

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION

3
4 TRANSCRIPT OF PROCEEDINGS

5 Prehearing

6
7 May 3, 2005
8 Jefferson City, Missouri
9 Volume 1

10 In the Matter of a Proposed)
11 Experimental Regulatory Plan of)Case No. EO-2005-0329
12 Kansas City Power & Light Company,)

13
14 LEWIS MILLS, Presiding
15 DEPUTY CHIEF REGULATORY LAW JUDGE

16
17
18
19 REPORTED BY: Monnie S. VanZant, CCR, CSR, RPR
20 Midwest Litigation Services
21 714 W. High Street
22 Jefferson City, MO 65102
23 (573) 636-7551
24
25

1 A P P E A R A N C E S

2 For Staff of the Missouri Public Service Commission:

3 Mr. Steven Dottheim
4 Missouri Public Service Commission
200 Madison Street
5 P.O. Box 360
Jefferson City, MO 65102
6 (573) 751-7489

7 For Office of the Public Counsel:

8 Mr. John Coffman
9 Office of the Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
10 Jefferson City, MO 65102
11 (573) 751-5565

12 For Aquila, Inc., The Empire District Electric Company and
Missouri Gas Energy, a Division of Southern Union Company:

13 Mr. Dean L. Cooper
14 Brydon, Swearengen & England
312 E. Capitol
15 P.O. Box 456
Jefferson City, MO 65102
16 (573) 635-7166

17 For Kansas City Power & Light Company:

18 Mr. Karl Zobrist
19 Sonnenschein, Nath & Rosenthal
4520 Main Street, Suite 1100
20 Kansas City, MO 64111
(816) 460-2545

21 Mr. James Fischer
22 and Mr. Bill Riggins
Fischer & Dority
23 101 Madison Street, Suite 400
Jefferson City, MO 65101
24 (573) 636-6758

25

1 For U.S. Department of Energy and National Nuclear Security
Administration:

2 Ms. Stephanie L. Bogart
3 Attorney at Law
2000 E. Bannister Road
4 P.O. Box 410202
Kansas City, MO 64141
5 (816) 997-3341

6 Mr. Paul W. Phillips
7 Attorney at Law
1000 Independence Avenue Southwest
Washington, D.C. 20258
8 (202) 586-4224

9
For Trigen KCMO:

10 Mr. Paul DeFord
11 Lathrop & Gage
2345 Grand Boulevard
12 Kansas City, MO 64108
13 (816) 292-2000

14 For Ameren UE: Mr. James B. Lowery
Attorney at Law
15 111 S. 9th Street, Suite 200
Columbia, MO 65201
16 (573) 443-3141

17

18

19

20

21

22

23

24

25

1 P R O C E E D I N G S

2 JUDGE MILLS: Okay. Let's go on the
3 record. We're on the record this morning for a
4 pre-hearing conference in Case No.
5 EO-2005-0329, which is styled In the Matter of
6 a Proposed Experimental Regulatory Plan of
7 Kansas City Power and Light Company. We'll
8 begin by taking entries of appearance starting
9 on my left and moving generally across the room
10 from my left to right. Mr. Dottheim?

11 MR. DOTTHEIM: Steven Dottheim, Dana
12 K. Joyce, Nathan Williams, P.O. Box 360,
13 Jefferson City, Missouri, 65102, appearing on
14 behalf of the Staff of the Missouri Public
15 Service Commission.

16 MR. COFFMAN: John B. Coffman,
17 appearing on behalf of the Office of the Public
18 Counsel, P.O. Box 2230, Jefferson City,
19 Missouri, 65102.

20 MR. COOPER: Dean L. Cooper from the
21 Law Firm of Brydon, Swearngen & England, P.O.
22 Box 456, Jefferson City, Missouri, 65102,
23 appearing on behalf of Aquila, Inc., the Empire
24 District Electric Company and Missouri Gas
25 Energy, a Division of Southern Union Company.

1 MR. FISCHER: James M. Fischer, Karl
2 Zobrist, and Bill Riggins, appearing today on
3 behalf of Kansas City Power & Light Company.
4 Our various addresses are listed on the written
5 entries.

6 JUDGE MILLS: Thank you.

7 MS. BOGART: Stephanie Bogart,
8 appearing on behalf of U.S. Department of
9 Energy, National Nuclear Security
10 Administration, P.O. Box 410202, Kansas City,
11 Missouri, 64141.

12 JUDGE MILLS: Okay.

13 MR. PHILLIPS: And, Judge, I wanted
14 to introduce her, but I didn't realize we were
15 going this way. My name is Paul Phillips,
16 appearing on behalf Intervenor USDOE/NNSA. And
17 my address is 1000 Independence Avenue
18 Southwest, Washington, D.C., 20585. And Ms.
19 Bogart will be appearing as co-counsel with me.

20 JUDGE MILLS: Thank you.

21 MR. LOWERY: James B. Lowery, Smith
22 Lewis, LLP, 111 South 9th Street, Suite 200,
23 Columbia, Missouri, 65205, appearing on behalf
24 of Ameren UE.

25 JUDGE MILLS: Thank you.

1 MR. DEFORD: Paul DeFord, Lathrop &
2 Gage, 2345 Grand Boulevard, Kansas City,
3 Missouri, 64108, appearing on behalf of Trigen
4 KC.

5 JUDGE MILLS: Okay. And for the
6 record, I will note that I have received phone
7 calls from several counsel who had previous
8 commitments and are -- are going to be excused
9 from the prehearing this morning. Stuart
10 Conrad, Kathleen Henry and Mark Comley all had
11 previous commitments and are excused. And I
12 also got a call from -- or a voice mail message
13 from Jeremiah Finnegan, who is not going to
14 attend this morning.

15 One of the things that -- that you all
16 need to talk about today is -- is a procedural
17 schedule. And to that end, I left a voice mail
18 message this morning for Mr. Fischer listing
19 some available dates starting with, I believe,
20 the last week in May and extending through the
21 month of June. There -- it's mostly open.
22 There are -- there are a -- a few dates that
23 have conflicts and -- and a few -- a few weeks
24 that have -- a few days that have conflicts.
25 And you all -- Mr. Fischer will share those

1 dates with you after we go off the record and
2 we start talking about possible procedural
3 schedules. Mr. Coffman?

4 MR. COFFMAN: Your Honor, may I ask
5 about whether the Commission is going to
6 consider the local public hearing request that
7 I filed?

8 JUDGE MILLS: Certainly. The
9 Commission will be considering that. And --
10 and I would -- I would propose that any -- in
11 any proposed procedural schedule you all submit
12 that you include a date or a couple of dates,
13 possible dates for local public hearings.

14 MR. COFFMAN: There's been some
15 discussion about that already. I think that
16 can probably be accomplished. I just wondered
17 if there had been any preference for time or
18 place or --

19 JUDGE MILLS: No. I haven't
20 discussed it with the Commission yet, and
21 sometimes it's a little more logistically
22 difficult to schedule a local public hearing
23 because you have to sort of pick a date and
24 then see if there's a venue available. And
25 then if there's not, you have to pick a date

1 and then sort of do that over and over again.
2 It's not like scheduling it in our own hearing
3 room. If you can propose a couple of dates for
4 possible local public hearings, we can probably
5 find a venue in KCPL's territory.

6 MR. ZOBRIST: Judge, we've also been
7 investigating the possibility of venues that
8 might available in Jackson County and perhaps
9 in the Platte County area. And we may have
10 some opportunities or venues.

11 JUDGE MILLS: Okay.

12 MR. ZOBRIST: So --

13 JUDGE MILLS: And, certainly, yeah,
14 if you have some input on that, you're more
15 than welcome to share it with us. That would
16 be helpful.

17 MR. ZSOBRIST: Does the Commission
18 have a -- a preference at all for time frame
19 for those local hearings?

20 JUDGE MILLS: Honestly, I think until
21 you all talk, I'm not sure the Commission
22 really even knows how -- I mean, whether we're
23 talking, you know, a three-week time frame for
24 the -- for the entire case or three months or
25 nine months. So depending on where we wind up

1 on that I think depends on when the local
2 public hearing should be held. Mr. Dottheim?

3 MR. DOTTHEIM: Yeah. I think as it's
4 been noted, Ms. Henry for Concerned Citizens of
5 Platte County has requested -- and I don't
6 recall whether also for Sierra Club, but at
7 least with the Concerned Citizens of Platte
8 County has requested both local hearings and
9 evidentiary hearings. And the parties have any
10 number of things we can discuss this morning
11 until Ms. Henry's available around 12:15.

12 But I think the procedural schedule, in
13 large part, will be driven by what she
14 indicates are her intentions regarding an
15 evidentiary hearing versus local public
16 hearing, how many witnesses, whether they're
17 expert witnesses or not expert witnesses.
18 But, then again, she -- she won't be available
19 until -- until 12:15 as, Judge, you're aware.

20 JUDGE MILLS: Right. Okay. Is there
21 anything else we need to take up while we're on
22 the record? Okay. Hearing nothing, we're off
23 the record. And I will be around all day. I'm
24 going to be in the agenda room for the next
25 hour or so. But you can -- you can get a hold

1 of me or call. And if something comes up that
2 you need my input on right away, you can
3 certainly get me out of the agenda room unless
4 I'm actually at the table talking to the
5 Commissioners. That might be awkward.
6 Anything else that you all need from me? Okay.
7 Thank you.

8 MR. DOTTHEIM: Okay. Thank you.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25