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BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

PREHEARING CONFERENCE

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

THURSDAY, JUNE 27, 2024  
9:00 A.M.

Jefferson City, MO 65101  
via WebEx

VOLUME 2

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: There's not a court  
2 reporter here, but this prehearing conference is going  
3 to be recorded and transcribed. The commission has  
4 set aside this time today for a procedural conference  
5 in the case captioned as Nancy Hurt, complainant,  
6 versus Union Electric Company, doing business as  
7 Ameren Missouri, respondent, and that is file number  
8 EC-2024-0108.

9 Today is June the 27th of 2024, and the  
10 current time is 9:00 a.m. This prehearing conference  
11 is being held via Webex for convenience of myself and  
12 the parties.

13 My name is John Clark. I'm the regulatory  
14 law judge presiding over this matter. I'm going to  
15 begin by asking the parties to enter their appearance  
16 for the record. Starting with Ms. Hurt. Ms. Hurt  
17 you're here; correct?

18 NANCY HURT: I am here, thank you.

19 LAW JUDGE CLARK: And you are not  
20 represented by an attorney; correct? You are  
21 representing yourself?

22 NANCY HURT: I am.

23 LAW JUDGE CLARK: And for Ameren Missouri.

24 MS. MOORE: Yes. Good morning, Your Honor.  
25 This is Jennifer Moore appearing on behalf of Ameren

1 Missouri. Do you need my business address?

2 LAW JUDGE CLARK: No, I do not. Thank you,  
3 Ms. Moore.

4 MS. MOORE: Okay.

5 LAW JUDGE CLARK: And on behalf of the  
6 commission staff.

7 MS. KERR: Carolyn Kerr.

8 LAW JUDGE CLARK: Thank you, Ms. Kerr. And  
9 on behalf of the Office of Public Counsel.

10 MS. MARTIN: My name is Anna Martin.

11 LAW JUDGE CLARK: Thank you, Ms. Martin. I  
12 don't -- there are no intervenors, but is there  
13 anybody that I missed that is counsel for any other  
14 parties? I hear nothing.

15 Well, I called this prehearing conference  
16 kind of in lieu since this is -- this does not have a  
17 conventional procedural schedule with all kinds of  
18 dates laid out. Since the hearing is going to be in  
19 approximately a couple of weeks, I just kind of wanted  
20 to go over the procedures we're going to use and kind  
21 of go over how many witnesses are to be expected and  
22 how evidence is going to be handled.

23 Now, I have scheduled this hearing for a --  
24 a via Webex for convenience of the parties including  
25 Mrs. Hurt. Ms. Hurt, did you want your -- you're fine

1 with having this hearing via Webex or no?

2 NANCY HURT: What are the alternative?

3 LAW JUDGE CLARK: The alternatives would be  
4 an in-person hearing in which you reside in  
5 Kirksville; correct?

6 NANCY HURT: I'm here now, yes.

7 LAW JUDGE CLARK: Since Kirksville is --  
8 is -- I would have to have a hearing within 30 miles  
9 of Kirksville, I believe, under the requirements.

10 NANCY HURT: Okay.

11 LAW JUDGE CLARK: Let me double check that  
12 real quick before I say that for certain because  
13 that's -- that's only applicable to certain kinds of  
14 complaints. So let me check real quick to see that  
15 this would be a qualifying complaint for that. Yeah.  
16 This is a formal complaint, so the options are to do  
17 it either -- there are essentially three options, to  
18 have the hearing in Jefferson City, to have the  
19 hearing via Webex or to have the hearing within  
20 30 miles of where you're receiving service which would  
21 most likely be somewhere in Kirksville.

22 NANCY HURT: Right. Well, I'm not here to  
23 impose on anyone's travel time or -- or daily  
24 schedule, Webex is fine as long as, you know, my  
25 call-in will continue to work.

1           LAW JUDGE CLARK: I think that would be  
2 fine. I was just -- I -- why don't we talk a little  
3 bit about evidence because that may -- that may, in  
4 fact, change this a little -- the dynamics of this a  
5 little or it may not. Let me just ask the parties at  
6 this point in time, staff, how many witnesses at this  
7 point do you know if -- that you're planning on  
8 having?

9           MS. KERR: We're planning on having two.

10          LAW JUDGE CLARK: And that would be  
11 Ms. Huber and Mr. Thomason.

12          MS. KERR: Actually, Tammy Huber and Claire  
13 Eubanks.

14          LAW JUDGE CLARK: Okay. Huber and Eubanks.  
15 Ameren Missouri, how many witnesses do you anticipate  
16 having?

17          MS. MOORE: Two to three, Your Honor.

18          LAW JUDGE CLARK: Do you know who those are  
19 at this time?

20          MS. MOORE: Yes. One of them will be  
21 Aubrey Krcmar. Do you need me to spell that?

22          LAW JUDGE CLARK: No. I'm familiar with  
23 Ms. Krcmar.

24          MS. MOORE: And then we will have either  
25 one or two coworkers from the median group, and I

1 don't have those identified at this time.

2 LAW JUDGE CLARK: And Ms. Hurt, are you  
3 going to have additional witnesses other than  
4 yourself?

5 NANCY HURT: I hadn't scheduled any other  
6 witnesses yet, but I certainly have written of it any.

7 LAW JUDGE CLARK: And we're going to talk  
8 about evidence. I'm just trying to figure out -- I'm  
9 just trying to figure out, time wise, how -- how much  
10 time we're looking at. And finding the number of  
11 witnesses kind of gives me a good idea because we're  
12 currently slotted for two days.

13 NANCY HURT: Well, at this point it would  
14 just be one.

15 LAW JUDGE CLARK: Okay. Let's talk about  
16 evidence. I'm assuming you -- staff's going to have  
17 their staff report would be my expectation; correct?

18 MS. KERR: Yes.

19 LAW JUDGE CLARK: And Ms. Hurt, you  
20 indicated that you had some evidence that you wanted  
21 to enter or you wanted the commission to consider in  
22 this hearing; correct?

23 NANCY HURT: Yes.

24 LAW JUDGE CLARK: And this would be a --  
25 would this be photographs, would this be documents,

1 would this be a combination thereof?

2 MS. KERR: A combination.

3 LAW JUDGE CLARK: Now, I reread the  
4 complaint this morning just to be sure that I was up  
5 on this. And my understanding, Ms. Hurt, is  
6 essentially that you're objecting to them swapping out  
7 your meter; is that correct?

8 NANCY HURT: I was given the option by  
9 them.

10 LAW JUDGE CLARK: I understand, and  
11 you're --

12 NANCY HURT: And they shut my power off.

13 LAW JUDGE CLARK: And that's not an option  
14 you want to do; correct?

15 NANCY HURT: That is correct. It's a  
16 working meter.

17 LAW JUDGE CLARK: Okay. So you want to  
18 keep your existing meter, but you do not want to be  
19 charged the \$100 nonstandard meter connection fee, and  
20 you don't want to be charged the \$40 a month to have  
21 somebody come out and read your meter in person; is  
22 that correct?

23 NANCY HURT: Well, considering -- well,  
24 I -- considering no one's been out here to read my  
25 meter in six months that I know of. This is where I'm

1 at. I don't want the new meter, no. Or the fee.

2 LAW JUDGE CLARK: Or what, I'm sorry?

3 NANCY HURT: I opted out not knowing that  
4 there were going to be additional fees.

5 LAW JUDGE CLARK: And I also noticed in  
6 here that you said that you have some damages; is that  
7 correct?

8 NANCY HURT: Yes. That's correct.  
9 Refrigerator and freezer. Yep.

10 LAW JUDGE CLARK: Now, you understand that  
11 the commission has no authority to grant damages?

12 NANCY HURT: I do.

13 LAW JUDGE CLARK: Okay. I usually explain  
14 that in a first meeting with the parties, but I wanted  
15 to be sure I covered that again. Okay. Let's get  
16 back to my original question. Ms. Hurt, if we -- if  
17 you want to do this via Webex, I am fine doing that  
18 and that is very easy for me, but you also have a  
19 right, as I indicated, to have the hearing near you,  
20 if you want to. However, if you choose to do that,  
21 the next available date I have is probably the week of  
22 August 19th.

23 NANCY HURT: How do I provide the  
24 commission and you and all parties with my written --

25 LAW JUDGE CLARK: With your evidence?



1 NANCY HURT: Yes. If it's done by Webex?

2 LAW JUDGE CLARK: Well, that -- yeah.

3 That's -- that's actually pretty simple. What I ask,  
4 generally, with documentary or photographic evidence  
5 where it's handled via Webex, it's -- is that prior to  
6 the hearing, usually one day prior to the hearing, I  
7 ask that all the parties e-mail their evidence to each  
8 other, and I have a -- an e-mail address here at the  
9 commission to receive that kind of evidence as well so  
10 that way everybody has all the evidence in front of  
11 them at the beginning of the hearing. And then if --  
12 if -- if new evidence arises during the hearing, the  
13 parties want to introduce, then there's a little bit  
14 of a slowdown, but we usually handle that via e-mail  
15 as well.

16 NANCY HURT: Okay. Webex is fine.

17 LAW JUDGE CLARK: Okay. Webex is great for  
18 me. It makes it very easy when I conduct -- when I  
19 can conduct a hearing from my office. Kayla, what's  
20 the -- what's the commission's -- I think we may have  
21 one -- bear with me for just a second. Ms. Hurt, is  
22 that Proton Mail a good mail for you?

23 NANCY HURT: Yes, sir.

24 LAW JUDGE CLARK: Okay. Kayla, can you  
25 send Ms. Hurt a -- the -- the commission's e-mail

1 address to send her evidence to.

2 KAYLA KLIETHERMES: Absolutely.

3 LAW JUDGE CLARK: Would you also provide  
4 that to Ameren Missouri's attorney, public counsel's  
5 attorney and staff's attorney?

6 KAYLA KLIETHERMES: I sure can.

7 LAW JUDGE CLARK: Thank you very much. And  
8 then at -- since -- since Ms. Hurt's -- and Ms. Hurt,  
9 do you have the other parties' e-mail information?

10 NANCY HURT: Well, I -- I can go back and  
11 look at the distribution from the previous e-mails.  
12 Do I still direct to Ameren to Jennifer Hernandez?

13 LAW JUDGE CLARK: I believe  
14 Ms. Hernandez --

15 MS. MOORE: Yes. Yes.

16 LAW JUDGE CLARK: -- the attorney at the  
17 hearing. I believe Ms. Moore is filling in for  
18 Ms. Hernandez because she's not feeling well.

19 NANCY HURT: Okay. Okay.

20 LAW JUDGE CLARK: So...

21 NANCY HURT: Okay.

22 LAW JUDGE CLARK: In addition, Kayla, can  
23 we just go ahead and send her the e-mail addresses for  
24 the other parties, make it easy for her to get  
25 evidence to them --

1 KAYLA KLIETHERMES: Absolutely.

2 LAW JUDGE CLARK: -- from the service list?

3 KAYLA KLIETHERMES: Yep.

4 LAW JUDGE CLARK: And I assume the other  
5 parties can use the service list to get -- you all can  
6 locate that and get that information to Ms. Hurt;  
7 correct?

8 MS. KERR: Yes.

9 LAW JUDGE CLARK: Now, staff, I've got a  
10 question for you, in looking at this, there's one  
11 violation alleged, and it doesn't have anything to do  
12 with the meters; correct?

13 TAMMY HUBER: That is correct.

14 LAW JUDGE CLARK: It has to do -- and --  
15 and am I misreading it, it has to do with failure to  
16 include Spanish instructions?

17 TAMMY HUBER: Yes. It was just something  
18 we noted that was required of Chapter 13 when we were  
19 looking through the -- the notification letters, and  
20 it has since been resolved since the initial report.

21 LAW JUDGE CLARK: Okay. So Ameren Missouri  
22 has taken steps to resolve that?

23 TAMMY HUBER: Yes.

24 LAW JUDGE CLARK: Okay. Let's talk about  
25 since, again, this is -- I didn't require the parties

1 to file position statements. Generally, Ms. Hurt, if  
2 there is a pro se or somebody who is representing  
3 themselves, I try and not create a lot of documentary  
4 barriers to being able to participate, so I didn't  
5 require the parties file position statements, so I'm  
6 going to clarify a few positions now. Now, Ms. Hurt,  
7 I'm -- I'm aware of your position, and I'm aware of  
8 Ameren Missouri's position since they're in direct  
9 opposition. I'm not currently aware of staff's  
10 position given the singular list of violations. So  
11 what's staff's position at the current time?

12 MS. KERR: It -- excuse me. It's really  
13 what's been listed in the staff report -- Tammy, if  
14 you just want to --

15 LAW JUDGE CLARK: In the report or in the  
16 memorandum?

17 MS. KERR: Sorry.

18 LAW JUDGE CLARK: I'm sorry. They both --  
19 I think one -- the report -- again, I will pull this  
20 up. I have -- I have -- I have staff report, and the  
21 memorandum is entitled to report of the staff, so.

22 MS. KERR: Yes. Yes. What's --

23 LAW JUDGE CLARK: I see staff has concluded  
24 that the company's violated commission rule, but we --  
25 we discussed that because the rule's not applicable to

1 the -- to the meter issue that Ms. Hurt is alleging.  
2 The violation there is -- is in relation to the  
3 disconnect notice. So I'm trying to get staff -- I'm  
4 trying to get a read of what staff's position is in  
5 regard to -- in regard to the -- the nonstandard meter  
6 fees.

7 MS. KERR: Tammy, if you want to --

8 TAMMY HUBER: Well, Claire is on the  
9 actual -- is the fees and the meter part of it. I  
10 just needed to bring the violation to the attention of  
11 the commission, but we did not have any violations.  
12 So our position is that we -- we didn't have any  
13 issues with -- with the actual meter itself.

14 LAW JUDGE CLARK: Okay. So the only issues  
15 were, as you said, the -- the disconnection violation  
16 of failure to include Spanish information and -- and a  
17 recommendation that Ameren Missouri updates its tariff  
18 to include a definition of nonstandard and standard  
19 meters; is that correct or nonstandard meters?

20 TAMMY HUBER: That is more Claire Eubanks  
21 than me, so that -- she needs to speak with that, that  
22 part.

23 MS. KERR: That's my understanding.  
24 Claire, if you want to clarify that, that would be  
25 fine.

1           LAW JUDGE CLARK: Like I said, the only  
2 thing I'm really asking is at this point is, I want to  
3 know what staff's position is on the -- on the  
4 hundred-dollar meter fee, and then the \$40 per month  
5 fee, which, I guess, covers having somebody go out to  
6 read the meter live.

7           CLAIRE EUBANKS: Can you hear me? Sorry  
8 for the --

9           LAW JUDGE CLARK: I can hear you just fine,  
10 Ms. Eubanks.

11           CLAIRE EUBANKS: Okay. So, yeah. Staff  
12 provided information in the report about the existing  
13 fees. It's something that, you know, we will look at  
14 in rate cases as they're filed, is there a fee that  
15 can be updated to a rate case. It is the current  
16 tariff's rate. But we do believe there's some  
17 additional clarification that could be made to the  
18 tariff to make it more clear what exactly the -- the  
19 nonstandard meter is versus the other meters. But,  
20 you know, the fees that are in the tariffs are  
21 appropriate as they are the commission authorized  
22 rates for those.

23           LAW JUDGE CLARK: Okay. So staff's  
24 position is that those fees are appropriate and  
25 lawful?

1           CLAIRE EUBANKS: Those are currently the  
2 tariff charges, yes.

3           LAW JUDGE CLARK: And Ms. Hurt, your  
4 position is that, I believe, if I read correctly, your  
5 position is that people who were getting the new  
6 meters should be the ones who are paying for -- for  
7 the meters; correct?

8           NANCY HURT: Well, that's certainly --

9           LAW JUDGE CLARK: That's part of your  
10 position. I know the other part of your position.

11          NANCY HURT: Yes. It is a logical -- yes,  
12 it is. And other states are not charging. So, yeah.

13          LAW JUDGE CLARK: Okay. And your position  
14 is that it is -- and I believe I read in your thing  
15 that it is unlawful for Ameren Missouri to do so; is  
16 that correct?

17          NANCY HURT: I believe it's a conflict of  
18 interest to the consumer, yes.

19          LAW JUDGE CLARK: Okay. And I believe in  
20 your -- in your complaint or at least the included  
21 documentation, which I believe you sent to public  
22 counsel's Dr. Jeff Mark, I believe indicated that you  
23 believed that those provisions were unlawful, did --  
24 and -- and now you're -- well, you're saying conflict  
25 of interest, and I believe you said that in, too, what

1 there is as well, and I'll get to conflict of interest  
2 in a second, but is it your position that these are  
3 unlawful charges?

4 NANCY HURT: Yes.

5 LAW JUDGE CLARK: And why do you believe  
6 it's a conflict of interest?

7 NANCY HURT: The benefit the company and I  
8 agreed to is, I pay their bill, and they provide me  
9 electric service. They shut my power off after they  
10 offered me an opt out option.

11 LAW JUDGE CLARK: And I ordered they turn  
12 your power back on pending the resolution of this.

13 NANCY HURT: After 72 hours.

14 LAW JUDGE CLARK: That is correct.

15 NANCY HURT: I'm sorry, sir?

16 LAW JUDGE CLARK: I said, that's correct.

17 NANCY HURT: Okay.

18 LAW JUDGE CLARK: And is OPC taking a  
19 position of this or -- or is OPC just an observer in  
20 this case? You're welcome to do whatever you like.

21 MS. MARTIN: The OPC -- the OPC is at  
22 present just an observer. We're reserving any right  
23 to take position and discuss it in briefing.

24 LAW JUDGE CLARK: Okay. So OPC's taking no  
25 position at this time.



1 MS. MARTIN: Yes.

2 LAW JUDGE CLARK: Is OPC going to be  
3 putting on any witnesses or offering any evidence at  
4 this time?

5 MS. MARTIN: I --

6 LAW JUDGE CLARK: Or you reserve the right  
7 to do so. You do have that right.

8 MS. MARTIN: Yes. I am -- I -- I don't  
9 believe so, but I -- again, we're reserving the right.  
10 If we have any witnesses, it would be Dr. Jeff Mark.

11 LAW JUDGE CLARK: Okay. Those -- those  
12 were all the issues that I wanted to cover this --  
13 with this procedural conference. I just wanted to get  
14 all the prehearing stuff out of the way. Is there  
15 anything that I haven't addressed that the parties  
16 wanted to bring to my attention?

17 MS. KERR: Yeah. Yes. I think -- I don't  
18 know if we -- are we going to have a order of  
19 witnesses? One of my witnesses needs to -- needs to  
20 go before noon on the 11th.

21 LAW JUDGE CLARK: Okay. Ameren Missouri  
22 and Ms. Hurt, do either of you have an objection to  
23 taking a witness out of order?

24 MS. MOORE: No objection from the company,  
25 Your Honor.

1 NANCY HURT: No objection.

2 LAW JUDGE CLARK: Ms. Hurt, you're the  
3 complainant, so you'll have the burden of proving your  
4 case, so you'll be going first. Then usually, I have  
5 the company go second, and then staff and OPC will be  
6 respectively third and fourth, and we'll take  
7 Ms. Huber, you said, out of -- out of order?

8 MS. KERR: Ms. Eubanks.

9 LAW JUDGE CLARK: Eubanks out of order, I  
10 apologize.

11 MS. KERR: That's okay.

12 LAW JUDGE CLARK: Still a little early in  
13 the morning for me.

14 Okay. Is there anything else that I need  
15 to address or that needs to be brought to my attention  
16 at this time? Any outstanding pending motions? Okay.  
17 That's all I have. Kayla will be sending -- my  
18 paralegal will be sending information to you,  
19 Ms. Hurt. Be sure and provide your exhibits no later  
20 than a day in advance of the hearing. Everybody else  
21 who has exhibits be sure the other parties get those  
22 witnesses -- those exhibits. Likewise, Ms. Hurt, be  
23 sure that staff and Ameren and the Office of Public  
24 Counsel get copies of your -- your exhibits as well;  
25 okay?

1 NANCY HURT: Yes, sir. Okay.

2 LAW JUDGE CLARK: All right. Thank you all  
3 for attending today. I'm sorry I had to move this  
4 conference. I had a conflict with a hearing early in  
5 the week that I believe took away Ms. Kerr's voice.  
6 And so with that, I will adjourn this hearing. We  
7 will go off the record, and I will see you all via  
8 WebEx on the 11th at 9:00 a.m.

9 MS. MOORE: Great.

10 TAMMY HUBER: Thank you, Judge.

11 NANCY HURT: Thank you, Your Honor.

12 LAW JUDGE CLARK: Bye.

13 NANCY HURT: Thank you.

14 (Audio ended.)

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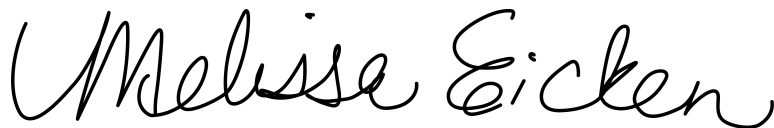
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## CERTIFICATE OF REPORTER

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

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

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19 Melissa J. Eicken, CCR, CSR, RPR  
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24 Date:  
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<b>\$</b>	<b>addresses</b> 10:23	<b>authorized</b> 14:21	<b>charging</b> 15:12
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