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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

PROCEDURAL CONFERENCE

NANCY HURT,)	
Complainant,)	
)	
v.)	File No. EC-2024-0108
)	
Union Electric Company)	
d/b/a Ameren Missouri,)	
Respondent.)	

FRIDAY, MARCH 8, 2024
1:30 p.m.

Jefferson City, MO 65101
via WebEx

VOLUME 1

JOHN CLARK, Presiding
SENIOR REGULATORY LAW JUDGE

(Due to the quality of the recorded media, portions were unable to be transcribed and include inaudible portions. The transcript may also include misinterpreted words and/or unidentified speakers. The transcriber was not present at the time of the recording; therefore, this transcript should not be considered verbatim.)

TRANSCRIBED BY: MELISSA EICKEN

1 LAW JUDGE CLARK: Emily, would you start
2 recording?

3 EMILY WALTHERS: Got it.

4 LAW JUDGE CLARK: Thank you. I can't --
5 since I'm doing this on my phone, I cannot see if it's
6 recording, so. I'm assuming you are.

7 Let's -- we don't have a court reporter
8 today, so this will be sent out and be transcribed and
9 that transcript will be posted to EFUS. All the same,
10 we're treating it as though one's here.

11 So we'll go on the record now. The current
12 date is March 8th of 2024, and the current time is
13 1:32 p.m. This procedural conference was set to start
14 at 1:30 p.m. The commission has set aside this time
15 today for a procedural conference in file number
16 EC-2024-0108 which is captioned Nancy Hurt,
17 complainant, versus Union Electric Company, doing
18 business as Ameren Missouri, respondent.

19 My name is John Clark. I'm the regulatory
20 law judge overseeing this matter today, and I'm going
21 to begin by asking counsel for the parties to enter
22 their appearance. Starting with Ameren Missouri.

23 MS. HERNANDEZ: Good morning, Judge.
24 Jennifer Hernandez appearing on behalf of Ameren
25 Missouri.

1 LAW JUDGE CLARK: Thank you, Ms. Hernandez.
2 On behalf of staff counsel.

3 MS. KERR: Caroline Kerr appearing on
4 behalf of staff, PSC staff.

5 LAW JUDGE CLARK: Thank you, Ms. Kerr.
6 Anyone here on behalf of the Office of the
7 Public Counsel? I hear no one. And is the
8 complainant, Ms. Hurt present? And I will mark down
9 that Ms. Hurt failed to appear at a procedural
10 conference.

11 I'm going to go ahead -- although, I set
12 this conference today, I -- on February 16th, I had
13 directed the parties to file a proposed procedural
14 schedule no later than February 28th. On or just
15 prior to the 28th, I can't remember, I received a
16 filing from Ameren Missouri, basically, indicating
17 that they were unable to get ahold of the complainant
18 for the purpose of finding some hearing dates and
19 suggested that I set a procedural schedule which is
20 what we are at right now.

21 I'm going to wait -- I'm going to go ahead
22 and do my spiel, but we're going to -- this is going
23 to be short, and Ms. Hurt did not appear. Thank you
24 to everyone else who did appear.

25 What I'm going to do at this point after I

1 conclude -- after I conclude this procedural
2 conference is an order will go out probably Monday
3 asking Ms. Hurt to show cause why her case should not
4 be dismissed for failing to show up at a procedural
5 conference.

6 Now, since I don't have a full collection
7 of parties here, I'm not going to take up any pending
8 motions or preliminary matters at this time. But just
9 in case we have to have a future procedural
10 conference, are there any outstanding motions or
11 pending matters that I should be aware of related to
12 this? Ameren?

13 MS. HERNANDEZ: Not that I'm aware, Judge.

14 LAW JUDGE CLARK: And the commission staff?

15 MS. KERR: Not that I'm aware of.

16 TAMMY HUBER: Excuse me. Sorry. Sorry to
17 interrupt. Nancy Hurt is calling me right now. And
18 said that she tried to call in, and the password would
19 not let her on the call. She says she typed in 0108.

20 LAW JUDGE CLARK: That is what I have is
21 the correct --

22 TAMMY HUBER: It says she's tried twice.

23 LAW JUDGE CLARK: Let me pull up a few
24 things to see where we are.

25 TAMMY HUBER: I'm sorry?

1 LAW JUDGE CLARK: Bear with me just a
2 moment. I don't know exactly what to tell her because
3 the official Webex link shows that, that is the
4 password. Is she -- is it possible that she is either
5 entering the wrong meeting number, because I'm
6 assuming --

7 TAMMY HUBER: I can hear her. It says
8 she's dialed into Webex, then it says 0108 is not
9 valid. I can hear her on the line dialing -- or I
10 mean, putting it in. So I can -- I've got her on my
11 cell phone, but I don't know -- if I put her on
12 speaker, I don't think that would be a good sound
13 quality.

14 LAW JUDGE CLARK: And who's speaking just
15 for my knowledge?

16 TAMMY HUBER: I'm sorry. I'm sorry. This
17 is Tammy Huber.

18 LAW JUDGE CLARK: And you're with the
19 commission staff; correct?

20 TAMMY HUBER: Yes. Yes.

21 LAW JUDGE CLARK: And what position?

22 TAMMY HUBER: I am in the customer
23 experience department.

24 LAW JUDGE CLARK: Well, since she can't
25 seem to log in, could you try putting her on speaker

1 phone, and we'll see if that works?

2 TAMMY HUBER: Yeah. Okay. Ms. Hurt? I'm
3 going to try to put you on speaker phone on my phone
4 to see if this will -- if this will let you speak;
5 okay?

6 LAW JUDGE CLARK: Ms. Hurt, this is Judge
7 Clark. Can you hear me?

8 NANCY HURT: I can.

9 LAW JUDGE CLARK: Okay. I can hear you
10 just fine. Are you okay proceeding like this?

11 NANCY HURT: Yes. Thank you.

12 LAW JUDGE CLARK: Okay. I'm sorry you
13 weren't able to get into the meeting. I am not sure
14 why. It must be something with Webex, because that is
15 the correct password to enter in the meeting.

16 I had previously, prior to you joining us
17 today, I basically indicated that Ameren Missouri had
18 been trying to get ahold of you in order to establish
19 a procedural schedule with potential hearing dates for
20 your matter, and they were unable to get ahold of you,
21 and so they filed a motion with the commission
22 suggesting that I set a procedural schedule for the
23 purpose, essentially, of seeing if you would show up
24 which is what I did. And so that's today.

25 Is there a reason that Ameren hasn't been

1 able to reach you to establish hearing dates?

2 NANCY HURT: The reason -- the e-mail that
3 I received on the 1st of March, they said on the 28th
4 saying that I had until 5 p.m. that day, and I was
5 driving by myself from Atlanta to Hot Springs,
6 Arkansas. I didn't check my e-mail all day, so I -- I
7 apologize, but I had no idea that I was being put
8 under a timeline on that.

9 LAW JUDGE CLARK: Did you receive -- did
10 you receive the order that I had issued, basically,
11 instructing the parties to get together and submit a
12 proposed procedural schedule by the 28th?

13 NANCY HURT: Yeah. I believe I received a
14 notice on February 16th. It came from the commission,
15 yes, sir, but I did not know that I needed to respond
16 in any way to that. I had no idea.

17 LAW JUDGE CLARK: Okay. Are you still
18 wanting to pursue your complaint?

19 NANCY HURT: Excuse me?

20 LAW JUDGE CLARK: Are you still wanting to
21 pursue your complaint?

22 NANCY HURT: Yes, sir, I do want to
23 continue to pursue my complaint.

24 LAW JUDGE CLARK: Okay. At this point the
25 commission's hearing schedule is relatively packed.

1 NANCY HURT: Okay.

2 LAW JUDGE CLARK: So it looks like I have
3 some time in mid to late June for a hearing in that
4 case.

5 NANCY HURT: All right.

6 LAW JUDGE CLARK: And right now I am
7 thinking --

8 NANCY HURT: No, sir. I have no
9 obligation.

10 LAW JUDGE CLARK: Is there any time in June
11 that is not good for any of the parties, say, from
12 June 10th to June -- well, the end of June?

13 NANCY HURT: My calendar is pretty free,
14 so.

15 LAW JUDGE CLARK: Okay. So right now I'm
16 thinking of setting this for either the week of June
17 the 8th, the workweek of June the 8th or the workweek
18 of June the 15th, and then the furthest out, if I
19 can't fit it into either of those weeks, due to
20 commission unavailability, would be the 21st or the
21 27th. So I'm not hearing that anybody has any
22 problems with those dates.

23 MS. KERR: June or July?

24 LAW JUDGE CLARK: June.

25 MS. KERR: That's fine.

1 LAW JUDGE CLARK: Okay.

2 MS. HERNANDEZ: Judge, I think our witness
3 would be unavailable -- let me double check the dates
4 real quick. June 10th through the 14th.

5 LAW JUDGE CLARK: And is that Ms. Pertrar
6 (phonetic)?

7 MS. HERNANDEZ: Correct.

8 TAMMY HUBER: And the only date I know that
9 I'm unavailable -- this is Tammy Huber -- is the 7th
10 which is the week prior, so.

11 LAW JUDGE CLARK: June 7th?

12 TAMMY HUBER: Yeah. I'm unavailable that
13 date.

14 LAW JUDGE CLARK: Okay. Thank you, TAMMY
15 HUBER.

16 And Ms. Hurt, you said you were available
17 those dates?

18 NANCY HURT: Yes. I'm available anytime in
19 June.

20 LAW JUDGE CLARK: Okay. Now, normally,
21 Ms. -- Ms. Hurt, you're not represented by an
22 attorney; is that correct?

23 NANCY HURT: I'm sorry, sir, could you
24 repeat that, please?

25 LAW JUDGE CLARK: You're not represented by

1 an attorney; is that correct?

2 NANCY HURT: That is correct.

3 LAW JUDGE CLARK: Okay. Normally, in cases
4 that -- frequently in cases before the commission, we
5 have what's called pre-filed testimony. It's
6 generally my preference when we have pro se or
7 self-represented complainants before the commission to
8 not do pre-filed testimony because I believe it puts
9 an undue burden on -- on the parties that are not
10 practiced with providing written testimony. In that
11 case, what I generally do is, do testimony live at the
12 hearing which means that, basically, each party at the
13 hearing will get up and present their evidence in
14 realtime, and there would be no pre-filed testimony in
15 that case. Is that acceptable to you, Ms. Hurt?

16 NANCY HURT: Yes. I understand correctly
17 that the testimony would be given live at -- is
18 that -- is that the evidentiary hearing; is that
19 correct?

20 LAW JUDGE CLARK: Yeah. That would be at
21 the evidentiary hearing, and what that saves you in
22 that regard is having to type and prefile your
23 testimony.

24 NANCY HURT: Okay.

25 LAW JUDGE CLARK: Are there any objections

1 to doing testimony live at the hearing?

2 MS. KERR: No.

3 LAW JUDGE CLARK: I hear none.

4 MS. HERNANDEZ: I have no objection.

5 LAW JUDGE CLARK: I hear no objections from
6 Ameren either, so. None of the parties here object.

7 Then if -- I still will probably put in a
8 date for position statements just because I like to
9 have those. But beyond that, I don't see a lot of
10 prehearing marks to hit. I might want to do one
11 check-in with the parties closer to the June date, and
12 I will put that in, and I will put in some other
13 procedural things in regard to discovery, and I will
14 issue that all in an order setting a procedural
15 schedule and establishing -- establishing procedural
16 requirements.

17 All right. Are there any -- are there any
18 questions at this time from any of the parties?

19 MS. KERR: No.

20 MS. HERNANDEZ: No.

21 LAW JUDGE CLARK: Ms. Hurt, did you have
22 anything you wanted to tell me today.

23 NANCY HURT: No, sir. I just am glad that
24 you understand that I did not mean to not respond.
25 There was no way I could earlier, and I am looking

1 forward to seeing the testimony and you.

2 LAW JUDGE CLARK: Okay. Now, there's --
3 even -- even if you had not appeared at today's
4 procedural conference, I still -- it is still
5 generally my practice to issue what's called a show
6 cause order which, basically, allows any party who
7 didn't show up to explain why they didn't show up, so.
8 Even if you had missed today's procedural conference,
9 you would have had an opportunity to explain why, so
10 don't worry about that.

11 NANCY HURT: Okay. Thank you.

12 LAW JUDGE CLARK: All right. There's
13 nothing further I have to go over. Is there anything
14 further now -- now that all the parties are present
15 that are necessary, are there any pending matters the
16 commission needs to take up at this time? I hear
17 none.

18 In that case, I will adjourn this hearing,
19 and everyone should look for a -- a -- an order from
20 me setting a procedural schedule and procedural
21 requirements. Thank you all for taking the time to
22 appear today. And have a good weekend.

23 MS. KERR: Thank you.

24 MS. HERNANDEZ: Thank you, Judge.

25 TAMMY HUBER: Thank you, Judge.

1 LAW JUDGE CLARK: Thank you.

2 (Audio ended.)

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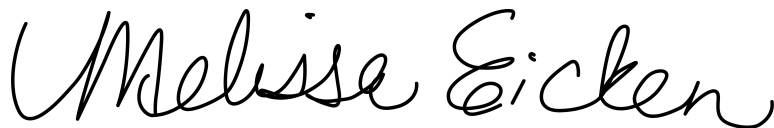
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I, Melissa J. Eicken, Certified Court Reporter of Missouri, Certified Shorthand Reporter of Illinois and Registered Professional Reporter, do hereby certify that I was asked to prepare a transcript of proceedings had in the above-mentioned case, which proceedings were held with no court reporter present utilizing an open microphone system of preserving the record.

I further certify that the foregoing pages constitute a true and accurate reproduction of the proceedings as transcribed by me to the best of my ability and may include inaudible sections or misidentified speakers of said open microphone recording.



Melissa J. Eicken, CCR, CSR, RPR

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