

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

September 27, 2010

Jefferson City, Missouri

Volume 1

In the Matter of

Empire District Electric)

Company's 2010 Utility)

Resource Filing) File No. EO-2011-0066

Pursuant to CSR 240-22)

HAROLD STEARLEY, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
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A P P E A R A N C E S

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1 JUDGE STEARLEY: Let's go ahead and go on
2 the record. Good morning.

3 Today is Monday, September 27, 2010. We
4 are here for a procedural conference in the matter of
5 Empire District Electric Company's 2010 Utility
6 Resource Filing pursuant to CSR 240-22, which is File
7 No. EO-2011-0066.

8 My name is Harold Stearley and I'm the
9 presiding officer over this matter, and we'll begin
10 by taking entries of appearance starting with the
11 Empire District Electric Company.

12 MR. COOPER: Thank you, your Honor.

13 Dean L. Cooper from the law firm of
14 Brydon, Swearingen & England, PC, appearing for the
15 Empire District Electric Company.

16 JUDGE STEARLEY: Thank you, Mr. Cooper.
17 For Dogwood Energy.

18 MR. LUMLEY: Thank you, Judge. Carl
19 Lumley appearing for Dogwood Energy.

20 JUDGE STEARLEY: Thank you, Mr. Lumley.
21 For Praxair, Incorporated.

22 MR. WOODSMALL: David Woodsmall with the
23 firm of Finnigan, Conrad & Peterson appearing for
24 Praxair.

25 JUDGE STEARLEY: Thank you, Mr. Woodsmall.

1 For the Missouri Department of Natural
2 Resources.

3 Sarah Mangelsdorf, Assistant Attorney
4 General, appearing for the Missouri Department of
5 Natural Resources.

6 JUDGE STEARLEY: Thank you,
7 Mrs. Mangelsdorf.

8 For the Missouri Joint Municipal Electric
9 Utility Commission.

10 MR. HEALY: This is Doug Healy, Law Firm
11 of Healy and Healy.

12 JUDGE STEARLEY: Thank you very much,
13 Mr. Healy.

14 For the Office of Public Counsel.

15 MR. MILLS: Lewis Mills on behalf of the
16 office of Public Counsel and the public.

17 JUDGE STEARLEY: Thank you, Mr. Mills.

18 For the Staff of the Missouri Public
19 Service Commission.

20 MS. KLIETHERMES: Thank you, Judge.
21 Sarah Kliethermes, Staff Counsel's Office, for the
22 Staff of the Missouri Public Service Commission.

23 JUDGE STEARLEY: Thank you,
24 Ms. Kliethermes.

25 I believe we have one other person

1 phoning in today. would you please identify yourself
2 for our court reporter.

3 MR. TARDER: Yes, this is Todd Tarder
4 from the Empire District Electric Company.

5 JUDGE STEARLEY: Thank you,
6 Mr. Tarder.

7 Are there any preliminary matters we need
8 to take up at this time?

9 (No response.)

10 JUDGE STEARLEY: Okay. well, with the
11 hearing done, I wanted to just briefly mention the
12 deadlines that are laid out in 4 CSR 240-22.080, and
13 the IRP filing was made on September 3. The 120-day
14 post-filing from Staff's report and other reports
15 from the other participants would have fallen on
16 Saturday, January 1, 2011.

17 Since that's a Saturday, that deadline
18 will be Monday, January 3. The 45-day post-report
19 deadline for a joint agreement is Thursday,
20 February 17, 2011, or if no agreement can be reached,
21 the participants must notify the Commission by that
22 same date.

23 And the 60-day post-report deadline for
24 the utility to file responses or other participants
25 to file comments falls on Friday, March 4. That's a

1 simultaneous filing, as I read in the rule. Should
2 be the last deadline for filings from participants.

3 I know in past IRPs we give requests for
4 extending deadlines, and the Commission's certainly
5 willing to grant those, if need be, but I just wanted
6 to briefly run through those. One of my last cases
7 with an IRP filing we had a little confusion at the
8 end on deadlines, so I just wanted to make sure we
9 were all clear.

10 If anyone finds my calculations to be
11 incorrect, by all means file something and lay out
12 what you think the proper dates are.

13 If there's nothing else we need to have
14 in terms of the on-the-record portion of today's
15 conference, we'll go ahead and conclude and I'll
16 leave the parties to their discussions.

17 Thank you all very much.

18 (The hearing concluded.)

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CERTIFICATE

I, Nancy L. Silva, RPR, CCR, within and for the State of Missouri, do hereby certify that the witness' testimony that appears in the foregoing proceeding 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 proceeding 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.

Nancy L. Silva, RPR CCR

<p><u>1</u> 1 1:8 6:16 120-day 6:13 130 2:6 17 6:20</p> <hr/> <p><u>2</u> 200 2:6,14 2010 1:6,13 4:3,5 2011 6:16,20 2230 2:15 240-22 1:15 4:6 240-22.080 6:12 27 1:6 4:3</p> <hr/> <p><u>3</u> 3 6:13,18 300 2:10 314.725.8788 2:7 360 2:23</p> <hr/> <p><u>4</u> 4 6:12,25 417.864.8800 3:4 428 2:10 456 2:3 45-day 6:18</p> <hr/> <p><u>5</u> 573.635.2700 2:11 573.635.7166 2:4 573.751.0052 2:20 573.751.4857 2:16 573.751.6726 2:24</p> <hr/> <p><u>6</u> 60-day 6:23 63105 2:7</p>	<p>65101 2:11 65102 2:3,15,19,23 65802 3:3</p> <hr/> <p><u>8</u> 899 2:19</p> <hr/> <p><u>9</u> 939 3:3</p> <hr/> <p><u>A</u> ability 8:6 action 8:9,14 agreement 6:19,20 ahead 4:1 7:15 am 8:7,10 anyone 7:10 appearance 4:10 APPEARANCES 3:1 appearing 4:14,19,23 5:4 appears 8:4 Assistant 5:3 attorney 2:18 5:3 8:11 Avenue 3:3</p> <hr/> <p><u>B</u> begin 4:9 behalf 5:15 believe 5:25 Bemiston 2:6 best 8:5 Boonville 3:3 Box 2:3,15,19,23 briefly 6:11 7:6 Brydon 2:2 4:14</p> <hr/> <p><u>C</u></p>	<p>calculations 7:10 Capitol 2:10 Carl 2:5 4:18 cases 7:6 CCR 1:22 8:2,18 certainly 7:4 CERTIFICATE 8:1 certify 8:3 City 1:7 2:3,11,15,19 ,23 Clayton 2:7 clear 7:9 comments 6:25 Commission 1:1 2:22,25 3:5 5:9,19,22 6:21 Commission's 7:4 Company 2:4 4:11,15 6:4 Company's 1:13 4:5 conclude 7:15 concluded 7:18 conference 1:5 4:4 7:15 confusion 7:7 Conrad 2:10 4:23 cont 3:1 Cooper 2:2 4:12,13,16 counsel 2:14,16 5:14,16 8:8,12 Counsel's 5:21 court 1:23 6:2 CSR 1:15 4:6 6:12</p>	<p>Curtis 2:6</p> <hr/> <p><u>D</u> date 6:22 dates 7:12 David 2:9 4:22 deadline 6:17,19,23 7:2 deadlines 6:12 7:4,8 Dean 2:2 4:13 Department 2:20 5:1,4 direction 8:7 discussions 7:16 District 1:12 2:4 4:5,11,15 6:4 Dogwood 2:8 4:17,19 done 6:11 Doug 3:2 5:10</p> <hr/> <p><u>E</u> East 2:10 Electric 1:12 2:4 3:4 4:5,11,15 5:8 6:4 else 7:13 Empire 1:12 2:4 4:5,11,15 6:4 employed 8:8,12 employee 8:11 Energy 2:8 4:17,19 England 2:2 4:14 entries 4:10 EO-2011-0066 1:14 4:7 extending 7:4</p>
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