

In the Matter of:

THE APPLICATION OF MATT MYLOTT

EO-2018-0118 VOL 1

February 14, 2018



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Pre-Hearing Conference

February 14, 2018

Jefferson City, Missouri

Volume 1

In The Matter Of The Application)
Of Matt Mylott For A Change of) File No. EO-2018-0118
Electric Service Supplier From)
The Empire District Electric)
Company To White River Valley)
Electric Cooperative, Inc.)

JOHN T. CLARK, Presiding,
REGULATORY LAW JUDGE.

DANIEL Y. HALL, Chairman,
WILLIAM P. KENNEY,
SCOTT T. RUPP,
MAIDA J. COLEMAN,
RYAN SILVEY
COMMISSIONERS

REPORTED BY:

Chevon D. McFadden, CVR, CCR NO. 1399
TIGER COURT REPORTING, LLC

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PROCEEDINGS

JUDGE CLARK: Today is February the 14th, 2018. The current time is 10:01 a.m. We're in Room 305 of the Governor's Office Building.

The Commission has set aside this time for Procedural Conference in the case captioned as: In The Matter Of The Application Of Matt Mylott For A Change Of Electric Service Supplier From The Empire District Electric Company To White River Valley Electric Cooperative, File No. EO-2018-0118.

My name is John Clark. I'm the Regulatory Law Judge in this matter. I'm going to begin by asking the attorneys to enter their appearance. We'll start with Staff counsel.

MR. JOHNSON: Thank you, Judge. Mark Johnson on behalf of the Staff of the Missouri Public Service Commission.

JUDGE CLARK: And for the Empire District Electric Company.

MS. CARTER: Diana Carter with Brydon, Swearngen & England, and the court reporter has my contact information.

JUDGE CLARK: Thank you, Ms. Carter. For White River Valley Electric Cooperative.

MR. HORTON: Christiaan Horton for White

1 River Valley Electric Cooperative.

2 JUDGE CLARK: Thank you, Mr. Horton. Have I
3 missed anybody?

4 It's my understanding there's some other
5 people on the line that may be participating in the
6 hearing, if we can get their names now.

7 MR. HORTON: Okay. That would be Beau
8 Jackson, Rusty Burrow, and Rod Romine, all of White
9 River Valley Electric Cooperative.

10 JUDGE CLARK: Okay. And what are the
11 spellings on their names?

12 MR. HORTON: Rod Romine is R-o-m-i-n-e. Beau
13 Jackson, B-e-a-u; Jackson just as it sounds. And Rusty
14 Burrow, B-u-r-r-o-w.

15 JUDGE CLARK: Okay. Thank you so much. Also
16 on the phone -- appearing by phone we have Matt Mylott.
17 Mr. Mylott is appearing on his own; is that correct,
18 Mr. Mylott?

19 MR. MYLOTT: Yes, that's correct.

20 JUDGE CLARK: All right. Are there any
21 preliminary matters that need to be taken up at this
22 hearing, Staff?

23 MR. JOHNSON: No, Judge.

24 JUDGE CLARK: Ms. Carter?

25 MS. CARTER: No.

1 JUDGE CLARK: White River?

2 MR. HORTON: None.

3 JUDGE CLARK: Okay. I've received responses
4 from both White River and from Empire. I've received a
5 Staff recommendation. I think at this time what
6 we're -- what I'm going to ask is I'm going to ask
7 Staff to put together a proposed procedural schedule in
8 regards to how we're going to move forward towards
9 hearing at this -- on this. Also, after the hearing
10 today, if you all just want to talk, the phone bridge
11 is going to stay open till 11:45, that will give you an
12 opportunity to do that, if you want.

13 But I am going to ask Staff to, with the
14 parties, put together that procedural schedule. I'd
15 like you to have all the usual case events regarding
16 discovery, prefiled testimony and, obviously, hearing
17 dates that should also include any stipulations of
18 non-disputed material facts. I have a copy of the
19 adjudication calendar covering the next six months
20 here. I'm going to leave that with Mr. Johnson and
21 that will help with picking dates.

22 Are there any other matters that need to be
23 addressed by the Commission at this time?

24 MR. MYLOTT: This is Matt Mylott. Am I
25 allowed to ask a question?

1 JUDGE CLARK: Certainly, you are.

2 MR. MYLOTT: For a matter as simple as
3 this -- I'm a pretty simple guy. Why does this take so
4 long?

5 JUDGE CLARK: Well --

6 MR. MYLOTT: I've got a business that I kind
7 of need to get moving forward and I had no idea this
8 was going to be this complex.

9 JUDGE CLARK: I can understand that and any
10 time you have a -- any time you have regulated
11 utilities that are granted monopolies in particular
12 areas in which they work, it can created a little bit
13 of complication any time you want to do something,
14 like, change your electrical provider. And there's
15 certainly circumstances under which it can be done and
16 that's what's being addressed here. I apologize that
17 it is taking so long. We're trying to handle your case
18 as quickly as we possibly can.

19 MR. MYLOTT: Is it appropriate to ask the
20 question: How did my property -- I just purchased this
21 property back in October. How is this allowed to
22 happen to begin with? My understanding is you're not
23 allowed to have multiple vendors or utilities on the
24 same property. This -- from what I've been told, this
25 shouldn't have been allowed to happen from the start.

1 Correct?

2 JUDGE CLARK: No. I don't believe that
3 you're correct there at all --

4 MR. MYLOTT: Okay.

5 JUDGE CLARK: -- in regard to having multiple
6 providers on the same property, especially, when it
7 appears that you've -- you've -- in this case -- well,
8 actually, I don't want to go into the facts of your
9 case at all.

10 MR. MYLOTT: Okay.

11 JUDGE CLARK: After the hearing, like I said,
12 if you want stick around on the phone, a lot of these
13 questions are good questions to ask the other people
14 that are present in the hearing today. I'm just
15 sitting as the Judge in this.

16 MR. MYLOTT: Understood.

17 JUDGE CLARK: Okay.

18 MR. MYLOTT: I've never been through this
19 before, so I have no idea.

20 JUDGE CLARK: I absolutely understand and I
21 want you to ask all the questions that you have. Do
22 you have any other questions for me at this time?

23 MR. MYLOTT: No, sir.

24 JUDGE CLARK: Okay. Is there anything
25 additional from White River Valley?

1 MR. HORTON: I don't think anything in
2 addition, but kind of in conjunction with Mr. Mylott's
3 questions. I'm sure that he is going to be wanting
4 possibly some expedited treatment of the decision
5 making in this case, because it sounds like he does
6 have a need to resolve some of these issues and -- and
7 to finalize his power delivery for his structures.
8 And, so, I don't know what the Court's pleasure was
9 going to be on trying to advance this on a quicker pace
10 for him.

11 JUDGE CLARK: Well, like I said, you can put
12 together a -- Staff is going to work on a proposed
13 procedural schedule with you. My personal schedule in
14 regard to handling this case is reasonably open at this
15 time. I've got a few procedural schedules on other
16 cases on my desk that are not in my calendar yet,
17 because I haven't had an opportunity to run by them --
18 run them by the Commission and get them approved. So
19 there may be some dates that close off, but other than
20 that I'm pretty open.

21 And if all the parties agree to do things on
22 an expedited pace, it's not going to be my intention to
23 slow that down. But, obviously, each party has the
24 right to get whatever requisite prehearing things done
25 that they need to get done in regard to discovery and

1 preparation for that hearing.

2 Anything beyond that, White River?

3 MR. HORTON: Nothing beyond that.

4 JUDGE CLARK: Anything from Empire?

5 MS. CARTER: No. Thank you, Judge.

6 JUDGE CLARK: Staff counsel?

7 MR. JOHNSON: Judge, do you have a date in
8 mind for when you'd like the schedule filed?

9 JUDGE CLARK: Yes, I do. Thank you for
10 asking me that. Can you have a procedural schedule to
11 me by the 28th of February?

12 MR. JOHNSON: Twenty-eighth?

13 JUDGE CLARK: Yes.

14 MR. JOHNSON: Yes, that should not be a
15 problem.

16 JUDGE CLARK: And, like I said, if you -- if
17 everybody's in agreement to run this a little faster,
18 I'm certainly happy to try and do that. On the other
19 hand, if you guys want to try and work something out
20 between the companies and Mr. Mylott, that certainly
21 would probably be a more efficient way of handling
22 things.

23 If there's nothing else from any party and it
24 doesn't sound like there is, then, we'll adjourn at
25 this time. We'll go off the record, and as I said

1 before the phone bridge will be available today until
2 11:45, that will give you all a chance to talk.

3 MR. JOHNSON: Great. Thank you, Judge.

4 MS. CARTER: Thank you.

5 MR. HORTON: Thank you.

6 (The record was closed at 10:09.)
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1 CERTIFICATE

2 I, Chevon D. McFadden, a Certified Verbatim
3 Reporter, Certified Court Reporter, CCR No. 1399, do
4 hereby certify that the foregoing proceeding had in the
5 above-entitled cause was taken by me to the best of my
6 ability and thereafter reduced to typewriting under my
7 direction; that I am neither counsel for, related to,
8 nor employed by any of the parties to the action in
9 which this proceeding was taken, and further, that I am
10 not a relative or employee of any attorney or counsel
11 employed by the parties thereto, nor financially or
12 otherwise interested in the outcome of the action.

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14
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16 

17
18 Chevon D. McFadden, CVR, CCR No. 1399

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