

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Scheduling Conference

July 15, 2004
Jefferson City, Missouri
Volume 1

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12 In the Matter of the Application)
of Aquila, Inc. d/b/a Aquila)
13 Networks - MPS and Osage Valley)
Electric Cooperative for Approval) Case No. EO-2004-0603
14 of a Written Territorial Agreement)
Designating the Boundaries of)
15 Exclusive Service Areas Within)
Cass County, Missouri)

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VICKY RUTH, Presiding,
18 SENIOR REGULATORY LAW JUDGE.

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23 REPORTED BY:

24 KELLENE K. FEDDERSEN, CSR, RPR, CCR
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22 FOR: Office of the Public Counsel
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FOR: Staff of the Missouri Public
Service Commission.

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

2 JUDGE RUTH: Good afternoon. My name is
3 Vicky Ruth, and I am assigned to preside over this case,
4 EO-2004-0603, in the matter of the application of
5 Aquilla, Inc. d/b/a Aquila Networks - MPS and Osage Valley
6 Electric Cooperative for approval of a written territorial
7 agreement designating the boundaries of exclusive service
8 areas within Cass County, Missouri. Today's date is
9 Thursday, July 15, 2004, and it is 2 p.m.

10 We're here today for a simple scheduling
11 conference.

12 MR. BOUDREAU: If I might, it just occurred
13 to me we don't have Staff counsel here yet. I would
14 suggest maybe just giving another minute or two, if I may
15 be so bold.

16 JUDGE RUTH: We'll go off the record for a
17 very short time.

18 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)

19 JUDGE RUTH: I apologize, Mr. Dottheim. I
20 had just barely started when we realized that you were not
21 present. I had stated the name of the case, introduced
22 myself, and we were getting ready for entries of
23 appearance, and we'll go ahead and start with you.

24 MR. DOTTHEIM: And I apologize for not
25 being here when you started, or actually before you

1 started.

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

5 JUDGE RUTH: Thank you. Mr. Boudreau?

6 MR. BOUDREAU: Yes, please. Let the record
7 reflect the appearance of Paul A. Boudreau, the law firm
8 of Brydon, Swearngen & England, Post Office Box 456,
9 Jefferson City, Missouri, appearing on behalf of joint --
10 one of the two joint applicants, Aquila Networks - MPS.

11 JUDGE RUTH: Ms. Chase?

12 MS. CHASE: My name is Lisa Chase and Jason
13 Paulsmeyer from the law firm Andereck, Evans, Milne,
14 Peace & Johnson, at 700 East Capitol, P.O. Box 1438,
15 Jefferson City, Missouri 65102, appearing on behalf of
16 Osage Valley Electric Cooperative.

17 JUDGE RUTH: Could you repeat your
18 associate's name?

19 MS. CHASE: Jason Paulsmeyer, spelled
20 P-a-u-l-s-m-e-y-e-r.

21 JUDGE RUTH: Thank you.

22 MR. COFFMAN: And John B. Coffman appearing
23 on behalf of the Office of the Public Counsel, P.O. Box
24 2230, Jefferson City, Missouri 65102.

25 JUDGE RUTH: Thank you. Okay. Today's

1 prehearing or scheduling conference has been set in order
2 to facilitate the parties devising a procedural schedule
3 for this case, and I did bring down a copy of the
4 Commission's calendar for the next couple of months. I'll
5 leave this here. It is simply the hearings that have been
6 scheduled. I cannot guarantee that if a hearing's not
7 scheduled, that the Commissioners don't actually have
8 something else planned, but this is when the hearing room
9 would be available and I'll leave this, like I said, right
10 here for you.

11 I believe that the Order and Notice that
12 went out indicated that the parties should file a proposed
13 procedural schedule no later than July 21st, and that the
14 procedural schedule should provide for an evidentiary
15 hearing to take place on or before September 10th, 2004.

16 I will add the caveat, if the parties all
17 agree that a hearing is not necessary and wish to instead
18 very quickly file a proceeding regarding that matter,
19 that's an option. I did not mean to preclude that as an
20 option. But if you file a proposed procedural schedule,
21 it needs to provide for the hearing on or before
22 September 10th.

23 Are there any other procedural matters or
24 otherwise actually that the parties have at this time?
25 Anything you want to bring up?

1 MR. BOUDREAU: I don't believe so. I
2 didn't actually check, nor did I receive any notice. I
3 assume that there were no other interventions in this
4 case.

5 JUDGE RUTH: You're right. I double
6 checked. There were no applications to intervene, and the
7 deadline has passed. I believe it was the 12th. And EFIS
8 indicates the only filings we've had are the initial
9 application and the Order and Notice that went out.
10 That's it. No applications to intervene.

11 Anything else a party wanted to bring up?
12 Okay. I'm not seeing anything. Then that will conclude
13 the on-the-record portion of the hearing. If the parties
14 come up with a date today and you want me to reserve it,
15 you're welcome to either stop by upstairs or call me and
16 I'll put it in yellow pending getting something in
17 writing. That would reserve it so nobody else jumps in
18 there between.

19 And I -- like I said, I had just mentioned
20 the other option. The Commission has been holding
21 evidentiary hearings for these territorial agreements, but
22 the Commission has discussed maybe they're not necessary
23 and has not made a decision. If the parties feel this is
24 something they want to pursue, you can, of course, file
25 something, but I'm not trying to twist your arm to make

1 you. But I'll expect to see something filed next -- is
2 that Tuesday or Wednesday? I think the 21st may be
3 Wednesday.

4 MR. DOTTHEIM: Wednesday, yes.

5 JUDGE RUTH: Again, this is the
6 Commission's calendar. Thank you very much.

7 WHEREUPON, the recorded portion of the
8 scheduling conference was concluded.

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