

In the Matter of:

Patricia Sue Stinnett

v.

Kansas City Power & Light Company

EC-2020-0088 VOL 1

December 09, 2019



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A P P E A R A N C E S

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P R O C E E D I N G S

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2 JUDGE GRAHAM: I'm going to go on the record.
3 I've got whatever the time is, eight minutes after
4 10:00. It's December 9, 2019. The Commission set this
5 time for a Procedural Conference in the case captioned
6 as Patricia Sue Stinnett vs. Kansas City Power & Light,
7 EC-2020-0088.

8 I'm Paul Graham. I'm the Regulatory Law Judge
9 in this matter. We're going to begin by the attorneys
10 and others making their entries of appearance. Ms.
11 Stinnett, by entry of appearance I simply mean or we
12 simply mean that you will formally announce your
13 presence for the record. That doesn't mean you have to
14 talk in a formal manner. Just tell us your name and
15 tell me you're here for yourself.

16 MS. STINNETT: I'm Patricia Sue Stinnett and I
17 am here.

18 JUDGE GRAHAM: Okay. Thank you very much.
19 And will Commission staff enter its appearance?

20 MS. ASLIN: Casi Aslin for Staff Counsel. My
21 information has been provided to the court reporter.

22 JUDGE GRAHAM: Thanks. I don't think we're
23 going to have anybody here from OPC. That's the Office
24 of the Public Counsel lest they speak up now.
25 Mr. Steiner, do you want to go ahead and enter your

1 appearance then?

2 MR. STEINER: Yes. My name is Roger W.
3 Steiner. I'm an attorney for Evergy. My address is
4 1200 Main Street, Kansas City, Missouri, and
5 816.556.2314 is my phone number.

6 JUDGE GRAHAM: All right. Thank you very
7 much. That's Evergy Missouri West?

8 MR. STEINER: That's right.

9 JUDGE GRAHAM: Okay. Now, are there any
10 preliminary matters to take up before we begin this
11 procedural conference? Hearing none. And I was
12 thinking I might hear something about the fact that this
13 complaint has been brought against Kansas City Power &
14 Light Company. Any comments that I need to be concerned
15 about today in that regard, Mr. Steiner?

16 MR. STEINER: I don't think so.

17 JUDGE GRAHAM: I read your answer to the
18 complaint. I did not think there was going to be any
19 issue, but I just wanted to put that out on the table if
20 you had anything to say about it.

21 MR. STEINER: I'm just trying to make sure
22 that my entity -- Even though it was against KCP&L, I
23 believe Evergy Missouri West is the company that
24 provides service. That's who I entered my appearance
25 on. I think we're good.

1 JUDGE GRAHAM: As I understood your answer,
2 you were answering for Evergy Missouri West and, in
3 essence, entering their appearance in the case.

4 MR. STEINER: Correct.

5 JUDGE GRAHAM: Did I understand what you were
6 doing there? Is that what your thought was?

7 MR. STEINER: You did, yes.

8 JUDGE GRAHAM: Okay. So the short answer to
9 my question then is we don't have an issue at least that
10 we need to be concerned about today in any matter?

11 MR. STEINER: We do not.

12 JUDGE GRAHAM: Thanks very much. I'm going to
13 go ahead then and turn this all over to you to go ahead
14 and to set up your schedule. Ms. Stinnett, what that
15 means is I'm about to walk out of the room for good for
16 this morning. The folks around the table here and on
17 the phone, you're going to do whatever you do at this
18 point on the record.

19 Will staff prepare the proposed procedural
20 order --

21 MS. ASLIN: Yes.

22 JUDGE GRAHAM: -- at the end of this exercise?
23 When could we expect to see that do you think? Look at
24 your other stuff.

25 MS. ASLIN: Ten days. So we could do the

1 19th.

2 JUDGE GRAHAM: That's fine with me if that's
3 fine all the way around. Is that fine with you,
4 Mr. Steiner?

5 MR. STEINER: It is. I did have one
6 preliminary item before you leave, Judge.

7 JUDGE GRAHAM: Okay. Go ahead.

8 MR. STEINER: My answer had a motion to
9 dismiss and was wondering if the judge will entertain
10 that or do I need to file a separate motion? Sometimes
11 the judge wants it separately. Or if you're not going
12 to entertain a motion to dismiss, our position is we
13 followed our tariffs and there's really not anything we
14 can do. That will be great to know and I won't bother
15 the court with one.

16 JUDGE GRAHAM: Well, I'm certainly not going
17 to take up and rule on the motion to dismiss one way or
18 the other today.

19 MR. STEINER: I know that.

20 JUDGE GRAHAM: Well, I didn't really think
21 that you were saying that and I knew you knew it, but I
22 said that also for the benefit of Ms. Stinnett here who
23 wouldn't necessarily follow those procedures. The
24 overwhelming likelihood, Mr. Steiner, is I'm going to
25 just take that with the case.

1 MR. STEINER: Thank you. That's all the
2 clarity I need. Thank you.

3 JUDGE GRAHAM: All right. Anything else,
4 folks?

5 MS. ASLIN: Do you have a preference for have
6 you thought about whether we would be doing rounds of
7 testimony or testimony at the hearing?

8 JUDGE GRAHAM: In other words, prefiled
9 testimony?

10 MS. ASLIN: Correct.

11 JUDGE GRAHAM: Mr. Steiner, do you have any
12 thoughts on that particularly --

13 MR. STEINER: No.

14 JUDGE GRAHAM: Okay, the short answer.

15 MR. STEINER: We can do it either way. The
16 complainant may not know what prefiled testimony is. So
17 we'd have to explain that. You'd have to file something
18 in writing. We can accommodate either.

19 JUDGE GRAHAM: Well, I've read the complaint,
20 I've read your answer, I've read your motion to dismiss.
21 My sense at this point without prejudging anything is
22 that this case may turn more on the law and on the
23 tariff. Let's put it this way. There may be more
24 disputes that turn on the tariff and on legal questions
25 than turn on the facts. If I'm misstating that or if

1 they shape up in a different way as this case develops,
2 then that's just the way it will be.

3 MR. STEINER: We can discuss it, Judge. We
4 can discuss it offline and we'll figure out how we're
5 going to present it to you. We'll tell the complainant
6 what that means. You have to put questions and answers
7 on paper if that's something she wants to do. So we can
8 discuss it.

9 JUDGE GRAHAM: That may be more convenient to
10 her too to do it that way. I'm thinking more in terms
11 of how to best present the issues to the Commission for
12 their decision, and my sense here is I may want to see
13 some things in writing. What I'm really thinking about
14 is things in the nature of briefs that deal with these
15 questions, and that's got nothing to do necessarily with
16 prefiled testimony although I certainly see a lot of
17 prefiled testimony that is a great proportion of that
18 turns out to be legal argument, which I always find
19 somewhat amusing.

20 I'm just going -- We've kind of hashed through
21 it here. Why don't you all talk together about that and
22 we'll look at that as a work in progress, in other
23 words, the answers to those questions. Okay? Anything
24 else?

25 MR. STEINER: Thank you, Judge.

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JUDGE GRAHAM: All right. I'll leave you all
to it. Thanks very much.

MS. STINNETT: Thank you. Have a good day.

(Off the record.)

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