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STATE OF MISSOURI  
  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
  
  
CRAIG MERSHON, )  
Complainant, ) EC-2013-0521  
vs. ) DANIEL JORDAN  
UNION ELECTRIC COMPANY d/b/a ) SENIOR REGULATORY  
AMEREN MISSOURI, ) LAW JUDGE  
Respondent. )

Pre-Hearing Conference  
  
January 28, 2014  
  
St. Louis, Missouri  
  
Volume 4

REPORTED BY SARAH POKORSKI, CCR 745

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(No exhibits marked.)

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
3 TRANSCRIPT OF PROCEEDINGS  
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5

6 CRAIG MERSHON, )  
7 Complainant, ) EC-2013-0521  
8 vs. ) DANIEL JORDAN  
9 UNION ELECTRIC COMPANY d/b/a ) SENIOR REGULATORY  
10 AMEREN MISSOURI, ) LAW JUDGE  
11 Respondent. )  
12

13 PRE-HEARING CONFERENCE held on January  
14 28, 2014, between the hours of eight o'clock in the  
15 forenoon and six o'clock in the afternoon of that day,  
16 at the Missouri Public Service Commission, 200 Madison  
17 Street, Jefferson City, Missouri, before Sarah J.  
18 Pokorski, a Certified Court Reporter and Notary Public  
19 within and for the State of Missouri, in a certain  
20 cause now pending before the Public Service  
21 Commission, between CRAIG MERSHON, Complainant vs.  
22 UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI,  
23 Respondent.  
24  
25

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

2

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14 Craig Mershon

(By telephone.)

15

16

Also Present:

17 Cathy Hart

Gay Fred

18 Justin Edwards

19

20 Court Reporter:

Sarah J. Pokorski, CCR

21 Missouri CCR No. 745

Midwest Litigation Services

22 711 North Eleventh Street

St. Louis, Missouri 63101

23 314-644-2191

1-800-280-DEPO

24

25

1                   IT IS HEREBY STIPULATED AND AGREED by and  
2   between counsel for the Complainant and counsel for  
3   the Respondent that this hearing may be taken in  
4   shorthand by Sarah J. Pokorski, CCR, a Certified Court  
5   Reporter and Notary Public, and afterwards transcribed  
6   into typewriting.

7

8                   \* \* \* \* \*

9

10               (Starting time of the hearing: 10:04 a.m.)

11

12               THE COURT: Let's go on the record. The  
13   Commission is calling the case in File Number  
14   EC-2014-0521, which is the complaint of Craig  
15   Mershon -- I'm sorry. That's -- that file number is  
16   EC-2013-0521. Thank you. And that is the complaint  
17   of Craig Mershon versus Union Electric Company doing  
18   business as Ameren, Missouri. I am Daniel Jordan. I  
19   am the Regulatory Law Judge assigned to this action.  
20   I'll begin with entries of appearance for those who  
21   are present. Let's start with the utility.

22               MS. GIBONEY: Sarah Giboney, Smith Lewis,  
23   111 South 9th Street, Suite 200, Columbia, Missouri  
24   65201 for Ameren, Missouri. And with me today is  
25   Cathy Hart.

1 MS. HART: Cathy Hart. I'm the regulatory  
2 liaison for Ameren Missouri, 101 Madison, Jefferson  
3 City, 65109.

4 THE COURT: And for the Staff of the Public  
5 Service Commission?

6 MR. KEEVIL: Yes, Judge. Appearing on  
7 behalf of the staff of the Public Service Commission,  
8 Jeffrey A. Keevil, Post Office Box 360, Jefferson  
9 City, Missouri 65102. And with me are Ms. Gay Fred  
10 and Mr. Justin Edwards of the Commission Staff, in the  
11 event that you have any questions.

12 THE COURT: Thank you. And Office of the  
13 Public Counsel is, by regulation, a party to this  
14 action, but I don't see anyone here representing  
15 Office of the Public Council. And I have opened the  
16 phone line before the time scheduled for this  
17 prehearing conference. And I have also hung up and  
18 opened it again after the time scheduled for the  
19 prehearing conference. And I have dialed the number  
20 as set forth in the notice and order dated January  
21 16th of 2014; but so far, Craig Mershon has not made  
22 an appearance. But I will ask again. Mr. Mershon,  
23 are you on the line? Is anyone present for  
24 Mr. Mershon? And I am not hearing anyone. So what we  
25 will do is go off the record for a while, take a few

1 minutes, give Mr. Mershon some extra time to call in,  
2 in case he is delayed by some event, and then we will  
3 go back on the record in a few minutes. Anything  
4 before we go off the record from anyone present?

5 MS. GIBONEY: No, Judge.

6 THE COURT: And then we will go off the  
7 record. Thank you.

8 (OFF THE RECORD.)

9 THE COURT: It's ten after, so why don't we  
10 go on the record again. We're back on the record, and  
11 I haven't heard anyone call in on this line yet.  
12 Mr. Mershon, are you there yet? I'm not hearing  
13 Mr. Mershon on this line. So off the record, the  
14 parties suggested attempting to contact Mr. Mershon by  
15 dialing his number. So I think that's what we will  
16 try next. I'm going to hang up this line, and we will  
17 try Mr. Mershon's direct line. So let's go off the  
18 record for just a second.

19 (OFF THE RECORD.)

20 THE COURT: We're on the record. This is  
21 Daniel Jordan, the regulatory law judge assigned to  
22 this action. And joining us now is Craig Mershon, the  
23 complainant in this action. We have gotten him on the  
24 line. Well, Mr. Mershon, why don't you go ahead and  
25 tell us what you'd like to say about this prehearing

1 conference.

2 MR. MERSHON: This prehearing conference  
3 shouldn't have been held. I haven't done any  
4 discovery. I'm working on the documents at this time.

5 THE COURT: Okay. The notice dated January  
6 16th, you will see that the purpose is to address  
7 discovery disputes or other prehearing matters. Then  
8 I take it that you have no issues to discuss this  
9 morning.

10 MR. MERSHON: No. I have to get the  
11 documents first. And I -- I've just about completed  
12 the pleading. I have to send it to the typist. Your  
13 stuff was sent the other day telling you this.

14 THE COURT: Okay. So right now, you don't  
15 have any quarrel with any of the parties as to  
16 discovery that you have sent or discovery they have  
17 sent you. Is that correct?

18 MR. MERSHON: They haven't sent me any  
19 discovery, because I haven't asked for anything yet.

20 THE COURT: Very good. Any other  
21 prehearing matters that you'd like to raise this  
22 morning?

23 MR. MERSHON: Why did you do what you did,  
24 knowing that I had to do discovery? Why did you set  
25 up all these things, knowing that I didn't have



1 discovery completed?

2 THE COURT: Well, I think the notice sets  
3 forth the purpose of the prehearing conference.

4 MR. MERSHON: Yeah. But you're talking  
5 about -- I don't even have -- I'm on my way downstairs  
6 to fix my breakfast. And -- it's amazing why you  
7 would do that after I told you I had to start with the  
8 discovery.

9 THE COURT: Okay. Anything from the  
10 utility, as far as discovery disputes or prehearing  
11 matters?

12 MS. GIBONEY: Judge, I guess we would just  
13 comment that in earlier pleadings, Mr. Mershon noted  
14 that he would be finished with discovery by the middle  
15 of January, and you gave him until January 20th to do  
16 that. And I don't understand why he didn't notify you  
17 by January 27th that the deadline of the 20th would  
18 not work for him. I hear him complaining about it,  
19 but I don't understand why he didn't send an objection  
20 to that schedule by the 27th as you ordered him to  
21 do. We can't wait until the day before the hearing to  
22 take up discovery matters.

23 THE COURT: Okay. Any -- any matters as  
24 far as discovery that Ameren has served or received?

25 MS. GIBONEY: No, Judge. We don't intend

1 to serve any discovery. And we have not received any  
2 discovery.

3 THE COURT: And any other prehearing  
4 matters that Ameren would like to raise?

5 MS. GIBONEY: Not at this time.

6 THE COURT: Okay. Anything from staff?

7 MR. KEEVIL: No, Judge. I mean, it -- like  
8 we said in the pleadings, the -- as far as we're  
9 aware, there has never been any discovery proposed by  
10 Mr. Mershon in the two years this thing has been  
11 pending. So like Ms. Giboney said, the discovery  
12 deadline was apparently January 20th in your last  
13 order, and there still has been none. And beyond  
14 that, I really don't know what -- what there is to  
15 say.

16 THE COURT: Very good. Well, there seem to  
17 be no discovery disputes and no other prehearing  
18 matters.

19 MR. MERSHON: But why -- my question to  
20 you, Mr. Jordan, why would you draft something and  
21 then I told you -- I said well, I have to begin  
22 discovery. And that was when I called and told you  
23 that I wanted to postpone the -- the hearing because I  
24 hadn't done anything. That -- all this stuff wasn't  
25 done because of the Christmas holidays. We had

1 Christmas and Thanksgiving holidays. And I think I  
 2 remember putting that in a pleading. That's why I  
 3 didn't want any of this stuff done before that time,  
 4 because people would be on -- on vacations with their  
 5 relatives, and all this other stuff. Things were  
 6 closed. I don't understand why you did that. Why did  
 7 you initiate something instead of leaving things alone  
 8 and letting the discovery process begin? You set up  
 9 all these dates -- you did this. Then here they  
 10 come. I still have to answer their pleadings.

11 MS. GIBONEY: Judge, I don't believe there  
 12 are any pleadings that Mr. Mershon needs to answer.

13 MR. KEEVIL: There are no outstanding  
 14 pleadings.

15 MR. MERSHON: Yeah.

16 THE COURT: I can't think of any -- I can't  
 17 think of any outstanding motions right now.

18 MR. MERSHON: Uh-huh.

19 THE COURT: Yeah. So anyway, yeah, that  
 20 was the purpose of this prehearing conference, was  
 21 just to discuss any discovery disputes that had arisen  
 22 or any other prehearing matters that had arisen. And  
 23 since there aren't any, if the parties like, I can  
 24 leave this line open for a while. Not seeing any --  
 25 okay. All right. So I think with that -- that being

1 the case, Mr. Mershon, thank you for joining us today,  
2 and I think that will conclude this prehearing  
3 conference. And with that, we will go off the record.

4 MR. MERSHON: Okay. But you --

5 THE COURT: Thank you very much.

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7 (Ending time of the deposition: 10:19 a.m.)

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1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI )

3 ) ss.

4 COUNTY OF FRANKLIN )

5

6 I, Sarah J. Pokorski, Certified Court

7 Reporter within and for the State of Missouri, do

8 hereby certify that the hearing was taken by me to the

9 best of my ability and thereafter reduced to

10 typewriting under my direction; that I am neither

11 counsel for, related to, nor employed by any of the

12 parties to the action in which this hearing was taken,

13 and further that I am not a relative or employee of

14 any attorney or counsel employed by the parties

15 thereto, nor financially or otherwise interested in

16 the outcome of the action.

17

18

19

20 Sarah Pokorski, CCR 745

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