepared as part of Staff
11 Exhibit 5. It's Schedule DB2. I want to make sure
12 that I understand what this is telling me. Could you
13 just real briefly explain what this chart is?

14 THE WITNESS: Real briefly it is -- it's
15 actually 64 months of billing history usage compared
16 to weather. So in this case, the Y axis of vertical
17 axis is average daily usage and that is in kilowatt
18 hours and the X axis for the -- is daily average
19 temperature, the axis going across the bottom, and
20 almost all customers have some response to weather.
21 It's usually a primary driver, in fact, to people's
22 usage. So in this case I graphed these out, and so
23 the first 60 data points were those data points prior
24 to the January -- mid January read date that Empire
25 performed, and those would be the blue and red points.

1 THE COURT: Mine is in black and white.

2 Which are the diamond and square ones?

3 THE WITNESS: Okay. The diamond and
4 squares are the ones I am talking about then, not the
5 Xs. Those are the ones before -- that would be
6 through January of 2012.

7 THE COURT: So what are the diamond data
8 points?

9 THE WITNESS: The diamond ones are the ones
10 that obviously make up the vast majority of the data
11 points and those data points generally show that the
12 highest usage is in the summer months, that when you
13 get to temperatures in approximately the 70 degree
14 range, that the usage is kind of at the lowest and
15 that's typical of a residential customer. Then as the
16 winter usage goes on further out, it goes up. But in
17 this case, the slope of the line I have drawn through
18 there is actually fairly flat. There's not a
19 significant -- there is a significant but not a large
20 difference in that slope.

21 Then the squares that you mentioned, those
22 were points that clearly showed, in my opinion, a
23 different response to temperature, but I identified
24 those and separated those out. This is not typical.
25 When I look at a residential customer's usage and bill

1 history, I do not expect to see different responses,
2 but that was certainly the case here.

3 THE COURT: Do you know why these square
4 data points were different than the diamond ones in
5 the pattern?

6 THE WITNESS: I asked Ms. Veach that and I
7 don't know at this point whether we want her to give
8 that answer or I can summarize what she said.

9 THE COURT: Well, go ahead and just tell me
10 what you know.

11 THE WITNESS: Yeah. Basically that was
12 periods around holidays, you know, where she had
13 company and visitors and I think also cooked is my
14 understanding.

15 THE COURT: So that would be outside her
16 normal usage pattern?

17 THE WITNESS: Yes -- well, you know, the
18 part I hesitate with is it's hard to say it's outside
19 a normal usage pattern when you have that many data
20 points, you know, nine data point out of 60, so
21 it's -- I guess I would characterize it as it's a
22 second pattern that's recurring.

23 THE COURT: Now, you've plotted these
24 against daily average temperature. Can you tell me
25 what time frame these occurred in?

1 THE WITNESS: The daily average temperature
2 here, you know, I matched up the days exactly with the
3 billing months so that -- so that if, for example, a
4 read date was from February 14th through March 14th,
5 then that was the exact daily average temperature that
6 I calculated.

7 THE COURT: What was the general time
8 beginning and ending dates when these data points were
9 taken from?

10 THE WITNESS: There were actually several
11 periods. Of course, given those temperatures, you
12 know, we're talking about wintertime and -- and there
13 were -- there was several that were several months in
14 a row. I do not have the specifics in front of me. I
15 can gather that information for you if you would like,
16 but it was my -- it's my recollection that there were
17 several winters over which these points occurred.

18 THE COURT: Was that prior to 2012?

19 THE WITNESS: This would be between -- yes,
20 this would be between 2007 and 2011.

21 THE COURT: So what are the X data points?

22 THE WITNESS: The X data points are the
23 four data points after the January read date that I
24 had available at that time, so those data points would
25 be the February 14th data point as well as the March,

1 April, and May data points.

2 THE COURT: Do you know which ones are
3 which?

4 THE WITNESS: The data point that is
5 farthest to the left which is actually -- the
6 temperature is approximately 37 degrees, that is the
7 February 14th reading, so that would basically be for
8 half of January and half of February.

9 THE COURT: And the other points were the
10 subsequent months after that?

11 THE WITNESS: Yes, and I think it
12 actually -- the next one over is the March data point.
13 The next one is the April data point, and the
14 following is the May data point, so February through
15 May, just straight across the point.

16 THE COURT: Am I correct that when you say
17 daily average usage on the Y axis, that that is based
18 upon actual meter readings from the Empire meter on
19 Ms. Veach's house?

20 THE WITNESS: That's correct, and those
21 actual meter readings are divided by the number of
22 billing days in that billing month.

23 THE COURT: So there's not an actual -- you
24 don't know what the -- there's no reading for each
25 day. What you're doing is taking a monthly reading

1 and then dividing that by the number of billing days
2 in the cycle?

3 THE WITNESS: That's correct, and that's
4 why -- you know, the emphasis on the average because
5 it is the average for that bill cycle, that month of
6 the bill cycle.

7 THE COURT: Now, you told Ms. Moore that
8 you had examined some data subsequent to this about
9 Ms. Veach's daily average usage; is that correct?

10 THE WITNESS: That's correct.

11 THE COURT: And when you examined that
12 data, how do those subsequent months after the four Xs
13 in 2012, how does that compare with these first four
14 months of 2012?

15 THE WITNESS: What I saw were data points
16 that -- well, first, we are talking about dates or
17 temperatures that were from 71.5 up to 82.2, so we're
18 talking about data points that would be above the
19 70 -- the 71.5 value, so we're talking about cooling
20 in other words, and what I saw was points -- there's
21 four points that are down below the line there on the
22 cooling side and I had four similar points to those.

23 THE COURT: When you say the line, you're
24 talking about the -- and I assume that's 20 kilowatt
25 hours of daily average usage?

1 THE WITNESS: Okay. I'm sorry. No, the
2 line I actually was referring to was the line that
3 defines -- that I am showing as the slope, I would
4 refer to that as the cooling response.

5 THE COURT: And that would be the slope of
6 the diamond data points?

7 THE WITNESS: Yes.

8 THE COURT: So in general, the months after
9 what shows on this chart in 2012, those data points
10 are below the slope of that line?

11 THE WITNESS: They are below, but they are
12 certainly not nearly the percentage or the magnitude
13 that we saw for the other four points that I graphed.

14 THE COURT: Now, that first data point to
15 the left that you mentioned which was the February --
16 is that the February 14th or 15th date?

17 THE WITNESS: That's correct. It's
18 actually February 14th.

19 THE COURT: I see that that's significantly
20 below the diamond data points. Could that be caused
21 by Ms. Veach reducing the amount of electrical usage
22 that she was using during that period of time?

23 THE WITNESS: Almost certainly it would
24 have to have some impact with the caveat that -- that
25 from the testimony that I've heard that part of that

1 billing month was not -- that she was not taking
2 appliances out of use, so what you have here is an
3 average for a one-month period part of that average
4 period including where there was no appliances being
5 taken out, but then part of it had a significant
6 amount of appliances being taken out.

7 THE COURT: Ms. Veach testified that in the
8 subsequent months, she returned to normal usage at her
9 house and started using her appliances again.
10 Assuming that to be true, wouldn't these later X data
11 points -- shouldn't they be up higher on the chart and
12 more in line with the other diamond data points if her
13 usage was similar?

14 THE WITNESS: If this had no impact on her
15 usage, then the graph should reflect that.

16 THE COURT: So if the meter was accurately
17 reading, wouldn't those X data points -- wouldn't they
18 be higher than they are now?

19 THE WITNESS: Under the assumption that you
20 gave that there was no -- absolutely no change in
21 customer usage, they would be where the diamond points
22 are.

23 THE COURT: Are there any other
24 explanations that you can think of, either that usage
25 stayed low or there was something wrong with that

1 meter?

2 THE WITNESS: There's -- there's always the
3 possibility that something was wrong with the meter
4 except mechanical meters don't -- that -- there's the
5 idea of mechanical meters somehow reading correctly
6 some months and not and back and forth is just
7 typically not the way it happens. It typically
8 happens where if a mechanical meter is off, it stays
9 off, so there had to be some -- there would had to
10 have been some way that the meter changed, so I am
11 struggling with that part of it. I just don't know --
12 in my 25 years of experience, I've just never seen it
13 where a mechanical meter failed and then was correct
14 again. I've just seen where they've failed or their
15 readings are off and they continue to be off. I don't
16 know if I adequately answered the question, but that's
17 my observations.

18 THE COURT: All right. Well, that's all
19 the questions that I had then?

20 MS. VEACH: Can I ask him another question,
21 please?

22 THE COURT: That would be fine.

23 FURTHER EXAMINATION

24 QUESTIONS BY MS. VEACH:

25 Q. Mr. Beck, when you were at the house on

1 **March 15th, do you remember me asking you why you**
2 **didn't do an amp draw on the breaker box of the**
3 **appliances?**

4 A. Yes.

5 **Q. Do you remember what you gave as the**
6 **answer?**

7 A. I can't say that word for word, but I think
8 I first expressed my concerns about customers taking
9 meter -- taking the cover off an electric panel,
10 and then what I said was -- you know, is that I did a
11 comparison with one of your appliances to information
12 on Empire's website and what I saw was the numbers
13 were within 10 percent, so pretty close. And so
14 identifying those specific individual appliances, you
15 know, it didn't seem to me to be the issue.

16 **Q. Now, I think you said that you didn't need**
17 **to see what -- you didn't need to do an amp draw**
18 **because they were so close to what the appliances were**
19 **on Empire's website was, correct?**

20 A. That's correct. And just to be clear, I've
21 never done an amp draw on individual circuits of a
22 customer in my 25 years.

23 **Q. And on the billing cycles that ended in the**
24 **middle of December and January, do you remember me**
25 **saying that that is when I did a lot of baking and**

1 **cooking for the holidays, turkeys, hams, things like**
2 **that?**

3 A. I do remember that.

4 Q. Okay.

5 MS. VEACH: Thank you.

6 THE COURT: Any other questions for
7 Mr. Beck?

8 MS. CARTER: None.

9 MR. MILLS: I have a few.

10 EXAMINATION

11 BY MR. MILLS:

12 Q. **Mr. Beck, referring to Schedule DB2 from**
13 **the Staff report, and I -- they're not on here, but I**
14 **want to ask you about the four Xs that would be on**
15 **here if you reflected the -- some of the summer months**
16 **from 2012. It's your testimony, I believe, that you**
17 **said that those Xs would show up below and into the**
18 **right of the sloped line that shows the cooling**
19 **response, correct?**

20 A. Correct.

21 Q. **And if the diamonds that are actually shown**
22 **on that graph reflect usage using only a window air**
23 **conditioner and the Xs that are not on the graph would**
24 **reflect usage from a central air unit, would you not**
25 **expect the Xs to be above the line that's drawn**

1 through the diamonds?

2 A. My problem is that I can't answer that
3 because I don't have enough information.

4 Q. What information would you need?

5 A. I would need -- well, I need to know, you
6 know, probably some more specifics about the two
7 appliances, but then I would also need to know how
8 they were run, the hours that they ran, or the
9 temperature they were set on, that type of thing.

10 Q. Let's just assume some of the facts, some
11 of the testimony that's in the record is true. You
12 have testimony from Ms. Veach that she ran the window
13 unit at night, correct?

14 A. Correct.

15 Q. We have testimony about the size of the
16 window unit, correct?

17 A. Yes -- now, I mean I don't -- I think it's
18 a little vague about when it was that that particular
19 unit has been in service, but for some period of time.

20 Q. For some period of time -- probably at
21 least -- as far as we know, for the period of time
22 reflected by the usage that's graphed on Schedule DB2,
23 correct?

24 MS. CARTER: Mr. Mills, I am very sorry to
25 object to your question, but I will have to object to

1 that question that it mischaracterizes what Ms. Veach
2 has said as she could not tell me in any way the year
3 she stopped or started using the window air
4 conditioner versus central air even when I requested
5 for guesses or an estimate and said would it have been
6 sometime around 2005 or some other year, and she
7 couldn't tell me at all when she started using the
8 central air conditioner -- excuse me, but when she
9 started using the window air conditioner. She
10 couldn't give me any time frame, just that immediately
11 prior to doing her test, that's what she was using.

12 Q. (By Mr. Mills) So the record will reflect
13 that in no time prior to the summer of 2012 was the
14 central air unit used. So for the period of time
15 that's reflected by the diamonds on DB2, it was either
16 a window unit or nothing, correct? Is that your
17 understanding of the state of the record?

18 A. That's what I heard in the record, yes.

19 Q. Are you aware of any central air unit that
20 draws -- well, that would have a higher kilowatt
21 hour -- well, let me rephrase that.

22 Are you aware of any central air unit that
23 would draw more power than a window air unit that we
24 have pictures of in the record in this case?

25 A. Certainly there are central air

1 conditioners that draw more power.

2 Q. Are there any that draw less that you're
3 aware of?

4 A. I would expect that a smaller central air
5 conditioner would have values similar, but I can't say
6 whether they would be higher or lower.

7 Q. And you heard the testimony that the
8 central air unit dates back to at least sometime
9 before 1988, correct?

10 A. Correct.

11 Q. Units manufactured back in the eighties or
12 earlier are not as efficient as the ones manufactured
13 today, correct?

14 A. Correct.

15 Q. So do you have -- would it be your belief
16 based on your experience that the central air unit at
17 Ms. Veach's house would draw considerably more power
18 than the window unit that we've seen pictures of and
19 that was in use during perhaps part of this period
20 shown on DB2?

21 A. At a single moment in time I think it
22 would.

23 Q. Okay.

24 A. Then you get into the hours used and that's
25 the question that I can't really answer is which unit

1 ran more, so that's the part I'm struggling with.

2 Q. But you heard testimony that during the
3 summer of 2012 -- we do have information from
4 Ms. Veach on the days on which the central air was
5 running, correct?

6 A. That's correct.

7 Q. We don't know exact number of hours it ran
8 during those days, but we know the days it was
9 running?

10 A. Um-hmm, and we do have an extra piece of
11 information I guess just to -- we have average daily
12 temperatures for the months of July and August which
13 were 81.26 and 82.2 which are slightly above what I
14 heard to be the temperature setting.

15 Q. So if during the period of time in which
16 the diamonds are -- represent on DB2, there was either
17 a window unit or nothing at all being run, and then
18 where the Xs would be from 2012, the Xs are -- you
19 said are below and to the right of the sloped line
20 drawn on that graph, right?

21 A. That's correct.

22 Q. Assuming that the window unit was run only
23 at night and was set at about 80 degrees when it did
24 run and -- and during some of the time it may not have
25 run at all, and assuming that the central air unit

1 during that period of time was set at 78, does it
2 surprise you that those Xs are where they would be if
3 you were to plot them on this graph?

4 A. So window unit is 80 degree, central air is
5 78 degrees. If that was the only thing shown in
6 usage, that would definitely surprise me.

7 Q. If that was the only significant change,
8 that this graph would have some unexplained
9 discrepancies, correct?

10 A. That's correct.

11 Q. Now, do you have a copy of Ms. Veach's
12 Exhibit 3 there with you?

13 A. I do not.

14 Q. It's the one with the spreadsheet. I don't
15 have if you have a numbered page there, but I'm going
16 to turn you to page 22.

17 A. Okay.

18 Q. It's after the spreadsheet. It's the
19 summary of the amp draw testing.

20 A. Okay.

21 Q. Let me ask you a couple of questions about
22 that. First of all, in terms of the actual amps drawn
23 by these appliances shown in column 2, I believe
24 that -- those are the numbers that you say are
25 consistent with information that you have generally

1 **about that type of appliance, correct?**

2 A. Actually, I was referring to the numbers in
3 red to the right, the KWH usage numbers, to be honest.

4 **Q. The usage numbers per day?**

5 A. Yes.

6 **Q. So it's your testimony that you believe**
7 **that those numbers are fairly representative of normal**
8 **usage for those types of alliances?**

9 A. For the -- for the specific appliances
10 we're also talking about here and, you know, with
11 caveats like -- things like running a water heater for
12 15 minutes a day is nontypical, but, yes, that's --
13 for a lot of these appliances -- like, for example,
14 the small refrigerator, if I might, you know, that's a
15 per day number. When I take that number and multiple
16 it times 365 number of days in a year and then I
17 compared that to Empire's annual usage of a small
18 refrigerator, I got numbers very similar.

19 **Q. So based on your review and based on the**
20 **accuracy of Ms. Veach's representation of the**
21 **nontypical use of a couple of these appliances, it's**
22 **your testimony that the kilowatt hour usage, daily**
23 **usage is at least reasonably representative of what**
24 **you would expect?**

25 A. For the appliances listed.

1 MR. MILLS: Judge, that's all the questions
2 I have.

3 MS. CARTER: Judge, may I ask one more
4 question?

5 THE COURT: Go ahead.

6 FURTHER EXAMINATION

7 QUESTIONS BY MS. CARTER:

8 Q. Do you have Empire Exhibit No. 2 with you?

9 A. Okay.

10 Q. If you'll look for me -- I am going to look
11 at each August -- August read for each year. Starting
12 there with August 15, 2012, that kilowatt per hour
13 usage per day is 52, correct?

14 A. Correct.

15 Q. And for August of 2011 it was 72?

16 A. Okay. Correct.

17 Q. And then 74 in 2010?

18 A. Correct.

19 Q. And then 46 in 2009?

20 A. Correct.

21 Q. Again, following the August read for each
22 year. And then August 2008 is 55?

23 A. Correct.

24 Q. And then August 2007 is 39?

25 A. Correct.

1 Q. And then August 2006 is 70?

2 A. Correct.

3 Q. And August 2005 is 52?

4 A. Correct.

5 Q. August 2004 is 34?

6 A. Correct.

7 Q. August 2003 is 50?

8 A. Correct.

9 Q. Have you ever known a meter to cause such
10 variation from year to year over the life of the
11 meter?

12 A. I have not known a meter to have -- to
13 cause both ups and downs. The meter typically will --
14 will be off one way or the other consistently once an
15 error occurs.

16 Q. Do you have an explanation for those
17 varying numbers from August of year to year?

18 A. I can't specifically speak to the data
19 points prior to 2007, but for the other data points,
20 you know, the majority of those variances I believe
21 were due to weather and that was what I was attempting
22 to show with Schedule DB2.

23 Q. And so that would be you -- you would say
24 for the same for July of each year also?

25 A. Yes, all months of the year.

1 **Q. Would you agree with me that Ms. Veach**
2 **seems to vary her usage fairly dramatically with the**
3 **weather when it gets hot? I should say her usage goes**
4 **up if it's hot, but her usage doesn't seem to go up**
5 **when it's cold?**

6 A. Except for the -- I believe it was the 10
7 months that I noted in the 60 months of history, that
8 is the consistent pattern that I have seen.

9 **Q. And Ms. Veach had an explanation for each**
10 **of those higher points for you that her usage did, in**
11 **fact, increase on those days?**

12 A. We didn't discuss those one by one. It was
13 just simply that was the answer for all 10 points.

14 **Q. That she had increased usage?**

15 A. Yes.

16 MS. CARTER: Thanks, Mr. Beck.

17 THE COURT: Mr. Beck, I think that
18 concludes your testimony.

19 MS. MOORE: Judge, I had a couple of
20 follow-up questions.

21 THE COURT: All right.

22 FURTHER EXAMINATION

23 QUESTIONS BY MS. MOORE:

24 **Q. Mr. Beck, do you still have that Exhibit 3**
25 **from Ms. Veach?**

1 A. Right here.

2 Q. If you could look at the first. It's
3 page 13.

4 A. Okay.

5 Q. Ms. Veach's testing began in January and
6 she was reducing appliances. I believe Ms. Veach
7 testified earlier that for a period of time when most
8 of her appliances were off began on February 9th. Do
9 you remember hearing that?

10 A. I do.

11 Q. Can you read us the kilowatt hour usage
12 between the 9th and the 14th?

13 A. 25, 13, 17, 13, 13 and 13.

14 Q. And then for the period of time in red, the
15 next few days, could you read those numbers to us?

16 A. 6, 12, 8, 9, 9, 10, 11, and the last data
17 point that makes up the second group is 21.

18 Q. In the usage pattern that ranges between on
19 average 8 to 12 there, what kind of usage of
20 electricity in a house would increase that from 13 to
21 17?

22 A. To just give us a simple example, a
23 100-watt light bulb burning 24 hours a day would use
24 2.4 KWH in that one daytime. So in this case, you
25 know, two light bulbs burning 24 hours a day would be

1 an additional 4.8 KWH. Three would be 7.2 kilowatt
2 hours for three light bulbs burning 24 hours a day
3 being a standard 100-watt light bulb.

4 **Q. So looking at these numbers, where, in your**
5 **opinion, would you say the change in usage began?**

6 A. To be honest, I have to believe that the
7 change in usage really started showing up even much
8 earlier. When I look at the January 29th value for 13
9 days and -- and I see an average that's less than 30
10 KWH, that number looks low to me. When I am seeing
11 that 40 and 50 degree average -- 40 or 50 KWH averages
12 are typical in the coldest months of the year, so I
13 guess I really say there's probably -- all of these
14 data points have what appear to be lower usage than
15 previous.

16 **Q. So before February 14th?**

17 A. Definitely before February 14th.

18 **Q. Mr. Mills asked you some questions about**
19 **your graphs, Schedule DB2, and I believe he asked**
20 **you -- or you guys -- you discussed whether or not**
21 **using an AC unit should have brought those data points**
22 **back up to what they used to be. Do you remember**
23 **those questions?**

24 A. I do.

25 **Q. In your opinion, based on everything you've**

1 **heard today, what is the most likely reason for those**
2 **data points still being lower?**

3 A. It's my opinion that Ms. Veach is doing
4 probably what we should all be doing and being very
5 conservative about her electric usage and that the
6 data points reflect that.

7 MS. MOORE: I don't have any other
8 questions.

9 THE COURT: Thank you, Mr. Beck. That
10 concludes all of the witness testimony.

11 Ms. Veach, was there anything further you
12 wanted to add for the record before we conclude the
13 hearing?

14 MS. VEACH: What?

15 THE COURT: Was there anything else you
16 wanted to add for the record that you have not told me
17 already? Anything further you wanted to add that you
18 haven't told me?

19 MS. VEACH: I can't think of anything.

20 THE COURT: Ms. Carter, anything you would
21 like to add?

22 MS. CARTER: No, Judge. Thank you.

23 THE COURT: Mr. Mills?

24 MR. MILLS: Thank you.

25 THE COURT: Ms. Moore?

1 MS. MOORE: Thank you, Judge.

2 THE COURT: Would the transcript in a
3 week --

4 THE COURT REPORTER: Sure.

5 THE COURT: Why don't we plan on that and I
6 think there are optional -- optional briefs are due
7 November 30th, so Ms. Veatch that means that you can
8 file a brief but you don't have to and that would be
9 totally up to you. And as far as exhibits, I think
10 all of the exhibits have been entered.

11 This hearing is now adjourned. We are off
12 the record.

13 (WHEREIN, the deposition was concluded at
14 1:50 p.m.)

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1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)

) ss.

3 COUNTY OF CHRISTIAN)

4 I, Karri Whorlow, a Certified Court
5 Reporter (MO), Certified Shorthand Reporter (IA), do
6 hereby certify that the witness whose testimony
7 appears in the foregoing deposition was duly sworn by
8 me; that the testimony of said witness was taken by me
9 to the 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 deposition was
13 taken, and further that I am not a relative or
14 employee of any attorney or counsel employed by the
15 parties thereto, nor financially or otherwise
16 interested in the outcome of the action.

17

18

19 _____
20 Certified Shorthand Reporter for
21 The State of Missouri

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