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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Early Prehearing Conference
March 13, 2006
Jefferson City, Missouri
Volume 1

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In the Matter of The Empire)
District Electric Company of)
Joplin, Missouri, for Authority to)
File Tariffs Increasing Rates for) Case No. ER-2006-0315
Electric Service Provided to)
Customers in the Missouri Service)
Area of the Company)

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COLLEEN M. DALE, Presiding,
CHIEF REGULATORY LAW JUDGE.

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REPORTED BY:

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1 APPEARANCES:

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11 FOR: Missouri Department of Natural

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FOR: Staff of the Missouri Public
5 Service Commission.
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1 P R O C E E D I N G S

2 JUDGE DALE: We are here today in the
3 matter of The Empire District Electric Company of Joplin,
4 Missouri for authority to file tariffs increasing rates
5 for electric service provided to customers in the Missouri
6 service area of the company, Case No. ER-2006-0315.

7 At this point we will take entries of
8 appearance, beginning with Staff.

9 MR. FREY: Thank you, your Honor.
10 Representing the Staff of the Missouri Public Service
11 Commission, Dennis L. Frey and Steven Dottheim, P.O.
12 Box 360, Jefferson City, Missouri 65102.

13 JUDGE DALE: Thank you.

14 MR. MILLS: On behalf of the Office of the
15 Public Counsel and the public, my name is Lewis Mills. My
16 address is Post Office Box 2230, Jefferson City, Missouri
17 65102.

18 MR. SWEARENGEN: James C. Swearengen and
19 Janet Wheeler appearing on behalf of The Empire District
20 Electric Company. We're with Brydon, Swearengen &
21 England, 312 East Capitol Avenue, Jefferson City,
22 Missouri. Thank you.

23 MS. WOODS: Shelley Woods, Assistant
24 Attorney General, Post Office Box 899, Jefferson City,
25 Missouri 65102, appearing on behalf of the Missouri

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1 Department of Natural Resources.

2 MR. CONRAD: On behalf of Praxair and
3 Explorer Pipeline, let the record please show the
4 appearance of Stuart W. Conrad and David L. Woodsmall of
5 the law firm Finnegan, Conrad & Peterson, 3100 Broadway,
6 Suite 1209, Kansas City, Missouri 64111.

7 MR. FISCHER: James M. Fischer, Fischer &
8 Dority, PC, 101 Madison Street, Suite 400, Jefferson City,
9 Missouri 65101, appearing on behalf of Kansas City Power &
10 Light Company.

11 JUDGE DALE: Are there any others?

12 (No response.)

13 JUDGE DALE: I know that I have one
14 outstanding motion that I will be replying to in writing.
15 Other than Mr. Conrad's pending motion, are there any
16 other motions outstanding that I should be aware of or is
17 there anything else I need to be aware of?

18 MS. WHEELER: We would like to enter the
19 appearance of Diana C. Carter of the law firm Brydon,
20 Swearngen & England, 312 East Capitol, Jefferson City,
21 Missouri 65102. She was not able to be here this morning
22 due to the hail at her home, and she's appearing on behalf
23 of Aquila, Inc.

24 JUDGE DALE: Is she the person that I --
25 there was some -- I'm sorry to say, but I cannot remember

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1 who called and asked to be excused, but there is one other
2 person who called me last week and asked to be excused. I
3 told her she could be excused, but she was at your mercy.
4 And I'm sorry, I can't remember who that was.

5 All right. Then your task here today, as
6 you all know very well, is to come up with a proposed
7 procedural schedule. You all know my marching orders as
8 far as what will be an acceptable procedural schedule to
9 the Commissioners. If you come up with a consensus
10 document that meets their requirements, that would be the
11 wisest course of action. If you do not, I'll pick one
12 that does.

13 MR. CONRAD: Why don't you tell us what
14 your marching orders are?

15 JUDGE DALE: My marching orders are that
16 there will be prehearing briefs, limited post-hearing
17 briefs. If you're going to settle it and you have any
18 partial settlement, then whatever is scheduled to be heard
19 that is not settled in writing will be heard on the date
20 it is scheduled to be heard.

21 If you have a nonunanimous stipulation and
22 agreement to which no one has objected in a timely fashion
23 or to which parties have stated that they have no
24 objection, that will be treated as a unanimous stipulation
25 and agreement. But even if you unanimously agree to

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1 suspend the procedural schedule, if you don't have a
2 substantive agreement in writing, our instructions are
3 that we are not to postpone the hearings.

4 So if you can only get partial stips, my
5 recommendation to you would be to work on those issues
6 that you have scheduled first or to schedule first those
7 issues you think most likely to settle, because if you
8 settle those issues and they're scheduled for those first
9 days, then we can postpone the beginning and you can work
10 on the further issues. Those are my marching orders.

11 MR. CONRAD: Just so the record is clear,
12 those are different marching orders than was expressed in
13 the suspension order, and you realize that the suspension
14 order is subject to an application for rehearing or
15 reconsideration at this point?

16 JUDGE DALE: The suspension order
17 objections will be responded to in writing. I disagree
18 that the suspension order is subject to rehearing, but
19 that will be -- that will be explained in writing.

20 MR. CONRAD: And that will be apparent on
21 the record. Thank you.

22 JUDGE DALE: Anything else? Then we will
23 go off the record.

24 WHEREUPON, the recorded portion of the
25 prehearing conference was concluded.