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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Hearing

April 17, 2015

Jefferson City, Missouri
Volume 7

In the Matter of the Empire)
District Electric Company for)
Authority to File Tariffs)
Increasing Rates for Electric) Case ER-2014-0351
Service Provided to Customers)
in the Company's Missouri)
Service Area)

KIM S. BURTON, Presiding,
REGULATORY LAW JUDGE.

ROBERT S. KENNEY, Chairman
SCOTT T. RUPP,
COMMISSIONERS.

REPORTED BY:

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

2 (WHEREUPON, the prehearing conference
3 began at 10:03 a.m.)

4 JUDGE BURTON: Let's go ahead and go
5 back on the record in the matter of File No.
6 ER-2014-0351, in the matter of the Empire District
7 Electric Company for the authority file tariffs
8 increasing rates for electric service provided to
9 customers in the company's Missouri service area.

10 I would ask that everyone who's
11 participating today or just observing today who's
12 in the room to please turn your phone on silent.

13 And we also, I believe, will be
14 having some of the Commissioners asking questions
15 telephonically as well as the witness testifying.
16 So I would ask that all of the parties please use
17 your microphones, and we'll attempt to see if that
18 helps avoid any confusion about hearing the
19 questions being asked.

20 Now, at this time I believe we're
21 going to take up any procedural matters that the
22 parties might have. I believe Staff had an issue.

23 MR. BERLIN: Yes, Judge. I did want
24 to make a comment once we -- are we on the record?

25 JUDGE BURTON: Yes, we are.

1 MR. BERLIN: Yes. This is Bob
2 Berlin. I'm Staff counsel. On Tuesday morning
3 Mr. Woodsmall on behalf of MEGC introduced an issue
4 on the matter of including a demand charge in the
5 FAC regarding transmission costs, and he had not
6 identified that issue in the April 13th list of
7 agreed-upon issues.

8 MEGC signed that pleading, along with
9 Staff and all the other parties, and we relied on
10 that agreement which set forth a very narrow list
11 of issues that would come before the Commission.

12 In addition, MEGC did not identify
13 the FAC demand charge transmission issue in the
14 Revised Stipulation & Agreement and List of Issues
15 filed on April 8th that became the unanimous
16 agreement on the non-objection of MEGC.

17 So on April 13th, the Commission
18 issued an Order modifying the procedural schedule
19 stating that the hearing would proceed according to
20 that joint list of issues, request for additional
21 witnesses to be excused and proposed hearing
22 schedule submitted by the parties on April 13th.

23 Though I feel compelled to address
24 this issue, we do not believe this is a proper
25 issue for the Commission decision, and we are not

1 agreeing that it is even an issue or waiving our
2 right to argue that it is not a proper issue for
3 Commission consideration.

4 The Staff waived cross-examination on
5 Ms. Maini on the issue of FAC. Because the issue
6 was reintroduced by Mr. Woodsmall on Tuesday
7 morning in his PowerPoint presentation, I'm
8 compelled to have some cross-examination for her.

9 And so because I did not have a
10 chance in my opening statement to address the issue
11 that MEGC had reintroduced by way of its PowerPoint
12 presentation, I would ask permission to make some
13 opening comments with respect to that particular
14 issue. And with your permission, I'd like to
15 proceed with a few comments regarding that specific
16 issue.

17 JUDGE BURTON: All right. Well, let
18 me interject for a moment and just see if any of
19 the additional parties wish to add a comment on
20 this?

21 MS. BAKER: Public Counsel certainly
22 agrees that this was not an issue that was brought
23 up in the revised list of issues. All that was
24 about the FAC in the list of issues was should the
25 SPP transmission costs and revenues be included

1 and, if so, what costs and revenues should be
2 included. That was all that we had had to bring
3 before the Commission.

4 So Public Counsel certainly agrees
5 that the idea of a demand charge goes beyond the
6 list of issues that we had agreed to bring.

7 JUDGE BURTON: Okay. Empire.

8 MS. CARTER: Empire concurs in those
9 statements.

10 MR. ELLINGER: Joplin concurs.

11 MR. CONRAD: We would concur, your
12 Honor.

13 JUDGE BURTON: And Mr. Woodsmall,
14 would you like to make a comment?

15 MR. WOODSMALL: Yes, briefly, your
16 Honor. I think we're engaging in semantics here.
17 The issue as to the inclusion of transmission costs
18 in the FAC was always a live issue and denoted in
19 the list of issues as such. This is simply a
20 subset of that overarching issue. If you allow
21 transmission costs, how will they be collected?

22 You know, it's part of the overall
23 issue. It's somewhat similar to saying I didn't
24 include what the growth rates were for an ROE.
25 Well, that's encompassed in what is the ROE. So it

1 is a subset of the entire issue.

2 I don't think there's any prejudice
3 here to the parties as far as Mr. Berlin notes. I
4 talked to him on Wednesday -- or Tuesday after the
5 hearing and then followed up on Wednesday and
6 informed him that I still thought that this was an
7 issue and that I had no problems with him
8 cross-examining Ms. Maini on this issue.

9 So he's had two days, and he knew
10 this was an issue that he could cross. I still
11 don't have any problems if he wants to cross on it,
12 and I don't have any problems if he wants to do a
13 supplemental opening statement to address it. So I
14 think it's semantics for them to say that this
15 issue was somehow dropped when it's a subpart of
16 the overarching issue.

17 JUDGE BURTON: Okay. In that
18 situation what I'm going to do is I'm going to
19 allow you to make a supplemental opening statement
20 on that issue, and I will allow the parties here to
21 cross-examine Ms. Maini while we have her here on
22 those issues as well.

23 MR. WOODSMALL: Your Honor, before we
24 start with that, if it's okay, Commissioner asked
25 me to provide some information, and as I mentioned,

1 I have that information. I've made copies,
2 provided it to the parties on Tuesday. Haven't
3 heard anything yea or nay from the parties, but I
4 wanted to offer it while the Commissioner is here.

5 JUDGE BURTON: I was planning on
6 doing the admissions and offering of testimony at
7 the end. If you believe that it would be
8 beneficial for the --

9 MR. WOODSMALL: Doesn't matter to me.
10 I just noticed the Commissioner here, so I wanted
11 to get it to him. I can wait if he can wait.

12 COMMISSIONER RUPP: I can wait.
13 Thank you, sir.

14 JUDGE BURTON: Why don't we take up
15 all additional materials that need to be admitted
16 into the record at the end.

17 MR. WOODSMALL: Thank you.

18 JUDGE BURTON: So, Mr. Berlin, why
19 don't you go ahead with your opening.

20 MR. BERLIN: Thank you, Judge.
21 Obviously Staff disagrees with MECG and believes
22 that this is a very specific and very new issue, an
23 issue that we believed had been dropped, especially
24 in consideration for Staff's waiver of
25 cross-examination regarding FAC.

1 The issue, using Mr. Woodsmall's own
2 words in his fuel adjustment clause PowerPoint
3 slide, and that is slide No. 18 on page 9, is this,
4 and I quote: If you allow transmission costs
5 incurred on a kW basis, collect those costs through
6 a demand component collected on a per kW basis in
7 the fuel adjustment clause, close quote.

8 And MCEG witness Maini introduced
9 this recommendation for the first time in her
10 surrebuttal testimony. It's on page 6, lines 2 to
11 5. Ms. Maini recommends establishing a dollar per
12 kilowatt demand charge for the recovery of fixed
13 costs for demand metered customers.

14 Staff believes this is a bad idea.
15 There are two big problems with doing this. First,
16 the demand that Ms. Maini wants to bill on has
17 nothing to do with the way Empire is billed by SPP,
18 and we have no way to meter the customer demand
19 that relates to how Empire is billed by the SPP.

20 Second, there is no way to split
21 those fixed costs between demand metered customers
22 and customers that are not demand metered.
23 Furthermore, such a recommendation is not practical
24 because the charge would not be based on customer
25 peak demand, but rather on what the customer's

1 Demand was during the specific hour of an SPP
2 monthly peak. Empire does not have that
3 information and it is not easy to obtain. The
4 mechanical parts and data processing requirements
5 for doing this are not there.

6 There is also a timing issue. Empire
7 has about 60 days after the end of an accumulation
8 period to make a fuel adjustment rate filing, and
9 Staff has about 30 days to review that filing and
10 to make its recommendation. There is not enough
11 time for the company to process the additional
12 information required to make the filing, and
13 there's not enough time for Staff to review that
14 filing. Many mechanical parts, parts that are not
15 in place, would need to be put in place to do that.

16 Also, it's a bad idea to take one
17 cost element of an FAC and to treat it differently
18 than all of the other cost elements. The FAC
19 includes fuel and purchased power revenues and
20 costs. This recommendation does not improve or
21 increase the accuracy in assigning costs. Using
22 customer demand to recover these transmission costs
23 relies on a very loose connection between Empire's
24 customer demand and Empire's hourly load at the
25 time of a monthly peak demand on SPP's system.

1 There exists no information showing
2 this method is more accurate than recovering these
3 costs in an energy charge.

4 In short, the recommendation to
5 collect transmission costs through a demand
6 component in the fuel adjustment clause is just not
7 practical. And that completes my comments on this
8 matter. Thank you.

9 JUDGE BURTON: Okay. Now, I want the
10 record to reflect that we have today some people
11 who are actually calling in to this hearing, and
12 that includes right now Ms. Kavita Maini, who is a
13 witness for MCEG, the Chairman of the Commission
14 Robert Kenney, as well as Mark Hughes, the advisor
15 to Commissioner Stoll.

16 At this point I'm going to ask if the
17 Commission has any questions for you, Mr. Berlin.
18 Chairman?

19 CHAIRMAN KENNEY: Sorry. I was on
20 mute. No, I don't have any questions for
21 Mr. Berlin. Thank you.

22 JUDGE BURTON: Commissioner Rupp?

23 COMMISSIONER RUPP: No questions.

24 Thank you.

25 JUDGE BURTON: All right. Thank you.

1 And in that case why don't we go ahead and proceed.

2 MECG.

3 MR. WOODSMALL: Thank you, your
4 Honor. Call Ms. Maini to the stand, and I
5 understand she's ready to be sworn in.

6 JUDGE BURTON: Ms. Maini, are you
7 there?

8 THE WITNESS: Yes, I'm here. I'm
9 sorry. I was on mute.

10 JUDGE BURTON: That's quite
11 acceptable. Would you please raise your right
12 hand.

13 THE WITNESS: Yes.

14 (Witness sworn.)

15 JUDGE BURTON: Okay. Thank you very
16 much. You may proceed.

17 MR. WOODSMALL: Thank you, your
18 Honor.

19 KAVITA MAINI testified as follows:

20 DIRECT EXAMINATION BY MR. WOODSMALL:

21 Q. Would you state your name for the
22 record, please.

23 A. Kavita Maini, K-a-v-i-t-a, last name
24 spelled as M as in Michael a-i-n-i.

25 Q. Thank you. And by whom are you

1 **employed and in what capacity?**

2 A. I'm sorry. It's a little bit --
3 coming a little bit garbled.

4 **Q. By whom are you employed in this**
5 **case?**

6 A. I'm an independent consultant, and my
7 company's name is KM Energy Consulting.

8 **Q. And who are you appearing on behalf**
9 **of in this case?**

10 A. The MECG.

11 **Q. Thank you. Did you cause to be filed**
12 **what has been marked as Exhibit 700, your direct**
13 **testimony, 701, your rebuttal testimony, and 702,**
14 **your surrebuttal testimony?**

15 A. Yes, I did.

16 **Q. Do you have any changes to make to**
17 **that testimony?**

18 A. No.

19 **Q. And are the answers that you provided**
20 **there true and accurate to the best of your**
21 **knowledge and information?**

22 A. Yes.

23 MR. WOODSMALL: Your Honor, with that
24 I'd offer Exhibit 700, direct testimony, 701,
25 rebuttal testimony, and 702, surrebuttal testimony,

1 and tender the witness for cross-examination.

2 JUDGE BURTON: Okay. I have them
3 offered right now. Why don't we go ahead and wait
4 if that's okay and we'll handle all of the exhibits
5 at the end? And I believe Staff --

6 MR. BERLIN: Correct.

7 JUDGE BURTON: Actually, I think we
8 have Division of Energy, which is not present
9 today, and then City of Joplin.

10 MR. ELLINGER: No questions, Judge.

11 JUDGE BURTON: Empire?

12 CROSS-EXAMINATION BY MS. CARTER:

13 Q. Ms. Maini, this is Diana Carter.

14 A. Yes.

15 Q. Can you hear me okay?

16 A. I can. It's a little bit choppy,
17 but yes, I can. Go ahead.

18 Q. The revenue allocation of the
19 Nonunanimous Stipulation provides for a revenue
20 neutral shift or increase to the residential class
21 of .75 percent. Are you familiar with that?

22 A. Yes.

23 Q. And would you agree with me that that
24 is a step, even if it's a small step, toward moving
25 the residential class to true cost of service?

1 A. Yes. I just wanted to make sure I
2 understood you right. Did you say is that a small
3 step to moving towards cost of service for the
4 residential class?

5 **Q. Yes. I was asking if you agree with**
6 **me that that is a step toward moving the**
7 **residential class to true cost of service?**

8 A. Yes.

9 JUDGE BURTON: If I could interject,
10 why don't we try to have you, Ms. Carter, stand up
11 by the podium and see if that might help with the
12 volume issues.

13 BY MS. CARTER:

14 **Q. The revenue allocation of the**
15 **Nonunanimous Stip also provides for a .85 percent**
16 **decrease for large power, total electric billing**
17 **service and general power service rate classes,**
18 **correct?**

19 A. Correct.

20 **Q. And would you agree with me that that**
21 **is a step toward moving those classes to true cost**
22 **of service?**

23 A. Yes.

24 **Q. I would like to clarify something on**
25 **the FAC issues. Is it your position that no SPP**

1 **transmission costs should flow through the FAC?**

2 A. No. My position is that the network
3 transmission costs that are typically re-- that are
4 not typically -- that are recovered through demand
5 charge, the SPP transmission expansion costs that
6 are recovered -- that are allocated to customers on
7 a fixed kW basis, those are the ones I'm talking
8 about that should be recovered through a dollar per
9 kW charge for the demand metered customers.

10 **Q. Yes. And I'm sorry. That was not my**
11 **question. Is it your position that no SPP**
12 **transmission costs should flow through the FAC in**
13 **any manner?**

14 A. I'm just thinking. I'm sorry. You
15 know, our primary position in this case was that
16 transmission costs, SPP related costs really should
17 not flow through the FAC right now because the IM
18 market, the SPP IM market is less than a -- was
19 less than a year old. It started in March 1 of
20 2014. And it would be relevant and important to
21 have a more quantifiable benefit of using actual
22 data to identify the benefits accrued from
23 participating in the SPP.

24 And so our primary position was that,
25 you know, SPP related transmission costs should not

1 be included in the FAC.

2 **Q. Would you ag--**

3 A. However, if -- however, if the
4 Commission does approve those, then our rate
5 design, as you know, was to have the dollar per kW
6 on a demand -- for the demand metered customers.

7 **Q. Would you agree with me that Empire's**
8 **customers are served from energy purchased from the**
9 **SPP integrated marketplace currently?**

10 A. Yes. They do purchase to the extent
11 that the amount of generation -- the amount of
12 energy flowing through its own native generation
13 does not fulfill its own needs. There's a certain
14 amount of purchased power. And also if the cost of
15 power from other generation plants are cheaper,
16 than Empire's generation, then it would purchase
17 that power.

18 **Q. Do you agree with me that currently**
19 **net revenue produced from the sale of Empire's**
20 **generating or operating reserves to the SPP**
21 **integrated marketplace are used to offset fuel and**
22 **purchased power costs paid by Empire's customers**
23 **through the FAC?**

24 A. Yes.

25 **Q. So Empire's customers currently are**

1 **receiving the benefits from Empire's participation**
2 **in the SPP integrated marketplace, correct?**

3 MR. WOODSMALL: Your Honor, may I
4 interject briefly? Going back to the stipulation,
5 the parties -- I waived cross on all the parties on
6 this issue, and the parties waived cross of
7 Ms. Maini on this issue as well. The only issue
8 that I understood was going to be crossed about was
9 the rate design. So these clearly are issues that
10 people waived cross on. I'm a little confused.

11 MS. CARTER: Perhaps I misunderstood
12 the judge's ruling this morning that said we could
13 cross on FAC.

14 MR. WOODSMALL: On all FAC issues.
15 Okay. Thank you.

16 JUDGE BURTON: Yes.

17 BY MS. CARTER:

18 **Q. And I'm sorry, Ms. Maini, I'm not**
19 **sure if you answered that last question. Do you**
20 **agree that Empire's customers are currently**
21 **receiving the benefits from Empire's participation**
22 **in the SPP integrated marketplace?**

23 A. I just want to make sure I understood
24 this, because I think the -- before you had
25 mentioned that -- you had asked me this question

1 that the generated revenues that the -- the
2 generated revenues received for Empire's generation
3 are used as an offset in the FAC, and I had agreed.
4 And this was your next question related to that, is
5 that right, or am I misunderstanding?

6 **Q. That's correct.**

7 A. Okay. I would say that, you know,
8 the way my understanding of how this market works
9 is that Empire bids all its load into the SPP
10 market and offers up all of its generation into the
11 SPP market, and by the time that the generated
12 revenues offset the load expenses, what you're left
13 really with are the input costs.

14 So it's really from that perspective
15 no different than how it's operated today because
16 what Empire gets recovery on are its average
17 embedded costs of delivering power for energy.

18 **Q. And so Empire's customers see the**
19 **benefit, correct?**

20 A. Well, I don't see -- that's what I'm
21 trying to say. I don't know if you can call that a
22 benefit because all you're doing is offsetting your
23 generator revenues. It's an accounting thing.
24 You're offsetting your generator revenues with the
25 load expenses by bidding -- by bidding all load

1 into the market, offering all of the generation
2 into the market. So what you're really left with
3 are your own input costs.

4 So I don't know if that's -- you
5 know, it's an accounting thing. So I don't know if
6 you can directly call that a benefit.

7 **Q. Are you familiar with Empire's**
8 **testimony in this case stating that a significant**
9 **item offsetting Empire's rate increase is savings**
10 **experienced through the SPP integrated marketplace?**

11 A. Yes. That's the -- just to be clear,
12 that's witness Tarter's testimony on the 3 percent
13 adjustment, is that what you're referring to?

14 **Q. I'm sorry. I didn't hear the name**
15 **you said.**

16 MR. WOODSMALL: Tarter.

17 BY MS. CARTER:

18 **Q. I believe Empire witness Todd Tarter**
19 **and also Empire witness Kelly Walters speak to the**
20 **savings from the SPP integrated marketplace. Are**
21 **you familiar with that testimony?**

22 A. I'm familiar with witness Tarter's
23 testimony on this, yes.

24 **Q. And do you disagree that the**
25 **customers are seeing -- are experiencing that**

1 **benefit through the SPP integrated marketplace?**

2 A. I do not disagree that the customers
3 are benefiting. I just disagreed at the
4 percentages used because those were based off of
5 some predated studies. And, you know, at the point
6 in time that we were writing this testimony, we
7 hadn't even completed one year of the utility
8 participating in the SPP IM.

9 So to -- in response, direct response
10 to your question, no, I don't disagree that there
11 are benefits.

12 **Q. And the SPP integrated marketplace**
13 **began March 1 of 2014, correct?**

14 A. Correct.

15 MS. CARTER: That's all the questions
16 I have at this time. Thank you.

17 JUDGE BURTON: MEUA?

18 CROSS-EXAMINATION BY MR. CONRAD:

19 **Q. Ms. Maini, Stu Conrad for MEUA.**
20 **Where are you located, ma'am?**

21 A. I'm located in Wisconsin.

22 **Q. Are you in a room by yourself?**

23 A. Pardon me? I'm sorry. I didn't
24 hear.

25 **Q. Are you in a room by yourself?**

1 A. Yes, I am.

2 Q. Now, you have filed, if I recall
3 correctly, three pieces of testimony; is that
4 correct?

5 A. That's correct.

6 Q. Have you -- or could you please point
7 me to where in any of those three testimonies you
8 have analyzed the impact on other LP customers of
9 your proposal?

10 A. I have not done that in my testimony.
11 I have provided --

12 Q. Would you -- excuse, ma'am. Would
13 you agree with me that the definition of
14 availability for the LP service schedule does not
15 contain a load factor restriction?

16 A. Correct. It does not -- are you
17 talking about the LP rate as far as if that has a
18 requirement of a certain load factor, is that what
19 you're asking me?

20 Q. Let me try it again. Would you agree
21 with me that the schedule LP availability section
22 does not contain a load factor restriction?

23 A. I'm just going to look at it right
24 now just to confirm this. I would say that the
25 availability or the --

1 Q. Ma'am, just try and work with me a
2 little bit. Just answer the question.

3 A. I --

4 Q. Would you agree with me that it does
5 not contain a load factor restriction?

6 A. Yes, I'm going to answer the
7 question, but I would like to clarify as well.

8 Q. I don't need the clarification.
9 That's what your counsel's here for. You've
10 answered the question.

11 Now, would you look at the GP rate
12 schedule, if you have it before you. Does rate
13 schedule GP contain a load factor restriction?

14 A. No.

15 Q. Would you -- since you have
16 apparently both of those tariff sections before
17 you, would you compare the availability section in
18 schedule LP with the availability section in
19 schedule GP, and when you have made that
20 comparison, tell me. I have a question about that.

21 A. About the availability paragraph?

22 Q. About the two availability sections,
23 yes, ma'am.

24 A. Okay. Okay. I have read through the
25 availability paragraph.

1 **Q. Would you agree with me that they are**
2 **identical?**

3 A. Correct. Before the monthly --

4 MR. CONRAD: Thank you, ma'am.

5 That's all the questions I have.

6 JUDGE BURTON: Thank you. Next would
7 be the Office of Public Counsel.

8 MS. BAKER: No questions. Thank you.

9 JUDGE BURTON: Thank you. And then
10 Staff.

11 CROSS-EXAMINATION BY MR. BERLIN:

12 **Q. Good morning, Ms. Maini. I'm Bob**
13 **Berlin, and I'm the Staff counsel in this case.**

14 A. Good morning.

15 **Q. I have a few general questions before**
16 **I ask some questions related to energy costs.**
17 **First, I'd like to read you a statement. The**
18 **Commission should take steps to eliminate the**
19 **collection of fixed costs through the energy**
20 **charge. Do you agree with that statement?**

21 A. Would you please repeat that one time
22 more?

23 **Q. Sure. The statement is, the**
24 **Commission should take steps to eliminate the**
25 **collection of fixed costs through the energy**

1 charge.

2 A. Yes, I agree.

3 Q. Is that statement your position?

4 A. Yes.

5 Q. Now, regarding the large power or LP
6 rate class, would you agree that the LP class has
7 two energy charges?

8 A. Yes.

9 Q. And those charges vary by season,
10 correct?

11 A. That's correct.

12 Q. And your recommendation only concerns
13 the LP tailblock; is that right?

14 A. That's right.

15 Q. Okay. Thank you. Shifting gears, I
16 have a few questions for you related to energy
17 cost. Are you familiar with a concept of
18 locational marginal pricing?

19 A. Yes, I am.

20 Q. What was the simple average of the
21 day-ahead LMP locational marginal price for Empire?

22 A. I don't know right now. I mean, I've
23 seen -- you know, I've asked discovery requests
24 before, but --

25 Q. That's fine.

1 A. -- I don't seem to recall the numbers
2 offhand. I'm sorry.

3 Q. **Ms. Maini, you answered the question.**
4 **Thank you. Would you -- would you agree with me**
5 **that Ms. Kliethermes, Sarah Kliethermes testified**
6 **that it was \$35.34 per megawatt hour for 12 months**
7 **ending March 1st, 2015? Does that sound right to**
8 **you?**

9 A. You know, I do not recall, but
10 subject to check, I will take your word for it.

11 Q. **Okay. What was the weighted average**
12 **energy cost at the Empire load node if you took**
13 **each of the 8,760 hours of that year and multiplied**
14 **the day-ahead LMP by the LP class' load in that**
15 **hour?**

16 A. I don't know.

17 Q. **Would you agree with me that**
18 **Ms. Kliethermes testified that it was \$35.06 per**
19 **megawatt hour for 12 months ending March 1st, 2015?**

20 A. Once again, subject to check, I
21 will -- I will agree with you.

22 Q. **And the SPP also bills Empire for**
23 **costs other than the day-ahead energy, such as for**
24 **ancillary services, transmission and**
25 **administration; would you agree with that?**

1 A. Yes.

2 Q. And if you know, does Empire
3 experience line losses and have to adjust for
4 voltage to get from transmission level to the
5 voltage that LP customers are served at?

6 A. Yes.

7 Q. Then would you agree that there are
8 some costs above the \$35.06 per megawatt hour that
9 have to be recovered through the energy charge?

10 A. Now, you're talking about LMPs. Then
11 we are talking -- are you talking about the LP
12 rate? I just want to make sure I understand your
13 question.

14 Q. Yes.

15 A. Which one? I'm sorry.

16 Q. Well, for either one, would you agree
17 that there would be additional costs to be
18 recovered through the energy charge?

19 A. I think one has to look at this in a
20 holistic manner. When we start looking at LMPs, by
21 definition those are marginal costs. You're
22 talking about the incremental cost required to --

23 Q. Ms. Maini, let me back up a little
24 bit here --

25 A. Okay.

1 Q. -- just to help maybe get my question
2 answered. My question is that -- goes back to
3 whether, if you knew or know, does Empire
4 experience line losses and have to adjust for
5 voltage to get from transmission level to the
6 voltage that LP customers are served at? And I
7 believe you -- I believe you answered yes.

8 A. Yes. You have to adjust for losses.
9 Those are affected in the rates, yeah, in the LP
10 rates, yeah. Uh-huh.

11 Q. All right. Now, I do have some
12 questions as to your recommendation for the LP
13 class tailblock rate that is to be set equal to the
14 FAC base rate. Would you agree that the FAC base
15 rate does not just consider costs but it also
16 considers revenues?

17 A. Yes.

18 Q. And you recommend using the FAC base
19 to find the cost of energy to serve the LP class,
20 correct?

21 A. Yes. Our initial recommendation was
22 to tie the tiered loss to the base cost of energy,
23 and then in my surrebuttal testimony --

24 Q. All right. I appreciate it. I think
25 you just answered my question. Thank you.

1 **So in the event the Commission wanted**
2 **to set the tailblock rate to the cost of energy,**
3 **would you agree with me that the FAC base rate**
4 **doesn't give you the full cost of energy?**

5 A. I think I was starting to tell you
6 that, you know, trying to take you to my
7 surrebuttal testimony which says that there were
8 other variable costs in addition to the base cost
9 of energy which needed to be recognized, which is
10 why we recommended a 5 mil adjustment instead of
11 going all the way to the base cost of energy.

12 **Q. Well, would you agree with me, then,**
13 **that the FAC base rate gives you the cost of energy**
14 **minus some amount of revenues?**

15 A. The FAC has got offsetting revenues
16 for off-system sales, and so, yes, there are
17 revenues in there.

18 **Q. All right. Because the FAC base rate**
19 **does not accurately reflect the cost of energy,**
20 **because the FAC also includes revenues, would you**
21 **agree that it would be improper for the Commission**
22 **to use the FAC base rate to set the tailblock cost**
23 **of energy?**

24 A. No, I do not agree, because as I
25 said --

1 Q. Thank you. You answered my question.
2 Shifting gears again, I have some questions related
3 to the fuel adjustment charge demand component that
4 you are proposing.

5 A. Okay.

6 Q. For each month of transmission
7 charges, do you agree that SPP bills Empire based
8 on Empire's usage coincident with SPP's monthly
9 peak hour?

10 A. For each month you said, right?

11 Q. Correct. I'll restate that if it
12 would help.

13 A. Okay.

14 Q. The question is, for each month of
15 transmission charges, do you agree that SPP bills
16 Empire based on Empire's usage coincident with
17 SPP's monthly peak hour?

18 A. You know, to be honest, I was trying
19 to remember this. I know in MISO the network
20 integrated transmission costs that a transmission
21 owner has, it's charged on its coincident, its
22 system peak for the month. And so I was
23 hesitating. I'm not totally sure whether it is
24 tied to the SPP coincident peak or not. I'm not
25 positive. It is based off of, you know, on demand.

1 I can say that.

2 Q. Well, would you at least agree with
3 me that the place to find out this information
4 would be in SPP's tariff?

5 A. Yes. Yes. Uh-huh.

6 Q. Okay. Because you're not here in
7 person, I would normally hand you a document. So I
8 will read to you a paragraph from the Southwest
9 Power Pool open access transmission tariff
10 Schedule 11.

11 A. Okay.

12 Q. Just a minute, please. I'm going to
13 hand a copy of this tariff sheet. We're handing
14 the tariff sheet out now and providing a copy to
15 your counsel as well.

16 A. Okay. Thank you.

17 Q. All right. Again, because you're not
18 here, I will read the sentence from the SPP open
19 access transmission tariff Schedule 11 in
20 section 2, paragraph A, subsection 1, and it
21 states, and I quote, the network customer's or
22 transmission owner's monthly zonal resident load is
23 its integrated hourly load coincident with a
24 monthly peak of the zone where the resident load is
25 physically located, close quote.

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

2 I'm so sorry.

3 Q. That's fine. I'll be glad to repeat
4 it. The sentence that I read from Schedule 11 is
5 this, and I quote, the network customer's or
6 transmission owner's monthly zonal resident load is
7 its integrated hourly load coincident with the
8 monthly peak of the zone where the resident load is
9 physically located, close quote. Did you hear that
10 statement?

11 A. Yes. I definitely heard it. I was
12 just trying to process it. So basically it's
13 saying that the zonal --

14 Q. I have a question -- I have a
15 follow-up question for you.

16 A. Okay.

17 Q. So that sentence that I read from the
18 tariff sheet, the SPP tariff sheet, tells Empire
19 that it will be billed based on Empire's usage
20 coincident with SPP's monthly peak hour, correct?

21 A. See, that's what I was trying to
22 gauge from that. I was trying to hear whether it
23 said that the -- you know, a zonal peak or a
24 utility's peak has to be coincident with the
25 transmission provider, like in SPP's coincident

1 peak, and I couldn't gauge that from what you were
2 reading.

3 Q. I can restate the sentence if it
4 would be helpful.

5 A. Okay. I'm --

6 Q. In order to maybe make this a little
7 bit easier, would you agree that it addresses some
8 sort of a load ratio?

9 A. Load ratio, sure.

10 Q. Okay. Thank you.

11 A. Uh-huh.

12 MR. BERLIN: Judge, I would like to
13 move to admit SPP open access transmission tariff
14 Schedule 11 as Staff Exhibit 231.

15 JUDGE BURTON: I have it marked as
16 Staff Exhibit 231, and why don't we wait to handle
17 all objections at the end.

18 MR. WOODSMALL: The only objection I
19 would make, your Honor, isn't to this document by
20 itself. I believe it's somewhat incomplete in that
21 it just discusses Schedule 11. So if you allow it,
22 I would ask to be able to supplement it for other
23 SPP charges. Who am I talking to here?

24 MR. BERLIN: I don't understand what
25 you're --

1 MR. WOODSMALL: I don't believe
2 Schedule 11 is the totality of the SPP charges
3 charged to Empire.

4 MR. BERLIN: You want to be able to
5 refer to the entire SPP tariff?

6 MR. WOODSMALL: Right.

7 MR. BERLIN: That's fine.

8 MR. WOODSMALL: Subject to that, I
9 have no objection, your Honor.

10 JUDGE BURTON: So why don't we wait
11 then on this until the conclusion when we deal with
12 all of the exhibits that are yet to be admitted and
13 we'll handle any objections at that point.

14 BY MR. BERLIN:

15 Q. Okay. I will move on. Ms. Maini, if
16 you know, how many time zones are in the SPP
17 geographic footprint?

18 A. How many time zones?

19 Q. Correct.

20 A. I'm not sure. I don't know.

21 Q. All right. That's fine. I'm going
22 to move on a little bit here. Would you agree with
23 me that not all of Empire's customers have demand
24 meters?

25 A. Yes, I would agree.

1 **Q. And would you agree that residential**
2 **customers do not have demand meters?**

3 A. Yes, I would agree.

4 **Q. Would you agree that commercial**
5 **customers do not have demand meters?**

6 A. You know, I'm hesitating because of
7 the definitions in here. I guess the simplest way
8 I can --

9 **Q. That's fine.**

10 A. I'm just looking at the schedule. It
11 doesn't have a demand charge, yeah. I suspect that
12 since these don't have demand charges, they
13 probably don't have a demand meter.

14 **Q. All right. And would you agree that**
15 **the small heating customers do not have demand**
16 **meters?**

17 A. Correct. Uh-huh.

18 **Q. And would you agree that lighting**
19 **customers do not have demand meters?**

20 A. Correct.

21 **Q. So quite a few customers of Empire do**
22 **not have demand meters, would you agree?**

23 A. Agree, although that's no different
24 from other utilities that have a dollar per kW cost
25 recovery. It's the same situation.

1 Q. Thank you. You answered the
2 question. Thank you, Ms. Maini.

3 Now, for that portion of customers
4 that do have demand meters and are demand billed, I
5 have a couple of questions.

6 A. Okay.

7 Q. For each customer's billing demand,
8 would you agree that those customers are billed
9 based on that individual customer's peak 15-minute
10 usage each month?

11 A. Correct. Uh-huh. Coincident peak,
12 yeah, right, for the utility. Uh-huh.

13 Q. And for each customer's facilities
14 demand, would you agree that those customers are
15 billed based on that individual customer's peak
16 15-minute usage each year?

17 A. Yeah. The facilities demand, that's
18 the ratcheted one, I believe. One second. I'm
19 just going to look at the definition just to
20 confirm. Facilities demand. In each of the
21 previous 11 months, yes. Uh-huh.

22 Q. All right. And --

23 JUDGE BURTON: That was a yes,
24 Ms. Maini?

25 THE WITNESS: Yes, that was a yes.

1 I'm sorry. Yes.

2 BY MR. BERLIN:

3 Q. Okay. Thank you. And just one final
4 question. I just want to clarify if you said that
5 billing demand is coincident with the utility's
6 peak?

7 A. Oh, I'm sorry. No. This is the
8 highest 15-minute integrated demand.

9 Q. For that customer?

10 A. For that customer, yeah.

11 MR. BERLIN: All right. Thank you,
12 Ms. Maini. I appreciate your time today. That
13 ends my questions.

14 THE WITNESS: Thank you.

15 JUDGE BURTON: Okay. Thank you. At
16 this time I will ask and see if there are any
17 questions from the Commission. Chairman?

18 CHAIRMAN KENNEY: I have no
19 questions. Thanks, Ms. Maini.

20 THE WITNESS: Thank you.

21 JUDGE BURTON: All right. Any
22 redirect?

23 MR. WOODSMALL: Yes, your Honor.

24 REDIRECT EXAMINATION BY MR. WOODSMALL:

25 Q. Going through these I think in order,

1 you were asked some questions by Empire about the
2 Nonunanimous Stipulation, and you agreed that it
3 made some movement, albeit small movement, on the
4 residential subsidy. Do you recall that question?

5 A. Yes, I do.

6 Q. Does the Nonunanimous Stipulation
7 make any movement on the SC-P rate schedule?

8 A. No.

9 Q. And under your class cost of service
10 study, is the SC -- does the customer on the SC-P
11 rate schedule pay rates that are above cost of
12 service?

13 A. Yes.

14 Q. Can you tell me by how much?

15 A. I'm just going to go to that page
16 here. I have it at minus 3.3 percent. 124,356.

17 Q. Thank you. You were asked some
18 questions from counsel for MEUA about the
19 availability sections of the LP and the GP rate
20 schedules. Do you recall that?

21 A. Yes, I do.

22 Q. Can you clarify the relevance or
23 whether there is a load factor portion or
24 consideration in the availability schedule?

25 A. Yes. You know, the -- both of the GP

1 rate and the LP rate under the availability section
2 there's this paragraph that is identical, but then
3 it shows the monthly rates, the summer season and
4 the winter season rates. And when you look at the
5 rates, that built into the rate is some --

6 MR. CONRAD: Excuse me. I object.
7 That's well beyond the scope of cross. I simply
8 asked her the availability section. And I'm
9 looking now at the tariff, and it does not contain
10 anything about load factor.

11 MR. WOODSMALL: And I'm redirecting
12 about whether there is a load factor consideration
13 in those tariffs.

14 MR. CONRAD: And that exceeds the
15 scope of cross.

16 JUDGE BURTON: I'm going to go ahead
17 and overrule that objection and allow it.

18 BY MR. WOODSMALL:

19 Q. Let me ask the question again. Do
20 you believe that there is a load factor
21 consideration in the LP rate schedule?

22 A. Yes, there is.

23 Q. Please explain.

24 A. Okay. You know, in the general power
25 service, when you look at --

1 MR. CONRAD: I'll renew the
2 objection. I'll renew the objection.

3 JUDGE BURTON: Hold on one moment,
4 Ms. Maini.

5 THE WITNESS: I'm sorry.

6 MR. CONRAD: That's well beyond the
7 cross that I asked. I asked very specifically
8 about the availability section, if it contained any
9 load factor restriction, not about anything else.
10 I didn't ask her about what her suppositions were.
11 I asked her if that specific clause in the tariff
12 contained any restriction on load factor.

13 JUDGE BURTON: I'm going to give the
14 witness some leeway to answer.

15 BY MR. WOODSMALL:

16 Q. Do you need me to ask the question
17 again?

18 A. No. I think I understood your
19 question.

20 Q. Thank you. Please explain.

21 A. Okay. When I look at the GP rate
22 schedule and the LP rate schedule, if you look at
23 the demand charge on a dollar per kW month and then
24 the energy charges, the demand charges are
25 relatively lower, much lower than when you look at,

1 you know, the LP rate. And so the rate design is
2 such that it's going to attract on a relative basis
3 more low load factor customers in the GP schedule
4 than the LP schedule.

5 And so that's really what I was
6 trying to clarify is that there is no -- you know,
7 it doesn't say if you are more than 40 percent or
8 less than 60 percent you shall be here, but
9 implicit in the rate design, you know, when you
10 look at the rate itself, it has those kind of
11 considerations.

12 **Q. Thank you. Moving on to questions**
13 **from Staff. You were asked some questions about**
14 **locational marginal pricing. Do you recall that?**

15 A. Yes, I do.

16 **Q. And can you tell me if you believe**
17 **that LMP prices are relevant to the setting of**
18 **retail rates?**

19 A. No, they are not.

20 **Q. Can you tell me why?**

21 A. Yes. The retail rate, I'll put
22 the -- in this case the LP rate, is based off of
23 the average embedded cost. So it's average
24 embedded rates. And when you look at LMPs, those
25 are really the marginal costs of energy, which we

1 are not really -- which are not really being used
2 here to design this rate. So it's comparing apples
3 to oranges.

4 **Q. Thank you. There were some questions**
5 **about a proposal to tie the tailblock energy rate**
6 **for the LP class to the LM-- or to the FAC. Can**
7 **you tell me what your actual proposal is in this**
8 **case?**

9 A. Yes. My actual proposal is that --
10 to just reduce the tailblock by 5 mils per kWh.
11 And, you know, from what I recall in the latest
12 discovery request that was asked, the base cost of
13 fuel without transmission is .02588, if I recall
14 correctly. And that's the big reduction then from
15 where it was before at 0.02831.

16 And what we were -- what my basic
17 recommendation was, to just reduce this 5 mil, not
18 actually take it down all the way to the base cost
19 of fuel, because I recognize there are other
20 variable charges. But the main point was to send
21 the right pricing signals because the fuel costs
22 have gone down and the demand costs have gone up as
23 for the revenue requirements in this case.

24 **Q. And can you tell me what the current**
25 **tailblock rates are for the LP rate schedule?**

1 A. Yes. For the -- for the summer, the
2 tailblock is at 0.0363 per kWh, which is 3.63 cents
3 a kWh, and in the winter it is 3.5 cents a kWh.

4 **Q. And so your proposal would take those**
5 **down to 3.13 cents in the summer and 3.00 in the**
6 **winter; is that correct?**

7 A. That is correct.

8 **Q. And would you agree that that is**
9 **above the 2.588 cents per kWh that you just**
10 **mentioned?**

11 A. Yes. Correct.

12 **Q. Do you believe that this position was**
13 **supported by Empire in its testimony?**

14 MS. CARTER: I'm going to object to
15 the witness' ability to testify regarding the
16 intentions of Empire's witnesses.

17 MR. WOODSMALL: I'll rephrase.

18 BY MR. WOODSMALL:

19 **Q. Can you point to any testimony by**
20 **Empire which supports this position of yours?**

21 A. Yes. Witness Overcast, his -- one of
22 his major themes and goals that he wrote in here,
23 which I believe you may have also presented in your
24 opening statement, was that, you know, the fixed
25 costs should be recovered through fixed charge

1 components like the demand charge. And his
2 perspective was that, at the present time, all
3 classes, including the LP class, the cost --
4 volumetric recovery was significant, and the goal
5 should be to make sure that fixed costs are
6 recovered through demand charges so that the
7 interclass subsidies, if you will, can be
8 diminished or eliminated. Sorry. Go ahead.

9 **Q. And last question on this issue.**
10 **Did anybody respond to your LP rate design proposal**
11 **in rebuttal or surrebuttal testimony?**

12 A. I don't believe so. I do not recall
13 any witness responding to that.

14 **Q. Okay. Moving on, you were asked some**
15 **questions by Staff counsel about the SPP tariff.**
16 **You were read a section from a tariff. The section**
17 **was entitled Base Plan Zonal Charge and Region-wide**
18 **Charge. Do you recall that?**

19 A. Yes, I do.

20 **Q. Are these the only SPP charges that**
21 **are charged to Empire?**

22 A. No. There's a range -- a range of
23 charges.

24 **Q. Can you describe some of the other**
25 **charges?**

1 A. You know, I forget what schedule it
2 is, but we also have, you know, the transmission
3 expansion charges, which are recovered through a
4 dollar per kWh basis point to point. You know,
5 these are all the fixed charges now I'm talking
6 about, and of course then there's a whole array of
7 other charges.

8 **Q. Okay. And you say that those other**
9 **charges are demand charges; is that correct?**

10 A. No. Some of -- it's a mix. You
11 know, some of them are on a dollar per kWh, but --
12 but by and large the fixed charges are, you know,
13 the network integrated transmission service, the
14 transmission expansion and point to point service.
15 Those are some of the main fixed charge type of
16 schedules.

17 **Q. And when you say fixed charge, they**
18 **are collected by SPP on a demand basis based on**
19 **peak; is that correct?**

20 A. That's right. They're recovered on a
21 demand basis, correct. Correct.

22 **Q. And moving on to the last issue I**
23 **believe that Staff counsel addressed. He asked you**
24 **some questions about different Empire customers**
25 **that have demand meters. Do you recall that?**

1 A. Yes, I do.

2 Q. Do you agree that the LP customers
3 have demand meters?

4 A. Yes.

5 Q. So given the availability of those
6 demand meters, would you agree that the FAC could
7 easily accommodate for LP customers a demand as
8 well as an energy charge?

9 A. Yes. Yes. Yes.

10 MR. WOODSMALL: Thank you. I have
11 nothing further. I just want to mention, I really
12 appreciate the parties and the Commission allowing
13 her to testify by phone. It's a big convenience.
14 I appreciate it.

15 JUDGE BURTON: Thank you. Thank you,
16 Ms. Maini, for participating. And I think I speak
17 for the Commission. We extend our condolences to
18 you for your loss.

19 THE WITNESS: Oh, thank you. Thank
20 you so much, and thank you for today. I really
21 appreciate it.

22 JUDGE BURTON: You're excused.

23 THE WITNESS: Thank you.

24 (Witness excused.)

25 JUDGE BURTON: So now I believe that

1 concludes the testimony that's going to be offered.
2 So why don't we go ahead and go through the actual
3 exhibits to be admitted into the record.

4 Now, I know that there was offered
5 the testimony from MECG that was identified as
6 Ms. Maini's prefiled testimony, and I believe,
7 Mr. Woodsmall, you identified those numbers as 700,
8 701 and 702.

9 MR. WOODSMALL: Yes.

10 JUDGE BURTON: I know we'd
11 previously -- the Commission had previously
12 identified that 700 block for the City of Joplin.

13 MR. WOODSMALL: Oh, I'm sorry. Can I
14 take them?

15 MR. ELLINGER: We don't need those
16 exhibit numbers. MECG can use those exhibit
17 numbers.

18 JUDGE BURTON: Thank you. That's
19 very gracious of you, Joplin.

20 JUDGE BURTON: Why don't we go ahead
21 then and proceed, and I believe we'll go ahead and
22 continue with Staff. I'll go through all the
23 exhibits that are offered, and then once we're
24 done, we'll go back and get any exhibits and I'll
25 state what exhibits we have in the record just to

1 clarify before it's closed.

2 MS. CARTER: I'm sorry, Judge. Are
3 you wanting us to wait on objections to 700, 701
4 and 702?

5 JUDGE BURTON: Yes.

6 MS. CARTER: Okay.

7 JUDGE BURTON: We'll start with
8 Staff's exhibits first. I believe right now,
9 Staff, if you want to offer some additional
10 exhibits. Right now we just have offered
11 Exhibit 231.

12 MR. BERLIN: That's not correct.
13 There's two other exhibits. I made mention of them
14 in my opening on Tuesday.

15 CHAIRMAN KENNEY: Judge, this is
16 Robert Kenney. Can I just jump in real quick and
17 thank the parties for their efforts in litigating
18 the case and settling the issues that were settled,
19 and also thank you for your conduct of the hearing.
20 We appreciate it.

21 MR. BERLIN: Judge?

22 CHAIRMAN KENNEY: Thank you.

23 JUDGE BURTON: Thank you, Chairman.

24 MR. BERLIN: Our new Staff attorneys
25 Nichole Murs and Hampton Williams are handing out

1 Staff Exhibit 230, which is the revised schedule --
2 I'm sorry. Let me back up a minute. That would
3 be -- I'm sorry. Let me restate that.

4 The revised staff accounting
5 schedules that I referred to in my opening
6 statement that contains Staff's revised accounting
7 schedules that show the range of revenue
8 requirements that the settled figure falls within,
9 and that has been marked as or should be marked as
10 Exhibit 229. Again, Staff's accounting schedules
11 revised March 26, 2015. I had made that available
12 to all the parties electronically as well.

13 JUDGE BURTON: Okay.

14 MR. BERLIN: The next exhibit is a
15 Revised Schedule TCR-S1 with affidavit. It's right
16 here. This is a highly confidential revised
17 schedule to Mr. David Roos' surrebuttal testimony.
18 This incorporates the revised accounting schedule
19 numbers. And so in order to correct that
20 Schedule DCR-S1, I have a revised schedule to enter
21 into the record.

22 JUDGE BURTON: And what's the exhibit
23 number?

24 MR. BERLIN: And that exhibit number
25 is 230 highly confidential.

1 JUDGE BURTON: Okay.

2 MR. BERLIN: And finally, what I
3 brought forward in my cross-examination of
4 Ms. Maini is marked as Exhibit 231, the SPP open
5 access transmission tariff Schedule 11. I'd like
6 to enter that into the record.

7 JUDGE BURTON: I believe you also
8 wanted to offer the prefiled testimony?

9 MR. BERLIN: Yes. I want to offer
10 the prefiled testimony of Staff's witnesses. I
11 have handed out an exhibit list. If you would
12 like, I'd be glad to start at Exhibit No. 200 and
13 go through the list.

14 JUDGE BURTON: Do you have a copy for
15 me as well?

16 MR. BERLIN: I do.

17 JUDGE BURTON: Okay.

18 MR. BERLIN: So I should have a list
19 of testimony and exhibit numbers 200 all the way
20 through 231, which I had just moved to admit. So
21 I'd like to move Exhibits 200 through 231 into the
22 record.

23 JUDGE BURTON: And all the parties
24 have been presented a copy of this exhibit list.
25 Okay. Are there any objections to the admission of

1 Staff's Exhibits 200 through 231?

2 MR. WOODSMALL: The only objection,
3 and it's not really an objection, just on 231, it
4 is one portion of the overall SPP tariff that I've
5 been told is over 3,000 pages. I'd just be allowed
6 to, if you could, take official notice of it or I
7 can provide a link to it so that all the parties
8 have it. But it's an incomplete document as it
9 stands now.

10 JUDGE BURTON: Okay. Are there any
11 objections then to the Commission taking official
12 notice of the SPP tariff that you've identified? I
13 believe it's Schedule 11.

14 MR. WOODSMALL: It goes beyond
15 Schedule 11 is what I'm saying.

16 JUDGE BURTON: So you want the entire
17 SPP tariff?

18 MR. WOODSMALL: The Southwest Power
19 Pool Open Access Transmission Tariff, Sixth Revised
20 Volume No. 1, yes, the entire tariff.

21 JUDGE BURTON: Okay. The Commission
22 will take official notice of that.

23 MS. CARTER: And then I have one
24 comment on behalf of Empire for Staff Exhibit, I
25 believe, 229. We have no objection to the

1 admission of the document, but just want to clarify
2 that that is not the position of all parties to the
3 settlement, that that is just Staff's numbers,
4 possibly how Staff arrived at the revenue
5 requirement.

6 JUDGE BURTON: This is just Staff's
7 revised schedules?

8 MS. CARTER: Yes.

9 MS. BAKER: Public Counsel would also
10 state that as well.

11 JUDGE BURTON: Okay. Then hearing no
12 other objections, we're going to admit into the
13 record Exhibit 200 through 231 for Staff.

14 (STAFF EXHIBIT NOS. 200 THROUGH 231
15 WERE RECEIVED INTO EVIDENCE.)

16 JUDGE BURTON: And correct me if I'm
17 wrong, but MEUA and City of Joplin have no exhibits
18 to offer?

19 MR. ELLINGER: No exhibits, your
20 Honor.

21 MR. CONRAD: That is correct, your
22 Honor.

23 JUDGE BURTON: Then let's continue
24 with MCEG. I have right now that you have offered
25 700 through 702.

1 MR. WOODSMALL: Correct, your Honor.

2 And I'm going to have a couple more, but if you
3 want to take care of those right now, I'd offer
4 those three.

5 JUDGE BURTON: Are there any
6 objections to the admission of Exhibits 700, 701
7 and 702? And that is the prefiled testimony.

8 MS. CARTER: Yes, Judge. We object
9 just to page 6, lines 1 through 15 of Exhibit 702,
10 which is the surrebuttal testimony. The
11 information contained in those line numbers is
12 inappropriate surrebuttal testimony as it contains
13 what would be more appropriate for direct
14 testimony. It is a new -- a new position.

15 JUDGE BURTON: Mr. Woodsmall, do you
16 want to respond?

17 MR. WOODSMALL: Yes. It's not a new
18 position. If you look at page 12 of her direct,
19 this information is contained there. So it's not a
20 new issue.

21 JUDGE BURTON: What lines on her
22 direct on page 12?

23 MR. WOODSMALL: The entirety of
24 page 12. The section is entitled Recovery of Fixed
25 Costs Through Variable Charges.

1 MS. CARTER: Judge, if I may, I see
2 nothing on page 12 about a dollar per kilowatt
3 demand charge.

4 JUDGE BURTON: I'm not seeing it
5 either. If you could identify where that's at.

6 MR. WOODSMALL: She states that --
7 what she's stating is that it's improper to collect
8 it through an energy charge. There's only two
9 types of charges, energy charges or demand charges.
10 By saying it's improper to collect through an
11 energy charge, it has to be collected through a
12 demand charge. It says --

13 JUDGE BURTON: All right. This is
14 what I'm going to do. I'm going to give the
15 parties an opportunity if they want to brief on
16 that issue afterwards. But for right now -- we can
17 set a deadline on that if you want to because I'm
18 not really seeing it, Mr. Woodsmall. But I'm going
19 to give you an opportunity to respond to that.

20 MR. WOODSMALL: When you say brief --
21 oh, you want me to file a response to that?

22 JUDGE BURTON: Right.

23 MR. WOODSMALL: Okay. I can do that.

24 JUDGE BURTON: So for right now we'll
25 go ahead and admit Exhibit 700, 701 and 702,

1 subject to those lines on page 6, 1 through 15.

2 And I would just ask you, Mr. Woodsmall, to

3 within --

4 MR. WOODSMALL: Just for

5 clarification, page 6, 1 through 15. So it goes

6 through --

7 JUDGE BURTON: Excuse me. Page 6,

8 line 1 through 15; is that correct?

9 MR. WOODSMALL: Yeah. Well, line

10 1 --

11 MS. CARTER: I'm sorry. I guess it

12 would be lines 2 through 15. There's nothing on

13 line 1.

14 JUDGE BURTON: So it starts with

15 "should the Commission allow", and ends actually

16 with "recovery" on line 15.

17 MR. WOODSMALL: Okay. I'm with you.

18 So you've accepted it subject to that, is your

19 ruling?

20 JUDGE BURTON: Yes.

21 (MECG EXHIBIT NOS. 700, 701 AND 702

22 WERE RECEIVED INTO EVIDENCE.)

23 MR. WOODSMALL: To move on to a

24 couple of other things, I mentioned earlier that I

25 had the information that was responsive to the

1 Commissioner's questions. I've already provided it
2 to the parties. I'd like to provide it. If you
3 want to mark it as an exhibit, you can, however you
4 want to treat it. I just have the information that
5 was requested.

6 JUDGE BURTON: Okay. It's something
7 that you would like for the Commission to consider,
8 why don't we go ahead and have it marked?

9 MR. WOODSMALL: Okay. So I guess
10 that would be 703.

11 (MECG EXHIBIT NO. 703 WAS MARKED FOR
12 IDENTIFICATION.)

13 JUDGE BURTON: And this is the Edison
14 Electric Institute Typical Bills and Average Rates
15 Report for summer 2014?

16 MR. WOODSMALL: Yes, your Honor. It
17 takes out select pages from that publication on
18 Missouri IOUs overall rates, residential rates,
19 commercial rates and industrial rates.

20 JUDGE BURTON: Are there any
21 objections to the admission?

22 MR. CONRAD: I'm not sure I have an
23 objection. I'm just kind of curious. Is that a
24 selection? I think counsel has indicated it was
25 select pages. Is the entire report going to be

1 taken in or --

2 MR. WOODSMALL: No.

3 JUDGE BURTON: It's my understanding
4 that he is simply offering what he has identified.

5 MR. CONRAD: Well, I understood the
6 situation to be with Staff 231 to be that the
7 entire tariff was going to be officially noticed.
8 Perhaps something similar should be here.

9 JUDGE BURTON: 231 was admitted and
10 that the Commission would take official notice of
11 the entirety of the tariff that he identified. So
12 if you want, we could go ahead and admit this and
13 then take official notice of the entirety of the
14 bills and average rates reports for the summer of
15 2014. Does that work for everybody?

16 MR. CONRAD: That's okay by me.

17 MR. WOODSMALL: That works for me as
18 long as it's understood that I don't have to make a
19 copy of the entire 400-page document to give to
20 parties.

21 JUDGE BURTON: I would just ask that
22 if you are going to refer to this in any of your
23 post-hearings briefs, that you provide a citation
24 and a link.

25 MS. BAKER: Public Counsel would just

1 say, we're not objecting to it going in or taking
2 notice of it, but we just urge caution because it
3 is just kind of a broad statement of some of the
4 residential and commercial rates. And maybe being
5 a little bit more specific for Missouri and its
6 regulated utilities for residential rates, we have
7 prepared a document that does actually compare the
8 electric IOUs and the tariffed rates for
9 residential.

10 JUDGE BURTON: Why don't we hold on a
11 moment. Let me finish up with these.

12 MR. WOODSMALL: Are you finished with
13 703, your Honor?

14 JUDGE BURTON: Hearing no objections
15 other than the request for the Commission to take
16 official notice of its entirety, Exhibit 703 is
17 admitted.

18 (MECG EXHIBIT NO. 703 WAS RECEIVED
19 INTO EVIDENCE.)

20 MR. WOODSMALL: The other,
21 Exhibit 704, if you want to mark it as an exhibit,
22 I have it here. There's an issue, as you know,
23 about the large power rate schedule rate design.
24 I'd ask you to either take official notice of that
25 rate schedule or I have it if you want to mark it

1 as an exhibit. I think the Commission should have
2 it given that an issue revolves entirely around
3 that rate schedule.

4 JUDGE BURTON: Are you referring to
5 Empire's?

6 MR. WOODSMALL: Yes.

7 MR. BERLIN: Judge, would it just be
8 simpler to take official notice of the company's
9 tariff?

10 MR. WOODSMALL: That's fine.

11 JUDGE BURTON: That would be fine.

12 MR. WOODSMALL: So we're taking
13 official notice of Empire's rates, LP or entire
14 tariff?

15 JUDGE BURTON: I would say the entire
16 tariff.

17 MR. WOODSMALL: Finally, your Honor,
18 in an effort to reduce the number of witnesses that
19 were showing up, Staff and I were -- I was able to
20 waive cross on Staff witnesses by getting a data
21 request, this data request. All it provides is
22 what the calculation of the FAC base rate would be
23 if transmission costs are eliminated. Our position
24 is transmission costs should be eliminated from the
25 FAC. This is simply the calculation of what it

1 would be. This would be 704, then.

2 JUDGE BURTON: No. This would be
3 705, I believe. Actually, you're correct. It
4 would be 704.

5 MR. ELLINGER: You took official
6 notice of the tariff, so this would be 704.

7 (MECG EXHIBIT NO. 704 WAS MARKED FOR
8 IDENTIFICATION BY THE REPORTER.)

9 MR. WOODSMALL: So I would offer
10 Exhibit 704. With that, I have nothing further.

11 JUDGE BURTON: I'll give the parties
12 an opportunity to review this and see if there's
13 any objection to 704.

14 MS. CARTER: Judge, I have no
15 objection. I would just like to note for
16 clarification purposes that this is for all net
17 transmission costs being removed from the FAC, so
18 that the Commissioners understand this is not the
19 same issue presented in the Ameren rate case
20 currently where there's discussion about different
21 parts of the transmission costs.

22 MR. WOODSMALL: I would accept that
23 clarification, your Honor.

24 JUDGE BURTON: Okay. Staff, are
25 there any objections?

1 MR. BERLIN: No objections.

2 JUDGE BURTON: Okay. Seeing none,
3 we'll go ahead and admit Exhibit 704 with that
4 clarification that it's for all net transmission
5 costs.

6 (MECG EXHIBIT NO. 704 WAS RECEIVED
7 INTO EVIDENCE.)

8 MR. WOODSMALL: I have nothing
9 further, your Honor.

10 JUDGE BURTON: Then let's move back
11 to OPC. You currently have admitted for your
12 record 300 through 312 for the prefiled testimony.
13 I believe you have something else you'd like to
14 have offered?

15 MS. BAKER: Yes. As I stated
16 earlier, in response to Commissioner Rupp's
17 questions about what the actual comparison of the
18 rates were, we went in and pulled out each of the
19 tariffs from the electric regulated utilities and
20 put together just a comparison of those rates. It
21 also includes some of the MEEIA rates that are
22 applicable, energy efficiency, RESRAM, FAC and the
23 like. So it is much more detailed than what
24 Mr. Woodsmall provided for residential.

25 JUDGE BURTON: Has this been

1 premarked?

2 MS. BAKER: It has not.

3 JUDGE BURTON: So this will be

4 Exhibit 313?

5 MS. BAKER: Yes.

6 (OPC EXHIBIT NO. 313 WAS MARKED FOR
7 IDENTIFICATION BY THE REPORTER.)

8 JUDGE BURTON: So to clarify, this is
9 comparison for other utilities within Missouri?

10 MS. BAKER: Yes. It has Empire,
11 Kansas City Power & Light, GMO LMP, GMO MPS and
12 Ameren Missouri. And these are their most current
13 tariffs effective today.

14 JUDGE BURTON: Are there any
15 objections to the admission of OPC's Exhibit 313?

16 MR. WOODSMALL: No, your Honor.

17 MR. BERLIN: No objection.

18 MR. CONRAD: No objection.

19 JUDGE BURTON: 313 is admitted.

20 (OPC EXHIBIT NO. 313 WAS RECEIVED
21 INTO EVIDENCE.)

22 JUDGE BURTON: Empire, we have your
23 testimony Exhibits 100 through 136 that were
24 previously offered and admitted. Are there any
25 additional exhibits?

1 MS. CARTER: There are not, Judge.

2 Thank you.

3 JUDGE BURTON: Okay. So to clarify,
4 other than the exhibits that were provided at the
5 local public hearing in Joplin, which are already
6 admitted into the record, we have Empire's
7 Exhibits 100 through 136 that were admitted, we
8 have Staff's Exhibits 200 through 231 which were
9 admitted, we have OPC's Exhibits 300 through 313,
10 DED's Exhibits 400 through 407, MECG's
11 Exhibits 700, 701 and 702 subject to issues with
12 page 6, lines 2 through 15, and Exhibit 703 and
13 704. Am I missing anything?

14 (No response.)

15 JUDGE BURTON: Okay. Seeing none.
16 Let's go back to discussing of briefing schedules.
17 First, Mr. Woodsmall, on the issue as far as
18 Exhibit 702, the surrebuttal for Ms. Maini, would a
19 week be sufficient 'til April 24th for you to file
20 MECG's response?

21 MR. WOODSMALL: Yeah, I'm sure.

22 JUDGE BURTON: And then we'll give
23 another week after that, May 1st, for any responses
24 or replies to that.

25 Now, I have it that we had originally

1 requested -- the parties originally requested to
2 maintain the current briefing schedule. Are there
3 any changes to those requests? Okay.

4 MS. CARTER: No. It was part of the
5 settlement agreement that we would not agree to
6 move -- that we would not try to move up the
7 briefing schedule.

8 JUDGE BURTON: Understand that the
9 Commission will always appreciate any briefs that
10 are filed earlier than those dates, but I believe
11 we have the initial briefs due the 15th and the
12 reply briefs the 29th. And just to clarify, I
13 think it should take about two weeks for us to get
14 the transcripts back from Tuesday's first day of
15 hearing as well as today's.

16 So if there's nothing further, I want
17 to thank everyone for your participation, and I
18 hope you have a very pleasant Friday afternoon and
19 weekend. We're off the record.

20 (WHEREUPON, the hearing concluded at
21 11:26 a.m.)

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*Prefiled exhibit - no hard copy marked.

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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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