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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

February 23, 2017
Jefferson City, Missouri
Volume 12

In the Matter of Kansas City)
Power & Light Company's Request)Case No. ER-2016-0285
for Authority to Implement a)
General Rate Increase for)
Electric Service)

JUDGE RONALD D. PRIDGIN, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE

COMMISSIONERS PRESENT:

DANIEL Y. HALL, Chairman
STEPHEN M. STOLL,
WILLIAM P. KENNEY,
SCOTT T. RUPP,
MAIDA J. COLEMAN,
COMMISSIONERS

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

2 JUDGE PRIDGIN: Good morning. We are on
3 the record. We're resuming the hearing in File No.
4 ER-2016-0285.

5 And I hate to interrupt Counsels'
6 discussion. It sounds like you're trying to move
7 some witnesses around, and that's perfectly fine.
8 If I could just kind of get an idea from Counsel
9 where we are going today?

10 MR. WOODSMALL: I think what was being
11 talked about in order to accommodate some
12 out-of-town attorneys and witnesses was just to
13 shift some of the order on the remaining five
14 witnesses on class cost of service, rate design.

15 Mr. Marke would still go first today
16 followed by Mr. Jester.

17 MS. PAYNE: No.

18 MR. MARKE: I think we're going to do
19 Schmidt, Jester and then me.

20 MR. WOODSMALL: Okay. So Jeff Marke -- or
21 I'm sorry. Schmidt goes first.

22 MR. GARG: We can do it that way, but --
23 that's fine. Let's just stick with that.

24 MS. PAYNE: Is that okay?

25 MR. GARG: Let's stick with that.

1 MR. WOODSMALL: So Schmidt, Jester, Marke,
2 Brubaker, Hyman.

3 JUDGE PRIDGIN: So we're going to
4 rearrange the order to Schmidt, Jester, Marke,
5 Brubaker, and Hyman on the rate design witnesses.
6 Okay. Any comment in retort? Okay.

7 MR. ROBERTSON: Judge?

8 JUDGE PRIDGIN: Yes.

9 MR. ROBERTSON: Just to add further
10 confusion, we have an out-of-state witness, and we
11 were hoping that we could move the clean charge
12 witnesses up before the revenue witnesses?

13 JUDGE PRIDGIN: Okay. All right.

14 MR. STEINER: Judge, we might -- we might
15 agree to that, but we need to get Mr. Bass maybe
16 before that. He needs to be done today.

17 JUDGE PRIDGIN: Okay. All right.

18 MR. STEINER: We have new witness.

19 JUDGE PRIDGIN: We will see how things go.
20 And I'm sure we will need to take breaks well
21 before you will be through with these witnesses,
22 I'm assuming.

23 I don't know -- just before we get
24 started, I don't know what availability the
25 Commissioners will have tomorrow. And so I -- and

1 I'm not sure of the speed we'll go today. We may
2 be going late again tonight, and we may need to
3 resume again next week, Tuesday or Wednesday, or
4 perhaps both. We'll see how quickly things go
5 today.

6 But we need to try to make up some ground.
7 Is there anything further, Counsel, before
8 Dr. Schmidt takes the stand? Hearing none -- all
9 right. Mr. Schmidt, if you will raise your right
10 hand to be sworn, please, sir.

11 MICHAEL SCHMIDT,
12 being first duly sworn to testify the truth, the whole
13 truth, and nothing but the truth, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. GARG:

16 JUDGE PRIDGIN: Thank you very much, sir.
17 You may have a seat. Mr. Garg, when you're ready,
18 sir.

19 MR. GARG: Thank you very much, Judge.

20 **Q (By Mr. Garg) Dr. Schmidt, please state**
21 **your name and business address for the record.**

22 A My name is Michael Schmidt, S-c-h-m-i-d-t.
23 My business address is 3322 Southwest Rowan Court
24 in Topeka, Kansas.

25 **Q Did you cause to be filed in this case**

1 **what is -- what now I will mark as Exhibit 501,**
2 **your corrected direct testimony of Michael R.**
3 **Schmidt on December 19th, 2016?**

4 A Yes.

5 **Q And was your only correction in this**
6 **testimony the addition of your sworn affidavit?**

7 A That's correct.

8 **Q Did you cause to be filed in this case**
9 **what I will now mark as Exhibit 502, your rebuttal**
10 **testimony of Michael R. Schmidt on January 6th,**
11 **2016?**

12 A Yes.

13 **Q And, finally, did you cause to be filed in**
14 **this case what is not marked as Exhibit 503, the**
15 **surrebuttal testimony of Michael R. Schmidt on**
16 **January 27th, 2016?**

17 A Yes.

18 **Q Do you have any further corrections to**
19 **these testimonies?**

20 A No, I do not.

21 **Q If I were to ask you the questions**
22 **contained in these testimonies, would your answers**
23 **be the same?**

24 A Yes.

25 **Q Is your testimony true and correct to the**

1 **best of your knowledge?**

2 A Yes.

3 MR. GARG: Your Honor, I would like to
4 offer Exhibits 501, 502 and 503 into evidence.

5 JUDGE PRIDGIN: Mr. Garg, thank you. Any
6 objections? Hearing none, 501, 502 and 503 are
7 admitted.

8 (U.S. Department of Energy Exhibits 501,
9 502 and 503 were offered and admitted into
10 evidence.)

11 MR. GARG: Thank you, your Honor. And I'd
12 tender Dr. Schmidt for cross-examination.

13 JUDGE PRIDGIN: Mr. Garg, thank you.
14 Cross-examination from Staff?

15 MS. PAYNE: No questions.

16 JUDGE PRIDGIN: Thank you. Public
17 Counsel?

18 MR. OPITZ: No, thank you, Judge.

19 JUDGE PRIDGIN: MIEC?

20 MR. DOWNING: Yes, Judge.

21 CROSS-EXAMINATION

22 BY MR. DOWNEY:

23 **Q Good morning, Dr. Schmidt.**

24 A Good morning.

25 **Q You have read Mr. Brubaker's testimony?**

1 A Yes.

2 **Q And you understand he is critical of the**
3 **BIP allocation method?**

4 A Yes, sir.

5 **Q As are you?**

6 A Yes.

7 **Q And do you understand Mr. Brubaker**
8 **allocated costs based on the A&E method?**

9 A That's correct.

10 **Q Would you agree that's a mainstream**
11 **method?**

12 A Yes, it is.

13 **Q And do you see that used around the**
14 **country?**

15 A I sure do.

16 **Q Did you read Mr. Brubaker's testimony**
17 **about base load plant and how Staff allocates that**
18 **based on energy?**

19 A Yes, I did.

20 **Q And in particular, did you see his -- his**
21 **Table 1 in his rebuttal that -- that compared**
22 **Staff's conclusion on cost of service with a strict**
23 **energy analysis?**

24 A I did.

25 **Q And do you agree with that -- that table?**

1 A Yes.

2 MR. DOWNEY: Thank you.

3 JUDGE PRIDGIN: Mr. Downey, thank you.

4 Cross-examination, MECG?

5 MR. WOODSMALL: Thank you, your Honor.

6 CROSS-EXAMINATION

7 BY MR. WOODSMALL:

8 Q Good morning, sir.

9 A Good morning.

10 Q Briefly, I was going through your
11 credentials attached to your direct testimony. Can
12 you tell me how many states, approximately, you've
13 testified in?

14 A Fourteen, to be exact. Or no. 15.

15 Q And approximately how many utility --
16 electric utility rate design cases?

17 A Most of those cases, except one or two,
18 were rate design. The others were revenue
19 requirements.

20 Q Okay. And I -- I see on one bulletpoint,
21 it says, 60 utility pricing cases. So over 50 rate
22 design cases, then?

23 A Probably, yes.

24 Q Okay. In those 50 cases, can you think of
25 any instances where utilities have proposed the BIP

1 **methodology?**

2 A No. No, sir.

3 **Q Have you encountered even other Commission**
4 **-- any Commissions adopting the BIP methodology?**

5 A The only state that I'm aware of other
6 than Missouri is Texas.

7 **Q And can you tell me what your knowledge is**
8 **of that Texas case?**

9 A Well, in Texas, as you probably know, it's
10 an isolated system. They are not interconnected
11 with the other states. They are a utility pool
12 line of their own.

13 So, consequently, the BIP method, to some
14 extent, can be considered there because they are
15 the traditional base, intermediate and peak type
16 utility. They're not interconnected such as Kansas
17 City Power & Light with the -- with the Southwest
18 Power Pool.

19 **Q So just to clarify a little further, one**
20 **of your criticisms of the BIP and one of the**
21 **criticisms that a lot of perfect people have made**
22 **about the BIP is that it doesn't fit now given that**
23 **KCP&L bids all of its energy into SPP and buys all**
24 **of its energy for its native load; is that correct?**

25 A That's correct.

1 **Q** **Okay. I was just curious. Thank you very**
2 **much.**

3 A Thank you.

4 JUDGE PRIDGIN: Ms. Roberts, thank you.
5 Cross-examination, Renew Missouri? NRDC? Division
6 of Energy?

7 MR. ANTAL: Yes. Just a few questions.

8 CROSS-EXAMINATION

9 BY MR. ANTAL:

10 **Q** **Hello, Mr. Schmidt.**

11 A Good morning.

12 **Q** **Mr. Woodsmall was going over your**
13 **credentials as a rate -- rate design expert a**
14 **minute or so ago. And were you in the hearing room**
15 **yesterday?**

16 A Yes.

17 **Q** **You heard the evidence testimony of the**
18 **other rate design experts in this case?**

19 A Yes, I did.

20 **Q** **In particular, in regards to block rate**
21 **design?**

22 A That's right.

23 **Q** **Do you have any experience with inclining**
24 **block rates?**

25 A Yes, I do.

1 **Q Could you please elaborate?**

2 A I was at SDG&E for about ten years, a
3 little -- little shy of ten years. And we had
4 declining block -- or inclining block rates. There
5 were several blocks.

6 And, unfortunately, there was no customer
7 charge. It just started out with the first block
8 being relatively low and then progressively higher
9 as you moved through the blocks.

10 **Q And are those rates still in effect, to
11 your knowledge?**

12 A To my knowledge, they're still in effect.

13 MR. ANTAL: Okay. Thank you very much.

14 JUDGE PRIDGIN: Mr. Antal, thank you.

15 Cross-examination, CCM? KCP&L?

16 CROSS-EXAMINATION

17 BY MR. FISCHER:

18 **Q Dr. Schmidt, you mentioned that you've
19 been in 50 rate design cases or so; is that right?**

20 A Give or take.

21 **Q Can you give the Commission an idea of
22 what goes on in a major rate design case?**

23 A The primary issues, at least in my mind of
24 what I've testified to, the allocation among the
25 classes. Often, I represented the Federal

1 Government, the General Services Administration.
2 And we were concerned about the allocation of the
3 total revenue requirement that GSA facilities
4 received.

5 The primary objective of GSA and the
6 Federal Government in general is to look at
7 cost-based rates.

8 **Q Is that considered important for reaching**
9 **-- reaching efficiency goals, to have your rates**
10 **based on cost?**

11 A Yes, it is.

12 **Q In the limited rate design cases that you**
13 **were involved with, did you also look at rate**
14 **structure issues regarding whether it should be**
15 **flat rates or a high customer charge or -- and the**
16 **customer impacts of changing a rate structure?**

17 A Yes. Especially when I was with utilities
18 or representing utilities, the goal was to try and
19 get the customer charge up.

20 **Q Why would that be?**

21 A That was -- it -- it helps considerably
22 with rate stability because each customer pays
23 whatever that amount is, whether it's \$10 or \$15,
24 whatever. And the utility can be ensured of that
25 money regardless of weather conditions, sales,

1 whatever.

2 **Q Does utility have a substantial number of**
3 **fixed costs that it has to recover no matter**
4 **whether there's usage or not?**

5 A Well, an electric utility, it's at least
6 50 percent fixed. The only real variable cost is
7 fuel and maybe a little bit of O&M. But for all
8 intents and purposes, it's a highly fixed cost
9 industry.

10 **Q So would it be correct that if you have a**
11 **two-part rate structure like with -- like we have**
12 **here in Missouri where the customer charge and then**
13 **an energy charge, the utility is attempting to**
14 **recover a substantial number of fixed costs using**
15 **an energy charge?**

16 A Yes.

17 **Q Is that an issue?**

18 A It wouldn't be my first choice. But
19 it's the second best solution. At least you've
20 flattened the rate down to where you're not --
21 you're trying to recover as much fixed costs as you
22 can and customer charge. But, certainly, you're
23 trying to recover the rest of it in the energy
24 charge.

25 **Q In a typical rate design case that you've**

1 **been involved with, is there a substantial -- or**
2 **has there been a substantial effort to look at**
3 **customer impacts of changing rate structures?**

4 A That's always a consideration, especially
5 for the residential class. Although in many cases,
6 I represented the industrial class where the
7 emphasis was on jobs. And that's especially true
8 today. Very concerned that -- yeah, you have to
9 look out for the -- for the residential customer.

10 And -- but that residential customer needs
11 a job. And if the base rates on cost -- and most
12 industries that I represented, they were
13 comfortable paying their fair share. They were
14 comfortable paying their -- their -- an amount
15 based on cost. But they didn't want to pay anymore
16 than that, which is often the case.

17 **Q Is it correct that they wanted to pay**
18 **costs and their rate structure should reflect those**
19 **costs?**

20 A That's correct. Yes.

21 **Q Now, in the -- in the cases that you were**
22 **involved with on the industrial side, did most of**
23 **those rate structures have a declining block nature**
24 **to those?**

25 A Most of them did, yes.

1 **Q Why was that?**

2 A Because with an industrial customer,
3 you're either time of use, which is quite common
4 today, or you -- and/or you had demand charges.

5 And a lot of those fixed costs are covered
6 in the demand charge. A lot of those fixed costs
7 are covered in the first block.

8 So as you go down the blocks, those costs
9 are already recovered, so you're down to,
10 basically, fuel and a bit more for contribution to
11 fixed costs.

12 **Q In your experience, were industrial**
13 **clients particularly concerned about raising the**
14 **tail block rates?**

15 A If the tail block is at least covering
16 fuel and making some contribution to -- to avoid a
17 free rider problem, it was -- we were looking to
18 get that tail block to the point where, yeah, it
19 was making some contribution to fixed costs. But
20 most of the fixed costs had already been recovered
21 in the earlier blocks.

22 **Q Would those principles also apply to**
23 **residential and small general service rate**
24 **structures, do you think?**

25 A It would be nice if they did. But the

1 metering, for residential historically at least,
2 has -- has been energy only?

3 A Now, today, going to AMI meters and smart
4 meters and that sort of thing, it will provide an
5 opportunity to go to time -- time of use rates.
6 And that's the ideal.

7 **Q With all your experience in 50 rate design**
8 **cases, would you have any recommendations to the**
9 **Commission on if they were considering making a**
10 **substantial public policy change in rate structure,**
11 **what kind of forum would you suggest that they use**
12 **to you do that?**

13 A You're probably better off in a workshop
14 type of situation where you can exchange ideas and,
15 you know, talk back and forth.

16 If you make my radical changes, i.e.,
17 going to time of use rates, you're going do affect
18 a lot of customers. And -- especially on the
19 residential side.

20 Industrial probably isn't going to care a
21 whole lot because, chances are, they're already on
22 a time of use rate. But a setting like this, a
23 general rate case is -- is -- in my opinion at
24 least, is not the place to look at substantial rate
25 design options.

1 **Q** Are you aware of any cases around the
2 country where Commissions made a change, for
3 example, to an inverted rate structure where there
4 was substantial push-back by consumers?

5 A I'm not aware of any. At SDG&E, we had a
6 -- San Diego Gas & Electric, we had an inclining
7 block rate. It was imposed during the energy
8 crisis of 2000 when energy itself was -- was short
9 or -- and/or very expensive.

10 At times, we were paying a thousand bucks
11 a megawatt -- megawatt hour wholesale. So we tried
12 to raise that tail block -- I think, at the time,
13 it was around 25 cents a kilowatt hour and -- to
14 discourage usage.

15 And it -- it certainly worked. Some of
16 that could have been due to the inverted rates.
17 Some of it just due to the -- the sense that people
18 had that this is a scarce commodity. We better
19 conserve it. The black-outs, rolling black-outs
20 were not fun.

21 **Q** With your experience in California, do you
22 believe that price elasticity and demand would be
23 substantially different in a place like San Diego
24 or California due to the weather than it would be
25 here in Missouri?

1 A That --

2 MR. GARG: Your Honor, excuse me. I'm
3 going to -- I'm going to object that -- this has
4 gone on for a little while. I -- I would just
5 question whether Counsel is going to ask the
6 witness anything regarding his testimony in this
7 case.

8 These questions are with respect to his
9 experience, which I understand. But I -- I just
10 don't want the witness to be subject to
11 cross-examination or hostile questions on
12 testimonies he hasn't even testified on.

13 MR. FISCHER: Your Honor, I think in
14 Missouri that cross is generally unlimited
15 regarding anything that's relevant to the case.

16 And, certainly, this man has a lot of
17 experience with rate design issues. I think I have
18 the opportunity to -- to inquire.

19 JUDGE PRIDGIN: Right. I'll overrule.

20 MR. FISCHER: Could the court reporter
21 read that question back?

22 (The previous question was read back.)

23 A The short answer is yes. Certainly,
24 income -- weather affects elasticity. And if you
25 can, you should look into the elasticity response

1 before making radical changes to rate design.

2 MR. FISCHER: Thank you for your
3 testimony. I have no other questions.

4 JUDGE PRIDGIN: Mr. Fischer, thank you.
5 Any Bench questions?

6 COMMISSIONER STOLL: I have no questions.
7 Thank you for your testimony.

8 COMMISSIONER KENNEY: Thank you, Dr.
9 Schmidt.

10 JUDGE PRIDGIN: Redirect?

11 MR. GARG: No, your Honor

12 JUDGE PRIDGIN: All right. Thank you.
13 You may step down. Very good. Mr. Schmidt, thank
14 you. The next witness will be Mr. Jester; is that
15 correct?

16 MR. LINHARES: Yes, sir.

17 JUDGE PRIDGIN: All right. If Mr. Jester
18 would come forward to be sworn, please, sir. If
19 you'll raise your right hand to be sworn, please.

20 DOUGLAS JESTER,
21 being first duly sworn to testify the truth, the whole
22 truth, and nothing but the truth, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. LINHARES:

25 JUDGE PRIDGIN: Thank you very much. You

1 may have a seat, sir. And, Mr. Linhares, when
2 you're ready.

3 DIRECT EXAMINATION

4 BY MR. LINHARES:

5 Q Good morning, Mr. Jester.

6 A Good morning.

7 Q Would you mind stating your name for the
8 record, please?

9 A Douglas B. Jester, J-e-s-t-e-r.

10 Q And by whom are you employed?

11 A Five Lakes Energy.

12 Q And what parties are you appearing on
13 behalf of in this case?

14 A I'm appearing on behalf of Sierra Club and
15 Renew Missouri.

16 Q And are you the same Douglas Jester that
17 caused to be filed direct testimony on behalf of
18 Renew Missouri and Sierra Club in this case?

19 A Yes.

20 Q And that's marked as Exhibit 400, correct?

21 A Yes.

22 Q And did you also cause to be filed
23 surrebuttal testimony marked as Exhibit 401 in this
24 case?

25 A Yes.

1 Q Do you have any corrections to your
2 testimony today?

3 A I do not.

4 Q And if I asked you the same questions in
5 your testimony, would your answers be substantially
6 the same?

7 A Yes.

8 Q Are the answers in your testimony true and
9 accurate -- accurate to the best of your belief?

10 A Yes.

11 MR. LINHARES: Okay. Thank you, Judge. I
12 move for the admission of Exhibit 400 and 401 as
13 evidence in this case, and I tender the witness
14 for cross-examination.

15 JUDGE PRIDGIN: All right. 400 and 401
16 are offered. Any objections? Hearing none, 400
17 and 401 are admitted.

18 (Renew Missouri Exhibits 400 and 401 were
19 offered and admitted into evidence.)

20 JUDGE PRIDGIN: And cross-examination,
21 Public Counsel?

22 MR. OPITZ: No, thank you, Judge.

23 JUDGE PRIDGIN: Staff?

24 MS. PAYNE: Thank you.

25 CROSS-EXAMINATION

1 BY MS. PAYNE:

2 Q Good morning, Mr. Jester.

3 A Good morning.

4 Q Let me ask you, did you take any changes
5 into -- in weather into consideration when you
6 calculated -- when you performed your calculations?
7 For instance, like an abnormal winter or summer?

8 A The calculations you're referring to, I
9 assume, are those in my surrebuttal testimony?

10 Q Correct.

11 A No. I did not make an explicit
12 calculation regarding weather. One --

13 Q Thank you. That's fine. That's all I
14 need.

15 MS. PAYNE: Thank you, Judge.

16 JUDGE PRIDGIN: Ms. Payne, thank you.

17 MIEC?

18 MR. DOWNEY: No, thank you.

19 JUDGE PRIDGIN: MECG?

20 MR. WOODSMALL: No questions.

21 JUDGE PRIDGIN: U.S. Department of Energy?

22 MR. GARG: No questions.

23 JUDGE PRIDGIN: Thank you. Renew

24 Missouri? NRDC? Division of Energy?

25 MR. ANTAL: Yes, your Honor. I have a few

1 questions.

2 CROSS-EXAMINATION

3 BY MR. ANTAL:

4 Q Good morning, Mr. Jester.

5 A Good morning.

6 Q I'm going to start off talking about your
7 credentials a little bit. How long have you been
8 with 5 Lakes Energy?

9 A Since 2011.

10 Q Okay. And what is your position there?

11 A I'm a co-owner and principal of the firm.

12 Q Okay. And there, you focus on issues of
13 utility regulation and rate design?

14 A In part.

15 Q Okay. And you've testified in multiple
16 utility regulation cases on rate design?

17 A Yes, I have.

18 Q Can you ballpark, or if you know,
19 specifically how many?

20 A I believe seven.

21 Q Okay. And prior to your employment or
22 ownership of Five Lakes, how were you employed?

23 A I was under contract to the -- to Verizon
24 immediately preceding -- excuse me. I left out one
25 step. Working backwards.

1 Prior to being with 5 Lakes Energy, I was
2 Senior Policy Advisor to the Great Administration
3 as part of a Department of Energy, Labor and
4 Economic Growth in the State of Michigan.

5 **Q Okay.**

6 A Before that, I was under contract to
7 Verizon to guide the development of their Smart
8 Grid products.

9 **Q Okay. Thank you. So how many years of**
10 **public utility regulatory experience would you say**
11 **you have?**

12 A Cumulatively, about 25.

13 **Q Okay. Turning to your direct testimony,**
14 **it's on page 14, you mention several states that**
15 **you're personally aware of that have declining**
16 **block rates?**

17 A Yes.

18 **Q Okay. Did you compare the -- Mr. Hyman's**
19 **inclining block rate proposal to the -- the**
20 **inclining block rate structures in those states?**

21 A Yes, generally.

22 **Q Okay. Are they more -- Mr. Hyman's**
23 **inclining block rate proposal more or less**
24 **inclining than those rates in those particular**
25 **states?**

1 A Well, first, Mr. Hyman's proposal for
2 winter is to reduce the decline in the declining
3 block structure there in the summers to create an
4 inclining block.

5 The ratio of price in inclining block to
6 the base block is more modest in his proposal than
7 is typical.

8 **Q Okay. And in those other states, are they**
9 **-- do they have inclining block rates in the**
10 **non-summer months?**

11 A It varies. In Michigan, my home, summer
12 -- summer rates are inclining block. Winter are
13 flat. In more normally areas, British Columbia
14 would be a good example, they're inclining in the
15 winter as well.

16 **Q Okay. So you -- you just mentioned the**
17 **State of Michigan has inclining block rates in the**
18 **summer and flat rates in the non-summer months; is**
19 **that correct?**

20 A Correct.

21 **Q Okay. Does the State of Michigan, in your**
22 **opinion, have more weather variability than the**
23 **State of Missouri?**

24 A Roughly comparable. Our seasons have
25 shifted a little bit by virtue of the effects of

1 the Great Lakes. It happened a little later. So
2 if you look at the details of timing, it's a little
3 different. But, otherwise, very similar.

4 **Q Okay. Do you think that there's**
5 **potentially more opportunities for severe winter**
6 **weather in the state of Michigan as opposed to**
7 **Missouri?**

8 A That is my experience. Yes.

9 **Q Would that have -- how would -- does that**
10 **-- are you -- do you have any concern about the**
11 **flat block rates for non-summer months in states**
12 **that may have -- that may impact winter heating**
13 **customers?**

14 A I have no particular concern about that.
15 Let me -- let me explain one point particularly
16 about Michigan. Most people think of Michigan as a
17 state where heating is done with natural gas.
18 That's true.

19 But if you look at the electricity
20 consumption associated with forced air furnaces,
21 that sort of thing, the annual consumption of
22 electricity for heating in Michigan is as large as
23 the annual consumption of electricity for cooling.
24 So it's not inappropriate to think about
25 electricity in that context.

1 **Q** Okay. Thank you. Also, on page 14 of
2 **your direct testimony, you reference a regulatory**
3 **assistance project paper stating that inclining**
4 **block rates are in use world-wide; is that correct?**

5 A Yes.

6 **Q** **What is the Regulatory Assistance Project?**

7 A The Regulatory Assistance Project is a
8 non-profit organization that provides technical
9 advice to utility regulators and other interested
10 parties through educational programs and publishing
11 papers.

12 **Q** **And do you find the Regulatory Assistance**
13 **Project to be a reputable source of rate design**
14 **information?**

15 A I do.

16 **Q** Okay. I think we'll move on to some
17 **questions regarding your testimony in your**
18 **surrebuttal, but we'll also address some of the**
19 **testimony of the other rate design witnesses that**
20 **testified yesterday.**

21 One of the concerns raised by KCP&L and
22 **the Staff of the Commission is revenue stability.**
23 **Did you look at that?**

24 A I did. Uh-huh.

25 **Q** Okay. And what -- I believe I cited to it

1 in my opening. You found -- and I believe this is
2 on page 7 of your surrebuttal -- that approximately
3 1.76 percent of revenues would be collected in the
4 second and third blocks as opposed to the first
5 block if the Commission adopted Mr. Hyman's rate
6 design proposal?

7 A To restate just for precision, Mr. Hyman's
8 proposal would cause a shift of about 1.76 of the
9 revenue from the first block to the later blocks.

10 Q Okay. And in your opinion, is that a
11 significant amount of revenue volatility?

12 A It is not. And I did a further
13 calculation that I would draw your attention to.
14 It's in the same paragraph at line 13 of my
15 testimony.

16 What I did was to look at the volatility
17 of residential sales in Missouri measured by the
18 standard error of sales compared to the average
19 sales. Standard -- there was a statistical measure
20 just to give a general idea.

21 Being within, there's about a 66 percent
22 chance that any given year would be within the
23 standard error off application and about a 92
24 percent chance being within two standard errors.

25 The standard error in the electricity

1 sales in Missouri is about -- just under 3 percent.
2 So that's the normal volatility of sales.

3 This revenue shift would increase that by
4 .1 percent. So, effectively, one-thirtieth of the
5 current volatility.

6 **Q Okay. So it's safe to say that**
7 **Mr. Hyman's rate design proposal only creates a**
8 **diminimous amount of revenue volatility relative to**
9 **the normal variability in the state of Missouri?**

10 A Yes.

11 MS. PAYNE: Your Honor, I object. This
12 line of questioning is clearly just bolstering
13 Counsel's own witness.

14 MR. ANTAL: If I may respond, this is not
15 my witness.

16 MS. PAYNE: He is using this witness to
17 bolster his own testimony. The parties are
18 aligned. It's been made clear in Mr. Jester's
19 testimony that he agrees there -- with the
20 proposals made by Mr. Hyman.

21 MR. ANTAL: Judge, I believe I have a
22 right to cross-examination of the witness on his
23 surrebuttal testimony.

24 MS. PAYNE: This is not cross-examination.
25 This is strictly just friendly cross.

1 JUDGE PRIDGIN: All right. I'll overrule.
2 If you can try to wrap it up, Mr. Antal.

3 MR. ANTAL: Sure.

4 JUDGE PRIDGIN: Thank you.

5 Q (By Mr. Antal) There was also some
6 discussion yesterday of the sample size of
7 Mr. Hyman's residential bill analysis. Did you
8 look at that analysis?

9 A I did.

10 Q Okay. You do you believe that Mr. Hyman
11 sample size was particularly small?

12 A No. I think it was satisfactory for the
13 purpose.

14 Q Okay.

15 MR. ANTAL: That's -- I have no further
16 questions. Thank you very much.

17 JUDGE PRIDGIN: Thank you. Cross from
18 Consumers Council of Missouri?

19 MR. COFFMAN: No questions.

20 JUDGE PRIDGIN: KCP&L?

21 MR. FISCHER: Thank you. Briefly.

22 CROSS-EXAMINATION

23 BY MR. FISCHER:

24 Q Good morning, Mr. Jester.

25 A Good morning.

1 Q Let's begin with your direct testimony on
2 page 4.

3 A I'm there.

4 Q And line 14, you state, In its report and
5 order in ER-2014-0370, the Commission articulated
6 the general principle that I agree with, which is
7 that the customer charge should be designed to
8 include those costs necessary to make electric
9 service available to the customer regardless of the
10 level of electric service utilized. Is that right?

11 A Yes, it is.

12 Q Is it correct, then, that you believe the
13 customer service charge should be designed to
14 include costs such as the monthly meter reading
15 cost, the billing, postage, customer accounting
16 expenses, a portion of the costs associated with
17 meter investment and the service line?

18 A Yes, it is.

19 Q These costs are necessary to serve the
20 customer regardless of the amount of electric usage
21 of that customer; is that right?

22 A Yes.

23 Q Now, on line 20, you state that, In that
24 case, and I believe you're referring to that same
25 case, the Commission found that KCP&L's residential

1 customer-related costs are \$11.88 per month, which
2 is based on Staff's cost of service study; is that
3 right?

4 A Yes, it is.

5 Q Mr. Jester, would it be reasonable, from
6 your perspective, for the Commission to review the
7 cost of service information in the record in this
8 case to determine what those customer-related costs
9 are for purposes of this case?

10 A Yes.

11 Q Would you agree that if the Commission
12 determines the customer-related costs that are
13 necessary to include the costs to make electric
14 service available for the customer? If they
15 determine that those costs are actually higher than
16 11.88 per month, then would it be reasonable for
17 the Commission to raise the customer service charge
18 in this case?

19 A I mostly believe that to be true. There
20 is one caveat that I would add. Where there are
21 cognizable differences between customers affecting
22 these costs, those should properly be accounted
23 for. And there is a relationship between some of
24 these costs and -- and the type of structure in
25 which the customer is located.

1 Apartments in particular tend to be
2 overcharged by simply averaging these numbers
3 across all customers. And I would suggest that the
4 Commission consider a different rate.

5 **Q Did you perform a specific study in this**
6 **case to determine the level of customer related**
7 **costs that should be included in a customer charge?**

8 A I did not.

9 **Q Okay. If you had performed such a study,**
10 **would it include customer-related costs only?**

11 A Yes.

12 **Q Would it include some distribution costs?**

13 A No.

14 **Q Mr. Jester, does KCP&L experience other**
15 **fixed charges associated with providing service to**
16 **the customer besides just customer-related costs?**

17 A I assume you mean fixed costs rather than
18 fixed charges?

19 **Q Did I say charges? I mean costs. Yes.**

20 A Thank you. KCP&L certainly has
21 substantial sunk costs, which are, therefore, fixed
22 in the short-term.

23 **Q Did you hear -- were you in the -- in the**
24 **room yesterday when KCP&L witness Marisol Miller**
25 **estimated those fixed costs to be about \$86 per**

1 month?

2 A I was.

3 Q Did that sound reasonable to you?

4 A Plausible.

5 Q Many of the costs of power plants are
6 fixed and do not vary with the amount of production
7 of electricity; is that true?

8 A It's true that many of the short-term
9 costs do not vary with cost of production. But the
10 existence of the power plants and, therefore, the
11 total cost of the fleet varies with the level of
12 production for which -- for the plants.

13 Q But in the short run, those are fixed
14 costs, correct?

15 A In the short run.

16 Q And in the short run, there are
17 substantial costs associated with the transmission
18 system as well, correct?

19 A Yes.

20 Q And that would also be true in the short
21 run for distribution costs --

22 A Yes.

23 Q -- correct? If the customer charge only
24 includes customer-related charges and not other
25 fixed costs, would you agree that the other fixed

1 costs would have to be recovered in energy charges
2 if we're using a two-part rate structure?

3 A Yes.

4 Q In other words, the other fixed costs
5 associated with generation, transmission and
6 distribution would be recovered on a per kilowatt
7 hour basis and not in the customer service charge?

8 A Correct.

9 Q Let's look at page 13 of your testimony,
10 your direct, at -- at line -- line 4.

11 A Yes.

12 Q You state that, KCP&L currently uses a
13 flat rate in summer while the winter tariff
14 consists of declining blocks with the highest rate
15 for the first 600 kilowatt hours of the month. A
16 somewhat lower rate applies to incremental kilowatt
17 hours about 600 kilowatt hours. And up to a
18 thousand kilowatt hours per month and still -- and
19 a still lower rate applies to usage above a
20 thousand kilowatt hours per month; is that right?

21 A Yes.

22 Q If the customer service charge includes
23 only customer-related costs and it doesn't include
24 -- didn't -- or isn't it true that the other fixed
25 charges associated with generation, transmission

1 and distribution would be recovered through a flat
2 rate in the summer and declining block rate
3 structure in the winter?

4 A It's my understanding that is how the
5 company currently recovers those costs. Yes.

6 Q And as I understand the position of Renew
7 Missouri and the Sierra Club in this case, you're
8 recommending that the Commission should migrate
9 away from the existing declining block rate
10 structure in the winter and toward inclining block
11 rates for residential customers for both the winter
12 and summer; is that right?

13 A Yes.

14 Q Now, on page 13 of your direct, at line --
15 line 10, you state, The core reason that the
16 Commission should migrate away from declining and
17 toward inclining block rates for residential rates
18 is to better reflect cost causation; is that true?

19 A Yes.

20 Q Is it correct that you believe the rate
21 structure should reflect the manner in which costs
22 occurred by KCP&L?

23 A I'm not sure what you mean by the manner
24 in which they're incurred.

25 Q Okay. Would you agree that fixed costs

1 **should be recovered in a fixed -- using fixed**
2 **charges?**

3 A No, I do not.

4 **Q You would recover fixed charges -- fixed**
5 **costs based on variable charges isn't that what an**
6 **inclining block rate structure does?**

7 A Whether it's inclining block rate
8 structure or a flat rate structure, there are still
9 significant fixed costs, short-term fixed costs
10 that should be recovered in variable charges.

11 **Q And would you agree that under a declining**
12 **block rate structure, much of the first two blocks**
13 **are used to recover those fixed costs, correct?**

14 A Yes.

15 **Q And most customers have to go through**
16 **those first two blocks to end their usage; is that**
17 **right?**

18 A Substantial fraction of customers do, yes.

19 **Q And are you suggesting that those first**
20 **blocks serve as essentially fixed charges since**
21 **most -- most customers would use the amount of**
22 **usage contained in authorized blocks?**

23 A Functionally, yes.

24 **Q But those fixed charges are recovered**
25 **through variable usage charges, not use of**

1 **electricity; is that correct?**

2 A It is correct. Yes.

3 **Q Those fixed charges are recovered in the**
4 **early blocks of the rate structure that most**
5 **customers pay; isn't that what you testified to?**

6 A Yes, it is.

7 **Q And only the largest residential customers**
8 **would pay the tail block rates; is that true?**

9 A Yes, generally. It also varies
10 seasonally.

11 **Q If the Commission adopts your proposal to**
12 **migrate toward inclining block rate structures,**
13 **isn't it true that the fixed costs associated with**
14 **generation, transmission and distribution will have**
15 **to be recovered in the later blocks of the rate**
16 **structure?**

17 A To a greater degree than at present, yes.

18 **Q In years where the weather is mild, isn't**
19 **it true that there will be less kilowatt hours**
20 **consumed by the residential consumers?**

21 A Yes.

22 **Q So in a mild year, customers usage will be**
23 **less than in a year with a cold winter and a hot**
24 **summer; is that right?**

25 A Yes.

1 **Q** If the company's rate structure is
2 designed to recover the fixed charges associated
3 with generation, transmission and distribution in
4 the tail block of an inclining block rate
5 structure, isn't it true that there will be a
6 greater possibility that all of the fixed charges
7 will not be recovered because there's less usage on
8 the system?

9 A The -- the net revenue after you subtract
10 out the variable costs will vary a bit more.

11 **Q** And didn't you indicate that that was a
12 substantial part of the electric company's system?

13 A I did.

14 **Q** Okay. So there will be more volatility of
15 usage, and, therefore, the revenues to the company
16 are -- let me -- let me say it this way.

17 There will be more volatility of usage,
18 and, therefore, the revenues will be more volatile
19 if an inclining block rate structure is implemented
20 by the Commission; is that right?

21 A No. There would be an increase in
22 volatility of revenue, a very small increase as
23 I've testified. But there should be somewhat less
24 volatility in usage because of the effect of that
25 pricing suppression of demand under extreme

1 conditions.

2 Q Would you agree that the more inverted the
3 rate structure, the more volatility there's likely
4 to be in revenues?

5 A Yes. Simple mathematics.

6 Q On page 15 of your direct at line 4, you
7 discuss the customer impact of migrating from
8 declining block rates to inclining block rates on
9 customers bills?

10 A Yes.

11 Q And I think you state there that this
12 shift will, however, reduce bills for customers
13 with low usage and increase bills for customers
14 with higher usage; is that right?

15 A Yes. That's correct.

16 Q Have you performed a study of the impact
17 of moving to inclining block rates in this case?

18 A I included calculations concerning that in
19 my surrebuttal testimony.

20 Q And that's based upon Mr. Hyman's
21 proposal?

22 A Yes, it is.

23 Q I believe you attached to your direct
24 testimony a study by the Christiansen & Associates
25 done in Kansas that looked at the average bill

1 **impact by customer usage for KCP&L in Kansas; is**
2 **that right?**

3 A Yes, I did.

4 **Q Could you turn to page 4 of that**
5 **Christiansen study? There's a table there, I think**
6 **ES1, that I'd like for you to look at.**

7 A I'm there.

8 **Q It indicates that moving towards an**
9 **inverted rate structure would increase the bills of**
10 **customers with KWH usage of more 2,000 kilowatt**
11 **hours per month by 10.4 percent; is that right?**

12 A Yes. That does -- is what the table
13 shows.

14 **Q So that is -- that would be a revenue**
15 **neutral shift?**

16 A In -- in the Christiansen & Associates
17 study, that was a revenue neutral shift, yes.

18 **Q Do you know what the rates were that that**
19 **study reviewed?**

20 A You mean do I know the specific unit
21 charges?

22 **Q Well, the -- or what kind of rate**
23 **structure it was.**

24 A Well, I reviewed several different types
25 of rate structures in this study, including a flat

1 rate, straight fixed variable, inclining block, a
2 combination of those and time of use rates.

3 **Q Would you agree that going to an inverted**
4 **rate structure would have a substantial impact upon**
5 **high usage customers in the summer or space heating**
6 **customers that utilize electricity for heating**
7 **during the winter?**

8 A By inverted, do you mean inclining block?

9 **Q Do you make a distinction?**

10 A I just am not sure what you mean by
11 inverted.

12 **Q No. I use the term interchangeably.**

13 A Okay. So you mean inclining block in my
14 language?

15 **Q Yes.**

16 A Okay. With that understanding, would you
17 mind repeating the question?

18 **Q Sure. I'm sorry. Would you agree that by**
19 **using an inclining rate structure that that would**
20 **have a substantial impact on high usage customers**
21 **in the summer, or if you're looking at it in the**
22 **winter, it could have -- especially for space**
23 **heating customers, it could have a substantial**
24 **impact?**

25 A Substantial is an ambiguous word. The

1 proposal by Mr. Hyman has identifiable effects on
2 customers with a higher usage. It is greater in
3 the summer and in the winter than in the shoulder
4 months.

5 **Q The Christiansen & Associates study that**
6 **you included, though, had an impact, just a revenue**
7 **neutral impact of 10.4 percent, correct?**

8 A Yes. But that was based on a particular
9 set of assumptions about what the tariff would be.

10 **Q I'd like to ask you to turn to page 4 and**
11 **5 of your rebuttal testimony.**

12 A I'm sorry. Surrebuttal?

13 **Q Surrebuttal. Yes. There on -- on page**
14 **4 at line 5, I believe you have some estimates of**
15 **the effect of Mr. Hyman's proposal expressed as a**
16 **percentage change from the base year of January**
17 **2015 through December 2015.**

18 **And I believe you -- you found that in**
19 **Table 2 that his proposal, you're estimating, would**
20 **reduce the annual energy consumption by general**
21 **residential customers by 0.8 percent; is that**
22 **right?**

23 A Yes.

24 **Q And then later on line 15 and 16, you say,**
25 **I estimate the energy consumption by general**

1 residential customers in August will decrease by
2 1.98 percent; is that right?

3 A Yes.

4 Q Now, is that correct based upon an
5 analysis of price elasticities?

6 A Yes, it is.

7 Q At the bottom there, you say, I use those
8 data and Microsoft Excel log normal.inv function.
9 And the solver feature defined the log normal
10 distribution of customer electricity usage that fit
11 -- that best fit these data in each month; is that
12 right?

13 A Yes.

14 Q Can you explain in layman's terms what
15 you're saying there?

16 A In order to do the calculations of the
17 effect of the pricing change on consumption, I
18 needed to identify for the number of customers that
19 were in each block in each month.

20 And it didn't have the raw data to do
21 that. So I took statistical distribution of
22 approximately in the right shape in order to arrive
23 to those statistics.

24 And that statistical distribution is a log
25 normal distribution, and this is a particular set

1 of functions in Microsoft Excel that allowed me to
2 make those calculations.

3 **Q So you -- these were based upon**
4 **suggestions, not actual customers; is that right?**

5 A That's correct.

6 **Q Okay. Well, on page 5 to of that**
7 **surrebuttal, at line 8, you say, I'm quite**
8 **confident of the direction and the general**
9 **magnitude of the effects. I've estimated, but I do**
10 **not consider these estimates to be precise because**
11 **the elasticities used are derived from another**
12 **service territory at another time and because the**
13 **log normal approximation to customer load**
14 **distribution is only roughly correct. Is that**
15 **right?**

16 A Yes, it is.

17 **Q Are you saying that the elasticities you**
18 **used were taken from another service territory?**

19 A Yes.

20 **Q Was that California?**

21 A The particular numbers that I use were
22 from California. They were within a range of
23 numbers that we took from other jurisdictions.

24 **Q Okay. And from another time and place?**

25 A Yes.

1 Q Okay. And if I understand what you did
2 with the elasticities, this was designed to
3 estimate the possible conservation effect of going
4 to Mr. Hyman's proposal?

5 A Well, it's not simply a conservation
6 effect, but that is the net result. Yes.

7 Q Okay. And did -- did you attempt to
8 adjust his rate structure at all for the fact that
9 there -- there would be a price elasticity effect
10 if the Commission adopted that?

11 A That was exactly what I was attempting to
12 calculate.

13 Q So you lowered the -- the proposed rates
14 of Mr. Hyman to take into account that price
15 elasticity effect?

16 A No, I did not make a rate adjustment. I
17 simply calculated the effects on expected sales.

18 Q Well, let's assume that he -- that your
19 estimates are right and the effect would be a
20 reduction in energy consumption by the general
21 residential of .88 percent overall and 1.98
22 percent. Would you assume that for me, that you're
23 correct?

24 A Yes.

25 Q Now, if your rate structure doesn't take

1 **that into account, isn't the company on a normal**
2 **weather year going to come up short of their**
3 **revenues?**

4 A The effect on revenue will be slightly
5 less than the effect on sales because the increased
6 price offsets some of the reduced sales in the tail
7 block. But, yes, there would be a reduction in
8 expected revenue as a result of that shift.

9 **Q So if the Commission wants to develop**
10 **rates that would give the company a reasonable**
11 **opportunity to earn its rate of return on it that's**
12 **authorized by the Commission, would it need to look**
13 **at price elasticities in developing that rate**
14 **structure?**

15 A Yes. The importance of that depends on
16 the degree of change.

17 **Q Certainly.**

18 MR. FISCHER: Okay. That's all I have.
19 Thank you.

20 JUDGE PRIDGIN: Mr. Fischer, thank you.
21 Any questions from the Bench? Mr. Chairman?

22 CHAIRMAN HALL: I'm going to defer to
23 Commissioner Kenney.

24 JUDGE PRIDGIN: Commissioner Kenney,
25 you're ready.

1 COMMISSIONER KENNEY: Thank you. I
2 appreciate that. Excuse me.

3 CROSS-EXAMINATION

4 BY COMMISSIONER KENNEY:

5 Q Good morning.

6 A Good morning.

7 Q You know, I've gone back and forth -- I
8 want to talk to you about the vehicle charging
9 stations.

10 A I will be on later for that purpose.

11 Q Oh, you're going to be on later for that?
12 Okay. Then I'll talk to you later. I thought you
13 had to be out of here.

14 A My Counsel has to be out of here this
15 morning.

16 Q I've got you. Now the truth comes out.

17 JUDGE PRIDGIN: Mr. Chairman?

18 CROSS-EXAMINATION

19 BY CHAIRMAN HALL:

20 Q Okay. Well, good morning.

21 A Good morning.

22 Q What do you think is necessary in terms of
23 a Commission order concerning the inclining block
24 rate structure so that the company is able to craft
25 a compliant tariff?

1 A The fundamentals of the inclining block
2 rate structure or a weaker declining block rate
3 structure are the definition of the blocks.

4 So, you know, how many kilowatt hours per
5 month are to be included in each block? And then
6 because the Commission will be deciding about
7 revenue requirements and other things that would
8 affect the actual rates, it's probably simplest to
9 frame it in terms of the percentage change in the
10 rates between the blocks or something of that
11 nature.

12 And then the calculations that flow from
13 the rest of the case could be incorporated into a
14 final rate.

15 **Q And you have endorsed the -- the structure**
16 **put forth by the Division of Energy; is that**
17 **correct?**

18 A Yes. Really, for two reasons. First of
19 all, they are preserving the existing block
20 structure, 600 kilowatt hours, a thousand kilowatt
21 hours, which makes the availability of billing
22 determinants and so on very straightforward.

23 Then, secondly, there is a principle of
24 gradualism that should be followed here and the
25 degree of impact on the high usage customers that

1 they propose seems to me to be an appropriate
2 balancing progress with protection for rate shock
3 to these customers.

4 **Q My understanding is that you -- you are**
5 **opposed to -- to an increase in the customer**
6 **charge. Would you be willing to -- to marry an**
7 **increase in the customer charge with the movement**
8 **towards inclining block rates?**

9 A I'd be reluctant to do so because those
10 really would be working at cross purposes in terms
11 of the effects on the usage on low income
12 customers.

13 I'd also remind you of my earlier comment
14 that where there's a cognizable difference between
15 groups of customers that affect those customer
16 costs, that ought to be accounted for.

17 So I'd recommend before the Commission
18 proceeds to raise the customer charge, it should
19 begin to differentiate between apartment customers
20 and detached house customers.

21 **Q But -- but you have to admit that the --**
22 **the utilities's concern about volatility is a -- a**
23 **legitimate concern?**

24 A I do not question that a shift from
25 declining block in the winter toward a flatter rate

1 reduction in declining block in the summer will
2 increase the volatility of their revenues.

3 Quantitatively, that is a small effect,
4 and there are many utilities who do well with that
5 volatility in their rate structures.

6 **Q But wouldn't you also say that a 65 cent**
7 **or so increase in the customer charge is relatively**
8 **small as well, and so that -- that might counter**
9 **that small increase in volatility?**

10 A It probably would substantially counter
11 that increase in volatility. And it, fortunately,
12 undercuts the distribution of costs amongst
13 customers.

14 **Q Well, you -- you do believe that -- that**
15 **there is a correlation between income and**
16 **consumption, correct?**

17 A I think there's clear evidence of that.

18 **Q And so if -- if there was a reduction in**
19 **-- in the first block, at least for low -- for low**
20 **consumption consumers, there -- there could be a**
21 **wash or pay perhaps even a -- even a net positive?**

22 A The difference between the current
23 customer charge and the numbers found by Staff in
24 their cost of service study spread across the first
25 block would be approximately 1.2 mills in the rate.

1 So that would be the effect of transferring
2 revenue, if you will, from the first block to the
3 customer charge.

4 And then you would have to increase -- or
5 reduce the first block by more than that in order
6 to shift costs out of the first block.

7 **Q Okay. You were discussing with**
8 **Mr. Fischer your elasticity analysis. Is there --**
9 **you essentially took elasticity data from other**
10 **jurisdictions and applied it to the Kansas City**
11 **Power & Light service territory; is that correct?**

12 A Yes, it is.

13 **Q Was this a difficult analysis?**

14 A No, it wasn't.

15 **Q I mean, is it -- would you expect**
16 **elasticity to vary slightly across the country? Or**
17 **do you think it would be generally similar?**

18 A There are a lot of studies of elasticity
19 -- electricity demand in total, price changes. And
20 there is some geographical variation. But the
21 variation in most studies mostly is given by the
22 period of time that you give customers to respond.
23 So elasticity is much less for an immediate
24 response than it is when you've had several years
25 to adapt. The -- there are seven studies -- I'm

1 sorry.

2 **Q No. I want to make sure. So the -- the**
3 **more time customers have to adapt, the more**
4 **elastic?**

5 A Correct. Yeah.

6 **Q Okay.**

7 A I believe there are seven studies. There
8 may be more. But that's all I have found that
9 specifically look at elasticity of response to
10 block rates. And there is a review paper in
11 applied energy from 2014 by Woo and others that
12 looked at all of those.

13 And the range of elasticities was from
14 minus .1 to minus .3. The numbers that I used for
15 the first block were about minus .13 and for the
16 second block about minus .26. So within that
17 range.

18 And I think that's a reasonable
19 application to Missouri, though it is not a
20 substitute of having actual Missouri estimates.

21 **Q If we were to not make a movement towards**
22 **inclining block rates, but -- but excuse me -- but**
23 **kept the same structure in place but had to modify**
24 **the -- the -- the energy price, the energy amount**
25 **in order to meet an increased revenue requirement,**

1 we would have to do some elasticity analysis in
2 that as well, would we not?

3 A Yes. If you wanted to account for the
4 response of customers to that price change.

5 Q And so the elasticity analysis that --
6 that would be necessary to move to an inclining
7 block rate structure, is it fundamentally different
8 than the analysis that would be required?

9 A No. It's virtually the same other than
10 separating the customers out between those that are
11 in -- whose final consumption is in each of the
12 blocks.

13 Q And is it your understanding -- and this
14 question might better be directed to someone else.
15 But is it your understanding that the billing
16 determinants that -- that are -- that have been
17 submitted as part of this case could be used by the
18 company, Staff and other parties with -- with using
19 elasticity analysis elsewhere to -- to set rates in
20 this case?

21 A Yes. Although I believe it is the
22 Commission's practice to ignore elasticities when
23 it makes changes in rates in order to meet
24 increased revenue requirements.

25 I've found nothing in the record, though,

1 my search was not exhaustive, indicating prior
2 attempts to adjust rate adjustments in light of
3 elasticities.

4 MR. CHAIRMAN HALL: Okay. I don't believe
5 I have any further questions. So you're going to
6 be back later this afternoon on the -- on the
7 charging station issues?

8 MR. JESTER: Yes.

9 CHAIRMAN HALL: Okay. All right. Thank
10 you.

11 JUDGE PRIDGIN: Mr. Chairman, thank you.
12 Commissioner Stoll?

13 CROSS-EXAMINATION

14 BY COMMISSIONER STOLL:

15 Q Good morning.

16 A Good morning.

17 Q I do have a question based on, I think, a
18 response from the -- from the previous witness,
19 Dr. Schmidt. If I've -- if I got this right, he
20 said that he felt that a workshop was needed to
21 discuss time of use rates, that a rate case is not
22 the place to change rate structure. How do you
23 feel about that comment? Do you agree with that
24 comment?

25 A I do agree with that comment for

1 structural changes in rates. And I included as an
2 attachment for my testimony a letter that I
3 co-authored to others, to NARUC, with
4 recommendations concerning best practices for
5 changing rate structure that included that specific
6 recommendation.

7 **Q Okay. So in -- in speaking of a rate**
8 **structure, that would not include -- or would it**
9 **include switching from a declining to an inclining**
10 **block rate or a flat block rate?**

11 A If the Commission were to introduce block
12 rates to its customers for the first time, then I
13 would consider that to be a structural change that
14 warranted that kind of more discursive process.
15 I view this as a fairly routine adjustment of an
16 existing block rate structure.

17 **Q In this case?**

18 A Yes. Or as proposed in this case.

19 **Q Okay.**

20 COMMISSIONER STOLL: Okay. Thank you very
21 much.

22 JUDGE PRIDGIN: Commission Coleman?
23 Chairman?

24 FURTHER CROSS-EXAMINATION

25 BY CHAIRMAN HALL:

1 **Q** **I do have one additional question. Is**
2 **there a cost causation argument for moving towards**
3 **inclining block rates?**

4 A Yes. The incidence of the -- of the tail
5 block is in summer and winter when loads are
6 greater. And that seasonality reflects the drivers
7 of the company's requirements for capacity. More
8 specifically, peaking in summer and immediate or
9 load following in winter.

10 So increasing the rates for the tail block
11 and reducing it for the base blocks shifts revenue
12 responsibility onto those who were using power in
13 summer and winter and thereby better reflects
14 causation of the company's investments in
15 production capacity.

16 CHAIRMAN HALL: Okay. Thank you.

17 JUDGE PRIDGIN: Mr. Chairman, thank you.
18 Any further Bench questions? Re cross based on
19 Bench questions? Public Counsel?

20 MR. OPITZ: Thank you, Judge.

21 REXCROSS EXAMINATION

22 BY MR. OPITZ:

23 **Q** **Mr. Jester, the Chairman was comparing the**
24 **volatility in revenue that might result from an**
25 **inclining block rate. Do you recall that?**

1 A Yes.

2 Q Have you quantified the volatility in
3 revenue in dollars that would be at risk if the
4 Division of Energy's inclining block rate structure
5 would be adopted?

6 A I did make that estimate in my surrebuttal
7 testimony. It was .1 percent increased standard
8 error. Sorry. Two-thirds -- the probability is
9 about two-thirds that revenue would vary by .1
10 percent more than it does already.

11 Q And are you able to translate that into
12 dollars?

13 A Not sitting here.

14 Q What would it take for you to be able to
15 translate that into dollars? How would you perform
16 that calculation?

17 A Fundamentally, I'd just have to look at
18 the revenue responsibility assigned to the
19 residential class and then look at how that would
20 vary with weather conditions historically.

21 Q And so you -- you also discussed with the
22 Chairman about increases to the customer charge.
23 Do you recall that?

24 A Yes.

25 Q And any amount that is added to the

1 customer charge is money that -- revenue that's
2 guaranteed to be recovered by the utility. Would
3 you agree with that?

4 A Essentially, yes.

5 Q And that would be recovered from every
6 customer every month?

7 A Yes.

8 Q In perpetuity?

9 A During the pendency of the rate, yes.

10 MR. OPITZ: Okay. That's all the
11 questions I have. Thank you.

12 JUDGE PRIDGIN: Mr. Opitz, thank you.
13 Staff?

14 MS. PAYNE: Yes. Thank you.

15 RE CROSS EXAMINATION

16 BY MS. PAYNE:

17 Q Mr. Jester, did you take into
18 consideration are KCP&L's GMO frequency
19 distribution data that is provided in its work
20 papers showing which blocks the customer bills fell
21 for each month of the test year?

22 A I didn't use those data directly. The log
23 normal distributions that I fit were an
24 approximation distribution month by month based on
25 the summary statistics that were in Mr. Hyman's

1 work.

2 Q If you had used the dates that KCP&L
3 provided, would that change your response to the
4 Chairman with regard to elasticity in this matter?

5 A No.

6 MS. PAYNE: Okay. Thank you.

7 JUDGE PRIDGIN: Ms. Payne, thank you.

8 MIEC?

9 MR. DOWNEY: No, thank you.

10 JUDGE PRIDGIN: MIEC?

11 MR. WOODSMALL: No questions.

12 JUDGE PRIDGIN: U.S. Department of Energy?

13 MR. GARG: No questions.

14 JUDGE PRIDGIN: NRDC?

15 MR. ROBERTSON: No questions.

16 JUDGE PRIDGIN: Division of Energy?

17 MR. ANTAL: No questions.

18 JUDGE PRIDGIN: CCM? KCP&L?

19 MR. FISCHER: Yes.

20 RECROSS EXAMINATION

21 BY MR. FISCHER:

22 Q Mr. Jester, in answer to Commissioner
23 Stoll, you were talking about the possibility of
24 using a workshop or particularly look at rate
25 design structural changes. Do you recall that?

1 A Yes.

2 Q Do -- do utility companies routinely have
3 rate design cases open where they will look at
4 their rate structures and looking at changes like
5 that?

6 A You're talking about structural changes?

7 Q Yes.

8 A Well, in my experience, structural changes
9 in utility rate designs are relatively rare. Most
10 of them are quantitative adjustments from existing
11 rate structures.

12 Q Were you talking particularly about time
13 of use rates, then, in -- in answer to his
14 question?

15 A Well, time of use rates are currently the
16 most prominent example. But I think the principle
17 applies if you were to make some substantial
18 change.

19 Q Are -- are you aware, based on your
20 research in this case, that the Missouri Commission
21 has in the past had major rate design studies to
22 look at the rate structure of Kansas City Power &
23 Light, Union Electric, St. Joseph Light & Power
24 when it was a company, and Empire?

25 A Yes, I am.

1 **Q** And as a result of those studies, do you
2 understand that the current structures have been
3 approved based on those studies?

4 A Yes.

5 **Q** Would you think that it might be
6 appropriate to have similar looks at the rate
7 structure before major changes are made in the rate
8 structure, rate design on a going forward basis?

9 A Before making structural changes, yes.

10 MR. FISCHER: Okay. I think that's all I
11 have. Thank you.

12 **Q** **(By Mr. Fischer)** Oh, I'm sorry. One
13 other one. In answer to Chairman Hall, you were
14 talking about, I think, the correlation between low
15 income and low usage?

16 A Yes.

17 **Q** Is that right?

18 A Yes.

19 **Q** Do you know of anything in the record, any
20 study in the record that would show there's a
21 strong correlation between low income and low
22 usage?

23 A Let me draw your attention to my -- my
24 testimony, direct testimony, where I included as an
25 attachment data provided by the National Consumer

1 Law Council for the -- showing results from the
2 2009 U.S. Energy Information Administration
3 Residential Energy Consumption Survey related to
4 annual consumption of electricity to household
5 income.

6 **Q That's a national study across the**
7 **country; is that right?**

8 A The study is national performed by the
9 U.S. Department of Energy, but they report results
10 by state.

11 **Q Have you also seen studies in your**
12 **research where it's been shown that low income also**
13 **have poor housing stock and that can result in**
14 **large usage rather than low usage?**

15 A Yes. At the -- at the level of individual
16 housing units, there is evidence of that. In
17 aggregate, I've never seen a study that shows low
18 income customers use more energy than higher income
19 customers.

20 MR. FISCHER: That's all I have. Thank
21 you.

22 JUDGE PRIDGIN: Mr. Fischer, thank you.
23 Any redirect?

24 MS. ROBERTS: Yes, your Honor. Thank you.

25 REDIRECT EXAMINATION

1 BY MS. ROBERTS:

2 Q Good morning, Mr. Jester.

3 A Good morning.

4 Q Staff asked you a question about whether
5 you factored weather into the analyses that you
6 did --

7 A Yes.

8 Q -- in your surrebuttal testimony. Will
9 you please explain that -- your answer further why
10 you did not consider weather? And please between
11 the two analyses that you did in your surrebuttal.

12 A Sure. The analysis that I did where I
13 looked at Mr. Hyman's proposal and estimated the
14 effect of elasticity a response on consumption used
15 the specific years that Mr. Hyman analyzed. So
16 that was a particular year with particular weather,
17 and it didn't account to estimate the effect of
18 weather on these results.

19 When I look at the volatility of usage and
20 revenue, I was really looking at the effect of that
21 elasticity on the variance of residential
22 electricity consumption over the prior decade or
23 so.

24 And that presumptively was written by
25 weather. So the volatility effect that I estimated

1 is an estimate of the response to weather.

2 **Q Thank you. Counsel for KCP&L asked you a**
3 **number of questions regarding fixed cost and there**
4 **was some discussion of short run and long run with**
5 **respect to those costs. Would you have any**
6 **concerns about recovering costs that are fixed in**
7 **the short run through a fixed charge for the first**
8 **block declining block rate?**

9 A I think it's inappropriate to recover most
10 fixed costs through fixed charges because those --
11 short-term fixed costs are, in fact, generally
12 long-term variability costs related to consumption
13 or load. And it produces economic incentives that
14 are all wrong -- left to the customer and to the
15 company when some costs are recovered through fixed
16 charges.

17 **Q Thank you. Also, regarding the question**
18 **from KCP&L's Counsel, he asked you about your**
19 **endorsement and your testimony of moving to an**
20 **inclining block rate in the winter, correct?**

21 A Yes.

22 **Q Is the Division of Energy's proposal in**
23 **this case to move to an inclining block rate in the**
24 **winter?**

25 A It is not.

1 Q And would you consider the Division of
2 Energy's proposed change which you have endorsed to
3 be a structural change?

4 A No, I do not.

5 Q Okay. Your recommendation regarding
6 having workshops for structural changes does not
7 apply to the Division of Energy's proposal here?

8 A It does not.

9 Q Okay. You were also asked by several
10 parties about the elasticity estimates and -- and
11 whether those are typically incorporated into sort
12 of rate-making decisions. When the utility
13 increase rates because it's moving a major new
14 expense into rate base, that could lead to higher
15 prices for customers, correct?

16 A Yes.

17 Q And would also predictably have some
18 downward effect on consumption?

19 A Yes.

20 Q And in those cases, is an estimate
21 elasticity used to adjust the company's potential
22 sales based on the anticipated downward pressure on
23 consumption?

24 A I have not seen that done in any case.

25 Q Okay. Thank you.

1 MS. ROBERTS: Just one moment, your Honor.

2 JUDGE PRIDGIN: Certainly.

3 Q (By Ms. Roberts) Counsel for KCP&L also
4 asked you about the Christiansen study that you
5 attached to your direct testimony, correct?

6 A Yes.

7 Q And he pointed to page 4 of that exhibit,
8 and in particular, the item where there was a 10.4
9 percent impact on customers with usage greater than
10 2000 kilowatt hours per month. Do you recall that?

11 A Yes.

12 Q Is that the impact that you would expect
13 from implementing Division of Energy's proposed
14 rate?

15 A No. That effect is larger than I would
16 anticipate because the shift in pricing used in the
17 Christiansen & Associates study was larger than the
18 shift in pricing proposed by the Division of
19 Energy.

20 Q Okay. And why did you consider that
21 Christiansen study appropriate for this Commission
22 to consider if not for those of particular results?
23 Why do you find it useful?

24 A Principally, because it was from -- or at
25 least in part to cover the Kansas service territory

1 of this utility. And I presume that the patterns
2 of usage by their Kansas customers are relatively
3 similar to the patterns of usage by their Missouri
4 customers.

5 **Q Okay. Thank you. In order to develop**
6 **Missouri specific elasticity estimates, what would**
7 **be required?**

8 A Well, first, you would have to actually
9 make a change in rates to which you could then
10 observe response. So that would -- at least for
11 any greater reliability than you get by
12 transferring elasticity from other places.

13 I need to do that actual experiment in the
14 world. And then it's a matter of statistical
15 analysis, you know, considerably detailed customer
16 data.

17 **Q Okay. Speaking of statistics, I think you**
18 **blew all of our minds with your description of the**
19 **log normal distribution. Would you please describe**
20 **your statistics training?**

21 A I have a Master's degree in Statistics
22 from Virginia Tech. And then subsequently in my
23 career, I've routinely done statistical analyses
24 concerning whatever problems I was working on. And
25 that extends to a pretty wide range of statistical

1 methods.

2 Q Okay. Okay.

3 MS. ROBERTS: No further redirect, your
4 Honor.

5 JUDGE PRIDGIN: Counsel, thank you.
6 Mr. Jester, thank you very much.

7 MR. JESTER: Thank you.

8 JUDGE PRIDGIN: You may step down. This
9 looks to be a good time to take a mid-morning
10 break. I show the time here on the clock in the
11 room to be about 9:50. Let's resume at ten after
12 10.

13 Anything further from Counsel before we go
14 off the record? All right. We will stand in
15 recess until 10:10.

16 (Break in proceedings.)

17 JUDGE PRIDGIN: All right. Good morning.
18 We are back on the record. As I understand it, the
19 next witness to take the stand would be Dr. Marke.
20 And then we go on to Mr. Brubaker, Mr. Hyman on
21 rate design.

22 I've had some discussions with the
23 Chairman. At The rate we're going, I would think
24 that this hearing would probably need to get pushed
25 back into next week, and that would be Tuesday.

1 We'll see. Maybe things will speed up.

2 I think I recall maybe Mr. Robertson
3 saying he needs somebody taken out of order. And I
4 think we have Counsel, at least one, who would
5 prefer to get clean charge network done today if
6 possible, and that's eight more witnesses to try to
7 get in. So --

8 MR. STEINER: Your Honor, that would be
9 fine. That would be fine with the company if we
10 would move to clean charge network after this issue
11 and before revenues.

12 JUDGE PRIDGIN: Okay. And perhaps we can
13 get that done. We'll see. But I'm -- I'm -- I'm
14 trying to get -- trying to accommodate everyone the
15 best that I can. But I just want to alert folks
16 that at the rate we're going right now, I'm
17 guessing will have to resume the hearing Tuesday,
18 but we'll see how things go from here on out.

19 Anything further from the Bench or from
20 Counsel before Dr. Marke takes the stand? All
21 right. Hearing nothing, Dr. Marke, if you'll raise
22 your right hand to be sworn, please, sir.

23 GEOFF MARKE,
24 being first duly sworn to testify the truth, the whole
25 truth, and nothing but the truth, testified as follows:

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DIRECT EXAMINATION

BY MR. OPITZ:

JUDGE PRIDGIN: Thank you, sir. You may have a seat. Mr. Opitz, when you're ready.

Q (By Mr. Opitz) Good morning, Dr. Marke. Would you state and spell your name for the record?

A Geoff, G-e-o-f, Marke, M-a-r-k-e.

Q And where are you employed, and in what capacity?

A Missouri Office of Public Counsel. I'm a Regulatory Economist.

Q And you prepared direct, rebuttal and surrebuttal testimony in this case that were pre-marked a 308, 309, 310 HC and NP, 311 HC and NP and 312; is that correct?

A That's correct.

Q And do you have any corrections to make to any of that testimony?

A I do not.

Q If I were to ask you the same questions that are posed in your pre-filed testimony, would your answers be same?

A They would.

Q And your answers contained in that testimony are true and correct to the your best

1 **information and belief?**

2 A Yes.

3 MR. OPITZ: Judge, I believe his direct
4 testimonies have been offered and admitted. At
5 this time, I would offer OPC Exhibits 310 HC and
6 NP, 311 HC and NP and 312.

7 JUDGE PRIDGIN: Okay. Those exhibits have
8 been offered. Any objections? Hearing none, 310
9 HC and NP is admitted. 311 NP and HC is admitted.
10 312 is admitted.

11 MR. OPITZ: Thank you, Judge. I'll tender
12 the witness for cross.

13 JUDGE PRIDGIN: Mr. Opitz, thank you.
14 Cross-examination from Staff?

15 MS. PAYNE: Thank you.

16 CROSS-EXAMINATION

17 BY MS. PAYNE:

18 **Q Good morning, Mr. Marke.**

19 A Good morning.

20 **Q Dr. Marke. I'm sorry. Presently, OPC is**
21 **supporting a move to inclining summer rates and**
22 **flat winter rates; is that correct?**

23 A That's correct.

24 **Q Okay. Would OPC support notifying the**
25 **customers of this change?**

1 A I'm sorry. Could you please repeat that?

2 Q I'm sorry. Does OPC support customer
3 notification regarding this change should the
4 Commission implement it?

5 A Sure.

6 Q Okay. Would OPC support breaking out the
7 rates and the usage by block on the customer's
8 bills?

9 A Yes.

10 Q Okay. Would OPC support a period of time
11 to allow customers to react to this change?

12 A What do you mean by that?

13 Q Basically, would -- as of right now, there
14 is concern that perhaps notification would be
15 immediately, you know, implemented at the same time
16 as an inclining block rate. Would you support a
17 delay of the implementation of the inclining block
18 rate?

19 A I don't know. I guess I'd have to think
20 about that.

21 Q Currently, at this time, when would you
22 anticipate the customers would learn that inclining
23 block rates were -- were going into effect?

24 A So after Commission the order and public
25 notice, whether that's -- ideally, through mail

1 insert, I guess would be the preferred method.

2 Q Correct.

3 A Right.

4 Q So I guess generally, from your
5 experience, when any rate takes effect, what is the
6 process for that?

7 A Sure. I guess to your answer, out of an
8 abundance of caution, I think our office would be
9 fine with that.

10 Q Okay. Thank you. I'm going to go ahead
11 and present a bit of a scenario.

12 A Okay.

13 Q If -- if an inclining block rate were
14 proposed where the first and second block rates
15 that are currently set stay the same and, instead,
16 a modest increase applied to the existing tail
17 block rate -- with any of the increases beyond that
18 being applied equally to the residential rate
19 elements, would OPC prefer that proposal over what
20 is presently being proposed by Division of energy
21 witness Mr. Hyman?

22 A I think, you know, to -- to be clear, I
23 would -- I would need to look at the design that
24 you proposed. I don't think we would rule that out
25 as a possibility.

1 To be clear, our -- our first priority
2 would not to be -- to not raise that customer
3 charge irregardless of how the blocks changed.

4 **Q Would OPC support a proposal where the**
5 **first block actually would go down as a result of**
6 **this case?**

7 A For the summer?

8 **Q Yes. For both rates, actually.**

9 A I -- I guess I would have to look at it.
10 I don't think I could make a decision.

11 **Q Would you agree, though, that -- that is**
12 **currently Mr. Hyman's proposal in this matter?**

13 A It is.

14 **Q And you have reviewed Mr. Hyman's**
15 **proposal?**

16 A Right. So with the proposition that you
17 put out there, would we be in favor of lowering
18 that first block? The follow-up to that is, and
19 then raising the second block and third block? So
20 would we be in favor of what we've supported?

21 **Q No. In this case, the second block would**
22 **maintain the same amount.**

23 A Okay.

24 **Q And the increase would be applied to the**
25 **tail block.**

1 A I think we would be in favor of that.

2 **Q Thank you. Can you tell me what do you**
3 **see as the goal of inclining block rate?**

4 A What is the goal of inclining block rates?
5 I think there's a couple goals that you try to --
6 if the Commission wanted to pursue an inclining
7 block rate, the go-to goal there is conservation,
8 efficiency.

9 You know, one thing that's left out of
10 this dialogue right now is the fact that this
11 doesn't happen in a vacuum. Right?

12 MEEA is something that's, you know, at the
13 forefront, I think, of everybody's attention. And
14 that is -- that is an element where there's a
15 mechanism in place for the company to clearly
16 profit and take advantage of promoting energy
17 efficiency.

18 This rate design will enable that. This
19 will help the company move forward with really -- I
20 mean, bringing in another revenue stream through
21 MEEA.

22 The secondary issue, and I think this
23 really speaks to our office's concern or why
24 ultimately we signed on to it, is that that first
25 block -- if you read the literature, it's typically

1 -- it's often referred to as the lifeline block or
2 lifeline rate. Right?

3 That's 600 kilowatts or 500 kilowatt
4 hours, depending on whatever shape and how it's
5 designed. Usually it's considered the minimum
6 amount, basically, what you need to survive for a
7 typical home.

8 This is how that home, you know, is able
9 to go ahead and get their refrigerator going, the
10 minimum amount of heating and cooling, you know, so
11 forth that would take place.

12 Everything beyond that is discretionary,
13 right? That second block, each additional block
14 becomes a little bit more expensive. We know --

15 **Q Mr. Marke, while I appreciate your**
16 **elaboration on this, I would appreciate if you**
17 **would stick to -- within the confines of what I**
18 **asked.**

19 A So the two -- the two points of why people
20 would pursue an inclining block rate or, one,
21 conservation and efficiency and, two, that
22 ultimately is helping load use customers and
23 promoting -- getting them an incentive to go ahead
24 and control their bills.

25 **Q So it's safe to say that OPC sees the**

1 customers at the heart of this -- this kind of a
2 move?

3 A Absolutely.

4 Q And so the customers' awareness of this
5 change in rate design is really an important
6 element?

7 A Tantamount. I mean, I would -- I would
8 emphasize like -- I -- from my perspective, a lot
9 of the volatility concerns are extremely overblown
10 in this.

11 And we're talking about volatility of
12 revenues. There are many things that contribute to
13 it. And to get to your point, Ms. Payne, customer
14 knowledge is a big one. I would venture to say
15 that most Kansas City Power & Light customers have
16 no clue how their blocks are set or how they're
17 being charged for electricity.

18 If you were to go to the average apartment
19 dweller in downtown Kansas City and say, Hey, the
20 more you use in the winter, the less it's going to
21 be, I think they would be surprised by that fact.

22 What they won't be surprised by and what
23 will have an impact on their elasticity is an
24 increase to the overall bill. I mean, we know that
25 since 2007, overall bills have increased 76

1 percent.

2 And if the company were to get what they
3 were asking for here, we're talking close to 96
4 percent. That has an impact on elasticity. If I
5 know my overall bill is increasing, that's going to
6 have an impact. I'll use less.

7 MS. PAYNE: Thank you, Dr. Marke.

8 DR. MARKE: You're welcome.

9 MS. PAYNE: That's all I have.

10 JUDGE PRIDGIN: Ms. Payne, thank you.

11 Cross by MIEC?

12 MR. DOWNEY: No, thank you.

13 JUDGE PRIDGIN: MECG?

14 MR. WOODSMALL: Yes, very briefly.

15 CROSS-EXAMINATION

16 BY MR. WOODSMALL:

17 **Q So in this case, OPC is supporting the**
18 **Staff's BIP methodology; is that correct?**

19 A We are -- our formal position was actually
20 to support company's A&P method.

21 **Q Okay.**

22 MR. WOODSMALL: Okay. No further
23 questions, then.

24 DR. MARKE: Okay.

25 JUDGE PRIDGIN: Mr. Woodsmall, thank you.

1 U.S. Department of Energy?

2 MR. GARG: No, thank you.

3 JUDGE PRIDGIN: Sierra Club?

4 MS. ROBERTS: No, thank you, Judge.

5 JUDGE PRIDGIN: Renew Missouri?

6 MR. LINHARES: Yes, briefly.

7 CROSS-EXAMINATION

8 BY MR. LINHARES:

9 Q Good morning, Dr. Marke.

10 A Good morning.

11 Q You were present for the Department of
12 Energy's witness, Mr. Schmidt?

13 A Yes.

14 Q His cross-examination?

15 A Yes, I was.

16 Q He stated that a workshop would be the --
17 perhaps a better place to discuss changes to rate
18 design. Have we had such rate design workshops in
19 Missouri?

20 A We have. And if -- if I could back up a
21 second, I actually was not present for his
22 testimony. I was out for a second. But I did hear
23 that -- the follow-up.

24 Q Okay. Thanks for clarifying.

25 A I believe the last time we actually had a

1 rate design workshop, Dr. Schmidt was in charge of
2 it. Or he was the -- the lead person, you know,
3 that was hosting it. And that was as a result of
4 the MEEA. And that was part of the statute that
5 said we needed to look at rate design in regards to
6 MEEA. So I think that was the last rate design
7 workshop that we had. But, yes, we've had plenty
8 of workshops.

9 **Q Have these workshops included discussions**
10 **of inclining block rates and submission of**
11 **materials supporting various rate designs, like**
12 **inclining block rates and time of use rates and the**
13 **like?**

14 A Yes.

15 **Q Okay. Eventually, given -- given these**
16 **workshops taking place, would you say that a formal**
17 **Commission proceeding would be necessary to put in**
18 **place the change to the company's rate design?**

19 A No.

20 **Q Not necessary?**

21 A It's not necessary.

22 **Q Okay. Would you say it's likely a**
23 **candidate for the best place to put in place these**
24 **rate designs?**

25 A I mean, think I would actually -- I would

1 have to agree with Mr. Jester on this, that what's
2 being proposed here on the table is small.

3 In part, one of the reasons why OPC was in
4 favor of moving towards an inclining block -- and
5 this is the first time we've offered this up. I
6 don't think we took this position in the Ameren
7 case. I know we didn't take this position in the
8 Ameren case.

9 It's in part because we know that they've
10 got AMI technology, and that's going to be
11 continued discussion or it's going to be continued
12 discussion looking at these rates and these
13 designs.

14 So I would follow that up by saying that
15 an inclining block rate does not, you know,
16 preclude the idea that we can't do time of use.
17 And both -- both of them can be -- you can do both
18 statement. And, clearly, jurisdictions do it.

19 **Q And, Dr. Marke, I'd like to ask you about**
20 **AMI meters in a second. But I think what I'm**
21 **getting at is just, in your experience with the**
22 **workshops we've had, with being in the position**
23 **being at OPC for a while, do you believe that a**
24 **rate case at this time is an appropriate forum to**
25 **be looking for -- to be seeking approval of a rate**

1 **design such as the one proposed by DE?**

2 A I absolutely think it's -- it's an
3 appropriate venue.

4 **Q Okay.**

5 A Yes.

6 **Q Thank you. I would like to ask a couple**
7 **questions related to your testimony on the**
8 **company's proposal for the residential customer**
9 **charge.**

10 A Yes.

11 **Q You alluded to advanced metering**
12 **infrastructure, AMI meters in Kansas City Power &**
13 **Lights service territory. Are you familiar with**
14 **the deployment of AMI meters in KCP&L in recent**
15 **years?**

16 A Yes, I am.

17 **Q In your professional opinion, what would**
18 **the affect of AMI meter deployment be on the**
19 **residential customer charge?**

20 A It should lower it. Commissioner Stoll
21 actually brought this up when they were talking
22 about the AMI opt-out provision. They were saying
23 \$45, \$150 to go ahead and have somebody drive out
24 there and actually take that meter.

25 That's a customer cost, right, actually

1 having somebody read that meter. AMI takes away
2 that cost, right? I mean, in theory, you're seeing
3 this is the trend that you're actually seeing now
4 in other states that the customer charge is
5 actually decreasing. You're seeing that a in a lot
6 of the Excel service territories because of its
7 deployment of AMI.

8 Essentially, that's a cost -- that's one
9 of the arguments for why we do AMI. You're saving
10 costs. You're saving -- in the long run, it's
11 going to save us money.

12 And if we're truly looking at what the
13 customer cost, incremental cost of bringing in
14 additional customers online, we should be having a
15 discussion about decreasing that customer charge.
16 It -- it runs both ways.

17 And this makes even more sense in Kansas
18 City because this is primarily a densely
19 concentrated city. It makes less sense, say, like
20 in Empire where it's much more rural.

21 But when we look at the service territory
22 of KCP&L, the customer charge should be, in theory,
23 trending downward.

24 **Q So given your answer, Dr. Marke, have you**
25 **seen any indication the company, that Kansas City**

1 **Power & Light has taken the effect of AMI meters**
2 **into account and attempted to reduce their customer**
3 **charge accordingly?**

4 A No. And, you know, this is -- this is a
5 source of debate in every rate design or every
6 class cost of service study that we enter into is
7 what do we mean by -- by these costs, right, these
8 common costs? These distribution costs is really
9 what we're talking about here.

10 I would argue that the real issue here
11 isn't the proposal of inclining blocks as they're
12 set up today. This is a really small, small
13 movement.

14 The big concern is the precedence, right?
15 That's the concern from the company standpoint. I
16 think that's the concern from -- I think of all the
17 Intervenors is what's the impact of this in the
18 next rate case and rate case after that and the
19 rate case after that.

20 The long run elasticity will show downward
21 slope. And, ultimately, I think there's what the
22 Commission is trying to get at is a reduction in
23 overall usage and omissions.

24 And that's why we do MEEA and those -- and
25 an inclining block rate if you wanted to move down

1 that path.

2 The customer charge, at one point, was
3 only about \$5, \$6. That's essentially the amount
4 of money it's taking to go ahead and get the meter,
5 the drop line, the billing.

6 That's since ballooned. It's up to 11.88.
7 And today there is discussion about raising it
8 another 63 cents. Our fear is that that's the
9 precedent setting.

10 The next rate case, we're going to come,
11 and it's going to be another dollar. The rate case
12 after that, an additional dollar. At the end of
13 the day just looking at macro level view, our
14 position is that's regressive.

15 And that impacts low income customers
16 disproportionately more so than any other
17 customers, and we know that from Kansas City Power
18 & Light's specific data.

19 The last time we had this rate case, I got
20 a lot of grief for introducing California data and
21 saying, Well, California low income customers
22 are different from Missouri companies.

23 We know from the company's own data today
24 low income customers in the Kansas City Power &
25 Light area are using considerably less energy than

1 the average household.

2 Q So to wrap up that issue, the customer
3 charge, is it Office of Public Counsel's opinion
4 that the customer charge should stay the same; is
5 that correct?

6 A That -- that has been our position. Yes.

7 Q Okay. I want to ask you just briefly
8 about some your testimony regarding low income
9 customers. Do you have your rebuttal testimony
10 with you?

11 A I do.

12 Q I'm looking specifically at page 4 here.
13 Is it your understanding that low income households
14 use less energy on average than non-low income
15 customers?

16 A Yes.

17 Q Have you reviewed data specific to Kansas
18 City Power & Light that would confirm that low
19 income customers use less energy?

20 A I have. And I -- this is actually HC
21 material, so I can --

22 Q Yes. And I'm -- if that's going to be an
23 issue, I'm not asking for specifics. I'm --

24 A We placed it as HC just, again, out of an
25 abundance of caution. I'm not sure whether or not

1 the -- the market data is considered HC. But, you
2 know, we defer that.

3 **Q Okay.**

4 A But it is in my testimony.

5 **Q Okay.**

6 MR. LINHARES: That's all I have. Thank
7 you very much.

8 JUDGE PRIDGIN: Mr. Linhares, thank you.
9 NRDC, any cross?

10 MR. ROBERTSON: No questions.

11 JUDGE PRIDGIN: Division of Energy?

12 MR. ANTAL: I think I have just one brief
13 question.

14 CROSS-EXAMINATION

15 BY MR. ANTAL:

16 **Q Dr. Marke, in cross-examination by Staff
17 Counsel, you brought up the company's MEEA
18 portfolio.**

19 A Yes.

20 **Q Are you stating that Division of Energy's
21 block rate design proposal will be complementary
22 their existing MEEA portfolio?**

23 A It would.

24 MR. ANTAL: Thank you. No further
25 questions.

1 JUDGE PRIDGIN: Mr. Antal, thank you.
2 Cross-examination, Kansas City Power & Light?

3 MR. FISCHER: Oh, just briefly.

4 CROSS-EXAMINATION

5 BY MR. FISCHER:

6 Q Dr. Marke, if I understood what you said
7 on cross, you said that it was your opinion that a
8 typical KCP&L customer doesn't have a clue about
9 what its rate structure looks like. Is that what
10 you are saying?

11 A Right. Paraphrased.

12 Q Okay. That's a yes?

13 A In general.

14 Q If that's the case, does changing the rate
15 structure really provide them with any meaningful
16 price signals?

17 A I would not expect a lot of volatility out
18 of this movement in the time period. Short-term, I
19 don't think this is going to have much of an impact
20 on the overall -- on the company from that
21 perspective on their revenues.

22 Q If I understood what you said, you thought
23 the real price signal was the overall bill --

24 A Yes.

25 Q -- that the customer gets, right?

1 A Right.

2 **Q So if the Commission was really wanting to**
3 **increase the price signal, the other way to do it**
4 **would be give the company a reasonable rate of**
5 **return on its equity, right?**

6 A Taken to its extreme, sure.

7 **Q It's not really an extreme.**

8 A Well, I would argue -- and I think, you
9 know, Dr. Woolridge articulated it pretty well when
10 we're talking about, you know, risk and reward, you
11 know, of a regulated monopoly.

12 Essentially, what we're talking about
13 captive audience that's at place here. And in
14 regulation, what we're trying to do is a pricing
15 the market, right?

16 When we increase fixed costs, when we
17 guarantee, you know, customer charges and stuff
18 like this, you're minimizing the risk overall for
19 the company, right?

20 And, ideally, that's supposed to be
21 reflected in ROEs, right? Even in the company's
22 MEEA. The company made a lot of money off of the
23 last MEEA, right?

24 **Q Maybe less than it expected.**

25 A Perhaps. Perhaps.

1 Q But let me ask you another question,
2 **though.**

3 A Okay.

4 Q You were saying that you thought we -- a
5 **lot of the parties were really concerned in this**
6 **case more so about the precedent of going to**
7 **inclining block rates than the specific proposal**
8 **that's on the table, right?**

9 A That's right.

10 Q Is -- is the Public Counsel also concerned
11 **about the precedent of going to inclining blocks**
12 **over the long-term?**

13 A I -- I would agree with that.

14 Q For example, are you -- would you be
15 **concerned about customer impacts of going to a full**
16 **inverted rates -- or inclining block rate structure**
17 **for space heating customers?**

18 A Right. And, you know, our position is
19 generally -- and this is the position we took in
20 the Ameren case was to hold off on that. And out
21 of an abundance of concern, that's correct.

22 Q Are you aware of the situ -- of the -- the
23 **experience that Ameren Illinois had whenever it**
24 **went to inverted rates in Illinois?**

25 A Could you be more specific?

1 **Q Are you aware that when they introduced**
2 **inverted rates over there, they eventually had to**
3 **withdrawn them?**

4 A I'm aware. I don't know the details.

5 **Q But you're aware of it? Negative**
6 **push-back from consumers whenever inverted rates**
7 **were introduced there.**

8 A I don't think I can speak to -- at great
9 lengths as to the details on it. I'm aware that
10 there was a rate design.

11 Then it's -- I would offer that it's a bit
12 of an apples to oranges average comparison
13 comparing a deregulated state to vertically
14 integrated state. But I would say that, you know,
15 caution is a good thing, you know, at the end of
16 the day.

17 **Q Are you aware of other states like**
18 **Colorado that have had negative experiences with**
19 **inverted rate structures?**

20 A California is usually the default example
21 of inverted rates gone awry.

22 **Q What about Colorado? Were you aware of**
23 **that one?**

24 A With -- I'm not.

25 **Q Okay.**

1 A No.

2 Q You have quite a bit of economics in your
3 background; is that true?

4 A (Witness nods head.)

5 Q Yes?

6 A Yes.

7 Q When Economists look at costs as a way to
8 distribute resources in the economy, is it true
9 that costs are usually considered the goal to set
10 prices close to cost, and that's the way you reach
11 your efficiency goals?

12 A Yes.

13 Q It's not to raise the prices substantially
14 above cost to artificially suppress demand,
15 correct?

16 A Correct.

17 MR. FISCHER: That's all I have. Thank
18 you.

19 JUDGE PRIDGIN: Mr. Fischer, thank you.
20 Any Bench questions? Mr. Chairman?

21 CHAIRMAN HALL: Well, let me finish --
22 Mr. Fischer, do you have a witness that can talk
23 about the Colorado/Illinois experience that you
24 just referenced?

25 MR. FISCHER: In a general sense, just --

1 we would have a witness that is familiar, I think,
2 with some -- more so with Illinois and what with we
3 understood had happened there. But they don't have
4 firsthand experience with either of those states.

5 CHAIRMAN HALL: Is that Mr. Rush.

6 MR. FISCHER: I think Mr. Rush would --

7 CHAIRMAN HALL: When he comes on later, we
8 could -- okay. Thank you.

9 CROSS-EXAMINATION

10 BY CHAIRMAN HALL:

11 **Q Dr. Marke, do you believe that there is a**
12 **cost causation rationale for inclining block rates?**

13 A The argument there is the long run, the
14 long run marginal cost causation rationale that
15 over the long-term that this is decreasing putting
16 an overall pressure on long run marginal costs,
17 yes.

18 Same argument for MEEA, I mean,
19 essentially what we're talking about. We're
20 talking about deferring future supply side
21 investment.

22 **Q But in terms of increasing the price at a**
23 **certain block, lowering the price at a lower block,**
24 **what is the cost causation rationale for that --**
25 **for that adjustment?**

1 A So we throw -- we throw the term, I think,
2 cost causation around a whole lot. I would offer
3 that that's sort of a blanket global term.

4 When we say costs, costs mean a lot of
5 things. There's replacement cost. There's
6 original cost. There's short run cost. There's
7 long run cost. There's marginal costs, fixed
8 costs, right?

9 And we contract and expand depending on
10 our prospectus. And that's really what class cost
11 of service studies do to a certain extent, right?
12 They're either imbedded accounting studies or
13 they're marginal cost studies that look at the
14 incremental of adding one additional person on.

15 **Q But those usually don't distinguish**
16 **between the amount of consumption for per customer.**
17 **They don't -- they don't show a different cost for**
18 **-- for the first kilowatt hour versus the 400 first**
19 **versus the 1,000 first?**

20 A I mean, the -- I guess the short answer to
21 it is that it's a moving target, right? That --
22 and that's one of the reasons why we do these class
23 cost of service studies for each -- for each case
24 is because the cost -- not only the fixed costs
25 that we put in terms of depreciating plant to the

1 cost of energy on the market, right, is constantly
2 in flux. It's constantly changing. So the reason
3 there's a cost causation for it --

4 **Q Well, is -- is the cost causation argument**
5 **simply that if -- if we are able to reduce total**
6 **consumption through inclining block rates,**
7 **particularly during peak times that -- that that**
8 **will result in a reduction in capital expenditures**
9 **and benefit all customers generally? Is that -- is**
10 **that the cost causation argument in a nutshell?**

11 A It is.

12 **Q Is there anything beyond that? And not**
13 **that that's not a legitimate argument. I'm just**
14 **wondering if there's anything else.**

15 A I would offer that -- I mean, over a long
16 enough period -- it's the not just peak demand
17 we're talking about. But, I mean, in theory, it
18 will also affect base load demand, all else being
19 equal.

20 CHAIRMAN ALL: Okay. Thank you.

21 JUDGE PRIDGIN: Any further Bench
22 questions? Commissioner Stoll?

23 CROSS-EXAMINATION

24 BY COMMISSIONER STOLL:

25 **Q Good afternoon. Still good morning.**

1 **Steams like afternoon.**

2 A Good morning.

3 **Q In the discussion about inclining block**
4 **rates -- and I know the proposal here is not really**
5 **-- I mean, it's a very minor change, we'll say --**
6 **compared to full inclining block. -- but do you**
7 **believe that going to inclining block rates is good**
8 **for Missouri consumers?**

9 A That's a bit of a loaded question. When
10 we look at the criteria, what we're trying to do
11 with rate design, there's a number of different
12 perspectives that we're ultimately trying to look
13 at.

14 Yeah. The impression that I've gotten
15 from our office, from the Commission, from the
16 efforts that, you know, I've put in, with MEEA and
17 everything else is that we're leaning toward a
18 least cost resource state and placing, you know,
19 more of an emphasis on providing value that way.

20 In that context, an inclining block rate,
21 I think, complements what the Commission is trying
22 to do in other policy streams.

23 **Q So with an inclining block rate -- I know**
24 **you -- I believe you said that the real price**
25 **signal is the overall bill. Do you expect price**

1 **signals sent by inclining block rates to -- to**
2 **really help in this effort to reduce overall energy**
3 **or peak demand?**

4 A I think with the design that's in place
5 here, I don't think you're -- I don't think you're
6 going to see much of an impact one way or the
7 other.

8 **Q With the proposal that is before us now?**

9 A Right. With the proposal that's in front
10 of us. I think that there -- there are longer term
11 implications if we were the next case that came in
12 and if we went to a larger block or, you know --

13 **Q Yeah. Right.**

14 A But with what's in front here, I would
15 argue that there are other issues at play that are
16 more volatile to the company's overall revenues
17 than changing the tail blocks on the residential
18 rate design.

19 There's a lot of discussion about weather,
20 right? What if there's an unusually cold summer or
21 hot winter? I can tell you just anecdotally just
22 sitting here, you know, this seat, I've got the air
23 conditioning on me. This is mid February. 7:30
24 last night, I had this blowing on me, right?

25 If I'm a betting man, short-term, we're

1 talking about if they come in with the next rate
2 case in another year or two, I think the company's
3 going to be fine in terms of overall sales. I
4 think people are going to be turning on the air
5 conditioning.

6 **Q Because of weather?**

7 A Right.

8 **Q Yeah.**

9 A In part. I mean, there's other things,
10 obviously, but yes.

11 **Q When we're talking about changing people's**
12 **behavior to time of use rates or inclining block**
13 **rates -- I mean, I know for sure that my wife's**
14 **84-year-old aunt is not going to change her habits.**
15 **When she's cold, she turns up the heat.**

16 A Right.

17 **Q My 87-year-old mother, same thing. I**
18 **don't know personally anybody that looks so**
19 **carefully at -- at something like that. Is it that**
20 **that's okay they don't receive these price signals?**
21 **I mean, their price signal is going to be their**
22 **overall bill. Is there a percentage of people --**
23 **that's what I'm assuming -- that have to change**
24 **their habits in order to reduce the peak?**

25 A Absolutely.

1 **Q Is that way --**

2 A Yeah. I mean, the idea is that overall,
3 in aggregate, enough people's behavior changes over
4 time. My impression is I don't think we have
5 enough time for it to really have an impact.

6 Even if we did a price elasticity study
7 and tried to control for all these other variable,
8 the company will be back in for another rate case.
9 There will be another -- we'll inevitably be
10 talking about time of use rates with the AMI meters
11 that when we look back and we say, Well, were these
12 inclining block rates successful, I think the
13 answer is going to be we don't know. It's too
14 small of a sample size.

15 **Q Okay.**

16 A It takes people a while to -- to -- to
17 respond, particularly, with energy. I mean, you're
18 sort off built into how much your overall monthly
19 bill is, right? Most people, I don't think, take
20 the time to really get to the details.

21 **Q Yeah. And it seems to me that people of**
22 **more means, probably like folks in this room, think**
23 **about energy efficiency and have done many things**
24 **to improve the energy efficiency of their homes,**
25 **LED lights --**

1 A Sure.

2 Q -- maybe insulation, new windows. My
3 concern really is about we've got a lot of poor
4 people in Missouri and a lot of people who live --
5 I mean, we've had testimony at local public
6 hearings from young people, old people who live in
7 apartments.

8 And there are no building codes in much of
9 the state. And their -- their ability to control
10 their costs are very limited by that. And I think
11 that's something that we all need to keep in mind
12 as we do this. And there's not a question here. I
13 just wanted to say that.

14 A Commission Stoll, I agree with you a
15 hundred percent. I mean, really, that's ultimately
16 why it took me -- the tipping point for me was
17 actually looking at the market potential study
18 dates that actually said that, Here's where
19 consumers -- here's where low income consumers --
20 this is what they consume annually compared to a
21 non-low income house.

22 It's lower. It's -- again, this is HC
23 material. I'd love to tell you the numbers if we
24 can go off camera.

25 Q Would it be worth that?

1 A I think it would be.

2 Q **Let's do it.**

3 JUDGE PRIDGIN: Just a moment. And let me
4 ask Counsel to confirm, is there anybody in here
5 who does not belong during an in-camera session?

6 MR. STEINER: I think we're okay.

7 JUDGE PRIDGIN: You think we're good?
8 Just a moment. We'll go in-camera.

9 CHAIRMAN HALL: Which, actually, why does
10 this need to be in-camera? Why is this HC?

11 MR. STEINER: We don't know what he's
12 going to into. Mr. Marke?

13 CHAIRMAN HALL: Well, can you describe it
14 for --

15 A It's the market potential study that --
16 it's the draft study. It's a draft, so,
17 technically, it's still a work in progress, the
18 overall study.

19 I will say that this part of the study,
20 and I confirmed this from the consultants, that
21 this is set. This isn't going to change. So these
22 numbers are what the numbers are.

23 MR. STEINER: It's the MEEA study?

24 A It's part of it. It's part of the IRP.

25 MR. STEINER: I just haven't looked at it.

1 A It's in my testimony.

2 MR. STEINER: Is the number -- what's the
3 number you're going to say? Don't tell me the
4 number, but --

5 COMMISSIONER KENNEY: Residential and --

6 MR. STEINER: What's the number amount?

7 COMMISSIONER KENNEY: What page is it?

8 A Page 5.

9 CHAIRMAN HALL: Okay. Let's give them a
10 second to look at it.

11 MS. PAYNE: I think it's page 4, actually,
12 of rebuttal.

13 A I've got page 5.

14 MR. OPITZ: I've got --

15 A There's two sets of rebuttal. So -- yeah.

16 MR. OPITZ: This is what you're talking
17 about?

18 A No. It's on page 4 of my other rebuttal.

19 MR. OPITZ: Is that it?

20 A The other rebuttal does a better job of
21 showing it.

22 MR. OPITZ: Sure.

23 MR. FISCHER: Is this just the preliminary
24 study that we provided Public Counsel that's not
25 released or finalized or --

1 A Yes. It's on page 4 in one, and it's on
2 page 5 in the other.

3 COMMISSIONER KENNEY: We're on your second
4 rebuttal, right?

5 A On the larger rebuttal is the table. That
6 might be more beneficial.

7 MR. FISCHER: Your Honor, I'm told that we
8 can discuss this in public with the caveat that
9 this is drafted -- that KCP&L is still reviewing
10 it, that we have not agreed to these numbers.

11 A Okay.

12 MR. FISCHER: And that it's still in the
13 preliminary stage. And it is market information,
14 but we -- we can -- we can discuss it in public if
15 you'd like.

16 A So on page 5 there -- I mean, essentially,
17 I've got the section highlighted. In the third
18 column, it goes Household sales and then Average.

19 If you look at low income single family,
20 low income single family in the Kansas City Power &
21 Light metro area consumes 25 percent less annually
22 than an average household.

23 Low income multi-family consumes less
24 annually. This translates -- if you were to accept
25 this rate design, these customers would have better

1 and more control over their bill. So exactly the
2 people that you're talking about would, in theory,
3 have more control over it.

4 This isn't a seeping generalization about
5 all low income households, but at least off of the
6 data, that's what I got it off of.

7 COMMISSIONER STOLL: Yeah. I don't think
8 I have any other questions right now. I appreciate
9 your testimony and your responses. Thank you.

10 DR. MARKE: Thank you.

11 JUDGE PRIDGIN: Commissioner Stoll, thank
12 you. Any other Bench questions? Ms. Coleman? All
13 right. Cross based on Bench questions from Staff?

14 MS. PAYNE: Yes. Thank you.

15 RECROSS EXAMINATION

16 BY MS. PAYNE:

17 **Q Dr. Marke, you were discussing volatility**
18 **with Commissioner Stoll. When you are referring to**
19 **that, are you referencing a -- specific customers,**
20 **like an individual customer's bill changes related**
21 **to the weather? Or are you referring to the**
22 **overall weather normalized revenues that the**
23 **company receives?**

24 A I was referring to the latter. But former
25 would also -- volatility is -- impacts everybody,

1 right?

2 **Q Correct. Well, is there a different**
3 **between the two, or do you see them --**

4 A They're -- well, I mean, there is a
5 difference between the two. To the extent -- I --
6 my take on the -- the proposal that's in front of
7 us today, I would not expect to see large volatile
8 impact on bills for household as proposed.

9 I think there's long-term implications.
10 But the blocks as they're being proposed, I don't
11 throw caution from my perspective.

12 **Q Would you see that volatility increasing**
13 **from what it currently is by even a small amount?**

14 A You know, the -- the anecdotal example
15 that Mr. Fischer gave earlier was a household
16 that's got 2,000 kilowatt hour monthly average use.

17 That's a -- they would get a 10 percent
18 increase in the Kansas City. That's a big --
19 that's a large consuming energy household. I mean,
20 that's -- you're looking -- based on the data,
21 that's an average household that's consuming twice
22 as much as an average household.

23 **Q So you see the average household as 1,000**
24 **kilowatt?**

25 A Yes.

1 **Q Okay.**

2 A That's what their data says. That's what
3 their saturation study says.

4 **Q But you do agree that the -- the usage of**
5 **an average household is impacted by the weather and**
6 **could, in fact double depending on extreme --**
7 **extreme weather differences, particularly in, like,**
8 **the shoulder months?**

9 A It could.

10 **Q Okay.**

11 MS. PAYNE: Okay. That's all I have.
12 Thanks.

13 JUDGE PRIDGIN: Ms. Payne, thank you.
14 Cross from MIEC?

15 MR. DOWNEY: No, thank you.

16 JUDGE PRIDGIN: MECG?

17 MR. WOODSMALL: No questions.

18 JUDGE PRIDGIN: U.S. Department of Energy?

19 MR. GARG: No questions.

20 JUDGE PRIDGIN: Sierra Club?

21 MR. HALSO: No questions.

22 JUDGE PRIDGIN: Renew Missouri?

23 MR. LINHARES: No, thank you.

24 JUDGE PRIDGIN: NRDC?

25 MR. ROBERTSON: No questions.

1 JUDGE PRIDGIN: We're down to Division of
2 Energy?

3 MR. ANTAL: Yes. Just a few.

4 RECROSS EXAMINATION

5 BY MR. ANTAL:

6 Q Dr. Marke, I wanted to follow-up on a
7 conversation you were having with Stoll talking
8 about impacts upon low income customers.

9 A Yes.

10 Q Is it your understanding of the Division
11 of Energy's rate design proposal that it will via
12 bill decrease to low income customers, all else
13 being equal?

14 A On average. Yes.

15 Q And will they have to change their
16 behavior in any way?

17 A No.

18 MR. ANTAL: Thank you.

19 JUDGE PRIDGIN: Mr. Antal, thank you.

20 Recross from KCP&L?

21 MR. FISCHER: No, thank you, Judge.

22 JUDGE PRIDGIN: Thank you. Redirect?

23 MR. OPITZ: I don't have any, Judge.

24 Thank you.

25 JUDGE PRIDGIN: All right. Thank you.

1 Dr. Marke, thank you very much. You may step down.

2 DR. MARKE: Thank you.

3 JUDGE PRIDGIN: I believe our next
4 witness, then, would be Mr. Brubaker.

5 MR. WOODSMALL: Your Honor, before we go
6 much further with Mr. Brubaker, I'd point out
7 something that I just noticed.

8 For some reason, the order of
9 cross-examination doesn't provide MECG with an
10 opportunity to cross him. I don't care where you
11 plug us in. I just wanted to note that somehow we
12 got left off of that.

13 JUDGE PRIDGIN: Okay. I appreciate it.
14 If for some reason I read through just out of habit
15 and I overlook you, please jump in and say, Hey, I
16 just told you about this, and I will certainly give
17 you an opportunity to cross.

18 MR. WOODSMALL: Okay.

19 MS. PAYNE: Your Honor, if I could point
20 out something in response to what Mr. Woodsmall
21 just said. My understanding was that Mr. Brubaker
22 was listed as MIEC and MECG witness.

23 MR. WOODSMALL: I don't know why it got
24 listed like that. He certainly hasn't been
25 sponsored or paid for or anything by MECG. We

1 don't have any shared witnesses in this case.

2 MS. PAYNE: I mean, I don't know what
3 payroll Mr. Brubaker is on. However, I -- I
4 recognize that that's what was agreed to and filed.

5 MR. DOWNEY: Judge, he's a witness of
6 MIEC. MIEC is paying for his testimony.

7 JUDGE PRIDGIN: I think we can probably
8 take care of that in direct and see, you know, who
9 he's working for and who he's not working for, and
10 we can proceed accordingly. So anything further?

11 MR. DOWNEY: Judge?

12 JUDGE PRIDGIN: Yes. I'm sorry.

13 MR. DOWNEY: Do you have a copy of
14 Mr. Brubaker's testimony?

15 JUDGE PRIDGIN: I -- I probably don't have
16 it with me. I'm certain I have it electronically.

17 MR. DOWNEY: Okay. I believe his
18 credentials were left off of what was served on
19 everybody and what was filed in EFIS.

20 JUDGE PRIDGIN: I think I recall you
21 saying that earlier.

22 MR. DOWNEY: And I've made a lot of copies
23 of that. It's Appendix A. Do you want me to have
24 that marked as a separate exhibit?

25 JUDGE PRIDGIN: That's probably cleaner.

1 MR. DOWNING: Okay.

2 JUDGE PRIDGIN: And did you need a number,
3 Mr. Downey?

4 MR. DOWNEY: Yes, please.

5 JUDGE PRIDGIN: Can you remind me what
6 block of numbers you had?

7 MR. DOWNEY: Sure. I think our last
8 exhibit was 855, so this would be 856 then.

9 (MIEC Exhibit 856 was marked for
10 identification.)

11 JUDGE PRIDGIN: Okay. Very good. Thank
12 you. All right. Thank you. Anything further
13 before Mr. Brubaker takes the stand? All right.
14 Mr. Brubaker, if you'll raise your right hand to be
15 sworn, please?

16 MORRIS BRUBAKER,
17 being first duly sworn to testify the truth, the whole
18 truth, and nothing but the truth, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. DOWNEY:

21 JUDGE PRIDGIN: Thank you, sir. You may
22 have a seat. Mr. Downing, when you're ready, sir.
23 This will be 856?

24 MR. DOWNEY: Yeah. That's what I believe.

25 MS. PAYNE: Your Honor, I would like to

1 cut in for a minute, and I apologize, and request
2 that MECG be placed first on the cross list since
3 they are the least adverse to Mr. Brubaker's
4 position.

5 MR. WOODSMALL: I have no problems with
6 that.

7 JUDGE PRIDGIN: That was kind of where I
8 was going. That's fine with me. Thank you.
9 Mr. Downey, when you're ready,

10 Q (By Mr. Downey) Good morning, Mr.
11 Brubaker.

12 A Good morning.

13 Q Please state your name and spell your last
14 name.

15 A It's Morris Brubaker, B-r-u-b-a-k-e-r.

16 Q And first off, I notice you have a cast on
17 your left arm.

18 A Yeah. It's not exactly a cast, but it's a
19 -- a cuff, I guess.

20 Q Did you break your arm?

21 A It's a fracture.

22 Q Okay. And did you get that punching out
23 Counsel that was a little too frisky on cross?

24 A Unfortunately, it was an ice accident back
25 in December when we had the unexpected ice storm in

1 St. Louis.

2 Q So have you been retained to provide
3 testimony in this case?

4 A I have.

5 Q And by whom?

6 A By MIEC.

7 Q And are you being paid by the MIEC?

8 A Yes.

9 Q Are you being paid by MECG members?

10 A No.

11 Q Have you been retained by the MECG?

12 A I have not.

13 Q Okay. Thank you. Have you prepared
14 direct, rebuttal and surrebuttal in this case?

15 A Yes.

16 Q And I believe those are marked Exhibits
17 853, 854 and 855, the first being direct, the
18 second being rebuttal and the last being
19 surrebuttal?

20 A That's my understanding.

21 Q Okay. And as you sit here today, if I
22 were to ask you the questions in those testimonies,
23 would your answer be the same?

24 A Yes.

25 Q And are those answers true and correct to

1 **the best of your knowledge and belief?**

2 A They are.

3 MR. DOWNEY: Your Honor, I offer -- oh,
4 one -- one more thing. May I approach the witness?

5 JUDGE PRIDGIN: You may.

6 **Q (By Mr. Downey) Mr. Brubaker, I've handed**
7 **you 856. Would you tell the Commission what that**
8 **is?**

9 A This is what is marked Appendix A, which
10 was intended to be attached to my direct testimony.
11 But for some reason, this was not. Our apologies.

12 **Q Is the information on Appendix A accurate**
13 **to the best of your knowledge and belief?**

14 A Yes.

15 **Q And yesterday when I gave an opening**
16 **statement, I indicated that you had an electrical**
17 **engineering Bachelor's, Master's as well as a**
18 **Master's in business, and I may have led people to**
19 **believe all degrees were from Washington**
20 **University. Do you recall that?**

21 A I do.

22 **Q And, in fact, your Bachelor's degree is**
23 **from MU at Rolla?**

24 A It was Missouri School of Mines and
25 Metallurgy when I got it. Then it became

1 University of Missouri-Rolla. Now it's Missouri
2 University of Science & Technology at Rolla.

3 **Q Thank you.**

4 MR. DOWNEY: Your Honor, I would offer
5 Exhibits 853 through 856 and tender the witness for
6 cross.

7 JUDGE PRIDGIN: Any objections? Hearing
8 none, 853, 854, 855 and 856 are admitted.

9 (MIEC Exhibits 853, 854, 855 and 856 were
10 offered and admitted into evidence.)

11 JUDGE PRIDGIN: Cross-examination, MECG?

12 MR. WOODSMALL: Thank you, very briefly.

13 CROSS-EXAMINATION

14 BY MR. WOODSMALL:

15 **Q Can you tell me how many states**
16 **approximately you've testified in?**

17 A I think I counted them from Appendix A.
18 It's about 33 states.

19 **Q And how many of those states did you**
20 **testify in approximately regarding electric rate**
21 **design matters?**

22 A I would say rate design or cost of service
23 or both would -- would be all of them.

24 **Q Okay. And in that time, how many of the**
25 **utilities that you were exposed to proposed the use**

1 **of the Base Intermediate Peak methodology?**

2 A Way back in history, maybe back in the
3 1980s, there were a few occasions when some of the
4 then rate regulated Texas utilities proposed
5 something like that. But since that time in 15
6 years, I have not seen it anywhere.

7 Q Okay. And how many states have you seen
8 in that period of time adopt the BIP methodology?

9 A None to my knowledge.

10 Q Okay. Turning to page 6 of Robin
11 Kliethermes' rebuttal -- let me know when you're
12 there.

13 MR. DOWNEY: Rebuttal.

14 Q (By Mr. Woodsmall) Surrebuttal. I'm
15 sorry.

16 A Page 6?

17 Q Yes.

18 A Okay.

19 Q There's some discussions there where she
20 addresses concerns that you raise in your rebuttal
21 regarding the allocation of distribution costs. Do
22 you recall that?

23 A Yes.

24 Q And do you believe that Staff's assessment
25 or addressing your concerns was adequate?

1 A Unfortunately not.

2 **Q Can you tell me why?**

3 A Staff -- Ms. Robin Kliethermes'
4 adjustments did Acura knowledge what I had said in
5 my rebuttal testimony, that Staff had failed to
6 distinguish among customers served at transmission,
7 customers served at the substation level, customers
8 served at the primary service level, customers
9 served at the secondary service level.

10 So the Staff's surrebuttal -- in fact, I
11 pointed that out in my -- my rebuttal testimony in
12 response to that. In surrebuttal testimony, Robin
13 Kliethermes made some adjustments, but the
14 adjustments, unfortunately, did not fully correct
15 the problem.

16 It did recognize that there were customers
17 at different voltage levels. But how it -- how it
18 works is to start with the total large service
19 class demand, which is something over 300,000
20 kilowatts, and then successively subtract loads of
21 customers at transmission so they don't get
22 allocated distribution levels. Then subtract loads
23 of substation customers so they don't get allocated
24 primarily the same way.

25 In doing that sub -- in doing that

1 subtraction, Staff just assumed that everybody used
2 an average load of 4,951 kilowatts, let's just say
3 5,000 kilowatts in making this subtraction.

4 So as -- because -- and that's -- that
5 understates it because the transmission level
6 customers have an average demand of about 9
7 megawatts or twice that. And the substation level
8 customers have a demand of about 16,000, so three
9 times that.

10 So as Staff went down the line from
11 transmission on down to secondary distribution,
12 they didn't take enough load out, didn't take
13 enough kilowatts of demand out of the allocation
14 factor.

15 So at the end of the day, there was still
16 too much cost in the distribution system allocated
17 to the large primary service customers. And it
18 just -- it just put in perspective, the -- my
19 number, which is the same as KCP&L's number, I've
20 relied on their load analysis data -- is
21 \$87 million dollars in gross plant.

22
23
24
25

1 And Staff's 128 million approach, there
2 was a \$40 million difference in gross plant that's
3 been allocated. I think that's -- that's just --
4 just incorrect based on the evidence, based on the
5 company's load data and based on the company's
6 billing determinant data, which clearly shows a
7 great difference in customer size across the
8 different spectrum of voltage levels within --
9 within the class.

10 So, unfortunately, I don't believe that
11 the way that Staff did it was -- was correct or
12 accurate and was a result of a continued
13 over-statement of costs.

14 **Q So let me make sure I understand. You're**
15 **saying that Staff's methodology over-allocates**
16 **distribution costs to the LP primary class?**

17 A Over-allocates it to the LPS class.

18 **Q Okay. What are the implications of such**
19 **an over-allocation?**

20 A As I mentioned, it's about a \$40 million
21 difference in the amount of gross plant.

22 **Q And do you find \$40 million of**
23 **over-allocation to be material?**

24 A That -- that is material. To be fair, in
25 terms of revenue requirements, the distribution

1 plant is about one-third depreciated. So if you
2 look at the net plant, it's roughly two-thirds of
3 that or about 25 million. And if I just ballpark
4 15 percent for return, income taxes, property
5 taxes, fixed O&M expense and depreciation, and
6 they've got 15 percent, that's -- that's roughly
7 \$4 million in revenue requirement difference
8 because of this issue.

9 I think that that is significant in the
10 context of overall LPS class and the surrebuttal
11 finding in Ms. Sarah Kliethermes' testimony that
12 LPS class is \$11 million below system rate of
13 return. So that explains almost half of that.

14 **Q Okay.**

15 **A So I think that's -**

16 **Q Moving on, you mentioned Sarah**
17 **Kliethermes' testimony. Let's turn to her**
18 **rebuttal. Let me know when you're at page 2. It**
19 **carries over to page 3. Let me know when you're**
20 **there.**

21 **A I have it.**

22 **Q I want to try and clear up what -- an**
23 **implication that may have -- I might have had**
24 **yesterday, she might have had.**

25 **Anyway, just to make the record clear,**

1 **there she talks about the Commission relying on the**
2 **Staff's BIP methodology in the 2014 Empire District**
3 **Electric rate case. Do you recall that?**

4 A I'm sorry. Am I supposed to be in
5 rebuttal or surrebuttal.

6 **Q Rebuttal. Her rebuttal. My apologies.**

7 MS. PAYNE: Your Honor, I'm going to
8 object to this as friendly cross. Mr. Woodsmall
9 made it very clear yesterday in his opening his
10 feelings for his alignment with Mr. Brubaker's
11 positions.

12 MR. WOODSMALL: I must have missed that
13 day of law school when that was an objection in the
14 Rules of Evidence.

15 I -- I am allowed to do cross-examination.
16 I don't have a witness here. Certainly, I'm going
17 to turn to the witness that I think can provide me
18 the information. But I'm allowed to cross-examine.
19 And I've never seen this objection upheld.

20 MS. PAYNE: It's friendly cross. It's a
21 very legal objection. I'm sorry that it wasn't
22 there when you were in law school. But I think
23 it's quite obvious that this is -- that's all
24 you're doing. You had every opportunity to provide
25 your own witness and your own testimony.

1 MR. WOODSMALL: Can you turn to a Rule of
2 Evidence? I don't recall that.

3 JUDGE PRIDGIN: How about I just overrule
4 and we move on?

5 MR. WOODSMALL: Thank you.

6 **Q (By Mr. Woodsmall) Are you there?**

7 A I'm on page 3 of Sarah Kliethermes.

8 **Q Page 2 carrying over to page 3.**

9 A Okay.

10 **Q There, she talks about the Commission**
11 **relying upon the Staff's BIP methodology in the**
12 **2014 Empire rate case. Do you see that?**

13 A Yes.

14 **Q Have you had an opportunity to review,**
15 **make yourself familiar with what happened in that**
16 **case?**

17 A In -- in general. I've read some of the
18 documents that were filed in that case.

19 **Q And what is your understanding?**

20 A My understanding is that the Commission
21 clarified on rehearing that it was not
22 precedential. What it had done is simply used that
23 study for purposes of that case.

24 **Q Is it your understand --- do you believe**
25 **that the Commission was asked to decide between**

1 **various production allocators in that case?**

2 A I -- I don't know from my own -- from my
3 own reading or knowledge what they are asked to do.

4 **Q Okay. And, finally, turning to her same**
5 **testimony at page 8, the last sentence carrying**
6 **over to page 9 --**

7 A Okay.

8 **Q -- she says, All studies agree that the**
9 **LPS class is over-contributing. And then she**
10 **continues on. Do you agree with that statement?**

11 A No, I do not.

12 **Q Can you tell me why?**

13 A Well, because if you look at Dr. Schmidt's
14 study, you look at my study, we both come to the
15 conclusion using mainstream methods that the LPS
16 class has a rate of return above the average, and
17 on a revenue neutral basis should receive a rate
18 decrease in order to get to system average rate of
19 return.

20 So no. I think the -- the statement here
21 in her rebuttal testimony, I think, is -- is --
22 part of the problem is the error that was in the
23 generation allocation at this point in time. But,
24 certainly, the error is in the distribution
25 allocation because the results you see here for LPS

1 is in the context of Staff's overall cost of
2 service study, not in the context of my cost of
3 service study or Dr. Schmidt's.

4 MR. WOODSMALL: No further questions.
5 Thank you.

6 JUDGE PRIDGIN: Mr. Woodsmall, thank you.
7 And cross by Staff? Or excuse me. Public Counsel?
8 My mistake. Public Counsel?

9 MR. OPITZ: No, thank you, Judge.

10 JUDGE PRIDGIN: I'm sorry. Staff?

11 CROSS-EXAMINATION

12 BY MS. PAYNE:

13 **Q Good morning, Mr. Brubaker.**

14 A Good morning.

15 **Q Are you familiar with the term plant
16 stratification study?**

17 A I've heard the term used. It's not a
18 commonly used term, but I've heard it used.

19 **Q And there's a utility, Excel Energy, and
20 do you know if they use that method?**

21 A No, I don't.

22 **Q Your Counsel made it very clear that
23 you're being paid for your testimony today. Might
24 I ask how much you're being paid?**

25 A My budget for this case was -- including

1 myself and Mr. Dauphinais, was \$50,000.

2 MS. PAYNE: Thank you. I have nothing
3 further.

4 JUDGE PRIDGIN: All right. Ms. Payne,
5 thank you. Cross from U.S. Department of Energy?

6 MR. GARG: No questions.

7 JUDGE PRIDGIN: Sierra Club?

8 MR. HALSO: No questions.

9 JUDGE PRIDGIN: Renew Missouri?

10 MR. LINHARES: No questions, your Honor.

11 JUDGE PRIDGIN: Okay. I don't know if
12 NRDC here is here. NRDC? Division of Energy?

13 MR. ANTAL: No questions.

14 JUDGE PRIDGIN: I don't think CCM is here.
15 KCP&L?

16 MR. FISCHER: No questions.

17 JUDGE PRIDGIN: All right. Any Bench
18 questions? Mr. Chairman?

19 CHAIRMAN HALL: Maybe just one or two.

20 CROSS-EXAMINATION

21 BY CHAIRMAN HALL:

22 Q Good morning.

23 A Good morning.

24 Q Is there something inherent in the BIP
25 allocation's methodology that -- that favors

1 **residential customers, or is there anything in the**
2 **A&E that favors itself to industrial customers?**

3 A I have to answer both of those in the
4 context of my perspective on cost causation
5 and --

6 **Q I hope you would.**

7 A -- and what's a -- what is a reasonable
8 way to look at cost causation. In that context, I
9 believe that the BIP method and as it's been
10 implemented here, certainly, while there are some
11 semantic differences and some nuances that I think
12 are clouding the issue about how to -- how did the
13 Staff allocate base load plant.

14 If you look at the study, if you look at
15 the allocation factor and you look at the results,
16 I've illustrated that in my testimony to show that
17 Staff's allocation of base load plant is exactly
18 equal to allocating it on energy.

19 And I think that's not right. I think
20 it's not right to take a section of plant and then
21 pretend that it -- this time served this load, this
22 time served some other load and so on and so forth.
23 Traditionally --

24 **Q But does that -- in and of itself, does**
25 **that favor residential customers?**

1 A Yes, it does.

2 **Q Why?**

3 A Okay. Because when you allocate fixed
4 cost on energy, residential customers get much
5 lesser share of the cost than if you allocate fixed
6 costs on demand, which is the traditional way to
7 allocate fixed costs.

8 **Q So is that, from your perspective, the**
9 **fundamental difference between the two approaches?**

10 A That -- that is the fundamental approach
11 -- fundamental difference in the approach.

12 **Q Between the two. And that's why using one**
13 **has -- has a positive effect for industrial whereas**
14 **using the other has a positive effect for**
15 **residential?**

16 A Compared to the other alternative, yes.
17 That's -- that's correct.

18 **Q That's -- that's helpful.**

19 A One other thing, if I could.

20 **Q Sure.**

21 A The other part of that is to allocate the
22 fuel costs from the different kinds of plants in a
23 way that is consistent with allocation of
24 generation capital costs.

25 What has happened in this case, and I've

1 shown this in my rebuttal, Exhibit MEBCOSR2, when
2 you actually take -- take the fuel costs that Staff
3 allocated to each customer per kilowatt hour, it's
4 actually less for the residential class than the
5 average and less for then for the large power
6 service class. And that's just the opposite of
7 what -- what you would expect.

8 **Q That's not a function of a particular**
9 **methodology, is it?**

10 A It's a function of either the methodology
11 or its execution.

12 **Q Right.**

13 A And in theory, it shouldn't be that way.
14 And it typically isn't. But in this case, for some
15 -- for some reason, they have this anomalous
16 condition. And it shouldn't. It shouldn't be that
17 way. But it is, and it's very disturbing.

18 CHAIRMAN HALL: Thank you.

19 JUDGE PRIDGIN: Any further Bench
20 questions?

21 COMMISSIONER STOLL: No, thank you.

22 COMMISSIONER KENNEY: I have no questions.

23 JUDGE PRIDGIN: All right. Cross based on
24 Bench questions? Mr. Woodsmall?

25 MR. WOODSMALL: No questions.

1 JUDGE PRIDGIN: Staff, Ms. Payne?

2 MS. PAYNE: No questions.

3 JUDGE PRIDGIN: Department of Energy?

4 Does anyone have any recross based on Bench
5 questions? That will speed things up. All right.
6 Redirect?

7 MR. DOWNING: Thank you, Judge.

8 REDIRECT EXAMINATION

9 BY MR. DOWNEY:

10 Q I'm going to just work backwards. You
11 indicated in response to questions from the
12 Chairman that you found it -- it odd that the fuel
13 costs were below average for the residential at the
14 same time the plant costs were below average for
15 the residential class. Would you explain that?

16 A Well, in -- in the theory, as I understand
17 it, of the BIP method, fuel costs are the base,
18 intermediate and peakers. And that's true in
19 practice.

20 So when there's an allocation that
21 something other than portfolio approach of
22 allocating a share of everything to everyone, that
23 -- we know that the high load factor customers wind
24 up with more fixed costs and the low load factor
25 customers wind up with less fixed costs and are

1 under an obligation.

2 But trade-off symmetry of that is that the
3 fuel costs of the base load plants that high load
4 customers get more of should produce a below
5 average fuel cost for that class.

6 But it doesn't. It produces a below
7 average fuel cost for residential when it
8 shouldn't.

9 **Q Okay. Are the base load plants more**
10 **expensive, typically, than the peaking plants?**

11 A On a capital cost basis, they are. If you
12 look at how they're run and look at -- and look at
13 their capacity factor and calculate cost for
14 kilowatt hour, the base load plants are generally
15 less expensive.

16 **Q Okay. The -- the energy cost for a base**
17 **load plant, is that higher or lower than the cost**
18 **for a peaker?**

19 A Lower.

20 **Q So if more of the cost of the base load**
21 **plant is attributable to the high load customers**
22 **then should be, then wouldn't you expect the high**
23 **load factor customers to have more than lower**
24 **energy attributed to them?**

25 A I would.

1 Q And that's the point you were making?

2 A That's exactly.

3 Q You indicated in response to a question
4 from the Chairman that one of the problems you had
5 with the results of the Staff BIP study was that it
6 seemed to allocate case base load plant based on
7 energy, not based on demand. Do you recall that?

8 A Yes.

9 Q I've talked a lot about this Table 1 in
10 your rebuttal testimony. It's on page 13.

11 A Okay.

12 Q Does this table highlight what you were
13 telling the Chairman?

14 A It does. The -- the first two columns
15 show the capacity clause for base load plant that
16 are a component of Staff's overall production
17 allocation factors and the percentage of each to
18 the total.

19 And then Columns 3 and 4 show the same
20 information based on the energy produced to serve
21 each class. And the two sets of percentages are
22 identical.

23 Q Okay. While Staff says that it's engaged
24 in all this highly technical analysis, had it just
25 taken energy usage from the classes for the base

1 **loads plants and allocated based on energy usage,**
2 **it would have obtained exactly the same result; is**
3 **that --**

4 A Right.

5 **Q And this was in your rebuttal testimony.**
6 **Did you see any discussion in Staff's surrebuttal**
7 **of this table?**

8 A No, I did not.

9 **Q Now, Mr. Woodsmall asked you about Robin**
10 **Kliethermes' testimony, her surrebuttal on page 6.**
11 **Do you recall that?**

12 A Yes.

13 MR. DOWNEY: Judge, may I approach?

14 JUDGE PRIDGIN: You may. Mr. Downey, I
15 get one more copy, by chance?

16 MR. DOWNING: Sure.

17 JUDGE PRIDGIN: Thank you.

18 MR. DOWNEY: Sorry about that. I think
19 we're up to 857, Judge.

20 JUDGE PRIDGIN: That's correct,
21 Mr. Downey.

22 (MIEC Exhibit 857 was marked for
23 identification.)

24 **Q (BY Mr. Downey) So, Mr. Brubaker, would**
25 **you mark that 857? Referring to Exhibit 857, which**

1 I've just handed you, do you know who prepared
2 this?

3 A It was prepared jointly by one of my
4 analysts and me.

5 Q All right. And does this exhibit
6 illustrate the problems you have with the Staff's
7 corrections, if you will, of its original mistake
8 in its study?

9 A Yes.

10 Q And did you provide a copy of this to
11 Staff?

12 A I did.

13 Q When?

14 A Yesterday, about mid-day.

15 Q And I will note Staff did not
16 cross-examine you on this?

17 MS. PAYNE: I will object to that because
18 I -- this is the first I've seen of this.

19 Q (By Mr. Downey) To whom did you give the
20 copy yesterday?

21 A To Robin Kliethermes.

22 Q Okay.

23 MS. PAYNE: And --

24 Q (By Mr. Downey) Would you explain this
25 exhibit?

1 A Sure. The right column is -- is what
2 Staff did in its cost of service.

3 MS. PAYNE: I'm sorry. Are we going to
4 offer this, or are we going to explain it? I'm a
5 little confused about the order of things here.

6 MR. DOWNEY: Well, I could offer it and then
7 there would be an objection that there's a lack of
8 foundation. But I'll offer it now.

9 JUDGE PRIDGIN: All right. 857 is
10 offered. Any objection? 857 is admitted.

11 (MIEC Exhibit 857 was offered and admitted
12 into evidence.)

13 **Q (By Mr. Downey) All right. Would you**
14 **please explain Exhibit 857?**

15 A Yes. The right-hand column that's labeled
16 Staff is a summary of the kilowatt demands that are
17 associated with Staff's rebuttal cost of service
18 study.

19 But the far left column under KCP&L cost
20 of service data is Kansas City Power & Light
21 Company's summary of kilowatts of demand by voltage
22 level corresponding to the Staff's.

23 And the center column, it says, Billing
24 determinant data. It is information obtained from
25 the LPS scheduled billing determinants by voltage

1 level, and the rates -- and the billing
2 determinants are maintained by voltage level, which
3 I added to the analysis to -- to demonstrator which
4 actually it turned out to demonstrate that the
5 numbers that company KCP&L was using in its study
6 were consistent with what we know separately and
7 independently from the billing data as compared to
8 the assumption Staff used in the right-hand column
9 that every -- at every voltage level, the average
10 customer had 4,951 kilowatts.

11 And that's about the middle section. The
12 section says, Demand per customer by voltage level
13 of service. I'm going to start at the bottom
14 there.

15 The transmission customers have an average
16 demand of about 9,433 kilowatts. And that's very
17 similar to what we see from the billing demand data
18 customers actually pay for.

19 **Q Would -- would you explain where you're**
20 **finding these numbers on the exhibit?**

21 A The section --

22 MS. PAYNE: Your Honor, I object. The
23 document speaks for itself. They prepared it as an
24 exhibit. He doesn't need to read it to us.

25 MR. DOWNEY: Well, I think it's pretty

1 technical and complicated and an explanation is in
2 order.

3 JUDGE PRIDGIN: I'll overrule.

4 A These are under the section that has the
5 left margin designation Demand Per Customer by
6 voltage level of service.

7 So the left-hand column, KCP&L Cost of
8 Service data is KCP&L's information about the loads
9 of customers at various voltage leaves.

10 The center column is Billing Data. It's
11 very close to that and supports the reasonableness
12 of the company's demand data in the left-most
13 column.

14 And KCP&L -- I use KCP&L's data. So when
15 I say KCP&L's data, it's also my data as I found it
16 to be -- to be reasonable and confirmable by
17 looking at the actual billing -- billings to
18 customers by voltage levels, and it's clear that
19 4,951 is not a good estimate for demand for each
20 voltage level.

21 And so what happens if I drop down to the
22 next section that says, Distribution demand at each
23 voltage level, if I look -- go to the bottom of
24 that section where it says Transmission under the
25 company data, 317,447 KW. Company is three -- I'm

1 sorry. Or Staff is 336,690. Slightly different
2 because of different customer accounts, but
3 overall, very similar.

4 And then if I go upwards, which I should
5 have put this in the other direction. But if I go
6 to the substation level, I take out the
7 transmission customers. And KCP&L takes out 42,000
8 -- takes it out to 42,000 KW. And that brings us
9 down to 270 megawatts to allocate substation costs.

10 Staff only -- only takes out 15. So
11 that's 312,000 kilowatts that are used to allocate
12 substation costs.

13 And then it continues, you know, further
14 down, that the primary level is a difference of
15 76,000 KW and -- and what the Staff did. And
16 residually, at the secondary level, there's a
17 difference of 62,000 kilowatt.

18 So -- so at all levels, my analysis of the
19 Staff's adjustments to distribution level
20 allocators says that they didn't take enough out to
21 recognize the higher voltage customers would have
22 above average KW demands and not average KW
23 demands. And that resulted in the roughly
24 \$25 million of over-stated in net plant and roughly
25 \$4 million over statement in revenue requirement

1 that I spoke of earlier.

2 Q Thank you. And when did you provide a
3 copy of this document to Robin Kliethermes?

4 A Around mid-day yesterday.

5 Q All right. And did you have a
6 conversation with her?

7 A Briefly.

8 Q And did you hear her testify yesterday?

9 A I did.

10 Q And did you hear me ask her questions
11 about your concerns with this calculation?

12 A Yes.

13 Q And do you recall her answer?

14 A In general. Not specifically.

15 Q But was it something to the effect that
16 you just didn't like the result, not that there was
17 any kind of problem with calculating the result?

18 MS. PAYNE: I object. I think that's a
19 mischaracterization of what my witness said.

20 Q (By Mr. Downey) Okay. Tell us what your
21 recollection is, Mr. Brubaker.

22 A My recollection is she said that she was
23 -- she was aware that I had concerns and she just
24 thought it was because I hadn't -- she hadn't moved
25 all the way to my method.

1 MR. DOWNEY: Your Honor, I have no further
2 questions. I would offer Exhibit 857. Wait. I
3 already did.

4 JUDGE PRIDGIN: I show it as offered and
5 admitted. All right. Thank you. All right.
6 Mr. Brubaker, thank you very much. You may step
7 down.

8 MR. BRUBAKER: Thank you.

9 JUDGE PRIDGIN: And I believe our next and
10 it would be final witness on rate design would be
11 Mr. Hyman from Division of Energy. And then
12 depending on the length of his cross-examination,
13 we'll likely break for lunch ,but we'll see how
14 long cross takes. We -- we may break in the
15 middle, and we'll see how long this takes.

16 And then let me clarify with Counsel. I
17 understood we wanted to switch out revenues and
18 clean charge networks so that clean charge would go
19 after the Mr. Hyman's cross-examination.

20 MR. STEINER: That's my -- my
21 understanding, Judge.

22 MR. OPITZ: Judge, I think I can make that
23 work as long as we begin the clean charge after
24 lunch.

25 JUDGE PRIDGIN: Okay.

1 MR. OPITZ: That's fine. I don't see that
2 being a problem.

3 JUDGE PRIDGIN: All right. Anything else
4 before Mr. Hyman takes the stand?

5 MR. ANTAL: Judge, as a preliminary
6 matter, I'd just point out that Mr. Hyman's
7 testimony has already been offered and entered into
8 the record on the first day of the hearing.

9 JUDGE PRIDGIN: So you will have no direct
10 for him; is that correct?

11 MR. ANTAL: That is correct.

12 JUDGE PRIDGIN: Very good. Thank you.
13 Correct me if I'm wrong, but if his testimony has
14 already been offered, I assume he's already been
15 sworn?

16 MR. ANTAL: He has.

17 JUDGE PRIDGIN: So, Mr. Hyman, I won't
18 have to swear you in again. You are still under
19 oath. Anything further before we proceed to cross?

20 MR. HYMAN: I'm ready.

21 JUDGE PRIDGIN: Very good.
22 Cross-examination for Mr. Hyman, Staff?

23 MS. PAYNE: Thank you.

24 CROSS-EXAMINATION

25 BY MS. PAYNE:

1 **Q Good morning, Mr. Hyman.**

2 A Good morning.

3 **Q Can I ask you, when you developed your**
4 **recommendation, what billing units did you use?**

5 A The billing units that I used were the
6 ones that were direct filed by Ms. Miller. That's
7 not to say that those are the billing units that I
8 endorsed or that I don't endorse those units.
9 Those are simply the billing units that I had on
10 hand and that I could use.

11 **Q And just to clarify Ms. Miller is the**
12 **witness for the company, correct?**

13 A Yes.

14 **Q Okay. And Staff has different billing**
15 **units in its study. Do you agree with that?**

16 A Yeah.

17 **Q Okay. And the -- the end result of this**
18 **case will ultimately produce different billing**
19 **determinants. Do you agree with that?**

20 A Yes.

21 **Q And those will impact -- the decisions**
22 **that were made won't change what's being proposed**
23 **right now, correct?**

24 A Yes. I -- clearly provided in my direct
25 continual that this was just an example of how the

1 rate design would work. So I wanted to provide
2 something.

3 **Q Okay. Thank you. Do you know if KCP&L's**
4 **customers' bill currently provides the rate and**
5 **usage per block?**

6 A My understanding, based on testimony
7 today, is that it does not.

8 **Q Okay. Do you know if KCP&L's notice to**
9 **its customers about this rate case has discussed**
10 **any changes to the rate design?**

11 A It did not, given that the company was not
12 proposing anything.

13 **Q Okay. And do you know if the company**
14 **conducted any type of public information session or**
15 **anything to its customer in its territory that --**
16 **regarding the changes, or -- or did DE, for that**
17 **matter?**

18 A Not explicitly. There were local public
19 hearings in general. And I can't remember if it's
20 the Ameren or the KCP&L hearings. But I do know
21 there were some customers who made comments about
22 keeping the customer charge low and rewarding
23 customers who saved energy through rate design.

24 **Q Okay. But, to your knowledge, you don't**
25 **know that that was -- that any -- that the KCP&L**

1 customers ever received any information regarding
2 that?

3 A Given that the company did not propose
4 this rate design, I would assume that they did not.

5 Q Okay. Should the Commission decide to
6 adopt your proposed rate design -- currently, rates
7 are proposed to take effect in June. So when, in
8 your opinion, will be the first time that the
9 average residential customer would see the changes
10 to the rate design?

11 A Absent a notice from the Commission,
12 that's an idea that I like, they would first notice
13 it in June. Although given the lack of information
14 on the bill, it might be a little less transparent,
15 and they might have to go online to notice what the
16 bill changes were. So I'm fully supportive of the
17 idea of some sort of notification to customers.

18 Q Okay. Thank you. Can you pull out your
19 direct testimony, page 24?

20 A Okay. Give me one second, please. Okay.

21 Q When you look at the average use, what is
22 the average use for the months of June through
23 December?

24 A Oh, page 24. Yes.

25 Q Page 24. Yes.

1 A I'm sorry. It varies. June, you -- I
2 think your low is in November for that year.
3 Non-weather normalized was about 589. Your high is
4 in August, which was -- which is consistent with
5 what Mr. Jester was saying, and that's at about
6 1284.

7 **Q Okay. Thank you. Now, presently, for**
8 **your -- presently, for summer, you would you agree**
9 **that all of the averages are above 600 kilowatt**
10 **hours; is that correct?**

11 A That's true of a lot of them, but yes.

12 **Q Okay. Now, for your summer inclining**
13 **block --**

14 A Oh, if I may caveat that, actually. There
15 is this some KCP&L's bills based on partial months
16 if somebody's bill crosses between the two revenue
17 seasons.

18 So, for example, if you get your bill on
19 June -- let's see -- 30th, you would get about half
20 your bill for the summer season and half for the
21 winter season.

22 **Q Okay.**

23 A So, basically, it's not quite as clear-cut
24 as it says here. But just looking at, say, a
25 revenue month, yes.

1 **Q** Okay. Presently, in your proposal for
2 your first block, you propose the -- you propose
3 600 kilowatt hours, and then the second block would
4 be over 600 kilowatt hours; is that correct?

5 A That's right.

6 **Q** Okay. So, in your opinion, if these rates
7 are scheduled to take effect in early summer, would
8 customers have an opportunity to adjust to that
9 change?

10 A Let's see. You said June.

11 **Q** The effective date of rates currently is
12 June, yes.

13 A I think absent the customer notice, it
14 would be more difficult. But like I said, I
15 support customer notice on this.

16 **Q** In reference to what Dr. Marke said
17 earlier, do you think that customers will
18 understand from the notice, or do you think it's
19 that first bill?

20 A I am not in the mind of a residential
21 customer of KCP&L, so I can't tell you what they're
22 going to think about that notice.

23 **Q** Okay. If the Commission does decide to
24 approve inclining -- summer inclining rates and the
25 non-summer flat rates, would you oppose keeping the

1 -- the possibility of keeping the first two blocks
2 at their current rate and add the increase only to
3 the tail block?

4 A There are a lot of ways to do this. And,
5 I mean, the way I presented it was based on looking
6 at its revenue neutral because, you know, we don't
7 know what the final increase is going to be, so I
8 didn't want to put myself out there saying it was
9 one percentage increase or another.

10 But I recognize that that is a potential
11 forward if you wanted to re-allocate the increase
12 to specific blocks.

13 Q Okay. So a modest increase to the tail
14 block would not necessarily be opposed in your --

15 A Ultimately we'll have to look at it and
16 see what the bill impacts are. But I think I'm
17 open to the suggestion.

18 MS. PAYNE: I have nothing further. Thank
19 you.

20 MR. HYMAN: Thank you.

21 JUDGE PRIDGIN: Ms. Payne, thank you.

22 Cross from OPC?

23 MR. OPITZ: No, thank you, Judge.

24 JUDGE PRIDGIN: MIEC?

25 MR. DOWNEY: No, thank you.

1 JUDGE PRIDGIN: MECG?
2 MR. WOODSMALL: No questions.
3 JUDGE PRIDGIN: U.S. Department of Energy?
4 Sierra Club?
5 MR. HALSO: No questions.
6 JUDGE PRIDGIN: Renew Missouri?
7 MR. LINHARES: No questions.
8 JUDGE PRIDGIN: Any other cross? KCP&L?
9 MR. FISCHER: Yeah. I have a few, Judge.
10 Thank You.
11 JUDGE PRIDGIN: Anybody else besides
12 KCP&L? All right. Mr. Fischer, when you're ready.
13 MR. FISCHER: Thank you.
14 CROSS-EXAMINATION
15 BY MR. FISCHER:
16 Q Good morning, Mr. Hyman.
17 A Good morning sir.
18 Q I think I'd like to go directly to your
19 proposal to try to shorten things a little bit.
20 Let's go to page 19.
21 A Okay. Of my direct, I assume?
22 Q Then on line 4, you stated, As a step
23 towards rates that set approved price signals for
24 efficiency, DE recommends the Commission -- or the
25 company move toward the adoption of volumetric

1 rates for residential general use customers during
2 the winter and the company implemented inclining
3 block rates for residential general use customers
4 during the summer; that is right?

5 A Yes.

6 Q And I believe that that proposal was
7 actually quantified to some extent on page 20; is
8 that right?

9 A Yes. An example of how one could do that.

10 Q This proposal would introduce an inverted
11 rate structure for the summer?

12 A Yes. A very small one.

13 Q And flatten the rate structure in the
14 winter by increasing the third block by a greater
15 percentage in the first?

16 A Right. It would decrease the first block
17 slightly in winter and raise the third. But that's
18 on a revenue neutral basis. So once you threw in
19 any sort of increase, you wouldn't necessarily have
20 an absolute decrease on the first block.

21 Q But on a revenue neutral basis, you're
22 actually declining -- you're reducing by six --
23 6.05 percent the summer first block?

24 A Yes. The new summer first block.

25 Q And then the first block in the winter

1 would be reduced by slightly less than a percent?

2 A Yes.

3 Q Okay. And as I understand it, your
4 proposal to do inverted rate structure would apply
5 only to the residential general use. You're not
6 suggesting that it would be applied to residential
7 space heating; is that right?

8 A Yes. We were very careful to make sure
9 that this was a modest proposal and that we weren't
10 going to affect too many customers who might be
11 adversely affected.

12 Q Do you have a concern by having inverted
13 rate structures on these electric space heating
14 that it could significantly impact customers?

15 A I think there is the potential for that,
16 certainly. It's going to depend on how customers
17 ultimately respond to these price signals. But
18 given that we're not proposing it for the space
19 heating specific rate, I think that that danger is
20 lessened.

21 Q On page 21 at line 8, you testify, I
22 allocated usage for the first block based on the
23 product of the number of summer bills in test year
24 and usage at 600 kilowatt hours. Kilowatt hour
25 billing units were allocated to the second block or

1 including block rate design with a maximum single
2 month bill impact of 75 at the 95th percentile. Is
3 that what you did?

4 A Inclining on line 10 rather than
5 including, but yes.

6 Q Oh, inclining. I'm sorry. Well, is it
7 correct that you attempted to design the rate
8 structure so that 95 percent of the customers would
9 receive a monthly bill of 5 percent or less or
10 increase of the monthly bill of 5 percent or less?
11 Is that what that 95th percentile means?

12 A For the summer, yes.

13 Q Okay. On 20 -- page 24 of your direct,
14 you include a -- a bill frequency analysis for
15 residential general use customers; is that right?

16 A Yes.

17 Q And if I understand this table, it shows
18 the average, the maximum and the 95th percentile
19 usage levels?

20 A Yeah. Along with a minimum count sample
21 size, yes. Yes. Basic statistics.

22 Q Okay. If we look at the August line, it
23 indicates there that the average in August is 1284
24 kilowatt hours; is that right?

25 A Yes. Just that.

1 **Q** And would the 95th percent number there,
2 **2523 suggest that 95 percent of the customers have**
3 **2523 or less per month? Is that what that shows?**

4 A I'm --

5 **Q** **Explain to me what that means.**

6 A Okay. The 95th percentile in the context
7 of usage, there are two different ways this is
8 used. In the context of usage, it means that 95
9 percent of customers have used at that level or
10 less, so 2523.

11 The difference with the bill impact is
12 looking at the actual dollar numbers. So the 95th
13 percentile wouldn't necessarily correspond to the
14 person who has 2523 kilowatt hours. They would
15 correspond to 95 percent of customers having a bill
16 of X.

17 **Q** Okay. Well, if we go to the maximum there
18 **for August, it's 12,614, correct?**

19 A Yeah. Impressively.

20 **Q** **So you'd agree that that's a fairly**
21 **substantial difference between the average load or**
22 **the 95th percentile, right?**

23 A Well, yes. And that's why we looked at
24 the 95th percentile because we recognize in any
25 sample, there are going to be some extreme values.

1 And one has looked at a way to look for those
2 extreme values.

3 **Q You'd want to look at the customer impact**
4 **on even the extreme values, wouldn't you?**

5 A Oh, absolutely. And i think I have that
6 in -- let's see. It's --

7 **Q That's okay. I just think that's**
8 **important to look at at some point, right?**

9 A Yeah. Page 29, line 1.

10 **Q Okay. There's a -- how many residential**
11 **customers were in your -- were in your sample?**

12 A Slightly different by month, but the
13 minimum was 794. And that's .4 percent of the
14 class -- of the sub -- sub class, if you will, that
15 includes the one 1RS-1A, which is what these rates
16 come from.

17 And if you look at that statistically, the
18 question of small sample size isn't the percentage.
19 of the total population, but whether or not the
20 sample allows you to make certain statistical
21 inferences.

22 And at the 95th percentile level,
23 basically, you could make some pretty good
24 statistical inferences with about a plus or minus
25 30 kilowatt hour standard error.

1 **Q** Well, so just to add -- to ask, is your --
2 **your sample .4 -- or four-tenths of 1 percent of**
3 **the -- of the residential customers?**

4 A Not all residential customers. Of the
5 specific group of classes from which the sample is
6 drawn because there's other uses. There's the
7 separately metered space heat.

8 And what this comes from, it's not fully
9 broke out in the company's minimum filing
10 requirements. But this comes from the 1RS-1A
11 general use class, which, in turn, has, along with
12 a few other classes, 195,853 customers in it.

13 **Q** And was that a random sample?

14 A It's as random as the company was able to
15 give me.

16 **Q** It -- it wasn't a representative sample?

17 A Well, if it's random, it is
18 representative. That's how statistics works.

19 **Q** Did you weather normalize your sample?

20 A I did not. And I can see arguments for
21 that. But at the same time, I think if you don't
22 weather normalize it and the company wasn't able to
23 give me weather normalized data even though we
24 asked for it twice -- once or twice, I think the
25 benefit is that you see what it is compared to

1 actual use.

2 **Q On page 22 of your direct at line 8, you**
3 **discuss the concept of price elasticity of demand?**

4 A Yes.

5 **Q Would you explain what -- to the**
6 **Commission what is meant by price elasticity of**
7 **demand?**

8 A So price elasticity of demand is an
9 economic concept that basically just refers to how
10 much do people -- does people use change compared
11 to a change in price of the actual good or service
12 you're looking at.

13 There are various other kinds of
14 elasticities, such as cross price elasticities.
15 For example, if you change the price of natural
16 gas, people's electric usage changes.

17 There's income elasticity, which is
18 something we've discussed a little bit at this
19 hearing. But that's the basic concept.

20 **Q On line 9 there, you say, Estimates of the**
21 **price elasticity of demand for electricity vary and**
22 **can also differ over different time frames; is that**
23 **right?**

24 A Yes.

25 **Q Do you agree that price elasticity demand**

1 **for electricity will also vary from company to**
2 **company an region to region?**

3 A To an extent, yeah, I think that's
4 possible.

5 **Q For example, the price elasticity in**
6 **California would be different than here in**
7 **Missouri?**

8 A That would be my expectation.

9 **Q So you can't take the price elasticity of**
10 **demand from one region and assume the price of**
11 **elasticity would be the same or similar in another**
12 **region; is that true?**

13 A You couldn't assume that it would be
14 exactly the same, but you can get some rough
15 estimates as Mr. Jester provided in his testimony.

16 **Q Did you use any price elasticity estimate**
17 **in the development of your rate design in this**
18 **case?**

19 A No. That was a misconception I was hoping
20 to get to clear up on the stand is that I did not
21 adjust the rates further based on any sort of
22 elasticity. I was simply providing the elasticity
23 in my testimony as example of what one could look
24 at if one were to adjust the rates based on
25 elasticity.

1 **Q Did you use the price elasticity estimates**
2 **contained in the Brattle study that you referenced**
3 **on page 22 of your direct?**

4 A Not for adjusting the rates. No. Again,
5 that was just sort of an example.

6 **Q How did you use those price elasticity**
7 **studies?**

8 A Mostly to show that they were out there
9 and that you could make the adjustments. I did
10 have some very rough calculations in my work books
11 and one of the tabs just to see what could the
12 results be. But I wasn't using those at all for
13 setting the rates.

14 **Q Is it your understanding that the price**
15 **elasticity studies you included -- or the estimates**
16 **you included came from California?**

17 A That's what I'm gathering. Although they
18 were used by the Brattle Group for Ameren Missouri.
19 So Brattle apparently thought they were fairly
20 applicable to a Missouri context.

21 **Q And the Brattle study, that was used for a**
22 **potential study. It wasn't used for rate-making;**
23 **is that true?**

24 A True. But the caveat is that potential
25 studies do look at rate-making. At least they're

1 supposed to under the Commission's 22 IRPs.

2 Q Okay. But they were not used in a
3 rate-making context?

4 A Not in a rate-making context. No.

5 Q On page 22 at line 13 --

6 A Okay. Yes.

7 Q You state, The company would need to use
8 reasonable estimates of the price elasticity and
9 demand for residential customers to adjust the
10 residential general use rates such as they collect
11 revenues at a level of consumption reflecting
12 changes in demand; is that right?

13 A I corrected that on the stand to say usage
14 at the end. But otherwise, yes.

15 Q So are you saying there that if you used
16 -- if you change the rate structure, it would be
17 appropriate to look at the price of impacts or
18 price elasticity so that they do collect the
19 revenues that would produce the appropriate revenue
20 requirement?

21 A In principle, yes. As Mr. Jester has
22 shown, we're not going to see huge volatility from
23 this. So it may not be as urgent as with a steeper
24 change to an inclining and flatter rates.

25 Q From a theoretical respective or

1 **conceptual level, that would be appropriate is what**
2 **you're saying, right?**

3 A Sure. And I don't think it would be too
4 different than what you do with weather
5 normalization on some level. Again, there you're
6 accounting for changes in use based on an
7 expectation of historical use trends. It's -- it's
8 the same concept on some level.

9 Q **So just to be clear, the proposal that you**
10 **put in front of the Commission in this case does**
11 **not have any type of adjustment for price**
12 **elasticity?**

13 A No. And that's why I put in my testimony
14 that we're open to suggestions on that.

15 Q **Would you agree that if the Commission**
16 **moved to a full inclining block rate structure in**
17 **the summer and winter months in the future that the**
18 **impacts on customers could likely be quite a bit**
19 **greater than what the proposal is that's on the**
20 **table here?**

21 A Well, I'll caveat that, you know, we have
22 to see the specific numbers to make a definitive
23 statement.

24 My expectation would be that moving from
25 declining in the winter to fully inclining in one

1 step would be severe and drastic. And that's why
2 we're proposing such a small movement towards
3 flattening and why we're -- in the winter and why
4 we're only proposing a modest change in the summer.

5 **Q Your answer is yes?**

6 A Long story short.

7 **Q Yes?**

8 A Yes.

9 **Q Do you believe that such an increase could**
10 **affect the company's ability to market space**
11 **heating to its electric customers?**

12 A Well, I guess I'm a little confused by the
13 idea of marketing space heating, because there is
14 the -- I guess I'm not sure if you could do that
15 under the Promotion of Practices rules. But that
16 said -- Chapter 14.

17 That said, you could have some effects.
18 But the -- again, people don't just use heat in the
19 winter. They're able to change some of their other
20 uses. And I mean the classic example is the LED
21 light bulb. So you could still potentially market
22 heating subject to other legal considerations.

23 **Q Well, I'm just suggesting if you**
24 **substantially raise the price for the winter**
25 **months, wouldn't that likely affect the market's**

1 **willingness to adopt electric space heating?**

2 A If you substantially raised it. But I
3 don't believe that's what I'm doing here.

4 Q Well, I think my question was premised on
5 if we went to a fully inverted rate structure for
6 space heating in the winter.

7 A By inverted, do you mean inclining?

8 Q Inclining. Yes.

9 A If you went to fully inclining, yeah.
10 Again, there would probably be drastic impacts if
11 you did it in one step.

12 Q Throughout the hearing, I've been asking
13 witnesses about the fact that there are fixed
14 charges -- fixed costs associated with generation,
15 transmission and distribution in the electric --
16 for the electric company. Have you heard some of
17 those questions?

18 A I have.

19 Q Do you disagree at all that there are a
20 substantial amount of, in the short run, fixed
21 costs associated with generation, transmission
22 submission and distribution?

23 A In the short run, I don't disagree. I
24 think the proper view, which Mr. Jester has
25 articulated and which, in fact, you can find from

1 the Regulatory Assistance Project is that in the
2 long run, most costs are variable.

3 **Q And in the event that the company does**
4 **need to recover those fixed costs in the short run,**
5 **or from an accounting perspective, by -- by going**
6 **to an inverted rate structure, you're going to be**
7 **trying to recover those fixed costs more from the**
8 **tail block; is that right?**

9 A Potentially. It depends where you're
10 shifting the costs and where you allocate them
11 within the blocks. I think one of the big caveats
12 is that class cost of service studies, as I've seen
13 them, don't really speak to the block rate design.

14 For residential, they speak to the
15 customer charge, but they don't really have
16 anything to say about which block should get which
17 types of costs.

18 **Q Do you agree with Mr. -- with Dr. Marke's**
19 **statement that most residential ratepayers don't**
20 **really know what their rate structure, what their**
21 **blocks are?**

22 A If they're not on the bills, it's more
23 likely. But, again, I'm not a KCP&L customer, and
24 I don't know what they're all thinking. So I think
25 it's a little difficult to say yes or no.

1 **Q And if they don't, would changing the rate**
2 **blocks have much of an incentive on their usage?**

3 A I think the primary effect you'd get is,
4 for the high users, you would see just a simple
5 impact from a higher bill.

6 Certainly, if you were to add more
7 information to your bill about -- to the bills you
8 send customer about your rate blocks and if you
9 were to send a notice beforehand, you might expect
10 more of a response on top of that.

11 MR. FISCHER: Thank you very much,
12 Mr. Hyman. I appreciate your testimony.

13 MR. HYMAN: Thank you.

14 JUDGE PRIDGIN: Mr. Fischer, thank you.
15 Any Bench questions? Mr. Chairman?

16 CHAIRMAN HALL: I have a few.

17 CROSS-EXAMINATION

18 BY CHAIRMAN HALL:

19 **Q Good morning.**

20 A Good morning for five minutes.

21 **Q Yeah. Are you familiar with Colorado or**
22 **Illinois experience with the inclining block rates?**

23 A This is the first time I have heard of any
24 sort of push-back on those. I -- I -- it wasn't
25 raised in anybody's testimony, so this is kind of

1 new to me. I just quickly looked it up on my
2 phone, and I wasn't finding much.

3 **Q Okay. What is your reaction to -- to the**
4 **company's concern with volatility as it relates to**
5 **an inclining block rate structure?**

6 A I think there are a few different
7 responses I have. The first is that, as Mr. Jester
8 has quantified, it's not that big.

9 The second is that even if we do go with
10 Mr. Jester's number, that's something you'll
11 probably expect in the long-term as people have
12 time to react to these changes.

13 To the extent that there are concerns
14 about volatility, I think that's where an
15 elasticity adjustment could come in either now or
16 later.

17 So I think there are a lot of ways to look
18 at the elasticity question. And yet, one final one
19 is, in the long run, you may have some of revenues
20 balance out between seasons.

21 **Q Well, my understanding of the volatility**
22 **concern is -- is that one aspect of it is related**
23 **to elasticity. I'll ask some questions about that**
24 **in a moment.**

25 A Uh-huh.

1 **Q** But the other concern is by moving the
2 recovery of -- by moving the recovery of costs to
3 the -- under the third block, to the second or the
4 second block to the first, you make weather a much
5 larger factor in -- in the company's recovery of
6 its -- of its authorized return. And so do you
7 understand that concern?

8 A I -- I see why one might have that
9 concern. I guess my -- my caution would be that in
10 the long run, one is building these short run fixed
11 assets to meet these changes in weather demand.

12 And to the extent that you place more of
13 the short run fixed costs in places where customers
14 really can't avoid them, you're kind of locking in
15 your fixed cost investment.

16 I think this gets to the heart of MEEA on
17 some level. The heart of MEEA is that we're trying
18 to reduce some of these fixed cost investments.

19 And by incenting energy efficiency and by
20 incenting demand response, you are helping to avoid
21 these long run costs. You can't just decide at the
22 last minute when someone's about to build a natural
23 gas plant, no, wait, we want to encourage
24 efficiency.

25 **Q** Okay. So I think what you said is yes,

1 **there may be some short-term volatility related to**
2 **that, but the long-term is exactly what we're**
3 **trying to address with -- with inclining block**
4 **rates; is that correct?**

5 A Yes. It is long-term view of cost of
6 service.

7 Q So you -- you indicate willingness to --
8 you expressed support for some type of elasticity
9 analysis being employed to -- to set rates if we
10 were to move to an inclining -- an inclining block
11 rate structure; is that right?

12 A If we have enough concern about revenue
13 volatility, yeah. I think that's something, yeah,
14 we could look at.

15 Q What does that mean, we could look at?

16 A You could look at some of the other
17 studies that have been done nationally and see what
18 reasonable value might be for a climate such as
19 Missouri and make the adjustments a priori.

20 You could also do the longer term view,
21 which I've heard discussed today, which is to look
22 at some of the data as it comes in on changes and
23 customer use.

24 And you -- you threw out of the idea of a
25 tracker, I think, yesterday. I think that's

1 certainly one interesting consideration. We had
2 talked a little bit about it. We were hesitant to
3 go there at the -- you know, at this point. But I
4 think that's something that's a consideration of
5 how you could work in any elasticity adjustment
6 over time.

7 I'm not saying that's what we're
8 supporting right now hard and fast. But I think
9 it's an interesting possibility.

10 **Q How would you structure that tracker?**

11 A It would basically be like -- in terms of
12 the calculation? I'm sorry.

13 **Q Sure.**

14 A I mean, in terms of how it's charged to
15 customers, it would be like any other tracker. You
16 collect to -- if you collect more than you thought
17 you were going to collect, you pay more. You
18 collect less, you give a --

19 **Q How you calculate it? I assume what you'd**
20 **have to do is figure out what kind of revenue would**
21 **come in under the existing rate structure, see what**
22 **revenues come in under this new rate structure and**
23 **-- and net those out?**

24 A Yeah. That's -- that's the basic idea.
25 You would -- you could you even make -- try to

1 predict an elasticity adjustment beforehand if you
2 wanted.

3 But, you know, the simpler way to do it
4 would be just to see what you get instead of what
5 you would have gotten in the alternative.

6 **Q But your view is that because the -- the**
7 **change -- at least the change that you're proposing**
8 **is so gradual that the -- the volatility would be**
9 **relatively small and that it might not even be**
10 **necessary to do an elasticity analysis?**

11 A Yeah. I actually used Mr. Jester's .1
12 percent number and just went back and looked at the
13 minimum filing requirements.

14 So before a rate increase for this set of
15 classes that's included in this proposal, the
16 overall revenue would be 238 million, roughly.

17 So .1 percent of that, you're talking
18 \$238,000 just about, which is not that much in the
19 grand scheme of things. You divide that by over
20 195,000 customers at twelve months, you're getting
21 a 10 cent change. So that's not much at all.

22 **Q Do you agree with Dr. Marke that the real**
23 **cost signal is the total bill, not -- not the**
24 **particular block structure?**

25 A Partially.

1 **Q And I'm maybe not doing justice to**
2 **Dr. Marke.**

3 A It's -- it's all right. I'm sure he can
4 talk to me about it later. I think it's partially
5 right. I think that there are several different
6 view of how customers respond.

7 There's the view that they do respond to
8 the total bill. There's the view that they respond
9 to the average price, which is customer charge plus
10 their energy charges divided by their use. There's
11 the view that they respond to the blocks on the
12 margins.

13 From an economic perspective, one might
14 assume that they respond on the margins. But I
15 think reasonable minds can differ as to what the
16 actual mechanism is, if you will, that customers
17 use to rationalize this.

18 **Q Now, you -- you propose going to a two**
19 **block structure for the summer; is that correct?**

20 A For sake of simplicity, yes.

21 **Q Do you -- do you think that there -- that**
22 **it - if we were to go to an inclining block rate**
23 **structure that it might not make sense to go ahead**
24 **and go to the same three block structure that's in**
25 **place for the -- for the winter?**

1 A I don't know. It certainly requires a lot
2 more dissection of their billing units, if you
3 will, to figure that out. And certainly --

4 **Q I'm not saying you're wrong. I would**
5 **assume that it would require less because they**
6 **already have those blocks set for the winter, and**
7 **so -- so you'd be using the same blocks for the**
8 **summer.**

9 A I mean, in that sense, yes. But, I mean,
10 that's kind of what I did with setting the one
11 block. And I think part of the -- what you have to
12 look at is what other billing units by block. And,
13 I mean, you can do that regardless if you do it at
14 600 or 600 and a thousand.

15 But the other thing you have to think
16 about is customer understanding of the bills. And
17 I think if there's some concern that's been
18 expressed about whether customers would be
19 cognizant of these changes, I think the fewer
20 blocks you have, the easier it is for customers to
21 grab onto this.

22 **Q It seems to me customers would be less**
23 **confused if it was the same block year round as**
24 **opposed to changing the blocks four months of the**
25 **year, but that's just my sense.**

1 A I mean, certainly possible.

2 **Q Could you explain to me your view of the**
3 **cost causation rationale for planning block rates?**

4 A Uh-huh. So I alluded to this before in
5 the discussion of the long run costs. But,
6 basically, the long run view is that most utility
7 costs are variable.

8 And so, you know, from the customer
9 charge, that means that, basically, you're not
10 putting in all fixed costs. You're just putting in
11 the cost related to serving individual customer.
12 That means that the energy charges, you have a bit
13 more flexibility on what you could do.

14 There's testimony here that traditionally,
15 quote, unquote, does -- short run fixed costs have
16 been placed in the first. But there's not really a
17 cost causation reason that dictates that you have
18 to do that. It's more of a revenue recovery
19 question in terms of how much volatility we're
20 willing to accept.

21 In the long run as you put more of a
22 signal that greater use incurs greater investment,
23 that's where the value of this kind of rate design
24 comes in.

25 CHAIRMAN HALL: I have no further

1 questions. Thank you.

2 MR. HYMAN: Thank you.

3 JUDGE PRIDGIN: Thank you. Any further
4 Bench questions?

5 COMMISSIONER COLEMAN: No questions.

6 JUDGE PRIDGIN: Commissioner Coleman,
7 thank you. Okay. Any recross based on Bench
8 question? Ms. Payne?

9 MS. PAYNE: No questions.

10 JUDGE PRIDGIN: Thank you. Mr. Opitz?

11 MR. OPITZ: Briefly.

12 MR. HYMAN: Hello, sir.

13 RECCROSS EXAMINATION

14 BY MR. OPITZ:

15 **Q Mr. Hyman, you were discussing with the**
16 **Chairman a tracker?**

17 A Uh-huh.

18 **Q Are you aware of any utility that has**
19 **implemented a tracker for inclining block rates?**

20 A I personally am not aware of anything with
21 respect to inclining block rates. I think the
22 principle is relatively similar to what you would
23 do with any sort of adjustments that you make in
24 rate design.

25 I mean, the FAC is kind of an example.

1 It's a statutorily based example. But,
2 essentially, it's looking at difference in the
3 costs you incur.

4 Really, the only difference here is that
5 you're applying it to rate design in terms of the
6 differences in revenues you collect.

7 **Q You would agree that's a pretty big**
8 **difference comparing cost versus revenues are**
9 **forgone, though, or possibly not foregone?**

10 A Costs and revenues are intertwined. I
11 think to the extent that you base your rates on
12 cost causation, then the two can be viewed, to some
13 extent, in the same light. But one does have to be
14 careful.

15 **Q Would a -- when you're looking at a cost,**
16 **you can look at invoices. Do you agree with that?**

17 A Sure.

18 **Q You can look at a variety of things that**
19 **demonstrate what that actual cost was?**

20 A Sure.

21 **Q What can you look at for revenues that**
22 **aren't recovered to demonstrate that?**

23 A So I'll caveat first that I -- I don't
24 think this is what we are proposing in this case.
25 This is just an example of what could happen. That

1 said, I think what you could look at is a very
2 sample of what would Customer X have paid in a
3 normal weather under Rate A? What would they pay
4 under Rate Y?

5 It's not at all speculation. It's all --
6 it's just a simple matter of mathematics and taking
7 A minus -- well, B minus A in this case.

8 **Q So you're suggesting that a tracker would**
9 **only need to control for weather?**

10 A There are a lot of other things it could
11 control for. I -- again, this is just sort of an
12 idea we kicked around and that we're not at all
13 proposing in this case necessarily.

14 **Q Should a tracker take into account the**
15 **changes in the economy in the service area?**

16 A You could perhaps. Again, this was just
17 sort of a rough idea we had.

18 **Q Should a tracker take into account the**
19 **MEEA impact of energy efficiency program in that**
20 **area?**

21 A Oh, man. I was hoping to not get dragged
22 into the whole MEEA revenue issues. But I think
23 you could look at it.

24 But as Dr. Marke has said, you know, that
25 is matter of providing even better signals to the

1 MEEA programs.

2 **Q You're saying that a tracker is --**

3 A No, no, no. I mean, the IBR, flat rate
4 general.

5 **Q So you would agree that one of the**
6 **problems with a tracker is that there are a variety**
7 **of variables that would have to be accounted for**
8 **and controlled for?**

9 A Well, I don't think I testified that
10 in-depth on trackers. In fact, I don't know if we
11 mentioned the word tracker.

12 This is just something that I -- that was
13 discussed yesterday and today -- made just
14 yesterday that I was just trying to elaborate on as
15 a possibility.

16 MR. OPITZ: That's all the questions I
17 have. Thank you.

18 JUDGE PRIDGIN: Mr. Opitz, thank you.
19 Cross, MIEC?

20 MR. DOWNEY: No, thank you.

21 JUDGE PRIDGIN: MECG? U.S. Department of
22 Energy? Sierra Club? Renew Missouri?

23 MR. LINHARES: No, thank you.

24 JUDGE PRIDGIN: KCP&L?

25 MR. FISCHER: No, thank you, Judge.

1 JUDGE PRIDGIN: Redirect?

2 MR. ANTAL: Yes.

3 REDIRECT-EXAMINATION

4 BY MR. ANTAL:

5 Q Mr. Hyman, I'll start with some of the
6 questions you got from Staff Counsel.

7 A Sure.

8 Q So Counsel asked you what billing units
9 you used, and you said you used the company's?

10 A Yeah.

11 Q And would it have been reasonable for you
12 -- to use Staff's billing units and develop your
13 proposal for this case?

14 A Well, we filed about the same time as
15 Staff in direct, so I -- unless I had, you know,
16 early access, probably not.

17 Q Okay. Staff Counsel was also asking you
18 about the -- the potential bill impacts of -- of
19 your proposal. Did you specifically consider the
20 potential bill impacts on customers when developing
21 this particular proposal?

22 A Yeah. That's -- that's exactly how I
23 developed it on some level is I used Excel's for
24 function and, basically, just optimized for a
25 specific -- you know, a specific bill impact.

1 **Q** And you used a -- a -- a 5 percent bill
2 **impact at the 95th percentile for the summer,**
3 **correct?**

4 A Yes. And then for the winter, it was just
5 5 percent overall, you know, taking into account
6 space heating needs.

7 **Q** So you specifically used a 5 percent bill
8 **impact overall for the non-summer months to**
9 **accommodate for winter heating customers?**

10 A Yeah. I'm sorry. I should have said
11 non-summer months, I guess.

12 **Q** Staff Counsel also asked you about
13 **potentially putting a larger percentage of any**
14 **increase in this case on the current tail block.**
15 **Has Staff or any other party recommended or filed**
16 **testimony in this case supporting such a revenue**
17 **increase allocation?**

18 A No. I mean, there were a lot of
19 interesting ideas that have been brought up in
20 testimony and in hearing. But, ultimately, I -- I
21 think I'm the only one who put in something
22 quantitative on -- on, you know, what a rate design
23 could look like.

24 **Q** Okay. You were talking about price
25 **elasticity with Co-Counsel for KCP&L and the**

1 **Chairman and it was discussed earlier during**
2 **Mr. Jester's testimony that the only practical way**
3 **to get a Missouri specific elasticity would be to**
4 **actually change rates. Is that your understanding?**

5 A Yeah. I mean, you could also probably
6 look at some of the historical changes in rates to
7 try to figure out what these elasticities are in the
8 margins and on average.

9 But I think if you wanted to know what the
10 elasticity would be, you know, within this time
11 period and for these specific rates, yeah.

12 **Q Okay. And do you think it would be**
13 **reasonable for the company to calculate the**
14 **elasticity that they experience as a result of**
15 **these rates being implemented and provide that to**
16 **the Commission perhaps in their next rate case for**
17 **the Commission to consider?**

18 A I think that would make sense, if they do
19 want to look at this volatility issue that that
20 would be a suggestion that they could have.

21 **Q You also discussed with Counsel for KCP&L**
22 **the company's impact on marketing to -- marketing**
23 **space -- space heating customers?**

24 A Uh-huh.

25 **Q Is it your understanding that the company**

1 **has a separate -- a separate space heating rate?**

2 A Yes. My -- my caveat would be that there
3 are several rates that address space heating. And
4 it's entirely possible -- you know, you can't 100
5 percent say that everybody on the general use rate
6 uses gas for heating or propane.

7 But, generally, there is a bit of a
8 distinction between some of these space heating
9 customers and the non-space heating customers.
10 Not electric, I mean.

11 **Q Yeah. And is the Division of Energy**
12 **proposing that we move to -- that we make the rate**
13 **design adjustment to the space heating classes?**

14 A No. We're just limiting ourself to
15 general use, which I think is the 1RA1A in their
16 tariffs.

17 **Q So it wouldn't necessarily have an impact**
18 **on company's ability to market their space heating**
19 **requirements?**

20 A They could market it under their separate
21 rates. Yeah.

22 **Q And, in fact, DE's proposed rate design**
23 **may encourage customers using space heating under**
24 **the -- under the company's general use rate to**
25 **switch to their space heating specific rate?**

1 A It's possible. I think one of those rates
2 is frozen, so they wouldn't be able to switch.
3 But, yeah, it's possible you could have a little
4 bit of rate switching.

5 Traditionally, though, you don't think of
6 the residential class as being one where there's a
7 large amount of rate switching.

8 **Q Okay. You also discussed with Counsel for**
9 **KCP&L the number of customers and the sample size**
10 **that you used for your bill analysis, corrects?**

11 A Yes.

12 **Q Okay. Are you are you familiar with**
13 **statistical considerations related to sample size?**

14 A Oh, yeah. Yes.

15 **Q Did you have -- did you calculate the**
16 **confidence level and standard error based off the**
17 **sample size that you had to work with?**

18 A Oh, one doesn't necessarily calculate the
19 confident level, per se. That's more of a choice
20 in terms of the amount of error one is willing to
21 accept.

22 I did look at if you had the 95 percent
23 confidence level what kind of confidence interval,
24 margin of error standard, et cetera, you would
25 have.

1 Like I said, that's maybe about a plus or
2 minus 30 kilowatt hour range from my results. And
3 that works out to three or four hours on a 60 watt
4 equivalent LED light bulb, so, basically, nothing.

5 **Q Okay. And I believe my last line of**
6 **questions, Counsel for OPC was asking you about the**
7 **potential tracker -- or revenue tracker that the**
8 **Chairman was asking you about. Is the Division of**
9 **Energy proposing a revenue tracker as part of this**
10 **case?**

11 A No. Again, we are not proposing a tracker
12 as part of this case. I was simply discussing that
13 for informational purposes.

14 **Q Okay. Thank you very much.**

15 MR. ANTAL: No further questions.

16 JUDGE PRIDGIN: Mr. Antal, thank you.
17 Mr. Hyman, thank you very much. You may step down.
18 This looks to be a convenient time to break for
19 lunch.

20 And let me kind of give the parties and
21 the Bench a heads-up. I believe we're going to
22 move on to clean charge network witnesses after
23 lunch. Mr. Rush will be that first witness.

24 It would be my goal and my preference to
25 get through all the clean charge network witnesses

1 today, but we'll see how long it takes.

2 And then -- excuse me. My guess would be
3 that the witnesses for revenues and customer
4 experience will need to get pushed back to next
5 Tuesday just for scheduling purposes of -- and,
6 obviously, if the Bench or Counsel has any concerns
7 with that, please let me know. But that's kind of
8 how I envision the remainder of the hearing going.

9 MR. STEINER: No concerns, Judge. But if
10 we do move quickly, you'd be okay with taking all
11 of it if we're --

12 JUDGE PRIDGIN: I'm certainly fine with
13 that.

14 MR. STEINER: Okay.

15 JUDGE PRIDGIN: I -- I applaud your
16 optimism. Al right.

17 MS. PAYNE: Your Honor, before we break, I
18 had passed out Staff's propose Exhibit 239 earlier
19 and marked it.

20 And this is the tariff that we referenced
21 yesterday afternoon that Commissioner Kenney was
22 inquiring about. It's the line extension tariff
23 currently filed in GMO.

24 And that -- that would be proposed for
25 KCP&L -- or that we discussed could be proposed for

1 KCP&L.

2 JUDGE PRIDGIN: Thank you, Ms. Payne. I
3 think you handed that to me at the beginning of the
4 day; is that correct?

5 MS. PAYNE: That's correct.

6 JUDGE PRIDGIN: All right. And you're
7 offering that?

8 MS. PAYNE: Yes.

9 JUDGE PRIDGIN: Any objections? Okay.
10 Hearing none, 239 is admitted.

11 (Staff Exhibit 239 was offered and
12 admitted into evidence.)

13 JUDGE PRIDGIN: Thank you, Ms. Payne.

14 MS. PAYNE: Thank you.

15 JUDGE PRIDGIN: Anything further before we
16 recess for lunch? All right. Hearing nothing,
17 it's 12:20 according to clock in this room.

18 Let's resume at 1:30 with clean charge
19 network witnesses beginning with Mr. Rush. Thank
20 you. We're off the record.

21 (Break in proceedings.)

22 JUDGE PRIDGIN: Good afternoon. We're
23 back on the record. I understand we are going to
24 switch revenues and clean charge network and take
25 clean charge network witnesses first. And do I

1 assume Counsel would like to make mini opening
2 statements on this issue?

3 MR. STEINER: Yes, your Honor. Before we
4 start, after clean charge network, I'd like to take
5 a witness out of order to accommodate his schedule.
6 He would be not able to be here next Tuesday.
7 Mr. Caisley on the customer experience issue.

8 I talked to OPC about that, and they'd
9 like a little bit -- a 30-minute break to prepare,
10 and then they'd be willing to go forward with him.

11 JUDGE PRIDGIN: Okay.

12 MR. STEINER: And we wouldn't do the other
13 OPC witnesses. We could do them next week.

14 JUDGE PRIDGIN: Okay. So that would leave
15 Dr. Marke, Mr. Hyman on customer experience for
16 next Tuesday as well as all the revenues

17 MR. STEINER: That's correct.

18 JUDGE PRIDGIN: Okay. All right.

19 MR. OPITZ: Judge, I think I would add to
20 the -- and I'm not sure about Mr. Hyman. But I
21 think to the extent we have time for Dr. Marke, I
22 think he'd be willing to go today for that.

23 And, again, Mr. Steiner mentioned it, but
24 I would request that -- that we get a little bit of
25 a 30 to 45-minute break in between there if we take

1 that witness.

2 JUDGE PRIDGIN: Okay.

3 MR. OPITZ: Thank you.

4 JUDGE PRIDGIN: You're welcome. I guess,
5 then, anything further where we proceed to mini
6 openings on clean charge network?

7 All right. If there's nothing further,
8 then, KCP&L, Mr. Fischer, when you're ready, sir.

9 MR. FISCHER: Thank you, Judge.

10 OPENING STATEMENT

11 BY MR. FISCHER:

12 MR. FISCHER: May it please the
13 Commission. KCP&L and GMO have launched an
14 initiative, which I think you're familiar with, to
15 install and operate more than 1,000 electric
16 charging stations throughout the greater Kansas
17 City, Missouri, and Kansas area in both the KCP&L
18 and GMO service territories.

19 This initiative, in furtherance of the
20 company's commitment to environmental
21 sustainability, is capable of supporting about
22 10,000 electric vehicles.

23 The total budget of capital cost for the
24 project is 16.6 million, approximately \$6 million
25 of when represents the budgeted investment in the

1 company's Missouri jurisdiction.

2 In addition to these capital costs, KCP&L
3 anticipates total company annual operation and
4 maintenance expenses of roughly \$250,000, which is
5 allocated to the company's Missouri jurisdiction.

6 I'm also today pleased to announce and
7 inform the Commission and the parties that KCP&L
8 just recently received an award from EPRI, which
9 recognizes their progress on the EV charging
10 initiative.

11 It's called EPRI Technology Transfer
12 Award, and it's awarded to companies like KCP&L
13 that exemplify the initiation, collaboration and
14 leadership that transforms research into real world
15 results. So we're happy to -- to get that
16 recognition.

17 In this proceeding, the KCP&L is
18 requesting a new tariff titled the Public Electric
19 Vehicle Charging Station Service, and we're asking
20 that it be approved by the Commission.

21 The tariff is designed to address the new
22 mobile customer electric needs within our service
23 territory. It's specific to KCP&L charging
24 stations available to the public throughout the
25 Missouri service territory.

1 The rate for a Level 2 charging station is
2 a KWH charge based on the average price per KWH for
3 the residential class, including the energy and
4 customer charges.

5 The rate for the Level 3 charging, which
6 is also sometimes referred to as the fast charger,
7 is a KWH charge based on the average price per KWH
8 or the small general service class, including
9 energy demand and customer charges, and would also
10 be the fuel adjustment clause charge in a demand
11 side investment mechanism.

12 In addition to the -- the energy charges,
13 the tariff also includes guidelines for the
14 application of session charges at the discretion of
15 the host site to incent charging station users to
16 move their vehicles along promptly after charging
17 to improve utilization stations.

18 The tariff recovers from users an amount
19 above the incremental fuel cost and provides a
20 contribution to recovering the fixed and variable
21 cost of supply and energy to the charging stations.

22 Now, some parties are arguing that this
23 program should be an unregulated service and not
24 considered a public utility service.

25 As we've expressed in the last rate case

1 and in the recent Ameren EV charging tariff case,
2 KCP&L believes that this is a regulated service
3 under Missouri law.

4 Staff also agrees that it is a regulated
5 utility service. And as a regulated utility
6 service, we believe that all prudent investments
7 should be recovered from customers.

8 Now, it's my understanding from reading
9 the recent rebuttal and surrebuttal testimony of
10 the Staff that Staff has modified its position on
11 cost recovery of EV charging stations for public
12 utilities.

13 Staff is now asserting, as I understand
14 it, that EV charging station investments should be
15 considered as a regulated service and booked above
16 the line.

17 However, Staff apparently intends to make
18 revenue imputation adjustments in future rate cases
19 in the event revenues from the EV charging stations
20 do not recover their costs.

21 Staff's position on the revenue case, we
22 think, is short-sighted and -- and should not be
23 adopted by the Commission.

24 All customers will derive benefits from
25 the program in the form of cleaner air, state

1 economic development benefits and increased
2 electric usage over which -- over which the KCP&L's
3 fixed charges can be spread, and, therefore, for
4 it's more efficient for all -- all customers.

5 The Commission should not adopt Staff's proposal to
6 impute revenues if total revenues don't -- don't
7 cover the costs.

8 We think that the Commission should not
9 expect public utility shareholders to bear the
10 burden of the cost of providing a new technology
11 and service to an emerging market when that service
12 is expected to produce substantial benefits to all
13 -- all customers in the future.

14 Staff seems to want the benefits of the
15 service when it's profitable, but not the initial
16 start-up costs of producing those benefits. We
17 think that's -- that's not -- not fair and
18 reasonable, and we'd ask that you reject that
19 position.

20 Mr. Tim Rush is KCP&L's witness on the
21 issue, and he can explain the program in greater
22 detail. And I hope you'll ask him your questions
23 about the initiative and approve the -- the
24 proposed tariff and the inclusion the project in
25 KCP&L's rates.

1 KCP&L will be continuing to -- its
2 commitment to the community in developing this
3 network. And I'd be happy to answer -- answer your
4 questions or put my first witness on the stand.

5 JUDGE PRIDGIN: All right. Any Bench
6 questions? I'm sorry. Mr. Chairman?

7 CHAIRMAN HALL: Yes, I do.

8 JUDGE PRIDGIN: Okay.

9 CHAIRMAN HALL: Is there -- is there
10 currently a prohibition on sale for resale in -- in
11 KCP&L's tariffs?

12 MR. FISCHER: Yes, there is.

13 CHAIRMAN HALL: And is that -- where are
14 the parties on whether or not that prohibition
15 should be eliminated?

16 MR. FISCHER: I think you can ask Mr. Rush
17 out -- our position on that. I think in -- in
18 recent cases -- in Ameren, I know they indicated
19 they were willing to modify that definition in
20 theirs, and you can ask Mr. Rush how -- how KCP&L
21 would feel about that.

22 CHAIRMAN HALL: Okay. Thank you.

23 JUDGE PRIDGIN: Commissioner Stoll?

24 COMMISSIONER STOLL: Yes. Just one brief
25 question. Can you state the difference between the

1 way Level 2 and Level 3 are --

2 MR. FISCHER: Under our tariff proposal?

3 COMMISSIONER STOLL: Yes, please.

4 MR. FISCHER: Yeah. For Level 2, it's a
5 -- it's a KWH charge, and it's based on the average
6 price per KWH for the residential class, including
7 both the energy charges and the customer charge
8 together, so it's the average per KWH charge.

9 COMMISSIONER STOLL: Okay.

10 MR. FISCHER: That's the slow -- what I
11 would call the slower charger. For the faster
12 charge, the Level 3, it's a KWH charge based on the
13 average KWH charge for the small general service
14 class, and that includes not only customer charge,
15 but a demand charge and an energy charge.

16 And then I also mentioned there's a fuel
17 clause on that. And the -- the demand side
18 investment mechanism is also part of that tariff.

19 COMMISSIONER STOLL: Okay. And is that
20 different than what is being suggested in the
21 Ameren case? Do you know? Is that -- is there a
22 time element?

23 MR. FISCHER: Yeah. I was a part of that
24 case, there was a slight difference in the tariff
25 proposal. We didn't take a position in Ameren's

1 case on the actual rate structure. But --

2 COMMISSIONER STOLL: Yeah. Okay.

3 MR. FISCHER: Mr. Rush may be able to give
4 you more information on that as well.

5 COMMISSIONER STOLL: Okay. Thank you.

6 JUDGE PRIDGIN: Thank you. Commissioner
7 Kenney?

8 COMMISSIONER KENNEY: I have couple
9 questions.

10 MR. FISCHER: Sure.

11 COMMISSIONER KENNEY: Are any of the
12 capital costs being -- are they --

13 MR. FISCHER: There are some capital
14 costs, operating costs in the current test year.
15 Most of the investment will be coming in the
16 future, but --

17 COMMISSIONER KENNEY: What about -- what
18 about all the stations you've put in? How many of
19 them on the Missouri side right now that are in?

20 MR. FISCHER: I'd ask you to ask Mr. Rush.
21 I think there's around 300.

22 COMMISSIONER KENNEY: And in your last
23 rate case in Kansas, did they allow you to put them
24 in the rates?

25 MR. FISCHER: I don't believe so.

1 COMMISSIONER KENNEY: You don't believe
2 so, or you know so?

3 MR. FISCHER: I didn't participate in that
4 myself, so ask Mr. Rush that, too.

5 COMMISSIONER KENNEY: Okay. I'll save all
6 my questions for Mr. Rush.

7 JUDGE PRIDGIN: Mr. Fischer, thank you.
8 Opening from Staff? Mr. Thompson, when you're
9 ready, sir.

10 MR. THOMPSON: Thank you, Judge.

11 OPENING STATEMENT

12 BY MR. THOMPSON:

13 MR. THOMPSON: May it please the
14 Commission. Staff will present three witnesses on
15 this topic, Natelle Dietrich, Robin Kliethermes on
16 Byron Murray to address the four issues that are
17 before the Commission with respect to the clean
18 charge network of electric vehicle charging
19 stations.

20 The first issue is whether or not the
21 clean charge network is a regulated public utility
22 service. Surprising, to me at least, some of the
23 parties suggest it is not.

24 When you think about the components of
25 what it is KCP&L is wanting to do, you have a

1 regulated electric utility that wants to use a
2 special type of power delivery device to sell
3 electric power to the general public.

4 Well, that's just the definition of public
5 utility. There's nothing unusual about it. The
6 only thing unusual is that these customers roll.
7 They travel on wheels instead of just sitting in
8 houses, stores and factors.

9 This is simply KCP&L finding a new market
10 for its traditional regulated product, which is
11 electric power. So Staff emphatically asserts
12 that, yes, this is a regulated public utility
13 service.

14 In fact, beyond that, it's Staff's
15 position as we pointed out in the Ameren case, that
16 the current state of Missouri law limits this
17 activity to public utilities. Only KCP&L has the
18 legal authorization to sell power to the general
19 public within its certificated service area.

20 If KCP&L elects to sell power outside of
21 its certificated service area, it will have to come
22 to this Commission and ask for an additional
23 certificate to authorize it to do so.

24 If a third party seller should offer to
25 sell power to EV operators within KCP&L's

1 certificated service area, it is Staff's opinion
2 they would do that in violation of the law.

3 Now, it could be that this isn't the law
4 we want to have, that this isn't the law we ought
5 to have, but it is the law that we do have.

6 With respect to the capital and O&M
7 expenses in revenues, Staff's position has changed.
8 Originally, Staff said this should be below the
9 line. But below the line is -- is not consistent
10 with the view that this is a regulated public
11 utility service.

12 So Staff has changed its position.
13 Staff's position now is that all costs, all
14 expenses, all revenues should be treated above the
15 line.

16 But we are arguing for revenue imputation.
17 In other words, to the extent that the money that
18 KCP&L earns from this program does not cover its
19 costs, then we would ask the Commission to impute
20 revenue to KCP&L to bring it up to costs and
21 revenues even.

22 What would be the effect of that? It
23 would be to make the shareholders bear the burden
24 of any costs that are not offset by revenues.

25 Why would we suggest that, especially with

1 a regulated public utility service? Well, I'll
2 tell you why. Because this is a new market, a new
3 service to a new market.

4 What business person in this state or in
5 this country can make somebody else underwrite
6 their effort to develop a new market?

7 I would think that the electric conditions
8 are overjoyed at the thought of electric vehicles
9 to sell power to. They have been complaining about
10 declining loads for years. And here's an
11 opportunity to mine a new group of customers and to
12 sell their product to somebody new.

13 What a great idea. We agree it's a great
14 idea. But we think the shareholders should bear
15 the risks inherent in developing this new service
16 for this new market.

17 Another question before you today has to
18 do with plug-in electric vehicle time of use rates,
19 quaintly referred to as PEVTOU. Staff has provided
20 testimony describing a Georgia tariff that has
21 plug-in electric vehicle time of use rates that are
22 available for people who charge their electric
23 vehicles at home.

24 It's a good program because it allows them
25 to do it at less cost if they're charging off peak

1 hours. And we would prefer that they do their
2 charging off of the peak hours because then that
3 reduces the demand on the system at those critical
4 times. So we would like to see you require the
5 company to bring in such a proposed rate for their
6 next general rate case.

7 Finally, the tariff as proposed includes a
8 session charge. This is unusual. It's kind of
9 like the customer charge, except that it's imposed
10 at the discretion of the site host.

11 The site host is whoever owns the location
12 where the charging station is located. They get to
13 decide if there's going to be a session charge or
14 not and how much it's going to be up to a cap of \$6
15 an hour.

16 Do they get the money? No, they don't.
17 The money goes to the company. The money would go
18 to the company. Well, we think it is actually
19 unlawful.

20 If this is a regulated public utility
21 service, which we believe it is, then the rate
22 needs to be set by this Commission and the rate
23 needs to reflect the cost of service.

24 No one has offered anything to suggest
25 that the session -- session charge reflects any

1 part of cost of service. In fact, its whole
2 purpose is to make sure that drivers vacate the
3 charging station promptly rather than just sitting
4 there in the docking station for an over long
5 period of time.

6 There's also no study to show such a thing
7 is necessary. So we urge you to disapprove the
8 session -- excuse me -- session charge component of
9 the proposed tariff. Thank you very much, and I'll
10 answer any questions you may have.

11 JUDGE PRIDGIN: Any Bench questions?

12 CHAIRMAN HALL: No questions.

13 COMMISSIONER STOLL: No questions.

14 JUDGE PRIDGIN: Mr. Thompson, thank you.
15 Opening from Public Counsel? Mr. Opitz, when
16 you're ready, sir.

17 OPENING STATEMENT

18 BY MR. OPITZ:

19 MR. OPITZ: May it please the Commission.
20 In his testimony, the company witness, Mr. Rush,
21 says that the purpose here is to facilitate the
22 establishment of an EV charging station network
23 that will help in developing the EV market.

24 If shareholders want to support that
25 venture, they're free to do so. But captive

1 ratepayers should not be forced to pay for this
2 electric vehicle charging network.

3 Although the company has not applied for a
4 Certificate of Convenience & Necessity, I think
5 it's informative to look at whether this charging
6 network is necessary or convenient for the public
7 service.

8 First, there is no need for the utility to
9 perform this service. Owners can charge at home,
10 and there are other non-utility owned market
11 participants here.

12 Second, the proposed service is not an
13 improvement justifying its cost. You know, perhaps
14 that is part of reason that the Staff is proposing
15 a revenue imputation.

16 You know, there -- there may be a tax
17 credit and regulation at this time, but that will
18 go away.

19 Now, I'm not suggesting that you grant the
20 company a CCN. They have not sought one, and it's
21 our position that this is not a regulated service.

22 In addition to the charging stations
23 themselves, the company's proposal in this case
24 appears to try to extend Commission jurisdiction to
25 setting rates for a parking spot. That would be

1 called the session charge.

2 So let's take a look at the results so far
3 of the company's plan to develop the EV market in
4 its service territory. They have spent millions of
5 dollars to bring the total electric vehicles in the
6 area to only the hundreds. And that is assuming
7 that every electric vehicle in their area was
8 purchased and as a -- directly attributable to the
9 company's installation of this charging station --
10 charging network.

11 Now, I suggest that attribution is an
12 important thing to consider when we're discussing
13 incentivizing behaviors because that's how we
14 track, you know, what is causing something and
15 whether it was worthwhile to continue that thing
16 that you were trying to incent.

17 We do this with MEEA. We look at the EM
18 &V, evaluation, measurement and verification to try
19 and determine what energy savings are attributable.

20 Based on the money that the company has
21 spent and the number of -- assuming hypothetically
22 that they were all related to the company's
23 installation of this program, the number of cars
24 that are in their area now, it probably would have
25 been cheaper for ratepayers if the company had just

1 bought the cars and given them away if that was
2 what they were trying to do to incentivize this EV
3 market.

4 Then those folks would still charge at
5 home, and we'd see increased revenues. But we
6 wouldn't be burdened -- ratepayers wouldn't be
7 burdened with this rate base investment.

8 The company's proposal and their system
9 has been a terribly inefficient way to facilitate
10 EV sales. KCP&L has even recently begun a
11 partnership with Nissan to offer discounted prices
12 to encourage selling, you know, electric vehicles.

13 Even with free charging, it appears that
14 this is necessary. You'll recall that right now,
15 the company is offering these charging service for
16 free.

17 Now -- so let's presume, hypothetically,
18 that putting in this charging station was an
19 efficient way to incent EV sales. Should captive
20 ratepayers be forced to subsidize the vehicle
21 choices of certain customers? Should they be
22 forced to subsidize this program even when it may
23 be directly against their financial interests,
24 their own financial interests?

25 And I'm setting aside even outside of

1 increased rates. I'm -- you know, consider Ford is
2 a large customer of KCP&L. I would expect that
3 that customer would prefer people to buy an F
4 Series truck that's assembled in the North Land.

5 Instead, KCP&L is encouraging its
6 employees and its customers to purchase a Nissan
7 Leaf. I expect that many of the employees who work
8 -- work at Ford would prefer that people buy the
9 kind of vehicle that they manufacture and sell, the
10 kind of vehicle that keeps them employed.

11 Instead, KCP&L is encouraging people to
12 purchase a different vehicle. And they're asking
13 ratepayers to pay for that.

14 Going forward with KCP&L's request to
15 inject itself into the vehicle market would make a
16 policy statement that the Missouri Public Service
17 Commission prefers Nissan Leafs to Ford trucks
18 built in the North Land.

19 I don't think that's a policy edict that
20 this Commission has any authority to make. And --
21 and if it didn't have that authority to grant that
22 preference, it shouldn't. If it did have that
23 authority to grant that preference, it shouldn't.

24 Now, the example with Ford and people who
25 work for Ford, you know, is just an example of a

1 variety of conflicts that can arise when you're
2 allowing a monopoly utility to -- to utilize its
3 captive ratepayers to finance a speculative
4 business venture. They have conflicting interests.
5 And we can avoid all of that if this is not a
6 regulated service.

7 Looking at recent trends, other states
8 seem to agree. New York State declined
9 jurisdiction over electric vehicles. The Kansas
10 Corporation rejected including these costs in rate
11 base. And a utility in any Michigan, as I
12 understand, just last week withdrew its application
13 for building an EV charging network and including
14 it in its rate base.

15 I ask this Commission to continue that
16 trend and reject this company's attempt to force
17 ratepayers to pay for this unnecessary system. I'm
18 happy to answer any questions.

19 JUDGE PRIDGIN: Mr. Chairman?

20 CHAIRMAN HALL: Good afternoon. Do you --
21 do you agree with Staff that there is a prohibition
22 on a third party obtaining electricity from KCP&L
23 and -- and providing battery charging services with
24 that electricity to retail customers for a fee?

25 MR. OPITZ: So in terms of the statute, I

1 would disagree. But in terms of if the company has
2 a current prohibition on sale for resale, I would
3 agree that if it is in their tariff, then they're
4 not able to do that on sale for resale.

5 CHAIRMAN HALL: Okay. So if -- if we
6 fixed the tariff, then hosts would be able to
7 purchase electricity from KCP&L and then sell --
8 provide charging services to retail customers in
9 compliance with Missouri law from your perspective?

10 MR. OPITZ: I think that's right.

11 CHAIRMAN HAL: Okay.

12 JUDGE PRIDGIN: Commissioner Kenney?

13 COMMISSIONER KENNEY: Thank you. You
14 brought up that Michigan case, that Consumers --
15 Consumers Energy. Do you know the Staff
16 recommended that they -- that the Commission issue
17 a waiver for the sale for resale of electricity in
18 that case? Because they have the same statutes
19 that we have. Or same regulations like the tariff
20 that KCP&L has.

21 MR. OPITZ: I do not know if the Staff
22 issued a waiver.

23 COMMISSIONER KENNEY: They did that. It's
24 in one of their statements that they said that.

25 MR. OPITZ: Oh, did they? Okay.

1 COMMISSIONER KENNEY: They did not support
2 it because they didn't want ratepayers to pay for
3 it. They had a bunch of different problems because
4 they had a bunch of environmental groups that were
5 against it, also.

6 MR. OPITZ: That's -- that's what I
7 understood. It was my understanding that -- that
8 it wasn't an order, that it was the company
9 voluntarily withdrawing.

10 COMMISSIONER KENNEY: The company
11 withdrew. But the Staff's recommendation -- they
12 made some recommendations. And the Attorney
13 General was against it, too, for some reason. But
14 I have a question for you.

15 MR. OPITZ: Yes, sir.

16 COMMISSIONER KENNEY: Regarding the Nissan
17 you -- that KCP&L Nissan, were you part of the
18 Ameren charging station case we recently heard?

19 MR. OPITZ: I was not. I have recently
20 read the briefs that were -- the initial briefs
21 that were submitted in that case.

22 COMMISSIONER KENNEY: Do you know Nissan
23 was offering a \$10,000 discount in the Ameren
24 territory and additional discounts to Ameren
25 employees in that case?

1 MR. OPITZ: I -- I did not know that. But
2 it -- it sounds -- based on that characterization,
3 it sounds similar to what I understand the KCP&L
4 partnership with Nissan is.

5 COMMISSIONER KENNEY: Are you -- now,
6 regarding that partnership, is KCP&L subsidizing
7 part of that discount?

8 MR. OPITZ: To my knowledge, I do not
9 know. But I -- I will say that it is advertised on
10 their -- the company's web site, and there has been
11 Kansas City Star articles about their partnership
12 with it -- with them.

13 I intend to ask KCP&L's witness about it.
14 But my understanding is that -- that it's -- they
15 were able to help negotiate a -- a different -- I
16 think a fleet rate for some of those costs.

17 COMMISSIONER KENNEY: Perhaps Nissan wants
18 to start selling some of those cars and they worked
19 out a deal. So you don't know -- because if it's
20 just a partnership in, Hey, we're promoting one
21 another, there's nothing wrong with that, is there?

22 MR. OPITZ: Well, I think that there -- I
23 think that there maybe KCP&L customers that would
24 have an issue with that.

25 COMMISSIONER KENNEY: Wait a second. That

1 would be just like just because Ford builds a car
2 that everybody who has a GMC truck like me that
3 maybe Kansas City people would be upset with me for
4 driving a GMC truck.

5 MR. OPITZ: No. I think that's a little
6 different. I think if it's the regulated utility
7 -- and perhaps they're allocating the employee's
8 time who has worked on that partnership away from
9 -- away from the Missouri ratepayers and, you know,
10 perhaps it's nine allocated to -- to a corporate
11 structure.

12 But in a way, even if they're not
13 providing that \$10,000 or whatever the dollar
14 figure maybe subsidy, there is still some dollars
15 being put towards that.

16 COMMISSIONER KENNEY: Just like when they
17 -- just like when they do weatherization programs
18 or they do -- they work with harvesters to promote
19 things instead of food for families. I mean --

20 MR. OPITZ: I think that's fair.

21 COMMISSIONER KENNEY: Yeah. But if
22 they're not -- if it's not costing the ratepayer --
23 I guess we can get into the minutia that the brass
24 might have sat down with Nissan, one contacted the
25 other and said, Hey, you're doing this with Ameren,

1 do you want to do this in our territory, too?
2 We'll promote it. We'll put it on. You guys
3 promote it. It's good for both of us. You sell
4 more electricity, so -- if they sell more
5 electricity, it actually helps the ratepayer
6 because it reduces the base load.

7 MR. OPITZ: I think that that's the theory
8 about why this could possibly be beneficial to
9 ratepayers at some point in the future.

10 COMMISSIONER KENNEY: I'll let you -- I'll
11 listen to you when you ask Mr. Rush if the -- if
12 the company is subsidizing that -- that deal.
13 Okay?

14 MR. OPITZ: Okay.

15 COMMISSIONER KENNEY: All right. Thank
16 you.

17 JUDGE PRIDGIN: Any further Bench
18 questions?

19 COMMISSIONER STOLL: No.

20 JUDGE PRIDGIN: All right. Mr. Opitz,
21 thank you.

22 MR. OPITZ: Thank you.

23 JUDGE PRIDGIN: Opening from Division of
24 Energy?

25 OPENING STATEMENT

1 BY MR. ANTAL:

2 Mr. ANTAL: May it please the Commission.
3 Good afternoon. The commission has four sub-issues
4 regarding the Kansas City Power & Light clean
5 charge network. I'll go through each of them
6 individually.

7 The first one is whether or not electric
8 vehicle charging stations that are part of the
9 clean charge network are a regulated public utility
10 service.

11 The Division of Energy believes that they
12 are. We believe that Missouri case law is clear on
13 the test the Commission that to apply in
14 determining on whether or not a particular entity
15 -- entity is providing a public utility service.

16 As I said in the recent Ameren hearing
17 regarding their pilot program, the appropriate test
18 that the Court -- Missouri courts have set out was
19 first set out in the case of State, ex rel. and
20 O'Dansinger & Company.

21 In that case, the Supreme Court said were
22 a two-part test. The first part of that test is --
23 is the entity in question operating electric plant?

24 Now -- and then the second part of that
25 two-part test is, is the electric plant that is

1 being operated being operated for a public use? As
2 I said in the Ameren case and the case in this
3 particular instance, the answer to both questions
4 is yes.

5 Kansas City Power & Light will be
6 operating electric plants through these electric
7 vehicle charging stations. The statutes that
8 define electric plant is clear that these charging
9 stations are, in fact, plant.

10 And the Commission has already ruled on
11 this. Again, as I said in the Ameren case, the
12 Commission has determined that electric vehicle
13 charging stations are, in fact, electric plants.

14 In Case No. EO-2011-0090, the Commission
15 approved a waiver that Kansas City Power & Light
16 applied for when they wanted to purchase electric
17 vehicle charging stations for their service
18 territory.

19 On the recommendation of its staff, it
20 provided a waiver of an encumbrance. Now, Missouri
21 law requires that a utility cannot encumber part of
22 its electric plants without a waiver from this
23 Commission.

24 The Commission provided that waiver and,
25 in doing so, implicitly stated that electric

1 vehicle charging stations are, in fact, electric
2 plant.

3 We believe this Commission should, you
4 know, follow -- follow that guidance from -- from
5 the earlier decision that no evidence has been
6 presented in this case to justify a 180 change in
7 direction.

8 So the second part of the test, are these
9 electric vehicle charging stations being put to a
10 public use? And, again, the answer is yes. KCP&L
11 has filed tariff rates that they wish this
12 Commission to approve.

13 KCP&L has been a public utility regulated
14 by this Commission for many, many years. There is
15 no doubts that they will be putting these electric
16 vehicle charging stations to a public use.

17 Turn now to the second issue in this case,
18 and it's on whether or not capital and O&M expenses
19 associated with the clean charge network should be
20 -- should be recovered from ratepayers.

21 And, again, the Division of Energy says
22 yes, they should. We believe Missouri case law is
23 clear on this issue.

24 Now, Missouri Courts have previously held
25 that a utility need not demonstrate in its case in

1 chief that all expenditures are prudent.

2 When another party raises a serious doubt
3 regarding an expenditure, the burden shifts to the
4 utility to prove the prudence of that expenditure.

5 The Courts have also said in rate-making
6 cases, a utility receives the benefit and a
7 presumption of prudence with regard to its costs
8 until another party raises a serious doubt
9 regarding the prudence of that expenditure.

10 This Commission has previously held that
11 mere speculation does not create a serious doubt
12 about the prudence of a utility expenditure.

13 In order to disallow a utility recovery of
14 its costs from ratepayers, the PSC must find, one,
15 that the utility acted imprudently, and, two, that
16 such imprudence resulted in harm to utility
17 ratepayers.

18 I would offer to you that the testimony
19 and evidence provided in this case has not proven
20 that. There has been no raising of a serious doubt
21 as to the prudence of this investment.

22 And, likewise, there is no evidence, no
23 serious doubt raised that there is going to be harm
24 to KCP&L's utility ratepayers.

25 In fact, quite to the contrary, there is

1 quite a bit of evidence that KCP&L's ratepayers
2 will actually benefit from these -- from this
3 investment.

4 Therefore, the Commission should find that
5 there has been no imprudence and does not even have
6 to reach the -- the question of whether or not
7 there has been harm to ratepayers.

8 Moving on to the third issue to whether or
9 not KCP&L should develop a PEVTOU rate to be
10 consider in its next general rate case. Now, as I
11 said earlier, the Division of Energy is a proponent
12 of time of use rates and believes that -- that it
13 would be proper for the Commission to order the
14 company to file a residential time of use rates in
15 it's next general rate case.

16 We have some concern, though, in a PEV
17 specific time of use rate. We don't believe -- we
18 believe that it is beneficial if the company is
19 already doing a time of use rate study that it
20 provide a time of use rate that applies to all
21 residential customers and not specifically -- and
22 not single out customers who may own an electric
23 vehicle.

24 There are benefits to -- to all customers
25 and to the system of encouraging time of use rates

1 for all residential customers, not just singling
2 out electric vehicle owners.

3 The last issue is whether or not the
4 tariff rates for this service should include a
5 session charge, which we resist oppose, but for
6 slightly different reasons than the reasons that
7 the Staff has put forward.

8 The reason I -- we were opposed to the
9 session charge is that the justification for -- for
10 that charge is not cost-based. It's not based in
11 cost causation. And that's stated plainly by --
12 by KCP&L themselves in their testimony and by their
13 attorney in his opening statement so that kilowatt
14 hour charge is based off of the combined -- for the
15 Level 2 is combined of the kilowatt hour charge and
16 the customer charge for residential customers.

17 So all of those costs are already being
18 collected in the energy charge. Similarly, the
19 Level 3 chargers include the energy charge, the
20 customer charge and the demand charge for the SGS
21 class customers. That's what they based those
22 tariff rates on.

23 The session charge, by their own admission
24 it is only -- the only justification for it is to
25 encourage customers to move their EVs after they're

1 done charging. A problem that there's been no
2 evidence that there is.

3 There is no evidence that electric vehicle
4 charging -- electric vehicle owners linger for any
5 significant amount of time at these charging
6 stations. And, therefore, without any reasonable
7 -- any reasoning cost causation for approving the
8 session charge, we believe that it should be
9 stricken from the tariff rates.

10 That's the end of my prepared remarks, and
11 I'll entertain any questions.

12 JUDGE PRIDGIN: Any Bench questions?
13 Commissioner Kenney?

14 COMMISSIONER KENNEY: Yeah. Just one. I
15 don't -- your last part about the session charge?

16 MR. ANTAL: Yes.

17 COMMISSIONER KENNEY: I don't recall that
18 from the Ameren case. That was because Ameren had
19 the same set of circumstances, they were going to
20 have some type of session charge. Did -- did --
21 did you guys -- did Department of Energy take the
22 stand on that?

23 I know I litigated that case, and I'm
24 trying to remember the specifics of their tariff
25 rates.

1 COMMISSIONER KENNEY: But there was some
2 type of move on charge. And so that's all I -- but
3 if you didn't, maybe you --

4 MR. ANTAL: Actually, I think the -- the
5 difference there was that for one of their -- it
6 was for the fast chargers, the Level 3s, that they
7 were going to charge on a time basis rather than a
8 kilowatt hour basis.

9 COMMISSIONER KENNEY: Right.

10 MR. ANTAL: But it was still going to be
11 incremental in time.

12 COMMISSIONER KENNEY: You know what's
13 interesting about that? I found out -- because my
14 daughter lives in Nashville, and she has a Tesla
15 coming in. It's one of the newer ones, the less
16 expensive ones, coming in at the end of this year
17 or 2018 depending on when they it from -- they go
18 to California first.

19 And anyway, that you can get about -- on
20 those fast chargers, they can get a 50 percent
21 charge between 20 and 30 minutes. But it takes
22 about eight hours to charge the whole thing. So
23 that's probably why they -- they might have that.
24 Just educating you.

25 MR. ANTAL: And you did. Thank you for

1 that.

2 CHAIRMAN HALL: I have a question. Do you
3 believe that utilities are the only entity legally
4 authorized to provide and charge for public EV
5 charging stations in Missouri?

6 MR. ANTAL: I believe the law could be
7 clearer. And I -- I heard you talk to other
8 Counselors about the prohibition on the sale for
9 resale.

10 And as I pointed out in my initial brief
11 in the Ameren case that both Laclede Gas Company
12 and, I believe, MGE, their affiliate, have room --
13 have created an exemption from the sale of resale
14 of natural gas for --

15 CHAIRMAN HAL: Now, putting -- putting
16 aside the tariff provision because I think the
17 tariff provision clearly would -- would -- would
18 prohibit that, but that's something that we can
19 fix.

20 Statutes are not things that we can fix.
21 So are there statutes that would -- would prohibit
22 sale for resale?

23 MR. ANTAL: I am not aware of any statutes
24 in Missouri that prohibit sale for resale.

25 CHAIRMAN HALL: Okay. Thank you.

1 JUDGE PRIDGIN: Okay. Other Bench
2 questions? Mr. Antal, thank you. Before we
3 proceed to other openings, I think I've got Sierra
4 Club and NRDC. Is there any other counsel -- I'm
5 sorry, Mr. Woodsmall. I'm glad I asked.
6 Mr. Woodsmall, when you're ready, sir. I didn't
7 see you. I apologize.

8 MR. WOODSMALL: That's okay. I'm not shy.

9 OPENING STATEMENT

10 BY MR. WOODSMALL:

11 MR. WOODSMALL: Good afternoon. We spent
12 the last two days, in large part, addressing
13 subsidies in this case.

14 First, MCEG said, You need address
15 potential or alleged subsidies that exist
16 inter-class, the residential subsidy, a subsidy
17 flowing for the benefit of residential customers
18 from large power customers. We spent a lot of time
19 talking about.

20 Second, during the same course of time,
21 MCEG said, you need to address intra-class
22 subsidies, that KCP&L collects a significant amount
23 of fixed costs through energy charges. Therefore,
24 a subsidy is flowing from high load factor, large
25 power customers to low load factor customers.

1 So we pounded on the idea of subsidies.
2 I'm concerned with this issue that we're going to
3 create another subsidy. Do we really want to spend
4 future cases addressing this subsidy?
5 Specifically, a subsidy that will flow from captive
6 customers to the benefit of electric vehicle
7 charging station customers.

8 Many of these customers may be completely
9 outside of KCP&L's service area, maybe outside the
10 State. Do we want to create a subsidy for benefit
11 of customers that live in Illinois or even New
12 York?

13 Now, there appears to be two acceptable
14 ways proposed in this case to address this subsidy
15 in the inevitable future arguments that are to
16 come.

17 First, OPC says treat it as an unregulated
18 service and let KCP&L set the prices. If they
19 don't recover enough through the prices that they
20 set, that's on them. If they collect more, bully
21 for them, but don't have captive customers
22 subsidize this.

23 Second, Staff says treat it as a regulated
24 service, but we are going to protect captive
25 customers from any subsidy. If they don't sell

1 enough, then we'll impute the revenues.

2 Now, I agree with all these concerns. As
3 Commissioner Kenney has noted agenda before, he's
4 seen these electric vehicle charging stations, and
5 no one appears to be using them.

6 So our concern is if you set a price and
7 no one uses them, how are you going to make enough
8 revenues to recover the costs? And if you don't
9 make enough revenues from the electric vehicle
10 charging station customers, who are they going to
11 turn to recover these costs? I can tell you who
12 KCP&L intends to turn to. Captive customers.
13 That's our concern.

14 Now, I notice that out of all the parties
15 that support this initiative, none of them pay
16 bills. KCP&L shareholders aren't willing to put up
17 the money to help offset any subsidy. They're
18 wanting to put it on captive customers.

19 Similarly, none of the environmental
20 groups here today have offered to put up any money
21 to cover these subsidies. It's awful easy to
22 support this initiative when you're spending
23 someone else's money.

24 KCP&L shareholders and environmental
25 groups are eager to support this charging station

1 network when they know that any unrecovered costs
2 are collected from captive customers like my
3 clients.

4 MECG asks that you carefully consider this
5 issue. Whether you adopt OPC's position or Staff's
6 proposal, you should send a clear signal to KCP&L
7 that you do not intend for captive customers to
8 absorb these costs in the future. Thank you.

9 CHAIRMAN HALL: No questions.

10 COMMISSIONER KENNEY: No questions.

11 COMMISSIONER STOLL: No questions.

12 JUDGE PRIDGIN: Mr. Woodsmall, thank you.
13 Anyone else other than Sierra Club or NRDC wishing
14 to make an opening on this issue? Sierra Club,
15 opening statement?

16 MR. HALSO: Thank you, Judge.

17 OPENING STATEMENT

18 BY MR. HALSO:

19 MR. HALSO: Good afternoon and may it
20 please the Commission. My name is Joe Halso. I am
21 Counsel for the Sierra Club along with Casey
22 Roberts and Henry Robertson.

23 Sierra Club and it 9,000 members in
24 Missouri, many of whom are KCP&L ratepayers,
25 strongly support action by this Commission to

1 advance the adoption of electric vehicles and
2 support approval of cost recovery for the clean
3 charge network.

4 The program is reasonable in scope and
5 design. It's been carried out in a reasonable cost
6 and has brought needed infrastructure to the region
7 demonstrably transforming the EV market.

8 As you know well, there are numerous
9 societal and ratepayer benefits that can flow from
10 electrifying our cars. Benefits range from energy
11 security to public health to downward pressure on
12 rates for all ratepayers regardless of what kind of
13 car they drive.

14 The benefits have been well-documented in
15 this case as well as the Ameren EV pilot and the
16 pervious working docket before this Commission, so
17 I won't dwell on that. But I would encourage you
18 to ask our expert witness, Doug Jester, with 25
19 years of experience with utility regulation related
20 to this.

21 To maximize electricity system benefits of
22 EV charging and the clean charge network, charging
23 must be well-integrated with the grid. Time of use
24 rates can do much of the heavy lifting for grid
25 integration and for incenting good charging

1 behavior.

2 As my colleague Casey Roberts said up here
3 on the stand yesterday, time of use rates better
4 reflect cost causation and they can provide
5 incentives for peak load reduction and with the
6 utilities and in my employment thus far are
7 well-situated to incorporate them.

8 I understand our friends at KCP&L are
9 completing some studies on time of use rates, so we
10 look forward to the completion of those studies and
11 the creation of a broadly applicable time of use
12 rate that could be used for EV charging at home and
13 some reporting from the utility on the clean charge
14 network that would give an indication of the
15 reasonableness for time of use rates at those
16 stations.

17 Lastly, I want to address the threshold
18 issue that was first raised the last time Kansas
19 City Power & Light sought recovery for the clean
20 charge network in its status as regulated entity.

21 The uncertainty regarding regulatory
22 treatment for a utility and non-utility owned and
23 operated EV charging stations was the key focus of
24 the EV working docket and has been extensively
25 briefed in the Ameren case and remains a live issue

1 unresolved here.

2 We would urge the PSC to resolve that
3 question in a manner that recognizes an important
4 role for utilities in this space but promotes the
5 development of a competitive, innovative,
6 sustainable market for EV charging.

7 Sierra Club believes that the Commission
8 has jurisdiction to regulate the clean charge
9 network and all utility-owned EV charging stations.
10 The charge network would be publicly available.

11 KCP&L manufactures, sells and distributes
12 electricity. I urge you that fact and that it
13 owned, operates generation, transmission and
14 distribution, it is an electrical corporation.

15 The EV charging stations of the clean
16 charge network are part and parcel with that system
17 whether or not they alone constitute electric
18 plant. Just as the public utility is no less one
19 because it deploys the EV charging station, a
20 non-utility should not be transformed into a public
21 utility by virtue of offering EV charging services
22 to the public.

23 This interpretation tracks the judgment of
24 other utility regulators whose decisions have
25 routinely demonstrated that the nature of the

1 owner-operate is paramount in determining
2 jurisdiction.

3 Now, I know Missouri is not other states.
4 But several states, including New York, where the
5 utility laws and electric plant and electric
6 corporation are identical to Missouri, regulators
7 held that non-utility owners and operators are
8 accepted from regulation on the grounds that EV
9 charging does not constitute electric plant while
10 holding that they nonetheless have jurisdiction
11 over electric charging stations whose owners or
12 operators are otherwise defined as electrical
13 corporations.

14 This interpretation would subject utility
15 investments to Commission jurisdiction, but allows
16 for the growth of a competitive market and supports
17 a balance for them.

18 To further support that vision, we urge
19 the Commission to direct the utilities to remove
20 the sale for resale prohibitions to allow that
21 their tariffs for self-supply and energy for EV
22 charging stations of their own be made available to
23 third parties.

24 With that, I'd be happy to answer any
25 questions. I'm also just letting you know that I

1 was Sierra Club Counsel in the Consumers Energy
2 case in Michigan. I'm acting on behalf of a number
3 of environmental groups in that case. Thank you.

4 JUDGE PRIDGIN: Bench questions?

5 CHAIRMAN HALL: No questions.

6 COMMISSIONER KENNEY: You were with the
7 Sierra Club and Consumers Energy, the one in
8 Michigan?

9 MR. HALSO: That's right.

10 COMMISSIONER KENNEY: Did you guys -- did
11 Sierra Club come out in opposition to that program?

12 MR. HALSO: We fully supported Consumers
13 Energy's initiative on the issue. We had some
14 suggestions for how the program could be
15 redesigned.

16 Staff and other parties had greater
17 suggestions about how the program could possibly be
18 reconfigured. The utility also withdrew in favor
19 of pursuing -- in favor of pursuing, essentially, a
20 working docket to talk about issues planned for the
21 State?

22 COMMISSIONER KENNEY: The articles I read
23 said that environmental groups opposed the
24 program --

25 MR. HALSO: I know they did.

1 COMMISSIONER KENNEY: -- as it was. So
2 you're saying you did -- Sierra Club did oppose
3 what they were planning, but the overall project,
4 you were in support of?

5 MR. HALSO: That's correct. We -- we
6 opposed it -- that's exactly how -- it was
7 presented in their testimony. We had
8 recommendations for how it ought to be -- how it
9 ought to be configured.

10 COMMISSIONER KENNEY: Okay. Next
11 question. So you agree that sale for resale is --
12 is not accessible in the State of Missouri,
13 correct, currently?

14 MR. HALSO: I agree that -- I'm aware that
15 Kansas Power & Light has tariffs that would
16 prohibit sale for resale and that those could be
17 easily modified for sale of resale for the public.

18 COMMISSIONER KENNEY: Do you --

19 MR. HALSO: I don't believe there's
20 prohibition in the statute.

21 COMMISSIONER KENNEY: Okay. So right now,
22 would you say -- is Telsa breaking the law by
23 giving out -- giving free electricity, or is that
24 sale for resale?

25 MR. HALSO: They're providing it for free,

1 right?

2 COMMISSIONER KENNEY: That sell -- those
3 that sell it. There are a few in the Kansas City
4 market that sell some. You would be -- so they
5 would be violating the law?

6 MR. HALSO: To the extent that there are
7 EV charging stations offered to the public where
8 there's a sale particularly on a kilowatt hour
9 basis, I believe that those would be in violation
10 of the tariffs.

11 COMMISSIONER KENNEY: Okay. My last
12 question. Maybe you can answer this for me.
13 Considering that about 77 percent of electricity in
14 the state of Missouri is produced by coal --

15 MR. HALSO: Yeah.

16 COMMISSIONER KENNEY: -- wouldn't it be
17 more feasible -- or tell me -- explain to me, do
18 you know the carbon footprint between natural
19 gas-powered vehicles versus electric vehicles
20 supplied by coal-fired plants?

21 MR. HALSO: The answer to your latter
22 question, I do not know. But in Missouri, I can
23 tell you that based on the average generation, the
24 generation mix, the carbon emissions from an
25 electric vehicle or a hybrid vehicle are about a

1 third less than those from a traditional internal
2 combustion vehicle.

3 COMMISSIONER KENNEY: What about natural
4 gas?

5 MR. HALSO: I can't tell you the answer to
6 that question, and I might refer you to our expert,
7 Douglas Jester, who might be have a better idea.

8 COMMISSIONER KENNEY: I'll ask your
9 expert.

10 MR. HALSO: Thank you.

11 JUDGE PRIDGIN: Any further Bench
12 questions?

13 COMMISSIONER STOLL: No questions.

14 COMMISSIONER COLEMAN: No questions.
15 Thank you.

16 JUDGE PRIDGIN: Thank you. Opening from
17 NRDC? Mr. Robertson, when you're ready, sir.

18 OPENING STATEMENT

19 BY MR. ROBERTSON:

20 MR. ROBERTSON: May it please the
21 Commission. We support the CCN. It's nice to have
22 a negative item in the revenue requirement.

23 I'm a utility customer. Our members are
24 customers, and we will pay what subsidy there is to
25 pay. No one doubts that home charging will

1 continue to be dominant.

2 However, less than half of vehicle owners
3 have access to the kind of parking space at their
4 own residence where they can install their own
5 charging equipment. So there is a need for
6 publicly available charging.

7 And in this early stage in the development
8 of the market, competitive providers cannot fill
9 that need at a -- at a reasonable cost to either
10 themselves or to the drivers.

11 This project is within the Commission's
12 jurisdiction as the provision of electricity for
13 public use by an electrical corporation.

14 A utility-owned charging island is
15 essentially a slight extension of the utility's
16 distribution network.

17 This should be recovered as any other
18 cost. I believe OPC misread the New York Public
19 Service Commission. That Commission decided in
20 favor of rate recovery for charging infrastructure.

21 And we support above the line recovery.
22 Staff has evolved towards a position and yet to
23 hear Mr. Thompson describe it, it's hard to see any
24 difference between below the line recovery and
25 above the line with revenue imputation that will

1 just about wipe out any -- any cost recovery.

2 We support the development of time of use
3 rate in the next rate case. That is extremely
4 important to home charging. However, it doesn't
5 really apply to this public charging because
6 drivers use public charging when they need to, not
7 when the price is -- is lowest at their home meter.

8 We do depart from the company, however,
9 and agree with Staff concerning the session
10 charges. As contained in this tariff, they are
11 given at the discretion of the host site. They are
12 arbitrary running in a range from zero to \$6.

13 They threaten to destroy the price
14 advantages that these electric vehicles have over
15 gasoline-powered vehicles because, you know, based
16 on the kilowatt hour, residential price of
17 electricity, charging your EV is equivalent to
18 roughly \$1 a gallon for gasoline.

19 And we do not believe that the session
20 charge as defined in the tariff are definite enough
21 to assuage this Commission's power to affix rates.
22 And if there are any questions?

23 JUDGE PRIDGIN: Bench questions?

24 COMMISSIONER STOLL: No questions. Thank
25 you.

1 JUDGE PRIDGIN: Thank you, Mr. Robertson.
2 Thank you. Have I overlooked anyone? Anyone else
3 wishing to make an opening? Anything further,
4 then, before Mr. Rush takes the stand?

5 All right. Mr. Rush, if you'll come
6 forward. And if I'm not mistaken, you've already
7 been sworn.

8 MR. RUSH: That's correct.

9 JUDGE PRIDGIN: All right. And you're
10 still under oath. Is there any direct for now?

11 MR. FISCHER: I think it's been -- I think
12 all of his testimony has been admitted. That would
13 be 142 -- 141, 142 and one -- I'm sorry. No. It's
14 142, 143 and 144.

15 JUDGE PRIDGIN: Yes. I show that's all
16 been admitted without objection.

17 MR. FISCHER: I would tender him for
18 cross.

19 JUDGE PRIDGIN: Very good. Any
20 cross-examination, Division of Energy?

21 MR. ANTAL: I have a few questions.

22 TIM RUSH,
23 being first duly sworn to testify the truth, the whole
24 truth, and nothing but the truth, testified as follows:

25 CROSS-EXAMINATION

1 BY MR. ANTAL:

2 Q Good afternoon, Mr. Rush.

3 A Good -- good afternoon.

4 Q Were you in the hearing room during my
5 opening?

6 A I was.

7 Q Did -- do you recall me referring to a
8 Commission case with the number EO-2011-0090?

9 A I was.

10 Q Are you generally familiar with that case?

11 A Generally familiar, yes.

12 MR. ANTAL: Judge, I'd like to show a
13 document to the witness.

14 JUDGE PRIDGIN: You may approach.

15 A Thank you.

16 Q (By Mr. Antal) Mr. Rush, I've handed you
17 a copy of the Commission's order in the case I just
18 referenced. Can you acquaint yourself with that
19 document and let me know you've finished that?

20 A I'm fine. Yes.

21 Q Okay. Your understanding is that, in this
22 order, the Missouri Public Service Commission
23 granted a waiver to Kansas City Power & Light for
24 an encumbrance on electric vehicle charging
25 stations?

1 A That is correct.

2 Q Okay. If you know, are these electric
3 vehicle charging stations that Kansas City Power &
4 Light proposed to buy? Did Kansas City actually
5 buy these charming station?

6 A Yes. Through a grant process with the
7 Government. Yes.

8 Q Okay. Are they included in the company's
9 rate base?

10 A The difference is of what was given to us
11 versus what it cost, yes.

12 Q Okay. Thank you.

13 MR. ANTAL: Judge, I'd ask the Commission
14 to take judicial notice of its order in
15 EO-2011-0090.

16 JUDGE PRIDGIN: I'm sorry. EO-2011 --

17 MR. ANTAL: 0090.

18 JUDGE PRIDGIN: 0090. Any objection?
19 Okay. The Court -- excuse me. The Commission will
20 take notice of that order.

21 Q (By Mr. Antal) Mr. Rush, could you turn
22 to your surrebuttal schedule TMR-12?

23 A I'm there.

24 Q There's a series of numbers there, but I'm
25 interesting in the highlighted number at the bottom

1 of the page. Is that a negative \$395,000?

2 A It is a negative, yes.

3 Q So is -- is it the company's position that
4 the inclusion of the clean charge network revenue
5 requirement reduces the company's revenue
6 requirement in this case?

7 A That is correct. Yes. The -- the --
8 basically, because of all the tax benefits that we
9 are receiving as a result of putting in the clean
10 charge stations, it will be a benefit to customers
11 of 400 -- nearly \$400,000.

12 Q Okay. So for the entire time that the
13 rates set in this case are -- are in effect, KCP&L
14 customers will be paying less because the
15 Commission ordered that the clean charge network
16 was part of the company's rate base?

17 A That is correct.

18 Q Okay. Thank you very much.

19 MR. ANTAL: No further questions.

20 JUDGE PRIDGIN: Mr. Antal, thank you.

21 Cross-examination, Sierra Club?

22 MR. HALSO: Yeah. Just a few, your Honor.

23 CROSS-EXAMINATION

24 BY MR. HALSO

25 Q Good afternoon, Mr. Rush.

1 A Good afternoon.

2 **Q As a starting point, I'll have you turn to**
3 **your surrebuttal if you have it in front of you.**

4 A I do.

5 **Q Page 15, lines 8 to 11.**

6 A Yes.

7 **Q You testified that either Legislature or**
8 **tariff changes or both are necessary to aid in**
9 **allowing the market to grow outside of a regulated**
10 **business; is that right?**

11 A Yes. That is correct.

12 **Q And, further, that the company would**
13 **encourage this Commission to seek out ways to allow**
14 **for non-utilities to participate in the**
15 **marketplace?**

16 A That is correct, yes.

17 **Q In terms of tariff issues, One is that**
18 **Kansas City Power & Light has a prohibition against**
19 **the resale of electricity in its tariff rate; is**
20 **that right?**

21 A That is right.

22 **Q And do you recall on the January 12th**
23 **Ameren hearing, you testified that that tariff**
24 **issue was one issue of concern?**

25 A That is right.

1 **Q** And in that same testimony, you explained
2 that the tariff prohibitions in KCP&L's tariff were
3 not aimed at EV charging but at the establishment
4 of subdivisions?

5 A A number of things. But subdivisions were
6 one where people would put in mobile home parks and
7 set meters out to serve those and buy power at a
8 central point and then provide services to all of
9 the residences. That -- that was the one of the
10 issues from years back.

11 **Q** Thank you. And in addition, in that
12 colloquy with Chairman Hall, you indicated that the
13 company would be willing to modify that tariff with
14 those restrictions. Do you recall that testimony?

15 A Yes.

16 **Q** Is that still the company's position
17 today?

18 A Yes. And, again, it would be very, very
19 specific to, I believe, EV charging stations in
20 this case because I think if you lift that
21 prohibition in a general way, it could create a
22 tremendous amount of unintended consequences that
23 -- that would be a concern.

24 **Q** Understood. Mr. Rush, the company has not
25 proposed a tariff change in this case that would

1 **modify or lift that prohibition; is that correct?**

2 A That is correct.

3 **Q Would the company --**

4 A Our -- our concern, obviously, as I said
5 in any testimony, it's both a tariff issue and
6 Legislative issue or one or both. We're really a
7 little unclear. I believe it may be a Legislative
8 issue, also.

9 **Q Okay. Now I just want to get at that**
10 **tariff. So would the company welcome an order from**
11 **this Commission directing that it file for such a**
12 **change to its tariff language?**

13 A If it had investigated the conditions with
14 regard to Legislation, yes.

15 **Q Purely with respect to the tariff, does**
16 **the company have plans or would it agree to file**
17 **for the change absent a directive from the**
18 **Commission?**

19 A Again, I think the issue is the -- the
20 potential Legislative provisions that -- that we
21 would need to make. Right now, we have, in my
22 mind, kind of an exclusive franchise to serve an
23 area to provide electricity.

24 And -- and that condition would have to be
25 investigated, in my mind, from a legislative point.

1 Maybe it would take a very, very simple process at
2 the Legislature.

3 But I think there's a lot of concern. I
4 think the Staff has brought that same concern up.

5 **Q Mr. Rush, I'll try not to dwell on this,**
6 **but setting Legislative concerns aside, assuming**
7 **for purposes of my question that were not an issue,**
8 **would the company otherwise be willing, absent a**
9 **directive from this Commission, to file a change in**
10 **that tariff language?**

11 A Yes.

12 **Q Okay. Thank you. In your rebuttal on**
13 **page 52, you explained your understanding that**
14 **utilities are the only entities that may provide**
15 **and charge for public charging --**

16 A I'm sorry. Just one second. Okay? I'm
17 slow.

18 **Q No problem.**

19 A Okay. On line -- page 52?

20 **Q Page 52, lines 9 through 14.**

21 A Okay. All right. You explain there your
22 understanding that utilities are the only entities
23 that may provide and charge for public charging; is
24 that right?

25 A That is correct.

1 **Q** And you also reference Staff, which find
2 **EV charging stations to constitute with electric**
3 **plant. Have I got that right?**

4 A Yes.

5 **Q** Okay. Now, understanding you're not an
6 **attorney, I'm not asking you for a legal**
7 **conclusion. But as a matter of policy, would the**
8 **company object to an approach by this Commission**
9 **that treated utility owned and operated stations as**
10 **a regulated service subject to Commission oversight**
11 **while excluding from oversight those that were**
12 **owned and operated by non-utilities?**

13 A I don't have -- I don't know the answer to
14 that. I would have to do some more research on it.
15 You're saying the Commission would oversee us, the
16 utility, but not necessarily others that were
17 selling the electricity if the Legislature and the
18 utility had a sale for non -- for resale
19 prohibition?

20 **Q** That's correct.

21 A I am -- I don't --

22 **Q** As a matter of policy, I'm asking whether
23 **the company has a position.**

24 A We don't at this time.

25 **Q** Mr. Rush, are you aware that such an

1 approach, the one I just described and you can
2 affirm back to me -- would reflect the judgment of
3 regulators in the New York Public Service
4 Commission?

5 A I'm not familiar with that, but to me, it
6 somewhat makes some sense. But I think would take
7 more of KCP&L as a decision-maker in something like
8 that.

9 Q Are you aware that New York and Missouri
10 have, for all intents and purposes, identical
11 definitions of electric plant and electric
12 corporation?

13 A From a general stance, yes.

14 Q Are you aware that the regulatory scheme I
15 described to you previously if a utility-owned
16 electric vehicle charging station was subject to
17 Commission oversight while non-utility stations
18 would not be reflected in the judgment reached by
19 Legislators in Oregon, Washington, California
20 Massachusetts, in addition to New York?

21 A Again, I'm not particularly familiar with
22 each one of those states that you mentioned.

23 Q Okay. Continuing on page 52, Mr. Rush,
24 lines 8 through 9, you state there that while in
25 the future the company believes that private

1 **entities may become key player in the EV charging**
2 **market, that's not the case today. Is that a fair**
3 **characterization?**

4 A That is a -- that is a fair -- fair
5 characterization. Yes.

6 **Q Kansas City Power & Light has a third**
7 **party vendor for the clean charge network; is that**
8 **right?**

9 A Yes.

10 **Q Could you name that vendor for me?**

11 A I believe their name is Charge Pointe.

12 **Q And Charge Pointe is the provider of all**
13 **the equipment for the clean charge network?**

14 A That's correct.

15 **Q And they provide the billing and network**
16 **services?**

17 A They provide the billing information that
18 we receive and -- and a number of things for -- and
19 they will provide the billing processes for -- if
20 we are allowed to have a tariff.

21 **Q Do they provide maintenance services for**
22 **the clean charge network?**

23 A I know we have a maintenance agreement,
24 and I'm really not certain who that's with. It may
25 be with them. I'm not certain.

1 Q Okay. Without use of a third party
2 vendor, would this project have been possible for
3 the utility to undertake?

4 A I don't -- no, it would not.

5 Q The same page of your rebuttal, Mr. Rush.
6 I apologize for moving up the page.

7 A That's all right.

8 Q Lines 3 to 5, you state that the company
9 would -- can work with the Commission to provide
10 annual reports regarding the use of company-owned
11 EV charging stations and the impact they have on
12 company facilities; is that right?

13 A It is. Yes.

14 Q And there you're -- you're responding to
15 testimony from Staff that lays out several
16 criteria, metrics they'd like to be reported on?

17 A That's correct. Yes.

18 Q I just want to clarify just because
19 there's -- there's not much in your testimony here.
20 Does the company have an objection to any of the
21 metrics laid out by Staff in terms of an annual
22 report?

23 A I don't think so. No.

24 Q Okay. And have you reviewed the testimony
25 of -- Douglas Jester on rate design where he also

1 lists some metrics that the Sierra Club would hope
2 to see reporting on?

3 A I have reviewed his testimony. And I
4 honestly don't remember the specifics of that.

5 Q Do you have it up there with you?

6 A I do not have it up here with me.

7 Q Okay. And then if could just ask you a
8 bit about the tariff. I'm almost to the end here,
9 Mr. Rush.

10 A No problem.

11 Q The tariff is specific to the
12 utility-owned and operated stations that are part
13 of the clean charge network, correct?

14 A That is correct. Yes.

15 Q And is it limited to a particular number
16 of stations within the Kansas City Power & Light
17 jurisdictional territory?

18 A We -- we put a limit of 350 on that before
19 we would come back to the Commission and address
20 that. I believe that we would like to increase
21 that number on a fairly immediate basis.

22 But, obviously, we are limited by what
23 we've made in our filing at this stage and -- and
24 hope -- and in an effort to move forward that --
25 that we will exceed that -- that number.

1 Q I asked as a matter clarification because,
2 in the application on page 28, you have the number
3 as 400?

4 A 400. That's correct.

5 Q And in the tariff, it reads differently,
6 which is marked as Highly Confidential. But now
7 you've said the number.

8 A That's right.

9 Q So you could clarify?

10 A Right. It was set at 350 in there, and --
11 and it appears because of interest that -- that
12 that number will grow greater than the 350.

13 Q Because you don't have it in front of you,
14 do you recall from Mr. Jester's testimony on rate
15 design that he suggests that to ensure the
16 development of competitive vehicle charging market
17 that non-utility owners and operators of EV
18 charging should be able to obtain electricity for
19 use in their vehicle charging on terms similar or
20 the same as with the utility without purpose. Do
21 you recall that testimony?

22 A I'm -- could you read it one more time?

23 Q If you'd prefer, can I show it to you.

24 A That would be great.

25 MR. HALSO: Just one moment, your Honor.

1 Your Honor, may I approach?

2 JUDGE PRIDGIN: You may.

3 A Thank you.

4 Q (By Mr. Halso) Okay. Okay. All right.
5 I'll keep this up here. This is my copy.

6 A Okay.

7 Q Just let me know once you've had a chance
8 to review that. Page 6, lines 10 to 12, Mr. Rush.

9 A Okay. Just one moment. I have read it.
10 Okay.

11 Q Okay. Would the company, in principle,
12 agree to allow third party providers of EV charging
13 services to access the clean charge network tariff
14 or one similar in a future rate case as Mr. Jester
15 describes?

16 A To -- let me -- to -- understanding what
17 you're saying by that, you mean we have a tariff
18 and the tariff is approved. Let's say it's 16
19 cents per kilowatt hour. What do you mean by
20 accessing the tariff? That's -- that's what I'm
21 trying to understand.

22 Q The idea would be that the utility has
23 access to energy at a particular cost for its own
24 self-supply at the charging stations, which, as
25 approved by this Commission, is likely to be a rate

1 **that's passed directly to the driver.**

2 A Okay.

3 **Q My question to you is, would the company,**
4 **in principle, allow non-utility providers being**
5 **charged services to access energy at that price**
6 **even when they turn around to price it to drivers?**
7 **Is that a different cost for fairness in the**
8 **market?**

9 A I -- I have not thought -- now I
10 understand what your -- I have not thought through
11 that. Part of, you know, what -- what we're doing
12 today is proposing a tariff that would be from a
13 charging station from the regulated utility.

14 If you had a third party come in to which
15 we are not in a position to -- if the particular
16 requirements are set, they would most likely buy
17 power from the utility and then want to sell it as
18 an unregulated business for themselves, they would
19 most likely have a number of other elements at that
20 station such as a building or something else
21 associated with it.

22 So when you say buy it at -- are you
23 buying it at the price that you're selling the car
24 to the -- the vehicle, or are you buying it for the
25 station that services that? I -- I don't

1 understand -- there's a lot of pieces that would
2 have to be worked through. That's all I'm trying
3 to say.

4 **Q Understood. Let me try to ask a**
5 **hypothetical that simplifies some of your concerns.**

6 A Okay.

7 **Q Let's assume that there was a stand-alone**
8 **electric vehicle charging station. It was**
9 **separately metered from whatever premises it was**
10 **on.**

11 A Okay. An independent -- the only thing
12 that's there is a charging station. Okay.

13 **Q Right. Would the company be opposed to**
14 **allowing the provider of that station to access**
15 **energy at the same rate that stations that are**
16 **owned and operated by the utility and sited at**
17 **different locations are paying for that energy?**

18 A And then that entity would turn -- in your
19 hypothetical turn around and sell the power --
20 let's say the price we have at DBE is 16 cents, and
21 they would turn around and sell it for 40 cents?

22 **Q If the market would bear it.**

23 A I -- I really don't have an answer for
24 that. I -- I mean, all I'm saying is we would like
25 to encourage the deveopment of stations. But to

1 say that we would agree, I -- I would need to think
2 through that, particularly with regard to all the
3 other requirements that may be required.

4 Q That's fair. So as you sit on the stand,
5 the company's answer to that is I don't know; is
6 that correct?

7 A That would be a great answer.

8 Q Fair enough. The last line of questioning
9 here, Mr. Rush, we can go to page 54 of your -- of
10 your rebuttal on revenue requirement.

11 A I'm there.

12 Q And you state there that a potential
13 benefit of this clean charge network to all utility
14 customers is the depressive effect on rates; is
15 that correct?

16 A That's correct.

17 Q Which is resolved from increased
18 efficiency due to increased use of generation
19 assets; is that right?

20 A Yes.

21 Q That benefit -- that's premised on an
22 assumption that charging or demand for charging
23 will occur off peak; is that right?

24 A It's one of the elements that it would be.

25 Q Okay. In turning to page 56, 1 through 3,

1 you explain that while the company agrees that time
2 of use can provide EV owners a charge at home the
3 incentive to charge off peaks, it's inapplicable to
4 the clean charge network for public stations; is
5 that right?

6 A I'm trying to figure out where you're at.

7 Q This is -- I'm sorry. This is Page 55,
8 lines 1 to 3.

9 A I'm there. Lines 1 to 3. Yeah. I just
10 said it wasn't a proper comparison. Yes.

11 Q Are some of the clean charge network
12 stations sited at apartment buildings, Mr. Rush?

13 A You know, I -- I honestly don't know. I
14 don't know that answer, if they are. My guess is
15 they are.

16 Q Are they --

17 A I'm almost -- I feel fairly certain they
18 are.

19 Q Okay. Are some sited at work places for
20 use by the employees that would park there during
21 the day?

22 A Yes. Absolutely.

23 Q Okay. And in both of those cases, you
24 would have vehicles that are sitting for a long
25 period of time; is that right?

1 A That is correct. Potentially. Yes.

2 Q Is it your belief that time of use rate
3 would be inappropriate for those market segments
4 for vehicles that have long dwell times?

5 A I'm not -- I'm not really certain if time
6 of use would be inappropriate or not. I think, you
7 know, whatever the particular prices that we've
8 recommended would be the appropriate way to go,
9 which are not currently time of use.

10 But I do think, you know, we are in a lot
11 -- doing an awful lot of rate studies right now.
12 We are deep, deep into rate studies. So to try to
13 change the world, which is a concern we're having
14 right now, without getting those studies done would
15 not be an appropriate thing.

16 So I -- I believe down the -- down the
17 road, we may have time of use rates for these. We
18 may come back to the Commission, ask for time of
19 use rates for these installations.

20 Q So you would not consider time of use
21 pricing inappropriate --

22 A No.

23 Q -- for these?

24 A Not at all.

25 Q You also mentioned in lines 6 through 8 on

1 **that same page that the clean charge network**
2 **stations are capable of performing demand response**
3 **activity; is that right?**

4 A There is a lot of technology associated
5 with these facilities, yes.

6 **Q Does the company have any timeline for its**
7 **implementation of that demand response?**

8 A Honestly, as things develop, it will
9 probably meet fairly quickly because I think we are
10 trying to do things in regard, just as Mr. Fischer
11 mentioned in his opening, with regard to the award
12 that we recently received from EPRI because of the
13 innovation.

14 I mean, our intent is to continue to
15 expand and develop this technology. Not
16 necessarily growing the number of units but
17 establishing a good foundation infrastructure for
18 the development of the electric vehicles in -- in
19 our territories.

20 **Q Thank you. And just on page 20 of your**
21 **surrebuttal -- this is the last question here.**

22 A Page 20.

23 **Q Page 20. That's right. I'm looking at**
24 **lines 10 to 13.**

25 A Yes.

1 **Q** You've got several concerns with the clean
2 charge network tariff being a time of use rate.
3 One of them is the capability of Kansas City Power
4 & Light's billing system; that is right?

5 A Right.

6 **Q** And is there a timeline for the company to
7 resolve the issues that prohibit you from currently
8 billing on time of use rates?

9 A There is a number of provisions currently
10 in place. We are putting -- putting in a new
11 billing system that will allow us to use time of
12 use rates and a number of other advanced technology
13 type rates that is to be done in the very near
14 future. Within the next two years, we'll have that
15 implemented and operational.

16 **Q** Within the next two years is the timeline?

17 A Yes.

18 **Q** All right.

19 MR. HALSO: That's all I have. Thank you,
20 your Honor.

21 JUDGE PRIDGIN: Thank you. NRDC, any
22 cross?

23 MR. ROBERTSON: No questions.

24 JUDGE PRIDGIN: Thank you, any cross,
25 Public Counsel?

1 MR. OPITZ: Yes, judge.

2 CROSS-EXAMINATION

3 BY MR. OPITZ:

4 Q Good afternoon, Mr. Rush.

5 A Good afternoon.

6 Q Can you tell me what your role is with the
7 company?

8 A My title is Director of Regulatory
9 Affairs. My -- essentially, my responsibility
10 deals with regulation in the state of Missouri.

11 Q Do you do any work in Kansas?

12 A I do a little bit, but it's not my
13 specific requirements. I used to be responsible
14 for that area at one time.

15 Q Did you participate in the Kansas
16 application for --

17 A I did not.

18 Q -- these charging stations?

19 A No.

20 Q Can you tell me when Kansas City Power &
21 Light started its charging station network?

22 A I don't know the specifics. It was some
23 time ago. Probably three years ago, two to three
24 years ago.

25 Q And how many charging stations are

1 **currently installed in the Missouri jurisdiction?**

2 A In KCP&L Missouri, I believe it's
3 300-plus.

4 **Q Do you have your direct testimony with**
5 **you?**

6 A I do.

7 **Q If I could point you to page 21.**

8 A Yes.

9 **Q I'm sorry. I have to get the rebuttal**
10 **open here. So at the bottom of page 21, line 20,**
11 **you testified that the user must set up an account**
12 **with Charge Pointe?**

13 A That's right.

14 **Q And why must the customer use a Charge**
15 **Pointe account at the station?**

16 A It's essentially like swiping a key card
17 or something to have access to -- to that charge
18 station. I mean, it's a way of control.

19 **Q So can you tell me how that financial**
20 **transaction works, then?**

21 A Well --

22 **Q Just walk me through it.**

23 A Currently, there is no financial
24 transaction.

25 **Q Okay. So --**

1 A Currently, all of the charge stations that
2 we have are being supported by the location of
3 which they're at.

4 **Q So the location right now has to have a**
5 **Charge Pointe account. Is that what you're**
6 **testifying?**

7 A No. No.

8 **Q The user -- the owner of the electric**
9 **vehicle --**

10 A Think -- think about it this way. Today,
11 what happens is customer that has a vehicle comes
12 up. They swipe a card. They plug in their charge
13 -- you know, their vehicle. Charge -- they plug it
14 in. They charge it up.

15 The electricity is -- is being -- is going
16 through the service at that point for that
17 customer. They disconnect. The energy is carried
18 forward. A quantification of that Charge Pointe
19 manages, they provide that back to our company,
20 which can then provide a billing to the customer.

21 **Q And that -- so that's your description of**
22 **how it's -- how you intend it to happen in the**
23 **future?**

24 A That's how it happens today.

25 **Q The customer right now --**

1 A The location. The location. The
2 location.

3 **Q Right.**

4 A Okay? How it will happen in the future is
5 the customer swipes it. They put in their Discover
6 card or whatever -- however means they're going to
7 pay for that, and -- and -- and it is billed
8 through Charge Pointe based on the price we provide
9 based on the tariff price, based on the fuel
10 adjustment clause, based on the taxation for that
11 particular area. And the customer then is -- is
12 billed a quantification. Information is provided
13 to us of what transaction is taking place.

14 **Q So in that future situation, the customer**
15 **is still using a Charge Pointe card?**

16 A Yes.

17 **Q And so they have a --**

18 A For access to that place.

19 **Q -- credit card or bank account on file**
20 **with Charge Pointe that -- that Charge Pointe**
21 **charges to -- takes the money from the customer's**
22 **credit card or bank account? Is that how it's**
23 **going to work?**

24 A That would be my understanding.

25 **Q And then Charge --**

1 A You're into a little beyond the tech -- I
2 mean, I know we've described it, but I'm really
3 sure that that's the process.

4 **Q So then the next step in the process is**
5 **that Charge Pointe provides KCP&L all of that**
6 **money?**

7 A Yes.

8 **Q Okay. And there's nothing that's retained**
9 **by Charge Pointe?**

10 A For the price that's paid, no. But for --
11 I'm sure there is a fee, a maintenance fee, a
12 process fee that the company is paying.

13 **Q And so that is in addition to the rate?**

14 A The 16 cents is what the customer pays.
15 Or the price in the tariff.

16 **Q Okay.**

17 A We're -- we're -- you know, that is the
18 price the customer pays.

19 **Q And so --**

20 A We handle the back side of that.

21 **Q So do they -- does the customer -- when**
22 **they do this, will they get a receipt of the**
23 **transaction?**

24 A I mean, it would be on the credit card
25 statement. I don't know -- I don't know if there's

1 a paper receipt or an electronic receipt. My guess
2 is there's some sort of form of a receipt or
3 notification.

4 **Q And so would that -- is it your testimony**
5 **that that receipt would reflect only that 16 cent**
6 **rate that's in the tariff?**

7 A And the session charge if there were one.

8 **Q And the session charge. And that's it?**

9 A No.

10 **Q Nothing additional to Charge Pointe?**

11 A The cust -- well, the customer will also
12 pay the taxes and the FAC. And as I understand it,
13 you know, it will be into some form of
14 notification, Here's your bill. Just like any
15 option. You can --

16 **Q Is there will be no charge showing up on**
17 **the customer's receipt that is not listed in the**
18 **tariff?**

19 A There is no additional fee beyond the
20 tariff price. Yes. That's correct.

21 **Q So in your direct on page 23, that line**
22 **11, you talk about the two payment options, I**
23 **guess, that the company is proposing; is that**
24 **correct?**

25 A Yes.

1 **Q** And at line 11, you state, in part, that
2 the payment option chosen by the host will affect
3 what the customer will pay to use the charging
4 stations at each site?

5 A Uh-huh.

6 **Q** Can you help me parse that out a little
7 bit? So what -- what occurs in the first payment
8 option selected?

9 A Well, the host makes the decision -- the
10 host may pay for the electricity. So let's say
11 Target or K-Mart or somebody has charging stations
12 at -- at their location, and they made a decision
13 that they wanted to pay for that bill, that they do
14 not want to have their customers pay for any
15 electricity and offer a free site. That -- that
16 would be Option 1.

17 **Q** And so in that scenario, would people
18 wishing to partake in that service still need a
19 Charge Pointe card?

20 A Yes.

21 **Q** Would they have to provide, I guess --

22 A I don't think would have to have the
23 credit card for that.

24 **Q** You don't think they would have to have
25 the credit card for that?

1 A That's correct. But the bill would then
2 go to the Target, to K-Mart, whatever that facility
3 is.

4 **Q Okay. And then they would --**

5 A And then they would pay the 16 cents or
6 whatever the rate is.

7 **Q Pay that?**

8 A The FAC, the taxes, yes.

9 **Q And so how does the second payment option**
10 **work, then?**

11 A Well, the other one is that the customer
12 pays for it. I mean, are you talking about -- now
13 talking about the different levels?

14 **Q Well, so you're talking about the payment**
15 **option chosen by the host will affect what the**
16 **customer will pay to use the charging stations at**
17 **each site?**

18 A Yeah.

19 **Q So I understand that there's different**
20 **charging station levels, Level 3 and Level 2.**

21 A That's correct.

22 **Q So if the host selects to pay for the**
23 **bill --**

24 A Uh-huh.

25 **Q -- at a Level 2 charging station, will**

1 **that rate be the same that the customer pays --**

2 A Yes.

3 **Q -- at a --**

4 A Level 2.

5 **Q -- Level 2 station?**

6 A That's correct.

7 **Q So that -- that testimony here is merely**
8 **talking about the differences between the Level 2**
9 **and Level 3?**

10 A Well, when you have a Level 3, there's
11 just simply a fee. It's a different rate.

12 **Q Okay. So it's -- so it's not necessarily**
13 **dependent on the -- the payment option chosen by**
14 **the host, but it's more on the charging station**
15 **type selected by the host?**

16 A No. What I'm saying is that the host gets
17 to decide whether I'm -- he's going to pay for the
18 bill or the customer is going to pay for the bill.
19 That's the two options. The customer consuming, so
20 --

21 **Q Okay.**

22 A So the apartment complex says, No, I'm
23 going to let the vehicle -- you know, the person
24 that owns the vehicle pay for the bill. They'll
25 pay for the rate.

1 Q And so under either payment option, the
2 service that the customer receives is they're able
3 to charge their car still?

4 A That's right.

5 Q And that's the same, I guess, service that
6 occurs whether it's a Level 2 or a Level 3 station?

7 A That would be right. Yes.

8 Q So can you help me understand, I guess, a
9 little bit about the apparatus of the charging
10 station?

11 A Okay.

12 Q So what does the company own? What --
13 what components does the company own?

14 A Everything up to the plug that goes into
15 the electric vehicle.

16 Q So that includes the -- the wires, I
17 guess, going to the --

18 A Everything. Yes.

19 Q The -- they look like a little tower --

20 A Uh-huh.

21 Q -- is what I've seen. And that tower is
22 owned by KCP&L?

23 A KCP&L. That's correct.

24 Q What about the property that that tower is
25 sitting on?

1 A We have a -- an agreement to have that.
2 We do not know any of the properties.

3 **Q What about the -- I guess, all of those**
4 **towers are located in a spot where a vehicle could**
5 **park; is that correct?**

6 A Yes.

7 **Q And so does the company own that, I guess,**
8 **piece of land, that piece of parking?**

9 A No, we do not.

10 **Q Do you have some lease agreement there?**

11 A We have an agreement with the land -- with
12 the owner or landlord or whoever it is the property
13 controller customer.

14 **Q Okay.**

15 A And all of the agreements initially signed
16 up where that they will provide the electricity for
17 a period of time, and then we will take it over and
18 allow them to make a decision whether they want to
19 continue to provide the electricity to the vehicle
20 or if they're going to have the customer vehicle
21 owner pay for the electricity.

22 **Q How long does a charging station last?**
23 **What's the life span of a charging station?**

24 A I believe what we have reflected in our
25 rate case is 10 years. So that's the -- we

1 requested a depreciation rate associated with that
2 to be included in our rate case for 10 years.

3 **Q So you don't -- you expect these charging**
4 **stations, 300-plus that you have in place to last**
5 **another ten years?**

6 A From when they were installed, yes.

7 **Q Okay.**

8 A I mean, the company has been absorbing the
9 cost of that since those were all installed. So
10 we've been depreciating them, et cetera, not at
11 that rate because we don't have a specific rate for
12 it. But we're depreciating them in plant.

13 **Q So I guess getting back to the -- to the**
14 **parking spot, if you could turn to page 26 of your**
15 **direct testimony. And at line 6, you start to talk**
16 **about session charges.**

17 A Yes.

18 **Q So it's your preference that -- it's the**
19 **company's preference that the session charge be at**
20 **the discretion of the host, but subject to certain**
21 **parameters of KCP&L; is that right?**

22 A That's -- was our initial filing. And
23 that has been an issue being contested throughout
24 our case. And we've done an awful lot of
25 investigation on that since then. And -- and,

1 quite frankly, we are at a stage that we feel like
2 that we could eliminate that and not include that
3 at this stage if it would help move things along,
4 and that if problems came up and surfaced, we'd get
5 some experience.

6 Because right now, it's offering it free
7 and it's not -- we don't have an issue that we've
8 identified that's clearly there. So we would come
9 back if we did define an issue and -- and come back
10 and ask for a session charge at some point. But at
11 this stage, we would be willing not -- to forgo
12 that cost.

13 **Q So - so you are -- the company's position**
14 **is that there not be a session charge?**

15 A At this stage, yes.

16 **Q Okay. If -- if -- since it's a, I guess,**
17 **host-owned piece of property, does the -- what**
18 **authority does KCP&L have to say that the host site**
19 **cannot charge a fee for using that parking space?**

20 A They would have to come up with a
21 different mechanism than anything through Charge
22 Pointe because Charge Pointe is the billing engine
23 -- is the location where the billing is taking
24 place in. And that's controlled not by the -- the
25 landlord but by, essentially, this tariff that

1 we're trying to put in place.

2 Q So there would be nothing, I guess,
3 preventing a host site from putting in a -- I guess
4 just a regular parking meter right next to the
5 charging tower that KCP&L has in?

6 A You know, I don't know the particulars of
7 our agreements to that detail, but I don't think
8 they could. But -- but I don't --

9 Q So it's pursuant to the lease agreement
10 that would prevent them from doing that?

11 A What I would guess is that the customer
12 has offered us a site, but the -- Charge Pointe to
13 offer parking and to something of an impediment, I
14 don't think that is something that could readily be
15 done.

16 Q So what authority would the Commission
17 have to tell a host site that it cannot put in a
18 meter if that wasn't in your agreement?

19 A I don't know.

20 Q If -- if the company has this agreement
21 and it's requiring the host site to, I guess,
22 comply with the provision that it not charge a
23 parking fee or a session charge --

24 A Uh-huh.

25 Q -- would you agree that you are -- that

1 the company is assuming some control over that
2 property as a condition of providing this charging
3 service at that location?

4 A Could you repeat your -- I'm trying to
5 understand the question.

6 Q So if KCP&L -- would you agree that KCP&L,
7 by permitting them this -- this -- the host site to
8 have this charging service, which -- at their host
9 site, KCP&L is assuming some control over the --
10 the property as a condition to permit them to
11 provide that service?

12 A Oh, I do think so. Yes.

13 Q So what if that host site puts up a sign
14 that says, Tim Opitz can't park here?

15 A Okay.

16 Q Can't charge here. I mean, what can KCP&L
17 do to require them to -- to offer that service, if
18 anything?

19 A My -- my guess is there's something in the
20 management of the agreement that would prohibit
21 that activity from ever occurring.

22 I mean, we are agreeing to a site that
23 customers can come in and park and do charging, and
24 it's to their benefit to have it there. If they --
25 if you can imagine them putting a protest on

1 something that they are trying -- that's a benefit
2 to them -- I can't imagine that.

3 I mean, in my wildest -- and we have
4 agreements to work with them that I just can't
5 fathom anybody doing that.

6 **Q So it sounds like you have an agreement**
7 **with these host sites that they are going to let**
8 **people, so long as they're charging there, park**
9 **indiscriminately?**

10 A That is correct.

11 **Q If there wasn't that agreement, what**
12 **authority would the Commission have to require a**
13 **host site to let anybody park there?**

14 A I don't think the Commission would
15 necessarily be worried about it. I think if we had
16 vehicles that were parking there that were not
17 utilizing the service, we probably would address it
18 through tow away activities or something that this
19 is made available for an electric vehicle.

20 I mean, I -- I can't fathom the issue. I
21 mean, I think we've managed and worked with and
22 know what we're doing. We know who -- we've
23 located them. They're being utilized. You know,
24 we've got about, what, 1500 or so vehicles in the
25 community that are regularly using those locations.

1 so it's -- it's not an issue.

2 **Q So if -- if a non-electric vehicle were**
3 **parked in front of a charging station --**

4 A Uh-huh.

5 **Q -- would the company have to file a**
6 **complaint with the Commission before they could get**
7 **that car towed away?**

8 A No. I don't think so.

9 **Q If the company found out --**

10 A I think it would be more on the -- the
11 location, the service. You're -- what they're
12 trying to do is work with an entity. You know, the
13 whole idea of working with a target or a -- a --
14 you know, an apartment complex or anything is to
15 create something that's beneficial to customers.

16 And if all of a sudden there are -- there
17 are problems with that, you're going to work with
18 the entity there. You're going to work with
19 Targets, the K-Mart's, the apartment complex. And
20 how are you going to going to address those
21 problems? I mean, it's that way with anything.

22 **Q So you said just a minute ago that you are**
23 **no longer seeking a session charge; is that right?**

24 A That's -- that's what I just said. Yes.

25 **Q But you didn't foreclose the possibility**

1 **that you would seek one in the future?**

2 A If we have a problem of some kind that
3 surfaces, we've talked long enough internally and
4 said we would come back and seek something with the
5 Commission.

6 **Q And the session charge is paid -- would be**
7 **paid entirely to KCP&L; is that correct?**

8 A Yes.

9 **Q So if -- I guess the mechanism for paying**
10 **that session charge is it would be added to this**
11 **Charge Pointe --**

12 A That's right.

13 **Q -- billing, sort of thing? So if a person**
14 **with a non-electric vehicle parked there and you**
15 **did have a session charge, would the company then**
16 **try to find out if that non-electric vehicle owner**
17 **was a Kansas City Power & Light customer and**
18 **collect that session charge from their electric**
19 **bill?**

20 A I don't think so. No.

21 **Q Are you familiar with the Commission's**
22 **Chapter 13 rules?**

23 A I am.

24 **Q And are --**

25 A I mean, generally.

1 **Q** Generally. And are you aware that there
2 is provisions in that rule that permit certain
3 utili -- sewer utilities if a customer is not
4 paying their bill that they can get the water shut
5 off, even if it's by a different utility?

6 MR. THOMPSON: Judge, I'm going to object
7 that this is irrelevant.

8 JUDGE PRIDGIN: Mr. Opitz?

9 MR. OPITZ: I think it's a question that
10 goes out to how in practice they're going to
11 enforce these session charges if they do get to
12 them.

13 MR. FISCHER: Judge, we've effectively
14 withdrawn that, I think today, and I would ask that
15 -- I would join in the objection.

16 MR. OPITZ: I'm willing to move on from
17 that question.

18 JUDGE PRIDGIN: Thank you.

19 **Q** (By Mr. Opitz) So on your direct
20 testimony, page 28 --

21 A Okay.

22 **Q** -- at -- you are asking generally to
23 include the costs associated with these charging
24 stations in rates for Missouri customers. That's
25 correct, right?

1 A Well, I am. But it would actually be
2 giving a credit back to customers, but in our rate
3 case.

4 **Q And that's due to a tax benefit; is that**
5 **correct?**

6 A It's due to the way the investment --
7 ADITs operate. It's our session charges. It's all
8 of those costs combined with the tax benefits
9 results in a negative number.

10 **Q And do you expect that negative never**
11 **number to continue in perpetuity?**

12 A I don't know if there will be an extension
13 of the current tax benefits. And so I don't have
14 that answer. But I would likely believe that it
15 would not in perpetuity.

16 **Q Do you know when those tax benefits**
17 **expire?**

18 A Well, I think the tax benefits expired in
19 2016. However, they have not -- they are often --
20 what do you call it? Brought up again and approved
21 and implemented at -- at times. And they have been
22 for some time now.

23 **Q At page 29 of your direct testimony --**

24 A Yes.

25 **Q -- you state, It needs to be remembered**

1 **that KCP&L's shareholders have born 100 percent of**
2 **the cost of the CCN program to date as no costs**
3 **associated with the CCN have been included in rates**
4 **paid by the company's Missouri customers?**

5 A That is correct.

6 **Q You would agree that no one forced KCP&L**
7 **to build these charging stations?**

8 A That -- that is correct.

9 **Q And you would agree that building these**
10 **charging stations was the choice of KCP&L**
11 **management?**

12 A Yes. I mean, it was a very smart move,
13 but yes.

14 **Q In Kansas, did the Kansas Corporation**
15 **Commission permit the company to include these**
16 **charging stations in that jurisdiction in its**
17 **rates?**

18 A They did not. They did allow the tariff
19 to go into play. So the tariff was approved. I
20 think there might have been a slight modification
21 to it.

22 **Q Would you characterize the company**
23 **management's decision to put in those -- to build**
24 **those electric charging stations as a smart**
25 **decision?**

1 A I believe it was. Some people have
2 different views of things. And I'm not sure what
3 will happen yet in Kansas, but that will be
4 addressed at some point.

5 **Q So what is it that you're trying to convey**
6 **by saying in your testimony that shareholders have**
7 **paid 100 percent of the costs for these charging**
8 **stations to this point?**

9 A We have done that. I mean, the company
10 has made the investments. Not -- we don't have the
11 same tax benefits that are happening in Kansas
12 necessarily the way that it's addressed in
13 Missouri.

14 The company has invested, you know, a lot
15 of time and effort in the development of -- of
16 electric vehicle charging stations to what we think
17 is a critical element of -- of growing an
18 infrastructure that would support electric vehicle.

19 **Q In your redirect, page 29, beginning at**
20 **line 18, you testify that KCP&L must construct and**
21 **operate facilities prudently or risk disallowances?**

22 A That is correct.

23 **Q Tell me, what would constitute imprudent**
24 **construction of a charging station?**

25 A I mean, it's -- imprudent would be

1 basically essentially a wasteful investment of some
2 kind whether it be gold plating something or
3 spending more than was necessary for the
4 installation of it or imprudently operating those
5 facilities.

6 **Q So you mentioned gold plating. Can you**
7 **tell me what you mean by gold plating?**

8 A Spending a lot more money than would be
9 necessary to -- to do that. I mean, in any prudent
10 review, people are trying to say, did you get the
11 best deal? Did you operate the best way possible?
12 Did you give -- based on the facts that you know --
13 knew at that time, did you make the right decision?
14 I mean, if we made inappropriate decisions at the
15 we made decisions, that would be imprudent.

16 A And, I mean, we address that a lot in fuel
17 adjustment clauses and a lot of other things that
18 the company faces construction projects, et cetera.
19 We have audits done.

20 **Q Would it be -- would it be -- would you**
21 **agree that it might be imprudent to build too many**
22 **charging stations?**

23 A That -- that's a possibility.

24 **Q What is a number of charging stations that**
25 **you believe would be prudent?**

1 A Well, what we have set out to do is we
2 did not build a system to -- to manage the entire
3 system for electric vehicles. We were trying to
4 jump start things.

5 And when we did that, we decided that a
6 thousand was the first limitation of where we would
7 go and we would make evaluations as -- when that
8 was completed. And -- and we have not completed
9 that yet.

10 **Q And so what are the things that you're**
11 **evaluating to decide whether more charging stations**
12 **might be needed?**

13 A Receptivity of the market.

14 **Q Let me pause you there. What do you mean**
15 **by receptivity of the market?**

16 A The growth of electric vehicles and the
17 development of that market. I mean, we've seen
18 things -- you know, obviously, we're -- we're
19 having -- we're not just the only ones out there.

20 We saw, as you pointed out -- or someone
21 pointed out Nissan saying, We're going to also
22 invest money and they're going to kick start by
23 market by an investment that they're making in the
24 vehicles that people are taking advantage of. So
25 right now, I think it expires in a short period of

1 time, but it's happening.

2 **Q I think before I cut you off to inquire**
3 **further, you were about to go on with another, I**
4 **guess, consideration that you take into account or**
5 **that you've been evaluating.**

6 A I'm sorry. I don't remember what I was
7 thinking at that point. I apologize.

8 **Q Okay. Can you tell me what would**
9 **constitute imprudent operation of a charging**
10 **station?**

11 A If we didn't keep the facilities operating
12 properly, if we didn't do regular maintenance on
13 them, if -- oftentimes, if you have lots of billing
14 errors or problem with billing.

15 I mean, I'm trying to think of all the
16 operational issues you need to go through. We have
17 to manage the project and all aspects of it.

18 And if we have problems that could have
19 been contemplated and we ignored it, that would be
20 a problem.

21 **Q So you talk about billing problems and**
22 **issues. And as I understand your testimony, that**
23 **the electric vehicle user would, I guess, have a**
24 **Charge Pointe account that -- that charges them**
25 **which then is transferred to KCP&L?**

1 A No. They would not have -- their Charge
2 Pointe account is -- is access to the Charge Pointe
3 location.

4 **Q Okay.**

5 A It would be their -- their means of how
6 they were going to pay their bill is another piece.
7 That's something that's separate.

8 **Q But it is -- but to have that Charge**
9 **Pointe account they have to have that -- I think**
10 **you testified that they have to have a credit card**
11 **or bank card on file?**

12 A Well, they may not have to have it on
13 file, but they will have to swipe some kind of a
14 credit card.

15 **Q Okay. So if they have an issue at a**
16 **charging station, do they call Charge Pointe, or do**
17 **they call KCP&L?**

18 A You know, I -- I think they -- they call a
19 phone number that's set up that probably leads them
20 through that a path that either comes to us or --
21 or to Charge Pointe. But my guess is it's to us.

22 But I -- I'm really -- we haven't had any
23 problems that I'm aware of at this stage. If it's
24 a billing problem, then they may go to a different
25 path. I honestly don't know.

1 **Q** So what happens in the situation where --
2 if -- if there is a billing problem, could they
3 call KCP&L directly? Or do they call Charge
4 Pointe?

5 A If they have a billing problem? What did
6 you say? If they have a --

7 **Q** Let's say they -- they -- they are -- they
8 look at their invoice and it doesn't seem to add up
9 properly.

10 A They probably call Charge Pointe who makes
11 contact with us. Whenever you swipe a card and do
12 things, you typically have a process of which you
13 do that.

14 **Q** So --

15 A I don't think it's any different.

16 **Q** At your direct, page 30, you testify that
17 this investment is necessary to provide electric
18 service to our mobile customers. And that's at
19 line 4 -- well --

20 A Yes.

21 **Q** How -- how does KCP&L determine who its
22 mobile customers are?

23 MR. FISCHER: Your Honor, I -- I think I'm
24 going to interpose an objection and just make a
25 suggestion.

1 We've been going down this road of
2 operation issues on EV charging for quite some
3 time, and we've got a lot of ground to cover.

4 We do have another witness that's coming
5 up, not to address EV charging specifically, but
6 he's probably in a better position to answer some
7 of these questions, and that's Mr. Chuck Caisley.
8 I would suggest that operational questions should
9 be directed to him even though he's here on another
10 topic.

11 MR. OPITZ: Judge, I'm asking questions
12 and I'm referencing the testimony that was filed by
13 this witness.

14 JUDGE PRIDGIN: All right. I'm -- I'm
15 going to overrule, and I'm going to go ahead and
16 take a break since we've been going for a couple
17 hours and see if there's some way we can maybe
18 speed up the cross because we're still on the first
19 witness and we have a long way to go.

20 And I'm not sure how late we can go
21 tonight to try to get all of these witnesses in.
22 So I'll let you resume when we come back from break
23 here in just a moment.

24 I'm showing that it's 3:35. We can take a
25 15-minute break and come back on the record at

1 3:50. Is there anything else from Counsel before
2 we go on break? All right, thank you. We will
3 stand in recess until 3:50.

4 (Break in proceedings.)

5 JUDGE PRIDGIN: Good afternoon. We're
6 back on the record. We are still on
7 cross-examination of Mr. Rush by Mr. Opitz.

8 And before we resume that, I understood
9 that, for scheduling reasons, after Mr. Rush was
10 done, the parties wanted to move Mr. Jester up
11 ahead of Ms. Dietrich so he can be on his way. Is
12 that the something everybody -- nobody objects to
13 that?

14 MR. ANTAL: Yes, your Honor. It was also
15 my understanding that parties had agreed, at least
16 most parties had agreed to move Mr. Hyman up to go
17 after Mr. Jester.

18 JUDGE PRIDGIN: That's fine.

19 MR. STEINER: I wasn't aware of that. I
20 -- I thought the understanding was that we might do
21 Mr. Caisley. But I do know that Mr. Opitz needs
22 some type time to prepare for that as well.

23 JUDGE PRIDGIN: Well, can I at least get
24 an understanding that after Mr. Rush is done, we
25 would go to Mr. Jester?

1 MR. STEINER: That's correct.

2 JUDGE PRIDGIN: And then I don't have --
3 perhaps after Mr. Jester is done -- I'm looking to
4 Counsel for guidance on where to go next. And if
5 you need a minute to discuss things, that's fine.

6 Okay. Anything further before Mr. Opitz
7 resumes his cross of Mr. Rush? All right.
8 Mr. Rush, you are still under oath. Mr. Opitz,
9 when you're ready, sir.

10 Q (By Mr. Opitz) Mr. Rush, in your
11 surrebuttal at page 15, line 4, you testified that
12 the company believes that an EV charging station
13 network is a regulated business at this time.

14 A That is correct.

15 Q What do you mean by the caveat "at this
16 time?"

17 A Because I believe that is currently a
18 jurisdiction -- under the jurisdiction of the
19 Commission and any modifications which we may be
20 able to support, whether it's legislative or
21 tariff-wise, which would allow other entrants into
22 the plan is beneficial. And so at this time talks
23 about I hope someday that changes.

24 Q Okay. Do you agree that it's KCP&L's goal
25 to control the electric vehicle market?

1 A Our goal is to help facilitate the growth
2 of the EV charging market. Or electric vehicles in
3 the KCP&L area.

4 **Q Would you agree that customers do not need**
5 **an electric vehicle charging service to light their**
6 **homes or businesses?**

7 A To light their homes or businesses? Yes.

8 **Q And you would agree that they don't need**
9 **this service to heat their homes or businesses?**

10 A They don't. That's correct.

11 **Q And would you agree that when a person**
12 **buys a vehicle, they do so for transportation?**

13 A That is correct.

14 **Q Can you tell me how many electric vehicles**
15 **are currently in the company's service territory?**

16 A I believe there are approximately 1500 EV
17 -- electric vehicles in our service territory.

18 **Q Is that the Missouri service territory?**

19 A I would say it's our geographic boundary
20 of our KCP&L area. So I would suspect it includes
21 -- it would include the Kansas area, also.

22 MR. OPITZ: Judge, may I approach?

23 JUDGE PRIDGIN: You may.

24 MR. OPITZ: And I'd like to have this
25 marked as 328.

1 JUDGE PRIDGIN: Fine. Thank you.

2 (OPC Exhibit 328 was marked for
3 identification.)

4 MR. THOMPSON: What number is this? I'm
5 sorry.

6 MR. OPITZ: 328.

7 MR. THOMPSON: Thank you?

8 A I don't have --

9 THE COURT REPORTER: Do you need him to
10 use this one?

11 Mr. OPITZ: Yeah.

12 **Q (By Mr. Opitz) You can use this one.**

13 A All right.

14 **Q Mr. Rush, I've handed you a document**
15 **marked Exhibit 328. Can you tell me what that**
16 **document is? Would --**

17 A It's --

18 **Q Would you agree that this is a document**
19 **containing information that is requested by Geoff**
20 **Marke, and it's requested from the Missouri**
21 **Department of Revenue?**

22 A That's what it appears to be.

23 **Q And the front cover is a certification**
24 **from the Missouri Department of Revenue?**

25 A Again, that's what it appears to be. Yes.

1 **Q And this is requesting the total number of**
2 **registered electric vehicle cars in Missouri?**

3 A That's what it appears to be asking. Yes.

4 **Q And the last two pages list counties in**
5 **one column and then numbers on the other column?**

6 A Okay.

7 **Q And did you understand that to represent**
8 **the number of electric -- registered electric**
9 **vehicles in each county?**

10 A I -- I don't know. But if it's what you
11 say is on this document, it may be.

12 **Q Do you have any reason to dispute the**
13 **accuracy of these numbers?**

14 A I'm not disputing what you're
15 representing.

16 MR. OPITZ: Judge, I would move for the
17 admission of Exhibit 328.

18 MR. FISCHER: Judge, I'll object. Lack of
19 foundation. This witness has -- has not seen this
20 document. He has no knowledge of it. He's just
21 hearing what Mr. Opitz says about it.

22 JUDGE PRIDGIN: I'll overrule. It's my
23 recollection from working at Revenue that 302.312
24 simply says those documents simply come into
25 evidence by statute. I'll overrule, and it's

1 admitted.

2 (OPC Exhibit 328 was offered and admitted
3 into evidence.)

4 MR. OPITZ: Thank you, Judge.

5 **Q (By Mr. Opitz) Mr. Rush, I think you**
6 **agreed that your goal at KCP&L is to develop this**
7 **charging station network to help develop the**
8 **electric vehicle market?**

9 A That is correct.

10 **Q And building -- is building this charging**
11 **station is -- that's not the only efforts that the**
12 **company is making to facilitate the electric**
13 **vehicle charging market?**

14 A That would be -- I mean, that's the
15 primary component.

16 **Q Are you aware that the company has a**
17 **partnership with Nissan?**

18 A I am.

19 **Q And can you tell me what your**
20 **understanding of that partnership is?**

21 A Well, the partnership that I'm
22 semi-familiar with is the fact that during the
23 process of the development of the electric vehicle
24 charging stations in our service territories,
25 Nissan committed to help facilitate by providing

1 financial support to help pay for some of the -- to
2 provide financial support for the development of
3 the EV charging markets.

4 Q So --

5 A They have a thing that -- go ahead.

6 Q So KCP&L has a web page; is that correct?

7 A Yes.

8 Q And on that web page, does KCP&L include
9 information about electric vehicles?

10 A We do.

11 Q And would that web page -- have you viewed
12 that web page?

13 A It's been a while, but I have.

14 Q Would -- would that web page include
15 information about the Nissan partnership?

16 A I can't remember if it's quoted as a
17 partnership. But it may. I don't remember that
18 part. I know that we do work with Nissan and
19 others to help provide education and information to
20 the customers as well as our employees.

21 MR. OPITZ: Judge, may I approach?

22 JUDGE PRIDGIN: You may.

23 MR. OPITZ: I'd like to have this marked
24 as 329.

25 JUDGE PRIDGIN: 329.

1 (OPC Exhibit 329 was marked for
2 identification.)

3 A Oh, thank you very much.

4 Q (By Mr. Opitz) Mr. Rush, you've been
5 handed Exhibit 329. And would you agree that that
6 is a printout of the company's web page?

7 A Yes.

8 Q And is this an accurate reproduction of
9 the company's web page?

10 A It is at some point in time. I'm not sure
11 when you took this screen print.

12 Q On the bottom of the --

13 A Looks like it was --

14 Q -- of the exhibit, there is a -- I think
15 it's called a URL down there?

16 A Yes.

17 Q Is there a date on there?

18 A I do see that. It's 2/22. So it would
19 have been yesterday, I guess.

20 Q And this Exhibit 3 does make reference to
21 the relationship with Nissan Leaf and KCP&L?

22 A And I'm not sure what you mean by
23 partnership. It provides information, and it is --
24 it is -- you know, talks about the Nissan \$10,000
25 off of the sales price.

1 **Q** So if there's no partnership, it sounds
2 like you're --

3 A Well, there --

4 **Q** So you're -- you're agreeing that there is
5 a partnership of sorts?

6 A The partnership with regard to this is an
7 agreement to help provide information to our
8 customers as well as our employees about the Leaf
9 project.

10 **Q** And isn't one of the prerequisites to
11 being able to qualify for this special offer is the
12 customer has to be a KCP&L employee or a KCP&L
13 customer?

14 A I don't -- I don't think so. I don't
15 think so at all.

16 **Q** And that's not listed on here. So you
17 don't --

18 A I don't believe they do.

19 **Q** You don't believe that's the case. Okay.

20 A I believe they have to buy a Leaf from
21 Nissan, and I think it has to be -- I think it has
22 its own conditions of, you know, something on the
23 site and at the location.

24 They're not going to pre-order one and --
25 I'm not -- I'm not clear on all of that. But I

1 think it expires at some point.

2 **Q Are you aware, I guess, what KCP&L**
3 **employee worked to reach this partnership to**
4 **distribute that information?**

5 A You mean to make this web site?

6 **Q And to, I guess, have the agreement to put**
7 **that information on the company's web site.**

8 A Am I aware of the employee.

9 **Q The employee responsible --**

10 A I -- I don't know that.

11 **Q Okay.**

12 A The area responsible, I probably do know
13 that. I don't know the individual employee that
14 did this.

15 **Q So what would be the area responsible?**

16 A It would fall under Mr. Caisley's area.

17 **Q Okay. And is that an area that allocates**
18 **their time to Missouri jurisdiction of the**
19 **ratepayers?**

20 A Part of it. Yes.

21 **Q And where else do they allocate their**
22 **time?**

23 A Kansas, KCP&L Greater Missouri Operations
24 Company, Unregulated, GPE. I mean, they can go --
25 all avenues in the company.

1 **Q Can you tell me where the Nissan Leaf is**
2 **built?**

3 A No.

4 **Q Is -- do you know if it's built in the**
5 **Kansas City area?**

6 A I have no idea. I will say a couple of
7 things. I mean, you've -- you've implied in your
8 opening and others that I -- that we are favoring
9 Nissan over Ford.

10 I -- I know that when I go on to our web
11 site, we have employee purchase plans for Ford and
12 -- I mean, we encourage all kinds of things to try
13 to help facilitate that.

14 I don't know about directly customers.
15 But I do -- you know, there are all kinds of things
16 that -- that help solicit and provide information
17 for -- for the benefit of both customers and
18 employees.

19 **Q In addition to the provision of**
20 **information, is there any other, I guess, cost or**
21 **money that KCP&L is spending to pursue this**
22 **partnership with Nissan?**

23 A I am unaware -- I don't believe there is.

24 **Q Okay.**

25 MR. OPITZ: I guess I'd move for the

1 admission of Exhibit 329.

2 JUDGE PRIDGIN: 329 is offered. Any
3 objections? Hearing none, 329 is admitted.

4 (OPC Exhibit 329 was offered and admitted
5 into evidence.)

6 MR. OPITZ: That's all the cross I have.
7 Thank you, Judge..

8 JUDGE PRIDGIN: Mr. Opitz, thank you.
9 Mr. Thompson, cross from staff?

10 MR. THOMPSON: Yes. Thank you, Judge.

11 CROSS-EXAMINATION

12 BY MR. THOMPSON:

13 Q Good afternoon, Mr. Rush.

14 A Good afternoon.

15 Q You've been answering a lot of questions.
16 I'm going to try to get you off there as quick as I
17 can.

18 A That's fine. Thank you.

19 Q You agree with Staff that providing
20 electric vehicle charging is a utility service?

21 A It is.

22 Q And you agree with me, don't you, that
23 Kansas City Power & Light Company is authorized to
24 provide utility services by virtue of a Certificate
25 of Convenience & Necessity awarded by this

1 **Commission?**

2 A I think that's how it's handled for cert
3 -- certified area.

4 **Q For a certain area. That's correct.**

5 A That's correct.

6 **Q Okay. And I think I heard you say**
7 **previously that you understand your privilege under**
8 **that certificate to be exclusive within your**
9 **certified area?**

10 A That is correct.

11 **Q And so you would agree with me, then, that**
12 **that would prohibit any third party from engaging**
13 **in that behavior within your certified area?**

14 A That's what I believe. Yes.

15 **Q That's what you understand?**

16 A Yes.

17 **Q Now, would you have any reason to disagree**
18 **if I told you that the Commission could nonetheless**
19 **grant limited certificates to third parties to,**
20 **say, operate motor vehicle or electric vehicle**
21 **charging stations even within your certified area?**

22 A That is possible. And I'm not a lawyer,
23 so I --

24 **Q But you have no reason to disagree with**
25 **me?**

1 A I'm not going to disagree with you. No.

2 **Q Okay. And there's been extensive**
3 **discussion of your tariff prohibition, so we won't**
4 **touch on that now.**

5 **Now, you're not happy or you do not agree**
6 **with Staff's suggestion that the Commission impute**
7 **revenue to the company with respect to the costs of**
8 **the clean charge network to the extent that they**
9 **exceed revenues?**

10 A That would be correct. Yes.

11 **Q Okay. And that's because you believe that**
12 **there are benefits for all ratepayers from the**
13 **clean charge network?**

14 A That is correct.

15 **Q And you would agree with me that there is**
16 **extensive testimony in the record from various**
17 **parties' witnesses as to what those benefits are?**

18 A That is right.

19 **Q But I wonder if you would agree with me**
20 **that many of those benefits will be realized only**
21 **after a long period of time?**

22 A Many of those benefits will -- will take
23 time. But they also -- also, some are immediate.

24 **Q Okay.**

25 A Many of them are immediate. What I am

1 concerned with, also, is that recognition of other
2 revenue streams that are a part of the electric
3 vehicle such as home charging.

4 If I'm not mistaken, the Staff is
5 recommending not to reflect that. And I think that
6 should go into the overall review if they are
7 looking at some imputation.

8 **Q Okay. So you believe that approval of the**
9 **clean charge network tariff would have economic**
10 **development effects in the Kansas City area in**
11 **addition to the -- the immediate effect of allowing**
12 **the company to charge electric vehicle operators**
13 **for charging?**

14 A Oh, I think there's definitely economic
15 development aspects of this.

16 **Q Okay. Has the company done any kind of**
17 **study to support that?**

18 A We've done a lot of reviews about how to
19 move things forward. I provided in my testimony a
20 survey of what it takes and some of the benefits.
21 I put in my testimony some of the benefits also
22 that are achieved.

23 There have been a number of studies
24 throughout the nation about EV charging, about
25 electric vehicles and the benefits of that. Not

1 necessarily included in my testimony. But I think
2 there are substantial support for the recovery of
3 this.

4 And in -- in this case, right now, we're
5 not asking a positive number. We're actually
6 giving back to customers money that would be in
7 rates for -- until those rates are addressed.

8 **Q Okay.**

9 A So there would be actually a credit as a
10 result of this case to customers.

11 **Q You are familiar with the testimony of**
12 **Staff with respect to the Georgia plug-in electric**
13 **vehicle time of use rate?**

14 A I am.

15 **Q And as I understand it, the company is not**
16 **interested in bringing back a tariff like that for**
17 **its next rate case at this time?**

18 A Well, the -- one of the problems with the
19 Georgia tariff is that, basically, it's not
20 necessarily restricted to a vehicle.

21 You don't have to have an electric vehicle
22 to qualify for that tariff. It's simply a pricing
23 mechanism that's out there. And they have lots of
24 options of tariffs.

25 What the company -- the company has got

1 numerous studies, as I said earlier going on right
2 now that could be accomplished in a time of use as
3 one of those topics.

4 And with the development of our billing
5 system, our CIS system and other aspects of it, we
6 would be able to do certain things. But saying
7 we're going to commit to a tariff that -- that is a
8 time of use tariff that is -- that says it's for
9 charging stations that, really, is open to all
10 customers, I don't think is appropriate at this
11 time.

12 **Q Okay.**

13 A But I think that it's necessary -- it's
14 necessary to look at the studies and see how they
15 fit with our overall organization and how we could
16 best benefit from those.

17 So time of use may be a very significant
18 component of our next case. But it may not be
19 specific to a charging station tariff as described
20 by the one in Georgia Power.

21 **Q Very well. And I think you have indicated**
22 **that the company is not adverse to collecting**
23 **metrics and recording as Staff has recommended?**

24 A Absolutely not. No problem.

25 MR. THOMPSON: Okay. I have no further

1 questions, Judge. Thank you.

2 JUDGE PRIDGIN: Mr. Thompson, thank you.

3 Any Bench questions? Mr. Chairman?

4 CHAIRMAN HALL: Yeah.

5 CROSS-EXAMINATION

6 BY CHAIRMAN HALL:

7 **Q Mr. Fischer indicated earlier today, I**
8 **believe, that you could provide some information on**
9 **Illinois and possibly the Colorado story with their**
10 **experiment with the inclining block rates?**

11 A I'm -- I have a very high level knowledge.
12 But I have been in contact with people that have
13 described the act -- activities that have occurred
14 there.

15 **Q Okay.**

16 A And --

17 **Q Could you -- I don't want to belabor the**
18 **point. I don't want to spend a lot of time on it,**
19 **but could you provide that brief overview of --**

20 A I'll -- I'll start with Colorado.

21 **Q Okay.**

22 A About ten years ago or so, Colorado
23 implemented an inclining block rate that,
24 essentially, created havoc within the area of lots
25 of problems about how it was responding to certain

1 sectors in the residential community -- residential
2 area. It dealt with --

3 **Q Did you know anything about how extreme**
4 **inclining --**

5 A I don't have the specifics of it, but I do
6 understand that it was semi-radical.

7 **Q Okay.**

8 A And it may have been to the point of --
9 and I'll give you just in a sense -- it could have
10 had a 5 cent differential between the lower point
11 part and the higher part of the rate.

12 **Q And that was a radical departure from the**
13 **rate structure?**

14 A From flat rate, summertime rate.

15 **Q Okay.**

16 A And what it did was it created a lot of
17 chaos, particularly with certain sectors in the
18 residential class.

19 And -- and people -- like the one area
20 that I understand was medical devices, customers
21 that have medical devices, customers that have
22 certain specific requirements, iron lungs and other
23 things that they were prohibited. And --

24 **Q So there was a customer uproar?**

25 A There was a customer uproar.

1 **Q And what happened in the next rate case?**

2 A Well, they stopped it, and it changed back
3 to a flat rate. However, since then, I also -- I
4 went out on the web site to make sure I understood.
5 They do have an inclining block rate today. What
6 they also have is they have about six other
7 different rates that people can qualify for.

8 So you basically have a smorgasbord of
9 different rates. So if you don't want to be on an
10 inverted rate, inclining block rate, you can pick
11 their time of day rate. You can pick their demand
12 rate. You can pick their base rate. So what
13 they've done is they've offered opportunities to
14 kind of pick and choose.

15 **Q Okay. Illinois?**

16 A Illinois, that's with Ameren. And you
17 probably would be best to talk with the folks at
18 Ameren.

19 **Q I really can't do that.**

20 A I know. What I understand that happened
21 at Ameren was they entered into a set of time of
22 day rates -- or inclining block rates that created,
23 also, significant, significant havoc.

24 And they're a distribution actuality over
25 there. And they have now gotten rid of those. But

1 it created -- the phrases people brought to me was
2 they couldn't wear an Ameren shirt for a year
3 because of the problems. Now, that was some
4 comments from people at Ameren. And so --

5 **Q And, again, was that a radical departure**
6 **from the structure?**

7 A They had a flat rate before.

8 **Q Okay. And do you know the differential?**

9 A I do not know the differential at all, no.

10 **Q All right. Let's -- let's move on to --**

11 A So I have expanded -- as I said, it was a
12 very high level piece of information.

13 **Q Okay. All right. Moving on to -- to**
14 **Charge Pointe, my understanding is that there was**
15 **\$6 million capital expense related to Charge Pointe**
16 **Network in the test year; is that correct?**

17 A That's correct.

18 **Q Do you know how -- how that breaks down**
19 **between distribution and the towers themselves?**

20 A It is for the towers and the -- the leg to
21 get it there. It's primarily the tower.

22 **Q So --**

23 A And -- and the installation to put it
24 there.

25 **Q Is any part of that distribution?**

1 A It would have been under the distribution
2 accounts. But as far as transformers and others
3 external to it, no.

4 But if there were transformers at the
5 location, I don't -- I believe that would have been
6 associated with the tower itself. But you'll not
7 find most of them -- most of them do not have a
8 transformer at the location.

9 **Q So if I wanted to know the breakdown**
10 **between the distribution leading up to the tower**
11 **and the actual tower itself, is there anything in**
12 **the record that you could --**

13 A There would be nothing in the record to
14 identify that for those stations. But -- but the
15 amounts would be in the total accounts. But it's
16 an aggregate account.

17 **Q I guess I'll look at your Counsel. I**
18 **would be interested in an exhibit that would**
19 **attempt to break down that differential between**
20 **distribution and the actual towers themselves, if**
21 **that is --**

22 A You're wanting also construction or --

23 **Q Construction related to distribution,**
24 **construction related to towers. I'm interested in**
25 **-- in a possible bifurcation of the clean charge**

1 network between the distribution component and the
2 retail component.

3 And we may need engineers to explain at
4 what part distribution becomes -- where
5 distribution ends and where retail begins.

6 A Well --

7 MR. FISCHER: Mr. Chairman --
8 Mr. Chairman, could I clarify? Are you asking for,
9 for example, the amount that's associated with the
10 tower that sits at this Target lot versus the line
11 that goes to -- back to the -- to the Target meter?

12 CHAIRMAN HALL: Whatever distribution
13 would be necessary to -- to run electricity to the
14 tower. To me, that's all distribution.

15 MR. FISCHER: Could we do that, Mr. Rush?

16 A I believe we can find that information.

17 MR. FISCHER: We could -- we'd be happy to
18 provide it assuming --

19 A The service line feeding the tower. I
20 mean, we would have to go through each project. I
21 mean, it would be a large amount of work to do.
22 But I think we could -- you know, we have details
23 of every project, every job that was on.

24 MR. FISCHER: Could we give the Chairman a
25 sample? Take a look at a couple projects that

1 would --

2 A Probably. Yeah. We can absolutely do
3 that.

4 MR. CHAIRMAN: Okay.

5 MR. RUSH: You're having somebody come up
6 with some information.

7 CHAIRMAN HALL: And that would be -- I'd
8 be interested in the dollar amount and also --

9 MR. FISCHER: I'm told we can do that.

10 CHAIRMAN HALL: Okay. So I'd be
11 interested in dollar amount and, also, just
12 generally percentage-wise because I believe there
13 was some testimony on this issue in the Ameren case
14 that a significant portion of the cost was -- was
15 distribution related. And I -- I'm interested in
16 that -- in that possible breakdown.

17 A Okay.

18 **Q (By Chairman Hall) And the reason why I'm**
19 **getting at this is because -- and I haven't figured**
20 **out where I'm -- I personally am going to land on**
21 **this.**

22 **But I think there's a -- a decent argument**
23 **that part of the clean charge network is utility**
24 **service and part of it is not, that -- that the**
25 **distribution component of it is a utility service,**

1 but the retail battery charging service is not.

2 And so I think you could make an argument
3 that the distribution component, which would be
4 both capital and O&M cost related to that properly
5 within rates, but the tower construction and O&M is
6 not. And so part of it would be above the line,
7 and part of it would be below the line. Do you
8 have a -- do you have a reaction to that concept?

9 A Well, you say that. The issue, in my mind
10 -- and this is probably going beyond where -- maybe
11 you were thinking about a utility has to have a
12 point of which it says, Oh, okay, I'm no longer
13 selling the electricity. It's gone.

14 So right now what we do is we say, There's
15 a meter. And at that meter is where we turn over
16 the ownership of that product to consumer.

17 And what I'm trying to figure out with
18 this is we are trying to say that is when it is in
19 the vehicle and not at the --

20 Q Well --

21 A If it's before, then I need a third party,
22 somebody to buy that power and then somehow to say,
23 Okay, now it's yours to do with whatever you're
24 going do with it.

25 Q Well, essentially, under -- under -- under

1 **what I'm talking about, it -- it might be a KCP&L**
2 **unregulated affiliate.**

3 A No. I understand that. And so what --
4 that's what I'm trying to get at. So you'd have to
5 have a regulated tariff to say, Here's where I'm
6 turning it over to you unregulated. And now you
7 can do whatever you want to with it. And then we
8 have the prohibition that says we can't resell.
9 And that --

10 **Q Well, I think -- I think we're looking at**
11 **getting rid of that.**

12 A And -- I understand. But if you think
13 about -- if you think about an apartment complex
14 that wants to put a meter out and have one meter
15 and then serve all their tenants and how they want
16 do it is they want to charge each one of them
17 individually --

18 **Q Well, I'm not talking about a complete**
19 **elimination of the prohibition. I'm just talking**
20 **about elimination of the prohibition for electric**
21 **charging vehicles.**

22 A Okay. And that's -- okay. I understand
23 that.

24 **Q Okay.**

25 A I'm just trying to tell you that that's

1 what causes the problem of saying we don't want to
2 do it for everybody.

3 **Q Right. And I'm -- I'm -- I'm with you**
4 **there.**

5 A Okay.

6 **Q So -- so any other policy-related concerns**
7 **to -- to what I'm proposing? And in a sense, this**
8 **would be like the make ready system that -- that --**

9 A I understand what you're saying.

10 **Q And which, at least again in the Ameren**
11 **case, Ameren's witness testified that that is a**
12 **system that could work in Missouri.**

13 A I just think -- in California, they're
14 testing that method and other methods where the
15 utility owns it. And they are trying to create an
16 understanding of how to address it.

17 Now, San Diego, I think, Gas & Electric
18 has two alternatives. And Pacific Gas & Electric
19 has the one where they own all of the stations and
20 they sell the electricity.

21 I think there's a lot of questions about
22 how to address it. I think putting it as a --
23 we're trying to move a market. We are trying to --
24 and people are recognizing it -- recognizing this.

25 I don't know if you were here, but we won

1 an award recently from EPRI for -- for what we did
2 with this project. I mean, it's -- it's quite a
3 big award that we won for innovation.

4 Q Right. And I congratulate the company for
5 that. But --

6 A And --

7 Q But, I mean, wouldn't -- wouldn't this
8 proposal move the market just as well?

9 A It would move the market. But it would be
10 at the cost of the utility -- of the unregulated
11 entity. So then we have to say --

12 Q Well, that -- that may depend on -- on
13 what our numbers are on the breakdown between
14 distribution and --

15 A That's true.

16 Q Because if -- if -- if -- if the lion's
17 share of the costs are actual distribution, what
18 I'm proposing is that that would -- that would be a
19 regulated service and you could -- you could
20 recover on that investment.

21 A That is true.

22 Q And if the -- if the concern is that
23 shareholders would be left holding the bag, I mean,
24 I think what I'm -- what I'm suggesting is -- is
25 that you could go find your -- your Target, your --

1 **your Wal-Mart, your whatever, might want to put in**
2 **a charging station and say, I'll bring you the**
3 **distribution. Do you want to set this thing up?**

4 A Right.

5 **Q And -- and I think that that system is**
6 **potentially viable.**

7 A And it -- it very well may be. I mean,
8 that's not the model that we've worked under. I
9 understand. I hope you understand that, too.

10 **Q Yeah. I understand.**

11 A And what we're trying to do, obviously, is
12 address the range anxiety that customers go through
13 with vehicles, you know, the problem they have.

14 **Q Right.**

15 A And -- and you know all those -- you know
16 all the pieces of it. And then what we came to you
17 all and said, you know, we believe that we are
18 totally regulated and we've got to have a tariff
19 approved by you.

20 And what we're -- we're kind of in the
21 middle of that now moving from what your point is,
22 you go up to a demarcation point, and then it
23 becomes unregulated. I understand that point.

24 **Q Right. Well, let me ask you about on --**
25 **on page 23 of your direct. You -- you discuss a**

1 couple options for -- for -- for payment, and one
2 of which is -- is where the -- the host is going to
3 pay for the electricity.

4 A Right.

5 Q And I assume it would be free to charge
6 there?

7 A That's how it would operate. Yes. They
8 would not have the right to charge. They would be
9 getting billed the electricity.

10 Q And so the tariff you're proposing would
11 -- would -- at what rate would that host be paying
12 for?

13 A The tariffed rate that we have.

14 Q Just the tariffed rate that they have at
15 their establishment, or would it be a separate
16 tariff for --

17 A It would be -- it would be a tar -- it
18 would be the tariff that we have proposed.

19 Q Okay.

20 A Because it's basically saying it's an
21 independent -- it's now an island being -- and it's
22 paying for the facilities at that rate.

23 But under your scenario, we would have to
24 remodel that to think about what would they pay for
25 the regulated entity? And maybe it is that -- if

1 there's no tariffed price there. You know, we'd
2 have to give some consideration to what you're
3 saying.

4 **Q Would -- would -- if -- if we were to**
5 **implement something close to what I'm describing,**
6 **what do you suggest would be the -- the rate that**
7 **-- that -- the tariffed -- the tariffed rate?**

8 A The tariffed rate?

9 **Q Yeah.**

10 A I mean, my -- it's based on utilization at
11 this stage, and -- and I don't have an answer yet.
12 What I would like to -- I mean, what I would like
13 to see us do, if you would like to proceed with
14 that kind of model, is create an interim process
15 that says, Here's what you can do now, but we are
16 going to look at separate and come back and say,
17 Here's how we would separate it and here's what we
18 would do. I mean, I -- I would see --

19 **Q So set -- set some kind of pilot rate,**
20 **essentially, or interim rate?**

21 A Well, an interim rate that says this is
22 how you can do it now, but I want you to come back
23 with an evaluation to do just exactly what you're
24 describing.

25 **Q And -- and -- and any idea at all what**

1 **that interim rate would need to be?**

2 A Well, I'm saying maybe it's -- I know
3 Staff had a proposed rate. It could be that rate
4 without a session charge. And we would -- it could
5 be this rate that we have here. But some rate that
6 would say, We're going to give customers, you know,
7 the charge, a price. And in the middle -- and --
8 and what we want you to do is we want you to come
9 back and describe how would you break that between
10 a regulated entity, meaning a demarcation point and
11 taking it over and just come back with a study, I
12 mean, a detailed evaluation of that.

13 Because I don't think -- I don't think any
14 party has evaluated that enough to -- to say, yes,
15 this is going to work and here's how we would do
16 it.

17 **Q Okay.**

18 A And so coming up and accepting our -- the
19 tariff, whatever that price may be, would give us
20 the ability to move forward, set a -- a price and
21 -- and that may be the price, you know, that we
22 make variable at some point, as you've rec --
23 continued to recommend.

24 At least it would give us some ability to
25 come back and say, Here's how we could do what

1 you're saying.

2 Q I'm -- I'm fairly confident you're not
3 going to be able to answer this, but I'm going to
4 ask anyway. The Kan -- after the Kansas
5 Corporation decision, my understanding is that the
6 company discontinued construction of -- of --

7 A At this -- at this stage, at this time,
8 yeah. That's correct.

9 Q If we were to implement something along
10 the lines of what I'm describing, do you have a
11 sense as to whether or not the company would
12 continue expanding the -- the network?

13 A We have a number of commitments to
14 customers already that is not complete. We have
15 not fulfilled our construction, you know,
16 requirements. So we would probably continue that.
17 I don't know about continued expansion.

18 Q And that -- that might depend upon what
19 the -- what the breakdown, the numbers are between
20 the distribution which we would deem utility
21 service and then the retail battery charging, which
22 we might deem not?

23 A Right.

24 Q Okay.

25 A I mean, part of what we're talking about

1 and from my perspective is there's a lot of
2 benefits coming along with this process that are
3 not necessarily like, you know, -- that a -- a
4 non-regulated business would get.

5 They're not going to get environmental
6 aspect savings of that. The utility is going to
7 get those aspects of -- of what's happening with
8 electric vehicle integration and charging stations.

9 So somehow we have to come back and say,
10 Okay, what do we do with those benefits? You know,
11 I can come and show you an evaluation that says,
12 Here's the net benefits. But it's to the
13 utilities, not necessarily to somebody that's
14 wanting to go out and market at an independent
15 price.

16 And so, I mean, if you're looking for
17 something, I -- to address what you're doing, I --
18 I just think maybe an interim step and saying,
19 Okay, let's put a tariff in. I understand that we
20 want to separate it, that you want at least an
21 evaluation of that separation.

22 And we -- and we look towards that and we
23 spend some effort collaboratively to understand
24 that.

25 **Q The -- the tax benefits that are - that**

1 are resulting in an actual reduction in the revenue
2 requirement through this -- through this program --

3 A Right.

4 Q -- would -- do you have any sense at all
5 whether or not those tax benefits would be altered
6 by the type of program that I'm describing?

7 A Well, they're to the utility.

8 Q Correct.

9 A And so my guess is they would go away.
10 But -- but I don't know. But I don't know for
11 sure. And they may go away anyway simply because
12 of the timing and restarting. But it's for these
13 charging stations.

14 And so if you break it apart, it may have
15 to go to, you know, the unregulated entity if it
16 could do that. But I don't know that.

17 Q I mean, my sense is -- is the benefit
18 would still be there, but I agree that a portion of
19 it might actually go to the unregulated entity?

20 A Yeah. Yes.

21 Q All right. I'd be interested in -- in any
22 analyses by any party about what that -- what that
23 breakdown might be.

24 MR. FISCHER: Mr. Chairman, I might offer
25 -- once again, there is a witness that's coming

1 directly that could give you direct answers.

2 CHAIRMAN HALL: Mr. Caisley?

3 MR. FISCHER: Yes.

4 CHAIRMAN HALL: Okay. I think - oh, I'm
5 sorry. A couple of other questions, and maybe this
6 is for Mr. Caisley as well.

7 **Q (By Chairman Hall) Do You know if all of**
8 **the charging station sites are open to all members**
9 **of the public?**

10 A They are. Yes.

11 **Q So you -- you don't have any charging**
12 **stations at apartment complexes?**

13 A They do. But they are open, I mean, to a
14 parking area.

15 **Q So they're not --**

16 A Most -- most likely, nobody would come
17 there but the tenants of that place, but they are
18 open.

19 **Q And there's -- and there's signage**
20 **indicating that it's open to the public?**

21 A I don't believe there's any -- I mean, it
22 just says -- it has a logo on the charge station
23 and -- and a parking spot.

24 **Q So there -- so there are some -- some**
25 **charging islands at apartments. And what about**

1 **office parking lots?**

2 A There are, also. Like, you know, I know
3 Burns & McDonald and other businesses that have
4 them, and they're available for visitors or -- or
5 employees. I know --

6 **Q But what about just random members of the**
7 **public?**

8 A If they want to come park there, I don't
9 think there's any prohibition about it. I do know
10 that -- I will say this, that at -- at where I
11 work, it's a parking garage and there, I believe,
12 are stations there.

13 There may -- you know, you may have to pay
14 a fee to get into the parking garage, but I don't
15 think that's the norm at all.

16 CHAIRMAN HALL: Okay. I don't believe I
17 have any further questions. Thank you.

18 MR. RUSH: All right.

19 JUDGE PRIDGIN: Mr. Chairman, thank you.
20 Commissioner Kenney?

21 COMMISSIONER KENNEY: Thank you.

22 CROSS-EXAMINATION

23 BY COMMISSIONER KENNEY:

24 **Q Good afternoon, Mr. Rush.**

25 A How are you doing.

1 Q I'm doing great. How are you?

2 A Doing good.

3 Q Great. I live in the Kansas City area,
4 and I've been in Kansas and Missouri, so I see your
5 charging stations everywhere. I see them at the
6 parking garage at City Hall in Kansas City.

7 A Right.

8 Q I see them at every Hyvee, Nature Market.
9 At first when you got them, I said, This is
10 awesome. Missouri Public Service Commissioner
11 parking.

12 A Okay.

13 Q I took -- well, they're pretty vacant,
14 most of them.

15 A Well, they are utilized. And they are
16 continuing to be utilized.

17 Q Here's my question. Can you quantify the
18 -- the use? Do you have any --

19 A We -- we have done that and provided that
20 numerous times. I don't have that with me. But
21 yes.

22 Q You've provided it? Because I've never
23 seen anything or seen it in testimony. But I could
24 be wrong?

25 A I think we --

1 Q I'm just curious?

2 A -- provided it in testimony, but I don't
3 believe it's in this.

4 Q Well, and --

5 A It is definitely.

6 Q And I --well, someone could get that for
7 me.

8 A Okay.

9 Q But anyway, I -- I remember when we talked
10 about this in the last case. And I think you were
11 looking for a pilot program --

12 A Yes.

13 Q -- was it, about six, \$700,000 or
14 something like that?

15 A I was not the witness, but I was --

16 Q Yeah. I -- I supported that. I think
17 you're very forward-looking on the program. But I
18 have a -- I have a couple questions with it.

19 You know Charge Pointe in the Ameren case
20 came out against that program, six charging
21 stations.

22 A This was the one in Ameren.

23 Q This is Ameren, not yours.

24 A Yes. Not ours.

25 Q But they -- they like yours because they

1 **sell --**

2 A Because they sold us -- exactly.

3 Q But they also said when I questioned the
4 gal that was here, the lady here, she said that
5 since they did a contract with you, they have not
6 sold any to any private individuals since that
7 time. Beforehand, they had.

8 And they would inform the companies that
9 they sold them to not to charge for electricity
10 because of our tariff -- because of your tariff.
11 Are you aware of that?

12 A No, I am not aware of that.

13 Q Okay.

14 A I know -- I know that, you know, if you go
15 to auto dealerships, you'll see charge stations
16 because many of those --

17 Q And maybe they haven't built a new -- a
18 new station, new auto dealership in that area.

19 A I mean, I know that's happened. Right.

20 Q Yeah. I'm aware. No. They said they
21 sold several in the Kansas City market before.

22 A That's probably what we're talking about
23 is where they've sold them. And it may have been
24 some time before we started.

25 Q It was before you started.

1 A Yeah.

2 Q I -- is your tariff -- is theirs
3 A \$15 million program? Is that -- I see -- are
4 those numbers corrects?

5 A I think overall, it's --

6 Q Six million for the 60 fast charging
7 networks, Level 3, and 9 million for the 750 or so?
8 I see heads nodding. Okay. So I'm right.

9 Because I would -- yeah. I would like to
10 see those numbers that the Chairman asked because I
11 would think that 60 units at 6 million, there's --
12 obviously, it's something to do with infrastructure
13 there.

14 A There's -- there's a lot more capacity
15 required.

16 Q I know.

17 A These are very --

18 Q Are they 240 volt?

19 A Yeah. But, also, they take like up to 20
20 KW. So they take an awful lot of load that you
21 have to have enough -- or maybe it's 50. You have
22 to have larger transformation, et cetera.

23 Q So it's probably other than just the
24 pedestal?

25 A Absolutely. Yeah.

1 Q So that -- that talks about a lot of that
2 expense. I saw you shaking your head when I said
3 those fast chargers in about 20 to 30 minutes?

4 A Yeah.

5 Q And get about a 50 percent load.

6 A That's about right.

7 Q And after that, it just slows down because
8 of the way the batteries are developed?

9 A Yeah.

10 Q Okay. Then my daughter is right. You
11 know, one of the partners at -- questions about the
12 Nissan Leaf program. Wasn't the Metropolitan
13 Energy Center quite a big partner in that?

14 A Yes.

15 Q What's their role?

16 A Well, they've helped develop and expand
17 the area. And I believe the Metropolitan area is
18 what the -- there was a reference to a contract we
19 had. They were involved with that.

20 Q The Metropolitan Center, they're into
21 conservation?

22 A Oh, yeah.

23 Q Energy efficiency?

24 A Yes.

25 Q And that and the fact that Leaf sales in

1 the Kansas City Metropolitan area were down 24
2 percent last, might have a reason they offered you
3 -- because all they offered you was the fleet sales
4 that they normally do to a large company, right?

5 A Yes. That's my understanding, yes.

6 Q Did KCP&L have to give any money towards
7 that?

8 A I don't believe any money was given for
9 any of that.

10 Q Okay. You mentioned California.
11 California has -- they put in \$200 million -- over
12 \$200 million in their -- in rates for three
13 companies.

14 A Right.

15 Q To do three different programs, right?

16 A That's correct. And you mentioned on -- I
17 know the Chairman mentioned the make ready program.
18 Are you familiar with that?

19 A I'm not familiar, no.

20 Q It's -- they prepare everything, and the
21 host -- the host can pick the pedestal from other
22 companies.

23 A I'm aware, yes.

24 Q I think it was --

25 A That part of the California project.

1 Q Yeah. I think the -- I think --

2 A Yes.

3 Q -- that the utility still installs all
4 that equipment, right? It's just that the host
5 picks out which one?

6 A I believe so.

7 Q The vendor, so they make all the vendors
8 happy?

9 A So -- yeah. You're trying to have control
10 over safety and all of those aspects of everything.

11 Q But the Commission still sets -- they set
12 tariffs in that order?

13 A As I understand, they set the tariffs.
14 Yes.

15 Q Well, I'm -- I was -- I'd be very
16 interested to see what your use is because, I'm
17 just being honest. I know where 30 locations are.
18 And I take pictures just to take pictures.

19 And I -- very seldom are there vehicles
20 getting charged. And I know it's early.

21 A Right.

22 Q But I also noticed when the tariff didn't
23 go through in Kansas, you stopped -- as the
24 Chairman that you stopped you putting more in.

25 A That's what I understand. I -- I wish I

1 -- I'm -- I keep thinking of the number 170,000
2 kilowatt hours, but that's just a number I keep
3 thinking about the growth that we've seen. But
4 it's been fair -- quite exponential that we've seen
5 growth in the sales and the usage.

6 **Q So it's --**

7 A Oh, yes.

8 **Q It's on a monthly basis?**

9 A I -- I don't know how it was described. I
10 -- I would like to get that information to you.

11 **Q Okay. Yeah. I'd be interested in seeing**
12 **that just -- you know, just the growth.**

13 A Okay.

14 **Q And I'd be interested in comparing the**
15 **carbon footprint, and I guess someone's coming up**
16 **and we can talk about that, liquefied natural gas**
17 **versus electricity.**

18 A Okay.

19 **Q Thank you.**

20 A That would not be me.

21 **Q All right.**

22 JUDGE PRIDGIN: Commissioner, thank you.

23 Any further Bench questions?

24 COMMISSIONER COLEMAN: No questions.

25 JUDGE PRIDGIN: All right. Before we move

1 to recross based on Bench questions, just let me
2 give Counsel a heads-up. I'm probably going to be
3 looking to knock off for the day somewhere in the
4 6:30 range where it's -- I don't see how we're
5 going to get through with this issue tonight at the
6 rate we're going.

7 JUDGE PRIDGIN: I will look for a natural
8 break. I -- I don't want to just cut somebody off
9 in the middle of cross, but we'll see how we're
10 doing somewhere around 6:30 just to give you a
11 heads up in case you need to talk.

12 I know there's some talk about moving
13 people in and out of order, and that's perfectly
14 fine with me. But I want to give you as much
15 notice as possible so you can -- you can make
16 arrangements.

17 MR. THOMPSON: Would we --

18 JUDGE PRIDGIN: I'm sorry. Sorry. Go
19 ahead.

20 MR. THOMPSON: Would we resume tomorrow,
21 Judge?

22 JUDGE PRIDGIN: That would be Tuesday.

23 MR. THOMPSON: Tuesday.

24 JUDGE PRIDGIN: Yes. All right. Anything
25 else before we go on to recross? Okay. Recross

1 based on Bench questions? Division of Energy?

2 MR. ANTAL: Just briefly.

3 RE CROSS EXAMINATION

4 BY MR. ANTAL:

5 Q You were discussing with the Chairman a --
6 inclining block rate proposal in Colorado.

7 A Yes.

8 Q And you mentioned that you believe that
9 the block rate difference was approximately 5
10 cents?

11 A At that time.

12 Q At that time. Okay.

13 A I mean, if you go to the tariff today,
14 what you'd see is a number of requirements that say
15 it's not for these types of customers. And it's
16 not the significance that I just described as 5
17 cents.

18 Q Okay. Do you have a copy of Mr. Hyman's
19 direct testimony?

20 A No, I do not.

21 Q Okay.

22 MR. ANTAL: I'd like to show the witness
23 an excerpt from that.

24 JUDGE PRIDGIN: You may.

25 Q (By Mr. Antal) Here it is. There.

1 A Yes, I do.

2 **Q The first question I have has to do with**
3 **your proposal as to an interim stage.**

4 A Right.

5 **Q How -- how long would you believe that**
6 **that interim stage should last?**

7 A Well, I believe it -- it should -- first
8 of all, what's been asked is somewhat of a
9 separation -- a difference from what we've
10 proposed.

11 I would say that we have a time frame for
12 providing the study results, and then we would move
13 through that quickly after. So I could see as long
14 as -- as much as, you know, what, a year or -- or
15 less for the study. Maybe -- maybe nine months or
16 so.

17 And -- and we would take a quick action to
18 address that because I don't think --- in doing
19 something like this, it may not necessarily
20 necessitate a rate case to address it because it is
21 isolated to EV charging stations.

22 **Q Okay. Now, you recall in your discussion**
23 **with the Chairman that he asked you to envision a**
24 **situation in which the distribution of power to the**
25 **charging station was a utility service --**

1 A Yes.

2 Q -- but the delivery of that power into a
3 vehicle was not?

4 A Right.

5 Q Do you recall that.

6 A I do.

7 Q Okay. Do you have an opinion as to
8 whether or not investment is curtailed where there
9 are legal uncertainties?

10 A I'm not familiar with what --

11 Q Okay. Let me see if I can get this
12 another way. Do you know how much a charging
13 station costs?

14 A I do not.

15 Q Okay. Would you imagine it's in the
16 thousands of dollars?

17 A I would imagine it's -- yes.

18 Q So for an independent third party
19 operator, you agree that, for some people, that
20 would be a significant investment?

21 A Correct.

22 Q Now, would you make an investment of that
23 size if you were not sure of the legal status of
24 the activity you were engaging in?

25 A I wouldn't.

1 **Q** Okay. Do you recall when a prior company
2 named Aquila built a generating plant near
3 Peculiar, Missouri?

4 A I'm very -- I'm familiar with that. Yes.

5 **Q** You're familiar with that. And the
6 Commission, you'll recall, did everything it could
7 to authorize that plant, didn't it?

8 A It did a number of things. Yes.

9 **Q** And yet, the Circuit Judge, Dandurand,
10 told Aquila it would have to tear that plant down?

11 A That is correct.

12 **Q** Okay.

13 MR. THOMPSON: No further questions.

14 JUDGE PRIDGIN: Thank you. Any redirect?

15 MR. FISCHER: Yes.

16 REDIRECT EXAMINATION

17 BY MR. FISCHER:

18 **Q** In your conversation with Commissioner
19 Kenney, he was asking about usage levels at the --
20 as I understood it, at the charging stations.

21 Would you turn -- would you turn your --
22 your attention to your schedule in your rebuttal MR
23 -- TMR 9, page 5 of 6? There was a chart there,
24 Monthly Energy Updated.

25 A That is what I was looking for. I kept

1 looking --

2 **Q Okay. Would you describe what that --**
3 **what that table shows?**

4 A Let me find -- okay. Which -- which page
5 did you --

6 **Q Page 5 and 6 is the one I was looking at.**

7 A There we go. This is a chart of the
8 monthly energy consumption that has occurred since
9 the deployment of the EV charging stations.

10 And it shows the growth that we've seen
11 exponentially for -- and I was -- it's up to 500
12 megawatt hours in -- in the month of November.

13 **Q If you look at previous page, 4 of 6, what**
14 **does that show?**

15 A I believe it shows the significance --
16 sections of the activity that are occurring. And
17 again, it shows the exponential growth that we've
18 seen in the charging stations.

19 **Q Okay. Just following up on the Chairman's**
20 **suggestion about a make ready type system, where --**
21 **where today is the demarcation line whenever we**
22 **have a -- a charging station on the -- on the -- on**
23 **the -- say, at a Target?**

24 **Is there a demarcation line that is --**
25 **where would you consider the demarcation line under**

1 **the current system?**

2 A Well, it's at the plug. I mean, it's
3 where -- when the customer plugs it in, it's the
4 plug.

5 **Q And at that point, is it metered to the**
6 **customer?**

7 A It is metered to the customer at that
8 stage.

9 **Q Now, if you changed that so the**
10 **distribution system was owned by the utility but**
11 **not the charging station itself as I understand the**
12 **Chairman's model --**

13 A Right.

14 **Q -- would you need a meter at that point to**
15 **hand it off to the charging station?**

16 A That's -- that's part of the -- what I'm
17 -- was talking about the concern. You've got to
18 figure out if that is a neat demarcation point for
19 if the ownership were in the pedestal.

20 If the ownership were the -- the pedestal,
21 then you'd have to figure out, okay, do you measure
22 it at a meter prior to that, or do you use that as
23 a measure and back cast into what that would have
24 been. There would be a number of questions that
25 would have to be addressed.

1 **Q And --**

2 A But it could be easily done. I mean, I'm
3 not trying to say it's real complicated. You just
4 have to make some decisions.

5 **Q And I -- I noticed whenever you discussed**
6 **the -- the interim proposal, you suggested either**
7 **the company's rates or the Staff's rates.**

8 A That's right.

9 **Q Is the company willing to work with the**
10 **parties, particularly the Commission, Staff to --**
11 **to develop a model that works?**

12 A Yes. Absolutely.

13 MR. FISCHER: Okay. I think that's all I
14 have. Thank you.

15 COMMISSIONER KENNEY: I have a question.

16 JUDGE PRIDGIN: Commissioner -- I'm sorry.
17 Mr. Rush, thank you. You can step down. I'm
18 sorry. Commissioner Kenney?

19 COMMISSIONER KENNEY: Thank you. Just for
20 -- KCP&L and Counsel.

21 MR. FISCHER: Yes.

22 COMMISSIONER KENNEY: Now that I've got
23 the GMO tariff that Staff is recommending that
24 KCP&L adopt because of the its simplicity and it
25 was a simple tariff, I'd like -- I would -- if

1 that's the case, I'd like to know a little -- a
2 little more about that tariff.

3 Dealing with -- I'm sorry. Dealing with
4 main line extensions.

5 MR. FISCHER: Could you stay there,
6 Mr. Rush?

7 COMMISSIONER KENNEY: Well, I don't know
8 that he needs to answer this, but --

9 MR. FISCHER: Well, I'm sorry.

10 COMMISSIONER KENNEY: I think I just need
11 you to look it up or find out my answer.

12 MR. FISCHER: For the main line?

13 COMMISSIONER KENNEY: For the main line
14 extension. I've got KCP&L's tariff and I've got
15 GMO's tariff.

16 Ms. Kliethermes stated that Staff's
17 recommendation was that KCP&L adopt the GMO tariff
18 main line extension because it's a simpler process.
19 I'd like to know -- since you're considering that,
20 explain how the main line deposits under GMO are
21 determined because the tariff has no mention of it.
22 It mentions a handbook, but there's nothing
23 regarding the deposit refunds in the contract or
24 the tariff. So how is that determined?

25 MR. FISCHER: Okay. We can get you that

1 information?

2 COMMISSIONER KENNEY: Is that -- if
3 they're going to adopt it, I'd like to know that
4 information. Thank you.

5 JUDGE PRIDGIN: Commissioner, thank you.
6 Did I understand the parties wanted to go on to
7 Mr. Jester as the next witness? All right. And
8 believe he's under oath. So if you want to come
9 forward.

10 MR. JESTER: Yes, sir.

11 JUDGE PRIDGIN: Thank you. Any direct
12 before he's offered for cross-examination?

13 MR. HALSO: Your Honor, we need to
14 introduce his testimony on this issue.

15 JUDGE PRIDGIN: Thank you.

16 MR. HALSO: May I proceed, your Honor?

17 JUDGE PRIDGIN: I'm sorry. Yes. Please
18 proceed.

19 MR. HALSO: Thank you, Judge. Sierra Club
20 calls Douglas Jester to the stand.

21 DOUGLAS JESTER,
22 being first duly sworn to testify the truth, the whole
23 truth, and nothing but the truth, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. HALSO:

1 **Q** Will you please state your name and
2 **business address for the record?**

3 A My name is Douglas B. Jester, J-e-s-t-e-r.
4 Business address is 115 West Allegan Street, Suite
5 17, Lansing, Michigan, 48933.

6 **Q** For whom are you appearing on the clean
7 **charge network issue?**

8 A Sierra Club.

9 **Q** Are you the same Douglas Jester that
10 caused to be prepared a document entitled direct
11 testimony of Douglas Jester on behalf of Sierra
12 Club revenue requirement consisting of 31 pages of
13 questions and answers and two attached schedules?

14 A Yes.

15 **Q** And are you the same Douglas Jester that
16 caused to be prepared a document entitled Direct
17 Testimony of Douglas Jester on behalf of Sierra
18 Club rate design consisting of 22 pages of
19 questions and answers?

20 A Yes.

21 **Q** Mr. Jester, we previously marked your
22 direct testimony in revenue requirement as Exhibit
23 550 and your direct on rate design as 551; is that
24 right?

25 A Yes.

1 **Q Do you have any corrections to make to**
2 **either of those documents at this time?**

3 A I do. I would like to maybe corrections
4 to the direct testimony on rate design, if I could.

5 **Q Go ahead, please.**

6 A On page 6, line 10 of that testimony,
7 where it says, And permitting session charges, it
8 should read permitting charges, and the word
9 session should be struck.

10 **Q Okay.**

11 A On page 13, line 13, where it says, an
12 energy charge and assessment charge, it should say
13 an energy charge, and the phrase and session charge
14 should be struck.

15 On page 15, line 1, where it says, energy
16 charge and a session charge, it should read energy
17 charge and the phrase session charge should be
18 struck.

19 On page 15, lines 5 to 6, the phrase, pay
20 either the session charge or the energy charge or
21 both should read, Pay the energy charge. On page
22 18, line 14 where it says, session charges, it
23 should read, energy charges.

24 **Q Thank you, Mr. Jester.**

25 A And that's all.

1 **Q And what's the rationale for those changes**
2 **to your testimony?**

3 A Two things. First, advice of Counsel is
4 that the legal permissibility of session charges is
5 in question. And I wanted to make sure that my
6 testimony was clear in the event that that was not
7 an appropriate consideration.

8 And, secondly, as we've heard, both Staff
9 and the company have determined that session charge
10 is not necessary at this time and should be
11 considered at a future date.

12 **Q (By Mr. Halso) Thank you. And there's no**
13 **other corrections to your testimony?**

14 A No other corrections.

15 **Q And aside from those corrections, if I**
16 **were to ask you the same questions again today,**
17 **would your answers be the same?**

18 A Yes.

19 MR. HALSO: Your Honor, at this time, I'd
20 move for the admission of Exhibits 550, 551 and
21 tender the witness for cross.

22 JUDGE PRIDGIN: Any objections? Hearing
23 none, Exhibits 550 and 551 are admitted.

24 (Sierra Club Exhibits 550 and 551 were
25 offered and admitted into evidence.)

1 JUDGE PRIDGIN: And cross-examination, any
2 questions? Public Counsel?

3 CROSS-EXAMINATION

4 BY MR. OPITZ:

5 Q Mr. Jester, are you aware of the Michigan
6 case that's been reference today?

7 A You're speaking of the Consumers Energy
8 case?

9 Q Yes, sir.

10 A Yes. I was a witness in that case.

11 Q And, I guess, what was your position in
12 that case?

13 A In terms of whether I supported the
14 proposal or not?

15 Q Yes.

16 A I supported the utility engaging in the
17 development of the electric vehicle infrastructure
18 program, but I criticized certain aspects of the
19 proposal.

20 Q And it's your understanding that the
21 company is no longer seeking that -- that request
22 for the electric vehicle infrastructure?

23 A Yes, at this time.

24 MR. OPITZ: Thank you.

25 JUDGE PRIDGIN: Mr. Opitz, thank you. Any

1 cross from Staff?

2 MR. THOMPSON: No cross. Thank you,
3 Judge.

4 JUDGE PRIDGIN: Let's see who we've got
5 left. NRDC, any cross?

6 MR. ROBERTSON: No, Judge.

7 JUDGE PRIDGIN: Division of Energy?

8 MR. ANTAL: No, thank you.

9 JUDGE PRIDGIN: Kansas City Power & Light?

10 MR. FISCHER: None, your Honor.

11 JUDGE PRIDGIN: Thank you. Any Bench
12 questions? Mr. Chairman?

13 CHAIRMAN HALL: Yeah.

14 CROSS-EXAMINATION

15 BY CHAIRMAN HALL:

16 Q Welcome back.

17 A Thank you.

18 Q Were you in the hearing room during
19 Mr. Rush's testimony?

20 A All but about five minutes.

21 Q Okay. Did you hear my description of a
22 possible proposal to bifurcate distribution from
23 the actual retail battery charging service?

24 A I did.

25 Q Is that similar to the make ready system?

1 A It's similar. In the make ready system,
2 the demarcation is clearly at the -- essentially,
3 the base of the pedestal.

4 So I'm not quite sure in your proposal
5 where you are putting the demarcation between the
6 distribution system and the electric vehicle --

7 **Q Well, is there any reason why --**

8 A -- service equipment.

9 **Q Is there any reason why it shouldn't be at**
10 **the base of the pedestal?**

11 A I -- in a make ready system? No.

12 **Q Well, or in the -- the proposal that I'm**
13 **describing.**

14 A Well, it's -- I would not recommend it be
15 any further away from the vehicle. I do think that
16 there's a reasonable case to be made for Kansas
17 City Power & Light to engage in the ownership of
18 the vehicle charging equipment itself.

19 And I think that can be done in a way that
20 both the company's future competition -- but
21 kickstarts this market.

22 **Q Is there a separate meter in the make**
23 **ready system other than the meter at the pedestal?**

24 A I'm not certain in every case how
25 utilities have -- are approaching this. There is a

1 -- a revenue rate meter in standard charging
2 stations. And so it would be possible to do as
3 Mr. Rush mentioned and use that -- those metering
4 data and impute what the power input to the
5 charging system is.

6 **Q If we were to implement something along**
7 **the lines of what I'm describing, what do you**
8 **suggest would make sense for a tariffed rate for**
9 **the -- for the electricity that is used to -- to**
10 **charge the batteries?**

11 **And, again, I'm drawing the distinction**
12 **what is -- what would be the tariffed rate that**
13 **KCP&L would charge to the -- to the host, to the**
14 **third party that would then sell at retail to the**
15 **-- to the ultimate customer?**

16 A Right. The longer term answer is easier
17 to give than the shorter term answer. The longer
18 term answer is we would treat it as a rate class in
19 the cost of service study and whatever numbers is
20 derived from that would be appropriate.

21 In the near term, we don't have -- and
22 we're still in growth mode as evidenced by
23 information presented late in Mr. Rush's testimony.
24 And we're still seeing shifts in the time patterns
25 of use and things like that.

1 So it's a little hard to say now what the
2 pattern of use will be in a couple of years. So I
3 think the company and the Commission are going to
4 have to assume a reasonable position and then learn
5 from experience going forward.

6 And in that regard, I think, you know,
7 something like the residential commercial rates
8 that are currently available is a -- is a
9 reasonable place to start.

10 **Q Do you think a system like the one I'm**
11 **describing -- I'm describing can work from the**
12 **perspective of kickstarting the market?**

13 A The -- I referred to a paper in my
14 testimony where some researchers took a look at the
15 chicken reg. problem, as it's sometimes labeled,
16 and, in particular, whether there's a -- an
17 important interaction between availability of
18 vehicle charging equipment and the purchase of
19 electric vehicles and the reverse.

20 And the summary of their result is that
21 both -- there is a barrier to the start-up of the
22 market because of the need for -- to have
23 sufficient vehicles in charging infrastructure, and
24 at the same time, sufficient charging
25 infrastructure to make potential drivers

1 comfortable in purchasing the vehicle and that the
2 better place to start is to lead with
3 infrastructure.

4 But leading with infrastructure means
5 initially that it's loss making, that there is not
6 sufficient usage to make it profitable for someone
7 to invest in that infrastructure even though, in
8 the long run, certainly, we expect that it will be
9 profitable.

10 So I think recognizing that the utility
11 also benefits from the increased sales from home
12 charging, from the people who buy those vehicles
13 and who have to find availability to public
14 charging is a reason to think about utilities
15 investing in the charging infrastructure itself and
16 losing money on the actual charging events at the
17 public charging, but in general, making it up in
18 the increased sales of electricity at home.

19 **Q So, I mean, I -- in essence, are you**
20 **saying in answer to my question that it would**
21 **depend on what KCP&L decided to do?**

22 A Yes.

23 **Q If KC -- KCP&L decided that -- that it**
24 **could work with this structure, then it would have**
25 **the same effect in kickstarting the market that**

1 **their proposal does?**

2 A Uh-huh.

3 **Q But couldn't it also have the additional**
4 **advantage of possibly inviting additional players**
5 **to the market?**

6 A It could. But there is a third
7 alternative that I'd suggest to you. I'm, frankly,
8 not sure how Missouri utilities handle this.

9 Several other utilities with which I'm
10 familiar in Michigan and other states address
11 public lighting in a way where the utility will own
12 and maintain street lights. Or they will supply
13 power to street lights owned by municipalities or
14 other parties.

15 And the tariffs are structured so that in
16 the case of just providing power, they're
17 recovering the costs of delivered power.

18 In the case of company-owned street
19 lights, they are also recovering the cost of the
20 street light, the fixture itself and the
21 maintenance of that.

22 And I think that allows both models to
23 live together without creating a barrier to entry
24 by third parties.

25 **Q Well, I -- I see some significant**

1 **distinctions between lighting and -- and electric**
2 **vehicle charging networks. But I -- I understand.**

3 **So bottom line, whether what I am**
4 **proposing would work would depend, A, on whether or**
5 **not KCP&L was -- was -- was willing to continue its**
6 **expansion of the -- of the network under -- under**
7 **that regime and then, second, whether it would --**
8 **whether and to what extent it would invite**
9 **additional players to -- to join the market?**

10 A I agree with you.

11 **Q And do you agree that if you compare the**
12 **program that I'm describing with the program that**
13 **KCP&L is proposing right now that my proposal might**
14 **invite additional players to the market beyond that**
15 **which would be invited to play under -- under**
16 **KCP&L's regime?**

17 A I think the crucial thing in other players
18 that come into the market is that it be clearly
19 legal for them to do so and that they have
20 available to them delivered power on a basis
21 comparable to the cost that KCP&L was able to
22 recover for that purpose.

23 **Q Okay.**

24 A Whether the exact ownership model is
25 necessary and it's in -- in order for other parties

1 to come to market, I'm less certain of.

2 CHAIRMAN HALL: Okay. I have no further
3 questions. Thank you.

4 MR. JESTER: Thank you.

5 JUDGE PRIDGIN: Chairman, thank you.
6 Commissioner Kenney?

7 COMMISSIONER KENNEY: Thank you, your
8 Honor. First, I'd like to apologize to Mr. Rush.
9 When I started talking about 6 million for 60
10 pedestals and nine million for 750 pedestals, I was
11 talking about Consumers Energy in Michigan.

12 MR. JESTER: Yes. I think those are the
13 correct numbers.

14 COMMISSIONER KENNEY: But I'll blame that
15 on NFL concussion head injury syndrome.

16 CROSS-EXAMINATION

17 COMMISSIONER KENNEY:

18 **Q Thank you, sir, for being here. Would you**
19 **-- I was a little confused. Would you explain your**
20 **position in that Consumers Energy case again? I'm**
21 **trying to follow it. I didn't quite understand.**

22 A Yeah. I was perhaps too brief in
23 responding to the other question. Consumers Energy
24 proposed the investment that you just described,
25 and they proposed it where, basically, the company

1 was going to procure the charging stations and rate
2 base them.

3 And hosts -- site hosts would agree to
4 have them located at -- at their properties and
5 would be obligated to pay for the power so it would
6 be free to the end customer. And that was true for
7 both Level 2 and Level 3, the DC fast charger.

8 So my testimony in that case was, much as
9 here, that it's good public policy to -- you know,
10 to advance the use of electric vehicles, that you
11 would need to lead with infrastructure. And the
12 best way to do that on any scale is with some
13 participation from the utilities.

14 But I argued that it was inappropriate to
15 do it with no charge to the end customer and no
16 option for the site host to -- to decide that
17 question.

18 I also argued that it was important that
19 the rates be designed to -- I'd encourage
20 integration with the utility through time of use
21 rates.

22 And then consumers description of the
23 sites that they were going to target was heavy to
24 essentially short duration parking at a retail,
25 which is probably the least effective form of

1 investment in charging infrastructure.

2 And my testimony was they needed to
3 concentrate on multiple family dwellings, office or
4 employment locations for workers and long duration
5 parking.

6 And then on the fast charging network,
7 they had not done any in-depth analysis of where
8 the traffic was likely to be and the relative
9 demand in different locations to sort of optimize
10 what that network would look like. So those were
11 the critiques that I offered of their proposal.

12 **Q Okay. That's probably unlike KCP&L where,**
13 **right now, the site host pays for the electricity?**

14 A Yes.

15 **Q Would you oppose that?**

16 A I think it's all right if it's the site
17 host's option. But I do think that it's important
18 that we make room in the marketplace for charging
19 where the end use -- vehicle owner is expected to
20 pay for the charging.

21 **Q Well, do you know that many of the**
22 **locations in the KCP&L market are at grocery**
23 **stores, places like that, some at businesses, some**
24 **at -- I assume at businesses, apartment complexes?**

25 A Yes. I am aware of that. And the

1 effectiveness of those locations is something that
2 I'm hoping in a -- you know, in a future proceeding
3 KCP&L will be able to provide data that will inform
4 the Commission about that.

5 **Q I mean, a fast charger would be great at a**
6 **grocery store, right?**

7 A Yes. That would be one certainly viable
8 option.

9 **Q Or a gas station. Okay. Two more**
10 **questions, One on your direct testimony, page 6.**

11 A Is that on the direct?

12 **Q Excuse me. Which direct? The --**

13 A Is that on revenue requirement direct
14 testimony?

15 **Q Direct RR. Yeah. In addition to these**
16 **benefits, societal benefits of solar and electrical**
17 **vehicle adoption, Missouri will potentially provide**
18 **substantial benefits to all electric utility**
19 **customers in KCP&L whether or not they own electric**
20 **vehicles.**

21 It seemed to me that under the sheet that
22 was passed out earlier by OPC that that's only
23 about 300 -- or three to 400 vehicles in KCP&L's
24 rate base. So why don't you explain how it's going
25 to substantially benefit everyone?

1 A My testimony is a long-term view. We have
2 to start with the most number of cars and grow
3 market penetration.

4 **Q Okay. Well, that's good. Answer me this.**
5 **What's -- what about liquified natural gas**
6 **vehicles? How do they compare to a footprint with**
7 **electric vehicles considering that --**

8 A Specifically on carbon?

9 **Q -- 75 percent or 77 percent of our**
10 **electricity is produced by coal?**

11 A Specifically on the carbon footprint, you
12 mean?

13 **Q Yes.**

14 A Argon National Laboratory --

15 **Q Because I have no idea.**

16 A Yeah. I appreciate that. Argon National
17 Laboratory has a tool that is labeled as G-R-E-E-T,
18 GREET -- excuse me -- G-G-R-E-E-T, which, if I
19 remember correctly, stands for Greenhouse Gas
20 Regulated Emissions and Energy and Transportation.

21 And I have not done any independent
22 analysis myself. But my recollection of the
23 results from that tool is that using compressed
24 natural gas and the liquified natural gas are
25 approximately the same in about 11 percent

1 reduction from gasoline a comparable vehicle.

2 Q Only 11 percent?

3 A Only 11 percent.

4 Q Okay. That surprises me. On page 10 --
5 10, you talked about that the U.S. is -- studies
6 show -- and you cited an Annual Energy Outlook that
7 we need the electrical vehicles because the U.S.
8 is -- will be still importing 25 percent of its oil
9 consumption, and it's projected to -- and currently
10 project to never reach -- and never to reach
11 self-sufficiency.

12 Do you still think -- agree with that,
13 with an administration and the Dakota access and
14 Keystone Pipeline and all the fracking and all the
15 oil -- I know commodity prices are keeping down a
16 lot of drilling right now.

17 A Yes. Well, first of all, Keystone would
18 be importing oil from --

19 Q Yeah. Canada.

20 A Yeah. My Canadian friends are sensitive
21 on that point.

22 Q Yeah. I'll put it this way to make it
23 simple. Do you think that's going to change?

24 A I don't think that we will ever become a
25 net exporter of oil. But whether it's 25 percent

1 or 20 percent or 15 percent, I think is perhaps in
2 question.

3 **Q They said that about natural gas in 2008.**
4 **Now we're exporting it, right?**

5 A Yes. And, certainly, currently, there's a
6 substantial increase in oil production from the
7 Permian basin.

8 COMMISSIONER KENNEY: And I don't want to
9 take too much time. But anyway, I thank you very
10 much your answers. I appreciate it.

11 MR. JESTER: Certainly. Thank you.

12 JUDGE PRIDGIN: Any other Bench questions?
13 Thank you. Any redirect -- excuse me -- recross
14 based on Bench questions? Public Counsel?

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

16 JUDGE PRIDGIN: Staff?

17 MR. THOMPSON: No, thank you, Judge.

18 JUDGE PRIDGIN: Division of Energy?

19 MR. ANTAL: No questions. Thank you.

20 JUDGE PRIDGIN: Thank you. KCP&L?

21 MR. FISCHER: No, sir.

22 JUDGE PRIDGIN: Did I miss anyone?

23 Redirect?

24 MR. HALSO: Yes, your Honor. Just a few
25 questions.

1 REDIRECT EXAMINATION

2 BY MR. HALSO:

3 Q Mr. Jester, there's -- you were discussing
4 the make ready model with Chairman Hall. Do you
5 recall that?

6 A Yes.

7 Q Was it your understanding that there's a
8 single California utility for which a make ready
9 program has been approved, Southern California
10 Edison?

11 A Yes.

12 Q And under that program, the utility may
13 own and include in its rate base all of the
14 equipment up to, but not including, the charging
15 station; is that right?

16 A That's my understanding.

17 Q And the utility does not own the stations;
18 is that right?

19 A Yes. That's correct.

20 Q Nonetheless, in owning and including in
21 its rate base up to the charging station, it is
22 able to include essentially two classes of costs in
23 its rate base, right, the normal distribution,
24 infrastructure, cost that the utility normally
25 incurs and that which is beyond that up to the

1 **charging station?**

2 A Yeah. The -- in the ordinary rates of
3 utilities, we usually make a distinction between
4 the -- the internal wiring that belongs to the
5 customer, and that -- that's on the utility side of
6 the meter.

7 In the make ready model, the -- the
8 question is where is that demarcation? And it has
9 been set at the electric vehicle charging equipment
10 itself rather than back at the edge of the property
11 or the meter at the building or whatever the normal
12 demarcation point is.

13 **Q Thank you. And although the utility does**
14 **not own the charging station, they nonetheless**
15 **provide rebates to site hosts to purchase those**
16 **stations; is that your understanding?**

17 A That's -- that's -- that's my
18 understanding. Yes.

19 **Q And they're able to expense those in the**
20 **normal cost of the utility business?**

21 A Yes.

22 **Q You were also discussing competitive**
23 **concerns with Chairman Hall. You noted that**
24 **perhaps more important than ownership model is**
25 **resolving any regulatory uncertainty about the**

1 treatment of utility or non-utility charging
2 stations; is that right?

3 A Yes.

4 Q And in addition, are there program
5 elements that can be implemented for a
6 utility-driven program to promote competition with
7 it regardless of ownership model?

8 A Well, yes. First of all, the -- it's
9 important that the fundamental utility service, the
10 delivery of power to that charging station owned by
11 a third party be available on -- on the same amount
12 of terms as it is in the charging station owned by
13 the utility so that there's no competitive
14 disadvantage in the supply chain, if you will, to
15 that charging station.

16 And then, secondly, the -- the pricing to
17 the end customer or to the host offered by the
18 utility shouldn't undercut the market price so that
19 no one would choose a third party.

20 Q And the in the context of specific
21 utility-proposed programs, in your mind, is
22 ownership the most important consideration for
23 competition of the ownership of the charging
24 station itself?

25 A No. It's a secondary concern.

1 MR. HALSO: Okay. Thank you. That's all
2 I have, your Honor.

3 RE CROSS EXAMINATION

4 BY COMMISSIONER KENNEY:

5 Q Judge, I hate to do this. I don't think
6 this will create any other questions. But the
7 other two companies in California, do they own the
8 pedestals, also?

9 A There are multiple models within those
10 companies, but yes.

11 Q And are those in rate base, also?

12 A Yes.

13 COMMISSIONER KENNEY: Okay. Thank you.

14 JUDGE PRIDGIN: All right. Thank you. Do
15 we have any recross based on that? Redirect?

16 MR. HALSO: I'll just clarify, if I could,
17 for the record, your Honor.

18 JUDGE PRIDGIN: That's fine.

19 FURTHER REDIRECT EXAMINATION

20 BY MR. HALSO:

21 Q Mr. Jester, in California, we've
22 established that the make ready model is the
23 ownership model for Southern California Edison; is
24 that right?

25 A Yes.

1 **Q** Okay. And there are two other programs.
2 **One is San Diego Gas & Electric, and one is Pacific**
3 **Gas & Electric?**

4 A Pacific Gas & Electric. Yes.

5 **Q** And the San Diego Gas & Electric, do you
6 **know the extent to which the utility owns the**
7 **infrastructure?**

8 A I think they do not, although I must
9 admit, I'm tired.

10 **Q** Fair enough.

11 A Yeah.

12 MR. HALSO: I'll stop there, your Honor.

13 JUDGE PRIDGIN: All right. Thank you.

14 COMMISSIONER KENNEY: Thank you.

15 JUDGE PRIDGIN: I guess -- Mr. Jester,
16 thank you very much. You may step down. And let
17 me see from Counsel, who did we want to take next?

18 MR. FISCHER: Judge, I -- I want to bring
19 up a couple of scheduling problems that I think are
20 developing.

21 Mr. Caisley is -- is not available on
22 Tuesday, so we'd very much like to figure out a way
23 to get him done tonight.

24 And I also understand that Division of
25 Energy needs to get their witness on as well. And

1 there may be other problems. I don't know. But
2 those are two that I'm aware of.

3 MR. ANTAL: Yeah. Judge, if I could add,
4 obviously, I won't be able to be Mr. Hyman's
5 attorney on Tuesday. So I would appreciate being
6 able to get him in.

7 COMMISSIONER KENNEY: Judge, we could call
8 Commissioner Rupp and probably arrange that.

9 MR. ANTAL: For what it's worth, I'm
10 willing to waive cross on all of the remaining
11 witnesses on this issue.

12 JUDGE PRIDGIN: All right.

13 MR. FISCHER: We can waive on the
14 out-of-state witnesses as well.

15 JUDGE PRIDGIN: All right. I guess I'm
16 looking for guidance. I mean, if we've got to take
17 Mr. Hyman and Mr. Caisley this evening -- and did
18 -- there was -- there was a witness -- was it
19 Mr. Caisley for which somebody needed time to look
20 at -- at testimony? Or am I remembering this
21 wrong?

22 MR. OPITZ: Yeah. I need a few minutes
23 before we switch to that other issue for
24 Mr. Caisley. And then --

25 JUDGE PRIDGIN: I tell you what, let's

1 take a quick recess. Let me visit with the
2 Commissioners. Let's go off the record here for
3 just a few minutes, and then we'll try to figure
4 out how to go from here. Just a moment, please.
5 We'll go into recess.

6 MR. THOMPSON: How long are we in recess?

7 JUDGE PRIDGIN: About five minutes.

8 (Break in proceedings.)

9 JUDGE PRIDGIN: All right. Good evening.
10 We're back on the record. I think we'll just be on
11 the record briefly before we take another recess.

12 Mr. Robertson, I believe you wanted to
13 offer some exhibits; is that correct?

14 MR. ROBERTSON: Thank you, Judge. I'd
15 like to seize this moment to introduce NRDC's
16 testimony. Our witness has been excused as all
17 other parties waived cross-examination.

18 But I would like to move the admission of
19 Exhibits 600, the direct testimony of Noah Garcia,
20 Exhibit 601, the rebuttal testimony of Mr. Garcia,
21 and Exhibit 602 is surrebuttal testimony.

22 JUDGE PRIDGIN: All right. 600, 601 and
23 602 have been offered. Any objections? Hearing
24 none, those exhibits are admitted into evidence.

25 (NRDC Exhibit Nos. 600, 601 and 602 were

1 offered and admitted into evidence.)

2 MR. ROBERTSON: Thank you.

3 JUDGE PRIDGIN: You're welcome. I talked
4 with the Chairman and the other Commissioners. It
5 seems like the best way to proceed from here to is
6 to take a recess for roughly 30 minutes to give
7 Mr. Opitz time to get prepared for getting
8 cross-examination ready for Mr. Caisley and then
9 proceed to Mr. Hyman after that. And that will
10 probably be the end of the witnesses this evening.

11 I understand those people are unavailable
12 other times and so we need to kind of rush and get
13 these witnesses on.

14 MR. FISCHER: Judge, we will be waiving on
15 Mr. Hyman, if that makes a difference. I don't
16 know if others could do that or not.

17 MR. THOMPSON: Staff will waive.

18 MR. OPITZ: I'll waive on Mr. Hyman.

19 JUDGE PRIDGIN: We may not have any cross
20 -- I appreciate that. We may not have any cross
21 for Mr. Hyman. In fact, it sounds like right now
22 we don't.

23 And I'll -- I'll inform the Commissioners
24 that, at least as of now, no parties have any cross
25 for Mr. Hyman, and so that may impact what kind of

1 questions they may or may not have.

2 MR. ANTAL: All of the other Counsels have
3 indicated to me know they have no cross for
4 Mr. Hyman.

5 JUDGE PRIDGIN: All right. I'll let the
6 Commissioners know. Let's plan to go back on the
7 record, say, about five after six to give, you
8 know, a full 30 minutes or so for Mr. Opitz.

9 And then Mr. Caisley will take the stand,
10 and I'll see if -- if -- hopefully, if I can poll
11 the Commissioners, and we'll see if we have any
12 questions.

13 We may be able to cut Mr. Hyman loose if
14 they don't have any questions, and I will inform
15 you when I find out.

16 MR. ANTAL: Thank you very much.

17 JUDGE PRIDGIN: Anything further before we
18 go off the record? If there's nothing further, we
19 will stand in recess until 6:05. Thank you. We're
20 off the record.

21 (Break in proceedings.)

22 JUDGE PRIDGIN: All right. Thank you. We
23 are back on the record. As I understand it, we
24 need to go to Mr. Caisley out of order, and then
25 Mr. Hyman would be available, although I understand

1 from Counsel that no nobody has any cross for
2 Mr. Hyman.

3 MR. ANTAL: That is correct.

4 JUDGE PRIDGIN: All right. So we'll see
5 -- if the Bench doesn't have any questions, that
6 may be rather brief. Anything further before
7 Mr. Caisley takes the stand?

8 All right. If not, Mr. Caisley, if you
9 will raise your right hand to be sworn, please.

10 CHARLES CAISLEY,
11 being first duly sworn to testify the truth, the whole
12 truth, and nothing but the truth, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. FISCHER:

15 JUDGE PRIDGIN: Thank you very much, sir.
16 And, Mr. Fischer, when you're ready.

17 **Q (By Mr. Fischer) please state your name
18 and address for the record?**

19 A Charles Caisley. And my business address
20 is 121 Main Street, Kansas City, Missouri.

21 **Q Are you the same Charles Caisley that
22 caused to be filed in this case two pieces of
23 testimony, both with an HC version and NP version,
24 direct that's been marked as 111 and surrebuttal
25 that's been marked as 112?**

1 A I am.

2 **Q Are there any changes or corrections you**
3 **need to make to those pieces of testimony?**

4 A No, sir.

5 **Q If I asked you those questions today,**
6 **would your answer be the same, and are they true**
7 **and accurate to the best of your knowledge and**
8 **belief?**

9 A Yes.

10 MR. FISCHER: Your Honor, I would move for
11 the admission of Exhibit 111-HC and 111-NP, 112-HC
12 and 112-NP and tender the witness for cross.

13 JUDGE PRIDGIN: All right. Thank you.
14 Exhibit 111-HC and NP and Exhibit 112-HC and NP
15 have been offered. Any objections? Hearing none,
16 those exhibits are admitted.

17 (KCP&L Exhibit Nos. 111-HC, 111-NP, 112-HC
18 and 112-NP were offered and admitted into
19 evidence.)

20 JUDGE PRIDGIN: And cross-examination?
21 Any questions? Division of Energy?

22 MR. ANTAL: No questions.

23 JUDGE PRIDGIN: Thank you. Let me see who
24 is here. Are we down to Public Counsel? Have I
25 overlooked -- Public Counsel, Staff and company.

1 Okay. Public Counsel, questions?

2 MR. OPITZ: Yes.

3 CROSS-EXAMINATION

4 BY MR. OPITZ:

5 **Q Good evening, Mr. Caisley.**

6 A Good evening, Mr. Opitz. How are you,
7 sir?

8 **Q I'm doing well. So you agree that -- and**
9 **you've testified that the company conducts surveys**
10 **of its customers --**

11 A Yes.

12 **Q -- is that correct?**

13 A We do phone surveys. We do focus groups.
14 We use Axciom and Nielsen segmentation data. We
15 also have an online panel.

16 And I think we're the first utility in the
17 state to -- to actually implement about a 2500
18 person to 5,000 person group that we have a
19 dialogue with online. Yes.

20 **Q And one of the -- I guess I would call**
21 **them survey groups is WPA Research. Do you agree**
22 **with that?**

23 A Yeah. That is correct. We've -- they are
24 a multi-faceted research located -- their
25 principal office is in Oklahoma City. But they're

1 in California, Texas and DC as well.

2 And they do both quantitative and
3 qualitative research for us, other utilities and a
4 host of other entities, including many Fortune 500
5 companies.

6 **Q Would you agree that WPA's focus is as a**
7 **political campaign survey organization?**

8 A No. That is one line that they -- they
9 are in. And, certainly, they are active in that
10 area. But they also, are, for example, one of the
11 chief qualitative researchers for Pepsi Co. in
12 North America.

13 They do a significant amount of work for
14 utilities, including various natural gas companies
15 and other electric utilities. So they do have --
16 one of their principals, a founding principal, is a
17 rather prolific pollster on the political side.
18 But, no, they are a very diversified company.

19 **Q And you understand that Public Counsel has**
20 **requested a number of these surveys, and the**
21 **company has provided them --**

22 A Yes.

23 **Q -- is that correct?**

24 A To my knowledge, I think everything that
25 we've done with them since 2006 in one rate case

1 proceeding or another has been turned over as part
2 of those proceedings.

3 Again, we've -- we've used them prior to
4 me coming to Kansas City Power & Light. I came in,
5 I think, mid 2007, and I believe WPA goes back
6 prior to that as early as 2005, 2006.

7 MR. OPITZ: Judge, may I -- may I
8 approach?

9 JUDGE PRIDGIN: You may.

10 MR. OPITZ: And I'd like to have this -- I
11 guess there are two exhibits. I've got them
12 paperclipped together here. And I don't know the
13 numbers.

14 JUDGE PRIDGIN: I'm sorry, Mr. Opitz.
15 What's your block again?

16 MR. OPITZ: We are 300. And I think
17 it's --

18 JUDGE PRIDGIN: I see a 329. I don't -- I
19 think it's going to 330.

20 MR. OPITZ: So I think it's 330.

21 JUDGE PRIDGIN: 330. That's fine. That's
22 my best guess.

23 MR. OPITZ: Okay. So the -- I'm going to
24 mark the one that's year 2011 marked as 330 and the
25 one that is 2013 as 331. And that should be 330-HC

1 and 331-HC.

2 JUDGE PRIDGIN: So we'll need to go
3 in-camera, I assume?

4 MR. OPITZ: Not yet.

5 JUDGE PRIDGIN: Okay. What you handed me,
6 the December 12th, 2011, that's going to be 330-HC?

7 MR. OPITZ: Yes.

8 JUDGE PRIDGIN: Is that correct?

9 MR. OPITZ: Yes. That's correct.

10 JUDGE PRIDGIN: Okay. Thank you.

11 MR. OPITZ: And the other one will be
12 331-HC.

13 JUDGE PRIDGIN: Okay.

14 **Q (By Mr. Opitz) Mr. Caisley, do you**
15 **recognize the documents 330-HC and 331-HC to be WPA**
16 **Research Survey Results conducted on behalf of**
17 **KCP&L?**

18 A Yes. These -- these look consistent with
19 what I'm used to seeing from them. Yes.

20 **Q And, in fact, I think on the back page,**
21 **there is a -- a verification and response of the**
22 **stapled document.**

23 A Got you.

24 **Q Or not stapled.**

25 A There's two of them, but it's 331-HC. It

1 looks like it's in the back there. Yep.

2 **Q Okay. Mr. Caisley, you understand that**
3 **Public Counsel has taken issue with certain**
4 **questions that are asked in these surveys? You**
5 **understand that?**

6 A I do understand that. Yes, sir.

7 **Q And that's the questions of a political**
8 **nature? You understand that to be our concern?**

9 A Well, I -- I guess I thought you were --
10 the principal concern was asking party affiliation.
11 I'm not exactly sure what the definition is of a
12 political nature.

13 **Q Okay.**

14 A But I did understand that asking a party
15 affiliation was -- was concerning.

16 MR. OPITZ: And so if we can go HC now,
17 Judge.

18 JUDGE PRIDGIN: Just a moment. Can I get
19 Counsel to verify -- I can't imagine anybody else
20 is here that doesn't have to be here, but --

21 MR. STEINER: We're good.

22 A And I don't know. If it makes it easier,
23 unless we're going to go line by line through all
24 of these, I'm not sure that they need to remain HC.
25 So -- so if --

1 **Q** **(By Mr. Opitz) So I was going to ask**
2 **about the questions and not necessarily the figures**
3 **in there.**

4 A Okay.

5 **Q** **Does that mean that it doesn't have to**
6 **be --**

7 A Then I don't care if we go HC. No. That
8 doesn't bother me.

9 JUDGE PRIDGIN: So we can stay public?

10 A To make it a little easier and more time
11 efficient.

12 MR. OPITZ: Yes. And I just won't ask
13 about the -- the figures that are included in
14 there.

15 JUDGE PRIDGIN: Okay. We will stay public
16 unless somebody asks to go in-camera. Thank you.

17 **Q** **(By Mr. Opitz) So if you would look at**
18 **page -- Exhibit 331-HC, which is the 2013 --**

19 A Got you.

20 **Q** **-- survey?**

21 A Yep.

22 **Q** **And the front page just generally**
23 **describes how the caller identifies themselves,**
24 **correct?**

25 A That's correct.

1 **Q** And so that first block of questions,
2 those are related to, I guess, utility service,
3 would you agree with that, and to identify who is
4 answering the phone call?

5 A Yeah. So if you're talking about the
6 first block of questions, 1 and 2 on 331-HC and
7 there's -- then those are what we call screens.

8 And, essentially, there are some folks
9 that we don't want to ask questions to because
10 they're deemed not normal customers.

11 For example, if you work for us, you may
12 have an overly positive, or, who knows, maybe an
13 overly negative opinion. And so that's not what we
14 would consider general population.

15 So these are -- these are screens to make
16 sure that people who don't fairly represent the
17 general public are screened out from the -- the
18 survey.

19 I would add, those aren't determined by
20 us. Those are -- those are what WPA says for this
21 type of survey is -- is necessary to achieve that
22 result. So yes.

23 **Q** And so if you'll turn to the second page
24 of that. And they're not numbered, but it's just
25 the back of the front page.

1 A Sure.

2 **Q Below that block that's in gray, it --**
3 **right after asking those screening questions, the**
4 **surveyor gets into saying, First, let's ask about**
5 **some political elections.**

6 And then they go on to ask, If the
7 **election for the State Senate in your district were**
8 **held today, would you vote for the Republican**
9 **candidate or Democrat candidate?**

10 A Yeah.

11 **Q What is the objective of this kind of**
12 **question?**

13 A Well, it, actually -- it depends. There's
14 -- there's multiple different objectives depending
15 on where it is.

16 So in this particular one, the first
17 questions that we ask right out of the gate are all
18 looking, it looks to me, like upcoming races.

19 And so as we looked at those upcoming
20 races or ballot initiatives that were on the
21 ballot, this would be used to do a couple things.

22 One, it's a partial screen because they're
23 going to want to make sure that they get a
24 representation of the voting electorate that's
25 accurate for that area. The second thing is it

1 will be used demographically.

2 **Q What do they need to -- I guess if this is**
3 **about utility service, what do they need to know**
4 **about the voting demographic for that?**

5 A The first three or four questions in here
6 aren't necessarily, per se, 100 percent about
7 utility service. I -- I didn't claim that those
8 four or five questions were about utility service.

9 If you want to ask about why that would be
10 relevant to a company providing utility service,
11 I'd be happy to talk about that.

12 **Q So --**

13 A But those -- those questions are not
14 utility service.

15 **Q Are these questions --**

16 A Your question, actually, was why -- why
17 would we ask that. And I was trying to answer
18 that.

19 **Q Okay. The objective of asking those**
20 **questions. And you were identifying upcoming**
21 **elections, that sort of thing?**

22 A Well, in this particular -- and it will --
23 it will be different. My suspicion is, if we look
24 at the other one, it will -- there will be a
25 different reason.

1 But in this particular survey, asking it
2 upfront would mean that that they want to make sure
3 that they get the right percentages of Republicans
4 and Democrats that are representative in that area
5 for these questions, and they also want to use it
6 for demographic purposes.

7 When it's asked just purely at the end of
8 the document, which I think if -- if you look at --
9 the exhibit you've marked as 330-HC, it comes in a
10 list of -- a very similar question comes in a list
11 at the end. It's Question 70 on second to last
12 page. That would be purely for Democratic -- or
13 excuse me -- demographic and cross tab purposes.

14 **Q Okay. So this one is -- that first one**
15 **asking about the State Senate election is pretty**
16 **general. But then if you go to page 3, it talks**
17 **about more specific questions.**

18 **In fact, one of the questions is, I'm**
19 **going to read you a list of names of people active**
20 **in politics. After I read each one, please tell me**
21 **if you have a favorable or unfavorable impression**
22 **of that person.**

23 A Uh-huh.

24 **Q And then there are specific candidates or**
25 **people involved in politics listed, Chris Koster,**

1 Catherine Hanaway, Tom Schweich. What is -- I
2 guess what is -- this is no longer just a general
3 demographic question. What is the objective of
4 asking these very specific political questions?

5 A Well, the objective of that -- I guess
6 it's the pop of page 3. And the -- the one
7 regarding the Governor's race was to find out which
8 one of those candidates was doing better or had a
9 more favorable or less favorable impression from
10 our -- you know, the folks in our service
11 territory.

12 Q Is this something that KCP&L asked WPA to
13 ask these questions?

14 A Absolutely. Yes.

15 Q And so if you turn to the next page on
16 there, it goes even further, and there is a -- I
17 believe that's an initiative.

18 A Uh-huh.

19 Q And there's a -- the next of the
20 initiative. And that has to do with a sales tax to
21 benefit St. Luke's Hospital, it looks like.

22 I guess what is the objective of asking
23 utility customers about their position on that
24 particular initiative?

25 A Well, so, you know, we provide

1 electricity, right, and utility service for sure.
2 But we're also a corporate citizen of the areas
3 that we serve.

4 And this was an important initiative. And
5 I think there were several objectives if you -- if
6 you look at any of these questions.

7 Specifically, for Jackson County, I'm sure
8 that they probably asked our corporation, as well
9 as our PAC, to contribute to passing that
10 initiative. So whether we invest in that or not,
11 we'd like to know what the folks who we serve think
12 about that.

13 I think with respect to -- you could say
14 the exact same thing in the -- in the Clay County
15 one. But, also, you know, it can help determine
16 whether we come forward as a corporation and lend
17 our name, lend our money, lend -- you know,
18 encourage people to get involved. All sorts of
19 things.

20 Yes. We have a role to provide utility
21 service. But I think if you talk to most of the
22 customers, most of the elected officials that we
23 work with and most of the entities in our
24 community, they would tell you that it goes a lot
25 further than just that.

1 **Q** So it sounds like you're -- and -- and
2 **please, I guess, correct me. You identified, you**
3 **know, you -- these are candidates who ask you for**
4 **-- the corporation -- or, I guess, it's a PAC. Is**
5 **it KCP&L's PAC?**

6 A We have a power PAC, which is contributed
7 to by employees. We have corporate contributions
8 as well. So there's two different ways that we
9 look at that.

10 **Q** So these sorts of questions are used by
11 **KCP&L to determine which candidates or causes they**
12 **give money to?**

13 A That could be one use. That could be one
14 reason. But as I said, it's not just that. We
15 actually want to know what people think.

16 You know, for example, this Life Sciences
17 initiative, folks were saying we're pretty --
18 pretty important for economic development in our
19 Life Sciences industry which we serve in Kansas
20 City.

21 We've had several of the health
22 organizations come and ask us if we would get
23 involved. And before we lend our name, before we
24 lend money, before we endorse something like that,
25 we think it's important to know what people think.

1 We think it's important to factor that in
2 to our presence as a corporate citizen, not just as
3 a utility company that serves Kansas City.

4 **Q So that seems to be sort of specific to**
5 **the initiatives, that sort of -- that line of**
6 **questioning --**

7 A Sure.

8 **Q -- that's included in these surveys. What**
9 **about the, I guess -- you know, we've got another**
10 **question here that says, If the election for**
11 **Missouri Governor were held today, for whom would**
12 **you vote? And then it lists the specific, at that**
13 **time, candidates, Catherine Hanaway and Chris**
14 **Koster.**

15 **I guess what -- how does that help KCP&L**
16 **-- how does knowing the answer to that help KCP&L**
17 **provide better service for its customers?**

18 A Well, I don't know that I would say --
19 you're operating from a fundamental premise that
20 every single question in this is designed to
21 provide better fundamental service as --as a
22 utility company. And I don't know that that's
23 necessarily the case.

24 I -- again, some of these are as a
25 corporate citizen trying to understand what people

1 think and -- and how they want to be represented in
2 Government.

3 And in this particular case, you know, the
4 Governor does pretty important things like, you
5 know, appoint Public Service Commissioners.

6 And so understanding whose -- whose ideas
7 resonate and who is -- is doing a good job helps us
8 participate in that process.

9 **Q So it's the company's view that it's okay**
10 **to be asking its customers these sorts of direct**
11 **political questions because it helps them with**
12 **their determinations on corporate citizenship?**

13 A Well, I mean, I think you're taking a big,
14 broad answer, right, and you're trying to distill
15 into a yes or no answer. So no, I'm not going to
16 say that.

17 There's a whole bunch of reasons that we
18 ask a whole bunch of different questions. These
19 particular questions, the purpose is to understand
20 who is doing better and what ideas are resonating
21 with customers and who is doing better in that
22 race. And that helps us determine a whole bunch of
23 different things.

24 But, no, if you're looking as to how that
25 would impact regulated utility service, of course,

1 that -- that doesn't help with utility regulated
2 service.

3 The bulk of the service -- survey does,
4 though. I mean, 90 percent of what's in here is
5 all targeted at customer satisfaction. It's
6 targeted at customer acquisition and programs.

7 And I don't think there's ever been a
8 suggestion until now that asking a question like
9 that is -- or any of these questions is
10 inappropriate.

11 **Q So I think that I'll just say I would**
12 **agree with you that there is a lot of infor --**
13 **questions in here that are related to customer**
14 **service.**

15 So looking at 331 still, we've got the
16 screening questions on the first page. There's --
17 on page 2, there's political questions. On page 3,
18 there's political questions. On page 4, there's
19 political questions, initiative political
20 questions.

21 I think this is page 5. It's No. 10.
22 That's a question with a initiative. And so back
23 to the page beyond that when we're looking at --
24 the first number on there is 11 for the -- for the
25 question.

1 And it says, Now, thinking about your
2 utilities. So you don't get to -- the survey
3 doesn't get to the -- that's conducted by -- or
4 commissioned by the utility doesn't get around to
5 talking about your utilities until eleven questions
6 in.

7 A So I would say there are 73 questions on
8 here. I think we can agree on that. The first two
9 are screens. The next one is -- asks affiliation,
10 but that has a demographic implication, which we
11 can talk about here if you would like.

12 And then there are one, two, three, four
13 questions that I would consider political race
14 questions. So four out of 73.

15 The other two are ballot initiatives,
16 which are not political. They're initiative
17 Petitions. They certainly have -- they certainly
18 have folks on either side that -- that take
19 positions. But they are bipartisan initiative,
20 non-partisan initiative petitions.

21 So, yes, four questions out of 72 touch on
22 either an election, the favorability or
23 unfavorability, name, ID of an elected official or
24 potential elected official, so four -- yes. Four
25 out of 73. Correct.

1 **Q** And so the company only uses this
2 **information for its own internal purposes; is that**
3 **correct?**

4 A Not necessarily. Sometimes, for example,
5 with the initiative petitions, we might have the
6 Mayor, who is the CEO of our largest customer, the
7 Mayor of Kansas City say, How is this particular
8 thing doing?

9 We might, at some point, if an elected
10 official or policy leader asks us, you know, if
11 we're going to put something in the field, if we're
12 going to be surveying customers if we'd ask and
13 find out, you know, how things are doing.

14 **Q** So when -- when that information is
15 **shared, is it sold?**

16 A No.

17 **Q** Is it -- so it's shared for no cost?

18 A Correct.

19 **Q** And when you mentioned that -- that public
20 **officials might come to you and try and get**
21 **information about public opinion, do you then**
22 **provide them the opinion research you've already**
23 **conducted? Or if a -- if a public official came to**
24 **you, would you commission a new study with -- with**
25 **those questions that official wanted to know?**

1 A Since I have been at KCP&L, I am not aware
2 of any time where we have commissioned a study at
3 the behest of an elected official or -- I can't --
4 yeah. No. I can't think of any time when we would
5 have done that.

6 And as -- and as a -- and as a general
7 rule, elected officials or folks running those
8 campaigns don't come and ask and say, would you do?
9 In conversation, they might say, We know that you
10 do quarterly customer surveys. We know that you
11 sometimes put things like this on your surveys.

12 They've gained that knowledge because
13 we've shared it with them in the past. And do you
14 have any insight into what's going on in this right
15 now?

16 **Q Do you -- do you ever decline to share**
17 **this information with any candidates for one reason**
18 **or another?**

19 A I can't say that we ever have.

20 **Q Is the sort of information that you would**
21 **be providing to these people information that they**
22 **would otherwise have to pay to get that**
23 **information?**

24 A Most of the information -- it -- any time
25 that we're providing it, they usually have it from

1 other sources. So this is just another indicator.

2 In other words, they -- they all -- all of
3 those elected officials, prospective elected
4 officials and initiative petitions, they have their
5 own research plans that they pay for.

6 **Q And so, I guess, who -- who is paying for**
7 **these WPA surveys to be conducted?**

8 A KCP&L.

9 **Q Is -- is this a cost that is charged to**
10 **ratepayers?**

11 A I -- we have a research budget. My -- I
12 don't know what the breakdown is. But I -- I would
13 -- my guess would be -- and that's an accounting
14 regulatory accounting deal, but my guess would be
15 the bulk of it, if not all of it, is on -- is
16 something that is charged to ratepayers.

17 But I would also tell you that the bulk of
18 it, the vast majority of it, is also things that
19 deal with market segmentation, customer service and
20 perceptions that customers have that we try to
21 address that go directly to the provision of
22 utility service.

23 This is -- you know, this particular
24 survey right here, 331-HC, we've identified four
25 that were -- were patently political, one that's

1 really more of a screen for demographic purposes,
2 and two that are issue-oriented, both of which at
3 the time were pretty significant issues from
4 multiple customer perspectives in our service
5 territory.

6 **Q Is political questions, I guess, where the**
7 **company is going to draw the line on -- on these?**
8 **Or, I mean, is it the company's view that it would**
9 **be okay to ask, you know, pointed religious**
10 **questions at some point?**

11 A You know, the questions that we ask in --
12 in probably 90 percent of the occurrences, these
13 fall, again, within 330 where they fall in
14 demographic questions at the back.

15 These fall into demographic questions
16 suggested by the survey company that's doing it.
17 In other words, we didn't -- we didn't pick out
18 those set of demographic questions. They were
19 suggested and consistently suggested over an
20 11-year period by WPA.

21 So just to be clear, I mean, we ask other
22 questions that some people might think were
23 sensitive, including -- you know, we asked race.
24 We asked income. We asked whether you own or rent
25 a home. We asked whether you have kids. We asked

1 what your education is. We actually also asked
2 what you think the most reliable source of news is.

3 My understanding is -- from talking to WPA
4 and from having some degree of experience in this
5 over the last 20 years is that these are all very
6 typical demographic questions that are asked,
7 including party affiliation.

8 What I would tell you is that, first of
9 all, it's all anonymous. So we don't know and the
10 company never sees who these folks are. The
11 second thing is we don't retain any of the
12 information.

13 The third thing is that most -- if you're
14 talking about political affiliation, a significant
15 number of -- for a significant number of folks,
16 that's publicly available in Missouri anyway.

17 And we also give people an opportunity not
18 to respond or to say they do not know. And,
19 interestingly enough, you know, it's not even in
20 the top two or three of -- of -- you know, that
21 people consistently decline to answer.

22 They're much less likely to answer age.
23 They're much less likely to answer income than they
24 are party affiliation.

25 To your question about would we ask about

1 a religious preference, I think if they said that
2 there was a compelling reason that that would add
3 to being able to identify different behaviors or
4 different segments of the population, we probably
5 would.

6 In this particular survey, we don't. I
7 do know that in Axcion and Nielsen data that we use
8 that they do ask those questions and obtain that --
9 that information and use that to form profiles of
10 customer base.

11 **Q So when you're -- when you're talking**
12 **about that, you're talking, you know, maybe the**
13 **broader questions about home ownership, perhaps --**
14 **perhaps whether they are Democratic or Republican.**

15 **But -- but when you're making those**
16 **statements, you're not suggesting that it's**
17 **publicly available, whether -- how many percentage**
18 **of people in the Kansas City service area would**
19 **vote for Catherine Hanaway?**

20 A No. I'm not suggesting that. But -- but
21 the bulk of the testimony that I read and responded
22 to as well as the bulk of the questions that we're
23 talking about are party affiliation questions. And
24 information is, by in large, available because this
25 is a party registration state.

1 And so, yes. I mean, if you vote in a
2 primary election, there is publicly available
3 information that you can gain almost anywhere in
4 terms of whether you're a Democrat a Republican or
5 not registered as either.

6 **Q So if it's publicly available, why should,**
7 **I guess, ratepayers have to pay for the company to**
8 **ask that question?**

9 A Well, in this particular case, it's
10 because we're asking anonymized questions, You
11 know, we don't know who we're talking to. We're
12 not pinning it back to a file.

13 And so it's used to do what's called cross
14 tabs or segmentation of -- of customers -- customer
15 groups. And, you know, it is -- it is -- you know,
16 behavioral folks will tell you party affiliation
17 strongly correlates to different beliefs and
18 different behavior sets, which then get into
19 profiles for customers and how you -- you market
20 products to them, what messages work and things of
21 that nature.

22 So, for example, if we were asking -- and
23 the bulk of these questions here are
24 marketing-oriented or message-oriented questions
25 around utility products and services.

1 For example, marketing a program for
2 energy efficiency to somebody who is a Republican
3 on saving the environment probably isn't the best
4 way to go about it. They're probably more
5 motivated by dollars or saving money or the free
6 market. Conversely, if you did --

7 **Q Well, so that's sort of painting with a**
8 **broad brush there, isn't it? I guess --**

9 A Not really.

10 **Q Just identifying --**

11 A I mean, because that's one -- that's one
12 set of data that's used in conjunction with all of
13 these other things to form profiles that we can use
14 down to a -- for customer groups that we can use
15 down to a very fine targeting or broader.

16 **Q Well, so I guess are you -- and -- and the**
17 **Commissioner is not here, but are you familiar with**
18 **-- that Commissioner Rupp has occasional, like, I**
19 **guess I'd characterize them as blog posts?**

20 A I -- I am familiar with that, yes.

21 **Q And he's got one where he talks about how,**
22 **you know, energy efficiency is a conservative idea.**

23 **And so --**

24 A If he says so.

25 **Q I mean, and -- and I may be**

1 **mischaracterizing that. So, I mean, I -- that --**
2 **if that's true, that would seem to disagree with**
3 **your statement with, you know, well, if we know**
4 **that they are a Republican, we are not going to**
5 **market to them this way.**

6 A No. That's -- but that's not what I said.
7 Just to be clear, I said that the message you would
8 use would be different, not that the idea of energy
9 efficiency is conservative or liberal.

10 I don't care what kind of an idea it is.
11 I care about two things, program efficiency and
12 effectiveness and achieving the goals that we've
13 set out to do.

14 And so I know that if I market to somebody
15 who is more Democrat leaning or an area that is
16 tremendously Democrat and I say the best thing to
17 do here is save money that that is going to be less
18 effective than a message for a particular program
19 that says, This will reduce a carbon footprint.
20 This will -- will help satisfy the environment.

21 **Q Okay. So --**

22 A And that gets to cost effectiveness. That
23 gets to talking to people about the things that
24 they care about, which overall gets into the
25 efficiency and effectiveness of a part of our

1 utility service which is now energy efficiency.

2 Q Okay. So let's turn to 330, Exhibit
3 330-HC. And you would agree that there are the
4 same type of pointed political questions on that
5 survey, too? I'm looking at, let's say, No. 5 on
6 the second page of that is one of them. No. 6.

7 A Yep.

8 Q No. 7. So you'd agree that those types of
9 questions are -- are included in that survey as
10 well?

11 A Yes. There -- there appear to be three
12 elected official or race-oriented questions out of
13 74. Yes.

14 MR. OPITZ: Judge, I would offer into
15 evidence Exhibits 330-HC and 331-HC.

16 JUDGE PRIDGIN: Any objections? Hearing
17 non, 330-HC and 331-HC are admitted.

18 (OPC Exhibits 330-HC and 331-HC were
19 offered and admitted into evidence.)

20 Q (By Mr. Opitz) Mr. Caisley, you responded
21 to some of the testimony of -- of Public Counsel
22 witness Dr. Marke; is that correct?

23 A I did.

24 Q And in his rebuttal testimony, did you
25 happen to review the his Schedule GM-3?

1 A I don't know without -- without seeing it,
2 I couldn't tell you.

3 **Q So you don't have a copy with you?**

4 A No. I don't have a copy.

5 MR. OPITZ: May I approach, Judge?

6 JUDGE PRIDGIN: You may. GM-3, his
7 rebuttal.

8 MR. MARKE: It's rebuttal.

9 A Okay.

10 **Q (By Mr. Opitz) And -- and that's a**
11 **schedule attached to his rebuttal. But do you**
12 **recognize that as a document that was provided by**
13 **Public -- by the company to Public Counsel?**

14 A I sure do.

15 **Q And what is that document?**

16 A It looks to my to be the J.D. Power &
17 Associates Opportunity Index that we -- we use.

18 **Q And so what does the opportunity index**
19 **mean?**

20 A Well, essentially, what we do is we take
21 individual questions that J.D. Power & Associates
22 asks, attributes of customer service in multiple
23 different areas in the six criteria area for
24 customer satisfaction, and we look at their weight
25 for perception.

1 We look at our score. We look at our
2 score relative to other utilities, and in doing so,
3 try to develop a best opportunity index to help
4 improve, in a meaningful manner, our scores with
5 J.D. Power & Associates.

6 **Q And the scores would be how customers**
7 **perceive you? Perceive the company, I should say?**

8 A Yeah. There -- it is -- it's their
9 perceptual scores, and then J.D. Power & Associates
10 ranks -- ranks utilities and scores them relative
11 to other utilities as well.

12 **Q And so if you look at that document, are**
13 **you able to identify the areas where the company**
14 **scores best?**

15 A Well, I don't --

16 **Q And I'm just asking you if you can**
17 **identify whether --**

18 A Yeah. I don't -- so this is not -- I
19 don't believe this is in the form that we put it
20 in. So sitting here and looking at it, I don't
21 know that this is an all inclusive list of
22 everything, so what might not be here.

23 **Q Okay.**

24 A But on this sheet, certainly, you can --
25 you can see where, you know, we do the best, so to

1 speak.

2 **Q And so where -- and that is a list of how**
3 **customers perceive the company is doing the best in**
4 **servicing them, right?**

5 A Well, yeah. I mean, these are -- these
6 are actually individual questions --

7 **Q Okay.**

8 A -- that J.D. Power & Associates asks in
9 the area of customer perception and several
10 different metric areas, yes.

11 **Q Okay. And would you agree that one of --**
12 **that the top score is ease of navigating the web**
13 **site?**

14 A I don't know. I've got to find it. Can
15 you tell me where it is?

16 **Q So --**

17 A I can't find it. I'm sorry.

18 **Q I'm trying to have you look at -- at the**
19 **KCP&L, I guess, source document. But Dr. Marke has**
20 **it summarized on page 20. I think you have page 20**
21 **with you there in the table. And subject to check,**
22 **if you're comfortable accepting those for --**

23 A Yeah. I wouldn't think that Dr. Marke
24 would misrepresent something. And I know that one
25 of our higher scoring attributes is navigating the

1 web site. Yes.

2 Q And so are you able to see page 20 now?

3 A I am.

4 Q And so in Table 4, that's listing the top
5 five highest scoring sub-categories?

6 A Yep.

7 Q And so there's ease of navigating the web
8 site, clarity of information provided on the web
9 site, timeliness of resolving a problem, question
10 or request on the web site, appearance of the web
11 site, ease of paying the bill.

12 So the company does -- has a great web
13 site, I guess, apparently, based on the surveys
14 information from J.D. Power.

15 A Well, that -- that makes me happy because
16 that's something in my area. So I may use this
17 with my boss in my annual performance review.

18 Q Well, and so --

19 A Do I have to reimburse Dr. Marke, though,
20 for that since I'm using some of -- some of his
21 research?

22 Q I don't think I would -- I would let him
23 accept it. So -- so keeping on that page, he's got
24 a Table 5 that lists the top five lowest scoring
25 subcategories?

1 A Yeah.

2 Q And you agree that the area where the
3 company has the lowest -- the lowest, I guess,
4 perception by the customers is fairness of pricing?

5 A Uh-huh.

6 Q And then there is total monthly cost of
7 service is an area?

8 A Yeah.

9 Q And keeping you informed about outages?

10 A Yes.

11 Q Creating messages that get attention,
12 involvement in local charities. So those are areas
13 where customers view the company as needing
14 improvements?

15 A Yes. Their -- their perception is those
16 are lower scoring areas for us. That's correct.

17 Q And so listed on -- and so the J.D. Power
18 also does category weighting --

19 A Yeah.

20 Q -- of -- of each of these, I guess,
21 sub-categories for --

22 A Category and sub-category. Yes. Both of
23 them. Yep.

24 Q And so fairness of pricing is pretty
25 important to customers based on sub-category

1 weight? Or you value it as that?

2 A Uh-huh.

3 Q And total monthly cost of electric service
4 that has a significant sub-category weight?

5 A Absolutely.

6 Q So those are two areas where, I guess,
7 based on the J.D. Power results, the company can
8 focus on if it wanted to improve its customer
9 perception?

10 A Yes. I -- I would agree.

11 Q Okay. And this is isn't related to that
12 testimony, so you can set that aside if you wish.
13 But --

14 A Okay.

15 Q You also responded to OPC witness
16 Heinemann, and so you read his testimony in this
17 case; is that correct?

18 A I did. Yes.

19 Q Would you agree that KCP&L's customers
20 expect reliable utility service?

21 A I would.

22 Q And you'd agree that customers expect
23 KCP&L management to incur no more cost than is
24 necessary to run the utility in a cost efficient
25 and reliable manner to keep rates affordable?

1 A I would agree that there's an expectation
2 that we are prudent with our costs and do
3 everything we can to contain costs.

4 **Q And, in fact, the J.D. Power seems to**
5 **indicate that affordable rates is something that**
6 **customer are very interested in?**

7 A Yeah. Absolutely.

8 **Q And -- and customers believe that the**
9 **company could improve in that area?**

10 A I would say relative to other utilities.
11 And, absolutely, yes, there is a belief that --
12 we've had a lot of rate increases over the last
13 eight to ten years.

14 **Q And would you agree that failure to meet**
15 **customer expectations about affordability can be as**
16 **detrimental to a customer's's experience as getting**
17 **the customer's bill wrong or taking too long to**
18 **answer a phone call from the customer?**

19 A I would say that they're all very
20 important. I would say, ultimately, if we're not
21 price competitive, that's very damaging to the --
22 the regional economy and customers generally. And
23 so it is -- it is a significant concern, yes.

24 **Q Would you agree that it is bad customer**
25 **service if a utility seeks to charge rates more**

1 **than is necessary to provide safe and adequate**
2 **service?**

3 A Broadly speaking, sure.

4 **Q In your direct testimony -- and we've**
5 **talked a little bit about J.D. Power scores in your**
6 **direct testimony. Do you have a copy of that with**
7 **you?**

8 A Yes, I do.

9 **Q So I -- and I can't find the page number**
10 **here. But you -- you state that KCP&L has a very**
11 **strong relationship with its business customers and**
12 **continue to try and improve those relationships.**

13 In 2015, KCP&L was named a most trusted
14 **business partner by Cogent Reports and placed No. 2**
15 **in the 2016 JDP business study one point out of**
16 **first place. And I'm still looking on the page**
17 **citation that's --**

18 A I'm looking -- I'm looking --

19 **Q Does that testimony sound to you --**

20 A It sounds -- it sounds accurate to me.
21 Yeah. Absolutely.

22 **Q And are you aware of the results -- do you**
23 **regularly review the J.D. Power results?**

24 A I do. Yes.

25 **Q And are you aware that the J.D. Power 2016**

1 **Calendar Year Electric Utility Business Customer**
2 **Satisfaction Study was released this January?**

3 A I have not seen it yet. But, no, I know
4 it was released.

5 MR. OPITZ: Judge, may I approach?

6 JUDGE PRIDGIN: You may.

7 MR. OPITZ: And I'd like to have this
8 marked as 331.

9 JUDGE PRIDGIN: We've already got 331-HC,
10 so this must 332.

11 MR. OPITZ: Oh, 332.

12 (OPC Exhibit 332 was marked for
13 identification.)

14 **Q (By Mr. Opitz) Have you had a chance to**
15 **look at what has been marked as 332, Mr. Caisley?**

16 A I'm flipping through it now. Yeah.

17 **Q Okay.**

18 A Okay.

19 **Q An this is a copy of J.D. Power press**
20 **release that -- indicating the results for the 2016**
21 **Calendar Year End Utility Business Customer**
22 **Satisfaction Study?**

23 A That is correct.

24 **Q And this appears to be a document that is**
25 **similar to one you would review, I guess, in the**

1 **past?**

2 A It -- well, I don't generally review the
3 press release and this. We -- you know, we do an
4 analysis of it. And -- and then I go through that
5 analysis with a bigger team.

6 But, yes, this is -- this is consistent
7 with the kind of information we would look at.
8 Yes.

9 Q So a couple pages in, it -- there's some
10 bar graphs that talk -- I believe it's the fourth
11 page when the first bar graphs begin.

12 And so you don't have any reason to doubt
13 that those are the results of the 2016 J.D. Power
14 survey?

15 A No, I do not.

16 Q Okay. And you don't have any reason to
17 doubt the accuracy of any of the other figures
18 contained in this document?

19 A If you mean our raw score of 739, no, I --
20 I do not.

21 Q Okay. What about the how the company
22 fared in relation to numbers in its group?

23 A Well, I would say relative to the members
24 in our group, we fell rather dramatically. And
25 that is significantly disappointing.

1 I would also say that -- and as I've
2 testified to this in the past and will continue to
3 point these things out that our relative score has
4 fallen, and that is very disappointing. We don't
5 like it, and we'll dig into it significantly.

6 I'd also point out, though, that we're 17
7 points up overall in our customer perception and
8 that there have been tremendous improvements in
9 terms of some of the other companies.

10 And then I'd also point to the fact that
11 probably the last ten or so are very tightly
12 compressed. So a relatively small move relative to
13 other folks can produce a rather dramatic shift in
14 rank.

15 And, again, I think my testimony talks
16 about the fact that we strive for continual
17 improvement. You see that here. And -- but the
18 rank is important to us, both from a competitive
19 nature and because wherever you -- if people are
20 doing things that we're not doing, then we want to
21 take a look at that.

22 I haven't dug into the information. This
23 is the first time I'm looking at it. But my
24 suspicion is that having rate cases, some of the
25 impacts of the energy efficiency charge on business

1 customers which we've been dealing, you know, on a
2 hand-to-hand kind of way talking to customers
3 one-on-one.

4 As well as, you know, we had a couple of
5 storms that didn't hit residential customers this
6 hard -- very hard this summer, but we -- but really
7 impacted some major manufacturers and businesses.

8 My guess is all of those things will show
9 up as -- as reasons why we may not have fared as
10 well relative to other companies. But, again, I'd
11 point we were at 722 at the end of last year, and
12 we're at 739 this year, which is a statistically
13 valid improvement.

14 Just relative to others, we're clearly not
15 keeping pace, so we'll -- we'll take a look at
16 that.

17 **Q And subject to check, would you agree that**
18 **KCP&L, according to the 2016 results, ranked 64 out**
19 **of total of 86 utilities in the J.D. Power report?**

20 A Subject to check. I mean, if that's what
21 the numbers say they are, then I'm -- I have no
22 reason to dispute that.

23 **Q In your testimony, page 16, line 11,**
24 **you --**

25 A Page 16, line 11. Hold on. Let me flip

1 there. This is test -- direct testimony?

2 **Q I didn't write that down. But you say,**
3 **Even when considered in that context, the fact that**
4 **many of the items which impact J.D. Power**
5 **perceptions -- surrebuttal.**

6 A Surrebuttal. Okay. Hold on. All right.
7 There I am.

8 **Q So on line 11 of page 16, you testified**
9 **that, you know, even when it's considered in**
10 **context, the fact that many of the items which**
11 **impact J.D. Power perceptions are outside the**
12 **utility's control. And you'd agree with that?**

13 A Yeah. Things like storms, weather, which
14 has an overall impact on price as well as other
15 things sometimes like even rate design.

16 I can think of rate design in Kansas
17 several years back for all electric rates that
18 ultimately wasn't what we wanted, but had a very
19 negative impact on residential customer experience.

20 So, yeah, there's a whole bunch of things
21 that are outside of our control. There's a whole
22 bunch of things, to be honest, that are inside our
23 control and we should strive to do as well as we
24 possibly can and to continually improve.

25 **Q Is -- do you know if KCP&L includes J.D.**

1 **Power scores as a component of its officer**
2 **compensation?**

3 A It's included as a component of every
4 employee's -- every employee's incentive -- or
5 pay risk. Yeah.

6 Q Okay. And that's -- that's included that
7 way even though many of the things that inform the
8 J.D. Power scores are outside of the company's
9 control, I guess, according to your -- to your
10 testimony?

11 A Taken overall, I think it's a valid
12 measure of customer sentiment. It's not
13 dispositive. It certainly isn't the only thing
14 that we would rely on, which is why we do focus
15 groups, online panels.

16 We -- I mean we use a whole bunch of other
17 data, including standardized and quantitative
18 metrics of a whole bunch of different stuff. All
19 that's in my testimony.

20 But -- but no. Yeah. I mean, I think
21 taken as a whole, our customer perception --
22 perceptions of us are important.

23 And -- and nobody suggests that if, you
24 know, scores are higher, our rank is higher and
25 that it should magically equate to additional

1 money.

2 But by the same context, it is something
3 that I think is valid for the Commission and all of
4 our stakeholders to consider in determining how we
5 do our job.

6 MR. OPITZ: That's all the questions I
7 have. Thank you, Mr. Caisley. Well, Judge, may I
8 offer H -- 332?

9 JUDGE PRIDGIN: 332 has been offered. Any
10 objections? Hearing none, 332 is admitted.

11 (OPC Exhibit 332 was offered and admitted
12 into evidence.)

13 JUDGE PRIDGIN: No further cross?

14 MR. OPITZ: No, sir.

15 JUDGE PRIDGIN: All right. Mr. Opitz,
16 thank you. Anything from Staff.

17 CROSS-EXAMINATION

18 BY MS. MERS:

19 **Q Good evening, Mr. Caisley. I'm going to**
20 **try to keep this very brief.**

21 A Wonderful.

22 **Q So in 2013, the political questions seem**
23 **especially specific on the political initiative**
24 **questions. What was the reason for that?**

25 A Is there -- are you referring to a

1 specific --

2 **Q The 331-HC.**

3 A 331-HC. So you're talking about the
4 favorability of Schweich, Koster and Hanaway and the
5 ballot question on Hanaway and Koster.

6 **Q Yes.**

7 A Yeah. I think probably that the
8 Governor's race was starting to heat up, and we
9 were just trying to get a sense of it.

10 **Q Now, do you use the information gathered**
11 **from those responses to influence who you donate**
12 **through the company or through your political**
13 **action group?**

14 A I think we share that with the PAC for
15 sure. That's something they always want to know.
16 Unlike many areas, this is -- many companies, we
17 literally -- the PAC -- we have an independent
18 board of employees.

19 No officers are allowed to serve on it.
20 And they make their own determinations. In fact,
21 no officers are even in the room.

22 And they frequently will get -- they
23 frequently will get -- you know, have questions
24 about, Well, how do -- how do we think they're
25 doing in addition to where they fall on issues that

1 we consider more important.

2 **Q You said that you may share with other --**
3 **like the Mayor of Kansas City. But what does KCP&L**
4 **do with the information, particularly the political**
5 **information?**

6 A Again, I -- I tried to answer that with
7 Mr. Opitz. But, you know, we use it for a variety
8 -- it depends on the question, right?

9 So if it's a ballot initiative to get a
10 sense of where the electorate is, if it's something
11 that they would not appreciate us contributing to,
12 whether to endorse something.

13 You know, many cases, we might have
14 members of our team who are parts of the
15 organizations that are working to get those things
16 passed.

17 So that information can be shared with
18 those groups to say, you know, this is a good idea
19 or this is a bad idea or this doesn't have a
20 snowball's shot or this might go somewhere.

21 You know, it really depends on the
22 situation and -- and the race. My suspicion is
23 with the specific -- and I don't remember in
24 particular.

25 But my suspicion with the one from 2013,

1 it was merely the fact that people were starting to
2 talk about the Governor's race and we were probably
3 going to be talking to the PA about what they
4 wanted to do and started having some internal
5 discussions about was it time to get involved or
6 sit on the side line, or did we -- you know, what
7 did we think about this as a company?

8 **Q And with the utility service specific --**
9 **so it sounds like you used that, is it correct, for**
10 **not only how you market, but maybe what programs**
11 **you'll offer? Or could you explain a little bit**
12 **more about what you do with the utility service**
13 **specific questions?**

14 A Yeah. I mean, you're -- you're right on
15 the line there. And it could be what types of
16 products or services are appealing to folks. It
17 could be who is more inclined to adopt.

18 Because if you have a group of folks that
19 identifiable that are more likely to adopt, then
20 you might target those areas more effectively.

21 But it also might be, as I was discussing
22 earlier, just how you talk to a particular customer
23 group about that product or service.

24 So some folks -- you know, environmental
25 concerns are a huge issue. Some folks, it's saving

1 money. Some folks, it's whether or not its
2 intrusive in your life or could give information
3 back to the utility.

4 There's a whole host of things. But the
5 bottom line is what we try and do is create
6 relevant content, relevant messages to -- to the
7 people who it matters to. And this is one way that
8 we can do it.

9 I honestly think, in that area, we're
10 probably a little more progressed than most
11 utilities. I know -- every -- every utility I'm
12 aware of uses instruments -- instruments just like
13 this and does polling.

14 You know, but I think we've -- as I
15 discussed, this was being done back in 2005, 2006.
16 And we've progressed from there. And I think that
17 leads to several of the things that we -- we're
18 proud of.

19 One of is -- you know, we've had some very
20 successful energy efficiency programs. The second
21 is in terms of penetration for text messaging,
22 paperless billing and our online portals and
23 digital footprint, things that -- that I was
24 discussing previously and were mentioned in
25 Dr. Marke's testimony.

1 We scored very well on those, and a lot of
2 that has to do with how we interact and -- and
3 discuss with customers.

4 One of the coolest things we do these days
5 is our online customer portal. And it's funny.
6 There's a lady who does security in our building.

7 And every day when I come in, she comes up
8 to me, and she says, I took your survey last night
9 online, and this is what I said.

10 And I said, Well, thank you very much
11 because we actually use that information in
12 aggregate to do a better job in serving you.

13 **Q So you mentioned that the other electric**
14 **utilities, it sounds like, perform the same sort of**
15 **surveys. Do you know, do they ask the same**
16 **particular specific political questions on theirs?**

17 A I don't know if -- I don't know what their
18 particular practices are. I know that the other
19 utilities in Missouri and Kansas that we deal with
20 all do surveying.

21 And I'm pretty sure that I've seen
22 political question asked by others. I know it's
23 been -- I think, if I remember the testimony, it's
24 been said that they're not aware -- nobody's aware
25 of anybody else that does it. I can tell you that

1 they do. So why that hasn't come forward, I don't
2 know.

3 But I do know that we have shared
4 information like that from time to time. So it is
5 common practice to do research. It is common
6 practice to do polling.

7 I think that we do -- we are probably more
8 innovative like the online panels and such. And,
9 actually, you know, if you look at it, WPA I know
10 for sure has done 30 polls since 2006. They're a
11 small portion, a very small portion, of an overall
12 research and demographic portfolio of things we do
13 to gain customer sentiment.

14 **Q So that's 30 polls they've done for you**
15 **since 2016?**

16 A 2006.

17 **Q Oh, 2006?**

18 A Yeah.

19 **Q So the 2013, is that your most survey, or**
20 **is there a more recent?**

21 A No. We -- we have -- I think -- I asked
22 this morning on my way here, and I think we've done
23 six in 2015 and 2016. But I -- I'd have to verify
24 that. But I think six total.

25 **Q Do you know, are the same sort of specific**

1 **political questions still being asked in these --**
2 **the six that you've done in 2015 and 2016?**

3 A To my knowledge, every poll that we do,
4 every survey that we do asks party affiliation and
5 the demograph -- and the demographic section.

6 I don't think every survey that we do has
7 questions with respect to elected officials or to
8 particular races.

9 I don't know if we did any in '15 or '16.
10 My suspicion, though, with '16 being an election
11 year is that there probably were some in there.

12 **Q You said that you -- KCP&L submits the**
13 **questions -- to WPA or at least suggests them. Who**
14 **designs those questions in your position?**

15 A So it's actually an iterative process. We
16 will suggest topics and things that we would like
17 to know. A gentleman by the name of Bill Gooch,
18 but then a broader panel of folks ranging from our
19 Marketing Department to our Energy Efficiency in
20 Products and Services Department.

21 We even ask Customer Service and some
22 others if they would like to -- to think about
23 questions on the survey.

24 That information gets given to WPA. WPA
25 comes back. We take a look at it. Almost every

1 time, the team eliminates questions because we like
2 to keep the surveys somewhere between 55 and 75
3 questions.

4 There's always more things people want to
5 ask than, you know, would be prudent to go past 20
6 minutes or so on the phone.

7 You know, so that's kind of our process at
8 a -- at a very high level.
9 And it depends. And, again, it's iterative.

10 MS. MERS: Okay. Thank you. That's all I
11 have.

12 JUDGE PRIDGIN: Ms. Mers, thank you.
13 Bench questions? Mr. Chairman?

14 MR. FISCHER: Your Honor, I'd also remind
15 the Bench that he is available to answer ED
16 questions if you have any.

17 CHAIRMAN HALL: Thank you.

18 CROSS-EXAMINATION

19 BY CHAIRMAN HALL:

20 **Q Just very briefly on this -- on this**
21 **polling, I'm just going to say, I personally don't**
22 **have a problem with the lion's share of -- of the**
23 **questions in here.**

24 **And, in fact, I think that it is probably**
25 **a responsible tactic for the -- for a utility to --**

1 to better understand its customers on a whole
2 variety of issues related to utility service.

3 I will note that the -- the -- on -- on
4 one of these poles, I think six of 73 questions
5 were -- were inherently political in nature. And
6 on the -- there were three of the 74.

7 It doesn't seem to me that those
8 particular questions were -- were related to
9 providing better customer service. And so I would
10 hope -- and I don't even really know exactly what
11 OPC was seeking on this issue.

12 But it would be my hope that the utility,
13 when it books the expenses for these kind of polls,
14 that it determines that six of the 73, three of the
15 74 probably shouldn't go to -- to ratepayers.

16 But I'm not sure that was what OPC was
17 seeking or what Staff was looking at or not. So
18 I'm just -- I mean, is that a reasonable approach
19 from your perspective?

20 A Mr. Chairman, I completely agree. I don't
21 know how they're booked. That -- we do the
22 research and somebody else does the regulatory
23 accounting.

24 I think we probably wouldn't even be
25 discussing about this at all right now if the

1 suggestion wasn't, Look, we don't think this is
2 appropriate for customers to pay for.

3 And I think we would say, Okay, let's
4 figure out a way to make an adjustment and/or not
5 do that in the future. I think that's perfectly
6 reasonable.

7 **Q Okay. Turning to EV charging stations, do**
8 **you know of the \$6 million in capital expenditures**
9 **how much of that is for distribution, how much of**
10 **that is for the actual power?**

11 A And so then that's six million dollars
12 requested in this case?

13 **Q Correct.**

14 A I do not. What I can tell you, though, is
15 for each individual installation, we keep that --
16 we keep that breakdown. We'd be happy to provide
17 that breakdown.

18 And that a significant amount of costs for
19 this -- I mean, I think that the entire program
20 overall is going to end up being -- this is
21 non-jurisdictional, so this is Kansas and Missouri,
22 too, between 20 and 25 million dollars.

23 And of that, I would guess that somewhere
24 between 15 to 18 million dollars is probably going
25 to be in what you would refer to as make ready or

1 distribution charges.

2 Now, I -- again, that's order of
3 magnitude. And I -- I don't know exactly how they
4 put it into this case. But I understand what
5 you're driving at.

6 I think it's a great conversation to have.
7 And the good news is the -- the information is all
8 readily available and we can provide it for you.

9 **Q Okay. And so that would be -- so that's**
10 **on the -- that's on the capital expense side. How**
11 **about the annual O&M, the -- the \$250,000? Do you**
12 **know how much of that is related to distribution**
13 **and how much of that is related to the -- to the**
14 **pedestals?**

15 A A significant amount of the O&M is going
16 to be related to just making sure that the
17 pedestals or the EV charging stations are available
18 and usable.

19 You know, they break down and need to be
20 maintained in a little bit different fashion than
21 our transmission and distribution and delivery
22 system.

23 And so my guess is that the bulk of that,
24 most of that will be for maintaining the existing
25 infrastructure that is deployed from a charging

1 station perspective, not distribution system.

2 **Q What role does Charge Pointe play in that**
3 **kind of operation or maintenance expense?**

4 A They don't. And so that's independently
5 contracted with Mark One who installed all of the
6 -- the stations. And they operate the platform.
7 So the user interface and the billing mechanism,
8 that's what Charge Pointe does.

9 They maintain the software. They update
10 the software, which provides different customer
11 experiences, which we could talk about one of the
12 things -- the reasons why we already went with
13 them.

14 But the \$250,000 is almost exclusively
15 somebody pulled a hose, you know, a hose out of a
16 charging station or the screen was cracked or water
17 got in or something of that nature to the charging
18 stations.

19 But it basically pays for Mark One to go
20 out and to inspect all of them and make repairs on
21 a routine basis as well as on an emergent basis.

22 **Q Would it -- would it be difficult, from --**
23 **from your perspective, to distinguish the**
24 **distribution from the retail side, or is it -- is**
25 **it pretty clear-cut in your head?**

1 A I -- I think -- well, I have an opinion
2 and then I have a way to do it. You know, if you
3 wanted to make a demarcation, the easiest way, I
4 would say, is to say that the charging station is
5 new.

6 The charging station is what delivers to
7 the retail customer. I can -- I can understand an
8 argument why you -- why you say that you would --
9 you would not have that be part of system and part
10 of what would you consider traditional utility
11 service.

12 And so that means that the transformers,
13 the drop from the lines and everything leading up
14 to the meter --- because one of the questions I
15 think we had earlier was do they have meters.

16 Yes. There is a utility meter at every
17 single one of these installations. The way -- the
18 way we do it is we tap existing distribution.

19 We usually go down a pole, bury it, set
20 transformers and then set meter pedestals and then
21 run several charging stations off of those rather
22 than tapping into the customer side.

23 That's really -- at this point, we've got
24 the biggest and most -- we were the first utility
25 in the United States to -- to really do that as a

1 network system.

2 But I can understand that if you want to
3 make that distinction, then the easiest distinction
4 to make is how it's been done previous to this
5 point, which was charging station comes off of
6 customer. And anything behind the customer meter
7 is considered, you know, not part of the utility.

8 **Q Do you -- do you think that kind of system**
9 **could work?**

10 A I do. And, ultimately, I think that's
11 where we need to get. What's -- what's interesting
12 here is the very nature of this -- the regulatory
13 system doesn't always allow for the best give and
14 take in conversations.

15 And so I can -- I can speak to what our
16 intent was and where we see this going and why we
17 did it. And if you give me two minutes, I'll tell
18 you why.

19 We wanted to be catalytic to electric
20 vehicles in this region. And there were a bunch of
21 reasons, benefits we've already discussed that was
22 why we wanted to do that.

23 Ultimately, we see a world where 80
24 percent of the time a grid that customers have paid
25 for is 50 to 70 percent utilized. That means we

1 have a huge capital investment in something that is
2 terrifically under-utilized.

3 Most electric vehicle charging occurs
4 during that time. Some estimates have it 80
5 percent. Some estimates have it 90 percent. But
6 that means without one ounce of technology, without
7 one ounce of time of use rate, somewhere between 80
8 and 90 percent of the charging occurs at those
9 times where we have ready generation and ready
10 capacity.

11 We think the more kilowatt hours we can
12 use as growth starts to decouple from electrical
13 usage -- economic growth and electrical use starts
14 to couple, that is a great thing.

15 It's a great thing for utility customers.
16 It's a great thing for utilities trying to minimize
17 lag. And, hopefully, in the long-term, it's a
18 great thing for Commissioners and Commissions who
19 have to -- to deal with this changing utility
20 environment.

21 That said, we don't want to be in the
22 charging station business. We don't think -- we
23 don't want to squash competition. We don't want to
24 monopolize it. We want to enable it.

25 Because if Charge Pointe or Green Lots or

1 NRG or anybody comes in here and installs charging
2 stations and we have a tariffed rate that allows
3 people to use electricity and take out some of that
4 slack, then that achieves a significant amount of
5 benefits that we wanted to see.

6 So I think there's two barriers. One, can
7 you -- can you extend the utility grid and make
8 that available to folks? That's what you're
9 suggesting, I think.

10 And the second thing is can those folks
11 then ultimately come in and resell power that there
12 is probably a legislative -- you know, statutory
13 barrier to today?

14 One of the reasons Charge Pointe has
15 supported our application -- there's really two
16 reasons. One is that we want to make sure that the
17 tariffs we implement are broad enough that host
18 companies, because these are all going to be at
19 people's places of work or places of business,
20 can adopt the use case to the kind of customer they
21 have and the people who are coming in and out of
22 the door. That's very important to them.

23 And the second is that, ultimately, we're
24 open to competition, and we don't just want a
25 utility monopoly on it. Those are the two things

1 that distinguish us from almost everybody else.

2 PG&E, historically, has bought all of
3 their charging stations from Charge Pointe. Charge
4 Pointe didn't support their application in front of
5 the California Commission because they didn't meet
6 the two criteria that I just mentioned and,
7 obviously, lost a huge customer as a result of it.
8 Their program is considerably bigger than ours.

9 But getting to right now this case, the
10 thing that I think is different about this is that
11 -- and on an ongoing basis, there's two things to
12 consider.

13 One is by putting out a network, the fact
14 of it's the same thing, the same customer
15 experience, you can see it everywhere, is -- is a
16 little bit like McDonald's, right?

17 Nobody here, I don't think, goes to
18 McDonald's because they think it's the best
19 hamburger in the whole world. The reason people go
20 to McDonald's is because when they see the golden
21 arches, they know exactly what they're getting.

22 They know they're getting a burger at
23 certain price, at a certain time, and they can use
24 the bathrooms whether or not they're buying food or
25 not, right? So that's what people get from

1 McDonald's.

2 We want to do the same thing here. In
3 order to be catalytic a market, you have to --
4 people have to understand what the value
5 proposition is.

6 And so that's a benefit -- another benefit
7 is, to the extent that we're going to do this right
8 in the future, presumably, people want hard data
9 from right here rather than opinions and what
10 worked in other states.

11 By doing this system and having this --
12 these charging stations, the end use, the end
13 terminal, we get that data. I don't think --
14 Mr. Rush said we should come back in nine months.

15 I think we should come back in nine
16 months. I think we should come back in another
17 nine months and another nine months and another
18 nine months because I think this is going to be a
19 progression that happens over five or six years.
20 And I think the needs and how you do it are a
21 little bit different.

22 Final thing, and then I'll stop
23 filibustering, is that I think there's still a role
24 for utilities to play and own end use of the -- the
25 charging station even in a future world where 90

1 percent of it is just enabling it through the make
2 ready.

3 And that is because there are still going
4 to be customers who don't have fair and equal
5 access to this. And who better to provide that
6 than the utility?

7 And, specifically, I'm talking about folks
8 who are multi-unit dwellings that have a whole
9 bunch of barriers to putting these things in there,
10 whether it's landlord relationship, whether it's
11 relative economic status. And then there's --
12 there are under-served populations.

13 Let's be very clear. You're looking for a
14 profit motive. You're not going to go to an
15 under-served area and put these things in first.

16 So in the future, I want to make sure that
17 somebody is saying, We're going to put these in
18 Kansas City on the east side of Troost. We're
19 going to put these in places where they wouldn't
20 exist because somebody's got a profit motive for
21 it.

22 Absent that, later, we're going to talk
23 about time of use. Later, we're going to talk
24 about when vehicle to grid discharges is enabled,
25 what kind of programs should be available there. I

1 think it is an ongoing thing.

2 What we're very excited about is our
3 fundamental premise was this is the price line for
4 the grid. If you build it, they will come.

5 Now, Commissioner Kenney probably it up
6 pretty early in the morning computing, you know,
7 back and forth either eat here or whatever it is.

8 If you're looking for people charging in
9 the morning, you're not going to see it because
10 they're either still at their house or they're
11 either -- or they're driving in to work.

12 Same thing with at night. But if you look
13 in the afternoon, you look on the weekend, you look
14 at 10:00 at night at Hyvee or Wal-Mart, you will
15 see them.

16 I take pictures, too. And just a couple
17 of data points. When we started this, we announced
18 this on January 25th or 26th of 2015. Charge
19 Pointe had 86 registered users in our service
20 territory.

21 Today, there's more than 1300. Last year,
22 the marketplace for EVs in the United States grew
23 at 40 percent. We grew at 80 percent in Kansas
24 City. So we doubled the national pace.

25 Polk just came out, which is the auto

1 demograph -- or the auto, you know, industry
2 standard. We're No. 2 in the United States, only
3 behind Vegas. And we're going to catch them next
4 month, I hope, in terms of month over month,
5 quarter over quarter increases in electric vehicle
6 sales.

7 We're still small. But we're at 1300
8 today. Two years ago, we were at 86. And we won't
9 get into charging and -- and all that kind of stuff
10 as 400, 500 percent in that same time period.
11 So it's doing what we want it to do.

12 **Q Okay. So I -- I think -- I mean, I'm**
13 **tempted to ask the court reporter to read back my**
14 **question. I'm not sure -- but, I mean, I think my**
15 **question was, would -- would the program that I've**
16 **described work? And I think you said yes.**

17 A Yes.

18 **Q Okay. What would be the appropriate**
19 **tariffed rate to charge for the electricity?**

20 A That -- that -- that probably is a better
21 question for Mr. Rush. I can tell you from a
22 policy perspective what is important to -- to us.
23 We want to make it easy and understandable.

24 **Q Well, again, I want to distinguish not the**
25 **rate that -- not the rate at the pump because under**

1 -- under the -- the structure I'm describing, that
2 would be unregulated. I'm -- I'm talking about the
3 rate that KCP&L would charge for the electricity.

4 A Ultimately, I think, to really value
5 customers, I think it's got to be set at a -- at a
6 place that covers our variable cost and -- and, you
7 know -- and it's got to be something that
8 essentially -- I mean, we -- I think in terms of a
9 residential or commercial rate, absent the demand
10 charges, that would -- it's easy to understand, but
11 recovers our variable cost and would -- would give
12 something back, you know, to customers.

13 That said, I also think that it's
14 important that the Commission allow in any -- allow
15 there to be a mechanism for people to resell it in
16 a way that allows them to come into the market
17 because, otherwise, they won't.

18 Q Right. I mean, I -- part and parcel of
19 this proposal would be the elimination of the -- of
20 the prohibition on -- on sale for resell.

21 A Very narrowly, right.

22 Q Yes. Yeah. I -- do you have any
23 understanding about how the -- the tax benefits
24 would -- would play out if we bifurcated this --
25 this program between a regulated and unregulated

1 **service?**

2 A Well, my understanding is -- I mean, most
3 of the -- most of the tax benefit in this, you
4 know, is going to happen in this case in -- in
5 terms of -- of kind of a one-time event.

6 I think there will probably be some future
7 tax benefit. If we took -- if we didn't rate base
8 the actual stations themselves, that would probably
9 be diminished but not eliminated.

10 You know, in a perfect world, I guess what
11 we would hope is that -- I think we agree with your
12 ultimate designation. The only changes I would
13 make is, you know, we have been successful in being
14 catalytic to the market.

15 There are under-served populations that
16 are getting this. This is helping to create
17 something. So maybe for this time -- and I think
18 this is why Charge Pointe and others support this
19 -- allow us to do this as a -- as a -- as a
20 catalytic agent to the environment.

21 And then nine months from now, a year from
22 now, whatever it is, maybe you say, You're not --
23 we're not going to allow you to do that again or at
24 least this Commission won't be inclined to, except
25 for, under, you know, served areas.

1 On a go forward basis, we want to see you
2 make this available to folks. And in the meantime,
3 we will take those 400 or some charging stations in
4 Missouri and continue to come back here and provide
5 real world data that helps develop the policy
6 around this. That is also a goal of this program.

7 CHAIRMAN HALL: I think that's all my
8 questions. Thank you.

9 MR. CAISLEY thank you.

10 JUDGE PRIDGIN: Commissioner Kenney?

11 CROSS-EXAMINATION

12 BY COMMISSIONER KENNEY:

13 **Q Welcome back to Jefferson City,**
14 **Mr. Caisley.**

15 A Yeah. I told somebody today I was going
16 to testify at a hearing, and they asked, What bill,
17 and, I said, yeah, not so much.

18 **Q I don't have any questions to keep you**
19 **enthused. I know you're excited about those**
20 **questions. But I do have -- are you someone I can**
21 **talk to about the -- the main line extension? Do**
22 **you know anything about that?**

23 A I'm improbably not your guy. I'm not --

24 **Q No one -- no one here is my guy.**

25 A From that famous movie, I'm not -- well, I

1 guess he said, I am your Huckleberry. I'm not your
2 Huckleberry on this one.

3 **Q Well, Mr. Caisley, I've been a customer of**
4 **MO Pub, then Aquila and GMO and KCP&L and KCP&L**
5 **Kansas for 39 years.**

6 A Thank you.

7 COMMISSIONER KENNEY: And I have no
8 questions. Thanks for being here.

9 JUDGE PRIDGIN: Thank you. Commission
10 Coleman?

11 COMMISSIONER COLEMAN: Thank you, Mr. --
12 I'm sorry. He started talking about coming to
13 testify, and I went to thank you, Mr. Chairman.
14 Thank you, Judge.

15 CROSS-EXAMINATION

16 BY COMMISSIONER COLEMAN:

17 **Q Okay. Well, so I will say that relative**
18 **to the information presented by OPC, I have some**
19 **real concerns about those surveys.**

20 **But I will say that both OPC and Staff**
21 **Counsel asked all the questions that I would have**
22 **been interested in.**

23 **And relative to the reasons for asking**
24 **political questions, that's really easy to**
25 **determine because I'm right now looking at**

1 opensecrets.org, which tracks money that
2 organizations give to political candidates.

3 I'm looking at the 2016 election cycle
4 that shows the contributions to Federal candidates
5 to committees and transfer to committees made by
6 Kansas City Power & Light. So that information is
7 very easily accessible.

8 A Absolutely.

9 Q And I can very easily form an opinion by
10 further investigating that myself. I think what
11 concerns me more so is, in Exhibit 330-HC,
12 Questions 38 -- starting at Question 38.

13 On that page alone, there's about five
14 what I would consider questionable questions in
15 this survey because, you know, you're surveying
16 people and asking questions that also are leading,
17 which I suspect is the reason for surveys.

18 You want to kind of, you know, find out
19 what a person thinks based on what you tell them.
20 For instance, if you look at Question No. 38, it
21 talks about how wonderful KCP&L is to the
22 community, helping children avoid crime and -- but
23 then it says, Unfortunately, if KCP&L can't get the
24 rate increase and attract ongoing investment, they
25 may have to be sold to a larger, multi-state energy

1 company that -- that wouldn't have the same level
2 of concern for the local community.

3 Then you look over at the results of that
4 survey. I think I would be, in this instance, a
5 bit more concerned about these leading questions
6 than anything else.

7 And I would also be -- be interested --
8 this survey is from 2011. But, certainly, to me,
9 it makes me interested in -- based on the comments
10 made, for instance, like No. 41, As part of this
11 rate increase, KCP&L will provide assistance to low
12 income customers to help offset the rate increase
13 for those in need so no one will have to go without
14 power.

15 Do you see the negative to -- the total
16 negative on that one was 25 percent? Because,
17 certainly, to me, that implies if I was your
18 customer, that if we get this rate increase, no one
19 will have to go without power.

20 So my concern about these surveys is the
21 leaning -- the leading aspect of them. And I would
22 be really interested in finding out your behavior
23 since these surveys -- as it applies to rate
24 increases and if you've not disconnected anybody
25 since then. And that's not a question, I guess.

1 **It's more of a statement.**

2 A So you want me to --

3 , Q Sure. Jump in.

4 A Okay. Completely understand. These are
5 -- these are leading. They're meant to be
6 message-oriented, meaning, for example, in this
7 particular -- and I'd have to go back and verify
8 this.

9 But I -- I imagine that this was right
10 before we filed our -- concurrent with filing a
11 rate case.

12 I think that we probably had anticipated
13 putting in either -- it could have been any number
14 of the programs under our -- what we package
15 together as our connections campaign designed to
16 help lower income individuals.

17 We've got multiple of them. And I think
18 as we -- as we looked at that rate case in terms of
19 what we would say that would provide value for
20 folks or think -- people would think was valuable
21 to them, that's something we probably put forward.

22 And -- and, yeah, we would talk about it
23 in the most positive way possible. Yes, we do
24 still disconnect people. You know that. I know
25 that.

1 But we do work very, very, very hard and
2 are probably more successful than most in terms of
3 keeping folks on.

4 And I know that our economic relief, what
5 was a pilot program and now is a -- a standard
6 program as well as some of the things, some of the
7 programs we've come up with in terms of working
8 with different community organizations, those all
9 are -- all are things that have come out of these
10 past rate cases and are things that we've asked
11 for.

12 With respect to millions of dollars in the
13 community, you know, we didn't end up using that.
14 That one was more of a -- of a question that, you
15 know, if we talked to people about the fact that,
16 Look, we're asking to recover costs to serve them,
17 but if we don't do -- if we don't do well on, then
18 you're not -- you know, you could have -- if we
19 don't perform well as a company, you could have an
20 out-of-state or an out-of-town company come in
21 which is not as involved in the community.

22 Does that move people? Ultimately, it
23 wasn't one of the more effective messages that we
24 -- we led to. Plus, as a general rule, I don't
25 like negative leaning messages like that. But --

1 but we did test it.

2 Q Okay.

3 A Arguably, that's not as artfully done as
4 we could have done. What I will tell you is this
5 is not the same as what we would consider -- and
6 since you have run for office, you have probably
7 had some experience with this, but what would we
8 call a push-pull, meaning that the purpose is to
9 gain information, but it is to influence opinions.

10 So, for example, if we were going to try
11 and influence people's opinion, then this would be
12 recorded, it would be very succinct, and we'd put
13 it out to 50,000 people.

14 This was 300 folks, so -- or 600 total,
15 300 over-sampled in St. Joe. And so this was --
16 was testing messages, not trying to sway their
17 opinion.

18 And, yes, those messages are inherently
19 positive about us. But I think you'll probably
20 also see in most of these where we test messages
21 which are the most negative thing people could
22 potentially say about us as well.

23 And so it tries to get both sides and see
24 at the end of it what do they think of it and what
25 are the messages that work.

1 COMMISSIONER COLEMAN: Thanks for your
2 response.

3 JUDGE PRIDGIN: All right. Thank you. Do
4 we have any recross based on Bench questions?
5 Division of Energy?

6 MR. ANTAL: Just one.

7 RECROSS-EXAMINATION

8 BY MR. ANTAL:

9 **Q You were discussing just now with**
10 **Commissioner Coleman --**

11 A Sorry. I couldn't see you.

12 **Q -- about the study or the survey.**

13 A Uh-huh.

14 **Q And you mentioned that there were just**
15 **three -- or 600 customers polled?**

16 A Uh-huh.

17 **Q Does the company find that to be**
18 **significant or enough sample size to draw**
19 **conclusions from?**

20 A Yeah. So the margin of error on this is
21 plus or minus 4 percent, which is well within the,
22 you know, industry standard. And so -- and it also
23 was recommended as statistically valid from our
24 pollster.

25 Any time we can do as few as possible from

1 a cost perspective, we like to do that. In this
2 case, I -- if I remember correctly, I think St. Joe
3 perhaps had the highest percentage rate increase of
4 all the asks that we were making, and so we wanted
5 to over-sample there to see what -- what people
6 would think and -- and thought.

7 MR. ANTAL: Thank you, Mr. Caisley. I
8 have no further questions.

9 MR. CAISLEY: Thank you.

10 JUDGE PRIDGIN: Public Counsel?

11 MR. OPITZ: No, thank you, Judge.

12 JUDGE PRIDGIN: Staff?

13 RE CROSS EXAMINATION

14 BY MS. MERS:

15 Q Start with the most recent. How do you
16 determine who to -- to -- to call for these WPA
17 surveys?

18 A What happens is Wilson -- Wilson Research
19 is what they used to be a long time ago. WPA is
20 given a file that has all the zip plus four in our
21 service territory.

22 And then they have publicly available, you
23 know, data of people that live in there. And then
24 they just -- they randomly sample those to -- to
25 get that.

1 Q Okay. And in turning to some of the
2 questions that Chairman Coleman asked you about the
3 electric vehicle charging stations --

4 A Yeah.

5 Q -- under that proposal, if the charging
6 station is considered under the other side of
7 demarcation -- or if you don't want to say the
8 customer side, who would pay for the actual
9 charging station or the pedestal?

10 A Ultimately, or in this rate case?

11 Q Ultimately.

12 A Ultimately, if we were to continue to be
13 -- to -- if we continued to want to put out
14 charging stations, then I would imagine that would
15 be a cost our shareholders would, you know, put up.
16 And we have to put a compelling business case as to
17 why we would do it.

18 Apparent -- you know -- you know, clearly,
19 they'd want to be able to earn a return on that. I
20 don't think we ultimately would, though. I mean,
21 ultimately, I don't envision a world where I want
22 to compete with Charge Pointe or Green Lots or
23 anybody else.

24 I would like to be able to go in places
25 where they wouldn't necessarily go in the next five

1 to ten years to be able to come to the Commission
2 and say, Look, on a much more limited basis in a
3 place where there isn't this infrastructure, we
4 want to make sure that everybody has the
5 opportunity to -- to participate in this.

6 **Q The -- for the low income areas, then, in**
7 **the future, if that model was implemented, would**
8 **shareholders still contribute even if there was**
9 **going to be no rate recovery?**

10 A We would -- in that scenario, what we
11 would ask is that instead of a hard rule that says
12 we're not going to allow utilities to be in the
13 rate basing business of electric vehicle charging
14 stations, there may be limited applications where
15 you could rate base them for a number of different
16 reasons.

17 And -- and, for us, you know, that reason
18 would be this infrastructure doesn't extend there.
19 And then that means that the -- the free market
20 hasn't taken care of this areas.

21 So no. We would want to be able to put
22 that into rates as -- as rate base. But I would
23 suggest that in terms of if there's a vibrant
24 market out there, A, it may not be a concern.

25 And B, if it is, it's going to be a much

1 smaller scale, but still very important thing to
2 make sure that everybody has access to electric
3 vehicles if this continues to see the adoption
4 rate.

5 **Q And if you came to the Commission and the**
6 **Commission said, No, still no rate base treatment,**
7 **is it important enough then, at that point, for**
8 **shareholders to contribute for people who are low**
9 **income?**

10 A I don't know that we would have a program.
11 I mean, I think that is something that we would
12 have to evaluate at the time.

13 I mean, I can tell you what we've done
14 when the Commission said no in Kansas. We honored
15 the existing build that we had. We said that -- we
16 -- you know, if we promised to put in a charging
17 station, we're not going back away from that even
18 though it's a shareholder cost.

19 And even though, at this point, we have
20 ten years of O&M and -- and the depreciable life of
21 the station that we're -- you know, are going to be
22 shareholder costs.

23 The flip side is we're not taking any new
24 applications there right now. And so, you know,
25 what we would intend to do is go back to Kansas in

1 a year or two and say, Look at the vehicle growth.
2 Look at the usage growth.

3 We still think there's value here. We've
4 now modeled what the benefits would be, what the
5 adoption level will be, and we'd ask again that we
6 have some kind of a limited program where some of
7 this be allowed into rates.

8 With low income populations and places
9 where infrastructure is at risk, I'm not going to
10 say, per se, that we would have the same bright
11 line rule because we don't today in all sorts of --
12 of different programs.

13 But I do think, as with many of those
14 programs, there is -- there is a public policy
15 question for the Commission as to whether some of
16 that, or all of it, is allowed in rate base is --
17 is a good thing to do.

18 **Q Okay. That -- I appreciate that answer.**
19 **It still sounds like that you would just keep**
20 **trying.**

21 **But if there was no -- that you would not**
22 **pursue putting stations in for low income people on**
23 **shareholder debt?**

24 A We'd -- we'd just have to see.

25 **Q Okay.**

1 A It's just one of those things where, I
2 guess, it would depend. Is it no rate basing but
3 we get O&M? It really just depends. And it
4 depends -- is there any infrastructure there at
5 all?

6 I will you, in any most of the places
7 we're putting charging stations in lower income
8 areas right now, they won't exist for two, three,
9 four, five years if we don't do it.

10 MS. MERS: Okay. Thank you. No further
11 questions.

12 JUDGE PRIDGIN: Ms. Mers, thank you. Any
13 redirect?

14 REDIRECT EXAMINATION

15 BY MR. FISCHER:

16 **Q Yes. Mr. Caisley, do you think it would**
17 **be prudent to have conversations with third party**
18 **vendors of -- of EV charging stations before we**
19 **went to a make ready system?**

20 A Yes. I -- I -- absolutely. I -- again, I
21 think this is a transition. I think we've put a
22 proposal together for now.

23 I think in the future, I just want to make
24 it clear that we don't -- we're not trying to use
25 utility power or, you know, monopoly status to --

1 to not have people come in. And, yes, I do think
2 their input is very important.

3 **Q Why would that be? Can you just**
4 **elaborate? Do you have any concerns about their**
5 **participation under that system out of the box**
6 **or --**

7 A I -- I think the more participants we
8 have, the better. And as long as the tariff rates
9 are set in a way that allows the utility to be held
10 whole and allows the market to flourish and that
11 the utility has equal access to participate in that
12 market, we would be fine. I think there's probably
13 a multitude of ways you could do that.

14 **Q If you had a -- a make ready model and you**
15 **had an unregulated subsidiary doing the charging**
16 **stations themselves, do you have an opinion about**
17 **whether ratepayers in the regulated utility would**
18 **be better off or not? Would they get the benefit**
19 **of one -- one system over the other, which would be**
20 **better?**

21 A Let me make sure I understand. You're
22 saying if the utility itself or the holding company
23 of the utility had a non-regulated subsidiary that
24 did the charging stations.

25 **Q Yes.**

1 A I -- I think you can make the argument
2 that if it's completely regulated, more benefits
3 ultimately will flow to customers.

4 And the reason for that is because a lot
5 of the value that's enabled by a -- the third party
6 system is going to occur, but not on the charging
7 stations that are deployed.

8 And so you're essentially deploying
9 charging stations, catalyzing the market, but a
10 bunch of the benefits are -- are staying elsewhere.

11 **Q Okay. Do you believe we're at the point**
12 **in the market development today that it's time for**
13 **the utility to get out of this -- out of the EV**
14 **charging area?**

15 A I would like -- I would like to finish
16 this program where -- we're almost 900 installed.
17 I would like to think that in the two years since
18 we've put it together, we've showed significant
19 value and differentiation from other places that
20 didn't.

21 I'd like to get recovery for what we've
22 done so far and -- and in terms of a pilot program.
23 And then I think we need to have, as Mr. Rush
24 suggests, ongoing conversation about what's next
25 with a whole bunch of parties at the table, whether

1 it's the environmental companies, car
2 manufacturers, charging companies.

3 It should be a robust conversation. But
4 what we do today probably shouldn't be what we do
5 tomorrow. This is a -- a first step in a -- in a
6 migration of -- of something that's new. But I do
7 believe it's going to happen.

8 MR. FISCHER: That's all I have. Thank
9 you.

10 JUDGE PRIDGIN: Mr. Caisley, thank you
11 very much. You may step down. I believe the only
12 witness we have left for this evening is Mr. Hyman.
13 But no Counsel has any cross for Mr. Hyman; is that
14 correct?

15 Are there Bench -- are there any
16 questions for Mr. Hyman on clean charge network?
17 Okay. I don't see any volunteers, so, Mr. Hyman,
18 thank you.

19 Let me go ahead and we'll go off the
20 record here in just a moment, and I'll consult with
21 Counsel on a road map from here. Is there anything
22 further while we're still on the record? All
23 right. Hearing nothing, we will adjourn. And we
24 will resume Tuesday morning at 8:30. Thank you.
25 We're off the record.

1 (The proceedings were concluded at 7:50 p.m. on
2 February 22, 2017.)
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