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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing
December 7, 2017
Jefferson City, Missouri
Volume 15

In the Matter of Laclede)
Gas Company's Request to) File No. GR-2017-0215
Increase Its Revenue for)
Gas Service)

In the Matter of Laclede)
Gas Company d/b/a Missouri)
Gas Energy's Request to) File No. GR-2017-0216
Increase Its Revenues for)
Gas Service)

NANCY DIPPELL, Presiding
SENIOR REGULATORY LAW JUDGE

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

REPORTED BY:
William L. DeVries, RDR/CRR
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1 P R O C E E D I N G S

2 (The hearing commenced at 8:34 a.m.)

3 JUDGE DIPPEL: Okay. Let's go ahead
4 and go on the record. Good morning. It is
5 December 7th, 2017, and we are continuing with the
6 hearing in GR-2017-0215 and GR-2017-0216 in the
7 matter of Spire's request for a rate increase.

8 I think we're ready to begin this
9 morning with the Low Income and Energy Assistance
10 Program issue, and we're going to go ahead and begin
11 with the mini openings, and then with
12 Ms. Hutchinson, we'll bump her up to the first
13 witness on that issue because of a scheduling issue.

14 MR. COFFMAN: Appreciate that. Thank
15 you.

16 JUDGE DIPPEL: Any other preliminary
17 matters before we begin? All right. We will
18 begin --

19 MR. BEAR: Your Honor, the parties on
20 the check box issue have discussed the matter this
21 morning and we believe we have gotten to a
22 settlement on that issue, and the three parties, DE,
23 Staff, and the company believe they have an
24 understanding to put that into the collaborative,
25 and we believe we can take that off the hearing

1 schedule.

2 JUDGE DIPPEL: Okay. I appreciate
3 that. Any other issues before we begin? All right.
4 We are behind so we're going to pick up the pace
5 today and cut out any arguments about irrelevant
6 issues and focus on the real things that matter here
7 today. That was the collective we. That included
8 all of you. So okay. Here we go then. Spire,
9 you're up.

10 OPENING STATEMENT BY MR. PENDERGAST

11 MR. PENDERGAST: Thank you, Your Honor.
12 And I want to thank you for your admonishment to the
13 other counsel about not arguing over irrelevant
14 issues.

15 We at Spire believe very strongly that
16 we need to do everything we can to help our most
17 vulnerable customers maintain utility service. For
18 many years Spire has been a vigorous advocate for
19 both federal and state funding, forming coalitions
20 here in Missouri with community action agencies and
21 others to attempt to get funding for Utilicare and
22 working at the federal level to obtain funding for
23 LIHEAP.

24 And we continue those, although it's a
25 troubling and challenging environment out there

1 these days given what the state of the budget is
2 with Missouri and also given what is happening at
3 the federal level, but we continue those efforts.

4 One of the other important components
5 is our Dollar-Help program, which we have extended
6 to MGE since we acquired them. We continue to work
7 vigorously to let our customers make a contribution
8 directly to this effort, and of course the low
9 income affordability program that's going to be
10 discussed today is another important element of
11 that.

12 We have proposed that the program be
13 continued for Laclede at its current funding level
14 of 600,000 and that it be extended to MGE, which
15 today does not have a low income affordability
16 program, at a level of 500,000, slightly below
17 Laclede's in recognition of the fact that it's a
18 slightly smaller company.

19 And we know that there are other
20 parties that have proposed different funding levels,
21 higher funding levels, and I think that's an issue
22 that you'll be listening to today.

23 One of the things that we've done is
24 also tried to restructure the program to make it a
25 little more workable we hope. And what we have done

1 was kind of borrow a page out of the Empire low
2 income program, which basically focuses on providing
3 a credit to the fixed charge.

4 We had originally proposed just to have
5 a year-round credit, and I think after some
6 discussions folks wanted to go ahead and see that be
7 commensurate with whatever the monthly customer
8 charge is that's approved in this case.

9 I think we're okay with that concept,
10 but other parties have also said is there something
11 similar to the old program that we can do to provide
12 additional assistance to customers in the winter
13 period when bills tend to be highest if you're not
14 in budget billing.

15 And what we've done is tried to go
16 ahead and take some of the money we've saved by
17 reducing that \$30 credit we originally proposed to
18 whatever the customer charge is in this case and
19 reallocate it to the winter period, and provide an
20 additional credit for people at a lower income level
21 that will give them some additional bill relief
22 during the winter period.

23 I think that the parties are very close
24 to hopefully signing off on that particular concept
25 and we are, you know, continuing to work to see if

1 we can go ahead and have an agreement on that.

2 On our arrearage forgiveness program,
3 which is a second component of it, what we've done
4 is we've sort of put in the tariff something that
5 we've done three or four times over the last four or
6 five years, and that's when the winter period rolls
7 around and some customers are required to pay
8 80 percent of their arrearage, we're able to use
9 funds from the arrearage repayment program to help
10 those customers meet their 80 percent requirement,
11 the difference between 50 percent that would
12 otherwise be required and 80 percent.

13 And since we've done it as frequently
14 as we have in the past, we figured let's just go
15 ahead and make that a part of the tariff. So that's
16 kind of where we are right now.

17 I think we're -- except for maybe
18 funding level pretty much in agreement pending, you
19 know, finishing off the details on these elements of
20 the program, and I would just reemphasize that there
21 is a lot of uncertainty out there budgetary wise at
22 both the federal level and at the state level and
23 this program is probably more important than ever.
24 So thank you very much.

25 JUDGE DIPPEL: Questions?

1 QUESTIONS BY COMMISSIONER KENNEY

2 COMMISSIONER KENNEY: Yeah. Excuse me.
3 Just one question.

4 MR. PENDERGAST: Sure.

5 COMMISSIONER KENNEY: In the current
6 Laclede program for low income assistance at
7 600,000, what percentage of that do shareholders
8 participate in?

9 MR. PENDERGAST: You know, shareholders
10 participate in low income programs through
11 Dollar-Help right now. I think they --

12 COMMISSIONER KENNEY: My question is is
13 it a percentage, company percentage to ratepayers?

14 MR. PENDERGAST: There is not.

15 COMMISSIONER KENNEY: At KCP&L we had a
16 program like that, and they pay 50 percent. I'm
17 just curious --

18 MR. PENDERGAST: No. And I understand,
19 Commissioner, there are programs where there's an
20 explicit amount for the shareholder.

21 COMMISSIONER KENNEY: Is it proposed
22 for the company to participate in this at all?

23 MR. PENDERGAST: We are going to
24 continue to go ahead and participate by providing
25 money through Dollar-Help, which goes to the same

1 constituency, but there is not, to answer your
2 question directly, a provision in here for that.

3 COMMISSIONER KENNEY: Thank you.

4 MR. PENDERGAST: Any other questions?
5 Thank you.

6 JUDGE DIPPEL: All right. Thank you.
7 Staff? Mr. Johnson?

8 OPENING STATEMENT BY MR. JOHNSON

9 MR. JOHNSON: Thank you, Judge. May it
10 please the Commission, I'll try to be very brief.
11 Staff's position is that it supports continuation of
12 the program and it supports extending the program to
13 the MGE territory.

14 We believe the -- the program is -- is
15 meant to help low income customers manage their
16 bills and ultimately stay connected to the system.
17 We think that's a good thing.

18 We do not oppose the proposed funding
19 levels that Laclede has offered at 600,000 for the
20 Laclede service territory and 500,000 for the MGE
21 territory. We also support the change in the bill
22 credit to make it more similar to the Empire
23 program.

24 And Staff's opinion of that is that if
25 the intent of the program is to ensure customers do

1 not drop off the system, a bill credit matching the
2 customer charge will help to ensure true low and no
3 usage customers will have very low or zero dollar
4 bills in the summer and will hopefully encourage
5 them to stay on the system.

6 Staff also believes this program with
7 the customer charge aspect kind of plays hand in
8 hand with its rate design, specifically to that of
9 the Laclede service territory, with by moving the
10 customer charge for the residential class more
11 towards its cost of service ultimately the
12 volumetric charge will be reduced.

13 So the hope there being that they will
14 have a little less impact on their usage and then
15 they will be able to utilize the arrearage program
16 to continue to manage the bill.

17 Now, I'll echo Mr. Pendergast's
18 statements that the parties have made a lot of
19 progress on this, and Staff is open to modifying the
20 bill credits to include an additional amount in the
21 winter months.

22 Staff would also be in favor of
23 continuing discussions and some type of
24 collaborative process similar to the Ameren Keeping
25 Current program. With that I'll be happy to answer

1 any questions.

2 JUDGE DIPPEL: Any questions?

3 QUESTIONS BY CHAIRMAN HALL

4 CHAIRMAN HALL: How does this program
5 compare to -- to the Ameren Keeping Current program?

6 MR. JOHNSON: Well, I think that
7 probably would be a question better directed to John
8 Coffman of Consumer Council. I'm not entirely
9 familiar with the Keeping Current program.

10 CHAIRMAN HALL: Okay.

11 JUDGE DIPPEL: All right. Thank you.

12 MR. JOHNSON: Thank you.

13 JUDGE DIPPEL: Public Counsel.

14 Ms. Shemwell.

15 OPENING STATEMENT BY MS. SHEMWELL

16 MS. SHEMWELL: Thank you. Good
17 morning.

18 May it please the Commission, I'm Lera
19 Shemwell. Public Counsel's position is that the
20 most comprehensive benefit to low income customers
21 is low rates that allow for recovery of only
22 prudent, normalized costs that provide service and
23 benefits to all customers.

24 Yesterday it came up that this is an
25 overearnings case. Rates going down is by far the

1 greatest benefit you can provide to low income
2 customers in reducing their energy burden.

3 When rates increase, those rates
4 increase to all customers, and Ms. Hutchinson
5 provided quite a bit of information about the energy
6 burden on customers and it's significant on low
7 income, and increasing rates only increases that
8 burden.

9 A number of customers who receive help
10 through the programs that the companies provide is
11 limited by its funding, and the number of customers
12 who provide help from programs such as LIHEAP is
13 limited by the amount of money that the federal
14 government funds. So not everyone gets help from
15 any of these low income programs, but all customers,
16 but particularly low income, benefit by reducing
17 their costs.

18 That's all I have. Thank you.

19 JUDGE DIPPEL: Commissioner?

20 QUESTIONS BY COMMISSIONER KENNEY

21 COMMISSIONER KENNEY: Thank you. Is
22 it -- so it's OPC's position that they do not want
23 to have a low income program for those that are most
24 vulnerable in the service territory.

25 MS. SHEMWELL: It is OPC's program --

1 policy that any program should benefit not only the
2 customers who receive help, but all customers. So
3 there should --

4 COMMISSIONER KENNEY: So is that -- is
5 that a yes?

6 MS. SHEMWELL: I don't think so.

7 COMMISSIONER KENNEY: Well, you -- you
8 want to benefit everybody, but you don't want to --
9 those that are most vulnerable, the ones we're
10 talking about on the low income --

11 MS. SHEMWELL: Right.

12 COMMISSIONER KENNEY: -- that we try to
13 give a -- the program is trying to benefit them, you
14 don't -- you don't agree with that program.

15 MS. SHEMWELL: We do agree with that
16 program, but say we've made steps towards -- we
17 agree with any program that is cost effective.

18 COMMISSIONER KENNEY: I didn't notice
19 that in the testimony that you guys filed. It looks
20 more like you just want lower rates for everybody.

21 MS. SHEMWELL: We do want lower rates
22 for everybody.

23 COMMISSIONER KENNEY: Which is fine.
24 Which is fine. I understand that. But not -- you
25 don't support a specific low income rate.

1 MS. SHEMWELL: We don't support a
2 specific low income.

3 COMMISSIONER KENNEY: Okay. Thank you.

4 MS. SHEMWELL: I might finish. We do
5 support --

6 COMMISSIONER KENNEY: You answered my
7 question. I'm done. I appreciate it. I'm acting
8 like you guys.

9 MS. SHEMWELL: You are.

10 JUDGE DIPPEL: Division of Energy?

11 OPENING STATEMENT BY MR. BEAR

12 MR. BEAR: Good morning. The Division
13 of Energy, when we were asked during our opening
14 what is our most important issue, this is if we had
15 a gun to our head and we had to decide which of the
16 programs to maintain and -- and we can only pick
17 one, this would be that program.

18 You know, I believe that the company
19 accurately stated the direction that we're going in,
20 but I think for the Commission the big question that
21 remains is what is that funding level for the low
22 income program.

23 DE in its testimony did not
24 specifically set out a funding level. You know,
25 frankly when you're grappling with, you know, a

1 spectre of perhaps having nothing or very little or
2 making -- falling backwards from the company's
3 current levels, it makes it difficult with that type
4 of anchoring to put out a number.

5 After reviewing the testimony, we are
6 supportive of Consumer Council's funding levels,
7 which are 1.5 and 1.6 million dollars for the
8 company. That would be an additional million
9 dollars. I believe that there's been compelling
10 testimony that you're going -- that has been filed
11 and that you'll probably hear that the actual needs
12 within the community are likely higher than that.

13 And so to the extent that there is a
14 need for fuller utilization of the program, we
15 believe the collaborative process can work through
16 this program to increase outreach, increase
17 utilization, and ensure that the most vulnerable
18 people within the service territory of the company
19 are able to receive assistance when needed in the
20 most critical times.

21 And so I do want to reiterate just as a
22 general proposition what DE believes when it comes
23 to natural gas is a proper structuring of a -- of a
24 low income assistance program.

25 Staff's proposal about a fixed

1 assistance throughout the year is a thoughtful
2 approach. DE is supportive of that approach, but
3 not in isolation. And for this to be an effective
4 low income assistance program, as I said in my
5 initial opening, it really needs to address
6 volatility and those extreme bills that can be a
7 disabling financial event for those consumers.

8 And I believe Consumer Council will be
9 able to provide through their witness some very
10 compelling examples. And so when the Commission is
11 making a determination of how much to fund this
12 program, I think that the starting point is first
13 addressing what is the actual need within the
14 service territory, and by defining that I think you
15 can look at DE's witnesses which talk about the
16 percentage of household -- the households that are
17 energy burdened.

18 I think also the human factor and the
19 -- what happens when a consumer who is low income is
20 faced with a bill that they cannot afford and the
21 dominos that may fall if they are not able to
22 receive billing assistance.

23 I do think OPC's approach that we
24 should always push for lower rates is true. I mean,
25 if we are able to get lower rates for consumers,

1 inevitably that does help those individuals on the
2 lower income stream, but I think we have to
3 acknowledge the reality that the folks who are under
4 federal poverty or live around the federal poverty
5 level perhaps need some more meaningful assistance
6 beyond just the general relief that all bill payers
7 regardless of income will enjoy.

8 And so DE would hope that we would be
9 able to reach an agreement of a structure and an
10 ongoing process to improve these programs
11 incrementally throughout the years, but likely we
12 may need some guidance from the Commission about
13 funding levels because there has been a swing within
14 that.

15 And with that being said, I'll answer
16 any questions.

17 JUDGE DIPPEL: Chairman?

18 QUESTIONS BY CHAIRMAN HALL

19 CHAIRMAN HALL: Yeah, I have a
20 question. I'm a little confused about the
21 relationship between the discussion as to the
22 components of the program coming out of this case
23 and the discussion of a collaborative to discuss
24 these programs.

25 What -- is the thought that -- that the

1 Commission should order a specific program going
2 forward, but that the parties should sit down to
3 discuss that and maybe modify it for future cases?

4 MR. BEAR: That's correct. I do think
5 it's easy to come to a broad agreement pretty
6 quickly with the overall structure of what that
7 subsidy looks like. The devil's in the details.

8 You know, I think that without going
9 into settlement discussions there are some -- there
10 are always questions about, you know, what qualifies
11 someone to be on the program, how to reach those
12 folks to let them know about the program. There are
13 some real areas of opportunity to build on that, and
14 honestly -- yeah, I'm sorry.

15 CHAIRMAN HALL: I'm sorry. I'm still
16 confused. So is the collaborative designed or -- or
17 perceived to be a player in putting together the
18 tariffs that will come out of this case for the
19 program? Or is it for future cases?

20 MR. BEAR: One of the proposals would
21 be if we're unable to potentially settle this out
22 with granular detail on the tariff, to set the
23 budget today or with this rate case and give the
24 parties 30 days to come back with a fully complete
25 tariff to basically insert in.

1 So it would be like a placeholder that
2 would say a low income assistance program funded at
3 1.5 and 1.6 million dollars designed to address
4 those consumers near -- under or near the federal
5 poverty level.

6 The parties are -- and then in a
7 separate order that says the parties are ordered
8 from 60 days to submit either a joint stipulation or
9 proposals for what that ultimate language will be.
10 That's one way to do it.

11 The other if we were able to achieve
12 consensus or if the -- if the Commission believes it
13 could set that tariff based on the testimony with
14 granular detail on the funding level, we still think
15 it would be beneficial to mirror kind of the
16 structure of Ameren's program, which is -- which
17 envisions continued discussion on how to increase
18 the reach of the program, details that are not
19 working within the program -- for instance, things
20 that might throw a consumer off of the program such
21 as nonpayment after maybe one missed payment or two
22 missed payments.

23 There are some real granular details
24 where continued discussion could improve the program
25 once we have in place the budget and the general

1 tariff, and I think that is proper for the
2 Commission to do.

3 CHAIRMAN HALL: Okay. Second question
4 is the -- the proposal on the table from -- from the
5 company mirrors the program established by -- by the
6 Commission in -- in the Empire case. And one of
7 the -- one of the main reasons why we designed that
8 program the way we did was we thought that it was
9 important while providing assistance to -- to low
10 income ratepayers, we didn't want to provide an
11 incentive for consumption which could exist if -- if
12 the subsidy went to the volumetric portion of the
13 bill. So what is your response to that?

14 MR. BEAR: Well, I do think that that's
15 a very reasonable concern to have, but I think
16 within our testimony the types of folks that would
17 be utilizing this are generally low use consumers to
18 begin with, and so the -- if I'm understanding your
19 question --

20 CHAIRMAN HALL: Which is even
21 additional support for focusing the subsidy on the
22 fixed charge.

23 MR. BEAR: To a certain extent, but I
24 do think it's not the 20 dollar bill that is going
25 to create the headache for the consumer. That's

1 not -- DE's experience is that that is not what
2 drops people off of service or causes the harmful
3 effects that I think you'll hear from Consumer
4 Council's witness.

5 It is the -- the bills where use is
6 going to increase during the wintertime. And even
7 if they are a low use person relative to the average
8 consumer, those are the bills that are going to be
9 untenable for folks of very modest means.

10 CHAIRMAN HALL: So maybe we should do
11 what -- what the company was proposing and maybe you
12 were in agreement with, I can't remember for sure,
13 is some combination --

14 MR. BEAR: Yeah.

15 CHAIRMAN HALL: -- of fixed charge and
16 something for the volumetric charge in the winter.

17 MR. BEAR: Yeah, and I would say that.
18 The other thing that just occurred to me is, you
19 know, in a power case philosophically I think it's a
20 little bit easier for a consumer who is not heating
21 their home, for instance, with electricity but is a
22 general power consumer to potentially lessen their
23 use.

24 You know, you have one light bulb going
25 as opposed to that. But for a consumer where

1 natural gas is primarily being used as heating
2 during winter months, you can't really turn off the
3 gas and -- and be able to survive.

4 I mean, you have to prevent frozen
5 pipes. And so if a cold weather event happens
6 within this state, even a low use consumer may have
7 a spiked bill. And so we believe that some type of
8 assistance that is targeted to when that use will be
9 higher is absolutely critical, and so the
10 combination of the two I think addresses what the
11 Commission wants, but also deals with the unique
12 nature of gas.

13 CHAIRMAN HALL: That makes sense.
14 Thank you.

15 MR. BEAR: No problem.

16 JUDGE DIPPEL: Are there any other
17 questions for Mr. Bear? Thank you.

18 MR. BEAR: Thank you.

19 JUDGE DIPPEL: Thank you.
20 Environmental Defense?

21 MS. KARAS: Nothing, Your Honor.

22 JUDGE DIPPEL: Midwest Energy
23 Consumers? Sorry, Mr. Coffman. They're not here.
24 Consumers Council?

25 OPENING STATEMENT BY MR. COFFMAN

1 MR. COFFMAN: Good morning. May it
2 please the Commission. Thank you so much for paying
3 attention to this issue of low income energy
4 assistance and allowing our witness to go this
5 morning so Ms. Hutchinson can get back to St. Louis
6 this afternoon.

7 I am -- I'm feeling optimistic today in
8 a way I wasn't a week ago about the discussions that
9 we've been having. To start off, I -- the -- the
10 need for some energy assistance or at least the need
11 that's out there I think is unrefuted.

12 There's a lot of evidence about the
13 poverty levels and the importance of energy
14 assistance in the testimony of Ms. Hutchinson, but
15 that really hasn't been rebutted.

16 I think that everyone understands that,
17 but when we sit down to try to figure out the
18 solution sometimes there's five or six or ten
19 different answers to how to do that, and so we've
20 been kind of mired in the policy details, and I
21 guess due to the -- some of the other complex issues
22 we haven't quite reached a settlement, but we're
23 really I think getting close, and I think that
24 Mr. Chairman, you're -- you're right.

25 I think that there's some agreement

1 amongst maybe most of the parties that the answer is
2 some sort of a fixed charge as the Commission
3 approved in the Empire case, but also a little more
4 wintertime assistance that's needed to do what the
5 Keeping Current program has done so successfully.

6 So from our policy perspective, we are
7 a big fan of the Ameren Missouri Keeping Current
8 program, which has some programs under it. The
9 thing -- things that we like about the Keeping
10 Current program, number one, about 40 percent of the
11 funding comes from the utility. They -- they
12 chipped in.

13 The shareholders have -- have bought
14 into it, and I think that -- you know, by their
15 contribution I think they have more of an ownership
16 of the program and they've helped see its success.
17 They use the electronic United Way portal, and I
18 think that there are some ways that we can get
19 Laclede to do the same kind of thing that helps get
20 the money to the community action agencies.

21 Ms. Hutchinson is also I think the best
22 expert here today to help explain how that
23 interaction works and what the community action
24 agencies need to get the money to the people that
25 really need it. And so to understand why we're

1 here, I -- I agree with all the parties that have
2 said that this is -- there are benefits systemwide.

3 So when you put a couple million
4 dollars into a program like this, there's going to
5 be positive impacts on the revenue requirement.
6 You're going to have less disconnection,
7 reconnection, less collection cost, and less
8 disruption overall, but we're also focused on the
9 societal cost, which we all pay for as well, and we
10 think that some type of energy assistance program
11 that is flexible and can help fill the gaps that are
12 needed are important just to keep people in their
13 homes.

14 The disconnection from heating
15 assistance can be the precipitating effect for
16 losing your house, forced mobility, and there's --
17 there's solid evidence that that leads to poor
18 health outcomes, poor educational outcomes, and you
19 know, a family can easily just go down the tubes
20 from that point. So it's important to keep people
21 on the system as much as possible.

22 The funding issue is still in dispute.
23 We -- you know, we're starting I think from the
24 utility's proposal for 600,000 and 500,000 for
25 Laclede and MGE respectively. We believe that we

1 can document much more than that, at least five
2 million dollars worth of need that's not being met
3 in each area, but we're asking today that you
4 approve a budget of about one million more.

5 So 1.6 and 1.5 million dollars is our
6 current request from you. We would be happy if
7 utility could chip in some of that, but we're not
8 talking about the kind of programs that you have in
9 the state of New York or California where you have a
10 hundred million dollar programs.

11 These are -- are going to be targeted
12 programs and one -- about one and a half million
13 dollars per utility area I think would be comparable
14 to what the Keeping Current program is. I believe
15 it's at about \$1.4 million right now.

16 So again, I would just ask that you
17 take advantage of Ms. Hutchinson to ask any
18 questions you might have about how this money
19 actually gets delivered and the need out there.
20 That's all I have.

21 JUDGE DIPPEL: Thank you. Are there
22 questions for Mr. Coffman? All right. Thank you.
23 And if you want to go ahead, Mr. Coffman, I can let
24 you go ahead and start with Ms. Hutchinson.

25 MR. COFFMAN: Yeah, we'd like to offer

1 the testimony of Ms. Jacqueline A. Hutchinson. And
2 do you need hard copies of the testimony?

3 JUDGE DIPPEL: The court reporter needs
4 a copy.

5 MR. COFFMAN: Exhibit 800.

6 JUDGE DIPPEL: That is Exhibit 800 as
7 Mr. Coffman said.

8 Ms. Hutchinson, can I get you to raise
9 right hand?

10 Do you solemnly swear or affirm the
11 testimony you are about to give at this hearing will
12 be the truth, the whole truth, and nothing but the
13 truth?

14 THE WITNESS: I do.

15 JUDGE DIPPEL: Thank you.

16 WITNESS: JACQUELINE A. HUTCHINSON

17 QUESTIONS BY MR. COFFMAN:

18 **Q. Please state your name and your title.**

19 A. I'm Jacqueline Hutchinson, and I am
20 vice president of operations at People's Community
21 Action Corporation. I am here today representing
22 Consumers Council, and I am the board president for
23 Consumers Council.

24 **Q. And to be clear, you're not testifying**
25 **on behalf of CAASTL today, you're testifying on**

1 **behalf of Consumers Council, right?**

2 A. I am testifying on behalf of Consumers
3 Council and not People's Community Action or
4 Community Action of St. Louis County --

5 **Q. Okay.**

6 A. -- or any other community action
7 agency.

8 **Q. Are you the same Jacqueline A.
9 Hutchinson that has caused to be filed direct
10 testimony labeled Exhibit 800 in this case?**

11 A. I am.

12 **Q. Okay. And are all the answers the same
13 that you would give today?**

14 A. Yes. With a little -- I have a little
15 bit more detail that I can go into on a couple of
16 things.

17 **Q. Proceed.**

18 A. Okay. So one of the things at the time
19 I did the testimony, we did not have an amount for
20 the LIHEAP program, and so the LIHEAP program has
21 been funded or is projected to be funded at the same
22 level as it was last year through continuing
23 resolution, and I just wanted to reiterate that that
24 is a 35 percent cut from where it was funded in
25 2010.

1 So although the funding is the same,
2 the numbers of people that are going to be helped
3 still is not the same as -- as it was in previous
4 years.

5 MR. COFFMAN: I would tender Ms. --
6 Ms. Hutchinson for cross-examination.

7 JUDGE DIPPEL: Did you want to go ahead
8 and offer --

9 MR. COFFMAN: If that's appropriate. I
10 would also offer Exhibit 800 into the record.

11 JUDGE DIPPEL: This is her only issue,
12 correct?

13 MR. COFFMAN: Correct.

14 JUDGE DIPPEL: Would there be any
15 objection to Exhibit 800? Seeing none, then I will
16 receive it into evidence. And we can go ahead then
17 with cross-examination from Spire.

18 QUESTIONS BY MR. PENDERGAST:

19 **Q. Good morning, Ms. Hutchinson.**

20 A. Good morning.

21 **Q. I want to thank you for being here and**
22 **taking I think personal vacation time to come down**
23 **and talk about these issues --**

24 A. Yes.

25 **Q. -- and for all your years of service on**

1 **behalf of our low income customers.**

2 **I just wanted to ask you, you mentioned**
3 **that LIHEAP amounts are less than they have**
4 **historically been, and obviously the impact that**
5 **that has on the assistance available to low income**
6 **customers. Can you tell us what kind of the last**
7 **couple of years' history has been as far as state**
8 **Utilicare funding?**

9 **A. I don't think there's been any**
10 **Utilicare funding. I think that the -- the last**
11 **time there was funding may be a couple years ago and**
12 **then it was taken back. So I don't think there's**
13 **ever -- in the last probably five years I don't**
14 **think that there's been any Utilicare funds that**
15 **were actually allowed to be distributed to clients.**

16 **Q. Yeah. I mean, I don't think it's any**
17 **secret there have been some significant budgetary**
18 **issues with Missouri and --**

19 **A. Yeah.**

20 **Q. -- one of the things that has been done**
21 **has been to withhold Utilicare funding as well as**
22 **withholding other funding amounts for other things,**
23 **but given that situation, do you see any prospect**
24 **for any kind of Utilicare funding in the near**
25 **future?**

1 A. No, I don't. I think with the current
2 political climate that it is very unlikely that
3 there will be Utilicare funding, and that the LIHEAP
4 program will be under attack for -- for the next
5 years. It's a very difficult battle.

6 We appreciate that the utilities stand
7 with us on that battle to increase LIHEAP funding,
8 but we don't expect that -- that there will be any
9 increase in funding, and it's very likely that those
10 funds will be cut.

11 MR. PENDERGAST: Thank you.

12 JUDGE DIPPEL: Staff?

13 MR. JOHNSON: No questions. Thank you,
14 Judge.

15 JUDGE DIPPEL: Public Counsel.

16 QUESTIONS BY MS. SHEMWELL:

17 **Q. Thank you. Good morning,**
18 **Ms. Hutchinson.**

19 A. Yes.

20 **Q. You've worked with Public Counsel for a**
21 **lot of years. I was on staff, and I know Public**
22 **Counsel advocated for low income particularly. You**
23 **talked about the energy burden on low income**
24 **customers and what a percentage it is of their total**
25 **income, correct?**

1 A. Correct.

2 Q. And if rates increase, that burden will
3 increase on all of those low income customers?

4 A. That is correct.

5 Q. So one of the most positive things that
6 Commission can do for low income customers is to
7 assure that the rates that Laclede charges are just
8 and reasonable?

9 A. That's correct.

10 Q. As rates go up, LIHEAP funding is
11 limited, correct?

12 A. LIHEAP funding is limited. For
13 example, there are 375,000 households in Missouri
14 below the poverty line. Last year 107,000 received
15 LIHEAP.

16 Q. If the rates -- if rates go up, will
17 fewer customers receive LIHEAP?

18 A. Yes. What has happened in the past --
19 no, wait a minute. Let me rethink that question.
20 You said if rates go up, will less people get
21 LIHEAP?

22 Q. Because --

23 A. So the -- the numbers of people who get
24 LIHEAP is based on whether or not the LIHEAP dollars
25 are available. And so it won't necessarily mean

1 that the number of people will be less. It will
2 mean that the impact of the LIHEAP dollars is less.

3 So if -- you know, if a person is using
4 \$1,200 a year and they get a \$200 LIHEAP grant, then
5 it's going to cover a -- you know, a higher
6 percentage if the -- than if the bill was \$1,400 a
7 year. So you know --

8 **Q. So you're saying so LIHEAP helps them**
9 **more if bills are kept low?**

10 A. Absolutely.

11 **Q. Yeah.**

12 A. Absolutely.

13 **Q. And so you're not reaching all low**
14 **income customers?**

15 A. Not through LIHEAP, no. No. So there
16 -- there are many low income customers that do not
17 apply for LIHEAP. They -- you know, they reach --
18 some of them are reached through other means. The
19 Dollar-Help program certainly helps, the Dollar More
20 program.

21 But even with all of the -- the dollars
22 that, you know, are distributed through Dollar-Help,
23 Heat Up St. Louis, and those programs, it does
24 not -- it doesn't cover the -- the cost of the
25 energy burden. It doesn't significantly reduce the

1 energy burden that's being felt by customers.

2 LIHEAP money -- the LIHEAP program for
3 the winter closes down March 31st. There are many
4 elderly who come to our offices in April and May and
5 say, you know, I was trying my best to pay the bill
6 my -- myself and now, you know, the cold weather is
7 over, the gas company is threatening to cut me off.

8 So they've made attempts, working poor
9 who try to pay the bill themselves and find that,
10 you know, by May the arrears are just -- just too
11 high. So they didn't apply for the LIHEAP benefits
12 because they felt that they might not qualify or
13 they wanted to try to do it themselves.

14 **Q. Is there -- what's the income limit for**
15 **people to qualify for LIHEAP?**

16 A. It's 135 percent of poverty.

17 **Q. And would you agree with me that people**
18 **who are in the 150 to 200 percent of poverty or**
19 **above that level are also very vulnerable to high**
20 **energy bills?**

21 A. Yes. I would agree that people at
22 150 percent of poverty are -- are vulnerable.
23 People at 185 are I would say less vulnerable, but
24 still not able to, you know, meet an emergency. So
25 if -- if there was an extreme winter and bills went

1 up and they got a \$500 bill, they would not have
2 enough money to -- to pay that bill.

3 So there is some vulnerability there,
4 but the difference in the -- in the energy burden
5 for a person that is at 50 percent of poverty or
6 below is about 27 percent of their income, which
7 means that they pay 27 percent of their income on
8 average for utilities, and that doesn't include
9 other housing costs or food, so they are the most
10 vulnerable.

11 Where it's probably about 14 percent
12 for those between 150 to 185 percent poverty. When
13 you get up to 200 percent of poverty it's four to
14 six percent.

15 **Q. Thank you. When we talk about most**
16 **vulnerable, you've talked about the economically**
17 **most vulnerable, but there are also other customers**
18 **who fall -- would fall for other reasons within what**
19 **might be described as a broad category of most**
20 **vulnerable. For example, people who are disabled?**

21 A. Yes.

22 **Q. Elderly? Yes?**

23 A. Yes. Yes. Elderly, disabled are very
24 vulnerable. So as an example, I got -- I get
25 emergency texts from -- I mean e-mails from Heat Up

1 St. Louis, and they actually go to my staff, but I
2 always have them cc me because I want to know what's
3 going on.

4 And this -- this winter in the last
5 month I've probably gotten ten of those from -- that
6 are about elderly or disabled folk who are either
7 off or in threat of being cut off or have high
8 arrears, don't feel that they are able to pay them,
9 and also get their medicine or buy food.

10 And so it -- it becomes a much more
11 complicating factor when you're dealing with elderly
12 or disabled because they already have that added
13 burden of high medical costs, high, you know, need
14 for specialty foods or other things that would make
15 them more vulnerable.

16 The programs like Dollar-Help, Dollar
17 More, and the Keeping Current program, we can take
18 all of those things into consideration as we -- as
19 we put people into those programs, give them those
20 credits. That allows them to, you know, buy their
21 medicine or get food that they -- the need.

22 And so the -- you know, having the
23 ability to have a higher income for a program like
24 this would allow us to meet some of those -- those
25 needs of a person who may be at 185 percent, but

1 because they have high medical bills they -- you
2 know, they are still very vulnerable.

3 **Q. Ms. Hutchinson, you heard**
4 **Mr. Pendergast express concern for Laclede's most**
5 **vulnerable.**

6 A. Yes.

7 **Q. Do you have any idea how much**
8 **shareholders are contributing to any of these**
9 **programs?**

10 A. So I -- I don't know exactly how much
11 the shareholders are contributing at this point. I
12 know at one point they contributed a one to four
13 match for the Dollar-Help program, and I don't know
14 whether that's more or less right now.

15 **Q. Let me clarify just a second. They**
16 **provide one dollar for every four dollars of**
17 **Dollar-Help, that's your understanding?**

18 A. At one point I know they did that.

19 **Q. Okay.**

20 A. I'm not sure that they're -- they have
21 that formula, but they did at one point. In terms
22 of the affordability program, none of it is being
23 currently contributed by -- you know, by the
24 shareholders.

25 MS. SHEMWELL: Shareholders. That's

1 all I have. Thank you.

2 THE WITNESS: Thank you.

3 JUDGE DIPPEL: Thank you. Division of
4 Energy.

5 MR. BEAR: Yes, just a few questions.

6 QUESTIONS BY MR. BEAR:

7 Q. Ma'am, your counsel had proposed a
8 funding level of 1.5 and 1.6 million dollars for
9 these programs. You're aware of that, correct?

10 A. Correct.

11 Q. Based on your knowledge and experience
12 working within these communities, are you confident
13 that those funds could be fully extended to meet the
14 needs of these communities?

15 A. Absolutely. I think that one of the
16 reasons that we are suggesting the collaborative is
17 -- is so that we can have a venue to talk about how
18 the funds are distributed.

19 And for example, the Laclede gas
20 currently uses the AmerenUE -- I'm sorry, the United
21 Way portal for Dollar-Help not only in the St. Louis
22 area, but more recently I've noticed that they've
23 added Alabama and added the MGE to that portal, but
24 the -- the affordability program is not being
25 utilized in that portal.

1 So to -- to have the opportunity to
2 discuss ways to utilize the funds by utilizing the
3 portal and by allocating funds forwardly to the
4 community action agencies as other programs, for
5 instance, we -- we get a regular allocation of -- of
6 Dollar-Help money.

7 We don't know when there's
8 affordability money. There's -- you know, there's
9 no -- there's no forward amount sent out to the --
10 to the agency.

11 So I think there are things that we
12 could discuss in a collaborative that would help us
13 make sure that the funds are utilizing, make sure
14 that everybody understands.

15 **Q. Would you also agree with me that if we**
16 **were to have an abnormally cold winter during the**
17 **period that this -- these rates and these tariffs**
18 **will go into effect, that the likelihood of us**
19 **being -- needing that full budgeting of 1.5 million**
20 **to 1.6 million dollars would even -- would be more**
21 **pronounced?**

22 A. Absolutely. The -- the problem in a
23 cold winter is that people cannot pay in the
24 arrears, can't pay the full bill. Cold weather rule
25 might prevent them from being cut off, but the

1 arrears are building up.

2 And so having a program that would give
3 them some credits would reduce the likelihood that
4 their service would be cut off. And I believe that
5 is a benefit to all customers when people stay on
6 and the company doesn't incur the cost of -- of
7 turning people on and off, of doing the collection
8 actions that they do.

9 **Q. You had mentioned that one of the goals**
10 **of these types of assistance programs is to prevent**
11 **disconnections; is that correct?**

12 A. Absolutely.

13 **Q. Do you believe that disconnections can**
14 **lead to additional societal costs?**

15 A. Yeah. There have been lots of studies
16 done that show, for example, the educational
17 attainment of children and the health of children
18 are impacted by utility cost, and so when -- when a
19 family's utilities are cut off in the winter and
20 they do get cut off on the first day when the
21 temperature is above the 32 mark, the utilities can
22 cut off, the family then moves, and so the child --
23 the schooling of the child is disrupted.

24 Families -- you know, I have a friend
25 that's a schoolteacher and she said her classroom

1 might change totally, you know, throughout the --
2 the school year. So she may start out with -- with
3 20 kids and have at the end of the school year five
4 of those kids, and it's because the families are
5 moving.

6 You know, they move in with grandma for
7 a while, and when grandma gets tired of them they
8 move in with a cousin and then -- and on and on. So
9 that's disrupting the -- you know, the child's
10 educational attainment, but also the -- the health
11 risks are -- are many.

12 There have been several studies that
13 have been done, and not necessarily in St. Louis,
14 but the impact is, you know, if they did the study
15 in St. Louis it would be -- or Kansas City it would
16 probably be the same that children from families who
17 are attempting to pay their utility bills are
18 malnourished when they bring them to the hospital.

19 And they have lower than normal weight
20 because they haven't been eating enough food and so
21 there are a lot of risks. The risk of fires, people
22 are using more electric heaters and there have been
23 more fires associated with -- with -- with people
24 who didn't have adequate heat whose gas was off, and
25 so there are a lot of risks.

1 And you know, the risk of homelessness
2 is there. When the pipes freeze people have to
3 abandon the housing, and we all -- we all pay for
4 all of those societal issues in one way or the
5 other.

6 **Q. Do you believe the Commission should**
7 **try to the best of its ability to take those costs**
8 **into consideration when engaging in any cost benefit**
9 **analysis of low income assistance?**

10 A. Absolutely. Yeah.

11 **Q. And do you believe if we were to have a**
12 **collaborative we would be able to work towards**
13 **creating a more robust model to present to the**
14 **Commission in that regard?**

15 A. Yes, I do. I think that there are
16 components of -- of other successful models, and I
17 go back to the Keeping Current program because it
18 has a way of dealing with the arrears that is
19 different than has been proposed by -- by Laclede.

20 So in -- in that program the arrears
21 are set aside and that there's a credit toward the
22 arrears, and -- and that credit allows the arrears
23 to be paid off in a 12-month period, and what this
24 does is it allows that person to have a budget plan
25 that they're likely to be able to keep, and those

1 are the kinds of things that we can talk about in a
2 collaborative.

3 We can take a look at other models and
4 -- and come up with one that -- that really works to
5 keep people with service year-round as opposed to,
6 you know, having the -- the large amount of arrears
7 that -- that is just sitting out there for a couple
8 of years, and if the person happens to default then
9 those arrears are -- are still un -- unpaid.

10 Q. I know I have a host of questions I'd
11 love to ask you, but I know your time is limited, so
12 I'll conclude with this. You had mentioned to
13 Public Counsel that you had discussed that LIHEAP
14 only affects folks 135 percent of the federal
15 poverty level and below. Do you recall that?

16 A. That is correct. In the state of
17 Missouri.

18 Q. Would you be supportive of modification
19 or a low -- modification of the low income
20 assistance program that would have some type of
21 assistance to those who make 185 percent or
22 200 percent of the federal poverty level and expand
23 that out to other income brackets?

24 A. I would say 185 percent of poverty
25 is -- is a good stopping point.

1 Q. And would you also agree that perhaps
2 **increasing the benefits as you start to go down the**
3 **income ladder would be appropriate?**

4 A. Yes. Yes, absolutely with the highest
5 energy burden -- burden being on people at a
6 hundred -- I mean at 50 percent of the poverty level
7 and below I would -- I would like to see a tiered
8 system that would give higher credits to those at --
9 at the lower end of the spectrum, but would allow us
10 to take into consideration higher income families
11 that have circumstances that really eat up a lot of
12 that income.

13 MR. BEAR: Thank you for your time and
14 thank you for your testimony. Thanks. Nothing
15 further.

16 JUDGE DIPPEL: Thank you. Is there
17 anything from National Housing?

18 MR. LINHARES: No, Judge, thank you.

19 JUDGE DIPPEL: And Environmental
20 Defense Fund?

21 MS. KARAS: No questions, Your Honor.

22 JUDGE DIPPEL: Are there questions from
23 the bench? Mr. Chairman.

24 CHAIRMAN HALL: Good morning. I don't
25 have any -- I don't have any questions, but I just

1 -- I want to say, first of all, thank you for doing
2 what you do. It's extremely valuable to our society
3 and I greatly appreciate it. I also appreciate your
4 articulate testimony this morning. Thank you.

5 THE WITNESS: Thank you.

6 QUESTIONS BY COMMISSIONER KENNEY.

7 Q. Thank you. Good morning.

8 A. Good morning.

9 Q. I found it interesting -- and I
10 appreciate the different states and how they do
11 things.

12 A. Yes.

13 Q. I was most interested in Ohio, which
14 actually they pay a percentage of their gross
15 monthly income.

16 A. Yes.

17 Q. That's interesting. I had a couple
18 questions. You were just talking about energy
19 burden, and I know Office of Public Counsel was
20 asking you about rate increase for everybody, it
21 affects everybody. It does.

22 A. Yes.

23 Q. Low income also. Now, you mentioned in
24 your testimony that 14 -- that on average low income
25 families spend 14 percent of their income on -- can

1 **you go into detail on that a little more?**

2 A. Yes. So the -- if you look at all of
3 the -- the households, all of the low income
4 households because --

5 **Q. Now, we say low income, what percentage**
6 **are you speaking of, just so I'm clear?**

7 A. I'm speaking of people who are below a
8 hundred percent of poverty.

9 **Q. Okay.**

10 A. So if we look at all of the households
11 of people who are below a hundred percent of
12 poverty, there are a number who are in subsidized
13 housing that has low -- for instance, elderly that
14 are living in an elderly complex, they have smaller
15 apartments, they have lower bills, and so the
16 percentage, that drops the -- the percentage down.

17 But if you look at all of the -- the
18 folk at 150 percent and you're adding -- take out
19 those that are living in really low housing. You
20 look at, you know, the total who have utility bills,
21 then it's -- it's more like 27 percent of their
22 income of people who are below 50 percent of the
23 poverty guideline.

24 **Q. Goes towards housing or utilities?**

25 A. Goes toward utilities. So that's --

1 that's not counting their rent. That's the
2 utilities. So if you -- if you look at a family of
3 -- of three that are living in a house, usually the
4 houses that they live in are, you know, the poorest
5 housing stock.

6 That family is very likely before they
7 pay their rent, if they're -- the average rent in
8 the city of St. Louis if it's nonsubsidized is
9 probably \$600 a month, and on top of that 27 percent
10 of their income is going to their utilities in a lot
11 of instances.

12 If -- you know, if you weight it, then
13 the average, you know, the people who are not paying
14 as much, it -- it would average out to about
15 14 percent, but many are paying as much as
16 27 percent. And we have those families that are
17 paying higher than that.

18 **Q. Okay. So -- okay. And you mentioned**
19 **that the LIHEAP funding is 35 percent of what it was**
20 **in 2010. How much is it in 2017?**

21 A. Missouri --

22 **Q. Is it the same as 2016?**

23 A. Yes. Missouri's amount for 2017 is
24 going to be \$73 million.

25 **Q. So slightly higher than 2016, but still**

1 -- but lower than 2015?

2 A. Correct.

3 Q. I just had I think one -- one other
4 question. On the -- the Ameren Keeping Current
5 program?

6 A. Yes.

7 Q. And the company shareholders
8 participate in that, right?

9 A. That is correct.

10 Q. What would you think would be an
11 appropriate amount for the company to participate in
12 this -- in the 1.5 and 1.6 million?

13 A. Well, I certainly think that they could
14 match Ameren at 40 percent. I'm not sure.

15 Q. Even like a 33 percent would be great?

16 A. 30 percent, 33 percent. I just -- I'd
17 like to -- to see the -- the shareholders take
18 ownership of the fact that they have a
19 responsibility, and you know, I understand that they
20 do give some funds to the -- you know, the -- the
21 Dollar-Help, and we really appreciate that.

22 So I don't think it should be one or
23 the other. In case of Ameren, they do -- they do
24 both. They -- they match some of the -- the
25 Dollar-Help, but they also put money into the

1 Keeping Current.

2 So I mean, I think it's an opportunity
3 for them to acknowledge that they understand that
4 any rate increase they get disproportionately
5 impacts low income customers.

6 Q. My last question. We had a rate case,
7 oh, a couple years ago, and I live in the Kansas
8 City area and so I'm familiar with a lot of the
9 programs out there, but one of our utilities on
10 their low income program had not spent all their
11 money the year before and some people wanted to cut
12 it back, and we eventually raised it, but the
13 problem that was had is a lot of the community
14 action agencies were not participating.

15 A. Yeah.

16 Q. So how -- how does Ameren's Keeping
17 Current program work if -- if it's successful in
18 using all those dollars that are available?

19 A. So the -- I think one of the components
20 is to recognize that funding at community action
21 agencies has -- has reduced, it's been cut, and it's
22 likely to be under attack also.

23 And so with Ameren there -- there's a
24 fee that goes to the community action agencies based
25 on how many applicants they -- they serve, and that

1 is -- it's very helpful in allowing them to do it,
2 but also there's -- there's training, there's
3 materials that -- that are produced by Ameren that
4 we can take out to the -- to the companies.

5 There are meetings that they hold to
6 make sure that everybody understands how to
7 implement the program. I think one of the -- one of
8 the problems with the -- with the Laclede gas
9 program has been that no clear communication and
10 it's kind of complicated.

11 And so community action agencies don't
12 have the time to figure all of the complicated
13 things out so that they can best explain it to the
14 clients, make sure that they understand their
15 obligations and all of that.

16 And so to -- that's some of the things
17 that we like to discuss in the collaborative is how
18 to make sure that the program is not too complicated
19 for the workers to understand and be able to explain
20 it to the -- to the participant and have them even
21 want to participate in it.

22 COMMISSIONER KENNEY: Okay. Thank you.

23 JUDGE DIPPEL: Mr. Rupp, did you have
24 anything?

25 COMMISSIONER RUPP: No.

1 JUDGE DIPPEL: Ms. Coleman?

2 QUESTIONS BY COMMISSIONER COLEMAN

3 Q. Yes, thank you. Good morning.

4 A. Good morning.

5 Q. So I have some general questions, a lot
6 based on the things I heard at the local public
7 hearings, but in general one of my questions based
8 on testimony from you today, I'm interested in when
9 a program like Dollar-Help or LIHEAP funding goes to
10 a customer -- or let's take a customer that's been
11 disconnected and they've gone to an agency for
12 assistance for those LIHEAP funds.

13 Does a person that's been -- does a
14 household that's been disconnected always have to
15 come out of pocket and pay a portion in order to
16 have their services reconnected?

17 A. Not -- not always, but it depends on
18 how high the arrears are and what funds are
19 available at that time, and so for example, if -- if
20 a person came in and they had \$2,000 in arrears and
21 the utility because of prior defaults was asking for
22 a 80 percent of that be paid before it could be
23 restored, it's very likely that the agency --
24 depending on what funds are available, but it's very
25 likely that the agency could not come up with the

1 total \$2,000.

2 So the client would have to come up
3 with the difference, and so what the agency would do
4 is to put together all of the sources of funding
5 that are available.

6 So if there's -- you know, if
7 Dollar-Help can help and Dollar More and, you know,
8 the LIHEAP and the LIHEAP crisis and all of those
9 things, and then whatever was left over the client
10 would have to -- have to pay.

11 It's -- it's pretty serious when you
12 have families living in very poor housing stock and
13 the utilities are -- are high. And -- and so even
14 if they're paying what they can -- I -- you know,
15 I've seen families that, you know, try to pay every
16 month.

17 They may have missed some months, but
18 even when they're paying as much as they can, those
19 arrears build up very quickly if they are, you know,
20 doing the winter -- if their bills are \$400 a month
21 or, you know, \$500 a month.

22 So it's -- you know, it's -- we
23 sometimes get to a point where we can't come up with
24 the funds. Now, if it were electric heating
25 customers, that is the point where we would enroll

1 them in the Keeping Current program because they
2 would get a credit on their electric going
3 forward -- well, first the arrears would be frozen.

4 So whatever arrears that weren't paid
5 by the company, and that -- those arrears would be
6 frozen and paid off over 12 months through a credit
7 as long as the person paid on time. So --

8 **Q. As long as they paid their current --**

9 A. Their portion.

10 **Q. -- current bill?**

11 A. Yeah, their current bill.

12 **Q. Okay.**

13 A. So they would be put on a budget. Say
14 the budget is -- is a hundred dollars a month and
15 they get a \$60 credit. They would be required to
16 pay \$40 a month. As long as they pay that \$40 on
17 time, the arrears, they would also get another
18 credit against the arrears.

19 So if they had \$1,200 in arrears it
20 would be a hundred dollars credit a month for the
21 first 12 months and after that the arrears would be
22 paid off.

23 So it not only gave -- gives that
24 person an affordable bill every month, but it allows
25 them the pressure of not having to worry about

1 paying that arrears amount that's sitting -- that's
2 been paid off by a credit every month. So it's a
3 little different than -- than the model that's being
4 proposed by Laclede.

5 Q. Okay. When you talk about
6 disconnections, certainly usually when there's a
7 disconnection there's a reconnection charge. Does
8 LIHEAP funding, any of these other funding cover
9 that disconnection charge, or is that something a
10 consumer has to come out of pocket with also?

11 A. Yeah, the consumer would have to pay
12 the reconnect charges. I think in some instances
13 they may waive those charges, but I'm not totally
14 sure if that's -- if that's still happening, but
15 yeah, that would have to be paid. Usually it would
16 be billed on the next bill after they restore.

17 Q. And thank you for that. One of the
18 things that I heard at more than one local public
19 hearing was how people arbitrarily ended up on the
20 Dollar-Help program who hadn't signed -- who hadn't
21 signed up to contribute to that.

22 Does agencies, those consumer action
23 agencies hear that often where people -- there's a
24 dollar -- I think that's the name of the program,
25 the Dollar-Help, and you can sign up to contribute

1 to it, to assist those in need of assistance?

2 A. No, we don't sign people up to --

3 Q. Well, not sign up, but do you hear
4 complaints or concerns about that area?

5 A. I have -- I have not -- I have not
6 heard complaints that people were arbitrarily signed
7 up for Dollar-Help, no.

8 Q. Okay.

9 A. I have not heard that.

10 Q. And I guess budget billing, I think I
11 hear often that people seem to be confused about
12 budget billing, and --

13 A. Yes.

14 Q. -- that a lot of people sign up, find
15 out they're putting out more when they're not using
16 it. So there's an education I think component
17 that's necessary there, but how does agencies like
18 yours deal with that or do you hear about those
19 concerns?

20 A. Yes. It's one of the biggest
21 complaints we get. And that's because there are two
22 different budget billings. So there's the cold
23 weather rule budget billing takes the arrears -- so
24 a person that has \$1,200 in arrears would have to
25 pay in addition to what their average usage is,

1 those arrears would be rolled into the payment plan.

2 And so if they are using \$1,200 a year
3 and their budget is a hundred dollars, there's
4 another hundred dollars added to that for the
5 arrears that they came into the budget plan with.
6 And so that -- that happens automatically when a
7 person is applying for LIHEAP.

8 So any assistance, any moneys that
9 didn't cover the arrears that they had are put --
10 are rolled into a budget plan. So the other -- the
11 regular budget plan would -- that a person -- that I
12 participate in, you know, is -- it just is my usage
13 for the previous year divided by 12. And so I pay
14 that amount every -- every month.

15 And so it's -- it's more complicated
16 for -- for a person who's getting assistance to
17 understand that the arrears that you came in with
18 are now rolled into that budget.

19 And even when it's summertime, you --
20 you still have to pay, you know, that \$200, which is
21 covering those arrears that you came into the budget
22 with. So it's kind of complicated for them to
23 understand. And then if they don't make that all of
24 those arrears come back, you know, that are unpaid.

25 COMMISSIONER COLEMAN: Thank you.

1 Thank you, Judge?

2 QUESTIONS BY JUDGE DIPPEL

3 Q. Thank you. Ms. Hutchinson, I just had
4 one thing I wanted to get clarified. You talked
5 with Mr. Pendergast about the Utilicare program.
6 Can you just tell us exactly what that program was
7 about?

8 A. Yeah. So in -- in many states,
9 somebody mentioned Ohio that has the wonderful
10 percentage of income plan. It's the difference in
11 what you get from LIHEAP is paid for through state
12 funding.

13 And so at one point the -- the
14 advocates and the utilities and a lot of us got
15 together and we asked the state to develop a
16 program, a mechanism to put state revenues into
17 utility assistance, and so the -- the Utilicare was
18 -- was passed, but it has to be funded every year,
19 and so it has not been funded.

20 In the last couple of years that it was
21 funded, the -- the funds -- there was a press
22 release that their Utilicare funds -- you know, the
23 state assembly has passed Utilicare funds and then
24 later the funds were taken back.

25 They were -- they were never allocated

1 to -- to be utilized. And so it's -- you know, it's
2 not likely that there even will be any allocations
3 going forward because of the conditions in the state
4 and the climate.

5 JUDGE DIPPEL: Thank you. Is there
6 further cross-examination based on questions from
7 bench from Spire?

8 QUESTIONS BY MR. PENDERGAST

9 Q. Just a couple of questions.

10 Commissioner Kenney asked you about what might be an
11 appropriate shareholder contribution to a program of
12 this nature, and I appreciate the Commissioner's
13 question and I appreciate you recognizing that
14 Laclede has made contributions to customers through
15 its Dollar-Help program, and you know, obviously
16 those are all things we take into consideration, but
17 let me ask you another question.

18 If the company can find a way to have
19 its shareholders make significant investments, incur
20 significant cost to produce tens of millions of
21 dollars in overall rate reductions, would it be your
22 view that those rate reductions benefit low income
23 customers?

24 A. Absolutely. So are you asking if
25 you -- instead of having a rate increase you have a

1 rate reduction?

2 Q. I'm saying if rates are lower than they
3 otherwise would be because shareholders have made
4 significant investments that lowered those rates,
5 are the lower rates, regardless of where they wind
6 up, if they're lower than they otherwise would have
7 been, is that a good thing?

8 A. It is a good thing, but -- but I guess
9 the clarity that I need, are -- are you talking
10 about sometime in the future, are you talking about
11 like right now?

12 Q. I'm talking about positive impacts on
13 rates at the end of this rate case.

14 A. That would be a good thing.

15 Q. Great. And do you know when we -- you
16 talk about Utilicare and how we got an appropriation
17 a number of years ago. Were you involved with the
18 coalition that Laclede was a part of, Spire was a
19 part of to try and get that funding?

20 A. Yes. Laclede/Spire have been involved
21 in many, many of the proceedings to try to get
22 funding for Utilicare, and I've been involved in --
23 in a lot of them.

24 Now, not in the last -- in the last
25 five years or so my role has changed so I haven't

1 been as involved, but I do know that, you know, we
2 have appreciated the support that Laclede has given
3 in trying to get state funding for Utilicare.

4 MR. PENDERGAST: Thank you very much.

5 THE WITNESS: Yes.

6 JUDGE DIPPEL: Staff?

7 MR. JOHNSON: Yes. Very briefly.

8 Thank you.

9 QUESTIONS BY MR. JOHNSON

10 Q. Good morning, Ms. Hutchinson.

11 A. Good morning.

12 Q. I'll start by echoing everyone else's
13 sentiments and saying thank you for your service.
14 The work you do is very important.

15 A. You're welcome.

16 Q. My question relates to discussion you
17 were having with Commissioner Kenney, and he was
18 asking about some of the ways the Ameren Keeping
19 Current program improves the program. And you
20 mentioned some issues with Laclede and communicating
21 with the community action agencies.

22 A. Uh-huh.

23 Q. Do you think that perhaps a
24 simplification in the structure of the program could
25 -- could solve some of those communication issues?

1 A. Yes. I think the simplification of the
2 program is -- is one issue, and I think that the
3 other is just having trainings and having materials
4 produced by -- by the company and making sure that
5 all of the Laclede gas staff who deal with
6 assistance programs and the -- you know, the
7 customer-facing staff are aware of the program and
8 what funding is available and when funding is
9 available because that has been part of the -- the
10 challenge in, you know, finding out when and where
11 funding is available and how to access funding and
12 those kinds of things that could be simplified if we
13 discussed it and came up with, you know, some
14 processes.

15 **Q. Thank you. When you were discussing**
16 **with Commissioner Coleman, there was mention of the**
17 **budget billing program?**

18 A. Yes.

19 **Q. And that there's some confusion because**
20 **customers may not have expected their bills to be so**
21 **high in the nonheating season.**

22 A. Correct.

23 **Q. Do you believe that providing a bill**
24 **credit to low income customers in those nonheating**
25 **months would provide some benefit?**

1 A. If they are going to be on a budget
2 that goes year-round, then -- that they -- you know,
3 that they wouldn't be able to afford, then it
4 would -- I would think that they would need credits
5 year-round as opposed to credits just in the heating
6 season.

7 I like the idea, however, of having a
8 higher credit amount during those -- those winter
9 months. I think -- you know, I think that's a good
10 concept, but I do think that year-round credits sort
11 of stabilize their ability to pay, and so if we
12 are -- if we are putting a person on a 12-month
13 budget and we expect to keep the service on all
14 year, their income doesn't fluctuate.

15 You know, if you have a disabled
16 person, their income is going to be the same. And
17 so they need the same credit against that bill. If
18 it's going to be affordable for them, they need the
19 same credit every month. Not just -- you know, not
20 just during the winter or during the summer. They
21 need to have a credit every month.

22 MR. JOHNSON: Thank you very much,
23 Mrs. Hutchinson. No -- no more questions.

24 JUDGE DIPPEL: Public Counsel?

25 QUESTIONS BY MS. SHEMWELL

1 **Q. Ms. Hutchinson, you described the Ohio**
2 **plan and apparently consider it a favorable plan.**
3 **You described it as excellent, I think?**

4 A. Yes. But with a caveat that the -- you
5 know, if we're going to look at the income of
6 families and actually fill that gap, that energy
7 burden gap, we would -- we'd have to have funding to
8 do that. So where does the funding come from to do
9 that?

10 Well, in Ohio it comes from -- you
11 know, from the LIHEAP program, it comes from the
12 utilities, and it comes from state revenue, and so
13 you have to have all of those components working
14 together to -- to fill a gap as big as the gap is,
15 and I'm not sure that we have -- you know, we have
16 the ability to get something like that done in the
17 state of Missouri.

18 **Q. Is that a statutory program? Is it**
19 **created by the legislature?**

20 A. It is.

21 **Q. Is ECIP still available?**

22 A. Yes.

23 **Q. Commissioner Coleman was asking you**
24 **about emergency-type situations?**

25 A. Yes.

1 Q. And ECIP is for emergency situations,
2 correct?

3 A. Yes. ECIP is --

4 Q. And it still helps provide funds in
5 emergency situations?

6 A. It does. It does. However, those
7 funds usually run out pretty quickly.

8 Q. Because lots of people are having
9 trouble?

10 A. Lots of people have emergency
11 situations. And so, for example, the heating
12 assistance would only go to the heating bill, and
13 many people come in and they -- they still have high
14 bills left over from the summer, so they still have
15 electric bills that they're in need of.

16 So they would get the heating
17 assistance on one bill and get the -- the crisis
18 assistance on the other. Later in the winter they
19 may be in threat again and get crisis assistance, so
20 yes.

21 Q. And you're talking about sources of
22 funding. There are community programs, for example,
23 by churches. My church has one, Ms. Mantle's church
24 has one where there are other sources available.
25 Are the community action agencies generally

1 **knowledgeable about those sources and --**

2 A. Absolutely.

3 **Q. -- refer people to them?**

4 A. Yes. In St. Louis we have an emergency
5 fund network, and one of my staff sit on that
6 network. And it's a network of all of the
7 organizations, the churches, the Sal Armies that all
8 -- that have assistance, and they -- they have each
9 other's numbers and they -- you know, they're in
10 communication.

11 The issue is most of the churches that
12 have funds have small amounts of funds that could
13 easily be eaten up in -- in a day's time. And so to
14 -- to reserve that funds they usually will serve an
15 area around their church so that they can, you know,
16 have enough money to -- to target because it's not a
17 lot of money.

18 So there -- there are lots of small
19 funds that are doing a part. But even -- even with
20 all of those different funds it's -- it's not
21 enough -- it's not enough money to fill the -- you
22 know, the gap between what people actually need to
23 -- to keep their -- their family safe and warm and
24 -- and what they have to pay.

25 **Q. You agree that the collaborative is**

1 going to be working to address a number of these
2 programs and issues, the collaborative will become
3 advisory only, but the advisors will work with the
4 company to develop these programs more fully?

5 A. Yes. I believe that --

6 Q. Wait. May I just --

7 A. Oh, I'm sorry.

8 Q. And are you on the collaborative?

9 A. I am -- I'm on the Ameren
10 collaborative. I am on the collaborative. And I
11 believe a collaborative could help to form a program
12 that's more effective and make sure that it's --
13 it's communicated to all.

14 So I think it would be a benefit not
15 just to -- you know, to the people who will be
16 receiving assistance, but to the company in -- in
17 having additional eyes and ears to talk about, you
18 know, how to make it more effective.

19 Q. Ms. Hutchinson, when the possibility of
20 lower overall rates was mentioned your face lit up.

21 A. Uh-huh.

22 Q. I make that observation. Do you agree
23 that lower rates will help lower income people?

24 A. Yes. I -- I actually like the model of
25 low income rates, and some of the states that I

1 think I made a part of this testimony have low
2 income rates.

3 **Q. But that's statutory?**

4 A. Some of them are ordered by the
5 Commission and some are statutory.

6 MS. SHEMWELL: Thank you.

7 JUDGE DIPPEL: Is that all,
8 Ms. Shemwell?

9 MS. SHEMWELL: Yes.

10 JUDGE DIPPEL: Let me just real quick
11 get a clarification. You mentioned the ECIP
12 program. What does that stand for?

13 THE WITNESS: Energy Crisis
14 Intervention Program.

15 JUDGE DIPPEL: Okay. Thank you. Is
16 there anything from National Housing?

17 MR. LINHARES: No. Thank you, Judge.

18 JUDGE DIPPEL: Environmental Defense
19 Fund?

20 MS. KARAS: No questions, Your Honor.

21 MR. BEAR: Your Honor, I believe you
22 might have skipped over me.

23 JUDGE DIPPEL: I'm sorry. Division of
24 Energy.

25 MR. BEAR: I just forgot my question.

1 Never mind. I just wanted to be acknowledged,
2 Judge. That's all.

3 JUDGE DIPPEL: It's a strategy. It was
4 a strategy. Is there further redirect from Consumer
5 Council?

6 MR. COFFMAN: Yes, just a couple.

7 QUESTIONS BY MR. COFFMAN

8 Q. Ms. Hutchinson, you were asked several
9 questions about the energy burden at different
10 income levels --

11 A. Uh-huh.

12 Q. -- which is the percent that people pay
13 for their energy utilities. And -- and your I guess
14 estimate that in general people who -- I believe you
15 said people who -- who qualify for LIHEAP tend to
16 have a 27 percent energy burden?

17 A. Yes. So not necessarily the -- the
18 people who qualified for -- all of the people who
19 qualify for LIHEAP, but a good percentage of people
20 who qualify who are below the 50 percent of poverty
21 line, their -- their energy burden is 27 percent.
22 I've seen energy burdens at 50 percent, but yes.

23 Q. And when the keeping -- the Keeping
24 Current program was being evaluated by -- the
25 evaluator was Spire?

1 A. Yes.

2 Q. Do you recall what the energy burden
3 outcomes were of the Keeping Current program?

4 A. The Keeping Current program reduced the
5 energy burden from 27 percent to 22 percent, which
6 is significant for a family that is making hard
7 decisions about buying food or buying medicine.
8 It's a significant difference.

9 Q. Do you recall the outcomes from the
10 Keeping Current program as far as how many
11 participants were able to keep current as opposed to
12 not being able to keep current on their bills?

13 A. So 46 percent of the -- of people who
14 were enrolled and who made it through the enrollment
15 process kept current after 12 months. So -- and
16 that may not sound like a high number, but if you
17 look at some of the other programs that have been
18 tried and implemented around the country, 46 percent
19 is -- is really an outstanding number of people who
20 -- who are keeping current. So it is -- it is
21 helping a lot of families.

22 Q. Over the years, how many different low
23 income assistance pilot programs and experiments at
24 -- at this Missouri Commission have you looked at?

25 A. Oh, my God. Are you trying to make me

1 think that hard? So every -- probably every program
2 that has been tried, every cold weather rule that
3 has been implemented I have had some -- some input
4 into, and I don't know how many that is, but it's
5 certainly been a lot of -- a lot of attempts. I
6 think through all of those the Keeping Current
7 program is -- is actually the -- the most effective
8 program that I've seen implemented.

9 **Q. Have you been able to list the items --**
10 **the elements of that program that you think make it**
11 **successful?**

12 A. Yes. I think that one of the most
13 important things is the way it handles the arrears.
14 It allows a person to -- after they get their
15 LIHEAP -- of course we don't want to, you know,
16 discourage people from getting their LIHEAP, but
17 after they have gotten their LIHEAP and whatever
18 crisis assistance, whatever arrears are left over
19 are sort of set on the shelf is the way I describe
20 it, and as long as that person pays their monthly
21 bill, those arrears are reduced every month for the
22 first 12 months.

23 So after 12 months that arrears goes
24 away. Person stays on the program for two years,
25 and in the last rate case they -- they approved us

1 leaving people on beyond the two years, but they --
2 they have a level amount that sort of fits into
3 their budget.

4 The tiered levels so that people at a
5 lower income level are getting a higher credit
6 allows us to make sure that those most vulnerable
7 are getting the highest benefit from the program,
8 and then the collaborative allows us to look at --
9 look at things, tweak things and -- and to have
10 independent review of the program by a third party
11 that is not a part of the collaborative and
12 recommend tweaks or changes to the program.

13 **Q. And I just want to add one more thing,**
14 **which is a clarification as to what we mean when**
15 **we're talking about a collaborative. I think that**
16 **word collaborative is used in some other context to**
17 **discuss entities that have voting powers and do**
18 **their own thing. How is the collaborative different**
19 **as far as the Keeping Current collaborative?**

20 **A.** So it really is an advisory group, and
21 we work -- collaborative means that we're working
22 together for the good of the program, and -- and so
23 we -- we do things that we can all have consensus
24 on, but ultimately the utility would have to change
25 the -- the tariff or get permission from the

1 Commission to -- to do something different than what
2 has been approved by the Commission.

3 Q. And there have been several changes to
4 the Keeping Current program over the years that the
5 collaborative had worked out; is that correct?

6 A. Yes, there have been changes.

7 Q. Would it be important for the
8 Commission in this case to set up this advisory
9 group for any interested party to join and then to
10 also make sure that those members have the
11 opportunity to come back to the Commission and let
12 the Commission make the ultimate decision about any
13 changes?

14 A. Yes. I think that would -- that would
15 be perfect.

16 MR. COFFMAN: That's all I have.

17 JUDGE DIPPEL: Thank you. Thank you,
18 Ms. Hutchinson. We appreciate you returning this
19 morning.

20 THE WITNESS: Thank you.

21 JUDGE DIPPEL: And you may be excused.
22 I think between witnesses here we'll take a short
23 break for about ten minutes, come back at 10:15.
24 Thanks.

25 (WHEREIN, a recess was taken.)

1 JUDGE DIPPEL: Okay. Let's go ahead
2 and go back on the record. All right. I believe
3 our next witness is a Spire witness.

4 MR. PENDERGAST: Yes. Thank you, Your
5 Honor. The company would call to the stand Scott A.
6 Weitzel.

7 JUDGE DIPPEL: Please raise your right
8 hand. Do you solemnly swear or affirm that the
9 testimony you are about to give in this hearing will
10 be the truth, the whole truth, and nothing but the
11 truth?

12 THE WITNESS: I do.

13 JUDGE DIPPEL: Thank you.

14 WITNESS: SCOTT WEITZEL

15 QUESTIONS BY MR. PENDERGAST

16 Q. Good morning, Mr. Weitzel.

17 A. Good morning.

18 Q. Are you the same Scott A. Weitzel who
19 previously caused to be filed in these proceedings
20 direct, rebuttal, and surrebuttal testimony that has
21 previously been marked as Exhibits 15, 16, 17, and
22 18?

23 A. I am.

24 Q. And that includes two sets of rebuttal
25 testimony, one that was related to the first round

1 of revenue requirement and other testimony in the
2 second rate design; is that correct?

3 A. Correct.

4 Q. Okay. Do you have any corrections to
5 make to your direct, rebuttal, or surrebuttal
6 testimony?

7 A. I just want to go on record that based
8 on recommendations with Staff we filed tariffs in
9 rules and regulations in our direct. I have filed
10 tariffs in my rebuttal and surrebuttal, and working
11 with Staff and based on the recommendations, there
12 will be some formatting changes.

13 The Judge has talked about the name
14 change has happened since our filing, and we will be
15 working with them. So current tariffs might look
16 different. Any -- the specifics in them will be the
17 same, the content unless approved by the parties,
18 but some of the mechanics, page numbers, revisions,
19 and naming will -- will be changed, but of course
20 that will be approved by all parties. But just
21 wanted to, you know, state that that they'll look
22 different.

23 Q. Thank you for that clarification. With
24 that clarification, if I were to ask you the same
25 questions today that appear in your direct,

1 **rebuttal, and surrebuttal testimony, would your**
2 **answers be the same?**

3 A. Yes.

4 **Q. And are those answers true and correct**
5 **to the best of your knowledge and belief?**

6 A. Yes.

7 MR. PENDERGAST: With that I would
8 tender Mr. Weitzel for cross-examination, and since
9 he covers many issues we'll wait on asking to have
10 it admitted into the record.

11 JUDGE DIPPEL: Okay. Can I just --
12 before you step down, Mr. Pendergast, I just wanted
13 to clarify the two different rebuttals. Can you
14 clarify which is 16 and which is 17?

15 MR. PENDERGAST: Yes.

16 JUDGE DIPPEL: I'm sorry, which is --
17 yeah, 16 and 17.

18 MR. PENDERGAST: Yeah. His first set
19 of rebuttal on revenue requirements should be 16.
20 And his rebuttal testimony related to rate design
21 should be 17.

22 JUDGE DIPPEL: Okay. Thank you.

23 MR. PENDERGAST: Thank you.

24 JUDGE DIPPEL: Is there
25 cross-examination by Staff?

1 MR. JOHNSON: No questions, Judge.

2 JUDGE DIPPEL: Public Counsel?

3 QUESTIONS BY MS. SHEMWELL

4 Q. Thank you. Good morning, Mr. Weitzel.

5 A. Good morning.

6 Q. I'm looking at your direct. You're
7 proposing that the Commission allow the company to
8 adopt something similar to the Empire District
9 Electric Company's credit to the fixed charge; is
10 that correct?

11 A. Yes, we're offering a fixed charge.

12 Q. On page nine. And the credit, that
13 would apply to customers' bills throughout the year?

14 A. Correct.

15 Q. And you say that you want to have
16 community action agencies as partner, on page ten,
17 that they can keep at least ten percent of the
18 program's overall funding for administrative fees at
19 line 16 through 17. Have I stated that correctly?

20 A. Yes.

21 Q. But in return you have certain
22 expectations, and those expectations are that these
23 agencies devote more resources and attention to the
24 elements of the program that would enhance the
25 ability of eligible customers to participate. Have

1 you specifically communicated exactly what you mean
2 by that to the agencies or would you expect to?

3 A. I would expect to -- as we've heard
4 from previous witnesses from Consumer Council, there
5 seems to be some confusion with our current program,
6 and that's why we propose tariff changes to try to
7 simplify the program.

8 Q. Okay. There's --

9 A. I'm sorry.

10 Q. There's not a question pending I don't
11 think to go --

12 A. Okay. I apologize.

13 Q. No. Excuse me. Okay. This
14 includes -- you say a greater emphasis on selecting
15 customers who have demonstrated an effort to pay
16 what they can for utility service in the past.
17 Would that information have to come from the company
18 and go to the agency?

19 A. We would work with the agencies to try
20 to identify those customers.

21 Q. Because they don't -- the agencies
22 don't have access to your information?

23 A. Correct.

24 Q. Right? In terms of providing financial
25 counseling, do you know specifically that all of the

1 community action agencies with whom you work have
2 the ability to do that?

3 A. Can you repeat the question?

4 Q. Do all of the agencies that you work
5 with have the ability to provide financial
6 counseling?

7 A. I don't know exactly all the actions or
8 things, the community action agencies actually do.

9 Q. Okay. So if they didn't, is that
10 something Laclede would want to provide or suggest
11 or --

12 A. I think, you know, we would like to
13 work with the community action agencies and offer a
14 portfolio of options to help those customers at
15 risk.

16 Q. And on some level of follow-up on the
17 last two lines, with customers who are falling
18 behind on their bills would also be expected. So
19 again, they would have to get this information from
20 the company that customers are falling behind on
21 their bills?

22 A. Correct.

23 Q. And so you would expect the community
24 action agency to follow up with them in what
25 respect?

1 A. Just, you know, watch and observe those
2 customers that -- that might be trailing off so that
3 they could still stay on the program.

4 **Q. Might some specific requirement --**
5 **might some specific parameters around that**
6 **particular issue of follow-up be developed with**
7 **your -- with the community action agencies --**

8 A. I --

9 **Q. -- for example, to find out why the**
10 **customer is falling behind?**

11 A. I believe so, and you know, these are
12 some items that can be discussed with the potential
13 for an advisory -- low income advisory group.

14 **Q. So you're partnering with Lutheran**
15 **Services, correctly? Are you partnering with other**
16 **religiously based organizations?**

17 A. Not to my knowledge.

18 MS. SHEMWELL: I think that's all I
19 have. Thank you, sir.

20 THE WITNESS: Thank you.

21 JUDGE DIPPEL: Thank you. Division of
22 Energy?

23 MR. BEAR: Yes.

24 QUESTIONS BY MR. BEAR

25 **Q. You've heard earlier the parties**

1 discussing different funding levels for this
2 program, correct?

3 A. Yes.

4 Q. Regardless of how the Commission
5 decides to -- what level the Commission decides to
6 fund this at, is the company's position that it will
7 try its best efforts to ensure that the balance of
8 those funds are spent for consumers who need that
9 assistance?

10 A. Yes. Dollars are set aside for this
11 program, and you know, we'd like to see a hundred
12 percent involvement in allocation of these funds
13 that are -- that are set aside, and that's again one
14 of the reasons why, you know, we've tried to work
15 with other parties and make improvements to the
16 tariff so that these funds can be more readily
17 available for low income.

18 Q. Would it be fair to say that the
19 company believes that an ongoing discussion with
20 stakeholders could improve this program and better
21 target it towards those most in need for this type
22 of assistance?

23 A. Absolutely.

24 Q. In my opening statement I had referred
25 to a structure where there would be a fixed

1 assistance throughout the year in addition to
2 assistance during the winter months. Do you recall
3 that, sir?

4 A. Yes.

5 Q. Do you -- does the company generally
6 agree with that framework going forward if the
7 Commission was to have to make a determination on
8 the shape of this program?

9 A. Yes. We're -- we're open to other
10 parties' opinions and thoughts on that with the
11 shaping of those fixed credits. So we'd be
12 definitely open to that.

13 MR. BEAR: That's all I have, Your
14 Honor.

15 JUDGE DIPPEL: Anything from National
16 Housing Trust?

17 MR. LINHARES: No. Thank you, Your
18 Honor.

19 JUDGE DIPPEL: Environmental Defense
20 Fund?

21 MS. KARAS: No questions, Your Honor.

22 JUDGE DIPPEL: Consumers Council?

23 MR. COFFMAN: Thank you, Your Honor.

24 QUESTIONS BY MR. COFFMAN

25 Q. Good morning.

1 A. Good morning.

2 Q. Just have a couple questions. First of
3 all, I want to thank you for your company's
4 continued work on -- on low income issues and the
5 efforts so far to try to work with all the various
6 perspectives of different parties here.

7 In your -- your initial tariff proposal
8 for this there was something in the -- well, let me
9 step back a little bit and say you -- in your
10 original proposal included a fixed fee year-round
11 component and continuation of the arrearage
12 reduction program in some form.

13 Do you -- do those programs
14 necessarily, would they -- in your mind would they
15 apply to all participants or could they -- would
16 they operate independently, be programs that might
17 be appropriate for different customer participants?

18 A. What do you mean by programs and
19 participants?

20 Q. In other words, if you had -- if you
21 were signed up for one component, would you have to
22 also participate in the other component?

23 A. Within the low income program?

24 Q. Yes.

25 A. I don't know if they are tied together,

1 but I'm assuming if they're behind in their bill and
2 need the fixed -- fixed charge credit that that
3 customer should use that.

4 Q. Okay. Are you open to flexibility in
5 this program as to whether components have to work
6 together or can work independently?

7 A. I think if they want to work
8 independently, that would be fine.

9 Q. I mean, I don't want to get into the
10 settlement discussions we've had, but I think we're
11 in agreement. Let me -- are we in agreement that it
12 would be appropriate to have a program that both
13 addressed some ongoing fixed amount as well as a
14 component that addressed the highest need during --
15 during the year?

16 A. The highest need is in the winter, the
17 wintertime?

18 Q. Yes.

19 A. Yes.

20 Q. Have you -- have you reviewed to any
21 degree the Keeping Current program that Ameren has
22 been working with for a few years?

23 A. I have not.

24 Q. Okay. So that -- that didn't inform
25 the proposal you made initially in this case?

1 A. No.

2 Q. And you are open to an advisory group,
3 we might call it collaborative, going forward to
4 make suggestions and improvements if you have a low
5 income program approved in this case?

6 A. I think a collaborative to better
7 distribute and get more people involved in this
8 program is -- is something the company would be
9 definitely open to.

10 Q. And is -- is Spire agreeable to a
11 resolution of this case whereby the Commission sets
12 some date in the future whereby the members of the
13 collaborative would come back and make
14 recommendations, maybe unanimous recommendations or
15 maybe multiple choice options to the Commission?

16 A. Potentially in a proposal, you know,
17 we're fine with an advisory. You know, we -- we
18 like the program as a whole. Improvements could
19 always be made. So I'm sure we'd be fine with that,
20 but you know, changing the program in totality, we'd
21 probably be sensitive to that.

22 You know, we want to keep the program,
23 but enhancements or improvements or recommendations
24 that this could be better implemented with the
25 community action agencies we're open to.

1 Q. You wouldn't have -- you don't have a
2 problem with the Commission continuing this case for
3 the purposes of later making recommendations to --
4 to change or improve the program?

5 A. No problems with what the Commission
6 wants.

7 Q. Okay. How long have you been with this
8 utility?

9 A. I have been with Spire for about a year
10 and a half, and I was with Ameren for about a decade
11 before that.

12 Q. Okay. So did -- but you didn't have
13 any oversight over the Keeping Current program with
14 Ameren?

15 A. I did not.

16 Q. Okay. So -- but I guess you don't have
17 a whole lot of history with the -- the charitable
18 performance of the utility? Just for a couple of
19 years, I guess?

20 A. Yeah.

21 Q. Do you -- do you know what level of
22 contribution to low income issues Spire has -- has
23 made the last couple years, the amount of dollars?

24 A. To this specific program, no, but Spire
25 spends millions of dollars with community action

1 agencies and other charitable groups in our service
2 territories, including Dollar-Help, which has helped
3 thousands of our customers.

4 Q. Do you know how much Spire donated to
5 Dollar-Help last year?

6 A. I'd say approximately 110, 120,000.

7 Q. Okay. And was that based on any sort
8 of company policy or formula?

9 A. I'm not aware of the specific.

10 Q. Has that amount sort of gone up and
11 down over the last few years or do you know?

12 A. I couldn't tell you. I'm sorry.

13 MR. COFFMAN: All right. That's all I
14 have. Thank you for working on this.

15 JUDGE DIPPEL: Other questions from the
16 bench for Mr. Weitzel?

17 CHAIRMAN HALL: No questions. Thank
18 you.

19 COMMISSIONER KENNEY: I just have one.
20 I just have one.

21 QUESTIONS BY COMMISSIONER KENNEY

22 Q. On page ten of your direct the question
23 is (quote as read):

24 What changes did the company propose to
25 increase the effectiveness and

1 involvement of its community action
2 agency partners in the program?

3 And you say (quote as read):

4 We are proposing to clarify that the
5 amount of funding that can be retained
6 by the community action agency or any
7 other social agency partner must be at
8 least ten percent of the program's
9 overall funding.

10 I don't understand that. Would you
11 explain that?

12 A. Just with the different budget levels
13 that we propose, the 500,000 for MGE, 600,000 for
14 Laclede, ten percent of that would go to the
15 community action agencies to help them fund this or
16 work with people who could be part of this program.

17 Q. So the ten percent of the 500,000, so
18 50,000 would go to a specific community action
19 group?

20 A. Or -- or multiple, whichever ones we're
21 working with to try to implement this program.

22 Q. So would that be money for them for
23 operational expenses for the -- for the community
24 action agency or is that additional money to expend?

25 A. It's administrative. You know, their

1 bodies.

2 Q. Okay. So you're helping them be able
3 to move the forward program -- the program forward?

4 A. Yes. Yes.

5 COMMISSIONER KENNEY: Okay. Thank you.

6 JUDGE DIPPEL: All right. Is there
7 redirect based -- or I'm sorry, recross based on the
8 Commissioner's questions from Staff?

9 MR. JOHNSON: Yes, Judge.

10 QUESTIONS BY MR. JOHNSON

11 Q. Just one question. Commissioner Kenney
12 asked you about the ten percent funding level for
13 administration costs.

14 A. Correct.

15 Q. I believe in your direct testimony you
16 mentioned at least ten percent?

17 A. Uh-huh.

18 Q. But do you have your surrebuttal
19 testimony?

20 A. Yes.

21 Q. And could you please turn to the low
22 income energy affordability program tariff you've
23 attached?

24 A. Yep.

25 Q. In your amended tariff language, did

1 **you clarify it says of which of the 600,000 and**
2 **500,000 dollars, no more than ten percent shall be**
3 **set aside annually?**

4 JUDGE DIPPEL: Mr. Johnson, what page
5 are you on?

6 MR. JOHNSON: I'm sorry. There's no
7 page number on this. However, the tariff at the top
8 is PSC number five consolidated original sheet
9 number 49 canceling all previous PSC MO number five
10 consolidated sheets.

11 JUDGE DIPPEL: Did you find it
12 Commissioner?

13 COMMISSIONER KENNEY: Yeah.

14 JUDGE DIPPEL: Okay. Sorry.

15 MR. JOHNSON: No problem. I'll just
16 restate the question.

17 **Q. (By Mr. Johnson) In your updated**
18 **tariff attached to your surrebuttal, did you clarify**
19 **that no more than ten percent shall be set aside**
20 **annually for operating assistance programs -- or**
21 **excuse me, I lost my place. Operating unit to pay**
22 **administrative costs specified?**

23 A. Correct. Ten percent of administrative
24 costs.

25 **Q. Up to ten percent?**

1 A. Up to ten percent.

2 Q. Okay.

3 A. No more than ten percent.

4 MR. JOHNSON: Thank you very much.

5 THE WITNESS: Okay.

6 JUDGE DIPPEL: Is there further cross
7 from Public Counsel?

8 QUESTIONS BY MS. SHEMWELL.

9 Q. **Sir, just for absolutely clarity. It's**
10 **not at least, but the total of ten percent, not more**
11 **than?**

12 A. Of which no more than ten percent shall
13 be set aside annually for each operating unit to pay
14 for administrative costs.

15 MS. SHEMWELL: Thank you. That's all I
16 have. Thank you.

17 JUDGE DIPPEL: Division of Energy?

18 MR. BEAR: Just one question.

19 QUESTIONS BY MR. BEAR

20 Q. **On that line, is it the company's**
21 **position that ten percent is a reasonable amount for**
22 **administration of a -- of this type of public**
23 **benefit funding?**

24 A. At the current state of this program,
25 yes.

1 Q. So ten percent is generally a
2 reasonable amount to suppose?

3 A. Yes.

4 MR. BEAR: Thanks.

5 JUDGE DIPPEL: Anything from National
6 Housing Trust?

7 MR. LINHARES: No, no questions.

8 JUDGE DIPPEL: Consumers Council?

9 MR. COFFMAN: Nothing further, Your
10 Honor.

11 JUDGE DIPPEL: Is there redirect by
12 Spire?

13 MR. PENDERGAST: Just a little.

14 QUESTIONS BY MR. PENDERGAST

15 Q. Mr. Weitzel, you indicated in response
16 to one of the questions that we would make every
17 effort to try and allocate the funds that were set
18 aside, and just to avoid any confusion, isn't it the
19 case that all of the funding for these programs will
20 be furnished in the first instance by the company
21 and that will be subject to being placed into a
22 regulatory asset?

23 A. Yes.

24 Q. So there's nothing in the rates in this
25 case that are designed to cover that particular

1 expenditure right now?

2 A. Correct.

3 Q. Okay. And you also mentioned in
4 response to Staff counsel that your current tariff
5 that's been attached to your testimony says -- now
6 says no more as opposed to initially at least. Can
7 you tell me, was that one of the changes that you
8 made in addition to a number of others in response
9 to feedback you got from the parties?

10 A. That is correct.

11 Q. Okay. So that was an effort to be
12 responsive to what other people's issues and
13 concerns were?

14 A. Yes.

15 Q. Okay. And you also talked about what
16 the process would be for making improvements to the
17 program as we move along, and you were all for
18 bringing as many people into the fold and process
19 and listening to as many ideas as we can; is that
20 correct?

21 A. Yes.

22 Q. But while we do that process, we're
23 still wanting to move forward and have the
24 Commission approve a program that reflects the --
25 you know, discussions hopefully that we've had

1 recently and is a combination of the fixed charge
2 with some money allocated to the winter period for
3 those most vulnerable customers?

4 A. Correct.

5 Q. Okay. And as we consider additional
6 changes for the future, we would certainly want that
7 to go into effect so that we have something in place
8 as we work with the other parties to see if there
9 can be improvements to it?

10 A. Yes.

11 MR. PENDERGAST: Okay. And I think
12 that's all I have. Thank you.

13 JUDGE DIPPEL: Thank you. Thank you,
14 Mr. Weitzel. You may step down. Next is Staff's
15 witness.

16 MR. JOHNSON: Staff calls Robin
17 Kliethermes.

18 JUDGE DIPPEL: Do you solemnly swear or
19 affirm that the testimony you are about to give at
20 this hearing will be the truth, the whole truth and
21 nothing but the truth.

22 THE WITNESS: I do.

23 JUDGE DIPPEL: Thank you.

24 WITNESS: ROBIN KLIETHERMES

25 QUESTIONS BY MR. JOHNSON

1 Q. Good morning, Ms. Kliethermes.

2 A. Good morning.

3 Q. Could you please state your name?

4 A. My name is Robin Kliethermes.

5 Q. And how are you employed?

6 A. I'm employed as a rate and tariff
7 examination manager with the Missouri Public Service
8 Commission.

9 Q. And did you prepare or cause to be
10 prepared portions of Staff's direct class cost of
11 service report both public and confidential versions
12 marked as Exhibits 208 and 209?

13 A. Yes.

14 Q. And did you as well prepare rebuttal
15 and surrebuttal testimony marked as Exhibits 236 and
16 249?

17 A. Yes.

18 Q. Do you have any changes or corrections
19 to that testimony?

20 A. Other than the corrections already
21 discussed in those testimonies, no.

22 Q. Are the answers contained in that
23 testimony true and correct to the best of your
24 knowledge and belief?

25 A. Yes.

1 Q. And if I were to ask you the same
2 questions today, would your answers be the same?

3 A. Yes.

4 MR. JOHNSON: I tender the witness for
5 cross.

6 JUDGE DIPPEL: Thank you. Is there
7 cross-examination from Public Counsel?

8 MS. SHEMWELL: Yes, thank you.

9 QUESTIONS BY MS. SHEMWELL

10 Q. Ms. Kliethermes, I'm looking at --
11 Ms. Kliethermes, I'm looking at your rebuttal
12 testimony.

13 A. Okay.

14 Q. And you note that Laclede has two
15 separate programs under its low income energy
16 affordability program, the winter bill assistance
17 and the arrearage repayment?

18 A. Yes.

19 Q. And you're agreeing that they are
20 retaining the arrearage repayment for Laclede and
21 proposing to expand it into the -- into the MGE
22 district?

23 A. Yes, that is my understanding.

24 JUDGE DIPPEL: Ms. Shemwell, can you
25 get the microphone a little closer to you? There

1 you go.

2 Q. (By Ms. Shemwell) Is the fixed charge
3 program -- first of all, Mr. Weitzel notes that the
4 fixed charge assistance program is similar to the
5 primary features of the low income program approved
6 by the Commission for the Empire District. That's
7 in your testimony?

8 A. Yes.

9 Q. You disagree with that in your
10 testimony?

11 A. I disagreed that the -- that parts of
12 it were not exactly like Empire.

13 Q. And those parts are?

14 A. That the fixed charge, the way that I
15 think Mr. Weitzel in his proposed tariff had a \$30
16 fixed charge. Empire's was for the customer charge.

17 Q. Explain that to me.

18 A. Explain the difference or --

19 Q. Yes, the difference in application.

20 A. So Mr. Weitzel had in his -- in his
21 proposed tariff -- and I would clarify in the tariff
22 that has the latest tariff and the one attached as
23 surrebuttal testimony is no longer that charge.
24 He's changed that, but the Empire program --

25 Q. A point of proceeding, if I may, he's

1 **changed it to be closer to Empire?**

2 A. Yes, to the fixed monthly charge.

3 Q. Okay. Thank you.

4 A. Yes.

5 Q. Did you have something you wanted to
6 **add?**

7 A. I don't think so.

8 Q. Okay. Do your comments at line 15 that
9 **the tariff is a mis -- mishmash of two programs**
10 **still apply to the revised tariff?**

11 A. Can you let me -- can you tell me what
12 page number you're on?

13 Q. Sure. 12, line 15. I'm in your
14 **rebuttal.**

15 A. Yes. I'm sorry. I was just reading
16 through exactly what -- what I was referring to. So
17 it is still kind of a mishmash of the two programs
18 because the Laclede program works a little bit
19 differently with the arrear -- you know, this
20 program has the arrearage component, but by changing
21 that fixed charge it has accomplished some of
22 Staff's -- actually, most of Staff's concerns with
23 complying with the Empire program.

24 Q. But one of your concerns remains that
25 **unlike the Empire program, the Spire request does**

1 **not have a clear and defined steady outcome?**

2 A. That is true.

3 **Q. And does Empire have a clear and**
4 **defined outcome?**

5 A. The way that Empire -- yes, the way the
6 Empire program was developed, it did. And I would
7 refer back to the latest tariff that the company has
8 sent around, and they have added a part about
9 reporting requirements and the report that they
10 would provide. So I think the latest tariff is
11 starting to address some of those concerns.

12 **Q. Starting?**

13 A. Let me -- it is addressing those
14 concerns.

15 **Q. You believe it's important for programs**
16 **to have a defined outcome?**

17 A. I think it just depends on how the
18 program is developed. I think the Empire program
19 was developed because there were concerns and there
20 were specific requests that the program was set up
21 to find, and so I think that was -- you know, we
22 wanted a clear definition of what exactly those
23 concerns were.

24 This program was already established
25 and there were concerns that based on the

1 testimonies from the parties that maybe it was
2 harder to administer, there were some issues, and so
3 I think the proposed program here is trying to
4 address some of those concerns that the original
5 program had.

6 **Q. And how will you know if they do if you**
7 **don't do a final study or an evaluation through the**
8 **program?**

9 A. That -- that could be something that
10 could be -- you know, I think Staff would be open to
11 talking with the parties about that. I think there
12 is an addition in the tariff about the collaborative
13 and continuing discussions on how this program would
14 go. I think that would be something we could
15 discuss.

16 **Q. You agree with me that these programs**
17 **have positive effects and they may also have**
18 **unintended consequences?**

19 A. I don't know. And I would say I have
20 not looked closely at -- I don't know.

21 **Q. Okay. Thank you. On page 13 are you**
22 **suggesting that the fixed charge assistance program**
23 **have defined eligibility for customers?**

24 A. I think with the -- so this was --
25 again, all of my rebuttal is going back to the

1 direct --

2 Q. Okay.

3 A. -- file tariff, and much of that has
4 been addressed in the most recent tariff. I think
5 in the most recent tariff there is a poverty level
6 that has been defined as who qualifies. I think in
7 the proposed original tariff there was none. I
8 think -- and so that was a concern that's been
9 addressed.

10 Q. On page 14 you express some concern
11 with the ten percent of program cost going to
12 administration, and you note on line ten this amount
13 is approximately double -- double the current
14 administrative costs.

15 A. Yes.

16 Q. Are you still concerned with that?

17 A. If you would go to page 15 at -- at --
18 at the final recommendation for the program that I
19 have --

20 Q. Uh-huh.

21 A. -- and again, all of this goes back to
22 the direct file tariff, and there were at least ten
23 percent. We -- we had concerns with the at least
24 ten percent and just wanted to see either a dollar
25 value or up to, no greater than, and he's addressed

1 that.

2 Q. So a cap, you were looking for some
3 sort of cap?

4 A. Yes. Right. Some -- some sort of,
5 yes, a cap, an amount. The original program had
6 50,000 as an administrative expense, and -- and you
7 know, it does make sense if they're extending it to
8 another region that it would be additional
9 administrative cost to -- to -- because there would
10 be more community action agencies involved, but we
11 just didn't want to see an un -- an uncapped value.

12 Q. When you say they extending it to
13 another region, who is they?

14 A. Oh, I'm sorry. The company.

15 Q. And what other region would they be?

16 A. MGE.

17 Q. Okay.

18 A. Yeah.

19 Q. But that would be a separate pot of
20 money. For MGE, Laclede would have separate pots of
21 money?

22 A. Right. Right.

23 MS. SHEMWELL: That's all I have.

24 Thank you.

25 THE WITNESS: Okay.

1 JUDGE DIPPEL: Division of Energy?

2 QUESTIONS BY MR. BEAR

3 Q. Just a few quick questions. Would it
4 be fair to state that Staff believes that
5 administrative fees in this context, so long as they
6 don't exceed ten percent, would be reasonable?

7 A. Yes.

8 Q. Okay. And that administrative costs,
9 if we're able to tamp that down to some percentage
10 less than that, that that would be a benefit to the
11 program as a whole?

12 A. Yes.

13 MR. BEAR: Okay. That's all I have.

14 JUDGE DIPPEL: Consumers Council?

15 QUESTIONS BY MR. COFFMAN

16 Q. Yes. Good morning.

17 A. Good morning.

18 Q. Hi. Is Staff satisfied with the
19 administrative compensation procedures being used by
20 Ameren's Keeping Current program?

21 A. I can't -- I can't speak to the Keeping
22 Current program. I'm sorry.

23 MR. COFFMAN: Okay. All right. That's
24 all. Thank you.

25 JUDGE DIPPEL: And I skipped National

1 Housing Trust. Did you have anything?

2 MR. LINHARES: No thank you.

3 JUDGE DIPPEL: Spire?

4 MR. PENDERGAST: Thank you.

5 QUESTIONS BY MR. PENDERGAST

6 Q. Just to kind of clarify where we are
7 right now, would you agree with me that the parties
8 have made some pretty significant progress in coming
9 up with a program structure and process for future
10 input that is acceptable to Staff?

11 A. Yes.

12 Q. And under that particular approach we
13 retain the Empire feature of providing a credit
14 throughout the year to all participating customers;
15 is that correct?

16 A. Yes.

17 Q. And then what we do is we allocate some
18 portion for another additional credit based on
19 income to the winter months?

20 MS. SHEMWELL: Mr. Pendergast, are you
21 discussing a settlement that's being negotiated?

22 MR. PENDERGAST: Well, what I'm trying
23 to do is see if this particular approach is
24 acceptable to Staff.

25 MS. SHEMWELL: So you're asking her if

1 this negotiated document is acceptable to Staff?

2 JUDGE DIPPEL: Ms. Shemwell, do you
3 have an objection?

4 MS. SHEMWELL: I'm objecting that he
5 may be discussing settlement discussions and asking
6 this witness whether or not Staff agrees with the
7 provisions in the settlement.

8 MR. PENDERGAST: I'm just asking if
9 Staff agrees with a particular concept that may or
10 may not reach fruition in a settlement document.

11 JUDGE DIPPEL: I'll allow the question.
12 Continue.

13 THE WITNESS: Can you repeat the
14 question?

15 Q. (By Mr. Pendergast) Sure. Once again,
16 we established that the feature that has a credit
17 throughout the year similar to the Empire program
18 should be retained in Staff's view?

19 A. Yes.

20 Q. And then Staff is -- are you okay -- is
21 Staff okay with a final product that would
22 reallocate some of the dollars or put some
23 additional dollars in the winter period for an
24 additional credit for customers below a certain
25 income level?

1 A. Yes. So Staff would be okay with
2 some -- with an additional -- if there was
3 additional credit in addition to that fixed charge
4 as long as there was not a negative bill.

5 We would like to see customers
6 contribute towards a -- you know, contribute
7 something towards a bill in the winter. So we
8 wouldn't want to see negative bills for sure. So
9 there would be some stipulations on that.

10 MR. PENDERGAST: Very good. And I'm
11 going to take a leap of faith here and not ask any
12 additional questions on what will hopefully be only
13 hypothetical and mooted differences, so thank you
14 very much.

15 THE WITNESS: Thanks.

16 JUDGE DIPPEL: Are there questions from
17 the bench for Ms. Kliethermes?

18 QUESTIONS BY CHAIRMAN HALL

19 **Q. Good morning.**

20 A. Good morning.

21 **Q. So is it Staff's hope that at some**
22 **point before the Commission issues a report and**
23 **order in this case that the parties have come**
24 **together and agreed as to the shape of this low**
25 **income program and that that would be -- that that**

1 agreement would appear in some type of stipulation
2 filed with the Commission?

3 A. Yes.

4 Q. Thank you. Second question. Are you
5 familiar with low income programs administered by
6 other regulated utilities in Missouri?

7 A. I am not. I have -- I have general
8 knowledge of tariffs, but not exactly how they're
9 administered, how the funds are administered.

10 Q. So if -- if I wanted to know the extent
11 to which shareholders of other regulated utilities
12 are contributing to -- to low income assistance
13 programs and how that compares to Laclede, how would
14 I find that out?

15 A. I think we -- we can get that for you,
16 Staff can get that for you. I don't know that there
17 is exactly one witness that knows about every low
18 income program, electric, gas, and otherwise that
19 can put that -- that knows, you know, all of that,
20 but I definitely think we can prepare something and
21 provide it.

22 CHAIRMAN HALL: Okay. Thank you.

23 THE WITNESS: Thanks.

24 JUDGE DIPPEL: Any other commissioner
25 questions? All right. Is there further

1 cross-examination based on Chairman Hall's
2 questions, and I'm just going to ask you to let me
3 know.

4 MS. SHEMWELL: No thank you.

5 JUDGE DIPPEL: Okay. I'm not seeing
6 any. So we will go on then to redirect.

7 MR. JOHNSON: Just very briefly. Thank
8 you.

9 QUESTIONS BY MR. JOHNSON

10 Q. Ms. Kliethermes, are you at all
11 familiar with the way the low income program is
12 administered with community action agencies?

13 A. No. I am not.

14 Q. Okay. Are you aware of any third party
15 entity that administers the program on behalf of the
16 company?

17 A. For Laclede and MGE?

18 Q. For Laclede and MGE.

19 A. I know the community action agencies
20 are involved. I don't know the specific how that --
21 how that works.

22 MR. JOHNSON: Okay. Thank you very
23 much.

24 JUDGE DIPPEL: Thank you. Thank you,
25 Ms. Kliethermes. You may step down for now.

1 THE WITNESS: Thank you.

2 JUDGE DIPPEL: Next on the list is
3 OPC's witness.

4 MS. SHEMWELL: Judge, the idea that
5 there is a stipulation agreement floating out
6 there --

7 JUDGE DIPPEL: Can you speak into the
8 microphone?

9 MS. SHEMWELL: I'm sorry. The idea
10 that a stipulation agreement is floating out there,
11 I wondered if we could, just the attorneys for the
12 parties involved, gather for a moment and see if how
13 we would like to recommend the Commission proceed.
14 I'm suggesting we might offer that or not at this
15 point. Or do you want to just continue?

16 JUDGE DIPPEL: Let's -- let's just
17 continue, and then you all can discuss that at the
18 next break.

19 MS. SHEMWELL: Okay. Thank you.

20 JUDGE DIPPEL: You were sworn
21 yesterday, Mr. Marke. So you continue under --

22 MS. SHEMWELL: Tender him for cross.
23 I'll tender him for cross. Thank you.

24 JUDGE DIPPEL: Thank you, Ms. Shemwell.
25 Is there cross-examination for Mr. Marke on this

1 topic by Staff?

2 MR. JOHNSON: No questions. Thank you,
3 Judge.

4 JUDGE DIPPEL: Division of Energy?

5 MR. BEAR: Just briefly, Your Honor.

6 WITNESS: GEOFF MARKE

7 QUESTIONS BY MR. BEAR

8 Q. Dr. Marke, would it be fair to say that
9 OPC's philosophical point on this on low income is
10 that a goal of lowering overall rates is probably
11 the primary focus of OPC rather than individual
12 programs?

13 A. Yes.

14 Q. Without going into the details because
15 I know it's another subject, OPC has proposed as
16 part of this rate case a general rate for the
17 company, correct?

18 A. Yes.

19 Q. If that rate was put in place, would
20 there still be households with energy burdens over
21 17 percent, 20 percent as discussed earlier in
22 testimony?

23 A. Yes.

24 Q. And so just based on the proposals of
25 general rates, we couldn't eliminate high energy

1 **burdened households through just the general rate**
2 **mechanism. Would that be a fair statement?**

3 A. Yes.

4 MR. BEAR: Nothing further.

5 JUDGE DIPPEL: Is there anything from
6 National Housing Trust?

7 MR. LINHARES: Yeah. Briefly, Your
8 Honor.

9 QUESTIONS BY MR. LINHARES

10 Q. **Morning, Dr. Marke.**

11 A. Morning.

12 Q. **Dr. Marke, you reviewed the testimony**
13 **of Ms. Hutchinson, the witness for Consumers Council**
14 **of Missouri, correct?**

15 A. Yes.

16 Q. **Okay. Including the part of her**
17 **testimony that recommends that utility funding for a**
18 **new comprehensive low income energy assistance**
19 **program be matched by utility stockholders?**

20 A. Yes.

21 Q. **I'm just curious, are you aware of any**
22 **other utilities that employ a similar matching**
23 **framework to this?**

24 A. I am. All the electric companies match
25 in some form or another a shareholder contribution

1 for low income programs, whether that's Dollar-Help,
2 whether that's directly through a program like this,
3 or even directly to the cap agencies for employment.

4 So each of the electric utilities in
5 Missouri, shareholders do recognize this, and I know
6 Ms. Kliethermes suggested that she would go ahead
7 and -- and add that. I could help her assist with
8 that, providing that information.

9 Q. Okay. And how about utilities outside
10 of Missouri, do you have any knowledge of any
11 representative programs that you would want to share
12 today?

13 A. The one that jumps out to mind is
14 Entergy is a very progressive utility that's
15 provided some information and some low income
16 financing. Xcel is another sort of model utility,
17 particularly out of Colorado. So I'd offer those
18 two as just reference.

19 MR. LINHARES: Okay. Nothing further.
20 Thank you.

21 JUDGE DIPPEL: Environmental Defense
22 Fund?

23 MS. KARAS: No questions, Your Honor.

24 JUDGE DIPPEL: Consumers Council?

25 QUESTIONS BY MR. COFFMAN

1 Q. Yes. Mr. Marke, do you have a working
2 knowledge of the Keeping Current program that Ameren
3 has?

4 A. I do. I'm a member of the
5 collaborative.

6 Q. Right. And so are there elements of
7 that program that you -- that you like or don't like
8 or think are, you know, elements that should be
9 considered best practices?

10 A. So the -- the big key thing that I
11 would focus on is Ameren became -- you know, not
12 just that they threw the money, but they became
13 invested with the program.

14 You know, they had a very dedicated --
15 Molly Martin, and then currently Connie Taylor,
16 strong, strong advocates within the utility to go
17 ahead and make sure that money gets spent down. I
18 mean, that's OPC's focus. We want to get this money
19 spent.

20 You know, the big concern with any sort
21 of like wealth transfer program is that you try to
22 minimize that leakage, right, try to prevent as --
23 have most of that money go directly to those
24 ratepayers.

25 And based off of an extended experience

1 with Ameren, they were able to minimize that, and
2 they were -- would be able to minimize that with
3 feedback from both Ms. Hutchinson and from other
4 collaborative members, but really information from
5 the cap agencies themselves.

6 So it's sort of held up and -- clearly
7 held up today as sort of a model program. You know,
8 perspective matters. This is -- we're talking about
9 the poorest of the poor, right? So you know, small
10 incremental help like this really does go a long
11 way.

12 Q. I think we should clarify something
13 about the funding here. Isn't it true that we were
14 talking about funding of this program, we're talking
15 about a deferral rather than a revenue requirement
16 item?

17 A. That's my understanding, yes.

18 Q. And -- and as such, whatever funding
19 cap or budget the Commission approves in this case,
20 that won't change the revenue requirement here and
21 it won't necessarily be spent up to that level,
22 correct?

23 A. That's correct.

24 Q. So if the -- if the program -- you
25 know, the budget would just be a ceiling, and if

1 they never went up there there wouldn't be the
2 problem of having unspent funds --

3 A. Right.

4 Q. -- this particular methodology,
5 correct?

6 A. It is.

7 Q. Okay. And do you think that there is a
8 level that would be important to make sure that the
9 program was a success and that it didn't run out of
10 funds going forward over the next few years?

11 A. I think -- I think that's a difficult
12 question to answer because there's a lot of
13 uncertainty moving forward. Clearly if LIHEAP
14 funding got cut or Utilicare funding remains
15 underbudgeted there would be stronger opposition for
16 it. It's difficult to sort of have a -- to predict
17 that, but --

18 Q. Would you say that -- that the gas
19 companies, MGE and Laclede perhaps have had some
20 challenges promoting their programs and getting
21 the -- getting the money to the folks that might
22 need it in the past, programs that --

23 A. So you know, the key thing is you hear
24 about LIHEAP funds. LIHEAP funds get spent, right?
25 There's -- that money gets spent down every year.

1 They need more of it. The fact that we've got
2 utility funds that are just remaining in balance is
3 problematic.

4 Q. And to clarify, when the Office of
5 Public Counsel, you know, points out that lowering
6 rates overall is maybe a higher priority than low
7 income assistance, that's not in any way disputing
8 the fact that there is a need out there of many
9 millions of dollars. There is a gap of funds that
10 are -- that customers aren't able to pay, that there
11 are those that just simply don't have the money to
12 pay their bills; is that fair?

13 A. Yes.

14 Q. Okay. Just reflects I guess a -- a
15 philosophical approach to how to solve the problem;
16 is that fair?

17 A. That's a fair assumption, yes.

18 MR. COFFMAN: Okay. I appreciate that.
19 Thank you. That's all I have.

20 JUDGE DIPPEL: Thank you. Spire?

21 QUESTIONS BY MR. PENDERGAST

22 Q. Yes. Good morning, Dr. Marke. How are
23 you?

24 A. I'm good. Thank you.

25 Q. Good. Just a couple of questions, you

1 know, and I think Mr. Coffman did a lot to clarify
2 it. Because this is a deferral, you know, if for
3 whatever reason the amount of authorized funding is
4 not spent, then it's not going to be reflected in
5 rates in the future, correct?

6 A. Correct.

7 Q. And it's not reflected in rates at all
8 right now?

9 A. Correct.

10 Q. Okay. And I think OPC has sort of, you
11 know, raised the concept I think pretty directly
12 that low income customers could be helped in a
13 variety of ways. One of them are these kind of
14 programs that give specific help to specific
15 customers, but also efforts that go ahead and keep
16 rates lower in general also help low income
17 customers. Would you agree with that?

18 A. Yes.

19 Q. Okay. And from the standpoint of, you
20 know, if shareholders make investments or they
21 expend significant sums of money that result in
22 rates lower than they otherwise would be, is that
23 something that benefits low income customers?

24 A. I think it's a loaded question.

25 Q. Fire away.

1 A. Okay. If what you're asking is if the
2 results of this case would result in lower rates
3 overall, yes, and that we've been cleared -- at the
4 forefront that, you know, what we believe the
5 revenue requirement is going forward and the impact
6 that would have on ratepayers.

7 You know, I did have -- I was fortunate
8 enough to attend a couple public hearings. And
9 overwhelmingly what you hear from -- what I heard
10 was why are rates going up? How can our rates go up
11 while natural gas prices are at historic lows?
12 Right?

13 I think that's the vast majority of --
14 of what people hear and what people really struggle
15 with on why where we're at today with -- with the
16 ask from the company's standpoint.

17 **Q. Yeah, no, and -- and I understand that.**
18 **But just as that economic proposition, I mean, if**
19 **rates are lower than they otherwise would have been,**
20 **whether they're absolutely lower than they were,**
21 **actions that made them lower than they otherwise**
22 **would be is a benefit to all customers, including**
23 **low income customers?**

24 A. So it's difficult to stay positively --
25 state positively one way or the other on a

1 counterfactual, right? So what would have happened
2 if say this acquisition didn't happen or this merger
3 didn't happen and how would that have impacted rates
4 overall, but as a general theory, right, as a
5 general overall proposition with all this caveats
6 before that, yes.

7 Q. And just to kind of put things in
8 perspective, we've talked about natural gas
9 customers and what they're facing, and the company
10 has, you know, indicated that even if it should get
11 the full amount that it's requested, which, you
12 know, may be a little iffy at this point, that our
13 rates to customers would still be lower than they
14 were ten years ago? Have you done any analysis on
15 that or have you looked at that?

16 A. I would caution before I made -- well,
17 I haven't done the specific analysis on that. We'll
18 leave it at that.

19 Q. That's fine.

20 A. Okay.

21 Q. And just, you know, if -- we've had a
22 lot of discussion about electric utilities and the
23 fact that they've made specific contributions to
24 their low income program. What are their rates
25 compared to where they were ten years ago, any idea?

1 A. So to be clear, you know, I would
2 prefer to just say same rates because so much of our
3 bill is sanctioned out in surcharges, but I would
4 ask the question what is the bill today compared to
5 what it was ten years ago? That would be the key
6 for me for the same amount of usage, the same sort
7 of environment.

8 **Q. Fair point.**

9 A. Okay.

10 **Q. And just looking at it in that way,**
11 **have they generally gone up?**

12 A. They are generally lower because of
13 historic low cost of natural gas today.

14 **Q. On the electric side?**

15 A. Oh, was this a question about the
16 electric?

17 **Q. Yeah. Yeah, I'm sorry.**

18 A. Oh, I'm sorry.

19 **Q. I apologize.**

20 A. Yes, electric bills have gone up.

21 **Q. Electric bills have gone up?**

22 A. Yes.

23 **Q. So -- and admittedly, you know, the**
24 **shale revolution has had a great impact on natural**
25 **gas prices, but if you look at it, natural gas**

1 prices today, you know, and what our customers pay,
2 including low income customers, have not experienced
3 the kind of increases that they have experienced on
4 the electric side. Would that be a generally fair
5 statement?

6 A. The levelized cost of energy, you look
7 at the different fuel mixes, natural gas is
8 absolutely at historic lows.

9 Q. And conversely, electric in Missouri
10 retail bill impacts, they've gone up?

11 A. Yes.

12 Q. And just so we have it on record,
13 you're supportive of a kind of hybrid program where
14 we would have sort of the Empire year-round credit
15 and then an additional credit based on income during
16 the winter months for more vulnerable customers?

17 A. If I could speak to the first part,
18 that's Commissioner Kenney's Empire model. I think
19 it's actually perfect for Spire because one of the
20 issues there is that -- oh, it's Chairman Hall's.

21 COMMISSIONER KENNEY: Excuse me. My
22 model would have been much better. You can ask --
23 you can ask the Chairman if he thinks so.

24 A. So one of the big points here is that
25 you have a lot of low income customers that drop off

1 in the summertime. It's -- and they've got to pay
2 that reconnection fee, right? So that's a burden on
3 them. Every fall they've got to go ahead and do
4 that.

5 And the idea, I think, from the
6 company, we really do support this, is that we would
7 alleviate that because that customer charge would go
8 away. They'd just be paying that -- that variable
9 charge, which would be really low in the summertime,
10 because presumably they're not heating their house
11 in hundred degree weather.

12 But they would stay on the system, and
13 that's a benefit for all ratepayers because all
14 ratepayers benefit from not having to pay
15 uncollectibles and arrearages and those ratepayers
16 get to stay on. So it's a win/win/win, and that
17 rarely happens in -- in this realm. So yes, very,
18 very supportive to the first part.

19 To the second part as far as the
20 tiered, I don't think we have taken a formal
21 position on the record in this case. To the extent
22 that there is discussion happening outside, it's
23 above my pay grade.

24 **Q. (By Mr. Pendergast) Very good. And --**
25 **and just with your comment about keeping customers**

1 on during the summer, you've made some good points
2 about how that can reduce cost overall avoiding
3 disconnection, reconnection, and that sort of thing,
4 but would you also say that, you know, while it's
5 not as critical perhaps as it is when the weather is
6 very cold, keeping customers on, but just from the
7 standpoint of health and welfare, you know, having
8 that water heater, having those abilities to go
9 ahead and keep those essential appliances on during
10 the summer is also a benefit?

11 A. Yes.

12 MR. PENDERGAST: Okay. Thank you. No
13 further questions.

14 JUDGE DIPPEL: Are there questions from
15 the bench? Commissioner Kenney?

16 QUESTIONS BY COMMISSIONER KENNEY

17 Q. Hello, Dr. Marke.

18 A. Hello.

19 Q. So what's OPC's position on this low
20 income rate?

21 A. For the rate we support it.

22 Q. You support the low income rate?

23 A. The -- the year-round customer charge
24 we need to lower it --

25 Q. You do support a low income program?

1 A. Okay. That's a different element.

2 Q. We're talking about the low income
3 program, right?

4 A. Right.

5 Q. And I have understood that OPC's
6 position that they do not want a low income program,
7 they'd rather just have lower rates for everybody.
8 And I understand that.

9 A. Uh-huh.

10 Q. But so do you support the low income
11 program that we're talking about now?

12 A. I believe to the extent that I'm up
13 here as a witness, it's to answer question I think
14 five on that issues list, which is the rate design
15 issue.

16 Q. No. I'm talking -- right now I'm
17 talking about should -- should -- next page. Let's
18 see. Should we have a low income affordability
19 program as -- as referenced by Spire and several
20 other parties, like Department of Energy, Consumers
21 Council, and then Staff has said yes, and I
22 understood OPC did not want that program, they'd
23 just rather have low rates for everyone?

24 A. Right. I think -- and our concern was
25 the program wasn't being spent as it is.

1 Q. Yeah, but you know what, and that was
2 argued by Staff in a KCP&L case. We ended up
3 raising and giving more money --

4 A. Uh-huh.

5 Q. -- because we figured we could get a
6 collaborative together to make that work because
7 there was more of -- a greater need than was being
8 expended, and I believe in that case the company was
9 paying 50 percent of that, their shareholders, but
10 I'm just talking about in general does OPC support a
11 low income program as we've been -- as -- as
12 proposed by the company to -- to continue Laclede
13 and expand it to MGE?

14 A. I think our present position is that we
15 do not support it.

16 MR. KENNEY: Okay. Thank you.

17 JUDGE DIPPEL: Any other commissioner
18 questions? All right. Is there further
19 cross-examination based on Commissioner Kenney's
20 questions? Not seeing any. So we will continue on
21 then to redirect by Public Counsel.

22 QUESTIONS BY MS. SHEMWELL:

23 Q. Dr. Marke, there's been discussion that
24 these costs will not be included in the current
25 revenue requirement. You're familiar with that?

1 A. Yes.

2 Q. When will they be reflected in revenue
3 requirement?

4 A. Presumably in the next rate case.

5 Q. For the court reporter, you were
6 referring to Entergy?

7 A. Yes. With an E.

8 Q. National Housing Trust asked you if
9 there will be customers with high energy burdens.
10 Is that the case regardless of whether or not there
11 are lower rates?

12 A. Yes.

13 Q. And whether or not there are programs?

14 A. Yes.

15 Q. Ameren's Keeping Current, is that an
16 area in which you are considering co-delivery
17 between the utilities or is that something you don't
18 want to happen?

19 A. Between Ameren and Laclede?

20 Q. Yes.

21 A. That's a good question. I mean,
22 Ms. Hutchinson brought up this idea of, you know, in
23 the Ohio model, right, which was a legislatively
24 enacted sort of streamlined approach. Ideally
25 that's the best case.

1 Right now what you've got are these
2 silo low income groups all in line that are
3 happening individually. It's really difficult for a
4 low income -- I think A, psychologically there's a
5 huge hurdle with just having to ask for assistance
6 to begin with.

7 B, there's a huge hurdle with having
8 the sort of bureaucratic hurdle, right, having the
9 paperwork to go ahead and prove that I'm low income,
10 having the paperwork to go ahead and get from point
11 A to point B to ask for this assistance here and
12 this assistance there.

13 The extent that you can streamline all
14 this in an ideal world, electric, gas, all of this
15 stuff together like Ohio, then you're getting the
16 most bang for your buck. You're getting those
17 dollars spent down that are otherwise not being
18 spent today. That's probably beyond the scope of
19 this case, but that's just my two cents.

20 Q. Ohio is a legislatively created
21 program?

22 A. Right.

23 Q. Is OPC concerned with low income
24 customers?

25 A. Very much so.

1 Q. Has that been a focus of many of OPC's
2 positions?

3 A. Yes.

4 MS. SHEMWELL: That's all I have.
5 Thank you.

6 JUDGE DIPPEL: Thank you, Dr. Marke.
7 You may step down. I'm sorry. Oh, no, go ahead.

8 CHAIRMAN HALL: I have a question for
9 counsel for Spire. There's been a lot of discussion
10 about the positive effects or the potential positive
11 effects of a low income program on -- for all -- for
12 all ratepayers in terms of reduced disconnects, etc.
13 I'm wondering has -- does the company have any kind
14 of analysis as to the -- as to those positive
15 effects or is it just a hypothetical?

16 MR. PENDERGAST: Yeah, I don't think
17 we've done a specific analysis on it, Chairman, but
18 it has been a subject of discussion in developing
19 other programs of this nature in the past, and I
20 think that maybe at some point it was specifically
21 mentioned as a potential impact.

22 I'll be happy to go back and look and
23 see what I can find on that and give it to you, but
24 I'm not aware of a specific analysis that's been
25 done.

1 CHAIRMAN HALL: Okay. Thank you.

2 JUDGE DIPPEL: Ms. Shemwell, did you
3 have -- are you ready to call your next witness?

4 MS. SHEMWELL: Yes.

5 JUDGE DIPPEL: Okay. Thank you.

6 MS. SHEMWELL: Also the Public Counsel
7 calls Lena Mantle to the stand. Ms. Mantle.

8 JUDGE DIPPEL: Do you solemnly swear or
9 affirm that the testimony you're about to give at
10 this hearing will be the truth the whole truth and
11 nothing but the truth?

12 THE WITNESS: I do.

13 JUDGE DIPPEL: Thank you.

14 WITNESS: LENA MANTLE

15 QUESTIONS BY MS. SHEMWELL

16 **Q. Ms. Mantle, would you please state your**
17 **name and spell your name for the court reporter?**

18 A. My name is Lena M. Mantle. Lena is
19 L-E-N-A. Mantle is M-A-N-T-L-E.

20 **Q. For whom do you work?**

21 A. I work for the Office of Public
22 Counsel.

23 **Q. What do you do at Public Counsel?**

24 A. I am a senior advisor to the Public
25 Counsel.

1 **Q. In this case have you filed testimony,**
2 **both rebuttal and surrebuttal?**

3 A. Yes, and direct also.

4 **Q. Sorry. And do you know how those have**
5 **been marked?**

6 A. Yes. My direct has been marked as
7 Exhibit 405, my rebuttal has been marked as 411, and
8 my surrebuttal has been marked as 419.

9 **Q. Do you have any correction --**

10 JUDGE DIPPEL: Let me interrupt there
11 just a moment. I have her direct marked as 404.

12 MS. SHEMWELL: We'll get that worked
13 out, Judge.

14 JUDGE DIPPEL: Yes.

15 MS. SHEMWELL: But the rest are the
16 same.

17 JUDGE DIPPEL: The rest are the same.

18 **Q. (By Ms. Shemwell) Ms. Mantle, do you**
19 **have any corrections to your testimony?**

20 A. No, I do not.

21 **Q. If I were to ask you the same questions**
22 **today, would your answers be the same?**

23 A. Yes.

24 **Q. Is your testimony true and correct to**
25 **the best of your knowledge and belief?**

1 A. Yes.

2 MS. SHEMWELL: I tender the witness for
3 cross.

4 JUDGE DIPPEL: And I'll apologize
5 because, no, I have her surrebuttal marked as 418.
6 We will clarify at the end of Ms. Mantle's
7 testimony, make sure we're all on the same page with
8 that. Is there cross-examination from Staff?

9 MR. JOHNSON: No questions. Thank you,
10 Judge.

11 JUDGE DIPPEL: Division of Energy?

12 QUESTIONS BY MR. BEAR

13 Q. Yes. You were in here while I was
14 talking to Dr. Marke about the philosophical
15 position about OPC in regards to this issue. Do you
16 recall that now?

17 A. Yes, I was here.

18 Q. Okay. Excellent. And, you know,
19 beyond just the philosophical approach of wanting to
20 have overall lower rates, isn't part of OPC's
21 position based in part on historically low natural
22 gas prices?

23 A. I don't -- no.

24 MR. BEAR: Okay. Thank you. Nothing
25 further.

1 JUDGE DIPPEL: Is there cross from the
2 National Housing Trust?

3 MR. LINHARES: No, no questions. Thank
4 you.

5 JUDGE DIPPEL: Environmental Defense?

6 MS. KARAS: No questions, Your Honor.

7 JUDGE DIPPEL: Consumer Council?

8 MR. COFFMAN: No questions, Your Honor.

9 JUDGE DIPPEL: Spire?

10 MR. PENDERGAST: Thank you, Your Honor.

11 QUESTIONS BY MR. PENDERGAST

12 Q. Good morning, Ms. Mantle.

13 A. Good morning.

14 Q. I just wanted to go ahead and get as
15 clear a sense as I could where OPC was right now as
16 far as its filed position, and I think in your
17 rebuttal testimony, and I'm going to refer you to
18 page five, at least when that testimony was filed
19 OPC was recommending no funding for low income
20 affordability program, the Red Tag program, the
21 combined heat and power program that's been proposed
22 by Division of Energy, for any energy efficiency
23 programs, and I think you also threw in economic
24 development and assistive expansion costs, but in
25 your surrebuttal testimony, I think, and maybe your

1 **rebuttal, you made clear that the low income**
2 **weatherization programs were okay with OPC?**

3 A. Yes.

4 Q. Okay. And -- and with that exception,
5 **has there been any change in these programs you**
6 **identified in your rebuttal testimony that OPC did**
7 **not believe should be funded, has there been any**
8 **change in position on that?**

9 A. At this point in time, no, there is
10 not.

11 MR. PENDERGAST: Okay. Thank you. I
12 have no further questions.

13 JUDGE DIPPEL: Are there questions from
14 the bench for Ms. Mantle?

15 CHAIRMAN HALL: No questions. Thank
16 you.

17 COMMISSIONER KENNEY: No questions.

18 COMMISSIONER RUPP: No.

19 COMMISSIONER COLEMAN: No.

20 JUDGE DIPPEL: Is there any redirect?

21 MS. SHEMWELL: No. Thank you.

22 JUDGE DIPPEL: All right. Ms. Mantle,
23 thank you. So again, I will just state how I have
24 Ms. Mantle's testimony marked and then
25 double-checking. So I have 404 is the direct, 411

1 is the rebuttal, and 418 as the surrebuttal.

2 MS. SHEMWELL: Thank you.

3 JUDGE DIPPEL: All right. Let's
4 continue then with Division of Energy witness.

5 Do you solemnly swear or affirm the
6 testimony you are about to give at this hearing will
7 be the truth, the whole truth and nothing but the
8 truth?

9 THE WITNESS: I do.

10 JUDGE DIPPEL: Thank you.

11 WITNESS: ERIN KOHL

12 QUESTIONS BY MR. BEAR

13 Q. Could you please state your name for
14 the record?

15 A. Erin, E-R-I-N. Kohl, K-O-H-L.

16 Q. And how are you employed, ma'am?

17 A. I am employed as a planner two with the
18 Division of Energy with the economic development.

19 Q. And have you caused to be filed in this
20 particular case direct, rebuttal, and surrebuttal
21 testimony?

22 A. Yes.

23 Q. And if I were to ask you the questions
24 contained in those documents, would those be your
25 answers if I were to ask them to you -- to them to

1 **you today?**

2 A. Yes.

3 MR. BEAR: I guess we are not moving
4 for admission of these if there are other topics; is
5 that correct?

6 JUDGE DIPPEL: That's correct.

7 MR. BEAR: And Your Honor, I have
8 direct being 501 highly confidential -- or sorry,
9 confidential and public. Rebuttal 507, surrebuttal
10 510.

11 JUDGE DIPPEL: That is what I have as
12 well.

13 MR. BEAR: I tender the witness.

14 JUDGE DIPPEL: Is there
15 cross-examination by Spire?

16 MR. PENDERGAST: We have nothing, Your
17 Honor.

18 JUDGE DIPPEL: Staff?

19 MR. JOHNSON: No questions. Thank you,
20 Judge.

21 JUDGE DIPPEL: Office of Public
22 Counsel?

23 MS. SHEMWELL: Just briefly. Thank
24 you.

25 QUESTIONS BY MS. SHEMWELL

1 Q. On page eight I think of your direct,
2 line 14.

3 JUDGE DIPPEL: Microphone,
4 Ms. Shemwell. Thank you.

5 Q. (By Ms. Shemwell) You say your
6 procedural administration, you're describing the
7 e-administration of LIWAP, right?

8 A. I'm sorry?

9 Q. Your direct?

10 A. On page what?

11 Q. Eight.

12 A. Have you got my testimony?

13 Q. I may have Kroll instead of Kohl.
14 Sorry.

15 A. That's okay.

16 MS. SHEMWELL: I'll just -- thank you.
17 I will wait for Ms. Kroll. Thank you.

18 THE WITNESS: Thank you.

19 JUDGE DIPPEL: Anything from National
20 Housing Trust?

21 MR. LINHARES: No, no questions. Thank
22 you, Your Honor.

23 JUDGE DIPPEL: Environmental Defense
24 Fund?

25 MS. KARAS: No questions, Your Honor.

1 JUDGE DIPPEL: Consumers Council?

2 MR. COFFMAN: No questions.

3 JUDGE DIPPEL: Are there any questions
4 from the bench?

5 CHAIRMAN HALL: Yeah, I do have just a
6 few.

7 QUESTIONS BY MR. HALL

8 Q. Good morning.

9 A. Good morning.

10 Q. On page eight of your direct you have
11 some discussion concerning your interest in improved
12 methods for tracking and reporting of the
13 administrative costs?

14 A. Yes.

15 Q. Could you explain?

16 JUDGE DIPPEL: I just want to caution
17 because there's some confidential information on
18 that page. So if there's anything we need to
19 discuss in camera, please let me know.

20 THE WITNESS: Okay.

21 A. In reporting there were no
22 administrative costs reported, so I wasn't able to
23 evaluate the entire program and the funding for it.

24 Q. (By Mr. Hall) So what is it that you
25 would like to see, just simply what the

1 administrative costs are --

2 A. Yes.

3 Q. -- or anything beyond that?

4 A. The breakdown of labor, administrative
5 cost, parts, anything that's involved in the
6 program.

7 Q. Are there any other improvements to
8 tracking and reporting of costs or expenditures that
9 you would like to see or is that the only tracking
10 and reporting concern you have?

11 A. At this time that's the only concern.

12 CHAIRMAN HALL: Okay. Thank you.

13 COMMISSIONER KENNEY: No questions.

14 JUDGE DIPPEL: Is there any further
15 cross-examination based on the Chairman's questions?
16 Not seeing any. Is there redirect by the Division
17 of Energy?

18 MR. BEAR: Just briefly.

19 QUESTIONS BY MR. BEAR:

20 Q. You were asked by the chairman about
21 improvements regarding the administration of this
22 program. Would it be fair to state that you believe
23 that this could be part of a collaborative
24 discussion to find additional areas of improvement?

25 A. Yes.

1 MR. BEAR: Nothing further.

2 JUDGE DIPPEL: All right. Then you may
3 step down for now, Ms. Kohl. And Division of
4 Energy, would you like to call your next witness?
5 I'm sorry, it was the Division of Energy where Spire
6 was supposed to be last instead of first, right? On
7 the cross? Did I get that one -- I can't remember.

8 MR. PENDERGAST: Yeah, I can't either.

9 JUDGE DIPPEL: There was one that you
10 were listed --

11 MR. PENDERGAST: First and last.

12 JUDGE DIPPEL: Does it matter? I think
13 on this, no, it's not.

14 Do you swear or affirm that the
15 testimony you are about to give at this hearing will
16 be the truth, the whole truth, and nothing but the
17 truth.

18 THE WITNESS: I do.

19 JUDGE DIPPEL: Thank you.

20 WITNESS: SHARLET KROLL

21 QUESTIONS BY MR. BEAR

22 Q. Can you please state your name for the
23 record?

24 A. Yes. My name is Sharlet Kroll.

25 Q. And how are you employed, ma'am?

1 A. I am employed with the Department of
2 Economic Development, Division of Energy.

3 **Q. And did you cause to be filed in this**
4 **case direct and rebuttal testimony?**

5 A. Direct and surrebuttal.

6 **Q. Direct and surrebuttal. And within**
7 **those written documents there's a series of**
8 **questions and answers. If I were to ask you the**
9 **questions contained in those documents, would those**
10 **be your answers today?**

11 A. I do need to make a correction.

12 **Q. Could you please state the correction**
13 **that you would need to make to your testimony for**
14 **the record?**

15 A. Sure. In my direct on page five, line
16 eight, the case number should read GR-2014-0007.

17 **Q. Are there any other corrections that**
18 **you need to make?**

19 A. No.

20 MR. BEAR: Your Honor, I apologize. I
21 mislaid my exhibit list, but I will get that to you
22 at the break. And I will tender the witness.

23 JUDGE DIPPEL: Okay. Can you tell me
24 that case number one more time just to make sure I
25 have it correct?

1 THE WITNESS: Yes. It's page five,
2 line eight, and the case number should read
3 GR-2014-0007.

4 JUDGE DIPPEL: Oh, okay. I was looking
5 for the error, but I see there's a missing zero.

6 THE WITNESS: Yes.

7 JUDGE DIPPEL: And I have your direct
8 marked as Exhibit 503 and your surrebuttal marked as
9 Exhibit 511. Is there cross-examination by Spire?

10 QUESTIONS BY MR. PENDERGAST

11 Q. Just -- good morning.

12 A. Good morning.

13 Q. A clarifying question. I know we're on
14 low income and I think that there is just one item
15 that's mentioned towards the end of your direct
16 testimony pertaining to a bill checkoff, and you're
17 aware that we've reached an agreement on how that
18 should be addressed?

19 A. Yes, I am.

20 MR. PENDERGAST: Okay. Great. Thank
21 you.

22 JUDGE DIPPEL: Anything from Staff?

23 MR. JOHNSON: No questions.

24 JUDGE DIPPEL: Public Counsel.

25 QUESTIONS BY MS. SHEMWELL

1 Q. On page 21, line ten.

2 JUDGE DIPPEL: Is that the direct?

3 MS. SHEMWELL: Of direct.

4 Q. (By Ms. Shemwell) You state that the
5 majority of low income households do not receive
6 bill assistance as a direct subsidy offsetting
7 energy costs.

8 A. Yes, that is what I said.

9 Q. And so LIHEAP recipients are not
10 representative of low income households in general,
11 correct?

12 A. Correct.

13 JUDGE DIPPEL: Ms. Kröll, can I get you
14 to speak a little louder or more directly? Thank
15 you.

16 THE WITNESS: Yes. Can you hear me
17 better now?

18 JUDGE DIPPEL: I could hear you fine,
19 but it takes a little bit to get it to go over our
20 Internet system. So thank you.

21 Q. (By Ms. Shemwell) That majority of low
22 income households that do not receive bill
23 assistance would benefit from a reduction in
24 Laclede's rates?

25 A. The point I was making in testimony is

1 that there are low income consumers out there who do
2 not apply for subsidy.

3 **Q. I specifically asked, though, that they**
4 **would benefit if Laclede's rates go down?**

5 A. So energy burden is computed based on
6 their annual energy bill to their annual income. So
7 if their energy bill had a reduction and their
8 income remained the same, then they would have a
9 shift in their burden.

10 **Q. It would go down?**

11 A. It should go down.

12 **Q. Lower rates would not assure that the**
13 **energy burden would go down all things remaining**
14 **equal?**

15 A. If their annual energy bill is
16 reduced --

17 **Q. Uh-huh. They will benefit?**

18 A. -- and their income remains the same,
19 they have no change in their income, then their
20 energy burden will shift down.

21 **Q. What keeps people from applying for**
22 **energy assistance?**

23 A. So it could be that they try to find
24 other mechanisms for handling their -- their bill
25 assistance. They might use their credit card. They

1 may take out payday loans. They may pawn off items
2 to pay for their bill.

3 Or they make conserve energy. They may
4 shut their energy -- shut off parts of the house so
5 that it's colder or keep the house colder in order
6 to do without to try to shift their energy burden
7 down.

8 And if they have capacity they might be
9 able to do some energy efficiency measures. So for
10 those who have resources, they may utilize the
11 company's energy efficiency programs. If they're
12 below 200 percent of the federal poverty guidelines,
13 they can apply for weatherization to try to reduce
14 their energy burden through a long-term measure.

15 **Q. When you describe low income households**
16 **in the Midwest consumed less natural gas than**
17 **Midwestern households combined, this is five, line**
18 **five on 22, is that 124 million MM BTUs?**

19 A. Those are British thermal units.

20 **Q. That's what BTU means?**

21 A. Yes, British thermal units.

22 **Q. Okay.**

23 A. So -- yeah.

24 **Q. You use the term fuller utilization of**
25 **funds. Do you mean the program should be redesigned**

1 **so that more money is spent on programs?**

2 A. Which line and page are you referring
3 to.

4 MS. SHEMWELL: I think it's the same --
5 oh, I'm sorry. I don't have anything further for
6 this witness.

7 JUDGE DIPPEL: Thank you. National
8 Housing Trust?

9 MR. LINHARES: No. Thank you, Your
10 Honor.

11 JUDGE DIPPEL: Environmental Defense
12 Fund?

13 MS. KARAS: No questions, Your Honor.

14 JUDGE DIPPEL: Consumers Council?

15 MR. COFFMAN: No questions.

16 JUDGE DIPPEL: Are there any questions
17 from the bench?

18 CHAIRMAN HALL: No questions. Thank
19 you.

20 COMMISSIONER KENNEY: No questions.
21 Thank you.

22 COMMISSIONER RUPP: None.

23 JUDGE DIPPEL: Is there any redirect by
24 Division of Energy?

25 MR. BEAR: Just briefly, Your Honor.

1 QUESTIONS BY MR. BEAR:

2 Q. You were asked earlier about why --
3 some of the reasons why the programs may not be
4 fully accessed. Do you recall that?

5 A. Yes, I do.

6 Q. And you gave some examples of
7 utilization of credit cards and payday loans and the
8 like. Do you recall that as well?

9 A. I do.

10 Q. Does -- do those measures have a
11 significant societal cost and downsides to that
12 consumer?

13 A. Yes, they do.

14 Q. Would it also be true that -- would you
15 agree with the statement that perhaps some of the
16 underutilization of the programs is due to
17 insufficient marketing?

18 A. That certainly would be a factor.

19 Q. You also heard mentioned, I believe, or
20 had you heard mentioned in a collaborative approach
21 to improving the program such as the Ameren system?

22 A. Yes, I did.

23 Q. Do you believe that those types of
24 outreach activities could be included within that
25 type of collaborative process?

1 A. Yes, I do.

2 **Q. And would the division be willing to**
3 **participate fully and help in that process?**

4 A. Yes, we would.

5 MR. BEAR: One moment. I think that's
6 all I have, Your Honor.

7 JUDGE DIPPEL: Thank you. You may step
8 down, Ms. Kroll.

9 THE WITNESS: Thank you.

10 JUDGE DIPPEL: Okay. Since that
11 concludes that issue, I think this will be a good
12 time for us to take a lunch break. We can come back
13 in one hour, quarter till -- till one. And if you
14 all want to discuss any settlements that you have
15 that you might want to present, I suggest you do
16 that on your way out the door so that you don't
17 scatter to the wind.

18 We are still half a day behind and a
19 lot to cover. So if the pace doesn't pick up then I
20 would plan on us taking a dinner break later and --
21 and continuing this evening. So we can go off the
22 record.

23 (WHEREIN, a lunch recess was taken from
24 11:46 a.m. to 1:03 p.m.)

25 JUDGE DIPPEL: Let's go ahead and go on

1 the record.

2 MR. BEAR: Your Honor?

3 JUDGE DIPPEL: Yes.

4 MR. BEAR: Seeing that we're on the
5 record, the parties have been able to meet and
6 discuss and believe they have reached a settlement
7 in the matter of the Red Tag issue. Would you like
8 me to articulate that?

9 JUDGE DIPPEL: Yes, if you could give
10 us a summary of what that settlement is.

11 MR. BEAR: In summary, for MGE and
12 Laclede they would each offer a \$100,000 Red Tag
13 program. Customers who would access the program
14 would initially be offered a 90 percent efficient
15 furnace.

16 If the consumer in conjunction with
17 other aid programs is unable to purchase that
18 furnace, they would be offered one in -- of less
19 efficiency in order to meet their budgetary needs.
20 Tracking issues would be handled and further
21 discussed through the collaborative process. Did I
22 miss anything?

23 (Court reporter interruption.)

24 MR. ZUCKER: So we would recover the
25 cost of the program over four years, and the amount

1 that we would recover would not be in rate case.

2 MR. BEAR: Yes.

3 JUDGE DIPPEL: Does that sound like
4 everyone agrees that's the general --

5 COMMISSIONER KENNEY: Is there an
6 amount per customer, fixed amount?

7 MR. ZUCKER: Yes. We have the \$450 on
8 nonfurnaces, \$700 on the furnace, and a thousand
9 dollars total maximum.

10 MR. BEAR: That's -- that's my
11 understanding as well.

12 MR. ZUCKER: Yes. And the recovery is
13 of the asset that's currently in --

14 MR. PENDERGAST: In this case.

15 MR. ZUCKER: In this case, yeah.

16 COMMISSIONER KENNEY: And they continue
17 the current policy with the \$20, 15-minute time
18 fixing deal?

19 MR. BEAR: Absolutely.

20 MR. ZUCKER: Yes. Good question.

21 CHAIRMAN HALL: And what's the budget
22 on that?

23 MR. ZUCKER: There -- there really
24 isn't a budget. It's a diminimus type practice
25 just in case something can be fixed really easily

1 and really quickly rather than red tag it, leave,
2 have the customer have to call someone, come out,
3 turn a screw, then call us back, we're kind of
4 skipping all that and just we can turn the screw for
5 them.

6 CHAIRMAN HALL: And is it available to
7 renters?

8 MR. ZUCKER: Yes.

9 MR. BEAR: Yes, that's my
10 understanding.

11 COMMISSIONER KENNEY: If the -- if the
12 lessor agrees to allow it to take place, right?

13 MR. ZUCKER: Right. The lessor has to
14 agree to it.

15 CHAIRMAN HALL: So it's a hundred
16 thousand dollars amortized over four years?

17 MR. ZUCKER: No, this is -- the asset
18 that's currently -- the amount of money that's
19 currently in the asset, that means all of the money
20 that we have fronted and has been spent over the
21 last few years is now in an asset, and we would
22 collect that asset divided by four each year without
23 any kind of return.

24 CHAIRMAN HALL: And new expenditures?

25 MR. ZUCKER: I don't think there's an

1 agreement on that.

2 MR. BEAR: That's correct.

3 MR. ZUCKER: And again, the hundred
4 thousand is not in rates. It's just a limit that --
5 that we would be able to finance basically.

6 CHAIRMAN HALL: Okay.

7 COMMISSIONER KENNEY: What was that?

8 JUDGE DIPPEL: Do you need to share
9 that information on the record?

10 MR. ZUCKER: Oh, I'm sorry. The
11 current asset balance is 83,000, so that's what
12 would be divided by four and -- and collected, and
13 as we went forward we would -- you know, and -- and
14 fronted money, that would defer -- be deferred
15 into -- into the asset also for the next rate case.

16 JUDGE DIPPEL: Any other commission
17 questions? So you all don't need to hear from any
18 of the witnesses on this issue then?

19 COMMISSIONER KENNEY: No.

20 JUDGE DIPPEL: Okay. Okay. Well, then
21 we can -- we can go forward to --

22 MS. SHEMWELL: Judge, may I -- I want
23 to clear up that Ara Azad will be on the 13th. All
24 of her issues on the 13th.

25 JUDGE DIPPEL: Microphone.

1 MS. SHEMWELL: Ara Azad, we're asking
2 that she go on the 13th, and I think everyone was in
3 agreement. She's scheduled for the 12th, but she is
4 prepared to testify on all of her issues on the
5 13th, and I don't think there was any objection to
6 that.

7 JUDGE DIPPEL: That's -- that's fine.
8 We can -- we can schedule her as such.

9 MR. ZUCKER: I have one of those also.

10 JUDGE DIPPEL: You had one other
11 scheduling.

12 MR. ZUCKER: Yeah. I have a witness
13 Susan -- named Susan Kopp, who is testifying on the
14 facilities restructure issue, also called Forest
15 Park, and she is scheduled to be the last witness on
16 Monday the 11th, but she's unable to make it, but
17 she could be here the morning of Tuesday, the 12th.

18 JUDGE DIPPEL: Okay. I don't see a
19 problem with that if anybody else has an issue.
20 Okay.

21 MR. ZUCKER: Thank you.

22 COMMISSIONER KENNEY: Was OPC's
23 Ms. Azad?

24 MS. SHEMWELL: Ara Azad, yes.

25 COMMISSIONER KENNEY: Thank you.

1 JUDGE DIPPEL: Okay. So Azad on the
2 13th and Kopp on the 12th?

3 MR. ZUCKER: 12th.

4 JUDGE DIPPEL: All right. Any other
5 scheduling matters? Are we then ready to progress
6 to the CHP pilot program? Looks like we are.
7 Division of Energy? Well, I guess -- I guess we're
8 going to start with openings, sorry. Shall we -- do
9 you want to go first or --

10 MR. BEAR: I'm more than happy to wait.

11 JUDGE DIPPEL: -- do you want Spire to
12 continue? Okay. We'll just keep going the way
13 we've been going then. We'll start with Spire.

14 MR. FISCHER: Judge, in the spirit of
15 moving things along, we'll waive the opening on this
16 issue.

17 JUDGE DIPPEL: Then we'll go ahead and
18 does Staff have an opening on this issue?

19 MR. JOHNSON: I do have hopefully a
20 very brief opening.

21 OPENING STATEMENT BY MR. JOHNSON

22 MR. JOHNSON: May it please the
23 Commission, the issue before you this afternoon is
24 whether Laclede and MGE should implement a combined
25 heat and power program as proposed by the Division

1 of Energy. From Staff's perspective, the answer is
2 simple. It's no.

3 DE's proposal would be a substantive
4 increase in the company's overall revenue
5 requirement. It would harm electric utilities and
6 it could violate the Commission's promotional
7 practice rule.

8 DE's proposal is to create a pilot
9 program for DE and Spire to combine, investigate CHP
10 and develop a proposed CHP pilot program that would
11 serve critical infrastructure.

12 DE requests funding of 5.1 million
13 dollars to be divided between the two utility
14 divisions to research projects for ten CHP sites.
15 They're also asking that these projects, these
16 specific projects be submitted to the Commission
17 within 60 days after the conclusion of the case.

18 Under the proposal Spire would track
19 and in the future could seek recovery of the costs
20 from the participant -- from those -- from
21 participating in the pilot.

22 OPC argues that the program is not cost
23 effective and DE has provided no evidence to support
24 its cost effectiveness, but rather states all
25 parties could evaluate the proposed projects on an

1 ongoing basis.

2 Staff has several concerns with this
3 proposal. First, the program relies on Missouri
4 electric utilities -- or the program could affect
5 Missouri electric utilities, could affect their
6 potential sales and revenues through a reduction in
7 electric or steam heat use for which they have not
8 been permitted to respond.

9 Their -- none of the steam heat
10 utilities or electric utilities are parties to this
11 case. Currently -- well, excuse me. I take it
12 back. KCPL is the only electric utility that could
13 potentially be affected that is a party to this
14 case.

15 In fact, Division of Energy witness
16 Ms. Epperson, who you will hear from later today,
17 expressly recognizes that CHP can result in the loss
18 of physical load by an electric utility to the
19 benefit of a natural gas utility.

20 Secondly, this proposal allows for
21 Spire to recover costs associated with contributing
22 to a project's installed cost, which could
23 potentially constitute a prohibited promotional
24 practice under the Commission's rules.

25 Commission rule 4 CSR 240-14.020

1 describes the prohibited promotional practices that
2 have a purpose of inducing -- or describes the
3 prohibited practice that has -- of -- excuse me.
4 That describes the prohibiting practices that have
5 the purpose of inducing any person to select and use
6 a service or additional service of a utility through
7 the financing of real property, not owned or
8 otherwise possessed by utility, and the rule
9 specifically contemplates structures.

10 The promotional practices rules do
11 not -- or do have an exception for demand side
12 programs, and this is noted in Division of Energy's
13 testimony. However, what they do not note is the
14 exception for -- or the definition of demand side
15 programs specifically excludes load building
16 programs.

17 DE's proposal would encourage Spire to
18 contribute to a CHP's project installed costs, and
19 projects financed in this matter could result in
20 customers using more than their normal usage of
21 natural gas, which would essentially build Spire's
22 load.

23 If this were to occur, the program
24 would be in violation of the Commission's
25 promotional practice rules. In addition to these

1 concerns, Staff does not believe that DE has
2 proposed a clear time period for the pilot or a
3 clear explanation of how and when such a pilot would
4 be evaluated.

5 Overall, Staff asserts there is
6 currently an insufficient amount of detail provided
7 in DE's proposal and too many potential detriments
8 to implement at this time. Staff would also point
9 out that nothing is prohibiting the company from in
10 the future investigating CHP.

11 Thank you, and I'll attempt to answer
12 any questions you have.

13 JUDGE DIPPEL: Any questions?

14 QUESTIONS BY CHAIRMAN HALL

15 CHAIRMAN HALL: Yeah. Good afternoon.
16 Is there any aspect of the pilot program that Staff
17 believes is appropriate?

18 MR. JOHNSON: Staff wouldn't be opposed
19 to investigating the possibility of CHP, but the
20 program as designed or as proposed Staff cannot
21 support with the information that's been provided or
22 the funding amounts provided.

23 CHAIRMAN HALL: So nothing else other
24 than investigating future projects?

25 MR. JOHNSON: Well, I think perhaps

1 Staff could get on board a CHP program. However, I
2 am not currently aware of what specific aspects of
3 that program we would want to see. Unfortunately,
4 the -- the proposed project was nothing Staff could
5 support at this time.

6 CHAIRMAN HALL: What about allowing
7 Spire to offer on-bill financing to assist potential
8 CHP customers in finding the necessary capital
9 improvements? Is Staff okay with that?

10 MR. JOHNSON: I think Staff would be
11 concerned that the financing could include
12 potentially prohibited practices as in -- if it was
13 including the financing of construction and manners
14 like that. However, with the specifics of the
15 proposal and the testimony, at this time we don't
16 know what that would include.

17 CHAIRMAN HALL: Okay. Thank you.

18 JUDGE DIPPEL: Mr. Kenney, did you have
19 any questions?

20 COMMISSIONER KENNEY: Nothing.

21 MR. JOHNSON: Thank you very much.

22 JUDGE DIPPEL: Thank you, Mr. Johnson.

23 Public Counsel.

24 OPENING STATEMENT BY MS. SHEMWELL

25 MS. SHEMWELL: Good afternoon. May it

1 please the Commission. Public Counsel shares many
2 of the same concerns that Staff has already
3 articulated. Our general concern is that as
4 Ms. Epperson explains in her testimony there is --
5 this is mature technology.

6 On her list of CHP projects in Missouri
7 the oldest one is from 1942. There are others from
8 the 1950s and 60s. So CHP programs have been around
9 for some time, and again, it's -- as she explains,
10 it is mature technology.

11 We agree with Staff that it violates
12 the promotional practices rules by providing an
13 unwarranted subsidy. We note that this could harm
14 electric utilities by reducing electric usage, and
15 it's our position that the Commission should not
16 choose winners and losers, and that's I think what
17 the promotional practices rule is designed to do.

18 DE is suggesting 5.1 million for up to
19 ten sites. OPC suggests that it could be a single
20 sophisticated customer who might be able to use the
21 entire five million dollars to install a CHP site.

22 The kinds of customers that they are
23 talking about, the DE is talking about, this is from
24 their website, CHP can be utilized with applications
25 where the customer has significant electric and

1 thermal loads. Most CHP applications are found in
2 energy intensive industrial sectors, chemicals,
3 paper, refining, and food processing.

4 These are all large companies. They
5 are not residential or small general service
6 customers. The five million would be paid for by
7 all customers, but it would go to just a few large
8 commercial or industrial customers.

9 We also recommend that -- or suggest
10 that in terms of emergency needs, hospitals, which
11 we would agree are critical infrastructure, already
12 have requirements from HHS to have a certain level
13 of backup power off its diesel engines for several
14 days so that hospitals continue to run even in a
15 power outage, and CHP would be unlikely to influence
16 the kinds of things, the kinds of facilities that DE
17 is suggesting are critical infrastructure.

18 We think that MEEIA cases are more
19 appropriate than you for analyzing and discussing
20 CHP and its application in Missouri's territories,
21 and of course Ameren and Laclede overlap and MGE and
22 KCPL overlap.

23 So those cases are out there and that
24 that would be the appropriate type of case in which
25 to review and recommend CHP programs. That's all I

1 have. Thank you.

2 JUDGE DIPPEL: Any questions for
3 Ms. Shemwell?

4 COMMISSIONER KENNEY: No questions.
5 Thank you.

6 JUDGE DIPPEL: Thank you. National
7 Housing Trust?

8 MR. LINHARES: Judge, National Housing
9 Trust has refrained from taking a position on this
10 issue. So in the interest of time, I will forego my
11 opening there.

12 JUDGE DIPPEL: Thank you.
13 Environmental Defense Fund?

14 MS. KARAS: I have no comments, Your
15 Honor.

16 JUDGE DIPPEL: Consumers Council?

17 MR. COFFMAN: No questions -- I mean no
18 opening.

19 JUDGE DIPPEL: No opening. All right
20 then. Did I get everybody? Division of Energy?
21 You might like to make a statement.

22 OPENING STATEMENT BY MR. BEAR

23 MR. BEAR: In my initial opening
24 statement I had asked a question of what is the
25 result of the merger of Laclede and MGE and whether

1 there's enough room to help low income people. I
2 think we have hopefully some answers coming on that.

3 I think we certainly heard testimony,
4 but the other part of that was whether there's still
5 room for innovation within the company, and I
6 believe that the Division of Energy has presented a
7 program that is, first, lawful in order to carry out
8 by the Commission, but also one of important and
9 critical innovation in our state's infrastructure
10 and building resiliency within to that
11 infrastructure for threats that may occur both
12 manmade and natural in the coming years.

13 One of the problems that I think has
14 occurred here is that what -- what is being proposed
15 by DE is not what's being discussed by the parties.
16 The Department of Energy, the Division of Energy is
17 not asking for 5.1 million dollars to be written in
18 a check the first day of this program. And in fact,
19 the Division of Energy would be fine with a program
20 budget as it were of 4.5 million, you know, to deal
21 with some of those concerns.

22 What is actually being proposed is that
23 the Commission entertain applications for CHP
24 projects that do not exceed the aggregate of
25 4.5 million dollars, and that is a critical

1 difference.

2 Ultimately this is not a blank check
3 where the Commission is going to be exploring the
4 usage of this technology with no oversight.

5 Instead, what the Division of Energy is suggesting
6 is that we be allowed to present projects to the
7 Commission that meet the critical infrastructure
8 needs for an up or down vote.

9 If the Commission believes that this
10 type of program is going off the rails, is not
11 productive, is not serving the public interest at
12 any time, you can remove your stamp of approval from
13 it.

14 And the division is under no illusions
15 that the stamp is not a rubber stamp, and we would
16 have to earn, you know, the Commission's approval on
17 each of these projects. So I want to clarify
18 exactly what's being proposed here, and it is not a
19 blank check.

20 There have been some concerns about the
21 promotional practices rule. I believe OPC believes
22 it does violate it. Staff does not go that far.
23 They say that it may violate it.

24 The reality is the promotional
25 practices rule is your rule to apply, and in fact,

1 the very first paragraph on the rule says that the
2 Commission may waive it as it sees fit. Especially
3 when the public interest would outweigh those
4 concerns.

5 But beyond just the fact that it is
6 within the discretion of the Commission to apply
7 that rule, we don't violate it. If you look at the
8 exceptions to the promotional practices rule, as
9 Staff points out, pilot programs are excluded.

10 Now, they try to go down the path of
11 saying that this is a load building activity, and
12 with all frankness it's not. If you look at
13 building into resiliency of the system there's
14 nothing inherent to that that creates a load
15 building risk.

16 In fact, a lot of whether or not the
17 utility is for lack of a better word grabbing the
18 turf of another utility is dependent on where this
19 program is being administered.

20 In addition, CHP by definition with --
21 with a natural gas utility is collaborative. The
22 idea earlier this year, we had presented the Ameren
23 case, and one of the benefits that we were able to
24 secure from that case were standby rates that were
25 transparent setting the table for CHP.

1 We envision in any of these projects
2 that there would be a collaborative relationship
3 with standby rates and with CHP being able to take
4 the burden in certain times of natural and manmade
5 disasters for extended periods of time.

6 In addition, to the extent that other
7 utilities may have a concern that their territory is
8 being intruded upon, you know, this is still going
9 to have to go in front of the Commission for
10 approval, and parties will freely be able to enter.

11 As Staff points out, KCP&L is in this
12 case. KCP&L did not file any testimony
13 contradicting this or stating that they felt that
14 this pilot would run afoul of the promotional
15 practices rule or put burdens on their territory.

16 And ultimately in the enforcement of
17 the promotional practices rule the best indicator of
18 whether it's actually being violated is when the
19 competitor supposedly on the business end of that
20 expansion is staying silent. That should speak
21 volumes to the Commission.

22 Staff also talks about how there's not
23 clear detail within the plan, and to a certain
24 extent that's because it is not spelling out in
25 granular terms what each project must do. Instead,

1 it is a call for applications.

2 Many programs that the state
3 administers through my department, the Department of
4 Economic Development, have general goals that are
5 generally stated with applications being submitted
6 to try and meet those goals.

7 There are a host of tax credits
8 programs that do that. This is similar to what's
9 being proposed here. We are interested in exploring
10 the possibility of CHP in a critical infrastructure
11 relationship. We believe that there is interest out
12 there to pursue this.

13 The Commission will be provided when
14 they give an up or down vote the granular details of
15 each project, and if it does not meet the public
16 policy concerns of the Commission, we under -- you
17 can decide to approve all, none, or some of the
18 projects.

19 Really quickly about the mature
20 technology. That is true that CHP is not fully
21 experimental, but the fact that it's a mature
22 technology, it still has not been exploited. And
23 part of that are historical reasons.

24 Unfortunately, artificial reasons
25 with -- as we experienced prior to the Ameren

1 settlement where standby rates were opaque and
2 difficult to -- to understand, and certainly we've
3 started to move the regulatory environment and set
4 the table for this technology, which allows this to
5 potentially be explored.

6 It's important to note, however, the
7 maturity of this technology as stated by I believe
8 OPC was in large industrials and other types of
9 energy-intensive applications, and I think that's a
10 critical distinction that they're bringing up.

11 Well, that may be the mature use of
12 that technology. That's not the proposal of this
13 pilot study. The pilot study is not seeking
14 industrial consumers. It's about critical
15 infrastructures such as hospitals, schools, in a
16 disaster those areas that are still going to be able
17 to operate with heat and power when the rest of the
18 community has long-term interruptions of service.

19 And we know from the news that that's
20 happened in Puerto Rico. That's happened in this
21 state with the Joplin tornado. For instance, DED is
22 going to be participating with SEMA this week about
23 an earthquake and simulating what would occur there.

24 Just because we're in the middle of the
25 country doesn't mean that we are not exposed to

1 these types of risks, and this Commission has a
2 unique opportunity to get ahead of this. And to put
3 in place thoughtful, innovative programs that are
4 going to be able to build resiliency so that after
5 the fact we can say this state had a very long view,
6 a very thoughtful view of what could happen and was
7 able to take action before it occurred.

8 One final point regarding MEEIA. I
9 think it is important to bring up MEEIA. As you
10 know, CHP is part of MEEIA. What the Division of
11 Energy is fearful of is that when we come to re --
12 if this program is not approved and if we don't even
13 take the opportunity to -- to consider these
14 applications, when we reevaluate MEEIA an argument
15 might be made that we should remove CHP because
16 there was never interest in the first place.

17 In other words, we would not explore
18 this promising venture, this promising innovation
19 because we decided never to take the leap in the
20 first place and just at least see what applications
21 were out there. And that would be unfortunate.

22 And that would put us in a world that I
23 don't think we want to be in, one where we have a
24 merger with less innovation and less of a viewpoint
25 towards the public interest in the future. And with

1 that, I'll take any questions the Commission might
2 have.

3 JUDGE DIPPEL: Any questions?

4 CHAIRMAN HALL: No questions. Thank
5 you.

6 COMMISSIONER KENNEY: No questions.
7 Thank you.

8 MR. BEAR: Thanks.

9 JUDGE DIPPEL: All right then. Would
10 you like to go ahead and call the first witness,
11 Mr. Bear?

12 MR. BEAR: Yes.

13 JUDGE DIPPEL: Would you please raise
14 your right hand? Do you solemnly swear or affirm
15 the testimony you are about to give at this hearing
16 will be the truth, the whole truth, and nothing but
17 the truth.

18 THE WITNESS: I do.

19 JUDGE DIPPEL: Thank you.

20 WITNESS: JANE EPPERSON

21 QUESTIONS BY MR. BEAR:

22 Q. Can you please state your name for the
23 record?

24 A. Jane Epperson.

25 Q. And how are you employed?

1 A. I'm employed as an energy policy
2 analyst for the Missouri Division of Energy, which
3 is within the Department of Economic Development.

4 **Q. And did you cause to be filed in this**
5 **case is it direct and rebuttal testimony?**

6 A. Direct and surrebuttal.

7 **Q. Direct and surrebuttal. I apologize.**
8 **Direct and surrebuttal -- surrebuttal testimony**
9 **within this case?**

10 A. I did.

11 **Q. Yeah. And if I were to ask you the**
12 **questions, would you provide the answers that are**
13 **contained within those documents?**

14 A. I would.

15 **Q. And do you have any modifications or**
16 **changes that need to be made to your testimony?**

17 A. I do.

18 **Q. Could you please explain what those**
19 **changes are?**

20 A. I need to update -- I'm on page six of
21 my direct testimony. Table two is the list of
22 existing CHP applications in Missouri, and two of
23 those have dropped off. The Southeast Missouri
24 State University, Cape Girardeau dropped off, and as
25 did the Missouri State Hospital in St. Louis.

1 So while those -- so it goes from 23 to
2 21, I guess, and the impact or the importance of
3 that is only that we no longer have a hospital and
4 we only have one university application on the list.

5 **Q. Are there any other changes that you**
6 **need to make?**

7 A. No. Thank you.

8 MR. BEAR: Okay. And I believe I move
9 for the admission of these exhibits at this time.

10 JUDGE DIPPEL: Okay. And I have
11 Ms. Epperson's direct marked as Exhibit Number 502
12 and her surrebuttal as Exhibit 509. Would there be
13 any objection to Exhibits 502 or 509? Does she have
14 additional issues?

15 MR. JOHNSON: I think she may have
16 testified on rate design. Did you have other issues
17 on rate design?

18 THE WITNESS: No, I did not.

19 MR. BEAR: I think the only other one
20 was EDR, and I think that's gone.

21 JUDGE DIPPEL: Okay. Were there any
22 objections?

23 MS. SHEMWELL: I have a question.
24 Direct -- I'm showing direct, rebuttal testimony by
25 Ms. Epperson, right?

1 THE WITNESS: Surrebuttal.

2 JUDGE DIPPEL: There's direct and
3 surrebuttal.

4 MS. SHEMWELL: Thank you.

5 JUDGE DIPPEL: Any objections? Seeing
6 none, then I will enter Exhibits 502 and 509 into
7 the record.

8 MR. BEAR: Thank you, Your Honor. I
9 tender the witness.

10 JUDGE DIPPEL: Is there any
11 cross-examination by Spire?

12 MR. FISCHER: Just a couple questions.

13 QUESTIONS BY MR. FISCHER

14 Q. Ms. Epperson, I noticed in your direct
15 on page six you had a table two that compared the
16 total electric generation capacity versus state CHP
17 capacity. Do you see that?

18 A. Yes.

19 Q. It appears that Missouri's percentage
20 is -- is somewhat less than surrounding states?

21 A. Yes. Ours represents about one percent
22 of total potential, whereas surrounding states are
23 from four to eight percent.

24 Q. Do you have an opinion about why that
25 is true?

1 A. Well, yes.

2 Q. Would you give that opinion?

3 A. Yes. There's a number of reasons, one
4 of which is the uncertainty that exists from lack of
5 a policy or regulatory framework to do so, a lack of
6 an incentive program or any kind of program to help
7 overcome or address the high capital CI costs
8 associated with these projects and the tendency for
9 longer-term payback periods.

10 The lack of still very clear, although
11 improved, standby service rates. Lack of standard
12 interconnection requirement, all of these things are
13 in play when you're considering these projects. So
14 any one of those things could be considered a
15 deterrent.

16 Q. Do you know if states like Wisconsin,
17 Minnesota, or Indiana have more formal programs to
18 promote or to -- to utilize the end tap potential of
19 CHP?

20 A. Yes. As a matter of fact, I refer to a
21 database. There's a plethora of examples of states
22 that offer many different kinds of programs specific
23 to encouraging CHP. I could go into a couple of
24 those if you'd like.

25 Q. Would you do that?

1 A. Sure. You bet. So I'm referring to a
2 database that was developed by the U.S. Department
3 of Energy office of -- I'm searching for it. I'm
4 not seeing it right now. Hold on. Let me see.
5 Okay. It's the Office of Electricity Delivery and
6 Energy Reliability. Couldn't remember that.

7 So examples, in that database you can
8 search. It's a database that provides national
9 specific information on exactly the kind of options
10 of CHP specific programs that states offer, and so
11 you can query any state, as I did ours, to get this
12 information, and you can find, for example,
13 environmental regulation is a category, tariffs,
14 loan programs, rebates, portfolio standards,
15 requirements, public benefit funds, any number of
16 things -- okay.

17 So I pulled one out here, and it was
18 Minnesota. I just tabbed Minnesota, which is
19 another Midwestern state. They have specific to CHP
20 a public benefit fund, an interconnection standard,
21 energy regulation and policy, grants, rebates,
22 portfolio standard, a production incentive, and
23 that's -- so that's Minnesota. And then --

24 **Q. Are those the types of things you'd**
25 **like to explore in this pilot or not?**

1 A. All -- I'm just asking for one small
2 thing, one limited thing in this pilot, and that is
3 to enable Spire to co-deliver, develop and
4 co-deliver a CHP pilot project whose very purpose is
5 to figure out the details of what kind of incentives
6 are appropriate and necessary to evaluate the cost
7 effectiveness of CHP, which is another energy
8 efficiency measure, demand side measure.

9 **Q. There seem to be some confusion on the**
10 **record exactly what DE's proposal would be. Would**
11 **you put in your own words or elaborate on what you**
12 **just were -- were suggesting?**

13 A. You bet. DE is recommending eight
14 guidelines, not requirements, not finished program,
15 eight guidelines to support and enable Spire to
16 co-deliver a limited CHP pilot project that's
17 focused on resiliency of critical infrastructure.

18 So that's this limited public benefit
19 focused program will provide actual data, which
20 doesn't exist, to evaluate the costs and benefits of
21 further utilization of CHP as a demand side measure.

22 The significant energy efficiency that
23 is offered by CHP, it's 30 to 50 percent more
24 efficient than a separate heat and power system. So
25 just from an energy efficiency perspective it's a

1 big one. It's a big opportunity that we're not
2 utilizing so far.

3 In addition or combined with that
4 energy efficiency on that opportunity is the
5 resiliency and the reliability that CHP offers a
6 customer, and in fact, a community if it -- if it
7 were to be allowed the ability to continue to
8 function when -- during a grid outage.

9 So that's what I'm asking for, not a
10 finished product. The reason I don't have details
11 is because the whole purpose of the project is to
12 figure out and develop those details with an actual
13 customer, and we do have some interested in the
14 Spire territory who would like the opportunity to
15 consider this energy efficiency measure within the
16 context of Missouri.

17 MR. FISCHER: I think that's all the
18 questions I have. Thank you.

19 JUDGE DIPPEL: Thank you. Is there
20 cross-examination by Staff?

21 MR. JOHNSON: Yes. Thank you, Judge.

22 QUESTIONS BY MR. JOHNSON

23 **Q. Just to clarify, your recommendation is**
24 **for the Commission to authorize Spire to investigate**
25 **and develop a proposed CHP pilot program to serve**

1 **critical infrastructure?**

2 A. Yes.

3 **Q. Does Spire need Commission approval to**
4 **investigate and propose pilot programs?**

5 A. The reason this pilot program is
6 necessary is multiple. There are multiple reasons.
7 One, CHP as an energy efficiency measure --

8 **Q. Hold on. Does -- does Spire need**
9 **Commission approval to investigate a pilot program**
10 **for CHP?**

11 A. Without the Commission's support and
12 enabling that this CHP pilot project would provide,
13 the -- they would be deterred to invest that money
14 and the extra effort to work with customers who are
15 seeking this information to -- to recover it and to
16 develop that program. An incentive is needed. CHP
17 is a high CI project. It's not like a light bulb.

18 **Q. Okay. Thank you. And your**
19 **recommendation is -- your recommended program budget**
20 **is for ten projects, correct?**

21 A. That's in the guideline. The
22 guidelines aren't meant to be prescriptive. Again,
23 this isn't a completed program that we're
24 recommending. The guidelines are meant to help give
25 suggestions and -- with regard to the ten projects

1 the more important criteria or guideline that's in
2 here is an idea of the scope of an incentive that
3 would be necessary.

4 And in this instance I'm suggesting a
5 project, a particular project would be incentive --
6 incented, either the lower of 30 percent of the
7 total project cost or \$500,000. That would just be
8 one project. So if we got one project going, boom,
9 there would be up to \$500,000.

10 Q. Okay. Thank you.

11 A. It helps understand the scale of the
12 need.

13 Q. Okay. And is it your -- is your
14 recommendation that the Commission would need to
15 approve each specific pilot program?

16 A. Yes.

17 Q. And that Spire would return before the
18 Commission in 60 days with the ten -- ten or the
19 recommend -- or any number of specific programs?

20 A. No.

21 Q. You mentioned in your testimony that
22 Spire and DE have been consider -- considering
23 customers in Spire's service territories. How many
24 customers have been considered up to this point?

25 A. Well, we responded to a DR request with

1 that information, which is confidential, but we
2 right now are working with four in the Spire area
3 who have expressed interest in the opportunity to
4 participate in such a program.

5 **Q. And without revealing any confidential**
6 **information if you can, are those customers served**
7 **primarily by another utility?**

8 A. Our -- it depends. There's a couple --
9 regardless of the answer, what we're suggesting is
10 to co-deliver this program. So for example, if
11 there is another utility involved we would -- Spire
12 and that other utility, electric utility, for
13 example, would -- who already has CHP as an energy
14 efficiency measure, would get together and develop
15 this package, this program. So it would be a
16 co-delivered program.

17 **Q. So it would be co-delivered and**
18 **co-developed?**

19 A. Ideally, yes. Again, it depends on
20 those customers and what -- what area they're in and
21 what they're asking for in terms of a need for
22 additional resiliency.

23 **Q. Do you think it would be practical for**
24 **Spire to investigate and co-deliver a program to**
25 **return and present to the Commission within 60 days?**

1 A. I didn't suggest it would.

2 MR. JOHNSON: No further questions.

3 Thank you.

4 JUDGE DIPPEL: Office of Public
5 Counsel?

6 MS. SHEMWELL: Thank you.

7 QUESTIONS BY MS. SHEMWELL

8 Q. Customers that you were just
9 discussing, all of them have electric service?

10 A. Yes. I don't know all of the details
11 of the discussions. I know who they are and that
12 they're interested in participating in the program.

13 Q. I'm just asking if they have electric
14 service?

15 A. I believe so.

16 Q. And most of the types of customers that
17 you mention on your web page are going to be
18 dependent on electric service, and let me say
19 energy-intensive industrial sectors is one of the
20 phrases and commercial and institutional
21 applications, all of those are going to have -- or
22 use electric service of some sort?

23 A. Yes, except my proposal is not related
24 to commercial and industrial --

25 Q. I'm just asking --

1 A. -- users.

2 Q. -- a very specific question. You say
3 in your testimony that CHP is proven technology on
4 page four, right?

5 A. Yes.

6 Q. It refers to an array of proven
7 technologies that can currently generate electricity
8 and useful thermal energy from the same fuel source?

9 A. Yes.

10 Q. And on your chart on page --

11 A. Six.

12 Q. -- six at the top of the page you took
13 two off, but you did not add Washington University.
14 Does Washington University in St. Louis have a CHP
15 program?

16 A. No, they do not. They're interested in
17 pursuing one.

18 Q. Washington University is a -- is
19 considered critical infrastructure?

20 A. Not necessarily. My definition of
21 critical infrastructure is one that -- a facility
22 that if incapacitated would result in significant
23 and negative impact on public safety and/or health.

24 Q. So they wouldn't necessarily be then --
25 fall under your critical infrastructure, but

1 **Washington University is a well-endowed --**

2 MR. BEAR: Your Honor, I'm going to
3 object to that statement. That's counsel
4 testifying. If she wants to ask whether they would
5 be included, she should ask the question and allow
6 an answer.

7 JUDGE DIPPEL: I'm going to let her --
8 I wasn't sure what the question was. I'm going to
9 let her finish the question before taking the
10 objection.

11 **Q. (By Ms. Shemwell) I'm going to say**
12 **Washington University then does not fall within your**
13 **definition that you just gave?**

14 A. I wouldn't say one way or the other. I
15 haven't delved into -- I haven't dealt with them
16 directly with regard to this pilot project.

17 **Q. Critical infrastructure would be more**
18 **things like hospitals. You mentioned schools.**

19 A. If I could, I could provide a specific
20 example that I think would help you --

21 **Q. Is it in your testimony?**

22 A. -- understand. Yes. Let's see. Got
23 to find it. I'll try to wing it. It's the
24 University of Missouri - Columbia, which is a
25 university which is going to your question, but they

1 are critical because -- not just because they're a
2 university and -- but they have self-identified
3 critical research facilities and they have a
4 hospital associated or part of their loop. So -- so
5 that is a great example, and they have a CHP that's
6 working great for that hospital.

7 **Q. Is that listed in your list of CHP in**
8 **Missouri?**

9 A. Yes. Yes.

10 **Q. The University Hospital?**

11 A. Yes.

12 **Q. So without any subsidies or other**
13 **studies, they've actually installed a CHP program on**
14 **their own without financing or --**

15 A. Because of their critical needs they
16 felt it necessary to -- to develop that, and they --
17 they're actually an example of a microgrid --

18 **Q. And other customers may --**

19 A. -- what they can -- excuse me.

20 **Q. -- determine that it is a best solution**
21 **for them without funding by Spire's customers or**
22 **financing by money from ratepayers?**

23 A. CHP is an engineering solution that
24 costs some significant capital costs.

25 **Q. And the university bore that cost**

1 **itself?**

2 A. The University of Missouri did over
3 many years. They were progressive. As a matter of
4 fact, they've received awards for their CHP plan.

5 **Q. There's no question pending, ma'am.**

6 **You mentioned many barriers to**
7 **implement CHP. This program would attempt to**
8 **overcome one barrier, the lack of incentives; is**
9 **that correct?**

10 A. Yes. It would help develop or figure
11 out what incentives would be appropriate in order to
12 enable a customer this opportunity.

13 **Q. What you're describing as a study**
14 **program?**

15 A. No. It's to actually implement, to
16 develop and implement a pilot project that's very
17 specific to determine what costs, what incentives,
18 what benefits would incur or could be incurred in a
19 real life situation to test whether CHP is something
20 that we would benefit from on a greater scale.

21 **Q. I actually believe your answer is yes**
22 **because you have said you want to study the**
23 **application, you're trying to see where it works?**

24 MR. BEAR: Objection. I'm sorry. I'll
25 let her finish.

1 JUDGE DIPPEL: That's fine. Are you
2 asking a question, Ms. Shemwell?

3 MS. SHEMWELL: I guess I am.

4 Q. (By Ms. Shemwell) I'm saying that you
5 -- what you're going to do is study the potential
6 application of CHP in a variety of commercial or
7 industrial operations?

8 A. No.

9 Q. Okay.

10 A. What I'm proposing --

11 Q. The other states that you have looked
12 at, you mentioned a number of other states. Do
13 those have legislative statutes enacted?

14 A. Some do. Some don't.

15 Q. Have you reviewed any studies from
16 those states of their implementation of CHP?

17 A. Yes.

18 Q. Which particularly?

19 A. Many. Again, I could go through that
20 database and give you some specific examples. Is
21 there a question you have on one of them?

22 Q. I guess my question is if you reviewed
23 many of the studies, why can't we take that
24 information and learn from it?

25 A. Great idea.

1 Q. How much of the 4.6 million will go to
2 DE --

3 A. None.

4 Q. -- funding DE? DE entered into an
5 agreement with Empire, and you refer to that in your
6 testimony. What was the extent of that program?

7 A. That was a CHP outreach program in
8 which Empire agreed to, excuse me, reach out to
9 their -- in that instance large -- excuse me, large
10 C&I customers to see if CHP would be helpful or
11 applicable for them. And so --

12 (Court reporter interruption.)

13 A. Applicable. So they did that. We
14 provided feasibility studies, series of questions to
15 help them determine if that would be a good fit for
16 them.

17 Q. (By Ms. Shemwell) The screening tool
18 that you mentioned on page 11 of your testimony, the
19 CHP all in caps TAP, is a survey to determine if CHP
20 is a good fit for customers. Is that available on
21 your website?

22 A. Yes, it is.

23 Q. Could any customer in Spire's territory
24 access that survey to help them determine if they're
25 a good fit?

1 A. If they went to our website.

2 Q. **And your website is available?**

3 A. It's a public website.

4 Q. **It's a public website. Do you agree**
5 **with me that hospitals are required to have backup**
6 **generation in the event of an emergency?**

7 A. Yeah. That requirement is for on-site
8 fuel for 24 hours, which does not suffice in most
9 instances for a hospital.

10 Q. **That's the requirement?**

11 A. It is the requirement.

12 Q. **But --**

13 A. But what hospitals would like is better
14 than that in terms of providing resiliency and
15 keeping their patients served at all times. That's
16 the --

17 Q. **And hospitals have better than that,**
18 **most of them?**

19 A. The current law --

20 Q. **Exceed that?**

21 A. The current law is for a standby
22 generator, which are typically diesel, and the
23 requirement is 24 hours. That's what it is now.

24 Q. **Is it your statement that the hospitals**
25 **are not going beyond that 24-hour --**

1 A. Some are. For example, the University
2 of Missouri - Columbia. And they've testified on
3 how that has been very helpful to them in serving
4 their --

5 **Q. Testify?**

6 A. Told me directly.

7 MS. SHEMWELL: That's all I have.

8 Thank you.

9 JUDGE DIPPEL: Thank you. Is there
10 cross-examination by the Environmental Defense Fund?

11 MS. KARAS: No questions, Your Honor.

12 JUDGE DIPPEL: National Housing Trust?

13 MR. LINHARES: No. Thank you, Your
14 Honor.

15 JUDGE DIPPEL: Consumers Council? Are
16 there questions from the bench?

17 CHAIRMAN HALL: Yeah, I have a few.

18 QUESTIONS BY CHAIRMAN HALL

19 **Q. Good afternoon.**

20 A. Hi.

21 **Q. Is it fair to say that the proposal**
22 **that DE has on this issue would constitute or would**
23 **include some kind of subsidy for -- for CHP?**

24 A. I wouldn't call it a subsidy. Like any
25 other energy efficiency program that would offer a

1 rebate or some kind of incentive.

2 Q. Well, subsidy is not a bad word. I'm
3 just trying to -- I want to use the right term, but
4 I mean, it -- it would cut -- it would reduce the
5 cost of the installation?

6 A. Correct.

7 Q. Okay. So for me that's a subsidy.

8 A. Okay.

9 Q. Maybe it's not for you.

10 A. All right.

11 Q. But we can just use that term through
12 the course of this examination. Okay. So on page
13 six of your direct testimony you provided 23
14 installations in Missouri and -- and you've since
15 revised that to -- to 21; is that correct?

16 A. Uh-huh.

17 Q. Did any of these 21 require a subsidy?

18 A. No, they did not. And --

19 Q. Okay. Is there something unique about
20 the critical infrastructure compared to the -- the
21 types of installations here that would make a
22 subsidy more important?

23 A. Yes.

24 Q. Okay.

25 A. The 21 existing on the list as you can

1 see are from a diversity of applications from
2 District Energy to hotels. They're commercial and
3 chemicals, wood products, furniture. That's mostly
4 C&I, heavy on the I customers. So one could argue
5 those aren't fundamental to public health and
6 safety.

7 **Q. Right. Well, I'm -- I'm speaking more**
8 **from an engineering, financial perspective. Is**
9 **there something about these projects that did not**
10 **require a subsidy whereas projects for the critical**
11 **infrastructure do require some kind of subsidy?**

12 **A.** I can say that these existing projects
13 are in my mind legacy projects. As you can see, a
14 lot of them were developed many, many years ago
15 during the era in which maybe electricity wasn't as
16 reliable, and they were -- they needed in order to
17 do their business to self-generate and provide that
18 reliability that the CHP -- and as these now begin
19 to reach their end of their life expectancy, they're
20 in the current environment in which they're going to
21 have to make a decision as everybody does of about a
22 large capital investment to -- to come up with CHP
23 again.

24 **Q. Do you believe that CHP is cost**
25 **effective?**

1 A. Yes, it is.

2 Q. Is there a reason why a subsidy is
3 needed then?

4 A. As with a lot of energy efficiency
5 measures, there is a -- an inherent either lack of
6 information or a need for -- to incent the customer
7 to look at the long term as opposed to just
8 tomorrow, and CHP is one of those.

9 It perhaps has a longer payback period
10 than like -- a light bulb is a simplistic other end
11 of the spectrum. So yeah, some incentive is needed
12 to fully pursue the -- the opportunity for a
13 customer to achieve that additional energy
14 efficiency even though there's that up-front capital
15 investment.

16 Q. Is CHP more cost effective for
17 industrial than it is for some critical
18 infrastructure that you're -- you're discussing
19 here?

20 A. I wouldn't say that. It would depend
21 on the instance.

22 Q. Has -- has the division looked at other
23 possible mechanisms to support the financing of
24 these projects other than through all ratepayers?
25 For example, a program where -- where financing

1 could come from the -- from the utility and -- and
2 pay it back over time, I believe there's a number of
3 programs like that out there?

4 A. Yeah, one of the guidelines in my
5 testimony suggests exploring on-bill financing
6 through Spire as an option to -- to assist in that
7 regard.

8 Q. Could -- could that be done in -- in
9 lieu of requiring all -- all ratepayers to fund the
10 program? In other words, couldn't -- couldn't any
11 customer that wanted to -- to install a CHP -- CHP
12 project pay for it over time through on-bill
13 financing as opposed to it going right into rate
14 base -- excuse me, as opposed to it going into
15 rates?

16 A. If on-bill financing were an option or
17 PACE is another example. I mean, there's any number
18 of -- we need more of them, financing opportunities
19 that help energy efficiency in general.

20 Q. So then that is an alternative?

21 A. I'm sorry. What's an alternative?

22 Q. What you just described, either --
23 either PACE or on-bill financing as opposed to the
24 pilot that you're proposing, which is putting five
25 million dollars of -- of ratepayer funds into a

1 **kitty for -- for the Commission to dish out?**

2 A. That would be an incorrect
3 characterization of what I'm --

4 **Q. That's fine.**

5 A. -- recommending.

6 **Q. You're entitled to yours. I'm entitled
7 to mine.**

8 A. But the -- it's not as simple as that,
9 and it's not just an incentive would make the
10 problem go away. It's also interconnection
11 requirements. It's all the things that go along
12 with standing up a new energy efficiency measure.

13 **Q. Let me ask you this. What aspects
14 of -- what -- if you removed the 5.1 -- 5.1 million
15 dollar pool, I'll use that term instead of the one I
16 used a moment ago, if we -- if we removed that
17 aspect of the project -- of the pilot, what else
18 could we do to facilitate CHP projects in particular
19 with regards to -- to the critical infrastructure
20 that you're focused on?**

21 A. Policy, regulation, other financing
22 options. I'm not sure.

23 **Q. In terms of what you're proposing here,
24 is there -- what I'm wondering is if -- is if -- if
25 we were not interested in -- in the five point --**

1 5.1 million dollar pilot, but interested in trying
2 to facilitate these types of projects, what -- what
3 would you propose?

4 A. If you took away the -- the money, the
5 money was just a way to give you an idea of the
6 scale of a CHP project and what it might entail in
7 terms of an incentive.

8 So stripping that away, the -- the
9 recommendation would be to work to develop what
10 suite of incentives or financing options would in
11 fact be -- Spire in co-delivery be willing to
12 produce and work with an actual customer who has
13 expressed interest to figure that out and see if
14 that -- and then evaluate the costs and the benefits
15 and have that as -- as something that can be brought
16 back and we can learn from and implement.

17 Q. I guess -- I mean, I'm not -- I'm not
18 completely sure I -- I understand that answer, but
19 it's probably because you didn't understand my
20 question, maybe it's because I didn't frame it very
21 well. But I'll just -- I'll just say that I -- I
22 personally am not -- am not interested in requiring
23 the company's ratepayers to put five million dollars
24 into -- into the program, though I am very
25 interested in trying to facilitate CHP in Missouri

1 and in particular with regard to the critical
2 infrastructure. So I would be very, very interested
3 in either from other witnesses or in posthearing
4 briefs to hear what -- what this Commission could do
5 towards that end.

6 A. And -- and I guess short of actually
7 giving it a go and trying it and working it out with
8 an actual customer, I'm not sure what that answer
9 would be. So what I'm suggesting is let's give it a
10 go, let's work it out, develop it, see what that
11 would entail, and bring that back as a specific
12 project for you to say yea or nay and see at that
13 time to -- to evaluate the benefits, the public
14 benefits of that.

15 CHAIRMAN HALL: Okay. Thank you.

16 THE WITNESS: You're welcome.

17 JUDGE DIPPEL: Any other Commission
18 questions?

19 COMMISSIONER KENNEY: None.

20 JUDGE DIPPEL: Is there further
21 cross-examination based on the Chairman's questions
22 from Spire?

23 MR. FISCHER: No thank you.

24 JUDGE DIPPEL: Staff?

25 MR. JOHNSON: No questions. Thank you.

1 JUDGE DIPPEL: Public Counsel?

2 MS. SHEMWELL: No. Thank you. Thank
3 you, Ms. Epperson.

4 THE WITNESS: You're welcome.

5 JUDGE DIPPEL: Environmental Defense
6 Fund?

7 MS. KARAS: No questions, Your Honor.

8 JUDGE DIPPEL: Is there redirect from
9 the Division of Energy?

10 MR. BEAR: Yes, Your Honor.

11 QUESTIONS BY MR. BEAR:

12 Q. Let's kind of work backwards here with
13 some of the Chairman's questions. In some of the
14 legacy projects that you discussed, some of those
15 customers, in fact a majority of them are industrial
16 customers, correct?

17 A. Yes.

18 Q. And so when -- would it be fair to say
19 when those companies were evaluating CHP beyond the
20 reliability that you were talking about, would
21 profit motive also be a reason for them wanting to
22 do that?

23 A. Absolutely. The increased efficiency
24 that CHP offers goes to their bottom line and allows
25 them to reinvest that to grow their business.

1 Q. But what we're proposing here is a
2 pilot program for critical infrastructure, correct?

3 A. Correct.

4 Q. So would the profit motive be a
5 motivator in this case necessarily?

6 A. Not necessarily. The -- I'll just take
7 the example that I know of that I spoke with the
8 University of Missouri hospital. Profit was not --
9 they need to keep their doors open and they would
10 prefer to be fully functioning, not just on
11 emergency support during an outage. So -- so no,
12 profit was not at all a consideration for them. It
13 was the need to continue to do -- to do their
14 business, provide their services.

15 Q. In fact, would it be fair to say that
16 when we're making decisions about resiliency of
17 critical infrastructure, those are unlikely to be
18 profit seeking via attendant to profit seeking
19 behavior?

20 A. Yes.

21 Q. Speaking about the University of
22 Missouri for a moment, the chairman had asked you
23 about subsidies. Where did the University of
24 Missouri get the money for its CHP program?

25 A. I honestly don't know. I mean --

1 Q. Would it be fair to assume from
2 taxpayers as it's a publicly funded university?

3 A. I suppose so.

4 Q. To be clear, is the Division of Energy
5 opposed to implementing financing mechanisms as part
6 of this case to potentially allow for CHP in the
7 future if the Commission so decides to do that?

8 A. We are not only not opposed, we would
9 be for that.

10 Q. Okay. And you would be willing to work
11 to provide as part of the posthearing brief
12 suggestions of alternative mechanisms to potentially
13 bring this program into fruition?

14 A. We would love to do that.

15 Q. But based on your knowledge and
16 experience with this policy issue, do you believe
17 that that is more likely to occur if there are some
18 financial incentives put into the mix?

19 A. Absolutely.

20 Q. Okay. I want to speak a little bit
21 about Washington University. You had some hesitancy
22 of saying whether or not it would be critical
23 infrastructure. Do you recall that?

24 A. I do.

25 Q. Okay. Was that in part because

1 Washington University may have some types -- some
2 types of healthcare delivery attendant with the
3 university?

4 A. Yes. And I'm just not fully aware of
5 those details enough to speak about them.

6 Q. Got you. In part of this -- as part of
7 this case, did you review Dr. Marke's testimony
8 regarding the CHP issue?

9 A. I did.

10 Q. And do you recall discussion in his
11 testimony about Washington University's CHP
12 ventures?

13 A. I do.

14 Q. Did you undertake an investigation into
15 Washington University's CHP program?

16 A. I did. I wanted to make sure that the
17 statement was true that they do not have a current
18 CHP system, and so I did that. I called them and
19 asked and they do not. They -- they did provide a
20 presentation to the Commission about some -- two
21 projects they were interested in doing, but those
22 did not go to fruition.

23 Q. Who did you speak with specifically?
24 Do you recall their name?

25 A. Phil Valko.

1 Q. Okay. And that person is affiliated
2 with Washington University?

3 A. Yes.

4 Q. So while there was a presentation to
5 the Commission, those two projects never actually
6 came to fruition?

7 A. Correct.

8 Q. Okay. I'd like to talk about
9 co-delivery. You were asked some questions about
10 that, correct?

11 A. Yes.

12 Q. Okay. To the extent that a electric
13 utility is somehow harmed from a CHP program in that
14 they lose load, does MEEIA make any accommodation
15 for those electric utilities?

16 A. Yes.

17 Q. Okay. And so if there were -- would it
18 be fair to say if there were any concerns about harm
19 to electric utilities, they would be taken care of
20 by MEEIA?

21 A. Yes, they would.

22 Q. Okay. The Division of Energy, you were
23 asked questions about the Division of Energy's
24 website and the information that we provide in
25 trying to get the word out about the CHP program.

1 Do you recall that?

2 A. Yes.

3 Q. But have our promotional efforts been
4 able to achieve critical infrastructure investment
5 up until this point?

6 A. No.

7 Q. Can you explain why or what might be
8 missing as part of the -- the host of tools needed
9 to get this off the ground?

10 A. Well, it's -- it's an informational
11 challenge for one thing. Just CHP isn't -- isn't a
12 light bulb. It's a suite of engineering solutions.
13 So it's not a simple application to -- to describe
14 and to talk about the efficiencies and the benefits
15 that come from that.

16 I mean, we do have our website. We are
17 also developing an educational summit to try to
18 further that. Education takes time. And again,
19 without the other policy and regulatory things in
20 place that would enable it, it's difficult.

21 Q. You were asked at certain points by
22 Staff about a 60 day timeline. Is there in fact
23 a -- that applications that we're envisioning
24 providing applications to the Commission within
25 60 days that are completely fleshed out?

1 A. No.

2 Q. What does the 60-day window actually
3 refer to?

4 A. I'm on page 20 of my direct testimony,
5 line 15. Again, within the second bullet of the
6 guidelines we wanted to suggest that each potential
7 project would come before the Commission for
8 approval, and we suggested that that occur, that
9 that approval -- they would have at least 60 days to
10 -- to consider it.

11 Q. Okay. And so that would really be
12 60 days to create like a notice of we're instituting
13 a pilot project, please, you know --

14 A. Open it up for review.

15 Q. Yeah.

16 A. Yeah.

17 Q. And I want to ask you as well just to
18 emphasize for the record, if -- as part of if these
19 applications are allowed to go forward, does DE
20 envisioning asking for any part of that money to go
21 into its budget?

22 A. No.

23 Q. We are assuring the -- it would be fair
24 to say we're assuring the Commission that we aren't
25 going to take a single dollar cut out of this?

1 A. Correct.

2 MR. BEAR: Okay. Those are all the
3 questions I have.

4 JUDGE DIPPEL: Thank you. Thank you,
5 Ms. Epperson. You may step down and be excused.

6 THE WITNESS: Thanks.

7 JUDGE DIPPEL: We'll go next to Staff's
8 witness.

9 MR. JOHNSON: Staff calls Claire
10 Eubanks.

11 JUDGE DIPPEL: Do you solemnly swear or
12 affirm that the testimony you are about to give at
13 this hearing will be the truth, the whole truth, and
14 nothing but the truth?

15 THE WITNESS: I do.

16 JUDGE DIPPEL: Thank you.

17 THE WITNESS: Thank you.

18 WITNESS: CLAIRE EUBANKS

19 QUESTIONS BY MR. JOHNSON

20 **Q. Good afternoon, Ms. Eubanks.**

21 A. Good afternoon.

22 **Q. Could you please state your name?**

23 A. Claire Eubanks.

24 **Q. And how are you employed?**

25 A. I'm a utility regulatory engineer two

1 with the Missouri Public Service Commission.

2 Q. And did you prepare or cause to be
3 prepared rebuttal and surrebuttal testimony in this
4 matter marked as Exhibits 214 and 244?

5 A. I did.

6 Q. Do you have any changes or corrections
7 to that testimony?

8 A. I do not.

9 Q. Are the answers contained in that
10 testimony true and correct to the best of your
11 knowledge and belief?

12 A. Yes.

13 Q. And if I were to ask you the same
14 questions today, would your answers be the same?

15 A. Yes.

16 MR. JOHNSON: At this time, Judge, I
17 would move for the admission of Exhibits 214 and
18 244.

19 JUDGE DIPPEL: Would there be any
20 objection to Exhibit 214 or 244?

21 MS. SHEMWELL: None. Thank you.

22 JUDGE DIPPEL: Seeing none, then I will
23 admit Exhibits 214 and 244.

24 MR. JOHNSON: I tender the witness for
25 cross.

1 JUDGE DIPPEL: Is there
2 cross-examination by the Public Counsel?

3 MS. SHEMWELL: We have no questions.
4 Thank you.

5 JUDGE DIPPEL: Division of Energy?

6 MR. BEAR: Just a few.

7 QUESTIONS BY MR. BEAR:

8 Q. Within your testimony, you describe
9 some concerns regarding the promotional practices
10 rule, correct?

11 A. That's correct.

12 Q. Okay. And the primary concern is that
13 this might be load-building activity; is that
14 correct?

15 A. Well, it's also the financing portion.

16 Q. But it's -- ultimately it doesn't
17 qualify -- your contention is it doesn't qualify as
18 a pilot project because it would engage upon
19 load-building activities. I believe that's what
20 your counsel said in opening. Is that correct?

21 A. Yes, but that wasn't my only concern
22 with promotional practices rule.

23 Q. Okay. Well, I -- I know. We got to
24 take them in -- in order for a second. So let's
25 start with load building. Within this case we had

1 settled an economic development rider, correct, or
2 an economic development rate, right?

3 A. That -- that wasn't my issue, so I
4 really am not aware.

5 Q. Okay. But providing an incentive to
6 use gas, isn't that load building for the gas
7 company?

8 A. Can you restate the question?

9 Q. Yeah. Providing subsidized rates for
10 economic reasons, wouldn't that be a load-building
11 activity?

12 A. I'm sorry. Can you restate the
13 question?

14 Q. Sure. If we provide --

15 MR. JOHNSON: I may object at this
16 time. I think we're talking about an issue that was
17 settled and was not brought to hearing.

18 MR. BEAR: Sure. But I -- I think this
19 goes to she's testified about the interpretation of
20 what is load-building activity. Therefore, you
21 know, as part of that, you know, with consistency
22 across the interpretation of other issues, I just
23 want to see where Staff is at on this interpretation
24 of load building, which seems to be pretty broad in
25 my opinion. I think this is legitimate inquiry into

1 that.

2 MR. PENDERGAST: Just for clarification
3 purposes, I think it's important to recognize what
4 the program that's being discussed actually does.
5 It's a little bit more like the PACE program that
6 the Chairman was talking about for subdivisions and
7 other places where we don't have natural gas right
8 now, and what it does is allow financing over a
9 15-year period of the --

10 JUDGE DIPPEL: I'm sorry,
11 Mr. Pendergast. Is there an objection in there
12 somewhere?

13 MR. PENDERGAST: Well, certainly I will
14 object and in that it assumes facts not in evidence,
15 okay, and --

16 JUDGE DIPPEL: Okay.

17 MR. PENDERGAST: -- I'm all for
18 questions being asked, but not inaccurate questions.

19 MR. BEAR: It's not assuming facts in
20 evidence because it's a hypothetical. A
21 hypothetical by definition doesn't assume facts in
22 evidence because it is saying if a certain condition
23 precedent were true would this be the effect, and
24 those are proper questions under evidentiary law.

25 JUDGE DIPPEL: Okay. I'm going to

1 allow the witness to answer the question that was
2 asked.

3 MR. BEAR: Sure.

4 JUDGE DIPPEL: If -- I understand that
5 there may be some things that have settled. We have
6 not -- as the Commission has not seen that
7 particular settlement agreement, I'm assuming it
8 will say things like the purpose of this -- or the
9 positions taken in this agreement are for this
10 particular issue.

11 I think the Commission is sophisticated
12 enough to -- to understand that and take the
13 witness's answers in that context. So go ahead and
14 ask your question one more time, and I'll let the
15 witness answer if she knows or doesn't know.

16 MR. BEAR: I think that's fair.
17 Actually, could the court reporter read it back just
18 rather than trying to rephrase it again and doing a
19 whole new round of objections? I think that's
20 usually the quickest way if that's possible.

21 COURT REPORTER: Question: Providing
22 subsidized rates for economic reasons, wouldn't that
23 be a load-building activity?

24 A. I mean, I will just answer with
25 load-building program is defined in our rule, and I

1 can read that out loud if you'd like.

2 Q. (By Mr. Bear) So you're just -- you're
3 not sure at this point?

4 A. My position is load-building program is
5 as it is defined in our chapter 14 rule.

6 Q. Okay. I'll move on with this. You
7 would agree with me that resiliency in critical
8 infrastructure is a -- is within the public
9 interest, correct?

10 A. I agree.

11 Q. Okay. And the Commission can waive the
12 promotional practices rule as part -- that's in the
13 first subparagraph of the rule, correct?

14 A. I agree.

15 Q. And the standards for waiving that is
16 in part based on the public interest, correct?

17 A. I mean, as far as a legal conclusion of
18 what the standards are, I can't speak to that.

19 Q. Okay. What's the point of the
20 promotional practices rule?

21 A. Actually, Ms. Mantle from OPC had some
22 good discussion about the history of the promotional
23 practices rule regarding purchasing of appliances
24 and consideration, financing of consideration, and
25 that kind of thing. I think that that was good.

1 Q. It's mainly to protect other utilities
2 from utilities butting heads, right?

3 A. Yeah.

4 Q. Okay.

5 A. Yeah.

6 Q. And so part of the -- part of a
7 promotional practices violation is that some other
8 utility is getting hurt as a part of the activity.
9 Isn't that the policy rationale behind it?

10 A. Yeah, and their ratepayers.

11 Q. Okay. And as part of this you would
12 agree with me that CHP is expressly contemplated
13 within the MEEIA framework, right?

14 MS. PAYNE: I have to object to this
15 question. These are all calling for legal
16 conclusions. He's asking her about the history
17 behind the rules and that's not something that this
18 witness is -- is able to testify on.

19 JUDGE DIPPEL: The witness already
20 answered the previous questions. As to this
21 question, I don't -- don't think he's calling for
22 legal conclusion at this point.

23 THE WITNESS: Can you restate the
24 question?

25 MR. BEAR: Could the court reporter

1 read that back, please?

2 COURT REPORTER: Question: And as part
3 of this you would agree with me that CHP is
4 expressly contemplated within the MEEIA framework,
5 right?

6 A. I think care needs to be taken when
7 specific projects are included in MEEIA.

8 Q. (By Mr. Bear) But you would agree with
9 me that if I do a find word search in a Word
10 document, I'll find combined heat and power in the
11 MEEIA documents, correct?

12 A. I don't know.

13 MR. BEAR: Okay. I think that's all I
14 have. Thank you.

15 JUDGE DIPPEL: Is there any
16 cross-examination from Environmental Defense Fund?

17 MS. KARAS: No questions.

18 JUDGE DIPPEL: Spire?

19 MR. FISCHER: Just briefly.

20 QUESTIONS BY MR. FISCHER

21 Q. Ms. Eubanks, on page four of your
22 rebuttal testimony you address Ms. Epperson's table
23 of four other Midwestern states that have higher
24 percentages of HCP as a percentage of their
25 capacity. Do you see that?

1 A. Did you mean CHP?

2 Q. I'm sorry, CHP.

3 A. That's okay.

4 Q. Combined heat and power. That's what
5 that means, right?

6 A. Yes.

7 Q. Okay. That's what I'm talking about.
8 That's the page you talk about the other four
9 states?

10 A. That's correct. That's correct, yes.

11 Q. And I believe you're trying, are you
12 not, to distinguish Missouri from those states based
13 upon certain factors that the other states might
14 have?

15 A. Yes.

16 Q. I believe you say that the other states
17 have standardized interconnection processes?

18 A. That's correct.

19 Q. Does Missouri not have a standardized
20 interconnection process?

21 A. We do for net metering customers up to
22 a hundred in KW.

23 Q. And then you also talk about other
24 policies regarding CHP in those four states down
25 about line 12 and 13, 14, 15. Is that correct?

1 A. That's correct.

2 Q. You say Wisconsin has a renewable
3 portfolio standard. Missouri has one too, correct?

4 A. That's correct.

5 Q. And what is top -- topping cycle CHP
6 systems?

7 A. So there's two different designations
8 of CHP systems. Topping cycle -- topping cycle and
9 bottoming cycle. So bottoming cycle typically
10 refers to waste energy projects and topping cycle
11 refers to electric generation as the primary
12 purpose.

13 Q. And you say that Minnesota has those as
14 a part of their energy efficiency standards?

15 A. That's correct.

16 Q. Okay. Missouri does not, is that
17 right, or do you know?

18 A. Not that I'm aware.

19 Q. Okay. If the Commission wanted to
20 promote CHP in Missouri, does the Staff have
21 suggestions on what kind of policy should be adopted
22 to promote CHP?

23 A. I think some of these things are
24 options to consider. We have a working case open
25 right now to look at our co-generation and net

1 metering rules, and there have been -- you know,
2 that's a possibility of an avenue to --

3 **Q. Well, for purposes of this case, does**
4 **the Staff have suggestions they would give the**
5 **Commission to promote that policy?**

6 A. Specific to Spire?

7 **Q. Well, specific to the current time**
8 **period. Or Spire.**

9 A. I'm sorry, can you rephrase the
10 question?

11 **Q. Yeah, I'm sorry. That was not a very**
12 **good question.**

13 **Does the Staff have suggestions to the**
14 **Commission if they wanted to promote CHP technology**
15 **in the context of this case?**

16 A. I mean, to the extent that, you know,
17 discussions happen after the case about what
18 possibilities are, I -- I think that's reasonable.

19 **Q. But otherwise you don't have any**
20 **suggestions?**

21 A. Nothing specific at this moment, no.

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

24 JUDGE DIPPEL: Thank you. Are there
25 questions from the bench?

1 CHAIRMAN HALL: Yeah, just briefly, I
2 guess.

3 QUESTIONS BY CHAIRMAN HALL

4 **Q. Good afternoon.**

5 A. Good afternoon.

6 **Q. Do you believe that CHP is a cost**
7 **effective technology in general or -- or only for**
8 **specific projects or not at all?**

9 A. I think it just needs to be evaluated
10 on a case-by-case basis. I think the entity who is
11 considering it will look at all factors and decide
12 if it's cost effective for them to do.

13 **Q. So there are some installations where**
14 **it is cost effective, there is some where it is not?**

15 A. Yes.

16 **Q. Would -- would the on-bill financing**
17 **component of the pilot project possibly make sense**
18 **from -- in Staff's view in this case in isolation?**

19 A. I think there would be a little bit of
20 concern with the promotional practices rule
21 regarding on-bill financing, and also DE's proposal
22 really didn't lay out how that would work.

23 **Q. But in general, putting the -- putting**
24 **our rule aside for -- for a moment, is it -- is it**
25 **not possible that -- that that kind of program could**

1 work to incentivize these -- these types of projects
2 at a significantly reduced price to ratepayers
3 compared to the project being proposed by DE in this
4 case?

5 A. I think that's a possibility.

6 CHAIRMAN HALL: Okay. Thank you.

7 THE WITNESS: You're welcome.

8 JUDGE DIPPEL: All right. Is there any
9 further cross-examination based on the Chairman's
10 questions? I'm just going to --

11 MR. BEAR: Just briefly.

12 JUDGE DIPPEL: Okay. Go ahead,

13 Mr. Bear.

14 QUESTIONS BY MR. BEAR

15 Q. The Chairman had asked you about cost
16 effectiveness, and you had answered that it would
17 require a cost by -- a case-by-case basis. Do you
18 recall that?

19 A. I do.

20 Q. Okay. So there would be some cases
21 where CHP just wouldn't be cost effective; is that
22 correct?

23 A. Yeah.

24 Q. Okay. And it would also be possible
25 that some of those cases may also involve pieces of

1 **critical infrastructure?**

2 A. Yeah, I would imagine that would be
3 possible.

4 Q. Okay. And as part of a case-by-case
5 **basis, isn't it true DE is proposing that the**
6 **Commission approve these projects on a case-by-case**
7 **basis?**

8 A. It sounds like today that that is what
9 the proposal is.

10 Q. Assuming that it is the proposal, would
11 you agree with me that if the Commission believes
12 that a project would have occurred any way due to
13 cost effectiveness or profit motivation, that the
14 Commission would be able to deny those applications
15 under DE's proposal?

16 A. Yes, if there was evidence of that.

17 MR. BEAR: Okay. Thank you. Nothing
18 further.

19 JUDGE DIPPEL: Is there any additional
20 cross-examination based on the Chairman's questions
21 from any of the other parties? All right. Then we
22 will go to redirect by Staff.

23 MR. JOHNSON: Thank you, Judge.

24 QUESTIONS BY MR. JOHNSON:

25 Q. **Ms. Eubanks, there was some discussion**

1 **about load building. What's your understanding of**
2 **load building under the promotional practices rule?**

3 A. I mean, to the extent there's a program
4 that encourages energy-related decision makers, so
5 the customers to pursue one form of energy over the
6 other, either in an increase in electricity or gas,
7 so it would be either a new switching fuel source
8 or, you know, increasing electricity usage or gas
9 usage.

10 Q. **In your opinion, is it practical for a**
11 **gas utility to implement CHP?**

12 A. To implement a CHP program?

13 Q. **As a pilot program?**

14 A. As a pilot program? I think it needs
15 to be co-delivered with an electric utility most
16 likely.

17 Q. **And just to clarify, there was some**
18 **talk about MEEIA. Do gas -- is there a MEEIA**
19 **statute for gas utilities in the state of Missouri?**

20 A. No.

21 Q. **And after clarification of the program**
22 **that you've heard today, in your opinion would it be**
23 **necessary for the Commission to approve this**
24 **program?**

25 A. No.

1 Q. Why is that?

2 A. I think Spire and an electric utility
3 could come up with a proposal that would make sense
4 possibly or at least that we would have more of a
5 framework to look at.

6 Q. And that would not be needed to be
7 preapproved by the Commission?

8 A. That's correct.

9 MR. JOHNSON: Thank you.

10 JUDGE DIPPEL: Thank you. And just for
11 the court reporter's clarification, MEEIA is
12 M-E-E-I-A. It's an acronym. All right.

13 Ms. Eubanks, thank you. You may step down. And I
14 believe that was your only issue; is that correct?

15 THE WITNESS: That's correct.

16 JUDGE DIPPEL: You may be excused.
17 Okay. Let's go ahead and go to Public Counsel's
18 witness.

19 MS. SHEMWELL: Public Counsel calls
20 Lena Mantle.

21 JUDGE DIPPEL: Ms. Mantle, you were
22 previously sworn in so you remain under oath.

23 THE WITNESS: Yes.

24 MR. JOHNSON: We will tender her for
25 cross. Thank you.

1 JUDGE DIPPEL: Thank you. Is there
2 cross-examination by Staff?

3 MR. JOHNSON: No questions, Judge.

4 JUDGE DIPPEL: Division of Energy?

5 WITNESS: LENA MANTLE

6 QUESTIONS BY MR. BEAR:

7 Q. Ma'am, would you agree with me that
8 reinforcing critical infrastructure would be a
9 matter of public interest?

10 A. Yes.

11 MR. BEAR: That's the only question I
12 have.

13 JUDGE DIPPEL: Thank you. Is there
14 anything from National Housing Trust?

15 MR. LINHARES: No, no further
16 questions.

17 JUDGE DIPPEL: Environmental Defense
18 Fund?

19 MS. KARAS: No questions, Your Honor.

20 JUDGE DIPPEL: Spire?

21 MR. FISCHER: No thank you.

22 JUDGE DIPPEL: Are there any questions
23 from the bench for Ms. Mantle?

24 QUESTIONS BY CHAIRMAN HALL

25 Q. Good afternoon. Would OPC be open to

1 some type of -- some type of on-bill financing for
2 CHP projects along the line of what is proposed in
3 the pilot, but -- but separate and apart from --
4 from the 5.1 million dollars in subsidies?

5 A. Yes, as long as it didn't violate the
6 promotional practice rule. And the promotional
7 practice rule does allow financing, but it has to be
8 at market terms. So it can't be below market terms.
9 So given that it met the requirements of the
10 promotional practices rule.

11 Q. So what -- what public policy rationale
12 would be furthered by implementing an on-bill
13 financing for these types of projects in -- in OPC's
14 perspective?

15 A. One of the barriers that Ms. Epperson
16 talked about was the ability to have the capital for
17 these projects, and what this on-bill financing
18 would provide an avenue for financing for them and a
19 way to pay for that through the bill, on the bill.
20 So it would overcome one of the barriers that
21 Mrs. Epperson talked about.

22 Q. And -- and OPC does believe that
23 these -- that these projects are potentially
24 beneficial for -- for the public?

25 A. On a case-by-case base -- are you

1 talking critical infrastructure only or are you just
2 talking about in general?

3 **Q. Either.**

4 A. On a case-by-case basis for some when
5 you're looking at something like critical
6 infrastructure, there's value to them of more than
7 the dollars because you're talking about keeping
8 vital buildings open, but all of these would need --
9 as Ms. Eubanks stated, should be evaluated on a
10 case-by-case basis.

11 It isn't something that a general
12 statement can be made regarding any commercial or
13 industrial customer that -- where CHP may be
14 applicable. Some -- in some they may be cost
15 effective and some they may be engineeringly
16 effective. There's -- each would have to be looked
17 at on a different -- on a case-by-case basis.

18 **Q. Do you believe that CHP holds great**
19 **promise, great potential?**

20 A. I -- I wish I had a crystal ball that I
21 could tell you that. It's been around for so many
22 years and we've enjoyed relatively low rates,
23 electric rates here in Missouri. I would say that's
24 one of the reasons why it hasn't matured a lot in
25 this state.

1 As our electric utility rate's go up,
2 there's more instances where this is cost effective
3 for a customer. We get new technologies all the
4 time. It could very well be important in the
5 future. It may not too. That's the best my crystal
6 ball shows me today.

7 **Q. I appreciate that, but you actually**
8 **raised an issue that I wanted to ask you about as**
9 **well. Do you believe that -- I believe you said**
10 **that one of the reasons why the technology is not as**
11 **prevalent in Missouri is because we have low**
12 **electricity rates; is that correct?**

13 A. Yes.

14 **Q. Did -- did you look at the other states**
15 **listed on Ms. Epperson's chart?**

16 A. I did not. Perhaps one of my
17 colleagues, either Geoff Marke, Dr. Marke or John
18 Robinett did. I did not.

19 CHAIRMAN HALL: All right. Thank you.

20 JUDGE DIPPEL: Anything further? All
21 right. Is there any further cross-examination based
22 on the Chairman's questions? Not seeing any.

23 MR. BEAR: Just briefly, Your Honor.

24 JUDGE DIPPEL: Okay.

25 MR. BEAR: I'll be quick because I know

1 we're getting long in the day here.

2 JUDGE DIPPEL: That's all right.

3 Mr. Bear, just we'll say -- you're just going to
4 have to wave at me or something. You're three rows
5 back. So you're hard for me to see.

6 MR. BEAR: I appreciate that.

7 JUDGE DIPPEL: So go ahead.

8 QUESTIONS BY MR. BEAR:

9 Q. Ma'am, you mentioned cost effectiveness
10 in -- in response to some of the Chairman's
11 questions, correct?

12 A. Yes.

13 Q. But this program is specifically asking
14 to invest within critical infrastructure, correct?

15 A. As that is vaguely defined in
16 Mrs. Epperson's testimony, yes.

17 Q. Resiliency to natural disasters, that
18 may or may not -- the motivation to add resiliency
19 to natural disasters from hospitals and the like,
20 that's not necessarily going to be motivated by a
21 profit-seeking incentive, correct?

22 A. No. It would be based more on a
23 different value, not necessarily monetary value, but
24 value of having that structure up and going and
25 should be -- we all make those decisions in our

1 everyday life. We don't always make the most
2 economic decisions.

3 Q. It would be more of a factor of the
4 public interest rather than just dollars and cents
5 being returned to the state -- being returned to the
6 customer I should say, correct?

7 A. Are you asking me if the installation
8 of a CHP in one of these types of instances -- I
9 guess I'm lost in the question or maybe I'm lost in
10 my answer.

11 Q. That's fair. That's fair. I'll
12 withdraw that question.

13 Are you aware -- you don't dispute the
14 fact that CHP could provide resiliency to -- in the
15 event of certain natural disasters, correct?

16 A. It could, that's correct.

17 Q. Okay. And as you said, we don't have a
18 crystal ball and that would equally apply to
19 whatever natural disasters might happen to the state
20 of Missouri?

21 A. That's correct.

22 MR. BEAR: Okay. That's all I have.
23 Thank you.

24 JUDGE DIPPEL: Thank you. Is there any
25 further recross?

1 MS. SHEMWELL: No, thank you.

2 JUDGE DIPPEL: Seeing none then, is
3 there redirect?

4 MS. SHEMWELL: No thank you.

5 JUDGE DIPPEL: All right. Then
6 Ms. Mantle, you may step down. Thank you.

7 MS. SHEMWELL: Judge, Office of Public
8 Counsel calls Dr. Marke, and he has previously been
9 sworn, so we will tender him for cross.

10 JUDGE DIPPEL: Thank you. Mr. Marke,
11 you have previously been sworn. Is there any
12 cross-examination for Dr. Marke from Staff?

13 MR. JOHNSON: No questions, Judge.

14 JUDGE DIPPEL: Division of Energy?

15 MR. BEAR: I'll be brief Your Honor.

16 WITNESS: GEOFF MARKE

17 QUESTIONS BY MR. BEAR

18 Q. Dr. Marke, within your testimony you
19 mentioned some natural disasters that may occur, and
20 I believe that you might have stated that in some
21 cases coastal areas might have more of a need for
22 this resiliency than the Midwest. Is that -- did
23 you make those statements?

24 A. That sounds right.

25 Q. Okay. When you're referring to coastal

1 areas, you're referring to instance like the recent
2 hurricane down in Texas, correct?

3 A. That could be an example, sure.

4 Q. Okay. Missouri has a host of natural
5 disasters that could strike the state, including
6 tornado, right?

7 A. Sure.

8 Q. Earthquake?

9 A. Potentially. It's been a while, but --

10 Q. But when it did last happen it was
11 pretty significant, correct?

12 A. That's my understanding.

13 Q. In fact, it was the strongest
14 earthquake ever recorded in human history?

15 A. I would have to check that, but --

16 Q. Yeah. The Mississippi flowed
17 backwards?

18 A. That's -- that's what I hear, the
19 eyewitness accounts.

20 Q. We also have flooding, correct?

21 A. We do.

22 Q. And so when you're comparing the coast
23 to the Midwest as far as disaster risk, what's the
24 basis for saying this makes more sense on the
25 coasts?

1 A. So speaking specifically to CHP or to
2 resiliency in general?

3 **Q. Well, let's start with resiliency in**
4 **general and then go to CHP.**

5 A. Okay. So resiliency in general I would
6 say near historical cost, so even within the past
7 ten years or so you could look at actuarial data.
8 You're going to have more natural disasters or that
9 have occurred on the coast relative to the Midwest.

10 You're right, you know, flooding is
11 absolutely prone to -- to the Midwest. Investments
12 in electric subsidies to promote resilience in the
13 grid has largely taken place on the East Coast
14 predicated by the hurricanes you had mentioned or at
15 least one example of.

16 **Q. Okay. As part of reaching that**
17 **conclusion, did you ever contact the State Emergency**
18 **Management Agency?**

19 A. Did I ever contact the State Emergency
20 Management Association, SEMA --

21 **Q. SEMA, yeah.**

22 A. -- about East Coast and West Coast
23 disasters?

24 **Q. Well, about disaster risk in the state.**

25 A. I did not speak specifically to SEMA to

1 issues regarding electric or natural gas.

2 Q. Okay. And do you know offhand what the
3 longest power has been out to a service area due to
4 a natural disaster within this state?

5 A. I can speak in a very general sense to
6 that.

7 Q. Sure.

8 JUDGE DIPPEL: Dr. Marke, would you
9 talk a little more toward the microphone?

10 A. I can speak to a very general sense to
11 that. I was fortunate, my dissertation actually
12 focused on the emergency -- Homeland Security
13 Emergency Management Act, so it was funneled money
14 out of 9-11 to go to critical cities. This was over
15 10-, 15-year period.

16 Q. (By Mr. Bear) Uh-huh.

17 A. The big issue -- I looked at St. Louis
18 specifically. And in that case there was a
19 quasi-governmental agency that -- it's still
20 operational today. It's called STARS, St. Louis
21 Area Regional Response System.

22 In their ten-year period the biggest
23 event that they actually faced was downed powered
24 lines I want to say 2012, 2011 from Ameren
25 specifically. So for about a three-, four-day

1 period St. Louis was -- was critically exposed
2 because of those power lines.

3 Q. And we've been lucky. We haven't had a
4 large power generating plant like Callaway or
5 anything like that go off-line due to a natural
6 disaster for some time, correct?

7 A. That's correct.

8 Q. But there is a possibility in the
9 future that that might happen?

10 A. You know, hypotheticals.

11 Q. Sure.

12 A. The universe of possibilities, sure.

13 Q. Based on your experience with the grid,
14 if we were to have a major electrical generating
15 plant go dark, would it be safe to say that
16 restoring that power to that region could be very
17 cumbersome and take a long time?

18 A. So not having reliable energy is -- is
19 a cost consideration, absolutely.

20 Q. I want to talk about some general
21 economics real quick. You would agree with me that
22 hardening our infrastructure and having resiliency
23 in the face of natural disasters is within the
24 public interest, correct?

25 A. As -- as a general comment, you know,

1 providing safe and reliable services is under the
2 purview, yes.

3 Q. And generally speaking, you know,
4 moving towards that goal might not necessarily be
5 incited through profit-seeking behavior, correct?

6 A. I mean, it can and it cannot I guess.
7 Value neutral.

8 Q. Yeah.

9 A. Okay.

10 Q. But there are some instances where
11 building and resiliency would not produce a net
12 profit for an entity, correct?

13 A. It would depend on the entity. I would
14 qualify that. You know, and that's the problem when
15 we start talking about cost effective test, right?
16 Who is it cost effective for?

17 And you know, it's Public Counsel's
18 opinion that, you know, when we look at the cost
19 effectiveness of, you know, any particular project
20 we need to look at it in its totality. So not only
21 its impact for that individual customer, but for all
22 ratepayers. At least to the extent that they are
23 subsidizing it.

24 Q. You are aware now that the Division of
25 Energy is intending to bring these applications

1 before the Commission, correct?

2 A. What has been filed in this case?

3 Q. Yes.

4 A. Yes.

5 Q. Okay. And so if -- if the Commission
6 allows that process to go forward, OPC will be able
7 to lodge any complaint about ratepayers taking up
8 too much slack within these projects, correct?
9 You'll be entitled to advocate?

10 A. I think we are now.

11 Q. Well, that's true. Yeah. But if it
12 does go forward to the next step, you're not out of
13 the tent yet, you're still able to have an advocacy
14 voice on this?

15 A. My understanding is that OPC has -- has
16 an appeals process that we exercise sometimes.

17 MR. BEAR: Sure. Nothing further.

18 JUDGE DIPPEL: Thank you. Anything
19 from National Housing Trust?

20 MR. LINHARES: No. Thank you, Judge.

21 JUDGE DIPPEL: Environmental Defense
22 Fund?

23 MS. KARAS: No questions, Your Honor.

24 JUDGE DIPPEL: Spire?

25 MR. FISCHER: No questions.

1 JUDGE DIPPEL: Are there questions from
2 the bench?

3 CHAIRMAN HALL: Yeah.

4 QUESTIONS BY CHAIRMAN HALL

5 Q. Good afternoon.

6 A. Good afternoon.

7 Q. In your surrebuttal testimony on page
8 20, line six through eight, you summarize your
9 conclusion that CHP does not need special promotion,
10 nor does it need to be included in a tariff -- well,
11 it doesn't need any -- any special promotion. In
12 other words, your view is that to the extent it is
13 cost effective, it can stand on its own two legs?

14 A. Yes.

15 Q. And you believe that that -- you
16 believe that with regards to industrial customers as
17 well as universities and hospitals?

18 A. Absolutely.

19 Q. What is your view on whether or not
20 some kind of on-bill financing might be a -- an
21 appropriate program for some of these installations?

22 A. I don't -- first of all, I don't think
23 it necessarily needs special promotion. And if I
24 can just back up for just a quick second. That
25 language was largely lifted from comments that KCPL

1 filed in the co-generation and net metering docket
2 that's opened up right now.

3 So even though they are a member to
4 this case and they didn't file testimony, they did
5 opine on CHP specifically in that case. But in
6 terms of whether or not on-bill financing, OPC is in
7 favor of on-bill financing, we feel, you know,
8 that's -- that's always a preferable option to the
9 extent that you can promote things in that manner.

10 And to clarify, CHP is an efficient
11 method. You can do -- it is a very efficient way
12 of, you know, powering your service. I would say
13 that PACE is probably a better venue. They would
14 provide a more favorable outcome for a potential
15 customer to -- to go down that line.

16 If electric prices continue to go up
17 and if natural gas prices continue to stay flat or
18 decline, this becomes a naturally more attractive
19 option for customers. And all of a sudden that cost
20 decision for the hospital or the university, who are
21 all very educated customers mind you, can all of a
22 sudden it hits that price point where they will make
23 that decision.

24 **Q. Would -- would OPC be willing to**
25 **participate in discussions with other parties about**

1 **some kind of agreement for on-bill financing with**
2 **regards to the CHP projects that are at issue in**
3 **this case?**

4 A. I think we'd always be open to
5 discussions like -- productive discussions like
6 that.

7 CHAIRMAN HALL: Thank you.

8 JUDGE DIPPEL: All right. Seeing no
9 other questions from the bench, is there further
10 cross-examination based on the Chairman's questions?
11 Don't see any. Is there redirect?

12 QUESTIONS BY MS. SHEMWELL:

13 **Q. Dr. Marke, are you clear about exactly**
14 **what programs are proposed in this case?**

15 A. I am not clear right now. I've heard a
16 lot of things. I think it's necessarily a little
17 bit different than what -- how we interpreted it. I
18 know that we're clear that we don't feel comfortable
19 with the 5.1 million dollar allocation from captive
20 ratepayers to what I would argue are mature,
21 sophisticated customers for a proven technology that
22 may be already redundant.

23 MS. SHEMWELL: Thank you.

24 JUDGE DIPPEL: All right. Thank you,
25 Dr. Marke. You may step down.

1 THE WITNESS: Thank you.

2 JUDGE DIPPEL: We have one more
3 witness, so we're going to forge ahead and then
4 we'll take a break.

5 MS. SHEMWELL: Counsel calls John
6 Robinett to the stand. Mr. Robinett has not
7 appeared yet.

8 JUDGE DIPPEL: Do you solemnly swear or
9 affirm the testimony you are about to give at this
10 hearing will be the truth, the whole truth, and
11 nothing but the truth.

12 THE WITNESS: I do.

13 JUDGE DIPPEL: Thank you.

14 WITNESS: JOHN ROBINETT

15 QUESTIONS BY MS. SHEMWELL:

16 Q. Mr. Robinett, you've already spelled
17 your name for the court reporter, so tell me where
18 you work.

19 A. I'm employed by the office of the
20 Missouri Public Counsel as a utility engineering
21 specialist.

22 Q. Mr. Robinett, have you prepared
23 testimony in this case?

24 A. I have.

25 Q. Have you prepared direct testimony?

1 A. Yes.

2 Q. **Rebuttal?**

3 A. Yes.

4 Q. **Surrebuttal?**

5 A. Yes.

6 MS. SHEMWELL: Would you like to mark
7 those?

8 JUDGE DIPPEL: Yes. And I have those
9 marked as direct Exhibit 406, rebuttal 412, and
10 surrebuttal 423, and I believe there was both
11 confidential and public versions of that.

12 MS. SHEMWELL: That's correct.

13 Q. **(By Ms. Shemwell) Mr. Robinett, do you**
14 **have any changes to your testimony?**

15 A. I do not.

16 Q. **If I were to ask you the same questions**
17 **as today, would your answers be substantially the**
18 **same?**

19 A. They would.

20 Q. **Is your testimony true and correct to**
21 **the best of your knowledge and belief?**

22 A. It is.

23 MS. SHEMWELL: I tender the witness for
24 cross.

25 JUDGE DIPPEL: Thank you. Is there

1 cross-examination by Staff?

2 MR. JOHNSON: No questions, Judge.

3 JUDGE DIPPEL: Division of Energy?

4 QUESTIONS BY MR. BEAR:

5 Q. Sir, would you agree with me that the
6 interpretation of the promotional practices rule is
7 largely a question of law of what it means?

8 A. Of what the promotional practices
9 means?

10 Q. The promotional practices rule?

11 A. Yeah, it's long.

12 Q. Well, it's a piece -- it's --

13 A. It's a rule.

14 Q. A rule, exactly. And you would agree
15 that it's the Commission's own rule, correct, that
16 they can interpret themselves?

17 A. Yes.

18 Q. And the rule expressly provides that
19 the Commission can waive the rule if it believes
20 it's with -- you know, on its own accord, correct?

21 A. I believe that's sub two, yes.

22 MR. BEAR: Okay. That's all the
23 questions I have.

24 JUDGE DIPPEL: Is there anything from
25 National Housing Trust?

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

3 JUDGE DIPPEL: Environmental Defense
4 Fund?

5 MS. KARAS: No questions, Your Honor.

6 JUDGE DIPPEL: Spire?

7 MR. FISCHER: No thank you.

8 JUDGE DIPPEL: Are there questions from
9 the bench?

10 CHAIRMAN HALL: I have no questions.

11 COMMISSIONER KENNEY: No questions.

12 JUDGE DIPPEL: Is there any redirect?

13 MS. SHEMWELL: None. Thank you.

14 JUDGE DIPPEL: All right. Well, that
15 was pretty painless. At least from my side of the
16 bench. Thank you, Mr. Robinett.

17 THE WITNESS: Thank you.

18 JUDGE DIPPEL: You may step down. So
19 it is 3:02 by the clock. We're going to take a
20 15-minute break, but please be back at 3:17.

21 (WHEREIN, a recess was taken.)

22 JUDGE DIPPEL: Looks like we can go
23 back on the record. So we took just a few extra
24 minutes there because the parties were diligently
25 working, and I believe Mr. Zucker may have some

1 information for us.

2 MR. ZUCKER: Okay. Thank you, Your
3 Honor. We have an agreement with all the parties
4 who are here on the rest of the issues for today.

5 JUDGE DIPPEL: Oh.

6 MR. ZUCKER: Which that's a headline,
7 which is energy efficiency and two low income
8 weatherization program issues. So I think we can
9 take those off the list.

10 I am going to try to describe if -- if
11 -- assuming you want me to the -- the agreement, and
12 the witnesses who are going -- who are going to
13 testify on this issue are here and are willing to
14 answer any questions. You have particularly Annika
15 Brink is here from Washington, D.C. on behalf of the
16 National Housing Trust.

17 JUDGE DIPPEL: Okay.

18 MR. ZUCKER: So a visiting celebrity.
19 All right. So here's -- here's the arrangement. We
20 are going to continue the energy efficiency program
21 with a goal of .75 percent of our gross operating
22 revenues based on a rolling three-year average.

23 We are -- every year we'll set a
24 budget. That budget has to be within 20 percent of
25 that point -- where the point -- where the

1 .75 percent is.

2 COMMISSIONER KENNEY: Who sets the
3 budget?

4 MR. ZUCKER: The company will. And the
5 -- I'll skip to this other issue. The EEC is
6 becoming advisory as Staff requested. So there will
7 be other members like Staff, OPC, Division of
8 Energy, the National Housing Trust is going to join,
9 Renew Missouri, and the Consumers Council of
10 Missouri.

11 So these will be all advisory members
12 who will provide their input on these issues. So
13 there's a 20 percent buffer around the .75 percent
14 for budget setting, and anything outside that buffer
15 we have to come to you for approval.

16 As a special matter within the
17 .75 percent we are going to budget \$900,000 for
18 multifamily low income programs, and that can --
19 also has a 20 percent buffer, but only above the
20 900,000. So if -- if we want to do more than I
21 guess it would be a million 80,000 we would have to
22 come in here and -- and get your approval on that.
23 Okay. I think that completes the issues on energy
24 efficiency.

25 With low income weatherization, we're

1 going to continue those programs. On the east side
2 of the state, Spire Missouri East, 950,000, which is
3 our current number, and on the west side Spire
4 Missouri West 750,000.

5 We will continue to for the time being
6 send that money to the Division of Energy and they
7 administer the weatherization program in general,
8 and they will continue to administer this. However,
9 the company is not precluded from issuing an RFP to
10 have someone else take it over or possibly the
11 Division of Energy will bid themselves.

12 They had asked for -- the Division of
13 Energy had asked for administrative fees, and so the
14 -- in the settlement we are not paying them
15 administrative fees for now, but we can do an RFP,
16 and if they're the winning bidder they can bid --
17 they can build admin -- administrative fees into
18 their bid. Does that sound right?

19 MR. BEAR: I would add that as part of
20 the agreement the RFP would require the successful
21 bidder to take no more than five percent of the fund
22 as part of an administrative cost, and that also if
23 no -- no successful bidders were to be present for
24 the RFP, that the -- it would revert back to the
25 company, and the company would be precluded from

1 taking an administrative fee in excess of five
2 percent.

3 So regardless of the outcome, it's the
4 intent of the parties I believe that the
5 administrative fee stay capped at five percent no
6 matter who is wearing the hat as administrator.

7 I do believe that there's probably an
8 open question of when that RFP would occur, you
9 know, which we're -- we need to discuss internally
10 with DE, but you know, I believe that that would be
11 before the next rate case basically. And we would
12 work with -- in good faith and we think we'll get
13 there really quickly. We just ran out of time.

14 MR. ZUCKER: And the five percent would
15 cover both the Laclede, the east side, and MGE, the
16 west side. Let's see. Energy wise and insulation
17 financing, which are two loan programs, energy
18 efficiency loan programs the company has will have
19 higher limits to reflect inflation over the last
20 20 years, and that's been agreed to by the parties
21 at the levels the company requested.

22 And -- and finally, the -- the check
23 box issue, we're not going to put the box on the --
24 on our bill. We already have the Dollar-Help box
25 there, so we're going to stick with that.

1 MR. BEAR: I would clarify that'd be --
2 it would be discussed in the EEC as the advisory
3 panel going forward, I believe; is that correct?

4 MR. PENDERGAST: That's correct, yes.

5 MR. ZUCKER: Okay. I stand corrected
6 on that.

7 MR. BEAR: But it will not be mandated
8 to go on tomorrow or the day after this rate case,
9 but we are going to discuss it and see if it is
10 feasible and is part of that advisory process.

11 MR. ZUCKER: All right. Did I leave
12 anything out? Sounds good. Okay.

13 JUDGE DIPPEL: There are questions.

14 MR. ZUCKER: I'll turn it over to
15 questions.

16 CHAIRMAN HALL: So are all of these
17 costs going to be included in base rates?

18 MR. ZUCKER: I think the answer is yes.
19 Is that right?

20 MR. JOHNSON: I think the energy
21 efficiency funding will -- I believe the energy
22 efficiency funding will continue as it's currently
23 designed and will be a deferral and later amortized
24 over a ten-year period.

25 MR. ZUCKER: Yeah, that's right. So in

1 effect the .75 percent is not in rates. We will
2 advance the money and it will get deferred and
3 collected at the next -- at the next rate case.

4 CHAIRMAN HALL: Okay. All right.
5 Thank you.

6 MR. ZUCKER: So instead of saying yes
7 my answer was actually no.

8 COMMISSIONER KENNEY: I have a question
9 on the -- what is the amount for the multifamily on
10 the energy efficiency program?

11 MR. ZUCKER: Multifamily low income is
12 900,000 out of -- out of the .75 percent budget.

13 COMMISSIONER KENNEY: Have the parties
14 discussed how that's going to be administered?
15 Because that's a pretty tough nut to crack.

16 MR. ZUCKER: I assume that the EEC will
17 work on that. We already have joint delivery
18 programs with the two electric utilities in -- in our service
19 territories, so I think we -- we have something
20 underway already.

21 COMMISSIONER KENNEY: I know they had a
22 program in Kansas City Power and Light and Juneau
23 have programs, and I think looking at last year, I
24 mean, they had like two applicants because you have
25 a lot -- I was just curious how the incentive is

1 going to be that the lessor would want to
2 participate. That's -- so I didn't know if --

3 MR. ZUCKER: I think NHT can answer
4 that.

5 MR. LINHARES: I'm happy to shed some
6 light on that. We feel that we have a high degree
7 of confidence that we'll get much closer if not all
8 the way to the budget this year for a number of
9 reasons. The first one being that we have fairly
10 fresh co-delivery agreements between Laclede and
11 Ameren and MGE and KCP&L.

12 Those were filed -- let's see. The
13 Ameren, Laclede agreement was filed August 25th. So
14 just in that last quarter of the program year 2017.
15 In that last quarter then we saw a huge expenditure,
16 \$234,000, which if you break that out into its
17 quarters you have a budget of nearly a million
18 dollars just for Laclede.

19 So maybe we wouldn't expect that pace,
20 but the point is that with a new co-delivery model
21 for both companies we expect a much higher --

22 COMMISSIONER KENNEY: Makes it more
23 successful. Your recent -- it's recently been
24 successful.

25 MR. LINHARES: Due to these co-delivery

1 agreements, and we also are looking forward to
2 working with the collaborative to work on various
3 things like a bonus incentive structure that I'm
4 confident are going to result in some higher
5 participation, so --

6 COMMISSIONER KENNEY: Is the setup
7 500,000 Spire East and 400,000 Spire West?

8 MR. LINHARES: I don't believe we
9 specified the division of funding.

10 COMMISSIONER KENNEY: Okay. But it's
11 just going to be broken down some ways to both
12 sides?

13 MR. LINHARES: That's right. I think
14 the collaborative will be -- will be dealing with
15 those further issues.

16 COMMISSIONER KENNEY: All right. Thank
17 you.

18 JUDGE DIPPEL: Any other questions the
19 commissioners need to hear from any of the
20 witnesses?

21 COMMISSIONER KENNEY: No, I'm good.

22 MR. PENDERGAST: I'd just like to --

23 JUDGE DIPPEL: Mr. Pendergast?

24 MR. PENDERGAST: Yes, as these rapidly
25 evolving agreements sometimes tend to do, you know,

1 they're not always a complete meeting of the mind on
2 every single issue. I think from our perspective
3 the only thing that we'd still like to have some
4 discussions, it doesn't affect anything else that
5 we've talked about, all the program structures,
6 amounts and that sort of thing, but there had been
7 proposals in the case about whether a portion of
8 these costs should be included in rates with
9 everything in excess of that, you know, deferred for
10 a recovery in the later.

11 And so we'd -- and I know that we had
12 proposed I think two million and 1.8 million and,
13 you know, I think other parties have taken positions
14 on that that would say let's just continue to defer
15 it. I'd just like the opportunity on that one
16 element to make sure we confer with the parties and
17 that we've got meeting of the minds on that.

18 JUDGE DIPPEL: So are you asking for
19 more time to do that right now?

20 MR. PENDERGAST: I'm saying that
21 everything we've agreed to is good.

22 JUDGE DIPPEL: Okay.

23 MR. PENDERGAST: That's the only little
24 issue that's still out there, so we will come back
25 and let you know, but it won't sink or torpedo or

1 stop any of the rest of what we've agreed to.

2 JUDGE DIPPEL: Okay. Well, then so the
3 parties are all comfortable then with -- with taking
4 these issues off the table with that exception,
5 which sounds like it needs a little more fleshing
6 out, but today you are comfortable with -- with
7 walking away from the hearing room without staying
8 till midnight tonight?

9 MR. SHEMWELL: Yes. Thank you, Your
10 Honor.

11 JUDGE DIPPEL: Oh, wow. They're
12 comfortable with that. Okay. What about the
13 witness testimony, were you going to agree to submit
14 that or --

15 MR. BEAR: That's what I'd suggest,
16 Your Honor. You know, we do -- I think the
17 remainder of the issues for the bulk of our
18 testimony at the Division of Energy have been
19 completed with the exception of rate design and the
20 RSM.

21 You know, as a contingency and a belt
22 and suspenders to make sure that we all move forward
23 with getting the settlement completed, I think those
24 being admitted into evidence sufficiently gives us
25 motivation to get this fleshed out and agreed to

1 since the parties, you know, already have that in
2 the record.

3 So I -- I believe that we should just
4 move and have the remaining written testimony added
5 to the record to the extent necessary.

6 MR. PENDERGAST: Yeah, we certainly
7 have no objection. It's standard practice when you
8 reach a resolution of this nature to have testimony
9 admitted into the record. I guess the only tricky
10 thing here is people have different testimony on
11 different issues and exactly what gets admitted now
12 and what doesn't.

13 Rather than making a ruling
14 immediately, would you like to see maybe a
15 stipulation and agreement that says the parties
16 agree that all the relevant information or testimony
17 should be admitted in the record and make sure that
18 we specify if there's any that shouldn't be, what's
19 still held out? Does that make sense?

20 JUDGE DIPPEL: Yeah, we can hold the --
21 and do the actual admission of that at later --
22 later point.

23 MR. PENDERGAST: Right.

24 JUDGE DIPPEL: We have other
25 settlements that we haven't admitted the testimony

1 on as well.

2 MR. PENDERGAST: Okay. Great. Thank
3 you.

4 JUDGE DIPPEL: And then is it the
5 parties' contention that their time is better spent
6 for the rest of this day in completing those
7 settlement agreements or in moving forward with the
8 next hearing issue, which would be uncollectibles?

9 MR. WILLIAMS: Your Honor, I believe it
10 would be better spent in us actually trying to get
11 some of these agreements memorialized down on paper
12 so we actually have something to submit to the
13 Commission in short order.

14 MR. PENDERGAST: As always, Hampton and
15 I agree completely.

16 JUDGE DIPPEL: Okay. Then we will
17 start tomorrow morning again at 8:30, and we will
18 begin with the uncollectibles issue unless you all
19 decide to settle that before we get here. So we can
20 adjourn for the day and go off the record.

21 (Ending time: 3:38 p.m.)

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CERTIFICATE OF REPORTER

I, William L. DeVries, a Certified Court Reporter (MO), Registered Diplomate Reporter, and Certified Realtime Reporter, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

William L. DeVries

Certified Court Reporter
within and for the State of Missouri

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