

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS  
Procedural Conference  
July 26, 2017  
Jefferson City, Missouri  
Volume 1.

In the Matter of the )  
Application of Brandon Jessip )  
for Change of Electric ) File No. EO-2017-0277  
Supplier from Empire District )  
Electric to New-Mac Electric. )

MICHAEL BUSHMANN, Presiding  
REGULATORY LAW JUDGE

REPORTED BY:

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TIGER COURT REPORTING, LLC

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ALSO PRESENT VIA PHONE: Brandon Jessip.

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

2 JUDGE BUSHMANN: Today is July 26, 2017.

3 It's now ten minutes after two in the afternoon. The  
4 commission has set this time for a procedural  
5 conference in the case captioned as In the Matter of  
6 the Application of Brandon Jessip for Change of  
7 Electric Supplier from Empire District Electric to  
8 New-Mac Electric, File No. EO-2017-0277. My name's  
9 Michael Bushmann, I'm the regulatory law judge in this  
10 matter. Let's have counsel make entries of appearance.

11 Mr. Jessip, do I understand correctly that  
12 you'll be representing yourself in this case?

13 MR. JESSIP: Yes, sir.

14 JUDGE BUSHMANN: So if you have any questions  
15 while we're having this conference, please stop and ask  
16 me. I want to make sure that you understand what's  
17 going on.

18 And there is a court reporter sitting next to  
19 me who's transcribing everything we say while we're on  
20 the record. And --

21 MR. JESSIP: I understand.

22 JUDGE BUSHMANN: -- appearance for Empire  
23 District Electric Company.

24 MS. CARTER: Diana Carter, with Brydon,  
25 Swaengen, and England for the Empire District

1 Electric Company. My contact information is on the  
2 written entry provided to the court reporter.

3 JUDGE BUSHMANN: For New-Mac Electric  
4 Cooperative.

5 MR. WIDGER: Yes, this is Rod Widger of the  
6 firm of Andereck, Evans, Widger, Lewis and Figg. We  
7 are attorneys for New-Mac Electric Cooperative. I have  
8 previously provided the reporter with my contact  
9 information.

10 JUDGE BUSHMANN: Thank you, Mr. Widger.  
11 For commission staff.

12 MS. MERS: Nicole Mers, with commission  
13 staff, and my information has previously been provided  
14 to the court reporter.

15 JUDGE BUSHMANN: And I don't see anybody here  
16 from Office of Public Counsel.

17 So the first thing I'd like to do would be to  
18 take up staff's motion to dismiss that was filed on  
19 June 26th, which is opposed by both Empire and New-Mac.  
20 The standard for reviewing a motion to dismiss is  
21 solely a test of the adequacy of Mr. Jessip's  
22 application to see if the facts that it contains meets  
23 the elements of an application for a change of supplier  
24 assuming that those facts are true. Since Mr. Jessip  
25 alleges facts to show that his requested change is for

1 a reason other than a rate differential, I don't think  
2 it would be appropriate to grant the motion based on  
3 inadequacy of his application.

4 Staff's motion also had an attached affidavit  
5 from Mr. Beck affirming that the facts in the motion  
6 are true and correct. So that motion could also be  
7 considered to be a motion for summary determination  
8 under the commission's rules. A motion for summary  
9 determination can only be granted when it's in the  
10 public interest, there's no genuine issue of material  
11 fact, and the moving party is entitled to relief as a  
12 matter of law. However, in certain -- in this case, it  
13 is not clear to me from the pleadings as to the  
14 material facts, including the circumstances of Empire's  
15 commencing service on the structure on Mr. Jessip's  
16 property, discontinuing that service, and whether that  
17 same structure even exists today.

18 It seems to me that there are still issues of  
19 material fact that remain, and for all these reasons,  
20 I'll deny staff's motion to dismiss.

21 So what we're left with is, we need a  
22 procedural schedule in order to get a final resolution  
23 of the case. And since Mr. Jessip is not represented  
24 by counsel, I'll ask staff to file a joint proposed  
25 procedural schedule by August the 4th. The parties can

1 make recommendations as to procedural matters they  
2 would like to have included, but you should include a  
3 joint stipulation of facts so that we can save time in  
4 case we get to the point of an evidentiary hearing.

5 Mr. Jessip, do you have any questions about  
6 any of the things that I've been talking about so far?

7 MR. JESSIP: I think I understand it.

8 JUDGE BUSHMANN: Where we are at this point  
9 is that a procedural schedule is a plan with dates and  
10 deadlines of when certain things have to happen in  
11 order to resolve the case in front of the commission,  
12 and that would include filing deadlines and dates for  
13 an evidentiary hearing, if necessary.

14 And what I've asked staff to do is to talk to  
15 the different parties. And you can do that today after  
16 I've gone off the record and left the room. And you  
17 can talk about what dates would work for you and the  
18 other parties as far as those deadlines.

19 Does any other party have anything else that  
20 needs to be brought up at this point?

21 MS. MERS: I do not.

22 MR. WILLIAMS: Judge, this is Nathan Williams  
23 for staff.

24 JUDGE BUSHMANN: Yes, sir.

25 MR. WILLIAMS: Does the commission have any

1 preference or requirements regarding hearing location  
2 assuming this is going to hearing?

3 JUDGE BUSHMANN: Since it's not a small  
4 formal complaint, the hearing would be in Jefferson  
5 City. I would allow, if the parties agree to it,  
6 parties can appear by phone. If -- but that's on the  
7 parties appearing by phone to make sure that any  
8 documents that need to be here for the hearing would be  
9 here.

10 Any other parties have anything else?  
11 In that case, we are off the record.  
12 (Hearing concluded.)

C E R T I F I C A T E

STATE OF MISSOURI     )  
                                      ) ss  
COUNTY OF BOONE     )

I, Ashley M. Rouse, Certified Court  
Reporter for the firm of Tiger Court Reporting, do  
hereby certify that the above and foregoing is a true  
and accurate transcription, to the best of my ability,  
of the procedural conference of the Missouri Public  
Service Commission held In the Matter of the  
Application of Brandon Jessip for Change of Electric  
Supplier from Empire District Electric to New-Mac  
Electric, Case File No. EO-2017-0277, on July 26, 2017.

*Ashley M. Rouse*

Ashley M. Rouse  
TIGER COURT REPORTING



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