



**APPEARANCES**

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I N D E X

Page/Line

WITNESSES -

GISELE PUTNAM . . . . .

PATTY MILLER . . . . .

JOYCE HOGAN . . . . .

RICHARD BOURNE . . . . .

E X H I B I T S

(NONE)

(sic) - typed as spoken  
(ph.) - phonetic

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PROCEEDINGS

BY JUDGE DALE: The Missouri Public Service Commission has set this time for a local hearing in Case Number ER-2006-315, in which the Empire District Electric Company is seeking increase of rates that will increase total revenues by twenty-nine million, five hundred thirteen thousand, seven hundred and thirteen dollars. The Missouri Public Service Commission regulates the rates charged by investor owned utility companies in Missouri to ensure that those rates are just and reasonable. The Commission also regulates the quality of service and the safety of operations of investor owned utilities. The Commission is made up of five Commissioners, two of whom are here right now today. Commissioner Davis in Joplin, and Commission Appling is here in Jefferson City. The Commissioners are appointed by the Governor to fixed terms, and confirmed by the Senate. The Commissioners employs staff of engineers, accountants, attorneys, financial analysts, and other specialists in the field of utility regulation. I am Colleen M. Dale.

1 I'm a Regulatory Judge with the Missouri  
2 Public Service Commission, and I will preside  
3 over this hearing. With me today are - if  
4 you will introduce yourself.

5 BY MR. MEYER: Good evening, my name  
6 is David Meyer. I'm an attorney for the  
7 Staff of the Missouri Public Service  
8 Commission. And with us here in Jefferson  
9 City are several members of the Staff. Mark  
10 Ollenshlager (ph.), Jim Bush, and Gay Fred.

11 BY JUDGE DALE: Thank you. And I  
12 see that Commissioner Murray is in the  
13 process of joining us. This is an official  
14 hearing of the Missouri Public Service  
15 Commission, and the statements and testimony  
16 of witnesses will be recorded by the court  
17 reporter, and must be given under oath or  
18 affirmation. All of the Commissioners will  
19 have the opportunity to read all of the  
20 remarks. In addition to this local hearing  
21 and tomorrow's public hearings in Joplin and  
22 Reed Springs, a trial type evidentiary  
23 hearing is scheduled for September 6th  
24 through 15th, 2006, starting at 10:00 a.m. in  
25 the Commission's offices in the Governor

1 Office Building in Jefferson City, Missouri.  
2 That hearing is a public hearing, and the  
3 company will have the burden at that hearing  
4 of proving its case. The parties will  
5 present their witnesses for and against the  
6 petition at that time. The purpose of this  
7 hearing is to hear from the public. The  
8 company will not present witnesses and will  
9 not answer questions. This is your  
10 opportunity testify, and your remarks will be  
11 part of the official record of this case. I  
12 will call the name of each witness who has  
13 signed up to speak. When your name is called  
14 please come forward and speak into the  
15 microphone. Please spell your name for the  
16 court reporter so she can put it in the  
17 record correctly. I will ask a few  
18 preliminary questions such as your name and  
19 address, and you can make - then make your  
20 statement. There may be questions from the  
21 Commissioners or me. Please do not leave the  
22 witness area until you are excused. We are  
23 scheduled to end promptly at 9:00. We ask  
24 that you be brief. If a previous speaker has  
25 already made the point you wanted to make you

1       may simply state that you agree with what  
2       that person said. There may be someone who  
3       wishes to testify but because of religious  
4       convictions cannot take an oath. For this  
5       reason you will be asked to swear or affirm  
6       that your testimony will be the truth. Does  
7       anyone have questions about the procedure?  
8       Then we will begin the public hearing on Case  
9       Number ER-2006-0315, in the Matter of the  
10      Empire District Electric Company of Joplin,  
11      Missouri for Authority to File Tariffs  
12      Increasing Rates for Electric Service  
13      Provided to Customers in the Missouri Service  
14      Area of the Company. Will counsel please  
15      state their entries of appearance?

16               BY MR. MEYER: David Meyer on behalf  
17      of the Staff of the Public Service  
18      Commission.

19               BY JUDGE DALE: Hold on just a  
20      second, gentlemen. David Meyer just made his  
21      entry of appearance. Did the court reporter  
22      get that? Then the people in Joplin proceed.

23               BY MS. WHEELER: Thank you, Judge.  
24      Let the record reflect the appearance of  
25      Janet E. Wheeler of the law firm Brydon,

1       Swearengen & England, Post Office Box, 456,  
2       Jefferson City, Missouri, on behalf of the  
3       applicant, the Empire District Electric  
4       Company. Thank you.

5               BY JUDGE DALE: Thank you.

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

11              BY JUDGE DALE: Thank you.

12              BY MR. OCHOA: Judge, the first  
13       witness is Gisele Putnam.

14              BY JUDGE DALE: Thank you. Please  
15       come up to the microphone. Hello, Ms.  
16       Putnam.

17              BY GISELE PUTNAM: Hello. My --

18              BY JUDGE DALE: Would you please  
19       state your name?

20              BY GISELE PUTNAM: My name is Gisele  
21       Putnam. G-I-S-E-L-E, P-U-T-N-A-M, here in  
22       Joplin, 2016 Hollow. I came from Europe.

23              BY JUDGE DALE: Are you a customer?

24              BY GISELE PUTNAM: Yes, I am.

25              BY JUDGE DALE: I'm sorry?



1                   BY GISELE PUTNAM: Yes, I am. I am  
2                   a customer of the Empire District Electric.

3                   BY JUDGE DALE: Thank you. You may  
4                   proceed with whatever comments --

5                   BY GISELE PUTNAM: I got informed  
6                   here from the gentleman, and he explained it  
7                   a little bit clearer to me, what it was all  
8                   about. It's not through yet, the rates, and  
9                   I wish they would put it more clearly on TV  
10                  or in the paper so more elderly people  
11                  understand it better, and they would have  
12                  been here, because they were sure the rates  
13                  is already through. That's what I wanted to  
14                  find out, if it was already there, but the  
15                  gentlemen explained it to me that it's not  
16                  okayed yet that they get the rates. So  
17                  that's all I wanted to say. You know, it's  
18                  hard enough when you have like one income to  
19                  have more raises, first the electric company,  
20                  then comes the gas company, then comes the  
21                  telephone company, and there's just hardly  
22                  anything left for you to live on. So that's  
23                  why I wanted to find out for sure if it's  
24                  already -

25                  BY JUDGE DALE: Did you want to make

1           any comments about the proposed increase in  
2           support of or against that?

3                   BY GISELE PUTNAM: I'm against it  
4           naturally. It is too much all at once.  
5           Thank you.

6                   BY JUDGE DALE: Do any Commissioners  
7           have questions? Chairman Davis?

8                   BY CHAIRMAN DAVIS: Ms. Putnam, -  
9           Putnam. I'm sorry. Thank you for coming,  
10          and we really do appreciate your attendance,  
11          and we certainly will try to encourage more  
12          people to attend here in the future, and we  
13          like it when there are lots of people who  
14          show up and express opinions. Do you think  
15          there's anything that we can do to --

16                   BY GISELE PUTNAM: I guess we want  
17          more clearer. Come out it's not okayed yet,  
18          you know, the raise.

19                   BY CHAIRMAN DAVIS: Right.

20                   BY GISELE PUTNAM: I don't know how  
21          you can put it, but it's for the elderly and  
22          for some foreigners. We don't understand it  
23          all unless it is really written down more  
24          clearly.

25                   BY CHAIRMAN DAVIS: Okay.

1                   BY GISELE PUTNAM: And there's a lot  
2                   of French girls here, and German girls, and  
3                   they just say why go there, you know, they  
4                   didn't want to come, it said it's already  
5                   okayed, and that's what that gentleman told  
6                   me, no, it isn't, it's just a meeting to have  
7                   it - we are against that much raise, you  
8                   know. That's all I know. The others said  
9                   the same thing.

10                  BY CHAIRMAN DAVIS: Ma'am, are you  
11                  aware that we have another hearing right back  
12                  here at noon tomorrow?

13                  BY GISELE PUTNAM: Well, I talk to  
14                  some of the ladies and I see what they can  
15                  come, you know. At noon it's hard because of  
16                  kids.

17                  BY CHAIRMAN DAVIS: I understand.  
18                  That's why we try to have one at night and  
19                  one during the day. Well, Ms. Putnam, thank  
20                  you so much for coming.

21                  BY GISELE PUTNAM: Okay.

22                  BY CHAIRMAN DAVIS: We'll take your  
23                  thoughts into consideration.

24                  BY GISELE PUTNAM: Thank you.

25                  BY JUDGE DALE: Thank you, Ms.

1 Putnam. Mr. Ochoa?

2 BY MR. OCHOA: The next witness is  
3 Patty Miller.

4 BY PATTY MILLER: My name is  
5 Patricia Miller. I live in Joplin. And I'm  
6 a consumer, and also I have some stock in  
7 Empire District. My father years ago  
8 invested in Empire District, and when he  
9 passed away he left some stock to me that  
10 I've been able to do some things that I  
11 otherwise wouldn't be able to do, and I - I  
12 feel that Empire has paid the high prices for  
13 the fuel, and I feel strongly that they need  
14 some help from their customers at this time  
15 to retain the quality service that Empire has  
16 always provided. I also have wondered - I  
17 know other companies have an automatic type  
18 adjustment, and I think Empire should be  
19 treated just as equally as other companies  
20 such as the gas company. And I - I think if  
21 we would have to have a different company  
22 here we would not have the quality help when  
23 there is a problem with the electric.  
24 They're immediately on the job, and always  
25 very pleasant to work with. And so I would

1 be for an increase to help this company move  
2 forward. Thank you.

3 BY JUDGE DALE: Excuse me, Ms.  
4 Miller. Ms. Miller?

5 BY PATTY MILLER: Yes.

6 BY JUDGE DALE: Could you just give  
7 me your address?

8 BY PATTY MILLER: Oh, I'm sorry.  
9 2615 Illinois Avenue, Joplin, Missouri.

10 BY JUDGE DALE: Okay. Thank you.  
11 Are there Commissioner questions? Chairman  
12 Davis?

13 BY CHAIRMAN DAVIS: Ms. Miller,  
14 thank you for coming. Just to restate, you  
15 are a shareholder in Empire District  
16 Electric, is that correct?

17 BY PATTY MILLER: And a consumer  
18 also.

19 BY CHAIRMAN DAVIS: And a consumer.

20 BY PATTY MILLER: Right.

21 BY CHAIRMAN DAVIS: Thank you. No  
22 further questions. Thank you for coming, Ms.  
23 Miller. Wait, does anybody else have any  
24 questions for Ms. Miller?

25 BY JUDGE DALE: No other questions

1 from the Bench. Thank you. Mr. Ochoa.

2 BY MR. OCHOA: The next name is  
3 Joyce Hogan.

4 BY JOYCE HOGAN: My name is Joyce  
5 Hogan. J-O-Y-C-E, --

6 BY JUDGE DALE: Ms. Hogan, I have -  
7 I have been remiss with you and the other  
8 witnesses and neglected to ask you to - all  
9 of you to --

10 BY CHAIRMAN DAVIS: Swear you in.

11 BY JUDGE DALE: -- affirm your  
12 testimony. So I'm going to ask you now, and  
13 then I'll ask the other ladies to come back  
14 and swear or affirm their testimony. So  
15 would you state your name and then raise your  
16 right hand?

17 BY JOYCE HOGAN: My name is Joyce  
18 Hogan. And my right hand is now raised.

19 (WITNESS SWORN IN BY JUDGE)

20 BY JUDGE DALE: Thank you very much.  
21 If you'll please state your name and spell  
22 it and then give your address.

23 BY JOYCE HOGAN: Yes. My name is  
24 Joyce Hogan, J-O-Y-C-E, H-O-G-A-N. My  
25 address is 4312 South Connecticut, Joplin.

1 I'm here in opposition to the increase.  
2 First of all, consumers are not responsible  
3 for buying Aquila Gas Company for Empire  
4 District Electric. We're not interested in  
5 the fact that Standard & Poor has lowered the  
6 District's rates. We're not interested in  
7 that. But what we are interested in is  
8 quality service, dependability, and our  
9 property being treated with respect and  
10 dignity, and unfortunately I am one that has  
11 not had that treatment from Empire District's  
12 service. With this, I have talked to other  
13 people. Those people were also concerned  
14 when their, quote, "butcher crew", by the  
15 name of Wright Tree Service came through and  
16 left messes of their trees, damaged their  
17 property, causing property owners to have to  
18 hire other people to come in and retrim,  
19 readdress those kinds of things. Whenever I  
20 spoke with different people, including Feldon  
21 West (ph.), Scott Mackey (ph.), and Mike  
22 Palmer (ph.), regarding this, my whole  
23 response was, well, only if you don't make it  
24 public. Well, I'm going to make it public.  
25 I want people to know. I want people to know

1       that Empire District has not served its  
2       consumers. And I'm not a stockholder, and I  
3       don't think they deserve a raise until they  
4       can take care of the business they have at  
5       hand. If they want to buy Aquila Gas  
6       Company, which was scheduled for June the  
7       1st, buy it, but don't make us pay for it.  
8       It's like having your neighbor buy a new car  
9       and asking you to make the payments. I  
10      really don't have too much more to say, but  
11      fixed incomes are notorious in this area. We  
12      have a lot of retirees. We have a lot of  
13      people that are trying to raise families. We  
14      have low wages in this area. We don't need  
15      extra burden from an electric company that  
16      has been less than responsible to us. Thank  
17      you very much.

18               BY JUDGE DALE: You are very  
19      welcome. Thank you. And, Chairman Davis,  
20      did you have questions?

21               BY CHAIRMAN DAVIS: Yes. Okay. Ms.  
22      Hogan, have you had any problems, you know,  
23      with reliable service? I mean, do you always  
24      get your electricity?

25               BY JOYCE HOGAN: I get my



1 electricity, but how I get it, it's like  
2 everybody else, I pay for it, but whenever  
3 they come through they violate their own  
4 standards and procedures to top trees that  
5 have not been diagramed, and whenever I  
6 brought it to their attention this was  
7 whenever I was informed too bad.

8 BY CHAIRMAN DAVIS: Okay. You have -  
9 do you have pictures or --

10 BY JOYCE HOGAN: Yes, sir, I do.  
11 And my trees are still standing the way that  
12 they left them, one of them being cut at the  
13 fork at four foot tall. So I think it's very  
14 important the people - the public know that  
15 they don't have to deal with this, that there  
16 is something we can do. We can speak out  
17 whenever there's time for rates to be raised.

18 BY CHAIRMAN DAVIS: Okay.

19 BY JUDGE DALE: Ms. Miller? (sic)

20 BY CHAIRMAN DAVIS: Go ahead, Judge.

21 BY JUDGE DALE: I was going to ask  
22 if she - does she have those pictures with  
23 her?

24 BY JOYCE HOGAN: They're not with me  
25 at the time, but I can certainly forward them

1 to the Commission.

2 BY JUDGE DALE: Thank you.

3 BY CHAIRMAN DAVIS: Maybe Mr. Ochoa  
4 can get with you after you're finished --

5 BY JOYCE HOGAN: I would be  
6 delighted. Thank you.

7 BY CHAIRMAN DAVIS: Mr. Mills and  
8 some other people may want to have some more  
9 questions.

10 BY JOYCE HOGAN: Excellent.

11 BY CHAIRMAN DAVIS: But they may  
12 want to ask you about that, and get your  
13 pictures, and get your contact information.

14 BY JOYCE HOGAN: Wonderful. Thank  
15 you. I would appreciate that.

16 BY CHAIRMAN DAVIS: Okay. So  
17 basically - whoa. Whoa, Ms. Hogan. Okay.  
18 So other than the tree trimming complaint,  
19 that they did not follow their own  
20 procedures, --

21 BY JOYCE HOGAN: And the other - as  
22 I find other people have basically been  
23 silenced because they don't have the money to  
24 get an attorney because they have cost them  
25 damages to their property, too. Other people

1       come in and say, oh, my gosh, you know what,  
2       I had to hire somebody to come and recut my  
3       tree. I had to hire somebody to haul away  
4       the debris that was left. See, these people  
5       aren't vocal enough to come forward and say  
6       there's a problem here, and, sir, I am.

7               BY CHAIRMAN DAVIS: One last  
8       question, Ms. Hogan.

9               BY JOYCE HOGAN: Yes.

10              BY CHAIRMAN DAVIS: You said that  
11       you didn't think that the Empire District  
12       Electric customers should be responsible for  
13       any costs associated, but --

14              BY JOYCE HOGAN: The acquisition of  
15       Aquila Natural Gas Company that was scheduled  
16       to close on June the 1st.

17              BY CHAIRMAN DAVIS: Are you --

18              BY JOYCE HOGAN: I don't feel like  
19       that they have - because they're not doing  
20       well with what they already have to handle.

21              BY CHAIRMAN DAVIS: Are you aware,  
22       are there any costs that you know of that are  
23       associated with the Aquila Gas Properties  
24       that are being incorporated into Empire  
25       Electric rates?

1                   BY JOYCE HOGAN: What I know is that  
2                   Standard & Poor decided to devalue some of  
3                   the stock from an A level to a B level, and  
4                   Empire was very concerned about that. And it  
5                   was based on the fact that they had spread  
6                   their resources to the extent of the  
7                   possibility of acquiring Aquila.

8                   BY CHAIRMAN DAVIS: Okay. Thank  
9                   you, Ms. Hogan.

10                  BY JOYCE HOGAN: You're welcome.

11                  BY JUDGE DALE: Thank you. There  
12                  are no other questions from the bench. If I  
13                  could have the previous ladies come up. I'm  
14                  sorry about this, but I just forgot.

15                  BY CHAIRMAN DAVIS: Ms. Miller, can  
16                  you come back?

17                  BY PATTY MILLER: I'm Patty Miller.

18

19                  BY JUDGE DALE: Would you please  
20                  raise your right hand? Do you swear or  
21                  affirm that the testimony that you have just  
22                  given was the truth?

23                  BY PATTY MILLER: Yes, I do.

24                  BY JUDGE DALE: Thank you very much.  
25                  I'm sorry to not do it in the proper order.

1 BY PATTY MILLER: That's okay.  
2 BY GISELE PUTNAM: I am Gisele  
3 Putnam.  
4 BY JUDGE DALE: Do you swear or  
5 affirm that the testimony you gave was the  
6 truth?  
7 BY GISELE PUTNAM: Yes, ma'am.  
8 BY JUDGE DALE: Thank you very much.  
9  
10 BY MR. OCHOA: The next name is  
11 Richard Bourne.  
12 BY JUDGE DALE: Your name, please.  
13 BY RICHARD BOURNE: My name is  
14 Richard John Bourne, and I swear everything  
15 I'm telling is the truth and nothing but the  
16 truth.  
17 BY JUDGE DALE: Thank you.  
18 BY RICHARD BOURNE: I'm a customer --  
19  
20 BY JUDGE DALE: Could you please  
21 give us - could you give us your address,  
22 please?  
23 BY RICHARD BOURNE: Bourne, --  
24 BY JUDGE DALE: And spell --  
25 BY RICHARD BOURNE: B-O-U-R-N-E.

1 Just like the movie.

2 BY CHAIRMAN DAVIS: Address.

3 BY RICHARD BOURNE: 144 Red Oak  
4 Drive, Carl Junction, Missouri. Been there  
5 over twenty years.

6 BY CHAIRMAN DAVIS: Thank you.

7 BY RICHARD BOURNE: I - I agree with  
8 the lady before me, because I've talked to  
9 the customer service people at Empire about -  
10 I have a tree, you know - those lights. I  
11 asked them could you possibly change it, and  
12 they said we don't do that no more. Yeah,  
13 that's what she told me, she said we don't do  
14 that no more, she said it's our tree trimmer.  
15 Well, the tree trimmer guy come out and  
16 said, no, we don't do it. You could have -  
17 you can hire somebody or do it yourself.  
18 That's what Empire told me basically. And I  
19 said - I said I'll do it, but there's a line  
20 there, I said can't I have somebody - will  
21 Empire come out, send a man out and shut off  
22 the power. Oh, yeah. I said, well, what  
23 about on a weekend. Yeah, we can do that.  
24 So my wife confirmed it a couple days later.  
25 No, we don't do that. It's been 8:00 to

1        5:00, that's it. This one - that was the  
2        first - that was the second representative my  
3        wife talked to. The one I talked to said,  
4        yeah, it's no problem, he will come out and  
5        shut the power off, I could cut the two  
6        limbs, and that would be fine, and they could  
7        turn it on. Well, when my wife called to  
8        confirm everything she said we don't do that,  
9        we don't - we don't have - our linemen don't  
10       have time to sit around and wait until you do  
11       this job. I thought that was very rude.  
12       Their customer service is supposed to be - we  
13       provide us with service. I don't like it.  
14       And another thing, last Saturday night at  
15       8:50 our lights went out and didn't come back  
16       on until 2:00 in the morning. And where I  
17       live at 144 Red Oak Drive we always have -  
18       I've been out there twenty years and I know  
19       of many a times the lights go out, the power.  
20       I know they've got different grids and  
21       stuff, but it seems like - the guy next door,  
22       he has lights and I don't, and up the street  
23       don't have it. If you have that many  
24       problems you should check it out. Empire has  
25       not checked it out. They send me the bill.

1 I mean, they're good about sending that bill.  
2 Real good. But I don't like - you know,  
3 it's not the same company Dennis Weaver's  
4 father worked for, or these other - I talked  
5 to guys that retired from Empire and they  
6 said it's not the same company. And this is -  
7 and then I also noticed on the back of my  
8 bill there's a \$10.00 customer charge. I  
9 said what is that. That's - they told me I  
10 get - that's on my bill, \$10.00, and it's a  
11 service charge for the line. I didn't even  
12 know that. I just happened to look at -  
13 glance at the back of the bill, and that's  
14 where they've got it. They've got - it says  
15 customer's charge, and it's \$10.35. I called  
16 up Empire and said what is it, that's  
17 maintenance on the line. I didn't even know  
18 I was paying for it. I just happened to look  
19 at it, it was on the back of the bill. I  
20 just thought, you know, - and they're always  
21 talking about this money, and if everybody is  
22 paying - they've got all of these customers  
23 paying this \$10.00. That's a helluva lot of  
24 money, I call it. You don't have to be a  
25 whiz kid to figure it out. And I just, you



1 know, don't understand it. And like that  
2 lady before me said this is a lot of low  
3 income, retirees. And where I work I haven't  
4 had a raise for two years, so, I mean, I'm  
5 against it. Deadly. I mean, hey, they  
6 better just tighten their belt just a little  
7 bit, because I have to tighten my budget. I  
8 haven't had a raise in two years, so that's  
9 all I can say.

10 BY JUDGE DALE: Thank you, Mr.  
11 Bourne. Other questions from the bench?

12 BY CHAIRMAN DAVIS: Mr. Bourne, in  
13 reference to the outages, how often? In say  
14 a calendar year how many outages have you  
15 had?

16 BY RICHARD BOURNE: Oh, probably on  
17 the average maybe twice, but it's still an  
18 inconvenience.

19 BY CHAIRMAN DAVIS: And what is the  
20 average duration of those outages, would you  
21 say?

22 BY RICHARD BOURNE: Oh, like this  
23 last one it was like from - almost 9:00 until  
24 2:00 in the morning. Six hours, something  
25 like that.

1                   BY CHAIRMAN DAVIS: But is that the  
2                   average, or that was the last one that - I  
3                   mean, --  
4                   BY RICHARD BOURNE: That was the  
5                   last one.  
6                   BY CHAIRMAN DAVIS: Is that all --  
7                   BY RICHARD BOURNE: But it's  
8                   happened - in the past it's been longer,  
9                   sometimes it's been shorter.  
10                  BY CHAIRMAN DAVIS: Okay. And --  
11                  BY RICHARD BOURNE: All I know is if  
12                  I was CEO of Empire I think I would get a  
13                  little better service. I wouldn't have to  
14                  wait that long to get electricity. I'm just  
15                  a working man, you know.  
16                  BY CHAIRMAN DAVIS: So you're saying  
17                  that --  
18                  BY RICHARD BOURNE: It just seems  
19                  like --  
20                  BY CHAIRMAN DAVIS: -- when you  
21                  moved there twenty years ago you didn't have  
22                  as many outages as you do now?  
23                  BY RICHARD BOURNE: Yes, that's  
24                  correct. And I could call Empire - on this  
25                  incident with the tree - about ten years ago

1 I had Empire - I talked to Empire three  
2 different times about taking care of the  
3 problem, and finally they had a windstorm and  
4 it messed up my electricity, and it took me a  
5 month to get - before Empire said, yeah, it's  
6 our fault. Nobody was wanting - everybody  
7 passes the buck. And I talk to them several  
8 different times, and, yeah, we'll send  
9 somebody out there to look, and they finally -  
10 they paid the damages, but I have - I had to  
11 have an electrician say, yes, it was a power  
12 surge. And Empire did fix it, but it seemed  
13 like they took - dragged their heels. You  
14 know, they want their money up front, but if  
15 they owe you money, whew, they take their  
16 sweet time. So that's all I can say. If you  
17 have any more - I'm just expressing my  
18 opinion.

19 BY CHAIRMAN DAVIS: Okay. The last  
20 thing, you wanted them to - I'm just trying  
21 to understand what you were also testifying  
22 about. You wanted them to shut off the power  
23 while you trimmed some tree limbs?

24 BY RICHARD BOURNE: Yes. And they  
25 said if we - we don't - they said we can do

1           it, but we don't have the time - we don't  
2           have the time to keep our man out there while  
3           you trim it. It involved about three to four  
4           limbs and that's it, and they told me that we  
5           can't have a man waiting, when you get it  
6           done you call us, we'll be back later. It  
7           would probably take about fifteen to twenty  
8           minutes at the most, but they told me we  
9           don't have a man to spare that much time,  
10          because we - where I live on Red Oak Drive,  
11          there used to be an electrician - I mean an  
12          Empire man. He passed away. He was good. I  
13          mean, the linemen, they deserve as much money  
14          as they are because that's a dangerous job.  
15          The CEO is overpaid. That's what - I know  
16          those guys climbing those poles - it's a very  
17          dangerous job and they can get zapped like  
18          that. So I don't think Empire needs a raise.

19                       BY CHAIRMAN DAVIS: Okay.

20                       BY RICHARD BOURNE: If they do they  
21          should have a short - a little one.

22                       BY CHAIRMAN DAVIS: Thank you, Mr.  
23          Bourne.

24                       BY RICHARD BOURNE: Okay.

25                       BY CHAIRMAN DAVIS: Thank you. Hold

1           on just a second.

2                   BY JUDGE DALE:   Mr. Bourne?

3                   BY RICHARD BOURNE:   Yes.

4                   BY JUDGE DALE:   Mr. Bourne, could

5           you please make sure that you talk to Mr.

6           Ochoa before you leave and give him all of

7           your contact information, things like phone

8           number, so that someone here on the staff can

9           follow up?

10                   BY RICHARD BOURNE:   I appreciate it.

11           Yeah.   Sure.   No problem.

12                   BY JUDGE DALE:   Thank you.

13                   BY RICHARD BOURNE:   Thank you very

14           much.

15                   BY CHAIRMAN DAVIS:   Thank you, Mr.

16           Bourne.

17                   BY MR. OCHOA:   Judge, that is the

18           last name that I have on the signup sheet.

19           Do we have anybody else that would like to

20           testify?

21                   BY JUDGE DALE:   Mr. Ochoa, is there -

22

23                   BY MR. OCHOA:   Judge, that's the

24           last name.

25                   BY CHAIRMAN DAVIS:   Judge, can you

1           hear Mr. Ochoa?

2                   BY JUDGE DALE:   We can't hear you.

3                   BY CHAIRMAN DAVIS:   Mr. Ochoa has  
4           stated that that was the last name on his  
5           call list.  Is there anyone else here wishing  
6           to testify at this time?

7                   BY MR. OCHOA:   We have no other  
8           people that have expressed interest at this  
9           time, Judge.

10                  BY JUDGE DALE:   Thank you.  Does  
11           anyone else have any business to bring up  
12           before we adjourn?  Do all - do any of the  
13           counsel have any comments or statements?  Mr.  
14           Mills --

15                  BY CHAIRMAN DAVIS:   Judge, Your  
16           Honor, can I ask one question of Counsel  
17           Mills?

18                  BY MR. MILLS:   I'm at a microphone  
19           now.

20                  BY CHAIRMAN DAVIS:   Mr. Mills, it's  
21           6:30.  Do you think we should hold the record  
22           open for a time, or -

23                  BY MR. MILLS:   I honestly don't  
24           think that people would be likely to be  
25           coming in this late.  If it was five or ten

1 after I would think so, but I've got about  
2 6:33. I wouldn't really expect that people  
3 would be coming in this late expecting to  
4 testify.

5 BY CHAIRMAN DAVIS: Okay. I just --  
6

7 BY MR. MILLS: But I do want to  
8 thank all of you who did come for showing up.  
9 We appreciate hearing from you.

10 BY CHAIRMAN DAVIS: I would also  
11 like to note that there is another hearing  
12 here tomorrow at noon, so if you know anyone  
13 else who wishes to testify, they have another  
14 opportunity to be here tomorrow at noon.

15 BY JUDGE DALE: Is there anything  
16 else from anyone at either site? Hearing  
17 nothing, then we are adjourned and off the  
18 record. Thank you. Thank you, everyone, for  
19 attending.

20

21 (HEARING CONCLUDED)

22

23

24

25