

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

November 2, 2016

Jefferson City, Missouri

Volume 1

In The Matter Of The)
Application of Union Electric)
Company d/b/a Ameren Missouri)
For Approval Of A Tariff) File No. ET-2016-0246
Setting A Rate For Electric)
Vehicle Charging Stations)

MICHAEL BUSHMANN, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
Ms. Pamela S. Gentry, CCR No. 426
TIGER COURT REPORTING, LLC

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APPEARANCES:

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APPEARANCES: (Cont' d.)

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FOR CONSUMERS COUNCIL OF MISSOURI:

No Appearances

FOR BRIGHTERGY, LLC:

No Appearances

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APPEARANCES: (Cont' d.)

FOR CHARGEPOINT, INC. :

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No Appearances

FOR MIDWEST ENERGY CONSUMERS:

No Appearances

FOR KANSAS CITY POWER & LIGHT COMPANY and KCP&L GREATER MISSOURI OPERATIONS COMPANY:

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ALSO PRESENT:

Ms. Paula Johnson, Ameren Missouri
Mr. Joe Halso, Sierra Club (via telephone)

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

2 JUDGE BUSHMANN: Okay. Let's go on the
3 record.

4 Today is November 2nd, 2016. It's eight
5 minutes after two in the afternoon. Commission has set
6 this time for a Procedural Conference in the case
7 captioned as In The Matter Of The Application Of Union
8 Electric Company d/b/a Ameren Missouri For Approval Of
9 A Tariff Setting A Rate For Electric Vehicle Charging
10 Stations, File No. ET-0-- 2016-0246.

11 My name is Michael Bushmann. I'm the
12 Regulatory Law Judge who will be presiding over this
13 matter. Let's begin by attorneys making their entries
14 of appearance.

15 For Ameren Missouri?

16 MR. JOHNSON: Appearing for Ameren
17 Missouri are Paula Johnson, Senior Corporate Counsel,
18 Ameren Missouri, and Russ Mitten, Bryden, Swearingen &
19 England in Jefferson City, Missouri.

20 JUDGE BUSHMANN: Thank you.

21 Commission Staff.

22 MR. WILLIAMS: Thank you, Judge.

23 For the Staff, Kevin Thompson, Nathan
24 Williams, Nicole Mers, and Whitney Payne, P.O Box 360,
25 Jefferson City, Missouri, 65102.

1 JUDGE BUSHMANN: Thank you.

2 Office of Public Counsel .

3 MS. SHEMWELL: Thank you, Judge.

4 Lera Shemwell representing the Office of
5 the Public Counsel -- the Public Counsel and the
6 Public. I'll get my information to the Court Reporter.
7 Thank you.

8 JUDGE BUSHMANN: Thank you.

9 Missouri Division of Energy.

10 MR. ANTAL: Thank you, Judge.

11 Alex Antal with the Missouri Division of
12 Energy, P.O. Box 1157, Jefferson City, Missouri, 65102.

13 JUDGE BUSHMANN: Thank you.

14 Sierra Club?

15 MR. ROBERTSON: We're here also for the
16 Natural Resources Defense Counsel. Henry Robertson,
17 Great Rivers Environmental Law Center, 319 North Fourth
18 Street, Suite 800, St. Louis, 63102.

19 JUDGE BUSHMANN: Thank you.

20 Consumers Council of Missouri .

21 (No response.)

22 JUDGE BUSHMANN: No appearance.

23 Brightergy, LLC?

24 (No response.)

25 JUDGE BUSHMANN: No appearance.

1 ChargePoint, Incorporated?

2 MR. COMLEY: Judge Bushmann, let the
3 record reflect the entrance of appearance of Mark W.
4 Comley with the Comley Group, 601 Monroe street, Suite
5 301, in Jefferson City, Missouri, on behalf of
6 ChargePoint, Inc.

7 JUDGE BUSHMANN: Thank you.
8 Missouri Industrial Energy Consumers?

9 (No response.)

10 JUDGE BUSHMANN: No appearance.
11 Midwest Energy Consumers Group.

12 (No response.)

13 JUDGE BUSHMANN: Also no appearance.

14 Is there anybody on the line from Kansas
15 City Power & Light Company or GMO?

16 MR. FISCHER: Judge, I'm here on behalf
17 of Kansas City Power & Light and KCP&L Greater Missouri
18 Operations Company. We have a pending application to
19 intervene in the matter.

20 JUDGE BUSHMANN: Thank you, Mr. Fischer.

21 Did I miss anybody? Anybody on the phone
22 who is counsel that I did not -- a party I didn't call?

23 MR. ROBERTSON: Judge, this is Henry
24 Robertson, I believe for Sierra Club we also have Joe
25 Halso on the line.

1 JUDGE BUSHMANN: Okay.

2 MR. HALSO: That's correct, your Honor.
3 Thank you, Henry.

4 JUDGE BUSHMANN: And how do you spell
5 your last name?

6 MR. HALSO: Last name is spelled
7 H-a-l-s-o.

8 JUDGE BUSHMANN: Thank you. All right

9 MS. SHEMWELL: I know that John Coffman's
10 intending to attend.

11 JUDGE BUSHMANN: Okay.

12 MS. SHEMWELL: I heard from him this
13 morning, so he may be running late.

14 JUDGE BUSHMANN: Running late. Okay.

15 First of all, there was a motion filed by
16 Kansas City Power & Light and GMO about request for
17 leave to intervene out of time.

18 Do any of the parties have any objection
19 to that motion?

20 MS. SHEMWELL: We will be filing an
21 objection. The Office of the Public Counsel will be
22 filing an objection.

23 JUDGE BUSHMANN: Okay.

24 I know this is going to be moving along
25 fairly quickly, at least that's my intention, so I

1 would like to get this out of the way as soon as
2 possible. So, I'd like you to file your objections in
3 writing no later than this Friday, November the 4th,
4 and Kansas City Power & Light and GMO would have until
5 the following Monday, November 7th, to file a reply, so
6 I can try to get it on the Commissioner's on agenda
7 next week --

8 MS. SHEMWELL: Okay.

9 JUDGE BUSHMANN: -- to try to facilitate
10 this. So, I will issue a notice later restating what I
11 just said and file that in efis.

12 I would like the parties to file a joint
13 proposed procedural schedule no later than a week from
14 today, November the 9th, and that schedule should
15 include all the normal events in the case, but I also
16 want you to include a date for a stipulation of
17 non-disputed material facts. It seems to me there may
18 not be a lot of disputed facts in this case and, if so,
19 I think a good stipulation could save us some time at
20 the evidentiary hearing.

21 The Commissioners have stated that, while
22 this case is limited to a pilot program, they're
23 concerned that what they decide here may have
24 implications for other proposals in the future that are
25 presented to them. I know some of the issues that

1 they've talked about an agenda involve legal issues
2 which you can cover in your briefs, but to the extent
3 possible and appropriate in your testimony, I wish you
4 would include information about the Commission's
5 jurisdiction, whether or not the Commission should
6 regulate this type of activity, and policy reasons for
7 or against regulation.

8 I'll leave a copy of the adjudication
9 calendar that I printed off that covers the next
10 several months, and, as you can see, the calendar is
11 extremely crowded. There are a lot of major cases that
12 have already been scheduled, so I would suggest that
13 you consider when you're talking the date of January --
14 Thursday, January 12th, for the evidentiary hearing.
15 That would avoid Ameren Missouri and KCPL's rate cases
16 which would be coming along shortly thereafter and
17 other hearings that are scheduled that month.

18 The Commissioners do prefer the 12th, but
19 if there is good reasons why that would not be an
20 appropriate date, then also Monday, January 23rd, could
21 be a possible alternative.

22 Does anybody have any other issues that
23 need to be brought up on the record before we go off
24 the record?

25 Yes, Mr. Mittens.

1 MR. MITTENS: Judge, I think I have a
2 question. Has the Commission indicated to you that it
3 wants evidentiary hearings in this case? Because I was
4 at the agenda meeting when they decided to suspend the
5 tariff. It seemed to me that the issues that were
6 troubling them were jurisdictional issues and legal
7 issues with -- and possibly some public policy issues,
8 and it was Ameren Missouri's hope that those could be
9 resolved through an oral argument where the Com--
10 parties could present their legal admissions and the
11 Commissioners could ask questions, which would also
12 touch on some of the public policy arguments as well.

13 It -- it seems to me that having
14 testimony that deals with jurisdiction is -- is going
15 to involve a lot of witnesses who may not be competent
16 to address those issues, and they can just as easily,
17 and probably more competently, be addressed by the
18 attorneys in an oral argument.

19 Having this simply as an oral argument
20 instead of an evidentiary hearing might allow us to
21 dispose of it more quickly, because, if -- if at all
22 possible, I think Ameren Missouri would like to get
23 this finished before December simply because its rate
24 case heats up in December. Kansas City Power & Light's
25 rate case is a little bit ahead of ours, and I'm

1 guessing it will be going full throttle in December as
2 well. We've got the holidays, and then things will
3 continue to be a little crazy in both of those cases as
4 you move into January.

5 JUDGE BUSHMANN: Right. And I -- and I
6 agree with you to the extent that what a lot of the
7 Commissioners are concerned with is going to be legal
8 questions that don't necessarily involve facts. But at
9 this point, with the tariff suspended, Commission's
10 going to have to report and order with findings of
11 facts.

12 It may be that the parties can agree on
13 99 percent of the facts, but there's still going to be
14 policy issues that need to be fleshed out for the
15 benefit of the Commissioners. So, I think that an oral
16 argument at this point is not quite going to get us
17 there, even though I understand Ameren Missouri wants
18 to move quickly, and I can appreciate that.

19 So, you -- you may want to discuss it
20 with the other parties, and if the parties want to
21 propose something that involves affidavits or
22 stipulations and a way to move the case along more
23 quickly, then I could take that to the Commissioners.

24 But I do need to issue findings of facts.
25 So there needs to be an -- an evidentiary record of

1 some sort.

2 MS. SHEMWELL: We'll be saying that --
3 that Public Counsel completely realizes that the
4 Commission has ruled on the issue, but we would be
5 amenable to including into the Ameren's rate case.
6 It's just an issue of just rolling it into the rate
7 case and handle it on that timeline.

8 JUDGE BUSHMANN: Okay.

9 Anybody else want to raise any issues or
10 weigh in on those comments that I just received?

11 MR. COMLEY: Judge, I know that
12 ChargePoint is very active in the state already, and it
13 is highly interested in trying to present some factual
14 data to the Commission for purposes of its
15 determination in this case. So, I would be in support
16 of, perhaps, a very aggressive schedule, but it would
17 have to include pretrial testimony for the Commission
18 to consider.

19 And I -- and in respect to the Office of
20 Public Counsel's suggestion, ChargePoint would oppose
21 the idea of having this rolled into the rate case.
22 It's an issue that ChargePoint considers should be
23 separately and distinctively considered by the
24 Commission because of its degree of importance.

25 JUDGE BUSHMANN: Okay. Thank you,

1 Mr. Comley.

2 Anybody else?

3 MR. FISCHER: Judge, I would just say on
4 behal f of Kansas City Power & Light, on behal f of our
5 company, we've been trying to get some issues related
6 to jurisdi cti on policy for some time, and we see thi s
7 case as an important case that has statewide
8 implications, and we think it should be moved forward
9 as soon as we can.

10 JUDGE BUSHMANN: Okay.

11 MR. MITTENS: And for the record, Ameren
12 Mi ssouri would be opposed rolling it into the rate
13 case, simply because we would like to get an expedited
14 deci sion as we've mentioned in several pleading. But,
15 also, the fact that it's not just an Ameren Mi ssouri
16 issue. Kansas City Power & Light has -- and GMO have
17 intervened in thi s case, and I think it probably would
18 be best to try and resolve all the jurisdi cti onal and
19 publi c policy issues regarding electric vehi cle
20 charging in thi s separate docket rather than have to
21 resolve them twice in two separate rate cases.

22 MS. SHEMWELL: A very fine poi nt. They
23 have asked to intervene late.

24 MR. MITTENS: Stand corrected. I
25 apol ogi ze.

1 MS. SHEMWELL: Like a fine wine.

2 MS. PAYNE: I'll also note that there was
3 a motion to consolidate this with the rate case that
4 was already refused by -- denied by the Commission, so
5 --

6 MS. SHEMWELL: I noted that.

7 MS. PAYNE: I'm sorry. I missed that,
8 but I just wanted to state that.

9 MR. WILLIAMS: Judge, if I could?

10 JUDGE BUSHMANN: Yes, Mr. Williams.

11 MR. WILLIAMS: Judge, this proceedings
12 started by the filing of the tariff sheets. If it's
13 turning into some other --

14 JUDGE BUSHMANN: Can you -- can you speak
15 up a little bit? The Court Reporter can't hear you.

16 MR. WILLIAMS: If it's turning into some
17 other type of proceeding that goes beyond that, it
18 might be appropriate to do some kind of notice to other
19 interested parties. Parties that weren't interested
20 when it was just the tariff sheet might have become
21 interested for other reasons, and I think Kansas City
22 Power & Light Company and KCP&L -- KCP&L Greater
23 Missouri Operations Company kind of exhibits that.

24 JUDGE BUSHMANN: Well, I think we're
25 still talking about a tariff. It's just that the

1 Commissioners want to make sure, when they decide on
2 the tariff, that they're making the decision on grounds
3 they understand the implications of the ramifications
4 of that decision.

5 So, at this point, I think we've got a
6 lot of parties in the case. I think we're okay on
7 those, but I appreciate your comments.

8 Anybody else want to raise anything?
9 (No response.)

10 JUDGE BUSHMANN: All right.

11 Hearing none, we're off the record.

12 (Off the record.)

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C E R T I F I C A T E

I, Pamela S. Gentry, Certified Shorthand Reporter with the firm of Tiger Court Reporting, LLC, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.


Pamela S. Gentry, CSR, CCR



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