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BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

PREHEARING CONFERENCE

In the Matter of the Application)  
of Sullivan Development )  
Properties LLC for Change )File No. EO-2024-0251  
of Electric Supplier )

MONDAY, AUGUST 5, 2024  
10:00 a.m.

Jefferson City, MO 65101  
via WebEx

VOLUME 2

KAROLIN 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.)

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1 LAW JUDGE WALKER: -- record. Emily, can  
2 you confirm that you are recording?

3 EMILY WALTHERS: I am recording.

4 LAW JUDGE WALKER: Thank you.

5 EMILY WALTHERS: Yes, ma'am.

6 LAW JUDGE WALKER: It is August 5th, 2024,  
7 and it's 10:00 a.m. The commission has set this time  
8 for a procedural conference in this case in the matter  
9 of the application of Sullivan Development Properties,  
10 LLC, for a change of electric supplier. The file  
11 number is EO-2024-0251. My name is Karolin Walker.  
12 And I'm the regulatory law judge in this matter.  
13 We're going to begin by allowing attorneys to make  
14 their entry of appearance. The complainant attorneys,  
15 are you present?

16 MR. KELLOGG: Kevin Kellogg. Yes, Your  
17 Honor. Kevin Kellogg for Sullivan Development  
18 Properties.

19 LAW JUDGE WALKER: Okay. Ameren Missouri.

20 MR. HOLTHAUS: Yes, Judge. Bill Holthaus,  
21 Junior, for Ameren Missouri.

22 LAW JUDGE WALKER: All right. The City of  
23 Farmington.

24 MR. REID: Scott Reid for the City of  
25 Farmington.

1 LAW JUDGE WALKER: Staff counsel.

2 MR. GRAHAM: Paul Graham for the staff of  
3 the Missouri Public Service Commission.

4 LAW JUDGE WALKER: All right. I just want  
5 to set the rules for the conference. The -- we can  
6 rule on procedural and substantive issues at the PSC  
7 according to 20 CSR 4240-2.090, Subsection 6. We're  
8 calling to discuss the complainer. We're not here to  
9 address outside lawsuits, federal agency issues or  
10 actions, any issues that are not relevant to the  
11 alleged violation. We have a potential hearing date.  
12 The commission has yet to rule on the date, but the  
13 two days that everyone agreed on were December 2nd, so  
14 we're going to try and get that scheduled for a  
15 hearing date. And I wanted to get you all together to  
16 discuss -- last time we had talked about -- I don't  
17 think there's anything in this complaint that the  
18 commission can provide relief for, and I'm reluctant  
19 to continue the case for monthly status reports, so.  
20 I just want to know where the parties are, so. If you  
21 could let me know where you are.

22 MR. REID: City of Farmington agrees with  
23 that assessment. I'll let Mr. Kellogg address if --  
24 if he has -- sees it differently.

25 MR. KELLOGG: So Judge, we just -- I got --

1 me and Mr. Reid spoke on this at the end of last week,  
2 a little bit more, to talk about potential annexation  
3 of the Sullivan Development Properties with the city.  
4 And --

5 LAW JUDGE WALKER: Okay.

6 MR. KELLOGG: -- I've had a brief  
7 discussion today, this morning, before this hearing,  
8 with the client, and I think that's a route we're  
9 going to be exploring here within the next week or  
10 two, trying to get something on file for an annexation  
11 to see if that's something that we can have -- you  
12 know, at least get before the city council in a  
13 reasonable amount of time.

14 LAW JUDGE WALKER: So are you thinking  
15 you're going to dismiss the complaint, and then file  
16 for annexation and see how that goes?

17 MR. KELLOGG: Preferably, just to see if we  
18 can keep this complaint steady for the time being in  
19 case we can't get the annexation. I spoke with  
20 Mr. Graham for the commission staff, and he said that  
21 it might be beneficial to have this case in place for  
22 administrative purposes, if we can get the annexation  
23 in, so Ameren's issues can be taken care of as well  
24 with this.

25 LAW JUDGE WALKER: Any feedback from

1 Ameren?

2 MR. HOLTHAUS: We all -- we agree, Judge,  
3 that annexation is really the only route to switching  
4 suppliers here. We're uncertain that the case needs  
5 to be kept open, but it -- I mean, I guess I don't see  
6 any harm to stay in it until we get further results  
7 from the annexation process.

8 MR. REID: Judge, if I may, I just don't  
9 see why this case needs to stay pending. If  
10 Mr. Kellogg's client applies for annexation, the city  
11 will either grant or deny it based upon, you know,  
12 how -- whether they think it's beneficial for the City  
13 of Farmington for this particular property to be  
14 annexed. If Farmington annexes the property, great.  
15 They'll provide service. If they don't annex, then  
16 Mr. Sullivan is going to have to use Ameren. I don't  
17 know how the Public Service Commission has anything to  
18 do with either route that this matter goes. It's  
19 going to go one of the two ways, and I don't -- I  
20 don't know how the Public Service Commission needs to  
21 be involved or in this particular situation, it's  
22 either going to be part of the city, and then service  
23 will be provided or not, and then Ameren will be the  
24 supplier.

25 LAW JUDGE WALKER: Well, what is the relief

1 the complainant would like from the commission?

2 MR. KELLOGG: I mean, ideally, we would  
3 request an order that somebody gives them power.  
4 Both -- no party is here willing to give power due to  
5 either cost or being outside the city limits, and I  
6 understand the position of the staff and all the other  
7 parties here, and I would just -- we're looking for  
8 any relief where we can find it.

9 MR. HOLTHAUS: Ameren is willing to provide  
10 power.

11 MR. KELLOGG: Is that \$300,000 or  
12 something?

13 MR. HOLTHAUS: I think it was closer to 75.

14 MR. KELLOGG: I think I've seen different  
15 numbers on that, but I thought I seen a lot higher  
16 than that. Yeah. I -- that's what we would be  
17 looking at. I was -- if we could at least, so I can  
18 have an opportunity to at least get the annexation  
19 application in with the city, ask for this case to at  
20 least be continued out another month or two, so we can  
21 see about that route, and if it looks like progress on  
22 there, we'll dismiss.

23 LAW JUDGE WALKER: I'm still not hearing  
24 any relief the commission can grant the complainant,  
25 but I don't have a pending motion to dismiss in front

1 of me. If I did, that would be different. So I guess  
2 the thing to do is, order a status report from the  
3 complainant once a month? To determine whether  
4 this -- has this application for annexation been  
5 filed.

6 MR. KELLOGG: No, Your Honor. We'll be  
7 filing that here in the next couple of weeks.

8 LAW JUDGE WALKER: Okay.

9 MR. KELLOGG: But we've been talking with  
10 the city about different issues along with that, that  
11 aren't part of this record.

12 LAW JUDGE WALKER: All right. Is there any  
13 further discussion?

14 MR. REID: No, Your Honor.

15 LAW JUDGE WALKER: No.

16 MR. GRAHAM: Not -- not from staff, Your  
17 Honor.

18 MR. HOLTHAUS: Nothing from Ameren, Judge.

19 LAW JUDGE WALKER: Okay. Well, thank you  
20 all for participating in the prehearing conference,  
21 and we'll terminate the conference now.

22 MR. REID: Thank you.

23 (Audio ended.)

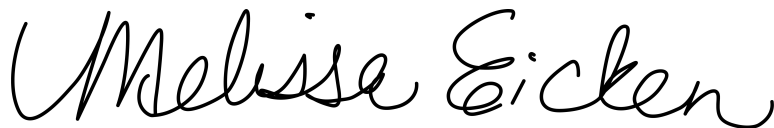
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