

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
Prehearing Conference
October 20, 2010
Jefferson City, Missouri
Volume 1

In The Matter Of The Application)
Of Cardwell Lumber, Inc. For)
Approval Of A Change Of Electrical)
Suppliers At Its 5927 Highway 50)
West, Jefferson City, Missouri)
Location From Union Electric)
Company To Three Rivers Electric)
Cooperative)

Case No. EO-2011-0052

KENNARD L. JONES, presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
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TIGER COURT REPORTING, LLC

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1 JUDGE JONES: This is the prehearing
2 conference for Case No. EO-2011-0052 in the matter of the
3 application of Cardwell Lumber, Incorporated for approval
4 of the change of electric suppliers for Union Electric
5 Company to Three Rivers Electric Cooperative.

6 My name is Kennard Jones. I'm the judge
7 presiding over this matter. At this time, let's take
8 entries of appearances beginning with Cardwell Lumber.

9 MR. JOHNSON: Craig Johnson, Berry Wilson,
10 304 East High, Jefferson City, Missouri, 65102.

11 JUDGE JONES: Is anyone here from Three
12 Rivers?

13 MR. SPORLEDER: Yes. Andrew Sporleder,
14 Sporleder Law Firm, 1507 East McCarty Street, Suite B,
15 Jefferson City, Missouri, 65102.

16 JUDGE JONES: AmerenUE?

17 MS. TATRO: Wendy Tatro, 1902 Chouteau
18 Avenue, St. Louis, Missouri.

19 JUDGE JONES: Staff of the Commission?

20 MR. DEARMONT: Thank you, Judge. Eric
21 Dearmont on behalf of the Staff of the Commission, P.O. Box
22 360, Jefferson City, Missouri, 65102.

23 JUDGE JONES: And the Office of the Public
24 Counsel?

25 MR. MILLS: Lewis Mills appearing for the

1 office of Public Counsel. And my address is Post Office
2 Box 2230, Jefferson City, Missouri, 65102.

3 JUDGE JONES: Okay. Well, as you all know,
4 the purpose of this conference is to bring you together to
5 put you face-to-face to see if maybe you all can solve some
6 problems existing.

7 Something I've noticed in reading through
8 the material; it occurred to me, I'm not -- if it were me,
9 an individual, not a lumber company trying to change an
10 electric supplier, I doubt that Ameren would have much
11 protest about that.

12 But then I also wondered, what public
13 interest is served by me, an individual, changing
14 suppliers. So that might be something you want to think
15 about; what does that even mean? What interest does the
16 public at large have in this?

17 Also, I don't understand why Ameren just
18 don't want to let a customer go that doesn't want to be
19 with them. So that's something you might think about too.

20 I don't have anything else on the record I
21 need to talk about. Is there anything else anybody else
22 needs to talk about.

23 Now, I realize that Cardwell will want to
24 try to get this done before the winter. I know they said
25 November 1st, as a date. But I take that as a soft date.

1 We want to get it done before ice gets on anything.

2 Yes, sir?

3 MR. JOHNSON: Following up on that, Your
4 Honor. And I understand that we will be discussing
5 possible resolutions and then if we can't develop a
6 procedural schedule -- and following up on the need to do
7 this as quickly and efficiently and as cheaply as possible,
8 I was wondering what the Commission's present attitude is
9 with respect to a live testimony hearing in a single day as
10 opposed to multiple rounds of pre-filed written testimony
11 followed up by, you know, a hearing for cross-examination,
12 commission and bench questions.

13 JUDGE JONES: Before I give -- well, my
14 opinion on that -- do any of the other parties have a
15 position on how we proceed?

16 MR. DEARMONT: Staff has no strong
17 preference one way or another, but we certainly wouldn't
18 object to a live hearing.

19 MS. TATRO: I think we prefer pre-filed
20 testimony, but we'd certainly can talk about live. I don't
21 know that we'd object.

22 JUDGE JONES: Why would you prefer pre-filed
23 testimony?

24 MS. TATRO: I think it makes the hearing go
25 a lot faster.

1 JUDGE JONES: But it doesn't make the
2 process go faster.

3 MS. TATRO: I'm happy to talk that over
4 with -- when we go off the record and we figure out hearing
5 dates, and if it's possible -- I'm not saying we'll object,
6 I'm telling you what our normal preference is.

7 JUDGE JONES: Okay. Well, the way I feel is
8 that this isn't complicated enough for a prehearing --
9 pre-filed testimony. Also, if we have pre-filed
10 testimony -- and really, I have no idea how this could come
11 down with the Commission. I don't have -- I don't really
12 care which way it happens to be honest with you. I'm very
13 indifferent.

14 But if it comes down on Cardwell's favor,
15 after we go through a longer hearing process, it could
16 defeat that purpose. So that's something you might want to
17 think about. If the hearing -- if we end up having a
18 hearing in February of next year and there has been, in
19 that time period, some damage because of weather or what
20 have you, then the whole purpose is defeated.

21 So my --

22 MS. TATRO: We'll discuss that with the
23 parties.

24 JUDGE JONES: Okay.

25 MS. TATRO: And I'm not trying to be an

1 obstacle. I was just trying to tell you that our
2 preference is pre-filed testimony, but we'll certainly
3 discuss it.

4 JUDGE JONES: Okay. Well, I will urge live
5 testimony just so you all know. It just makes sense in
6 this case. I mean, it doesn't seem to -- I don't know what
7 pre-filed testimony will serve. You all can have -- you
8 can set your own discovery because pre-filed testimony is
9 not going to do me any good.

10 Live testimony would serve the same purpose,
11 but it's -- pre-filed testimony seems to serve the purpose
12 of discovery more so than anything. And you all can do
13 that on your own without having that pre-filed testimony.

14 With that, is there anything else anyone
15 would like to discuss?

16 Okay. I'll let you all get to work. I know
17 some of you have travelled and want as much time as
18 possible. Thanks.

19 (The hearing was adjourned.)

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CERTIFICATE OF REPORTER

I, Lisa M. Banks, CCR within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing hearing was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Lisa M. Banks, CCR

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