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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
PROCEDURAL CONFERENCE

In the Matter of the Application)
of Trevor King for Change of)
Electric Supplier from Evergy)
Missouri West, Inc., d/b/a) File No. EO-2024-0161
Evergy Missouri West to Osage)
Valley Electric Cooperative)

MONDAY APRIL 8, 2024
1:00 P.M.

Jefferson City, MO 65101
via WebEx

VOLUME I

KEN SEYER, Presiding
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 SEYER: All right. We are on the
2 record. Today is April 8th, 2024. It's 1:16 p.m.
3 The commission set this date for a procedural
4 conference in the case captioned as in the matter of
5 the application of Trevor King for change of electric
6 supplier from Evergy Missouri West, Incorporated,
7 doing business as Evergy Missouri West to Osage Valley
8 Electric Cooperative. It's the Public Service
9 Commission file number EO-2024-0161.

10 Previously in this case the applications
11 for change of supplier for Trevor King, Tyler Watts
12 and Mathew Gibreal were all combined into this single
13 case as they are all neighbors, essentially,
14 requesting the same thing.

15 My name is Ken Seyer, and I'm the
16 regulatory law judge in this matter. If this matter
17 is not otherwise settled, I will be the judge
18 conducting the -- the evidentiary hearing. But it is
19 the five commissioners who make up the Public Service
20 Commission who will decide whether to grant the change
21 of electric supplier request.

22 So today is not the hearing. Today is
23 mostly to try to get closer to setting a -- a hearing
24 date where the commissioners and myself would
25 basically present -- well, all of us hopefully would

1 be present. Understand -- Mr. Watts, Mr. Gibreal,
2 understand that you, as the applicants, have the
3 burden of proof in your case, that is you must provide
4 evidence whether that would be testimony or your own
5 testimony or additional witnesses testimony,
6 documentation, et cetera, that would convince the
7 commissioners to grant your request. Do you
8 understand that?

9 MATHEW GIBREAL: Yes.

10 TYLER WATTS: Yes.

11 LAW JUDGE SEYER: Thank you.

12 And I don't recall whether I mentioned this
13 after we went on the record, but Mr. King is not
14 participating this afternoon, one of the three
15 applicants.

16 So before we -- before we go any further,
17 I'd like the attorneys for the other parties to make
18 their entries of appearance starting with Mr. Steiner.

19 MR. STEINER: Good afternoon. Can you hear
20 me?

21 LAW JUDGE SEYER: Yes.

22 MR. STEINER: This is Roger W. Steiner,
23 attorney for Evergy. My address is 1200 Main Street,
24 Kansas City, Missouri 64105.

25 LAW JUDGE SEYER: And for Osage Valley

1 Electric Cooperative.

2 MEGAN MCCORD: Yes. This is Megan McCord.
3 I'm with Friel, McCord & Smiley Law Firm. My address
4 is P.O. Box 14287, Springfield, Missouri 65814.

5 LAW JUDGE SEYER: All right. And for the
6 staff of the Public Service Commission.

7 MR. VANDERGRIFF: Good afternoon. I'm Eric
8 Vandergriff representing staff. Our address here is
9 200 Madison Street, P.O. Box 360, Jefferson City.

10 LAW JUDGE SEYER: All right. Thank you.
11 And it does not appear that anyone is
12 participating in the meeting with the Office of the
13 Public Counsel.

14 So we're at the point in -- in this case
15 where we have the applicants -- we have the
16 applications, we have responses from -- from Evergy
17 and Osage Valley. Osage Valley and the responses are
18 similar in all three cases, so. I'll -- I'll try to
19 summarize and say that Osage Valley has taken no
20 position on the applications but has stated that if
21 the applications are approved by the commission that
22 they -- and they are ordered to supply the residents
23 with electric power, they can do so. They also state
24 that they already have distribution lines on the --
25 each of the applicants' properties. However, they do

1 state that some of the costs of construction will be
2 required to be paid for by the applicants. Evergy --
3 Evergy's responses to the applications have been
4 designated as confidential. However, Evergy's
5 position is that none of the three applications meets
6 the burden of proof for a change of supplier.
7 Therefore, they wish to continue serving the three
8 applicants. And then the staff of the commission
9 reviewed the applications and filed a recommendation.
10 Their findings were that they recommend that the
11 commission grant the three requests in that it would
12 be in the public interest to change the electric
13 supplier to Osage Valley Electrical Cooperative.

14 So having said all that, typically, the
15 evidentiary hearing itself in such a case might be
16 scheduled a couple of months out, so. I'm looking at
17 our hearing schedule -- well, first of all, let me ask
18 you this and -- and anyone can answer, but typically,
19 this would be a -- a hearing that would take place
20 here in our hearing room in Jefferson City unless all
21 of the parties are in agreement to hold it, otherwise.
22 So would anyone like to be heard on that?

23 MEGAN MCCORD: Judge, this is Megan McCord.
24 Sorry.

25 LAW JUDGE SEYER: Go ahead, Ms. McCord.

1 MEGAN MCCORD: Some of the counsel and I
2 have spoken just briefly via e-mail, and it seems like
3 we're all supportive of doing it via Webex, if that's
4 acceptable to the Court, but obviously, I know that
5 we've got three unrepresented parties here, so.
6 Certainly willing to do whatever is best for -- for
7 the commission and for them as well.

8 LAW JUDGE SEYER: All right.

9 MATHEW GIBREAL: Is it recommended that the
10 three applicants need to seek legal counsel?

11 LAW JUDGE SEYER: That really is up to
12 them. I -- I would not recommend one way or the
13 other.

14 MATHEW GIBREAL: So I guess voicing one
15 concern, I've been trying to get power on my property
16 since March of last year. After nine months of trying
17 with Evergy, myself and my two neighbors to the north
18 and south to me decided to send these applications in.

19 LAW JUDGE SEYER: Uh-huh.

20 MATHEW GIBREAL: And we're five months in
21 on this process already. Is there any way to expedite
22 it faster than two months?

23 LAW JUDGE SEYER: Well, I will -- I will
24 say this. If it were conducted online, rather, than
25 in person, that would provide more flexibility or more

1 availability as to the dates that we could hold the
2 hearing.

3 MATHEW GIBREAL: Okay.

4 LAW JUDGE SEYER: So if that's something
5 that -- that you'd be willing to do, then, like I
6 said, that -- that could get it scheduled sooner than
7 if we have to schedule it in our hearing room here.

8 MATHEW GIBREAL: Okay.

9 MEGAN MCCORD: Judge, if I could add one
10 more thing?

11 LAW JUDGE SEYER: Uh-huh.

12 MEGAN MCCORD: My clients have expressed to
13 me recently that, you know, they're in a bit of an
14 awkward position, and certainly, the -- the three
15 applicants here are -- I mean, from what I understand,
16 they basically just don't have power and are really
17 kind of in a time of the essence situation because
18 they'd like to start construction. And, so, you know,
19 my clients are -- are constrained by the -- the rules
20 and the laws and can't provide power to them, and it
21 seems they have had some difficulty from the current
22 provider, so. I -- my feeling from speaking with
23 everybody was that the fastest we could kind of
24 proceed with this, so they -- so the applicants could
25 get power one way or another, the better. And, so I

1 know that's been a frustration ongoing for my clients
2 and for them as well.

3 LAW JUDGE SEYER: All right. Mr. Watts,
4 would you have any objection to holding the hearing
5 on --

6 TYLER WATTS: I have no objection --
7 whatever we can do to follow this matter, you know,
8 the quickest way possible, I'm -- I am 100 percent on
9 board with it, so. I would be fine with doing, you
10 know, a -- doing it online.

11 LAW JUDGE SEYER: All right.

12 MATHEW GIBREAL: So just -- just -- Tyler
13 has just put his foundation in, and framers are going
14 to be coming soon.

15 TYLER WATTS: Yeah.

16 MATHEW GIBREAL: I'm -- my house is nearly
17 closed in. I mean, I plan on moving in, in a couple
18 of months. Three months probably. But, you know,
19 to -- to be able to do the mechanical and the septic
20 and things of that nature, I have to have power, I
21 have to have water. I don't have water without power,
22 so. I'm kind of -- I'm going to be at a standstill
23 here real quick.

24 LAW JUDGE SEYER: Okay.

25 MATHEW GIBREAL: And then, you know,

1 currently my contractors have been doing everything
2 off of a generator which obviously costs more money
3 and it -- and that trickled down to me. So, you know,
4 there's a financial burden with the delay of service
5 from Evergy.

6 LAW JUDGE SEYER: Okay. Mr. Steiner, I
7 take it you would have no objection to conducting the
8 hearing online?

9 MR. STEINER: No. It's worked out in the
10 past, Your Honor, to do that, that way. If you do
11 have it live, I might be there live, but the
12 applicants certainly don't have to, and if that makes
13 it go faster, that's fine, so. I understand.

14 LAW JUDGE SEYER: Well, would anyone --
15 Mr. Vandergriff, would you like to suggest a date,
16 just to kind of get the ball rolling?

17 MR. VANDERGRIFF: I don't have a suggestion
18 in mind, really. One, need to hear from Evergy in
19 this case since they want to present a little bit more
20 evidence.

21 MATHEW GIBREAL: In the next two weeks, is
22 that soon enough?

23 LAW JUDGE SEYER: Well, it would -- let's
24 see. I myself is tied up the week of May 6th through
25 the 10th. So my preference would be those last three

1 weeks of May at the -- at the soonest.

2 MATHEW GIBREAL: I can make something work
3 there.

4 MEGAN MCCORD: I think, Judge, for my
5 clients and I probably the week of the 13th, I
6 imagine, would probably be a little bit better. We've
7 got some meetings the following week, if that's an
8 option.

9 LAW JUDGE SEYER: And I also -- I just saw
10 this. I'm also unavailable May 21st.

11 MATHEW GIBREAL: I'm fine with the 13th, if
12 that's the soonest we can do it.

13 LAW JUDGE SEYER: All right. Let me --

14 TYLER WATTS: Yeah. I'm fine with any day
15 as well. The quicker the better, if we can.

16 LAW JUDGE SEYER: Gotcha. That week I'm
17 unavailable on Thursday.

18 MR. STEINER: We actually have another
19 hearing, but the Monday, the 13th, would work. Hang
20 on just a second. Let me make sure the -- I'm getting
21 the right date. I could do the 13th or the 17th of
22 that week.

23 LAW JUDGE SEYER: All right. I will run
24 those dates past our commissioners to make sure
25 they're available on one of those two dates, and then

1 Mr. Vandergriff, if I let you know the -- which date
2 will be the hearing date, can you work backwards from
3 that on the deadline dates leading up to that?

4 MR. VANDERGRIFF: I can try. It'll be a
5 little short for direct, but if it needs to be done, I
6 think that, you know, so long as I can contact the
7 parties, I'll get it done.

8 MR. STEINER: So I -- I think we're
9 probably -- since this is so soon, we just have a oral
10 hearing, Eric; does that work for staff or do you want
11 to have -- one time I mentioned a round of testimony,
12 but I think we're talking about a oral hearing here
13 and no pre-filed?

14 MR. VANDERGRIFF: Staff was okay with
15 pre-filed testimony when I talked to the parties via
16 e-mail, so.

17 MR. STEINER: Okay. I'm fine with
18 pre-filed, too. I just didn't know because of the
19 time crunch. That's fine. I'll wait for your
20 schedule. That's fine.

21 LAW JUDGE SEYER: And just for Mr. Watts,
22 Mr. Gibreal, what they're referring to is in -- in
23 these Public Service Commission cases, often testimony
24 from witnesses is filed ahead of the hearing and that
25 will let the parties know what -- what those witnesses

1 would have testified to where they here live on the day
2 of hearing, and it's -- it's a means of saving us some
3 time on the day of the hearing. But typically, those
4 witnesses are made available for the other parties to
5 cross examine.

6 MATHEW GIBREAL: Are we allowed to bring
7 witnesses on the 13th then?

8 LAW JUDGE SEYER: Yes. I will -- when
9 we're done here, the -- there'll be an order that I'll
10 issue that will lay out the information for your
11 witnesses to -- kind of like this hearing today, this
12 conference today, it'll give them the information on
13 how to join the -- well, the Webex meeting which will
14 double as the hearing.

15 MATHEW GIBREAL: Right.

16 LAW JUDGE SEYER: So as long as you let us
17 know by the deadline that I'll set in the order, the
18 names of -- of your witnesses that would testify,
19 we'll get that meeting invitation to them ahead of
20 time.

21 MATHEW GIBREAL: Okay. And just as I
22 stated earlier when I got on, I didn't receive this
23 latest letter with the -- with this meeting
24 instruction on it, so. I don't know if it got lost in
25 the mail or what. So I guess I'm a little concerned

1 about -- I'm a little gun shy about --

2 LAW JUDGE SEYER: Uh-huh.

3 MATHEW GIBREAL: -- not getting the next
4 letter in the mail from you guys giving me all the
5 deadlines and things of that nature. I don't know
6 that I put my e-mail on the application. I may not
7 have. So if you don't have it, I'm glad to -- I'm
8 glad to give anybody that needs that --

9 LAW JUDGE SEYER: Yeah.

10 MATHEW GIBREAL: -- information.

11 LAW JUDGE SEYER: If you can right now, go
12 ahead and provide that, because I'm looking at -- at
13 the -- what's called the service list, and it lists
14 your -- lists a home address in peculiar, but it does
15 not list an e-mail address.

16 MATHEW GIBREAL: Okay.

17 LAW JUDGE SEYER: So...

18 MATHEW GIBREAL: Yeah. You ready?

19 LAW JUDGE SEYER: Yeah.

20 MATHEW GIBREAL: It is M, as in Mathew, C
21 as in Clark, my last name, G-I-B as in boy, R-E-A-L,
22 at Outlook.com.

23 LAW JUDGE SEYER: All right. I got it.

24 TYLER WATTS: Was there one listed for --
25 for me? I didn't know -- I don't know if I put one

1 either.

2 LAW JUDGE SEYER: No, there's not. And --

3 TYLER WATTS: Okay.

4 LAW JUDGE SEYER: -- I apologize. Okay.

5 TYLER WATTS: No. That's all right.

6 LAW JUDGE SEYER: Would you like to provide
7 one as well?

8 TYLER WATTS: Yes.

9 LAW JUDGE SEYER: Okay.

10 TYLER WATTS: Mine's Tyler, T-Y-L-E-R,
11 J-W-A-T-T-S, and then the number four at Gmail.com.

12 LAW JUDGE SEYER: All right. Mr. King is
13 not -- does not have an e-mail address listed either.
14 You wouldn't happen to know his e-mail address?

15 UNIDENTIFIED FEMALE: Your Honor, I have
16 that if it's okay for me to provide that.

17 LAW JUDGE SEYER: Sure.

18 UNIDENTIFIED FEMALE: It's Trevor,
19 trevor.kcmo@outlook.com.

20 MR. STEINER: This is Roger. Could I get
21 Tyler and Mathew's one more time? I'm sorry.

22 LAW JUDGE SEYER: I'll go ahead -- I'll go
23 ahead and read them off, and they can correct me if
24 I'm wrong. So for Mr. Gibreal, it's
25 mcgibreal@outlook.com.

1 MATHEW GIBREAL: Correct.

2 LAW JUDGE SEYER: And then for Mr. Watts,
3 tylerjwatts4. So it's T-Y-L-E-R, J, W-A-T-T-S, 4, the
4 number 4, at Gmail.com. Thank you.

5 MR. STEINER: Thanks. Trevor, T-R-E-V-O-R,
6 dot, kcmo@outlook.com for Mr. King?

7 UNIDENTIFIED FEMALE: Yes.

8 MR. STEINER: Thanks.

9 LAW JUDGE SEYER: Mr. Vandergriff, how much
10 time would you need to give me a proposed procedural
11 schedule that has those dates leading up to the
12 evidentiary hearing? I'm sorry.

13 MR. VANDERGRIFF: We're looking at May 13th
14 or May 17th?

15 LAW JUDGE SEYER: I'm not sure at this
16 point.

17 MR. VANDERGRIFF: All right. Since I got
18 most of the people on -- on the line right now, the
19 fastest, I think, I could possibly get it done is two
20 weeks, but I'd like a month.

21 LAW JUDGE SEYER: Well, two weeks would put
22 us about -- well, less than a month from the hearing
23 date. And so I'll put in the order by April 19th.
24 Let me think about that. Okay. Yeah. If you think
25 you can get that done, Mr. Vandergriff.

1 MR. VANDERGRIFF: I'll get it done.

2 LAW JUDGE SEYER: I -- I'm sorry, but it
3 is -- it is kind of a compressed schedule. Is there
4 anything else that the parties want to address today?

5 All right. I'm -- I'm not hearing -- I'm
6 not hearing anyone, so. If there is nothing else,
7 then I'll adjourn the hearing, and we'll go off the
8 record, so.

9 MR. VANDERGRIFF: All right.

10 MR. STEINER: Thank you.

11 LAW JUDGE SEYER: All right. I'll adjourn
12 the hearing.

13 TYLER WATTS: Thanks.

14 MATHEW GIBREAL: Good-bye.

15 (Audio ended.)
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