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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
RULEMAKING HEARING

In The Matter of the)
Commission's Proposed)
Rule 20 CSR 4240-10.155 and)
Proposed Rescissions of)
20 CSR 4240-20.015, 40.015,)
40.016, and 80.015 Relating to)
Affiliate Transactions for)
Electrical Corporations, Gas) File No. OX-2025-0104
Corporations, Heating)
Companies, Certain Water)
Corporations and Certain)
Sewer Corporations)

In the Matter of the)
Commission's Proposed)
Rule 20 CSR 4240-10.165 and)
Proposed Rescissions of) File No. OX-2025-0105
20 CSR 4240-20.017, 40.017,)
and 80.017 Relating to HVAC)
Services Affiliate Transactions)

In the Matter of the)
Commission's Proposed)
Rule 20 CSR 4240-10.175)
Relating to Customer)
Information of Electrical) File No. OX-2025-0106
Corporations, Gas Corporations,)
Heating Companies, Certain)
Water Corporation and Certain)
Sewer Corporations)

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FRIDAY, DECEMBER 6, 2024
10:00 a.m.

James C. Kirkpatrick Building
600 W. Main Street, Room 139
Jefferson City, MO
and WebEx

VOLUME I

JOHN T. CLARK, Presiding
SENIOR REGULATORY LAW JUDGE

JOHN MITCHELL
COMMISSIONER

REPORTED BY:
Tracy Taylor, CCR No. 939

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A P P E A R A N C E S

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FOR: Staff of the
Missouri Public Service Commission

1 JUDGE CLARK: Let's go on the record.
2 Today is December 6th, 2024 and the current time is
3 10:10 a.m. I'd like to apologize to everyone for the
4 delay in starting this hearing, but we are going now.

5 We are in Room 139 of the James C.
6 Kirkpatrick Building, which is the Secretary of
7 State's Building on 600 West Main Street in Jefferson
8 City, Missouri.

9 The Commission has set aside this time
10 today for a rule comment hearing in three files. The
11 first file is OX-2025-0104, and that is in the Matter
12 of the Commission's Proposed Rule 20 CSR -- that's
13 Code of State Regulations -- 4240-10.155 and the
14 Proposed Rescissions of 20 CSR 4240-20.015, 40.015,
15 40.016 and 80.015 of that chapter Relating to the
16 Affiliate Transactions for Electrical Corporations,
17 Gas Corporations, Heating Companies, Certain Water
18 Corporations and Certain Sewer Corporations.

19 The next file is OX-2025-0105 in the
20 Matter of the Commission's Proposed Rule 20 CSR
21 4240-10.165 and the Proposed Rescissions of 20 CSR
22 4240-20.017, 40.017 and 80.017 Relating to HVAC
23 Services Affiliate Transactions.

24 And the last file is OX-2025-0106.
25 That's in the Matter of the Commission's Proposed

1 Rule 20 CSR 42.40-10.175 Relating to Customer
2 Information of Electrical Corporations, Gas
3 Corporations, Heating Companies, Certain Water
4 Corporations, and Certain Sewer Corporations.

5 These rule rescissions and the proposed
6 rules were published in the Missouri Register
7 November 1st, 2024, and that's Volume 49, Number 21.

8 Now, the Commission is composed of the
9 Chair Kayla Hahn and Commissioners Maida Coleman,
10 Jason Holsman, Glen Kolkmeier and John Mitchell, some
11 of which are present via web today. My name's John
12 Clark. I'm the Regulatory Law Judge who will be
13 conducting this hearing today.

14 Now, due to a notice error, the hearings
15 about the proposed rules and rescissions were
16 published as being scheduled on two separate hearing
17 dates; today, December 6th, and also for December
18 10th.

19 It is the intention of the Commission --
20 it was the intention of the Commission to schedule all
21 of those for the same date, which was December 10th,
22 2024. Accordingly, because the Commission didn't want
23 to mission -- miss anyone, it is holding hearings on
24 both of these days, December 6th and December 10th,
25 for anyone who wanted to offer comments on the

1 proposed rules or rescissions.

2 If you are here today and this is the
3 only hearing date you can attend, I am more than happy
4 to take your comments, and I'm not discouraging anyone
5 from offering comments today. However, if you're
6 able, I would encourage anyone who can hold your
7 comments until December 10th, 2024 hearing, which will
8 also be held here in this room at 10:00 a.m. on the
9 10th. You might consider holding your comments till
10 then and that will be for all three files on both
11 days.

12 I'm going to remind everyone if you're
13 speaking today, so that the people online can hear
14 you, be sure that you're using a microphone. If you
15 have a cell phone, I'm going to ask you to silence it
16 or put it on vibrate at this time.

17 At this time I'm going to ask attorneys
18 for -- of parties that are present to enter their
19 appearance for the record and then I'm going to ask
20 who would like to offer comments. So I will start
21 with the Commission Staff.

22 MR. STACEY: Scott Stacey, deputy
23 counsel, 200 Madison Street, Jefferson City, Missouri
24 65101.

25 MR. JOHNSON: Mark Johnson, the chief

1 Staff counsel with the same address. Thank you.

2 JUDGE CLARK: Mr. Stacey, Mr. Johnson,
3 thank you very much.

4 For the Office of the Public Counsel?

5 MS. VANGERPEN: Good morning, Your Honor.
6 Lindsay Vangerpen on behalf of the OPC. And our
7 address is 200 Madison Street as well.

8 JUDGE CLARK: Thank you, Ms. Vangerpen.
9 On behalf of Ameren Missouri.

10 MR. LOWERY: Good morning, Your Honor.
11 Jim Lowery on behalf of Ameren Missouri, 9020 South
12 Berry Road, Columbia, Missouri 65201.

13 JUDGE CLARK: Thank you, Mr. Lowery.

14 Are there any other utility companies
15 present? I hear and see none.

16 Is there anyone else present who is going
17 to be offering comments today about any of the
18 proposed rules or rescissions? Yes. And it's
19 Ms. Gray, correct?

20 MS. GRAY: Yes, sir.

21 JUDGE CLARK: And who are you here
22 representing?

23 MS. GRAY: I'm here representing Tower
24 Grove Community Development Corporation at 2337 South
25 Kingshighway in St. Louis, Missouri 63110.

1 JUDGE CLARK: And since you don't have a
2 microphone in front of you at the moment, I may ask
3 you to repeat that when you get up to the stand. So
4 we have one community development group speaking.

5 Now, this is not a contested case so
6 there's going to be no cross-examination, I'm not
7 placing anybody under oath today. You're not really
8 witnessing; you're -- you're offering comments on
9 these proposed rules and rescissions.

10 If you provide comments, be sure to state
11 your name. Because there are three files here today
12 that are being commented on, please comment on the
13 rule -- proposed rule or rescission you are commenting
14 on and let me know your position as to whether you are
15 speaking in -- in support of the proposed rule or
16 whether you are commenting against the proposed rule.

17 Now, pursuant to Commission Rule 20 CSR
18 4240-2.108(8)(d), comments will be taken from those
19 supporting the rule followed by those opposing the
20 rule.

21 What -- who -- who is speaking in support
22 of the rule today? Anyone?

23 MR. LOWERY: Can I ask a clarifying
24 question, Judge? I mean, we --

25 JUDGE CLARK: Of course.

1 MR. LOWERY: -- are -- we are in support
2 of many aspects of the rule, but -- but we also think
3 there's one thing that needs to be changed. I don't
4 know if that's in support or opposition necessarily.

5 And I guess the second clarifying
6 question, you -- would you pref- -- if we're going to
7 be here Tuesday and we can be here Tuesday, you'd
8 prefer us to hold our comments on the customer
9 information rule, for example, until Tuesday and make
10 all of those at the same time on Tuesday when the
11 affiliate trans- -- because our comments are due on
12 the affiliate transaction rule today. We haven't even
13 filed them yet. Is that what you prefer us to do?

14 JUDGE CLARK: That actually would be my
15 preference.

16 MR. LOWERY: Okay. That's fine.

17 JUDGE CLARK: That would be my
18 preference. However, as I indicated before, I don't
19 want to discourage anyone from offering comments today
20 if they wanted to. But it would be my preference, if
21 you -- if you're -- if you're going to be here on
22 Tuesday in relation to the other rules, it would be my
23 preference that you hold comments until that day so
24 that they can all be made at once.

25 MR. LOWERY: We -- we are happy to wait.

1 JUDGE CLARK: It just makes for a cleaner
2 record.

3 MR. LOWERY: Yeah. Yeah. We're happy to
4 wait.

5 JUDGE CLARK: Okay. So I'm -- I'm
6 gathering that there's some ambivalence as to
7 whether -- if you -- some of the comments may be in --
8 you know, in support of, but there may be some things
9 that people don't like about the rules. I -- I -- I
10 don't think the rule that I just mentioned
11 contemplates that.

12 So in that case, I'm just going to call
13 parties in the order that I took entries in and go
14 ahead and let them make comments in that order, if
15 there's no objection. And I hear and see none.

16 Okay. With that in mind, I will take
17 comments from Staff first, from the Office of the
18 Public Counsel second, from Ameren Missouri third, and
19 finally from Tower Grove, if that's acceptable.

20 Okay. On behalf of Staff counsel. And
21 you're welcome to use the podium if you like. You're
22 also welcome to speak from your table.

23 MR. STACEY: Thank you. Thank you,
24 Judge. Scott Stacey for Staff counsel's office and
25 here for Staff. Staff is in support of these changes

1 to every one of the rules that have been put before
2 the Commission as we speak.

3 JUDGE CLARK: Can you put your microphone
4 a touch closer? I apologize.

5 MR. STACEY: Staff is in support of all
6 the regulations that have been either rescinded or
7 amended or proposed as before the Commission here
8 today. But we will reserve our position to provide
9 comments until Tuesday. And we will also provide an
10 additional breakdown of the comments of other parties
11 in Staff's position on those comments.

12 JUDGE CLARK: Thank you very much,
13 Mr. Stacey. And thank you for holding your comments
14 until Tuesday.

15 On behalf of the Office of the Public
16 Counsel?

17 MS. VANGERPEN: Similar to Staff, the OPC
18 is planning to reserve its comments until Tuesday,
19 though we have filed written comments for both the
20 HVAC affiliate transaction rule and the customer
21 information rule. But we will have further comments
22 on Tuesday.

23 MR. CLARK: Okay. Thank you very much,
24 Ms. Vangerpen.

25 On behalf of Ameren Missouri.

1 MR. LOWERY: Thank you, Judge. We are in
2 favor of the rescission of the affiliate transaction
3 rule as it applies to electric, water and gas
4 customers. And we are in favor, generally speaking,
5 of the customer information rule the Staff -- or that
6 the Commission has put out.

7 As I mentioned on the record a moment
8 ago, we have one issue that we'd like to see changed
9 about it. But beyond that, I will reserve the rest of
10 our comments until Tuesday on -- on both the affiliate
11 rule and on the customer information rule.

12 JUDGE CLARK: Okay. Thank you,
13 Mr. Lowery. Thank you, Ameren Missouri.

14 And on behalf of Tower Grove, would you
15 like to come down and use the podium? And as I
16 indicated earlier, you didn't have a microphone, so --
17 so if you could please state and spell your name, give
18 the organization you're here on behalf of, and then go
19 ahead and offer the Commission your comments on these
20 rules.

21 MS. GRAY: Yes, sir, thank you. My name
22 is Dana Gray and I'm here representing Tower Grove
23 Community Development Corporation in St. Louis,
24 Missouri. We're at 2337 South Kingshighway.

25 And I submitted a exhibit, if Brian could

1 pull it up on the screen. I wanted to give some
2 background that would help the Commission understand
3 my position with regards to data privacy.

4 So first, Tower Grove Community
5 Development Corporation, we're a 50C3 [sic]
6 not-for-profit entity. We've existed for 42 years and
7 we focus on providing affordable housing to low to
8 moderate income households. We work in south
9 St. Louis neighborhoods serving a population of
10 approximately 36,000 residents and nearly 20,000
11 households.

12 And this is an example of some of our
13 rental housing that we have in south St. Louis. And
14 we have been tracking the gas and electric data in our
15 buildings and it's been roughly six years since we
16 started compiling that information. We roughly
17 started in around 2018.

18 And we've been benchmarking -- that's the
19 term that's used for tracking the energy use,
20 benchmarking. So we've been benchmarking these
21 buildings so that we could determine the effect -- the
22 efficacy of the improvements that we've made and we're
23 also benchmarking the energy in our office building.
24 In the City of St. Louis and in Kansas City, there is
25 a benchmarking ordinance that requires the tracking of

1 energy for buildings that are 50,000 square foot or
2 larger.

3 So energy disclosure is another issue
4 that's of concern. And I wanted to point out that
5 energy disclosure, meaning making available the energy
6 use and cost for a building, is available to home
7 buyers. And here is an example of the MARIS platform
8 where realtors can list the utility average for a
9 house that someone would consider purchasing.

10 Yes, sir, do you have a question?

11 JUDGE CLARK: No, I do not have a
12 question. I was trying to get my hand over the
13 microphone.

14 MS. GRAY: Okay. So I wanted to point
15 out that this information is available to home buyers.
16 And if a realtor fails to list the information on the
17 MLS, the potential home buyer can request and readily
18 receive that information before they would make a
19 purchase of a home.

20 So in the city of St. Louis and I am
21 aware that in the city of Kansas City there has been
22 discussions about an energy disclosure policy that
23 would focus on renters. So renters would also have
24 the capacity to gather the utility cost for an
25 apartment or a home before they would sign a lease.

1 And I have been providing energy
2 disclosure for my apartments -- I'm a landlord myself.
3 I've been a landlord for approximately 18 years. And
4 what I've been doing is calling Spire and Ameren and
5 obtaining that information. And I ask for the
6 12-month average on those bills so that I can include
7 that in my ad. And I am including those in my ads for
8 about five or six years.

9 And here on this next slide is an example
10 of the language that I include in my ad. So you'll
11 see that I state that I, as the owner, I'm responsible
12 for the sewer, water, trash and recycling. The tenant
13 is responsible for the gas, electric, phone, internet
14 and cable. For the past 12 months the average gas
15 bill was 75 dollars and the average electric bill was
16 107 dollars.

17 And then I give sort of a disclaimer and
18 explain that occupant behavior and weather will
19 greatly impact the gas and electric usage and cost.
20 There's no guarantee that the utility costs will
21 remain the same. In addition to occupant behavior,
22 the weather will have an impact, as well as the
23 utility rates could increase.

24 So there's also -- on Ameren's website,
25 they have a property manager page. It's called the

1 Property Manager Portal. And once you register on
2 that site, from that date forward, you are able to
3 obtain the average utilities for the properties that
4 you register.

5 So this is an example of the data that
6 I've been able to obtain for Tower Grove Apartments
7 from the date that I registered going forward. So
8 this would save us time if we are going to share
9 energy costs in our advertisements or verbally share
10 that information with prospective tenants.

11 The only downside is that you have to
12 wait a full year before you have a full year's data to
13 get an average of 12 months. But this is just a
14 sampling of our apartments. And you'll see in the
15 fourth column, average cost. And that tells us what
16 the average cost for the electric utilities are.

17 This also has been really helpful for
18 maintenance concerns. And we've been able to direct
19 our maintenance staff person to go investigate heating
20 and cooling systems when we noted that there was an
21 extraordinarily high average bill for a particular
22 apartment.

23 And so then we were able to rectify a
24 system that wasn't working properly. Or it also
25 directed my attention to the need to educate our

1 residents on energy-saving behaviors. And so we had
2 created slides that we sent to them and then we also
3 created a video.

4 So this next slide is the natural gas
5 information that I've obtained. And I obtained that
6 information through Spire at their customer care
7 e-mail. And this is a sampling that I gathered in the
8 spring.

9 This is the precise data for apartments
10 and this is a single apartment. And this is what's
11 needed and used for benchmarking when you're trying to
12 track the actual, precise information for a specific
13 unit. So this would be a single meter.

14 And I'm -- I'm wanting to share this
15 information because the concept of energy data, energy
16 disclosure, benchmarking those terms all get thrown
17 around. But I think that a lot of the people that are
18 talking about it and maybe the Commission, making
19 decisions about it, perhaps are never seeing the
20 actual data or know how to obtain it or what it looks
21 like and why -- why someone would want it.

22 So this then is an example of the data
23 that I obtained on a single apartment for one year
24 from Ameren's site. They have a page that's BEEP.
25 And I cannot remember -- I think it's Building Energy

1 Efficiency and Performance is what BEEP stands for.

2 But this, again, is for a single apartment, it's the
3 energy data.

4 And for both cases for Spire and Ameren
5 when we are requesting the specific precise data from
6 the utility, I have obtained the tenant's permission
7 to obtain the data. And my permission form says that
8 I have access from move in to move out.

9 So this is a reference showing the
10 building typology in the state of Missouri. And it
11 shows that Missouri has approximately 77,000 buildings
12 that are two- to four-unit multi-family buildings,
13 approximately 21,000 units are buildings that are
14 five-plus unit buildings.

15 So there were comments that were filed
16 that were recommending aggregation of data for
17 fifteen meters or five meters. And I went -- found
18 this information very helpful because it showed that
19 the majority of buildings in the state of Missouri are
20 actually two- to four-unit buildings.

21 So if we were wanting to aggregate, then
22 you would have to be pulling from outside of your own
23 property to get that aggregated data if that was the
24 rule as it went forward.

25 So my suggestion --

1 JUDGE CLARK: Can -- can you explain that
2 to me? I'm sorry. I didn't -- I don't follow that.

3 MS. GRAY: Sure. And I don't understand
4 exactly either, but aggregation, from my
5 understanding, is combining multiple meters and -- so
6 that an individual meter remains anonymous.

7 And there were several comments filed
8 suggesting 15 meters be combined for an aggregation of
9 the energy data, or there was a suggestion of five
10 meters be combined for the aggregation of data.

11 For -- for the purposes of benchmarking
12 and a property owner wanting to track the efficacy of
13 energy efficiency improvements and ensuring that
14 our -- our heating/cooling systems are working
15 effectively, it's much more useful if I can see the
16 individual meter.

17 As homeowners, we get that information
18 readily in our monthly bill. But when you own a
19 building that's a rental property and the tenant is
20 paying those bills, you don't get that information
21 unless you can access that.

22 And I also would -- would believe that it
23 would be much more difficult, potentially impossible
24 for us to do this benchmarking if we had to pay for
25 the data. The -- Ameren, Spire and Evergy, they've

1 already been providing benchmarking information.
2 They've already set up systems, assigned staff people
3 to take care of this. So I would oppose the utilities
4 to begin charging for that information.

5 Also, the utilities providing a 12-month
6 average cost for individual meters so that we can make
7 renters aware of the approximate cost prior to lease
8 signing would be super beneficial. It's been
9 gratefully received by my prospective tenants and it
10 allows them to know whether they can truly afford a
11 property before they sign a lease.

12 So I would propose that by making that
13 information available, we are avoiding eviction
14 situations, we're avoiding late fees and the utilities
15 having to disconnect people and then charging
16 reconnection fees. So providing that 12-month average
17 easily for renters and for property owners to share to
18 renters is very important. So I think that's all of
19 my suggestions.

20 One other thing that I wanted to share
21 was that affordability is defined by HUD as the
22 housing on which the occupant is paying no more than
23 30 percent of the gross income for housing costs,
24 including utilities. That's HUD's definition.

25 But in reality, unless that information

1 is available, the renter doesn't know what the utility
2 costs are, the landlord doesn't know what the utility
3 costs are, and even the agency that provides tenant
4 screening doesn't know and is not able to determine
5 whether or not the prospective renter can afford that
6 house or that apartment.

7 So making this information available
8 would be a win-win, I believe, from the property
9 owner, the tenants and the utilities.

10 And also, I want to again get back to the
11 aggregation of data. I believe that the individual
12 meter information is really important for those folks
13 that are benchmarking like myself and like our
14 organization.

15 But if there's a situation where the
16 utility is selling the information or providing the
17 information to outside organizations beyond those
18 delivering the energy services, perhaps that's where
19 aggregation of data would be appropriate.

20 I just don't understand -- and maybe I
21 just need to have someone explain why it's important
22 at this point for keeping energy data private. I
23 understand and would agree that I wouldn't want the
24 utility sharing my name, my address, my date of birth,
25 my Social Security number, my credit card information.

1 Of course that information should remain private and I
2 wouldn't be asking for that information even to
3 benchmark.

4 But for benchmarking purposes, I would
5 hope that single-meter data could be available. And
6 then if aggregated data needs to be pressed forward,
7 perhaps that could be a separate rule for outside
8 entities that are receiving that information.

9 Does anyone have any questions?

10 JUDGE CLARK: I'm going to back up just
11 briefly for just a second. And you may have said this
12 and so I apologize if you did. You're -- you're
13 commenting on proposed Rule 20 CSR 4240-10.175,
14 correct? Is that the -- the -- and that is
15 OX-2025-0106 in the Matter of the Commission's
16 Proposed Rule Relating to Customer Information of
17 Electrical Corporations, Gas Corporations, Heating
18 Companies, Certain Water Corporations and Certain
19 Sewer Corporations; is that correct?

20 MS. GRAY: Yes, sir, that is correct.

21 JUDGE CLARK: And you're not -- and --
22 and your comments are confined to that file, correct?

23 MS. GRAY: I don't know.

24 JUDGE CLARK: Okay.

25 MS. GRAY: I think so.

1 JUDGE CLARK: Okay. And -- and -- and --
2 I'm not -- I'm not confining you to that. I'm just
3 trying to be sure that I'm getting the comments
4 connected to the right rule.

5 MS. GRAY: Okay. I believe that that
6 particular case is the case that is explicitly dealing
7 with data privacy.

8 JUDGE CLARK: It is the only one to my
9 knowledge.

10 MS. GRAY: Okay. Then that is correct.

11 JUDGE CLARK: And -- and your concern
12 with aggregation of meter data, just to clarify and
13 kind of simplify, is that if there's -- if a majority
14 of the landlord-owned buildings are two to four units,
15 that once you hit the five meter aggregation,
16 you're -- you're drawing meter information outside
17 your own building; is that correct?

18 MS. GRAY: Correct.

19 JUDGE CLARK: Okay. If -- if this rule
20 were to be passed or approved by the Commission as-is,
21 do you know what your expected costs would be?

22 MS. GRAY: I have no idea what our
23 expected costs would be, because the -- the rule that
24 was written by the -- the Staff doesn't specify a
25 cost. If -- are you -- are you referencing utilities

1 charging for the data?

2 JUDGE CLARK: Correct.

3 MS. GRAY: It doesn't specify what the
4 charge would be, so I have no idea. But our
5 organization had to get a grant just to get help
6 benchmarking. So if there was almost any charge, I
7 think it would be prohibitive.

8 JUDGE CLARK: Okay. So you believe that
9 regardless -- if this bill were to pass -- or this --
10 not bill, sorry.

11 This rule, if it were to be approved
12 as-is, you believe there would be a cost to you and
13 other landlords?

14 MS. GRAY: Yes.

15 JUDGE CLARK: But you don't, at this
16 time, know what that cost would be?

17 MS. GRAY: Correct.

18 JUDGE CLARK: Okay. Thank you. Thank
19 you for your comments.

20 MS. GRAY: Yes, sir.

21 JUDGE CLARK: I don't believe we have
22 any, but I will go ahead and ask. Are there -- is
23 there anyone else here today who is going to be
24 offering comments on these rules who is not holding
25 those comments until next -- until December 10th?

1 Okay. I -- I hear and see no one.

2 If there are no further comments, are
3 there any other issues or matters that need to be
4 addressed by the Commission at this time?

5 MS. VANGERPEN: Judge, I wonder if I
6 could just ask a quick clarifying question for
7 Tuesday?

8 JUDGE CLARK: Please.

9 MS. VANGERPEN: On Tuesday, if we're
10 going to have comments for each individual case, will
11 the Commission call each of those cases individually
12 or try to define which parts of the hearing pertain to
13 which rule? Or would you like us to address all
14 comments for all cases at one time?

15 JUDGE CLARK: I don't think that that has
16 been addressed yet. I do not know whether it's going
17 to be me, another judge or Chief Judge Dippell on
18 Tuesday. I'm assuming right now it may be Chief Judge
19 Dippell or perhaps myself.

20 Does the Public Counsel have a position
21 on what would be their preference? Because it doesn't
22 appear that there's going to be a large number of
23 groups commenting on these. I would like to do it in
24 a manner that is most efficient for everybody.

25 MS. VANGERPEN: It would be our

1 preference to -- to have each of the cases defined.
2 Just -- I think our issues don't really overlap
3 between each of the individual rules, so I think it
4 would be a little cleaner for the record to have each
5 case individually, but that would mean we would speak
6 at least three times.

7 JUDGE CLARK: Three times.

8 MS. VANGERPEN: Yes.

9 JUDGE CLARK: But if that -- if that --
10 if that makes the whole hearing clearer, that
11 certainly makes a lot more sense. I will certainly
12 take that back with me and -- and run it by people. I
13 like the idea. It would certainly simplify things if
14 we took all comments on a file-by-file basis.

15 So I don't have an answer for you now. I
16 will have an answer for you before the hearing next
17 week.

18 MR. LOWERY: Judge, for what it's worth,
19 we agree with OPC on this. I think the record's going
20 to be muddled if you don't take them file by file.
21 And I think it would be difficult to have a clean
22 record. So we agree -- we agree with OPC.

23 JUDGE CLARK: Okay. Thank you very much.

24 Is there anything further that the
25 Commission needs to take up at this time?

1 Okay. With that in mind, we will go off
2 the record and I will adjourn this hearing. Thank you
3 for your participation today and I'm sorry for the
4 delay in starting the hearing.

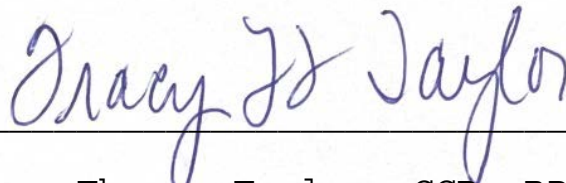
5 (Whereupon, the proceedings concluded at
6 10:41 a.m.)

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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the foregoing proceeding was duly taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Tracy Thorpe Taylor, CCR, RPR

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