

1 BEFORE THE PUBLIC SERVICE COMMISSION

2 STATE OF MISSOURI

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4 TRANSCRIPT OF PROCEEDINGS

5 Prehearing Conference

6 May 18, 2011

7 Jefferson City, Missouri

8 Volume 1

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11 Tucker Shell, LLC,)

12 Complainant,)

13 vs.) Case No. EC-2011-0233

14 Union Electric Company, d/b/a)

15 Ameren Missouri,)

16 Respondent.)

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19 KENNARD JONES, Presiding

 SENIOR REGULATORY LAW JUDGE

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23 REPORTED BY:

 NANCY L. SILVA, RPR, CCR

24 TIGER COURT REPORTING, LLC

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FOR: Staff of the Missouri Public Service
Commission

1 JUDGE JONES: We are on the record
2 with Case No. EC-2011-0233. My name is Kennard
3 Jones. I'm the regulatory law judge presiding
4 over this matter at this time.

5 Let's take entries of appearances
6 beginning with Tucker Shell.

7 MR. GNADE: Marc Gnade, G-n-a-d-e, on
8 behalf of Tucker Shell, L.L.C., the Complainant.

9 JUDGE JONES: And Union Electric.

10 MS. GIBONEY: Sarah Giboney, Smith
11 Lewis, L.L.P., on behalf of Ameren Missouri.

12 JUDGE JONES: And Staff of the
13 Commission.

14 MS. HERNANDEZ: Jennifer Hernandez and
15 Annette Slack for the Missouri Public Service
16 Commission Staff, and may the record reflect
17 also Dan Beck in the room for discussions off
18 the record.

19 JUDGE JONES: Okay. I haven't seen
20 you-all appear before the Commission, or have
21 you?

22 MS. GIBONEY: I haven't appeared in
23 person, but I have handled a few --

24 MR. GNADE: I have never appeared.
25 I've never appeared in person.

1 JUDGE JONES: All right. Well, the
2 purpose of this prehearing conference is primarily to
3 ensure that you-all have had an opportunity to get
4 together and talk, figure out if you can work out
5 some kind of agreement before we proceed to hearing.

6 After I ask a few questions, just to
7 square the case up, I'll leave you-all to each other
8 to spend as much time as you'd like talking about the
9 case and seeing what you come up with.

10 Do you-all anticipate any discovery?

11 MR. GNADE: I'm not for sure. I wanted to
12 talk to her first.

13 JUDGE JONES: Okay.

14 Witnesses?

15 MR. GNADE: Probably a few witnesses.

16 JUDGE JONES: How much hearing time do you
17 think you're going to need? A day? Two days? A
18 week? A month and a half?

19 MR. GNADE: I'd say a day at the most.

20 JUDGE JONES: Have you-all talked prior to
21 today?

22 MS. GIBONEY: Yes.

23 MR. GNADE: Yes.

24 JUDGE JONES: I will tell you, although
25 this prehearing conference is being held here, we may

1 hold -- if we have an evidentiary hearing, holding it
2 in St. Louis. Both of you-all traveled from
3 St. Louis?

4 MS. GIBONEY: I traveled from Columbia,
5 but that's fine.

6 JUDGE JONES: All right. And I haven't
7 directed Staff to do an investigation yet. Depending
8 on the results of this prehearing conference, I may
9 or may not. I don't want to have you-all investigate
10 if they work it out.

11 What about the facts in the case? Have
12 you-all pretty much -- doesn't seem like there are
13 many factual issues. Are there any?

14 MS. GIBONEY: Well, the cause of the
15 fire. I think we agreed there was a fire in a
16 manhole.

17 MR. GNADE: Correct.

18 MS. GIBONEY: Right.

19 JUDGE JONES: But you don't agree on the
20 cause, or you don't know what the cause is?

21 MR. GNADE: We don't know what the cause
22 is.

23 MS. GIBONEY: Correct.

24 JUDGE JONES: Okay. Well, as a result of
25 this hearing, then, since there aren't any facts in

1 dispute, except perhaps that, I would like you-all to
2 file a statement of facts at some point. There will
3 be something in the procedural schedule.

4 I'll ask Staff: After the prehearing do
5 you intend to remain for the duration of the
6 discussion?

7 MS. HERNANDEZ: Yes.

8 JUDGE JONES: Okay. I'd ask that you just
9 file something outlining what transpired, not
10 necessarily the discussions, but what resolutions
11 were reached, what concerns you-all might have so
12 that I can address those things in an evidentiary
13 hearing, and if it has to go to hearing, how much
14 prehearing time do you think you'll need before we
15 actually set a hearing date?

16 MS. GIBONEY: Will we just submit a list
17 of witnesses and issues and just -- I don't even know
18 if we need it.

19 MR. GNADE: Correct.

20 JUDGE JONES: All right. Also, does
21 anyone have a copy of the National Safety Code?
22 Seems like you've got to be signed up in order to get
23 it online or something.

24 MS. GIBONEY: We did obtain parts of it.
25 It's kind of large. If you'd like us to give you the

1 portions that Mr. Gnade has referenced, we can
2 get you a copy of that. You don't want the
3 entire code, do you?

4 JUDGE JONES: No.

5 MS. GIBONEY: Okay.

6 JUDGE JONES: Just what's relevant.

7 MS. GIBONEY: I can get that.

8 JUDGE JONES: Is there anything else
9 we need to discuss? Any questions you have?

10 MS. GIBONEY: No.

11 MR. GNADE: No sir,

12 JUDGE JONES: I will let you-all work
13 this out today.

14 MR. GNADE: Thank you very much.

15 MS. HERNANDEZ: Thank you.

16 (The hearing concluded.)
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1 CERTIFICATE

2 I, Nancy L. Silva, RPR, a Certified
3 Court Reporter, CCR No. 890, the officer before
4 whom the foregoing hearing was taken, do hereby
5 certify that the witness whose testimony appears
6 in the foregoing hearing was duly sworn; that
7 the testimony of said witness was taken by me to
8 the best of my ability and thereafter reduced to
9 typewriting under my direction; that I am
10 neither counsel for, related to, nor employed by
11 any of the parties to the action in which this
12 hearing was taken, and further, that I am not a
13 relative or employee of any attorney or counsel
14 employed by the parties thereto, nor financially
15 or otherwise interested in the outcome of the
16 action.

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19 Nancy L. Silva, RPR, CCR
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