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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Public Hearing
April 14, 2016
Reeds Spring, Missouri
Volume Four

In The Matter Of The Empire District)
Electric Company's Request For Authority)File No. ER-2016-0023
To Implement A General Rate Increase)
For Electric Service)

KIM S. BURTON, Presiding
REGULATORY LAW JUDGE

SCOTT T. RUPP,
MAIDA COLEMAN,
COMMISSIONERS

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1 P R O C E E D I N G S

2 JUDGE BURTON: Good afternoon, everyone. Let's go
3 ahead and go on the record in File Number Er-2016-0023 In The
4 Matter of The Empire District Electric Company's request for
5 authority to implement a general rate increase for electric
6 service. Today is April 14, 2016 and we are located in City
7 Hall in Reeds Spring, Missouri. The commission has set this
8 time for a local public hearing in this case. Good afternoon,
9 everyone. My name is Kim Burton. I'm one of the regulatory
10 law judges with the Public Service Commission and there are
11 five commissioners and we have two of those with us today and I
12 will let them introduce themselves.

13 COMMISSIONER COLEMAN: Good afternoon. Thank you all
14 so much for being here today. We appreciate the opportunity
15 that we have as commissioners to attend these local public
16 hearings and listen to any concerns that you all may have as
17 customers of the different companies that the Public Service
18 Commission helps to regulate. We thank you for being here and
19 look forward to hearing what you have to say. Thank you.

20 COMMISSIONER RUPP: I'm commissioner Scott Rupp. I
21 also want to welcome you and thank you for coming. We are very
22 interested in what you have to say about the pending rate case.
23 Also, we would like to hear any comments you have on how you
24 have interacted with the company, the customer service you have
25 been given, how the company operates in the community. Just

1 any other information you can give us to help us understand how
2 the company is operating and dealing with the constituents and
3 the people that it serves, so we want to hear everything you
4 have to say. The only thing I will let you know is we are
5 unable to answer any questions. If you were to ask us during
6 your testimony and ask us a question, we are not allowed to
7 respond to that is why you have people from our staff and you
8 have people from the office of public counsel, as well as the
9 company here to answer your questions, but we solely are here
10 just to listen to your concerns. Thank you.

11 COMMISSIONER COLEMAN: I forgot to introduce myself.
12 I'm Maida Coleman, so forgive me for my acting like I have no
13 good home training.

14 JUDGE BURTON: At this time I'm going to have the
15 parties enter their appearance for the record, and we'll start
16 with counsel for the Empire District Electric Company.

17 MS. CARTER: Diana Carter with Brydon Swearngen and
18 England for the Empire District Electric Company.

19 JUDGE BARTON: Thank you. On behalf of the Office of
20 the Public Counsel.

21 MS. MAYFIELD: Cydney Mayfield on behalf of the
22 Office of Public Counsel, and I have provided my information to
23 the court reporter previously.

24 JUDGE BURTON: Okay, thank you. And on behalf of the
25 staff of the Missouri Public Service Commission.

1 MR. WESTEN: My name is Jacob Westen. I'm the
2 attorney for the Public Service Commission Staff. My mailing
3 address is PO Box 360, Jefferson City, Missouri, 65102.

4 JUDGE BURTON: Okay. Now, I have a list here of the
5 individuals who have identified a request to speak before the
6 commission. What I'm going to do is call your name and have
7 you step forward over here to the podium where I will swear you
8 in and give you an opportunity to provide your testimony. I'm
9 just going to ask that you speak up because we do have a court
10 reporter here who is making a transcript of this hearing so
11 that all the commissioners and all the parties will be able to
12 review your statements. Please, once you're done with your
13 testimony, remain at the podium in case I or any of the
14 commissioners or any of the attorneys for the parties have any
15 questions for you. Okay? And if by any chance your name isn't
16 on the list and you would like to testify, I'll give you that
17 opportunity after we conclude with those individuals that are
18 on the list. If perhaps your name is on the list and someone
19 else has stated something that you would agree with, you can
20 feel free to say that as well.

21 That being said, let's go ahead and start with Jerrie
22 Stacey Avery. Miss Avery, would you please raise your right
23 hand.

24 (Witness sworn by Judge Burton.)

25 JUDGE BURTON: Would you please state and spell for

1 name for the record.

2 MS. AVERY: Jerrie, J E R R I E A, Stacey,
3 S T A C E Y, Avery, A V E R Y.

4 JUDGE BURTON: Thank you.

5 MS. AVERY: Really don't have much to say. I've only
6 been with the Empire Electric since about July or August of
7 last year. They have always been very nice to me. I've never
8 had any problems. My concern is with the raising the rates is
9 as a retired person, and we have a lot of retired people in the
10 Branson area, I'm concerned about the rates going up and the
11 ability to pay and having to maybe really cut back on all the
12 electricity we will use, no lights in this room or that room
13 and that's really all I have to say today.

14 JUDGE BURTON: All right, thank you. Are there any
15 questions from the commissioners? No parties? Thank you very
16 much.

17 MS. AVERY: Thank you, have a good day.

18 JUDGE BURTON: You too. Next, the commission will
19 hear from Larry Avery.

20 MR. AVERY: That's me. I decline. It would just be
21 repetitive of what my wife just said.

22 JUDGE BURTON: Your better half has spoken. Next,
23 we will hear from Todd Steinmann. Would you please raise your
24 right hand.

25 (Witness duly sworn by Judge Burton.)

1 JUDGE BURTON: Would you please state and spell your
2 name for the record.

3 MR. STEINMANN: Todd Steinmann, T O D D,
4 S T E I N M A N N. I am the weatherization director for Ozarks
5 Area Community Action Corporation, OACAC. We would like to
6 thank Empire Electric Company for their support of the
7 weatherization low income program the State of Missouri. With
8 Empire Electric funds for weatherization, OACAC weatherization
9 was able to weatherize 42 Empire Electric customers' homes in
10 2015. This has helped reduce each home's energy usage that was
11 weatherized in 2015. On average, a home that receives
12 weatherization services saves \$283 per year on energy savings
13 and the savings continues year after year after a home has been
14 weatherized. OACAC looks forward on continuing our
15 relationship with Empire Electric Company in reducing the
16 energy usage of income eligible Empire Electric customers in
17 years to come. Thank you.

18 JUDGE BURTON: Thank you. Any questions from the
19 commissioners?

20 MS. COLEMAN: I want to make clear, you're with --
21 pronounce it. I'm trying to see it on your shirt there.

22 MR. STEINMANN: It's OACAC, but it's Ozarks Area
23 Community Action Corporation.

24 MS. COLEMAN: Is that part of the statewide Missouri?

25 MR. STEINMANN: Yes. We're one of the 18 subgrantees

1 in the State of Missouri.

2 COMMISSIONER COLEMAN: Okay, thank you.

3 COMMISSIONER RUPP: My only question is any relation
4 to Leonard Steinmann that's running for governor?

5 MR. STEINMANN: No.

6 JUDGE BURTON: Any questions from counsel? Thank you
7 very much.

8 MR. STEINMANN: Do you want that?

9 JUDGE BURTON: Do you have any exhibit that you would
10 like to have admitted?

11 MR. STEINMANN: It's the same thing I just said.

12 JUDGE BURTON: Okay. I'm going to mark this as
13 Exhibit LPH2. Would the parties like an opportunity to review?

14 MS. CARTER: No, thank you.

15 MR. WESTEN: No, thank you, Judge.

16 JUDGE BURTON: Are there any objections to the
17 admission of Exhibit LPH2 into the record?

18 MS. MAYFIELD: No objection.

19 MR. WESTEN: No objection, Judge.

20 MS. CARTER: No objection.

21 JUDGE BURTON: LPH2 is admitted into the record.

22 Thank you very much. Next, the commission will hear from
23 Mr. Stewart.

24 Please raise your right hand.

25 (Witness duly sworn by Judge Burton.)

1 JUDGE BURTON: Could you please state and spell your
2 name for the record.

3 MR. STEWART: Gerald Stewart. G E R A L D,
4 S T E W A R T.

5 JUDGE BURTON: Thank you.

6 MR. STEWART: Thank you for allowing me. I've never
7 been at a hearing before, so just moved here last fall. I see
8 a statement in this paper. I'm going to have to ask this
9 before I can say anything else. Under formal public hearing on
10 Page 3, it says just below point 2, the questions and answers
11 made during this session will not be part of the public record
12 or the case record considered by the commission when it decides
13 whether to grant the request. On the --

14 JUDGE BURTON: Let me just clarify, that was the
15 question and answer session that the staff conducted at 11:00
16 today. Your statements here are part of the record and they
17 will be reviewed by the commissioners and the parties.

18 MR. STEWART: Okay. Now, okay, now my other part,
19 the second part of this question is dealing with this part we
20 just read not be part of the hearing today, no part of this
21 hearing. On the part on the bottom, yes, your comments will be
22 part of the record. Up here it says it will not be part.
23 Which is right?

24 JUDGE BURTON: This session here is on the record, so
25 our discussion that we're having right now is being transcribed

1 by the court reporter and is part of the record. There was a
2 question and answer session earlier where the commissioners and
3 myself were waiting outside on the nice pleasant day so that we
4 couldn't hear anything that was not part of the record.

5 MR. STEWART: All right, thank you for that answer.
6 Then I can make a statement. We have had very good service
7 from Empire Electric. They have answered all of my questions
8 when I've called. However, in the matter of this rate
9 increase, am I allowed to mention this?

10 JUDGE BURTON: Yes.

11 MR. STEWART: This rate increase seems to be out of
12 line. I live in Springfield. Also I live here. I live both
13 places. The rates here in Empire Electric is approximately on
14 a monthly basis, is approximately 25 percent more than it is in
15 Springfield under the public utility, city utilities commission
16 and I'd like that to be part of the record when we are heard as
17 to why there's such a great variance in rates between sister
18 cities. And second is this. On my hearing, I was in White
19 River years ago a customer and now this is my first time as an
20 Empire customer. We have a \$12 and some-odd cents monthly
21 added charge for making the bills out. I am told by Empire
22 Electric over the phone, this is for billing purposes only. I
23 do not believe that it charges \$12 a month to send a bill to
24 anyone, anywhere based on our science and community services.
25 You push one button and it charges \$12 for a bill. They

1 explained to me, well, we still have to read, so forth, but
2 when you read, if you are in a condominium complex, there's
3 hundreds of -- there's 160 condos in the unit where I live in
4 Fox Pointe. That is a lot of money times 160 times 12 every
5 month that we have to put out. \$12 a month is way too much to
6 send a bill out. And I appreciate the commission taking this
7 under consideration and to lower this rate increase which I
8 don't even know if I'm allowed to say it or not, but if I am,
9 to lower this rate increase request to half of what they are
10 asking. Thank you very much for your time and all of your
11 goodness to us, and we love it in Branson.

12 JUDGE BURTON: Thank you. Are there any questions
13 from the commissioners for Mr. Stewart? For the parties, any
14 questions? All right, thank you very much, sir.

15 Are there any other individuals that haven't previously
16 identified themselves on this list that would like to add their
17 comments for the record? Well, seeing no show of hands -- oh,
18 there you go, Ma'am. Would you please raise your right hand.

19 (Witness duly sworn by Judge Burton.)

20 JUDGE BURTON: Would you please state and spell your
21 name for the record.

22 MS. SAWYER: Yvonne Sawyer, Y V O N N E, S A W Y E R.
23 And I would just like to agree with Jerriea Stacey Avery
24 regarding the rate increase for those of us who are retired,
25 set income, and what we got in the mail showed that the rates

1 may go up as much as \$12 a month and I have gone and talked to
2 very nice people at Empire and they have talked to me about the
3 flat rate and I'm concerned that every year the rate is going
4 to go up and we are on a fixed income, and how are our seniors
5 going to be able to deal with this.

6 JUDGE BURTON: Thank you. Any questions from the
7 parties? Thank you. Is there anyone else that would like to
8 offer their statements for the record? Okay. Seeing no hands,
9 that will conclude the testimony part of this hearing. I just
10 want to provide a little bit of information for you. The
11 commission will be reviewing all of the testimony and the
12 evidence and an evidentiary hearing is currently scheduled for
13 May 30th through June 10. That will be in Jefferson city
14 Missouri at the Public Service Commission's office, and it's
15 open to the public if anyone would like to go. If you,
16 however, don't feel inclined to drive up to Jefferson city for
17 this hearing, you can also watch the live streamed video cast
18 of the hearing through the Public Service Commission's website.
19 Also, if there are any additional comments that you would like
20 to make that you would like the commission to consider, you can
21 also go through the website and post comments for this specific
22 case and it will be under the file number. I thank everyone
23 for their time and I hope you have a very pleasant afternoon.
24 We are off the record.

25 (Hearing concluded at 12:22 p.m.)

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I N D E X

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Proceedings

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Marked/Admitted

Exhibit LPH2

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CERTIFICATE OF COURT REPORTER

I, TRACIE BRUMLEY, a Certified Court Reporter #620 within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness 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 deposition 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.

Certified Court Reporter #620
in and for
The State of Missouri

<p style="text-align: center;">A</p> <p>ability 6:11 14:7 able 5:11 7:9 12:5 acting 4:12 action 7:5,23 14:10,13 add 11:16 added 10:21 additional 12:19 address 5:3 admission 8:17 admitted 8:10,21 afternoon 3:2,8 3:13 12:23 ago 10:19 agree 5:19 11:23 ahead 3:3 5:21 allowed 4:6 10:9 11:8 allowing 9:6 answer 4:5,9 9:15 10:2,5 answered 10:7 answers 9:10 appearance 4:15 APPEARANC... 2:1 appears 14:5 appreciate 3:14 11:6 approximately 10:13,14 April 1:6 3:6 area 6:10 7:5,22 asking 11:10 attend 3:15 attorney 5:2 14:11 attorneys 5:14 August 6:6 authority 3:5 Authority)File 1:9 Avenue 2:9 average 7:11 Avery 5:22,22</p>	<p>6:2,3,5,17,19 6:20 11:23</p> <p style="text-align: center;">B</p> <p>back 6:11 BARTON 4:19 based 10:24 basis 10:14 behalf 4:19,21,24 believe 10:23 best 14:7 better 6:22 bill 10:23,25 11:6 billing 10:22 bills 10:21 bit 12:10 bottom 9:21 Box 5:3 Branson 6:10 11:11 Brumley 1:19 2:11 14:3 Brydon 2:8 4:17 Burton 1:12 3:2 3:9 4:14,24 5:4 5:24,25 6:4,14 6:18,22,25 7:1 7:18 8:6,9,12 8:16,21,25 9:1 9:5,14,24 10:10 11:12,19,20 12:6 button 10:25</p> <p style="text-align: center;">C</p> <p>C 2:8 3:1 6:3 call 5:6 called 10:8 Capitol 2:9 Carter 2:8 4:17 4:17 8:14,20 case 3:8,22 5:13 9:12 12:22 cast 12:17 CCR 1:19 2:11 2:11 cents 10:20 CERTIFICATE</p>	<p>14:1 Certified 14:3,17 certify 14:4 chance 5:15 charge 10:21 charges 10:23,25 cities 10:18 city 2:4,6,9 3:6 5:3 10:15 12:13 12:16 clarify 9:14 clear 7:20 Coleman 1:14 3:13 4:11,12 7:20,24 8:2 come 7:17 coming 3:21 comments 3:23 9:21 11:17 12:19,21 commission 1:2 2:2,3 3:7,10,18 4:25 5:2,6 6:18 8:22 9:12 10:15 11:6 12:11,20 commissioner 3:13,20,20 4:11 8:2,3 commissioners 1:14 3:11,15 5:11,14 6:15 7:19 9:17 10:2 11:13 Commission's 12:14,18 community 3:25 7:5,23 10:24 companies 3:17 company 2:7 3:24,25 4:2,9 4:16,18 7:6,15 Company's 1:9 3:4 complex 11:2 concern 6:8 concerned 6:10 12:3</p>	<p>concerns 3:16 4:10 conclude 5:17 12:9 concluded 12:25 condominium 11:2 condos 11:3 conducted 9:15 consider 12:20 consideration 11:7 considered 9:12 constituents 4:2 continues 7:13 continuing 7:14 Corporation 7:5 7:23 counsel 2:5 4:8 4:16,20,22 8:6 14:9,12 court 2:10 4:23 5:9 10:1 14:1,3 14:17 currently 12:12 customer 3:24 10:19,20 customers 3:17 7:9,16 cut 6:11 Cydney 2:5 4:21</p> <p style="text-align: center;">D</p> <p>D 3:1 7:3,3 9:3 13:1 day 6:17 10:3 deal 12:5 dealing 4:2 9:19 decides 9:12 decline 6:20 deposition 14:6 14:10 Diana 2:8 4:17 different 3:17 direction 14:8 director 7:4 discussion 9:25 District 1:8 2:7</p>	<p>3:4 4:16,18 drive 12:16 duly 6:25 8:25 11:19 14:6</p> <p style="text-align: center;">E</p> <p>E 3:1,1 6:2,2,3,3 7:4 9:3,4 11:22 11:22 13:1 earlier 10:2 East 1:20 2:9,12 electric 1:9,10 2:7 3:4,5 4:16 4:18 6:6 7:6,8,9 7:15,16 10:7,13 10:22 electricity 6:12 eligible 7:16 Empire 1:8 2:7 3:4 4:16,18 6:6 7:6,8,9,15,16 10:7,13,20,21 12:2 employed 14:9 14:12 employee 14:11 energy 7:10,12 7:16 England 2:8 4:18 enter 4:15 Er-2016-0023 1:9 3:3 ESQ 2:2,8 evidence 12:12 evidentiary 12:12 exhibit 8:9,13,17 13:7 explained 11:1</p> <p style="text-align: center;">F</p> <p>fall 9:7 feel 5:20 12:16 file 3:3 12:22 financially 14:12 first 10:19 five 3:11 fixed 12:4</p>
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