

In the Matter of:

Anthony R. Granillo

v.

Union Electric Company d/b/a Ameren Missouri

EC-2018-0113

January 08, 2018



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A P P E A R A N C E S

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Page

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P R O C E E D I N G S

JUDGE CLARK: Why don't we go on the record if nobody objects. The date is January 8, 2018 and the current time is 9:58 a.m. We're in Room 305 of the Governor's Office Building.

The Commission has set aside this time for a Procedural Conference in the case captioned as Anthony R. Granillo, Complainant v. Union Electric Company, d/b/a Ameren Missouri, Respondent. That's File No. EC-2018-0113.

My name is John Clark. I'm the Regulatory Judge assigned to this matter. I'm going to begin by asking the attorneys to enter their appearances starting with the Commission Staff.

MS. ASLIN: Casi Aslin for Commission Staff. My information has been provided to the court reporter. With me today is Lisa Kremer who prepared the staff recommendations.

JUDGE CLARK: Okay. From Ameren.

THE COURT REPORTER: I'm sorry. If you'll all speak up.

JUDGE CLARK: Mr. Granillo, can you hear okay? Mr. Granillo?

MR. GRANILLO: I had -- I'm having some real difficulty with my connection right now. It's breaking
Page

1 up. Can you hear me?

2 JUDGE CLARK: I can hear you okay. Have you
3 been able to hear what's been going on?

4 MR. GRANILLO: I heard that we went through
5 introductions. I did not catch the names, but I'll just
6 go ahead and introduce myself. This is Tony Granillo,
7 and I am a resident to University City in Missouri at
8 7404 South Carleton, the service address of the issue in
9 question.

10 JUDGE CLARK: Mr. Granillo, Casi Aslin from
11 the staff counsel has introduced herself, as well as --
12 and what's your name again?

13 MS. KREMER: Lisa Kremer.

14 JUDGE CLARK: -- Lisa Kremer, and what's your
15 position?

16 MS. KREMER: I'm a regulatory manager with the
17 Missouri Public Service Commission.

18 JUDGE CLARK: And you did some work for staff
19 counsel on this?

20 MS. KREMER: Yes, sir.

21 JUDGE CLARK: We have not had introductions
22 from Ameren yet. If you'll go ahead.

23 MS. GIBONEY: For Ameren Missouri, I'm Sarah
24 Giboney of the law firm Smith Lewis, and the court
25 reporter has been provided with my contact information.

Page

1 Here with me today as a company representative is Cathy
2 Hart.

3 MS. HART: Yes. I'm Cathy Hart and I'm a
4 regulatory liaison for Ameren.

5 MS. KRCMAR: I'm also Aubrey Krcmar. I will
6 be assuming the role of regulatory liaison for Ameren
7 Missouri.

8 JUDGE CLARK: Okay. Let me ask before we get
9 into anything. Is there anything of a preliminary
10 nature that needs to be taken up now?

11 MS. GIBONEY: Judge, I spoke briefly with Ms.
12 Aslin before the hearing began. Ameren Missouri would
13 like leave to make a response to staff's report. Staff
14 made a number of recommendations and findings, and we do
15 think it will take us a little bit of time. Some of
16 what they referred to have to do with contracts that the
17 company has with its vendors, like its speed pay vendor
18 and its lockbox vendor that takes payments.

19 We also know we need to have a tariff
20 rescinded that's obsolete, things like that. We are
21 going to ask for leave to -- it's not a pleading that
22 needs to be responded to but we'd like an opportunity to
23 respond. Hopefully we'll be responding with some
24 propositions for how we can resolve a number of the
25 matters.

Page

1 Staff can speak for herself, but I don't think
2 there's an objection to that.

3 MS. ASLIN: Yes. Staff did not object to
4 that.

5 JUDGE CLARK: I understand. Is this in any
6 way going to help resolve Mr. Granillo's complaint?

7 MS. GIBONEY: Well, I don't know that it will
8 resolve his complaint about a preferred pay date; but as
9 to the lockbox vendor issue and the posting of payments
10 and the receipt of payments, I think it very well may,
11 yes.

12 JUDGE CLARK: Just to summarize, Ameren is
13 asking for a short continuance to respond to staff's
14 recommendation and report?

15 MS. GIBONEY: Yes. Because normally there
16 isn't a response filed to staff's report, but we'd like
17 to gather some facts, gather our contracts, speak with
18 our vendors and probably speak with staff about how we
19 can resolve a number of these issues.

20 JUDGE CLARK: Mr. Granillo, do you have any
21 objections to granting a continuance of the prehearing
22 to allow Ameren to respond to staff's report?

23 MR. GRANILLO: Yes, I do think I object to
24 that. The lockbox issue, the fact that they have
25 contracts that don't meet the expectations of the tariff

Page

1 around remittance of the payment, those are all -- those
2 are not pertinent and they're not relevant to my
3 complaint, which is that they don't which they've
4 admitted, and that as a matter that they don't it's
5 possible that I could pay my bill on time and then still
6 have service disconnected and it doesn't address the
7 primary issue here which is that I am not a credit risk.
8 There is an allowed remedy to my complaint in the
9 tariff, and Ameren refuses to take that option and
10 provide me a payment date at the end of every month
11 following the month in which they bill me which would
12 resolve this dispute 100 percent.

13 JUDGE CLARK: Okay. Mr. Granillo, I'm going
14 to grant Ameren's request for a continuance to respond
15 to the report, and the reason I'm doing that is it may
16 sift out some of the issues and then we'll see what we
17 have left that can go to hearing. Okay?

18 MR. GRANILLO: Understood, as long as my
19 objection is noted.

20 JUDGE CLARK: It is noted for the record. We
21 are on the record.

22 MR. GRANILLO: Thank you.

23 JUDGE CLARK: That being aside, normally what
24 I would do at this point is ask staff and Mr. Granillo
25 and Ameren to see if they could work out a procedural

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1 schedule but that seems a little premature at this
2 point. What I am also concerned about at this point is
3 you are requesting this continuance. I'm granting it.
4 But because this is a small complaint, there's 100 days
5 from the point at which it's filed by which it needs to
6 be resolved unless I find good cause otherwise. And
7 that 100 days runs on February the 8th of 2018.

8 It's taken awhile for, not any longer than
9 usual, it's taken awhile for staff to complete their
10 report. This was a very tight timeline set out. Given
11 that Ameren has asked for a request, let me ask you,
12 Mr. Granillo, do you have any objection to me finding
13 good cause to carry this proceeding beyond the 100 days?

14 MR. GRANILLO: I have no objection.

15 JUDGE CLARK: Okay. Then I find good cause to
16 extend these proceedings beyond the 100 days that are
17 required by the Code of State Regulations.

18 Is there anything at this time that staff
19 wants to add?

20 MS. ASLIN: No, Judge.

21 JUDGE CLARK: Ameren?

22 MS. GIBONEY: Judge, I think maybe if we would
23 just want to discuss when we would file our response
24 just so everybody is aware and we know when we're going
25 to move on. I would propose two months.

Page

1 JUDGE CLARK: Two months to file a response to
2 staff's report?

3 MS. GIBONEY: To investigate how quickly if we
4 need to we can get our contracts modified. I'm just a
5 little bit worried that it will take more time since
6 there's some contractual relationships involved.

7 JUDGE CLARK: I think initially I put in a no
8 shut off.

9 MS. GIBONEY: There's no -- I don't think
10 there's been any --

11 JUDGE CLARK: I didn't think there was.

12 MS. KRCMAR: No.

13 JUDGE CLARK: At the same time I want to be
14 sure. I think I put that in my initial filing.

15 MR. GRANILLO: Can you explain the no shut
16 off? Is that related to my service?

17 JUDGE CLARK: Yes. I want to be sure that
18 while this -- since Ameren is requesting a continuance,
19 I want to be sure that during the pending of this that
20 your service is not shut off.

21 MR. GRANILLO: Was that request, was that put
22 in any time before this because this is the first I'm
23 hearing of it?

24 JUDGE CLARK: I'm sorry. I can't hear you.

25 MR. GRANILLO: This is the first I'm hearing
Page

1 of that. Is this coming up right now or was there
2 something that I missed?

3 JUDGE CLARK: There's no issue. As far as I
4 know, there's no disconnection that has been put forth
5 by Ameren in any way, shape or form. It's just
6 something that I'm doing to be sure that that's not
7 something that's in danger of happening.

8 MR. GRANILLO: Will that result in no further
9 threats of disconnect notice?

10 JUDGE CLARK: Not necessarily because the
11 thing is that up to the point at which the complaint was
12 made that's what I'm dealing with, any payments that
13 would be moving forward that you could fall delinquent
14 on you could still face a shut off based on those.

15 MS. GIBONEY: Judge, as far as the company
16 knows, Mr. Granillo is current on his monthly payments.
17 So any payment that might have been --

18 JUDGE CLARK: This may be a non issue.

19 MS. GIBONEY: Yeah.

20 JUDGE CLARK: I'm just bringing it up.

21 MS. GIBONEY: Sure. I just wanted to let you
22 know and let Mr. Granillo know as far as we know there's
23 no payment that was due at the time he filed his
24 complaint that is remaining delinquent. I believe he's
25 current.

1 MR. GRANILLO: The timing on my monthly
2 payments, it depends on when I get a three pay period
3 month. For the next couple of months I'll be paying
4 earlier in the month than I would ordinarily. Like for
5 example today I'm dropping a check to you for the last
6 bill I got.

7 JUDGE CLARK: Mr. Granillo, I think I just
8 muddled the issue. I think I brought up something that
9 really didn't need to be brought up and I've just
10 confused everyone and that was not my intention.

11 MR. GRANILLO: There is one piece of that that
12 I was concerned -- that I'm interested in. With this
13 order in place, Ameren can still send me disconnect
14 notices if I have not paid my bill by their understood
15 due date?

16 JUDGE CLARK: That's correct.

17 MR. GRANILLO: Okay. That's the only thing I
18 wanted to clear up. Thank you.

19 JUDGE CLARK: Mr. Granillo, as long as we're
20 around to you, did you have anything that you wanted to
21 bring for the prehearing today that you wanted to
22 discuss?

23 MR. GRANILLO: No. I wanted to just, you
24 know, based on the continuance anything that I have to
25 say would come up later.

1 JUDGE CLARK: I think that's probably
2 appropriate. So you're asking for two months?

3 MS. GIBONEY: That would be ideal, yes.

4 JUDGE CLARK: Any objection to the two months?
5 Staff?

6 MS. ASLIN: I don't have any objection.

7 MR. GRANILLO: No objection.

8 JUDGE CLARK: I'm going to order that Ameren's
9 response to staff's report be completed by Monday, March
10 5.

11 MS. GIBONEY: Thank you, Judge.

12 JUDGE CLARK: And then once I have that, all
13 parties will have 10 days. Anybody who wants to respond
14 to that, including you, Mr. Granillo, will have 10 days
15 to do so. I'll set a prehearing after that at which
16 time we'll take up the procedural schedule and any
17 requirements for any prefiled testimony.

18 MR. GRANILLO: Then just for my clarification,
19 after that 10-day period you will then order another
20 procedural hearing?

21 JUDGE CLARK: There will be another procedural
22 hearing to set the schedule by which we will go to the
23 hearing itself.

24 MR. GRANILLO: Great.

25 JUDGE CLARK: The procedural schedule sets

1 such things as who's going to be testifying, who's going
2 to be giving opening statements, any discovery issues
3 that may come up, as well as how prehearing -- if,
4 because this is a small complaint and how many
5 prehearing testimony will be filed.

6 MR. GRANILLO: Does it also set a schedule for
7 the mediation option that is noted in the rules?

8 JUDGE CLARK: The mediation option comes about
9 like this. If you're interested in mediating with
10 Ameren Missouri, there are two parts to that. First of
11 all, you have to request the mediation. I don't know
12 off the top of my head if there's a time period for that
13 and if it's run but I don't think it has. Secondly,
14 Ameren has to actually agree to mediate with you.

15 MR. GRANILLO: Okay.

16 JUDGE CLARK: So you would need to file a
17 request for mediation if you want to pursue that, and at
18 that time what I will do is shoot out a filing to see if
19 Ameren wishes to pursue mediation with you. If you both
20 agree, then another judge will be assigned to act as
21 mediator.

22 MR. GRANILLO: Okay. Lisa, I'm going to need
23 to get together with you on how to do that. Is that
24 something that you can help me with?

25 MS. KREMER: I'm looking at my attorney,

1 Mr. Granillo.

2 MS. ASLIN: If you're wanting to mediate,
3 staff wouldn't be assisting you in any way. That would
4 just be something that would be between you and Ameren.

5 MR. GRANILLO: The procedure for how to make
6 the request.

7 MS. ASLIN: You would just need to contact the
8 judge to do that.

9 JUDGE CLARK: We can maybe shortcut this right
10 now. Mr. Granillo, are you requesting to have this
11 matter mediated?

12 MR. GRANILLO: Yes, I am.

13 JUDGE CLARK: Okay. I will take that
14 on-the-record request as a formal request, and I will
15 send an order out to Ameren asking whether or not they
16 have any objections to mediating.

17 MS. GIBONEY: Judge, I don't think we will,
18 but I would note that we would still like to have the
19 time to respond before any mediation were scheduled, so
20 time to respond to staff's report.

21 JUDGE CLARK: I think that's already set. The
22 procedural schedule only stops at the point at which the
23 parties agree to mediate. So until you've agreed to
24 mediate with Mr. Granillo, the procedural schedule
25 continues to run forward along with any deadlines. And

1 Mr. Granillo, you'll get a copy of the order that I'm
2 sending to Ameren. Okay?

3 MR. GRANILLO: Sounds great. Thank you.

4 JUDGE CLARK: Are there any other issues that
5 you wanted to take up other than the mediation,
6 Mr. Granillo?

7 MR. GRANILLO: No.

8 JUDGE CLARK: Are there any other issues that
9 needed to be addressed by the Commission at this time?

10 MS. ASLIN: No, Judge.

11 MS. GIBONEY: No, Judge.

12 JUDGE CLARK: Okay. I don't know if you
13 wanted to continue to talk to Mr. Granillo after I left.
14 We'll go off the record now.

15 (Off the record.)

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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

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<p style="text-align: center;">1</p> <hr/> <p>10 12:13,14 10-day 12:19 100 7:12 8:4,7,13,16</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2018 3:3 8:7</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>305 3:4</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 12:10</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7404 4:8</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 3:3 8th 8:7</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:58 3:4</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m. 3:4 act 13:20 add 8:19 address 4:8 7:6 addressed 15:9 admitted 7:4 agree 13:14,20 14:23</p>	<p>agreed 14:23 ahead 4:6,22 allowed 7:8 Ameren 3:9,19 4:22, 23 5:4,6,12 6:12,22 7:9,25 8:11,21 9:18 10:5 11:13 13:10,14, 19 14:4,15 15:2 Ameren's 7:14 12:8 Anthony 3:7 appearances 3:13 Aslin 3:15 4:10 5:12 6:3 8:20 12:6 14:2,7 15:10 assigned 3:12 13:20 assisting 14:3 assuming 5:6 attorney 13:25 attorneys 3:13 Aubrey 5:5 aware 8:24 awhile 8:8,9</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>based 10:14 11:24 began 5:12 begin 3:12 bill 7:5,11 11:6,14 bit 5:15 9:5 breaking 3:25 briefly 5:11 bring 11:21 bringing 10:20 brought 11:8,9 Building 3:5</p>	<p style="text-align: center;">C</p> <hr/> <p>captioned 3:7 Carleton 4:8 carry 8:13 case 3:7 Casi 3:15 4:10 catch 4:5 Cathy 5:1,3 check 11:5 City 4:7 clarification 12:18 Clark 3:2,11,19,22 4:2,10,14,18,21 5:8 6:5,12,20 7:13,20,23 8:15,21 9:1,7,11,13, 17,24 10:3,10,18,20 11:7,16,19 12:1,4,8, 12,21,25 13:8,16 14:9, 13,21 15:4,8,12 clear 11:18 Code 8:17 Commission 3:6,14, 15 4:17 15:9 company 3:8 5:1,17 10:15 Complainant 3:8 complaint 6:6,8 7:3,8 8:4 10:11,24 13:4 complete 8:9 completed 12:9 concerned 8:2 11:12 Conference 3:7 confused 11:10 connection 3:25 contact 4:25 14:7 continuance 6:13,21 7:14 8:3 9:18 11:24</p>	<p>continue 15:13 continues 14:25 contracts 5:16 6:17, 25 9:4 contractual 9:6 copy 15:1 correct 11:16 counsel 4:11,19 couple 11:3 court 3:16,20 4:24 credit 7:7 current 3:4 10:16,25</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>d/b/a 3:9 danger 10:7 date 3:3 6:8 7:10 11:15 days 8:4,7,13,16 12:13,14 deadlines 14:25 dealing 10:12 delinquent 10:13,24 depends 11:2 difficulty 3:25 disconnect 10:9 11:13 disconnected 7:6 disconnection 10:4 discovery 13:2 discuss 8:23 11:22 dispute 7:12 dropping 11:5 due 10:23 11:15</p>
---	--	---	---

<p style="text-align: center;">E</p> <hr/> <p>earlier 11:4 EC-2018-0113 3:10 Electric 3:8 end 7:10 enter 3:13 expectations 6:25 explain 9:15 extend 8:16</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>face 10:14 fact 6:24 facts 6:17 fall 10:13 February 8:7 file 3:9 8:23 9:1 13:16 filed 6:16 8:5 10:23 13:5 filing 9:14 13:18 find 8:6,15 finding 8:12 findings 5:14 firm 4:24 form 10:5 formal 14:14 forward 10:13 14:25</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gather 6:17 Giboney 4:23,24 5:11 6:7,15 8:22 9:3,9 10:15,19,21 12:3,11 14:17 15:11</p>	<p>giving 13:2 good 8:6,13,15 Governor's 3:5 Granillo 3:8,22,23,24 4:4,6,10 6:20,23 7:13, 18,22,24 8:12,14 9:15, 21,25 10:8,16,22 11:1, 7,11,17,19,23 12:7,14, 18,24 13:6,15,22 14:1, 5,10,12,24 15:1,3,6,7, 13 Granillo's 6:6 grant 7:14 granting 6:21 8:3 great 12:24 15:3</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>happening 10:7 Hart 5:2,3 head 13:12 hear 3:22 4:1,2,3 9:24 heard 4:4 hearing 5:12 7:17 9:23,25 12:20,22,23</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>ideal 12:3 including 12:14 information 3:16 4:25 initial 9:14 initially 9:7 intention 11:10 interested 11:12 13:9 introduce 4:6 introduced 4:11 introductions 4:5,21</p>	<p>investigate 9:3 involved 9:6 issue 4:8 6:9,24 7:7 10:3,18 11:8 issues 6:19 7:16 13:2 15:4,8</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>January 3:3 John 3:11 judge 3:2,12,19,22 4:2,10,14,18,21 5:8,11 6:5,12,20 7:13,20,23 8:15,20,21,22 9:1,7, 11,13,17,24 10:3,10, 15,18,20 11:7,16,19 12:1,4,8,11,12,21,25 13:8,16,20 14:8,9,13, 17,21 15:4,8,10,11,12</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Krcmar 5:5 9:12 Kremer 3:17 4:13,14, 16,20 13:25</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>law 4:24 leave 5:13,21 left 7:17 15:13 Lewis 4:24 liaison 5:4,6 Lisa 3:17 4:13,14 13:22 lockbox 5:18 6:9,24 long 7:18 11:19 longer 8:8</p>	<p style="text-align: center;">M</p> <hr/> <p>made 5:14 10:12 make 5:13 14:5 manager 4:16 March 12:9 matter 3:12 7:4 14:11 matters 5:25 mediate 13:14 14:2, 23,24 mediated 14:11 mediating 13:9 14:16 mediation 13:7,8,11, 17,19 14:19 15:5 mediator 13:21 meet 6:25 missed 10:2 Missouri 3:9 4:7,17, 23 5:7,12 13:10 modified 9:4 Monday 12:9 month 7:10,11 11:3,4 monthly 10:16 11:1 months 8:25 9:1 11:3 12:2,4 move 8:25 moving 10:13 muddled 11:8</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>names 4:5 nature 5:10 necessarily 10:10 needed 15:9 note 14:18</p>
---	--	---	---

noted 7:19,20 13:7	pertinent 7:2	reason 7:15	Respondent 3:9
notice 10:9	piece 11:11	receipt 6:10	responding 5:23
notices 11:14	place 11:13	recommendation 6:14	response 5:13 6:16 8:23 9:1 12:9
number 5:14,24 6:19	pleading 5:21	recommendations 3:18 5:14	result 10:8
<hr/> O <hr/>	point 7:24 8:2,5 10:11 14:22	record 3:2 7:20,21 15:14,15	risk 7:7
object 6:3,23	position 4:15	referred 5:16	role 5:6
objection 6:2 7:19 8:12,14 12:4,6,7	posting 6:9	refuses 7:9	Room 3:4
objections 6:21 14:16	preferred 6:8	Regulations 8:17	rules 13:7
objects 3:3	prefiled 12:17	regulatory 3:11 4:16 5:4,6	run 13:13 14:25
obsolete 5:20	prehearing 6:21 11:21 12:15 13:3,5	related 9:16	runs 8:7
Office 3:5	preliminary 5:9	relationships 9:6	<hr/> S <hr/>
on-the-record 14:14	premature 8:1	relevant 7:2	Sarah 4:23
opening 13:2	prepared 3:17	remaining 10:24	schedule 8:1 12:16, 22,25 13:6 14:22,24
opportunity 5:22	primary 7:7	remedy 7:8	scheduled 14:19
option 7:9 13:7,8	procedural 3:7 7:25 12:16,20,21,25 14:22, 24	remittance 7:1	send 11:13 14:15
order 11:13 12:8,19 14:15 15:1	procedure 14:5	report 5:13 6:14,16, 22 7:15 8:10 9:2 12:9 14:20	sending 15:2
ordinarily 11:4	proceeding 8:13	reporter 3:16,20 4:25	service 4:8,17 7:6 9:16,20
<hr/> P <hr/>	proceedings 8:16	representative 5:1	set 3:6 8:10 12:15,22 13:6 14:21
paid 11:14	propose 8:25	request 7:14 8:11 9:21 13:11,17 14:6,14	sets 12:25
parties 12:13 14:23	propositions 5:24	requesting 8:3 9:18 14:10	shape 10:5
parts 13:10	provide 7:10	required 8:17	shoot 13:18
pay 5:17 6:8 7:5 11:2	provided 3:16 4:25	requirements 12:17	short 6:13
paying 11:3	Public 4:17	rescinded 5:20	shortcut 14:9
payment 7:1,10 10:17,23	pursue 13:17,19	resident 4:7	shut 9:8,15,20 10:14
payments 5:18 6:9, 10 10:12,16 11:2	put 9:7,14,21 10:4	resolve 5:24 6:6,8,19 7:12	sift 7:16
pending 9:19	<hr/> Q <hr/>	resolved 8:6	sir 4:20
percent 7:12	question 4:9	respond 5:23 6:13,22 7:14 12:13 14:19,20	small 8:4 13:4
period 11:2 12:19 13:12	quickly 9:3	responded 5:22	Smith 4:24
	<hr/> R <hr/>		Sounds 15:3
	real 3:24		South 4:8
			speak 3:21 6:1,17,18

speed 5:17	understood 7:18 11:14	
spoke 5:11	Union 3:8	
staff 3:14,15,17 4:11, 18 5:13 6:1,3,18 7:24 8:9,18 12:5 14:3	University 4:7	
staff's 5:13 6:13,16, 22 9:2 12:9 14:20	usual 8:9	
starting 3:13		
State 8:17		
statements 13:2		
stops 14:22		
summarize 6:12		
T		
takes 5:18	wanted 10:21 11:18, 20,21,23 15:5,13	
talk 15:13	wanting 14:2	
tariff 5:19 6:25 7:9	wishes 13:19	
testifying 13:1	work 4:18 7:25	
testimony 12:17 13:5	worried 9:5	
thing 10:11 11:17		
things 5:20 13:1		
threats 10:9		
tight 8:10		
time 3:4,6 5:15 7:5 8:18 9:5,13,22 10:23 12:16 13:12,18 14:19, 20 15:9		
timeline 8:10		
timing 11:1		
today 3:17 5:1 11:5, 21		
Tony 4:6		
top 13:12		
U		
understand 6:5		