STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

February 28, 2017

Jefferson City, Missouri
Volume 13

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

RONALD D. PRIDGIN, Presiding,
SENIOR REGULATORY LAW JUDGE.

DANIEL Y. HALL, Chairman,
WILLIAM KENNEY,
SCOTT T. RUPP,
MAIDA J. COLEMAN,
COMMISSIONERS.

REPORTED BY: KELLENE K. FEDDERSEN, CSR, RPR, CCR NO. 838

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P R O C E E D I N G S

(WHEREUPON, the hearing began at 8:30 a.m.)

JUDGE PRIDGIN: Good morning. We are back on the record in ER-2016-0285. As I recall, we left off in the middle of Clean Charge Network, and we had witnesses Dietrich, Kliethermes, Robin Kliethermes that is, Murray and Dr. Marke to get on the stand for Clean Charge Network. It is my understanding we would then go on to the customer experience witnesses Hyneman and Dr. Marke again, and then finish off with revenue witnesses. Number one, is that correct?

MR. THOMPSON: I believe that's right, Judge.

MR. STEINER: That's right, Judge.

THE COURT: Anything else from counsel before Ms. Dietrich takes the stand?

MR. STEINER: Yes, Judge, a couple of preliminary matters. Chairman Hall had asked for the accounts that are in the FAC, and Staff and Public Counsel provided exhibits with that. He also asked for the amount of transmission expenses used to serve native load. We prepared an exhibit that has both those items in it and would like to

enter it into the record at this time.

JUDGE PRIDGIN: Mr. Steiner, thank you. I will show that as being Exhibit No. 168. If somebody else has a different number, please let me know, but that's my count.

MR. STEINER: It's HC as well.

JUDGE PRIDGIN: Thank you. It's HC.

CHAIRMAN HALL: Let me just ask, have the other parties had an opportunity to review this?

MR. STEINER: I gave it to them this morning, your Honor.

CHAIRMAN HALL: And do you know now if there is any issue with your numbers?

MR. STEINER: I don't think they've had a chance to review it in detail, but --

JUDGE PRIDGIN: Okay. That is 168HC, and does counsel need more time to review it before I ask if you have any objections?

MR. THOMPSON: It's not going to help however long I review it, Judge. I have to take this up to our subject matter experts.

JUDGE PRIDGIN: 168HC has been offered. Any objections?

(No response.)

JUDGE PRIDGIN: Hearing none, 168HC is admitted.

(KCPL EXHIBIT 168HC WAS MARKED AND RECEIVED INTO EVIDENCE.)

JUDGE PRIDGIN: Anything else?

MR. STEINER: The second thing, your Honor, was Chairman Hall also asked if we could give him an idea of how the company valued the settlement items in the partial stipulation, and approximately we believe that the value to the company was over $10 million. That would be our valuation.

CHAIRMAN HALL: I'm sorry. I did not hear the beginning of that.

MR. STEINER: When we were presenting the partial stipulation, you asked if we could come up with how the company valued the issues that were settled, and I couldn't do it at that time. And we've huddled and we believe that the value of those issues is over $10 million from the company's perspective.

CHAIRMAN HALL: Okay. Thank you.

JUDGE PRIDGIN: Mr. Steiner, thank you. Anything further from counsel before Ms. Dietrich takes the stand? All right.

Ms. Dietrich, if you will come forward to be sworn, please.

CHAIRMAN HALL: I had one --

JUDGE PRIDGIN: I'm sorry. Mr. Chairman.

CHAIRMAN HALL: One other thing I asked for, and I do appreciate getting the information because sometimes I forget what I've asked for, but I did not forget that I asked for a breakdown on the EV charging system, the dollars that are on the distribution side and the dollars that are connected to the actual charging station itself. Is that information forthcoming?

MR. STEINER: It's forthcoming. We're working on it, Mr. Chairman. We don't have it available today. We think we would need to file it and give the parties a chance to look at it, but we won't be able to get it into the record today.

CHAIRMAN HALL: Okay. Thank you.

JUDGE PRIDGIN: Anything further? All right. Ms. Dietrich, if you'll come forward and be sworn, please.

(Witness sworn.)

JUDGE PRIDGIN: Thank you, ma'am. You may have a seat. Mr. Thompson, when you're

ready.

MR. THOMPSON: Thank you, Judge.

NATELLE DIETRICH testified as follows:

DIRECT EXAMINATION BY MR. THOMPSON:

Q. State your name and spell it for the reporter.

A. Natelle, N-a-t-e-l-l-e, Dietrich, D-i-e-t-r-i-c-h.

Q. Thank you. And how are you employed?

A. As the Staff Director for the Public Service Commission.

Q. And are you the same Natelle Dietrich that prepared or caused to be prepared certain pieces of testimony in this matter, Exhibit 206, direct testimony of Natelle Dietrich, Exhibit 207, also the direct testimony of Natelle Dietrich, and Exhibit 208, the surrebuttal testimony of Natelle Dietrich?

A. Yes, I am.

Q. And do you have any changes or corrections to that testimony?

A. I do not.

Q. And if I asked you those same questions today, would your answers be the same?

A. Yes, they would.

Q. And the contents of those pieces of testimony are true and correct to the best of your knowledge and belief?

A. That's correct.

MR. THOMPSON: I would offer Staff Exhibits 206, 207 and 208 at this time.

JUDGE PRIDGIN: Any objections?

(No response.)

JUDGE PRIDGIN: Hearing none, Exhibit 206, 207 and 208 are admitted.

(STAFF EXHIBITS 206, 207 AND 208 WERE MARKED AND RECEIVED INTO EVIDENCE.)

MR. THOMPSON: I tender the witness for cross, your Honor.

JUDGE PRIDGIN: Mr. Thompson, thank you. Any cross, Public Counsel?

MR. OPITZ: No, thank you, Judge.

JUDGE PRIDGIN: MECG?

MR. WOODSMALL: No questions.

MR. PRIDGIN: KCP&L?

MR. FISCHER: I just had a couple.

CROSS-EXAMINATION BY MR. FISCHER:

Q. Good morning, Ms. Dietrich.

A. Good morning.

Q. Let's start with your surrebuttal

testimony, on page 2.

A. Okay.

Q. There on line 14 you say the Staff recommends the costs, expenses and revenues associated with the CCN be recorded above the line with an associated revenue imputation for any costs not covered by the revenue generated by the charging stations. This continues Staff's position to hold ratepayers harmless. Is that right?

A. That's correct.

Q. I just had a question regarding, in this case how are you treating these costs, expenses and revenues?

A. In this case, since there is a negative or ratepayers would be held harmless, the revenues are recorded in rate base and there is no imputation.

Q. So in this case, as I understand from the testimony of, I think it was company witness Rush, due to the tax benefits, it's actually beneficial to include both the costs and the revenues in rate base or in the rates in this case; is that your understanding?

A. That's correct.

Q. Now, so you're happy with -- it's

positive here, but in the future if it goes negative, if we would lose the tax benefits, what would you expect to happen?

A. At that time hopefully we will have some information from the reporting requirements that we've recommended. So it could be considered on a case-by-case basis in a future case, but generally the recommendation is to impute revenues.

Q. Okay. And is it your understanding that the company expects this project to produce benefits to all consumers and not just the EV charging -- or EV owners?

A. Benefits other than related to costs?

Q. Well, benefits, for example, filling in some of the off-peak load and having a better load factor that would benefit all customers?

A. That's what the company is suggesting, yes.

Q. Do you expect that to be the case?

A. At some point in the future there will be benefits.

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

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

CHAIRMAN HALL: Yes.

QUESTIONS BY CHAIRMAN HALL:

Q. Good morning.

A. Good morning.

Q. I want to talk to you about the proposal to bifurcate the EV charging station system between distribution and the actual charging station island or pedestal. Do you understand the distinction that we're -- that we're talking about there?

A. Yes.

Q. That the distribution side would be included in rates and regulated but the retail battery charging service would be unregulated?

A. Correct.

Q. And those expenses would not be included in rates. From a -- and I've got some more detailed questions in a moment, but just from a -- from 10,000 feet, from a policy perspective, do you have thoughts on that approach?

A. The concept technically makes sense. Based on the discussion last week with Mr. Caisley and Mr. Rush, I'm not sure how you get around the legal aspects from my understanding of what the statute says as to what's electric plant and what's

not.

Q. We may have a difference of opinion as to that interpretation, but that's okay. So from a policy perspective, you understand that -- that bifurcation and it makes sense to you?

A. Yes.

Q. Okay. So if we were to decide to implement that proposal, I've got a couple of questions for you. The first would be the tariffed rate that should be applied for the sale of electricity between the company and the owner/operator of the charging stations. I believe one of the Kliethermeses said that a rate above the variable cost to serve would be appropriate.

A. Okay.

Q. And if that's incorrect, then someone can correct me, but that was my memory of the answer. Do you have any further thoughts on that?

A. Well, I didn't see all of the testimony last week related to that, so I'm not sure if that's what one of Ms. Kliethermi said. But I think that's either a reasonable option or the entity owning the pedestal could be treated just as any other small general service customer or whichever classification they would fall into as

far as the existing tariffs.

Q. And that's actually what I was -- what I was wondering was whether or not we treat the owner/operator as small general service and then we ask the company at the next rate case to come back with additional data and analysis so that we can do a proper cost of service analysis and set the rate accordingly but, in the interim, just go ahead and use small general rate -- the small general service rates. Is that a reasonable approach?

A. I think that's reasonable as long as the individual costs can be tracked, which I think either Mr. Caisley or Mr. Rush said that they could be, so that it could be tied specific to the charging stations.

Q. Okay. Second question is, it's my understanding that because these charging stations are in KCP&L's service territory, that if a third party wanted to put a charging station in place, KCP&L would have an obligation to provide service to that -- to that third party. And in terms of providing the distribution hookup, there would be a line extension tariff that would be in place that would -- is there a reason why we might need to put

some type of special line tariff, I mean line extension tariff in place, or do you think the existing line extension tariff would apply and be appropriate?

A. I'm not that familiar with the line extension tariff, but what I do know, I think it would probably work. But again, I'm not down in the weeds of the tariff details.

Q. Okay. I think that's all I have. Thank you.

A. Thank you.

Q. Actually, I'm sorry, I did have one more, and this may be another down in the weeds question that should be deferred to somebody else. But my understanding was that the company was proposing a ten-year depreciation schedule for the charging station. That would be for the actual charging station itself, not for the distribution connecting it, right? The depreciation schedule for the -- for the distribution would be just the routine depreciation schedule that is in place, correct?

A. I believe that's correct, yes, based on my conversations.

CHAIRMAN HALL: Okay. Thank you.

JUDGE PRIDGIN: Thank you.

COMMISSIONER KENNEY: No questions.

JUDGE PRIDGIN: Thank you. Recross based on Bench questions, Public Counsel?

MR. OPITZ: No, thank you, Judge.

JUDGE PRIDGIN: Thank you. MECG?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Thank you. KCP&L?

RECROSS-EXAMINATION BY MR. FISCHER:

Q. Ms. Dietrich, in answer to the Chairman's question, it was my understanding you were suggesting that the rate under this model would be small general service rate; is that right?

A. Or whichever tariffed rate the entity would fall in based on their classification, but yes, a current existing tariffed rate.

Q. And would all third-party providers of the stations be charged that rate uniformly?

A. The entity that owned the pedestal be charged that rate, is that your question?

Q. Yeah. If they were a third-party provider rather than the utility?

A. As long as they all fell within that classification, yes. I'm not sure if there would be different loads at different areas or what, but

generally, yes.

Q. And has Staff thought about what the company would charge itself if it's an unregulated operation if it also participated in that market?

A. We have not had that discussion, no.

MR. FISCHER: Okay. Thank you.

JUDGE PRIDGIN: Mr. Fischer, thank you. Redirect?

MR. THOMPSON: No redirect. Thank you, Judge.

JUDGE PRIDGIN: Thank you. Ms. Dietrich, thank you very much. You may step down.

I believe the next witness would be Ms. Kliethermes, Robin Kliethermes from Staff. And, Ms. Kliethermes, you are already under oath. You've already been sworn. Mr. Thompson, any redirect before she stands cross?

ROBIN KLIETHERMES testified as follows:

DIRECT EXAMINATION BY MR. THOMPSON:

Q. With respect to -- let me back up. Go ahead and spell your name for the court reporter.

A. Robin Kliethermes, R-o-b-i-n, K-l-i-e-t-h-e-r-m-e-s.

Q. And how are you employed?

A. As a Utility Regulatory Manager, Tariff and Rate Design Unit with the Missouri Public Service Commission.

Q. And are you the same Robin Kliethermes that prepared and caused to be prepared rebuttal testimony in this case that's been marked as Exhibit 210?

A. Yes.

Q. Now, you have other testimony, but you only address the Clean Charge Network in your rebuttal testimony; is that correct?

A. That is correct.

Q. Okay. And do you have any changes or additions to that testimony?

A. I do not.

Q. And if I asked you those questions today, would your answers be the same?

A. Yes.

Q. And to the best of your knowledge and belief, the contents of that testimony are true and correct?

A. Yes.

MR. THOMPSON: At this time I would offer Staff's Exhibit 210.

JUDGE PRIDGIN: All right. I show 210 has already been offered and admitted.

MR. THOMPSON: Well, then I guess I've wasted your time, Judge. I apologize.

JUDGE PRIDGIN: Not a problem. Those are my records. Sometimes they're wrong.

MR. THOMPSON: Well, it doesn't show up on Staff's exhibit list that way,

JUDGE PRIDGIN: Just to be safe, in case I'm wrong, 210 has been offered. Any objections?

(No response.)

JUDGE PRIDGIN: 210 is admitted.

(STAFF EXHIBIT 210 WAS MARKED AND RECEIVED INTO EVIDENCE.)

MR. THOMPSON: Thank you, Judge. I'll tender the witness for cross-examination.

JUDGE PRIDGIN: Mr. Thompson, thank you. Mr. Opitz, any cross?

MR. OPITZ: No, thank you, Judge.

JUDGE PRIDGIN: Mr. Woodsmall?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Mr. Fischer or Mr. Steiner?

MR. FISCHER: No questions.

JUDGE PRIDGIN: Thank you. Bench questions?

CHAIRMAN HALL: Yeah.

QUESTIONS BY CHAIRMAN HALL:

Q. Good morning.

A. Good morning.

Q. I'm going to ask you a couple of the same questions I asked Ms. Dietrich.

A. Okay.

Q. See if you can elaborate at all on some of her comments. First, concerning the rate, if the Commission were to decide to implement the type of bifurcation treatment that I've been talking about for a couple of days concerning the EV charging stations and the Commission needed to request that a tariff be proposed to set the rate that the utility would charge the owner/operator of the charging stations, do you have thoughts about what that rate should be?

A. Like Natelle said earlier, the SGS rate is the smallest commercial rate that is available, and it would seem, based on the loads of the charging stations, they would qualify for the SGS rate.

Q. And then would it be advisable to

request that the utility at the next rate case provide data and analysis so that we could do a -- Staff could do a cost of service analysis?

A. Yes. Yes.

Q. So then second, do you believe that the existing line extension tariff would be appropriate and applicable to any third party that might want to construct an EV charging station?

A. So I currently have Sarah looking into that to make sure. I think -- I think the current line extension or I know there's dis-- Staff's recommendation is for the GMO line extension to be used. I think either of those would work for -- for the purposes of EVs. But again, we're checking just to make sure.

CHAIRMAN HALL: Okay. Thank you.

THE WITNESS: You're welcome.

JUDGE PRIDGIN: Further Bench questions? I don't have any questions. Just an alert to let you know, Commissioner Stoll is -- even though he's not here, he's observing on line. So I may have some questions that he may send me later. So if I start asking questions, they may very well be from Commissioner Stoll.

Any recross based on Bench questions,

Mr. Opitz?

MR. OPITZ: No, thank you, Judge?

JUDGE PRIDGIN: Mr. Woodsmall?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Mr. Fischer?

MR. FISCHER: No questions.

JUDGE PRIDGIN: Redirect?

MR. THOMPSON: No, thank you, Judge.

JUDGE PRIDGIN: Ms. Kliethermes, thank you very much.

Mr. Murray is the next witness. Mr. Murray, if you'll raise your right hand to be sworn.

(Witness sworn.)

JUDGE PRIDGIN: Mr. Thompson, when you're ready.

MR. THOMPSON: Thank you, Judge.

BYRON MURRAY testified as follows:

DIRECT EXAMINATION BY MR. THOMPSON:

Q. State your name and spell it for the reporter, please.

A. Byron Murray, B-y-r-o-n, M-u-r-r-a-y.

Q. How are you employed, Mr. Murray?

A. I'm a Regulatory Economist 3 with the Public Service Commission.

Q. Now, are you the same Byron Murray who prepared or caused to be prepared rebuttal testimony that's been marked as Exhibit 219?

A. Yes.

Q. And contributed to Staff's report responding to certain Commission's questions that's been marked as Exhibit 203?

A. Yes.

Q. And if I was to -- do you have any changes or corrections to that testimony?

A. No.

Q. If I was to ask you the same questions today, would your answers be the same?

A. Yes.

Q. And to the best of your knowledge and belief, the contents of those items of testimony in that report are true and correct?

A. Yes.

MR. THOMPSON: With that, I'll offer Exhibits 203 and 219, Judge.

JUDGE PRIDGIN: 203 and 219 have been offered. Any objections?

(No response.)

JUDGE PRIDGIN: Hearing none, 203 and 219 are admitted.

(STAFF EXHIBITS 203 AND 219 WERE MARKED AND RECEIVED INTO EVIDENCE.)

MR. THOMPSON: Thank you, Judge. I'll tender the witness for cross-examination.

JUDGE PRIDGIN: Mr. Thompson, thank you. Mr. Opitz, any cross?

MR. OPITZ: No, thank you, Judge.

JUDGE PRIDGIN: Mr. Woodsmall?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Mr. Fischer?

CROSS-EXAMINATION BY MR. FISCHER:

Q. Mr. Murray, on the bottom of page 4 of your rebuttal testimony, you ask yourself the question, Do you agree that the CCN will cause a downward pressure on rates? And then your answer was, No, not without domestic PEV-time of use rates; is that right?

A. I believe that's correct.

Q. Do you understand from the testimony that you heard here today that in this case there's actually a benefit to consumers by including the EV charging and the costs and the revenues in rates?

A. As I understand it, sir, the benefit would be based on the time of use rate, which KCPL is not capable of doing at this time, so my

testimony would be the same.

Q. I was trying to ask the question, isn't the revenue requirement actually lower in this case because of EV charging?

A. For this current year, I believe that is correct, about $400,000 difference.

Q. So there is a downward pressure on rates as a result of the EV charging project, right?

A. By downward pressure on rates, do you mean that the rates are going to go down?

Q. Well, they're lower than they would otherwise be.

A. In that respect, then that would be the case for this year.

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

JUDGE PRIDGIN: Thank you. Bench questions?

CHAIRMAN HALL: I have no questions. Thank you.

COMMISSIONER KENNEY: No questions.

JUDGE PRIDGIN: Redirect?

MR. THOMPSON: No redirect. Thank you, Mr. Murray.

JUDGE PRIDGIN: Mr. Murray, thank you very much.

MR. THOMPSON: Judge, I'm advised that Staff now has an answer to the Chairman's question. I wonder if you want to bring Robin Kliethermes back to hear that or what you would like to do.

JUDGE PRIDGIN: Seems to be a convenient time to do that.

MR. THOMPSON: And I am also advised that Sarah Kliethermes is here, who actually did the investigation, if you'd rather hear it from her. Whatever you prefer.

JUDGE PRIDGIN: I see Robin Kliethermes. I see Sarah back there. Would you like to hear from Sarah Kliethermes? If Sarah Kliethermes could come up to the stand. Thank you. I'm sorry. I didn't see you.

MR. THOMPSON: I apologize for the surprise witness, Judge.

JUDGE PRIDGIN: Quite all right.

MR. THOMPSON: We're not trying to reproduce the Oscars.

JUDGE PRIDGIN: You are already under oath. Anything from Staff, Mr. Thompson?

MR. THOMPSON: No. I think I'll let the Bench go ahead and ask the questions.

JUDGE PRIDGIN: Mr. Chairman.

SARAH KLIETHERMES testified as follows:

QUESTIONS BY CHAIRMAN HALL:

Q. Good morning.

A. Good morning.

Q. So the question is, would the existing line extension tariff or the GMO line extension tariff accurately and adequately be applied should the Commission decide that it's appropriate to implement this bifurcation of the EV charging network?

A. Under either tariff, the result on a -- the usage we would expect from a -- and I guess an important distinction is if we're talking a standalone pedestal versus, for example, a convenience store that might have seven or eight pedestals and also the use of the, you know, convenience store.

But I assume you're talking about a standalone pedestal, and under that scenario, the -- I would expect the extension charges under either extension policy to be quite similar. The difference is whether you're removing the net cost

of energy or the -- I'm sorry, the energy revenues net of the cost of energy or just the revenues with the cost of energy in it, and so the -- that value is going to be, in comparison to the cost of a 50 kW extension, fairly low. So there might be $100 difference, but I would not expect there to be thousands of dollars of difference under the two tariffs.

Q. And how about the scenario if a service station wanted to add five, six or seven pedestals, would the answer be different?

A. The absolute specifics of that would be up to a field engineer, and I'm not one of those. The short answer is, if it is a larger convenience store that already has a service size to run a lot of coolers, that sort of thing, if they're looking at adding verse of 25 to 50 kW, they may not need to upgrade the service.

If they are adding, you know, enough that you could have 10, 12 cars charging Level 3 simultaneously, I can't imagine that you wouldn't have to upgrade that service, and in that case that additional upgrade under either extension I'm -- again, I think you would have the same scenario, as I'm thinking this through, where the change in the

value of the revenue, the additional revenue less the cost of energy versus just the additional revenue isn't going to be a very large dollar value difference.

Q. Let me ask you another question that maybe you -- you may not be the right witness for, but that seems to be my pattern this morning. My understanding was that the company was proposing a ten-year depreciation schedule for the -- for the charging network, but I don't -- was that also for the distribution or was that just for the islands themselves, or do you know?

A. I know we used ten years in developing the rates that are contained in Robin Kliethermes' testimony. I would have to look at the work papers to know whether or not that was for the all in or if that was simply for the pedestals themselves. It was a company number that we used, and I'm fairly certain we divided it by ten.

Q. So it's possible that their numbers included a ten-year depreciation schedule for the distribution as well?

A. I don't know.

Q. You don't know. Is that -- one more thing I'd like to find out.

A. It was the company number. I'm just not certain what was in that company number.

Q. I understand.

CHAIRMAN HALL: Okay. Thank you.

MR. STEINER: Mr. Chairman, just so I'm clear, what was the exact question, the depreciation rate for the Clean Charge Network for the distribution piece?

CHAIRMAN HALL: Right. Was it ten years for the entire network or was it just ten years for the charging station itself and it would -- it wouldn't make sense to me, based on what I know, that the distribution would have a ten-year depreciation schedule, but that's what I'm interested in.

MR. STEINER: We'll verify that.

CHAIRMAN HALL: Thank you.

JUDGE PRIDGIN: Thank you. Any further Bench questions? Cross based on Bench questions, OPC?

MR. OPITZ: No, thank you.

JUDGE PRIDGIN: MECG?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: KCP&L? No question. Staff, redirect?

MR. THOMPSON: No redirect. Thank you, Judge.

JUDGE PRIDGIN: All right. Ms. Kliethermes, thank you very much.

I believe our next witness then would be Dr. Marke, and Dr. Marke, you're already under oath. Mr. Opitz, anything before he stands cross?

MR. OPITZ: No. I believe his exhibits have been admitted, so I'll tender him for cross.

JUDGE PRIDGIN: Thank you. Cross-examination, Staff?

MR. THOMPSON: No questions. Thank you.

JUDGE PRIDGIN: MECG?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: KCP&L?

MR. FISCHER: No, thank you, Judge.

JUDGE PRIDGIN: Thank you. Any Bench questions, Mr. Chairman?

CHAIRMAN HALL: No questions. Thank you.

JUDGE PRIDGIN: Dr. Marke, thank you. I understand we will be moving back to customer experience witnesses. Anything before Mr. Hyneman

takes the stand?

MR. THOMPSON: Could I have a moment to vacate, Judge?

JUDGE PRIDGIN: Certainly.

MR. OPITZ: Judge, I'd like an opportunity for mini openings.

JUDGE PRIDGIN: Yes. Thank you. I'm glad you brought that up. And I think we took Mr. Caisley for the customer experience witness, and I don't recall any mini openings. I'll let counsel proceed however they want. Did you want to start with the company? Does the company have a mini opening on this issue?

MR. FISCHER: Judge, I'd waive that opening.

JUDGE PRIDGIN: Thank you. Staff?

MS. MERS: We'd waive as well.

JUDGE PRIDGIN: Mr. Opitz?

MR. OPITZ: May it please the Commission? Last week when the witness was testifying, there was some confusion about what Public Counsel is seeking, and so to clear that up, we are asking the company to stop asking its ratepayers these pointed political questions. There is no utility purpose for these questions,

and, in fact, the company witness admits that it is for the benefit of its non-regulated operations.

We -- prior to that testimony Public Counsel believes that these questions were inappropriate and are now -- we are concerned that the conduct by the company is inconsistent with the Commission's affiliate pricing standards.

Asking these inappropriate questions at the same time as legitimate questions related to customer service but asking the political questions first in my mind is a framework that leverages the regulated company customers to benefit the non-regulated entities or whatever polling firm the company happens to be using.

Our preference, of course, is that the utility stop asking these questions, and if the company does not, then the non-regulated operations benefiting from the poll answers should compensate the utility, which can be used as revenues to benefit the customers.

This is not just a matter of booking a portion below the line because, based on the testimony you've heard last week, that the company's polling these regulated customers for non-regulated purposes or sharing that information

with its political action committee or certain officials.

No -- I guess we should presume that no competitive business would sell, lease, provide or use any part of its business assets at less than the fair market value of those assets. Furthermore, no competitive business would provide services to any entity at less than the fair market value. A competitive firm would seek to maximize its profits from the sale of the asset or the use of the assets or the provision of those services.

You often hear that the Commission is a substitute for competition for the regulated utilities, and one way in which the Commission fulfills that role is through its affiliate transaction rules. By enforcing these rules and the pricing standards contained in paragraph 2 of that rule, the Commission requires utilities to seek the price, here it might be a utility revenue, at least equal to the fair market value of providing the service or the use of the utility's assets.

The rule defines an affiliate transaction as any transaction for the provision, purchase or sale of any information, asset, product

or service or portion of any product or service between a regulated electrical corporation and an affiliated entity and, the rule goes on to say, this shall include all transactions carried out between any unregulated business operations of a regulated electrical corporation and the regulated business operations of an electrical corporation.

KCPL's witness admits that this information is provided to KCPL's political action committee and to other interested politicians. It was unclear how that cost is booked, and we believe that would require further investigation. But in my mind there's no doubt that this is for the purpose of a non-regulated operation.

What would it cost for KCPL's political action committee to hire the polling firm WP to go out and perform this survey on its own? Clearly there's some monetary value here that KCPL ratepayers should benefit from if this non-regulated utility service -- non-utility related survey is allowed to continue.

Of course, Public Counsel's primary recommendation is that the company stop asking these particular questions. However, if the practice is permitted to continue, then we believe

that there is sufficient cause for further investigation into the compliance with the Commission's asymmetrical pricing requirements, and I would ask the Commission order one such investigation.

With that, I'm happy to answer any questions.

JUDGE PRIDGIN: Mr. Opitz, thank you. Any Bench questions?

CHAIRMAN HALL: Good morning. Are you or your witness going to be able to explain specifically what you're asking for in this case beyond an order that they -- that the company stop asking these questions? More specifically, obviously these polls cost a certain amount of money.

Do you know or will your witness be able to explain how much of that was included above the line? Because I believe Mr. Caisley didn't know exactly how much was above the line and some -- and whether some might be below the line.

MR. OPITZ: I don't believe that our witnesses will be able to answer that. If one would, it would probably be Mr. Hyneman. I think that's -- well, that's my primary purpose for

saying either direct them to cease these questions or we think that further investigation is necessary. And so I think it might be appropriate in this situation for the Commission to order a separate investigation to be opened up.

CHAIRMAN HALL: Okay. Thank you.

MR. OPITZ: Thank you.

JUDGE PRIDGIN: Anything further from the Bench? All right. Thank you. Mr. Woodsmall?

MR. WOODSMALL: Good morning. In the list of issues, this issue is defined as, quote, is KCP&L's strategy with respect to customer service, customer experience and community involvement in the interest of its customers, unquote. This is somewhat vague. Unlike other rate case issues, it does not suggest an opportunity for the Commission to make a decision which would actually affect the amount of the rate increase that the Commission grants.

In my opening statement this morning, I want to talk about several events that have transpired since the Commission finished its hearings in the last case. After discussing these events, I will then tell you how MECG would like you to factor that into your decision in this case.

In the last rate case the Commission was confronted with evidence regarding the excessive nature of KCP&L's A&G costs. In fact, based on Staff's analysis, by virtually any metric KCP&L's A&G costs are among the highest of any electric utility in the nation.

Shortly after the hearings were concluded, the Commission began its deliberations. In an agenda session on August 12, 2015, several statements were made by Commissioners that are relevant to this customer experience issue. Specifically, certain commissioners made the following statements:

Number one, quote, and I would like to proffer that few of the commissioners have made statements that Ameren had a 9.53, and I think that from the testimony we heard in this case, along with public testimony, with everything that we've seen from the company, that KCP&L is not Ameren. I do not believe that they are managed as well as Ameren, I don't think that they are run as well as Ameren, and I don't think they do customer service as well as Ameren. So to base an ROE because one company is getting it in a state, I don't think that's a rational basis for granting an ROE,

especially one that is higher than the median and the mean.

The second statement made in the same deliberations, quote --

MR. FISCHER: Your Honor, I think I'm going to object to this out-of-court references to commissioner statements that aren't in the record in this case and are beyond appropriate evidence that's not being presented. It's argument here, if anything, and it shouldn't be based upon evidence that the Commission has said this or that in an agenda meeting.

MR. WOODSMALL: The evidence isn't in in this case yet.

JUDGE PRIDGIN: I'll overrule. I mean, Counsel's statements certainly aren't evidence, but he's certainly welcome to make an opening argument to try to frame this issue for the Commission.

MR. WOODSMALL: Thank you. The second quote was made, quote, if nothing else comes out of this, I would hope that the company is listening and that they fully understand that you are in the electric utility business -- you are not in the electric utility business. You are in the

customer service business, and your product is power. And I think if the culture and the mind set of that company understands that, I think you will see a dramatic shift in the culture of the company or maybe just at least how this Commission views this company because I believe most of us if not all of us at this table when we went back to comparing them to other utilities, I don't think we can say that they are the same. I think there are stark differences, and I think that those differences at the heart of it come down to how customer focused the company is. And I think a management audit will help identify these efficiencies and reconnect them with the customers that they serve from a customer service standpoint. That's the second quote.

Based upon the excessive KCPL A&G costs, as well as concerns about KCPL's approach to customer service, the Commission took the unprecedented step of ordering an extensive management audit of KCPL's operations. Specifically, the Commission stated in its Report and Order that KCPL's A&G costs were high and ordered Staff to conduct an extensive management audit of KCPL's costs.

Further concerns with the way that KCPL approaches customer service would soon arise. Only months after the Commission issued its Report and Order in that rate case, the Commission considered a Staff complaint concerning KCP&L's relationship with AllConnect. In its decision the Commission found that KCP&L had violated the Commission's affiliate transactions rules by transferring customer-specific information to AllConnect without customer consent.

Now, in evidence presented in this case, we know that KCPL's attempting to extract information from its captive customers completely unrelated to the provision of electric service. Specifically, when it has customers on the line, KCPL is now asking these customers to identify their political affiliation.

As an initial matter, such questions are completely unrelated to the provision of safe and adequate service and should be terminated immediately.

But more importantly, such invasions into customer privacy firmly demonstrate this customer's (sic) failure to understand, as one commissioner recently noted, that it is, quote, in

the customer service business, unquote.

Just last week we had another example. In its Report and Order regarding MECG's complaint on KCP&L's failure to seek Commission approval for the acquisition of Westar, the Commission found that KCPL had violated a stipulation from 2001.

In doing so, the Commission rejected KCPL's assertion that the 2001 stipulation did not extend to the acquisition of Westar. In that decision the Commission pointed out, quote, GPE's position is troublesome from a public policy perspective. For public policy reasons, all sides have a vested interest in maintaining trust in the settlement process, unquote.

On top of these concerns with KCPL's provision of electric service, we need to consider KCP&L's rates. KCP&L's rates have increased 75 percent in the last ten years. On top of this, KCP&L collected an additional 25 million just last year through the fuel adjustment clause. Rates are skyrocketing with no relief in sight.

Unlike other utilities that have benefited from the low cost of natural gas, KCP&L has continually invested further and further in

coal generation. Therefore, KCPL customers are not seeing the benefit of cheap gas energy.

Given all these concerns from the last 18 months, it is not surprising that KCPL is now second to the last among midwest utilities in customer satisfaction. Clearly KCP&L looks at customer satisfaction and the customer experience as a necessary evil to the overarching goal of maximizing shareholder returns at virtually any cost.

Now I ask you, this is unique amongst KCP&L. Do you see these same problems, these same concerns with Ameren? Do you see them with Empire? These concerns are unique to KCP&L, and we think that they should be factored in to this rate case.

So how do you factor inferior customer experience into the rate case? In 2010 KCP&L asked that this Commission set its return on equity in the upper half of the requested ROE range. KCP&L made this request to reward it for, quote, its customer satisfaction achievements, unquote.

Certainly to the extent that the Commission can grant a return on equity in the upper half of the ROE range, as KCPL requested, it

would be appropriate for the Commission to grant an ROE at the lower half to account for the inferior customer satisfaction we now see from the company.

As demonstrated by the J.D. Power surveys, KCP&L is certainly providing customer satisfaction that is much less than other Missouri utilities and other midwest utilities. As such, while Mr. Gorman states that the midpoint ROE of 9.2 is appropriate, MECG now suggests that the Commission reduce this ROE to the lower half of his recommended range; therefore, something in the range of 8.9 to 9.2.

Finally, the Commission should be very clear in its order that it is making this reduction in ROE to account for inferior customer satisfaction. This serves two purposes. First, it sends a clear message that the Commission is not satisfied with the way KCP&L approaches its customer service obligations. So long as it doesn't see the down side of its actions, KCP&L will continue to prioritize other concerns far above customer satisfaction. The obvious down side that you can deliver is a lower profit margin and a lower return on equity.

The second reason for explicitly

noting that there is a reduction in the return on equity to account for customer satisfaction is so that Missouri does not get labeled as an anti-utility state.

The placement of such a statement in the Commission's order will receive special recognition in the various RRA reports. In this way RRA and other publications will recognize the depressed return on equity is simply a unique situation related to KCP&L and should not be interpreted as a sign that Missouri is out of the ROE mainstream.

Thank you.

CHAIRMAN HALL: No questions.

JUDGE PRIDGIN: Thank you. Mr. Woodsmall, thank you.

I guess, Mr. Hyneman, if you're ready to come forward. I believe he's already under oath. Mr. Opitz, anything for Mr. Hyneman before he stands cross?

MR. OPITZ: No. I believe his testimony's been offered and admitted, so I'll tender him for cross-examination.

JUDGE PRIDGIN: Thank you. Cross-examination, Staff?

MS. MERS: No questions.

JUDGE PRIDGIN: MECG?

MR. WOODSMALL: Very briefly, your Honor.

CHARLES HYNEMAN testified as follows:

CROSS-EXAMINATION BY MR. WOODSMALL:

Q. Good morning, sir.

A. Good morning.

Q. Are you familiar with Exhibit 332 that was placed into evidence last week?

A. Is that the J.D. Power survey results?

Q. Yes.

A. Yes.

Q. The J.D. Power survey results from January 2017.

A. Yes.

MR. WOODSMALL: May I approach the witness, your Honor?

JUDGE PRIDGIN: You may.

MR. WOODSMALL: I'd like to mark an exhibit.

(MECG EXHIBIT 656 WAS MARKED FOR IDENTIFICATION BY THE REPORTER.)

BY MR. WOODSMALL:

Q. Sir, do you recognize this document?

A. Yes, I do.

Q. And is it the J.D. Power award -- or J.D. Power survey that was published in January of 2016?

A. It's the business customer satisfaction survey, right.

Q. From January 2016?

A. Well, for the year -- I'm sorry. Yes.

Q. Okay. And, therefore, it is the year prior to the survey that is in Exhibit 332; is that correct?

A. That's correct.

MR. WOODSMALL: Your Honor, I'd offer Exhibit 656.

JUDGE PRIDGIN: 656 is offered. Any objections?

(No response.)

JUDGE PRIDGIN: Hearing none, 656 is admitted.

(MECG EXHIBIT 656 WAS RECEIVED INTO EVIDENCE.)

MR. WOODSMALL: No further questions, your Honor.

JUDGE PRIDGIN: Thank you. Any cross-examination, I guess KCPL?

MR. FISCHER: No, thank you, Judge.

JUDGE PRIDGIN: Bench questions, Mr. Chairman?

QUESTIONS BY CHAIRMAN HALL:

Q. Good morning.

A. Good morning.

Q. I don't have the exhibit numbers to the Wilson Perkins Allen Opinion Research, the two exhibits that were produced during, I believe, Mr. Caisley's testimony.

MR. OPITZ: The WPA survey dated December 12th through 14th, 2011 is Exhibit 330HC, and the survey dated October 2013 is 331HC. And when we were discussing them last week, Mr. Caisley indicated that the numbers would be the HC portion and not the questions themselves.

CHAIRMAN HALL: Thank you. I appreciate that.

BY CHAIRMAN HALL:

Q. Mr. Hyneman, are you familiar with these two exhibits?

A. Yes.

Q. Do you have any understanding at all

as to how common it is for utilities to commission surveys such as this?

A. In my experience, I have never seen a utility engage in political surveys of customers.

Q. Putting that aside for a moment, because at least my quick glance through these two exhibits in one -- 6 of the 73 questions were arguably political, and the other 3 of the 74 were arguably political. So the vast majority were not political, at least in my opinion.

So my question for you is, the bulk of the survey with questions about customer service, are those types of surveys common in the industry?

A. Yes.

CHAIRMAN HALL: Okay. I have no further questions. Thank you.

JUDGE PRIDGIN: Thank you. Any further Bench questions? Recross based on Bench questions? Cross from Staff?

MS. MERS: No, thank you.

BY CHAIRMAN HALL:

Q. Actually, I'm sorry. That was -- I missed my next question. So they're common. Are they appropriate?

A. That's a bigger question. They're appropriate for firms that engage in that type of business. The firm that was selected by KCPL is a primarily political poll, and I think that it's not appropriate to use that type of firm.

Q. Again, that wasn't really my question. My question is the actual substance of the questions themselves. So I believe you said that it is common in the industry to ask those questions. My question to you now is whether it is appropriate to ask those questions.

A. And again, some of the questions are good. Some of the questions are related to, you know, your feelings about the utility and a lot of things. I think it's designed for image building and for KCPL to advertise that the customers think that they have great involvement in the community and paying -- and charging customers for that type of information is not appropriate.

Are there some questions where they ask, you know, are you satisfied with the reliability of this service, are you satisfied with the outage times, are you satisfied when you call, do you get the phone answered within an appropriate amount of time, those type of specific questions

are appropriate.

The other questions, the political questions are absolutely not appropriate. The other questions designed for image building are not appropriate. But the questions designed to get information from your customers where you can make changes and improve and receive feedback, those are very appropriate.

CHAIRMAN HALL: Okay. Thank you.

JUDGE PRIDGIN: Thank you. Anything further from the Bench?

COMMISSIONER KENNEY: No, thank you.

JUDGE PRIDGIN: Thank you. Recross based on Bench questions. I'm sorry. Staff?

MS. MERS: No, thank you.

JUDGE PRIDGIN: MECG?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: KCPL?

MR. FISCHER: No questions.

JUDGE PRIDGIN: Any redirect?

MR. OPITZ: Briefly.

REDIRECT EXAMINATION BY MR. OPITZ:

Q. Mr. Hyneman, the Chairman was asking you about whether these types of certain questions were appropriate. Do you recall that?

A. Yes.

Q. And can you tell me -- I guess do you have anything to add as to why the questions that we've raised in this -- that you've raised in this case, why those types of questions are inappropriate?

A. Yeah. As I explained to the Chairman, KCPL went out and selected a political polling organization. Their background is in political. In fact, they describe themselves on the website as Wilson Perkins Allen Research is an industry leading research firm that provides the strategic information that gives our clients the edge they need to win in the all or nothing world of political campaigns.

Now, that's the type of company that was selected by KCPL. There are other survey-type organizations that will focus on specific customer service and not get into the political questions and those type of image-building advertising.

I believe that KCPL should hire those type of firms to honestly seek customer feedback to improve their customer service performance, and I think J.D. Power is one of the organizations that does that.

Q. Does KCPL currently hire J.D. Power to perform surveys?

A. I don't know if the word is hire. They subscribe to them, they pay money to them, and they're included in the surveys. And J.D. Power does provide, and I know this with discussions with Ameren as well, they provide good customer feedback for the utility to evaluate and improve its customer service.

MR. OPITZ: That's all I have. Thank you, Judge.

JUDGE PRIDGIN: Thank you. Mr. Hyneman, thank you very much. You may step down.

I believe Dr. Marke would be our final customer experience witness. Dr. Marke, you're already under oath. Mr. Opitz, anything before he stands cross?

MR. OPITZ: Tender the witness for cross-examination.

JUDGE PRIDGIN: Mr. Opitz, thank you. Any questions from Staff?

GEOFF MARKE testified as follows:

CROSS-EXAMINATION BY MS. MERS:

Q. Good morning, Dr. Marke. How are

you?

A. I'm good. Thank you.

Q. So about this investigation, what do you imagine that would entail if that was ordered in this case?

A. So if an investigation was ordered, I think we would need to look at all polling, all surveys that have been conducted to date or within a reasonable time frame for the company. According to Mr. Caisley's interview last week and from his testimony as well, we know that Wilson Perkins isn't the only research firm that's conducting these surveys on behalf of KCPL. We know Axium is. We know Nielson. We know GED is. They've got an internal survey group that conducts this.

I mean, to me, that's five off the top of my head surveys on top of this political action survey that's conducted. So a thorough review of all of those would at a bare minimum need to be done.

Q. Do you imagine OPC would take the lead on that investigation?

A. I think we would.

Q. And I know your initial recommendation is to stop the political questions,

but if KCPL would book the cost of those to shareholders and continue asking them, is that an acceptable result for OPC?

A. It's not -- it is not our primary recommendation. I mean, I think it would be an easier, cleaner cut just to prevent this sort of action to begin with. As far as that's concerned, I believe that there are some affiliate transaction rules that might complicate that situation. I don't think I'm in a position to give a straight answer at this moment.

MS. MERS: Okay. Thank you. Nothing further.

JUDGE PRIDGIN: Ms. Mers, thank you. Cross from MECG?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Company?

MR. FISCHER: No, thank you.

JUDGE PRIDGIN: Any Bench questions?

CHAIRMAN HALL: No questions. Thank you.

COMMISSIONER KENNEY: No questions.

JUDGE PRIDGIN: Thank you. Redirect?

MR. OPITZ: No, thank you, Judge.

JUDGE PRIDGIN: Thank you.

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

I believe we are now ready to go on to the issue of revenues, and I'm assuming counsel will want mini opening statements on that. I'm sorry. I forgot to turn on my microphone. KCPL, you'll have an mini opening on this?

MR. FISCHER: I will, Judge. If we could have just a five-minute bathroom break, that would be helpful.

JUDGE PRIDGIN: How about ten? We'll go back on the record at 9:40. Thank you. We're off the record.

(A BREAK WAS TAKEN.)

JUDGE PRIDGIN: Good morning. We are back on the record. I believe we were moving on to mini opening statements on MEEIA revenues. Anything further from counsel or the Bench before we proceed to those opening statements?

All right. KCPL, when you're ready. Mr. Fischer.

MR. FISCHER: Good morning. The issue for today, at least this portion of the hearing, is related to the annualization of revenues associated with the company's MEEIA programs. The specific issue that we're asking you

to resolve is whether the reduction in kWh sales that occurred as a result of the MEEIA programs, Cycle 1 program particularly, should be recognized and adjusted in the company's rates.

These MEEIA energy efficiency programs have been successful. As a result, there has been a permanent reduction in kWh sales, which will continue into the future.

This permanent reduction in energy and demand requires an adjustment to the test year sales because the test year sales do not reflect the expected sales in the year following the effective date of the new rates in this case. In other words, the billing determinants need to reflect these reductions in usage brought about by the MEEIA energy efficiency programs.

As an example, let's assume that a consumer purchased a high-efficiency air conditioner under one of the MEEIA programs which reduced the amount of kWh sales used by the customer during the test year. This is a permanent reduction in load that will continue into the future. A revenue annualization adjustment should recognize that the amount of kWhs in the test year will be reduced in the future by the installation

of that high-efficiency air conditioner.

It's really no different than when you think about it about making an adjustment because a large industrial customer has left the system. It's also similar to making a weather normalization adjustment to reflect the fact that the test year had abnormal weather, whether warmer than usual or colder than normal.

An adjustment needs to be made to the test year to make -- to take such events into account. Otherwise, the company's rates won't produce the approved revenue requirement. The point of the revenue annualization adjustment is to develop customer usage levels that adjust the test year for the loss of sales due to the success of the MEEIA programs.

Now let's get to the issue in this case. This slide is designed to show you the test period of 2015 and the true-up period through 2016, and I'll talk about the MEEIA programs here. In this case, the Staff is proposing to annualize the revenues associated with the MEEIA Cycle 2 programs but not the revenues associated with the MEEIA Cycle 1 programs.

The test year, as you can see here by

my slide, is from January to December of 2015, and then we have a true-up update period of January to December of 2016.

The MEEIA Cycle 1 program is the area covered in the light red from January of 2015 through June of 2016, and then the Cycle 2 period covered the period of April 2016 to the end of 2016 for purposes of this case. It actually will be extended a couple more years into 2018.

But Staff has taken the 2015 test period revenues and normalized them for weather. Staff also decreased the 2015 test year sales for the MEEIA Cycle 2 savings due to the reduced sales that resulted from the MEEIA Cycle 2 programs. Customer usage is evaluated to determine known and measurable changes through the true-up period of December 2016, and finally the 2015 sales are adjusted to reflect customer levels as of December 2016.

Now, this is an appropriate adjustment for the Cycle 2 MEEIA programs. But Staff's approach is incomplete because it ignores all of the MEEIA Cycle 1 program savings from January to June. So it includes this blue savings related to Cycle 2, but it ignores the other test

year kWh savings related to Cycle 1.

So under my air conditioning example, if the customer purchased a high-efficiency air conditioner during the -- during the Cycle 2 program in this area, the Staff would be adjusting. They would be doing an annualization adjustment if I purchased it during that -- in that blue Cycle 2 period.

However, if I purchased the same exact high-efficiency air conditioner during that earlier period in the test year, from January through June, that high-efficiency air conditioner effect would not be recognized in the Staff's annualization adjustment.

As you can see, though, the test year and the true-up period include both the Cycle 1 and the Cycle 2 savings. Now, from the company's perspective, it's important to reflect the energy efficiency savings from both Cycle 1 and Cycle 2.

I don't think the Staff disagrees with the overall theory that test year revenues should be adjusted for the loss of revenues related to energy efficiency programs, and I don't think the Staff disputes the math associated with the company's revenue annualization adjustment related

to the Cycle 1 program savings.

However, Staff is ignoring that Cycle 1 program savings in its revenue annualization adjustment in the case, and under Staff's approach, those Cycle 1 savings showed in the light red just will be ignored.

If the Staff's position is adopted by the Commission, then 100 million kilowatt hours of reduced usage associated with Cycle 1 will not be annualized, and the result of this permanent reduction won't be reflected in the rates. This is the equivalent of about 1 percent of the company's total Missouri sales. It will mean a loss of approximately $7.6 million to KCPL on an ongoing basis.

Okay. So what's the company's position? Go to the next -- go to that position. This one, the only difference between this slide and the previous slide that had the Staff position is that second line that's underlined. The company, in addition to annualizing the Cycle 2 savings, is proposing to annualize or decrease the Cycle 1 savings due to those reduced sales.

Under the company's approach, the 2015 sales are decreased for the MEEIA Cycle 1 as

well as the MEEIA Cycle 2 savings. And from the company's perspective, this is the correct, the fair and the reasonable method of annualizing MEEIA program savings to capture on an ongoing basis all of the energy savings programs.

If we look at the MEEIA 2 -- MEEIA Cycle 2 stipulation, which was approved by the Commission in its Report and Order issued on March 2nd, 2016, in paragraph 10 which addresses the annualization adjustment, that paragraph requires a revenue annualization adjustment for all active MEEIA programs, excluding home energy reports and income eligible home energy reports determined using the same methodology.

Now, the slide that I have up here is from paragraph 10 that requires the annualization adjustment for the MEEIA programs. As you can read, upon filing a rate case, the cumulative annualized, normalized kWh and kWh savings will be included in the unit sales and sales revenues used in setting rates.

If we go further on in paragraph 10, the subsection B(i), that paragraph includes the provision that requires the annualization adjustment be made for all active MEEIA programs

using the same methodology.

KCPL has made the annualization adjustment for all active MEEIA programs, including both Cycle 1 and Cycle 2, using the same methodology for all active MEEIA programs in the test period and the update period.

Staff, on the other hand, as I've mentioned, is ignoring Cycle 1 savings based upon an incorrect interpretation of the terms of the MEEIA stipulation for Cycle 2. Staff seems to believe that the term all active programs is limited to just Cycle 2 programs and does not include MEEIA Cycle 1 programs.

Now, as we hopefully will show you in the hearing, Staff's interpretation is wrong and it improperly and unfairly ignores 100 million kilowatt hours of savings that resulted from the Cycle 1 programs during the test period and the true-up period.

But if the Staff's position is adopted by the Commission, more than half of the energy efficiency savings from the company's MEEIA programs will be excluded, and the billing determinants will not produce the revenue requirement that will be authorized by the

Commission in its final order.

Thank you for your attention today. Tim Rush is our witness, and I'm sure he'll be happy to answer your questions, and I can take any if you have some.

CHAIRMAN HALL: No questions.

JUDGE PRIDGIN: Thank you. Mr. Fischer, thank you. Opening from Staff. Mr. Berlin, when you're ready.

MR. BERLIN: Good morning. May it please the Commission? I'm addressing the revenues issue. Revenues includes several discrete subissues involving several Staff witnesses, many of which will be covered by Staff counsel Whitney Payne. I will briefly recap the issues under revenues, and at the end I'll get to the big issue.

First with regard to how should the large power class kilowatt hour demand or kilowatt demand billing units be adjusted when a customer leaves the large power class, the Staff's position is that a customer's actual kilowatt demand billing units should be removed from the class.

On the matter of how should customers who left the large power class and who switched into the large general service or medium general

service classes be annualized, Staff's position is that an individual customer's actual billing units and revenues should be removed from the large power class and added to the billing units and revenue for the class the customer's moving into. The customer's new revenue will be priced using the rates of the class the customer is moving into.

And on what methodology should be used to measure customer growth, the Staff's position is that customer charge counts should be used to measure the growth of customer counts.

Now, with regards to Staff's position on those issues, Staff will present the following witnesses: Michael Stahlman has testified they used the actual billing determinants data provided by KCPL to determine the level of revenue for the test period. He used actual data by applying each rate class' billing determinants to the applicable rate on the rate class' rate schedule.

Michelle Bocklage has testified that she calculated revenue for the large power class by taking the billing determinants of each individual customer and applying the appropriate rates from the large power rate schedule. When a customer left the large power class, Ms. Bocklage removed

that customer's billing determinants from the class. And if that customer switched to a different rate class, then that customer's billing determinants were provided to Mr. Stahlman to put into the large power class.

Ms. Bocklage annualized the customer's existing billing determinants so that the customer would have a 12 months record of billing data.

Matthew Young has testified that he calculated growth in kilowatt hour usage per month for the test period using the number of customers at the end of the update period instead of the number of customers at the end of the test year. However, for the update period as opposed to the true-up period, KCPL stated that they were unable to tell Mr. Young exactly how many customer charges they had billed.

This is an issue we expect to go away with the true-up because KCPL has now provided the numbers of customer charges they billed at the end of the true-up.

Mr. Stahlman used the change in kilowatt hour calculated by Mr. Young to spread the growth among the separate blocks of KCPL's rate

design, which Mr. Stahlman then used to calculate KCPL's revenues. And Staff counsel Whitney Payne will handle those witnesses.

However, finally, I will address the Missouri Energy Efficiency Investment Act, or as I refer it the MEEIA, M-E-E-I-A, kilowatt hour savings annualization issue that Mr. Fischer just discussed.

In a nutshell, the issue is this: Should KCPL be permitted to make an adjustment to annualize its kilowatt hour sales in this rate case as a result of KCPL's MEEIA Cycle 1 demand side programs? And Staff's position is no.

KCPL's annualization adjustment of kilowatt hour sales resulting from its Cycle 1 demand side programs is simply not permitted under the Cycle 1 program Stipulation & Agreement that was filed on May 27th, 2014 in Case No. EO-2014-0095. The adjustment is not permitted under the Cycle 2 program Stipulation & Agreement filed on November 23rd, 2015 in Case Nos. EO-2015-0240 and 0241, and the adjustment is not permitted under KCPL's Cycle 2 DSIM rider tariff sheets 49F through 49P.

On this issue, Staff witness John

Rogers has prefiled surrebuttal testimony to refute KCPL's attempt to make an improper adjustment to annualize its kilowatt hour sales resulting from the company's Cycle 1 demand side programs. Mr. Rogers further testifies that the throughput disincentive net shared benefits, or what we refer to as the TDNSB share, which was approved for recovery of the costs resulting from Cycle 1 programs, is designed to and indeed it does compensate KCPL for the entire amount of KCPL's throughput disincentive.

The TDNSB share compensates KCPL for its throughput disincentive because Cycle 1 uses a model which applies deemed energy and demand savings, deemed energy and demand avoided costs, and deemed measure lives for all installed measures without any annualization of kilowatt hour sales in its general rate cases.

KCPL is and has been already compensated for its lost sales under the TDNSB share that it receives. Any uncollected TDNSB share amount from Cycle 1 can and it is recovered under the Cycle 2 DSIM rider tariff.

The Cycle 2 rider provides for KCPL to recover its unrecovered balances, and that

includes TDNSB, from Cycle 1. The company has received what it is properly entitled to receive as set out in the Stipulation & Agreements and tariff.

Before I conclude, I'd like to make two final points. First, in KCPL's proposed Cycle 1 annualization adjustment, the company is seeking to collect an additional, I have 6.6 million, but I'll take Mr. Fischer's word that it's actually 7.6 million that they're seeking to recover from ratepayers.

That would be $7.6 million to which the company is simply not entitled to because KCPL is collecting all that it is properly due from Cycle 1 programs. The Commission should reject this adjustment entirely.

And second, my final point, and John Rogers explains this in his testimony, Ameren Missouri has the same Cycle 1 TDNSB model in place. Ameren has not sought to make a similar kilowatt hour sales annualization adjustment in its rate case.

So why is that? Well, Ameren recognizes that the TDNSB model does not permit a sales annualization adjustment. If it did, which it does not, then I am sure Ameren, too, would have

proposed a similar annualization adjustment.

And that concludes my opening statements. Be glad to answer any questions. Thank you.

CHAIRMAN HALL: Thank you. This is a question that perhaps should be directed to Mr. Rogers, but I'll take a crack with you as well. I understand that Staff and the company have a difference of opinion as to whether or not the 2015 sales should be decreased by MEEIA Cycle 1 sales. I understand that. But what is the policy rationale for decreasing 2015 sales by MEEIA Cycle 2 sales?

MR. BERLIN: Well, the Cycle 2 stipulation provides for annualization, and so that comes into play during the true-up. There's a very small amount.

CHAIRMAN HALL: But why would we do that? Why don't we just take the sales in the test year, assume that whatever conservation measures are in place will continue going forward, so why would we adjust the 2015 sales at all for MEEIA?

MR. BERLIN: For Cycle 1?

CHAIRMAN HALL: For either.

MR. BERLIN: Well, let me try to

address that with Cycle 1. Cycle 1 operates on a completely different model. It's a net shared benefits model. And so when that measure is installed under Cycle 1, the company books all the savings, the net shared benefits, at a rate of 20-- I believe it's 23.6 percent of the total net shared benefit pie. It books it, and then it can pro form that. And then under the Cycle 2 stipulation, it's permitted to collect the unrecovered balance of those savings. Now, the net shared benefits takes into account, that measures life and its net energy and demand savings, net energy and demand avoided costs.

So the company is getting through that net shared benefits model all that it's entitled to right there, and it's collected in its DSIM charge in its tariff. I don't know if that answers.

CHAIRMAN HALL: Well, I mean, and my question I will readily admit is remedial in nature, but my understanding of the issue here is we set a revenue requirement and then we figure out the sales in the test year and then we apply revenue requirement to the sales so that -- so that the company can get its authorized revenue. And

what is being sought is an adjustment in the -- the company is seeking an adjustment in its sales to take into account MEEIA conservation savings which would -- which would -- boy, now I'm losing my train of thought -- would raise or lower the sales. It would -- it would decrease the sales, so thereby requiring a higher -- a higher rate and, at least according to the company, allow them to get their authorized return. But I don't understand why we would need to adjust the sales at all.

MR. BERLIN: Well, we don't need to for Cycle 1.

CHAIRMAN HALL: And I don't understand -- I don't understand why we need to for Cycle 2 either. I understand this may be a question for Mr. Rogers.

MR. BERLIN: Yeah. He'll be able to address that. I can tell you that Cycle 2 throughput disincentive, the way that works, that's a different model for Cycle 2. This is a move that we made, you know, with Ameren, we made it with KCPL as well, to get away from a net shared benefits model.

As Mr. Rogers will testify, the net shared benefits model had a way of actually being

almost an additional performance incentive for the company because it was taking a piece of that pie. So now we have a throughput disincentive model that is based on deemed values for the -- and the actual margin rates, the deemed sales values, and then later on it is trued up by EM&V, evaluation, measurement and verification.

And so we believe that's a much more accurate way to compensate the company for the revenues that it loses. So that's about the -- I may not have hit it exactly, but I know Mr. Rogers certainly can.

CHAIRMAN HALL: Okay. Thank you.

COMMISSIONER KENNEY: I'm not going to follow that up.

JUDGE PRIDGIN: No further Bench questions. Mr. Berlin, thank you. Opening for Public Counsel?

MR. OPITZ: May it please the Commission? The issue here is what cost recovery mechanism to apply to which MEEIA cycle. It's our position that the Cycle 1 mechanism should apply to the Cycle 1 savings and the Cycle 2 mechanism should apply to the Cycle 2 savings. There is no merit to KCPL's attempt to apply select portions of

the Cycle 2 mechanism to the Cycle 1 energy savings.

Now, in the past you have heard me go on at length about how the Cycle 1 cost recovery mechanism was deeply flawed and resulted in overcompensation to the utilities. Now, for KCPL's Cycle 2, aside from an intervener Brightergy seeking a larger rebate level for its own benefit, the case was not litigated. We all worked together to come up with a different compensation method for Cycle 2 that's used -- similar to what's used by Ameren Missouri and it's also similar to what's used by GMO.

Now, in this case -- and I'll note that in GMO's case I understand the testimony reflected that the company sought this similar adjustment, but that case was resolved in a Stipulation & Agreement, so I don't -- I can't say how that was resolved.

Now, here the company seeks to use the mechanism to collect additional money, you heard $7.6 million, from its customers. I ask you to see this issue on the MEEIA adjustment for what it is. It is another attempt by KCPL management to creatively interpret or otherwise disregard another

Stipulation & Agreement.

You heard Mr. Berlin reference testimony of Staff witness John Rogers, how Ameren has a similar mechanism and they haven't attempted this adjustment. Now, we just heard a few moments ago, maybe a half hour ago, Mr. Woodsmall talk about how KCPL has issues that the other utilities don't have, and this is one -- this MEEIA issue is one that is unique to the KCPL management.

I encourage you to reject the MEEIA adjustment offered by the company. You can ask our witness Dr. Marke about detailed questions about the Cycle 1 agreement or the Cycle 2 agreement. I would also encourage you to look at the testimony of Staff witness John Rogers whose surrebuttal testimony concisely and thoroughly refutes the company's position by pointing to the Stipulations & Agreements as well as the tariff sheets.

With that, I'm happy to answer any questions.

JUDGE PRIDGIN: Bench questions?

CHAIRMAN HALL: No questions. Thank you.

JUDGE PRIDGIN: Mr. Opitz, thank you.

Mr. Woodsmall, any opening?

MR. WOODSMALL: No.

JUDGE PRIDGIN: Thank you. I believe the first witness then will be KCPL witness Bass. Come forward and be sworn, sir.

(Witness sworn.)

JUDGE PRIDGIN: Thank you very much. You may have a seat. Mr. Steiner, when you're ready.

ALBERT BASS, JR. testified as follows:

DIRECT EXAMINATION BY MR. STEINER:

Q. Please state your name for the record.

A. Albert R. Bass, Jr.

Q. Mr. Bass, where do you work?

A. At 1200 Main Street, Kansas City, Missouri, KCPL.

Q. And what's your position there?

A. Manager of Marketing Assessment and Load Forecasting.

Q. Did you cause to be filed in this case direct, rebuttal and surrebuttal testimony which have exhibit numbers 100 for direct, 101 for rebuttal and 102HC and 102NP for surrebuttal?

A. Yes, I did.

Q. Do you have any corrections to that testimony?

A. Yes, I do. In my surrebuttal on page 3, line 13, the word used should read usage.

Q. Thank you. Any other corrections?

A. No.

Q. With that correction, Mr. Bass, are the answers contained in your testimony true and accurate to the best of your knowledge?

A. Yes, they are.

MR. STEINER: With that, your Honor, I would move for the admission of Exhibits 100, 101, 102HC and 102NP.

JUDGE PRIDGIN: Any objections?

(No response.)

JUDGE PRIDGIN: Hearing none, Exhibits 100, 101, 102HC and 102NP are admitted.

(KCPL EXHIBITS 100, 101, 102NP AND 102HC WERE MARKED AND RECEIVED INTO EVIDENCE.)

MR. STEINER: Tender the witness for cross.

JUDGE PRIDGIN: Mr. Steiner, thank you. Mr. Woodsmall, any cross?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Mr. Opitz?

MR. OPITZ: No, thank you, Judge.

JUDGE PRIDGIN: Ms. Payne?

MS. PAYNE: Thank you.

CROSS-EXAMINATION BY MS. PAYNE:

Q. Good morning, Mr. Bass.

A. Good morning.

Q. Mr. Bass, can I ask you, what time period were the customer meters sampled to develop the load research data that the company provided to Staff in its DR request?

A. Which DR?

Q. I'm sorry. I don't have the number, but obviously the company provided -- would you agree that Staff uses load research data?

A. Yes.

Q. And the company provided that data to Staff to assist in its investigation; is that correct?

A. To my knowledge. I didn't provide the DR.

Q. Okay. Can you tell me who did?

A. That would --

Q. Would you know who would have provided that?

A. That would have been our load

research group.

Q. Do you know for the purposes of the weather normalization what time period the load research was compiled from?

A. It would have been through December 2015.

Q. Okay. And did the company update this data at any point?

A. No.

Q. Okay. When adjusting the billing determinants in the large power class to account for rate switchers, the company removed the actual kilowatt hours of that customer from its calculations; is that correct?

A. Yes.

Q. Okay. Did you also remove the actual amounts for the kilowatt demand?

A. State that again.

Q. For the -- did you also remove the actual numbers for the kilowatt demand?

A. Okay. Restate that again for me. I'm sorry.

Q. Okay. So when the company adjusts its billing determinants to provide its calculations for the large power class and

accounting for the rate switchers from that class --

A. Right.

Q. -- you remove the actual kilowatt hours?

A. Correct.

Q. Do you also remove the actual kilowatt demand?

A. No. That will flow through the model.

Q. Okay. Do you agree that Staff does remove the actual kilowatt demand?

A. Yes.

Q. All right. Mr. Bass, did you have the opportunity to see the exhibit provided by MIEC the other day?

A. No, I have not.

MS. PAYNE: May I approach?

JUDGE PRIDGIN: You may.

MS. PAYNE: Your Honor, this was previously submitted by MIEC as its Exhibit 857 and admitted.

JUDGE PRIDGIN: Thank you.

MS. PAYNE: Did anyone need a copy?

MR. STEINER: I'll take one.

MR. OPITZ: If you have an extra, I would.

BY MS. PAYNE:

Q. Okay. Now, let me ask you, when load research data is provided to you for purposes of weather normalization, is it generally by the total rate class or is it by each subclass within a rate class?

A. It's by each rate class, class cost of service.

Q. Okay. So -- I'm sorry. I'm probably wording that wrong.

Okay. Now, MIEC when it provided this represented this to be showing the NCP kilowatt by voltage level for its large power class. When you look at these values that are listed under the cost of service data for that NCP kilowatt by voltage level of service, do you see that portion that I'm referring to?

A. Uh-huh.

Q. Are these values represented by the subclass?

A. No.

Q. Would you say that they are estimates that are derived from the total load research

demand for the large power class?

A. I would not know that.

Q. That's fine. And one final question. Would you state that billing determinant demand is the same as load research demand?

A. No.

MS. PAYNE: Thank you very much. I have no further questions.

JUDGE PRIDGIN: Ms. Payne, thank you. Any Bench questions?

CHAIRMAN HALL: Yeah, I think.

QUESTIONS BY CHAIRMAN HALL:

Q. Good morning.

A. Good morning.

Q. Hypothetically, if all customers in KCPL service territory that were taking advantage of MEEIA incentives did so on the first day of a test year so that -- so that all the savings that resulted from those programs, from the MEEIA programs were felt for the entire test year, would it be necessary to make any further MEEIA-related adjustments to sales?

A. If they're installed on the very first day of the test year, is that what you're saying?

Q. Yes.

A. Okay. And so that their sales would continue through December of '15. So that customer installed it on the first day of the test year, it continued through the full year of 2015, then those sales would be captured in the test period.

Q. So there would be no need for an adjustment in sales in a -- as is being requested here?

A. Not if they're in there for the full year. It's when they're installed in the middle of the test year, for example, if a customer comes on in July of 2015 and installs a new air conditioning unit, the company's position is, when that gets installed, those savings are going to continue to go forward and it's going to reduce load, and that we should annualize that for that 2015 period so it reduces the full year.

Q. Okay. That makes sense to me. Thank you.

JUDGE PRIDGIN: Thank you. Any further Bench questions? Recross based on Bench questions, Mr. Woodsmall?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Public Counsel,

Mr. Opitz?

MR. OPITZ: No, thank you, Judge.

JUDGE PRIDGIN: Ms. Payne?

MS. PAYNE: No, thank you.

JUDGE PRIDGIN: Redirect?

MR. STEINER: No redirect, your Honor.

JUDGE PRIDGIN: Thank you. Mr. Bass, thank you very much.

Mr. Rush is the next witness. Mr. Rush, you're already under oath. Mr. Fischer, anything before he's tendered for cross?

MR. FISCHER: No, Judge. We tender the witness for cross.

JUDGE PRIDGIN: Mr. Fischer, thank you. Mr. Woodsmall?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Mr. Opitz?

MR. OPITZ: Briefly, Judge.

TIM RUSH testified as follows:

CROSS-EXAMINATION BY MR. OPITZ:

Q. Mr. Rush, you would agree that recovery of all Cycle 1 DSIM costs, including all program costs, all TD and any performance incentive for Cycle 1 CNI custom rebate program projects will

be achieved through the Cycle 1 DSIM subject to prudence for Cycle 1 DSIM costs?

A. Yes, but they're also going to be recovered in the DSIM for Cycle 2, those three components.

MR. OPITZ: That's all I have, Judge.

JUDGE PRIDGIN: Mr. Berlin?

MR. BERLIN: Judge, I do have some questions for Mr. Rush. However, I have Mr. Rogers getting -- retrieving some copies that I'm going to need to use, so if I could have just a minute.

JUDGE PRIDGIN: How much time did you need, Mr. Berlin?

MR. BERLIN: Probably just a minute or two. They're just getting them off the chair upstairs.

JUDGE PRIDGIN: We'll go off the record just briefly just so people can relax. We'll come back on the record as soon as that's available. Be off the record for a moment.

(AN OFF-THE-RECORD DISCUSSION WAS HELD.)

JUDGE PRIDGIN: We are back on the record, and Mr. Berlin, when you're ready, sir.

MR. BERLIN: Thank you.

CROSS-EXAMINATION BY MR. BERLIN:

Q. Mr. Rush, you are familiar with your DSIM tariff, are you not?

A. The current DSIM tariff? Yes.

Q. And you've been involved in the filing of your DSIM tariff sheets?

A. I have.

MR. BERLIN: Okay. Judge, may I approach?

JUDGE PRIDGIN: You may.

BY MR. BERLIN:

Q. Mr. Rush, are you able to identify the documents I just handed to you?

A. They appear to be the tariffs that were approved in April of 2015 -- well, April 1st, excuse me, 2016, August 1st, 2016 and February 1st, 2017 that relate to the DSIM rider associated with under, as it states, Cycle 2.

Q. And so you have no reason to believe that these are not your actual tariff sheets?

A. I do not have any doubt that they are.

Q. Okay. What I'd like you to do is to look at the tariff sheet that's effective April 1, 2016, and under the non-residential service chart

that shows the DSIM components and total DSIM, can you tell me what the net throughput disincentive in dollars per kilowatt hour are as of April 1, 2016 for non-residential?

A. The NTD/PE, which is the net throughput disincentive, is .00097 per kilowatt hour for the non-residential class.

Q. Okay. And that would encompass commercial and industrial DSM programs, would it not?

A. Yes.

Q. Okay. And that also includes the Cycle 1 throughput disincentive, correct?

A. It includes the unrecovered portion as you move through the cycles, yes.

Q. Okay. Thank you. If you go to the second page, the tariff sheet effective August 1, 2016, some months afterward, what is the non-residential service rate under the net throughput disincentive in dollars per kilowatt hour?

A. In comparison to --

Q. No. I'm just asking --

A. You just want me to quote what the number is? It's .00234 per kilowatt hour.

Q. And that's quite a jump from .00097, isn't it?

A. Yes, it is.

Q. And if you'd go to the third page, please, to the tariff sheet dated February 1, 2017. Could you tell the Commission what the non-residential service net throughput disincentive in dollars per kilowatt hour is?

A. .00053.

Q. And that's in dollars per kilowatt hour, correct?

A. That's correct.

Q. That includes Cycle 1 and Cycle 2, correct?

A. You're talking about the rate that is in February?

Q. February 1, 2017.

A. 2017. It is Cycle 1 unrecovered quantifications from prior periods because Cycle 2 is in effect on that date, and it is the unrecovered portion from Cycle 2, and it is the forecasted next six months Cycle 2 amounts that are expected to occur over that period of time.

Q. Okay. So what we have here is we've gone from .00097 to .00234, almost two and a half

times the original rate for recovery, and now we're back down to .00053. So it would seem to me that the python swallowed the pig, didn't it?

A. I have no idea what you're trying to say there.

Q. In terms of the recovery of the throughput disincentive.

A. Are you trying to say it increased? I mean, the company made numerous filings during that time to try to modify that second number that you had me read because --

Q. Well, my question --

A. -- of my knowledge of the success of our Cycle 1 programs that occurred in the period of January 2016 through June of 2016.

Q. But the point is here you are -- you have recovered those -- that throughput disincentive for Cycle 1 --

A. I think you need to --

Q. -- unrecovered balance?

A. We're in the process of recovering the throughput disincentive. You need to understand what the throughput disincentive is in order to address that. But that's correct, we are.

MR. BERLIN: Okay. Thank you. No

further questions, Judge. Thank you.

JUDGE PRIDGIN: Mr. Berlin, thank you. Any Bench questions, Mr. Chairman?

QUESTIONS BY CHAIRMAN HALL:

Q. Good morning, Mr. Rush.

A. Good morning.

Q. Are you the correct witness who could explain the $7.6 million?

A. I could.

Q. Okay. Can you --

A. It's also -- I do want to say, I think it's 6.6.

Q. It's 6.6?

A. Yes.

MR. FISCHER: I apologize, Judge. 6.6. Sorry.

BY CHAIRMAN HALL:

Q. Could you go slowly, please?

A. Okay. One of the things you might look at is in my testimony, in my rebuttal testimony, I believe it is -- let me find it. I think there is a schedule that shows that number, and I -- it shows the quantification of it. So I apologize that I haven't found it right off.

Q. I looked. I couldn't find it.

A. There is a table, and maybes in my direct testimony, that shows the quantification of MEEIA Cycle 1.

MR. FISCHER: Is it MR-- TMR-7 --

THE WITNESS: Okay. Thank you.

MR. FISCHER: -- in your rebuttal? Is that the one you're looking at?

THE WITNESS: Well, I didn't see it right off, so I --

MR. FISCHER: It's on the back of page 26 of TMR-6.

THE WITNESS: Thank you. Okay. If you'll look at page TMR-7, page 1 of 1.

BY CHAIRMAN HALL:

Q. I'm sorry. I don't have that.

A. This is in my rebuttal testimony.

Q. I don't have it attached to mine.

A. I'd be happy to hand it to you.

Q. Well, you probably want to look at it while you're talking to me.

MR. FISCHER: Let me let you have mine if that would help.

CHAIRMAN HALL: Sure.

MR. FISCHER: It's on the back of his -- it's got two yellow stripes through it.

THE WITNESS: This is the quantification of both Cycle 1, and at the time that we had made the filing of my rebuttal, it is the quantification of Cycle 2 also. And that -- basically, it shows you by month, by class of customer, the kilowatt hour savings that have occurred as a result of energy efficiency programs over the Cycle 1 period and then the same savings over Cycle 2.

Now, one of the things that might be interesting to look at, which led to your question earlier, is if you look at the month of December and look at, for example, the residential class, which is under kilowatt hours, the first section, says MEEIA Cycle 1 residential kilowatt hours, you'll see a number over to December that's 46,000 kilowatt hours. Okay. 46,887. And if you look at January, however, you'll see 1,342,571.

And the reason for that is exactly your point you made in a question to Mr. Bass earlier, that those -- January didn't have all the programs happening at one time. So we saw programs that occurred in July and August, et cetera, and that spread, if you look at the distribution, is accounted for significantly in the earlier months

where programs weren't happening and later on when they were happening.

So our programs ended in December of 2015 for the residential class, except that we extended one program through June. That was the custom -- commercial custom program, because it had a significant investment happening, we had customers implementing those programs, and by agreement with the parties, we agreed to extend that program up through June, but the programs technically stopped in December.

So residential didn't have any programs happening essentially after the end of December, so their sales didn't have a big adjustment. But if look at the commercial and the medium and large general service, you'll see a lot of kilowatt hours in December because those programs hit in the 2016 time frame.

But my point, backing up, what we did is we have lots of programs that are reducing sales by customers. The air conditioners that get installed, they have an impact in July, August, September, et cetera. If they're installed in 2016, for example, they're not counted for in the 2015 sales. So we made an adjustment to reflect

the reduction of those air conditioners being installed.

BY CHAIRMAN HALL:

Q. So it's a downward adjustment?

A. It is a downward adjustment.

Q. In sales?

A. Sales in kW, yes.

Q. Okay.

A. Which is the purpose of the MEEIA programs in the first place is let's get the sales reduced. We'll put out programs that do that. And what we did is -- what we're doing here is just simply recognizing the reduction that occurred in sales, both from the Cycle 1 programs as well as the Cycle 2 programs, up through December of 2016.

Q. So in other words, this is -- this is a billing determinant issue, it's not a cost recovery issue?

A. It is exactly that. It is to try to establish the baseline for which you'd set rates. This has nothing to do with saying, oh, we need a rate increase because of these sales. This is saying what is the sales going to be on a go-forward basis under annualization and normalization.

Q. Because if -- if we set rates based upon an artificially high sales volume, then when the -- when the accurate or appropriate or realistic sales actually come in, you won't recover?

A. That is exactly right. So if you set the sales in my argument six and a half million dollars higher, we're not going to get six and a half million dollars right off the get go.

Q. So is the 6.6 on here? Where is the 6.6?

A. It is. Okay. So I showed you the sales, and that was in that under kilowatt hours. Up above that is called the rate, and the rate is both the -- it's the average rate, plus it's the margins for those classes of rates that we've actually agreed to with the parties based in our Cycle 2 work that we had done plus the energy cost. So it is the real revenue loss that we will incur, and we take that rate --

Q. Are you making an assumption as to the revenue requirement?

A. No. I'm making an assumption as to the base revenues, which, in fact, impacts the revenue requirement, but I mean it's the

calculation. You can look at our tariff under MEEIA Cycle 2, and it will have a similar number less the energy cost, because what we're trying to calculate is what is the impact of the base revenues to start from.

If you think about what we do in a cost of service, you say what's the revenue and what's my expenses and what's the difference, and is that sufficient to handle -- give me a return on equity and the cost of debt, et cetera, and I'm trying to establish the revenues to start that number from. So that's what this adjustment is for.

Q. Okay.

A. And what we recover, just to clarify, and if you look at this picture here, in the red, what we recover in that period is the throughput disincentive, this TDNSB that we've been talking about, and that is the lost margins that the company incurred because it reduced those sales.

So we actually in our MEEIA programs are being kept whole during that time period. That's the TDNSB. That's the throughput disincentive in Cycle 2 also. But what we're trying to do in this case is, on a go forward, on

January of 2017 going forward, what are the -- what's the appropriate sales to start rates on? That's what this adjustment's all about.

CHAIRMAN HALL: Okay. Thank you.

JUDGE PRIDGIN: Commissioner Kenney?

QUESTIONS BY COMMISSIONER KENNEY:

Q. I just have one question. How do you respond to what OPC and MECG and Staff have said, saying you're in violation of the stips in EO-2014-0095 and E0-2015-0240?

A. I don't agree with that at all. I mean, I think that it was silent about what we go forward, and in Cycle 1 the stipulation --

Q. All three of them have the same arguments.

A. I know that.

Q. So you don't agree with their interpretation of that Stipulation & Agreement?

A. I think they created something that's not necessarily -- that is correct, I disagree with it. And if you look at Cycle 1 stipulation, the EO-2014-0095, we tried to address the recovery of our MEEIA programs independent of a rate case. I mean, we were trying to establish a MEEIA program. Rate cases we were treating separate.

In Cycle 2, we've talked about both what a rate case is and what the MEEIA programs are. So we've kind of put them together and said, okay, let's -- because we know we're going to have to make those adjustments to reflect the reduction in sales.

COMMISSIONER KENNEY: Okay.

JUDGE PRIDGIN: Any further Bench questions? Recross based on Bench questions, Mr. Woodsmall?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Mr. Opitz?

RECROSS-EXAMINATION BY MR. OPITZ:

Q. Mr. Rush, I believe in your discussion with the Chairman you were talking about some energy savings, that I guess programs were extended until June 30th.

A. Yes.

Q. Do you recall that?

A. I do.

Q. And so can you tell me that date again? It was June 30th?

A. It was June 30th, 2016, and it's depicted up here in this picture.

Q. And those programs were CNI programs?

A. Custom CNI program, yes.

Q. You mentioned that -- you mentioned air conditioning as some examples.

A. Uh-huh. Yes, I do.

Q. Can you tell me how much of that revenue reduction or the -- I'll call it how much of that energy savings was associated with air conditioning units?

A. For which period and for what programs?

Q. For the adjustment that you are making in this case, how much of that energy savings was associated with air conditioning?

A. I do not -- I mean, we have that information. I don't know the answer to that.

Q. Would you agree that --

A. We provide that -- we have a DS mag meeting that meets on a regular basis that provides that information.

Q. Would you agree that much of that energy savings that is related with this CNI program is from light bulbs?

A. I would say that it is a lot from -- light bulbs is a definite significant element of it, yes.

MR. OPITZ: That's all I have. Thank you.

JUDGE PRIDGIN: Mr. Berlin, any recross?

RECROSS-EXAMINATION BY MR. BERLIN:

Q. Mr. Rush, I think in response to a question from Chairman Hall you talked about your belief -- or it might have been Commissioner Kenney -- but your belief that you're permitted to make an annualization adjustment for Cycle 1. Do you recall that question?

A. I do, yes.

Q. Are you familiar with Mr. Rogers' rebuttal testimony?

A. Yes.

Q. Do you have a copy of it in front of you?

A. I do not. I have it over there if you want me to get it.

Q. Yeah, I'd like to get a copy of it.

A. It's in a book. It is in the book that is titled, I think it's my case book or something. Okay.

Q. You are familiar with his -- the schedules that Mr. Rogers has in his surrebuttal?

A. Generally, yes. I mean, yes.

Q. Are you familiar with Exhibit JAR-S4 where it says demand side investment mechanism Ameren Missouri? Can you turn to that page, please.

A. JAR-S4. I'm on that. There's page 1 of 5?

Q. Correct.

A. All right.

Q. You see where it says paragraph 2.2 throughput disincentive?

A. I am.

Q. And you agree that Ameren Missouri also has a throughput disincentive net shared benefits model in place for its Cycle 1 MEEIA demand side programs?

A. I know that they have one that's called that. I'm not sure that I would agree that it's the same as KCPL's, but they do have one they titled that, yes.

Q. Okay. So they use a TDNSB model?

A. They have a percentage model. It's quite a bit higher percentage in the model, but yes.

Q. Actually, KCPL has a bit higher

percentage share --

A. Okay. Maybe I was thinking of GMO's. I'm sorry.

Q. -- than Ameren does. If you would, please, turn to page 5 of 5.

A. I'm there.

Q. And you'll note that this is Ameren Missouri's Cycle 1 MEEIA plan.

A. Right.

Q. This is excerpted from Ameren Missouri, correct?

A. That's right.

Q. Would you please read the highlighted lines on page 5 of 5 where it starts at line 16, this effect?

A. I will. This effect dramatically delays the time in which the effects of energy efficiency programs are fairly incorporated into rates. It is possible to mitigate this effect by annualizing the test year billing units for the effects of energy efficiency, but this is not standard practice in Missouri. The analysis for Ameren Missouri's proposed DSIM does not assume the energy efficiency savings have been annualized for the test year.

Q. Okay. Thank you.

A. May I ask what that time frame is that I just read?

Q. No. You just --

A. I just read a factoid.

Q. -- did what I had asked you to do. Just one minute.

MR. BERLIN: All right. Thank you, Mr. Rush. I have no further questions.

JUDGE PRIDGIN: Mr. Berlin, thank you. Any redirect?

MR. FISCHER: Yes, Judge.

REDIRECT EXAMINATION BY MR. FISCHER:

Q. Mr. Rush, during your cross-examination by the Public Counsel, I believe you were asked about the recovery mechanism on Cycle 1. Do you recall that question?

A. I do.

Q. Would you explain to the Commission the three elements that make up that recovery mechanism for Cycle 1?

A. I can, sure. The first component that we recover is our program costs. So we have the recovery of our expenditures, either in contracting with work or employment levels,

expenditures in advertising, et cetera. Those are the program costs.

The second is what we call the throughput disincentive net shared benefit. Now, the throughput disincentive net shared benefit is designed to recover the lost margins that occur over the Cycle 1 period. That's all it's designed for.

It's essentially saying the company knows it's going to have these losses when we reduce sales, and we're going to calculate a method to do it. In Cycle 1 we called it a throughput disincentive net shared benefit. In Cycle 2 we just call it a throughput disincentive because we changed the method. Same purpose, but the actual method of calculation is different.

And then the last component was a performance incentive in Cycle 1. Now, we've changed that word from a performance incentive to an earnings opportunity, we call that in Cycle 2. But the performance incentive was just approved recently based on a detailed evaluation of the savings that occurred over this period of time, but that rate just took effect. You just approved that rate. It's a very substantial performance

incentive because of the tremendous success we had over those program periods.

Q. Mr. Rush, when you talk about the throughput disincentive --

A. Yes.

Q. -- does that recover the lost margins during the plan period?

A. It does. That's the design of it. It is not to design for rates going forward what the sales change would be.

Q. Okay. So for the -- for Cycle 1, you recover your program costs, you recover the throughput disincentive, which includes your lost margins over the plan period --

A. Right.

Q. -- and a performance incentive, correct?

A. That's correct.

Q. Well, if you get all that, why do you need to reflect a revenue annualization adjustment going forward beyond December '16?

A. Going back to this picture, rates will not go into effect, it will actually be in June right now of 2017, which is over beyond this period. We're trying to set the level of sales

that would be reflective of that period of time. That's all we're trying to do at this stage. That's the adjustment we're making. It's also the adjustment we're making in Cycle 2 or for Cycle 2.

Q. Okay. Explain that. How does Cycle 2 differ at all from Cycle 1 in terms of -- well, talk about the nomenclature, if you would.

A. There's a little nomenclature change. We actually changed from a throughput net shared benefit model, which was essentially a percentage number that attempted to recover the lost margins, to now we actually have a direct calculation of the lost margins. We actually have a tariff that says here's the rates and you know what the sales are, you multiply the two and you come up with the lost margins, and it's in our tariffs. It's in actually the rate book, those sheets that we've been talking about.

Q. So the Cycle 2, what was the term that you used, throughput --

A. Throughput disincentive is -- it stops. We don't have a net shared benefit now.

Q. Does that recover lost margins --

A. It does.

Q. -- for the Cycle 2 plan just like the

throughput net shared benefits for Cycle 1 recovers lost margins for Cycle 1?

A. That's the purpose of it, yes. That is right.

Q. Okay. Now, so Staff has annualized the lost -- the energy efficiencies of Cycle 2, correct?

A. That's correct.

Q. Now, why is -- why does that differ at all from what you feel you should do for Cycle 1?

A. Well, I pointed out that I feel both of them -- Cycle 1 is now complete. If you look at the Stipulation & Agreement, we met all the criteria. It's done. So what we're trying to say is what known -- and we actually talked about what known and measurable changes are out there. Just like we lost an industrial customer, we take that out, we also added a couple of customers, industrials. We add those in in our annualization process.

So if you look at 2016, we lost customers and we gained customers. You address that in your annualization process. You do the same thing on a known and measurable basis for

these adjustments. I mean, that's the purpose of it. We look at it, Staff looks at it, and we evaluate what changes are out there.

Q. Is it your understating that Staff agrees that a customer annualization for Cycle 2 is appropriate?

A. Yes, they do.

Q. And is that standard practice for annualizing customer usage when things like industrials change or like whenever you weather normalize your -- when we do weather normalization adjustments?

A. Yes. That is -- I mean, it is the same thing.

Q. Would you explain why it's the same thing?

A. Well, again, you look at evaluation of what is your expected sales to be on a go-forward basis. That's all we're attempting to do in this case. And, you know, I think referencing back to -- Staff had me read a document. That is a very different approach to dealing with it where he says they didn't annualize it. They didn't annualize it when it was implemented, not when the rates were set in the

future.

So this is trying to set the standard for rates going forward and the adjustment for that period of time, the reference. And so you're just simply trying to deal with anything known and measurable, what is going on, what changes are occurring, and what's the appropriate sales level that should be established to set rates.

Q. From a public policy standpoint, is there any reason why Cycle 1 and Cycle 2 would be treated differently, putting aside our disagreements about the stipulation?

A. From a policy perspective, I see no difference. I mean, you can argue that it doesn't say anything in stipulation two, Cycle 2. I don't agree with that. I think it's very clear, the wording is very clear that it says all programs using the same methodology, and I think it's clear.

Q. Were there energy savings during the test period related to Cycle 1 that are going to be permanently reflected going forward?

A. Absolutely, yes.

Q. And were there similar energy savings in Cycle 2 that will be permanently reflected --

A. Yes.

Q. -- going forward?

A. Yes. And, in fact, both Cycle 1 -- the funny part is Cycle 1 and Cycle 2 overlap each other, so -- for a period of April 2016 through June. So you can see if you did something under Cycle 1 during that period, Staff is not counting it, but if you did the exact same thing and it was classified under Cycle 2, it would be counted. That's a simple disagreement.

Q. So if a consumer put in a high-efficiency air conditioner in June of 2016, that would be reflected in the Staff's annualization?

A. If it was classified as Cycle 2.

Q. Yes.

A. If it was classified as Cycle 1, Staff would not account for it.

Q. Even if it was the same high-efficiency air conditioner?

A. They could have been done next door to each other.

Q. And that's due to the difference of opinion about stipulations; is that right?

A. That's what I would perceive, yes.

Q. Okay. Well, Commissioner Kenney

asked you about that. I'd like to approach the witness and -- or do you have a copy of the Cycle 2 Stipulation & Agreement?

A. I do.

Q. Let me go up here so that we can talk for anybody that doesn't have a copy of that. Let's go to paragraph 10 on page 13 of the Cycle 2 Stipulation & Agreement.

A. I have to go find it. You say page 13?

Q. Yes, page 13, paragraph 10 that talks about the annualization. And I have it behind you on the screen if you need to look.

A. Okay.

Q. Okay. Would you explain what this paragraph is designed to do, as you understand it?

A. Paragraph 13 is designed to simply say, when we file a rate case, we are to deal with a cumulative, annualized, normalized kilowatt hours in kW savings will be included in the unit sales and sales revenues used in setting rates. So it is telling us that we're going to make an adjustment to reflect the cumulative, annualized, normalized sales for that -- for the setting of rates.

Q. Is that the same kind of adjustment

you would make if you lost a Noranda or a GST Steel or --

A. It is.

Q. Is it similar to the weather normalization adjustments that we always do?

A. It is. I mean, weather normalization is saying something's different, so we're going to make an adjustment. It's the same thing you would do if Ford decided to double their capacity.

Q. And you'd make the one the other direction in that situation?

A. We make an adjustment going the other way, and we do that.

Q. Okay. And Staff would do that, correct?

A. Absolutely.

Q. Okay. So that says we shall make the annualization adjustment, correct?

A. That is correct.

Q. Okay. Let's turn to the next page on paragraph -- still paragraph 10(i). Explain what you believe that particular adjustment says.

A. Well, this is dealing with all the programs that during the period of time of which the MEEIA pro-- I'm sorry, which you're looking at

for the annualization process. And so from my reading and from what I believe the interpretation is, we are to look at all active programs, and in this case it would be from January 2015 all the way through December 2016 because that's the period covered in both the annualization and the true-up.

Q. Okay. So going back to that slide where you have the test year period and the true-up, are the -- are the Cycle 1 programs in the light red active programs at that time?

A. Absolutely. And they've very, very similar to Cycle 2 programs. I mean, there is differences, because we learn and we make adjustments and we make corrections, but they are essentially the same programs.

Q. Okay. They are essentially the same programs with a few tweaks --

A. That's correct.

Q. -- that were approved by the Commission?

Now, the blue was Cycle 2 programs, correct?

A. That's correct.

Q. Were they also active programs during the test period?

A. Yes. And they're currently active even today. I mean, they are going on now, but we're only making the adjustment -- because, I mean, we could argue to make adjustments beyond that, but we agreed to the true-up of this date, and so that is the period we stopped making adjustments.

Q. Okay. Going back to paragraph 10(B)(i) on page 14, is there another requirement there related to the methodology that you'd use to make the adjustments for all those active MEEIA programs?

A. Well, you need to look at using the same methodology, is what it says, in developing it. Now, Cycle 2 has a description on the pages 49 and -- K and L to describe that. But it is -- what it basically says is you -- what it says is to use the same methodology.

Q. And did the Staff use that methodology for Cycle 2 programs?

A. Yes. The company actually provided Staff with its analysis because we used the same methodology, and I think that was described in people's testimonies from Staff, but they used that in their adjustment to the sales in their work on

their normalized basis. So their number is our number. We both agreed to it. It's about 29 million kilowatt hours.

Q. Okay. 29 million for Cycle 2?

A. That is correct. It's 100 million for Cycle 1 because we have -- it's been for a longer period of time. It's a lot more kilowatt hours. It's 1.2 percent of our sales on an annualized basis. Very, very significant number.

Q. So would you describe for the Commission, if the Staff's position is adopted, what would happen and what effect that would have on the company and the rates?

A. We would lose $6.6 million from whatever was decided out of this case on an annualized basis.

Q. And that's the energy efficiency savings related to Cycle 1?

A. That is correct.

Q. But you would get the much -- or somewhat smaller savings due to Cycle 2?

A. Right. It's about 1.8 million or something like that. They've made an adjustment for it. You go through the process.

Q. Okay. Now, someone asked about

Ameren. Ameren didn't choose to make that kind of an annualization apparently in their last rate case?

A. Right.

Q. Does that determine -- or why is there a difference, do you think, or what explanation would you have?

A. My first explanation, we far, far exceeded our percentage as far as our targets, and a lot of it is dependent, going back to the picture, is the extension up through June of 2016. That was a very, very significant period of time of lots and lots of sales that occurred during that period of time.

And so Ameren didn't do that. They shut off everything in December of 2015. Their annualization, I have no idea what their true-up was in their case, but if it was something different, they may have had very small sales.

Q. Would you be surprised to see such an adjustment in the future in an Ameren case?

A. We both have the same agreement. So on a go-forward basis, I believe we will always see, as far as Cycle 2, if they file a case, they would have an adjustment. I believe they did in

the -- in their current case made an adjustment for Cycle 2, but they -- as somebody has said, they did not do that in Cycle 1, and I don't know that for a fact.

Q. You were asked some questions by Staff Counsel regarding the DSIM tariffs that -- tariff sheets and why the rates changed?

A. Yes.

Q. Why would you make filings that would change those DSIM rates?

A. We agreed every six months we make a filing to -- on a -- to go forward. We actually look out six months and make an adjustment to reflect what we think the program costs and the throughput disincentive is going to be. Plus we have a reconciliation of the prior period to correct for everything, and that's the process we go through and have agreed to in tariffs.

Q. Now, would that change your analysis of why you would need to reflect the reduced savings, the reduced usage due to the MEEIA programs in your rates on a go-forward basis?

A. It would have nothing to do on adjusting for rates on a go-forward because it's dealing with the margins from the past. So when

you set rates, you're trying to look forward. The margins and the recovery of the DSIM is for the past applications.

Q. You were asked a question about, I think from the Chairman, about is this really a billing determinants issue, correct?

A. I was.

Q. And I believe you said yes, it is a billing determinants issue?

A. It is.

Q. If the adjustment is adopted that Staff is proposing, will the billing determinants in this case be accurate and be expected to produce the revenues that this Commission will eventually authorize?

A. You said if Staff's position is accepted?

Q. Yes.

A. We will have lower sales than we know will be on a go-forward basis by that amount. On a weather normalized annualized basis, we know that we will have minimally 100 -- we have 100 million kilowatt hours less than should be -- that would occur on a go-forward basis.

Q. If that's adopted, is that going to

affect your view of MEEIA programs in the future?

A. It will have an effect, yes.

Q. And not necessarily positive?

A. Well, it's just a frustration.

Q. I see. There was a reference I think in the Ameren discussion about it wasn't standard practice in Missouri?

A. Right.

Q. Are customer annualizations standard practice in Missouri?

A. Absolutely.

Q. How long have you been in the utility business in Missouri?

A. I've been doing this for 40 years.

Q. Back when you were with St. Joe Light & Power, did you see these customer annualization adjustments?

A. All the time. I was responsible for them.

Q. So it's not anything new; it's just a different set of jargon, right?

A. Well, in my prior period of time we were seeing growth, so we were making adjustments on growing customers and growing usages, et cetera. It's far different today when we're looking at

reduced sales and reductions from MEEIA programs, but we are making adjustments just the same way, looking at known and measurable changes. And I think that's the acronym we always use is you want to look at known and measurable changes, something you can measure.

And MEEIA Cycle 1 and MEEIA Cycle 2 are to me the most known and measurables because they're very, very quantified. We have spent lots and lots of time with parties agreeing to exactly what the impact of those sales are on a go-forward basis on every program. I mean, we -- to the program level, to the light bulb level.

Q. So we've talked about a similarity with industrial losses and with weather normalization. Is there anything else that you could suggest to the Commission is similar?

A. I'm sorry. Say that again.

Q. Well, you were around for the rate design discussion.

A. Yeah.

Q. Is there anything in rate design that --

A. You know, you bring that up. I mean, one of the requirements, and I'm stepping beyond

probably actually talking about the MEEIA adjustment in this case, but we talked a lot about inverted rates last week, and we talked about what they call an elasticity. We talked about the recovery of that.

In our IRP requirements, we have a requirement to look at rate design impacts to create energy efficiency. It's part of the rule, Section 5. And in that section we have tied that to the MEEIA program.

So in our -- like our pen-- our market penetration studies that we're doing, we are looking at rate design impact that may create energy efficiency. So maybe I'm -- I mean, in my mind, the MEEIA programs and the inverted rate design are very, very similar, if not identical, and, you know, the recovery of it may be identical where you look at elasticities and that's a track or how we deal with the DSIM. You might look at that as a very --

Q. Would you need a customer annualization if that kind of conservation occurred?

A. If you put inverted rates in and you can identify by known and measurable changes the

impact of inverted rates, for example, you will need to make an adjustment to address those sales.

MR. FISCHER: Okay. Judge, I think that's all I have on redirect. Thank you.

JUDGE PRIDGIN: Mr. Rush, thank you very much. You may step down.

I believe Mr. Rogers is the next witness, and I will look for a natural break. We will either probably take a lunch break after or during Mr. Rogers' testimony. I will try very hard not to interrupt, but depending on the length of cross and Bench questions, I may have to just ask counsel how much longer they plan to go and we'll try to take a lunch break either after or during Mr. Rogers' testimony.

Mr. Rogers, if you'll raise your right hand to be sworn.

(Witness sworn.)

JUDGE PRIDGIN: Mr. Berlin, when you're ready.

(STAFF EXHIBIT 225 WAS MARKED FOR IDENTIFICATION BY THE REPORTER.)

JOHN ROGERS testified as follows:

DIRECT EXAMINATION BY MR. BERLIN:

Q. Mr. Rogers, please state your full

name for the record.

A. John Arthur Rogers.

Q. How are you employed?

A. Missouri Public Service Commission as the Utility Regulatory Manager in the Energy Resources Department.

Q. And how long have you been employed by the PSC?

A. Eight years.

Q. And are you the same John Rogers that caused to be prepared surrebuttal testimony premarked as Exhibit 225 in a question and answer format on the matter of KCPL's annualization of its kilowatt hour sales as the result of the company's Missouri Energy Efficiency Investment Act Cycle 1 demand side energy efficiency programs?

A. Yes.

Q. And do you have any corrections at this time to make to your testimony?

A. Two minor corrections. The first one is on page 2, line 18. Paragraph 10A should be paren single I, close paren. The second correction is on page 3, line 14. There should be a bracket preceding the word cycle. It should be bracket, Cycle 2, bracket, as an insertion.

Q. And does that complete your corrections?

A. Yes.

Q. And if I were to ask you the same questions in your testimony today, would your answers be substantially the same?

A. Yes, they would.

Q. And is the information that is contained in your testimony true and correct to your best information and belief?

A. Yes, it is.

MR. BERLIN: Judge, I would move to admit Mr. Rogers' surrebuttal testimony, Exhibit No. 225, into the record.

JUDGE PRIDGIN: Any objections?

(No response.)

JUDGE PRIDGIN: Hearing none, Exhibit 225 is admitted.

(STAFF EXHIBIT NO. 225 WAS RECEIVED INTO EVIDENCE.)

MR. BERLIN: And Judge, just as a matter of housekeeping, I'd like to move into evidence the three tariff sheets that I used earlier with Mr. Rush as Staff -- as a Staff exhibit.

JUDGE PRIDGIN: I believe this would be 240.

MR. BERLIN: I know it's past 238, but I'm not clear on what the exact number is.

JUDGE PRIDGIN: I believe I saw 239 earlier. We'll mark that as 240. All three pages is one exhibit, Mr. Berlin?

MR. BERLIN: Yes, Judge.

(STAFF EXHIBIT 240 WAS MARKED FOR IDENTIFICATION BY THE REPORTER.)

JUDGE PRIDGIN: 240 has been offered. Any objections?

(No response.)

JUDGE PRIDGIN: Hearing none, Exhibit 240 is admitted.

(STAFF EXHIBIT 240 WAS RECEIVED INTO EVIDENCE.)

MR. BERLIN: Thank you, Judge. I tender Mr. Rogers for cross.

JUDGE PRIDGIN: Mr. Berlin, thank you. Mr. Opitz, any questions?

MR. OPITZ: Yes, Judge.

CROSS-EXAMINATION BY MR. OPITZ:

Q. Good morning, Mr. Rogers.

A. Good morning.

Q. Let's start off, so you don't agree with the company that they would lose 6.6 million if your position is adopted?

A. No, I don't.

Q. In fact,would you agree that it's more accurate to say that if Staff's position were adopted, the company would not get an extra 6.6 million?

A. They would get extra money, yes. The exact amount I don't know.

Q. And that's if the company's position were adopted?

A. Yes.

Q. Now, you worked on both MEEIA Cycle 1 and MEEIA Cycle 2 for the companies, correct?

A. For both -- for KCPL, GMO and Ameren.

Q. So that's every MEEIA cycle in the state of Missouri so far?

A. So far, yes.

Q. And you are -- would you agree that the Cycle 1 cost recovery mechanism had three components?

A. Yes.

Q. And I guess would you agree with the statement that what's being disputed here relates

to the TDNSB component?

A. Correct.

Q. And it relates to that because it has to do with, I guess, for lack of a better word, lost revenues, right?

A. Lost margin revenues, correct.

Q. Now, in Cycle 1, the company's cost recovery mechanism didn't allow it to recover lost marginal revenues in the same way that it does in Cycle 2?

A. In a different way. There's a different recovery mechanism for Cycle 1 and Cycle 2, very different.

Q. So what was the mechanism in Cycle 1 for that component?

A. The mechanism for Cycle 1 is described in my Schedule 4 to my surrebuttal testimony, and that's drawn from the Ameren Missouri application for their Cycle 1. Ameren Missouri's Cycle 1 application was basically adopted with very few changes and, as far as I know, no changes to the throughput disincentive net shared benefit mechanism that Ameren Missouri requested.

The mechanism allows the utility to

recover its throughput disincentive for all energy savings lost for the life of the measure over the course of multiple rate cases assumed to occur at a frequency of 18 months, and it's modeled so that the utility recovers the share of net shared benefits in Cycle 1.

Q. So is it important that that mechanism is intended to recover the savings over the life of the measure?

A. Yes.

Q. And is that the case with the Cycle 2 mechanism for that component?

A. No.

Q. Would you agree that the Cycle 2 cost recovery mechanism also contains three components?

A. Yes.

Q. And I guess can you tell me what those three components are?

A. Program cost recovery, a throughput disincentive component, and an equity -- or earnings opportunity component.

Q. And the throughput disincentive component is the one that is not the -- well, the throughput disincentive component does not include the lifetime value of the energy savings?

A. Correct. There was a change between Cycle 1 and Cycle 2. In Cycle 1, as I stated, the company was compensated through the throughput disincentive for the lost margin revenues over the life of the measures. For Cycle 2 there was a change to allow the utility to recover the throughput disincentives basically as they occur.

Q. So you would agree that the Cycle 2 mechanism for throughput is designed to be contemporaneous recovery of MEEIA-caused reduction in kilowatt hour sales?

A. Yes.

Q. And the way that that component is included in Cycle 2, there is two things necessary to occur, the first being the annualization for those kilowatt hour savings; would you agree with that?

A. The Cycle 2 stipulation allows for annualization of Cycle 2 energy savings because the Cycle 2 throughput disincentive is allowing the utility to recover only the contemporaneously incurred throughput disincentive.

Q. And so because the Cycle 1 throughput disincentive was not designed for contemporaneous recovery, the annualization is inappropriate for

Cycle 1; would you agree with that?

A. Correct. The model -- the model was designed and calculated to determine the net shared benefit without any annualization of the energy savings during rate cases.

Q. So you just testified that the Cycle 1 cost recovery mechanism has three components. Would you agree that by attempting to apply the annualization adjustment to the Cycle 1 figures, the company is seeking to add a fourth cost recovery component that was never agreed to?

A. For Cycle 1.

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

JUDGE PRIDGIN: Mr. Opitz, thank you. Mr. Woodsmall?

MR. WOODSMALL: Yes, briefly, your Honor.

CROSS-EXAMINATION BY MR. WOODSMALL:

Q. Good morning, sir.

A. Good morning.

Q. I was listening to your testimony under cross from OPC, and I kind of want to see if I can tie it back to the stipulation language. Behind you is some of the stipulation language from

MEEIA Cycle 2. Do you see that?

A. Yes.

Q. Is there any disagreement on what this stipulation language is intended to do and how it's handled in this case?

A. There's a disagreement in whether this language applies to both Cycle 1 and Cycle 2.

Q. But as far as the MEEIA Cycle 2, both parties, all parties agree that this is being used properly in this case; is that correct?

A. For Cycle 2.

Q. Okay. The issue becomes the application of the MEEIA Cycle 2 stipulation to MEEIA Cycle 1 programs; is that correct?

A. Correct.

Q. Okay. Turning to the second provision that KCPL mentioned, it appears here that the problem is with KCP&L latching on to this red language all active MEEIA programs. Is that the problematic language in your mind?

A. That's the largest problem, yes.

Q. And can you tell me in your understanding, Staff's understanding, what is all active MEEIA programs intended to constitute?

A. All active MEEIA programs are Cycle 2

programs only, and my surrebuttal testimony goes step by step by step through each of the stipulations and the Cycle 2 rider DSIM to establish that that is a fact.

Q. So the MEEIA Cycle 2 stipulation, when it talks about all active MEEIA programs, is only referring to the MEEIA active programs, MEEIA 2 active programs; is that correct?

A. MEEIA Cycle 2, yes.

Q. And how are the MEEIA Cycle 1 programs being recovered?

A. MEEIA Cycle 1 ended at the end of December 2015, except for the CNI custom rebate programs that carried over into 2016. There was a very large amount of spending and throughput disincentive and also performance incentive awarded for Cycle 1 as a result of that large volume of activity on the CNI custom rebate program.

Through the Cycle 1 throughput disincentive and then the recovery of unrecovered balances, balances from Cycle 1 through the Cycle 2 DSIM, the company has already recovered all of its throughput disincentive for Cycle 1, including the lost savings -- or the savings as a result of the measures and over the life of all of the measures

for Cycle 1. So they basically recovered everything up front.

Q. So bottom line, MEEIA Cycle 1 is designed to be recovered through the throughput disincentive; is that correct?

A. Yes.

Q. MEEIA Cycle 2 is designed to be recovered through annualization and rate cases?

A. Well, there's also a component for Cycle 2 that recovers, as Mr. Opitz and I discussed, contemporaneously the lost margin revenue in time as it's incurred. That's the primary difference between Cycle 1 and Cycle 2.

Q. Got you. Now, there were several questions to Mr. Rush about annualizations associated with industrial customers coming on and being lost or weather annualizations. Are these analogies accurate in your mind to the situation under MEEIA Cycle 2?

A. No, because we're only talking about the MEEIA programs and the savings as a result of the measures that were installed in the MEEIA programs. Cycle 1 and Cycle 2 have distinctly different throughput disincentives. The company has been compensated already under the agreement

for Cycle 1 their entire throughput disincentive. If they were to annualize savings again for Cycle 1 programs, they would actually be double recovering.

Q. And if Staff's adjustment is accepted, will billing determinants be accurate going forward?

A. They'll actually be a little bit higher than they should be. But again, that is an outcome of the Cycle 1, the MEEIA Cycle 1 Stipulation & Agreements and the MEEIA Cycle 2 Stipulation & Agreements.

Q. And do you believe that KCPL's position in this case violates a stipulation?

A. Yes.

Q. Which stipulation is that?

A. It's the -- I included those in my surrebuttal testimony, but it's both the Cycle 1 Stipulation & Agreement, the Cycle 2 Stipulation & Agreement, and the Cycle 2 DSIM rider.

MR. WOODSMALL: Thank you. No further questions.

JUDGE PRIDGIN: Thank you. Cross for KCP&L?

MR. FISCHER: Yes, Judge.

CROSS-EXAMINATION BY MR. FISCHER:

Q. Good morning, Mr. Rogers.

A. Good morning.

Q. With you explain to the Commission your personal involvement in developing the revenue annualization adjustment in this case?

A. I have no personal involvement. That's -- Michael Stahlman is the Staff's witness on that.

Q. Okay.

A. My only involvement in this case is to respond to some of the rebuttal testimony of Mr. Rush.

Q. So you didn't have involvement in the Staff's original adjustments that were included in the direct case?

A. No. They were -- they were performing their adjustments in compliance with the Stipulations & Agreements and the rider for the Cycle 2.

Q. Would you explain to the Commission how the Staff's process works for doing custom re-annualizations typically?

A. I would prefer that you ask Michael Stahlman that question because I've never done that.

Q. Okay. So would he be the principal Staff witness involved in the revenue annualization adjustment, as far as you know?

A. As far as I know.

Q. Okay. Do you agree with the statement that I made, I think, in the opening that the real issue that we're trying to resolve here is whether the reduction in kWh sales that occurred as a result of the MEEIA Cycle 1 programs should be recognized and adjusted in the company's rates?

A. That's the issue at hand.

Q. And Staff, I think you testified, has annualized the effects of the MEEIA Cycle 2 programs in this case, right?

A. That's my understanding, yes.

Q. From a public policy perspective, why would Staff annualize the MEEIA Cycle 2 programs' savings?

A. Because they're allowed under the Cycle 2 Stipulation & Agreement and the rider DSIM for Cycle 2.

Q. Well, setting aside the stipulations, aren't customer annualization adjustments routine in rate cases?

A. Not for energy efficiency savings.

This is the first time it's ever been done in a rate case.

Q. But you agree that it should be done in this case for Cycle 2, correct?

A. Because it was agreed to as part of the Cycle 2 Stipulation & Agreement and the Cycle 2 DSIM rider.

Q. And if it wasn't done in this case for Cycle 2, isn't it correct that the billing determinants would not -- would not be accurate because it wouldn't reflect those energy savings that are going to be going forward on a permanent basis?

A. I agree.

Q. So that's the public policy reason, isn't it?

A. For Cycle 2, yes.

Q. Is it necessary to adjust billing determinants that occurred during the test year to reflect the fact that the test year usage is higher than will be expected in the future because of the ongoing Cycle 2 programs?

A. Yes, and that's -- that's appropriate because of the Cycle 2 throughput disincentive mechanism itself.

Q. And the MEEIA 2 programs have reduced kWh energy and kW demand sales, correct?

A. Yes.

Q. And those reduced sales or savings will still be occurring when the new rates are effective after this rate case ends, correct?

A. Yes.

Q. And if there was not an annualization adjustment, the billing determinants would be overstated as a result of those Cycle 2 savings, right?

A. Right.

Q. And that's the reason the Staff makes the revenue adjustment in this rate case for Cycle 2?

A. As I said, this is the first time there's been an annualization due to energy efficiency in any rate case. It's being done now because it was agreed to as part of the Cycle 2 Stipulation & Agreement and the rider for Cycle 2.

Q. The effect will be that the company will not have sufficient revenues to recover its revenue requirement unless that revenue annualization for Cycle 2 is made; wouldn't you agree?

A. Yes.

Q. And in the past would you agree that Staff has made adjustments for large industrial customers like Noranda or -- that may have left the system?

A. Just so we have a good record, I would prefer that that question be addressed to Michael Stahlman.

Q. Okay. So you don't know?

A. I've never done an annualization.

Q. Okay. So you wouldn't have done one for GST Steel or any other customer, right?

A. No. That's right.

Q. And I take it you haven't done weather normalization adjustments?

A. Correct.

Q. Would you agree, Mr. Rogers, that if revenues are going to be correct for determining rates, then a weather normalization adjustment must be made to account for abnormal weather during the test year?

A. Again, I would defer to Michael Stahlman just so we have a clear record. He's the Staff witness on annualization.

Q. Okay. Well, on page 1 of your

surrebuttal testimony, you state beginning at line 20, I explain why KCPL's annualization of kWh in this rate case due to its Cycle 1 demand side programs is prohibited.

A. Correct.

Q. I'd like to visit with you about that. Do you have the Nonunanimous Stipulation & Agreement resolving Kansas City Power & Lit's MEEIA program which was filed in the 014 case, the 0095 case? I believe that one -- is that one attached to your testimony or Mr. Rush? You have one. He has the other.

A. Mine is Cycle 2. I know Mr. Rush had Cycle 1, and I think I have a copy here. Give me a moment.

Q. No. I think it's the other way around. If you look at your testimony, your surrebuttal.

A. Is Cycle 1.

Q. So you've attached the stipulation?

A. Right.

Q. Can we call that the Cycle 1 stipulation?

A. Correct. It's my Exhibit 5.

Q. Okay. Now, KCPL had 12 active MEEIA

Cycle 1 programs; is that correct?

A. I believe that's correct.

Q. And I believe those MEEIA 1 cycle programs are identified in the Cycle 1 stipulation, is that correct, generally?

A. Correct. I don't have those exhibit that would identify the programs.

Q. And the Cycle 1 programs generated both energy and demand savings for customers while those programs were in effect; is that true?

A. Oh, yes.

Q. Now, if you turn to page 7 of that stipulation, in paragraph -- in paragraph 7, that indicates that it was the signatories' intent that KCPL should ultimately collect from customers an amount as close as reasonably practicable to the, first thing was actual MEEIA program costs incurred; is that right?

A. Correct.

Q. Second thing is its actual lost margins or also referred to as the TDNSB, which is throughput net shared benefit, correct?

A. Yes.

Q. The third thing was KCPL's performance incentive reward, correct?

A. Correct.

Q. So is it correct that KCPL was entitled to recover its program costs, its lost margins and its performance incentive as part of the Cycle 1 plan?

A. Yes.

Q. Now, under the Cycle 2 stipulation, the company was authorized to extend the CNI custom rebate program, which I believe you just testified about, for projects that were approved under Cycle 1, I think through June 30 of 2016; is that right?

A. That's right.

Q. And those programs were identified as Cycle 1 programs, correct?

A. Correct.

Q. Now, the Cycle 2 programs were approved to be effective April 1st, 2016; is that right?

A. Yes.

Q. The Cycle 2 programs were similar, weren't they, to the Cycle 1 programs in many ways?

A. In many ways. There were some significant differences as well.

Q. And the Cycle 2 programs also

generated energy and demand savings for customers through December 31st of 2016; is that your understanding?

A. Yes.

Q. And they're continuing and expected to go at least through 2018?

A. Correct. Three years.

Q. Would you turn to -- back to page 2 of the Cycle 1 stipulation in paragraph 4 where it states, KCPL agrees to make its best efforts to begin implementation of the 12 MEEIA programs by July 6th, 2016. The plan period will end December 31, 2015. Is that right?

A. I'm sure you're looking at again --

Q. I may have misquoted a date or two. It says, KCPL agrees to make its best effort to begin implementation of its 12 MEEIA programs on July 6, 2014 or on the effective date of the tariff sheets for the MEEIA programs if the effective date is other than July 6, 2014. The plan period will end December 31, 2015. Is that right?

A. Correct.

Q. Is it correct that KCPL's Cycle 1 programs were in effect during the period of January 2015 through June of 2016?

A. Yes.

Q. And the Cycle 1 programs covered roughly an 18-month period; is that right?

A. Yes. Yes. And then there was the additional six months for the one program.

Q. Would you look on page 2 of the Cycle 1 stipulation at the top of the page. The second sentence there says, This stipulation is solely the result of compromise in the settlement process and does not serve as precedent beyond this stipulation; is that right?

A. Correct.

Q. What does that mean to you?

MR. BERLIN: I want to object, Judge, because I think he's asking for a legal conclusion.

JUDGE PRIDGIN: Mr. Fischer?

MR. FISCHER: I'm asking what the expert witness that was involved in the MEEIA case, how he interprets that provision.

JUDGE PRIDGIN: I'll overrule.

THE WITNESS: That means that what was agreed to in your original Cycle 1 Stipulation & Agreement stands on its own as a document. It doesn't set precedent for any other case. Now --

BY MR. FISCHER:

Q. Okay. That's fine. And the 18-month plan ended on December 31, 2015; is that right?

A. Except for the CNI custom rebate program which was recognized to carry over into 2016, and also -- I mean, we're talking about the Stipulation & Agreement for the second cycle now, because if there wasn't a Cycle 2 stip, there wouldn't have been any carryover.

Q. So the test year in this case, as we've discussed, I guess I've got the wrong slide up there, but it's the calendar year ending December 31, 2015, with updates for known and measurable changes through December 31, 2016; is that right? Is that your understanding?

A. That's my understanding. However, the Cycle 2 stipulation has language to address how the CNI rebate program will be addressed.

Q. I'm just asking you whether the -- we're talking about a test year of 2015 with known and measurable true-up period through 2016, right?

A. Correct.

Q. Okay. A partial of the Cycle 1 period included the calendar year 2015. Do you recall that?

A. Cycle 1 ended with December 31st, 2015, except for the CNI rebate program.

Q. And the Cycle 2 programs covered the period of April 2016 through December 31st of 2016 as a part of this case, right?

A. Cycle 2 will go from April 1 of 2016 through the end of March 2018.

Q. So it covers that period --

A. Or 2019.

Q. It covers from the beginning through the rest of the true-up period in this case, right?

A. Yes.

Q. Is it correct that there would be both MEEIA Cycle 1 and MEEIA Cycle 2 program savings during the period of January 2015 through the true-up ending December 31st, 2016?

A. Yes.

Q. And there's no question in your mind that MEEIA Cycle 1 programs were ongoing during that test year period, right?

A. Correct.

Q. And the MEEIA Cycle 2 programs were also active in the test year and the update period that ended December 31st, 2016, correct?

A. Only for the update period.

Q. So if a customer purchased a high-efficiency air conditioner in June 2016 while the Cycle 2 program was in effect, Staff's revenue annualization adjustment would capture the reduced kWh usage related to the purchase of that high-energy air conditioner, correct?

A. That's my understanding.

Q. However, if a customer purchased the same high-efficiency air conditioner earlier in the test year when the Cycle 1 programs were in effect, then Staff's revenue annualization adjustment would not include the reduction in usage related to the purchase of that same high-efficiency air conditioner?

A. That's correct. Can I explain why?

Q. Your counsel I'm sure will ask you why.

A. Okay.

Q. As I understand your testimony, Staff made a revenue annualization adjustment for the MEEIA Cycle 2s, correct?

A. Correct.

Q. But it did not reflect a revenue annualization adjustment for the MEEIA Cycle 1 programs, correct?

A. That's my understating.

Q. Let's go back to the Cycle 2 stipulation. Do you have a copy of that?

A. I do.

Q. Now, this Nonunanimous Stipulation & Agreement was approved. It did approve the Cycle 2 programs; is that right?

A. Correct.

Q. I believe you already indicated they're quite similar in many ways to the Cycle 1 programs. The Cycle 2 stipulation also describes the process of annualization to be used in the future; is that right?

A. During Cycle 2, yes.

Q. And let's talk about page 13, paragraph 10 where -- Staff agrees that, for Cycle 2, this provision in paragraph 10 would require a customer annualization, correct?

A. For Cycle 2 only.

Q. And this is the operative paragraph that describes the annualization of kWh and kW savings in the next rate case after the MEEIA programs are implemented, correct?

A. Along with tariff sheets 49K and 49L.

Q. I'll get to those here in a minute.

Would you agree that this stipulation clearly contemplated that there would be an annualization adjustment to capture the energy efficiency savings that occurred during the rate case test year?

A. For Cycle 2 only.

Q. And let's go to page 14, paragraph 10(B). This paragraph describes the annualization process, and it indicates that the adjusted test period sales will be annualized from customers and additionally be adjusted by subtracting the cumulative annual kWh energy savings from the first month of the test period through the month ending where actual results are available by customer class from all active MEEIA programs, excluding home energy reports and income-eligible home energy reports; is that right?

A. For Cycle 2 only, that's correct.

Q. It doesn't say Cycle 2 only, does it?

A. It doesn't here, but it refers to tariff sheets 49K and 49L for the methodology.

Q. And we'll get there, too, but that -- those tariffs also refer to programs and all programs and Cycle 2 programs, right?

A. Only Cycle 2 programs.

Q. It refers to programs and all

programs?

A. Only Cycle 2 programs.

Q. Okay. Let's talk about that in a minute.

JUDGE PRIDGIN: Mr. Fischer, I hate to interrupt. Do you have an idea about how much longer your cross will take?

MR. FISCHER: We can take a break, Judge. Probably be a good thing.

JUDGE PRIDGIN: Going to be a while. Okay. This looks to be a good time to break for lunch, and I'm showing the clock in our room to be 10 of 12. Let's resume at one o'clock. Is there anything further before we take a lunch break?

All right. Nothing further. We will stand in recess until one o'clock. Thank you. Off the record.

(A BREAK WAS TAKEN.)

JUDGE PRIDGIN: Good afternoon. We are back on the record. Before we went off the record, Mr. Fischer was in the middle of cross-examining Mr. Rogers. Anything else from counsel before Mr. Fischer resumes?

(No response.)

JUDGE PRIDGIN: All right.

Mr. Fischer, when you're ready, sir.

MR. FISCHER: Thank you.

BY MR. FISCHER:

Q. Mr. Rogers, welcome back. Before we go back to paragraph 10, let me ask you, are you aware that KCPL filed a customer annualization adjustment in its previous rate case related to MEEIA but that particular issue settled?

A. If you're referring to the GMO rate case --

Q. I was going to ask you about GMO next.

A. The prior KCPL case?

Q. Yes.

A. No, I'm not.

Q. Are you aware that in the last GMO case that there was a customer annualization issue related to MEEIA that settled?

A. Yes.

Q. Is it also possible that not this last Ameren case but the previous Ameren case there was a customer annualization issue related to MEEIA?

A. I'm not aware of that.

Q. Not aware of that?

A. No.

Q. Well, let's go back to paragraph 10(B)(i). That paragraph does describe the annualization process that's to be used, at least from your perspective, under Cycle 1 -- or excuse cues me, Cycle 2; is that right?

A. Correct.

Q. But you'd agree that there were both Cycle 1 and Cycle 2 programs in effect during the test year of the calendar year ending December 31st, 2015 with the update period of the calendar year of 2016?

A. Can you repeat the question, please?

Q. I don't think we have a disagreement. During the test period and the update period, we had both MEEIA 1 -- Cycle 1 and Cycle 2 programs in effect at some point during that period?

A. For the true-up only.

Q. Yeah. The second Cycle 2 was part of that true-up period?

A. Correct.

Q. And the Cycle 1 started the beginning of December of 2015 -- not -- beginning of January, I'm sorry, 2015, right?

A. Correct.

Q. In other words, there were MEEIA Cycle 1 and 2 programs that were operative and in effect during that period, correct?

A. I would agree.

Q. In your surrebuttal on page 2, at line 10, you state, The language all active MEEIA programs in the Cycle 2 stipulation does not express or create an unintended opportunity for KCPL to annualize kWh sales from its Cycle 1 demand side programs; is that right?

A. Yes.

Q. As I understand your testimony on that page, your first reason for this conclusion is that there were four references to, quote, all active programs in paragraph 10 of the Cycle 2 stipulation; is that right?

A. That's point number one.

Q. That's point number one . The Cycle 2 stipulation does not explicitly state that MEEIA Cycle 1 programs are not included in that definition, right?

A. I believe it does.

Q. Where would you --

A. I believe the Cycle 2 stip does exclude the Cycle 1 programs --

Q. I understand that --

A. -- from all programs.

Q. I understand that that's your belief, but can you point to me anywhere in the Cycle 2 stipulation that it says that all active MEEIA programs do not include the MEEIA Cycle 1 programs?

A. I cannot show you those words, but I can show you words that mean the same thing, to me.

Q. To you. The Cycle 2 stipulation doesn't specifically refer to Cycle 1 programs at all in paragraph 10; is that right?

A. Let me look at paragraph 10. I agree with that statement.

Q. But the Cycle 2 stipulation does indicate that all the annualization process shall apply to all active MEEIA programs, excluding home energy reports and income-eligible home energy reports, right?

A. That's what paragraph 10 says.

Q. And it goes on to say, determined by using the same methodology as described in tariff sheets 49K and 49L; is that right?

A. Correct.

Q. Is it correct that the Cycle 2 stipulation requires that the same annualization

methodology be used for all active MEEIA programs?

A. No.

Q. Okay. Let's look up on the screen there where it says, behind you there, in paragraph 10(B) it says, The adjustment period sales from above will be annualized and additionally adjusted further by, and it says, subtracting the cumulative annual kWh energy savings from the first month, et cetera, by customer class from all active MEEIA programs, excluding a couple, determined using the same methodology as described in tariff sheet 49K and 49L; is that right?

A. Correct. And when you go to tariff sheets 49K and 49L, it's very clear in the rider that it's only Cycle 2 programs that are annualized.

Q. We're going to go discuss those, but as far as that paragraph says, it says you should use the same methodology for all active MEEIA programs, right?

A. That's the language in this particular section of the stipulation for Cycle 2.

Q. Okay. Thank you. Would it be a violation of the Cycle 2 stipulation if different

annualization methodologies were used for all active MEEIA programs?

A. If you're including Cycle 1, it would be a violation of the Stipulation & Agreement, yes.

Q. So let me make sure I understand. You're saying it would be a violation if we used different methodologies for annualizing all active MEEIA programs?

A. I'd be glad to explain why, but my answer is it would be a violation.

Q. Okay. Great. Because it does say that the same annualization methodology shall apply to all active MEEIA programs. I think I agree with you. Right?

A. In this particular section of the Cycle 2 stipulation, it says all programs. In my surrebuttal testimony, I lay out step by step by step why this language is in complete contradiction with all the other language regarding this issue in the Cycle 1 Stipulation & Agreement, the Cycle 2 Stipulation & agreement and the Cycle 2 DSM rider.

Q. Okay. Well, let's go to your second point. We've already talked about your first one. There on page 2 you say that paragraph 10(A), I believe you change it to single (i), of the Cycle 2

stipulation clearly specifies that the very steps to annualize kWh sales for all active MEEIA programs is the methodology in KCPL tariff sheets 49K and 49L, right?

A. Correct.

Q. And I believe you attached those particular tariff sheets to your testimony; is that right?

A. Yes.

Q. Now, that describes the method for annualizing and rebasing the adjustment for the throughput disincentive. That's what the tariff does, doesn't it?

A. Correct. 49K and 49L lay out the methodology in detail.

Q. And that methodology was designed to recover the lost revenues over the plan period, right? I'm sorry. The lost margins. I said revenues. Margins.

A. It's designed to recover the throughput disincentive for Cycle 2 as well as the balances from Cycle 1.

Q. Okay. And Staff has not disputed the annualization process that KCPL used in the MEEIA Cycle 2 programs, right?

A. For Cycle 2, I believe that's correct. Michael Stahlman's our witness on that issue.

Q. And is it your understanding that KCPL has applied the same annualization process for the MEEIA Cycle 1 programs?

A. I would prefer that you ask that question to Michael Stahlman.

Q. Okay. You don't have an opinion?

A. I believe they did. That's my understanding, but Michael would have to confirm that.

Q. Okay. I'll ask him. Now, on page 3 of your surrebuttal testimony, at the top of the page, your third reason is KCPL's tariff sheets 49K and 49L refer only to, quote, programs -- quote, all programs or, quote, Cycle 2 programs and do not use phrases such as all active programs, all active MEEIA programs or Cycle 1 programs, right?

A. Right.

Q. Now, does KCPL's tariff sheets 49K and 49L state that Cycle 1 programs are not included in the definition of, quote, all programs?

A. I believe it does because on sheet 49L, near the bottom, programs are defined as MEEIA

Cycle 2 programs listed on sheet No. 1.04C and added in accordance with the Commission rule to modify programs.

Q. But is there a provision that says that, on those tariffs, that Cycle 1 programs are not included in the program -- in the definition of all programs which is also mentioned on that tariff sheet?

A. I believe that's true because of the definition that I just read, the definition of programs.

Q. And that's where it's defining Cycle 2 programs, right?

A. Yes.

Q. But it doesn't say anywhere that Cycle 1 programs aren't included in the definition of all programs or programs or all active programs, right?

A. There's -- I don't think there has to be.

Q. But it's not there, is it?

A. It doesn't explicitly say that Cycle 1 is excluded, but it doesn't have to because the carryover programs from Cycle 1 were addressed in the Stipulation & agreement for Cycle 2 to

remain with Cycle 1.

Q. I understand that's your position, but I'm just asking you, is there anywhere in the tariff that it says that Cycle 1 programs are not included in programs or all active programs, anything like that?

A. I believe that the definition for programs does that very same thing by stating that programs are Cycle 2 programs. That to me excludes Cycle 1 programs.

Q. The Cycle 2 stipulation specifically allows for the recovery of kWh savings associated with Cycle 2 on a going-forward basis, right?

A. Correct.

Q. However, Staff's adjustment would not include the kWh savings or the demand savings associated with Cycle 1 on a going-forward basis, right?

A. Correct,and they should not.

Q. Is it correct that Staff believes the company's billing determinants should be understated by 100 million kilowatt hours?

A. I'm not Staff's witness on that issue, on what the annualization would be.

Q. But that's the effect, isn't it, of

adoption of your position in this case?

A. I believe the adoption of my position is the correct position based upon Cycle 1 Stipulation & Agreement, the Cycle 2 Stipulation & Agreement and the Cycle 2 rider, and it will result in this rate case in the billing determinants being a little bit higher than they would be if the company were allowed to annualize Cycle 1 savings in this rate case.

Q. By about 100 million kilowatt hours, right?

A. I'm not the witness on the annualization. I'm sorry. And the reason that's fair --

Q. That's all right. I'm not asking you why it's fair. Are you recommending, Mr. Rogers, that the Commission understate billing determinants in this rate case?

A. Yes.

Q. By excluding 100 million kilowatt hour savings associated with the Cycle 1 MEEIA program?

A. I don't know the volume of kilowatt hours. Michael Stahlman can address that. I am the Staff's witness on this issue that the

annualization of Cycle 1 savings is prohibited under the two stipulations for MEEIA Cycle 1 and Cycle 2 as well as the rider DSM for Cycle 2.

Q. Do you disagree that there are 100 million kilowatt hour savings associated with the MEEIA Cycle 1 programs?

A. I don't disagree. I don't know what the number is. Michael Stahlman would have to provide that information.

MR. FISCHER: Judge, that's all I have. Thank you. Thank you for your patience, Mr. Rogers.

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

QUESTIONS BY CHAIRMAN HALL:

Q. Good afternoon.

A. Good afternoon.

Q. Is it possible from your perspective that when you look at paragraph 14 of the MEEIA Cycle 2 stipulation where it says all active MEEIA programs, is it possible that there was not a meeting of the minds between the parties to that stipulation that, in fact, KCPL was viewing that as Cycle 1 and Cycle 2 and Staff and maybe OPC and other and intervenors did not?

A. No, there's not a possibility. I've been waiting for the opportunity to explain why.

Q. Okay.

A. In paragraph 12D of the Cycle 2 Stipulation & Agreement, it's on page 17 of the Cycle 2 Stipulation & Agreement. Let me give some background on why this paragraph is here in the Stipulation & Agreement.

Q. Which paragraph again?

A. 12D on page 17, the top of the page. There was interest on the part of the company of including the carryover programs for the CNI rebate program. Those would be the savings --

Q. From Cycle 1 to Cycle 2?

A. Those would be the savings in 2016, from January through June, which was agreed to in paragraph 12A. Okay. The company wanted to treat those savings as if they were Cycle 2 savings, in other words, let everything get handled through the Cycle 2 DSIM, and so that was on the table. I took a position that, no, we weren't going to commingle the cycles. Cycle 1 was Cycle 1. It was very different from Cycle 2 in terms of, in particular, the throughput disincentive and also the performance incentives. So I took a position that,

even though these programs, as Mr. Fischer identified, are concurrent with some Cycle 2 programs, paragraph D makes it very clear, 12D, that Cycle 1 DSIM costs including all program costs, all throughput disincentive, any performance incentive for Cycle 1 CNI rebate program projects will be achieved through the Cycle 1 DSIM subject to prudence review for Cycle 1 prudence -- Cycle 1 DSIM cost.

And it goes on. As a result of the agreement, this -- in this stipulation, KCPL and GMO shall use their respective Cycle 1 2015 DS work files to calculate the Cycle 1 gross benefits to determine the TDNSB for projects completed under the CNI custom rebate program between January 1, 2016 and June 30th, 2016.

Q. Let me stop you for a second there, because that paragraph starts recovery of all Cycle 1 DSIM costs.

A. Right.

Q. I don't necessarily interpret what KCPL is trying to do on this issue as recovering costs.

A. Included in that sentence are all the components of the DSIM cost. The cost is the cost

to the customer to recover -- if you look at the first sentence in paragraph 12D, it's to recover program costs, all throughput disincentive and any performance incentive for Cycle 1.

Q. For me, what it seems that the company's trying to do is trying to set accurate billing determinants going forward. They're not trying to recover DSIM costs. Now, I understand that they're related. I mean, I understand that, but I don't -- I'm not sure I see this paragraph as standing for the proposition that all active MEEIA programs only includes Cycle 2.

So keep goings. Maybe you can educate me further.

A. Well, the rest of this has to do with understanding the Cycle 1 DSIM or the throughput disincentive net shared benefit for Cycle 1. And earlier you had a conversation with Mr. Rush where he stated, I believe, that for Cycle 1 the company was only recovering contemporaneously the lost margin revenues as a result of the throughput disincentive.

I very much disagree with that statement. It's not consistent with the construction of the Cycle 1 DSIM at all. That's

why I included in my exhibit Exhibit 4, which is the discussion from the Ameren Missouri application on how the throughput disincentive net shared benefit really works.

And the way it really works is that every month when a measure is installed under Cycle 1, there's a calculation of the net shared benefit for that measure and all the measures that month, and the calculation goes like this: Measures installed through the DS model. The benefits are calculated or the program based upon -- based upon the benefits, the net present value benefits over the life of the measure, minus the cost, that's the net shared benefit. Benefits minus cost.

Those benefits occur over the life of the measure. It may be 10 years or 15 years, whatever it is, but in the DS more model those benefits are all calculated over the life of the measure, not in the month, but over the life of the measure, and then their net present valued and the costs are subtracted, and the company received 26.36 percent. Every month they booked that. So they're receiving the net shared -- basically the throughput disincentive based upon deemed annual energy and demand savings, deemed energy and demand

avoided costs, the deemed measure life, and the other thing that was deemed in the throughput disincentive model for Cycle 1 was that it would model a rate case frequency of 18 months.

Q. Okay. And so do you believe that it was part and parcel of the agreement on Cycle 1 that the company's billing determinants going forward would not accurately state what the billing -- what their sales will actually be?

A. The construction of the throughput disincentive net shared benefit was based on the assumption that there would be rate cases every 18 months and that any lost sales at the time of the rate case would be picked up in lower actual sales that get normalized, but that there would be no annualization. And so -- and that all comes back to --

Q. So sales would be set higher than they actually will be, and that was part of the bargain?

A. In Cycle 1 -- again, I stated earlier that this is the first rate case that there will be any decision made on annualization or inclusion of annualization of either Cycle 1 or Cycle 2. Staff believes that the agreements are clear on Cycle 2.

Staff believes that the agreements are clear on Cycle 1, that they are prohibited. And the reason is the company has already been compensated for the Cycle 1 throughput disincentive in its entirety. That was the reason Staff counsel --

Q. This is where at least I get confused because -- so what you're saying is that part of the agreement was that the MEEIA conservation measures would not be annualized going forward so that sales would actually be higher than forecasted?

A. It will be higher in this rate case.

Q. Higher than actually expected, I guess? They'll be forecasted higher than -- my terminology is awful. We're going -- you would have us set them higher than you actually expect them to be; is that correct?

A. That is correct, and that's a byproduct of the agreements.

Q. And you actually had conversations with KCPL employees about the structure of the MEEIA 1 that is consistent with that understanding?

A. Subsequent to this issue being raised?

Q. I guess I'm more interested in --

A. I think -- I think the Stipulation & Agreement, Agreements, Cycle 1 and Cycle 2 and the rider are clear.

Q. You have to admit, if you could do this over, you would put all active MEEIA 2 programs instead of just all active MEEIA programs?

A. I agree with that.

Q. Because if you look through the agreement, there's lots of places where it says Cycle 1, Cycle 2. I think I even saw a Cycle 3 somewhere, which I don't quite understand. So you --

A. And that was Mr. Rush's point was that Cycle 1 and Cycle 2 are referred to throughout the agreements. I don't dispute that. But in my surrebuttal I'm very careful to include all of the parts of the Cycle 1 and Cycle 2 Stipulation & Agreements and the rider DSIM for Cycle 2 that pertained to this issue, and nowhere does it allow for Cycle 1 energy savings to be annualized in a rate case, nowhere.

Q. So concerning Cycle 1 measures, it is true that not -- that all the savings from those measures are not reflected in the test year, correct?

A. That's correct.

Q. Okay. Because now if -- and this is a question I asked earlier. If all of the Cycle 1, well, and Cycle 2 MEEIA measures were put in place January 1st of the test year, we wouldn't be having this discussion?

A. Well, the test year when the case was filed was in 2015. We have the true-up as well. Maybe you can ask your question again.

Q. If all of the Cycle 1 and Cycle 2 measures were actually put in place January 1st of the test year, 2015, then we would not be having this discussion?

A. Correct. But Cycle 2 didn't start until April of 2016.

Q. Because there wouldn't be a need to normalize and annualize; we would just take our numbers from the test year and go forward?

A. You would have it all.

CHAIRMAN HALL: I think I understand. Thank you.

JUDGE PRIDGIN: Further Bench questions?

COMMISSIONER KENNEY: No.

JUDGE PRIDGIN: Recross based on

Bench questions, Mr. Opitz?

MR. OPITZ: Yes, Judge.

RECROSS-EXAMINATION BY MR. OPITZ:

Q. Mr. Rogers, you were discussing Cycle 1 measures with the Chairman just a moment ago. Do you recall that?

A. Yes.

Q. Could a customer of Ameren -- of Kansas City Power & Light apply for a rebate under the Cycle 1 programs in -- on January 1 of 2016?

A. Yes.

Q. Could a customer of Kansas City Power & Light apply for a CNI rebate in January 1st of 2016?

A. Yes.

Q. What about on February 1st of 2016?

A. Yes, only for the CNI rebate program.

Q. So for all other programs, what point did those programs stop accepting applications?

A. Programs all stopped the end of December 2015.

Q. So in 2016 a customer of Kansas City Power & Light could not apply for one of these programs?

A. Please repeat the question.

Q. So in 2016, customers of Kansas City Power & Light could not apply for a Cycle 1 program other than the CNI programs?

A. Correct.

MR. OPITZ: That's all the questions I have.

JUDGE PRIDGIN: Mr. Opitz, thank you. Mr. Woodsmall, any questions?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Cross from company, Mr. Fischer?

MR. FISCHER: No, thank you.

JUDGE PRIDGIN: Redirect, Mr. Berlin, when you're ready.

REDIRECT EXAMINATION BY MR. BERLIN:

Q. Mr. Rogers, you were asked quite a few questions, I think by Mr. Fischer and Chairman Hall, and I think they all drive toward the possibility of commingling Cycle 1 and Cycle 2 during a particular overlap. Can you very succinctly or briefly explain why they're not commingled?

A. Well, I believe I've already done that --

Q. Right.

A. -- with my reference to paragraph 12D and the Cycle 2 Stipulation & Agreement.

Q. Okay. And so what does the Cycle 2 Stipulation & Agreement permit the company to recover as regarding the Cycle 1 programs?

A. So basically all of Cycle 1's program costs, all of the Cycle 1 throughput disincentive net shared benefit, and the performance incentive. And this case we're talking specifically about the throughput disincentive. So what the company's been allowed to recover so far for the Cycle 1 throughput disincentive is the entire amount that was agreed to for the Cycle 1 throughput disincentive net shared benefit mechanism, and that's a substantial amount. I included in my surrebuttal testimony a chart on page 8.

Q. Mr. Rogers, there was a lot of questions regarding that net shared benefits. On page 8 -- well, let me back up a minute.

Is it true to say that the net shared benefits, the share amount of that total benefits pie that KCPL will receive for each individual measure is 26.36 percent of the pie?

A. Of the net shared benefit, yes, using deemed values and the net shared benefit mechanism.

Q. And so you show in a graph on page 8 of your surrebuttal, it's titled KCPL's Cycle 1 Cumulative PD and SB share, and you show a graph that goes and runs into year 2016. Can you explain how that reflects the company's ability to collect that net shared benefit?

A. Yes. The red line on the chart on page 8 is termed the actual deemed TDNSB share. What that happens -- and the data for this chart comes from page 6 of the FAC's quarterly surveillance monitoring reports, which Staff audits as part of our prudence review audit for the MEEIA prudence reviews.

So the red line is representing the amount of revenue for the throughput disincentive that the company is entitled to collect as a result of the Cycle 1 programs. As you look at the red line, you see a steep incline about halfway through the chart. That steep incline is a result of the very significant uptake in this Cycle 1 CNI rebate program, which was the carryover program that carried over into 2016, and, in fact, customers could complete their programs for the Cycle 1 CNI rebate program as late as June, the end of June, and receive their rebate payments as late as July.

So this chart shows the red line is just the throughput disincentive, and it's showing a significant amount of throughput disincentive. Mr. Rush's position is that the company is only receiving contemporaneously the amount of throughput disincentive.

I think this chart clearly shows that it's much more than that. And the reason it's much more than that is because of the construction of the Cycle 1 throughput disincentive. It's actually compensating the company up front for the entire throughput disincentive over the life of the measures, assuming an 18-month frequency on rate cases and no annualization of energy savings. That was the model for Cycle 1 for all three of our utilities.

Now, does it result in the billing determinants being a little bit higher than it would otherwise be if you did annualize? Yes. But it's very clear to me that Cycle 1 is different from Cycle 2. Paragraph 12D of the Cycle 2 Stipulation & Agreement makes that abundantly clear, that even though these programs are running into 2016, that they get valued under the DSIM for Cycle 1.

Q. Okay. And so that total net shared benefit is a large number, correct?

A. Well, the cumulative, that's your benefit on the chart is, at the end of the third quarter was $17.8 million.

Q. Okay. So the company will collect that $17.8 million through its DSIM charge?

A. They probably already have collected all of it.

Q. And that is one of the reasons why the chart went up over a period of time that I went through with Mr. Rush showing how that charge increased and then decreased?

A. Exactly. The tariff sheets that were entered into evidence earlier showed the throughput disincentive on April 1st -- I don't have copies here, but they were at a low level, and then effective August 1 they went up to a very high level, and then on February 1st they went back to a relatively low level. And the reason they did is that the Cycle 1 throughput disincentive has already been recovered by the company. There's no reason to do anything more with Cycle 1.

And to annualize Cycle 1 energy savings at this point would compensate the company

again in a way that they would double recover at least a large part of the Cycle 1 throughput disincentive.

MR. BERLIN: Thank you, Mr. Rogers. I have no further questions of Mr. Rogers.

JUDGE PRIDGIN: Mr. Berlin, thank you. Mr. Rogers, thank you very much. You may step down.

MR. BERLIN: Judge, I would move that the Commission take administrative notice of its orders in EO-2014-0095 and EO-2015-0240 and 0241.

JUDGE PRIDGIN: Any objections?

MR. FISCHER: No objection, Judge.

JUDGE PRIDGIN: All right. The Commission will take notice of those orders.

All right. Mr. Stahlman I believe is the next witness. Come forward to be sworn, please, sir.

(Witness sworn.)

JUDGE PRIDGIN: Thank very much. You may have a seat. And Mr. Berlin or Ms. Payne, when you're ready.

MR. BERLIN: Ms. Payne will take over.

MICHAEL L. STAHLMAN testified as follows:

DIRECT EXAMINATION BY MS. PAYNE:

Q. Mr. Stahlman, would you please state and spell your name for the court reporter.

A. Michael L. Stahlman, S-t-a-h-l-m-a-n.

Q. And are you the same Michael Stahlman who drafted rebuttal and surrebuttal testimony in this matter labeled as Exhibit 229 and Exhibit 230, as well as portions of Staff's revenue requirement report labeled as Exhibit 200?

A. Yes.

Q. And do you have any changes to make at this time to that testimony?

A. No.

Q. Okay. If I were to ask you same questions contained in that testimony, would you answer them the same?

A. Yes.

Q. And all the statements made in that testimony are true and correct to the best of your knowledge?

A. Yes.

MS. PAYNE: I tender this witness for cross.

JUDGE PRIDGIN: Thank you. Cross-examination, Mr. Opitz?

CROSS-EXAMINATION BY MR. OPITZ:

Q. Mr. Stahlman, you participated in the KCPL Cycle 2 MEEIA case; is that correct?

A. Yes.

Q. In your opinion, was the Cycle 2 cost recovery mechanism designed to include an annualization for the Cycle 1 energy savings as the company requests now?

A. No.

MR. OPITZ: That's all the questions I have, Judge.

JUDGE PRIDGIN: Thank you. Mr. Woodsmall?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Mr. Fischer?

MR. FISCHER: Briefly.

CROSS-EXAMINATION BY MR. FISCHER:

Q. Mr. Stahlman, would you explain to the Commission your personal involvement in the revenue annualization adjustments in this case?

A. For the MEEIA cycle -- or for the direct filing, I have not made any annualization in this case because I -- it was only MEEIA Cycle 1 in the test year, and so MEEIA Cycle 2 is going to be annualized in the true-up period.

Q. Well, did you make other annualization adjustments in this case?

A. As -- yes.

Q. Would you explain what you were doing there?

A. Okay. So part of the confusion in this case, too, is the KCPL witness and Staff witnesses define what is normalization and annualization slightly differently. So we begin with the normalization process which Staff, after we get the billing determinants from KCPL, then we go through a normalization process where we weather normalize for weather and a 365-day adjustment.

Q. And that's something you do in almost every case, isn't it?

A. Yes.

Q. Okay. Go ahead.

A. And then the annualization process is where we include rate switchers, growth, and apply the normal -- the current tariffed rates.

Q. And that's again something you do in most cases?

A. Yes.

Q. Okay. Go ahead.

A. And that's -- that's the end.

Q. Would you look, for example, at whether a large customer had left the system or had come onto the system to make sure the billing determinants were correct?

A. The large power customers, those are handled by Michelle Bocklage, but yes, if there was a large power customer that came on or off and other customers be accounted for in the growth adjustments.

Q. Did you make some customer annualization adjustments in this case besides the MEEIA Cycle 2 adjustment?

A. We accounted for rate switchers, growth and the current tariffed rates, no.

Q. Who else was involved in the process in the case for customer annualization adjustments?

A. The customer growth adjustments were handled by Staff witness Matt Young, and I applied those numbers that he provided me. And Michelle Bocklage did the power customers, and from her I got information about the rate switchers who came from large power to LGS or medium general service. I'm sorry. LGS stands for large general service.

Q. If the customer count either went down or went up substantially, would you be making

an adjustment in the rate case to account for those billing determinant changes?

A. Well, as far as the customer count, if the customer counts change, we would account for that in the growth adjustment, make changes to the resulting billing determinants.

Q. And the goal is to try to establish the billing determinants in a way that it will produce the revenue requirement that the Commission authorizes in the case; is that the general overall goal?

A. The idea is to get billing determinants as close to the current time period so that, when you develop the rates, that the rates would provide the opportunity for the company to recover.

Q. Well, in this case, is it correct that the Staff believes the company's billing determinants should be understated by approximately $100 million?

A. No.

Q. Your goal is still to establish billing determinants that will appropriately allow the company to recover the revenue requirement that's determined at the end of this case, right?

A. Yes.

Q. And you're not recommending that the Commission understate the billing determinants in this rate case by excluding 100 million of kilowatt hours, right?

A. When you say excluding, are you determining per what the company calculated or per what Staff -- I'm recommending what Staff recommended, which does not under-recover the billing determinants.

Q. Well, I guess I'm asking, do you disagree that there was a 100 million kilowatt hour savings associated with the MEEIA Cycle 1 program?

A. I don't know.

Q. Okay. Let's assume there was. If that's the case, is Staff recommending that the Commission understate the billing determinants by 100 million kilowatt hours of savings associated with that Cycle 1 program?

A. I do not that would understate the billing cycle determinants by 100 million kWh.

Q. I'm sorry?

A. I do not believe that would understate the billing determinants by 100 million kWh.

Q. Okay. Well, if there are 100 million kilowatt hours that are saved under one of the MEEIA programs, and if you don't do a customer annualization adjustment, aren't you going to understate the billing determinants by 100 million kilowatt hours?

A. No.

Q. Would you explain to me why?

A. Certainly. First off, much of this issue would also be avoided if we had up-to-date load research data to get the test year closer to the more -- the current time period.

Q. Now you're talking about the overall revenues issue, right, not the specific MEEIA issue?

A. The MEEIA issue is still also applicable. The MEEIA as far as the billing determinant, there's -- as Staff witness John Rogers discussed, the MEEIA Cycle 1 recovery has been affected through the MEEIA Cycle 1 DSIM. And with regard to the MEEIA Cycle 2 --

Q. Well, how does -- I'm sorry. From a layman's perspective, I don't understand how the load research affects the MEEIA 2 or MEEIA 1 cycle issue.

A. The question presumes that we have known and measured savings, which we do not for the MEEIA Cycle 1. So through the normal rate case process we wouldn't put any billing -- we wouldn't make any changes to billing determinants based on unknown or unmeasured savings. All the Cycle 1 characteristics were deemed and not verified for the cycle.

Q. And you need load research to do what?

A. Load research would move the time period closer to this current time period, and it would -- it would account for other changes besides energy efficiency changes. When we annualize up through the update period, all's we make is changes to customer growth. We do not go back in and re-weather normalize or try to account for people who did energy efficiency savings outside of the test period or if they had more children and so their usage would go up or if a teenager moves in from out of the -- we do not make those changes.

Q. Let's go back to a higher level. The MEEIA 2 programs have reduced the kWh and kW sales for this company, right?

A. I do not know. I can tell you that

the savings have gone -- or the amount of usage for a household from the previous rate case to this rate case has gone down a little bit, but there's other changes that happen that can make that happen, and for all other classes the usage went up on a weather normalized basis.

Q. But Staff is taking a customer annualization adjustment in this case as a result of the savings of Cycle 2 MEEIA programs, correct?

A. For true-up.

Q. Okay. For true-up. And that is because there are -- are you saying you just don't know much about the technical aspects of MEEIA and where the savings are coming from but you know you're supposed to make an adjustment?

A. No. The Cycle 2, the incentive for Cycle 2 is through the -- just the TD, not the TDNSB, which was Cycle 1. So when we're trying to determine a new incentive, we decided that what we would have the company do is book all the savings of an efficiency measure at the time it was installed or installed and reported. When you're going to a rate case, then, we wanted to factor everything up to that time for Cycle 2 and the lower -- to rebase the TD. And that's the reason

for the annualization is to try to get as much of the measures that were installed during the test period in.

Q. Well, let me ask you, the reason the Staff makes revenue annualization adjustments generally in a rate case is to make sure the billing determinants are accurate so it produces the appropriate revenue requirement; isn't that true?

A. It's still just estimated. For most of the changes that would be a factor of energy efficiency, that's done in the normalization period. The annualization only accounts for rate switchers, customer growths, and additionally if there was a rate change in that time period.

Q. But as the Chairman has asked questions throughout the hearing, if you had -- if you had all of the energy programs that were effective on the 1st of January of 2015, you wouldn't have to do an annualization at all, right? You wouldn't have to change the billing determinants?

A. For the -- January 1 of 2015 I think would be the first day of the test period. So if we moved that back to December 31st, 2014, I'd be

more comfortable saying yes.

Q. Okay. That's fine. But because there are energy savings later in the test period that will be permanent and won't be reflected in the usage in the first year rates are in effect, we make annualization adjustments to try to capture that?

A. But we don't know what those savings are. They haven't been measured and verified.

Q. Okay. Now are you talking about the EMV process?

A. This is -- we wouldn't go and re-weather normalize a household even -- it's not -- we adjust for things that are known and measured.

Q. Staff made revenue annualization adjustments for Cycle 2 programs in this case, correct?

A. Yes.

Q. And you did that?

A. Yes, for all classes excluding large power. Michelle Bocklage did large power.

Q. But Staff didn't do that annualization adjustment for Cycle 1, and that's the reason we're talking today, right, Cycle 1

MEEIA programs?

A. I did not make an adjustment for Cycle 1 MEEIA programs, correct.

Q. Would you agree that there were savings in kilowatt hours in the test year beginning January 2015 through the true-up period of December 31, 2016?

A. I don't know.

MR. FISCHER: That's all the questions I have. Thank you.

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

QUESTIONS BY CHAIRMAN HALL:

Q. Good afternoon.

A. Good afternoon.

Q. Do you have Mr. Rush's testimony in front of you?

A. I'm not sure I actually copied that and included that. I'm sorry.

Q. Your counsel -- in particular I'm interested in Schedule TMR-7 attached.

MR. OPITZ: Mr. Chairman, is that the spreadsheet?

CHAIRMAN HALL: Yes.

MR. OPITZ: I've got a copy. My I

approach, Judge?

JUDGE PRIDGIN: You may. Thank you.

BY CHAIRMAN HALL:

Q. Have you ever seen this document before?

A. Not that I recall. I think no.

Q. So you have not made any effort to calculate what the impact of -- what the impact would be if the Commission were to agree with the company on including Cycle 1 annualization in the -- in the billing determinants; is that correct?

A. I think I looked at it kind of by proxy. I didn't look at adjusting specific numbers but just kind of comparing areas of disagreement between the Staff's revenue requirement and company's, and by process of elimination, I think it was around like $10 million, if I recall, more or less.

CHAIRMAN HALL: Okay. I have no further questions. Thank you.

JUDGE PRIDGIN: Any further Bench questions? Recross based on Bench questions, Mr. Opitz?

MR. OPITZ: No, thank you, Judge.

JUDGE PRIDGIN: Mr. Woodsmall?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Mr. Fischer?

RECROSS-EXAMINATION BY MR. FISCHER:

Q. Mr. Stahlman, would you know, has the energy savings from Cycle 1 been verified through the EM&V and approved by the Commission?

A. I think I recall a case to that -- that was resolved through Stip & Agreement.

Q. And I may have misunderstood. I thought you said that it hadn't been verified.

A. But as far as I'm aware of, the measures for the test period, I'm not sure that they -- we don't know what the specific measure did to whoever installed it in that test period.

Q. But you think --

A. And changes of all the other that would have happened outside that.

Q. Okay. But you are aware that the savings themselves for Cycle 1 have been verified through the EM&V process, right?

A. I think they settled on a number but not -- it was through negotiation.

MR. FISCHER: Okay. Thank you.

JUDGE PRIDGIN: Mr. Fischer, thank

you. Redirect, Ms. Payne?

MS. PAYNE: Yes. Thank you, your Honor.

REDIRECT EXAMINATION BY MS. PAYNE:

Q. Mr. Stahlman, Mr. Fischer asked you if you should -- usage has decreased over the course of the test year period. Are you aware of other factors beyond the MEEIA programs that could decrease usage?

A. Yes, and there's many factors that we -- we don't go back and recalculate the weather normal period. Other factors that could decrease usage is, outside the MEEIA program would be somebody installing energy efficiency devices outside of their -- outside of MEEIA programs. People are naturally adopting technologies that are outside that.

The biggest energy efficiency device I understood installed is to actually have a teenager go to college. From every case I've heard, that people have always noticed their bills going down after kids move out.

Q. And when you say energy efficiency devices, you mean more energy efficient appliances and things that are naturally available to

consumers in the market that wouldn't be necessarily acquired through a MEEIA program?

A. Yes. From like the 1980s up to the modern current day, the typical usage per square foot of house has dropped dramatically because of just natural savings outside the MEEIA programs.

Q. Thank you. Now, Mr. Fischer was asking you, and I know you were -- you were trying to explain to him what you meant, but as far as the savings from MEEIA Cycle 1, you said that you weren't sure of the savings. Is that because you don't know the answer or is that because those savings can't be quantified?

A. The -- I don't think that the answer could be quantified. When we have the test year period, we get the actual bills that people receive. So we know -- we know what they would have reacted for everything up to that test year period, but during that test year period, everything is deemed. It's not a specific knowing what it is.

Q. Okay. And then you referenced the load research data. If the company had provided the load research data and the billing determinants through June of 2016 instead of only through

December 31st of 2015, wouldn't most of the MEEIA Cycle 1 savings or changes in usage already be in the actual billing determinants?

A. Yes.

MS. PAYNE: No further questions.

JUDGE PRIDGIN: All right. Thank you, Ms. Payne. Mr. Stahlman, thank you very much. You may step down.

I believe Ms. Bocklage is the.

MS. PAYNE: Your Honor, I believe I did not actually offer Mr. Stahlman's rebuttal and surrebuttal testimony. I would like to go ahead and offer that at this time.

JUDGE PRIDGIN: Do you have those numbers?

MS. PAYNE: It's Exhibit 229 and 230.

JUDGE PRIDGIN: 229 and 230 have been offered. Any objection?

(No response.)

JUDGE PRIDGIN: Hearing none, 229 and 230 are admitted.

(STAFF EXHIBITS 229 AND 230 WERE RECEIVED INTO EVIDENCE.)

JUDGE PRIDGIN: Thank you very much. Ms. Bocklage, come forward to be sworn, please.

(Witness sworn.)

JUDGE PRIDGIN: Thank you very much. You may have a seat. Ms. Payne, when you're ready.

MICHELLE BOCKLAGE testified as follows:

DIRECT EXAMINATION BY MS. PAYNE:

Q. Would you please state and spell your name for the court reporter.

A. Michelle Bocklage, B-o-c-k-l-a-g-e.

Q. And are you the same Michelle Bocklage who drafted surrebuttal testimony in this matter currently offered as Exhibit 205 and portions of the revenue requirement report filed as Exhibit 200?

A. Yes.

Q. And do you have any changes to make to that testimony at this time?

A. No.

Q. And if I asked you the questions contained therein, would your answers be the same?

A. Yes.

Q. And the answers that you gave in that testimony are true and correct to the best of your knowledge?

A. Yes.

MS. PAYNE: Okay. Then at this time

I offer Exhibit 205.

JUDGE PRIDGIN: Any objections?

(No response.)

JUDGE PRIDGIN: Hearing none, 205 is admitted.

(STAFF EXHIBIT 205 WAS RECEIVED INTO EVIDENCE.)

MS. PAYNE: I tender this witness for cross.

JUDGE PRIDGIN: Okay. Thank you. Cross-Examination, Mr. Opitz?

MR. OPITZ: No, thank you, Judge.

JUDGE PRIDGIN: Mr. Woodsmall?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Mr. Fischer?

MR. STEINER: MR. Steiner has some questions.

JUDGE PRIDGIN: I'm sorry.

MR. STEINER: That's okay.

CROSS-EXAMINATION BY MR. STEINER:

Q. Good afternoon.

A. Good afternoon.

Q. Were you responsible for the large power service adjustments in the Staff's revenue requirement report?

A. I was.

Q. Okay. And can you explain what you did to annualize and normalize the LPS class?

A. We received the billing determinants from Kansas City Power & Light, took those and reviewed them to see what customer -- their current customers, any rate switchers that came onto the network or left the large power rate class. Then we -- so we did an annualization, and then we did a weather normalization as well, 365-day adjustment.

Q. And so you made adjustments to reflect known and measurable changes for the LPS customer usage outside the test year?

A. For the direct filing?

Q. Yeah.

A. The direct filing was for the -- just the test year.

Q. Okay. So will you be making an adjustment for known and measurable changes for that class outside the test year in the true-up?

A. We will not re-weather normalize the customers. We will do the rate switchers and those on or other usage and annualize that or remove them and provide that information to Michael Stahlman then to adjust for the LGS, MGS, one of those other

rate classes, yes.

Q. So let's say an LPS customer made a change in 2016. Let's say they added a production line. Would you make an adjustment in the true-up to reflect that?

A. No. Only if they were a new customer and had come onto the system at that time is what we would make adjustments for as rate switchers.

Q. So you make an adjustment for a new customer?

A. Right, or one that left.

Q. That was my next question. So you would make an adjustment in the true-up if an LPS customer left the system?

A. Yes.

MR. STEINER: I think that's all I have. Thank you very much.

JUDGE PRIDGIN: Mr. Steiner, thank you. Bench questions?

CHAIRMAN HALL: No questions.

JUDGE PRIDGIN: Redirect?

MS. PAYNE: No questions. Thank you.

JUDGE PRIDGIN: Ms. Bocklage, thank you very much. You may step down. I believe Mr. Young is the next witness.

(Witness sworn.)

JUDGE PRIDGIN: Thank you very much, sir. You may have a seat. Ms. Payne, when you're ready.

MATTHEW YOUNG testified as follows:

DIRECT EXAMINATION BY MS. PAYNE:

Q. Would you please state and spell your name for the court reporter.

A. Matthew Young, Y-o-u-n-g.

Q. And are you the same Matthew Young who drafted rebuttal and surrebuttal testimony in this matter labeled as Exhibit 234 and 235?

A. Yes.

Q. And portions of Staff's revenue requirement report labeled as Exhibit 200?

A. Yes.

Q. And do you have any changes to make to that testimony at this time?

A. No.

Q. And if I asked you the same questions today, would your answers be the same?

A. Yes.

Q. And all the answers contained therein are true and correct to the best of your knowledge?

A. Yes.

MS. PAYNE: At this time I would offer Exhibits 234, 235 and, if it has not already been offered and admitted, Exhibit 200, Staff's revenue requirement report.

JUDGE PRIDGIN: I will have to double check on Exhibit 200. I do not show it has been offered. So 234, 235 and 200 have all been offered. Any objections?

(No response.)

JUDGE PRIDGIN: Hearing none, 234, 235 and 200 are admitted.

(STAFF EXHIBITS 200, 234 AND 235 WERE RECEIVED INTO EVIDENCE.)

MS. PAYNE: And I tender this witness for cross-examination.

JUDGE PRIDGIN: Ms. Payne, thank you. Cross-Examination, Mr. Opitz?

MR. OPITZ: No, thank you, Judge.

JUDGE PRIDGIN: Mr. Woodsmall?

MR. WOODSMALL: No questions.

JUDGE PRIDGIN: Mr. Fischer or Mr. Steiner?

MR. STEINER: Company has no questions.

JUDGE PRIDGIN: Bench questions?

CHAIRMAN HALL: I'm considering asking you about rate case expense, but I think I'll pass. Though I will note that the Supreme Court today refused to take transfer, so the Commission's prior decision on rate case expense has been upheld. With that, I'll say no further questions.

JUDGE PRIDGIN: Mr. Chairman, thank you. Any redirect? I guess there's no questions. Mr. Young, thank you very much. I guess you can step down. Thank you.

Dr. Marke I guess will be what I'm showing to be the final witness on this issue. And Dr. Marke, you are still under oath. Mr. Opitz, anything before he stands cross?

MR. OPITZ: No, Judge. I'll tender him for cross.

JUDGE PRIDGIN: Thank you. Any cross from Staff?

MS. MERS: Just a few.

GEOFF MARKE testified as follows:

CROSS-EXAMINATION BY MS. MERS:

Q. Were you involved in the MEEIA Cycle 2 stipulation, Dr. Marke?

A. I was.

Q. How long did it take that stipulation to get agreed to?

A. It was a fairly long process.

Q. And there was, in fact, a hearing, correct?

A. There was.

Q. And were you in the room earlier when Mr. Rush testified?

A. I was.

Q. Would you say that the amount of time to come to an agreement and the hearing that we had over that stipulation would not support Mr. Rush's contention that Cycle 1 and Cycle 2 stipulations are largely similar?

A. I would agree with that.

Q. Staff supports the annualization of MEEIA Cycle 2. Does OPC?

A. Yes.

Q. So would you say that your support of the concept of annualization points to an external reason not to support it for Cycle 1?

A. At face value, I think it would be surprising to just say OPC's agreeing to give the company more money in Cycle 2 than they would in Cycle 1, so yes.

Q. And you would think that reason would be the mechanisms that were agreed upon in the Cycle 1 stipulation would prevent this, correct?

A. Absolutely. The Cycle 1 mechanism from our perspective was clearly flawed and was -- did not have our support.

Q. Are the MEEIA Cycle 1 and Cycle 2 mechanisms essentially the same?

A. They're the same insofar as there's program costs, throughput and an earnings opportunity or performance incentive, as you will, that are applied to that.

Q. But other than that, they're pretty different then, correct?

A. Yes.

Q. And were you here for the discussion of the increase in MEEIA rates during 2016?

A. I was.

Q. Would a reason for that increase be that KCPL received prepaid approximately three years' worth of throughput revenues for the measures installed under MEEIA Cycle 1 from November 2015 to April 2016?

A. Yes.

Q. Do you believe there's an agreement

on the level of savings produced from a MEEIA package?

A. No.

Q. From a MEEIA program?

A. No.

Q. From even something as simple as a light bulb?

A. No.

Q. Did KCPL's MEEIA adjustment reflect an adjustment to the level of deemed savings associated with the measure for the savings -- for what the savings were in reality?

A. Yes.

Q. Do you believe Ameren Missouri has less incentive to set accurate billing determinants?

A. No.

Q. And Ameren Missouri did not request this annualization, correct?

A. No, they did not.

Q. Do you have the MEEIA Cycle 2 stipulation in front of you?

A. I don't think I do. I'm assuming it's on Mr. Rogers' attachment, one of them.

Q. Do you have it?

A. I'll get it here in a second. Thank you.

Q. So turn to paragraph 12, if you will.

A. That's on page?

Q. You know, I have the paragraph.

A. 15?

Q. Yes.

A. Transition between MEEIA cycles?

Q. Right. So that transition explicitly refers to the Cycle 1 transition, correct?

A. It does.

Q. Dr. Marke, I know you're not a lawyer, but isn't it likely that when the parties drafted this document, if any other provision of this stipulation would apply to Cycle 1, that we would have explicitly put Cycle 1 in that provision?

A. Yes.

Q. Do you believe that allowing this annualization would allow KCPL to double dip recovery?

A. Absolutely.

MS. MERS: No further questions.

JUDGE PRIDGIN: Ms. Mers, thank you. Cross, Mr. Woodsmall?

MR. WOODSMALL: No questions.
JUDGE PRIDGIN: KCPL?
MR. FISCHER: No, thank you.
JUDGE PRIDGIN: Any Bench questions?
CHAIRMAN HALL: No, no questions.
COMMISSIONER KENNEY: No questions.
JUDGE PRIDGIN: All right. Thank you. Redirect?
MR. OPITZ: No, thank you, Judge.
JUDGE PRIDGIN: All right. Dr. Marke, thank you very much. You may step down.
Are we out of witnesses? All right. Let me see if there's anything further from counsel before we go off the record.
MR. WOODSMALL: Your Honor, we've had a number of witnesses, but we had a number of pieces of testimony that haven't been offered yet. Do you want to do that now or --
JUDGE PRIDGIN: I certainly want to do it on the record, unless you just want to submit them. It's probably cleaner to go ahead and do that on the record while the court reporter is --
MR. WOODSMALL: Well, MECG had two pieces of testimony, Exhibit 653 and 654.
JUDGE PRIDGIN: I'm sorry. 653 and

654?

MR. WOODSMALL: Mr. Brosch's direct and his surrebuttal. Those issues have settled, and I'd offer those pieces of testimony.

JUDGE PRIDGIN: 653 and 654 have been offered. Any objections?

(No response.)

JUDGE PRIDGIN: Hearing none, they are admitted.

(MECG EXHIBITS 653 AND 654 WERE MARKED AND RECEIVED INTO EVIDENCE.)

MR. WOODSMALL: Your Honor, with that, can you tell, I believe all seven of my exhibits, Exhibit 650 to 656, all seven of them have been offered and received?

JUDGE PRIDGIN: I will do my best. These are not offered serially, so I have to kind of go through my list. I see 650, 651, 652. There's 655. And then you just offered 653 and 654.

MR. WOODSMALL: Right. And then 656 was earlier this morning.

JUDGE PRIDGIN: That rings a bell. Let me look. Yes, that's been offered and admitted.

MR. WOODSMALL: Thanks. I'm done. Thanks.

JUDGE PRIDGIN: I'll give everybody the same chance. Mr. Opitz?

MR. OPITZ: Yes, Judge. I believe we haven't offered the testimony of Ms. Amanda Conner, and I have her direct testimony as Exhibit 300 and her surrebuttal testimony as Exhibit 301HC and 301NP.

JUDGE PRIDGIN: All right. Those are being offered?

MR. OPITZ: Yes. I'd like to offer them at this time.

JUDGE PRIDGIN: Any objections?

(No response.)

JUDGE PRIDGIN: All right. 300 is admitted. 301HC and NP is admitted.

(OPC EXHIBITS 300, 301HC AND 301NP WERE MARKED AND RECEIVED INTO EVIDENCE.)

JUDGE PRIDGIN: Ms. Mers?

MS. MERS: Staff has several exhibits and pieces of testimony. Just for time sake, can I just say the exhibit number and not all the other things so that we can get out of here a little bit quicker?

JUDGE PRIDGIN: Fine with me.

MS. MERS: Okay. Exhibit 201, Staff Exhibit 204, 209, 214, 215, 216, 217, 220, 221, 222. Excuse me. 221 has NP and HC versions, and that is the same for 222. Then we have 223, 224, 225, 226, 227, 228, 231, and that would be it.

MR. STEINER: Just for clarification, that's all prefiled testimony?

MS. MERS: Yes, it's all prefiled testimony.

JUDGE PRIDGIN: All right. I've got Exhibits 201, 204, 209, 214 through 217, 220, 221NP and HC, 222NP and HC, 223 through 228, and 231 all being offered. Did I understand that correctly?

MS. MERS: Yes.

JUDGE PRIDGIN: Any objections?

(No response.)

JUDGE PRIDGIN: Okay. Hearing none, those are all admitted.

(STAFF EXHIBITS 201, 204, 209, 214, 215, 216, 217, 220, 221NP, 221HC, 222NP, 222HC, 223, 224, 225, 226, 227, 228, 231 WERE RECEIVED INTO EVIDENCE.)

MS. MERS: And just to clarify, I believe 231 also has NP and HC.

JUDGE PRIDGIN: We'll show those admitted as NP and HC. Thank you. Anything, Mr. Steiner?

MR. STEINER: I have a list as well.

JUDGE PRIDGIN: Fire away.

MR. STEINER: Exhibit 109 and 110, Exhibits 113, 114, 115, Exhibit 119, Exhibit 123HC and 123NP, Exhibit 124, Exhibit 125, Exhibit 130, Exhibit 131, Exhibit 135, Exhibit 139. I would offer those exhibits into the record.

JUDGE PRIDGIN: I've 109, 110, 113 through 115, 119, 123HC and NP, 124 and 25, 130 and 31, 135 and 139 all been offered. Did I get those correct, Mr. Steiner.

MR. STEINER: I think so, yes. And I had a question if 132HC, 132 NP and 133 and 134 had been offered and admitted yet.

JUDGE PRIDGIN: I think so.

MR. STEINER: Testimony of Mr. Klote.

JUDGE PRIDGIN: I do not see them. I'm sorry. 132?

MR. STEINER: HC, 132NP, 133 and 134.

JUDGE PRIDGIN: So only 132 is HC and NP? The rest are all public?

MR. STEINER: Correct.

JUDGE PRIDGIN: All right. Those have all been offered. Any objections?

(no response.)

JUDGE PRIDGIN: Okay. Hearing none, Exhibits 109, 110, 113, 114, 115, 119, 123HC and NP, 124 and 25, 130 and 31, 135, 139, 132HC and NP, 133 and 134 are admitted.

(KCPL EXHIBITS 109, 110, 113, 114, 115, 119, 123HC, 123NP, 124, 125, 130, 131, 132HC, 132NP, 133, 134 135 AND 139 WERE RECEIVED INTO EVIDENCE.)

MR. STEINER: Thank you.

JUDGE PRIDGIN: Anything further from counsel or from the Bench? Anything further from counsel, Mr. Fischer?

MR. FISCHER: Well, on behalf of the company, I'd just like to thank the Commission, Judge Pridgin, the other parties for their cooperation getting this case processed and particularly for scheduling witnesses as we needed to. Thank you all very much.

JUDGE PRIDGIN: My pleasure. Mr. Chairman?

CHAIRMAN HALL: What is the plan for getting information on the Clean Charge Network

distribution costs versus the actual charging station costs into the record? Are we going to hold the record open for that?

MR. STEINER: Do we want to designate an exhibit for that?

JUDGE PRIDGIN: We can certainly do that. It may be faster to simply do this off the record to make sure I get the right exhibit number. I don't have your exhibit list handy, and I don't want to give the wrong number. I can always file a notice later saying this is your next exhibit.

MR. STEINER: That's fine.

JUDGE PRIDGIN: I'll issue a notice in the case saying that information will be this exhibit number.

CHAIRMAN HALL: And then is there a process by which the other parties would be able to look at those numbers and disagree or verify them?

JUDGE PRIDGIN: Respond and lodge objections, yes, sir.

CHAIRMAN HALL: Thank you.

CHAIRMAN HALL: Mr. Opitz?

MR. OPITZ: Mr. Chairman, may I clarify just so I'm understanding what you're looking for? A breakdown of the electric vehicle

charging costs by stations versus the distribution costs is one?

CHAIRMAN HALL: Yes.

MR. OPITZ: And then the other one I believe you were looking for whether the depreciation rate was applied to the distribution system as well or was --

CHAIRMAN HALL: Yes. Because I assume that they were -- they did not apply the ten-year depreciation schedule to the distribution, but that needed to be verified.

MR. OPITZ: Okay. Thank you.

MR. STEINER: Another point of clarification. Was it the breakdown of the costs and benefits by -- did you want the benefits broken down, too, or just the costs?

CHAIRMAN HALL: It was just the costs.

MR. STEINER: Just the costs.

JUDGE PRIDGIN: Anything further from counsel or from the Bench? If I recall correctly, we've got true-up direct due tomorrow, true-up hearing March 16th.

All right. If there's nothing further, thank you very much. We are off the

record. This hearing is adjourned.

(WHEREUPON, the hearing concluded at 2:30 p.m.)

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C E R T I F I C A T E

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Kellene K. Feddersen, Certified Shorthand Reporter with the firm of Midwest Litigation Services, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

Given at my office in the City of Jefferson, County of Cole, State of Missouri.

Kellene K. Feddersen, RPR, CSR, CCR

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