

A P P E A R A N C E S

1
2 JAMES M. FISCHER, Attorney at Law
Fischer & Dority, PC
3 101 Madison, Suite 400
Jefferson City, Missouri 65101
4 573.636.3758

5 STUART W. CONRAD, Attorney at Law
Finnegan, Conrad & Peterson
6 3100 Broadway, Suite 1209
Kansas City, Missouri 64111
7 816.753.1122

FOR: Ag Processing

8
9 LEWIS R. MILLS, JR., Public Counsel
CHRISTINA BAKER, Senior Public Counsel
PO Box 2230
10 Jefferson City, Missouri 65102
573.751.4857

11 FOR: Office of Public Counsel

12 KEVIN A. THOMPSON, Chief Staff Counsel
STEVE DOTTHEIM, Chief Deputy Counsel
13 NATHAN WILLIAMS, Deputy Counsel

PO Box 360
14 Jefferson City, Missouri 65101
573.751.8700

15 FOR: Staff of the Missouri Public Service Commission
16
17
18
19
20
21
22
23
24
25

1 JUDGE DIPPELL: This is Case No.
2 ER-2010-0356 in the matter of the application of KCP&L
3 Greater Missouri Operations Company for approval to
4 make certain changes in its charges for electric
5 service.

6 My name's Nancy Dippell. I'm the
7 Regulatory Law Judge assigned to this case. And today
8 we have come here for a procedural conference to talk
9 about how to go forward on the outstanding tariffs
10 regarding the phase-in part of this case.

11 So I'm going to begin by letting the
12 attorneys make entries of appearance. And we can
13 begin with you, Mr. Thompson or Staff, Mr. Williams,
14 whoever.

15 MR. THOMPSON: We certainly can. Kevin
16 Thompson, Steve Dottheim and Nathan Williams for the
17 staff of the Missouri Public Service Commission, PO
18 Box 360, Jefferson City, Missouri 65102.

19 JUDGE DIPPELL: Thank you. Go ahead,
20 Public Counsel.

21 MS. BAKER: Thank you. Christina Baker,
22 PO Box 2230, Jefferson City, Missouri 65102, appearing
23 on behalf of the Office of the Public Counsel and the
24 ratepayers.

25 JUDGE DIPPELL: And Company?

1 MR. FISCHER: On behalf of the Company,
2 let the record reflect the appearance of James M.
3 Fischer, Fischer and Dority, PC, 101 Madison, Suite
4 400, Jefferson City, Missouri.

5 JUDGE DIPPELL: And Mr. Conrad?

6 MR. CONRAD: Yes, ma'am. On behalf this
7 morning of AG Processing, Inc., a cooperative, Stuart
8 W. Conrad, law firm is Finnegan, Conrad and Peterson,
9 3100 Broadway, Suite 1209, Kansas City, Missouri.

10 JUDGE DIPPELL: Thank you. Is there
11 anyone else who needed to make an entry of appearance?
12 I don't see anyone.

13 I had e-mails from several parties,
14 including DNR, Ameren, Dogwood, St. Joseph, Empire,
15 MGE, Missouri Retailers Association, AARP and the
16 Consumer Councils of Missouri all asking to be
17 excused, and that's fine. Of course, anything agreed
18 to, I'm not going to let those parties hold up any
19 show since they didn't come here today to talk times
20 or dates. And of course, anything else that gets
21 decided, they're just not here to deal with. So --
22 but that's fine.

23 Like I said in the beginning, basically
24 asked you all to come here today to talk about
25 procedural schedule for the remainder of this case,

1 which mainly involves determining the carrying costs
2 for the phase-in portion. Does anyone have any
3 questions for me or anything they'd like to bring up
4 this morning? Mr. Williams?

5 MR. WILLIAMS: Are you looking for
6 hearing dates and pre-filed testimony?

7 JUDGE DIPPELL: Yeah. Pretty much. I
8 don't think that this has to be a long, drawn out
9 thing. I think we just need to focus -- there were
10 several opinions about what carrying costs should be
11 and how those should be determined. So that's what
12 we're looking for a hearing on.

13 So I don't think that it has to be
14 significant, but probably is -- pre-filed is probably
15 as good as live when you're talking about numbers and
16 calculations and so forth so I would prefer that.

17 MR. CONRAD: Judge, just so the record is
18 clear and so -- primarily out of respect for you
19 because I don't want to mislead you or anybody else.
20 We have submitted an Application for Rehearing, which
21 I see on the proposed agenda is to be dealt with in
22 some way, shape or form on Wednesday.

23 But without regard to that, I think this
24 is probably a matter that's going to be destined for
25 the courts. And our point on that is very simple and

1 that is the Commission does not have authority
2 lawfully to grant an increase, whether it is made up
3 of rates or carrying charges or anything else that
4 exceeds what the company originally applied for. And
5 that's -- that's pretty simple and straightforward.

6 Now, I -- we can -- we can debate it if
7 you -- if you like, but I think it's going to be
8 resolved in the courts.

9 JUDGE DIPPELL: Well, I don't want to
10 debate it here, but I would like to ask -- so just --
11 just thinking out so if -- if the Commission were to
12 deny your rehearing and Ag Processing or someone else
13 files their appeal with the courts, are you
14 envisioning that there would be a writ that would
15 prohibit the Commission from going any further while
16 that's being determined?

17 MR. CONRAD: That would be a matter,
18 ma'am, that would be up to the court. I can't -- I
19 can't speak and it would be inappropriate for me to do
20 so right now as to what relief might be requested.
21 That could be included, but that would be a matter for
22 the court.

23 JUDGE DIPPELL: And there hasn't already
24 been any writ that I'm not aware of that is filed with
25 regard to any appeals on these matters?

1 MR. FISCHER: Judge, I think for full
2 disclosure, the company did file with the Cole County
3 a review request, which I don't know that it's been
4 acted on at the Cole County related to the Motion for
5 Rehearing that was denied within the last month or so
6 from -- related to the company's revenue requirement
7 issues, which I believe is a final order. And so,
8 therefore, under the statute, it was necessary to take
9 steps to file that in order to preserve that since a
10 rehearing was not granted.

11 JUDGE DIPPELL: Mr. Williams?

12 MR. WILLIAMS: Judge, Staff was served
13 with a writ that was filed by the company with regard
14 to I believe it was two applications for rehearing in
15 the rate case.

16 JUDGE DIPPELL: But was there an order
17 from the court on those?

18 MR. WILLIAMS: Just served with a copy
19 for a petition asking for it.

20 JUDGE DIPPELL: So I guess as part of
21 this, what I would ask the parties to do is to keep me
22 informed in case I'm not aware that -- if the court
23 issues anything that would prohibit the Commission
24 from taking any additional action.

25 And would there be any other questions?

1 I think you all can debate the merits of setting up a
2 procedural schedule, but I would like you to go ahead
3 with such a schedule.

4 And Mr. Conrad, certainly it's -- your
5 participation is not acquiescence that you do not
6 agree with the legalities.

7 MR. CONRAD: And we're happy to do that
8 and participate as long as it is understood that that
9 is without prejudice to any position that might have
10 served with respect to the rate increase for
11 St. Joseph.

12 JUDGE DIPPELL: Anything else that
13 anybody else would like to put on the record this
14 morning?

15 All right. Seeing nothing further then,
16 I will leave you all to discussions. I didn't bring
17 down a copy of the Commission's calendar, but I can do
18 that if you'd like. If you need something, you can
19 come see me in my office.

20 Go ahead then and go off the record.

21 (Whereupon, hearing was concluded.)

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the testimony appearing in the foregoing matter was duly sworn by me; that the testimony of said witnesses 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 matter 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.

Tracy Thorpe Taylor, CCR