

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
Evidentiary Hearing
January 31, 2011
Jefferson City, Missouri
Volume 31

In the Matter of the)
Application Of Kansas City)
Power And Light Company for)
Approval To Make Certain)
Changes In Its Charges) File No. ER-2010-0355
For Electric Service To)
Continue Implementation Of)
Its Regulatory Plan))

In The Matter Of The)
Application Of KCP&L Greater)
Missouri Operations Company)
For Approval To Make Certain) File No. ER-2010-0356
Changes In Its Changes For)
Electric Service)

RONALD D. PRIDGIN, Presiding
SENIOR REGULATORY LAW JUDGE
ROBERT M. CLAYTON, III,
ROBERT S. KENNEY,
TERRY M. JARRETT,
COMMISSIONERS

REPORTED BY:
NANCY L. SILVA, RPR, CCR
TIGER COURT REPORTING, LLC

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A P P E A R A N C E S

DOUG HEALY, Attorney at Law
Healy & Healy
939 North Boonville Avenue
Springfield, MO 65802
417.864.8800

FOR: MJMEUC

DAVID WOODSMALL, Attorney at Law
STUART CONRAD, Attorney at Law
Finnegan, Conrad & Peterson
428 East Capitol, Suite 300
Jefferson City, MO 65101
573.635.2700

FOR: AGP/SIEUA/MEUA

CARL J. LUMLEY, Attorney at Law
Curtis, Heinz, Garrett & O'Keefe
130 South Bemiston, Suite 200
Clayton, MO 63105
314.725.8788

FOR: Dogwood Energy, LLC

TODD J. JACOBS, Attorney at Law
DEAN COOPER, Attorney at Law
3420 Broadway
Kansas City, MO 64111
816.360.5976

FOR: Southern Union Company d/b/a Missouri Gas
Energy

THOMAS R. SCHWARZ, JR., Attorney at Law
Blitz, Bardgett & Deutsch
308 East High
Jefferson City, MO 65101
573.634.2500

FOR: Missouri Retailers Association

MARK W. COMLEY, Attorney at Law
Newman, Comley & Ruth, PC
601 Monroe Street, Suite 301
Jefferson City, MO 65102-0537
573.634.2266

FOR: City of Kansas City

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23
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25

MARK W. COMLEY, Attorney at Law
Newman, Comley & Ruth, PC
601 Monroe Street, Suite 301
Jefferson City, MO 65102-0537
573.634.2266

FOR: City Of Lee's Summit

MICHAEL TRIPP, Attorney at Law
Smith Lewis, LLP
111 South Ninth Street
Columbia, MO 65201
573.443.3141

FOR: Ameren Missouri

JAMES SWEARENGEN, Attorney at Law
Brydon, Swearengen & England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
573.635.0427

FOR: The Empire District Electric Company

ARTHUR PERRY BRUDER, Attorney at Law
1000 Independence Avenue, SW
Washington D.C. 20585
202.586.3409

FOR: U.S. Department of Energy

JAMES FISCHER, Attorney at Law
LARRY DORITY, Attorney at Law
Fischer & DORITY, PC
101 Madison Street, Suite 400
Jefferson City, MO 65101
573.636.6758

FOR: Kansas City Power & Light Company

HEATHER A. HUMPHREY, Attorney at Law
ROGER STEINER, Attorney at Law
Kansas City Power & Light Company
P.O. Box 418679
Kansas City, MO 64141-9679
816.556.2314

FOR: Kansas City Power & Light Company

1 KARL ZOBRIST, Attorney at Law
SUSAN CUNNINGHAM, Attorney at Law
2 SNR Denton US LLP
4520 Main Street, Suite 1100
3 Kansas City, MO 64111
816.460.2400
4 FOR: Kansas City Power & Light Company

5 CHARLES HATFIELD, Attorney at Law
Stinson Morrison Hecker, LLP
6 230 West McCarty Street
Jefferson City, MO 65101
7 573.636.6263
8 FOR: Kansas City Power & Light Company

9 GLENDA CAFER, Attorney at Law
Cafer Law Office, LLC
10 3321 Southwest Sixth Street
Topeka, KS 66606
11 785.271.9991
12 FOR: Kansas City Power & Light Company

13 MICHAEL AMASH, Attorney at Law
Blake and Uhlig PA
753 State Ave., 475
14 Kansas City, KS 66101
913.321.8884
15 FOR: IBEW Locals 412, 1613 and 1464

16 WILLIAM STEINMEIER, Attorney at Law
17 William D. Steinmeier PC.
P.O. Box 104595
18 Jefferson City, Missouri 65110-4595
573.659.8672
19 FOR: The City of St. Joseph, Missouri

20 CAPT. SHAYLA MCNEILL, Attorney at Law
21 United States Air Force
119 Sugar Sand Lane
22 Santa Rosa Beach, FL 32459
312.371.2673
23 FOR: The Federal Executive Agencies

24
25

1 SARAH MANGELSDORF, Attorney at Law
P.O. Box 899
2 Jefferson City, MO 65102
573.751.0052
3 FOR: Missouri Department of Natural Resources

4 JOHN R. KINDSCHUH, Attorney at Law
Bryan Cave LLP
5 13220 Metcalf, suite 320
Overland Park, KS 66213
6 913.338.7700
FOR: MIEC and FORD

7
8 JOHN B. COFFMAN, Attorney at Law
John B. Coffman, LLC
9 871 Tuxedo Boulevard
St. Louis, MO 63119
10 314.395.8002
FOR: AARP and Consumers Council of Missouri

11
12 ROBERT WAGNER
9005 North Chatham Ave.
13 Kansas City, MO 64154
FOR: Pro Se Intervenors

14
15 STEVE DOTTHEIM, Chief Deputy Counsel
NATHAN WILLIAMS, Deputy Counsel
16 JAIME OTT, Legal Counsel
KEVIN THOMPSON, Chief Staff Counsel
17 JENNIFER HERNANDEZ, Legal Counsel
SARAH KLIETHERMES, Legal Counsel
18 ERIC DEARMONT, Legal Counsel
ANNETTE SLACK, Legal Counsel
19 MEGHAN MCCLOWERY, Legal Counsel
Public Service Commission
20 200 Madison Street
P.O. Box 309
21 Jefferson City, MO 65102
573.751.6514
22 FOR: The Staff of the Missouri Public Service
Commission

23
24
25

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25

LEWIS MILLS
Office of Public Counsel
200 Madison Street
P.O. Box 2230
Jefferson City, MO 65102
573.751.4857
FOR: Office of Public Counsel

1 JUDGE PRIDGIN: All right. Good morning.
2 We are on the record. I understand that the parties
3 are ready to proceed with fuel switching. Is there
4 anything from counsel before we begin?

5 MR. JACOBS: Judge, there is one matter
6 for tomorrow. Mr. Schnitzer, you know, who is the
7 Company's witness on off-system sales is with the
8 NorthBridge Group in Concord, Massachusetts, and the
9 weather that was affecting them this week has
10 resolved itself, but it's our weather that's a
11 problem right now.

12 He is scheduled to be, I think, the first
13 witness of tomorrow, and I had talked with Mr. Mills
14 and Mr. Woodsmall and mentioned to staff counsel
15 present here whether we could do Mr. Schnitzer by
16 telephone, and I think Mr. Dearmont is handling that
17 witness, but I understand that Kevin Thompson is
18 pinch-hitting for Mr. Dearmont today.

19 Mr. Woodsmall did not have an objection
20 to that as long as Mr. Schnitzer had both his work
21 papers from this case and a previous case, the 2009
22 case, and I believe we can arrange that, and I'm
23 going to confirm that later today.

24 And assuming, you know, we can't have
25 that agreement, we would ask the Commission to allow

1 us to take testimony from Mr. Schnitzer by telephone.

2 JUDGE PRIDGIN: That's certainly fine with
3 me. That's something we can consider.

4 MR. JACOBS: Thank you, Judge.

5 JUDGE PRIDGIN: You're quite welcome.

6 All right. Anything further before we
7 proceed?

8 (No response.)

9 JUDGE PRIDGIN: And the first witness will
10 be Mr. Goble; is that correct?

11 MR. STEINER: We might have one thing we
12 want to talk about first.

13 JUDGE PRIDGIN: Mr. Steiner.

14 MR. STEINER: We've been having some
15 settlement discussions and have been fruitful, and we
16 think we're going to be filing today a stipulation
17 regarding some of the smaller issues, about 13 of
18 them, that would really open up the schedule for this
19 week, and we just to want make the Commission aware
20 of that, and that'll be coming.

21 There are also some other stipulations on
22 depreciation and rate design, class cost of service,
23 which we also anticipate filing shortly.

24 JUDGE PRIDGIN: Mr. Steiner, thank you.

25 MR. MILLS: And the net effect of all that

1 will pretty much clear up the hearing for the week,
2 and we won't have any time pressure at all, as far as
3 I can tell.

4 JUDGE PRIDGIN: Mr. Woodsmall.

5 MR. WOODSMALL: I was just going to
6 mention briefly: In regard to the 13 smaller issues
7 that Mr. Steiner mentioned and the depreciation
8 amortization issues, we have no indication from
9 anybody that they're going to oppose that, so I don't
10 think -- we don't know about the class cost of
11 service one yet, but the other two we have no
12 indication that someone's going to have problems with
13 it.

14 JUDGE PRIDGIN: Okay. Very good. Thank
15 you for the announcement.

16 Anything further from counsel?

17 MR. JACOBS: Judge, I'd like to do just a
18 short opening.

19 JUDGE PRIDGIN: Absolutely. Yes, sir,
20 Mr. Jacobs, when you're ready.

21 MR. JACOBS: Good morning. As the
22 Commission knows, there's a few ways to handle
23 increased demand load with the Company, so one of
24 those ways is to build new power plants, and what
25 this commission has done is to try to actively

1 promote methods not to do that.

2 It's actively tried to promote methods by
3 which we could extend the time that there's a need to
4 build new generation capacity, generation production
5 in Missouri. And this commission's really been at
6 the forefront of those activities. It's been at the
7 forefront of energy efficiency programs. It's been
8 at the forefront of demand-side management programs,
9 and all of those are described to decrease electric
10 demand and energy demand.

11 In this case, MGE advocates the direct
12 use of natural gas and fuel switching as simply
13 another tool, another program, to reduce electric
14 demand. It's a cost-effective way to promote energy
15 efficiency. It's a cost-effective way to promote
16 conservation, and conservation is a finite resource.

17 The simple fact is, is that the direct
18 use of natural gas in certain appliances -- and here
19 we're only talking about -- we're only targeting
20 electric water heat and electric resistance heat as
21 opposed to heat pumps. It's far more energy-
22 efficient than electricity.

23 Natural gas is clean-burning. Homes that
24 use natural gas have significant lower carbon
25 footprint than all-electric homes, and the direct use

1 of natural gas is more efficient when the total fuel
2 cycle is used, when the total fuel cycle is looked
3 at.

4 To date, energy efficiency measures have
5 been focused solely on the appliance, but this is
6 changing. There are huge losses in energy during
7 transmission for electricity, which can be as high as
8 70 to 75 percent, but when you look at the full fuel-
9 cycle, full energy cycle, it shows that it's far
10 better to directly heat something with water or air
11 rather than to generate electricity at a remote site,
12 sustain significant losses during transmission, only
13 to use that energy again to heat water or air at the
14 site.

15 when you look at the whole picture, the
16 site efficiency of a hot water heater that's
17 supposedly 97 percent efficient -- and particularly
18 the electric water heater is what we're talking
19 about -- it's actually showing only to be 27 percent
20 efficient.

21 The DOE is considering whether to adopt
22 the full fuel-cycle as an alternate method to measure
23 energy consumption. The EPA has already determined
24 that source space energy calculations make sense, and
25 the impact of the direct use of natural gas is

1 far-reaching, and it's a good goal for this
2 commission to pursue.

3 The program that we're suggesting here is
4 going to result in several things. First, it's going
5 to increase energy efficiency and decrease the use of
6 electricity. There's going to be real consumer cost
7 savings, annual operating costs with the direct use
8 of natural gas and water heating. Our expert will
9 testify it's up to \$200 a year.

10 For electric resistance heat customers
11 who switch to natural gas, they would save up to
12 \$600. There's a reduced environmental impact. CO2
13 emissions are about 36 percent less in a natural gas
14 resident versus -- natural gas residence versus an
15 all-electric home.

16 From a policy perspective, regulatory
17 involvement seems to overcome barriers to fuel
18 switching, which is to decrease or to lessen the
19 up-front cost to install natural gas appliances, and
20 also to overcome lack of information on environmental
21 impact and costs.

22 Fuel switching proposals have been
23 accepted elsewhere. Mr. Reed's testimony focuses on
24 these in detail, and he shows that they've been
25 successful in other jurisdictions and other venues.

1 They're primarily found in combination
2 utilities, but there are programs that exist between
3 unaffiliated gas and electric companies, which is
4 what we're proposing here. The program would be
5 offered to residential and multifamily homes and
6 customers.

7 It would be for current KCP&L and GMO
8 customers as well as either customers that are
9 currently MGE customers or not, either way. The
10 program would help defray costs, which is one of the
11 primary purposes. KCP&L and GMO would offer up to a
12 \$700 rebate for water heating installation, up to
13 \$1000 for space heating, and up to \$1200 for both.
14 The levels are consistent with other programs that we
15 see in the United States.

16 And they only serve to defray a part of
17 the cost, not the whole cost, up-front costs of
18 installing a natural gas appliance and upgrading the
19 home. MGE is not going to stand out in this process.
20 We're not going to stand in the rank. We want to
21 contribute our energy efficiency dollars for
22 efficient energy appliance -- efficient natural gas
23 appliances.

24 It would be consistent with what we offer
25 now, which is \$40 for water heater, up to \$200 for a

1 tankless water heater, and \$200 for a gas-fired
2 furnace. All of those need to be energy-efficient
3 consistent with our tariff.

4 Participation levels are an estimate. We
5 look at what other companies have done. We look at
6 what other successful programs have done. We
7 estimate about 800 customers in the first year for
8 GMO and 400 for the first year for KCP&L.

9 From a budget perspective, this is not a
10 significant part of KCP&L's or GMO's energy
11 efficiency dollars or budget, program budget. The
12 program improves energy efficiency. It improves air
13 quality, and as Mr. Reed notes, it's highly cost-
14 effective in other locales. It benefits customers
15 and KCP&L and GMO.

16 And ultimately what this proposal does,
17 it puts information in the hands of consumers. It
18 positions us for the future, future for energy
19 policy. It's forward-thinking, and it's consistent
20 with this commission's focus on energy efficiency and
21 demand-side management.

22 I hope that you'll have an opportunity to
23 ask Mr. Reed questions today about the proposals in
24 detail, and thank you for your time.

25 JUDGE PRIDGIN: Mr. Jacobs, thank you.

1 Anything further from counsel before this
2 witness is sworn?

3 (No response.)

4 Mr. Goble, if I could ask you to raise
5 your right hand and be sworn, please.

6 GARY GOBLE,

7 produced, sworn, and examined, testified as follows:

8 JUDGE PRIDGIN: Thank you very much, sir.
9 Please have a seat.

10 Anything before he stands cross?

11 MS. CUNNINGHAM: Nothing.

12 JUDGE PRIDGIN: Cross-examination then.

13 MS. CUNNINGHAM: I'm sorry.

14 JUDGE PRIDGIN: I'm sorry.

15 MS. CUNNINGHAM: I'm sorry. I do need to
16 get this evidence into the record.

17 JUDGE PRIDGIN: Yes, please.

18 DIRECT EXAMINATION BY MS. CUNNINGHAM:

19 Q. Mr. Goble, would you please state your
20 full name for the record.

21 A. My name is Gary Goble.

22 Q. By whom are you employed?

23 A. I'm an employee of Management Applications
24 consulting, also know as MAC, M-A-C.

25 Q. And what is the purpose of your testimony

1 here today? On whose behalf are you appearing?

2 A. I'm appearing on behalf of Kansas City
3 Power & Light and GMO.

4 Q. Are you the same Gary Goble who caused to
5 be prefiled in this docket rebuttal testimony in the
6 KCP&L docket -- which, your Honor, for identification
7 purposes has been previously marked as KCP&L 26 --
8 and rebuttal testimony in the GMO docket, which has
9 been previously marked for identification purposes as
10 GMO 14? Are you the same Gary Goble?

11 A. Yes, I am.

12 (KCP&L Exhibit No. 26 and GMO Exhibit No. 14
13 were marked for identification.)

14 BY MS. CUNNINGHAM:

15 Q. If I were to ask you the same questions
16 that appear in your testimony today, would your
17 answers be the same?

18 A. Yes, they would.

19 Q. Are those answers true and correct to the
20 best of your knowledge and belief?

21 A. Yes, they are.

22 Q. Do you have any corrections or changes
23 that you need to make to that testimony?

24 A. No, I do not.

25 Q. Okay. Thank you.

1 MS. CUNNINGHAM: At this time I would move
2 for the admission of KCP&L Exhibit No. 26 and GMO
3 Exhibit No. 14.

4 JUDGE PRIDGIN: Any objections?

5 (No response.)

6 JUDGE PRIDGIN: Hearing none, KCPL 26 and
7 GMO 14 are admitted.

8 (KCP&L Exhibit No. 26 was admitted.)

9 (GMO Exhibit No. 14 was admitted.)

10 MS. CUNNINGHAM: Thank you, Your Honor.

11 At this time I would submit Mr. Goble for
12 cross-examination.

13 JUDGE PRIDGIN: Thank you. I would
14 normally -- according to the order of cross-
15 examination, I believe Staff would go last. I don't
16 know if Staff or KCPL -- or MGE is more adverse, so I
17 guess I'll ask counsel if they have a preference.

18 MS. HERNANDEZ: Well, I'll make it easy
19 for you. We don't have any cross-examination.

20 JUDGE PRIDGIN: Wonderful.

21 Mr. Jacobs.

22 MR. JACOBS: I'll make it easy for you. I
23 do.

24 Good morning, Mr. Goble.

25 THE WITNESS: Good morning.

1 MR. JACOBS: welcome to Missouri.

2 THE WITNESS: Thank you. It's good to be
3 here.

4 CROSS-EXAMINATION BY MR. JACOBS:

5 Q. Just to jump into it, referring to your
6 testimony, you'd agree that the Commission has the
7 authority to determine where a DSM program is best --

8 A. Yes, sir. As indicated in the testimony,
9 I'm not an attorney, however, I do have extensive
10 experience in the regulatory field, and it seems
11 reasonable that the Commission would have the
12 authority.

13 Q. So yes?

14 A. Yes.

15 Q. And you'd agree the Commission has the
16 authority to consider the potential for fuel
17 switching as it applies to the public interest
18 standard; is that right?

19 A. Yes.

20 Q. You state that the Commission should not
21 use its regulatory authority to skew market behavior,
22 however; is that right?

23 A. That is correct.

24 Q. KCP&L and GMO, they can't charge any rates
25 they want to, can they?

1 A. That's my understanding. They're subject
2 to Commission regulation, yes.

3 Q. And so the rates are approved by the
4 Commission; is that right?

5 A. Yes.

6 Q. And they can't charge what the market can
7 bear, can they?

8 A. No.

9 Q. So it's a form -- that in and of itself is
10 a form of market intervention, isn't it?

11 A. I wouldn't refer to it as market
12 intervention. I would refer to it as the
13 establishment of prices. The purpose of a regulatory
14 agency is to emulate the forces of competition that
15 would be present in a competitive market. That's
16 what the Commission is doing, not making a market
17 itself, as this proposal would have it do.

18 Q. But the Commission is involved in setting
19 prices; is that right?

20 A. That's correct.

21 Q. And so they control the amount of rates --
22 the amount of -- amount of rates that the utility can
23 charge; is that right?

24 A. Yes.

25 Q. And you understand that the Commission

1 permits incentives for energy-efficient appliances;
2 is that right?

3 A. Yes.

4 Q. And would you agree that the programs are
5 aimed at influencing customer decision-making?

6 A. There are a number of things, yes. That's
7 one of them.

8 Q. And KCP&L, in fact, has those programs;
9 isn't that right?

10 A. "This program" [sic] being what?

11 Q. When I say "those programs," I mean energy
12 efficiency programs.

13 A. Yes.

14 Q. And you support those programs?

15 A. I have not conducted any analysis of these
16 other programs. Generally, yes, I think DSM and
17 energy efficiency makes a great deal of sense, yes.

18 Q. And the ultimate purpose of energy-
19 efficient programs and incentives for appliances,
20 they're really aimed at reducing energy use; is that
21 right?

22 A. Energy efficiency, yes, DSM demand
23 reductions.

24 Q. And you support the reduction of energy
25 use?

1 A. Generally, yes, if it makes economic
2 sense; however, to forego consumption that would have
3 added greater value to society is not in the interest
4 of the public.

5 Q. So the answer to that is yes?

6 A. The answer is a qualified yes. When it
7 makes sense, yes, I do support it.

8 Q. Do you support regulatory involvement in
9 that process?

10 A. Yes.

11 Q. Just on the topic of market intervention,
12 do you think it would be appropriate for MGE to offer
13 reduced rates to customers if they install a certain
14 number of gas appliances?

15 A. If it makes sense from MGE's DSM
16 perspective, yes.

17 Q. So you would support that?

18 A. Yes. It's a two-way street.

19 Q. would it be appropriate for MGE to offer
20 reduced rates to customers that switch to natural
21 gas?

22 A. To switch to natural gas?

23 Q. Yes. If there was a KCP&L all-electric
24 customer, do you think it would be appropriate for
25 MGE to offer reduced rates to its customers?

1 A. It depends on the supporting analysis,
2 whether or not it supports it or not.

3 Q. That's a form of market intervention,
4 isn't it?

5 A. Yes. Yes.

6 Q. And do you think it would be supportable?

7 A. I agreed earlier that the Commission has
8 the right to set rates. As far as the specific DSM
9 measure you're talking about, I'd have to see the
10 numbers.

11 Q. Stepping at a different topic, your main
12 focus has been economic and financial analysis; is
13 that right?

14 A. Yes, pretty much all aspects of cost
15 analysis, pricing, economic analysis.

16 Q. And you provided a list of testimony you
17 previously provided; is that correct?

18 A. That's correct.

19 Q. From what I saw, it's fair to say that
20 really the only other topic that comes close to this
21 is a recent case where you provided testimony in
22 New Mexico on energy efficiency; is that right?

23 A. That's correct, although most of the DSM
24 work that I've been involved in weren't regulatory
25 proceedings but were compliance filings done on an

1 annual basis.

2 Q. Okay. From an economic perspective, which
3 is your area of expertise, KCP&L and GMO's revenues
4 are based on the amount of electricity they sell; is
5 that right?

6 A. I don't know if I'd call it "economic,"
7 but the answer is yes.

8 Q. So from a revenue standpoint, from an
9 economic standpoint, KCP&L really has no interest in
10 reducing energy use apart from regulatory
11 intervention; is that correct?

12 A. That's correct. They are consistent with
13 the MGE in that respect.

14 Q. So MGE has incentive to sell more gas?

15 A. Yes.

16 Q. Do you base your testimony, in part, of
17 the fact that MGE makes more -- has more revenues
18 based on the amount of gas that they sell?

19 A. Amount of gas and number of customers,
20 yes.

21 Q. But amount of gas is a component of your
22 analysis?

23 A. Amount of gas. I have used the cost of
24 gas and MGE rates in my analysis.

25 Q. But is it -- is your testimony based in

1 any way on MGE making more money from a revenue
2 standpoint on the amount of gas it sells?

3 A. Not directly. My analysis is -- I
4 calculated tests using many of the numbers that
5 Mr. Reed has provided to look at the payback of the
6 proposal.

7 Q. Does MGE have a volume metric rate
8 structure?

9 A. It has a very large customer charge, and
10 it has a rate per -- I believe it's MCF.

11 Q. So part of our rate, you believe, is a
12 volume metric?

13 A. Yes.

14 Q. And that factors into your analysis about
15 MGE's proposal in this case?

16 A. Yes. Customers that would switch from
17 using electricity to natural gas would use more gas
18 and will pay higher gas bills as a consequence.

19 Q. So you view that in MGE's interest?

20 A. Low building is in MGE's interest.

21 Q. And selling more gas, do you believe, is
22 in MGE's interest?

23 A. Quite frankly, it depends on when the gas
24 is sold. If the gas is sold during its peak-day
25 periods, such as when extremely cold weather occurs,

1 when the Company's system is constrained, no,
2 actually it's harmful to MGE to increase usage at the
3 time of its winter peak when heating occurs.

4 Q. And I guess what I'm trying to get at:
5 You understand that MGE has a strict rate design?

6 A. I'm sorry. I didn't hear your question.

7 Q. You don't seem to understand MGE has a
8 strict rate design.

9 A. I don't seem to understand that. They may
10 or they may not. It's not really relevant to my
11 analysis.

12 Q. Okay. Going on to DSM programs, KCP&L and
13 GMO currently have DSM programs; is that right?

14 A. Yes.

15 Q. And they have demand-response programs?

16 A. I believe so.

17 Q. Weatherization programs?

18 A. Yes.

19 Q. And the purpose of those are they are to
20 reduce demand?

21 A. And energy, yes.

22 Q. In your testimony you state that the
23 Commission can and should examine and consider
24 societal goals in regulatory decisions; is that
25 correct?

1 A. Yes. Almost all commissions do this.

2 Q. From a policy standpoint, and this really
3 isn't a regulatory program, would you agree that --
4 with the idea of tax incentives for solar energy?
5 For example, if a customer installed a solar array or
6 solar panel, would you support, just generally, the
7 concept of tax incentives for that?

8 A. Not necessarily. I haven't examined the
9 issue, looked at the underlying cost structure, who's
10 being taxed, who's benefiting and so forth.

11 Q. What about tax incentives for wind energy?

12 A. Same answer.

13 Q. And the same answer would be for
14 geothermal?

15 A. That's correct.

16 Q. But you support DSM programs generally; is
17 that right?

18 A. Yes, when and if they make sense.

19 Q. Do you believe that a regulatory policy in
20 Missouri favors DSM programs?

21 A. I have heard that it does, but I don't
22 have any direct knowledge of that.

23 Q. Is it your testimony -- let me retract
24 that.

25 KCP&L and GMO, are they committed to

1 resource planning that would show energy and demand
2 reductions?

3 A. It's my understanding that that is
4 correct.

5 Q. And, in fact, KCP&L and GMO, in this case
6 and in other filings, they've discussed energy
7 savings from DSM and other energy efficiency
8 programs; is that right?

9 A. I don't have any direct knowledge of that.

10 Q. Do you know if there have been savings?

11 A. If there have been what?

12 Q. If there have been savings from DSM
13 programs?

14 A. I would assume there had been.

15 Q. But you don't know?

16 A. I haven't analyzed the DSM programs, the
17 other DSM programs that the company has, no.

18 Q. So you don't know?

19 A. I don't know for a fact but, as I
20 indicated, it would seem more than reasonable that
21 there are savings, or the programs would not have
22 been approved in the first place, nor would the
23 company who promotes them.

24 Q. So are you familiar -- you're saying
25 you're not familiar with Missouri Energy Efficiency

1 Investment Act of 2009?

2 A. Not overly-familiar. I am familiar that
3 there is such an act.

4 Q. But you're not familiar with the language
5 of it?

6 A. That's correct.

7 Q. So you don't know that the stated purpose
8 is to reduce electric consumption?

9 A. I -- I don't know. I assume the act
10 speaks for itself.

11 Q. As part of your preparation for this
12 proceeding, did you try to become acquainted with
13 KCP&L's position on demand-side management, just
14 generally?

15 A. Generally, yes. I've looked over various
16 DSM analysis, the factors that go into them, some of
17 the programs that they have, but my primary focus in
18 this case has obviously been the proposal for
19 electric gas substitution that MGE proposed.

20 Q. Are you familiar with the concept of a
21 virtual power plant?

22 A. Yes.

23 Q. What is that?

24 A. A plant that produces megawatts -- it
25 will -- savings to offset capacity construction by a

1 utility.

2 Q. It's a plant that does that?

3 A. Pardon me?

4 Q. would you repeat your answer. You said
5 it's a plant that does that?

6 A. It's a plant that does that. It -- there
7 are various means, DSM included, by which you
8 supplant the need for a power plant or a portion of a
9 power plant.

10 MR. JACOBS: May I approach?

11 JUDGE PRIDGIN: You may.

12 BY MR. JACOBS:

13 Q. Did you get a chance to go to KCP&L's
14 website at all?

15 A. Yes.

16 Q. I'd ask you to look at this document.

17 what I purport to you is that it's a frequently-asked
18 questions part of kcplenergyplan.com.

19 In fact, it's the FAQ section. Does that
20 look familiar to you?

21 A. No, I have not seen this before.

22 MS. CUNNINGHAM: Your Honor, I don't have
23 an objection, necessarily, if Mr. Jacobs wants to ask
24 questions about this document, but I would point out
25 that Mr. Goble has testified that he did not

1 familiarize himself with KCPL's DSM programs in
2 preparation for this case, and I wanted to point out
3 to you that KCP&L does have a DSM witness who will be
4 appearing, and these questions may be better suited.

5 And, again, I'm not necessarily making an
6 objection. I'm just letting you know that we do have
7 a DSM witness that's available to answer questions.

8 JUDGE PRIDGIN: Thank you.

9 MR. JACOBS: And so I would offer and seek
10 admission for KCP&L 2205, which is the Energy Plan
11 Fact website.

12 MS. CUNNINGHAM: Your Honor?

13 JUDGE PRIDGIN: Yes, ma'am.

14 MS. CUNNINGHAM: I do have an objection,
15 questioning whether this is the appropriate witness
16 in order to get this into evidence.

17 Again, I don't know that I object to
18 this, maybe with the appropriate witness, but with
19 Mr. Goble, he's not able to answer any questions
20 about this.

21 MR. JACOBS: I'll try to lay a foundation.

22 BY MR. JACOBS:

23 Q. Could you look at page eight of eight.

24 A. Yes.

25 Q. And could you read the question that

1 starts with, what is a virtual power plant.

2 A. would you like me to read the answer to
3 that?

4 Q. Yes.

5 A. Aloud?

6 Q. Yes.

7 A. A virtual power plant describes the effect
8 of energy-saving programs. Virtual power plants
9 delay the need to build new power plants. KCP&L is
10 required to meet the growing electric demand in our
11 region. There are two ways to meet this demand:
12 Build more power plants or help customers use
13 electricity more efficiently.

14 when customers use electricity more
15 efficiently, less electricity is needed to perform
16 functions such as heating or cooling homes. If less
17 electricity is used in one place, such as a
18 customer's home, that electricity is then available
19 to meet new demand elsewhere in the system.

20 The effect is that a virtual power plant
21 is created, and KCP&L does not need to build a
22 traditional power plant to meet that new demand as
23 soon as it would need to if no energy savings
24 programs were being used.

25 Q. And as part of your analysis, you're

1 really -- I mean MGE's proposal in this case is, at
2 least according to MGE design, to reduce demand; is
3 that correct?

4 A. Correct.

5 Q. And you don't necessarily agree with it,
6 but that's the stated purpose.

7 A. I'm not in agreement. It reduces demands
8 during KCPL's offpeak period. There are no cost
9 savings that I can see associated with this.

10 Q. My question was, Is that the stated
11 purpose? Is that a yes, that that's MGE's proposal
12 in this case?

13 A. Perhaps you could ask the question again.

14 Q. Is it MGE's proposal in this case is
15 reduce -- part of it is that we argue that this will
16 decrease electric -- demand for electricity; is that
17 correct?

18 A. You'll have to cite the reference in
19 Mr. Reed's testimony. I recall it saying that it
20 would provide energy savings and that it would
21 provide environmental benefits, but I don't recall
22 that section of his testimony saying there are demand
23 savings.

24 Q. You indicated earlier when I was asking
25 questions that you generally understood the concept

1 of a virtual power plant; is that right?

2 A. Yes.

3 Q. And do you agree with the definition as
4 set forth here?

5 A. I believe it's exactly -- or somewhat more
6 artfully stated than I stated but, yes, they're very
7 consistent.

8 MR. JACOBS: I would seek admission of
9 this exhibit as KCP&L 2205. The basis for that is
10 that I think the objection was not on the substance
11 of the document, not in the content of the document,
12 but whether or not this witness is capable of
13 rendering an opinion as to whether or not -- capable
14 of rendering an opinion about DSM. I think he's
15 testified that he understands the definition and he
16 agrees with it.

17 JUDGE PRIDGIN: Any objection?

18 MS. CUNNINGHAM: No objection.

19 JUDGE PRIDGIN: KCP&L 2205 is admitted.

20 (KCP&L Exhibit No. 2205 was admitted.)

21 BY MR. JACOBS:

22 Q. Mr. Goble, do you agree that electricity
23 experiences energy loss during transmission?

24 A. Yes.

25 Q. And most studies indicate that's anywhere

1 from 60 to 70 percent loss?

2 A. Absolutely not. Transmission losses
3 usually run less than 2 percent. You're talking
4 about the generation losses and distribution losses,
5 not just transmission.

6 Q. That's the generation and transmission
7 loss --

8 A. -- and distribution.

9 Q. -- and distribution.

10 It's about 60 to 70 percent?

11 A. That's consistent with the numbers I've
12 read, yes, for the older coal-fire units. Newer
13 types of units have higher efficiencies.

14 Q. Thank you for clarifying.

15 In this case you responded to MGE data
16 requests; is that right?

17 A. Yes.

18 Q. (Indicated.)

19 Did you get a chance to look over that
20 document?

21 A. Yes.

22 Q. And could you identify the document.

23 A. This is response to Question 7-8.

24 Q. And you prepared the answer to the data
25 request?

1 A. Yes.

2 Q. And it was verified by Mr. Rush, last
3 page, on December 21, 2010?

4 A. That's correct.

5 MR. JACOBS: I would seek to mark that
6 exhibit as KCP&L 2206 and seek its admission into
7 evidence.

8 MS. CUNNINGHAM: No objection.

9 JUDGE PRIDGIN: All right. Hearing no
10 objection, KCPL 2206 is admitted.

11 (KCPL Exhibit No. 2206 was marked and admitted.)

12 BY MR. JACOBS:

13 Q. Now, next thing, I refer to your rebuttal
14 testimony. It's on page 7, on line 28 through line
15 8. I'll let you get there. Just let me know.

16 A. The KCP&L case?

17 Q. Yes.

18 A. The reference again, please?

19 Q. Page 7 through 8.

20 A. I'm there.

21 Q. In your testimony you state, and I'll
22 quote, "Although a number of other state regulatory
23 commissions have addressed the subject of electric-
24 to-gas substitution, Mr. Reed fails to mention that
25 most have examined the subject and have chosen to

1 reject electric-to-gas substitution." Is that
2 correct?

3 A. That's what my testimony states. Perhaps
4 that is not as articulated as well as I had meant
5 to. When I say most have chosen to reject it,
6 actually, all have chosen not to mandate it as has
7 been requested in this proceeding.

8 Q. The question posed to you in the DR was
9 that to -- and I'll just read it for you. It says,
10 Please identify the state regulatory commissions --
11 I'm skipping over a few words where Mr. Global refers
12 to when he states that a number of other state
13 regulatory commissions have addressed the subject of
14 electric-to-gas substitution and also to identify
15 those -- of those which had examined the subject and
16 chosen to reject it. Have I read that right,
17 generally?

18 A. Generally.

19 Q. And your response to the DR was that you
20 conducted an informal survey?

21 A. That's correct.

22 Q. And if I --

23 A. Excuse me, Counselor. This survey was not
24 entirely conducted in response to the data request.
25 Much of the information had been gathered before the

1 data request, some after the data request.

2 Q. But this is research that you or your firm
3 did?

4 A. That's correct.

5 Q. If I count correctly, you identify 14
6 state commissions; is that right?

7 A. Yes.

8 Q. I've handed you two documents, one of
9 which -- well, I'll let you look at them real quick.
10 Just let me know when you're ready.

11 A. Okay.

12 Q. I'll start off with Colorado.

13 A. Is that the one with no mention of the
14 state on it?

15 Q. Look at 1.01 preface on the third and
16 fourth page. Do you see a state mentioned there?

17 A. I don't have page numbers, but you say
18 third or fourth page?

19 Q. Section 1.01. Well, let me strike that.

20 Just go to your chart on your response to
21 7-8.

22 A. I do see Colorado, yes.

23 Q. Thank you. So this is the -- referring to
24 the front page, if you look at the docket number,
25 could you read out that docket number.

1 A. 91R-642E.

2 Q. That's the same docket number you cite in
3 your survey?

4 A. Yes.

5 Q. In your survey chart it says that
6 nothing's been mandated in the state of Colorado; is
7 that right?

8 A. That's correct, that it's dependent upon
9 the results of a benefit cost analysis.

10 MR. JACOBS: I'd like to mark that -- I'm
11 sorry. Could you keep me up-to-date on the number
12 we're at? Is that 2207?

13 JUDGE PRIDGIN: That's correct.

14 MR. JACOBS: I'd like to mark that as
15 Exhibit 2207 and seek its admission into evidence.

16 JUDGE PRIDGIN: Any objection?

17 MS. CUNNINGHAM: No.

18 JUDGE PRIDGIN: Hearing none, KCPL 2207 is
19 admitted.

20 (KCP&L Exhibit No. 2207 was admitted.)

21 BY MR. JACOBS:

22 Q. So this is an order, again, that you cited
23 to; correct?

24 A. That's correct.

25 Q. And it's titled, Electric Integrated

1 Resource Planning Rules; is that right?

2 A. Yes.

3 Q. Could you go to Rule 5.09(a) of that
4 order. And unfortunately there's not page numbers,
5 so you'll have to go back. Just let me know when
6 you're there.

7 A. I'm there.

8 Q. I wanted to read that for you -- just let
9 me know if I'm reading correctly -- The utility that
10 sells both natural gas and electricity shall analyze
11 the cost and benefits of the substitution of natural
12 gas for electricity or vice versa in the demand for
13 meeting energy and resources. Did I read that
14 correctly?

15 A. Yes, sir. And that, of course, does
16 support what I said here, that the results are
17 dependent upon a test, not mandated.

18 Q. It uses the term "shall," doesn't it, that
19 they "shall analyze"?

20 A. They shall analyze the cost and benefits.
21 It does not say "they shall implement the program."
22 In fact, whether or not they implement the program
23 depends upon whether or not it makes sense from cost
24 benefit analysis.

25 Q. I agree, but it's mandated, at least, for

1 a combination of utilities to conduct analysis; is
2 that right?

3 A. Yes, for combination utilities, that's
4 correct.

5 Q. I'm going to move on to the next document,
6 and it's titled, State of Connecticut. Have you had
7 a chance to review that document?

8 A. No, I was just handed this relatively
9 thick document a moment ago.

10 Q. Okay. I'm going to ask you to look at the
11 front page of the document, if you would. It says,
12 Connecticut Department of Public Utility Control.

13 A. Yes.

14 Q. And Connecticut is one of the states that
15 you indicated that you have surveyed; is that right?

16 A. That's correct.

17 Q. And you indicate in your response that
18 Connecticut has not considered the issue of fuel
19 switching; is that right?

20 A. We could find no instance where it had.
21 Now, it's possible if one made a relatively
22 exhaustive survey of every document that came out of
23 the Connecticut Commission one would find this. We
24 had neither the time nor the resources to do that.

25 Q. I'm going to refer you to page 57 of that

1 document.

2 MR. JACOBS: And just for identification
3 purposes, I'd ask that we mark this 2208. I'm not
4 seeking its admission at this point.

5 (KCP&L Exhibit No. 2208
6 was marked for identification.)

7 BY MR. JACOBS:

8 Q. Just let me know when you're at 57.

9 A. I'm at page 57.

10 Could you read the title of the last
11 paragraph on page 57, just the title of that header
12 that starts with "E."

13 A. Energy Efficiency: The Most Efficient Use
14 of Fossil Fuels.

15 Q. Could you take a moment to review that,
16 and I'm asking you to review the section that says,
17 Energy Efficiency: The Most Efficient Use of Fossil
18 Fuels.

19 A. I've read it.

20 Q. Okay. Just quickly going through this,
21 the last paragraph on 57, this is talking about a
22 Chiller Retirement Initiative; is that right?

23 A. That's correct.

24 Q. And the top of 58 talks about the purpose
25 of it was to, first sentence, achieve reductions

1 totaling approximately 55 megawatts; is that right?

2 A. Doesn't say it's the purpose. It says
3 that was the result.

4 Q. Thank you. That's correct.
5 So achieve reductions totaling
6 approximately 55 megawatts; is that right?

7 A. Yes.

8 Q. Could you read the second paragraph at the
9 top of page 58.

10 A. Out loud?

11 Q. Yes, sir.

12 A. The traditional approach to conservation
13 and load management is not focused on determining the
14 most efficient use of fuel needed to power and use --
15 to power end-use equipment or the environmental
16 impact of these decisions.

17 Instead, as the Chiller Retirement
18 Initiative demonstrates, energy efficiency has meant
19 reducing the electricity needed to power electric
20 equipment. The current energy environment and
21 cultural shift noted above demands that we modify
22 our approach and look to determine the most efficient
23 use of fuel used to power our needs. Fuel switching
24 must be examined to achieve this benefit. Therefore,
25 a comparison of the costs and benefits of alternative

1 fuels, where applicable, must be integrated into the
2 review of C&LM activity.

3 Q. Thank you. I'm going to move down to the
4 third paragraph on page 58, and I'll read for you the
5 third-to-last sentence. It says, The Department is
6 interested in aggressively pursuing both strategies
7 and will require the EDCs to submit information for
8 its review. Did I read that correctly?

9 A. Yes, sir, and if you read the next two
10 sentences, you'll note that they didn't mandate
11 this. They say they're going to review it further.

12 Q. Agreed. In that section did you see any
13 mention of the full fuel-cycle?

14 A. Not directly. In paragraph two it says
15 that the Commission needs to modify their approach to
16 look to determine the most efficient use of fuel.

17 Q. Correct. So you reviewed Connecticut; is
18 that right?

19 A. I'm sorry, sir.

20 Q. You indicated that you reviewed
21 Connecticut for any discussion of full fuel-cycle.

22 A. We did an Internet search trying to find
23 documents that would give us some indication of what
24 Connecticut and other states have done, that's
25 correct.

1 Q. Does this appear to be a docket from the
2 state of Connecticut?

3 A. Yes, it does.

4 Q. Does it appear to be a valid document
5 that's been produced by the State of Connecticut.
6 Let me withdraw.

7 Is there any reason for you to believe
8 that this is not what it purports to be, which is
9 Docket No. 10-02-07 DPUC Review of the 2010
10 Integrated Resource Plan?

11 A. As I indicated when you provided this to
12 me, I have not seen this document before.

13 Q. Do you have any reason to question its
14 authenticity?

15 A. No.

16 MR. JACOBS: I'm going to seek for the
17 admission of KCP&L 2208.

18 JUDGE PRIDGIN: Any objection?

19 MS. CUNNINGHAM: No.

20 MS. HERNANDEZ: No.

21 JUDGE PRIDGIN: KCP&L 2208 is admitted.

22 (KCP&L Exhibit No. 2208 was admitted.)

23 BY MR. JACOBS:

24 Q. It's fair to say, really, that those two
25 words, going back to your answer in DR 7-8, that

1 really the only commission that you found that has
2 rejected the concept of fuel switching is Arkansas;
3 is that right?

4 A. That's partially correct. I think one
5 could also assume that none of these commissions have
6 mandated.

7 Q. That's not the question.

8 A. As the proposal in this case is, that it
9 be implemented --

10 Q. That's not the question I asked.

11 The question I asked is: Is it fair to
12 say that looking at your answer in 7-8, that the only
13 commission that's rejected fuel switching is
14 Arkansas?

15 A. And again, that's partially correct. The
16 full answer is that that is the only commission that
17 has rejected it; other commissions say that it
18 depends upon the outcome of the test itself. Other
19 commissions have not examined it.

20 Q. But they let those programs go forward; is
21 that right?

22 A. Yes, sir. The purpose of this exhibit is
23 to indicate that there is no great momentum in the
24 marketplace, that regulators aren't rushing to
25 implement this, that it's much more complicated than

1 has been presented in this case.

2 Q. Actually, the purpose of the exhibit is to
3 question the statement you made in your testimony;
4 isn't that right? It's a data request.

5 A. I can't speak to the intent of MGE in
6 filing this data request.

7 Q. You just indicated what you thought was
8 the purpose.

9 A. That was my --

10 Q. Is that correct?

11 A. Yes, that's correct.

12 Q. And, really, the purpose of it is to ask
13 in detail about what you provided in your testimony.

14 A. Yes.

15 Q. That's the stated obvious purpose of that
16 data request.

17 A. Yes.

18 Q. And the fact is, is that only one
19 commission has denied -- rejected full fuel-cycle --
20 or correction. Only one commission has rejected the
21 concept of fuel switching.

22 A. No, I think all the commissions have
23 rejected it with respect to mandating it in the
24 absence of some reasonable test as to its
25 effectiveness.

1 Q. I'm going to move on. I think it speaks
2 for itself.

3 I want you to imagine a situation where a
4 customer takes advantage of a fuel switching program
5 in this case as MGE's proposed it. They would still
6 remain a KCP&L and GMO customer; is that right?

7 A. Yes.

8 Q. And the reason for that is they would
9 still have the need for electricity, generally?

10 A. Yes.

11 Q. In other words, it's not really likely
12 that a customer would go all-gas; is that correct?

13 A. No, there are no gas-powered computers,
14 that's correct.

15 Q. Do you agree that customers that have
16 replaced an electric space heater or water heater
17 would use less electricity?

18 A. That would occur whether they replaced it
19 with a more efficient electric water heater or space
20 heater or heat pump for gas. In all those instances
21 the answer is yes, but not just replacing it with
22 natural gas heating and -- water heating.

23 Q. I understand. My question really is
24 focused on the idea of, if they no longer have an
25 electric space heater and it moves to natural gas,

1 it's fair to say that their energy use would go down;
2 is that right?

3 A. As it would if they moved to a heat pump
4 as well, which is much more efficient.

5 Q. Let me restate it. If a customer replaced
6 an electric space heater, their electricity use would
7 go down, if they would replace that space heater with
8 a natural gas space heater?

9 A. If they replace an electric appliance with
10 a gas appliance, yes, electricity use would go down.

11 Q. And the same is true with a water heater?

12 A. Yes, and the same is true of high-
13 efficiency electric appliances as well replacing an
14 older electric appliance.

15 Q. As part of the testimony in this case,
16 there's discussions about the National Research
17 Council's report. Are you familiar with that
18 document?

19 A. I believe so. I've looked at a lot of
20 documents. I'd have to look at it but, yes, I
21 suspect I am.

22 Q. Just tell me when you've got a chance to
23 review it.

24 A. I am familiar with this document.

25 MR. JACOBS: I'm sorry. Are we on 2210?

1 JUDGE PRIDGIN: I have 2209.

2 MR. JACOBS: Thank you.

3 BY MR. JACOBS:

4 Q. Could you describe what this document is.

5 A. It's a review of the site and full-cycle
6 measurement of building appliance energy efficiency
7 standards.

8 Q. And this is the report that's discussed in
9 testimony that recommends that the DOE move to the
10 full fuel-cycle measure of energy consumption; is
11 that correct?

12 A. Would you repeat that question, please.

13 Q. This is just generally the report that's
14 discussed in testimony that recommends that the
15 Department of Energy move to full fuel-cycle
16 analysis; is that right?

17 A. I believe it indicates that it should move
18 gradually to it under certain conditions.

19 MR. JACOBS: I am going to ask that it be
20 marked as 2209 and be admitted into evidence.

21 MS. CUNNINGHAM: No objection.

22 MS. HERNANDEZ: None.

23 JUDGE PRIDGIN: 2209 is admitted.

24 (KCP&L Exhibit No. 2209
25 was marked for identification and admitted.)

1 BY MR. JACOBS:

2 Q. would you agree that the report states
3 specifically that full fuel-cycle is not meant to
4 favor one energy source over another?

5 A. Yes.

6 Q. would you agree that the report -- the
7 purpose of the DOE's appliance standards program is
8 to provide customers with information when purchasing
9 an appliance?

10 A. Yes.

11 Q. Do you believe that more information
12 improves the functioning of competitive markets?

13 A. Yes.

14 Q. would you agree that one way to improve
15 competition is to enhance the quality of information
16 that is available to customers so that they
17 understand the full consequences of their decisions?

18 A. Yes, sir. In fact, that's one of the
19 over-arching issues in this case. It looks like that
20 we should walk before we run. Better information,
21 fine-tuning the rates, there are many ways to address
22 the issue of energy efficiency much more economically
23 without market distortions than by going to the MGE
24 proposal. There are better ways to do it. One is to
25 gather the low-hanging fruit first, that is, provide

1 them the energy disseminated to consumers.

2 Q. The question I asked is about
3 information. It's good to provide information to
4 consumers; is that right?

5 A. I believe that -- yes, that's what I said.

6 Q. I want to show you a document. The title
7 of it is, ENERGY STAR Residential Water Heater:
8 Final Criteria Analysis. Are you familiar with that
9 document?

10 A. No, I'm not.

11 Q. Did you read the reports that Mr. Reed
12 cites in his testimony?

13 A. No, not all in their entirety. Some.

14 Q. I seem to be one short. I apologize.
15 Can you read the title of that document.

16 A. Source Energy and Emission Factors for
17 Building Energy Consumption.

18 MR. JACOBS: I'm going to ask that it be
19 marked as Exhibit 2210, I believe.

20 JUDGE PRIDGIN: You did not want the
21 ENERGY STAR marked?

22 MR. JACOBS: No.

23 JUDGE PRIDGIN: Okay.

24 MR. JACOBS: Thank you.

25 (KCP&L Exhibit No. 2210

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was marked for identification.)

BY MR. JACOBS:

Q. Are you familiar with this document?

A. Yes, I am.

Q. And this document was discussed in testimony?

A. Yes.

MR. JACOBS: I'd ask for the admission of 2210.

MS. CUNNINGHAM: No objection.

JUDGE PRIDGIN: KCP&L 2210 is admitted.

(KCP&L Exhibit No. 2210 was admitted.)

BY MR. JACOBS:

Q. I'd like you to turn to page 27.

A. I'm there.

Q. This is a table that talks about water heater source energy consumption comparisons by state; is that correct?

A. Yes.

Q. So it's broken down by state. It talks about electric water heater and natural gas water heaters, and then in a final section it talks about source energy reduction versus electric water heater; is that correct?

A. Yes

1 Q. Are you familiar with this document?

2 A. Just a moment, please. I'm somewhat
3 familiar, not overly familiar. I have seen it.

4 Q. And cited in your testimony?

5 A. I don't believe I cite this in my
6 testimony.

7 Q. It's cited in Mr. Reed's testimony?

8 A. It may be. You'll have to ask Mr. Reed
9 that.

10 MR. JACOBS: I ask it be marked as --
11 marked as 2011. Is that right? 2211?

12 JUDGE PRIDGIN: 2211.

13 Counsel, I'm sorry.

14 MS. CUNNINGHAM: That's okay. He hasn't
15 offered it yet.

16 BY MR. JACOBS:

17 Q. Could you read the purpose of the document
18 on the first page aloud.

19 A. The purpose of this document is to provide
20 technical detail on the methodology undertaken by EPA
21 to incorporate source energy into the national energy
22 performance rating. This document is structured as
23 follows.

24 Q. I'd like you to turn to page 2 --

25 A. Okay.

1 Q. -- and read the first paragraph, please,
2 into the record.

3 A. Overview: EPA's national energy
4 performance ratings evaluate the performance of
5 buildings that use all types of energy. To compare
6 this diverse set of commercial buildings equitably,
7 the ratings must express the consumption of each type
8 of energy in a single common unit. EPA has
9 determined that source energy is the most equitable
10 unit of evaluation. Source energy represents the
11 total amount of raw fuel that is required to operate
12 the building. It incorporates all transmission
13 delivery and production losses, thereby enabling a
14 complete assessment of energy efficiency in a
15 building.

16 Q. So if I understand what you said when you
17 looked at this document, you said that you've never
18 seen it before?

19 A. No, I said that I believe I have seen
20 parts of it. Table one, for example, stands out for
21 some reason, but I don't have a more specific
22 recollection of it.

23 Q. Do you have any reason to believe this is
24 not, in fact, an EPA document that purports to talk
25 about ENERGY STAR performance ratings?

1 A. I don't have any reason to believe one way
2 or the other.

3 Q. And so you wouldn't think it's important
4 when you're looking at an analysis of full fuel-cycle
5 and fuel switching, to read an EPS report which
6 advocates using the source and site energy?

7 A. I'm sure there are a number of documents
8 that are very important in this. This, possibly,
9 being one.

10 Q. Particularly when it's cited in testimony?

11 A. Again, it was cited in Mr. Reed's
12 testimony, not my testimony.

13 Q. I've handed you two documents, if you'd
14 look them over, please.

15 A. Okay.

16 Q. Just tell me know when you're ready.

17 A. I'm ready.

18 Q. When you cite -- I'm going to talk about
19 the National Regulatory Research Institute, it's
20 titled, Electric-to-Gas Substitutions: What Should
21 Regulators Do?

22 A. Okay.

23 MR. JACOBS: And I'm going to have that
24 marked -- I'm not going to offer it into evidence --
25 2211?

1 JUDGE PRIDGIN: Yes, sir.

2 MR. JACOBS: I'll mark NRRI Electric-to-
3 Gas Substitution as 2211.

4 (KCP&L Exhibit No. 2211
5 was marked for identification.)

6 BY MR. JACOBS:

7 Q. And you talk about this report in your
8 testimony?

9 A. Yes, I do.

10 Q. Is this the same report that you talk
11 about? Look it over, please.

12 A. It appears to be the same, yes.

13 MR. JACOBS: I would offer 2211 into
14 evidence.

15 MS. CUNNINGHAM: No objection.

16 MS. HERNANDEZ: No objection.

17 JUDGE PRIDGIN: KCP&L 2211 is admitted.

18 (KCP&L Exhibit No. 2211 was admitted.)

19 MR. JACOBS: I'm just going to move on
20 because I want to -- I think -- counsel and I talked
21 ahead of time. I just want to make sure that we're
22 going to cite these in our brief, so I'm not going to
23 do more of this.

24 I'll just move on to electric-to-gas fuel
25 switching, which is the next document.

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I'll ask this be marked as 2212.

(KCP&L Exhibit No. 2212
was marked for identification.)

BY MR. JACOBS:

Q. Are you familiar with the document?

A. No.

Q. This is the last exhibit. I'm going to
ask you to review this document.

A. I've reviewed it.

Q. Are you familiar with it?

A. Yes, I am.

Q. Can you describe what it is.

A. It's an American Gas Association analysis
for -- a Comparison of any -- Energy Use, Operating
Costs and Carbon Dioxide Emissions of Home
Appliances.

MR. JACOBS: I'm going to ask to mark the
document as 2213 and seek its admission into
evidence.

(KCP&L Exhibit No. 2213
was marked for identification.)

MS. CUNNINGHAM: No objection to 2213.

MS. HERNANDEZ: No objection

JUDGE PRIDGIN: KCP&L 2213 is admitted.

(KCP&L Exhibit No. 2213 was admitted.)

1 MR. JACOBS: I have no further questions
2 at this time.

3 JUDGE PRIDGIN: All right. Thank you.
4 Do we have any bench questions?
5 Mr. Chairman?

6 COMMISSIONER JARRETT: Thank you.
7 Good morning, sir. How are you?

8 THE WITNESS: Fine. Thank you. Good
9 morning, Commissioner.

10 COMMISSIONER JARRETT: I just have maybe
11 one or two questions.

12 QUESTIONS BY COMMISSIONER JARRETT:

13 Q. Are you familiar with the home performance
14 with ENERGY STAR collaboration?

15 A. No, sir, I'm not.

16 Q. So you're not aware that that's a current
17 collaboration between Missouri Gas Energy and KCP&L?

18 A. I'm -- no, sir.

19 COMMISSIONER JARRETT: Okay. I don't have
20 any further questions. Thank you.

21 JUDGE PRIDGIN: All right. Thank you.
22 Recross?

23 MR. JACOBS: No.

24 JUDGE PRIDGIN: Redirect?

25 MS. CUNNINGHAM: Yes. Thank you, your

1 Honor.

2 Could I first inquire of counsel whether
3 he intended to admit KCP&L 2212? If he did, I just
4 didn't hear it. I apologize.

5 MR. JACOBS: No, I did not.

6 MS. CUNNINGHAM: Do you intend to?

7 MR. JACOBS: (Shook head.)

8 MS. CUNNINGHAM: Okay. Thank you.

9 REDIRECT EXAMINATION BY MS. CUNNINGHAM:

10 Q. Good morning, Mr. Goble.

11 A. Good morning.

12 Q. Do you recall early on in the cross-
13 examination by Mr. Jacobs, I believe it was his first
14 question to you -- he pointed you to your direct
15 testimony -- and he pointed you to the provision in
16 your testimony where you indicated that the
17 Commission should not use its authority to skew
18 market behavior? Do you recall the question?

19 A. Yes, I do.

20 Q. I believe he specifically asked you
21 whether the Commission has -- this commission has the
22 authority to approve a fuel switching program. Do
23 you recall that question?

24 A. I do.

25 Q. And was your answer, yes, you believe the

1 Commission does have the authority to do so?

2 A. Yes.

3 Q. Based on your testimony, is it your
4 recommendation that, in fact, the Commission should
5 do so?

6 A. No, I think there are four good reasons
7 not to do so. I think the data's not here. I don't
8 think it's been supported by any evidence in this
9 proceeding. Many of the numbers are national in
10 scope, not specific to this company, not specific to
11 Missouri.

12 I also think that there are a lot of
13 costs that are omitted from it, particularly the
14 costs associated with the procurement and extraction
15 of natural gas, which are substantial. That's one.

16 The second thing is, I believe this isn't
17 the forum to do it. As I understand, DSM initiatives
18 are considered in an IRP proceeding where they are
19 fully debted for additional information, and more
20 complex and precise calculations are made.

21 The third reason, economically it doesn't
22 make sense. There's a difference between energy
23 efficiency and economic efficiency. If we're to be
24 guided by economic efficiency, we have to understand
25 that the concerns that have been brought up by

1 Missouri Gas are already internalized or incorporated
2 into the price of the energy resources.

3 while we may get three times the amount
4 of BTUs at the site that are put into the system, it
5 costs three times as much to put the natural gas into
6 the system in the first place. In other words, the
7 market has already accounted for many of these
8 factors. By once again accounting for the factors,
9 we've essentially double-counted and biased the
10 market in favor of natural gas over electricity.

11 Then the final reason is that I just -- I
12 just think it's bad policy for a commission to come
13 out in favor of one energy resource over another. If
14 the price of natural gas, which has been highly
15 volatile in the past -- and which I expect to remain
16 highly volatile -- increases by any -- by historical
17 standards, then we may see the results of any benefit
18 cost analysis flipping, where it was once shown to be
19 beneficial, and this commission has committed to it,
20 all of a sudden it's shown not to be beneficial. I
21 don't think it makes a lot of sense for the
22 Commission to be betting upon natural gas prices for
23 the next twenty years.

24 Q. Okay. Thank you.

25 I believe Mr. Jacobs next asked you

1 whether he would support a customer switching from
2 all-electric to natural gas, and I believe your
3 response was -- you said, yes, you would support a
4 customer switching from all-electric to natural gas
5 if it makes sense but that you'd have to look at the
6 numbers. Do you recall that?

7 A. Yes, I do. There are circumstances where
8 a customer may have inefficient appliances, but you
9 may find that there are electrical appliances which
10 are equally beneficial or even more beneficial, such
11 as a ground-source heat pump, for example.

12 Q. So that's what you meant when you said
13 you'd have to look at the numbers?

14 A. Exactly. You can't really compare a
15 15-year-old baseboard heating system to natural gas
16 without comparing the 20-year-old baseboard heating
17 system to a heat pump or other equally viable
18 alternative.

19 Q. You were also asked some questions by
20 Mr. Jacobs about whether you had prepared yourself
21 for this case by familiarizing yourself with KCP&L's
22 DSM program. Do you remember that question?

23 A. I do.

24 Q. At what point were you asked to appear on
25 behalf of KCP&L in this proceeding?

1 A. My first record of a conversation is
2 November 17.

3 Q. And would that be after the date that MGE
4 filed its direct testimony on November 10?

5 A. Yes.

6 Q. Okay. Are you here today to offer
7 testimony on KCP&L's DSM programs?

8 A. No, I am not.

9 Q. Thank you.

10 Do you still have what was marked as
11 Exhibit KCPL 2205 in front of you? It is a document
12 that relates to frequently-asked questions that I
13 believe Mr. Jacobs said he retrieved from KCP&L's
14 website. Do you have that in front of you?

15 A. I do somewhere. Just a moment, please.

16 Q. If not, I can provide you a copy.

17 A. I have it.

18 Q. Okay.

19 would you turn to page 8 of 8, please.

20 A. I'm there.

21 Q. And do you recall that Mr. Jacobs asked
22 you to read into the record the information or the
23 definition of what is a virtual power plant?

24 A. Yes, I do.

25 Q. would you go further down the page.

1 A. Okay.

2 Q. would you please read into the record the
3 last verbiage that appears on that page, and it's in
4 between two horizontal lines. It starts with, KCP&L
5 provides this website.

6 A. I did notice that.

7 Q. Okay.

8 A. KCP&L provides this website as an aid to
9 our customers. KCP&L does not intend this website to
10 replace its positions as stated within its direct
11 testimony, rebuttal, or surrebuttal filings or any
12 other filings made by it throughout these rate cases
13 should inconsistencies arise between such.

14 Q. Okay. Thank you.

15 Do you also have a copy of Exhibit 2207,
16 which is the Colorado rules, and if you recall, it's
17 not identified on the front. You have to go in a
18 little bit to recognize what's -- that it's the state
19 of Colorado.

20 A. Yes, I have that.

21 Q. Do you recall that Mr. Jacobs either asked
22 you to read Section 5.09, fuel switching, into the
23 record, or he read it into the record -- I can't
24 recall -- but do you recall that question?

25 A. Yes, I do.

1 Q. And I believe in one of your responses as
2 you were addressing that fuel switching provision, it
3 was pointed out that this fuel switching provision
4 applies to combination utilities. Am I correct?

5 A. Yes, that's correct.

6 Q. Is KCP&L a combination utility?

7 A. No, it's not.

8 Q. Do you also have a copy of what's been
9 marked as KCP&L Exhibit 2208 in front of you? This
10 is the State of Connecticut docket -- document.

11 A. Yes, I have that.

12 Q. Okay. Do you recall that Mr. Jacobs
13 inquired about you with [sic] several questions on
14 pages 57 and 58 of that document? Specifically he
15 asked a couple of questions with regard to
16 subsection E that starts on page 57 entitled, Energy
17 Efficiency, the Most Efficient Use of Fossil Fuels.
18 Do you recall that?

19 A. Yes, I do.

20 Q. Mr. Goble, would you flip back to page 82
21 of that document.

22 A. I'm there.

23 Q. I'm going to give you a moment and ask you
24 to review pages 82 through 85, which is entitled --
25 Roman Numeral IV -- Conclusion and Orders.

1 A. Okay. Just a moment, please.

2 Q. Sure.

3 A. Did you say through 84 or to the end of
4 it?

5 Q. I believe it just goes barely just on the
6 top of page 85.

7 A. Okay. Just a moment.

8 Q. Sure.

9 A. I've read it quickly.

10 Q. Thank you.

11 You know, back on page 58 when Mr. Jacobs
12 was talking to you about this section, he referred
13 you to a paragraph which states, Fuel switching must
14 be examined to achieve this benefit. As you glanced,
15 albeit briefly, through the conclusion and orders
16 section of this order, do you see any reference to
17 examining fuel switching by the Commission?

18 A. No, I do not.

19 MS. CUNNINGHAM: Nothing further.

20 JUDGE PRIDGIN: All right. Thank you.

21 Mr. Global, thank you very much, sir.

22 You may step town.

23 THE WITNESS: Thank you.

24 JUDGE PRIDGIN: Do I understand Mr. Reed
25 would be the next witness?

1 MR. JACOBS: Yes.

2 JUDGE PRIDGIN: And then Mr. Rogers.

3 Thank you.

4 JUDGE PRIDGIN: Raise your right hand to
5 be sworn, please, sir.

6 JOHN J. REED,
7 produced, sworn, and examined, testified as follows:

8 JUDGE PRIDGIN: Thank you very much, sir.
9 You may have a seat.

10 Mr. Jacobs, when you're ready, sir.

11 DIRECT EXAMINATION BY MR. JACOBS:

12 Q. Good morning.

13 A. Good morning.

14 Q. Could you please state your name and
15 business address for the record.

16 A. John J. Reed, 293 Boston Post Road,
17 Marlboro, Massachusetts.

18 Q. And you're the same John Reed who caused
19 to be filed direct and surrebuttal testimony in both
20 cases?

21 A. Yes, I am.

22 Q. And that's Case ER-2010-0355 and ER-2010-
23 0356; is that correct?

24 A. That's correct.

25 Q. And in the 0355 case, your direct

1 testimony is marked as KCP&L 2201-NP and KCP&L 2201-
2 HC; is that correct?

3 A. I believe so.

4 Q. And surrebuttal testimony marked as KCP&L
5 2203-HC and KCP&L 2203-NP?

6 A. I believe so.

7 Q. And 0356, direct testimony marked as GMO
8 2201-NP and GMO 2201-HC?

9 A. Yes.

10 Q. And surrebuttal testimony marked as GMO
11 2203, and there's no HC testimony in that
12 surrebuttal.

13 A. Correct.

14 Q. One thing I want to cover first is that
15 it's -- it's a correct statement that an error was
16 found in calculation used in 0355 direct; is that
17 right?

18 A. Yes, there was.

19 Q. And you corrected that in your 0356
20 direct; is that correct?

21 A. That's correct.

22 Q. And you discussed the error starting on
23 page 22 of your surrebuttal, KCP&L 2203; is that
24 right?

25 A. Yes, in the surrebuttal of the KCP&L case

1 we discussed that and provided additional exhibits
2 that are corrected.

3 Q. And just so the record's clear, you filed
4 replacement schedules for JJR 1, 4, 5, and 7 by
5 filing JJR surrebuttal Exhibits 2, 3, 4, and 5; is
6 that right?

7 A. Yes, in the KCP&L case.

8 Q. Do you have any corrections or updates
9 other than those that you need to make to your
10 testimony in exhibits?

11 A. No.

12 Q. If I asked the same questions contained in
13 your testimony today, would your answers be the same?

14 A. Yes, they would.

15 Q. Are the answers true and correct to the
16 best of your knowledge and belief?

17 A. They are.

18 Q. And do the schedules and exhibits actually
19 depict what's shown?

20 A. Yes.

21 MR. JACOBS: I move for the admission
22 KCP&L 2201-NP and HC, KCP&L 2203-HC and NP, GMO 2201-
23 NP and 2201-HC, and GMO 2203.

24 THE COURT: Any objection?

25 MS. CUNNINGHAM: No objection.

1 MR. JACOBS: And I tender for cross-
2 examination.

3 JUDGE PRIDGIN: Mr. Jacobs, thank you.
4 Let me show those exhibits admitted. Again, that is:
5 KCP&L 2201-NP and HC, KCP&L 2203-NP and HC, as well
6 as GMO 2201-NP and HC and GMO 2203. Is that correct,
7 Mr. Jacobs?

8 MR. JACOBS: Yes, sir.

9 JUDGE PRIDGIN: All right. Those are all
10 admitted.

11 (KCP&L Exhibit Nos. 2201-NP, 2201-HC
12 2203-NP, 2203-HC were admitted.)

13 (GMO Exhibit Nos. 2201-NP
14 2201-HC, and 2203 were admitted.)

15 JUDGE PRIDGIN: Cross-examination.
16 Ms. Hernandez?

17 MS. HERNANDEZ: Yes, I do have questions.

18 JUDGE PRIDGIN: Whenever you're ready.

19 MS. HERNANDEZ: Good morning, Mr. Reed.

20 THE WITNESS: Good morning.

21 MS. HERNANDEZ: I'm sorry, your Honor. Is
22 it okay to cross from here?

23 JUDGE PRIDGIN: Yes, ma'am.

24 CROSS-EXAMINATION BY MS. HERNANDEZ:

25 Q. A few questions for you. Did you approach

1 KCP&L or GMO to discuss the implementation of a fuel
2 switching program?

3 A. We discussed it. I'm not sure I would say
4 we approached them, but we did discuss it.

5 Q. Is it true that MGE is a competitor of
6 KCP&L and GMO?

7 A. In certain instances it is a competitor.
8 It provides an alternative product in terms of an
9 energy form, but really in that regard it's no
10 different than anyone else that can provide an energy
11 solution.

12 Q. But you would agree, then, it is -- the
13 companies are competitors when looking at whether
14 you're going to use a gas versus an electric
15 appliance, for example, for a water heater?

16 A. Those end-use applications do compete in
17 the marketplace, yes.

18 Q. Did you analyze the cost effectiveness of
19 the fuel switching program as proposed?

20 A. We analyzed the cost effectiveness from a
21 consumer perspective. We didn't have the data
22 necessary to analyze it from a utility perspective
23 under the total resource standard.

24 Q. And from a customer perspective you found
25 it cost-effective?

1 A. We found that the -- there would be
2 savings to the customers from converting to natural
3 gas in those end uses, yes.

4 Q. Is it your understanding that under MEIA,
5 or the Missouri Energy Efficiency Investment Act,
6 that a company is to implement all cost-effective
7 demand-side programs that are found -- or I'm
8 sorry -- demand-side programs that are found cost-
9 effective, but that's under a total resource cost
10 analysis?

11 A. Yes, that is my understanding.

12 Q. For the report you put in your testimony,
13 did you use any specific company data in your
14 analysis?

15 A. Specific to KCP&L and GMO?

16 Q. Correct.

17 A. Yes, we used the company-specific
18 generation mix, the company-specific average rate
19 information, certain information that was not
20 directly related to the development of the program
21 but certain information, for example, on company
22 revenues, company DSM budget, that kind of thing.

23 Q. You would agree that MGE in this case is
24 recommending a fuel switching program, not the
25 company?

1 A. MGE is the proponent, yes.

2 Q. Is it correct that your proposal
3 recommends KCP&L or GMO offer a customer incentive to
4 switch from electric to gas?

5 A. Yes, for certain end uses.

6 MS. HERNANDEZ: I'm sorry. I believe most
7 of these are "yes" or "no" questions, if you can
8 direct the witness to answer "yes" or "no" or "I
9 don't know."

10 MR. JACOBS: I think the witness should be
11 able to answer a question. I don't think that can be
12 artificially deemed to say "yes," "no," or "maybe."
13 He's got to be able to listen to the question,
14 analyze it and give an answer.

15 JUDGE PRIDGIN: It's cross-examination.
16 If the counsel wants to lead, counsel can certainly
17 do so.

18 BY MS. HERNANDEZ:

19 Q. So your answer was yes; is that correct?

20 A. Could I have the question again?

21 Q. Sure.

22 Is it correct that your proposal
23 recommends that KCP&L or GMO offer customer incentive
24 to switch from electric to gas?

25 A. Yes.

1 Q. And is it true that KCP&L or GMO will
2 expend that money on top of any loss in generation
3 revenue from the lower customer numbers?

4 A. No, it's a little more complicated than
5 that. It's not a loss from the lower customer
6 numbers. It is a -- there will be a revenue loss.
7 There will also be an expenditure, but the revenue
8 loss is not a product of the loss of the customer.

9 Q. Okay. And those losses you just
10 mentioned, did you evaluate those based on the cost
11 effectiveness of the proposed fuel switching program?

12 A. Yes, we did evaluate the revenue losses.
13 They're quantified in my testimony.

14 Q. Could MGE have a proposed fuel switching
15 program where MGE pays the customer incentive costs
16 without any participation from KCP&L or GMO?

17 A. It could have in an MGE case, and of
18 course it has proposed in this case to also fund part
19 of the expenditure.

20 Q. would you say it's true that your studies
21 found no market failures in controlling competition
22 between electric and natural gas?

23 A. No, I would strongly disagree with that.
24 I think we point out a number, a very large number,
25 of potential market failures.

1 Q. On the customer incentive side; is that
2 correct?

3 A. I'm sorry. I didn't understand your
4 question.

5 Q. In terms of marketed failures, were you
6 referring only to customer barriers in your
7 testimony?

8 A. We were referring to barriers to customers
9 making a cost-effective choice, which include the
10 pricing of the services by the utility, the lack of
11 information. There are many different market
12 inefficiencies or market barriers cited in my
13 evidence.

14 Q. Okay. Going to that point, in your
15 testimony did you cite any barriers related to
16 political or legal barriers, market or technical
17 barriers, other than the customer barriers?

18 A. Let me take those one at a time.
19 Political, no; regulatory, I think was one of those,
20 no; market, yes. And I should caveat the
21 regulatory. We did raise the issue, which really is
22 addressed by Mr. Noack with regard to potentially
23 inefficient rate design on the electric system.

24 I'm sorry. What was the other parts of
25 your question?

1 Q. well, I believe you answered the market,
2 but technical barriers? Did you evaluate those?

3 A. We evaluated all of the barriers. We did
4 not find any technical barriers to entry by gas
5 appliances.

6 Q. In your studies did you determine how the
7 company will recover the level of fixed costs that
8 would've otherwise occurred if they still had the
9 customer's -- the fuel switched?

10 A. Again, they'll still have the customers.
11 We did make a recommendation with regard to lost
12 revenue recovery.

13 Q. So there's no argument that the company
14 will lose revenue?

15 A. The company will lose revenues if nothing
16 else is done. We certainly recommend that something
17 else be done other than the fact the loss of revenues
18 be offsetting in the ratemaking process.

19 Q. would you agree that the Commission could
20 consider fuel switching programs using renewable
21 energy sources instead of natural gas?

22 A. It could. I think it does and considers,
23 for example, solar programs. I think it should
24 consider all of them: Renewable, fossil, anything
25 that can help to achieve a more cost-effective and

1 environmentally-acceptable solution.

2 Q. And would you say it's true that all of
3 their factors remain constant, the Commission's
4 adoption of MGE's proposal would result in a greater
5 market saturation of national gas users, which
6 benefits MGE?

7 A. We do expect that it would result in an
8 increase in the number of customers on a gas system.
9 MGE is a regulated utility, so its rates are designed
10 to earn its authorized return regardless of the
11 number of customers, so I don't really think it
12 increases why it's a benefit to Missouri Gas Energy,
13 but it is designed to increase the customer count.

14 MS. HERNANDEZ: Can I approach the
15 witness, please?

16 JUDGE PRIDGIN: You may.

17 BY MS. HERNANDEZ:

18 Q. I'll just hand you this. I believe that's
19 marked 2212. That's an exhibit that Mr. Jacobs
20 introduced into evidence earlier.

21 Can you read into the record the
22 language -- actually, that might not have been --
23 that might not have been one that you admitted. The
24 electric-to-gas fuel switching, that was one that was
25 not; correct?

1 MR. JACOBS: No, that was.

2 MS. HERNANDEZ: That was? Okay.

3 BY MS. HERNANDEZ:

4 Q. Can you read the language on that page,
5 please.

6 MR. JACOBS: I'm sorry. I'm sorry. Your
7 Honor, I don't think 2212 was admitted, was it?

8 JUDGE PRIDGIN: That's correct. 2212 was
9 not offered or admitted.

10 BY MS. HERNANDEZ:

11 Q. Can you read the language on that page.

12 A. Out loud?

13 Q. Yes, for the record.

14 A. It's entitled, Market Barriers. And
15 the first bullet says, Do market barriers or
16 imperfections or regulatory obstacles prevent utility
17 customers from making rational and socially-desirable
18 decisions? Natural gas utilities have never
19 advocated that electric utilities be required to
20 engage in market interventions for the purpose of
21 fuel switching in the absence of commission or
22 legislatively-mandated interventions in end-use
23 energy markets.

24 If such interventions are going to be
25 required for energy efficiency purposes, all options

1 that achieve greater energy efficiency should be
2 considered, and if cost-effective relative to other
3 interventions, should be pursued. This is only fair
4 to ratepayers who fund these activities.

5 Q. I'll take back that document.

6 would you agree that some other options
7 that could be considered would be building energy
8 codes to increase efficiency?

9 A. Building codes are an alternative and, I
10 think, are considered.

11 Q. Did you propose any changes in building
12 codes in your testimony?

13 A. No, no changes. I think Missouri has
14 adopted the nationwide standard on energy efficiency
15 and building codes, as far as I know, but we have not
16 proposed any change in the building code here.

17 Q. Do you propose any appliance and equipment
18 efficiency standards?

19 A. No, same answer.

20 Q. Combined heat and power programs?

21 A. No, we have not made any proposal in that
22 regard.

23 Q. Or any fuel switching programs using
24 renewables?

25 A. Same answer.

1 Q. So you're asking the Commission to
2 consider the fuel switching program by MGE as a
3 stand-alone program?

4 A. I think as an incremental program there
5 already obviously are energy efficiency DSM demand-
6 reduction programs in the state. I think adding to
7 those programs makes sense. That should not be to
8 the exclusion of adding other programs that you've
9 mentioned.

10 MS. HERNANDEZ: I believe that's all I
11 have. Thank you for your time.

12 JUDGE PRIDGIN: Thank you.

13 KCP&L?

14 MS. CUNNINGHAM: Thank you.

15 Good morning, Mr. Reed.

16 THE WITNESS: Good morning.

17 MS. CUNNINGHAM: My name is Susan
18 Cunningham, and I'm here on behalf of Kansas City
19 Power & Light this morning. Before we get started on
20 your testimony, I do have a couple of clarifying
21 questions for you.

22 CROSS-EXAMINATION BY MS. CUNNINGHAM:

23 Q. Did I hear your earlier testimony
24 correctly that you indicated that you had discussed
25 your proposal with Kansas City Power & Light?

1 A. No, I don't believe so. I thought the
2 question was Missouri Gas Energy. Maybe I
3 misunderstood the questions.

4 Q. So is it your understanding that Missouri
5 Gas Energy spoke with Kansas City Power & Light about
6 the fuel switching program?

7 A. I don't know the answer to that question.

8 Q. Okay. What did you tell staff counsel
9 then?

10 A. Again, I may have misheard her question.

11 Q. Okay.

12 A. I thought it was, Did we approach Missouri
13 Gas Energy about this?

14 Q. Okay. Then I may be confused, because I
15 thought I heard her ask whether you had talked to
16 Kansas City Power & Light about this program.

17 A. And I apologize if there was confusion.

18 Q. Okay. So is your answer to discussing
19 this proposal with Kansas City Power & Light "no"?

20 A. I did not approach Kansas City Power &
21 Light to discuss it. I don't know the extent to
22 which discussions occurred with Missouri Gas Energy.

23 Q. Okay. Thank you.

24 I think I also heard you say that MGE is
25 no different than any other energy supplier. Did I

1 hear that correctly?

2 A. Yes, in terms of being a competitor to
3 KCPL. In their view, people who sell solar panels or
4 conservation devises or insulation are a competitor.

5 Q. well, are you comparing yourself to solar
6 panel manufacturers or wind energy suppliers?

7 A. Yes. Quite specifically I said that in my
8 evidence, that this solution should be viewed no
9 differently in terms of being a competitor to any
10 other source of energy efficiency.

11 Q. Are solar power manufacturers regulated
12 entities in Missouri?

13 A. No.

14 Q. what about wind energy suppliers? Are
15 they regulated?

16 A. Not rate regulated.

17 Q. Thank you.

18 Now, I believe you filed testimony in
19 this case in both the KCP&L and GMO dockets; is that
20 right?

21 A. That's correct.

22 Q. For our purposes today of cross-
23 examination today, I'm going to be going through your
24 KCP&L testimony. Do you have that with you?

25 A. I do.

1 Q. Okay. Could you open up your direct
2 testimony. We'll just start on page 2.

3 A. I have that.

4 Q. Okay. Thank you.

5 Is my understanding correct, that the
6 purpose of your testimony is for the Commission to
7 require KCP&L to implement a fuel switching program?

8 A. The purpose of my testimony is to make a
9 recommendation to the Commission for its
10 consideration.

11 Q. And is it your testimony that a fuel
12 switching program would promote energy efficiency and
13 conservation by offering financial incentives to
14 KCP&L customers to convert certain end-use appliances
15 from electricity to natural gas? Am I reading that
16 testimony correctly on page 2?

17 A. Certain end-use at locations, not
18 appliances.

19 Q. Okay. Thank you.

20 would you turn to page 5 of your direct
21 testimony, please.

22 A. I have that.

23 Q. Okay. On page 5 of your direct testimony,
24 you state that the U.S. Department of Energy, or DOE,
25 is considering whether to adopt an alternative method

1 for measuring energy consumption known as the full
2 fuel-cycle approach; is that correct?

3 A. Yes.

4 Q. And I believe it's your testimony that
5 utilization of a full fuel-cycle approach is the
6 basis of your fuel switching recommendation; is that
7 right?

8 A. Can you cite to that in my testimony? I
9 don't recall saying that.

10 Q. What's the basis of your fuel switching
11 recommendation?

12 A. The basis is -- as -- that I believe is an
13 appropriate policy or program from a public policy
14 perspective and energy efficiency perspective. I
15 don't think anything in the testimony or in the
16 program depends upon a finding of -- that it's
17 appropriate to move to a full fuel-cycle standard.

18 In fact, I think in my rebuttal testimony
19 we make that specific statement: You don't have to
20 move to the full fuel-cycle in order to embrace this
21 program.

22 Q. Well, when we're talking about full fuel-
23 cycle and what the DOE's trying to do, we're talking
24 about those energy guide labels, aren't we?

25 A. No, much more than that. By "energy guide

1 labels" you mean the kinds of things you see on an
2 alliance?

3 Q. Right, the yellow tags that we see on
4 appliances.

5 A. Yes, it is much broader than that.

6 Q. You're saying that the DOE's scope, when
7 it looked at the full fuel-cycle, was broader than
8 the energy guide labels?

9 A. No, the standard, the concept of the full
10 fuel-cycle approach to resource funding, to energy
11 efficiency planning, goes much beyond putting labels
12 on appliances.

13 Q. But I asked you about when the -- with
14 regard to the DOE's consideration.

15 A. And why don't you restate your question
16 then.

17 Q. Isn't it true that the DSM's consideration
18 of adopting the full fuel-cycle relates to its -- the
19 energy guide yellow labels that it puts on
20 appliances?

21 A. It certainly encompasses that. I'm not
22 aware of whether the DOE program would have effects
23 for DOE beyond that.

24 Q. Well, do you happen to have a copy of KCPL
25 2209, or could I ask the court reporter to hand that

1 to you. Actually, I've got an extra copy.

2 And I believe that it was represented
3 earlier that you cited this document in your
4 testimony; is that right?

5 A. Correct.

6 Q. would you turn to Attachment A of this
7 document, and I believe it's page 16 of the document.

8 A. I have that.

9 Q. Okay. would you look for me at the
10 paragraph below the bullet points, and would you
11 agree with me that this document says, The committee
12 will not address whether energy conservation
13 standards are appropriate government policy or what
14 levels may or may not be appropriate? Do you see
15 that testimony?

16 A. I do.

17 Q. Or that -- did I read it correctly into
18 the record?

19 A. I believe so.

20 Q. Okay. Let's look at line 12 on page 5 of
21 your testimony. Starting at line 12 on page 5 of
22 your direct testimony, you state that the change
23 being considered by DOE is based on a
24 congressionally-mandated report from the National
25 Research Council; is that right?

1 A. Correct.

2 Q. Okay. Is my understanding correct, that a
3 committee was put together by the NRC to review the
4 DOE's appliance standards program?

5 A. Yes.

6 Q. And that this is the result of that
7 committee's report, that this does, in fact,
8 represent the committee's report?

9 A. Yes.

10 Q. Okay. Was the committee unanimous in its
11 recommendation to consider whether to adopt the full
12 fuel-cycle approach?

13 A. I don't recall.

14 Q. Could I refer you, please, to page 38,
15 Attachment H of that report.

16 A. I have that.

17 Q. Okay. Would you agree with me that
18 Attachment H is entitled, Minority Opinion of
19 David H. Archer, Committee Member?

20 A. I do.

21 Q. Okay. Do you see the first sentence of
22 his minority opinion that says, I regret that I
23 cannot concur?

24 A. I do see that sentence.

25 Q. Okay. Thank you.

1 would you look at the next page,
2 Attachment I.

3 A. I have that.

4 Q. Do you agree that it states, It's the
5 minority opinion of Ellen Berman, Committee Member?

6 A. I see that, yes.

7 Q. Okay. would you look down a little bit on
8 the first page to the first full paragraph that says,
9 As an advocate for energy policy. Do you see that
10 paragraph?

11 A. Are you talking about on page 39 still?

12 Q. Page 39, yes.

13 A. I see that.

14 Q. would you read that paragraph into the
15 record, please.

16 A. As an advocate for energy policy in the
17 best interest of the nation's consumers, I believe
18 that consumers may unintentionally be adversely
19 affected by the primary conclusion and related
20 recommendations in order to ensure that consumers are
21 best served by the appliance efficiency program, I
22 present this descent. My descent addresses three key
23 issues which could impact the usefulness of the
24 program for consumers.

25 Q. Okay. Thank you very much.

1 I want to talk to you a little bit about
2 the full fuel-cycle approach. Is my general
3 understanding correct, that the full fuel-cycle
4 approach is a method of measuring energy consumption,
5 not just at the point of use, like in the home, but
6 also the upstream consumption, which would include
7 production, generation, transmission and delivery.

8 A. Did you begin your statement with energy
9 consumption? Is that what you said?

10 Q. Right. Is my understanding correct, that
11 it's not just a method of measuring energy
12 consumption at the point of use in the home, but it
13 includes the upstream cost as well?

14 A. It does, correct.

15 Q. Okay. In your opinion, do consumers or
16 customers have the ability to control those upstream
17 costs?

18 A. Only indirectly. Consumers essentially
19 cast economic ballots whenever they make a
20 consumption decision as to what end use or what
21 product they're favoring in the marketplace. The way
22 a market works is through those economic ballots --
23 you are helping to influence the market -- but it is
24 very indirect.

25 Q. Okay. Would it be a true statement, then,

1 that customers do, in fact, have the ability to
2 control, how their appliances are used?

3 A. They do have the ability to control how
4 their appliances are used.

5 Q. You know, when we talk about full fuel-
6 cycle and moving in that direction, is my
7 understanding correct, that currently consumption is
8 measured at the point of use, which is called the
9 site-based approach?

10 A. For the purposes of the DOE appliance
11 standards program, yes.

12 Q. I'm next going to be referring to page 6
13 of your direct testimony.

14 A. I have that.

15 Q. Okay. Is it your opinion that
16 implementing the full fuel-cycle approach will
17 increase the efficiency of the appliance itself?

18 A. Measured on a full fuel-cycle basis, yes,
19 it is likely to do that.

20 Q. Okay. So is the full fuel-cycle approach
21 technology that helps an appliance work more
22 efficiently or is it really a change in how the
23 efficiency of the appliance is measured?

24 A. It's a change in how the consumption and
25 efficiency are measured and will be providing that

1 information to consumers to presumably incent more
2 informed behavior.

3 Q. But it's not a technological measure that
4 actually makes an appliance itself work more
5 efficiently; it changes the measure?

6 A. It changes the measure and hopefully
7 changes the market, and the market hopefully changes
8 the efficiency of the appliances sold on the market.

9 Q. I'm now going to direct you to pages 15
10 through 17 of your direct testimony.

11 A. I have that.

12 Q. Okay. Thank you.

13 Starting at the bottom of page 15 and
14 going along through pages 16 and 17, you mention
15 several barriers to consumer participation in energy
16 efficiency and conservation programs. Do you see
17 that testimony?

18 A. I do.

19 Q. And I believe on those pages you mention
20 certain barriers as upfront costs, customer
21 behavioral issues, and misaligned incentives; is that
22 correct?

23 A. Correct. Yes.

24 Q. Is a customer's personal preference
25 another barrier?

1 A. You'd have to be more specific. A barrier
2 to what?

3 Q. To choosing a natural gas appliance over
4 an electric appliance.

5 For example, is it possible that a
6 consumer might not choose a natural gas appliance if
7 they don't want to deal with pilot lights or they
8 fear natural gas explosions?

9 A. Anything is possible. Obviously in
10 most -- that, first of all, presumes there is a pilot
11 light, which isn't the case most of the time
12 anymore. Secondly, personal preference can cause you
13 to choose one resource over another, yes, so it's
14 certainly possible.

15 Q. So some customers just may prefer natural
16 gas over electricity or vice versa?

17 A. Yes.

18 Q. Okay. On page 19 of your direct
19 testimony, starting at line 9, you suggest that KCP&L
20 should offer financial incentives to residential
21 customers to encourage them to convert from electric
22 water heating to natural gas water heating and/or
23 from electric resistance heat to natural gas heat.
24 Do you see that testimony?

25 A. I do.

1 Q. Okay. would the program that you propose
2 in your testimony contemplate the reverse, meaning
3 converting from gas to electric?

4 A. It would not offer incentives to do that,
5 no.

6 Q. So it's not a two-way street then?

7 A. No, it's looking to incent behavior that
8 is promoting energy efficiency and environmental
9 improvement.

10 Q. well, what if gas prices were to increase
11 to the point where the current relationship is
12 flipped?

13 A. In terms of operating costs?

14 Q. Correct.

15 A. One would need to reexamine the program to
16 determine whether it is still in the public interest,
17 if that was the case.

18 Q. But in the meantime, according to your
19 testimony, KCPL would already be subject to this
20 program; is that right?

21 A. It would be subject to the program under
22 the supervision, obviously, of the Public Service
23 Commission, and if facts change, then they could
24 reevaluate the program.

25 Q. On lines 12 and 13 of page 19 -- let's

1 stay there -- you state that the fuel switching
2 program would be available to customers who currently
3 do not have a natural gas service line to their
4 premises. Do you see that testimony?

5 A. I do.

6 Q. would your proposal allow conversion of
7 propane or other fuel with an equivalent full fuel-
8 cycle value?

9 A. Can you explain to me by what you mean,
10 "an equivalent full fuel-cycle value."

11 Q. I will, and as a matter of fact, I'm going
12 to refer you to footnote six of your testimony.

13 MS. CUNNINGHAM: Your Honor, could I ask
14 what the next KCPL exhibit is?

15 JUDGE PRIDGIN: Yeah, I believe we're up
16 to 101. Let me double-check.

17 MS. CUNNINGHAM: Okay.

18 JUDGE PRIDGIN: I have KCPL 103.

19 BY MS. CUNNINGHAM:

20 Q. Mr. Reed, is this the document that you
21 cited on footnote six of your direct testimony?

22 A. Yes, it appears to be.

23 Q. And the title is, ENERGY STAR Performance
24 Ratings Methodology for Incorporating Source Energy
25 Use?

1 A. Yes.

2 Q. would you turn to page 2. well, it's
3 actually -- yeah, the next page of the document. Do
4 you see in the lower left-hand corner where it says
5 December 2007?

6 A. Yes.

7 Q. And that is the version that you filed as
8 part of your testimony; is that right?

9 A. It's in reference via footnote.

10 Q. Okay. would you turn to page 3 of this
11 document, please. In looking at Table 1, do you see
12 that on page 3 of this document?

13 A. I do.

14 Q. Okay. The title of the table says,
15 Source-Site Ratios for All Portfolio Manager Fuels.
16 Do you see that?

17 A. I do.

18 Q. In the left column it says Fuel Type; is
19 that right?

20 A. Yes.

21 Q. And on the right side it says Source-Site
22 Ratio; is that correct?

23 A. Yes, it does.

24 Q. For natural gas, what is this document's
25 source-site ratio?

1 A. This document indicates the source-site
2 ratio for natural gas is 1.047.

3 Q. And what does it show for propane and
4 liquid propane?

5 A. 1.01.

6 Q. And what does it show for wood?

7 A. 1.0.

8 MS. CUNNINGHAM: Your Honor, I would move
9 for the admission of KCPL 103.

10 MR. JACOBS: No objection.

11 MS. HERNANDEZ: No objection.

12 JUDGE PRIDGIN: Hearing no objection,
13 KCP&L No. 103 is admitted.

14 (KCPL Exhibit No. 103
15 was marked for identification and admitted.)

16 BY MS. CUNNINGHAM:

17 Q. If I could turn you now to page 20 --

18 A. I'm sorry. I'm confused. Would you like
19 me to answer the pending question of whether I would
20 recommend the inclusion of these in the program?

21 Q. Thank you. Yes.

22 A. Certainly not. The ratio here of source-
23 to-site ratio is simply an indication of how much the
24 efficiency changes when you switch from one measure
25 to the other.

1 It does not, in any way, indicate the
2 environmental acceptance or the energy efficiency of
3 using one fuel versus another. It has nothing to do
4 with the public policy considerations of switching
5 from one fuel to another.

6 Q. well, but switching from one fuel to
7 another and what we're talking about from the use of
8 electricity to natural gas in your case, I believe I
9 asked you, would your proposal allow conversion to
10 propane or another fuel source? Is your answer "no"?

11 A. The program is designed, is exclusive to
12 two regulated products, which are before this
13 commission. If the Commission wanted to look at
14 including propane, for example, in that program and
15 evaluate both the environmental and energy efficiency
16 attributes to propane, I would not be opposed to
17 that. This table which you've shown me has
18 absolutely nothing to do with that issue.

19 Q. well, but it's possible, isn't it, that
20 other fuel sources other than natural gas could also
21 be measured and evaluated and shown to be an
22 efficient fuel choice?

23 A. Yes. For example, the Commission has
24 evaluated solar as an alternative and has encouraged
25 that so, yes, I think other fuels can be considered,

1 should be considered and evaluated as part of the
2 same type of a program.

3 Q. But your proposal is just to switch to
4 natural gas; is that correct?

5 A. It's adding that alternative to the
6 portfolio of options, and it would be in addition to
7 what's there now for solar, for other types of
8 renewable fuels?

9 Q. On page 20 of your direct testimony, you
10 state that fuel switching programs have been approved
11 for Puget Sound Energy, CenterPoint, Avista, and
12 Philadelphia Electric Company. Do you see that
13 testimony?

14 A. Among others, yes.

15 Q. For the utilities that you've listed,
16 Puget is a dual-fuel utility?

17 A. It's a combination utility, yes.

18 Q. Meaning that it has both electric and
19 natural gas customers?

20 A. Right.

21 Q. CenterPoint, that's a single utility,
22 isn't it, but its parent has natural gas assets; is
23 that right?

24 A. CenterPoint Energy, Houston, which is the
25 utility involved, is a straight electric utility.

1 Q. Did you look to see what other properties
2 its parent company might own?

3 A. I'm generally familiar with it, yes.

4 Q. Avista Corporation, that's a combination
5 utility, isn't it?

6 A. Correct.

7 Q. And Philadelphia Electric Company, that's
8 a single-fuel utility?

9 A. It's part of Exelon. I don't believe
10 Exelon has any gas distribution.

11 Q. And Philadelphia Electric Company, that's
12 a municipal company?

13 A. Philadelphia Electric is not, no.

14 Q. Okay. For each of the utilities that you
15 mention that we just discussed, were the programs the
16 results of a settlement? Was it a proposal by the
17 utility itself? Do you know how those proposals came
18 about?

19 A. Only what was mentioned in the orders, and
20 I don't recall for any of them specifically as to
21 whether it was proposed by an intervener, the
22 utility, or someone else.

23 Q. Okay. In any of those cases, are you
24 aware of whether the programs were implemented as a
25 result of a mandate by the Commission?

1 A. I don't think it began with a mandate from
2 the Commission, so when you say "as a result," I
3 think in the end it was approved by the Commission.

4 Q. Okay. But -- and I think you previously
5 stated that you're not aware of whether the programs
6 came about as a result of a recommendation with the
7 utility; is that right?

8 A. That's correct, generally. I'd have to go
9 back to each order to determine the genesis of it.

10 Q. But you don't recall today?

11 A. Correct.

12 Q. Okay. Would you please turn to page 22 of
13 your direct testimony.

14 A. I have that.

15 Q. Okay. On line 7 through 10, you state
16 that there -- first of all, you state that there are
17 a couple of aspects to your fuel switching program,
18 and the second aspect, starting on line 7, you state,
19 In accordance with the existing approved energy
20 efficiency and conservation programs, MGE would offer
21 financial incentives to customers, many of whom are
22 also customers of KCP&L, who purchased and installed
23 energy-efficient natural gas appliances. Did I read
24 that correct?

25 A. Correct.

1 Q. Do you know whether KCP&L currently has
2 any programs to offer customers more efficient
3 appliances?

4 A. I don't believe it offers them
5 appliances. I believe it offers incentives to
6 purchase more efficient appliances.

7 Q. Are you familiar with KCP&L Cool Homes
8 program? Did you happen to take a look at that?

9 A. I don't recall.

10 Q. Also on that same page looking at lines 15
11 through 17, you state, Additionally the conversion
12 would require interior piping and ventilation
13 ductwork as well as installation of a new natural gas
14 appliance. Do you see that testimony?

15 A. I do.

16 Q. And that was in response to the question,
17 what would be required in order to convert a
18 residence from electricity to natural gas; is that
19 right?

20 A. No. The first part of the answer you
21 skipped, and that's the most important part of the
22 answer.

23 Q. Okay.

24 A. If the customer does not currently have
25 natural gas service, MGE would need to install a gas

1 service line from its main to the customer premises,
2 followed by the sentence you read.

3 Q. So if a customer is currently
4 all-electric, part of what would be required in order
5 for the conversion to take place to utilize natural
6 gas would be a gas service line meter and then,
7 additionally, interior piping, ventilation, ductwork,
8 following on with your testimony; is that right?

9 A. Yes, probably so.

10 Q. In the evaluation that you performed, is
11 the cost of interior piping, ventilation, ductwork,
12 and the new natural gas appliances, is that included?

13 A. Yes.

14 Q. Okay. Did you conduct a benefit cost
15 analysis of that?

16 A. By "benefit cost" you mean a TRC
17 evaluation?

18 Q. Yes.

19 A. No, as I indicated in my testimony, we
20 asked for the data to be able to perform that
21 analysis from KCP&L, and we were told it was not
22 available to us.

23 Q. Okay. So you did not conduct a benefit
24 cost analysis?

25 A. No. We've had to rely on the best

1 information we have, which is the benefits cost
2 analysis prepared by other utilities for these same
3 programs.

4 Q. Turning to page 23 of your direct
5 testimony --

6 A. I have that.

7 Q. -- I note that there are some highly
8 confidential numbers, and I'm not going to address
9 any of those for purposes of my questions. On page
10 23 you give an illustration where HVAC ductwork is
11 already in place from the electric to the system. Do
12 you see that?

13 A. I do.

14 Q. Do resistance heat installations normally
15 include ductwork?

16 A. Electric resistance does not, but
17 obviously it could be in place from air conditioning
18 as well.

19 Q. Okay. Resistance heating, we're typically
20 talking about baseboard or radiant-type heating,
21 aren't we?

22 A. Yes.

23 Q. Do you have any idea how much this cost
24 would increase if ductwork was required?

25 A. I want to correct my prior answer. There

1 are also electric resistance furnaces, forced-air
2 furnaces, which would be included in the resistance
3 category.

4 I'm sorry. Your question about the
5 ductwork?

6 Q. well, do you know how much the cost would
7 increase if ductwork is required?

8 A. Ductwork for the forced air?

9 Q. Correct.

10 A. Obviously, it's dependent upon the size of
11 the home. Estimates I've seen are in the range of
12 \$2,000, a little more.

13 Q. Turning to page 26 of your direct
14 testimony, on lines 11 through 15 you state, The June
15 2009 report by the Gas Technology Institute indicates
16 that in 2005 approximately 70 percent of the electric
17 heating in the west, north-central census division,
18 which includes Missouri, was provided by electric
19 resistance heating, while 30 percent was provided by
20 electric heat pumps. Do you see that testimony?

21 A. I do.

22 Q. Did you happen to conduct an independent
23 analysis to confirm this assumption?

24 A. No.

25 MR. JACOBS: Could you say again where

1 you're citing from.

2 MS. CUNNINGHAM: Page 26, lines 11 through
3 15.

4 MR. JACOBS: Thank you.

5 BY MS. CUNNINGHAM:

6 Q. Did you conduct an independent analysis of
7 this information?

8 A. To confirm that information?

9 Q. Correct.

10 A. No, I relied on the Gas Technology
11 Institute's information.

12 Q. And do you agree with the analysis?

13 A. I think it's an authoritative source, yes.

14 Q. Is my understanding correct that North
15 Dakota is also included in the west, north-central
16 census division?

17 A. I'd have to go back to the source to
18 verify that. It would not surprise me.

19 Q. Are you aware of the use of heat pumps in
20 North Dakota?

21 A. Only in the most general sense.

22 Q. well, in looking at the statistics that
23 you quote from the Gas Technology Institute, what if
24 those percentages were flipped and it was 30 percent
25 of electric heating in the west, north-central census

1 division was provided by electric resistance heating
2 and 70 percent was provided by heat pumps? Does that
3 change your opinion?

4 A. It's a good question. No, it does not at
5 all. We've designed a program here that's likely to
6 have in its initial operation only 400 customers in
7 the case of KCPL and 800 customers, we thought, in
8 the case of GMO.

9 The fact that the universe would be
10 32,000 under this calculation, or 10,000 or 20,000
11 customers, really didn't going to materially affect
12 the recommendation or the initial operation of the
13 program.

14 Q. Well, did you happen to look at whether
15 these percentages that you've stated in your
16 testimony, or quoted in your testimony, are
17 applicable to Kansas City Power & Light?

18 A. We did not. We took the best information
19 we had available with regard to the saturation of
20 heat pumps and resistance heating but, as I
21 indicated, this is not an assumption that my program
22 in any way turns on.

23 Q. Well, would it surprise you that roughly
24 the percentage of Kansas City Power & Light customers
25 that have electric resistance heating as their

1 primary source is 15 percent?

2 A. wouldn't prize me, nor would it concern
3 me.

4 Q. Okay. Would it surprise you or concern
5 you that roughly 15 percent of GMO --

6 MR. JACOBS: Objection. There's no
7 foundation for these questions.

8 MS. CUNNINGHAM: Well, I believe the
9 witness has already testified that he believed the
10 Gas Technology Institute is an authoritative source,
11 and it has set out percentages that are vastly
12 different from Kansas City's Power & Light's own
13 data. I think it's appropriate cross-examination to
14 question whether he is familiar with the statistics
15 of Kansas City Power and Light's electric customers.

16 MR. JACOBS: Ms. Cunningham hasn't laid
17 foundation for that information. It's uncited. She
18 has not told the witness where the 15 percent numbers
19 came from. She's not laid a foundation for those
20 questions.

21 JUDGE PRIDGIN: I'll overrule.

22 BY MS. CUNNINGHAM:

23 Q. So would it surprise you to find out that
24 roughly 15 percent of GMO's customer -- or concern
25 you -- that 15 percent of GMO's customers have

1 electric resistance heating as their primary heat
2 source?

3 A. No, it wouldn't surprise me and it
4 wouldn't concern me, and it wouldn't cause any change
5 in the program. If we'd had that information, we
6 would've used it.

7 Q. Does it surprise you that roughly 12
8 percent of KCP&L's customers have electric resistance
9 heating as a backup to an electric heat pump system?

10 A. No.

11 Q. would it surprise you that roughly --

12 MR. JACOBS: I would just ask to make a
13 continuing objection.

14 JUDGE PRIDGIN: Noted.

15 BY MS. CUNNINGHAM:

16 Q. would it surprise you that roughly 18
17 percent of GMO's customers have electric resistance
18 heating as backup to an electric heat pump?

19 A. No.

20 Q. Turning to pages 28 and 29 of your direct
21 testimony, starting on the bottom of page 28 and the
22 top of 29, you set out your recommendation on how
23 KCP&L's fuel switching program would be funded. Do
24 you see that testimony?

25 A. I do.

1 Q. And one of your proposals is that KCP&L
2 would defer the cost of the program for future
3 recovery in a rate case; is that correct?

4 A. Yes.

5 Q. Would you explain your understanding of
6 how this deferral would work.

7 A. Specifically what I say there is that it
8 would be funded through the current energy efficiency
9 conservation program, and I say under, which KCP&L
10 defers the costs of the program for possible recovery
11 in a rate case.

12 Q. So you're -- I'm sorry. Go ahead.

13 A. Number one, we fully support the recovery
14 of these costs. Number two, whether it's done
15 through base rates or through the creation of a
16 regulatory asset through a deferral of costs, I don't
17 think, is a significant difference, and either would
18 be satisfactory.

19 Typically the way energy efficiency
20 deferral works is that the costs are accumulated,
21 that they are included later. They are given
22 basically regulatory asset treatment initially and
23 some carrying costs until they're fully included in
24 rates.

25 Q. Would your recommendation with regard to

1 your program change if a deferral was not available
2 to Kansas City Power & Light?

3 A. No, as I said, whether it's done through
4 base rates initially or a deferral, I don't think
5 makes any difference.

6 Q. well, and further on on page 29 you also
7 state that MGE fully supports, as you just mentioned,
8 rate recovery of money spent by Kansas City Power &
9 Light for the proposed fuel switching program; is
10 that right?

11 A. Yes.

12 Q. what about lost margins and fixed cost
13 recovery? Are you also supportive of KCP&L
14 recovering its fixed costs and lost margins?

15 A. Yes.

16 Q. Okay. Are you aware of whether these
17 mechanisms are currently available to electric
18 companies in Missouri?

19 A. These two mechanisms being deferrals and
20 recovery of lost margins?

21 Q. well, I'm sorry. Specifically, are you
22 aware of whether recovery of lost margins and fixed
23 cost recovery is currently allowed in Missouri for
24 electric companies?

25 A. It certainly is in a base rate case.

1 Q. You talk similarly to these issues on
2 pages 33 and 34 of your direct testimony.

3 A. I have that.

4 Q. Okay. In talking about the same kind of
5 funding mechanism, the bottom of page 33, you state
6 that KCP&L should be allowed to recover lost revenue
7 to the current DSM tracker or an alternative
8 mechanism; is that right?

9 A. Yes.

10 Q. Okay. If fixed cost recovery isn't
11 allowed, does your recommendation change?

12 A. My recommendation would be expanded to
13 basically say that there should be a mechanism for
14 recovery of lost margins, lost revenues.

15 My understanding of the way a rate case
16 works in this state is the same as in every other
17 state: You can look at the cost, you can look at the
18 billing determinants, and to the extent they have
19 declined, you can reflect that in your base rate
20 revenue request.

21 Q. But KCP&L hasn't requested this in its
22 base case revenue request, has it?

23 A. My understanding is it has not in this
24 case. It certainly could in future cases.

25 Q. But again, if fixed cost recovery isn't

1 allowed, does it change your recommendation? Not
2 whether they should, what if it's not allowed? Does
3 that change your recommendation?

4 A. If it's not allowed even in future base
5 rate cases?

6 Q. Correct.

7 A. I would find that remarkable, number one.
8 Number two, as I said, it would cause my
9 recommendation to expand to include a mechanism for
10 the recovery of those costs.

11 Q. And again, I'd like you to answer my
12 question.

13 A. I did.

14 Q. Well, if it's not allowed, your
15 recommendation -- I keep hearing you say your
16 recommendation would change to encourage the
17 Commission to allow it, but what if it's not
18 allowed? Are you asking us to eat these costs?

19 A. No, we're not asking you to eat these
20 costs, and if the Commission were to somehow rule
21 that these costs were not to be recovered from
22 customers, I guess I'd need to understand the basis
23 of that decision to determine how it might affect the
24 recommendation for my program, but I don't think
25 that's the case today nor would it be in the future.

1 Q. Are you aware of any other electric
2 utilities in the state of Missouri that have been
3 granted fixed costs or lost margin recovery?

4 A. Outside of a base rate case?

5 Q. Correct.

6 A. Is that your question? Not outside of a
7 base rate case.

8 Q. What about in a base rate case?

9 A. Every time there is lost margin, lost
10 revenue, in a base rate case, it's an issue that's
11 come forward.

12 For example, Ameren has lost industrial
13 customers. That's lost revenue. It's no different
14 than the effect of conservation and, yes, it's
15 reflected in a base rate case.

16 Q. But in the case that you just cited with
17 Ameren, that's not as a result of a fuel switching
18 program, is it?

19 A. No. My whole point is it's no different
20 from a base rate perspective whether they lost
21 customers, lost revenues, or lost margin are the
22 product of conservation or the product of the
23 customer dropping off the system. It can all be
24 tracked and captured and reflected in a base rate
25 case.

1 Q. And if those recovered mechanisms are not
2 approved, we eat the costs; is that right?

3 A. If any cost recovery mechanism is not
4 approved, you eat the costs but, again, one would
5 need to look at the Commission's reasons for not
6 allowing those costs to be recovered.

7 Q. Further on page 34, starting at line 17,
8 you state that utility planning involves very long
9 time horizons in order to meet future demand for
10 fuel; is that right?

11 A. Yes.

12 Q. Do you know what time frame or how long it
13 is before KCP&L will meet capacity?

14 A. I don't know the specific date. My
15 recollection from looking at the resource plan was
16 more than a decade away.

17 Q. So you wouldn't disagree with me if I said
18 approximately 2020 to 2025?

19 A. Yes, I think that's consistent with what I
20 just said.

21 Q. Okay. On page 35 of your direct testimony
22 you state that in KCP&L's 2008 IRP, the impact of
23 greenhouse gas restrictions could encourage large-
24 scale fuel switching. Do you see that testimony?

25 A. I'm sorry. Could I have your question

1 again.

2 Q. You state on page 35 right around lines 7
3 through 9 that KCPL's 2008 IRP, the impact of
4 greenhouse gas restrictions could encourage large-
5 scale fuel switching. Is that your testimony?

6 A. Yes.

7 Q. Okay. Are there currently any greenhouse
8 gas restrictions in place?

9 A. For KCP&L?

10 Q. For KCP&L or any electric utility in the
11 United States.

12 A. Yes, there are several.

13 Q. Could you name them for me.

14 A. There's the Regional Greenhouse Gas
15 Initiative in the northeastern U.S.; there's the
16 California Greenhouse Gas Initiative in California.
17 I'd have to go back and do a survey of other states
18 to see which have implemented CO2 programs.

19 Q. So you're aware of some state-specific
20 restrictions, but what about Missouri?

21 A. There is no CO2 regulation that I am aware
22 of in Missouri.

23 Q. Is methane a greenhouse gas?

24 A. Yes.

25 Q. Looking at pages 37 through 38 of your

1 direct testimony, on the bottom of page 37, line 21
2 and then continuing onto page 38, you mention that
3 under Senate Bill 376 the Commission is directed to:
4 One, provide timely cost recovery for utilities; two,
5 insure that utility financial incentives are aligned
6 with helping customers use energy more efficiently
7 and in a manner that sustains or enhances utility
8 customers' incentives to use energy more efficiently
9 and; three, provide timely earnings opportunities
10 associated with cost-effective measurable and
11 verifiable energy savings. Have I stated your
12 testimony correctly?

13 A. Yes.

14 Q. I've handed you what has been marked for
15 identification purposes as KCP&L 104, and this
16 purports to be a copy of Senate Bill 376. Do you
17 have that in front of you?

18 A. Yes, I do.

19 Q. In your testimony at the bottom of page 37
20 and top of page 38, when you reference Senate Bill
21 376, is this what you were referring to?

22 A. Yes.

23 MS. CUNNINGHAM: At this time I would move
24 for the admission of KCP&L 104.

25 JUDGE PRIDGIN: Any objection?

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MR. JACOBS: No.

MS. HERNANDEZ: No objection.

JUDGE PRIDGIN: KCP&L 104's admitted.

(KCP&L Exhibit No. 104

was marked for identification and admitted.)

BY MS. CUNNINGHAM:

Q. Okay. Mr. Reed, have either you or MGE participated in the rulemaking?

A. Sorry. Participated in what?

Q. The rulemaking.

A. By "the rulemaking" you mean --

Q. That is referenced in Senate Bill 376.

A. I have not. I don't know if Missouri Gas Energy has.

Q. Are you aware of the status of the rulemaking that originated out of Senate Bill 376?

A. My staff reviewed a status report, I believe, from this commission but, no, nothing more specific than that.

Q. Are you aware of whether the rules are in place today contemplated by Senate Bill 376?

A. I believe they are not final.

Q. Okay. Turning now to page 41 of your direct testimony, looking at -- starting around line 4, you state that a fuel switching program offered by

1 Puget Sound Energy reported a benefit cost ratio
2 under the TRC of 2.66 in Washington; is that right?

3 A. Yes.

4 Q. I think you further indicated that a fuel
5 switching program offered by Avista Corporation
6 reported a benefit cost ratio under the TRC test of
7 3.38 in Idaho and 3.72 in Washington; is that right?

8 A. Correct.

9 Q. Have you compared inputs for Kansas City
10 Power & Light?

11 A. By "inputs" you mean inputs to those TRCs
12 versus what Kansas City Power & Light has attempted
13 here?

14 Q. Yes. In other words, are these TRC
15 results applicable to Kansas City Power & Light?

16 A. I don't think they're necessarily
17 applicable to Kansas City Power & Light. They're
18 indicative of how effective the programs have been
19 elsewhere.

20 Q. would you agree with me that the two
21 utilities that you mentioned are winter-picking
22 utilities?

23 A. Avista is and Puget, I believe, still is.
24 we also cited earlier in the testimony CenterPoint,
25 which is not.

1 Q. But for purposes of this portion of your
2 testimony, you're only talking about the TRC of those
3 two utilities; correct?

4 A. Yes.

5 Q. Now if I could get you to turn to your
6 surrebuttal testimony in the 355 Docket, Kansas City
7 Power & Light case --

8 A. I have that.

9 Q. Okay. On page 4 of your surrebuttal
10 testimony starting at about line 16, you say, In the
11 interim Missouri ratepayers could not enjoy the many
12 benefits that could be derived from the fuel
13 switching proposal. Is that your testimony?

14 A. I do. Yes.

15 Q. You wouldn't dispute, would you, that MGE
16 would also enjoy added revenue from your fuel
17 switching proposal?

18 A. To the extent that customers are added, it
19 would. To the extent that customers increase their
20 saturation or penetration of gas appliances in the
21 home, it would not increase non-gas revenue.

22 Q. So for new customers, they would be
23 getting customer charge, that kind of thing; right?

24 A. Right. Yes.

25 Q. Okay.

1 JUDGE PRIDGIN: Ms. Cunningham, can I have
2 your best guess of about how much cross-examination
3 you have left.

4 MS. CUNNINGHAM: Less than ten minutes.
5 Maybe five more minutes.

6 JUDGE PRIDGIN: Thank you.

7 BY MS. CUNNINGHAM:

8 Q. would you turn to page 11 of your
9 surrebuttal testimony.

10 A. I have that.

11 Q. The bottom line, you have in quotations,
12 "the right fuel for the right use," end quotes. Do
13 you see that?

14 A. Yes.

15 Q. I pay particular attention to that because
16 it was in quotations. Where did you get that phrase?

17 A. I think that phrase -- well, it's from my
18 direct testimony, but I think it's also from the
19 American Gas Association publication on fuel
20 switching.

21 Q. All right. Would that be a marketing
22 document?

23 A. No, I wouldn't describe it as that.

24 Q. What would you describe it as?

25 A. A public policy piece.

1 Q. Okay. Turning to page 18 of your
2 surrebuttal testimony, I'll have you look at the
3 bottom of that page. Starting at about line 18 you
4 say, KCP&L's position also appears to be at odds with
5 its support for other electric DSM programs that have
6 been approved by the Commission, at least in part
7 because they were expected to reduce carbon emissions
8 and produce other environmental benefits. Do you see
9 that testimony?

10 A. Yes.

11 Q. What is the basis of your claim for
12 stating KCP&L's position?

13 A. In terms of supporting other DSM
14 programs?

15 Q. No, in terms of your statement that they
16 were expected to reduce carbon emissions, that DSM
17 programs were expected to reduce carbon emissions.

18 A. That doesn't modify KCPL's position. It
19 modifies the Commission's approval.

20 Q. So are you saying the basis of your claim
21 is a Commission order?

22 A. My recollection from the Commission order
23 is, yes, that they did cite to reduced emissions and
24 other environmental benefits.

25 Q. Did KCP&L ever claim that its DSM programs

1 were being offered for the purpose of reducing carbon
2 emissions?

3 A. I don't recall.

4 Q. Did you ever talk to any KCP&L personnel
5 about that issue?

6 A. No.

7 Q. Have you seen any documents produced by
8 KCP&L where that claim was made?

9 A. No, nor do I assert that KCP&L made that
10 claim.

11 Q. Okay. Let's see. If I could have you
12 turn to 21 of your surrebuttal testimony --

13 A. I have that.

14 Q. Okay. I think this is consistent with
15 your direct testimony. The bottom of the page, you
16 indicate that you would fully support either a
17 revenue decoupling mechanism or a straight fixed-
18 variable rate design. Do you see that testimony?

19 A. For these purposes, yes.

20 Q. Okay. Has KCP&L asked for a decoupling
21 mechanism in this case?

22 A. No, not to my knowledge.

23 Q. Are you familiar with KCP&L's rate design
24 that it's proposed in this case?

25 A. In only the most general terms, yes.

1 Q. Okay. Does KCP&L currently use or has it
2 asked to use a straight fixed-variable rate design?

3 A. No, it has not to date.

4 Q. Okay. Would you agree with me that a
5 straight fixed-variable rate design is typically a
6 FERC gas term used in natural gas utility rate
7 design?

8 A. It's used heavily in natural gas utility
9 rate design. It's also used in electric rate design.

10 Q. Okay. Does KCPL currently utilize that
11 type of rate design?

12 A. No. As I said before, it does not.

13 Q. If you would, turn to page 27 of your
14 surrebuttal testimony.

15 A. I have that.

16 Q. Okay. About the middle of the page
17 starting on line 10, in my reading of your testimony,
18 it appears that you criticize Mr. Goble's analyses
19 because they include full gas monthly customer charge
20 but not the electric monthly customer charge. Am I
21 reading that correctly?

22 A. Yes.

23 Q. Would you agree with me that for current
24 electric customers, the electric monthly customer
25 charge is going to be charged to customers regardless

1 of whether fuel switching occurs?

2 A. No, it's charged if they're a customer.

3 Q. Right, for the current customers who will
4 remain an electric customer after switching to a
5 natural gas appliance of some sort, they're still
6 going to be paying the electric customer charge; is
7 that right?

8 A. Yes, if they remain a customer, they will.

9 Q. And I think you testified earlier, too,
10 that for those electric customers that are not
11 currently gas customers and they are -- will become
12 new to MGE, they will also have to pay an MGE
13 customer charge, is that right --

14 A. They'll have to pay an MGE --

15 Q. -- upon confirmation?

16 A. -- customer charge for all of their gas
17 consumption, yes.

18 Q. Okay. Are you aware of whether MGE
19 currently has a decoupling mechanism in place?

20 A. I would say it does, yes.

21 Q. Okay. I understand that we're in the
22 context of this rate case right now for KCP&L, but if
23 asked by the Company, are your recommendations for a
24 fuel switching program -- would that be equally
25 applicable if you were involved in an Empire or

1 AmerenUE or other Missouri electric rate case, or is
2 this confined specifically to KCP&L?

3 A. I don't think the concepts nor the
4 benefits are confined to KCP&L. They could apply to
5 Ameren or Empire. We haven't looked at those systems
6 but, yes, certainly the concepts and the potential
7 benefits apply more broadly.

8 MS. CUNNINGHAM: That's all I have. Thank
9 you so much.

10 JUDGE PRIDGIN: Bench questions?
11 Commission Jarrett.

12 COMMISSIONER JARRETT: Good afternoon.

13 THE WITNESS: Good afternoon.

14 QUESTIONS BY COMMISSIONER JARRETT:

15 Q. Were you here when Mr. Goble testified
16 earlier in morning?

17 A. Yes, I was.

18 Q. I believe toward the very end of his
19 testimony, I think it may have been during redirect,
20 he stated -- and I'm paraphrasing, I guess -- that at
21 least in his opinion that natural gas prices would be
22 volatile for the next twenty years.

23 Do you recall that?

24 A. I think his specific statement was, I
25 wouldn't want to count on natural gas price stability

1 over the next 20 years.

2 Q. All right. Is it your understanding that
3 natural gas prices will be volatile over the next 20
4 years?

5 A. I think they will be far less volatile
6 than they have been in the past, and I guess I would
7 turn that statement around to say, I certainly would
8 not want to count on the economics of coal use over
9 the next 3 years, 10 years or 20 years.

10 Compared to competing fuels, natural gas
11 price stability is likely to be far greater than oil,
12 than coal, even uranium, so while there's always
13 going to be seasonal price volatility and business
14 cycle price changes, natural gas price volatility has
15 dampened dramatically in the past 3 years, and I
16 expect that will continue.

17 Q. And why is that?

18 A. Because of the expansion of both gas
19 production and the gas pipeline infrastructure.
20 Typically gas price volatility is a function of peak
21 demand being greater than the system can respond to,
22 and the system, being both the production and the
23 distribution and transmission end, has been expanded
24 dramatically so that it can handle peaks much more
25 easily than it could in the past.

1 Q. The discovery of gas shales in North
2 America, does that figure into adding stability?

3 A. Yes. That's a large part of the increase
4 in production. Shale has increased from virtually
5 nothing five years ago to now being 1/7 of America's
6 natural gas production, and that cushion has
7 certainly helped to dampen price increases and price
8 volatility.

9 Q. All right. And I want to ask you the same
10 question I had asked him: Are you familiar with the
11 Home Performance with ENERGY STAR collaboration
12 between Missouri Gas Energy and KCP&L?

13 A. In very general terms, yes.

14 Q. Can you just generally describe what that
15 is.

16 A. It's a jointly-funded program, as I
17 understand it, where customers can receive up to \$600
18 in benefits associated with a home energy audit and
19 the potential purchase of high-efficiency appliances.

20 Q. All right. And how would MGE's proposal
21 differ from that collaboration?

22 A. Fuel switching is not, as I understand it,
23 an eligible expenditure under that program. I will
24 say the more you think about it, or I think about it,
25 that type of vehicle, essentially a jointly-funded

1 program, could be an appropriate vehicle for
2 including fuel switching.

3 You may be aware in other states that,
4 for example, all of the electric utilities and all of
5 the gas utilities jointly fund an independent entity
6 to engage in conservation of both management and
7 reduction, such as the Mass Save Program in New
8 England, so that type of a jointly-funded independent
9 agency which would promote energy efficiency,
10 including fuel switching, could be an appropriate
11 vehicle for this.

12 COMMISSIONER JARRETT: All right. Thank
13 you, sir. I have no further questions.

14 JUDGE PRIDGIN: Commissioner Jarrett,
15 thank you. I don't have any questions.

16 This does appear to be a good time to
17 break for lunch, and I understand you would still be
18 standing in cross-examination after bench questions
19 and redirect.

20 I would like -- and I would prefer to do
21 it off the record -- to discuss scheduling with
22 counsel here before we break for lunch.

23 Is there anything further from counsel
24 before we go off the record?

25 (No response.)

1 JUDGE PRIDGIN: All right. We will stand
2 in recess, then, until 1:15, and then we will resume
3 with cross-examination of Mr. Reed. Thank you.

4 We are off the record.

5 (A recess was taken.)

6 JUDGE PRIDGIN: Good afternoon. We're
7 back on the record.

8 I understand we have recross and redirect
9 of Mr. Reed, but anything further before recross?

10 (No response.)

11 JUDGE PRIDGIN: All right. Recross
12 examination.

13 RE-CROSS EXAMINATION BY MS. CUNNINGHAM:

14 Q. Mr. Reed, I just have a question or two
15 based on questions from Commission Jarrett. Do you
16 recall when he asked you your opinion on price
17 stability of natural gas, and I believe you indicated
18 that you thought it would be stable for a period of
19 time?

20 A. Yes.

21 Q. Okay. And he asked you, I believe,
22 questions about -- along the lines of the production
23 of shale gas.

24 A. Yes.

25 Q. Are you familiar with how shale gas is

1 produced?

2 A. Yes.

3 Q. Are you familiar with hydraulic
4 fracturing?

5 A. Generally, yes.

6 Q. Okay. With regard to your responses with
7 regard to availability, price of natural gas, that
8 type of thing, did you take into account in your
9 response the environmental costs included in the
10 costs of natural gas in regards to hydraulic
11 fracturing?

12 A. Yeah, my response was a general one, but
13 it's informed by my view on all of the environmental
14 issues associated with natural gas, including the
15 production of gas using hydraulic fracturing.

16 MS. CUNNINGHAM: Thank you. That's all I
17 have.

18 JUDGE PRIDGIN: Thank you.

19 Any further recross?

20 (No response.)

21 JUDGE PRIDGIN: Redirect.

22 REDIRECT EXAMINATION BY MR. JACOBS:

23 Q. Mr. Reed, Ms. Hernandez asked you
24 questions about how you analyze cost effectiveness in
25 this case. Do you recall that line of questioning?

1 A. I do.

2 Q. And you indicated that you did not have
3 certain data available to you to conduct a TRC
4 analysis; is that right?

5 A. Yes.

6 Q. Can you tell me why that data was not
7 available?

8 A. Specifically what we're talking about are
9 the avoided cost data for KCP&L and GMO. We had
10 asked for that information from the Company in a data
11 request, and the information was not able to be made
12 available to us due to what I understand were
13 proprietary restrictions.

14 Q. And so you could not conduct a KCP&L-
15 specific analysis because of that; is that right?

16 A. Correct.

17 Q. Did you use other data points?

18 A. Yes, we used the similar analyses, the
19 same framework, meaning the TRC analysis, from other
20 jurisdictions and other utilities.

21 Q. What's your sense of the reliability of
22 those data points? What's your sense of the
23 reliability of those TRC values that's been compared
24 to this program?

25 A. Certainly I think those other cases where

1 those TRC estimates were developed are reliable.
2 They were fully-litigated cases that included very
3 detailed presentations by the utilities that were
4 proposing them.

5 Q. Ms. Hernandez also asked you about the
6 fact that MGE in this case has proposed this program
7 with a contribution, really, from KCP&L and GMO,
8 meaning the program we have asked for contemplates
9 contributions from KCP&L and GMO in the form of
10 incentives or for covering the costs of conversion.
11 Do you recall that line of questioning?

12 A. I do.

13 Q. And really, she asked you about the
14 benefit to Missouri Gas Energy and KCP&L. Do you
15 recall that?

16 A. I do, yes.

17 Q. Is there any benefit to this program, in
18 your opinion, to KCP&L or GMO?

19 A. Yes, to the utility and to its customers
20 there are clearly energy savings that can be
21 achieved. There are potential capacity additions
22 that can be avoided, and there are substantial
23 environmental benefits that can be achieved through
24 fuel switching, all of which would be a benefit to
25 the utility and its electric customers.

1 Q. Thank you.

2 Ms. Hernandez also asked you about the
3 benefit to Missouri Gas. She asked you about whether
4 or not there would be an increase in customers. Do
5 you recall that line of questioning?

6 A. Yes.

7 Q. Is there a guarantee with MGE's proposal
8 in this case that its number of customers will
9 increase?

10 A. No, there's no guarantee. We are talking
11 about a small number of customers in this program to
12 begin with, and our expectation -- my expectation is
13 that a substantial portion of them will be existing
14 customers.

15 Q. So because there are existing customers,
16 it's not necessarily a given that MGE's customer
17 count will increase; isn't that right?

18 A. That's correct, there's no guarantee.

19 Q. Is it your testimony that this program is
20 specifically designed to increase MGE's customer
21 count?

22 A. No, it's not. It's designed to promote
23 energy efficiency and environmental benefits.

24 Q. Bear with me. Move on to Ms. Cunningham's
25 questions.

1 She asked you some questions about
2 combination utilities. Do you recall that line of
3 questioning?

4 A. I do.

5 Q. And specifically she asked you if you were
6 aware -- I believe she asked you if you were aware of
7 any program for fuel switching that was proposed or
8 authorized for noncombination utilities. Do you
9 recall that?

10 A. I do.

11 Q. And are you aware of any noncombination
12 utilities that have such programs?

13 A. I am. CenterPoint, as I mentioned, I
14 think is a noncombination utility, and Puget Sound
15 Energy's program goes beyond their own gas utility.
16 It includes applicability of customers of gas
17 utilities other than their own.

18 Q. So they open up to customers outside their
19 own company; is that right?

20 A. Correct.

21 Q. Does the fact that primarily combination
22 utilities have these programs in any way change your
23 recommendations in this case?

24 A. No. Most of the large utilities in
25 America are combination utilities --

1 Q. And why wouldn't your recommendation
2 change?

3 A. We're looking for a cost-effective
4 solution and one that promotes environmental
5 benefits. I don't think it makes any difference
6 where it comes from or whether it was inside the
7 company or outside the company. If it's in the
8 public interest, I think it should be adopted.

9 Q. Ms. Cunningham also asked you about a
10 series of questions about your awareness of KCP&L-
11 specific data. Do you recall that line of
12 questioning?

13 A. Yes.

14 Q. What type of data was she referring to?

15 A. Customer saturation data and appliance
16 saturation data.

17 Q. Did you have that information available to
18 you when you prepared your testimony?

19 A. No, we did not. We looked for it. As
20 best we could determine, that information was not
21 publicly available, so we went with the best evidence
22 we had.

23 Q. Do you recall any evidence in this case in
24 which KCP&L-specific data along the lines of what
25 Ms. Cunningham was asking you has been presented as

1 evidence in this case?

2 A. I can state that it's not in the
3 information or evidence of Mr. Goble, which we
4 reviewed carefully, so he did not use KCP&L-specific
5 saturation data either.

6 Q. Ms. Cunningham also talked to you about --
7 asked you questions about Mr. Goble's analysis, and
8 specifically the removal of a monthly charge for
9 electric use. Do you recall that line of
10 questioning?

11 A. I do.

12 Q. Could you generally describe what
13 Mr. Global did in his analysis.

14 A. He compared the customer cost for
15 operating a water heater that's gas-fired versus
16 electric-fired. He used the energy-only portion of
17 the electric rate, and he used both the distribution
18 charge and the energy or gas commodity charge for the
19 gas appliance, so he essentially only included part
20 of the bill for electric customers, and all of the
21 bill attributed to one end-use for gas customers.

22 Q. And what effect did that have on the
23 analysis that he did?

24 A. It has the affect of skewing the results
25 very dramatically in favor of the electric appliance

1 over the gas appliance, and artificially so.

2 Q. Ms. Cunningham also asked you about
3 hydraulic fracturing. Do you recall those lines of
4 questions?

5 A. I do.

6 Q. And it comes up in Mr. Goble's testimony
7 to some degree, does it not?

8 A. It does.

9 Q. Do you see that the discussion of
10 hydraulic fracturing has any impact on natural gas
11 prices in the foreseeable future?

12 A. I see the production of shale gas as
13 having an impact on gas prices in helping to keep
14 them stable and very competitive relative to other
15 fuels.

16 The issue of hydraulic fracturing is
17 there. It is an environmental issue that's being
18 addressed, and that in some states may affect the
19 production in those states, but for the vast majority
20 of the shale production, it has not been an issue.

21 Shale production is continuing -- shale
22 exploration and development is continuing in Texas,
23 Louisiana, Oklahoma, Pennsylvania, West Virginia,
24 Ohio, and Quebec and Ontario. New York state is the
25 only state that has at this point restricted shale

1 development because of fracturing concerns, and that
2 is a trivial amount of production.

3 Q. Final set of questions is about --
4 Ms. Cunningham questioned you early on in her
5 examination where she talks about your awareness of
6 MGE -- communications between MGE and KCP&L. Do you
7 recall that?

8 A. I do.

9 Q. I'm going to ask if you could read this
10 letter into the record, please.

11 MS. CUNNINGHAM: Your Honor, at this time
12 I would object. This letter appears to be addressed
13 to Mr. William Downey at KCP&L from Robert -- Rob
14 Hack, Robert Hack, chief operating officer.

15 If this question is going towards my line
16 of questions asking Mr. Reed whether he was aware of
17 communication or discussion between the two
18 companies, he indicated that he was not aware of
19 MGE's discussions with KCP&L regarding this proposal.

20 I would assert that showing the letter
21 addressed between two executives at Missouri Gas
22 Energy and Kansas City Power & Light is not -- this
23 is not the appropriate witness to inquire of, and I
24 don't believe he can provide satisfactory foundation.

25 MR. JACOBS: My response to that is, is

1 that, number one, I intend to lay foundation, so I
2 don't think there's a basis for the objection; number
3 two, as an expert witness, I think that Mr. Reed can
4 clearly testify about hearsay testimony. I think
5 that he can read it into the record.

6 I think that KCP&L's assertion that KCP&L
7 and MGE had no communications about the general topic
8 of incentives for fuel switching is shown by this
9 letter to be inaccurate, and I -- finally, I would
10 say that, you know, depending on the judge's decision
11 on this case, I would cite the 536.068 --
12 correction -- 536.070, subsection 7, which says the
13 evidence to which an objection sustained shall at the
14 request of the parties seeking to introduce the same
15 or of the instance of the agency nevertheless be
16 heard and preserved in the record together with any
17 cross-examination with respect thereto, any rebuttal
18 thereof unless it is wholly irrelevant, repetitious,
19 or privileged or unduly long.

20 I think this is a two-page letter. It's
21 not unduly long. I think it goes directly to KCP&L's
22 line of questioning about the stated knowledge. I
23 think that whether or not Mr. Reed had knowledge of
24 this as an expert testimony, he can testify to
25 hearsay, and preserving this in the record will

1 enable us to bring this up with other witnesses later
2 on in the proceeding.

3 MS. CUNNINGHAM: Your Honor, may I make a
4 response?

5 JUDGE PRIDGIN: Ms. Cunningham.

6 MS. CUNNINGHAM: First of all, the witness
7 already stated that he was not aware of any
8 discussions, number one. Number two, I think it's a
9 little disingenuous to argue that he hasn't asked
10 that this be offered into evidence when he's asking
11 the entirety of the letter to be read into evidence.
12 And thirdly, there's no indication based on this
13 document that KCP&L ever received this letter.

14 JUDGE PRIDGIN: All right. I'll overrule.
15 BY MR. JACOBS:

16 Q. Mr. Reed, I'd ask you to read this
17 document into the record, please.

18 A. Okay. This is a letter dated January 22,
19 2008, from Mr. Robert J. Hack, chief operating
20 officer of Missouri Gas Energy, to Mr. William
21 Downey, Kansas City Power & Light.

22 Dear Bill: First, I would like to thank
23 you and Mike for taking the time to meet with Pam
24 Levetzow and I before Christmas to discuss potential
25 opportunities for KCP&L and MGE to work together on

1 residential customer energy efficiency programs.

2 I believe we have complimentary issues in
3 this topic in terms of both meeting our individual
4 regulatory requirements and in serving the needs of
5 our customers.

6 By helping customers with the up-front
7 cost of installing a high-efficiency gas-fired water
8 heater, either in replacement of an electric water
9 heater or in new applications in lieu of an electric
10 water heater, MGE's high-efficiency natural gas water
11 heater incentive program may be able to play a role
12 in mitigating growth of base- and peak-load
13 electricity demand in your service area. In the
14 current capacity constrained environment, this would
15 seem to be a good thing for KCP&L and its customers.

16 The KCP&L Energy Optimizer Initiative not
17 only assists KCP&L in managing summer peaking days,
18 it assists customers of both KCPL and MGE in managing
19 their energy usage on a year-round basis.

20 Accordingly, it would seem that cross-marketing or
21 something similar that would encourage both of our
22 customers to replace older water tanks with high-
23 efficiency gas water heaters and install a KCPL
24 programmable thermostat has the makings of a win for
25 KCPL, MGE, and the residential customers we both

1 serve.

2 we know, for example, that the water
3 heating units qualifying for MGE incentives to date
4 translate into a reduction of 900,000 pounds of CO2
5 over the life of the units, and while replacement of
6 an older gas-fired water heater with a new high-
7 efficiency gas-fired water heater produces meaningful
8 CO2 reductions, approximately 360 pounds annually,
9 replacement of an older electric water heater with a
10 new high-efficiency gas-fired water heater reduces
11 CO2 emissions ten times that amount, approximately
12 3600 pounds per year.

13 MGE and KCPL have successfully worked
14 together in the past to voluntarily create and fund
15 the Heartland Utilities for Energy Efficiency.
16 Through HUEE we have each found opportunities to
17 broaden public education regarding wise and efficient
18 use of energy resources. Cross-marketing on a
19 specific joint initiative proposed above would seem
20 to be a logical next step, and we appreciate that
21 your marketing department, through Glenn DiFalco, has
22 contacted us to explore this opportunity in more
23 detail. Thanks again. Sincerely, Rob.

24 Q. Thank you.

25 And you know of Mr. Rob Hack; is that

1 correct?

2 A. I do.

3 Q. And who is he?

4 A. He is the COO of Missouri Gas Energy.

5 Q. And this letter is dated January 22, 2008;
6 is that right?

7 A. Yes.

8 Q. And that predates this proceeding?

9 A. I believe so.

10 Q. I draw your attention to paragraph three
11 on the first page. In your opinion, is this
12 consistent with what MGE has proposed in this case?

13 A. Yes. It's a joint program to fund the use
14 of gas water heaters in mitigating the growth of
15 electric demand.

16 Q. So although it doesn't use the term "fuel
17 switching," you think it accurately reflects at least
18 part of MGE's proposals?

19 MS. CUNNINGHAM: Objection. calls for
20 speculation. This witness didn't prepare this
21 letter.

22 JUDGE PRIDGIN: Overruled. I'll let him
23 answer, if he knows. If he doesn't know, he can say
24 so.

25 THE WITNESS: I think it's consistent with

1 MGE's proposals in this case.

2 BY MR. JACOBS:

3 Q. The fourth paragraph purports to discuss
4 replacing water tanks with high-efficiency gas water
5 heaters; is that right?

6 A. Yes.

7 Q. And again, is it your opinion that at
8 least on the surface that this seems similar to what
9 Missouri Gas Energy has proposed in this proceeding?

10 MS. CUNNINGHAM: Objection. calls for
11 speculation.

12 JUDGE PRIDGIN: Overruled.

13 THE WITNESS: Yes, it seems consistent
14 with that.

15 BY MR. JACOBS:

16 Q. I call your attention to the last
17 paragraph of this letter on the second page. It
18 describes MGE and KCP&L working successfully in the
19 past on other programs. Is that what the letter
20 says?

21 A. Yes.

22 Q. And that if, in fact, this letter was
23 sent, it was received by Mr. Downey, this letter
24 would seem to indicate, contrary to KCPL's line of
25 questioning that MGE did, in fact, reach out to KCPL

1 prior to this proceeding; is that correct?

2 A. It does seem to indicate that there was an
3 outreach to that effect.

4 MR. JACOBS: I'd ask to mark this exhibit
5 as 2214 and seek its admission into evidence.

6 (KCPL Exhibit No. 2214
7 was marked for identification.)

8 JUDGE PRIDGIN: 2214 is offered.
9 Any objection?

10 MS. CUNNINGHAM: I have a continuing
11 objection.

12 JUDGE PRIDGIN: Noted and overruled.
13 2214 is admitted.

14 (KCPL Exhibit No. 2214 was admitted.)

15 MR. JACOBS: I have nothing further.

16 JUDGE PRIDGIN: All right. Thank you.

17 Mr. Reed, thank you very much, sir. You
18 may step down.

19 THE WITNESS: Thank you.

20 JUDGE PRIDGIN: Anything further from
21 counsel before we break for lunch?

22 (No response.)

23 JUDGE PRIDGIN: All right. I show it's
24 almost one o'clock. Let's take a break until two.
25 Thank you very much. We are off the record.

1 (A lunch recess was taken.)

2 JUDGE PRIDGIN: Good afternoon. We are
3 back on the record, and I understand the next witness
4 would be Mr. Rogers.

5 Is there anything further from counsel
6 before he is sworn?

7 (No response.)

8 JUDGE PRIDGIN: If you'll raise your right
9 hand to be sworn, please, sir.

10 JOHN ROGERS,
11 produced, sworn, and examined, testified as follows:

12 JUDGE PRIDGIN: Thank you very much, sir.
13 Please have a seat.

14 Ms. Hernandez, when you're ready.

15 MS. HERNANDEZ: Thank you. Good
16 afternoon, Mr. Rogers.

17 THE WITNESS: Good afternoon.

18 DIRECT EXAMINATION BY MS. HERNANDEZ:

19 Q. Do you mind stating and spelling your name
20 for the court reporter, please.

21 A. John Arthur Rogers. Last name is
22 R-o-g-e-r-s.

23 Q. Thank you. And where are you currently
24 employed?

25 A. I'm employed at the Missouri Public

1 Service Commission.

2 Q. And in what capacity?

3 A. Utility regulatory manager in the energy
4 department.

5 Q. And how long have you held that position?

6 A. About two years.

7 Q. Are you the same John A. Rogers that
8 caused rebuttal testimony on fuel switching programs
9 to be filed in this case and also in the 0356 matter?

10 A. Yes, I am.

11 Q. Do you have any changes to make to that
12 testimony today?

13 A. Yes.

14 Q. I guess maybe I should specify. Since
15 we're just handling the fuel switching issue today,
16 Mr. Rogers also filed testimony on DSM, so the
17 particular pieces would be in Staff's Exhibit 239,
18 would be page 8 starting at line 8 through -- let's
19 see -- the end of page 12, and then GMO Exhibit
20 No. 240; rebuttal testimony, page 17, line 12 through
21 the end of 22.

22 JUDGE PRIDGIN: Ms. Hernandez, is he
23 scheduled to testify on other issues?

24 MS. HERNANDEZ: He is for DSM, but since
25 we're only handling that issue today -- I guess if

1 there's no -- I was assuming there would be an
2 objection to entering DSM testimony when we're not
3 going to be questioning on that today, so that's why
4 I was carving out those particular issues we're
5 dealing with today.

6 JUDGE PRIDGIN: I understand.

7 MS. HERNANDEZ: I'm sorry.

8 THE WITNESS: That's okay.

9 MS. HERNANDEZ: We interrupted you.

10 BY MS. HERNANDEZ:

11 Q. Do you have any changes to make to that
12 particular fuel switching testimony?

13 A. Yes, I do. As was pointed out this
14 morning, Philadelphia Electric Company is not a
15 municipal company. It's an investor-owned company,
16 and so the changes that I would make are in the KCP&L
17 testimony. On page 10, the table following line 9
18 under the Philadelphia Electric column, I would
19 delete "municipal" and insert "investor," and on page
20 11 I would delete lines 11 and 12.

21 In the GMO testimony, on page 19 in the
22 table following line 12 under the Philadelphia
23 Electric column, delete "municipal" and insert
24 "investor," and on page 20, delete lines 11 and 12.

25 Q. Do you have any other changes at this

1 time?

2 A. No, I do not.

3 Q. If I asked you the same questions
4 contained within that specific rebuttal testimony for
5 both cases, would your answers be substantially the
6 same today or exactly the same?

7 A. Yes.

8 Q. Is your testimony true and accurate, to
9 the best of your knowledge, information, and belief?

10 A. Yes, it is.

11 MS. HERNANDEZ: So at this time I'd like
12 to offer Exhibits 239 and 240 -- or 239 in KCP&L,
13 both HC and NP, and 240 in the GMO case, HC and NP.

14 JUDGE PRIDGIN: Any objections?

15 (No response.)

16 JUDGE PRIDGIN: Hearing none, KCPL 239-HC
17 and NP is admitted, and GMO 240-HC and NP is
18 admitted.

19 (KCP&L Exhibit Nos. 239-HC and NP were admitted.)

20 (GMO Exhibit Nos. 240-HC and NP were admitted.)

21 MS. HERNANDEZ: And I'll tender the
22 witness for cross.

23 JUDGE PRIDGIN: Ms. Hernandez, thank you.

24 Mr. Jacobs, any cross?

25 MR. JACOBS: Yes, good afternoon.

1 THE WITNESS: Good afternoon.

2 CROSS-EXAMINATION BY MR. JACOBS:

3 Q. Mr. Rogers, just to be clear, you don't
4 support MGE's position in this case; is that right?
5 You do not support MGE's position in this case; is
6 that correct?

7 A. I'm recommending that the Commission not
8 approve the program that was proposed.

9 Q. Thank you.

10 But in your testimony, you'd agree that
11 natural gas appliances are more efficient than
12 electric appliances under the full fuel-cycle
13 approach; is that correct?

14 A. Correct.

15 Q. You also agree with Mr. Reed that there is
16 growing momentum at the national level and some
17 states of the use of full fuel-cycle for energy
18 efficiency analysis; is that right?

19 A. I agree with that.

20 Q. In your testimony you don't hide the fact
21 that you advocated for the direct use of natural gas
22 when you were in Arkansas; is that right?

23 A. Correct.

24 Q. And when you advocated in front of the --
25 you indicated that you advocated in front of the

1 Arkansas Public Service Commission; is that right?

2 A. The Arkansas Public Service Commission and
3 also before the Governor's Committee on Global
4 warming.

5 Q. And you obviously testified truthfully in
6 any proceedings?

7 A. Yes.

8 Q. I assume that you also presented truthful
9 information when you put together the presentations;
10 is that right?

11 A. Correct.

12 Q. As part of your dialogue and as this case
13 went on, this particular case proceeded, you e-mailed
14 the presentation you prepared in Arkansas to
15 Mr. Noack at Missouri Gas Energy; is that right?

16 A. Yes, it is.

17 MR. JACOBS: I'd ask that this be marked
18 as Exhibit 2215, I believe.

19 JUDGE PRIDGIN: That's correct. Yes, sir.

20 (KCP&L Exhibit No. 2215

21 was marked for identification.)

22 BY MR. JACOBS:

23 Q. Can you identify that document.

24 A. This is a document that I prepared for
25 presentation at the Governor's Commission on Global

1 warming in July of 1928 [sic] that was in Arkansas.

2 Q. And this appears to be a true and accurate
3 representation of that entire presentation?

4 A. Yes.

5 MR. JACOBS: I'd ask for the admission of
6 KCP&L 2215.

7 JUDGE PRIDGIN: Any objections?

8 MS. HERNANDEZ: No.

9 JUDGE PRIDGIN: Hearing none, KCP&L 2215
10 is admitted.

11 (KCP&L Exhibit No. 2215 was admitted.)

12 BY MR. JACOBS:

13 Q. Can you tell me the title of the
14 presentation.

15 A. Direct Use of Natural Gas Policy Option.

16 Q. This doesn't have any page numbers, so I'm
17 just going to go through this fairly quickly. If you
18 go to the second page, could you read the last bullet
19 point.

20 A. Yes. Direct use of natural gas is one of
21 the best policy options available, if barriers to
22 implementation are identified and addressed.

23 Q. And not to spoil the ending, but the
24 barriers to implementation that you talk about, if I
25 can ask you to jump to the third page from the

1 back -- maybe the fourth -- It's called -- entitled,
2 what are the Barriers to Acceptance.

3 Let me know when you're there.

4 A. Okay. I'm there.

5 Q. Okay. And these are the barriers that
6 you're talking about that need to be overcome?

7 A These were the barriers in the
8 presentation, yes.

9 Q. And first of all, it talks about -- I'll
10 just read it: The electric and natural gas investor-
11 owned ratemaking currently encourages investment in
12 power plants, transmission lines, and distribution
13 lines and discourages investment in DSM; is that
14 correct? Did I read that correctly?

15 A. You read it correctly.

16 Q. And the lack -- the second, The lack of
17 knowledge among the general public, building industry
18 and other professionals concerning real energy
19 efficiency and the life cycle costs and the benefits
20 of the direct use of natural gas, and that's the
21 second barrier that you would identify; is that
22 right?

23 A. That's the second barrier on this slide.

24 Q. Go to the next page. This one -- I'll let
25 you look at it, but you're talking about, really,

1 what is the direct use of the natural gas on this
2 side for the slide, and you talk about -- in the
3 second bullet you talk about losses in transmission
4 generation.

5 A. I'm sorry. What slide are we on?

6 Q. I'm sorry. It's the -- titled, What is
7 the Direct Use of Natural Gas. It should be the
8 third --

9 A. Okay.

10 Q. Sorry about that.

11 In the second bullet you talk about
12 energy losses, electricity; is that right?

13 A. Is this the bullet that says, Using
14 natural gas delivers energy to consumers? That
15 language?

16 Q. Yes, sir.

17 A. That's consistent with what was presented
18 by Mr. Reed.

19 Q. Okay. You still believe that today?

20 A. Sure.

21 Q. Go to the next page, Delivered Energy
22 Efficiency. Could you describe what this chart is
23 about.

24 A. Well, what this is doing, it's showing the
25 efficiency at each step of the energy trajectory so,

1 for instance -- and the trajectory is the full
2 trajectory from extraction of the resource from the
3 ground to processing transportation.

4 If there's a conversion of the form of
5 energy from fossil fuel to electricity, that's
6 included on the chart, efficiency of distribution,
7 and then the last column is the overall delivery
8 efficiency under the full fuel-cycle efficiency
9 approach.

10 Q. And I assume you haven't checked these
11 numbers since you prepared this in 2008; is that
12 right?

13 A. These numbers were -- I can't remember
14 what document these numbers were taken from, but
15 they're not numbers that I developed.

16 Q. Just looking at them with your experience
17 in the gas industry, would you anticipate that the
18 percentages would be the same or close to where they
19 were then?

20 A. Yes.

21 Q. Just to be clear, they were close to where
22 they were then?

23 A. I'm sorry?

24 Q. You would anticipate that the numbers
25 would be similar today?

1 A. Yeah, these are representations.

2 Q. But they would be similar today, you
3 think?

4 A. Yes.

5 Q. Go to the next page. It's titled, water
6 Heating Example.

7 A. Uh-huh.

8 Q. And in this slide you seem to be talking
9 about the difference between site energy and source
10 energy; is that fair?

11 A. Yes.

12 Q. Could you describe what that is.

13 A. well, the site energy is the efficiency at
14 the site of consumption; in other words, at the
15 appliance, and then the real energy would be the
16 overall efficiency, including the entire energy
17 trajectory, which would include consideration of the
18 efficiency numbers on the previous page.

19 Q. Looking at the second bullet on that page,
20 the bullet is entitled, Real Energy Efficiency Of,
21 and then it talks about gas water heater and electric
22 water heater; is that correct?

23 A. Yes.

24 Q. And would you anticipate, based on your
25 experience in the gas industry, based on your

1 experience in the utility industry, that those
2 numbers would generally be the same today?

3 A. Yes.

4 Q. And it shows a gas water heater as
5 represented here at 80 percent efficient versus an
6 electric water heater at 98 percent efficient. When
7 you take into account transmission loss or generation
8 loss, there's a significant decline of the real
9 energy efficiency in electric water heat; is that
10 correct?

11 A. Correct.

12 Q. You would anticipate that would be the
13 same case today?

14 A. Yes.

15 Q. We're on the topic of water heating. This
16 isn't really part of your presentation, but do you
17 agree that water heating is a year-round mode?

18 A. Yes, it is.

19 Q. So it's a base-load activity?

20 A. Yes.

21 Q. I'll go to the next slide. It's space
22 Heater Example. Let me know when you're there.

23 A. I'm there.

24 Q. Before I go on too far, the Arkansas
25 Commission did not accept your proposal in this case;

1 is that right?

2 A. Correct.

3 Q. So back to the slide, the space heater
4 example, this one, again you're talking about site
5 energy versus the real energy efficiency; is that
6 right?

7 A. Yes, and this time it's for gas furnace
8 and air source heat pump and electric resistance
9 furnace.

10 Q. In looking at this, it appears to me that
11 when you look at the real energy efficiency, when you
12 use these calculations, that, first of all, gas
13 furnace is more efficient than a -- is more efficient
14 when using a real energy efficiency standard; is that
15 right? In fact -- let me withdraw that.

16 According to your examples, you use gas
17 furnace air source heat pump and also electric
18 resistance heat as an example; is that right?

19 A. Correct.

20 Q. In the examples that you use here, you
21 show that, really, a gas furnace is -- from a real
22 energy efficiency standpoint is more efficient than
23 any of the electric options; is that right? It's
24 more efficient than air source heat pump and it's
25 more efficient than, by far, of the electric

1 resistance heat; is that correct?

2 A. Correct.

3 Q. And given your experience in the energy
4 industry and understanding of gas, natural gas
5 industry, would you anticipate these numbers would be
6 the same today as they were then?

7 A. Yes.

8 Q. When you back away from this, that
9 difference is striking, isn't it, I mean versus what
10 really is described at the site versus what the real
11 energy efficiency is of those appliances? That's a
12 dramatic difference, isn't it, particularly in the
13 case of electric resistance heat?

14 A. Yes, and the primary -- the primary factor
15 there is the conversion of the fossil fuel to
16 electricity and the losses in the process of
17 generating electricity.

18 Q. And it's a significant change, really,
19 from what the site says how efficient this appliance
20 is, what the consumer is informed versus what the
21 reality is from the real energy efficiency sample; is
22 that right?

23 A. Correct.

24 Q. And you would anticipate that would be the
25 same today?

1 A. Yes.

2 Q. The type of information that a consumer
3 gets, is that currently the site energy efficiency or
4 the real energy efficiency.

5 A. what do you --

6 Q. A customer today going out shopping for an
7 electric resistance water heater -- correction. A
8 customer goes out today and shops for an electric
9 resistance heater, space heater, are they going to
10 get information that, hey, this appliance is 100
11 percent efficient, or are they going to get the real
12 energy efficiency score which is like only 27 percent
13 efficient?

14 A. From my experience -- this is not part of
15 my testimony, but normally what you see in an
16 appliance is the site efficiency, and what you also
17 see commonly now is an estimate of what the operating
18 costs are based on assumed prices for energy.

19 Q. That certainly doesn't give the consumer
20 the whole picture, does it?

21 A. No.

22 Q. which is why you're advocating using a
23 real energy efficiency or full fuel-cycle; is that
24 right?

25 A. which is why there's -- I was advocating

1 here, which is why there's a lot of discussion in a
2 number of different policy arenas, you know, around
3 this concept.

4 Q. which is why you deem it as really growing
5 momentum in this area; is that right?

6 A. I believe it should be given consideration
7 when setting policy.

8 Q. And you supported it when you prepared
9 this presentation?

10 A. Yes.

11 Q. Going to the next page, Arkansas Energy
12 Flows, that talks about, just briefly -- the bottom,
13 you have an exclamation point after "66 percent
14 energy is lost." what did you mean by that?

15 A. That's primarily the loss through the
16 conversion of fossil fuel to electricity.

17 Q. And that's -- 66 percent of that is lost
18 in that process; is that right?

19 A. Yes.

20 Q. Not a very efficient way to use energy, is
21 it?

22 A. It's not as efficient as the use of
23 natural gas for heating.

24 Q. Go to the next page: what are the costs
25 and benefits of the direct use of natural gas. Just

1 let me know when you're there.

2 A. I'm there.

3 Q. This one, this slide, purports to talk
4 about a cost benefit of the direct use of natural
5 gas; is that right?

6 A. Yes.

7 Q. And specifically you site in that second
8 bullet an April 2008 study by Black & Veatch -- and
9 I'll just read it. It says it found that 7 percent
10 of total electric load for residential and commercial
11 applications -- let me back up.

12 An April 2008 study by Black & Veatch
13 found that if 7 percent of total electric load for
14 residential and commercial applications is shifted by
15 2030 from electricity to natural gas, the United
16 States will -- and a symbol, it says, save 1.25, 2.00
17 quadrillion BTu in 2030; avoid building 63 to 80
18 gigawatts of new electric generation capacity at an
19 avoided cost savings of \$49 billion to 122 billion,
20 reduce CO2 -- and that says "e." Is that supposed to
21 be --

22 A. Equivalent.

23 Q. Thank you.

24 -- CO2 equivalent by 60 to 200,000,000
25 tons in 2030; achieve the above benefits at a savings

1 of 59 to 297 per ton of CO₂e. Did I read that
2 correctly?

3 A. I believe so.

4 Q. And you relied on that Black & Veatch
5 study in the preparation of this presentation; is
6 that right?

7 A. I didn't do anything except copy the data
8 from their report.

9 Q. But when you copied the data, I assume
10 because you're giving a presentation there was some
11 belief it was accurate; is that right?

12 A. Yes.

13 Q. Go to the next page. Starts off with an
14 Exhibit 11. It talks about the direct use of natural
15 gas, and the bottom, we'll skip that. The following
16 page, will Direct -- it's titled, will Direct Use of
17 Natural Gas Provide Benefits to Consumers if Natural
18 Gas Prices are High in the Future? Is that a correct
19 recitation of that?

20 A. Yes.

21 (GMO Exhibit No. 11-HC and NP
22 were marked for identification.)

23 BY MR. JACOBS:

24 Q. And in that you cite to the Black & Veatch
25 analysis, talking about five scenarios, and then in

1 the last sentence in that top paragraph it says, In
2 all five scenarios there are energy cost reductions
3 for consumers and reductions in CO2 equivalent
4 emissions as a result of direct use of natural gas;
5 is that correct?

6 A. That's right. This is all data from the
7 Black & Veatch study.

8 Q. And that talks about shifting gas prices,
9 and it also states that there's still benefits even
10 if natural gas prices are high?

11 A. I'm not totally familiar, but it was
12 performing some type of sensitivity analysis on
13 natural gas prices being higher than the base case.

14 Q. But again, I assume that you kind of
15 relied on this study to put it in your presentation;
16 is that correct?

17 A. Correct.

18 Q. Go to the next page. We talked about
19 that, the barriers to acceptance. Skip that.

20 And this one is where you talk about a
21 reasonable goal for the direction of natural gas; is
22 that right?

23 A. Correct.

24 Q. In that bullet you have a pretty bold
25 proposal. It says that you want to shift 50 percent

1 of future electric resistance heating in new
2 residential and commercial buildings to natural gas
3 appliances for space heating, water heating, cooking
4 and drying wherever natural gas is economically
5 available. Did I read that correct?

6 A. Yes.

7 Q. And my assumption is that you're talking
8 about particularly targeting electric resistance
9 heating in this proposal because, really, it's not
10 energy efficient use of electricity, is it?

11 A. No, and -- and the focus of the -- this --
12 the Governor's Commission on Global warming was on
13 emissions --

14 Q. Right.

15 A. -- and so this was offered as one way of
16 drastically reducing the level of emissions in
17 Arkansas.

18 Q. Sorry. Bear with me one second. You say
19 that -- you just said that it's focused on emissions,
20 is that right, that this presentation is focused on
21 emissions?

22 A. well, the whole focus of the Governor's
23 Commission on Global warming in Arkansas was to
24 reduce the CO2 or equivalent emissions in the state,
25 to look at different alternative approaches to

1 achieving a goal of reducing emissions.

2 Q. That's not really the sole focus of this
3 presentation, is it? You're talking about energy
4 savings. You're talking about efficiency. You're
5 talking about a number of things aside from purely
6 greenhouse gas; is that right?

7 A. Well, in the process of reducing
8 emissions, you're improving the real energy
9 efficiency within the state by using natural gas in
10 this case to direct heat -- to use natural gas in
11 appliances for heating water, space heating, cooking
12 and drying as opposed to generating electricity for
13 those purposes.

14 Q. Which the direct use of natural gas
15 accomplishes that; right?

16 A. Yes.

17 Q. It is more energy efficient; right?

18 A. Yes.

19 Q. In certain applications, not all; is that
20 right?

21 I'm sorry. I don't know if you heard
22 me. It is more energy efficient in certain
23 applications; is that right?

24 A. "It" being?

25 Q. I'm sorry. Thank you.

1 The use, direct use, of natural gas is
2 more energy efficient in certain applications; isn't
3 that correct?

4 A. The direct use of natural gas for heating
5 is always going to be more efficient than resistance
6 electric heat.

7 Q. What about water heating?

8 A. Same thing. I mean, using real energy
9 efficiency, a gas water heater is going to be more
10 efficient than an electric water heater. That's --

11 Q. What's the benefit for the consumer? I
12 mean, is this theoretical or is there a benefit for
13 consumers here?

14 A. This -- this presentation, again, was to
15 the Arkansas Governor's Commission on Global warming,
16 which was evaluating all available options to reduce
17 emissions of CO2-equivalent carbon, and so -- you
18 know, that -- that was the focus of this
19 presentation. We're talking about reducing
20 emissions, and that's what the presentation does.

21 Q. Right.

22 A. It provides one option to achieve that
23 goal.

24 Q. And I understand that you're -- you know,
25 this isn't Arkansas; right? Is that correct?

1 A. I'm not in Arkansas anymore.

2 Q. This was in Arkansas.

3 A. This presentation was made in Arkansas.

4 Q. Okay. But it is talking about, as you
5 testified, facts that you still think are accurate
6 today; is that right?

7 A. Yes.

8 Q. You know, I'm not trying to -- I think I
9 made it clear that you're not supporting MGE's
10 proposal in this case; right?

11 A. Correct.

12 Q. The question I have for you, though, is
13 that are you going to deny the concept that in this
14 proposal there seem to be real benefits for
15 consumers; it's not just a theoretical construct.
16 We're not talking about -- you know, we're talking
17 about something of a real impact, aren't we?

18 MS. HERNANDEZ: Your Honor, I'm going to
19 object at this point. This question has been asked
20 and answered several times. He's already
21 characterized what this presentation was given for.
22 I think the questioning should end there.

23 MR. JACOBS: My response is it's been
24 asked twice and he didn't give a response to my first
25 question.

1 MS. HERNANDEZ: But he characterized the
2 document as presented towards global warming, and
3 you're trying to get him to admit that it was more of
4 a demand-side fuel switching --

5 MR. JACOBS: I'd ask -- you know, you're
6 giving a speaking objection, which is instructing the
7 witness, so if there's a legal objection, I'll be
8 happy to hear that.

9 MS. HERNANDEZ: Asked and answered.

10 JUDGE PRIDGIN: Her objection is asked and
11 answered. I'd like to hear the question again,
12 please.

13 MR. JACOBS: The question is, Is this a
14 theoretical construct or is it a discussion that
15 shows a real benefit to consumers?

16 JUDGE PRIDGIN: I'll overrule.

17 Mr. Rogers, if you know the answer, you
18 can answer. I think he asked you an either/or
19 question.

20 THE WITNESS: well, in this particular
21 presentation, it's aimed at demonstrating that
22 there's benefits to consumers through the reduction
23 of emissions, and in the process there -- there is an
24 improvement in the understanding, I think, of the
25 level of efficiency, overall efficiency, for

1 different appliances.

2 MR. JACOBS: Thank you.

3 BY MR. JACOBS:

4 Q. We'll turn the last page, the summary
5 part. Could you read the first bullet for me.

6 A. Sure. There are no silver bullets. A
7 portfolio of low-risk and proven solutions is
8 needed. Direct use of natural gas is one of the best
9 policy options available to cost-effectively reduce
10 CO2 equivalent emissions.

11 Q. The next bullet you talk about the need to
12 remove regulatory barriers; is that right?

13 A. Correct.

14 Q. Then in the third bullet you talk about
15 the desire to discourage resistance heating
16 appliances in new buildings; is that right? That's
17 what that bullet says?

18 A. Yes.

19 Q. And you want to encourage the direct use
20 of natural gas, and that should be a priority for
21 this commission; is that right? Let me withdraw
22 that.

23 It says you want to encourage the direct
24 use of natural gas; is that right?

25 A. Right. Direct use of natural gas should

1 be a priority policy option of this analysis.

2 MR. JACOBS: No further questions.

3 JUDGE PRIDGIN: Thank you.

4 Ms. Cunningham?

5 MS. CUNNINGHAM: No, thank you.

6 JUDGE PRIDGIN: Questions from the bench,

7 Mr. Chairman?

8 COMMISSIONER CLAYTON: No questions.

9 Thank you.

10 JUDGE PRIDGIN: Redirect?

11 REDIRECT EXAMINATION BY MS. HERNANDEZ:

12 Q. As part of the presentation that
13 Mr. Jacobs just went through, can you summarize,
14 again, or would you agree that the presentation was
15 more for a discussion on global warming versus fuel
16 switching, or what was -- was that the purpose of
17 your --

18 A. The purpose was not for fuel switching at
19 all. The purpose of this is really -- was to inform,
20 in this case the Arkansas Commission on Global
21 warming, of the concept of full fuel-cycle efficiency
22 and the benefits that can be derived through setting
23 energy policy with an understanding of what full
24 fuel-cycle efficiency, as we're calling it in this
25 case, can achieve.

1 And it's -- you know, I think it's a very
2 straightforward concept once you present it, that the
3 idea that if you do use natural gas at the -- at the
4 site, in the appliance, instead of generating
5 electricity from natural gas and then using it for
6 resistance heat, that it's a much more efficient
7 process and thereby reduces the amount of carbon
8 emissions when you're comparing generating
9 electricity with natural gas versus the use of
10 natural gas at the end-use appliance.

11 Q. Okay. And do you remember -- I believe it
12 was read into the record, a sentence on page 2 of
13 this presentation speaking to the direct use of
14 natural gas. It was one of the best policy options
15 available if barriers to its implementation are
16 identified and addressed.

17 what's your understanding of the current
18 barriers to implementation?

19 A. Well, there are a number of barriers. I
20 mean, we're experiencing those barriers today. I
21 mean, in the regulatory process there are barriers.
22 There's also legal and legislative barriers.

23 I mean, this whole presentation this
24 morning was brought up by Mr. Reed because of the
25 interest at the national level to relabel appliances

1 using full fuel-cycle efficiency instead of end-use
2 efficiency, and so the idea's been around for a
3 number of years now and in -- you know, in some
4 states it's been used to set energy policy, but in
5 most states it has not.

6 Q. So it's your understanding that there's --
7 is there current legislation going on at the federal
8 level, Department of Energy level, dealing with fuel
9 switching?

10 A. I haven't kept up with it. My guess, days
11 ended almost three years ago, so I haven't kept up
12 with the legislation.

13 Q. Not on global warming, but on fuel
14 switching? Is that what you're stating?

15 Let me, if I can, ask it a different
16 way. Are there any conversations going on at the
17 Department of Energy dealing with the classification
18 of site energy versus real energy?

19 MR. JACOBS: I object to this as being
20 outside the scope of cross.

21 MS. HERNANDEZ: I think those terms were
22 used in the presentation.

23 JUDGE PRIDGIN: I'll overrule it.

24 THE WITNESS: Again, I haven't kept up
25 with whatever legislation is being proposed.

1 BY MS. HERNANDEZ:

2 Q. what's your understanding as to why the
3 Arkansas Commission did not accept the fuel switching
4 policy?

5 A. Again, I think it was pretty much the
6 politics at the time.

7 Q. what do you mean?

8 A. A lot of -- a lot of different parties
9 with very different interests, and I think it's the
10 same reason that in the Arkansas energy efficiency
11 rulemaking there was an explicit exclusion of fuel
12 switching as a -- as a program that would be
13 considered in Arkansas. Now, that was at the time.
14 Again, I -- that was several years ago.

15 Q. Turn to page 8 of your presentation in
16 Arkansas.

17 A. They're not numbered, but what's the
18 heading?

19 Q. Oh, the heading: what are the Costs and
20 Benefits of Direct Use of Natural Gas?

21 A. Okay.

22 Q. which state are you analyzing the cost and
23 benefits for?

24 A. well, this was for the entire United
25 states from the Black & Veatch study.

1 Q. Okay. But the statement above that, were
2 you directing any analysis for any particular state?

3 A. What I think that first bullet is saying
4 is, once the Governor's Commission on Global Warming,
5 once a goal has been established that the cost and
6 benefits could be quantified by -- and I don't
7 remember what CCS stands for. I think that was one
8 of our working groups.

9 Q. Right. At the time that you gave this
10 presentation in 2008, do you know whether Arkansas
11 had a statute similar to Missouri's MEIA statute?

12 A. They did not.

13 Q. And specific to Missouri statute, what's
14 your understanding of when a company needs to
15 implement a demand-side program?

16 A. Well, SB 376 of the Missouri Energy
17 Efficiency Investment Act establishes a goal for this
18 state of achieving all cost-effective demand-side
19 savings, but it doesn't -- there's no time line for
20 that. It's just a goal.

21 Q. There's no -- I'm sorry. There's no time
22 line --

23 A. There's no time line in this statute.

24 Q. Is it your understanding that there was --
25 well, let me phrase it differently.

1 was there a cost benefit analysis -- not
2 a cost benefit analysis -- a cost-effectiveness
3 performed by MGE in this case for the fuel switching
4 program that they proposed?

5 A. Well, Mr. Reed covered this this morning.
6 They were not able to do a total resource cost test
7 because of lack of data specific to Kansas City Power
8 & Light and GMO.

9 MS. HERNANDEZ: I believe that's all the
10 questions I have.

11 JUDGE PRIDGIN: Ms. Hernandez, thank you.

12 Mr. Rogers, thank you very much, sir.

13 You may step down.

14 It's my understanding the parties then
15 want to do all the fuel and purchase power, is that
16 correct, and Mr. Crawford would be the first witness?

17 MR. ZOBRIST: Judge, we'd like to take
18 Mr. Blunk first.

19 JUDGE PRIDGIN: Mr. Blunk then? Thank
20 you.

21 Do you need a few minutes, Ms. Hernandez?

22 MR. ZOBRIST: I need a few minutes just to
23 get my witness.

24 JUDGE PRIDGIN: I understand.

25 MR. ZOBRIST: Wasn't Mr. Steiner going to

1 make an announcement to prepare for that?

2 JUDGE PRIDGIN: Let me give the court
3 reporter a break and give you a few minutes, and then
4 we'll see if Mr. Steiner has anything.

5 We'll go off the record.

6 (A recess was taken.)

7 JUDGE PRIDGIN: All right. We are back on
8 the record, and I apologize. I think Mr. Zobrist
9 wanted to give a mini opening on this issue.

10 Is there anything further before
11 Mr. Zobrist begins?

12 (No response.)

13 JUDGE PRIDGIN: Are you --

14 MS. HERNANDEZ: We're still waiting on
15 Mr. Thompson, but I suppose I could fill in until he
16 appears.

17 JUDGE PRIDGIN: Do you need more time or
18 are you okay with proceeding?

19 MS. HERNANDEZ: It's okay to proceed.

20 JUDGE PRIDGIN: Okay. Mr. Zobrist, sir.

21 MR. ZOBRIST: Judge, I just to wanted to
22 get an outline of the fuel and purchase power expense
23 issues as we see them right today, and I'm going off
24 of the KCP&L and GMO statement of positions, and this
25 is starting on page 43.

1 Our first issue is how should natural gas
2 cause be determined, and Mr. Blunk is the witness on
3 that dispute, if it is a dispute. It's a one-year
4 annualization formula that KCP&L uses versus a
5 two-year system that Staff uses.

6 The second issue that we raised was, How
7 should both prefuel oil expense be determined? My
8 understanding is that that has been resolved through
9 the testimony of the parties.

10 The third issue was the Missouri Joint
11 Municipal Electric Utility position, MJMEUC, margin
12 and how it should be included in native load versus
13 off-system sales, and I think we're going to be able
14 to clarify that issue. We answered the question, no,
15 and stated that the analysis of the off-system sales
16 conducted by KCP&L's witness, Michael Schnitzer of
17 the NorthBridge Group, included the former MJMEUC
18 megawatts from the contract that they had with KCP&L
19 as being available for off-system systems in the
20 NorthBridge model, and therefore any revenue from
21 that contract was not included in the NorthBridge
22 analysis, and we thought that at least initially
23 staff was double-counting, that they had included
24 sales revenue from the MJMEUC contract in their
25 wholesale calculations, but also counted revenue from

1 this former wholesale customer in its retail sales,
2 retail analysis, and I think we had come to agreement
3 with Staff about how that should be handled.

4 The fourth issue was spot-market purchase
5 power prices, how should they be determined. That
6 still is a live issue, and it is whether Staff's
7 purely historical analysis should be used versus
8 KCP&L's, which uses the MIDAS production cost
9 modeling, which has both historical and forecasting
10 data.

11 Then there was a final issue relating to
12 the Company's, KCPL's, total energy sources and
13 whether it included energy provided to serve KCPL's
14 border customers and by small generators under the
15 Parallel Generation Tariff, and I understand that
16 that issue has been resolved as well.

17 I don't know if anybody else had any
18 issues to speak to, but we're ready to proceed with
19 Mr. Blunk, if not.

20 JUDGE PRIDGIN: All right. Thank you very
21 much.

22 Any other mini openings or anything else
23 before this witness?

24 MR. ZOBRIST: Your Honor, the Company's --
25 I'm sorry.

1 JUDGE PRIDGIN: Did you have a mini
2 opening, Mr. Thompson, or are we ready for the
3 witness?

4 MR. THOMPSON: I have a mini opening, sir.

5 JUDGE PRIDGIN: When you're ready.

6 MR. THOMPSON: May it please the
7 Commission.

8 JUDGE PRIDGIN: Mr. Thompson.

9 MR. THOMPSON: With respect to the wolf
10 Creek fuel oil issue, Staff has no dispute with the
11 Company on that issue. With respect to spot market
12 prices, Staff uses a historical data set, which we
13 believe is most consonant with the historical test
14 year selected by the Commission, and traditionally
15 always used by this commission in rate cases. We do
16 not believe that a forecasted data set should be
17 used.

18 with respect to MJMEUC, we do not believe
19 that Mr. Schnitzer's data set, in fact, appropriately
20 reflects the expiration of the MJMEUC contract. If
21 it did, then we believe the value of off-system sales
22 would go up, not down.

23 Thank you.

24 JUDGE PRIDGIN: Mr. Thompson, thank you.

25 Anything further before this witness

1 testifies?

2 (No response.)

3 THE COURT: All right. Mr. Blunk, if I
4 could administer the oath, please.

5 WILLIAM EDWARD BLUNK,
6 produced, sworn, and examined, testified as follows:

7 JUDGE PRIDGIN: Thank you very much.

8 Mr. Zobrist, when you're ready, sir.

9 MR. ZOBRIST: Thank you, Judge.

10 DIRECT EXAMINATION BY MR. ZOBRIST:

11 Q. Please state your name.

12 A. My name is William Edward Blunk.

13 Q. And by whom are you employed?

14 A. Kansas City Power & Light Company.

15 Q. Okay. Mr. Blunk, in the KCP&L rate case,
16 Matter 0355, did you cause to be prepared both a
17 highly-confidential and a nonproprietary version of
18 that testimony?

19 A. Yes.

20 (GMO Exhibit Nos. 7-HC and NP
21 KCP&L Exhibit Nos. 10-HC and NP
22 were marked for identification.)

23 BY MR. ZOBRIST:

24 Q. And am I correct that you do not have any
25 rebuttal or surrebuttal testimony in the KCP&L case?

1 A. Correct.

2 Q. Now, in the GMO case, did you also cause
3 to be prepared highly-confidential and nonproprietary
4 direct testimony?

5 A. Yes.

6 Q. And did you also prepare both highly-
7 confidential and nonproprietary rebuttal testimony in
8 the GMO case?

9 A. Yes.

10 Q. Do you have any corrections to either of
11 those -- any of those pieces of testimony?

12 A. No.

13 Q. If I were to ask you those questions,
14 would your answer be the same?

15 A. Yes.

16 MR. ZOBRIST: Judge, I would offer KCP&L
17 Exhibit 10-HC and NP; and GMO HC and NP, Exhibit 7.
18 I have a question about his rebuttle. It's actually
19 in the Crossroads -- it's with the -- with regard to
20 the Crossroads issue, for which he is not being
21 tendered today, but that is GMO Exhibit 8, and I
22 presume that we will withhold -- I will not offer
23 that at that time. Just wanted to get that on the
24 record.

25 I will offer KCP&L 10 and GMO 7 at this

1 time.

2 JUDGE PRIDGIN: All right. Any
3 objections?

4 (No response.)

5 JUDGE PRIDGIN: Hearing none, KCP&L 10-HC
6 and NP, and GMO 7-HC and NP are admitted into the
7 evidence.

8 (KCP&L Exhibit No. 10-HC and NP were admitted.)

9 (GMO Exhibit No. 7-HC and NP were admitted.)

10 MR. ZOBRIST: And I tender the witness for
11 cross-examination.

12 JUDGE PRIDGIN: Mr. Zobrist, thank you.
13 Mr. Thompson.

14 MR. THOMPSON: I have no questions of this
15 witness, Judge.

16 JUDGE PRIDGIN: I see no other counsel.
17 Mr. Blunk, thank you, sir.

18 THE WITNESS: Thank you.

19 MR. ZOBRIST: The Company would now call
20 Burt Crawford to the stand.

21 MR. FISCHER: Judge, is it okay if
22 Mr. Blunk leaves for Kansas City?

23 JUDGE PRIDGIN: Certainly. Thank you,
24 Mr. Fischer. JUDGE PRIDGIN: Mr. Crawford, if you'd
25 raise your right hand to be sworn, please, sir.

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BURTON CRAWFORD,

produced, sworn, and examined, testified as follows:

JUDGE PRIDGIN: Thank you, sir.

Mr. Zobrist, when you're ready.

DIRECT EXAMINATION BY MR. ZOBRIST:

Q. Please state your full name.

A. Burton Crawford.

Q. Mr. Crawford, by whom are you employed?

A. Kansas City Power & Light.

Q. And what's your position there?

A. Senior manager of energy resource
management.

Q. In the KCP&L rate case, Matter 0355, did
you prepare HC and NP versions of direct testimony?

A. I did.

Q. And did you prepare -- it may have been
marked, Judge, as KCP&L Exhibit 15. Did you also
prepare rebuttal and surrebuttal testimony in the
KCP&L case?

A. Yes, I did.

Q. And those are both nonproprietary;
correct? They're not HC; correct?

A. That I don't recall.

Q. well, I'll represent to you that they are
not deemed to be highly-confidential and they're

1 marked as Exhibits 16 and 17.

2 Did you also prepare in the GMO case,
3 Matter 0356, both highly-confidential and
4 nonproprietary direct testimony?

5 A. I did.

6 Q. And in the GMO case did you prepare both
7 highly-confidential and nonproprietary rebuttal and
8 surrebuttal testimony?

9 A. Yes, I did.

10 MR. ZOBRIST: And they have been marked,
11 Judge, as GMO Exhibits 10, 11, and 12.

12 (GMO Exhibit Nos. 10-HC and NP
13 were marked for identification.)

14 BY MR. ZOBRIST:

15 Q. Mr. Crawford, do you have corrections to
16 any of those pieces of testimony?

17 A. Yes, I have one correction to make to my
18 KCP&L direct testimony.

19 Q. would you please direct us to the page and
20 line.

21 A. It is page number 7, line number 5, the
22 phrase, The Missouri Joint Municipal Electric Utility
23 Commission, MJMEUC, needs to be removed.

24 Q. And why is that?

25 A. Because that load was not included on

1 the -- as an obligation of the company when modeling
2 the fuel and purchase power.

3 Q. Okay. Thank you.

4 Any other corrections to your testimony?

5 A. No.

6 Q. I may have asked you this, but if I asked
7 you those questions, would your answers be the same
8 as they are contained in these pieces of testimony?

9 A. Yes, they would.

10 MR. ZOBRIST: Judge, I offer at this time
11 in the KCP&L case Exhibits 15-HC and NP, 16 and 17.

12 JUDGE PRIDGIN: Any objection?

13 MR. THOMPSON: No objection.

14 JUDGE PRIDGIN: All right. KCP&L 15-HC
15 and NP, 16, and 17 are all admitted.

16 (KCP&L Exhibit Nos. 15-HC and NP, Nos. 16 and 17

17 were marked for identification.)

18 (KCP&L Exhibit Nos. 15-HC and NP,

19 16, and 17 were admitted.)

20 MR. ZOBRIST: And Judge, I'm going to
21 offer the GMO Exhibit 10 because I believe that only
22 deals with future fuel and purchase power. I believe
23 the other two exhibits deal with other issues, so I
24 only offer GMO Exhibit 10 at this time.

25 JUDGE PRIDGIN: That's HC and NP?

1 MR. ZOBRIST: Correct.

2 JUDGE PRIDGIN: Any objections?

3 (No response.)

4 JUDGE PRIDGIN: Hearing none, GMO 10-HC
5 and NP is admitted.

6 (GMO Exhibit No. 10-HC and NP was admitted.)

7 MR. ZOBRIST: Your Honor, that's all I
8 have. I tender the witness for cross-examination.

9 JUDGE PRIDGIN: Mr. Zobrist, thank you.
10 Mr. Thompson.

11 MR. THOMPSON: Thank you, Judge.

12 Good afternoon, Mr. Crawford.

13 THE WITNESS: Afternoon.

14 CROSS-EXAMINATION BY MR. THOMPSON:

15 Q. Now, with respect to the issue having to
16 do with the fuel oil used at the wolf Creek plant,
17 it's true, is it not, that Staff and the Company have
18 reached agreement on that?

19 A. Yes, we have.

20 Q. And with respect to the MJMEUC issue, I
21 believe your correction indicates that you
22 acknowledge that that load was not included in
23 Mr. Schnitzer's model.

24 A. No, the change -- the change in my
25 testimony -- my testimony is explaining, basically,

1 what loads were included along with the native load
2 obligation --

3 Q. Yes, sir.

4 A. -- to determine fuel and purchase power,
5 so there were a number of contract customers that
6 were included in -- in that load with -- with retail.

7 Q. Okay. How did the MJMEUC load figure into
8 your change?

9 A. The MJMEUC load actually didn't --
10 didn't -- excuse me. Are you talking about the
11 change to the testimony?

12 Q. First tell me about the change in your
13 testimony.

14 A. Okay. The testimony basically lays out
15 that there were five customers, contract customers,
16 that their load was included along with KCP&L's
17 native load when doing the fuel and purchase power
18 modeling.

19 Q. Okay.

20 A. It was not correct that MJMEUC was an
21 obligation in that -- that modeling.

22 Q. Very good. Thank you.

23 with respect to the spot market purchase
24 power price forecasts, now, it's true, is it not,
25 that you have used a model that is not based on the

1 Company's historical experience?

2 A. Portions of the model are based on the
3 historical experience.

4 Q. But your model differs from Staff's model,
5 does it not?

6 A. Yes, it does.

7 Q. Explain in what respects it differs.

8 A. Staff's model is looking, it's my
9 understanding, directly at what KCPL had paid or GMO
10 had paid for purchase power during the test year.

11 The Company's model is based on a
12 production simulation for the eastern interconnect.
13 Basically we're -- we're putting in -- one of the key
14 drivers is the price of natural gas, so we input the
15 price of natural gas, during the previous 12 months,
16 as an input to that model to normalize purchase
17 power, market prices.

18 Q. And it's true, is it not, that the
19 Commission adopted a historical test year in this
20 case?

21 A. I believe a test year was established,
22 yes.

23 MR. THOMPSON: Thank you. No further
24 questions.

25 JUDGE PRIDGIN: Mr. Thompson, thank you.

1 Commissioner Kenney, any questions?

2 COMMISSIONER KENNEY: No, thank you.

3 JUDGE PRIDGIN: All right. Thank you.

4 Redirect?

5 REDIRECT EXAMINATION BY MR. ZOBRIST:

6 Q. Mr. Crawford, what is the nature of the
7 production simulation model that KCPL uses and GMO
8 uses in this case?

9 A. It's used in a couple of different ways.
10 In one way it's used to simulate the wholesale power
11 markets to develop an hourly price of power for the
12 wholesale market. That information then gets fed
13 also into the model and another portion of the model
14 to determine the normalized level of fuel and
15 purchase power for the company.

16 Q. What is the name of this model?

17 A. MIDAS.

18 Q. Is that a proprietary model that is owned
19 by a third party?

20 A. Yes, it is.

21 Q. Does this model include both historical
22 and forecasted data?

23 A. There is a tremendous amount of data in
24 the model. It uses information from -- for form one
25 SIMS data, EIA 411, that is based on reported

1 information from the -- from the companies to
2 various -- for various federal reporting regions.

3 Q. Now, briefly with regard to the MJMEUC
4 contract issue, is it your understanding that the
5 Company and Staff now understand where the MJMEUC
6 contract megawatts are being counted, or is there
7 still some confusion there?

8 A. I'm under the impression that Staff
9 understands the way we have modeled it.

10 Q. And once again for the record, can you
11 state how that is being modeled.

12 A. Basically, we treat the contract like it
13 does not exist, which it currently does not as of the
14 end of the year. Staff's runs up to this point have
15 included it as an obligation that the Company has,
16 which at the time the modeling was done, it was
17 correct. The contract was in place. The modeling
18 reflected that, but as of December 31, the contract
19 has expired and is not going to be renewed.

20 It's just that the Company's case assumed
21 that by the time we got to the true-up period that
22 the contract would not be in effect and modeled it as
23 such.

24 Q. So KCP&L had not modeled the MJMEUC
25 contract in its case in chief even though at the time

1 the contract was still in existence?

2 A. That's correct, because the contract was
3 set to expire December 31st of 2010.

4 Q. Right. As I understand it, it did expire
5 December 31, 2010; correct?

6 A. It did expire.

7 MR. ZOBRIST: That's all I have, Judge.

8 JUDGE PRIDGIN: Mr. Zobrist, thank you.

9 Mr. Crawford, thank you very much. You
10 may step down.

11 We then go to Ms. Maloney or Mr. Harris?

12 MR. THOMPSON: We'll call Mr. Harris.

13 JUDGE PRIDGIN: All right.

14 Mr. Harris, if you'll come forward to be
15 sworn, please, sir.

16 V. WILLIAM HARRIS,
17 produced, sworn, and examined, testified as follows:

18 JUDGE PRIDGIN: Thank you very much, sir.
19 Please have a seat.

20 Mr. Thompson, when you're ready, sir.

21 MR. THOMPSON: Thank you, Judge.

22 DIRECT EXAMINATION BY MR. THOMPSON:

23 Q. State your name.

24 A. V. William Harris.

25 Q. How are you employed, sir?

1 A. I'm employed as a regulatory utility --
2 regulatory auditor for the Staff of the Missouri
3 Public Service Commission.

4 Q. Are you the same V. William Harris who
5 caused to be prepared or who prepared testimony,
6 rebuttal and surrebuttal, which has been marked as
7 Exhibits 220 and 221 in this case?

8 A. Yes, I am.

9 Q. Did you also contribute to Staff's revenue
10 requirement report in this case?

11 A. Yes.

12 Q. If I were to ask you the same questions
13 today that are contained in your testimony, would
14 your answers be the same?

15 A. Essentially, yes, but two very small
16 differences. It's really just an adjustment in
17 numbers. It's not in the number of the adjustments.
18 It's in the adjustment number that was recorded on
19 the Staff run.

20 Q. Are those adjustments in the nature of
21 corrections to your testimony?

22 A. No.

23 Q. No, they're not. Okay.

24 Please explain those adjustments, if you
25 would.

1 A. Okay. On page 73 of the Cost Service
2 Report, on line 2, under Header 3, Purchase Power
3 Energy, it indicates the Staff Adjustment E74.2
4 annualized purchase power energy, which in the run at
5 the time that the cost of service was filed, that was
6 correct. In the most current run that Staff -- for
7 the purchase power energy, adjustment is actually
8 77.1.

9 Q. Okay. Any other adjustments?

10 A. Yes. Further down to the same page, line
11 19, the Staff adjustment to annualized purchase power
12 demand charges also changed in the cost of service.
13 At the time of the cost of service filing, the
14 Staff -- the EMS run at the time indicated the
15 adjustment was E74.1. In the most recent accounting
16 schedules, the adjustment is now E78.1.

17 Q. Any further adjustments?

18 A. No, that's it.

19 Q. Do you have any corrections to your
20 testimony?

21 A. No.

22 Q. So with these adjustments in mind, is your
23 testimony true and correct, to the best of your
24 knowledge and belief?

25 A. Yes.

1 MR. THOMPSON: With that, I will go ahead
2 and offer Mr. Harris' rebuttal and surrebuttal
3 testimony in the KCP&L case marked as Exhibits 220
4 and 221.

5 MR. ZOBRIST: No objection.

6 JUDGE PRIDGIN: Let me make sure I've got
7 those Exhibit numbers correctly. 220 and 221, and
8 those are both NP and HC?

9 MR. THOMPSON: Mr. Harris?

10 THE WITNESS: Yes.

11 JUDGE PRIDGIN: All right. Very good.
12 Hearing no objection, they are admitted.

13 (KCP&L Exhibit Nos. 220-NP and HC
14 and 221-HC and NP were admitted.)

15 MR. THOMPSON: I tender the witness for
16 cross.

17 JUDGE PRIDGIN: Mr. Thompson, thank you.
18 Mr. Zobrist.

19 MR. ZOBRIST: Mr. Harris, I just have a
20 couple of questions, I think more to clarify where we
21 are.

22 CROSS-EXAMINATION BY MR. ZOBRIST:

23 Q. Your counsel stated his belief, and I
24 agree in my opening remarks that I believe that the
25 Company and Staff agree on the treatment of wolf

1 Creek fuel oil expense.

2 A. Yes.

3 Q. And with regard to the MJMEUC contract,
4 does Staff and the Company understand that the model
5 that the Company used did not include a MJMEUC
6 contract because it was presumed it would expire at
7 the end of 2010, which it did?

8 A. No, Staff has seen no evidence to support
9 that.

10 Q. Okay. Were you in the hearing room when
11 Mr. Crawford testified?

12 A. Yes.

13 Q. Okay. So outside of his sworn testimony,
14 you just haven't seen anything that indicated that
15 it -- that it has expired and not been renewed?

16 A. That's correct, haven't seen any
17 indication other than just the Company's saying that
18 it --

19 Q. Okay.

20 A. I mean, I actually have seen the
21 contract. I know it's been expired. Whether or not
22 it was, you know, figured into Mr. Schnitzer's model
23 or not, I haven't seen any evidence to show that it
24 wasn't.

25 Q. All right. I understand.

1 So you would want to hear from
2 Mr. Schnitzer as to what is actually in the model for
3 2010?

4 A. That would be helpful, yes.

5 Q. Anything else you would need, sir?

6 A. I'd need detailed calculations on -- well,
7 from Mr. Schnitzer on exactly what is in the model
8 and what isn't.

9 Q. Okay. And am I correct that on the issue
10 related to -- I call it total energy resources, the
11 energy provided by other utilities to serve KCP&L's
12 border customers and small generators under KCP&L's
13 parallel generation tariff, that that issue has been
14 resolved between the Staff and the Company?

15 A. I believe it has; however, I defer to
16 Staff witness Carl, because she's actually the
17 witness on that.

18 Q. This is Staff witness whom?

19 A. Erin Carl.

20 MS. MALONEY: I'm Erin Maloney.

21 THE WITNESS: Erin Maloney. Yes. I'm
22 sorry.

23 MR. ZOBRIST: Okay. Now I know who
24 they're referring to.

25 THE WITNESS: I just call her Erin, you

1 know. I don't call people by their last name,
2 generally.

3 MR. ZOBRIST: All right.

4 That's all I have, Mr. Harris. Thank
5 you.

6 JUDGE PRIDGIN: Mr. Zobrist, thank you.
7 Thank you very much. You may step down.
8 And we're ready for Ms. Maloney then?

9 MR. THOMPSON: At this time staff will
10 call Erin Maloney.

11 JUDGE PRIDGIN: If you'll raise your right
12 hand to be sworn, please.

13 ERIN MALONEY,
14 produced, sworn, and examined, testified as follows:

15 JUDGE PRIDGIN: Thank you very much.
16 Please have a seat.

17 Mr. Thompson, when you're ready.

18 MR. THOMPSON: Thank you, Judge.

19 DIRECT EXAMINATION BY MR. THOMPSON:

20 Q. State your name, please.

21 A. Erin Maloney.

22 Q. How are you employed?

23 A. I'm a utility engineering specialist with
24 the Public Service Commission.

25 Q. And are you the same Erin Maloney who

1 caused to be prepared and filed -- I think it is --
2 surrebuttal testimony in this matter, which has been
3 marked as Exhibit 232?

4 A. I am.

5 Q. And you also contributed to Staff's
6 revenue requirement cost-of-service report?

7 A. I did.

8 Q. Okay. And if I asked you the same
9 questions today that are contained in your testimony,
10 would your answers be the same?

11 A. Yes, sir.

12 Q. Do you have any corrections or adjustments
13 to that testimony?

14 A. No.

15 Q. And as far as you know, to the best of
16 your knowledge and belief, are those answers correct?

17 A. Yes.

18 MR. THOMPSON: I'll go ahead and move the
19 admission of Exhibit 232.

20 MR. ZOBRIK: No objection.

21 JUDGE PRIDGIN: KCP&L 232 is offered and
22 admitted.

23 (KCP&L Exhibit No. 232 was admitted.)

24 MR. THOMPSON: I will tender the witness
25 for cross-examination.

1 JUDGE PRIDGIN: Mr. Thompson, thank you.

2 Mr. Zobrist.

3 MR. ZOBRIST: Thank you, Judge.

4 CROSS-EXAMINATION BY MR. ZOBRIST:

5 Q. Ms. Maloney, as I understand it in your
6 testimony, Staff advocates a historical methodology
7 to determine spot market prices based upon the Staff
8 model that was developed back in 1996.

9 A. That's correct.

10 Q. And it opposes the use of any forecasted
11 data in any such model to forecast spot market
12 prices?

13 A. That's correct.

14 Q. Now, have you read Mr. Crawford's
15 testimony in this case?

16 A. Yes.

17 Q. Is he correct that the Staff 1996 model
18 does not include price inputs regarding natural gas
19 in its recent fluctuations?

20 A. That is not correct.

21 Q. What inputs, with regard to actual fuel
22 prices, did your model take?

23 A. My -- in determining purchase power
24 prices, the use of the historical test year takes
25 into account all of the operations in the historical

1 test year, therefore the purchase power prices that
2 occurred historically reflect the natural gas prices
3 in that historical test year.

4 Q. So it reflects the prices that KCP&L paid,
5 but it does not reflect price of natural gas
6 throughout the eastern interconnect?

7 A. The purchase power itself is a function of
8 a lot of different things, so therefore that -- the
9 power -- at any given hour, the spot market price is
10 a reflection of the prices, gas prices, coal prices,
11 transportation prices, oil prices, everything that's
12 happening, evolves to develop a price; therefore, in
13 using a historical test year and looking at the
14 prices, those factors are taken into account.

15 Q. What I'm trying to get at is, Does your
16 model actually take natural gas price inputs?

17 A. The fuel model takes natural gas price
18 inputs along with the purchase power prices that I
19 develop.

20 Q. How frequently does Staff update its model
21 with new information?

22 A. The fuel model is developed for rate
23 cases, so there's a direct filing, and if -- then
24 there's the true-up filing, so it would be updated as
25 many times as we change the inputs.

1 Q. Am I correct that your model only inputs
2 data from the utility that has filed the rate case?

3 A. To develop purchase power prices? Are we
4 talking about -- when you say "my model" --

5 Q. Well, I mean the 1996 Staff model that's
6 described in the Staff report that's attributed to
7 you, that portion of the report.

8 A. To develop the prices for this case, I
9 used the transactions for KCP&L and GMO, both.

10 Q. For any other company?

11 A. Those prices -- the price -- I looked at
12 the transactions that the Company made.

13 Q. Okay. So only for Kansas City Power &
14 Light Company and KCP&L Greater Missouri Operations
15 Company?

16 A. That's correct.

17 Q. So you didn't take data that was generated
18 from any other public utility; is that correct?

19 A. Correct.

20 Q. Now, are you familiar with the MIDAS
21 production cost model in this case?

22 A. I'm familiar in general, yes.

23 Q. Have you worked the model yourself
24 personally?

25 A. No.

1 Q. Now, am I correct that the MIDAS model
2 generates regional prices by modeling power flows
3 within and between various energy markets,
4 transaction areas, FERC subregions and FERC regions?

5 A. My understanding of the model -- are you
6 talking about in price mode or as a fuel -- to
7 determine fuel costs? which --

8 Q. In determining fuel costs.

9 A. It takes a number of variety of inputs,
10 yes.

11 Q. And are you familiar with what
12 Mr. Crawford referred to as the National Database?

13 A. Just in terms of reading it in his
14 testimony.

15 Q. And do you understand that that includes
16 FERC Form 1 data and Department of Energy data that
17 comes from the Energy Information Administration in
18 the form of its 411 reports?

19 A. I -- yes.

20 Q. And do you understand that it also
21 includes continuous emission monitoring system data
22 that's been compiled by the U.S. Environmental
23 Protection Agency?

24 A. I -- I -- I'm not as familiar. I mean,
25 I'm not familiar with all of the inputs. I

1 understand that in the price mode model that a lot of
2 the inputs are forecasted, including gas prices and
3 other FERC information.

4 Q. Do you understand that the MIDAS model
5 includes both historical and forecasted data?

6 A. I understand that, yes.

7 Q. And staff's only includes historical data
8 from the utilities that are filing the rate case?

9 A. Staff's model uses historical data, yes.

10 Q. Are you aware that the MIDAS model
11 includes demand data that includes projected hourly
12 demand for virtually every utility in the eastern
13 interconnect?

14 A. I understand that it uses forecasted
15 demand data, yes.

16 Q. And it also includes a variety of supply
17 data, as Mr. Crawford --

18 A. I understand that it uses forecasted
19 supply data as well.

20 Q. And as Mr. Crawford testified in his
21 testimony, that includes such data as capacity
22 information, heat rates, fuel type, things of that
23 nature?

24 A. I understand it uses forecasted
25 information.

1 Q. Am I correct that in Staff's model it did
2 not include any projected data at all?

3 A. That's correct.

4 Q. Is it true that neither you nor Staff have
5 opposed or criticized the use of forecasts as used by
6 Michael Schnitzer of the North Group in his testimony
7 in the KCP&L rate case?

8 A. Can you repeat that?

9 Q. Yeah. Let me break it down.

10 Did you file any testimony that either
11 criticized or opposed the forecast data that Michael
12 Schnitzer set forth in his direct testimony in the
13 KCP&L case?

14 A. I do not file testimony.

15 Q. Are you aware whether Staff criticized or
16 opposed the probabilistic analysis that Mr. Schnitzer
17 did using both historical and forecasted data in his
18 testimony?

19 A. I am not aware of any.

20 MR. ZOBRIST: Judge, that's all I have.

21 JUDGE PRIDGIN: Mr. Zobrist, thank you.

22 Commissioner Kenney, any questions?

23 COMMISSIONER KENNEY: No, thank you.

24 JUDGE PRIDGIN: Thank you.

25 Any redirect?

1 MR. THOMPSON: Yes, Judge. Thank you.

2 REDIRECT EXAMINATION BY MR. THOMPSON:

3 Q. You were asked quite a few questions about
4 the Company's MIDAS model. Do you recall those
5 questions?

6 A. Yes.

7 Q. In your professional opinion, is the use
8 of the MIDAS model appropriate in this case, which
9 has a historical test year?

10 A. No. I believe that we should use the
11 historical data which is known and measurable, which
12 is what staff has usually relied on.

13 MR. THOMPSON: Thank you. No further
14 questions.

15 JUDGE PRIDGIN: Mr. Thompson, thank you.

16 Ms. Maloney, thank you very much. You
17 may step down.

18 And Mr. Thompson, can I ask, did you want
19 to offer the GMO exhibits for those two witnesses, or
20 will they be testifying in the GMO hearing?

21 MR. THOMPSON: Judge, I probably ought to
22 offer them now.

23 JUDGE PRIDGIN: All right.

24 MR. THOMPSON: Staff doesn't seem to have
25 an index list, an exhibit list, for the GMO case

1 here.

2 JUDGE PRIDGIN: That's quite all right. I
3 have it. It would be -- for Mr. Harris, it would be
4 GMO 220-NP and HC, and 221, and for Ms. Maloney it
5 would be GMO 231.

6 MR. THOMPSON: Thank you, Judge. I will
7 go ahead and offer Exhibits 220 and 221 in the GMO
8 case, the testimony of Mr. Harris.

9 MR. ZOBRIST: No objection.

10 JUDGE PRIDGIN: Hearing no objection, GMO
11 220-NP and HC is admitted. GMO 221 is admitted.

12 (GMO Exhibit Nos. 220-NP and HC
13 and No. 221 are admitted.)

14 MR. THOMPSON: And I will also offer GMO
15 231, the testimony of Erin Maloney.

16 JUDGE PRIDGIN: Any objection?

17 MR. ZOBRIST: No. Judge, I think
18 Ms. Maloney has both surrebuttal in the KCP&L case
19 and rebuttal in the GMO case, and they are
20 essentially the same thing, and we would have no
21 objection to either of those two.

22 JUDGE PRIDGIN: And GMO 231 is admitted.
23 I already show KCP&L 232 is admitted.

24 (GMO Exhibit No. 231 was admitted.)

25 MR. THOMPSON: Thank you, Judge.

1 JUDGE PRIDGIN: All right. Are we then
2 going on to the Iatan regulatory asset issue?

3 Does counsel need a moment?

4 MR. ZOBRIST: That would be great.

5 JUDGE PRIDGIN: We've been going for a
6 while. Let's go ahead and take a break now. Let's
7 break until 3:45. We're off the record.

8 (A recess was taken.)

9 JUDGE PRIDGIN: All right. We're back on
10 the record. Before we proceed to the next witness, I
11 do want to go ahead and announce that we're going to
12 cancel tomorrow's hearing. Schools are going to be
13 closed tomorrow, I just saw, which is really rare,
14 and I just don't think that it's reasonable for
15 anybody to try to get out.

16 I'm going to get e-mails for everyone off
17 the EIFA's caselist, so that way hopefully tomorrow
18 evening, you know, I can make a decision from home --
19 supposedly the weather is supposed to be even worse
20 wednesday -- and will try to notify everybody, you
21 know, whether we can go wednesday or not.

22 You know, sometimes forecasters are
23 wrong. We might be fine wednesday, and then we may
24 be stuck, so is there any concern from counsel with
25 proceeding in that direction?

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(No response.)

JUDGE PRIDGIN: All right. Anything further before we move on to Iatan regulatory asset?

(No response.)

JUDGE PRIDGIN: I'm sorry. This is Mr. --

THE WITNESS: -- Weisensee.

JUDGE PRIDGIN: -- Weisensee. Thank you. Just make sure I have my witness list clear.

Any mini opening on this which -- we're going to proceed to evidence.

I'm sorry. Mr. Fischer.

MR. FISCHER: Yes, I have a brief outline.

JUDGE PRIDGIN: Yes, sir. When you're ready.

MR. FISCHER: Thank you, Judge. I'll try to be brief.

The nonunanimous stipulation agreement that was approved in the last KCPL case, the 2009 rate case, which was approved, I think, on June 10th of 2009, had a specific provision that allowed the Company to record in a regulatory asset carrying costs related to Iatan 1 AQCS and the Iatan common plan additions that were not included in the rate base in that case. And that would be true to the data of the new rates in this case.

1 Additionally, the regulatory asset
2 provision in the stipulation, the last KCPL, to defer
3 the depreciation on those plan additions, also true
4 to the effective date of the rates in this case.

5 The combined effect of those two
6 provisions is essentially to treat the plan additions
7 not included in the last KCPL rate case similar to
8 construction work in progress until the rates are
9 established in this case.

10 The Company has spent approximately \$111
11 million on a Missouri jurisdictional basis at Iatan 1
12 and common plants since April 2009 that's not been
13 reflected in the rate base. We're having discussions
14 about the common plant issue, and it's my
15 understanding that if those were successful, that
16 might narrow the issues on this particular issue, but
17 the issue today before you involves the question of
18 whether the Company should be permitted to recover
19 the costs contained in the Iatan 1 and the Iatan
20 common plant regulatory asset.

21 If the Commission adopts the Company's
22 position on Iatan 1 prudence disallowances, then I
23 believe both the Staff and the Company would agree
24 that the Company should recover the amount that's
25 included in the regulatory's asset.

1 That would be consistent with the 2009
2 stipulation; however, the Staff, as you know, is
3 taking the position that the costs in the regulatory
4 assets should not be recovered since Staff has
5 proposed to disallow all of the Iatan 1 costs above
6 its control budget estimate.

7 We've already had a lot of days of
8 testimony on that issue, and I'm not going to rehash
9 that. If the Staff prevails on that issue, though,
10 then all of the expenditures made by the Company
11 after April 30, 2009, would be disallowed; therefore,
12 as I understand the issue, Staff's position on the
13 Iatan 1 regulatory asset issue, Staff believes it
14 would be inappropriate to allow carrying costs
15 similar to AFEUDC on those costs because Staff
16 believes that all of those costs spent after April 30
17 should be disallowed. Of course the Company
18 disagrees with that position on the prudence
19 disallowances related to Iatan 1.

20 The Company does agree, though, that it
21 should not be allowed to recover carrying costs on
22 costs, if any, that the Commission found to be
23 imprudent, but the Company is concerned that the
24 Staff's approach on the Iatan 1 regulatory asset
25 issue would effectively disallow carrying costs twice

1 if the Commission found that some portion of the
2 Iatan 1 costs expended after April 30, 2009 were
3 somehow imprudent.

4 The reason for this concern is fairly
5 straightforward. The Company has not included any
6 carrying costs in plant and service accounts for
7 Iatan 1 expenditures after April 30, 2009. Instead,
8 the Company's included these carrying costs in the
9 regulatory asset.

10 Staff is arguing that the Commission
11 should not allow the recovery of the Iatan 1
12 regulatory asset which includes the AFEUDC-like
13 carrying costs, but on the Iatan 1 prudence issues,
14 the staff has proposed specific prudent disallowances
15 and also an unexplained cost override adjustment,
16 which, as I understand them, also have built into
17 them an additional AFEUDC adjustment to reflect the
18 carrying costs associated with those adjustments.

19 I believe Mr. Majors has testified about
20 the AFEUDC calculations earlier when we discussed
21 those Iatan 1 disallowances. From our perspective,
22 it would be a double-dip for the Commission to both
23 exclude the Company's regulatory asset costs, which
24 include the carrying costs, and also adopt the
25 staff's Iatan 1 disallowances, which includes an

1 additional component for imputed AFEUDC-like carrying
2 costs.

3 The Company would request the Commission
4 decline to adopt this approach. All Iatan 1 AQCS and
5 Iatan common costs should be included in rate base
6 prior to any decision as to possible prudence
7 disallowances.

8 Now, there is another component that I
9 should also mention briefly. KCP&L has placed the
10 depreciation expense on the post-April 30
11 expenditures into a regulatory asset. As a part of
12 that accounting entry, it reflected the associated
13 and accumulated depreciation reserve and rate base.

14 In other words, the accumulated
15 depreciation reserve has not been deferred and has
16 instead been included in a rate base offset in a
17 normal manner.

18 Although Staff adjusted the plant and
19 service accounts, it did not make the associated
20 adjustment for the reserve for depreciation for those
21 disallowances.

22 So in summary, Iatan 1 regulatory asset
23 should be included in rate base in this case as
24 should the capitalized Iatan 1 costs. Any
25 commission-authorized disallowances should relate to

1 prudency issues and should be reflected as a
2 reduction in the total Iatan 1 costs, including the
3 regulatory asset and capitalized costs.

4 The accumulated depreciation should be
5 adjusted accordingly, and Mr. Weisensee, who's
6 already on the stand, is my expert and I hope will be
7 able to answer all your questions.

8 Now, with regard to the Iatan 2
9 regulatory asset, the signatory parties agreed as a
10 part of the regulatory plan stipulation to use what's
11 called "construction accounting" as it's defined in
12 that stipulation for the Iatan 2 project from the
13 inservice date of the Iatan 2 plan until the
14 effective date of the rates in this case. The
15 Iatan 2 plan has met its inservice criteria as of
16 August 26, 2010, as confirmed by the Staff engineers.

17 As a result, the Company understands that
18 the construction accounting will be applied to the
19 costs associated with Iatan 2 after that August 26
20 inservice date until the effective date of the rates
21 in this case.

22 At this juncture it's unclear to the
23 Company whether there is not issue at all related
24 between the Staff and the Company on the regulatory
25 asset related to Iatan 2; however, the Company

1 believes that if there is any substantive issue
2 related to the Iatan 2 regulatory asset, we should
3 address it in the hearing today.

4 Thank you very much. I'd be happy to
5 answer questions but -- and give up the podium for
6 any other mini openings.

7 JUDGE PRIDGIN: Mr. Fischer, thank you.
8 Ms. Ott, did you have an opening on this
9 topic?

10 MS. OTT: No, I do not.

11 JUDGE PRIDGIN: All right. Thank you.
12 Anything further before I administer the
13 oath to Mr. Weisensee?

14 If you would raise your right hand to be
15 sworn, please, sir.

16 JOHN WEISENSEE,
17 produced, sworn, and examined, testified as follow:

18 JUDGE PRIDGIN: Thank you very much, sir.
19 Please have a seat.

20 Mr. Fischer, when you are ready.

21 DIRECT EXAMINATION BY MR. FISCHER:

22 Q. Please state your name and address for the
23 record.

24 A. John Weisensee. I work for Kansas City
25 Power & Light Company in Kansas City, Missouri.

1 Q. Are you the same John Weisensee that
2 caused to be filed in both the KCP&L and GMO cases --
3 let me just start with the KCP&L case -- direct
4 testimony that was both an HC version and an NP
5 version and, for your information, has been marked as
6 Exhibit 63-HC and 63-NP?

7 A. I am.

8 Q. Did you also cause to be filed HC and NP
9 versions of your rebuttal testimony which has been
10 marked as 64-HC and 64-NP?

11 A. Yes, I did.

12 (KCP&L Exhibit Nos. 63-HC and NP, 64-HC and NP
13 No. 65 and GMO No. 42
14 were marked for identification.)

15 BY MR. FISCHER:

16 Q. And did you cause to be filed in the KCPL
17 case surrebuttal testimony marked 65?

18 A. Yes, I did.

19 Q. Did you also cause to be filed in the GMO
20 case direct testimony which has been marked as GMO 42
21 and rebuttal testimony which has been marked GMO 43
22 and surrebuttal testimony which has been marked GMO
23 44?

24 A. Yes, I did.

25 (GMO Exhibit Nos. 43 and 44

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and 44 were admitted.)

JUDGE PRIDGIN: Cross-examination,

Ms. Ott.

MS. OTT: Good afternoon.

THE WITNESS: Good afternoon.

CROSS-EXAMINATION BY MS. OTT:

Q. So if the Commission accepts all of staff's prudence disallowances that it's recommended in relationship to the Iatan construction projects, can you agree with me that the PCS has determined that those costs are imprudent?

A. I think that's reasonable.

Q. So the stipulation and agreement in which the parties agree to allow for construction accounting specifically states that the prudently-incurred costs can be treated as construction accounting?

A. Are we talking about Iatan 1 or Iatan 2, because Iatan 1 doesn't have construction accounting. It's a regulatory asset mechanism.

Q. The Iatan 1 for the -- I believe that -- do you have a copy of the stipulation and agreement in front of you?

A. Not in front of me, no.

Q. Let me hand you a copy. I have flagged

1 the section that relates to the construction, the
2 regulatory asset. It's Section C -- or 6C.

3 A. Okay.

4 Q. So for Iatan 1 there is construction
5 accounting?

6 A. Well, that term, as we generally use it,
7 refers more to the -- when we're talking about Iatan
8 2 and the particular items that are included in that
9 regulatory asset, but that term is also used in the
10 Iatan 1 regulatory asset mechanism. I agree with
11 that.

12 Q. And it's for the remaining Iatan 1 prudent
13 costs incurred for the period subsequent to this
14 stipulation and agreement through this case?

15 A. Section C does use that terminology,
16 that's correct.

17 Q. So if the Commission accepts Staff's
18 disallowances, then is it KCPL's position that it
19 would have regulatory assets on imprudently-incurred
20 costs?

21 A. It's our position that the regulatory
22 asset should be included in the total cost of the
23 project in any -- anything that's felt to be -- not
24 be prudent, an adjustment should be made for that.

25 Q. Where should that adjustment be made?

1 A. well, our point is, if an adjustment's
2 necessary for disallowances, then the associated
3 carrying costs should be also an adjustment made for
4 that, but that wouldn't affect the regulatory asset
5 because we have to include that in also.

6 Q. But even the section of the regulatory
7 asset that -- if the Commission accepts Staff's
8 position, it's deemed to be imprudent?

9 A. well, we have to include all the costs in
10 this before we determine what should be disallowed.
11 Part of the costs are capital costs. Part of the
12 costs are the regulatory asset. If we determine
13 anything's imprudent, then the associated carrying
14 costs should also be disallowed, and we agree with
15 that.

16 But our point is if we -- if we disallow
17 the AFEUDC and then we also disallow the regulatory
18 asset, we're talking about a double-dip, as
19 Mr. Fischer mentioned in his opening.

20 Q. Are you saying the AFEUDC and the
21 regulatory asset are the same thing?

22 A. The -- there's a carrying cost built into
23 the regulatory asset. That's one of the two
24 components of the regulatory asset. It's not exactly
25 the same thing, but generally for our purposes we

1 consider the regulatory -- the AFEUDC and the
2 carrying costs to be the same thing.

3 Q. Okay. If you treat the carrying costs and
4 the AFEUDC as the same thing, why would you disallow
5 it on the one side but not on the other?

6 A. I guess I don't understand your question.

7 Q. My question is, why would you be treating,
8 then, the carrying costs and the AFEUDC differently?

9 A. Well, once again, the AFEUDC related to
10 the -- any disallowed costs that are authorized by
11 the Commission should be -- should be removed from
12 the case. We agree with that. But the carrying
13 costs and the regulatory asset, to disallow that also
14 would be a double-dip.

15 Q. So is it your position that the carrying
16 costs are a part of the total cost of the
17 construction project?

18 A. Definitely. Yes.

19 Q. Are you familiar with the Wolf Creek case?

20 A. Oh, just generally. I wasn't here with
21 KCP&L at the time, so I don't have a lot of detailed
22 knowledge about that.

23 Q. Do you know if the Commission disallowed
24 costs in relationship to that construction project?

25 A. Yes, it's my understanding that there was

1 a disallowance, whether it -- there was a
2 disallowance, yes, in that fashion.

3 Q. Do you know whether those costs that
4 were -- if those costs were written off on KCPL's
5 balance sheets for financial reporting?

6 A. Once again, I wasn't here at the time, but
7 it's my understanding they were written off for
8 financial reporting purposes as well as reflected as
9 a disallowance in future rate cases.

10 MS. OTT: I have nothing further.

11 JUDGE PRIDGIN: Ms. Ott, thank you.

12 Commissioner Kenney.

13 COMMISSIONER KENNEY: No, thank you. No
14 questions.

15 JUDGE PRIDGIN: Redirect?

16 MR. FISCHER: Just briefly, Judge.

17 REDIRECT EXAMINATION BY MR. FISCHER:

18 Q. Mr. Weisensee, I don't believe you were
19 here last week or the previous week whenever the
20 Iatan issues were actually being heard, but is it
21 your understanding that some of the staff's
22 disallowances are based upon grounds other than just
23 prudence?

24 A. My general understanding is there was some
25 specific prudence recommended disallowances, and

1 there was also some alleged cost overruns that
2 resulted in a need for proposed disallowance, yes.

3 Q. Do you know if the Staff also proposed
4 disallowances based upon what they considered to be
5 unreasonable, inappropriate, or not benefiting
6 ratepayers?

7 A. I don't know specifically on that.

8 Q. Okay. Ms. Ott asked you some questions
9 about, I believe, why you were treating AFEUDC costs
10 differently. Do you recall that?

11 A. Yes, I do.

12 Q. Why do you have to include all of the
13 costs in the plant account before the disallowances
14 are concerned?

15 A. Well, once again, as we've stated, the
16 purpose of the regulatory asset mechanism or
17 construction accounting, as she referred to that,
18 there's a couple of purposes, but the primary one
19 we've been talking about thus far is related to
20 carrying costs.

21 And the idea there was that any plant
22 additions we have passed the last rate case, the
23 carrying costs on those plant additions would be
24 included in this regulatory asset, which basically
25 would allow, in effect, those plant additions post-

1 last case to be treated as CWIP, construction work in
2 progress.

3 Q. Has Staff removed from the plant in
4 service the AFEUDC related to the proposed
5 disallowances?

6 A. It's my understanding that they have.
7 Once again, that wasn't an issue I was directly
8 involved in, but I believe part of the recommended or
9 proposed disallowances was AFEUDC related to the
10 disallowances that they did propose, yes.

11 Q. So the AFEUDC after April 1st of 2009,
12 wouldn't have been in the plant accounts. Is that
13 your understanding?

14 A. The -- yeah, that's correct. The
15 AFEUDC -- once again, the plant additions that were
16 recorded after the last rate case, the -- the related
17 carrying cost is included in the -- in the regulatory
18 asset, not in the plant accounts.

19 Q. Ms. Ott also asked you a question, I
20 believe, about Wolf Creek and whether those
21 disallowances were written off. Do you recall that?

22 A. Yes, I do.

23 Q. Since Wolf Creek, is it your understanding
24 that some of the accounting rules regarding write-
25 offs have changed and require write-offs today?

1 A. That's what I understand. That's not --
2 once again, that's not my particular job function,
3 but that's what I understand, yes.

4 Q. Do you happen to know what opinion that
5 would be?

6 A In regard for write-off requirements
7 today?

8 Q. Yes.

9 A. No, I do not.

10 MR. FISCHER: Okay. Thank you very much.
11 That's all I have.

12 JUDGE PRIDGIN: All right. Thank you very
13 much, Mr. Weisensee. You may step down, and then
14 we'll have Mr. Majors on the stand.

15 Mr. Majors, if you'll raise your right
16 hand to be sworn, please.

17 KEITH A. MAJORS,
18 produced, sworn, and examined, testified as follows:

19 JUDGE PRIDGIN: Thank you very much.

20 Please have a seat.

21 Ms. Ott, anything before he stands cross?

22 DIRECT EXAMINATION BY MS. OTT:

23 Q. Please state your name for the record.

24 A. Keith A. Majors.

25 Q. And by whom are you employed and in what

1 capacity?

2 A. With the Missouri Public Service
3 Commission as a utility regulatory auditor.

4 Q. And are you the same Keith Majors who has
5 caused to prepare filed rebuttal and surrebuttal
6 testimony marked as KCPL 230 and KCPL 231?

7 A. I am.

8 Q. Do you have any changes to make to that
9 testimony at this time?

10 A. I don't.

11 MS. OTT: with that I'll tender him to
12 cross-examination. We'll wait until Mr. Majors' last
13 issue before we offer the testimony.

14 JUDGE PRIDGIN: All right. Thank you.
15 Cross-examination, Mr. Fischer.

16 MR. FISCHER: Just briefly.

17 Good afternoon, Mr. Majors. I have just
18 a few questions.

19 CROSS-EXAMINATION BY MR. FISCHER:

20 Q. As I understand your rebuttal testimony on
21 page 23 --

22 A. In the 355 case?

23 Q. Yes, sir.

24 -- there on line 10 through 12 --

25 A. Yes.

1 Q. -- as I understand that testimony, the
2 reason Staff has not included in any of Iatan 1
3 regulatory asset costs in this case is because Staff
4 is recommending a cost disallowance for substantially
5 all, if not all, of the costs that would be included
6 in the regulatory asset; is that right?

7 A. That's correct.

8 Q. Is it correct to conclude that the reason
9 the Staff is not including the Iatan 1 regulatory
10 asset costs in its case is because Staff is
11 recommending a disallowance of all of those Iatan 1
12 costs above the Company's control budget estimate?

13 A. There's a recommendation for specific --
14 specific proposed disallowances. There is also an
15 adjustment for net unidentified, unexplained cost
16 overruns.

17 Q. And if the Commission adopted all of those
18 adjustments, then all of the costs above the control
19 budget estimate would be disallowed. Is that your
20 understanding?

21 A. I believe so, yes.

22 Q. Okay. Let's look at your -- on page 23 of
23 your rebuttal at lines 13 through 16. There you
24 state that to the extent that the Commission allows
25 rate recovery, the costs that KCPL is seeking to

1 recover through the regulatory asset, Staff
2 recommends the Commission treat those costs
3 consistent with the terms of Case No. ER2009-0089,
4 nonunanimous stipulation agreement; is that right?

5 A. That's correct.

6 Q. So Staff agreed to the terms of that
7 stipulation. I think you quote that in your
8 testimony as well; right?

9 A. Yes, I do.

10 MR. FISCHER: Judge, just for the record,
11 I'd ask that the Commission take administrative
12 notice of the order approving that nonunanimous
13 stipulations, that agreement, in authorizing tariff
14 filing, which was issued on June the 10th of 2009 in
15 Case No. ER2009-0089.

16 JUDGE PRIDGIN: So noted.

17 BY MR. FISCHER:

18 Q. Mr. Major, is it correct that if the
19 Commission rejects the Staff's disallowances related
20 to the Iatan 1 prudence disallowances in its report
21 and order in this case, then the Staff agrees that it
22 would be appropriate for the Commission to include
23 the Iatan 1 regulatory asset costs in the calculation
24 of the revenue requirement in this case?

25 A. To the extent -- it would depend on to the

1 extent they either did not agree with the
2 disallowances. There would be an adjustment based on
3 the amount of disallowances the Commission
4 authorized, yes.

5 Q. Let's just assume for purposes of this
6 that all of those disallowances were rejected. Then
7 the staff would recognize the regulatory asset costs
8 in the revenue requirement?

9 A. Yes --

10 Q. Okay.

11 A. -- just related to the Iatan 1 --

12 Q. Yes.

13 A. -- at this time.

14 Q. Yeah, that was my question.

15 A. Yes.

16 Q. Now, is it your understanding that the
17 company has included carrying costs in the regulatory
18 asset associated with Iatan 1 and the common plant
19 after expenditures that were made after April 30,
20 2009?

21 A. I believe so, yes.

22 Q. If the Commission adopts the Staff's
23 position on this Iatan 1 regulatory asset issue, then
24 those carrying costs would be disallowed. Is that
25 your understanding?

1 A. If the Commission adapts which party's --

2 Q. If it adopts your position, the Staff's
3 position, on the regulatory asset for Iatan 1, then
4 those carrying costs that were included in KCPL's
5 regulatory asset would be disallowed?

6 A. That's correct.

7 Q. Now, in your November 3, 2010,
8 construction audit and prudence review, I believe
9 staff suggested several disallowances related to
10 Iatan 1, which you just talked about, I think, which
11 are included in the Schedule 1-1; is that right?

12 A. And 1-2, yes.

13 Q. Yeah. 1-2 included your AFEUDC
14 calculations that you did, is that right, that were
15 related to each of the prudence disallowances?

16 A. That's correct.

17 Q. If the Commission adopts Staff's proposed
18 Iatan 1 disallowances, isn't it true that the -- your
19 adjustments would include an AFEUDC or a carrying
20 cost component with those adjustments?

21 A. That's correct, yes.

22 Q. So if the Commission adopts the Staff's
23 proposed Iatan 1 disallowances, wouldn't it be
24 correct that the AFEUDC associated with those
25 adjustments would be disallowed?

1 A. Yes, that's correct.

2 Q. If the Commission adopts the Staff's
3 position on the Regulatory One regulatory asset
4 adjustment in this portion of the case, isn't it
5 correct that the AFEUDC costs associated with
6 expenditures that Iatan 1 after April 30, 2009, would
7 also be disallowed?

8 A. Yes, that's -- that's correct.

9 Q. Okay. Turning to the depreciation
10 component for just a moment, has Staff made any
11 adjustment to its accumulated reserve for
12 depreciation related to its proposed Iatan 1
13 regulatory asset adjustment?

14 A. I'm not -- I don't know.

15 Q. Okay. You don't know one way or the
16 other?

17 A. No, I don't.

18 Q. Okay. If the Commission adopts a prudence
19 disallowance for Iatan 1, would you agree that the
20 accumulated reserve for depreciation related to those
21 plant disallowances should be adjusted to remove the
22 related reserve for depreciation?

23 A. Yes.

24 Q. Okay. Let's turn for just a minute to the
25 Iatan 2 construction accounting issue. The Staff's

1 Cost of Service report at page 53, which I think you
2 sponsored, addresses the Iatan Unit 2 construction
3 accounting issue regulatory asset?

4 A. I believe so. I don't have that in front
5 of me but, yes.

6 Q. I think we can do it without having to
7 look at it.

8 As a part of the regulatory plan
9 stipulation and agreement, is it your understanding
10 that the signatory parties agreed to construction
11 accounting as it was defined in that particular
12 stipulation for Iatan 2 for the costs that occurred
13 after the inservice date of Iatan 2 until the
14 effective date of the rates in this case?

15 A. If those are the terms that were agreed
16 to, then yes.

17 Q. Is it also your understanding that the
18 staff engineers have concluded that Iatan 2 has met
19 its inservice criteria as of August 26 of this
20 year -- of last year?

21 A. I believe so, yes.

22 Q. Will staff recognize construction
23 accounting for the Iatan 2 costs after the date as
24 part of the true-up proceedings in this case?

25 A. We will evaluate those calculations, yes,

1 but it will be subject to adjustments based on
2 Staff's updated -- or Staff's trued-up Iatan
3 construction on prudence review report or results
4 from that audit.

5 Q. well, I guess, will it depend on whether
6 the Commission adopts the Staff's proposed
7 disallowances on Iatan 2, the prudence disallowances,
8 or not?

9 I'm not sure I understand where you're at
10 on that.

11 A. well, there will be an adjustment -- there
12 will be an adjustment based on -- there will be an
13 adjustment to the construction accounting
14 calculations based on Staff's adjustments to the --
15 based on the Iatan construction on prudence review
16 for the Iatan 2 costs as well.

17 Q. If the Commission would reject all of the
18 Staff's proposed disallowances, then would you be
19 reflecting the full amount of the Iatan 2 costs after
20 the date we agreed to, the August 26, 2010, date
21 through the effective date of this case, the
22 effective date of the rates in this case?

23 A. We would after a review of the
24 calculations, yes.

25 Q. Okay. Has Staff addressed the

1 amortization the amounts deferred under the
2 construction accounting method in this case, that you
3 know of?

4 A. Related to which plant?

5 Q. Iatan 2.

6 A. We haven't included them in the cost of
7 service yet. That was to be an item that would be in
8 the true-up process as well as -- you referred to the
9 amortization as well as the total amount of the rate
10 case asset.

11 Q. Well, is there a substantive issue related
12 to that amortization or not?

13 A. Well, the amortization would be related to
14 the total amount of the asset, so the amortization
15 would be -- would directly go -- increase or decrease
16 based on the size of the asset and the amount of
17 years to be amortized over.

18 Q. I'm just a little confused. On page 53 of
19 the Staff Cost Service report, there was a statement
20 that at the time of the true-up in this case Staff
21 will review and evaluate calculations made for
22 construction accounting, including the test power
23 calculations for Iatan Unit 2. Is that your
24 understanding?

25 A. Yes.

1 Q. And I was just trying to determine whether
2 you knew if there were any substantive issues that
3 needed to be addressed by the Commission related to
4 that Iatan 2 accounting.

5 A. Well, to the extent that Staff has
6 proposed disallowances based on its construction
7 audit and prudence review, that -- the amount of
8 construction -- the amount of depreciation carrying
9 costs would decrease based on Staff's adjustments,
10 yes.

11 Q. So we might have a similar issue for Iatan
12 2 as we are talking about for Iatan 1?

13 A. That's correct.

14 Q. You wouldn't want to double-dip any of the
15 AFEUDC on that; right?

16 A. What do you mean?

17 Q. You wouldn't want to disallow both the
18 AFEUDC that might be contained in the Iatan 2
19 construction accounting regulatory asset and also
20 reflect that -- a similar AFEUDC amount on specific
21 prudence disallowances proposed by Staff?

22 A. Well, I think the issue is that the AFEUDC
23 disallowances that are in Staff's construction audit
24 and prudence review relate to the AFEUDC that was
25 accrued on the plant balances. There's a difference

1 between that amount and the carrying costs that are
2 in the regulatory assets.

3 Q. But you wouldn't want to recognize them
4 twice; right?

5 A. If you -- if you remove -- if you -- if
6 the Commission accepts a prudence disallowance as
7 proposed by Staff, you would have to remove both, and
8 it would not be double-dipping. In essence, when
9 you -- construction accounting, when the plant goes
10 in service, it starts depreciating.

11 when we agreed to construction
12 accounting, you defer that depreciation into a
13 regulatory asset account and you also have carrying
14 costs similar to AFEUDC, so when you -- if there
15 were -- if it was determined that there was an
16 imprudent, inappropriate cost in the plant balance
17 amount, you would both -- you would remove both the
18 AFEUDC that was initially accrued on it and the
19 construction accounting accrual for the carrying
20 costs that was incurred in the regulatory asset. No,
21 that would not be double-dipping.

22 Q. well, let me make sure I understand. I
23 may just not understand your position.

24 Just like an Iatan 1 regulatory asset, on
25 the Iatan 2, the Company -- we call it construction

1 accounting, but aren't we accruing carrying
2 costs on the plant that after the date that it
3 went in service until the current rates become
4 effective?

5 A. You are essentially treating the
6 plant as if it goes into service the date rates
7 go into effect.

8 Q. And that includes carrying costs;
9 right?

10 A. Yes, it does.

11 Q. Okay. And the disallowances that the
12 staff has proposed as a part of the prudence
13 issue, didn't you calculate additional AFEUDC
14 effects on those specific disallowances as well?

15 A. Yes. Yes, I did.

16 Q. And if the Commission adopts your
17 prudence disallowances, they would also be
18 adopting those AFEUDC amounts.

19 A. The ones proposed in the staff
20 report, yes.

21 Q. Okay.

22 MR. FISCHER: Thank you very much. I
23 appreciate your time.

24 JUDGE PRIDGIN: Mr. Fischer, thank
25 you.

1 Commissioner Kenney, any questions?

2 COMMISSIONER KENNEY: No, thank you.

3 Thank you very much for your time.

4 JUDGE PRIDGIN: Redirect?

5 REDIRECT EXAMINATION BY MS. OTT:

6 Q. Mr. Major, just so the record's
7 clear, I want to go -- can you explain what
8 AFEUDC is.

9 A. Allowance for funds used during
10 construction is the accrual of the costs of
11 construction -- of constructing an asset while
12 its in construction.

13 Q. Can you explain the difference
14 between the AFEUDC and then the regulatory
15 assets that's at issue right now today.

16 A. The allowance for funds used are in
17 construction is while the plant is actually
18 being constructed and is accrued until it goes
19 into service. Construction -- the carrying
20 costs portion of construction accounting is
21 based on the costs that were incurred after the
22 plant went in service. In this case for Iatan
23 1, it would be April 19th of 2009.

24 Q. So are your adjustments that you
25 proposed for AFEUDC related to Staff's prudence

1 disallowances -- do they include the same
2 carrying costs for this regulatory asset?

3 A. They're similar carrying costs but at
4 a different point in time and at a different
5 rate.

6 Q. So if a cost never existed for
7 ratemaking purposes, the Commission would accept
8 Staff's proposal should it accrue AFEUDC?

9 A. No.

10 Q. And if it never existed for
11 ratemaking purposes, is it possible to be a
12 double-dip on a disallowance?

13 A. If I -- if I remove both the original
14 AFEUDC up until the plant goes into service and
15 the carrying costs in the regulatory asset?

16 Q. Yes.

17 A. Then, no, it wouldn't be double-
18 dipping, how that term is used in the
19 vernacular.

20 Q. Okay. So if the Iatan disallowances
21 are -- if the Commission accepts Staff's
22 position on the Iatan disallowances, should they
23 be included in KCP&L's rate base?

24 A. The actual disallowances?

25 Q. Yes.

1 A. No.

2 Q. So they would be treated as if the
3 cost never existed for ratemaking purposes?

4 A. That's correct.

5 MS. OTT: I have nothing further.

6 Thank you.

7 JUDGE PRIDGIN: All right. Ms. Ott,
8 thank you.

9 Mr. Majors, thank you very much.
10 You may step down.

11 Is it my understanding that's the
12 final witness for today?

13 MS. OTT: Yes.

14 MR. FISCHER: Yes, sir.

15 JUDGE PRIDGIN: All right. I would
16 like to talk scheduling with counsel. Can that
17 be done off the record?

18 MS. OTT: Sure.

19 MR. FISCHER: That would be fine.

20 JUDGE PRIDGIN: If nothing further,
21 I've already canceled the hearing tomorrow due
22 to the weather, and we'll tentatively plan to
23 reconvene, let's say -- let's call it ten
24 o'clock wednesday morning with the understanding
25 we may have to change that depending on the

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weather, so we'll go off the record and discuss
scheduling.

(WHEREUPON, the hearing was adjourned until
8:30 a.m., February 3, 2011.)

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CERTIFICATE

I, Nancy L. Silva, RPR, a Certified Court Reporter, CCR No. 890, the officer before whom the foregoing hearing was taken, do hereby certify that the witness whose testimony appears in the foregoing hearing was duly sworn; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Nancy L. Silva, RPR, CCR

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11
12
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14
15
16
17
18
19
20
21
22
23
24
25

INDEX

KCP&L EVIDENCE

JOHN GOBLE
 Direct Examination by Ms. Cunningham 3030
 Cross-Examination by Mr. Jacobs 3033
 Questions by Commissioner Jarrett 3073
 Redirect Examination by Ms. Cunningham 3074

WILLIAM E. BLUNK
 Direct Examination by Mr. Zobrist 3196

BURTON CRAWFORD
 Direct Examination by Mr. Zobrist 3199
 Cross-Examination by Mr. Thompson 3202
 Redirect Examination by Mr. Zobrist 3205

JOHN WEISENSEE
 Direct Examination by Mr. Fischer 3230
 Cross-Examination by Ms. Ott 3233
 Redirect Examination by Mr. Fischer 3237

MGE EVIDENCE

JOHN J. REED
 Direct Examination by Mr. Jacobs 3082
 Cross-Examination by Ms. Hernandez 3085
 Cross-Examination by Ms. Cunningham 3095
 Questions by Commissioner Jarrett 3140
 Recross-Examination by Ms. Cunningham 3144
 Redirect Examination by Mr. Jacobs 3145

STAFF EVIDENCE

JOHN ROGERS
 Direct Examination by Ms. Hernandez 3161
 Cross-Examination by Mr. Jacobs 3165
 Redirect Examination by Ms. Hernandez 3186

V. WILLIAM HARRIS
 Direct Examination by Mr. Thompson 3207
 Cross-Examination by Mr. Zobrist 3210

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX (cont.)

ERIN MALONEY		
Direct Examination by Mr. Thompson		3213
Cross-Examiantion by Mr. Zobrist		3215
Redirect Examinatin by Mr. Thompson		3220
KEITH MAJORS		
Direct Examination by Ms. Ott		3240
Cross-Examination by Mr. Fischer		3241
Redirect Examination by Ms. Ott		3252

EXHIBIT INDEX			
		MARKED	REC'D
1	KANSAS CITY POWER AND LIGHT:		
2	GMO Exhibit No. 7-HC		
3	Direct Testimony of Wm. Edward Blunk,		
4	Highly Confidential	3196	3197
5	GMO Exhibit No. 7-NP		
6	Direct Testimony of Wm. Edward Blunk,		
7	Nonproprietary	3196	3197
8	KCP&L Exhibit No. 10-HC		
9	Direct Testimony of Wm. Edward Blunk		
10	Highly Confidential	3196	3197
11	KCP&L Exhibit No. 10-NP		
12	Direct Testimony of Wm. Edward Blunk		
13	Nonproprietary	3196	3197
14	GMO Exhibit No. 10-HC		
15	Direct Testimony of Burton L. Crawford		
16	Highly Confidential	3200	3201
17	GMO Exhibit No. 10-NP		
18	Direct Testimony of Burton L. Crawford		
19	Nonproprietary	3200	3201
20	GMO Exhibit No. 14		
21	Rebuttal Testimony of Gary Goble	3031	3032
22	KCP&L Exhibit No. 15-HC		
23	Direct Testimony of Burton L. Crawford		
24	Highly Confidential	3201	3201
25	KCP&L Exhibit No. 15-NP		
26	Direct Testimony of Burton L. Crawford		
27	Nonproprietary	3201	3201
28	KCP&L Exhibit No. 16		
29	Rebuttal Testimony, Burton Crawford	3201	3201
30	KCP&L Exhibit No. 17		
31	Surrebuttal Testimony, Burton Crawford	3201	3201
32	KCP&L Exhibit No. 26		
33	Rebuttal Testimony of Gary L. Goble	3031	3032
34			

	EXHIBIT INDEX		
		MARKED	REC'D
1			
2			
3			
4	GMO Exhibit No. 42 Direct Testimony of John Weisensee	3231	3232
5	GMO Exhibit No. 43 Rebuttal Testimony, John Weisensee	3231	3232
6			
7	GMO Exhibit No. 44 Surrebuttal Testimony, John Weisensee	3231	3232
8	KCP&L Exhibit No. 63-HC Highly Confidential	3231	3232
9			
10	KCP&L Exhibit No. 63-NP Direct Testimony of John P. Weisensee Nonproprietary	3231	3232
11			
12	KCP&L Exhibit No. 64-HC Rebuttal Testimony, John Weisensee Highly Confidential	3231	3232
13			
14	KCP&L Exhibit No. 64-NP Rebuttal Testimony, John Weisensee Nonproprietary	3231	3232
15			
16	KCP&L Exhibit No. 65 Surrebuttal of John P. Weisensee	3231	3232
17	KCP&L Exhibit No. 103 ENERGY STAR Performance Ratings	3111	3111
18			
19	KCP&L Exhibit No. 104 Copy of Senate Bill 376	3132	3132
20			
21	GMO Exhibits:		
22	GMO Exhibit No. 11-HC Rebuttal Testimony of Burton Crawford Highly Confidential	3178	
23			
24	GMO Exhibit No. 11-NP Rebuttal Testimony of Burton Crawford Nonproprietary	3178	
25			

EXHIBIT INDEX			
		MARKED	REC'D
1			
2			
3	KCP&L Exhibit No. 2201-HC		
4	Direct Testimony of John J. Reed, Highly Confidential		3085
5	KCP&L Exhibit No. 2201-NP		
6	Direct Testimony of John J. Reed, Nonproprietary		3085
7	GMO Exhibit No. 2201-HC		
8	Direct Testimony of John J. Reed, Highly Confidential		3085
9	GMO Exhibit No. 2201-NP		
10	Direct Testimony of John J. Reed, Nonproprietary		3085
11	KCP&L Exhibit No. 2203-HC		
12	Surrebuttal Testimony of John J. Reed, Highly Confidential		3085
13	KCP&L Exhibit No. 2203-NP		
14	Surrebuttal Testimony of John J. Reed, Nonproprietary		3085
15	GMO Exhibit No. 2203		
16	Surrebuttal Testimony of John J. Reed,		3085
17	KCP&L Exhibit No. 2205 Energy Plan Fact Website Page		3048
18	KCP&L Exhibit No. 2206		
19	Response to Cooper Dean Interrogatories	3050	3050
20	KCP&L Exhibit No. 2207 Statement of Adoption - Attached Rules		3053
21	KCP&L Exhibit No. 2208 DPUC Review		3059
22	KCP&L Exhibit No. 2209		
23	Review of Site & Full-Cycle Measurement	3064	3064
24	KCP&L Exhibit No. 2210 Source Energy and Emission Factors Report		3067
25			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT INDEX

MARKED REC'D

KCP&L Exhibit No. 2211 NRRRI Electric-to-Gas Substitution Report		3071
KCP&L Exhibit No. 2212 Electric-to-Gas Fuel Switching Report		3071
KCP&L Exhibit No. 2213 AGA Energy Analysis	3072	3072
KCP&L Exhibit No. 2214 MGE 1-22-08 Letter	3160	3160
KCP&L Exhibit No. 2215 2008 Arkansas Report		3167
STAFF EXHIBITS:		
GMO Exhibit No. 220-HC Rebuttal Testimony of William Harris Highly Confidential		3221
GMO Exhibit No. 220-NP Rebuttal Testimony of William Harris Nonproprietary		3221
KCP&L Exhibit No. 220-HC Rebuttal Testimony of William Harris Highly Confidential		3209
KCP&L Exhibit No. 220-NP Rebuttal Testimony of William Harris Nonproprietary		3209
KCP&L Exhibit No. 221-HC Surrebuttal Testimony of William Harris Highly Confidential		3209
KCP&L Exhibit No. 221-NP Surrebuttal Testimony of William Harris Nonproprietary		3209
GMO Exhibit No. 221 Surrebuttal Testimony of William Harris		3221

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT INDEX

MARKED REC'D

GMO Exhibit No. 231 Rebuttal Testimony of Erin Maloney	3222
KCP&L Exhibit No. 232 Surrebuttal Testimony of Erin Maloney	3222
KCP&L Exhibit No. 239-HC Testimony of John Rogers Highly Confidential	3164
KCP&L Exhibit No. 269-NP Testimony of John Rogers Nonproprietary	3164
GMO Exhibit No. 240-HC Rebuttal Testimony of John Rogers Highly Confidential	3164
GMO Exhibit No. 240-NP Rebuttal Testimony of John Rogers Nonproprietary	3164

<p style="text-align: center;"><u> </u> \$</p> <p>\$1000 3028:13 \$111 3225:10 \$1200 3028:13 \$2,000 3119:12 \$200 3027:9 3028:25 3029:1 \$40 3028:25 \$49 3177:19 \$600 3027:12 3142:17 \$700 3028:12</p> <hr/> <p style="text-align: center;"><u> </u> 0</p> <p>0355 3082:25 3083:16 3196:16 3199:13 0356 3082:23 3083:7,19 3162:9 3200:3</p> <hr/> <p style="text-align: center;"><u> </u> 1</p> <p>1 3084:4 3110:11 3218:16 3224:22 3225:11,19,2 2 3226:5,13,19 ,24 3227:2,7,11, 13,21,25 3228:4,22,24 3229:2 3233:18,19,2 1 3234:4,10,12 3242:2,9,11 3243:20,23 3244:11,18,2 3 3245:3,10,18 ,23 3246:6,12,19 3250:12 3251:24 3253:23 1.0 3111:7 1.01 3052:15,19</p>	<p>3111:5 1.047 3111:2 1.25 3177:16 1/7 3142:5 1:15 3144:2 10 3078:4 3115:15 3138:17 3141:9 3163:17 3197:25 3200:11 3201:21,24 3241:24 10,000 3121:10 100 3175:10 1000 3018:14 10-02-07 3059:9 101 3018:18 3109:16 103 3109:18 3111:9,13,14 3261:17 104 3131:15,24 3132:4 3261:18 104595 3019:17 104's 3132:3 10-HC 3196:21 3197:17 3198:5,8 3200:12 3202:4,6 3260:7,11 10-NP 3260:9,13 10th 3224:19 3243:14 11 3119:14 3120:2 3135:8 3163:20,24 3178:14 3200:11 1-1 3245:11 1100 3019:2 111 3018:6</p>	<p>119 3019:21 11-HC 3178:21 3261:21 11-NP 3261:23 12 3101:20,21 3108:25 3123:7 3162:19,20 3163:20,22,2 4 3200:11 3204:15 3241:24 1-2 3245:12,13 122 3177:19 1-22-08 3263:8 13 3023:17 3024:6 3108:25 3242:23 130 3017:11 13220 3020:5 14 3031:10,12 3032:3,7,9 3052:5 3260:15 1464 3019:15 15 3106:9,13 3116:10 3119:14 3120:3 3122:1,5,18, 24,25 3199:17 15-HC 3201:11,14,1 6,18 3260:17 15-NP 3260:19 15-year-old 3077:15 16 3101:7 3106:14 3134:10 3200:1 3201:11,15,1 6,19 3242:23 3260:21 1613 3019:15 17 3078:2 3106:10,14 3116:11</p>	<p>3129:7 3162:20 3200:1 3201:11,15,1 6,19 3260:22 18 3123:16 3136:1,3 19 3107:18 3108:25 3163:21 3209:11 1928 3167:1 1996 3215:8,17 3217:5 19th 3253:23 1st 3239:11</p> <hr/> <p style="text-align: center;"><u> </u> 2</p> <p>2 3049:3 3068:24 3084:5 3098:2,16 3110:2 3187:12 3209:2 3229:8,12,13 ,15,19,25 3230:2 3233:18 3234:8 3246:25 3247:2,12,13 ,18,23 3248:7,16,19 3249:5,23 3250:4,12,18 3251:25 2.00 3177:16 2.66 3133:2 20 3111:17 3113:9 3141:1,3,9 3163:24 20,000 3121:10 200 3017:11 3020:20 3021:3 200,000,000 3177:24 2005 3119:16 2007 3110:5</p>
--	--	---	--

<p>2008 3129:22 3130:3 3155:19 3158:5 3170:11 3177:8,12 3190:10 3263:9</p> <p>2009 3022:21 3043:1 3119:15 3224:18,20 3225:12 3226:1,11 3227:2,7 3239:11 3243:14 3244:20 3246:6 3253:23</p> <p>2010 3050:3 3059:9 3207:3,5 3211:7 3212:3 3229:16 3245:7 3248:20</p> <p>2011 3016:5 3068:11 3256:4</p> <p>202. 586. 3409 3018:15</p> <p>2020 3129:18</p> <p>2025 3129:18</p> <p>2030 3177:15,17,2 5</p> <p>20585 3018:15</p> <p>20-year-old 3077:16</p> <p>21 3050:3 3131:1 3137:12</p> <p>22 3083:23 3115:12 3155:18 3158:5 3162:21</p> <p>220 3208:7 3210:3,7 3222:7</p> <p>2201 3083:1 3084:22</p>	<p>2201-HC 3083:8 3084:23 3085:11,14 3262:3,7</p> <p>2201-NP 3083:1,8 3084:22 3085:5,6,11, 13 3262:5,9</p> <p>2203 3083:11,23 3084:23 3085:6,14 3262:15</p> <p>2203-HC 3083:5 3084:22 3085:12 3262:11</p> <p>2203-NP 3083:5 3085:5,12 3262:13</p> <p>2205 3045:10 3048:9,19,20 3078:11 3262:16</p> <p>2206 3050:6,10,11 3262:18</p> <p>2207 3053:12,15,1 8,20 3079:15 3262:19</p> <p>2208 3056:3,5 3059:17,21,2 2 3080:9 3262:21</p> <p>2209 3064:1,20,23 ,24 3100:25 3262:22</p> <p>220-HC 3263:12,16</p> <p>220-NP 3210:13 3222:4,11,12 3263:14,18</p> <p>221 3208:7 3210:4,7 3222:4,7,11, 13 3263:24</p> <p>2210 3063:25</p>	<p>3066:19,25 3067:9,11,12 3262:24</p> <p>2211 3068:11,12 3070:25 3071:3,4,13, 17,18 3263:3</p> <p>2212 3072:1,2 3074:3 3092:19 3093:7,8 3263:4</p> <p>2213 3072:18,20,2 2,24,25 3263:6</p> <p>2214 3160:5,6,8,1 3,14 3263:7</p> <p>2215 3166:18,20 3167:6,9,11 3263:9</p> <p>221-HC 3210:14 3263:20</p> <p>221-NP 3263:22</p> <p>2230 3021:3</p> <p>23 3118:4,10 3241:21 3242:22</p> <p>230 3019:6 3241:6</p> <p>231 3222:5,15,22 ,24 3241:6 3264:3</p> <p>232 3214:3,19,21 ,23 3222:23 3264:5</p> <p>239 3162:17 3164:12</p> <p>239-HC 3164:16,19 3264:6</p> <p>240 3162:20 3164:12,13</p> <p>240-HC 3164:17,20 3264:10</p>	<p>240-NP 3264:12</p> <p>26 3031:7,12 3032:2,6,8 3119:13 3120:2 3229:16,19 3247:19 3248:20 3260:24</p> <p>269-NP 3264:8</p> <p>27 3026:19 3067:14 3138:13 3175:12</p> <p>28 3050:14 3123:20,21</p> <p>29 3123:20,22 3125:6</p> <p>293 3082:16</p> <p>297 3178:1</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 3084:5 3110:10,12 3141:9,15 3209:2 3245:7 3256:4</p> <p>3.38 3133:7</p> <p>3.72 3133:7</p> <p>3:45 3223:7</p> <p>30 3119:19 3120:24 3226:11,16 3227:2,7 3228:10 3244:19 3246:6</p> <p>300 3017:8</p> <p>301 3017:23 3018:2</p> <p>3030 3258:3</p> <p>3031 3260:16,24</p> <p>3032 3260:16,24</p> <p>3033 3258:4</p> <p>3048 3262:17</p> <p>3050 3262:18</p>
---	---	---	---

<p>3053 3262:20 3059 3262:21 3064 3262:23 3067 3262:24 3071 3263:3,5 3072 3263:6 3073 3258:4 3074 3258:5 308 3017:19 3082 3258:14 3085 3258:15 3262:4,6,7,9 ,12,14,15 309 3020:20 3095 3258:15 31 3016:5,6 3206:18 3207:5 3111 3261:17 312 3018:10 312.371.2673 3019:22 3132 3261:19 314.395.8002 3020:10 314.725.8788 3017:12 3140 3258:16 3144 3258:16 3145 3258:17 3160 3263:8 3161 3258:20 3164 3264:7,9,11, 13 3165 3258:20 3167 3263:9 3178 3261:22,24 3186 3258:21 3196 3258:6 3260:4,6,8,1 0 3197 3260:4,6,8,1 0</p>	<p>3199 3258:8 31st 3207:3 32,000 3121:10 320 3020:5 3200 3260:12,14 3201 3260:12,14,1 8,20,21,23 3202 3258:8 3205 3258:9 3207 3258:22 3209 3263:17,19,2 1,23 3210 3258:23 3213 3259:2 3215 3259:3 3220 3259:3 3221 3263:13,15,2 4 3222 3264:4,5 3230 3258:10 3231 3261:4,5,7,8 ,10,12,14,16 3232 3261:4,5,7,8 ,10,12,14,16 3233 3258:11 3237 3258:11 3240 3259:5 3241 3259:5 32459 3019:22 3252 3259:6 33 3126:2,5 3321 3019:10 34 3126:2 3129:7 3420 3017:15 35 3129:21 3130:2 355 3134:6 3241:22</p>	<p>36 3027:13 360 3157:8 3600 3157:12 37 3130:25 3131:1,19 376 3131:3,16,21 3132:12,16,2 1 3190:16 3261:19 38 3102:14 3130:25 3131:2,20 39 3103:11,12 <hr/> 4 4 3084:4,5 3132:25 3134:9 400 3018:18 3029:8 3121:6 41 3132:23 411 3205:25 3218:18 412 3019:15 417.864.8800 3017:4 418679 3018:22 42 3231:13,20 3232:21,25 3261:3 428 3017:8 43 3192:25 3231:21,25 3232:21,25 3261:5 44 3231:23,25 3232:21 3233:1 3261:6 4520 3019:2 456 3018:10 475 3019:13 <hr/> 5 5 3084:4,5 3098:20,23 3101:20,21</p>	<p>3200:21 5.09 3079:22 5.09(a) 3054:3 50 3179:25 53 3247:1 3249:18 536.068 3154:11 536.070 3154:12 55 3057:1,6 57 3055:25 3056:8,9,11, 21 3080:14,16 573.443.3141 3018:7 573.634.2266 3017:24 3018:3 573.634.2500 3017:20 573.635.0427 3018:11 573.635.2700 3017:9 573.636.6263 3019:7 573.636.6758 3018:19 573.659.8672 3019:18 573.751.0052 3020:2 573.751.4857 3021:4 573.751.6514 3020:21 58 3056:24 3057:9 3058:4 3080:14 3081:11 59 3178:1 <hr/> 6 6 3105:12 60 3049:1,10 3177:24 601 3017:23</p>
---	---	--	--

<p>3018:2 63 3177:17 63105 3017:12 63119 3020:9 63-HC 3231:6,12 3232:20,23 3261:8 63-NP 3231:6 3261:9 64111 3017:16 3019:3 64141-9679 3018:23 64154 3020:13 64-HC 3231:10,12 3232:21,23 3261:11 64-NP 3231:10 3261:13 65 3231:13,17 3232:21,24 3261:15 65101 3017:8,20 3018:19 3019:6 65102 3020:2,21 3021:4 65102-0456 3018:11 65102-0537 3017:24 3018:3 65110-4595 3019:18 65201 3018:7 65802 3017:4 66 3176:13,17 66101 3019:14 66213 3020:5 66606 3019:10 6C 3234:2 <hr/> 7 7 3050:14,19 3084:4 3115:15,18</p>	<p>3130:2 3154:12 3177:9,13 3197:17,25 3200:21 70 3026:8 3049:1,10 3119:16 3121:2 73 3209:1 75 3026:8 753 3019:13 77.1 3209:8 7-8 3049:23 3052:21 3059:25 3060:12 785.271.9991 3019:11 7-HC 3196:20 3198:6,9 3260:3 7-NP 3260:5 <hr/> 8 8 3050:15,19 3078:19 3162:18 3189:15 3197:21 8:30 3256:4 80 3172:5 3177:17 800 3029:7 3121:7 816.360.5976 3017:16 816.460.2400 3019:3 816.556.2314 3018:23 82 3080:20,24 84 3081:3 85 3080:24 3081:6 871 3020:9 890 3257:3 899 3020:1 <hr/> 9</p>	<p>9 3107:19 3130:3 3163:17 900,000 3157:4 9005 3020:12 913.321.8884 3019:14 913.338.7700 3020:6 91R-642E 3053:1 939 3017:3 97 3026:17 98 3172:6 <hr/> A a.m 3256:4 AARP 3020:10 ability 3104:16 3105:1,3 3257:8 able 3045:19 3088:11,13 3117:20 3146:11 3156:11 3191:6 3193:13 3229:7 absence 3061:24 3093:21 absolutely 3024:19 3049:2 3112:18 accept 3172:25 3189:3 3254:7 acceptance 3112:2 3168:2 3179:19 accepted 3027:23 accepts 3233:7 3234:17 3235:7</p>	<p>3251:6 3254:21 accomplishes 3181:15 accordance 3115:19 according 3032:14 3047:2 3108:18 3173:16 accordingly 3156:20 3229:5 account 3145:8 3172:7 3215:25 3216:14 3238:13 3251:13 accounted 3076:7 accounting 3076:8 3209:15 3228:12 3229:11,18 3233:15,17,1 9 3234:5 3238:17 3239:24 3246:25 3247:3,11,23 3248:13 3249:2,22 3250:4,19 3251:9,12,19 3252:1 3253:20 accounts 3227:6 3228:19 3239:12,18 accrual 3251:19 3253:10 accrue 3254:8 accrued 3250:25 3251:18 3253:18 accruing 3252:1</p>
--	--	--	--

accumulated 3124:20 3228:13,14 3229:4 3246:11,20	3084:18 3092:22 3101:1 3106:4 3110:3 3197:18 3203:9 3209:7 3211:20 3212:2,16 3216:16 3237:20 3253:17	addresses 3103:22 3247:2	3111:9 3131:24 3160:5 3167:5 3214:19
accurate 3164:8 3167:2 3178:11 3183:5 3232:10	adapts 3245:1	addressing 3080:2	admit 3074:3 3184:3
accurately 3158:17	added 3036:3 3134:16,18	adjourned 3256:3	admitted 3032:7,8,9 3048:19,20 3050:10,11 3053:19,20 3059:21,22 3064:20,23,2 5 3067:11,12 3071:17,18 3072:24,25 3085:4,10,12 ,14 3092:23 3093:7,9 3111:13,15 3132:3,5 3160:13,14 3164:17,18,1 9,20 3167:10,11 3198:6,8,9 3201:15,19 3202:5,6 3210:12,14 3214:22,23 3222:11,13,2 2,23,24 3232:22,24 3233:1
achieve 3056:25 3057:5,24 3081:14 3091:25 3094:1 3177:25 3182:22 3186:25	adding 3095:6,8 3113:5 3142:2	adjusted 3228:18 3229:5 3246:21	
achieved 3147:21,23	addition 3113:6 3232:14	adjustment 3208:16,18 3209:3,7,11, 15,16 3227:15,17 3228:20 3234:24,25 3235:3 3242:15 3244:2 3246:4,11,13 3248:11,12,1 3	
achieving 3181:1 3190:18	additional 3075:19 3084:1 3227:17 3228:1 3252:13	adjustments 3208:17,20,2 4 3209:9,17,22 3214:12 3227:18 3242:18 3245:19,20,2 5 3248:1,14 3250:9 3253:24	
acknowledge 3202:22	additionally 3116:11 3117:7 3225:1	adjustment's 3235:1	adopt 3026:21 3098:25 3102:11 3227:24 3228:4
acquainted 3043:12	additions 3147:21 3224:23 3225:3,6 3238:22,23,2 5 3239:15	administer 3196:4 3230:12	adopted 3094:14 3150:8 3204:19 3242:17
act 3043:1,3,9 3087:5 3190:17	address 3065:21 3082:15 3101:12 3118:8 3230:3,22	Administratio n 3218:17	adopting 3100:18 3252:18
action 3257:11,16	addressed 3050:23 3051:13 3090:22 3152:18 3153:12,21 3167:22 3187:16 3248:25 3250:3	administrativ e 3243:11	adoption 3092:4 3262:20
actively 3024:25 3025:2		admission 3032:2 3045:10 3048:8 3050:6 3053:15 3056:4 3059:17 3067:8 3072:18 3084:21	adopts 3225:21 3244:22 3245:2,17,22 3246:2,18 3248:6
activities 3025:6 3094:4			
activity 3058:2 3172:19			
actual 3215:21 3254:24			
actually 3026:19 3040:2 3051:6 3061:2			

<p>3252:16 advantage 3062:4 adverse 3032:16 adversely 3103:18 advocate 3103:9,16 advocated 3093:19 3165:21,24,25 advocates 3025:11 3070:6 3215:6 advocating 3175:22,25 AFEUDC 3226:15 3227:17,20 3235:17,20 3236:1,4,8,9 3238:9 3239:4,9,11,15 3245:13,19,24 3246:5 3250:15,18,20,22,24 3251:14,18 3252:13,18 3253:8,14,25 3254:8,14 AFEUDC-like 3227:12 3228:1 affect 3121:11 3127:23 3151:24 3152:18 3235:4 affected 3103:19 affecting 3022:9 afternoon 3140:12,13 3144:6 3161:2,16,17 3164:25 3165:1</p>	<p>3202:12,13 3233:4,5 3241:17 AGA 3263:6 Agencies 3019:23 agency 3034:14 3143:9 3154:15 3218:23 aggressively 3058:6 ago 3055:9 3142:5 3188:11 3189:14 AGP/SIEUA/MEUA 3017:9 agreed 3037:7 3058:12 3229:9 3243:6 3247:10,15 3248:20 3251:11 agreement 3022:25 3047:7 3194:2 3202:18 3224:17 3233:13,22 3234:14 3243:4,13 3247:9 ahead 3071:21 3124:12 3210:1 3214:18 3222:7 3223:6,11 aid 3079:8 aimed 3035:5,20 3184:21 air 3019:21 3026:10,13 3029:12 3118:17 3119:8 3173:8,17,24 albeit 3081:15</p>	<p>aligned 3131:5 alleged 3238:1 all-electric 3025:25 3027:15 3036:23 3077:2,4 3117:4 all-gas 3062:12 alliance 3100:2 allow 3022:25 3109:6 3112:9 3127:17 3226:14 3227:11 3233:14 3238:25 allowance 3253:9,16 allowed 3125:23 3126:6,11 3127:1,2,4,14,18 3224:20 3226:21 allowing 3129:6 allows 3242:24 aloud 3046:5 3068:18 already 3026:23 3076:1,7 3095:5 3108:19 3118:11 3122:9 3155:7 3183:20 3222:23 3226:7 3229:6 3255:21 alternate 3026:22 alternative 3057:25 3077:18</p>	<p>3086:8 3094:9 3098:25 3112:24 3113:5 3126:7 3180:25 am 3031:11 3043:2 3063:21,24 3064:19 3067:4 3072:11 3078:8 3080:4 3082:21 3098:15 3130:21 3138:20 3149:13 3162:10 3196:24 3208:8 3212:9 3214:4 3217:1 3218:1 3220:1,19 3231:7 3241:7 3257:9,12 AMASH 3019:12 Ameren 3018:8 3128:12,17 3140:5 AmerenUE 3140:1 America 3142:2 3149:25 American 3072:13 3135:19 America's 3142:5 among 3113:14 3168:17 amortization 3024:8 3249:1,9,12,13,14 amortized 3249:17 amount 3034:21,22</p>
--	---	---	--

<p>3038:4,18,19 ,21,23 3039:2 3069:11 3076:3 3153:2 3157:11 3187:7 3205:23 3225:24 3244:3 3248:19 3249:9,14,16 3250:7,8,20 3251:1,17</p> <p>amounts 3249:1 3252:18</p> <p>analyses 3138:18 3146:18</p> <p>analysis 3035:15 3037:1,12,15 3038:22,24 3039:3,14 3040:11 3043:16 3046:25 3053:9 3054:24 3055:1 3064:16 3066:8 3070:4 3072:13 3076:18 3087:10,14 3117:15,21,24 3118:2 3119:23 3120:6,12 3146:4,15,19 3151:7,13,23 3165:18 3178:25 3179:12 3186:1 3190:2 3191:1,2 3193:15,22 3194:2,7 3220:16 3263:6</p> <p>analyze 3054:10,19,20 3086:18,22 3088:14</p>	<p>3145:24</p> <p>analyzed 3042:16 3086:20</p> <p>analyzing 3189:22</p> <p>and/or 3107:22</p> <p>ANNETTE 3020:18</p> <p>announce 3223:11</p> <p>announcement 3024:15 3192:1</p> <p>annual 3027:7 3038:1</p> <p>annualization 3193:4</p> <p>annualized 3209:4,11</p> <p>annually 3157:8</p> <p>answer 3036:5,6 3038:7 3041:12,13 3044:4 3045:7,19 3046:2 3049:24 3059:25 3060:12,16 3062:21 3074:25 3088:8,11,14,19 3094:19,25 3096:7,18 3111:19 3112:10 3116:20,22 3118:25 3127:11 3158:23 3184:17,18 3197:14 3229:7 3230:5</p> <p>answered 3091:1 3183:20 3184:9,11 3193:14</p>	<p>answers 3031:17,19 3084:13,15 3164:5 3201:7 3208:14 3214:10,16 3232:8</p> <p>anticipate 3023:23 3170:17,24 3171:24 3172:12 3174:5,24</p> <p>anybody 3024:9 3194:17 3223:15</p> <p>anymore 3107:12 3183:1</p> <p>anyone 3086:10</p> <p>anything 3022:4 3023:6 3024:16 3030:1,10 3091:24 3099:15 3107:9 3143:23 3144:9 3160:20 3161:5 3178:7 3192:4,10 3194:22 3195:25 3211:14 3212:5 3224:2 3230:12 3234:23 3240:21</p> <p>anything's 3235:13</p> <p>anywhere 3048:25</p> <p>apart 3038:10</p> <p>apologize 3066:14 3074:4 3096:17 3192:8</p>	<p>appear 3031:16 3059:1,4 3077:24 3143:16</p> <p>appearing 3031:1,2 3045:4</p> <p>appears 3071:12 3079:3 3109:22 3136:4 3138:18 3153:12 3167:2 3173:10 3192:16 3257:5</p> <p>appliance 3026:5 3028:18,22 3063:9,10,14 3064:6 3065:7,9 3086:15 3094:17 3102:4 3103:21 3105:10,17,21,23 3106:4 3107:3,4,6 3116:14 3139:5 3150:15 3151:19,25 3152:1 3171:15 3174:19 3175:10,16 3187:4,10</p> <p>appliances 3025:18 3027:19 3028:23 3035:1,19 3036:14 3063:13 3072:16 3077:8,9 3091:5 3098:14,18 3100:4,12,20 3105:2,4 3106:8 3115:23 3116:3,5,6 3117:12</p>
--	--	---	--

<p>3134:20 3142:19 3165:11,12 3174:11 3180:3 3181:11 3185:1,16 3187:25 applicability 3149:16 applicable 3058:1 3121:17 3133:15,17 3139:25 Application 3016:9,14 applications 3030:23 3086:16 3156:9 3177:11,14 3181:19,23 3182:2 applied 3229:18 applies 3033:17 3080:4 apply 3140:4,7 appreciate 3157:20 3252:23 approach 3044:10 3057:12,22 3058:15 3085:25 3092:14 3096:12,20 3099:2,5 3100:10 3102:12 3104:2,4 3105:9,16,20 3165:13 3170:9 3226:24 3228:4 approached 3086:4 approaches 3180:25 appropriate</p>	<p>3036:12,19,2 4 3045:15,18 3099:13,17 3101:13,14 3122:13 3143:1,10 3153:23 3221:8 3243:22 appropriately 3195:19 approval 3016:10,15 3136:19 approve 3074:22 3165:8 approved 3034:3 3042:22 3113:10 3115:3,19 3129:2,4 3136:6 3224:18,19 approving 3243:12 approximately 3057:1,6 3119:16 3129:18 3157:8,11 3225:10 April 3177:8,12 3225:12 3226:11,16 3227:2,7 3239:11 3244:19 3246:6 3253:23 AQCS 3224:22 3228:4 Archer 3102:19 area 3038:3 3156:13 3176:5 areas 3218:4 arenas 3176:2 aren't 3060:24 3099:24</p>	<p>3118:21 3183:17 3252:1 argue 3047:15 3155:9 arguing 3227:10 argument 3091:13 arise 3079:13 Arkansas 3060:2,14 3165:22 3166:1,2,14 3167:1 3172:24 3176:11 3180:17,23 3182:15,25 3183:1,2,3 3186:20 3189:3,10,13 ,16 3190:10 3263:9 arrange 3022:22 array 3041:5 artfully 3048:6 Arthur 3018:14 3161:21 articulated 3051:4 artificially 3088:12 3152:1 aside 3181:5 aspect 3115:18 aspects 3037:14 3115:17 assert 3137:9 3153:20 assertion 3154:6 assessment 3069:14 asset 3124:16,22 3223:2</p>	<p>3224:3,21 3225:1,20,25 3226:13,24 3227:9,12,23 3228:11,22 3229:3,9,25 3230:2 3233:20 3234:2,9,10, 22 3235:4,7,12, 18,21,23,24 3236:13 3238:16,24 3239:18 3242:3,6,10 3243:1,23 3244:7,18,23 3245:3,5 3246:3,13 3247:3 3249:10,14,1 6 3250:19 3251:13,20,2 4 3253:11 3254:2,15 assets 3113:22 3226:4 3234:19 3251:2 3253:15 assists 3156:17,18 associated 3047:9 3075:14 3131:10 3142:18 3145:14 3227:18 3228:12,19 3229:19 3235:2,13 3244:18 3245:24 3246:5 Association 3017:21 3072:13 3135:19 assume 3042:14 3043:9 3060:5 3166:8 3170:10</p>
--	--	---	---

<p>3178:9 3179:14 3244:5 assumed 3175:18 3206:20 assuming 3022:24 3163:1 assumption 3119:23 3121:21 3180:7 Attached 3262:20 Attachment 3101:6 3102:15,18 3103:2 attempted 3133:12 attention 3135:15 3158:10 3159:16 attorney 3017:2,6,7,1 0,14,15,18,2 2 3018:1,5,9,1 4,17,21 3019:1,5,9,1 2,16,20 3020:1,4,8 3033:9 3257:13 attributed 3151:21 3217:6 attributes 3112:16 audit 3142:18 3245:8 3248:4 3250:7,23 auditor 3208:2 3241:3 August 3229:16,19 3247:19 3248:20 authenticity</p>	<p>3059:14 authoritative 3120:13 3122:10 authority 3033:7,12,16 ,21 3074:17,22 3075:1 authorized 3092:10 3149:8 3236:10 3244:4 authorizing 3243:13 availability 3145:7 available 3045:7 3046:18 3065:16 3109:2 3117:22 3121:19 3125:1,17 3146:3,7,12 3150:17,21 3167:21 3180:5 3182:16 3185:9 3187:15 3193:19 Ave 3019:13 3020:12 Avenue 3017:3 3018:10,14 average 3087:18 Avista 3113:11 3114:4 3133:5,23 avoid 3177:17 avoided 3146:9 3147:22 3177:19 aware 3023:19 3073:16 3100:22 3114:24 3115:5</p>	<p>3120:19 3125:16,22 3128:1 3130:19,21 3132:15,20 3139:18 3143:3 3149:6,11 3153:16,18 3155:7 3219:10 3220:15,19 awareness 3150:10 3153:5 away 3129:16 3174:8 <hr/>B<hr/>backup 3123:9,18 bad 3076:12 balance 3237:5 3251:16 balances 3250:25 ballots 3104:19,22 Bardgett 3017:19 barely 3081:5 barrier 3106:25 3107:1 3168:21,23 barriers 3027:17 3090:6,8,12, 15,16,17 3091:2,3,4 3093:14,15 3106:15,20 3167:21,24 3168:2,5,7 3179:19 3185:12 3187:15,18,1 9,20,21,22 base 3038:16 3124:15 3125:4,25 3126:19,22 3127:4</p>	<p>3128:4,7,8,1 0,15,20,24 3156:12 3179:13 3224:24 3225:13 3228:5,13,16 ,23 3254:23 baseboard 3077:15,16 3118:20 based 3038:4,18,25 3075:3 3089:10 3101:23 3144:15 3155:12 3171:24,25 3175:18 3203:25 3204:2,11 3205:25 3215:7 3237:22 3238:4 3244:2 3248:1,12,14 ,15 3249:16 3250:6,9 3253:21 base-load 3172:19 basically 3124:22 3126:13 3202:25 3203:14 3204:13 3206:12 3238:24 basis 3038:1 3048:9 3099:6,10,12 3105:18 3127:22 3136:11,20 3154:2 3156:19 3225:11 Beach 3019:22 bear 3034:7 3148:24 3180:18 become 3043:12</p>
--	---	---	--

<p>3139:11 3252:3 begin 3022:4 3104:8 3148:12 begins 3192:11 behalf 3031:1,2 3077:25 3095:18 behavior 3033:21 3074:18 3106:2 3108:7 behavioral 3106:21 belief 3031:20 3084:16 3164:9 3178:11 3209:24 3210:23 3214:16 3232:11 believe 3022:22 3032:15 3039:10,11,2 1 3040:16 3041:19 3048:5 3059:7 3063:19 3064:17 3065:11 3066:5,19 3068:5 3069:19,23 3070:1 3074:13,20,2 5 3075:16 3076:25 3077:2 3078:13 3080:1 3081:5 3083:3,6 3088:6 3091:1 3092:18 3095:10 3096:1 3097:18 3099:4,12</p>	<p>3101:2,7,19 3103:17 3106:19 3109:15 3112:8 3114:9 3116:4,5 3122:8 3132:18,22 3133:23 3140:18 3144:17,21 3149:6 3153:24 3156:2 3158:9 3166:18 3169:19 3176:6 3178:3 3187:11 3191:9 3195:13,16,1 8,21 3201:21,22 3202:21 3204:21 3210:24 3212:15 3221:10 3225:23 3227:19 3233:21 3237:18 3238:9 3239:8,20 3242:21 3244:21 3245:8 3247:4,21 believed 3122:9 believes 3226:13,16 3230:1 Bemiston 3017:11 bench 3073:4 3140:10 3143:18 3186:6 beneficial 3076:19,20 3077:10 benefit 3053:9 3054:24</p>	<p>3057:24 3076:17 3081:14 3092:12 3117:14,16,2 3 3133:1,6 3147:14,17,2 4 3148:3 3177:4 3182:11,12 3184:15 3191:1,2 benefiting 3041:10 3238:5 benefits 3029:14 3047:21 3054:11,20 3057:25 3092:6 3118:1 3134:12 3136:8,24 3140:4,7 3142:18 3147:23 3148:23 3150:5 3168:19 3176:25 3177:25 3178:17 3179:9 3183:14 3184:22 3186:22 3189:20,23 3190:6 Berman 3103:5 best 3031:20 3033:7 3084:16 3103:17,21 3117:25 3121:18 3135:2 3150:20,21 3164:9 3167:21 3185:8 3187:14 3209:23 3214:15 3232:10 3257:8 better</p>	<p>3026:10 3045:4 3065:20,24 betting 3076:22 beyond 3100:11,23 3149:15 biased 3076:9 bill 3131:3,16,20 3132:12,16,2 1 3151:20,21 3155:22 3261:19 billing 3126:18 billion 3177:19 bills 3039:18 bit 3079:18 3103:7 3104:1 Black 3177:8,12 3178:4,24 3179:7 3189:25 Blake 3019:13 Blitz 3017:19 Blunk 3191:18,19 3193:2 3194:19 3196:3,5,12, 15 3198:17,22 3258:6 3260:4,6,8,1 0 bold 3179:24 Boonville 3017:3 border 3194:14 3212:12 Boston 3082:16 bottom 3106:13 3123:21 3126:5 3131:1,19</p>
---	--	--	---

<p>3135:11 3136:3 3137:15 3176:12 3178:15</p> <p>Boulevard 3020:9</p> <p>Box 3018:10,22 3019:17 3020:1,20 3021:3</p> <p>break 3143:17,22 3160:21,24 3192:3 3220:9 3223:6,7</p> <p>brief 3071:22 3224:12,16</p> <p>briefly 3024:6 3081:15 3176:12 3206:3 3228:9 3237:16 3241:16</p> <p>bring 3155:1</p> <p>broaden 3157:17</p> <p>broader 3100:5,7</p> <p>broadly 3140:7</p> <p>Broadway 3017:15</p> <p>broken 3067:20</p> <p>brought 3075:25 3187:24</p> <p>BRUDER 3018:14</p> <p>Bryan 3020:4</p> <p>Brydon 3018:9</p> <p>BTu 3177:17</p> <p>BTUS 3076:4</p> <p>budget 3029:9,11 3087:22 3226:6</p>	<p>3242:12,19</p> <p>build 3024:24 3025:4 3046:9,12,21</p> <p>building 3039:20 3064:6 3066:17 3069:12,15 3094:7,9,11, 15,16 3168:17 3177:17</p> <p>buildings 3069:5,6 3180:2 3185:16</p> <p>built 3227:16 3235:22</p> <p>bullet 3093:15 3101:10 3167:18 3169:3,11,13 3171:19,20 3177:8 3179:24 3185:5,11,14 ,17 3190:3</p> <p>bullets 3185:6</p> <p>Burt 3198:20</p> <p>Burton 3199:1,7 3258:7 3260:12,14,1 7,19,21,23 3261:22,24</p> <p>business 3082:15 3141:13</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>C&LM 3058:2</p> <p>Cafer 3019:9</p> <p>calculate 3252:13</p> <p>calculated 3039:4</p> <p>calculation 3083:16 3121:10 3243:23</p>	<p>calculations 3026:24 3075:20 3173:12 3193:25 3212:6 3227:20 3245:14 3247:25 3248:14,24 3249:21,23</p> <p>California 3130:16</p> <p>cancel 3223:12</p> <p>canceled 3255:21</p> <p>capable 3048:12,13</p> <p>capacity 3025:4 3043:25 3129:13 3147:21 3156:14 3162:2 3177:18 3219:21 3241:1</p> <p>capital 3235:11</p> <p>capitalized 3228:24 3229:3</p> <p>Capitol 3017:8 3018:10</p> <p>CAPT 3019:20</p> <p>captured 3128:24</p> <p>carbon 3025:24 3072:15 3136:7,16,17 3137:1 3182:17 3187:7</p> <p>carefully 3151:4</p> <p>Carl 3017:10 3212:16,19</p> <p>carrying 3124:23 3224:21</p>	<p>3226:14,21,2 5</p> <p>3227:6,8,13, 18,24 3228:1</p> <p>3235:3,13,22 3236:2,3,8,1 2,15 3238:20,23 3239:17 3244:17,24 3245:4,19 3250:8 3251:1,13,19 3252:1,8 3253:19 3254:2,3,15</p> <p>carving 3163:4</p> <p>case 3022:21,22 3025:11 3037:21 3039:15 3042:5 3043:18 3045:2 3047:1,12,14 3049:15 3050:16 3060:8 3061:1 3062:5 3063:15 3065:19 3077:21 3082:22,25 3083:25 3084:7 3087:23 3089:17,18 3097:19 3107:11 3108:17 3112:8 3121:7,8 3124:3,11 3125:25 3126:15,22,2 4 3127:25 3128:4,7,8,1 0,15,16,25 3134:7 3137:21,24 3139:22 3140:1 3145:25 3147:6 3148:8 3149:23</p>
--	--	---	---

<p>3150:23 3151:1 3154:11 3158:12 3159:1 3162:9 3164:13 3165:4,5 3166:12,13 3172:13,25 3174:13 3179:13 3181:10 3183:10 3186:20,25 3191:3 3196:15,25 3197:2,8 3199:13,19 3200:2,6 3201:11 3204:20 3205:8 3206:20,25 3208:7,10 3210:3 3215:15 3217:2,8,21 3219:8 3220:7,13 3221:8,25 3222:8,18,19 3224:18,19,24,25 3225:4,7,9 3228:23 3229:14,21 3231:3,17,20 3234:14 3236:12,19 3238:22 3239:1,16 3241:22 3242:3,10 3243:3,15,21,24 3246:4 3247:14,24 3248:21,22 3249:2,10,20 3253:22</p> <p>caselist 3223:17</p> <p>cases 3079:12 3082:20 3114:23 3126:24 3127:5 3146:25 3147:2</p>	<p>3164:5 3195:15 3216:23 3231:2 3237:9</p> <p>cast 3104:19</p> <p>category 3119:3</p> <p>cause 3107:12 3123:4 3127:8 3193:2 3196:16 3197:2 3231:8,16,19</p> <p>caused 3031:4 3082:18 3162:8 3208:5 3214:1 3231:2 3241:5</p> <p>Cave 3020:4</p> <p>caveat 3090:20</p> <p>CCR 3016:24 3257:3,19</p> <p>CCS 3190:7</p> <p>census 3119:17 3120:16,25</p> <p>CenterPoint 3113:11,21,24 3133:24 3149:13</p> <p>certain 3016:10,15 3025:18 3036:13 3064:18 3086:7 3087:19,21 3088:5 3098:14,17 3106:20 3146:3 3181:19,22 3182:2</p> <p>certainly 3023:2 3088:16 3091:16 3100:21 3107:14 3111:22</p>	<p>3125:25 3126:24 3140:6 3141:7 3142:7 3146:25 3175:19 3198:23</p> <p>CERTIFICATE 3257:1</p> <p>Certified 3257:2</p> <p>certify 3257:5</p> <p>Chairman 3073:5 3186:7</p> <p>chance 3044:13 3049:19 3055:7 3063:22</p> <p>change 3094:16 3101:22 3105:22,24 3108:23 3121:3 3123:4 3125:1 3126:11 3127:1,3,16 3149:22 3150:2 3174:18 3202:24 3203:8,11,12 3216:25 3255:25</p> <p>changed 3209:12 3239:25</p> <p>changes 3016:11,15 3031:22 3094:11,13 3106:5,6,7 3111:24 3141:14 3162:11 3163:11,16,25 3241:8</p> <p>changing 3026:6</p> <p>characterized</p>	<p>3183:21 3184:1</p> <p>charge 3033:24 3034:6,23 3039:9 3134:23 3138:19,20,25 3139:6,13,16 3151:8,18</p> <p>charged 3138:25 3139:2</p> <p>charges 3016:11 3209:12</p> <p>CHARLES 3019:5</p> <p>chart 3052:20 3053:5 3169:22 3170:6</p> <p>Chatham 3020:12</p> <p>checked 3170:10</p> <p>chief 3020:15,16 3153:14 3155:19 3206:25</p> <p>Chiller 3056:22 3057:17</p> <p>choice 3090:9 3112:22</p> <p>choose 3107:6,13</p> <p>choosing 3107:3</p> <p>chosen 3050:25 3051:5,6,16</p> <p>Christmas 3155:24</p> <p>circumstances 3077:7</p> <p>cite 3047:18 3053:2 3068:5 3070:18 3071:22</p>
---	---	--	---

<p>3090:15 3099:8 3136:23 3154:11 3178:24 cited 3053:22 3068:4,7 3070:10,11 3090:12 3101:3 3109:21 3128:16 3133:24 cites 3066:12 citing 3120:1 City 3016:5,9 3017:8,16,20 ,24,25 3018:3,4,11, 19,20,22,23, 24 3019:3,4,6,7 ,11,14,18,19 3020:2,13,21 3021:4 3031:2 3095:18,25 3096:5,16,19 ,20 3121:17,24 3122:15 3125:2,8 3133:9,12,15 ,17 3134:6 3153:22 3155:21 3191:7 3196:14 3198:22 3199:9 3217:13 3230:24,25 3260:2 City's 3122:12 claim 3136:11,20,2 5 3137:8,10 clarify 3193:14 3210:20 clarifying 3049:14 3095:20 class 3023:22</p>	<p>3024:10 classification 3188:17 Clayton 3016:19 3017:12 3186:8 clean-burning 3025:23 clear 3024:1 3084:3 3165:3 3170:21 3183:9 3224:8 3253:7 clearly 3147:20 3154:4 close 3037:20 3170:18,21 closed 3223:13 CO2 3027:12 3130:18,21 3157:4,8,11 3177:20,24 3179:3 3180:24 3185:10 CO2e 3178:1 CO2- equivalent 3182:17 coal 3141:8,12 3216:10 coal-fire 3049:12 code 3094:16 codes 3094:8,9,12, 15 Coffman 3020:8 cold 3039:25 collaboration 3073:14,17 3142:11,21 Colorado 3052:12,22 3053:6</p>	<p>3079:16,19 Columbia 3018:7 column 3110:18 3163:18,23 3170:7 combination 3028:1 3055:1,3 3080:4,6 3113:17 3114:4 3149:2,21,25 combined 3094:20 3225:5 comes 3037:20 3150:6 3152:6 3218:17 coming 3023:20 Comley 3017:22,23 3018:1,2 commercial 3069:6 3177:10,14 3180:2 commission 3016:1 3020:19,22 3022:25 3023:19 3024:22,25 3027:2 3033:6,11,15 ,20 3034:2,4,16, 18,25 3037:7 3040:23 3055:23 3058:15 3060:1,13,16 3061:19,20 3074:17,21 3075:1,4 3076:12,19,2 2 3081:17 3091:19 3093:21 3095:1 3098:6,9 3108:23 3112:13,23</p>	<p>3114:25 3115:2,3 3127:17,20 3131:3 3132:18 3136:6,21,22 3140:11 3144:15 3162:1 3165:7 3166:1,2,25 3172:25 3180:12,23 3182:15 3185:21 3186:20 3189:3 3190:4 3195:7,14,15 3200:23 3204:19 3208:3 3213:24 3225:21 3226:22 3227:1,10,22 3228:3 3233:7 3234:17 3235:7 3236:11,23 3241:3 3242:17,24 3243:2,11,19 ,22 3244:3,22 3245:1,17,22 3246:2,18 3248:6,17 3250:3 3251:6 3252:16 3254:7,21 commission- authorized 3228:25 Commissioner 3073:6,9,10, 12,19 3140:12,14 3143:12,14 3186:8 3205:1,2 3220:22,23 3237:12,13 3253:1,2 3258:4,16 COMMISSIONERS</p>
--	--	--	--

3016:21	, 22, 25	comparison	3186:21
commissions	3091:7, 13, 15	3057:25	3187:2
3041:1	3113:12	3072:14	concepts
3050:23	3114:2, 7, 11,	comparisons	3140:3, 6
3051:10, 13	12 3139:23	3067:17	concern
3052:6	3146:10	compete	3122:2, 4, 24
3060:5, 17, 19	3149:19	3086:16	3123:4
3061:22	3150:7	competing	3223:24
commission's	3163:14, 15	3141:10	3227:4
3025:5	3190:14	competition	concerned
3029:20	3195:11	3034:14	3226:23
3092:3	3196:14	3065:15	3238:14
3129:5	3198:19	3089:21	concerning
3136:19	3201:1	competitive	3168:18
committed	3202:17	3034:15	concerns
3041:25	3205:15	3065:12	3075:25
3076:19	3206:5, 15	3152:14	3153:1
committee	3210:25	competitor	conclude
3101:11	3211:4, 5	3086:5, 7	3242:8
3102:3, 10, 19	3212:14	3097:2, 4, 9	concluded
3103:5	3217:10, 12, 1	competitors	3247:18
3166:3	4, 15 3224:21	3086:13	conclusion
committee's	3225:10, 18, 2	compiled	3080:25
3102:7, 8	3, 24	3218:22	3081:15
commodity	3226:10, 17, 2	complete	3103:19
3151:18	0, 23 3227:5	3069:14	Concord
common 3069:8	3228:3	complex	3022:8
3224:22	3229:17, 23, 2	3075:20	concur
3225:12, 14, 2	4, 25 3230:25	compliance	3102:23
0 3228:5	3244:17	3037:25	conditioning
3244:18	3251:25	complicated	3118:17
commonly	Company's	3060:25	conditions
3175:17	3022:7	3089:4	3064:18
communication	3040:1	complimentary	conduct
3153:17	3194:12, 24	3156:2	3055:1
communication	3204:1, 11	component	3117:14, 23
s 3153:6	3206:20	3038:21	3119:22
3154:7	3211:17	3228:1, 8	3120:6
companies	3221:4	3245:20	3146:3, 14
3028:3	3225:21	3246:10	conducted
3029:5	3227:8, 23	components	3035:15
3086:13	3242:12	3235:24	3051:20, 24
3125:18, 24	company-	computers	3193:16
3153:18	specific	3062:13	confidential
3206:1	3087:17, 18	concept	3118:8
company	compare	3041:7	3197:7
3016:10, 14	3069:5	3043:20	3260:4, 8, 12, 18
3017:17	3077:14	3047:25	3261:8, 12, 22
3018:12, 20, 2	compared	3060:2	3262:4, 8, 12
2, 24	3133:9	3061:21	3263:13, 17, 2
3019:4, 7, 11	3141:10	3100:9	1 3264:7, 11
3024:23	3146:23	3176:3	confined
3042:17, 23	3151:14	3183:13	
3075:10	comparing		
3087:6, 13, 21	3077:16		
	3097:5		
	3187:8		

<p>3140:2,4 confirm 3022:23 3119:23 3120:8 confirmation 3139:15 confirmed 3229:16 confused 3096:14 3111:18 3249:18 confusion 3096:17 3206:7 congressional ly-mandated 3101:24 Connecticut 3055:6,12,14, 18,23 3058:17,21,2 4 3059:2,5 3080:10 Conrad 3017:7 consequence 3039:18 consequences 3065:17 conservation 3025:16 3057:12 3097:4 3098:13 3101:12 3106:16 3115:20 3124:9 3128:14,22 3143:6 consider 3023:3 3033:16 3040:23 3091:20,24 3095:2 3102:11 3236:1 consideration 3098:10 3100:14,17 3171:17 3176:6</p>	<p>consideration s 3112:4 considered 3055:18 3075:18 3094:2,7,10 3101:23 3112:25 3113:1 3189:13 3238:4 considering 3026:21 3098:25 considers 3091:22 consistent 3028:14,24 3029:3,19 3038:12 3048:7 3049:11 3129:19 3137:14 3158:12,25 3159:13 3169:17 3226:1 3243:3 consonant 3195:13 constant 3092:3 constrained 3040:1 3156:14 construct 3183:15 3184:14 constructed 3253:18 constructing 3253:11 construction 3043:25 3225:8 3229:11,18 3233:9,14,16 ,19 3234:1,4 3236:17,24 3238:17 3239:1 3245:8 3246:25 3247:2,10,22</p>	<p>3248:3,13,15 3249:2,22 3250:6,8,19, 23 3251:9,11,19 ,25 3253:10,11,1 2,17,19,20 Consulting 3030:24 consumer 3027:6 3086:21 3106:15 3107:6 3174:20 3175:2,19 3182:11 consumers 3020:10 3029:17 3066:1,4 3103:17,18,2 0,24 3104:15,18 3106:1 3169:14 3178:17 3179:3 3182:13 3183:15 3184:15,22 consumption 3026:23 3036:2 3043:8 3064:10 3066:17 3067:17 3069:7 3099:1 3104:4,6,9,1 2,20 3105:7,24 3139:17 3171:14 cont 3259:1 contacted 3157:22 contained 3084:12 3164:4 3201:8 3208:13 3214:9 3225:19 3232:7</p>	<p>3250:18 contemplate 3108:2 contemplated 3132:21 contemplates 3147:8 content 3048:11 context 3139:22 continue 3016:12 3141:16 continuing 3123:13 3131:2 3152:21,22 3160:10 continuous 3218:21 contract 3193:18,21,2 4 3195:20 3203:5,15 3206:4,6,12, 17,18,22,25 3207:1,2 3211:3,6,21 contrary 3159:24 contribute 3028:21 3208:9 contributed 3214:5 contribution 3147:7 contributions 3147:9 control 3034:21 3055:12 3104:16 3105:2,3 3226:6 3242:12,18 controlling 3089:21 conversation 3078:1 conversations</p>
--	---	--	--

3188:16	3051:2,21	3179:5,16,17	3131:12
conversion	3052:4	,23 3180:5	3138:21
3109:6	3053:8,13,23	3182:3,25	3168:14,15
3112:9	,24	3183:11	3178:2
3116:11	3055:4,16	3185:13	3210:7
3117:5	3056:23	3191:16	cost 3023:22
3147:10	3057:4	3196:24	3024:10
3170:4	3058:17,25	3197:1	3027:6,19
3174:15	3060:4,15	3199:22	3028:17
3176:16	3061:10,11	3202:1	3029:13
convert	3062:12,14	3203:20	3037:14
3098:14	3064:11	3206:17	3038:23
3107:21	3067:18,24	3207:2,5	3041:9
3116:17	3080:4,5	3209:6,23	3047:8
converting	3082:23,24	3211:16	3053:9
3087:2	3083:2,13,15	3212:9	3054:11,20,2
3108:3	,20,21	3214:16	3 3076:18
COO 3158:4	3084:15	3215:9,13,17	3086:18,20
cooking	3085:6	,20	3087:8,9
3180:3	3087:16	3217:1,16,18	3089:10
3181:11	3088:2,19,22	,19 3218:1	3104:13
Cool 3116:7	3090:2	3220:1,3	3117:11,14,1
cooling	3092:25	3234:16	6,24
3046:16	3093:8	3239:14	3118:1,23
Cooper	3097:21	3242:7,8	3119:6
3017:15	3098:5	3243:5,18	3124:2
3262:18	3099:2	3245:6,16,21	3125:12,23
copied 3178:9	3101:5	,24	3126:10,17,2
copy 3078:16	3102:1,2	3246:1,5,8	5 3129:3
3079:15	3104:3,10,14	3250:13	3131:4
3080:8	3105:7	3255:4	3133:1,6
3100:24	3106:22,23	corrected	3145:24
3101:1	3108:14	3083:19	3146:9
3131:16	3110:22	3084:2	3151:14
3178:7	3113:4	correction	3156:7
3233:22,25	3114:6	3061:20	3177:4,19
3261:19	3115:8,11,24	3154:12	3179:2
corner 3110:4	,25 3118:25	3175:7	3189:22
Corporation	3119:9	3200:17	3190:5
3114:4	3120:9,14	3202:21	3191:1,2,6
3133:5	3124:3	corrections	3194:8
correct	3127:6	3031:22	3209:1,5,12,
3023:10	3128:5	3084:8	13 3217:21
3031:19	3133:8	3197:10	3227:15
3033:23	3134:3	3200:15	3234:22
3034:20	3146:16	3201:4	3235:22
3037:17,18,2	3148:18	3208:21	3236:16
3 3038:11,12	3149:20	3209:19	3238:1
3040:25	3158:1	3214:12	3239:17
3041:15	3160:1	3232:3	3242:4,15
3042:4	3165:6,13,14	correctly	3245:20
3043:6	,23	3052:5	3247:1
3047:3,4,17	3166:11,19	3054:9,14	3249:6,19
3050:4	3168:14	3058:8	3251:16
	3171:22	3095:24	3254:6
	3172:10,11	3097:1	3255:3
	3173:2,19	3098:16	cost-
	3174:1,2,23	3101:17	effective
	3178:18		3025:14,15

<p>3086:25 3087:6 3090:9 3091:25 3094:2 3131:10 3150:3 3190:18</p> <p>cost-effectively 3185:9</p> <p>cost-effectiveness 3191:2</p> <p>cost-of-service 3214:6</p> <p>costs 3027:7,21 3028:10,17 3057:25 3072:15 3075:13,14 3076:5 3089:15 3091:7 3104:17 3106:20 3108:13 3124:10,14,1 6,20,23 3125:14 3127:10,18,2 0,21 3128:3 3129:2,4,6 3145:9,10 3147:10 3168:19 3175:18 3176:24 3189:19 3218:7,8 3224:22 3225:19 3226:3,5,14, 15,16,21,22, 25 3227:2,6,8,1 3,18,23,24 3228:2,5,24 3229:2,3,19 3233:11,16 3234:13,20 3235:3,9,11, 12,14 3236:2,3,8,1 0,13,16,24 3237:3,4</p>	<p>3238:9,13,20 ,23 3242:3,5,10, 12,18,25 3243:2,23 3244:7,17,24 3245:4 3246:5 3247:12,23 3248:16,19 3250:9 3251:1,14,20 3252:2,8 3253:10,20,2 1 3254:2,3,15</p> <p>costumer 3122:24</p> <p>Council 3020:10 3101:25</p> <p>Council's 3063:17</p> <p>counsel 3020:15,16,1 7,18,19 3021:2,5 3022:4,14 3024:16 3030:1 3032:17 3068:13 3071:20 3074:2 3088:16 3096:8 3143:22,23 3160:21 3161:5 3198:16 3210:23 3223:3,24 3255:16 3257:10,13</p> <p>Counselor 3051:23</p> <p>count 3052:5 3092:13 3140:25 3141:8 3148:17,21</p> <p>counted 3193:25 3206:6</p> <p>couple 3080:15</p>	<p>3095:20 3115:17 3205:9 3210:20 3238:18</p> <p>course 3054:15 3089:18 3226:17</p> <p>court 3016:25 3084:24 3100:25 3161:20 3192:2 3196:3 3257:3</p> <p>cover 3083:14</p> <p>covered 3191:5</p> <p>covering 3147:10</p> <p>Crawford 3191:16 3198:20,24 3199:1,7,8 3200:15 3202:12 3205:6 3207:9 3211:11 3218:12 3219:17,20 3258:7 3260:12,14,1 7,19,21,23 3261:22,24</p> <p>Crawford's 3215:14</p> <p>create 3157:14</p> <p>created 3046:21</p> <p>creation 3124:15</p> <p>Creek 3195:10 3202:16 3211:1 3236:19 3239:20,23</p> <p>criteria 3066:8 3229:15 3247:19</p> <p>criticize</p>	<p>3138:18</p> <p>criticized 3220:5,11,15</p> <p>cross 3030:10 3032:14 3074:12 3085:1,22 3097:22 3164:22,24 3188:20 3210:16 3240:21</p> <p>Cross-Examianition 3259:3</p> <p>cross-examination 3030:12 3032:12,19 3033:4 3085:15,24 3088:15 3095:22 3122:13 3135:2 3143:18 3144:3 3154:17 3165:2 3198:11 3202:8,14 3210:22 3214:25 3215:4 3233:2,6 3241:12,15,1 9 3258:4,8,11, 15,20,23 3259:5</p> <p>cross-marketing 3156:20 3157:18</p> <p>Crossroads 3197:19,20</p> <p>cultural 3057:21</p> <p>Cunningham 3019:1 3030:11,13,1 5,18 3031:14 3032:1,10 3044:22 3045:12,14 3048:18</p>
--	--	--	---

3050:8	3117:3	3104:16	3061:4,6,16
3053:17	3125:17,23	3105:1	3086:21
3059:19	3130:7	3107:15,21	3087:13
3064:21	3138:1,10	3109:2	3117:20
3067:10	3139:11,19	3113:19	3122:13
3068:14	3161:23	3115:21,22	3146:3,6,9,1
3071:15	3168:11	3116:2	0,17,22
3072:22	3175:3	3121:6,7,11,	3150:11,14,1
3073:25	3206:13	24	5,16,24
3074:6,8,9	Curtis	3122:15,25	3151:5
3081:19	3017:11	3123:8,17	3178:7,9
3084:25	cushion	3127:22	3179:6
3095:14,17,1	3142:6	3128:13,21	3191:7
8,22	customer	3131:6,8	3194:10
3109:13,17,1	3035:5	3134:18,19,2	3195:12,16,1
9 3111:8,16	3036:24	2 3138:24,25	9
3120:2,5	3039:9	3139:3,10,11	3205:22,23,2
3122:8,16,22	3041:5	3142:17	5 3215:11
3123:15	3062:4,6,12	3147:19,25	3217:2,17
3131:23	3063:5	3148:4,8,11,	3218:16,21
3132:6	3077:1,4,8	14,15	3219:5,7,9,1
3135:1,4,7	3086:24	3149:16,18	1,15,17,19,2
3140:8	3088:3,23	3151:20,21	1
3144:13	3089:3,5,8,1	3156:5,6,15,	3220:2,11,17
3145:16	5	18,22,25	3221:11
3150:9,25	3090:1,6,17	3194:14	3224:25
3151:6	3092:13	3203:5,15	Database
3152:2	3106:20	3212:12	3218:12
3153:4,11	3116:24	customer's	data's 3075:7
3155:3,5,6	3117:1,3	3046:18	date 3026:4
3158:19	3128:23	3091:9	3078:3
3159:10	3134:23	3106:24	3129:14
3160:10	3138:19,20,2	Customers	3138:3
3186:4,5	4	3039:16	3157:3
3258:3,5,15,	3139:2,4,6,8	CWIP 3239:1	3225:4
16	,13,16	cycle	3229:13,14,2
Cunningham's	3148:16,20	3026:2,9	0
3148:24	3150:15	3099:23	3247:13,14,2
current	3151:14	3105:6	3
3028:7	3156:1	3109:8	3248:20,21,2
3057:20	3175:6,8	3141:14	2 3252:2,6
3073:16	3194:1	3168:19	dated 3155:18
3108:11	customers		3158:5
3124:8	3027:10	<hr/>	David 3017:6
3126:7	3028:6,8,9	D	3102:19
3138:23	3029:7,14	D.C 3018:15	days 3156:17
3139:3	3036:13,20,2	d/b/a 3017:17	3188:10
3156:14	5 3038:19	Dakota	3226:7
3187:17	3046:12,14	3120:15,20	deal 3035:17
3188:7	3062:15	dampen 3142:7	3107:7
3209:6	3065:8,16	dampened	3201:23
3252:3	3079:9	3141:15	dealing
currently	3087:2	data	3163:5
3028:9	3090:8	3049:15,24	3188:8,17
3040:13	3091:10	3051:24	deals 3201:22
3105:7	3092:8,11	3052:1	
3109:2	3093:17		
3116:1,24	3098:14		

Dean 3017:15 3262:18	3124:6,16,20 3125:1,4	demands 3047:7 3057:21	5,20 3229:4 3246:9,12,20 ,22 3250:8 3251:12
Dear 3155:22	deferrals 3125:19	demand-side 3025:8 3029:21 3043:13 3087:7,8 3184:4 3190:15,18	Deputy 3020:15
Dearmont 3020:18 3022:16,18	deferred 3228:15 3249:1	demonstrates 3057:18	derived 3134:12 3186:22
debted 3075:19	defers 3124:10	demonstrating 3184:21	descent 3103:22
decade 3129:16	defined 3229:11 3247:11	denied 3061:19	describe 3064:4 3072:12 3135:23,24 3142:14 3151:12 3169:22 3171:12
December 3050:3 3110:5 3206:18 3207:3,5	Definitely 3236:18	Denton 3019:2	described 3025:9 3174:10 3217:6
decision 3104:20 3127:23 3154:10 3223:18 3228:6	definition 3048:3,15 3078:23	deny 3183:13	describes 3046:7 3159:18
decision-making 3035:5	defray 3028:10,16	department 3018:16 3020:3 3055:12 3058:5 3064:15 3098:24 3157:21 3162:4 3188:8,17 3218:16	design 3023:22 3040:5,8 3047:2 3090:23 3137:18,23 3138:2,5,7,9 ,11
decisions 3040:24 3057:16 3065:17 3093:18	degree 3152:7	depend 3243:25 3248:5	designed 3092:9,13 3112:11 3121:5 3148:20,22
decline 3172:8 3228:4	delay 3046:9	dependent 3053:8 3054:17 3119:10	desire 3185:15
declined 3126:19	delete 3163:19,20,2 3,24	depending 3154:10 3255:25	detail 3027:24 3029:24 3061:13 3068:20 3157:23
decoupling 3137:17,20 3139:19	Delivered 3169:21	depict 3084:19	detailed 3147:3 3212:6 3236:21
decrease 3025:9 3027:5,18 3047:16 3249:15 3250:9	delivers 3169:14	depreciating 3251:10	determinants 3126:18
deem 3176:4	delivery 3069:13 3104:7 3170:7	depreciation 3023:22 3024:7 3225:3 3228:10,13,1	determine
deemed 3088:12 3199:25 3235:8	demand 3024:23 3025:10,14 3035:22 3040:20 3042:1 3046:10,11,1 9,22 3047:2,16,22 3054:12 3095:5 3129:9 3141:21 3156:13 3158:15 3209:12 3219:11,12,1 5		
defer 3124:2 3212:15 3225:2 3251:12	demand-response 3040:15		
deferral			

<p>3033:7 3057:22 3058:16 3091:6 3108:16 3115:9 3127:23 3150:20 3203:4 3205:14 3215:7 3218:7 3235:10,12 3250:1</p> <p>determined 3026:23 3069:9 3193:2,7 3194:5 3233:10 3251:15</p> <p>determining 3057:13 3215:23 3218:8</p> <p>Deutsch 3017:19</p> <p>develop 3205:11 3216:12,19 3217:3,8</p> <p>developed 3147:1 3170:15 3215:8 3216:22</p> <p>development 3087:20 3152:22 3153:1</p> <p>devises 3097:4</p> <p>dialogue 3166:12</p> <p>DiFalco 3157:21</p> <p>differ 3142:21</p> <p>difference 3075:22 3124:17 3125:5 3150:5 3171:9 3174:9,12</p>	<p>3250:25 3253:13</p> <p>differences 3208:16</p> <p>different 3037:11 3086:10 3090:11 3096:25 3122:12 3128:13,19 3176:2 3180:25 3185:1 3188:15 3189:8,9 3205:9 3216:8 3254:4</p> <p>differently 3097:9 3190:25 3236:8 3238:10</p> <p>differs 3204:4,7</p> <p>Dioxide 3072:15</p> <p>dipping 3254:18</p> <p>direct 3025:11,17,2 5 3026:25 3027:7 3030:18 3041:22 3042:9 3074:14 3078:4 3079:10 3082:11,19,2 5 3083:7,16,20 3088:8 3098:1,20,23 3101:22 3105:13 3106:9,10 3107:18 3109:21 3113:9 3115:13 3118:4 3119:13 3123:20 3126:2 3129:21</p>	<p>3131:1 3132:24 3135:18 3137:15 3161:18 3165:21 3167:15,20 3168:20 3169:1,7 3176:25 3177:4 3178:14,16 3179:4 3181:10,14 3182:1,4 3185:8,19,23 ,25 3187:13 3189:20 3196:10 3197:4 3199:5,14 3200:4,18,19 3207:22 3213:19 3216:23 3220:12 3230:21 3231:3,20 3240:22 3258:3,6,8,1 0,14,20,22 3259:2,5 3260:4,6,8,1 0,12,14,17,1 9 3261:4,10 3262:3,5,7,9</p> <p>directed 3131:3</p> <p>directing 3190:2</p> <p>direction 3105:6 3179:21 3223:25 3257:9</p> <p>directly 3026:10 3039:3 3058:14 3087:20 3154:21 3204:9 3239:7 3249:15</p> <p>disagree 3089:23 3129:17</p>	<p>disagrees 3226:18</p> <p>disallow 3226:5,25 3235:16,17 3236:4,13 3250:17</p> <p>disallowance 3237:1,2,9 3238:2 3242:4,11 3246:19 3251:6 3254:12</p> <p>disallowances 3225:22 3226:19 3227:14,21,2 5 3228:7,21,25 3233:8 3234:18 3235:2 3237:22,25 3238:4,13 3239:5,9,10, 21 3242:14 3243:19,20 3244:2,3,6 3245:9,15,18 ,23 3246:21 3248:7,18 3250:6,21,23 3252:11,14,1 7 3254:1,20,22 ,24</p> <p>disallowed 3226:11,17 3235:10,14 3236:10,23 3242:19 3244:24 3245:5,25 3246:7</p> <p>discourage 3185:15</p> <p>discourages 3168:13</p> <p>discovery 3142:1</p> <p>discuss 3086:1,4 3096:21 3143:21 3155:24</p>
---	--	---	--

<p>3159:3 3256:1 discussed 3042:6 3064:8,14 3067:5 3083:22 3084:1 3086:3 3095:24 3114:15 3227:20 discussing 3096:18 discussion 3058:21 3152:9 3153:17 3176:1 3184:14 3186:15 discussions 3023:15 3063:16 3096:22 3153:19 3155:8 3225:13 disingenuous 3155:9 dispute 3134:15 3193:3 3195:10 disseminated 3066:1 distortions 3065:23 distribution 3049:4,8,9 3114:10 3141:23 3151:17 3168:12 3170:6 District 3018:12 diverse 3069:6 division 3119:17 3120:16 3121:1 docket</p>	<p>3031:5,6,8 3052:24,25 3053:2 3059:1,9 3080:10 3134:6 dockets 3097:19 document 3044:16,24 3048:11 3049:20,22 3055:5,7,9,1 1,22 3056:1 3059:4,12 3063:18,24 3064:4 3066:6,9,15 3067:3,5 3068:1,17,19 ,22 3069:17,24 3071:25 3072:5,8,18 3078:11 3080:10,14,2 1 3094:5 3101:3,7,11 3109:20 3110:3,11,12 3111:1 3135:22 3155:13,17 3166:23,24 3170:14 3184:2 documents 3052:8 3058:23 3063:20 3070:7,13 3137:7 document's 3110:24 DOE 3026:21 3064:9 3098:24 3100:22,23 3101:23 3105:10 DOE's 3065:7 3099:23 3100:6,14 3102:4 Dogwood 3017:13</p>	<p>dollars 3028:21 3029:11 done 3024:25 3029:5,6 3037:25 3058:24 3091:16,17 3124:14 3125:3 3206:16 3255:17 Dority 3018:17,18 DOTTHEIM 3020:15 double 3254:17 double-check 3109:16 double-counted 3076:9 double-counting 3193:23 double-dip 3227:22 3235:18 3236:14 3250:14 3254:12 double-dipping 3251:8,21 DOUG 3017:2 Downey 3153:13 3155:21 3159:23 DPUC 3059:9 3262:21 DR 3051:8,19 3059:25 dramatic 3174:12 dramatically 3141:15,24 3151:25 drastically 3180:16 draw 3158:10</p>	<p>drivers 3204:14 dropping 3128:23 drying 3180:4 3181:12 DSM 3033:7 3035:16,22 3036:15 3037:8,23 3040:12,13 3041:16,20 3042:7,12,16 ,17 3043:16 3044:7 3045:1,3,7 3048:14 3075:17 3077:22 3078:7 3087:22 3095:5 3126:7 3136:5,13,16 ,25 3162:16,24 3163:2 3168:13 DSM's 3100:17 dual-fuel 3113:16 ductwork 3116:13 3117:7,11 3118:10,15,2 4 3119:5,7,8 due 3146:12 3255:21 duly 3257:6 during 3026:6,12 3039:24 3047:8 3048:23 3140:19 3204:10,15 3253:9</p> <hr/> <p style="text-align: center;">E</p> <p>E74.1 3209:15 E74.2 3209:3 E78.1 3209:16 earlier 3037:7</p>
---	---	---	--

3047:24	3225:5	3124:8,19	3028:8,9
3092:20	3238:25	3143:9	3079:21
3095:23	3252:7	3148:23	3124:17
3101:3	effective	3156:1,23	3132:7
3133:24	3029:14	3157:7,15	3137:16
3139:9	3087:9	3165:18	3151:5
3140:16	3133:18	3168:19	3156:8
3227:20	3225:4	3169:22,25	3197:10
early 3074:12	3229:14,20	3170:6,8	3220:10
3153:4	3247:14	3171:13,16,1	3222:21
earn 3092:10	3248:21,22	8,20 3172:9	3244:1
earnings	3252:4	3173:5,11,14	either/or
3131:9	effectively	,22	3184:18
easily	3226:25	3174:11,21	electric
3141:25	effectiveness	3175:3,4,12,	3016:11,16
East	3061:25	16,23	3018:12
3017:8,19	3086:18,20	3181:4,9	3025:9,13,20
3018:10	3089:11	3182:9	3026:18
eastern	3145:24	3184:25	3027:10
3204:12	effects	3186:21,24	3028:3
3216:6	3100:22	3188:1,2	3043:8,19
3219:12	3252:14	3189:10	3046:10
easy	efficiencies	3190:17	3047:16
3032:18,22	3049:13	efficient	3050:23
eat	efficiency	3025:22	3053:25
3127:18,19	3025:7,15	3026:1,17,20	3057:19
3129:2,4	3026:4,16	3028:22	3062:16,19,2
economic	3027:5	3035:19	5
3036:1	3028:21	3056:13,17	3063:6,9,13,
3037:12,15	3029:11,12,2	3057:14,22	14
3038:2,6,9	0	3058:16	3067:21,23
3075:23,24	3035:12,17,2	3062:19	3086:14
3104:19,22	2 3037:22	3063:4	3088:4,24
economically	3042:7,25	3080:17	3089:22
3065:22	3056:13,17	3112:22	3090:23
3075:21	3057:18	3116:2,6	3093:19
3180:4	3063:13	3157:17	3107:4,21,23
economics	3064:6	3165:11	3108:3
3141:8	3065:22	3172:5,6	3113:12,18,2
EDCs 3058:7	3069:14	3173:13,22,2	5
education	3075:23,24	4,25 3174:19	3114:7,11,13
3157:17	3080:17	3175:11,13	3118:11,16
Edward	3087:5	3176:20,22	3119:1,16,18
3196:5,12	3093:25	3180:10	,20 3120:25
3260:4,6,8,1	3094:1,8,14,	3181:17,22	3121:1,25
0	18 3095:5	3182:2,5,10	3122:15
effect	3097:10	3187:6	3123:1,8,9,1
3023:25	3098:12	efficiently	7,18
3046:7,20	3099:14	3046:13,15	3125:17,24
3128:14	3100:11	3105:22	3128:1
3151:22	3103:21	3106:5	3130:10
3160:3	3105:17,23,2	3131:6,8	3136:5
3206:22	5 3106:8,16	EIA 3205:25	3138:9,20,24
	3108:8	EIFA's	3139:4,6,10
	3111:24	3223:17	3140:1
	3112:2,15	eight 3045:23	3143:4
	3115:20	either	3147:25
			3151:9,17,20
			,25 3156:8,9

<p>3157:9 3158:15 3163:14,18,2 3 3165:12 3168:10 3171:21 3172:6,9 3173:8,17,23 ,25 3174:13 3175:7,8 3177:10,13,1 8 3180:1,8 3182:6,10 3193:11 3200:22</p> <p>electrical 3077:9</p> <p>electric- fired 3151:16</p> <p>electricity 3025:22 3026:7,11 3027:6 3038:4 3039:17 3046:13,14,1 5,17,18 3047:16 3048:22 3054:10,12 3057:19 3062:9,17 3063:6,10 3076:10 3098:15 3107:16 3112:8 3116:18 3156:13 3169:12 3170:5 3174:16,17 3176:16 3177:15 3180:10 3181:12 3187:5,9</p> <p>Electric-to 3071:2</p> <p>electric-to- gas 3051:1,14 3070:20 3071:24 3092:24 3263:3,5</p>	<p>eligible 3142:23</p> <p>Ellen 3103:5</p> <p>else 3086:10 3091:16,17 3114:22 3194:17,22 3212:5</p> <p>elsewhere 3027:23 3046:19 3133:19</p> <p>e-mailed 3166:13</p> <p>e-mails 3223:16</p> <p>embrace 3099:20</p> <p>emission 3066:16 3218:21 3262:24</p> <p>emissions 3027:13 3072:15 3136:7,16,17 ,23 3137:2 3157:11 3179:4 3180:13,16,1 9,21,24 3181:1,8 3182:17,20 3184:23 3185:10 3187:8</p> <p>Empire 3018:12 3139:25 3140:5</p> <p>employed 3030:22 3161:24,25 3196:13 3199:8 3207:25 3208:1 3213:22 3240:25 3257:10,14</p> <p>employee 3030:23 3257:13</p> <p>EMS 3209:14</p>	<p>emulate 3034:14</p> <p>enable 3155:1</p> <p>enabling 3069:13</p> <p>encompasses 3100:21</p> <p>encourage 3107:21 3127:16 3129:23 3130:4 3156:21 3185:19,23</p> <p>encouraged 3112:24</p> <p>encourages 3168:11</p> <p>end-use 3057:15 3086:16 3093:22 3098:14,17 3151:21 3187:10 3188:1</p> <p>energy 3017:13,17 3018:16 3025:7,10,14 ,21 3026:4,6,9,1 3,23,24 3027:5 3028:21,22 3029:10,12,1 8,20 3035:11,17,1 8,20,22,24 3037:22 3038:10 3040:21 3041:4,11 3042:1,6,7,2 5 3045:10 3046:23 3047:20 3048:23 3054:13 3056:13,17 3057:18,20 3063:1 3064:6,10,15 3065:4,22 3066:1,7,16, 17,21</p>	<p>3067:17,23 3068:21 3069:3,5,8,9 ,10,14,25 3070:6 3072:14 3073:14,17 3075:22 3076:2,13 3080:16 3086:9,10 3087:5 3091:21 3092:12 3093:23,25 3094:1,7,14 3095:5 3096:2,5,13, 22,25 3097:6,10,14 3098:12,24 3099:1,14,24 ,25 3100:8,10,19 3101:12 3103:9,16 3104:4,8,11 3106:15 3108:8 3109:23,24 3112:2,15 3113:11,24 3115:19 3124:8,19 3131:6,8,11 3132:14 3133:1 3142:11,12,1 8 3143:9 3147:14,20 3148:23 3151:18 3153:22 3155:20 3156:1,16,19 3157:15,18 3158:4 3159:9 3162:3 3165:17 3166:15 3168:18 3169:12,14,2 1,25 3170:5 3171:9,10,13 ,15,16,20 3172:9 3173:5,11,14 ,22</p>
--	--	--	--

<p>3174:3,11,21 3175:3,4,12, 18,23 3176:11,14,2 0 3179:2 3180:10 3181:3,8,17, 22 3182:2,8 3186:23 3188:4,8,17, 18 3189:10 3190:16 3194:12,13 3199:11 3209:3,4,7 3212:10,11 3218:3,16,17 3261:17 3262:17,24 3263:6</p> <p>energy- efficient 3029:2 3035:1 3115:23</p> <p>energy-only 3151:16</p> <p>Energy's 3149:15</p> <p>energy-saving 3046:8</p> <p>engage 3093:20 3143:6</p> <p>engineering 3213:23</p> <p>engineers 3229:16 3247:18</p> <p>England 3018:9 3143:8</p> <p>enhance 3065:15</p> <p>enhances 3131:7</p> <p>enjoy 3134:11,16</p> <p>ensure 3103:20</p> <p>entering 3163:2</p> <p>entire 3167:3 3171:16</p>	<p>3189:24</p> <p>entirely 3051:24</p> <p>entirety 3066:13 3155:11</p> <p>entities 3097:12</p> <p>entitled 3080:16,24 3093:14 3102:18 3168:1 3171:20</p> <p>entity 3143:5</p> <p>entry 3091:4 3228:12</p> <p>environment 3057:20 3156:14</p> <p>environmental 3027:12,20 3047:21 3057:15 3108:8 3112:2,15 3136:8,24 3145:9,13 3147:23 3148:23 3150:4 3152:17 3218:22</p> <p>environmental ly- acceptable 3092:1</p> <p>EPA 3026:23 3068:20 3069:8,24</p> <p>EPA's 3069:3</p> <p>EPS 3070:5</p> <p>equally 3077:10,17 3139:24</p> <p>equipment 3057:15,20 3094:17</p> <p>equitable 3069:9</p> <p>equitably 3069:6</p> <p>equivalent</p>	<p>3109:7,10 3177:22,24 3179:3 3180:24 3185:10</p> <p>ER2009-0089 3243:3,15</p> <p>ER-2010 3082:22</p> <p>ER-2010-0355 3016:11 3082:22</p> <p>ER-2010-0356 3016:15</p> <p>ERIC 3020:18</p> <p>Erin 3212:19,20,2 1,25 3213:10,13,2 1,25 3222:15 3259:2 3264:4,5</p> <p>error 3083:15,22</p> <p>essence 3251:8</p> <p>essentially 3076:9 3104:18 3142:25 3151:19 3208:15 3222:20 3225:6 3252:5</p> <p>established 3190:5 3204:21 3225:9</p> <p>establishes 3190:17</p> <p>establishment 3034:13</p> <p>estimate 3029:4,7 3175:17 3226:6 3242:12,19</p> <p>estimates 3119:11 3147:1</p> <p>evaluate 3069:4</p>	<p>3089:10,12 3091:2 3112:15 3247:25 3249:21</p> <p>evaluated 3091:3 3112:21,24 3113:1</p> <p>evaluating 3182:16</p> <p>evaluation 3069:10 3117:10,17</p> <p>evening 3223:18</p> <p>everybody 3223:20</p> <p>everyone 3223:16</p> <p>everything 3216:11</p> <p>evidence 3030:16 3045:16 3050:7 3053:15 3064:20 3070:24 3071:14 3072:19 3075:8 3090:13 3092:20 3097:8 3150:21,23 3151:1,3 3154:13 3155:10,11 3160:5 3198:7 3211:8,23 3224:10 3258:2,13,18</p> <p>Evidentiary 3016:4</p> <p>evolves 3216:12</p> <p>exactly 3048:5 3077:14 3164:6 3212:7 3235:24</p> <p>Examinatin</p>
--	---	--	---

<p>3259:3 examination 3030:18 3032:15 3074:9,13 3082:11 3085:2 3097:23 3144:12,13 3145:22 3153:5 3161:18 3186:11 3196:10 3199:5 3205:5 3207:22 3213:19 3221:2 3230:21 3237:17 3240:22 3253:5 3258:3,5,6,8 ,9,10,11,14, 17,20,21,22 3259:2,5,6 examine 3040:23 examined 3030:7 3041:8 3050:25 3051:15 3057:24 3060:19 3081:14 3082:7 3161:11 3196:6 3199:2 3207:17 3213:14 3230:17 3240:18 examining 3081:17 example 3041:5 3069:20 3077:11 3086:15 3087:21 3091:23 3107:5 3112:14,23 3128:12</p>	<p>3143:4 3157:2 3171:6 3172:22 3173:4,18 examples 3173:16,20 except 3178:7 exclamation 3176:13 exclude 3227:23 exclusion 3095:8 3189:11 exclusive 3112:11 excuse 3051:23 3203:10 Executive 3019:23 executives 3153:21 Exelon 3114:9,10 exhaustive 3055:22 exhibit 3031:12 3032:2,3,8,9 3048:9,20 3050:6,11 3053:15,20 3056:5 3059:22 3060:22 3061:2 3064:24 3066:19,25 3067:12 3071:4,18 3072:2,7,20, 25 3078:11 3079:15 3080:9 3085:11,13 3092:19 3109:14 3111:14 3132:4 3160:4,6,14 3162:17,19 3164:19,20 3166:18,20</p>	<p>3167:11 3178:14,21 3196:20,21 3197:17,21 3198:8,9 3199:17 3200:12 3201:16,18,2 1,24 3202:6 3210:7,13 3214:3,19,23 3221:25 3222:12,24 3231:6,12,25 3232:23,25 3260:1,3,5,7 ,9,11,13,15, 17,19,21,22, 24 3261:1,3,5,6 ,8,9,11,13,1 5,17,18,21,2 3 3262:1,3,5,7 ,9,11,13,15, 16,18,19,21, 22,24 3263:1,3,4,6 ,7,9,12,14,1 6,18,20,22,2 4 3264:1,3,5,6 ,8,10,12 exhibits 3084:1,5,10, 18 3085:4 3164:12 3200:1,11 3201:11,23 3208:7 3210:3 3221:19 3222:7 3232:17 3261:20 3263:11 exist 3028:2 3206:13 existed 3254:6,10 3255:3 existence 3207:1 existing 3115:19 3148:13,15 expand 3127:9</p>	<p>expanded 3126:12 3141:23 expansion 3141:18 expect 3076:15 3092:7 3141:16 expectation 3148:12 expected 3136:7,16,17 expend 3089:2 expended 3227:2 expenditure 3089:7,19 3142:23 expenditures 3226:10 3227:7 3228:11 3244:19 3246:6 expense 3192:22 3193:7 3211:1 3228:10 experience 3033:10 3170:16 3171:25 3172:1 3174:3 3175:14 3204:1,3 experiences 3048:23 experiencing 3187:20 expert 3027:8 3154:3,24 3229:6 expertise 3038:3 expiration 3195:20 expire 3207:3,4,6 3211:6 expired</p>
---	---	---	---

<p>3206:19 3211:15,21 explain 3109:9 3124:5 3204:7 3208:24 3253:7,13 explaining 3202:25 explicit 3189:11 exploration 3152:22 explore 3157:22 explosions 3107:8 express 3069:7 extend 3025:3 extensive 3033:9 extent 3096:21 3126:18 3134:18,19 3242:24 3243:25 3244:1 3250:5 extra 3101:1 extraction 3075:14 3170:2 extremely 3039:25</p> <hr/> <p style="text-align: center;">F</p> <p>fact 3025:17 3035:8 3038:17 3042:5,19 3044:19 3045:11 3054:22 3061:18 3065:18 3069:24 3075:4 3091:17 3099:18 3102:7 3105:1</p>	<p>3109:11 3121:9 3147:6 3149:21 3159:22,25 3165:20 3173:15 3195:19 3262:17 factor 3174:14 factors 3039:14 3043:16 3066:16 3076:8 3092:3 3216:14 3262:24 facts 3108:23 3183:5 fails 3050:24 failures 3089:21,25 3090:5 fair 3037:19 3059:24 3060:11 3063:1 3094:3 3171:10 fairly 3167:17 3227:4 familiar 3042:24,25 3043:2,4,20 3044:20 3063:17,24 3066:8 3067:3 3068:1,3 3072:5,10 3073:13 3114:3 3116:7 3122:14 3137:23 3142:10 3144:25 3145:3 3179:11 3217:20,22 3218:11,24,2 5 3236:19 familiarize</p>	<p>3045:1 familiarizing 3077:21 FAQ 3044:19 far-reaching 3027:1 fashion 3237:2 favor 3065:4 3076:10,13 3151:25 favoring 3104:21 favors 3041:20 fear 3107:8 February 3256:4 fed 3205:12 federal 3019:23 3188:7 3206:2 felt 3234:23 FERC 3138:6 3218:4,16 3219:3 field 3033:10 figure 3142:2 3203:7 figured 3211:22 file 3016:11,15 3220:10,14 filed 3078:4 3082:19 3084:3 3097:18 3110:7 3162:9,16 3209:5 3214:1 3217:2 3231:2,8,16, 19 3241:5 filing 3023:16,23 3061:6 3084:5 3209:13 3216:23,24</p>	<p>3219:8 3243:14 filings 3037:25 3042:6 3079:11,12 fill 3192:15 final 3066:8 3067:22 3076:11 3132:22 3153:3 3194:11 3255:12 finally 3154:9 financial 3037:12 3098:13 3107:20 3115:21 3131:5 3237:5,8 financially 3257:14 finding 3099:16 fine 3023:2 3073:8 3223:23 3255:19 fine-tuning 3065:21 finite 3025:16 Finnegan 3017:7 firm 3052:2 first 3022:12 3023:9,12 3027:4 3029:7,8 3042:22 3056:25 3065:25 3068:18 3069:1 3074:2,13 3076:6 3078:1 3083:14 3093:15 3102:21 3103:8</p>
--	---	---	--

<p>3107:10 3115:16 3116:20 3155:6,22 3158:11 3168:9 3173:12 3183:24 3185:5 3190:3 3191:16,18 3193:1 3203:12</p> <p>Fischer 3018:17,18 3198:21,24 3224:11,12,15 3230:7,20,21 3231:15 3232:2,13 3235:19 3237:16,17 3240:10 3241:15,16,19 3243:10,17 3252:22,24 3255:14,19 3258:10,11 3259:5</p> <p>five 3135:5 3142:5 3178:25 3179:2 3203:15</p> <p>fixed 3091:7 3125:12,14,22 3126:10,25 3128:3 3137:17</p> <p>fixed-variable 3138:2,5</p> <p>FL 3019:22</p> <p>flagged 3233:25</p> <p>flip 3080:20</p> <p>flipped 3108:12 3120:24</p> <p>flipping 3076:18</p> <p>flows 3176:12 3218:2</p> <p>fluctuations</p>	<p>3215:19</p> <p>focus 3029:20 3037:12 3043:17 3180:11,22 3181:2 3182:18</p> <p>focused 3026:5 3057:13 3062:24 3180:19,20</p> <p>focuses 3027:23</p> <p>footnote 3109:12,21 3110:9</p> <p>footprint 3025:25</p> <p>Force 3019:21</p> <p>forced 3119:8</p> <p>forced-air 3119:1</p> <p>forces 3034:14</p> <p>FORD 3020:6</p> <p>forecast 3215:11 3220:11</p> <p>forecasted 3195:16 3205:22 3215:10 3219:2,5,14,18,24 3220:17</p> <p>forecasters 3223:22</p> <p>forecasting 3194:9</p> <p>forecasts 3203:24 3220:5</p> <p>forefront 3025:6,7,8</p> <p>forego 3036:2</p> <p>foregoing 3257:4,6</p> <p>foreseeable 3152:11</p> <p>form</p>	<p>3034:9,10 3037:3 3086:9 3147:9 3170:4 3205:24 3218:16,18</p> <p>former 3193:17 3194:1</p> <p>formula 3193:4</p> <p>forth 3041:10 3048:4 3220:12</p> <p>forum 3075:17</p> <p>forward 3060:20 3128:11 3207:14</p> <p>forward-thinking 3029:19</p> <p>fossil 3056:14,17 3080:17 3091:24 3170:5 3174:15 3176:16</p> <p>foundation 3045:21 3122:7,17,19 3153:24 3154:1</p> <p>fourth 3052:16,18 3159:3 3168:1 3194:4</p> <p>fracturing 3145:4,11,15 3152:3,10,16 3153:1</p> <p>frame 3129:12</p> <p>framework 3146:19</p> <p>frankly 3039:23</p> <p>frequently 3216:20</p> <p>frequently-asked</p>	<p>3044:17 3078:12</p> <p>front 3052:24 3055:11 3078:11,14 3079:17 3080:9 3131:17 3165:24,25 3233:23,24 3247:4</p> <p>fruit 3065:25</p> <p>fruitful 3023:15</p> <p>fuel 3022:3 3025:12 3026:1,2,8 3027:17,22 3033:16 3055:18 3057:14,23 3058:16 3060:2,13 3061:21 3062:4 3069:11 3070:5 3071:24 3074:22 3079:22 3080:2,3 3081:13,17 3086:1,19 3087:24 3089:11,14 3091:9,20 3092:24 3093:21 3094:23 3095:2 3096:6 3098:7,11 3099:6,10,22 3105:5 3109:1,7 3110:18 3112:3,5,6,10,20,22 3113:10 3115:17 3123:23 3125:9 3128:17 3129:10,24 3130:5 3132:25 3133:4 3134:12,16</p>
--	---	---	--

<p>3135:12,19 3139:1,24 3142:22 3143:2,10 3147:24 3149:7 3154:8 3158:16 3162:8,15 3163:12 3170:5 3174:15 3176:16 3184:4 3186:15,18 3188:8,13 3189:3,11 3191:3,15 3192:22 3195:10 3201:2,22 3202:16 3203:4,17 3205:14 3211:1 3215:21 3216:17,22 3218:6,7,8 3219:22 3263:5</p> <p>fuel-cycle 3026:22 3058:13,21 3061:19 3064:10,15 3065:3 3070:4 3099:2,5,17,20 3100:7,10,18 3102:12 3104:2,3 3105:16,18,20 3109:10 3165:12,17 3170:8 3175:23 3186:21,24 3188:1</p> <p>fuels 3056:14,18 3058:1 3080:17 3110:15 3112:25 3113:8 3141:10 3152:15</p>	<p>full 3026:8,9,22 3030:20 3058:13,21 3060:16 3061:19 3064:10,15 3065:3,17 3070:4 3099:1,5,17,20,22 3100:7,9,18 3102:11 3103:8 3104:2,3 3105:5,16,18,20 3109:7,10 3138:19 3165:12,17 3170:1,8 3175:23 3186:21,23 3188:1 3199:6 3248:19</p> <p>full-cycle 3064:5 3262:23</p> <p>fully 3075:19 3124:13,23 3125:7 3137:16</p> <p>fully-litigated 3147:2</p> <p>function 3141:20 3216:7 3240:2</p> <p>functioning 3065:12</p> <p>functions 3046:16</p> <p>fund 3089:18 3094:4 3143:5 3157:14 3158:13</p> <p>funded 3123:23 3124:8</p> <p>funding 3100:10 3126:5</p>	<p>funds 3253:9,16</p> <p>furnace 3029:2 3173:7,9,13,17,21</p> <p>furnaces 3119:1,2</p> <p>future 3029:18 3124:2 3126:24 3127:4,25 3129:9 3152:11 3178:18 3180:1 3201:22 3237:9</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>Garrett 3017:11</p> <p>Gary 3030:6,21 3031:4,10 3260:16,24</p> <p>gas 3017:17 3025:12,18,23,24 3026:1,25 3027:8,11,13,14,19 3028:3,18,22 3036:14,21,22 3038:14,18,19,21,23,24 3039:2,17,18,21,23,24 3043:19 3054:10,12 3062:20,22,25 3063:8,10 3067:21 3071:3 3072:13 3073:17 3075:15 3076:1,5,10,14,22 3077:2,4,15 3086:14 3087:3 3088:4,24 3089:22 3091:4,21</p>	<p>3092:5,8,12 3093:18 3096:2,5,13,22 3098:15 3107:3,6,8,16,22,23 3108:3,10 3109:3 3110:24 3111:2 3112:8,20 3113:4,19,22 3114:10 3115:23 3116:13,18,25 3117:6,12 3119:15 3120:10,23 3122:10 3129:23 3130:4,8,14,16,23 3132:13 3134:20 3135:19 3138:6,8,19 3139:5,11,16 3140:21,25 3141:3,10,14,18,19,20 3142:1,6,12 3143:5 3144:17,23,25 3145:7,10,14,15 3147:14 3148:3 3149:15,16 3151:18,19,21 3152:1,10,12,13 3153:21 3155:20 3156:10,23 3158:4,14 3159:4,9 3165:11,21 3166:15 3167:15,20 3168:10,20 3169:1,7,14 3170:17 3171:21,25 3172:4 3173:7,12,16,21 3174:4 3176:23,25 3177:5,15 3178:15,17,1</p>
---	--	---	---

<p>8 3179:4, 8, 10, 13, 21 3180:2, 4 3181:6, 9, 10, 14 3182:1, 4, 9 3185:8, 20, 24 , 25 3187:3, 5, 9, 1 0, 14 3189:20 3193:1 3204:14, 15 3215:18 3216:2, 5, 10, 16, 17 3219:2</p> <p>gas-fired 3029:1 3151:15 3156:7 3157:6, 7, 10</p> <p>gas-powered 3062:13</p> <p>gather 3065:25</p> <p>gathered 3051:25</p> <p>general 3104:2 3120:21 3137:25 3142:13 3145:12 3154:7 3168:17 3217:22 3237:24</p> <p>generally 3035:16 3036:1 3041:6, 16 3043:14, 15 3047:25 3051:17, 18 3062:9 3064:13 3114:3 3115:8 3142:14 3145:5 3151:12 3172:2 3213:2 3234:6 3235:25 3236:20</p> <p>generate</p>	<p>3026:11 generated 3217:17</p> <p>generates 3218:2</p> <p>generating 3174:17 3181:12 3187:4, 8</p> <p>generation 3025:4 3049:4, 6 3087:18 3089:2 3104:7 3169:4 3172:7 3177:18 3194:15 3212:13</p> <p>generators 3194:14 3212:12</p> <p>genesis 3115:9</p> <p>geothermal 3041:14</p> <p>gets 3175:3 3205:12</p> <p>getting 3134:23</p> <p>gigawatts 3177:18</p> <p>given 3124:21 3148:16 3174:3 3176:6 3183:21 3216:9</p> <p>giving 3178:10 3184:6</p> <p>glanced 3081:14</p> <p>GLEND A 3019:9</p> <p>Glenn 3157:21</p> <p>global 3051:11 3081:21 3151:13 3166:3, 25 3180:12, 23 3182:15</p>	<p>3184:2 3186:15, 20 3188:13 3190:4</p> <p>GMO 3028:7, 11 3029:8, 15 3031:3, 8, 10, 12 3032:2, 7, 9 3033:24 3040:13 3041:25 3042:5 3062:6 3083:7, 8, 10 3084:22, 23 3085:6, 13 3086:1, 6 3087:15 3088:3, 23 3089:1, 16 3097:19 3121:8 3122:5 3146:9 3147:7, 9, 18 3162:19 3163:21 3164:13, 17, 2 0 3178:21 3191:8 3192:24 3196:20 3197:2, 8, 17, 21, 25 3198:6, 9 3200:2, 6, 11, 12 3201:21, 24 3202:4, 6 3204:9 3205:7 3217:9 3221:19, 20, 2 5 3222:4, 5, 7, 1 0, 11, 12, 14, 1 9, 22, 24 3231:2, 13, 19 , 20, 21, 22, 25 3232:21, 25 3260:3, 5, 11, 13, 15 3261:3, 5, 6, 2 0, 21, 23 3262:7, 9, 15 3263:12, 14, 2 4 3264:3, 10, 12</p>	<p>GMO's 3029:10 3038:3 3122:24, 25 3123:17</p> <p>goal 3027:1 3179:21 3181:1 3182:23 3190:5, 17, 20</p> <p>goals 3040:24</p> <p>Goble 3023:10 3030:4, 6, 19, 21 3031:4, 10 3032:11, 24 3044:25 3045:19 3048:22 3074:10 3080:20 3140:15 3151:3 3258:3 3260:16, 24</p> <p>Goble's 3138:18 3151:7 3152:6</p> <p>government 3101:13</p> <p>Governor's 3166:3, 25 3180:12, 22 3182:15 3190:4</p> <p>gradually 3064:18</p> <p>granted 3128:3</p> <p>great 3035:17 3060:23 3223:4</p> <p>greater 3016:14 3036:3 3092:4 3094:1 3141:11, 21 3217:14</p> <p>greenhouse 3129:23 3130:4, 7, 14, 16, 23 3181:6</p> <p>ground 3170:3</p> <p>grounds</p>
---	--	--	--

<p>3237:22 ground-source 3077:11 Group 3022:8 3193:17 3220:6 groups 3190:8 growing 3046:10 3165:16 3176:4 growth 3156:12 3158:14 guarantee 3148:7,10,18 guess 3032:17 3040:4 3127:22 3135:2 3140:20 3141:6 3162:14,25 3188:10 3236:6 3248:5 guide 3099:24,25 3100:8,19 guided 3075:24</p> <hr/> <p style="text-align: center;">H</p> <p>Hack 3153:14 3155:19 3157:25 hand 3030:5 3082:4 3092:18 3100:25 3161:9 3198:25 3213:12 3230:14 3233:25 3240:16 handed 3052:8 3055:8 3070:13 3131:14 handle 3024:22 3141:24 handled</p>	<p>3194:3 handling 3022:16 3162:15,25 hands 3029:17 happen 3100:24 3116:8 3119:22 3121:14 3240:4 happy 3184:8 3230:4 harmful 3040:2 Harris 3207:11,12,1 4,16,24 3208:4 3210:2,9,19 3213:4 3222:3,8 3258:22 3263:12,14,1 6,18,20,22,2 4 HATFIELD 3019:5 haven't 3041:8 3042:16 3140:5 3170:10 3188:10,11,2 4 3211:14,16,2 3 3249:6 having 3023:14 3152:13 3202:15 3225:13 3247:6 HC 3083:2,11 3084:22 3085:5,6 3164:13 3197:17 3199:14,22 3201:25 3210:8,13 3222:4,11,12 3231:4,8 head 3074:7 header</p>	<p>3056:11 3209:2 heading 3189:18,19 Healy 3017:2,3 hear 3040:6 3074:4 3095:23 3097:1 3184:8,11 3212:1 heard 3041:21 3096:15,24 3154:16 3181:21 3237:20 hearing 3016:4 3024:1 3032:6 3050:9 3053:18 3111:12 3127:15 3164:16 3167:9 3198:5 3202:4 3210:12 3211:10 3221:20 3222:10 3223:12 3230:3 3232:20 3255:21 3256:3 3257:4,6,12 hearsay 3154:4,25 Heartland 3157:15 heat 3025:20,21 3026:10,13 3027:10 3062:20 3063:3 3077:11,17 3094:20 3107:23 3118:14 3119:20 3120:19 3121:2,20</p>	<p>3123:1,9,18 3172:9 3173:8,17,18 ,24 3174:1,13 3181:10 3182:6 3187:6 3219:22 heater 3026:16,18 3028:25 3029:1 3062:16,19,2 0,25 3063:6,7,8,1 1 3066:7 3067:17,21,2 3 3086:15 3151:15 3156:8,9,10, 11 3157:6,7,9,1 0 3171:21,22 3172:4,6,22 3173:3 3175:7,9 3182:9,10 heaters 3067:22 3156:23 3158:14 3159:5 HEATHER 3018:21 heating 3027:8 3028:12,13 3040:3 3046:16 3062:22 3077:15,16 3107:22 3118:19,20 3119:17,19 3120:25 3121:1,20,25 3123:1,9,18 3157:3 3171:6 3172:15,17 3176:23 3180:1,3,9 3181:11 3182:4,7 3185:15 heavily</p>
--	---	--	--

<p>3138:8 Hecker 3019:5 Heinz 3017:11 held 3162:5 help 3028:10 3046:12 3091:25 helped 3142:7 helpful 3212:4 helping 3104:23 3131:6 3152:13 3156:6 helps 3105:21 hereby 3257:4 Hernandez 3020:17 3032:18 3059:20 3064:22 3071:16 3072:23 3085:16,17,1 9,21,24 3088:6,18 3092:14,17 3093:2,3,10 3095:10 3111:11 3132:2 3145:23 3147:5 3148:2 3161:14,15,1 8 3162:22,24 3163:7,9,10 3164:11,21,2 3 3167:8 3183:18 3184:1,9 3186:11 3188:21 3189:1 3191:9,11,21 3192:14,19 3258:15,20,2 1 he's 3045:19 3048:14 3088:13 3155:10 3183:20</p>	<p>hey 3175:10 hide 3165:20 high 3017:19 3026:7 3063:12 3156:22 3157:6 3178:18 3179:10 high- efficiency 3142:19 3156:7,10 3157:10 3159:4 higher 3039:18 3049:13 3179:13 highly 3029:13 3076:14,16 3118:7 3197:6 3260:4,8,12, 18 3261:8,12,22 3262:4,8,12 3263:13,17,2 1 3264:7,11 highly- confidentia l 3196:17 3197:3 3199:25 3200:3,7 historical 3076:16 3194:7,9 3195:12,13 3204:1,3,19 3205:21 3215:6,24,25 3216:3,13 3219:5,7,9 3220:17 3221:9,11 historically 3216:2 home 3027:15 3028:19 3046:18 3072:15 3073:13 3104:5,12 3119:11</p>	<p>3134:21 3142:11,18 3223:18 homes 3025:23,25 3028:5 3046:16 3116:7 Honor 3031:6 3032:10 3044:22 3045:12 3074:1 3085:21 3093:7 3109:13 3111:8 3153:11 3155:3 3183:18 3194:24 3202:7 hope 3029:22 3229:6 hopefully 3106:6,7 3223:17 horizons 3129:9 horizontal 3079:4 hot 3026:16 hour 3216:9 hourly 3205:11 3219:11 Houston 3113:24 HUEE 3157:16 huge 3026:6 HUMPHREY 3018:21 HVAC 3118:10 hydraulic 3145:3,10,15 3152:3,10,16 <hr/> I <hr/> Iatan 3223:2 3224:3,22 3225:11,19,2 2 3226:5,13,19</p>	<p>,24 3227:2,7,11, 13,21,25 3228:4,5,22, 24 3229:2,8,12, 13,15,19,25 3230:2 3233:9,18,19 ,21 3234:4,7,10, 12 3237:20 3242:2,9,11 3243:20,23 3244:11,18,2 3 3245:3,10,18 ,23 3246:6,12,19 ,25 3247:2,12,13 ,18,23 3248:2,7,15, 16,19 3249:5,23 3250:4,11,12 ,18 3251:24,25 3253:22 3254:20,22 IBEW 3019:15 I'd 3024:17 3037:9 3038:6 3044:16 3053:10,14 3056:3 3063:20 3067:8,14 3068:24 3115:8 3120:17 3127:11,22 3130:17 3155:16 3160:4 3164:11 3166:17 3167:5 3184:5,11 3212:6 3230:4 3243:11 Idaho 3133:7 idea 3041:4 3062:24 3118:23 3187:3</p>
--	---	--	---

<p>3238:21 idea's 3188:2 identificatio n 3031:6,9,13 3056:2,6 3064:25 3067:1 3071:5 3072:3,21 3111:15 3131:15 3132:5 3160:7 3166:21 3178:22 3196:22 3200:13 3201:17 3231:14 3232:1 identified 3079:17 3167:22 3187:16 identify 3049:22 3051:10,14 3052:5 3166:23 3168:21 III 3016:19 I'll 3032:17,18,2 2 3045:21 3050:15,21 3051:9 3052:9,12 3058:4 3071:2,24 3072:1 3092:18 3094:5 3122:21 3136:2 3155:14 3158:22 3164:21 3168:9,24 3172:21 3177:9 3184:7,16 3188:23 3199:24 3214:18 3224:15 3232:16</p>	<p>3241:11 illustration 3118:10 I'm 3022:22 3030:13,14,1 5,23 3031:2 3033:9 3040:4,6 3045:5,6 3047:7 3050:20 3051:11 3053:10 3054:7,9 3055:5,10,25 3056:3,9,16 3058:3,19 3059:16 3062:1 3063:25 3066:10,18 3067:15 3068:2,13 3070:7,17,18 ,23,24 3071:19,22 3072:7,17 3073:15,18 3078:20 3080:22,23 3085:21 3086:3 3087:7 3088:6 3090:3,24 3093:6 3095:18 3097:23 3100:21 3105:12 3106:9 3109:11 3111:18 3114:3 3118:8 3119:4 3124:12 3125:21 3129:25 3140:20 3153:9 3161:25 3163:7 3165:7 3167:16 3168:4 3169:5,6 3170:23 3172:23</p>	<p>3177:2 3179:11 3181:21,25 3183:1,8,18 3190:21 3192:23 3194:25 3201:20 3206:8 3208:1 3212:20,21 3213:23 3216:15 3217:22 3218:24,25 3223:16 3224:5,11 3226:8 3232:13 3246:14 3248:9 3249:18 imagine 3062:3 impact 3026:25 3027:12,21 3057:16 3103:23 3129:22 3130:3 3152:10,13 3183:17 imperfections 3093:16 implement 3054:21,22 3060:25 3087:6 3098:7 3190:15 implementatio n 3016:12 3086:1 3167:22,24 3187:15,18 implemented 3060:9 3114:24 3130:18 implementing 3105:16 important 3070:3,8 3116:21 impression</p>	<p>3206:8 improve 3065:14 improvement 3108:9 3184:24 improves 3029:12 3065:12 improving 3181:8 imprudent 3226:23 3227:3 3233:11 3235:8,13 3251:16 imprudently- incurred 3234:19 imputed 3228:1 inaccurate 3154:9 inappropriate 3226:14 3238:5 3251:16 incent 3106:1 3108:7 incentive 3038:14 3088:3,23 3089:15 3090:1 3156:11 incentives 3035:1,19 3041:4,7,11 3098:13 3106:21 3107:20 3108:4 3115:21 3116:5 3131:5,8 3147:10 3154:8 3157:3 include 3090:9 3104:6 3118:15 3127:9</p>
--	--	--	---

<p>3138:19 3171:17 3205:21 3211:5 3215:18 3220:2 3227:24 3235:5,9 3238:12 3243:22 3245:19 3254:1</p> <p>included 3044:7 3117:12 3119:2 3120:15 3124:21,23 3145:9 3147:2 3151:19 3170:6 3193:12,17,2 1,23 3194:13 3200:25 3202:22 3203:1,6,16 3206:15 3224:23 3225:7,25 3227:5,8 3228:5,16,23 3234:8,22 3238:24 3239:17 3242:2,5 3244:17 3245:4,11,13 3249:6 3254:23</p> <p>includes 3104:13 3119:18 3149:16 3218:15,21 3219:5,7,11, 16,21 3227:12,25 3252:8</p> <p>including 3112:14 3143:2,10 3145:14 3171:16 3219:2 3229:2 3242:9 3249:22</p>	<p>inclusion 3111:20</p> <p>inconsistenci es 3079:13</p> <p>incorporate 3068:21</p> <p>incorporated 3076:1</p> <p>incorporates 3069:12</p> <p>Incorporating 3109:24</p> <p>increase 3027:5 3040:2 3092:8,13 3094:8 3105:17 3108:10 3118:24 3119:7 3134:19,21 3142:3 3148:4,9,17, 20 3249:15</p> <p>increased 3024:23 3142:4</p> <p>increases 3076:16 3092:12 3142:7</p> <p>incremental 3095:4</p> <p>incurred 3233:16 3234:13 3251:20 3253:21</p> <p>Independence 3018:14</p> <p>independent 3119:22 3120:6 3143:5,8</p> <p>index 3221:25 3258:1 3259:1 3260:1 3261:1 3262:1 3263:1 3264:1</p> <p>indicate</p>	<p>3048:25 3055:17 3060:23 3112:1 3137:16 3159:24 3160:2</p> <p>indicated 3033:8 3042:20 3047:24 3049:18 3055:15 3058:20 3059:11 3061:7 3074:16 3095:24 3117:19 3121:21 3133:4 3144:17 3146:2 3153:18 3165:25 3209:14 3211:14</p> <p>indicates 3064:17 3111:1 3119:15 3202:21 3209:3</p> <p>indication 3024:8,12 3058:23 3111:23 3155:12 3211:17</p> <p>indicative 3133:18</p> <p>indirect 3104:24</p> <p>indirectly 3104:18</p> <p>individual 3156:3</p> <p>industrial 3128:12</p> <p>industry 3168:17 3170:17 3171:25 3172:1 3174:4,5</p>	<p>inefficiencie s 3090:12</p> <p>inefficient 3077:8 3090:23</p> <p>influence 3104:23</p> <p>influencing 3035:5</p> <p>inform 3186:19</p> <p>informal 3051:20</p> <p>information 3027:20 3029:17 3051:25 3058:7 3065:8,11,15 ,20 3066:3 3075:19 3078:22 3087:19,21 3090:11 3106:1 3118:1 3120:7,8,11 3121:18 3122:17 3123:5 3146:10,11 3150:17,20 3151:3 3164:9 3166:9 3175:2,10 3205:12,24 3206:1 3216:21 3218:17 3219:3,22,25 3231:5</p> <p>informed 3106:2 3145:13 3174:20</p> <p>infrastructur e 3141:19</p> <p>initial 3121:6,12</p> <p>initially 3124:22 3125:4 3193:22 3251:18</p>
--	---	--	--

initiative 3056:22 3057:18 3130:15,16 3156:16 3157:19	3091:21 3187:4 3188:1 3227:7 3228:16	3058:22	3061:4 3075:16 3100:17 3107:11 3112:19 3113:22 3114:5 3126:10,25 3148:17 3172:16 3174:9,12 3182:2,25 3212:8 3245:18 3246:4
initiatives 3075:17	Institute 3070:19 3119:15 3120:23 3122:10	Interrogatives 3262:18	
input 3204:14,16	Institute's 3120:11	interruption 3034:10,12 3036:11 3037:3 3038:11	issue 3041:9 3055:18 3065:22 3090:21 3112:18 3128:10 3137:5 3152:16,17,20 3162:15,25 3192:9 3193:1,6,10,14 3194:4,6,11,16 3195:10,11 3197:20 3202:15,20 3206:4 3212:9,13 3223:2 3225:14,16,17 3226:8,9,12,13,25 3229:23 3230:1 3239:7 3241:13 3244:23 3246:25 3247:3 3249:11 3250:11,22 3252:13 3253:15
inputs 3133:9,11 3215:18,21 3216:16,18,25 5 3217:1 3218:9,25 3219:2	instructing 3184:6	Interveners 3020:13	
inquire 3074:2 3153:23	insulation 3097:4	intervention 3093:20,22,24 3094:3	
inquired 3080:13	insure 3131:5	introduce 3154:14	
insert 3163:19,23	integrated 3053:25 3058:1 3059:10	introduced 3092:20	
inservice 3229:13,15,20 0 3247:13,19	intend 3074:6 3079:9 3154:1	investment 3043:1 3087:5 3168:11,13 3190:17	
inside 3150:6	intended 3074:3	investor 3163:19,24 3168:10	
install 3027:19 3036:13 3116:25 3156:23	intent 3061:5	investor-owned 3163:15	
installation 3028:12 3116:13	interconnect 3204:12 3216:6 3219:13	involved 3034:18 3037:24 3113:25 3139:25 3239:8	
installations 3118:14	interest 3033:17 3036:3 3038:9 3039:19,20,22 2 3103:17 3108:16 3150:8 3187:25	involvement 3027:17 3036:8	
installed 3041:5 3115:22	interested 3058:6 3257:15	involves 3129:8 3225:17	
installing 3028:18 3156:7	interests 3189:9	IRP 3075:18 3129:22 3130:3	
instance 3055:20 3154:15 3170:1	interim 3134:11	irrelevant 3154:18	
instances 3062:20 3086:7	interior 3116:12 3117:7,11	isn't 3034:10 3035:9 3037:4 3041:3	
instead 3057:17	internalized 3076:1		
	Internet		

<p>3126:1 3145:14 3156:2 3162:23 3163:4 3192:23 3194:18 3201:23 3225:16 3227:13 3229:1 3237:20 3250:2 item 3249:7 items 3234:8 it's 3022:10 3025:2,6,7,1 4,15,21 3026:9,19 3027:1,4,9 3029:13,19 3033:2 3034:9 3036:18 3037:19 3039:10 3040:2,10 3042:3 3044:2,5,6,1 7,19 3048:5 3049:10 3050:14 3053:8,25 3054:25 3055:6,21 3057:2 3059:24 3060:25 3061:4 3062:11 3063:1 3064:5 3066:3 3067:20 3068:7 3070:3,10,19 3072:13 3075:8 3076:12,20 3079:3,16,18 3080:7 3083:15 3086:9 3088:15 3089:4,5,20 3092:2,12 3093:14 3099:4,16</p>	<p>3101:7 3103:4 3104:11 3105:24 3106:3 3107:13 3108:6,7 3110:2,9 3112:19 3113:5,17 3114:9 3119:10 3120:13 3121:4 3122:13,17 3124:14 3125:3 3127:2,4,14, 17 3128:10,13,1 4,19 3135:17,18 3137:24 3138:8,9 3139:2 3142:16 3145:13 3148:16,22 3150:7 3151:2 3154:20 3155:8 3158:13,25 3160:23 3163:15 3168:1 3169:6,24 3171:5 3172:19,21 3173:7,23,24 3174:18 3176:22 3178:16 3180:9,19 3183:15,23 3184:21 3187:1,6 3188:4,6 3189:9 3190:20 3191:14 3192:19 3193:3 3197:18,19 3202:17 3203:24 3204:8,18 3205:9,10 3206:20</p>	<p>3208:16,17,1 8 3211:21 3223:14 3225:14 3229:11,22 3233:8,20 3234:2,12,21 3235:8,24 3236:25 3237:7 3239:6 IV 3080:25 I've 3037:24 3043:15 3049:11 3052:8 3056:19 3063:19 3070:13 3072:9 3081:9 3101:1 3119:11 3131:14 3210:6 3255:21 <hr/>J<hr/>Jacobs 3017:14 3022:5 3023:4 3024:17,20,2 1 3029:25 3032:21,22 3033:1,4 3044:10,12,2 3 3045:9,21,22 3048:8,21 3050:5,12 3053:10,14,2 1 3056:2,7 3059:16,23 3063:25 3064:2,3,19 3065:1 3066:18,22,2 4 3067:2,8,13 3068:10,16 3070:23 3071:2,6,13, 19 3072:4,17 3073:1,23 3074:5,7,13 3076:25 3077:20</p>	<p>3078:13,21 3079:21 3080:12 3081:11 3082:1,10,11 3084:21 3085:1,3,7,8 3088:10 3092:19 3093:1,6 3111:10 3119:25 3120:4 3122:6,16 3123:12 3132:1 3145:22 3153:25 3155:15 3159:2,15 3160:4,15 3164:24,25 3165:2 3166:17,22 3167:5,12 3178:23 3183:23 3184:5,13 3185:2,3 3186:2,13 3188:19 3258:4,14,17 ,20 JAIME 3020:16 JAMES 3018:9,17 January 3016:5 3155:18 3158:5 Jarrett 3016:20 3073:6,10,12 ,19 3140:11,12,1 4 3143:12,14 3144:15 3258:4,16 Jefferson 3016:5 3017:8,20,24 3018:3,11,19 3019:6,18 3020:2,21 3021:4 JENNIFER 3020:17</p>
---	---	---	---

<p>JJR 3084:4,5 job 3240:2 John 3020:4,8 3082:6,16,18 3161:10,21 3162:7 3230:16,24 3231:1 3258:3,10,14 ,19 3261:4,5,7,1 0,12,14,16 3262:3,5,7,9 ,11,13,15 3264:7,9,11, 13 joint 3157:19 3158:13 3193:10 3200:22 jointly 3143:5 jointly- funded 3142:16,25 3143:8 Joseph 3019:19 JR 3017:18 Judge 3016:19 3022:1,5 3023:2,4,5,9 ,13,24 3024:4,14,17 ,19 3029:25 3030:8,12,14 ,17 3032:4,6,13, 20 3044:11 3045:8,13 3048:17,19 3050:9 3053:13,16,1 8 3059:18,21 3064:1,23 3066:20,23 3067:11 3068:12 3071:1,17 3072:24 3073:3,21,24 3081:20,24 3082:2,4,8 3085:3,9,15, 18,23 3088:15</p>	<p>3092:16 3093:8 3095:12 3109:15,18 3111:12 3122:21 3123:14 3131:25 3132:3 3135:1,6 3140:10 3143:14 3144:1,6,11 3145:18,21 3155:5,14 3158:22 3159:12 3160:8,12,16 ,20,23 3161:2,8,12 3162:22 3163:6 3164:14,16,2 3 3166:19 3167:7,9 3184:10,16 3186:3,6,10 3188:23 3191:11,17,1 9,24 3192:2,7,13, 17,20,21 3194:20 3195:1,5,8,2 4 3196:7,9 3197:16 3198:2,5,12, 15,16,21,23, 24 3199:3,17 3200:11 3201:10,12,1 4,20,25 3202:2,4,9,1 1 3204:25 3205:3 3207:7,8,13, 18,21 3210:6,11,17 3213:6,11,15 ,18 3214:21 3215:1,3 3220:20,21,2 4 3221:1,15,21 ,23 3222:2,6,10, 16,17,22,25 3223:1,5,9 3224:2,5,7,1</p>	<p>3,15 3230:7,11,18 3232:13,17,2 0 3233:2 3237:11,15,1 6 3240:12,19 3241:14 3243:10,16 3252:24 3253:4 3255:7,15,20 judge's 3154:10 July 3167:1 jump 3033:5 3167:25 junction 3229:22 June 3119:14 3224:19 3243:14 jurisdictiona 1 3225:11 jurisdictions 3027:25 3146:20 <hr/> K Kansas 3016:9 3017:16,25 3018:20,22,2 3,24 3019:3,4,7,1 1,14 3020:13 3031:2 3095:18,25 3096:5,16,19 ,20 3121:17,24 3122:12,15 3125:2,8 3133:9,12,15 ,17 3134:6 3153:22 3155:21 3191:7 3196:14 3198:22 3199:9 3217:13 3230:24,25 3260:2 KARL 3019:1 KCP&L 3016:14 3028:7,11</p>	<p>3029:8,15 3031:6,7,12 3032:2,8 3033:24 3035:8 3036:23 3038:3,9 3040:12 3041:25 3042:5 3045:3,10 3046:9,21 3048:9,19,20 3050:6,16 3053:20 3056:5 3059:17,21,2 2 3062:6 3064:24 3066:25 3067:11,12 3071:4,17,18 3072:2,20,24 ,25 3073:17 3074:3 3077:25 3079:4,8,9 3080:6,9 3083:1,4,5,2 3,25 3084:7,22 3085:5,11 3086:1,6 3087:15 3088:3,23 3089:1,16 3095:13 3097:19,24 3098:7,14 3107:19 3111:13 3115:22 3116:1,7 3117:21 3124:1,9 3125:13 3126:6,21 3129:13 3130:9,10 3131:15,24 3132:3,4 3136:25 3137:4,8,9,2 0 3138:1 3139:22 3140:2,4 3142:12 3146:9,14 3147:7,9,14,</p>
---	--	--	--

<p>18 3150:10 3153:6,13,19 3154:6 3155:13,25 3156:15,16,1 7 3159:18 3163:16 3164:12,19 3166:20 3167:6,9,11 3192:24 3193:4,18 3196:15,21,2 5 3197:16,25 3198:5,8 3199:13,17,1 9 3200:18 3201:11,14,1 6,18 3206:24 3210:3,13 3214:21,23 3216:4 3217:9,14 3220:7,13 3222:18,23 3228:9 3231:2,3,12 3232:20,23 3236:21 3258:2 3260:7,9,17, 19,21,22,24 3261:8,9,11, 13,15,17,18 3262:3,5,11, 13,16,18,19, 21,22,24 3263:3,4,6,7 ,9,16,18,20, 22 3264:5,6,8</p> <p>KCP&L's 3029:10 3043:13 3044:13 3077:21 3078:7,13 3123:8,23 3129:22 3136:4,12 3137:23 3154:6,21 3193:16 3194:8 3203:16 3212:11,12 3254:23</p> <p>KCP&L- specific</p>	<p>3150:24 3151:4</p> <p>KCPL 3032:6,16 3050:10,11 3053:18 3078:11 3097:3 3100:24 3108:19 3109:14,18 3111:9,14 3121:7 3138:10 3156:18,23,2 5 3157:13 3159:25 3160:6,14 3164:16 3204:9 3205:7 3224:18 3225:2,7 3231:16 3232:21 3241:6 3242:25</p> <p>kcplenergypla n.com 3044:18</p> <p>KCPL's 3045:1 3047:8 3130:3 3136:18 3159:24 3194:12,13 3234:18 3237:4 3245:4</p> <p>Keith 3240:17,24 3241:4 3259:4</p> <p>Kenney 3016:20 3205:1,2 3220:22,23 3237:12,13 3253:1,2</p> <p>Kevin 3020:16 3022:17</p> <p>key 3103:22 3204:13</p> <p>kinds 3100:1</p> <p>KINDSCHUH</p>	<p>3020:4</p> <p>KLIETHERMES 3020:17</p> <p>knew 3250:2</p> <p>knowledge 3031:20 3041:22 3042:9 3084:16 3137:22 3154:22,23 3164:9 3168:17 3209:24 3214:16 3232:11 3236:22</p> <p>known 3099:1 3221:11</p> <p>KS 3019:10,14 3020:5</p> <hr/> <p>Labels 3099:24 3100:1,8,11, 19</p> <p>Lack 3027:20 3090:10 3168:16 3191:7</p> <p>laid 3122:16,19</p> <p>Lane 3019:21</p> <p>language 3043:4 3092:22 3093:4,11 3169:15</p> <p>large 3039:9 3089:24 3129:23 3130:4 3142:3 3149:24</p> <p>LARRY 3018:17</p> <p>Last 3032:15 3050:2 3056:10,21 3072:7 3079:3 3159:16 3161:21 3167:18</p>	<p>3170:7 3179:1 3185:4 3213:1 3224:18 3225:2,7 3237:19 3238:22 3239:1,16 3241:12 3247:20</p> <p>later 3022:23 3124:21 3155:1 3232:15</p> <p>Law 3016:19 3017:2,6,7,1 0,14,15,18,2 2 3018:1,5,9,1 4,17,21 3019:1,5,9,1 2,16,20 3020:1,4,8</p> <p>Lay 3045:21 3154:1</p> <p>Lays 3203:14</p> <p>Lead 3088:16</p> <p>least 3047:2 3054:25 3136:6 3140:21 3158:17 3159:8 3193:22</p> <p>leaves 3198:22</p> <p>Lee's 3018:4</p> <p>left-hand 3110:4</p> <p>legal 3020:16,17,1 8,19 3090:16 3184:7 3187:22</p> <p>legislation 3188:7,12,25</p> <p>legislative 3187:22</p> <p>legislatively -mandated 3093:22</p> <p>less 3027:13 3046:15,16</p>
---	--	--	---

<p>3049:3 3062:17 3135:4 3141:5</p> <p>lessen 3027:18</p> <p>let's 3101:20 3108:25 3137:11 3160:24 3162:18 3223:6 3242:22 3244:5 3246:24 3255:23</p> <p>letter 3153:10,12,2 0 3154:9,20 3155:11,13,1 8 3158:5,21 3159:17,19,2 2,23 3263:8</p> <p>letting 3045:6</p> <p>level 3091:7 3165:16 3180:16 3184:25 3187:25 3188:8 3205:14</p> <p>levels 3028:14 3029:4 3101:14</p> <p>Levetzow 3155:24</p> <p>Lewis 3018:6 3021:2</p> <p>lieu 3156:9</p> <p>life 3157:5 3168:19</p> <p>light 3016:10 3018:20,22,2 4 3019:4,7,11 3031:3 3095:19,25 3096:5,16,19 ,21 3107:11 3121:17,24 3125:2,9 3133:10,12,1 5,17 3134:7</p>	<p>3153:22 3155:21 3191:8 3196:14 3199:9 3217:14 3230:25 3260:2</p> <p>lights 3107:7</p> <p>Light's 3122:12,15</p> <p>likely 3062:11 3105:19 3121:5 3141:11</p> <p>line 3050:14 3101:20,21 3107:19 3109:3 3115:15,18 3117:1,6 3129:7 3131:1 3132:24 3134:10 3135:11 3136:3 3138:17 3145:25 3147:11 3148:5 3149:2 3150:11 3151:9 3153:15 3154:22 3159:24 3162:18,20 3163:17,22 3190:19,22,2 3 3200:20,21 3209:2,10 3241:24</p> <p>lines 3079:4 3108:25 3116:10 3119:14 3120:2 3130:2 3144:22 3150:24 3152:3 3163:20,24 3168:12,13 3242:23</p> <p>liquid 3111:4</p>	<p>list 3037:16 3221:25 3224:8</p> <p>listed 3113:15</p> <p>listen 3088:13</p> <p>little 3079:18 3089:4 3103:7 3104:1 3119:12 3155:9 3249:18</p> <p>live 3194:6</p> <p>LLC 3016:25 3017:13 3019:9 3020:8</p> <p>LLP 3018:6 3019:2,5 3020:4</p> <p>load 3024:23 3057:13 3177:10,13 3193:12 3200:25 3202:22 3203:1,6,7,9 ,16,17</p> <p>loads 3203:1</p> <p>locales 3029:14</p> <p>Locals 3019:15</p> <p>locations 3098:17</p> <p>logical 3157:20</p> <p>long 3022:20 3129:8,12 3154:19,21 3162:5</p> <p>longer 3062:24</p> <p>lose 3091:14,15</p> <p>loss 3048:23 3049:1,7 3089:2,5,6,8 3091:17 3172:7,8</p>	<p>3176:15</p> <p>losses 3026:6,12 3049:2,4 3069:13 3089:9,12 3169:3,12 3174:16</p> <p>lost 3091:11 3125:12,14,2 0,22 3126:6,14 3128:3,9,12, 13,20,21 3176:14,17</p> <p>lot 3063:19 3075:12 3076:21 3176:1 3189:8 3216:8 3219:1 3226:7 3236:21</p> <p>loud 3057:10 3093:12</p> <p>Louis 3020:9</p> <p>Louisiana 3152:23</p> <p>Low 3039:20</p> <p>lower 3025:24 3089:3,5 3110:4</p> <p>low-hanging 3065:25</p> <p>low-risk 3185:7</p> <p>LUMLEY 3017:10</p> <p>lunch 3143:17,22 3160:21 3161:1</p> <hr/> <p style="text-align: center;">M</p> <p>ma'am 3045:13 3085:23</p> <p>MAC 3030:24</p> <p>M-A-C 3030:24</p> <p>Madison 3018:18 3020:20</p>
---	---	---	--

<p>3021:3 main 3019:2 3037:11 3117:1 Major 3243:18 3253:6 majority 3152:19 Majors 3227:19 3240:14,15,1 7,24 3241:4,12,17 3255:9 3259:4 makings 3156:24 Maloney 3207:11 3212:20,21 3213:8,10,13 ,21,25 3215:5 3221:16 3222:4,15,18 3259:2 3264:4,5 management 3025:8 3029:21 3030:23 3043:13 3057:13 3143:6 3199:12 manager 3110:15 3162:3 3199:11 managing 3156:17,18 mandate 3051:6 3058:10 3114:25 3115:1 mandated 3053:6 3054:17,25 3060:6 mandating 3061:23 MANGELSDORF 3020:1</p>	<p>manner 3131:7 3228:17 manufacturers 3097:6,11 margin 3128:3,9,21 3193:11 margins 3125:12,14,2 0,22 3126:14 mark 3017:22 3018:1 3050:5 3053:10,14 3056:3 3071:2 3072:17 3160:4 marked 3031:7,9,13 3050:11 3056:6 3064:20,25 3066:19,21 3067:1 3068:10,11 3070:24 3071:5 3072:1,3,21 3078:10 3080:9 3083:1,4,7,1 0 3092:19 3111:15 3131:14 3132:5 3160:7 3166:17,21 3178:22 3196:22 3199:17 3200:1,10,13 3201:17 3208:6 3210:3 3214:3 3231:5,10,14 ,17,20,21,22 3232:1 3241:6 3260:2 3261:2 3262:2 3263:2 3264:2 market 3033:21</p>	<p>3034:6,10,11 ,15,16 3036:11 3037:3 3065:23 3074:18 3076:7,10 3089:21,25 3090:11,12,1 6,20 3091:1 3092:5 3093:14,15,2 0 3104:22,23 3106:7,8 3195:11 3203:23 3204:17 3205:12 3215:7,11 3216:9 marketed 3090:5 marketing 3135:21 3157:21 marketplace 3060:24 3086:17 3104:21 markets 3065:12 3093:23 3205:11 3218:3 Marlboro 3082:17 Mass 3143:7 Massachusetts 3022:8 3082:17 materially 3121:11 matter 3016:9,13 3022:5 3109:11 3162:9 3196:16 3199:13 3200:3 3214:2 may 3040:9,10 3044:10,11 3045:4 3068:8</p>	<p>3076:3,17 3077:8,9 3081:22 3082:9 3092:16 3096:10,14 3101:14 3103:18 3107:15 3140:19 3143:3 3152:18 3155:3 3156:11 3160:18 3191:13 3195:6 3199:16 3201:6 3207:10 3213:7 3221:17 3223:23 3240:13 3251:23 3255:10,25 maybe 3045:18 3073:10 3088:12 3096:2 3135:5 3162:14 3168:1 McCarty 3019:6 MCCLOWERY 3020:19 MCF 3039:10 MCNEILL 3019:20 mean 3035:11 3047:1 3100:1 3109:9 3117:16 3132:11 3133:11 3174:9 3176:14 3182:8,12 3187:20,21,2 3 3189:7 3211:20 3217:5 3218:24 3250:16 meaning</p>
--	---	--	--

<p>3108:2 3113:18 3146:19 3147:8</p> <p>meaningful 3157:7</p> <p>means 3044:7</p> <p>meant 3051:4 3057:18 3065:3 3077:12</p> <p>meantime 3108:18</p> <p>measurable 3131:10 3221:11</p> <p>measure 3026:22 3037:9 3064:10 3106:3,5,6 3111:24</p> <p>measured 3105:8,18,23 ,25 3112:21</p> <p>measurement 3064:6 3262:23</p> <p>measures 3026:4</p> <p>measuring 3099:1 3104:4,11</p> <p>mechanism 3126:5,8,13 3127:9 3129:3 3137:17,21 3139:19 3233:20 3234:10 3238:16</p> <p>mechanisms 3125:17,19 3129:1</p> <p>meet 3046:10,11,1 9,22 3129:9,13 3155:23</p> <p>meeting 3054:13 3156:3</p>	<p>megawatts 3043:24 3057:1,6 3193:18 3206:6</p> <p>MEGHAN 3020:19</p> <p>MEIA 3087:4 3190:11</p> <p>Member 3102:19 3103:5</p> <p>mention 3024:6 3050:24 3052:13 3058:13 3106:14,19 3114:15 3131:2 3228:9</p> <p>mentioned 3022:14 3024:7 3052:16 3089:10 3095:9 3114:19 3125:7 3133:21 3149:13 3235:19</p> <p>met 3229:15 3247:18</p> <p>Metcalf 3020:5</p> <p>meter 3117:6</p> <p>methane 3130:23</p> <p>method 3026:22 3098:25 3104:4,11 3249:2</p> <p>methodology 3068:20 3109:24 3215:6</p> <p>methods 3025:1,2</p> <p>metric 3039:7,12</p> <p>Mexico</p>	<p>3037:22</p> <p>MGE 3025:11 3028:9,19 3032:16 3036:12,19,2 5 3038:13,14,1 7,24 3039:1,7 3040:2,5,7 3043:19 3047:2 3049:15 3061:5 3065:23 3078:3 3086:5 3087:23 3088:1 3089:14,15,1 7 3092:6,9 3095:2 3096:24 3115:20 3116:25 3125:7 3132:7 3134:15 3139:12,14,1 8 3147:6 3153:6 3154:7 3155:25 3156:18,25 3157:3,13 3158:12 3159:18,25 3191:3 3258:13 3263:8</p> <p>MGE's 3036:15 3039:15,19,2 0,22 3047:1,11,14 3062:5 3092:4 3142:20 3148:7,16,20 3153:19 3156:10 3158:18 3159:1 3165:4,5 3183:9</p> <p>Michael 3018:5 3019:12 3193:16</p>	<p>3220:6,11</p> <p>MIDAS 3194:8 3205:17 3217:20 3218:1 3219:4,10 3221:4,8</p> <p>middle 3138:16</p> <p>MIEC 3020:6</p> <p>Mike 3155:23</p> <p>million 3225:11</p> <p>Mills 3021:2 3022:13 3023:25</p> <p>mind 3161:19 3209:22</p> <p>mini 3192:9 3194:22 3195:1,4 3224:9 3230:6</p> <p>minority 3102:18,22 3103:5</p> <p>minute 3246:24</p> <p>minutes 3135:4,5 3191:21,22 3192:3</p> <p>misaligned 3106:21</p> <p>misheard 3096:10</p> <p>Missouri 3016:2,5,14 3017:17,21 3018:8 3019:18,19 3020:3,10,22 3025:5 3033:1 3041:20 3042:25 3073:17 3075:11 3076:1 3087:5 3092:12 3094:13 3096:2,4,12, 22 3097:12</p>
---	---	---	--

<p>3119:18 3125:18,23 3128:2 3130:20,22 3132:13 3134:11 3140:1 3142:12 3147:14 3148:3 3153:21 3155:20 3158:4 3159:9 3161:25 3166:15 3190:13,16 3193:10 3200:22 3208:2 3217:14 3225:11 3230:25 3241:2</p> <p>Missouri's 3190:11</p> <p>misunderstood 3096:3</p> <p>mitigating 3156:12 3158:14</p> <p>mix 3087:18</p> <p>MJMEUC 3017:5 3193:11,17,2 4 3195:18,20 3200:23 3202:20 3203:7,9,20 3206:3,5,24 3211:3,5</p> <p>MO 3017:4,8,12, 16,20,24 3018:3,7,11, 19,23 3019:3,6 3020:2,9,13, 21 3021:4</p> <p>mode 3172:17 3218:6 3219:1</p> <p>model 3193:20 3202:23 3203:25 3204:2,4,8,1 1,16</p>	<p>3205:7,13,16 ,18,21,24 3211:4,22 3212:2,7 3215:8,11,17 ,22 3216:16,17,2 0,22 3217:1,4,5,2 1,23 3218:1,5 3219:1,4,9,1 0 3220:1 3221:4,8</p> <p>modeled 3206:9,11,22 ,24</p> <p>modeling 3194:9 3201:1 3203:18,21 3206:16,17 3218:2</p> <p>modifies 3136:19</p> <p>modify 3057:21 3058:15 3136:18</p> <p>moment 3055:9 3056:15 3068:2 3078:15 3080:23 3081:1,7 3223:3 3246:10</p> <p>momentum 3060:23 3165:16 3176:5</p> <p>money 3039:1 3089:2 3125:8</p> <p>monitoring 3218:21</p> <p>Monroe 3017:23 3018:2</p> <p>monthly 3138:19,20,2 4 3151:8</p> <p>months 3204:15</p> <p>morning</p>	<p>3022:1 3024:21 3032:24,25 3073:7,9 3074:10,11 3082:12,13 3085:19,20 3095:15,16,1 9 3140:16 3163:14 3187:24 3191:5 3255:24</p> <p>Morrison 3019:5</p> <p>motion 3232:16</p> <p>move 3032:1 3055:5 3058:3 3062:1 3064:9,15,17 3071:19,24 3084:21 3099:17,20 3111:8 3131:23 3148:24 3214:18 3224:3 3232:14</p> <p>moved 3063:3</p> <p>moves 3062:25</p> <p>moving 3105:6</p> <p>multifamily 3028:5</p> <p>municipal 3114:12 3163:15,19,2 3 3193:11 3200:22</p> <hr/> <p>N</p> <p>Nancy 3016:24 3257:2,19</p> <p>narrow 3225:16</p> <p>NATHAN 3020:15</p> <p>national 3063:16 3068:21 3069:3 3070:19</p>	<p>3075:9 3092:5 3101:24 3165:16 3187:25 3218:12</p> <p>nation's 3103:17</p> <p>nationwide 3094:14</p> <p>native 3193:12 3203:1,17</p> <p>natural 3020:3 3025:12,18,2 3,24 3026:1,25 3027:8,11,13 ,14,19 3028:18,22 3036:20,22 3039:17 3054:10,11 3062:22,25 3063:8 3067:21 3075:15 3076:5,10,14 ,22 3077:2,4,15 3087:2 3089:22 3091:21 3093:18 3098:15 3107:3,6,8,1 5,22,23 3109:3 3110:24 3111:2 3112:8,20 3113:4,19,22 3115:23 3116:13,18,2 5 3117:5,12 3138:6,8 3139:5 3140:21,25 3141:3,10,14 3142:6 3144:17 3145:7,10,14 3152:10 3156:10 3165:11,21 3167:15,20 3168:10,20</p>
---	--	--	---

<p>3169:1,7,14 3174:4 3176:23,25 3177:4,15 3178:14,17 3179:4,10,13 ,21 3180:2,4 3181:9,10,14 3182:1,4 3185:8,20,24 ,25 3187:3,5,9,1 0,14 3189:20 3193:1 3204:14,15 3215:18 3216:2,5,16, 17</p> <p>nature 3205:6 3208:20 3219:23</p> <p>necessarily 3041:8 3044:23 3045:5 3047:5 3133:16 3148:16</p> <p>necessary 3086:22 3235:2</p> <p>neither 3055:24 3220:4 3257:10</p> <p>net 3023:25 3242:15</p> <p>nevertheless 3154:15</p> <p>Newer 3049:12</p> <p>Newman 3017:23 3018:2</p> <p>Ninth 3018:6</p> <p>Noack 3090:22 3166:15</p> <p>noncombination 3149:8,11,14</p> <p>none 3032:6 3053:18 3060:5 3064:22 3164:16 3167:9</p>	<p>3198:5 3202:4 3232:20</p> <p>non-gas 3134:21</p> <p>nonproprietary 3196:17 3197:3,7 3199:21 3200:4,7 3260:6,10,14 ,20 3261:10,14,2 4 3262:6,10,14 3263:15,19,2 3 3264:9,13</p> <p>nonunanimous 3224:17 3243:4,12</p> <p>nor 3042:22 3055:24 3122:2 3127:25 3137:9 3140:3 3220:4 3257:10,14</p> <p>normal 3228:17</p> <p>normalize 3204:16</p> <p>normalized 3205:14</p> <p>normally 3032:14 3118:14 3175:15</p> <p>North 3017:3 3020:12 3120:14,20 3142:1 3220:6</p> <p>NorthBridge 3022:8 3193:17,20,2 1</p> <p>north-central 3119:17 3120:15,25</p> <p>northeastern 3130:15</p> <p>Nos 3085:11,13</p>	<p>3164:19,20 3196:20,21 3200:12 3201:16,18 3210:13 3222:12 3231:12,25 3232:23,25</p> <p>note 3058:10 3118:7</p> <p>noted 3057:21 3123:14 3160:12 3243:16</p> <p>notes 3029:13</p> <p>nothing 3030:11 3081:19 3091:15 3112:3,18 3132:18 3142:5 3160:15 3237:10 3255:5,20</p> <p>nothing's 3053:6</p> <p>notice 3079:6 3243:12</p> <p>notify 3223:20</p> <p>November 3078:2,4 3245:7</p> <p>NP 3084:22,23 3164:13,17,1 9,20 3178:21 3196:20,21 3197:17 3198:6,8,9 3199:14 3200:12 3201:11,15,1 6,18,25 3202:5,6 3210:8,14 3231:4,8,12 3232:21,23</p> <p>NRC 3102:3</p> <p>NRRI 3071:2 3263:3</p> <p>Numeral 3080:25</p>	<p style="text-align: center;">o</p> <p>oath 3196:4 3230:13</p> <p>object 3045:17 3153:12 3183:19 3188:19</p> <p>objection 3022:19 3044:23 3045:6,14 3048:10,17,1 8 3050:8,10 3053:16 3059:18 3064:21 3067:10 3071:15,16 3072:22,23 3084:24,25 3111:10,11,1 2 3122:6 3123:13 3131:25 3132:2 3154:2,13 3158:19 3159:10 3160:9,11 3163:2 3184:6,7,10 3201:12,13 3210:5,12 3214:20 3222:9,10,16 ,21 3232:18</p> <p>objections 3032:4 3164:14 3167:7 3198:3 3202:2</p> <p>obligation 3201:1 3203:2,21 3206:15</p> <p>obstacles 3093:16</p> <p>obvious 3061:15</p> <p>obviously 3043:18 3095:5 3107:9</p>
---	---	--	--

<p>3108:22 3118:17 3119:10 3166:5 occur 3062:18 occurred 3091:8 3096:22 3216:2 3247:12 occurs 3039:25 3040:3 3139:1 o'clock 3160:24 3255:24 odds 3136:4 offer 3028:11,24 3036:12,19,2 5 3045:9 3070:24 3071:13 3078:6 3088:3,23 3107:20 3108:4 3115:20 3116:2 3164:12 3197:16,22,2 5 3201:10,21,2 4 3210:2 3221:19,22 3222:7,14 3241:13 offered 3028:5 3068:15 3093:9 3132:25 3133:5 3137:1 3155:10 3160:8 3180:15 3214:21 3232:18 offering 3098:13 offers 3116:4,5 office 3019:9</p>	<p>3021:2,5 officer 3153:14 3155:20 3257:3 offpeak 3047:8 offs 3239:25 offset 3043:25 3228:16 offsetting 3091:18 off-system 3022:7 3193:13,15,1 9 3195:21 oh 3189:19 3236:20 ohio 3152:24 oil 3141:11 3193:7 3195:10 3202:16 3211:1 3216:11 okay 3024:14 3031:25 3038:2 3040:12 3052:11 3055:10 3056:20 3066:23 3068:14,25 3070:15,22 3073:19 3074:8 3076:24 3078:6,18 3079:1,7,14 3080:12 3081:1,7 3085:22 3089:9 3090:14 3093:2 3096:8,11,14 ,18,23 3098:1,4,19, 23 3101:9,20 3102:2,10,17 ,21,25 3103:7,25 3104:15,25</p>	<p>3105:15,20 3106:12 3107:18 3108:1 3109:17 3110:10,14 3114:14,23 3115:4,12,15 3116:23 3117:14,23 3118:19 3122:4 3125:16 3126:4,10 3129:21 3130:7 3132:7,23 3134:9,25 3136:1 3137:11,14,2 0 3138:1,4,10, 16 3139:18,21 3144:21 3145:6 3155:18 3163:8 3168:4,5 3169:9,19 3183:4 3187:11 3189:21 3190:1 3192:18,19,2 0 3196:15 3198:21 3201:3 3203:7,14,19 3208:23 3209:1,9 3211:10,13,1 9 3212:9,23 3214:8 3217:13 3234:3 3236:3 3238:8 3240:10 3242:22 3244:10 3246:9,15,18 ,24 3248:25 3252:11,21 3254:20 O'Keefe 3017:11 Oklahoma</p>	<p>3152:23 older 3049:12 3063:14 3156:22 3157:6,9 omitted 3075:13 ones 3252:19 one-year 3193:3 Ontario 3152:24 onto 3131:2 open 3023:18 3098:1 3149:18 opening 3024:18 3192:9 3195:2,4 3210:24 3224:9 3230:8 3235:19 openings 3194:22 3230:6 operate 3069:11 operating 3027:7 3072:14 3108:13 3151:15 3153:14 3155:19 3175:17 operation 3121:6,12 operations 3016:14 3215:25 3217:14 opinion 3048:13,14 3102:18,22 3103:5 3104:15 3105:15 3121:3 3140:21 3144:16 3147:18 3158:11</p>
---	--	--	--

<p>3159:7 3221:7 3240:4</p> <p>opportunities 3131:9 3155:25 3157:16</p> <p>opportunity 3029:22 3157:22</p> <p>oppose 3024:9</p> <p>opposed 3025:21 3112:16 3181:12 3220:5,11,16</p> <p>opposes 3215:10</p> <p>Optimizer 3156:16</p> <p>option 3167:15 3182:22 3186:1</p> <p>options 3093:25 3094:6 3113:6 3167:21 3173:23 3182:16 3185:9 3187:14</p> <p>order 3032:14 3045:16 3053:22 3054:4 3081:16 3099:20 3103:20 3115:9 3116:17 3117:4 3129:9 3136:21,22 3243:12,21</p> <p>orders 3080:25 3081:15 3114:19</p> <p>original 3254:13</p> <p>originated 3132:16</p>	<p>others 3113:14</p> <p>otherwise 3091:8 3257:15</p> <p>Ott 3020:16 3230:8,10 3233:3,4,6 3237:10,11 3238:8 3239:19 3240:21,22 3241:11 3253:5 3255:5,7,13, 18 3258:11 3259:5,6</p> <p>ought 3221:21</p> <p>outcome 3060:18 3257:15</p> <p>outline 3192:22 3224:12</p> <p>outreach 3160:3</p> <p>outside 3128:4,6 3149:18 3150:7 3188:20 3211:13</p> <p>overall 3170:7 3171:16 3184:25</p> <p>over-arching 3065:19</p> <p>overcome 3027:17,20 3168:6</p> <p>Overland 3020:5</p> <p>overly 3068:3</p> <p>overly- familiar 3043:2</p> <p>override 3227:15</p> <p>overrule 3122:21 3155:14 3184:16</p>	<p>3188:23</p> <p>overruled 3158:22 3159:12 3160:12</p> <p>overruns 3238:1 3242:16</p> <p>Overview 3069:3</p> <p>owned 3168:11 3205:18</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P.O 3018:10,22 3019:17 3020:1,20 3021:3</p> <p>PA 3019:13</p> <p>page 3045:23 3050:3,14,19 3052:16,17,1 8,24 3054:4 3055:11,25 3056:9,11 3057:9 3058:4 3067:14 3068:18,24 3078:19,25 3079:3 3080:16,20 3081:6,11 3083:23 3093:4,11 3098:2,16,20 ,23 3101:7,20,21 3102:14 3103:1,8,11, 12 3105:12 3106:13 3107:18 3108:25 3110:2,3,10, 12 3111:17 3113:9 3115:12 3116:10 3118:4,9 3119:13 3120:2 3123:21 3125:6 3126:5</p>	<p>3129:7,21 3130:2 3131:1,2,19, 20 3132:23 3134:9 3135:8 3136:1,3 3137:15 3138:13,16 3158:11 3159:17 3162:18,19,2 0 3163:17,19,2 1,24 3167:16,18,2 5 3168:24 3169:21 3171:5,18,19 3176:11,24 3178:13,16 3179:18 3185:4 3187:12 3189:15 3192:25 3200:19,21 3209:1,10 3241:21 3242:22 3247:1 3249:18 3262:17</p> <p>pages 3080:14,24 3106:9,14,19 3123:20 3126:2 3130:25</p> <p>paid 3204:9,10 3216:4</p> <p>Pam 3155:23</p> <p>panel 3041:6 3097:6</p> <p>panels 3097:3</p> <p>papers 3022:21</p> <p>paragraph 3056:11,21 3057:8 3058:4,14 3069:1 3081:13 3101:10 3103:8,10,14 3158:10</p>
---	--	---	---

<p>3159:3,17 3179:1</p> <p>parallel 3194:15 3212:13</p> <p>paraphrasing 3140:20</p> <p>Pardon 3044:3</p> <p>parent 3113:22 3114:2</p> <p>Park 3020:5</p> <p>partially 3060:4,15</p> <p>participated 3132:8,9</p> <p>participation 3029:4 3089:16 3106:15</p> <p>particular 3135:15 3162:17 3163:4,12 3166:13 3184:20 3190:2 3225:16 3234:8 3240:2 3247:11</p> <p>particularly 3026:17 3070:10 3075:13 3174:12 3180:8</p> <p>parties 3022:2 3154:14 3189:8 3191:14 3193:9 3229:9 3233:14 3247:10 3257:11,14</p> <p>party 3205:19</p> <p>party's 3245:1</p> <p>passed 3238:22</p> <p>past 3076:15</p>	<p>3141:6,15,25 3157:14 3159:19</p> <p>pay 3039:18 3135:15 3139:12,14</p> <p>payback 3039:5</p> <p>paying 3139:6</p> <p>pays 3089:15</p> <p>PC 3017:23 3018:2,18 3019:17</p> <p>PCS 3233:10</p> <p>peak 3040:3 3141:20</p> <p>peak-day 3039:24</p> <p>peaking 3156:17</p> <p>peak-load 3156:12</p> <p>peaks 3141:24</p> <p>pending 3111:19</p> <p>penetration 3134:20</p> <p>Pennsylvania 3152:23</p> <p>people 3097:3 3213:1</p> <p>per 3039:10 3157:12 3178:1</p> <p>percent 3026:8,17,19 3027:13 3049:1,3,10 3119:16,19 3120:24 3121:2 3122:1,5,18, 24,25 3123:8,17 3172:5,6 3175:11,12 3176:13,17 3177:9,13 3179:25</p> <p>percentage 3121:24</p> <p>percentages</p>	<p>3120:24 3121:15 3122:11 3170:18</p> <p>perform 3046:15 3117:20</p> <p>performance 3068:22 3069:4,25 3073:13 3109:23 3142:11 3261:17</p> <p>performed 3117:10 3191:3</p> <p>performing 3179:12</p> <p>Perhaps 3047:13 3051:3</p> <p>period 3047:8 3144:18 3206:21 3234:13</p> <p>periods 3039:25</p> <p>permits 3035:1</p> <p>permitted 3225:18</p> <p>PERRY 3018:14</p> <p>personal 3106:24 3107:12</p> <p>personally 3217:24</p> <p>personnel 3137:4</p> <p>perspective 3027:16 3029:9 3036:16 3038:2 3086:21,22,2 4 3099:14 3128:20 3227:21</p> <p>Peterson 3017:7</p> <p>Philadelphia 3113:12</p>	<p>3114:7,11,13 3163:14,18,2 2</p> <p>phrase 3135:16,17 3190:25 3200:22</p> <p>picture 3026:15 3175:20</p> <p>piece 3135:25</p> <p>pieces 3162:17 3197:11 3200:16 3201:8 3232:4</p> <p>pilot 3107:7,10</p> <p>pinch-hitting 3022:18</p> <p>pipeline 3141:19</p> <p>piping 3116:12 3117:7,11</p> <p>placed 3228:9</p> <p>plan 3016:12 3045:10 3059:10 3129:15 3224:23 3225:3,6 3229:10,13,1 5 3238:21 3247:8 3255:22 3262:17</p> <p>planning 3042:1 3054:1 3100:11 3129:8</p> <p>plant 3043:21,24 3044:2,5,6,8 ,9 3046:1,7,20, 22 3048:1 3078:23 3202:16 3225:14,20 3227:6 3228:18 3238:13,23,2</p>
--	---	---	--

<p>5 3239:3,12,15 ,18 3244:18 3246:21 3249:4 3250:25 3251:9,16 3252:2,6 3253:17,22 3254:14</p> <p>plants 3024:24 3046:8,9,12 3168:12 3225:12</p> <p>play 3156:11</p> <p>please 3030:5,9,17, 19 3050:18 3051:10 3064:12 3068:2 3069:1 3070:14 3071:11 3078:15,19 3079:2 3081:1 3082:5,14 3092:15 3093:5 3098:21 3102:14 3103:15 3110:11 3115:12 3153:10 3155:17 3161:9,13,20 3184:12 3195:6 3196:4,11 3198:25 3199:6 3200:19 3207:15,19 3208:24 3213:12,16,2 0 3230:15,19,2 2 3240:16,20,2 3</p> <p>podium 3230:5</p> <p>point 3044:24 3045:2 3056:4</p>	<p>3077:24 3089:24 3090:14 3104:5,12 3105:8 3108:11 3128:19 3152:25 3167:19 3176:13 3183:19 3206:14 3235:1,16 3254:4</p> <p>pointed 3074:14,15 3080:3 3163:13</p> <p>points 3101:10 3146:17,22</p> <p>policy 3027:16 3029:19 3041:2,19 3076:12 3099:13 3101:13 3103:9,16 3112:4 3135:25 3167:15,21 3176:2,7 3185:9 3186:1,23 3187:14 3188:4 3189:4</p> <p>political 3090:16,19</p> <p>politics 3189:6</p> <p>portfolio 3110:15 3113:6 3185:7</p> <p>portion 3044:8 3134:1 3148:13 3151:16 3205:13 3217:7 3227:1 3246:4 3253:20</p>	<p>Portions 3204:2</p> <p>posed 3051:8</p> <p>position 3043:13 3136:4,12,18 3162:5 3165:4,5 3193:11 3199:10 3225:22 3226:3,12,18 3234:18,21 3235:8 3236:15 3244:23 3245:2,3 3246:3 3251:23 3254:22</p> <p>positions 3029:18 3079:10 3192:24</p> <p>possible 3055:21 3107:5,9,14 3112:19 3124:10 3228:6 3254:11</p> <p>possibly 3070:8</p> <p>post 3082:16 3238:25</p> <p>post-April 3228:10</p> <p>potential 3033:16 3089:25 3140:6 3142:19 3147:21 3155:24</p> <p>potentially 3090:22</p> <p>pounds 3157:4,8,12</p> <p>power 3016:10 3018:20,22,2 4 3019:4,7,11 3024:24 3031:3 3043:21</p>	<p>3044:8,9 3046:1,7,8,9 ,12,20,22 3048:1 3057:14,15,1 9,23 3078:23 3094:20 3095:19,25 3096:5,16,19 ,20 3097:11 3121:17,24 3122:12,15 3125:2,8 3133:10,12,1 5,17 3134:7 3153:22 3155:21 3168:12 3191:7,15 3192:22 3194:5 3196:14 3199:9 3201:2,22 3203:4,17,24 3204:10,17 3205:10,11,1 5 3209:2,4,7,1 1 3215:23 3216:1,7,9,1 8 3217:3,13 3218:2 3230:25 3249:22 3260:2</p> <p>precise 3075:20</p> <p>predates 3158:8</p> <p>preface 3052:15</p> <p>prefer 3107:15 3143:20</p> <p>preference 3032:17 3106:24 3107:12</p> <p>prefiled 3031:5</p> <p>prefuel 3193:7</p> <p>premises 3109:4 3117:1</p>
--	---	---	--

<p>preparation 3043:11 3045:2 3178:5</p> <p>prepare 3158:20 3192:1 3197:6 3199:14,16,1 8 3200:2,6 3241:5</p> <p>prepared 3049:24 3077:20 3118:2 3150:18 3166:14,24 3170:11 3176:8 3196:16 3197:3 3208:5 3214:1</p> <p>present 3022:15 3034:15 3103:22 3187:2</p> <p>presentation 3166:14,25 3167:3,14 3168:8 3172:16 3176:9 3178:5,10 3179:15 3180:20 3181:3 3182:14,19,2 0 3183:3,21 3184:21 3186:12,14 3187:13,23 3188:22 3189:15 3190:10</p> <p>presentations 3147:3 3166:9</p> <p>presented 3061:1 3150:25 3166:8 3169:17 3184:2</p> <p>preserved</p>	<p>3154:16</p> <p>preserving 3154:25</p> <p>Presiding 3016:18</p> <p>pressure 3024:2</p> <p>presumably 3106:1</p> <p>presume 3197:22</p> <p>presumed 3211:6</p> <p>presumes 3107:10</p> <p>pretty 3024:1 3037:14 3179:24 3189:5</p> <p>prevails 3226:9</p> <p>prevent 3093:16</p> <p>previous 3022:21 3171:18 3204:15 3237:19</p> <p>previously 3031:7,9 3037:17 3115:4</p> <p>price 3076:2,14 3140:25 3141:11,13,1 4,20 3142:7 3144:16 3145:7 3203:24 3204:14,15 3205:11 3215:18 3216:5,9,12, 16,17 3217:11 3218:6 3219:1</p> <p>prices 3034:13,19 3076:22 3108:10 3140:21 3141:3</p>	<p>3152:11,13 3175:18 3178:18 3179:8,10,13 3194:5 3195:12 3204:17 3215:7,12,22 24 3216:1,2,4,1 0,11,14,18 3217:3,8,11 3218:2 3219:2</p> <p>pricing 3037:15 3090:10</p> <p>PRIDGIN 3016:18 3022:1 3023:2,5,9,1 3,24 3024:4,14,19 3029:25 3030:8,12,14 17 3032:4,6,13, 20 3044:11 3045:8,13 3048:17,19 3050:9 3053:13,16,1 8 3059:18,21 3064:1,23 3066:20,23 3067:11 3068:12 3071:1,17 3072:24 3073:3,21,24 3081:20,24 3082:2,4,8 3085:3,9,15, 18,23 3088:15 3092:16 3093:8 3095:12 3109:15,18 3111:12 3122:21 3123:14 3131:25 3132:3 3135:1,6 3140:10 3143:14 3144:1,6,11 3145:18,21</p>	<p>3155:5,14 3158:22 3159:12 3160:8,12,16 20,23 3161:2,8,12 3162:22 3163:6 3164:14,16,2 3 3166:19 3167:7,9 3184:10,16 3186:3,6,10 3188:23 3191:11,19,2 4 3192:2,7,13, 17,20 3194:20 3195:1,5,8,2 4 3196:7 3198:2,5,12, 16,23,24 3199:3 3201:12,14,2 5 3202:2,4,9 3204:25 3205:3 3207:8,13,18 3210:6,11,17 3213:6,11,15 3214:21 3215:1 3220:21,24 3221:15,23 3222:2,10,16 22 3223:1,5,9 3224:2,5,7,1 3 3230:7,11,18 3232:17,20 3233:2 3237:11,15 3240:12,19 3241:14 3243:16 3252:24 3253:4 3255:7,15,20</p> <p>primarily 3028:1 3149:21 3176:15</p> <p>primary 3028:11 3043:17 3103:19 3122:1</p>
---	--	---	--

<p>3123:1 3174:14 3238:18</p> <p>prior 3118:25 3160:1 3228:6</p> <p>priority 3185:20 3186:1</p> <p>privileged 3154:19</p> <p>prize 3122:2</p> <p>Pro 3020:13</p> <p>probabilistic 3220:16</p> <p>probably 3117:9 3221:21</p> <p>problem 3022:11</p> <p>problems 3024:12</p> <p>proceed 3022:3 3023:7 3192:19 3194:18 3223:10 3224:10</p> <p>proceeded 3166:13</p> <p>proceeding 3043:12 3051:7 3075:9, 18 3077:25 3155:2 3158:8 3159:9 3160:1 3192:18 3223:25</p> <p>proceedings 3016:4 3037:25 3166:6 3247:24</p> <p>process 3028:19 3036:9 3091:18 3174:16 3176:18 3181:7</p>	<p>3184:23 3187:7, 21 3249:8</p> <p>processing 3170:3</p> <p>procurement 3075:14</p> <p>produce 3136:8</p> <p>produced 3030:7 3059:5 3082:7 3137:7 3145:1 3161:11 3196:6 3199:2 3207:17 3213:14 3230:17 3240:18</p> <p>produces 3043:24 3157:7</p> <p>product 3086:8 3089:8 3104:21 3128:22</p> <p>production 3025:4 3069:13 3104:7 3141:19, 22 3142:4, 6 3144:22 3145:15 3152:12, 19, 2 0, 21 3153:2 3194:8 3204:12 3205:7 3217:21</p> <p>products 3112:12</p> <p>professional 3221:7</p> <p>professionals 3168:18</p> <p>program 3025:13 3027:3 3028:4, 10 3029:11, 12</p>	<p>3033:7 3035:10 3041:3 3054:21, 22 3062:4 3065:7 3074:22 3077:22 3086:2, 19 3087:20, 24 3089:11, 15 3095:2, 3, 4 3096:6, 16 3098:7, 12 3099:13, 16, 2 1 3100:22 3102:4 3103:21, 24 3105:11 3108:1, 15, 20 , 21, 24 3109:2 3111:20 3112:11, 14 3113:2 3115:17 3116:8 3121:5, 13, 21 3123:5, 23 3124:2, 9, 10 3125:1, 9 3127:24 3128:18 3132:25 3133:5 3139:24 3142:16, 23 3143:1, 7 3146:24 3147:6, 8, 17 3148:11, 19 3149:7, 15 3156:11 3158:13 3165:8 3189:12 3190:15 3191:4</p> <p>programmable 3156:24</p> <p>programs 3025:7, 8 3028:2, 14 3029:6 3035:4, 8, 11, 12, 14, 16, 19 3040:12, 13, 1 5, 17 3041:16, 20</p>	<p>3042:8, 13, 16 , 17, 21 3043:17 3045:1 3046:8, 24 3060:20 3078:7 3087:7, 8 3091:20, 23 3094:20, 23 3095:6, 7, 8 3106:16 3113:10 3114:15, 24 3115:5, 20 3116:2 3118:3 3130:18 3133:18 3136:5, 14, 17 , 25 3149:12, 22 3156:1 3159:19 3162:8</p> <p>progress 3225:8 3239:2</p> <p>project 3229:12 3234:23 3236:17, 24</p> <p>projected 3219:11 3220:2</p> <p>projects 3233:9</p> <p>promote 3025:1, 2, 14, 15 3098:12 3143:9 3148:22</p> <p>promotes 3042:23 3150:4</p> <p>promoting 3108:8</p> <p>propane 3109:7 3111:3, 4 3112:10, 14, 1 6</p> <p>properties 3114:1</p> <p>proponent</p>
---	---	--	---

<p>3088:1 proposal 3029:16 3034:17 3039:6,15 3043:18 3047:1,11,14 3060:8 3065:24 3088:2,22 3092:4 3094:21 3095:25 3096:19 3109:6 3112:9 3113:3 3114:16 3134:13,17 3142:20 3148:7 3153:19 3172:25 3179:25 3180:9 3183:10,14 3254:8 proposals 3027:22 3029:23 3114:17 3124:1 3158:18 3159:1 propose 3094:11,17 3108:1 3239:10 proposed 3043:19 3062:5 3086:19 3089:11,14,1 8 3094:16 3114:21 3125:9 3137:24 3147:6 3149:7 3157:19 3158:12 3159:9 3165:8 3188:25 3191:4 3226:5 3227:14 3238:2,3</p>	<p>3239:4,9 3242:14 3245:17,23 3246:12 3248:6,18 3250:6,21 3251:7 3252:12,19 3253:25 proposing 3028:4 3147:4 proprietary 3146:13 3205:18 Protection 3218:23 proven 3185:7 provide 3047:20,21 3065:8,25 3066:3 3068:19 3078:16 3086:10 3131:4,9 3153:24 3178:17 provided 3037:16,17,2 1 3039:5 3059:11 3061:13 3084:1 3119:18,19 3121:1,2 3194:13 3212:11 provides 3079:5,8 3086:8 3182:22 providing 3105:25 provision 3074:15 3080:2,3 3224:20 3225:2 provisions 3225:6 prudence 3225:22 3226:18 3227:13</p>	<p>3228:6 3233:8 3237:23,25 3243:20 3245:8,15 3246:18 3248:3,7,15 3250:7,21,24 3251:6 3252:12,17 3253:25 prudency 3229:1 prudent 3227:14 3234:12,24 prudently 3233:15 public 3016:1 3020:19,22 3021:2,5 3033:17 3036:4 3055:12 3099:13 3108:16,22 3112:4 3135:25 3150:8 3157:17 3161:25 3166:1,2 3168:17 3208:3 3213:24 3217:18 3241:2 publication 3135:19 publicly 3150:21 Puget 3113:11,16 3133:1,23 3149:14 pump 3062:20 3063:3 3077:11,17 3123:9,18 3173:8,17,24 pumps 3025:21 3119:20 3120:19 3121:2,20 purchase</p>	<p>3116:6 3142:19 3191:15 3192:22 3194:4 3201:2,22 3203:4,17,23 3204:10,16 3205:15 3209:2,4,7,1 1 3215:23 3216:1,7,18 3217:3 purchased 3115:22 purchasing 3065:8 purely 3181:5 3194:7 purport 3044:17 purports 3059:8 3069:24 3131:16 3159:3 3177:3 purpose 3030:25 3034:13 3035:18 3040:19 3043:7 3047:6,11 3056:24 3057:2 3060:22 3061:2,8,12, 15 3065:7 3068:17,19 3093:20 3098:6,8 3137:1 3186:16,18,1 9 3238:16 purposes 3028:11 3031:7,9 3056:3 3093:25 3097:22 3105:10 3118:9 3131:15 3134:1 3137:19 3181:13</p>
---	---	---	--

<p>3235:25 3237:8 3238:18 3244:5 3254:7,11 3255:3 pursue 3027:2 pursued 3094:3 pursuing 3058:6 puts 3029:17 3100:19 putting 3100:11 3204:13</p> <hr/> <p style="text-align: center;">Q</p> <p>quadrillion 3177:17 qualified 3036:6 qualifying 3157:3 quality 3029:13 3065:15 quantified 3089:13 3190:6 Quebec 3152:24 question 3040:6 3045:25 3047:10,13 3049:23 3051:8 3059:13 3060:7,10,11 3061:3 3062:23 3064:12 3066:2 3074:14,18,2 3 3077:22 3079:24 3088:11,13,2 0 3090:4,25 3096:2,7,10 3100:15 3111:19 3116:16 3119:4</p>	<p>3121:4 3122:14 3127:12 3128:6 3129:25 3142:10 3144:14 3153:15 3183:12,19,2 5 3184:11,13,1 9 3193:14 3197:18 3225:17 3236:6,7 3239:19 3244:14 questioned 3153:4 questioning 3045:15 3145:25 3147:11 3148:5 3149:3 3150:12 3151:10 3154:22 3159:25 3163:3 3183:22 questions 3029:23 3031:15 3044:18,24 3045:4,7,19 3047:25 3073:1,4,11, 12,20 3077:19 3078:12 3080:13,15 3084:12 3085:17,25 3088:7 3095:21 3096:3 3118:9 3122:7,20 3140:10,14 3143:13,15,1 8 3144:15,22 3145:24 3148:25 3149:1 3150:10 3151:7 3152:4</p>	<p>3153:3,16 3164:3 3186:2,6,8 3191:10 3197:13 3198:14 3201:7 3204:24 3205:1 3208:12 3210:20 3214:9 3220:22 3221:3,5,14 3229:7 3230:5 3232:6 3237:14 3238:8 3241:18 3253:1 3258:4,16 quick 3052:9 quickly 3056:20 3081:9 3167:17 quite 3023:5 3039:23 3097:7 3221:3 3222:2 quotations 3135:11,16 quote 3050:22 3120:23 3243:7 quoted 3121:16 quotes 3135:12</p> <hr/> <p style="text-align: center;">R</p> <p>radiant-type 3118:20 raise 3030:4 3082:4 3090:21 3161:8 3198:25 3213:11 3230:14 3240:15 raised 3193:6</p>	<p>range 3119:11 rank 3028:20 rare 3223:13 rate 3023:22 3039:7,10,11 3040:5,8 3079:12 3087:18 3090:23 3097:16 3124:3,11 3125:8,25 3126:15,19 3127:5 3128:4,7,8,1 0,15,20,24 3137:18,23 3138:2,5,6,9 ,11 3139:22 3140:1 3151:17 3195:15 3196:15 3199:13 3216:22 3217:2 3219:8 3220:7 3224:19,23 3225:7,13 3228:5,13,16 ,23 3237:9 3238:22 3239:16 3242:25 3249:9 3254:5,23 ratemaking 3091:18 3168:11 3254:7,11 3255:3 ratepayers 3094:4 3134:11 3238:6 rates 3033:24 3034:3,21,22 3036:13,20,2 5 3037:8 3038:24 3065:21 3092:9 3124:15,24 3125:4 3219:22 3224:25</p>
--	--	--	---

<p>3225:4,8 3229:14,20 3247:14 3248:22 3252:3,6 rather 3026:11 rating 3068:22 ratings 3069:4,7,25 3109:24 3261:17 ratio 3110:22,25 3111:2,22,23 3133:1,6 rational 3093:17 Ratios 3110:15 raw 3069:11 reach 3159:25 reached 3202:18 reading 3054:9 3098:15 3138:17,21 3218:13 ready 3022:3 3024:20 3052:10 3070:16,17 3082:10 3085:18 3161:14 3194:18 3195:2,5 3196:8 3199:4 3207:20 3213:8,17 3224:14 3230:20 real 3027:6 3052:9 3168:18 3171:15,20 3172:8 3173:5,11,14 ,21 3174:10,21 3175:4,11,23 3181:8</p>	<p>3182:8 3183:14,17 3184:15 3188:18 reality 3174:21 really 3023:18 3025:5 3035:20 3037:20 3038:9 3040:10 3041:2 3047:1 3059:24 3060:1 3061:12 3062:11,23 3077:14 3086:9 3090:21 3092:11 3105:22 3121:11 3147:7,13 3168:25 3172:16 3173:21 3174:10,18 3176:4 3180:9 3181:2 3186:19 3208:16 3223:13 reason 3059:7,13 3062:8 3069:21,23 3070:1 3075:21 3076:11 3189:10 3227:4 3242:2,8 reasonable 3033:11 3042:20 3061:24 3179:21 3223:14 3233:12 reasons 3075:6 3129:5 rebate</p>	<p>3028:12 rebuttal 3031:5,8 3050:13 3079:11 3099:18 3154:17 3162:8,20 3164:4 3196:25 3197:7 3199:18 3200:7 3208:6 3210:2 3222:19 3231:9,21 3241:5,20 3242:23 3260:16,21,2 4 3261:5,12,14 ,22,24 3263:12,14,1 6,18 3264:4,11,13 rebuttle 3197:18 recall 3047:19,21 3074:12,18,2 3 3077:6 3078:21 3079:16,21,2 4 3080:12,18 3099:9 3102:13 3114:20 3115:10 3116:9 3137:3 3140:23 3144:16 3145:25 3147:11,15 3148:5 3149:2,9 3150:11,23 3151:9 3152:3 3153:7 3199:23 3221:4 3238:10 3239:21 REC'D 3260:2 3261:2 3262:2</p>	<p>3263:2 3264:2 receive 3142:17 received 3155:13 3159:23 recent 3037:21 3209:15 3215:19 recess 3144:2,5 3161:1 3192:6 3223:8 recitation 3178:19 recognize 3079:18 3244:7 3247:22 3251:3 recollection 3069:22 3129:15 3136:22 recommend 3091:16 3111:20 recommendatio n 3075:4 3091:11 3098:9 3099:6,11 3102:11 3115:6 3121:12 3123:22 3124:25 3126:11,12 3127:1,3,9,1 5,16,24 3150:1 3242:13 recommendatio ns 3103:20 3139:23 3149:23 recommended 3233:8 3237:25 3239:8 recommending 3087:24</p>
--	--	---	---

<p>3165:7 3242:4,11 recommends 3064:9,14 3088:3,23 3243:2 reconvene 3255:23 record 3022:2 3030:16,20 3069:2 3078:1,22 3079:2,23 3082:15 3092:21 3093:13 3101:18 3103:15 3143:21,24 3144:4,7 3153:10 3154:5,16,25 3155:17 3160:25 3161:3 3187:12 3192:5,8 3197:24 3206:10 3223:7,10 3224:21 3230:23 3232:16 3240:23 3243:10 3255:17 3256:1 recorded 3208:18 3239:16 record's 3084:3 3253:6 recover 3091:7 3126:6 3225:18,24 3226:21 3243:1 recovered 3127:21 3129:1,6 3226:4 recovering 3125:14 recovery</p>	<p>3091:12 3124:3,10,13 3125:8,13,20 ,22,23 3126:10,14,2 5 3127:10 3128:3 3129:3 3131:4 3227:11 3242:25 recross 3073:22 3144:8,9,11, 13 3145:19 Recross- Examination 3258:16 redirect 3073:24 3074:9 3140:19 3143:19 3144:8 3145:21,22 3186:10,11 3205:4,5 3220:25 3221:2 3237:15,17 3253:4,5 3258:5,9,11, 17,21 3259:3,6 reduce 3025:13 3040:20 3043:8 3047:2,15 3136:7,16,17 3177:20 3180:24 3182:16 3185:9 reduced 3027:12 3036:13,20,2 5 3136:23 3257:8 reduces 3047:7 3157:10 3187:7 reducing 3035:20 3038:10 3057:19</p>	<p>3137:1 3180:16 3181:1,7 3182:19 reduction 3035:24 3067:23 3095:6 3143:7 3157:4 3184:22 3229:2 reductions 3035:23 3042:2 3056:25 3057:5 3157:8 3179:2,3 Reed 3029:13,23 3039:5 3050:24 3066:11 3068:8 3081:24 3082:6,16,18 3085:19 3095:15 3109:20 3132:7 3144:3,9,14 3145:23 3153:16 3154:3,23 3155:16 3160:17 3165:15 3169:18 3187:24 3191:5 3258:14 3262:3,5,7,9 ,11,13,15 Reed's 3027:23 3047:19 3068:7 3070:11 reevaluate 3108:24 reexamine 3108:15 refer 3034:11,12 3050:13 3055:25</p>	<p>3102:14 3109:12 reference 3047:18 3050:18 3081:16 3110:9 3131:20 referenced 3132:12 referred 3081:12 3218:12 3238:17 3249:8 referring 3033:5 3052:23 3090:6,8 3105:12 3131:21 3150:14 3212:24 refers 3051:11 3234:7 reflect 3126:19 3216:2,5 3227:17 3250:20 reflected 3128:15,24 3206:18 3225:13 3228:12 3229:1 3237:8 reflecting 3248:19 reflection 3216:10 reflects 3158:17 3195:20 3216:4 regard 3024:6 3080:15 3086:9 3090:22 3091:11 3094:22 3100:14 3121:19 3124:25</p>
--	---	--	--

<p>3145:6,7 3197:19 3206:3 3211:3 3215:21 3229:8 3240:6 regarding 3023:17 3153:19 3157:17 3215:18 3239:24 regardless 3092:10 3138:25 regards 3145:10 region 3046:11 regional 3130:14 3218:2 regions 3206:2 3218:4 regret 3102:22 regulated 3092:9 3097:11,15,16 3112:12 regulation 3034:2 3130:21 regulators 3060:24 3070:21 regulatory 3016:12,19 3027:16 3033:10,21 3034:13 3036:8 3037:24 3038:10 3040:24 3041:3,19 3050:22 3051:10,13 3070:19 3090:19,21 3093:16 3124:16,22 3156:4</p>	<p>3162:3 3185:12 3187:21 3208:1,2 3223:2 3224:3,21 3225:1,20 3226:3,13,24 3227:9,12,23 3228:11,22 3229:3,9,10,24 3230:2 3233:20 3234:2,9,10,19,21 3235:4,6,12,17,21,23,24 3236:1,13 3238:16,24 3239:17 3241:3 3242:3,6,9 3243:1,23 3244:7,17,23 3245:3,5 3246:3,13 3247:3,8 3250:19 3251:2,13,20,24 3253:14 3254:2,15 regulatory's 3225:25 rehash 3226:8 reject 3051:1,5,16 3248:17 rejected 3060:2,13,17 3061:19,20,23 3244:6 rejects 3243:19 relabel 3187:25 relate 3228:25 3250:24 related 3087:20 3090:15 3103:19 3212:10 3224:22 3226:19 3229:23,25</p>	<p>3230:2 3236:9 3238:19 3239:4,9,16 3243:19 3244:11 3245:9,15 3246:12,20,22 3249:4,11,13 3250:3 3253:25 3257:10 relates 3078:12 3100:18 3234:1 relating 3194:11 relationship 3108:11 3233:9 3236:24 relative 3094:2 3152:14 3257:13 relatively 3055:8,21 relevant 3040:10 reliability 3146:21,23 reliable 3147:1 relied 3120:10 3178:4 3179:15 3221:12 rely 3117:25 remain 3062:6 3076:15 3092:3 3139:4,8 remaining 3234:12 remarkable 3127:7 remarks 3210:24 remember 3077:22</p>	<p>3170:13 3187:11 3190:7 remote 3026:11 removal 3151:8 remove 3185:12 3246:21 3251:5,7,17 3254:13 removed 3200:23 3236:11 3239:3 rendering 3048:13,14 renewable 3091:20,24 3113:8 renewables 3094:24 renewed 3206:19 3211:15 repeat 3044:4 3064:12 3220:8 repetitious 3154:18 replace 3063:7,9 3079:10 3156:22 replaced 3062:16,18 3063:5 replacement 3084:4 3156:8 3157:5,9 replacing 3062:21 3063:13 3159:4 report 3063:17 3064:8,13 3065:2,6 3070:5 3071:7,10 3087:12</p>
---	--	---	--

<p>3101:24 3102:7, 8, 15 3119:15 3132:17 3178:8 3208:10 3209:2 3214:6 3217:6, 7 3243:20 3247:1 3248:3 3249:19 3252:20 3262:24 3263:3, 5, 9</p> <p>reported 3016:24 3133:1, 6 3205:25</p> <p>reporter 3100:25 3161:20 3192:3 3257:3</p> <p>reporting 3016:25 3206:2 3237:5, 8</p> <p>reports 3066:11 3218:18</p> <p>represent 3102:8 3199:24</p> <p>representatio n 3167:3</p> <p>representatio ns 3171:1</p> <p>represented 3101:2 3172:5</p> <p>represents 3069:10</p> <p>request 3049:25 3051:24 3052:1 3061:4, 6, 16 3126:20, 22 3146:11 3154:14 3228:3</p> <p>requested 3051:7</p>	<p>3126:21</p> <p>requests 3049:16</p> <p>require 3058:7 3098:7 3116:12 3239:25</p> <p>required 3046:10 3069:11 3093:19, 25 3116:17 3117:4 3118:24 3119:7</p> <p>requirement 3208:10 3214:6 3243:24 3244:8</p> <p>requirements 3156:4 3240:6</p> <p>research 3052:2 3063:16 3070:19 3101:25</p> <p>reserve 3228:13, 15, 2 0 3246:11, 20, 2 2</p> <p>residence 3027:14 3116:18</p> <p>resident 3027:14</p> <p>residential 3028:5 3066:7 3107:20 3156:1, 25 3177:10, 14 3180:2</p> <p>resistance 3025:20 3027:10 3107:23 3118:14, 16, 1 9 3119:1, 2, 19 3121:1, 20, 25 3123:1, 8, 17</p>	<p>3173:8, 18 3174:1, 13 3175:7, 9 3180:1, 8 3182:5 3185:15 3187:6</p> <p>resolved 3022:10 3193:8 3194:16 3212:14</p> <p>resource 3025:16 3042:1 3054:1 3059:10 3076:13 3086:23 3087:9 3100:10 3107:13 3129:15 3170:2 3191:6 3199:11</p> <p>resources 3020:3 3054:13 3055:24 3076:2 3157:18 3212:10</p> <p>respect 3038:13 3061:23 3154:17 3195:9, 11, 18 3202:15, 20 3203:23</p> <p>respects 3204:7</p> <p>respond 3141:21</p> <p>responded 3049:15</p> <p>response 3023:8 3030:3 3032:5 3049:23 3051:19, 24 3052:20 3055:17 3077:3 3116:16</p>	<p>3143:25 3144:10 3145:9, 12, 20 3153:25 3155:4 3160:22 3161:7 3164:15 3183:23, 24 3192:12 3196:2 3198:4 3202:3 3224:1, 4 3232:19 3262:18</p> <p>responses 3080:1 3145:6</p> <p>restate 3063:5 3100:15</p> <p>restricted 3152:25</p> <p>restrictions 3129:23 3130:4, 8, 20 3146:13</p> <p>result 3027:4 3057:3 3092:4, 7 3102:6 3114:25 3115:2, 6 3128:17 3179:4 3229:17</p> <p>resulted 3238:2</p> <p>results 3053:9 3054:16 3076:17 3114:16 3133:15 3151:24 3248:3</p> <p>resume 3144:2</p> <p>retail 3194:1, 2 3203:6</p> <p>Retailers 3017:21</p> <p>Retirement 3056:22</p>
--	--	---	--

<p>3057:17 retract 3041:23 retrieved 3078:13 return 3092:10 revenue 3038:8 3039:1 3089:3,6,7,1 2 3091:12,14 3126:6,20,22 3128:10,13 3134:16,21 3137:17 3193:20,24,2 5 3208:9 3214:6 3243:24 3244:8 revenues 3038:3,17 3087:22 3091:15,17 3126:14 3128:21 reverse 3108:2 review 3055:7 3056:15,16 3058:2,8,11 3059:9 3063:23 3064:5 3072:8 3080:24 3102:3 3245:8 3248:3,15,23 3249:21 3250:7,24 3262:21,23 reviewed 3058:17,20 3072:9 3132:17 3151:4 Road 3082:16 Rob 3153:13 3157:23,25 Robert 3016:19,20 3020:12 3153:13,14</p>	<p>3155:19 ROGER 3018:21 Rogers 3082:2 3161:4,16,21 3162:7,16 3165:3 3184:17 3191:12 3264:7,9,11, 13 R-o-g-e-r-s 3161:22 ROGERS 3161:10 3258:19 role 3156:11 Roman 3080:25 RONALD 3016:18 room 3211:10 Rosa 3019:22 roughly 3121:23 3122:5,24 3123:7,11,16 RPR 3016:24 3257:2,19 rule 3054:3 3127:20 rulemaking 3132:8,10,11 ,16 3189:11 rules 3054:1 3079:16 3132:20 3239:24 3262:20 run 3049:3 3065:20 3208:19 3209:4,6,14 runs 3206:14 Rush 3050:2 rushing 3060:24 Ruth 3017:23 3018:2 <hr/> S <hr/> sales 3022:7 3193:13,15,2</p>	<p>4 3194:1 3195:21 sample 3174:21 Sand 3019:21 Santa 3019:22 SARAH 3020:1,17 satisfactory 3124:18 3153:24 saturation 3092:5 3121:19 3134:20 3150:15,16 3151:5 save 3027:11 3143:7 3177:16 savings 3027:7 3042:7,10,12 ,21 3043:25 3046:23 3047:9,20,23 3087:2 3131:11 3147:20 3177:19,25 3181:4 3190:19 saw 3037:19 3223:13 SB 3190:16 scale 3129:24 3130:5 scenarios 3178:25 3179:2 schedule 3023:18 3245:11 scheduled 3022:12 3162:23 schedules 3084:4,18 3209:16 3232:10 scheduling 3143:21 3255:16</p>	<p>3256:2 Schnitzer 3022:6,15,20 3023:1 3193:16 3212:2,7 3220:6,12,16 Schnitzer's 3195:19 3202:23 3211:22 Schools 3223:12 SCHWARZ 3017:18 scope 3075:10 3100:6 3188:20 score 3175:12 Se 3020:13 search 3058:22 seasonal 3141:13 seat 3030:9 3082:9 3161:13 3207:19 3213:16 3230:19 3240:20 second 3057:8 3075:16 3115:18 3159:17 3167:18 3168:16,21,2 3 3169:3,11 3171:19 3177:7 3180:18 3193:6 Secondly 3107:12 section 3044:19 3047:22 3052:19 3056:16 3058:12 3067:22 3079:22 3081:12,16 3234:1,2,15</p>
---	---	---	---

<p>3235:6 seek 3045:9 3048:8 3050:5,6 3053:15 3059:16 3072:18 3160:5 seeking 3056:4 3154:14 3242:25 seem 3040:7,9 3042:20 3066:14 3156:15,20 3157:19 3159:24 3160:2 3171:8 3183:14 3221:24 seems 3027:17 3033:10 3159:8,13 seen 3044:21 3059:12 3068:3 3069:18,19 3119:11 3137:7 3211:8,14,16 ,20,23 selected 3195:14 sell 3038:4,14,18 3097:3 selling 3039:21 sells 3039:2 3054:10 Senate 3131:3,16,20 3132:12,16,2 1 3261:19 Senior 3016:19 3199:11 sense 3026:24 3035:17 3036:2,7,15 3041:18 3054:23 3075:22</p>	<p>3076:21 3077:5 3095:7 3120:21 3146:21,22 sensitivity 3179:12 sent 3159:23 sentence 3056:25 3058:5 3102:21,24 3117:2 3179:1 3187:12 sentences 3058:10 series 3150:10 serve 3028:16 3157:1 3194:13 3212:11 served 3103:21 service 3016:1,11,16 3020:19,22 3023:22 3024:11 3108:22 3109:3 3116:25 3117:1,6 3156:13 3162:1 3166:1,2 3208:3 3209:1,5,12, 13 3213:24 3227:6 3228:19 3239:4 3241:2 3247:1 3249:7,19 3251:10 3252:3,6 3253:19,22 3254:14 services 3090:10 serving 3156:4 setting</p>	<p>3034:18 3176:7 3186:22 settlement 3023:15 3114:16 several 3027:4 3080:13 3106:15 3130:12 3183:20 3189:14 3245:9 shale 3142:4 3144:23,25 3152:12,20,2 1,25 shales 3142:1 SHAYLA 3019:20 sheets 3237:5 she's 3122:19 3212:16 shift 3057:21 3179:25 shifted 3177:14 shifting 3179:8 shook 3074:7 shopping 3175:6 shops 3175:8 short 3024:18 3066:14 shortly 3023:23 showing 3026:19 3153:20 3169:24 shown 3076:18,20 3084:19 3112:17,21 3154:8 shows 3026:9 3027:24 3172:4 3184:15 sic 3035:10</p>	<p>3080:13 3167:1 signatory 3229:9 3247:10 significant 3025:24 3026:12 3029:10 3124:17 3172:8 3174:18 Silva 3016:24 3257:2,19 silver 3185:6 similar 3146:18 3156:21 3159:8 3170:25 3171:2 3190:11 3225:7 3226:15 3250:11,20 3251:14 3254:3 similarly 3126:1 simple 3025:17 simply 3025:12 3111:23 SIMS 3205:25 simulate 3205:10 simulation 3204:12 3205:7 Sincerely 3157:23 single 3069:8 3113:21 single-fuel 3114:8 sir 3024:19 3030:8 3033:8 3054:15 3057:11 3058:9,19 3060:22</p>
---	--	--	---

<p>3065:18 3071:1 3073:7, 15, 18 3081:21 3082:5, 8, 10 3085:8 3143:13 3160:17 3161:9, 12 3166:19 3169:16 3191:12 3192:20 3195:4 3196:8 3198:17, 25 3199:3 3203:3 3207:15, 18, 20, 25 3212:5 3214:11 3224:13 3230:15, 18 3241:23 3255:14</p> <p>site 3026:11, 14, 16 3064:5 3070:6 3076:4 3171:9, 13, 14 3173:4 3174:10, 19 3175:3, 16 3177:7 3187:4 3188:18 3262:23</p> <p>site-based 3105:9</p> <p>situation 3062:3</p> <p>six 3109:12, 21</p> <p>Sixth 3019:10</p> <p>size 3119:10 3249:16</p> <p>skew 3033:21 3074:17</p> <p>skewing 3151:24</p> <p>skip 3178:15 3179:19</p> <p>skipped 3116:21</p>	<p>skipping 3051:11</p> <p>SLACK 3020:18</p> <p>slide 3168:23 3169:2, 5 3171:8 3172:21 3173:3 3177:3</p> <p>small 3148:11 3194:14 3208:15 3212:12</p> <p>smaller 3023:17 3024:6</p> <p>Smith 3018:6</p> <p>SNR 3019:2</p> <p>socially-desirable 3093:17</p> <p>societal 3040:24</p> <p>society 3036:3</p> <p>solar 3041:4, 5, 6 3091:23 3097:3, 5, 11 3112:24 3113:7</p> <p>sold 3039:24 3106:8</p> <p>sole 3181:2</p> <p>solely 3026:5</p> <p>solution 3086:11 3092:1 3097:8 3150:4</p> <p>solutions 3185:7</p> <p>somehow 3127:20 3227:3</p> <p>someone 3114:22</p> <p>someone's 3024:12</p> <p>somewhat 3048:5</p>	<p>3068:2</p> <p>somewhere 3078:15</p> <p>sorry 3030:13, 14, 15 3040:6 3053:11 3058:19 3063:25 3068:13 3085:21 3087:8 3088:6 3090:3, 24 3093:6 3111:18 3119:4 3124:12 3125:21 3129:25 3132:9 3163:7 3169:5, 6, 10 3170:23 3180:18 3181:21, 25 3190:21 3194:25 3212:22 3224:5, 11</p> <p>sort 3139:5</p> <p>Sound 3113:11 3133:1 3149:14</p> <p>source 3026:24 3065:4 3066:16 3067:17, 23 3068:21 3069:9, 10 3070:6 3097:10 3109:24 3111:22 3112:10 3120:13, 17 3122:1, 10 3123:2 3171:9 3173:8, 17, 24 3262:24</p> <p>sources 3091:21 3112:20 3194:12</p> <p>source-site</p>	<p>3110:15, 21, 25 3111:1</p> <p>South 3017:11 3018:6</p> <p>Southern 3017:17</p> <p>Southwest 3019:10</p> <p>space 3026:24 3028:13 3062:16, 19, 25 3063:6, 7, 8 3172:21 3173:3 3175:9 3180:3 3181:11</p> <p>speak 3061:5 3194:18</p> <p>speaking 3184:6 3187:13</p> <p>speaks 3043:10 3062:1</p> <p>specialist 3213:23</p> <p>specific 3037:8 3069:21 3075:10 3087:13, 15 3099:19 3107:1 3129:14 3132:19 3140:24 3146:15 3150:11 3157:19 3164:4 3190:13 3191:7 3224:20 3227:14 3237:25 3242:13, 14 3250:20 3252:14</p> <p>specifically 3065:3 3074:20 3080:14 3097:7 3114:20</p>
--	---	---	---

<p>3124:7 3125:21 3140:2 3146:8 3148:20 3149:5 3151:8 3177:7 3233:15 3238:7</p> <p>specify 3162:14</p> <p>speculation 3158:20 3159:11</p> <p>spelling 3161:19</p> <p>spent 3125:8 3225:10 3226:16</p> <p>spoil 3167:23</p> <p>spoke 3096:5</p> <p>sponsored 3247:2</p> <p>spot 3195:11 3203:23 3215:7,11 3216:9</p> <p>spot-market 3194:4</p> <p>Springfield 3017:4</p> <p>St 3019:19 3020:9</p> <p>stability 3140:25 3141:11 3142:2 3144:17</p> <p>stable 3144:18 3152:14</p> <p>staff 3020:16,22 3022:14 3032:15,16 3096:8 3132:17 3193:5,23 3194:3 3195:10,12 3202:17 3206:5,8 3208:2,19</p>	<p>3209:3,6,11, 14 3210:25 3211:4,8 3212:14,16,1 8 3213:9 3215:6,7,17 3216:20 3217:5,6 3220:4,15 3221:12,24 3225:23 3226:2,4,9,1 3,15 3227:10,14 3228:18 3229:16,24 3238:3 3239:3 3242:2,3,9,1 0 3243:1,6,21 3244:7 3245:9 3246:10 3247:18,22 3248:25 3249:19,20 3250:5,21 3251:7 3252:12,19 3258:18 3263:11</p> <p>Staff's 3162:17 3194:6 3204:4,8 3206:14 3208:9 3214:5 3219:7,9 3220:1 3226:12,24 3227:25 3233:8 3234:17 3235:7 3237:21 3243:19 3244:22 3245:2,17,22 3246:2,25 3248:2,6,14, 18 3250:9,23 3253:25 3254:8,21</p> <p>stand 3028:19,20 3144:1 3198:20</p>	<p>3229:6 3232:15 3240:14</p> <p>stand-alone 3095:3</p> <p>standard 3033:18 3086:23 3094:14 3099:17 3100:9 3173:14</p> <p>standards 3064:7 3065:7 3076:17 3094:18 3101:13 3102:4 3105:11</p> <p>standing 3143:18</p> <p>standpoint 3038:8,9 3039:2 3041:2 3173:22</p> <p>stands 3030:10 3069:20 3190:7 3240:21</p> <p>STAR 3066:7,21 3069:25 3073:14 3109:23 3142:11 3261:17</p> <p>start 3052:12 3098:2 3231:3</p> <p>started 3095:19</p> <p>starting 3083:22 3101:21 3106:13 3107:19 3115:18 3123:21 3129:7 3132:24 3134:10 3136:3</p>	<p>3138:17 3162:18 3192:25</p> <p>starts 3046:1 3056:12 3079:4 3080:16 3178:13 3251:10</p> <p>state 3016:2 3019:13 3030:19 3033:20 3040:22 3050:21,22 3051:10,12 3052:6,14,16 3053:6 3055:6 3059:2,5 3067:18,20 3079:18 3080:10 3082:14 3095:6 3098:24 3101:22 3109:1 3113:10 3115:15,16,1 8 3116:11 3119:14 3125:7 3126:5,16,17 3128:2 3129:8,22 3130:2 3132:25 3151:2 3152:24,25 3180:24 3181:9 3189:22 3190:2,18 3196:11 3199:6 3206:11 3207:23 3213:20 3230:22 3240:23 3242:24</p> <p>stated 3043:7 3047:6,10 3048:6 3061:15 3079:10 3115:5</p>
---	--	--	--

<p>3121:15 3131:11 3140:20 3154:22 3155:7 3193:15 3210:23 3238:15</p> <p>statement 3061:3 3083:15 3099:19 3104:8, 25 3136:15 3140:24 3141:7 3190:1 3192:24 3249:19 3262:20</p> <p>states 3019:21 3028:15 3051:3, 12 3055:14 3058:24 3065:2 3081:13 3103:4 3130:11, 17 3143:3 3152:18, 19 3165:17 3177:16 3179:9 3188:4, 5 3189:25 3233:15</p> <p>state-specific 3130:19</p> <p>stating 3136:12 3161:19 3188:14</p> <p>statistics 3120:22 3122:14</p> <p>status 3132:15, 17</p> <p>statute 3190:11, 13, 23</p> <p>stay 3109:1</p> <p>Steiner 3018:21</p>	<p>3023:11, 13, 14, 24 3024:7 3191:25 3192:4</p> <p>Steinmeier 3019:16, 17</p> <p>step 3081:22 3157:20 3160:18 3169:25 3191:13 3207:10 3213:7 3221:17 3240:13 3255:10</p> <p>Stepping 3037:11</p> <p>STEVE 3020:15</p> <p>Stinson 3019:5</p> <p>stipulation 3023:16 3224:17 3225:2 3226:2 3229:10, 12 3233:13, 22 3234:14 3243:4, 7 3247:9, 12</p> <p>stipulations 3023:21 3243:13</p> <p>straight 3113:25 3137:17 3138:2, 5</p> <p>straightforward 3187:2 3227:5</p> <p>strategies 3058:6</p> <p>street 3017:23 3018:2, 6, 18 3019:2, 6, 10 3020:20 3021:3 3036:18 3108:6</p> <p>strict 3040:5, 8</p> <p>strike</p>	<p>3052:19</p> <p>striking 3174:9</p> <p>strongly 3089:23</p> <p>structure 3039:8 3041:9</p> <p>structured 3068:22</p> <p>STUART 3017:7</p> <p>stuck 3223:24</p> <p>studies 3048:25 3089:20 3091:6</p> <p>subject 3034:1 3050:23, 25 3051:13, 15 3108:19, 21 3248:1</p> <p>submit 3032:11 3058:7</p> <p>subregions 3218:4</p> <p>Subsection 3080:16 3154:12</p> <p>subsequent 3234:13</p> <p>substance 3048:10</p> <p>substantial 3075:15 3147:22 3148:13</p> <p>substantially 3164:5 3242:4</p> <p>substantive 3230:1 3249:11 3250:2</p> <p>substitution 3043:19 3050:24 3051:1, 14 3054:11 3071:3 3263:3</p>	<p>Substitutions 3070:20</p> <p>successful 3027:25 3029:6 3225:15</p> <p>successfully 3157:13 3159:18</p> <p>sudden 3076:20</p> <p>Sugar 3019:21</p> <p>suggest 3107:19</p> <p>suggested 3245:9</p> <p>suggesting 3027:3</p> <p>Suite 3017:8, 11, 23 3018:2, 18 3019:2 3020:5</p> <p>suited 3045:4</p> <p>summarize 3186:13</p> <p>summary 3185:4 3228:22</p> <p>summer 3156:17</p> <p>Summit 3018:4</p> <p>supervision 3108:22</p> <p>supplant 3044:8</p> <p>supplier 3096:25</p> <p>suppliers 3097:6, 14</p> <p>supply 3219:16, 19</p> <p>support 3035:14, 24 3036:7, 8, 17 3041:6, 16 3054:16 3077:1, 3 3124:13 3136:5 3137:16 3165:4, 5</p>
--	---	---	---

<p>3211:8 supportable 3037:6 supported 3075:8 3176:8 supporting 3037:1 3136:13 3183:9 supportive 3125:13 supports 3037:2 3125:7 suppose 3192:15 supposed 3177:20 3223:19 supposedly 3026:17 3223:19 sure 3070:7 3071:21 3081:2,8 3086:3 3088:21 3169:20 3185:6 3210:6 3224:8 3232:13 3248:9 3251:22 3255:18 surface 3159:8 surprise 3120:18 3121:23 3122:4,23 3123:3,7,11, 16 surrebuttal 3079:11 3082:19 3083:4,10,12 ,23,25 3084:5 3134:6,9 3135:9 3136:2 3137:12 3138:14</p>	<p>3196:25 3199:18 3200:8 3208:6 3210:2 3214:2 3222:18 3231:17,22 3241:5 3260:23 3261:7,16 3262:11,13,1 5 3263:20,22,2 4 3264:5 survey 3051:20,23 3053:3,5 3055:22 3130:17 surveyed 3055:15 Susan 3019:1 3095:17 suspect 3063:21 sustain 3026:12 sustained 3154:13 sustains 3131:7 SW 3018:14 swearngen 3018:9 switch 3027:11 3036:20,22 3039:16 3088:4,24 3111:24 3113:3 switched 3091:9 switching 3022:3 3025:12 3027:18,22 3033:17 3055:19 3057:23 3060:2,13 3061:21 3062:4 3070:5</p>	<p>3071:25 3074:22 3077:1,4 3079:22 3080:2,3 3081:13,17 3086:2,19 3087:24 3089:11,14 3091:20 3092:24 3093:21 3094:23 3095:2 3096:6 3098:7,12 3099:6,10 3109:1 3112:4,6 3113:10 3115:17 3123:23 3125:9 3128:17 3129:24 3130:5 3132:25 3133:5 3134:13,17 3135:20 3139:1,4,24 3142:22 3143:2,10 3147:24 3149:7 3154:8 3158:17 3162:8,15 3163:12 3184:4 3186:16,18 3188:9,14 3189:3,12 3191:3 3263:5 sworn 3030:2,5,7 3082:5,7 3161:6,9,11 3196:6 3198:25 3199:2 3207:15,17 3211:13 3213:12,14 3230:15,17 3240:16,18 3257:6 symbol</p>	<p>3177:16 system 3040:1 3046:19 3076:4,6 3077:15,17 3090:23 3092:8 3118:11 3123:9 3128:23 3141:21,22 3193:5 3218:21 systems 3140:5 3193:19 <hr/> T table 3067:16 3069:20 3110:11,14 3112:17 3163:17,22 tags 3100:3 taking 3155:23 3226:3 3232:15 talk 3023:12 3069:24 3070:18 3071:7,10 3104:1 3105:5 3126:1 3137:4 3167:24 3169:2,3,11 3177:3 3179:20 3185:11,14 3255:16 talked 3022:13 3071:20 3096:15 3151:6 3179:18 3245:10 talking 3025:19 3026:18 3037:9 3049:3 3056:21 3081:12</p>
---	---	--	--

<p>3099:22,23 3103:11 3112:7 3118:20 3126:4 3134:2 3146:8 3148:10 3168:6,25 3171:8 3173:4 3178:25 3180:7 3181:3,4,5 3182:19 3183:4,16 3203:10 3217:4 3218:6 3233:18 3234:7 3235:18 3238:19 3250:12 talks 3056:24 3067:16,20,2 2 3153:5 3168:9 3171:21 3176:12 3178:14 3179:8 tankless 3029:1 tanks 3156:22 3159:4 targeting 3025:19 3180:8 tariff 3029:3 3194:15 3212:13 3243:13 tax 3041:4,7,11 taxed 3041:10 technical 3068:20 3090:16 3091:2,4 technological 3106:3 technology 3105:21 3119:15</p>	<p>3120:10,23 3122:10 telephone 3022:16 3023:1 ten 3135:4 3157:11 3255:23 tender 3085:1 3164:21 3198:10 3202:8 3210:15 3214:24 3241:11 tendered 3197:21 tentatively 3255:22 term 3054:18 3138:6 3158:16 3234:6,9 3254:18 terminology 3234:15 terms 3086:8 3090:5 3097:2,9 3108:13 3136:13,15 3137:25 3142:13 3156:3 3188:21 3218:13 3243:3,6 3247:15 TERRY 3016:20 test 3054:17 3060:18 3061:24 3133:6 3191:6 3195:13 3204:10,19,2 1 3215:24 3216:1,3,13 3221:9 3249:22 testified 3030:7 3044:25 3048:15 3082:7</p>	<p>3122:9 3139:9 3140:15 3161:11 3166:5 3183:5 3196:6 3199:2 3207:17 3211:11 3213:14 3219:20 3227:19 3230:17 3240:18 testifies 3196:1 testify 3027:9 3154:4,24 3162:23 testifying 3221:20 testimony 3023:1 3027:23 3030:25 3031:5,8,16, 23 3033:6,8 3037:16,21 3038:16,25 3040:22 3041:23 3047:19,22 3050:14,21 3051:3 3061:3,13 3063:15 3064:9,14 3066:12 3067:6 3068:4,6,7 3070:10,12 3071:8 3074:15,16 3075:3 3078:4,7 3079:11 3082:19 3083:1,4,7,1 0,11 3084:10,13 3087:12 3089:13 3090:7,15 3094:12 3095:20,23 3097:18,24</p>	<p>3098:2,6,8,1 1,16,21,23 3099:4,8,15, 18 3101:4,15,21 ,22 3105:13 3106:10,17 3107:19,24 3108:2,19 3109:4,12,21 3110:8 3113:9,13 3115:13 3116:14 3117:8,19 3118:5 3119:14,20 3121:16 3123:21,24 3126:2 3129:21,24 3130:5 3131:1,12,19 3132:24 3133:24 3134:2,6,10, 13 3135:9,18 3136:2,9 3137:12,15,1 8 3138:14,17 3140:19 3148:19 3150:18 3152:6 3154:4,24 3162:8,12,16 ,20 3163:2,12,17 ,21 3164:4,8 3165:10,20 3175:15 3193:9 3196:18,25 3197:4,7,11 3199:14,18 3200:4,8,16, 18 3201:4,8 3202:25 3203:11,13,1 4 3208:5,13,21 3209:20,23 3210:3 3211:13 3214:2,9,13 3215:6,15 3218:14 3219:21 3220:6,10,12</p>
---	--	---	---

<p>,14,18 3222:8,15 3226:8 3231:4,9,17, 20,21,22 3232:4,7 3241:6,9,13, 20 3242:1 3243:8 3257:5,7 3260:4,6,8,1 0,12,14,16,1 7,19,21,23,2 4 3261:4,5,7,1 0,12,14,22,2 4 3262:3,5,7,9 ,11,13,15 3263:12,14,1 6,18,20,22,2 4 3264:4,5,7,9 ,11,13 tests 3039:4 Texas 3152:22 thank 3023:4,24 3024:14 3029:24,25 3030:8 3031:25 3032:10,13 3033:2 3045:8 3049:14 3052:23 3057:4 3058:3 3064:2 3066:24 3073:3,6,8,2 0,21,25 3074:8 3076:24 3078:9 3079:14 3081:10,20,2 1,23 3082:3,8 3085:3 3095:11,12,1 4 3096:23 3097:17 3098:4,19 3102:25 3103:25 3106:12</p>	<p>3111:21 3120:4 3135:6 3140:8 3143:12,15 3144:3 3145:16,18 3148:1 3155:22 3157:24 3160:16,17,1 9,25 3161:12,15,2 3 3164:23 3165:9 3177:23 3181:25 3185:2 3186:3,5,9 3191:11,12,1 9 3194:20 3195:23,24 3196:7,9 3198:12,17,1 8,23 3199:3 3201:3 3202:9,11 3203:22 3204:23,25 3205:2,3 3207:8,9,18, 21 3210:17 3213:4,6,7,1 5,18 3215:1,3 3220:21,23,2 4 3221:1,13,15 ,16 3222:6,25 3224:7,15 3230:4,7,11, 18 3237:11,13 3240:10,12,1 9 3241:14 3252:22,24 3253:2,3 3255:6,8,9 Thanks 3157:23 that'll 3023:20 that's 3022:10 3023:2,3 3026:16 3034:1,15,20</p>	<p>3035:6 3037:3,18,23 3038:12 3041:15 3043:6 3045:7 3047:6,11 3048:25 3049:6,11 3050:4 3051:3,21 3052:4 3053:2,8,13, 24 3055:3,16 3056:23 3057:4 3058:24 3059:5 3060:4,7,10, 13,15 3061:11,15 3062:14 3064:8,13 3065:18 3066:5 3068:14 3073:16 3075:15 3077:12 3080:5 3082:22,24 3083:21 3087:9 3092:18,19 3093:8 3095:10 3097:21 3113:21 3114:4,7,11 3115:8 3116:21 3121:5 3127:25 3128:10,13,1 7 3129:19 3140:8 3142:3 3145:16 3146:23 3148:18 3151:15 3152:17 3163:3,8 3166:19 3168:20,23 3169:17 3170:5 3174:11 3176:15,17</p>	<p>3179:6 3181:2 3182:10,20 3185:16 3191:9 3201:25 3202:7 3207:2,7 3209:18 3211:16 3213:4 3215:9,13 3216:11 3217:5,6,16 3218:22 3220:3,20 3222:2 3225:12,24 3233:12 3234:16,23 3235:23 3239:14 3240:1,2,3,1 1 3242:7 3243:5 3245:6,16,21 3246:1,8 3250:13 3253:15 3255:4,11 theoretical 3182:12 3183:15 3184:14 thereafter 3257:8 thereby 3069:13 3187:7 therefore 3057:24 3193:20 3216:1,8,12 3226:11 thereof 3154:18 there's 3024:22 3025:3 3027:6,12 3054:4 3063:16 3075:22 3083:11 3091:13 3122:6 3130:14,15</p>
---	--	---	--

<p>3141:12 3148:10,18 3154:2 3155:12 3163:1 3170:4 3172:8 3175:25 3176:1 3179:9 3184:7,22 3187:22 3188:6 3190:19,21,2 3 3216:23,24 3235:22 3238:18 3242:13 3250:25</p> <p>thereto 3154:17 3257:14</p> <p>thermostat 3156:24</p> <p>they'll 3091:10 3139:14</p> <p>they're 3024:9 3028:1 3034:1 3035:20 3048:6 3058:11 3089:13 3104:21 3124:23 3133:16,17 3139:2,5 3170:15 3189:17 3199:22,25 3208:23 3212:24 3254:3</p> <p>they've 3027:24 3042:6</p> <p>thick 3055:9</p> <p>third 3052:15,18 3058:4 3075:21 3167:25 3169:8 3185:14 3193:10</p>	<p>3205:19</p> <p>thirdly 3155:12</p> <p>third-to-last 3058:5</p> <p>THOMAS 3017:18</p> <p>Thompson 3020:16 3022:17 3192:15 3195:2,4,6,8 ,9,24 3198:13,14 3201:13 3202:10,11,1 4 3204:23,25 3207:12,20,2 1,22 3210:1,9,15, 17 3213:9,17,18 ,19 3214:18,24 3215:1 3221:1,2,13, 15,18,21,24 3222:6,14,25 3258:8,22 3259:2,3</p> <p>throughout 3079:12 3216:6</p> <p>thus 3238:19</p> <p>TIGER 3016:25</p> <p>timely 3131:4,9</p> <p>title 3056:10,11 3066:6,15 3109:23 3110:14 3167:13</p> <p>titled 3053:25 3055:6 3070:20 3169:6 3171:5 3178:16</p> <p>today 3022:18,23 3023:16 3029:23 3031:1,16</p>	<p>3078:6 3084:13 3097:22,23 3115:10 3127:25 3132:21 3162:12,15,2 5 3163:3,5 3164:6 3169:19 3170:25 3171:2 3172:2,13 3174:6,25 3175:6,8 3183:6 3187:20 3192:23 3197:21 3208:13 3214:9 3225:17 3230:3 3232:7 3239:25 3240:7 3253:15 3255:12</p> <p>TODD 3017:14</p> <p>to-gas 3050:24</p> <p>tomorrow 3022:6,13 3223:13,17 3255:21</p> <p>tomorrow's 3223:12</p> <p>ton 3178:1</p> <p>tons 3177:25</p> <p>tool 3025:13</p> <p>top 3056:24 3057:9 3081:6 3089:2 3123:22 3131:20 3179:1</p> <p>Topeka 3019:10</p> <p>topic 3036:11 3037:11,20 3154:7 3156:3 3172:15 3230:9</p>	<p>to-site 3111:23</p> <p>total 3026:1,2 3069:11 3086:23 3087:9 3177:10,13 3191:6 3194:12 3212:10 3229:2 3234:22 3236:16 3249:9,14</p> <p>totaling 3057:1,5</p> <p>totally 3179:11</p> <p>toward 3140:18</p> <p>towards 3153:15 3184:2</p> <p>town 3081:22</p> <p>tracked 3128:24</p> <p>tracker 3126:7</p> <p>traditional 3046:22 3057:12</p> <p>traditionally 3195:14</p> <p>trajectory 3169:25 3170:1,2 3171:17</p> <p>transaction 3218:4</p> <p>transactions 3217:9,12</p> <p>TRANSCRIPT 3016:4</p> <p>translate 3157:4</p> <p>transmission 3026:7,12 3048:23 3049:2,5,6 3069:12 3104:7 3141:23</p>
---	---	---	--

<p>3168:12 3169:3 3172:7 transportation 3170:3 3216:11 TRC 3117:16 3133:2,6,14 3134:2 3146:3,19,23 3147:1 TRCs 3133:11 treat 3206:12 3225:6 3236:3 3243:2 treated 3233:16 3239:1 3255:2 treating 3236:7 3238:9 3252:5 treatment 3124:22 3210:25 tremendous 3205:23 tried 3025:2 TRIPP 3018:5 trivial 3153:2 true 3031:19 3063:11,12 3084:15 3086:5 3089:1,20 3092:2 3100:17 3104:25 3164:8 3167:2 3202:17 3203:24 3204:18 3209:23 3220:4 3224:24 3225:3 3245:18 trued-up 3248:2 true-up</p>	<p>3206:21 3216:24 3247:24 3249:8,20 truthful 3166:8 truthfully 3166:5 try 3024:25 3043:12 3045:21 3223:15,20 3224:15 trying 3040:4 3058:22 3099:23 3183:8 3184:3 3216:15 3250:1 turn 3067:14 3068:24 3078:19 3098:20 3101:6 3110:2,10 3111:17 3115:12 3134:5 3135:8 3137:12 3138:13 3141:7 3185:4 3189:15 3246:24 Turning 3118:4 3119:13 3123:20 3132:23 3136:1 3246:9 turns 3121:22 Tuxedo 3020:9 twenty 3076:23 3140:22 twice 3183:24 3226:25 3251:4 two-page 3154:20 two-way 3036:18</p>	<p>3108:6 two-year 3193:5 type 3069:7 3110:18 3113:2 3138:11 3142:25 3143:8 3145:8 3150:14 3175:2 3179:12 3219:22 types 3049:13 3069:5 3113:7 typewriting 3257:9 typically 3118:19 3124:19 3138:5 3141:20 <hr/>U<hr/>U.S. 3018:16 3098:24 3130:15 3218:22 Uh-huh 3171:7 Uhlig 3019:13 ultimate 3035:18 ultimately 3029:16 unaffiliated 3028:3 unanimous 3102:10 uncited 3122:17 unclear 3229:22 underlying 3041:9 understand 3022:2,17 3034:25 3040:5,7,9 3062:23 3065:17 3069:16</p>	<p>3075:17,24 3081:24 3090:3 3127:22 3139:21 3142:17,22 3143:17 3144:8 3146:12 3161:3 3163:6 3182:24 3191:24 3194:15 3206:5 3207:4 3211:4,25 3215:5 3218:15,20 3219:1,4,6,1 4,18,24 3226:12 3227:16 3236:6 3240:1,3 3241:20 3242:1 3248:9 3251:22,23 understanding 3034:1 3042:3 3087:4,11 3096:4 3098:5 3102:2 3104:3,10 3105:7 3120:14 3124:5 3126:15,23 3141:2 3174:4 3184:24 3186:23 3187:17 3188:6 3189:2 3190:14,24 3191:14 3193:8 3204:9 3206:4 3218:5 3225:15 3236:25 3237:7,21,24 3239:6,13,23 3242:20</p>
---	--	--	--

<p>3244:16,25 3247:9,17 3249:24 3255:11,24 understands 3048:15 3206:9 3229:17 understood 3047:25 undertaken 3068:20 unduly 3154:19,21 unexplained 3227:15 3242:15 unfortunately 3054:4 unidentified 3242:15 unintentional ly 3103:18 Union 3017:17 unit 3069:8,10 3247:2 3249:23 United 3019:21 3028:15 3130:11 3177:15 3189:24 units 3049:12,13 3157:3,5 universe 3121:9 unless 3154:18 unreasonable 3238:5 update 3216:20 updated 3216:24 3248:2 updates 3084:8 upfront</p>	<p>3106:20 up-front 3027:19 3028:17 3156:6 upgrading 3028:18 upon 3053:8 3054:17,23 3060:18 3076:22 3099:16 3119:10 3139:15 3215:7 3237:22 3238:4 upstream 3104:6,13,16 up-to-date 3053:11 uranium 3141:12 usage 3040:2 3156:19 usefulness 3103:23 users 3092:5 usually 3049:3 3221:12 utilities 3028:2 3055:1,3 3080:4 3093:18,19 3113:15 3114:14 3118:2 3128:2 3131:4 3133:21,22 3134:3 3143:4,5 3146:20 3147:3 3149:2,8,12, 17,22,24,25 3157:15 3212:11 3219:8 utility 3034:22 3044:1 3054:9</p>	<p>3055:12 3080:6 3086:22 3090:10 3092:9 3093:16 3113:16,17,2 1,25 3114:5,8,17, 22 3115:7 3129:8 3130:10 3131:5,7 3138:6,8 3147:19,25 3149:14,15 3162:3 3172:1 3193:11 3200:22 3208:1 3213:23 3217:2,18 3219:12 3241:3 utilization 3099:5 utilize 3117:5 3138:10 <hr/><p style="text-align:center">v</p><hr/>valid 3059:4 value 3036:3 3109:8,10 3195:21 values 3146:23 variable 3137:18 variety 3218:9 3219:16 various 3043:15 3044:7 3206:2 3218:3 vast 3152:19 vastly 3122:11 veatch 3177:8,12 3178:4,24 3179:7</p>	<p>3189:25 vehicle 3142:25 3143:1,11 ventilation 3116:12 3117:7,11 venues 3027:25 verbiage 3079:3 verifiable 3131:11 verified 3050:2 verify 3120:18 vernacular 3254:19 versa 3054:12 3107:16 version 3110:7 3196:17 3231:4,5 versions 3199:14 3231:9 versus 3027:14 3067:23 3086:14 3112:3 3133:12 3151:15 3172:5 3173:5 3174:9,10,20 3186:15 3187:9 3188:18 3193:4,12 3194:7 via 3110:9 vable 3077:17 vice 3054:12 3107:16 view 3039:19 3097:3 3145:13 viewed 3097:8</p>
---	---	---	--

<p>Virginia 3152:23</p> <p>virtual 3043:21 3046:1,7,8,2 0 3048:1 3078:23</p> <p>virtually 3142:4 3219:12</p> <p>volatile 3076:15,16 3140:22 3141:3,5</p> <p>volatility 3141:13,14,2 0 3142:8</p> <p>volume 3016:6 3039:7,12</p> <p>voluntarily 3157:14</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>WAGNER 3020:12</p> <p>wait 3241:12</p> <p>waiting 3192:14</p> <p>walk 3065:20</p> <p>warming 3166:4 3167:1 3180:12,23 3182:15 3184:2 3186:15,21 3188:13 3190:4</p> <p>Washington 3018:15 3133:2,7</p> <p>wasn't 3191:25 3211:24 3236:20 3237:6 3239:7</p> <p>water 3025:20 3026:10,13,1 6,18 3027:8 3028:12,25 3029:1 3062:16,19,2 2 3063:11</p>	<p>3066:7 3067:16,21,2 3 3086:15 3107:22 3151:15 3156:7,8,10, 22,23 3157:2,6,7,9 ,10 3158:14 3159:4 3171:5,21,22 3172:4,6,9,1 5,17 3175:7 3180:3 3181:11 3182:7,9,10</p> <p>ways 3024:22,24 3046:11 3065:21,24 3205:9</p> <p>weather 3022:9,10 3039:25 3223:19 3255:22 3256:1</p> <p>weatherizatio n 3040:17</p> <p>website 3044:14 3045:11 3078:14 3079:5,8,9 3262:17</p> <p>we'd 3123:5 3191:17</p> <p>wednesday 3223:20,21,2 3 3255:24</p> <p>week 3022:9 3023:19 3024:1 3237:19</p> <p>weisensee 3224:6,7 3229:5 3230:13,16,2 4 3231:1 3237:18 3240:13 3258:10 3261:4,5,7,1 0,12,14,16</p> <p>welcome 3023:5</p>	<p>3033:1</p> <p>we'll 3098:2 3178:15 3185:4 3192:4,5 3207:12 3240:14 3241:12 3255:22 3256:1</p> <p>we're 3023:16 3025:19 3026:18 3027:3 3028:4,20 3053:12 3071:21 3075:23 3099:22,23 3109:15 3112:7 3118:19 3127:19 3139:21 3144:6 3146:8 3150:3 3162:15,25 3163:2,4 3172:15 3182:19 3183:16 3186:24 3187:20 3192:14 3193:13 3194:18 3204:13 3213:8 3223:7,9,11 3224:9 3225:13 3234:7 3235:18</p> <p>west 3019:6 3119:17 3120:15,25 3152:23</p> <p>we've 3023:14 3076:9 3117:25 3121:5 3223:5 3226:7 3238:15,19</p> <p>whatever 3188:25</p>	<p>whenever 3085:18 3104:19 3237:19</p> <p>WHEREUPON 3256:3</p> <p>wherever 3180:4</p> <p>whether 3022:15 3026:21 3037:2 3045:15 3048:12,13 3054:22,23 3062:18 3074:2,21 3077:1,20 3086:13 3096:15 3098:25 3100:22 3101:12 3102:11 3108:16 3111:19 3114:21,24 3115:5 3116:1 3121:14 3122:14 3124:14 3125:3,16,22 3127:2 3128:20 3132:20 3139:1,18 3148:3 3150:6 3153:16 3154:23 3190:10 3194:6,13 3211:21 3220:15 3223:21 3225:18 3229:23 3232:13 3237:1,3 3239:20 3248:5 3250:1</p> <p>whole 3026:15 3028:17 3128:19 3175:20 3180:22</p>
--	---	---	--

<p>3187:23 wholesale 3193:25 3194:1 3205:10,12 wholly 3154:18 whom 3030:22 3115:21 3196:13 3199:8 3212:18 3240:25 3257:4 who's 3041:9,10 3229:5 whose 3031:1 3257:5 william 3019:16,17 3153:13 3155:20 3196:5,12 3207:16,24 3208:4 3258:6,22 3263:12,14,1 6,18,20,22,2 4 WILLIAMS 3020:15 win 3156:24 wind 3041:11 3097:6,14 winter 3040:3 winter- picking 3133:21 wise 3157:17 withdraw 3059:6 3173:15 3185:21 withhold 3197:22 witness 3022:7,13,17 3023:9 3030:2 3032:25 3033:2 3045:3,7,15,</p>	<p>18 3048:12 3073:8 3081:23,25 3085:20 3088:8,10 3092:15 3095:16 3122:9,18 3140:13 3153:23 3154:3 3155:6 3158:20,25 3159:13 3160:19 3161:3,17 3163:8 3164:22 3165:1 3184:7,20 3188:24 3191:16,23 3193:2,16 3194:23 3195:3,25 3198:10,15,1 8 3202:8,13 3210:10,15 3212:16,17,1 8,21,25 3214:24 3223:10 3224:6,8 3233:5 3255:12 3257:5,7 witnesses 3155:1 3221:19 Wm 3260:4,6,8,1 0 wolf 3195:9 3202:16 3210:25 3236:19 3239:20,23 wonderful 3032:20 wood 3111:6 woodsmall 3017:6 3022:14,19 3024:4,5 work 3022:20 3037:24 3105:21</p>	<p>3106:4 3124:6 3155:25 3225:8 3230:24 3239:1 worked 3157:13 3217:23 working 3159:18 3190:8 works 3104:22 3124:20 3126:16 worse 3223:19 would've 3091:8 3123:6 write 3239:24 write-off 3240:6 write-offs 3239:25 written 3237:4,7 3239:21 wrong 3223:23 <hr/> Y year-round 3156:19 3172:17 yellow 3100:3,19 yet 3024:11 3068:15 3249:7 York 3152:24 you'll 3029:22 3047:18 3054:5 3058:10 3068:8 3161:8 3207:14 3213:11 3240:15 yourself 3077:20,21 3097:5</p>	<p>3217:23 you've 3063:22 3069:17 3095:8 3112:17 3113:15 3121:15 <hr/> Z Zobrist 3019:1 3191:17,22,2 5 3192:8,11,20 ,21 3194:24 3196:8,9,10, 23 3197:16 3198:10,12,1 9 3199:4,5 3200:10,14 3201:10,20 3202:1,7,9 3205:5 3207:7,8 3210:5,18,19 ,22 3212:23 3213:3,6 3214:20 3215:2,3,4 3220:20,21 3222:9,17 3223:4 3258:6,8,9,2 3 3259:3</p>
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