

1
2
3
4 STATE OF MISSOURI
5 PUBLIC SERVICE COMMISSION
6

7
8 IN THE MATTER OF THE APPLICATION OF KCP&L
9 GREATER MISSOURI OPERATIONS COMPANY
10 CONTAINING ITS ANNUAL FUEL ADJUSTMENT
11 CLAUSE TRUE-UP

12 Case No. EO-2009-0431
13

14 TRANSCRIPT OF PROCEEDINGS

15 PREHEARING CONFERENCE

16 VOLUME 1

17 JULY 23, 2009
18
19
20
21
22
23
24
25

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

July 23, 2009

Jefferson City, Missouri

Volume 1

In the Matter of the Application)
Of KCP&L Greater Missouri)
Operations Company Containing) File No. EO-2009-0431
Its Annual Fuel Adjustment Clause)
True-Up)

MORRIS L. WOODRUFF, presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE

REPORTED BY:

Patricia A. Stewart
RMR, RPR, CCR 401
Midwest Litigation Services
3432 West Truman Boulevard, Suite 207
Jefferson City, Missouri 65101
(573) 636-7551

1 APPEARANCES:

2

FOR KCP&L GREATER MISSOURI OPERATIONS COMPANY:

3

James M. Fischer
4 Fischer & Dority, P.C.
101 Madison Street, Suite 400
5 Jefferson City, Missouri 65101
(573) 636-6758

6

7 FOR OFFICE OF THE PUBLIC COUNSEL:

8

Lewis Mills, Public Counsel
P. O. Box 2230
9 Jefferson City, Missouri 65102
(573) 751-4857

10

11 FOR STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION:

12

Nathan Williams, Deputy General Counsel
P. O. Box 360
13 Jefferson City, Missouri 65102
(573) 751-8720

14

15

16

17

18

19

20

21

22

23

24

25

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

2 JUDGE WOODRUFF: Good morning everyone.

3 We're here for a prehearing conference in
4 Case No. EO-2009-0431, which concerns Kansas City Power &
5 Light Greater Missouri Operations Company's annual fuel
6 adjustment clause true-up.

7 We'll begin today by taking entries of
8 appearance, beginning with KCP&L GMO.

9 MR. FISCHER: On behalf of the Company, let
10 the record reflect the appearance of James M. Fischer,
11 Fischer & Dority, P.C., 101 Madison Street, Suite 400,
12 Jefferson City, Missouri 65101.

13 JUDGE WOODRUFF: And for the Staff.

14 MR. WILLIAMS: Nathan Williams, Deputy
15 General Counsel, P. O. Box 360, Jefferson City, Missouri
16 65102.

17 JUDGE WOODRUFF: For Office of Public
18 Counsel.

19 MR. MILLS: Lewis Mills. My address is
20 Post Office Box 2230, Jefferson City, Missouri 65102.

21 JUDGE WOODRUFF: And is there anyone else
22 here for any other parties, specifically for AGP and
23 SIEUA?

24 I don't see anyone in the room.

25 All right. Well, I originally scheduled

1 this prehearing conference when there was a dispute
2 between Staff and KCP&L GMO, and that dispute apparently
3 has been resolved. Is that correct?

4 MR. FISCHER: Yes.

5 MR. WILLIAMS: Yes.

6 JUDGE WOODRUFF: So there is no remaining
7 issues.

8 Then yesterday AGP and Sedalia Industrial
9 Energy Users Association filed an objection to the true-up
10 yesterday afternoon. I was hoping they would be here
11 today. They're not.

12 Let me ask the parties how they believe we
13 should deal with this situation.

14 MR. FISCHER: Judge, I might bring to your
15 attention, last night I filed a response to that objection
16 which dealt with the legal issue that AGP raised and
17 pointed out similar to one that had been brought up in a
18 previous FAC case.

19 JUDGE WOODRUFF: Yes. Which was my case, I
20 believe.

21 MR. FISCHER: But, anyway, we filed our
22 response.

23 JUDGE WOODRUFF: Okay.

24 MR. FISCHER: Otherwise, it seems to me that
25 if there is a legal issue, that's the one that he raised

1 and we've responded to it, and it seems to me to be right
2 for some kind of decision by the Commission.

3 JUDGE WOODRUFF: Public Council or Staff,
4 any other position on that?

5 MR. MILLS: You know, I don't think there
6 are any factual issues in dispute, and really as to the
7 question of whether or not the entire true-up portion of
8 the FAC is constitutional or not is really not something
9 that the Commission could even resolve.

10 So I think, you know, given that there is no
11 dispute any longer with the way that the FAC has been
12 calculated, you know, I don't know that there is any need
13 for a hearing.

14 JUDGE WOODRUFF: Okay. Staff's views.

15 MR. WILLIAMS: Similar. It looks like it's
16 purely a legal issue at this point.

17 JUDGE WOODRUFF: Okay. Well, then I'm not
18 going to ask you to propose a procedural schedule. I'll
19 take this to the Commission and see what they want to do.
20 If they want to do anything further as far as a hearing,
21 taking evidence or anything, I'll let you know.

22 MR. WILLIAMS: Do you want any briefing from
23 the Staff?

24 JUDGE WOODRUFF: Not at this point.

25 What I propose to do is write up an Order,

1 present it to the Commission and see how they rule.

2 So anything else anybody wants to bring up?

3 MR. FISCHER: It's a beautiful day out
4 there.

5 JUDGE WOODRUFF: Yes, it is.

6 All right. With that the on-the-record
7 portion of this is adjourned, and if you have any further
8 discussions, you can discuss them amongst yourselves or
9 you're free to leave. Thank you.

10 MR. FISCHER: Thank you, Judge.

11 WHEREUPON, the on-the-record portion of the
12 Prehearing Conference is adjourned.

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

CERTIFICATE OF REPORTER

4

5

I, Patricia A. Stewart, RMR, RPR, CCR, a

6

Certified Court Reporter in the State of Missouri, do

7

hereby certify that the testimony that appears in the

8

foregoing transcript was taken by me to the best of my

9

ability and thereafter reduced to typewriting by me; that

10

I am neither counsel for, related to, nor employed by any

11

of the parties to the action in which this hearing was

12

taken, and further that I am not a relative or employee of

13

any attorney or counsel employed by the parties thereto,

14

nor financially or otherwise interested in the outcome of

15

the action.

16

17

18

Patricia A. Stewart

19

20

CCR No. 401

21

22

23

24

25