

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Discovery Conference
May 23, 2012
Jefferson City, Missouri
Volume 3

In The Matter Of The Third)
Prudence Review of Costs)
Subject To The Commission-) File No. EO-2011-0390
Fuel Adjustment Clause of)
KCP&L Greater Missouri)
Operations Company)

HAROLD STEARLEY, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE

(Beginning time of conference: 9:02 a.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

FOR THE STAFF OF THE MISSOURI PUBLIC SERVICE
COMMISSION:

MR. KEVIN A. THOMPSON, Chief Staff Counsel

MS. MEGHAN McCLOWRY, Legal Counsel

Attorneys at Law

MISSOURI PUBLIC SERVICE COMMISSION

200 Madison Street

P.O. Box 360

Jefferson City, MO 65102

(573) 751-3234

kevin.thompson@psc.mo.gov

meghan.mcclowry@psc.mo.gov

REPORTED BY:

PAMELA S. GENTRY, CCR

Missouri CCR No. 426

Midwest Litigation Services

3432 West Truman Boulevard

Suite 207

Jefferson City, MO 65109

(573) 636-7551

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

2 JUDGE STEARLEY: Good morning. It's Wednesday,
3 May 23rd, 2012. We have set this time for discovery
4 conference in File No. EO-2011-0390, captioned In The
5 Matter Of The Third Prudence Review Of Costs Subject To
6 The Commission-Approved Fuel Adjustment Clause Of KCP&L
7 Greater Missouri Operations Company.

8 My name is Harold Stearley, and I'm Presiding
9 Officer of today's conference. And we will begin taking
10 entries of appearance, beginning with Staff, who appears
11 to be the only one here.

12 MR. THOMPSON: Thank you, Judge. Kevin Thompson
13 and Meghan McClowry for the Staff of Missouri Public
14 Commission, P.O. Box 360, Jefferson City, Missouri, 65102.

15 JUDGE STEARLEY: Thank you, Mr. Thompson.

16 We have established a call line. This conference
17 had been moved from May 3rd to May 23rd, and a notice was
18 issued providing call-in numbers, but no one else,
19 apparently, has elected to appear in person or call-in.

20 So, I am assuming at this time there's no
21 discovery?

22 MR. THOMPSON: That's accurate, Judge. Most
23 discovery has been completed.

24 Staff took depositions in Kansas City last
25 Thursday and Friday. The company was courteous and

1 cooperative in every respect. No one other than Staff and
2 the company were present.

3 There are some data requests that Staff's in the
4 process of responding to. I don't think Staff has any
5 outstanding discovery requests. I think we've passed the
6 discovery closure date.

7 JUDGE STEARLEY: That's true.

8 MR. THOMPSON: So, I think once we send off our
9 answers to these last few, then I think that's that.

10 JUDGE STEARLEY: Okay. Well, we'll note for the
11 record, since no one's here, that any dispute of discovery
12 thus far that they haven't addressed will be considered
13 waived.

14 MR. THOMPSON: We don't have any lingering
15 disputes.

16 JUDGE STEARLEY: Are all the depositions complete
17 at this time?

18 MR. THOMPSON: Yes. Yes, sir.

19 JUDGE STEARLEY: Okay.

20 I did have one other question. Perhaps you would
21 know about them. Issues were filed, and in the order of
22 opening statements, I noticed the parties have allowed
23 time for the Commercial Group and the Federal Executive
24 Agencies. As I recall, they made no appearance at the
25 pre-hearing conference, no counsel has entered an

1 appearance for them, but they also did not withdraw like
2 many of the other automatic parties did.

3 So, are you aware of their status, at all, if they
4 intend to actually appear?

5 MR. THOMPSON: I actually had -- you'll recall,
6 Judge, that there were a number of automatic parties --

7 JUDGE STEARLEY: Uh-huh.

8 MR. THOMPSON: -- that were added to this case, I
9 guess because they were a part of the last rate case.

10 JUDGE STEARLEY: Where the FAC was established.

11 MR. THOMPSON: Right. And I had to contact all of
12 them because we took the lead in putting together a motion
13 to move the hearing date --

14 JUDGE STEARLEY: Uh-huh.

15 MR. THOMPSON: -- and to change some of the other
16 procedural dates, and I had to get a hold of them to get
17 their okay, and several told me that they were not
18 authorized by their client to actively participate, and I
19 guess that includes even going so far as to file to get
20 out of the case.

21 JUDGE STEARLEY: Okay. All right. Well, they've
22 made no act of appearance in this matter at this point,
23 and they're subject to dismiss.

24 MR. THOMPSON: I think Mr. Fisher just -- you
25 know, since they're on the service list and they're in the

1 case, I think he had added them under the abundance of
2 caution to the document. He took the lead in preparing
3 that.

4 JUDGE STEARLEY: Well, I appreciate that, and I
5 guess we'll see if any one of those two parties will show
6 up at the evidentiary hearing.

7 MR. THOMPSON: We're always happy to see them.

8 JUDGE STEARLEY: Are there any other matters we
9 need to address?

10 MR. THOMPSON: Not that I can think of.

11 JUDGE STEARLEY: Okay. All right. We'll go ahead
12 and conclude this conference.

13 MR. THOMPSON: Thank you, Judge.

14 JUDGE STEARLEY: Thank you for attending.

15 (Whereupon, the record ended at 9:08 a.m.)

16 * * * * *

17

18

19

20

21

22

23

24

25

1 C E R T I F I C A T E

2 STATE OF MISSOURI)

3) ss.

4 COUNTY OF COLE)

5 I, Pamela S. Gentry, Certified Shorthand
6 Reporter with the firm of Midwest Litigation Services, do
7 hereby certify that I was personally present at the
8 proceedings had in the above-entitled cause at the time
9 and place set forth in the caption sheet thereof; that I
10 then and there took down in Stenotype the proceedings had;
11 and that the foregoing is a full, true and correct
12 transcript of such Stenotype notes so made at such time
13 and place.

14 Given at my office in the City of
15 Jefferson, County of Cole, State of Missouri.

16

17

18

19

Pamela S. Gentry, CCR #426

20

21

22

23

24

25

TRANSCRIPT OF PROCEEDINGS 5/23/2012

<p align="center">A</p> <p>about 18:21 above-entitled 21:8 abundance 20:1 accurate 17:22 act 19:22 actively 19:18 actually 19:4,5 added 19:8 20:1 address 20:9 addressed 18:12 Adjustment 15:17 17:6 Agencies 18:24 ahead 20:11 allowed 18:22 always 20:7 answers 18:9 apparently 17:19 appear 17:19 19:4 appearance 17:10 18:24 19:1,22 appears 17:10 appreciate 20:4 assuming 17:20 attending 20:14 Attorneys 16:7 authorized 19:18 automatic 19:2 19:6 aware 19:3 a.m 15:25 20:15</p>	<p>call 17:16 call-in 17:18,19 caption 21:9 captioned 17:4 case 19:8,9,20 20:1 cause 21:8 caution 20:2 CCR 16:17,18 21:20 Certified 21:5 certify 21:7 change 19:15 Chief 15:23 16:5 City 15:9 16:11 16:22 17:14,24 21:14 Clause 15:17 17:6 client 19:18 closure 18:6 Cole 21:4,15 Commercial 18:23 Commission 15:2,16 16:4,8 17:14 Commission-... 17:6 company 15:19 17:7,25 18:2 complete 18:16 completed 17:23 conclude 20:12 conference 15:7 15:25 17:4,9 17:16 18:25 20:12 considered 18:12 contact 19:11 cooperative 18:1 correct 21:11 Costs 15:15 17:5 counsel 16:5,6 18:25 County 21:4,15 courteous 17:25</p>	<p align="center">D</p> <p>D 17:1 data 18:3 date 18:6 19:13 dates 19:16 depositions 17:24 18:16 DEPUTY 15:23 discovery 15:7 17:3,21,23 18:5,6,11 dismiss 19:23 dispute 18:11 disputes 18:15 document 20:2 down 21:10</p> <p align="center">E</p> <p>E 16:1,1 17:1,1 21:1,1 elected 17:19 ended 20:15 entered 18:25 entries 17:10 EO-2011-0390 15:16 17:4 established 17:16 19:10 even 19:19 every 18:1 evidentiary 20:6 Executive 18:23</p> <p align="center">F</p> <p>F 21:1 FAC 19:10 far 18:12 19:19 Federal 18:23 few 18:9 file 15:16 17:4 19:19 filed 18:21 firm 21:6 Fisher 19:24 foregoing 21:11 forth 21:9 Friday 17:25 from 17:17</p>	<p>Fuel 15:17 17:6 full 21:11</p> <p align="center">G</p> <p>G 17:1 Gentry 16:17 21:5,20 Given 21:14 go 20:11 going 19:19 Good 17:2 Greater 15:18 17:7 Group 18:23 guess 19:9,19 20:5</p> <p align="center">H</p> <p>happy 20:7 Harold 15:22 17:8 hearing 19:13 20:6 hold 19:16</p> <p align="center">I</p> <p>includes 19:19 intend 19:4 issued 17:18 Issues 18:21</p> <p align="center">J</p> <p>Jefferson 15:9 16:11,22 17:14 21:15 Judge 15:23 17:2,12,15,22 18:7,10,16,19 19:6,7,10,14 19:21 20:4,8 20:11,13,14 just 19:24</p> <p align="center">K</p> <p>Kansas 17:24 KCP&L 15:18 17:6 Kevin 16:5 17:12</p>	<p>kevin.thomps... 16:13 know 18:21 19:25</p> <p align="center">L</p> <p>last 17:24 18:9 19:9 Law 15:23 16:7 lead 19:12 20:2 Legal 16:6 like 19:1 line 17:16 lingering 18:14 list 19:25 Litigation 16:19 21:6</p> <p align="center">M</p> <p>made 18:24 19:22 21:12 Madison 16:9 many 19:2 matter 15:14 17:5 19:22 matters 20:8 May 15:8 17:3 17:17,17 McCLOWRY 16:6 17:13 Meghan 16:6 17:13 meghan.mcclo... 16:14 Midwest 16:19 21:6 Missouri 15:1,9 15:18 16:3,8 16:18 17:7,13 17:14 21:2,15 MO 16:11,22 morning 17:2 Most 17:22 motion 19:12 move 19:13 moved 17:17</p> <p align="center">N</p> <p>N 16:1 17:1</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

TRANSCRIPT OF PROCEEDINGS 5/23/2012

name 17:8 need 20:9 note 18:10 notes 21:12 notice 17:17 noticed 18:22 number 19:6 numbers 17:18	Presiding 15:22 17:8 pre-hearing 18:25 procedural 19:16 proceedings 15:6 21:8,10 process 18:4 providing 17:18 Prudence 15:15 17:5 Public 15:2 16:3 16:8 17:13 putting 19:12 P.O 16:10 17:14	several 19:17 sheet 21:9 Shorthand 21:5 show 20:5 since 18:11 19:25 sir 18:18 some 18:3 19:15 ss 21:3 Staff 16:3,5 17:10,13,24 18:1,4 Staff's 18:3 State 15:1 21:2 21:15 statements 18:22 status 19:3 Stearley 15:22 17:2,8,15 18:7 18:10,16,19 19:7,10,14,21 20:4,8,11,14 Stenotype 21:10 21:12 Street 16:9 subject 15:16 17:5 19:23 Suite 16:21	17:20 18:17,23 21:8,12 today's 17:9 together 19:12 told 19:17 transcript 15:6 21:12 true 18:7 21:11 Truman 16:20 two 20:5	5 573 16:12,23 6 636-7551 16:23 65102 16:11 17:14 65109 16:22 7 751-3234 16:12 9 9:02 15:25 9:08 20:15
O O 17:1 off 18:8 office 21:14 Officer 17:9 okay 18:10,19 19:17,21 20:11 once 18:8 one 17:11,18 18:1,20 20:5 one's 18:11 only 17:11 opening 18:22 Operations 15:19 17:7 order 18:21 other 18:1,20 19:2,15 20:8 out 19:20 outstanding 18:5	Q question 18:20 R R 16:1 17:1 21:1 rate 19:9 recall 18:24 19:5 record 18:11 20:15 REGULATO... 15:23 REPORTED 16:16 Reporter 21:6 requests 18:3,5 respect 18:1 responding 18:4 Review 15:15 17:5 right 19:11,21 20:11	T T 21:1,1 taking 17:9 Thank 17:12,15 20:13,14 their 19:3,17,18 thereof 21:9 think 18:4,5,8,9 19:24 20:1,10 Third 15:14 17:5 Thompson 16:5 17:12,12,15,22 18:8,14,18 19:5,8,11,15 19:24 20:7,10 20:13 Thursday 17:25 time 15:25 17:3	U Uh-huh 19:7,14 under 20:1 V Volume 15:10 W waived 18:13 Wednesday 17:2 Well 18:10 19:21 20:4 were 18:2,21 19:6,8,9,17 West 16:20 we'll 18:10 20:5 20:11 We're 20:7 we've 18:5 withdraw 19:1 # #426 21:20 2 200 16:9 2012 15:8 17:3 207 16:21 23 15:8 23rd 17:3,17 3 3 15:10 3rd 17:17 3432 16:20 360 16:10 17:14 4 426 16:18	
P P 16:1,1 17:1 Pamela 16:17 21:5,20 part 19:9 participate 19:18 parties 18:22 19:2,6 20:5 passed 18:5 Perhaps 18:20 person 17:19 personally 21:7 place 21:9,13 point 19:22 preparing 20:2 present 18:2 21:7	S S 16:1,17 17:1 21:5,20 see 20:5,7 send 18:8 service 15:2 16:3 16:8 19:25 Services 16:19 21:6 set 17:3 21:9			