

In the Matter of:

**THE APPLICATION OF KCP&L GREATER MISSOURI, etc.**

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**EO-2019-0244 VOL. I**

*July 23, 2019*

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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
Procedural Conference  
July 23, 2019  
Jefferson City, Missouri  
Volume 1

In The Matter Of The Application)  
Of KCP&L Greater Missouri ) File No. EO-2019-0244  
Operations Company For Approval )  
Of A Special Rate For A Facility)  
Whose Primary Industry Is The )  
Production Or Fabrication Of )  
Steel In Or Around Sedalia, )  
Missouri )

MORRIS L. WOODRUFF, Presiding,  
CHIEF REGULATORY LAW JUDGE.

REPORTED BY:  
Chevon D. Theissen, CVR, CCR NO. 1399  
TIGER COURT REPORTING, LLC

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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

JUDGE WOODRUFF: We're on the record, please. We're here for a procedural conference in File No. EO-2019-0244, which concerns the application of KCP&L and Greater Missouri Operations Company for approval of a special incremental load rate for a steel production facility in Sedalia.

We'll begin by taking entries of appearance beginning with GMO.

MR. FISCHER: Thank you, Judge. On behalf of KCPL Greater Missouri Operations Company, let the record reflect the appearance of Roger Steiner and James Fischer. The court reporter has our contact information. We also have with us at counsel table the outside counsel for Nucor, Michael Lebanga (ph). They have not intervened at this point; they may do so in the future.

JUDGE WOODRUFF: Okay. And for Staff?

MS. MERS: Nicole Mers on behalf of the Staff, and my information is with the court reporter.

JUDGE WOODRUFF: And for Public Counsel?

MR. HALL: Good morning and thank you. Caleb Hall appearing on behalf of Public Counsel. I have given my contact information to the court reporter.

JUDGE WOODRUFF: And for MECG?

1 MR. WOODSMALL: David Woodsmall on behalf of  
2 MECG.

3 JUDGE WOODRUFF: All right. The first thing  
4 we need to take up -- I don't see anyone else and any  
5 parties here in the room. The first thing we need to  
6 take up is the pending application to intervene that  
7 was filed yesterday by MECG. Anyone object to MECG's  
8 application to intervene?

9 MR. FISCHER: Judge, the company is currently  
10 reviewing that and we -- we'd like to be able to  
11 respond probably in writing.

12 Mr. Woodsmall, what customer does MEG -- CEG  
13 represent in this matter? What group?

14 MR. WOODSMALL: Commission rule. I don't  
15 have to reveal that.

16 MR. FISCHER: Okay.

17 MR. WOODSMALL: MECG is an incorporated  
18 entity representing the interests of large commercial  
19 and industrial customers. The Commission has found  
20 repeatedly in the past that incorporated entities don't  
21 have to reveal who their members are.

22 MR. FISCHER: With that then, Judge, we --  
23 we'd like to respond to -- to his intervention in  
24 writing, and we will be taking up confidential  
25 information at the technical conference, which will

1 have to -- until he's a party, we wouldn't be  
2 interested in sharing.

3 JUDGE WOODRUFF: Okay.

4 MR. WOODSMALL: I understand that's a rule.  
5 If you want to make the case go smoothly, you know, I  
6 can sign a nondisclosure agreement. This is the only  
7 technical conference I see but, you know, that's  
8 certainly your right. I'm baffled as to why GMO has a  
9 problem with this.

10 MR. FISCHER: I think we are going to have  
11 another technical conference coming up.

12 JUDGE WOODRUFF: That was in the proposed  
13 schedule.

14 MR. WOODSMALL: Can you tell me what the  
15 concern is? Maybe I can address it.

16 MR. FISCHER: We'd like to know who your  
17 customer is that you represent is?

18 MR. WOODSMALL: We've never -- all the  
19 customers?

20 MR. FISCHER: Yeah. Who you're representing  
21 in this particular case that has an interest in our  
22 application?

23 MR. WOODSMALL: MECG, the Incorporated  
24 entity.

25 MR. FISCHER: Is it Wal-Mart? Is it

1 someone --

2 MR. WOODSMALL: None of them. MECG. I do  
3 not represent Wal-Mart. I represent MECG Incorporated  
4 Association. They are an entity of themselves.

5 MR. FISCHER: And does GMO have a customer  
6 that you're representing?

7 MR. WOODSMALL: No. It's just like Renew  
8 Missouri, anybody else. You don't have to be a  
9 customer to have an interest in a case. The Commission  
10 has found that repeatedly. MECG is an incorporated  
11 entity, incorporated solely for the in-- to represent  
12 the interest of large commercial, industrial customers.  
13 The Commission has ruled on this many times involving  
14 MIEC.

15 JUDGE WOODRUFF: Mr. Fischer, is your concern  
16 about particular information being -- needing to be  
17 treated as highly confidential?

18 MR. FISCHER: Yeah, partly that. But partly  
19 whether there's really an interest here in this case  
20 just because there's an incorporated association that  
21 doesn't represent a customer in our -- in our service  
22 territory.

23 MR. STEINER: I mean, part of that is we just  
24 got it on -- last night, and I just haven't had a  
25 chance to talk to my client about what position we want



1 to take. I mean, I could probably make a phone call or  
2 two and try to get it cleared up earlier. I understand  
3 what Mr. Woodsmall is saying, that he's here --

4 MR. WOODSMALL: I intervened on behalf of  
5 MECG in every GMO rate case.

6 MR. STEINER: Right. Right.

7 MR. WOODSMALL: The same interest there as is  
8 here. So I'm baffled as to -- and by rule, I have to  
9 keep confidential information as an attorney  
10 confidential. But I'm still baffled as to what the  
11 concern is, and I don't mind giving more time, but I'd  
12 like to be able to listen to the technical conference.

13 MR. STEINER: No, I understand. Yeah.

14 MR. WOODSMALL: You know, I intervened  
15 specifically before the intervention deadline to get it  
16 in before the technical conference --

17 MR. STEINER: It's just --

18 MR. WOODSMALL: -- and this is a very  
19 expedited schedule mainly because the company sat on  
20 its hands. They filed their first 60-day notice, what,  
21 eight months ago?

22 MR. STEINER: I don't think that's a fair  
23 characterization -- sat on its hands. We just --

24 MR. WOODSMALL: For eight months --

25 MR. STEINER: It takes a while to get --

1 MR. WOODSMALL: -- you had a 60-day notice  
2 pending --

3 MR. STEINER: -- an agreement. I mean, we  
4 understand --

5 MR. WOODSMALL: -- and you didn't file --

6 COURT REPORTER: Please, one at time.

7 MR. WOODSMALL: -- the case. You didn't file  
8 the case. And now you filed the case. You asked for a  
9 very expedited proceeding, and you want to eliminate  
10 the largest non-OPC customer group from the technical  
11 conference. I think this is something you could take  
12 up verbally. Why do you need to have a written  
13 opposition to the intervention? Why can't you just  
14 take it up verbally and have the judge rule on it here?

15 MR. STEINER: Well, that's kind what we've  
16 done, and we're wanting to talk to our client about  
17 what our position should be.

18 JUDGE WOODRUFF: Well, let me ask you this:  
19 Will there be parts of the technical conference that  
20 aren't confidential?

21 MR. FISCHER: There will be a lot of  
22 confidential material discussed I think. If we get  
23 into another rate discussion particularly, but  
24 otherwise, there will be some that won't be  
25 confidential.

1 JUDGE WOODRUFF: And how quickly would you be  
2 able to file that written response to the, I guess, to  
3 the intervention request?

4 MR. STEINER: I mean, I could probably just  
5 make a phone call right now and see what our position  
6 should be. I could give you an answer in 20 minutes or  
7 so.

8 JUDGE WOODRUFF: All right. Well, let's take  
9 a recess and come back at 9:30.

10 MR. STEINER: I can give you a time then, if  
11 we do want to propose it when we could file that  
12 written response.

13 JUDGE WOODRUFF: That would be fine. Okay.  
14 We're in recess until 9:30.

15 (In recess.)

16 JUDGE WOODRUFF: Okay. Let's go back on the  
17 record. And, Mr. Steiner, were you able to --

18 MR. STEINER: I was able to reach my client,  
19 and we do not have an objection to the application for  
20 intervention.

21 JUDGE WOODRUFF: Okay. Very good. Then  
22 we'll take up the application to intervene by MECG and  
23 hearing opposition to it, it will be granted. And I'll  
24 issue a notice that it has been done so the data center  
25 can add Mr. Woodsmall to the list of parties who are

1 able to see confidential information.

2 All right. I brought you here together just  
3 to ask you to give me a proposed procedural schedule.  
4 A proposed schedule is part of the application.  
5 Generally, that appears to be acceptable to the  
6 Commission, but I wanted to give the parties a chance  
7 to weigh in on that also. If you give me something by  
8 Thursday, which would be July 25th. Just give me a  
9 proposed schedule if you can all agree upon it, if not,  
10 then give me competing schedules and we'll deal with  
11 that.

12 I understand there will be a technical  
13 conference in this -- this morning as well.  
14 Unfortunately, this room is booked for another  
15 prehearing conference at ten o'clock, so I've opened up  
16 310 if you just all move over there after we go off the  
17 record.

18 And anything else we need to take up while  
19 we're on the record?

20 MR. STEINER: I don't believe so, Your Honor.

21 JUDGE WOODRUFF: All right. Thank you all  
22 very much, then. And with that, the on-the-record  
23 portion of this conference is adjourned. And if you  
24 would just move on over to 310. Thank you.

25 (Hearing was adjourned at 9:34 a.m.)

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CERTIFICATE

I, Chevon D. Theissen, a Certified Verbatim Reporter, Certified Court Reporter, CCR No. 1399, the officer before whom the foregoing hearing was taken, do hereby certify that the foregoing hearing was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Chevon D. Theissen, CVR, CCR No. 1399

<hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p><b>60-day</b> 8:20 9:1</p> <hr/> <p style="text-align: center;"><b>A</b></p> <hr/> <p><b>address</b> 6:15</p> <p><b>agreement</b> 6:6 9:3</p> <p><b>appearance</b> 4:8,12</p> <p><b>appearing</b> 4:23</p> <p><b>application</b> 4:4 5:6,8 6:22</p> <p><b>approval</b> 4:6</p> <p><b>association</b> 7:4,20</p> <p><b>attorney</b> 8:9</p> <hr/> <p style="text-align: center;"><b>B</b></p> <hr/> <p><b>baffled</b> 6:8 8:8,10</p> <p><b>begin</b> 4:8</p> <p><b>beginning</b> 4:9</p> <p><b>behalf</b> 4:10,19,23 5:1 8:4</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>Caleb</b> 4:22</p> <p><b>call</b> 8:1</p> <p><b>case</b> 6:5,21 7:9,19 8:5 9:7,8</p> <p><b>CEG</b> 5:12</p> <p><b>chance</b> 7:25</p> <p><b>characterization</b> 8:23</p> <p><b>cleared</b> 8:2</p> <p><b>client</b> 7:25 9:16</p> <p><b>commercial</b> 5:18 7:12</p> <p><b>Commission</b> 5:14,19</p>	<p>7:9,13</p> <p><b>company</b> 4:5,11 5:9 8:19</p> <p><b>concern</b> 6:15 7:15 8:11</p> <p><b>concerns</b> 4:4</p> <p><b>conference</b> 4:3 5:25 6:7,11 8:12,16 9:11,19</p> <p><b>confidential</b> 5:24 7:17 8:9,10 9:20,22,25</p> <p><b>contact</b> 4:13,24</p> <p><b>counsel</b> 4:14,15,21, 23</p> <p><b>court</b> 4:13,20,24 9:6</p> <p><b>customer</b> 5:12 6:17 7:5,9,21 9:10</p> <p><b>customers</b> 5:19 6:19 7:12</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p><b>David</b> 5:1</p> <p><b>deadline</b> 8:15</p> <p><b>discussed</b> 9:22</p> <p><b>discussion</b> 9:23</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>earlier</b> 8:2</p> <p><b>eliminate</b> 9:9</p> <p><b>entities</b> 5:20</p> <p><b>entity</b> 5:18 6:24 7:4, 11</p> <p><b>entries</b> 4:8</p> <p><b>EO-2019-0244</b> 4:4</p> <p><b>expedited</b> 8:19 9:9</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>facility</b> 4:7</p>	<p><b>fair</b> 8:22</p> <p><b>file</b> 4:3 9:5,7</p> <p><b>filed</b> 5:7 8:20 9:8</p> <p><b>Fischer</b> 4:10,13 5:9, 16,22 6:10,16,20,25 7:5,15,18 9:21</p> <p><b>found</b> 5:19 7:10</p> <p><b>future</b> 4:17</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>giving</b> 8:11</p> <p><b>GMO</b> 4:9 6:8 7:5 8:5</p> <p><b>Good</b> 4:22</p> <p><b>Greater</b> 4:5,11</p> <p><b>group</b> 5:13 9:10</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>Hall</b> 4:22,23</p> <p><b>hands</b> 8:20,23</p> <p><b>highly</b> 7:17</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>in--</b> 7:11</p> <p><b>incorporated</b> 5:17, 20 6:23 7:3,10,11,20</p> <p><b>incremental</b> 4:6</p> <p><b>industrial</b> 5:19 7:12</p> <p><b>information</b> 4:14,20, 24 5:25 7:16 8:9</p> <p><b>interest</b> 6:21 7:9,12, 19 8:7</p> <p><b>interested</b> 6:2</p> <p><b>interests</b> 5:18</p> <p><b>intervene</b> 5:6,8</p> <p><b>intervened</b> 4:16 8:4, 14</p>	<p><b>intervention</b> 5:23 8:15 9:13</p> <p><b>involving</b> 7:13</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>James</b> 4:13</p> <p><b>judge</b> 4:2,10,18,21,25 5:3,9,22 6:3,12 7:15 9:14,18</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>KCP&amp;L</b> 4:5</p> <p><b>KCPL</b> 4:11</p> <p><b>kind</b> 9:15</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>large</b> 5:18 7:12</p> <p><b>largest</b> 9:10</p> <p><b>Lebanga</b> 4:15</p> <p><b>listen</b> 8:12</p> <p><b>load</b> 4:6</p> <p><b>lot</b> 9:21</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>make</b> 6:5 8:1</p> <p><b>material</b> 9:22</p> <p><b>matter</b> 5:13</p> <p><b>MECG</b> 4:25 5:2,7,17 6:23 7:2,3,10 8:5</p> <p><b>MECG's</b> 5:7</p> <p><b>MEG</b> 5:12</p> <p><b>members</b> 5:21</p> <p><b>Mers</b> 4:19</p> <p><b>Michael</b> 4:15</p> <p><b>MIEC</b> 7:14</p>
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