

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

January 2, 2007
Jefferson City, Missouri
Volume 1

In the Matter of the Application)
of the Citizens of Iron County,)
Northwest End of Reynolds County,)Case No. EO-2007-0155
Edgehill and Black Area, for)
Change of Electrical Supplier)

HAROLD STEARLEY, Presiding
REGULATORY LAW JUDGE

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

2 JUDGE STEARLEY: All right. Well, let's go
3 ahead and go on the record. Good morning. Today is
4 January 2nd, 2007, and we are here for a prehearing
5 conference in the matter of the application of the
6 Citizens of Iron County, northwest end of Reynolds County,
7 Edgehill and Black area for change of electric supplier,
8 Case No. EO-2007-0155.

9 My name is Harold Stearley, and I'm the
10 presiding officer in this matter. The court reporter this
11 morning is Monnie VanZant. And we will begin by taking
12 entries of appearance, beginning with Staff of the
13 Missouri Public Service Commission.

14 MR. WILLIAMS: Nathan Williams, Deputy General
15 Counsel, P.O. Box 360, Jefferson City, Missouri, 65102.

16 JUDGE STEARLEY: Thank you, Mr. Williams. And
17 AmerenUE?

18 MS. FRENCH: Maureen Jacqueline French, AmerenUE
19 Associate General Counsel, P.O. Box 66149. St. Louis,
20 Missouri, 63166.

21 JUDGE STEARLEY: Thank you, Ms. French. And
22 Black River Electric Cooperative?

23 MR. REED: Scott Reid, Post Office Box 151,
24 Fredericktown, Missouri, 63645.

25 JUDGE STEARLEY: All right. And Citizens of

1 Iron County, Northwest End of Reynolds County and Edgehill
2 and Black area? And let the record reflect that we have
3 no entry of appearance for the Citizens of Iron County, et
4 al. And, also, let the record reflect we have no one
5 present for the office of Public Counsel.

6 When the Commission issued its November 28th,
7 2006, order setting the prehearing conference in this
8 case, we advised the Citizens group that if they wanted to
9 proceed as an association, they needed to retain legal
10 counsel, as no individual of the group could represent the
11 group as a whole or the other individual members.

12 And it was brought to my attention last week
13 that the group -- the Citizens, et al., may not be
14 interested in having legal counsel and may, in fact, be
15 interested in voluntarily dismissing this action as filed
16 and proceeding with perhaps separate complaints or
17 applications.

18 Do any of the other attorneys have any other
19 insight into this at this point?

20 MR. WILLIAMS: Judge, although this is -- the
21 release that's been requested is a change of supplier, it
22 appears to me that the allegations that appear in the
23 filing deal more with service quality issues, and this is
24 more in the nature of a complaint case.

25 And I would point out that the statutes that

1 deal with complaints, whenever there are complaints
2 regarding rates, there's a requirement that not less than
3 25 consumers or purchasers or prospective consumers or
4 purchasers have to sign a petition in order to obtain
5 relief from the Commission. And, also, that appears at
6 386.390(1).

7 And I would also point out that under sub 2, it
8 reads, All matters upon which complaint may be founded may
9 be joined in one hearing and no motion shall be
10 entertained against the complainant for misjoinder or
11 causes of action or grievances or misjoinder of
12 non-joinder parties.

13 And the Commission's Rule 240-2.070(12), echoes
14 the statutory language regarding joiner or parties. And
15 it appears to me like what you have are a number of
16 parties that have made complaints as opposed to an
17 association that's come forward. But that's Staff's view
18 on the matter.

19 JUDGE STEARLEY: All right. And it does appear
20 to me as well that this is more in the area of complaints
21 of service issues as well.

22 Any -- any comments from Ameren or Black River
23 regarding this? I noticed in all the responses, the
24 parties moved that the action be dismissed.

25 MS. FRENCH: Right. We agree with the

1 characterization of -- of it that it had not been
2 regarding this.

3 MR. REID: Yeah. And on behalf of Black River,
4 we would agree, too, that this appears to be primarily a
5 service issue complaint.

6 JUDGE STEARLEY: All right. Well, at this
7 point, I had had an Order, also, for a procedural
8 schedule, and I'm going to suspend that order at this
9 time.

10 The Commission can examine, I suppose, if we're
11 going to treat this matter as a complaint or if it needs
12 to be filed through the complaint process.

13 My understanding from the individual who
14 contacted me last week as part of this group in asking
15 about the procedural context and the requirement for an
16 attorney that individual complaints may be filed and may
17 be consolidated.

18 Staff, do you have any other information
19 regarding that?

20 MR. WILLIAMS: It seems to me that that could be
21 done, and we'd likely end up in the same place we are now.

22 JUDGE STEARLEY: That's -- that's exactly where
23 we probably will end up. Yeah. So I guess we can -- we
24 can look at whether or not we're going to start with the
25 informal complaint process with these parties and move

1 through, or if we can look at regarding this application
2 with a petition attached as being treated as a complaint
3 moving forward on that basis, which might expedite having
4 the -- these individuals go through filing individual
5 complaints and being consolidated at a later time.

6 Is there -- is there any party here that would
7 be in opposition to that, this application being treated
8 as a complaint and moved forward from this basis?

9 MR. WILLIAMS: Staff certainly doesn't oppose
10 that.

11 MS. FRENCH: No, your Honor.

12 MR. REID: Black River has no opposition to
13 that.

14 JUDGE STEARLEY: All right. Very well. Are
15 there any other matters that we need to address for the --
16 for the moment today of the prehearing conference?

17 MR. WILLIAMS: I believe not. But if the other
18 parties would stay on the line after we're done, I would
19 like to speak with them a bit.

20 JUDGE STEARLEY: Very well. Well, at this
21 point, this will conclude the record portion of our
22 prehearing conference, and we will go off the record.

23 And as I indicated, I will suspend that
24 requirement for a procedure schedule be filed till next
25 week till we determine how we're going to move forward

1 with this particular application and/or complaint. Thank
2 you all very much for being here this morning.

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