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STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

CRAIG MERSHON

VS.

UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI

File No. EC-2013-0521

Volume III

PREHEARING CONFERENCE

November 13, 2013

Jefferson City, Missouri

(Starting time of conference: 1:15 p.m.)

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STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

November 11, 2013

Jefferson City, Missouri

Jefferson City, Missouri

CRAIG MERSHON,)

)

Complainant,)

)

vs.) File No. EC-2013-0521

)

UNION ELECTRIC COMPANY d/b/a)

AMEREN MISSOURI,)

)

Respondent.)

DANIEL R.E. JORDAN, Presiding

SENIOR REGULATORY LAW JUDGE

1 A P P E A R A N C E S

2

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27 ALSO PRESENT:
28 Mr. Christopher Worth (via telephone)
29 Ms. Kathy Hart
30 Ms. Gay Fred
31 Mr. Justin Edwards

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1 (Starting time of conference: 1:15 p.m.)

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

3 JUDGE JORDAN: The Commission is calling Case No.
4 EC-2013-0521. This is the complaint of Craig Mershon
5 versus Ameren Missouri. I'm Daniel Jordan. I'm the
6 Regulatory Law Judge assigned to this case. And we are
7 here for a conference on the complaint of Mr. Mershon.

8 We'll begin with entries of appearance, and we
9 will start with the Complainant, and that's Mr. Mershon.
10 Will you give us your name and address, please, for the
11 Reporter?

12 MR. MERSHON: My name is Craig Mershon. My
13 address is 11931 El Sabado Drive, St. Louis, Missouri,
14 63138.

15 JUDGE JORDAN: Hello? Has someone joined us on
16 the line?

17 MR. WORTH: Yes. Christopher Worth.

18 JUDGE JORDAN: I'm glad you are able to join us.
19 We were just taking entries of appearance, and we were
20 going to hold off any substance until you joined us. I'm
21 glad you joined us. Can I get you to repeat your
22 information for the Reporter?

23 MR. WORTH: My name is Christopher Worth, Grass
24 Roots Organizer for Community Advocates for Paraquad, 5240
25 Oakland, St. Louis, Missouri.

1 JUDGE JORDAN: Thank you, Mr. Worth. And you're
2 here to assist Mr. Mershon; is that correct?

3 MR. WORTH: Yeah. Just kind of add support.

4 JUDGE JORDAN: Splendid. Splendid. And not to
5 practice law.

6 MR. WORTH: No. No.

7 JUDGE JORDAN: Very good.

8 MR. WORTH: I'm not a lawyer.

9 JUDGE JORDAN: Very good. Just wanted to get that
10 on the record, and I'm pleased that you understand the
11 difference. That's very helpful.

12 MR. WORTH: Thank you, sir.

13 JUDGE JORDAN: Reporter, did you get -- were you
14 able to hear?

15 THE COURT REPORTER: No.

16 JUDGE JORDAN: Do you have a job with Paraquad?

17 MR. WORTH: Yes. I'm the Grass Roots Community
18 Organizer.

19 JUDGE JORDAN: All right. I think we've got it
20 now. Thank you for your patience. That's for the
21 Complainant.

22 For Ameren Missouri?

23 MS. GIBONEY: Sarah Giboney, Smith Lewis, 111
24 South Ninth Street, Columbia, Missouri, 65201; and with me
25 today is a representative of the company.

1 MS. HART: Kathy Hart, and I'm a supervisor and in
2 the Contact Center of Ameren, 101 Madison, Jefferson City,
3 Missouri, 65101.

4 JUDGE JORDAN: Thank you. And for Staff?

5 MR. KEEVIL: Appearing on behalf of Staff of the
6 Public Service Commission, Jeffrey A. Keevil. Address is
7 P.O. Box 360, Jefferson City, Missouri, 65102; and we also
8 have Ms. Gay Fred and Mr. Justin Edwards of the
9 Commission's Consumer Services Department with us as well.
10 Thank you.

11 JUDGE JORDAN: Thank you. And looking forward to
12 the representatives of Office of Public Counsel, I don't
13 see any. They have a right to be here, but they have not
14 entered an appearance.

15 I believe the only other person represented in the
16 room is the media, so let's get to what we're doing.

17 MR. MERSHON: How did media -- I could tell they
18 were talking but weren't talking loud enough to be heard.

19 JUDGE JORDAN: Why don't I move this telephone a
20 little closer to counsel tables, and maybe that will work
21 better for you. Hang on just a second.

22 (Whereupon, Judge Jordan moved the phone.)

23 JUDGE JORDAN: All right. Now it seems that
24 everyone can hear Mr. Mershon, but Mr. Mershon's not being
25 able to hear anyone but me. So, I'm going to move this

1 phone a little closer and turn up the volume here. We
2 have Ms. Giboney, Mr. Keevil, and representatives of their
3 clients here.

4 So, Mr. Mershon, can you hear me if I'm over here
5 by the podium?

6 MR. MERSHON: A little bit. I can hear you
7 talking and I could tell that any of the -- you were doing
8 better at the very beginning when you had it closer. Then
9 I couldn't hear those people. I could tell, you know -- I
10 could hear them.

11 JUDGE JORDAN: Okay.

12 MR. MERSHON: Not very well.

13 JUDGE JORDAN: I'm moving this a little bit closer
14 here, and Ms. Giboney, Mr. Keevil, say hello.

15 MS. GIBONEY: Mr. Mershon, can you hear me now?

16 MR. MERSHON: Yes.

17 MR. KEEVIL: Can you hear me?

18 MR. MERSHON: Yeah, I can hear you.

19 JUDGE JORDAN: Okay. Good. Good. Can the Court
20 Reporter hear Mr. Mershon?

21 THE COURT REPORTER: Speak up a little.

22 JUDGE JORDAN: I can turn up the volume a little
23 bit here. We're turning up your volume, Mr. Mershon.

24 MR. MERSHON: That's fine.

25 JUDGE JORDAN: Looks like the Reporter has got

1 you. All right then. Our conference -- can you hear me
2 okay, Mr. Mershon?

3 MR. MERSHON: Yes, I can hear you.

4 JUDGE JORDAN: Very good. Our conference is
5 addressing -- it's at the request of Mr. Mershon, and it's
6 addressing a few different topics. He has iterated his
7 request for a conference on a couple of motions that he
8 filed.

9 One is the objection to unfair treatment by
10 opposing counsel and proposed hearing schedule filed on
11 November 4th of this year. The other is a motion to cease
12 harassment from Ameren Union Electric Company and its
13 employees which was filed on November 7th of this year.
14 And my reading of these motions reveals a few different
15 topics that Mr. Mershon would like to discuss.

16 The first thing I want to address right away is
17 the continuation of Mr. Mershon's service. I put out an
18 order to Staff to file an expedited update of the status
19 of Mr. Mershon's account, and the report which Staff
20 timely filed stated that there was no eminent threat of
21 disconnection. Does anyone have -- is there any change in
22 that status? That's our first thing to understand.

23 MS. HART: There is no change to that.

24 JUDGE JORDAN: Thank you.

25 Mr. Mershon, that was Kathy Hart from Ameren

1 Missouri.

2 MS. GIBONEY: Judge, my understanding is a new
3 bill will go out about November 22nd.

4 MS. HART: That's correct.

5 MS. GIBONEY: There is an amount that's delinquent
6 right now but not on a level that would cause
7 disconnection. So, there's still about \$69 that remains
8 delinquent on the account.

9 MS. HART: Correct.

10 MS. GIBONEY: And then a new bill for a new
11 balance for the most recent service will go out on the
12 22nd of November.

13 JUDGE JORDAN: Okay. I appreciate that update.
14 Does Staff have anything to add to that?

15 MR. KEEVIL: Not really, Judge. I think -- but
16 there is some confusion, perhaps, between what Mr. Mershon
17 believes to be the case and what may or may not be, in
18 regard to what is suspended and what isn't.

19 JUDGE JORDAN: Uh-huh.

20 MR. KEEVIL: And Ameren's, I don't want to say
21 right, but legal right, I guess would be to say it, to
22 pursue certain collection amounts and not to pursue
23 certain collection amounts, I think, is causing some
24 confusion here.

25 Because if you noticed in the report that we

1 filed, there was an amount that is suspended pending this
2 case. There are other amounts that have been incurred
3 since this case began which are not suspended, and it was
4 my understanding that the notice which went out most
5 recently was based on the amounts that were incurred
6 post-case file, which would, again, according to the
7 rules, wouldn't be suspended.

8 JUDGE JORDAN: Right.

9 MR. KEEVIL: But I'm not sure -- based on some of
10 the things Mr. Mershon has filed, I'm not sure that he's
11 understanding the distinction there.

12 JUDGE JORDAN: And I think that's a distinction
13 worth making and exploring. I would like to get into that
14 a little bit more. First, I would like to ask Mr.
15 Mershon, is it also your understanding, Mr. Mershon, that
16 you are not under threat of eminent disconnection?

17 MR. MERSHON: Yes, that's right. In talking with,
18 uh, uh, talking to you all -- well, Mr. Woodruff, I would
19 say -- and I found that out after I read the pleadings.

20 But, um, this is something I do want to discuss at
21 the hearing as well, because this puts a lot of stress on
22 not only me, but it puts stress on other people who are
23 poor, who are African-American, who are people with
24 disability (sic), and you need to find another way of
25 letting people know that they are, um, behind in their

1 bills rather than threatening them. And that's exactly
2 what that does.

3 JUDGE JORDAN: Let's talk about that a little bit
4 more later. First thing I wanted to do is confirm that
5 you are not under threat of disconnection.

6 MR. MERSHON: Yes.

7 JUDGE JORDAN: Succinctly, Ms. Giboney, do you
8 have something to add?

9 MS. GIBONEY: I did. I heard that threat of
10 disconnection went away because he contacted Judge
11 Woodruff, and I just wanted to clarify that that is not
12 why the disconnection notice was invalidated. It was
13 invalidated because he paid enough to reduce his
14 delinquent balance below an amount that would no longer
15 cause him to be disconnected, but it was not him applying
16 or calling Judge Woodruff that caused that to go away.

17 MR. MERSHON: I understand all that.

18 JUDGE JORDAN: Very good.

19 MR. MERSHON: I didn't try to imply that, but I
20 kept trying to call Mr. Woodruff and he kept telling me to
21 send pleadings to you. And I'm like, Hey, if they
22 disconnect me, I won't be able to send anything else. So,
23 I do this also because I'm totally elected to make that
24 point a couple of times.

25 JUDGE JORDAN: Now, Staff Counsel mentioned

1 amounts that are due. I'd rather not get into that on the
2 record due to the subdivision that I cited before we
3 started. That is Subdivision 11 of Regulation 4 CSR
4 240-070.

5 MR. KEEVIL: 2.07.

6 JUDGE JORDAN: Yes. 2.070.

7 MR. MERSHON: Whatever. The point being --

8 JUDGE JORDAN: You can talk about it all you want.
9 I'm just not going to initiate that myself.

10 MR. MERSHON: Right. But I'm saying it causes a
11 lot of stress.

12 JUDGE JORDAN: Okay. Well, let's get into that
13 next issue. This seems to be an appropriate time.

14 I think, Mr. Mershon, a lot of your complaints --
15 you filed a couple of petitions here -- have to do with
16 the filing of these disconnection notices, and that's a
17 practice to which you wish to put a halt?

18 MR. MERSHON: Yes.

19 JUDGE JORDAN: Okay. Okay. So, you're -- you
20 don't want a notice, a disconnection notice, to go out
21 before your -- before someone's power is cut off?

22 MR. MERSHON: I think that there should be another
23 way of letting people know that they, um, need to pay
24 their bill.

25 JUDGE JORDAN: Okay. So, it doesn't sound like --

1 what I haven't heard from you so far in this or any other
2 discussions we've had, so far I haven't heard you say that
3 this is contrary to any statute or Commission regulation
4 or order or tariff.

5 MR. MERSHON: It has nothing to do with tariffs.
6 It has nothing to do with who's in regulations. What you
7 all do is threatening people. If some of us would turn
8 around and threaten you all, you would have the police on
9 us or you'd lewd (sic) something from us or you'd be doing
10 something to tie yourself, protecting yourself.

11 We have nothing to protect us. You can come at us
12 at any time you want, and we don't see your tariffs. The
13 customers don't go around looking for tariffs, and they
14 don't go around looking for policies. That's something
15 you all can create if you really wanted to. At any time
16 you wanted to do it, you could create one right now if you
17 chose to do something. That's how this country works.

18 But you are really hurting people who really need
19 electricity. Not only me, but others, too, and that's
20 just not right.

21 JUDGE JORDAN: Okay. I think I understand that's
22 the source of your complaint. I just wanted to clarify
23 that. Can we move on to the issue of the treatment at the
24 prehearing conference?

25 You had mentioned that Counsel was unreasonable at

1 the prehearing conference. Do I generally understand
2 that?

3 MR. MERSHON: Yes. We want to talk about, you
4 know, the proposed hearing schedules and those types of
5 things, and Mr. Worth suggested, from my place and his, we
6 would take something away so we could work on some things
7 to help us and possible (sic) of him getting information
8 over to you all in the most proper way. And Mr. Worth
9 mentioned certain things just -- they're just kind of like
10 ignoring it.

11 I also told proposing (sic) attorney I have a
12 visual problem and it would take me too long to read
13 whatever all, whatever you put, because it has to be on
14 the space of email so I can make a copy. Low and behold,
15 I get this download, and I told them I have problems with
16 downloads. I told them I would have problems with emails,
17 send regular mail for me because then I could get it. But
18 it was unheeded. They were like, Who cares. We want to
19 keep up with modern technology.

20 JUDGE JORDAN: Well, Mr. Mershon, unless somebody
21 has something that they need immediately to say about
22 that, it sounds like a good time to get into the issue of
23 communications.

24 MS. GIBONEY: This is Sarah, and I would like to
25 have an opportunity to respond.

1 JUDGE JORDAN: Please do.

2 MS. GIBONEY: I've been alleged to have treated
3 Mr. Mershon unfairly. Regarding the proposed procedural
4 schedule, first, I would point out any party can, of
5 course, suggest any schedule that they think is
6 appropriate, and there is no requirement that I understand
7 that we have to reach agreement on. So, although we did
8 discuss it, I don't think it's treating Mr. Mershon
9 unfairly if I happen to have a different opinion of what
10 the schedule should be.

11 Secondly, regarding email, I did review the
12 transcript of the portion of the hearing that was on the
13 record, and I did confirm that, Judge, you did tell Mr.
14 Mershon that you would like him to provide the parties
15 with an email address. And given that direction, I did
16 ask Mr. Mershon in the off-the-record portion of the
17 conference to provide that address. So, I thought that
18 was reasonable and not unfair treatment.

19 Regarding the email that I actually did send to
20 him, I did attach a .pdf that is, as you know, a common
21 way of sending documents in Commission proceedings. I do
22 not recall Mr. Mershon saying that he wanted any document
23 to be contained in the body of an email, but we could try
24 to accommodate that. At any rate, I did also send those
25 documents via regular mail. So, while Mr. Mershon

1 objected almost immediately to what he received in an
2 email, he did receive those documents via regular mail.
3 However, sending those via email will give him the
4 earliest possible opportunity to view any pleading that we
5 file. In my way of thinking, that's more fair, not
6 unfair, to send those documents the fastest way possible
7 as well as by regular mail.

8 And, finally, I would just reiterate, if we have a
9 difference of opinion about the procedural schedule,
10 that's just a difference of opinion.

11 JUDGE JORDAN: Very good. Has someone joined us
12 on the line?

13 MS. SMITH: Yes. This is Ann Smith.

14 JUDGE JORDAN: Ann Smith? What conference are you
15 looking for?

16 MS. SMITH: The CQI meeting.

17 JUDGE JORDAN: I'm sorry. There's been a mix-up
18 with that. You were giving the same number as this
19 conference which is at the Public Service Commission.
20 Very sorry about that. It looks like it was misprinted in
21 your newsletter.

22 MS. SMITH: Okay.

23 JUDGE JORDAN: Okay. Good luck.

24 MS. GIBONEY: Judge, I think we may get to this,
25 but I think I would just point out off-the-record

1 communications that aren't in writing do not appear to be
2 helpful in this case, and maybe Staff Counsel has an
3 opinion about that. That's my perception.

4 MR. KEEVIL: Well, addressing the hearing, I mean,
5 if you look at Mr. Mer -- the first of Mr. Mershon's
6 motions here, it says Mr. Mershon could not decide when he
7 wanted the hearing because he was in the prehearing stage,
8 bottom of the first page. And I think that may reflect
9 part of the problem here. It was, perhaps, a failure to
10 -- perhaps on my part to explain what the prehearing was
11 and which was to -- or any prehearing is to, hopefully,
12 arrive at a procedural schedule.

13 Mr. Mershon's motion seems to indicate he wasn't
14 ready to discuss procedural schedule, but that's what a
15 prehearing is for, one of the things a prehearing is for.
16 So, I don't think that discussing or attempting to discuss
17 procedural schedule at the prehearing is anything untoward
18 or unfair toward Mr. Mershon or anyone else. That's
19 really what we attempted to do at that last prehearing,
20 come up with a hearing schedule.

21 It became, obviously, fairly quickly it was not
22 going to be unanimous schedule proposal that Ms. Giboney
23 said led to a filing of proposal by Ameren and Staff, and
24 then you, I believe, came out with an order giving Mr.
25 Mershon until the 28th of October to respond to that,

1 which he did not do until the 4th of November, I think,
2 and then he still did not propose an alternative to the
3 schedule. He just complained about the one that was
4 proposed.

5 So, again, I don't really see anything here that
6 was unfair. Perhaps there was some confusion as to what
7 the purpose of the prehearing was, but I don't think
8 anything actually happened there that was unfair.

9 And regarding the document, I'm not sure what
10 documents Ms. Giboney was referring to that aren't part of
11 the record other than, perhaps, the conversations, the
12 phone conversations. But in regard to the second motion
13 that Mr. Mershon filed here, I'm assuming that reference
14 to Joseph Keevil is to me; and assuming that to be
15 correct, I would not completely agree with Mr. Mershon's
16 representation there. And for purposes of the
17 confidentiality of these consumer complaint cases, I'll
18 leave it at that, but just wanted the record and the Judge
19 to know that we might take issue of the representations
20 there.

21 JUDGE JORDAN: Very good. I would like to back up
22 and kind of recap here. Mr. Mershon?

23 MR. MERSHON: Yeah. I'd like to talk about the
24 communications in regards to the prehearing schedule and
25 mail. First, the email.

1 JUDGE JORDAN: Yes.

2 MR. MERSHON: I did say loud enough for both, for
3 everyone to hear, it's difficult for me, too, and I'll say
4 it again, it's difficult to download other things. If you
5 want me to have something, either you have to send it
6 through regular mail or put it on the top of the email so,
7 when I open it up, I see that. Then I can make a copy of
8 it and then get -- and start responding to it.

9 What I do is I write up something and send it very
10 nice and neat and then send it through the mail, or I
11 guess the Missouri Public Service Commission mail. That's
12 what it is, the Data Center.

13 JUDGE JORDAN: Yes, Data Center is the place to
14 send your things. Has someone joined us on the line? I
15 heard a -- heard a dial tone there.

16 Mr. Mershon, are you still with us?

17 MR. MERSHON: Yes.

18 JUDGE JORDAN: Mr. Worth, are you still with us?

19 (No response.)

20 JUDGE JORDAN: It sounds like we lost Mr. Worth.
21 I'm sure he'll dial back in.

22 Let me just ask you this, Mr. Mershon. If someone
23 sends you both hard copy and an email, as long as the
24 matter is not in a separate download like a .pdf -- PSC
25 procedures tend to use a lot of .pdf's -- but if they

1 don't do that, a hard copy and an email is not going to
2 make it more difficult, is it?

3 MR. MERSHON: No.

4 JUDGE JORDAN: Okay. Very good. Then, why don't
5 we --

6 MR. MERSHON: Email --

7 JUDGE JORDAN: Why don't we just try communicating
8 that way from now on. Does that sound okay to the
9 Utility?

10 MS. GIBONEY: Yes, Judge.

11 JUDGE JORDAN: And to Staff Counsel?

12 MR. KEEVIL: I'm not sure I understand what you
13 said. Email and --

14 MS. GIBONEY: Body of the email as opposed to --

15 MR. MERSHON: Body.

16 JUDGE JORDAN: Right up front. Nothing to
17 download or to open.

18 MS. GIBONEY: Copy of a text and then the pleading
19 in the body of the email.

20 MR. KEEVIL: I'm not sure I could I could --
21 personally technically capable of doing that, but I'm sure
22 there's some people who probably are.

23 JUDGE JORDAN: Your representatives --

24 MR. KEEVIL: Yeah, they're more younger and more
25 technologically sound than I am.

1 JUDGE JORDAN: I can relate to that generational,
2 Counsel. But I think as long as we understand that hard
3 copy will go out --

4 MR. KEEVIL: That's what I was going to say. What
5 we've been doing, and I think Ms. Giboney has been as
6 well, is following the email with a hard copy.

7 JUDGE JORDAN: So that the email can be a preview
8 of what's coming by hard copy; and if Mr. Mershon is able
9 to view it, well, then, he has a little edge, a little
10 advantage, a little preview of what's coming by hard copy.

11 Does that sound fair, Mr. Mershon?

12 MR. MERSHON: Uh, yeah, but as long as I could see
13 it.

14 JUDGE JORDAN: Right. Well, you'll be getting the
15 hard copy in any event. Okay.

16 MR. MERSHON: Now, for the thing about the
17 schedule, Mr. Worth told them because, you know, they
18 asked me and I'm like, uh, I don't know yet but I would
19 presume, and he interjected and said, Well, it takes Mr.
20 Mershon a little while to kind of get stuff together,
21 because not only does he have a physical disability, he
22 also has a visual one as well. And he said, I propose
23 about 10 weeks from that day, from the date, and that
24 would probably help him. So, I was like, Okay, so, why
25 don't we do that, and they -- the opposing side said they

1 did not really want that. They put in November.

2 JUDGE JORDAN: Uh-huh. Uh-huh. I have that
3 finding before me. Does that strike you as unreasonable,
4 Mr. Mershon?

5 MR. MERSHON: I think it strikes me as having no
6 understanding knowing that I have -- after that, I was so
7 frustrated, I had to talk to Mr. Woodruff and say, Look,
8 this is -- I want to get this stuff in, and I asked for
9 some time, to take time. I use what's called Dragon
10 Absolute Speaking, so I can dictate --

11 JUDGE JORDAN: Uh-huh.

12 MR. MERSHON: -- my responses and stuff, so I do,
13 and I send it to a typist that she can correct whatever I
14 say, because I could speak clearly as I want but Dragon
15 doesn't pick up some things, and then I have to go back
16 and read it again, and so it takes a little time. It's
17 not as quick as what you guys can do. You all have two
18 good hands, probably pretty good eyesight, um, and you
19 move around very well. Well, see, I'm unable to do that.

20 JUDGE JORDAN: Ms. Giboney, did you have a
21 response there?

22 MS. GIBONEY: I did, Judge. When we were talking
23 to Mr. Mershon about the prehearing, one thing that I had
24 asked -- and I believe Mr. Keevil had asked -- was,
25 without him telling us what his testimony would be or

1 anything else, we just asked what exactly it was that he
2 thought he needed to do to get ready and about how long
3 that would take him. And, frankly, Judge, he wasn't
4 really able or willing to identify to us what it was he
5 needed to do to get ready.

6 So, without that information, we just simply tried
7 to figure out how long it would take to get ready. But if
8 we knew what it was he was planning to do, we might be
9 able to understand why he wanted 10 weeks.

10 JUDGE JORDAN: Mr. Keevil, did you have anything
11 to add to that?

12 MR. KEEVIL: No. I was going to say he was asked
13 what it was that he needed to prepare that. As he said,
14 it takes him a while to stop, type, which is
15 understandable.

16 JUDGE JORDAN: Right.

17 MR. KEEVIL: Only thing he really indicated he
18 needed to prepare, I believe he had an alternative form of
19 disconnection -- or, yeah -- disconnection notice that he
20 wanted to -- UE or Ameren to use instead of the form that
21 they do use. He mentioned that. But other than that, he
22 didn't indicate anything really that he was planning to
23 prepare --

24 JUDGE JORDAN: Okay.

25 MR. KEEVIL: -- and that would take 12 weeks.

1 Actually, I think at the time they were proposing 12 weeks
2 to prepare.

3 JUDGE JORDAN: Let me -- let me mention this as a
4 little background just so everyone understands. I don't
5 really expect anyone to be reasonable or fair other than
6 the Commission. I expect the parties to push their
7 positions as hard as they can. I don't expect Ms. Giboney
8 or Mr. Keevil or Mr. Mershon to be reasonable with one
9 another. I expect them to advocate, and I expect them to
10 wrangle. The only person that really has to be fair in
11 this proceeding is the Commission.

12 So, just a little background. That's how an
13 adversarial system works, and we find that it results in
14 the parties each making the best case for their position,
15 and that's been our experience. Now, that being said, I
16 still have but one set of proposed dates before me, and
17 that's the set that was proposed by Ameren and Staff.

18 Mr. Mershon, you filed the objection to unfair
19 treatment on the 4th of November, and in that you state
20 that Mr. Mershon was not given the opportunity to file his
21 dates, and that's what you state in this motion which you
22 filed on November 4th. So, right now, you must
23 understand, there is only one set of dates before me. If
24 I issue a ruling on the schedule, it's going to look a lot
25 like Ameren and Staff's dates most likely.

1 Have you come up with another set of dates as an
2 alternative?

3 MR. MERSHON: I'm going to be sending it sometime
4 -- to my typist sometime this week.

5 JUDGE JORDAN: Okay. Can you tell us what those
6 are?

7 MR. MERSHON: Probably in there they wanted the
8 date of -- for pleadings to stop, and I would probably put
9 maybe sometime in December, and in the second week of
10 January would be the hearing. And I talked with Mr. Worth
11 to see what he thinks. Is he still off the line? He
12 didn't call back.

13 JUDGE JORDAN: I haven't heard from him yet.

14 MR. KEEVIL: I think the date that he was
15 referring to was a discovery date, not a pleading date.

16 JUDGE JORDAN: Okay. That gives us an idea what
17 we're looking for, and, of course, just a little
18 background as a procedural matter, Mr. Mershon.

19 There are a couple of considerations here for a
20 schedule. No. 1, the quicker the schedule, the quicker
21 you can get the relief you're asking for; and, of course,
22 if there's any relief to be given, the Commission wants to
23 straighten these things out right away. The longer a
24 schedule goes, the more that is delayed, but, also, it
25 gives the other parties an opportunity to file a

1 disposative motion, a motion that shows that you don't get
2 a hearing. So, those are just a couple of things to keep
3 in mind.

4 MR. MERSHON: I always thought -- and I could go
5 to the Federal court --

6 JUDGE JORDAN: Feel free. You are absolutely
7 entitled to that.

8 MR. KEEVIL: Judge, if I could throw one other
9 thing out regarding the schedule. The discovery cutoff
10 date. To my knowledge, there has been no discovery done
11 at all to-date in the case. So, I don't see really why
12 discovery now has become an issue. Maybe -- maybe there
13 has been more discovery than I'm aware of from Mr. Mershon
14 to Ameren, but Ms. Giboney did address that.

15 Keep in mind, also, that this really goes back to
16 May of last year. Not May of this year, but May of last
17 year.

18 JUDGE JORDAN: So, Mr. Mershon, you're
19 contemplating a schedule with a hearing of about eight
20 weeks from now, it sounds like?

21 MR. MERSHON: Sounds like. I will discuss with
22 Mr. Worth.

23 JUDGE JORDAN: Very good. Very good. And then
24 we'll -- you'll be putting something in the mail to us
25 shortly?

1 MR. MERSHON: Right. I had already planned to do
2 that.

3 JUDGE JORDAN: Very good. Very good. And I think
4 that's about that. And we've dealt with scheduling. So,
5 I think that's about all I had on my agenda.

6 MR. KEEVIL: Do you want to address the question
7 about the pre-complaint balances versus post-complaint
8 balances and the apparent confusion regarding the
9 treatment of the distinction between the two?

10 JUDGE JORDAN: Well, I tell you what, insofar as
11 we're on the record here, and I don't think that I need to
12 -- we've addressed the issue of eminent disconnection.

13 MR. MERSHON: Right.

14 JUDGE JORDAN: That's the main thing, I think,
15 that would be good for the parties to discuss, but I don't
16 think I need to have those details right now myself. And
17 I don't think those should be on the record, based on the
18 provision that we cited already; but, certainly, the
19 parties ought to discuss this, and I can leave this line
20 open for them to do so to the extent they're comfortable.

21 MS. GIBONEY: Judge, I think there is still
22 pending Mr. Mershon's vehicle a motion to cease harassment
23 in which he asks for an order, for the Judge to order
24 Ameren Missouri to cease sending disconnect notices out.
25 And, I guess, just on the record, I would -- the Company

1 would like to ask the Commission deny that motion.

2 JUDGE JORDAN: Okay. Mr. Mershon, maybe I
3 misunderstood, but I thought your motion was to change the
4 form of that notice, or did you just want to have no more
5 disconnect notices?

6 MR. MERSHON: I wanted to change the form of it,
7 but I wanted them to stop sending them to me because I was
8 paying them. I think what is being misunderstood through
9 this whole thing is the abuse of power, which I think is
10 one of the biggest things that covers the communications
11 as well as any other thing you've got. You're always
12 quoting Board of Federal Regulations, but, see, what
13 you're failing to realize and you're not wanting to
14 realize is that you need to have policies -- you need to
15 have people first.

16 No people, no policies. You've got to have
17 policies so people can follow them, but you also have to
18 treat them with dignity. Threatening people, telling them
19 what you're going to do to them, is not a way of, you
20 know, getting people to like you, getting people to want
21 to pay you eagerly. Being kind will help a lot, and
22 that's really the basis of communications, to communicate
23 in a way that will make the other person feel comfortable.

24 When you threaten somebody, that does not make
25 them feel comfortable. And the basis of all these

1 programs are to help people pay their electric bill, but
2 if you're threatening them, they're not going to use it.
3 I can see how you all have pull down in St. Louis and beat
4 (sic) up St. Louis and all these energy assistance
5 programs, but if people are afraid to use their
6 electricity, that's not helping you any. But it's not
7 helping them, either, because they're afraid to use you
8 because of your nasty attitude and how you threaten them.

9 That's why old people say, Well, I don't want to
10 use this. They give them -- in the wintertime, they help
11 them with -- you have your cold weather rule, and then in
12 the summertime you have a Cool Down St. Louis. Well,
13 those old people who you give air conditioners who (sic)
14 -- or who they give air conditioners to are afraid to use
15 them. They're afraid you're going to pull the plug
16 towards them and you want to disconnect them if you can't
17 get the money that you want, and all you're doing is
18 abusing the power that you have.

19 I already knew that for a long time, and that's
20 exactly what you're doing. It's not that you are sending
21 out disconnection notices; it's how you're doing it.

22 JUDGE JORDAN: Okay. Mr. Mershon -- and that will
23 all be in support of your proposed draft for an
24 alternative disconnect notice, I think?

25 MR. MERSHON: Uh, most likely, yes.

1 JUDGE JORDAN: Very good. Let me ask if Ameren
2 has any response to any of that.

3 MS. GIBONEY: Well, Judge, what I'm hearing Mr.
4 Mershon say and what I heard him say early on in his last
5 comments was that he believes that because he has sent
6 some payments towards his bill that he should not receive
7 disconnection notices. And our response to that would be
8 the Company's obligated under the law and under our
9 tariffs and under the regulations to collect for the
10 services that we provide. Otherwise, other people who
11 haven't received the services will be paying those costs.

12 So, the Company intends to continue to send bills
13 and to send disconnection notices that are in the form --

14 MR. MERSHON: Well, it's --

15 MS. GIBONEY: Excuse me, Mr. Mershon.

16 JUDGE JORDAN: Mr. Mershon, please.

17 MR. MERSHON: -- how they treat people. That's my
18 biggest thing with you. You want to continue to hurt
19 people --

20 JUDGE JORDAN: Mr. Mershon?

21 MR. MERSHON: -- and we are tired of it --

22 JUDGE JORDAN: Mr. Mershon, please.

23 MR. MERSHON: -- sue you if you don't stop

24 JUDGE JORDAN: Anything further, Ms. Giboney?

25 MS. GIBONEY: Just that we are obligated to

1 collect for the services that we provide, and one thing
2 Mr. Mershon is not acknowledging, necessarily, is that
3 he's receiving utility service, and he's receiving a bill
4 and the bill is not being paid in full, and we're
5 obligated to collect for that, and the disconnect notices
6 are in the form that's been approved by the Commission.

7 JUDGE JORDAN: Thank you. Mr. Keevil?

8 MR. MERSHON: They're very big. They're very
9 hurtful. They're cruel. Maybe you should go watch 12
10 Years of Slaves to see how you are obligated to hurt
11 people.

12 JUDGE JORDAN: Mr. Mershon, I'm giving the floor
13 to Mr. Keevil.

14 MR. KEEVIL: Judge, I would just suggest you take
15 a look at the Highly Confidential Staff Report that was
16 filed by Ms. Fred back several months ago now, and in
17 there she refers to some Commission regulations and
18 Chapter 13 that require disconnect notices be sent by
19 companies such as Ameren.

20 I'll not go into it again because of the Highly
21 Confidential rule, but, you know, disconnect notices are
22 required by rule, and there is a portion there in Mr.
23 Mershon's last motion where he does say he is requesting
24 that the Regulatory Law Judge order Ameren Missouri to
25 cease sending disconnection notices out to Mr. Mershon.

1 So, I don't know whether that requires a ruling at
2 this time or not, but it is stated in the motion to cease
3 harassment.

4 JUDGE JORDAN: Yes. That's what I was trying to
5 clarify, whether Mr. Mershon was wanting the people at
6 Ameren to quit sending him bills and disconnect notices or
7 whether this was in relation to his alternative draft for
8 disconnect notice.

9 And, Mr. Mershon, I'll ask you to state your
10 answer to that on the record again just so that I'm clear
11 on it.

12 (No response.)

13 JUDGE JORDAN: Mr. Mershon?

14 MR. MERSHON: Yes, I'm here.

15 JUDGE JORDAN: Very good.

16 MR. MERSHON: But I'm pretty upset about all of
17 this because I don't think it's right to hurt people, and
18 I think, um, you get an enjoyment out of doing it. That's
19 why I got upset because this is -- we've had meetings
20 after meetings, you have those public meetings, and all
21 you care about is your electricity.

22 Even though you do this, I try not to use it. I
23 try to use it as little as I possibly can. I will stay in
24 my home and be cold or stay in my home when it's hot so I
25 don't have to pay you all huge amounts. And you continue

1 to say, Well, yeah, we want to hurt people. We'll
2 continue to send disconnection notices. We don't care how
3 it feels. We don't care how, um, what they do.

4 You've got poor customer service. People are
5 afraid to call and talk with you, because you have so many
6 rules and regulations that maybe you should be sued,
7 because you shouldn't be treating people this way. That's
8 why I mentioned each of you, you ought to go see 12 years
9 of Slaves and see how those people were treated. They're
10 still treated the same way, it's just not with cover.

11 JUDGE JORDAN: Okay. Mr. Mershon, I guess that's
12 what your answer to my inquiry is, so I want to bring
13 everyone back to the purpose of this proceeding which is a
14 complaint, which purpose of which is to determine whether
15 Ameren has violated a statute or a Commission regulation,
16 tariff, or order. That's what will happen in this
17 proceeding. Um --

18 MR. MERSHON: Well, if you're going to take up for
19 them, why should I stay?

20 JUDGE JORDAN: Well, how how you continue with
21 these proceedings is up to you, Mr. Mershon. Nothing is
22 requiring you to continue with this action. The
23 Commission is here to listen to what you have to say in an
24 evidentiary context and an evidentiary hearing, how Ameren
25 has violated a statute or a Commission regulation or

1 tariff or order.

2 MR. MERSHON: So, that's all you're concerned
3 with. You're not concerned with how they've treated us?

4 JUDGE JORDAN: That's the -- well, I don't think I
5 have any further that I can elaborate on that. That is
6 the -- that is the proceeding that you've initiated.
7 That's what we do according to statute. The statutes tell
8 us to do precisely that.

9 Now, I've got to tell you, what I've heard from
10 Mr. Mershon, if this may be helpful for you, it sounds
11 like what you're looking for is not -- is not to prove a
12 violation of any statute, Commission regulation, tariff,
13 or order. It sounds like what you want to do is change
14 either the regulations or change the tariffs, the rules
15 under which Ameren does business. I don't know whether
16 this complaint will get you there, but I don't think I've
17 seen anything in the pleadings that would -- that points
18 to that objective. See what I mean?

19 I mean, the facts that you have to prove in a
20 complaint may be a little different -- the facts that
21 you've alleged in a complaint may be a little different
22 than what you want to accomplish.

23 MR. MERSHON: So, in essence, you're going to tell
24 us you'll be siding with them.

25 JUDGE JORDAN: No. I have no reason to side with

1 anyone. I work for the Commission and for the Commission
2 alone. So, I don't know whether you have or will make
3 your case. I'm not expressing anything in that regard.
4 What I'm saying is that I'm hearing more social policy
5 arguments than an allegation of a violation. That's what
6 I've heard so far.

7 MR. MERSHON: The body is a violation. To hurt
8 somebody is a violation. You put on your forms that you
9 send dealing with people with disabilities that you want
10 to know who -- or who they have that has to have electric
11 motorized equipment, and then you say, Well, we don't
12 care. We want to disconnect you anyway if you don't pay.

13 But you want the most serious (sic) people -- all
14 people with disabilities have some type of sincereness
15 with their disabilities or they wouldn't have it. I think
16 you all are, you know -- you're so wrapped up with your
17 policy and your tariffs, Well, the heck with people.
18 We'll just let them starve to death. The heck with
19 people. We just want to make sure we get our money.

20 You are abusing your power. That's the stop.
21 That's exactly what you're doing.

22 JUDGE JORDAN: Thank you, Mr. Mershon. Anything
23 further from Ameren?

24 MS. GIBONEY: No, Judge.

25 JUDGE JORDAN: Anything further from Staff

1 Counsel?

2 MR. KEEVIL: No, Judge.

3 JUDGE JORDAN: If the parties would like, I will
4 leave this line open to discuss scheduling matters.

5 MS. GIBONEY: No, thank you, Judge.

6 JUDGE JORDAN: Staff Counsel?

7 MR. KEEVIL: I don't see anything being gained by
8 that.

9 JUDGE JORDAN: All right then. Now, as far as my
10 list of things, that's everything. So, I think --

11 MS. GIBONEY: Is there a deadline for Mr. Mershon
12 to file a proposed procedural schedule? I heard something
13 about next week but --

14 JUDGE JORDAN: As I recall, he said he'd put
15 something in the mail next week. I will put out another
16 order extending his time to file alternative dates to give
17 him the greatest opportunity to have input into this
18 schedule.

19 MR. KEEVIL: The dates -- wasn't the hearing set
20 -- proposed to be set for sometime in November?

21 JUDGE JORDAN: That's a little obsolete now.

22 MR. KEEVIL: Yeah.

23 MR. MERSHON: We have Christmas and Thanksgiving
24 holidays. That's what we were also thinking about. We
25 never mentioned --

1 JUDGE JORDAN: And I've worked through those
2 before and I'll work through them again.

3 MR. MERSHON: So, that's why I'm proposing to do
4 it in January. But I'm really upset over this tariff
5 stuff. Oh, they're following regulations or following
6 tariffs. Do you all really care about people?

7 MS. GIBONEY: Judge, I wasn't intending to open
8 the conversation back up. I just wanted to know if a date
9 had been set, and I understand now that you'll issue an
10 order with the date.

11 JUDGE JORDAN: That is correct.

12 MS. GIBONEY: Thank you.

13 JUDGE JORDAN: And with that, it sounds like we're
14 ready to go off the record. Thank you everyone for being
15 here; and, with that, we are off the record. Thank you,
16 Mr. Mershon.

17 MR. MERSHON: Yes. Bye.

18 JUDGE JORDAN: Bye.

19 (Adjournment.)

20 (Whereupon, the record ended at 2:00 p.m.)

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1 C E R T I F I C A T E

2 STATE OF MISSOURI)

3) ss.

4 COUNTY OF COLE)

5 I, Pamela S. Gentry, Certified Court
6 Reporter with the firm of Midwest Litigation Services, do
7 hereby certify that I was personally present at the
8 proceedings had in the above-entitled cause at the time
9 and place set forth in the caption sheet thereof; that I
10 then and there took down in Stenotype the proceedings had;
11 and that the foregoing is a full, true and correct
12 transcript of such Stenotype notes so made at such time
13 and place.

14 Given at my office in the City of
15 Jefferson, County of Cole, State of Missouri.

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