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BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

	)	
In the Matter of the Application	)	Pretrial
of Matthew Delia for Change of	)	Conference
Electric Supplier from	)	
Southwest Electric Cooperative	)	File No.
to The Empire District Electric	)	EO-2023-0108
Company d/b/a Liberty	)	
	)	

Transcript of the proceedings in the hearing held in the above-entitled matter came on for hearing March 1, 2023, before Kenneth J. Seyer, Regulatory Law Judge, via remote WebEx teleconference commencing at 2:00 p.m.

A P P E A R A N C E S:

Paul T. Graham, attorney for the Staff of the Commission, appeared on behalf of the Missouri Public Service Commission

Shawn P. Battagler, attorney for Southwest Electrical Cooperative, appeared on behalf of Southwest Electric Cooperative

Diana C. Carter, attorney for The Empire District Electric Company d/b/a Liberty, appeared on behalf of The Empire District Electric Company d/b/a Liberty

1 COURT REPORTER: Tasha J. Perry, Court Reporter

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

3 (WHEREUPON, the following proceedings were  
4 duly had:)

5 THE COURT: All right. We are on the  
6 record. It is about 2:08 p.m. on March 1. This is  
7 Judge Ken Seyer, S-e-y-e-r. I am a regulatory law  
8 judge assigned to this particular case, and it is  
9 captioned as: In the Matter of the Application of  
10 Matthew Delia -- D-e-l-i-a -- for Change of  
11 Electric Supplier from Southwest Electric  
12 Cooperative to The Empire District Electric Company  
13 doing business as Liberty. It's Public Service  
14 Commission File Number EO-2023-0108.

15 Today I had set this time for a prehearing  
16 conference with all the parties involved in this  
17 matter.

18 Before we go any further, let's have the  
19 parties enter their appearance, or make known their  
20 presence.

21 I'll start with you, Mr. Graham.

22 MR. GRAHAM: Yeah. This is Paul  
23 Graham. I'm here for the Staff of the Missouri  
24 Public Service Commission, and I think my address  
25 is on the file with Commission in this case

1 already.

2 THE COURT: Mm-hmm. All right.

3 Ms. Carter.

4 MS. CARTER: Hi, this is Diana Carter  
5 with The Empire District Electric Company doing  
6 business as Liberty, and my address is on file in  
7 the case as well.

8 THE COURT: All right.

9 MR. BATTAGLER: And this is Shawn  
10 Battagler with the Carnahan Evans Law Firm in  
11 Springfield representing Southwest Electrical  
12 Cooperative.

13 THE COURT: Okay. Noticeably absent  
14 from this prehearing conference is Mr. Delia,  
15 himself. The order I issued setting this  
16 prehearing conference did point out that if he  
17 failed to -- if Mr. Delia failed to appear at the  
18 conference without being excused or otherwise  
19 notifying us why he could not make it today, that  
20 he risked having his case dismissed.

21 And so what I will do is issue a show cause  
22 order to Mr. Delia asking him to show cause as to  
23 why he didn't appear today, and why I should not  
24 dismiss his case.

25 So is there anything further that any of

1 the parties would like to discuss today?

2 MR. GRAHAM: Nothing from Staff.

3 MR. BATTAGLER: Nothing from me.

4 THE COURT: All right.

5 MS. CARTER: Nothing from Liberty.

6 THE COURT: Okay.

7 Well, then I'll -- I don't know if I  
8 adjourn this conference, but I'll end this  
9 conference, and we'll go off the record.

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14 (The hearing was concluded at 2:11 p.m.)

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**PREHEARING CONFERENCE 3/1/2023**

<p align="center"><b>A</b></p> <p><b>ability</b> 5:12</p> <p><b>above-en...</b> 1:10</p> <p><b>absent</b> 3:13</p> <p><b>address</b> 2:24 3:6</p> <p><b>adjourn</b> 4:8</p> <p><b>appear</b> 3:17 3:23</p> <p><b>appearance</b> 2:19</p> <p><b>appeared</b> 1:16,19,22</p> <p><b>Application</b> 1:4 2:9</p> <p><b>asking</b> 3:22</p> <p><b>assigned</b> 2:8</p> <p><b>attorney</b> 1:15,18,21</p> <hr/> <p align="center"><b>B</b></p> <p><b>Battagler</b> 1:18 3:9 3:10 4:3</p> <p><b>behalf</b> 1:16 1:19,23</p> <p><b>best</b> 5:12</p> <p><b>business</b> 2:13 3:6</p> <hr/> <p align="center"><b>C</b></p> <p><b>C</b> 1:14,21 2:2</p> <p><b>captioned</b> 2:9</p> <p><b>Carnahan</b> 3:10</p> <p><b>Carter</b> 1:21 3:3,4,4 4:5</p> <p><b>case</b> 2:8,25 3:7,20,24</p> <p><b>cause</b> 3:21 3:22</p> <p><b>CERTIFICATE</b> 5:2</p> <p><b>Change</b> 1:4 2:10</p>	<p><b>CHISAGO</b> 5:5</p> <p><b>commencing</b> 1:12</p> <p><b>Commission</b> 1:1,16,17 2:14,24,25</p> <p><b>Company</b> 1:6 1:22,23 2:12 3:5</p> <p><b>computer...</b> 5:11</p> <p><b>concluded</b> 4:14</p> <p><b>conference</b> 1:4 2:16 3:14,16,18 4:8,9</p> <p><b>Cooperative</b> 1:5,19,20 2:12 3:12</p> <p><b>COUNTY</b> 5:5</p> <p><b>court</b> 2:1,1 2:5 3:2,8 3:13 4:4,6 5:7,18</p> <hr/> <p align="center"><b>D</b></p> <p><b>D</b> 2:2</p> <p><b>D-e-l-i-a</b> 2:10</p> <p><b>d/b/a</b> 1:6,22 1:24</p> <p><b>Dated</b> 5:14</p> <p><b>day</b> 5:8,14</p> <p><b>Delia</b> 1:4 2:10 3:14 3:17,22</p> <p><b>Diana</b> 1:21 3:4</p> <p><b>discuss</b> 4:1</p> <p><b>dismiss</b> 3:24</p> <p><b>dismissed</b> 3:20</p> <p><b>District</b> 1:6 1:22,23 2:12 3:5</p> <p><b>doing</b> 2:13 3:5</p> <p><b>duly</b> 2:4</p>	<p align="center"><b>E</b></p> <p><b>E</b> 1:14,14 2:2,2</p> <p><b>Electric</b> 1:5 1:5,6,20 1:22,23 2:11,11,12 3:5</p> <p><b>Electrical</b> 1:19 3:11</p> <p><b>Empire</b> 1:6 1:21,23 2:12 3:5</p> <p><b>enter</b> 2:19</p> <p><b>EO-2023-...</b> 1:6 2:14</p> <p><b>Evans</b> 3:10</p> <p><b>excused</b> 3:18</p> <hr/> <p align="center"><b>F</b></p> <p><b>failed</b> 3:17 3:17</p> <p><b>file</b> 1:5 2:14,25 3:6</p> <p><b>Firm</b> 3:10</p> <p><b>following</b> 2:3</p> <p><b>foregoing</b> 5:7</p> <p><b>further</b> 2:18 3:25</p> <hr/> <p align="center"><b>G</b></p> <p><b>G</b> 2:2</p> <p><b>given</b> 5:11</p> <p><b>go</b> 2:18 4:9</p> <p><b>Graham</b> 1:15 2:21,22,23 4:2</p> <hr/> <p align="center"><b>H</b></p> <p><b>hearing</b> 1:9 1:10 4:14</p> <p><b>held</b> 1:10</p> <p><b>Hi</b> 3:4</p> <hr/> <p align="center"><b>I</b></p> <p><b>involved</b></p>	<p>2:16</p> <p><b>issue</b> 3:21</p> <p><b>issued</b> 3:15</p> <hr/> <p align="center"><b>J</b></p> <p><b>J</b> 1:11 2:1 5:7,17</p> <p><b>judge</b> 1:12 2:7,8</p> <hr/> <p align="center"><b>K</b></p> <p><b>Ken</b> 2:7</p> <p><b>Kenneth</b> 1:11</p> <p><b>know</b> 4:7</p> <p><b>known</b> 2:19 5:7</p> <hr/> <p align="center"><b>L</b></p> <p><b>law</b> 1:11 2:7 3:10</p> <p><b>let's</b> 2:18</p> <p><b>Liberty</b> 1:6 1:22,24 2:13 3:6 4:5</p> <hr/> <p align="center"><b>M</b></p> <p><b>March</b> 1:11 2:6 5:8,14</p> <p><b>matter</b> 1:4 1:10 2:9 2:17</p> <p><b>Matthew</b> 1:4 2:10</p> <p><b>MINNESOTA</b> 5:4</p> <p><b>Missouri</b> 1:2 1:16 2:23</p> <p><b>Mm-hmm</b> 3:2</p> <hr/> <p align="center"><b>N</b></p> <p><b>N</b> 1:14 2:2</p> <p><b>Noticeably</b> 3:13</p> <p><b>notifying</b> 3:19</p> <p><b>Number</b> 2:14</p> <hr/> <p align="center"><b>O</b></p> <p><b>O</b> 2:2</p>	<p><b>Okay</b> 3:13 4:6</p> <p><b>order</b> 3:15 3:22</p> <hr/> <p align="center"><b>P</b></p> <p><b>P</b> 1:14,14,18 2:2</p> <p><b>p.m</b> 1:13 2:6 4:14</p> <p><b>particular</b> 2:8</p> <p><b>parties</b> 2:16 2:19 4:1</p> <p><b>Paul</b> 1:15 2:22</p> <p><b>Perry</b> 2:1 5:7,17</p> <p><b>point</b> 3:16</p> <p><b>prehearing</b> 2:15 3:14 3:16</p> <p><b>presence</b> 2:20</p> <p><b>Pretrial</b> 1:4</p> <p><b>proceedings</b> 1:9 2:3 5:7,10</p> <p><b>Public</b> 1:1 1:17 2:13 2:24</p> <hr/> <p align="center"><b>Q</b></p> <hr/> <p align="center"><b>R</b></p> <p><b>R</b> 1:14 2:2</p> <p><b>record</b> 2:6 4:9 5:11</p> <p><b>recorded</b> 5:10</p> <p><b>regulatory</b> 1:11 2:7</p> <p><b>remote</b> 1:12 5:8</p> <p><b>reporter</b> 2:1 2:1 5:7,18</p> <p><b>REPORTER'S</b> 5:2</p> <p><b>represen...</b></p>
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**PREHEARING CONFERENCE 3/1/2023**

<p>3:11  <b>right</b> 2:5  3:2,8 4:4  <b>risked</b> 3:20</p> <hr/> <p align="center"><b>S</b></p> <hr/> <p><b>S</b> 1:14 2:2  <b>S-e-y-e-r</b>  2:7  <b>Service</b> 1:1  1:17 2:13  2:24  <b>set</b> 2:15  <b>setting</b> 3:15  <b>Seyer</b> 1:11  2:7  <b>Shawn</b> 1:18  3:9  <b>show</b> 3:21,22  <b>signed</b> 5:14  <b>Southwest</b>  1:5,18,20  2:11 3:11  <b>Springfield</b>  3:11  <b>Staff</b> 1:15  2:23 4:2  <b>start</b> 2:21  <b>STATE</b> 1:2  5:4  <b>stenotype</b>  5:10  <b>Supplier</b> 1:5  2:11</p> <hr/> <p align="center"><b>T</b></p> <hr/> <p><b>T</b> 1:15  <b>taken</b> 5:7  <b>Tasha</b> 2:1  5:7,17  <b>teleconf...</b>  1:12  <b>testimony</b>  5:11  <b>think</b> 2:24  <b>time</b> 2:15  <b>today</b> 2:15  3:19,23  4:1</p>	<p><b>transcribed</b>  5:10  <b>transcript</b>  1:9 5:11  <b>transcri...</b>  5:11  <b>true</b> 5:11</p> <hr/> <p align="center"><b>U</b></p> <hr/> <p align="center"><b>V</b></p> <hr/> <p><b>videocon...</b>  5:8</p> <hr/> <p align="center"><b>W</b></p> <hr/> <p><b>we'll</b> 4:9  <b>WebEx</b> 1:12  5:8  <b>writing</b> 5:10</p> <hr/> <p align="center"><b>X</b></p> <hr/> <p align="center"><b>Y</b></p> <hr/> <p><b>Yeah</b> 2:22</p> <hr/> <p align="center"><b>Z</b></p> <hr/> <p align="center"><b>0</b></p> <hr/> <p align="center"><b>1</b></p> <hr/> <p><b>1</b> 1:11 2:6  <b>1st</b> 5:8,14</p> <hr/> <p align="center"><b>2</b></p> <hr/> <p><b>2:00</b> 1:13  <b>2:08</b> 2:6  <b>2:11</b> 4:14  <b>2023</b> 1:11  5:8,14</p>			
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