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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
LOCAL PUBLIC HEARING  
February 8, 2018  
Joplin, Missouri  
Volume 1

In the Matter Of The )  
Application Of The )  
Empire District Electric ) File No. EO-2018-0092  
Company For Approval Of )  
Its Customer Savings )  
Plan )

MICHAEL BUSHMANN, Presiding  
REGULATORY LAW JUDGE  
  
WILLIAM KENNEY, Commissioner

REPORTED BY: PAULA C. VOYLES, CCR, RPR, CRR

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

2

3 (Commencing at 6:39 o'clock p.m.)

4

5 JUDGE BUSHMANN: Good evening. It's  
6 February 8th, 2018. We're in Joplin, Missouri. The  
7 Missouri Public Service Commission has set this time  
8 for a local public hearing in the case captioned as  
9 In the Matter of the Application of the Empire  
10 District Electric Company For Approval of its  
11 Consumer Savings Plan, file number EO-2018-0092.

12 My name is Michael Bushmann. I'm the  
13 regulatory law judge that will be residing over this  
14 hearing. With me this evening is Commissioner Bill  
15 Kenney.

16 Commissioner, want to make an  
17 introduction?

18 COMMISSIONER KENNEY: Thank you, Judge.  
19 Good evening, folks. I appreciate you coming out  
20 tonight. I hope that our Staff, Office of Public  
21 Counsel, and the Company have been able to answer  
22 your questions.

23 This is just one process that we go  
24 through. We will have an evidentiary hearing in  
25 April. I am one of five commissioners that will

1 make a determination on what takes place. The other  
2 four commissioners are able to read what you have to  
3 say tonight. We have a court reporter that will  
4 take it down and it will be part of our evidence.  
5 But again, I appreciate you showing up.

6 JUDGE BUSHMANN: Let's have counsel make  
7 their entries of appearance. For the Empire  
8 District Electric Company?

9 MS. CARTER: Diane Carter with Brydon,  
10 Swearengen & England, 312 East Capitol Avenue,  
11 Jefferson City, Missouri, for the Empire District  
12 Electric Company.

13 JUDGE BUSHMANN: Thank you. Commission  
14 Staff?

15 MS. FORCK: For the Staff of the  
16 Missouri Public Service Commission, I'm  
17 Marcie Forck, and my information has been provided  
18 to the court reporter.

19 JUDGE BUSHMANN: Thank you. Office of  
20 the Public Counsel?

21 MR. WILLIAMS: Thank you, Judge. For  
22 the Office of the Public Counsel, Hampton Williams,  
23 Director of Public Counsel. My contact information  
24 has been provided to the court reporter.

25 JUDGE BUSHMANN: Thank you. Are counsel

1 for any of the intervenors present? If so, you can  
2 make your entry now.

3 MR. EDWARDS: Peter Edwards for the City  
4 of Joplin.

5 JUDGE BUSHMANN: Thank you. Any others?  
6 [No audible response]. I don't think so.

7 Well, for those of you who would like to  
8 provide testimony tonight, I'm going to call the  
9 names on the sign-up sheet. And when I call your  
10 name, you can come down to one of the two  
11 microphones in the aisle and I'll ask you to state  
12 your name after I put you under oath, and then you  
13 can make your comments to the Commission.

14 The Commission has established some  
15 ground rules for the hearing tonight to try and give  
16 everybody a chance to testify within a reasonable  
17 period of time.

18 Your testimony is limited to five  
19 minutes per person. I'll have a timer here next to  
20 me that will help you keep track of the time and  
21 will give you a warning when the time is expired.

22 If you haven't finished your testimony  
23 at that point, you can provide it in writing to the  
24 Commission or on the Commission's website, and the  
25 Commission Staff has a table at the back of the room

1 who can give you information on how to do that.

2 Let's go ahead and start testimony, and  
3 the first witness I have is Derick Barnes.

4 Mr. Barnes, can you come forward, please?

5 Raise your right hand, please. Do you  
6 solemnly swear or affirm that the testimony you are  
7 about to give is the truth?

8 MR. BARNES: Yes, sir.

9 JUDGE BUSHMANN: Could you state your  
10 name and spell your name, please?

11 MR. BARNES: Yes. Derick Barnes.

12 D-E-R-I-C-K, B-A-R-N-E-S.

13 JUDGE BUSHMANN: Please go ahead.

14 MR. BARNES: Okay. Good evening. My  
15 name is Derick Barnes. I'm from Heavy Construction  
16 Laborers' Local 663 and 319. I'm a Missouri  
17 resident. I appreciate the opportunity to address  
18 on behalf of the Laborers' International Union North  
19 America. We have 2,000 members in Missouri. We  
20 cover 37 counties in western Missouri. We live  
21 here, we pay our taxes here, and we spend our money  
22 here.

23 We certainly appreciate Empire's desire  
24 to lower utility rates for our members and families.  
25 However, we have a number of questions regarding the

1 proposal and its potential benefit to Missourians.

2 First of all, our members will be  
3 impacted by Empire's proposal of the closing of the  
4 Asbury coal plant. Over the years, many of our  
5 members have worked during outages and maintenance  
6 and upgrades at the plant. We are sad that these  
7 good-paying, family-supporting jobs will be lost.  
8 This can be devastating to many individuals.

9 We are also worried about the promise of  
10 the new jobs associated with the wind generation  
11 portion of the proposal. Will Missouri residents  
12 actually get to bid -- build these wind farms or  
13 will they be in other places where the average  
14 Missouri worker cannot commute to?

15 We monitor wind farm construction all  
16 around Missouri and the Midwest, and we can tell you  
17 that there's only a handful of construction  
18 companies that build these size of projects and none  
19 are based in Missouri.

20 Due to that fact, many bring their  
21 out-of-town workforce with them. Will Minnesota or  
22 North Dakota construction workers end up building  
23 wind farms that Missouri residents are paying for?

24 The way to solve that problem is to ask  
25 Empire to partner with us, with the groups at risk

1 losing their jobs at the coal plant, both in-house  
2 jobs and contracted out, and ensure that the new  
3 wind jobs benefit Missouri's residents. The  
4 Commission has the authority to require this.

5           When Algonquin from Canada decided to  
6 acquire Empire last year, we tried to get involved  
7 in the merger as an intervenor to put protections in  
8 place for Missouri residents. We wanted local  
9 hiring of Missouri residents for Empire's  
10 construction projects.

11           We applaud Empire agreeing to do this by  
12 adopting a reasonable contractor policy for projects  
13 over a million dollars and consider the following  
14 criteria: "Empire commits to implementing a  
15 reasonable contractor policy for construction and  
16 maintenance projects that include fixed price  
17 contracts in excess of \$1 million. The policy shall  
18 consider the inclusion of the following principles  
19 and guidelines, including experience with past  
20 projects, robustness of safety programs, commitment  
21 to quality, skilled workforce, financial integrity  
22 cost, and overall prudence and local sourcing  
23 [sic]."

24           The Commission has the authority to  
25 require Empire to fulfill the promises as part of



1 this huge wind construction plan. We strongly  
2 encourage the Commission to do -- to remember its  
3 public service duty when making this decision. Any  
4 questions?

5 COMMISSIONER KENNEY: Thank you, sir.

6 JUDGE BUSHMANN: Thank you.

7 MR. BARNES: Thank you.

8 JUDGE BUSHMANN: Peter Edwards. Mr.  
9 Edwards, you said you were counsel for an  
10 intervenor. Is that correct?

11 MR. EDWARDS: I am, yes.

12 JUDGE BUSHMANN: So your opportunity  
13 would be at the evidentiary hearing unless -- I'll  
14 ask counsel if there is any objection.

15 MR. EDWARDS: I can be very brief.

16 JUDGE BUSHMANN: I'll ask counsel  
17 whether there is any objection to Mr. Edwards.

18 MS. CARTER: No.

19 MS. CARTER: I have no objection.

20 MR. WILLIAMS: No objection, your Honor.

21 JUDGE BUSHMANN: Do you solemnly swear  
22 or affirm that the testimony you're about to give  
23 will be the truth?

24 MR. EDWARDS: I do.

25 JUDGE BUSHMANN: Please state your name

1 and spell your last name.

2 MR. EDWARDS: Peter Edwards,  
3 E-D-W-A-R-D-S.

4 My first concern is with the closing of  
5 the Asbury plant. Empire touts this as their  
6 workhorse. And in light of the recent improvements  
7 of \$121 million and the statistics that I've seen  
8 which seems to have doubled it's efficiency, it just  
9 doesn't seem right that you would close a plant that  
10 you just spent so much money upgrading.

11 I've heard talk that there may be an  
12 additional 20 or 25 million that's needed so they  
13 can come into compliance with another environmental  
14 regulation, but to me using that as a justification  
15 to go out and spend 1.5 million on a wind project  
16 doesn't quite balance out.

17 It also concerns me that the customers  
18 are paying for that retrofit that was done in the  
19 rate case that was most recently completed two years  
20 ago and the customers would be required, because  
21 that's what Empire wants, to continue to pay for  
22 that for the life of that project until it's  
23 completely been -- it reaches it's amortization  
24 period. So it concerns me that we have to pay for  
25 that in addition to what every other projects they

1 want to do.

2                   It concerns me that in the stipulation  
3 agreement that Empire and their parent company  
4 agreed to with the City of Joplin, they said that  
5 they would not do an involuntary reduction of the  
6 workforce of more than 10 percent of their workforce  
7 here in the local area. And when I look at  
8 involuntary reduction, to me that is eliminating  
9 jobs, and eliminating 55 jobs to me comes  
10 dangerously close, if not more than, the 10 percent  
11 that they agreed not to do.

12                   The other part that I have taken issue  
13 with is this is a want, it's not a need. They  
14 currently have the capacity to serve all of their  
15 customers here locally. They have the capacity to  
16 sell off excess energy. And the customer service or  
17 customer savings plan, the label that they've put on  
18 it, and all the evidence that I've seen doesn't show  
19 any savings to the customer until years ten to 20.

20                   And even when that is taken into  
21 consideration, it's highly speculative because it's  
22 based upon them being able to sell off a large  
23 amount of excess energy to third parties.

24                   When you look at the additional  
25 megawatts that they're going to have if they were to

1 do this project, that's 600 more megawatts than what  
2 the Asbury plant produces, and their plan to achieve  
3 customer savings is to sell off that energy to third  
4 parties. And it seems silly to me that the  
5 customers who pay their bills every month are the  
6 ones that have to fund that. If they want to get in  
7 the business of selling to third parties, then maybe  
8 they should go to their stockholders and ask them to  
9 invest in that, not pass along that cost to local  
10 customers.

11 The other issue, last issue I have is  
12 we've seen a lot of information about customer  
13 savings and they've hired experts to do all kinds of  
14 studies, but what we haven't seen is any kind of  
15 projected rate increase, what kind of impact that's  
16 going to have on our bills when they spend 600 to  
17 750 million, and that's -- I mean, that's a  
18 conservative guess, if they spend 750 in capital  
19 improvements, they won't provide any information on  
20 what kind of impact that's going to have on all of  
21 our bills. Thank you.

22 JUDGE BUSHMANN: Thank you.

23 COMMISSIONER KENNEY: Thank you.

24 JUDGE BUSHMANN: John Thomas.

25 MR. THOMAS: Sir, I wasn't familiar with

1 your format. All of my questions have been  
2 answered.

3 JUDGE BUSHMANN: Very good, sir. Thank  
4 you.

5 Jennifer Conner. Do you solemnly swear  
6 or affirm that the testimony you're about to give  
7 will be the truth?

8 MS. CONNER: Yes.

9 JUDGE BUSHMANN: Please state your name  
10 and spell your name, please.

11 MS. CONNER: My name is Jennifer Connor.  
12 J-E-N-N-I-F-E-R, space, C-O-N-N-E-R.

13 JUDGE BUSHMANN: Please go ahead.

14 MS. CONNER: My name is Jennifer Conner,  
15 and I'm a resident of Pierce City, Missouri. I'm  
16 also a customer of Empire Electric.

17 A few years ago, my husband and I  
18 invested in solar panels that cover about 60 to  
19 70 percent of our generation, and we are super  
20 stoked and excited for Empire Electric to invest in  
21 wind energy. We're very concerned about the future  
22 generations of this planet. We have a four-year-old  
23 daughter, and we think that it's important to leave  
24 a better planet for her into the future and other  
25 future generations.

1                   So, we thank you very much. I support,  
2    applaud, and commend Empire Electric for being a  
3    visionary and for the commitment to do their part to  
4    leave a better world for future generation. Thank  
5    you.

6                   JUDGE BUSHMANN: Thank you. [Applause].  
7                   Elliott Denniston.

8                   Do you solemnly swear or affirm that the  
9    testimony you are about to give will be the truth?

10                  MR. DENNISTON: I do.

11                  JUDGE BUSHMANN: Please state your name  
12    and spell it.

13                  MR. DENNISTON: Elliott Denniston.  
14    E-L-L-I-O-T-T, D-E-N-N-I-S-T-O-N.

15                  JUDGE BUSHMANN: Go ahead.

16                  MR. DENNISTON: Well, I certainly  
17    applaud what Jennifer Connors [sic] just said. The  
18    whole world is moving with greater speed toward  
19    renewable energy, and so that in itself is evidence  
20    of it's important for the future.

21                  The cost has been dropping throughout  
22    the world and certainly in the United States, and if  
23    at some point there should be a carbon tax, the cost  
24    will quickly drop faster.

25                  Wind has provided -- in 2016, wind

1 provided 5.6 percent of all U.S. energy, and that  
2 was more than double what it was in 2010, just six  
3 years earlier. Obviously, you can picture in your  
4 minds a rapidly moving upward curve in -- or  
5 downward curve in terms of the cost.

6 I have just a few more comments, and  
7 these are based on a piece in Scientific American, a  
8 very reliable journal, last August, which states, "A  
9 comprehensive survey of the wind industry shows wind  
10 energy is routinely purchased in bulk for just two  
11 cents per kilowatt-hour -- and turbines are only  
12 getting cheaper, bigger, and better."

13 They refer to a U.S. Department of  
14 Energy report that "found that U.S. wind energy will  
15 continue to be one of the lowest cost electric  
16 generation technologies available, with the  
17 long-term wind electricity price available through a  
18 power purchase agreement coming in at about half the  
19 expected cost of running a natural gas power plant."

20 So this is through a long-term power  
21 purchase agreement, which presumably gets the best  
22 rates possible, and in that case, it will be half --  
23 about half the expected cost of running a natural  
24 gas power plant.

25 "Furthermore, stiff competition from

1 both natural gas and solar energy are poised to push  
2 the wind industry to achieve even lower prices and  
3 higher performance through the development of bigger  
4 turbines tailored to maximize the output even with  
5 regions with less than optimal wind speeds."

6 And finally, with this new technology,  
7 the average generating capacity of newly installed  
8 wind turbines in the United States in 2016 was  
9 2.15 megawatts, up 11 percent from the average over  
10 the previous five years.

11 So simply by improving the technology of  
12 wind turbines, in a period of about four years the  
13 output, the generating capacity increased by  
14 11 percent, and presumably this will continue to  
15 occur in the future. Thank you.

16 COMMISSIONER KENNEY: Thank you, sir.

17 JUDGE BUSHMANN: Thank you. Cheryl  
18 Marcum.

19 Do you solemnly swear or affirm that the  
20 testimony you are about to give will be the truth?

21 MS. MARCUM: I do.

22 JUDGE BUSHMANN: Please state your name  
23 and spell it.

24 MS. MARCUM: Cheryl Marcum.

25 C-H-E-R-Y-L, space, M-A-R-C-U-M.



1 JUDGE BUSHMANN: Go ahead.

2 MS. MARCUM: I'm Cheryl Marcum, and I  
3 live at a net-zero-plus home in rural Cedar County,  
4 Missouri. I am a beekeeper, and I enthusiastically  
5 support Empire District's proposal to bring wind  
6 energy to southwest Missouri. Thank you, Empire,  
7 for modifying your business plan to enable customers  
8 in southwest Missouri to keep fossil fuels in the  
9 ground.

10 Even as more renewable energy becomes  
11 available, all of us must aggressively pursue energy  
12 efficiency and reduce our consumption. Thank you.

13 COMMISSIONER KENNEY: Thank you, ma'am.

14 JUDGE BUSHMANN: Thank you. [Applause].  
15 Kay Mills.

16 Do you solemnly swear or affirm that the  
17 testimony you are about to give will be the truth?

18 MS. MILLS: I do.

19 JUDGE BUSHMANN: Please state your name  
20 and spell it.

21 MS. MILLS: My name is Kay, K-A-Y; last  
22 name is Mills, M-I-L-L-S.

23 JUDGE BUSHMANN: Go ahead.

24 MS. MILLS: My name is Kay Mills. I'm  
25 the Missouri field organizer for Moms Clean Air

1 Force. We're a community of over a million parents,  
2 grandparents, aunts, and uncles that are unified in  
3 the knowledge that air pollution is impacting not  
4 only our children's health but also threatening the  
5 safety and stability of their futures. We have  
6 almost 12,000 Missouri members, including hundreds  
7 who are Empire District Electric customers.

8 Like many people in the Ozarks, I have a  
9 very active family. We spend much of our time  
10 outside playing, hiking, and biking. It's a great  
11 area for kids. Our Ozark streams and waterways are  
12 some of the best in country. We have hiking and  
13 biking trails all over our area. The air quality  
14 has a drastic impact on our kids' ability to be  
15 outside and active. If we don't act, our air  
16 quality will only get worse.

17 Climate change is real. It's happening  
18 now, and we need to take action to address it.  
19 Climate change will make asthma worse because it  
20 creates more smog, which exacerbates asthma and  
21 other respiratory conditions.

22 Warm mean temperatures mean an earlier  
23 spring, which will increase the duration and  
24 severity of seasonal allergies, which also trigger  
25 asthma attacks.

1           In 2014, 11.2 percent of children in  
2 Missouri were living with asthma. We know that  
3 about one-third of childhood asthma is also due to  
4 environmental exposures and roughly 5,795 cases of  
5 asthma attacks each year are linked to coal-fired  
6 power plant pollution.

7           In the Ozarks and especially here in  
8 Joplin, we are all too familiar with extreme weather  
9 events. We've seen devastating tornadoes, flooding,  
10 and extreme heat. Climate change has already  
11 exacerbated some extreme weather events and their  
12 impacts.

13           Reducing carbon pollution by moving away  
14 from coal-fired power plants is one of the most  
15 important steps in limiting the health impacts of  
16 climate change. Cuts to smog and soot that come  
17 along with reducing carbon pollution will bring  
18 major health benefits to American families. We set  
19 limits for arsenic, mercury, and lead, but we let  
20 power plants release as much carbon pollution as  
21 they want.

22           As a mother, I do everything I can to  
23 protect my children. When we go in the car, I make  
24 sure they are in their car seats. I take them to  
25 the doctor for their checkups. I buy healthy food

1 for them to eat. But what I can't do is ensure that  
2 the air they're breathing when they're playing  
3 outside is safe for their tiny, developing lungs. I  
4 can't buy clean air for my children to breathe.

5 What I can do, though, is support  
6 commonsense proposals like this Empire District  
7 Electric proposal to move to cleaner energy. Thank  
8 you.

9 COMMISSIONER KENNEY: Thank you.

10 JUDGE BUSHMANN: Thank you. [Applause].

11 Matthew Patterson.

12 Do you solemnly swear or affirm that the  
13 testimony you are about to give will be the truth?

14 MR. PATTERSON: I do.

15 JUDGE BUSHMANN: Please state your name  
16 and spell it.

17 MR. PATTERSON: My name is Matthew  
18 Patterson. M-A-T-T-H-E-W, P-A-T-T-E-R-S-O-N.

19 My name is Matthew Patterson. I'm the  
20 director for Renew Missouri Action, which is a  
21 501(C)(4) that does advocacy work to work to expand  
22 renewable energy and energy efficiency here in the  
23 state of Missouri.

24 Renew Action appreciates Empire's plans  
25 to add 800 megawatts of wind generation to its

1 portfolio and retire the Asbury coal facility,  
2 measures that will translate to significant cost  
3 savings to Empire customers.

4 With this plan, Empire is eager to take  
5 advantage of the federal production tax credits,  
6 capital investment contributed by tax equity  
7 partners, and void required environmental compliance  
8 upgrades to the Asbury coal plant.

9 They estimate that this plan will create  
10 \$325 million in customer savings, averaging  
11 residential customers a savings about ten dollars a  
12 month over a 20-year period. It is for these  
13 reasons that Renew Missouri Action encourages the  
14 Commission to do the following:

15 First, the Commission should encourage  
16 Empire's planned investment in wind generation by  
17 issue of an accounting authority order authorizing  
18 the Company to record its investment in and the cost  
19 to operate the wind projects and account so that  
20 those costs may be considered in the future rate  
21 case.

22 This would be reasonable to encourage  
23 Empire's investment and to justify its decision to  
24 external auditors. Wind has numerous benefits,  
25 including meeting the customer demand for

1 renewables, lower fuel, operation, and maintenance  
2 expenses, and lower emissions.

3 In addition, Empire has estimated the  
4 hire of 40 to 50 regional employees to operate and  
5 maintain the wind turbines. Wind generation has a  
6 track record for economic benefit in low-income  
7 rural communities through lease payments, property  
8 tax payments, and increased local spending.

9 Second, the Commission should encourage  
10 Empire to close its Asbury coal plant through issue  
11 of an accounting authority order authorizing the  
12 Company to record and defer the undepreciated  
13 balance. This allows Empire to recover its  
14 investment over a long period of time without  
15 causing a spike to customers' rates.

16 With the addition of the Company's wind  
17 project, Asbury generation is no longer necessary to  
18 serve customers or meet the southwest power pool  
19 capacity requirements. Empire has committed that no  
20 incremental expenses will be incurred as a result of  
21 retiring Asbury early and that all the employees at  
22 the Asbury facility will be given the opportunity to  
23 continue employment at Empire post plant retirement.

24 And finally, the Commission should  
25 request Empire amend its application to include the

1 request for the third accounting authority order in  
2 order to record and defer the dollars associated  
3 with changes to the federal tax law until the  
4 effective date of rates for its next rate case.  
5 This will allow the Company to fill its intent to  
6 pass on these cost savings onto the customers.

7 And that's why we ask for the  
8 Commission's approval of this -- the Empire's plant.  
9 And thank you all.

10 COMMISSIONER KENNEY: Thank you, sir.

11 JUDGE BUSHMANN: Thank you.

12 MR. PATTERSON: Any question?

13 JUDGE BUSHMANN: Jack Bone or Bane.

14 MR. BONE: It's Bone, and my comments  
15 have already been addressed.

16 JUDGE BUSHMANN: Very good. Thank you,  
17 sir.

18 MR. BONE: You're welcome.

19 JUDGE BUSHMANN: Art Boyt.

20 Do you solemnly swear or affirm that the  
21 testimony you're about to give will be the truth?

22 MR. BOYT: I do.

23 JUDGE BUSHMANN: Please state your name  
24 and spell it, please.

25 MR. BOYT: My name is Arthur Boyt. Did

1 you ask me to spell it? B-O-Y-T.

2 JUDGE BUSHMANN: Thank you.

3 MR. BOYT: First of all, if like me  
4 folks in this room have had the experience of  
5 sitting by the side of the road while a hundred cars  
6 of coal pass through our community on the way to the  
7 Asbury plant, each car carrying about 200,000 pounds  
8 of coal and each carload -- each trainload  
9 representing about \$100,000 of resource leaving our  
10 community to go to points west, wherever the coal is  
11 being mined, and Empire lists that \$25 of \$38 of  
12 providing a megawatt-hour of electricity to  
13 customers comes from energy, the potential  
14 beneficial economic impact to the area becomes  
15 pretty obvious.

16 There are other desirable impacts as  
17 well. We've heard from a representative of the  
18 Sierra Club on the website of the Audubon Society,  
19 the protectors of birds throughout this country.  
20 Their site strongly endorses the use of wind power  
21 in properly cited situations. And so on the  
22 environmental side of things, I think the consensus  
23 is obviously that this is a good thing.

24 In terms of jobs and workforce, one  
25 thing I'd like to point out is that this institution



1 and other institutions in the area have specialized  
2 in workforce training, and it's important to note  
3 that operations in a coal plant and operations on a  
4 wind farm are going to be much different  
5 propositions, and I think it's important that Empire  
6 and their partners invest in the retraining not just  
7 for the existing workforce but for the workforce  
8 that's going to be needed in the future.

9 By and large, in broad strokes, I think  
10 this is a tremendous opportunity for the community  
11 and it's part of a national trend, which in the last  
12 couple of years has shown that renewables have  
13 become the majority of the new generation capacity  
14 in the United States, and there are a lot of good  
15 reasons for this well beyond the few that I've just  
16 pointed out.

17 Thank you for your time. I appreciate  
18 what you folks are looking at doing, and I -- I  
19 think the key here will be to take a really good  
20 idea and look at the details and make sure that each  
21 of those details is executed properly. Thank you.

22 COMMISSIONER KENNEY: Thank you.

23 [Applause].

24 JUDGE BUSHMANN: Michael Franks.

25 Do you solemnly swear or affirm that the

1 testimony you are about to give will be the truth?

2 MR. FRANKS: I do.

3 JUDGE BUSHMANN: Please state your name  
4 and spell it.

5 MR. FRANKS: Michael Franks.

6 M-I-C-H-A-E-L, F-R-A-N-K-S.

7 JUDGE BUSHMANN: Go ahead.

8 MR. FRANKS: I spent 40 years of my life  
9 in business, particularly in strategic planning.  
10 And I'll tell you that any business plan has  
11 assumptions that underpin that plan.

12 In my opinion, the assumptions I have  
13 read in the Empire proposal at this point are quite  
14 reasonable, but they are that, assumptions, and I am  
15 quite certain that the Commission, the Office of  
16 Public Counsel, and the Company itself will continue  
17 to vet those things down there.

18 But I think we also need to understand  
19 that there are assumptions that underpin what could  
20 happen to us if we don't do anything at this point.  
21 The majority of our power in this area is what is by  
22 many industries considered to be dirty power. And  
23 as we try to attract new jobs and new industries,  
24 many of those go to areas where they are able to get  
25 energy that is, in fact, made from renewable sources

1 from cleaner sources. We're kind of locked out of  
2 this that in this area at this point as a result of  
3 that.

4 Secondly, everyone assumes there's a  
5 straight line that coal will stay as an affordable  
6 fuel. That's not a guarantee at this point. As the  
7 coal industry has declined and continues to, two of  
8 the top five coal producers have gone into  
9 bankruptcy. You may lose capacity, lose  
10 competition, and see prices go upward.

11 In fact, until natural gas became  
12 affordable, we had that train continually, every  
13 year coal prices going up in the United States. It  
14 is only competition with other fuels that has kept  
15 that in check.

16 Finally, let me say this: Here's what I  
17 do know. Here's what is unsaleable about this  
18 proposition. As you just heard, \$25 of the \$38 of  
19 cost of running the Asbury plant go to fuel. Every  
20 penny of that fuel leaves this area. There are no  
21 coal mines in this area. There no natural gas wells  
22 in this area. So that fuel cost leaves this area.

23 This investment will be made in this  
24 area. The jobs that then come from it will be in  
25 this area. The landowners that have turbines on

1 their property are in this area and will get  
2 payments from them. The school districts and other  
3 governmental entities that tax properties at this  
4 point will also get revenue from this. We will have  
5 jobs created in this area.

6 I live in Neosho. Neosho has the MARET  
7 Center in there from Crowder College, which is  
8 Missouri's Alternate and Renewable Energy Technology  
9 Center, which today produces wind technicians, which  
10 have to leave this area to have jobs. They will be  
11 able to compete, local people, graduates of local  
12 schools for jobs in this area.

13 So from my standpoint at this point,  
14 living in the past says there is no risk and there  
15 clearly is. Living in the future at this point  
16 gives us an opportunity for future stability, future  
17 jobs, and I applaud Empire for taking a look at this  
18 and I applaud them for moving in a timely manner,  
19 because moving quickly at this point clearly will  
20 keep the cost of this as low as possible.

21 So I reiterate that this is something  
22 that is a positive economic influence in this area,  
23 and I applaud this project.

24 COMMISSIONER KENNEY: Thank you.  
25 [Applause].

1 JUDGE BUSHMANN: Harvey Hutchinson.

2 MR. HUTCHINSON: Mr. Edwards gave my  
3 remarks already, primarily.

4 JUDGE BUSHMANN: Thank you, sir. Mitch  
5 von Wald.

6 MR. VON WALD: Mine have been addressed  
7 as well, sir.

8 JUDGE BUSHMANN: Okay. Greg Matzer.

9 Do you solemnly swear or affirm that the  
10 testimony you are about to give will be the truth?

11 MR. MATZER: I do.

12 JUDGE BUSHMANN: Please state your name  
13 and spell it.

14 MR. MATZER: My name is Greg Matzer.  
15 G-R-E-G, M-A-T-Z-E-R.

16 I'm a Joplin resident. I've only lived  
17 here a few years, but my career has been primarily  
18 in acquiring and investing assets like this plant.  
19 I've worked in the acquisition of wind power. I've  
20 worked for companies -- not -- I've never worked for  
21 Empire or Algonquin. But I've worked in the U.S.  
22 and Canada. I've bought and sold these plants and  
23 coal plants, natural gas plants, solar energy, power  
24 purchase agreements. I'm very familiar with how the  
25 economics of this work.

1           And let me be -- most of my concern has  
2     been addressed already, and I don't have prepared  
3     remarks.

4           But my thing I have to contribute here  
5     is that I believe the proposal by Empire -- I think  
6     this is economic. I think that this makes  
7     logistical sense for this community. I think that  
8     the questions about local jobs and local-trained  
9     wind technicians make a lot of sense.

10           We can possibly attract additional  
11    employers to this region. A lot of employers look  
12    for a hundred percent renewable energy as a  
13    requirement for locating their facilities.  
14    Companies like Apple, Google, and Facebook have  
15    said, hey, we're only going to move places where we  
16    you can get this. They've gone to Iowa. What's the  
17    different between us and Iowa? Not much. This  
18    could make the difference for us getting additional  
19    employers, increasing that.

20           The last thing is back to the clean air  
21    question. Some estimates say as much as nine deaths  
22    a year occur from small particle emissions from coal  
23    power plants like Asbury and sized like Asbury. I  
24    don't know if that's true, but I can tell you that  
25    there will be none from wind generation, no human

1 deaths from small particles from wind generation.

2 I defer the rest of my time to the  
3 Council. I just want to say that I'm adamantly for  
4 this. Thank you.

5 COMMISSIONER KENNEY: Thank you.

6 JUDGE BUSHMANN: Thank you. [Applause].

7 Gary Kenny. Gary Kenny.

8 Do you solemnly swear or affirm that the  
9 testimony you are about to give will be the truth?

10 MR. KENNY: Yes.

11 JUDGE BUSHMANN: Please state your name  
12 and spell it.

13 MR. KENNY: Gary, G-A-R-Y, Kenny,  
14 K-E-N-N-Y.

15 One of the questions I have is in the  
16 past, the City of Joplin has had tire recycling  
17 ventures that I'm not sure if Empire put money into  
18 that or if it was a government grant that helped  
19 with it, and I assume those tires that were chipped  
20 up and so forth eventually got into, I believe, the  
21 Asbury or the -- possibly the Riverton plant.

22 My point is the Asbury plant, as I  
23 understand it, is the only remaining coal-fired  
24 plant in Empire's system. They have hydro, which  
25 obviously wouldn't have anything to do with tires.

1                   But anyway, my point is right now the  
2                   tires can be burnt in these coal-fired plants where  
3                   you have all the EPA equipment, I assume, already in  
4                   place. What's going to happen to all of those  
5                   tires? You know, it's small dollars compared to the  
6                   millions of dollars you're talking about, but what's  
7                   going to happen to all those tires? Are they going  
8                   to end up on the side of the road? Are they going  
9                   to end up down in the mineshafts? Something needs  
10                  to be addressed in that matter.

11                  Other question I had is you gave a quote  
12                  of \$38 per X amount of kilowatts. That's with the  
13                  wind. My point is -- question is, how much is the  
14                  cost when it's imported from someplace else, when  
15                  there's no wind? And also, is there an additional  
16                  charge for the transmission lines to get that  
17                  electricity to this area? I haven't heard that  
18                  addressed at all.

19                  And I had a question of who are the  
20                  other equity members that this is going to be a  
21                  joint venture with. Previous to the actual hearing  
22                  started somebody mentioned that they don't have any  
23                  equity partners at this point.

24                  And my question is, where are the wind  
25                  turbines going to be located? I believe I'm quoting



1 the Joplin Globe directly in that they said that  
2 these were going to be located in southwest  
3 Missouri. And I haven't heard anything officially  
4 as to where these wind turbines are going to be and  
5 if the arrangements have already been put in place  
6 to rent the land and so forth.

7 And that's all I have. Thank you very  
8 much.

9 JUDGE BUSHMANN: Thank you. Kathy  
10 Wilson.

11 Do you solemnly swear or affirm that the  
12 testimony you are about to give will be the truth?

13 MS. WILSON: I do.

14 JUDGE BUSHMANN: Please state your name  
15 and spell your name.

16 MS. WILSON: When we were paying --

17 JUDGE BUSHMANN: Can you please state  
18 your --

19 MS. WILSON: -- rate increases --

20 JUDGE BUSHMANN: Sorry, ma'am. Can you  
21 spell your name for the court reporter, please?

22 MS. WILSON: Pardon me?

23 JUDGE BUSHMANN: Can you spell your name  
24 for the court reporter, please?

25 MS. WILSON: I can't hear you.

1 JUDGE BUSHMANN: Spell your name for the  
2 court reporter, please.

3 MS. WILSON: Oh, I'm sorry. K-A-T-H-Y,  
4 W-I-L-S-O-N.

5 JUDGE BUSHMANN: Thank you, ma'am.

6 MS. WILSON: Sorry. I'm hard of  
7 hearing.

8 JUDGE BUSHMANN: Go ahead.

9 MS. WILSON: When we were paying rate  
10 increases, seemed like forever, for the Asbury plant  
11 to comply with EPA regulations, I was looking  
12 forward to maybe having a regular electric bill, but  
13 I find that in the last years, it just keeps  
14 climbing higher and higher until now it's equaling a  
15 mortgage payment. I have a disabled daughter. Her  
16 electric bill almost ate up her check for that  
17 month.

18 And then I see that Empire District is  
19 telling us how this wind program is going to lower  
20 our bills in 20 years. I don't know how they're  
21 going to do that. I really don't. Because we're  
22 not going to see any savings in the first ten years.

23 And it's if. It's if they get a  
24 partner. It's if the tax credits don't change. All  
25 this amounts to is that we're going to wind up

1 paying even more on our electric bill if this goes  
2 through with the Public Service Commission.

3 I don't know how a lot of us are going  
4 to pay it, to be honest with you. We've got single  
5 mother's out there with children they're trying to  
6 support. We have elderly that are on social  
7 security, widows. And we have families that are  
8 just struggling to pay their bills. That's it.

9 COMMISSIONER KENNEY: Thank you, ma'am.

10 JUDGE BUSHMANN: Thank you. [Applause].

11 Nolan Howe. [No audible response].

12 Nolan Howe.

13 MR. HOWE: I signed the paper. I didn't  
14 know what I was signin'. I don't have nothin' to  
15 say.

16 JUDGE BUSHMANN: All right. That's all  
17 the names that I have signed up on the list. Was  
18 there anybody that wanted to testify that had not  
19 signed up?

20 Come forward, sir -- ma'am. Raise your  
21 hand, please.

22 Do you solemnly swear or affirm that the  
23 testimony you're about to give will be the truth?

24 / / /

25 / / /

1 MR. MCCREARY: I do.

2 JUDGE BUSHMANN: Could you state your  
3 name and spell it, please?

4 MR. MCCREARY: Dan McCreary. D-A-N,  
5 M-C-C-R-E-A-R-Y.

6 Like most here, I applaud Empire for  
7 looking to provide clean energy. I'm for clean  
8 energy. I'm for the investment in southwest  
9 Missouri.

10 Some questions earlier -- in the earlier  
11 session, they talked about a savings of nine to ten  
12 dollars per month. And then I think just after  
13 that, there was a statement that maybe it would cost  
14 a little bit more up front.

15 So I just wanted to -- I think you read  
16 the statement to start with, and just a reminder  
17 that it says on the information sheet, Empire  
18 District Electric Company's proposed customer  
19 savings plan is what this was presented as. It was  
20 also in the paper today. Just said that "regulatory  
21 plan which estimates will result in up to  
22 325 million [sic] of cost savings on customer bills  
23 over 20 years."

24 So as I applaud the clean energy, I  
25 still have some questions about the cost, where

1 that's going to come from. Just mentioned earlier  
2 about, you know, citizens on fixed incomes. That's  
3 always a concern as well as our businesses that  
4 provide jobs for our citizens here in Joplin.

5 So I think these statements that were  
6 read by you as well as published in the paper are  
7 either true that we're going to save money on our  
8 bills or we were intentionally misled twice through  
9 the sheet and through the newspaper. Thank you.

10 JUDGE BUSHMANN: Thank you.

11 COMMISSIONER KENNEY: Thank you.

12 Anybody else like to testify? Yes, sir.

13 Do you solemnly swear or affirm that the  
14 testimony you are about to give will be the truth?

15 MR. SEELEY: I do swear and affirm.

16 JUDGE BUSHMANN: Please state your name  
17 and spell it.

18 MR. SEELEY: My name is Steven Seeley.

19 S-T-E-V-E-N, S-E-E-L-E-Y.

20 JUDGE BUSHMANN: Go ahead.

21 MR. SEELEY: Okay. Well, there's been  
22 several things raised throughout the testimony and  
23 question-and-answer regarding past investments in  
24 the Asbury plant.

25 As a cattle rancher and a resident of

1 this area, one thing I know for sure is sometimes  
2 you cannot just keep chasing an investment that  
3 you've already put into something that's not getting  
4 a return. Sometimes you just have to cut your  
5 losses on something.

6 What I can -- no one can predict the  
7 future, but what you can predict is that based on  
8 past trends, there probably will be more  
9 environmental regulations concerning air quality  
10 coming forward. Right now we've heard that there  
11 would have to be a 25-million-dollar investment put  
12 into the Asbury plant to keep it going, to comply  
13 with current regulations, which will be coming on  
14 next year, I believe they said on that.

15 So that's 25 million there that we  
16 already can predict would be in the future because  
17 it's there. There is a 121-million-dollar that was  
18 already put into it. There was another 20 million  
19 and another, I believe the gentleman said 30 million  
20 in the past.

21 So there's a pattern of environmental  
22 regulation compliance issues having to require large  
23 sums of investment into a plant which has a lifespan  
24 which will be ending out, even under ideal  
25 circumstances, within the next decade and a half.

1           So do we want to keep putting money into  
2     that plant? Do we want to keep throwing money into  
3     there or do we want to look at something which will  
4     have zero environmental pollution concerns?

5           Wind turbines do not emit emissions  
6     whatsoever. There is nothing there to regulate as  
7     far as that goes, emissions-wise. So we know it  
8     would save 25 million. What else would it save five  
9     years down the road? What will it save ten years  
10    down the road?

11          These cost savings that Empire has put  
12    forth do not, because they cannot, look at cost of  
13    complying with future regulations that have not even  
14    been proposed. So what we're looking at from Empire  
15    with the 300-million-dollar-over-20-year savings  
16    that would be passed on to customers is not really a  
17    best-case scenario even because you're not taking  
18    into account potential additional expenses with  
19    Asbury that we cannot even know about at this time.

20          The only thing we can know is that they  
21    will be there, that there will be additional  
22    expenses, because not once, twice, or three times  
23    even but now four times that plant has required  
24    additional investment to come in to bring it up to  
25    baseline environmental standards.

1           That will happen again. Just like death  
2 and taxes, complying with regulations is something  
3 that is a reality in this country, and it's a good  
4 thing it's a reality. I have children. I like them  
5 to breathe. They kinda like breathing also. It's  
6 just their thing. I'm sorry. But . . .

7           So that's really all I wanted to say was  
8 that it will be a cost savings. It will help the  
9 environment. It will help consumers. Let's just  
10 get this thing done. Thank you guys.

11           COMMISSIONER KENNEY: Thank you.

12           JUDGE BUSHMANN: Thank you. [Applause].

13           Yes, sir?

14           Do you solemnly swear or affirm that the  
15 testimony you are about to give will be the truth?

16           MR. GILLIS: I do.

17           JUDGE BUSHMANN: State your name,  
18 please, and spell it.

19           MR. GILLIS: My name is Conon Gillis.  
20 It's C-O-N-O-N, G-I-L-L-I-S.

21           So I'm a teacher at Neosho high school,  
22 and I'm actually a current candidate for Missouri  
23 State Senate District 32. When I announced to run,  
24 one of the key parts of my platform was that we  
25 would switch over to green renewable energy and



1 provide more jobs to Missouri.

2 I did this because I knew that in the  
3 future, eventually fossil fuels are something that  
4 we are going to get away from. Whether you believe  
5 in climate change or not, the fact is that fossil  
6 fuels will not be around forever and a lot of  
7 statistics really show that there is a big job  
8 increase and there's profit to be made in renewable  
9 energy. And so that was a key part that I put in my  
10 platform.

11 Whenever I heard that Empire was going  
12 to go ahead and try and switch over to wind farms,  
13 it was kind of like they stole my platform from me,  
14 which is perfectly fine -- which is perfectly fine.  
15 I don't care. As long as it happens.

16 And from what I saw in you guys' memo or  
17 letter or whatever it was, you said that right now  
18 about over 90 percent, I think, of your energy is  
19 produced from coal, and I think you said that with  
20 this wind farm, you could get it down to almost  
21 20 percent.

22 While I would like for you to push that  
23 threshold farther and get it down to zero, I think  
24 that this is a good start. If it saves customers  
25 money and helps protect the environment, I don't see

1 a reason not to do it. Thank you.

2 COMMISSIONER KENNEY: Thank you.

3 [Applause].

4 JUDGE BUSHMANN: Anybody else? [No  
5 audible response]. I don't see any.

6 COMMISSIONER KENNEY: Just in closing, I  
7 notice that there were several towards the end that  
8 mentioned they still had some questions. I know  
9 that the Staff and Office of Public Counsel and the  
10 Company will be here afterwards if you'd like to  
11 address those questions now.

12 And anybody who wants to partake and  
13 watch this rate case, we do -- it will be televised  
14 on the web. We have -- currently we have five days  
15 for this case starting in April. I'm not sure the  
16 exact date. But again, thank you for coming up.

17 JUDGE BUSHMANN: Thank you very much.  
18 That concludes this evening's hearing. We are off  
19 the record.

20

21 (Concluded at 7:29 p.m.)

22

23

24

25

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1 CERTIFICATE OF REPORTER  
2  
3 STATE OF MISSOURI )  
4 ) ss:  
5 COUNTY OF WEBSTER )  
6  
7 Date Taken: FEBRUARY 8, 2018  
8  
9 I, Paula C. Voyles, a Registered Professional Reporter,  
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14 to written form under my direction.  
15  
16 I further certify that I am not a relative or employee  
17 of counsel of any of the parties, nor a relative or  
18 employee of the parties involved in said action, nor a  
19 person financially interested in the action.  
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21 \_\_\_\_\_  
22 PAULA C. VOYLES, RPR, CRR,  
23 CCR No. 750  
24  
25

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<b>2014</b> 19:1	<b>55</b> 11:9			
<b>2016</b> 14:25 16:8	<b>573.634.7431</b>			
<b>2018</b> 1:6 3:6	2:6			
44:5	<b>573.635.7166</b>			
<b>2230</b> 2:11	2:6			
<b>23</b> 43:10	<b>573.751.5472</b>			
<b>2422</b> 2:22	2:19			
	<b>573.751.5562</b>			