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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

TRI-COUNTY ELECTRIC COOPERATIVE, INC.

vs.

ILLINOIS POWER COMPANY D/B/A AMEREN IP

Cause No. 05-0767

DISCOVERY DEPOSITION OF KEITH MALMEDAL, PHD., P.E.
TAKEN ON BEHALF OF THE COMPLAINANT
DECEMBER 2, 2009

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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

TRI-COUNTY ELECTRIC)
COOPERATIVE, INC.,)
Complainant,)
) Case No. 05-0767

vs.)
ILLINOIS POWER COMPANY)
D/B/A AMEREN IP,)
Respondent.)
)

DISCOVERY DEPOSITION OF KEITH MALMEDAL,
PHD., P.E., produced, sworn and examined on December
2, 2009, between the hours of eight o'clock in the
forenoon and six o'clock in the afternoon of that day,
at the offices of Tri-County Electric Cooperative,
Inc., 3906 West Broadway, Mount Vernon, Illinois,
62864, before Jenna L. Higgins, a Certified Court
Reporter (MO), Certified Shorthand Reporter (IL), and
a Notary Public within and for the State of Illinois,
in a certain cause now pending with the State of
Illinois, Illinois Commerce Commission, between
TRI-COUNTY ELECTRIC COOPERATIVE, INC., Complainant,
vs. ILLINOIS POWER COMPANY D/B/A AMEREN IP,
Respondent; on behalf of the Complainant.

A P P E A R A N C E S

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Counsel for the Complainant:

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By: Jerry Tice

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Also present: Robert Dew, Jr.

Marcia Scott

Todd Masten

Court Reporter:

Jenna L. Higgins, CSR, CCR

Midwest Litigation Services

711 North Eleventh Street

St. Louis, Missouri 63101

(314) 644-2191

1-800-280-3376

1 IT IS HEREBY STIPULATED AND AGREED by and
2 between counsel for the Complainant and counsel for
3 the Respondent that this deposition may be taken in
4 shorthand by Jenna L. Higgins, a Certified Court
5 Reporter (MO), Certified Shorthand Reporter (IL), and
6 Notary Public, and afterwards transcribed into
7 typewriting; and the signature of the witness is
8 expressly reserved.

9 * * * * *

10 KEITH MALMEDAL, PHD., P.E.,
11 of lawful age, produced, sworn and examined on behalf
12 of the Complainant, deposes and says:

13 EXAMINATION

14 QUESTIONS BY MR. TICE:

15 Q. I will tell you what. You have got your
16 report. Just give that to the court reporter because
17 you have yours already. Would you state your name,
18 please?

19 A. Keith Malmedal.

20 Q. Spell that for me, please.

21 A. K-e-i-t-h M-a-l-m-e-d-a-l.

22 Q. Have you -- where are you from,
23 Mr. Malmedal?

24 A. Denver, Colorado.

25 Q. Okay. And your age?

1 Q. What would be --

2 MR. FREY: Let him finish his answer.

3 MR. TICE: I apologize. I thought he was
4 done.

5 Q. (By Mr. Tice) What was the material used
6 in the conductor?

7 A. I -- it was aluminum.

8 Q. Okay. What size?

9 A. I don't know the size of the conductor.

10 Q. Did you ask?

11 A. I did not.

12 Q. Why not?

13 A. It was not important to what I was
14 investigating.

15 Q. And why was it not important to what you
16 were investigating?

17 A. Because I was -- the size of the conductor
18 had nothing to do with the ownership of the line. No
19 matter what size the conductor was it was still owned
20 by the same people.

21 Q. And those were -- that was Citation; is
22 that right?

23 A. Yes.

24 Q. What if the line had been built by IP,
25 would it have been important to you then?

1 A. If it was built by IP?

2 Q. Uh-huh.

3 A. The size of the conductor probably wouldn't
4 have been important.

5 Q. Would the line have been more important to
6 you in that case for this particular situation than
7 the fact that it was built by Citation if it was built
8 by IP?

9 A. Well, the fact that the line was built by
10 IP would be important.

11 Q. Why?

12 A. But I would -- because that's as important
13 to the definition of what an electrical service is.
14 But what it was constructed of, I would assume it
15 would be similarly constructed by either IP or by
16 Citation.

17 Q. Why is it important to the definition of
18 service if IP builds the line?

19 A. Because the ownership is the crux of what
20 an electrical service is.

21 Q. Would you assume then, Mr. Malmedal, that
22 if IP had built the line that they would be the owner
23 of it? Is that the assumption you would be making?

24 A. Typically, if the utility builds a line,
25 they would own it; however, I have known cases where a

1 utility has been hired to build the line for certain
2 customers.

3 Q. If IP owned the line in this case, would
4 that have changed your opinion that you -- and
5 conclusion you came to in your report?

6 A. If IP owned the line?

7 Q. If IP -- let me back up first and make sure
8 we understand what we're saying. If IP had owned the
9 12.47kV line right after the Texas substation down to
10 the gas plant or any portion of it, let's say, if they
11 had built the new part, the 4,119 feet, and owned it,
12 would that have changed your conclusion that you
13 rendered in your report?

14 A. If IP owned the line all the way to the
15 point of connection of the new gas plant or the new
16 compressors, yes, that would have changed my opinion.

17 Q. And what would your opinion have been then?

18 A. That the service would have existed -- my
19 opinion would have been the same. The service existed
20 where ownership changed between the utility and the
21 premises owner.

22 Q. Would that have changed your conclusion
23 about the delivery point?

24 A. It would have very likely if everything had
25 been built as you described and metering points were

1 also at those -- at the service points which would
2 typically occur, then yes, that would have changed my
3 opinion.

4 Q. And what would your opinion be then?

5 A. That service existed at the point where --
6 my opinion wouldn't have changed. Service still
7 exists at the point where ownership changes between
8 the utility and the premises owner. It's just that
9 that location has changed.

10 Q. And where would that location have then
11 been?

12 A. It would have been at every place where
13 ownership changed.

14 Q. Which would be at what point? Tell me what
15 point.

16 A. It would be at the -- if they owned the
17 line including the transformer to a compressor, it
18 would have existed -- the service would have existed
19 at that point.

20 Q. And to the gas plant?

21 A. And to the gas plant. If they owned the
22 line including the transformer, it would have existed
23 at that point at the point of the transformer.

24 Q. I take it then from what you told me in the
25 very early stage in this proceeding is that the key to

1 your conclusion is who owns what facilities, right?

2 A. That's correct.

3 Q. All right. Have you talked to anyone else
4 after you got done with -- how much time did you spend
5 on October 14th out there, two hours, three hours?

6 A. We were there over half a day.

7 Q. Okay. Was it decent weather?

8 A. It was pretty good.

9 Q. Sun shining, I hope?

10 A. No. It wasn't sun shining, but it was
11 pretty good.

12 Q. It never has shown when I have been there.
13 In fact, it rained horribly one time when I was there.

14 A. At least it wasn't raining.

15 Q. Okay. Did you talk to anyone else about
16 this case outside of the attorneys for IP, that is
17 Michael Tatlock, Michael Garden -- and then I don't
18 know who the other Citation employee was that was
19 there with you on the 14th -- or Todd Masten? Have
20 you talked with anyone else besides those people about
21 this case other than the attorneys Scott Helmholtz or
22 Matthew Frey?

23 A. No.

24 Q. And have you looked at any other
25 information --

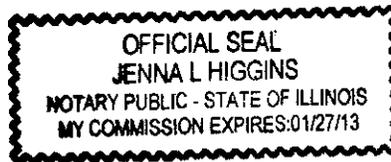
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CERTIFICATE OF REPORTER

I, JENNA L. HIGGINS, a Certified Shorthand Reporter (IL), and a Notary Public within and for the State of Illinois, 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.

Jenna L. Higgins

Notary Public within and for
the State of Illinois
IL CSR #084-004398



1 STATE OF)

)

2 COUNTY OF)

3

I, KEITH MALMEDAL, PHD., P.E., do hereby certify:

4 That I have read the foregoing deposition;

5 That I have made such changes in form and/or
6 substance to the within deposition as might be
7 necessary to render the same true and correct;

8 That having made such changes thereon, I hereby
9 subscribe my name to the deposition.

10 I declare under penalty of perjury that the
11 foregoing is true and correct.

12

13



KEITH MALMEDAL, PHD., P.E.

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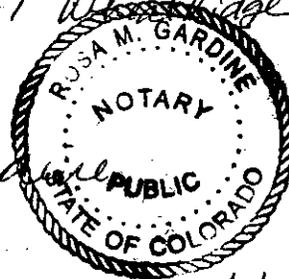
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Executed this 28th day of December,
2009, at 5191 WARD Road Unit 1 Wheat Ridge
Colorado

Notary Public: Rosa M. Gardine
My Commission Expires: 1/10/13



My Commission Expires 1/10/13

Signature page to: Matthew Frey

Jh/KEITH MALMEDAL, PHD., P.E., 12/02/2009

TRI-COUNTY ELECTRIC COOPERATIVE, INC. Vs. ILLINOIS
POWER COMPANY D/B/A AMEREN IP

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WITNESS ERRATA SHEET

Witness Name: KEITH MALMEDAL, PHD., P.E.
Case Name: TRI-COUNTY ELECTRIC COOPERATIVE, INC. vs.
ILLINOIS POWER COMPANY D/B/A AMEREN IP

Date Taken: DECEMBER 2, 2009

Page # 8 Line # 16

Should Read: SCADA design

Reason for Change: SCADA is misspelled

Page # 15 Line # 24

Should Read: No. They use it too-- they use it to

Reason for Change: too is misspelled

Page # 17 Line # 23

Should Read: it's a very old power plant designed to
deliver power to

Reason for Change: designed is misspelled

Page # 58a Line # 8

Should Read: the time they are apprentices so

Reason for Change: their apprentices is misspelled

Page # _____ Line # _____

Should Read: _____

Reason for Change: _____

Witness Signature: *Keith Malmedal*