

In the Matter of:

THE APPLICATION OF EDITH ARMSTRONG

EO-2018-0079 VOL. 1

January 25, 2018



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Prehearing Conference
January 25, 2018
Jefferson City, Missouri
Volume 1

In The Matter Of The)
Application Of Edith Armstrong)
For Change Of Electric Supplier)
From Empire District Electric) File No. EO-2018-0079
Company to Ozark Electric)
Cooperative)

DANIEL JORDAN, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
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P R O C E E D I N G S

JUDGE JORDAN: The Commission is calling the action in File No. EO-2018-0079. This is the Application Of Edith Armstrong For Change Of Electric Supplier From Empire District Electric Company To Ozark Electric Cooperative.

My name is Daniel Jordan. I'm the Regulatory Law Judge assigned to this action, and we are here for a prehearing conference. I will start by taking entries of appearance, and please, I will ask counsel to introduce any client representatives. Let's start with Ms. Armstrong. Will you introduce yourself, please?

MS. ARMSTRONG: My name is Edith Armstrong.

JUDGE JORDAN: And with you you have someone joining you on the line?

MS. ARMSTRONG: No, it's just me and my sister here.

JUDGE JORDAN: Okay. And can you give us your sister's name?

MS. MURR: Hello.

JUDGE JORDAN: Hello. Is this Ms. Armstrong's sister?

MS. MURR: Yes, it is.

JUDGE JORDAN: Can you state your name for the record, please?

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1 MS. MURR: Mary Frances Murr.

2 JUDGE JORDAN: Thank you, Ms. Murr. Will you
3 spell Murr for me?

4 MS. MURR: M-u-r-r.

5 JUDGE JORDAN: Thank you very much. And for
6 the Empire District Electric Company?

7 MS. CARTER: Diana Carter with Brydon,
8 Swearngen & England, 312 East Capitol Avenue, Jefferson
9 City, Missouri.

10 JUDGE JORDAN: Thank you. Ms. Carter, do you
11 have anyone else with you today?

12 MS. CARTER: No, I do not.

13 JUDGE JORDAN: Okay. Thank you. For the
14 co-op Ozark Electric Cooperative?

15 MR. BATTAGLER: Yes. Shawn Battagler with the
16 Andereck Evans Law Firm in Springfield, Missouri.

17 JUDGE JORDAN: Thank you, Mr. Battagler. Is
18 anyone else joining you from your client?

19 MR. BATTAGLER: No.

20 JUDGE JORDAN: Okay. Thank you. Staff of the
21 Public Service Commission?

22 MS. MERS: Nicole Mers, Steve Dottheim and Ron
23 Irving on behalf of the Public Service Commission, and
24 our information has been provided to the court reporter.

25 JUDGE JORDAN: Thank you. And you have a
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1 couple representatives of your client?

2 MS. MERS: Yes. On behalf of staff we have
3 Dan Beck and Noumvi Ghomsi.

4 JUDGE JORDAN: Thank you. Was there anything
5 else, Ms. Mers?

6 MS. MERS: That's the technical staff assigned
7 to this case. Thank you.

8 JUDGE JORDAN: Very good. Thank you. I'll
9 also call for any appearance by the Office of Public
10 Counsel since our regulations make them a party to every
11 action before the Commission. But not seeing nor
12 hearing any representative, I will conclude that they
13 have elected their option not to appear in this action.

14 So this conference is in part on the record,
15 that's this part that we've done. We can discuss
16 procedure and substantive matters and settlement
17 options; but once that's done, once you've dispensed
18 with the need for a regulatory law judge and the court
19 reporter, the rest of your time can be spent off the
20 record in this room and with this telephone line. I
21 believe we have it for an hour. When we're done, I will
22 ask staff to lock up and turn off the lights.

23 I will remind the parties that mediation is
24 also possible if they're not able to work out the
25 differences amongst themselves. And I suggest that if

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1 the parties do not resolve their differences, more than
2 a suggestion, I will ask staff to report to me no later
3 than the end of the day tomorrow how this conference
4 went. And if matters are not resolved, then we will be
5 looking for a proposed procedural schedule.

6 MS. SCOTT: Excuse me for interrupting. I've
7 been sent to the wrong hearing, I believe. Is this a
8 Children's Division?

9 JUDGE JORDAN: This is not the Children's
10 Division.

11 MS. SCOTT: Okay. I've been sent to the wrong
12 meeting. I apologize. I'm breaking off now, Kerry
13 Scott. Thank you.

14 JUDGE JORDAN: Okay. Good luck.

15 All right. Well, that being said, any
16 questions by the parties?

17 MS. MERS: Ms. Armstrong, I believe that you
18 and staff had discussed your desire to go forward with
19 the case. Do you have any statements that you'd like to
20 make to the judge or to the parties regarding that?

21 MS. ARMSTRONG: No. I got my electricity
22 turned back on, and I would like for it to stay like it
23 is. There's no way I can pay \$12,000 to get it switched
24 over.

25 MS. MERS: And so you're wanting to dismiss
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1 the case then, correct?

2 MS. ARMSTRONG: Yes, dismiss it.

3 JUDGE JORDAN: Okay. Well, dismissal is
4 pretty easy for an action at the Public Service
5 Commission. All the Commission would need to see would
6 be a writing dismissing the case. It's really just a
7 notice. It's not even a motion. If I recall correctly,
8 there's been no testimony filed in this action. Am I
9 right about that? I'll ask staff.

10 MS. MERS: There's only been a staff report
11 but no testimony.

12 JUDGE JORDAN: Okay. Well, that's pretty
13 simple, and that may take care of this action if that's
14 all that you want to do. While I'm here, is there
15 anything else that I can help the parties with?

16 MS. ARMSTRONG: No.

17 MS. MERS: Just to clarify, Judge, would you
18 like Ms. Armstrong to send you something in writing, a
19 letter, just to make clear what we've talked about
20 today?

21 JUDGE JORDAN: That's correct, Counselor.
22 What I'm talking about is what we call in our
23 regulations a notice of dismissal, and all that is is a
24 writing, a letter format would do, delivered to the
25 Commission that says that the complainant, or the
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1 applicant in this case Edith Armstrong, dismisses her
2 action. That dismissal will be effective as soon as the
3 Commission receives it.

4 The Commission doesn't even have to do
5 anything. It's automatic.

6 MS. ARMSTRONG: Okay. Now, where do I send
7 that to?

8 JUDGE JORDAN: You send that to the Missouri
9 Public Service Commission, and you probably have our
10 address on some of the stuff that we've sent you.

11 MS. ARMSTRONG: Jeff City?

12 JUDGE JORDAN: That's correct.

13 MS. ARMSTRONG: Okay. P.O. Box 360, Jeff
14 City, Missouri?

15 JUDGE JORDAN: That's the one.

16 MS. ARMSTRONG: Okay. I can do that.

17 JUDGE JORDAN: It will help if you put your
18 file number on it, that is the EO-2018-0079 number.

19 MS. ARMSTRONG: Okay. File No. EO-2018-0079?

20 JUDGE JORDAN: That is the file number.

21 MS. ARMSTRONG: Okay.

22 JUDGE JORDAN: All right. Anything else I can
23 do for the parties while we're altogether in one room
24 with me and the reporter? I'll ask Ms. Armstrong,
25 anything?

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1 MS. ARMSTRONG: No, that's it.

2 JUDGE JORDAN: How about for the company?

3 MS. CARTER: Nothing for me. Thanks, Judge.

4 JUDGE JORDAN: For the cooperative?

5 MR. BATTAGLER: Nothing more for me.

6 JUDGE JORDAN: Anything from staff?

7 MS. MERS: No, thank you.

8 JUDGE JORDAN: All right. Well, that sounds
9 like it concludes the on-the-record portion of this
10 conference. With that, we will adjourn the conference
11 and we will go off the record. Thank you, everyone.

12 (Off the record.)

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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

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