

BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS  
PREHEARING CONFERENCE

In the Matter of the Application)  
of Michael R. Davis for Change )  
of Electric Supplier from Ozark )  
Electric Cooperative, Inc., to ) File No. EO-2025-0146  
The Empire District Electric )  
Company, d/b/a Liberty )

TUESDAY, JUNE 10, 2025  
9:00 a.m.

Jefferson City, MO 65101  
via Webex

VOLUME 1

JOHN CLARK, Presiding  
SENIOR REGULATORY LAW  
JUDGE

TRANSCRIBED BY:  
MELISSA EICKEN

1           LAW JUDGE CLARK: Today's date is June 10<sup>th</sup>  
2 of 2025, and the current time is 9:19 a.m. We are  
3 here for a prehearing conference that was baked into  
4 the procedural schedule that was set to start at  
5 9:00 a.m. The Commission has set aside this time for  
6 a prehearing conference in Case Number EO-2025-0146  
7 which is titled as in the matter of the application of  
8 Michael R. Davis for a change of electric supplier  
9 from Ozark Electric Cooperative, Incorporated, to the  
10 Empire District Electric Company, doing business as  
11 Liberty.

12           My name is John Clark. I'm the presiding  
13 officer and regulatory law judge overseeing this  
14 matter, and I'm going to begin by asking the attorneys  
15 and the parties to enter their appearance for the  
16 record. I'll start with the pro se applicant,  
17 Mr. Davis. You're present today; is that correct?

18           MICHAEL DAVIS: Yes.

19           LAW JUDGE CLARK: And you are representing  
20 yourself; is that correct?

21           MICHAEL DAVIS: Yes. At this point. If I  
22 need to get representation before a trial or whatever,  
23 then I'll get one, but I'm hoping we can deal with  
24 this just us.

25           LAW JUDGE CLARK: You don't have to.

1 Certainly, you don't. There are some advantages to  
2 having an attorney. But I can't advise you on any of  
3 those. It would be inappropriate for me to do so, but  
4 you are certainly entitled to proceed forward on your  
5 own. You have the right to do that. Absolutely. On  
6 behalf of Liberty.

7 MS. CARTER: Diana Carter for the Empire  
8 District Electric Company, doing business as Liberty.

9 LAW JUDGE CLARK: Thank you. On behalf of  
10 Ozark Electric Cooperative.

11 MR. BATTAGLER: Shawn Battagler for Ozark  
12 Electric.

13 LAW JUDGE CLARK: Thank you. The  
14 Commission staff.

15 MR. GRAHAM: Paul Graham for the staff of  
16 the Missouri Public Service Commission.

17 LAW JUDGE CLARK: Okay. Nobody is here  
18 from the Office of the Public Counsel. They have not  
19 taken an interest in this case, but they can at any  
20 time they want to. And I don't believe there's  
21 anybody I had missed.

22 I'm going to remind everybody that the  
23 presiding officer, myself, can rule on procedural and  
24 substantive issues at prehearing or procedural  
25 conferences pursuant to Commission Rule 20 CSR

1 4240-2.090 Subsection 6.

2 Now, this procedural conference was, as I  
3 indicated before, contained within the procedural  
4 schedule submitted by the parties. So I'm not sure  
5 what it's about. So if somebody can tell me the  
6 purpose of today's procedural conference, if it is  
7 anything more than a check-in.

8 MICHAEL DAVIS: Is that supposed to come  
9 from Michael Davis or from one of your people?

10 LAW JUDGE CLARK: No. I -- I --  
11 Mr. Graham, did -- does staff know why there is a  
12 procedure -- or prehearing conference scheduled for  
13 today?

14 MR. GRAHAM: I'm going to try to do this as  
15 gracefully as I can.

16 LAW JUDGE CLARK: Okay.

17 MR. GRAHAM: I have a specific recollection  
18 that staff did not request that this be in the  
19 procedural order, but that one or the other attorneys  
20 for one or the other utilities did request that this  
21 be placed in the procedural schedule. I can presume  
22 or conjecture, and I will do so that, perhaps, as you  
23 well put it that this was a check-in point on this  
24 case simply to determine whether -- whether this case  
25 was indeed going to go on to a hearing or which would

1 otherwise be resolvable now or have been resolved by  
2 now. Now, again, I throw that out with this caveat, I  
3 just made all that up. That was completely a  
4 conjecture on my part as to why somebody else asked  
5 for this.

6 LAW JUDGE CLARK: Okay. Thank you,  
7 Mr. Graham, and I appreciate your conjecture. I  
8 started with you because it's usually staff that  
9 submits the procedural schedule, but do either of the  
10 other two attorneys requested this to be added to the  
11 schedule, and is it for a check-in, as I assume?

12 MR. BATTAGLER: I don't recall ever having  
13 any discussion about it or as far as I know, it may  
14 have been a cut and paste that got added to the  
15 proposed schedule by -- by accident as far as I -- I  
16 am -- I'm entering into some conjecture myself.  
17 Although, I -- yeah. I don't -- I don't believe I  
18 requested it, so.

19 LAW JUDGE CLARK: Okay. Well, I'm going to  
20 expound a little bit on what Mr. Graham said because I  
21 think I have a good idea why we're here right now.

22 Mr. Davis, in these cases, you missed one  
23 procedural conference, and I had to issue a show cause  
24 early on, I believe so. And you at that time  
25 submitted reasons you wanted to continue on with your

1 case, given there's two utilities here and both  
2 utilities have indicated that they believe that the  
3 change in supplier is for the reason of a rate  
4 differential, and I believe staff's report has  
5 indicated that, too. I think that the parties are  
6 wanting to see that you are serious about proceeding  
7 further with presenting your case with an evidentiary  
8 hearing. We had a talk off the record just a second  
9 ago while we're waiting for Mr. Graham, and you had  
10 indicated that, that was the case. So you are, in  
11 fact, ready to proceed to go forward to an evidentiary  
12 hearing on July 1st; is that correct?

13 MICHAEL DAVIS: That's correct.

14 LAW JUDGE CLARK: Okay. I believe unless  
15 anybody else has anything else for this prehearing  
16 conference, I believe that's all that needed to be  
17 accomplished. Does anybody else have anything that  
18 the Commission needs to consider at this time? I hear  
19 nothing. Are there any pending motions that the  
20 Commission has not considered at this time? I see  
21 nothing.

22 It appears that the next thing on the  
23 procedural counsel -- or calendar is the list of  
24 issues, order of witnesses, order of cross  
25 examination, order of opening statements, and

1 exhibits. And that appears to be due on the 17th, so.  
2 Once those are submitted, there will be nothing that  
3 occurs between now and the evidentiary hearing on  
4 July 1st. If anybody needs to request a procedural  
5 conference for some reason, please do via motion. If  
6 there's nothing else, I will adjourn this hearing.  
7 Thank you all for being here. Ms. Carter, you have  
8 something?

9 MS. CARTER: Just wanted to remind  
10 Mr. Davis to be looking at e-mail since we have that  
11 list of issues due. There will definitely be e-mail  
12 traffic on that with the parties --

13 MICHAEL DAVIS: Okay.

14 MS. CARTER: -- so we can get that put  
15 together.

16 MICHAEL DAVIS: All right. Well, the  
17 reason that the e-mails threw me off because I kept  
18 looking at them, and it was just giving people  
19 permission to not join this case, and that's why I was  
20 like, well, obviously, that's not for me, but. I will  
21 start reading them because I don't read very well,  
22 but. I -- I will start reading through them more in  
23 detail, so I'm more aware.

24 LAW JUDGE CLARK: That's highly likely you  
25 will be asked for input regarding what those issues

1 are, so. I agree --

2 MICHAEL DAVIS: Okay.

3 LAW JUDGE CLARK: -- with Ms. Carter. I  
4 would check your e-mail. All right. Is there  
5 anything else that I need to take up at this time?  
6 Mr. Davis?

7 MICHAEL DAVIS: No. No.

8 LAW JUDGE CLARK: Staff?

9 MR. GRAHAM: No, Your Honor.

10 LAW JUDGE CLARK: Liberty?

11 MS. CARTER: No. Thanks, Judge.

12 LAW JUDGE CLARK: Ozark?

13 MR. BATTAGLER: No. Thank you, Judge.

14 LAW JUDGE CLARK: Okay. Again, thank you  
15 for all attending today. Sorry for the technical  
16 difficulties. It kept you here longer than expected,  
17 and I will adjourn this hearing.

18 (Audio ended.)

19

20

21

22

23

24

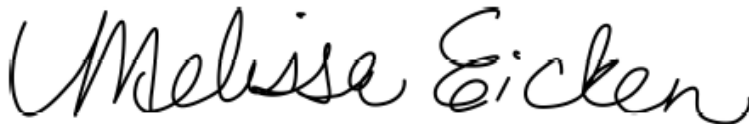
25



## CERTIFICATE OF REPORTER

I, Melissa J. Eicken, Certified Court Reporter of Missouri, Certified Shorthand Reporter of Illinois and Registered Professional Reporter, do hereby certify that I was asked to prepare a transcript of proceedings had in the above-mentioned case, which proceedings were held with no court reporter present utilizing an open microphone system of preserving the record.

I further certify that the foregoing pages constitute a true and accurate reproduction of the proceedings as transcribed by me to the best of my ability and may include inaudible sections or misidentified speakers of said open microphone recording.



Melissa J. Eicken, CCR, CSR, RPR

Date:

<b>1</b>	<b>applicant</b> 2:16 <b>application</b> 2:7 <b>assume</b> 5:11 <b>attending</b> 8:15 <b>attorney</b> 3:2 <b>attorneys</b> 2:14 4:19 5:10 <b>audio</b> 8:18 <b>aware</b> 7:23	<b>Commission</b> 2:5 3:14,16,25 6:18, 20 <b>Company</b> 2:10 3:8 <b>completely</b> 5:3 <b>conference</b> 2:3,6 4:2,6,12 5:23 6:16 7:5 <b>conferences</b> 3:25 <b>conjecture</b> 4:22 5:4,7,16 <b>considered</b> 6:20 <b>contained</b> 4:3 <b>continue</b> 5:25 <b>Cooperative</b> 2:9 3:10 <b>correct</b> 2:17,20 6:12,13 <b>counsel</b> 3:18 6:23 <b>cross</b> 6:24 <b>CSR</b> 3:25 <b>current</b> 2:2 <b>cut</b> 5:14	<b>District</b> 2:10 3:8 <b>due</b> 7:1,11
<b>10th</b> 2:1 <b>17th</b> 7:1 <b>1st</b> 6:12 7:4			<b>E</b>
<b>2</b>			<b>e-mail</b> 7:10,11 8:4 <b>e-mails</b> 7:17 <b>early</b> 5:24 <b>electric</b> 2:8,9,10 3:8,10,12 <b>Empire</b> 2:10 3:7 <b>ended</b> 8:18 <b>enter</b> 2:15 <b>entering</b> 5:16 <b>entitled</b> 3:4 <b>EO-2025-0146</b> 2:6 <b>evidentiary</b> 6:7,11 7:3 <b>examination</b> 6:25 <b>exhibits</b> 7:1 <b>expected</b> 8:16 <b>expound</b> 5:20
<b>20</b> 3:25 <b>2025</b> 2:2	<b>B</b>		
<b>4</b>	<b>baked</b> 2:3 <b>Battagler</b> 3:11 5:12 8:13 <b>begin</b> 2:14 <b>behalf</b> 3:6,9 <b>bit</b> 5:20 <b>business</b> 2:10 3:8		
<b>4240-2.090</b> 4:1	<b>C</b>		<b>F</b>
<b>6</b>	<b>calendar</b> 6:23 <b>Carter</b> 3:7 7:7,9,14 8:3,11 <b>case</b> 2:6 3:19 4:24 6:1,7,10 7:19 <b>cases</b> 5:22 <b>caveat</b> 5:2 <b>change</b> 2:8 6:3 <b>check</b> 8:4 <b>check-in</b> 4:7,23 5:11 <b>Clark</b> 2:1,12,19,25 3:9,13,17 4:10,16 5:6,19 6:14 7:24 8:3,8,10,12,14		<b>fact</b> 6:11 <b>forward</b> 3:4 6:11
<b>6</b> 4:1			<b>G</b>
<b>9</b>			<b>giving</b> 7:18 <b>good</b> 5:21 <b>gracefully</b> 4:15 <b>Graham</b> 3:15 4:11, 14,17 5:7,20 6:9 8:9
<b>9:00</b> 2:5 <b>9:19</b> 2:2		<b>D</b>	
<b>A</b>		<b>date</b> 2:1 <b>Davis</b> 2:8,17,18,21 4:8,9 5:22 6:13 7:10,13,16 8:2,6,7 <b>deal</b> 2:23 <b>detail</b> 7:23 <b>determine</b> 4:24 <b>Diana</b> 3:7 <b>differential</b> 6:4 <b>difficulties</b> 8:16 <b>discussion</b> 5:13	
<b>a.m.</b> 2:2,5 <b>Absolutely</b> 3:5 <b>accident</b> 5:15 <b>accomplished</b> 6:17 <b>added</b> 5:10,14 <b>adjourn</b> 7:6 8:17 <b>advantages</b> 3:1 <b>advise</b> 3:2 <b>agree</b> 8:1 <b>appearance</b> 2:15 <b>appears</b> 6:22 7:1			

<hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>hear</b> 6:18</p> <p><b>hearing</b> 4:25 6:8, 12 7:3,6 8:17</p> <p><b>highly</b> 7:24</p> <p><b>Honor</b> 8:9</p> <p><b>hoping</b> 2:23</p>	<p>8:10</p> <p><b>list</b> 6:23 7:11</p> <p><b>longer</b> 8:16</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>made</b> 5:3</p> <p><b>matter</b> 2:7,14</p> <p><b>Michael</b> 2:8,18,21 4:8,9 6:13 7:13,16 8:2,7</p>	<p><b>Paul</b> 3:15</p> <p><b>pending</b> 6:19</p> <p><b>people</b> 4:9 7:18</p> <p><b>permission</b> 7:19</p> <p><b>point</b> 2:21 4:23</p> <p><b>prehearing</b> 2:3,6 3:24 4:12 6:15</p> <p><b>present</b> 2:17</p> <p><b>presenting</b> 6:7</p> <p><b>presiding</b> 2:12 3:23</p> <p><b>presume</b> 4:21</p> <p><b>pro</b> 2:16</p> <p><b>procedural</b> 2:4 3:23,24 4:2,3,6, 19,21 5:9,23 6:23 7:4</p> <p><b>procedure</b> 4:12</p> <p><b>proceed</b> 3:4 6:11</p> <p><b>proceeding</b> 6:6</p> <p><b>proposed</b> 5:15</p> <p><b>Public</b> 3:16,18</p> <p><b>purpose</b> 4:6</p> <p><b>pursuant</b> 3:25</p> <p><b>put</b> 4:23 7:14</p>	<p><b>record</b> 2:16 6:8</p> <p><b>regulatory</b> 2:13</p> <p><b>remind</b> 3:22 7:9</p> <p><b>report</b> 6:4</p> <p><b>representation</b> 2:22</p> <p><b>representing</b> 2:19</p> <p><b>request</b> 4:18,20 7:4</p> <p><b>requested</b> 5:10,18</p> <p><b>resolvable</b> 5:1</p> <p><b>resolved</b> 5:1</p> <p><b>rule</b> 3:23,25</p>
<hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>idea</b> 5:21</p> <p><b>inappropriate</b> 3:3</p> <p><b>Incorporated</b> 2:9</p> <p><b>input</b> 7:25</p> <p><b>interest</b> 3:19</p> <p><b>issue</b> 5:23</p> <p><b>issues</b> 3:24 6:24 7:11,25</p>	<p><b>missed</b> 3:21 5:22</p> <p><b>Missouri</b> 3:16</p> <p><b>motion</b> 7:5</p> <p><b>motions</b> 6:19</p>	<hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>rate</b> 6:3</p> <p><b>read</b> 7:21</p> <p><b>reading</b> 7:21,22</p> <p><b>ready</b> 6:11</p> <p><b>reason</b> 6:3 7:5,17</p> <p><b>reasons</b> 5:25</p> <p><b>recall</b> 5:12</p> <p><b>recollection</b> 4:17</p>	<hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>schedule</b> 2:4 4:4, 21 5:9,11,15</p> <p><b>scheduled</b> 4:12</p> <p><b>Service</b> 3:16</p> <p><b>set</b> 2:4,5</p> <p><b>Shawn</b> 3:11</p> <p><b>show</b> 5:23</p> <p><b>simply</b> 4:24</p> <p><b>specific</b> 4:17</p> <p><b>staff</b> 3:14,15 4:11, 18 5:8 8:8</p> <p><b>staff's</b> 6:4</p> <p><b>start</b> 2:4,16 7:21, 22</p> <p><b>started</b> 5:8</p> <p><b>statements</b> 6:25</p> <p><b>submits</b> 5:9</p> <p><b>submitted</b> 4:4 5:25 7:2</p> <p><b>Subsection</b> 4:1</p>
<hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>John</b> 2:12</p> <p><b>join</b> 7:19</p> <p><b>judge</b> 2:1,13,19,25 3:9,13,17 4:10,16 5:6,19 6:14 7:24 8:3,8,10,11,12,13, 14</p> <p><b>July</b> 6:12 7:4</p> <p><b>June</b> 2:1</p>	<hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>needed</b> 6:16</p> <p><b>Number</b> 2:6</p>	<hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>occurs</b> 7:3</p> <p><b>Office</b> 3:18</p> <p><b>officer</b> 2:13 3:23</p> <p><b>opening</b> 6:25</p> <p><b>order</b> 4:19 6:24,25</p> <p><b>overseeing</b> 2:13</p> <p><b>Ozark</b> 2:9 3:10,11 8:12</p>	
<hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>law</b> 2:1,13,19,25 3:9,13,17 4:10,16 5:6,19 6:14 7:24 8:3,8,10,12,14</p> <p><b>Liberty</b> 2:11 3:6,8</p>	<hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>part</b> 5:4</p> <p><b>parties</b> 2:15 4:4 6:5 7:12</p> <p><b>paste</b> 5:14</p>		

**substantive** 3:24**supplier** 2:8 6:3**supposed** 4:8

---

**T**

---

**talk** 6:8**technical** 8:15**thing** 6:22**threw** 7:17**throw** 5:2**time** 2:2,5 3:20  
5:24 6:18,20 8:5**titled** 2:7**today** 2:17 4:13  
8:15**today's** 2:1 4:6**traffic** 7:12**trial** 2:22

---

**U**

---

**utilities** 4:20 6:1,2

---

**W**

---

**waiting** 6:9**wanted** 5:25 7:9**wanting** 6:6**witnesses** 6:24