

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Pre-Hearing Conference
May 2, 2018
Jefferson City, Missouri
Volume 1

Anita Wessling,)	
)	
Complainant,)	
)	
v.)	File No. EC-2018-0089
)	
Union Electric Company)	
d/b/a Ameren Missouri,)	
)	
Respondent.)	

DANIEL JORDAN, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
TIGER COURT REPORTING, LLC

Page

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

SARAH GIBONEY, Attorney at Law
Smith Lewis, LLP
111 South 9th Street
Columbia, Missouri 65201
573.443.3141

FOR: Ameren Missouri

MARCELLA FORCK, Associate Staff Counsel
200 Madison Street, Suite 800
PO Box 360
Jefferson City, Missouri 65102-0360
573.751.4140

FOR: Staff of the Missouri Public Service Commission

Pro Se by Phone: Anita Wessling, Complainant

Present:

Aubrey Krcmar, Regulatory Liaison
Noumbi Ghomsi, PSC Staff

Page

1 (May 2, 2018)

2 JUDGE JORDAN: Let's go on the record. The
3 Commission is calling the action in File No.
4 EC-2018-0089. This is the case of Anita Wessling vs.
5 Union Electric Company d/b/a Ameren Missouri.

6 I'm Daniel Jordan. I'm the Regulatory Law
7 Judge assigned to this action. We're here for a
8 Pre-hearing Conference, as it is often called, though we
9 have set no hearing as of yet.

10 We'll begin with entries of appearance and
11 also introductions of any other client representatives.
12 We'll begin with the complainant, Ms. Wessling? Ms.
13 Wessling, will you state your name and spell it for the
14 court reporter, please? Ms. Wessling, are you still
15 there?

16 MS. WESSLING: Sorry. I had you on mute.
17 Anita Wessling, A-n-i-t-a W-e-s-s-l-i-n-g.

18 JUDGE JORDAN: Thank you. And for Ameren?

19 MS. GIBONEY: For Ameren Missouri, I'm Sarah
20 Giboney, and the court reporter has been provided with
21 my contact information. With me today is a
22 representative of the company. It's Aubrey Krchmar.

23 JUDGE JORDAN: Thank you. And for Staff?

24 MS. FORCK: For the Staff of the Missouri
25 Public Service, my name is Marcie Forck, and my
Page

1 information has been provided to the court reporter as
2 well.

3 JUDGE JORDAN: Thank you. And the Office of
4 the Public Counsel is a party to every action at the
5 Commission, but I see no representative from the Office
6 of the Public Counsel. So it seems they have elected to
7 make no appearance in this action, which is their
8 perfect right.

9 So I'm going to explain what exactly we're
10 doing today. We're not trying the case today. I may
11 ask what the parties' positions are, but it's not in an
12 evidentiary context. It's just to get the issues on the
13 table.

14 This part of the conference is on the record
15 with a court reporter, and we can discuss procedure, we
16 can discuss some substantive matters, we can even
17 discuss the possibilities for settlement.

18 MS. WESSLING: Excuse me, Judge, but I'm
19 having a hard time hearing you.

20 JUDGE JORDAN: Why don't I come down from the
21 bench here and get a little closer to that speaker phone
22 then. All right. Here I come and I am closer to the
23 speaker phone. Can you hear me okay now?

24 MS. WESSLING: Much better. Thank you.

25 JUDGE JORDAN: All right. Why don't I just
Page

1 stay down here. In fact, I'll take a seat at the
2 conference table. This is an informal matter anyway.
3 So did you get what I was saying about what we're doing
4 on the record, Ms. Wessling?

5 MS. WESSLING: I did not catch that. If you
6 could repeat it, please.

7 JUDGE JORDAN: I'm going to go ahead and
8 repeat it all then. This is a conference. We're not
9 taking evidence. We're not going to actually decide
10 anything as far as the Commission making any decision.

11 The parties can put together anything that
12 they like. We can talk about procedure, we can talk
13 about substantive matters, we can discuss the
14 possibilities for settlement, and all this part is on
15 the record with a court reporter. When that's done, I
16 reserved this room until noon so that the parties can
17 have further discussions outside my presence, they can
18 discuss sensitive matters that they don't necessarily
19 want me to hear.

20 And I will also remind the parties that if
21 they're not able to work something out that the
22 Commission does offer mediation. All the judges at the
23 Commission are trained in civil mediation, and that
24 helps to settle a lot of cases and get people what they
25 need.

Page

1 The outcome of this, I hope, will be a
2 proposed procedural schedule which I will ask staff to
3 coordinate and file with the Commission if the parties
4 can agree on that. And then when we're all done with
5 the conference, both the on the record and off record
6 portions, I will ask staff to hang up the phone, lock
7 up, turn off the lights, stuff like that.

8 Now I see we have another representative from
9 Staff present. Counsel, will you introduce the
10 newcomer?

11 MS. FORCK: Yes. This is Noumbi Ghomsi, and
12 I'll let you spell it for the court reporter.

13 MR. GHOMSI: N-o-u-m-b-i, and the last name
14 G-h-o-m-s-i.

15 JUDGE JORDAN: Thank you. Okay. Any
16 questions about what we're going to do and get
17 accomplished here? Ms. Wessling, any questions about
18 what we're doing today?

19 MS. WESSLING: No, sir, I'm clear. Thank you.

20 JUDGE JORDAN: Very good. Anything from
21 Ameren?

22 MS. GIBONEY: No questions, Judge.

23 JUDGE JORDAN: Staff?

24 MS. FORCK: No, Your Honor.

25 JUDGE JORDAN: Good. Well, here's what I'd
Page

1 like to do. I'd like to begin with some questions of my
2 own, and I'm going to ask about the state of the
3 pleadings and we're also going to take up that motion to
4 change status that Ms. Wessling filed a few days ago.

5 Now, as to the pleadings, here's a question
6 that's basically for everyone. I think I have to look
7 at the pleadings, that is, the documents that set out
8 the claims and defenses, including Ms. Wessling's
9 response to the Staff response and also her notice of
10 additional outage. I think that's pretty much on the
11 table.

12 Does anyone have any issues or questions with
13 that as far as what I'm thinking?

14 MS. GIBONEY: No. I would just point out that
15 we did file a response to Ms. Wessling's notice of the
16 March 2 outage.

17 JUDGE JORDAN: Right. I think all those
18 documents and the responses to those documents add to
19 the claims and defenses before the Commission, at least
20 that's how I'm seeing it right now.

21 Anything else on that matter?

22 MS. FORCK: No.

23 JUDGE JORDAN: Good. Well, that leads me to a
24 question for Ms. Wessling. Since March 2, I believe it
25 was, the most recent outage that you reported to the

Page

1 Commission, have there been any further outages, Ms.
2 Wessling?

3 MS. WESSLING: No, Judge, there has not.

4 JUDGE JORDAN: Okay. Well, that is good news
5 at your end. So I think we know what the issues are on
6 the table at least for now.

7 I had a question for Ameren and for Staff as
8 to something that came up in response to Ms. Wessling's
9 notice of outage and that is a reference to something
10 that's described by an acronym IEEE and kind of a
11 five-minute rule that showed up in Staff's supplemental
12 report. I'll begin -- I'll just throw that open to the
13 parties. What is IEEE?

14 MS. GIBONEY: I think Mr. Ghomsi could
15 probably speak to that.

16 MR. GHOMSI: I can speak to it a little bit.
17 I'm an industrial engineer, but IEEE --

18 THE COURT REPORTER: I'm sorry. Can he speak
19 up?

20 MS. WESSLING: Excuse me. But I cannot hear
21 his response.

22 JUDGE JORDAN: I'm going to move the speaker
23 phone closer to Mr. Ghomsi. He's a soft spoken
24 gentleman, but I will ask him to speak a little less
25 softly.

Page

1 MR. GHOMSI: IEEE, the acronym is Industrial
2 Electrical Code -- I need to relook up the acronym
3 because I don't have my notes in front of me. It deals
4 with electrical safety for the transmission grid IEEE.

5 THE COURT REPORTER: The transmission what?

6 MR. GHOMSI: The transmission grid,
7 transmission and distribution and their safety
8 recommendations outlined in their manual, the IEEE
9 manual, and also in a study they did for 2016 that came
10 out in 2017 indicates that momentary outages are defined
11 as anything five minutes or less. And therefore that's
12 where I got that information and also in our Code of
13 State Regulations that the utilities use to regulate how
14 they operate, it states that reliability reports are to
15 be submitted and those indices that are in the IEEE
16 manual speak to what are proper and safe for
17 distribution and transmission.

18 JUDGE JORDAN: It sounds like we're talking
19 about an industry standard or practice?

20 MR. GHOMSI: An industry standard.

21 MS. GIBONEY: Judge, I believe the IS
22 International. I think it's an international standard.
23 It's basically an international standard that sets
24 standards for transmission related issues world wide.

25 JUDGE JORDAN: Okay. So we'll find that the
Page

1 Commission's regulations incorporate that standard
2 somewhere.

3 MR. GHOMSI: In the reliability standard in 4
4 CSR 240-20.030.

5 JUDGE JORDAN: Not bad. Not bad. Well, when
6 we brief this case, I'll bet the language of that
7 regulation will come before the Commission and we'll see
8 how that fits in. That answers my question.

9 Ms. Wessling, did you have any -- I wanted to
10 give you a chance to follow up on that if you have
11 anything to throw in on that standard.

12 MS. WESSLING: Yes. I'm still having a very
13 difficult time hearing him. Am I to understand that
14 this industry standard has been incorporated into the
15 Commission's regulations?

16 JUDGE JORDAN: Well, that's Staff's position
17 at least for now. I haven't read the regulation, and I
18 haven't made any decision on it. So that's where we're
19 at right now. It's an argument. The Commission hasn't
20 concluded anything with regard to that, which is why I
21 mentioned that I would be, or whoever decides this case,
22 including the Commission, would be looking at that
23 regulation when Staff cites it to us or Ameren Missouri
24 cites it to us in writing and we'd find out exactly what
25 the regulation, what the language of the regulation is,

1 what it incorporates and whether it incorporates the
2 standard as just described. So that's the position
3 right now. The Commission has concluded nothing on that
4 issue.

5 MS. WESSLING: Okay. Thank you.

6 JUDGE JORDAN: You're quite welcome.

7 The next matter that I want to take up is the
8 motion to change status that Ms. Wessling has filed.
9 Ms. Wessling, did you want to add anything to that
10 motion and tell us anything more about why you want what
11 you want?

12 MS. WESSLING: Well, it has never been made
13 clear to me how the dollar value of a complaint is
14 determined by the Commission. The Commission rules
15 state a value of \$3,000 and that seems to be a threshold
16 as to whether or not it is a small claim or large claim.
17 And it didn't appear to me that the Commission made any
18 stance on this. I'm asking that it be reviewed and I
19 also for my own clarification, what is that dollar
20 value? I don't understand what that's based on.

21 JUDGE JORDAN: Well, I think that's a fair
22 question. I will preface my own remarks, before I turn
23 it over to the other parties on this issue, by stating
24 that the regulatory law judges of the Commission did not
25 draft this regulation. When it gets redrafted, it will

1 read differently. That being said, a threshold of
2 \$3,000 is pretty much how I read this, and the language,
3 and I'm looking at the rule right now, is any dispute
4 involving less than \$3,000. Now, that's pretty simple
5 when all we have is a billing dispute, but I'm reading
6 your pleadings as looking for some repairs to improve
7 the quality of service. Am I correct about that?

8 MS. WESSLING: What I am asking for is that
9 the service be reliable as they are required to do.

10 JUDGE JORDAN: That's pretty much what I read
11 into your complaint. I'll hear any response what the
12 positions of the parties are, other parties. We'll
13 start with Ameren.

14 MS. GIBONEY: Judge, we have no position
15 either way on whether or not this should be classified
16 as a small complaint. We do agree that this isn't
17 really a billing dispute. We agree that it's a service
18 issue dispute, but we don't really have a position on
19 whether it should be classified as a small formal.

20 JUDGE JORDAN: Okay. Staff?

21 MS. FORCK: Similarly Staff doesn't have a
22 position either way. If it's more beneficial to the
23 complainant to have it defined as small formal so that
24 hearings are in her area, I don't have any issue with
25 that.

1 JUDGE JORDAN: Okay. Well, Ms. Wessling, the
2 issue that you raised as to the amount is the one that
3 gave me pause as to this since the language is very
4 broad involving less than \$3,000 and I think repairs in
5 an action like this may indeed involve something more
6 than \$3,000. Nonetheless, this regulation is to -- it
7 grants rights to parties that are personal rights and
8 certainly may be waived.

9 If I may, let me ask you, I don't want to get
10 too deep into litigation strategy or anything, but there
11 are indeed some advantages for the complainant in the
12 small complaint procedure. One of them is an expedited
13 processing and we're way beyond that one.

14 I don't know anytime that a small complaint
15 has actually met these deadlines. It just never does.
16 It takes longer to work out these things.

17 Can you tell me what you're interested in as
18 far as what this regulation gives you?

19 MS. WESSLING: Well, to date this is the
20 second time a hearing has been scheduled for Jefferson
21 City, which obviously is very inconvenient for me and my
22 neighbors. There are 70 some people that have been
23 affected by these outages, and so there are other people
24 besides just me interested in this hearing.

25 So first and foremost is location. We would

1 like and it was our impression before even filing the
2 complaint that this would be held in the county in which
3 the problem occurred. We were not under the impression
4 that we were going to have to hire a bus transportation
5 to get to Jefferson City. First and foremost that's
6 what it is.

7 Secondly, I'm just wondering what the \$3,000
8 is. We don't understand the language. It sounds like
9 you don't either, Judge.

10 JUDGE JORDAN: Well, certainly location venue,
11 that's an issue. Whether the Commission rules to
12 proceed under the small complaint rule or not, we can
13 certainly schedule hearings in a venue that's closer to
14 you. So that can definitely happen. This rule is
15 certainly made for the convenience of the pro se
16 litigant, the consumer, the customer. It has a few
17 other things that -- It has one or two other things, and
18 I'm sure you've seen them, the idea of the proposed
19 order and the comment period and then the thing goes to
20 the Commission. I put out kind of a draft or
21 recommendation and then the Commission votes on it,
22 which is not so convenient and not so quick.

23 So I'll tell you what. We may leave it there
24 and the parties may want to discuss it. The small
25 complaint rule is supposed to be quicker and easier. In

1 this case it might protract the proceedings a little
2 further. I just wanted to make sure you were aware of
3 that.

4 But in any event, the Commission can certainly
5 schedule something closer to you that is something more
6 convenient for yourself and your neighbors and any
7 witnesses that you may have. That's only sensible.
8 That's not convenient for the judge, but the judge's
9 convenience is definitely not at issue here. Okay? So
10 I'm going to suggest that the parties discuss that when
11 we're off the record and may come to some arrangement as
12 far as a venue for the evidentiary hearing that will be
13 convenient for the parties.

14 MS. GIBONEY: May I ask one question about
15 that?

16 JUDGE JORDAN: Certainly you may.

17 MS. GIBONEY: May I ask Ms. Wessling a
18 question?

19 JUDGE JORDAN: Sure.

20 MS. GIBONEY: Ms. Wessling, this is Sarah
21 Giboney. I'm thinking about venues closer to your home
22 and I'm thinking about your comment about your 70
23 neighbors, and the judge may tell me that you don't have
24 to answer this, but are you planning on calling a bunch
25 of witnesses and do we need to find a venue that can

1 accommodate a crowd?

2 MS. WESSLING: I would recommend that, yes.

3 JUDGE JORDAN: Okay.

4 MS. GIBONEY: Okay. I may -- sure. Thank
5 you.

6 JUDGE JORDAN: Does the Staff have anything to
7 add to that discussion?

8 MS. FORCK: No, Your Honor.

9 JUDGE JORDAN: Okay. Good. Well, that's all
10 the questions that I had. So does anyone have any
11 questions for me as far as procedure or anything else
12 that I can help you with today before we go off the
13 record and I leave it to the parties' discussion off the
14 record? Ms. Wessling, anything?

15 MS. WESSLING: Nothing.

16 JUDGE JORDAN: Okay. Anything from Ameren?

17 MS. GIBONEY: Judge, I'm wondering now about
18 maybe building into the procedural schedule that we
19 develop a timeline for parties to identify their
20 witnesses that they expect to call. Would that be
21 reasonable?

22 JUDGE JORDAN: Well, certainly this is a
23 contested case. You do have the right to discovery and
24 that would include the identification of persons having
25 knowledge. Once discovery is closed, then and I don't

1 think before then, would we do anything like a witness
2 list.

3 MS. GIBONEY: But then like a normal rate case
4 proceeding once that's closed we could be expected to
5 identify witnesses that will be presenting testimony?

6 JUDGE JORDAN: A list of witnesses, yes.
7 That's one of the procedures from rate cases that carry
8 over and are very convenient and helpful in other cases.
9 You can certainly talk about that.

10 MS. GIBONEY: Thank you.

11 JUDGE JORDAN: Anything from Staff?

12 MS. FORCK: Is there anything specific that
13 you'd like to see in the procedural schedule? You know,
14 I guess my thought would probably be a timeline for
15 direct, rebuttal and surrebuttal testimony if it's going
16 to be filed versus if we're going to do live testimony
17 on the stand.

18 And you know, I don't know if having a bunch
19 of witnesses to be called would make it more convenient
20 to prefile versus conduct. I'm not sure. I don't know
21 whether you have any thoughts on that matter.

22 JUDGE JORDAN: Well, a couple of things. The
23 small complaint regulation allows the Commission to
24 dispense with prefiled testimony.

25 Ms. Wessling, I'm going to tell you a little

1 bit about prefiled testimony, if you'd like me to.

2 MS. WESSLING: Yes, I would. Thank you.

3 JUDGE JORDAN: Well, this is something that we
4 do in huge rate cases, and all rate cases are huge by
5 comparison to anything else that we do. What you do in
6 a rate case is, basically you do the thing that you're
7 told never to do in law school. That is, you depose
8 your own witness, take a deposition of your own witness
9 and the parties all exchange those things and experts
10 compare their ideas and then they get on the phone and
11 argue with each other and argue with each other in
12 person. And what that does is get testimony nailed
13 down, filed before the Commission. It's very helpful
14 for technical things.

15 Small complaint, the Commission can dispense
16 with that and say no, we're just going to have an
17 evidentiary hearing just like you have in circuit court
18 when you have a bench trial. That is, people take the
19 stand and they give their testimony then. That's what
20 we're talking about.

21 The small complaint case we can get rid of
22 that prefiled testimony and just do a normal type of
23 hearing.

24 MS. GIBONEY: Judge, would you mind explaining
25 to Ms. Wessling the process about the direct and then

1 rebuttal and surrebuttal and then that might help
2 explain why and when people file.

3 JUDGE JORDAN: Right. Staff counsel mentioned
4 direct and rebuttal and surrebuttal testimony. Prefiled
5 testimony goes in rounds. That is, people will file
6 their direct testimony and then they look at that and
7 they -- it's basically a conversation by filed
8 testimony. They will -- Their expert will look at that
9 testimony and then there will be a round of rebuttal
10 testimony where the experts tell each other why they're
11 wrong, and then we have -- Sometimes we'll have
12 surrebuttal testimony where the experts will tell each
13 other why they were right in the first place and the
14 other guy was wrong and that's how that goes. And it
15 gets complicated. That's why we dispense with it in a
16 small complaint.

17 So that's what we're talking about with
18 prepared testimony. Now, will we have that? I think
19 that depends on how the Commission rules, and I'm
20 keeping in mind that the small complaint provisions are
21 meant to make things easier for the pro se litigant.

22 So what would I like to see in a procedural
23 schedule? I've got to wonder how much prepared
24 testimony would really help in a case like this. We
25 don't have to have it in any case, including a rate

1 case. Case law provides that we don't have to have it.
2 So I wasn't considering it. I wasn't thinking about it.

3 MS. FORCK: Would you envision simply a
4 hearing date and perhaps prior to the hearing a list of
5 issues, a list of witnesses, list of undisputed facts,
6 filing of those or just the hearing date, you know? I'd
7 just like to get an idea for what we should plan on
8 building in. I've done a few of these small formal
9 complaints, consumer complaints, and they've been
10 slightly different in each instance.

11 JUDGE JORDAN: Here's the thing about issues
12 lists and lists of witnesses. That's another device
13 that developed in the rate case where there are a
14 bazillion line items and you simply cannot have
15 pleadings like you do in a complaint. I think a
16 complaint and the other pleadings that we've discussed
17 are setting out the issues with perfect clarity. I
18 personally don't see the need for an issues list. I
19 think this stuff is clear enough to the Commission.

20 Now, that's, of course, that's just one
21 lawyer's view of this case. How this procedural
22 schedule comes out is up to the parties.

23 MS. GIBONEY: What about the list of
24 witnesses, though, Judge? I do have a concern if Ms.
25 Wessling is planning on bringing a parade of witnesses

1 that the company would like to have some idea of who the
2 people are and what type of testimony they might be
3 presenting. Well, I would hope it would be factual,
4 fact witnesses.

5 JUDGE JORDAN: What else would we have?

6 MS. GIBONEY: Experts. I don't know. I don't
7 know. I've never been involved in a complaint where a
8 complainant brought additional witnesses. So I'm kind
9 of thinking through what that means in terms of
10 preparing.

11 JUDGE JORDAN: Sure, we have to fit this into
12 the contested case procedure.

13 MS. GIBONEY: Right.

14 JUDGE JORDAN: Let me ask Ms. Wessling
15 something. And once again, if this gets too far into
16 your litigation strategy, you can feel free to not
17 answer me. Are you thinking of having 70 witnesses?

18 MS. WESSLING: As I stated earlier, there are
19 a lot of people who have been affected by this case, a
20 lot of people who have been put out, a lot of people
21 who've spent a tremendous amount of money on generators,
22 and so forth, because of this lack of reliability. I
23 cannot speak for them. All I can say is that they're
24 very interested in this case.

25 JUDGE JORDAN: Okay. Well, the hearing will

1 be an open meeting. It's open to the public. Everyone
2 can attend. The only thing that we close it for are
3 certain trade secrets and other confidential
4 information. Information about your account is part of
5 that confidential information, but that's your
6 information and if you want to share it in an open
7 meeting, of course, you may.

8 Right now we may have 70 people affected but
9 we have only one complainant. The documents that we
10 discussed, your complaint, the answer, the notice of
11 additional outage, responses to that, that circumscribes
12 what we will talk about at the evidentiary hearing. So
13 unless that expands, that's really what it's going to be
14 about, which is why it's most likely that you will be --
15 why it happens in these complaints that there's only one
16 witness, which is the complainant, and tells us about
17 their service problems.

18 As far as expert witnesses go, when the
19 Commission has technical issues that it needs a good
20 explanation on, that's when expert witnesses come in.
21 An expert witness doesn't testify to their first-hand
22 knowledge of facts like you will be doing. An expert
23 says well, I've looked at these documents and I think
24 here's what's going on, it meets the standard or it does
25 not meet the standard, stuff like that. Does that help

1 you?

2 MS. WESSLING: Are you speaking to me?

3 JUDGE JORDAN: Yes, Ms. Wessling. That was a
4 question for you.

5 MS. WESSLING: Yeah, I don't think I was the
6 one that had the question.

7 THE COURT REPORTER: I'm sorry. I didn't hear
8 that sentence.

9 JUDGE JORDAN: Will you repeat that sentence,
10 please, Ms. Wessling?

11 MS. WESSLING: Well, I wasn't the one that
12 asked the question. I only replied that there are many
13 people interested in this case. I never used the word
14 witness.

15 JUDGE JORDAN: Good, very good. Okay. Does
16 that clarify things for Ameren?

17 MS. GIBONEY: Yes, that helps us to know what
18 discovery to serve on Ms. Wessling and possibly help us
19 find a location that might accommodate all the
20 interested parties. Not in the technical sense of
21 interested party but interested customers, how about we
22 say that.

23 JUDGE JORDAN: All right. What else can I do
24 for the parties while I'm here? Anything, Ms. Wessling?

25 MS. WESSLING: Well, on my end it appears that

1 this could go one of two very different directions; and
2 until I find out whether it's going to be determined a
3 small or otherwise claim, obviously that's going to
4 affect everything. So I don't have any questions at
5 this point.

6 JUDGE JORDAN: Fair enough. Anything from
7 Ameren?

8 MS. GIBONEY: No, Judge.

9 JUDGE JORDAN: Okay. Anything from Staff?

10 MS. FORCK: No, Your Honor.

11 JUDGE JORDAN: All right. Well, I'll tell you
12 what I'm going to do. Since no other party objects, I
13 think I'm going to go ahead and rule this a small -- I'm
14 going to apply the small complaint procedures here
15 because the parties have waived their rights to the
16 ordinary complaint procedure. So I think I'm going to
17 go ahead and issue that order since Ms. Wessling has
18 asked for it and nobody else cares. Does that help you,
19 Ms. Wessling?

20 MS. WESSLING: Yes, it does. Thank you.

21 JUDGE JORDAN: All right. Okay. That's all I
22 have and it sounds like that's all the parties have. Am
23 I correct?

24 MS. GIBONEY: Yes, Judge.

25 MS. FORCK: Yes.

1 JUDGE JORDAN: Okay. Then what I'll do is
2 I'll go ahead and I'll leave the room for the parties to
3 discuss these issues, work on their proposed procedural
4 schedule and anything else they want to talk about.
5 With that, I thank all the parties and we will go off
6 the record. Thank you, everyone.

7 MS. GIBONEY: Thank you, Judge.

8 MS. FORCK: Thank you.

9 (Off the record.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640,
Certified Court Reporter with the firm of Tiger Court
Reporting, LLC, within the State of Missouri, do hereby
certify that I was personally present at the proceedings
had in the above-entitled cause at the time and place
set forth in the caption sheet thereof; that I then and
there took down in Stenotype the proceedings had; and
that the foregoing is a full, true and correct
transcript of such Stenotype notes so made at such time
and place.

Beverly Jean Bentch, RPR, CCR No. 640

Beverly Jean Bentch, RPR, CCR No. 640

\$	Ameren 3:5,18,19 6:21 8:7 10:23 12:13 16:16 23:16	bus 14:4	Commission 3:3 4:5 5:10,22,23 6:3 7:19 8:1 10:7,19,22 11:3, 14,17,24 14:11,20,21 15:4 17:23 18:13,15 19:19 20:19 22:19
\$3,000 11:15 12:2,4 13:4,6 14:7	amount 13:2 21:21	C	Commission's 10:1, 15
2	Anita 3:4,17	call 16:20	company 3:5,22 21:1
2 3:1 7:16,24	answers 10:8	called 3:8 17:19	compare 18:10
2016 9:9	anytime 13:14	calling 3:3 15:24	comparison 18:5
2017 9:10	appearance 3:10 4:7	carry 17:7	complainant 3:12 12:23 13:11 21:8 22:9, 16
2018 3:1	appears 23:25	case 3:4 4:10 10:6,21 15:1 16:23 17:3 18:6, 21 19:24,25 20:1,13, 21 21:12,19,24 23:13	complaint 11:13 12:11,16 13:12,14 14:2,12,25 17:23 18:15,21 19:16,20 20:15,16 21:7 22:10
240-20.030 10:4	area 12:24	cases 5:24 17:7,8 18:4	complaints 20:9 22:15
4	argue 18:11	catch 5:5	complicated 19:15
4 10:3	argument 10:19	chance 10:10	concern 20:24
7	arrangement 15:11	change 7:4 11:8	concluded 10:20 11:3
70 13:22 15:22 21:17 22:8	assigned 3:7	circuit 18:17	conduct 17:20
A	attend 22:2	circumscribes 22:11	conference 3:8 4:14 5:2,8 6:5
A-N-I-T-A 3:17	Aubrey 3:22	cites 10:23,24	confidential 22:3,5
accommodate 16:1 23:19	aware 15:2	City 13:21 14:5	consumer 14:16 20:9
accomplished 6:17	bad 10:5	civil 5:23	contact 3:21
account 22:4	based 11:20	claim 11:16	contested 16:23 21:12
acronym 8:10 9:1,2	basically 7:6 9:23 18:6 19:7	claims 7:8,19	context 4:12
action 3:3,7 4:4,7 13:5	bazillion 20:14	clarification 11:19	convenience 14:15 15:9
add 7:18 11:9 16:7	begin 3:10,12 7:1 8:12	clarify 23:16	convenient 14:22 15:6,8,13 17:8,19
additional 7:10 21:8 22:11	bench 4:21 18:18	clarity 20:17	conversation 19:7
advantages 13:11	beneficial 12:22	classified 12:15,19	coordinate 6:3
affected 13:23 21:19 22:8	bet 10:6	clear 6:19 11:13 20:19	
agree 6:4 12:16,17	billing 12:5,17	client 3:11	
ahead 5:7	bit 8:16 18:1	close 22:2	
	bringing 20:25	closed 16:25 17:4	
	broad 13:4	closer 4:21,22 8:23 14:13 15:5,21	
	brought 21:8	Code 9:2,12	
	building 16:18 20:8	comment 14:19 15:22	
	bunch 15:24 17:18		

correct 12:7 counsel 4:4,6 6:9 19:3 county 14:2 couple 17:22 court 3:14,20 4:1,15 5:15 6:12 8:18 9:5 18:17 23:7 crowd 16:1 CSR 10:4 customer 14:16 customers 23:21	direct 17:15 18:25 19:4,6 discovery 16:23,25 23:18 discuss 4:15,16,17 5:13,18 14:24 15:10 discussed 20:16 22:10 discussion 16:7,13 discussions 5:17 dispense 17:24 18:15 19:15 dispute 12:3,5,17,18 distribution 9:7,17 documents 7:7,18 22:9,23 dollar 11:13,19 draft 11:25 14:20	expect 16:20 expected 17:4 expedited 13:12 expert 19:8 22:18,20, 21,22 experts 18:9 19:10,12 21:6 explain 4:9 19:2 explaining 18:24 explanation 22:20	<hr/> G <hr/> G-H-O-M-S-I 6:14 gave 13:3 generators 21:21 gentleman 8:24 Ghoms 6:11,13 8:14, 16,23 9:1,6,20 10:3 Giboney 3:19,20 6:22 7:14 8:14 9:21 12:14 15:14,17,20,21 16:4, 17 17:3,10 18:24 20:23 21:6,13 23:17 give 10:10 18:19 good 6:20,25 7:23 8:4 16:9 22:19 23:15 grants 13:7 grid 9:4,6 guess 17:14 guy 19:14
<hr/> D <hr/> d/b/a 3:5 Daniel 3:6 date 13:19 20:4,6 days 7:4 deadlines 13:15 deals 9:3 decide 5:9 decides 10:21 decision 5:10 10:18 deep 13:10 defenses 7:8,19 defined 9:10 12:23 depends 19:19 depose 18:7 deposition 18:8 determined 11:14 develop 16:19 developed 20:13 device 20:12 differently 12:1 difficult 10:13	<hr/> E <hr/> earlier 21:18 easier 14:25 19:21 EC-2018-0089 3:4 elected 4:6 Electric 3:5 electrical 9:2,4 end 8:5 23:25 engineer 8:17 entries 3:10 envision 20:3 event 15:4 evidence 5:9 evidentiary 4:12 15:12 18:17 22:12 exchange 18:9 Excuse 4:18 8:20 expands 22:13	<hr/> F <hr/> fact 5:1 21:4 facts 20:5 22:22 factual 21:3 fair 11:21 feel 21:16 file 3:3 6:3 7:15 19:2,5 filed 7:4 11:8 17:16 18:13 19:7 filing 14:1 20:6 find 9:25 10:24 15:25 23:19 first-hand 22:21 fit 21:11 fits 10:8 five-minute 8:11 follow 10:10 Forck 3:24,25 6:11,24 7:22 12:21 16:8 17:12 20:3 foremost 13:25 14:5 formal 12:19,23 20:8 free 21:16 front 9:3	<hr/> H <hr/> hang 6:6 happen 14:14 hard 4:19 hear 4:23 5:19 8:20 12:11 23:7 hearing 3:9 4:19 10:13 13:20,24 15:12 18:17,23 20:4,6 21:25 22:12 hearings 12:24 14:13 held 14:2 helpful 17:8 18:13 helps 5:24 23:17 hire 14:4 home 15:21

Honor 6:24 16:8 hope 6:1 21:3 huge 18:4 <hr/> I <hr/> idea 14:18 20:7 21:1 ideas 18:10 identification 16:24 identify 16:19 17:5 IEEE 8:10,13,17 9:1,4,8,15 impression 14:1,3 improve 12:6 include 16:24 including 7:8 10:22 19:25 inconvenient 13:21 incorporate 10:1 incorporated 10:14 incorporates 11:1 indices 9:15 industrial 8:17 9:1 industry 9:19,20 10:14 informal 5:2 information 3:21 4:1 9:12 22:4,5,6 instance 20:10 interested 13:17,24 21:24 23:13,20,21 international 9:22,23 introduce 6:9 introductions 3:11 involve 13:5 involved 21:7 involving 12:4 13:4	issue 11:4,23 12:18,24 13:2 14:11 15:9 issues 4:12 7:12 8:5 9:24 20:5,11,17,18 22:19 items 20:14 <hr/> J <hr/> Jefferson 13:20 14:5 Jordan 3:2,6,18,23 4:3,20,25 5:7 6:15,20,23,25 7:17,23 8:4,22 9:18,25 10:5,16 11:6,21 12:10,20 13:1 14:10 15:16,19 16:3,6,9,16,22 17:6,11,22 18:3 19:3 20:11 21:5,11,14,25 23:3,9,15,23 judge 3:2,7,18,23 4:3,18,20,25 5:7 6:15,20,22,23,25 7:17,23 8:3,4,22 9:18,21,25 10:5,16 11:6,21 12:10,14,20 13:1 14:9,10 15:8,16,19,23 16:3,6,9,16,17,22 17:6,11,22 18:3,24 19:3 20:11,24 21:5,11,14,25 23:3,9,15,23 judge's 15:8 judges 5:22 11:24 <hr/> K <hr/> keeping 19:20 kind 8:10 14:20 21:8 knowledge 16:25 22:22 Krchmar 3:22 <hr/> L <hr/> lack 21:22 language 10:6,25 12:2 13:3 14:8	large 11:16 law 3:6 11:24 18:7 20:1 lawyer's 20:21 leads 7:23 leave 14:23 16:13 lights 6:7 list 17:2,6 20:4,5,18,23 lists 20:12 litigant 14:16 19:21 litigation 13:10 21:16 live 17:16 location 13:25 14:10 23:19 lock 6:6 longer 13:16 looked 22:23 lot 5:24 21:19,20 <hr/> M <hr/> made 10:18 11:12,17 14:15 make 4:7 15:2 17:19 19:21 making 5:10 manual 9:8,9,16 March 7:16,24 Marcie 3:25 matter 5:2 7:21 11:7 17:21 matters 4:16 5:13,18 means 21:9 meant 19:21 mediation 5:22,23 meet 22:25	meeting 22:1,7 meets 22:24 mentioned 10:21 19:3 met 13:15 mind 18:24 19:20 minutes 9:11 Missouri 3:5,19,24 10:23 momentary 9:10 money 21:21 motion 7:3 11:8,10 move 8:22 mute 3:16 <hr/> N <hr/> N-O-U-M-B-I 6:13 nailed 18:12 necessarily 5:18 neighbors 13:22 15:6,23 newcomer 6:10 news 8:4 Nonetheless 13:6 noon 5:16 normal 17:3 18:22 notes 9:3 notice 7:9,15 8:9 22:10 Noumbi 6:11 <hr/> O <hr/> occurred 14:3 offer 5:22 Office 4:3,5
--	---	---	--

open 8:12 22:1,6 operate 9:14 order 14:19 outage 7:10,16,25 8:9 22:11 outages 8:1 9:10 13:23 outcome 6:1 outlined 9:8 <hr/> P <hr/> parade 20:25 part 4:14 5:14 22:4 parties 5:11,16,20 6:3 8:13 11:23 12:12 13:7 14:24 15:10,13 16:19 18:9 20:22 23:20,24 parties' 4:11 16:13 party 4:4 23:21 pause 13:3 people 5:24 13:22,23 18:18 19:2,5 21:2,19, 20 22:8 23:13 perfect 4:8 20:17 period 14:19 person 18:12 personal 13:7 personally 20:18 persons 16:24 phone 4:21,23 6:6 8:23 18:10 place 19:13 plan 20:7 planning 15:24 20:25 pleadings 7:3,5,7 12:6 20:15,16 point 7:14	portions 6:6 position 10:16 11:2 12:14,18,22 positions 4:11 12:12 possibilities 4:17 5:14 possibly 23:18 practice 9:19 Pre-hearing 3:8 preface 11:22 prefile 17:20 prefiled 17:24 18:1, 22 19:4 prepared 19:18,23 preparing 21:10 presence 5:17 present 6:9 presenting 17:5 21:3 pretty 7:10 12:2,4,10 prior 20:4 pro 14:15 19:21 problem 14:3 problems 22:17 procedural 6:2 16:18 17:13 19:22 20:21 procedure 4:15 5:12 13:12 16:11 21:12 procedures 17:7 proceed 14:12 proceeding 17:4 proceedings 15:1 process 18:25 processing 13:13 proper 9:16 proposed 6:2 14:18 protract 15:1	provided 3:20 4:1 provisions 19:20 public 3:25 4:4,6 22:1 put 5:11 14:20 21:20 <hr/> Q <hr/> quality 12:7 question 7:5,24 8:7 10:8 11:22 15:14,18 23:4,6,12 questions 6:16,17,22 7:1,12 16:10,11 quick 14:22 quicker 14:25 <hr/> R <hr/> raised 13:2 rate 17:3,7 18:4,6 19:25 20:13 read 10:17 12:1,2,10 reading 12:5 reasonable 16:21 rebuttal 17:15 19:1,4, 9 recent 7:25 recommend 16:2 recommendation 14:21 recommendations 9:8 record 3:2 4:14 5:4, 15 6:5 15:11 16:13,14 redrafted 11:25 reference 8:9 regard 10:20 regulate 9:13 regulation 10:7,17,	23,25 11:25 13:6,18 17:23 regulations 9:13 10:1,15 regulatory 3:6 11:24 related 9:24 reliability 9:14 10:3 21:22 reliable 12:9 relook 9:2 remarks 11:22 remind 5:20 repairs 12:6 13:4 repeat 5:6,8 23:9 replied 23:12 report 8:12 reported 7:25 reporter 3:14,20 4:1, 15 5:15 6:12 8:18 9:5 23:7 reports 9:14 representative 3:22 4:5 6:8 representatives 3:11 required 12:9 reserved 5:16 response 7:9,15 8:8, 21 12:11 responses 7:18 22:11 reviewed 11:18 rid 18:21 rights 13:7 room 5:16 round 19:9 rounds 19:5
---	--	--	---

rule 8:11 12:3 14:12, 14,25	20 20:8	suggest 15:10	trade 22:3	
rules 11:14 14:11 19:19	soft 8:23	supplemental 8:11	trained 5:23	
<hr/>				
S	softly 8:25	supposed 14:25	transmission 9:4,5, 6,7,17,24	
<hr/>				
safe 9:16	sounds 9:18 14:8	surrebuttal 17:15 19:1,4,12	transportation 14:4	
safety 9:4,7	speak 8:15,16,18,24 9:16 21:23	<hr/>		
Sarah 3:19 15:20	speaker 4:21,23 8:22	T		
schedule 6:2 14:13 15:5 16:18 17:13 19:23 20:22	speaking 23:2	<hr/>		
scheduled 13:20	specific 17:12	table 4:13 5:2 7:11 8:6	tremendous 21:21	
school 18:7	spell 3:13 6:12	takes 13:16	trial 18:18	
seat 5:1	spent 21:21	taking 5:9	turn 6:7 11:22	
secrets 22:3	spoken 8:23	talk 5:12 17:9 22:12	type 18:22 21:2	
sense 23:20	staff 3:23,24 6:2,6,9, 23 7:9 8:7 10:23 12:20,21 16:6 17:11 19:3	talking 9:18 18:20 19:17	<hr/>	
sensitive 5:18	Staff's 8:11 10:16	technical 18:14 22:19 23:20	U	
sentence 23:8,9	stance 11:18	tells 22:16	<hr/>	
serve 23:18	stand 17:17 18:19	terms 21:9	understand 10:13 11:20 14:8	
service 3:25 12:7,9, 17 22:17	standard 9:19,20,22, 23 10:1,3,11,14 11:2 22:24,25	testify 22:21	undisputed 20:5	
set 3:9 7:7	standards 9:24	testimony 17:5,15, 16,24 18:1,12,19,22 19:4,5,6,8,9,10,12,18, 24 21:2	Union 3:5	
sets 9:23	start 12:13	thing 14:19 18:6 20:11 22:2	utilities 9:13	
setting 20:17	state 3:13 7:2 9:13 11:15	things 13:16 14:17 17:22 18:9,14 19:21 23:16	<hr/>	
settle 5:24	stated 21:18	thinking 7:13 15:21, 22 20:2 21:9,17	V	
settlement 4:17 5:14	states 9:14	thought 17:14	<hr/>	
share 22:6	stating 11:23	thoughts 17:21	venue 14:10,13 15:12,25	
showed 8:11	status 7:4 11:8	threshold 11:15 12:1	venues 15:21	
Similarly 12:21	stay 5:1	throw 8:12 10:11	versus 17:16,20	
simple 12:4	strategy 13:10 21:16	time 4:19 10:13 13:20	view 20:21	
simply 20:3,14	study 9:9	timeline 16:19 17:14	votes 14:21	
sir 6:19	stuff 6:7 20:19 22:25	today 3:21 4:10 6:18 16:12	<hr/>	
slightly 20:10	submitted 9:15	told 18:7	W	
small 11:16 12:16,19, 23 13:12,14 14:12,24 17:23 18:15,21 19:16,	substantive 4:16 5:13		<hr/>	
			W-E-S-S-L-I-N-G 3:17	
			waived 13:8	
			wanted 10:9 15:2	
			Wessling 3:4,12,13, 14,16,17 4:18,24 5:4,5 6:17,19 7:4,24 8:2,3, 20 10:9,12 11:5,8,9,12 12:8 13:1,19 15:17,20 16:2,14,15 17:25 18:2, 25 20:25 21:14,18 23:2,3,5,10,11,18,24,	

25

Wessling's 7:8,15

8:8

who've 21:21

wide 9:24

witnesses 15:7,25

16:20 17:5,6,19 20:5,

12,24,25 21:4,8,17

22:18,20

wondering 14:7

16:17

word 23:13

work 5:21 13:16

world 9:24

writing 10:24

wrong 19:11,14