

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Local Public Hearing
March 26, 2008
Reeds Springs, Missouri
Volume 4

In the Matter of The Empire)
District Electric Company of)
Joplin, Missouri for Authority to)
File Tariffs Increasing Rates for) Case No. ER-2008-0093
Electric Service Provided to)
Customers in the Missouri Service)
Area of the Company)

CHERLYN D. VOSS, Presiding,
REGULATORY LAW JUDGE.
CONNIE MURRAY,
COMMISSIONER.
(via videoconference)

REPORTED BY:
BRAD MOWRER, RMR
MIDWEST LITIGATION SERVICES

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APPEARANCES:

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FOR: Staff of the Missouri Public Service
Commission.

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1 JUDGE VOSS: Good evening. It's
2 Wednesday, March 26th, and The Missouri Public
3 Service Commission has set this time for a local
4 public hearing in Case No. ER-2008-0093 in which The
5 Empire District Electric Company seeks to implement a
6 rate increase for its electric services.

7 The Missouri Public Service Commission
8 regulates the rates charged by investor-owned utility
9 companies in Missouri to insure that those rates are
10 just and reasonable. The Commission also regulates
11 the quality of service and safety of regulated
12 utilities in Missouri.

13 The Commission is made up of
14 5 commissioners, one of whom is with me this evening.
15 I am Cherlyn Voss. I'm the Regulatory Law Judge
16 assigned to this case, and I'll be presiding over
17 this public hearing this evening. And with me is
18 Commissioner Connie Murray.

19 MS. MURRAY: Good evening.

20 JUDGE VOSS: I believe a couple of other
21 commissioners are hoping to join us, but I'm not sure
22 when they will arrive.

23 This is the official hearing of The
24 Missouri Public Service Commission, and the
25 statements and testimony will be recorded by the

1 court reporter, who I believe is at your location.

2 Is that correct, Gregg?

3 MR. OCHOA: That is correct, Judge.

4 JUDGE VOSS: Thank you.

5 Although not all the commissioners are
6 with us this evening, the commissioners will be able
7 to review all of the comments presented this evening,
8 because, as I said, it's being recorded and will be
9 presented to them.

10 The purpose of this hearing tonight is to
11 hear from you on the subject of the proposed rate
12 increase. This is your opportunity to testify and
13 give your remarks and opinions and any information
14 you have regarding the proposed increase. If you're
15 unable, for any reason, to testify tonight, there are
16 fliers at the back of the room on which you can give
17 written comments. Those fliers have the Commission's
18 web site, mailing address, and fax number. You can
19 fill out any of those fliers tonight and give them to
20 a staff member or fill them out and fax or mail them
21 in to the Commission. Also on those fliers there's
22 some phone numbers that might be of interest to you,
23 the Office of the Public Counsel and the Commission
24 staff, two entities that might be able to answer any
25 questions you have or assist you in addressing your

1 comments.

2 The witnesses that do wish to testify
3 live, your name will be called by Mr. Ochoa, who is
4 there with you this evening, and he will direct you
5 where to sit. Then I will ask you a few preliminary
6 questions and ask you to spell your name, and then
7 you'll be allowed to testify this evening.

8 Due to technical issues, I'm going to ask
9 counsel that may be present to speak up if you have
10 any questions for the witness. Because if you do not
11 speak up, I will assume that you don't have questions
12 and excuse the witness.

13 Does anybody have any questions before we
14 begin this evening?

15 MR. OCHOA: I don't see any questions,
16 Your Honor.

17 JUDGE VOSS: All right. Great. Well,
18 then we are going to begin with the local public
19 hearing in Commission Case No. ER-2008-0093 in the
20 matter of The Empire District Electric Company of
21 Joplin, Missouri, for authority to file tariffs
22 increasing rates for electric service provided to
23 customers in the Missouri service area of the
24 company.

25 We're going to begin by taking entries of

1 appearance. We are going to begin with The Empire
2 District Electric Company.

3 MS. CARTER: Diana Carter, Brydon,
4 Swearengen & England, 312 East Capitol Avenue,
5 Jefferson City, Missouri 65102.

6 JUDGE VOSS: The Office of the Public
7 Counsel?

8 MR. MILLS: On behalf of the Office of the
9 Public Counsel, Lewis Mills. My address is
10 Post Office Box 2230, Jefferson City, Missouri 65102.
11 Thank you.

12 JUDGE VOSS: The staff of the Commission?

13 MR. OCHOA: There is no attorneys
14 representing the staff.

15 JUDGE VOSS: Are any other parties
16 represented by counsel that would like to make an
17 opening statement at this time?

18 Hearing none, Mr. Ochoa, will you call the
19 first witness, please?

20 MR. OCHOA: Sure. Dale Atkinson.

21 MR. ATKINSON: I'm Dale Atkinson, Branson,
22 Missouri. I live at 157 Lilac Drive. 65616 is the
23 zip code.

24 JUDGE VOSS: Can you spell your name for
25 me, please?

1 MR. ATKINSON: It's D-a-l-e,
2 A-t-k-i-n-s-o-n.

3 JUDGE VOSS: Thank you. And,
4 Mr. Atkinson, do you swear or affirm that the
5 testimony you're going to give is the truth, the
6 whole truth, and nothing but the truth?

7 MR. ATKINSON: Yes, I do, ma'am.

8 JUDGE VOSS: Are you currently a customer
9 of The Empire District Electric Company?

10 MR. ATKINSON: Yes, I am.

11 JUDGE VOSS: Please proceed with any
12 comments you may have.

13 MR. ATKINSON: Well, I'm on retired pay.
14 I get social security. I get a little bit from --
15 I'm a retired civil service worker. But social
16 security takes 60 percent of my benefits away from
17 me. By the time I get it, it's very little, because
18 I paid back in the early '50s when I paid my.
19 40 quarters in. So I only get 3.2 percent per year
20 on my raise. And with what they're coming through
21 here can hit me -- it's going to make a pretty hard
22 strain on me to keep my electric bill paid up,
23 because I'm in a total electric home built back in
24 the '90s. And I finally sold my property to let
25 somebody else have all the taxes and stuff because I

1 got tired of doing it, because I'm getting too old to
2 try to take care of it.

3 So that's -- that's my comment. I mean, I
4 know they need a raise, but going for this much, I
5 just can't afford it.

6 JUDGE VOSS: Thank you.

7 Now we'll receive the questions from the
8 commissioner.

9 Commissioner Murray, do you have any
10 questions for Mr. Atkinson?

11 MS. MURRAY: Mr. Atkinson, thank you for
12 being here this evening.

13 Do you have any complaints about the
14 service that you've received?

15 MR. OCHOA: She wanted to know if you had
16 any complaints about the service you received from --

17 MR. ATKINSON: No. I -- as far as that
18 goes, no, I have no complaints about it, because
19 where I came from -- I mean, when you hit an ice
20 storm or if you get a hard wind storm or something or
21 other, you do lose power. I understand this. No. I
22 don't have no complaints about it. I just -- my
23 complaint is the cost of raising my electricity.

24 MS. MURRAY: All right. Thank you very
25 much for being here.

1 JUDGE VOSS: Thank you for your testimony,
2 Mr. Atkinson.

3 MR. ATKINSON: Thank you.

4 JUDGE VOSS: You're excused.

5 MR. OCHOA: The next witness is Frank
6 Buckingham.

7 JUDGE VOSS: And I'll state that you do
8 not need to give your address for the record.

9 MR. BUCKINGHAM: My name is Frank
10 Buckingham. F-r-a-n-k, B-u-c-k-i-n-g-h-a-m. And --

11 JUDGE VOSS: Mr. Buckingham?

12 MR. BUCKINGHAM: Yes.

13 JUDGE VOSS: Do you swear or affirm that
14 the testimony you're about to give is the truth, the
15 whole truth, and nothing but the truth?

16 MR. BUCKINGHAM: Yes, it is.

17 JUDGE VOSS: Thank you. And are you
18 currently a customer of The Empire District Electric
19 Company?

20 MR. BUCKINGHAM: Yes, I am.

21 JUDGE VOSS: Please proceed with your
22 comments this evening.

23 MR. BUCKINGHAM: I agree with the
24 gentleman who was just up here that this kind of an
25 increase is going to really put a kick in my

1 lifestyle, because I live on social security. And to
2 get a 10 percent raise in the insurance -- or in the
3 electric bill, with the electric heat that I have at
4 home and all that expense, it's going to be terrible
5 on me.

6 And I told some of these people here
7 awhile ago, if they would go to Washington, D.C., and
8 get me a 10 percent increase in my social security
9 payments, then I would go along with this kind of a
10 raise. But they increased the rate more than
11 10 percent just a year ago, in February, and now
12 they're coming back for another chew at it. And
13 they're cutting into our billfolds every year more
14 and more.

15 My February '08 usage was 1667 kilowatt
16 hours, \$128 for the bill. January 1 usage of '08 was
17 2497, \$118.06. But it is just really escalating at
18 an unreasonable rate.

19 From '07, there was 26 percent -- I had
20 23 percent less usage per month than 2001, but there
21 was 15.3 percent more expense per month than '01.
22 That rate jumped in February '07 14.3 percent. And I
23 think that is out of line.

24 I have had problems in dealing with
25 Empire. The house I'm living in was brand new in

1 September of '93 when I moved in. It was a new home,
2 a new power line behind it. They trimmed up the
3 trees. Everything was fine. They did not come back
4 to trim any of those trees for 14 years. I called
5 two years in a row, '03 and '04. I didn't call in
6 '05, but I talked to a representative who came out in
7 the area and pointed it out to them. And he said,
8 yes, that needs to be trimmed. The next year the
9 same thing happened, but nobody ever come back.

10 If I was sitting in my house during a
11 rainstorm, I would see those limbs flopping up and
12 down on the power lines and there just be a string of
13 fire going through those trees along each line. And
14 afterwards there'd be a string of burnt leaves where
15 those -- they got burned from those power lines. And
16 it took a long time.

17 Up until they trimmed those trees last
18 fall I was getting a power outage about once a week.
19 And it was maybe a few seconds, maybe 30 minutes.
20 Often on a bright sunny day. No apparent reason for
21 having any kind of power outage. But if you're using
22 a computer in a situation like that when your power
23 goes off, you've lost whatever you put into that
24 thing. And I had that happen several times. So that
25 really was upsetting, to have that many power

1 outages.

2 Since they did trim the trees last fall, I
3 have had very few power outages. And apparently the
4 tree trimming was effective. But it was several
5 years too late as far as I'm concerned, and that's
6 negligence. They were not taking care of their
7 customers in that time.

8 JUDGE VOSS: Does that conclude your
9 statements today?

10 MR. BUCKINGHAM: Yeah, I think so. Thank
11 you.

12 MR. OCHOA: Any questions?

13 MS. MURRAY: No questions. Thank you,
14 Mr. Buckingham.

15 JUDGE VOSS: Thank you very much for
16 coming out this evening and giving us your
17 information. We appreciate it.

18 MR. OCHOA: Mr. Ward?

19 JUDGE VOSS: Could you please spell your
20 name for the record, please?

21 MR. WARD: Bill Ward. B-i-l-l, W-a-r-d.
22 24709 State Highway 413, Galena, Missouri 65656.

23 JUDGE VOSS: Mr. Ward, do you swear or
24 affirm that the testimony you're about to give is the
25 truth, the whole truth, and nothing but the truth?

1 MR. WARD: I do.

2 JUDGE VOSS: Are you currently a customer
3 of The Empire District Electric Company?

4 MR. WARD: Yes, I am.

5 JUDGE VOSS: Please give your statement.

6 MR. WARD: My issue also is with the -- I
7 guess with the tree trimming. When Empire employed
8 Shade Tree Company to do their tree trimming, they
9 used to take -- do a good job of trimming in this
10 area. Recently, after the -- and we went for quite a
11 period of time when we didn't do any trimming in
12 Stone County.

13 After the big ice storm, they sent in a
14 company called Wright, and to me they had no idea
15 about how to trim. My neighbor and I both had issues
16 where they were going to basically ruin the trees,
17 and they were either close to or under the lines.
18 Mr. Holt and myself both asked the crews to remove
19 the trees completely, treat the stumps so they
20 wouldn't come back, because we were experiencing a
21 lot outage and we had other trees farther away from
22 the lines. So we just said, please take the lines
23 out.

24 We also on the Reeds Springs Post Office
25 facility in Reeds Springs -- I asked them -- we had

1 some trees overhanging that, Empire District
2 Electric's facilities there. I also asked the -- I
3 asked a person from Empire -- or he was driving an
4 Empire truck. And then I asked the people from
5 Wright several times, the supervisor with them -- I
6 said, Please either take those trees down and grind
7 them up, or if you can't -- if your budget won't let
8 you, I said, at least lay them on the ground, the
9 ones that are hanging over the light.

10 Well, the last little ice storm we had
11 tore the -- tore the line down. And of course that
12 causes the -- them to -- Empire to have to send a
13 truck out, expend resources. That adds to their
14 expense.

15 And we're also -- I've been a customer of
16 Empire a long time and currently have -- I don't know
17 -- five or six meters with them. And we're
18 experiencing a lot more outages than we ever did --
19 used to in the past. This has caused -- it's easy,
20 if you drive the lines -- it's easy to see,
21 especially in the summer when those old -- or when
22 it's raining, those old, wet limbs slap against the
23 lines.

24 I just think they could better manage
25 their tree trimming policy than they're doing. I do

1 have some pictures. If you wish, I'll be glad to
2 leave them. Thank you.

3 JUDGE VOSS: Thank you.

4 Commissioner, do you want to tell him
5 about the pictures?

6 MS. MURRAY: Should we give them to the
7 reporter?

8 JUDGE VOSS: Yes. We can mark your
9 pictures collectively as Exhibit 1 to the public
10 hearing, and you can give them to the court reporter.

11 MR. WARD: Okay. Thank you.

12 JUDGE VOSS: Oh, wait a minute.

13 MS. MURRAY: Oh. No questions, Mr. Ward.

14 JUDGE VOSS: Thank you very much for your
15 time.

16 MS. HINES: And, Judge, I apologize for
17 our lateness, but I want to let you know that Steve
18 Reed and Jennifer Hines (ph) are here as counsel for
19 staff. We encountered some rush hour traffic. We
20 were running a little late. But we're here now.

21 JUDGE VOSS: Thank you.

22 MR. OCHOA: Your Honor, Mr. Ward left five
23 photos. I will give them to the court reporter and
24 let him mark them appropriately.

25 JUDGE VOSS: Okay. Thank you.

1 MR. OCHOA: And that was the last witness
2 that has signed up, the last member of the general
3 public that is here tonight.

4 JUDGE VOSS: Okay. Well, anyone that is
5 there, I thank everyone for coming out this evening
6 and a long drive. I know that everyone has to get
7 their notes for testifying and for staff of the
8 Public Counsel and the company.

9 And I guess this concludes the prehearing
10 conference this evening. Thank you.

11 (EXHIBIT NO. 1 WAS MARKED FOR
12 IDENTIFICATION BY THE REPORTER.)

13 WHEREUPON, the prehearing conference was
14 concluded.

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TESTIMONY OF WITNESSES

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Dale Atkinson

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Frank Buckingham

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Bill Ward

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EXHIBIT NO. 1

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Color photographs

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I Brad Mowrer, Certified Shorthand

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Reporter with the firm of Midwest Litigation

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Services, and Notary Public within and for the State

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of Missouri, do hereby certify that I was personally

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present at the proceedings had in the above-entitled
cause at the time and place set forth in the caption
sheet thereof; that I at the point and there took

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foregoing is a full, true and correct transcript of
such Stenotype notes so made at such time and place.

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Given at my office in the city of
Springfield, County of Greene, State of Missouri.

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Notary Public within and for
The State of Missouri

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My commission expires March 30, 2009.

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