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1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
3  
4 TRANSCRIPT OF PROCEEDINGS  
5 Hearing  
6 January 9, 2006  
7 Jefferson City, Missouri  
8 Volume 5  
9

10 In the Matter of the Tariff Filing )  
11 Of Aquila, Inc., to Implement a )  
12 General Rate Increase for Retail )  
13 Electric Service Provided to ) Case No. ER-2005-0436  
14 Customers in its MPS and L&P )  
15 Missouri Service Areas )  
16  
17 In the Matter of the Tariff Filing )  
18 of Aquila, Inc., to Implement a )  
19 General Rate Increase for Retail ) Case No. HR-2005-0450  
20 Steam Heat Service Provided to )  
21 Customers in its L&P Missouri )  
22 Service Area )

23  
24 MORRIS L. WOODRUFF, Presiding,  
25 SENIOR REGULATORY LAW JUDGE.  
STEVEN C. REED, Presiding,  
REGULATORY LAW JUDGE.

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21

22

23 REPORTED BY:

24 KELLENE K. FEDDERSEN, CSR, RPR, CCR  
25 MIDWEST LITIGATION SERVICES

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 21 Association.  
 22 Ag Processing, Inc.

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0003

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8 FOR: Federal Executive Agencies.

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10 JOHN COFFMAN, Attorney at Law  
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St. Louis, MO 63119  
11 (573)424-6779

12 FOR: AARP.

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16 FOR: Office of the Public Counsel  
and the Public.

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18 LERA L. SHEMAWELL, Senior Counsel  
NATHAN WILLIAMS, Associate General Counsel  
19 DAVID A. MEYER, Associate General Counsel  
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21 200 Madison Street  
Jefferson City, MO 65102  
22 (573)751-3234

23 FOR: Staff of the Missouri Public  
Service Commission.

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

2 JUDGE WOODRUFF: Good morning, everyone.

3 Welcome to the preliminaries for the hearing today. This  
4 is Case No. ER-2005-0436, as well as HR-2005-0450. My  
5 name is Judge Woodruff. I'll be the presiding judge  
6 today. Also want to introduce you to the person on my  
7 left here. This is Steve Reed, our newest judge, and  
8 he'll be assisting me on this case, and you may see him on  
9 the bench once or twice during the next two and a half  
10 weeks.

11 Let's start by taking entries of  
12 appearance. We'll begin with Aquila.

13 MR. SWEARENGEN: Thank you, Judge. Let the  
14 record show the appearance of James C. Swearengen, Paul  
15 Boudreau, Dean Cooper and Janet Wheeler, Brydon,  
16 Swearengen & England. Our address is 312 East Capitol  
17 Avenue, Jefferson City, Missouri. We're appearing on  
18 behalf of Aquila. Thank you.

19 JUDGE WOODRUFF: For Staff?

20 MR. WILLIAMS: Nathan Williams, Dennis L.  
21 Frey, David Meyer, Robert Franson, Lera L. Shemwell,  
22 Robert S. Berlin, P.O. Box 360, Jefferson City, Missouri  
23 65102.

24 JUDGE WOODRUFF: Thank you. And for Public  
25 Counsel?

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1                   MR. MILLS: On behalf of the Office of the  
2 Public Counsel and public, my name is Lewis Mills. My  
3 address is Post Office Box 2230, Jefferson City, Missouri  
4 65102.

5                   JUDGE WOODRUFF: Okay. For AARP?

6                   MR. COFFMAN: John B. Coffman appearing on  
7 behalf of AARP. My new address is 871 Tuxedo Boulevard,  
8 St. Louis, Missouri 63119.

9                   JUDGE WOODRUFF: Thank you, Mr. Coffman.  
10 For Ag Processing?

11                  MR. CONRAD: Judge, this would be in the HR  
12 case. For Ag Processing, Stu Conrad, Finnegan, Conrad &  
13 Peterson, 3100 Broadway, Suite 1209, Kansas City, Missouri  
14 64111. If you would like, I can go ahead and deal with  
15 the rest of them, too.

16                  JUDGE WOODRUFF: Yes, please do.

17                  MR. CONRAD: They would be in the ER case,  
18 and that is the Sedalia Industrial Energy Users  
19 Association, shorthand SIEUA, and also Ag Processing with  
20 respect to its electric service in St. Joseph, same  
21 attorney, Stu Conrad, Finnegan, Conrad & Peterson.  
22 Fortunately, it's the same address and the same zip code.

23                  JUDGE WOODRUFF: Thank you, Mr. Conrad.  
24 For Calpine? I don't see Mr. DeFord here. Anyone else  
25 here for Calpine? We'll go ahead without them.

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1 City of Kansas City?

2 MR. COMLEY: Let the record reflect the  
3 entry of appearance of Mark W. Comley and Thomas O'Toole,  
4 601 Monroe, Suite 301, Jefferson City, Missouri 65101, on  
5 behalf of City of Kansas City.

6 JUDGE WOODRUFF: Thank you, Mr. Comley.  
7 For City of St. Joseph?

8 MR. STEINMEIER: Thank you, your Honor.  
9 Let the record reflect the appearance of William D.  
10 Steinmeier and Mary Ann (Garr) Young, William D.  
11 Steinmeier, PC, P.O. Box 104595, Jefferson City, Missouri  
12 65110-4595, on behalf of the City of St. Joseph, Missouri.

13 JUDGE WOODRUFF: Thank you. And for the  
14 Empire District?

15 MR. KEEVIL: Yes, Judge. Appearing on  
16 behalf of the Empire District Electric Company, Jeffrey A.  
17 Keevil with the law firm of Stewart & Keevil, LLC, address  
18 4603 John Garry Drive, Suite 11, Columbia, Missouri 65203.

19 JUDGE WOODRUFF: And for the Federal  
20 Executive Agencies?

21 MR. PAULSON: Thank you, Judge. Major  
22 Craig Paulson, 139 Barnes Drive, Suite 1, Tyndall Air  
23 Force Base, Florida 32403, on behalf of the Federal  
24 Executive Agencies.

25 JUDGE WOODRUFF: Thank you. And for

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1 Department of Natural Resources?

2 MS. WOODS: On behalf of the Missouri  
3 Department of Natural Resources, Shelley Ann Woods,  
4 Assistant Attorney General, Post Office Box 899, Jefferson  
5 City, Missouri 65102.

6 JUDGE WOODRUFF: Thank you. And I believe  
7 that's all the parties. The main purpose in being here  
8 today was to mark exhibits, and we'll go off the record to  
9 do that in a moment.

10 Before we do that, I just wanted to ask if  
11 there's any pending motions or anything that anyone wants  
12 to bring up while we're on the record?

13 MR. KEEVIL: Judge, I don't know if this  
14 would be the time to do it or not, but I don't remember if  
15 at the prehearing I asked for leave to be excused at  
16 various points throughout the hearing since I think it's,  
17 like you said earlier, scheduled for like two and a half,  
18 three weeks, and I doubt that I would have an interest in  
19 all of those proceedings. So if I could be kind of -- the  
20 typical roving leave to be excused will be requested.

21 JUDGE WOODRUFF: Well, that will certainly  
22 be granted.

23 MR. KEEVIL: Thank you.

24 JUDGE WOODRUFF: Anything else anyone wants  
25 to bring up on the record?

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1                   MR. STEINMEIER: Is that a generic grant,  
2 your Honor?

3                   JUDGE WOODRUFF: I assume, Mr. Steinmeier,  
4 you're in the same position? Yes. I'm certainly not  
5 going to require anyone to be here that doesn't want to be  
6 here.

7                   All right. Well, with that, then, we'll go  
8 off the record, and we'll go ahead and mark exhibits.

9                   (AN OFF-THE-RECORD DISCUSSION WAS HELD.)

10                  (EXHIBIT NOS. 1 THROUGH 100 AND 1001  
11 THROUGH 1046 WERE MARKED FOR IDENTIFICATION.)

12                  JUDGE WOODRUFF: We have been off the  
13 record to mark exhibits, and that task has been completed.  
14 At this time, by agreement of the parties, we're going to  
15 adjourn until next Tuesday, I believe at 8:30. Anything  
16 else?

17                  With that, then, we are adjourned until  
18 next Tuesday. Thank you.

19                  WHEREUPON, the hearing of this case was  
20 recessed until January 16, 2006.

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	EXHIBITS INDEX	MARKED	RECEIVED
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2	EXHIBIT NO. 1		
3	Direct Testimony of Jon R. Empson	8	
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6	EXHIBIT NO. 3		
7	Direct Testimony of Michael R. Apprill	8	
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14	Surrebuttal Testimony of H. Davis	
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21	Surrebuttal Testimony of Andrew N.	
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