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1	STATE OF	MISSOURI	
	PUBLIC SERVICE COMMISSION		
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	TRANSCRIPT (F PROCEEDINGS	
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5	Prehearing	Conference	
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7	February	14, 2013	
	Jefferson Ci	ty, Missouri	
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9			
10	Emma J. McFarlin and Rebecca)	
	Shepherd,)	
11)	
	Petitioner,)	
12)	
	vs.)Case No. EC-2013-0024	
13)	
	KANSAS CITY POWER & LIGHT)	
14	COMPANY)	
)	
15	Respondent.)	
16			
17			
	DANIEL JORDAN,	Presiding	
18	SENIOR RE	GULATORY LAW JUDGE	
19			
20			
21	REPORTED BY:		
22	Monnie S. Mealy, CC	CR, CSR, RPR	
	Midwest Litigation	Services	
23	3432 W. Truman Boul	evard, Suite 207	
	Jefferson City, MO 65109		
24	(573) 636-7551		
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For Staff of the Missouri Public Service Commission: Mr. John Borgmeyer and Mr. Kevin Thompson Public Service Commission 5 200 Madison Street Jefferson City, MO 65102 6 (573) 751-3234 7 8 9 For Rebecca Shepherd: 10 Ms. Rebecca Shepherd, Pro Se 3637 Agnes 11 Kansas City, MO 64128 (816) 569-2499 12 13 14 For Kansas City Power & Light Company: 15 Mr. Roger W. Steiner Kansas City Power & Light Company 16 1200 Main Street Kansas City, MO 64105 17 (816) 556-2314 18 19 20 21 22 23 24 25			Page 2
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1	PROCEEDINGS
2	JUDGE JORDAN: And we will go on the record.
3	The Commission is call the case in File No. EC-2013-0024.
4	This is the complaint of Emma J. McFarlin and Rebecca
5	Shepherd versus Kansas City Power & Light Company.
6	I'm Daniel Jordan. I'm the Regulatory Law Judge
7	assigned to this action, and I will begin this pre hearing
8	conference by taking entries of appearance. And I'd also
9	like Counsel to introduce any representatives of the
10	clients that are present.
11	So we'll begin with the complainant, which I
12	believe is Ms. Rebecca Shepherd. Will you give your name
13	and address for the reporter, please?
14	MS. SHEPHERD: Rebecca Shepherd, 3637 Agnes
15	Avenue, Kansas City Missouri, 64128.
16	JUDGE JORDAN: And, Ms. Shepherd, is that the
17	billing address that's at issue here?
18	MS. SHEPHERD: That is correct.
19	JUDGE JORDAN: Very good. Now, I note, also,
20	the Complaint was filed by Emma J. McFarlin. Will she be
21	joining us today?
22	MS. SHEPHERD: That's my mother. No, she will
23	not.
24	JUDGE JORDAN: Very good. For Kansas City Power
25	& Light Company?

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1	MR. STEINER: Let the record reflect the
2	appearance of Roger W. Steiner. I'm an attorney with
3	Kansas City Power & Light Company. My address is 1200
4	Main Street, Kansas City, Missouri, 64105.
5	With me on the phone, I have Sarah Stolberg,
6	Lois Liechti and Tim Rush.
7	JUDGE JORDAN: Thank you, Counselor. Can you
8	give a spelling to the court reporter for those first two
9	names at least?
10	MR. STEINER: I'm going to let them do that.
11	MS. STOLBERG: Sarah Stolberg, S-a-r-a-h, last
12	name S-t-o-l-b-e-r-g.
13	MS. LIECHTI: I'm Lois Liechti, L-o-i-s, last
14	name L-i-e-c-h-t-i.
15	JUDGE JORDAN: Thank you. And for Staff?
16	MR. BORGMEYER: Yes. On behalf of the Staff of
17	the Missouri Public Service Commission, John Borgmeyer and
18	Kevin Thompson. And, also, here from the Staff, we have
19	Gay Fred and Alda Nesheim.
20	MS. NESHEIM: Abra.
21	MR. BORGMEYER: Abra Nesheim.
22	JUDGE JORDAN: Spelling, please.
23	MS. NESHEIM: Abra, A-b-r-a, Nesheim,
24	N-e-i-s-h-e-i-m.
25	JUDGE JORDAN: Thank you. And I will also note

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1	that no one from the Office of Public Counsel has appeared
2	in the hearing room.
3	Is there anyone on the line from the Office of
4	Public Counsel? I'm not hearing anyone. I mentioned that
5	because, by regulation, the Office of Public Counsel is a
6	party to every action at the Commission. They have
7	discretion as to when they appear and don't. And at this
8	time, it appears they will not appear.
9	So here's what I'm going to do today. I'm going
10	to talk about what we're going to talk about, and then
11	we'll actually talk about it. Part of this will be on the
12	record so that everyone will what everyone what
13	everyone says will be record by the court reporter that's
14	here in the hearing room for us.
15	When I'm done saying what I have to say and when
16	the parties are done with what they have to tell me, I'll
17	go ahead and leave the room, but I'm going to leave that
18	line open so that all of the parties can discuss these
19	things outside my presence.
20	No one needs to worry about revealing any
21	sensitive information that I should not hear off the
22	record. And when everything's done, I'll ask Staff to go
23	ahead and and turn off the turn off the phone and
24	hang up the phone.

But there are a few things that I want to talk

Fax: 314.644.1334

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1	about, and it's mostly procedural here. I want to make
2	sure that everybody understands what this action is about.
3	This is a formal action, and if we do go to
4	hearing, it's an awful lot like a trial. It's much like
5	what one would have in Circuit Court before a judge. Now,
6	we do try to keep things simple, especially when there is
7	a Pro Se Complainant because the idea is to have access to
8	the Commission's decision-making processes.
9	But the law does require certain things, and
10	that's what makes it look so much like a trial. I that
11	being said, I want to be fully understood that Pro Se
12	litigants, persons representing themselves at hearing do
13	so all the time at the Commission and before other
14	Tribunals, and they do prevail.
15	So it's not impossible. It's not en entirely
16	an uphill struggle for the Pro Se litigant. But there are
17	some things that we have to do. We have to make available
18	the procedure that's called discovery. You probably saw a
19	reference to that in the Notice of Complaint early on.
20	Discovery is the process by which the parties
21	get information from each other in a formal fashion. That
22	is, if it's not if it's not revealed in discovery, it's
23	probably not going to be admissible in Circuit Court. So
24	everyone has to be very forthcoming with their
25	information.

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1	You will probably, also, once we go off the
2	record, want to talk about a schedule for these things to
3	happen, things like discovery. We also have dispositive
4	motions, that is, if a motion is filed and shows that the
5	Commission really shouldn't go to trial for various
6	reasons that are set forth in our regulations, the
7	Commission will dispose of the action that way and there
8	will never be a hearing. Any any questions so far?
9	MS. SHEPHERD: No, sir.
10	JUDGE JORDAN: Okay. Anyone else have any
11	questions? I'm not seeing any here. I'm not hearing any
12	on the line.
13	MR. STEINER: No, Judge.
14	JUDGE JORDAN: Okay. I wanted to raise one
15	thing in relation to the type of action that we're in,
16	which is a Complaint. The Statutes provide that a
17	consumer of utility service can get relief, can get some
18	kind of help from the Commission.
19	But that happens when there has been a
20	violation, a violation of a tariff or a regulation or a
21	Commission order or a statute. Okay? There has to be a
22	violation of one of those things to happen.
23	Staff's report has been pretty thorough in the
24	provisions of regulation and statutes and and tariff
25	that could be at issue here. What we have to do before

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- 1 we go to hearing is narrow down just what provisions are
- 2 alleged to be at issue.
- 3 It's a little bit of a task for a Pro Se
- 4 Complainant. But as I say, it's not impossible.
- 5 And I'm pretty confident that going through Staff's report
- 6 and especially with Staff being here in the room, they can
- 7 walk Ms. Shepherd and Kansas City Power & Light through
- 8 the regulations that may be at issue here.
- 9 So that being the case, I think we need -- we
- 10 will probably need a little bit more refinement in the
- 11 pleadings or perhaps a dispositive motion might be in
- 12 order to deal with this complaint.
- I don't want to be in the position where we go
- 14 to a hearing and we don't know what case we're trying.
- 15 It's also helpful to the parties because whatever
- 16 violation is alleged to have happened, that provision,
- 17 whether it's in the tariff or the regulations or the
- 18 statutes or some Commission order somewhere, that's going
- 19 to tell us what facts are important. That's what's going
- 20 to tell the parties what they need to tell the Commission
- 21 through me at the hearing.
- 22 So this is a process of narrowing the issues,
- 23 and it's helpful to the parties in preparing their case.
- 24 So I just want to make sure that that happens. And the
- 25 parties might want to include in their procedural schedule

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1	a provision for dispositive motions.
2	Of course, if the parties can settle this case
3	without any further litigation, all that becomes
4	unnecessary. And it may be that Ms. Shepherd and Ms.
5	McFarlin can get what they really need from KCP&L without
6	without litigation, which is always which is just
7	fine by the Commission.
8	We're here to listen to the complaint and try
9	the case if necessary. But my experience is that the
10	parties generally can can work out something more
11	useful than the Commission can from its from its moved
12	neutral position. Any questions on that so far?
13	MS. SHEPHERD: No, Judge.
14	JUDGE JORDAN: Okay. Any questions from Kansas
15	City Power & Light?
16	MR. STEINER: No.
17	JUDGE JORDAN: Okay. Staff?
18	MR. BORGMEYER: No, Judge.
19	JUDGE JORDAN: Okay. In connection with that,
20	let me remind the parties that we do offer mediation, that
21	is, if the parties can't work something out, if they
22	they want to settle, they would rather not try the case
23	and want to attempt settlement, every one of the
24	Regulatory Law Judges has training in civil mediation and
25	is qualified to help the parties work something out.

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1	And that's been successful in in other cases
2	and it could be successful here, so I want everybody to
3	keep that in mind. Whoever mediates the case won't be
4	hearing the case because the idea is that the parties in
5	mediation may want to reveal information that they don't
6	really want to come out in trial. And that's fine. That
7	means that if I'm conducting the hearing, I won't be doing
8	the mediation, but somebody else will.
9	But that's about all I have to say. So I open
10	it up to any questions of a procedural nature from the
11	parties. So we'll start with Ms. Shepherd. Anything that
12	I that I can help you with here outside, of course,
13	giving legal advice?
14	MS. SHEPHERD: No, sir. I pretty much
15	understand everything you said and what the procedure is.
16	I made myself familiar with the statute. Thank you.
17	JUDGE JORDAN: Very good. Very good. Kansas
18	City Power & Light, do you have any issues you'd like to
19	raise with me?
20	MR. STEINER: No, Judge. Thank you for laying
21	that information out.
22	JUDGE JORDAN: Oh, I'm absolutely happy to do
23	so. Staff, any any issues that you needed to address?
24	MR. BORGMEYER: No, thank you, your Honor.
25	JUDGE JORDAN: Okay. Well, since no one has any

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1	issues for me, I will go ahead and put an end to the
2	on-the-record portion of this proceeding. I'll go ahead
3	and once we're off the record, I'll leave the room.
4	But I'll leave this telephone line open. I hope everyone
5	has productive discussions while I'm gone.
6	And I intend to be in the building all day if
7	the parties need me for anything. Before we go off the
8	record, one last call, anything for me? Not hearing
9	anything. So with that, thank you very much for
10	attending. And we will go off the record.
11	(The proceedings were concluded at 10:15 a.m. on
12	February 13, 2013.)
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1	REPORTER'S CERTIFICATE
2	
3	STATE OF MISSOURI)
)ss.
4	COUNTY OF OSAGE)
5	
6	I, Monnie S. Mealy, Certified Shorthand Reporter,
7	Certified Court Reporter #0538, and Registered
8	Professional Reporter, and Notary Public, within and for
9	the State of Missouri, do hereby certify that I was
10	personally present at the proceedings as set forth in the
11	caption sheet hereof; that I then and there took down in
12	stenotype the proceedings had at said time and was
13	thereafter transcribed by me, and is fully and accurately
14	set forth in the preceding pages.
15	
16	IN WITNESS WHEREOF, I have hereunto set my hand and
17	seal on February 22, 2013.
18	
19	
20	
21	Monnie S. Mealy, CSR, CCR #0539
22	Registered Professional Reporter
23	
24	
25	

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