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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Hearing
May 23, 2012
Jefferson City, Missouri
Volume 2

In The Matter Of Union Electric)
Company d/b/a Ameren Missouri's)
Filing To Implement Regulatory) File No. EO-2012-0142
Changes In Furtherance Of)
Energy Efficiency As Allowed)
By MEEIA)

MICHAEL BUSHMANN, Presiding
REGULATORY LAW JUDGE.

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

2 JUDGE BUSHMANN: All right. Let's bring
3 the proceeding to order. We're on the record. Today
4 is May 23rd, 2012. The Commission has set this time
5 for an evidentiary hearing in the matter of Union
6 Electric Company d/b/a Ameren Missouri Filing to
7 Implement Regulatory Changes and in Furtherance of
8 Energy Deficiency as Allowed by MEEIA, File Number
9 EO-2012-0142.

10 As you probably notice, I'm not Judge
11 Woodruff, who's unavailable. My name is Michael
12 Bushmann. I'm the Regulatory Law Judge presiding
13 over the hearing today only. Why don't we start by
14 counsel making their entries of appearance. For
15 Ameren Missouri.

16 MS. TATRO: Wendy Tatro and Tom Byrne,
17 1901 Chouteau Avenue, St. Louis, Missouri 63103.

18 MR. LOWERY: James B. Lowery, the law
19 firm of Smith Lewis, LLP, P.O. Box 918, Columbia,
20 Missouri 65205, also appearing on behalf of Ameren
21 Missouri.

22 JUDGE BUSHMANN: Staff of the Public
23 Service Commission.

24 MS. HERNANDEZ: Jennifer Hernandez,
25 Nathan Williams and John Borgmeyer, appearing on

1 behalf of the Staff of the Missouri Public Service
2 Commission. Our address is P.O. Box 360, Jefferson
3 City, Missouri 65102.

4 JUDGE BUSHMANN: Office of Public
5 Counsel.

6 MR. MILLS: On behalf of the Office of
7 Public Counsel and the public, my name is Lewis
8 Mills. My address is Post Office Box 2230, Jefferson
9 City, Missouri 65102.

10 JUDGE BUSHMANN: Missouri Department of
11 Natural Resources.

12 MS. FRAZIER: Jennifer Frazier for the
13 Missouri Department of Natural Resources. P.O. Box
14 899, Jefferson City, Missouri 65102.

15 JUDGE BUSHMANN: Natural Resources
16 Defense Council.

17 MR. ROBERTSON: Henry Robertson, Great
18 Rivers Environmental Law Center, 705 Olive Street,
19 Suite 614, St. Louis 63101. We're representing
20 Natural Resources Defense Council, Renew Missouri and
21 the Sierra Club.

22 JUDGE BUSHMANN: Kansas City Power &
23 Light Company.

24 MR. FISCHER: Let the record reflect the
25 appearance of James M. Fischer, Fischer & Dority, 101

1 Madison, Suite 400, Jefferson City, Missouri 65101,
2 appearing on behalf of Kansas City Power & Light
3 Company and KCPL Greater Missouri Operations Company.

4 JUDGE BUSHMANN: Missouri Industrial
5 Energy Consumers.

6 MS. VUYLSTEKE: Diana Vuylsteke of the
7 law firm of Bryan Cave, 211 North Broadway, Suite
8 3600, St. Louis, Missouri 63102.

9 JUDGE BUSHMANN: And my understanding
10 was Laclede Gas will be appearing later; is that
11 correct?

12 MS. TATRO: Yes.

13 JUDGE BUSHMANN: Barnes-Jewish Hospital.

14 MS. LANGENECKERT: Lisa Langeneckert of
15 the law firm of Sandberg Phoenix & von Gontard, 600
16 Washington Avenue, 15th Floor, St. Louis, Missouri
17 63101, appearing on behalf of Barnes-Jewish Hospital.

18 JUDGE BUSHMANN: And my -- have I missed
19 anyone?

20 (NO RESPONSE.)

21 JUDGE BUSHMANN: My understanding was
22 there was a proposal to recess for a period of time
23 to discuss settlement; is that correct?

24 MS. TATRO: Yes, your Honor. We'd like
25 to propose recessing for two hours until 10:30.

1 JUDGE BUSHMANN: Does any party have any
2 objection to going into recess to discuss settlement
3 until 10:30?

4 (NO RESPONSE.)

5 JUDGE BUSHMANN: In that case, why don't
6 we do that, and we will return at that time and you
7 can give me a status report, either whether you need
8 some additional time, which would be fine, or whether
9 you wish to proceed and go ahead with the hearing.

10 So at this point, why don't we stand in
11 recess until 10:30 a.m.

12 MS. TATRO: Thank you, your Honor.

13 (A RECESS WAS TAKEN.)

14 JUDGE BUSHMANN: Let's bring the
15 proceeding back to order. My understanding is that
16 counsel for Laclede Gas is here and would like to
17 make an entry of appearance at this point.

18 MR. ZUCKER: Yes, your Honor. My name
19 is Rick Zucker, Z-u-c-k-e-r. I'm here on behalf of
20 Laclede Gas Company, 720 Olive Street, Room 1520,
21 St. Louis, Missouri 63101.

22 JUDGE BUSHMANN: All right. Thank you.
23 And you'd indicated there was something that you
24 wanted to address on the record?

25 MR. ZUCKER: Yes, your Honor. We have

1 entered into a stipulation and agreement, Laclede Gas
2 Company has with Ameren, to settle our issue in the
3 case, which is issue No. 10, and we filed the
4 stipulation and agreement on May 11th.

5 The time to object expired on May 18th.
6 There were no objections so it can be treated as a
7 unanimous stipulation, and so we present it now for
8 the Commission's approval.

9 It's a pretty simple stipulation.
10 There's only really two points to it. One is that
11 Laclede and Ameren agree that where there are
12 opportunities, they will work together on joint
13 programs for energy efficiency; and two, they will
14 design programs in a way that does not encourage fuel
15 switching, but it's also left open for either party
16 to come in and ask for a program that may include
17 fuel switching, but absent Commission approval, they
18 won't design programs that will lead to fuel
19 switching.

20 JUDGE BUSHMANN: Okay. Thank you. And
21 Mr. Byrne, did you want to give me a status update on
22 the state of negotiations at this point?

23 MR. BYRNE: Yes, your Honor. The
24 parties request that the hearing be further postponed
25 until 2:00, and at that point we will provide a

1 status report, and we would either start the hearing
2 then or perhaps delay it until tomorrow.

3 JUDGE BUSHMANN: Okay. That's
4 acceptable. So why don't we go into recess again
5 until two o'clock and the parties -- excuse me, go
6 ahead.

7 MR. ZUCKER: I'm sorry. One other
8 thing, your Honor. Having presented our stipulation,
9 we ask that Laclede Gas be excused from the remainder
10 of the hearing. This was our only issue in the case.

11 JUDGE BUSHMANN: That's fine. I don't
12 want to speak for the Commissioners. It is possible
13 that they might have additional questions at some
14 point later if the hearing were to commence again,
15 but at this point, I don't see any reason for your
16 continued participation.

17 MR. ZUCKER: Thank you, Judge. We'll be
18 happy to return at the Commission's request.

19 JUDGE BUSHMANN: Okay. In that case, if
20 there's nothing further, why don't we go into recess
21 until two p.m. today and the parties can then give
22 another status report.

23 MR. BYRNE: Thank you, your Honor.

24 JUDGE BUSHMANN: Thank you.

25 (A RECESS WAS TAKEN.)

1 JUDGE BUSHMANN: Let's bring the
2 proceeding to order. Mr. Byrne, can you give me an
3 update?

4 MR. BYRNE: Yes, Judge. We are making
5 progress in the settlement discussions, and the
6 parties have asked me to request on everyone's behalf
7 that the hearings be continued until 8:30 tomorrow so
8 that we can continue our settlement discussions.

9 JUDGE BUSHMANN: All right. That will
10 be fine. The hearing then will be in recess until
11 8:30 tomorrow morning.

12 MR. BYRNE: Thank you, Judge.

13 (WHEREUPON, the hearing was adjourned at
14 2:08 p.m. and resumed at 8:30 a.m. on May 24, 2012.)

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