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STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

EVIDENTIARY HEARING

April 13, 2023

VOLUME VIII (Pages 270 - 586)

8:33 a.m. - 5:37 p.m.

Public Service Commission

200 Madison Street, Jefferson City, Missouri 65101

In the Matter of Union)
Electric Company d/b/a Ameren) File No. ER-2022-0337
Missouri's Tariffs to Adjust)
its Revenues for Electric)
Service)

JOHN T. CLARK, Presiding
SENIOR REGULATORY LAW JUDGE

SCOTT T. RUPP, Chairman
MAIDA J. COLEMAN, Commissioner
JASON R. HOLSMAN, Commissioner
GLEN KOLKMEYER, Commissioner

Stenographically Reported By:
Shelley Bartels, RPR, CCR

Job No.: 142861

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1 Proceedings began at 8:33 a.m.:

2 JUDGE CLARK: Let's go ahead and go on
3 the record. Good morning. Today is April 13th
4 of 2023 and the current time is 8:33 a.m. This
5 proceeding is being held in Room 310 of the Governor
6 Office Building and there is some participation via
7 Webex.

8 This is day two of the Ameren rate case
9 hearing. This case is captioned as, In the matter of
10 Union Electric Company doing business as Ameren
11 Missouri's tariffs to adjust its revenues for
12 electric service and that is File No. ER-2022-0337.

13 My name is John Clark. I'm the
14 regulatory law judge presiding over this proceeding
15 today. I'm going to ask counsel to enter their
16 appearance for the record starting with Ameren
17 Missouri.

18 MS. GRUBBS: Good morning. Jermaine
19 Grubbs and Jennifer Moore on behalf of Ameren
20 Missouri.

21 JUDGE CLARK: Thank you. On behalf of
22 Commission Staff.

23 MR. KEEVIL: Yes, Judge, Jeff Keevil and
24 Paul Graham on behalf of the Staff of the Public
25 Service Commission.

1 JUDGE CLARK: Thank you. On behalf of
2 Public Counsel.

3 MR. WILLIAMS: Nathan Williams appearing
4 on behalf of the Office of the Public Counsel and the
5 public in general.

6 JUDGE CLARK: On behalf of Consumers
7 Council of Missouri. They do not appear to be here
8 yet. We will take their entry of appearance when
9 they trickle in. MIEC also does not appear to be
10 here yet. We will take their entry of appearance
11 when they get here. Midwest Energy Consumers Group.

12 MR. OPITZ: Tim Opitz for MECG.

13 JUDGE CLARK: Thank you, Mr. Opitz. On
14 behalf of Renew Missouri. Mr. Linhares had
15 previously told me that the had an obligation in
16 St. Louis. I had given him the Webex info for this
17 proceeding. He had emailed just a few minutes ago
18 indicating he was having some difficulty getting on,
19 but also indicated he had only one exhibit to enter
20 and no questions for today's witnesses.

21 On behalf of the Sierra Club, NAACP, and
22 Metropolitan Congregations United.

23 MR. THOMPSON: This is Ethan Thompson on
24 behalf of Sierra Club, NAACP, and MCU.

25 JUDGE CLARK: Thank you, Mr. Thompson.

1 Is there anybody I didn't call? Okay. When we left
2 off yesterday, we had just finished some of the
3 Commission questions for witness Steven Wills. And I
4 had a few questions for Mr. Wills. So Mr. Wills, if
5 you'll just go ahead and come up and take the stand.
6 I'm going to go ahead and reswear you in.

7 CHAIRMAN RUPP: Hey, Judge, this is
8 Commissioner Rupp. I just wanted to, for the court
9 reporter, acknowledge my presence.

10 JUDGE CLARK: Thank you very much,
11 Chairman.

12 Would you raise your right hand and be
13 sworn, Mr. Wills.

14 (Witness sworn.)

15 JUDGE CLARK: Thank you. Give me just a
16 second.

17 STEVEN WILLS, having been first duly sworn,
18 testified as follows:

19 QUESTIONS

20 BY JUDGE CLARK:

21 Q. While I get this up, I guess the first
22 question that I have is kind of stuck in my head, and
23 you're here for the testimony of Mr. Hickman. Is
24 that correct?

25 A. Yes.

1 Q. And if you'll remember, he said that if I
2 wanted to know about rate modernization that you were
3 the person that I needed to ask about that. So what
4 can you tell me about rate modernization?

5 A. Sure. So I think rate modernization is a
6 term that maybe is used broadly and can mean
7 different things to different people. But I guess
8 I'll give you the Company's perspective on it, and
9 that was really developed, you know, in preparation
10 of the 2019 electric rate case where our time-of-use
11 residential rate plans were originally approved.

12 In that case we had worked with Dr. Ahmad
13 Faruqui who testified in that case who's a really
14 well-known rate design expert who's worked on time-
15 of-use and other types of rates for year. And I
16 think the way that we think about rate modernization
17 and characterized in that case and still think about
18 it going forward is really two key elements in my
19 mind. One is that, you know, modern technology, the
20 modern metering technology allows us to construct
21 rates that better reflect the cost structure of the
22 utility.

23 I think historically rate designs were as
24 cost reflective as kind of the -- the monthly meter
25 read paradigm allowed, but with interval data and

1 more granular usage information that allows us to
2 better and more accurately reflect the cost structure
3 of the utility.

4 And then the second element that we
5 thought was very important to rate modernization is
6 providing choice to customers, choice and control.
7 And that's why we have a suite, a portfolio of
8 residential rates for different customers to engage
9 with a rate that kind of meets their preferences and
10 their lifestyle, but yet is still that kind of
11 cost-reflective rate that we're looking for that is
12 enabled to be billed by today's metering technology.

13 Q. Thank you for answering my question. I
14 was curious as to whether it was a term of art or a
15 buzz word or just something that --

16 A. Yeah. I do -- I do think you'd get
17 different -- you know, different answers or
18 perspectives from different people in the industry,
19 so, you know. But that's how we're thinking about
20 it.

21 Q. And then moving forward how does Ameren
22 think that rate -- that modernized rates are going to
23 look different from today's rates?

24 A. So I think we've made a lot of the
25 progress on the actual types of structures we need

1 for the residential class. I think the challenge
2 going forward will be to advance our customers'
3 knowledge and understanding of those rates, hopefully
4 having higher levels of adoption of some of the more
5 sophisticated rates over time as we give customers
6 more information and feedback.

7 I think we still need to go through the
8 process on the nonresidential side to look at what we
9 can do with, you know, the new meters that we've
10 rolled out to enhance the, kind of the cost
11 reflective, you know, price signals of our
12 nonresidential rates, so. And you've heard -- you've
13 heard a fair amount about that in this case, about
14 there being the potential for a workshop on those
15 topics. So I think the biggest space right now is to
16 really evaluate the options for those nonresidential
17 customers.

18 Q. Now, you had said this morning that the
19 granular data that you're able to get, I assume from
20 the AMI meters as well as other technological
21 changes?

22 A. I think primarily the AMI meters is what
23 I'm referring to there.

24 Q. And yesterday you indicated that that
25 granular data could get so dense that you could end

1 up being down looking at it to a level that was
2 nonproductive.

3 A. I think I was -- I was trying to refer
4 more to the distribution asset data. I do think that
5 using very granular load data is useful and has a
6 place and I think we are start -- you know, because
7 that data, now we've got about half of our customers
8 with it, we're starting to leverage that and we can
9 leverage it more as we get to complete AMI roll out.

10 When I was talking about the density of
11 the data, I was really talking about the -- the --
12 kind of the distribution asset data that's also going
13 into the class cost of service study, so the -- you
14 know, information, you know, about the physical
15 components of the system out in the field and how you
16 analyze that in a class cost of service setting.

17 Q. Now, Ameren had termed Staff's approach as
18 a novel approach. And as I understand Staff's
19 approach is attempting to align customer classes more
20 closely with the infrastructure most used by that
21 customer class. Is that your understanding of
22 Staff's approach?

23 A. It may be the intent, but I don't think
24 that's what's being achieved by the way it's being
25 executed.

1 This is -- what we're doing is class cost
2 of service data. Or I'm sorry, class cost of service
3 study. And by looking at what Staff is
4 characterizing as customer-specific data, we believe
5 that's not actually fairly representing the class
6 cost because there are -- there are customer-specific
7 costs, for example, that are easy to identify for a
8 really large customer, but there are very, very
9 comparable costs to those for, you know, communities
10 of small -- of residential or small commercial
11 customers.

12 And when you're able to do all this
13 class-specific analysis of a large customer and pull
14 out that data and directly assign it to those large
15 customers, but then you take the remaining pool of
16 assets and allocate them to all customers based off
17 of the demands that are placed on the system that
18 includes the demands of those large customers, we
19 think it's introducing a bias where we're direct --
20 we're getting direct assignment or close to direct
21 assignment of a lot of what is term customer-specific
22 costs for large customers, but the -- the comparable
23 types of facilities that are dedicated to another
24 class that in the result of this class cost of
25 service study ought to be borne by that class are

1 just getting spread across everybody.

2 So the -- we view the approach right now
3 to look at this customer-specific infrastructure as
4 introducing bias into the results of the study.

5 Q. And you indicated that you think Staff had
6 the intent to more closely align that but they missed
7 the mark. Is Ameren moving forward with rate
8 modernization is -- is aligning customers with that
9 infrastructure? Would that be part of Ameren's rate
10 modernization, or do you believe that that would
11 always introduce bias into the equation?

12 A. So I think there's a major misconception
13 that the existing data that we're using for class
14 cost of service doesn't give kind of the level of
15 information that we need to do this rate
16 modernization and I think it really does.

17 The important thing, and this aligning
18 rates with the cost structure of the utility as I
19 kind of talked about with rate modernization, is that
20 costs are recovered in a charge type that reflects
21 how those costs are incurred. And regardless of how,
22 you know, the industry evolves and the equipment
23 changes, there's really been for a century, there's
24 no change, that there's -- there's no reason for any
25 change to this, three really recognized cost drivers:

1 Connecting customers to the system, building enough
2 capacity to meet peak demand, and producing and
3 delivering enough energy to meet the total energy
4 consumption.

5 So every class cost of survey -- service
6 study that this commission has probably seen for
7 decades is an attempt to put things into
8 customer-related costs, demand-related costs, and
9 energy-related costs. And we have -- I mean, we've
10 had for all of our rate cases, enough load research
11 data to understand the classes' contributions so
12 those demands to understand their energy and to
13 understand, you know, what infrastructure's needed to
14 simply provide a basic connection to the system.

15 You know, I think where the more granular
16 data comes in is you can maybe use that in some of
17 the time-of-use to which time periods are causing
18 those with more granularity, and I think we're doing
19 that. The AMI data's good for saying, Now, that I've
20 identified demand-related costs or now that I've
21 identified energy-related costs, what are the right
22 time periods to reflect those in and how can I bill
23 those to customers. But that's where I see that
24 granular data being helpful, not in like trying to
25 figure out how a transformer or a pole or a line of

1 conductor relates to providing service to the
2 customer. I don't think the granular hourly usage
3 data is really instructive at all to tell how much of
4 the pole outside of a residential neighborhood ought
5 to be allocated to the residential customers versus
6 someone else for example.

7 Q. Now, you indicated there were kind of
8 three drivers of Ameren costs. Is one of those more
9 primary than the other in setting rates?

10 A. The customer, demand, and energy? No, I
11 think they're all, you know, foundational elements of
12 providing service to customers. And I think -- I
13 mean, are you talking about is one of them more of
14 the dollars or are you just saying is one of them
15 more important? Because I think they're all --
16 they're all absolutely indispensable and foundational
17 to the ability to provide service.

18 Q. Well, I actually meant the one that you
19 answered which is more important, but since you
20 brought it up, which one would have the higher dollar
21 amount?

22 A. My -- Mr. Hickman's schedules would
23 probably be the best way to tell. My sense is
24 probably demand related. But there's, you know, very
25 significant buckets of costs in all three of those

1 categories.

2 Q. Are you aware of any jurisdiction that is
3 taking an approach that's more like Staff's?

4 A. I'm not aware of one.

5 Q. Shift for a little bit. Do you know if
6 MISO treats wind and solar generation differently
7 from coal and nuclear generation in rating the
8 generation unit's capacity?

9 A. I mean, all generation gets specific
10 accreditation based on its capabilities and MISO's
11 kind of study of its performance over time. So, I
12 mean, I don't know that they treat it differently,
13 but the application of the methods that they use for
14 all generation produces a different level of
15 accreditation of the amount of capacity that, you
16 know, renewables get versus other resources.

17 You know, and I should back up. There may
18 be some differences because of, for renewables MISO
19 might have to do things like study geographic
20 diversity and figure out how, you know, how
21 renewables being spread across the system impacts it
22 rather than just assessing kind of the performance of
23 an individual facility. Whereas for a coal or a gas
24 facility, they're probably looking at that individual
25 unit's historical performance.

1 So maybe -- maybe there is a little bit of
2 a nuance to it, but in general MISO is -- is, you
3 know, using, you know, common principles to assess
4 how much capacity it -- a resource type would get
5 accredited with. And, you know, it's -- the outcome
6 might be different, like I said. You know, there
7 might be a different amount of accredited capacity
8 for a renewable versus a conventional generator.
9 When I say conventional, you know, a fossil fueled or
10 steam generator.

11 Q. Are natural gas peaking units treated
12 differently from -- are natural gas peaking units
13 treated differently in a class cost of service study
14 from coal and nuclear units?

15 A. I think there are different methodologies
16 that could do that. What the average and excess,
17 the 4 NCP average and excess that the Company uses
18 and that we've talked about quite a bit in this
19 proceeding is that the fleet is viewed holistically
20 as the suite of assets that are there to meet both
21 the energy needs and the capacity needs of our
22 customers. And it allocates a portion of that based
23 off of those energy needs and a portion of that based
24 off of those capacity needs. But it basically says
25 the totality of this generation is what, through our

1 integrated resource planning process, we've built,
2 acquired, developed to meet those -- those common
3 needs. And the energy and the capacity needs are
4 what drive the need for that entirety of that fleet.

5 We view the fleet from a construction --
6 you know, from a resource planning perspective
7 holistically. We developed it holistically to meet
8 our customers' energy and capacity needs. And then
9 we allocate it based off of their relative energy and
10 capacity needs.

11 So, but specifically on the, you know, the
12 combust -- you know, the peaking combustion turbine,
13 it's not carved out for separate treatment from a
14 base load unit or renewable unit or anything like
15 that.

16 Q. So all those are treated relatively the
17 same?

18 A. Right. The -- the whole pool is put
19 together before it's -- the dollar pool is kind of
20 pooled together before it's allocated out based off
21 of those factors that are the cost-causative factors
22 for the entirety of the generation fleet.

23 Q. And that may be what one of Ameren's other
24 witnesses said regarding looking at the fleet as a
25 whole.

1 A. Yes. That's -- I think that's what
2 Mr. Hickman was talking about.

3 JUDGE CLARK: Away from the questions for
4 just a moment. I received an email from MIEC's
5 attorney indicating that they were having some
6 trouble getting here today and hopefully will be here
7 later, but asking if we can take Mr. Brubaker out of
8 order at the appropriate time, so I'll address that
9 when we get there.

10 BY JUDGE CLARK:

11 Q. Now, do you have -- when I was talking to
12 Mr. Hickman yesterday, I'd asked him some questions
13 about Ms. Lange's Surrebuttal. Do you remember that?

14 A. May refresh my memory of what the topic in
15 them was.

16 Q. Well, what I'm going to ask at this point
17 is -- it's specifically in regard to the stipulation
18 agreement in ET-2018 --

19 A. Okay.

20 Q. -- 0132.

21 A. I do recall that.

22 JUDGE CLARK: Can we get Mr. -- can we get
23 Mr. Wills a copy of Ms. Lange's Surrebuttal to look
24 at?

25 MR. WILLS: I think I -- I recall the

1 issue in the phrase. I mean, I guess I can have the
2 testimony if needed, but we can probably speak to it.

3 BY JUDGE CLARK:

4 Q. Well, I can ask you the question and you
5 can tell me if you can answer it or whether you need
6 to look at the testimony. On page 21 of Ms. Lange's
7 Surrebuttal testimony she cites a stipulation and
8 agreement in the ET-2018-0132 case in paragraph eight
9 that Ameren agrees to record customer contribution
10 values by voltage and service classification. Is
11 that correct?

12 A. Yes, that's correct. And we do have that
13 information recorded consistent with that provision.

14 Q. Which gets to the second question. So in
15 your opinion Ameren Missouri has compiled with
16 paragraph eight of the stipulation and agreement?

17 A. Yes. In my opinion it has.

18 Q. And how have they done that?

19 A. By doing just that, by collecting that
20 information.

21 Q. Has that data been shared?

22 A. I believe it was shared in a data request
23 that was pretty recent. That -- that has been made
24 available.

25 Q. Is there anyplace for the Commission that

1 you can point to that would show results indicating
2 that Ameren has complied with that condition?

3 A. I mean, it may be possible to introduce
4 that data request into the record or something. I
5 don't --

6 MS. GRUBBS: We do not have a copy of it
7 currently with us, but perhaps we could reserve -- we
8 could reserve an exhibit and provide it later.

9 JUDGE CLARK: That would be great.

10 BY JUDGE CLARK:

11 Q. And this is another question I asked
12 yesterday. Which parties' class cost of service
13 study in Ameren's last rate case, which is the
14 ER-2021-0240 case was agreed to by the parties as a
15 starting point for nonresidential rate design, for
16 the nonresidential rate design working case?

17 A. Yeah. I think the -- the issue with that
18 question is that the working case and the class cost
19 of service was not stipulated in an agreement. That
20 was litigated in the case. So the -- it was really a
21 Commission order that said we would start to have a
22 working docket and have that initiated. And then
23 there was also a Commission order on class cost of
24 service, which my recollection is it did say that
25 Ameren Missouri's class cost of service was

1 reasonable for this case. They didn't specifically
2 point to the -- to the working case, but, you know, I
3 think by, somewhat by implication if in the case that
4 they were resolving they felt Ameren Missouri's was
5 reasonable for it, I think that would have made sense
6 for it to become the basis of that working case.

7 Q. Okay. So you think there's good reason
8 for it to become the basis, but you don't know if it
9 has?

10 A. Well, the working case hasn't been opened
11 and no -- I mean, there just isn't that -- that
12 formal direction I don't think exists, whether it be
13 from an agreement of the parties or an order from the
14 Commission. I just don't think it exists.

15 Q. So you haven't gotten there yet. But you
16 think Ameren's would be a good starting point?

17 A. I do.

18 Q. Should the Commission adopt the class cost
19 of service study in Ameren's last general rate case
20 that was agreed to by the parties as a starting point
21 in this case?

22 A. I -- I think they -- the Commission should
23 adopt the class cost of service study that the
24 Company presented in this case. It's more current,
25 it's relevant to the revenue requirement that was

1 filed in this case and more current cost levels and
2 analysis.

3 Q. With each of these -- and you'll have to
4 forgive my naivety --

5 MR. KEEVIL: Judge, was that last
6 question -- excuse me. Did you say the parties
7 agreed in the last rate case to the class cost of
8 service? I don't think that's correct.

9 JUDGE CLARK: The parties in the last
10 rate case did not agree to a cost of service?

11 MR. KEEVIL: To a class cost of service
12 study? I don't --

13 JUDGE CLARK: Yes.

14 MR. KEEVIL: I don't think they did.

15 MR. WILLS: No. I think -- and think I
16 said when -- you know, in my response that it was not
17 a settled issue; it was a litigated issue in the last
18 case.

19 MR. KEEVIL: Yeah. I -- yeah. I would
20 agree with that. That was -- yeah.

21 JUDGE CLARK: Thank you for clarifying
22 that for me. I appreciate it. Again, this is -- I'm
23 not necessarily the most technical person.

24 BY JUDGE CLARK:

25 Q. Now anytime you're doing one of these

1 class cost of service studies for another rate case,
2 are you starting at zero? I mean, do you design it
3 from scratch or do you start with the previous study?

4 A. Methodologically we use, you know, a
5 similar framework. We, you know, there are many,
6 many inputs that you start from scratch to develop.
7 There are some other inputs that you might use from
8 case to case and restudy periodically. So no, I
9 mean, I think our class cost of service framework is
10 very consistent with that class cost of service.
11 There's new inputs that are developed with more
12 current data for, you know, for a significant amount
13 of the input to the study.

14 Q. Now, in your Direct testimony it states
15 that customer charges are generally used to collect
16 customer-related costs. Would you please explain
17 what makes up customer-related costs?

18 A. Sure. Customer-related costs are costs
19 that are -- that are going to be incurred just by
20 virtue of having -- connecting a customer to the
21 system and being able to provide service to them at
22 any level. So things that are -- I mean, things that
23 are the most obvious customer-related costs are
24 things like a meter, right. Customer has to have a
25 meter, you know, at their house to measure their

1 usage.

2 The cost of billing a customer are
3 customer-related costs. You have to send a bill
4 irrespective of how much power demand the customer
5 places on the system or how much energy they consume,
6 you have to have a billing system and send them a
7 bill.

8 But in the class cost of service framework
9 there's a lot of discussion about the distribution
10 system. So if you think about pole and wires, et
11 cetera, if -- to have customers connected, you have
12 to have some of that basic distribution
13 infrastructure. Poles. You have to have wires. You
14 have to have transformers. You have to have certain
15 devices. So what the class cost of service study
16 attempts to do is apportion that -- that there's some
17 amount of that cost that has to exist no matter how
18 much demand is placed on the system.

19 So our class cost of service, the
20 Company's class cost of service study looks -- it
21 just performs an analysis to apportion those costs
22 between the level of cost you have to incur just to
23 have enough poles and wires to connect to the
24 customer. Because you can't -- you know, it's a --
25 just by virtue of the customer being on the system,

1 you have to, you know, have the infrastructure to
2 connect them. But then the size of that
3 infrastructure, you have to have bigger transformers,
4 conductor capable of carrying more current, taller
5 poles for that higher voltage, you know, a conductor
6 is based on demand.

7 So there's a study that says, you know, if
8 all you were building is a -- is what we call a
9 minimum system just to build infrastructure to
10 connect the customer, that minimum system is customer
11 related. We have to have it. And so we do a study
12 to apportion some of those costs to the customer
13 function.

14 But then we say the size of that
15 equipment, the excess costs that are incurred because
16 you have to build larger, taller poles and larger
17 transformers and heavier -- heavier duty conductor is
18 demand related. And so those are demand-related
19 costs because they're there to meet the peak demands.
20 So we have a detailed study that apportions costs
21 between customer and demand related.

22 You know, in the NARUC rate design manual
23 and in other -- other manuals you'll find a variety
24 of different methods and approaches. But the
25 distribution system is generally always viewed as

1 either customer related, demand related, or some mix
2 of the two.

3 I'll tell you one of the significant
4 problems that we have with Staff's study is that they
5 introduce what is essentially a pure energy allocator
6 for some of that distribution equipment that the
7 driver of the cost is either customer or
8 demand-related characteristics.

9 Q. Can you expound on why you think that's
10 incorrect?

11 A. Yeah. So, I mean, so class cost of
12 service, we step back and say what causes -- because
13 there's a principle that customers that cause costs
14 to be incurred should pay for those costs. So we --
15 you know, the starting point of class cost of service
16 is this classification of costs, what caused the
17 occurrence, was it needed just to connect the
18 customer, was it needed to meet peak demands, or is
19 it something like fuel. You burn fuel to produce
20 kilowatt hours. Is it based on total energy.

21 I'm not familiar with any rate design
22 manual or treatise or anything like that that says
23 the causation of the costs of the distribution system
24 is the total kilowatt hour throughput, the total
25 energy. So when Staff allocates those costs based

1 off of the total energy throughput, that's not the
2 cost driver of that system and so it's not reflecting
3 those costs to the customers who caused the
4 incurrence of those costs.

5 Q. Thank you. Also in your Direct testimony
6 you state that customer-related costs from the class
7 cost of service study to the customer charge suggests
8 that a residential customer charge that truly
9 reflects the customer-related cost would be
10 approximately \$25.94 per month.

11 Is it Ameren's position that if going by
12 the results of the class cost of service study,
13 then \$25.94 would be the customer charge for all
14 residential customers?

15 A. I think if you strictly followed that
16 class cost of service study, that would be. I think
17 what we've recognized, excuse me, is that there
18 are -- you know, there have been many other policy
19 considerations around the customer charge that a
20 number of parties and the Commission in the past have
21 articulated. And so we don't recommend going to \$25,
22 but we do recommend an increase in that direction to
23 become more cost reflective.

24 But yes, the implication you've landed on
25 is correct, that the cost study would suggest that

1 that would be an appropriate customer charge for all
2 residential customers.

3 Q. Does that mean that irrespective of
4 which rate plan is selected, the customer charge
5 should be \$25?

6 A. In -- in that theoretical world where you
7 absolutely strictly follow costs, yes.

8 Q. Well, I guess that brings me to -- if
9 that's the case, I'm not really sure I understand why
10 Ameren is assigning different customer charges to
11 different time-of-use rates.

12 A. Sure. It comes back to those other policy
13 considerations that I just alluded to. Excuse me.
14 So there's been, you know, a lot of testimony over
15 many cases and many years, and customer charge is
16 always a, you know, pretty heavily litigated topic.
17 And parties tend to say that a high customer charge
18 gives customers less control over their bill.
19 There's some -- there's some truth in that.

20 What we think is appropriate is to provide
21 customers control over their bill, but still in a way
22 that aligns it with costs. So I think, you know,
23 there's a balancing of those interests of providing
24 control over your bill, but also in a manner that
25 doesn't end up shifting costs onto other customers.

1 But if you look at our different rate
2 plans, some of them are already more closely aligned
3 with cost. Like our Ultimate Savers rate plan that
4 has a demand charge on it, that demand charge is
5 closer to a fixed. I mean, it's not -- it's not an
6 absolute fixed charge because variations in demand
7 will impact the customer's bill. But demand is a
8 more stable measurement, so there's a certain amount
9 of fixed, kind of fixed cost recovery that's kind of
10 inherently assured in that demand charge. So it's
11 already achieving some of the, you know, some of the
12 fixed cost recovery that could be done by a customer
13 charge.

14 So what we're saying is, you know, if
15 there is this interest in giving customers more
16 control, let's give them more control on the rate
17 design that gives them the most control over their
18 bill, their -- you know, the -- that rate plan. If a
19 customer is interested in managing their usage, it
20 gives them more control than any other rate.

21 So what we've tried to do is balance these
22 competing perspectives, right, of a purely cost-based
23 rate versus the policy concerns that people have
24 raised about -- and I -- you know, honestly, I think
25 there's -- you know, it's a fairly thoughtful and

1 innovative way in my opinion about how to balance
2 those interests, right, is -- is that if the concern
3 with the higher customer charge is to give customers
4 the opportunity to control their bill but we have
5 different rate plans that are kind of designed to
6 give customers a different level of control over
7 their bill, why don't we focus the control your bill
8 policy customer charge on those rate plans that are
9 designed for that, for that purpose.

10 Q. If the customer charge were to be the same
11 across all -- all of those residential rate plans,
12 would time-of-use rates still work?

13 A. Yes.

14 Q. In Ms. Lange's Rebuttal she states that
15 Ameren used the minimum-size approach as opposed to
16 the weighted-hour method used by Staff for customer
17 charge, which Staff says is more consistent with a
18 modern grid. What's your response to that?

19 A. I do want to just clarify with you. I
20 don't think the weighted-hour method was related --
21 unless I'm mistaken -- was related to the customer
22 charge. I think it was related to, and maybe there's
23 something in the testimony you're pointing -- you
24 could point to. I think the weighted hours -- the
25 weighted -- what -- what did you call it, the

1 weighted-hours method is what I was really referring
2 to.

3 You know, Staff says it's a modern method,
4 but the Company views it as an energy allocator for
5 costs that are not driven by energy. So I don't know
6 what -- what modern development tells Staff that
7 distribution costs are based off of, you know, energy
8 in every hour. I mean, the load on a mild weekend in
9 October has absolutely no bearing on the level of
10 distribution costs that the company incurs and yet
11 that load is influential in allocating the cost when
12 you use a weighted-hours method.

13 And I'm straying a little bit afield of
14 your question because I think you asked it about the
15 customer charge, but I don't think that weighted --
16 unless I'm mistaken, I don't think that
17 weighted-hours method is related to the customer
18 charge; I think it was related to the allocation of
19 distribution, what we would call demand-related
20 costs.

21 JUDGE CLARK: Well, can we get a copy of
22 Ms. Lange's Rebuttal testimony? I'd just like to
23 take a look at that.

24 MS. MOORE: Your Honor, I'm going to pull
25 that up right now and bring it over to Mr. Wills if

1 that's okay with you.

2 JUDGE CLARK: That is -- that is just
3 fine with me. Thank you.

4 MR. WILLS: Okay. I have the testimony
5 now. Is there a page that I should be looking to?

6 BY JUDGE CLARK:

7 Q. Page 51 please.

8 A. Okay.

9 Q. And I think we're just looking at that
10 last -- the start of that last paragraph on page 51
11 that runs onto page 52. And I think it says, Ameren
12 Missouri's study remains unacceptably deficient.

13 A. Yes, I see that. And, you know, failure
14 to address customer-specific infrastructure, I mean,
15 I think I discussed that a little bit earlier, that
16 analyzing customer-specific infrastructure isn't --
17 or not doing that was not a failure on our part. We
18 believe that doing it is a failure on Staff's part
19 because it introduces that bias.

20 This is a class cost of service study and
21 if you don't treat the same infrastructure for
22 different classes equivalently, if you've analyzed
23 customer specific on the large customers but then
24 allocated, you know, class specific infrastructure of
25 a small customer class based on load metrics that

1 include all customers, we think you double count and
2 bias the results.

3 But this -- yeah. This does -- I don't
4 think -- I don't see this paragraph here as relating
5 to the customer charge determination. I -- I believe
6 it relates to the allocation of distribution costs.

7 Q. Now, you indicated that roughly two-thirds
8 of Ameren customers have AMI meters. Is that
9 correct?

10 A. Roughly, that's correct.

11 Q. Do you have an exact percentage on that?

12 A. My Surrebuttal testimony had one of the
13 more recent statistics I have on it. I don't have it
14 committed to memory. I may be able to find it, but,
15 if you'd like me to try.

16 Q. But you believe that's in your
17 Surrebuttal?

18 A. Yes, I believe it is.

19 Q. Yeah. If you could take a second and find
20 it, I'd appreciate it.

21 A. Or it might be in my -- I do think it was
22 Surrebuttal. Maybe I'm mistaken. It may be in my
23 Rebuttal. Okay. I think I found it. Page 9 of my
24 Rebuttal.

25 As of today, and I think Rebuttal was

1 filed -- so today would have been February of this
2 month [sic] -- 795,261 customers have AMI meter.

3 And so that's of our, you know, 1.25
4 roughly million total customers. So that percentage
5 is -- and this is still -- I'm trying to see if I
6 could find a precise customer count number to do a
7 precise calculation but I think I'll just have to
8 use an approximation for total customers.
9 That's 795,261 -- whoops, I typed that wrong. It was
10 about 64 percent at that time.

11 Q. And that's current as of February of this
12 year?

13 A. Right. And I had projected in here later,
14 like on that page, that by July we expected to
15 have 955,000 meters deployed or approximately 77
16 percent by July of 2023 when rates would take effect.

17 Q. By the end of year, by December 31st,
18 what's your expected deployment?

19 A. I have that here too I think. 87 percent.

20 Q. What's Ameren's current education process
21 for its residential customers before they receive an
22 AMI meter?

23 A. So before they get an AMI meter they get
24 a 30-day, like a -- I think it's a 30-day advanced
25 mailer that it just talks about the meter exchange

1 process. But I -- if I recall correctly, I haven't
2 looked at that piece very recently, but my
3 recollection is that it just talks about one of the
4 benefits of that meter will be that it introduces new
5 rate options.

6 But then shortly after they get that meter
7 they receive a mailing that, it's called a -- I think
8 it's a benefits mailer. It describes the benefits of
9 their meter and it introduces that there are on-peak,
10 off-peak rates is what -- is how we frame them to
11 customers for them to understand on-peak times and
12 off-peak times. And it also tells them that there's,
13 you know, for more detailed information there's
14 information on our website which has some -- some
15 pretty substantial graphs about how the -- how the
16 rates work and FAQs about how the rates work.

17 But then there's -- and I'm going off of
18 memory, but I think at four and five months they get
19 another -- they get more -- more additional
20 information where it says, After you've had this
21 meter for six months, so you're coming up to that
22 point, you will be -- if you don't choose a rate
23 plan, you will be placed on the Evening/Morning
24 Savers rate. And in one of those four or five month
25 mailers it will show them for the data that's

1 accumulated for the several months they've had the
2 AMI meter what their bill was on their existing rate
3 and what it would have been had they been on the
4 Evening/Morning Savers rate.

5 And it does not present advanced rate
6 options directly to them because we think that
7 limited amount of data, that few months, is probably
8 not the right amount of data for most of the
9 customers to be choosing an advanced rate. But for
10 those customers who are very interested and if we
11 tell them advanced rates exist and you can go to our
12 website for more information about -- about that.

13 So it's this kind of staged, you know.
14 We -- we introduce that the rates exist. We tell
15 them a little bit more about it. We show them --
16 then we show them bill comparison of them on the
17 legacy rate versus the new default rate. And then we
18 direct them right now to the web to get more
19 information about the advanced rates.

20 And again, this gets to, you know, some of
21 the concerns that have been articulated I think in
22 the case that we don't want to take four months'
23 worth of data where a customer may not have had a
24 summer yet, a summer of usage, they may not have had
25 all the seasons, and tell them a rate like the Smart

1 Savers or the Ultimate Savers is -- is going to do
2 this to your bill when they don't have a full year's
3 worth of data. But if they are interested enough to
4 go see, Hey, how would I have done on this rate for
5 four months, it is available on the web. They can
6 log into their account and go up and compare their
7 bills over that time period on the different rate
8 options.

9 And then again, there's -- there's, you
10 know, pretty substantial information the website.
11 Our call center is equipped with -- with information
12 to answer questions for those customers as they call
13 in. So that's -- that's, at a high level, kind of
14 the process.

15 Q. So if I my understanding's correct, at
16 five months they receive information that basically
17 informs them about two of the time -- or two of the
18 rate plans?

19 A. It gives them specific information about
20 two of them and informs them that the others exist
21 and that they can seek out that additional
22 information.

23 Q. How long has the residential
24 Evening/Morning Saver plan be effective?

25 A. We're coming up right on two years I

1 believe. So I'm trying -- let me just -- was
2 it 2021. Or it was 2019 rate case, but it was
3 settled in 2020 and then it took about a year to
4 deploy. So I believe it was May of 2021, sometime
5 around then that we started putting -- placing
6 customers on the Evening/Morning Savers rate. So
7 about a little less than two years ago.

8 Q. Do you know during the summer period what
9 days and times Ameren experiences its peak load?

10 A. Yeah. It's -- it's very weather dependent
11 so it's going to be -- it's usually a weekday,
12 although it could happen on a weekend if it was
13 unusually hot on the weekend, more so than -- than
14 happened on a weekday. But it real -- historically
15 we always know it looking backwards, but we also know
16 that it's on a very hot day, it's usually on a
17 weekday. That's, you know, looking forward that's
18 about as much as we know about when it will occur.
19 Looking backwards it's very easy to identify.

20 Q. Is there any data that would indicate that
21 a particular time of day?

22 A. Yes. So it's -- it's pretty consistent
23 that our peak load is usually set at the hour
24 from 4:00 from 5:00 p.m., but plus or minus two hours
25 around that is possible. But it's almost -- it's

1 generally the hour from 4:00 to 5:00 p.m. In a given
2 year it could slip by an hour, maybe two if there was
3 just a particularly unusual weather pattern that
4 occurred.

5 That's really how those peak periods for
6 the Ultimate Savers and the Smart Savers are set
7 around that idea, that 3:00 to 7:00 p.m. are the
8 highest load hours and the load hours where our peak
9 load is most likely to occur.

10 Q. Now, given that this has been deployed for
11 a bit or been effective for a bit, has Ameren
12 analyzed how residential customer usage on the
13 Evening/Morning Saver plan has changed in comparison
14 to the Anytime rate?

15 A. No. We haven't done a retrospective
16 analysis of that, but we did provide in testimony in
17 prior cases from Dr. Faruqui, and I replicated that
18 in some of the testimony here, what Dr. Faruqui's
19 experience with the rates predicts that would be. So
20 we have that information in my testimony, kind of a
21 predictive impact that is based off of Dr. Faruqui's
22 detailed analysis and study of hundreds of other
23 time-of-use rate plans.

24 Q. Have those customers reduced their usage
25 during peak usage times?

1 A. I mean, again, we haven't done a
2 retrospective analysis to prove it. Our expectation
3 is that they would have but just slightly.

4 Q. And, I'm sorry. I said peak usage; I
5 meant peak load, but I think you understood.

6 A. Yeah.

7 Q. Now, with Staff's proposal they wanted
8 customers to be able to transition onto plans I
9 believe a month within the next billing cycle after
10 AMI meter installation. Does that sound correct?

11 A. That's my understanding, yes.

12 Q. How would that change customer education
13 to encompass the shortened time frame?

14 A. I think we're have to redesign it entirely
15 because obviously telling them for the first time
16 about it two weeks after they get their meter would
17 give them very little advance notice and we certainly
18 couldn't present them with any billing comparison of
19 their bill on the old rate versus the new rate they
20 would be assigned to.

21 And you really obviously couldn't stage as
22 an education sequence from meter installation to the
23 four-month mailer to the five -- you know, to the
24 different time periods. So I think we would have
25 to -- have to rework the communication strategy. And

1 it couldn't rely on giving them any bill comparison
2 information before their rate switch because the
3 meter data just wouldn't exist to do so.

4 Q. Now, the Commission ordered certain load
5 data and I believe that was filed by Staff on -- in
6 response to the Commission's April 4th order. Are
7 you familiar with that?

8 A. Yes, I am.

9 Q. And I'm assuming that was prepared by
10 Staff. Correct?

11 A. That was prepared by Staff. You know, the
12 order said Staff or the Company. So the Company was
13 in the process of also preparing, but I do believe
14 that the data that we were pulling was very
15 consistent with Staff, so we didn't feel it was
16 necessary to make a second filing.

17 Q. And you indicated you have had an
18 opportunity to look at it?

19 A. Yeah. I saw it when it was filed, you
20 know, a week or -- a week and a half ago, whenever
21 that happened.

22 Q. When you say consistent with Ameren's, are
23 you essentially saying that you believe Staff's
24 filing is correct?

25 A. I -- I believe so. I didn't validate

1 every single number, but I have no reason to doubt
2 that it's correct.

3 Q. Would you like to look at it?

4 A. No. I've looked at it. I mean, like I
5 said, I feel comfortable representing that it's
6 materially correct. I didn't look at, you know, down
7 to the kilowatt hour if we agree, but in broad
8 strokes it's sufficient I think for the purpose that
9 we're talking about here for sure. And I don't have
10 any reason to expect that it's not factually correct.

11 JUDGE CLARK: Thank you. I believe
12 that's all the questions I have for you for,
13 Mr. Wills.

14 I know this is thinking back to yesterday
15 for many of you, but are there any cross-examination
16 questions based upon either questions from the
17 Commission or questions from myself? Mr. Williams.
18 Anybody else?

19 MR. KEEVIL: Yes.

20 JUDGE CLARK: And Staff. Let's look at
21 the -- give me just a second to pull the order. I
22 believe it's, for Ameren witnesses, it's Public
23 Counsel prior to Staff. Does that sound correct?

24 MR. KEEVIL: Yes.

25 JUDGE CLARK: Okay. So, Mr. Williams, go

1 ahead and ask your questions.

2 RE CROSS-EXAMINATION

3 BY MR. WILLIAMS:

4 Q. Good morning, Mr. Wills.

5 A. Morning.

6 Q. There's been quite a bit of testimony and
7 discussion about data granularity. What is the
8 granularity capability of AMI as you currently have
9 it deployed?

10 A. We have load data from 15-minute intervals
11 I believe from it. So every 15 minutes it records
12 the energy consumption of the customers with AMI
13 meters.

14 Q. And how many 15-minute intervals can be
15 stored in an AMI meter before it's downloaded?

16 A. I don't know that I have an exact number.
17 I'm not a meter technician, but I believe -- I mean,
18 if you're interested in a broad-strokes number, I
19 can --

20 Q. Sure. Broad stroke's fine.

21 A. I think it's somewhere between 45 and 60
22 days, something like that. I don't want to ascribe
23 too much precision; I'm not a meter -- metering
24 technology person, but I have -- I've heard those
25 numbers and I think it's in that range.

1 Q. And has data crunching capability improved
2 since 1992?

3 A. I think probably so.

4 MR. WILLIAMS: No further questions.
5 Thank you.

6 JUDGE CLARK: Staff. Staff.

7 MR. KEEVIL: Sorry, Judge. Yeah.

8 RECROSS-EXAMINATION

9 BY MR. KEEVIL:

10 Q. Mr. Wills, we're handing you a, I believe
11 it's Mr. Hickman's work paper or from Mr. Hickman's
12 work paper that shows the certain allocation
13 percentages in the Ameren study. Does that look
14 familiar to you? Oh, yeah, good point. The work
15 paper is Mr. Hickman's. The highlighting in yellow
16 over there on the side has been added by Staff to --

17 A. Okay.

18 Q. -- calculate the percentages.

19 A. In the format, it looks like Mr. Hickman's
20 work paper. I --

21 Q. Okay.

22 A. -- mean, whether I -- whether it matches
23 identically, I don't know.

24 I do see the additions that you're talking
25 about --

1 Q. Okay.

2 A. -- that are not associated with it.

3 Q. Now, you -- I assume you will agree that
4 in the Ameren CCOS study, 60 percent of poles are
5 customer related, allocated based on customer-related
6 allocator?

7 A. I -- I haven't looked at that number
8 recently. I mean, I don't independently know that.

9 Q. Let me ask. It's on that sheet that
10 you've been handed.

11 A. So I see a 60 percent number in yellow
12 that was added to Mr. Hickman's work paper. I
13 haven't -- I don't know what the calculation of that
14 is.

15 Q. Would you like to take a moment and do the
16 calculation based on the work paper numbers that you
17 have, double check the 60 percent?

18 A. That calculator gives me a little
19 frustration. Do you mind if I use my phone's
20 calculator instead?

21 Q. Sure.

22 A. So I see that the numbers there calculate
23 to 59.7 percent. I'm trying to make sure that I
24 understand exactly -- that I refresh my memory of
25 exactly what the -- the data that's reflected in here

1 is. Whether that's rate base number or a revenue
2 requirement number, I'm trying to orient myself.
3 It's Mr. Hickman's schedule that I haven't looked at
4 in a little while.

5 Okay. It looks like it's a rate-based
6 number, so. It says it's gross plant in service.
7 But I see that of the number on here of the poles, 60
8 percent is allocated to customer function.

9 Q. Okay. And similarly, in the Ameren
10 study 57 percent of conductors and devices are
11 customer related. Is that correct? Overhead
12 conductors and devices, I'm sorry.

13 JUDGE CLARK: Would somebody clarify to
14 me also what the term "device" means as it's being
15 used?

16 MR. WILLS: There are a number of devices
17 on the system. I don't know that I can exhaustively
18 list them, but things like switches and lightning
19 arrestors and reclosers that are like fuse -- there's
20 a variety of types of things that, you know, are kind
21 of accessories I guess you would say to the -- to the
22 conductor that helps with the delivery of power or
23 the -- or to secure the safety of the system or
24 whatever.

25 JUDGE CLARK: Thank you.

1 MR. WILLIS: Yes. I see the 57.3 percent
2 is what I calculated.

3 BY MR. KEEVIL:

4 Q. Okay. Now, the minimum size of the system
5 for the study is at primary voltage. Correct?

6 A. I've heard Staff make that claim, and
7 Mr. Hickman is the expert on it. I -- I don't know
8 that I can articulate exactly the things that
9 Mr. Hickman would be able to articulate about the
10 details of the minimum size.

11 Q. Okay. Well, let me ask you this: How
12 many residential customers are served at primary
13 voltage?

14 A. Very few, if any.

15 Q. Okay. And similar question for the SGS
16 customers, how many of them are served at primary
17 voltage?

18 A. Served directly. I mean, for both
19 residential and SGS I would say very few of them are
20 served directly and that they almost -- they all use
21 the primary voltage system, but they're not served at
22 that voltage specifically.

23 Q. Okay.

24 Judge, I would -- I don't have copies of
25 this, I apologize, but I would like to mark that

1 Hickman work paper that Mr. Wills has been speaking
2 from as Exhibit, I think I'm up to 181, and offer
3 that. I will get copies, additional copies if you
4 want additional copies at the -- at our break.

5 JUDGE CLARK: Well, let me ask this
6 question first. Is there any party that needs to
7 look at this prior to me admitting it onto the
8 record?

9 MS. GRUBBS: Counsel would. And just to
10 clarify, it's not just a work paper; it sounds like
11 there were additions to it by Staff.

12 JUDGE CLARK: Would you like to take a
13 look at it?

14 MS. GRUBBS: Yes, please.

15 MR. KEEVIL: Sarah, go ahead and get it
16 from Steve.

17 JUDGE CLARK: Because I want everybody to
18 have a copy, but I also want everybody to be able to
19 fairly object at this point.

20 MR. KEEVIL: Sure.

21 JUDGE CLARK: Is there anybody else who
22 would like to look at that? And what are we calling
23 that?

24 MR. KEEVIL: I would call it Hickman,
25 Hickman plant work paper or.

1 MS. GRUBBS: Annotated by Staff perhaps?

2 MR. KEEVIL: Annotated -- I'm okay with
3 that.

4 JUDGE CLARK: Did you say load work
5 paper?

6 MR. KEEVIL: Plant.

7 JUDGE CLARK: Plant, thank you.

8 Are there any objections to Exhibit --
9 Staff Exhibit 181 which is titled Hickman Plant Work
10 Paper Annotated by Staff? I see and hear none. That
11 will be admitted onto the hearing record.

12 (Staff Exhibit 181 was received into
13 evidence.)

14 JUDGE CLARK: Go ahead, Staff.

15 BY MR. KEEVIL:

16 Q. Now, Mr. Hickman [sic], would you like to
17 verify the -- your counsel correctly pointed out that
18 this was annotated by Staff. Would you like to
19 correctly -- or to verify that the percentages shown
20 on that in the yellow highlighting which are the
21 Staff annotations are correct or are you willing to
22 accept those as correct?

23 A. May I ask my counsel if she prefers me to
24 go through the exercise?

25 JUDGE CLARK: And just for the record

1 you're asking Mr. Wills, not Mr. Hickman.

2 MR. KEEVIL: Thank you, Judge.

3 MR. WILLS: Yeah. I -- the spot checks
4 that we did, you know, tied out. I don't -- I don't
5 have any reason to dispute the numbers that are
6 there.

7 MR. KEEVIL: Okay. Thank you.

8 Judge, I think that's all the questions I
9 have for Mr. Wills, but I did want to go back because
10 in your questioning of Mr. Wills at the very end you
11 referred to the load data that Staff filed in
12 response to the Commission's April 4th order. I was
13 just going to suggest or remind you that that
14 technically, since it was filed I think as a response
15 to an order, it was not filed as testimony, it's not
16 part of the record. Do you want to admit that as an
17 exhibit? And I would -- I mean, I can move that it
18 be admitted as Staff's next Exhibit 182 if you want
19 to. Because if you're going to use it in your order
20 or something, you'll obviously need for it to be part
21 of the record. So how would you like to handle that?

22 JUDGE CLARK: It's my intent that it does
23 become part of the record, that it does be entered
24 assuming that it survives any objections. Is this
25 the appropriate witness to do that, or would that be

1 better under Ms. Lange?

2 MR. KEEVIL: It would probably be better
3 under Ms. Lange since she -- technically it came from
4 Staff rather than from Ameren. I -- just since you
5 brought it up with Mr. Wills, I thought I'd mention
6 it.

7 JUDGE CLARK: I'm going to ask at this
8 point, and you don't have -- nobody has to answer
9 this right now, but at this point are there any
10 objections to that?

11 MS. GRUBBS: Pardon me? For it to be
12 submitted through Ms. Lange when she testifying?

13 JUDGE CLARK: Just scratch what I said.
14 We'll cross it when we come to Ms. Lange. It's
15 inappropriate of me to ask right now if you have any
16 objections, so we'll just move on.

17 MR. KEEVIL: Thank you. I have no
18 further questions, Judge. Thank you.

19 JUDGE CLARK: Any redirect from Ameren at
20 this point?

21 MS. GRUBBS: Yes. And I'll try to be
22 brief, your Honor.

23 REDIRECT EXAMINATION

24 BY MS. GRUBBS:

25 Q. Mr. Wills, do you recall questioning from

1 Staff counsel yesterday regarding the 1992 NARUC
2 manual's excerpt on marginal cost studies?

3 A. Yes, I do.

4 Q. Does Ameren Missouri conduct a marginal
5 class cost of service study?

6 A. No, we don't. And I -- and to be clear, I
7 wasn't saying that Staff is conducting a marginal
8 class cost of service either. I don't think anyone
9 in the state does, or I'm not even familiar with
10 anywhere in -- any jurisdictions where -- where that
11 is being done. But the -- the excerpt of my
12 testimony that Mr. Keevil had me read where I talked
13 about marginal cost, you know, implications in
14 Staff's study wasn't to suggest that Staff's study is
15 a marginal-cost study. My -- my implication was that
16 they're kind of using marginal cost influenced
17 thought to try to do an embedded-cost study and it's
18 a mismatch, you know, kind of, of those principles is
19 the point -- is the that I was trying to make.

20 So, you know, I do recognize that marginal
21 cost studies exist and they can be done validly. I
22 just think there was some cross-pollination of
23 concepts there that's influencing an embedded-cost
24 study that doesn't need to be there.

25 Q. And do you recall questioning by Staff

1 counsel yesterday regarding the benefits of the
2 proposed rate switching tracker and the benefits of
3 the TOU rates being related?

4 A. Yes, I do.

5 Q. So how are the benefits of the tracker
6 proposed and the benefits of the TOU rates and
7 tracker related?

8 A. Sure. So the TOU track -- the rate
9 switching tracker that we've proposed is intended to
10 align the Company's incentives to encourage more
11 adoption of those rates. So to the extent that those
12 rates are viewed by the Commission or viewed by us or
13 anyone as to providing benefits, which we believe
14 they do, the rate switching tracker can amplify those
15 benefits by getting more participation, you know, on
16 those rates, so create additional benefits.

17 Q. And do you recall questioning by Staff
18 counsel yesterday regarding the regulatory lag
19 discussed in the charge-ahead order and the
20 regulatory lag for TOU rates?

21 A. I do.

22 Q. So from your perspective, are the source
23 of regulatory lag and then the proposed tracker
24 different between the EV charge-ahead context and the
25 TOU rate switching?

1 A. Yes. The -- the charge-ahead tracker that
2 I used as an example of the Commission's kind of
3 policy considerations for getting trackers when a
4 program that could be beneficial to customers but
5 financially detrimental to the utility was an example
6 of exactly -- was intended to be just an example of
7 that. It's an analogy about a circumstance where the
8 Commission sees a benefit of aligning incentives.

9 But the two mechanisms are entirely, you
10 know, distinct from each other. The tracker in -- in
11 the charge-ahead case is recovering program costs.
12 It has nothing to do with changes in usage. The
13 reason changes in usage came into play in that is
14 that we recognized that that program could produce
15 positive regulatory lag for the company, and we
16 agreed that that regulatory lag was enough benefit to
17 us that we wouldn't seek to -- to put the kind of
18 deferred cost under that program into rate base. But
19 there was nothing being tracked with respect to
20 changes in revenues; there was being tracked program
21 costs, program costs for future recovery.

22 The -- the rate switching tracker, like
23 again, it was only a policy analogy that I was using
24 bringing in charge-ahead. There's no direct
25 interaction between these trackers. The rate

1 switching tracker is specifically identifying revenue
2 erosion from existing revenues that give the Company
3 an opportunity to recover its revenue requirement
4 when customers switch to a time-of-use rate and save
5 money and where the cost savings are either -- either
6 passed through the FAC to customers and so the
7 company doesn't have offsetting cost reductions or
8 the cost reductions are in the future with --
9 associated with a voided future investment.

10 Q. And do you recall your discussion with
11 Chairman Rupp yesterday regarding more data needed
12 for a direction forward and breaking the cycle of
13 disputes?

14 A. I do.

15 Q. From your perspective will providing the
16 requested granular distribution data help the parties
17 move forward?

18 A. I really don't think that it's going to
19 make a meaningful difference in kind of breaking that
20 cycle of disputes unless and until the Commission
21 addresses the methodological concerns. So I think
22 those -- that the data disputes are really kind of a
23 symptom, but the underlying cause is -- is just the
24 significant methodological disagreements that we
25 have.

1 I think the discussion I was just having
2 with the judge kind of illuminated some of those and
3 the record is kind of pretty complete on some of
4 those. I think the methodological disputes are what
5 is underlying this.

6 To the extent though that more data is
7 needed or if it's -- if it is needed, I think it's
8 important that we collect the correct data. You
9 know, I think there's been a lot of discussion over
10 the last day and round of testimony of what we call
11 the Vandas study. I think the Vandas study is the
12 right data to -- to properly allocate costs based on
13 cost causation. And if there were going to be
14 efforts to collect data -- you know, there have been
15 concerns raised about the age of the Vandas study,
16 and I think, you know, a similar effort could be made
17 to refreshing that study and making sure for everyone
18 that it's current and that there's no questions about
19 whether changes in the system since that -- since it
20 was conducted.

21 But to me that's the type of data that
22 would be most useful to collect. Again, I think we
23 had a good conversation already about, you know, our
24 concerns with going into customer-specific data and
25 how it may introduce bias into the results. So I

1 would just urge the Commission to weigh in, you know,
2 on the methodological issues before considering what
3 is the data that ought to be collected.

4 Just one or two quick other thoughts. I
5 mean, whatever data is collected I think there's been
6 discussion, should it be provided for the working
7 docket going forward. You know, I mean, that working
8 docket, I know -- we don't know the timeline of it,
9 but I believe it probably would start relatively soon
10 and that data collection is going to take time. So I
11 don't know that any of that data is -- I think -- is
12 going to be there at the outset of that -- of that
13 working docket.

14 And secondly I would just say on, you
15 know, I think I -- and I very much appreciate
16 Chairman Rupp's interest in having more data. I just
17 want to make sure that we're thinking about getting
18 the right data and also recognizing that, you know,
19 there -- that there are limits to the kind of the
20 resources of the company's personnel, and so we need
21 to make sure that we're targeting the stuff that's
22 going to have the greatest benefit to customers and
23 to accurate and reasonable studies rather than
24 casting a very wide net that is going to, you know,
25 produce maybe a lot of data that's not useful to the

1 process where there is, you know, a lot of
2 significant amount of data that is helpful and could
3 instruct the Commission. So I think we really just
4 need to be focused on getting the right pieces.

5 MS. GRUBBS: Those are all of my
6 questions. Thank you.

7 JUDGE CLARK: Thank you. I noticed that
8 MIEC's attorney was able to make it here. Would you
9 enter your appearance for the record.

10 MS. PLESCIA: Certainly. Diana Plescia,
11 Law firm, Curtis Heinz, Garrett & O'Keefe for MIEC.

12 JUDGE CLARK: And if I remember right,
13 you didn't have any questions for this witness.

14 MS. PLESCIA: No. No. I think I texted
15 you I didn't have any questions for Mr. Wills or
16 Mr. Marke, at least not at this point. Thank you.

17 JUDGE CLARK: Thank you very much.

18 MR. WILLS: So are you done with me?

19 JUDGE CLARK: You may step down,
20 Mr. Wills; I'm sorry.

21 MR. WILLS: No, no problem.

22 JUDGE CLARK: One of the commissioners
23 has a prior obligation at about 11:30, so it's my
24 intent -- well, what I would like to do is break
25 about 11:15 for lunch. And that means we, depending

1 on where we are, we may break till 12:30 or 1:00.

2 With that in mind I'd like to go ahead
3 and take a 15-minute break now rather than do that
4 later. So why don't we -- it's now 9:46. Why don't
5 we come back at roughly 10:01. Any -- is there
6 anything I need to take up prior to that? And then
7 we'll start -- we'll start and -- we'll start when we
8 get back at 10:01 with OPC's or Public Counsel's
9 first witness. Let's go off the record.

10 (Off the record.)

11 JUDGE CLARK: Let's go back on the
12 record. Ameren Missouri, do you have any more
13 witnesses for this issue at this time?

14 MS. GRUBBS: No, sir.

15 JUDGE CLARK: Thank you.

16 Public Counsel, you may call your first
17 witness.

18 MR. WILLIAMS: Dr. Geoff Marke.

19 JUDGE CLARK: Dr. Marke, would you please
20 raise your hand and be sworn.

21 (Witness sworn.)

22 JUDGE CLARK: Please be seated. Public
23 Counsel.

24 GEOFF MARKE, having been first duly sworn,
25 testified as follows:

1 DIRECT EXAMINATION BY MR. WILLIAMS:

2 Q. Would you please state and spell your
3 name.

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

5 Q. Dr. Marke, did you prepare and cause to be
6 prefiled Direct testimony and Surrebuttal testimony,
7 the Direct being prefiled on January 10th of this
8 year and the Surrebuttal being filed on March 13th of
9 this year that have been marked for identification as
10 Exhibits 200C and 201C respectively?

11 A. Yes.

12 Q. And would you have any changes to either
13 of those exhibits for them to be your testimony here
14 today?

15 A. No.

16 Q. Are they, in fact, your testimony here
17 today?

18 A. They are.

19 MR. WILLIAMS: With that I offer
20 Exhibits 200C and 201C.

21 JUDGE CLARK: Are you also offering the
22 public versions?

23 MR. WILLIAMS: Yes. I mean, sure.

24 JUDGE CLARK: I guess it doesn't matter.

25 MR. WILLIAMS: That was my thought. I

1 mean, 20C are the ones for the Commission. The
2 public ones are for public viewing.

3 JUDGE CLARK: All right. Is there any
4 objection to admitting 200C and 201C, the Direct and
5 Surrebuttal of Geoff Marke onto the hearing record?
6 I see and hear no objections. Those will be admitted
7 on to the hearing record.

8 (OPC Exhibits 200C and 201C were received
9 into evidence.)

10 JUDGE CLARK: Go ahead.

11 MR. WILLIAMS: I tender Dr. Marke for
12 examination.

13 JUDGE CLARK: And for Public Counsel
14 witnesses for first order of cross-examination I have
15 the Commission Staff.

16 MR. KEEVIL: Just briefly, Judge.

17 CROSS-EXAMINATION

18 BY MR. KEEVIL:

19 Q. Good morning, Dr. Marke. Are you familiar
20 with the -- with -- did you anticipate in Ameren last
21 Missouri rate case?

22 A. I did.

23 Q. And are you familiar with the order in
24 that case that ordered a rate modernization workshop?

25 A. Yes, I am.

1 Q. Has that workshop ever taken place?

2 A. It has not materialized today.

3 Q. Now, conceptually, would it make sense for
4 that rate modernization workshop to conduct one or
5 more class cost of service studies in the workshop?

6 A. I believe so.

7 Q. As part of that workshop process, relevant
8 data can be placed into the record rather than buried
9 in data requests and discovery conferences. Is that
10 your understanding?

11 A. Yes.

12 Q. Is that -- is that a good thing?

13 A. No. No. We -- you know, ideally you want
14 that data to be as transparent to stakeholders as
15 possible.

16 Q. Okay. So you would think it would be a
17 good thing that -- if the data was available?

18 A. I think I misunderstood the question.

19 Q. I think you did, yeah. Let me just -- let
20 me say it --

21 A. Sure.

22 Q. -- again.

23 As part of that workshop process, relevant
24 data can be placed into the record rather than buried
25 in data requests and discovery conferences.

1 A. Yes.

2 Q. And would you believe that's a good thing?

3 A. Oh, absolutely.

4 Q. Okay. Now, if you would design time-of-
5 use rates, would you consider only average embedded
6 costs, or would you want information on certain
7 marginal costs?

8 A. I think I would want as much information
9 as I could have available to make an informed
10 decision.

11 MR. KEEVIL: Okay. Thank you. That's all
12 I have, Judge.

13 JUDGE CLARK: Any cross-examination from
14 MIEC?

15 MS. PLESCIA: No questions. Thank you,
16 your Honor.

17 JUDGE CLARK: Any cross-examinations from
18 MECG?

19 MR. OPITZ: No, thank you, your Honor.

20 JUDGE CLARK: Any cross-examination from
21 Sierra Club, NAACP and MCU?

22 MR. THOMPSON: No questions, your Honor.

23 JUDGE CLARK: Any cross-examination on
24 behalf of Renew, being that Mr. Linhares is
25 participating via Webex? Okay. I have not heard

1 from him. Any cross-examination from Consumers
2 Council of Missouri? They are also not here. Any
3 cross-examination from Ameren?

4 MS. GRUBBS: Yes, your Honor.

5 JUDGE CLARK: Go ahead.

6 CROSS-EXAMINATION

7 BY MS. GRUBBS:

8 Q. Regarding class cost of service,
9 Dr. Marke, you agree that class cost of service
10 studies rely on a host of simplifying assumptions in
11 order to produce workable results. Right?

12 A. I do.

13 Q. And you've been involved in the Ameren
14 Missouri general rate cases for the last ten years
15 probably. Right?

16 A. Yes.

17 Q. Would you agree that Ameren Missouri's
18 class cost of service methodologies have been
19 relatively consistent over that ten-year period?

20 A. I would.

21 Q. At -- if I could point you to your
22 Surrebuttal testimony, sir.

23 A. Sure.

24 Q. And specifically page 26.

25 A. I'm there.

1 Q. So I was just generally going to look at
2 lines 12 through 14, but you describe the various
3 parties' class cost of service studies and
4 recommended -- recommendations at this point quite,
5 quote, a mess. Is that right?

6 A. That's correct.

7 Q. You agree that the results of Staff's
8 study in this case versus the other parties' studies
9 are materially different. Correct?

10 A. Yes.

11 Q. And the difference between the other
12 parties' class cost of service study and Staff's
13 study results or Staff's study result from the
14 significant changes in approach that Staff is
15 proposing in this case?

16 A. Those are the -- that is the primary
17 difference.

18 Q. And you don't disagree with Company
19 witness Thomas Hickman that the allocator used by
20 Staff for distribution assets is, in effect, an
21 energy allocator?

22 A. That's a good question. My review of
23 Staff's methodology, it's been a while, but I don't
24 know if I would characterize it as a straight energy
25 allocator.

1 Q. So you would disagree with Company witness
2 Thomas Hickman that the allocator used by Staff is an
3 energy allocator applied to distribution assets?

4 A. I don't think I can say at this moment. I
5 think I'd need to look back at it.

6 Q. Do you recall being deposed on Friday,
7 March 17th of 2023?

8 A. I do.

9 Q. And it was with regard -- or you were
10 deposed with regard to this case. Is that right?

11 A. That's correct.

12 Q. Okay. And I have a copy of the full
13 transcript, but do you recall the following exchange,
14 that counsel for Ameren asked, Do you have any
15 reasons to doubt that Mr. Hickman is correct, that
16 the allocator used by Staff as an energy allocator
17 applied to distribution investments. And your answer
18 being, That -- that I don't disagree with.

19 A. If that's what the transcript says, that's
20 what I said.

21 Q. And do you recall during -- or at the
22 conclusion of your deposition, counsels agreeing that
23 even if you hadn't signed the errata or signature
24 sheet for your deposition, it would be deemed signed?

25 A. Yes.

1 Q. Do you remember that?

2 Do you believe the cost driver for
3 distribution investments like poles, meters, and
4 conductor to be total energy consumption?

5 A. I think historically that was a reasonable
6 way of looking at things. I'll tell you this,
7 Staff's methodology has challenged my assumptions on
8 a lot of that. In short, the -- what we're
9 experiencing here when we talk about rate
10 modernization and rate -- whether it's rate design
11 changes, I think what we're finding, at least in the
12 cursory data that I've seen with Evergy and to a
13 certain extent with Empire as well, is a lot of stuff
14 that's challenging our assumptions about
15 how customers are using their electric bills. Some
16 of that might be COVID specific, that we're looking
17 at a data that maybe represents an outlier to how
18 things are going, but -- but I think that's a healthy
19 thing.

20 I mean, so what you've got are two
21 separate things going on. We've got a methodology.
22 The NARUC manual, it's been around since '92. It's
23 been moving forward with certain assumptions and
24 methodologies about how we conduct a class cost of
25 service study running in contrast with what's going

1 on in the market. And what do I mean by that. Coal
2 plants for example. Coal plants being, you know,
3 under the NARUC manual I would sit there and say that
4 that's very much a base-load plant. And we're
5 getting closer to the point where those plants aren't
6 necessarily operating in that manner all the time.

7 That's not to disparage, you know, the '92
8 manual. I -- I think that still offers a good
9 framework. But to suggest that's the only way of
10 looking at things I think -- well, I think my opinion
11 on that's changing as the evidence changes with it.

12 Q. And you're aware that the class cost of
13 service studies presented both by Staff and the
14 Company are embedded, so they --

15 A. Uh-huh.

16 Q. -- rely on historical costs. Correct?

17 A. I am, yeah.

18 Q. And do you recall, I think we've already
19 established you recall being deposed on March 17th of
20 this year in this case?

21 A. I do.

22 Q. So do you recall the following exchange,
23 Ameren's counsel asked, Do you believe that the cost
24 driver for distribution investments, examples, poles,
25 conductors to be total energy consumption. Is that

1 the cost driver for those investments, those
2 distribution assets. And your answer was, No.

3 Do you recall that exchange?

4 A. If that's what the transcript says.

5 Q. So based on the historical information and
6 the embedded-cost studies, you don't believe that the
7 cost driver for those investments, distribution
8 investments to be total energy consumption. Is that
9 correct?

10 A. Correct.

11 Q. So I believe Staff counsel was asking you
12 some questions, but I want to make sure I understand.
13 Do you think it would save potential time if the mess
14 as you called it of diverging class cost of service
15 studies is cleaned up with a bit of guidance from the
16 Commission on what methodologies are reasonable
17 before that working docket commences?

18 A. I'll tell you what -- what changed my mind
19 on that is I believe in my -- my deposition I -- I
20 said, yes, it -- you know, that getting some guidance
21 from the Commission would be helpful.

22 I think it was Mr. Opitz' opening
23 yesterday that really challenged that. And I think
24 Commissioner -- Chairman Rupp has asked Mr. Opitz
25 whether or not guidance would -- you know, if you

1 went with a certain thing, would, you know, this be
2 set in stone; would -- would commercial industrial
3 customers always argue for average and excess. And
4 I -- I struggle with absolutes, especially in the
5 world that we operate today.

6 Mr. Opitz gave the example of, you know,
7 what if we were deregulated. I think that's an
8 extreme example. I think what you're seeing right
9 now that's challenging my assumptions is different
10 load shapes, different end users, the proliferation
11 of distributive energy resources. Now, I don't think
12 that's stuff that's necessarily going to have a
13 profound impact if we were to meet next month or the
14 summer over this rate case, but -- but to dismiss
15 that out of hand. And that -- that would be my
16 concern with having the Commission give their
17 blessing to one methodology that was produced 30
18 years ago and saying that's what we should do.

19 I'll take it a step further, and I think
20 it's misleading to suggest that the industry standard
21 is somehow average and excess. We've talked a lot
22 about bias confirmation. I think what you're seeing
23 there -- and I am familiar with a lot of states and
24 methodologies that are utilized there. I think what
25 you're seeing primarily who files class cost of

1 service studies outside of the company. In some
2 states -- I mean, we're -- we have a luxury here with
3 the Public Service Commission staff devoting as much
4 as time as they do with class cost of service studies
5 and working towards what I think is alignment in how
6 the PSC is putting together rate modernization and
7 the guidance that we have been given on time-of-use
8 rates. In some states they don't even have staff
9 that produces a class cost of service study, end
10 stop.

11 What you do see are commercial and
12 industrial customers that have a very vested
13 financial interest in producing a class cost of
14 service study with what I would characterize as a
15 specific lens, a specific perspective on how the --
16 the cost of service should be allocated. You know, I
17 think because of that you're getting a biased sample
18 when -- when we're generalizing about what takes
19 place, you know, across the area.

20 What you have seen in the last five years
21 is you've seen NARUC take an active interest in rate
22 modernization, produce several White Papers that I
23 think align with Staff's methodologies. You've seen
24 respected institutions like the Regulatory Assistance
25 Project move forward with that I think. And all of

1 that's necessary. I mean, all of that is absolutely
2 necessary when we take in consideration our changing
3 modernization of our grid and the customers that we
4 serve.

5 So I think in my deposition I gave an
6 answer that was largely predicated on are we going to
7 make any progress if we are agreeing to disagree when
8 we get into that. Having Commission guidance on that
9 would certainly minimize that if the Commission were
10 to say, We're using this methodology and nothing
11 else, so I agree with that. I mean, it would
12 minimize conflict if they said, We're only going to
13 do one thing and that's the only way we're going to
14 look at this.

15 I would recommend highly against that.
16 Just, I mean, when the facts change, your opinion
17 should change. When rate structures and the cost of
18 service changes, we should have a methodology that
19 adapts and moved towards that. So I've modified my
20 answer I guess from my deposition a couple weeks ago.

21 Q. Well, has OPC changed its position then
22 on -- well, so does OPC support Staff's proposed
23 revenue increase allocation which is based on its
24 direct class cost of service results as presented in
25 their position statement?

1 A. So I can't speak for OPC. I would have to
2 get, you know, further dialogue with Mr. Poston on
3 this. Our position in our -- in my Surrebuttal
4 testimony, you know, that recognized that there's --
5 there's some tension between the groups that have
6 filed class cost of service studies, and our overall
7 recommendation was effectively an equal percentage
8 increase across the board. And that was largely due
9 to the overall size of Ameren Missouri's rate
10 increase.

11 Q. So just so I'm clear, in Staff's position
12 statement -- have you reviewed Staff's position
13 statement?

14 A. I have not, no.

15 Q. So you're not aware that they are not
16 recommending an equal percentage allocation across
17 classes, that instead they are recommending that the
18 LGS class should receive an initial increase in its
19 revenue responsibility of approximately 3.75 and the
20 LPS and SPS classes a 7 and a half percent increase.
21 Then the remaining increase be allocated equally
22 across all nonlighting classes?

23 A. And, Ms. Grubbs, what I would say is that,
24 you know, Public Counsel always operates from the
25 assumption that we represent all classes. We're not

1 just a residential consumer advocate; we're looking
2 at large power, small general, all of it. And the
3 feedback that I received was, in totality again,
4 against the rate increase that was being requested.
5 We had requested that it be an equal increase across
6 the board, across classes, with the exception of
7 company-owned lighting.

8 Q. So just so I'm clear, you haven't changed
9 your position?

10 A. We have not.

11 Q. Okay. With regard to the customer charge.

12 A. Yes.

13 Q. In your Surrebuttal testimony you describe
14 that from a customer's perspective, costs should be
15 avoidable so that if a customer chooses not to
16 purchase a good or service, the customer has no
17 residual obligation to pay some portion of the cost
18 to provide that good or service. Do you recall that
19 generally?

20 A. I do.

21 Q. So once a customer makes a decision to
22 connect to the grid and take electric service, from a
23 customer charge perspective, things like the cost of
24 the meter, the service line, the poles, the
25 transformer, the postage for mailed bills, that won't

1 change based on the amount of energy the customer
2 consumes or the timing of when they consume that
3 energy, will it?

4 A. No.

5 Q. And Ameren Missouri has an obligation to
6 serve any new customers that meet the eligibility
7 requirements that as set out in Ameren Missouri's
8 tariffs. Right?

9 A. Yes.

10 Q. So if the customer requesting service
11 doesn't pay the cost to connect their residence to
12 service, that cost is going to be borne by all
13 customers. Correct?

14 A. Yes.

15 Q. And keeping the customer charge low by
16 shifting some of the customer-related costs to the
17 energy charge could hamper or undermine
18 electrification efforts such as adoption of EVs,
19 could it not?

20 A. For that niche issue, and I -- I would
21 caution -- I guess I don't believe I can give yes/no
22 answer. I guess I would say yes with qualifications.

23 Q. So your answer would be it could, but
24 you'd have caveats to that?

25 A. Oh, yeah.

1 Q. Okay.

2 A. Yeah.

3 MS. GRUBBS: Those are my questions.

4 Thank you for your time, sir.

5 DR. MARKE: Thank you.

6 JUDGE CLARK: Any questions from the
7 Commission? I hear none. I've got a few questions
8 for you.

9 QUESTIONS

10 BY JUDGE CLARK:

11 Q. Setting aside what the actual proposed
12 customer charges are, setting aside those numbers,
13 what's OPC or what's Public Counsel's position on
14 having different customer charges for different --
15 for the different residential class rate plans such
16 as being proposed by Ameren?

17 A. It's a good question. So in general we
18 take a pretty strong position on the customer charge
19 and there's been a couple different answers regarding
20 that. You know, give customer control over their
21 bills, more in line with cost causation. I'm going
22 on throw out a third one that could help illustrate
23 our position and how that relates to multiple
24 different customer charges, and that would be
25 economic regulators. Like the whole process of being

1 here today, it's economic regulation. I mean, that's
2 the impetus behind this. Now, since then there might
3 be other policy considerations that have moved
4 forward and other things, but effectively what we're
5 talking about is a natural monopoly.

6 And what this -- as I deem this whole
7 process is it's a proxy for the market. We're trying
8 to illuminate that as much as possible. There's a
9 risk and reward that's inherent in just about every
10 decision that we're talking about, whether that's
11 Ameren's investments or how we design rates and the
12 company's exposure to fluctuations in their revenue
13 recovery. But it's a proxy for the market.

14 Every other company that operates out
15 there in the free market has to face those inherent
16 difficulties and risks. We deal with that. And
17 through the ROE, through earned opportunities for the
18 utility to be -- not only be made whole, but to make
19 a profit.

20 What we have seen over the number of years
21 here is just an erosion of what I would characterize
22 as risks or risk shifting. Every -- every acronym
23 surcharge that you have on there presents more
24 certainty for the customer -- or for the company.
25 Trackers, decoupling mechanisms, PISA, all this. And

1 the customer charge equates to that as well.

2 And the illustration that I gave if you
3 think about it, we wouldn't charge you \$20 to just go
4 into Gerbes and have the ability to go ahead and buy
5 food, but that's effectively what that customer
6 charge is doing right now. I recognize that it
7 shouldn't be zero and that there's good policy
8 reasons for, you know, making sure our utilities are
9 healthy. And believe me, they're healthy. But the
10 idea that it should -- it should mirror or try to
11 mimic marginal cost and what's taking place within
12 that market as much as possible is a priority, at
13 least from my perspective.

14 So with that in mind, ultimately I don't
15 think it matters that much. I think you can make a
16 compelling case for different numbers. But given --
17 moving forward with -- with billions of dollars of
18 investment for MiA and demand-side management
19 programs, for the whole concept of time-of-use
20 rates -- rates in trying to enable customers having
21 more control. Well, by increasing that customer
22 charge based off of one perspective of a methodology,
23 you're diminishing that price signal. You're
24 diminishing that ability to control that and
25 ultimately undermining what I believe is the effort

1 that the Commission has put forward and really the
2 underlining impetus behind this huge investment of
3 AMI technology to begin with.

4 Q. I'm going to ask a compound question here,
5 but I think it's -- it's appropriate as it's done.
6 And that is what do you think the pros and cons of
7 having a different -- different customer charges are?

8 A. So the cons are potentially customer
9 confusion over it. I would say that's prob -- in
10 practice, it's probably fairly minimal. I think most
11 customers are probably oblivious to exactly what
12 they're being priced because they're not being
13 charged it on the moment of consumption. Again,
14 giving the Gerbes example. If I go there and I buy a
15 gallon of milk, I know how much I'm paying. With my
16 electric bill I'm not getting that for a month later.
17 And that requires -- there's a bit of a
18 disjointedness in the actual consumption and when I
19 actually see that price signal.

20 So I'm a cooperative customer right now
21 and I can tell you that we've got a very high
22 customer charge. And that customer charge -- talking
23 to my family, you know, my wife -- because we were
24 Ameren customers a little -- long -- you know, not
25 too long ago and we had to -- as you imagine, I'm a

1 very conscious of how much energy we consume. Spent
2 a lot of time with MiA and everything else. So we've
3 got an insulated home. It's energy efficient. So
4 when my wife asked me that same proposition, like, Do
5 we need to be on top of this, financially, no. We're
6 going to end up paying the same amount whether or not
7 you keep those lights on or not because we've got
8 such a high customer charge.

9 And that's going to -- so our efforts in
10 terms of conversation, our efforts in terms of
11 controlling our bill, well, it'll be more stable. So
12 that's what you're getting with a fixed cost being
13 embedded and being pushed out to that. And I believe
14 that runs counter to a lot of other policy
15 directives.

16 And I know -- you had asked Mr. Wills some
17 questions that he had struggled with in terms of,
18 well, if your study said this, why's Ameren proposing
19 this, something different. And in part it's -- it
20 goes back to those Bonbright principles that a lot of
21 times contradict each other. How do you, you know,
22 enable customer control but make sure the company's
23 made whole. How do you -- and it's a juggling act,
24 and it's one that's constantly evolving. It will be
25 one that will constantly be argued with long after

1 I'm gone, if we're still operating under this -- this
2 paradigm.

3 So pros, Ms. Grubbs makes a good one in
4 terms of like EV consumption. If I'm a customer
5 that's using a lot of energy, if I've got an electric
6 space -- or if I've got a heat pump, if I've got an
7 EV car that's being generated there, I'll pay less
8 ultimately.

9 Now, I'm struggling here a little bit
10 because the other element to this is that time-of-use
11 element, right. So I say I'm paying less. Obviously
12 it's going to depend on when I'm using that
13 consumption. But all things being equal if I'm
14 shifting costs from fixed to variable, I'll have more
15 consistency and probably -- I mean, if you're
16 conscious of it, probably a perverse incentive to
17 probably use more than you otherwise would.

18 Q. You used an analogy of going into a
19 grocery store. And I know that I've thought about
20 this and I've often thought about, you know, the idea
21 of no customer charge as the idea of renting a car
22 and thinking that all you have to pay for is the gas
23 rather than the rental of the car itself. And I
24 realize that's an imperfect analogy.

25 What are you getting for your customer

1 charge? And this kind of goes to the benefits, but
2 I'm just trying to clarify a little more. What do --
3 you say you have a high customer charge. What's your
4 gain from that?

5 A. So I'm going to answer that, like, in two
6 parts because -- and both parts are somewhat very
7 different. The first part that I'm going to answer
8 is just the nature of embedded versus marginal cost
9 structures that we operate in here and how that is,
10 because this is an natural monopoly and there are
11 lumpy investments, it's huge capital dollars that
12 we're putting in there that need to be recovered
13 over -- over many years, maybe even generations. It
14 requires more of an adherence to accounting
15 principles to make sure that a company is made whole,
16 that they don't -- that they are financially sound,
17 that we're able to move forward with things.

18 That -- that same principle does not apply
19 necessarily to Gerbes. That same principle does not
20 necessarily apply to a pizza restaurant that is
21 dependent on those customers coming in and making
22 those costs. You still have -- they have still have
23 to cover their fixed costs, but if they don't, they
24 go out of business and that's the market at work
25 here.

1 We -- what I would characterize what we do
2 here with utility regulation is a balancing act
3 between those two. And that customer charge, this is
4 the second part of this, is -- is a way to mitigate
5 that, in part. The additional, the second part of
6 this is what do you get out of this. You -- you
7 can -- I could sit here with a straight face and say
8 that there are -- there are costs within that
9 distribution allocator that are fixed that should be
10 recovered there. But it's a judgment call.

11 You know, my testimony goes into this and
12 quotes Bonbright directly on this specific issue. I
13 think he used the word that, you know, analysts
14 essentially fudge these numbers, you know, because it
15 isn't a clear direction. That's -- that's just how
16 it is.

17 But the benefits from it from a customer
18 standpoint, it goes back to what I said earlier. If
19 I've got more fixed costs, if I've got -- it's a --
20 if I was just paying a straight hundred dollar say
21 customer charge that covered and made sure the
22 company was being made whole, it would be a
23 buffet-style pricing signal that -- where I could
24 definitely consume as much energy as I wanted and
25 that would effectively have a feedback loop in

1 encouraging further investment and further build up.

2 So each one of these issues builds off of the next.

3 So, you know, I think I've got examples,
4 probably not in this testimony but in the past I've
5 done sort of a flowchart of a revenue requirement.
6 And moving that revenue requirement the next day to
7 be in the cost allocation, how you divvy up that pie,
8 how big is the pie, how you divvy up that pie, and
9 then effectively how you're pricing that. But how
10 you're pricing that's going to influence the future
11 revenue requirement. So if we're pricing things in
12 such a way to encourage consumption or to ensure
13 greater recovery, depending on how you look at it,
14 that can have the unintended impact of increasing
15 consumption and increasing future investment moving
16 forward. Pricing matters I guess is the long short
17 of it. I'm trying to get a lot in there. I can --
18 I'll stop there.

19 Q. Are you aware of any other jurisdictions
20 that have different customer charges for different
21 residential rate plans?

22 A. It wouldn't surprise me. I -- not off the
23 top of my head. Let me think for a second. Gosh.
24 We might have already had some here in Missouri.
25 Yeah. I'm looking over at Sarah here, but -- she

1 said Ameren. I'm thinking even Evergy had -- had
2 different customer charges for space-heating
3 customers versus -- I mean, if we really go back, I'm
4 sure that's been the case. I mean, we've had, you
5 know, rate designs that have encouraged consumption
6 like space heating for the declining block. You
7 know, really in the '50s and '60s, I mean, that was
8 designed to -- you -- with the proliferation of air
9 conditioners and everything else, it was very much a,
10 I guess what we would characterize as a promotional
11 rate now, but I wouldn't be surprised.

12 So here in Missouri we have.

13 Q. And you indicated that, at least in regard
14 to one of the things that Ameren asked you, that --
15 that since that deposition your assumptions have been
16 challenged in regard to certain things. Has the
17 proposition of having different customer charges for
18 different time-of-use rates challenged your
19 assumptions in any way there?

20 A. I have not given it a lot of thought. My
21 knee-jerk reaction is to support a low customer
22 charge, not a zero customer charge, but a low
23 customer charge. I can hold more than one competing
24 idea in my head, so I can see a rationale where you
25 can -- you can justify having a different customer

1 charge for a customer that might be more aligned with
2 that. I guess I don't have a real strong opinion.

3 I think from -- and one of the Bonbright
4 principles really is to simplicity and getting that
5 issue across. With that in mind, my recommendation
6 to the Commission today would be to keep the
7 customer -- residential customer charge uniform
8 across the board.

9 I'll throw out one more caveat that might
10 add some to that. I might have a different opinion
11 on that if this was Evergy that was fully deployed
12 with AMI meters and, you know, has done a number of
13 studies on this. Ameren isn't as far along in that
14 process; two-thirds I think is where we're at in
15 terms of full deployment. So there's room, you know,
16 for -- for working towards something.

17 Q. Speaking of AMI, Staff has proposed moving
18 towards time-of-use rates within a month of switching
19 to AMI. How would customer education have to change
20 to accommodate that?

21 A. It's a good question. I've been in a fair
22 amount of customer education time-of-use workshops,
23 conferences, meetings with all of the companies.
24 Ultimately I don't think the concept is that
25 difficult to understand. We had time-of-use pricing

1 with telephones before, day/night versions. This
2 isn't -- I think even a lot of customers incorrectly
3 assume they are actually being charged different
4 based off of, you know, the time of day.

5 I am sympathetic to the Company's
6 considerations in terms of what they need to do on
7 their IT side, what they need to do in terms of
8 educating customers in making that happen. I've got
9 no reason to doubt those assumptions. But like
10 anything, I think it's a matter if you want to throw
11 money at it, you can make it happen.

12 In terms of the education within a month,
13 so the big concerns you're going to have here are --
14 the vast majority of their customers already have it.
15 Really the concern comes down here, your Honor, how
16 big the differentials are going to be. That's it. I
17 mean, it probably won't have too big of an impact if
18 the differentials are fairly small. Customers
19 probably won't even be aware of it. If the
20 Commission elects to go with something with a greater
21 delta, then the risk increases potentially. The
22 payoff increases; the reward increases as well.

23 So I'm not sure I answered your question
24 really well. A month seems quick.

25 Q. At the same time OPC or Public Counsel

1 indicated it did not oppose a month lead-in time. Is
2 that correct?

3 A. That's correct.

4 Q. But it sounds like from what you're saying
5 that you don't really support a shortened lead-in
6 time either?

7 A. I don't think we have a real strong
8 opinion on that. I -- I'm going off of my gut
9 reaction here. I haven't been tasked with actually
10 trying to roll one of these out on the IT side. I
11 think, you know, having spoken with Ameren about it,
12 I think that makes sense, but I absolutely understand
13 where Staff is coming from in terms of we are sitting
14 on issues, we're -- we're dragging our feet. And
15 intuitively this isn't that difficult of a concept to
16 get across. I really agree with that.

17 Again, the issue comes down to those
18 differentials. And then really what you're being
19 exposed to is if it -- well, it depends on how it --
20 how it's designed. How -- say 10 percent of the
21 customers that might see a real profound impact on
22 their bills negatively, you know, probably more than
23 that with -- with a number that's better. I have --
24 and I'm saying that based off of other utilities'
25 load shapes that I've looked at. I don't know -- I

1 can't speak right off the top of my head with Ameren,
2 which again, you know, kind of points the way of why
3 data's important and hopefully that this future rate
4 design docket, if we intend to move forward with
5 that, can help expose a little bit more.

6 Q. If Public Counsel had to propose a lead-in
7 time that they could support, what lead-in time would
8 Counsel Public choose?

9 A. Well, I'll split the difference. I'll say
10 three months.

11 Q. And kind of going back to an earlier
12 question, what changes would need to be made to
13 customer education to accommodate a three-month
14 lead-in time?

15 A. So I spoke with a utility executive about
16 this not too long ago and he was of the opinion that
17 it only took 90 days, 90 days to go ahead. And
18 anything more than that is improperly working up
19 customers, maybe negatively. But 90 days was
20 effectively what you needed to do.

21 And that would start with an email
22 campaign, bill inserts, billboards, any number of
23 things. And we can -- I think reasonable minds can
24 kind of dis -- agree to disagree as to what the
25 proper venue for that information is.

1 Where you've seen it, full deployment of
2 time-of-use rates and I go back to this, like
3 two-thirds of their customers already have time-of-
4 use rates, so really it just comes down to the
5 differentials and how big that is. So it would be --
6 I think it's going to be a challenge anytime you do
7 something first.

8 So if we are talking about a big, large
9 differential and you're moving that forward, that's
10 going to be a challenge in conveying that
11 information, but -- because it's their first time
12 really doing it. Not to say, like, they haven't put
13 out information, but -- and I think Chairman Rupp
14 used this as example, that he just got information
15 like a week ago about his AMI and how that's going to
16 be impacted. I would imagine that rolling it out
17 across the board would require more of a universal, a
18 general education plan, and that might not -- I --
19 I -- now that I'm saying this out loud, I can see
20 where there could be lot of confusion over this.
21 Because if you're an Ameren customer in Jefferson
22 City, you might not get that meter until later this
23 year. So if you're getting information on that time-
24 of-use rates, there's going to be a delay.

25 JUDGE CLARK: Okay. Thank you. That's

1 all the questions I have for you. Is there any
2 recross based upon bench questions? Staff.

3 MR. KEEVIL: Yeah, very briefly.

4 RECROSS-EXAMINATION

5 BY MR. KEEVIL:

6 Q. Dr. Marke, there was extensive discussion
7 there between you and the judge about customer
8 charges. Are you aware that Staff's concern with
9 Ameren's proposal in this case is that the Ultimate
10 Saver rate would be marketed as a low-cost option for
11 customers concerned with the size of their customer
12 charge?

13 A. I am aware of that.

14 Q. Now, do you agree with Staff's concern?

15 A. I am. And -- and as I understand Staff's
16 concern, it's framing it as this is cost savings.
17 And this was a similar issue that had come up in
18 Arizona is my understanding when they tried to roll
19 out time-of-use rates in terms of their marketing,
20 and this really extends even to the name of it,
21 Ultimate Savers, and this concept. And in the last
22 rate case, admittedly not a good one, I put out a
23 suggestion for, you know, Red or Blue or calling
24 those sort of savers as something neutral. But the
25 framing it as something that's a really, really good

1 savings rates, right, you know, is somehow misleading
2 or could create more problems than not. I think it's
3 a valid concern.

4 Q. You also mentioned in discussions with the
5 judge early on about one of the -- or I guess the
6 primary focus of what we do here is economic
7 regulation in an attempt to mimic the market, I think
8 you used that phrase. Are you aware of Ameren's
9 proposal in this case for their time-of-use tracker
10 mechanism?

11 A. I am.

12 Q. And how would you say that fits in
13 vis-a-vis your discussion of the market and mimicking
14 a market?

15 A. This is one of those issues where I just
16 want to throw my hands up in the air and sit there.
17 At what point are we -- at what point do we just sit
18 there and say, Would it just be easier, if we're
19 going to advocate all risk onto ratepayers, why don't
20 we just run it as a State entity like Nebraska and
21 move forward with that.

22 What gives me heartburn about this is the
23 General Assembly moved forward with planned and
24 service accounting SB 526 or 62 and giving the
25 option. You could do PISA or you could do

1 decoupling, but not both. We actually had one
2 utility that went the decoupling route and then said,
3 No, we're not going to do that; we're going to go
4 back to PISA. And that's how a huge boon for the
5 utilities. Look no further than their earnings
6 statements over the last few years across it; it's a
7 straight line up. That's regulatory certainty.
8 That's cost recovery. That's -- and it's all
9 designed to encourage investment and so forth.

10 But it has diminished the concept of
11 regulatory lag. It has diminished a lot of the
12 historical mechanisms that we've relied on,
13 regulators have relied on, stakeholders have relied
14 on to go ahead and provide that proxy for the market.

15 A tracking mechanism sounds innocuous. It
16 sounds like something, Oh, we're just going to track
17 how much they've lost or gained; it's no big deal.
18 But the assumption behind it is that they're going to
19 get that recovery back. And that's how their
20 investors are going to look at that. That's how --
21 that's embedded in that.

22 Now, can a future Commission say, No.
23 They could. My experience is that if it's being
24 tracked, it almost universally does get recovered on
25 to -- so my -- my objection to it is twofold. One,

1 it diminishes that economic regulation principle by
2 again shifting risk.

3 And two -- I can't remember my second one
4 now, but yeah. It's -- it is -- oh. I -- ultimately
5 then those customers are going to end up paying those
6 costs anyway. So Ultimate Savers, parenthetical, for
7 now, you know. It might be a more, you know, apt
8 description of that rate design.

9 And I'll throw a third one in there right
10 now. We don't know. We really, we don't know. You
11 could very well, you know, get into a situation where
12 customers end up paying, you know, a lot more. And
13 I'm telling you as a consumer advocate, given the
14 option between that risk of consumers potentially
15 paying more and not, I'll take it, because I don't
16 want to further erode the regulatory principles that
17 we've been operating under in this state for the past
18 hundred years.

19 Q. Somewhat related to that I think, under
20 time-of-use rates is it possible that we would --
21 because of the shifting of the usage, we'd actually
22 see more consumption?

23 MS. GRUBBS: Objection; this is beyond the
24 scope.

25 MR. KEEVIL: He was talking about the

1 perverse incentive earlier in response to the judge
2 and he was --

3 JUDGE CLARK: Mr. Keevil, what's the
4 question?

5 MR. KEEVIL: I was going to ask him --
6 well, the first question was is it possible that we
7 could use more -- you would have more consumption
8 under time-of-use rates than -- because of the
9 shifting in usage. And I think he said yes. And
10 then the follow-up question is just going to be, ask
11 him to explain that.

12 JUDGE CLARK: I think Ameren's saying
13 that's outside the scope of bench questions. Is that
14 correct?

15 MS. GRUBBS: That's correct.

16 MR. KEEVIL: But you talked about -- in
17 response to your questioning, he was talking about
18 what he termed the perverse incentive under time-
19 of-use rates I believe.

20 JUDGE CLARK: I don't remember that.

21 MR. KEEVIL: Okay.

22 JUDGE CLARK: I'm going to sustain the
23 objection.

24 MR. KEEVIL: Okay. I think that's all I
25 have then.

1 JUDGE CLARK: Thank you. Any further
2 cross based upon bench questions? Any redirect?

3 MR. WILLIAMS: No, thank you.

4 JUDGE CLARK: Okay. Dr. Marke, you may
5 step down.

6 DR. MARKE: Thank you.

7 JUDGE CLARK: Next up I have Consumer
8 Council's witness Hutchinson. Both Hutchinson's
9 Direct and Rebuttal were admitted onto the hearing
10 record yesterday and so that witness will not be
11 taking the stand. So next up I have MIEC's Witness
12 Brubaker.

13 Mr. Brubaker, would you raise your right
14 hand and be sworn.

15 (Witness sworn.)

16 JUDGE CLARK: Please be seated and would
17 you please say and spell your name for the record.

18 MR. BRUBAKER: First name is Maurice,
19 M-a-u-r-i-c-e, last name Brubaker, B as in boy
20 r-u-b-a-k-e-r.

21 JUDGE CLARK: Thank you. I'm going to
22 say I'm aware that there is a Staff motion to strike
23 this testimony that's still outstanding, isn't there?

24 MR. KEEVIL: No. That was Bowden I
25 think.

1 JUDGE CLARK: You're correct. I
2 apologize. Go ahead.

3 MR. KEEVIL: Judge, I might also say
4 regarding that motion, if the stipulation which was
5 filed earlier and we're going to have the
6 presentation on tomorrow -- yeah, tomorrow. If the
7 stipulation is approved, then that motion goes away.

8 JUDGE CLARK: It's moot.

9 MR. KEEVIL: Yeah.

10 JUDGE CLARK: And I kind of thought that
11 might be the case, but I wasn't going to inquire
12 about it at this point.

13 Okay. MIEC.

14 MS. PLESCIA: Thank you, your Honor.

15 MAURICE BRUBAKER, having been first duly sworn,
16 testified as follows:

17 DIRECT EXAMINATION BY MS. PLESCIA:

18 Q. Mr. Brubaker, by whom are you employed, in
19 what -- and in what capacity?

20 A. With the firm of Brubaker & Associates,
21 and my current title is president.

22 Q. Okay. And did you cause to be filed in
23 this case Direct, Rebuttal, and Surrebuttal
24 testimony?

25 A. I did.

1 Q. And those will be designated as
2 Exhibits 350, 351 and 352. Do you have any changes
3 or corrections to that testimony?

4 A. I do not.

5 Q. If I were to ask you the questions that
6 are set forth in those testimonies, would your
7 answers today be the same?

8 A. They would.

9 MS. PLESCIA: Okay. Then I'd go ahead --
10 go ahead and like to request to have the exhibits
11 admitted into the record at this time, 350 for
12 Direct, 351 Rebuttal, and 352 Surrebuttal. And if
13 those could be admitted, I would tend Mr. Brubaker
14 for cross.

15 JUDGE CLARK: And I don't believe I have
16 an exhibit list from you. Is that correct?

17 MS. PLESCIA: I thought we had turned one
18 in, but I will get that done right away.

19 JUDGE CLARK: You may have. Let me look.
20 Was that done today?

21 MS. PLESCIA: I think it would have, if
22 done. I -- my legal assistant, I saw some emails
23 from her a couple days ago, so. But I'll make sure
24 that that gets into the record immediately.

25 JUDGE CLARK: Okay. I don't see it.

1 That doesn't mean I didn't miss it. Would you go
2 over those exhibit numbers again please?

3 MS. PLESCIA: Sure. 350 for Rebuttal --
4 I'm sorry, for Direct, and 351 for Rebuttal, and 352
5 for Surrebuttal.

6 JUDGE CLARK: Are there any objections to
7 admitting Exhibits 350, 351, and 352 onto the
8 hearing record? I see and hear no objections.
9 Exhibits 350, 351, and 352 are admitted onto the
10 hearing record.

11 (MIEC Exhibits 350, 351, and 352 were
12 received into evidence.)

13 JUDGE CLARK: Please go ahead, MIEC.

14 MR. OPITZ: Do you mean MECG?

15 MS. PLESCIA: No questions for --

16 JUDGE CLARK: Did you tender your
17 witness?

18 MS. PLESCIA: I'm sorry, I thought I did.

19 JUDGE CLARK: You may have.

20 MS. PLESCIA: Yeah. I tender the witness
21 for cross-examination.

22 JUDGE CLARK: I apologize. I got off
23 track for a second. Okay. I have the first
24 questions for this witness from MECG.

25 CROSS-EXAMINATION

1 BY MR. OPITZ:

2 Q. Good morning, Mr. Brubaker.

3 A. Good morning.

4 Q. In the revenue allocation recommendations
5 in your Direct testimony, those were not based on a
6 particular revenue requirement, were they?

7 A. No. It was -- it was neutral. It was
8 based on how I would adjust rates at current levels
9 before an increase to move toward cost and then
10 overlaid with an average of whatever the increase is
11 that the Commission would find appropriate for
12 Ameren.

13 Q. And now that we do have a -- I'll say a
14 file revenue requirement stipulation, do you have --
15 have you done any calculations that would show what
16 your recommendation -- what the impact of your
17 recommendation would be for each class?

18 A. I have made those calculations, yes.

19 Q. Can you tell me, I guess first off, on an
20 overall, if it were allocated on an equal percent
21 basis, what would the increase be based on the
22 revenue requirement stipulation?

23 MR. KEEVIL: Judge, I'm going to object to
24 that. I think to the extent that this is attempting
25 to change position, which it sounds like it is, I

1 think it's totally inappropriate and contrary to the
2 commission rules on testimony. And secondly, I think
3 it's obviously friendly cross coming from one
4 industrial intervenor to the other industrial
5 intervenor's witness.

6 MR. OPITZ: Your Honor, I --

7 JUDGE CLARK: Mr. Opitz, first, before
8 you -- and I'm going to give you an opportunity to
9 respond. Before you respond, would you repeat the
10 question for me?

11 MR. OPITZ: I guess that particular
12 question isn't important, so I'll withdraw that
13 question.

14 BY MR. OPITZ:

15 Q. I'll say, Mr. Brubaker, under your
16 recommendation now that we know the revenue
17 requirement, what would be the increase for
18 residential class --

19 A. Based --

20 Q. -- on a percentage basis?

21 A. -- on my recommendation of moving 50
22 percent toward cost of service and using an
23 overall 5.14 percent which I think is approximately
24 correct, might be a little bit off on a decimal
25 point, but based on an overall average of 5.14

1 percent to move 50 percent toward cost of service
2 would increase the residential rates by an average
3 of 6.7 percent.

4 Q. How about the SGS class?

5 A. 5.6 percent.

6 Q. The LGS class?

7 A. 3.2 percent.

8 Q. And I guess the SP -- SPS class?

9 A. I have the two combined, so they would
10 both be 3.2 percent.

11 Q. LPS class?

12 A. 1.7 percent.

13 Q. Ameren lighting class?

14 A. 3.9 percent.

15 Q. And customer lighting class?

16 A. 14 -- 14 -- excuse me. 14.2 percent.

17 Q. Are there any classes that I missed?

18 A. There are not.

19 MR. OPITZ: Okay. That's all the
20 questions I have, your Honor.

21 JUDGE CLARK: Sierra Club, NAACP, and
22 MCU?

23 Mr. THOMPSON: No questions, your Honor.

24 JUDGE CLARK: Thank you. IS renew
25 Missouri on?

1 MR. LINHARES: Yes. No questions. Thank
2 you, Judge.

3 JUDGE CLARK: Consumers Council of
4 Missouri which is not present. Public Counsel?

5 MR. WILLIAMS: No, thank you.

6 JUDGE CLARK: Commission Staff?

7 CROSS-EXAMINATION

8 BY MR. KEEVIL:

9 Q. Excuse me. Mr. Brubaker -- Mr. Bru --
10 there we go, mic's working now. Introducing the new
11 recommendations that you provided today in response
12 to Mr. Opitz' question, did you use the same
13 rate-based values used in Ameren Missouri's revenue
14 requirement Direct testimony, or did you adjust rate
15 based values to correspond to the stipulation?

16 A. I adjusted the filed cost of service study
17 by Ameren, so. And then I adjusted the revenue
18 increase to match the stipulation.

19 Q. But did you adjust the rate-base values
20 underlying the study based on the stipulation?
21 Because the stipulation changes the rate -- Ameren's
22 rate base, does it not?

23 A. To some extent, yes, but it does so
24 somewhat proportionately. And so I -- my approach
25 which I outlaid in my Direct testimony was to scale

1 up or down based on what the overall average increase
2 awarded to Ameren is. So I think it proportionately
3 captures all those changes in the underlying values
4 of rate base, expenses, and so forth.

5 Q. If those costs were evenly distributed
6 across classes, would there even be a need for a
7 CCOS?

8 A. No, but they're not. And that's not --
9 wasn't the question that you asked me. You asked
10 me --

11 Q. I agree they're not.

12 A. Okay.

13 Q. In producing the -- excuse me. In
14 producing the new recommendations that you provided
15 in response to Mr. Opitz, did you use the same
16 expense values used in Ameren Missouri's revenue
17 requirement direct, or did you adjust the expense
18 values to correspond to the stipulation?

19 A. As in the case of rate-base values, no new
20 cost of service study was produced that would
21 articulate differences line by line.

22 Q. Okay.

23 A. What I did is what I recommended in Direct
24 testimony which was to proportionately adjust it.
25 And I think that's reasonable given the -- the nature

1 of the stipulation and the changes in revenue
2 requirements between the Company filing and the
3 stipulation filing.

4 Q. What were the changes between the Company
5 filing and the stipulation values?

6 A. They're laid out in the stipulation. I
7 think every -- everybody's looked at that. If you
8 want me to have a memory test on exactly what they
9 were, I would fail that test, but I will tell that
10 there were changes across the board in many
11 categories. And none of those changes caused me to
12 think that the results of the cost study would change
13 materially in relation to -- from one class to the
14 other.

15 Q. Was there an accounting of the changes
16 made between the direct filing and the stipulation?

17 A. I don't know what you mean when you ask
18 is --

19 Q. Well, let me -- let me rephrase that.
20 Would you agree that the stipulation is a black box
21 settlement?

22 A. In many respects, yes.

23 MR. KEEVIL: Thank you. Nothing further.

24 JUDGE CLARK: Any cross-examination from
25 Ameren Missouri?

1 MS. GRUBBS: Yes, just briefly. Thank
2 you.

3 CROSS-EXAMINATION

4 BY MS. GRUBBS:

5 Q. Mr. Brubaker, do you believe that the cost
6 driver for distribution investments like poles,
7 meters, and conductor to be total energy or timing of
8 energy consumption?

9 A. No. Has relatively little, if anything,
10 to do with energy consumption. It has to do with the
11 demands placed on the system which dictate the size
12 of the cables, wires, and everything else, and the
13 number of customers served which defines how
14 extensive the network is. So it's basically only
15 customers and demand. Energy flow has nothing to do
16 with it from a cost-of-service perspective.

17 Q. And just to clarify, you recommend the 4
18 NCP average and excess method for production
19 allocation. Correct?

20 A. Correct.

21 Q. But you don't recommend that same
22 allocation for distribution assets. Correct?

23 A. Correct. They're driven by many different
24 factors.

25 MS. GRUBBS: Okay. Thank you. I just

1 wanted to clarify that from your position statement
2 or your entity's position statement. Thank you.

3 JUDGE CLARK: Are there any Commission
4 questions for this witness? I hear none.

5 CHAIRMAN RUPP: No questions, Judge.
6 Thank you.

7 JUDGE CLARK: Thank you.

8 QUESTIONS

9 BY JUDGE CLARK:

10 Q. I only have one question for you that I
11 can think of. It's really more of a clarifying
12 question. You indicated that this was -- that your
13 adjustments were predicated on a 50 percent revenue
14 neutral shift for the residential class. Is that
15 correct?

16 A. Yes, Judge, for all classes. To move 50
17 percent of where we are toward the goal of cost of
18 service.

19 Q. Okay. So 50 percent revenue neutral shift
20 across all classes?

21 A. Correct.

22 Q. And if I understand, and you may not know,
23 but if I understand correctly, MECG's position is
24 somewhat different. Correct?

25 A. I believe it is, yes.

1 Q. Do you know how --

2 A. Somewhat.

3 Q. -- it's different?

4 A. I think not much. Well, I'm not going to
5 speak for Mr. Chriss. He has a different approach to
6 it. The concept of moving toward cost of service is
7 the same, but he gets there in a different way.

8 JUDGE CLARK: Okay. Thank you.

9 MR. BRUBAKER: Thank you, Judge.

10 JUDGE CLARK: And you may step down.

11 MS. PLESCIA: Excuse me, sir.

12 JUDGE CLARK: Oh, I'm sorry. I
13 apologize. You have -- there is redirect.

14 MS. PLESCIA: I have a couple questions
15 on redirect if that's okay.

16 JUDGE CLARK: Thank you for stopping me.
17 Any redirect from --

18 MR. WILLIAMS: Judge, I think I have a
19 question or two on recross after Commission
20 questions.

21 JUDGE CLARK: Okay. I just skipped over
22 all kinds of stuff. All right. Are there any -- are
23 there any recross questions based upon bench
24 questions? Go ahead Mr. Williams.

25 RE CROSS-EXAMINATION

1 BY MR. WILLIAMS:

2 Q. Mr. Brubaker, in response to a Commission
3 question you said that your recommendation is to
4 move 50 percent to I think it's probably class cost
5 of service?

6 A. Yes, yes. Toward class cost of service.

7 Q. Whose class cost of service are you
8 referring to? Yours?

9 A. I was using Ameren's in that example.

10 MR. WILLIAMS: No further questions.

11 MR. BRUBAKER: Which is very similar to
12 mine, if I might footnote that.

13 BY MR. WILLIAMS:

14 Q. Well, you are referring to a particular
15 class cost --

16 A. Yes.

17 Q. -- of service --

18 A. Correct.

19 Q. -- are you not?

20 A. Correct.

21 MR. WILLIAMS: Thank you. No further
22 questions.

23 JUDGE CLARK: Any other recross based upon
24 Commission questions for this witness? Redirect?

25 MS. PLESCIA: Yes, thank you.

1 REDIRECT EXAMINATION

2 BY MS. PLESCIA:

3 Q. Mr. Brubaker, you received some questions
4 regarding the revenue settlement that the parties
5 have proposed and that the Commission will be
6 considering. And I want to approach you with a
7 document regarding that issue. Mr. Brubaker, I'm
8 going to hand you a document which will become, we're
9 going to see if we can get it admitted as 354. And I
10 wonder if you could go ahead and describe this
11 document, explain if you recognize that --

12 JUDGE CLARK: I'm going to ask you to go
13 somewhere near a microphone.

14 MS. PLESCIA: Oh, I'm sorry. Sure.

15 JUDGE CLARK: Because it's being
16 broadcast, I want everybody to hear --

17 MS. PLESCIA: Oh, sure.

18 JUDGE CLARK: -- your question.

19 BY MS. PLESCIA:

20 Q. I would like, Maurice, Mr. Brubaker, if
21 you could go ahead and describe the document
22 identified and describe it for us?

23 A. Certainly. This is the document that I
24 prepared that enabled me to respond to Mr. Opitz's
25 question. And overall the objective is to move 50

1 percent of where we are now toward -- toward cost of
2 service. The cost of service is based on Ameren
3 Missouri's cost of service study.

4 So the first column on this schedule are
5 the percentage increases to get the cost service
6 under Ameren's proposed rate increase, the 11.6
7 percent based on Ameren's cost of service study.

8 The column two simply calculates the
9 percentage increase for each class in relation to the
10 overall 11.6 percent. So that says that the
11 residential class would require 1.6 times the average
12 increase of 11.6 percent to get to cost of service.
13 LPS, for example, would require a slight decrease in
14 revenues to get to that -- to that point.

15 So then in column three, we calibrate
16 those increases to recognize that the settlement
17 increase is smaller than the overall increase that
18 was proposed by scaling it down. So that's simply
19 column two, which is the relative percentage changes,
20 times the overall increase of roughly 5.14 percent.

21 Then the final column, column four, is
22 where we determine how much the increase would be
23 over current rates based on the settlement and based
24 on the overall increase awarded, if it's 5.14
25 percent, to move 50 percent of the way toward cost of

1 service from where we are now.

2 So that's -- the footnote explains the
3 formula where it's basically, for every class, it's
4 the average increase plus 50 percent of the
5 difference between the average increase and where the
6 class is now, which is column three. So that's how
7 we get to 6.7 for the residential class. It's
8 essentially 5.14 percent -- 14 percent the average;
9 that's the average component. And then to get 50
10 percent of the way toward cost of service, we know
11 from columns three and four that the increase to get
12 to cost of service is 8.22 percent for the
13 residential class versus the average of 5.14.

14 So that difference times 50 percent, I
15 don't mentally have that quite in my mind yet, but
16 that difference times 50 percent added to the average
17 of 5.14 gives you 8.22 percent. Or -- yes. I'm
18 sorry. Gives you column four which is 6.7 percent,
19 the average plus half the difference. So if we
20 did that twice, we'd be at cost of service only
21 because of the impact that -- going out all the way
22 would be 8.22 percent for residential. Going halfway
23 is 6.7 percent for residential. If we went all the
24 way for LPS, it would be a decrease of 1.7 percent.
25 Generally don't recommended that when we have an

1 overall increase. So 1.7 percent gets LPS after
2 halfway there. Same -- same is true for all of the
3 other individual customer classes.

4 MS. PLESCIA: I don't have any further
5 questions for Mr. Brubaker. I would like to add that
6 this exhibit be marked again as 354 and that it be
7 admitted into the record.

8 JUDGE CLARK: Is there a 353 that I
9 missed?

10 MS. PLESCIA: That would be --
11 well, 350 -- you're right, Judge. It's actually 353.

12 JUDGE CLARK: And what would you call
13 this?

14 MS. PLESCIA: I would call it Brubaker
15 Hearing Exhibit Revenue Settlement Proposed Spread.

16 MR. KEEVIL: Judge, I have -- I have a
17 question related I guess to what Mr. Williams
18 asked earlier and as Mr. Brubaker was explaining
19 Exhibit 353. I didn't really -- this has to be --
20 this has to have been based on an underlying CCOS.
21 Right?

22 MR. BRUBAKER: Yeah. The percentage
23 increases in column one are based on Ameren's --

24 MR. KEEVIL: Ameren's CCOS.

25 MR. BRUBAKER: -- filed class cost of

1 service study.

2 And then I scaled it in column two to
3 get -- to adjust for the difference between the
4 stipulation revenue increase and the filed revenue
5 request.

6 MR. KEEVIL: Okay.

7 JUDGE CLARK: Are there any objections to
8 admitting Exhibit 353 onto the hearing record? I
9 hear and see none. Exhibit 353 the Revenue
10 Settlement Spread -- Brubaker's Revenue Settlement
11 Spread will be admitted onto the hearing record.

12 (MIEC Exhibit 353 was received into
13 evidence.)

14 MR. PLESCIA: Thank you. I have no
15 further questions.

16 JUDGE CLARK: And I believe that was
17 redirect. Correct?

18 MS. PLESCIA: Correct.

19 JUDGE CLARK: The next witness -- and
20 I -- MIEC doesn't have any other witnesses?

21 MS. PLESCIA: No. Thank you, your Honor.

22 JUDGE CLARK: The next witness I have --
23 and you may step down, Mr. Brubaker. I'm sorry; I
24 forgot.

25 MR. BRUBAKER: I didn't mean to jump the

1 gun.

2 JUDGE CLARK: Next witness I have is
3 Chriss for MECG. However, as I indicated earlier, it
4 is now 11:16 and due to a prior Commissioner
5 obligation, I wanted to take a break for lunch at
6 this time unless there are any objections from the
7 parties or, in fact, from the Commission. So are
8 there any objections to breaking for lunch at this
9 time?

10 MR. OPITZ: No objection, your Honor, but
11 I do want to note that Mr. Chriss is, I guess we
12 previously discussed about he would be available out
13 of order tomorrow.

14 JUDGE CLARK: That's correct. That's
15 right. I forgot we were going to take up Chriss on
16 Friday. So we'll be starting with Staff Witness
17 Lange I believe.

18 So why don't we all come back
19 at 12:30. That seems like an appropriate amount of
20 time for lunch. So we'll recess until 12:30, and we
21 will go off the record.

22 (Off the record.)

23 JUDGE CLARK: Let's go back on the
24 record. When we left off, we had just finished
25 MIEC's witness and we're getting ready to start

1 Staff's witness -- witnesses. Staff, you may call
2 your first witness.

3 MR. KEEVIL: Yes. Staff would call Sarah
4 Lange to the stand, Judge.

5 JUDGE CLARK: Is it Lange or Lange?

6 MR. KEEVIL: Lange.

7 JUDGE CLARK: I apologize. Ms. Lange,
8 would you raise your right hand and be sworn.

9 (Witness sworn.)

10 JUDGE CLARK: Please be seated. And if
11 you could state and spell your name for the record.

12 MS. LANGE: Sarah Linne Kliethermes,
13 L-i-n-n-e, K-l-i-e-t-h-e-r-m-e-s, Lange, L-a-n-g-e.
14 SARAH LANGE, having been first duly sworn,
15 testified as follows:

16 DIRECT EXAMINATION BY MR. KEEVIL:

17 Q. Ms. Lange, by whom are you employed and in
18 what capacity?

19 A. I'm employed by the Staff of the Missouri
20 Public Service Commission in the tariff rate design
21 department. My current title is economist.

22 Q. All right. Did you cause -- excuse me.
23 Did you cause to be prepared and filed in this case
24 Direct testimony, Rebuttal testimony, and Surrebuttal
25 testimony?

1 A. I did. As well as prepared information
2 that was submitted by a pleading.

3 Q. That's correct. Yeah. That was the Staff
4 response to April 4th order I believe. Is that what
5 you're referring to?

6 A. Yes. That's my recollection of the name.

7 Q. And going back to the testimony?

8 JUDGE CLARK: I'm sorry, did you say you
9 prepared that?

10 MS. LANGE: I prepared the contents
11 attached to the pleading.

12 MR. KEEVIL: The graphs attached to the
13 pleading, Judge.

14 BY MR. KEEVIL:

15 Q. Going back to the testimony, the Direct
16 testimony just for the record has been marked as
17 Exhibit 136, Rebuttal testimony has been marked
18 Exhibit 137, and Surrebuttal testimony has been
19 marked Exhibit 138.

20 Now, Ms. Lange, do you have any
21 corrections or changes you need to make to any of
22 those pieces of testimony?

23 A. I do. Mr. Wills' Surrebuttal brought my
24 attention to an error that I had -- in the language
25 that I ultimately included in my Rebuttal testimony,

1 I had edited it to a point that it became inaccurate.
2 So at page 55, lines 3 to 7, it currently reads,
3 Ameren Missouri requests increasing the customer
4 charges for most residential customer rate plans to
5 \$13. Is this reasonable.

6 Answer, No. Ameren Missouri bases this
7 request on finding the cost for rebuilding every inch
8 of its distribution system at primary voltage,
9 including every device, and then deciding each
10 customer in each class should pay the same share of
11 that total.

12 That answer beginning at line 5 should be
13 corrected to state, No. Ameren Missouri bases this
14 request on approximating the costs for every inch of
15 its distribution system at primary voltage, including
16 every device, and then dividing each cus -- and then
17 deciding each customer in each class should pay the
18 same share of that total.

19 Q. All right. That was in the Rebuttal
20 testimony?

21 A. Yes. At page 55.

22 Q. All right. Are there any other
23 corrections you need to make?

24 A. Not that I'm aware of.

25 Q. All right. Are the answers contained in

1 each of those pieces of testimony true and correct to
2 the best of your information, knowledge, and belief?

3 A. Yes.

4 Q. And if I were to ask you the questions
5 contained therein, would your answers be the same
6 here today?

7 A. Yes.

8 MR. KEEVIL: Judge, I would offer
9 Exhibits 136, the Direct testimony of Sarah Lange;
10 Exhibit 137, the Rebuttal testimony; and Exhibit 138,
11 the Surrebuttal testimony into the record.

12 JUDGE CLARK: Are there any objections to
13 admitting Exhibits 136, 137 and 138 onto the hearing
14 record? I see and hear none. Exhibits 136, 137 and
15 138 are admitted on to the hearing record.

16 (Staff's Exhibits 136, 137, and 138 were
17 received into evidence.)

18 MR. KEEVIL: Thank you. Now, Judge,
19 based on our discussion this morning, it was my
20 understanding that you were going to have questions
21 for Ms. Lange on the Staff response to April 4th
22 order regarding load data, primarily on the
23 attachments to that filing and that we were at that
24 time going to offer it into the evidentiary record.
25 Is that still the plan? Or do you want me to go

1 ahead and offer it I guess is my question?

2 JUDGE CLARK: I will leave that to you.

3 MR. KEEVIL: Let me go ahead and offer it
4 then. I think I'm up to Exhibit 182.

5 BY MR. KEEVIL:

6 Q. Ms. Lange, you said you prepared the
7 graphs which are attached to the Staff response to
8 April 4th order regarding load data in this case?

9 A. Yes. And to be clear, I prepared those
10 graphs based on Ameren Missouri's load research data
11 that was provided as a direct work paper which I did
12 the requested calculations that were in the
13 Commission's order directing a filing. And then I
14 reduced that information to the graphs that were
15 presented.

16 Q. And going back, what information from
17 Ameren was it based on?

18 A. It is based on the -- the hourly load
19 research results for the indicated period, and I will
20 defer now to what is on there. I forget if it was
21 test year or test year's updated at the -- at the
22 generation voltage at the class levels indicated.

23 MR. KEEVIL: Okay. Judge, I would go
24 ahead and offer Exhibit 182 or whatever I said. I
25 think it's 182.

1 JUDGE CLARK: Any objections to admitting
2 Exhibit 182 onto the hearing record?

3 MR. KEEVIL: And, Judge, that was also
4 prefiled obviously, not as testimony but it is filed
5 in EFIS. So I don't have extra copies, but it's
6 there electronically.

7 JUDGE CLARK: Okay. And I have a copy on
8 me. Has everybody had an opportunity to see that,
9 those graphs?

10 MR. KEEVIL: Yeah. It was filed over a
11 week ago, so everyone -- it was served on all the
12 parties at that time.

13 JUDGE CLARK: And just for information on
14 this record, these -- this load data was requested by
15 the Commission that thought it was critical to any
16 evaluation of class cost of service. So with that in
17 mind, if I didn't say it, Exhibit 182 is admitted
18 onto the hearing record.

19 (Staff's Exhibit 182 was received into
20 evidence.)

21 MR. KEEVIL: Thank you, Judge. I would
22 tender Ms. Lange for cross-examination.

23 JUDGE CLARK: And in order of cross as a
24 have it, I have Public Counsel.

25 MR. WILLIAMS: Thank you.

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CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. Ms. Lange, what's Staff's primary issue with Ameren Missouri's class cost of service study?

A. Can I seek clarity on if you're asking biggest dollar value difference or biggest concern?

Q. Concern.

A. There are -- there are two main ones. I guess if I have to pick one, it's the way that the mismatch between the treatment of low-to-no-cost generating resources costs and low-to-no-cost generating resource revenue. That's the biggest -- that's the -- that's the most glaring, I think, any objective reviewer would say, Oh, geez, that doesn't make sense issue.

But there are, of course, other issues, but that's -- that's the one I just can't wrap my head around how they chose to deal with it.

Q. What's the secondary concern?

A. So failing to make -- I guess acting on outdated data in the distribution system when we see things that just clearly don't make sense, not -- not taking a moment to think, Why are we allocating, you know. If I were Mr. Hickman and I found that 2 percent of overhead conductors are secondary, but I

1 believed that 10 percent of poles are secondary, I
2 think I would have to stop and say, One of those
3 numbers has to be wrong. They could both be wrong,
4 but I think that just -- just failing to do that sort
5 of reasonableness check is a big issue as well as not
6 making similar allocations for customers served above
7 secondary as are done for customers served at
8 secondary.

9 I mean, the literal differences are all
10 outlined in my Rebuttal testimony, but those are the
11 ones that, you know, I just think plainly are
12 problematic. As well as not accounting for the
13 demand-carrying capacity of the primary distribution
14 plant. That's just a -- that's just a shortcoming
15 you can't overcome.

16 JUDGE CLARK: Can I ask you to clarify
17 that, because I just don't understand that. I mean,
18 I don't understand it at all.

19 MS. LANGE: The primary issue?

20 JUDGE CLARK: Yeah. What you said your
21 major concern was in regard to distribution.

22 MS. LANGE: Okay. So the issue with the
23 minimum distribution plant, and this is something we
24 only learned in 2019. In 2019 we became aware that
25 when Ameren does a minimum plant study of its

1 distribution system, it is considering conductors
2 that operate at 12.4 kV. I think I'm getting my
3 units right there; I always have to stop and think of
4 my triangle, so I apologize if I attach the wrong
5 unit there.

6 But they are saying that the primary
7 distribution system, which is as you drive along the
8 highway, you know, the -- the wires that you see on
9 a pole that are going, you know -- well, I'm trying
10 to -- let me break this down as easy as I can.

11 The large primary customers and the small
12 primary customers are typically served at primary
13 voltages. So if you think of the sort of big
14 customer that would be served by those classes, that
15 is a primary voltage customer, okay. So do you have
16 a rough idea in your head of that size? So what we
17 learned in 2019 through some DR responses is that
18 when Ameren says, We're allocating out the cost of
19 the distribution system existing, they are doing that
20 at the cost of the poles and wires you would serve --
21 use to serve one of those customers. And now, you
22 use those poles and wires for a lot of other things
23 to be sure.

24 But when -- in the past when Ameren
25 represented that they had done a minimum size study,

1 we thought that meant minimum size study. And a
2 minimum size study is a customer served at, you
3 know, 110, 220 volts. It's a household. It's a
4 garage. It's a -- it's a customer. When we learned
5 that they were actually using, you know, these very
6 large components that you would expect to serve
7 thousands of those customers, that's when we said, We
8 can't do this this way. This doesn't make sense
9 anymore.

10 And so that's that issue. It is how do
11 we take this system that is designed and built not to
12 serve a single customer, not to serve a single
13 household, a single small business, but is instead
14 designed to be a bulk electric transfer system, how
15 do we say what part of that should be billed to every
16 customer by virtue of that customer existing. That's
17 when we started asking questions.

18 JUDGE CLARK: Thank you for that
19 explanation. I'm sorry to interrupt, Mr. Williams.

20 MR. WILLIAMS: No problem.

21 BY MR. WILLIAMS:

22 Q. Does that concern exist in the Vandas
23 study that Ameren Missouri relied on for doing its
24 class cost of service study in this case?

25 A. So the Vandas study purports to break down

1 four -- four accounts, 364, 365, 366, and 367. The
2 Vandas study, isolated from Mr. Hickman's work paper,
3 you know, as those results were presented, pasted
4 into Mr. Hickman's work paper --

5 Q. May I interrupt you first --

6 A. Sure.

7 Q. -- before you go on?

8 What are those accounts related to?

9 A. I'm sorry. 364 is distribution, poles,
10 towers, fixtures. 365 is distribution, overhead
11 conductor. 366 is distribution, underground
12 conduit. 367 is underground conductors. And I
13 should say 365 and 367 are conductors and devices.

14 Q. Thank you. If you'd like to continue --

15 A. I'll try.

16 Q. -- your response to the prior question.

17 A. So when we talk about the Vandas study,
18 you know, not only is it not filed in the case, what
19 is in Mr. Hickman's main CCOS work paper is different
20 than how Mr. Hickman implemented that study or
21 implemented those results in apportioning out the
22 pieces or the -- those -- how he apportioned out
23 those accounts into those different voltage buckets.

24 So if you go back to the Vandas study
25 that's provided in his -- in the work paper that he

1 doesn't -- you know, that he then scales these
2 percents, I discussed that in my Rebuttal testimony,
3 but it says, you know, as of 2009 assets adjusted
4 for 1994 data, you know, make up the number, we
5 believe that 5 percent of the assets in Account 26 --
6 or 365 are operating at secondary and 40 percent of
7 them are operating at primary and the rest of them
8 are operating at HV. And again, I'm making up the
9 numbers there, but hopefully that answers your
10 question and provides some clarity on what the Vandas
11 study does.

12 MR. WILLIAMS: Thank you.

13 JUDGE CLARK: Any cross-examination from
14 MIEC?

15 MS. PLESCIA: No questions. Thanks, your
16 Honor.

17 JUDGE CLARK: Any cross-examination from
18 MECG?

19 MR. OPITZ: No, thank you, judge.

20 JUDGE CLARK: Sierra Club, NAACP, and
21 MCU?

22 MR. THOMPSON: No questions, your Honor.

23 JUDGE CLARK: Renew Missouri?

24 MR. LINHARES: No questions. Thank you,
25 Judge?

1 JUDGE CLARK: CCMO is not here. Ameren?

2 MS. GRUBBS: Yes. Thank you, your Honor.

3 CROSS-EXAMINATION

4 BY MS. GRUBBS:

5 Q. Ms. Lange, if you would please turn to
6 your Surrebuttal testimony, and I am specifically
7 going to ask about page 20 of that.

8 A. I'm there.

9 Q. Great. So at line 16, that table that you
10 have there, that is described in your testimony as
11 showing the advance per customer value across the
12 different customer classes. Right? For example, if
13 we look at --

14 A. I believe it's customer advances and
15 deposits. It is whatever it was when Mr. Hickman
16 labeled it in his -- in his work paper.

17 Q. So just to clarify, at line 14 where it
18 describes that the advance per customer value as
19 indicated below and then you have your table, that
20 should be deposits as well as advances?

21 A. It is whatever Mr. Hickman included in his
22 table. I think the sentence before that has the full
23 term. I'll defer to whichever of those is the more
24 accurate, as I believe I indicated in my deposition.

25 MS. GRUBBS: Thank you. Those are all my

1 questions, your Honor, at this time.

2 JUDGE CLARK: Thank you. Any Commission
3 questions? I hear none.

4 COMMISSIONER HOLSMAN: No questions,
5 Judge.

6 JUDGE CLARK: Thank you, Commissioner
7 Holsman.

8 QUESTIONS

9 BY JUDGE CLARK:

10 Q. Before we delve into other stuff, what you
11 just explained to me about using customer
12 infrastructure not designed under the minimum use to
13 serve one customer, but as you said, serve thousands,
14 so it sounds like the study does kind of an overreach
15 there.

16 A. If what you're trying to do is find the
17 minimum system that would exist if all customers were
18 the smallest size a customer reasonably would be,
19 which I think is what the minimum distribution system
20 sounds like it's trying to do, using a primary
21 voltage is not a reasonable place to start. So
22 it's -- I guess it's an overreach in the extent that
23 it's not what a rationale utility would ever do and
24 it's not a reasonable exercise an analyst would take
25 to take to estimate something in lieu of -- because

1 sometimes in ratemaking we have to say, We know this
2 isn't how you would do it, but we're going to make
3 some assumptions to come up with what a relative cost
4 ought to be. It's not a reasonable way to do either
5 of those things.

6 Q. And that leads me to two additional
7 questions. What would you cite to as a source for
8 the -- for the idea that it is unreasonable to use
9 that primary voltage?

10 A. I believe in my Rebuttal testimony I went
11 into quite some detail pulling from the NARUC manual
12 that it's not reasonable. I would say that more
13 recent publications such as the RAP manual,
14 Regulatory Assistance Project manual, say that
15 minimum distribution system is a bad idea to begin
16 with. That it's not a question of how you do it;
17 it's a question of it's just not an appropriate thing
18 to do.

19 And, in fact, that's been the trend.
20 Missouri has moved away from minimum distribution,
21 certainly for customer charges. We've been using the
22 basic customer approach for quite a while now in
23 Missouri. And there's -- there's really not a reason
24 to continue to artifact of that in distribution
25 allocation either.

1 Q. And why is the minimum distribution study
2 inappropriate?

3 A. So why is it an inappropriate study to do
4 or is why is the way that Ameren did it
5 inappropriate?

6 Q. The first.

7 A. It's an inappropriate study to do if you
8 don't have the data to do it reasonably. So if you
9 think about it, the minimum distribution study is
10 asking if we were just running extension cords from
11 everybody's, you know, from all of our power plants
12 to all of our end-use customers, what would the cost
13 of that be. That's effectively what -- you know, and
14 if you want to take it in, into specific utility
15 terms, if we were running the smallest pole we run
16 and the smallest conductor we run, what would that
17 cost be.

18 Q. And that would be what Mr. Wills was
19 talking about when he indicated the system minus
20 demand?

21 A. Well, except the problem with that is --
22 sort of. But what Mr. Wills, the way his testimony
23 was presented in the context of the Ameren study was
24 incredibly misleading. So as we just said, that
25 demand that would be served by what Ameren used as

1 the minimum system far exceeds what 90 percent of the
2 customers on the system can physically take.

3 If you ran a primary voltage line into a
4 Subway restaurant, you'd have a fire, you know.
5 That's -- so what NARUC talks about is if you're
6 going to do a minimum distribution system, you have
7 to account for the demand that is served by the
8 minimum distribution system. And so when it says
9 that, what it's assuming is that you're using
10 effectively what a service line would be for a
11 residential or an SGS customer, and a small
12 residential or SGS customer at that. Because that is
13 the smallest level of infrastructure that you can use
14 to serve a customer's load.

15 But what Ameren does is because services
16 are recorded in one account and overhead conductors
17 and devices are recorded to a different account,
18 which that's fine, but what it does because of that
19 is it sizes its minimum at far above the minimum.
20 So, in other words, adjusting for demand, you would
21 end up with a negative number.

22 Q. One of Staff's complaints about the way
23 Ameren did their class cost of service study was that
24 it didn't comply with the NARUC manual that they say
25 authorizes it or promotes it should I say. Is that

1 the major reason that Staff believes that it doesn't
2 comply with the NARUC manual?

3 A. There are multiple failures. And to be
4 clear, there's no statute or other requirement that,
5 for a distribution study, you're in strict accordance
6 with the NARUC manual. But what we did is we said,
7 Is what Ameren is doing making sense. The answer was
8 no. And it was, Well, is there some other entity out
9 there that is -- it's in the NARUC manual that says
10 it makes sense. And the answer to that was no.

11 If you'll -- if you'll give me a moment, I
12 can give you a more specific -- looks like it's at
13 page 34 of my Rebuttal testimony where I kind of walk
14 through where NARUC has -- the manual contains
15 specific instructions on how you would apply, you
16 know, these factors when you're doing a minimum
17 distribution system study that Ameren didn't do. And
18 the reason I had to go back to NARUC instead of using
19 something more recent like RAP is the RAP manual
20 simply says, Don't do a minimum distribution study.

21 Q. Has Staff attempted to quantify what
22 I'm -- what I'm, for lack of better terminology, the
23 degree of overreach?

24 A. So, yes. So we have -- what I've done in
25 my Rebuttal testimony at page 52, so I say, You can't

1 fix -- you can't fix everything Ameren's done wrong
2 essentially, but if you address the ones that we can
3 address, that you'll end up with these CCOS results.
4 And so at page 52 at line 10 I provide a chart where
5 I have taken the Ameren results and adjusted the
6 production and distribution allocators to correct for
7 those examples that I lay out in my testimony. And
8 under those results you get, if you look at the
9 bottom line of that table, it's all on row ten, but
10 this is right next to the number ten, it'll say,
11 Under, paren, over contribution, paren, Staff
12 percent.

13 So this is taking the results and
14 correcting them for those very significant issues.
15 And when we do that, the party -- the classes all
16 fall within that 10 percent band that would indicate
17 to Staff that results are as close as we can expect
18 in a CCOS study. And you don't tinker with results
19 that are within 10 percent of correct has been
20 Staff's policy for at least the last 30 years.

21 Q. Okay. Let's get away from Ameren's class
22 cost of service study.

23 Now, Ameren's termed Staff's approach as
24 novel. And I'm going to ask you a question that I've
25 asked several of the other witnesses which is what is

1 modern rate design?

2 A. I think that in the year 2023 modern rate
3 design is actually getting around to doing what we've
4 been talking about in detail since 2017 and
5 conceptually for a long time before that. And that
6 was a somewhat vague answer while I try to find the
7 cite back for where I tried to lay this out in my
8 testimony.

9 So we had an EW case, a working docket
10 case to deal with distributed generation a number of
11 years ago. And in that filing Staff laid out its
12 recommendation of the steps to take to modernize rate
13 structures and rate design. I'm hoping it is at
14 page 60 of my Rebuttal testimony based on the table
15 of contents I just looked at. But essentially it is
16 the concept of you have -- across classes you end up
17 with customer charges that collect customer costs,
18 facility's charges that collect facility's costs.
19 And then what you probably end up doing is having --
20 these may be combined on a bill, these may be
21 combined on a tariff, but where you're studying over
22 time energy costs and demand costs and using those to
23 come up with a time-based rate. And it is not at
24 page 60 as I had hoped.

25 But that's foundation of it is is those

1 are -- those are the costs -- those are the rate
2 elements that you're trying to cost out across
3 classes.

4 Q. But you believe that's in your Rebuttal
5 testimony?

6 A. That's what I'm checking, if it's in my
7 Rebuttal or my Surrebuttal. It was in this EW case,
8 you know, quite a while ago, but I'm looking for my
9 specific -- sorry. I have some -- when I printed it,
10 I put things -- I told it to do short edge instead of
11 long edge or long edge instead of short edge and I'm
12 paying the price. Page 38 of my Surrebuttal. Again,
13 I apologize; I have a lot of papers. It would be
14 silly if I put it in direct, but I'm wondering if
15 that's what I did.

16 MR. KEEVIL: There's a section on rate
17 modernization on page 38 of your Surrebuttal.

18 MS. LANGE: That wasn't it.

19 MR. KEEVIL: Okay.

20 MS. LANGE: That's what I thought was it.
21 Oh. I apologize, Judge. I'm confident I can provide
22 an exact citation of that, but that -- what I just
23 described are essentially what those -- what those
24 elements are.

25 BY JUDGE CLARK:

1 Q. But it is in your testimony in this case?

2 A. I am confident it's my testimony in this
3 case. I am just struggling to find it right now.

4 Q. Okay. Well let's move on. Would you say
5 that rate modern -- that what Staff's attempting to
6 do in this case is rate modernization?

7 A. Staff is attempting two things. We're
8 attempting to get the information that we need to
9 develop those sorts of rates, and we're also through
10 the TOU overlay for C&I customers, attempting to get
11 that information about how those rates might impact
12 them into the hands of customers. So I think what
13 we're doing in this case is we're laying the
14 groundwork that's going to be needed to make good
15 choices as time goes on.

16 Q. Now, bear with me just a second. In
17 your -- in your Direct testimony you're asked, For
18 the purpose of this case, should the relationship
19 between these elements within the rate schedule be
20 maintained. Yes, the inclusion of -- and to get to
21 the part that kind of stuck out to me. For the
22 current non TOU SGS, LGS, SPS, and LPS rate schedules
23 Staff recommends minimization of intraclass revenue
24 responsibility change for the nonresidential,
25 nonlighting classes in order to mitigate unexpected

1 bill volatility as Staff's recommended time-of-use
2 overlay is introduced.

3 And I'm kind of left wondering why -- why
4 would we do something that is going to introduce
5 volatility into the business classes?

6 A. We are not intending to introduce
7 volatility. And if I could, maybe clarify something
8 my counsel said in opening statement.

9 Q. Please.

10 A. So in opening statement we indicated that
11 given the revenue requirement stipulation that was
12 agreed to, that we are not opposed in this case to
13 going with an equal percent across the -- across the
14 board increase to the rate class revenue
15 responsibility. And that would be coupled with
16 introduction of this overlay.

17 We so feel that getting this time-of-use
18 overlay out there and onto customer bills, getting
19 them that information about their usage, getting
20 Staff and all of the parties' relevant billing
21 determinant information, we feel like that can take a
22 priority over, you know, bringing these -- these
23 relatively minor differences in class cost of service
24 results -- again, bearing in mind, CCOS, if you think
25 it's accurate within 10 percent, you're wrong -- that

1 we think that prioritizing getting that CCOS overlay
2 out there makes a lot more sense than tinkering with
3 class revenue responsibility or with the rate design
4 recommendations that Mr. Chriss has brought out.

5 Q. Thank you. If you're trying to mitigate
6 unexpected bill volatility, where would that
7 volatility come from then?

8 A. Could you direct me to where you are
9 reading that from?

10 Q. Page 39 of your Direct testimony.

11 A. Page 39. Okay. I just wanted to make
12 sure I didn't --

13 Q. Starting with line 9.

14 A. So we're recommending minimizing revenue
15 responsibility changes to mitigate unexpected bill
16 volatility. So in other words, if you just followed
17 CCOS the way that Mr. Brubaker and others say of
18 saying we take our CCOS results and we apply X
19 percent of what we think the change is, I don't think
20 this is the case to do that. I think that that would
21 introduce too much bill volatility.

22 And so instead of trying to go all the way
23 to CCOS results, I'm saying -- at this time I said,
24 We make some movement, but we focus on getting this
25 time-of-use information out there. And at this

1 point, given the overall responsibility -- or I'm
2 sorry, given the overall revenue requirement
3 increase, I'm saying, Fine, we'll just kick that out
4 the window and we'll focus on rate design and getting
5 this overlay out there.

6 So I apologize if my answer was both
7 lengthy and unclear either in written or spoken form.

8 Q. No. It is clarifying to me on a lot of
9 things. And if I misunderstand this, please correct
10 me. My understanding from Staff's approach in this
11 case and their class cost of service study, this is
12 an attempt to more closely align the infrastructure,
13 the utility infrastructure to the class that is most
14 using that infrastructure. Is that correct?

15 A. It is correct, but it's important to
16 understand this is only an interim step. And if I
17 may, explain what I mean by that.

18 Q. Please.

19 A. So for the last 130 years, class cost of
20 service has been taking monthly bill data at best and
21 handwritten records in many cases and trying to
22 reduce that without a spreadsheet, without computers
23 into a reasonable bill or into reasonable rate
24 elements to charge customers. So when analysts talk
25 about customer-related, demand-related,

1 energy-related cost types, that's silly. No -- no
2 cost that we allocate is purely any one of those,
3 other than maybe meters, and any analyst who will
4 tell you otherwise is wrong. They're -- many are a
5 mix. Many are none of those.

6 So what Staff is wanting to do is to get
7 the data to do a ground-up study. To say, What is
8 the cost of serving a customer with these
9 characteristics, regardless of what rate schedule
10 they're served under.

11 So we want to, you know, not in this case,
12 but what we hope to do through rate modernization and
13 through future cases as that data becomes available
14 is to look at what are the actual costs of serving
15 customers of a given size, a given voltage, a given,
16 you know, various sets of characteristics that could
17 be considered in a good workshop. What are those
18 characteristics and how do we build those into
19 revenue responsibility.

20 So to say these are the classes, let's
21 come up with revenue requirements for each classes
22 and then let's come up with rate elements to recover
23 those within the classes is really where we're
24 missing some of the similarities and differences that
25 exist across classes. Because none of the classes

1 are as homogenous as a CCOS makes them appear to be.
2 And that's a big driver of the weighted energy
3 allocator use for distribution that has been very
4 misrepresented by witnesses in this case.

5 Q. You indicated that Staff has been trying
6 to get information to do this. Is this the
7 information that Ameren says they either don't have
8 or can't get?

9 A. To a large extent. And I think that this
10 is something that would appropriately be considered
11 in a rate modernization workshop. I think that if we
12 use that workshop as an opportunity to involve the
13 Commission in the calculation of a few CCOS studies,
14 because in my opinion the best way to do a CCOS study
15 is to do three or four of them and see where you have
16 consensus and see where you have divergence and use
17 that to inform your costings. I think that the -- a
18 good collaborative approach in a workshop environment
19 that can involve Commission input.

20 But what we've really struggled with with
21 Ameren, and to be blunt with some other utilities as
22 well, is we don't know the universe of what
23 information exists. So if we ask a general data
24 request, we're told, Well, we don't have that; ask
25 something more specific. And then when we're told,

1 you know, Well, here's a more specific data request.
2 We're told, Well, that's too specific; that's not
3 what you really want.

4 I think that a workshop environment with
5 an open, robust exchange of information is a good way
6 to ferret this out and get results that are
7 reasonable from any perspective.

8 Q. And that would be the supposed upcoming
9 rate modernization?

10 A. I think that that is limited to
11 nonresidential rate structure. I would suggest it
12 should be broadened to all rate structures and all
13 rate classes.

14 Q. I want to step back to something you said
15 there that kind of caught me. You said that you like
16 the idea of doing several class cost of service
17 studies and seeing where there's consensus. Is there
18 any areas where Staff's class cost of service and
19 Ameren's class cost of service are in consensus?

20 A. Well, so the two studies in this case are
21 starting with different revenue requirements, which
22 is an area that would be cured if we're starting with
23 a new CCOS in a new docket. But just to maybe
24 understand what may be a misconception, in a class
25 cost study for a vertically-integrated utility, you

1 allocate distribution costs, you allocate production
2 costs and energy costs and revenues, and you allocate
3 sometimes some billing and some class-specific
4 customer costs. And then everything else is just
5 grossed up off of those costs.

6 So to say that we allocated two different
7 things differently, honestly in the range of CCOS
8 studies, our results aren't that different. You
9 know, we're following the same trend of what classes
10 are overall higher, what classes are overall lower.
11 That said, Staff's is far more in line with what
12 Mr. Hickman has presented as averages than Ameren's
13 is.

14 But, but outside of those two areas, you
15 know, those are really the only two areas where --
16 where decisions are made about how to allocate. At
17 this time everything else is virtually grossed up.
18 And I would encourage you to take a look at page 9 of
19 my Direct testimony. So at page 9 of class cost of
20 service Direct testimony I have a chart,
21 Functionalized Ameren Missouri Cost of Service.

22 Q. I see it. It's the above and below line?

23 A. Yes. And so if you look at Production,
24 there's a lot of costs there, but there's also --
25 that's the above the line, but there's also a lot of

1 offsetting revenues, that's the green below the line.

2 So Transmission, I did overlook
3 Transmission. What I said, At this time Staff and
4 the Company both allocate that on a 12 CP. That is
5 consistent to how we allocate that.

6 And then there's Distribution. And
7 those -- those are big buckets of costs to be sure,
8 but if you look at this Other and General, that's a
9 nontrivial amount of cost that gets allocated out.
10 And that is -- that's simply done by grossing up how
11 everything else was allocated.

12 And so, you know, when -- when we have
13 little disagreements on billions of dollars, it
14 appears as a very big disagreement.

15 Q. The class cost of service approach that
16 Staff is doing this time, is the first time that
17 Staff has attempted to do a class cost of service
18 study this way?

19 A. So every case we're responsive to the data
20 available in that case. For Production what we're
21 doing here is very, very similar to what we did in
22 the Empire case, which we used the hundred highest
23 hours to allocate the nonvariable cost -- or the --
24 sorry. In Empire we used the hundred highest hours
25 approach for the portion of the production capacity

1 that we used the RA hours approach in this case. So
2 under NARUC that falls under the same methodology of
3 identification.

4 We're doing the same thing with renewable
5 and low variable cost resources in this case that
6 we've done in at least the last -- for sure the last
7 Evergy cases and the last Empire cases; it may have
8 been before that. And really all of this is an
9 outgrowth of the detailed BIP method that we've been
10 doing since about 2014.

11 So, you know, we -- for production, no,
12 this isn't -- you know, is it literally the same
13 exact allocation. No. But if you go if you go back
14 to what Staff was doing in 1985 which is the last
15 time TOU made its way up to the appellate -- or I'm
16 sorry, the last time the cost allocation made its way
17 up to the Supreme -- or the appellate courts, what
18 we're doing in this case looks a heck of a lot like
19 the Staff TOU, that's what it was called in that
20 case, the TOU method. Capacity utilization method is
21 another name for it. We're not breaking new ground
22 unfortunately to the extent that it's represented we
23 are on the production side.

24 On the distribution side, I can say
25 without hyperbole having done -- having been involved

1 either as an attorney or a staff person in Staff's
2 CCOSs since about 2007, we're doing now what we
3 thought we were doing in 2007. We've learned things
4 since then that the information we're getting from
5 Ameren isn't what we thought it was, and so we're
6 responding to that.

7 Now, there are two exceptions to that.
8 One of those is in treatment of distribution
9 generation. So what I mean by that is community
10 solar and landfill gas is generation that's cited on
11 the distribution system. Were that recorded in a
12 production plant account, the transformers and
13 switches associated with that generation would be
14 recorded in the account with it. Because it is not,
15 it's recorded in a mass asset account, we have done a
16 separate allocation to deal with that.

17 And, you know, I said two things, but I
18 think really that's the only thing that we're doing
19 different that isn't what we thought we were doing
20 historically. We've learned some things about
21 contents of service accounts. We've learned some
22 things about the Vandas study. We've learned some
23 things about what is in a minimum study as Ameren
24 represents it.

25 Q. Given what you've said and what I've

1 looked at, just to give you kind of an overview of
2 what I see, it looks like Staff is requesting a lot
3 of what Ameren's termed granular information with the
4 idea of being able to more closely align customer --
5 what did you calling it -- capacity utilization?

6 A. No. So Capacity Utilization is the name
7 of a historic production allocation study.

8 Q. Uh-huh.

9 A. This is the customer specific -- what I
10 think you're referring to is what has been called the
11 customer specific infrastructure issue.

12 Q. Thank you. That is a much better term and
13 I think I can remember that. The customer specific
14 infrastructure?

15 A. Uh-huh.

16 Q. Is that correct? So I'm looking at this
17 and it looks like Staff is requesting all this
18 granular information that they don't have in order to
19 better do this. And it looks like you've indicated
20 that they're -- on the other hand here you have
21 recently discovered that the -- that some assumptions
22 that Staff made about how Ameren was conducting its
23 study were, in fact, wrong. And so this appears to
24 be somewhat of a response to that to kind of reign it
25 in a little bit.

1 But the problem, the thing I'm having
2 difficulty getting over at this point is you called
3 it an intermediate step and it -- it looks to me more
4 like fumbling in a direction in the dark without some
5 necessary data, kind of knowing which direction
6 you're going but not really having the data to do
7 this. So I guess the question I'm left with from
8 that overview is why would -- why would we do this
9 now? Why wouldn't we do -- why wouldn't the
10 Commission order Ameren to give you the data you want
11 and then do this next rate case?

12 A. I --

13 Q. Why are we doing it in this rate case?

14 A. So to be blunt, while I disagree with
15 fumbling; I think we've done a little better than
16 fumbling, I --

17 Q. Not the best choice of word, sure, I'll
18 give you that. But you understood what I meant?

19 A. I do. And I don't entirely object to
20 that. I would submit the rate -- what I would
21 suggest, and I haven't discussed this with my
22 counsel, so I'll be prepared to be yelled at. You
23 could order what we've asked for under the data
24 retention and hold it in abeyance if you will. And
25 say, Ameren, file this information by the next rate

1 case unless you adequately address these concerns
2 through the fair exchange of information at a rate
3 modernization workshop.

4 And I have -- you know, this isn't -- this
5 is nothing new and groundbreaking, but I have, you
6 know, the things that I think are bare minimums that
7 we would need to facilitate that workshop, and I
8 think that that's the sort of information, I believe
9 it's largely contained in my position -- in Staff's
10 position statements and it's all outlined in my
11 testimony, but I think it's maybe in some more
12 user-friendly language here.

13 But I think that if the Commission --

14 Q. When you say here, what are you referring
15 to?

16 A. I'm referring to a thing I printed out
17 over lunch that my counsel hasn't looked at.

18 But I think that if something like this
19 were ordered for Ameren to have available at the rate
20 modernization workshop, that works for me. And if
21 there are things in here that Ameren says, Well, this
22 isn't really what you want, here's what you want
23 instead, we love hearing that kind of thing. You
24 know, we don't know what we don't know, so we've had
25 to -- I liken it to if you walk into a McDonald's and

1 you have to order by Value Meal number but there's no
2 menu, you know. So I say, you know, Hey,
3 Mr. Hickman, give me a Number 5.

4 Oh, you don't want Number 5.

5 Okay. Well, then can I have a Number 4.

6 No. No. No Number 4's.

7 You know, well, tell me what you have and
8 I can work with you on seeing what meets our needs.
9 So -- so, again, this has not been reviewed by my
10 counsel, so my apologies, Mr. Keevil, but this is
11 what I would view as the bare minimum what we would
12 need to have a reasonable exploration of how these
13 costs are allocated to customers and to classes.

14 Q. Thank you. Well, unfortunately you're on
15 the witness stand, so what would that minimum
16 information be?

17 A. I think you could, putting my Staff
18 counsel hat from a decade ago back on, I think if
19 you'd like to, you could instruct this to be marked
20 as an exhibit. And I doubt that my counsel would
21 object to its admission.

22 Q. I don't think anybody's seen it yet.
23 That's the difficulty there and I want --

24 A. Sure.

25 Q. -- everybody to have an opportunity to

1 look at it before we do that.

2 A. Well, I can represent -- I can describe it
3 in a way that I think will -- so I could read it in
4 if you'd like, but this is, I believe, one of -- I
5 believe the -- so the cost by account data request
6 that I've submitted to Ameren, it's the table from
7 that. And it is the -- the second page of this is I
8 think almost verbatim from my position statement; it
9 just didn't have times in it. And so this has --
10 this has language like, Beginning immediately and in
11 its next rate case and that sort of thing.

12 But to be clear for what I'm suggesting
13 the purpose of this would be, in lieu of the,
14 Beginning immediately and in the next rate case
15 language, it would be, This is what we would want to
16 see to facilitate a rate modernization workshop.

17 Q. I'll leave it to your counsel if they want
18 to try and enter in -- it in. I'm not going to order
19 it; I think that would be inappropriate, but if you
20 do want to just tell me what you -- what the
21 information is you believe you need, we can start
22 there.

23 A. So, sure. And again, this is going to
24 sound more exhaustive than it is.

25 Q. And this is the minimal information.

1 Correct?

2 A. Yes. And to be clear, this is I think --
3 I think it would be good to have an embedded cost
4 view on these, and I think it would be good to have a
5 marginal cost view on these.

6 So what I'm describing is a table. And so
7 going across the top, we have a row that is -- or a
8 column that is type of information and then we have
9 Account 360, 361, 362 all the way through 370.

10 And so the intent would for each of these
11 accounts, what would Ameren typically record for the
12 cost of a mile of HV overhead line. What would
13 Ameren typically record for the cost of a mile of HV
14 underground line. And that -- that, What would
15 Ameren record, will be the same throughout all of
16 these. Cost of a mile of primary overhead line.
17 Cost of a mile of primary underground line. Cost
18 of a mile per secondary overhead line for
19 approximate 270 to 600 volt service, three phase.
20 Cost of a mile of secondary underground line for
21 approximate 270 to 600 volt service. Oh, sorry.
22 That -- one was overhead and this one's underground
23 three phase. Each of those again, but for single
24 phase. Each of those again at three phase but
25 for 110 to 240 volt service, overhead. Each of those

1 again but for 110, 240 volt service single phase
2 underground and overhead single phase.

3 Cost of adding a customer served
4 overhead at 120, 208 volts. I don't think that
5 should have said 208; I think that should say 240
6 volts. Cost of adding a customer served overhead
7 at 120, 240 volts. Cost of adding a customer served
8 overhead at 277, 480 volts. Cost of adding customer
9 served overhead at 4 kV. Cost of adding a customer
10 served overhead at 12 kV. Cost of adding a customer
11 served overhead at 13.2 kV. Cost of adding a
12 customer served overhead at 13.8 kV. Cost of adding
13 a customer served overhead at 25 kV. And then each
14 of those again but for underground.

15 Q. Thank you.

16 A. And then the second page of that, I won't
17 read it because that one is from the position
18 statement, but it is -- I think -- I think it's in
19 the position statement as, Here's what you need for a
20 rate modernization workshop.

21 MR. KEEVIL: Judge, I'm somewhat at a loss
22 here, but the -- let me ask -- if I could ask
23 Ms. Lange a question or two and then offer to
24 introduce this as an exhibit, just to make things
25 clear. Because I think that's going to be a lot

1 clearer than having to read it in the transcript,
2 especially if it's taken from the position statements
3 anyway.

4 JUDGE CLARK: Any objections to
5 Mr. Keevil asking a few questions?

6 MS. GRUBBS: Well, I guess it can't wait
7 until redirect?

8 JUDGE CLARK: I think it would be fine
9 for it to wait until redirect.

10 I'll remind you when we get there.

11 BY JUDGE CLARK:

12 Q. Okay. Let's move on to a different
13 subject for a bit. On page 52 of your Rebuttal
14 testimony you indicate there is a table. And on
15 lines 9 to 10 --

16 A. If you'll give me one moment, I'm trying
17 to find my Rebuttal. Sorry. Okay. I'm sorry. What
18 page?

19 Q. 52.

20 A. Yeah.

21 Q. You indicate with the table on lines 9
22 and 10 that the reduction and return based on Staff's
23 revenue requirement reduces the class contribution
24 percentage to where Staff, as an alternative, would
25 agree to equal percentage increases to all the

1 classes other than customer-owned lighting. Is that
2 correct?

3 A. I am not seeing that on my Rebuttal at
4 page 52, but I think that that is an accurate
5 statement.

6 Q. I'm sorry if I have the page incorrect.
7 Let me see if I can find that.

8 A. Perhaps if you just ask your next
9 question, I may be able to answer it without the
10 reference.

11 Q. Now, the stipulation as put forth by the
12 party agrees to \$140 million revenue requirement.
13 And I guess my question, and you may need the table
14 for this, is how would it change the percentages on
15 line 9 and 10 of that table? So you may need to find
16 the table anyway.

17 A. Okay. So the table, yes, that is the
18 table being referred to there, just the language I
19 didn't catch.

20 JUDGE CLARK: And I'm picking up some
21 background noise from the Webex if somebody's got it
22 not muted, you might want to mute.

23 MS. LANGE: So unfortunately you cannot
24 adjust the results of a CCOS in that matter with any
25 expectation of accuracy. The premise of a CCOS is

1 that rate base and expenses are allocated differently
2 to classes, so you can't just sort of lob off a
3 percent similar to the exercise Mr. Brubaker
4 attempted to achieve reasonable results. It's --
5 it's just not how you can use percentages.

6 BY JUDGE CLARK:

7 Q. Now, you had indicated you did think it
8 was correct that Staff would agree to an equal
9 percentage increase in all classes other than
10 customer-owned lighting. Correct?

11 A. Yes.

12 Q. Is that still Staff's position as an
13 alternative?

14 A. So it's Staff's position so that we can
15 ensure minimization of customer volatility for our
16 recommended C&I rate structures. You know, depending
17 on the robustness of the rate modernization docket,
18 it might not be a bad idea I guess in general. But
19 really we're recommending that in order to -- to take
20 away that concern about customers being impacted by
21 the time-of-use overlay for C&I customers.

22 Q. So is that a yes?

23 A. I'm sorry, can you -- I don't mean to be a
24 pain. Could you restate the exact --

25 Q. With the exception of customer lighting,

1 is Staff still okay with equal percentage increase?

2 A. Yes.

3 Q. Now, you were here for -- there were some
4 bench questions Mr. Hickman on the 4 NCP method. Do
5 you remember those?

6 A. Yes.

7 Q. Do you remember how Mr. Hickman answered
8 those questions?

9 A. A lot of discussion has happened since
10 then. If the premise is do I think that the A&E 4
11 NCP is a reasonable allocator to use for Ameren
12 Missouri's production fleet in this case, the answer
13 is no, I don't.

14 Q. I think I asked five questions and one
15 was, you know, has Ameren used the 4 NCP method for
16 the last decade. Does the 4 NCP methodology include
17 any consideration for renewable generation plant
18 characteristics that are different from base load
19 generation. Does the 4 NCP methodology include any
20 considerations or use of AMI data that can
21 differentiate between rate class energy consumptions
22 during the hours of the day. And that appears to be
23 my last question.

24 A. Yes. And those are actually really good
25 questions. And in general I think I disagree with

1 Mr. Hickman's answers to those.

2 So I -- I would say that calling the A&E 4
3 NCP a traditional method is kind of like calling the
4 Dave Matthews Band a traditional band. You know,
5 they were popular in the '90s and you've got a couple
6 people who are really loyal following right now, but
7 that doesn't mean that's all that's on the radio.
8 You know, it -- Missouri's never really been an A&E
9 state. I agree with Mr. Marke's characterization
10 that some groups come forward with those.

11 But it's important to understand that you
12 do get very different results in various cases with
13 an A&E 4 NCP, an A&E 4 CP, an A&E 1 CP, an A&E 12
14 NCP. I mean, there are all sorts of different
15 flavors of A&E studies. And various ones have been
16 used. Various BIP methods, Base Intermediate Peak
17 methods have been used. You know, the average in
18 peak or the peak in average, depending on who you're
19 talking to, has been commonly thrown around.

20 But going back to 1985, I can tell you
21 that the Commission has never affirmatively said in
22 an Ameren order, Golly, gee, we think this A&E study
23 was great. There have been a couple studies where
24 they said, Well, this A&P study didn't make sense, so
25 we're going to use the only thing that's left. But I

1 am not aware of an Ameren case for the Commission
2 where they have said, We think this is the right way
3 to do it.

4 There have been cases, I believe three at
5 most since 1985 -- so in 2010-0036, the Commission
6 threw out a couple of studies and was left with A&E
7 studies. In '85, ER-85-17, ER-85-160 the Commission
8 approved the Staff TOU method and rejected the
9 coincidental peak and peak responsibility methods.
10 The peak responsibility method is another name for
11 the A&E that preceded the publication in the NARUC
12 manual. And then in this most recent case the
13 Commission made the statement in looking at CCOS,
14 These differences would only be relevant if the
15 Commission were relying on these differences in
16 making its decision about how to allocate the rate
17 increase to the rate class, which it didn't.

18 So I think that part of the shortcomings
19 of the A&E, and some of these apply to CCOS studies
20 in general in the area of production allocation, but
21 the A&E with the way that we get load research from
22 Ameren does a really terrible job of dealing with
23 solar and net metering. You're effectively going to
24 be billing classes that are contributing generation
25 for full production. You're not giving them credit

1 for that generation they're providing. It's pretty
2 terrible in dealing with demand response events that
3 have been called through MiA or through other demand
4 response activities.

5 It's at odds with what the utilities have
6 been telling us about why they're adding generation
7 capacity. And specifically here, to go to the Ameren
8 Boomtown case, we had Mr. Arora testify that -- if
9 you'd like me to read, I can read; if you'd like me
10 to paraphrase, I can paraphrase.

11 Q. Paraphrase.

12 A. In Boomtown Mr. Arora testified that
13 Ameren needs energy as well as capacity as well as
14 ancillary services and the paradigm of planning has
15 shifted and so they're now looking at energy and
16 capacity separately and ancillary services
17 separately.

18 And in general it just makes more sense to
19 look at how the system is both operating today and
20 how we got to the position we're in. And that's
21 where across the utilities in Missouri we've gotten
22 to the current fleets in very different ways. And
23 Ameren is a unique utility in that respect.

24 Q. To change subjects again, I've asked a
25 couple witness about paragraph eight of the

1 stipulation and agreement in case ET-2018-0132
2 regarding whether Ameren Missouri has complied with
3 that provision of that stipulation and agreement.
4 And I -- Ameren -- Mr. Wills indicated that Ameren
5 had and that they had retained that data. I'm going
6 to ask you the same question. Has Ameren complied
7 with that -- that part of the stipulation?

8 A. No. What they were able to provide to us
9 in a response to 591 does not comply with that
10 stipulation and it certainly isn't in a form that's
11 been discussed with Ameren -- or with OPC and Staff
12 even if it was the appropriate data.

13 Q. And why is it not the appropriate data?

14 A. Well, what we can tell of what it provides
15 is that it does not clarify what the contribution
16 actually was, whether that contribution -- I guess,
17 one, it's in a bunch of separate pieces that you have
18 to kind of mix and match across data sets to fit
19 together. But from what we can tell, the dollar
20 values presented, it's unclear what those dollar
21 values are representative of. And it certainly isn't
22 giving us any sense of the total dollar value and
23 the -- the portion actually contributed by the
24 customer, how those two relate to each other.

25 Because if you go back to that ET case,

1 this data was supposed to enable us to audit whether
2 or not their line extensions costing were making
3 sense. And if you only have one dollar value ever,
4 you really can't evaluate a heck of a lot with that.

5 Q. So it was insufficient for its purpose?

6 A. Yes.

7 Q. On page 17 of your -- I'm sorry. On
8 page 14 of your Direct testimony at line 17, just a
9 clarification question. Should Account 346 actually
10 be Account 364, poles, towers, and fixtures?

11 A. Almost certainly. Yes.

12 Q. So that would be a correction?

13 A. Yes. My apologies.

14 Q. I asked Dr. Marke that disregarding what
15 the actual proposed customer charge is, what's
16 Staff's position on having different customer charges
17 for different residential rate plans as is being
18 proposed by Ameren in this case?

19 A. As it's being proposed by Ameren in this
20 case, Staff is deeply concerned that Ameren will
21 market the rate plan with the highest bill-risk.
22 That is, bill-risk is hyphenated, not highest bill
23 hyphenated.

24 We're concerned that customers who are
25 least equipped to deal with high bills will be

1 marketed to the most risky plans. And that's based
2 on Ameren's statements that, you know, if customers
3 are concerned -- and this was in Ameren -- this was
4 in Steve Wills' testimony and I also heard him say at
5 local public hearings -- that if customers are
6 concerned about paying \$13 a month, they should just
7 hop on Ultimate Savers or they should consider
8 hopping on Ultimate Saver.

9 MS. GRUBBS: Objection; I believe that's
10 hearsay, and the record from the transcript or the
11 transcript from the local public hearing will speak
12 for itself.

13 JUDGE CLARK: I'll sustain that.

14 MS. LANGE: To be clear, that was in the
15 question/answer session so it would not be. But I
16 accept that.

17 If you look at my Surrebuttal, I have --

18 BY JUDGE CLARK:

19 Q. Well, let me ask real quick.

20 A. Sure.

21 Q. You said that it would -- there was a
22 danger of putting customers in the riskiest time-of-
23 use plans.

24 A. Yes.

25 Q. What makes a time-of-use plan riskier, one

1 time-of-use plan riskier than another?

2 A. So specifically the Ultimate Saver plan
3 has a demand charge component, and that is
4 effectively an add to the customer charge as far as
5 an unavoidable amount once you've used some usage
6 goes. And that's what I was hoping to find.

7 Q. Is that -- is that the \$25 plan or is that
8 the higher --

9 A. It's --

10 Q. I can't remember what the --

11 A. It's --

12 Q. -- actual numbers are.

13 A. It's the \$8 plan.

14 Q. That's the \$8.

15 A. Or the -- I'm sorry. Is it -- now I've --
16 now I'm misspeaking. I want to make sure I've got
17 the right dollar value. It's the plan that they're
18 proposing to have the lowest customer charge.

19 Q. Okay.

20 A. But from the customers, I reviewed a
21 hundred residential customers to try to see, you
22 know, if you were on this, what would happen to your
23 bill. And what I found was that it was a very risky,
24 from a bill perspective, proposition for customers to
25 go on that plan. So if a customer's worried about

1 being able to spend \$13 a month, this is not a good
2 plan for them is the short answer there. And the
3 longer answer is presented in my testimony, Rebuttal,
4 page 55.

5 Q. Okay. Thank you. Can you open your
6 Surrebuttal to page 6. There's a graph there. And
7 that graph shows the average rate per kilowatt hour
8 under the Ultimate Saver, Smart Saver, and Anytime
9 rates.

10 A. Yes.

11 Q. Would you explain that graph to me?

12 A. Oh, yeah. This is actually the section of
13 testimony I was trying to direct you towards. So
14 wherever I said it was, that's not where it is. It's
15 page 4 of my Surrebuttal. Sure. So what this is
16 showing --

17 Q. Four or 6?

18 A. It's starts on -- the discussion starts on
19 page 4, but it continues.

20 Q. The graph's on page 6?

21 A. The graph is on page 6.

22 So what this is is I got a hundred
23 customer hourly usages from Ameren for residential
24 customers, and I plotted out what their bill would be
25 on a per kWh basis and plotted it on this graph, and

1 that's what that is.

2 And so you see the Anytime flat rate is
3 that sort of, the gray sort of trend towards the
4 middle. And then -- again, this is a random
5 placement of customers on this rate, so this isn't
6 customer self-selecting. But you'll see that the
7 blue, there are some way above, there are some way
8 below. The orange, there are some above, there are
9 some below. And so that's what we're talking about
10 in terms of bill risk.

11 So not -- not necessarily -- this is not
12 necessarily a total random sample across the customer
13 classes, but this is removing self-selection that
14 does occur in Ameren's distribution of these plans.

15 Q. And just to clarify because I want to --
16 this is a hundred -- a hundred dots. Right?

17 A. Yes.

18 Q. What this is not is this is not showing
19 the same hundred customers' bills under the three
20 rate plans?

21 A. Oh, I apologize. This is 300 dots. Yes.

22 Q. Okay. That's what I wanted to --

23 A. No, no. I'm sorry. My apologies. Yes,
24 this is 300 dots.

25 Q. Okay. So this is showing the same hundred

1 customers' bills under each of the three rate plans?

2 A. Yes. Yes, it is. I apologize.

3 Q. And were the customers selected randomly?

4 A. So they were the customers that Ameren
5 provided when I requested a hundred random customers.
6 Well, a hundred random customers who have 12 months
7 of TOU data I think is the more accurate way of
8 saying that. Or of AMI data, not TOU data.

9 Q. Do you have any idea how these customers,
10 these same customers would perform on the
11 Evening/Morning saver?

12 A. So the Evening/Morning and the Anytime
13 Saver are virtually on top of each other. I took
14 them out of here because 400 dots is even harder to
15 see than 300 dots.

16 Q. Another question I also --

17 A. Oh, I apologize. You said,
18 Evening/Morning Saver. Sorry. There are so many.
19 Yes. Evening/Morning Saver is very similar to
20 Anytime Saver. And the Overnight Saver is very
21 similar to the Smart Saver. Again, not identical,
22 but in the ballpark.

23 Q. Given Staff's proposal to have customers
24 transition to AMI meters within a month or in the
25 next billing cycle from having those installed, how

1 does Staff picture that education materials would
2 have to be changed to accommodate the shortened time
3 frame?

4 A. So if I can answer the question you didn't
5 ask. For transition to the Evening/Morning Savers as
6 Staff has recommended, I don't believe anything needs
7 to change. I believe that we order bigger customer
8 impacts all the time. You know, we might be ordering
9 a \$3 customer charge increase in this case with a
10 month's notice. That's a routine thing.

11 If what you're looking at doing is
12 something comparable to what was done in the Evergy
13 case, what I would suggest, resources permitting,
14 would be to modify the time periods of the -- of
15 the -- I don't want to get these rate plans confused.
16 I would modify the Evening/Morning Saver overlay plan
17 to align with the time periods that you're wanting of
18 a higher differential plan. And I would, starting
19 immediately out of this rate case or upon
20 installation of an AMI meter, I would order those
21 customers onto that lower differential plan with
22 those same time periods and give them a year and then
23 move them to the higher differential plan.

24 That's not my recommendation, but if
25 you're looking to do something similar to what was

1 done in Evergy, I think that's a -- a way to do it
2 that's going to give customers education for what is
3 their actual time periods of usage. It's going to
4 start giving them a mild, you know, maybe a penny,
5 maybe a two-penny differential over that time period.
6 But it's going to retain that winter decline block
7 element over that time period to give them an
8 opportunity to make decisions they need to make about
9 what they want to do in future heating and cooling
10 seasons.

11 Q. And for the record what was the question I
12 didn't ask?

13 A. I think the question you didn't ask is
14 would it be the same if it was for a higher
15 differential plan. And I think that if that's the
16 Commission's decision on where to go, that's a
17 decision the Commission can make, I just, I would
18 give customers a moderated price signal for a year so
19 that they are getting a price signal, so that they
20 are getting that information rather than relying on
21 some sort of utility marketing effort. And to the
22 point Mr. Marke raised this morning, you know, that
23 could be confusing with Ameren with different
24 customers in different states of deployment.

25 So I think that if you're going to do

1 that, I would make a low interval or a low
2 differential rate. Well, we don't need another rate
3 out there. I would modify the existing
4 Evening/Morning Savers rate to a moderate version of
5 where you want the rate to be. And I would order all
6 customers with AMI meters onto that rate for a year.
7 Then after that year, you would transition them to
8 that higher differential rate.

9 Q. And that would mitigate certainly any need
10 for customer education.

11 A. Well, it -- in effect, it would be the
12 customer education.

13 Q. Yeah.

14 A. You're not sending them a separate mailer.
15 You're not directing them to a website. They're
16 seeing, Okay, here's how much energy I used in this
17 time period; here's how much energy I used in that
18 time period. And whether you're going with a
19 three-period or a two-period rate would indicate
20 exactly how you would design that. But you would
21 want to -- you would want your transition rate --
22 one, I think you would want a transition rate. And
23 two, you would want it to mimic the time periods that
24 retain the winter decline to -- to ease customers
25 over to that.

1 Q. I've only got a few more questions. Based
2 on Staff's proposed changes, what residential plans
3 would be available to customers with net metering?

4 A. So I will say that we've had some turnover
5 in Staff counsel's office, and so I'm not sure
6 exactly legally, although I suspect we could address
7 it in the brief, where we are on that. But I think
8 with how the Evening/Morning rate structure is being
9 dealt with with net metering customers, I think that
10 barring a differing opinion from Staff's counsel, I
11 think that you could modify rate structures of other
12 plans to produce similar rate impacts while dealing
13 with the issue that Mr. Wills has pointed out about
14 the billing period issue. And I think that if you're
15 going to do a mandatory time-of-use rate similar to
16 what was done in Evergy, I think that we would just
17 need to be cognizant of how that's handled.

18 Q. Now, the proposed -- or Ameren's
19 Evening/Morning Saver plan has a peak rate
20 from 9:00 a.m. to 9:00 p.m. every day including
21 weekends. Is that correct?

22 A. That's correct.

23 Q. Is a 12-hour week peak period effective in
24 reducing customer usage during peak periods or
25 shifting usage from peak periods to non-peak periods?

1 A. I think that presupposes that that's the
2 intent of that time period selection. And one, it's
3 not. But I do believe it is consistent with that
4 movement. It's probably in and of itself not enough
5 to encourage it, but I believe it is at least
6 directionally consistent. And so to the extent you
7 have a customer who's charging an electric vehicle, a
8 customer who's considering precooling their home,
9 prewarming their home, I think that those are
10 elements that, if customers are paying attention, at
11 least it gives them a hint of what to do. But the
12 Evening/Morning Savers was never intended as a
13 long-term solution.

14 Q. Now, you said that wasn't the intent.
15 What do you believe the intent of it was?

16 A. To -- well, it's a couple of things. We
17 picked up the nomenclature of training wheels. So
18 first of all it's just to make customers aware that
19 the time at which energy is consumed is a factor.
20 Number two, it's designed to make customers aware of
21 how the energy they use broadly fits in to time
22 periods. And number three, it's to begin the
23 alignment of cost causation with revenue
24 responsibility.

25 Now, when I proposed that rate in 2019, it

1 didn't look like what's on the tariff today due to
2 some stipulations, some differentials were reduced.
3 I think that something more like what we proposed in
4 Evergy with the three-period, I think that makes a
5 little bit more sense than the Ameren design does,
6 sitting here today. Now, in the last case we
7 proposed some changes to that rate. We were told now
8 is not the time to tinker with it, so frankly I
9 didn't bother in this case. But if I were to tinker
10 with it, I would probably make it look more like what
11 we recommended in Evergy.

12 Q. Okay. Given that you said that that
13 wasn't the intent of that rate plan, was to either
14 reduce customer usage during peak or shift loads,
15 what's the benefit of eliminating the Anytime plan
16 available to AMI customers if the Evening -- if the
17 Evening Savers plan is not to reduce peak usage or
18 shift load?

19 A. To better align cost causation and revenue
20 responsibility. And I grant you, it's not huge. I
21 would personally like it to be a little bigger. I do
22 think as an interim step to customers who have gone
23 from, you know, a buffet if you will as far as timing
24 goes, that small is good. I do think a training
25 wheels approach is a good approach.

1 I think Dr. Faruqui has got a little --
2 you know, he's traveled the country talking about
3 what a great plan Ameren has, you know, that we had
4 to drag him kicking and screaming into. But I do
5 think that for a mandatory time-of-use rate that
6 starting small to give customers information is a
7 good step. And I do think that this approach that
8 doesn't just change how customers are billed eight
9 months of the year is a good one.

10 And I think -- I think this has probably
11 been lost on the Commission for how information's
12 presented, there are a huge number of the customers
13 on the Smart Savers and Ultimate Saver and Overnight
14 Saver rates who are only paying TOU bills four months
15 of the year. They've opted out of doing that during
16 the non-summer season. And I can give you those
17 percentages. But it's -- it's nontrivial.

18 In Overnight Savers there are 6 percent of
19 energy sales are not on TOU during the winter. In
20 Smart Savers there's 14 percent that -- of energy
21 sales that are not on TOU during the winter. Oh, and
22 I apologize, Ultimate Savers is year-round. But
23 those are for those two rate plans. There's, you
24 know, that's not nothing in terms of such a small of
25 number of customers to begin with.

1 So I guess to expound on answering another
2 question that wasn't asked, you know, if you were
3 going to order -- and again, Staff is not suggesting
4 you do, but if you're going to order that customers
5 be moved to, for example, the Overnight Savers plan,
6 I think the Commission, to achieve the result they
7 are trying to achieve, would want to clarify that
8 that is without the option to remain on a
9 conventional rate for eight months of the year.

10 Q. And that's to achieve peak reduction?

11 A. Well, that's to actually put them on the
12 rate.

13 Q. Okay.

14 A. So you can opt in to Overnight Savers and
15 Smart Savers in a way that only puts you on those
16 rates for four months of the year. There's options
17 under the option.

18 JUDGE CLARK: Thank you. Those are all
19 the questions I have. Any recross based upon
20 questions?

21 CHAIRMAN RUPP: Judge, it's Commissioner
22 Rupp.

23 JUDGE CLARK: Oh, I'm sorry.

24 CHAIRMAN RUPP: Can I pop a question in?

25 JUDGE CLARK: Please, go ahead.

1 CHAIRMAN RUPP: Thank you very much.

2 QUESTIONS

3 BY CHAIRMAN RUPP:

4 Q. So the -- we had previous testimony
5 from the Company when they were discussing the, I
6 forget the name now, but the poles distribution study
7 from 2009.

8 A. Vandas.

9 Q. That was it. Thank you. And the Company
10 had stated that they would be open and find benefit
11 to updating that study and providing that information
12 to Staff in lieu of doing other different data
13 collection. My question is would Staff be -- would
14 Staff welcome an updated version of that study and
15 would they use that, or would it be something that
16 they would still find not as a valuable resource for
17 the planning?

18 A. I've got a two-part answer to that if
19 you'll permit. First is it depends. If the study
20 means just literally three sets of percentages by
21 account with no underlying work papers or data, no,
22 we can't just take their word for that kind of thing.
23 And if we did, you probably ought to, you know, hire
24 some staff who do their jobs.

25 And two, another issue that's come to

1 light and, you know, I guess a preview of later this
2 afternoon is Staff has some real concerns about the
3 reliability of the actual underlying accounting data,
4 the continuing property record for these accounts in
5 particular. So I think that a study of the assets as
6 reported in a continuing property record is only as
7 good as the continuing property record.

8 So it's hard to say, you know, one, if
9 they would do a robust study to begin with, and two,
10 if the underlying data is reliable. But if they can
11 shore up, you know, those 15 years of missing
12 retirement data and if they can show us their work, I
13 think that could be a reasonable thing to do to
14 answer those questions about the cost of the high
15 voltage system, the primary system, and the secondary
16 system. And those are the only questions that are
17 answered by the Vandas study. Okay. So it's not a
18 fix-all for everything, but that is -- that is the
19 distribution classification question.

20 CHAIRMAN RUPP: Okay. Great. That was
21 exactly what I was looking for. Thank you.

22 JUDGE CLARK: Thank you, Chairman. Are
23 there any recross questions based upon bench or
24 Commission questions?

25 MR. WILLIAMS: I have a few.

1 JUDGE CLARK: Mr. Williams, go ahead.

2 CROSS-EXAMINATION

3 BY MR. WILLIAMS:

4 Q. Ms. Lange, do you recall whenever you said
5 the class members are not as homogenous as they're
6 treated in class cost of service studies?

7 A. Yes.

8 Q. Could you elaborate on that a bit?

9 A. Sure. And I guess the easiest way for me
10 to explain this is actually to talk about customers
11 who may be homogenous across classes. So let's give
12 the example of a data center. So let's say that you
13 have a data center that uses, you know, a 99.9
14 percent load factor of energy consumption. Obviously
15 there's going to be differences in a data center that
16 is, you know, operating at, you know, a home office,
17 a small commercial center, a large regional center,
18 and a sort of mega center. Okay. Those are all
19 going to have different customer facilities, but the
20 average cost of energy that they're paying over time
21 ought to be pretty similar. Well, in fact, under
22 Ameren Missouri's rate structure they're incredibly
23 different. Okay.

24 So if you look at that as here's how
25 customers could be the same and just at different

1 sizes and they're being billed very difficult
2 under -- under the rate classes, the same is actually
3 true within a rate class.

4 So using LPS for example, there are LPS
5 customers who are being billed, you know, below 5
6 cents kWh on average. There are LPS customers who
7 are being billed almost 9 cents a kWh on average.
8 The LPS rate design is incredibly simple. Once you
9 have a facilities charge and a demand charge, all kWh
10 in a month is billed at the same rate. So there's
11 recognition given to customers who may be operating
12 around the clock. There's no recognition to
13 customers who may be operating entirely off peak.

14 We are -- we are assuming that this
15 average class load that is presented out of the load
16 research data is representative of individual
17 customers within the class. And frankly, that's just
18 not a reasonable assumption to make, especially now
19 that we have AMI data that proves it's not the case.

20 Q. That sounds like you're saying that some
21 of Ameren's current rates are unduly discriminatory
22 for similarly-situated customers?

23 A. Well, we don't know what we don't have
24 data for. I -- I suspect that that is the case. Or
25 I suspect that to design good rates would result in

1 rates that are very different than what we have
2 today, or at least different than what we have today.
3 I certainly wouldn't be proposing any new hours used
4 rate structures in the year 2023.

5 Q. There was quite a bit of discussion about
6 rate modernization earlier. Took the opportunity to
7 look through your testimony, and I think you may have
8 omitted explaining what -- how you view that in more
9 detail than what you testified to here. If you'd
10 take the opportunity to, I don't know, either to find
11 it or explain in a little more detail than you did
12 earlier?

13 A. So what I mean by rate modernization is
14 using the information that we have available and the
15 billing systems that can exist in today's time frame
16 that are different than what existed, you know, in
17 the '80s and '90s and before and using that to come
18 up with a reasonable customer charge based on the
19 customer-related costs that a customer exerts, a
20 facilities charge that accurately reflects the cost
21 that that customer is imposing on the distribution
22 system, particularly in regard to its customer
23 specific infrastructure, and then some combination of
24 a coincident peak demand charge, meaning demand
25 during what are identified as appropriate peak hours.

1 And I think I threw out in this case an
2 example of that as well as a time-based charges to
3 recover the remaining revenue requirement. Did that
4 answer your question?

5 Q. I think so. You referred to billing
6 system information. Do you mean usage, or did you
7 mean something more than that?

8 A. So what I mean is in the past -- well,
9 it's kind of ironic. Ameren -- Ameren's one of the
10 biggest utilities and it has about the smallest
11 number of rate classes. So in the past, you know,
12 there was limited information that could be handled
13 in a given month to bill a given customer and complex
14 billings had to be done on a manual basis.

15 So what I mean by that is that it may be,
16 what I foresee happening over the next ten years is
17 where a customer of a given size is charged a
18 particular customer charge based on that size. It's
19 charged a facilities charge multiplying its
20 noncoincident demand by a set rate that may be the
21 same or virtually the same across all classes
22 adjusted only for line losses. It's billed energy
23 charges that may be the same or virtually the same
24 across all classes adjusted only for line losses.

25 Q. I'm going to turn to something else. You

1 said that the current fleets of the utilities
2 including Ameren Missouri's differ because of
3 historical differences. Would you elaborate a bit on
4 that?

5 A. Yeah. So Ameren, you know, the big Ameren
6 rate case that kind of set in motion the rate
7 structures and rate designs that Ameren has today was
8 the Callaway case. You know, in the '80s a framework
9 was laid. It was refined in the '90s. And those
10 rate structures have been in the place since I
11 believe the late '90s.

12 And since that time we had a -- you know,
13 Ameren acquired virtually no generation, maybe a
14 peaker or two from I believe it was about 1985 until
15 early 2000s, I want to say around 2003 or 2004, when
16 they picked up what are referred to the Aquila fire
17 sale CTs. Which, as the name implies, were acquired
18 less because they made sense to them as a utility and
19 more because they were close by and they were at an
20 affordable price for an international utility that,
21 you know, made international news for going bankrupt.

22 And since that time we've seen coal plants
23 retire. We've seen renewables being added that, you
24 know, we're not saying they shouldn't be added, we're
25 not saying that they don't serve capacity and

1 certainly in the way I allocated them, their capacity
2 contribution's recognized. But they're not being
3 added to meet a peak capacity, which is the premise
4 that is underlying, you know, what you want to call
5 some historic production allocation approaches such
6 as the A&E.

7 MR. WILLIAMS: Thank you.

8 JUDGE CLARK: Any other recross based on
9 Commissioner or bench questions?

10 MS. GRUBBS: Yes, your Honor, if I may.

11 JUDGE CLARK: Go ahead.

12 CROSS-EXAMINATION

13 BY MS. GRUBBS:

14 Q. Just briefly. To your knowledge,
15 Ms. Lange, are billing units available for the
16 alternative, or I think you called it transition
17 rates or rate?

18 A. The thing that I suggested we ought to
19 develop as an interim step if the Commission is going
20 to enter an order similar to what it entered in
21 Evergy?

22 Q. Correct. That was my understanding.

23 A. No. We'd have to work on those.

24 MS. GRUBBS: That's all. Thank you.

25 JUDGE CLARK: Any other recross based on

1 Commissioner or bench questions? Any redirect from
2 staff?

3 MR. KEEVIL: Very briefly.

4 REDIRECT EXAMINATION

5 BY MR. KEEVIL:

6 Q. Ms. Lange, in response to discussion you
7 were having with the judge, if I wrote this down
8 correctly, you made the statement that the weighted
9 energy allocator has been misrepresented by the
10 witnesses in this proceeding. Did I get that
11 basically correct?

12 A. That is certainly true, and I do recall
13 telling the judge that, yes.

14 Q. What -- can you explain that? First of
15 all what is weighted energy allocator, how's it used,
16 and then how's it been misrepresented?

17 A. So to allocate the cost of the network
18 distribution system, I took the demand of each class
19 from Ameren's load research in each hour and I
20 squared the values of the hour so that what I would
21 end up with is the relationship between the -- let me
22 put it this way. The hours with the highest demand
23 had the highest rating and the hours with the lowest
24 demand had the lowest rating. And I think that while
25 the parties have seized on, you know, this belief

1 that it's producing an energy result, it doesn't. I
2 can state the differences if that's helpful. But
3 it's not the same.

4 But what it does show us is that when
5 we've had these assumptions for years that have said,
6 you know, well, these classes cause these costs,
7 these classes are peaky, these classes whatever, what
8 that ignores is that some of classes with high load
9 factor -- well, classes with high load factor, it's
10 not only that they're using energy and hours with low
11 load factor or with low demands, it's that's they are
12 also causing contributions to demand in hours with
13 high demands.

14 And I think the easiest way to look at
15 that is if you rank -- if you rank the hours from
16 highest to lowest, what you see -- and when I say
17 that, so you'd have 8,760 hours. You'd have class
18 load in each of those hours at a consistent voltage.
19 And if you rank those from highest to lowest, the
20 highest overall we have is for 613, 22, hour 17,
21 total demand of 6,990,997. Well, in that hour LPS
22 is contributing 515,384; SPS is contributing 585,274;
23 LGS is contributing 1,412,834; SGS is contributing
24 670,007; RES is contributing 3,807,498.

25 And while those numbers are, you know,

1 they are what they, but, well, let's skip down
2 roughly 50 hours. And I -- I apologize, I didn't
3 number the hours when I pulled my information.
4 But, okay. So let's go to where the total demand
5 is 662,328 which is probably 40 hours from the
6 highest hour of the year. We see that LPS has a
7 demand of 518,990. And that's not to say that they
8 should be penalized for having a consistent demand.
9 It's just that if you're looking at a system that has
10 to exist in every hour of the year, I think that you
11 need to start looking at what the requirements are on
12 that. Because it's not just peak demands that drive
13 the distribution planning.

14 And where this kind of ties back into what
15 Mr. Williams was getting at, and this is very
16 important, when you do this on a class level, you do
17 get numbers that aren't too far off of the energy
18 allocators. But if you do this on a customer level,
19 you see huge differences in customers. And this is a
20 method that I developed in costing out distribution
21 costs to time periods for TOU rate development.

22 So if you want to have a higher
23 differential TOU rate than what Staff has proposed in
24 recent cases, you have to look at costing out of
25 revenue requirement to those hours to reasonably

1 allocate cost of those hours to see a cost
2 difference. And what you find is that, you know, you
3 have some customers who are using exclusively in
4 high-cost hours. You have some customers who are
5 using exclusively in low-cost hours. And a lot of
6 customers are somewhere in between. And that's true
7 across all classes which is what gets missed when
8 it's aggregated to the class level.

9 Q. You also had a discussion with the judge
10 about, it was actually rather lengthy, about the
11 minimum distribution system study that Ameren has
12 done. Do you recall that generally?

13 A. Yes.

14 Q. And you said something about Ameren's --
15 is this a model or a study? I guess I should call it
16 study. Right? Ameren's study is based on a minimum
17 distribution system that's primary voltage?

18 A. Correct.

19 Q. What's the effect of that?

20 A. The effect of that is that you are
21 assuming a per customer cost as though every customer
22 were a primary customer. And what I mean by that is
23 that if you were building a distribution system to
24 serve your house or let's say that the judge has law
25 office up the street, you would not run a primary

1 line from a generation facility to that house or that
2 business. You know, that's -- that's why the
3 secondary distribution system exists.

4 So if you're going to cost out the
5 distribution system on what you're going to claim as
6 what you would build if you weren't serving any
7 customer demand, which is the -- you know, or the
8 minimum level of customer demand, I'm sorry, it
9 should reflect the minimum level of customer demand
10 which would be, frankly, it would be a lighting
11 customer. But realistically it would be a 110, 240
12 volt secondary customer, not a primary customer.

13 Q. So does Ameren's study then allocate
14 greater cost to the smaller use classes than it
15 should or?

16 A. It -- if you -- so Ameren uses that
17 portion of its study to decide how much cost should
18 be allocated to each customer, which is aggregated at
19 the class level. So the effect of this study is that
20 you're allocating the same costs to one unit in a
21 triplex as you're allocating to a lead smelter for --
22 and if you go back to that exhibit we had earlier
23 today, I don't have it in front of me, but for 60
24 percent of poles and for, I believe it's 57 percent
25 of overhead conductors and devices. That -- that is

1 the portion that they're allocating based on the
2 number of customers under the premise that each
3 customer should pay the same amount.

4 Q. Okay. There was also some discussion
5 about scaling a cost of service study based on
6 percentages or something, some reference to
7 Mr. Hickman scaled the Vandas study based on changes
8 in something. What -- first of all what is -- what
9 is meant by scaling the study? And then second of
10 all, how is that done?

11 A. Well, I think there's three issues where
12 this has come up. One is with Mr. Hickman's
13 adjustment to the Vandas study results to fit his
14 minimum system study. One is with the adjustment
15 Mr. Brubaker purported to make this morning of
16 scaling his study results to fit a different revenue
17 requirement compensation. And the third is with
18 Mr. Hickman's TH-1 table. And it's the same issue
19 across all of those, which is to say that
20 mathematically you can't adjust an average when the
21 contents that made that average changed and get
22 results that are accurate.

23 So using the example of the Vandas study,
24 I believe I outlined this in my Rebuttal testimony,
25 but Mr. Hick -- Mr. Hickman didn't, if you will --

1 sorry, let me see if I can potentially get the
2 right percentages in here. Sure.

3 So if you look at page 44 of my testimony
4 at the top, we have what are called the Vandas study
5 results. And this is a direct copy and paste out of
6 Hickman's work paper. And in here, in poles he says
7 he has 19 percent HV, 38 percent primary, and 19
8 percent secondary. Well, if you total those up,
9 there's not 60 percent that's missing, but he find
10 that 60 percent of the poles account should go on
11 minimum system and so then he just adjusts these
12 percentages down.

13 Well, with these values, if you're doing a
14 minimum system that takes up 60 percent, that wipes
15 out the 19 percent that is allocated to secondary
16 when you just adjust that minimum size that Vandas
17 found in, you know, I guess 1994. You know, when you
18 replace that minimum size with the 60 percent, that
19 wipes out what is here as the secondary percent.
20 That wipes out a chunk of what's here as the primary
21 percent. But instead he just adjusted those
22 percentages while changing what the fourth component
23 of that study result was.

24 Q. Excuse me. Lot of discussion about the
25 rate modernization workshop or working group. When

1 you think of the rate modernization working group, do
2 you see that as an opportunity to perform actual work
3 on actual data, or is it just sort of an academic
4 exercise in your mind?

5 A. I sure hope it's an opportunity to do
6 actual work on actual data. If the intent of this
7 process is to sit in a room and be read a Power
8 Point, I'd submit that's a waste of everyone's time.
9 I think that if we -- you know, looking back to how
10 some of the working documents were done, you know, as
11 the FAC was being developed, as the MiA rules were
12 being written where people came with their laptops,
13 they came ready to do math, they came ready to do
14 work, I think that that could be a really productive
15 exercise. If it's a, you know -- if it's a meeting
16 of spreadsheets, great. If it's a meeting of Power
17 Points, frankly it's a waste of everyone's time.

18 Q. All right. How does Ameren's CCOS method
19 coincide with the reality of Ameren's MISO
20 participation?

21 A. It doesn't.

22 MR. KEEVIL: Objection; beyond the scope.

23 MR. KEEVIL: That's -- well, that's not
24 beyond the scope, Judge. There were tons of
25 questions about Ameren's MISO -- or excuse me,

1 Ameren's CCOS study. I'm not limited to bench
2 questions; I'm doing redirect. That's based off all
3 questions.

4 JUDGE CLARK: Go ahead.

5 MR. KEEVIL: Thank you.

6 JUDGE CLARK: That'll be overruled.

7 BY MR. KEEVIL:

8 Q. Ms. Lange, let me restate there or repeat
9 the question. How does Ameren's CCOS method coincide
10 with the reality of Ameren's MISO participation?

11 A. It doesn't. And that's especially true
12 now that MISO has moved to a seasonal capacity
13 construct. Now, there was a brief time kind of I
14 think after testimony closed but before this hearing
15 when that construct was in question. I think that
16 MISO has come out since then indicating that the --
17 the auction will be slightly delayed. But as I
18 understand it, 4/18, so five days from now, Ameren
19 will be open -- or I'm sorry -- Ameren will be
20 participating in a MISO capacity auction that's based
21 on four seasons rather than one coincident peak,
22 which has been the historic practice.

23 And the way that I allocated the costs of
24 the -- the cost and the revenues associated with
25 production facilities that are not low/no variable

1 costs net of the capacity contribution of facilities
2 that are low/no variable costs is explicitly designed
3 to account for that MISO function whereas what
4 Ameren's doing has been something the industrials
5 have been pushing since at least 1985 which
6 necessarily does not account for that.

7 Q. OPC, Mr. Williams of OPC asked you about
8 your two biggest concerns I think it was with
9 Ameren's CCOS method, and you gave some examples.
10 Are there other concerns you have that make Ameren's
11 CCOS study unreliable?

12 A. I'm just going back. I know I addressed
13 several of them with Mr. Williams; I'm trying to not
14 be repetitive.

15 Oh, you know, one of the biggest things
16 and we kind of take it for granted because it's just
17 always been this way in utility studies is that
18 they're using an around-the-clock cost of energy
19 average. And so this is coming from their Direct.
20 So they're using a year-round average for the cost of
21 energy. Every -- every hour of every day of every
22 month is the same cost of energy in Mr. Hickman's
23 study. And that's the cost of actual energy net of
24 the revenues they get from selling energy which, you
25 know, using their FAC tariffs, they were looking

1 at 14.48 cents per kWh in the summer and 13.12 cents
2 per kWh in the winter. And those just aren't
3 reasonable estimates of the cost to use for energy.

4 So what Staff did is Staff takes the
5 hourly load on each hour and the L&Ps in each hour
6 and it multiplies those two to -- to look at the cost
7 of energy, which seems like a pretty obvious way to
8 solve for the cost of energy. You know, so that one,
9 you know, I don't understand why Ameren keeps doing
10 this when the information to do it better is pretty
11 darn easy to do.

12 Q. Chairman Rupp asked you about the Vandas
13 study and certain information that Ameren had offered
14 or something. Are there specific pieces of
15 information needed in that study to make the study
16 useful?

17 A. To redo the Vandas study as the Vandas
18 study was done in 1994 is going to be using
19 information pretty similar to what I've suggested the
20 utilities should be providing, either pursuant to
21 Commission order in this case or as developed through
22 the rate modernization docket. There may be some
23 differences, but I would think they'd be minimal.
24 The biggest issue is that that Vandas study is
25 necessarily going to be based on the assets as

1 they're recorded in the company's continuing property
2 record which we've learned are only reflecting,
3 coincidentally, accurate retirement data.

4 Q. Is it possible that the percentage of
5 distribution plant used to serve various voltage
6 levels have changed over time, especially considering
7 Ameren's smart energy plant investments?

8 A. Oh, especially considering the smart
9 energy plant investments. And frankly, I think the
10 data or at least the analysis being relied on
11 precedes the Metro East transfer, you know.

12 So Ameren has -- since this Vandas study
13 was originally done, possibly even as reflected in
14 the, what they call the Refresh in '09, you know,
15 that may or may not be accounting for distribution
16 plant that's sitting in Illinois. And it may or may
17 not be -- I know since then they've picked up, was it
18 Owensville Municipal Utilities. I think they've
19 picked up a couple other smaller systems since then
20 that is just left out of this study, not to mention
21 the growth that's happened. There's been several ice
22 storms since then that have resulted in significant
23 rebuilding of areas of the distribution system.
24 There's been significant undergrounding efforts.

25 I mean, if you just look at the mismatch

1 in the percents between the Poles account and the
2 Conductors and Device account, that tells you right
3 off the bat that something's not making sense with
4 these -- with the approach they're taking. Whether
5 that's the underlying study or whether that's the way
6 they're applying it to the data today, it just
7 doesn't make sense.

8 Q. In the very beginning of your answer there
9 you used the phrased the Metro East Relo --

10 A. Metro East Transfer.

11 Q. The Metro East Transfer. Just for the
12 record, can you -- what is that?

13 A. I'm going to get the year wrong here.
14 Sometime between 1999 and 2005, and I apologize, I am
15 going to get the year wrong if I try to be more
16 specific, Ameren Missouri -- well, Ameren Illinois
17 got some legislation that resulted in their need to
18 divest of generation assets. That coincided with
19 Ameren Missouri's need to get out of the business in
20 being in Ameren Illinois and so there was a case
21 filed. I think this was done in one case; it may
22 have been spread over two where Ameren Missouri
23 seeded a significant amount of customers and load,
24 primarily industrial load, factories in East
25 St. Louis and the area around East St. Louis in

1 exchange for picking up the Noranda Smelter as a
2 customer. And I apologize, if that was done over one
3 case or two or possibly more, but that's broadly
4 referred to as the Metro East Transfer.

5 And whether this is allowed or not,
6 Mr. Wills, am I generally right on that? If I've
7 said something terribly wrong, I don't have want to
8 have the record terribly wrong.

9 MR. WILLS: Not from my knowledge, there's
10 not anything terribly wrong.

11 MS. LANGE: Okay. And I will -- I
12 will -- yeah. I'll stop talking there then.

13 BY MR. KEEVIL:

14 Q. Going back to, in response to the judge,
15 you read something from the -- something you printed
16 out over lunch, and I offered to offer it and
17 Ms. Grubbs didn't want me to offer it at the time.
18 Do you know what I'm talking about, the --

19 A. I do.

20 Q. -- exhibit thing 1 -- I believe it was
21 marked as 183.

22 Could you describe that again for the --
23 just for the record.

24 A. So visually, the first page is a table of
25 some account names and some rows consisting of

1 descriptions of cost. The second page is an email
2 from myself to Mr. Luebbert and Mr. Jim Busch dated
3 Monday, April 10th, 2023 4:46, as well as one
4 handwritten line.

5 Q. And this represents data that you believe
6 to be needed?

7 A. If I was going to start from -- if I was
8 going to pretend the last three cases hadn't happened
9 and I was going to ignore various representations,
10 orders, stipulations that have been achieved about
11 what data we need to do things and I was to say,
12 Let's all put that all behind us and start from
13 scratch, this is the data that I believe we need as a
14 bare minimum to have a productive discussion of
15 reasonable rate structures and the costing thereof
16 for Ameren Missouri.

17 Q. And would this be for purposes of the
18 rate -- the modernization workshop that we talked
19 about or the -- or a future rate case or for what
20 purpose exactly?

21 A. Either of those. I guess it depends on
22 timing. You know, if they file a rate case, you
23 know, July 3rd as has been something of a tradition,
24 you know, and I'm not speaking from knowledge if
25 that's proposed or not, you know, then we would want

1 it for that. Ideally this is something that we would
2 take a little bit more time with and work through in
3 a rate modernization workshop.

4 MR. KEEVIL: Judge, I'd offer this
5 Exhibit 183 I think it's called.

6 MS. GRUBBS: Can other parties see a copy
7 of it? Sorry.

8 JUDGE CLARK: I was actually getting to
9 that. I don't think anybody's had an opportunity see
10 that yet.

11 MS. LANGE: It should look familiar,
12 Jermaine.

13 MR. WILLIAMS: Judge, the only thing I'd
14 add is my recollection is that there was a correction
15 to that exhibit on one of the, I don't remember if it
16 was an account number or a description, but just so
17 it's in the record near to when the exhibit's be
18 being offered.

19 MR. KEEVIL: An account number correction
20 or was it in the testimony?

21 MS. LANGE: There was a voltage
22 correction in one of the -- there's a typo in one of
23 the voltages. And I would submit that the literal
24 voltages and that sort of thing that are referenced
25 in this document, Staff has flexibility on what

1 reasonable voltages would be to use in lieu of that.

2 If the Ameren distribution engineers who are
3 obviously closer to the system than Staff is, you
4 know, if I said, you know, 600 volts and it should
5 have been 575 volts, you know, we're not being a
6 stickler on that.

7 MR. KEEVIL: Judge, I'm at a bit of a
8 loss as to what we're doing right now because, I
9 mean, if this is Ms. Lange's opinion as to minimum
10 data necessary, whether other parties have seen it or
11 not, I don't get the connection.

12 JUDGE CLARK: Well, if you're planning to
13 offer it as an exhibit, the other parties get chance
14 to look at it so they have an opportunity to object
15 to it if they want to.

16 MR. KEEVIL: Well, that's -- that's.
17 Okay. That's true.

18 MR. OPITZ: If I can clarify with Counsel
19 for Staff, for what purpose are you offering this?
20 Didn't she testify to everything that was on there?

21 MR. KEEVIL: I don't believe she
22 testified to the second page.

23 MR. OPITZ: I don't have any objection to
24 it.

25 MR. KEEVIL: Don't ever do this again.

1 MS. LANGE: May the record reflect I have
2 been chided.

3 MR. WILLIAMS: No objection.

4 MR. KEEVIL: We'll make some additional
5 copies now, Judge, and -- she works for you, don't
6 hand it to me. We'll make some additional copies
7 when we come back from the break I assume that we'll
8 be taking soon, and so everyone can have a copy.

9 JUDGE CLARK: Well, I'm going to ask
10 right now, has everybody had an opportunity to look
11 at it that wanted to look at it? Are there any
12 objections to admitting Exhibit 183, what I am
13 calling Staff's Minimum Proposed Data for
14 Modernization onto the hearing record?

15 MS. GRUBBS: None from the Company, your
16 Honor.

17 JUDGE CLARK: I see and hear no
18 objections. Exhibit 183, Minimum -- Staff's Minimum
19 Proposed Data for Modernization is admitted onto the
20 hearing record.

21 (Staff's Exhibit 183 was received into
22 evidence.)

23 MR. KEEVIL: Judge, I did also have one
24 question for you. After all of your questions for
25 Ms. Lange, I don't remember you asking her anything

1 about the graphs on the Staff response to the
2 April 4th order. Was that intentional on your part,
3 or was that -- did you forget?

4 JUDGE CLARK: I forgot.

5 MR. KEEVIL: Okay. I thought you might
6 have, but I did want to bring that up while she's
7 still here.

8 JUDGE CLARK: Why don't we just do that
9 real quick.

10 QUESTIONS

11 BY JUDGE CLARK:

12 Q. You prepared those graphs?

13 A. I did.

14 Q. And are they true and accurate to the best
15 of your knowledge?

16 A. They are as good as the underlying Ameren
17 load research data. So to the extent that there's
18 any issue with how solar represented, I can't vouch
19 for that. They are accurate to the data that all the
20 parties were using in this case for load research.

21 Q. So you -- this was compiled from data that
22 was supplied to you from Ameren?

23 A. Yes. This is Ameren's load research data
24 which is the only data that we have for hourly energy
25 by class, hourly demand by class. It's the same

1 thing at the hourly level. It has not been
2 normalized, granulized for weather impacts, customer
3 growth, anything of the sort.

4 Q. Well, why don't we -- do you have it in
5 front of you --

6 A. I do.

7 Q. -- by chance?

8 Can we just go through really quickly
9 for -- just for the purposes, even though this has
10 already been admitted onto the record, why don't you
11 just tell me what each graph represents.

12 A. Okay. The -- the first one it's labeled
13 Max Hourly Load in 24-hour Period at Generation
14 Voltage, July 2021 through June 2022, per Ameren load
15 research.

16 So what I did is I took the Ameren load
17 research at I believe generation voltage. I set up
18 in row one a solve for max, maximum value in each
19 class. I then selected an array of cells that was 24
20 cell -- 24 rows long and I drug that for the length
21 of the 8,760 hours indicated on this. That then
22 produced a maximum daily demand which I guess if you
23 want to account for the Daylight Savings Time,
24 there's, I guess, a variation there if any maximum
25 demand occurred at midnight or one o'clock, I would

1 not expect that to be the case.

2 I then removed the nonvalue cells and I
3 provided the total and residential values produced by
4 what I just described.

5 Q. Okay. Next graph. That's June 2022?

6 A. Yes, June 2022. So using that same data
7 set, I created -- so the data set is arranged by
8 month, day, time. So I created a row that
9 established for each hour on that 8,760 hours, I
10 established a month/hour valuation. I then created
11 an array of months and hours and used that to draw
12 out of the -- the data set of 8,760 hours the average
13 across those hours within that month for the total in
14 residential as indicated for the month of June 2022.
15 I followed the same process for each of the other
16 months as indicated.

17 Q. That would be July, August, December,
18 January, and February?

19 A. I believe you read those accurately, yes.

20 MR. KEEVIL: Judge, one thing I noticed,
21 that because of the way the test year fell, you go
22 from like, on the chart, you go from June '22 to
23 July '21. So I just want to point that out because
24 of the way the test year fell and everything, so the
25 months don't go consecutive even though it sounds

1 June, July, August, it sounds like they're
2 consecutive. They're not because some are from a
3 previous year.

4 JUDGE CLARK: Thank you for pointing that
5 out to me. I didn't notice that. Did you have any
6 other redirect for this witness?

7 MR. KEEVIL: No, Judge. That was it.
8 I'm concluded.

9 JUDGE CLARK: Okay. I think you were
10 right on the money that it is a good time to take a
11 break. It's 2:43 right now. I propose we take about
12 a 15-minute break and come back at 3:00. During that
13 time if you can get copies of that exhibit for the
14 parties and for myself, I would appreciate it.

15 MR. KEEVIL: Well do. Mr. Luebbert will
16 do that.

17 JUDGE CLARK: Thank you. Thank you,
18 Mr. Luebbert. With that in mind, we will recess
19 until three o'clock and let's go off the record.

20 (Off the record.)

21 JUDGE CLARK: Let's go back on the
22 record. All right. We're back from break. We just
23 finished with Staff's Witness Lange for Issue 1.
24 Does Staff have any more witnesses at this time.

25 MR. GRAHAM: Not on that issue.

1 JUDGE CLARK: Is your microphone on?

2 MR. GRAHAM: Not on that issue.

3 JUDGE CLARK: Thank you, Mr. Graham. And
4 I believe off the record Ameren had indicated that
5 there was a housekeeping matter. Would you like to
6 talk about that now?

7 MS. GRUBBS: Yes. Thank you, your Honor.
8 During this morning's discussion or maybe earlier
9 this afternoon, I'm sorry, I'm losing track, we had
10 reserved I think it was Exhibit No. 52 for the data
11 request response that provided the information
12 pursuant to the ET-2018 case. And so I just wanted
13 to move that into the record. I would note that
14 there are three attachments and those are
15 confidential as they contain customer-specific
16 information. So we would have 52C and 52P to be
17 added. And I believe that has been emailed to the
18 court reporter.

19 JUDGE CLARK: Okay. Would you say that
20 again, 52C and?

21 MS. GRUBBS: 52P.

22 JUDGE CLARK: Okay. Public and
23 confidential. Okay.

24 MS. GRUBBS: Yes, sir.

25 JUDGE CLARK: And what would you use as a

1 description for that?

2 MS. GRUBBS: Company Response to DR
3 MPSC 591.

4 JUDGE CLARK: Say the DR number again
5 please.

6 MS. GRUBBS: 591.

7 JUDGE CLARK: Company Response to DR 591?

8 MS. GRUBBS: Yes, thank you.

9 JUDGE CLARK: And has that already been
10 offered or are you offering it now?

11 MS. GRUBBS: Pardon me. I would ask that
12 it be moved to the record.

13 JUDGE CLARK: Any objections to admitting
14 the Company response to DR 591 onto the hearing
15 record?

16 MR. WILLIAMS: And I -- I don't have an
17 objection, but I would appreciate receiving a copy of
18 it as well.

19 JUDGE CLARK: Absolutely. Can you get a
20 copy to Mr. Williams?

21 MS. GRUBBS: Yes. We can email that and
22 it is also available in EFIS.

23 JUDGE CLARK: Mr. Williams, would you
24 like to see that before I close the time for
25 objections?

1 MR. WILLIAMS: No.

2 JUDGE CLARK: Okay. Hearing no
3 objections, Exhibit 52P and C, Company Response to
4 DR 591 is admitted onto the hearing record.

5 (Exhibits 52P and 52C were received into
6 evidence.)

7 JUDGE CLARK: Any other housekeeping
8 matters at this point?

9 MS. GRUBBS: Just a scheduling question,
10 your Honor. I wasn't sure if there was a hard stop
11 this evening at any point, but Company witness
12 Mr. Spanos will need to be presented today. So I
13 don't know how long openings or such will take, but I
14 just wanted to present that if we're getting close to
15 any hard stops, perhaps we could take him out of
16 order.

17 JUDGE CLARK: And I have Spanos listed as
18 the first witness, so we should get to him, depending
19 on how long openings are, we should get to him pretty
20 quickly.

21 MS. GRUBBS: Let's hope. Thank you.

22 JUDGE CLARK: But I'm certainly willing
23 to take -- I'm certainly willing to accommodate you.
24 With that in mind, is there any reason that we need
25 to stay on Issue 1 any longer or can we move to

1 Issue 2?

2 MS. GRUBBS: I would just clarify there
3 will be a witness presented on Issue 1 tomorrow is I
4 believe the expectation for MECG witness Mr. Chriss.

5 JUDGE CLARK: And I was aware of that. I
6 just talked to MECG and I believe that we're going to
7 try and do that -- I set to make him available in the
8 morning.

9 Now, for Issue 2 are we going in the same
10 order that we went for mini openings for Issue 1?

11 MS. GRUBBS: That was my understanding,
12 your Honor.

13 JUDGE CLARK: Okay.

14 MR. GRAHAM: Your Honor, I wasn't here
15 for that. I looked at the schedule, so, but I
16 didn't -- I can't make the comparison in my mind, so.

17 JUDGE CLARK: Staff filed an updated --
18 filed an updated issues list, and under Issue 1,
19 Wednesday, April 12th, they had mini opening
20 statements. When you move on to Issue 2, it says
21 mini opening statements on Issue 2, but it doesn't
22 list an order. So I assume we're going to use the
23 order that -- the same order we used for Issue 1.

24 MR. GRAHAM: Well, I hope someone will
25 tell me when it's time to stand up.

1 MR. WILLIAMS: You're second on the list.

2 MR. GRAHAM: Thank you.

3 JUDGE CLARK: Well, let's start Issue 2
4 which is formerly Issue 24B which is depreciation
5 continuing property record which was the CPR. And
6 it's, Should the Company be ordered to change the
7 manner that property retirements are recorded to its
8 continuing property record.

9 And with that in mind, first person to
10 give an opening on -- or first party to give an
11 opening on this, on this mini issue is Ameren
12 Missouri.

13 MS. GRUBBS: Thank you. Good afternoon.
14 May it please the Commission. While the depreciation
15 rates were agreed to in the stipulation that's going
16 to be presented on the record tomorrow and the
17 signatories -- among the signatories I know parties
18 have otherwise opposed the stipulation, it's helpful
19 to understand the context that the continuing
20 property record or CPR for short is used in the
21 depreciation study. And within a depreciation study,
22 there are recorded retirements by account.

23 Depreciation rates are estimates of the
24 reduction in value of an asset over time, just
25 generally speaking. In other words how assets

1 depreciate over time. Issue 2, the continuing
2 property record issue comes down to the manner of
3 recording retirements of mass property assets in the
4 CPR.

5 Mass property, like the title suggests,
6 are assets that are large in number of units and
7 homogeneous in nature so that detailed accounting for
8 each individual asset is simply not practical. The
9 Uniform System of Accounts accordingly does not
10 require the same detailed information for mass
11 property assets, namely the location of the unit, as
12 the recordkeeping requirements for other types of
13 property.

14 The Company appropriately --
15 appropriately relies on survivor curves determined
16 from the most recent depreciation schedules to
17 statistically select the mass property values to be
18 retired and deploys this method through its software
19 system. Just as the depreciation rates are
20 estimate -- estimates based on informed judgment so
21 are the retirements. The Company is following the
22 methodology as outlined in FERC's Uniform System of
23 Accounts and the Commission's rules for its
24 continuing property records, including it's
25 retirement of mass property assets in the best

1 interest of customers.

2 In fact, as noted in the Surrebuttal
3 testimony of Company witness Mitch Lansford the
4 Uniform System of Accounts Electric Plant
5 instructions, specifically 10D, allows for the use of
6 estimates in determining the electric plant to be
7 retired.

8 As explained by Company witness John
9 Spanos in Rebuttal, the Company's processes and
10 methods for retirement of mass property assets are
11 the same or similar to those of many other utilities.
12 And the technology solutions and accompanying
13 statistical analysis relied upon by the Company and
14 many other utilities to process retirements for mass
15 property are a practical necessity for keeping the
16 property records accurate and as current as possible.

17 The process for retiring mass property
18 assets as proposed by Staff, which to reiterate is
19 not required by the FERC Uniform System of Accounts
20 or the Commission's rules, is impractical, would
21 create unreasonable extreme administrative burden
22 with negligible, if any, benefits.

23 So I encourage you to ask Company
24 witnesses John Spanos and Mitchell Lansford about the
25 unreasonable burden that would be created and the

1 lack of corresponding benefit.

2 In conclusion, no changes in the
3 Company's recording of mass property assets should be
4 ordered. And I'll try to answer any questions, but I
5 may have to defer to an Ameren Missouri witness who
6 may best answer.

7 JUDGE CLARK: Any questions from the
8 Commission? I have no questions. Thank you.

9 MS. GRUBBS: Thank you.

10 JUDGE CLARK: Next opening from the Staff
11 of the Commission.

12 MR. GRAHAM: If it please the Commission.
13 Remember that number, 10D, the rule that was invoked
14 by Staff -- or by Ameren.

15 The issue before the Commission today
16 concerns recordkeeping. Ameren Missouri's required
17 by regulation to track additions and retirements of
18 its assets in a continuing plant inventory record.
19 Here we will refer to that record as the CPR. Staff
20 has been made aware that the Company is not tracking
21 the retirements of assets accurately and is instead
22 allowing the power plant software to simulate
23 retirement data. This simulated data is then being
24 used in subsequent depreciation studies to determine
25 depreciation rates for those accounts in future rate

1 cases.

2 The specific question before the
3 Commission today is does Ameren Missouri's current
4 practice adhere to the Commission's regulations. The
5 answer is no. Should the Company be ordered to track
6 and record retirement in its continuing plant
7 inventory record, the CPR, instead of simulating
8 data. The answer's yes.

9 Let's take a look at the rules, starting
10 with the rules and we will end with the 10D that
11 counsel referred to. 20 CSR 424.020.0203A states
12 that an electric corporation subject to the
13 Commission's jurisdiction shall maintain plant
14 records of the year of each unit's retirement as part
15 of the continuing plant inventory records. As the
16 term is otherwise defined in part 101 definitions 8,
17 in paragraph 15.001.8. This reference refers to 18
18 Code of Federal Regulations part 101.

19 18 Code of Federal Regulations part 101,
20 definition 8 states, The continuing plant inventory
21 record means company plant records for retirement
22 units and mass property that provide as either a
23 single record or in a separate records readily
24 obtainable by references made in a single record the
25 following information: For each retirement unit the

1 name and description or the description of the unit
2 or both. Two, the location of the unit. Three, the
3 date that the unit was placed in service. Four, the
4 cost of the unit as set forth in plant instructions 2
5 and 3 of this part. And five, the plant's control
6 account to which the cost of the unit is charged.

7 And B, for each category of mass
8 property. One, a general description of the property
9 and quantity. Two, the quantity placed in service by
10 vintage year. Three, the average cost as set forth
11 in plant instructions 2 and 3 of this part. Four,
12 the plant control account to which the costs are
13 charged.

14 As counsel has alluded, Ameren's
15 counsel's alluded, we were talking about categories
16 of mass property in this instance. What constitutes
17 mass property. The mass asset convention of
18 accounting applies to the accounting for large
19 numbers of homogenous assets in situations in which
20 the accounting for individual assets is not
21 practical. Under this convention homogenous assets
22 are aggregated and depreciated by applying a rate
23 base on the average expected useful life of the
24 assets. So simplified, a category of mass property
25 is a grouping of many similar asset units into one

1 group for accounting purposes.

2 Now, going back to the rule, part 101,
3 definitions 8B requires the recording of the quantity
4 placed in service by vintage year and the average
5 cost be recorded for each category of mass product --
6 mass property.

7 So in a nutshell, what does the rule
8 require. Stated succinctly the rule requires that
9 when a widget is retired, certain things be recorded
10 in the Company's continuing plant inventory record.
11 One of those things is the widget's vintage year as
12 previously recorded. As previously recorded. I said
13 it twice for a reason. Another is average cost as
14 previously recorded. The Ameren Missouri method of
15 recording is -- or I'm sorry -- Ameren Missouri is
16 not recording this for all accounts, but it is
17 instead simulating retirement data.

18 In response to Staff data request 0209.3
19 the Company stated the following: Ameren uses the
20 power plan system to select assets for retirement
21 based on an Iowa Survivor Curve for mass property
22 accounts based on the type of asset. The survivor
23 curve reflects current dispersion patterns of the
24 assets which has been determined in the most recent
25 depreciation study or studies as other intervenors,

1 including from Staff study, the appropriate
2 deprecation parameters for our investments, close
3 quote.

4 So the Company is in violation of the
5 rule. When the Company retires an asset, it is not
6 recording the vintage year or average value of that
7 asset as it was previously recorded in the company's
8 books. Instead it is randomly recording a different
9 vintage year and most importantly, a different
10 average value for that asset. It is doing this on
11 the basis of a software analysis of an Iowa Survivor
12 Curve.

13 Let me illustrate this point and I've got
14 a page from Mr. Cunigan, Cedric Cunigan Surrebuttal
15 True-Up Direct testimony, page 4, if I may approach
16 the bench.

17 JUDGE CLARK: Please.

18 MR. GRAHAM: I'll give you one of these.
19 If we're going to mark it, I think I'll just leave it
20 behind for the court reporter so it's nearby her.

21 JUDGE CLARK: Are any of these numbers
22 confidential?

23 MR. GRAHAM: I've checked with
24 Mr. Cunigan; he says no. But before we do anything,
25 if other people would chime in on that question.

1 JUDGE CLARK: Before we put anything up
2 on display, I --

3 MR. GRAHAM: I didn't intend to put it up
4 on display, but I will be reciting numbers and so
5 your point is, of course, well-taken. I think that
6 it's not -- nobody's objecting that it's
7 confidential.

8 JUDGE CLARK: Ameren, is this in any way
9 confidential?

10 MS. GRUBBS: No. Thank you. We have
11 confirmed we're good. Thank you.

12 JUDGE CLARK: Thank you. Go ahead,
13 Mr. Graham.

14 MR. GRAHAM: Thank you. Take a look at
15 the chart on page 5 of the testimony which will be
16 placed in evidence later when Mr. Cunigan takes the
17 witness stand. This is 5 of Cedric Cunigan's
18 Surrebuttal True-Up Direct testimony. This chart
19 tracks six data points for an asset. Its ID, the
20 utility account, the retirement unit, the asset
21 location, the activity quantity, the activity cost,
22 and the average cost.

23 Look at the first line with me. Now,
24 suppose one of those poles is retired for whatever
25 reason. Might be a lightning strike, could be

1 anything, but it's retired. When that happens, the
2 regulations require that the number 5, see that 5
3 under activity, be reduced to 4 and that the
4 number \$291,080.76 be reduced by \$58,216.15. With
5 the Company approach however, this does not happen or
6 it may or may not happen. Applying its software to a
7 survival curve, the Company may jump down six lines
8 and lower the number 80, if we look down the page to
9 the last row on that chart, the number 80, to 79 and
10 subtract \$169.37 from \$13,549.83. Cutting to the
11 chase, so what. The answer is that rates and
12 shareholder returns will continue to be calculated on
13 the assumption that \$58,216.15 minus \$169.37 remains
14 in used and useful plant when it is not there.

15 What does the Company say about this.
16 Now we get to 10D. Witness Lansford says that this
17 procedure is allowed as an estimate. He states, and
18 I quote from page 11 of his Surrebuttal and True-Up
19 testimony and from Ameren's reference to this rule,
20 quote, Specifically the US of O [sic] allows for the
21 use of estimates in determining the book cost of
22 electric plant retired.

23 And here comes the rule. The rule is the
24 book cost of the electric plant retired shall be the
25 amount at which such property is included in the

1 electric plant account. That's where you start,
2 including all components of construction costs, and
3 that's what's goes over into the retirement record.
4 The book costs shall be determined from the utility's
5 records.

6 Now, what's next is the cutting edge of
7 this case. The rule goes on to say, and as I
8 understand, Ameren is hanging its hat on this, The
9 book cost, if this cannot be done, it shall be
10 estimated. Utilities must furnish the particulars of
11 such estimates to the Commission if requested when it
12 is impractical to determine the book cost of each
13 unit due to the relatively large number or small cost
14 thereof an appropriate average book cost of the units
15 with due allowance of any differences in size and
16 character shall be used as the book cost of the units
17 retired. Stop.

18 The rule requires that if a widget from
19 line 1 worth \$58,216.15 is retired, that it be
20 recorded at that line unless that is not possible or
21 it is impractical. Rule, exception. Rule,
22 exception. Rule, burden of proof that the rule does
23 not apply. The exception contemplates that the
24 Company has got to come forth and show that this is
25 impossible or impractical. That's not the case that

1 we have here.

2 Through discovery in this case what we
3 hear from the witnesses is, Oh, it's impossible.

4 That's not a self-proving statement.

5 Oh, it's absurd.

6 That's not a self-proving statement.

7 No evidence has been brought forth. Now,
8 it might be said that we didn't ask for it. Well,
9 the burden because of this rule is on the Company to
10 come forth and justify its violation of the rule and
11 there is no doubt anywhere that the rule is being
12 violated. Well, putting it differently -- that's
13 unfair of me. It's not that the rule is being
14 violated. It's that they're not recording the data
15 in the manner required by the rule. This is not in
16 dispute. Well, if it's not in dispute, then the
17 second part of 10D here --

18 JUDGE CLARK: Mr. Graham, can you stand a
19 little closer to the microphone.

20 MR. GRAHAM: -- then the second part of
21 the rule is triggered.

22 And that rule requires them to show that
23 it's impossible, impractical. They haven't done
24 that. In fact, continuing here, it appears from
25 discovery in this case that it is possible and

1 practical. The Company has the data. The Company
2 has the data necessary to comply with the rule and
3 put down the actual data that the rule requires.

4 Now, let me make this clear. Staff is
5 not saying -- I, of course, picked a rather explosive
6 example just for illustrative purposes and perhaps to
7 get folks' attention on an otherwise dry issue
8 perhaps. Let me make this clear. Staff is not
9 saying the error always favors the Company. Staff is
10 saying there's no way to tell which way it goes.
11 Staff is saying accordingly that where millions of
12 dollars in mass assets are being recorded this way,
13 there is no way of saying that a resulting rate is
14 just and reasonable. By replacing an act -- by
15 replacing an actual vintage year as recorded and an
16 actual average asset cost with fabrications we end
17 up with a fabricated continuing plant inventory
18 record.

19 How do we know this. Well, here's the
20 epiphanic moment. The record I've just shown you is
21 not accurate. It never was accurate. This record is
22 a record of what happened after the last retirement
23 occurred using the Company's system. We don't know
24 as we look at this record whether on the date that
25 this record was made, whether these numbers, this

1 data reflected actual plant in service. And that's
2 where we stand today. The chart shows inventory
3 after the Company has made retirements per its
4 system. When made, were there actually five poles
5 each with a vintage year of 2020 with an average cost
6 of \$58,216 or had one been retired but recorded as a
7 reduction of 81 to 80. We don't know.

8 The Company states as much in the
9 supplemental response to Staff Data 209.1S1 where
10 Laura Moore states, That vintage year will not,
11 except by pure coincidence, match the vintage year of
12 the actual asset retired in the field.

13 Well, that's a statement that could be
14 made about the entire record. Whether the record
15 reflects actual plant in service for ratemaking
16 purposes is a matter of pure coincidence. That's
17 what the Ameren's own witness said.

18 Now, moreover, it gets worse. The error
19 itself's sustaining and quite literally feeds on
20 itself. I hesitate to pawn this way, but away we go.
21 Feeds on itself. That is there is a feedback, I
22 apologize, loop error involved here. In baby steps
23 the survivor curve projects a service life of an
24 asset account. That projected service life, in turn,
25 is used to retire assets on the accounting books and

1 to add newly fabricated data to the depreciation
2 database. Then that fabricated data is used in the
3 next depreciation study to determine the survivor
4 curve in the next case, in the next retirement.
5 Putting this differently, overtime the continuing
6 property record is no longer an accurate record of
7 plant assets.

8 Ameren Missouri is not disagreeing with
9 this statement. It simply contends that the rules
10 allow for an estimate without addressing whether or
11 how the estimate involved is a reasonably accurate
12 estimate.

13 Now to reiterate, look at the chart from
14 Cedric Cunigan's Surrebuttal testimony. Vintage
15 year, just so I get this across because there's been
16 a lot of conversation at least coming into this
17 courtroom about vintage year. Vintage year is
18 directly tied to the average cost.

19 Why do I bring up at this point a key
20 word that you heard in Ameren's opening statement was
21 the word "location." Staff is not insisting here
22 that the correct location -- the rule requires it,
23 but that's not the heartburn that is being caused
24 for Staff here. The heartburn is over the vintage
25 year.

1 Vintage year is directly tied to the
2 average cost. Location is not. Vintage year, the
3 age of the asset is what's critical when you're
4 trying to determine average cost of a depreciated
5 asset. By not tracking the appropriate vintage year
6 of retirements, Ameren is also not tracking dollars
7 appropriately for those retirements. Two of the
8 pieces of information that Ameren is required to
9 track as a part of the CPR are not being recorded
10 correctly.

11 I reiterate that the Commission's rule 20
12 CSR 424.020.02038.18 requires that Ameren Missouri
13 maintain plant records of the year of each unit's
14 retirement as part of the continuing plant inventory
15 records as the term is otherwise defined in the rules
16 that I've already cited and read to you.

17 Now, here's Staff's recommendation:
18 Going forward the Company should record plant records
19 of the year of each unit's retirements as part of the
20 CPR in compliance with the regulations. Specifically
21 when retiring mass assets, the CPR recording process
22 should be based upon the actual recorded vintage
23 years, recorded vintage years, and the associated
24 average cost of that vintage year. Line up the
25 records with the records.

1 At this time Staff is not recommending
2 that the Commission order a retrospective full
3 inventory or adjustment of the books. Nevertheless
4 for ratemaking, the rate base should reflect an
5 accord between book values on the one hand and plant
6 actually in service. So Staff will continue
7 conversations with the Company to determine whether a
8 full inventory and book adjustment is necessary.

9 Now, wrapping this up, let me go back to
10 that rule that counsel cited us to and look at the
11 second wing of it. Company says Staff is being
12 absurd, but Ameren's Witness Spanos states in his
13 Rebuttal at page 18, It is always best to be able to
14 specifically identify the actual vintage of an asset.
15 Point not in dispute.

16 Mitch Lansford in response to Staff's
17 DR 439 which I'll put into evidence when Mr. Cunigan
18 takes the stand, stated that the, quote, Company
19 maintains accounting records of all of its
20 investments and those accounting records contain life
21 characteristics as required under the FERC USO of A
22 [sic]. Ameren's response to 439 is filed in EFIS
23 with an Excel spreadsheet, which I, of course, am not
24 going to introduce here because it's perhaps hundreds
25 of pages of long, I don't know. It contains the

1 accurate data. The Company has it. So think about
2 that rule that's -- that Ameren invoked.

3 Staff contends that in this case it is
4 just as easy to do it right as it was to do it wrong.
5 If data's available, then doing things right is no
6 harder than doing it wrong. Furthermore and in any
7 event because the rule and because we have a duty to
8 ensure that rates are just and reasonable, if it can
9 be done, then it must be done. That concludes my
10 opening.

11 JUDGE CLARK: Thank you, Mr. Graham. Any
12 questions from the Commission? I have no questions.
13 Thank you.

14 MR. GRAHAM: Thank your, Honor.

15 JUDGE CLARK: On behalf of the Office of
16 Public Counsel.

17 MR. WILLIAMS: Public counsel waives
18 opening.

19 JUDGE CLARK: On behalf of MIEC.

20 MS. PLESCIA: No opening. Thank you.

21 JUDGE CLARK: On behalf of Sierra Club,
22 NAACP, and CMU [sic].

23 MR. THOMPSON: No opening, your Honor.

24 JUDGE CLARK: Consumers Council is not
25 here. On behalf of Midwest Energy Consumers Group.

1 MR. OPITZ: No opening, your Honor.

2 JUDGE CLARK: MECG. On behalf of Renew
3 Missouri.

4 MR. LINHARES: No, your Honor. Thank
5 you.

6 JUDGE CLARK: Thank you. Well, those are
7 all our openings. Ameren, you may call your first
8 witness.

9 MS. GRUBBS: Thank you. The Company
10 calls Mr. John Spanos to the stand.

11 JUDGE CLARK: Would you raise your right
12 hand and be sworn.

13 (Witness sworn.)

14 JUDGE CLARK: Please be seated. And say
15 and spell your name for the hearing record.

16 MR. SPANOS: My name is John J. Spanos,
17 S-p as in Paul -a-n-o-s.

18 JUDGE CLARK: Go ahead, Staff.

19 MS. GRUBBS: Staff or the Company?

20 JUDGE CLARK: Sorry. I meant Company.

21 MS. GRUBBS: Okay. Sorry. Just wanted
22 to be sure.

23 JUDGE CLARK: Go ahead, Ameren.

24 JOHN SPANOS, having been first duly sworn,
25 testified as follows:

1 DIRECT EXAMINATION BY MS. GRUBBS:

2 Q. Mr. Spanos, by whom are you employed, what
3 it your title, on whose behalf are you testifying?

4 A. I am employed by Gannett Flemming
5 Valuation and Rate Consultants, LLC, I am the
6 president, and I am testifying on behalf of Ameren.

7 Q. You are same the John Spanos who filed
8 Direct, Rebuttal, and Surrebuttal testimony in
9 this case which has been marked as Exhibits 42, 43,
10 and 44. Is that correct?

11 A. That is correct.

12 Q. Do you have any corrections or revisions
13 to make to your testimonies?

14 A. I do not.

15 Q. If I asked you the questions contained in
16 your testimonies today, would your answers be the
17 same?

18 A. Yes, they would.

19 MS. GRUBBS: I would move for
20 Exhibits 42, 43, and 44 into the record.

21 JUDGE CLARK: Any objections to
22 Exhibits 42, 43, and 44, the Direct, Rebuttal and
23 Surrebuttal testimony of John Spanos? I see and hear
24 none. Exhibits 42, 43, and 44 will be admitted on to
25 the hearing record.

1 (Ameren Missouri's Exhibits 42, 43,
2 and 44 were received into evidence.)

3 MS. GRUBBS: With that, Mr. Spanos is
4 tendered for examination.

5 JUDGE CLARK: Any questions from -- any
6 cross-examination from MIEC?

7 MS. PLESCIA: No questions. Thank you,
8 your Honor.

9 JUDGE CLARK: Any cross-examination from
10 MECG?

11 MR. OPITZ: No, thank you, your Honor.

12 JUDGE CLARK: Any cross-examination from
13 Sierra Club, the NAACP, or MCU?

14 MR. THOMPSON: No questions, your Honor.

15 JUDGE CLARK: Any cross-examination from
16 Renew Missouri?

17 MR. LINHARES: No questions, your Honor.

18 JUDGE CLARK: Any cross-examinations --
19 well, CCMO isn't here. Any cross-examinations from
20 Public Counsel?

21 MR. WILLIAMS: No, thank you.

22 JUDGE CLARK: Any cross-examination from
23 Staff?

24 MR. GRAHAM: No, thank you.

25 QUESTIONS

1 BY JUDGE CLARK:

2 Q. Mr. Spanos, you were here for Mr. Graham's
3 opening. Correct?

4 A. Yes, I was.

5 Q. Was there anything in Mr. Graham's opening
6 that you take issue with?

7 A. Yeah. I think he has portrayed the
8 quality of the data that is available for Ameren and
9 the consistency of that data as to how it's handled
10 within the industry inaccurately. I believe that
11 under the guidance, the manner at which Ameren
12 follows their accounting records and records that
13 accounting records are consistent in the industry.
14 It is the ability to follow all of the steps that
15 Mr. Graham laid out there is not done in an industry,
16 particularly in the size of Ameren because of the
17 fact that --

18 MR. GRAHAM: I'm going to make an
19 objection.

20 JUDGE CLARK: What's your objection,
21 Mr. Graham?

22 MR. GRAHAM: Objection is no foundation
23 for this testimony and this reference to the industry
24 and the industry standards. There's not been any
25 foundation laid by this witness or any other Ameren

1 witness that justifies this Commission's receipt of
2 that opinion.

3 JUDGE CLARK: Well, I've got some
4 questions about that anyway. I'm going to overrule
5 your objection.

6 MR. SPANOS: I'll continue with the fact
7 that the manner in which you need to record
8 information and why these fixed asset systems have
9 been created in the first place is because utilities
10 weren't able to keep track of the data at the pace
11 that they were replacing it and the detail that was
12 required, particularly because you need field
13 personnel to records all of these entries. And field
14 personnel's main objective is to keep reliable
15 quality service in play.

16 So if you have a storm, for example, and
17 you now have emergency situations where hundreds of
18 assets are being changed quickly and not only being
19 done by Ameren personnel, but by other utilities that
20 come to assist, this happens quite a bit. So for all
21 of that to have to get done, then get recorded in a
22 position that it gets sent to property accounting who
23 then needs to input all of that information and at
24 the level that that requirement is that was being
25 asked of is no different than use -- utilizing, as

1 done in a depreciation study when you go through and
2 do field inspections and review of assets, discuss
3 property records and develop estimates based on that
4 curve, the quality of the data is you're getting the
5 benefit of the survivor curve and the analysis done
6 in a depreciation study as to why the detail of those
7 property records to identify every single asset
8 doesn't make sense.

9 You're going to cost tremendous amount
10 more money for the utility and ratepayers to maintain
11 the degree of detail without any benefit. And you
12 won't see that benefit for 50 years because these
13 assets all have average lives of 40, 50, 60, 70
14 years. So that whole process doesn't make sense
15 which is why there was these fixed asset systems
16 developed 20 years ago and utilities are utilizing
17 those to better -- provide better service in the long
18 run.

19 JUDGE CLARK: Thank you. I jumped ahead
20 without asking if there were any Commission
21 questions. Are there any Commission questions at
22 this point? I hear none, so I will move on.

23 BY JUDGE CLARK:

24 Q. You would agree -- you had mentioned that
25 Ameren is keeping it in accord with industry

1 standards, but you would -- would you agree that
2 industry standard is -- that does not necessarily
3 equate to a Commission rule?

4 A. I wouldn't necessarily say it doesn't
5 equate to a Commission rule in that there are
6 vintages that are applied to every asset that's
7 retired. And so in that guidance, I'd feel that it's
8 followed which is why all other util -- or not all,
9 excuse me, almost all of the other utilities are
10 doing a similar fashion to recording of their assets
11 in order to most appropriately address what rate base
12 is. And that's why it's -- this process is being
13 done. It's something that's been going on for 20
14 years. It's not something that's new. It's -- it's
15 done and was created because of the fact that you
16 couldn't keep track of the data and still supply
17 quality service.

18 Q. And is it industry standard to use
19 software to record this? To, I guess, estimate this?

20 A. The process of -- and maybe to help clear
21 up an understanding of what is being estimated is
22 I'll take the poles account for example. The -- not
23 every pole has a stamp on it. Okay. So it's not
24 identified with a specific vintage. So again, if you
25 have a storm that occurs and you have 50 poles that

1 got replaced all at once, you can identify how many
2 poles were replaced, but you won't know the stamp
3 because one, it doesn't exist. I mean, if it was a
4 storm, it could have blown away or it's been sitting
5 there for 70 years and you don't have it ident --
6 able to identify it.

7 So the survivor curve, and what you do,
8 you're not doing a statistical analysis only when
9 developing a survivor curve. You are using judgment
10 that understands the ratio and mortality of poles.
11 So is it able to establish, okay, 40 poles were built
12 in the '60s or -- and used in the '60s, so now we're
13 going to apply the '60s vintage to the poles that got
14 retired. That's a reasonable expectation. So the
15 dollar value that is being assigned is much more in
16 line with how -- the example that Mr. Graham put out
17 in his opening remarks. You have a much narrower
18 view of what the actual average cost is of those
19 dollars. And that's why there's the ability to get
20 that recorded more timely than waiting to go find --
21 send the field personnel to go out and try to figure
22 out what that vintage was is, you know, an impossible
23 task and it's going to keep them from keeping the
24 power on for somebody else.

25 Q. Mr. Graham had indicated in his opening

1 that you already have, or that Ameren already retains
2 this information. Is that correct?

3 A. There is vintage data that has been
4 incorporated when it was first put into play or into
5 service, excuse me. However, to be able to identify
6 that exists every single asset is the challenge.

7 So again, there's 900,000 poles, so when
8 the field personnel go out and have a project that
9 they need to replace, it will take them time to
10 record what they actually retired. Instead of saying
11 two poles on Fifth Street, they need to go out and
12 find what the two -- the vintage of those two poles
13 was. Instead of saying it's a 40-foot pole on Main
14 Street, they have to say 40-foot pole, oh, we don't
15 have the vintage. Well, if they have to go track
16 down that vintage somehow, which who knows how
17 they're going to figure that out other than some
18 guidance as to when that street had electricity put
19 in. They won't be able to actually get the pole up
20 and service back to the customer. They're going to
21 have to take hours to figure that out.

22 And that's kind of -- if you magnify that
23 for every single project all the time, you're asking
24 the field personnel to do work that's not under their
25 criteria, but once they do get that information, they

1 now need to send it to property accounting and
2 property accounting then records every single entry
3 that goes on. And the automation is much more
4 reasonable to do, you know, through an estimation
5 using a survivor curve.

6 JUDGE CLARK: Okay. Thank you. I have no
7 further questions. Any questions based on bench
8 questions?

9 MR. GRAHAM: Yes, from Staff.

10 CROSS-EXAMINATION

11 BY MR. GRAHAM:

12 Q. Okay. Do I understand you, sir, to say
13 that the lineman or whoever it is that is out there
14 replacing the pole is going to be stopped and will
15 not be able to serve the customer and replace the
16 pole until he has gathered the data which will be
17 sent in? He's got to stop and do all this research
18 before he can actually replace the pole? Was that
19 your testimony?

20 A. Testimony is that's part of what his
21 assignment is under the criteria that you're asking
22 is he has to -- I'm not saying whether it's before or
23 not, but it's --

24 Q. But that's what you --

25 A. -- in the course of the day you -- while

1 you're doing that project, you need to be able to
2 record that information so that it gets sent to
3 property accounting; otherwise, you'll have a lag and
4 not get any recorded at all of the retirement.

5 Q. You mean it'll take him time to figure out
6 what to record, and that's inconvenient to the
7 Company because it would like to automatically apply
8 its survivor curve and just get along with it.

9 A. That's --

10 MS. GRUBBS: Objection. Is there an
11 actual questions in there or just a statement?

12 MR. GRAHAM: It was a statement, but I'm
13 asking the witness as to whether he agrees with. And
14 he understood that because he was starting to answer
15 me.

16 MS. SPANOS: I disagree with your --
17 your --

18 BY MR. GRAHAM:

19 Q. Okay.

20 A. -- statement and characterization of what
21 has to happen.

22 Q. Well --

23 A. If a lineman has to take time to record
24 detail of those assets, he can't go to the next
25 project where there's another pole that needs to be

1 replaced. So for that particular asset you may not
2 do it in advance, but it keeps him from getting to
3 the next one and the next one and the next one if
4 they are having to do this as part of their daily
5 routine in getting not only the pole up so you can
6 provide service, but also get the proper accounting
7 that you're requesting to be done. And that's why
8 the fixed asset system process was established 20
9 years ago was because they were realizing this was
10 delaying accurate reporting.

11 Q. So in the last 20 years the Company has
12 not, for example, imagined the use of cell phone
13 photographs or anything like that that the lineman
14 could take right on the spot of the pole or whatever
15 it is, file it away, do his work, get to the next
16 job, pass that -- let's put it this way. I don't
17 need to come up with the procedures.

18 My question, has the Company tried to
19 address this problem in any way other than just
20 relying upon survivor curves? Has it?

21 A. I think the reason why these fixed asset
22 systems were developed 20 years ago was because there
23 wasn't a solution that you're viewing to be so
24 simplified. It's not that simple. And why it's not
25 being done in that fashion across that country,

1 because the quality and requirements that need to be
2 done take the amount of time that keep people from
3 doing the work. And you're saying take a picture.
4 What are you going to take a picture of. If there's
5 no -- no stamp on it -- a conductor, major asset,
6 where's there going to be any type of date on a
7 conductor that you can get that off of that without
8 you have to go to some original construction project
9 that is who knows where it is now. I mean, these are
10 assets that have been in service for 60, 70 years.

11 Q. In the last ten years has Ameren replaced
12 more poles as a result of storm or as a part of its
13 strategic energy plan. Do you know?

14 A. I don't -- I don't know the percentages
15 between those two items.

16 Q. Are you aware that Ameren regularly
17 inspects its poles per Commission rules?

18 A. They do inspect their poles, yes.

19 Q. Okay. So they're out there looking at
20 their poles.

21 A. They're not going out and identifying
22 whether they have a vintage on it.

23 Q. They're out there regularly inspecting the
24 poles for something.

25 A. As to whether they're able to meet the

1 requirements of holding the conductor on, whether
2 they're safe and properly situated, whether there's
3 any rot to the poles. Those are the things that are
4 part of the inspection.

5 Q. And they record all that data as to
6 whether there's any rot in the poles or anything like
7 that?

8 A. Obviously if they have that, a problem
9 that doesn't meet the requirements, they have to
10 replace the pole.

11 Q. And that information that they see is
12 recorded by asset ID, isn't it?

13 A. I don't know if they have to record every
14 asset that they look at in the inspection. I don't
15 have detail on that.

16 Q. Well, this may be my last question, but if
17 they're doing all this inspecting and so forth and
18 they conclude the pole is not defective in any way,
19 shape, or form, and it can remain in service, does
20 the Company have any record of that, that that
21 happened with respect to that pole with its ID
22 number?

23 A. They will look to see whether that
24 particular -- I mean, the -- the sampling that they
25 do records what they've gone and looked at. That

1 doesn't necessarily say that there's a vintage on
2 that pole or the conductor which is tied to that
3 pole.

4 Q. I'm taking your answer as a no, that after
5 they've inspected it for safety and so forth there is
6 no subsequent record showing that they inspected it
7 for safety.

8 A. I --

9 MS. GRUBBS: Again, objection; I don't
10 know if there was an actual question posed.

11 BY MR. GRAHAM:

12 Q. Do you agree with what I just said? They
13 are not --

14 JUDGE CLARK: Mr. Graham -- Mr. Graham, I
15 know it would be convenient to just continue to go on
16 as though I'm not here, but -- but when somebody's
17 made an objection, would you please pause long enough
18 for me at least to hear --

19 MR. GRAHAM: Yes, sir.

20 JUDGE CLARK: -- the objection and rule
21 on it.

22 MR. GRAHAM: Thank you. Thank you.

23 JUDGE CLARK: Okay. Would you restate
24 your objection please. I believe you said it wasn't
25 a question and I'll agree with that, it wasn't

1 phrased as a question.

2 MS. GRUBBS: So I should have been more
3 clear; I apologize. I would actually move to strike
4 and there's no pending question, but it seems as
5 though he's trying to testify or make comments and
6 opening statements have already concluded.

7 JUDGE CLARK: I'm -- what I'm going to do
8 is, Mr. Graham, I'm going to ask you to phrase your
9 questions in the form of a question.

10 MR. GRAHAM: Yes, your Honor.

11 JUDGE CLARK: Thank you.

12 BY MR. GRAHAM:

13 Q. Isn't it true, sir, yes or no, that under
14 the procedure that you have described after a lineman
15 or whoever has gone out and done an inspection, if
16 there -- if he doesn't identify anything about the
17 pole that's wrong, there's not going to be a record?

18 A. I don't know the procedure that he has to
19 record what he's done. There is a guidance for
20 inspections that have to happen, and they do their
21 recording based on their inspection. But I don't
22 know the degree that you're asking.

23 Q. Yes or no. I'm -- yes or no. Do you know
24 what the procedure is that the Company follows, if
25 any, for recording data when it goes out and inspects

1 poles? Do you know that procedure?

2 A. Can you identify what data means?

3 Q. Whatever it might mean. There's -- you do
4 not know what the procedure is?

5 A. Under the pole inspection process, I do
6 not know what their specific procedure is for
7 identifying that they've completed their work.

8 Q. Do you know whether they have a procedure
9 for recording data, information observed during these
10 inspections when nothing is done to the pole after
11 the inspection? Is there any procedure at all for
12 that?

13 A. I don't know, but I'm not sure how this
14 relates to the property records, so that's --

15 Q. We're talking about --

16 A. -- a topic --

17 Q. I've been cautioned about --

18 JUDGE CLARK: Well, as to relevance,
19 that's my determination to make, not yours.

20 MR. SPANOS: Well, that's why I -- I'm
21 trying to answer the yes or no or no because I don't
22 understand how that -- how I can answer that
23 question, why I need to know what data is.

24 MR. GRAHAM: May I approach the witness?

25 JUDGE CLARK: Yes.

1 MR. GRAHAM: And this is going -- I guess
2 we're going to need to mark this as 183.

3 JUDGE CLARK: I think it's going be 184
4 actually.

5 MR. GRAHAM: Is it 184?

6 JUDGE CLARK: 184.

7 MS. GRUBBS: Does counsel have another
8 copy?

9 MR. GRAHAM: No. Well, yes, I do.

10 MR. SPANOS: Thank you.

11 BY MR. GRAHAM:

12 Q. Mr. Spanos, I've handed you what's been
13 now marked as 184. Would you agree that somewhat
14 down the page there it says number MPSC 0209.1?

15 A. Yes.

16 Q. Okay. And the title of this document is,
17 and tell me if I read this wrong; I'm just doing this
18 for the record in identification purposes, Ameren
19 Missouri's Response to MPSC Data Request, MPSC --
20 gives the case number and the name of the case.
21 Correct?

22 A. Yes.

23 Q. Would you be -- would you read into the
24 record here the question and the answer in this DR
25 beginning with the words, Please identify.

1 MS. GRUBBS: Objection. Mr. Spanos is not
2 listed as the respondent, so no foundation's been
3 laid that he is aware of this. But -- but also this
4 seems very far afield or beyond the scope of the
5 Commission -- or I'm sorry, the judge's questions.

6 MR. GRAHAM: This is redirect I believe,
7 your Honor.

8 MS. GRUBBS: No, it is not redirect.

9 JUDGE CLARK: It can't be redirect --

10 MR. GRAHAM: Oh, I'm sorry.

11 JUDGE CLARK: -- if it's not your
12 witness.

13 MR. GRAHAM: Correct. That is correct.
14 I'm sorry; I lost my place in the day. Yeah. This
15 is offered to impeach him and this is the Company's
16 response to the data request.

17 JUDGE CLARK: I'm agree that he -- I'll
18 agree that they haven't moved to enter it. I don't
19 have a problem with having him read it for
20 impeachment purposes. That will be overruled.

21 BY MR. GRAHAM:

22 Q. Would you read the question and the
23 response, sir.

24 A. You want me to read the whole --

25 Q. Yes.

1 A. -- the whole question?

2 Q. I do.

3 A. Okay. Please identify the individual or
4 individuals responsible for determining which
5 existing unit of property is retired from the
6 continuing property record when a given item is
7 removed from service. In light of the response
8 provided to Staff's DR 209 stating in pertinent part
9 no location information exists in the Company's
10 property accounting records for mass property
11 investments. For example, in DR 209 Staff inquired
12 regarding the location of an asset described as
13 Engineer in-service year 12, slash 1/2021, in-service
14 year 1/1/2021, vintage 2021, asset ID 41578918,
15 retirement unit recloser 14.4 kV, one phase,
16 activity quantity 1 and activity cost \$914.16. Or
17 excuse me, \$914,216.

18 The continuing property record included in
19 the work papers of Mr. Hickman in this case indicates
20 that there are items in Account 365, overhead
21 conductors and devices, that are identified as
22 recloser 14.4 kV one phase. By asset number these
23 items range in average value from negative 515,247
24 to positive 914,216 and from vintage 1988 to
25 vintage 2022. Please describe the process and

1 safeguards in place for the responsible individual to
2 determine which vintage engineering in-service year,
3 in-service year, and asset ID is selected to
4 correspond to a given item that is physically removed
5 from service.

6 Data requested by Sarah Lange and then her
7 email address.

8 Q. Now if you'd read the response please.
9 That was the question. Correct?

10 A. That was, yes.

11 Q. Go ahead and read the response then.

12 A. Response prepared by Paul Mertens, manager
13 plant accounting, date November 2nd, 2022.

14 Mass property items that are to be retired
15 are provided to plant accounting through a work
16 management system. Because the specific asset being
17 retired cannot be identified within our mass property
18 accounting records, retirements are selected based on
19 retirement curves and statistic -- statistical
20 analysis provided by the Company that performs
21 Ameren's depreciation studies, Gannett Flemming.

22 For location property the actual asset to
23 be retired can be determined within the Company's
24 accounting records. The plant accounting group works
25 with the business line to identify the continuing

1 property record to be retired when the asset is taken
2 out of service.

3 Q. Thank you.

4 JUDGE CLARK: Hold on. Hold on just a
5 second. Mr. Spanos, what do you do?

6 MR. SPANOS: I'm a depreciation
7 consultant. I do work for utility companies across
8 the -- across the country and Canada.

9 JUDGE CLARK: Mr. Graham, I see -- I see
10 the point you're trying to make, I do, but I -- I'm
11 getting the feeling that we're getting a little off
12 track in that it seems like you're asking a person
13 wearing shoes how -- how the shoes were made.

14 MR. GRAHAM: If I may ask my next
15 question, I think that'll clarify that.

16 JUDGE CLARK: Go ahead.

17 BY MR. GRAHAM:

18 Q. You remember my last series of questions
19 to you about the data that's being recorded by the
20 people that, you know, as the judge has correctly
21 characterized, the people with the shoes that are out
22 there on the job. But doesn't this document that
23 you've just read from KCR-2022-0337 indicate that
24 you've got people out there recording data who are
25 looking at assets and are communicating information

1 back?

2 MS. GRUBBS: Objection in that it
3 misrepresents what the document says. It says, For
4 location property. The issue in this case is mass
5 property, and I believe the witness has been
6 testifying from the mass property perspective, not
7 location property, which is a completely different
8 type of property.

9 MR. GRAHAM: May I respond?

10 JUDGE CLARK: You may. I'm going to
11 inform you at this time that I've got an email that
12 your conversations with Ms. Lange are being picked up
13 by the microphone, so you might want to turn off the
14 microphone when you talk to each other.

15 But go ahead and respond to the
16 objection.

17 MR. GRAHAM: All right. Yes. I see that
18 there are two wings to this. I saw that when I asked
19 the question. One's for mass property; one is for
20 location property. But doesn't the response indicate
21 in either event there are servicemen out there that
22 are in communication with the Company's accounting
23 departments and personnel?

24 MS. GRUBBS: Where within the documents
25 are you referring? Objection; vague.

1 JUDGE CLARK: I don't know -- I don't
2 know that it's vague. I think you're asking the --
3 you're making an assumption -- you're making an
4 assumption from the reading of that and you're
5 asking -- it appears that you're asking the witness
6 to make that same assumption. So it seems that
7 you're asking for them to speculate as to the
8 meaning.

9 MR. GRAHAM: I won't, I promise. I'll
10 ask him if he knows or doesn't know. I'll read this
11 statement --

12 JUDGE CLARK: All right. I will overrule
13 the objection for now. You may go ahead.

14 BY MR. GRAHAM:

15 Q. The statement says, if you look, Mass
16 property items that -- mass property items that are
17 to be retired are provided to plant accounting
18 through a work management system.

19 First of all, did I read that correctly?

20 A. You did read that sentence correctly.

21 Q. Now, here comes the do you understand or
22 do you know question. Do you know what that process
23 is?

24 A. I know that the field personnel
25 incorporate information into the work man -- well,

1 into their system which goes into the work management
2 system which eventually gets to plant accounting.
3 That's the degree of my knowledge.

4 MR. GRAHAM: I believe that's all the
5 questions I have.

6 JUDGE CLARK: Is there any further cross?
7 Any redirect?

8 MS. GRUBBS: No. I did want to clarify
9 though, was 184 marked? But is there --

10 JUDGE CLARK: Nobody's moved to admit
11 this yet. Mr. Graham, were you moving to admit this?

12 MR. GRAHAM: Yes, I'll go ahead and see
13 what the Court rules.

14 JUDGE CLARK: Any objections to
15 admitting 184 onto the -- onto the hearing record? I
16 hear and see no objections. Exhibit 184, the Ameren
17 Missouri's Response to Data Request MPSC is admitted
18 onto the hearing record as Exhibit 184.

19 (Staff Exhibit 184 was received into
20 evidence.)

21 JUDGE CLARK: And you indicated no
22 redirect?

23 MS. GRUBBS: Yes, your Honor.

24 JUDGE CLARK: Mr. Spanos, thank you. You
25 may step down.

1 MR. SPANOS: Thank you.

2 JUDGE CLARK: Ameren, call your next
3 witness.

4 MS. GRUBBS: Thank you. The Company
5 calls its second witness for Issue 2, Mitchell
6 Lansford to the stand.

7 JUDGE CLARK: And, Mr. Lansford, would
8 you raise your right hand and be sworn.

9 (Witness sworn.)

10 JUDGE CLARK: Please be seated and say
11 and spell your name for the record.

12 MR. LANSFORD: It is Mitchell Lansford,
13 M-i-t-c-h-e-l-l, Lansford, L-a-n-s-f-o-r-d.

14 JUDGE CLARK: Go ahead, Ameren.

15 MS. GRUBBS: Thank you.

16 MITCHELL LANSFORD, having been first duly sworn,
17 testified as follows:

18 DIRECT EXAMINATION BY MS. GRUBBS:

19 Q. Mr. Lansford, by whom are you employed and
20 what is your title?

21 A. Ameren Missouri, and I'm the director of
22 regulatory accounting.

23 Q. You are the same Mitchell Lansford who
24 filed Direct testimony, Supplemental Direct
25 testimony, Rebuttal, Surrebuttal, slash, True-Up

1 Direct, and True-Up Rebuttal testimonies in this case
2 which have been marked as Exhibits 45, 46, 47, 48,
3 and 49?

4 A. Yes.

5 Q. Do you have any corrections or revisions
6 to make to your testimonies?

7 A. I do not.

8 Q. So if I asked you the questions within
9 your testimonies today, your answers would be the
10 same?

11 A. Yes.

12 MS. GRUBBS: I move for Exhibits 45
13 through 49 to be into -- moved into the record.

14 JUDGE CLARK: Any objection to admitting
15 Exhibits 45, 46, 47, 48, and 49, which are the
16 Direct, Supplemental Direct, Rebuttal testimony,
17 Surrebuttal and True-Up Direct testimony, and True-Up
18 Rebuttal testimony of Mitch Lansford onto the hearing
19 record? I see and hear no objections. Exhibits 45,
20 46, 47, 48, and 49 are admitted onto the hearing
21 record.

22 (Ameren Missouri Exhibits 45, 46, 47, 48,
23 and 49 were received into evidence.)

24 MS. GRUBBS: Thank you, your Honor.
25 Mr. Lansford is tendered for cross-examination.

1 JUDGE CLARK: Any cross-examination for
2 MIEC?

3 MS. PLESCIA: No questions. Thank you.

4 JUDGE CLARK: MECG?

5 MR. OPITZ: No, thank you.

6 JUDGE CLARK: Sierra Club, NAACP, and
7 MCU?

8 MR. THOMPSON: No questions, your Honor.

9 JUDGE CLARK: Renew Missouri?

10 MR. LINHARES: No questions, thank you.

11 JUDGE CLARK: Public Counsel?

12 MR. WILLIAMS: No, thank you.

13 JUDGE CLARK: Staff, any
14 cross-examination for this witness?

15 MR. GRAHAM: If I may have a moment, your
16 Honor.

17 JUDGE CLARK: Take your time.

18 MR. GRAHAM: No questions from Staff.

19 JUDGE CLARK: Are there any Commission
20 questions for this witness? Hearing none, I have a
21 few questions for you, Mr. Lansford.

22 MR. LANSFORD: Yes, sir.

23 QUESTIONS

24 BY JUDGE CLARK:

25 Q. Do you have your testimony on you

1 perchance?

2 A. I do.

3 Q. Would you open your Rebuttal testimony to
4 page 8?

5 A. Yes, sir.

6 Q. Lines 8 and 9 list USoA requirements for
7 each category of mass property that CPR's -- CPR's
8 including the quantity placed in-service by vintage
9 year and an average cost. How is Ameren meeting
10 those requirements?

11 A. Yeah. Definitely I have some
12 Surrebuttal testimony. When you look at our CPR, we
13 include -- and when we capitalize an asset, mass
14 property asset in this case, pole, wire, conduit,
15 whatever it may be, we are recording the -- these
16 exact categories, a description, the quantity by
17 vintage year as we're installing it, the average cost
18 and the plant control account.

19 If I direct you to my Surrebuttal
20 testimony, page 10, I have an excerpt of our
21 continuing property records there.

22 Q. Give me just a second to get there.

23 A. Do you see the chart in the middle of
24 page 10?

25 Q. Hold on. You said your -- is it

1 Surrebuttal?

2 A. Yes. Surrebuttal True-Up Direct, it's the
3 Surrebuttal portion.

4 Q. And you said page 10. Is that correct?

5 A. Correct.

6 Q. Okay. I'm there. Go ahead.

7 A. This excerpt, line 12 here, that's from
8 our continuing property records, our CPR, and it
9 shows each of these categories. You can see plant
10 control account which is 1364, this is for poles, so
11 a category of mass property for the Company. That's
12 been recorded.

13 In the second column you see the vintage
14 year that's associated with this particular asset.
15 That's been recorded as required.

16 The quantity that's associated with that
17 vintage year is also -- is also recorded in the
18 activity quantity column, the fourth from the left.

19 We have a general description under the
20 retirement unit heading.

21 And then -- and then finally we have the
22 average cost.

23 Each of the elements as required by the
24 guidance that you cited have been recorded into or
25 Uniform System of Accounts --

1 Q. Are any of --

2 A. Into our CPR. Sorry.

3 Q. Are those actuals, are those estimated, or
4 are those computer generated in some way? What --
5 what are these?

6 A. Every single one of those are actuals
7 that, you know, we input an amount into our
8 continuing property record as we capitalize an asset.
9 Every single amount that you see there is an actual
10 amount. As we retire amounts, as we retire and
11 remove records from the continuing -- from the CPR,
12 that's -- that's where we estimate those -- the
13 retirements of our -- of our categories of mass
14 property.

15 Q. What do you mean by that?

16 A. What do I mean by estimating the
17 retirements?

18 Q. Yes. I mean, I -- let's assume the
19 actual, which is I know nothing. So let's just --
20 let's just assume that I want -- I don't know --

21 A. Yeah.

22 Q. -- what the purpose of this.

23 Let's say I look at this and it says, This
24 pole is due for retirement. I go out there and I go,
25 Well, this pole looks great, but they say I have to

1 chop it down.

2 A. Yeah. So the CPR is a database of our
3 plant records. Right. And we are constructing new
4 assets, installing new poles, hanging new wire or
5 whatnot, we are going to add rows, records to that
6 database to show that we've installed those assets.
7 Right. Are -- you're following me on that?

8 And then the question here is what do you
9 do when you need to retire something from the system.
10 You know you've taken a pole, you know, off the
11 system, some probably associated conductor as well.
12 And so from there, we have to remove a record from
13 our -- from our database. And that's where we're
14 estimating that record. We know we removed a pole,
15 but the exact and specific characteristics of that
16 pole that was removed from our system or that wire,
17 you know, that's where we're estimating it as we've
18 sort of laid out using our depreciation study.

19 Q. And why are you having to estimate it as
20 opposed to identifying the actual pole that was
21 removed?

22 A. Why do we have to -- there -- there's no
23 bridge. There's no way to know that you took a pole
24 off of our system and then be able to find that into
25 our -- into this database. This database has no

1 characteristics to identify or specifically show what
2 pole or what section of conduit was removed from the
3 system. There -- there's just no way to translate it
4 to this -- to this data, to our accounting records.
5 And that's not required, in fact, based on the
6 accounting guidance that we just looked at and
7 referred to a couple times.

8 Q. Well, when you say it can't be done, are
9 you saying that -- that -- when you're saying it
10 can't be done and you're saying that the -- that the
11 database doesn't have the capability to enter that
12 information, is it just that you're missing a row and
13 that it's the software or?

14 A. No. I wouldn't characterize it that way,
15 Judge. By -- by electing to account for -- for these
16 investments as categories of mass property, by -- by
17 utilizing that section of the guidance, we do not
18 have the necessary data to translate it to the
19 location or to a specific pole on our system that may
20 be retired in the future. We would have to change
21 our accounting convention to -- to abandon the
22 category of mass property guidance that we're -- that
23 we're applying here and perform the same accounting
24 methods that we perform for location property, which
25 is -- which is where you know exactly -- exactly

1 what's being retired from the system. You know
2 exactly, you know, if it's an entire power plant,
3 you're going to specifically remove -- remove that
4 power plant or even if it's just, you know, several
5 components of a power plant.

6 Q. And correct me if I'm wrong, but it sounds
7 like the way you're saying it, it's that your
8 accounting system doesn't comply with the
9 Commission's rule?

10 A. No. I would not agree with that, Judge.
11 There are just two sections of accounting rules here,
12 one of which is for location property and one of
13 which is for mass property. And we're using the
14 conventions relating to mass property for these
15 high-volume relatively low dollar amount assets like
16 poles and wire and such.

17 Q. Okay. Now, Ameren, in Spanos's Rebuttal,
18 do you have that available to you?

19 A. I do not actually have that in front of
20 me.

21 Q. Well, I'll just tell you what it states
22 and if you have -- if we need to pull it up, we can.
23 In his Rebuttal testimony it states, It is always
24 best to be able to specifically identify the actual
25 vintage of an asset. However, for mass property

1 assets, achieving this goals is not realistic.

2 Doesn't the statement imply that the year
3 an asset is placed in service isn't recorded as
4 required by the USoA?

5 A. It is recorded, Judge. It is -- but it is
6 estimated. And, you know, I guess the question is --
7 yeah, it's recorded and the data exists. We do
8 record the retirement.

9 Q. Well, how's it recorded when it's placed
10 into service?

11 A. Well, when it's placed into service,
12 there's no estimation; it's the actual amount. It's
13 the actual vintage, it's the actual -- actual average
14 cost associated with that, that project. There's no
15 estimation upon initial recording.

16 Q. Are you familiar with 18 CFR part 125.3,
17 the Federal Energy Regulatory Commission schedule of
18 records and periods of retention?

19 A. I don't have that in front of me.

20 Q. Under Plant and Deprecation 16B it states,
21 Continuing plant inventory ledger, book or card
22 records showing description, location, quantities,
23 cost, et cetera of physical units or items of utility
24 plant owned have retention period of 25 years.

25 Are you aware of any separate description

1 for mass property asset retentions in part 125.3?

2 A. I am not.

3 Q. Does Ameren retain separate plant records
4 for depreciation and income tax purposes?

5 A. I don't know if I would call them separate
6 plant records for depreciation or income tax records.
7 We have -- we have subledgers. We have a subledger
8 for a fixed asset system. We have a subledger for
9 our income tax transactions. And -- and those rely
10 on the same data.

11 Q. But those aren't separate and apart from
12 this record?

13 A. They -- they all are reliant on the same
14 data including this data.

15 Q. Now, you state on page 10 of your Rebuttal
16 that Ameren has approximately 900,000 poles. And the
17 difficulty is in tracking the location and vintage of
18 each pole. Is that correct?

19 A. That's correct. In no way does our
20 accounting system for these categories of mass
21 property like poles and the example you bring up here
22 have location information where you can go find the
23 pole in our system along with vintage, quantity,
24 cost, et cetera.

25 Q. Now, according to its 2021 annual report,

1 Ameren Missouri has over a million residential
2 customers and approximately 1.2 million customers in
3 total. Is that correct?

4 A. I believe it's correct based on -- yeah.
5 Based on my knowledge of those approximate amounts.

6 Q. How does Ameren manage to identify each
7 customer by location and bill them each month?

8 A. We -- we do -- we do keep those records.
9 We -- that's a record that we -- that we do keep.

10 Q. Now, when you say you do keep these
11 records, so you do keep them for customers, but not
12 for mass property in the same manner?

13 A. Right. Yeah. The -- the records that you
14 need to be able to bill your customers accurately and
15 collect -- collect from your customers have different
16 characteristics than what's necessary to account for
17 categories of mass property. So yes, the data that
18 that we collect, retain, and otherwise keep is
19 different for those two data elements.

20 Q. Now, you heard Mr. Graham's opening.
21 Correct?

22 A. I did.

23 Q. And he -- I got two things from it and
24 that is that you shall do this unless, and then there
25 was the words "impossible or impractical." Which one

1 of those is Ameren claiming?

2 A. Impractical. Yeah. Without a doubt. I
3 mean, we have 110, you know -- over a hundred
4 million feet of -- of overhead conductor. We
5 account for each foot of that overhead conductor
6 separately. And 900,000 poles, crossarms that may be
7 an equal amount. And you see the volume of, you
8 know -- of relatively, you know, the high volume of
9 relatively low dollar amounts begin to build and
10 build and build when you talk about specifically
11 tracking each foot of conductor overhead, I guess
12 underground as well.

13 JUDGE CLARK: Okay. Those are all the
14 questions I have. Any recross based upon bench
15 questions?

16 MR. WILLIAMS: Yes, please.

17 JUDGE CLARK: Go ahead, Mr. Williams.

18 CROSS-EXAMINATION

19 BY MR. WILLIAMS:

20 Q. I think I understand that there's a
21 historical problem in that you haven't tracked, in
22 mass asset property you haven't tracked retirements
23 by item because you don't know a particular item so
24 you've been doing it by a dollar amount. Is there
25 some reason you can't track things like poles going

1 forward?

2 MS. GRUBBS: Objection. That's beyond the
3 scope of your questions.

4 JUDGE CLARK: I don't think it is. I'm
5 going to overrule it.

6 MR. LANSFORD: Can you repeat your
7 question?

8 BY MR. WILLIAMS:

9 Q. Is there some reason you can't track
10 specific items? Well, let's pick poles in
11 particular. Is there some reason you can't have a
12 database where you know what dollar's associated with
13 a particular pole so that you have that information
14 in the future so when that pole's retired, you know
15 the dollars associated with it for what you're
16 tracking currently as mass property?

17 A. Just as it's impractical to do that for
18 our historical records, it's impractical for us to do
19 that going forward.

20 Q. Well, I understand the impracticability
21 about history, but with the databases and
22 computerization we have currently, and places like
23 Walmart do that all the time, is there -- is it
24 really impractical to do? And if so, why?

25 A. Yeah. Sure. I mean, I'll just try to

1 describe that. It's that same -- that's that same --
2 you know, it's that same process that Mr. Spanos was
3 describing a bit.

4 You know, what would it take I guess to
5 track this stuff going forward. The first thing --
6 you know, it's a multi-step process. What would you
7 have to do. The first thing you'd have to do is go
8 out and assign some sort of asset ID to every -- you
9 know, to every new asset on the system. Right. You
10 would have to assign that. Right.

11 Then you would have to then, you know,
12 train your employees to understand and identify and
13 how to use that -- that new asset ID that's been --
14 you know, that's been determined. They'd have to
15 take time, you know, as Mr. Spanos mentioned to then,
16 when that asset is then being retired, they'd have to
17 take time to -- to determine that asset ID, to
18 determine the accounting characteristics, to call up
19 a database, whatever it might be, and then, you know,
20 then process that transaction.

21 That entire database, that entire process
22 would have to be designed. There would be a digital
23 or a software element of doing that. It would have
24 to be implemented. It would have to be paid for.
25 And we'd have to -- we'd be pretty clear that there

1 would be direct, you know, benefits that came out of
2 that process as well in order to do all that.

3 Q. Well, I've heard of this thing called
4 Google Maps and Mapquest where you actually can see
5 some poles from a satellite image, and all you would
6 need to do is tag it and have the original
7 information and that was being the pole removed,
8 would you not?

9 MS. GRUBBS: Objection; assumes facts not
10 in evidence. It calls for speculation as well.

11 JUDGE CLARK: Give me a second. Give me
12 a moment, let me think about this. I see the point
13 you're trying to get to. Can you ask a different
14 question and get there?

15 BY MR. WILLIAMS:

16 Q. Aren't there different ways than what
17 you've described in order to track the dollars
18 associated with a particular assets that's being
19 installed or replaced or removed?

20 A. Are there different ways than what I
21 described?

22 Q. Yes. Than somebody in the field actually
23 having to collect a bunch of information and relay
24 it. Couldn't you design a system where they would
25 only -- where you would only need to know that the

1 pole is either being installed or replaced or
2 removed?

3 A. Would somebody at the -- in the field then
4 need to -- you know, still -- somebody in the field
5 would still be needed to identify that that pole is
6 being installed or replaced.

7 Q. But that would be the only information
8 somebody in the field would need to provide to the
9 accounting department. Correct? Could you develop a
10 system where that was all that was needed? Let me
11 put it that way.

12 A. I think maybe theoretically it is
13 possible. You know, at what cost, I'm not sure.

14 Q. And during normal maintenance aren't there
15 decisions made before you're out in the field as to
16 actually replacing or removing something like a pole?

17 MS. GRUBBS: Objection; this is beyond the
18 scope of the judge's questions.

19 JUDGE CLARK: What's the question again?

20 MR. WILLIAMS: I don't recall offhand
21 exactly. If the court reporter could read it back
22 question read back.

23 COURT REPORTER: "Question: And during
24 normal maintenance aren't there decisions made before
25 you're out in the field as to actually replacing or

1 removing something like a pole."

2 JUDGE CLARK: I'm going to sustain the
3 objection.

4 MR. WILLIAMS: No further questions.

5 JUDGE CLARK: Any other recross based
6 upon bench questions? Mr. Graham, do you have any
7 recross for this witness?

8 MR. GRAHAM: Yes, your Honor.

9 RECROSS-EXAMINATION

10 BY MR. GRAHAM:

11 Q. Mr. Lansford, just as sort of an
12 introduction here, when assets are placed out there,
13 poles, so forth, you've heard us talking about those
14 today, is it not the case that an ID number is
15 assigned to each one of those?

16 MS. GRUBBS: Objection; beyond the scope
17 of the judge's questions.

18 JUDGE CLARK: Mr. Graham, I'm going to
19 cut you off for just a second. I'm going to go
20 back. I'm going to disagree. I think the identity
21 of the mass assets is what this is all about and I'm
22 going to let Mr. Williams ask the questions that I
23 did not let him answer before. So, Mr. Williams, go
24 ahead.

25 RECROSS-EXAMINATION

1 BY MR. WILLIAMS:

2 Q. Well, that question, if I recall it
3 correctly, was about identifying the property that
4 was going to be installed or replaced or removed
5 before you actually go out in the field.

6 A. And I would say I'm not involved in
7 planning, you know, that maintenance. I wouldn't
8 know exactly how that process works. I'd have to
9 speculate.

10 Q. So your answer is you don't know?

11 A. I don't know.

12 MR. WILLIAMS: That's a good answer.
13 Thank you.

14 JUDGE CLARK: And now Mr. Graham, you may
15 ask your question.

16 RE-CROSS-EXAMINATION

17 BY MR. GRAHAM:

18 Q. My question is when an asset is placed out
19 there or at some point after it's out there, isn't it
20 assigned by the company, a lineman or someone assigns
21 it an ID number that's specific to that asset?

22 MS. GRUBBS: And I will renew my
23 objection.

24 JUDGE CLARK: And I will overrule that
25 objection.

1 MR. LANSFORD: I know for certain that
2 there is no assignment of an asset ID to those poles
3 or any section of our conduit or -- or overhead
4 conductor that can correspond with our plant
5 accounting records. I -- I'm aware generally that
6 we -- in -- that we do put a pole tag on some of
7 these poles so that we can do our pole inspection
8 program, but my knowledge of that pole inspection
9 program is -- is limited to that.

10 BY MR. GRAHAM:

11 Q. So there is a pole tag?

12 A. At least for some of our poles. I don't
13 know what our pole -- pole inspection program
14 entails, but I'm aware that we have some pole tags on
15 some of our poles. Similarly or, you know, in
16 contrast to that, I'm definitely aware that we have
17 no asset IDs on any of our overhead conductor.

18 MR. GRAHAM: May I approach, your Honor?

19 JUDGE CLARK: Yes.

20 MR. GRAHAM: Looking for copies for other
21 people. I'll give this one to the judge. I'm going
22 to show everybody this. If the judge will indulge
23 me, I have only one copy of this so I'm going to take
24 it from counsel to counsel.

25 JUDGE CLARK: That's fine. Go ahead.

1 MR. GRAHAM: Your Honor, if you'll
2 indulge me, I'll get a copy of this later. I'm just
3 shuffling paper here. What is the next number.

4 JUDGE CLARK: I believe that would
5 be 185. Is that correct? Yes. It's 185.

6 BY MR. GRAHAM:

7 Q. I'm going to hand you this, sir. It's the
8 only copy I've got, so I'll be over here and I'll
9 come over if I need to see it.

10 JUDGE CLARK: Mr. Graham, what do you
11 want to call that?

12 MR. GRAHAM: I'm going to call that
13 response and Exhibit -- let's see, is it 439? Let me
14 turn my speaker on. There we go.

15 That's going to be Ameren Missouri's
16 Response to MSPC Data Request No. 439 with
17 attachment.

18 JUDGE CLARK: Could you speak a little
19 clearer into the microphone; I'm sorry.

20 MR. GRAHAM: Yeah. That's Ameren
21 Missouri's Response to MPSC Data Request 439 with
22 attachment.

23 MS. GRUBBS: May I clarify there are
24 multiple attachments to DR 439 is what was submitted
25 it looks like through EFIS. So is this -- I see one

1 that says poll data. Okay.

2 MR. GRAHAM: Pole data is the specific
3 subject of the attachment. And I'm letting
4 Mr. Lansford take a look at that.

5 BY MR. GRAHAM:

6 Q. Have you had an opportunity, sir, to see
7 that?

8 A. I have, yep. I would like to --

9 Q. Well, there's not a question on the table
10 yet.

11 A. Yes, sir.

12 Q. But I take it you want to correct an
13 answer that you gave earlier?

14 A. I do not.

15 Q. Okay. Now, isn't it the case that a
16 question or a DR was propounded to the Company. And
17 if you want to, let's just jump straight down to the
18 answer. I'm going to read this and ask you if I've
19 read it correctly. Where's the second page to this.
20 I think this is it. All right. I'm going to read
21 this and you tell me if I get it wrong.

22 To clarify -- and I'm going to start at
23 the top so the record's perfectly clear when the
24 judge reads it later. You tell me if I read this
25 correctly or if I make a mistake.

1 DR 201.1 states in part vintage, location,
2 voltage, et cetera are not a part of the asset
3 information collected, which is by design because not
4 collecting such information is the essence of and a
5 key benefit of using mass property accounting. At
6 the end of the month the work management system sends
7 that information to the power plant system. The
8 information sent to power plant includes the
9 retirement unit, 40-foot poles for example, in
10 parenthesis, and the quantities retired.

11 Two, power plant then automatically uses
12 the Iowa Survivor Curve for the account for the cost
13 of 40-foot poles that are recorded to determine what
14 quantities within any given vintage year it will
15 select for retirement. That vintage year will not,
16 except by pure coincidence, match the vintage of the
17 actual asset retired in the field.

18 The draft evaluation methodology contained
19 in Ryan Arnold's Direct testimony in part relies on
20 the age, slash, asset vintage as a criterion to
21 support justification for distribution system
22 investments.

23 One, and here comes our question, explain
24 in detail the asset, slash -- the age, slash, asset
25 vintage data Ameren Missouri has available to

1 quantify identify and document the age, slash, asset
2 vintage for distribution system assets for each
3 category separately. System hardening, substations,
4 underground cable upgrades, revitalization of the
5 downtown St. Louis underground network, grid
6 resiliency, and smart grid technology.

7 Two, please reconcile the response to
8 DR 209.1S and the draft evaluation methodology
9 presented by -- presented in Ryan Arnold's Direct
10 testimony, specifically DR requested by Claire
11 Eubanks and there is her email address.

12 Did I read the DR correctly?

13 A. Yes.

14 Q. Okay. Now let's look at the response.
15 Tell me if I've read this correctly.

16 To clarify, the quote from DR 209.1S1
17 referred to in data request relates to the type of
18 information that is determined to process the
19 retirement of categories of mass property as it
20 relates to the Company's property accounting records.
21 Other categories of information or data points are
22 determined for other purposes as I will describe
23 below. Company maintains accounting records for all
24 of its investments and those accounting records
25 contain life characteristics as required under FERC

1 USoA, Uniform System of Accounts. A copy of these
2 accounting records were provided in response to data
3 request MPSC 01.25.1. Separately the Company
4 maintains operational records for its energy delivery
5 assets which were provided in response to data
6 request MPSC 0440 and which document the vintage of
7 those assets.

8 Did I read that correctly?

9 A. Yes.

10 Q. And it goes on to say, No other age,
11 slash, asset vintage data exists for these assets.

12 Did I read that correctly?

13 A. Yes.

14 Q. Now, to this document and provided with
15 this document is the schedule there concerning poles.
16 Do you have it in front of you?

17 A. I do.

18 Q. Does it not identify for each one of those
19 poles a tag number?

20 A. For this page, this section of poles that
21 we have there is a pole tag number.

22 Q. And an age?

23 A. And an age.

24 Q. Okay. And that information is not
25 produced by an Iowa curve or your software. That was

1 actual information for the assets that are recorded
2 there. Correct?

3 A. It was produced by the inspections.

4 Q. Yes. So to go back directly to a question
5 that the judge asked you, it's your software and your
6 accounting system based on that software that is not
7 in compliance with the rule. Isn't that true?

8 A. No, absolutely not.

9 MR. GRAHAM: No further questions. I
10 would -- what number did I write on that,
11 Mr. Lansford?

12 MR. LANSFORD: 185.

13 MR. GRAHAM: I would offer into evidence
14 Exhibit No. 185.

15 JUDGE CLARK: Any objection to admitting
16 Exhibit 185, Response to MPSC DR 49 and Pole
17 Attachment? Hearing and seeing none, Exhibit 185
18 will be admitted onto the hearing record.

19 (Staff Exhibit 185 was received into
20 evidence.)

21 JUDGE CLARK: And Mr. Graham, you said
22 you have no more questions?

23 MR. GRAHAM: That is correct, your Honor.

24 JUDGE CLARK: Any -- and at some point
25 I'll need to get that exhibit.

1 But is there any redirect?

2 MS. GRUBBS: Just briefly, your Honor.

3 JUDGE CLARK: Go right ahead.

4 MS. GRUBBS: Thank you.

5 REDIRECT EXAMINATION

6 BY MS. GRUBBS:

7 Q. During the recross questioning from Office
8 of Public Counsel, Mr. Williams, he was asking you I
9 believe about the development of a brand-new system
10 that would allow this tracking as requested by Staff
11 to occur. Do you recall that discussion?

12 A. Yes.

13 Q. And I believe you said that there would be
14 some costs associated with that. Is that correct?

15 A. Yeah. That hypothetical, you know, that
16 Mr. Williams was posing to me, of course there would
17 be a cost of many millions of dollars to develop a
18 system like that.

19 MS. GRUBBS: Thank you very much for your
20 time.

21 JUDGE CLARK: Mr. Lansford, you may step
22 down. Would you bring me that exhibit please?

23 MR. LANSFORD: Sure thing.

24 JUDGE CLARK: Ameren, do you have any
25 further witnesses for this issue?

1 MS. GRUBBS: No, your Honor.

2 JUDGE CLARK: I have Staff listed next.
3 Would Staff like to call their witness?

4 MR. GRAHAM: Cedric Cunigan.

5 JUDGE CLARK: Mr. Cunigan, would you
6 raise your right hand and be sworn.

7 (Witness sworn.)

8 JUDGE CLARK: Please be seated and state
9 and spell your name for the record.

10 MR. CUNIGAN: Cedric E. Cunigan. Cunigan
11 is C-u-n-i-g-a-n.

12 JUDGE CLARK: Go ahead, Staff.

13 MR. GRAHAM: Thank you, your Honor.
14 CEDRIC CUNIGAN, having been first duly sworn,
15 testified as follows:

16 DIRECT EXAMINATION BY MR. GRAHAM:

17 Q. And again, if you would state your name
18 for the record.

19 A. Cedric E. Cunigan.

20 Q. All right. Are you employed by the Staff
21 of the Commission?

22 A. Yes.

23 Q. And in what capacity?

24 A. Senior professional engineer.

25 Q. And have you filed in this proceeding

1 Direct testimony with the Exhibit number of 117,
2 Rebuttal testimony with an Exhibit number of 118, and
3 Surrebuttal, slash, True-Up Direct testimony with an
4 Exhibit number of 119?

5 A. Yes.

6 Q. Do you have any corrections to make to any
7 of these documents?

8 A. Yes, to my Direct testimony.

9 Q. That's Exhibit 117?

10 A. Yes.

11 Q. Would you describe your corrections
12 please.

13 A. So on page 6, line 16, it reads, And the
14 whole-life technique.

15 That should be remaining-life technique.

16 JUDGE CLARK: What page is that again?

17 MR. CUNIGAN: Page 6, line 16.

18 And then I would also strike page 6,
19 lines 18 through page 7, lines 12. That was a
20 holdover from a previous case.

21 BY MR. GRAHAM:

22 Q. Are those your corrections to Exhibit
23 No. 117?

24 A. Yes.

25 Q. Do you have any corrections to either 118

1 or 119, your other testimonies?

2 A. No.

3 Q. Okay. If I were to ask you the questions
4 that are set out in those documents, would your
5 answers be the same ones as you have now corrected
6 them?

7 A. Yes.

8 Q. And with those corrections, are those same
9 answers true and now correct to the best of your
10 knowledge and belief?

11 A. Yes.

12 MR. GRAHAM: Your Honor, at this time I
13 would offer or tender into evidence Exhibit 117, 118,
14 and 119 and tender the witness for cross-examination.

15 JUDGE CLARK: Any objection to admitting
16 Exhibits 117, 118, and 119, the Direct, Rebuttal, and
17 Surrebuttal testimony of Cedric Cunigan onto the
18 hearing record? I hear and see no objections.
19 Exhibit 117, 118, and 119 are admitted onto the
20 hearing record.

21 (Staff Exhibit's 117, 118, and 119 were
22 received into evidence.)

23 JUDGE CLARK: Is there any
24 cross-examination from Public Counsel?

25 MR. WILLIAMS: No, thank you.

1 JUDGE CLARK: Any cross-examination from
2 MIEC?

3 MS. PLESCIA: No questions, your Honor.

4 JUDGE CLARK: MECG?

5 MR. OPITZ: No, thank you.

6 JUDGE CLARK: Sierra Club, NAACP, MCU?

7 MR. THOMPSON: No questions, your Honor.

8 JUDGE CLARK: Any questions from Renew
9 Missouri?

10 MR. LINHARES: No questions, your Honor.
11 Thank you.

12 JUDGE CLARK: Any questions from Ameren
13 Missouri?

14 MS. GRUBBS: Yes, your Honor.

15 JUDGE CLARK: Go ahead.

16 CROSS-EXAMINATION

17 BY MS. GRUBBS:

18 Q. Mr. Cunigan, you agree that the Uniform
19 System of Accounts requires less detailed information
20 for mass property assets, specifically location is
21 not required for mass property assets in the
22 continuing property record?

23 A. I agree that location is not required for
24 mass property assets.

25 Q. Do you believe that that then is less

1 detail than is required for location property?

2 A. For that category, yes.

3 Q. You agree that depreciation in the
4 regulated utility context estimates the reduction in
5 value of an asset over time, or in other words, how
6 assets depreciate over time?

7 A. Yes.

8 Q. And survivor curves are estimates based on
9 statistical analysis and judgment about the service
10 life of assets. Right?

11 A. Can you restate the question?

12 Q. Sure. Survivor curves are estimates based
13 on statistical analysis and judgments about the
14 service life of assets. Right?

15 A. Yes. I would agree with that.

16 Q. Focusing on your proposal, your proposal
17 to modify the retirement of mass property within the
18 Company's continuing property records would require
19 the work order system to tie to the asset IDs within
20 the continuing property record. Correct?

21 A. There would have to be some kind of tie
22 between the physical assets in the field and the
23 asset ID that you have in the continuing property
24 record. It may not necessarily require additional
25 tagging. It could be a simple change in your

1 spreadsheets or databases where you link it, but it
2 would require some kind of tie.

3 Q. And you've heard -- you've been present
4 for the presentation of the Company's witnesses,
5 Mr. Spanos and Mr. Lansford -- Lansford, pardon me,
6 today?

7 A. Yes.

8 Q. So under your proposal to modify the
9 retirement of mass property within the Company's
10 continuing property record, wouldn't that practically
11 mean that Ameren Missouri field personnel would have
12 to find and note the asset ID tag for every asset
13 being retired on a work order?

14 A. To tie it to the continuing property
15 record, there would need to be some kind of tie
16 between the -- the asset ID and the continuing
17 property record and some kind of identification on
18 the asset in the field. I believe -- I don't have it
19 in front of me now because the judge has my copy, but
20 on that spreadsheet from -- attached to DR 439, there
21 is an asset ID tag or a -- I'm trying to remember it.
22 There is a tag number associated with those poles.

23 Q. So my question was wouldn't that
24 practically mean then though that Ameren Missouri
25 field personnel would have to try to find and note

1 any tag, asset ID tag for every asset being retired
2 on a work order?

3 A. Yes. They would have to identify the
4 asset somehow.

5 Q. And to your knowledge are asset IDs for
6 mass property currently maintained in the Company's
7 work order system today?

8 A. Asset IDs for certain equipment, like I
9 said, such as the poles, they do have asset tags for
10 those. I can't say it for every account that the
11 Company has mass property on.

12 Q. So, for example, the wires or conductor,
13 are you aware of any tags with the asset ID on it for
14 that type of asset?

15 A. For wires I am not aware of that. I think
16 also -- well, I'll let you ask your next question.

17 Q. Is your recommendation then that the
18 Company begin labeling every mass property asset like
19 a foot of conduit -- or I'm sorry, a foot of
20 conductor with an asset ID so that it can be recorded
21 in the work order system?

22 A. I think we would have to look at each
23 individual asset group or account. Because when you
24 look at mass property, I don't know if someone said
25 it earlier or not, but it's for homogenous high count

1 assets but also low value. And we have some assets
2 in this -- in these accounts that are approaching a
3 million dollars, and I wouldn't consider that low
4 value.

5 And so there may be some wiggle room in
6 there where we can say, you know, You may not have to
7 do this tagging for, you know, wires. But if you can
8 do it and it's more feasible, we might need to narrow
9 that down.

10 Q. So I might clarify then, is this a
11 potential revision of your proposal that you would
12 not suggest that this would be required for every
13 type of asset group within mass property assets?

14 A. My testimony did not outline specific
15 accounts, but I would be open to discussions of the
16 accounts and assets that this would be -- this new
17 process could be used on.

18 Q. Are you aware of tags on poles for example
19 ever falling off or being damaged over the life of
20 the asset?

21 A. From personal experience, no, but it is
22 feasible given storms, tornados, or car strikes that
23 they be damaged. It's feasible.

24 Q. And are you aware of asset ID tags for the
25 Company's location property, so non-mass property,

1 sometimes even falling off or being damaged over the
2 life of assets that they're in service?

3 A. From personal experience, no.

4 Q. So if an asset sticker or ID did exist on
5 every pole, for example, or every crossarm, the field
6 personnel would have to send the asset IDs with
7 quantity information somehow to be provided to the
8 plant -- plant accounting group. Is that accurate?

9 A. There would have to be the asset ID and
10 the quantity associated with that same asset ID or
11 some other way to identify the vintage year.

12 Q. So this is the step where you were talking
13 about the tie or coordination required between
14 systems like the work order system and the continuing
15 property record --

16 A. Yes.

17 Q. -- would have to occur?

18 Okay. So then receiving that, the -- the
19 plant accounting group would have to select then the
20 quantity with the ID retired within the Company's
21 continuing property record?

22 A. Yes. But it appears that they're already
23 simulating that same data through power plant. You
24 have to retire from a vintage group anytime you
25 retire, and it's just recording it versus simulating

1 it.

2 Q. May I clarify, when you use the term
3 "simulate," is that the same thing as using
4 the statistical analysis that power plant uses, or is
5 there some other simulation occurring?

6 A. That's the same thing I'm referring to.

7 Q. Do you agree that additional numerous
8 staff field personnel, property accountants would
9 have to be hired by the Company in order to
10 effectuate your proposal for mass property asset
11 retirements?

12 A. I'm not aware of how many staff would need
13 to be hired to facilitate something like this. As
14 far as assets that are already identified in your
15 system somewhere, it could be a simple switch in your
16 database and no new tagging would be necessary.

17 Q. A switch in which database?

18 A. So for poles example, poles already have
19 an asset tag on them from that DR 439 response.
20 There's already an asset tag on certain poles. There
21 is already an asset ID in the CPR for poles as well.
22 It would simply be linking those in the database to
23 the appropriate vintage year. Then when an asset tag
24 is retired, you could track it that way. It would
25 just, it would require linking those two IDs between

1 your systems.

2 Q. But it would also require that the field
3 personnel note the asset tag or that ID to then
4 transmit it to the mass property account group --
5 accounting group, pardon me?

6 A. That's one option, yes.

7 Q. Well, have you ever been a field personnel
8 who would be responsible for noting assets to be
9 retired and assets to be installed?

10 A. No.

11 Q. Have you ever been booked an asset
12 retirement with any community property record, not
13 just Ameren's?

14 A. No.

15 Q. Okay. And the goal of your proposal to
16 modify the retirement of mass property within the
17 Company's continuing property record is more
18 precision in the retirement process?

19 A. It's more precision in the data that we
20 use. The data that we use in the depreciation
21 studies to determine the depreciation curves is being
22 simulated for these accounts. And so over time you
23 get that feedback loop of the data appearing more and
24 more like you expect it to.

25 And when we have random retirements due

1 to, you know, if a brand new pole is struck down,
2 that data is no longer getting reflected. It's
3 looking -- it's just going to repeat the -- it's just
4 going to mimic the curve shape. And so actually
5 tracking the data helps us track and determine if
6 that curve shape is changing, but we don't get that
7 without actually tracking the data.

8 Q. In your Rebuttal testimony, if you could
9 shift to your Rebuttal please.

10 A. What page?

11 Q. Page 5 please.

12 A. Okay.

13 Q. So looking at page 5, lines 7 and 8
14 specifically, you describe that the magnitude of
15 difference between book values and plant and service
16 could be relatively small on a percentage-wise basis.
17 Right?

18 A. That's what it states, yes.

19 Q. Did you perform any analysis to confirm
20 whether it was a small impact?

21 A. I didn't perform any analysis because you
22 would actually have to know what the actual plant and
23 service was, which we don't have that information, to
24 know how far off the current books are.

25 Q. Your proposal to modify the retirement of

1 mass property as I understood it is only going
2 forward. Is that correct? So future work orders and
3 not try to go back to the inventory of existing mass
4 property assets. Is that correct?

5 A. Yes.

6 Q. Okay. So since your proposal is going
7 forward, when would the additional precision you're
8 proposing become statistically relevant?

9 A. It's hard to say. It would be different
10 for each account based on the life of those assets.

11 Q. Well, since many of the mass property
12 distribution assets are 40, 50-year-live assets,
13 wouldn't it be decades before there was statistically
14 relevant additional precision?

15 A. It really depends on how far off the
16 survivor curves are from actual data. And I don't --
17 I don't know that.

18 MS. GRUBBS: Those are my questions.
19 Thank you.

20 JUDGE CLARK: Any questions from the
21 Commission?

22 CHAIRMAN RUPP: No, thank you, Judge.

23 JUDGE CLARK: Thank you. I just have
24 very few questions for you.

25 QUESTIONS

1 BY JUDGE CLARK:

2 Q. Did you examine the mass property records
3 of other regulated utilities in Missouri?

4 A. Yes.

5 Q. Do other regulated utilities have the same
6 issue with retirements being generated by software
7 rather than recorded an actual plant retired?

8 A. I am unsure at this time. We were not
9 made aware of this instance until we got a data
10 request response to let us know that they were
11 simulating the data. We received the data in the
12 manner that we asked it and we didn't know it was
13 simulated up until this point.

14 Q. So at this point you don't know if other
15 regulated utilities are also handling mass property
16 this way?

17 A. Correct. And I think it was data -- data
18 request response 209.1 I think where we first became
19 aware of it.

20 Q. And that's already been entered into the
21 record.

22 A. I'm not sure.

23 Q. No, it has.

24 A. Oh, okay.

25 Q. That was a statement, not a question. I

1 think I'm looking at that, MPSC 20 -- 0209.1?

2 A. Yes.

3 Q. Thank you.

4 A. And there's also a supplemental
5 response to that too that outlines a little bit
6 further, 209.1S1.

7 Q. Okay. That was not placed into the
8 record. What is -- what is data request 565?

9 A. 565. I do not have a copy of that in
10 front of me actually. Can someone --

11 JUDGE CLARK: It appears Mr. Williams
12 with Public Counsel has a copy.

13 MR. WILLIAMS: That's what I got from
14 Mr. Robinett. I don't know if anyone wants to see it
15 before I --

16 MR. GRAHAM: What number is it?

17 MR. WILLIAMS: 565.

18 JUDGE CLARK: I'd like somebody to verify
19 that it is what it is before they hand it to a
20 witness to read from. Thank you. Please.

21 MR. WILLIAMS: That's the original.
22 Mr. Cunigan, I'm handing you what's been marked as
23 response to MPSC 0565. Well, it hasn't been marked,
24 but that's what it is, a data request response.

25 MR. CUNIGAN: All right. Thank you.

1 BY JUDGE CLARK:

2 Q. Are you familiar with that data request?

3 A. If you'll give me just a minute to read
4 it. I believe someone else from Staff asked it.

5 Q. Please take your time. And I believe it's
6 referenced in your Surrebuttal on page 5.

7 A. Oh, yes. There we go.

8 Q. What can you tell me about that particular
9 data response?

10 A. So it's referring to poles, and it's
11 specifically asking about their accounting records.
12 So question, To please describe the extent to which
13 these records were relied upon by Mr. Hickman in his
14 classification of poles including identification of
15 the years of inspection reports utilized.

16 I think the part that I was more
17 interested in was that they -- number four, Please
18 confirm whether Ameren Missouri possesses records of
19 the vintage year and location of each of the
20 Company's approximately 900,000 poles.

21 And so one of the things that we've
22 specifically not asked for for -- or at least my
23 recommendation was not that the location of the poles
24 are tracked, but that the vintage year is. And that
25 is, you know, one of the specific things that is

1 called out in the CFR and the CSR on multiple
2 occasions for mass property. It's vintage year,
3 quantity, placed in service by that vintage year and
4 the associated cost or average cost by that vintage
5 year. And vintage year is the key to determining
6 those other pieces.

7 So like the location wouldn't matter as
8 much for my purposes and my recommendation, though
9 the Company does already track it. But tracking that
10 vintage year would.

11 And I think I provide on page 4 of my
12 Surrebuttal testimony there's another version of the
13 CPR or continuing property record where they have an
14 asset ID for -- this is looking at crossarms 30-foot
15 and over. They have an asset ID tied to a vintage
16 year and tied to the activity quantity and the
17 average cost for that year. The thing is we don't
18 know how accurate that is anymore because they're not
19 recording it, but they're simulating retirements for
20 that. And so when it comes to doing those
21 depreciation studies, I don't know how far the data
22 is off from the actual data in the field. And, you
23 know, we argue back and forth over curve choices
24 sometimes, but our data's faulty potentially. Or,
25 you know, as one of the other Ameren witnesses says,

1 It only matches by coincidence.

2 JUDGE CLARK: I know this hasn't been
3 offered by any party. Are there any objections to
4 making the response to data request 565 a Commission
5 exhibit?

6 MR. GRAHAM: No objection.

7 JUDGE CLARK: Any objection from the
8 Company?

9 MS. GRUBBS: No. Thank you.

10 JUDGE CLARK: Any other objections? And
11 I haven't actually assigned the Commission any
12 numbers so I will call this Commission Exhibit 01.
13 And I will call it Response -- Ameren Response to
14 Data Request 565 and that will be admitted onto the
15 hearing record.

16 (Commission Exhibit 01 was received into
17 evidence.)

18 JUDGE CLARK: And if somebody can get me
19 a copy of that, that would be helpful. Doesn't have
20 to be today.

21 BY JUDGE CLARK:

22 Q. Now, Ameren treats transformers as mass
23 asset property. Is that correct?

24 A. I believe one of the accounts has those,
25 yes.

1 Q. So that is, in fact, mass property?

2 A. They're treating accounts 364 through 373
3 as mass property, yes.

4 Q. And that's one of those accounts?

5 A. Yes.

6 Q. Do you know if transformers have serial
7 numbers?

8 A. I would assume so. I can't say that I've
9 actually seen one in person.

10 Q. I guess how big of an issue is this? Why
11 is -- why in kind of a nutshell, why is this an
12 issue?

13 A. So if you go to my Surrebuttal testimony
14 on that chart on page 4, this is the 30-foot
15 crossarm and over, this is one account. If they
16 retire the wrong vintage year, say -- say the third
17 line, the 2019 vintage year has 27 poles in it. If
18 that pole is taken out, there's about \$9,000
19 associated with that pole on their books. So if it's
20 physically taken out but they choose a different
21 vintage year, say they choose 1971 because it's
22 older, that value associated with that pole is
23 only \$170. And so the difference between those
24 amounts would remain in rate base and they'd recover
25 their return on that even though that asset is gone.

1 And while most of the time the curve might
2 pick the right year or it may not, I just don't know,
3 but the rate of -- rate base is different from what's
4 in the field if it's not actually recorded. And,
5 you know, I picked that number, but, you know, if it
6 was a 2020 poll, average cost of that is 58,000. And
7 so every time you're off on the vintage year that you
8 pick, you're off on the cost that's still in rate
9 base.

10 And like I said, this is one example. All
11 accounts may not have as drastic of a swing in
12 prices, but we'd have to go through each account and
13 really look to figure that out. And we didn't have
14 to time to do it for every account for this -- in
15 every retirement unit during this case.

16 Q. Okay. Thank you for explaining that to
17 me. Setting the Commission rule aside for a second,
18 whether or not they've complied with the Commission
19 rule, for your purposes would it be sufficient to do
20 some sort of random sampling of a set number and see
21 how far these curves are off as you say, or is that
22 not something that makes any sense?

23 A. I don't think you could do a random
24 sampling on the inventory.

25 Q. Because it would have to be known

1 inventory?

2 A. Yeah.

3 Q. And there's your problem?

4 A. And that's why I suggested it because I
5 don't know how far off we are. And so that's why I
6 said if we just change it going forward, eventually
7 it would fix itself, but I just don't know how far
8 off it is. It could be in customers' favor, it could
9 be in Ameren's favor. I don't know.

10 JUDGE CLARK: Okay. Thank you. I have
11 no further questions. Any -- any recross based upon
12 Commission questions? Ameren?

13 MS. GRUBBS: Yes.

14 CROSS-EXAMINATION

15 BY MS. GRUBBS:

16 Q. Mr. Cunigan, do you know the accounting
17 entries for a retirement of mass property and how
18 those accounting entries affect rate base?

19 A. Can you say that again?

20 Q. Yes, sir. Do you know the accounting
21 entries for a retirement of mass property and how
22 those accounting entries affect rate base?

23 A. So I can't say that the accounting -- let
24 me say this again. The depreciation rates is what
25 goes in and then determines depreciation expense and

1 how much plant service is removed when you balance it
2 with the reserve balance. And so that's where that
3 accounting data comes in on the depreciation
4 database.

5 Q. So do you know what the debits and credits
6 are for the accounting entries for a retirement of
7 mass property and how those entries affect rate base?

8 A. So when plant is retired, it should be
9 retired from the plant in-service account and the
10 reserve balance account.

11 MS. GRUBBS: Thank you. Those are all my
12 questions.

13 JUDGE CLARK: Any redirect from Staff?

14 MR. GRAHAM: Yes. Yes, your Honor.
15 Again, I need to approach.

16 JUDGE CLARK: Go right ahead.

17 MR. GRAHAM: I think -- I believe this is
18 going to be Exhibit 186. Before I go any further I'd
19 like --

20 JUDGE CLARK: And how are you identifying
21 that?

22 MR. GRAHAM: This is going to be Ameren's
23 Response to Data Request 440.

24 REDIRECT EXAMINATION

25 BY MR. GRAHAM:

1 Q. Mr. Cunigan, you were asked a number of
2 questions about Ameren's tags on cables or on poles.
3 Is that right?

4 A. Yes.

5 Q. I'm going to direct your attention to a
6 document which I've handed you and which has been
7 marked or will be referred to in the record as
8 Exhibit No. 186. And we are going on call it
9 Ameren's Response to Data Request 440. Okay?

10 A. Okay.

11 Q. Would you read, first of all, clearly
12 identifying it as such, the question that was
13 directed to Ameren in -- read off of 186 the question
14 that was directed or the data request that was made
15 to Ameren in this data request. Just read it off
16 please.

17 A. One, provide any and all data supporting
18 the slide decks attached to Ryan Arnold's Direct
19 testimony. Two, please explain the source of asset
20 age, slash, vintage data included on the slide decks
21 for each category separately, system hardening,
22 substations, underground cable upgrades,
23 revitalization of the downtown St. Louis underground
24 network, grid resiliency, and smart grid technology.
25 DR requested by Claire Eubanks and her email.

1 Q. Okay. And that was the data request. Is
2 that correct?

3 A. Yes.

4 Q. Would you now please read to us Ameren's
5 reply?

6 MS. GRUBBS: Your Honor, perhaps this can
7 just be reflected that the document speaks for itself
8 and it's been marked. If he moves it into the
9 record, there's no need to waste court reporter and
10 everyone's time reading in the response. It speaks
11 for itself?

12 JUDGE CLARK: Mr. Graham, do you just
13 want to move to admit this and then ask further
14 questions about it?

15 MR. GRAHAM: Yes. That'll be fine.

16 JUDGE CLARK: Any objection to admitting
17 Exhibit 186, Ameren's Response to DR 440 onto the
18 hearing record? No objections. Ameren's -- Exhibit
19 186, Ameren's Response to DR 440 is admitted onto the
20 hearing record.

21 (Staff's Exhibit 186 was received into
22 evidence.)

23 BY MR. GRAHAM:

24 Q. Mr. Cunigan, among the items that are
25 described in this data request and in the response to

1 the data request are there mass assets?

2 A. Yes.

3 Q. And doesn't this response indicate that
4 the Company has and uses asset age and vintage
5 information in order to record and otherwise do work
6 with respect to recordkeeping and with respect to the
7 maintenance and replacement and retirement of these
8 assets? And you correct my question to the extent
9 that it's necessary. Take a look at the exhibit.

10 A. They list different systems, but yes, each
11 one, in each category they state how asset age and
12 vintage data is extracted.

13 Q. With respect to each one of these
14 categories?

15 A. Yes.

16 Q. And from this exhibit can you identify for
17 the Commission which of these, which of the assets or
18 the categories of assets that are identified here as
19 being related to asset age and vintage data would you
20 characterize as mass assets?

21 A. Well, under system hardening, they
22 specifically have poles in there, pole age.
23 Underground cable. I'm not sure just from the title
24 what all is in grid resiliency or UG revitalization,
25 but it would appear that at least some of these

1 accounts are in the mass property accounts.

2 Q. So again, what is the effect of using --
3 by Ameren Missouri of course you were asked about
4 survivor curves. What is the effect of using
5 retirement -- or data simulated from a chosen
6 survivor curve rather than from the records
7 themselves?

8 A. So I kind of answered that with the
9 Commissioner's question, but the data that you
10 receive is part of what you use to determine the
11 survivor curve. And then the survivor curve is used
12 to determine the depreciation rate that then in turn
13 affects depreciation expense and how quickly plant is
14 retired off the books. And that affects how much
15 rate of return the Company receives on the surviving
16 plant. And so by using simulated data, all those
17 pieces along that chain would then be inaccurate.

18 Q. You've examined all the prefiled testimony
19 in this case and been in the hearing today on this
20 issue. Is that correct?

21 A. Yes.

22 Q. To your knowledge has Ameren put on any
23 evidence of the cost of compliance with this rule?

24 MS. GRUBBS: Objection; this is beyond the
25 scope of any cross or --

1 JUDGE CLARK: What's your question again?

2 MR. GRAHAM: Has Ameren put on any
3 evidence of the cost of compliance.

4 JUDGE CLARK: This is redirect.

5 MR. GRAHAM: Yes.

6 JUDGE CLARK: No, I was saying that to
7 Ameren.

8 MR. GRAHAM: I did get right this time.

9 JUDGE CLARK: The objection's overruled.
10 Go ahead, Mr. Graham.

11 BY MR. GRAHAM:

12 Q. Have you heard any evidence from Ameren
13 concerning the cost of compliance?

14 A. I believe Mitch Lansford answered a
15 question on it, but I haven't seen any evidence
16 provided to actually list out what the cost would be.

17 Q. Let me ask this: Have you ever done
18 investigation in the field for us here at the PSC or
19 your previous work?

20 A. I've done site visits for the PSC. I
21 don't know if I would call it investigation.

22 Q. Well, put on your common sense cap.
23 Would you say it would be easier for a field
24 worker to report retirement of pole, we'll just take
25 that 900,000 number. You've heard that bandied

1 around for poles. Right?

2 A. Yes.

3 Q. Would it be easier for a field worker to
4 record the retirement of pole 900,001 or to report
5 the retirement of a 43-foot class 4 pole?

6 A. I mean, if it's both one data point, it
7 just -- just depends on what you're --

8 Q. Let's explore -- let's explore that. If
9 there's a tag on there that says pole 900,001, would
10 it be difficult to associate that tag number with all
11 of the data reports or all of the data points that
12 are required by the rule and reference them all back
13 to a tag number, vintage number, the whole thing? Or
14 vintage year, the whole thing.

15 A. If the database already had that tag
16 number and the required information, it would be
17 simple to do that.

18 Q. Yeah. Be simple for the lineman to do
19 that?

20 A. Yes.

21 Q. Okay. Is it your understanding that some
22 asset groups are recorded to multiple accounts? For
23 example, are transformers, switches, poles assets
24 types found in multiple accounts?

25 A. Yes.

1 Q. Would it be easier or harder to
2 communicate the retirement of one of those asset
3 types with or without an identifying asset number?

4 A. Can -- you asked a couple different --

5 Q. I'll try that again. Would it be easier
6 or would it be harder, which would it be, to
7 communicate the retirement of one of the asset types,
8 with or without an identifying asset number?

9 A. It would be easier to retire one of the
10 different asset types with an asset number.

11 Q. The last few questions that I've asked
12 you, would these be the kinds of questions one would
13 expect reasonably to be asked and answered in
14 determining what it would cost to bring this system
15 into compliance?

16 A. Yes. That would be reasonable.

17 MR. GRAHAM: That's all I have.

18 JUDGE CLARK: Mr. Cunigan, you can step
19 down. Thank you.

20 Mr. Williams, you had a request as to
21 Mr. Robinett?

22 MR. WILLIAMS: We're offering
23 Mr. Robinett as a witness on this topic should anyone
24 have any desire to inquire of him.

25 JUDGE CLARK: Do any parties or are any

1 parties going to have any questions for Mr. Robinett?

2 MS. GRUBBS: I would renew my objection
3 from yesterday regarding his presentation as a
4 witness. We took it up in preliminary matters in
5 that OPC Witness Robinett did not provide any
6 testimony on this issue. Under the procedural order
7 they had plenty of opportunity, all parties had
8 opportunity to file rebuttal and surrebuttal and no
9 OPC witness provided rebuttal or surrebuttal on the
10 CPR issue. It would defy Commission procedural rules
11 and is inconsistent with due process, just as a
12 summary of my renewed objection.

13 JUDGE CLARK: And I take it what you're
14 wanting to do is offer his testimony into the record?

15 MR. WILLIAMS: No.

16 JUDGE CLARK: Just have him present to
17 testify?

18 MR. WILLIAMS: We're just offering him
19 should the Commission or anyone else have questions
20 of him. My anticipation was if the Commission has an
21 interest in utilizing his expertise towards any
22 resolution of this issue, it might ask questions and
23 in that event, I would expect the other parties to do
24 cross. But if the Commission doesn't want to
25 question him, I anticipate he won't appear and

1 testify.

2 JUDGE CLARK: I hate to make him dress up
3 and sit through me, but I have no questions for him.
4 I don't believe the Commission does either, that I've
5 received. Do any other parties have any questions
6 for Mr. Robinett? I see none, so I think the
7 question -- I think the objection's kinds of moot at
8 this point, unless you want me to rule on it.

9 MS. GRUBBS: No, that's fine. Thank you.

10 JUDGE CLARK: All right. Then
11 Mr. Robinett, there's no need for you to appear on
12 this subject.

13 All right. It's been another long day,
14 but we have one issue with no actual testimony
15 tomorrow where I believe we're just doing openings on
16 that. And then we have an on-the-record
17 presentation. Given that, I don't think we need to
18 start at 8:30 tomorrow. Is there any objections to
19 starting at 9:00?

20 MR. OPITZ: No objection here. I do want
21 to note that MECG's witness on Issue 1 will be
22 available via Webex tomorrow, I assume after the
23 remaining issue opening statement.

24 JUDGE CLARK: I'm sorry. Thank you for
25 reminding me of that. So we do have one witness

1 tomorrow. I'd like to -- I'd like to take him
2 actually first before we move on to the next issue
3 just because I don't want to pick him up after the
4 issue. So why don't we return to him -- why don't we
5 return to Witness Chriss for Issue 1 first thing in
6 the morning and then we'll move on to the last issue.
7 I still don't see any reason that we would need to
8 start before 9:00 a.m. so if there's no objections to
9 starting at 9:00 a.m., we'll do that. Okay. I will
10 see everyone tomorrow at 9:00 a.m. and we are off the
11 record for the day.

12 (Whereupon, the hearing was adjourned
13 until April 14, 2023 at 9:00 a.m.)

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15
16
17
18
19
20
21
22
23
24
25

1	INDEX	PAGE
2	EXAMINATIONS	
	AMEREN MISSOURI	
3	STEVEN WILLS	
	Questions by Judge Clark	275
4	Recross-Examination by Mr. Williams	312
	Recross-Examination by Mr. Keevil	313
5	Redirect Examination by Ms. Grubbs	320
6	JOHN SPANOS	
	Direct Examination by Ms. Grubbs	498
7	Questions by Judge Clark	501
	Recross-Examination by Mr. Graham	507
8		
	MITCHELL LANSFORD	
9	Direct Examination by Ms. Grubbs	523
	Questions by Judge Clark	525
10	Cross-Examination by Mr. Williams	535
	Recross-Examination by Mr. Graham	539
11	Recross-Examination by Mr. Williams	541
	Recross-Examination by Mr. Graham	541
12	Redirect Examination by Ms. Grubbs	549
13	OFFICE OF PUBLIC COUNSEL	
	GEOFF MARKE	
14	Direct Examination by Mr. Williams	329
	Cross-Examination by Mr. Keevil	330
15	Cross-Examination by Ms. Grubbs	333
	Questions by Judge Clark	345
16	Recross-Examination by Mr. Keevil	360
17	MIEC	
	MAURICE BRUBAKER	
18	Direct Examination by Ms. Plescia	366
	Cross-Examination by Mr. Opitz	369
19	Cross-Examination by Mr. Keevil	372
	Cross-Examination by Ms. Grubbs	375
20	Questions by Judge Clark	376
	Cross-Examination by Mr. Williams	378
21	Redirect by Ms. Plescia	379
22		
23		
24		
25		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX CONTINUED

STAFF

SARAH LANGE

Direct Examination by Mr. Keevil	385
Cross-Examination by Mr. Williams	391
Cross-Examination by Ms. Grubbs	397
Questions by Judge Clark	398
Questions by Chairman Rupp	446
Cross-Examination by Mr. Williams	448
Cross-Examination by Ms. Grubbs	453
Redirect Examination by Mr. Keevil	454
Questions by Judge Clark	472

CEDRIC CUNIGAN

Direct Examination by Mr. Graham	550
Cross-Examination by Ms. Grubbs	553
Questions by Judge Clark	563
Recross-Examination by Ms. Grubbs	570
Redirect Examination by Mr. Graham	571

Certificate of Reporter	583
-------------------------	-----

ISSUE 2 OPENING STATEMENTS

Opening Statement by Ms. Grubbs	480
Opening Statement by Mr. Graham	483

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBITS

STAFF EXHIBITS

REC'D

Exhibit 117		
Cedric Cunigan's Direct Testimony		552
Exhibit 118		
Cedric Cunigan's Rebuttal Testimony		552
Exhibit 119		
Cedric Cunigan's Surrebuttal Testimony		552
Exhibit 136		
Sarah Lange's Direct Testimony		388
Exhibit 137		
Sarah Lange's Rebuttal Testimony		388
Exhibit 138		
Sarah Lange's Surrebuttal Testimony		388
Exhibit 181		
Hickman Plant Work Paper Annotated by Staff		318
Exhibit 182		
Graphs attached to Staff Response to April 4th Order regarding Load Data		390
Exhibit 183		
Staff's Minimum Proposed Data for Modernization		471
Exhibit 184		
Ameren Missouri's Response to Data Request MPSC		522
Exhibit 185		
Response to MPSC DR 49 and Pole Attachment		548
Exhibit 186		
Ameren's Response to DR 440		573

OFFICE OF PUBLIC COUNSEL EXHIBITS

Exhibit 200C		
Geoff Marke's Direct Testimony		330
Exhibit 201C		
Geoff Marke's Surrebuttal Testimony		330

EXHIBITS CONTINUED

MIEC EXHIBITS

1	Exhibit 350	
2	Maurice Brubaker's Direct Testimony	368
3	Exhibit 351	
4	Maurice Brubaker's Rebuttal Testimony	368
5	Exhibit 352	
6	Maurice Brubaker's Surrebuttal Testimony	368
7	Exhibit 353	
8	Brubaker's Revenue Settlement Spread	383

AMEREN MISSOURI EXHIBITS

9	Exhibit 42	
10	John Spanos' Direct Testimony	500
11	Exhibit 43	
12	John Spanos' Rebuttal Testimony	500
13	Exhibit 44	
14	John Spanos's Surrebuttal Testimony	500
15	Exhibit 45	
16	Mitchell Lansford's Direct Testimony	524
17	Exhibit 46	
18	Mitchell Lansford's Supplemental Direct Testimony	524
19	Exhibit 47	
20	Mitchell Lansford's Rebuttal Testimony	524
21	Exhibit 48	
22	Mitchell Lansford's Surrebuttal and True-Up Direct Testimony	524
23	Exhibit 49	
24	Mitchell Lansford's True-Up Rebuttal Testimony	524
25	Exhibit 52C	
26	Company Response to DR 591 - Confidential	478
27	Exhibit 52P	
28	Company Response to DR 591 - Public	478

COMMISSION EXHIBITS

29	Exhibit 01	
30	Ameren Response to Data Request 565	567

1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)

3 COUNTY OF COLE)

4 I, Shelley L. Bartels, a Certified Court
5 Reporter, CCR No. 679, do hereby certify that I was
6 authorized to and did stenographically report the
7 evidentiary hearing; and that the foregoing
8 transcript, pages 1 through 585, is a true record of
9 my stenographic notes.

10 I FURTHER CERTIFY that I am not a relative,
11 employee, or attorney, or counsel of any of the
12 parties, nor am I a relative or employee of any of
13 the parties' attorney or counsel connected with the
14 action, nor am I financially interested in the
15 action.

16

17 DATED this 20th day of April, 2023.

18

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Shelley L. Bartels, CCR 679

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\$	09 465:14	14,16,19,21	15-minute 312:10, 14 328:3 475:12
\$13 387:5 433:6 435:1	1	11:15 327:25	15.001.8 484:17
\$13,549.83 489:10	1 428:13 467:20	11:16 384:4	16 397:9 551:13, 17
\$140 425:12	475:23 478:25	11:30 327:23	16B 532:20
\$169.37 489:10,13	479:3,10,18,23	12 334:2 414:4	17 432:7,8 455:20
\$170 568:23	490:19 517:16	423:10 428:13	17th 335:7 337:19
\$20 347:3	580:21 581:5	437:6 517:13	18 484:17,19
\$25 296:21 297:5 434:7	1,412,834 455:23	527:7 551:19	496:13 532:16 551:19
\$25.94 296:10,13	1.2 534:2	12-hour 441:23	181 317:2 318:9, 12
\$291,080.76 489:4	1.25 303:3	12.4 393:2	182 319:18 389:4, 24,25 390:2,17,19
\$3 438:9	1.6 380:11	120 423:4,7	183 467:21 469:5 471:12,18,21 515:2
\$58,216 493:6	1.7 371:12 381:24 382:1	125.3 532:16 533:1	184 515:3,5,6,13 522:9,15,16,18,19
\$58,216.15 489:4, 13 490:19	1/1/2021 517:14	12:30 328:1 384:19,20	185 543:5 548:12, 14,16,17,19
\$8 434:13,14	1/2021 517:13	12th 479:19	186 571:18 572:8, 13 573:17,19,21
\$9,000 568:18	10 357:20 392:1	13.12 464:1	19 460:7,15
\$914,216 517:17	403:4,16,19	13.2 423:11	1971 568:21
\$914.16 517:16	407:25 424:15,22	13.8 423:12	1985 415:14 428:20 429:5 452:14 463:5
-	425:15 526:20,24	130 409:19	1988 517:24
-a-n-o-s 498:17	527:4 533:15	136 386:17 388:9, 13,14,16	1992 313:2 321:1
0	101 484:16,18,19 486:2	1364 527:10	1994 396:4 460:17 464:18
01 567:12,16	10:01 328:5,8	137 386:18 388:10,13,14,16	1999 466:14
01.25.1 547:3	10D 482:5 483:13	138 386:19 388:10,13,15,16	1:00 328:1
0132 287:20	484:10 489:16	13th 273:3 329:8	
0209.1 515:14 564:1	491:17	14 334:2 371:16	
0209.3 486:18	10th 329:7 468:3	381:8 397:17	
0440 547:6	11 489:18	432:8 444:20	
0565 564:23	11.6 380:6,10,12	581:13	
	110 394:3 422:25	14.2 371:16	
	423:1 458:11	14.4 517:15,22	
	535:3	14.48 464:1	
	117 551:1,9,23	15 312:11 447:11	
	552:13,16,19,21		
	118 551:2,25		
	552:13,16,19,21		
	119 551:4 552:1,		

2	208 423:4,5	300 436:21,24 437:15	373 568:2
	209 517:8,11	310 273:5	375 582:19
2 391:24 479:1,9, 20,21 480:3 481:1 485:4,11 523:5 583:12	209.1 563:18	312 582:4	376 582:20
20 397:7 484:11 495:11 503:16 504:13 509:8,11, 22 564:1	209.1S 546:8	313 582:4	378 582:20
2000s 452:15	209.1S1 493:9 546:16 564:6	31st 303:17	379 582:21
2003 452:15	20C 330:1	320 582:5	38 405:12,17 460:7
2004 452:15	21 288:6 474:23	329 582:14	385 583:3
2005 466:14	22 455:20 474:22	330 582:14	39 408:10,11
2007 416:2,3	220 394:3	333 582:15	391 583:3
2009 396:3 446:7	24 473:19,20	34 402:13	397 583:4
200C 329:10,20 330:4,8	24-hour 473:13	345 582:15	398 583:4
201.1 545:1	240 422:25 423:1, 5,7 458:11	346 432:9	3:00 308:7 475:12
2010-0036 429:5	24B 480:4	350 367:2,11 368:3,7,9,11 382:11	3rd 468:23
2014 415:10	25 423:13 532:24	351 367:2,12 368:4,7,9,11	4
2017 404:4	26 333:24 396:5	352 367:2,12 368:4,7,9,11	4 285:17 375:17 420:5 423:9 427:4,10,15,16,19 428:2,13 435:15, 19 487:15 489:3 566:11 568:14 577:5
2019 276:10 307:2 392:24 393:17 442:25 568:17	27 568:17	353 382:8,11,19 383:8,9,12	4's 420:6
201C 329:10,20 330:4,8	270 422:19,21	354 379:9 382:6	4/18 462:18
2020 307:3 493:5 569:6	275 582:3	360 422:9 582:16	40 396:6 456:5 503:13 505:11 562:12
2021 307:2,4 473:14 517:14 533:25	277 423:8	361 422:9	40-foot 506:13,14 545:9,13
2022 473:14 474:5,6,14 517:25 518:13	2:43 475:11	362 422:9	400 437:14
2023 273:4 303:16 335:7 404:2 450:4 468:3 581:13	2nd 518:13	364 395:1,9 432:10 568:2	41578918 517:14
	3	365 395:1,10,13 396:6 517:20	42 499:9,20,22,24 500:1
	3 387:2 485:5,11	366 395:1,11 582:18	424.020.02038.18 495:12
	3,807,498 455:24	367 395:1,12,13	424.020.0203A
	3.2 371:7,10	369 582:18	
	3.75 342:19	370 422:9	
	3.9 371:14	372 582:19	
	30 339:17 403:20		
	30-day 303:24		
	30-foot 566:14 568:14		

484:11	5.14 370:23,25 380:20,24 381:8, 13,17	565 564:8,9,17 567:4,14	<hr/> 7 <hr/>
43 499:9,20,22,24 500:1	5.6 371:5	57 315:10 458:24	7 342:20 387:2 551:19 561:13
43-foot 577:5	50 370:21 371:1 376:13,16,19 378:4 379:25 380:25 381:4,9, 14,16 456:2 503:12,13 504:25	57.3 316:1	70 503:13 505:5 510:10
439 496:17,22 543:13,16,21,24 555:20 559:19	50-year-live 562:12	570 583:10	77 303:15
44 460:3 499:10, 20,22,24 500:2	501 582:7	571 583:10	79 489:9
440 571:23 572:9 573:17,19	507 582:7	575 470:5	795,261 303:2,9
446 583:5	50s 354:7	58,000 569:6	7:00 308:7
448 583:5	51 301:7,10	583 583:11	<hr/> 8 <hr/>
45 312:21 524:2, 12,15,19,22	515,247 517:23	585,274 455:22	8 484:16,20 526:4, 6 561:13
453 583:6	515,384 455:22	59.7 314:23	8,760 455:17 473:21 474:9,12
454 583:6	518,990 456:7	591 431:9 477:3,6, 7,14 478:4	8.22 381:12,17,22
46 524:2,15,20,22	52 301:11 402:25 403:4 424:13,19 425:4 476:10	5:00 307:24 308:1	80 489:8,9 493:7
47 524:2,15,20,22	523 582:9	<hr/> 6 <hr/>	80s 450:17 452:8
472 583:7	525 582:9	6 435:6,17,20,21 444:18 551:13,17, 18	81 493:7
48 524:2,15,20,22	526 361:24	6,990,997 455:21	85 429:7
480 423:8 583:13	52C 476:16,20 478:5	6.7 371:3 381:7, 18,23	87 303:19
483 583:13	52P 476:16,21 478:3,5	60 312:21 314:4, 11,17 315:7 404:14,24 458:23 460:9,10,14,18 503:13 510:10	8:30 580:18
49 524:3,13,15,20, 23 548:16	535 582:10	600 422:19,21 470:4	8:33 273:1,4
498 582:6	539 582:10	60s 354:7 505:12, 13	8B 486:3
4:00 307:24 308:1	541 582:11	613 455:20	<hr/> 9 <hr/>
4:46 468:3	549 582:12	62 361:24	9 302:23 408:13 413:18,19 424:15, 21 425:15 449:7 526:6
4th 310:6 319:12 386:4 388:21 389:8 472:2	55 387:2,21 435:4	64 303:10	90 358:17,19 401:1
<hr/> 5 <hr/>	550 583:8	662,328 456:5	900,000 506:7 533:16 535:6 565:20 576:25
5 387:12 396:5 420:3,4 449:5 488:15,17 489:2 561:11,13 565:6	553 583:9	670,007 455:24	
	563 583:9		

<p>900,001 577:4,9</p> <p>90s 428:5 450:17 452:9,11</p> <p>914,216 517:24</p> <p>92 336:22 337:7</p> <p>955,000 303:15</p> <p>99.9 448:13</p> <p>9:00 441:20 580:19 581:8,9, 10,13</p> <p>9:46 328:4</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>A&e 427:10 428:2, 8,13,15,22 429:6, 11,19,21 453:6</p> <p>A&p 428:24</p> <p>a.m. 273:1,4 441:20 581:8,9, 10,13</p> <p>abandon 530:21</p> <p>abeyance 418:24</p> <p>ability 283:17 347:4,24 501:14 505:19</p> <p>absolute 298:6</p> <p>absolutely 283:16 297:7 300:9 332:3 341:1 357:12 477:19 548:8</p> <p>absolutes 339:4</p> <p>absurd 491:5 496:12</p> <p>academic 461:3</p> <p>accept 318:22 433:16</p> <p>accessories 315:21</p>	<p>accommodate 355:20 358:13 438:2 478:23</p> <p>accompanying 482:12</p> <p>accord 496:5 503:25</p> <p>accordance 402:5</p> <p>account 306:6 396:5 401:7,16,17 416:12,14,15 421:5 422:9 432:9,10 446:21 460:10 463:3,6 466:1,2 467:25 469:16,19 473:23 480:22 485:6,12 488:20 490:1 493:24 504:22 517:20 526:18 527:10 530:15 534:16 535:5 545:12 556:10,23 560:4 562:10 568:15 569:12,14 571:9,10</p> <p>accountants 559:8</p> <p>accounting 351:14 361:24 374:15 392:12 447:3 465:15 481:7 485:18,20 486:1 493:25 496:19,20 501:12, 13 502:22 507:1,2 508:3 509:6 517:10 518:13,15, 18,24 520:22 521:17 522:2 523:22 530:4,6, 21,23 531:8,11 533:20 537:18 539:9 542:5 545:5 546:20,23,24</p>	<p>547:2 548:6 558:8,19 560:5 565:11 570:16,18, 20,22,23 571:3,6</p> <p>accounts 395:1,8, 23 416:21 422:11 447:4 481:9,23 482:4,19 483:25 486:16,22 527:25 547:1 553:19 557:2,15,16 560:22 567:24 568:2,4 569:11 575:1 577:22,24</p> <p>accreditation 284:10,15</p> <p>accredited 285:5, 7</p> <p>accumulated 305:1</p> <p>accuracy 425:25</p> <p>accurate 326:23 397:24 407:25 425:4 437:7 459:22 465:3 472:14,19 482:16 492:21 494:6,11 497:1 509:10 558:8 566:18</p> <p>accurately 277:2 450:20 474:19 483:21 534:14</p> <p>achieve 426:4 445:6,7,10</p> <p>achieved 279:24 468:10</p> <p>achieving 298:11 532:1</p> <p>acknowledge 275:9</p> <p>acquired 286:2 452:13,17</p>	<p>acronym 346:22</p> <p>act 349:23 352:2 492:14</p> <p>acting 391:20</p> <p>active 340:21</p> <p>activities 430:4</p> <p>activity 488:21 489:3 517:16 527:18 566:16</p> <p>actual 277:25 345:11 348:18 410:14 432:15 434:12 439:3 447:3 461:2,3,6 463:23 492:3,15, 16 493:1,12,15 495:22 496:14 505:18 508:11 512:10 518:22 528:9,19 529:20 531:24 532:12,13 545:17 548:1 561:22 562:16 563:7 566:22 580:14</p> <p>actuals 528:3,6</p> <p>adapts 341:19</p> <p>add 355:10 382:5 434:4 469:14 494:1 529:5</p> <p>added 313:16 314:12 381:16 452:23,24 453:3 476:17</p> <p>adding 423:3,6,7, 8,9,10,11,12 430:6</p> <p>additional 304:19 306:21 317:3,4 322:16 352:5 399:6 471:4,6 554:24 559:7</p>
--	--	--	---

562:7,14	383:11 388:15	19,22	550:12 553:15
additions 313:24	390:17 471:19	aggregated 457:8	571:16 576:10
317:11 483:17	473:10 478:4	458:18 485:22	Ahmad 276:12
address 287:8	499:24 522:17	agree 291:10,20	air 354:8 361:16
301:14 403:2,3	524:20 548:18	311:7 314:3	align 279:19 281:6
419:1 441:6	552:19 567:14	333:9,17 334:7	322:10 340:23
504:11 509:19	573:19	341:11 357:16	409:12 417:4
518:7 546:11	admittedly 360:22	358:24 360:14	438:17 443:19
addressed 463:12	admitting 317:7	373:11 374:20	aligned 298:2
addresses 324:21	330:4 368:7 383:8	424:25 426:8	355:1
addressing	388:13 390:1	428:9 503:24	aligning 281:8,17
494:10	471:12 477:13	504:1 512:12,25	323:8
adequately 419:1	522:15 524:14	515:13 516:17,18	alignment 340:5
adhere 484:4	548:15 552:15	531:10 553:18,23	442:23
adherence 351:14	573:16	554:3,15 559:7	aligns 297:22
adhered 351:14	adopt 290:18,23	agreed 289:14	allocate 280:16
adjoined 581:12	adoption 278:4	290:20 291:7	286:9 325:12
adjust 273:11	322:11 344:18	323:16 407:12	410:2 413:1,2,16
369:8 372:14,19	advance 278:2	480:15	414:4,5,23 429:16
373:17,24 383:3	309:17 397:11,18	agreeing 335:22	454:17 457:1
425:24 459:20	509:2	341:7	458:13
460:16	advanced 303:24	agreement 287:18	allocated 283:5
adjusted 372:16,	305:5,9,11,19	288:8,16 289:19	286:20 301:24
17 396:3 403:5	advances 397:14,	290:13 431:1,3	314:5 315:8
451:22,24 460:21	20	agrees 288:9	340:16 342:21
adjusting 401:20	advocate 343:1	425:12 508:13	369:20 413:6
adjustment	361:19 363:13	ahead 273:2	414:9,11 420:13
459:13,14 496:3,8	affect 570:18,22	275:5,6 312:1	426:1 453:1
adjustments	571:7	317:15 318:14	458:18 460:15
376:13	affects 575:13,14	328:2 330:10	462:23
adjusts 460:11	affirmatively	333:5 347:4	allocates 285:22
administrative	428:21	358:17 362:14	295:25
482:21	affordable 452:20	366:2 367:9,10	allocating 300:11
admission 420:21	afford 452:20	368:13 377:24	391:23 393:18
admit 319:16	516:4	379:10,21 389:1,	458:20,21 459:1
522:10,11 573:13	afraid 300:13	3,24 445:25 448:1	allocation 300:18
admitted 318:11	516:4	453:11 462:4	302:6 313:12
319:18 330:6	afternoon 447:2	488:12 498:18,23	341:23 342:16
365:9 367:11,13	476:9 480:13	503:19 518:11	353:7 369:4
368:9 379:9 382:7	age 325:15 495:3	519:16 520:15	375:19,22 399:25
	545:20,24 546:1	521:13 522:12	415:13,16 416:16
	547:10,22,23	523:14 527:6	417:7 429:20
	572:20 574:4,11,	535:17 540:24	
		542:25 549:3	

453:5	400:4,23,25	337:23 346:11	amplify 322:14
allocations 392:6	401:15,23 402:7, 17 403:5 411:7,21	360:9 361:8	analogy 323:7,23 350:18,24
allocator 295:5	413:21 416:5,23	364:12 372:21	analysis 280:13 291:2 293:21 308:16,22 309:2 465:10 482:13 487:11 503:5 505:8 518:20 554:9,13 559:4 561:19,21
300:4 314:6	417:22 418:10,25	378:9 380:6,7	analyst 398:24 410:3
334:19,21,25	419:19,21 421:6	382:23,24 403:1, 21,23 412:19	analysts 352:13 409:24
335:2,3,16 352:9	422:11,13,15	413:12 417:3	analyze 279:16
411:3 427:11	427:11,15 428:22	433:2 436:14	analyzed 301:22 308:12
454:9,15	429:1,22 430:7, 13,23 431:2,4,6, 11 432:18,19,20	441:18 449:21	analyzing 301:16
allocators 403:6	433:3 435:23	451:9 454:19	ancillary 430:14, 16
456:18	437:4 439:23	457:14,16 458:13	annotated 318:1, 2,10,18
allowance 490:15	443:5 444:3	461:18,19,25	annotations 318:21
allowed 276:25	448:22 451:9	462:1,9,10 463:4, 9,10 465:7 472:23	annual 533:25
467:5 489:17	452:2,5,7,13	485:14 489:19	answer's 484:8
allowing 483:22	457:11 458:16	493:17 494:20	answering 277:13 445:1
alluded 297:13	462:18,19 464:9, 13 465:12 466:16, 19,20,22 468:16	496:12,22 518:21	answers 277:17 345:19 367:7 387:25 388:5 396:9 428:1 499:16 524:9 552:5,9
485:14,15	470:2 472:16,22	560:13 570:9	anticipate 330:20 579:25
alternative 424:24	473:14,16 476:4	571:22 572:2,9	anticipation 579:20
426:13 453:16	480:11 483:5,14, 16 484:3 486:14, 15,19 488:8 490:8	573:4,17,18,19	anybody's 420:22
ameren 273:8,10, 16,19 277:21	494:8 495:6,8,12	AMI 278:20,22 279:9 282:19 302:8 303:2,22,23 305:2 309:10 312:8,12,15 348:3 355:12,17,19 359:15 427:20 437:8,24 438:20 440:6 443:16 449:19	
279:17 281:7	497:2 498:7,23	amount 278:13 283:21 284:15 285:7 292:12 293:17 298:8 305:7,8 327:2 344:1 349:6 355:22 384:19 414:9 434:5 459:3 466:23 489:25 503:9 510:2 528:7,9,10 531:15 532:12 535:7,24	
283:8 288:9,15	499:6 500:1	amounts 528:10 534:5 535:9 568:24	
289:2,25 290:4	501:8,11,16,25		
297:10 299:15	502:19 503:25		
301:11 302:8	506:1 510:11,16		
307:9 308:11	515:18 522:16		
311:22 313:13	523:2,14,21		
314:4 315:9	524:22 526:9		
320:4,19 321:4	531:17 533:3,16		
328:12 330:20	534:1,6 535:1		
333:3,13,17	543:15,20 545:25		
335:14 342:9	549:24 553:12		
344:5,7 345:16	555:11,24 565:18		
348:24 349:18	566:25 567:13,22		
354:1,14 355:13	570:12 572:13,15		
357:11 358:1	575:3,22 576:2,7, 12 582:2		
359:21 369:12	Ameren's 281:9		
371:13 372:13,17	286:23 289:13		
373:2,16 374:25	290:16,19 296:11		
380:2 387:3,6,13	303:20 310:22		
389:10,17 391:4			
392:25 393:18,24			
394:23 397:1			

469:9	485:22 489:6	April 273:3 310:6	481:8 485:17,25
anymore 394:9	530:23	319:12 386:4	486:22 487:5,7,10
566:18	apportion 293:16,	388:21 389:8	488:19,20 492:16
anyplace 288:25	21 294:12	468:3 472:2	493:12,24 495:3,5
anytime 291:25	apportioned	479:19 581:13	496:14 502:8
308:14 359:6	395:22	apt 363:7	503:7,15 504:6
435:8 436:2	apportioning	Aquila 452:16	506:6 509:1,8,21
437:12,20 443:15	395:21	ara 388:15	510:5 511:12,14
558:24	apportions 294:20	area 340:19	517:12,14,22
apologies 420:10	approach 279:17,	412:22 429:20	518:3,16,22 519:1
432:13 436:23	18,19,22 281:2	466:25	526:13,14 527:14
apologize 316:25	284:3 299:15	areas 412:18	528:8 531:25
366:2 368:22	334:14 372:24	413:14,15 465:23	532:3 533:1,8
377:13 385:7	377:5 379:6	argue 339:3	535:22 537:8,9,
393:4 405:13,21	399:22 403:23	566:23	13,16,17 541:18,
409:6 436:21	409:10 411:18	argued 349:25	21 542:2,17
437:2,17 444:22	414:15,25 415:1	Arizona 360:18	545:2,17,20,24
456:2 466:14	443:25 444:7	Arnold's 545:19	546:1 547:11
467:2 493:22	466:4 487:15	546:9 572:18	554:5,19,23
513:3	489:5 514:24	Arosa 430:8,12	555:12,16,18,21
appearance	542:18 571:15	around-the-clock	556:1,4,5,8,9,13,
273:16 274:8,10	approaches	463:18	14,18,20,23
327:9	294:24 453:5	arranged 474:7	557:13,20,24
appearing 274:3	approaching	array 473:19	558:4,6,9,10
560:23	557:2	474:11	559:10,19,20,21,
appears 414:14	appropriately	arrestors 315:19	23 560:3,11
417:23 427:22	411:10 481:14,15	art 277:14	566:14,15 567:23
491:24 521:5	495:7 504:11	articulate 316:8,9	568:25 572:19
558:22 564:11	approved 276:11	373:21	574:4,11,19
appellate 415:15,	366:7 429:8	articulated 296:21	577:22 578:2,3,7,
17	approximate	305:21	8,10
application	422:19,21 534:5	artifact 399:24	assets 280:16
284:13	approximately	ascibe 312:22	285:20 334:20
applied 335:3,17	296:10 303:15	Assembly 361:23	335:3 338:2
504:6	342:19 370:23	assess 285:3	375:22 396:3,5
applies 485:18	533:16 534:2	assessing 284:22	447:5 464:25
apply 351:18,20	565:20	asset 279:4,12	466:18 480:25
402:15 408:18	approximating	416:15 480:24	481:3,6,11,25
429:19 490:23	387:14		482:10,18 483:3,
505:13 508:7	approximation		18,21 485:19,20,
applying 466:6	303:8		21,24 486:20,24

532:1 538:18	23 339:9 354:15,	381:4,5,8,9,13,16,	402:18 404:7
540:12,21 546:2	19 356:9 399:3	19 428:17,18	412:14 415:13
547:5,7,11 548:1	417:21 455:5	435:7 448:20	420:18 428:20
553:20,21,24	assured 298:10	449:6,7,15	431:25 456:14
554:6,10,14,22	attach 393:4	459:20,21 463:19,	458:22 461:9
557:1,13,16 558:2	attached 386:11,	20 474:12 485:10,	463:12 467:14
559:14 560:8,9	12 389:7 555:20	23 486:4,13	471:7 475:12,21,
562:4,10,12	572:18	487:6,10 488:22	22 486:2 496:9
574:1,8,17,18,20	attachment	490:14 492:16	506:20 520:1
577:23	543:17,22 544:3	493:5 494:18	539:21,22 540:20
assign 280:14	548:17	495:2,4,24 503:13	548:4 562:3
537:8,10	attachments	505:18 517:23	566:23 577:12
assigned 309:20	388:23 476:14	526:9,17 527:22	background
505:15 540:15	543:24	532:13 566:4,17	425:21
541:20 567:11	attempt 282:7	569:6	backwards
assigning 297:10	361:7 409:12	averages 413:12	307:15,19
assignment	attempted 402:21	avoidable 343:15	bad 399:15 426:18
280:20,21 507:21	414:17 426:4	awarded 373:2	balance 298:21
542:2	attempting 279:19	380:24	299:1 571:1,2,10
assigns 541:20	369:24 406:5,7,8,	aware 284:2,4	balancing 297:23
assist 502:20	10	337:12 342:15	352:2
Assistance	attempts 293:16	353:19 356:19	ballpark 437:22
340:24 399:14	attention 386:24	360:8,13 361:8	band 403:16 428:4
assistant 367:22	442:10 492:7	365:22 387:24	bandied 576:25
associate 577:10	572:5	392:24 429:1	bankrupt 452:21
Associates	attorney 287:5	442:18,20 479:5	bare 419:6 420:11
366:20	327:8 416:1	483:20 510:16	468:14
assume 278:19	auction 462:17,20	516:3 532:25	barring 441:10
314:3 356:3 471:7	audit 432:1	542:5,14,16	base 286:14 315:1
479:22 528:18,20	August 474:17	556:13,15 557:18,	323:18 372:22
568:8 580:22	475:1	24 559:12 563:9,	373:4 426:1
assumes 538:9	authorizes 401:25	19	427:18 428:16
assuming 310:9	automatically	B	485:23 496:4
319:24 401:9	508:7 545:11	baby 493:22	504:11 568:24
449:14 457:21	automation 507:3	back 284:17	569:3,9 570:18,22
assumption	average 285:16,17	295:12 297:12	571:7
342:25 362:18	332:5 339:3,21	311:14 319:9	base-load 337:4
449:18 489:13	369:10 370:25	328:5,8,11 335:5	based 280:16
521:3,4,6	371:2 373:1	349:20 352:18	284:10 285:22,23
assumptions	375:18 380:11	354:3 358:11	286:9,20 294:6
333:10 336:7,14,		359:2 362:4,19	295:20,25 300:7

301:25 308:21	444:25 447:9	biggest 278:15	443:5 448:8 450:5
311:16 314:5,16	535:9 556:18	391:6,12 451:10	452:3 469:2 470:7
325:12 338:5	beginning 387:12	463:8,15 464:24	502:20 537:3
341:23 344:1	421:10,14 466:8	bill 282:22 293:3,7	564:5
347:22 356:4	515:25	297:18,21,24	black 374:20
357:24 360:2	behalf 273:19,21,	298:7,18 299:4,7	 blessing 339:17
365:2 369:5,8,21	24 274:1,4,6,14,	305:2,16 306:2	block 354:6 439:6
370:19,25 372:15,	21,24 332:24	309:19 310:1	blown 505:4
20 373:1 377:23	497:15,19,21,25	348:16 349:11	blue 360:23 436:7
378:23 380:2,7,23	498:2 499:3,6	358:22 404:20	blunt 411:21
382:20,23 388:19	belief 388:2	407:1 408:6,15,21	418:14
389:10,17,18	454:25 552:10	409:20,23 432:22	board 342:8 343:6
404:14 424:22	believed 392:1	434:23,24 435:24	355:8 359:17
433:1 441:1	believes 402:1	436:10 451:13	374:10 407:14
445:19 447:23	bench 360:2	534:7,14	Bonbright 349:20
450:18 451:18	364:13 365:2	bill-risk 432:21,22	352:12 355:3
453:8,25 457:16	377:23 427:4	billboards 358:22	book 489:21,24
459:1,5,7 462:2,	447:23 453:9	billed 277:12	490:4,9,12,14,16
20 464:25 481:20	454:1 462:1	394:15 444:8	496:5,8 532:21
486:21,22 495:22	487:16 507:7	449:1,5,7,10	561:15
503:3 507:7	535:14 540:6	451:22	booked 560:11
513:21 518:18	beneficial 323:4	billing 293:2,6	books 487:8
530:5 534:4,5	benefit 323:8,16	309:9,18 407:20	493:25 496:3
535:14 540:5	326:22 443:15	413:3 429:24	561:24 568:19
548:6 554:8,12	446:10 483:1	437:25 441:14	575:14
562:10 570:11	503:5,11,12 545:5	450:15 451:5	boomtown 430:8,
bases 387:6,13	benefits 304:4,8	453:15	12
basic 282:14	322:1,2,5,6,13,15,	billings 451:14	boon 362:4
293:12 399:22	16 351:1 352:17	billions 347:17	borne 280:25
basically 285:24	482:22 538:1	414:13	344:12
306:16 375:14	bias 280:19 281:4,	bills 306:7 336:15	bother 443:9
381:3 454:11	11 301:19 302:2	343:25 345:21	bottom 403:9
basis 290:6,8	325:25 339:22	357:22 407:18	Bowden 365:24
369:21 370:20	biased 340:17	432:25 436:19	box 374:20
435:25 451:14	big 353:8 356:13,	437:1 444:14	boy 365:19
487:11 561:16	16,17 359:5,8	BIP 415:9 428:16	brand 561:1
bat 466:3	362:17 392:5	bit 284:5 285:1,18	brand-new 549:9
bear 406:16	393:13 411:2	300:13 301:15	break 317:4
bearing 300:9	414:7,14 452:5	305:15 308:11	
407:24	568:10	312:6 338:15	
began 273:1	bigger 294:3	348:17 350:9	
begin 348:3	438:7 443:21	358:5 370:24	
399:15 442:22		417:25 424:13	

327:24 328:1,3 384:5 393:10 394:25 471:7 475:11,12,22	Brubaker's 383:10	572:2	capability 312:8 313:1 530:11
breaking 324:12, 19 384:8 415:21	buckets 283:25 395:23 414:7	calculate 313:18 314:22	capable 294:4
bridge 529:23	buffet 443:23	calculated 316:2 489:12	capacity 282:2 284:8,15 285:4,7, 21,24 286:3,8,10 366:19 385:18 392:13 414:25 415:20 417:5,6 430:7,13,16 452:25 453:1,3 462:12,20 463:1 550:23
briefly 330:16 360:3 375:1 453:14 454:3 549:2	buffet-style 352:23	calculates 380:8	capital 351:11
bring 300:25 472:6 494:19 533:21 549:22 578:14	build 294:9,16 353:1 410:18 458:6 535:9,10	calculation 303:7 314:13,16 411:13	capitalize 526:13 528:8
bring 300:25 472:6 494:19 533:21 549:22 578:14	building 273:6 282:1 294:8 457:23	calculations 369:15,18 389:12	captioned 273:9
bringing 323:24 407:22	builds 353:2	calculator 314:18, 20	captures 373:3
brings 297:8	built 286:1 394:11 505:11	calibrate 380:15	car 350:7,21,23 557:22
broad 311:7 312:20	bulk 394:14	call 275:1 294:8 299:25 300:19 306:11,12 317:24 325:10 328:16 352:10 382:12,14 385:1,3 453:4 457:15 465:14 498:7 523:2 533:5 537:18 543:11,12 550:3 567:12,13 572:8 576:21	card 532:21
broad-strokes 312:18	bunch 431:17 538:23	Callaway 452:8	carrying 294:4
broadcast 379:16	burden 482:21,25 490:22 491:9	called 304:7 338:14 415:19 417:10 418:2 430:3 453:16 460:4 469:5 538:3 566:1	carved 286:13
broadened 412:12	buried 331:8,24	calling 317:22 360:23 417:5 428:2,3 471:13	case 273:8,9 276:10,12,13,17 278:13 288:8 289:13,14,16,18, 20 290:1,2,3,6,10, 19,21,24 291:1,7, 10,18 292:1,8 297:9 305:22 307:2 323:11 330:21,24 334:8, 15 335:10 337:20 339:14 347:16 354:4 360:9,22 361:9 366:11,23 373:19 385:23 389:8 394:24 395:18 404:9,10 405:7 406:1,3,6, 13,18 407:12 408:20 409:11
broadly 276:6 442:21 467:3	burn 295:19	calls 498:10 523:5 538:10	
brought 283:20 320:5 386:23 408:4 491:7	Busch 468:2	campaign 358:22	
Bru 372:9	business 273:10 351:24 394:13 407:5 458:2 466:19 518:25	Canada 519:8	
Brubaker 287:7 365:12,13,18,19 366:15,18,20 367:13 369:2 370:15 372:9 375:5 377:9 378:2,11 379:3,7, 20 382:5,14,18, 22,25 383:23,25 408:17 426:3 459:15 582:17	buy 347:4 348:14	cap 576:22	
	buzz 277:15	capabilities 284:10	
	<hr/> C <hr/>		
	C&i 406:10 426:16,21		
	C-U-N-I-G-A-N 550:11		
	cable 546:4 572:22 574:23		
	cables 375:12		

410:11 411:4 412:20 414:19,20, 22 415:1,5,18,20 418:11,13 419:1 421:11,14 427:12 429:1,12 430:8 431:1,25 432:18, 20 438:9,13,19 443:6,9 449:19,24 451:1 452:6,8 464:21 466:20,21 467:3 468:19,22 472:20 474:1 476:12 490:7,25 491:2,25 494:4 497:3 499:9 515:20 517:19 520:4 524:1 526:14 540:14 544:15 551:20 569:15 575:19	325:13 345:21 442:23 443:19 caused 295:16 296:3 374:11 494:23 causing 282:17 455:12 caution 344:21 cautioned 514:17 caveat 355:9 caveats 344:24 CCMO 397:1 500:19 CCOS 314:4 373:7 382:20,24 395:19 403:3,18 407:24 408:1,17,18,23 411:1,13,14 412:23 413:7 425:24,25 429:13, 19 461:18 462:1,9 463:9,11 CCOSS 416:2 Cedric 487:14 488:17 494:14 550:4,10,14,19 552:17 583:8 cell 473:20 509:12 cells 473:19 474:2 center 306:11 448:12,13,15,17, 18 cents 449:6,7 464:1 century 281:23 certainty 346:24 362:7 Certificate 583:11 cetera 293:11 532:23 533:24	545:2 CFR 532:16 566:1 chain 575:17 Chairman 275:7, 11 324:11 326:16 338:24 359:13 376:5 445:21,24 446:1,3 447:20,22 464:12 562:22 583:5 challenge 278:1 359:6,10 506:6 challenged 336:7 338:23 354:16,18 challenging 336:14 339:9 chance 470:13 473:7 change 281:24,25 309:12 341:16,17 344:1 355:19 369:25 374:12 406:24 408:19 425:14 430:24 438:7 444:8 480:6 530:20 554:25 570:6 changed 308:13 338:18 341:21 343:8 438:2 459:21 465:6 502:18 changing 337:11 341:2 460:22 561:6 character 490:16 characteristics 295:8 410:9,16,18 427:18 496:21 529:15 530:1 534:16 537:18 546:25	characterization 428:9 508:20 characterize 334:24 340:14 346:21 352:1 354:10 530:14 574:20 characterized 276:17 519:21 characterizing 280:4 charge 281:20 296:7,8,13,19 297:1,4,15,17 298:4,6,10,13 299:3,8,10,17,22 300:15,18 302:5 343:11,23 344:15, 17 345:18 347:1, 3,6,22 348:22 349:8 350:21 351:1,3 352:3,21 354:22,23 355:1,7 360:12 409:24 432:15 434:3,4,18 438:9 449:9 450:18,20,24 451:18,19 charge-ahead 322:19,24 323:1, 11,24 charged 348:13 356:3 451:17,19 485:6,13 charges 292:15 297:10 345:12,14, 24 348:7 353:20 354:2,17 360:8 387:4 399:21 404:17,18 432:16 451:2,23 charging 442:7 chart 403:4 413:20
--	--	---	---

474:22 488:15,18 489:9 493:2 494:13 526:23 568:14	claiming 535:1	10,12,16,21 378:23 379:12,15, 18 382:8,12 383:7,16,19,22 384:2,14,23 385:5,7,10 386:8 388:12 389:2 390:1,7,13,23 392:16,20 394:18 396:13,17,20,23 397:1 398:2,6,9 405:25 424:4,8,11 425:20 426:6 433:13,18 445:18, 23,25 447:22 448:1 453:8,11,25 462:4,6 469:8 470:12 471:9,17 472:4,8,11 475:4, 9,17,21 476:1,3, 19,22,25 477:4,7, 9,13,19,23 478:2, 7,17,22 479:5,13, 17 480:3 483:7,10 487:17,21 488:1, 8,12 491:18 497:11,15,19,21, 24 498:2,6,11,14, 18,20,23 499:21 500:5,9,12,15,18, 22 501:1,20 502:3 503:19,23 507:6 512:14,20,23 513:7,11 514:18, 25 515:3,6 516:9, 11,17 519:4,9,16 520:10 521:1,12 522:6,10,14,21,24 523:2,7,10,14 524:14 525:1,4,6, 9,11,13,17,19,24 535:13,17 536:4 538:11 539:19 540:2,5,18 541:14,24 542:19, 25 543:4,10,18 548:15,21,24	549:3,21,24 550:2,5,8,12 551:16 552:15,23 553:1,4,6,8,12,15 562:20,23 563:1 564:11,18 565:1 567:2,7,10,18,21 570:10 571:13,16, 20 573:12,16 576:1,4,6,9 578:18,25 579:13, 16 580:2,10,24 582:3,7,9,15,20 583:4,7,9
chase 489:11	clarification 432:9	class 278:1 279:13,16,21 280:1,2,5,24,25 281:13 282:5 285:13 289:12,18, 23,25 290:18,23 291:7,11 292:1,9, 10 293:8,15,19,20 295:11,15 296:6, 12,16 301:20,24, 25 321:5,8 331:5 333:8,9,18 334:3, 12 336:24 337:12 338:14 339:25 340:4,9,13 341:24 342:6,18 345:15 369:17 370:18 371:4,6,8,11,13, 15 374:13 376:14 378:4,6,7,15 380:9,11 381:3,6, 7,13 382:25 387:10,17 389:22 390:16 391:4 394:24 401:23 403:21 407:14,23 408:3 409:11,13, 19 412:16,18,19, 24 413:19 414:15, 17 424:23 427:21 429:17 448:5,6 449:3,15,17 454:18 455:17	
check 314:17 392:5	clarify 299:19 315:13 317:10 351:2 375:17 376:1 392:16 397:17 407:7 431:15 436:15 445:7 470:18 479:2 519:15 522:8 543:23 544:22 546:16 557:10 559:2		
checked 487:23	clarifying 291:21 376:11 409:8		
checking 405:6	clarity 391:5 396:10		
checks 319:3	Clark 273:2,13,21 274:1,6,13,25 275:10,15,20 287:3,10,22 288:3 289:9,10 291:9, 13,21,24 300:21 301:2,6 311:11, 20,25 313:6 315:13,25 317:5, 12,17,21 318:4,7, 14,25 319:22 320:7,13,19 327:7,12,17,19,22 328:11,15,19,22 329:21,24 330:3, 10,13 332:13,17, 20,23 333:5 345:6,10 359:25 364:3,12,20,22 365:1,4,7,16,21 366:1,8,10 367:15,19,25 368:6,13,16,19,22 370:7 371:21,24 372:3,6 374:24 376:3,7,9 377:8,		
chided 471:2			
chime 487:25			
choice 277:6 418:17			
choices 406:15 566:23			
choose 304:22 358:8 568:20,21			
chooses 343:15			
choosing 305:9			
chop 529:1			
chose 391:18			
chosen 575:5			
Chriss 377:5 384:3,11,15 408:4 479:4 581:5			
chunk 460:20			
circumstance 323:7			
citation 405:22			
cite 399:7 404:7			
cited 416:10 495:16 496:10 527:24			
cites 288:7			
City 359:22			
claim 316:6 458:5			

456:16 457:8	closely 279:20	column 380:4,8, 15,19,21 381:6,18 382:23 383:2 422:8 527:13,18	464:21 480:14 483:8,11,12,15 484:3 490:11 496:2 497:12 503:20,21 504:3,5 510:17 516:5 525:19 532:17 550:21 562:21 567:4,11,12,16 569:17,18 570:12 574:17 579:10,19, 20,24 580:4
458:19 472:25	281:6 298:2		
473:19 577:5	409:12 417:4		
class-specific	closer 298:5 337:5 470:3 491:19	columns 381:11	
280:13 413:3		combination 450:23	
classes 279:19	Club 274:21,24 332:21 371:21 396:20 497:21 500:13 525:6 553:6	combined 371:9 404:20,21	
301:22 342:17,20, 22,25 343:6		combust 286:12	
371:17 373:6		combustion 286:12	Commission's 310:6 319:12 323:2 389:13 439:16 481:23 482:20 484:4,13 495:11 502:1 531:9
376:16,20 382:3	CMU 497:22	comfortable 311:5	
393:14 397:12	coal 284:7,23 285:14 337:1,2 452:22	commences 338:17	
403:15 404:16		comments 513:5	
405:3 406:25	Code 484:18,19	commercial 280:10 339:2 340:11 448:17	Commissioner 275:8 338:24 384:4 398:4,6 445:21 453:9 454:1
407:5 410:20,21, 23,25 412:13	cognizant 441:17	commission 273:22,25 275:3 282:6 288:25 289:21,23 290:14, 18,22 296:20 310:4 311:17 322:12 323:8 324:20 326:1 327:3 330:1,15 338:16,21 339:16 340:3 341:8,9 345:7 348:1 355:6 356:20 362:22 369:11 370:2 372:6 376:3 377:19 378:2,24 379:5 384:7 385:20 390:15 398:2 411:13,19 418:10 419:13 428:21 429:1,5,7, 13,15 439:17 444:11 445:6 447:24 453:19	Commissioner's 575:9
413:9,10 420:13	coincide 461:19 462:9		commissioners 327:22
425:1 426:2,9	coincided 466:18		committed 302:14
429:24 436:13	coincidence 493:11,16 545:16 567:1		common 285:3 286:2 576:22
448:11 449:2	coincident 450:24 462:21		commonly 428:19
451:11,21,24	coincidental 429:9		communicate 578:2,7
455:6,7,8,9 457:7	coincidentally 465:3		communicating 519:25
458:14	collaborative 411:18		communication 309:25 520:22
classes' 282:11	collect 292:15 325:8,14,22 404:17,18 534:15, 18 538:23		communities 280:9
classification	collected 326:3,5 545:3		community 416:9 560:12
288:10 295:16	collecting 288:19 545:4		
447:19 565:14	collection 326:10 446:13		
cleaned 338:15			
clear 321:6 342:11 343:8 352:15 389:9 402:4 421:12 422:2 423:25 433:14 492:4,8 504:20 513:3 537:25 544:23			
clearer 424:1 543:19			
clock 449:12			
close 280:20 403:17 452:19 477:24 478:14 487:2			
closed 462:14			

companies 355:23 519:7	comparable 280:9,22 438:12	536:22	512:2 529:11 535:4,5,11 542:4, 17 556:12,20
company 273:10 285:17 290:24 300:4,10 310:12 323:15 324:2,7 334:18 335:1 337:14 340:1 346:14,24 351:15 352:22 374:2,4 414:4 446:5,9 471:15 477:2,7,14 478:3,11 480:6 481:14,21 482:3, 8,13,23 483:20 484:5,21 486:19 487:4,5 489:5,7, 15 490:24 491:9 492:1,9 493:3,8 495:18 496:7,11, 18 497:1 498:9, 19,20 508:7 509:11,18 511:20 513:24 518:20 523:4 527:11 541:20 544:16 546:23 547:3 556:11,18 559:9 566:9 567:8 574:4 575:15	compare 306:6	computers 409:22	conductors 315:10,12 337:25 391:25 393:1 395:12,13 401:16 458:25 466:2 517:21
company's 276:8 293:20 322:10 326:20 346:12 349:22 356:5 465:1 482:9 483:3 486:10 487:7 492:23 516:15 517:9 518:23 520:22 546:20 554:18 555:4,9 556:6 557:25 558:20 560:17 565:20	comparison 305:16 308:13 309:18 310:1 479:16	concept 347:19 355:24 357:15 360:21 362:10 377:6 404:16	conduit 395:12 526:14 530:2 542:3 556:19
company-owned 343:7	compelling 347:16	concepts 321:23	conferences 331:9,25 355:23
	compensation 459:17	conceptually 331:3 404:5	confident 405:21 406:2
	competing 298:22 354:23	concern 299:2 339:16 356:15 360:8,14,16 361:3 391:6,7,19 392:21 394:22 426:20	confidential 476:15,23 487:22 488:7,9
	compiled 288:15 472:21	concerned 360:11 432:20,24 433:3,6	confirm 561:19 565:18
	complaints 401:22	concerns 298:23 305:21 324:21 325:15,24 356:13 419:1 447:2 463:8,10 483:16	confirmation 339:22
	complete 279:9 325:3	conclude 511:18	confirmed 488:11
	completed 514:7	concluded 475:8 513:6	conflict 341:12
	completely 520:7	concludes 497:9	confused 438:15
	complex 451:13	conclusion 335:22 483:2	confusing 439:23
	compliance 495:20 548:7 575:23 576:3,13 578:15	condition 289:2	confusion 348:9 359:20
	complied 289:2 431:2,6 569:18	conditioners 354:9	Congregations 274:22
	comply 401:24 402:2 431:9 492:2 531:8	conduct 321:4 331:4 336:24	connect 293:23 294:2,10 295:17 343:22 344:11
	component 381:9 434:3 460:22	conducted 325:20	connected 293:11
	components 279:15 394:6 490:2 531:5	conducting 321:7 417:22	connecting 282:1 292:20
	compound 348:4	conductor 283:1 294:4,5,17 315:22 336:4 375:7 395:11 400:16 510:5,7 511:1	connection 282:14 470:11

cons 348:6,8	consumed 442:19	20 486:10 491:24	conventions
conscious 349:1	consumer 343:1	492:17 494:5	531:14
350:16	363:13 365:7	495:14 517:6,18	conversation
consecutive	consumers 274:6,	518:25 526:21	325:23 349:10
474:25 475:2	11 333:1 363:14	527:8 528:8,11	494:16
consensus 411:16	372:3 497:24,25	532:21 553:22	conversations
412:17,19	consumes 344:2	554:18,20,23	496:7 520:12
consideration	consumption	555:10,14,16	conveying 359:10
341:2 427:17	282:4 312:12	558:14,21 560:17	cooling 439:9
considerations	336:4 337:25	566:13	cooperative
296:19 297:13	338:8 348:13,18	contradict 349:21	348:20
323:3 346:3 356:6	350:4,13 353:12,	contrary 370:1	coordination
427:20	15 354:5 363:22	contrast 336:25	558:13
considered	364:7 375:8,10	542:16	copies 316:24
410:17 411:10	448:14	contributed	317:3,4 390:5
consistency	consumptions	431:23	471:5,6 475:13
350:15 501:9	427:21	contributing	542:20
consistent 288:13	contained 387:25	429:24 455:22,23,	copy 287:23 289:6
292:10 299:17	388:5 419:9	24	300:21 317:18
307:22 310:15,22	499:15 545:18	contribution	335:12 390:7
333:19 414:5	contemplates	288:9 403:11	460:5 469:6 471:8
442:3,6 455:18	490:23	424:23 431:15,16	477:17,20 515:8
456:8 501:13	contends 494:9	463:1	542:23 543:2,8
consisting 467:25	497:3	contribution's	547:1 555:19
constantly	contents 386:10	453:2	564:9,12 567:19
349:24,25	404:15 416:21	contributions	cords 400:10
constitutes	459:21	282:11 455:12	corporation
485:16	context 322:24	control 277:6	484:12
construct 276:20	400:23 480:19	297:18,21,24	correct 275:24
462:13,15	554:4	298:16,17,20	288:11,12 291:8
constructing	continue 395:14	299:4,6,7 345:20	296:25 302:9,10
529:3	399:24 489:12	347:21,24 349:22	306:15 309:10
construction	496:6 502:6	485:5,12 526:18	310:10,24 311:2,
286:5 490:2 510:8	512:15	527:10	6,10,23 315:11
consultant 519:7	CONTINUED	controlling 349:11	316:5 318:21,22
Consultants 499:5	583:1	convenient	325:8 334:6,9
consume 293:5	continues 435:19	512:15	335:11,15 337:16
344:2 349:1	continuing 447:4,	convention	338:9,10 344:13
352:24	6,7 465:1 480:5,8,	485:17,21 530:21	357:2,3 364:14,15
	19 481:1,24	conventional	366:1 367:16
	483:18 484:6,15,	285:8,9 445:9	370:24 375:19,20,
			22,23 376:15,21,
			24 378:18,20

383:17,18 384:14 386:3 388:1 403:6,19 409:9, 14,15 417:16 422:1 425:2 426:8,10 441:21, 22 453:22 454:11 457:18 494:22 499:10,11 501:3 506:2 515:21 516:13 518:9 527:4,5 531:6 533:18,19 534:3, 4,21 539:9 543:5 544:12 548:2,23 549:14 552:9 554:20 562:2,4 563:17 567:23 573:2 574:8 575:20 corrected 387:13 552:5 correcting 403:14 correction 432:12 469:14,19,22 corrections 367:3 386:21 387:23 499:12 524:5 551:6,11,22,25 552:8 correctly 304:1 318:17,19 376:23 454:8 495:10 519:20 521:19,20 541:3 544:19,25 546:12,15 547:8, 12 correspond 372:15 373:18 518:4 542:4 cost 276:21,24 277:2 278:10 279:13,16 280:1, 2,6,24 281:14,18,	25 282:5 285:13 289:12,18,23,25 290:18,23 291:1, 7,10,11 292:1,9, 10 293:2,8,15,17, 19,20,22 295:7, 11,15 296:2,7,9, 12,16,23,25 298:3,9,12 300:11 301:20 321:2,5,8, 13,16,21 323:18 324:5,7,8 325:13 331:5 333:8,9,18 334:3,12 336:2,24 337:12,23 338:1, 7,14 339:25 340:4,9,13,16 341:17,24 342:6 343:17,23 344:11, 12 345:21 347:11 349:12 351:8 353:7 360:16 362:8 369:9 370:22 371:1 372:16 373:20 374:12 375:5 376:17 377:6 378:4,6,7,15 380:1,2,3,5,7,12, 25 381:10,12,20 382:25 387:7 390:16 391:4 393:18,20 394:24 399:3 400:12,17 401:23 403:22 405:2 407:23 409:11,19 410:1, 2,8 412:16,18,19, 25 413:19,21 414:9,15,17,23 415:5,16 421:5 422:3,5,12,13,16, 17,20 423:3,6,7,8, 9,10,11,12 442:23 443:19 447:14 448:6,20 450:20 454:17 457:1,21	458:4,14,17 459:5 462:24 463:18,20, 22,23 464:3,6,8 468:1 485:4,6,10 486:5,13 488:21, 22 489:21,24 490:9,12,13,14,16 492:16 493:5 494:18 495:2,4,24 503:9 505:18 517:16 526:9,17 527:22 532:14,23 533:24 539:13 545:12 549:17 566:4,17 569:6,8 575:23 576:3,13, 16 578:14 cost-based 298:22 cost-causative 286:21 cost-of-service 375:16 cost-reflective 277:11 costing 432:2 456:20,24 468:15 costings 411:17 costs 280:7,9,22 281:20,21 282:8, 9,20,21 283:8,25 292:16,17,18,23 293:3,21 294:12, 15,19,20 295:13, 14,16,23,25 296:3,4,6 297:7, 22,25 300:5,7,10, 20 302:6 323:11, 21 325:12 332:6,7 337:16 343:14 344:16 350:14 351:22,23 352:8, 19 363:6 373:5 387:14 391:11	404:17,18,22 405:1 410:14 413:1,2,4,5,24 414:7 420:13 450:19 455:6 456:21 458:20 462:23 463:1,2 485:12 490:2,4 549:14 Council 274:7 333:2 372:3 497:24 Council's 365:8 counsel 273:15 274:2,4 311:23 317:9 318:17,23 321:1 322:1,18 328:16,23 330:13 335:14 337:23 338:11 342:24 356:25 358:6,8 372:4 390:24 407:8 418:22 419:17 420:10,18, 20 421:17 441:10 470:18 484:11 485:14 496:10 497:16,17 500:20 515:7 525:11 542:24 549:8 552:24 564:12 582:13 counsel's 328:8 345:13 441:5 485:15 counsels 335:22 count 302:1 303:6 556:25 counter 349:14 country 444:2 509:25 519:8 couple 341:20 345:19 367:23
---	---	---	--

377:14 428:5,23 429:6 430:25 442:16 465:19 530:7 578:4	cross-examination 311:15 330:14,17 332:13,20,23 333:1,3,6 368:21, 25 372:7 374:24 375:3 390:22 391:1 396:13,17 397:3 448:2 453:12 500:6,9, 12,15,22 507:10 524:25 525:1,14 535:18 552:14,24 553:1,16 570:14 582:10,14,15,18, 19,20 583:3,4,5,6, 9	290:24 291:1 292:12 294:4 303:11,20 325:18 366:21 369:8 380:23 385:21 406:22 430:22 449:21 452:1 482:16 484:3 486:23 561:24	22 349:8,22 350:4,21,25 351:3 352:3,17,21 353:20 354:2,17, 21,22,23,25 355:1,7,19,22 358:13 359:21 360:7,11 371:15 382:3 387:3,4,10, 17 393:14,15 394:2,4,12,16 397:11,12,14,18 398:11,13,18 399:21,22 401:11, 12 404:17 407:18 410:8 413:4 417:4,9,11,13 423:3,6,7,8,9,10, 12,13 426:15,25 431:24 432:15,16 434:4,18 435:23 436:6,12 438:7,9 440:10,12 441:24 442:7,8 443:14 448:19 450:18,19, 21,22 451:13,17, 18 456:18 457:21, 22 458:7,8,9,11, 12,18 459:3 467:2 473:2 506:20 507:15 534:7
coupled 407:15	cross- examinations 332:17 500:18,19	cursorry 336:12	customer's 298:7 343:14 401:14 434:25
court 275:8 476:18 487:20 522:13 539:21,23 573:9	cross-pollination 321:22	Curtis 327:11	customer-owned 425:1 426:10
courtroom 494:17	crossarm 558:5 568:15	curve 486:21,23 487:12 489:7 493:23 494:4 503:4,5 505:7,9 507:5 508:8 545:12 547:25 561:4,6 566:23 569:1 575:6,11	customer-related 282:8 292:16,17, 18,23 293:3 296:6,9 314:5 344:16 409:25 450:19
courts 415:17	crossarms 535:6 566:14	curves 481:15 509:20 518:19 554:8,12 560:21 562:16 569:21 575:4	customer-specific 280:4,6,21 281:3 301:14,16 325:24 476:15
cover 351:23	crunching 313:1	cus 387:16	
covered 352:21	CSR 484:11 495:12 566:1	customer 279:19, 21 280:8,13 283:2,10 288:9 292:15,20,24 293:2,4,24,25 294:10,12,21 295:1,7,18 296:7, 8,13,19 297:1,4, 10,15,17 298:12, 19 299:3,8,10,16, 21 300:15,17 301:23,25 302:5 303:6 305:23 308:12 309:12 314:5 315:8,11 343:11,15,16,21, 23 344:1,10,15 345:12,14,18,20, 24 346:24 347:1, 5,21 348:7,8,20,	
COVID 336:16	CTS 452:17		
CP 414:4 428:13	Cunigan 487:14, 24 488:16 496:17 550:4,5,10,14,19 551:17 552:17 553:18 564:22,25 570:16 572:1 573:24 578:18 583:8		
CPR 480:5,20 481:4 483:19 484:7 495:9,20,21 526:12 527:8 528:2,11 529:2 559:21 566:13 579:10	Cunigan's 488:17 494:14		
CPR's 526:7	cured 412:22		
create 322:16 361:2 482:21	curious 277:14		
created 474:7,8,10 482:25 502:9 504:15	current 273:4		
credit 429:25			
credits 571:5			
criteria 506:25 507:21			
criterion 545:20			
critical 390:15 495:3			
cross 320:14 365:2 367:14 370:3 390:23 522:6 575:25 579:24			

customers 277:6,
8 278:5,17 279:7
280:11,15,16,18,
22 281:8 282:1,23
283:5,12 285:22
293:11 295:13
296:3,14 297:2,
18,21,25 298:15
299:3,6 301:23
302:1,8 303:2,4,8,
21 304:11 305:9,
10 306:12 307:6
308:24 309:8
312:12 316:12,16
323:4 324:4,6
326:22 336:15
339:3 340:12
341:3 344:6,13
347:20 348:11,24
351:21 354:3
356:2,8,14,18
357:21 358:19
359:3 360:11
363:5,12 375:13,
15 392:6,7
393:11,12,21
394:7 398:17
400:12 401:2
406:10,12 409:24
410:15 420:13
426:20,21 432:24
433:2,5,22
434:20,21,24
435:24 436:5
437:3,4,5,6,9,10,
23 438:21 439:2,
18,24 440:6,24
441:3,9 442:10,
18,20 443:16,22
444:6,8,12,25
445:4 448:10,25
449:5,6,11,13,17,
22 456:19 457:3,
4,6 459:2 466:23
482:1 534:2,11,
14,15

customers' 278:2
286:8 436:19
437:1 570:8
cut 540:19
cutting 489:10
490:6
cycle 309:9
324:12,20 437:25

D

daily 473:22 509:4
damaged 557:19,
23 558:1
danger 433:22
dark 418:4
darn 464:11
data 276:25
278:19,25 279:4,
5,7,11,12 280:2,4,
14 281:13 282:11,
16,24 283:3
288:21,22 289:4
292:12 304:25
305:7,8,23 306:3
307:20 310:3,5,14
312:7,10 313:1
314:25 319:11
324:11,16,22
325:6,8,12,14,21,
24 326:3,5,10,11,
16,18,25 327:2
331:8,9,14,17,24,
25 336:12,17
388:22 389:8,10
390:14 391:21
396:4 400:8
409:20 410:7,13
411:23 412:1
414:19 418:5,6,
10,23 421:5
427:20 431:5,12,
13,18 432:1
437:7,8 446:12,21

447:3,10,12
448:12,13,15
449:16,19,24
461:3,6 465:3,10
466:6 468:5,11,13
470:10 471:13,19
472:17,19,21,23,
24 474:6,7,12
476:10 483:23
484:8 486:17,18
488:19 491:14
492:1,2,3 493:1,9
494:1,2 497:1
501:8,9 502:10
503:4 504:16
506:3 507:16
511:5 513:25
514:2,9,23 515:19
516:16 518:6
519:19,24 522:17
530:4,18 532:7
533:10,14 534:17,
19 543:16,21
544:1,2 545:25
546:17,21 547:2,
5,11 558:23
560:19,20,23
561:2,5,7 562:16
563:9,11,17
564:8,24 565:2,9
566:21,22 567:4,
14 571:3,23
572:9,14,15,17,20
573:1,25 574:1,
12,19 575:5,9,16
577:6,11

data's 282:19
358:3 497:5
566:24

database 494:2
529:2,6,13,25
530:11 536:12
537:19,21 559:16,
17,22 571:4
577:15

databases 536:21
555:1
date 485:3 492:24
510:6 518:13
dated 468:2
Dave 428:4
day 273:8 307:16,
21 325:10 353:6
356:4 427:22
441:20 463:21
474:8 507:25
516:14 580:13
581:11
day/night 356:1
Daylight 473:23
days 307:9 312:22
358:17,19 367:23
462:18
deal 346:16
362:17 391:18
404:10 416:16
432:25
dealing 429:22
430:2 441:12
dealt 441:9
debits 571:5
decade 420:18
427:16
decades 282:7
562:13
December 303:17
474:17
decide 458:17
deciding 387:9,17
decimal 370:24
decision 332:10
343:21 346:10
429:16 439:16,17
decisions 413:16

439:8 539:15,24	547:4	446:19 468:21 562:15 577:7	describes 304:8 397:18
decks 572:18,20	delta 356:21	deploy 307:4	describing 422:6 537:3
decline 439:6 440:24	delve 398:10	deployed 303:15 308:10 312:9 355:11	description 363:8 469:16 477:1 485:1,8 526:16 527:19 532:22,25
declining 354:6	demand 282:2 283:10,24 293:4, 18 294:6,18,21 295:1 298:4,6,7, 10 375:15 400:20, 25 401:7,20 404:22 430:2,3 434:3 449:9 450:24 451:20 454:18,22,24 455:12,21 456:4, 7,8 458:7,8,9 472:25 473:22,25	deployment 303:18 355:15 359:1 439:24	descriptions 468:1
decoupling 346:25 362:1,2	demand-carrying 392:13	deploys 481:18	design 276:14 289:15,16 292:2 294:22 295:21 298:17 332:4 336:10 346:11 358:4 363:8 385:20 404:1,3,13 408:3 409:4 440:20 443:5 449:8,25 538:24 545:3
decrease 380:13 381:24	demand-related 282:8,20 294:18 295:8 300:19 409:25	deposed 335:6,10 337:19	designated 367:1
dedicated 280:23	demand-side 347:18	deposition 335:22,24 338:19 341:5,20 354:15 397:24	designed 299:5,9 354:8 357:20 362:9 394:11,14 398:12 442:20 463:2 537:22
deem 346:6	demands 280:17, 18 282:12 294:19 295:18 375:11 455:11,13 456:12	deposits 397:15, 20	designs 276:23 354:5 452:7
deemed 335:24	dense 278:25	deprecation 487:2 532:20	desire 578:24
deeply 432:20	density 279:10	depreciate 481:1 554:6	detail 399:11 404:4 450:9,11 502:11 503:6,11 508:24 511:15 545:24 554:1
default 305:17	department 385:21 539:9	depreciated 485:22 495:4	detailed 294:20 304:13 308:22 415:9 481:7,10 553:19
defective 511:18	departments 520:23	depreciation 480:4,14,21,23 481:16,19 483:24, 25 486:25 494:1,3 503:1,6 518:21 519:6 529:18 533:4,6 554:3 560:20,21 566:21 570:24,25 571:3 575:12,13	determinant 407:21
defer 389:20 397:23 483:5	depend 350:12	deregulated 339:7	
deferred 323:18	dependent 307:10 351:21	describe 334:2 343:13 379:10,21, 22 421:2 467:22 517:25 537:1 546:22 551:11 561:14 565:12	
deficient 301:12	depending 327:25 353:13 426:16 428:18 478:18		
defined 484:16 495:15	depends 357:19		
defines 375:13			
definition 484:20			
definitions 484:16 486:3			
Definitively 526:11			
defy 579:10			
degree 402:23 503:11 513:22 522:3			
delay 359:24			
delayed 462:17			
delaying 509:10			
delivering 282:3			
delivery 315:22			

determination 302:5 514:19	differ 452:2	292:14 296:5	540:20
determine 380:22 483:24 490:12 494:3 495:4 496:7 518:2 537:17,18 545:13 560:21 561:5 575:10,12	difference 324:19 334:11,17 358:9 381:5,14,16,19 383:3 391:6 457:2 561:15 568:23	305:18 323:24 329:1,6,7 330:4 341:24 365:9 366:17,23 367:12 368:4 369:5 372:14,25 373:17, 23 374:16 385:16, 24 386:15 388:9 389:11 405:14 406:17 408:8,10 413:19,20 432:8 435:13 460:5 463:19 487:15 488:18 499:1,8,22 523:18,24 524:1, 16,17 526:19 527:2 538:1 545:19 546:9 550:16 551:1,3,8 552:16 572:5,18 582:6,9,14,18 583:3,8	disagreeing 494:8
determined 481:15 486:24 490:4 518:23 537:14 546:18,22	differences 284:18 373:21 392:9 407:23 410:24 429:14,15 448:15 452:3 455:2 456:19 464:23 490:15	directed 572:13, 14	disagreement 414:14
determines 570:25	differential 359:9 438:18,21,23 439:5,15 440:2,8 456:23	directing 389:13 440:15	disagreements 324:24 414:13
determining 482:6 489:21 517:4 566:5 578:14	differentials 356:16,18 357:18 359:5 443:2	direction 290:12 296:22 324:12 352:15 418:4,5	discovered 417:21
detrimental 323:5	differentiate 427:21	directionally 442:6	discovery 331:9, 25 491:2,25
develop 292:6 406:9 453:19 503:3 539:9 549:17	differently 284:6, 12 285:12,13 413:7 426:1 491:12 494:5	directives 349:15	discriminatory 449:21
developed 276:9 286:2,7 292:11 456:20 461:11 464:21 503:16 509:22	differing 441:10	directly 280:14 305:6 316:18,20 352:12 494:18 495:1 548:4	discuss 503:2
developing 505:9	difficult 355:25 357:15 449:1 577:10	direction 290:12 296:22 324:12 352:15 418:4,5	discussed 301:15 322:19 384:12 396:2 418:21 431:11
development 300:6 456:21 549:9	difficulties 346:16	directionally 442:6	discussing 446:5
device 315:14 387:9,16 466:2	difficulty 274:18 418:2 420:23 533:17	directionally 442:6	discussion 293:9 312:7 324:10 325:1,9 326:6 360:6 361:13 388:19 427:9 435:18 450:5 454:6 457:9 459:4 460:24 468:14 476:8 549:11
devices 293:15 315:10,12,16 395:13 401:17 458:25 517:21	digital 537:22	directionally 442:6	discussions 361:4 557:15
devoting 340:3	diminished 362:10,11	directionally 442:6	disjointedness 348:18
dialogue 342:2	diminishes 363:1	directly 280:14 305:6 316:18,20 352:12 494:18 495:1 548:4	dismiss 339:14
Diana 327:10	diminishing 347:23,24	director 523:21	disparage 337:7
dictate 375:11	direct 280:19,20	dis 358:24	dispersion 486:23
		disagree 334:18 335:1,18 341:7 358:24 418:14 427:25 508:16	display 488:2,4
			dispute 319:5 491:16 496:15
			disputes 324:13, 20,22 325:4

disregarding 432:14	document 379:7, 8,11,21,23 469:25 515:16 519:22 520:3 546:1 547:6,14,15 572:6 573:7	drive 286:4 393:7 456:12	East 465:11 466:9, 10,11,24,25 467:4
distinct 323:10	documents 461:10 520:24 551:7 552:4	driven 300:5 375:23	easy 280:7 307:19 393:10 464:11 497:4
distributed 373:5 404:10	dollar 283:20 286:19 352:20 391:6 431:19,20, 22 432:3 434:17 505:15 531:15 535:9,24	driver 295:7 296:2 336:2 337:24 338:1,7 375:6 411:2	economic 345:25 346:1 361:6 363:1
distribution 279:4, 12 293:9,12 294:25 295:6,23 300:7,10,19 302:6 324:16 334:20 335:3,17 336:3 337:24 338:2,7 352:9 375:6,22 387:8,15 391:21 392:13,21,23 393:1,7,19 395:9, 10,11 398:19 399:15,20,24 400:1,9 401:6,8 402:5,17,20 403:6 411:3 413:1 414:6 415:24 416:8,11 436:14 446:6 447:19 450:21 454:18 456:13,20 457:11,17,23 458:3,5 465:5,15, 23 470:2 545:21 546:2 562:12	dollar's 536:12	drivers 281:25 283:8	economist 385:21
distributive 339:11	dollars 283:14 347:17 351:11 414:13 492:12 495:6 505:19 536:15 538:17 549:17 557:3	drug 473:20	edge 405:10,11 490:6
divergence 411:16	double 302:1 314:17	dry 492:7	edited 387:1
diverging 338:14	doubt 311:1 335:15 356:9 420:20 491:11 535:2	due 342:8 384:4 443:1 490:13,15 528:24 560:25 579:11	educating 356:8
diversity 284:20	downloaded 312:15	duly 275:17 328:24 366:15 385:14 498:24 523:16 550:14	education 303:20 309:12,22 355:19, 22 356:12 358:13 359:18 438:1 439:2 440:10,12
divest 466:18	downtown 546:5 572:23	duty 294:17 497:7	effect 303:16 334:20 440:11 457:19,20 458:19 575:2,4
dividing 387:16	draft 545:18 546:8		effective 306:24 308:11 441:23
divvy 353:7,8	drag 444:4	E	effectively 342:7 346:4 347:5 352:25 353:9 358:20 400:13 401:10 429:23 434:4
docket 289:22 326:7,8,13 338:17 358:4 404:9 412:23 426:17 464:22	dragging 357:14	earlier 301:15 352:18 358:11 364:1 366:5 382:18 384:3 450:6,12 458:22 476:8 544:13 556:25	effectuate 559:10
	drastic 569:11	early 361:5 452:15	efficient 349:3
	draw 474:11	earned 346:17	effort 325:16 347:25 439:21
	dress 580:2	earnings 362:5	efforts 325:14 344:18 349:9,10 465:24
		ease 440:24	EFIS 390:5 477:22 496:22 543:25
		easier 361:18 576:23 577:3 578:1,5,9	elaborate 448:8 452:3
		easiest 448:9 455:14	

electing 530:15	Empire 336:13 414:22,24 415:7	17 442:19,21 444:19,20 448:14, 20 451:22 454:9, 15 455:1,10 456:17 463:18,21, 22,23,24 464:3,7, 8 465:7,9 472:24 497:25 510:13 532:17 547:4	epiphanic 492:20
electric 273:10,12 276:10 336:15 343:22 348:16 350:5 394:14 442:7 482:4,6 484:12 489:22,24 490:1	employed 366:18 385:17,19 499:2,4 523:19 550:20	energy-related 282:9,21 410:1	equal 342:7,16 343:5 350:13 369:20 407:13 424:25 426:8 427:1 535:7
electricity 506:18	employees 537:12	engage 277:8	equally 342:21
electrification 344:18	enable 347:20 349:22 432:1	engineer 517:13 550:24	equate 504:3,5
electronically 390:6	enabled 277:12 379:24	engineering 518:2	equates 347:1
elects 356:20	encompass 309:13	engineers 470:2	equation 281:11
element 277:4 350:10,11 439:7 537:23	encourage 322:10 353:12 362:9 413:18 442:5 482:23	enhance 278:10	equipment 281:22 294:15 295:6 556:8
elements 276:18 283:11 405:2,24 406:19 409:24 410:22 442:10 527:23 534:19	encouraged 354:5	ensure 353:12 426:15 497:8	equipped 306:11 432:25
eligibility 344:6	encouraging 353:1	entails 542:14	equivalently 301:22
eliminating 443:15	end 278:25 297:25 303:17 319:10 339:10 340:9 349:6 363:5,12 401:21 403:3 404:16,19 454:21 484:10 492:16 545:6	enter 273:15 274:19 327:9 421:18 453:20 516:18 530:11	ER-2021-0240 289:14
email 287:4 358:21 468:1 477:21 518:7 520:11 546:11 572:25	end-use 400:12	entered 319:23 453:20 563:20	ER-2022-0337 273:12
emailed 274:17 476:17	energy 274:11 282:3,12 283:10 285:21,23 286:3, 8,9 293:5 295:5, 20,25 296:1 300:4,5,7 312:12 334:21,24 335:3, 16 336:4 337:25 338:8 339:11 344:1,3,17 349:1, 3 350:5 352:24 375:7,8,10,15 404:22 411:2 413:2 427:21 430:13,15 440:16,	entire 493:14 531:2 537:21	ER-85-160 429:7
emails 367:22		entirety 286:4,22	ER-85-17 429:7
embedded 332:5 337:14 349:13 351:8 362:21 422:3		entity 361:20 402:8	erode 363:16
embedded-cost 321:17,23 338:6		entity's 376:2	erosion 324:2 346:21
emergency 502:17		entries 502:13 570:17,18,21,22 571:6,7	errata 335:23
		entry 274:8,10 507:2	error 386:24 492:9 493:18,22
		environment 411:18 412:4	essence 545:4
			essentially 295:5 310:23 352:14 381:8 403:2 404:15 405:23
			establish 505:11
			established 337:19 474:9,10 509:8

estimate 398:25 481:20 489:17 494:10,11,12 504:19 528:12 529:19	events 430:2	18 583:3,6,8,10	315:17
estimated 490:10 504:21 528:3 532:6	eventually 522:2 570:6	EXAMINATIONS 582:2	exhibit 274:19 289:8 317:2 318:8,9,12 319:17,18 367:16 368:2 382:6,15,19 383:8,9,12 386:17,18,19 388:10 389:4,24 390:2,17,19 420:20 423:24 458:22 467:20 469:5,15 470:13 471:12,18,21 475:13 476:10 478:3 522:16,18, 19 543:13 548:14, 16,17,19,25 549:22 551:1,2,4, 9,22 552:13,19 567:5,12,16 571:18 572:8 573:17,18,21 574:9,16
estimates 464:3 480:23 481:20 482:6 489:21 490:11 503:3 554:4,8,12	Everygy 336:12 354:1 355:11 415:7 438:12 439:1 441:16 443:4,11 453:21	examine 563:2	
estimating 528:16 529:14,17	everybody's 374:7 400:11	examined 575:18	
estimation 507:4 532:12,15	everyone's 461:8, 17 573:10	examples 337:24 353:3 403:7 463:9	
ET-2018 287:18 476:12	evidence 318:13 330:9 337:11 368:12 383:13 388:17 390:20 471:22 478:6 488:16 491:7 496:17 500:2 522:20 524:23 538:10 548:13,20 552:13,22 567:17 573:22 575:23 576:3,12,15	exceeds 401:1	
ET-2018-0132 288:8 431:1	evidentary 388:24	Excel 496:23	
Ethan 274:23	evolves 281:22	exception 343:6 426:25 490:21,22, 23	
Eubanks 546:11 572:25	evolving 349:24	exceptions 416:7	
EV 322:24 350:4,7	EVS 344:18	excerpt 321:2,11 526:20 527:7	
evaluate 278:16 432:4	EW 404:9 405:7	excess 285:16,17 294:15 339:3,21 375:18	
evaluation 390:16 545:18 546:8	exact 302:11 312:16 405:22 415:13 426:24 526:16 529:15	exchange 303:25 335:13 337:22 338:3 412:5 419:2 467:1	
evening 443:16,17 478:11	examination 320:23 329:1 330:12 366:17 379:1 385:16 454:4 499:1 500:4 523:18 549:5 550:16 571:24 582:5,6,9,12,14,	exclusively 457:3, 5	
Evening/morning 304:23 305:4 306:24 307:6 308:13 437:11,12, 18,19 438:5,16 440:4 441:8,19 442:12		excuse 291:6 296:17 297:13 371:16 372:9 373:13 377:11 385:22 460:24 461:25 504:9 506:5 517:17	
evenly 373:5		executed 279:25	
event 497:7 520:21 579:23		executive 358:15	
		exercise 318:24 398:24 426:3 461:4,15	
		exerts 450:19	
		exhaustive 421:24	
		exhaustively	
		exist 293:17 305:11,14 306:20 310:3 321:21 394:22 398:17 410:25 450:15 456:10 505:3 558:4	
		existed 450:16	
		existing 281:13 305:2 324:2 393:19 394:16	

440:3 517:5 562:3	explicitly 463:2	facilities 280:23 448:19 449:9 450:20 451:19 462:25 463:1	family 348:23
exists 290:12,14 411:23 458:3 506:6 517:9 532:7 547:11	exploration 420:12	facility 284:23,24 458:1	FAQS 304:16
expect 311:10 394:6 403:17 474:1 560:24 578:13 579:23	explore 577:8	facility's 404:18	Faruqui 276:13 308:17 444:1
expectation 309:2 425:25 479:4 505:14	explosive 492:5	fact 329:16 384:7 399:19 417:23 448:21 482:2 491:24 501:17 502:6 504:15 530:5 568:1	Faruqui's 308:18, 21
expected 303:14, 18 485:23	expose 358:5	factor 442:19 448:14 455:9,11	fashion 504:10 509:25
expense 373:16, 17 570:25 575:13	exposed 357:19	factories 466:24	faulty 566:24
expenses 373:4 426:1	exposure 346:12	factors 286:21 375:24 402:16	favor 570:8,9
experience 308:19 362:23 557:21 558:3	expound 295:9 445:1	facts 341:16 538:9	favours 492:9
experiences 307:9	extends 360:20	factually 311:10	feasible 557:8,22, 23
experiencing 336:9	extension 400:10	fail 374:9	February 303:1,11 474:18
expert 276:14 316:7	extensions 432:2	failing 391:20 392:4	Federal 484:18,19 532:17
expertise 579:21	extensive 360:6 375:14	failure 301:13,17, 18	feedback 278:6 343:3 352:25 560:23
explain 292:16 364:11 379:11 409:17 435:11 448:10 450:11 454:14 545:23 572:19	extent 322:11 325:6 336:13 369:24 372:23 398:22 411:9 415:22 442:6 472:17 565:12 574:8	failures 402:3	feedbag 493:21
explained 398:11 482:8	extra 390:5	fair 278:13 355:21 419:2	feeds 493:19,21
explaining 382:18 450:8 569:16	extracted 574:12	fairly 280:5 298:25 317:19 348:10 356:18	feel 310:15 311:5 407:17,21 504:7
explains 381:2	extreme 339:8 482:21	fall 403:16	feeling 519:11
explanation 394:19	face 346:15 352:7	falling 557:19 558:1	feet 357:14 535:4
	facilitate 419:7 421:16 559:13	falls 415:2	fell 474:21,24
		familiar 295:21 310:7 313:14 321:9 330:19,23 339:23 469:11 532:16 565:2	felt 290:4
	F		FERC 482:19 496:21 546:25
	fabricated 492:17 494:1,2		FERC's 481:22
	fabrications 492:16		ferret 412:6
	FAC 324:6 461:11 463:25		field 279:15 493:12 502:12,13 503:2 505:21 506:8,24 521:24 538:22 539:3,4,8, 15,25 541:5

545:17 554:22 555:11,18,25 558:5 559:8 560:2,7 566:22 569:4 576:18,23 577:3	finding 336:11 387:7	Focusing 554:16	foundation's 516:2
figure 282:25 284:20 505:21 506:17,21 508:5 569:13	fine 301:3 312:20 401:18 409:3 424:8 542:25 573:15 580:9	folks' 492:7	foundational 283:11,16
file 273:12 369:14 418:25 468:22 509:15 579:8	finished 275:2 384:24 475:23	follow 297:7 501:14	four-month 309:23
filed 291:1 303:1 310:5,19 319:11, 14,15 329:8 342:6 366:5,22 372:16 382:25 383:4 385:23 390:4,10 395:18 466:21 479:17,18 496:22 499:7 523:24 550:25	fire 401:4 452:16	follow-up 364:10	fourth 460:22 527:18
files 339:25	firm 327:11 366:20	food 347:5	frame 304:10 309:13 438:3 450:15
filing 310:16,24 374:2,3,5,16 388:23 389:13 404:11	fit 431:18 459:13, 16	foot 535:5,11 556:19	framework 292:5, 9 293:8 337:9 452:8
final 380:21	fits 361:12 442:21	footnote 378:12 381:2	framing 360:16,25
finally 527:21	fix 403:1 570:7	foresee 451:16	frankly 443:8 449:17 458:10 461:17 465:9
financial 340:13	fix-all 447:18	forget 389:20 446:6 472:3	free 346:15
financially 323:5 349:5 351:16	fixed 298:5,6,9,12 349:12 350:14 351:23 352:9,19 502:8 503:15 509:8,21 533:8	forgive 291:4	Friday 335:6 384:16
find 294:23 302:14,19 303:6 369:11 398:16 404:6 406:3 424:17 425:7,15 434:6 446:10,16 450:10 457:2 460:9 505:20 506:12 529:24 533:22 555:12,25	fixtures 395:10 432:10	forgot 383:24 384:15 472:4	friendly 370:3
	flat 436:2	form 409:7 431:10 511:19 513:9	front 458:23 473:5 531:19 532:19 547:16 555:19 564:10
	flavors 428:15	formal 290:12	frustration 314:19
	fleet 285:19 286:4, 5,22,24 427:12	format 313:19	fudge 352:14
	fleets 430:22 452:1	formula 381:3	fuel 295:19
	Flemming 499:4 518:21	forward 276:18 277:21 278:2 281:7 307:17 324:12,17 326:7 336:23 340:25 346:4 347:17 348:1 351:17 353:16 358:4 359:9 361:21,23 428:10 495:18 536:1,19 537:5 562:2,7 570:6	fueled 285:9
	flexibility 469:25	fossil 285:9	full 306:2 335:12 355:15 359:1 397:22 429:25 496:2,8
	flow 375:15	found 302:23 391:24 434:23 460:17 577:24	fully 355:11
	flowchart 353:5	foundation 404:25 501:22,25	fumbling 418:4, 15,16
	fluctuations 346:12		function 294:13 315:8 463:3
	focus 299:7 361:6 408:24 409:4		
	focused 327:4		

Functionalized 413:21	generalizing 340:18	480:10 487:18 526:22 538:11 542:21 565:3	14,19,22 513:8, 10,12 514:24 515:1,5,9,11 516:6,10,13,21 519:9,14,17 520:9,17 521:9,14 522:4,11,12 525:15,18 540:6, 8,10,18 541:14,17 542:10,18,20 543:1,6,10,12,20 544:2,5 548:9,13, 21,23 550:4,13,16 551:21 552:12 564:16 567:6 571:14,17,22,25 573:12,15,23 576:2,5,8,10,11 578:17 582:7,10, 11 583:8,10,13
furnish 490:10	generally 292:15 294:25 308:1 334:1 343:19 381:25 457:12 467:6 480:25 542:5	giving 298:15 310:1 348:14 361:24 429:25 431:22 439:4	
fuse 315:19	generated 350:7 528:4 563:6	glaring 391:13	
future 323:21 324:8,9 353:10,15 358:3 362:22 410:13 439:9 468:19 483:25 530:20 536:14 562:2	generating 391:11,12	goal 376:17 560:15	
G	generation 284:6, 7,8,9,14 285:25 286:22 389:22 404:10 416:9,10, 13 427:17,19 429:24 430:1,6 452:13 458:1 466:18 473:13,17	goals 532:1	
G-E-O-F-F 329:4	generations 351:13	Golly 428:22	
gain 351:4	generator 285:8, 10	good 273:3,18 282:19 290:7,16 312:4 313:14 325:23 330:19 331:12,17 332:2 334:22 337:8 343:16,18 345:17 347:7 350:3 355:21 360:22,25 369:2,3 406:14 410:17 411:18 412:5 422:3,4 427:24 435:1 443:24,25 444:7,9 447:7 449:25 472:16 475:10 480:13 488:11 541:12	Graham's 501:2,5 534:20
gained 362:17	Geoff 328:18,24 329:4 330:5 582:13	Google 538:4	grant 443:20
gallon 348:15	geographic 284:19	Gosh 353:23	granted 463:16
Gannett 499:4 518:21	Gerbes 347:4 348:14 351:19	Governor 273:5	granular 277:1 278:19,25 279:5 282:15,24 283:2 324:16 417:3,18
garage 394:4	get along 508:8	Graham 273:24 475:25 476:2,3 479:14,24 480:2 483:12 487:18,23 488:3,13,14 491:18,20 497:11, 14 500:24 501:15, 18,21,22 505:16, 25 507:9,11 508:12,18 512:11,	granularity 282:18 312:7,8
Garrett 327:11	give 275:15 276:8 278:5 281:14 298:16 299:3,6 309:17 311:21 324:2 339:16 344:21 345:20 370:8 402:11,12 417:1 418:10,18 420:3 424:16 438:22 439:2,7,18 444:6,16 448:11		granulized 473:2
gas 284:23 285:11,12 350:22 416:10			graph 435:6,7,11, 21,25 473:11 474:5
gathered 507:16			graph's 435:20
gave 339:6 341:5 347:2 463:9 544:13			graphs 304:15 386:12 389:7,10, 14 390:9 472:1,12
gee 428:22			gray 436:3
geez 391:14			great 289:9 397:9 428:23 444:3 447:20 461:16 528:25
general 274:5 285:2 290:19 333:14 343:2 345:17 359:18 361:23 411:23 414:8 426:18 427:25 429:20 430:18 485:8 527:19			

greater 353:13 356:20 458:14	21 478:9,21 479:2,11 480:13 483:9 488:10 498:9,19,21 499:1,19 500:3 508:10 512:9 513:2 515:7 516:1,8 520:2,24 522:8,23 523:4, 15,18 524:12,24 536:2 538:9 539:17 540:16 541:22 543:23 549:2,4,6,19 550:1 553:14,17 562:18 567:9 570:13,15 571:11 573:6 575:24 579:2 580:9 582:5,6,9,12,15, 19 583:4,6,9,10, 13	22	happening 451:16
greatest 326:22		gun 384:1	hard 447:8 478:10, 15 562:9
green 414:1		gut 357:8	hardening 546:3 572:21 574:21
grid 299:18 341:3 343:22 546:5,6 572:24 574:24		H	harder 437:14 497:6 578:1,6
grocery 350:19		half 279:7 310:20 342:20 381:19	hat 420:18 490:8
gross 315:6		halfway 381:22 382:2	hate 580:2
grossed 413:5,17		hamper 344:17	head 275:22 353:23 354:24 358:1 391:18 393:16
grossing 414:10		hand 275:12 328:20 339:15 365:14 379:8 385:8 417:20 471:6 496:5 498:12 523:8 543:7 550:6 564:19	heading 527:20
ground 415:21		handed 314:10 515:12 572:6	healthy 336:18 347:9
ground-up 410:7		handing 313:10 564:22	hear 318:10 330:6 345:7 368:8 376:4 379:16 383:9 388:14 398:3 471:17 491:3 499:23 503:22 512:18 522:16 524:19 552:18
groundbreaking 419:5		handle 319:21	heard 278:12,13 312:24 316:6 332:25 433:4 494:20 534:20 538:3 540:13 555:3 576:12,25
groundwork 406:14		handled 441:17 451:12 501:9	hearing 273:9 318:11 330:5,7 365:9 368:8,10 382:15 383:8,11 388:13,15 390:2, 18 419:23 433:11 462:14 471:14,20 477:14 478:2,4 498:15 499:25 522:15,18 524:18, 20 525:20 548:17, 18 552:18,20 567:15 573:18,20
group 274:11 460:25 461:1 486:1 497:25 518:24 556:23 557:13 558:8,19, 24 560:4,5	guess 275:21 276:7 288:1 297:8 315:21 329:24 341:20 344:21,22 353:16 354:10 355:2 361:5 369:19 370:11 371:8 382:17 384:11 389:1 391:9,20 398:22 418:7 424:6 425:13 426:18 431:16 445:1 447:1 448:9 457:15 460:17 468:21 473:22,24 504:19 515:1 532:6 535:11 537:4 568:10	handwritten 409:21 468:4	
grouping 485:25		handling 563:15	
groups 342:5 428:10 577:22		hands 361:16 406:12	
growth 465:21 473:3		hanging 490:8 529:4	
Grubbs 273:18,19 289:6 317:9,14 318:1 320:11,21, 24 327:5 328:14 333:4,7 342:23 345:3 350:3 363:23 364:15 375:1,4,25 397:2, 4,25 424:6 433:9 453:10,13,24 467:17 469:6 471:15 476:7,21, 24 477:2,6,8,11,	guidance 338:15, 20,25 340:7 341:8 501:11 504:7 506:18 513:19 527:24 530:6,17,	happen 307:12 356:8,11 434:22 489:5,6 508:21 513:20	
		happened 307:14 310:21 427:9 465:21 468:8 492:22 511:21	

575:19 581:12	high 297:17 306:13 348:21 349:8 351:3 432:25 447:14 455:8,9,13 535:8 556:25	holding 511:1	host 333:10
hearings 433:5	high-cost 457:4	holdover 551:20	hot 307:13,16
hearsay 433:10	high-volume 531:15	holistically 285:19 286:7	hour 295:24 300:8 307:23 308:1,2 311:7 435:7 454:19,20 455:20, 21 456:6,10 463:21 464:5 474:9
heartburn 361:22 494:23,24	higher 278:4 283:20 294:5 299:3 413:10 434:8 438:18,23 439:14 440:8 456:22	Holsman 398:4,7	hourly 283:2 389:18 435:23 464:5 472:24,25 473:1,13
heat 350:6	highest 308:8 414:22,24 432:21, 22 454:22,23 455:16,19,20 456:6	home 349:3 442:8, 9 448:16	hours 295:20 299:24 307:24 308:8 414:23,24 415:1 427:22 450:3,25 454:22, 23 455:10,12,15, 17,18 456:2,3,5, 25 457:1,4,5 473:21 474:9,11, 12,13 506:21
heating 354:6 439:9	highlighting 313:15 318:20	homogeneous 481:7	house 292:25 457:24 458:1
heavier 294:17	highly 341:15	homogenous 411:1 448:5,11 485:19,21 556:25	household 394:3, 13
heavily 297:16	highway 393:8	honestly 298:24 413:7	housekeeping 476:5 478:7
heck 415:18 432:4	hint 442:11	Honor 300:24 320:22 332:16,19, 22 333:4 356:15 366:14 370:6 371:20,23 383:21 384:10 396:16,22 397:2 398:1 453:10 471:16 476:7 478:10 479:12,14 497:14, 23 498:1,4 500:8, 11,14,17 513:10 516:7 522:23 524:24 525:8,16 540:8 542:18 543:1 548:23 549:2 550:1,13 552:12 553:3,7, 10,14 571:14 573:6	how's 454:15,16 532:9
Heinz 327:11	hire 446:23	hop 433:7	huge 348:2 351:11 362:4 443:20 444:12 456:19
held 273:5	hired 559:9,13	hope 410:12 461:5 478:21 479:24	hundred 352:20 363:18 414:22,24 434:21 435:22 436:16,19,25 437:5,6 535:3
helpful 282:24 327:2 338:21 455:2 480:18 567:19	historic 417:7 453:5 462:22	hoped 404:24	hundreds 308:22 496:24 502:17
helps 315:22 561:5	historical 284:25 337:16 338:5 362:12 452:3 535:21 536:18	hoping 404:13 434:6	Hutchinson 365:8
hesitate 493:20	historically 276:23 307:14 336:5 416:20	hopping 433:8	
Hey 275:7 306:4 420:2	history 536:21		
Hick 459:25	hold 354:23 418:24 519:4 526:25		
Hickman 275:23 287:2,12 316:7,9 317:1,24,25 318:9,16 319:1 334:19 335:2,15 391:24 395:20 397:15,21 413:12 420:3 427:4,7 459:7,25 517:19 565:13			
Hickman's 283:22 313:11,15,19 314:12 315:3 395:2,4,19 428:1 459:12,18 460:6 463:22			

Hutchinson's 365:8	identify 280:7 307:19 496:14 503:7 505:1,6 506:5 513:16 514:2 515:25 517:3 518:25 530:1 531:24 534:6 537:12 539:5 546:1 547:18 556:3 558:11 574:16	381:21 406:11 561:20	improved 313:1
HV 396:8 422:12, 13 460:7		impacted 359:16 426:20	in-service 517:13 518:2,3 526:8 571:9
hyperbole 415:25		impacts 284:21 438:8 441:12 473:2	inaccurate 387:1 575:17
hyphenated 432:22,23		impeach 516:15	inaccurately 501:10
hypothetical 549:15		impeachment 516:20	inappropriate 320:15 370:1 400:2,3,5,7 421:19
<hr/> I <hr/>	identifying 324:1 510:21 514:7 529:20 541:3 571:20 572:12 578:3,8	imperfect 350:24	incentive 350:16 364:1,18
ice 465:21	identity 540:20	impetus 346:2 348:2	incentives 322:10 323:8
ID 488:19 511:12, 21 517:14 518:3 537:8,13,17 540:14 541:21 542:2 554:23 555:12,16,21 556:1,13,20 557:24 558:4,9, 10,20 559:21 560:3 566:14,15	IDS 542:17 554:19 556:5,8 558:6 559:25	implemented 395:20,21 537:24	inch 387:7,14
idea 308:7 347:10 350:20,21 354:24 393:16 399:8,15 412:16 417:4 426:18 437:9	ignore 468:9	implication 290:3 296:24 321:15	include 302:1 427:16,19 526:13
ideally 331:13 469:1	ignores 455:8	implications 321:13	included 386:25 397:21 489:25 517:18 572:20
ident 505:5	Illinois 465:16 466:16,20	implies 452:17	includes 280:18 545:8
identical 437:21	illuminate 346:8	imply 532:2	including 387:9, 15 441:20 452:2 481:24 487:1 490:2 526:8 533:14 565:14
identically 313:23	illuminated 325:2	important 277:5 281:17 283:15,19 325:8 358:3 370:12 409:15 428:11 456:16	includes 280:18 545:8
identification 329:9 415:3 515:18 555:17 565:14	illustrate 345:22 487:13	importantly 487:9	inclusion 406:20
identified 282:20, 21 379:22 450:25 504:24 517:21 518:17 559:14 574:18	illustration 347:2	imposing 450:21	income 533:4,6,9
	illustrative 492:6	impossible 490:25 491:3,23 505:22 534:25	inconsistent 579:11
	image 538:5	impracticability 536:20	inconvenient 508:6
	imagine 348:25 359:16	impractical 482:20 490:12,21, 25 491:23 534:25 535:2 536:17,18, 24	incorporate 521:25
	imagined 509:12	improperly 358:18	incorporated 506:4
	immediately 367:24 421:10,14 438:19		
	impact 298:7 308:21 339:13 353:14 356:17 357:21 369:16		

incorrect 295:10 425:6	556:23	476:11,16 481:10 484:25 495:8 502:8,23 506:2,25 508:2 511:11 514:9 517:9 519:25 521:25 530:12 533:22 536:13 538:7,23 539:7 545:3,4,7,8 546:18,21 547:24 548:1 553:19 558:7 561:23 574:5 577:16	inserts 358:22
incorrectly 356:2	individuals 517:4		insisting 494:21
increase 296:22 341:23 342:8,10, 18,20,21 343:4,5 369:9,10,21 370:17 371:2 372:18 373:1 380:6,9,12,17,20, 22,24 381:4,5,11 382:1 383:4 407:14 409:3 426:9 427:1 429:17 438:9	indulge 542:22 543:2		inspect 510:18
increases 356:21, 22 380:5,16 382:23 424:25	industrial 339:2 340:12 370:4 466:24		inspected 512:5,6
increasing 347:21 353:14,15 387:3	industrials 463:4		inspecting 510:23 511:17
incredibly 400:24 448:22 449:8	industry 277:18 281:22 339:20 501:10,13,15,23, 24 503:25 504:2, 18		inspection 511:4, 14 513:15,21 514:5,11 542:7,8, 13 565:15
incur 293:22	influence 353:10	information's 444:11	inspections 503:2 513:20 514:10 548:3
incurred 281:21 292:19 294:15 295:14	influenced 321:16	informed 332:9 481:20	inspects 510:17 513:25
incurrence 296:4	influencing 321:23	informs 306:17,20	installation 309:10,22 438:20
incurs 300:10	influential 300:11	infrastructure 279:20 281:3,9 293:13 294:1,3,9 301:14,16,21,24 398:12 401:13 409:12,13,14 417:11,14 450:23	installed 437:25 529:6 538:19 539:1,6 541:4 560:9
independently 314:8	info 274:16	infrastructure's 282:13	installing 526:17 529:4
INDEX 582:1 583:1	inform 411:17 520:11	inherent 346:9,15	instance 485:16 563:9
indicating 274:18 287:5 289:1 462:16	information 277:1 278:6 279:14 281:15 288:13,20 304:13,14,20 305:12,19 306:10, 11,16,19,22 308:20 310:2 332:6,8 338:5 358:25 359:11,13, 14,23 386:1 388:2 389:14,16 390:13 406:8,11 407:19, 21 408:25 411:6, 7,23 412:5 416:4 417:3,18 418:25 419:2,8 420:16 421:21,25 422:8 439:20 444:6 446:11 450:14 451:6,12 456:3 464:10,13,15,19	inherently 298:10	institutions 340:24
indispensable 283:16		initial 342:18 532:15	instruct 327:3 420:19
individual 284:23, 24 382:3 449:16 481:8 485:20 517:3 518:1		initiated 289:22	instructions 402:15 482:5 485:4,11
		innocuous 362:15	instructive 283:3
		innovative 299:1	insufficient 432:5
		input 292:13 411:19 502:23 528:7	insulated 349:3
		inputs 292:6,7,11	integrated 286:1
		inquire 366:11 578:24	intend 358:4 488:3
		inquired 517:11	intended 322:9 323:6 442:12

intending 407:6	introduces 301:19 304:4,9	isolated 395:2	Jermaine 273:18 469:12
intent 279:23 281:6 319:22 327:24 422:10 442:2,14,15 443:13 461:6	introducing 280:19 281:4 372:10	issue 288:1 289:17 291:17 328:13 344:20 352:12 355:5 357:17 360:17 379:7 391:3,15 392:5,19,22 394:10 417:11 441:13,14 446:25 459:18 464:24 472:18 475:23,25 476:2 478:25 479:1,3,9,10,18, 20,21,23 480:3,4, 11 481:1,2 483:15 492:7 501:6 520:4 523:5 549:25 563:6 568:10,12 575:20 579:6,10, 22 580:14,21,23 581:2,4,5,6 583:12	Jim 468:2
intentional 472:2	introduction 407:16 540:12		job 429:22 509:16 519:22
interaction 323:25	intuitively 357:15		jobs 446:24
interest 298:15 326:16 340:13,21 482:1 579:21	inventory 483:18 484:7,15,20 486:10 492:17 493:2 495:14 496:3,8 532:21 562:3 569:24 570:1		John 273:13 482:8,24 498:10, 16,24 499:7,23 582:6
interested 298:19 305:10 306:3 312:18 565:17	investigation 576:18,21		judge 273:2,14,21, 23 274:1,6,13,25 275:7,10,15,20 287:3,10,22 288:3 289:9,10 291:5,9, 13,21,24 300:21 301:2,6 311:11, 20,25 313:6,7 315:13,25 316:24 317:5,12,17,21 318:4,7,14,25 319:2,8,22 320:7, 13,18,19 325:2 327:7,12,17,19,22 328:11,15,19,22 329:21,24 330:3, 10,13,16 332:12, 13,17,20,23 333:5 345:6,10 359:25 360:7 361:5 364:1,3,12,20,22 365:1,4,7,16,21 366:1,3,8,10 367:15,19,25 368:6,13,16,19,22 369:23 370:7 371:21,24 372:2, 3,6 374:24 376:3, 5,7,9,16 377:8,9, 10,12,16,18,21 378:23 379:12,15, 18 382:8,11,12,16 383:7,16,19,22 384:2,14,23 385:4,5,7,10
interests 297:23 299:2	investment 324:9 347:18 348:2 353:1,15 362:9	issues 326:2 353:2 357:14 361:15 391:16 403:14 459:11 479:18	
interim 409:16 443:22 453:19	investments 335:17 336:3 337:24 338:1,7,8 346:11 351:11 375:6 465:7,9 487:2 496:20 517:11 530:16 545:22 546:24	item 517:6 518:4 535:23	
intermediate 418:3 428:16	investors 362:20	items 510:15 517:20,23 518:14 521:16 532:23 536:10 573:24	
international 452:20,21	invoked 483:13 497:2	itself's 493:19	
interrupt 394:19 395:5	involve 411:12,19	<hr/> J <hr/>	
interval 276:25 440:1	involved 333:13 415:25 493:22 494:11 541:6	January 329:7 474:18	
intervals 312:10, 14	investors 362:20	Jeff 273:23	
intervenor 370:4	invoked 483:13 497:2	Jefferson 359:21	
intervenor's 370:5	involve 411:12,19	Jennifer 273:19	
interveners 486:25	involved 333:13 415:25 493:22 494:11 541:6		
intraclass 406:23	involve 411:12,19		
introduce 281:11 289:3 295:5 305:14 325:25 407:4,6 408:21 423:24 496:24	involved 333:13 415:25 493:22 494:11 541:6		
introduced 407:2	involved 333:13 415:25 493:22 494:11 541:6		
	irrespective 293:4 297:3		
	ironic 451:9		
	irrespective 293:4 297:3		

386:8,13 388:8,
12,18 389:2,23
390:1,3,7,13,21,
23 392:16,20
394:18 396:13,17,
19,20,23,25 397:1
398:2,5,6,9
405:21,25 423:21
424:4,8,11 425:20
426:6 433:13,18
445:18,21,23,25
447:22 448:1
453:8,11,25
454:7,13 457:9,24
461:24 462:4,6
467:14 469:4,8,13
470:7,12 471:5,9,
17,23 472:4,8,11
474:20 475:4,7,9,
17,21 476:1,3,19,
22,25 477:4,7,9,
13,19,23 478:2,7,
17,22 479:5,13,17
480:3 483:7,10
487:17,21 488:1,
8,12 491:18
497:11,15,19,21,
24 498:2,6,11,14,
18,20,23 499:21
500:5,9,12,15,18,
22 501:1,20 502:3
503:19,23 507:6
512:14,20,23
513:7,11 514:18,
25 515:3,6 516:9,
11,17 519:4,9,16,
20 520:10 521:1,
12 522:6,10,14,
21,24 523:2,7,10,
14 524:14 525:1,
4,6,9,11,13,17,19,
24 530:15 531:10
532:5 535:13,17
536:4 538:11
539:19 540:2,5,18
541:14,24 542:19,
21,22,25 543:4,

10,18 544:24
548:5,15,21,24
549:3,21,24
550:2,5,8,12
551:16 552:15,23
553:1,4,6,8,12,15
555:19 562:20,22,
23 563:1 564:11,
18 565:1 567:2,7,
10,18,21 570:10
571:13,16,20
573:12,16 576:1,
4,6,9 578:18,25
579:13,16 580:2,
10,24 582:3,7,9,
15,20 583:4,7,9

judge's 516:5
539:18 540:17

judgment 352:10
481:20 505:9
554:9

judgments 554:13

juggling 349:23

July 303:14,16
468:23 473:14
474:17,23 475:1

jump 383:25 489:7
544:17

jumped 503:19

June 473:14
474:5,6,14,22
475:1

jurisdiction 284:2
484:13

jurisdictions
321:10 353:19

justification
545:21

justifies 502:1

justify 354:25
491:10

K

K-L-I-E-T-H-E-R-M-E-S 385:13

KCR-2022-0337
519:23

keeping 344:15
482:15 503:25
505:23

Keevil 273:23
291:5,11,14,19
311:19,24 313:7,9
316:3 317:15,20,
24 318:2,6,15
319:2,7 320:2,17
321:12 330:16,18
332:11 360:3,5
363:25 364:3,5,
16,21,24 365:24
366:3,9 369:23
372:8 374:23
382:16,24 383:6
385:3,6,16
386:12,14 388:8,
18 389:3,5,23
390:3,10,21
405:16,19 420:10
423:21 424:5
454:3,5 461:22,23
462:5,7 467:13
469:4,19 470:7,
16,21,25 471:4,23
472:5 474:20
475:7,15 582:4,
14,16,19 583:3,6

key 276:18 494:19
545:5 566:5

kick 409:3

kicking 444:4

kilowatt 295:20,24
311:7 435:7

kind 275:22
276:24 277:9,10

278:10 279:12
281:14,19 283:7
284:11,22 286:19
298:9 299:5
305:13 306:13
308:20 315:20
321:16,18 323:2,
17 324:19,22
325:2,3 326:19
351:1 358:2,11,24
366:10 398:14
402:13 406:21
407:3 412:15
417:1,24 418:5
419:23 428:3
431:18 446:22
451:9 452:6
456:14 462:13
463:16 506:22
554:21 555:2,15,
17 568:11 575:8

kinds 377:22
578:12 580:7

Kliethermes
385:12

knee-jerk 354:21

knowing 418:5

knowledge 278:3
388:2 453:14
467:9 468:24
472:15 522:3
534:5 542:8
552:10 556:5
575:22

kv 393:2 423:9,10,
11,12,13 517:15,
22

kwh 435:25 449:6,
7,9 464:1,2

L

L&ps 464:5

L-A-N-G-E 385:13	544:4 548:11,12	legislation 466:17	508:23 509:13
L-A-N-S-F-O-R-D	549:21,23 555:5	length 473:20	513:14 541:20
523:13	576:14 582:8	lengthy 409:7	577:18
L-I-N-N-E 385:13	laptops 461:12	457:10	lines 334:2 387:2
labeled 397:16	large 280:8,13,14,	lens 340:15	424:15,21 489:7
473:12	18,22 301:23	letting 544:3	526:6 551:19
labeling 556:18	343:2 359:8	level 279:1 281:14	561:13
lack 402:22 483:1	393:11 394:6	284:14 292:22	Linhares 274:14
lag 322:18,20,23	411:9 448:17	293:22 299:6	332:24 372:1
323:15,16 362:11	481:6 485:18	300:9 306:13	396:24 498:4
508:3	490:13	401:13 456:16,18	500:17 525:10
laid 374:6 404:11	largely 341:6	457:8 458:8,9,19	553:10
452:9 501:15,25	342:8 419:9	473:1 502:24	link 555:1
516:3 529:18	larger 294:16	levels 278:4 291:1	linking 559:22,25
landed 296:24	late 452:11	369:8 389:22	Linne 385:12
landfill 416:10	Laura 493:10	465:6	list 315:18 367:16
Lange 320:1,3,12,	law 273:14 327:11	leverage 279:8,9	479:18,22 480:1
14 384:17 385:4,	457:24	LGS 342:18 371:6	526:6 574:10
5,6,7,12,13,14,17	lay 403:7 404:7	406:22 455:23	576:16
386:10,20 388:9,	laying 406:13	lieu 398:25 421:13	listed 478:17
21 389:6 390:22	lead 458:21	446:12 470:1	516:2 550:2
391:3 392:19,22	lead-in 357:1,5	life 485:23 493:23,	literal 392:9
397:5 405:18,20	358:6,7,14	24 496:20 546:25	469:23
423:23 425:23	leads 399:6	554:10,14 557:19	literally 415:12
433:14 448:4	learned 392:24	558:2 562:10	446:20 493:19
453:15 454:6	393:17 394:4	lifestyle 277:10	litigated 289:20
462:8 467:11	416:3,20,21,22	light 447:1 517:7	291:17 297:16
469:11,21 471:1,	465:2	lighting 343:7	lives 503:13
25 475:23 518:6	leave 389:2	371:13,15 425:1	LLC 499:5
520:12 583:2	421:17 487:19	426:10,25 458:10	load 279:5 282:10
Lange's 287:13,23	ledger 532:21	lightning 315:18	286:14 300:8,11
288:6 299:14	left 275:1 384:24	488:25	301:25 307:9,23
300:22 470:9	407:3 418:7	lights 349:7	308:8,9 309:5
language 386:24	428:25 429:6	likened 419:25	310:4 312:10
419:12 421:10,15	465:20 527:18	limited 305:7	318:4 319:11
425:18	legacy 305:17	412:10 451:12	339:10 357:25
Lansford 482:3,24	legal 367:22	462:1 542:9	388:22 389:8,10,
489:16 496:16	legally 441:6	limits 326:19	18 390:14 401:14
523:6,7,12,13,16,		lineman 507:13	427:18 429:21
19,23 524:18,25			443:18 448:14
525:21,22 536:6			449:15 454:19
540:11 542:1			455:8,9,11,18

464:5 466:23,24 472:17,20,23 473:13,14,16 loads 443:14 lob 426:2 local 433:5,11 location 481:11 485:2 488:21 494:21,22 495:2 517:9,12 518:22 520:4,7,20 530:19,24 531:12 532:22 533:17,22 534:7 545:1 553:20,23 554:1 557:25 565:19,23 566:7 log 306:6 long 306:23 348:24,25 349:25 353:16 358:16 404:5 405:11 473:20 478:13,19 496:25 503:17 512:17 580:13 long-term 442:13 longer 435:3 478:25 494:6 561:2 looked 304:2 311:4 314:7 315:3 357:25 374:7 404:15 417:1 419:17 479:15 511:25 530:6 loop 352:25 493:22 560:23 losing 476:9 loss 423:21 470:8 losses 451:22,24 lost 362:17 444:11	516:14 lot 277:24 280:21 293:9 297:14 325:9 326:25 327:1 336:8,13 339:21,23 349:2, 14,20 350:5 353:17 354:20 356:2 359:20 362:11 363:12 393:22 405:13 408:2 409:8 413:24,25 415:18 417:2 423:25 427:9 432:4 457:5 460:24 494:16 loud 359:19 Louis 274:16 466:25 546:5 572:23 love 419:23 low 344:15 354:21,22 415:5 440:1 455:10,11 531:15 535:9 557:1,3 low-cost 360:10 457:5 low-to-no-cost 391:10,11 low/no 462:25 463:2 lower 413:10 438:21 489:8 lowest 434:18 454:23,24 455:16, 19 loyal 428:6 LPS 342:20 371:11 380:13 381:24 382:1 406:22 449:4,6,8	455:21 456:6 Luebbert 468:2 475:15,18 lumpy 351:11 lunch 327:25 384:5,8,20 419:17 467:16 luxury 340:2 <hr/> M <hr/> M-A-R-K-E 329:4 M-A-U-R-I-C-E 365:19 M-I-T-C-H-E-L-L 523:13 made 277:24 288:23 290:5 325:16 346:18 349:23 351:15 352:21,22 358:12 369:18 374:16 413:16 415:15,16 417:22 429:13 452:18,21 454:8 459:21 483:20 484:24 492:25 493:3,4,14 512:17 519:13 539:15,24 563:9 572:14 magnify 506:22 magnitude 561:14 mailed 343:25 mailer 303:25 304:8 309:23 440:14 mailers 304:25 mailing 304:7 main 391:8 395:19 502:14 506:13	maintain 484:13 495:13 503:10 maintained 406:20 556:6 maintains 496:19 546:23 547:4 maintenance 539:14,24 541:7 574:7 major 281:12 392:21 402:1 510:5 majority 356:14 make 310:16 314:23 316:6 321:19 324:19 326:17,21 327:8 331:3 332:9 338:12 341:7 346:18 347:15 349:22 351:15 356:11 367:23 386:21 387:23 391:15,20,22 394:8 396:4 399:2 406:14 408:11,24 423:24 428:24 434:16 439:8,17 440:1 442:18,20 443:10 449:18 459:15 463:10 464:15 466:7 471:4,6 479:7,16 492:4,8 499:13 501:18 503:8,14 513:5 514:19 519:10 521:6 524:6 544:25 551:6 580:2 makes 292:17 343:21 350:3 357:12 402:10 408:2 411:1 430:18 433:25
---	--	---	--

443:4 569:22	mark 281:7 316:25 487:19 515:2	557:13 559:10 560:4,16 562:1,3, 11 563:2,15 566:2 567:22 568:1,3 570:17,21 571:7 574:1,20 575:1	meaning 450:24 521:8
making 325:17 347:8 351:21 356:8 392:6 396:8 402:7 429:16 432:2 466:3 521:3 567:4	Marke 327:16 328:18,19,24 329:4,5 330:5,11, 19 333:9 345:5 360:6 365:4,6 432:14 439:22 582:13	match 372:18 431:18 493:11 545:16	meaningful 324:19
man 521:25	Marke's 428:9	matches 313:22 567:1	means 315:14 327:25 446:20 484:21 514:2
manage 534:6	marked 329:9 382:6 386:16,17, 19 420:19 467:21 499:9 515:13 522:9 524:2 564:22,23 572:7 573:8	materialized 331:2	meant 283:18 309:5 394:1 418:18 459:9 498:20
management 347:18 518:16 521:18 522:1 545:6	market 337:1 346:7,13,15 347:12 351:24 361:7,13,14 362:14 432:21	materially 311:6 334:9 374:13	measure 292:25
manager 518:12	marketed 360:10 433:1	materials 438:1	measurement 298:8
managing 298:19	marketing 360:19 439:21	math 461:13	MECG 274:12 332:18 368:14,24 384:3 396:18 479:4,6 498:2 500:10 525:4 553:4
mandatory 441:15 444:5	mass 416:15 481:3,5,10,17,25 482:10,14,17 483:3 484:22 485:7,16,17,24 486:5,6,21 492:12 495:21 517:10 518:14,17 520:4, 6,19 521:15,16 526:7,13 527:11 528:13 530:16,22 531:13,14,25 533:1,20 534:12, 17 535:22 536:16 540:21 545:5 546:19 553:20,21, 24 554:17 555:9 556:6,11,18,24	mathematically 459:20	MECG's 376:23 580:21
manner 297:24 337:6 480:7 481:2 491:15 501:11 502:7 534:12 563:12		matter 273:9 293:17 329:24 356:10 425:24 476:5 493:16 566:7	mechanism 361:10 362:15
manual 294:22 295:22 336:22 337:3,8 399:11, 13,14 401:24 402:2,6,9,14,19 429:12 451:14		matters 347:15 353:16 478:8 579:4	mechanisms 323:9 346:25 362:12
manual's 321:2		Matthews 428:4	meet 282:2,3 285:20 286:2,7 294:19 295:18 339:13 344:6 453:3 510:25 511:9
manuals 294:23		Maurice 365:18 366:15 379:20 582:17	meetings 355:23
Mapquest 538:4		max 473:13,18	meets 277:9 420:8
Maps 538:4		maximum 473:18, 22,24	mega 448:18
March 329:8 335:7 337:19		Mcdonald's 419:25	members 448:5
marginal 321:2,4, 7,13,16,20 332:7 347:11 351:8 422:5		MCU 274:24 332:21 371:22 396:21 500:13 525:7 553:6	memory 287:14 302:14 304:18
marginal-cost 321:15		Meal 420:1	

314:24 374:8	336:24 338:16	17,18,20	minimum-size
mentally 381:15	339:24 340:23	milk 348:15	299:15
mention 320:5	methodology	million 303:4	minimums 419:6
465:20	334:23 336:7,21	425:12 534:1,2	minor 407:23
mentioned 361:4	339:17 341:10,18	535:4 557:3	minus 307:24
503:24 537:15	347:22 415:2	millions 492:11	400:19 489:13
menu 420:2	427:16,19 481:22	549:17	minute 565:3
Mertens 518:12	545:18 546:8	mimic 347:11	minutes 274:17
mess 334:5	methods 284:13	361:7 440:23	312:11
338:13	294:24 428:16,17	561:4	mirror 347:10
meter 276:24	429:9 482:10	mimicking 361:13	misconception
292:24,25 303:2,	530:24	mind 276:19	281:12 412:24
22,23,25 304:4,6,	metrics 301:25	314:19 328:2	misleading 339:20
9,21 305:2	Metro 465:11	338:18 347:14	361:1 400:24
309:10,16,22	466:9,10,11 467:4	355:5 381:15	mismatch 321:18
310:3 312:15,17,	Metropolitan	390:17 407:24	391:10 465:25
23 343:24 359:22	274:22	461:4 475:18	MISO 284:6,18
438:20	Mia 347:18 349:2	478:24 479:16	285:2 461:19,25
metering 276:20	430:3 461:11	480:9	462:10,12,16,20
277:12 312:23	mic's 372:10	minds 358:23	463:3
429:23 441:3,9	microphone	mine 378:12	MISO's 284:10
meters 278:9,20,	379:13 476:1	mini 479:10,19,21	misrepresented
22 302:8 303:15	491:19 520:13,14	480:11	411:4 454:9,16
312:13 336:3	543:19	minimal 348:10	misrepresents
355:12 375:7	middle 436:4	421:25 464:23	520:3
410:3 437:24	526:23	minimization	missed 281:6
440:6	midnight 473:25	406:23 426:15	371:17 382:9
method 299:16,20	Midwest 274:11	minimize 341:9,12	457:7
300:1,3,12,17	497:25	minimizing 408:14	missing 410:24
375:18 415:9,20	MIEC 274:9	minimum 294:9,	447:11 460:9
427:4,15 428:3	327:11 332:14	10 316:4,10	530:12
429:8,10 456:20	366:13 368:11,13	392:23,25 393:25	Missouri 273:17,
461:18 462:9	383:12,20 396:14	394:1,2 398:12,	20 274:7,14
463:9 481:18	497:19 500:6	17,19 399:15,20	288:15 321:4
486:14	525:2 553:2	400:1,9 401:1,6,8,	328:12 330:21
methodological	582:17	19 402:16,20	333:2,14 344:5
324:21,24 325:4	MIEC's 287:4	416:23 420:11,15	353:24 354:12
326:2	327:8 365:11	457:11,16 458:8,9	371:25 372:4
Methodologically	384:25	459:14 460:11,14,	374:25 385:19
292:4	mild 300:8 439:4	16,18 468:14	387:3,6,13 394:23
methodologies	mile 422:12,13,16,	470:9 471:13,18	396:23 399:20,23
285:15 333:18			

413:21 430:21	431:18	month 296:10	438:23 476:13
431:2 466:16,22	model 457:15	303:2 304:24	478:25 479:20
468:16 480:12	moderate 440:4	309:9 339:13	499:19 503:22
483:5 486:14,15	moderated 439:18	348:16 355:18	513:3 524:12
494:8 495:12	modern 276:19,20	356:12,24 357:1	573:13 581:2,6
498:3 500:16	299:18 300:3,6	433:6 435:1	moved 341:19
523:21 524:22	404:1,2 406:5	437:24 449:10	346:3 361:23
525:9 534:1	modernization	451:13 463:22	399:20 445:5
545:25 553:9,13	276:2,4,5,16	474:8,13,14 534:7	462:12 477:12
555:11,24 563:3	277:5 281:8,10,	545:6	516:18 522:10
565:18 575:3	16,19 330:24	month's 438:10	524:13
582:2	331:4 336:10	month/hour	movement 408:24
Missouri's 273:11	340:6,22 341:3	474:10	442:4
289:25 290:4	405:17 406:6	monthly 276:24	moves 573:8
301:12 333:17	410:12 411:11	409:20	moving 277:21
342:9 344:7	412:9 419:3,20	months 304:18,21	281:7 336:23
372:13 373:16	421:16 423:20	305:1,7 306:5,16	347:17 353:6,15
380:3 389:10	426:17 450:6,13	358:10 437:6	355:17 359:9
391:4 427:12	460:25 461:1	444:9,14 445:9,16	370:21 377:6
428:8 448:22	464:22 468:18	474:11,16,25	522:11
452:2 466:19	469:3 471:14,19	months' 305:22	MPSC 477:3
483:16 484:3	modernize 404:12	Moore 273:19	515:14,19 522:17
500:1 515:19	modernized	300:24 493:10	543:21 547:3,6
522:17 543:15,21	277:22	moot 366:8 580:7	548:16 564:1,23
misspeaking	modified 341:19	morning 273:3,18	MSPC 543:16
434:16	modify 438:14,16	278:18 312:4,5	multi-step 537:6
mistake 544:25	440:3 441:11	330:19 369:2,3	multiple 345:23
mistaken 299:21	554:17 555:8	388:19 439:22	402:3 543:24
300:16 302:22	560:16 561:25	459:15 479:8	566:1 577:22,24
misunderstand	moment 287:4	581:6	multiplies 464:6
409:9	314:15 335:4	morning's 476:8	multiplying
misunderstood	348:13 391:23	mortality 505:10	451:19
331:18	402:11 424:16	motion 365:22	Municipal 465:18
Mitch 482:3	492:20 525:15	366:4,7 452:6	mute 425:22
496:16 524:18	538:12	move 319:17	muted 425:22
576:14	Monday 468:3	320:16 324:17	
Mitchell 482:24	money 324:5	340:25 351:17	N
523:5,12,16,23	356:11 475:10	358:4 361:21	
582:8	503:10	369:9 371:1	NAACP 274:21,24
mitigate 352:4	monopoly 346:5	376:16 378:4	332:21 371:21
406:25 408:5,15	351:10	379:25 380:25	396:20 497:22
440:9	mix 295:1 410:5	406:4 424:12	500:13 525:6

<p>553:6</p> <p>naivety 291:4</p> <p>names 467:25</p> <p>narrow 557:8</p> <p>narrower 505:17</p> <p>NARUC 294:22 321:1 336:22 337:3 340:21 399:11 401:5,24 402:2,6,9,14,18 415:2 429:11</p> <p>Nathan 274:3</p> <p>natural 285:11,12 346:5 351:10</p> <p>nature 351:8 373:25 481:7</p> <p>NCP 285:17 375:18 427:4,11, 15,16,19 428:3, 13,14</p> <p>nearby 487:20</p> <p>Nebraska 361:20</p> <p>necessarily 291:23 337:6 339:12 351:19,20 436:11,12 463:6 464:25 504:2,4 512:1 554:24</p> <p>necessity 482:15</p> <p>needed 276:3 282:13 288:2 295:17,18 324:11 325:7 358:20 406:14 464:15 468:6 539:5,10</p> <p>negative 401:21 517:23</p> <p>negatively 357:22 358:19</p> <p>negligible 482:22</p>	<p>neighborhood 283:4</p> <p>net 326:24 429:23 441:3,9 463:1,23</p> <p>network 375:14 454:17 546:5 572:24</p> <p>neutral 360:24 369:7 376:14,19</p> <p>newly 494:1</p> <p>news 452:21</p> <p>niche 344:20</p> <p>nobody's 488:6 522:10</p> <p>noise 425:21</p> <p>nomenclature 442:17</p> <p>non-mass 557:25</p> <p>non-peak 441:25</p> <p>non-summer 444:16</p> <p>noncoincident 451:20</p> <p>nonlighting 342:22 406:25</p> <p>nonproductive 279:2</p> <p>nonresidential 278:8,12,16 289:15,16 406:24 412:11</p> <p>nontrivial 414:9 444:17</p> <p>nonvalue 474:2</p> <p>nonvariable 414:23</p> <p>Noranda 467:1</p> <p>normal 539:14,24</p>	<p>normalized 473:2</p> <p>note 384:11 476:13 555:12,25 560:3 580:21</p> <p>noted 482:2</p> <p>notice 309:17 438:10 475:5</p> <p>noticed 327:7 474:20</p> <p>noting 560:8</p> <p>November 518:13</p> <p>nuance 285:2</p> <p>nuclear 284:7 285:14</p> <p>number 296:20 303:6 311:1 312:16,18 314:7, 11 315:1,2,6,7,16 346:20 355:12 357:23 358:22 375:13 396:4 401:21 403:10 404:10 420:1,3,4, 5,6 442:20,22 444:12,25 451:11 456:3 459:2 469:16,19 477:4 481:6 483:13 489:2,4,8,9 490:13 511:22 515:14,20 517:22 540:14 541:21 543:3 547:19,21 548:10 551:1,2,4 555:22 564:16 565:17 569:5,20 572:1 576:25 577:10,13,16 578:3,8,10</p> <p>numbers 312:25 314:16,22 319:5 345:12 347:16 352:14 368:2</p>	<p>392:3 396:9 434:12 455:25 456:17 485:19 487:21 488:4 492:25 567:12 568:7</p> <p>numerous 559:7</p> <p>nutshell 486:7 568:11</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O'KEEFE 327:11</p> <p>object 317:19 369:23 418:19 420:21 470:14</p> <p>objecting 488:6</p> <p>objection 330:4 362:25 363:23 364:23 384:10 433:9 461:22 470:23 471:3 477:17 501:19,20, 22 502:5 508:10 512:9,17,20,24 516:1 520:2,16,25 521:13 524:14 536:2 538:9 539:17 540:3,16 541:23,25 548:15 552:15 567:6,7 573:16 575:24 579:2,12 580:20</p> <p>objection's 576:9 580:7</p> <p>objections 318:8 319:24 320:10,16 330:6 368:6,8 383:7 384:6,8 388:12 390:1 424:4 471:12,18 477:13,25 478:3 499:21 522:14,16 524:19 552:18</p>
--	--	--	--

567:3,10 573:18 580:18 581:8	470:19 477:10 578:22 579:18	operates 342:24 346:14	option 360:10 361:25 363:14 445:8,17 560:6
objective 379:25 391:14 502:14	offers 337:8	operating 337:6 350:1 363:17 396:6,7,8 430:19 448:16 449:11,13	options 278:16 304:5 305:6 306:8 445:16
obligation 274:15 327:23 343:17 344:5 384:5	offhand 539:20	operational 547:4	orange 436:8
oblivious 348:11	office 273:6 274:4 441:5 448:16 457:25 497:15 549:7 582:13	opinion 288:15,17 299:1 337:10 341:16 355:2,10 357:8 358:16 411:14 441:10 470:9 502:2	order 287:8 289:21,23 290:13 310:6,12 311:21 319:12,15,19 322:19 330:14,23 333:11 384:13 386:4 388:22 389:8,13 390:23 406:25 417:18 418:10,23 420:1 421:18 426:19 428:22 438:7,20 440:5 445:3,4 453:20 464:21 472:2 478:16 479:10,22,23 496:2 504:11 538:2,17 554:19 555:13 556:2,7,21 558:14 559:9 574:5 579:6
observed 514:9	offsetting 324:7 414:1	Opitz 274:12,13 332:19 338:24 339:6 368:14 369:1 370:6,7,11, 14 371:19 373:15 384:10 396:19 470:18,23 498:1 500:11 525:5 553:5 580:20 582:18	ordered 310:4 330:24 419:19 480:6 483:4 484:5
obtainable 484:24	older 568:22	Opitz' 338:22 372:12	ordering 438:8
obvious 292:23 464:7	omitted 450:8	Opitz's 379:24	orders 468:10 562:2
occasions 566:2	on-peak 304:9,11	opportunities 346:17	orient 315:2
occur 307:18 308:9 436:14 549:11 558:17	on-the-record 580:16	opportunity 299:4 310:18 324:3 370:8 390:8 411:12 420:25 439:8 450:6,10 461:2,5 469:9 470:14 471:10 544:6 579:7,8	original 510:8 538:6 564:21
occurred 308:4 473:25 492:23	one's 422:22 520:19	oppose 357:1	originally 276:11 465:13
occurrence 295:17	OPC 330:8 341:21, 22 342:1 345:13 356:25 431:11 463:7 579:5,9	opposed 299:15 407:12 480:18 529:20	outcome 285:5
occurring 559:5	OPC's 328:8	opt 445:14	outdated 391:21
occurs 504:25	open 412:5 435:5 446:10 462:19 526:3 557:15	opted 444:15	outgrowth 415:9
October 300:9	opened 290:10		
odds 430:5	opening 338:22 407:8,10 479:19, 21 480:10,11 483:10 494:20 497:10,18,20,23 498:1 501:3,5 505:17,25 513:6 534:20 580:23 583:12,13		
of-use 276:15 359:24 364:19	openings 478:13, 19 479:10 498:7 580:15		
off-peak 304:10, 12	operate 339:5 351:9 393:2		
offer 317:2 329:19 388:8,24 389:1,3, 24 423:23 467:16, 17 469:4 470:13 548:13 552:13 579:14			
offered 464:13 467:16 469:18 477:10 516:15 567:3			
offering 329:21			

outlaid 372:25	owned 532:24	429:18 431:7	Paul 273:24
outlier 336:17		472:2 484:14,16, 18,19 485:5,11	498:17 518:12
outline 557:14	P	486:2 491:17,20	pause 512:17
outlined 392:10		495:9,14,19	pawn 493:20
419:10 459:24	p.m. 307:24 308:1, 7 441:20	507:20 509:4	pay 295:14 343:17
481:22	pace 502:10	510:12 511:4	344:11 350:7,22
outlines 564:5	pages 496:25	517:8 532:16	387:10,17 459:3
outset 326:12	paid 537:24	533:1 545:1,2,19	paying 348:15
outstanding	pain 426:24	565:16 575:10	349:6 350:11
365:23	paper 313:11,12, 15,20 314:12,16	participating	352:20 363:5,12, 15 405:12 433:6
overcome 392:15	317:1,10,25	participation	442:10 444:14
overhead 315:11	318:5,10 389:11	273:6 322:15	448:20
391:25 395:10	395:2,4,19,25	461:20 462:10	payoff 356:22
401:16 422:12,16, 18,22,25 423:2,4, 6,8,9,10,11,12,13	397:16 460:6	particulars 490:10	peak 282:2 294:19
458:25 517:20	543:3	parties 289:14	295:18 307:9,23
535:4,5,11 542:3, 17	papers 340:22	290:13,20 291:6,9	308:5,8,25 309:4, 5 428:16,18
overlaid 369:10	405:13 446:21	296:20 297:17	429:9,10 441:19, 23,24,25 443:14, 17 445:10 449:13
overlay 406:10	517:19	324:16 379:4	450:24,25 453:3
407:2,16,18 408:1	paradigm 276:25	384:7 390:12	456:12 462:21
409:5 426:21	350:2 430:14	454:25 469:6	peaker 452:14
438:16	paragraph 288:8, 16 301:10 302:4	470:10,13 472:20	peaking 285:11,12
overlook 414:2	430:25 484:17	475:14 480:17	286:12
Overnight 437:20	parameters 487:2	578:25 579:1,7,23	peaky 455:7
444:13,18 445:5, 14	paraphrase	580:5	penalized 456:8
overreach 398:14, 22 402:23	430:10,11	parties' 289:12	pending 513:4
overrule 502:4	pardon 320:11	334:3,8,12 407:20	penny 439:4
521:12 536:5	477:11 555:5	parts 351:6	people 276:7
541:24	560:5	party 317:6 403:15	277:18 298:23
overruled 462:6	paren 403:11	425:12 480:10	428:6 461:12
516:20 576:9	parenthesis	567:3	487:25 510:2
overtime 494:5	545:10	pass 509:16	519:20,21,24
overview 417:1	parenthetical	passed 324:6	542:21
418:8	363:6	past 296:20 353:4	percent 303:10, 16,19 314:4,11, 17,23 315:8,10
Owensville 465:18	part 281:9 301:17, 18 319:16,20,23	363:17 393:24	316:1 342:20
	331:7,23 349:19	451:8,11	357:20 369:20
	351:7 352:4,5	paste 460:5	
	394:15 406:21	pasted 395:3	
		pattern 308:3	
		patterns 486:23	

370:22,23 371:1, 3,5,7,10,12,14,16 376:13,17,19 378:4 380:1,7,10, 12,20,25 381:4,8, 10,12,14,16,17, 18,22,23,24 382:1 391:25 392:1 396:5,6 401:1 403:12,16,19 407:13,25 408:19 426:3 444:18,20 448:14 458:24 460:7,8,9,10,14, 15,18,19,21	440:17,18 441:14, 23 442:2 473:13 532:24 periodically 292:8 periods 282:17,22 308:5 309:24 438:14,17,22 439:3 440:23 441:24,25 442:22 456:21 532:18 permit 446:19 permitting 438:13 person 276:3 291:23 312:24 416:1 480:9 519:12 568:9 personal 557:21 558:3 personally 443:21 personnel 326:20 502:13,19 505:21 506:8,24 520:23 521:24 555:11,25 558:6 559:8 560:3,7 personnel's 502:14 perspective 276:8 286:6 322:22 324:15 340:15 343:14,23 347:13, 22 375:16 412:7 434:24 520:6 perspectives 277:18 298:22 pertinent 517:8 perverse 350:16 364:1,18 phase 422:19,23, 24 423:1,2 517:15,22	phone 509:12 phone's 314:19 photographs 509:13 phrase 288:1 361:8 513:8 phrased 466:9 513:1 physical 279:14 532:23 554:22 physically 401:2 518:4 568:20 pick 391:9 536:10 569:2,8 581:3 picked 442:17 452:16 465:17,19 492:5 520:12 569:5 picking 425:20 467:1 picture 438:1 510:3,4 pie 353:7,8 piece 304:2 pieces 327:4 386:22 388:1 395:22 431:17 464:14 495:8 566:6 575:17 PISA 346:25 361:25 362:4 pizza 351:20 place 279:6 331:1 340:19 347:11 398:21 452:10 502:9 516:14 518:1 placement 436:5 places 293:5 536:22	placing 307:5 plainly 392:11 plan 297:4 298:3, 18 304:23 306:24 308:13 359:18 388:25 432:21 433:25 434:1,2,7, 13,17,25 435:2 438:16,18,21,23 439:15 441:19 443:13,15,17 444:3 445:5 486:20 510:13 planned 361:23 planning 286:1,6 430:14 446:17 456:13 470:12 541:7 plans 276:11 298:2 299:5,8,11 306:18 308:23 309:8 345:15 353:21 387:4 432:17 433:1,23 436:14,20 437:1 438:15 441:2,12 444:23 plant 315:6 317:25 318:6,7,9 337:4 392:14,23,25 416:12 427:17 465:5,7,9,16 482:4,6 483:18,22 484:6,13,15,20,21 485:4,11,12 486:10 489:14,22, 24 490:1 492:17 493:1,15 494:7 495:13,14,18 496:5 518:13,15, 24 521:17 522:2 526:18 527:9 529:3 531:2,4,5 532:20,21,24 533:3,6 542:4
percentage 302:11 303:4 342:7,16 370:20 380:5,9,19 382:22 424:24,25 426:9 427:1 465:4 percentage-wise 561:16 percentages 313:13,18 318:19 425:14 426:5 444:17 446:20 459:6 460:2,12,22 510:14 percents 396:2 466:1 perchance 526:1 perfectly 544:23 perform 437:10 461:2 530:23,24 561:19,21 performance 284:11,22,25 performs 293:21 518:20 period 306:7 307:8 333:19 389:19 439:5,7			

545:7,8,11 558:8, 19,23 559:4 561:15,22 563:7 571:1,8,9 575:13, 16 plant's 485:5 plants 337:2,5 400:11 452:22 play 323:13 502:15 506:4 pleading 386:2,11, 13 plenty 579:7 Plescica 327:10,14 332:15 366:14,17 367:9,17,21 368:3,15,18,20 377:11,14 378:25 379:2,14,17,19 382:4,10,14 383:14,18,21 396:15 497:20 500:7 525:3 553:3 582:18,21 plotted 435:24,25 point 287:16 289:1,15 290:2, 16,20 295:15 299:24 304:22 313:14 317:19 320:8,9,20 321:19 327:16 333:21 334:4 337:5 361:17 366:12 370:25 380:14 387:1 409:1 418:2 439:22 461:8 474:23 478:8,11 487:13 488:5 494:19 496:15 503:22 519:10 538:12 541:19 548:24 563:13,14 577:6 580:8	pointed 318:17 441:13 pointing 299:23 475:4 points 358:2 461:17 488:19 546:21 577:11 pole 282:25 283:4 293:10 393:9 400:15 504:23 506:13,14,19 507:14,16,18 508:25 509:5,14 511:10,18,21 512:2,3 513:17 514:5,10 526:14 528:24,25 529:10, 14,16,20,23 530:2,19 533:18, 23 536:13 538:7 539:1,5,16 540:1 542:6,7,8,11,13, 14 544:2 547:21 548:16 558:5 561:1 568:18,19, 22 574:22 576:24 577:4,5,9 pole's 536:14 poles 293:13,23 294:5,16 314:4 315:7 336:3 337:24 343:24 375:6 392:1 393:20,22 395:9 432:10 446:6 458:24 460:6,10 466:1 488:24 493:4 504:22,25 505:2,10,11,13 506:7,11,12 510:12,17,18,20, 24 511:3,6 514:1 527:10 529:4 531:16 533:16,21 535:6,25 536:10	538:5 540:13 542:2,7,12,15 545:9,13 547:15, 19,20 555:22 556:9 557:18 559:18,20,21 565:10,14,20,23 568:17 572:2 574:22 577:1,23 policy 296:18 297:12 298:23 299:8 323:3,23 346:3 347:7 349:14 403:20 poll 544:1 569:6 pool 280:15 286:18,19 pooled 286:20 pop 445:24 popular 428:5 portfolio 277:7 portion 285:22,23 343:17 414:25 431:23 458:17 459:1 527:3 portrayed 501:7 posed 512:10 posing 549:16 position 296:11 341:21,25 342:3, 11,12 343:9 345:13,18,23 369:25 376:1,2,23 419:9,10 421:8 423:17,19 424:2 426:12,14 430:20 432:16 502:22 positive 323:15 517:24 possesses 565:18 possibly 465:13	467:3 postage 343:25 Poston 342:2 potential 278:14 338:13 557:11 potentially 348:8 356:21 363:14 460:1 566:24 power 293:4 315:22 343:2 400:11 461:7,16 483:22 486:20 505:24 531:2,4,5 545:7,8,11 558:23 559:4 practical 481:8 482:15 485:21 492:1 practically 555:10, 24 practice 348:10 462:22 484:4 preceded 429:11 precedes 465:11 precise 303:6,7 precision 312:23 560:18,19 562:7, 14 precooling 442:8 predicated 341:6 376:13 predictive 308:21 predicts 308:19 preferences 277:9 prefers 318:23 prefiled 329:6,7 390:4 575:18 preliminary 579:4
---	---	--	---

premise 425:25 427:10 453:3 459:2	preview 447:1	384:4 395:16	processes 482:9
preparation 276:9	previous 292:3 446:4 475:3 551:20 576:19	prioritizing 408:1	produce 295:19 323:14 326:25 333:11 340:22 441:12
prepare 329:5	previously 274:15 384:12 486:12,14 487:7	priority 347:12 407:22	produced 339:17 373:20 473:22 474:3 547:25 548:3
prepared 310:9,11 379:24 385:23 386:1,9,10 389:6, 9 418:22 472:12 518:12	prewarming 442:9	prob 348:9	produces 284:14 340:9
preparing 310:13	price 278:11 347:23 348:19 405:12 439:18,19 452:20	problem 327:21 394:20 400:21 418:1 509:19 511:8 516:19 535:21 570:3	producing 282:2 340:13 373:13,14 455:1
presence 275:9	priced 348:12	problematic 392:12	product 486:5
present 305:5 309:18 372:4 478:14 555:3 579:16	prices 569:12	problems 295:4 361:2	production 375:18 403:6 413:1,23 414:20,25 415:11, 23 416:12 417:7 427:12 429:20,25 453:5 462:25
presentation 366:6 555:4 579:3 580:17	pricing 352:23 353:9,10,11,16 355:25	procedural 579:6, 10	productive 461:14 468:14
presented 290:24 337:13 341:24 389:15 395:3 400:23 413:12 431:20 435:3 444:12 449:15 478:12 479:3 480:16 546:9	primarily 278:22 339:25 388:22 466:24	procedure 489:17 513:14,18,24 514:1,4,6,8,11	professional 550:24
presents 346:23	primary 283:9 316:5,12,16,21 334:16 361:6 387:8,15 391:3 392:13,19 393:6, 11,12,15 396:7 398:20 399:9 401:3 422:16,17 447:15 457:17,22, 25 458:12 460:7, 20	procedures 509:17	profit 346:19
president 366:21 499:6	principle 295:13 351:18,19 363:1	proceeding 273:5, 14 274:17 285:19 454:10 550:25	profound 339:13 357:21
presiding 273:14	principles 285:3 321:18 349:20 351:15 355:4 363:16	Proceedings 273:1	program 323:4,11, 14,18,20,21 542:8,9,13
presupposes 442:1	printed 405:9 419:16 467:15	process 278:8 286:1 303:20 304:1 306:14 310:13 327:1 331:7,23 345:25 346:7 355:14 461:7 474:15 482:14,17 495:21 503:14 504:12,20 509:8 514:5 517:25 521:22 537:2,6,20,21 538:2 541:8 546:18 557:17 560:18 579:11	programs 347:19
pretend 468:8	prior 308:17 311:23 317:7 327:23 328:6		progress 277:25 341:7
pretty 288:23 297:16 304:15 306:10 307:22 325:3 345:18 430:1 448:21 464:7,10,19 478:19 537:25			project 340:25 399:14 506:8,23 508:1,25 510:8 532:14
			projected 303:13 493:24

projects 493:23	567:23 568:1,3	provided 326:6	purchase 343:16
proliferation	570:17,21 571:7	372:11 373:14	pure 295:5 493:11,
339:10 354:8	575:1	389:11 395:25	16 545:16
promise 521:9	proportionately	437:5 474:3	purely 298:22
promotes 401:25	372:24 373:2,24	476:11 517:8	410:2
promotional	proposal 309:7	518:15,20 521:17	purported 459:15
354:10	360:9 361:9	547:2,5,14 558:7	purports 394:25
proof 490:22	437:23 554:16	576:16 579:9	purpose 299:9
proper 358:25	555:8 557:11	providing 277:6	311:8 406:18
509:6	559:10 560:15	283:1,12 297:23	421:13 432:5
properly 325:12	561:25 562:6	322:13 324:15	468:20 470:19
511:2	propose 358:6	430:1 446:11	528:22
property 447:4,6,7	475:11	464:20	purposes 468:17
465:1 480:5,7,8,	proposed 322:2,6,	provision 288:13	473:9 486:1 492:6
20 481:2,3,5,11,	9,23 341:22	431:3	493:16 515:18
13,17,24,25	345:11,16 355:17	proxy 346:7,13	516:20 533:4
482:10,15,16,17	379:5 380:6,18	362:14	546:22 566:8
483:3 484:22	382:15 432:15,18,	PSC 340:6 576:18,	569:19
485:8,16,17,24	19 441:2,18	20	pursuant 464:20
486:6,21 489:25	442:25 443:3,7	public 273:24	476:12
494:6 502:22	456:23 468:25	274:2,4,5 311:22	pushed 349:13
503:3,7 507:1,2	471:13,19 482:18	328:8,16,22	pushing 463:5
508:3 514:14	proposing 334:15	329:22 330:2,13	put 282:7 286:18
517:5,6,10,18	349:18 434:18	340:3 342:24	323:17 348:1
518:14,17,22	450:3 562:8	345:13 356:25	359:12 360:22
519:1 520:4,5,6,7,	proposition 349:4	358:6,8 372:4	405:10,14 425:11
8,19,20 521:16	354:17 434:24	385:20 390:24	445:11 454:22
526:7,14,21	propounded	433:5,11 476:22	468:12 488:1,3
527:8,11 528:8,14	544:16	497:16,17 500:20	492:3 496:17
530:16,22,24	pros 348:6 350:3	525:11 549:8	505:16 506:4,18
531:12,13,14,25	prove 309:2	552:24 564:12	509:16 539:11
533:1,21 534:12,	proves 449:19	582:13	542:6 575:22
17 535:22 536:16	provide 282:14	publication	576:2,22
541:3 545:5	283:17 289:8	429:11	puts 445:15
546:19,20 553:20,	292:21 297:20	publications	putting 307:5
21,22,24 554:1,	308:16 343:18	399:13	340:6 351:12
17,18,20,23	362:14 403:4	pull 280:13 300:24	420:17 433:22
555:9,10,14,17	405:21 431:8	311:21 531:22	491:12 494:5
556:6,11,18,24	484:22 503:17	pulled 456:3	
557:13,25 558:15,	509:6 539:8	pulling 310:14	
21 559:8,10	566:11 572:17	399:11	
560:4,12,16,17	579:5	pump 350:6	
562:1,4,11 563:2,			
15 566:2,13			
			Q
			qualifications

344:22	529:8 532:6 536:7	516:5 519:18	randomly 437:3
quality 501:8	538:14 539:19,22,	522:5 524:8	487:8
502:15 503:4	23 541:2,15,18	525:3,8,10,18,20,	range 312:25
504:17 510:1	544:9,16 545:23	21,23 535:14,15	413:7 517:23
quantify 402:21	548:4 554:11	536:3 539:18	rank 455:15,19
546:1	555:23 556:16	540:4,6,17,22	RAP 399:13
quantities 532:22	563:25 565:12	548:9,22 552:3	402:19
545:10,14	572:12,13 574:8	553:3,7,8,10,12	rate 273:8 276:2,4,
quantity 485:9	575:9 576:1,15	562:18,20,24,25	5,10,11,14,16,23
486:3 488:21	579:25 580:7	570:11,12 571:12	277:5,9,11,22
517:16 526:8,16	question/answer	572:2 573:14	281:7,9,15,19
527:16,18 533:23	433:15	578:11,12 579:1,	282:10 289:13,15,
558:7,10,20	questioning	19,22 580:3,5	16 290:19 291:7,
566:3,16	319:10 320:25	582:3,7,9,15,20	10 292:1 294:22
question 275:22	321:25 322:17	583:4,5,7,9	295:21 297:4
277:13 288:4,14	364:17 549:7	quick 326:4	298:1,3,16,18,20,
289:11,18 291:6	questions 274:20	356:24 433:19	23 299:5,8,11
300:14 316:15	275:3,4,19 287:3,	472:9	304:5,22,24
317:6 331:18	12 306:12 311:12,	quickly 473:8	305:2,4,5,9,17,25
334:22 345:17	16,17 312:1 313:4	478:20 502:18	306:4,7,18 307:2,
348:4 355:21	319:8 320:18	575:13	6 308:14,23
356:23 358:12	325:18 327:6,13,	quote 334:5 487:3	309:19 310:2
364:4,6,10	15 332:15,22	489:18,20 496:18	315:1 322:2,8,14,
370:10,12,13	338:12 345:3,6,7,	546:16	25 323:18,22,25
372:12 373:9	9 349:17 360:1,2	quotes 352:12	324:4 330:21,24
376:10,12 377:19	364:13 365:2		331:4 333:14
378:3 379:18,25	367:5 368:15,24	R	336:9,10 339:14
382:17 389:1	371:20,23 372:1		340:6,21 341:17
395:16 396:10	376:4,5,8 377:14,	r-u-b-a-k-e-r	342:9 343:4
399:16,17 403:24	20,23,24 378:10,	365:20	345:15 353:21
418:7 423:23	22,24 379:3 382:5	RA 415:1	354:5,11 358:3
425:9,13 427:23	383:15 388:4,20	radio 428:7	360:10,22 363:8
431:6 432:9	394:17 396:15,22,	raise 275:12	372:14,21,22
437:16 438:4	24 398:1,3,4,8	328:20 365:13	373:4 380:6
439:11,13 445:2,	399:7 424:5	385:8 498:11	385:20 387:4
24 446:13 447:19	427:4,8,14,25	523:8 550:6	404:1,2,12,13,23
451:4 462:9,15	441:1 445:19,20	raised 298:24	405:1,16 406:5,6,
471:24 478:9	446:2 447:14,16,	325:15 439:22	19,22 407:14
484:2 487:25	23,24 453:9 454:1	ran 401:3	408:3 409:4,23
509:18 511:16	461:25 462:2,3	random 436:4,12	410:9,12,22
512:10,25 513:1,	471:24 472:10	437:5,6 560:25	411:11 412:9,11,
4,9 514:23 515:24	483:4,7,8 497:12	569:20,23	12,13 418:11,13,
516:22 517:1	499:15 500:5,7,		20,25 419:2,19
518:9 519:15	14,17,25 502:4		421:11,14,16
520:19 521:22	503:21 507:7,8		423:20 426:1,16,
	508:11 513:9		17 427:21 429:16,

17 432:17,21 435:7 436:2,5,20 437:1 438:15,19 440:2,4,5,6,8,19, 21,22 441:8,11, 12,15,19 442:25 443:7,13 444:5,23 445:9,12 448:22 449:2,3,8,10 450:4,6,13 451:11,20 452:6, 7,10 453:17 456:21,23 460:25 461:1 464:22 468:15,18,19,22 469:3 483:25 485:22 492:13 496:4 499:5 504:11 568:24 569:3,8 570:18,22 571:7 575:12,15	444:14 445:16 449:21,25 450:1 453:17 480:15,23 481:19 483:25 489:11 497:8 570:24 rating 284:7 454:23,24 ratio 505:10 rationale 354:24 398:23 reaction 354:21 357:9 read 276:25 321:12 421:3 423:17 424:1 430:9 461:7 467:15 474:19 495:16 515:17,23 516:19,22,24 518:8,11 519:23 521:10,19,20 539:21,22 544:18, 19,20,24 546:12, 15 547:8,12 564:20 565:3 572:11,13,15 573:4 readily 484:23 reading 408:9 521:4 573:10 reads 387:2 544:24 551:13 ready 384:25 461:13 real 307:14 355:2 357:7,21 433:19 447:2 472:9 realistic 532:1 realistically 458:11	reality 461:19 462:10 realize 350:24 realizing 509:9 reason 281:24 290:7 311:1,10 319:5 323:13 356:9 399:23 402:1,18 478:24 486:13 488:25 509:21 535:25 536:9,11 581:7 reasonable 290:1, 5 326:23 336:5 338:16 358:23 373:25 387:5 398:21,24 399:4, 12 409:23 412:7 420:12 426:4 427:11 447:13 449:18 450:18 464:3 468:15 470:1 492:14 497:8 505:14 507:4 578:16 reasonableness 392:5 reasons 335:15 347:8 rebuilding 387:7 465:23 rebuttal 299:14 300:22 302:23,24, 25 365:9 366:23 367:12 368:3,4 385:24 386:17,25 387:19 388:10 392:10 396:2 399:10 402:13,25 404:14 405:4,7 424:13,17 425:3 435:3 459:24 482:9 496:13 499:8,22 523:25	524:1,16,18 526:3 531:17,23 533:15 551:2 552:16 561:8,9 579:8,9 recall 287:21,25 304:1 320:25 321:25 322:17 324:10 335:6,13, 21 337:18,19,22 338:3 343:18 448:4 454:12 457:12 539:20 541:2 549:11 receipt 502:1 receive 303:21 304:7 306:16 342:18 575:10 received 287:4 318:12 330:8 343:3 368:12 379:3 383:12 388:17 390:19 471:21 478:5 500:2 522:19 524:23 548:19 552:22 563:11 567:16 573:21 580:5 receives 575:15 receiving 477:17 558:18 recent 288:23 302:13 399:13 402:19 429:12 456:24 481:16 486:24 recently 304:2 314:8 417:21 recess 384:20 475:18 reciting 488:4 recloser 517:15, 22
---	---	---	---

reclosers 315:19	318:11,25 319:16, 21,23 325:3 327:9 328:9,10,12 330:5,7 331:8,24 365:10,17 367:11, 24 368:8,10 382:7 383:8,11 384:21, 22,24 385:11 386:16 388:11,14, 15,24 390:2,14,18 422:11,13,15 433:10 439:11 447:4,6,7 465:2 466:12 467:8,23 469:17 471:1,14, 20 473:10 475:19, 20,22 476:4,13 477:12,15 478:4 480:5,8,16,20 481:2 483:18,19 484:6,7,21,23,24 486:10 490:3 492:18,20,21,22, 24,25 493:14 494:6 495:18 498:15 499:20,25 502:7 504:19 506:10 508:2,6,23 511:5,13,20 512:6 513:17,19 515:18, 24 517:6,18 519:1 522:15,18 523:11 524:13,19,21 528:8 529:12,14 532:8 533:12 534:9 548:18 550:9,18 552:18, 20 553:22 554:20, 24 555:10,15,17 558:15,21 560:12, 17 563:21 564:8 566:13 567:15 572:7 573:9,18,20 574:5 577:4 579:14 581:11	recorded 288:13 401:16,17 416:11, 14,15 465:1 480:7,22 486:5,9, 12,14 487:7 490:20 492:12,15 493:6 495:9,22,23 502:21 505:20 508:4 511:12 519:19 527:12,15, 17,24 532:3,5,7,9 545:13 548:1 556:20 563:7 569:4 577:22	568:24
recognition 449:11,12		recovered 281:20 351:12 352:10 362:24	
recognize 321:20 347:6 379:11 380:16		recovering 323:11	
recognized 281:25 296:17 323:14 342:4 453:2		recovery 298:9,12 323:21 346:13 353:13 362:8,19	
recognizing 326:18		recross 360:2 377:19,23 378:23 445:19 447:23 453:8,25 535:14 540:5,7 549:7 570:11	
recollection 289:24 304:3 386:6 469:14		Recross- examination 312:2 313:8 360:4 377:25 540:9,25 541:16 582:4,7, 10,11,16 583:10	
recommend 296:21,22 341:15 375:17,21		Red 360:23	
recommendation 342:7 355:5 369:16,17 370:16, 21 378:3 404:12 438:24 495:17 556:17 565:23 566:8		redesign 309:14	
recommendations 334:4 369:4 372:11 373:14 408:4		redirect 320:19,23 365:2 377:13,15, 17 378:24 379:1 383:17 424:7,9 454:1,4 462:2 475:6 516:6,8,9 522:7,22 549:1,5 571:13,24 576:4 582:5,12,21 583:6,10	
recommended 334:4 373:23 381:25 407:1 426:16 438:6 443:11		redo 464:17	
recommending 342:16,17 408:14 426:19 496:1		reduce 409:22 443:14,17	
recommends 406:23		reduced 308:24 389:14 443:2 489:3,4	
reconcile 546:7		reduces 424:23	
record 273:3,16 288:9 289:4 317:8	record's 544:23	reducing 441:24	
		reduction 424:22	
		recover 324:3 410:22 451:3	

445:10 480:24 493:7 554:4 reductions 324:7, 8 refer 279:3 483:19 reference 425:10 459:6 484:17 489:19 501:23 577:12 referenced 469:24 565:6 references 484:24 referred 319:11 425:18 451:5 452:16 467:4 484:11 530:7 546:17 572:7 referring 278:23 300:1 378:8,14 386:5 417:10 419:14,16 520:25 559:6 565:10 refers 484:17 refined 452:9 reflect 276:21 277:2 282:22 458:9 471:1 496:4 reflected 314:25 465:13 493:1 561:2 573:7 reflecting 296:2 465:2 reflective 276:24 278:11 296:23 reflects 281:20 296:9 450:20 486:23 493:15 refresh 287:14 314:24 465:14 refreshing 325:17	regard 287:17 335:9,10 343:11 354:13,16 392:21 450:22 regional 448:17 regularly 510:16, 23 regulated 554:4 563:3,5,15 regulation 346:1 352:2 361:7 363:1 483:17 regulations 484:4, 18,19 489:2 495:20 regulators 345:25 362:13 regulatory 273:14 322:18,20,23 323:15,16 340:24 362:7,11 363:16 399:14 523:22 532:17 reign 417:24 reiterate 482:18 494:13 495:11 rejected 429:8 relate 431:24 related 283:24 294:11,18,21 295:1 299:20,21, 22 300:17,18 314:5 315:11 322:3,7 363:19 382:17 395:8 574:19 relates 283:1 302:6 345:23 514:14 546:17,20 relating 302:4 531:14	relation 374:13 380:9 relationship 406:18 454:21 relative 286:9 380:19 399:3 relay 538:23 relevance 514:18 relevant 290:25 331:7,23 407:20 429:14 562:8,14 reliability 447:3 reliable 447:10 502:14 reliant 533:13 relied 362:12,13 394:23 465:10 482:13 565:13 relies 481:15 545:19 Relo 466:9 rely 310:1 333:10 337:16 533:9 relying 429:15 439:20 509:20 remain 445:8 511:19 568:24 remaining 280:15 342:21 451:3 580:23 remaining-life 551:15 remains 301:12 489:13 remarks 505:17 remember 276:1 287:13 327:12 336:1 363:3 364:20 417:13	427:5,7 434:10 469:15 471:25 483:13 519:18 555:21 remind 319:13 424:10 reminding 580:25 remove 528:11 529:12 531:3 removed 474:2 517:7 518:4 529:14,16,21 530:2 538:7,19 539:2 541:4 571:1 removing 436:13 539:16 540:1 renew 274:14 332:24 371:24 396:23 498:2 500:16 525:9 541:22 553:8 579:2 renewable 285:8 286:14 415:4 427:17 renewables 284:16,18,21 452:23 renewed 579:12 rental 350:23 renting 350:21 repeat 370:9 462:8 536:6 561:3 repetitive 463:14 rephrase 374:19 replace 460:18 506:9 507:15,18 511:10 replaced 505:1,2 509:1 510:11 538:19 539:1,6
--	---	---	--

541:4	564:8,24 565:2	requires 348:17	438:13
replacement	567:4,14 571:23	351:14 486:3,8	respect 323:19
574:7	572:9,14,15	490:18 491:22	430:23 511:21
replacing 492:14,	573:1,25 574:1	492:3 494:22	574:6,13
15 502:11 507:14	578:20	495:12 553:19	respected 340:24
539:16,25	requested 324:16	RES 455:24	respects 374:22
replicated 308:17	343:4,5 389:12	research 282:10	respond 370:9
reply 573:5	390:14 437:5	389:10,19 429:21	379:24 520:9,15
report 533:25	490:11 518:6	449:16 454:19	respondent 516:2
576:24 577:4	546:10 549:10	472:17,20,23	responding 416:6
reported 447:6	572:25	473:15,17 507:17	response 291:16
reporter 275:9	requesting 344:10	reserve 289:7,8	299:18 310:6
476:18 487:20	417:2,17 509:7	571:2,10	319:12,14 364:1,
539:21,23 573:9	requests 331:9,25	reserved 476:10	17 372:11 373:15
583:11	387:3	residence 344:11	378:2 386:4
reporting 509:10	require 359:17	residential 276:11	388:21 389:7
reports 565:15	380:11,13 481:10	277:8 278:1	395:16 417:24
577:11	486:8 489:2	280:10 283:4,5	430:2,4 431:9
represent 342:25	554:18,24 555:2	296:8,14 297:2	454:6 467:14
421:2	559:25 560:2	299:11 303:21	472:1 476:11
representations	required 482:19	306:23 308:12	477:2,7,14 478:3
468:9	483:16 491:15	316:12,19 343:1	486:18 493:9
representative	495:8 496:21	345:15 353:21	496:16,22 515:19
431:21 449:16	502:12 527:15,23	355:7 370:18	516:16,23 517:7
represented	530:5 532:4	371:2 376:14	518:8,11,12
393:25 415:22	546:25 553:21,23	380:11 381:7,13,	520:20 522:17
472:18	554:1 557:12	22,23 387:4	543:13,16,21
representing	558:13 577:12,16	401:11,12 432:17	546:7,14 547:2,5
280:5 311:5	requirement	434:21 435:23	548:16 559:19
represents 336:17	290:25 315:2	441:2 474:3,14	563:10,18 564:5,
416:24 468:5	324:3 353:5,6,11	534:1	23,24 565:9
473:11	369:6,14,22	residual 343:17	567:4,13 571:23
request 288:22	370:17 372:14	resiliency 546:6	572:9 573:10,17,
289:4 367:10	373:17 402:4	572:24 574:24	19,25 574:3
383:5 387:7,14	407:11 409:2	resolution 579:22	responses 393:17
411:24 412:1	424:23 425:12	resolving 290:4	responsibility
421:5 476:11	451:3 456:25	resource 285:4	342:19 406:24
486:18 515:19	459:17 502:24	286:1,6 391:12	407:15 408:3,15
516:16 522:17	requirements	446:16	409:1 410:19
543:16,21 546:17	344:7 374:2	resources 284:16	429:9,10 442:24
547:3,6 563:10,18	410:21 412:21	326:20 339:11	443:20
	456:11 481:12	391:11 415:5	responsible 517:4
	510:1 511:1,9		518:1 560:8
	526:6,10		

responsive 414:19	retired 481:18 482:7 486:9 488:24 489:1,22, 24 490:17,19 493:6,12 504:7 505:14 506:10 517:5 518:14,17, 23 519:1 521:17 530:20 531:1 536:14 537:16 545:10,17 555:13 556:1 558:20 559:24 560:9 563:7 571:8,9 575:14	308:15 309:2 496:2	risk 346:9,22 356:21 361:19 363:2,14 436:10
rest 396:7		return 424:22 568:25 575:15 581:4,5	riskier 433:25 434:1
restate 426:24 462:8 512:23 554:11		returns 489:12	riskiest 433:22
restaurant 351:20 401:4		revenue 290:25 315:1 324:1,3 341:23 342:19 346:12 353:5,6,11 369:4,6,14,22 370:16 372:13,17 373:16 374:1 376:13,19 379:4 382:15 383:4,9,10 391:12 406:23 407:11,14 408:3, 14 409:2 410:19, 21 412:21 424:23 425:12 442:23 443:19 451:3 456:25 459:16	risks 346:16,22 risky 433:1 434:23 Robinett 564:14 578:21,23 579:1,5 580:6,11
restudy 292:8		retirement 447:12 465:3 481:25 482:10 483:23 484:6,14,21,25 486:17,20 488:20 490:3 492:22 494:4 495:14 508:4 517:15 518:19 527:20 528:24 532:8 545:9,15 546:19 554:17 555:9 560:12,16,18 561:25 569:15 570:17,21 571:6 574:7 575:5 576:24 577:4,5 578:2,7	robust 412:5 447:9
result 280:24 334:13 445:6 449:25 455:1 460:23 510:12		revenues 273:11 323:20 324:2 380:14 413:2 414:1 462:24 463:24	robustness 426:17 ROE 346:17 roll 279:9 357:10 360:18
resulted 465:22 466:17		review 334:22 503:2	rolled 278:10
resulting 492:13		reviewed 342:12 420:9 434:20	rolling 359:16
results 281:4 289:1 296:12 302:2 325:25 333:11 334:7,13 341:24 374:12 389:19 395:3,21 403:3,5,8,13,17, 18 407:24 408:18, 23 412:6 413:8 425:24 426:4 428:12 459:13,16, 22 460:5	retirements 480:7, 22 481:3,21 482:14 483:17,21 493:3 495:6,7,19 518:18 528:13,17 535:22 559:11 560:25 563:6 566:19	reviewer 391:14	room 273:5 355:15 461:7 557:5
reswear 275:6		revision 557:11	rot 511:3,6
retain 439:6 440:24 533:3 534:18		revisions 499:12 524:5	rough 393:16
retained 431:5		revitalization 546:4 572:23 574:24	roughly 302:7,10 303:4 328:5 380:20 456:2
retains 506:1	retires 487:5	reward 346:9 356:22	round 325:10
retention 418:24 532:18,24	retiring 482:17 495:21	rework 309:25	route 362:2
retentions 533:1	retrospective		routine 438:10 509:5
retire 452:23 493:25 528:10 529:9 558:24,25 568:16 578:9			row 403:9 422:7 473:18 474:8 489:9 530:12
			rows 467:25 473:20 529:5
			rule 483:13 486:2, 7,8 487:5 489:19,

23 490:7,18,21,22 491:9,10,11,13, 15,21,22 492:2,3 494:22 495:11 496:10 497:2,7 504:3,5 512:20 531:9 548:7 569:17,19 575:23 577:12 580:8	sample 340:17 436:12	scope 363:24 364:13 461:22,24 516:4 536:3 539:18 540:16 575:25	self-selecting 436:6
rules 370:2 461:11 481:23 482:20 484:9,10 494:9 495:15 510:17 522:13 531:11 579:10	sampling 511:24 569:20,24	scratch 292:3,6 320:13 468:13	self-selection 436:13
run 361:20 400:15, 16 457:25 503:18	Sarah 317:15 353:25 385:3,12, 14 388:9 518:6 583:2	screaming 444:4	selling 463:24
running 336:25 400:10,15	satellite 538:5	season 444:16	send 293:3,6 505:21 507:1 558:6
runs 301:11 349:14	save 324:4 338:13	seasonal 462:12	sending 440:14
Rupp 275:7,8 324:11 338:24 359:13 376:5 445:21,22,24 446:1,3 447:20 464:12 562:22 583:5	saver 306:24 308:13 360:10 433:8 434:2 435:8 437:11,13,18,19, 20,21 438:16 441:19 444:13,14	seasons 305:25 439:10 462:21	sends 545:6
Rupp's 326:16	savers 298:3 304:24 305:4 306:1 307:6 308:6 360:21,24 363:6 433:7 438:5 440:4 442:12 443:17 444:13,18,20,22 445:5,14,15	seated 328:22 365:16 385:10 498:14 523:10 550:8	Senior 550:24
Ryan 545:19 546:9 572:18	savings 324:5 360:16 361:1 473:23	secondary 391:19,25 392:1, 7,8 396:6 422:18, 20 447:15 458:3, 12 460:8,15,19	sense 283:23 290:5 331:3 357:12 391:15,22 394:8 402:7,10 408:2 428:24 430:18 431:22 432:3 443:5 452:18 466:3,7 503:8,14 569:22 576:22
S	SB 361:24	section 405:16 435:12 530:2,17 542:3 547:20	sentence 397:22 521:20
S-P 498:17	scale 372:25	sections 531:11	separate 286:13 336:21 416:16 431:17 440:14 484:23 532:25 533:3,5,11
safe 511:2	scaled 383:2 459:7	secure 315:23	separately 430:16, 17 535:6 546:3 547:3 572:21
safeguards 518:1	scales 396:1	seeded 466:23	sequence 309:22
safety 315:23 512:5,7	scaling 380:18 459:5,9,16	seek 306:21 323:17 391:5	serial 568:6
sale 452:17	schedule 315:3 380:4 406:19 410:9 479:15 532:17 547:15	sees 323:8	series 519:18
sales 444:19,21	schedules 283:22 406:22 481:16	seized 454:25	serve 341:4 344:6 393:20,21 394:6, 12 398:13 401:14 452:25 457:24 465:5 507:15
	scheduling 478:9	selected 297:4 437:3 473:19 518:3,18	served 316:12,16, 18,20,21 375:13
		selection 442:2	
		self-proving 491:4,6	

390:11 392:6,7 393:12,14 394:2 400:25 401:7 410:10 423:3,6,7, 9,10,11,12,13 service 273:12,25 279:13,16 280:2, 25 281:14 282:5 283:1,12,17 285:13 288:10 289:12,19,24,25 290:19,23 291:8, 10,11 292:1,9,10, 21 293:8,15,19,20 295:12,15 296:7, 12,16 301:20 315:6 321:5,8 331:5 333:8,9,18 334:3,12 336:25 337:13 338:14 340:1,3,4,9,14,16 341:18,24 342:6 343:16,18,22,24 344:10,12 361:24 370:22 371:1 372:16 373:20 376:18 377:6 378:5,6,7,17 380:2,3,5,7,12 381:1,10,12,20 383:1 385:20 390:16 391:4 394:24 401:10,23 403:22 407:23 409:11,20 412:16, 18,19 413:20,21 414:15,17 416:21 422:19,21,25 423:1 448:6 459:5 485:3,9 486:4 493:1,15,23,24 496:6 502:15 503:17 504:17 506:5,20 509:6 510:10 511:19 517:7 518:5 519:2 532:3,10,11	554:9,14 558:2 561:15,23 566:3 571:1 servicemen 520:21 services 401:15 430:14,16 serving 410:8,14 458:6 session 433:15 set 307:23 308:6 339:2 344:7 367:6 451:20 452:6 473:17 474:7,12 479:7 485:4,10 552:4 569:20 sets 410:16 431:18 446:20 setting 279:16 283:9 345:11,12 569:17 settled 291:17 307:3 settlement 374:21 379:4 380:16,23 382:15 383:10 SGS 316:15,19 371:4 401:11,12 406:22 455:23 shape 511:19 561:4,6 shapes 339:10 357:25 share 387:10,18 shared 288:21,22 shareholder 489:12 sheet 314:9 335:24 shift 284:5 376:14,	19 443:14,18 561:9 shifted 430:15 shifting 297:25 344:16 346:22 350:14 363:2,21 364:9 441:25 shoes 519:13,21 shore 447:11 short 336:8 353:16 405:10,11 435:2 480:20 shortcoming 392:14 shortcomings 429:18 shortened 309:13 357:5 438:2 shortly 304:6 show 289:1 304:25 305:15,16 369:15 447:12 455:4 490:24 491:22 529:6 530:1 542:22 showing 397:11 435:16 436:18,25 512:6 532:22 shown 318:19 492:20 shows 313:12 435:7 493:2 527:9 shuffling 543:3 sic 303:2 318:16 489:20 496:22 497:22 side 278:8 313:16 356:7 357:10 415:23,24 Sierra 274:21,24	332:21 371:21 396:20 497:21 500:13 525:6 553:6 signal 347:23 348:19 352:23 439:18,19 signals 278:11 signatories 480:17 signature 335:23 signed 335:23,24 significant 283:25 292:12 295:3 324:24 327:2 334:14 403:14 465:22,24 466:23 silly 405:14 410:1 similar 292:5 316:15 325:16 360:17 378:11 392:6 414:21 426:3 437:19,21 438:25 441:12,15 448:21 453:20 464:19 482:11 485:25 504:10 similarities 410:24 similarly 315:9 542:15 similarly-situated 449:22 simple 449:8 509:24 554:25 559:15 577:17,18 simplicity 355:4 simplified 485:24 509:24 simplifying 333:10
---	--	--	---

simply 282:14 380:8,18 402:20 414:10 481:8 494:9 559:22	18 490:15 501:16	solution 442:13 509:23	508:16 514:20 515:10,12 516:1 519:5,6 522:24 523:1 537:2,15 555:5 582:6
simulate 483:22 559:3	sizes 401:19 449:1	solutions 482:12	Spanos's 531:17
simulated 483:23 560:22 563:13 575:5,16	skip 456:1	solve 464:8 473:18	speak 288:2 342:1 358:1 377:5 433:11 543:18
simulating 484:7 486:17 558:23,25 563:11 566:19	skipped 377:21	somebody's 425:21 512:16	speaker 543:14
simulation 559:5	slash 517:13 523:25 545:20,24 546:1 547:11 551:3 572:20	something's 466:3	speaking 317:1 355:17 468:24 480:25
single 311:1 394:12,13 422:23 423:1,2 484:23,24 503:7 506:6,23 507:2 528:6,9	slide 572:18,20	sophisticated 278:5	speaks 573:7,10
sir 328:14 333:22 345:4 377:11 476:24 507:12 512:19 513:13 516:23 525:22 526:5 543:7 544:6,11 570:20	slight 380:13	sort 353:5 360:24 392:4 393:13 400:22 419:8 421:11 426:2 436:3 439:21 448:18 461:3 469:24 473:3 529:18 537:8 540:11 569:20	specific 284:9 301:23,24 306:19 336:16 340:15 352:12 400:14 402:12,15 405:9 411:25 412:1,2 417:9,11,13 450:23 464:14 466:16 484:2 504:24 514:6 518:16 529:15 530:19 536:10 541:21 544:2 557:14 565:25
sit 337:3 352:7 361:16,17 461:7 580:3	slightly 309:3 462:17	sorts 406:9 428:14	specifically 286:11 287:17 290:1 316:22 324:1 333:24 397:6 430:7 434:2 482:5 489:20 495:20 496:14 530:1 531:3,24 535:10 546:10 553:20 561:14 565:11,22 574:22
site 576:20	slip 308:2	sound 309:10 311:23 351:16 421:24	speculate 521:7 541:9
sitting 357:13 443:6 465:16 505:4	small 280:10 301:25 343:2 356:18 393:11 394:13 401:11 443:24 444:6,24 448:17 490:13 561:16,20	sounds 317:10 357:4 362:15,16 369:25 398:14,20 449:20 474:25 475:1 531:6	speculation 538:10
situated 511:2	smaller 380:17 458:14 465:19	source 322:22 399:7 572:19	
situation 363:11	smallest 398:18 400:15,16 401:13 451:10	SP 371:8	
situations 485:19 502:17	smart 305:25 308:6 435:8 437:21 444:13,20 445:15 465:7,8 546:6 572:24	space 278:15 350:6 354:6	
size 294:2,14 316:4,10 342:9 360:11 375:11 393:16,25 394:1,2 398:18 410:15 451:17,18 460:16,	smelter 458:21 467:1	space-heating 354:2	
	software 481:18 483:22 487:11 489:6 504:19 530:13 537:23 547:25 548:5,6 563:6	Spanos 478:12,17 482:9,24 496:12 498:10,16,24 499:2,7,23 500:3 501:2 502:6	

<p>spell 329:2 365:17 385:11 498:15 523:11 550:9</p> <p>spend 435:1</p> <p>Spent 349:1</p> <p>split 358:9</p> <p>spoke 358:15</p> <p>spoken 357:11 409:7</p> <p>spot 319:3 509:14</p> <p>spread 281:1 284:21 382:15 383:10,11 466:22</p> <p>spreadsheet 409:22 496:23 555:20</p> <p>spreadsheets 461:16 555:1</p> <p>SPS 342:20 371:8 406:22 455:22</p> <p>squared 454:20</p> <p>St 274:16 466:25 546:5 572:23</p> <p>stable 298:8 349:11</p> <p>staff 273:22,24 280:3 281:5 295:25 299:16,17 300:3,6 310:5,10, 11,12,15 311:20, 23 313:6,16 316:6 317:11 318:1,9, 10,12,14,18,21 319:11 320:4 321:1,7,25 322:17 330:15 334:14,20 335:2,16 337:13 338:11 340:3,8 355:17 357:13 360:2 365:22 372:6 384:16</p>	<p>385:1,3,19 386:3 388:21 389:7 402:1,21 403:11, 17 404:11 406:7, 23 407:20 410:6 411:5 414:3,16,17 415:14,19 416:1 417:2,17,22 420:17 424:24 426:8 427:1 429:8 431:11 432:20 438:1,6 441:5 445:3 446:12,13, 14,24 447:2 454:2 456:23 464:4 469:25 470:3,19 472:1 475:24 479:17 482:18 483:10,14,19 486:18 487:1 492:4,8,9,11 493:9 494:21,24 496:1,6,11 497:3 498:18,19 500:23 507:9 517:11 522:19 525:13,18 548:19 549:10 550:2,3,12,20 552:21 559:8,12 565:4 571:13 583:2</p> <p>staff's 279:17,18, 22 284:3 295:4 301:18 309:7 310:23 319:18 321:14 334:7,12, 13,23 336:7 340:23 341:22 342:11,12 360:8, 14,15 385:1 388:16 390:19 391:3 401:22 403:20,23 406:5 407:1 409:10 412:18 413:11 416:1 419:9 424:22 426:12,14</p>	<p>432:16 437:23 441:2,10 471:13, 18,21 475:23 495:17 496:16 517:8 573:21</p> <p>stage 309:21</p> <p>staged 305:13</p> <p>stakeholders 331:14 362:13</p> <p>stamp 504:23 505:2 510:5</p> <p>stand 275:5 365:11 385:4 420:15 479:25 488:17 491:18 493:2 496:18 498:10 523:6</p> <p>standard 339:20 504:2,18</p> <p>standards 501:24 504:1</p> <p>standpoint 352:18</p> <p>start 279:6 289:21 292:3,6 301:10 326:9 328:7 358:21 384:25 398:21 421:21 439:4 456:11 468:7,12 480:3 490:1 544:22 580:18 581:8</p> <p>started 307:5 394:17</p> <p>starting 273:16 279:8 289:15 290:16,20 292:2 295:15 384:16 408:13 412:21,22 438:18 444:6 484:9 508:14 580:19 581:9</p> <p>starts 435:18</p>	<p>state 296:6 321:9 329:2 361:20 363:17 385:11 387:13 428:9 455:2 533:15 550:8,17 574:11</p> <p>stated 446:10 486:8,19 496:18</p> <p>statement 341:25 342:12,13 376:1,2 407:8,10 421:8 423:18,19 425:5 429:13 454:8 491:4,6 493:13 494:9,20 508:11, 12,20 521:11,15 532:2 563:25 580:23 583:13</p> <p>statements 362:6 419:10 424:2 433:2 479:20,21 513:6 583:12</p> <p>states 292:14 299:14 339:23 340:2,8 439:24 484:11,20 489:17 493:8,10 496:12 531:21,23 532:20 545:1 561:18</p> <p>stating 517:8</p> <p>statistic 518:19</p> <p>statistical 482:13 505:8 518:19 554:9,13 559:4</p> <p>statistically 481:17 562:8,13</p> <p>statistics 302:13</p> <p>statute 402:4</p> <p>stay 478:25</p> <p>steam 285:10</p> <p>step 295:12 327:19 339:19</p>
---	---	---	--

365:5 377:10	storms 465:22 557:22	studies 292:1 321:2,21 326:23 331:5 333:10 334:3,8 337:13 338:6,15 340:1,4 342:6 355:13 411:13 412:17,20 413:8 428:15,23 429:6,7,19 448:6 463:17 483:24 486:25 518:21 560:21 566:21	16,23 460:4,23 462:1 463:11,23 464:13,15,17,18, 24 465:12,20 466:5 480:21 486:25 487:1 494:3 503:1,6 529:18
383:23 409:16	straight 334:24 352:7,20 362:7 544:17	study 279:13 280:3,25 281:4 282:6 284:11,19 285:13 289:13 290:19,23 291:12 292:3,13 293:15, 20 294:7,11,20 295:4 296:7,12, 16,25 301:12,20 308:22 313:13 314:4 315:10 316:5 321:5,14, 15,17,24 325:11, 15,17 334:8,12,13 336:25 340:9,14 349:18 372:16,20 373:20 374:12 380:3,7 383:1 391:4 392:25 393:25 394:1,2, 23,24,25 395:2, 17,20,24 396:11 398:14 400:1,3,7, 9,23 401:23 402:5,17,20 403:18,22 409:11 410:7 411:14 412:25 414:18 416:22,23 417:7, 23 428:22,24 446:6,11,14,19 447:5,9,17 457:11,15,16 458:13,17,19 459:5,7,9,13,14,	studying 404:21
412:14 418:3	strategic 510:13		stuff 326:21 336:13 339:12 377:22 398:10 537:5
443:22 444:7	strategy 309:25		subject 424:13 484:12 544:3 580:12
453:19 522:25	straying 300:13		subjects 430:24
549:21 558:12	street 457:25 506:11,14,18		subledger 533:7,8
578:18	strict 402:5		subledgers 533:7
steps 404:12 493:22 501:14	strictly 296:15 297:7		submit 418:20 461:8 469:23
Steve 317:16 433:4	strike 365:22 488:25 513:3 551:18		submitted 320:12 386:2 421:6 543:24
Steven 275:3,17 582:3	strikes 557:22		subsequent 483:24 512:6
sticker 558:4	stroke's 312:20		substantial 304:15 306:10
stickler 470:6	strokes 311:8		substations 546:3 572:22
stipulated 289:19	strong 345:18 355:2 357:7		subtract 489:10
stipulation 287:17 288:7,16 366:4,7 369:14,22 372:15, 18,20,21 373:18 374:1,3,5,6,16,20 383:4 407:11 425:11 431:1,3,7, 10 480:15,18	struck 561:1		Subway 401:4
stipulations 443:2 468:10	structure 276:21 277:2 281:18 412:11 441:8 448:22		succinctly 486:8
stone 339:2	structures 277:25 341:17 351:9 404:13 412:12 426:16 441:11 450:4 452:7,10 468:15		sufficient 311:8 569:19
stop 340:10 353:18 392:2 393:3 467:12 478:10 490:17 507:17	struggle 339:4		suggest 296:25 319:13 321:14 337:9 339:20 412:11 418:21 438:13 557:12
stopped 507:14	struggled 349:17 411:20		
stopping 377:16	struggling 350:9 406:3		
stops 478:15	stuck 275:22 406:21		
store 350:19			
stored 312:15			
storm 502:16 504:25 505:4 510:12			

suggested 453:18 464:19 570:4	482:2 487:14 488:18 489:18 494:14 499:8,23 523:25 524:17 526:12,19 527:1, 2,3 551:3 552:17 565:6 566:12 568:13 579:8,9	356:5	T
suggesting 421:12 445:3	survey 282:5	symptom 324:23	table 397:9,19,22 403:9 404:14 421:6 422:6 424:14,21 425:13, 15,16,17,18 459:18 467:24 544:9
suggestion 360:23	survival 489:7	system 279:15 280:17 282:1,14 284:21 292:21 293:5,6,10,18,25 294:9,10,25 295:23 296:2 315:17,23 316:4, 21 325:19 375:11 387:8,15 391:21 393:1,7,19 394:11,14 398:17, 19 399:15 400:19 401:1,2,6,8 402:17 416:11 430:19 447:15,16 450:22 451:6 454:18 456:9 457:11,17,23 458:3,5 459:14 460:11,14 465:23 470:3 481:9,19,22 482:4,19 486:20 492:23 493:4 509:8 518:16 521:18 522:1,2 527:25 529:9,11, 16,24 530:3,19 531:1,8 533:8,20, 23 537:9 538:24 539:10 545:6,7,21 546:2,3 547:1 548:6 549:9,18 553:19 554:19 556:7,21 558:14 559:15 572:21 574:21 578:14	tag 538:6 542:6,11 547:19,21 555:12, 21,22 556:1 559:19,20,23 560:3 577:9,10, 13,15
suggests 296:7 481:5	survives 319:24	systems 450:15 465:19 502:8 503:15 509:22 558:14 560:1 574:10	tagging 554:25 557:7 559:16
suite 277:7 285:20	surviving 575:15		tags 542:14 556:9, 13 557:18,24 572:2
summary 579:12	survivor 481:15 486:21,22 487:11 493:23 494:3 503:5 505:7,9 507:5 508:8 509:20 545:12 554:8,12 562:16 575:4,6,11		takes 340:18 460:14 464:4 488:16 496:18
summer 305:24 307:8 339:14 464:1	suspect 441:6 449:24,25		taking 284:3 347:11 365:11 391:23 403:13 409:20 466:4 471:8 512:4
supplemental 493:9 523:24 524:16 564:4	sustain 364:22 433:13 540:2		talk 336:9 395:17 409:24 448:10 476:6 520:14 535:10
supplied 472:22	sustaining 493:19		talked 281:19 285:18 321:12 339:21 364:16 468:18 479:6
supply 504:16	swing 569:11		talking 279:10,11 283:13 287:2,11 311:9 313:24 346:5,10 348:22 359:8 363:25 364:17 400:19 404:4 428:19
support 341:22 354:21 357:5 358:7 545:21	switch 310:2 324:4 559:15,17		
supporting 572:17	switches 315:18 416:13 577:23		
suppose 488:24	switching 322:2,9, 14,25 323:22 324:1 355:18		
supposed 412:8 432:1	sworn 275:13,14, 17 328:20,21,24 365:14,15 366:15 385:8,9,14 498:12,13,24 523:8,9,16 550:6, 7,14		
Supreme 415:17	sympathetic		
surcharge 346:23			
surprise 353:22			
surprised 354:11			
surrebuttal 287:13,23 288:7 302:12,17,22 329:6,8 330:5 333:22 342:3 343:13 366:23 367:12 368:5 385:24 386:18,23 388:11 397:6 405:7,12,17 433:17 435:6,15			

436:9 444:2 467:12,18 485:15 514:15 540:13 558:12 talks 303:25 304:3 401:5 taller 294:4,16 targeting 326:21 tariff 385:20 404:21 443:1 tariffs 273:11 344:8 463:25 task 505:23 tasked 357:9 tax 533:4,6,9 technical 291:23 technically 319:14 320:3 technician 312:17 technique 551:14, 15 technological 278:20 technology 276:19,20 277:12 312:24 348:3 482:12 546:6 572:24 telephones 356:1 telling 309:15 363:13 430:6 454:13 tells 300:6 304:12 466:2 ten 333:14 403:9, 10 451:16 510:11 ten-year 333:19 tend 297:17	tended 367:13 tender 330:11 368:16,20 390:22 552:13,14 tendered 500:4 524:25 tension 342:5 term 276:6 277:14 280:21 315:14 397:23 417:12 484:16 495:15 559:2 termed 279:17 364:18 403:23 417:3 terminology 402:22 terms 349:10,17 350:4 355:15 356:6,7,12 357:13 360:19 400:15 436:10 444:24 terrible 429:22 430:2 terribly 467:7,8,10 test 374:8,9 389:21 474:21,24 testified 275:18 276:13 328:25 366:16 385:15 430:12 450:9 470:22 498:25 523:17 550:15 testify 430:8 470:20 513:5 579:17 580:1 testifying 320:12 499:3,6 520:6 testimonies 367:6 499:13,16 524:1, 6,9 552:1	testimony 275:23 288:2,6,7 292:14 296:5 297:14 299:23 300:22 301:4 302:12 308:16,18,20 312:6 319:15 321:12 325:10 329:6,13,16 333:22 342:4 343:13 352:11 353:4 365:23 366:24 367:3 369:5 370:2 372:14,25 373:24 385:24,25 386:7, 15,16,17,18,22,25 387:20 388:1,9, 10,11 390:4 392:10 396:2 397:6,10 399:10 400:22 402:13,25 403:7 404:8,14 405:5 406:1,2,17 408:10 413:19,20 419:11 424:14 432:8 433:4 435:3,13 446:4 450:7 459:24 460:3 462:14 469:20 482:3 487:15 488:15,18 489:19 494:14 499:8,23 501:23 507:19,20 523:24, 25 524:16,17,18 525:25 526:3,12, 20 531:23 545:19 546:10 551:1,2,3, 8 552:17 557:14 561:8 566:12 568:13 572:19 575:18 579:6,14 580:14 texted 327:14 TH-1 459:18	that'll 462:6 519:15 573:15 theoretical 297:6 theoretically 539:12 thereof 468:15 490:14 thing 281:17 331:12,17 332:2 336:19 339:1 341:13 399:17 415:4 416:18 418:1 419:16,23 421:11 428:25 438:10 446:22 447:13 453:18 467:20 469:13,24 473:1 474:20 537:5,7 538:3 549:23 559:3,6 566:17 577:13,14 581:5 things 276:7 282:7 284:19 292:22,24 315:18,20 316:8 336:6,18,21 337:10 343:23 346:4 350:13 351:17 353:11 354:14,16 358:23 391:22 393:22 399:5 405:10 406:7 409:9 413:7 416:3,17,20,22,23 419:6,21 423:24 442:16 463:15 468:11 486:9,11 497:5 511:3 534:23 535:25 565:21,25 thinking 277:19 311:14 326:17 350:22 354:1 Thomas 334:19
---	--	--	--

335:2	287:8 303:10	355:18,22,25	443:7
Thompson	306:7,17 307:21	359:2 360:19	tomorrow 366:6
274:23,25 332:22	309:13,15,24	361:9 363:20	384:13 479:3
371:23 396:22	326:10 328:13	364:8 407:1,17	480:16 580:15,18,
497:23 500:14	337:6 338:13	408:25 426:21	22 581:1,10
525:8 553:7	340:4 345:4 349:2	433:25 434:1	tons 461:24
thought 277:5	356:4,25 357:1,6	441:15 444:5	top 349:5 353:23
320:5 321:17	358:7,14 359:11	timeline 326:8	358:1 422:7
329:25 350:19,20	367:11 384:6,9,20	timely 505:20	437:13 460:4
354:20 366:10	388:24 390:12	times 304:11,12	544:23
367:17 368:18	398:1 404:5,22	307:9 308:25	topic 287:14
390:15 394:1	406:15 408:23	349:21 380:11,20	297:16 514:16
405:20 416:3,5,19	413:17 414:3,16	381:14,16 421:9	578:23
472:5	415:15,16 438:2,	530:7	topics 278:15
thoughtful 298:25	8,14,17,22 439:3,	timing 344:2 375:7	tornados 557:22
thoughts 326:4	5,7 440:17,18,23	443:23 468:22	total 282:3 295:20,
thousands 394:7	442:2,19,21 443:8	tinker 403:18	24 296:1 303:4,8
398:13	448:20 450:15	443:8,9	336:4 337:25
three-month	452:12,22 456:21	tinkering 408:2	338:8 375:7
358:13	461:8,17 462:13	title 366:21 385:21	387:11,18 431:22
three-period	465:6 467:17	481:5 499:3	436:12 455:21
440:19 443:4	469:2 473:23	515:16 523:20	456:4 460:8
threw 429:6 451:1	474:8 475:10,13,	574:23	474:3,13 534:3
throughput	24 477:24 479:25	titled 318:9	totality 285:25
295:24 296:1	480:24 481:1	today 273:3,15	343:3
throw 345:22	496:1 506:9,23	287:6 302:25	totally 370:1
355:9 356:10	508:5,23 510:2	303:1 329:14,17	TOU 322:3,6,8,20,
361:16 363:9	520:11 525:17	331:2 339:5 346:1	25 406:10,22
thrown 428:19	536:23 537:15,17	355:6 367:7,20	415:15,19,20
tie 554:19,21	549:20 552:12	372:11 388:6	429:8 437:7,8
555:2,14,15	554:5,6 560:22	430:19 443:1,6	444:14,19,21
558:13	563:8 565:5	450:2 452:7	456:21,23
tied 319:4 494:18	569:1,7,14 573:10	458:23 466:6	towers 395:10
495:1 512:2	576:8	478:12 483:15	432:10
566:15,16	time- 276:14	484:3 493:2	track 322:8 362:16
ties 456:14	359:23 364:18	499:16 524:9	368:23 476:9
till 328:1	time-based	540:14 555:6	483:17 484:5
Tim 274:12	404:23 451:2	556:7 567:20	495:9 502:10
time 273:4 278:5	time-of- 332:4	575:19	504:16 506:15
282:17,22 284:11	359:3 433:22	today's 274:20	519:12 535:25
	time-of-use	277:12,23 450:15	536:9 537:5
	276:10 282:17	told 274:15 405:10	538:17 559:24
	297:11 299:12	411:24,25 412:2	
	308:23 324:4		
	340:7 347:19		
	350:10 354:18		

561:5 566:9	translate 530:3,18	493:24 520:13 543:14 575:12	unavoidable 434:5
tracked 323:19,20 362:24 535:21,22 565:24	Transmission 414:2,3	turned 367:17	unclear 409:7 431:20
tracker 322:2,5,7, 9,14,23 323:1,10, 22 324:1 361:9	transmit 560:4	turnover 441:4	underground 395:11,12 422:14, 17,20,22 423:2,14 535:12 546:4,5 572:22,23 574:23
trackers 323:3,25 346:25	transparent 331:14	two-part 446:18	undergrounding 465:24
tracking 362:15 483:20 495:5,6 533:17 535:11 536:16 549:10 561:5,7 566:9	traveled 444:2	two-penny 439:5	underlining 348:2
tracks 488:19	treat 284:12 301:21	two-period 440:19	underlying 324:23 325:5 372:20 373:3 382:20 446:21 447:3,10 453:4 466:5 472:16
tradition 468:23	treated 285:11,13 286:16 448:6	two-thirds 302:7 355:14 359:3	undermine 344:17
traditional 428:3,4	treating 568:2	twofold 362:25	undermining 347:25
train 537:12	treatise 295:22	type 281:20 285:4 325:21 422:8 486:22 510:6 520:8 546:17 556:14 557:13	understand 279:18 282:11,12, 13 297:9 304:11 314:24 338:12 355:25 357:12 360:15 376:22,23 392:17,18 409:16 412:24 428:11 462:18 464:9 480:19 490:8 507:12 514:22 521:21 535:20 536:20 537:12
training 442:17 443:24	treatment 286:13 391:10 416:8	typed 303:9	understanding 278:3 279:21 309:11 331:10 360:18 388:20 409:10 453:22 479:11 504:21 577:21
transaction 537:20	treats 284:6 567:22	types 276:15 277:25 280:23 315:20 410:1 481:12 577:24 578:3,7,10	understanding's 306:15
transactions 533:9	triangle 393:4	typically 393:12 422:11,13	
transcript 335:13, 19 338:4 424:1 433:10,11	trickle 274:9	typo 469:22	
transfer 394:14 465:11 466:10,11 467:4	triggered 491:21		
transformer 282:25 343:25	triplex 458:21	U	
transformers 293:14 294:3,17 416:12 567:22 568:6 577:23	trouble 287:6	UG 574:24	
transition 309:8 437:24 438:5 440:7,21,22 453:16	true 382:2 388:1 449:3 454:12 457:6 462:11 470:17 472:14 513:13 548:7 552:9	Uh-huh 337:15 417:8,15	
	True-up 487:15 488:18 489:18 523:25 524:1,17 527:2 551:3	Ultimate 298:3 306:1 308:6 360:9,21 363:6 433:7,8 434:2 435:8 444:13,22	
	truth 297:19	ultimately 347:14, 25 350:8 355:24 363:4 386:25	
	turbine 286:12	unacceptably 301:12	
	turn 397:5 451:25		

understands 505:10	unusually 307:13	463:17 488:20	variations 298:6
understood 309:5 418:18 508:14 562:1	upcoming 412:8	503:10 519:7 532:23 554:4	variety 294:23 315:20
unduly 449:21	updated 389:21 446:14 479:17,18	utility's 490:4	vast 356:14
unexpected 406:25 408:6,15	updating 446:11	utilization 415:20 417:5,6	vehicle 442:7
unfair 491:13	upgrades 546:4 572:22	utilized 339:24 565:15	venue 358:25
uniform 355:7 481:9,22 482:4,19 527:25 547:1 553:18	urge 326:1	utilizing 502:25 503:16 530:17 579:21	verbatim 421:8
unintended 353:14	usage 277:1 283:2 293:1 298:19 305:24 308:12,24, 25 309:4 323:12, 13 363:21 364:9 407:19 434:5 439:3 441:24,25 443:14,17 451:6	V	verify 318:17,19 564:18
Union 273:10	usages 435:23	vague 404:6 520:25 521:2	version 440:4 446:14 566:12
unique 430:23	user-friendly 419:12	valid 361:3	versions 329:22 356:1
unit 286:14 393:5 458:20 481:11 484:25 485:1,2,3, 4,6 488:20 490:13 517:5,15 527:20 545:9 569:15	users 339:10	validate 310:25	versus 283:5 284:16 285:8 298:23 305:17 309:19 334:8 351:8 354:3 381:13 558:25
unit's 284:8,25 484:14 495:13,19	USO 496:21	validly 321:21	vertically- integrated 412:25
United 274:22	USOA 526:6 532:4 547:1	valuable 446:16	vested 340:12
units 285:11,12,14 393:3 453:15 481:6 484:22 485:25 490:14,16 532:23	util 504:8	valuation 474:10 499:5	view 281:2 286:5 420:11 422:4,5 450:8 505:18
universal 359:17	utilities 347:8 362:5 411:21 430:5,21 451:10 452:1 464:20 465:18 482:11,14 490:10 502:9,19 503:16 504:9 563:3,5,15	values 288:10 372:13,15,19 373:3,16,18,19 374:5 431:20,21 454:20 460:13 474:3 481:17 496:5 561:15	viewed 285:19 294:25 322:12
universally 362:24	utilities' 357:24	Vandas 325:11,15 394:22,25 395:2, 17,24 396:10 416:22 446:8 447:17 459:7,13, 23 460:4,16 464:12,17,24 465:12	viewing 330:2 509:23
universe 411:22	utility 276:22 277:3 281:18 323:5 346:18 352:2 358:15 362:2 398:23 400:14 409:13 412:25 430:23 439:21 452:18,20	variable 350:14 415:5 462:25 463:2	views 300:4
unreasonable 399:8 482:21,25		variation 473:24	vintage 485:10 486:4,11 487:6,9 492:15 493:5,10, 11 494:14,17,24 495:1,2,5,22,23, 24 496:14 504:24 505:13,22 506:3, 12,15,16 510:22 512:1 517:14,24, 25 518:2 526:8,17 527:13,17 531:25
unreliable 463:11			
unsure 563:8			
unusual 308:3			

532:13 533:17,23 545:1,14,15,16, 20,25 546:2 547:6,11 558:11, 24 559:23 565:19, 24 566:2,3,4,5,10, 15 568:16,17,21 569:7 572:20 574:4,12,19 577:13,14 vintages 504:6 violated 491:12,14 violation 487:4 491:10 virtually 413:17 437:13 451:21,23 452:13 virtue 292:20 293:25 394:16 vis-a-vis 361:13 visits 576:20 visually 467:24 voided 324:9 volatility 407:1,5,7 408:6,7,16,21 426:15 volt 422:19,21,25 423:1 458:12 voltage 288:10 294:5 316:5,13, 17,21,22 387:8,15 389:22 393:15 395:23 398:21 399:9 401:3 410:15 447:15 455:18 457:17 465:5 469:21 473:14,17 545:2 voltages 393:13 469:23,24 470:1 volts 394:3 423:4, 6,7,8 470:4,5 volume 535:7,8 vouch 472:18 <hr/> W <hr/> wait 424:6,9 waiting 505:20 waives 497:17 walk 402:13 419:25 Walmart 536:23 wanted 275:8 276:2 309:7 352:24 376:1 384:5 408:11 436:22 471:11 476:12 478:14 498:21 wanting 410:6 438:17 579:14 waste 461:8,17 573:9 ways 430:22 538:16,20 wearing 519:13 weather 307:10 308:3 473:2 web 305:18 306:5 Webex 273:7 274:16 332:25 425:21 580:22 website 304:14 305:12 306:10 440:15 Wednesday 479:19 week 310:20 359:15 390:11 441:23 weekday 307:11, 14,17 weekend 300:8 307:12,13 weekends 441:21 weeks 309:16 341:20 weigh 326:1 weighted 299:24, 25 300:15 411:2 454:8,15 weighted-hour 299:16,20 weighted-hours 300:1,12,17 well-known 276:14 well-taken 488:5 whatnot 529:5 wheels 442:17 443:25 whichever 397:23 White 340:22 whole-life 551:14 whoops 303:9 why's 349:18 wide 326:24 widget 486:9 490:18 widget's 486:11 wife 348:23 349:4 wiggle 557:5 Williams 274:3 311:17,25 312:3 313:4 328:18 329:1,19,23,25 330:11 365:3 372:5 377:18,24 378:1,10,13,21 382:17 390:25 391:2 394:19,20, 21 396:12 447:25 448:1,3 453:7 456:15 463:7,13 469:13 471:3 477:16,20,23 478:1 480:1 497:17 500:21 525:12 535:16,17, 19 536:8 538:15 539:20 540:4,22, 23 541:1,12 549:8,16 552:25 564:11,13,17,21 578:20,22 579:15, 18 582:4,10,11, 14,20 583:3,5 Wills 275:3,4,13, 17 287:23,25 291:15 300:25 301:4 311:13 312:4 313:10 315:16 316:1 317:1 319:1,3,9, 10 320:5,25 327:15,18,20,21 349:16 400:18,22 431:4 441:13 467:6,9 582:3 Wills' 386:23 433:4 wind 284:6 window 409:4 wing 496:11 wings 520:18 winter 439:6 440:24 444:19,21 464:2 wipes 460:14,19, 20 wire 526:14 529:4,
--

16 531:16	workable 333:11	568:16	510:10,11 532:24 565:15
wires 293:10,13, 23 375:12 393:8, 20,22 556:12,15 557:7	worked 276:12,14	wrote 454:7	yelled 418:22
withdraw 370:12	worker 576:24 577:3	<hr/> Y <hr/>	yellow 313:15 314:11 318:20
witnesses 274:20 286:24 311:22 328:13 330:14 383:20 385:1 403:25 411:4 454:10 475:24 482:24 491:3 549:25 555:4 566:25	working 289:16, 18,22 290:2,6,10 326:6,7,13 338:17 340:5 355:16 358:18 372:10 404:9 460:25 461:1,10	year 276:15 303:12,17 307:3 308:2 329:8,9 337:20 359:23 389:21 404:2 438:22 439:18 440:6,7 444:9,15 445:9,16 450:4 456:6,10 466:13, 15 474:21,24 475:3 484:14 485:10 486:4,11 487:6,9 492:15 493:5,10,11 494:15,17,25 495:1,2,5,13,19, 24 517:13,14 518:2,3 526:9,17 527:14,17 532:2 545:14,15 558:11 559:23 565:19,24 566:2,3,5,10,16, 17 568:16,17,21 569:2,7 577:14	yes/no 344:21
wondering 405:14 407:3	works 419:20 471:5 518:24 541:8		yesterday 275:2 278:24 287:12 289:12 311:14 321:1 322:1,18 324:11 338:23 365:10 579:3
word 277:15 352:13 418:17 446:22 494:20,21	workshop 278:14 330:24 331:1,4,5, 7,23 410:17 411:11,12,18 412:4 419:3,7,20 421:16 423:20 460:25 468:18 469:3		
words 401:20 408:16 480:25 515:25 534:25 554:5	workshops 355:22		
work 299:12 304:16 313:11,12, 14,20 314:12,16 317:1,10,25 318:4,9 351:24 389:11 395:2,4, 19,25 397:16 420:8 446:21 447:12 453:23 460:6 461:2,6,14 469:2 506:24 509:15 510:3 514:7 517:19 518:15 519:7 521:18,25 522:1 545:6 554:19 555:13 556:2,7,21 558:14 562:2 574:5 576:19	world 297:6 339:5		
	worried 434:25	year's 306:2 389:21	
	worse 493:18	year-round 444:22 463:20	
	worth 305:23 306:3 490:19	years 297:15 306:25 307:7 333:14 339:18 340:20 346:20 351:13 362:6 363:18 403:20 404:11 409:19 447:11 451:16 455:5 495:23 503:12,14,16 504:14 505:5 509:9,11,22	
	wrap 391:17		
	wrapping 496:9		
	write 548:10		
	written 409:7 461:12		
	wrong 303:9 392:3 393:4 403:1 407:25 410:4 417:23 466:13,15 467:7,8,10 497:4, 6 513:17 515:17 531:6 544:21		