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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
PREHEARING CONFERENCE

Joshua M. Kearney,)
)
 Complainant,)
)
 vs.) File No. GC-2024-0172
)
 Spire Missouri Inc., d/b/a)
 Spire)
)
 Respondent)

THURSDAY, JUNE 20, 2024
2:00 p.m.

Jefferson City, Mo 65101
via WebEx

VOLUME 1

KAROLIN S. WALKER, 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 WALKER: The attorneys for the
2 complainant requested the conference. I'm going to
3 let them go first, so. In --

4 UNIDENTIFIED MALE: Thank you, Judge.

5 LAW JUDGE WALKER: -- either way.

6 UNIDENTIFIED MALE: Thank you, Judge. I
7 asked to have this set up because I spoke to Matt, and
8 it's our belief that I think we need to file a -- a
9 second amended complaint. The first two, obviously,
10 were filed prior to us entering into this case. In
11 speaking to Matt -- and I -- I don't want to put words
12 in his mouth, but it was my understanding that he
13 would object to that. So I just wanted to ask for
14 leave to file that and go from there.

15 LAW JUDGE WALKER: Okay. Well, I haven't
16 seen the complaint, so I don't want to rule on it
17 until I see it.

18 UNIDENTIFIED MALE: Okay.

19 LAW JUDGE WALKER: Since you are a late
20 admission, ruling on the second amended complaint is
21 permissive. But I can say that I will -- unless
22 there's something way outside the range, I am most
23 likely to grant it.

24 UNIDENTIFIED MALE: Okay.

25 LAW JUDGE WALKER: When do you anticipate

1 filing it?

2 UNIDENTIFIED MALE: I can get it done in
3 the next couple of days. I'll sit down with my client
4 and get it knocked out and have it e-mailed to
5 everybody if that's okay and maybe we have another one
6 of these. I mean, I don't want to waste anybody's
7 time, so.

8 LAW JUDGE WALKER: Well, given that if
9 there is a second amended complaint and the ruling
10 allows for that complaint, then that really throws the
11 procedural schedule out the window.

12 UNIDENTIFIED MALE: Right and --

13 LAW JUDGE WALKER: So.

14 UNIDENTIFIED MALE: Yeah.

15 LAW JUDGE WALKER: And (inaudible) I'm
16 inclined to move the trial date of this case.

17 UNIDENTIFIED MALE: Okay.

18 LAW JUDGE WALKER: Because I want to give
19 staff and Spire every opportunity to answer the
20 complaint. And to file anything that they would like
21 to file.

22 UNIDENTIFIED MALE: Correct.

23 LAW JUDGE WALKER: I -- I expect to see
24 that complaint in the next -- by today, by Friday or
25 by Monday.

1 UNIDENTIFIED MALE: Okay. Okay.

2 MR. APLINGTON: Your Honor? Your Honor --

3 LAW JUDGE WALKER: Yes.

4 MR. APLINGTON: -- I guess I'm just a
5 little bit confused with what the second amended
6 complaint ruling was. I know he -- the complainant
7 filed a second -- a motion to file a second amended
8 complaint, and then, in fact, amended that complaint
9 and Spire fire -- filed an answer as well as a motion
10 to strike the amendment. I guess where does that
11 stand in the procedural schedule?

12 LAW JUDGE WALKER: Well, there is no --
13 there's no provision, nor does there need to be for an
14 answer in the procedural schedule. You've had your
15 opportunity to answer. I'm going to take the motion
16 to strike with the case since it's not a motion to
17 dismiss, so that's where it stands.

18 MR. APLINGTON: Okay. And then when would
19 you move on the motion to strike? I guess I'm unclear
20 about that.

21 LAW JUDGE WALKER: I just said I would take
22 it with the case, so. With the hearing.

23 MR. APLINGTON: Okay. With the hearing; is
24 that post-hearing then?

25 LAW JUDGE WALKER: Probably.

1 MR. APLINGTON: Okay. I -- so I guess
2 going forward, I mean, are -- so complainant would
3 file a third amended complaint, and then you would
4 rule on whether or not they could -- that -- that --
5 whether or not you would allow that?

6 LAW JUDGE WALKER: That's correct.

7 MR. APLINGTON: Okay. So Spire will still
8 have an opportunity, I guess, to provide our -- our, I
9 guess, responses to that complaint; correct? Or that
10 motion?

11 LAW JUDGE WALKER: Yeah. I just said I'm
12 moving the trial dates so that you would have the
13 opportunity to respond to that complaint.

14 MR. APLINGTON: Okay. All right. I mean,
15 Spire -- again -- oh, sorry. I apologize.

16 LAW JUDGE WALKER: That's okay. I'm just
17 repeating what I've already said, so. Go ahead.

18 MR. APLINGTON: Okay. All I would say is
19 that Spire still is opposed to the filing a third
20 amended complaint. I mean --

21 LAW JUDGE WALKER: You're welcome to
22 file --

23 MR. APLINGTON: -- fairness --

24 LAW JUDGE WALKER: You're welcome to file
25 an objection to that.

1 MR. APLINGTON: Okay. Okay. So I assume
2 you do not want to hear our arguments against it at
3 the moment?

4 LAW JUDGE WALKER: I -- the commission's
5 going to have to rule on it, and I'm going to have to
6 rule on it. So put your arguments in writing. And
7 how do you know what your arguments are going to be?
8 You haven't seen it. Just like I can't say what --
9 how I'm going to rule. I haven't seen it. So you
10 know the allowance is permissive. I'm not going to
11 rule on it until I see it, and I'm certain you would
12 want to know the grounds to oppose it until you see
13 it.

14 MR. APLINGTON: Okay. Thank you.

15 LAW JUDGE WALKER: In terms of trial dates,
16 I want to discuss them now, and I want to discuss
17 dates for a new procedural schedule now, and these are
18 tentative dates. I mean, they may be -- you may throw
19 them out if the complainant is not allowed -- you
20 know, if there's a motion to dismiss, if the motion to
21 dismiss is granted, you know, all those -- all those
22 balls are up in the air at the moment. But the new
23 trial date for this case would be -- the soonest we
24 could do it would be September 10th, 11th or 13th. So
25 please write these dates down, and then you can let me

1 know when you're available, and after that, I'm
2 leaving the country for six weeks, so. Then it would
3 be the first couple of weeks in December. So please
4 let me know your available dates for those things.
5 And for the procedural schedule. I would be looking
6 for a -- for a new procedural schedule after the
7 answer's filed. So please, everyone, send me your
8 available dates for a new procedural schedule.

9 MR. APLINGTON: Could you please repeat --
10 could you repeat the -- the September dates again for
11 a hearing?

12 LAW JUDGE WALKER: Sure. September 10th,
13 11th, and 13th.

14 MR. APLINGTON: Okay. 10th, 11th, and
15 13th.

16 LAW JUDGE WALKER: And the first two weeks
17 in December.

18 MR. APLINGTON: And do you want us to hold
19 on filing that until after the amended complaint or --

20 LAW JUDGE WALKER: I think so. Because
21 there's no need to --

22 MR. APLINGTON: Okay.

23 LAW JUDGE WALKER: -- amend the procedural
24 schedule if -- if the complaint is not allowed or if
25 it is dismissed.

1 MR. APLINGTON: Okay. And do you want all
2 the same dates again, I guess, starting at -- I can't
3 remember what we started with, direct --

4 LAW JUDGE WALKER: Yeah. The -- it
5 starts -- it'll follow -- the procedural schedule will
6 follow the same format as the one that's already been
7 filed. You know, there will be direct, discovery,
8 exhibit list, list of issues, position statements,
9 hearing, post-hearing brief.

10 MR. APLINGTON: Okay. Thank you.

11 LAW JUDGE WALKER: You can -- you can
12 follow the template of the procedural schedule that's
13 already there. But I -- I would note for the
14 complainant's attorneys that I have received in
15 compliance with the procedural schedule a lot of these
16 things from staff as well as attorneys for Spire.

17 UNIDENTIFIED MALE: Yeah.

18 LAW JUDGE WALKER: And I have not received
19 them from you.

20 UNIDENTIFIED MALE: And we know that, Your
21 Honor, so.

22 LAW JUDGE WALKER: I understand that you're
23 late to the game, but.

24 UNIDENTIFIED MALE: Yeah.

25 LAW JUDGE WALKER: It would be great if you

1 could file what you can.

2 UNIDENTIFIED MALE: Will --

3 LAW JUDGE WALKER: Okay. Any other issues
4 to discuss?

5 UNIDENTIFIED MALE: None from us, Your
6 Honor.

7 MR. APLINGTON: I don't think there's no --
8 no. I don't believe there's any further issues. I'll
9 defer to see if my co-counsel has any that he can
10 think of.

11 LAW JUDGE WALKER: All right. Thank you
12 for coming. Have a great day.

13 UNIDENTIFIED MALE: Thank you so much.

14 MR. APLINGTON: Thank you. Bye-bye.

15 UNIDENTIFIED MALE: Thank you.

16 (Audio ended.)

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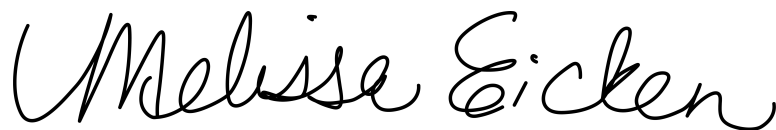
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1	bit 4:5	discuss 6:16 9:4	H
10th 6:24 7:12,14	Bye-bye 9:14	dismiss 4:17 6:20, 21	hear 6:2
11th 6:24 7:13,14	C	dismissed 7:25	hearing 4:22,23 7:11 8:9
13th 6:24 7:13,15	case 2:10 3:16 4:16,22 6:23	E	hold 7:18
A	client 3:3	e-mailed 3:4	Honor 4:2 8:21 9:6
admission 2:20	co-counsel 9:9	ended 9:16	I
ahead 5:17	commission's 6:4	entering 2:10	inaudible 3:15
air 6:22	complainant 2:2 4:6 5:2 6:19	exhibit 8:8	inclined 3:16
allowance 6:10	complainant's 8:14	expect 3:23	issues 8:8 9:3,8
allowed 6:19 7:24	complaint 2:9,16, 20 3:9,10,20,24 4:6,8 5:3,9,13,20 7:19,24	F	J
amend 7:23	compliance 8:15	fact 4:8	Judge 2:1,4,5,6, 15,19,25 3:8,13, 15,18,23 4:3,12, 21,25 5:6,11,16, 21,24 6:4,15 7:12, 16,20,23 8:4,11, 18,22,25 9:3,11
amended 2:9,20 3:9 4:5,7,8 5:3,20 7:19	conference 2:2	fairness 5:23	
amendment 4:10	confused 4:5	file 2:8,14 3:20,21 4:7 5:3,22,24 9:1	
answer's 7:7	correct 3:22 5:6,9	filed 2:10 4:7,9 7:7 8:7	
anticipate 2:25	country 7:2	filing 3:1 5:19 7:19	
anybody's 3:6	couple 3:3 7:3	fire 4:9	K
APLINGTON 4:2, 4,18,23 5:1,7,14, 18,23 6:1,14 7:9, 14,18,22 8:1,10 9:7,14	D	follow 8:5,6,12	knocked 3:4
apologize 5:15	date 3:16 6:23	format 8:6	L
arguments 6:2,6,7	dates 5:12 6:15, 17,18,25 7:4,8,10 8:2	forward 5:2	
assume 6:1	day 9:12	Friday 3:24	late 2:19 8:23
attorneys 2:1 8:14,16	days 3:3	G	LAW 2:1,5,15,19, 25 3:8,13,15,18, 23 4:3,12,21,25 5:6,11,16,21,24 6:4,15 7:12,16,20, 23 8:4,11,18,22, 25 9:3,11
audio 9:16	December 7:3,17	game 8:23	leave 2:14
B	defer 9:9	give 3:18	leaving 7:2
balls 6:22	direct 8:3,7	grant 2:23	list 8:8
belief 2:8	discovery 8:7	granted 6:21	
		great 8:25 9:12	
		grounds 6:12	
		guess 4:4,10,19 5:1,8,9 8:2	

lot 8:15	6,8,23 8:5,12,15	started 8:3	wanted 2:13
<hr/>	provide 5:8	starting 8:2	waste 3:6
M	provision 4:13	starts 8:5	weeks 7:2,3,16
<hr/>	put 2:11 6:6	statements 8:8	window 3:11
MALE 2:4,6,18,24 3:2,12,14,17,22 4:1 8:17,20,24 9:2,5,13,15	<hr/>	strike 4:10,16,19	words 2:11
Matt 2:7,11	R	<hr/>	write 6:25
moment 6:3,22	range 2:22	T	writing 6:6
Monday 3:25	received 8:14,18	<hr/>	
motion 4:7,9,15, 16,19 5:10 6:20	remember 8:3	template 8:12	
mouth 2:12	repeat 7:9,10	tentative 6:18	
move 3:16 4:19	repeating 5:17	terms 6:15	
moving 5:12	requested 2:2	things 7:4 8:16	
<hr/>	respond 5:13	throw 6:18	
N	responses 5:9	throws 3:10	
<hr/>	rule 2:16 5:4 6:5,6, 9,11	time 3:7	
note 8:13	ruling 2:20 3:9 4:6	today 3:24	
<hr/>	<hr/>	trial 3:16 5:12 6:15,23	
O	S	<hr/>	
<hr/>	schedule 3:11 4:11,14 6:17 7:5, 6,8,24 8:5,12,15	U	
object 2:13	send 7:7	unclear 4:19	
objection 5:25	September 6:24 7:10,12	understand 8:22	
opportunity 3:19 4:15 5:8,13	set 2:7	understanding 2:12	
oppose 6:12	sit 3:3	UNIDENTIFIED 2:4,6,18,24 3:2, 12,14,17,22 4:1 8:17,20,24 9:2,5, 13,15	
opposed 5:19	soonest 6:23	<hr/>	
<hr/>	speaking 2:11	W	
P	Spire 3:19 4:9 5:7, 15,19 8:16	<hr/>	
<hr/>	spoke 2:7	WALKER 2:1,5,15, 19,25 3:8,13,15, 18,23 4:3,12,21, 25 5:6,11,16,21, 24 6:4,15 7:12,16, 20,23 8:4,11,18, 22,25 9:3,11	
permissive 2:21 6:10	staff 3:19 8:16		
position 8:8	stand 4:11		
post-hearing 4:24 8:9	stands 4:17		
prior 2:10			
procedural 3:11 4:11,14 6:17 7:5,			