

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
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6 TRANSCRIPT OF PROCEEDINGS  
7 Prehearing Conference  
8 October 7, 2013  
9 Jefferson City, Missouri  
Volume 1

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12 In the Matter of the )  
Application of Kansas City )  
13 Power & Light Company and KCP&L )  
Greater Missouri Operations )  
14 Company for the Issuance of an ) File No.  
Accounting Authority Order ) EU-2014-0077  
15 Relating to their Electrical )  
Operations and for a Contingent )  
16 Waiver of the Notice )  
Requirement of 4 CSR 240-4.020(2) )

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20 KIM S. BURTON, Presiding,  
REGULATORY LAW JUDGE.

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23 REPORTED BY:  
24 KELLENE K. FEDDERSEN, CSR, RPR, CCR NO. 838  
MIDWEST LITIGATION SERVICES

25

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

2 (WHEREUPON, the prehearing conference  
3 began at 2:03 p.m.)

4 JUDGE BURTON: Let's go on the  
5 record. The time is now 2:03 on Monday,  
6 October 7th, 2013. This prehearing conference has  
7 been scheduled in the matter of the application of  
8 Kansas City Power & Light Company and KCP&L Greater  
9 Missouri Operations Company for the issuance of an  
10 accounting authority order relating to their  
11 electrical operations and for contingent waiver of  
12 the notice requirements of 4 CSR 240-40.020  
13 subsection 2. This is in File No. EU-2014-0077.

14 I am Kim Burton. I'm the Regulatory  
15 Law Judge assigned to this case. Now, at this time  
16 I would ask that all of the parties enter their  
17 appearance for the record. Please go ahead and  
18 spell your name for the court reporter and provide  
19 your address. And I believe, Mr. Steiner, why  
20 don't we go ahead and start with you?

21 MR. STEINER: All right. Roger W.  
22 Steiner appearing for Kansas City Power & Light  
23 Company and KCP&L Greater Missouri Operations  
24 Company. Address is 1200 Main Street, Kansas City,  
25 Missouri 64105. Last name is spelled

1 S-t-e-i-n-e-r.

2 MR. FISCHER: And, Judge, also  
3 appearing with Mr. Steiner, James M. Fischer,  
4 F-i-s-c-h-e-r, Fischer & Dority, PC, 101 Madison  
5 Street, Suite 400, Jefferson City, Missouri 65101.

6 JUDGE BURTON: Okay. For the Staff.

7 MR. DOTTHEIM: Appearing for the  
8 Staff of the Missouri Public Service Commission,  
9 Steven Dottheim, D-o-t-t-h-e-i-m, Nathan Williams,  
10 W-i-l-l-i-a-m-s, and Whitney Hampton,  
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13 MR. POSTON: For Public Counsel, Marc  
14 Poston, P-o-s-t-o-n, P.O. Box 2230, Jefferson City,  
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16 MR. COOPER: Dean L. Cooper,  
17 C-o-o-p-e-r, Post Office Box 456, Jefferson City,  
18 Missouri 65102, appearing on behalf of the Empire  
19 District Electric Company.

20 MR. WOODSMALL: David Woodsmall,  
21 Woodsmall Law Office, appearing on behalf of  
22 Midwest Energy Consumers Group, 807 Winston Court,  
23 Jefferson City, Missouri 65101.

24 JUDGE BURTON: Do we have any other  
25 parties that are present on the line? Do we have

1 any representatives for the Missouri Industrial  
2 Energy Consumers? Okay. Let the record reflect  
3 that no one has entered their appearance at this  
4 prehearing on their behalf.

5 Now, the purpose of this prehearing  
6 conference is for the parties to get together and  
7 sort of discuss the issues. This is a little bit  
8 of an unusual circumstance in the sense that a  
9 prehearing -- or a procedural schedule was  
10 submitted with the application by KCP&L and KCP&L  
11 GMO.

12 Now, under the circumstances we've  
13 yet to actually receive any responsive pleadings  
14 from the parties. There was a deadline that has  
15 been issued by the Commission for, I believe it is  
16 October 14th for parties to submit their responsive  
17 pleadings. Obviously we haven't actually received  
18 a request for a contested case, but that's for the  
19 parties to sort of determine later on if there are  
20 any actual issues in dispute.

21 I want to go ahead and just state for  
22 the record that I will be out of town from the 14th  
23 to the 18th of October. Now, obviously the  
24 October 14th deadline was submitted by some of the  
25 parties, by Staff and the Office of Public Counsel

1 as a deadline that they requested. That is also  
2 Columbus Day. And if the parties wish to submit it  
3 on that date, that's sufficient for me. But as  
4 well, if the parties say let's go ahead and give it  
5 additional time and everyone's in agreement, I'm  
6 more than willing to go ahead and accept a later  
7 date for submission for any of the responses.

8 Now, I've went ahead and provided a  
9 copy of the -- excuse me. Mr. Steiner, did you say  
10 something?

11 MR. STEINER: No, I didn't say  
12 anything.

13 JUDGE BURTON: Okay. I've provided a  
14 copy of the hearing room schedule from October  
15 through the end of February. I know that an  
16 expedited schedule has been submitted by the  
17 applicants, but if there is under some  
18 circumstances a situation where the parties can't  
19 agree on that proposed procedural schedule, feel  
20 free to work with these deadlines or let me know if  
21 additional timeframes are available or requested  
22 past that timeframe. I believe Mr. Poston or  
23 Mr. Dottheim can provide those dates. But if you  
24 need additional time, please let me know.

25 I would ask that the parties sort of

1 get together and determine whether or not they want  
2 to or, slash, need to submit a proposed procedural  
3 schedule before the deadline for submitting  
4 responsive pleadings.

5 Okay. Now, as of right now, I don't  
6 actually see any objections that were submitted  
7 against the applications to intervene. Am I  
8 correct in that, Mr. Steiner?

9 MR. STEINER: We haven't submitted  
10 anything yet, no. You're correct.

11 JUDGE BURTON: Do you plan on  
12 submitting any objections?

13 MR. STEINER: I don't believe so, but  
14 I need to look at the applications.

15 JUDGE BURTON: Okay. Then I would go  
16 ahead and say when the parties are getting together  
17 to agree or discuss some of these issues after I  
18 leave, Mr. Steiner, if you can talk to the parties,  
19 and if that needs to be an issue where you need to  
20 extend a deadline to submit any objections, include  
21 that in any status update that's submitted to me.

22 Now --

23 MR. STEINER: We will, your Honor.

24 JUDGE BURTON: Now, let's go ahead  
25 and discuss, based on the fact that I'm going to be



1     gone next week and I also know we have our Public  
2     Utility Law Symposium on the 11th, which might  
3     cause some of the parties that are in this room to  
4     be unavailable on this Friday, so I'm willing to  
5     work with you if you need to go ahead and have  
6     additional time to submit a deadline to me or  
7     submit, excuse me, your information as far as your  
8     procedural schedule, go ahead and let me know right  
9     now. What timeframe do you guys think, or do you  
10    need additional time to discuss?

11                 MR. DOTTHEIM: Judge, why don't -- if  
12    I might suggest, if we can talk amongst ourselves  
13    after we go off the record. I think it's likely  
14    that all the parties here this afternoon are here  
15    to talk about the procedural schedule. So if you  
16    would give us an opportunity to talk amongst  
17    ourselves. MIEC is not here, but the other parties  
18    are, and I think we should be able to get a pretty  
19    good idea for what we're looking at in this case.

20                 If you're going to be here the  
21    remainder of the day or at least good part of the  
22    remainder of the day, I think again we should have  
23    a pretty good idea of the posture of this case and  
24    we could visit with you and tell you where -- where  
25    we are and whether the 14th is adequate or whether

1 we think we might need some more time or even if we  
2 think we need less time.

3 JUDGE BURTON: Okay. Does that sound  
4 okay with the other parties?

5 MR. POSTON: Yes.

6 MR. FISCHER: That's fine with the  
7 company.

8 MR. COOPER: Yes.

9 MR. WOODSMALL: Yes.

10 JUDGE BURTON: In that case, I will  
11 let the parties go ahead and discuss and agree on a  
12 time to go ahead and submit to me their schedules  
13 for reaching a schedule. How about by the end of  
14 the day, Mr. Dottheim, if you can go ahead and  
15 agree to submit that to me on behalf of all of the  
16 parties, what the statement is?

17 Okay. Are there any --

18 MR. DOTTHEIM: Okay. You would like  
19 something in writing as opposed to a visit by  
20 counsel from the parties and then possibly  
21 something in writing or --

22 JUDGE BURTON: Let me just say that I  
23 can be as formal or as informal as the parties want  
24 at this point. So I'm more than willing to have a  
25 representative, more than one representative stop

1 by my office and just let me know what the parties  
2 are going to be submitting as far as saying we  
3 think we'll need to this date or that date. As  
4 long as all the other parties are in agreement,  
5 then I'll go ahead and submit a notice to all the  
6 other parties afterwards after I received this.

7 MR. DOTTHEIM: I think regardless,  
8 even if we would be formal, I think we'd probably  
9 want to drop by your office just to --

10 JUDGE BURTON: Check out the walls?  
11 Okay.

12 MR. DOTTHEIM: To see if we could  
13 decipher the hieroglyphics on the white board  
14 outside your office.

15 JUDGE BURTON: And, Mr. Steiner, if  
16 you could also just include, if you may, a deadline  
17 of when you would be looking to submit any possible  
18 objections to the applications to intervene because  
19 I'm sure the other parties would like to know that.  
20 I set the date originally as the 4th, but based on  
21 the rapid turnaround, I'm willing to accommodate an  
22 agreement by the parties.

23 MR. STEINER: Oh, the deadline's  
24 already passed?

25 JUDGE BURTON: It has, but due to

1 the --

2 MR. STEINER: Then forget it. We  
3 won't be -- I apologize, your Honor. I didn't  
4 realize the deadline -- I was out last week. I  
5 didn't realize the deadline passed.

6 JUDGE BURTON: That's fine. And I'm  
7 telling you that if the parties are in agreement  
8 for a little bit of an extension, you can submit a  
9 request for an objection out of time, but just let  
10 me know the deadline.

11 MR. STEINER: I don't think -- we  
12 won't be doing that, your Honor, so you can take  
13 that off the list.

14 JUDGE BURTON: Okay. Great. Are  
15 there any other matters that need to be discussed  
16 on the record? Okay. Well, hearing none, I will  
17 go ahead and depart, and I look forward to meeting  
18 with you, one or more of you later this afternoon.  
19 We are now going to go off the record.

20 (WHEREUPON, the recorded portion of  
21 the prehearing conference concluded at 14:14 p.m.)

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C E R T I F I C A T E

STATE OF MISSOURI       )  
  ) ss.

COUNTY OF COLE       )

I, Kellene K. Feddersen, Certified  
Shorthand Reporter with the firm of Midwest  
Litigation Services, 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.

Given at my office in the City of  
Jefferson, County of Cole, State of Missouri.

\_\_\_\_\_  
Kellene K. Feddersen, RPR, CSR, CCR

<b>A</b>	<b>B</b>	<b>Columbus 7:2</b>	<b>10:14</b>	<b>6:2</b>
<b>able</b> 9:18	<b>based</b> 8:25	<b>Commission</b>	<b>dcooper@br...</b>	<b>England</b> 2:10
<b>above-entitled</b>	11:20	1:2 3:3,6 5:8	2:13	<b>enter</b> 4:16
13:9	<b>began</b> 4:3	6:15	<b>deadline</b> 6:14	<b>entered</b> 6:3
<b>accept</b> 7:6	<b>behalf</b> 5:18,21	<b>company</b> 1:13	6:24 7:1 8:3	<b>EU-2014-0077</b>
<b>accommodate</b>	6:4 10:15	1:14 2:2,14	8:20 9:6	1:14 4:13
11:21	<b>believe</b> 4:19	4:8,9,23,24	11:16 12:4,5	<b>everyone's</b> 7:5
<b>accounting</b>	6:15 7:22	5:19 10:7	12:10	<b>excuse</b> 7:9 9:7
1:14 4:10	8:13	<b>concluded</b>	<b>deadlines</b> 7:20	<b>expedited</b> 7:16
<b>actual</b> 6:20	<b>bit</b> 6:7 12:8	12:21	<b>deadline's</b>	<b>extend</b> 8:20
<b>additional</b> 7:5	<b>board</b> 11:13	<b>conference</b> 1:7	11:23	<b>extension</b> 12:8
7:21,24 9:6	<b>Box</b> 2:11,20 3:3	4:2,6 6:6	<b>Dean</b> 2:10 5:16	
9:10	5:11,14,17	12:21	<b>decipher</b> 11:13	<b>F</b>
<b>address</b> 4:19	<b>Brydon</b> 2:10	<b>Consumers</b>	<b>depart</b> 12:17	<b>F</b> 13:2
4:24	<b>Burton</b> 1:20	5:22 6:2	<b>Deputy</b> 3:1,2	<b>fact</b> 8:25
<b>adequate</b> 9:25	4:4,14 5:6,24	<b>contested</b> 6:18	<b>determine</b> 6:19	<b>far</b> 9:7 11:2
<b>afternoon</b> 9:14	7:13 8:11,15	<b>contingent</b> 1:15	8:1	<b>February</b> 7:15
12:18	8:24 10:3,10	4:11	<b>discuss</b> 6:7	<b>Feddersen</b> 1:24
<b>agree</b> 7:19 8:17	10:22 11:10	<b>Cooper</b> 2:10	8:17,25 9:10	13:5,18
10:11,15	11:15,25 12:6	5:16,16 10:8	10:11	<b>feel</b> 7:19
<b>agreement</b> 7:5	12:14	<b>copy</b> 7:9,14	<b>discussed</b>	<b>File</b> 1:14 4:13
11:4,22 12:7		<b>Corporate</b> 2:2	12:15	<b>fine</b> 10:6 12:6
<b>ahead</b> 4:17,20	<b>C</b>	<b>correct</b> 8:8,10	<b>dispute</b> 6:20	<b>firm</b> 13:6
6:21 7:4,6,8	<b>C</b> 4:1 13:2,2	13:12	<b>District</b> 2:14	<b>Fischer</b> 2:5,6
8:16,24 9:5,8	<b>Capitol</b> 2:11	<b>counsel</b> 2:2,19	5:19	5:2,3,4 10:6
10:11,12,14	<b>caption</b> 13:10	2:19,22 3:1,2	<b>doing</b> 12:12	<b>Floor</b> 2:3
11:5 12:17	<b>case</b> 4:15 6:18	5:13 6:25	<b>Dority</b> 2:6 5:4	<b>foregoing</b>
<b>apologize</b> 12:3	9:19,23 10:10	10:20	<b>Dottheim</b> 3:1	13:12
<b>appearance</b>	<b>cause</b> 9:3 13:9	<b>Counsel/Elec...</b>	5:7,9 7:23	<b>forget</b> 12:2
4:17 6:3	<b>CCR</b> 1:24	3:2	9:11 10:14,18	<b>formal</b> 10:23
<b>APPEARAN...</b>	13:18	<b>County</b> 13:4,16	11:7,12	11:8
2:1	<b>Certified</b> 13:5	<b>court</b> 2:16 4:18	<b>drop</b> 11:9	<b>forth</b> 13:10
<b>appearing</b> 4:22	<b>certify</b> 13:7	5:22	<b>due</b> 11:25	<b>forward</b> 12:17
5:3,7,18,21	<b>Check</b> 11:10	<b>CSR</b> 1:16,24	<b>D-o-t-t-h-e-i-m</b>	<b>free</b> 7:20
<b>applicants</b> 7:17	<b>Chief</b> 3:1	4:12 13:18	5:9	<b>Friday</b> 9:4
<b>application</b>	<b>circumstance</b>	<b>C-o-o-p-e-r</b>		<b>full</b> 13:12
1:12 4:7 6:10	6:8	5:17	<b>E</b>	<b>F-i-s-c-h-e-r</b>
<b>applications</b>	<b>circumstances</b>		<b>E</b> 4:1,1 13:2,2	5:4
8:7,14 11:18	6:12 7:18	<b>D</b>	<b>East</b> 2:11	
<b>assigned</b> 4:15	<b>City</b> 1:9,12 2:2	<b>D</b> 2:19 4:1	<b>Electric</b> 2:14	<b>G</b>
<b>Attorney</b> 2:5	2:3,7,9,12,17	<b>date</b> 7:3,7 11:3	5:19	<b>G</b> 4:1
2:10,15	2:21 3:4 4:8	11:3,20	<b>electrical</b> 1:15	<b>getting</b> 8:16
<b>authority</b> 1:14	4:22,24 5:5	<b>dates</b> 7:23	4:11	<b>give</b> 7:4 9:16
4:10	5:12,14,17,23	<b>David</b> 2:15	<b>Empire</b> 2:14	<b>Given</b> 13:15
<b>available</b> 7:21	13:15	5:20	5:18	<b>GMO</b> 6:11
	<b>Cole</b> 13:4,16	<b>day</b> 7:2 9:21,22	<b>Energy</b> 5:22	<b>go</b> 4:4,17,20

6:21 7:4,6 8:15,24 9:5,8 9:13 10:11,12 10:14 11:5 12:17,19 going 8:25 9:20 11:2 12:19 good 9:19,21 9:23 Great 12:14 Greater 1:13 4:8,23 Group 5:22 guys 9:9	Jefferson 1:9 2:7,12,17,21 3:4 5:5,12,14 5:17,23 13:16 jfischerpc@a... 2:8 Judge 1:20 4:4 4:15 5:2,6,24 7:13 8:11,15 8:24 9:11 10:3,10,22 11:10,15,25 12:6,14	look 8:14 12:17 looking 9:19 11:17 <hr/> M M 2:5 5:3 Madison 2:6,20 3:4 5:4 Main 2:3 4:24 Marc 2:19 5:13 matter 1:12 4:7 matters 12:15 MECG 2:18 meeting 12:17 Midwest 1:24 5:22 13:6 MIEC 9:17 Missouri 1:1,9 1:13 3:3,6 4:9 4:23,25 5:5,8 5:12,15,18,23 6:1 13:3,16 MO 2:3,7,12,17 2:21 3:4 Monday 4:5	October 1:8 4:6 6:16,23 6:24 7:14 office 2:16,19 2:22 5:11,17 5:21 6:25 11:1,9,14 13:15 Oh 11:23 okay 5:6 6:2 7:13 8:5,15 10:3,4,17,18 11:11 12:14 12:16 operations 1:13 1:15 4:9,11 4:23 opportunity 9:16 opposed 10:19 order 1:14 4:10 originally 11:20 outside 11:14	please 4:17 7:24 point 10:24 portion 12:20 possible 11:17 possibly 10:20 Post 5:11,17 Poston 2:19 5:13,14 7:22 10:5 posture 9:23 Power 1:13 2:2 2:9 4:8,22 prehearing 1:7 4:2,6 6:4,5,9 12:21 present 5:25 13:8 Presiding 1:20 pretty 9:18,23 probably 11:8 procedural 6:9 7:19 8:2 9:8 9:15 proceedings 1:6 13:8,11 proposed 7:19 8:2 provide 4:18 7:23 provided 7:8 7:13 Public 1:2 2:19 2:19,22,23 3:3,6 5:8,13 6:25 9:1 purpose 6:5 P-o-s-t-o-n 5:14 P.C 2:10 p.m 4:3 12:21 P.O 2:11,20 3:3 5:14
<hr/> H Hampton 3:2 5:10 hearing 7:14 12:16 hieroglyphics 11:13 Honor 8:23 12:3,12 H-a-m-p-t-o-n 5:11	<hr/> K K 1:24 13:5,18 Kansas 1:12 2:2,3,9 4:8,22 4:24 KCP&L 1:13 4:8,23 6:10 6:10 Kellene 1:24 13:5,18 Kim 1:20 4:14 know 7:15,20 7:24 9:1,8 11:1,19 12:10	<hr/> N N 4:1 name 4:18,25 Nathan 3:2 5:9 need 7:24 8:2 8:14,19 9:5 9:10 10:1,2 11:3 12:15 needs 8:19 notes 13:13 notice 1:16 4:12 11:5	<hr/> P P 4:1 part 9:21 parties 4:16 5:25 6:6,14 6:16,19,25 7:2,4,18,25 8:16,18 9:3 9:14,17 10:4 10:11,16,20 10:23 11:1,4 11:6,19,22 12:7 passed 11:24 12:5 PC 5:4 personally 13:8 place 13:9,14 plan 8:11 pleadings 6:13 6:17 8:4	<hr/> R R 4:1 13:2
<hr/> I idea 9:19,23 include 8:20 11:16 Industrial 6:1 informal 10:23 information 9:7 intervene 8:7 11:18 issuance 1:14 4:9 issue 8:19 issued 6:15 issues 6:7,20 8:17	<hr/> L L 2:10 5:16 Law 1:20 2:5 2:10,15,16 4:15 5:21 9:2 leave 8:18 Legal 3:2 let's 4:4 7:4 8:24 Light 1:13 2:2 2:9 4:8,22 line 5:25 list 12:13 Litigation 1:24 13:7 little 6:7 12:8 long 11:4	<hr/> O O 4:1 objection 12:9 objections 8:6 8:12,20 11:18 obviously 6:17 6:23		
<hr/> J James 2:5 5:3				

<b>rapid</b> 11:21	<b>S</b>	<b>Street</b> 2:3,20	<b>true</b> 13:12	<b>1</b>
<b>reaching</b> 10:13	<b>S</b> 1:20 4:1	3:4 4:24 5:5	<b>turnaround</b>	<b>1</b> 1:9
<b>realize</b> 12:4,5	<b>saying</b> 11:2	<b>submission</b> 7:7	11:21	<b>101</b> 2:6 5:4
<b>receive</b> 6:13	<b>schedule</b> 6:9	<b>submit</b> 6:16 7:2	<b>U</b>	<b>11th</b> 9:2
<b>received</b> 6:17	7:14,16,19	8:2,20 9:6,7	<b>unavailable</b> 9:4	<b>1200</b> 2:3 4:24
11:6	8:3 9:8,15	10:12,15 11:5	<b>unusual</b> 6:8	<b>14th</b> 6:16,22,24
<b>record</b> 4:5,17	10:13	11:17 12:8	<b>update</b> 8:21	9:25
6:2,22 9:13	<b>scheduled</b> 4:7	<b>submitted</b> 6:10	<b>Utility</b> 9:2	<b>14:14</b> 12:21
12:16,19	<b>schedules</b>	6:24 7:16 8:6	<b>V</b>	<b>16th</b> 2:3
<b>recorded</b> 12:20	10:12	8:9,21	<b>visit</b> 9:24 10:19	<b>18th</b> 6:23
<b>reflect</b> 6:2	<b>see</b> 8:6 11:12	<b>submitting</b> 8:3	<b>Volume</b> 1:9	<b>2</b>
<b>regardless</b> 11:7	<b>Senior</b> 2:19	8:12 11:2	<b>W</b>	2 4:13
<b>Regulatory</b>	<b>sense</b> 6:8	<b>subsection</b> 4:13	<b>W</b> 2:2 4:21	<b>2:03</b> 4:3,5
1:20 4:14	<b>Service</b> 1:2 3:3	<b>sufficient</b> 7:3	<b>waiver</b> 1:16	<b>200</b> 2:20 3:4
<b>relating</b> 1:15	3:6 5:8	<b>suggest</b> 9:12	4:11	<b>2013</b> 1:8 4:6
4:10	<b>Services</b> 1:24	<b>Suite</b> 2:6,20 5:5	<b>walls</b> 11:10	<b>2230</b> 2:20 5:14
<b>remainder</b> 9:21	13:7	<b>sure</b> 11:19	<b>want</b> 6:21 8:1	<b>240-4.020(2)</b>
9:22	<b>set</b> 11:20 13:9	<b>Swearengen</b>	10:23 11:9	1:16
<b>REPORTED</b>	<b>sheet</b> 13:10	2:10	<b>week</b> 9:1 12:4	<b>240-40.020</b>
1:23	<b>Shorthand</b>	<b>Symposium</b> 9:2	<b>went</b> 7:8	4:12
<b>reporter</b> 4:18	13:6	<b>S-t-e-i-n-e-r</b>	<b>we'll</b> 11:3	<b>3</b>
13:6	<b>situation</b> 7:18	5:1	<b>we're</b> 9:19	<b>312</b> 2:11
<b>representative</b>	<b>slash</b> 8:2	<b>T</b>	<b>we've</b> 6:12	<b>360</b> 3:3 5:11
10:25,25	<b>sort</b> 6:7,19 7:25	<b>T</b> 13:2,2	<b>white</b> 11:13	<b>4</b>
<b>representativ...</b>	<b>sound</b> 10:3	<b>take</b> 12:12	<b>Whitney</b> 3:2	4 1:16 4:12
6:1	<b>spell</b> 4:18	<b>talk</b> 8:18 9:12	5:10	<b>4th</b> 11:20
<b>request</b> 6:18	<b>spelled</b> 4:25	9:15,16	<b>Williams</b> 3:2	<b>400</b> 2:6 5:5
12:9	<b>ss</b> 13:3	<b>tell</b> 9:24	5:9	<b>456</b> 2:11 5:17
<b>requested</b> 7:1	<b>Staff</b> 3:6 5:6,8	<b>telling</b> 12:7	<b>willing</b> 7:6 9:4	<b>5</b>
7:21	6:25	<b>thereof</b> 13:10	10:24 11:21	<b>573)635-7166</b>
<b>Requirement</b>	<b>start</b> 4:20	<b>think</b> 9:9,13,18	<b>Winston</b> 2:16	2:12
1:16	<b>state</b> 1:1 6:21	9:22 10:1,2	5:22	<b>573)636-6758</b>
<b>requirements</b>	13:3,16	11:3,7,8	<b>wish</b> 7:2	2:7
4:12	<b>statement</b>	12:11	<b>Woodsmall</b>	<b>573)751-3234</b>
<b>responses</b> 7:7	10:16	<b>time</b> 4:5,15 7:5	2:15,16 5:20	3:5
<b>responsive</b> 6:13	<b>status</b> 8:21	7:24 9:6,10	5:20,21 10:9	<b>573)751-4857</b>
6:16 8:4	<b>Steiner</b> 2:2	10:1,2,12	<b>work</b> 7:20 9:5	2:21
<b>right</b> 4:21 8:5	4:19,21,22	12:9 13:9,14	<b>writing</b> 10:19	<b>6</b>
9:8	5:3 7:9,11 8:8	<b>timeframe</b> 7:22	10:21	<b>64105</b> 2:3 4:25
<b>Roger</b> 2:2 4:21	8:9,13,18,23	9:9	<b>W-h-i-t-n-e-y</b>	<b>650</b> 2:20
<b>roger.steiner...</b>	11:15,23 12:2	<b>timeframes</b>	5:11	<b>65101</b> 2:7,17
2:4	12:11	7:21	<b>W-i-l-l-i-a-m-s</b>	5:5,23
<b>room</b> 7:14 9:3	<b>Stenotype</b>	<b>town</b> 6:22	5:10	
<b>RPR</b> 1:24	13:11,13	<b>transcript</b> 1:6		
13:18	<b>Steven</b> 3:1 5:9	13:13		
	<b>stop</b> 10:25			



**65102** 3:4 5:12  
5:15,18

**65102-0456**

2:12

**65102-2230**

2:21

---

**7**

---

**7** 1:8

**7th** 4:6

---

**8**

---

**807** 2:16 5:22

**816)556-2314**

2:4

**838** 1:24