

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

March 12, 2012

Jefferson City, Missouri

Volume 1

In The Matter Of The Empire                    )  
District Electric Company's Notice    )  
Of Intent To File An Application    ) File No. EO-2012-0206  
Concerning Demand-Side Programs    )  
And A Demand-Side Program            )  
Investment Mechanism                )

HAROLD STEARLEY, Presiding,  
DEPUTY CHIEF SENIOR REGULATORY LAW JUDGE

REPORTED BY:  
Kristy B. Bradshaw, CCR No. 1269  
TIGER COURT REPORTING, LLC

1 ANNETTE SLACK, Legal Counsel  
JOHN BORGMEYER, Legal Counsel

2 200 Madison Street, Suite 700  
Jefferson City, Missouri 65102  
3 573.751.8700

FOR: Staff of the Missouri Public Service Commission

4 LEWIS MILLS, Legal Counsel

5 200 Madison Street, Suite 650  
Jefferson City, Missouri 65102  
6 573.751.5565

FOR: Office of the Public Counsel

7  
8 DIANA CARTER, Attorney at Law

DEAN COOPER, Attorney at Law

9 Brydon, Swearngen & England, P.C.  
P.O. Box 456

10 Jefferson City, Missouri 65102  
573.635.7166

11 FOR: The Empire District Electric Company

12 JAMES LOWERY, Attorney at Law

Smith Lewis LLP

13 P.O. Box 918  
Columbia, Missouri 65205

14 573.443.3141

FOR: Union Electric Company

15 DAVID WOODSMALL, Attorney at Law

16 Woodsmall Law Office

807 Winston Court

17 Jefferson City, Missouri 65101  
573.797.0005

18 FOR: Wal-Mart

19 JACK MCMANUS, Attorney at Law

Attorney General's Office

20 207 West High Street

Jefferson City, Missouri 65101  
21 573.751.3321

FOR: Missouri Department of Natural Resources

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

JUDGE STEARLEY: Good morning. It is Monday, March 12, 2012. The Commission has set this time for a prehearing conference in File No. EO-2012-0206, which is captioned as In the Matter of The Empire District Electric Company's Application Concerning Demand-Side Programs and a Demand-Side Program Investment Mechanism.

My name is Harold Stearley, and I'm the regulatory law judge presiding over this morning's conference. And we'll begin by taking entries of appearance, starting with The Empire District Electric Company.

MS. CARTER: Diana Carter and Dean Cooper, Brydon, Swearngen & England, P.C., address is on file, appearing for The Empire District Electric Company.

JUDGE STEARLEY: Thank you, Ms. Carter.

For Ameren Missouri.

MR. LOWERY: Thank you, your Honor. Jim Lowery, Smith Lewis, LLP, P.O. Box 918, Columbia, Missouri 65205, appearing on behalf of Union Electric Company.

JUDGE STEARLEY: Okay. Thank you, Mr. Lowery.

For the Missouri Department of Natural Resources.

MR. MCMANUS: Jack McManus with the Attorney

1 General's Office. I will not be the regular attorney on  
2 here though. It will be Danny Fraser.

3 JUDGE STEARLEY: All right. Thank you very  
4 much.

5 For Wal-Mart stores and Sam's East,  
6 Incorporated.

7 MR. WOODSMALL: Thank you, your Honor.  
8 Appearing on behalf of Wal-Mart, David Woodsmall. I  
9 previously provided my address to the court reporter.

10 JUDGE STEARLEY: All right. Thank you,  
11 Mr. Woodsmall.

12 The Missouri Industrial Energy Association.  
13 All right. Let the record reflect there's no entry at this  
14 time, though we did have a little trouble with our phone  
15 bridge. Mr. Conrad may be calling in.

16 For the Staff of the Missouri Public Service  
17 Commission.

18 MS. SLACK: Annette Slack for Staff of  
19 Missouri Public Service Commission.

20 MR. BORGMAYER: And John Borgmeyer.

21 JUDGE STEARLEY: Thank you, Ms. Slack,  
22 Mr. Borgmeyer.

23 For the Office of the Public Counsel.

24 MR. MILLS: Lewis Mills. My address is  
25 P.O. Box 2230, Jefferson City, Missouri 65102, appearing

1 for the Office of the Public Counsel and the public.

2 JUDGE STEARLEY: All right. Thank you very  
3 much, Mr. Mills.

4 I did issue an Order this morning granting  
5 Request for Intervention. Did want to make one note: Is  
6 someone here from Renew Missouri this morning? We had an  
7 EIFS notification for an Application to Intervene by Renew  
8 Missouri, but there was no attached application. So at  
9 this point their application for intervention has not been  
10 granted. I'm assuming we will be getting a document to  
11 that effect sometime here soon. We'll take it up then.

12 Are there any preliminary matters we need to  
13 address? Hearing none. I know we are on a 120-day  
14 timeline. With the MIA (ph.) application, the parties, of  
15 course, are welcome to work out a different procedural  
16 schedule, something which works out better for them. But  
17 the deadline for a Commission decision would be June 27th,  
18 if I'm calculating the date correctly.

19 So I would like the parties to file either a  
20 status report or a procedural schedule by next Monday,  
21 March 19th. And I did want to advise the parties of my  
22 conflict dates coming up. As you're preparing your  
23 procedural schedule, I have conflicts on April 4th, 5th,  
24 9th, 11th, 12th; May 3rd, 10th, 11th, 16th, 17th, and 31st.

25 MS. SLACK: Can you do the May again?

1 JUDGE STEARLEY: Yes. May 3rd, 10th, 11th,  
2 16th, 17th, 31st; June 1st, 14th, 15th; July 12th, 13th,  
3 26th, 27th; and August 6th through 10th.

4 So I'm not sure where we'll be at, if we're  
5 going to make that June 120-day timeline or not, but I  
6 wanted to let you know the conflicts that I'm aware of.

7 MS. SLACK: And, Judge, it's our  
8 understanding that the other cases have gone out to  
9 180 days, so we'll probably like to be filing a motion for  
10 additional time to extend out to 180 days.

11 JUDGE STEARLEY: That's fine. As long as  
12 all the parties are in agreement, I'll take a look at that  
13 motion. You're certainly welcome to have additional time  
14 if everyone feels it's necessary.

15 All right. Is there anything else we need  
16 to take up on the record? Well, hearing none, we'll  
17 conclude the on-the-record portion of this. You guys have  
18 the room until noon and the phone bridge until noon if you  
19 need it. Thank you all very much.

20 (Off the record.)  
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## 1 CERTIFICATE OF REPORTER

2  
3 I, Kristy Bradshaw, CCR No. 1269, within the State  
4 of Missouri, do hereby certify that the testimony  
5 appearing in the foregoing matter was taken by me to the  
6 best of my ability and thereafter reduced to typewriting  
7 under my direction; that I am neither counsel for, related  
8 to, nor employed by any of the parties to the action in  
9 which this hearing was taken, and further, that I am not a  
10 relative or employee of any attorney or counsel employed  
11 by the parties thereto, nor financially or otherwise  
12 interested in the outcome of the action.

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16 Kristy Bradshaw, CCR  
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