

In the Matter of:  
**Barbara Edwards**  
v.  
**Evergy Missouri West**

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**EC-2020-0252, VOL. II**

*July 17, 2020*

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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

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TRANSCRIPT OF PROCEEDINGS

Procedural Conference

July 17, 2020

Jefferson City, Missouri

Volume 2

WebEx

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Barbara Edwards,	)	
	)	
Complainant,	)	
	)	
vs.	)	File No. EC-2020-0252
	)	
Evergy Missouri West, Inc.,	)	
	)	
Respondent.	)	

JANA JACOBS, Presiding  
REGULATORY LAW JUDGE

REPORTED BY:  
Beverly Jean Bentch, CCR No. 640  
TIGER COURT REPORTING, LLC

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A P P E A R A N C E S

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FOR: Staff of the Missouri Public Service Commission

Participating pro se: Barbara Edwards

P R O C E E D I N G S

1  
2 JUDGE JACOBS: We are now on the record for  
3 the conference scheduled today, July 17, 2020, in this  
4 matter which is File No. EC-2020-0252 which is the case  
5 concerning Ms. Barbara Edwards, the Complainant, vs.  
6 Evergy Missouri West d/b/a Evergy Missouri West, the  
7 Respondent.

8 This conference was set for 10:30 a.m. today,  
9 July 17, and it is now 10:32 a.m. My name is Jana  
10 Jacobs. I'm the Regulatory Law Judge assigned to this  
11 matter. This conference is being conducted by telephone  
12 and videoconference. We had originally planned to  
13 conduct an evidentiary hearing in this case at this time  
14 today; but because of the uncertainty caused by the  
15 COVID-19 pandemic, the evidentiary hearing has been  
16 continued and the procedural schedule has been  
17 suspended.

18 We have a court reporter on the line who will  
19 be preparing a transcript of this on the record portion  
20 of the conference.

21 The purpose of the conference is to discuss  
22 how to conduct this case using a remote hearing format.  
23 I will begin by asking the parties to enter their  
24 appearance for the record. First of all, Ms. Barbara  
25 Edwards, the Complainant, are you present, ma'am?

1 MS. EDWARDS: I am, Judge.

2 JUDGE JACOBS: Thank you so much. And then  
3 because we're all participating by phone, I'll ask the  
4 lawyers to identify yourself by name and provide your  
5 address and phone number for the court reporter. So  
6 appearing today for Evergy, we have Mr. Roger Steiner;  
7 is that right?

8 MR. STEINER: That's right, Judge.

9 JUDGE JACOBS: Okay. You can go ahead and  
10 enter your appearance, sir.

11 MR. STEINER: Let the record reflect the  
12 appearance of Roger W. Steiner, 1200 Main Street, Kansas  
13 City, Missouri 64105, appearing for Evergy Missouri  
14 West.

15 JUDGE JACOBS: Thank you so much. And for  
16 Commission Staff, Mr. Pringle?

17 MR. PRINGLE: Thank you, Judge. This is  
18 Travis Pringle appearing on behalf of the Staff of the  
19 Public Service Commission. My contact information is  
20 200 Madison Street, P.O. Box 360, Jefferson City,  
21 Missouri 65102. I am also joined from Staff by Contessa  
22 King, Tammy Huber and Amanda Coffey.

23 JUDGE JACOBS: Thank you very much for  
24 introducing those folks for Staff. I don't believe  
25 we've ever had a member of the Office of the Public

1 Counsel appear in this case, and I don't see any such  
2 person on the line with us here today. So I don't  
3 believe I've missed anyone. I think everyone has been  
4 identified.

5 Does anyone have any preliminary matters that  
6 they want to talk about before we get into discussing  
7 how to resolve this case to a remote hearing if  
8 possible?

9 Okay. So we'll go ahead and proceed to the  
10 main event. The Commission is not scheduling in-person  
11 hearings at this time. There are some that have been  
12 placed on the schedule. Unfortunately as we schedule  
13 in-person things, they are tending to get rescheduled as  
14 remote hearings. So it seems like we do need to address  
15 how this case can be resolved with a remote hearing  
16 under the circumstances that we're in. And I understand  
17 from looking at the joint procedural schedule that was  
18 proposed that at that point, after the parties had a  
19 conversation, the request was to have an in-person  
20 hearing. And so I wanted to meet today and talk about  
21 what we need to do to have a remote hearing and what the  
22 barriers are to remote hearings.

23 So we can go ahead with Ms. Edwards. Ma'am,  
24 if you don't mind, you can address whether you would be  
25 able to participate in a hearing by phone in a format

1 like we are in today and what concerns you might have  
2 about that or if you might be able to participate in a  
3 hearing via internet format such as Zoom or WebEx which  
4 we're using today.

5           Could you go ahead, please, ma'am, and just  
6 let me know your thoughts on that?

7           MS. EDWARDS: All right, Judge, thank you very  
8 much. As Mr. Pringle knows, I really do prefer to do  
9 this at a hearing and I did suggest to Mr. Pringle after  
10 you were off the line at our initial conference that if  
11 need be I would come to Jefferson City rather than since  
12 things are closed down here in Jackson County. Is that  
13 a possibility?

14           JUDGE JACOBS: Well, it actually doesn't make  
15 that much of a difference because there are really no  
16 proceedings that are taking place in Jeff City either,  
17 ma'am. The only proceeding I am aware of that is  
18 actually going to take place in person at the Commission  
19 offices is a hearing that was scheduled and published in  
20 the rulemaking register to the public and so essentially  
21 the Commission has to hold that hearing in person  
22 because they advised the public that's when it would be  
23 conducted. So really nothing else is happening in  
24 person in Jeff City or anywhere else.

25           MS. EDWARDS: I really prefer to have it -- I

1 think it's going to be too difficult for me to present  
2 what I've got in a video. Number one, my computer is  
3 not that good. I think I would rather put it off. As  
4 much as I would like to get this settled, I would really  
5 rather -- I mean, I can't imagine that we're going to  
6 keep the government shut down forever, although it's  
7 been a year. Go ahead. I'm sorry.

8 JUDGE JACOBS: I think we're all in a  
9 situation that we couldn't imagine three or four months  
10 ago. It's very difficult for any of us at this point to  
11 project the future. This case has been pending since  
12 February. Let's talk about what you think is going to  
13 happen at an in-person hearing that can't be  
14 accomplished over the phone.

15 MS. EDWARDS: I think, number one, it's more  
16 effective when one can look at other people that are  
17 involved. I do want to have Mr., I forgot his name,  
18 Bassham, whatever it is, the President of the company of  
19 Everygy, I would like to have him subpoenaed. And I was  
20 told by Mr. Poston is it, Mark Poston, that he actually  
21 would have subpoena powers.

22 So even though it is pending, if at all  
23 possible I would prefer that we have it in person. I  
24 know this is a difficult time. Nobody was expecting  
25 this. Again, there's nobody who wants it any more than



1 I do to be over, but I would really prefer to just say  
2 okay, if we have to put it off for awhile longer.  
3 Again, there's going to come a time that we're going to  
4 have to get back to doing business as normal.

5 JUDGE JACOBS: I definitely hear the message  
6 that you're saying, although most state agencies are  
7 trying to get their work done to the best of their  
8 ability rather than waiting until everything is  
9 so-called normal again. So what I can do is I can go  
10 back to the Commission and I can tell them that you very  
11 much desire an in-person hearing and that you're willing  
12 to have your complaint sit around while you wait for  
13 that to become possible. Is that a correct statement of  
14 your wishes, ma'am?

15 MS. EDWARDS: Yes, it is, Judge. Thank you.

16 JUDGE JACOBS: All right. So Mr. Steiner, do  
17 you have anything you wanted to say about how a remote  
18 hearing would work or anything that Ms. Edwards had to  
19 say?

20 MR. STEINER: Judge, we'll do whatever the  
21 Commission prefers. We can do it live or we can do it  
22 by videoconference. Were you able to hear me?

23 JUDGE JACOBS: I did hear you. I think you  
24 said we could do it live or we could do it by  
25 videoconference; is that right?

1 MR. STEINER: That's correct.

2 JUDGE JACOBS: Okay. And Mr. Pringle, did you  
3 have anything that you wanted to say?

4 MR. PRINGLE: No, Judge. Staff is willing to  
5 do this hearing however the Commission deems fit.

6 JUDGE JACOBS: And do either -- Does any party  
7 have any response to Ms. Edwards's request essentially  
8 to just continue this indefinitely until the Commission  
9 is able to have a traditional in-person hearing? Are  
10 all of the other parties in agreement that that would be  
11 appropriate or does anyone see any problem with that,  
12 because I think that would be a question the Commission  
13 would have if that's the request.

14 MR. STEINER: No response other than what I  
15 previously said. We will do it however the Commission  
16 prefers. We don't have an objection if she wants to  
17 continue it. If the Commission would like to move this  
18 case along, we'll do it by video.

19 JUDGE JACOBS: Okay. And then, Mr. Pringle,  
20 anything?

21 MR. PRINGLE: Really nothing from Staff,  
22 Judge. I did a quick little look-through at the rules  
23 yesterday about what an indefinite continuance could be;  
24 but as long as there's good cause, there's really no  
25 limit on continuing a complaint case, and a pandemic is

1 pretty good cause for a continuance.

2 JUDGE JACOBS: Okay. So I think this covers  
3 the first issue which is preferences for whether we do a  
4 remote hearing. And so we've heard Ms. Edwards's strong  
5 preference to do an in-person hearing and I've heard the  
6 other Staff and the company say that's fine with us, if  
7 I understood you correctly. Should the Commission  
8 decide that it does not want to delay resolution of the  
9 case to some indefinite period of time and feels a  
10 responsibility to take up the case and handle it, we  
11 would have to decide when that would be possible.

12 So perhaps it would make sense for me to just  
13 ask the Commission its preference and then I may have to  
14 assemble all of you again to talk about if we are going  
15 to do a hearing when we would do that or alternatively I  
16 think maybe something that might be -- you could tell me  
17 if this would work for you. I could just issue an order  
18 that would ask the parties to propose a date for a  
19 hearing if we're going to have one. I assume that you  
20 could all figure out how to get on the phone together  
21 and do that. Is that possible or would it be necessary  
22 to bring you together like this again?

23 MR. STEINER: I think we can do it by phone or  
24 email amongst ourselves to figure out the schedule.

25 JUDGE JACOBS: Okay. Ms. Edwards, do you

1 agree?

2 MS. EDWARDS: I do.

3 JUDGE JACOBS: And Staff?

4 MR. PRINGLE: Yeah, Staff agrees.

5 JUDGE JACOBS: Okay. So this is what I think  
6 how we'll proceed. I'll go back to the Commission and  
7 figure out how they feel about an indefinite continuance  
8 for essentially the resolution of the pandemic or at  
9 least resumption of in-person hearings. And then if the  
10 Commission decides that that's the course that will be  
11 taken, then you'll see an order to that effect. If the  
12 Commission decides that instead we need to proceed to  
13 resolve the case to the best of our ability using a  
14 remote hearing, which is the way that virtually all  
15 other cases are being resolved at this time before the  
16 Commission, then I will issue an order that will ask the  
17 parties to get together and figure out when that hearing  
18 should take place. Does that work for everyone?

19 MS. EDWARDS: Yes.

20 MR. STEINER: Yes, Judge.

21 MR. PRINGLE: Yes, Judge.

22 JUDGE JACOBS: All right. Okay. Does anyone  
23 have anything else that you'd all like to address here  
24 today while we're on the record together?

25 MS. EDWARDS: I don't, Your Honor.

1 MR. PRINGLE: No, Judge.

2 MR. STEINER: No, Judge.

3 JUDGE JACOBS: Okay. And do you think will  
4 the parties need to continue their discussion with each  
5 other off the record once I've left or should I just  
6 disconnect the call today?

7 MS. EDWARDS: I don't think I have anything,  
8 Your Honor.

9 MR. STEINER: I have nothing, Your Honor.

10 MR. PRINGLE: Staff has nothing.

11 JUDGE JACOBS: Okay. Thank you so much. I  
12 really appreciate all your cooperation in showing up  
13 today and talking to me about this, and you should be  
14 seeing something soon to let you know what direction the  
15 Commission would like to take. Thank you all so much.  
16 Have a great weekend. We are off the record.

17 (Off the record.)

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CERTIFICATE OF REPORTER

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*Beverly Jean Bentch*

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Beverly Jean Bentch, RPR, CCR No. 640

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