

In the Matter of:

GENE EDWARD DUDLEY

v.

KANSAS CITY POWER & LIGHT CO.

EC-2018-0103 VOL. 1

January 18, 2018



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THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference
January 18, 2018
Jefferson City, Missouri
Volume 1

Gene Edward Dudley)
Complainant,)
vs.) File No. EC-2018-0103
Kansas City Power & Light)
Company,)
Respondent.)

JOHN T. CLARK, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
Angie D. Threlkeld, CCR
TIGER COURT REPORTING, LLC

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FOR: Public Service Commission

1 JUDGE CLARK: Today's date is January the 8th
2 [sic], 2018. The current time is 11:00 a.m. We are in
3 Room 310 of the Governor Office Building. The Commission
4 has set aside this time for a procedural conference on
5 the case captioned as Gene Edward Dudley, Complainant,
6 versus Kansas City Power & Light Company, Respondent,
7 File Number EC-2018-0103.

8 My name is John Clark. I'm the regulatory
9 law judge in this matter. I'm going to begin by asking
10 attorneys to make entries of appearance, beginning with
11 the staff counsel.

12 MS. ASLIN: Should I use the mic?

13 JUDGE CLARK: I don't think you need to.

14 Mr. Dudley, are you able to hear?

15 MR. DUDLEY: Yes, I'm able to hear. Judge,
16 you said January the 8th or January 18th?

17 JUDGE CLARK: I'm sorry, if I said January
18 the 8th, I meant January the 18th. I apologize.

19 MR. DUDLEY: Okay.

20 JUDGE CLARK: So the current date and time
21 are January the 18th, 2018, at about 11:03 a.m.

22 MR. DUDLEY: Thank you.

23 JUDGE CLARK: Can I have entry from staff
24 counsel, please.

25 MS. ASLIN: Casi Aslin, for staff counsel.

1 And with me today is Robin Kliethermes, who prepared the
2 staff report in this case.

3 JUDGE CLARK: Okay.

4 MR. FISCHER: And, Judge, here in Jefferson
5 City let the record reflect the appearance of James
6 Fischer with the law firm of Fischer & Dority P.C. Our
7 address is 101 Madison Street, Suite 400, Jefferson City,
8 Missouri.

9 And I have on the phone Roger W. Steiner, and
10 I've entered his contact information on the written entry
11 today.

12 JUDGE CLARK: And you're both here on behalf
13 of Kansas City Power & Light?

14 MR. FISCHER: Yes, on behalf of the company,
15 Kansas City Power & Light Company.

16 JUDGE CLARK: And, Mr. Dudley, you're
17 representing yourself; correct?

18 MR. DUDLEY: I am. I could barely hear the
19 lady.

20 JUDGE CLARK: Okay. You might want to use
21 the mic after all.

22 MR. STEINER: Yeah, we were having a hard
23 time hearing her too. And, Judge, I also have a couple
24 of people with me on the phone. I can introduce them, if
25 you want me to. They're not counsel, but...

1 JUDGE CLARK: If there's a possibility that
2 they may be speaking on the record during this
3 proceeding, yes, I'd like to go ahead and have them enter
4 their appearance.

5 MR. STEINER: Okay. I'll just let them
6 introduce themselves.

7 MS. LIECHTI: Hi, this is Lois Liechti,
8 L-I-E-C-H-T-I.

9 MS. LOPEZ: And this is Maria Lopez,
10 L-O-P-E-Z.

11 JUDGE CLARK: And why are you here and what
12 are your positions?

13 MS. LIECHTI: This is Lois. I am the
14 director in the regulatory department responsible for
15 administration of our tariffs, rules, and regs.

16 MS. LOPEZ: And myself, Maria, I'm with the
17 customer relations department. I handle the informal
18 customer-commission complaints.

19 JUDGE CLARK: Okay. Thank you so much.

20 Am I on this now? Apparently, yes.

21 I guess that's everybody. I'm going to ask
22 are there any preliminary matters that need to be taken
23 up at this time? Staff?

24 MS. ASLIN: No, Judge.

25 JUDGE CLARK: Mr. Fischer or Mr. Steiner?

1 MR. STEINER: I don't believe so, Judge.

2 JUDGE CLARK: Okay. At this -- Mr. Dudley.

3 MR. DUDLEY: When you say preliminary
4 matters, you mean?

5 JUDGE CLARK: I mean if there are any -- if
6 there's any motions that you wanted to address at this
7 point, if there's anything that you wanted to say at this
8 point prior to us doing anything else further with the
9 procedural conference.

10 MR. DUDLEY: Yes, sir, I would. There is
11 outstanding discovery.

12 JUDGE CLARK: Okay. And discovery will be
13 handled as part of any -- any proposed procedural
14 schedule dates. So that's one of the things that we're
15 here to address today.

16 MR. DUDLEY: Okay.

17 JUDGE CLARK: Okay?

18 MR. DUDLEY: Okay.

19 JUDGE CLARK: All right. At this point I've
20 received a complaint. I've received an answer, along
21 with a motion to dismiss. My preference is to take up
22 the motion to dismiss, along with any evidentiary hearing
23 that occurs on this. And I also have staff report that's
24 been filed in regard to this.

25 Unless there's anything else of a procedural

1 matter to take up at this time, I'm going to ask the
2 parties to come up with a proposed procedural schedule
3 for this case.

4 I'm going to say at this time that this case
5 was filed back on October 23rd of 2017. Because it is
6 defined as a small complaint, there's about 100 days that
7 this case has to be disposed in, and we're bumping right
8 up against the end of that. So at this time I'm going to
9 go ahead and find -- given that the parties have made
10 their best timely response, I'm going to go ahead and
11 find that there is good cause to waive that 100-day
12 requirement and continue this in order to give all
13 parties a fair opportunity to participate, unless there
14 are any objections to that.

15 Staff?

16 MS. ASLIN: No objection.

17 JUDGE CLARK: Kansas City Power & Light
18 Company?

19 MR. STEINER: No objections.

20 JUDGE CLARK: Mr. Dudley?

21 MR. DUDLEY: No objection.

22 JUDGE CLARK: Okay. So I'm going to ask --

23 MR. STEINER: Judge, just to clarify, you
24 said with the motion to dismiss you would take that up
25 when we have the evidentiary proceeding; is that what you

1 said?

2 JUDGE CLARK: That's correct.

3 MR. STEINER: Okay. Thank you.

4 JUDGE CLARK: Okay. I'm going to ask that
5 the parties get together and come up with a proposed
6 procedural schedule for this. With all the usual case
7 events, I'd also like included a stipulation of any
8 undisputed material facts. I will -- I didn't bring it
9 down with me. I will go and get a copy of the
10 adjudication calendar going out to the middle of May so
11 that you have something to work off of, and that will
12 give you time to schedule dates in regards to that.
13 Bearing on --

14 MR. STEINER: Judge?

15 JUDGE CLARK: Go ahead.

16 MR. STEINER: So, Judge, are you
17 anticipating -- do you want prefiled testimony? I know a
18 lot of times in complaint cases we don't do that, but I'm
19 asking your guidance here.

20 JUDGE CLARK: You're actually jumping ahead
21 to my next point.

22 MR. STEINER: Got it.

23 JUDGE CLARK: Actually, that is one of the
24 points that I'm going to be addressing here in a second.

25 I wanted to say to the parties that, given --

1 because it is a small complaint and given Mr. Dudley's
2 location, I believe that any hearing that would be held
3 on this would be held in our Kansas City office. So bear
4 that in mind.

5 In regard to prefiled testimony, which is the
6 next thing, because this is a small complaint case, it's
7 my discretion as to whether to dispense with the prefiled
8 testimony; but I'm willing to hear any opinions in regard
9 to that.

10 Mr. Dudley, to explain what that is, prefiled
11 testimony is basically where you prefile with the
12 Commission basically a summary of any testimony that you
13 would offer, actually file exactly what your testimony
14 would be for the Commission. And then that doesn't
15 preclude you from testifying, but you'll be testifying
16 mainly in relation to cross or rebuttal.

17 MR. DUDLEY: Okay. This...

18 JUDGE CLARK: I guess my question for you is
19 this: In these small complaint cases where there's only
20 going to be a couple of witnesses, Mr. Dudley, would you
21 prefer to just come -- would you prefer just to testify
22 at the evidentiary hearing rather than submit your
23 testimony in advance thereof?

24 MR. DUDLEY: I'd rather come to the hearing.

25 JUDGE CLARK: Well, you'll be at the hearing

1 either way.

2 MR. DUDLEY: Oh, okay.

3 JUDGE CLARK: The question is do you want to
4 be -- do you want the requirement that you prefile
5 testimony?

6 MR. STEINER: So, Mr. Dudley, you can submit
7 your questions and your answers on a filing, on a piece
8 of paper. That's what prefiled testimony means. That's
9 how a lot of times it's done at the Commission in other
10 cases. The Company is fine either way.

11 MR. DUDLEY: I'll submit it on paper.

12 JUDGE CLARK: Okay.

13 MR. STEINER: But you also have to show up at
14 the hearing too. So just want to make that clear.

15 MR. DUDLEY: All right.

16 JUDGE CLARK: So basically your prefiled
17 testimony would consist of questions that you would ask
18 yourself in relation to this case and answers that you
19 would give to those questions in regards to putting forth
20 the facts of your case. Okay?

21 MR. DUDLEY: Okay.

22 JUDGE CLARK: So in any procedural schedule,
23 since Mr. Dudley's preference is to do prefiled
24 testimony, include a deadline for the filing of prefiled
25 testimony.

1 Are there any other issues or matters that
2 need to be addressed by the Commission at this time in
3 regard to the procedural schedule?

4 MS. ASLIN: No, Judge.

5 JUDGE CLARK: Mr. Fischer or Mr. Steiner?

6 MR. STEINER: I don't think so. As far as
7 the Commission calendar though, it's going to be held in
8 Kansas City, so the Commission -- do we really need their
9 calendar, I guess is what I'm...

10 JUDGE CLARK: We would at least need their
11 calendar in regard to my availability.

12 MR. STEINER: Got it. Yes, we do need a
13 judge. Yes, you're right.

14 JUDGE CLARK: So I will get a copy of that so
15 that you have something to work off of. But I will tell
16 you at this point in time my calendar is pretty free.

17 Are there any other issues or matters that
18 need to be addressed at the Commission -- by the
19 Commission at this time?

20 Mr. Dudley, is there anything that you wanted
21 to address today that hasn't been addressed?

22 MR. DUDLEY: Not at this time, sir.

23 JUDGE CLARK: Staff?

24 MS. ASLIN: Just one question. When would
25 you like the procedural schedule filed?

1 JUDGE CLARK: How much time does staff think
2 they would like to have? Would a month be sufficient?

3 MS. ASLIN: Yes.

4 JUDGE CLARK: I believe the 16th of February
5 is a Friday; is that correct?

6 MS. ASLIN: Yes, that's correct.

7 JUDGE CLARK: Okay. Why don't we go the
8 following Monday, which is the 19th?

9 MS. ASLIN: That's a staff holiday.

10 JUDGE CLARK: Okay. How is the 20th?

11 MS. ASLIN: That will work.

12 JUDGE CLARK: Okay. Why don't we have the
13 procedural schedule to be filed by staff by February
14 the 20th?

15 Okay. Are there any other issues by any
16 party while we're still on the record?

17 KCP&L?

18 MR. STEINER: No.

19 JUDGE CLARK: Staff?

20 MS. ASLIN: No, Judge.

21 JUDGE CLARK: Mr. Dudley?

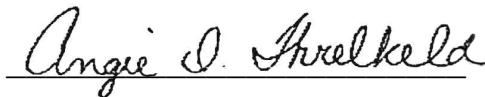
22 MR. DUDLEY: No, sir.

23 JUDGE CLARK: Then at this time I'm going to
24 conclude the hearing. We'll go off the record now.

25 (Off the record.)

CERTIFICATE OF REPORTER

I, Angie D. Threlkeld, a Certified Court Reporter, CCR No. 1382, the officer before whom the foregoing hearing was taken, do hereby certify that the foregoing hearing was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Angie D. Threlkeld, CCR

1	administration 5:15 advance 9:23 ahead 5:3 7:9,10 8:15,20 answers 10:7,18 anticipating 8:17 apologize 3:18 Apparently 5:20 appearance 3:10 4:5 5:4 Aslin 3:12,25 5:24 7:16 11:4,24 12:3,6,9, 11,20 attorneys 3:10 availability 11:11	cases 8:18 9:19 10:10 Casi 3:25 City 3:6 4:5,7,13,15 7:17 9:3 11:8 clarify 7:23 Clark 3:1,8,13,17,20, 23 4:3,12,16,20 5:1, 11,19,25 6:2,5,12,17, 19 7:17,20,22 8:2,4, 15,20,23 9:18,25 10:3, 12,16,22 11:5,10,14, 23 12:1,4,7,10,12,19, 21,23 clear 10:14 Commission 3:3 9:12,14 10:9 11:2,7,8, 18,19 company 3:6 4:14,15 7:18 10:10 Complainant 3:5 complaint 6:20 7:6 8:18 9:1,6,19 complaints 5:18 conclude 12:24 conference 3:4 6:9 consist 10:17 contact 4:10 continue 7:12 copy 8:9 11:14 correct 4:17 8:2 12:5, 6 counsel 3:11,24,25 4:25 couple 4:23 9:20 cross 9:16 current 3:2,20 customer 5:17 customer- commission 5:18	D date 3:1,20 dates 6:14 8:12 days 7:6 deadline 10:24 defined 7:6 department 5:14,17 director 5:14 discovery 6:11,12 discretion 9:7 dismiss 6:21,22 7:24 dispense 9:7 disposed 7:7 Dority 4:6 Dudley 3:5,14,15,19, 22 4:16,18 6:2,3,10, 16,18 7:20,21 9:10,17, 20,24 10:2,6,11,15,21 11:20,22 12:21,22 Dudley's 9:1 10:23
2	back 7:5 barely 4:18 basically 9:11,12 10:16 bear 9:3 Bearing 8:13 begin 3:9 beginning 3:10 behalf 4:12,14 bring 8:8 Building 3:3 bumping 7:7		E EC-2018-0103 3:7 Edward 3:5 end 7:8 enter 5:3 entered 4:10 entries 3:10 entry 3:23 4:10 events 8:7 evidentiary 6:22 7:25 9:22 explain 9:10
3	calendar 8:10 11:7,9, 11,16 captioned 3:5 case 3:5 4:2 7:3,4,7 8:6 9:6 10:18,20		
4			
8			
A			
a.m. 3:2,21 address 4:7 6:6,15 11:21 addressed 11:2,18, 21 addressing 8:24 adjudication 8:10			

<hr/> F <hr/> facts 8:8 10:20 fair 7:13 February 12:4,13 file 3:7 9:13 filed 6:24 7:5 11:25 12:13 filing 10:7,24 find 7:9,11 fine 10:10 firm 4:6 Fischer 4:4,6,14 5:25 11:5 free 11:16 Friday 12:5	<hr/> I <hr/> include 10:24 included 8:7 informal 5:17 information 4:10 introduce 4:24 5:6 issues 11:1,17 12:15	Liechti 5:7,13 Light 3:6 4:13,15 7:17 location 9:2 Lois 5:7,13 Lopez 5:9,16 lot 8:18 10:9	October 7:5 offer 9:13 office 3:3 9:3 opinions 9:8 opportunity 7:13 order 7:12 outstanding 6:11
<hr/> G <hr/> Gene 3:5 give 7:12 8:12 10:19 good 7:11 Governor 3:3 guess 5:21 9:18 11:9 guidance 8:19	<hr/> J <hr/> James 4:5 January 3:1,16,17,18, 21 Jefferson 4:4,7 John 3:8 judge 3:1,9,13,15,17, 20,23 4:3,4,12,16,20, 23 5:1,11,19,24,25 6:1,2,5,12,17,19 7:17, 20,22,23 8:2,4,14,15, 16,20,23 9:18,25 10:3, 12,16,22 11:4,5,10,13, 14,23 12:1,4,7,10,12, 19,20,21,23 jumping 8:20	<hr/> M <hr/> made 7:9 Madison 4:7 make 3:10 10:14 Maria 5:9,16 material 8:8 matter 3:9 7:1 matters 5:22 6:4 11:1,17 means 10:8 meant 3:18 mic 3:12 4:21 middle 8:10 mind 9:4 Missouri 4:8 Monday 12:8 month 12:2 motion 6:21,22 7:24 motions 6:6	<hr/> P <hr/> P.C. 4:6 paper 10:8,11 part 6:13 participate 7:13 parties 7:2,9,13 8:5, 25 party 12:16 people 4:24 phone 4:9,24 piece 10:7 point 6:7,8,19 8:21 11:16 points 8:24 positions 5:12 possibility 5:1 Power 3:6 4:13,15 7:17 preclude 9:15 prefer 9:21 preference 6:21 10:23 prefile 9:11 10:4 prefiled 8:17 9:5,7,10 10:8,16,23,24 preliminary 5:22 6:3 prepared 4:1 pretty 11:16
<hr/> H <hr/> handle 5:17 handled 6:13 hard 4:22 hear 3:14,15 4:18 9:8 hearing 4:23 6:22 9:2,22,24,25 10:14 12:24 held 9:2,3 11:7 holiday 12:9	<hr/> K <hr/> Kansas 3:6 4:13,15 7:17 9:3 11:8 KCP&L 12:17 Kliethermes 4:1	<hr/> N <hr/> Number 3:7	
	<hr/> L <hr/> L-I-E-C-H-T-I 5:8 L-O-P-E-Z 5:10 lady 4:19 law 3:9 4:6	<hr/> O <hr/> objection 7:16,21 objections 7:14,19 occurs 6:23	

<p>prior 6:8</p> <p>procedural 3:4 6:9, 13,25 7:2 8:6 10:22 11:3,25 12:13</p> <p>proceeding 5:3 7:25</p> <p>proposed 6:13 7:2 8:5</p> <p>putting 10:19</p> <hr/> <p>Q</p> <hr/> <p>question 9:18 10:3 11:24</p> <p>questions 10:7,17,19</p> <hr/> <p>R</p> <hr/> <p>rebuttal 9:16</p> <p>received 6:20</p> <p>record 4:5 5:2 12:16, 24,25</p> <p>reflect 4:5</p> <p>regard 6:24 9:5,8 11:3,11</p> <p>regs 5:15</p> <p>regulatory 3:8 5:14</p> <p>relation 9:16 10:18</p> <p>relations 5:17</p> <p>report 4:2 6:23</p> <p>representing 4:17</p> <p>requirement 7:12 10:4</p> <p>Respondent 3:6</p> <p>response 7:10</p> <p>responsible 5:14</p> <p>Robin 4:1</p> <p>Roger 4:9</p> <p>Room 3:3</p>	<p>rules 5:15</p> <hr/> <p>S</p> <hr/> <p>schedule 6:14 7:2 8:6,12 10:22 11:3,25 12:13</p> <p>set 3:4</p> <p>show 10:13</p> <p>sic 3:2</p> <p>sir 6:10 11:22 12:22</p> <p>small 7:6 9:1,6,19</p> <p>speaking 5:2</p> <p>staff 3:11,23,25 4:2 5:23 6:23 7:15 11:23 12:1,9,13,19</p> <p>Steiner 4:9,22 5:5,25 6:1 7:19,23 8:3,14,16, 22 10:6,13 11:5,6,12 12:18</p> <p>stipulation 8:7</p> <p>Street 4:7</p> <p>submit 9:22 10:6,11</p> <p>sufficient 12:2</p> <p>Suite 4:7</p> <p>summary 9:12</p> <hr/> <p>T</p> <hr/> <p>tariffs 5:15</p> <p>testify 9:21</p> <p>testifying 9:15</p> <p>testimony 8:17 9:5,8, 11,12,13,23 10:5,8,17, 24,25</p> <p>thereof 9:23</p> <p>thing 9:6</p> <p>things 6:14</p> <p>time 3:2,4,20 4:23 5:23 7:1,4,8 8:12 11:2,</p>	<p>16,19,22 12:1,23</p> <p>timely 7:10</p> <p>times 8:18 10:9</p> <p>today 4:1,11 6:15 11:21</p> <p>Today's 3:1</p> <hr/> <p>U</p> <hr/> <p>undisputed 8:8</p> <p>usual 8:6</p> <hr/> <p>V</p> <hr/> <p>versus 3:6</p> <hr/> <p>W</p> <hr/> <p>waive 7:11</p> <p>wanted 6:6,7 8:25 11:20</p> <p>witnesses 9:20</p> <p>work 8:11 11:15 12:11</p> <p>written 4:10</p>
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