

1
2
3
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BEFORE THE PUBLIC COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Application)
of Judith Turner-Davis for)
Change of Electrical Supplier)
to Platte-Clay Electrical)
Cooperative from Evergy) Case No. EO-2024-0035
Missouri West, Inc. d/b/a)
Evergy Missouri West.)

PREHEARING CONFERENCE
VOLUME I

BEFORE THE HONORABLE JUDGE KEN SEYER

OCTOBER 25, 2023

between the hours of 9:00 o'clock in the
forenoon and 6:00 o'clock in the evening of that
date via WebEx, before CANDICE K. PEREZ, CVR, in a
certain cause now pending.

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11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

	PAGE
PREHEARING CONFERENCE	
INDEX	2
APPEARANCE	3
HEARING INFORMATION	4
PREHEARING CONFERENCE	5
COURT ADJOURNED	13

Reporter's Note: NO EXHIBITS MARKED.

1
2
3
4
5
6
7
8
9
10
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12
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APPEARANCES

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The Court Reporter:

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1 IT IS HEREBY STIPULATED AND AGREED that this PREHEARING
2 CONFERENCE may be taken by Candice K. Perez, Professional Court
3 Reporter, and afterwards transcribed into typewriting.

4 *****

5 Volume 1, Page 1

6
7 THE COURT: Today's date is October 25th, 2023. It
8 is approximately 1:10 p.m. Commission has set this time for a
9 prehearing conference in the case captioned as In The Matter of
10 the Application of Judith Turner-Davis for Change of Electric
11 Supplier to Platte-Clay Electrical Cooperative from Evergy
12 Missouri West Incorporated doing business as Evergy Missouri
13 West. My name is Ken Seyer and I'm the Regulatory Law Judge
14 assigned to this case. It is the Public Service Commission's
15 file No. EO-2024-0035.

16 I would like the attorneys representing the parties
17 to go ahead and identify themselves, enter their
18 appearance, and tell us who you're representing, starting
19 with Mr. Steiner.

20 MR. STEINER: Thank you. Roger W. Steiner, I'm an
21 attorney for Evergy. My address is 1200 Main street, Kansas
22 City, Missouri 64105.

23 THE COURT: Mr. Irving.

24 MR. IRVING: Yes. My name is Ron Irving. I am with
25 staff counsel. The address here is the governor's office

1 building, suite 800, 200 Madison street, PO Box 360, Jefferson
2 City, Missouri 65102. And yeah so that's my address.

3 THE COURT: And on behalf of Platte-Clay Electrical
4 Cooperative, Megan Mccord -- and it's M-E-G-A-N M-C-C-O-R-D.
5 She has entered her appearance as the attorney for the Electric
6 Cooperative, she is not participating in the conference today.
7 And I'm not sure if the office of counsel has entered their
8 appearance.

9 Ms. Turner-Davis is with us in the conference. And
10 are you -- am I addressing you correctly? Should I
11 address you as Ms. Turner-Davis?

12 THE WITNESS: You can just say -- call me Judy, I go
13 by Judy. If you need to get me formal, my legal name is
14 Turner-Davis, you can say Davis, I don't care. It doesn't
15 matter.

16 THE COURT: And you do have a hyphen between the two
17 last names.

18 THE WITNESS: Yes. And there is a reason that has
19 nothing to do with this so I won't bore you with it.

20 THE COURT: I'll ask the parties, are there any
21 issues or matters that you'd like to take up today?

22 [No response.]

23 THE COURT: All right. I'm hearing none. Both
24 Everygy Missouri West and Platte-Clay Electrical Cooperative
25 have filed responses to Ms. Turner-Davis' application. The

1 staff of the commission has reviewed the application and filed
2 a recommendation. Part of that recommendation went into an
3 analysis of whether the application met the requirements for
4 granting the request for a change of supplier as being in the
5 public interest and their conclusion was that the factors had
6 not been met, and therefore, it's not the public interest.

7 So the reason I bring that up, Ms. Turner-Davis, is
8 that by filing the application, it's your burden of proof
9 to convince the commission to grant this change of
10 supplier.

11 Can I ask you a question?

12 **THE WITNESS: (Nonverbal response.)**

13 THE COURT: Have you received a document that is
14 headed -- the heading on the document -- it's only like a four
15 page document -- it's titled Information on Public Service
16 Commission Procedure for Pro Se Change of Supplier Applicants.

17 **THE WITNESS: No. I have received -- and that was**
18 **one of the questions that I was going to -- I think I have --**

19 THE COURT: And in case you're not familiar with the
20 term Pro Se, it's when you are representing yourself rather
21 than hiring an attorney.

22 **THE WITNESS: Right. I -- I --**

23 THE COURT: Maybe I shouldn't assume that but I
24 assume that you haven't hired an attorney for this case.

25 **THE WITNESS: No. I have not because I -- like I**

1 said, I have absolutely no idea just about how involved this
2 was. I'm very naive in the --

3 THE COURT: --

4 THE WITNESS: -- letter that was one of the questions
5 I wanted to bring up and I figured you wanted on the record, is
6 I'm not real sure when I received the order setting prehearing
7 conference where Everyg doesn't -- and -- and they say, does
8 not believe the application meets the burden of proof for
9 change of supplier, that it wishes to continue serving the
10 property in question. Platte-Clay comes in and says it takes
11 no position, but if ordered, will do it. And then the
12 Commission itself filed it's recommendation that the Commission
13 deny my application. Let me start this off -- I'm sorry about
14 that.

15 THE COURT: Well, I'm familiar with all those
16 filings.

17 THE WITNESS: So I'm kind of wondering what -- I --
18 to me, I -- when I read this I thought, well, that's -- you've
19 made your decision. And --

20 THE COURT: Well, the Commission has its staff of
21 attorneys and engineers and accountants and various other
22 people that you might say they work for the Commission, but yet
23 they're separate from the five commissioners and myself as
24 Judge in your case. So they have made their recommendation,
25 but that does not mean that the Commission itself -- the five

1 member commission has made their decision in your case.

2 **THE WITNESS: Okay.**

3 THE COURT: And they wouldn't do so until there was
4 an evidentiary hearing where all that information is presented
5 on the record.

6 **THE WITNESS: Okay.**

7 THE COURT: So where we stand right -- and I don't
8 know that you answered my question, but I don't believe that
9 you've received this document that is titled Information for
10 Pro Se Change of Supplier Applicants.

11 **THE WITNESS: I don't believe I've got --**

12 THE COURT: What I would like to do is I'll have our
13 staff send that to you. And it just provides a little bit of a
14 rough outline of what to expect in the evidentiary hearing and
15 what essentially is involved in your burden of proof to
16 convince the Commission that they should grant your request.

17 **THE WITNESS: Okay.**

18 THE COURT: When I look at it, it looks like it may
19 be a little bit dated, but I think that it will help you.

20 **THE WITNESS: I can kind of -- I think what I -- I --**
21 **to me it's just a logical move. It was not -- I mean I'm --**
22 **I'm coming to you from our primary house which is Everygy. I**
23 **have no issue. I'm not mad at --**

24 THE COURT: I understand that. I've read your
25 application and like I said I've read the responses from the

1 utilities and form our staff here. But that's something that I
2 really can't get into today as far as your rational and the
3 reasons --

4 **THE WITNESS: Okay.**

5 THE COURT: -- you're making requests. That's
6 something that would have to be presented in the evidentiary
7 hearing. The evidentiary hearing itself is even more formal
8 than what we're doing today. It would be in our hearing room
9 that's in our building here in Jefferson City in kind of a
10 courtroom setting.

11 **THE WITNESS: I would need to be present for that or**
12 **can it be done like we're doing today?**

13 THE COURT: Well, that's a good question. It's not
14 unheard of for us to conduct it like we're via this Cisco WebEx
15 like we're doing today. But I will let you discuss that with
16 the other parties and if that's a decision that you all agree
17 on, then that's something that can be formally filed in the
18 case.

19 Where we're at today is I've got these responses from
20 the utilities, I've got the staff recommendation. There
21 really isn't a whole lot more that needs to take place
22 before we have this evidentiary hearing. So what I'm
23 going to ask -- I'm actually going to ask it of Mr.
24 Irving, the staff attorney, to get together with Mr.
25 Steiner and yourself, and also Ms. McCord for the

1 Electrical Cooperative, and file what's called a
2 procedural and propose procedural schedule. That would
3 set an evidentiary hearing date or it would suggest an
4 evidentiary hearing date that the commission would need to
5 approve. But it also sets out some other procedural
6 matters having to do with the hearing itself and certain
7 deadlines leading up to the hearing.

8 So Mr. Irving, are you willing to do that for me?

9 MR. IRVING: Yes, Your Honor, I would.

10 THE COURT: How much time do you need to file that?

11 MR. IRVING: Hopefully by the end of next week on
12 November, 3rd.

13 THE COURT: All right. Let's just make it two weeks
14 from today.

15 MR. IRVING: Okay.

16 THE COURT: Whatever date that is -- November, 8th.

17 MR. IRVING: Correct.

18 THE COURT: So I'll issue a formal order to that
19 effect. And again whether we do this all via online or via
20 WebEx as Ms. Turner-Davis has mastered --

21 **THE WITNESS: Now that I'm a pro.**

22 THE COURT: -- or whether it takes place here in
23 person, that can be part of that filing. Really those are the
24 types of things that I wanted to cover today. Is there
25 anything else that any of you could think of that you'd also

1 like to discuss today?

2 MR. STEINER: No, Your Honor.

3 THE COURT: All right. Okay. Like I said, I'll
4 issue an order asking the parties to get together and file
5 what's called a joint procedural schedule. Did you already
6 propose procedural schedule? We'll issue that order today, but
7 between now and that November, 8th, deadline, hopefully you all
8 can agree on some dates. And if you'd like I can leave this
9 meeting and leave you on this meeting. And of course we don't
10 have Ms. McCord with us, but maybe we can get together with
11 some --

12 MS. MCCORD: I -- I am here, Judge.

13 THE COURT: Oh.

14 MS. MCCORD: I'm sorry. I was tardy, but I'm here.

15 THE COURT: How deep into this did you join us?

16 MS. MCCORD: Oh I've been on maybe five or ten
17 minutes.

18 THE COURT: We actually started about roughly
19 ten/twelve after one. And if you've been here that long, then
20 you heard that I suggested that the parties file a joint
21 proposed procedural schedule. And so --

22 MS. MCCORD: Yes, I did.

23 THE COURT: If the four of you would like to stay on
24 the line and maybe discuss some of this, that's fine. I'll
25 exit the meeting. I'll leave Emily with our staff on here if

1 that's anything that you're interested in.

2 MR. IRVING: Yes.

3 MS. MCCORD: That's fine with me, please.

4 THE COURT: Okay. Then I'll go ahead and go off the
5 record and excuse the court reporter and you can do that. And
6 so we are going off of the record.

7 [Brief conversation off of the record.]

8 THE COURT: Megan McCord was in the conference
9 unbeknownst to me. So Ms. McCord, could you go ahead and enter
10 your appearance for the sake of the record?

11 MS. MCCORD: Sure, Judge. Megan McCord, and I am
12 representing the Cooperative.

13 THE COURT: Platte-Clay Electrical Cooperative.
14 Right?

15 MS. MCCORD: Right.

16 THE COURT: There's nothing further.

17 [Court adjourned.]

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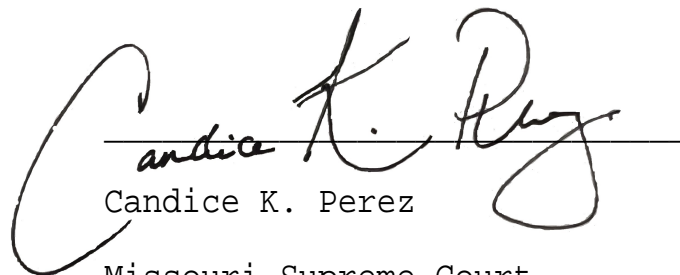
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CERTIFICATE OF REPORTER

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I, Candice K. Perez, a Certified Court Reporter 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.



Candice K. Perez

Missouri Supreme Court

Certified Court Reporter]

1	analysis 7:3	change 5:10 7:4,9, 16 8:9 9:10	dates 12:8
1 5:5	appearance 5:18 6:5,8 13:10	Cisco 10:14	Davis 6:14
1200 5:21	Applicants 7:16 9:10	City 5:22 6:2 10:9	deadline 12:7
1:10 5:8	application 5:10 6:25 7:1,3,8 8:8, 13 9:25	commission 5:8 7:1,9,16 8:12,20, 22,25 9:1,16 11:4	deadlines 11:7
2	approve 11:5	Commission's 5:14	decision 8:19 9:1 10:16
200 6:1	approximately 5:8	commissioners 8:23	deep 12:15
2023 5:7	assigned 5:14	conclusion 7:5	deny 8:13
25th 5:7	assume 7:23,24	conduct 10:14	discuss 10:15 12:1,24
3	attorney 5:21 6:5 7:21,24 10:24	conference 5:2,9 6:6,9 8:7 13:8	document 7:13, 14,15 9:9
360 6:1	attorneys 5:16 8:21	continue 8:9	E
3rd 11:12	B	conversation 13:7	effect 11:19
6	behalf 6:3	convince 7:9 9:16	Electric 5:10 6:5
64105 5:22	bit 9:13,19	Cooperative 5:11 6:4,6,24 11:1 13:12,13	Electrical 5:11 6:3,24 11:1 13:13
65102 6:2	bore 6:19	Correct 11:17	Emily 12:25
8	Box 6:1	correctly 6:10	end 11:11
800 6:1	bring 7:7 8:5	counsel 5:25 6:7	engineers 8:21
8th 11:16 12:7	building 6:1 10:9	court 5:2,7,23 6:3, 16,20,23 7:13,19, 23 8:3,15,20 9:3, 7,12,18,24 10:5, 13 11:10,13,16, 18,22 12:3,13,15, 18,23 13:4,5,8,13, 16,17	enter 5:17 13:9
A	burden 7:8 8:8 9:15	EO-2024-0035 5:15	entered 6:5,7
absolutely 8:1	business 5:12	essentially 9:15	EO-2024-0035 5:15
accountants 8:21	C	Evergy 5:11,12,21 6:24 8:7 9:22	evidentiary 9:4,14 10:6,7,22 11:3,4
address 5:21,25 6:2,11	call 6:12	excuse 13:5	exit 12:25
addressing 6:10	called 11:1 12:5	expect 9:14	
adjourned 13:17	Candice 5:2		
agree 10:16 12:8	captioned 5:9		
AGREED 5:1	care 6:14		
ahead 5:17 13:4,9	case 5:9,14 7:19, 24 8:24 9:1 10:18		
		D	
		date 5:7 11:3,4,16	
		dated 9:19	

F	I	leave 12:8,9,25	names 6:17
factors 7:5	idea 8:1	legal 6:13	nonverbal 7:12
familiar 7:19 8:15	identify 5:17	letter 8:4	November 11:12, 16 12:7
figured 8:5	Incorporated 5:12	logical 9:21	O
file 5:15 11:1,10 12:4,20	information 7:15 9:4,9	long 12:19	October 5:7
filed 6:25 7:1 8:12 10:17	interest 7:5,6	lot 10:21	office 5:25 6:7
filing 7:8 11:23	interested 13:1	M	online 11:19
filings 8:16	involved 8:1 9:15	M-C-C-O-R-D 6:4	order 8:6 11:18 12:4,6
fine 12:24 13:3	Irving 5:23,24 10:24 11:8,9,11, 15,17 13:2	M-E-G-A-N 6:4	ordered 8:11
form 10:1	issue 9:23 11:18 12:4,6	mad 9:23	outline 9:14
formal 6:13 10:7 11:18	issues 6:21	made 8:19,24 9:1	P
formally 10:17	J	Madison 6:1	p.m. 5:8
G	Jefferson 6:1 10:9	Main 5:21	part 7:2 11:23
good 10:13	join 12:15	make 11:13	participating 6:6
governor's 5:25	joint 12:5,20	making 10:5	parties 5:16 6:20 10:16 12:4,20
grant 7:9 9:16	Judge 5:13 8:24 12:12 13:11	mastered 11:20	people 8:22
granting 7:4	Judith 5:10	matter 5:9 6:15	Perez 5:2
H	Judy 6:12,13	matters 6:21 11:6	person 11:23
headed 7:14	K	Mccord 6:4 10:25 12:10,12,14,16,22 13:3,8,9,11,15	place 10:21 11:22
heading 7:14	Kansas 5:21	meeting 12:9,25	Platte-clay 5:11 6:3,24 8:10 13:13
heard 12:20	Ken 5:13	meets 8:8	PO 6:1
hearing 6:23 9:4, 14 10:7,8,22 11:3, 4,6,7	kind 8:17 9:20 10:9	Megan 6:4 13:8,11	position 8:11
hired 7:24	L	member 9:1	prehearing 5:1,9 8:6
hiring 7:21	Law 5:13	met 7:3,6	present 10:11
Honor 11:9 12:2	leading 11:7	minutes 12:17	presented 9:4 10:6
house 9:22		Missouri 5:12,22 6:2,24	primary 9:22
hyphen 6:16		move 9:21	pro 7:16,20 9:10
		N	
		naive 8:2	

11:21	requests 10:5	STIPULATED 5:1	utilities 10:1,20
procedural 11:2,5 12:5,6,21	requirements 7:3	street 5:21 6:1	<hr/>
Procedure 7:16	response 6:22 7:12	suggest 11:3	V
Professional 5:2	responses 6:25 9:25 10:19	suggested 12:20	<hr/>
proof 7:8 8:8 9:15	reviewed 7:1	suite 6:1	Volume 5:5
property 8:10	Roger 5:20	supplier 5:11 7:4, 10,16 8:9 9:10	<hr/>
propose 11:2 12:6	Ron 5:24	<hr/>	W
proposed 12:21	room 10:8	T	<hr/>
public 5:14 7:5,6, 15	rough 9:14	takes 8:10 11:22	wanted 8:5 11:24
<hr/>	roughly 12:18	tardy 12:14	Webex 10:14 11:20
Q	<hr/>	ten 12:16	week 11:11
<hr/>	S	ten/twelve 12:19	weeks 11:13
question 7:11 8:10 9:8 10:13	sake 13:10	term 7:20	West 5:12,13 6:24
questions 7:18 8:4	schedule 11:2 12:5,6,21	things 11:24	wishes 8:9
<hr/>	send 9:13	thought 8:18	wondering 8:17
R	separate 8:23	time 5:8 11:10	work 8:22
<hr/>	Service 5:14 7:15	titled 7:15 9:9	
rational 10:2	serving 8:9	today 6:6,21 10:2, 8,12,15,19 11:14, 24 12:1,6	
read 8:18 9:24,25	set 5:8 11:3	Today's 5:7	
real 8:6	sets 11:5	transcribed 5:3	
reason 6:18 7:7	setting 8:6 10:10	Turner-davis 5:10 6:9,11,14 7:7 11:20	
reasons 10:3	Seyer 5:13	Turner-davis' 6:25	
received 7:13,17 8:6 9:9	staff 5:25 7:1 8:20 9:13 10:1,20,24 12:25	types 11:24	
recommendation 7:2 8:12,24 10:20	stand 9:7	typewriting 5:3	
record 8:5 9:5 13:5,6,7,10	start 8:13	<hr/>	
Regulatory 5:13	started 12:18	U	
reporter 5:3 13:5	starting 5:18	<hr/>	
representing 5:16, 18 7:20 13:12	stay 12:23	unbeknownst 13:9	
request 7:4 9:16	Steiner 5:19,20 10:25 12:2	understand 9:24	
		unheard 10:14	