

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS

Public Hearing

August 23, 2006

St. Louis, Missouri

Volume 3

In the Matter of a Proposed Rule)
Regarding Electric Utility Fuel) Case No. EX-2006-0472
and Purchased Power Cost Recovery)
Mechanism)

Colleen M. Dale, Presiding,
Chief Regulatory Law Judge
Jeff Davis, Chairman
Steve Gaw
Robert M. Clayton, III
Linward Appling,
Commissioners

Reported by:

Midwest Litigation Services
Rebecca L. Lucas

Appearances:

Steven Dottheim
Mark Poston
John B. Coffman

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

2 JUDGE DALE: We'll go on the record. My name
3 is Colleen M. Dale. I'm the hearing examiner. I'm
4 assigned to this matter which is in the matter of a
5 proposed rule regarding electric utility fuel and
6 purchase power cost recovery mechanisms, Case
7 Number EX20060472. Particularly in the matter of
8 provisions or rules for CSR240-3.161 and
9 4CSR240-20.090 to establish an electric utility
10 fuel and purchase power cost recovery mechanism and
11 to implement such mechanism.

12 As this is a local public hearing for a rule
13 making, those who wish to participate may either
14 make comments or provide testimony. We also
15 receive written comments. All of those comments
16 and testimony are given equal weight. So if you
17 wish to be sworn, we can do that. If you do not,
18 you don't need to be sworn to have your comments
19 considered in this matter.

20 With that, I believe we're ready for our
21 first -- well, before that, entries of appearance.
22 If we can start with staff who is located here in
23 Jefferson City.

24 MR. DOTTHEIM: Steven Dottheim, Post Office
25 Box 360 Jefferson City, Missouri, 65102, appearing

1 on behalf of the staff of the Missouri Public
2 Service Commission.

3 JUDGE DALE: Mr. Poston.

4 MR. POSTON: Do I need to come down here?

5 JUDGE DALE: I can hear you.

6 MR. POSTON: Oh, okay. Mark Poston on behalf
7 of the office of public council.

8 JUDGE DALE: Mr. Coffman.

9 MR. COFFMAN: John B. Coffman, 871 Tuxedo
10 Boulevard, St. Louis, Missouri, 63119, appearing on
11 behalf of AARP.

12 JUDGE DALE: Thank you. Are there any other
13 counsel present? Then with that we will go to our
14 first witness. Mr. Kelly.

15 MR. KELLY: Alberta Slavin, please.

16 JUDGE DALE: Thank you. Ms. Slavin, if you'll
17 come to the podium. And while you're coming up let
18 me mention that in addition to the commissioners
19 who are present locally, we have Commissioners
20 Appling and Clayton here in Jefferson City.

21 MS. SLAVIN: Greetings, Commissioners. My
22 name is Alberta Slavin. I am currently the chair
23 of the board -- now, the consumers council of
24 Missouri, which is an organization which
25 essentially grew out of the utilities consumers

1 council Missouri, not for profit. I am here to
2 make some comments, but I also should point out
3 that I was past chairman and served on the Public
4 Service Commission for three and a half years. And
5 I was on the commission at the time that the rule
6 which allowed surcharging, electric fuel charges,
7 was deemed unconstitutional by the State Supreme
8 Court. It was a bad idea then. It's a bad idea
9 now. And basically it is not a rule which will
10 benefit the consumers in any way in the State of
11 Missouri. Now I've dealt with a great many rate
12 cases when I served for three and a half years in
13 the commission. And, believe me, it is not
14 necessary to separate the fuel cost from rate
15 proceedings. It's appropriate to deal with rates
16 with the fuel cost within the context of the rate
17 proceeding. At no time would I, as a commissioner,
18 have gone to the legislature and sought a piece of
19 legislation which in effect really restricts my
20 regulatory powers or the commission's regulatory
21 powers. In my view the surcharge is definitely a
22 detriment for consumers. And anybody who's paid
23 gas bills this winter knows what's happened. We
24 had huge gas increases basically from fuel
25 surcharges. And when the surcharge was considered,

1 I presume approved by the commission, when rates on
2 natural gas wholesale rates were in the
3 stratosphere in December and dropped in half in
4 January, I saw absolutely no adjustment to my
5 surcharge on my gas bill. And I've been watching
6 it for months. There is nothing in the fuel charge
7 which is automatically passed to consumers under
8 some form of review which protects their interest.
9 It encourages the utilities to look for generating
10 power with the most expensive fuel, such as natural
11 gas. They can use it for their peaking plants. We
12 don't have many. I don't know that Ameren has any.
13 Maybe they do since I left the commission in 1981.
14 I would recommend and really encourage the
15 commission to exercise its power under this statute
16 to in fact not implement it. That's one of the
17 alternatives. I find myself somewhat infused
18 coming to a hearing where it appears that the
19 commission has already made up its mind to adopt
20 the surcharge and has not made any clear statement
21 to the public or customers as to how it will be
22 implemented. You know, when the chairman goes and
23 advocates passage of such a bill, we are going to
24 presume that he will vote to adopt it. In my role
25 as a commissioner at no point did I ever need to go

1 to the commission to ask for such a ruling in
2 power. And we had a lot of rate cases in those
3 days. Interest rates were in the double digits.
4 We had rate cases that were filed one right on the
5 other. There is no reason to say that this is not
6 a cost which can be considered fully and in a
7 timely matter in the rate case. Thank you very
8 much. Any questions?

9 JUDGE DALE: Thank you, Ms. Slavin. Are there
10 any questions from the bench in St. Louis?

11 CHAIRMAN DAVIS: No questions.

12 JUDGE DALE: In Jefferson City? I believe
13 Commissioner Appling has some questions.

14 COMMISSIONER APPLING: No questions. I just
15 wanted to say thank you and thank you for coming in
16 and testifying. I appreciate it. But I have no
17 questions of you, ma'am. Thank you.

18 MS. SLAVIN: Thank you.

19 JUDGE DALE: Thank you very much. Mr. Kelly.

20 MR. KELLY: I believe the next person is -- is
21 it Eddie Hasan?

22 MR. HASAN: Hasan. Thank you, Commissioners,
23 thank you for allowing this public meeting to allow
24 us to come before you today. I'm Eddie Hasan, the
25 president of Vocan (phonetic) Contractors

1 Association. Steve, long time no see. How you
2 doing? And represent thousands of minority female
3 and disadvantaged businesses and their employees.
4 And most certainly want to say to this commission
5 that we feel that it's counter-productive to
6 implement any kind of surcharge because it's going
7 to be counter productive to the growth and
8 development of those businesses who are striving
9 real hard to grow capacity and to be able to create
10 jobs for a lot of those workers that they employ.
11 As you know the biggest employer in our state is
12 small and disadvantaged businesses. And to
13 implement any kind of surcharge at this time is
14 really counter productive to the growth and
15 development of those businesses and to our economy.
16 So I would urge the commissioners not to implement
17 this surcharge. Not even consider it at this time.
18 Thank you very much.

19 JUDGE DALE: Thank you. Are there any
20 questions From the bench in St. Louis?

21 CHAIRMAN DAVIS: No questions.

22 COMMISSIONER GAW: Good to see you.

23 JUDGE DALE: In Jeff City? Okay. Thank you,
24 Mr. Hasan. Mr. Kelly?

25 MR. KELLY: Bob Williams.

1 MR. WILLIAMS: My name is Bob Williams and I
2 have been active in the St. Louis community for a
3 number of years. The initially public utilities
4 were created for the common good. However, over
5 the years it was for the common profit of a few.
6 They violated the trust, and therefore should be
7 returned to the public control. Not only UE, but
8 all utilities that was created for the common good,
9 gas, electric, water for the public utilities. And
10 that's where the name originated, public utilities
11 for the public good. And I think they should as a
12 result of violating the public trust in my opinion
13 they should be returned to the public control or
14 naturalization. Thank you.

15 JUDGE DALE: Thank you, Mr. Williams. Are
16 there any questions from the bench in St. Louis?

17 CHAIRMAN DAVIS: No questions.

18 JUDGE DALE: Here in Jefferson City? Thank
19 you.

20 MR. WILLIAMS: Mum's the word.

21 JUDGE DALE: Thank you, Mr. Williams.

22 MR. WILLIAMS: Okay.

23 JUDGE DALE: Mr. Kelly.

24 MR. KELLY: Curtis Royston.

25 MR. ROYSTON: Hi. Good morning. My name is

1 Curtis Royston, III. I am the chairperson for the
2 neighborhood advisory committee to the human
3 development corporation, which is the St. Louis
4 area community action agency that delivers most of
5 the utility assistance that comes through the
6 federal grant dollars. I am also the committeeman
7 for the 27th Ward here in the City of St. Louis.
8 As such I represent multiple constituencies which
9 cover thousands of people. And I came out this
10 afternoon to speak about -- to speak against this
11 particular surcharge because although in the
12 newspaper article in the Post of Tuesday of last
13 week, I believe it was, although there was some
14 dispute as to whether or not it was a surcharge,
15 that's the way people are seeing this. That's what
16 people understand it to be. It's an extra added
17 cost to the utility bills that people will receive.
18 I'm against this for two reasons. The first reason
19 is that I believe that the implementation of the
20 surcharge was done in a way that was covert. It
21 was done in a way that it was nonpublic. And
22 echoing the comments of Mr. Williams, the gentleman
23 that preceded me here at the podium, I believe that
24 public utilities were allowed under state statute
25 for the public good. And when you do things that

1 are done in a covert way, I don't see public good
2 coming out of that. I also say that it was done in
3 a covert way because in that St. Louis paper
4 article, there were commissioners that were quoted
5 as saying they expected a low turnout today for
6 this meeting therefore they were holding the
7 meeting in this small room. In addition to this
8 being a small room, not allowing for folks to come
9 out if they had adequate information, the place,
10 the building that we're in, although it's a
11 beautiful building, and I appreciate the fact that
12 Wash U has allowed us to be here, or BJC or
13 whomever provided the facility, that in trying to
14 find the location, parking was extremely difficult.
15 As a low income representative we need places that
16 are free of cost for parking. If you had any
17 chance at all to find parking it was at a meter or
18 you were forced into a garage. There was no
19 mention of whether validation will be provided or
20 how people could deal with the cost incurred to
21 even come out and have their voices heard. So I
22 can only be left to believe as others have said to
23 me and encouraged me to stand here in their place
24 because they could not be here, that that was done
25 in an attempt to not allow people to come out and

1 have their voices heard. So, again, I'd say that
2 when you move in that way that you move in ways
3 that people think that you have something to hide,
4 that you have something that is not meant for their
5 benefit. And that is the first reason I arise
6 today in opposition to this surcharge being adopted
7 by the Public Service Commission.

8 Secondly, and this will be a recurring theme
9 throughout the next few months as the commission
10 continues to come to the public for input, is that
11 we know in these days and times with low income
12 folk as well as middle income folk, that meeting
13 the obligations of the daily cost of living are
14 becoming extremely difficult. In this case when
15 you ask for a surcharge for fuel cost, that is
16 something that I, as someone who utilizes a
17 vehicle, that my family members and other people in
18 the community who utilize vehicles, we have no way
19 of writing off our fuel cost. We get where our
20 jobs have not said to us, well, we understand that
21 it costs you a little bit more to get to work, so
22 we're going to give you a little bit more on your
23 paycheck. So I do not understand why I, as a
24 consumer, I, as a representative of people of
25 multiple constituencies, have to add to my bill, I

1 have to extend out of my pocket, so that those
2 folks, not only Ameren UE, and I know folks like to
3 use that term because it's seen as a corporation.
4 But I also understand, and someone needs to correct
5 me if I'm wrong, that there are stock holders in
6 Ameren UE, and that ultimately that these costs
7 that we're paying benefit those people accruing
8 more wealth. And while I'm not against folk
9 accruing wealth, I hope one day to not be a low
10 income person myself, I know that we cannot do that
11 on the backs of those who can least afford it and
12 we've done that too long. So in closing I would
13 just ask that the commission not adopt this
14 particular surcharge and that in the future if I'm
15 not able to stand in this place in front of you
16 that any cost associated with increasing the bills
17 of those folks who are least able to afford the
18 cost of utilities, that it not be something that be
19 adopted until we on the lower end of the economy
20 truly see an upswing and what's coming into our
21 pockets because it really, really hurts. It's a
22 shame that it's become cliched to say that, you
23 know, folks have to make a choice between whether
24 they're going to pay for their utility bills,
25 electric, gas or water, what have you, or if

1 they're going to buy food or if they're going to
2 buy medication. But that's a real life choice that
3 people have to make on a daily basis. And it would
4 be a shame to have bodies laying in a house, to
5 have people laid up in the hospital because they
6 couldn't make the choice or they made the wrong
7 choice as to whether to pay for someone in UE to be
8 able to drive a Mercedes, or whether or not they
9 were going to pay to have their medication. So,
10 again, I thank you all for allowing this meeting to
11 happen, and I encourage you in the future to choose
12 better locations for these type of meetings to
13 happen, and also allow for them to happen at a time
14 that's more appropriate for low income folks, most
15 of whom are working two and three jobs, to come out
16 and speak and let their voice be heard. Thank you.

17 JUDGE DALE: Thank you, Mr. Royston. Are
18 there any questions from the bench in St. Louis?

19 CHAIRMAN DAVIS: I just -- Mr. Royston, we've
20 had hearings at Harris-Stowe in the past. Would
21 that be a better location or do you have another
22 location that you'd like to suggest?

23 MR. ROYSTON: No. I've attended the meetings
24 at Harris-Stowe and I think that's a wonderful
25 location. It's close proximity to public

1 transportation as well as the availability of
2 parking free of charge. That would be a wonderful
3 location, and it's central.

4 CHAIRMAN DAVIS: Okay. Thank you.

5 MR. ROYSTON: Thank you for the considerate
6 question.

7 JUDGE DALE: Mr. Royston, I think there are
8 questions here in Jeff City from the bench.

9 MR. ROYSTON: Yes, ma'am.

10 COMMISSIONER CLAYTON: Mr. Royston, I
11 apologize. I know you're -- I can tell you're
12 moving away from the podium. I did have a couple
13 of questions. First of all I wanted to clarify.
14 Did you say you were the 27th Ward committeeman or
15 alderman?

16 MR. ROYSTON: Committeeman.

17 COMMISSIONER CLAYTON: Committeeman. The
18 second question that I wanted to ask you is that
19 you had suggested that this meeting was not done in
20 a manner that it was public enough or that perhaps
21 it was done covertly I think was a word that you
22 used. I wanted to ask if there was -- to your
23 knowledge if there are any people that have either
24 been unable to attend because of the location or
25 the notice or the size of the facility. Are you

1 aware of any specific examples of people that have
2 not been able to participate?

3 MR. ROYSTON: Yes, I am.

4 COMMISSIONER CLAYTON: Is it -- and can you
5 just identify the reasons? Is it parking? Is it
6 size? Is it where it is? Unable to get there
7 because of transportation?

8 MR. ROYSTON: Parking was probably the supreme
9 reason as I talked to people. Parking was the most
10 concern. But then also there were a few folks that
11 mentioned just the time of day that the meeting was
12 happening was very inconvenient.

13 COMMISSIONER CLAYTON: You're aware that
14 there's another one later on today, tonight?

15 MR. ROYSTON: Yes, but unfortunately that's at
16 quite some distance to those of us who live in the
17 city, especially if you rely on public
18 transportation to attend.

19 COMMISSIONER CLAYTON: Okay. I understand
20 that. And I wanted to ask a little more
21 information from what the chairman asked you about,
22 possible locations for hearings because the
23 commission is going to be returning to St. Louis,
24 the St. Louis Metropolitan area for additional
25 hearings in the future. It would be helpful if you

1 could discuss with some of your peers and either
2 associated with your role on the 27th Ward
3 committeeman or the neighborhood advisory committee
4 on which you serve that if we could get some
5 suggested locations throughout the city and the
6 county that would be better locations, whether it
7 be Harris-Stowe or otherwise. Because I think we
8 struggle with finding the most appropriate place.
9 And I'm not going to ask you for a list here today,
10 but if you could provide that information to the
11 commission, I think it would be helpful.

12 MR. ROYSTON: I'd be most glad to do that.

13 COMMISSIONER CLAYTON: Okay. Thank you very
14 much, Mr. Royston.

15 MR. ROYSTON: Thank you for your follow up
16 questions.

17 JUDGE DALE: Thank you, Mr. Royston.

18 COMMISSIONER GAW: Mr. Royston, I just want to
19 verify from you that I couldn't find a place to
20 park either. And I agree with you. And I don't
21 understand why we're in this location except for
22 broadcast. We have had this issue about location
23 of public hearings for years. And I don't know how
24 long it's going to take to finally get it fixed.
25 Every time I think it's fixed, it's not fixed

1 again. I appreciate your comments and I hope they
2 sink in somewhere.

3 MR. ROYSTON: Thank you, Commissioner Gaw. I
4 appreciate that.

5 CHAIRMAN DAVIS: Mr. Royston, if we would
6 maybe after you're done testifying if our staff
7 could get you either their contact information or
8 get your contact information where if you know
9 people who are wishing to file testimony in this
10 matter, where they can file written testimony, they
11 can mail it, either e-mail it, put on a postage
12 stamp, or where if maybe if we can call them and
13 get a statement from them, we'll certainly try to
14 accommodate things.

15 MR. ROYSTON: That's appreciated. And I did
16 write my name in and at least address on the sign
17 in sheet that was passed around. But I believe in
18 making sure that I'm available. So I'll be glad to
19 share my e-mail address as well as my cell and home
20 phone numbers to make sure communication does
21 happen. Thank you.

22 CHAIRMAN DAVIS: All right. Thank you.

23 JUDGE DALE: Mr. Kelly.

24 MR. KELLY: I believe the next person is
25 Representative El-Amin.

1 JUDGE DALE: Thank you.

2 MS. EL-AMIN: Good afternoon, Commissioners,
3 as well as community members. I'm present here
4 today to express your concerns as it relates to the
5 potential of a surcharge for Ameren UE. I'm
6 Yaphett El-Amin, the state representative of the
7 57th District. And I am here representing my
8 district as well as the good people in the City of
9 St. Louis and the State of Missouri regarding
10 protections of their rates, protections of prices,
11 and asking the commission to please exercise public
12 good today. We asked several months ago Ameren UE
13 to exercise corporate compassion. And as a Public
14 Service Commission those tasks with representing
15 the people here in our state, there is a need for
16 public welfare to be protected. And we have not
17 only in the City of St. Louis, but our surrounding
18 area, communities that represent fixed income
19 people, people who are disabled, our seniors and
20 our low income families who will be impacted in a
21 very profound way if in fact we have not ensured
22 that the rates are fair and the rates are just. I
23 do not see any reason for our commission to enact a
24 policy that will allow for surcharges to be
25 implemented on top of fixed rates, leaving our

1 community, many of them volatile or in a volatile
2 state having to -- to bet on fuel costs going up or
3 down. As a commission, appointed by our
4 legislature, I think that it's imperative for you
5 all to ensure that, one, we have adequate staff to
6 fully investigate any utility company who comes
7 before this body asking for an increase. There was
8 quotes in our papers indicating that the climate
9 was right. The climate being a climate right for
10 big businesses and unright for little people. And
11 I'm saying today that our decisions should not be
12 based on who controls the legislature, whether that
13 be republicans or democrats, our decisions should
14 not be based on the politics of who sits in the
15 governor's office. They should be based on our
16 people. As we move forward I'd ask for you all to
17 consider several things as you consider a surcharge
18 on rates. One is a hot weather rule. You all have
19 in the past seen a need to have a cold weather rule
20 and protecting people if the climate drops too low
21 and it gets too cold. And I'm asking for you to
22 exercise that same rationale in protecting people
23 against Mother Nature and the sun. I'm asking for
24 you to also, as we've seen last year and a rate
25 increase that was given to Laclede Gas and as an

1 elected official trying to deal with the hundreds
2 of calls of my constituents who could not find
3 assistance for paying the increase in their gas
4 bill that as you examine the light heat program
5 that you, one, if in fact a surcharge is granted,
6 ensure that Ameren UE or any company that's
7 requesting that has exercised corporate compassion
8 by putting funds into the light heat program or any
9 other program that you all desire to help low
10 income people, one, in ensuring that they get it in
11 a timely manner. If I'm correct there was a
12 million dollars that was put into the light heat
13 program to help people with their gas bills, but by
14 the time the dollars got there, we were in the
15 summer. So if in fact we desire and understand
16 that there's a need to have a program in place for
17 low income people, ensure that it's accessible and
18 is timely so they get the assistance. We should
19 not be risking people's lives and not giving them
20 an opportunity to benefit from the programs that we
21 put in place. And that was one problem that I saw
22 and still see currently with our low income
23 assistance program. I'll finalize my comments in
24 encouraging you all to utilize the opportunity that
25 presents itself in our special session by asking

1 the governor to it in fact expand that session to
2 give you all the staff that you need to fully
3 investigate this rate increase. And if in fact you
4 do not have the adequate staff and the dollars in
5 place, my father always told me that a closed mouth
6 doesn't get fed. So I'm asking for you to open up
7 your mouths and voice to this legislature and the
8 governor that you need additional dollars to
9 thoroughly investigate this proposal because it's
10 the right thing to do for our citizens. We should
11 not rush through a proposal without fully being
12 able to disclose if in fact Ameren at this point
13 needs a surcharge or if in fact they're currently
14 charging us too much. We should be able to have
15 access to all information. And as a Public Service
16 Commission who's tasked with representing the
17 public, I ask for you to humbly do that. Thank
18 you.

19 JUDGE DALE: Thank you, Ms. El-Amin. Are
20 there questions from the bench in St. Louis?

21 CHAIRMAN DAVIS: I don't have any questions,
22 but -- are you there, Judge?

23 JUDGE DALE: Yes.

24 CHAIRMAN DAVIS: I don't have any questions,
25 but I wanted to thank Representative El-Amin for

1 coming today. And I look forward to having some
2 discussions with you in the future.

3 MS. AL-AMIN: Thank you. And thanks for being
4 here. And if I can just make one suggestion.
5 There's something called -- that they allow on the
6 public radios where we're able to get advertisement
7 for the meetings free. And I think, you know,
8 being that this is nonpolitical we could ask our
9 newspapers as well as our radio to do advertisement
10 free of charge in getting the message out to our
11 community. We should not come back into the area
12 without utilizing the public media that we have and
13 allowing for them to run an ad on many of our local
14 radio stations about the meetings. Because 30
15 people, when you've had hundreds of thousands of
16 people that have been impacted, I think is really a
17 disservice to our community. And I know that you
18 all can do a better job of getting the message out
19 to the community that we're here and that we want
20 their input.

21 JUDGE DALE: Ms. El-Amin, we have some
22 questions from the bench here.

23 COMMISSIONER GAW: Representative, let me ask
24 you, if I could, just a couple things. First of
25 all, regarding your point about notice, how much

1 did you see out in the community about this
2 meeting? Was there much of anything out there and
3 can you describe what you did see?

4 MS. EL-AMIN: I haven't seen anything as a
5 layperson. As an elected official I'm a bit
6 appalled that I didn't get anything in my office
7 stating that we would be here. And that this would
8 happen today. I happened to get some information
9 from another group and I tried to put some phone
10 calls out to people myself. But I'm pretty sure in
11 our budget we have some dollars that we could spend
12 for that. But even free media, we can utilize
13 that. I think that we should. I saw very little
14 outside of the article in today's paper. But if
15 you do little, you get little.

16 COMMISSIONER GAW: Absolutely. And so in
17 regard to your concern about the surcharge, can you
18 give me a little bit of an idea about what your
19 concerns are about the impact of the surcharges in
20 the area and a little more specific feedback, if
21 you want to?

22 MS. EL-AMIN: Well, I'm concerned about any
23 charge that would be in addition to what we
24 currently have. I represent a constituency, a
25 large segment of the population operates on low

1 income. And I will say not low income from the
2 standpoint of that they're receiving or on our
3 social programs. But these are working people.

4 COMMISSIONER GAW: Right.

5 MS. EL-AMIN: And there's very much of a
6 concern to me coming off of the winter and having
7 multiple calls from seniors that were having
8 problems in just making ends meet that we would be
9 possibly moving today to put an undo burden again
10 people who were struggling just to get by. And I
11 couldn't echo the sentiments of Mr. Royston any
12 better than working people having to deal with the
13 rising cost of fuel on our own so why should the
14 game be any different for corporations. I don't
15 think that it should. I think we live in one
16 America and not two Americas in which what's good
17 for the low income person should also be good for
18 the multi-million dollar corporation. And if, in
19 fact, we're saying it's any different, then we
20 should be leading the charge to get Exxon and
21 Mobile and BP to give us some breaks on the prices
22 that we're currently paying for fuel.

23 COMMISSIONER GAW: Thank you very much,
24 representative.

25 MS. EL-AMIN: You're welcome.

1 COMMISSIONER GAW: All right, Judge.

2 JUDGE DALE: I believe that Commissioner
3 Appling had -- okay. Commissioner Clayton.

4 COMMISSIONER CLAYTON: Good afternoon,
5 representative. Thank you very much for coming out
6 today. My name is Robert Clayton. I'm a member of
7 the commission. I appreciate you coming out, but I
8 wanted to extend an invitation to you that if at
9 any time you want to come over and visit the
10 facilities at the PSC or see what we're working
11 with or meeting of the people that we have in our
12 building or on the floors in the building, you're
13 certainly welcome to do that. And I'm sure that
14 the rest of the commission would join in that
15 invitation.

16 MS. EL-AMIN: Thank you --

17 COMMISSIONER CLAYTON: What I wanted to ask
18 you -- thank you. What I wanted to ask was
19 regarding Senate Bill 179. That's what we're
20 talking about today. And I was wondering if you
21 can provide some insight into what the legislature
22 is expecting from this commission with regard to
23 Senate Bill 179, the charges that were authorized
24 in it, and what the legislature's expecting to
25 happen from this rule making and moving forward.

1 MS. EL-AMIN: Well, I'm hopeful that the
2 legislature will again look into more intimately
3 the unintended consequences of the surcharges and
4 of the legislation that we pass. And I think often
5 times as a legislature we may in fact intend for
6 one thing to happen and something else happens.
7 Okay. And I think that this is a prime example of
8 that. We witnessed that with the -- what we're
9 currently going through now with people trying to
10 get birth certificates when we put the proof of
11 permanency in place and enacted that piece of
12 legislation several years ago. We didn't know that
13 many people who were born before 1930 didn't have
14 birth certificates, but making it difficult for
15 them to get state ID's and driver's licenses.
16 Because we're legislatures and we don't know it
17 all. But I think that this legislative session
18 upcoming presents an awesome opportunity for us to
19 right a wrong. And that's for us to fix something
20 that probably wasn't broken that somebody thought
21 was and pushing this legislation forward. So even
22 though I will not be there with you and with those
23 legislatures, I will be working with our community
24 in hopes that we can get some sensible
25 representative or senator to go back and look into

1 it and ensure that we don't make billionaires
2 trillionaires on the backs of our Missouri working
3 citizens.

4 COMMISSIONER CLAYTON: Representative, do you
5 think there is a way that the legislation can be
6 fixed in your opinion or are you advocating or
7 suggesting an all out repeal of the legislation?

8 MS. EL-AMIN: Well, I think that there's
9 opportunities always to go back and change things.
10 You know, several years ago we would fund people at
11 300 percent on poverty. Now we're funding them at
12 23 percent of poverty. And that happens based on
13 changes in legislation. So I'm not exactly sure if
14 that's a total repeal, but I know that my efforts
15 have never been one to try to punish the poor. And
16 I'm seeing an unintended consequence today in these
17 surcharges and the possibility that they will be
18 doing just that. So if that means an all right out
19 appeal -- excuse me, repeal of this legislation, I
20 think that it needs to happen. It's as easy as
21 introducing it and saying that all the language
22 within it needs to be stripped back out.

23 COMMISSIONER CLAYTON: Representative, I'll
24 conclude with just one final comment, an invitation
25 to you also that if you or any of your colleagues

1 in the house or senate have any suggestions for
2 meeting locations or places, preferably to have
3 this webcasting capabilities that you're aware of,
4 we do want to make sure that when we do these that
5 we are giving access to as many people as possible
6 to participate. So please forward any suggestion
7 that you have just like I suggested to Mr. Royston
8 earlier. If you have any ideas, please let us
9 know.

10 MS. EL-AMIN: And I appreciate that,
11 Commissioner. And if I'm assuming correctly, you
12 all will be doing this throughout other areas of
13 the state as well?

14 COMMISSIONER CLAYTON: Frankly, if you look at
15 our schedule, we're going to be having a lot of
16 public hearings just about everywhere in the state
17 of Missouri. We have a very busy fall and a very
18 busy winter coming up. So we'll be out and about
19 quite often.

20 MS. EL-AMIN: And if I can just make one
21 suggestion. I know that you guys are short of
22 staff, but I think it would be a great idea if your
23 staff could then send a letter to the legislatures,
24 the representatives as well as the senators
25 indicating, hey, we're coming into your area, you

1 know.

2 COMMISSIONER CLAYTON: I tell you what,
3 Representative, I agree 100 percent with that. And
4 I've had more than one conversation with some of
5 our staff members to make sure that members of the
6 legislature are included. Now in the cities where
7 I don't know the districts, it's much more
8 difficult. I come from a more rural area where the
9 district is judged by counties rather than
10 neighborhoods or wards or that type of thing. So
11 it's a lot easier to identify the effected elected
12 officials. But I agree with you that we have not
13 done a very good job of getting the word out to the
14 members of the legislature and that you all are a
15 critical component to this process.

16 MS. EL-AMIN: Let's get that staff working.

17 COMMISSIONER CLAYTON: Thank you.

18 MS. EL-AMIN: You're welcome.

19 COMMISSIONER APPLING: Just wanted to say good
20 to see you. Thank you for coming out. And the
21 questions I had were answered. And I'd be happy to
22 come down and travel through St. Louis with you if
23 you want me to.

24 MS. EL-AMIN: I appreciate you, Commissioner
25 Appling. You have been no stranger here coming to

1 about four meetings that I had earlier this year as
2 it relates to trying to deal with the cost of gas
3 and people with their gas bills. So I appreciate
4 just your correspondence and your desire to roll
5 your sleeves up and get down with the every day
6 people. And I'm hoping to see more of that from
7 the commission because our community really needs
8 it. And that's what we're here for.

9 COMMISSIONER APPLING: Thank you very much and
10 good to see you.

11 MS. EL-AMIN: Thank you.

12 JUDGE DALE: Thank you, ma'am.

13 MS. EL-AMIN: Thank you.

14 MR. KELLY: I believe the next one is -- is it
15 Ms. Nasheed?

16 MS. NASHEED: Good afternoon. I'm --

17 JUDGE DALE: Excuse me, Ms. Nasheed. Could
18 you please spell your name.

19 MS. NASHEED: J-a-m-i-l-a-h, Nasheed,
20 N-a-s-h-e-e-d. Once again my name is --

21 JUDGE DALE: Thank you.

22 MS. NASHEED: -- Jamilah Nasheed, state
23 representative elect in the 60th District. And I
24 want to be on record today on behalf of the
25 citizens in the 60th District opposing the

1 surcharge as well as a rate increase. I truly
2 believe that that will be very detrimental to those
3 single mothers, to those individuals that are
4 living below the poverty level, to those
5 individuals that are the senior citizens that are
6 not able to pay for increase surcharge entries or
7 fee increase. When you begin to look at the high
8 gas prices, when you begin to look at the high
9 prescription drug benefits that a lot of the
10 seniors are impacted by within the last year, when
11 you begin to look at AT&T asking for an increase,
12 that is too much on the common people. And I think
13 that what we're going to have happen is a lot of
14 people not being able to pay for the common
15 necessities on a day-to-day basis. So I'm urging
16 you -- I'm urging you to reconsider, to reconsider
17 the surcharge because the common people will suffer
18 as a result of it. My grandmother is 83 years old.
19 She had to pay a dollar -- she was paying a dollar
20 for her prescription medicine. Once the
21 republicans cut the budget she had to pay \$130 a
22 bottle. And she's still paying bills that are
23 dated back to 2005 when you deal with the gas
24 prices. She's trying to catch up with the gas
25 prices. So I'm asking that -- once again I'm

1 asking that you think about the common people,
2 think about the needs of the people, and go up to
3 Jeff City and fight hard to not allow for these
4 people to have to suffer any more, any longer.
5 Thank you.

6 JUDGE DALE: Are there any questions from the
7 bench? Commissioner Clayton has a question.

8 COMMISSIONER CLAYTON: Representative
9 Nasheed -- Representative Elect Nasheed I guess
10 would be the more appropriate title.

11 MS. NASHEED: Sure.

12 COMMISSIONER CLAYTON: I wanted to extend an
13 invitation to you or I'm sure my colleagues will
14 join with me that when you make your way down to
15 Jefferson City and you start finding your way
16 around the capitol that if at any time you want to
17 come over and visit the Public Service Commission,
18 you are certainly invited to do that and we'll
19 introduce you to the staff and the work that we do
20 over here.

21 MS. NASHEED: And I too would like to extend
22 an invitation to you to come into the 60th District
23 and begin to talk about the rate increase as well
24 as the surcharges because a lot of those
25 constituents are not able to come here because they

1 don't have the transportation in order to go to and
2 from. So I would encourage you to come to the 60th
3 District and begin to talk about these issues that
4 will impact their quality of life.

5 COMMISSIONER CLAYTON: Please send us some
6 site locations that you believe would be
7 appropriate. As I mentioned earlier, if you have
8 some suggestions of locations maybe we can do that.

9 MS. NASHEED: No problem.

10 JUDGE DALE: Are there any other questions?
11 Thank you very much, Representative Nasheed.

12 MR. KELLY: Fran Sisson, please.

13 MS. SISSON: I'm Fran Sisson. I had some
14 questions which were answered this morning. And
15 that was really my purpose in coming here. But now
16 that I'm here, I did want to get one or two things
17 entered into the record. I am a consumer -- let me
18 backtrack a bit. I totally agree with everything
19 that's been stated already, that is reasons for
20 opposing both the proposed rate increase and the
21 surcharge, in total agreement. Many people spoke
22 eloquently about the hardships that low income
23 people will feel as a result of these changes. I
24 wanted to put in a word for people who are not
25 necessarily low income. I wanted to get in the

1 record the name of an organizations which is the
2 letters which are O-W-L. We call it OWL. The
3 letters stand for the Older Women's League. OWL is
4 a national organization with local chapters and
5 there is a very active chapter here in St. Louis.
6 And, of course, I am a member of it. OWL is an
7 advocacy organization for midlife and older women.
8 We do not have a prepared statement today because
9 we just read about this hearing in yesterday's
10 newspaper. We will however, if possible, submit a
11 written statement at some future time if we can be
12 told how to do that. The needs of -- the reason
13 that there's an organization called the Older
14 Women's League is -- which has been in existence
15 since 1981 only is because the needs of older women
16 tend to be a little different as a group from the
17 needs of older men. And that briefly is because of
18 our work patterns of my generation in particular.
19 So here we are, fast forward, retired, living on
20 fixed income. I am not saying low income. I am
21 saying fixed income. You don't know what that's
22 like until you get there. You don't know why
23 people pinch pennies. You don't necessarily know
24 why I turn off or actually up the thermostat on my
25 air conditioner during the daytime hours. It is

1 frightening to be on a fixed income and to have all
2 of your money allocated to where it's going to go.
3 And I know that I'm more fortunate than people who
4 are much lower income than I am. However, there is
5 no more of it than what I have already. And it
6 will hurt middle income older women in particular
7 who are no longer in the work force. That is
8 primarily my statement. I would say also that in
9 regard to notification, I wanted to comment on what
10 some other people said. As I said, I only read
11 about it in yesterday's newspaper. I don't know
12 when else it was in the newspaper. I know that
13 other members of my organization would have been
14 here if they were able to. I had a lunch date
15 cancel today so I came, otherwise I would not be
16 here. I don't understand why there isn't
17 notification sent with our utility bill. It seems
18 to me that every person who is a consumer, an
19 Ameren consumer, should know about such things as
20 hearings and have the opportunity and thereby have
21 the opportunity to attend them. I think that's it.
22 Thank you very much for letting me speak today.

23 JUDGE DALE: Thank you, ma'am. Before you
24 leave I would like to tell you and everyone else
25 that the record in this matter closes on September

1 7th. The people who are on staff can help you with
2 filing written comments, but anyone who wishes to
3 file written comments can do so on or before
4 September 7th.

5 MS. SISSON: By doing what? By writing to
6 where?

7 JUDGE DALE: To the Public Service Commission.
8 I think Mr. Kelly can give you his card which has
9 the website and the mailing address.

10 MS. SISSON: Okay. Thank you.

11 JUDGE DALE: Are there any questions from the
12 bench in St. Louis?

13 CHAIRMAN DAVIS: No questions. Thank you,
14 ma'am.

15 JUDGE DALE: Thank you, ma'am.

16 MS. SISSON: Thank you.

17 MR. KELLY: John Cross.

18 MS. CROSS: Good afternoon. My name is John
19 Cross. And I'm the political director for Missouri
20 ACORN, 4417 Forest Park, 63018. I think it was
21 exactly about a year ago last year October 24 I
22 think at South Broadway that I testified about the
23 rate hike. And I'm back here again to talk about
24 this fuel surcharge. A couple of comments. The
25 last time I was here we requested that this public

1 meeting be put in the -- like the lady suggested,
2 in the utility bills. And I think you did that
3 after we asked. We also asked for these meetings
4 to be -- to be had in our communities, you know.
5 It took a long time for me to find this building.
6 Okay. And we've requested that these kind of
7 meetings be out on the North Side. I know that
8 there are some people who are afraid to come to the
9 North Side, but there are people that live there,
10 you know, in our congregations. And so, you know,
11 I would like to request that again, you know, that
12 these kind of meetings be held there. So after
13 saying that, a couple of comments. We do represent
14 low income people and poor people. Not going to
15 apologize for that. That's basically our
16 membership. If you come right now to my office at
17 4304 Manchester, just down the street here, I can
18 almost guarantee you you're going to find 25 people
19 in that office right now asking me for assistance
20 for utility bills. So we get this on a daily
21 basis. And there's no money out there for low
22 income people. Not enough money, I would say. And
23 so, you know, last year we dealt with this. And
24 you can ask Jackie Hutchison (phonetic) from HDP
25 and you can ask the community action agency --

1 because we pressured people, pressured this agency
2 to set aside money for low income people. Okay.
3 So having said all that, we are totally opposed to
4 this fuel surcharge because we don't see any
5 justification of that, you know. And then Ameren
6 and Laclede -- Ameren's asking for gas hike, a rate
7 hike. So is that a difference between the fuel
8 surcharge and the rate hike? It is.

9 MR. WILLIAMS: More money.

10 MR. CROSS: So, you know, so that's where we
11 take our objection. And we want to make it
12 publicly that we're objecting to the fuel surcharge
13 because we don't see any justification for asking
14 for this unless somebody can tell me the
15 justification. Just because fuel costs are going
16 up -- going to use -- to ask for rate hike, what
17 happens when fuel cost goes down? Are you going to
18 give us a refund? So, you know, there's really no
19 justification for this. And this is the same kind
20 of comments we made the last time. Sad to say I
21 have to repeat myself every time I come to testify
22 for this. But at the same time we represent, you
23 know, close to 20,000 people in the St. Louis area,
24 poor people, low income people. We're not afraid
25 to represent poor people and low income people and

1 we truly have a base that is poor people and low
2 income people and we're going to stand for them
3 because when you have meetings like this at 12
4 o'clock, you're not going to get them to come speak
5 for themselves because they probably have two or
6 three other jobs. So I would really plead that you
7 have these kind of public meetings, you know, when
8 real people can attend and tell their stories. And
9 we request you to come to our community in north
10 side. I can give you the place right now, Lane
11 Tabernacle, 910 North Newstead. You can have a
12 meeting there any time you want. I'll take
13 responsibility for that. So thank you very much
14 for listening to me, but I really hope that, you
15 know, the Public Service Commission will take some
16 time to review and not approve this fuel surcharge
17 until they can really justify to the community and
18 to this population that it's necessary. Thank you.

19 JUDGE DALE: Thank you, Mr. Cross. Are there
20 any questions from the bench?

21 CHAIRMAN DAVIS: No questions, but thank you,
22 Mr. Cross.

23 MR. CROSS: Thank you.

24 MR. KELLY: Judge, that's the last witness we
25 have on the list here. I would ask if there's

1 anyone else here that wishes to testify can come
2 forward now.

3 MR. WILLIAM: The next meeting, where will it
4 be at this evening?

5 MR. KELLY: In Overland, St. Louis County
6 Library.

7 MR. WILLIAM: You're not talking to me. Talk
8 to the folks on the mic.

9 MR. KELLY: The evening meeting is in
10 Overland, 6:30 to 10:00, St. Louis County Library,
11 3400 Delport.

12 JUDGE DAVIS: Thank you, Mr. Kelly. Is there
13 any other matter that we need to discuss before we
14 close the record? Hearing nothing from the bench
15 there I will say that this hearing is adjourned and
16 we're off the record. Thank you very much.

17

18

19

20

21

22

23

24

25

I N D E X

1		
2		
3	Witness Name	Page
4		
5	Alberta Slavin	3
6		
7	Eddie Hasan	6
8		
9	Bob Williams	7
10		
11	Curtis Royston	8
12		
13	Yaphett El-Amin	18
14		
15	Jamilah Nasheed	30
16		
17	Fran Sisson	33
18		
19	John Cross	36
20		
21		
22		
23	(No exhibits were marked for identification.)	
24		
25		