

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

EVIDENTIARY HEARING

In the Matter of the Request)
of the Empire District Electric)
Company d/b/a Liberty for) File No. ER-2024-0261
Authority to File Tariffs)
Increasing Rates for Electric)
Service Provided to Customers)
In its Missouri Service Area)

THURSDAY, OCTOBER 16, 2025
9:00 a.m.

Governor Office Building
200 Madison Street
Jefferson City, MO 65101
and WebEx

VOLUME 13

CHARLES HATCHER, Presiding
SENIOR REGULATORY LAW JUDGE

KAYLA HAHN, Chair,
MAIDA J. COLEMAN,
GLEN KOLKMEYER,
JOHN MITCHELL,
COMMISSIONERS

REPORTED BY:
Tracy Taylor, CCR No. 939

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Commission

1 JUDGE HATCHER: All right. Thank you
2 everyone. Let's come to order and let's go on the
3 record.

4 Today is day three of the evidentiary
5 hearing of the general rate increase request of the
6 Empire District Electric Company, doing business as
7 Liberty. This is Case Number ER-2024-0261.

8 I want to go over a couple of
9 announcements. Yesterday the presiding officer failed
10 to skip over the signatories in the cross-examination
11 of co-signatories. I will endeavor to do better today
12 on that.

13 I would ask that everyone please mute
14 your phones. And if you're on the WebEx, please
15 double check to make sure that your microphone is
16 muted.

17 And last announcement is if we are not
18 finished by 10:45, we will be recessing at 10:45. I
19 have a hard stop time for our morning activities due
20 to the Commission's need for this room for agenda. So
21 I've already checked with Brian. We can go as late as
22 10:45, but we are going to have to stop at that point.

23 With that, are there any comments from
24 the parties before we call up Mr. Berkstresser?
25 Excellent. Mr. Berkstresser, please come on down,

1 unless he's -- oh, no, he is here. Excellent.

2 And for everyone listening online, we are
3 going to jump right in. We have three remaining
4 issues for today. That's the Ozark Beach crane
5 extension, this is Issue 89; Customer Experience; and
6 then the FAC.

7 Mr. Berkstresser, if you'd raise your
8 right hand, please.

9 (Witness sworn.)

10 JUDGE HATCHER: Thank you. And, Company,
11 your witness.

12 Whereupon,

13 BRIAN BERKSTRESSER,
14 being first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. GRUBBS:

17 Q. Good morning. Mr. Berkstresser, by whom
18 are you employed and in what position?

19 A. Liberty Utilities. And I am the Senior
20 Director of Generation Operations for the Central
21 Region.

22 Q. And do you have a copy with you of your
23 direct testimony, which has been marked as Exhibit 1;
24 your rebuttal testimony, which has been Exhibit 2-P
25 and 2-C; and your surrebuttal testimony, Exhibit 3,

1 which have previously been admitted in this hearing?

2 A. Yes.

3 Q. And you acknowledge that the Company has
4 modified many of its positions as outlined in the
5 Non-Unanimous Global Stipulation filed on October 6th,
6 2025?

7 A. Yes.

8 MS. GRUBBS: Mr. Berkstresser is tendered
9 for cross. Thank you.

10 JUDGE HATCHER: Thank you. And as
11 stated, we have a Non-Unanimous Stipulation that was
12 signed, and signatories to that agreement have agreed
13 not to cross-examine each other's witnesses. I'm just
14 laying that explanation out for our listeners.

15 So we will be skipping over MCEG and
16 skipping staff. And we will go to cross-exam by
17 Consumers Council.

18 MR. COFFMAN: I have no questions of
19 Mr. Berkstresser, but good morning. Thank you.

20 THE WITNESS: Good morning.

21 JUDGE HATCHER: Thank you.

22 And Mr. Williams.

23 CROSS-EXAMINATION

24 BY MR. WILLIAMS:

25 Q. Good morning, Mr. Berkstresser.

1 A. Good morning.

2 Q. Did I pronounce your name correctly?

3 A. You did better than most.

4 Q. I did pretty poorly yesterday, I'll tell
5 you that.

6 A. No worries.

7 Q. Are you familiar with the dam at Oz- --
8 what you're calling Ozark Beach?

9 A. I am.

10 Q. Is that called the Powersite Dam?

11 A. Both -- both names apply.

12 Q. Do you know when it was built?

13 A. It was completed in 1913.

14 Q. And do you know when the crane, which is
15 the subject of this topic that you did the extension
16 on recently, was originally built?

17 A. So the original crane that runs the
18 length of the dam was added in the '30s when bays five
19 through eight were added originally. The dam only had
20 bays one through four.

21 Q. And that's the crane that you did the
22 extension to?

23 A. We attached to that, yes.

24 Q. And when did you do the extension?

25 A. Well, we started talking about it in 2020

1 and it was completed in '22.

2 Q. And you gave a reason it was safety
3 related with regard to barges was the rationale given
4 for doing the extension. Is that not correct?

5 A. One of the reasons, yes.

6 Q. Well, what were -- just go ahead and list
7 what the reasons were.

8 A. Well, all right. So if we need to take
9 anything of any size over to the dam, we have a barge.
10 But this barge is, in essence, a huge shoebox. It --
11 it doesn't move through the water well. It can handle
12 a lot of weight, but it's -- it's kind of awkward to
13 handle. You know, obviously waves will tend to bounce
14 it around a little bit.

15 You have to pull it with another boat and
16 then you pull it from -- you have to load everything
17 on at the public park and then you drag it across the
18 water to the dam. And then you have to tie it off at
19 the dam and then you bring material up there. And
20 it's -- it's a very slow, tedious and a little
21 puckering experience every time you do that.

22 Q. Is that the way that you transported
23 materials since the crane was originally put in in --
24 what 1930s, I think you said?

25 A. Yes.

1 Q. What happened that caused you to decide
2 to do the extension in -- was it 2022?

3 A. Correct. Well, we looked at how -- how
4 often we were bringing materials in. We were looking
5 at, you know, how do we improve the efficiencies for
6 the people, how do we improve the safety for the
7 people, how do we mitigate environmental risk.

8 You know, it's -- when we bring four
9 barrels of 55-gallon drums across that lake to -- to
10 bring hydraulic oil over, I just -- my mind would go
11 to all sorts of unpleasant things, like an oil spill
12 over the side of the dam heading towards Bull Shoals.
13 It was just -- I didn't sleep well when we were doing
14 those things.

15 And -- and this extension eliminates all
16 of that. You go across a bridge, it's all in a truck,
17 you never have to take it on the water. All that gets
18 avoided.

19 Q. Well, how often each year would you use
20 the barge before you put in the crane extension?

21 A. It -- it varies by year.

22 Q. Well, just give me a ten-year average,
23 say 2000 to 2010.

24 A. I don't know if I could do that off the
25 top of my head.

1 Q. No idea at all? Once or twice a year?
2 Dozen times a year?

3 A. Closer to a dozen, I would say.

4 Q. And I believe you said you guys did a
5 feasibility study?

6 A. We did.

7 Q. Is that in the record?

8 A. I don't know if the study is in the
9 record. I don't believe so.

10 Q. I have no further questions. Thank you.

11 JUDGE HATCHER: Thank you. We now go to
12 Commissioner questions. Are there any Commissioner
13 questions for Company Witness Mr. Berkstresser?
14 Commission Coleman.

15 QUESTIONS

16 BY COMMISSIONER COLEMAN:

17 Q. Good morning.

18 A. Good morning, Commissioner.

19 Q. This hasn't come up; I just wondered.
20 You brought up the concerns of transporting across the
21 river. Have -- has there ever been any accidents?

22 A. No.

23 Q. Okay. Yeah, let's knock on wood and pray
24 about all that.

25 A. Yes. Yes, please.

1 Q. So no issues, no problems at all with --

2 A. (Witness shook head.)

3 Q. Okay.

4 A. Not to date, no.

5 Q. Okay. Thank you, sir.

6 A. Uh-huh.

7 JUDGE HATCHER: And, Mr. Berkstresser, if
8 you could move a little closer to the mic.

9 THE WITNESS: Sorry.

10 JUDGE HATCHER: Thank you.

11 Commissioner Kolkmeyer.

12 COMMISSIONER KOLKMEYER: Thank you,
13 Judge.

14 QUESTIONS

15 BY COMMISSIONER KOLKMEYER:

16 Q. Is this a much safer way to operate
17 there? Versus putting the stuff on the water, it can
18 stay on a truck and get right to the dam?

19 A. Absolutely.

20 Q. Is that the way I'm understanding it?

21 A. Safer and faster and more efficient.

22 Q. Okay. Thank you.

23 A. You're welcome.

24 JUDGE HATCHER: Thank you. We'll go to
25 recross, and we will start with Mr. Opitz of MECG.

1 MR. OPITZ: No, thank you, Your Honor.

2 JUDGE HATCHER: And then Staff.

3 MR. GRAHAM: No, thank you, Your Honor.

4 JUDGE HATCHER: And Consumers Council.

5 MR. COFFMAN: No, thank you.

6 JUDGE HATCHER: Public Counsel.

7 MR. WILLIAMS: Thank you, no.

8 JUDGE HATCHER: And redirect by the
9 Company?

10 MS. GRUBBS: Just briefly.

11 REDIRECT EXAMINATION

12 BY MS. GRUBBS:

13 Q. Just wanted to follow up. You recall
14 your conversation with Commissioner Kolkmeyer where
15 you talked about efficiency. How long would it take
16 to -- to do the whole barge maneuvering from loading
17 at the public park to then actually getting it into
18 the bay to be used? Do you have an estimate?

19 A. Best case, it's a half day. And it took
20 everybody at the dam, all -- all the employees.
21 Because you had a boat out in front trying to keep the
22 public away because you're moving this very large
23 shoebox, you know, and you're trying not to create any
24 wake or have any excess wake that would cause any
25 imbalance issues.

1 Minimum would be a half day, more likely
2 closer to a full day to -- just to get it over there
3 and then get it unloaded and in. And with the new
4 system with a truck, 30 minutes.

5 Q. Okay. Thank you. Those are all my
6 questions.

7 JUDGE HATCHER: Thank you.

8 Mr. Berkstresser, you are excused from
9 our witness stand for today.

10 THE WITNESS: Thank you.

11 COMMISSIONER KOLKMEYER: Can I ask
12 another question?

13 JUDGE HATCHER: Yes, yes, let's back up.
14 My apologies to our court reporter. I didn't ask him
15 to spell his name.

16 Let's back up. We have another
17 Commissioner question. Go ahead.

18 FURTHER QUESTIONS

19 BY COMMISSIONER KOLKMEYER:

20 Q. Give me your job title again.

21 A. I'm the Senior Director of Generation
22 Operations, so I'm -- I'm responsible for the fleet.

23 Q. For the whole -- everything now?

24 A. Uh-huh.

25 Q. Thank you.

1 A. You bet.

2 JUDGE HATCHER: For the record, the
3 Commissioner asked what the job title was. Since that
4 is another question, we'll open that back up to
5 recross. If I could just get a hand if anybody has a
6 question.

7 MR. GRAHAM: No.

8 JUDGE HATCHER: Okay. I see everybody is
9 going to skip their recross. Thank you,
10 Mr. Berkstresser. We appreciate it.

11 THE WITNESS: Thank you, Your Honor.

12 JUDGE HATCHER: Okay. We're going to
13 move onto our second issue. And by my cheat sheet,
14 that is going to be the wrap-up of Customer Experience
15 with Witness John Reed.

16 MR. COOPER: That's correct, Your Honor.
17 We would call Mr. -- Mr. Reed.

18 JUDGE HATCHER: Excellent.

19 Thanks, Mr. Reed. Go ahead and raise
20 your right hand.

21 (Witness sworn.)

22 JUDGE HATCHER: Thank you. Please have a
23 seat and state and spell your name for our court
24 reporter.

25 THE WITNESS: My name is John J. Reed.

1 JUDGE HATCHER: And how is that last name
2 spelled?

3 THE WITNESS: R-e-e-d.

4 JUDGE HATCHER: Thank you, sir.

5 Your witness.

6 MR. COOPER: Thank you, Your Honor.

7 Whereupon,

8 JOHN REED,
9 being first duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. COOPER:

12 Q. Would you let us know by whom you're
13 employed and in what capacity?

14 A. Yes. I am the Chairman of the Board of
15 Concentric Energy Advisors.

16 Q. And is it your understanding that the
17 testimony you filed in this case has been admitted
18 into evidence as Exhibits 44, 45 and 46?

19 A. Yes, that is my understanding.

20 Q. And I suppose you also recognize that the
21 Company has -- has modified some of its positions
22 consistent with a Non-Unanimous Stipulation and
23 Agreement that's been filed in this case?

24 A. Yes, I do.

25 MR. COOPER: That's all the questions I

1 have, and we tender Mr. Reed for cross-examination.

2 JUDGE HATCHER: Thank you.

3 We'll go directly to Consumers Council.

4 MR. COFFMAN: I have no questions on
5 these issues, but I may have questions on the fuel
6 adjustment clause later, so just -- just --

7 JUDGE HATCHER: We'll call him back up
8 for that.

9 MR. COFFMAN: Okay, thank you. No
10 questions.

11 JUDGE HATCHER: Thank you.

12 Public Counsel.

13 MR. WILLIAMS: Public Counsel has waived
14 cross.

15 JUDGE HATCHER: And Commissioner
16 questions for Mr. Reed on Customer Experience?

17 And while I'm mentioning the
18 Commissioners, this is a good time to state for the
19 record that we have attendance again of all four of
20 our Commissioners.

21 Commissioner John Mitchell is on our
22 WebEx, Commissioner Maida Coleman is here in person,
23 Commission Kolkmeyer is here in person, and Chair Hahn
24 is on her way down and will be joining us in a few
25 minutes.

1 Are there any Commissioner questions for
2 Mr. Reed on the issue of customer experience? Hearing
3 none, we will go to our recross-examination. We will
4 start with Mr. Opitz.

5 MR. OPITZ: No, thank you, Your Honor.

6 JUDGE HATCHER: Staff.

7 MR. VANDERGRIFF: No, thank you, Your
8 Honor.

9 JUDGE HATCHER: Consumers Council.

10 MR. COFFMAN: No questions.

11 JUDGE HATCHER: Public Counsel.

12 MR. WILLIAMS: No, thank you.

13 JUDGE HATCHER: And redirect. We didn't
14 have -- well, I keep messing this order up. Thank you
15 all.

16 Mr. Reed, you are excused from our
17 witness stand for this issue. We will probably have
18 you back up in just a few minutes.

19 Okay. As we rearrange chairs and
20 witnesses, we are ready to turn to our final issue of
21 the day, and I believe we are going to be starting
22 with mini opening statements?

23 MS. CARTER: That's correct.

24 JUDGE HATCHER: Excellent. And I think
25 the Company will start on their opening statement and

1 then we'll go through the list with Staff, OPC, MEGC,
2 and then Consumers Council.

3 MR. PRINGLE: And, Judge, just a quick
4 little clarification matter when it comes to Staff's
5 witnesses on this. Because the constant changing list
6 of issues, we do also have Antonija Nieto, Justin
7 Tevie and Melanie Marek.

8 They have testimony on certain issues, if
9 there are any Commission questions for them, but they
10 are not listed on the witness list. And for Antonija
11 Nieto and Justin Tevie, they can testify to Issues
12 43-A and 43-B respectively. And Melanie Marek can
13 testify to 41-A.

14 JUDGE HATCHER: I appreciate the
15 heads-up. The way that we have been using topics as
16 our area for Commissioner questions, it might be
17 better to see where our questions land and then call
18 up witnesses as needed from there, if that works.
19 If -- we're going to be flexible today, so.

20 MR. PRINGLE: Yep.

21 JUDGE HATCHER: Okay. Mr. Cooper, floor
22 is yours.

23 MR. COOPER: Thank you very much, Judge.
24 Good morning again.

25 Empire has asked to continue and modify

1 its fuel adjustment clause in this case. By rule, the
2 Commission must rebase base-energy costs in each
3 general rate proceeding in which the FAC is continued
4 or modified, and is to consider all relevant factors
5 that may affect the costs or overall rates and charges
6 of the petitioning electric utility.

7 Base-energy costs mean the fuel that
8 purchased power costs of net -- net fuel-related
9 revenues that are included in the revenue requirement
10 used to set base rates in a general rate case.

11 The FAC base factor is the base energy
12 cost divided by net generation and kilowatt hours.
13 For convenience, most of the parties refer to their
14 positions in megawatt hours. And I know Staff, in its
15 position statement, reflects its number in kilowatt
16 hours; the only difference being the movement of a
17 decimal point.

18 There are several aspects of the FAC and
19 base-energy costs that have been discussed in this
20 case. Among other things, OPC originally took the
21 position that the FAC should be terminated or, in its
22 first alternative, that the Commission should include
23 a 50/50 sharing mechanism. And in a subsequent
24 alternative, it provided a range of possible sharing
25 levels.

1 Both Empire and Staff agreed in their
2 pre-filed testimony that the Commission FA -- or the
3 FAC should be continued. Staff indicated that
4 Empire's total energy costs have continued to be both
5 large and volatile.

6 The proposed FAC will allow Empire to
7 largely recover the Company's prudently incurred fuel
8 and energy costs, including transportation, and to
9 provide customers with reductions in those costs in a
10 way that provides a sufficient opportunity for the
11 Company to earn a fair return on equity.

12 The Company argued that there should be
13 no sharing percentage, while the Staff -- Staff's
14 primary position was that a sharing percentage should
15 continue at 95/5.

16 Company Witness John Reed provides
17 testimony as to how other states approach their fuel
18 adjustment clauses for the Commission's consideration
19 in addressing the question of sharing.

20 In addressing the various FAC issues, the
21 Company, Staff, MEEG, Renew Missouri, and the Union
22 agree that the proper resolution of these FAC issues
23 is found in the filed Non-Unanimous Global Stipulation
24 and Agreement.

25 The Non-Unanimous Stipulation indicates

1 that the FAC mechanism should be continued with
2 sharing at 95/5, transmission cost revenues included
3 at currently authorized percentages, transmission
4 expenses included at 21.39 percent for the SPP and at
5 50 percent for non-SPP, that SPP Schedules 1A and 12
6 not be included in the FE -- FAC, and that the base --
7 FAC base be set at \$13.97 per megawatt hour.

8 Further, certain FAC voltage adjustment
9 factors are established for use in the tariff.

10 The Non-Unanimous Stipulation further
11 includes a provision that FAC reporting going forward
12 will be as outlined within Staff's direct testimony
13 with that reporting also being provided to the OPC.

14 For comparison, Staff proposed an
15 \$11.11 per megawatt hour FAC base factor in its
16 true-up testimony. The Company supported a \$17.85 per
17 megawatt hour FAC base factor when using its
18 transmission inclusion at 100 percent.

19 And the Company indicated in true-up that
20 its FAC base factor, when using Staff's transmission
21 expense percentages, what resulted -- or what is found
22 in the global -- the Non-Unanimous Global Stipulation,
23 that its number in that case would be \$15.28 per
24 megawatt hour.

25 OPC did not perform its own cost --

1 production cost model.

2 Empire believes that the Non-Unanimous
3 Stipulation that has been presented to you for
4 consideration represents a fair and reasonable
5 resolution of the FAC issues.

6 The Company will present three witnesses.
7 Mr. Reed will take -- retake the stand for FAC,
8 Mr. Todd Tarter will be presented, and Mr. Aaron Doll
9 will also be presented by the Company as to these
10 issues. Thank you.

11 JUDGE HATCHER: Thank you, Mr. Cooper.

12 Any Commissioner questions for Mr. Cooper
13 in his opening statement? Hearing none, thank --
14 thank you, sir. I appreciate it.

15 We will move onto Staff.

16 MS. HANSEN: Good morning, and may it
17 please the Commission. And I am sorry about the
18 confusion. I just got really excited to do the
19 opening statement.

20 COMMISSIONER KOLKMEYER: Yeah.

21 MS. HANSEN: All right. My name is
22 Andrea Hansen and I am representing Commission Staff
23 in this case.

24 Commission Staff witnesses are available
25 to answer Commission and Bench questions, as well as

1 testify regarding the fuel adjustment clause, or FAC,
2 issues. Several Staff members covered FAC issues and
3 other related issues in this case.

4 Staff recommends that the Commission
5 approve the Non-Unanimous Stipulation and Agreement --
6 the Global Stipulation and Agreement to resolve all
7 FAC issues in this case.

8 Paragraph nine of the stipulation
9 outlines the agreement of the signatories on certain
10 FAC issues. And these include continuation of the
11 current sharing incentive mechanism of the
12 95/5 percent; transmission costs/revenues included at
13 current -- currently authorized percentages; an FAC
14 base-rate factor of \$13.97 per megawatt hour;
15 transmission expenses included at 21.39 percent SPP
16 and non-SPP 50 percent; clarification that SPP
17 Schedules 1-A and 12 are not to be included in the
18 FAC; and setting out of the FAC voltage adjustment
19 factors.

20 It should be noted that in Staff's view,
21 Issues 43, 85 and 91 are interrelated issues. And in
22 that issue, Issues 43-A and B, natural gas fuel prices
23 and energy market costs, are an input into Issue 85,
24 variable fuel and purchased power expense. And
25 Issue 85 is an input into Issue 91, the base -- or the

1 FAC base-rate factor -- I'm sorry base factor, I
2 apologize.

3 Staff Witness Brooke Mastrogiannis is
4 here to testify on FAC issues 41-B, 42, 90 through 91,
5 95, and 97 through 99. If you have any questions
6 regarding what FERC sub-accounts should be included in
7 Empire's FAC tariff sheets, the appropriate base
8 factor for the FAC, the percentage of SPP transmission
9 revenues to be included in the FAC and its base
10 factor, and what revisions should be made to the FAC
11 tariff sheets including changes -- changing the
12 sharing mechanism -- changing the sharing incentive
13 mechanism, Ms. Mastrogiannis is available to answer
14 your questions.

15 Staff witness -- like my colleague
16 Mr. Pringle stated, Staff Witness Antonija Nieto and
17 Justin Tevie are available to testify on Issue 43-A
18 and 43-B respectively. Antonija is also a witness for
19 Issue 42. Melanie Marek is available to testify on
20 Issue 41-A. Thank you very much.

21 JUDGE HATCHER: Thank you.

22 Are there any questions for Staff counsel
23 in their opening statement? Hearing none, thank you
24 very much.

25 Next, we will call up Public Counsel.

1 MR. WILLIAMS: Thank you --

2 JUDGE HATCHER: Mr. Williams.

3 MR. WILLIAMS: -- and good morning. May
4 it please the Commission. My name's Nathan Williams,
5 and I'm appearing here on the Office of Public Counsel
6 and the public.

7 This is an important issue to get right.
8 If you look at Empire's -- it's total company, but
9 it's about 500 million -- I'm sorry -- about 5 million
10 megawatt hours we're talking about that is
11 generated -- or that is used by Empire total company,
12 which trans- -- so if you're talking about a dollar
13 difference in the fuel adjustment clause -- so if you
14 didn't get it right and it's a dollar different,
15 you're talking about roughly \$450 million that -- of
16 impact to customers.

17 Did I say that right? Yeah. I mean --
18 I'm sorry, 5 million. Five million of impact.

19 So if the difference -- over the year, if
20 it's off by a dollar on what you set the fuel
21 adjustment clause and the usage is about the
22 500 million mega -- megawatt hours, you're talking
23 about 5 million dollars of impact.

24 So whenever you hear those differences
25 between 17 and 11, you're talking about five times

1 six -- about \$30 million. So it's an important thing
2 to get right.

3 And it also needs to match what you're
4 doing for those same components that you're tracking
5 with your fuel adjustment clause that you put in your
6 revenue requirement.

7 Now, there are some items that are
8 specified in the settlement agreement that are locked
9 down, but there -- there are others that flow through
10 the fuel adjustment clause that are not, including
11 Transmission Congestion Right Revenues and Auction
12 Revenue Right Revenues through SPP.

13 It's our position -- well, first of all,
14 the Company's position on fuel adjustment clause
15 calculations and fuel and purchased power, those are
16 all based on projected fuel and purchased power
17 numbers.

18 The direct was based on projected 2025,
19 their true-ups based on projected 2026 fuel prices.
20 So their fuel and market prices that they used to
21 derive what the cost is for fuel and purchased power
22 in their case and in their fuel adjustment clause are
23 based on those projected amounts -- or projected
24 fuels -- costs.

25 And I found no place in the record where

1 they disclosed to the Commission that's what they were
2 doing. We found it through a -- by issuing a data
3 request saying: Just what did you do?

4 I suspect Staff knew because it made an
5 emphasis about how it was using the actual data
6 through the true-up cut-off of March 31 of 2025 in
7 this case.

8 Basically we're supporting Staff's
9 position as to what to do on the fuel clause,
10 assuming -- I mean our first position is don't do
11 anything to what the fuel clause is currently and
12 don't do any rate increase.

13 But aside from that, if the Commission
14 does decide to address what rates are appropriate, our
15 position tracks what Staff's position is as of
16 true-up. And our witnesses on this issue are Angela
17 Schaben and Lena Mantle. I encourage you to ask the
18 parties questions.

19 JUDGE HATCHER: Thank you, Mr. Williams.
20 Are there any Commissioner questions for
21 Public Counsel in his opening statement? Hearing
22 none, I appreciate it. Thank you.

23 MR. WILLIAMS: Thank you.

24 JUDGE HATCHER: We move to Mr. Opitz.

25 MR. OPITZ: No, thank you.

1 JUDGE HATCHER: And we move to Consumers
2 Council, Mr. Coffman.

3 MR. COFFMAN: Thank you. May it please
4 the Commission. John Coffman for Consumers Council.

5 I wanted to just step back and make sure
6 that the Commission understands the -- the
7 cost-of-service principles here, or at least how I
8 view it.

9 The cost-of-service utility rate-making
10 is not designed to give a utility dollar for dollar
11 what they spend. It's not here to just pay their
12 credit card bills. The way I understand it, it's
13 designed to emulate the competitive marketplace, to
14 set rates at what a just and reasonable utility should
15 be able to operate at with a healthy profit.

16 And if that utility can do so more
17 economically, they make money; if they don't, maybe
18 they lose some money. But it provides incentive for
19 the utility to manage the business in an economical
20 way.

21 The fuel adjustment clause is kind of a
22 very big exception to that, where the utility's
23 allowed to just pass through their costs without, you
24 know, having to be under some incentive. And so this
25 is the reason why there has been a compromise over the

1 years to add a sharing mechanism in there, so that at
2 least some part of the fuel clause is an incentive for
3 the utility to -- to try to be more efficient.

4 And it's not done, at least in this
5 state, with the purchased gas adjustment. And, you
6 know, a gas utility has some ability to store and move
7 gas around, but that's largely a commodity cost. It's
8 very different with the fuel adjustment clause.

9 The fuel adjustment clause in Missouri
10 includes transmission expenses, purchased power
11 agreements, choices between different kinds of
12 electric generation. There are a lot of decisions
13 that the utility makes that affect how -- what costs
14 go through the fuel adjustment clause.

15 And I think there's an incentive, because
16 of the way it's set up, to move costs through the fuel
17 adjustment clause rather than through the revenue
18 requirement sometimes because there's a greater
19 guarantee of -- of getting it.

20 But there are -- these decisions that go
21 into the fuel adjustment clause, it's not only a lot
22 of money, it's a lot of big decisions. And we want
23 the utility to have the incentive to do that in the
24 most economical way to serve the public and keep rates
25 from getting out of control. And so that's why it's

1 important.

2 We don't think 5 percent is enough.

3 And -- and remember, that's not denying the utility
4 5 percent. That just means that -- the fuel
5 adjustment clause just covers the variation and it
6 goes up and down. And so if you have, say, a -- you
7 know, we currently have a 5 percent sharing mechanism.

8 If it goes up, they get 95 percent of
9 that change upward; if it goes down, they only have to
10 lower it 95 percent. So it's symmetrical supposedly
11 with the economics, unless you -- you understand that
12 the utility could do things a little bit differently
13 and make it more economical.

14 From our opinion, the utility -- they --
15 they may say that they largely don't control those
16 decisions. But they do have a lot of control if -- if
17 not -- you know, certainly more than 5 percent, in my
18 opinion.

19 So we believe that the sharing mechanism
20 should be adjusted. We would like to see it 50/50 so
21 the customers and the utility share the risk in
22 variation in the fuel costs. We would be happy if you
23 increased it to 10 percent. We just don't think
24 5 percent has shown it to be enough of a sharing
25 incentive.

1 And given that the utility has some
2 control and util- -- and customers, on the other hand,
3 have zero control, it doesn't seem quite balanced to
4 us that u- -- that customers are bearing 95 percent of
5 the risk and the utility only 5 percent. That's our
6 opinion.

7 And that's the most important issue to
8 us, although I would note that there are a lot of
9 technical details that go into the fuel adjustment
10 clause. And in almost every case I'm involved in, the
11 Commission makes decisions based on the evidence and
12 they sometimes miss something in the order. And then
13 there's a dispute after the rate case in the tariffs
14 and Staff and Public Counsel are left kind of sorting
15 things out.

16 So I would urge the Commission to be
17 detailed and make sure that you answer every question
18 and give the Staff and the Public Counsel the
19 direction -- or all the parties the direction about
20 how to design those tariffs so there aren't those
21 disputes after the fact. That's all I have.

22 JUDGE HATCHER: Thank you, Mr. Coffman.
23 Are there any questions for Consumers
24 Council opening statement? Hearing none, thank you,
25 sir.

1 MR. COFFMAN: Thanks.

2 JUDGE HATCHER: Okay. Let's circle back
3 to the Company. Go ahead and call your first witness.

4 MR. COOPER: We would re-call Mr. John
5 Reed.

6 JUDGE HATCHER: Mr. Reed, you've already
7 been sworn in today, so that still applies.

8 And your witness, Mr. Cooper.

9 MR. COOPER: We would tender Mr. Reed for
10 cross-examination.

11 JUDGE HATCHER: All right. Let's go
12 through my cheat sheet and go directly to Consumers
13 Council.

14 CROSS-EXAMINATION

15 BY MR. COFFMAN:

16 Q. Good morning, Mr. Reed.

17 A. Good morning.

18 Q. Trying to find a way to get a path here
19 to see you.

20 But on the fuel adjustment clause, your
21 testimony is that the utility largely, you know, has
22 no control or has little control, is that fair to say,
23 over -- over decisions that go into the fuel
24 adjustment cost?

25 A. My testimony wasn't with regard to

1 decisions. It was with regard to the ability to
2 influence the costs. But to the extent you draw a
3 link between the decisions and the cost, yes.

4 Q. Okay. And would you agree with me that
5 the utility does have the ability to influence the
6 costs that go through the FAC, at least to some
7 degree?

8 A. To a very small degree. I mean, the
9 analogy I've used before is it's like asking the
10 utility to bear the risk partially on federal tax rate
11 changes. Its ability to influence, for example, what
12 happens at the transmission level and what happens in
13 national fuel markets is about the same as its ability
14 to influence the federal tax rate.

15 Q. Would you -- would you agree with me that
16 consumers have zero control over fuel adjustment
17 costs?

18 A. Yes. With regard to the cost itself.
19 They have control over their own consumption
20 decisions, which influence cost.

21 Q. Okay. I think that's all I have. Thank
22 you very much.

23 JUDGE HATCHER: Thank you.

24 And Public Counsel.

25 MR. WILLIAMS: Public Counsel has waived

1 cross of this witness.

2 JUDGE HATCHER: I appreciate that. That
3 slipped my mind.

4 Let's go to Commissioner questions. Are
5 there any Commissioner questions for Mr. Reed on FAC
6 issues? Okay. Hearing none, we will go back to
7 recross -- no, we go back to just redirect, yeah.
8 Mr. Cooper, redirect.

9 MR. COOPER: No questions, Your Honor.

10 JUDGE HATCHER: Thank you.

11 Thank you, Mr. Reed for being here today.
12 We appreciate the -- the time that you took to come
13 out and spend your day.

14 THE WITNESS: Thank you.

15 JUDGE HATCHER: So we appreciate that,
16 thank you.

17 THE WITNESS: My pleasure.

18 JUDGE HATCHER: The next witness for the
19 Company.

20 MR. COOPER: We would call Mr. Todd
21 Tarter.

22 JUDGE HATCHER: If you would raise your
23 right hand, Mr. Tarter.

24 (Witness sworn.)

25 JUDGE HATCHER: Thank you. Please have a

1 seat and state and spell your name for our court
2 reporter, please.

3 THE WITNESS: My name is Todd W. Tarter.
4 First name Todd, T-o-d-d, middle initial W, last name
5 T-a-r-t-e-r.

6 JUDGE HATCHER: Your witness.

7 MR. COOPER: Thank you.

8 Whereupon,

9 TODD W. TARTER,
10 being first duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. COOPER:

13 Q. Would you state your title?

14 A. Yes. I am the Senior Manager, Strategic
15 Planning.

16 Q. And is it your understanding that your
17 pre-filed testimony in this case has been admitted
18 into evidence as Exhibits 49, 50, 51 and 52?

19 A. Yes.

20 Q. And as a follow-up to that, is it
21 accurate to say that any recommendations found in that
22 testimony would be modified as necessary to support
23 the Non-Unanimous Global Stipulation and Agreement
24 that's been filed in this case?

25 A. Yes.

1 MR. COOPER: Your Honor, I would tender
2 Mr. Tarter for cross-examination.

3 JUDGE HATCHER: Thank you.
4 And we'll go directly to Consumers
5 Council.

6 MR. COFFMAN: No questions of this
7 witness. Thanks.

8 JUDGE HATCHER: And Mr. Williams for
9 Public Counsel.

10 MR. WILLIAMS: Thank you.

11 CROSS-EXAMINATION

12 BY MR. WILLIAMS:

13 Q. Good morning, Mr. Tarter.

14 A. Good morning.

15 Q. The settlement agreement is for a fuel
16 adjustment clause factor of \$13.97 per megawatt hour,
17 correct?

18 A. That is correct.

19 Q. Does that number imply a certain amount
20 of those same components that make up the fuel
21 adjustment clause, the values for them, in the settled
22 revenue requirement?

23 A. Well, I'll answer as -- as I understand
24 the question. I wasn't a part of the negotiations, so
25 my understanding is that the 13.97 was a negotiated

1 number. So I don't know if there's any underlying
2 assumptions that were spelled out in the -- the
3 stipulation.

4 Q. So from the Company's perspective,
5 there's a disconnect between revenue requirement
6 that's agreed to and the fuel adjustment clause in
7 terms of the components and the values they have?

8 A. Well, I -- I'm going to answer questions
9 as it -- as it -- about -- as far as the FAC base
10 factor. I'm not sure about what's in the revenue
11 requirements. I think they -- they should match up.

12 But I was speaking more about, you know,
13 any underlying assumptions like gas price or market
14 prices or rec- -- revenues and things like that.

15 Q. Well, if you take the Company's, I guess,
16 normalized megawatt hours of usage norm- -- let's see,
17 it would be normalized annualized megawatt hours of
18 usage and apply the base factor to it, you should get
19 what those components are in the revenue requirement,
20 would you not?

21 A. Yes, I think so.

22 Q. Do you know what, using that base factor,
23 those amounts would be?

24 A. I guess I don't understand the question.
25 What components are you talking about?

1 Q. Well, all of the components that make up
2 the fuel adjustment clause factor. It would be --
3 well, you have natural gas costs, you have market
4 costs, you -- purchased power costs, you have -- let's
5 see -- Transmission Congestion Right Revenues, you
6 have Auction Revenue Right Revenues, you have
7 emissions allowances. I mean, there are a number of
8 things that go into it.

9 A. Sure. Yes, so there were several
10 different proposals or model runs that was done
11 throughout the case. You know, it was built up from
12 those factors up to a dollar per megawatt hour basis.
13 We had a direct, you know, case a -- model run. We
14 also had a true-up model run. I believe Staff also
15 had a direct and a true-up. So yes, those -- we
16 provided back-up what each of the components are that
17 build up to that.

18 But as I stated earlier, I think that the
19 stipulation and agreement is based on just a
20 negotiated number, and I don't think that those
21 bas- -- those things that build up was -- was spoke to
22 in the -- in that stipulation.

23 Q. But isn't the whole concept of the fuel
24 adjustment clause to capture the variances between
25 what's -- the components that are in the fuel

1 adjustment clause that are being, I'll call it,
2 tracked? Isn't the whole concept of the fuel
3 adjustment clause to compare what actually occurs
4 versus what was built into the revenue requirement for
5 those components?

6 A. I think it's -- my understanding of the
7 fuel adjustment clause is based around like -- I'll
8 call it a set point, and that's the FAC base factor.
9 So in this case it would be the 13.97. So costs would
10 be compared to the 13.97. I don't think that the
11 individual components then would, you know, matter.

12 It's how -- how do you build up to the
13 13.97. There could be multiple ways to do that,
14 because there's a lot of factors that -- and I don't
15 think that the stipulation talks about any of those
16 underlying factors.

17 Q. I believe I agree with you on that.

18 In your direct case for coming up with a
19 fuel adjustment clause factor and for your base fuel
20 in purchased power costs, did you use projected
21 natural gas prices to develop those?

22 A. Yes, we did.

23 Q. And those were projections -- natural gas
24 price projections through calendar year 2025?

25 A. In the direct case, yes.

1 Q. And in the true-up case you used
2 projections through calendar year 2026; is that
3 correct?

4 A. That is correct.

5 Q. I think I'll conclude my questioning at
6 this point. Thank you.

7 A. Thank you.

8 JUDGE HATCHER: Thank you, Mr. Williams.

9 That takes us to Commissioner questions.
10 Are there any Commissioner questions for Mr. Tarter,
11 Company witness on FAC issues?

12 Okay. Hearing none, we will go through
13 recross-examination. That will take to us Mr. Opitz,
14 who indicates he has no questions. Staff.

15 MR. PRINGLE: No questions, Judge. Thank
16 you.

17 JUDGE HATCHER: Consumers Council
18 indicates --

19 MR. COFFMAN: No questions.

20 JUDGE HATCHER: And Public Counsel.

21 MR. WILLIAMS: No questions.

22 JUDGE HATCHER: I know we just came
23 through -- oh, right. We --

24 MR. PRINGLE: No recross.

25 MR. COOPER: Judge, everyone's working

1 with you, so we're --

2 JUDGE HATCHER: I appreciate you guys
3 just letting me go down that road. Any redirect from
4 the Company?

5 MR. COOPER: Yes. Yes, Judge.

6 REDIRECT EXAMINATION

7 BY MR. COOPER:

8 Q. Mr. Tarter, in your conversation with
9 Mr. Williams, you were explaining, I think, going
10 forward that the fuel adjustment factor -- or the --
11 yeah, the fuel adjustment clause is based upon the FAC
12 base factor, correct?

13 A. Right.

14 Q. And so -- and I think Mr. Williams was,
15 you know, pointing out that the FAC base factor does
16 have underlying components as you're -- you're trying
17 to -- to look at it, correct?

18 A. That's correct.

19 Q. But once it's established -- once the FAC
20 base factor is established in a rate case, do those
21 underlying components make any diff- -- that were used
22 to -- to come up with the factor, do they make any
23 difference as you move forward in time and start to
24 compare actual experience to the FAC base factor that
25 was established?

1 A. I don't think so, because I think that
2 customers would be charged at the FAC base rate
3 initially. And then in a properly designed FAC, all
4 prudently incurred fuel and purchased power costs that
5 are eligible for the FAC would get trued up through
6 the process so that the customers end up paying the
7 true cost of those energy costs, less any sharing
8 mechanism.

9 Q. And so, for example, if the FAC base
10 factor were set at \$13.97 and in the first review of
11 whatever the period would be, the -- the actual cost
12 of all those actually experienced components were
13 \$13, there would be an over-recovery, correct?

14 A. That's correct.

15 Q. And it wouldn't matter whether that
16 over-recovery resulted from a change in TCRs or recs
17 or fuel costs or anything else, would it?

18 A. No, that's my understanding.

19 Q. Okay. And the opposite would be true as
20 well. If -- if you -- if the Company were under --
21 under-recovered again, it wouldn't matter what caused
22 that under-recovery, correct?

23 A. That's correct.

24 Q. Okay. You were asked about the 13.97 and
25 explained that it was a negotiated FAC base factor.

1 Have you -- if you wanted to make an adjustment to
2 components to get from 15.28 to the 13.97, could it be
3 as simple as assuming a -- for example, a greater
4 amount of TCR revenues or ARR/TCR revenues?

5 A. Yeah, we took a look at that. Our
6 true-up case, as you mentioned, was -- would be 15.28
7 if you consider the -- you know, the transmission
8 costs that we've -- you know, to move forward with at
9 the lower percentage instead of 100 percent.

10 And if you would use -- we -- we had --
11 in that particular run, we had around 38 million
12 roughly TCR revenue offset in there. If you would
13 move that to about 45 million, that would move it to
14 13.97. And -- which was actually -- I'll point out
15 was close to what the OPC was supporting. I think
16 they were around 46 million roughly or a little north
17 of that.

18 Q. Okay. You were asked about -- well, let
19 me -- let me start with this. Do you have your direct
20 testimony with you?

21 A. I do.

22 Q. Could you open that to page 10?

23 A. Okay.

24 Q. And on page 10 -- well, let me set this
25 up a little bit. You were asked about projected --

1 the use of projected fuel, correct? Prices?

2 A. Right.

3 Q. Just need for you to say yes.

4 And Mr. Williams mentioned that OPC had
5 found out about this -- in his opening statement, had
6 found out about this late in the case, I think.

7 Would you look at lines five through nine
8 on page 10?

9 A. Yes.

10 Q. And in that area you describe market
11 price data from Horizon Energy, correct?

12 A. That is correct.

13 Q. Fuel and market price data, right?

14 A. Right.

15 Q. And what does Horizon Energy provide,
16 other than generally fuel and market price data? Is
17 there a variety of data that -- that is provided by
18 that report?

19 A. Well, they are kind of specialists in
20 developing the locational marginal prices at the
21 hourly level for all the different price nodes that --
22 for our generators and for our load. And they do it
23 in a consistent manner with the fuel prices. Like the
24 natural gas price is very key. SVP has even said that
25 electric market prices follow the gas prices. There's

1 a strong correlation between that.

2 So they develop that -- they do
3 benchmarking, probably make sure the basis adjustment
4 between the different loads are -- are accurate. And
5 then they provide it in a -- in a manner that -- or
6 format that is used for the encompassed model, which
7 we make use of it.

8 Q. And in that same section of your
9 testimony, you mention that this is the third
10 consecutive case that Empire's has used this data from
11 Horizon Energy, correct?

12 A. That is correct.

13 Q. Now, if you'll look a little bit lower on
14 that same page of your direct testimony, the answer
15 that's found at lines 16 to 19.

16 A. Yes.

17 Q. Do you see the sentence that starts: In
18 other words?

19 A. Yes, I do.

20 Q. Okay. And would you read that for us?

21 A. In other words, only the projected spot
22 market prices mentioned earlier were utilized.

23 Q. Okay.

24 A. This is --

25 Q. Go ahead.

1 A. This is consistent with the approach the
2 Company used in the past two Missouri general rate
3 cases.

4 MR. COOPER: Okay. That's all the
5 questions I have, Your Honor.

6 JUDGE HATCHER: Thank you, Mr. Cooper.
7 Mr. Tarter, you are excused from our
8 witness stand.

9 And Empire, go ahead and call your next
10 witness.

11 MR. COOPER: We would call Mr. Aaron
12 adult.

13 JUDGE HATCHER: I've heard it pronounced
14 a couple ways, so I'm going to ask you to state and
15 spell your name first before I swear you in.

16 THE WITNESS: It's Aaron Doll, D-o-l-l.

17 JUDGE HATCHER: Thank you. Mr. Doll,
18 please raise your right hand.

19 (Witness sworn.)

20 JUDGE HATCHER: Thank you.

21 Mr. Cooper, your witness.

22 Whereupon,

23 AARON DOLL,
24 being first duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. COOPER:

2 Q. Mr. Doll.

3 A. Thank you.

4 Q. Will you -- will you tell us what your
5 title is?

6 A. Senior Director of Energy Strategy.

7 Q. And is it your understanding that your
8 pre-filed testimony in this case has been admitted
9 into evidence as Exhibits 8, 9, 10 and 11?

10 A. That is my understanding.

11 Q. And is it accurate to say that any
12 recommendations found in that testimony would be
13 modified as necessary to support the Non-Unanimous
14 Global Stipulation and Agreement that's been filed in
15 the case?

16 A. That is accurate.

17 MR. COOPER: Your Honor, we would tender
18 Mr. Doll for cross-examination.

19 JUDGE HATCHER: Thank you, Mr. Copper.
20 We'll move --

21 MR. COOPER: I used to go by Kuper, but
22 then I gave up because it's always Cooper instead of
23 Kuper, but.

24 JUDGE HATCHER: Thank you for playing
25 along with my joke.

1 Let's go with Consumers Council.

2 MR. COFFMAN: I have no questions for
3 this witness. Thank you.

4 JUDGE HATCHER: And Public Counsel.

5 MR. WILLIAMS: Thank you.

6 Good morning, Mr. Doll.

7 THE WITNESS: Good morning.

8 MR. WILLIAMS: I have no questions for
9 you. Thank you.

10 JUDGE HATCHER: Thank you.

11 That moves us to Commissioner questions.
12 Are there any Commissioner questions for Witness Doll?
13 Hearing none, we will go directly -- we did not have
14 any cross. Thank you.

15 Mr. Doll, you are excused from our
16 witness stand.

17 And for the record, our Chair has
18 arrived, as promised.

19 We now move to Staff witnesses.

20 MR. PRINGLE: Yes, thank you, Judge.
21 Staff calls Brooke Mastrogiannis.

22 JUDGE HATCHER: Ms. Mastrogiannis, would
23 you please raise your right hand.

24 (Witness sworn.)

25 JUDGE HATCHER: Thank you. Please state

1 and spell your name for our court reporter, please.

2 THE WITNESS: Brooke Mastrogianis,
3 B-r-o-o-k-e M-a-s-t-r-o-g-i-a-n-n-i-s.

4 JUDGE HATCHER: Staff, your witness.

5 MR. PRINGLE: Thank you, Judge.

6 Whereupon,

7 BROOKE MASTROGIANNIS,
8 being first duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. PRINGLE:

11 Q. Good morning, Ms. Mastrogianis.

12 A. Good morning.

13 Q. Could you please state by whom are you
14 employed and in what capacity?

15 A. I'm employed with the Missouri Public
16 Service Commission as a Utility Regulatory Audit
17 Supervisor.

18 Q. And is it your understanding that your
19 pre-filed testimony, which has been premarked as
20 Exhibits 113, the direct testimony of Brooke
21 Mastrogianis; Exhibits 144-P and 144-C, the rebuttal
22 testimony of Brooke Mastrogianis; and Exhibit 165,
23 the surrebuttal testimony of Brooke Mastrogianis have
24 been previously admitted on the record?

25 A. Yes.

1 Q. And it's fair to say that your
2 recommendations within those exhibits have been
3 modified to now support the Global Non-Unanimous
4 Stipulation and Agreement?

5 A. Yes.

6 Q. Thank you, Ms. Mastrogiannis.

7 MR. PRINGLE: I now tender her for
8 cross-examination.

9 JUDGE HATCHER: Thank you.

10 And we will go directly to Mr. Coffman.

11 MR. COFFMAN: I have no questions of this
12 witness. Thank you.

13 JUDGE HATCHER: And then Public Counsel.

14 MR. WILLIAMS: Thank you, no.

15 JUDGE HATCHER: Are there any
16 Commissioner questions for Ms. Mastrogiannis?

17 Hearing none, thank you very much. You
18 are excused from the witness stand.

19 THE WITNESS: Thank you.

20 JUDGE HATCHER: Staff, please call your
21 next witness.

22 MR. PRINGLE: Staff next calls Mr. Shawn
23 Lange.

24 JUDGE HATCHER: Mr. Lange, remind me.
25 Have you been sworn in already?

1 THE WITNESS: No.

2 JUDGE HATCHER: Okay. Please raise your
3 right hand.

4 (Witness sworn.)

5 JUDGE HATCHER: Thank you. Please state
6 and spell your name for our court reporter, please.

7 THE WITNESS: My name is Shawn E. Lange,
8 S-h-a-w-n E. L-a-n-g-e.

9 JUDGE HATCHER: Thank you.
10 Mr. Pringle -- Staff, your witness.

11 MS. HANSEN: Thank you.

12

13 Whereupon,

14 SHAWN E. LANGE,
15 being first duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. HANSEN:

18 Q. Mr. Lange, please state and spell your
19 name for the record.

20 A. My name is Shawn E. Lange, S-h-a-w-n,
21 letter E, L-a-n-g-e.

22 Q. Thank you. By whom are you employed and
23 in what capacity?

24 A. I am employed as a Senior Professional
25 Engineer with the Missouri Public Service Commission

1 Staff.

2 Q. All right. Did you prepare direct
3 testimony and surrebuttal true-up direct testimony in
4 this case, which have been previously marked and
5 previously admitted? These are Exhibits 111 and 160.

6 A. Yes.

7 Q. Okay. At this time do you have any
8 corrections to make to these exhibits?

9 A. There was one spelling error in my
10 true-up re- -- my true-up direct and surrebuttal
11 testimony.

12 Q. All right. Do you have the page number
13 and the line number?

14 A. Yes. On page two, line 2, I spelled
15 Mr. Tarter's name T-a-r-t-a-r instead of T-a-r-t-e-r.
16 Apologize to Mr. Tarter for that.

17 Q. Thank you very much. All right. If I
18 asked you the same questions today within these
19 exhibits, would your answers be the same or
20 substantially similar?

21 A. In supporting the -- the stipulation and
22 agreement, some of my answers may be altered a bit,
23 but largely -- yes, they would be substantially the
24 same, but altered to support the stipulation and
25 agreement.

1 Q. Thank you very much. And then so you do
2 acknowledge that you have modified your position to
3 one that's in support of the stipulation?

4 A. Yes.

5 Q. Great. All right.

6 MS. HANSEN: All right. At this time I
7 offer Mr. Lange for cross-examination.

8 JUDGE HATCHER: Thank you very much.
9 Mr. Coffman.

10 MR. COFFMAN: No questions.

11 JUDGE HATCHER: Mr. Williams.

12 MR. WILLIAMS: Thank you.

13 CROSS-EXAMINATION

14 BY MR. WILLIAMS:

15 Q. Morning, Mr. Lange.

16 A. Good morning.

17 Q. Did you do the fuel runs for this case?

18 A. For Staff, yes.

19 Q. And did Staff use actual historical fuel
20 prices for purposes of doing those runs?

21 A. I believe Ms. Nieto is -- is the witness
22 on -- on Staff's fuel prices. But my understanding is
23 that yes, actuals were used.

24 Q. Both in direct and in the true-up?

25 A. Different actuals because we shifted

1 periods from direct to the true-up cutoff, but yes,
2 actuals were used.

3 Q. Thank you. No further questions.

4 JUDGE HATCHER: Thank you.

5 That goes to Commissioner questions. Are
6 there any Commissioner questions for Mr. Lange?

7 Okay. Hearing none, we will go back
8 through just redirect.

9 MS. HANSEN: No, thank you.

10 JUDGE HATCHER: Thank you, Mr. Lange.
11 You are excused from our witness stand.

12 Before I move to the OPC witnesses,
13 counsel for Staff had mentioned the possibility of a
14 couple other witnesses. And since your conversation,
15 Mr. Williams just brought up one of those witnesses, I
16 wanted to offer that opportunity. Do we want to bring
17 up Ms. Nieto?

18 MR. WILLIAMS: Please.

19 MS. HANSEN: Staff calls Ms. Nieto.

20 JUDGE HATCHER: Please raise your right
21 hand.

22 (Witness sworn.)

23 JUDGE HATCHER: Thank you.

24 Your witness.

25 Whereupon,

1 ANTONIJA NIETO,
2 being first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. VANDERGRIFF:

5 Q. Good morning, Ms. Nieto, if I said...

6 A. Good morning.

7 Q. Did you prepare pre-filed testimony
8 in -- in this case?

9 A. Yes, I have.

10 Q. Do you have the understanding that you've
11 modified your position to match the non-glo- --
12 Non-Unanimous Stip- -- Global Stipulation and
13 Agreement?

14 A. Yes, correct.

15 MR. VANDERGRIFF: I tender Ms. Nieto for
16 cross-examination.

17 JUDGE HATCHER: Before I ask Mr. Coffman,
18 would Ms. Nieto please state and spell your name for
19 the court reporter? I forgot to do that.

20 THE WITNESS: My name is Antonija Nieto,
21 A-n-t-o-n-i-j-a, last name N, like Nancy, i-e-t-o.

22 JUDGE HATCHER: Mr. Coffman.

23 MR. COFFMAN: No questions, thank you.

24 JUDGE HATCHER: Mr. Williams.

25 MR. WILLIAMS: A few. Thank you.

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. Good morning, Ms. Nieto.

A. Good morning.

Q. You did the fuel prices for -- that were used in Staff's fuel run for this case?

A. I have.

Q. And were those -- for the direct case, were those actual prices?

A. They were. The natural gas price I developed was made out of two components, hedged and non-hedged. And they were both weighted average as of 12 months ending in direct September 30th, '24, and in true-up March 31st, '25.

Q. Thank you. No further questions.

JUDGE HATCHER: Thank you. Are there any Commissioner questions for Ms. Nieto?

Hearing none, we will go back to redirect.

MR. VANDERGRIFF: No redirect, Your Honor.

JUDGE HATCHER: Thank you.

Thank you, Ms. Nieto, for being here. You are excused from the witness stand.

Mr. Williams, I just want to inquire one

1 more time. I believe Staff counsel had mentioned two
2 potential extra witnesses that weren't on the list.

3 Did you have any further questions?

4 MR. WILLIAMS: No, thank you.

5 JUDGE HATCHER: Okay. Let's move onto
6 OPC witnesses.

7 MR. WILLIAMS: Angela Schaben. Angela
8 Schaben.

9 JUDGE HATCHER: Go ahead and have a seat.
10 Thank you, Ms. Schaben. You've already been sworn in.
11 That still applies.

12 Mr. Williams, your witness.

13 MR. WILLIAMS: I -- I tender her for
14 cross.

15 JUDGE HATCHER: Okay. For cross, we go
16 first to Consumers Council and I'll circle back to
17 Mr. Coffman. Mr. Opitz indicates he has no questions.
18 Staff.

19 MR. PRINGLE: No questions, Judge. Thank
20 you.

21 JUDGE HATCHER: And the Company.

22 MR. COOPER: No questions.

23 JUDGE HATCHER: Okay. We'll move on.

24 Are there any Commissioner questions for Ms. Schaben?

25 Hearing none, we will excuse Ms. Schaben

1 from the witness stand.

2 Mr. Coffman, thank you. I'm going to
3 back up for just a minute here. Mr. Coffman, did you
4 have any questions for Ms. Schaben?

5 MR. COFFMAN: Yes. Yes. I apologize.

6 CROSS-EXAMINATION

7 BY MR. COFFMAN:

8 Q. Ms. Schaben, I -- I wanted to ask you a
9 question about -- about the decisions that the
10 Commission needs to make to arrive at a fuel
11 adjustment clause tariff at the end of the day.

12 And if the Commission is to adopt the
13 position statements that are -- the -- part of the
14 Non-Unanimous Global Settlement that is now a position
15 statement, I notice that several of the -- of the
16 issues would be resolved with paragraph nine of that
17 Non-Unanimous Stipulation, but it doesn't seem to me
18 when I look at the list of issues that all of the
19 list -- not all the items on the list of issues are
20 addressed by paragraph nine. Is that right?

21 A. Yes.

22 Q. So what -- there are some issues that the
23 Commission would still need to decide that are sort of
24 outside of the Non-Unanimous Stipulation?

25 A. Right. Like the correct sub-accounts,

1 like the list of sub-accounts to include and exclude.

2 Q. So that -- that's Issue Number 90 in the
3 list of issues, right?

4 A. Yes. And that --

5 Q. So when -- go ahead.

6 A. Apologies. Go on.

7 Q. I'm sorry. I interrupted you. Go ahead.

8 A. Did you finish your question?

9 Q. Yes.

10 A. Okay.

11 Q. Well, my question is, what is -- what
12 needs to be decided with Issue 90? What's -- what
13 FERC sub-accounts should be included in the FAC tariff
14 sheets?

15 A. The FERC sub-accounts that --
16 apologies -- that are included in Brooke
17 Mastrogriannis' Schedule BM-D2. The stipulation
18 doesn't include like proposed tariff sheets or the
19 list of sub-accounts that should be included or
20 excluded from the FAC, which is very important.

21 Q. So that's Issue Number 90. And are you
22 referring to another issue on the issue list between
23 Issues Number 90 and Issue 99?

24 A. The -- the tariff sheets? Like --

25 Q. Okay. I don't know if you have a copy --

1 is that Issue Number 97, which is how should the
2 tariff sheets be revised?

3 A. That sounds right. I don't have a copy
4 of the position statements with me.

5 Q. Okay. And am I understanding you
6 correctly that the answers to those questions could be
7 found in your testimony or Mr. -- Ms. Mastrogiannis'
8 of the Staff testimony?

9 A. Yes. Brooke Mastrogiannis.

10 Q. And is your -- do you agree with Staff's
11 position about the proper sub-accounts?

12 A. I do. It's just that a final version was
13 not included with the stipulation and agreement.

14 Q. Okay.

15 A. Which is important.

16 Q. Okay.

17 A. The details.

18 Q. Is that -- is that an issue that Staff
19 and Public Counsel have versus the utility or is it
20 just not addressed?

21 A. It's not addressed in the stipulation.

22 Q. Okay. And your recommendation is that --
23 that the Commission should take the Staff's position
24 on the -- the proper sub-accounts?

25 A. Yes. Like the final version without --

1 yeah, the final version.

2 Q. Okay. And what are the -- what are
3 the -- the issues on which you would take exception to
4 the non-unanimous stip with regard to fuel adjustment
5 clause?

6 A. Well, the FAC tariffs should be
7 consistent with the FAC ordered by the Commission.
8 And there were no proposed tariff sheets attached to
9 the stipulation and agreement.

10 Q. And is Public Counsel's positions fully
11 stated in the position statements of Public Counsel?

12 A. They are.

13 Q. Okay. All right. I think that's all I
14 have. Thanks.

15 JUDGE HATCHER: Mr. Op- -- Mr. Opitz --

16 MR. OPITZ: No, thank you.

17 JUDGE HATCHER: -- indicates no
18 questions. And Staff.

19 MR. PRINGLE: Yes, Judge. Thank you.
20 Just one.

21 CROSS-EXAMINATION

22 BY MR. PRINGLE:

23 Q. Good morning, Ms. Schaben.

24 A. Good morning.

25 Q. I guess it's your understanding that in

1 response to a Commission order, compliance tariff
2 sheets are typically filed?

3 A. Usually I've seen them with the
4 stipulation and agreement, and I haven't this time.

5 Q. But typically compliance tariffs are
6 ordered in response to a Commission order?

7 A. Typically.

8 Q. Thank you.

9 MR. PRINGLE: No further questions,
10 Judge.

11 JUDGE HATCHER: Thank you, Mr. Pringle.
12 And the Company.

13 MR. COOPER: No questions, Your Honor.

14 JUDGE HATCHER: Thank you.

15 Are there any Commissioner questions for
16 Ms. Schaben? Hearing none, we will go back to
17 redirect. Mr. Williams.

18 MR. WILLIAMS: Thank you, no.

19 JUDGE HATCHER: Thank you, Ms. Schaben.
20 Appreciate you being here again today.

21 THE WITNESS: Thanks.

22 JUDGE HATCHER: You are excused from our
23 witness stand.

24 Mr. Williams, go ahead and call your next
25 witness.

1 MR. WILLIAMS: Lena Mantle.

2 JUDGE HATCHER: Ms. Mantle, please raise
3 your right hand.

4 (Witness sworn.)

5 JUDGE HATCHER: Thank you. Please have a
6 seat and state and spell your name for our court
7 reporter, please.

8 THE WITNESS: My name is Lena M. Mantle.
9 Lena is L-e-n-a, Mantle is M-a-n-t-l-e.

10 JUDGE HATCHER: Mr. Williams, your
11 witness.

12 Whereupon,

13 LENA M. MANTLE,
14 being first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. WILLIAMS:

17 Q. Good morning.

18 A. Good morning.

19 Q. Did you prepare and cause to be pre-filed
20 testimony that's been marked -- well, direct
21 testimony, rebuttal testimony and surrebuttal
22 testimony that have been marked and admitted into
23 evidence as Exhibits 205, 20 -- or I'm sorry, 206, 207
24 and 208, some of which are highly confidential and
25 confidential, as well as public versions?

1 A. Yes.

2 MR. WILLIAMS: I tender Ms. Mantle for
3 cross.

4 JUDGE HATCHER: Thank you. That will go
5 to Mr. Coffman.

6 MR. COFFMAN: Thank you.

7 CROSS-EXAMINATION

8 BY MR. COFFMAN:

9 Q. Good morning, Ms. Mantle.

10 A. Good morning.

11 Q. How many years have you been looking at
12 the fuel adjustment clause in Missouri on -- both when
13 you worked at Staff and also then on -- with the
14 Office of Public Counsel?

15 A. I believe the legislation -- it was
16 called Senate Bill 179 -- was passed in 2005. So that
17 would make it 20 years.

18 Q. Okay. So you've -- so you've examined
19 FAC issues and cases since the inception of the fuel
20 adjustment clause in Missouri; is that right?

21 A. Yes. And also was one of the scribes in
22 the rulemaking and -- and participated in prudence
23 reviews and FAC rate change cases and true-ups pretty
24 much since then.

25 Q. So in all -- in -- given all of that

1 review and experience that you have, what would you
2 say to the Commission would be the most important
3 component of a fuel adjustment clause tariff?

4 A. That's difficult. I would say the -- the
5 top two would be getting the base factor right and
6 making sure that it's the revenue requ- -- consistent
7 with what's in revenue requirement.

8 The -- also important, and they're
9 intertwined, is incentive mechanism. Our legislature
10 included in the statute the ability for the Commission
11 to include incentive mechanism. I believe they
12 realized that by having an FAC, that removes all
13 incentive for the utility to look at things cost
14 effectively. They no longer would get the incentive
15 of reducing those costs or making decisions that make
16 those costs lower.

17 With an FAC, it would auto- -- the -- I
18 would say kind of the bar is lower; prudent, but not
19 necessarily efficient. And the -- so they included an
20 incentive mechanism.

21 Some utilities don't need as much
22 incentive as the others. This -- and so -- but the
23 Commission has the ability and probably a requirement
24 for the -- as a customer protection, to -- to look at
25 the incentive mechanism and whether or not the utility

1 needs it and how much of an incentive each different
2 utility needs to properly -- to look at the
3 cost-effectiveness. Not just from the shareholders'
4 side, but also from the customers' side.

5 Q. So do -- have you seen the incentive
6 mechanism work to the benefit of the public in
7 Missouri?

8 A. Very little. The -- the current 95/5,
9 utilities typically recover from 98 to almost
10 100 percent of the cost. It's very little incentive.

11 Even Empire's accumulation period where
12 they were off by 60 million, it just -- the customers
13 ended up paying almost all of that and there was very
14 little of that that went back on the shareholders.
15 The -- the nu- -- the exact numbers are in my
16 testimony.

17 Q. Do you think the incentive mechanism in
18 Missouri would work better at a higher level than
19 5 percent?

20 A. Yes, I do.

21 Q. And do you believe that this particular
22 utility, Liberty/Empire District, should have a higher
23 incentive percentage than others utilities that are
24 regulated in Missouri?

25 A. Definitely.

1 Q. Okay. That's all I have.

2 JUDGE HATCHER: Thank you, Mr. Coffman.

3 Then we go to Staff. I'm sorry, we go to
4 Mr. Opitz, who indicates no questions. Now we'll go
5 to Staff.

6 MR. PRINGLE: Yes, Judge. Thank you.

7 CROSS-EXAMINATION

8 BY MR. PRINGLE:

9 Q. Good morning, Ms. Mantle.

10 A. Good morning, Mr. Pringle.

11 Q. So I just have a question for you. In
12 your expert opinion, would ratepayers be better off if
13 the Commission approved a \$97 million increase with an
14 \$11 per megawatt hour base factor, or a \$97 million
15 increase with a \$13.97 megawatt hour base factor?

16 A. Customers would be better off with a
17 higher FAC if -- when -- if the Commission made a
18 decision that the FAC should be lower, then that
19 97 million needs to be reduced by the amount that
20 Empire would have gotten with the 13.97 versus the
21 11.11 that we are supporting in -- as our position.

22 So if it was kept at 97 without regard,
23 then the customers are better with the 13.97, because
24 that means as -- if costs go up, customers' bills will
25 not increase. But if they -- they are where Staff

1 says they should be, then they're going to have to
2 wait to get money back later.

3 Q. Thank you so much, Ms. Mantle.

4 MR. PRINGLE: No further questions,
5 Judge.

6 JUDGE HATCHER: Thank you. That will go
7 to the Company.

8 CROSS-EXAMINATION

9 BY MR. COOPER:

10 Q. Ms. Mantle, you -- you stated in response
11 to a question that -- that the most important thing in
12 terms of the FAC process here is to get the base
13 factor correct, right?

14 A. Yes. A good base factor -- if you get
15 your base factor correct, it really doesn't matter
16 what the incentive mechanism is.

17 Q. And the base factor may be in effect for
18 several years, correct? It will be in effect until
19 the next general rate case?

20 A. Which will be, at the longest, four
21 years.

22 Q. And -- and, in fact, the current base
23 fuel factor for -- for Empire has been in effect since
24 June 1 of 2022, correct?

25 A. Yes. That was the case where the wind

1 projects came in so that there was a reason to stay
2 out for as long as you could, despite what the base
3 factor -- how off the base factor was.

4 Q. And one other question. Would you agree
5 with me that in the other states in which Empire
6 operates, Arkansas, Kansas and Oklahoma, those states
7 all have a fuel and purchased power recovery
8 mechanism, but no provision for sharing?

9 A. I'm not aware of all the states, but
10 Kansas I -- I -- I can believe that none of them have
11 sharing.

12 Q. That's all the questions I have at this
13 time.

14 JUDGE HATCHER: Thank you.

15 That will bring us to Commissioner
16 questions for Ms. Mantle on the topic of FAC. Are
17 there any Commissioner questions for Ms. Mantle?

18 Okay. Hearing none, we will go to
19 redirect.

20 MR. WILLIAMS: Thank you.

21 REDIRECT EXAMINATION

22 BY MR. WILLIAMS:

23 Q. Do you remember when you were asked about
24 your experience with fuel adjustment clause in
25 Missouri?

1 A. Yes.

2 Q. What utilities have you had experience
3 with fuel adjustment clauses? And I -- if they vary
4 in time, when?

5 A. With all the investor-owned utilities in
6 Missouri, the -- Evergy West would have originally
7 been Aquila, they were granted the very first FAC
8 after the passage of Senate Bill 179. Empire District
9 Electric soon followed.

10 Sometime in there, Aquila changed to
11 KCP&L/GMO, Greater Missouri Operations Company, sorry.
12 And Ameren/Union Electric. And then Kansas City Power
13 & Light did not get a FAC until later, and they have
14 subsequently changed their name to Evergy Metro. So
15 all the -- the investor-owned utilities in Missouri.

16 Q. And when you said Union Electric, it's
17 known as Ameren Missouri currently?

18 A. Yes.

19 Q. Then when Mr. Coffman asked you about
20 em- -- the most important factor I believe is the word
21 he used or component of fuel adjustment clause, you
22 said the base fac- -- getting the base factor right
23 and the incentive mechanism right. Do you recall
24 that?

25 A. Yes.

1 Q. You also said they're intertwined. Would
2 you explain how those two factors are intertwined?

3 A. As I explained to Mr. Cooper, that the --
4 if the base factor is set correctly, then the -- the
5 actuals, they will fluctuate around that, but it won't
6 be a big fluctuation.

7 And when I -- prior to the FAC, utilities
8 would come in and one -- one of the biggest issues in
9 those rate cases were -- was fuel and purchased power
10 costs. And they were highly contested issues with --
11 between the parties.

12 And once the FAC became common practice
13 in Missouri, those are pretty well settled now.
14 There's not as much emphasis on getting those numbers
15 right. So if the FAC is done right, the difference
16 between the actual and the -- the base factor is
17 small, so incentives have less impact.

18 Q. Have you ever seen a circumstance where a
19 company was intentionally trying to take advantage of
20 that kind of --

21 A. Yes.

22 Q. -- setting the base factor?

23 A. Yes. And at the time it was KCPL/Greater
24 Missouri Operations Company or GMO. They filed -- I
25 think it was like their second or third case after

1 they got an FAC and did not change the base; thus,
2 manipulating how much of the increase, because they
3 knew they could just get fuel. They didn't have to
4 worry about getting it right.

5 Staff -- that's when I was on Staff.
6 Staff caught that very late in the case. It was not
7 presented to Staff up front -- Staff or the Commission
8 up front and Staff settled that case.

9 At the beginning of this case, I was
10 concerned that Empire was doing the same thing here in
11 the way that it filed its case when it seemed to be
12 just assuming that the FAC revenues would roll over
13 into regular rates; thus, making it look like it was a
14 smaller rate increase.

15 I don't know if that was the intent, but
16 we spent two or three months trying to get it worked
17 out correctly so that this increase would be
18 appropriately presented to the Commission and the
19 customers as it was actually -- I wouldn't say filed
20 by the Company, but to match what the Company intended
21 to file.

22 Like I say, I don't know if that was the
23 intent, but it's something that has to be watched very
24 carefully, because it is a complicated mechanism and
25 how to deal with it is -- should be carefully watched.

1 Q. Do you remember when Staff counsel asked
2 you about I think keeping the 97 million as a revenue
3 requirement, but whether -- the relative positions of
4 customers, if it was -- the FAC base factor was set at
5 \$11.11 per megawatt hour versus \$13.97 per megawatt
6 hour?

7 Could you elaborate more as to why you
8 answered that they would be better off if it was set
9 at the \$13.97 per megawatt hour?

10 A. The thir- -- 13.97 equates using the
11 billing -- billing determinate of Staff and that
12 system input from the rate case. That means of the
13 97 million of the settlement, using the -- those
14 numbers in the settlement calculates a net fuel
15 purchased power Missouri jurisdictional of 24 million.

16 If you use those -- do that same
17 calculation using the 11.11 of Staff's true-up
18 number -- let's see. The number -- the difference
19 from the settlement the -- would be 13 million. So --
20 and that's Missouri jurisdictional.

21 If the 97 sits at whatever amount it --
22 regardless of the -- any changes in the base factor,
23 the non-FAC portion of that increase would be even
24 greater.

25 Now, when you get around to the customer

1 side going forward, the bar at which actuals would be
2 compared to would be higher with the 13.97 versus the
3 11 dollars. So the -- if costs increase, then
4 customers would see a smaller FAC rate and the amount
5 that Empire would absorb would be smaller.

6 If there was a decrease -- if the actual
7 costs were closer to what Staff's estimating, then
8 customers, after a six-month accumulation period,
9 three months to get the FAC right, then the next six
10 months they would get a reduction to their bills, but
11 they would only get 95 percent of that reduction.

12 With the 11, which I feel is closer to
13 what it should be, there's less -- I believe there's
14 less likely to be a lot of fluctuation around that
15 number. If there is a high increase, if something
16 happens like Storm Uri again, customers' amounts are
17 going to be greater.

18 But if it's handled appropriately and the
19 total revenue requirement is reduced by the amount
20 between the 13.97 and the 11 dollars, customers' bills
21 will be lower.

22 So it -- it does have an impact. And if
23 we were just going for, you know, what is -- assuming
24 that 97 million was going to be the revenue
25 requirement increase, solely looking at what we --

1 what I think was best for -- would result in the
2 lowest for customers, I would choose the 13.97, but I
3 don't believe that's the right fuel cost.

4 So I don't know that I answered your
5 question, but I -- I think I did.

6 Q. Okay. Do you remember testifying in
7 response to a question about, I guess, continuation of
8 Liberty's current FAC, you said that it started in
9 June 1 of 2022. By statute and rule, the utility
10 needed to do something in order to continue that fuel
11 clause; otherwise, it would terminate, correct?

12 A. You're talking about how long they can go
13 without a rate case?

14 Q. Well, they get a change in their fuel
15 clause -- statutorily it's required to be done in a
16 rate case, correct?

17 A. That is correct. It cannot change
18 outside a rate case.

19 Q. So -- and that -- there's a timing about
20 when that rate case needs to be filed in order to
21 continue beyond how -- what's the time frame?

22 A. New tariffs have to be filed so that
23 tariffs would be in effect four years after they go
24 in. Typically it's thought of -- it's every four
25 years, the FAC will change.

1 Q. Do you know of any reason why the
2 Commission, if it were to reject an increase in this
3 case, could not continue the current fuel adjustment
4 clause?

5 A. No. If -- if they don't -- if they
6 provide no increase, I would suggest they keep the FAC
7 at the same amount.

8 Q. And isn't it Public Counsel's position
9 that if the Commission does address setting new
10 rates -- general rates, that the Commission also
11 address rebasing the fuel adjustment clause?

12 A. Yes.

13 Q. No further questions.

14 JUDGE HATCHER: Thank you, Mr. Williams.

15 Thank you, Ms. Mantle. Ms. Mantle,
16 you're excused from the witness stand.

17 I don't have any more witnesses on my
18 schedule. All right. Mr. Williams.

19 MR. WILLIAMS: Judge, in the past, I've
20 seen cases where -- and I realize there's a settlement
21 in place -- but the Commission has gotten a
22 reconciliation from its Staff of the parties'
23 position -- positions pre-settlement.

24 Is the Commission anticipating or wanting
25 something like that in this case? And part of the

1 reason I'm asking is because I saw one circulated
2 amongst the parties before we went to hearing.

3 JUDGE HATCHER: I'm stuck on the
4 pre-agreement positions. Because I -- or is that what
5 you're wanting to supply? Or are you wanting to
6 supply a table of the parties' positions for
7 comparison?

8 MR. WILLIAMS: Basically what I've seen
9 is it -- and it would be pre-settlement is what I've
10 seen. It would say here's what the Company's asking,
11 here are Staff's issues and how that reduces the
12 revenue requirement, and then Public Counsel's.

13 So it provides some quantification of the
14 relative positions of the parties prior to the
15 settlement. Of course, that changes things pretty
16 radically. But I think it would give the Commission
17 maybe a better -- or some idea of the values of
18 Staff's -- or Public Counsel's positions, some of
19 which are Staff's.

20 JUDGE HATCHER: I would certainly welcome
21 one of those tables. I would hesitate to order one.

22 MR. WILLIAMS: Okay.

23 JUDGE HATCHER: We have briefs due on
24 November 6th and reply briefs due on the 14th of
25 November.

1 I'm running out of announcements. We're
2 going to adjourn here in a minute. Are there any
3 other issues concerns, questions? Mr. Williams.

4 MR. WILLIAMS: Thank you, Judge.

5 JUDGE HATCHER: Thank you. With that, we
6 are adjourned. We are at rec- -- we are not at
7 recess. We're adjourned for the whole hearing.
8 Schedule for Monday is cancelled, the schedule for
9 tomorrow is cancelled. We are adjourned. Thank you
10 all. Off the record.

11 (Whereupon, the proceedings concluded at
12 10:34 a.m.)

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STAFF EVIDENCE

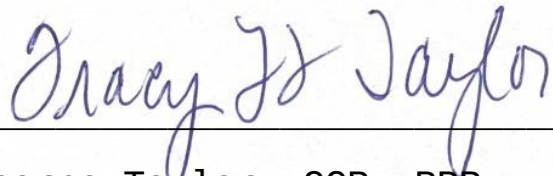
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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the testimony appearing in the foregoing matter was duly sworn by me; that the testimony of said witnesses was 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 matter 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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