

In the Matter of:

KCP& L Request for Authority to Implement a General Rate Increase

ER-2018-0145 & ER-2018-0146

October 03, 2018



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

On-the-record Presentation

October 3, 2018

Jefferson City, Missouri

Volume 14

In The Matter of Kansas City)
Power & Light Company's Request) File No. ER-2018-0145
For Authority To Implement a)
General Rate Increase for)
Electric Service)

In The Matter of KCP&L Greater)
Missouri Operations Company's) File No. ER-2018-0146
Request for Authority to)
Implement a General Rate)
Increase for Electric Service)

RONALD D. PRIDGIN, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE
RON SILVEY, Chairman
WILLIAM P. KENNEY,
DANIEL Y. HALL,
SCOTT T. RUPP,
MAIDA J. COLEMAN,
COMMISSIONERS

REPORTED BY:
Lisa M. Banks, CCR No. 1081
TIGER COURT REPORTING, LLC

1 ROBERT J. HACK
ROGER W. STEINER
2 Kansas City Power & Light Company
1200 Main, 16th Floor
3 Kansas City, Missouri 64105
816.556.2791
4 FOR: Kansas City Power & Light Company

5 JAMES M. FISCHER
Fischer & Dority, PC
6 101 Madison, Suite 400
Jefferson City, Missouri 65101
7 573.636.6758
FOR: Kansas City Power & Light Company

8 LEWIS MILLS
9 Bryan Cave Leighton Paisner
221 Bolivar Street, Suite 101
10 Jefferson City, Missouri 65101
573.556.6627
11 FOR: Missouri Industrial Energy Consumers

12 DAVID WOODSMALL:
Woodsmall Law Office
13 308 E. High Street, Suite 204
Jefferson City, Missouri 65101
14 573.797.0005
FOR: Midwest Energy Consumers Group

15 MARC POSTON
16 301 West High Street
Jefferson City, Missouri 65102
17 573.522.3304
FOR: Missouri Division of Energy

18 TIM OPITZ
19 409 Vandiver Drive
Building 5, Suite 205
20 Columbia, Missouri 65202
FOR: Renew Missouri Advocates

21 MARK W. COMLEY
22 Newman, Comley & Ruth
601 Monroe Street, Suite 301
23 Jefferson City, Missouri 65102-0537
573.634.2266
24 FOR: Advance Energy Management Alliance
25

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25

PEGGY A. WHIPPLE
Healy Law Offices, LLC
514 East High Street, Suite 22
Jefferson City, Missouri 65101
573.415.8379
FOR: Missouri Joint Municipal Electric Utility
Commission

CARL J. LUMLEY
Curtis Heinz
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
314.725.8788
FOR: Dogwood Energy, LLC

NATHAN WILLIAMS
RYAN SMITH
HAMPTON WILLIAMS
CALEB HALL
Department of Economic Development
Office of the Public Counsel
200 Madison Street
PO Box 2230
Jefferson City, Missouri 65102
573.526.4975
FOR: Office of the Public Counsel

MARK JOHNSON
NICOLE MERS
Department of Economic Development
Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, Missouri 65102-0360
573.751.7431
FOR: Staff of the Missouri Public Service Commission

1 JUDGE PRIDGIN: Good morning. We
2 are on the record. This is the on-the-record
3 presentation for Files No. ER-2018-0145 and 0146.
4 I'm Ron Pridgin, the regulatory law judge assigned
5 to preside over this on-the-record that is being
6 held Wednesday, October 3rd, 2018. We are in the
7 Governor Office Building in Jefferson City,
8 Missouri. The time is approximately 9:00 a.m.

9 I would like to get entries of appearance
10 from counsel, please. I'll just kind of go through a list
11 here and I'll see if I've missed anyone. On behalf of KCP&L
12 and GMO, please.

13 MR. FISCHER: Yes, Judge. On behalf of the
14 companies my name is Jim Fischer and I'm representing the
15 companies along with Rob Hack and Roger Steiner. Our
16 contact information has been given to the court reporter.

17 JUDGE PRIDGIN: Mr. Fischer, thank you.
18 On behalf of the Staff of the Commission,
19 please.

20 MR. JOHNSON: Thank you, Judge. On behalf
21 of the staff of the Missouri Public Service Commission, Mark
22 Johnson and Nicole Mers.

23 JUDGE PRIDGIN: Mr. Johnson, thank you.
24 On behalf of the Office of Public Counsel,
25 please.

1 MR. HAMPTON WILLIAMS: Thank you, Judge.
2 My name is Hampton Williams appearing along side with Nathan
3 Williams, Ryan Smith and Caleb Hall for the Office of the
4 Public Counsel. Our contact information has been provided
5 to the reporter.

6 JUDGE PRIDGIN: Mr. Williams, thank you.
7 On behalf of Renew Missouri, please.

8 MR. OPITZ: Thank you, Judge. For Renew
9 Missouri I'm Tim Opitz. My address is 409 Vandiver Drive,
10 Building 5, Suite 205, Columbia, Missouri 65202.

11 JUDGE PRIDGIN: Mr. Opitz, thank you.
12 On behalf of Missouri Division of Energy,
13 please.

14 MR. POSTON: Thank you. Marc Poston for
15 the Division of Energy.

16 JUDGE PRIDGIN: Mr. Poston, thank you.
17 On behalf of the Midwest Energy Consumers
18 Group, please.

19 MR. WOODSMALL: Good morning, Your Honor.
20 David Woodsmall on behalf of MECG.

21 JUDGE PRIDGIN: Mr. Woodsmall, thank you.
22 On behalf of Missouri Industrial Energy
23 Consumers, please.

24 MR. MILLS: Thank you, Judge. Lewis Mills
25 of the law firm Bryan, Cave, Leighton, Paisner. My address

1 is 221 Bolivar Street, Jefferson City, Missouri 65101.

2 Thank you.

3 JUDGE PRIDGIN: Mr. Mills, thank you.

4 On behalf of Dogwood Energy, please.

5 MR. LUMLEY: Good morning. Carl Lumley.
6 Curtis, Heinz law firm.

7 JUDGE PRIDGIN: Mr. Lumley, thank you.

8 On behalf of AEMA, please.

9 MR. COMLEY: Appearing for Advance Energy
10 Management Alliance, Mark Comley of Newman, Comley and Ruth.
11 Our business address is 601 Monroe, Suite 301, Jefferson
12 City.

13 JUDGE PRIDGIN: Mr. Comley, thank you.

14 On behalf of MJMEUC, please.

15 MS. WHIPPLE: Good morning, Your Honor.
16 Peggy Whipple on behalf of MJMEUC and my contact information
17 has been given to the court reporter.

18 JUDGE PRIDGIN: Very good. Did I overlook
19 anyone? All right. Thank you.

20 Before we begin bench questions there's
21 a couple of things. I think last week Commissioner
22 Kenney had some questions and mentioned a late-filed
23 exhibit that I think he wanted filed and I was a little
24 unclear on whom to order to file that because I am not
25 sure who had easiest access to that, but reviewing the

1 transcript, Volume 12 Page 59 Ms. Lange referred to the
2 electric service guide for residential construction and
3 I think that is the document that Commissioner Kenney
4 wanted late-filed. Would someone be able to reasonably
5 file that later this week perhaps?

6 MR. JOHNSON: Judge, Staff can have that
7 filed this week.

8 JUDGE PRIDGIN: Very good. Thank you. And
9 exhibits -- I'll be glad to maybe to this after the
10 on-the-record. I'm assuming parties will want to go through
11 and offer or make sure we're all clear on what has been
12 offered and admitted. We can do that after the
13 on-the-record. I see people nod their heads. Okay. Very
14 good.

15 What I'm considering doing since we don't
16 have any disputes is probably canceling the reply brief
17 requirements since the parties don't seem to have any
18 disputes anymore and then perhaps just order Staff and the
19 Company to file briefs roughly about the time they are due
20 now and then permit other parties to file briefs if they
21 want, but not require them since the only issues are the
22 commission issues. And I think Staff and the Company are
23 the only parties who presented any witnesses. But if anyone
24 sees a better path, I'm glad to listen. I'm trying to make
25 this a little bit easier and not have you file briefs that

1 you really don't want or need to file because you don't have
2 a position on those issues. I'm considering ordering that.
3 I at least wanted to run that by the parties.

4 Mr. Fischer?

5 MR. FISCHER: Judge, just to clarify,
6 you're talking about just briefing the commission-raised
7 issues?

8 JUDGE PRIDGIN: Correct.

9 MR. FISCHER: Okay.

10 JUDGE PRIDGIN: Correct. Which would be
11 the line extension tariff and the solar rebates, I think,
12 that we discussed last week.

13 Anything further from the bench or from
14 counsel before we kind of open this up?

15 I've got a port open. Nobody else has
16 called in but I understand there are people who are
17 available to call in at a moment's notice if the
18 commissioners have questions that folks in the room can't
19 answer. I've got the port open.

20 Anything further before we see if Chairman
21 Silvey has any questions? Questions for the chairman?
22 Okay. Commissioner Hall? Would you prefer some sort of
23 opening about the stipulations?

24 COMMISSIONER HALL: Are they preparing to?

25 JUDGE PRIDGIN: I don't know. I'm just

1 kind of judging by the last time when the commission did
2 kind of an on-the-record on the Ameren stipulations, kind of
3 open it up for questions. But if parties would like to
4 briefly explain their position and what they think the
5 stipulations do and that way that may prompt questions from
6 the bench.

7 COMMISSIONER HALL: I mean, if they weren't
8 planning to.

9 JUDGE PRIDGIN: Do the parties -- and maybe
10 that's my misunderstanding just looking at the Ameren stip.
11 People were just ready to answer questions immediately.

12 MR. FISCHER: Judge, I'm happy to summarize
13 the -- any or all of the four stipulations, but I think it
14 might be more efficient to go to your areas of interest.
15 But I certainly can go through and highlight the various
16 items if you prefer to do it that way, which ever --

17 COMMISSIONER HALL: I don't care. I just
18 thought they --

19 JUDGE PRIDGIN: Okay. If you just want to
20 briefly summarize the stipulations and that will probably
21 prompt some more questions that way. Thank you.

22 MR. FISCHER: Okay. Good morning. I'm Jim
23 Fischer and today with me is Rob Hack and Roger Steiner
24 representing the companies. I also have with me a number of
25 our witnesses, our subject matter experts. In the room we

1 have Darren Ives, Ron Klote, Tim Rush, Marisol Miller, Brad
2 Lutz and Kim Winslow. And as Judge Pridgin mentioned, we
3 have available on the phone the other -- or many of the
4 other witnesses that if you do have questions that you
5 specifically would like to address to them.

6 We would like to address whatever
7 questions, whatever issues you have today and hope that you
8 will find our four stipulations to be in the public interest
9 and approve them. I'm going to talk about them in more
10 generic terms. The revenue requirement stipulation was
11 filed on September the 19th. The pension and OPEB
12 stipulation was filed on September 21st. The rate design
13 and time of use stipulation was filed on September 25th.
14 And then on September 27th we filed a class revenue shift
15 stipulation. So I'll probably talk in those generic terms
16 if that would be okay.

17 The non-unanimous partial stipulation that
18 was filed on September 19th included the revenue requirement
19 information. The companies and the parties have agreed that
20 the revenue requirement for KCPL will be reduced by \$21
21 million. Now, that revenue requirement was later adjusted
22 in the last stipulation agreement to be 21.1 million in our
23 class revenue shift stipulation, which was filed on the
24 27th.

25 GMO's revenue requirement will be reduced

1 by 24 million. The stub period tax benefits will be
2 returned to customers for both companies. The full amount
3 for KCPL is 38.7 million and it will be returned by
4 offsetting various regulatory assets.

5 For GMO --

6 COMMISSIONER HALL: Let me ask you a
7 question there. To what extent are the stub period benefits
8 incorporated into that revenue requirement reduction?

9 MR. FISCHER: There are two aspects of it.
10 There is the revenue requirement reduction itself. There's
11 a return of the stub period through either offsetting
12 amortization or a one-time tax credit depending on which
13 company we're talking about.

14 COMMISSIONER HALL: Well, it's my
15 understanding that part KCP&L there was going to be an
16 offset of some regulatory liabilities?

17 MR. FISCHER: Yes.

18 COMMISSIONER HALL: Which, that to me would
19 result in a revenue requirement reduction?

20 MR. FISCHER: On a going-forward basis.

21 COMMISSIONER HALL: Going forward. But for
22 GMO where you've got a reduction in rates going forward,
23 that's not part of revenue requirement reduction.

24 MR. FISCHER: Well, we do have -- you are
25 correct. I think we do have a revenue requirement reduction

1 in both companies, but for GMO we're having a one-time tax
2 credit back like we did in the merger to reflect that stub
3 period benefit. That was a negotiated item among the
4 parties. Parties have different views about how much should
5 be treated in the different buckets.

6 And for GMO there are less regulatory
7 assets available to be amortized against or offset against.
8 I can ask Darren Ives to explain that in some greater detail
9 if you like but that was a negotiated item and then there's
10 a little bit of both depending on your perspective.

11 COMMISSIONER HALL: Okay. I think I'm good
12 for now.

13 MR. FISCHER: Okay. Like I said, for KCPL
14 the stub period amount is 38.7 million and that's returned
15 by offsetting the various regulatory assets. For GMO the
16 full amount is 29.3 million and that will be returned by the
17 one-time bill credits beginning on the first billing cycle
18 that starts following 60 days after the effective date of
19 the tariffs sheets, so that's whenever that would occur.

20 As I mentioned that was a negotiated
21 provision and various parties had different perspectives on
22 how to handle those items. From the Company's perspective
23 this method made sense for GMO in particular since GMO
24 didn't have as many regulatory assets to offset the 29.3
25 million.

1 Now, with regard to the clean charge
2 network, the parties have agreed that the clean charge
3 network assets not already in rate base will be reflected in
4 rate base, but there's going to be a new customer class for
5 electric vehicle charging stations which will be
6 established. There's an agreement that no other customer
7 class will bear any of the costs related to that service.

8 On the Crossroads issue we'll continue to
9 treat Crossroads as we've done in the past cases. KCPL has
10 also agreed to exclude certain costs and revenues associated
11 with the hydro purchase power agreement from KCPL's fuel
12 adjustment clause calculations.

13 The Company will perform a study
14 investigating the consolidation of KCPL and GMO rates and
15 will make a recommendation regarding consolidation within
16 two years. There are also agreements on revenues and
17 billing determinants, perspective tracking of regulatory
18 assets and liabilities, asset retirement obligations, the
19 GMO capital structure and a \$7.2 million GMO amortization.
20 That will be ending and applied to steam production plant
21 accounts.

22 There are also agreements regarding working
23 with stakeholders regarding customer bill presentations,
24 customer privacy issues, and income eligible weatherization
25 programs.

1 Now, with regard to solar facilities, the
2 companies have agreed to investigate solar installations and
3 other renewable generation resources at any plant site that
4 closes prior to the next rate case. And we've also agreed
5 to include a low income component to solar investment
6 required under this Section 393.1665.

7 COMMISSIONER HALL: What does that mean? A
8 low income component to the construction of a utility-owned
9 solar facility? I don't understand.

10 MR. FISCHER: No. It is not the facility
11 itself. It's the solar rebate programs that are going
12 forward under the statute.

13 COMMISSIONER HALL: But the statutory site
14 doesn't refer to the solar rebates. It refers to the
15 utility solar facility.

16 MR. FISCHER: Maybe that is one I should
17 send to my subject matter expert to make sure I'm correct on
18 that.

19 MR. HACK: If I may, this is Rob Hack for
20 KCP&L. This section of Senate Bill 564 calls for the
21 construction of solar facilities. So what we envision is a
22 -- the use of a portion of those required solar facilities
23 through a -- some kind of solar subscription service that
24 would be available to either low income folks or -- or maybe
25 and/or entities, organizations that provide services to low

1 income people. So it's -- I mean, it will be a
2 collaborative effort as we move forward.

3 COMMISSIONER HALL: Yeah. I'm not sure I
4 understand what you guys have agreed to there, but that's --
5 I mean, to me it would be much more significant if there had
6 been an agreement for a low income component for the solar
7 rebate, which is what you said and I was excited when you
8 said it. But unfortunately that is not what you have agreed
9 to.

10 MR. HACK: We have included in our net
11 metering solar rebate filing that is currently pending some
12 provision for low income applications and kind of
13 reserving --

14 COMMISSIONER HALL: Somewhat consistent
15 with the working docket that we had on that issue?

16 MR. HACK: Yes. Yes. We're trying to do
17 it, I guess, from a couple of different angles.

18 COMMISSIONER HALL: Okay. But that is not
19 part of this this stipulation?

20 MR. HACK: That is correct.

21 MR. FISCHER: Why don't I just open it up
22 for other questions if you have them about the revenue
23 requirement stipulation before I go to other issues.

24 JUDGE PRIDGIN: Any bench questions on
25 revenue requirement for now at least?

1 COMMISSIONER HALL: Yeah. Concerning the
2 KCP&L reduction of 21 million and the GMO reduction of 24
3 million, what are the tax cut reductions that are
4 incorporated into those?

5 MR. FISCHER: I'm going to ask Darren Ives
6 to give you the specifics on that.

7 MR. IVES: From here or there?

8 JUDGE PRIDGIN: Anywhere you are near a
9 microphone would be great.

10 MR. IVES: Okay. So I'm Darren Ives, vice
11 president of regulatory for the companies. So the annual
12 amount that's in those revenue requirements for KCP&L MO is
13 about \$53 million and for GMO it's right around \$39 million.
14 That's the effect of the change in the rate as well as the
15 impact of the treatment for that excess of deferreds and how
16 the fall back over the periods that were agreed to in the
17 settlement.

18 COMMISSIONER HALL: Were there any other
19 drivers of this revenue requirement reduction other than the
20 tax cut?

21 MR. IVES: There were a number of items --
22 a number of items obviously that factored into that. One of
23 the things that you talked about earlier with Mr. Fischer
24 was the stub period effect of the taxes on the KCPL MO side
25 and the fact that we got there by writing down some

1 regulatory assets that would have otherwise had amortization
2 in rates.

3 COMMISSIONER HALL: On the KCP&L side?

4 MR. IVES On the KCPL side.

5 COMMISSIONER HALL: But that didn't factor
6 into the revenue requirement for GMO?

7 MR. IVES: That's correct because we did
8 those on the one-time bill credits.

9 COMMISSIONER HALL: Any other significant
10 -- I mean, I don't need every single three cent reduction on
11 pencils or whatever, but were there any other major drivers
12 of the revenue requirement reduction other than the tax cut?

13 MR. FISCHER: I think the clean network
14 charge, if you look at the offset the tax credits actually
15 had a negative impact but it wasn't significant.

16 COMMISSIONER HALL: And the fact that you
17 are not coming up with something quickly leads me to believe
18 it's probably mainly the tax cut, and that's fine.

19 MR. IVES: It is the biggest one by far.

20 COMMISSIONER HALL: Okay.

21 MR. IVES: I guess on GMO the other one --
22 and Mr. Fischer alluded to this -- is there was some
23 amortization that was in rates from the last case about \$7.2
24 million that we discontinued in agreement with the parties
25 of this case. That's something that was in rates that will

1 no longer be.

2 COMMISSIONER HALL: Concerning the clean
3 charge network, signatories agree that no other customer
4 class shall bear any costs related to this service. That
5 means that all of the costs related to the clean charge
6 network will be borne at the pump?

7 MR. FISCHER: We have a -- Darren, do you
8 want to take it? We have agreed on a rate and -- for
9 service, but that doesn't necessarily assure that all costs
10 are recovered.

11 COMMISSIONER HALL: So either shareholders
12 or at the pump is what has been agreed to hear; is that
13 correct?

14 MR. IVES: Yeah, at this stage for this
15 case and then as Mr. Fischer alluded to in the next case
16 we'll evaluate them as a separate class. We'll look at them
17 in the class cost of service and whether or not they are
18 contributing at the level necessary to cover the cost. But
19 the point would be as agreed to with the parties that there
20 will be no cost flowing over to other classes from the clean
21 charge network.

22 COMMISSIONER HALL: Could you explain to me
23 on Page 4 of the stip what the 169 million goodwill
24 adjustment is for GMO capital structure? Is that related
25 way back to the Aquila merger or what is that about?

1 MR. Ives: It is related to the Aquila
2 merger and it is the amount of goodwill that is reflected on
3 the regulated books of the legacy Aquila, now GMO. So it is
4 an adjustment to the equity component in the capital
5 structure of GMO for the regulated business.

6 MR. WOODSMALL: Mr. Commissioner, it is
7 important to understand why this was put in there. There's
8 a provision in 564 that allows the utilities to opt into
9 PISA and it says for purposes of calculating PISA you use
10 the capital structure for the utility as of December 31st,
11 2017. So this provision excluding that amount of goodwill
12 was put in so that we know how to calculate the capital
13 structure in the event they opt-in to PISA.

14 COMMISSIONER HALL: Okay. Thank you. That
15 is some good lawyering. On the -- on Page 5 concerning
16 Crossroads, does this is -- this essentially continues the
17 exclusion of the transmission charges from Crossroads; is
18 that correct?

19 MR. FISCHER: To the extent they were
20 excluded in the past. We are continuing the treatment that
21 we've had in past cases.

22 COMMISSIONER HALL: Concerning the hydro
23 contract, the CNPPID hydro contract, that facility is in
24 Kansas. Correct?

25 MR. IVES: The facility is in Nebraska.

1 COMMISSIONER HALL: In Nebraska? And why
2 are the costs and revenues being excluded? Well, are they
3 being excluded because there's no benefit to KCP&L and GMO
4 repairs?

5 MR. FISCHER: That was a negotiated
6 settlement item that was an issue that the Public Counsel
7 raised we've agreed to do that.

8 MR. HAMPTON WILLIAMS: Commissioner, I
9 believe that that's in -- if you review Lena Mantle's direct
10 testimony she'll discuss the terms of that contract. It's
11 association with meeting Kansas's renewable energy
12 requirement and the Company we're able to agree to a
13 treatment of that that protects Missouri ratepayers.

14 COMMISSIONER HALL: Why are KCP&L and GMO
15 required to track it on their FAC monthly reporting?

16 MR. FISCHER: I think that's just an
17 understanding among the parties so that we know what's going
18 on on that topic. The Company's perspective might be a
19 little different on whether it's benefiting the Missouri
20 ratepayers as well, but we have agreed to do that.

21 COMMISSIONER HALL: On Page 9 concerning
22 the consolidation study, this is a study of whether to
23 consolidate rates, not whether to consolidate the two
24 subsidiaries; is that correct?

25 MR. FISCHER: Yes.

1 COMMISSIONER HALL: Why are we not
2 considering consolidating the two subsidiaries?

3 MR. FISCHER: That was not a topic that was
4 specifically addressed in the case. The request was to look
5 at the rate jurisdictions and consider consolidation.

6 Certainly the Company is always looking ahead and looking
7 toward the future, but this is a step we are going to take
8 to look at how it would impact our customers particularly if
9 we decided to try to consolidate GMO and KCPL rates.

10 COMMISSIONER HALL: I mean, from my
11 perspective GMO does not have any employees whatsoever, the
12 consolidation of the two really does make sense in terms of
13 transparency.

14 MR. FISCHER: There are significant
15 allocation issues on power plants and things like that that
16 you have to work through. And of course you can consolidate
17 rates, but you may have significant customer impact so we
18 are very aware of that so we want to study that.

19 COMMISSIONER HALL: And also consolidate
20 the two entities and not consolidate rates?

21 MR. FISCHER: I guess you could do that
22 too.

23 MR. HACK: There are a lot of factors that
24 come into play in consolidating subsidiaries. Management
25 has an evaluation of, you know, could be legacy legal

1 positions between the companies, difference in generation
2 allocations and a lot of things management will look at to
3 see wither we can ultimately collapse or change legal
4 entities. But something that these parties are probably
5 interested in evaluating is whether or not we can get to a
6 consolidation of rates at a jurisdictional level. We've
7 agreed to study that, acknowledging as we get did in the
8 case, you know, there is a fair amount of complexity in
9 consolidation of rates as we found even when we went through
10 the consolidation at GMO. But it is certainly is worth
11 studying and evaluating what steps it would take to get to
12 that point.

13 COMMISSIONER HALL: Isn't it true that
14 after a merger the original thought was to consolidate and
15 it was in fact the Commission that did not want that to
16 occur at that time?

17 MR. FISCHER: There was discussion like
18 that years ago and there was opposition from some of the
19 folks, some of the stakeholders and we did not pursue that.

20 COMMISSIONER HALL: Again concerning the
21 clean charge -- I think this is the last set of questions I
22 have on this stip -- the tariffed rate in Exhibit B, that is
23 at, above, or below the market rate for charging?

24 MR. FISCHER: I think that is fairly
25 typical of what you see around the country.

1 COMMISSIONER HALL: For level II and level
2 III?

3 MR. FISCHER: It is my understanding, yes.

4 COMMISSIONER HALL: And so under this
5 agreement the clean charge network gets rolled into rate
6 base, but the depreciation on that only gets paid by
7 shareholders and users of the facility?

8 MR. FISCHER: I think that is true of all
9 of the cost associated, not just depreciation.

10 COMMISSIONER HALL: I think those are all
11 the questions I have on that stip. Thank you.

12 JUDGE PRIDGIN: Commissioner Rupp?

13 COMMISSIONER RUPP: Good morning. I don't
14 have a question, more of a comment, really one that deals
15 with clean charge network. Seriously wanted to say hat tip
16 to you guys. The electrical vehicle adoption rate in your
17 region is three times what it is on the other side of state
18 and it's strictly because of what you have done that clean
19 charge network. I'm very pleased that they are included in
20 rate base. It is something I have believed for a long time.
21 I would encourage you in the future because I'm going to
22 make an assumption that this is probably the last rate case
23 that I'll be sitting here. I don't see you being back in
24 the next year and four months.

25 Is to continue to try to get this into all

1 rate base, continue to build out this network and use the
2 ability to have it in rate base to build it in places that
3 maybe doesn't make the most economic sense because that is
4 where no one else is going to build and that is how you get
5 an infrastructure built. So you've done a great job on
6 that. I'm pleased that it's starting to be recognized
7 inside rate base and I hope that you continue to push for
8 more, and that you continue to build out that network
9 especially in places that your shareholders kind of bear the
10 brunt of the cost because they won't be utilized as much in
11 the beginning. You've done a great job on that.

12 MR. FISCHER: Thank you.

13 JUDGE PRIDGIN: Any further bench questions
14 for KCP&L on revenue requirement? Mr. Fischer, any comments
15 on your rate designs?

16 MR. FISCHER: I can turn to that and
17 summarize that or go directly to questions, whatever you'd
18 like. The rate design and time of use stipulation was one
19 of the major efforts, I think, that came out of this case.
20 I believe the parties have taken significant steps to enable
21 a successful implementation of time of day pricing for both
22 KCPL and GMO. Of course the companies as you are aware, it
23 already deployed a substantial number of AMI meters for
24 residential customers and we've also now implemented the one
25 CIS solution project, which is another important part of

1 implementing time of use.

2 The companies also completed significant
3 studies regarding time of use rates including the four that
4 we filed in the case. Under that rate design and time of
5 use stipulation KCPL and GMO will offer effective October
6 1st, 2019, a residential time of use of service originally
7 proposed in this case as a pilot by the Company but is going
8 to be now in opt-in rate that will be available to all
9 residential customers that have AMI meters. The regular
10 rates will continue to be available as well, so it is an
11 opt-in rate.

12 The Company will develop a comprehensive
13 customer research, education and marketing plan which is
14 summarized at some length in the stipulation. The Company
15 is going to meet with the Staff, Public Counsel, DE and
16 Renew Missouri to review that customer research plan. And
17 by the end of the first quarter of October of 2019 we'll be
18 launching a customer research program.

19 The Company will also develop a process to
20 solicit feedback from the customers availing themselves of
21 the time of use rates and those who that choose not to take
22 the service of the time of use rate. We will develop with
23 stakeholder input metrics to gauge changes in customer
24 behavior under the time of use rate structure.

25 The Company will also develop a business

1 case for the implementation of shadow billing determining
2 whether it is feasible with the goal of implementing shadow
3 billing for all residential customers. By the end of the
4 first quarter of 2019 the Company will finalize its business
5 case for shadow billing and share it with the stakeholders
6 to define our next steps.

7 The Company will also provide details of
8 the education, marketing, and outreach efforts and customer
9 time of use subscription numbers will be given to the
10 commission at an on-the-record presentation in December of
11 2019 and also again in September of 2020. So we want to
12 keep the Commission fully apprised of how the project is
13 going and come before you to answer your questions.

14 If by December 31st, 2019, KCPL and GMO do
15 not have at least 750 customers per company signed up for
16 the time of use rate, the shareholders will discuss and
17 consider changes to the education and outreach plan and make
18 changes to the program if it is desirable.

19 COMMISSIONER HALL: The stakeholders will?

20 MR. FISCHER: The stakeholders will discuss
21 those changes, yes. Again, if an additional thousand
22 customers per company are not signed up by December 31st,
23 2020, then we will again with the stakeholders review the
24 education and outreach efforts. KCPL will file a rate
25 design case limited to time of use rates by June 30th, 2020.

1 That is the same timeframe of the GMO rate design case which
2 is already scheduled and will be expanded to include time of
3 use rates. And that will begin June 30, 2020.

4 The Companies will complete and EM&V report
5 by the end of the year 2021. The Companies will be
6 authorized to differ to recovery program costs -- or excuse
7 me, the program costs associated with the time of use rate.
8 In the next rate case the Companies will be authorized to
9 recover prudently incurred program costs at the level
10 represented by the percentage of customers enrolled in the
11 time of use rates compared to the targeted levels.

12 I can answer questions on that, if you
13 don't follow what I'm saying. If we hit the target, we'll
14 get our program costs; if not we will get the percentage
15 that we fell short of.

16 MR. HACK: Commissioner, did you have a
17 question?

18 COMMISSIONER HALL: I do have a couple
19 questions.

20 JUDGE PRIDGIN: Mr. Chairman.

21 CHAIRMAN SILVEY: On the marketing section
22 you talk about the plan went through marketing specific end
23 uses that might benefit the time of use rate plan such as
24 electric vehicle charging space condition. How are you
25 going to get the information on which customers to target

1 with that marketing?

2 MR. FISCHER: I might ask Kim Winslow to
3 come up and address specifics of these questions. We'll be
4 dealing with the stakeholders on all of these types of
5 questions in developing a plan.

6 MS. WINSLOW: Hi. Good morning.

7 CHAIRMAN SILVEY: Good morning.

8 MS. WINSLOW: We currently have quite a bit
9 of information on our customers through some initial
10 marketing segmentation that we have as well as, you know,
11 you mentioned the clean charge network. We would try and
12 target some of those EV drivers as well. We do have
13 significant information with respect to those drivers that
14 have signed up with our clean charge network. So we would
15 be marketing to those customers as well as we mentioned --
16 you mentioned the space heat rate. So those are those
17 customers that may be all electric type customers and we
18 have that information as well. So we will be utilizing a
19 lot of information that the utility currently has.

20 CHAIRMAN SILVEY: Data that you already
21 have?

22 MS. WINSLOW Yes.

23 CHAIRMAN SILVEY: Any plans to go out and
24 seek additional data streams?

25 MS. WINSLOW Yeah. Yeah. I mean, I think

1 -- again, that will be part of the planning process, but I
2 mean I think that we feel like we do already have a pretty
3 good idea of the different areas of our customers in the
4 segmentation, but as we get into this if we see that there
5 is a need to do that we certainly would.

6 CHAIRMAN SILVEY: Okay. Second kind of
7 follow-up question: A little farther down it says the
8 Company will keep customer documentation and records on all
9 customer feedback to the degree possible regarding its
10 post-implementation of the time of use in a format that can
11 be shared with stakeholders upon request. Is that
12 information that you intend to also share with the
13 Commission or would we have to specifically request that
14 information?

15 MS. WINSLOW: No. As part of that, the
16 stipulation agreement, we have included that all of the
17 deliverables that we share with stakeholders at those
18 various checkpoints that those also be filed with the
19 Commission.

20 CHAIRMAN SILVEY: Okay. Perfect. Thank
21 you, Judge.

22 JUDGE PRIDGIN: Further questions thus far?
23 Commissioner Hall?

24 COMMISSIONER HALL: Well, I will say for
25 what it's worth I am somewhat disappointed with the

1 agreement on time of use rates. I think the Commission on
2 numerous occasions made it clear that we would like to move
3 significantly faster on this rate design mechanism and back
4 in 2014 we ordered a study of this issue. I mean, this has
5 been going on for four years so far so now under this
6 stipulation we've got an opt-in that I sincerely doubt very
7 many people will take advantage of. I could be proven
8 wrong. And then we're looking at two more years.

9 I must say I would not be terribly shocked
10 sitting somewhere else watching what happens here two years
11 from now that there's some other reason why you're not going
12 to get mandatory time of use rates on the books. I
13 understand that KCP&L has moved significantly quicker on
14 this issue than our other utilities in the state and I
15 appreciate that. But there's also a whole lot of money in
16 rate base for those smart meters which leads me to my first
17 question.

18 How much have the two companies spent on
19 the smart meters so far?

20 MR. FISCHER: I'll have to differ to
21 subject matter expert, but while they're coming up I would
22 just suggest Judge or Commissioner that the companies are --
23 have a very keen interest in time of use rates and they see
24 that as a way for the future. We want to do it in a
25 thoughtful and careful way because failure to take the time

1 needed to understand customer impacts could ultimately cause
2 adverse customer reaction to the whole concept.

3 And based on what we've seen in other
4 states where some folks are even further ahead than KCPL, it
5 takes time to roll this out. If you look at Oklahoma for
6 example, they have a 20 percent penetration rate but they've
7 been doing it since 2008. We are very, very concerned that
8 our customers accept the way we price our products. And we
9 want to do this in a thoughtful, careful way and ultimately
10 try to get to those goals. We understand how adverse
11 customer reaction can taint a whole project like this box.

12 MR. IVES: So just directly to your
13 question we can get you the number on the meters. We don't
14 have that readily available as to each company's investment
15 at this point. We could look into that and get it for you
16 certainly.

17 COMMISSIONER HALL: It's in the hundreds of
18 millions, isn't it?

19 MR. IVES: I don't think it is that high
20 for AMI meters. But we will get you that number. I would
21 just echo Mr. Fischer's comments, you know, what did a
22 number of studies certainly at the direction of this
23 commission. Across the board the studies said nowhere in
24 the country are utilities of this size implementing
25 mandatory TOU rates for many of the reasons that Mr. Fischer

1 articulated.

2 COMMISSIONER HALL: 2000 --

3 MR. HACK: The gradual movements and steps
4 towards getting TOU adopted by customers is what has
5 happened across the country and makes sense at least from
6 our perspective for adoption.

7 COMMISSIONER HALL: You raise the concern
8 of customer backlash and I totally understand that concern.
9 I guess wasn't in Colorado where they tried to do it too
10 quickly and there was a significant customer backlash and in
11 the end it --

12 MR. FISCHER: I also understood from David
13 Springy's comments at FRI that they now have Fort Collins
14 which is planning to it on a mandatory basis, but I think it
15 is one of the few places, certainly investor owned --

16 COMMISSIONER HALL: California 2019 they
17 will be. Correct?

18 MR. IVES: Yeah, after many more years of
19 evaluation than what we have done in our marketplace.

20 COMMISSIONER HALL: What are the advantages
21 to smart meters other than the capacity to do time of use
22 rates?

23 MR. FISCHER: You want to take it or shall
24 I?

25 MR. IVES: There are a number. I mean

1 outages -- the interface with outage map that the ability to
2 identify outages from the meter rather than people having to
3 call in, the ability to see when we have gone through an
4 area that we have one that hasn't come back on, the ability
5 to get the 15-minute interval data which will help with data
6 analytics at a lot of people level not only for TOU rates
7 but for other types of customer beneficial rate design on a
8 going forward basis, data that they would've never had that
9 type of visibility to. I'm sure the --

10 MR. FISCHER: For customers that want to
11 know about their usage, want to really do a deep dive this
12 kind of information, these meters are going to provide that
13 information if they want to look at and that's going to be a
14 good customer education tool, I think. Not everybody is
15 interested, but some people certainly are.

16 COMMISSIONER HALL: So the concern about
17 customer backlash, which I have agree is a concern, but I
18 think that was addressed by the Staff's proposal that had a
19 much less significant differential and was based upon cost
20 as opposed to attempting to move behavior. If you look at
21 Staff's proposal is there a legitimate concern about a huge
22 customer backlash when the differential is so slight?

23 MR. FISCHER: Yes. Commissioner, I think
24 that's -- the customer impact of having a 14-hour peak and a
25 10-hour off peak which is such a long period and not very

1 much change in the rates themselves, for the Company's
2 perspective we had concerns that that was really -- it was
3 time differentiated but it's not a traditional time of use
4 rate where you're trying to encourage customers to shift
5 their usage.

6 COMMISSIONER HALL: I disagree with that.
7 That's not the only reason why you do time of use rates.
8 There's two reasons: One is to move behavior to low peak,
9 but also to address the cost of providing the electricity.
10 The cost is less at off-peak. I mean, there's two reasons
11 time of use rates and we should not neglect that fact.

12 MR. FISCHER: For with a 14-hour peak
13 period that is a very high level average even on a cost
14 basis.

15 COMMISSIONER HALL: That is true. That is
16 true.

17 MR. FISCHER: Anyway, from our perspective
18 we wanted to do something that would give us good
19 information about how customers will react and the parties
20 have agreed to go along with this kind of proposal. We
21 think it is in the public interest to do this in an
22 incremental way.

23 COMMISSIONER HALL: So tell me what you
24 will do if you don't get the subscription or the opt-in that
25 meets those thresholds.

1 MR. FISCHER: Initially, we will be talking
2 to all the stakeholders in this room about how to improve it
3 and how to get more people to sign up and what their
4 suggestions are then initially --

5 COMMISSIONER HALL: And those conversations
6 won't occur prior to that date and not meeting that test?

7 MR. FISCHER: No. They're going to --

8 COMMISSIONER HALL: All right. So what
9 will happen that wouldn't otherwise happen if you don't meet
10 those thresholds?

11 MR. FISCHER: A portion of it will be we'll
12 go back to the drawing board to talk to the stockholders.
13 There is also a portion of that related to the recovery of
14 the program costs that will be affected by that scenario.
15 But I mean, ultimately the main, I think, idea is we will be
16 sitting down with everybody, all the smart people in the
17 room in trying to do a better job with that.

18 COMMISSIONER HALL: I mean, I would have
19 hoped that that conversation would have started two years
20 ago and that we would be here today with the data and
21 analysis being able to move forward.

22 MR. FISCHER: Well, certainly we have been
23 doing analysis for several years and I can ask Darren or Kim
24 Winslow to address that, but there are significant studies
25 in the record and we have been working on it. But mandatory

1 time of use rates raises a lot of issues from the Company's
2 perspective. We want to take -- we want to carefully
3 consider, customer impact being one of the main ones.

4 COMMISSIONER HALL: And I assume you're
5 also concerned about the ability to meet your revenue
6 requirement?

7 MR. FISCHER: Certainly, yeah. That's the
8 other thing. We don't have time differential billing
9 determinants to ensure that will meet the revenue
10 requirement. That's one of the efforts that we'll be
11 working on here to try to develop that.

12 COMMISSIONER HALL: Couldn't that concern
13 have been addressed through decoupling?

14 MR. FISCHER: I think it is a different way
15 to address it, but as far as -- as far as time of use rates,
16 we need to know the billing determinants in order to make
17 sure that we're going to get the recovery.

18 COMMISSIONER HALL: So there was no
19 discussion about trying to address that concern through
20 decoupling, which is authorized by 564?

21 MR. IVES: Not at this stage, no. From the
22 Company's perspective -- Mr. Fischer said it, but from the
23 Company's perspective it is just too premature to go into a
24 large scale TOU model without better information, better
25 understanding of the design networks. Every study we did

1 indicates that a gradual approach moving into this space is
2 the right way to go about it if we want to move towards a
3 successful not only TOU program, but continued adoption of,
4 you know, a number of customer option rates that will best
5 serve their lifestyle and their needs.

6 COMMISSIONER HALL: So is your hope
7 Mr. Ives that two years from now there is a much more
8 aggressive time of use proposal submitted by the company?

9 MR. IVES: It is my hope that it will
10 continue to grow and develop absolutely based on the
11 feedback and research we can get in our own territory. I
12 will just reiterate Mr. Fischer's earlier comment, you know,
13 OG&E is held out at as being really good at TOU rates. They
14 have been doing since 2008. They have had recovery of not
15 only cost, but of incentive opportunities and throughput
16 disincentive from the adoption of TOU and they're at a 20
17 percent penetration to the residential customers after ten
18 years.

19 COMMISSIONER HALL: But this proposal or
20 this program in the stipulation does not involved MEEIA.
21 Correct?

22 MR. IVES: It does not. It is not nearly
23 as robust of a design as the OG&E proposal, that's for sure.

24 MR. FISCHER: And that was something of
25 course the Company suggested early on that we would like,

1 but we've modified our position.

2 COMMISSIONER HALL: Do you anticipate
3 getting opt-ins above those thresholds as you sit here
4 today? I guess I'll ask the Company first and I'd be
5 interested in any of the other parties?

6 MR. IVES: Yeah. We set them at areas
7 where we think is reasonable based upon rolling it out. We
8 haven't done the customer research at the detailed level yet
9 that Ms. Winslow talked about. We haven't done the
10 development of the marketing plan yet, the development of
11 the segmentation to customer classes that will be most
12 likely. That's all part of what's laid out --

13 COMMISSIONER HALL: But you anticipate
14 meeting those thresholds?

15 MR. IVES: Yes, that's our goal for sure,
16 meeting or exceeding those.

17 COMMISSIONER HALL: And what is the
18 differential that is in the proposal?

19 MR. FISCHER: Are you talking about time of
20 day rates, the summer off-peak and off-peak?

21 COMMISSIONER HALL: Yes.

22 MR. FISCHER: Correct me if I'm -- oh, you
23 have it?

24 MR. IVES: I just heard from the back that
25 it is three to one differential.

1 COMMISSIONER HALL: That is significantly
2 larger than the Staff proposal.

3 MR. IVES: It is.

4 MR. FISCHER: In the Staff's testimony was
5 indicated they really weren't intending to shift usage.
6 This is designed to try to shift usage.

7 COMMISSIONER HALL: Right. Well, I would
8 encourage the Company and the other parties to work really
9 hard on this issue. I think that there is a lot of national
10 data out there that time of use rates is a significantly
11 powerful mechanism to affect demand and ultimately the cost
12 to generate electricity. It is a program that is coming.
13 This company has been a leader in Missouri on this and I
14 really encourage it to be extremely aggressive.

15 MR. FISCHER: Thank you.

16 COMMISSIONER RUPP: I was just waiting. I
17 thought the differential was less than two?

18 MR. FISCHER: I think it depends on which
19 of the companies we are looking at.

20 MR. IVES: I think it is pretty similar for
21 both. Right?

22 MR. FISCHER: Yeah.

23 MR. IVES: For both we're at about three to
24 one.

25 MR. FISCHER: Do you want to give them then

1 cents per KWH or --

2 MR. IVES: I don't have them.

3 MR. FISCHER: Okay.

4 MR. IVES: We can get it.

5 MR. FISCHER: We can get you the specifics
6 if you would like that.

7 COMMISSIONER RUPP: Yeah, I would because
8 the way I was looking at it I thought the differential
9 between on-peak and off-peak was less than two to one. I
10 would like to have -- I would like to revisit that. On the
11 TOU rating viewpoint, I'm going to be with Commissioner Hall
12 on his comments of the disappointment. How long has AMI
13 meters been in the field?

14 MR. IVES: Well, we're not fully deployed
15 at GMO. We're only a little over 60 percent deployed there
16 today. But the AMI meters have -- were installed roughly
17 two years ago, right in that timeframe. At least to the
18 level that we are now. We have plans to get the remainder
19 of our installation done, I think 2020, which is primarily
20 left in the GMO area.

21 COMMISSIONER RUPP: You know, so you have
22 had a significant chunk in the field for two years at least?
23 You know, you talked about the ability to have data
24 collection with the AMI meters. You've had two years of
25 data collection, maybe not fully across. So your time of

1 use rate is not going to be available until 10/01 of '19.
2 This commission in previous cases have told you to go and do
3 this, so all the legwork that you're going to do between
4 today and 10/01 of '19 should have already been done. You
5 had data that you could start to look at in the design. You
6 haven't looked at your customers' response. You haven't
7 thought about what your marketing plan is going to be. This
8 commission told you guys this is where we want you head. So
9 I'm disappointed that all of that had not been done.

10 I agree with the Company that I did not
11 like Staff's approach in a proposal because I don't think
12 it's going to change behavior. I do understand Commissioner
13 Hall's commentary that that cost is a factor, but changing
14 behavior is what time of use -- is the biggest in my opinion
15 reason for them. And I frankly believe that you will not
16 hit your targets but then again there is no penalty if you
17 don't hit your targets. And then if you don't hit your
18 targets then you're going to get back together and you're
19 going to have stakeholders come back in and you're going to
20 talk about why you didn't hit your targets in your marketing
21 program. But if we had done the work beforehand and you had
22 a better program you're much more likely to hit your
23 targets.

24 You know, an opt-in rate just isn't going
25 to work. If you want to change people's behavior there's so

1 many studies out there about behavioral economics and opt-in
2 is not going to work. You're only gonna get a certain
3 portion of people that even pay attention to this that they
4 want to opt-in. I understand your concern that you don't
5 want to rush it too quickly, but what are they going to do,
6 complain about their rates? I mean, they do that now. You
7 go to every local public hearing and that's all people do is
8 complain about their rates.

9 And so yeah, it might not be the smoothest
10 rollout in history, but with your shadow billing you could
11 roll this out in three years and show people this is what
12 your rates are going to be. Under the current system this
13 is what they're going to change and give them three years or
14 two years of seeing the different bill determinants and to
15 get that done. I'm a big proponent of mandatory time of use
16 rates and just allow people the time to get into that.

17 I think the rate differential has to be
18 greater than what it is here in order to change behavior. I
19 think there's an argument that can be made that the
20 ratepayers are paying for these AMI meters and it is the
21 shiny new toy to put on the side of the house, but if you're
22 not having time of use rates, you're not getting the value
23 out of it so maybe the penalty for not hitting your goals is
24 to remove the AMI meters from rate base because there's no
25 reason to have the ratepayers pay for it, you know. Or

1 maybe just take out the percentage if there is an outage and
2 calculate the cost and the benefit to that and deny the --
3 and use that as a way.

4 I would like somebody to calculate using
5 the table that was in the settlement agreement to show me
6 the math because maybe my math was wrong. When I came up
7 less than two to one. If somebody can show me that at least
8 it removes one of my concerns that the rate differential
9 wasn't greater than two to one. I'll reserve the right to
10 say that I was wrong on that one if someone can show me the
11 math. That's all I have now.

12 JUDGE PRIDGIN: Mr. Chairman?

13 CHAIRMAN SILVEY: So clearly there seems to
14 be some concern about adoption or participation in this
15 program. Do you guys have a ballpark figure of how much you
16 are looking at spending on the marketing component? I mean
17 not necessarily all the backend data stuff, but getting the
18 message to people.

19 MR. IVES: I don't know that we have a
20 great figure on that right now because we haven't done the
21 research component. We've have done the segmentation. We
22 haven't developed the plan, but --

23 CHAIRMAN SILVEY: Surely you've got
24 something, you know, penciled in for we will not spend more
25 than X?

1 MR. IVES: We really don't, but I think it
2 would not be unreasonable to think that it will take three
3 to 5,000,000 dollars to do the research, put the plan
4 together and do the outreach to customers necessary to get
5 this program moving.

6 CHAIRMAN SILVEY: Can you give me an idea
7 of what some of the possible outreach options are? I mean,
8 is this just going to be a note on your bill? Are you going
9 to be doing commercials? I mean, I understand you don't
10 have a comprehensive plan but --

11 MR. IVES: I think you'll see it on -- you
12 know, through all sorts of forms of media. I think it'd be
13 social media, website, contact on bill, individual outreach
14 to some of the segmentation customers like the EV or others.
15 I mean, it's intended to be a robust outreach through a
16 bunch of different forums to try to get customer education
17 done and customers the information that they need to be able
18 to evaluate the benefit of TOU to them and their lifestyle.

19 I would say Commission Rupp, I understand
20 -- I understand your concern with our hesitation. You know,
21 we have done a lot of research on this. I mean this
22 commission -- the speed of adoption to a mandatory rate that
23 this commission is asking for is truly something that no IOU
24 in the country has done yet and no IOU to the best of our
25 knowledge has a plan to do with the exception of California

1 whose been studying it for years and is moving through
2 legislative action. I mean, the opt-in approach has been
3 highly successful to the tune of 100,000 customers for OG&E.
4 It's 20 percent participation, but 100,000 customers is seen
5 as one of the resounding successes at the TOU level. And
6 people in our size and scale at this level of customer base
7 just are not moving people on a mandatory basis at a flash
8 cut.

9 MR. FISCHER: Commissioner, I would also
10 mention, you know, when we did the GMO consolidation of the
11 rates, we spent a lot of time -- the parties spent a lot of
12 time looking at customer impact data trying to mitigate
13 unintended consequences. And that, I think is the major
14 concern of folks in -- even in FRI -- I heard a consumer
15 advocate say they've got concerns about the customer impacts
16 at the mandatory because not everybody can change their
17 usage habits. And you may get hit with a big bill because
18 we changed the rate structure.

19 COMMISSIONER RUPP: To follow-up on
20 Mr. Ives comment, that's why you guys are an innovative
21 company. You guys innovate all the time. It's rough,
22 you've got this straight A student that comes home and they
23 get a C on a test and you feel bad for saying because you
24 guys are more innovative. From my standpoint if we don't
25 push you, who's going to push you?

1 MR. IVES: Understood. I mean, we are
2 trying and we are moving and I mentioned earlier we have
3 plans that we want to continue to look at customer options
4 and programs beyond just TOUs so that we have more customer
5 selection and options that fits their lifestyle. But doing
6 that through a succession and a plan that isn't confusing
7 and overwhelming makes a ton of sense to our team in
8 allowing customers to get the education and see the
9 materials and react to it. We'll have a chance to react to
10 it too. Right? If it is working well they'll be able to
11 accelerate. If it's not working well, we will be able to
12 look at the design and react and move forward.

13 I do -- I do have the tariff. I have the
14 KCPL MO in front of us and it -- in the summer season the
15 peak/off-peak differential before recalculating the rates
16 for the reductions that we're talking about in the case on a
17 revenue requirement bases is right at a three to one. The
18 peak is 33.326 in the tariff that was originally submitted
19 and the off-peak is 11.109. I'm told that the GMO
20 differential is extremely similar to that.

21 COMMISSIONER RUPP: Apparently I didn't
22 carry the four.

23 COMMISSIONER COLEMAN: Are you ready for
24 me?

25 JUDGE PRIDGIN: Commissioner Coleman, yes,

1 ma'am.

2 COMMISSIONER COLEMAN: So I talk to a lot
3 of people all the time relative to time of use. They don't
4 know we're talking about TOU because they are regular
5 customers and they could care less what the acronym TOU or
6 the initials TOU stand for. They just know their bills keep
7 getting higher and higher. I spoke to a woman recently
8 while I was in the room with a woman who was talking to her
9 daughter and her daughter on the phone said she was washing
10 clothes and the mother started screaming and saying you know
11 we only washing clothes at night. Why are you washing
12 clothes at two o'clock in the afternoon in the summer?

13 People are practicing reducing their usage
14 or using things at a time that, you know, it's going to keep
15 their bills slower. So I do think that there are a large
16 segment of your customer base that's probably in tune and
17 anxious for the Company to help them help themselves as
18 Jerry McGuire would say.

19 Certainly I think the comments that my
20 fellow commissioners have made our right in line with where
21 I am. I particularly was interested in mandatory TOU.
22 There have been comments made about stakeholder talks.

23 You know, I agree with the comments
24 regarding what I see has been plenty of time to come up with
25 some sort of basis. Certainly this company is innovative

1 and has looked down the road as far as cost and marketing
2 and all of the things that's going to go into consideration.
3 There's got to be some data somewhere and there's got to be
4 more data that I think you all are suggesting that's
5 available after two years or so of this work. I'd like to
6 see you better motivated to do more in this area. These
7 talks -- you know, Mr. Fischer mentioned the stakeholder,
8 we'll get back together and talk. We can talk all day, it
9 doesn't make a difference. Let's talk about some solutions
10 and come up with something that's really going to move this
11 forward. Thank you.

12 JUDGE PRIDGIN: Commissioner, thank you.
13 Any further bench question or comments on rate design?
14 Commission Rupp.

15 COMMISSIONER RUPP: I am just blown away
16 that two other commissioners agree with my position, so this
17 is new for me.

18 JUDGE PRIDGIN: Commissioner Hall.

19 COMMISSIONER HALL: Are -- were you going
20 to continue the rate design?

21 MR. FISCHER: I certainly can or I can go
22 to other questions if you prefer to do that. But the next
23 part would be residential rate design, I guess.

24 The parties are agreeing to a customer
25 charge of 1147 on a per month basis. For KCPL the parties

1 are recommending a reduction in the first block for summer
2 rates with the second block about 1.5 cents higher. Winter
3 rates are also being flattened. Similarly, for GMO the
4 parties recommend the first two blocks be decreased with the
5 third block being a penny per kilowatt higher. Winter rates
6 are also being flattened in that regard.

7 COMMISSIONER HALL: Okay. So you're moving
8 to inclining block rates for both companies in both seasons?

9 MR. FISCHER: Well, we are reducing the
10 first blocks. So that has the effect of creating a
11 declining block appearance, yes.

12 COMMISSIONER HALL: Let me make sure I
13 understand. So it's for both companies, both seasons?

14 MR. FISCHER: No.

15 MR. IVES: So we had inclining block rates
16 in KCPL Mo coming out of the last case for all summer usage
17 over 600 kilowatt hours a month. And the differential was
18 2.5 cents for those kilowatt hours over 600. We did not
19 have inclining block rates at GMO on the last case. In this
20 -- which I'll give my appreciation to the parties, somewhat
21 in response to some of the significant customer outcry for
22 high bills this summer, we reevaluated the IBR also
23 considering we were moving to an opt-in TOU to move that
24 block out at KCPL to kilowatt hours greater than a thousand
25 rather than the 600 and to move the differential to 1.4

1 cents. But then we went over to GMO --

2 COMMISSIONER HALL: Stop. So KCPL under
3 the stipulation inclining block rates in both seasons?

4 MR. FISCHER: Summer.

5 COMMISSIONER HALL: And in the winter?

6 MR. FISCHER: Not inclined, flattened.

7 COMMISSIONER HALL: So what does flattened
8 mean?

9 MR. FISCHER: Not as including as it was, I
10 think is what the effect is.

11 MR. IVES: We have declining block rates in
12 the winter.

13 COMMISSIONER HALL: For KCP&L?

14 MR. IVES: Yes.

15 COMMISSIONER HALL: But this -- this
16 stipulation compared to the current tariff flattens that
17 decline; is that correct?

18 MR. FISCHER: Yes.

19 COMMISSIONER HALL: And why -- why not go
20 take that next step and go to inclining in the winter for
21 KCP&L?

22 MR. IVES: Well, from a company perspective
23 we don't believe there's any rationale to move to an
24 inclining block in the winter. We're not a winter peaking
25 utility. We don't have resource constraints by a long shot

1 in the winter, would lead to needing to have any sort of
2 change in behavior from a cost to produce or an investment
3 standpoint.

4 COMMISSIONER HALL: Is it the concern about
5 space heating?

6 MR. IVES: We have spacing rates for sure.

7 COMMISSIONER HALL: Separate and apart from
8 this?

9 MR. IVES: We have separate space heating
10 rates. We believe the rate structure that's in place and
11 has been in place for quite a while in the winter is
12 reflective of the cost causation in the winter for us and
13 our non-peaking nature.

14 COMMISSIONER HALL: Do believe that
15 inclined block rates is also designed not just to capture
16 cost, but also to move behavior?

17 MR. IVES I do believe that, but I don't
18 believe we need to move behavior based on the resources that
19 are already in place.

20 COMMISSIONER HALL: So that is KCP&L. And
21 then GMO?

22 MR IVES: Very similar.

23 MR. FISCHER: First two blocks are being
24 decreased with the third block being about a penny per
25 kilowatt higher.

1 COMMISSIONER HALL: In the summer?

2 MR. FISCHER: In the summer. Winter rates
3 are also being flattened to a degree.

4 COMMISSIONER HALL: So less declining?

5 MR. FISCHER: Yes.

6 COMMISSIONER HALL: Thank you.

7 JUDGE PRIDGIN: Commissioner Rupp?

8 COMMISSIONER RUPP: Yeah, I want to follow
9 up with the chairman's comments on that. This commission
10 has -- I think the majority of us has shown a positive
11 liking to declining block rates. I will say that you guys
12 have listened to us and I appreciate that and even though
13 you are not there in the winter, your flattening them out
14 shows the progression of where this commission is wanting
15 you to go, so that is encouraging.

16 MR. FISCHER: Commissioner, I appreciate
17 your comments. The Company did of course have the --
18 Natelle Deitrich's testimony talked about significant
19 customer adverse reaction we had this year of this summer.
20 We had a very hot summer. But it also came on the heels of
21 implementing declining block rates at the 600 block level,
22 which meant that if you had an air conditioner you were
23 paying a higher rate. And we had about 70,000 people sign
24 petitions concerned about their high bills and certainly the
25 hot weather was part of it and inclining block rates had an

1 impact as well. So we want to evaluate customer impact
2 across-the-board.

3 COMMISSIONER RUPP: And if we would have
4 had time of use rates in place during the summer that would
5 have been a huge motivator for people to change their
6 behavior. It would have been a good summer to have that
7 rolled out.

8 MR. IVES: I just want to add, at a
9 600-hour kilowatt hour block, the change in behavior that it
10 would take to not fall into that IBR would be turning your
11 air conditioner off. When we had 50 days over 90 degrees,
12 so I don't think there would have been a lot of change in
13 behavior that would have kept people out of it at the block
14 that they were setting coming out of the last case.

15 MR. FISCHER: And that's one of the reasons
16 we wanted to move it to a 1,000 in this case, to get it out
17 of that 600 block. Other questions on that?

18 MR. COMLEY: Judge Pridgin, I have a
19 witness availability issue.

20 JUDGE PRIDGIN: I understand.

21 MR. COMLEY: Commissioner Hall during his
22 -- during testimony and presentation last mentioned he had
23 questions about the Indiana model agreement and
24 Mr. Papanastassiou is unavailable after 10:30 this morning.
25 I thought if there are questions about that Indiana model if

1 it's possible to push that before 10:30, that would be
2 appreciated.

3 JUDGE PRIDGIN: I was keeping an eye on the
4 clock. Thank you, Mr. Comley. I was going to see when
5 Mr. Fischer was done if we can get AEMA up to the podium and
6 see if there are any bench questions for that witness.
7 Thank you.

8 MR. FISCHER: There's not too much that I
9 can get through quickly. We're withdrawing the restoration
10 charge, the real-time pricing will continue but will not be
11 available to new customers. Line extensions, there is a
12 line extension for underutilized infrastructure tariffs
13 that's been agreed to and we will be offering a standard
14 constriction allowance for the line extension process for ED
15 make-ready facilities. There's a renewable energy and solar
16 subscription that's been agreed to. Standby service rider,
17 we've agreed to that too and then there's economic
18 development rider, that's additional reporting requirements.
19 And then the next topic would be the -- what some people
20 call the Indiana model.

21 JUDGE PRIDGIN: That might be a good time
22 to have Mr. Comley come to the podium and give a quick
23 opening on the Indiana model and see if there any bench
24 questions for your witness.

25 MR. COMLEY: Sure.

1 MR. FISCHER: Thank you very much.

2 JUDGE PRIDGIN: Thank you.

3 MR. COMLEY: I didn't mean to take you
4 away.

5 MR. FISCHER: That's all right.

6 MR. COMLEY: Commissioner Hall,
7 Mr. Papanastassiou is available by telephone but speaking on
8 behalf of the Alliance, the Alliance thinks that the
9 agreement captures two of the key elements of the Indiana
10 model. It facilitates aggregator participation and captures
11 -- it commits rather the company to a transparent method to
12 establish compensation under its demand response initiative
13 program. And this is considered to be two essential
14 elements to maximizing effective demand response
15 participation.

16 There are other elements of the Indiana
17 model; clear dispatch triggers, minimum leadtimes. The
18 Alliance thinks that those are secondary at this point and
19 believes the stipulation effectively accomplishes a great
20 deal, particularly the fact that a tariff is going to be
21 filed in this proceeding. I will do the best I can to
22 answer any questions but I must confess to you this is a
23 field in which I have not studied greatly. This is not a
24 law school class.

25 Commissioner Hall?

1 COMMISSIONER HALL: So is it envisioned
2 that this will be dispatchable?

3 MR. COMLEY: I don't -- I'll have to get
4 Mr. Papanastassiou on the telephone and he can answer those
5 questions.

6 COMMISSIONER HALL: Okay.

7 JUDGE PRIDGIN: The bridge is open and
8 Mr. Comley, you texted?

9 MR. COMLEY: Yes.

10 JUDGE PRIDGIN: So he should be calling in
11 shortly?

12 MR. COMLEY: Yes.

13 JUDGE PRIDGIN: Thank you.

14 COMMISSIONER HALL: While we're waiting,
15 could someone get me a copy of the exemplary tariffs
16 attached to Ms. Winslow's testimony?

17 JUDGE PRIDGIN: Mr. Chairman, I have
18 copies. Good morning. I think I heard somebody call in?
19 This is Ron Pridgin with the Public Service Commission.

20 MR. PAPANASTASSIOU: Hi, this is Nick
21 Papanastassiou with AEMA.

22 JUDGE PRIDGIN: Good morning, sir. Could I
23 trouble you to state and spell your name for the court
24 reporter, please?

25 MR. PAPANASTASSIOU Absolutely. My name is

1 Nicholas Papanastassiou. That's spelled N-I-C-H-O-L-A-S,
2 P-A-P-A-N-A-S-T-A-S-S-I-O-U.

3 JUDGE PRIDGIN: Thank you. I believe some
4 commissioners will have some questions for you, sir.
5 Commissioner Hall?

6 COMMISSIONER HALL: Good morning. So my
7 understanding is that this program is aggregation
8 exclusively of commercial and industrial, not residential;
9 is that correct?

10 MR. PAPANASTASSIOU: Thank you,
11 Commissioner. That is correct. The demand response
12 incentive program that is described in the stipulation
13 agreement is targeted at commercial and industrial
14 customers.

15 COMMISSIONER HALL: Is it envisioned that
16 the aggregation would be dispatched by SPP?

17 MR. PAPANASTASSIOU In terms of the demand
18 response incentive program the dispatch of that program
19 would be controlled by KCP&L not SPP.

20 COMMISSIONER HALL: So that would just
21 result in a reduction of KCP&L's load and their need for
22 generation from SPP.

23 MR. PAPANASTASSIOU: That is correct,
24 Commissioner.

25 COMMISSIONER HALL: So how will the pricing

1 be determined?

2 MR. PAPANASTASSIOU The pricing is in
3 compensation under that program per the stipulation
4 agreement will be discussed at a later time period to
5 determine a transparent methodology for that. We have --
6 AMA has some suggestions on how that can look and other
7 stakeholders do as well. So we're looking forward to a
8 conversation around that. We've advocated for a transparent
9 methodology that ties program compensation to a percentage
10 of KCPL's net CONE and that would ensure that the program is
11 -- remains at a cost effective level but we believe could
12 even attract greater customer participation than currently,
13 consistent with the goals of MEEIA.

14 COMMISSIONER HALL: So is it envisioned
15 that this program would run through MEEIA?

16 MR. PAPANASTASSIOU: I believe that that is
17 an option. I believe that KCPL plans to run those programs
18 through MEEIA. That's correct.

19 COMMISSIONER HALL: So the details as to
20 the penalty if an aggregator is unable to provide what has
21 been contracted for, details such as that are not set yet.
22 Correct? That will be subject to negotiations and
23 ultimately set forth in tariff submitted to the Commission;
24 is that correct?

25 MR. PAPANASTASSIOU: I believe that that is

1 something that could be determined in the request for
2 proposal process that KCPL has continued to issue for an
3 aggregator, yes.

4 COMMISSIONER HALL: So what makes this the
5 Indiana model in a nutshell is that it is going through a
6 utility approved aggregators; is that correct?

7 MR. PAPANASTASSIOU: That's correct,
8 Commissioner. You know, I think the two key elements of the
9 Indiana model that we see here are that it facilitates
10 aggregator participation the way the utility in that it
11 commits to establishing a transparent methodology to
12 establish compensation and we believe that those two
13 elements are really key elements to maximizing cost
14 effective customer participation. We believe that the
15 Indiana model is well incorporated into KCPL's demand
16 response incentive program.

17 COMMISSIONER HALL: Okay. Well, I think
18 this is really exciting stuff. This is again KCP&L on the
19 cutting edge in Missouri. Demand response aggregation is
20 again the wave of the future. It's an excellent way to
21 reduce the need for peaking facilities. Is it in the
22 customer's best interest and I really appreciate the Company
23 and the stakeholders work on this program. I look forward
24 to watching its eventual success. Thank you.

25 JUDGE PRIDGIN: Thank you. Any further

1 bench questions for this witness? All right. Thank you.
2 Mr. Comley, thank you.

3 MR. COMLEY: Thank you.

4 JUDGE PRIDGIN: Thank you very much for
5 calling in, sir. We appreciate it.

6 MR. PAPANASTASSIOU: Thank you very much.

7 JUDGE PRIDGIN: This looks to be a natural
8 time to kind of take a mid-morning break. I show the clock
9 here in the room to be 10:25. If we can resume and see if
10 we have another bench questions here at 10:40. Anything
11 further from the bench or from counsel before we take a
12 break? All right. If there's nothing further, we will
13 stand in recess until 10:40. Thank you. We're off the
14 record.

15 (OFF THE RECORD.)

16 JUDGE PRIDGIN. Good morning. We are back
17 on the record. When we went off the record I believe --
18 correct me if I am wrong -- I think the Company had finished
19 answering all of the bench questions. We're ready to see if
20 there are any other parties that had any comments or if the
21 bench had any further questions for any other parties.
22 Anything further before -- Commissioner Hall, I'm sorry.

23 COMMISSIONER HALL: Yeah, I actually had a
24 few more --

25 JUDGE PRIDGIN: Certainly.

1 COMMISSIONER HALL: -- questions of the
2 Company related to some rate design issues. Nothing
3 terribly elaborate.

4 MR. FISCHER: You want me to come up?

5 COMMISSIONER HALL: However you want to
6 handle it.

7 MR. FISCHER: Okay.

8 COMMISSIONER HALL: So tell me what is
9 happening with the customer charge.

10 MR. FISCHER: 1147 in both companies.

11 COMMISSIONER HALL: And how does that
12 relate to the current customer charge?

13 MR. FISCHER: A little bit lower.

14 MR. IVES: It's a little bit lower at KCPL.
15 It's an increase at GMO.

16 MR. FISCHER: Thank you. I'm sorry.

17 COMMISSIONER HALL: How much of an increase
18 at GMO?

19 MR. FISCHER: I'm told it's currently 1043.

20 MR. IVES: A hair over a dollar.

21 COMMISSIONER HALL: So I assume that the
22 Company had thought there was an interest in having the
23 customer charge be the same for both companies or why else
24 was that done?

25 MR. IVES: It was an interest by the

1 parties in the discussions that that would be a good first
2 step at looking at how rates might come together moving
3 forward.

4 COMMISSIONER HALL: On Page 9 of the
5 residential rate design, concerning KCP&L, there's the
6 statement that the signatories agree that parties can argue
7 and the Commission can order a rate decrease and there are
8 couple of options here. Is that language superseded by a
9 subsequent stipulation?

10 MR. FISCHER: Yes. The last stipulation we
11 filed addressed class revenue shifts and that would
12 effectively superseded it because we're now agreeing that
13 residential will not have an increase.

14 COMMISSIONER HALL: Concerning the line
15 extension tariff for underutilized infrastructure. Does
16 this only relate to non-residential customers?

17 MR. IVES: Yes.

18 COMMISSIONER HALL: And the 10 percent
19 construction allowance, is that what was in the Company's
20 originally filed tariff?

21 MR. IVES: Yes.

22 COMMISSIONER HALL: To what extent does the
23 stipulated agreement take into account Staff's concern about
24 this program?

25 MR. FISCHER: Maybe that's one the Staff

1 can answer.

2 MR. JOHNSON: Yeah. I think we'll need to
3 have our technical staff here. We have Sarah Lange here to
4 answer questions.

5 MS. LANGE: Yes, Commissioner. If you'll
6 turn -- or if you have it in front of you, it's Exhibit A
7 Page 2 of 2. But essentially we've agreed to work with the
8 Company to identify the specific areas where there are
9 concerns of the nature we discussed the other day. Being
10 that there's a significant amount of vacant buildings that
11 are suitable for reuse or rehabilitation and while we
12 haven't had an opportunity to fully vet those areas yet, we
13 expect to do that pretty promptly.

14 COMMISSIONER HALL: So it's your
15 understanding that there would still be the 50 percent
16 requirement, but on top of Staff would make sure that it is
17 not a greenfield? That is a --

18 MS. LANGE: Yes, so we would be targeting
19 those areas and that would be a place that if a developer
20 was interested in knowing where are these areas -- I believe
21 -- and I may have this wrong, I will defer to, you know,
22 whether Mr. Lutz -- if I'm getting this wrong. I thought
23 that we were going to attempt to within the underutilized
24 areas reflect those -- you know, that that would kind of
25 capture both concepts. It's just that the underutilized

1 areas might change from time to time, so that this would be
2 a one-stop shop that if you are looking to do some
3 rehabilitation, that you can see here are the areas where I
4 will qualify for this additional discount.

5 COMMISSIONER HALL: I'm looking at Page 1.

6 MS. LANGE: Yes.

7 COMMISSIONER HALL: It says underutilized
8 areas are defined as those served by circuits having at
9 least 50 percent of rated capacity available.

10 MS. LANGE: Yes.

11 COMMISSIONER HALL: Okay. So you have that
12 as the definition of the areas that eligible, but it's going
13 to be further refined by Staff essentially; is that correct?

14 MS. LANGE: No. Again, this is one of
15 those areas that I'm pretty confident on what we were
16 talking about but exactly how these two go together -- so
17 the next page where it identifies the underutilized areas, I
18 believe they're going to put some pretty significant effort
19 to those maps that will result from this identifying where
20 those 50 percent circuits are at this time. So it could be
21 that two or three years from now development has occurred,
22 those areas no longer fit this criteria but others do. We
23 expect the Company to come in with a tariff filing to update
24 the second page.

25 COMMISSIONER HALL: Well, it was my

1 understanding that simply focusing on the 50 percent doesn't
2 capture Staff's concerns?

3 MS. LANGE: No. No. I'm sorry. The
4 applicability in the underutilized areas are -- if it is the
5 Venn diagram of those two, it's the area that encompasses
6 both where it's an underutilized area. I'm explaining this
7 very poorly. I don't know Kansas City geography well enough
8 to give a great example. Let's say for purposes of this
9 that there is an area with a lot of vacant businesses, you
10 know, on the south side of town.

11 COMMISSIONER HALL: Maybe I'm understanding
12 this. In other words, what's going to be relevant for this
13 potential construction allowance reduction is that
14 individuals or companies that want to take advantage of it
15 are going to look at what's listed as the underutilized
16 areas. There's going to be some kind of map --

17 MS. LANGE: Yes.

18 COMMISSIONER HALL: -- on a website
19 somewhere and they'll be able to go to that map and figure
20 out where they could get that 10 percent reduction?

21 MS. LANGE: Yes. Exactly.

22 COMMISSIONER HALL: And when that -- when
23 the list of underutilized areas -- when that list is put
24 together there will be the 50 percent requirement?

25 MS. LANGE: Yes, but --

1 COMMISSIONER HALL: Yes, and -- is what I'm
2 trying to understand. So yes, and there's going to be the
3 goal that simply putting some additional infrastructure in a
4 greenfield wouldn't qualify?

5 MS. LANGE: Correct.

6 COMMISSIONER HALL: Okay.

7 MS. LANGE: And the thing I am fuzzy on is
8 whether when we define underutilized areas -- you know, so
9 let's say that there is a chunk between Highway 65 and
10 Highway 270. I really don't know -- another Highway. I
11 really don't know Kansas City geography. I apologize.
12 Within that, if we can on the underutilized area we would
13 make the map very refined to identify just those circuits
14 that are already under 50 percent. So that would be ideal.
15 Whether we will be able to do that or whether it will have
16 to be here is the area between these two highways and within
17 that it's the areas under 50 percent. Does that help?

18 COMMISSIONER HALL: I think so. So there
19 will be a map?

20 MS. LANGE: That is my intention. I doubt
21 it will be in the tariff. It will be on the website.

22 COMMISSIONER HALL: Right. Is 10 percent
23 enough of an incentive?

24 MS. LANGE: This gets tricky. I know this
25 is not the answer the commissioners would like to hear but

1 it is kind of one of those things of we'll see how it works
2 and we'll see if it was or not.

3 COMMISSIONER HALL: Well, this is another
4 policy area that we've been working on for close to four
5 years. So I'm -- I'm excited to see this provision in the
6 stipulation. I look forward to seeing how it works. I do
7 have a little concern that 10 percent may not be enough to
8 move development into these areas, but hopefully it will.
9 Hopefully if it does work this could again be a model for
10 other utilities in Missouri and elsewhere. Thank you.

11 JUDGE PRIDGIN: Thank you. Mr. Fischer,
12 did you have anything further?

13 MR. FISCHER: I don't unless the Commission
14 does.

15 JUDGE PRIDGIN: If there are no further
16 bench questions -- I'm thinking maybe the best way to
17 proceed from here, let me go party by party and if counsel
18 could kind of briefly summarize your thoughts on the
19 stipulations and tell what witnesses, if any, would be
20 available to answer bench questions. Maybe we can proceed
21 that way.

22 So Mr. Johnson, any other witnesses or any
23 other comments on the stipulations for bench questions?

24 MR. JOHNSON: Well, I would just say that
25 Staff appreciates the work the parties put into this

1 agreement. There was a lot of long nights that went into
2 it. I think we've come up with something that is going to
3 be in the best interest of all parties. Staff also has here
4 today Sarah Lange has she has been up here already. Robin
5 Kliethermes, Jay Lubbert, and Keith Majors. Keith Majors is
6 here to discuss the revenue requirement or auditing issues.
7 Robin Kliethermes is available for rate design and
8 allocations. Jay Lubbert will be here to discuss the
9 Indiana model if there are any other questions for Staff.

10 JUDGE PRIDGIN: Mr. Johnson. Thank you.
11 Let's see if we have any bench questions. Mr. Chairman?
12 Commissioner Hall?

13 COMMISSIONER HALL: Yeah, a couple. On the
14 clean charge network I'm trying to understand if there is a
15 difference between the prior situation where all costs and
16 revenues were treated below the line and what is set forth
17 in this stipulation where it's above the line, but it's
18 segregated to users. Is there really a difference between
19 those two?

20 MR. JOHNSON: There is some difference in
21 that if they do collect revenue associated with rates being
22 charged they will be able to earn the return and any other
23 cost associated if the usage makes up for that. If there's
24 a shortfall, the shareholders would eat it.

25 COMMISSIONER HALL: I am not sure I

1 understood that, but you -- so are you saying that if
2 revenues exceed costs, then all ratepayers could potentially
3 benefit, but if revenues are below costs then shareholders
4 cover the difference?

5 MR. JOHNSON: Essentially. And
6 Ms. Kliethermes may be better able to explain this, but my
7 understanding is to the extent the rates charged in the
8 electric vehicle charging rate cover the expenses and the
9 return, the Company will earn that. If they are
10 insufficient -- there's essentially a revenue imputation, so
11 if they're unable to meet the necessary revenue based off of
12 the rates established in this case, the shareholders would
13 make up the difference.

14 COMMISSIONER HALL: Does the Company agree
15 with that summary?

16 MR. IVES: At a high level, yes. I mean,
17 you know, the difficulty is in this case that the revenue
18 requirements settlement, so there is no specific amount of,
19 you know, overall rate base included or any other cost of
20 service. But what's important and what was important to the
21 parties when we put this agreement together was to
22 acknowledge that the Court's decision and take a step that
23 would recognize that the stations are eligible for inclusion
24 in rates, but at the same time looking at it as a separate
25 class where when we are back in we will have to evaluate

1 that just like we would any other class for recovery of the
2 cost of service.

3 COMMISSIONER HALL: So I guess I'm just --
4 I'm trying to understand from the impact on ratepayers who
5 are not EV users, is there a difference between the prior
6 situation where everything was below the line and the
7 stipulation where it's above the line but segregated?

8 MR. IVES: No, not at this point.

9 COMMISSIONER HALL: Okay. And that's not
10 bad. I just want to make sure I understood --

11 MR. IVES: Not at this point.

12 COMMISSIONER HALL: -- what you guys have
13 agreed to.

14 MR. IVES: You know, what the impact is,
15 just to be clear, for nonusers today right, is that any home
16 charging that's occurring that manifested itself from higher
17 adoption rates of EVs in the region because of the clean
18 charge network, those are revenues that are benefiting all
19 customers today because it's home charging just like it
20 would have when it was below the line. The question will
21 be, you know, is there a tipping point in the future with
22 the adoption rates where we can look at that home charging
23 and identify a piece of that that maybe should be recognized
24 with the station subclass. That will be how we talk about
25 class cost of service the next time we're altogether.

1 COMMISSIONER HALL: That is all I have for
2 Staff.

3 JUDGE PRIDGIN: Thank you. Any further
4 bench questions for staff counsel or witnesses? All right.
5 Thank you.

6 Public Counsel any comments, any witness
7 availability? Mr. Williams or Mr. Williams?

8 MR. NATHAN WILLIAMS: Yes. Thank you.
9 Basically, Public Counsel believes that the resolution in
10 this case is reasonable as set forth in the stipulations and
11 agreements. And we have Dr. Marke available if the
12 commission has any specific questions regarding rate design
13 issues or the clean charge network et cetera that I that may
14 not be able to handle.

15 MR. HAMPTON WILLIAMS: Additionally, Judge.

16 JUDGE PRIDGIN: Mr. Williams, yes, sir.

17 MR. HAMPTON WILLIAMS: I want to also just
18 make a comment on the level of customer engagement that I
19 perceived during the course of this proceeding. I think our
20 office fielded over 250 customer comments which we tried to
21 file in the EFIS system once we received them. We were not
22 able to do them all within the disposition of this case.

23 As I mentioned earlier there was an online
24 petition which incurred a lot of engagement. The concerns
25 were rate prices, rate increases. This resolution in this

1 case will decrease rates across-the-board, particularly for
2 residential, in a manner that I think will address a lot of
3 concerns. The driver for the rate decrease is the 2017 Tax
4 Cuts and Jobs Act. Empire and Ameren have already commenced
5 proceedings to pass those rate reductions on to ratepayers.
6 Approvals of these stipulations will accomplish the
7 legislatures intent for 564, will accomplish the goal of the
8 2017 Tax Cuts and Jobs Act, pass those benefits onto
9 ratepayers addressing many of the price concerns that were
10 expressed over the summer.

11 In addition with any of the rate design
12 elements that we were able to reach an agreement, I believe
13 that the concerns that were expressed from customers
14 regarding the level at which inclining block rates were set
15 I think addresses the move from 600 kilowatts to 1000
16 kilowatts will address this kind of summer peaking issue,
17 but it also maintains the structure of the program to
18 accomplish I think the policy goals the commission is
19 seeking to accomplish.

20 I think all around the sum total this is a
21 positive -- this is a public interest. It will pass rate
22 benefits onto customers and address many of the concerns
23 that were expressed to my office directly as well as through
24 customer comments through EFIS to the commission.

25 JUDGE PRIDGIN: Thank you. Any bench

1 questions for Public Counsel? Mr. Chairman? Commissioner
2 Mr. Hall?

3 COMMISSIONER HALL: No questions.

4 JUDGE PRIDGIN: All right. Thank you so
5 much. Renew Missouri any comments and witness availability?

6 MR. OPITZ: Thank you, Judge. I'll just
7 say Renew Missouri was a signatory to all of these and we
8 supported the stipulations. I want to note my appreciation
9 to the parties for addressing many of these large issues
10 here. Taking through some of the items included here, there
11 have been other utilities who have addressed them in
12 multiple cases such as solar subscriber or wind subscription
13 program. And the fact that we were able to accomplish all
14 of that in this case was something that I was very
15 appreciative of.

16 We do have Mr. Owen available for any
17 particular questions and I have Ms. Scripps available via
18 phone if need be. Thank you.

19 JUDGE PRIDGIN: Thank you. Any bench
20 questions for renew Missouri? Commissioner Hall.

21 COMMISSIONER HALL: Which stipulation has
22 the solar and renewable subscriber programs? Here we go.

23 MR. OPITZ: I believe that was the one, the
24 third stipulation. Let me try and find the title of it.
25 It's the non-unanimous particle stipulation agreement

1 concerning rate design issues.

2 COMMISSIONER HALL: I assume that you were
3 very engaged on those two particular issues?

4 MR. OPITZ: Yes, we were interested in
5 those issues.

6 COMMISSIONER HALL: On the renewable energy
7 rider is that similar to the one in Ameren's tariff?

8 MR. OPITZ: So I guess let me first state
9 we didn't offer testimony on that, but I can tell you my
10 understanding of it. I do believe it gets similar to it.
11 Ameren, their rider has an option for the company to build a
12 certain amount of this. I would say a difference with this
13 case KCPL and GMO one is that it's -- I'll say a PPA only.

14 COMMISSIONER HALL: And under this program
15 a subscriber what would pay his/her/its bill and then a
16 subscription price on top of that; is that correct?

17 MR. OPITZ: I believe that's accurate. I
18 mean, I would point out that it could also be a credit
19 depending on how the market shapes up.

20 COMMISSIONER HALL: I guess asking the
21 Company on that program, are you aware of customers who are
22 going to be interested in this program?

23 MR. IVES: Yes. We've had discussion with
24 customers. We expect there to be a solid demand for this
25 and we are excited to get out there and do it. We've had

1 customers including, I think, you know, at least some of
2 Mr. Woodsmall's customers that have been asking for
3 something like this for a number of cases now probably.

4 COMMISSIONER HALL: So under this program
5 -- this program is essentially below the line?

6 MR. IVES: Only to the extent that there is
7 unsigned or unsigned up for -- I mean, otherwise it will be
8 directly for the benefit of the large utility customers.

9 COMMISSIONER HALL: Okay. And then on the
10 solar subscription rider, is this -- will -- will the
11 construction of these two systems -- is that pursuant to
12 Senate Bill 564?

13 MR. OPITZ: No. Well, I'll speak from my
14 understanding. That is not pursuant to that. There is
15 language in here that says, you know, they'll look at when
16 they do have to build their system pursuant to 564, they'll
17 look at co-locating it or at the same sites.

18 COMMISSIONER HALL: So it's in addition to
19 whatever requirement exists under 564?

20 MR. OPITZ: That's my understanding.

21 COMMISSIONER HALL: Does the company agree
22 with that?

23 MR. FISCHER: Yes.

24 COMMISSIONER HALL: And on the solar rider
25 the parties agree that it will be shared -- that the costs

1 will be shared between customers and shareholders, I guess
2 only for the unsubscribed capacity again, 75/25.

3 MR. IVES: That's correct. Just the
4 unsubscribed.

5 COMMISSIONER HALL: And does the company
6 also aware of customers that are also interested in that
7 rider as well?

8 MR. IVES: Yes. We've had customers
9 inquire about such a program. We think once we get this
10 nailed down and the specific terms available for customers
11 we will have adoption that will allow us to start
12 construction.

13 COMMISSIONER HALL: Thank you.

14 JUDGE PRIDGIN: Thank you. Any further
15 questions on -- for Renew Missouri from the bench?

16 Division of Energy, any comments and
17 witnesses available?

18 MR. POSTON: Thank you, Judge. The
19 Division of Energy sign onto the revenue requirements
20 stipulation, the rate design stipulation as well as the
21 class allocation stipulation. We do not oppose the pension
22 OBEP stipulation. We see a lot of good things in these
23 stipulations. We sign on to regarding clean charge network,
24 customer privacy, income eligible weatherization, plant
25 closures, time of use rates and standby service riders.

1 Those were all issues important to us. We have all of our
2 witnesses here today, Jane Epperson and Barbara Meyer on
3 standby service rates, Lisa Kremer on the customer privacy
4 issues, Sharlet Kroll income eligible weatherization and
5 Martin Hyman on residential rate design, EV and a number of
6 other issues.

7 JUDGE PRIDGIN: Mr. Poston, thank you. Any
8 questions for Division of Energy Mr. Chairman or
9 Commissioner Hall?

10 COMMISSIONER HALL: Good morning. On the
11 clean charge network what is the Division's position on
12 whether the tariffed rates are below, at, or above market
13 rates?

14 MR. POSTON: I would ask that my technical
15 expert to come answer that for you. He should be familiar
16 with that if I could ask Mr. Hyman to come up?

17 COMMISSIONER HALL: Sure.

18 MR. HYMAN: I didn't want to bump my old
19 boss out of his chair.

20 My understanding is in line with what has
21 been expressed by Staff and by the companies in that the
22 clean charge network, the users of the network, be they the
23 host site or the actual drivers depending on the setup,
24 would be paying towards the cost of the clean charge
25 network. And if that was in excess, of the revenues ended

1 up in excess of the cost that can be looked at and spread
2 evenly to everyone else perhaps at some point in the future.
3 Anything below that would be absorbed by shareholders.

4 The agreement also contained as has been
5 discussed a provision that this will be looked at as a
6 separate class in the next case. There are a few items in
7 the stipulation that ensure that it will be treated like
8 other cases in terms of allocation of joint and common
9 costs. So for example, not assuming that a transformer that
10 serves somebody who happens to have a charging then has to
11 be borne entirely by that charging station customer or the
12 drivers, but that it's allocated consistent with other
13 classes.

14 COMMISSIONER HALL: But the actual per
15 kilowatt hour charge that's set forth in the tariff, is that
16 amount above, at, or below the market rate?

17 MR. HYMAN: I don't know the answer to
18 that. I'm not sure if anybody would. I think it was what
19 was put forward by the companies originally and I think
20 ultimately what we will be looking at from the perspective
21 of creating a new class will be how to determine the market
22 rate. At this point there may not be billing determinants
23 to reasonably create that at this time.

24 COMMISSIONER HALL: What is the Division's
25 view on whether or not this stipulation, if approved by the

1 commission, what effect what would have on potential
2 competitors for EV charging stations?

3 MR. HYMAN: Well, it's something that was
4 mentioned -- I believe it was by Commissioner Rupp -- is
5 something that we would absolutely agree with, which is that
6 in the future we believe that network expansion should be
7 focused on underserved areas. This approach I think was a
8 bit more focused on who was interested in having one. I
9 think in the future it would be absolutely reasonable for
10 the commission to look at a network expansion to highway
11 corridor rural areas that might not otherwise be served by a
12 competitive market. And to the extent that a competitive
13 market emerges in other areas, let that market take hold.
14 At this point though, I think the data has shown that
15 absence this deployment by KCP&L we would not have had
16 nearly the adoption or ability to service customers, say if
17 you're just driving to the state.

18 COMMISSIONER HALL: Is it safe to -- the
19 Commission's prior order on this issue which was obviously
20 reversed by the Western District and one of the concerns
21 raised was the impact of subsidizing EV charging stations,
22 the effect that that could have on competition. My
23 understanding of this stipulation where there is no
24 ratepayer subsidy, that concern is alleviated. Would you
25 agree with that?

1 MR. HYMAN: I think that gets to the
2 question of what is a subsidy in the regulatory context. In
3 the regulatory --

4 COMMISSIONER HALL: And I'm speaking
5 specifically about a ratepayer subsidy. I mean, if it's
6 shareholder subsidy that's kind of an oxymoron, but a
7 ratepayer subsidy.

8 MR. HYMAN: What I was going to say is that
9 a ratepayer subsidy or cross subsidy in the regulatory
10 context is really only when someone is paying below their
11 marginal cost and not contributing to incremental costs.
12 One of things that can be looked at in the context of
13 setting rates for EV as a subclass is making sure that they
14 contribute to their incremental costs. I think in the
15 context of the stipulation at hand there won't be any
16 concerns with the cross subsidization in that regard. And
17 it's certainly something we can look at as an EV class is
18 created.

19 COMMISSIONER HALL: Another line of inquiry
20 concerns the time of use rate. What is the Division's view
21 of what's agreed to in the stipulation?

22 MR. Hyman: Well, I'll start by saying I
23 think we share some of the Commission's -- the frustration
24 that has been expressed today with the pace of
25 implementation and we would have liked to see a bit faster

1 implementation at this point in time. However, what is done
2 is done and we're not at the point where we can reasonably
3 roll out an opt out a mandatory rate to everybody without
4 having to worry about bill impacts. We don't frankly have
5 enough data in this case to look at bill impacts because of
6 issues with just basically not having enough of the integral
7 data that would be needed to run those analyses in a robust
8 manner.

9 I think the key thing is that while there
10 may be frustration with the pace of implementation, that
11 shouldn't spill over until potential deleterious effects on
12 customers that also has been mentioned could create a
13 backlash against TOU rate. I am not saying I agree
14 necessarily with the Company's view on what caused a lot of
15 the bill complaints, but I will say that those complaints do
16 show that we need to be careful about choices in rate design
17 that could create customer backlash and limit future
18 deployment.

19 I think that this is -- given the
20 circumstances this is a reasonable first step in deploying
21 TOU rates and I do believe that eventually we should have an
22 opt out or mandatory TOU rates. But I don't think that we
23 are in a situation where we could do that at this time
24 without much more extension customer outreach and education.
25 All the sorts of things that the companies and parties have

1 committed to work together on in a referring basis.

2 COMMISSIONER HALL: How confident are you
3 that two years from now we will have the data analysis
4 necessary to do either a mandatory or an opt out TOU for our
5 residential customers?

6 MR. HYMAN: I think it is theoretically
7 possible that you could have the data. I think part of that
8 will be on the parties and the companies to make sure that
9 that data is being collected. I think the other point to
10 consider though is again this issue of education that
11 customers would need to that there is an opt out or
12 mandatory rate coming. That and also as has been expressed
13 the issue with customers such as the stay-at-home seniors
14 who couldn't necessarily adjust to something because they
15 are at home.

16 It's partly a data issue. It's also just
17 an issue of looking at how to mitigate some of those impacts
18 and how to get customers aware of the rate. If we did a
19 flash cut today we would -- nobody would -- we wouldn't have
20 a lot of customers that were prepared for it.

21 COMMISSIONER HALL: Thank you.

22 JUDGE PRIDGIN: Thank you. Any further
23 bench questions for Division of Energy witnesses? All
24 right. Thank you.

25 MECG any comments or witnesses?

1 MR. WOODSMALL: I have no prepared
2 comments. Just a couple of things. First off, like others
3 I appreciate the work of other parties. I've been after
4 doing this 26 years and this was the toughest negotiation
5 I've ever been through. It's a reflection of the issues
6 involved, the interest involved and it is impressive that we
7 were able to get through it.

8 One thing that I don't think that has been
9 addressed that I think the Commission should be aware of is
10 in the revenue requirement settlement there is an FAC
11 provision on Page 7. It's important to realize the FAC has
12 increased both for KCP-- the FAC base is increased both for
13 KCP&L and GMO significantly in this case. That's important
14 because without increasing that we're going to see larger
15 adjustments going forward. So increasing that FAC base will
16 hopefully lead to smaller FAC adjustments going forward. So
17 it's another benefit to ratepayers reflected in this revenue
18 requirement settlement.

19 I can answer any questions. I didn't bring
20 any witnesses into town because they were all from out of
21 town, but I can attempt to answer any questions you may
22 have.

23 JUDGE PRIDGIN: Mr. Woodsmall, thank you.
24 Any bench questions? Mr. Chairman? Commissioner Hall?

25 COMMISSIONER HALL: Concerning the class

1 revenue shifts, we heard your opening of that issue. How
2 did this settlement reflect your concerns?

3 MR. WOODSMALL: The settlement reflects my
4 concerns mainly from a position of risk mitigation. We were
5 asking for much more of a shift of cost to residential
6 customers. This makes some shift, not as far as we wanted
7 to go, but I recognize the Commission in the last case went
8 with BIP so there was the risk there.

9 What it does do is on the KCP&L side is it
10 provides for LGS and LP to get greater than twice as much of
11 a rate reduction than the residential customers received.
12 The other thing that it reflects is under everybody's class
13 cost of service study the SGS class with paying rates above
14 cost of service. What the provision does is make a
15 significant movement in my mind to bringing SGS class rates
16 closer to cost.

17 COMMISSIONER HALL: So from your
18 perspective how much of a subsidy is left?

19 MR. WOODSMALL: Significant. From our
20 perspective the LP class was paying rates that were 10
21 percent above cost. That's under the A&E method provided by
22 Mr. Brubaker and by the Company. So it was 10 percent above
23 cost. This moves that some. Let me grab the right one.
24 The residential class is receiving a 1.43 percent reduction,
25 whereas the overall reduction was 2.39, I think, for KCP&L.

1 LP and LGS is getting 2.99 percent. So of the 10 percent
2 that we quantified prior to this case, this moves .6 -- it
3 moves the LGS and LP class from 2.39 percent rate reduction
4 to a 2.99 percent rate reduction. So it is going to be an
5 issue going forward still.

6 COMMISSIONER HALL: And on GMO it's an
7 equal percentage decrease for all classes?

8 MR. WOODSMALL: And that is for two primary
9 reasons; one being the subsidies if you will, the disparity
10 from costs under the GMO studies were much closer to cost of
11 service under both studies. We didn't see a 10 percent
12 residential subsidy any party arguing that kind of subsidy.
13 The other thing is, by going with equal percent there's some
14 acknowledgement of Staff's concern that we don't have
15 sufficient data since the GMO consolidation to perform an
16 accurate study. I don't know if we agreed with that but by
17 going with equal percent there's some reflection of --

18 COMMISSIONER HALL: Thank you.

19 JUDGE PRIDGIN: Thank you. Any further
20 bench questions for MIEC? All right. Thank you.

21 MIEC any comments and witness availability?

22 MR. MILLS: Yes. Thank you, Your Honor.
23 In terms of witness availability I have Maurice Brubaker who
24 testified on nonresidential rate design and class cost
25 allocations available by phone should the commissioners have

1 questions for him. In terms of the agreements the MIEC
2 supports or doesn't oppose all four of the stipulation and
3 agreements as reasonable resolutions of the issues in the
4 case. I'd be happy to answer any questions.

5 JUDGE PRIDGIN: Mr. Mills, thank you.
6 Bench questions for MIEC? Mr. Chairman? Commissioner Hall?

7 COMMISSIONER HALL: No questions.

8 JUDGE PRIDGIN: Commissioner Rupp?
9 Commissioner Coleman? All right. Thank you.

10 Dogwood, any comments, witness
11 availability?

12 MR. LUMLEY: Good morning again, Carl
13 Lumley for Dogwood. We don't oppose any of the settlements.
14 Obviously as a ratepayer we're interested in all of them and
15 find them to be reasonable. Our specific interest in the
16 case was the preservation of our real-time pricing tariff,
17 it's a time of use tariff. It is very -- by the hour time
18 of use tariff. It's very important to us and the
19 stipulation allows us to preserve that so we endorse that
20 particular resolution, you know, specifically. We have Greg
21 Meyer here in person if there's questions.

22 Theoretically, I could get out other
23 witness here, Rob Janssen on the phone. He had several
24 things going on this morning but if we had to I could get
25 him on the phone as well.

1 JUDGE PRIDGIN: Thank you. Bench questions
2 for Dogwood? Chairman?

3 COMMISSIONER HALL: What party opposed
4 continuation of the real-time pricing tariff for Dogwood?
5 Did any party oppose it?

6 MR. LUMLEY: The Company proposed to
7 discontinue it. I don't think there was any other party
8 that was opposing our effort to keep it going.

9 COMMISSIONER HALL: Why did the Company
10 propose discontinuing it?

11 MR. HACK: I'll start. I may bring an
12 expert up if we go too deep, but --

13 COMMISSIONER HALL: I don't think we need
14 to get too deep.

15 MR. HACK: So coming into this proceeding
16 we have two customers at KCPL on the RTP rate and two
17 customers at GMO on RTP rate. It's not a highly utilized
18 rate. It's not -- not been pursued for additional adoption
19 by parties and has some complexity in the billing components
20 of it as structured today. So one of the items that we
21 agreed to in this was to continue the RTP frozen. It had
22 been frozen. Continue it frozen for the customers and then
23 to also work on development of a new approach to real-time
24 pricing that we'll be able to deal with a little bit more
25 systematically rather than some of manual intervention that

1 this current construct requires.

2 COMMISSIONER HALL: Okay. Thank you.

3 MR. WOODSMALL: Your Honor, it's important
4 to recognize just as you are interested in TOU for changing
5 customer behavior, we were very adamant about getting an
6 RTP, not eliminated here, but getting it rolled out in a
7 broader fashion going forward. In our mind what it does is
8 it provides incentives for C&I customers to look at market
9 -- to get on the program, look at market cost and then make
10 changes to their behavior to use energy off-peak, if you
11 will. So having that preserved for current customers and
12 getting it rolled out in a greater fashion in a future case
13 was very important to MECG.

14 COMMISSIONER HALL: So is the real-time
15 price just the wholesale price?

16 MR. WOODSMALL: Now it is. The provision
17 -- the RTP tariff has been around for well over a decade.
18 It precedes the SPPIM, so what it compares against has
19 changed over time, but now effectively it is SPP market
20 price as I understand it.

21 COMMISSIONER HALL: I think I understand
22 why the company doesn't want -- didn't want to continue it.

23 MR. LUMLEY: There's more to it than that.
24 There are fixed and demand charges as well. For us, you
25 know, it's a 650 megawatt generation station. We are the

1 definition of the unique customer. We have very unique
2 needs. When we are up and running we serve ourselves. It
3 really is important to us to have a good relationship with
4 the Company.

5 COMMISSIONER HALL: Thank you.

6 JUDGE PRIDGIN: Any further bench questions
7 for Dogwood? Thank you. I believe we have heard from AEMA.

8 MJMEUC any comments, any witnesses?

9 MS. WHIPPLE: We offered no witnesses. As
10 a part owner of the Dogwood plant we intervened to align
11 with them to preserve the real-time pricing tariff. We're
12 pleased that we were able to do that. And we look forward
13 to working with the companies to make it even better in the
14 future.

15 JUDGE PRIDGIN: Thank you. Any bench
16 questions Mr. Chairman? Commissioner Hall? All right. I
17 think we have gone through all of the parties.

18 Are there any other bench questions or
19 anything further from counsel?

20 MR. FISCHER: Judge, exhibits?

21 JUDGE PRIDGIN: Yes. I was going to mark
22 through exhibits with you after we made sure we didn't have
23 any more bench questions or any other things.

24 Okay. We can go through exhibits then and
25 -- one further thing. I believe Commissioner Rupp had some

1 questions earlier about something is -- was that something
2 that's going to be in the exhibits to be offered or will
3 that need to be a late-filed exhibit?

4 MR. HACK: The pricing differential? I
5 think it was a late-filed exhibit. If that's the one I
6 remember.

7 COMMISSIONER RUPP: I just wanted to see
8 the math because I apparently did the math wrong.

9 JUDGE PRIDGIN: Okay. Thank you. That
10 will be a company late-filed exhibit; is that correct,
11 Mr. Hack?

12 MR. HACK: Yes.

13 JUDGE PRIDGIN: Do you think we'll be able
14 to get that in by the end of the week?

15 MR. HACK: Certainly.

16 JUDGE PRIDGIN: Thank you. All right. If
17 we can march through the exhibits and then I think that will
18 be all we need to do today. Okay.

19 Did the Company want to go through its
20 exhibits?

21 MR. FISCHER: Judge, I think we provided an
22 exhibit list to the court reporter and she's marked all the
23 exhibits and we move they be admitted.

24 JUDGE PRIDGIN: Okay. So what I am hearing
25 is Mr. Fischer has offered the Exhibits 100 through 179.

1 They have been offered. Any objections?

2 MR. WOODSMALL: Your Honor, wouldn't it be
3 180 for the late-filed exhibit?

4 JUDGE PRIDGIN: Actually, I've got a 180
5 that was marked earlier, but not offered or admitted. It
6 was a revenue summary. I think it was just demonstrative.
7 I think it's been labeled as 180. We'll have some
8 late-filed exhibits offered and I'll give the parties a
9 chance to review and object to those later. I just want to
10 go through what we've got as of now.

11 What I'm understanding is we've got
12 Exhibits 170 through 179 being offered. Am I understanding
13 correctly?

14 MR. FISCHER: I think that's right, Judge.

15 JUDGE PRIDGIN: Okay. Exhibits 100 through
16 179 have been offered. Any objections? Hearing none,
17 Exhibits 100 through 179 are admitted.

18 (WHEREIN; KCPL's Exhibits 100 through 179
19 are received into evidence.)

20 JUDGE PRIDGIN: Mr. Johnson, for Staff.

21 MR. JOHNSON: Thank you, Judge. Staff has
22 also provided its exhibit list and exhibits to the court
23 reporter to be marked. At this time we would move that
24 Staff Exhibits Number 200 through 248 be admitted into
25 evidence.

1 JUDGE PRIDGIN: Any objections? Hearing
2 none, Exhibits 200 through 248 are admitted.

3 (WHEREIN; Staff Exhibits 200 through 248
4 are received into evidence.)

5 JUDGE PRIDGIN: Public Counsel?

6 MR. NATHAN WILLIAMS: Public Counsel offers
7 Exhibits 300 through 322.

8 JUDGE PRIDGIN: 300 to 322 have been
9 offered. Any objections? Hearing none, Exhibits 300
10 through 322 are admitted.

11 (WHEREIN; OPC Exhibits 300 to 322 are
12 received into evidence.)

13 JUDGE PRIDGIN: Renew Missouri?

14 MR. OPITZ: Thank you, Judge. I've also
15 provided mine to the court reporter along with the list.
16 I'd offer Exhibits 400 through 407.

17 JUDGE PRIDGIN: Exhibits 400 for 407 have
18 been offered. Any objection? Hearing none, Exhibits 400
19 through 407 are admitted.

20 (WHEREIN; Renew Missouri Exhibits 400
21 through 407 are received into evidence.)

22 JUDGE PRIDGIN: Division of Energy?

23 MR. POSTON: Thank you. I have my exhibits
24 here. I will give them to the court reporter in a moment.
25 We would offer Exhibits 450 through 460.

1 JUDGE PRIDGIN: Exhibits 450 through 460
2 have been offered. Any objections? Hearing none, Exhibits
3 450 through 460 are admitted.

4 (WHEREIN; Division of Energy Exhibits 450
5 through 460 are received into evidence.)

6 JUDGE PRIDGIN: MECJ?

7 MR. WOODSMALL: Thank you, Your Honor. I
8 previously provided my prefiled testimony to the court
9 reporter and would offer Exhibits 500 through 515.

10 JUDGE PRIDGIN: 500 through 515 have been
11 offered. Any objections? Hearing none, Exhibits 500
12 through 515 are admitted.

13 (WHEREIN; MECJ Exhibits 500 through 515 are
14 received into evidence, but have not been marked by a court
15 reporter.)

16 JUDGE PRIDGIN: MIEC?

17 MR. MILLS: Judge, I would offer Exhibits
18 550 through 553. I have copies here that I'll take up to
19 the court reporter.

20 JUDGE PRIDGIN: 550 through 553 have been
21 offered. Any objections? Hearing none, 550 through 553 are
22 admitted.

23 (WHEREIN; MIEC Exhibits 550 through 553 are
24 received into evidence.)

25 JUDGE PRIDGIN: Dogwood Energy?

1 MR. LUMLEY: Thank you, Judge. We'd offer
2 the public and confidential versions of 600 and 601. I have
3 copies for the reporter.

4 JUDGE PRIDGIN: Okay. So that will be, if
5 I am understanding correctly will be 600-HC, 600 NP; is
6 that correct?

7 MR. LUMLEY: I have them marked at 600,
8 660-C, 601, 601-C.

9 JUDGE PRIDGIN: Very good. Okay. So 600,
10 600-C, 601, 601-C are being offered. Any objections? Okay.
11 600, 600-C, 601, 601-C are admitted.

12 (WHEREIN; Dogwood Energy Exhibits 600,
13 600-C, 601, and 601-C are received into evidence.)

14 JUDGE PRIDGIN: AEMA, any exhibits?

15 MR. COMLEY: Yes. I delivered the exhibit
16 list. I think among the parties, the court reporter may
17 lack it but I would offer 650 and 651 into the record.

18 JUDGE PRIDGIN: Okay. Exhibits 650 and 651
19 have been offered. Any objections? Hearing none, 650 and
20 651 are admitted.

21 (WHEREIN; AEMA Exhibits 650 and 651 are
22 received into evidence.)

23 JUDGE PRIDGIN: MJMEUC, any exhibits? No
24 exhibits from MJMEUC?

25 MR. COMLEY: She left.

1 JUDGE PRIDGIN: All right. Very good. Did
2 I overlook anyone? I understand we will have some
3 late-filed exhibits by the end of week and I assume that the
4 parties will simply label those numerically, you know, as we
5 have left off. If it helps any I've shown from my exhibit
6 list some of these may have been admitted more than once.
7 But 149, 160, 219 and 229 were all offered and admitted
8 earlier in the hearing. I had 180 labeled, but not offered
9 but not offered or not admitted.

10 MR. FISCHER: That was just an opening
11 statement, illustrative exhibit.

12 JUDGE PRIDGIN: Correct. Correct. So
13 we'll have some late-filed exhibits I think filed by the end
14 of the week. Anything else from the parties before we go
15 off the record?

16 MR. STEINER: Judge, could you give me a
17 little clarity or give the parties a little clarity on the
18 initial brief on the commission questions? Are you going to
19 issue an order on what you want and what date those are due?

20 JUDGE PRIDGIN: I planned on it because --
21 I mean, this transcript's going to take a little time and so
22 I previously considered moving the date up, but I don't
23 think I'll do that. That will give you some more time with
24 this transcript. I my thoughts were to order the Company
25 and Staff to brief the Commission issues. Commissioner Rupp

1 and Commissioner Kenney had some concerns on some issues
2 that the parties have addressed. I will issue a written
3 order to try to clarify, but I basically just want those
4 parties perspectives on what, if anything, you think the
5 Commission should order and what legal authority the
6 Commission would have to order that. I would permit other
7 parties to comment on that in briefs if they want or not as
8 they see fit. I'm just trying to make your life easier
9 since you've arrived at so many stipulations and not order
10 you to file briefs that simply say we don't have a position.

11 MR. STEINER: I appreciate that. That
12 clarifies it. Thank you.

13 JUDGE PRIDGIN: Does that help parties any?
14 And then cancel reply brief requirements since you've
15 arrived at these stipulations and you don't have any
16 disputes.

17 MR. STEINER: That make sense to me.

18 JUDGE PRIDGIN: Mr. Williams?

19 MR. NATHAN WILLIAMS: Judge, do you want
20 the stipulations and agreements to be evidence in the
21 record?

22 JUDGE PRIDGIN: I guess I would leave that
23 up to the parties. I don't need it. It's simply your
24 agreements and the Commission can take notice of the
25 agreements. You can offer them or not if you wish. I don't

1 need you to offer them if you don't feel the need to.

2 Okay. Anything further from the parties
3 before we go off the record? Going once, going twice. All
4 right. Thank you very much. We are off the record.

5 (WHEREIN; the hearing has concluded.)

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CERTIFICATE OF REPORTER

I, Lisa M. Banks, CCR within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; 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 deposition 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.



Lisa M. Banks, CCR No. 1081

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