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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Evidentiary Hearing
November 19, 2012
Jefferson City, Missouri
Volume 21

In the Matter of Kansas City)
Power & Light Company's Request)
for Authority to Implement a) File No. ER-2012-0174
General Rate Increase for Electric)
Service)
In the Matter of KCP&L Greater)
Missouri Operations Company's)
Request for Authority to Implement) File No. ER-2012-0175
a General Rate Increase for)
Electric Service)

DANIEL R.E. JORDAN, Presiding,
SENIOR REGULATORY LAW JUDGE.
KEVIN D. GUNN, Chairman,
TERRY JARRETT,
COMMISSIONERS.

REPORTED BY:
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FOR: Staff of the Missouri Public
Service Commission.

1 (WHEREUPON, the hearing began at 8:28 a.m.)

2 JUDGE JORDAN: We are on the record.

3 Commission is calling the actions in Files No.

4 ER-2012-0174 and ER-2012-0175. These are the general rate

5 actions of Kansas City Power & Light Company and KCP&L

6 GMO, Greater Missouri Operations Company.

7 Let's begin with entries of appearance for
8 the applicants.

9 MR. ZOBRIST: Karl Zobrist and Roger W.

10 Steiner on behalf of the companies. Our affiliations and

11 addresses have already been submitted, Judge.

12 JUDGE JORDAN: Thank you. And for Staff.

13 MR. WILLIAMS: Kevin Thompson and Nathan

14 Williams.

15 JUDGE JORDAN: Thank you. For the Office
16 of the Public Counsel.

17 MR. MILLS: On behalf of the Office of the

18 Public Counsel and the public, Lewis Mills and Christina

19 Baker.

20 JUDGE JORDAN: Thank you. Mr. Conrad.

21 MR. CONRAD: On behalf of Praxair in the

22 0174 matter and AGP and MEUA in the 0175 matter, Stu

23 Conrad, Finnegan, Conrad & Peterson, and I have provided

24 or will shortly provide the reporter with the address.

25 JUDGE JORDAN: Thank you. We have some

1 preliminary matters to address this morning. First, I
2 understand that there is some more true-up rebuttal
3 testimony to be withdrawn or stricken or both. The Office
4 of the Public Counsel had asked that some of that rebuttal
5 testimony be stricken, and I understand that most of that
6 has been withdrawn. Perhaps there's a little bit more you
7 would like stricken.

8 MS. BAKER: Just a little bit more on the
9 purpose of the testimony. So on the Kansas City Power &
10 Light testimony, beginning on page 1, line 12, after the
11 parenthetical Staff to the end of line 14. And then on
12 the GMO testimony, beginning on page 1, line 17, after the
13 word margins until the end of line 19.

14 JUDGE JORDAN: Anything else or does that
15 complete your list?

16 MS. BAKER: That completes my list.

17 JUDGE JORDAN: All right. And applicants?

18 MR. STEINER: On Mr. Rush's testimony,
19 page 2, starts at line 22, and approved by the Commission
20 on November 8th, 2012, we would not offer that portion of
21 that sentence. On Mr. Rush's GMO true-up rebuttal
22 testimony, page 3, starting at line 6, going to line 7,
23 same phrase, we would not offer, and approved by the
24 Commission on November 8, 2012.

25 JUDGE JORDAN: Okay.

1 MR. STEINER: That's it for the company.

2 JUDGE JORDAN: Then those matters will be
3 deemed withdrawn or not offered or stricken as
4 appropriate. Anything else on that matter?

5 MR. STEINER: I think Staff had testimony
6 they were not going to offer as well.

7 MR. WILLIAMS: It's true-up rebuttal. In
8 light of Mr. Gorman's testimony having been stricken and
9 not being offered, Staff will not offer the true-up
10 rebuttal testimony of Mr. Murray.

11 JUDGE JORDAN: All right. So that's going
12 to be withdrawn or I guess not offered. I don't know
13 which technically is correct. It's already been filed.

14 MR. WILLIAMS: Well, it's prefiled and it
15 will stay there, but I don't intend to offer it into the
16 evidentiary record.

17 JUDGE JORDAN: Okay. Very good.

18 MR. WILLIAMS: On Mr. Harris' testimony,
19 the company actually asked -- I don't recall exactly when
20 it started, but all the way to the end of his testimony in
21 the last Q and A is just, does conclude your true-up
22 testimony. Yes, it does. I would propose to leave that
23 sentence and question and answer in the record even though
24 it's been stricken. I believe the company has no problem
25 with that.

1 JUDGE JORDAN: Any objection to that?

2 MR. ZOBRIST: None.

3 JUDGE JORDAN: Granted. Anything else on
4 the true-up rebuttal or other matters regarding prefiled
5 true-up testimony?

6 MR. WILLIAMS: Judge, I'd like to point out
7 on the record that the prefiled true-up accounting
8 schedules for GMO do not reflect the reduction of 150,000
9 for low income weatherization in light of the fact that
10 the MEEIA filing was approved by the Commission, and as
11 part of that, the low income weatherization is included as
12 a MEEIA program, and in that event, as according to the
13 initial Stipulation & Agreement, it was to be a reduction
14 of \$150,000 for KCP&L Greater Missouri Operations Company
15 because of the duplication of low income weatherization
16 program that was contemplated originally. In other words,
17 it's been supplanted by the MEEIA program.

18 JUDGE JORDAN: Right. And you'll be making
19 a change to that schedule?

20 MR. WILLIAMS: I don't anticipate we will.
21 Whenever the Commission issues its order, that adjustment
22 will be made, but I wanted to indicate that change has not
23 been reflected in the accounting schedules as filed,
24 prefiled.

25 JUDGE JORDAN: All right. Now, the parties

1 also want to discuss -- yes, Mr. Conrad?

2 MR. CONRAD: Judge, before we go off the
3 record, I'm not sure really how to handle this. I think
4 it's more probably something for the Bench to be aware of.
5 In the past the practice has been when someone perfected
6 an appeal from one of these things and took that over to
7 the circuit court, something of a longstanding order, I
8 believe it dated back to Judge Kinder, said I don't want
9 all this sheaves of paper. Just file the index.

10 As you perhaps are aware, there's been a
11 change from the Legislature, and now appeals don't go to
12 the circuit court. And the cleanup of that record, I'm
13 not sure right now if anybody's going to file an appeal.
14 Probably Mr. Zobrist surely won't because he's gotten
15 almost everything he's wanted. But anyway, that aside, it
16 has -- when we put testimony in EFIS but don't end up
17 marking it as some kind of an exhibit or something as your
18 Honor is just doing, and you seemed a little bit curious
19 about it, which caused me to question.

20 We do need to have some way that when all
21 that gets to the Court of Appeals, that what gets there is
22 the record. And I don't know really if -- if the record
23 folks are sharp on that, they ought to pick it up and not
24 just something that's been filed in EFIS against this
25 little comment, and it would seem to me it would be

1 limited to things that are actually marked as exhibits,
2 and there is that process of going through getting the
3 exhibits in EFIS.

4 But there is the potential for confusion
5 now because so much of this stuff is done electronically
6 and not hard paper. And at least in one recent case in
7 which my colleague Mr. Zobrist was involved, there was a
8 little bit of, I won't characterize it beyond just saying
9 a misunderstanding apparently in which the index
10 apparently got filed and not the -- not the actual
11 documentary record.

12 So I'm trying not to err on the other side
13 and just sweep everything that's in EFIS into the record,
14 because often what happens is the index from EFIS gets
15 filed with the Court of Appeals and that index, of course,
16 would reflect the filing of these various pieces of
17 testimony that now have been withdrawn or not offered or
18 whatever.

19 So as I said in the beginning, I'm not sure
20 how to handle it. I just want your Honor to -- and the
21 Bench to be aware that while we're all kind of feeling our
22 way through this new process, I think there's been maybe
23 one, perhaps two cases filed with this new setup. It is
24 something just for the Commission to be aware of and
25 watch.

1 JUDGE JORDAN: So noted, and I'll pass that
2 on to the secretary of the Commission also.

3 MR. WILLIAMS: Judge, there's one other
4 matter.

5 JUDGE JORDAN: Yes.

6 MR. WILLIAMS: During the evidentiary
7 hearings, there were two exhibits that were marked as
8 Staff Exhibit 392. One of those was a correction to
9 Mr. Featherstone's surrebuttal testimony that was highly
10 confidential, and then there was also filed in EFIS in
11 this, in the KCPL Greater Missouri Operations Company's
12 case, the Stipulation & Agreement that resolved the MEEIA
13 filing by that company in Case No. EO-2012-0009.

14 Staff proposed that that second exhibit be
15 renumbered to be Staff Exhibit 391. It was a late-filed
16 exhibit in the main evidentiary hearing.

17 JUDGE JORDAN: Any discussion on that? Not
18 hearing any. I'll grant that motion and renumber that
19 exhibit.

20 MR. WILLIAMS: Thank you.

21 JUDGE JORDAN: The parties I think wanted
22 to discuss a change to the briefing schedule.

23 MR. STEINER: Yes, your Honor. I visited
24 with Staff and Public Counsel about the possibility of
25 moving the initial brief from the Friday after

1 Thanksgiving to November 28th, and they did not have an
2 objection. I did not have a chance to visit with
3 Mr. Conrad about that.

4 MR. CONRAD: No objection.

5 MR. STEINER: And I think that would work
6 well for the parties here today. I don't know about all
7 the other parties.

8 MR. CONRAD: Did counsel plan a
9 corresponding extension if there's reply?

10 MR. STEINER: The reply brief would stay
11 the same date, which I believe is December 11th. That's
12 still quite a bit of time.

13 JUDGE JORDAN: So we're talking about
14 moving the first briefs due date from the 23rd to the
15 28th; is that correct?

16 MR. STEINER: That's right.

17 JUDGE JORDAN: Any further discussion on
18 that?

19 MR. WILLIAMS: Judge, I just point out that
20 the issues have narrowed considerably during the course of
21 this case. Whenever the original schedule was set up,
22 there was an anticipation that there might be a need to
23 brief many more issues than we're actually briefing at
24 this point.

25 JUDGE JORDAN: Okay. I will likely issue

1 an order altering the briefing schedule this afternoon.

2 Now, the parties have some exhibits that
3 they wish to enter, but I also understand they would like
4 some time to discuss the stipulation as to that; is that
5 correct?

6 MR. WILLIAMS: Yes.

7 JUDGE JORDAN: Okay. About how long do you
8 think that will take you to put that together?

9 MR. WILLIAMS: Five to ten minutes.

10 JUDGE JORDAN: Let us take an intermission
11 of ten minutes. Is there anything else before we go off
12 the record for now? All right, then. We'll take a
13 ten-minute break.

14 (A BREAK WAS TAKEN.)

15 JUDGE JORDAN: We're back on the record. I
16 have before me a very carefully set forth list for the
17 order of opening statements, witnesses and
18 cross-examination. I have the impression that that might
19 not be necessary. Have the parties been able to stipulate
20 to these matters?

21 MR. WILLIAMS: I believe we have.

22 MR. STEINER: Yes, we have.

23 JUDGE JORDAN: And tell me what you've come
24 up with.

25 MR. WILLIAMS: To stipulate certain of the

1 prefilled true-up testimony and schedules into the record
2 as evidence.

3 JUDGE JORDAN: Okay. Will there be a need
4 for opening statements?

5 MR. WILLIAMS: No.

6 JUDGE JORDAN: Okay. Very good. Will any
7 witnesses be taking the stand?

8 MR. WILLIAMS: There won't be a need for
9 that either.

10 JUDGE JORDAN: All right. Are there any
11 exhibits that are going to be offered that have not been
12 stipulated to?

13 MR. STEINER: No.

14 MR. WILLIAMS: Not that I'm aware of.

15 JUDGE JORDAN: Then who would like to take
16 the lead and start offering these exhibits into evidence?

17 MR. STEINER: We will, your Honor. We
18 offer the true-up rebuttal testimony of Tim Rush in the
19 KCPL case that's marked, premarked as Exhibit No. 60, and
20 the true-up rebuttal testimony of Tim Rush in the GMO case
21 that's been premarked as Exhibit No. 149.

22 MR. WILLIAMS: Judge, I'll note that those
23 particular exhibits that he's offering show redactions
24 from what had originally been prefilled.

25 MR. STEINER: That's correct.

1 JUDGE JORDAN: Thank you.

2 MR. STEINER: That's it for the company.

3 JUDGE JORDAN: All right. Who would like
4 to go next?

5 MR. WILLIAMS: I believe the only other
6 party who's going to be offering any evidence is the
7 Staff. Staff will not be offering what it marked as Staff
8 Exhibit No. 390, which is the true-up rebuttal testimony
9 of David Murray.

10 Staff offers what's been marked as Staff
11 Exhibit 389 and Staff Exhibit 388, which are the HC and NP
12 versions of the true-up direct testimony of Keith Majors,
13 and that is offered as it was prefiled.

14 Staff will not be offering what's been
15 marked as Staff Exhibit No. 387, which is the HC version
16 of the true-up direct testimony of V. William Harris.
17 That testimony was the subject of a motion to strike, and
18 Staff is not offering the bulk of the testimony that was
19 stricken, and that included HC testimony.

20 Staff is offering portions of the true-up
21 direct testimony of V. William Harris that is NP that's
22 been marked for identification as Staff Exhibit 386.
23 The exhibit that's being offered will reflect deletions
24 from the prefiled testimony by being lined out.

25 Staff is offering the true-up direct

1 testimony of Cary G. Featherstone, which has been marked
2 as Staff Exhibit No. 385. Staff is also offering the
3 true-up cost of service Staff Accounting Schedules for
4 both Case No. ER-2012-0175, which has been premarked as
5 Staff Exhibit 384, and for Case No. ER-2012-0174 which has
6 been marked as Staff Exhibit 383.

7 I believe everybody stipulated that those
8 testimonies as represented are to be entered into the
9 evidentiary record here.

10 JUDGE JORDAN: Very good. And does that
11 complete your list?

12 MR. WILLIAMS: Yes, it does.

13 JUDGE JORDAN: Very good. And Office of
14 the Public Counsel has no exhibits to offer today; is that
15 correct?

16 MR. MILLS: Correct. Given that the Bench
17 has already stricken the testimony of Mr. Gorman, we have
18 nothing else to offer.

19 JUDGE JORDAN: And I understand that each
20 of the exhibits that we've described are stipulated as to
21 the entry. I'm not hearing anyone saying anything to the
22 contrary, so each of those exhibits will be entered into
23 the record.

24 ((KCPL EXHIBIT NO. 60, GMO EXHIBIT NO. 149
25 AND STAFF EXHIBIT NOS. 383 THROUGH 386, 388 AND 389HC WERE

1 RECEIVED INTO EVIDENCE.)

2 JUDGE JORDAN: Do we have anything else to
3 take care of today?

4 MR. WILLIAMS: Other than providing the
5 exhibits to the court reporter for marking, I believe not.

6 JUDGE JORDAN: All right. Well, in that
7 case it sounds like we can go off the record. Anything
8 else before we do?

9 MR. WILLIAMS: Thank you, Judge.

10 JUDGE JORDAN: Thank you, everyone. I am
11 not planning to reconvene tomorrow, and the way I found
12 that best to communicate to everyone is to put out an
13 order through EFIS. I will be doing that today. And with
14 that, we will go off the record and this hearing is
15 adjourned.

16 (KCPL EXHIBIT NO. 60, GMO EXHIBIT NO. 149
17 AND STAFF EXHIBIT NOS. 383 THROUGH 386, 388 AND 389HC WERE
18 MARKED FOR IDENTIFICATION BY THE REPORTER.)

19 (WHEREUPON, the hearing was adjourned at
20 9:07 a.m.)

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