

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

March 13, 2012

St. Louis, Missouri

Volume 1

In The Matter Of The)
Application Of Thomas L.) File No. EO-2011-0391
Chaney For Change Of Electric)
Supplier)

KENNARD L. JONES, Presiding

SENIOR REGULATORY LAW JUDGE

1 APPEARANCES

2 For Cuivre River:

3 MR. RODRIC A. WIDGER
4 Andereck Evans Widger Johnson & Lewis LLC
5 3816 South Greystone Court, Suite B
6 Springfield, MO 65804
7 417.864.6401
8 417.864.4967 Fax
9 rwidger@LawOfficeMo.com

6 For Ameren Missouri:

7 MR. THOMAS M. BYRNE
8 1901 Chouteau Avenue
9 P.O. Box 66149, MC 1310
10 St. Louis, MO 63103
11 314.554.2514
12 314.554.4014 Fax
13 tbyrne@ameren.com

11 For the Staff of the Missouri Public Commission:

12 MS. MEGHAN E. MCCLOWRY (via Telephone)
13 Legal Counsel
14 200 Madison Street, Suite 800
15 P.O. Box 360
16 Jefferson City, Missouri 65102
17 573.751.6651
18 573.751.9285 Fax
19 meghan.mcclowry@psc.mo.gov

16 MR. NATHAN WILLIAMS (via Telephone)
17 Deputy Counsel/Electric
18 200 Madison Street, Suite 800
19 Jefferson City, Missouri 65102
20 573.751.6651
21 573.751.9285 Fax

19 Also Present:

20 MR. RICHARD DIDION
21 Manager of Engineering for Cuivre River
22 1112 East Cherry Street
23 Troy, MO 63379
24 636.528.8261
25 636.528.7696 Fax

23 REPORTED BY:

24 SUZANNE ZES, CCR
25 MIDWEST LITIGATION SERVICES

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

2 JUDGE JONES: We are on the record with Case
3 No. EO-2011-0391 in the matter of Thomas Chaney for
4 change of electric supplier from Cuivre River Co-op to
5 Ameren; is that correct?

6 MR. BYRNE: Yes.

7 JUDGE JONES: At this time let's take
8 entries of appearances. Just introduce yourself, Mr.
9 Chaney.

10 MR. CHANEY: Thomas L. Chaney.

11 JUDGE JONES: And from Cuivre River?

12 MR. WIDGER: My name is Rod Widger. I am
13 with the firm of Andereck, Evans, Johnson & Lewis, out
14 of Springfield. With me today is also Rick Didion,
15 who is the manager of engineering for Cuivre River
16 Electric.

17 JUDGE JONES: And for Ameren UE?

18 MR. BYRNE: For Ameren Missouri we are
19 calling ourselves now, Judge.

20 JUDGE JONES: Oh, I'm sorry, Ameren
21 Missouri.

22 MR. BYRNE: Tom Byrne, 1901 Chouteau Avenue,
23 St. Louis, Missouri 63103.

24 JUDGE JONES: And for the Staff of the
25 Commission?

1 MS. MCCLOWRY: Meghan McClowry and Nathan
2 Williams for the Staff of the Public Service
3 Commission. Our business address is P.O. Box 360,
4 Jefferson City, Missouri 65102.

5 JUDGE JONES: And I will note for the record
6 that the Office of Public Counsel is not here. First,
7 let's talk about the matters that went upon appeal
8 concerning the constitutionality of the solar rebate
9 program. It is my understanding that the court did
10 not decide that issue; is that correct?

11 MR. BYRNE: Yeah, Judge, I was involved in
12 that appeal. Originally the court had issued an
13 order, the Cole County Circuit Court had issued an
14 order, finding the solar rebates to be
15 unconstitutional but they vacated that order and so --
16 at least that portion of the order. They reissued an
17 order saying other things about Proposition C rules
18 but not vacating the portion that said that the solar
19 rebates were unconstitutional.

20 JUDGE JONES: So that's a non-issue?

21 MR. BYRNE: That's correct.

22 JUDGE JONES: Mr. Chaney, you're wanting to
23 change over to take advantage of the solar rebate?

24 MR. CHANEY: Correct. Yeah, that's one of
25 the reasons.

1 JUDGE JONES: Are there any other reasons?

2 MR. CHANEY: It also will be better because
3 then we have, you know, like the overhead lines and at
4 some point if Ameren was to take over other homes the
5 overhead lines could be removed and then all of our
6 street would have continuity that we could all be
7 Ameren and it would all be underground.

8 JUDGE JONES: Are your neighbors Ameren?

9 MR. CHANEY: Some of them are, some of them
10 aren't.

11 JUDGE JONES: So it is a hodgepodge. Do you
12 all have a territorial agreement?

13 MR. BYRNE: Yes.

14 MR. WIDGER: Yes.

15 JUDGE JONES: Is it going to be affected by
16 a change in this case?

17 MR. WIDGER: There would be a change because
18 this customer is with Cuivre on the basis of the
19 territorial agreement as well as on the law.

20 JUDGE JONES: So he's in the territory that
21 -- he's not specifically in the -- he's just in the
22 territory that governs the agreement or that the
23 agreement is governed by?

24 MR. WIDGER: Well, the territorial agreement
25 insures the service to locations.

1 JUDGE JONES: Right.

2 MR. WIDGER: So, for example, without the
3 territorial agreement and this is in a non-rural area,
4 if his house burned down there would be question of
5 whether we could restore service or if UE would have
6 to come in. With the territorial agreement it is
7 clear that we have a responsibility for service to
8 that property no matter who the occupant is.

9 JUDGE JONES: Is that one of the reasons you
10 oppose the application?

11 MR. WIDGER: Well, we oppose the application
12 I think principally because we -- and we can speak to
13 this more, we believe that it's not a proper
14 application under the law, that the Commission cannot
15 grant this relief for the reasons that have been given
16 with the request.

17 JUDGE JONES: And Ameren Missouri feels the
18 same way?

19 MR. BYRNE: We do, Your Honor. We feel that
20 it's not appropriate under the statute to allow a
21 customer that is being served co-op to change
22 suppliers on the basis of having access to a rebate.
23 It is analogous to or maybe it even is a rate reason,
24 which is a reason that the statute specifically says
25 you can't switch suppliers. And I think there is also

1 the issue of if Mr. Chaney is allowed to do it then
2 maybe everyone will do it there. You know, it's a
3 slippery slope if this is a good reason to switch
4 suppliers.

5 JUDGE JONES: It sounds like you want to say
6 something Mr. Chaney?

7 MR. CHANEY: I did read that where it says
8 you cannot do so for reasons other than rate
9 differential and I don't believe this is rate
10 differential, I don't. I mean, I have got the data to
11 back it up that even doing solar power I am actually
12 going to pay more per kilowatt versus either supplier.
13 So it's not like I am doing it so I can get my energy
14 cheaper, which would show a rate differential. In
15 fact, I think Ameren -- actually Ameren might be
16 higher than Cuivre River. So I can see if I was
17 wanting to switch to go down per kilowatt but I am
18 actually going to go up. My neighbor thinks I am
19 crazy and I said, well, if it's going to get me to the
20 goal that I have then I am acceptable to that.

21 JUDGE JONES: Do you all disagree with what
22 he just said factually?

23 MR. BYRNE: I think if it wasn't cheaper --
24 see I view the rebate as a rate element and if you
25 view the rebate as a rate element I believe it

1 probably is cheaper or else Mr. Chaney would just
2 install the solar panels at his own cost.

3 JUDGE JONES: So you disagree?

4 MR. BYRNE: So I disagree.

5 JUDGE JONES: Mr. Widger, do you disagree
6 with what he is saying?

7 MR. WIDGER: Certainly. Well, first of all,
8 I don't think you can divorce this discussion from
9 going back and looking at the whole spirit and intent
10 of the whole statute. I mean, I would make a fuller
11 statement about that if that would facilitate our
12 discussion here.

13 JUDGE JONES: I guess what I am trying to
14 find out is, are there any factual disputes? Are we
15 going to have to have an evidentiary hearing to talk
16 about any facts that are in dispute? If not, if there
17 aren't any facts in dispute then it sounds like it's
18 just a legal issue and argument can be submitted.

19 MR. WIDGER: Judge, let me go ahead and say
20 something here for the benefit of the Commission. We
21 are puzzled why this request has not been dismissed on
22 its face. We have got nothing against Mr. Chaney but
23 our position is that the Commission is simply not
24 authorized to grant the relief requested for the
25 reason given and that is for change of supplier, is

1 the request, and the reason given has been simply to
2 get an Ameren rebate.

3 And to your last question, we believe it's
4 irrelevant whether the person wants to pay more or
5 less. It's still a rate-driven change that runs
6 contrary to the intent of the statute. No reason has
7 been given to upset the power supplier service to this
8 customer except the knowledgeable desire of one customer
9 to have the Ameren rebate. Rebates are based on the
10 needs and efficiencies of each utility. Cuivre River,
11 for example, offers rebates for conservation efforts
12 and for installation of ground source heat pumps.
13 This is the kind of thing that Mr. Byrne alluded to,
14 that if you open the gate here, it will not be simply
15 people wanting to spend more money with Ameren, there
16 will be a flood of folks wanting to go from Ameren to
17 Cuivre River for the benefit of their program.

18 So I think that favorable consideration of
19 this application is contrary to the spirit and intent
20 of the law. The law was for the purpose of promoting
21 utility efficiency to relieve utilities of the
22 obligation to serve persons already served, to reduce
23 duplication without good cause and good cause is
24 basically defined, by the statute, as being related to
25 poor service. The PSC's own form of application,

1 which Mr. Chaney has filed in this case, acknowledges
2 that intent. It is heavily slanted with language that
3 encourages a customer to think in terms of service
4 problems and efforts to resolve service problems.
5 Having been guided in this way, Mr. Chaney,
6 nevertheless, recites nothing that is derogatory about
7 Cuivre River's service. For these reasons we believe
8 that this case should not proceed to a hearing but
9 should be summarily dismissed. There is nothing
10 alleged against the service of Cuivre River that has
11 to be proved or disproved by evidence. There is no
12 utility conduct to be admonished or changed in the
13 interest of improved utility service. Cuivre River's
14 service to Mr. Chaney is secured by the law and it is
15 also -- Cuivre River's service location has also been
16 secured by a territorial agreement, approved by this
17 Commission, between Ameren and Cuivre River. We are
18 subject to the net metering law, which dictates our
19 treatment of the individual renewable energy efforts
20 of customers.

21 We recommend and move, for these reasons,
22 that this application for change of supplier be
23 dismissed without any further proceedings. To do
24 otherwise is to abandon the intent of the statute that
25 brought us here and it opens the doors of the

1 Commission for recurring flood of similar applications
2 that chase the personal benefit or desire for
3 competitive rebate programs.

4 JUDGE JONES: I heard you say if Ameren's
5 rates are higher, actually higher than yours, you
6 think that is irrelevant?

7 MR. WIDGER: Yes, I do. I think that the
8 assumption has always been the people will seek a
9 lower rate but I think when you consider the intent of
10 the statute, it was to discourage simply shopping for
11 rates or shopping for rebates, either.

12 JUDGE JONES: Well, the statute doesn't say
13 rebates, it says rates, right?

14 MR. WIDGER: I don't know how you can
15 divorce rebates --

16 JUDGE JONES: Well, I'm just asking you what
17 that statute says. I don't even think rebates were
18 contemplated when the statute was --

19 MR. WIDGER: It says for reason of the rate
20 differential but the whole purpose is to avoid the
21 shopping --

22 JUDGE JONES: For cheaper rates.

23 MR. WIDGER: Well, that's not in the statute
24 either.

25 JUDGE JONES: Well, what you're saying is,

1 you're saying the purpose of the statute is to avoid
2 people hopping around from company to company for a
3 different rate?

4 MR. WIDGER: And I think that when you're
5 talking about rates, you're talking about deposit
6 policies, you know, lots of things.

7 JUDGE JONES: But it doesn't say deposit
8 policies, it says rates.

9 MR. WIDGER: It doesn't say higher or lower
10 rates either.

11 JUDGE JONES: Well, do you think it's a safe
12 assumption that if I am getting electric service from
13 Company A and then Company B comes in and their rates
14 are cheaper and I'm going to say I want to go over
15 there because their rates are cheaper, does the
16 statute address that concern?

17 MR. WIDGER: The statute says that the
18 Commission has to approve any change.

19 JUDGE JONES: Well, that's true but does the
20 statute, in your opinion, address that concern if
21 Company B's rates are cheaper than Company A and I
22 want to go from Company A to Company B because the
23 rates are cheaper, does the statute address that
24 concern?

25 MR. WIDGER: It talks about rate

1 differential and I think --

2 JUDGE JONES: You do realize that is a yes
3 or no question? What do you think, Mr. Byrne?

4 MR. BYRNE: Well, sure, I think the statute
5 does preclude people from jumping back and forth to
6 suppliers if one rate is cheaper than the other. I
7 think that's a yes.

8 JUDGE JONES: So, to me, that's the core
9 issue of the statute, is to keep people from shopping
10 down their rates. So, if that's the intent of the
11 statute, how can it be irrelevant if someone is moving
12 to --

13 MR. WIDGER: I don't think that's the full
14 -- a statement of the full intent of the statute. The
15 same argument could be made that should someone be
16 allowed to change supplier simply because they got
17 behind bill payment with one utility and to avoid
18 making their bill right, they said okay, I will just
19 switch service?

20 MR. BYRNE: Judge, the statute does preclude
21 hopping for rate purposes but it also -- there is also
22 a public interest standard on the statute and so I
23 think the public interest standard encompasses much
24 more. I think this rebate is arguably a rate because
25 it's a tariff that involves a payment of money between

1 the utility and its customer but even if it's --

2 JUDGE JONES: What exactly is the rebate,
3 what happens, how does that work? If he goes over and
4 he takes advantage of the rebate, how is it going to
5 work?

6 MR. BYRNE: My understanding is we pay,
7 Ameren Missouri would pay, \$2 per watt, I believe is
8 the amount, when a qualifying solar facility is
9 installed. So we pay money to the customer to help
10 defray the cost of installing the solar facilities.

11 JUDGE JONES: And once that installation is
12 complete, how is business further conducted with
13 regard to the rates?

14 MR. BYRNE: Well, you know, the customer
15 enters into a metering agreement or arrangement with
16 Ameren Missouri and then, of course, he's producing
17 power through the solar panels but that has to be
18 supplemented with power sold to him, when the sun is
19 not shining, by Ameren Missouri.

20 JUDGE JONES: That would happen with Cuivre
21 River, also I am assuming, that metering is applicable
22 to Cuivre River, right?

23 MR. BYRNE: Yes. What he doesn't get is the
24 \$2 a watt rebate.

25 JUDGE JONES: Upon initial installation?

1 MR. BYRNE: Upon initial installation from
2 Cuivre River. And so, to my mind, either that's a
3 rate and I understand it's not exactly like other
4 rates that are in the tariff or it's a term and
5 condition of service. I think if it's not a rate and
6 it's just another term and condition of service, like
7 the deposit policy or any other policy that is
8 contained in the tariff, I think it's contrary to the
9 public interest for customers to be shopping for those
10 terms and conditions of service even though they're
11 not -- I mean, that's under the public interest
12 standard and not our --

13 JUDGE JONES: So you're arguing then that's
14 a term and condition of service?

15 MR. BYRNE: If it's not a rate, it's a term
16 and condition of service.

17 JUDGE JONES: So it's one or the other?
18 That's not a fallacy of bifurcation by any chance?

19 MR. BYRNE: I think it has got to be one or
20 the other. I mean, a rate is a term and condition of
21 service too.

22 JUDGE JONES: Well, that's certainly true.

23 MR. BYRNE: So, I mean, everything in our
24 tariff, in my opinion, everything in our tariff that
25 governs the relationship between the customer and the

1 utility is a term and condition of service. Rates are
2 one subcategory of those terms and conditions of
3 service but everything else is a term and condition of
4 service.

5 JUDGE JONES: I have also heard the term
6 public interest and policy interest thrown around. I
7 mean, isn't renewable energy probably one of the
8 biggest public interest issues in the United States
9 right now that would be served by him using solar
10 panels?

11 MR. WIDGER: The Commission has addressed
12 that with the net metering.

13 MR. DIDION: If I might address the public
14 interest standpoint of that, is that in this case with
15 Ameren, the intent and purpose of them putting
16 together their rebate program for alternative energy
17 source, being in this case solar, it's only in their
18 best interest to do that to offset other generation,
19 which would be in public interest, to offset the
20 generation of electricity by coal or by other means.
21 In this case and let me back up, it's the same logic
22 that holds with Cuivre, with our ground source rebate
23 program. We're doing it from an efficiency standpoint
24 rather than alternative generation and by making your
25 heating source more efficient, you're causing Cuivre

1 to not build additional generation capacity, which
2 then becomes in the public interest because building
3 additional generation capacity is a core expense of
4 both of our utilities. By allowing this situation to
5 exist with Ameren, it goes very contrary to public
6 interest because Ameren is not going to offset
7 generation by moving Mr. Chaney from Cuivre to Ameren,
8 they are going to cause Ameren to increase generation
9 capacity in order to serve the additional consumer.
10 So therefore, the rebate program that they're offering
11 doesn't preclude additional generation. In this case
12 it causes them to put on additional generation, which
13 flies in the face of the logic of having these rebate
14 programs and encouraging this kind of behavior in the
15 first place.

16 MR. CHANEY: So you're saying, by adding
17 solar power I am actually increasing my draw on the
18 utility?

19 MR. DIDION: In the standpoint of I believe
20 that your solar power will not be adequate to serve
21 100 percent of the needs of your home. So therefore,
22 the residual portion of all the energy that your home
23 will require will have to be served by additional
24 generation provided by Ameren.

25 MR. CHANEY: That is inaccurate. It's a 10k

1 system which will support 100 percent of my home. In
2 theory, with the data that I have about solar hours
3 per day, blah, blah, blah, I will have the meter spin
4 backwards and forwards. You know, if my energy goes
5 up then I will use it. You know, I mean, you can't --

6

7 MR. BYRNE: Not when the sun doesn't shine,
8 you have to --

9 MR. CHANEY: You are correct there.

10 JUDGE JONES: Well, let me ask this then, he
11 is using a certain amount of power now, right, from
12 Cuivre River but in the world of energy he is using a
13 certain amount of power, if he has solar energy he is
14 going to use less power than he is using now?

15 MR. BYRNE: That's true.

16 JUDGE JONES: Whoever he gets it from, he is
17 going to absolutely use less power.

18 MR. BYRNE: Well, and yet he may also
19 install the solar facility if he remains on Cuivre
20 too. So then he would use less power as a Cuivre
21 customer if he did that.

22 MR. DIDION: But the thing is these
23 utilities are independent of each other, so in the
24 general scheme it is in public interest but it causes
25 an investment to Ameren, it causes a loss of

1 investment to Cuivre for this case. So you're
2 switching --

3 JUDGE JONES: But in the general scheme it's
4 in the public interest.

5 MR. DIDION: But not in the interest of the
6 individual utility.

7 MR. CHANEY: It says public interest, not
8 utility interest.

9 MR. WIDGER: Well, there are cases which --
10 that give the presumption that the utility interest is
11 the public interest.

12 MR. BYRNE: Judge, you asked in the
13 beginning, you asked Mr. Widger, do we need a hearing
14 in this case, are there disputed facts in this case?
15 I don't really think there are either. You know,
16 Mr. Chaney has just alleged, I mean, very simply, that
17 he wants to switch in order to get the solar rebate.
18 To my mind, the question of whether that is an
19 appropriate reason to switch doesn't require, you
20 know, that is a legal question. It doesn't require
21 any hearing on the facts. Now, and the Staff's
22 recommendation, two things that might, I mean, the
23 Staff's recommendation points out that it would
24 require Ameren to incur additional costs to hook this
25 customer up. We haven't quantified that but it

1 certainly would require us to incur additional costs
2 to hook up a new customer and I believe Cuivre would
3 have stranded costs associated with dropping a
4 customer. But I think the threshold question raised
5 in this application, is this a good reason to switch,
6 does not require a hearing.

7 JUDGE JONES: Mr. Williams and Ms. McClowry,
8 either of you want to add anything into the
9 discussion? Are you all still there?

10 MR. WILLIAMS: We're still here. Is there
11 something you want to add?

12 JUDGE JONES: Is there something you want to
13 add? Anything you want to add to the discussion that
14 we have had here?

15 MR. WILLIAMS: I think you focus in on what
16 is significant about it. I will point out that the
17 solar rebate is statutory even though it is a UE
18 tariff. It is something the legislature required
19 whether or not it appears in the tariff.

20 JUDGE JONES: I hear you implying that
21 Cuivre River would have to provide a rebate?

22 MR. WILLIAMS: Not that I'm aware of.

23 JUDGE JONES: Oh, okay.

24 MR. WILLIAMS: It's only for an investor on
25 a utility system of those that are regulated by the

1 Commission.

2 JUDGE JONES: Oh, I see, so the statute then
3 drove Ameren's tariff to include the rebate?

4 MR. WILLIAMS: Yes.

5 JUDGE JONES: Okay. I know the Commission
6 recently had a change of supplier. I think it was
7 Three Rivers, was that Ameren and Three Rivers?

8 MR. WILLIAMS: Are you thinking of Caldwell
9 (ph)?

10 JUDGE JONES: The what?

11 MR. WILLIAMS: Are you thinking of Caldwell
12 or are you thinking of --

13 JUDGE JONES: Caldwell, yeah, that's it.

14 MR. BYRNE: Caldwell was an Ameren case.

15 MR. WILLIAMS: That was here in the Jeff
16 City area.

17 JUDGE JONES: And Ameren?

18 MR. WILLIAMS: Yes, Ameren was involved in
19 that case.

20 JUDGE JONES: And it seems in that case the
21 Commission's definition of what was a rate was pretty
22 narrow. I am going to go back and look at it here in
23 a minute but I am just trying to recall. It seems
24 like they read a rate differential as being
25 specifically that.

1 MR. WILLIAMS: Well, the Commission -- the
2 statute says it's in the public interest for reason
3 other than a rate differential. I recall a case that
4 was -- was it Cape Girardeau -- it was down in
5 southeast Missouri where someone requested a change of
6 supplier based on rates and the Commission ultimately
7 ended up authorizing a change of supplier but it was
8 done on a basis other than the rate differential.

9 JUDGE JONES: Offhand, Mr. Williams, you've
10 been at the Commission for longer than I have and
11 McClowry and Mr. Byrne, you have probably been around
12 for a while, do you all ever remember a case where the
13 Commission denied a change of supplier?

14 MR. BYRNE: I think I do but I can look and
15 see. I believe in a couple of cases that I am
16 familiar with they denied the change of supplier and
17 in particular I think it was a situation where either
18 the company or the applicant was asking just on the
19 face because of a rate differential, in which case
20 they would summarily dismiss it or that the cost of
21 switching the supplier -- the person over, you know,
22 exceeded the benefit.

23 MR. CHANEY: I want to mention something
24 that you mentioned earlier about if this was approved
25 there could be a flood of people like me. I don't

1 think that's the case because I am in a unique
2 situation where Ameren and Cuivre are on my street
3 together. There's a lot of places that it's not. You
4 know, it's miles and miles away that a hook up could
5 be, you know, received. On mine, it's just odd that
6 the two lots next to me that are not built -- I called
7 Ameren, talked to a guy named Dan, very nice, and he
8 said, yeah, the lot next to you, if you were to build
9 yourself a new home there, we would service it. I
10 said it's 50-foot away and he said that's the
11 territorial agreement and I said, well, what if I want
12 to put a new meter on my pole barn, it's a big shop,
13 uses a lot of amperage, he says, well, that would be a
14 new meter, that would be us too because Cuivre River
15 cannot add new service and I said okay. So now that I
16 started to get an understanding that when I actually
17 asked all my neighbors it was just a hodgepodge and
18 that's why I don't think you're going to see that
19 flood of these changes because I am in a unique
20 situation that I have Ameren 100-foot away and Cuivre
21 100-foot away.

22 MR. BYRNE: We have a lot co-ops with
23 boundaries where that situation occurs, where there is
24 a boundary where customers on one side of the line are
25 ours and on the other side is the co-ops and, you

1 know, those are Commission approved boundary lines and
2 I think everybody on the boundary line is in the same
3 position as you are.

4 JUDGE JONES: Before I end with you all, I
5 will give you an opportunity amongst yourselves to
6 flush out all the issues and see if we need to proceed
7 and how. Two things I want you to focus on though is
8 the necessity for an evidentiary hearing and that is
9 going to determine whether there are facts because if
10 public interest is an issue he has got data and you
11 may oppose some of the data he has. I don't know.
12 But think about that and if you all can agree on the
13 facts and with the help of Staff, file a statement of
14 facts then -- I mean, I don't know if you want to have
15 oral argument or just file something, briefs or
16 something or statements of your positions, we can
17 determine how to proceed in that regard at a later
18 date but for now if you agree on the facts, state them
19 and in doing that you may realize you actually do have
20 some factual issues that need to be meted out. Then
21 think about, you know, of course, the legal issue,
22 that I think is germane to this decision. Other than
23 that, just so you know, who the players are, you do
24 know this is Cuivre River, this is Ameren, they
25 oppose. Staff is neutral but they have advised the

1 Commission to deny the application and they're on the
2 line. Do you have any questions? I am going to leave
3 you all to talk. If you can work it out, work it out.
4 If you can't then we'll proceed and the Commission
5 will solve your problem. Anybody else have any
6 concerns they want to talk about while we are still on
7 the record?

8 MR. BYRNE: So, Judge, we'll either work it
9 out or decide we don't need a hearing and we can
10 stipulate to the facts or decide we do need a hearing?

11 JUDGE JONES: Exactly, if you have some
12 problems with the facts which is how any of these
13 cases are going to end up going anyway. Staff, do you
14 have any concerns you want to put out on the record?

15 MS. MCCLOWRY: No, we don't.

16 JUDGE JONES: With that then we will go
17 ahead off the record and I will leave you all to talk
18 and see if you can work things out or not.

19 - - - - -

20 (Prehearing concluded at 10:32 a.m.)

21

22

23

24

25

CERTIFICATE OF REPORTER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Suzanne M. Zes, Certified Court Reporter,
within and for the State of Missouri, do hereby
certify that the witness whose testimony appears in
the foregoing deposition was duly sworn by me; the
testimony of said witness 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 deposition 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.

Certified Court Reporter

PUBLIC SERVICE COMMISSION 3/13/2012

<p>A</p> <p>abandon 10:24</p> <p>ability 26:8</p> <p>about 4:7,17 8:11,16 10:6 12:5,5,25 18:2 20:16 22:24 24:12,21 25:6</p> <p>absolutely 18:17</p> <p>acceptable 7:20</p> <p>access 6:22</p> <p>acknowledges 10:1</p> <p>action 26:11,15</p> <p>actually 7:11,15 7:18 11:5 17:17 23:16 24:19</p> <p>add 20:8,11,13 20:13 23:15</p> <p>adding 17:16</p> <p>additional 17:1 17:3,9,11,12 17:23 19:24 20:1</p> <p>address 4:3 12:16,20,23 16:13</p> <p>addressed 16:11</p> <p>adequate 17:20</p> <p>admonished 10:12</p> <p>advantage 4:23 14:4</p> <p>advised 24:25</p> <p>affected 5:15</p> <p>against 8:22 10:10</p> <p>agree 24:12,18</p> <p>agreement 5:12 5:19,22,23,24 6:3,6 10:16 14:15 23:11</p> <p>ahead 8:19 25:17</p> <p>alleged 10:10 19:16</p> <p>allow 6:20</p>	<p>allowed 7:1 13:16</p> <p>allowing 17:4</p> <p>alluded 9:13</p> <p>already 9:22</p> <p>alternative 16:16,24</p> <p>always 11:8</p> <p>Ameren 2:6 3:5 3:17,18,20 5:4 5:7,8 6:17 7:15 7:15 9:2,9,15 9:16 10:17 14:7,16,19 16:15 17:5,6,7 17:8,24 18:25 19:24 21:7,14 21:17,18 23:2 23:7,20 24:24</p> <p>Ameren's 11:4 21:3</p> <p>amongst 24:5</p> <p>amount 14:8 18:11,13</p> <p>amperage 23:13</p> <p>analogous 6:23</p> <p>Andereck 2:3 3:13</p> <p>another 15:6</p> <p>Anybody 25:5</p> <p>anything 20:8 20:13</p> <p>anyway 25:13</p> <p>appeal 4:7,12</p> <p>appearances 2:1 3:8</p> <p>appears 20:19 26:5</p> <p>applicable 14:21</p> <p>applicant 22:18</p> <p>application 1:15 6:10,11,14 9:19,25 10:22 20:5 25:1</p> <p>applications 11:1</p> <p>appropriate 6:20 19:19</p>	<p>approve 12:18</p> <p>approved 10:16 22:24 24:1</p> <p>area 6:3 21:16</p> <p>arguably 13:24</p> <p>arguing 15:13</p> <p>argument 8:18 13:15 24:15</p> <p>around 12:2 16:6 22:11</p> <p>arrangement 14:15</p> <p>asked 19:12,13 23:17</p> <p>asking 11:16 22:18</p> <p>associated 20:3</p> <p>assuming 14:21</p> <p>assumption 11:8 12:12</p> <p>attorney 26:12</p> <p>authorized 8:24</p> <p>authorizing 22:7</p> <p>Avenue 2:7 3:22</p> <p>avoid 11:20 12:1 13:17</p> <p>aware 20:22</p> <p>away 23:4,10,20 23:21</p> <p>a.m 25:20</p> <p>B</p> <p>B 2:3 12:13,22</p> <p>back 7:11 8:9 13:5 16:21 21:22</p> <p>backwards 18:4</p> <p>barn 23:12</p> <p>based 9:9 22:6</p> <p>basically 9:24</p> <p>basis 5:18 6:22 22:8</p> <p>becomes 17:2</p> <p>Before 24:4</p> <p>beginning 19:13</p> <p>behavior 17:14</p> <p>behind 13:17</p> <p>being 6:21 9:24 16:17 21:24</p>	<p>believe 6:13 7:9 7:25 9:3 10:7 14:7 17:19 20:2 22:15</p> <p>benefit 8:20 9:17 11:2 22:22</p> <p>best 16:18 26:7</p> <p>better 5:2</p> <p>between 10:17 13:25 15:25</p> <p>bifurcation 15:18</p> <p>big 23:12</p> <p>biggest 16:8</p> <p>bill 13:17,18</p> <p>blah 18:3,3,3</p> <p>both 17:4</p> <p>boundaries 23:23</p> <p>boundary 23:24 24:1,2</p> <p>Box 2:8,13 4:3</p> <p>briefs 24:15</p> <p>brought 10:25</p> <p>build 17:1 23:8</p> <p>building 17:2</p> <p>built 23:6</p> <p>burned 6:4</p> <p>business 4:3 14:12</p> <p>Byrne 2:7 3:6,18 3:22,22 4:11 4:21 5:13 6:19 7:23 8:4 9:13 13:3,4,20 14:6 14:14,23 15:1 15:15,19,23 18:7,15,18 19:12 21:14 22:11,14 23:22 25:8</p> <p>B's 12:21</p> <p>C</p> <p>C 3:1 4:17</p> <p>Caldwell 21:8 21:11,13,14</p> <p>called 23:6</p> <p>calling 3:19</p>	<p>capacity 17:1,3 17:9</p> <p>Cape 22:4</p> <p>case 3:2 5:16 10:1,8 16:14 16:17,21 17:11 19:1,14,14 21:14,19,20 22:3,12,19 23:1</p> <p>cases 19:9 22:15 25:13</p> <p>cause 9:23,23 17:8</p> <p>causes 17:12 18:24,25</p> <p>causing 16:25</p> <p>CCR 2:24</p> <p>certain 18:11,13</p> <p>certainly 8:7 15:22 20:1</p> <p>CERTIFICATE 26:1</p> <p>Certified 26:3 26:18</p> <p>certify 26:5</p> <p>chance 15:18</p> <p>Chaney 1:16 3:3 3:9,10,10 4:22 4:24 5:2,9 7:1 7:6,7 8:1,22 10:1,5,14 17:7 17:16,25 18:9 19:7,16 22:23</p> <p>change 1:16 3:4 4:23 5:16,17 6:21 8:25 9:5 10:22 12:18 13:16 21:6 22:5,7,13,16</p> <p>changed 10:12</p> <p>changes 23:19</p> <p>chase 11:2</p> <p>cheaper 7:14,23 8:1 11:22 12:14,15,21,23 13:6</p> <p>Cherry 2:21</p>
--	--	--	--	--

PUBLIC SERVICE COMMISSION 3/13/2012

Chouteau 2:7 3:22 Circuit 4:13 City 2:13,17 4:4 21:16 clear 6:7 coal 16:20 Cole 4:13 come 6:6 comes 12:13 Commission 1:2 2:11 3:25 4:3 6:14 8:20,23 10:17 11:1 12:18 16:11 21:1,5 22:1,6 22:10,13 24:1 25:1,4 Commission's 21:21 company 12:2,2 12:13,13,21,21 12:22,22 22:18 competitive 11:3 complete 14:12 concern 12:16 12:20,24 concerning 4:8 concerns 25:6 25:14 concluded 25:20 condition 15:5,6 15:14,16,20 16:1,3 conditions 15:10 16:2 conduct 10:12 conducted 14:12 Conference 1:6 conservation 9:11 consider 11:9 consideration 9:18 constitutionali... 4:8 consumer 17:9 contained 15:8	contemplated 11:18 continuity 5:6 contrary 9:6,19 15:8 17:5 core 13:8 17:3 correct 3:5 4:10 4:21,24 18:9 cost 8:2 14:10 22:20 costs 19:24 20:1 20:3 counsel 2:12 4:6 26:9,13 Counsel/Elect... 2:16 County 4:13 couple 22:15 course 14:16 24:21 court 2:3 4:9,12 4:13 26:3,18 co-op 3:4 6:21 co-ops 23:22,25 crazy 7:19 Cuivre 2:2,20 3:4,11,15 5:18 7:16 9:10,17 10:7,10,13,15 10:17 14:20,22 15:2 16:22,25 17:7 18:12,19 18:20 19:1 20:2,21 23:2 23:14,20 24:24 customer 5:18 6:21 9:8,8 10:3 14:1,9,14 15:25 18:21 19:25 20:2,4 customers 10:20 15:9 23:24 <hr/> D D 3:1 Dan 23:7 data 7:10 18:2 24:10,11 date 24:18	day 18:3 decide 4:10 25:9 25:10 decision 24:22 defined 9:24 definition 21:21 defray 14:10 denied 22:13,16 deny 25:1 deposit 12:5,7 15:7 deposition 26:6 26:11 Deputy 2:16 derogatory 10:6 desire 9:8 11:2 determine 24:9 24:17 dictates 10:18 Didion 2:20 3:14 16:13 17:19 18:22 19:5 different 12:3 differential 7:9 7:10,14 11:20 13:1 21:24 22:3,8,19 direction 26:9 disagree 7:21 8:3,4,5 discourage 11:10 discussion 8:8 8:12 20:9,13 dismiss 22:20 dismissed 8:21 10:9,23 disproved 10:11 dispute 8:16,17 disputed 19:14 disputes 8:14 divorce 8:8 11:15 doing 7:11,13 16:23 24:19 done 22:8 doors 10:25 down 6:4 7:17	13:10 22:4 draw 17:17 dropping 20:3 drove 21:3 duly 26:6 duplication 9:23 <hr/> E E 2:11 3:1,1 each 9:10 18:23 earlier 22:24 East 2:21 efficiencies 9:10 efficiency 9:21 16:23 efficient 16:25 efforts 9:11 10:4 10:19 either 7:12 11:11,24 12:10 15:2 19:15 20:8 22:17 25:8 electric 1:16 3:4 3:16 12:12 electricity 16:20 element 7:24,25 employed 26:10 26:13 employee 26:12 encompasses 13:23 encourages 10:3 encouraging 17:14 end 24:4 25:13 ended 22:7 energy 7:13 10:19 16:7,16 17:22 18:4,12 18:13 engineering 2:20 3:15 enters 14:15 entries 3:8 EO-2011-0391 1:15 3:3 Evans 2:3 3:13 even 6:23 7:11	11:17 14:1 15:10 20:17 ever 22:12 everybody 24:2 everyone 7:2 everything 15:23,24 16:3 evidence 10:11 evidentiary 8:15 24:8 exactly 14:2 15:3 25:11 example 6:2 9:11 exceeded 22:22 except 9:8 exist 17:5 expense 17:3 <hr/> F face 8:22 17:13 22:19 facilitate 8:11 facilities 14:10 facility 14:8 18:19 fact 7:15 facts 8:16,17 19:14,21 24:9 24:13,14,18 25:10,12 factual 8:14 24:20 factually 7:22 fallacy 15:18 familiar 22:16 favorable 9:18 Fax 2:5,9,14,18 2:22 feel 6:19 feels 6:17 file 1:15 24:13 24:15 filed 10:1 financially 26:14 find 8:14 finding 4:14 firm 3:13
--	---	--	---	--

PUBLIC SERVICE COMMISSION 3/13/2012

first 4:6 8:7 17:15 flies 17:13 flood 9:16 11:1 22:25 23:19 flush 24:6 focus 20:15 24:7 folks 9:16 foregoing 26:6 form 9:25 forth 13:5 forwards 18:4 from 3:4,11 8:8 9:16 12:2,12 12:22 13:5,9 15:1 16:23 17:7 18:11,16 full 13:13,14 fuller 8:10 further 10:23 14:12 26:11 <hr/> G <hr/> G 3:1 gate 9:14 general 18:24 19:3 generation 16:18,20,24 17:1,3,7,8,11 17:12,24 germane 24:22 gets 18:16 getting 12:12 Girardeau 22:4 give 19:10 24:5 given 6:15 8:25 9:1,7 go 7:17,18 8:19 9:16 12:14,22 21:22 25:16 goal 7:20 goes 14:3 17:5 18:4 going 5:15 7:12 7:18,19 8:9,15 12:14 14:4 17:6,8 18:14 18:17 21:22	23:18 24:9 25:2,13,13 good 7:3 9:23,23 20:5 governed 5:23 governs 5:22 15:25 grant 6:15 8:24 Greystone 2:3 ground 9:12 16:22 guess 8:13 guided 10:5 guy 23:7 <hr/> H <hr/> happen 14:20 happens 14:3 having 6:22 10:5 17:13 hear 20:20 heard 11:4 16:5 hearing 8:15 10:8 19:13,21 20:6 24:8 25:9 25:10 heat 9:12 heating 16:25 heavily 10:2 help 14:9 24:13 higher 7:16 11:5 11:5 12:9 him 14:18 16:9 hodgepodge 5:11 23:17 holds 16:22 home 17:21,22 18:1 23:9 homes 5:4 Honor 6:19 hook 19:24 20:2 23:4 hopping 12:2 13:21 hours 18:2 house 6:4 <hr/> I <hr/> implying 20:20	improved 10:13 inaccurate 17:25 include 21:3 increase 17:8 increasing 17:17 incur 19:24 20:1 independent 18:23 individual 10:19 19:6 initial 14:25 15:1 install 8:2 18:19 installation 9:12 14:11,25 15:1 installed 14:9 installing 14:10 insures 5:25 intent 8:9 9:6,19 10:2,24 11:9 13:10,14 16:15 interest 10:13 13:22,23 15:9 15:11 16:6,6,8 16:14,18,19 17:2,6 18:24 19:4,5,7,8,10 19:11 22:2 24:10 interested 26:14 introduce 3:8 investment 18:25 19:1 investor 20:24 involved 4:11 21:18 involves 13:25 irrelevant 9:4 11:6 13:11 issue 4:10 7:1 8:18 13:9 24:10,21 issued 4:12,13 issues 16:8 24:6 24:20 <hr/> J <hr/> Jeff 21:15	Jefferson 2:13 2:17 4:4 Johnson 2:3 3:13 JONES 1:21 3:2 3:7,11,17,20 3:24 4:5,20,22 5:1,8,11,15,20 6:1,9,17 7:5,21 8:3,5,13 11:4 11:12,16,22,25 12:7,11,19 13:2,8 14:2,11 14:20,25 15:13 15:17,22 16:5 18:10,16 19:3 20:7,12,20,23 21:2,5,10,13 21:17,20 22:9 24:4 25:11,16 Judge 1:22 3:2,7 3:11,17,19,20 3:24 4:5,11,20 4:22 5:1,8,11 5:15,20 6:1,9 6:17 7:5,21 8:3 8:5,13,19 11:4 11:12,16,22,25 12:7,11,19 13:2,8,20 14:2 14:11,20,25 15:13,17,22 16:5 18:10,16 19:3,12 20:7 20:12,20,23 21:2,5,10,13 21:17,20 22:9 24:4 25:8,11 25:16 jumping 13:5 just 3:8 5:21 7:22 8:1,18 11:16 13:18 15:6 19:16 21:23 22:18 23:5,17 24:15 24:23 <hr/> K <hr/>	keep 13:9 KENNARD 1:21 kilowatt 7:12,17 kind 9:13 17:14 know 5:3 7:2 11:14 12:6 14:14 18:4,5 19:15,20 21:5 22:21 23:4,5 24:1,11,14,21 24:23,24 knowledge 9:8 <hr/> L <hr/> L 1:15,21 3:10 language 10:2 last 9:3 later 24:17 law 1:22 5:19 6:14 9:20,20 10:14,18 least 4:16 leave 25:2,17 legal 2:12 8:18 19:20 24:21 legislature 20:18 less 9:5 18:14,17 18:20 let 8:19 16:21 18:10 let's 3:7 4:7 Lewis 2:3 3:13 like 5:3 7:5,13 8:17 15:3,6 21:24 22:25 line 23:24 24:2 25:2 lines 5:3,5 24:1 LITIGATION 2:25 LLC 2:3 location 10:15 locations 5:25 logic 16:21 17:13 longer 22:10 look 21:22 22:14 looking 8:9
---	---	---	---	---

PUBLIC SERVICE COMMISSION 3/13/2012

loss 18:25	mine 23:5	obligation 9:22	outcome 26:14	Prehearing 1:6
lot 23:3,8,13,22	minute 21:23	occupant 6:8	over 4:23 5:4	25:20
lots 12:6 23:6	Missouri 1:1,10	occurs 23:23	12:14 14:3	Present 2:19
Louis 1:10 2:8	2:6,11,13,17	odd 23:5	22:21	Presiding 1:21
3:23	3:18,21,23 4:4	off 25:17	overhead 5:3,5	presumption
lower 11:9 12:9	6:17 14:7,16	offering 17:10	own 8:2 9:25	19:10
<hr/>	14:19 22:5	offers 9:11	<hr/>	pretty 21:21
M	26:4	Offhand 22:9	P	principally 6:12
M 2:7 26:3	MO 2:4,8,21	Office 4:6	P 3:1	probably 8:1
made 13:15	money 9:15	offset 16:18,19	panels 8:2 14:17	16:7 22:11
Madison 2:12,17	13:25 14:9	17:6	16:10	problem 25:5
make 8:10	more 6:13 7:12	Oh 3:20 20:23	particular 22:17	problems 10:4,4
making 13:18	9:4,15 13:24	21:2	parties 26:10,13	25:12
16:24	16:25	okay 13:18	pay 7:12 9:4	proceed 10:8
manager 2:20	move 10:21	20:23 21:5	14:6,7,9	24:6,17 25:4
3:15	moving 13:11	23:15	payment 13:17	proceedings 1:4
March 1:8	17:7	once 14:11	13:25	10:23
matter 1:14 3:3	<hr/>	one 4:24 6:9 9:8	people 9:15 11:8	producing 14:16
6:8	N	13:6,17 15:17	12:2 13:5,9	program 4:9
matters 4:7	N 3:1	15:19 16:2,7	22:25	9:17 16:16,23
may 18:18 24:11	name 3:12	23:24	per 7:12,17 14:7	17:10
24:19	named 23:7	only 16:17 20:24	18:3	programs 11:3
maybe 6:23 7:2	narrow 21:22	open 9:14	percent 17:21	17:14
MC 2:8	Nathan 2:16 4:1	opens 10:25	18:1	promoting 9:20
McClowry 2:11	necessity 24:8	opinion 12:20	person 9:4 22:21	proper 6:13
4:1,1 20:7	need 19:13 24:6	15:24	personal 11:2	property 6:8
22:11 25:15	24:20 25:9,10	opportunity	persons 9:22	Proposition 4:17
mean 7:10 8:10	needs 9:10 17:21	24:5	ph 21:9	proved 10:11
15:11,20,23	neighbor 7:18	oppose 6:10,11	place 17:15	provide 20:21
16:7 18:5	neighbors 5:8	24:11,25	places 23:3	provided 17:24
19:16,22 24:14	23:17	oral 24:15	players 24:23	PSC's 9:25
means 16:20	neither 26:9	order 4:13,14,15	point 5:4 20:16	pubic 17:2
Meghan 2:11	net 10:18 16:12	4:16,17 17:9	points 19:23	public 1:2 2:11
4:1	neutral 24:25	19:17	pole 23:12	4:2,6 13:22,23
meghan.mcclo...	nevertheless	Originally 4:12	policies 12:6,8	15:9,11 16:6,8
2:15	10:6	other 4:17 5:1,4	policy 15:7,7	16:13,19 17:5
mention 22:23	new 20:2 23:9	7:8 13:6 15:3,7	16:6	18:24 19:4,7
mentioned	23:12,14,15	15:17,20 16:18	poor 9:25	19:11 22:2
22:24	next 23:6,8	16:20 18:23	portion 4:16,18	24:10
meted 24:20	nice 23:7	22:3,8 23:25	17:22	pumps 9:12
meter 18:3	non-issue 4:20	24:22	position 8:23	purpose 9:20
23:12,14	non-rural 6:3	otherwise 10:24	24:3	11:20 12:1
metering 10:18	note 4:5	26:14	positions 24:16	16:15
14:15,21 16:12	nothing 8:22	ourselves 3:19	power 7:11 9:7	purposes 13:21
MIDWEST 2:25	10:6,9	out 3:13 8:14	14:17,18 17:17	put 17:12 23:12
might 7:15	<hr/>	19:23 20:16	17:20 18:11,13	25:14
16:13 19:22	O	24:6,20 25:3,3	18:14,17,20	putting 16:15
miles 23:4,4	O 3:1	25:9,14,18	preclude 13:5,20	puzzled 8:21
mind 15:2 19:18			17:11	

PUBLIC SERVICE COMMISSION 3/13/2012

P.O 2:8,13 4:3	11:13,15,17 recall 21:23 22:3 received 23:5 recently 21:6 recites 10:6 recommend 10:21 recommendati... 19:22,23 record 3:2 4:5 25:7,14,17 recurring 11:1 reduce 9:22 reduced 26:8 regard 14:13 24:17 regulated 20:25 REGULATO... 1:22 reissued 4:16 related 9:24 26:10 relationship 15:25 relative 26:12 relief 6:15 8:24 relieve 9:21 remains 18:19 remember 22:12 removed 5:5 renewable 10:19 16:7 REPORTED 2:23 Reporter 26:1,3 26:18 request 6:16 8:21 9:1 requested 8:24 22:5 require 17:23 19:19,20,24 20:1,6 required 20:18 residual 17:22 resolve 10:4 responsibility 6:7	restore 6:5 RICHARD 2:20 Rick 3:14 right 6:1 11:13 13:18 14:22 16:9 18:11 River 2:2,20 3:4 3:11,15 7:16 9:10,17 10:10 10:17 14:21,22 15:2 18:12 20:21 23:14 24:24 Rivers 21:7,7 River's 10:7,13 10:15 Rod 3:12 RODRIC 2:2 rules 4:17 runs 9:5 rwidger@Law... 2:5	service 1:2 4:2 5:25 6:5,7 9:7 9:25 10:3,4,7 10:10,13,14,15 12:12 13:19 15:5,6,10,14 15:16,21 16:1 16:3,4 23:9,15 SERVICES 2:25 shine 18:7 shining 14:19 shop 23:12 shopping 11:10 11:11,21 13:9 15:9 show 7:14 side 23:24,25 significant 20:16 similar 11:1 simply 8:23 9:1 9:14 11:10 13:16 19:16 situation 17:4 22:17 23:2,20 23:23 slanted 10:2 slippery 7:3 slope 7:3 solar 4:8,14,18 4:23 7:11 8:2 14:8,10,17 16:9,17 17:17 17:20 18:2,13 18:19 19:17 20:17 sold 14:18 solve 25:5 some 5:4,9,9 24:11,20 25:11 someone 13:11 13:15 22:5 something 7:6 8:20 20:11,12 20:18 22:23 24:15,16 sorry 3:20 sounds 7:5 8:17	source 9:12 16:17,22,25 South 2:3 southeast 22:5 speak 6:12 specifically 5:21 6:24 21:25 spend 9:15 spin 18:3 spirit 8:9 9:19 Springfield 2:4 3:14 St 1:10 2:8 3:23 Staff 2:11 3:24 4:2 24:13,25 25:13 Staff's 19:21,23 standard 13:22 13:23 15:12 standpoint 16:14,23 17:19 started 23:16 state 1:1 24:18 26:4 statement 8:11 13:14 24:13 statements 24:16 States 16:8 statue 11:17,23 13:22 statute 6:20,24 8:10 9:6,24 10:24 11:10,12 11:18 12:1,16 12:17,20,23 13:4,9,11,14 13:20 21:2 22:2 statutory 20:17 still 9:5 20:9,10 25:6 stipulate 25:10 stranded 20:3 street 2:12,17,21 5:6 23:2 subcategory 16:2
Q qualifying 14:8 quantified 19:25 question 6:4 9:3 13:3 19:18,20 20:4 questions 25:2	recall 21:23 22:3 received 23:5 recently 21:6 recites 10:6 recommend 10:21 recommendati... 19:22,23 record 3:2 4:5 25:7,14,17 recurring 11:1 reduce 9:22 reduced 26:8 regard 14:13 24:17 regulated 20:25 REGULATO... 1:22 reissued 4:16 related 9:24 26:10 relationship 15:25 relative 26:12 relief 6:15 8:24 relieve 9:21 remains 18:19 remember 22:12 removed 5:5 renewable 10:19 16:7 REPORTED 2:23 Reporter 26:1,3 26:18 request 6:16 8:21 9:1 requested 8:24 22:5 require 17:23 19:19,20,24 20:1,6 required 20:18 residual 17:22 resolve 10:4 responsibility 6:7	restore 6:5 RICHARD 2:20 Rick 3:14 right 6:1 11:13 13:18 14:22 16:9 18:11 River 2:2,20 3:4 3:11,15 7:16 9:10,17 10:10 10:17 14:21,22 15:2 18:12 20:21 23:14 24:24 Rivers 21:7,7 River's 10:7,13 10:15 Rod 3:12 RODRIC 2:2 rules 4:17 runs 9:5 rwidger@Law... 2:5	service 1:2 4:2 5:25 6:5,7 9:7 9:25 10:3,4,7 10:10,13,14,15 12:12 13:19 15:5,6,10,14 15:16,21 16:1 16:3,4 23:9,15 SERVICES 2:25 shine 18:7 shining 14:19 shop 23:12 shopping 11:10 11:11,21 13:9 15:9 show 7:14 side 23:24,25 significant 20:16 similar 11:1 simply 8:23 9:1 9:14 11:10 13:16 19:16 situation 17:4 22:17 23:2,20 23:23 slanted 10:2 slippery 7:3 slope 7:3 solar 4:8,14,18 4:23 7:11 8:2 14:8,10,17 16:9,17 17:17 17:20 18:2,13 18:19 19:17 20:17 sold 14:18 solve 25:5 some 5:4,9,9 24:11,20 25:11 someone 13:11 13:15 22:5 something 7:6 8:20 20:11,12 20:18 22:23 24:15,16 sorry 3:20 sounds 7:5 8:17	source 9:12 16:17,22,25 South 2:3 southeast 22:5 speak 6:12 specifically 5:21 6:24 21:25 spend 9:15 spin 18:3 spirit 8:9 9:19 Springfield 2:4 3:14 St 1:10 2:8 3:23 Staff 2:11 3:24 4:2 24:13,25 25:13 Staff's 19:21,23 standard 13:22 13:23 15:12 standpoint 16:14,23 17:19 started 23:16 state 1:1 24:18 26:4 statement 8:11 13:14 24:13 statements 24:16 States 16:8 statue 11:17,23 13:22 statute 6:20,24 8:10 9:6,24 10:24 11:10,12 11:18 12:1,16 12:17,20,23 13:4,9,11,14 13:20 21:2 22:2 statutory 20:17 still 9:5 20:9,10 25:6 stipulate 25:10 stranded 20:3 street 2:12,17,21 5:6 23:2 subcategory 16:2
R R 3:1 raised 20:4 rate 6:23 7:8,9 7:14,24,25 11:9,19 12:3 12:25 13:6,21 13:24 15:3,5 15:15,20 21:21 21:24 22:3,8 22:19 rates 11:5,11,13 11:22 12:5,8 12:10,13,15,21 12:23 13:10 14:13 15:4 16:1 22:6 rate-driven 9:5 rather 16:24 read 7:7 21:24 realize 13:2 24:19 really 19:15 reason 6:23,24 7:3 8:25 9:1,6 11:19 19:19 20:5 22:2 reasons 4:25 5:1 6:9,15 7:8 10:7 10:21 rebate 4:8,23 6:22 7:24,25 9:2,9 11:3 13:24 14:2,4 14:24 16:16,22 17:10,13 19:17 20:17,21 21:3 rebates 4:14,19 9:9,11 11:11	recall 21:23 22:3 received 23:5 recently 21:6 recites 10:6 recommend 10:21 recommendati... 19:22,23 record 3:2 4:5 25:7,14,17 recurring 11:1 reduce 9:22 reduced 26:8 regard 14:13 24:17 regulated 20:25 REGULATO... 1:22 reissued 4:16 related 9:24 26:10 relationship 15:25 relative 26:12 relief 6:15 8:24 relieve 9:21 remains 18:19 remember 22:12 removed 5:5 renewable 10:19 16:7 REPORTED 2:23 Reporter 26:1,3 26:18 request 6:16 8:21 9:1 requested 8:24 22:5 require 17:23 19:19,20,24 20:1,6 required 20:18 residual 17:22 resolve 10:4 responsibility 6:7	restore 6:5 RICHARD 2:20 Rick 3:14 right 6:1 11:13 13:18 14:22 16:9 18:11 River 2:2,20 3:4 3:11,15 7:16 9:10,17 10:10 10:17 14:21,22 15:2 18:12 20:21 23:14 24:24 Rivers 21:7,7 River's 10:7,13 10:15 Rod 3:12 RODRIC 2:2 rules 4:17 runs 9:5 rwidger@Law... 2:5	service 1:2 4:2 5:25 6:5,7 9:7 9:25 10:3,4,7 10:10,13,14,15 12:12 13:19 15:5,6,10,14 15:16,21 16:1 16:3,4 23:9,15 SERVICES 2:25 shine 18:7 shining 14:19 shop 23:12 shopping 11:10 11:11,21 13:9 15:9 show 7:14 side 23:24,25 significant 20:16 similar 11:1 simply 8:23 9:1 9:14 11:10 13:16 19:16 situation 17:4 22:17 23:2,20 23:23 slanted 10:2 slippery 7:3 slope 7:3 solar 4:8,14,18 4:23 7:11 8:2 14:8,10,17 16:9,17 17:17 17:20 18:2,13 18:19 19:17 20:17 sold 14:18 solve 25:5 some 5:4,9,9 24:11,20 25:11 someone 13:11 13:15 22:5 something 7:6 8:20 20:11,12 20:18 22:23 24:15,16 sorry 3:20 sounds 7:5 8:17	source 9:12 16:17,22,25 South 2:3 southeast 22:5 speak 6:12 specifically 5:21 6:24 21:25 spend 9:15 spin 18:3 spirit 8:9 9:19 Springfield 2:4 3:14 St 1:10 2:8 3:23 Staff 2:11 3:24 4:2 24:13,25 25:13 Staff's 19:21,23 standard 13:22 13:23 15:12 standpoint 16:14,23 17:19 started 23:16 state 1:1 24:18 26:4 statement 8:11 13:14 24:13 statements 24:16 States 16:8 statue 11:17,23 13:22 statute 6:20,24 8:10 9:6,24 10:24 11:10,12 11:18 12:1,16 12:17,20,23 13:4,9,11,14 13:20 21:2 22:2 statutory 20:17 still 9:5 20:9,10 25:6 stipulate 25:10 stranded 20:3 street 2:12,17,21 5:6 23:2 subcategory 16:2

PUBLIC SERVICE COMMISSION 3/13/2012

subject 10:18	16:2	trying 8:13	23:11 24:7,14	\$
submitted 8:18	territorial 5:12	21:23	25:6,14	\$2 14:7,24
Suite 2:3,12,17	5:19,24 6:3,6	two 19:22 23:6	wanting 4:22	1
summarily 10:9	10:16 23:11	24:7	7:17 9:15,16	1 1:12
22:20	territory 5:20,22	typewriting 26:8	wants 9:4 19:17	10k 17:25
sun 14:18 18:7	testimony 26:5,7	U	wasn't 7:23	10:32 25:20
supplemented	their 9:17 12:13	UE 3:17 6:5	watt 14:7,24	100 17:21 18:1
14:18	12:15 13:10,18	20:17	way 6:18 10:5	100-foot 23:20
supplier 1:17	16:16,17	ultimately 22:6	well 5:19,24	23:21
3:4 7:12 8:25	theory 18:2	unconstitution...	6:11 7:19 8:7	1112 2:21
9:7 10:22	thereto 26:13	4:15,19	11:12,16,23,25	13 1:8
13:16 21:6	thing 9:13 18:22	under 6:14,20	12:11,19 13:4	1310 2:8
22:6,7,13,16	things 4:17 12:6	15:11 26:9	14:14 15:22	1901 2:7 3:22
22:21	19:22 24:7	underground	18:10,18 19:9	2
suppliers 6:22	25:18	5:7	22:1 23:11,13	200 2:12,17
6:25 7:4 13:6	think 6:12,25	understand 15:3	went 4:7	2012 1:8
support 18:1	7:15,23 8:8	understanding	were 4:19 11:17	3
sure 13:4	9:18 10:3 11:6	4:9 14:6 23:16	23:8	314.554.2514
Suzanne 2:24	11:7,9,17 12:4	unique 23:1,19	we'll 25:4,8	2:9
26:3	12:11 13:1,3,4	United 16:8	We're 16:23	314.554.4014
switch 6:25 7:3	13:7,13,23,24	upset 9:7	20:10	2:9
7:17 13:19	15:5,8,19	use 18:5,14,17	while 22:12 25:6	360 2:13 4:3
19:17,19 20:5	19:15 20:4,15	18:20	whole 8:9,10	3816 2:3
switching 19:2	21:6 22:14,17	uses 23:13	11:20	4
22:21	23:1,18 24:2	using 16:9 18:11	Widger 2:2,3	417.864.4967
sworn 26:6	24:12,21,22	18:12,14	3:12,12 5:14	2:5
system 18:1	thinking 21:8,11	utilities 9:21	5:17,24 6:2,11	417.864.6401
20:25	21:12	17:4 18:23	8:5,7,19 11:7	2:4
T	thinks 7:18	utility 9:10,21	11:14,19,23	5
take 3:7 4:23 5:4	Thomas 1:15 2:7	10:12,13 13:17	12:4,9,17,25	50-foot 23:10
taken 26:7,11	3:3,10	14:1 16:1	13:13 16:11	573.751.6651
takes 14:4	though 15:10	17:18 19:6,8	19:9,13	2:14,18
talk 4:7 8:15	20:17 24:7	19:10 20:25	Williams 2:16	573.751.9285
25:3,6,17	Three 21:7,7	V	4:2 20:7,10,15	2:14,18
talked 23:7	threshold 20:4	vacated 4:15	20:22,24 21:4	63103 2:8 3:23
talking 12:5,5	through 14:17	vacating 4:18	21:8,11,15,18	63379 2:21
talks 12:25	thrown 16:6	versus 7:12	22:1,9	636.528.7696
tariff 13:25 15:4	time 3:7	very 17:5 19:16	witness 26:5,7	2:22
15:8,24,24	today 3:14	23:7	work 14:3,5	636.528.8261
20:18,19 21:3	together 16:16	via 2:11,16	25:3,3,8,18	2:22
tbyrne@amer...	23:3	view 7:24,25	world 18:12	65102 2:13,17
2:10	Tom 3:22	Volume 1:12	Y	4:4
Telephone 2:11	TRANSCRIPT	W	yeah 4:11,24	
2:16	1:4	want 7:5 12:14	21:13 23:8	
term 15:4,6,14	treatment 10:19	12:22 20:8,11	Z	
15:15,20 16:1	Troy 2:21	20:12,13 22:23	Zes 2:24 26:3	
16:3,5	true 12:19 15:22			
terms 10:3 15:10	18:15			

PUBLIC SERVICE COMMISSION 3/13/2012

65804 2:4 66149 2:8 <hr/> 8 <hr/> 800 2:12,17				
--	--	--	--	--