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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Local Public Hearing
March 5, 2009

Marshall, Missouri

Volume 5

In The Matter Of The Application of)	
Kansas City Power and Light Company)	
For Approval To Make Certain Changes)	Case No. ER-2009-0089
In Its Charges For Electric Service To)	
Continue The Implementation Of Its)	
Regulatory Plan)	
-----)	
In The Matter Of The Application of)	
Aquila, Inc. d/b/a KCP&L Greater)	
Missouri Operations Company,)	
For Approval To Make Certain Changes)	Case No. ER-2009-0090
In Its Charges For Electric Service)	
-----)	
In The Matter Of The Application of)	
Aquila, Inc. d/b/a KCP&L Greater)	
Missouri Operations Company,)	
For Approval To Make Certain Changes)	Case No. HR-2009-0092
In Its Charges For Steam Heating)	
Service)	

HAROLD STEARLEY, PRESIDING

REGULATORY LAW JUDGE

KEVIN GUNN

COMMISSIONER

1 the name of each witness in the order in which you
2 all signed up to testify and we will hear your
3 statements, at that time.

4 I'll have you spell your name for the
5 court reporter before you start so we can get your
6 name correct and after you've given your comments,
7 there may be questions directed to you by either
8 the attorneys who are present or from the
9 Commissioner or myself, so please don't leave until
10 we are finished with any questions.

11 Does anyone have any questions regarding
12 the procedure we're going to follow tonight?

13 MS. MANTLE: I don't believe so, Judge.

14 JUDGE STEARLEY: For the record, I'm
15 going to read - did I miss something?

16 MS. MANTLE: No. I just said no one had
17 any comments, Judge.

18 JUDGE STEARLEY: Okay. Thank you. For
19 the record tonight, I'm going to read in the case
20 captions into this, so we will be hearing comments
21 tonight on the following cases. In the matter of
22 the application of Kansas City Power & Light
23 Company for approval to make certain changes in its
24 charges for electric service and continue the
25 implementation of its regulatory plan, which is

1 case number ER-2009-0089, in the matter of the
2 application of KCP&L Greater Missouri Operations
3 Company for approval to make certain changes in the
4 charges for electric service, case number ER-2009-
5 0090, in the matter of the application of KCP&L
6 Greater Missouri Operations Company for approval to
7 make certain changes in its charges for steam
8 regulatory plan, case number HR-2009-0092.

9 I will now have the counsel for any
10 parties that are presently here for this case,
11 starting with Kansas City Power & Light Company.

12 MR. STEINER: My name is Roger Steiner.
13 I'm here on behalf of Kansas City Power & Light
14 Company. I'm an attorney with Sonnenschein, Nath &
15 Rosenthal, 4520 Main Street, Kansas City, Missouri,
16 64111.

17 JUDGE STEARLEY: Mr. Steiner, I can
18 barely hear you, but than you for your response and
19 I'm presuming you are there representing both
20 companies tonight?

21 MR. STEINER: That's correct.

22 JUDGE STEARLEY: Thank you. Staff of the
23 Missouri Public Service Commission.

24 MR. DEARMONT: I am Eric Dearmont,
25 entering an appearance on behalf of the staff of

1 the Commission, P.O. Box 360, Jefferson City,
2 Missouri, 65102.

3 JUDGE STEARLEY: Thank you, Mr. Dearmont.
4 The Office of the Public Counsel?

5 MR. MILLS: Judge, on behalf of the
6 Office of the Public Counsel and the public, my
7 name is Lewis Mills. My address is Post Office Box
8 2230, Jefferson City, Missouri, 65102. Thank you.

9 JUDGE STEARLEY: Thank you, Mr. Mills.
10 Are any counsel for any of the invetervenors in
11 this case present tonight?

12 MR. MILLS: No, Judge.

13 JUDGE STEARLEY: Alright, thank you.
14 Commissioner Gunn, would you like to make any
15 opening statements?

16 COMMISSIONER GUNN: First, I want to
17 welcome everyone and thank you very much for coming
18 out on this evening tonight. Although I'm the only
19 Commissioner present, I want to assure you that
20 your comments are important to us on the
21 Commission, to every Commissioner and will be - the
22 other Commissioners will be reading transcripts of
23 these.

24 We will stay tonight until everybody has
25 a chance to be heard. I may ask you some questions

1 afterwards. Please don't read anything into my
2 questions. It's just something - I might just need
3 clarification or something like that.

4 Most of all, I want to thank you for taking
5 the time out of your schedule to come out and talk
6 with us tonight and let you know how important the
7 comments are. Thank you very much.

8 JUDGE STEARLEY: Thank you, Commissioner
9 Gunn. I would like to extend our thanks to our
10 host in Marshall. The Commission wouldn't have the
11 opportunity to reach as many people for these types
12 of comments if we weren't able to use video
13 conferencing facilities. We would like to extend
14 our thanks to our host. Lena, would you call the
15 first witness please?

16 MS. MANTLE: The first witness is James
17 Wriley.

18 JUDGE STEARLEY: Mr. Wriley, would you
19 please spell your name for our court reporter?

20 MR. WRILEY: J A M E S, W R I L E Y,
21 James Wriley.

22 JUDGE STEARLEY: Thank you, Mr. Wriley.
23 If you would please raise your right hand, I'm
24 going to swear you in.

25 JAMES WRILEY, being sworn-in by Judge

1 Stearley, testified as follows,

2 JUDGE STEARLEY: Thank you, Mr. Wriley.

3 Very quickly, let me just ask a couple preliminary
4 questions. Are you a customer of K.C. Power &
5 Light?

6 MR. WRILEY: I found out tonight that I'm
7 not.

8 JUDGE STEARLEY: You're not?

9 MR. WRILEY: I'm a resident of Marshall.

10 JUDGE STEARLEY: Do you receive any type
11 of services from Kansas City Power & Light or their
12 sister subsidiary company, the Greater Missouri
13 Operations?

14 MR. WRILEY: If we do, I'm not aware of
15 it, sir.

16 JUDGE STEARLEY: Alright. Well, you may
17 proceed with your comments.

18 MR. WRILEY: Just one comment, is all
19 I've got. I can't see how we can justify a nine
20 and three-quarter percent increase for the return
21 on the shareholders' investment and with the
22 economic climate being what it is today, I don't
23 think there's anywhere in the country, around here,
24 that you can get that kind of return on your money,
25 even though I understand it is the - the Public

1 Service Commission has recommended that. That's
2 all I have to say and like Forrest Gump, I get
3 right to the point.

4 JUDGE STEARLEY: Okay. Thank you, Mr.
5 Wriley. Starting with counsel for the company, Mr.
6 Steiner, do you have any questions for Mr. Wriley?

7 MR. STEINER: No, Your Honor.

8 JUDGE STEARLEY: Thank you, Mr. Steiner.
9 Staff, Mr. Dearmont?

10 MR. DEARMONT: No, Your Honor.

11 JUDGE STEARLEY: Mr. Mills, Office of
12 Public Counsel?

13 MR. MILLS: I don't have any questions.
14 Thank you.

15 JUDGE STEARLEY: Alright. Commissioner
16 Gunn, any questions for this witness?

17 COMMISSIONER GUNN: No questions, Mr.
18 Wriley. Thank you very much for coming in.

19 MR. WRILEY: Thank you.

20 JUDGE STEARLEY: Thank you, Mr. Wriley.
21 Lena, would you please call our next witness?

22 MS. MANTLE: The next witness is Carl
23 Johnson.

24 MR. JOHNSON: Spelling the last name,
25 J O H N S O N, first name Carl, C A R L.

1 JUDGE STEARLEY: Mr. Johnson, if you
2 would please raise your right hand, I will swear
3 you in.

4 CARL JOHNSON, being sworn-in by Judge
5 Stearley, testified as follows,

6 JUDGE STEARLEY: Thank you, and are you a
7 customer of KCP&L?

8 MR. JOHNSON: Yes. I am, in the east
9 district, Route 4, Marshall.

10 JUDGE STEARLEY: Alright, and we're
11 having a little difficulty with our audio here.
12 You will have to speak up for us.

13 MR. JOHNSON: Okay. I'll try my best.

14 JUDGE STEARLEY: Alright, thank you. You
15 may proceed with your comments.

16 MR. JOHNSON: Well, my comment is kind of
17 like Mr. Wriley's. Kansas City Power & Light has
18 asked for one percentage rate. Missouri Pubic
19 Service has asked for 45 million as a suggested
20 amount, it's not a set in stone, of 7.75 percent
21 and a lot of the returns that we get on our money
22 here now is 3 percent and 1.4 percent and I think
23 that will create a hardship, giving it at that
24 percentage, on a lot of senior citizens that are on
25 a fixed income and by the way, we've had some

1 problems in the east of low voltage, it's been an
2 ongoing issue for the last two years, that we
3 haven't got anything resolved from it.

4 The call system is one of the world's
5 worst. They went around the country and put a
6 number on every pole so that you can report the
7 problems, but if you call in, all you get is an
8 automated system and you have to give an account
9 number before your call will be - before it will
10 even be accepted and we have a local office that
11 the girls just sit there and don't even - can't
12 even answer the phone. The only thing they can do
13 is call out for help and that's unacceptable, in my
14 book.

15 The reason why I'm saying, that I've
16 been in the power and light business for 39 years
17 and I am retired. I was a lineman, then I was a
18 superintendent. So I know a lot of the ins and
19 outs of the operation and a lot of them that they
20 do is, to me, is so farfetched, and older people
21 cannot understand and justify a lot of the ways
22 that they're doing things.

23 Another thing is, some of the service
24 that we've had is, some of it's good, some of it's
25 bad. One for instance, we had a tree trimming crew

1 come to our farm to do some tree trimming two and a
2 half years ago, asked permission to do it, which is
3 fine. We give them permission. We give them
4 permission to cut anything that's in the lines and
5 they haven't been back and that, to me, trees and
6 power lines don't mix.

7 A lot of the maintenance that needs to
8 be done is not being done. There's a pole laying
9 in the road ditch that was set out two years ago
10 and it's still laying there. Nobody has ever come
11 in to do anything and where they laid it off,
12 there's no pole to change out, so I can't figure
13 out the method to the madness, so that's just some
14 of the comments.

15 JUDGE STEARLEY: Would you like to say
16 anything else?

17 MR. JOHNSON: That's all for right now.
18 I've got so many that I would just make a fool of
19 myself.

20 JUDGE STEARLEY: Well, we don't consider
21 your testimony foolish at all, Mr. Johnson.

22 MR. JOHNSON: Well, I just think that the
23 rate increase is a little high, that's really my
24 bottom line, for everybody, for businesses, for
25 homes, for senior citizens. If the businesses'

1 utilities goes up, their services, their products
2 go up and, in essence, we pay twice for what we're
3 getting and that's about all I have just to wind it
4 up. If you've got any questions for me, I'll be
5 happy to answer them.

6 JUDGE STEARLEY: Alright. Well, we will
7 go around the table here and see if anyone has
8 questions. Starting with the company, Mr. Steiner,
9 any questions for Mr. Johnson?

10 MR. STEINER: No questions, Judge.

11 JUDGE STEARLEY: Thank you, Mr. Steiner.
12 Mr. Dearmont for staff?

13 MR. DEARMONT: I have none. Thank you.

14 JUDGE STEARLEY: Mr. Mills?

15 MR. MILLS: Just briefly, Judge. Mr.
16 Johnson, before we went on the record, you
17 mentioned, in connection with the low voltage--

18 MR. JOHNSON: Yes.

19 MR. MILLS: --you mentioned some grain
20 bin motor?

21 MR. JOHNSON: Yes.

22 MR. MILLS: Can you talk a little bit
23 about that?

24 MR. JOHNSON: Alright. We've experienced
25 low voltage in the east district, periodic, and

1 it's year-round. Summertime, it's worse. You
2 can't even watch television, the picture tube pulls
3 in on two sides, and whatever you're running, an
4 appliance from a motor to a dryer to an electric
5 stove or anything, if the voltage is not up to
6 where it needs to be, your amperage goes up and
7 when your amperage goes up, your kilowatt goes up
8 for usage.

9 A lot of the new equipment that we have
10 now, one, a computer, will automatically shut down.
11 It just says - it just won't do anything and
12 electric motors get hot and they burn out and then
13 you're out expense of changing that out and a lot
14 of times, you're right in the middle of harvest and
15 that's your worst time to break down, right in the
16 middle of harvest, if that answers your question.

17 MR. MILLS: It does. Thank you.

18 MR. JOHNSON: Okay.

19 JUDGE STEARLEY: Commissioner Gunn, any
20 questions for Mr. Johnson?

21 COMMISSIONER GUNN: I do, just a few,
22 sir. In response to the low voltage, you have
23 contacted the company regarding that?

24 MR. JOHNSON: Yes. We have, and they
25 referred - their comments are that, "We will refer

1 to our engineers in Kansas City," and we haven't
2 heard anything from the engineers in Kansas City.

3 COMMISSIONER GUNN: No follow-up after
4 your call?

5 MR. JOHNSON: No, and one particular
6 farmer, he's been waiting now since September of
7 last year and has not received any information
8 back.

9 COMMISSIONER GUNN: Any damage, physical
10 damage to the appliances due to the low voltage
11 issues?

12 MR. JOHNSON: The particular farmer, I
13 think he's lost three motors on a grain bin
14 complex, like a 20 horse and a 40 horse, which is--

15 COMMISSIONER GUNN: Regarding the call
16 system, have you been able to call in and complete
17 a call all the way through, through the automated
18 system?

19 MR. JOHNSON: No. I have not. I have
20 not been able to complete a call.

21 COMMISSIONER GUNN: So how many times
22 would you estimate that you attempted to use the
23 call system?

24 MR. JOHNSON: One particular day, I tried
25 seven times and then I just got in my truck and

1 went to the local office.

2 COMMISSIONER GUNN: Do you know if
3 there's any option to talk to a live operator when
4 you go through that automated call?

5 MR. JOHNSON: There is none that I - if
6 there is, I cannot understand them, not that I know
7 of.

8 COMMISSIONER GUNN: Just lastly, when
9 they did the tree trimming two and a half years
10 ago--

11 MR. JOHNSON: Yes.

12 COMMISSIONER GUNN: --were you satisfied
13 that they did the tree trimming satisfactorily?

14 MR. JOHNSON: They haven't been back.
15 It's still like it was. They haven't been back.

16 COMMISSIONER GUNN: I understand that.
17 Did they cut trees two years ago or did they just--

18 MR. JOHNSON: No. No. They didn't do
19 anything. They just asked permission to do it and
20 they haven't been back.

21 COMMISSIONER GUNN: Thank you, sir. I
22 don't have any more questions. I appreciate your
23 testimony.

24 MR. JOHNSON: Okay.

25 JUDGE STEARLEY: Mr. Johnson, I've got

1 one further question for you.

2 MR. JOHNSON: Okay.

3 JUDGE STEARLEY: Have you ever had any
4 problems with billing for your account?

5 MR. JOHNSON: Have I had any trouble with
6 what?

7 JUDGE STEARLEY: With billing on your
8 account?

9 MR. JOHNSON: No. I haven't had any
10 trouble.

11 JUDGE STEARLEY: Okay. Alright.

12 MR. JOHNSON: Though it just kind of - it
13 just kind of goes up every month.

14 JUDGE STEARLEY: Thank you, Mr. Johnson.
15 Any of the counsel wish to ask any additional
16 questions as follow-ups to the ones we've asked
17 already?

18 MR. STEINER: I have one, Your Honor.
19 This is Roger Steiner. Mr. Johnson, have you lost
20 any motors due to low voltage?

21 MR. JOHNSON: No, I have not at my farm,
22 no, because the farmer that I'm talking to is like,
23 he farms our grain and I work for him.

24 MR. STEINER: Alright. Thank you.

25 JUDGE STEARLEY: Alright. If there are

1 no further questions for Mr. Johnson, we will
2 excuse you and would like to thank you for your
3 testimony tonight.

4 MR. JOHNSON: You're welcome.

5 MS. MANTLE: There are no other witnesses
6 here, Judge.

7 JUDGE STEARLEY: No other witnesses?

8 MS. MANTLE: That is all.

9 JUDGE STEARLEY: Okay. Well, I certainly
10 am willing to hear anybody else who would like to
11 speak and if no one else would like to speak
12 tonight, we would like to remind everyone you are
13 able to file written comments with the Commission
14 by use of the Commission's website and I believe,
15 Lena, don't you have some contact information with
16 you?

17 MS. MANTLE: We do, Judge. Everyone from
18 the public that came spoke, so we've had 100
19 percent participation tonight.

20 JUDGE STEARLEY: Okay. Alright.

21 MS. MANTLE: But we do have the comment
22 sheets if they want to send anything in addition.

23 JUDGE STEARLEY: Well, let me just let
24 the witnesses know tonight, the evidentiary hearing
25 for KCP&L's rate case is currently scheduled for

1 April 24th through May 1st, if you're going to be
2 following these proceedings.

3 The evidentiary hearing for GMO's
4 electric case is scheduled for May 11th through
5 15th and the case for GMO's steam rate case is
6 currently scheduled for May 4th through the 7th.

7 Commissioner Gunn, would you have any
8 closing remarks tonight?

9 COMMISSIONER GUNN: I just again want to
10 thank you all for coming out and I appreciate your
11 comments. Thanks for taking the time.

12 JUDGE STEARLEY: The public hearing in
13 case numbers ER-2009-0089, 0090 and HR-2009-0092 is
14 hereby adjourned.

15 (WHEREIN, the Hearing is concluded at
16 6:28 p.m.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI) ss
COUNTY OF CLAY)

I, JANET H. WIMER, Certified Court Reporter, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony in said hearing 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 hearing 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.

Notary Public in and for
the State of Missouri

My Commission Expires: 9/29/11