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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
Evidentiary Hearing

Wednesday, February 22, 2022
8:30 a.m. - 6:33 p.m.

Missouri Public Service Commission
200 Madison Street, Room 310
Jefferson City, MO 65102
and WebEx

VOLUME 3
Pages 247 - 516

In the Matter of the Application)
of Evergy Missouri West, Inc.)
d/b/a Evergy Missouri West for)
Permission and Approval of a) File No.
Certificate of Public Convenience) EA-2022-0328
and Necessity Authorizing It to)
Purchase, Own, Operate,)
Maintain and Otherwise Control)
and Manage an Existing Wind)
Generation Facility in Oklahoma)

NANCY DIPPELL, Presiding
CHIEF REGULATORY LAW JUDGE

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

Stenographically Reported By:
Beverly Jean Bentch, RPR, CCR No. 640
Job No. 140428

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1 The following proceedings began at 8:30 a.m.:

2 JUDGE DIPPELL: And we can go ahead and go on
3 the record. Good morning. This is Wednesday, February
4 22nd and we are back on the record with the evidentiary
5 hearing in EA-2022-0328.

6 Before we begin with Ms. Mantle's testimony
7 where we left off yesterday, overnight Evergy emailed to
8 everyone the complete presentation that was marked as
9 Exhibit 12. And I had a pending hearsay objection from
10 OPC. So I will just ask again are there any additional
11 -- or is that objection continuing? Any additional
12 objections to Exhibit 12?

13 MS. MARTIN: I think I missed it, because I
14 didn't get the exhibit.

15 JUDGE DIPPELL: Did that not go to everybody?

16 MR. STEINER: Pretty sure it went to all
17 counsel. Let me check.

18 MS. MARTIN: I had a lot of emails this
19 morning. It could have just gotten lost in the shuffle.

20 JUDGE DIPPELL: Well, then we'll table that
21 again.

22 MR. ZOBRIST: Judge, I was going to say, I
23 think it was emailed to both. I think it was to the OPC
24 Service.

25 JUDGE DIPPELL: We'll table that again until

1 after our next break. And if you guys can --

2 MR. STEINER: I'm forwarding it to you right
3 now.

4 JUDGE DIPPELL: -- maybe make sure you take a
5 look at that and let me know if you still have
6 objections. I will say Commissioner Coleman is on the
7 phone; and as you can see, I have Chairman Rupp and
8 Commissioner Holsman here. I expect Commissioner
9 Kolkmeyer will be present any second.

10 All right then. We can go ahead and resume
11 where we left off. Ms. Mantle has already retaken the
12 stand and she was sworn previously. So we can begin
13 with cross-examination by Staff.

14 LENA MANTLE,
15 having previously been sworn, was examined and testified
16 as follows:

17 CROSS-EXAMINATION

18 BY MS. MERS:

19 Q. Is it fair to say that OPC has recently been
20 generally supportive of Evergy West adding generation
21 assets?

22 A. Yes. That's assuming that they're good assets
23 for Evergy West. Adding just for the sake of adding
24 harms customers.

25 Q. And so since OPC is not recommending this

1 project go forward, I would assume that that logic is
2 behind the reason for your testimony in this case; is
3 that correct?

4 A. Yes. Evergy West says this is -- in their
5 direct testimony said this was for a hedge against
6 market prices, but actually it will end up costing
7 customers more than the hedge or the revenues they get
8 from -- that they're likely to get from this resource.
9 So it's not a good use of customers' money.

10 Q. And you attached a document to your testimony
11 that discusses the concept of hedging; is that correct?

12 A. The document while it may use the word hedging
13 is really just a white paper that's intended to explain
14 how if there's no congestion what resource planning, how
15 it should be done in an RTO where there is a market
16 where you add generation to meet your load and therefore
17 when the prices that the load is having to pay is high,
18 there's also generation available to receive revenues
19 that are high at that time.

20 Q. So you think the attributes of the generation
21 addition are important to consider?

22 A. Definitely. Without -- Otherwise, there would
23 be no reason to do resource planning.

24 Q. Would you say that wind assets are an
25 efficient manner of achieving SPP accredited summer

1 **capacity?**

2 A. Could you repeat that? I blanked out at the
3 first part.

4 **Q. Would you agree that wind assets or Persimmon**
5 **Creek would be an efficient manner of achieving**
6 **accredited summer capacity?**

7 A. Wind assets can be good assets, but the thing
8 is wind isn't available when the load is high, and that
9 is -- that's a lesson that's been learned through the
10 ice storms that when they're not available we don't have
11 them, and even SPP and MISO have started to realize that
12 they're accrediting these wind resources actually
13 probably too high. SPP is now changing their
14 accreditation to effective load carrying capabilities.
15 It's the same -- The result is the same as the
16 performance-based capacity that's being done,
17 accreditation that's being done for thermal units. It's
18 a different name. There's different methodologies
19 because these are different types of resources. So just
20 that shows that SPP realizes that these resources are
21 not available often in the summer months when the demand
22 for electricity is high.

23 **Q. For the SPP switch for those who maybe not be**
24 **aware, and I will consider myself one of them, is that**
25 **something that SPP has already gone through the process**

1 to implement and we're just waiting on an effective date
2 or is that something they're debating on doing?

3 A. I have a paper that I found on the website
4 from SPP Solar and Wind LCC Accreditation and it is
5 dated August 2019. I believe I saw that they want that
6 implemented this summer, summer of 2023.

7 Q. So I think that there's a slight difference
8 between Staff's testimony and OPC's testimony in this
9 case and that you've mentioned and that's how I started
10 this cross-examination that you think that Evergy could
11 be adding owned generation. Is that fair to say that
12 that's kind of a difference in where Staff and OPC are
13 sitting?

14 A. I believe so in this case.

15 Q. Now, is that capacity need new?

16 A. Oh, no. The Company that's now called Evergy
17 West has been in an ongoing battle with having enough
18 capacity since the mid 1990s. At that time, I believe
19 the name was Aquila, decided -- or they needed
20 additional capacity so they built a combined cycle
21 plant. But because they thought restructuring was going
22 to occur they kept it as a merchant plant. Aquila
23 regulated entered into a five-year PPA, and at the end
24 of that five-year PPA Aquila needed capital. So they
25 sold that plant. It's now called Dogwood. It's the

1 same plant.

2 And once again they were struggling to find
3 capacity. They built CTs outside, a combustion turbine,
4 CT. They built those outside of the town of Peculiar
5 without a CCN. There was a long drawn out legal fight
6 and eventually those were allowed to be capacity for
7 Aquila.

8 MR. ZOBRIST: Judge, I believe the witness has
9 responded to the question. I believe she is now
10 engaging in a narrative and I object on that basis.

11 JUDGE DIPPELL: I think the witness has
12 answered. So move on.

13 BY MS. MERS:

14 **Q. Do you believe IRP analysis should be**
15 **considered justification of a prudency decision to -- or**
16 **do you believe IRP analysis are alone justification for**
17 **a decision to add generating resources?**

18 A. No, it was never intended to be justification
19 for a specific resource. What it is is a general
20 overview because the decision of what resource to add is
21 very complicated. There's a lot of inputs and it's a
22 20-year analysis. So the purpose of the IRP or the
23 resource planning is to come up with a general optimized
24 plan taking into account risk and then from that you go
25 and choose your resource. If the analysis says a

1 combustion turbine would work best, then you go out and
2 you find out what the real price is what you can get for
3 combustion turbine, find where that should be located or
4 if it said wind or solar, those are decisions that
5 should be made after the resource planning process. And
6 those should be judged based on the specific resource,
7 not the resource plan.

8 **Q. So even in OPC's view where there perhaps is a**
9 **need, you would agree that the IRP analysis that might**
10 **show that are based on assumptions from Evergy West?**

11 A. It's a big model, a big computer model. When
12 they first started doing IRPs, it would take eight hours
13 to run. It's a massive model. It is intended just to
14 give a general resource plan much like, you know, GMO's
15 -- Evergy West's current plan says put a wind, I think
16 it's 150 MW, in 2024. So it's a general direction. It
17 points direction.

18 **Q. Do you think there can be bias in those**
19 **inputs?**

20 A. Oh, definitely, because the inputs, it's like
21 any computer model, junk in, junk out. It can be
22 manipulated whether intentionally or unintentionally to
23 give a certain result.

24 **Q. Are you familiar with Ms. Messamore's**
25 **surrebuttal? Do you have that up there with you?**

1 A. Yes, I do.

2 **Q. If you turn to page 26 and starting at line**
3 **14, Ms. Messamore has an explanation of how the capacity**
4 **factors were developed. Does that explanation resolve**
5 **any of your concerns about capacity?**

6 A. No, it does not. What will happen at
7 Persimmon Creek is once they're no longer allowed to get
8 production tax credits, they will stop running the units
9 when prices are negative. And capacity factor is
10 calculated as the amount of runtime when it was
11 available. And so the capacity factor will drop, the
12 actual. What has been put into the model, and I
13 understand from testimony yesterday, that factor is not
14 put into the model but a wind profile is generated to
15 make it so that the model will get that capacity factor.
16 So if that capacity factor is not reduced at the time in
17 2029, then the model will say that Persimmon Creek will
18 run actually more than it would actually.

19 **Q. So on page 15 of your surrebuttal you make a**
20 **comment about the 140 million in PPA losses that Evergy**
21 **West incurred. Do you recall that?**

22 A. Yes.

23 **Q. Were you here yesterday when Evergy witness**
24 **Messamore stated she did not believe those numbers were**
25 **accurate or that analysis was correct?**

1 A. I was here.

2 Q. Would you agree that those PPAs were entered
3 into for economic reasons?

4 A. Evergy has told me over and over and over
5 again, and it's in every RES filing that these were
6 entered into because Evergy's analysis showed that they
7 would be economic. And I've looked at those analyses
8 for Rock Creek and Osborn and it was a pure, these PPAs
9 will make more money than they will cost the customers.

10 Q. And would you agree that in this case one of
11 Evergy's justifications is the economic benefit in the
12 form of a reduced net present value to revenue
13 requirement or NPVRR?

14 A. Yes.

15 Q. And so would you agree that the type of
16 analysis that you did on the PPAs can shed light on the
17 economics of this project?

18 A. Yes, just as those analyses, and it's not just
19 one, it is several, and when you throw Evergy Metro in,
20 because they have additional PPAs that are also showing
21 losses, their analysis has been optimistic in favor of
22 revenues for just analysis after analysis after
23 analysis. The trend is that these analyses are
24 optimistic in the revenues therefore making a resource
25 seem economic even though similar resources have not

1 shown to be economic in the past.

2 **Q. Can you very briefly at a high level just walk**
3 **somebody like me through what that analysis was that you**
4 **did for your PPA?**

5 A. What I saw when I looked at the analysis of
6 the Osborn and Rock Creek PPAs was that it was done on a
7 monthly basis, an average market price was used. So
8 there was no notion to the fact that the prices when the
9 wind would be running was lower than the average,
10 because they're typically at night when market prices
11 are lower. It was an analysis over the life of the PPA
12 and so they had a MW hours that they expected the
13 turbine to run average market price and that's how they
14 determined the revenues.

15 In each one of these PPAs, there is a set
16 dollar amount per each MW hour. And so Evergy pays the
17 owner of the wind project that amount per MW hour. Also
18 in those contracts it says if the wind turbine can run
19 and it doesn't, then Evergy West has to pay the
20 production tax credit amount plus the contracted amount
21 for in that contract.

22 **Q. And how did that analysis inform your**
23 **recommendation in this case?**

24 A. It showed me that over and over again Evergy
25 has projected market prices that were too high. And

1 while the model, the IRP model is hourly and they did
2 match prices I think better to the generation in this
3 run for Persimmon Creek, the tendency to overestimate
4 market prices I believe continued.

5 **Q. You're quite familiar with the FAC; is that**
6 **correct to say? Probably actually a little bit of an**
7 **understatement.**

8 MR. ZOBRIST: I'm sorry. I didn't hear the
9 question.

10 BY MS. MERS:

11 **Q. I was asking if she's familiar with the FAC.**

12 A. Yes.

13 **Q. The fuel adjustment clause I should define.**

14 A. Yes, the fuel adjustment clause.

15 **Q. Is it your understanding that the PTCs would**
16 **not flow through the FAC immediately?**

17 A. They cannot flow through Evergy West's FAC
18 because the tariff sheet does not allow that. And the
19 statute for the FAC says that it cannot change between
20 rate cases. So the FAC that Evergy West has at this
21 time until its next rate case is completed would not
22 allow PTCs to flow through the FAC.

23 **Q. And another difference in position I think**
24 **between Staff and OPC is that you guys, or at least your**
25 **testimony makes mention of a revenue tracker; is that**

1 **correct?**

2 A. Yes, I'm not certain that the revenues can
3 flow through the FAC. This is a first-time occurrence.
4 When it was Empire and their wind projects, Empire said
5 that -- was very clear that they got to keep the
6 revenues until the wind turbines were in rates. It's
7 still rolling around in my mind. And whether that's
8 even the best use of those revenues to flow them back to
9 the customers, a better use is probably to offset the
10 capital cost when they would be put into rates. So
11 until we have a way to discuss how to best use those
12 revenues to balance between the customers and Evergy,
13 then I think that's something should be determined
14 later.

15 MS. MERS: Okay. Thank you for explaining
16 that. That's all I have.

17 JUDGE DIPPELL: Thank you. Is there anything
18 from Renew?

19 MS. GREENWALD: No, thank you, Judge.

20 JUDGE DIPPELL: Evergy?

21 MR. ZOBRIST: Thank you, Judge.

22 CROSS-EXAMINATION

23 BY MR. ZOBRIST:

24 **Q. Ms. Mantle, with regard to the Rock Creek and**
25 **the Osborn wind facilities, did the Commission review**

1 the prudence of those wind facilities in a recent fuel
2 adjustment clause case? I believe it was No.

3 EO-2019-0067.

4 A. Yes, they did.

5 Q. Did the Commission rule against Public
6 Counsel's position and find that Evergy's decision when
7 it was made was prudent?

8 A. Yes.

9 Q. Now, let me ask you a question about the
10 flowing back of the revenues that you just mentioned.
11 So you said you're personally not certain that the
12 revenues flow back right now if the CCN is granted, the
13 acquisition is approved and the transaction is closed,
14 correct?

15 A. Correct.

16 Q. Now, the Company has taken the position that
17 upon the closing of the transaction with the other
18 regulatory approvals preceding it that these benefits,
19 these revenues will begin to flow back through the FAC
20 the next day; isn't that the Company's position?

21 A. That's the first time I've heard that detailed
22 of what the Company's position. They have said that
23 they'll flow it back through the FAC and that is what
24 happened with the PPAs, but that was purchased power and
25 that is allowed through the FAC.

1 Q. This is an asset that would be owned by the
2 company post transaction but it would not be in rate
3 base, correct?

4 A. That is correct.

5 Q. The Company has taken the position that once
6 the transaction is closed the accounting principles
7 under the Uniform System of Accounts require money
8 coming in for revenues from a wind generation asset
9 regardless of whether it's in rate base begin to flow
10 back to customers; that's the Company's position,
11 correct?

12 A. There isn't hardly any detail in the Company's
13 testimony as to what their position is.

14 Q. Mr. Humphrey testified on the stand under oath
15 that that is the position of the Company yesterday,
16 correct?

17 A. He did but he did not talk about the USOA.
18 You'd have to take into consideration the current FAC
19 because that's the one that is in effect until the next
20 rate case when these would be included in rate base.

21 Q. Well, in the current tariff sheet that the
22 Company files for its FACs there is an acronym OSSR
23 that's in the top line that measures what flows back as
24 a credit to customers, correct?

25 A. Correct.

1 **Q. And that would include revenues from an asset**
2 **like Persimmon Creek, correct?**

3 A. I don't know that for certain. There would be
4 revenues flowing back, but I'm not an accountant, I
5 don't know how those can be treated. Again, it's not
6 something that should be determined in this case.

7 **Q. So you're going to put this off for a couple**
8 **years and not let these revenues flow back to customers**
9 **if regulatory approval is granted and the transaction is**
10 **closed?**

11 MS. MARTIN: Objection. Ms. Mantle is not
12 part of the Company. So she doesn't make that
13 determination.

14 MR. ZOBRIST: Maybe I misspoke. I meant to
15 say it's her position that OPC feels that we should wait
16 a couple years contrary to the Company's position that
17 these revenues should begin to flow back to customers
18 upon the closing of the transaction.

19 THE WITNESS: My position is there's other
20 alternative ways that that revenue could be used that
21 would reduce customers' bills over the long term.

22 BY MR. ZOBRIST:

23 **Q. And that's --**

24 A. And if it was in the FAC right now, they would
25 only get 95 percent of that revenues.

1 **Q. Under the fuel adjustment clause sharing**
2 **mechanism?**

3 A. Yes.

4 **Q. You haven't addressed that in your testimony,**
5 **correct, that issue?**

6 A. No, because I did not believe this was the
7 appropriate place to address it.

8 **Q. Now, Ms. Mantle, am I correct that in this**
9 **case you haven't done any independent analysis like**
10 **Staff witness Luebbert has; is that correct?**

11 A. That's correct.

12 **Q. Essentially throughout your surrebuttal**
13 **testimony you say Mr. Luebbert states A, B, C, and you**
14 **say I agree with him, in essence?**

15 A. Some but I do add some other things, too, a
16 couple of things that should be considered if the
17 Commission orders you to redo your analysis. The
18 revenue tracker was also proposed in my testimony.

19 **Q. Now, did anyone else at Public Counsel conduct**
20 **any kind of a, including yourself, any kind of levelized**
21 **cost of energy, LCOE, analysis of this proposal?**

22 A. No, but I did review the Company's, what the
23 Company provided.

24 **Q. Have you personally ever yourself, or overseen**
25 **either as a Staff member or member of Public Counsel, a**

1 **levelized cost of energy analysis?**

2 A. I've reviewed them.

3 **Q. My question was is in either comparison or in**
4 **rebuttal to a proposition presented by an applicant as**
5 **either Staff or OPC, would your involvement conducted in**
6 **LCOE analysis?**

7 A. I have taken Company's work papers and changed
8 inputs to see the impact. I don't know -- I have not
9 done one from scratch, because there's no reason for me
10 to do that.

11 **Q. You simply reviewed and you provide your**
12 **analysis and criticism?**

13 A. Yes.

14 **Q. Now, have you reviewed any drawings or**
15 **specifications with regard to Persimmon Creek?**

16 A. No.

17 **Q. Have you reviewed any of the operational data**
18 **that the Company provided with regard to the performance**
19 **of Persimmon Creek?**

20 A. No, I have not.

21 **Q. Do you have any reason to disagree with the**
22 **testimony that the Commission heard yesterday that**
23 **Persimmon Creek achieved a 30 percent capacity factor**
24 **during Winter Storm Uri?**

25 A. I don't have the knowledge to make a comment

1 on that.

2 Q. Do you have any opinion as to whether this is
3 a -- let me rephrase. From an operating perspective,
4 this is a well functioning plant as far as you can see
5 from the data produced by the Company and the testimony?

6 A. The only thing I have to base it on is the
7 Company's testimony. So based on that, I don't have any
8 reason to believe it's not well operated.

9 Q. As far as you know, it hasn't been plagued by
10 unacceptable outages or mechanical issues or anything of
11 that nature?

12 A. I don't know. I haven't looked at that.

13 Q. You're not aware of it, correct?

14 A. Correct.

15 Q. Would you turn to page 7 of your surrebuttal,
16 please.

17 A. Okay.

18 Q. Directing your attention to the question, you
19 say Mr. Luebbert uses terminology, quote, not likely,
20 close quote, to describe the probability that Persimmon
21 Creek is cost effective and a hedge against market
22 energy costs. Then you ask the question, or you are
23 asked the question why shouldn't the Commission approve
24 the CCN if market revenues are unknown, correct?

25 A. Yes.

1 **Q. How can anyone know what market revenues are**
2 **going to be in the future?**

3 A. Nobody has that crystal ball and Evergy has
4 shown that their crystal ball is really cloudy with
5 these other PPAs.

6 **Q. So you really are setting up, are you not, an**
7 **impossible test because if you're saying the Commission**
8 **shouldn't approve the CCN if market revenues are unknown**
9 **and you've just said no one has a crystal ball, how can**
10 **anyone ever meet that test?**

11 A. I also say that Mr. Luebbert pointed out
12 several flaws in Evergy West analysis that skew the
13 results. If the revenues from this wind project had
14 been running at \$20 million a year and the impact on --
15 the rate impact was \$15 million a year, that, yeah, that
16 would be -- you do have to look at historical data to
17 know how to go forward. That's your best information
18 going forward. So it doesn't set up an impossible
19 standard. What it does say is look at who is absorbing
20 those risks. The risk in this case will completely lay
21 on the customers if the Commission approves this
22 Persimmon Creek and allows it into -- allows Evergy West
23 to receive the PTCs before it goes into rates. I mean,
24 so the customers would not get the PTCs, the customers
25 will have to pay 85 percent of the depreciation and a

1 return on that. The customers based on history would
2 only get about \$10 million in revenues. It doesn't take
3 a crystal ball to see that it isn't a good thing for
4 customers.

5 Q. And you don't even want customers under your
6 analysis to receive the revenues that would flow
7 immediately after the transaction is closed?

8 A. I do want the customers to receive that.
9 Maybe not in that manner.

10 Q. And so many of the issues that you talk about
11 will be determined in a rate case where all factors are
12 considered with regard to Persimmon Creek, how much of
13 it goes into rate base and all those kinds of issues,
14 correct?

15 A. Correct.

16 Q. And all we're asking the Commission here is to
17 say give us a certificate to operate this plant, which
18 is convenient or necessity for the public; that's all
19 we're really deciding here, correct?

20 A. Yes.

21 Q. Now, Ms. Mers asked you some questions about
22 integrated resource planning and you testified that it's
23 a very complicated model that begins with inputs and
24 general propositions; is that correct?

25 A. Yes.

1 Q. And isn't it true that in this case when the
2 Company after conducting the RFP process that Mr.
3 Humphrey talked about and after Ms. Messamore and her
4 group used the IRP with specific inputs related to
5 Persimmon Creek finding that it added \$60 million under
6 the net present value of revenue requirement, it's at
7 that point that they updated the IRP with specific data
8 on Persimmon Creek; isn't that true?

9 A. Yes, but they left all of the rest flawed data
10 that was in the IRP in there.

11 Q. I believe you had a sentence in your
12 surrebuttal testimony that talked about the IRP being an
13 initial, an initial process that began; is that correct?
14 Do you recall that? I think it was around page 10,
15 lines 19 through 21. You called it an initial long-term
16 high level analysis?

17 A. Yes.

18 Q. And isn't it true that the IRP is actually a
19 continuous and dynamic process that requires updates and
20 changes whenever an electric utility in this state has
21 good reason to bring further facts and analysis to the
22 attention of the Commission, Public Counsel and Staff?

23 A. It should do that, yes.

24 Q. It's not a static analysis, correct?

25 A. It's a point in time analysis that should be

1 redone when it's found but some of those inputs were in
2 error.

3 **Q. And it requires annual updates; is that**
4 **correct?**

5 A. The rule does not necessarily require the
6 resource plan to be rerun every year. There's been many
7 times that the Commission -- Evergy has come back and
8 said that's way too much work, we'll do this study
9 instead. So the rule itself does not require the
10 utility to rerun that every year.

11 **Q. But it does require a notification of change**
12 **under Section 11 of the FAC rule if there is a change in**
13 **a plan, and that was done in this case when Persimmon**
14 **Creek was identified; isn't that true?**

15 A. Yes.

16 **Q. Now, you told the Commission that you had been**
17 **critical of Evergy Missouri West and its predecessors**
18 **with regard to resource planning in the past; is that**
19 **correct?**

20 A. That is correct.

21 **Q. Now, in Evergy West's securitization case in**
22 **the Amended Report and Order of the Commission that was**
23 **issued on November 17, 2022, isn't it true that the**
24 **Commission disagreed with Public Counsel's assessment**
25 **that Evergy West's resource planning was imprudent?**

1 A. That was all circled around the retirement of
2 Sibley. Yes, if my memory serves me correct, yes, that
3 whole section was about Sibley.

4 **Q. And the Commission therefore did not reduce**
5 **the qualified extraordinary cost amount based on Evergy**
6 **West's resource planning, correct?**

7 A. Correct.

8 **Q. And in the recent Evergy Metro and Evergy**
9 **Missouri West rate cases that were recently completed,**
10 **Nos. ER-2022-0129 for Metro and 0130 for Evergy Missouri**
11 **West, isn't it true that in response to the Sierra**
12 **Club's allegations of imprudence that the Commission**
13 **similarly found that there was no imprudence and that**
14 **Sierra Club had not raised a serious doubt regarding the**
15 **prudence of Evergy's resource planning?**

16 A. It's been a while since I looked at that. I
17 believe that's an appropriate characterization.

18 MR. ZOBRIST: Thank you, Judge. Let me just
19 check. I'm sorry. I've got one other short series of
20 questions and then I'll be done.

21 BY MR. ZOBRIST:

22 **Q. I believe we had a short discussion about**
23 **market revenues and the mentioning of locational**
24 **marginal prices, LMPs. Do you recall that briefly at**
25 **the beginning I think when Ms. Mers was asking you some**

1 **questions?**

2 A. I don't know that we talked about LMPs but we
3 did discuss revenues.

4 **Q. Mr. Luebbert in his testimony talks about SPP**
5 **market revenues and he says they're the product of the**
6 **energy that is produced on a MW hour basis and the LMP.**
7 **Do you remember that? It was around page 21 of Mr.**
8 **Luebbert's rebuttal.**

9 A. Can you point me to the line?

10 **Q. 9 through 11, I believe.**

11 A. On page 21?

12 **Q. Yes.**

13 A. That's not on page 21 of my copy. I believe
14 it's on page 20.

15 **Q. It is page 20. Thank you. I'm sorry. Do you**
16 **agree with his answer there that defines LMP under the**
17 **SPP markets, I know we've got too much alphabet soup**
18 **here. Let me try again. Do you agree with his**
19 **description in the answer on page 20, line 6 through 13**
20 **on the Southwest Power Pool definition of locational**
21 **marginal price?**

22 A. Yes.

23 **Q. And he says that LMP consists of three**
24 **elements: Marginal cost of energy, the marginal cost of**
25 **congestion, and marginal losses being transmission**

1 **losses, correct?**

2 A. Correct. That's what Ms. Messamore said
3 yesterday.

4 **Q. So there's no dispute among the parties that**
5 **that's all that the LMP consists of in generating**
6 **revenues in the SPP market?**

7 A. At a high level. When you get down into the
8 details, there's a lot to it.

9 **Q. But it does not include any amount for fixed**
10 **costs of an asset, correct?**

11 A. LMP is -- The marginal energy cost is set
12 based on the marginal unit. So in some cases it could
13 because the variable cost of that unit could be, say,
14 \$10 and the marginal cost is 21. If the LMP is up there
15 at 21, that's going to cover more than its marginal
16 cost. Whether that goes to -- I mean, but it could
17 cover some of the fixed cost.

18 **Q. It could but fixed costs of that unit are not**
19 **an element of LMP. It might be high, it might be way**
20 **low, correct?**

21 A. LMP is set on the marginal energy cost. So I
22 guess I'm struggling to understand the question.

23 **Q. The question is that the locational marginal**
24 **price at which the margin clears and which provide**
25 **revenues to the utility that's selling energy to the SPP**

1 market does not have an element in it of fixed costs
2 which are set in a rate case?

3 A. Each utility bids in its own units. And
4 whether it determines that -- Typically it's my
5 understanding they do not include fixed costs when they
6 bid a unit in. The customers are paying for that unit.
7 So if they can get marginal cost covered, that's a win
8 for customers.

9 Q. Well, would you dispute that under the FERC
10 rules SPP does not allow fixed costs to be bid into the
11 market?

12 A. I can't speak to that because I have not seen
13 that. It seems right, yes.

14 Q. So a utility would not have an expectation of
15 recovering its fixed costs in the SPP energy market,
16 correct?

17 A. That is correct. But when you say economic,
18 this will be economic. In my mind economic means
19 benefits are greater than the costs, total costs, not
20 just fixed -- or not just variable costs.

21 MR. ZOBRIST: I think that's all I have,
22 Judge. Thank you.

23 JUDGE DIPPELL: Thank you. Are there
24 questions for Ms. Mantle from the Commissioners.
25 Chairman Rupp?

1 CHAIRMAN RUPP: Good morning.

2 THE WITNESS: Good morning.

3 QUESTIONS

4 BY CHAIRMAN RUPP:

5 Q. So based off of your interaction with the
6 Company's counsel, I need a little clarification of what
7 you believe the Company's position is in moving forward
8 here. So if this is approved and as soon as they close,
9 is it your opinion that all revenues including revenues
10 from the production tax credits will immediately go
11 flowing back to customers?

12 A. They've been very clear that the PTCs will not
13 flow back to customers. It's my understanding, and this
14 was not brought up until surrebuttal, my understanding
15 is they're saying PTCs go to shareholders and they want
16 to flow the revenues back to customers at which that
17 would only be 95 percent because this was not included
18 in rates in the rate case that just ended.

19 Q. Okay. And then that would not be included
20 until the next rate case if we're going to have them go
21 into rates?

22 A. The PTCs?

23 Q. Yes.

24 A. That's my understanding of their position.

25 Q. Okay.

1 A. And then also the depreciation they elected
2 PISA. So 85 percent of depreciation would be
3 accumulated.

4 **Q. That's what I thought it was, but the**
5 **interaction I was confused based off of your**
6 **interaction. If that's incorrect, then I think I'm**
7 **agreeing but that's how I'm hearing it as well. Going**
8 **back to the PPAs that OPC has been using as reference of**
9 **being non-economic benefits for the consumers or they**
10 **haven't lived up to what they had hoped, would those**
11 **costs in your opinion be higher or lower if that energy**
12 **capacity had been like purchased through some other mean**
13 **like a bilateral contract or a dispatchable generation,**
14 **if you know?**

15 A. These PPAs were entered into not because the
16 energy was needed but because supposedly they would make
17 money. They are bilateral contracts. The contract just
18 -- The cost is all in a MW hour charge which means it
19 automatically flows through the FAC. If there was a
20 fixed price and then a charge for the MW hours, then
21 only the MW hour charge would flow through the FAC. So
22 the reason why they are losing money is that cost is
23 often above the market price that they receive for that
24 generation.

25 **Q. Okay. I think you stated that Evergy should**

1 be looking at other dispatchable generation combined or
2 the combustion turbine engines to meet energy and
3 capacity needs. From your knowledge of the current
4 situation of SPP market, is there any circumstances
5 where you think it would be appropriate to build wind
6 absent some type of like mandate?

7 A. Yes, wind is a great resource. The problem is
8 Energy West does not have dispatchable resources that
9 can come online. No, these do not necessarily cover
10 Energy West customers' load, but they will generate
11 revenues from the market at the time of those loads. So
12 if -- And the marginal energy price is also used to
13 calculate the load node cost. So if they've got
14 generation that they can bring on at that time when load
15 is high, then that revenues can offset some of that cost
16 of that load. Typically the load node price is higher.
17 But it's congestion. There's a lot of things in that
18 LMP that absent those things then having generation at
19 the time the load is there. Now, if Energy West had
20 that generation that was dispatchable, then wind is a
21 great addition.

22 Q. So am I hearing you say that they should be
23 doing combustion turbine first, then looking at wind?

24 A. What I'm pausing on is the combustion turbine.

25 Q. Or some type.

1 A. It may be a combined cycle plant which is more
2 efficient natural gas plant. A CT modular nuclear is
3 looking better and better all the time. So there's a
4 lot -- There's choices and that's what the resource
5 planning process was intended to do was to help the
6 utility decide which one of those resources was the best
7 fit for their customers.

8 **Q. So am I hearing you that some other type of**
9 **generation resource that can provide that load and**
10 **capacity should be explored before they look to add wind**
11 **regardless of what it was?**

12 A. The position that -- Evergy West is currently
13 getting its capacity from Evergy Metro. It gets no
14 energy whatsoever from that capacity. The contract is
15 for capacity only. So Evergy Metro has the resources.
16 They get all the revenue for that energy. I'm not
17 saying they shouldn't, because their customers are
18 paying for that capacity. But in the meantime, Evergy
19 West customers are having to pay whatever the market
20 price is. And if they had dispatchable resources of
21 some sort, what's happened is over the years that
22 difference has just gotten bigger and bigger and bigger.
23 They haven't added a resource since South Harper --
24 well, Crossroads. But you know, it's been a long time
25 since they added resource. They're depending on Evergy

1 Metro and the market. They need to start whittling away
2 at some of that. If you have a hundred million dollars
3 to spend on plant, my opinion is it would be a much
4 better use of the customers' money to do a dispatchable
5 unit. Again, I'm not against wind. They're just in a
6 position where, and you can see it in Ms. Messamore's
7 testimony, that even if they added Persimmon Creek they
8 still will be purchasing a large amount of their energy
9 from SPP. That exposes the customers to the risk of the
10 market. There's no exposure there to Evergy West but
11 it's to the customers end up with the risk. That's why
12 we've got such a high FAC amount, why the difference is
13 so great is because the market and that just gets passed
14 through to customers.

15 **Q. Okay. We've discussed, I think it was Staff**
16 **had raised, and I think your office had raised as well,**
17 **the IRP modeling that was done. Do you -- I've asked**
18 **this before to other witnesses so I'll ask you. Do you**
19 **believe the IRP rule needs to be amended to address the**
20 **concerns that was raised in testimony regarding Evergy's**
21 **IRP modeling or do you believe Evergy is just not**
22 **implementing the current rule correctly?**

23 A. The last time, the rule was revised I think
24 about 2010, the chapter, it's a whole chapter. I
25 oversaw that back before I retired from the Commission.

1 There's some changes that could be made to the rule.
2 But the application of the rule is everything. I don't
3 think they're applying the rule right. They go through
4 the motions. For example, risk. Initially what Mike
5 Proctor, I don't know if you know Dr. Proctor or not,
6 but he envisioned the range that they would test this
7 model over or the plan over would be great so that you
8 would get something like a storm, what happened with
9 Storm Uri, so you could test the robustness of this plan
10 under several different scenarios. You notice the rule
11 doesn't say that the lowest NPVRR. Revenue requirement,
12 that's what you should go with. That's the primary
13 thing that you should look at. You also need to look at
14 these other things because there's risk involved. And I
15 don't believe that's being done right. And not just by
16 Evergy West but by all the utilities. They pick a very
17 narrow range to test risk and surprisingly whatever they
18 choose does really well because it's such a narrow
19 range.

20 It was envisioned that computers would get
21 more powerful and they could actually optimize, say
22 here's a wind resource, here's a CT, here's a little CT,
23 here's a big CT, here's a combustion turbine and get
24 these inputs into the model and it would optimize what
25 was the best unit to use and Evergy says huh, I think we

1 want wind in 2024 and they put that in the model. So
2 they're not using it to optimize. They are using it to
3 measure some net present value.

4 So it's application of the rule. Dr. Proctor
5 believed that if people had good information in front of
6 them they would make a good decision. He was an
7 economist. And that was what this whole chapter was
8 laid out on. So the rule can work the way it is and
9 provide amazing information for the utilities and the
10 customers and the Commission if it's taken seriously and
11 done. There's going to be bias in any inputs. I would
12 have bias if I put them in. It could work the way it is
13 now.

14 CHAIRMAN RUPP: Thank you, Judge.

15 JUDGE DIPPELL: Thank you. Commissioner
16 Holsman, you had some questions?

17 COMMISSIONER HOLSMAN: Yes, thank you. Good
18 morning.

19 THE WITNESS: Good morning.

20 QUESTIONS

21 BY COMMISSIONER HOLSMAN:

22 **Q. I want to start kind of piggybacking off what**
23 **the Chairman had asked. From a high level, do you think**
24 **that the utility behavior is different if they own the**
25 **asset versus them being a part of the PPA and someone**

1 **else. Do they fundamentally make different decisions if**
2 **they own it versus not owning it?**

3 A. Yes.

4 **Q. They do. Do you think that those decisions**
5 **tend to lend itself to favorable to the consumer or**
6 **favorable to the Company if they own the asset?**

7 A. If they own the asset, at that point then the
8 utility is receiving the depreciation amount plus a
9 return on that asset. There's some risk there to the
10 utility that the Commission will not allow, you know,
11 that's imprudent. There's some risk that the ROE won't
12 be what they want. Well, it's never what they want. So
13 that puts some risk on the Company but they do get a
14 return. Everything is a balance. You get a balance.
15 With a purchased power agreement, especially the ones
16 that they have for the wind, all the cost is in the MW
17 hour cost. That's called purchased power, and that
18 flows through the FAC automatically as soon as they
19 start paying for it. So there is absolutely -- The only
20 risk to the Company is that 5 percent that in the next
21 rate case that gets rolled into the whole fuel cost and
22 it's less than probably a 1 percent of that cost is
23 borne by the utility. The risk on a PPA is minimal.
24 There's hardly any to the utility. It's all on the
25 customers.

1 Q. So all things being equal, which way would you
2 prefer them to go? Do you think it's in the best
3 interest of the customer that the utility own the asset
4 or that they engage in a PPA?

5 A. It's my opinion that they should own good cost
6 efficient engineering efficient units, not just an asset
7 to have an asset.

8 Q. Right.

9 A. But something that benefits both the utility
10 and the customers.

11 Q. But all things being equal, you would rather
12 them own?

13 A. Yes.

14 Q. You talked earlier about the capacity factor
15 being a profile that they're sort of basing that off of
16 what other performances have been. We heard earlier
17 testimony that 10 percent was the floor. Do you agree
18 that even though that this could potentially be more of
19 a profile than actual results, do you think that 10
20 percent floor is accurate?

21 A. I don't know.

22 Q. Okay. Do you agree that 30 percent was the
23 performance during Elliott? Let me ask the question
24 this way. If 10 percent is the floor on the capacity
25 factor but the performance during a difficult time was

1 at 30 percent, what do you attribute I would suggest
2 solid performance during a difficult time, what do you
3 think? That the wind was blowing at that time and
4 that's why it was able to have that performance?

5 A. The latter. The wind was blowing, and it's
6 not something that you can count on. And the wind was
7 blowing, the turbines were in proper shape. They had
8 the transmission lines. That's what I would attribute
9 that to. It's a coincidence the wind was blowing. The
10 wind may not have blown or the turbine blades may have
11 iced.

12 Q. In earlier testimony we heard that this
13 facility is operating right now. Would you agree with
14 that that it's --

15 A. It's my understanding it's been operating
16 since 2018.

17 Q. Okay. Anecdotally I have been watching the
18 heat map that reflects the pricing due to congestion,
19 and I've noticed just in the last 24 hours that there's
20 a lot of indigo and the color indigo indicating that
21 it's a negative price. And then, you know, shades out
22 to red on higher pricing. I've noticed that in many
23 parts of Kansas, the state of Kansas has consistent
24 indigo. The location where this facility is located has
25 not that I've seen go into that shade of color on the

1 pricing within the last 24 hours, which again I
2 understand is anecdotal. Would you attribute that to
3 the transmission that is available for that power to be
4 dispatched or are we looking at coincidental last 24
5 hours that I've been monitoring this we've just had good
6 wind and it's not blowing in Kansas, it's blowing in
7 Oklahoma, so therefore the pricing is reflecting that
8 and it may not have anything to do with the transmission
9 infrastructure to dispatch the power?

10 A. Again, the LMP is, and you know what it is,
11 it's the marginal energy cost transmission and then
12 losses. If there's a negative price, that means -- it
13 could mean the marginal energy cost is coming from a
14 wind, from wind resources and there's way too much wind
15 resource out there. Losses may increase and it may be
16 congestion. The thing with wind is when it's blowing,
17 it can blow across a large area and you've got a lot of
18 wind that just suddenly pops up and it does whether the
19 prices are positive or negative because they get
20 production tax credit. So there's a lot of variables in
21 that negative and it could be transmission constraint.
22 It may be that right now things are more constrained in
23 Kansas than Oklahoma. There's a lot of different
24 variables.

25 Q. We heard earlier testimony that the Company

1 would potentially consider pairing storage with this
2 facility. We also heard through testimony that it's not
3 in this IRP, the storage is not. But given the fact
4 that the Company testified that they would explore
5 adding storage to this generation and then further
6 testimony later on by the OPC indicated that that could
7 potentially make dispatchable power even for short
8 periods of time when the pricing is more favorable to
9 the Company to the customers. Is that something -- Is
10 storage something that you would consider to be a viable
11 opportunity for an asset like this to improve its value?

12 A. Currently I don't believe it's viable because
13 of its large cost. It only holds charge for a certain
14 amount of period of time. And one of the indications --
15 If Evergy West was doing its IRP correctly, it should
16 have included batteries as a choice. They should have
17 looked at that, because part of the screening process is
18 first look at the resources that are out there, are they
19 viable. And for the IRPs, recent ones what I've seen is
20 batteries could be a viable resource but they're not
21 now. So they just don't include them in the IRP and
22 that could be what Evergy West determined. From
23 everything I see, it's got great potential but we're not
24 there yet.

25 Q. Would you consider transmission infrastructure

1 upgrades to also be an opportunity for a system like
2 this to improve its value to customers?

3 A. Oh, definitely, because that's one of the
4 reasons for the negative prices -- differences between
5 the load node price and the generation node.

6 Q. So you would suggest that there is opportunity
7 in the future for a system like this and other systems
8 around the country to become more valuable to the
9 customers? I guess I'm looking for an adjective. So
10 the potential is there for more value?

11 A. There's a potential there for more value from
12 the wind turbines and just about every generation type,
13 because, you know, there's a lot of congestion and the
14 transmission is necessary to give that to the loads.

15 Q. Help me understand. So the construction price
16 was \$270 million. It looks like the amount of dollars
17 being asked for or that were being dedicated to this if
18 we grant the CCN is 245 million. So we're looking at
19 five years delta (phonetic spelling) \$35 million. You
20 attribute that to just the depreciation that's been
21 already wrung out of the development or why do you think
22 that we've seen the \$35 million difference in price in
23 just five years?

24 A. Because it's not making money. It's not
25 covering the cost that these developers put into it.

1 That's my belief. If it was making money, if it was
2 cost effective, they would not be selling that project
3 at all. So, you know, 245, yeah, they've got
4 depreciation for five years but they don't see that
5 they're going to make money, make a profit on this.
6 Their risk was high. They took it. Now they're trying
7 to unload it.

8 **Q. So the system has been operating for five**
9 **years. What would you say is the natural life of the**
10 **system? How long can we expect this to be in operation?**

11 A. I think typically it's 20 years is the
12 depreciative life, the life for depreciation, but they
13 could just like you do for any type generation resource
14 rehab the generator, the motors. You could do upkeep.
15 And with that you could extend that life of the project.

16 **Q. Okay. Yesterday we talked about what it would**
17 **cost to build this from scratch if you're just starting**
18 **from raw land and had to do this from the beginning.**
19 **The number that was estimated was about 40 percent cost**
20 **difference, that it would cost 40 percent more to**
21 **construct new than it would be to purchase this**
22 **facility. Do you think that that's accurate?**

23 A. With the passage of the, what's IRA, Inflation
24 Reduction Act, and the, you know, there's a lot in that
25 number especially with supply chain issues.

1 Q. I understand that's an estimate.

2 A. So that seems high but I don't -- Other than
3 that, I really don't have a.

4 Q. What about the timeline for that? Would you
5 speculate how long if you were starting from scratch it
6 would take before a facility was operational?

7 A. It would -- I mean, when you're starting from
8 scratch, you're getting land leases, and so forth. It's
9 really dependent on how long. That's the major time and
10 assuming those supply chain issues.

11 Q. How often or what -- How do you quantify --
12 How does the OPC quantify noneconomic opportunity costs
13 and what I mean by that is, and I guess I'll couch both
14 these questions in the same. So hold on to that just
15 for a second. Does the utility have a responsibility to
16 their consumers rather they be commercial or residential
17 who are requesting larger renewable energy projects. If
18 a commercial business development is saying we would
19 like to be in your footprint but we want you to add more
20 large scale renewable to your system rather that be for
21 our own personal marketing or for whatever reason,
22 corporate culture or whatever it is that decide that
23 they want it and we've seen it, we want to have these
24 renewable energy on our system. Does the utility
25 company have a reasonable responsibility to those

1 customers that potential new development or existing
2 residential or commercial customers who are asking for
3 projects like these?

4 A. Currently Evergy has a program like that,
5 renewable energy rider, and they entered into a PPA
6 Cimarron Bend II for Nucor. So that Evergy West is
7 doing that. And typically, especially the large
8 customers, they don't want existing resources. They
9 want additional resources. This is a -- Evergy is not
10 going to increase the amount of renewables out there
11 with this purchase. This wind farm is out there. It is
12 generating. It does nothing -- By purchasing it, it
13 does nothing to increase the renewables out there. So
14 there are ways to get those customers what they desire
15 without charging more to the customers who are just
16 living paycheck to paycheck and want their bill as low
17 as possible.

18 Q. Okay. So going back to the original part of
19 the noneconomic opportunity costs, let's say it's not
20 development, let's say that it's more of a macro
21 position of supporting projects that would ultimately
22 lower a carbon footprint. Now, you previously said this
23 is already in existence, this is not going to be new,
24 it's just a matter of who's operating it, who's paying
25 for it, it's not bringing any new power on. Is it

1 possible that if the utilities in our state are unable
2 to secure systems like this and projects like this that
3 it would incentivize or direct towards fossil burning or
4 combined cycle or something that does not have the same
5 type of environmental footprint?

6 A. That was a long question.

7 Q. Yeah. Does rejection of a CCN for an energy
8 project like this incentivize the utility to then seek
9 out what would be considered, I don't want to use the
10 word dirty but a fossil footprint, expansion of a fossil
11 footprint?

12 A. It's really the culture of the customer. Also
13 having -- You're correct, it does. But having an energy
14 price that fluctuates because they are buying so much
15 from the market also. If I was a big, and my background
16 is industrial engineering, if I was a big industrial
17 customer and I saw that my bills would do like this,
18 (witness indicating) I don't know whether that would
19 override the desire for more renewables. So a stable
20 electric price is important also.

21 COMMISSIONER HOLSMAN: Thank you very much.
22 Thank you, Judge.

23 JUDGE DIPPELL: Thank you. Thank you,
24 Commissioner. And just to clarify for the record, when
25 you said "do like this," you were raising your hand up

1 and down?

2 THE WITNESS: Yes. Beverly is good. She
3 might have gotten that.

4 JUDGE DIPPELL: Thank you. Commissioner
5 Kolkmeier, did you have any?

6 COMMISSIONER KOLKMEYER: Thank you, Judge.
7 Yes, I did. However, the Chairman's question on revenue
8 and where it flows back to got my question answered. So
9 thank you.

10 JUDGE DIPPELL: Are there any other Commission
11 questions? I'm assuming Commissioner Coleman will jump
12 in if she has anything. I have several questions. I
13 want to break about 9:45. So I'm going to go ahead and
14 start on my questions and we'll see how far we get. If
15 the Commissioners need to leave or whatever. We have to
16 break for agenda.

17 COMMISSIONER COLEMAN: Judge --

18 JUDGE DIPPELL: Yes, Commissioner.

19 COMMISSIONER COLEMAN: -- this is Commissioner
20 Coleman. I will not have any questions. Thank you.

21 JUDGE DIPPELL: Thank you, Commissioner.

22 QUESTIONS

23 BY JUDGE DIPPELL:

24 Q. Ms. Mantle, pardon me if you've answered some
25 of these and I'm going to repeat some that I asked some

1 of the other witnesses. If you don't know the answer,
2 just say so. So Evergy and Staff have the NITS
3 agreement, the N-I-T-S agreement, correct? It's the
4 Network Integration Transmission Service agreement.

5 A. You said Evergy and Staff.

6 Q. I'm sorry. Evergy. I was looking at my
7 notes. Evergy Metro and Evergy West.

8 A. You're talking about the contract for
9 capacity?

10 Q. Yes.

11 A. Yes, they have a contract for capacity.

12 Q. And what's your understanding of how that
13 agreement works and what its purpose is?

14 A. Its purpose is so that Evergy West can say it
15 meets the capacity requirement. Although on SPP, SPP
16 has allowed them to have their capacity as a combined
17 utility. It provides some payment to Evergy Metro for
18 that ability. It's a contract. I don't know the rate
19 and I couldn't say because that would be confidential.
20 A certain amount is paid per MW. It's not MW hour.
21 It's per MW every month and it's a fairly large amount,
22 2 to 300 MW I believe, every month for the ability to
23 say they own or they have access to that capacity. Now,
24 it does not include any energy.

25 So let's say it is a hundred -- and it isn't a

1 hundred MW. Maybe it will make the example easier. If
2 they have a hundred MW and it's a thousand MW plant,
3 they don't get 10 percent of the energy that that plant
4 produces. They only get to say hey, I've got the
5 capacity, I've got it. Evergy Metro gets the revenue
6 from that. They pay the fuel cost but they get the
7 revenues from the market for that 10. Evergy West does
8 not get any energy through this contract.

9 **Q. And you said the capacity requirement. What**
10 **do you mean by the capacity requirement?**

11 A. SPP has a resource adequacy requirement. It
12 will be going up increasing it's my understanding, so it
13 requires its members to have a certain amount of
14 capacity, its load members to have a certain amount of
15 capacity and typically it's more than the peak load of
16 their customers, 12, 15 percent more than that.

17 JUDGE DIPPELL: Okay. I'm going to pause
18 there because I've overrun my 9:45. So we're going to
19 pause there and take a break until 10:30, which I'm
20 hoping the agenda will be finished by then. And we'll
21 return with the rest of my questions and recross of Ms.
22 Mantle. So we can go off the record. Thank you.

23 (Off the record 9:46 a.m. to 10:37 a.m.)

24 JUDGE DIPPELL: I think we are ready. We can
25 go back on the record. Okay. We have returned after a

1 little bit of an extended break. We ended with I was
2 questioning Ms. Mantle and I did let those that were in
3 the room know that there were no Commission questions
4 for those two Staff witnesses Hull and Won. So you can
5 do whatever you need to do to admit their testimony when
6 we begin Staff's witnesses.

7 MS. MERS: Thank you.

8 JUDGE DIPPELL: Let me pull up my questions
9 here and see where we left off.

10 BY JUDGE DIPPELL:

11 Q. Okay. So we were talking about Evergy Metro
12 and West being basically -- so having an agreement for
13 capacity with SPP or with regard to SPP. So as a result
14 of that, is it correct that Evergy Metro and Evergy West
15 resource adequacy requirement is assessed on a combined
16 basis by SPP?

17 A. That's my understanding.

18 Q. Both entities have an FAC, correct, fuel
19 adjustment clause?

20 A. Yes.

21 Q. We talked about that. So if the SPP is
22 requiring them or their resource adequacy requirements
23 are assessed on a combined basis, how are those -- how
24 are those costs, the fuel costs and revenues, if any,
25 how are they treated then in the FAC of the companies?

1 A. There are certain generation units that Evergy
2 West has and there's ones that Evergy Metro. Some of
3 them like Iatan are co-owned. It's a percentage. So
4 each owns a percentage of those. The fuel for those and
5 the percentage that is owned is charged back to that
6 entity and so that fuel cost, that percentage of fuel
7 cost flows through. And on the other side, too, the
8 revenues from SPP are allocated back to the owners of
9 those units. So Evergy West has a record of its fuel
10 cost and Evergy Metro has for theirs. There's also the
11 other -- One of the other key things of the FAC is
12 purchased power, so then they have the cost of those
13 units, those PPAs. And then on top of that they've got
14 the cost of meeting the load.

15 SPP charges each utility, because they have a
16 different load node, for every MW hour that their
17 customer has used. That is offset by the revenue that
18 comes in from SPP. And it's done as if they're two
19 utilities, which they are, even though they meet the SPP
20 requirements as one. So they're each charged their own
21 fuel and their own SPP load charges and receive their
22 own SPP revenues. The difference is Metro has
23 generation that it can dispatch when the prices -- when
24 the marginal energy -- or the generation node price is
25 above the variable cost. So they've got that

1 generation. Evergy West doesn't.

2 **Q. Okay. And what about does SPP sometimes**
3 **assess penalties for shortfalls or?**

4 A. It's my understanding they assess penalties
5 for shortfall if for that one summer resource adequacy
6 requirement, and because they are together as a joint
7 that doesn't happen. But that SPP resource adequacy is
8 one point in time. It's for the peak load and the peak
9 hour. There's an amount based off that.

10 **Q. And in discussing with Staff you stated that**
11 **Evergy West has been short of capacity since the mid**
12 **'90s, correct?**

13 A. They've been short or just right on the edge
14 back and forth since the mid '90s, yes.

15 **Q. And because of that, have Evergy West**
16 **customers had to pay higher fuel costs?**

17 A. Since the market in 2014 started SPP, they
18 would have paid more for their load. Prior to that they
19 would enter into short-term purchased power agreements
20 to meet their loads if they were short or they were
21 right at their requirement then they wouldn't need that.
22 But they kept -- There was always electricity for their
23 customers, but it was always a marginal much like living
24 paycheck to paycheck.

25 **Q. And with regard to their IRP filings, is it**

1 correct that the IRP process requires them to file an
2 IRP for each utility, correct?

3 A. Yes, and there was a time period when that
4 chapter was suspended when it looked like Missouri might
5 be restructured. So I think there was a period of six
6 to nine years which when there was no resource plan
7 filings. Started back up I believe in 2000.

8 Q. But have they ever filed -- Has West and Metro
9 ever filed combined filings?

10 A. They file combined every time but they also
11 then pull out this is Evergy West and this is Evergy
12 Metro, and now they're actually including Evergy Kansas
13 in their filings. So it's really hard -- I mean, they
14 model all three of them together to come up with the
15 preferred plan. The thing is Evergy West doesn't have
16 generation that it needs but the other two have in
17 excess. So it always comes out in a manner that does
18 not add more capacity or energy to Evergy West.

19 Q. Has OPC ever recommended to the Company or the
20 Commission or other parties that the companies merge?

21 A. We've talked with Evergy about that. And
22 we've always been -- I don't know exactly why, we've
23 always been told no. It was hard enough to merge St.
24 Joe Light & Power and Aquila, and so we've just been
25 told it's difficult. I don't know why they haven't done

1 it.

2 Q. If in a future world they did merge, would the
3 purchase of Persimmon Creek mitigate the need for Evergy
4 West to build additional resources?

5 A. Not by much. For the capacity currently what
6 was in the filing is they would get 20 MW of accredited
7 capacity. SPP is changing how they calculate that
8 accredited capacity even for wind and solar and looking
9 at different characteristics, so that could change.

10 Q. I'm going to switch gears a little bit. Are
11 you familiar with Mr. Luebbert's testimony?

12 A. Yes.

13 Q. He has a Figure 3 which is a confidential
14 figure that's a production and load graph. It's in his
15 rebuttal testimony on page 48. So it appears from the
16 graph that there's higher demand during certain months
17 when production of wind is low and lower demand at
18 certain times of day when production of wind is high. I
19 mean, at certain times of day lower demand when the
20 production is high. That's what I'm trying to say. Is
21 that the way you saw that graph?

22 A. That's just -- that's typical. It's not
23 specific to Evergy West. In the summer that's a very
24 typical day load. In the winter it's more of a two
25 hump. But wind, you know, you think about it in the

1 summer. When you go out at dusk and there is just no
2 breeze and it's so humid, what kind of generation are
3 you going to get from any kind of wind turbine. And
4 that's when load is high. People are coming home from
5 work, they're getting things done per residential class.
6 That's very typical.

7 **Q. And is that the time when SPP has negative**
8 **prices at those wind nodes?**

9 A. No.

10 **Q. No?**

11 A. No. The negative prices typically come in the
12 spring and the fall when there's a lot of generation,
13 there's a lot of wind generation and the load is low.
14 So there's not much demand but the wind is blowing and
15 those wind turbines are generating. So congestion
16 figures into some of that negative pricing and negative
17 pricing won't just be for wind nodes. Sometimes it's on
18 other types of generation nodes too. It means there's
19 either congestion or surplus of energy.

20 **Q. So do you know are there other times of day or**
21 **are there particular times of day or particular months**
22 **of the year then when you would expect negative pricing**
23 **from wind generation like Persimmon Creek?**

24 A. It's typically in the spring and the fall.

25 **Q. Particular times of day then?**

1 A. Oh, in the evenings or nighttimes when the
2 wind is blowing. That's when the wind typically blows.
3 This is Oklahoma. It gets more wind than we do here in
4 Missouri, but the wind pattern is the same.

5 **Q. In a recent case before the Commission was**
6 **Ameren's request for a solar certificate in**
7 **EA-2022-0245. Are you familiar with that case?**

8 A. Not really.

9 **Q. Well, in that case OPC recommended a 50/50**
10 **sharing mechanism between ratepayers and shareholders**
11 **for costs that exceeded revenues for the project. Was**
12 **anything like that recommended in this case?**

13 A. No, there wasn't. There was nothing in the
14 case about what to do with revenues or PTCs until I
15 filed in rebuttal and then the Company -- until I filed
16 in surrebuttal and the Company filed in surrebuttal. I
17 couldn't find in there any other place they talked about
18 what they were going to do with the revenues or the
19 PTCs.

20 JUDGE DIPPELL: I think that's all the
21 questions I have. Just make sure none of the
22 Commissioners had additional questions while we were on
23 the break.

24 COMMISSIONER HOLSMAN: Actually I do have one
25 question.

1 JUDGE DIPPELL: Commissioner Holsman.

2 COMMISSIONER HOLSMAN: Thank you.

3 QUESTIONS

4 BY COMMISSIONER HOLSMAN:

5 Q. You know, earlier in our exchange you had
6 talked about one of the real goals here was risk
7 assessment and then we had talked about -- the last
8 question I asked you is would denial of the CCN
9 potentially incentivize more carbon fuels investment.
10 The other day I watched a video of Senator Mitt Romney
11 talking about the potential for his support for a carbon
12 tax. If a carbon tax were to gain traction in the
13 United States federal government, would that create a
14 risk then for the consumers for carbon-based investments
15 and would that change your perspective on the value of
16 an asset such as this one?

17 A. All generation types have risk. The biggest
18 risk for the wind is it's not there when customers need
19 it. Okay. So a balancing would have to be done between
20 -- Our utilities are required to provide safe and
21 adequate service. How are they going to do that if it's
22 all wind. You can't do that. You've seen the graph.
23 So there's got to be some other types of resources.
24 Now, there could be some that have lesser carbon
25 footprint. We've got coal plants are being retired

1 early. That's happening regardless of even without the
2 federal legislation. So each of that requires a certain
3 balancing, but the utilities are required to provide
4 safe and adequate service at just and reasonable rates.

5 **Q. I guess let me ask another question or a**
6 **different way. Would you perceive a carbon tax to be a**
7 **risk?**

8 A. I would perceive that to be just an increase
9 -- It is a risk that it could happen in the future, yes,
10 but it's also -- It's just one of those things you have
11 to balance, utilities are asked to balance. What
12 utilities see today under President Biden is completely
13 different than what they saw under Trump, President
14 Trump. That's part of the planning process. That's why
15 there's risk analysis in the resource planning process.
16 That's one of the things that it was used to develop,
17 was supposed to -- they're supposed to look at these
18 under different scenarios to know which resource plan is
19 most robust, which one balances those risks the better.
20 That's all part of what they're supposed to be doing in
21 resource planning. One of the uncertain factors is the
22 carbon tax, zero carbon tax, a proto tax of a certain
23 amount, and that's one of the things that's input into
24 resource planning. That's all supposed to balance then.

25 **Q. Do you then view projects like this as a**

1 **potential hedge against that risk?**

2 A. I'm still looking at having energy at the time
3 it's needed, electricity at the time it's needed.
4 That's the constraint. You've got to have electricity
5 when the customers need it.

6 COMMISSIONER HOLSMAN: Thank you very much.
7 Thank you, Judge.

8 JUDGE DIPPELL: I had one more clarifying
9 thing. You mentioned Dr. Mike Proctor. Can you just
10 tell for the record for people that didn't know
11 Dr. Proctor's service at the Commission his position and
12 what his job was here.

13 THE WITNESS: Dr. Proctor was hired in the
14 late '70s to implement PURPA, the 1976 version I think.

15 JUDGE DIPPELL: And he was hired by the PSC?

16 THE WITNESS: By the Commission. He had a
17 staff of economists and engineers and analysts that
18 helped design rates. We did class cost of service
19 studies that took years because of the data that was to
20 be together. He was a very -- Well, he still is, he's
21 still living in St. Louis, a very bright economist, very
22 good thinker. He taught, lessons he taught me were very
23 invaluable. Of course the one time he said Lena, you're
24 thinking just like an engineer, and he meant it as not
25 as the compliment that I took it, but he was kind of a

1 father figure to me and many others developing analytic
2 abilities and reasoning abilities. He started -- He was
3 the one that pushed the Commission to develop the
4 resource planning rules. Like I said, just a really
5 brilliant man and doctorate in economics.

6 JUDGE DIPPELL: Thank you. All right. Is
7 there further cross-examination from Staff based on
8 Commission questions?

9 MS. MERS: Yes, there is.

10 FURTHER CROSS-EXAMINATION

11 BY MS. MERS:

12 Q. You were asked some questions from the bench
13 about signals that rejecting this application could
14 send. Do you recall that?

15 A. Yes, I do.

16 Q. Do you think rejection of the application
17 might signal that utilities need to provide better
18 justification for large acquisitions?

19 A. I would hope that it did.

20 Q. You were asked some questions about, I believe
21 from Commissioner Holsman, about transmission upgrades
22 or battery storage. Do you recall that line of
23 questioning?

24 A. Yes.

25 Q. Was the price of transmission upgrades or

1 battery storage factored into the LCOE or any of the
2 analysis in this case?

3 A. No, it was not it's my understanding.

4 Q. Would you imagine that those upgrades would
5 add an extra cost component?

6 A. Transmission may or may not. It's according
7 to how much -- It may cost nothing, it may cost a lot,
8 but batteries would add a significant cost.

9 Q. If Evergy would piecemeal portions of a
10 project such as evaluating the wind separately from
11 battery storage or needed transmission to have it
12 function appropriately or at the highest capacity, would
13 that have an impact on how OPC could evaluate CCNs?

14 A. Definitely.

15 Q. And IRPs?

16 A. Definitely.

17 Q. Do you recommend the Commission consider the
18 possibility of battery storage in the future when making
19 a determination in this case?

20 A. The data that's used, again, input data can be
21 influenced by the bias of the person, the analyst. So
22 as long as good information is provided, accurate
23 information.

24 Q. You were also asked some questions I believe
25 also by Commissioner Holsman about if Evergy had to

1 start whole cloth over on this project that there would
2 be a 40 percent cost increase and an increased time
3 frame. Do you recall that line of questioning?

4 A. Yes.

5 Q. Is it your understanding that the SPP
6 currently has a variety of resources in its queue?

7 A. Mostly wind and solar but yes.

8 Q. And would you expect that it wouldn't
9 necessarily mean that Evergy has to start from scratch
10 like they would have to acquire land or get into the
11 queue if this project was rejected?

12 A. They would have to -- If this project was
13 rejected and they were building in a place that had not
14 had a transmission study done -- It could possibly have
15 to go into the queue; but if they purchased like this a
16 wind farm that was operating and they did it at a good
17 price, they should not have to go through the queue, the
18 SPP queue.

19 Q. You were asked some questions by the bench
20 about how Evergy is viewed as, depending on the context,
21 jointly or as individuals --

22 THE STENOGRAPHER: I'm sorry. Can you start
23 that again?

24 MS. MERS: Yes, I can.

25 BY MS. MERS:

1 Q. You were asked some questions by the bench on
2 when Evergy is viewed jointly versus when they have to
3 do things individually. Do you recall that?

4 A. Yes.

5 Q. Do you recall -- You were also asked if OPC
6 has ever made recommendations regarding that?

7 A. Yes.

8 Q. Do you recall OPC recommending in maybe 2014
9 or 2016, one of those rate cases, that Evergy undertake
10 a consolidation study?

11 A. You're right, we did.

12 Q. Do you recall which case it was?

13 A. No, I do not.

14 Q. Does that time frame at least sound right?

15 A. Yes, it does.

16 Q. Okay. You were also asked some questions from
17 the bench about Boomtown and you said you weren't as
18 familiar with that case but that you recognized that the
19 OPC witnesses in that case had maybe recommended a 50/50
20 sharing mechanism and that you hadn't seen Evergy make
21 any type of sharing mechanism; is that accurate?

22 A. Yes.

23 Q. Is it your understanding that Staff in J
24 Luebbert's testimony on pages 5 and 11 recommended a
25 hold harmless provision in this case?

1 A. I do remember he did recommend that the
2 Commission would require that.

3 **Q. Is it your understanding that Staff on pages 6
4 and 7 of Shawn Lange's testimony recommended that
5 ratepayers be held harmless for losses related to
6 curtailment and wildlife mitigation?**

7 A. I didn't read Shawn's testimony.

8 **Q. Okay. We'll not hurt his feelings and go
9 further into that one. You were just asked some
10 questions by Commissioner Holsman again about if carbon
11 tax is a risk that customers and utilities should
12 consider. Do you recall that?**

13 A. Yes.

14 **Q. Do you believe that wildlife curtailment would
15 also be a risk that utilities should consider?**

16 A. Definitely.

17 **Q. Is it your understanding from Evergy's
18 testimony in this case that they believe if they're in
19 compliance right now with what is occurring that risk of
20 potential curtailment or regulation shouldn't be
21 factored in, they don't have a plan to factor it into
22 their analysis?**

23 A. It should be considered. It's a risk. It's a
24 potential that could happen in the future just like a
25 carbon tax.

1 Q. Is it your understanding that Evergy doesn't
2 agree with that standpoint?

3 A. Yes.

4 Q. Sorry. We're passing notes here.
5 Commissioner Rupp had asked you about PTCs flowing back
6 to ratepayers. Do you recall that?

7 A. Yes.

8 Q. If Evergy stays out for the full four years in
9 between rate cases, which they're allowed to do, how
10 many years of PTCs will be left at Persimmon Creek? Do
11 you know?

12 A. If they stay out the total time that they can,
13 I think it would be two years left that the customers
14 would get the benefit of PTCs.

15 Q. Okay. And then Rupp asked about, Chairman,
16 excuse me, asked about the timing of adding wind and
17 other resource types. Does Evergy West's recent history
18 of adding large wind PPAs affect your opinion on the
19 dispatchability of new resources for West?

20 MR. ZOBRIST: I'm going to object to that just
21 because I don't understand the question. I think it's
22 vague and ambiguous. We're talking about
23 dispatchability of wind.

24 BY MS. MERS:

25 Q. To clarify the question, I'm not sure if Ms.

1 **Mantle also, so maybe I'll clarify for all. Chairman**
2 **Rupp's questions were I believe aimed at if Evergy**
3 **perhaps had come in asking for a CTG ahead of wind would**
4 **that change how OPC would view the project and so there**
5 **was a line of questioning I think just in general**
6 **exploring your feelings on how you felt timing impacts.**
7 **Does that help clarify for both I guess the witness and**
8 **for counsel?**

9 A. So what is the question?

10 **Q. Does the history you've seen of when Evergy**
11 **has historically added resources like these large wind**
12 **PPAs, does that affect your opinion on how the**
13 **dispatchability of new resources would interact with**
14 **Evergy West?**

15 A. They seem to, in my opinion, indiscriminately
16 just add PPAs when they become available and forego any
17 type of dispatchable generation for Evergy West. How
18 that impacts the timing, they don't seem to ever -- I
19 guess their current plan puts adding some CTs into the
20 future but it's always into the future sometime.

21 **Q. Returning to the storage conversation you had,**
22 **with all else being equal, would storage built in**
23 **Missouri provide better reliability for Evergy West**
24 **ratepayers than if it was built in Oklahoma?**

25 A. Definitely it would reduce some of the --

1 should reduce some of the transmission congestion if it
2 is put in the proper place.

3 Q. I have one final question. Bear with me. You
4 had some questions I believe again with Chairman Rupp
5 about the IRPs and if you thought the IRP rule needed to
6 be rewritten or if you thought that utilities needed to
7 apply them more appropriately. Do you recall that?

8 A. Yes.

9 Q. It seemed to be that your answer was less
10 rewriting the IRP rules but more having the utilities
11 follow them?

12 A. I wouldn't say follow them because by the
13 letter of the rule they are following them. But that
14 does not mean they are doing it the best that could be
15 done.

16 Q. Would you agree an example of that can be seen
17 in Ms. Messamore's testimony in this case? If you would
18 turn to the chart on page 10 of her surrebuttal. I'll
19 give you time to do that.

20 A. Now what was the question again?

21 Q. I was waiting for you to turn there, help with
22 making things clear. So in that chart, is it your
23 understanding that the IRP modeled level of demand-side
24 management or DSM, as well as the IRP level supply-side
25 resources are excluded?

1 A. I see that no -- She says in line 6 no new
2 supply-side resource additions are included.

3 **Q. I believe --**

4 A. The bottom one says exclude new demand-side
5 management also. So the bottom line of that chart does
6 say that, yes.

7 **Q. But those were both modeled in IRPs; is that**
8 **your understanding?**

9 A. Yes. The subtitle is 2022 IRP Annual Update
10 Preferred Plan. So it should have run through the IRP
11 model.

12 **Q. Would you agree that excluding those two**
13 **things as modeled in the IRP would have the impact of**
14 **increasing the appearance of the capacity shortfall?**

15 A. Yes. These also show where the current
16 capacity contract with Evergy ends. That's when they
17 flip to be negative.

18 MS. MERS: That is all I have. Thank you.

19 JUDGE DIPPELL: Is there any further
20 cross-examination based on Commission questions from
21 Renew?

22 MS. GREENWALD: No, thank you.

23 JUDGE DIPPELL: Anything from Evergy?

24 MR. ZOBRIST: No, thank you, Judge.

25 JUDGE DIPPELL: Is there redirect from Public

1 Counsel?

2 MS. MARTIN: Yes. As I break everything. I'm
3 sorry. Thank you.

4 REDIRECT EXAMINATION

5 BY MS. MARTIN:

6 Q. Okay. So at the beginning of your testimony
7 with Staff when you were talking with Staff about
8 performance-based accreditation, do you remember having
9 that conversation? It was, you know, five hours ago at
10 this point I feel like.

11 A. It wasn't performance-based accreditation. It
12 is on the thermal units. It's called ELCC.

13 Q. ELCC?

14 A. Yeah, ELCC for the renewables.

15 Q. Okay. Thank you. Do you recall in that
16 conversation you had a -- you mentioned the Southwest
17 Power Pool report from August 2019?

18 A. Yes, I did.

19 MS. MARTIN: Okay. I would like to pass this
20 around. I would like to mark Exhibit, I think, 203 --
21 202. And once this is given to you, can you identify
22 this document. I should have kept one but I forgot.

23 JUDGE DIPPELL: This is a public document?

24 MS. MARTIN: It's a public document. Also it
25 is being used to express how she came to her thoughts

1 and conclusions as an expert witness.

2 (OPC EXHIBIT 202 WAS MARKED FOR
3 IDENTIFICATION.)

4 BY MS. MARTIN:

5 **Q. And again just because there's been a bit of a**
6 **wait, do you recognize this document?**

7 A. Yes. This is a document I found with a Google
8 search on Southwest Power Pool wind accreditation. It
9 is a Southwest Power Pool document. The introduction
10 says this white paper proposes a methodology for
11 prioritizing and allocating available effective load
12 carrying capability (ELCC) from wind and solar
13 generating facilities that qualify as capacity in the
14 SPP Balancing Authority (BA). Because of wind and solar
15 generation intermittency, the capacity value or
16 effective load carrying capability (ELCC) of wind and
17 solar powered resources are lower than their nameplate
18 values and will decrease as their penetration increases
19 across the BA, the Balancing Authority. As the
20 penetration of wind and solar generation increases, SPP
21 and its members need to be aware of and understand the
22 changing impact these resources have on the economics of
23 resource adequacy and on the reliability of the system.

24 **Q. Okay. Thank you. Can you in your expert view**
25 **give a summary of what that is saying? Basically what**

1 **is SPP saying in this section?**

2 MR. ZOBRIST: Judge, I don't have an objection
3 to the report, but I believe this is not proper redirect
4 examination. It goes far beyond Commissioner questions
5 and other questions.

6 JUDGE DIPPELL: Did you have a response?

7 MS. MARTIN: Yes. This was a response to the
8 accreditation conversation that Ms. Mantle had with
9 Staff earlier, and I understand it is hard to remember,
10 it was one of the first questions they asked when we
11 began the hearing this morning.

12 JUDGE DIPPELL: Do you have a question for the
13 witness, I mean, other than just summarizing the
14 document?

15 MS. MARTIN: I just wanted -- It was more of a
16 -- It was more of a segue for her to explain more the
17 similarities between ELCC and the performance-based
18 accreditation which was one of the things we
19 specifically talked about this morning.

20 JUDGE DIPPELL: Could you ask her that
21 question?

22 MS. MARTIN: Sorry. That's what I thought I
23 had asked her and I might have not done a great job.

24 BY MS. MARTIN:

25 **Q. So can you explain how that section that you**

1 **read kind of expresses the similarities and differences**
2 **between the ELCC and the performance-based**
3 **accreditation?**

4 A. They're different generating characteristics
5 of thermal plants versus renewables. So they have
6 different methodologies. They're looking at capacity
7 accreditation across the board and they have to use
8 different methodologies for wind and for renewables and
9 thermal, and the end result is the same regardless of
10 whether, you know, they're looking at each resource and
11 coming up with an accredited amount. So performance is,
12 like I said, they are just different terms for different
13 resources but the result is the same.

14 Q. Okay. And so is it in effect kind of almost a
15 difference in name only type of situation or does it
16 have the same result in that the accreditation will go
17 down?

18 MR. ZOBRIST: It's been asked and answered,
19 Judge. She said it was the same end result.

20 JUDGE DIPPELL: She did answer that.

21 MS. MARTIN: That's fine. I just wanted to
22 make sure. And at this time I am going to offer OPC's
23 Exhibit No. 202 onto the record.

24 JUDGE DIPPELL: Would there be any objection
25 to Exhibit 202, which is a Southwest Power Pool Solar

1 and Wind ELCC Accreditation Report dated August 2019?

2 Seeing no objection, I will admit that.

3 MS. MARTIN: Thank you.

4 (OPC'S EXHIBIT 202 WAS RECEIVED INTO EVIDENCE
5 AND MADE A PART OF THIS RECORD.)

6 BY MS. MARTIN:

7 Q. So earlier today you were talking to Staff or
8 you were testifying to Staff, pardon me, about the
9 history of Evergy's capacity issues even back to when it
10 was Aquila. Do you remember that conversation?

11 A. That wasn't Evergy. It was just Evergy West.

12 Q. Sorry. Evergy West.

13 A. Yes.

14 Q. Okay. Can you -- I know that you were
15 talking, and you might have had a little bit more to
16 say, can you speak a little bit more on the capacity
17 issues that you were discussing this morning?

18 MR. ZOBRIST: Judge, I hate to object but this
19 is cumulative. We've had numerous answers by this
20 witness by Ms. Mantle on this issue and I think it's
21 cumulative and I object.

22 JUDGE DIPPELL: I'm going to allow the witness
23 to answer, but I will say that if you could just give us
24 any additional explanation that you needed to give.

25 THE WITNESS: Yeah, I was just about at the

1 point where Great Plains Energy purchased or acquired I
2 think it was called Aquila then. And at that time there
3 was St. Joe. There was Aquila. St. Joe had excess
4 capacity. They were okay. And then they were purchased
5 by Great Plains Energy. They've renamed them. And
6 since that time there's been no acquisition of
7 additional generation I believe by Evergy West, probably
8 Evergy Metro too, and they've moved now to where they
9 purchase or enter into capacity contracts with Evergy
10 Metro to cover their capacity requirements.

11 BY MS. MARTIN:

12 **Q. Okay. And this morning you were speaking with**
13 **Staff again and talking about IRPs as a method of**
14 **choosing resources. Do you remember that conversation?**

15 A. Yes.

16 **Q. Okay. I'm trying to figure out how I would**
17 **like to word this. With Evergy in particular, have they**
18 **been consistent in what their IRP analysis has -- have**
19 **they changed it a lot?**

20 A. They have. They entered into these PPAs and
21 then they would come in and tell the Commission that
22 they've changed their preferred plan over -- as has been
23 testified to over and over again. These PPAs were
24 supposed to be economic and they would come in and tell
25 the Commission that and so then their preferred resource

1 plan changed to include that resource.

2 **Q. And in your view as an expert, do you believe**
3 **that it is a good idea to make long-term planning**
4 **decisions based on plans that change yearly if not**
5 **multiple times a year?**

6 A. No. There's going to be changes; but when
7 these analyses for the PPAs and even perhaps this one
8 because it showed up in the RFP that they could get it
9 earlier, when these come along it doesn't mean that they
10 can't change. It just needs to be an analysis that is
11 more close to what reality actually is.

12 **Q. Give me a moment. Sorry. I have a lot of**
13 **papers. So with Staff this morning you talked a little**
14 **bit about input bias with IRPs. Do you remember that**
15 **conversation?**

16 A. Yes.

17 **Q. And have you seen any input, I couldn't**
18 **remember if you have been asked, I do apologize if I'm**
19 **repeating a question, but do you remember there being**
20 **any input biases or concerns about input bias with the**
21 **IRPs in this case?**

22 A. I don't remember -- The work papers showed
23 some results of the IRPs but not the inputs. So I saw
24 some inputs and some actual data from Mr. Luebbert's
25 work papers. I cannot say that I looked at the inputs

1 to the IRPs, but you can look at the results and they
2 just don't always make sense to know that -- I'm not
3 saying they didn't do the analysis, it's just things
4 just don't look right.

5 **Q. Okay. And are IRPs, are they free from bias?**
6 **Are they objective?**

7 MR. ZOBRIST: Objection. It's repetitive.
8 It's cumulative. We've covered this issue before,
9 Judge.

10 MS. MARTIN: I don't think that we've covered
11 whether IRPs can be objective in general. We've only
12 discussed input bias.

13 JUDGE DIPPELL: Okay. I'll allow.

14 THE WITNESS: So would you repeat the
15 question.

16 BY MS. MARTIN:

17 **Q. In your view, are IRPs objective?**

18 A. They can be. Everybody has a bias. That's
19 why it should be done by more than one person. And so
20 they are always -- They're biased to the analyst. And
21 if there's -- There could be a bias that just makes a
22 certain resource look better than it will actually be.

23 **Q. Thank you. Okay. And you had a conversation**
24 **with Staff about the effect of performance tax credits**
25 **or PTCs this morning. Do you remember that**

1 **conversation?**

2 A. Yes.

3 **Q. And you mentioned it a little bit, but can you**
4 **explain what you believe that effect would be?**

5 A. Evergy has touted that this is effective hedge
6 for the customers. And if the Company keeps the hedge
7 -- or the PTCs until these go into rates, it's a much --
8 it becomes really not cost effective, even less cost
9 effective for customers because customers aren't getting
10 that benefit. The shareholders are. Customers would
11 still be required to pay for the project in rate base.
12 They would be required to pay the 85 percent of
13 depreciation until that time with weighted average cost
14 of capital. But the way that Evergy -- If I understand
15 the way Evergy is proposing this correctly, the
16 shareholders would have a windfall until it goes into
17 rates.

18 **Q. Do you remember having a conversation with**
19 **Staff this morning about the analysis of Evergy's PPAs?**

20 A. Yes.

21 MS. MARTIN: And can I have one. I would like
22 to mark this exhibit as Exhibit No. 203 for the record.
23 I keep forgetting to give you one. I'm sorry.

24 (OPC EXHIBIT 203 WAS MARKED FOR
25 IDENTIFICATION.)

1 BY MS. MARTIN:

2 Q. Does this document look familiar to you?

3 A. Yes, it does.

4 Q. Can you tell me what this document is?

5 A. Every month Evergy submits to the Commission a
6 monthly report, FAC report. You can see at the top
7 where it says 2022 12 Evergy Missouri West monthly FAC
8 and then it has the rule cite. This is in response to a
9 Commission rule requiring a submission of information.
10 The numbers on this page are confidential, but I don't
11 need to mention those to explain what this is. This is
12 the last tab in a multi -- very large spreadsheet. This
13 happens to be their submission, if you look down on the
14 left corner, BFMR-2023-0487, you can find this in EFIS
15 under non-case related submissions.

16 The Commission has ordered them to supply
17 every month the MW hours, the cost and the revenues for
18 each PPA. And the losses that OPC has discussed, I
19 believe Staff did a little bit, of these PPAs were
20 calculated by taking each one of these for every month I
21 have back to 2015 for Evergy West. The total cost or
22 it's the revenue net of total cost to see whether these
23 really are economic for customers or not. So the
24 numbers that were in my testimony of 140 million, the
25 ones that Ms. Martin showed on the folders yesterday

1 were simply an aggregation of the data that was sent to
2 the Commission. There was no hindsight. I've been
3 doing this every month. So it's not like I went back
4 and found it. It's just a tab on how well these PPAs
5 are doing in the market. So that's what this sheet is
6 and that is where the data came from to get the numbers
7 that's in my testimony and that Ms. Martin spoke of in
8 her opening yesterday. This is just one month. It
9 comes in every month.

10 **Q. Thank you. And with this analysis that you**
11 **used from these PPAs, does that relate at all or tell**
12 **you anything about this purchase of Persimmon Creek?**

13 A. It tells me that they have not done a good job
14 of estimating what's economic in the past and creates
15 great doubt, especially when reviewing the information
16 provided by Staff that this will be economic for
17 customers either. So on top of the 140 million
18 customers already had to pay, Evergy is now asking the
19 Commission to allow it to increase customers rate for
20 another wind project that it's claiming it entered into
21 to hedge exactly what we're seeing here.

22 MS. MARTIN: Thank you so much. I would like
23 to enter the exhibit onto the record as a C, sorry. I
24 realized it was confidential after I --

25 JUDGE DIPPELL: That was what I was about to

1 say was the exhibit has been marked as 203-C for
2 confidential, and it is the 2022 12 Evergy Missouri West
3 Monthly FAC Report identified in the Commission's
4 Electronic Filing Information System as BFMR-2023-0487.
5 Would there be any objection to that document coming
6 into the record? Seeing none, then I will admit Exhibit
7 203-C.

8 (OPC EXHIBIT 203-C WAS RECEIVED INTO EVIDENCE
9 AND MADE A PART OF THIS RECORD.)

10 MS. MARTIN: Thank you.

11 BY MS. MARTIN:

12 **Q. Is there in -- pardon me. This morning you**
13 **had a conversation with Staff about Evergy's analysis of**
14 **PPAs and bad modeling and we just kind of went through**
15 **how those relate to the purchase of Persimmon Creek. Do**
16 **you remember that conversation both this morning and**
17 **just a minute ago?**

18 A. Yes.

19 **Q. Can you explain the difference between a PPA**
20 **and a purchase of a generation source like Persimmon**
21 **Creek?**

22 A. With the PPAs the way these are designed, the
23 cost that Evergy pays the owner for each MW hour is
24 considered a purchased power cost. The revenues it
25 receives is an off-system sales revenue. I have looked

1 through several of these contracts. I've never seen
2 that there's any other cost to these. All the costs
3 flow to the customers and the revenues. It's all the
4 risk, 100 percent is on the customers.

5 This owning means that customers now would pay
6 for the project and not only pay for the project but pay
7 the shareholders a return for their risk. And then on
8 top of that the customers would receive revenues for the
9 difference between -- for what was the SPP price and the
10 variable O&M more or less for the wind farms because
11 there's no fuel cost. And if there's a negative price
12 and it runs so that Evergy could get the PTCs, then that
13 negative price will go to customers. So the customers
14 will pay for the generation for which there was a PTC
15 generated. So customers pay; the shareholders get PTC.
16 That would be if the wind was blowing and the price was
17 negative. So there's a lot of pieces but that's
18 basically the difference between the two.

19 **Q. Thank you. Do you remember when Evergy's**
20 **counsel asked you about the prudence review of the wind**
21 **PPAs?**

22 A. Yes.

23 **Q. And the Commission's view that they were**
24 **prudent?**

25 A. Yes.

1 **Q. Can you tell me, if you remember, what they**
2 **stated their view was on Rock Creek and Osborn?**

3 A. They realized that they were losing money, but
4 the Commission stated that they were prudent because
5 they were entered into because of the potential for the
6 Clean Power Act, I believe it was, as a hedge against
7 that being enacted. It wasn't enacted, but they were --
8 customers were stuck with a 20-year PPA. I believe it
9 was a high cost 20-year PPA because of this opportunity
10 that Evergy took to enter into these two wind farms
11 because they thought legislation was going to be
12 enacted.

13 **Q. Thank you. And you had a conversation with**
14 **Evergy's counsel about the flowing of revenues through**
15 **FACs. Do you remember that conversation?**

16 A. Yes.

17 **Q. And can you tell me what made you determine**
18 **that the revenues would flow through the FAC and that it**
19 **was not the best bet for -- not the best plan for**
20 **consumers?**

21 A. For one thing, there's never been revenues for
22 an owned generation resource. That was not in rates
23 yet. This would be the first occurrence for that. In
24 the past when a generation resource was being built, it
25 generated some energy prior to when it went into rates.

1 The revenue, or before there was a market it would be
2 just the value of that energy, was used to offset the
3 capital cost of that project. And what that does is
4 then customers don't have to pay a return on that
5 project for the life of the project. So it's much like
6 paying off your loan early, your home loan. Over time
7 you pay less and that's been the practice in the past.
8 And this is something that would need to be thought
9 through and considered by the Commission rather than
10 Eversource just coming in saying this is how it's going to
11 be done. There's been no testimony -- There was no
12 written testimony on it. And so it's a big decision.
13 It affects going forward. In the past we never had to
14 worry much about it because, before PISA because the
15 utility would come in to get a new rate base as soon as
16 possible. In this case it could be up to three to four
17 years before they come in. So this is all new. We need
18 to be careful about the precedent we set. I know that
19 things can change, but the first time it's done sets a
20 pattern and it needs to be carefully considered on how
21 these revenues are used, how the PTCs are used and not
22 just, you know, okay, we agree with Eversource. It's an
23 impact on customers and the utility itself.

24 **Q. Okay. And were there any documents or**
25 **anything that you used to make these determinations**

1 **specifically for Evergy West purchasing Persimmon Creek**
2 **possibly looking at their tariff?**

3 A. I know the tariff does not include the PTC
4 values. And the tariff sheets itself again didn't
5 contemplate this. So it just says off-system sales
6 revenues are included. If Evergy West records them in
7 the right account, it's very possible that they could
8 flow through. But is that the right thing to do? Just
9 because it's there doesn't mean it's the right thing to
10 do with that money.

11 **Q. Do you remember having a conversation with**
12 **Evergy's counsel about levelized cost of energy and your**
13 **analysis or any analysis of levelized cost of energy?**

14 A. Yes.

15 **Q. So in your role as a regulator, how much**
16 **familiarity do you have with the concept of levelized**
17 **cost of energy?**

18 A. I reviewed quite extensively the levelized
19 cost of energy work papers provided by Liberty to
20 justify their wind projects. I've looked at the LCOE
21 work papers for this project, reviewed the inputs,
22 looked at them. So yes, I have reviewed not just for
23 Evergy West but for other utilities too.

24 **Q. Wonderful. Thank you. With your experience,**
25 **does levelized cost of energy take into account in your**

1 view when an asset is generating energy?

2 A. No, it does not.

3 Q. Does levelized cost of energy take into
4 account the expected market prices of a generation
5 source?

6 A. No, it does not.

7 Q. Does levelized cost of energy take into
8 account the reliability of the generation asset?

9 A. No, it does not.

10 Q. What about the dispatchability of that
11 generation asset?

12 A. No, it doesn't.

13 Q. And is there value in a resource being
14 dispatchable?

15 A. Yes, there's value in every type of resource
16 and that's one of the values of the thermal resource.

17 Q. Okay. Thank you. And what is the problem
18 with not taking all of those other aspects of the LCOE
19 into account when determining the proper generation
20 source or a project to pursue?

21 A. The LCOE, it turns a blind eye to many of
22 those things. The value comes from a resource -- now
23 comes not just from providing energy but when energy is
24 provided and the ability to generate using that
25 resource. LCOE is a tool. It's one of many that should

1 be reviewed, but it should not be singularly relied on.

2 Q. Okay. Thank you. So this morning, I think,
3 you had a conversation with Evergy's counsel about his
4 finding or I think an engineer's finding that Persimmon
5 Creek was a well functioning wind farm. Do you remember
6 that conversation?

7 A. Yes, I did.

8 Q. In your view, is well functioning the same as
9 efficient?

10 A. It may be engineering efficient, maybe not the
11 most efficient but it's okay. Engineering efficiencies
12 is different than economic efficiency, and in the case
13 of a wind farm it could be very engineering efficient
14 and not be economically efficient because it's not
15 running when market prices are high.

16 Q. So in your view, if this is a purchase that is
17 being made for economic reasons, is economic efficiency
18 something that should be taken into consideration?

19 A. It should be taken into consideration for any
20 resource that's acquired for any type of resource, this
21 one, CT or combustion turbine. Actually those are the
22 same thing, combined cycle.

23 Q. And is it also important to make sure that we
24 differentiate between engineering -- well functioning
25 engineering wise and well functioning economically?

1 A. Yes, sometimes -- Yes, sometimes to give the
2 highest engineering efficiency you have to spend more
3 money and it becomes less economic efficient. So it's
4 to find the balance between the two. Ideally they meet
5 their peak together but not always.

6 **Q. And this morning you had a conversation with**
7 **Evergy's counsel about being able to tell the economic**
8 **efficiency of future projects and how because you said**
9 **anyway about -- and you said something about we don't**
10 **have a crystal ball but Evergy's crystal ball is much**
11 **cloudier than most. Do you remember that conversation?**

12 A. I said it was a very cloudy crystal ball.
13 Whether it's more cloudy than mine or not.

14 **Q. Fair enough. Do other companies choose better**
15 **projects for rate purposes in your view?**

16 MR. ZOBRIST: I'm sorry. Could I have the
17 question again, please?

18 BY MS. MARTIN:

19 **Q. Do other companies have the ability to choose**
20 **better projects? Is there a better -- Is there some way**
21 **to clear up that crystal ball?**

22 MR. ZOBRIST: Judge, that calls for
23 speculation. It's vague and ambiguous.

24 MS. MARTIN: The information about whether
25 they have chosen projects is already out there. So I'm

1 not talking about in the future. I'm talking about has
2 it been possible for other companies and corporations
3 and utilities to choose better projects for their
4 consumers.

5 MR. ZOBRIST: It's vague and ambiguous, it
6 calls for speculation, and it's not relevant to this
7 case, Judge.

8 MS. MARTIN: I believe it is directly
9 relevant.

10 JUDGE DIPPELL: Can you ask your question
11 again? I think that you asked a couple of different
12 questions in there. So are you asking the witness --

13 MS. MARTIN: Have other companies been able to
14 choose projects that -- have other companies been able
15 to choose projects that better -- that are able to keep
16 just and reasonable rates than Evergy?

17 MR. ZOBRIST: Judge, it's vague and ambiguous,
18 it calls for speculation, and it's not relevant to the
19 discussion in this CCN case the way the question is
20 phrased.

21 MS. MARTIN: I believe that if we are looking
22 at the granting of a CNN based on a decision that is
23 made by Evergy West, it is directly relevant. I also
24 believe it's not speculation because it's looking at
25 past projects of other companies which are also public

1 record.

2 MR. ZOBRIST: Judge, what other companies are
3 we talking about? I don't know if we're talking about
4 Missouri regulated utilities, we're talking about the
5 United States of America. I don't understand if we're
6 talking --

7 JUDGE DIPPELL: Thank you.

8 MR. ZOBRIST: Thank you.

9 JUDGE DIPPELL: I believe that the question
10 was have other companies been able to choose more
11 efficient or better projects. Which was your word?

12 MS. MARTIN: Yeah, more efficient
13 economically, yeah.

14 JUDGE DIPPELL: I'll allow the answer to that
15 question.

16 THE WITNESS: I'm only aware of Missouri
17 utilities, Mr. Zobrist. I'll narrow it down that much.
18 We've gone through a period of time where, of course,
19 thinking of Ameren, Liberty and then Evergy West and
20 Evergy Metro, Evergy Metro has added these wind PPAs.
21 The others, Ameren has not. It had plenty of capacity.
22 It didn't see a need to add -- or did not have a desire
23 to add PPAs for wind above what was required for the
24 RES. Liberty did and Ameren is now looking at, you
25 know, how it's going to meet its demand in the future,

1 but it has not added PPAs or anything based on it's
2 going to make money for the customer. Liberty has. But
3 for those wind farm projects they are sharing the risk
4 with the customer.

5 Q. Okay. Thank you. This morning you talked
6 about, and we're going back to PTCs, sorry about this, I
7 wrote in time with how they were asked. We talked about
8 PTCs being flowed through the FAC, things like that. Do
9 you remember what the answer from the Company has been
10 about when they would put PTCs through the FAC?

11 MR. ZOBRIST: Judge, I think this is not
12 proper redirect examination. I don't see it linked to
13 something that came up during this witness's testimony.

14 MS. MARTIN: I specifically referred to when
15 we were talking about PTCs with Staff this morning.

16 JUDGE DIPPELL: I believe that this witness
17 did discuss that, but I'm going to ask you to please ask
18 something -- some clarifying or additional information
19 because we have discussed the Company's position about
20 PTCs running --

21 MS. MARTIN: I will say PTCs running aren't
22 exactly the question. It's just part of the question.

23 JUDGE DIPPELL: I'll allow you to ask your
24 question.

25 BY MS. MARTIN:

1 **Q. Sorry. Do you remember the conversation about**
2 **PTCs flowing through the FAC and the customers?**

3 A. Yes.

4 **Q. And what was the Company's stance on when they**
5 **would begin flowing to customers?**

6 A. I believe the position is in the next rate
7 case it would be determined how those PTCs would be
8 treated, whether they'd be included in base rates or FAC
9 would be determined at the point.

10 **Q. When was the last rate case that Evergy West**
11 **was a part of?**

12 A. I believe tariffs went into effect December 6,
13 2022.

14 **Q. So what is the soonest they could have a new**
15 **rate case for those PTCs to go to customers?**

16 A. They would have to file their 60-day notice
17 and then 11 months after that. So about 13 months would
18 be about how long if they did that today that's the
19 soonest the PTCs could be returned to customers.

20 **Q. Thank you so much. Do you remember talking**
21 **about the RFP analysis this morning with Evergy?**

22 A. No, I do not.

23 **Q. Okay. I have it written down. So I will move**
24 **on. One of the things Evergy talked about was the**
25 **nameplate capacity of their resources. Do you remember**

1 **having that conversation? Vaguely?**

2 A. Yes.

3 **Q. Okay. Is nameplate capacity the same as the**
4 **efficiency of a generation source?**

5 MR. ZOBRIST: Judge, I'm going to object. I
6 don't recall that Evergy raised anything about nameplate
7 capacity in my questions of Ms. Mantle. So I think it's
8 improper direct, pardon me, redirect.

9 JUDGE DIPPELL: Well, she's allowed to
10 redirect based on the Commission questions as well.

11 MR. ZOBRIST: I thought she was referring to
12 something Evergy raised.

13 JUDGE DIPPELL: Maybe I missed that part of
14 the question.

15 MS. MARTIN: I think I did say Evergy. I did
16 mean the Commission. Sorry.

17 BY MS. MARTIN:

18 **Q. Is nameplate capacity related in any way to**
19 **efficiency?**

20 A. No, it's a maximum amount that that resource
21 can generate in an instantaneous point in time.

22 **Q. Okay. And is nameplate capacity static or**
23 **does it change with?**

24 A. The nameplate capacity is static, but how much
25 it can generate does fluctuate from incident to

1 incident. Nameplate is based on this is what it's
2 created to generate. That's what's considered
3 nameplate.

4 **Q. Okay.**

5 A. Typically there used to be a metal plate put
6 on resources that had that on there. That's why they
7 call it nameplate capacity.

8 **Q. Thank you. Now I feel edified. So when a**
9 **utility company is using nameplate to discuss how**
10 **positive a resource acquisition is, in your view how**
11 **much is that actually saying to consumers?**

12 A. To a consumer on the street that's saying --
13 It's giving the impression being able to generate much
14 more than it actually will, because it cannot generate
15 that at any instance in time. The wind has to be
16 blowing and not just blowing but blowing at a certain
17 rate.

18 **Q. Thank you so much. So one of the**
19 **conversations you had with the Commission was about how**
20 **there are worse economic choices. Do you remember that**
21 **conversation?**

22 A. Yes.

23 **Q. Do you believe that being able to make worse**
24 **economic choices proves that your economic choice is a**
25 **good economic choice?**

1 A. Just because there's a worse economic choice
2 does not make the choice you're making necessarily good.

3 **Q. Thank you. Counsel for Evergy was talking**
4 **about your position during the securitization case. Do**
5 **you remember that conversation?**

6 A. Yes.

7 **Q. And he spoke about the prudence of decisions**
8 **during I believe it was Storm Uri. Do you believe that**
9 **anything regarding your opinion for that securitization**
10 **case has to do -- governs any determination on prudence**
11 **in this decision?**

12 A. I have had attorneys advise me in the past
13 that it doesn't so that I can continue to argue.

14 **Q. Okay. Why do you believe -- no. Evergy was**
15 **talking to you about expressing your opinions on the**
16 **general efficiency and, you know, of generational and**
17 **economic efficiency of this resource. Do you remember**
18 **that conversation?**

19 A. Yes.

20 **Q. Why do you believe that it is important to**
21 **express the concerns that you have with this generation**
22 **source now?**

23 A. OPC has been told numerous, numerous times
24 that we are looking at things in hindsight. This is our
25 first opportunity and we want to be on the record for

1 this so that we do not, we will not be charged with
2 hindsight. Doesn't mean I agree with the Commission on
3 the others, but on this one we are doing our best to
4 notify the Commission at appropriate times.

5 **Q. Thank you. Do you remember having a**
6 **conversation with Judge Dippell about the combination**
7 **how Evergy Metro and Evergy West are combined?**

8 A. How they interact, yes.

9 **Q. Are they combined in their rate**
10 **determinations?**

11 A. No, they are not. Costs of Evergy West are
12 used to determine the rates for their customers and the
13 costs of Evergy Metro is used to determine the rates
14 they're customers receive.

15 **Q. Have you seen a vast difference in those**
16 **rates?**

17 A. Evergy Metro's rates are -- of course,
18 difference in rate design although they're trying to
19 move those together, but the residential typically are
20 higher for Evergy Metro because they're paying for
21 generation. They're paying the capital cost. But it is
22 offset by revenues from SPP. Evergy West's base rates
23 will be lower typically because they're not paying the
24 capital cost but they've been fluctuating considerably
25 the FAC costs, the fuel cost, because of the dependence

1 upon the market for energy. So yes, there's a lot of
2 differences in their rates.

3 Q. Okay. Thank you. So Commissioner Holsman
4 talked about the, I think it was \$35 million drop in
5 price for Persimmon Creek. Do you remember that
6 conversation?

7 A. Yes.

8 Q. And have you ever heard of the market for
9 lemons theory?

10 A. Yes.

11 Q. Can you explain that theory at all?

12 A. My understanding is something is offered to be
13 purchased and not complete information is given
14 regarding that. I mean, typically we think of cars. A
15 car is offered to be purchased. The seller does not
16 tell the buyer that that car has been flooded out and
17 redone and he finds about -- and pays assuming that
18 everything is good. Finds out later that it's not.
19 That's a lemon of a car.

20 Q. Thank you so much. And in this case do you
21 believe -- I remember you talking about how you think
22 that there was such a significant drop from \$270 million
23 to I think 245 million because it was a bad generating
24 asset. Do you believe that -- Is that why you believe
25 this generating asset was being sold or do you have a

1 **different view?**

2 A. There could be other problems within the
3 company that owns it, but that's sometimes why big
4 corporations put things up on like what's called a fire
5 sale, a cheaper price. If this was a wind site that was
6 economic for them, they would not be selling it I do not
7 think. I don't know all about the Company. But most
8 people when they're taking risk, if they're making money
9 off of it they don't try to offload that source of
10 revenue.

11 **Q. And in relation to that conversation, is**
12 **another selling tactic to push the sale by saying**
13 **there's a time limit and it has to be done now?**

14 MR. ZOBRIST: Judge, I'm going to object.
15 This witness has testified that she doesn't really know
16 much about the companies that are selling and that she's
17 not conducted due diligence with regard to the
18 transactions. I think there's a lack of foundation for
19 her to speculate on these kinds of issues.

20 MS. MARTIN: This isn't necessarily talking
21 about the intent of the companies to sell. That was the
22 last question. We are now moving on to a different
23 issue. I'm talking about the speed of the sale and
24 relating it to the conversation about Akerlof and the
25 market for lemons that we were talking about.

1 JUDGE DIPPELL: Conversation about what?

2 MS. MARTIN: Akerlof and the drop in price.
3 We're talking about the different incentives that the
4 seller is using in order to get this wind farm to shift
5 buyers.

6 MR. ZOBRIST: Judge, I don't think there is
7 foundation for this witness to speculate on all these
8 aspects of the business terms of this transaction so I
9 object.

10 JUDGE DIPPELL: I'll sustain the objection. I
11 think the witness just said she wasn't familiar with the
12 company that was selling.

13 BY MS. MARTIN:

14 Q. Do you believe that granting the CCN will be
15 an incentive for utilities that will benefit customers
16 for renewables in the future?

17 MR. ZOBRIST: Objection, improper redirect.
18 It's not designated or directed to any --

19 MS. MARTIN: Sorry. This was in relation to
20 Holsman's question about whether granting the CCN will,
21 or failing to grant the CCN will incentivize utilities
22 to pursue renewables in the future.

23 MR. ZOBRIST: I'll withdraw the objection.

24 MS. MARTIN: That was my fault. Sorry about
25 that.

1 THE WITNESS: Can you say the question again
2 now, please.

3 BY MS. MARTIN:

4 Q. Yes. Do you believe that granting or denying
5 the CCN will have any effect on utilities purchasing
6 generation assets that will benefit customers in the
7 future?

8 A. I think it would be more of an encouragement
9 to just buy renewable because it's out there and
10 available for use without thinking about the customer.

11 Q. Thank you. You had a conversation with Staff
12 about SPP's view of our market and generational
13 dispatchability and things like that. Do you remember
14 that conversation? It was very long into the --

15 A. Yes.

16 Q. Do you know -- Can you express from what you
17 read and what you know what SPP's view is of adding wind
18 generation, as well as the reliability of SPP as a whole
19 and dispatchability of SPP?

20 MR. ZOBRIST: Judge, it's a compound question
21 and I don't recall if it was Commissioner Holsman asking
22 about SPP.

23 MS. MARTIN: It was Staff.

24 MR. ZOBRIST: Pardon me, Staff.

25 MS. MARTIN: It was Staff re-recross where she

1 specifically asked about SPP and their conversation
2 about renewables and things like that.

3 JUDGE DIPPELL: Can you rephrase the question
4 so that it's not a compound question.

5 MS. MARTIN: Yes.

6 BY MS. MARTIN:

7 Q. Can you -- What is SPP's view of adding wind
8 generation and the effect that will have -- not and,
9 excuse me. What is SPP's view of the effect that adding
10 more wind generation will have on the SPP market or SPP
11 grid?

12 MR. ZOBRIST: Judge, I'm going to object.
13 Staff had Ms. Mantle read the introduction of Exhibit
14 202-C into the record and I think that's exactly what
15 counsel for Public Counsel is asking her to do again.
16 So it's repetitive.

17 JUDGE DIPPELL: I'll let the witness answer if
18 that's her answer. I don't want the witness to read
19 that introductory paragraph again, but she may answer if
20 that introductory paragraph is what she believes in her
21 expert opinion is SPP's view.

22 THE WITNESS: I was going to read part of it
23 again, not the whole thing, because I do -- it's not my
24 opinion. It is SPP's belief. And coming from an SPP
25 document, it really does state the more you add

1 renewables the less reliable your system is and that's
2 one of the reasons they're changing their accredited
3 capacity so that it more realistically shows what they
4 can generate at any point in time. So they're not
5 discouraging wind and solar but they are looking at how
6 they accredit it for those.

7 BY MS. MARTIN:

8 **Q. Thank you. And in responding to a question**
9 **from the bench you mentioned PURPA. Can you tell us**
10 **what PURPA is?**

11 A. I believe it stands for Public Utility -- it's
12 a federal act that required -- part of it was to -- that
13 required class -- the rates to be set based on cost,
14 rate design to be done to provide correct incentives to
15 customers. This is the area that he worked in, that I
16 worked in and he worked in trying to send proper signals
17 to customers on their cost. There was also at that time
18 it's called load management, a demand-side piece to
19 PURPA that required state commissions to look at
20 requiring these things for their customers. Many of the
21 right design aspects we see now are a direct result of
22 rate designs that we looked at during that time period
23 and set up.

24 **Q. One moment.**

25 JUDGE DIPPELL: Ms. Mantle, I believe that's

1 the Public Utility Regulatory Policies Act. Is that --

2 THE WITNESS: Yes, that is correct. It's been
3 added to and subtracted I believe a few times since.
4 Actually the first one might have been in 1935.

5 BY MS. MARTIN:

6 Q. Can you clarify who the "he" was in your
7 previous answer?

8 A. Would have been Dr. Proctor.

9 Q. Thank you so much. And you said that the
10 point of PURPA was to make sure that utilities were
11 sending the right message to consumers; is that correct?

12 MR. ZOBRIST: Judge, I object to a discussion
13 of PURPA. It's a 1970s act and it has no relevance to
14 this CCN proceeding here.

15 MS. MARTIN: It was to get to a different
16 question that does relate to the CCN.

17 JUDGE DIPPELL: I will let you finish your
18 question.

19 MS. MARTIN: Thank you.

20 THE WITNESS: Yes, that was one of the many
21 purposes of that act.

22 BY MS. MARTIN:

23 Q. Thank you. In your view, is granting a CCN to
24 Persimmon Creek sending the right message for renewables
25 and reliability and rate efficiency to consumers?

1 A. It is likely to raise the rates of customers.
2 I don't know that they will attribute it to the wind
3 generation. But if a person was really that concerned
4 about their rate and knew why, it would be accurate that
5 they would learn that adding this renewable resource
6 actually increased their rates.

7 MS. MARTIN: Thank you so much. I have no
8 further questions.

9 JUDGE DIPPELL: Thank you. I believe that
10 concludes your testimony, Ms. Mantle, and you may step
11 down.

12 (Witness excused.)

13 JUDGE DIPPELL: And that was all of Public
14 Counsel's witnesses, correct?

15 MS. MARTIN: Yes.

16 JUDGE DIPPELL: So we can move on to Staff.
17 And as we discussed earlier, there were no Commission
18 questions for witnesses Hull and Won.

19 MS. MERS: Would you like me to enter those in
20 now or maybe at the end of the day to try to hurry up
21 and get the witnesses?

22 JUDGE DIPPELL: Sounds good. We can get those
23 later. So you may call your first witness.

24 MS. MERS: I believe the next witness would be
25 for Staff Matthew Young.

1 MR. ZOBRIST: Judge, as Mr. Young is coming to
2 the stand, I just want to reiterate my offer of Exhibit
3 12 at an appropriate point. I think everybody does have
4 copies. I provided OPC counsel with a hard copy of it
5 as well. Thank you.

6 JUDGE DIPPELL: Thank you. And I was planning
7 on taking that up when we returned from the lunch break.

8 MS. MERS: I apologize. This is my fault that
9 apparently Mr. Young was not aware that there were no
10 Commission questions or other counsel questions for Hull
11 and Won, so he has stepped out. If we could maybe
12 perhaps, if I can beg your indulgence, take him out of
13 order and take Shawn Lange who's back there and can step
14 up.

15 JUDGE DIPPELL: If there's no objection.

16 MS. MERS: Mr. Young will still be here. I
17 want to try to keep things moving.

18 JUDGE DIPPELL: I appreciate that. If there's
19 no objection from counsel to take Mr. Young out of
20 order, we'll continue on with Mr. Lange.

21 Do you solemnly swear or affirm that the
22 testimony you're about to give at this hearing will be
23 the truth?

24 THE WITNESS: I do.

25 JUDGE DIPPELL: Thank you. If you could spell

1 your name for the court reporter, please.

2 THE WITNESS: It is Shawn, S-h-a-w-n, Lange,
3 L-a-n-g-e.

4 JUDGE DIPPELL: You can go ahead, Ms. Mers.

5 SHAWN LANGE,

6 having been first duly sworn, was examined and testified
7 as follows:

8 DIRECT EXAMINATION

9 BY MS. MERS:

10 Q. Since you stated and spelled your name for the
11 record, can you go ahead and tell me who are you
12 employed by and in what capacity?

13 A. I am employed as a Senior Professional
14 Engineer with the Missouri Public Service Commission
15 Staff.

16 Q. And did you file testimony in this case, and
17 of course now I've lost my papers since we shuffled
18 witnesses. But did you file rebuttal testimony in this
19 case?

20 A. I did.

21 Q. I apologize for not having the number.

22 JUDGE DIPPELL: I have to lay my hands on it
23 as well.

24 BY MS. MERS:

25 Q. While looking for that, do you have any

1 **corrections to that testimony?**

2 A. I do not.

3 **Q. And if I asked you the same questions today,**
4 **would your answers be the same?**

5 A. Yes.

6 **Q. Are those answers true and correct to the best**
7 **of your knowledge and belief?**

8 A. Yes.

9 JUDGE DIPPELL: It's Exhibit No. 103 and
10 103-C.

11 MS. MERS: Yes, it is. I found mine at the
12 very bottom of my paper pile at the same time. Then I
13 would go ahead and offer Exhibits 103, which is the
14 public format of his rebuttal testimony, and 103-C,
15 which is the confidential format, into the record at
16 this time.

17 JUDGE DIPPELL: Would there be any objections
18 to Exhibits 103 and 103-C? Hearing none, then I will
19 admit that into the record.

20 (STAFF'S EXHIBITS 103 AND 103-C WERE
21 RECEIVED INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

22 MS. MERS: Then I would go ahead and tender
23 this witness for cross.

24 JUDGE DIPPELL: All right. Is there any
25 cross-examination by Public Counsel?

1 MS. MARTIN: No, not at this time.

2 JUDGE DIPPELL: Renew Missouri?

3 MS. GREENWALD: No, thank you.

4 JUDGE DIPPELL: Everyy?

5 MS. WHIPPLE: Briefly. Good afternoon.

6 THE WITNESS: Good afternoon.

7 CROSS-EXAMINATION

8 BY MS. WHIPPLE:

9 Q. Mr. Lange, you agree that Persimmon Creek is
10 compliant today with environmental law and regulations?

11 A. Based on the information I was provided, yes.

12 Q. Do you agree that the independent engineer
13 that EMW used on the project is qualified and credible?
14 The name of that is confidential but.

15 A. I have no reason to say that they are not
16 credible.

17 Q. And you agree that the independent consultant
18 who conducted the transmission study is qualified and
19 credible?

20 A. I have no reason to say that they are not
21 qualified or credible.

22 MS. WHIPPLE: Okay. And the name of the
23 consultant is also confidential but don't need to go in
24 camera for that because it is in the record.

25 JUDGE DIPPELL: Thank you.

1 MS. WHIPPLE: That concludes my questions on
2 cross at this time. Thank you.

3 JUDGE DIPPELL: Are there questions by the
4 Commissioners for Mr. Lange? Mr. Chairman?

5 CHAIRMAN RUPP: No.

6 JUDGE DIPPELL: And Commissioner Coleman is
7 still on the phone if there's anything. Hearing nothing
8 else, I have just a couple things and let me see. I
9 have questions about some confidential stuff in your
10 rebuttal at page 6, lines 15 to 18. I'm going to see --

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24 (REPORTER'S NOTE: At this point, public

25 session resumed.)

1 JUDGE DIPPELL: So I didn't have any
2 additional questions for the public session. So I will
3 ask if there is any further recross? Well, we didn't
4 have any public questions, did we, from the bench so
5 never mind. Is there any redirect from Staff?

6 MS. MERS: There is very briefly. I think one
7 question is safe to ask.

8 JUDGE DIPPELL: I'm sorry. I didn't ask you.

9 MS. MERS: I did not want to jump in. But
10 I'll go ahead and ask that one first.

11 REDIRECT EXAMINATION

12 BY MS. MERS:

13 Q. You were asked some, just briefly a question
14 by Evergy about what you reviewed and if you found that
15 to be reliable and credible. Do you recall that?

16 A. Yes.

17 Q. Are you more familiar with the company who did
18 the due diligence in this case or the company that did
19 the transmission-based analysis?

20 A. The company that did the due diligence.

21 Q. This is a tricky one because it relates to a
22 public question but I think you might have to go into HC
23 in your response. It's probably better to go ahead and
24 just do it all in HC -- in camera. I keep calling it
25 HC.

1 JUDGE DIPPELL: If you can ask the question
2 and then I'll ask the witness to hesitate and if his
3 answer needs to be given in camera we can go back in
4 camera.

5 BY MS. MERS:

6 **Q. Along with the question Evergy asked about if**
7 **you found the reports to be reliable and credible, did**
8 **you receive a report in this case related to the**
9 **wildlife mitigation that you found to be reliable and**
10 **credible but that had reliable and credible information**
11 **in it that caused you concerns?**

12 A. Yes.

13 **Q. Do you want to expand on those concerns? Can**
14 **you do it and not go confidential or do we need to go in**
15 **camera?**

16 MS. WHIPPLE: I think we do because I don't
17 know what we're talking about.

18 (In-camera session)

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12 (REPORTER'S NOTE: At this point, public
13 session resumed.)

14 JUDGE DIPPELL: Were there any other public
15 questions, Ms. Mers?

16 MS. MERS: No, there is not.

17 JUDGE DIPPELL: Then I believe that concludes
18 your testimony, Mr. Lange, and you may step down.

19 THE WITNESS: Thank you.

20 (Witness excused.)

21 JUDGE DIPPELL: We are right at about 12:30
22 and I want to take a long break until two o'clock. I
23 also would like to try to move things along when we get
24 back. So I will do my best to get my questions in order
25 for the next witnesses and I would ask you all to do the

1 same if you have the opportunity over the long lunch so
2 that we can keep things moving when we get back. So
3 let's go ahead then and take a break until two o'clock.
4 We're off the record.

5 (Thereupon, a lunch recess was taken from
6 12:29 p.m. to 2:00 p.m., after which the following
7 proceedings were held:)

8 JUDGE DIPPELL: Okay. So everybody is back
9 and we can go ahead and go on the record. So we are
10 back from our lunch break and we are ready for Staff to
11 call its next witness.

12 MR. ZOBRIST: Judge, pardon me.

13 JUDGE DIPPELL: Yes, I'm sorry.

14 MR. ZOBRIST: I know I keep bothering the
15 bench about my Exhibit 12.

16 JUDGE DIPPELL: This is a good time. So
17 Exhibit 12 was the SPP presentation that counsel had
18 previously offered. At that time OPC had an objection.
19 Do you still have an objection?

20 MS. MARTIN: Normally I would say yes, except
21 we're running late on time so we're good.

22 JUDGE DIPPELL: So the objection is withdrawn.
23 Is there any other objection? Hearing none. Then I
24 will admit Exhibit 12.

25 MR. ZOBRIST: Thank you, Judge.

1 (COMPANY EXHIBIT 12 WAS RECEIVED INTO EVIDENCE
2 AND MADE A PART OF THIS RECORD.)

3 JUDGE DIPPELL: Thank you. And Staff may call
4 its next witness.

5 MS. MERS: Staff would call Matthew Young to
6 the stand.

7 JUDGE DIPPELL: Do you solemnly swear or
8 affirm that the testimony you're about to give at this
9 hearing will be the truth?

10 THE WITNESS: I do.

11 JUDGE DIPPELL: Thank you. If you could just
12 spell your name for the court reporter, please.

13 THE WITNESS: It's Matthew Young,
14 M-a-t-t-h-e-w Y-o-u-n-g.

15 JUDGE DIPPELL: And go ahead, Ms. Mers.

16 MATTHEW YOUNG,
17 having been first duly sworn, was examined and testified
18 as follows:

19 DIRECT EXAMINATION

20 BY MS. MERS:

21 **Q. Mr. Young, who are you employed by and in what**
22 **capacity?**

23 A. I am employed by the Staff of the Missouri
24 Public Service Commission and I am a Utility Regulatory
25 Audit Supervisor.

1 Q. And did you prepare or cause to be prepared in
2 this case rebuttal testimony, I believe that it's only
3 in public format, there's no confidential format, that
4 has been marked as Exhibit 106?

5 A. Yes.

6 Q. Do you have any corrections to that testimony?

7 A. No.

8 Q. If I asked you those same questions today,
9 would your answers be the same?

10 A. Yes.

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

13 A. Yes.

14 MS. MERS: Okay. At this time I'd like to
15 enter Exhibit 106 into the record.

16 JUDGE DIPPELL: Would there be any objection
17 to Exhibit 106? Hearing none, I will admit Exhibit 106.

18 (STAFF EXHIBIT 106 WAS RECEIVED INTO EVIDENCE
19 AND MADE A PART OF THIS RECORD.)

20 MS. MERS: I will tender the witness for
21 cross.

22 JUDGE DIPPELL: Is there any cross-examination
23 by Public Counsel?

24 MS. MARTIN: Yes.

25 CROSS-EXAMINATION

1 BY MS. MARTIN:

2 Q. We had one pretty short question, but to your
3 knowledge was there a plan for Evergy West to get those
4 production tax credits to Evergy West customers in any
5 way?

6 A. My understanding is that Evergy Missouri West
7 intends to not pass the production tax credits to
8 customers until the next general rate case.

9 Q. And is there a reason why?

10 A. If I recall the testimony correctly, Evergy
11 believes that it is an appropriate balance for
12 shareholders to get those tax credits due to the
13 regulatory lag. The tax credits to shareholders is
14 balanced against the regulatory lag it will suffer.

15 Q. Okay. And have you estimated the amount of
16 PTC versus the regulatory lag cost to Evergy West?

17 A. I have quantified the regulatory lag both
18 positive and negative of the expenses that will be
19 incurred if the Persimmon Creek purchase is approved.
20 The numbers themselves are confidential, but I can talk
21 about the relationship of positive and negative lag.

22 Q. What is that relationship?

23 A. Well, when you consider the O&M expense, the
24 depreciation expense and property tax expense that is
25 expected to be incurred from this purchase, the positive

1 regulatory lag, and again that's before production tax
2 credits, the positive regulatory lag will be almost
3 doubled of the negative regulatory lag Evergy Missouri
4 West will suffer. You add in the property tax credits,
5 positive regulatory lag -- I'm sorry, production tax
6 credits, I'll probably do that more than once, the
7 positive lag is four to five times the negative lag.

8 MS. MARTIN: Thank you so much.

9 JUDGE DIPPELL: Is there anything from Renew
10 Missouri?

11 MS. GREENWALD: No, thank you, Judge.

12 JUDGE DIPPELL: Evergy?

13 MR. FISCHER: In order to move it along, I
14 think I'll pass the witness at this time. Thank you.

15 JUDGE DIPPELL: Thank you. Are there any
16 questions from the Commissioners for Mr. Young?

17 CHAIRMAN RUPP: Nothing, thank you.

18 COMMISSIONER HOLSMAN: No questions, Judge.
19 Thank you.

20 JUDGE DIPPELL: Thank you, Commissioner
21 Holsman. And again I'll expect that the Commissioners
22 will just kind of jump in there. If they're not sitting
23 here, they're probably online. So I don't have any
24 questions for this witness either. So is there any
25 redirect by Staff?

1 MS. MERS: There is briefly but I do think it
2 would be in camera. I'm sorry I am being a problem
3 child.

4 JUDGE DIPPELL: I assume then that that is
5 referring to someone else's testimony.

6 MS. MERS: It would. He was asked about some
7 calculations, and I do think it's important to have
8 those quantifiable in a case like this. I think that's
9 important when we're weighing things, so I would like to
10 have those spelled out instead of the vagaries of -- if
11 that's okay.

12 JUDGE DIPPELL: Then we can briefly go in
13 camera.

14 (In-camera session)

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24 (REPORTER'S NOTE: At this point, public

25 session resumed.)

1 JUDGE DIPPELL: Ms. Mers said she had no more
2 questions for this witness. So Mr. Young, I believe
3 that concludes your testimony and you may step down.

4 (Witness excused.)

5 JUDGE DIPPELL: Staff may call their next
6 witness.

7 MS. MERS: Our next witness I believe then is
8 Claire Eubanks.

9 JUDGE DIPPELL: Mr. Fortson was getting up and
10 I had him on the list next.

11 MS. MERS: Just trying to keep everybody on
12 their toes. Then Staff will call Brad Fortson to the
13 stand.

14 JUDGE DIPPELL: Do you solemnly swear or
15 affirm that the testimony you're about to give at this
16 hearing will be the truth?

17 THE WITNESS: I do.

18 JUDGE DIPPELL: Thank you. If you'd please
19 spell your name for the court reporter.

20 THE WITNESS: It's Brad, B-r-a-d, Fortson,
21 F-o-r-t-s-o-n.

22 JUDGE DIPPELL: Thank you. Go ahead, Ms.
23 Mers.

24 BRAD FORTSON,
25 having been first duly sworn, was examined and testified

1 as follows:

2 DIRECT EXAMINATION

3 BY MS. MERS:

4 Q. Mr. Fortson, who are you employed by and in
5 what capacity?

6 A. I'm employed by the Missouri Public Service
7 Commission as a Regulatory Compliance Manager.

8 Q. Did you prepare or cause to be prepared in
9 this case what has been marked as Exhibits 101 in a
10 public format and then 101-C in a confidential format
11 rebuttal testimony?

12 A. I did, yes.

13 Q. Do you have any corrections to that testimony?

14 A. I do not.

15 Q. If I asked you those questions today, would
16 your answers be the same?

17 A. They would.

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

20 A. They are.

21 MS. MERS: At this time I would go ahead and
22 offer Exhibit 101 into the record.

23 JUDGE DIPPELL: Would there be any objection
24 to Exhibit 101 in both public and confidential versions?
25 Hearing none, I will admit Exhibit 101 and 101-C.

1 (STAFF EXHIBITS 101 AND 101-C WERE RECEIVED
2 INTO EVIDENCE AND MADE A PART OF THIS WITNESS.)

3 MS. MERS: Then I will tender this witness for
4 cross.

5 JUDGE DIPPELL: Would there be any
6 cross-examination by Public Counsel?

7 MS. MARTIN: Just a couple of questions. I
8 promise I will be short.

9 CROSS-EXAMINATION

10 BY MS. MARTIN:

11 **Q. In Ms. Messamore's written testimony she**
12 **attached a detailed analysis comparing ratepayers and**
13 **shareholder risks for additional generation resources**
14 **that are not required to meet federal, state and RTO**
15 **requirements. Is the analysis attached, if you remember**
16 **it, Evergy West specific?**

17 A. As I recall, it was done on a combined basis
18 for Evergy West and Evergy Metro.

19 **Q. Is there any problems that you see with the**
20 **combined basis?**

21 A. Makes it more difficult if not impossible to
22 differentiate the ratepayer versus shareholder
23 differences in specific amounts to each utility.

24 JUDGE DIPPELL: Mr. Fortson, can I get you to
25 speak closer to the mike?

1 THE WITNESS: Sure.

2 JUDGE DIPPELL: Thank you.

3 MS. MARTIN: Do you need any of that repeated?

4 JUDGE DIPPELL: No, that's fine.

5 BY MS. MARTIN:

6 Q. Yesterday Mr. Humphrey testified that Evergy
7 West analysis shows that the net present value revenue
8 requirement with the Persimmon Creek is \$130 million
9 less than it would be without that. Does this mean that
10 consumers would see the \$130 million in savings if
11 Evergy West purchased Persimmon Creek?

12 A. So no. I mean, I don't believe. There's a
13 couple things there. One, I disagree with I think you
14 said \$130 million amount. That's stems from a few
15 reasons.

16 As the Company has stated, they've included
17 Persimmon Creek, or after Persimmon Creek was
18 determined, when they determined to pursue Persimmon
19 Creek, they included that in the current, what was
20 current at the time IRP, which when baking in Persimmon
21 Creek it's baked in with the flawed assumptions that
22 Staff witness Luebbert details. It also gets baked in
23 even with the flawed assumptions if you consider them
24 specific assumptions coupled with generic assumptions.
25 I feel like you end up with more of a hybrid sort of

1 conclusion. And I think probably most importantly and
2 concerning is that analysis. It's my understanding that
3 analysis included the immediate return to ratepayers of
4 the PTCs which through Company testimony in this hearing
5 we know that the Company has recommended that or
6 proposed that they keep the PTCs until Persimmon Creek
7 is included in rate base. So I think it was actually
8 Ms. Messamore that testified, you know, that her
9 analysis was based off perfect ratemaking that included
10 the PTCs being immediately returned to ratepayers but we
11 know that the Company doesn't have to come in for a rate
12 case for I think roughly three years. I think
13 Mr. Dority himself said they didn't know when they would
14 file the next rate case. So those PTCs would be flowing
15 to shareholders for an indefinite amount of time.

16 **Q. Thank you. And is it your understanding that**
17 **Energys West uses its IRP model to optimize its**
18 **generation resource type?**

19 A. So I have -- I would say it could but I do not
20 believe that it does. They have the software. They
21 have their PLEXOS model, their capacity expansion model,
22 that is software that uses an optimization logic that it
23 could develop an optimized resource plan. But as my
24 testimony has spoke to, at least Staff's, started as
25 Staff's opinion or belief but I believe Ms. Messamore

1 has verified now that certain inputs get influenced by
2 the Company based off different reasoning to ultimately
3 influence those outputs. So I wouldn't consider it an
4 optimized resource plan.

5 **Q. And in any of Energy West's IRP, are batteries**
6 **included or battery storage?**

7 A. So battery storage has not been included.
8 There's been discussion of battery storage. In fact, I
9 went back and reviewed quickly the 2022 IRP Annual
10 Update and there's a few things mentioned, one of which
11 is the Company intends to evaluate more-so energy
12 storage for its 2023 annual update. It also mentions
13 through years 5 through 15, I'm not sure exactly what
14 years those would be, but four or five years from now
15 Energy is hopeful to see implementation of economic
16 energy storage capacity. I assume that just means
17 generally. And then lastly they speak to their
18 long-term planning within that annual update of the
19 years 2032 through 2041. They assume that natural gas
20 resources would ultimately be replaced by non-emitting
21 firm dispatchable resources. One example is of those
22 technologies was long-term energy storage. So it
23 currently does not. It speaks to it. It anticipates in
24 several years out that it might be an option.

25 **Q. Are batteries or is battery storage a viable**

1 **option for Persimmon Creek today?**

2 A. Not to my knowledge. I mean, you say viable
3 option. I would say it's not an economical viable
4 option for probably any renewable resource.

5 **Q. And when Evergy West has talked about how**
6 **their revenues are going to flow to the consumers, do**
7 **you remember or do you know at all if that means**
8 **negative revenues will flow through consumers or through**
9 **the FAC?**

10 A. So my understanding of that whole issue and
11 based off Company testimony is that energy produced from
12 the revenues produced, whether it be positive or
13 negative, from Persimmon Creek would immediately flow
14 through the FAC to customers while at the same time the
15 PTCs that we spoke to earlier would continue to be
16 retained by the Company, and based off Staff analysis
17 the PTCs greatly outweigh those revenues that would be
18 coming or flowing to customers. And while I do believe
19 there is, you know, has historically been a positive
20 revenue that had they been flowing through the FAC would
21 have gone to customers but the fact that they can have
22 and will produce at a negative price reduces that
23 positive revenue.

24 **Q. And finally, to your knowledge has Evergy West**
25 **followed the preferred resource plan that they have**

1 **created for the past decade or two?**

2 A. So I struggle with answering that only because
3 we have seen every year the Company's preferred plan
4 change at least every year if not multiple times a year.
5 So also, you know, the last ten years or starting from
6 ten years back going forward, often the generation that
7 has been included as a part of the preferred resource
8 plan has been years off. So there hasn't been an
9 immediate need that I can recall for generation. But
10 again those plans have changed every year. Do they
11 follow it the year preceding their updated preferred
12 plan, I guess it's hard for me to say no but it changes
13 every year so it's just been a yearly cycle.

14 MS. MARTIN: Thank you so much.

15 JUDGE DIPPELL: Is there any cross-examination
16 from Renew?

17 MS. GREENWALD: No, thank you.

18 JUDGE DIPPELL: From Evergy?

19 MR. FISCHER: Just briefly, Judge.

20 CROSS-EXAMINATION

21 BY MR. FISCHER:

22 **Q. I'd like to follow up a little bit on just the**
23 **questions that were asked from Public Counsel,**
24 **Mr. Fortson, if that's okay with you.**

25 A. Sure.

1 **Q. I think you were asked about Ms. Messamore's**
2 **testimony where she demonstrated there would be a need**
3 **for capacity even if you looked at it on a joint basis.**
4 **Do you recall that question?**

5 A. I recall bringing up Ms. Messamore's
6 testimony. I'm not sure specifically.

7 **Q. Maybe I misunderstood but you said it made the**
8 **analysis a little more complicated?**

9 A. Oh, the analysis provided I think as a part of
10 the 2022 IRP Annual Update that was required by the
11 Commission through special contemporary issues I
12 believe.

13 **Q. I just want to make clear, as I understand the**
14 **Staff's position at least in Ms. Eubanks' testimony the**
15 **Staff agrees that on a stand-alone basis West has a**
16 **near-term need for capacity; is that correct?**

17 A. So I don't think that directly relates to OPC
18 counsel's question. On a stand-alone basis though there
19 is a need sooner than on a combined basis.

20 **Q. But it is correct that the Staff agrees there**
21 **is a near-term need for capacity for Evergy Missouri**
22 **West?**

23 A. I believe based off the Company's assumptions
24 and analysis they have a need on a stand-alone basis
25 sooner than on a combined basis.

1 **Q. And I think you were asked about the \$130**
2 **million net present value revenue requirement analysis**
3 **that was done?**

4 **A. I was.**

5 **Q. You've been involved in the IRP process for a**
6 **while, correct?**

7 **A. Sure.**

8 **Q. Is it your understanding that that net present**
9 **value revenue requirement number is a reduction from**
10 **views of alternative resource plans that could have been**
11 **adopted in the future?**

12 **A. So it is a comparison, there is a comparison**
13 **done of alternative resource plans in the selection of a**
14 **preferred plan.**

15 **Q. Whenever we're talking or whenever the Company**
16 **is talking about there being \$130 million of net present**
17 **value revenue requirements savings, that's in relation**
18 **to other alternative plans, correct?**

19 **A. And based off the Company's assumptions that**
20 **Staff calls into question in this case.**

21 **Q. But your answer is yes, right?**

22 **A. The Company has claimed \$130 million benefit**
23 **-- let me retract that word -- a \$130 million reduced**
24 **net present value by including Persimmon Creek.**

25 **Q. Compared to other resource plans?**

1 A. Actually I believe when they included
2 Persimmon Creek, since it was an annual update, I think
3 the testimony even provides that it wasn't compared to
4 all of the alternative resource plans from the 2021
5 triennial and only compared to maybe one other plan.

6 **Q. Okay. You were also asked a question about
7 battery storage, it wasn't included as a part of the
8 analysis of Persimmon Creek. Do you recall that
9 question?**

10 A. I recall the line of questioning.

11 **Q. Is it correct that ownership of the Persimmon
12 Creek wind farm gives the Company the option to add
13 battery storage in the future?**

14 A. So I mentioned it -- I don't believe, and I
15 think most would agree, that it's not an economical
16 viable option right now.

17 **Q. That was not my question. I'm just asking
18 doesn't it give the Company the option to add battery
19 storage if it would make sense in the future?**

20 A. If and when it makes sense, I would agree.

21 **Q. If it had been a PPA on the other hand, the
22 Company would not have had that kind of an option to add
23 battery storage, correct?**

24 A. In the general sense, yes, that's correct.

25 **Q. Okay. And I believe you also talked about**

1 revenues flowing to consumers and I believe you
2 indicated flow back through the FAC; is that right?

3 A. That's right.

4 Q. Were you in the room here a few minutes ago
5 when Matt Young testified and he gave some analysis of
6 revenue lag and revenue positive and negative lag?

7 A. I was in the room for that.

8 Q. Did you hear him include any SPP revenues in
9 his analysis?

10 A. I don't recall hearing that.

11 Q. And the consumer receiving SPP revenues
12 immediately upon the purchase of that property would be
13 positive benefits to the consumers, correct?

14 A. I wouldn't use the word benefit. I would say
15 it would be -- could very well be a positive revenue.

16 Q. Okay. Positive revenue lowers the cost?

17 A. The positive revenue takes into account the
18 negative pricing that we discussed that ultimately makes
19 that positive revenue lower. It would be a positive
20 revenue flowing through the FAC that doesn't meet the
21 value of the PTCs.

22 Q. Staff is not suggesting that the total of SPP
23 revenues, even if you have some negative pricing, is
24 going to be a negative number, is it, are you?

25 A. Say that again.

1 **Q. Staff is not suggesting that there aren't**
 2 **going to be positive SPP revenues flowing back through?**

3 A. I don't believe we've made that argument.

4 **Q. Okay. That's what I thought. And you talked**
 5 **about the fact the Company's preferred resource plans**
 6 **change from year to year, correct?**

7 A. Correct.

8 **Q. Now, the Company is required by the**
 9 **Commission's IRP rules to file a notice of plan change**
 10 **whenever that happens; is that true?**

11 A. So there's a triennial done every three years
 12 that they're required to do. They're required to do an
 13 annual update. Yes, if there are substantial changes to
 14 their plan, they are required to file an updated
 15 preferred resource plan.

16 **Q. Would you have been involved in the last**
 17 **notice of change preferred plan case?**

18 A. I was.

19 MR. FISCHER: Judge, I'd like to have an
 20 exhibit marked.

21 JUDGE DIPPELL: You were to No. 13. Is this a
 22 confidential exhibit?

23 MR. FISCHER: No, it's not.

24 THE WITNESS: Thank you.

25 (EVERGY EXHIBIT 13 WAS MARKED FOR

1 IDENTIFICATION.)

2 BY MR. FISCHER:

3 Q. Mr. Fortson, are you familiar with this
4 pleading that was filed in File No. EO-2023-0115; do you
5 recall seeing that perhaps? It's entitled Evergy
6 Missouri West's Reply to OPC's Response to Change in
7 Preferred Plan.

8 A. That is what it says and I would have read it
9 at some point.

10 Q. Okay. I think there was some testimony from
11 Ms. Mantle that she wasn't sure how the Company was
12 planning to treat the revenues. I'd like to ask you to
13 turn to paragraph 4 on page 2.

14 A. Okay.

15 Q. There the second sentence starts OPC's
16 concerned that EMW will pass the energy revenues from
17 Persimmon Creek back to shareholders until the resource
18 is placed in rates. This is incorrect. Electricity
19 from the asset will flow to EMW's customers even though
20 the investment is not yet in rate base or reflected in
21 rates. How would you interpret that sentence?

22 A. I would interpret that consistent with
23 Company's testimony in surrebuttal testimony in this
24 case that any revenues from Persimmon Creek will be
25 flowed back to customers. I think in the next sentence

1 it states the FAC.

2 MR. FISCHER: I'd move for the admission of
3 the exhibit, Judge.

4 JUDGE DIPPELL: Would there be any objection
5 to this Evergy Missouri West reply filed in
6 EO-2023-0115? It looks like maybe it was dated October
7 18, 2022. Would there be any objection? Hearing none,
8 then I will admit that exhibit.

9 MR. FISCHER: Thank you, Judge.

10 (EVERGY EXHIBIT 13 WAS RECEIVED INTO EVIDENCE
11 AND MADE A PART OF THIS RECORD.)

12 BY MR. FISCHER:

13 **Q. Mr. Fortson, I just had a few more questions**
14 **regarding the IRP rules. Do you happen to have a copy**
15 **of those rules in front of you?**

16 A. I actually do.

17 **Q. I'd like to refer you to subsection (2) of the**
18 **020 rule, the objectives rule, the very first part of**
19 **that rule.**

20 JUDGE DIPPELL: Mr. Fischer, could you give us
21 a little broader cite for that.

22 MR. FISCHER: Yeah, sure, Judge. I am
23 referring to the Commission's Chapter 22 rules and
24 particularly the Rule 20 CSR 4240-22.020, subsection (2)
25 is what I'm going to ask Mr. Fortson about.

1 JUDGE DIPPELL: Thank you.

2 BY MR. FISCHER:

3 Q. That subsection states the fundamental
4 objective requires that the utility shall and then
5 subsection (A), consider and analyze demand-side
6 resources, renewable energy, and supply-side resources
7 on an equivalent basis, subject to compliance with all
8 legal mandates that may affect the selection of utility
9 electric energy resources, in the resource planning
10 process; is that right?

11 A. That's how it reads, yes.

12 Q. Would you agree that this provision mandates
13 that the electric utility is required to consider and
14 analyze renewable energy resources on an equivalent
15 basis as supply-side resources?

16 A. I would say the rule requires that. I would
17 also say that Staff has argued as to whether that is the
18 case, maybe not necessarily with renewables but we have
19 with demand-side.

20 Q. Would you agree with me that based upon this
21 rule that it's the policy of the state of Missouri that
22 public utilities are to consider and analyze renewable
23 energy resources like Persimmon Creek on an equivalent
24 basis as other supply-side resources?

25 A. So it says renewable energy --

1 JUDGE DIPPELL: Mr. Fortson, can I get you to
2 speak up.

3 THE WITNESS: Sorry. I would agree that it
4 does state consider and analyze demand-side resources,
5 renewable energy, and supply-side resources on an
6 equivalent basis. That is what the Company is required
7 to comply with through these rules.

8 BY MR. FISCHER:

9 Q. Would you consider that state policy?

10 A. I would consider it Missouri Public Service
11 Commission policy.

12 Q. Okay. Are you also aware that the Missouri
13 legislature has adopted statutes like PISA and the
14 renewable energy standard which encourage the
15 development of renewable energy resources?

16 A. I am familiar with those statutes existing.

17 Q. Are you also aware the Missouri Public Service
18 Commission has issued orders expressing support for the
19 construction of renewable facilities including wind
20 farms?

21 A. Say that again, that first part.

22 Q. Are you aware that the Commission has issued
23 orders expressing support for the construction of
24 renewable facilities including wind farms?

25 A. I don't know if I can personally attest to

1 that.

2 Q. Did you read Mr. Dority's testimony where he
3 laid out a bunch of those orders?

4 A. I have read Mr. Dority's testimony. So if
5 that was in there, I've read that.

6 Q. Let's assume there are some statements of
7 support in there. Given the adoption of the legislative
8 incentives for renewables and the expressions of support
9 for the construction of renewables by the Commission,
10 including wind facilities, would you agree that the
11 state policy in Missouri is to encourage the development
12 of renewable energy resources?

13 A. I don't know if I can generally agree with
14 that. I feel like there's probably more to that or
15 should be.

16 Q. Where would you have a concern?

17 A. With renewable energy in general as opposed to
18 economic renewable generation.

19 Q. Let's just limit it to solar facilities and
20 wind facilities.

21 A. I think I would agree there has been general
22 support for a reasonable transition to renewables.

23 Q. And you'd agree that the state policy is along
24 that line to encourage the development of renewables?

25 A. I would -- I would still, trying to think how

1 I want to word that, it seems to me like it should still
2 read a reasonable transition to renewables, not just any
3 renewables for any reason.

4 **Q. The statutes don't qualify it, though; they**
5 **just talk about renewables, right?**

6 MS. MERS: Objection. This has gotten into
7 asking for Mr. Fortson's legal interpretation of the
8 statute.

9 THE WITNESS: I mean, if you have the statute
10 that you can --

11 JUDGE DIPPELL: Wait just one moment, Mr.
12 Fortson.

13 MR. FISCHER: I'll withdraw the question.
14 It's not that important.

15 BY MR. FISCHER:

16 **Q. But I would ask you does the Staff generally**
17 **try to follow the policies that have been stated by the**
18 **Missouri Commission when they prepare their cases?**

19 A. We do.

20 MR. FISCHER: Thank you. I think that's all I
21 have. Thank you.

22 JUDGE DIPPELL: Thank you. Are there
23 questions for Mr. Fortson from the Commissioners?
24 Mr. Chairman?

25 CHAIRMAN RUPP: Thank you, Judge.

1 QUESTIONS

2 BY CHAIRMAN RUPP:

3 Q. Just because we've had so much conversation
4 about the IRP, I'll ask you the similar question I've
5 asked. I understand Staff's objection. So do you
6 believe that the IRP rules need to be updated or do you
7 just think they're not being followed as they should be?

8 A. I would say it's probably a combination of
9 both. So I've expressed in my testimony my critiques of
10 the IRP modeling. Other Staff witnesses have critiqued
11 other portions and assumptions of the IRP. I think --
12 So it's my opinion that the Company can comply with the
13 Chapter 22 rules and there still be concerns with the
14 assumptions used in complying with those rules. So I
15 think there are difference of opinions on flaws of how
16 the Company does their integrated resource planning.
17 However, I do believe that there are portions of the
18 rules that could probably benefit from being updated.

19 Q. Do you think it's possible to control the
20 inputs that companies use via an updated rule?

21 A. It's interesting you ask that because I've
22 been contemplating that myself. I don't know that
23 there's anything that could be put in place to 100
24 percent control that.

25 CHAIRMAN RUPP: Thank you, Judge.

1 JUDGE DIPPELL: Thank you. Are there other
2 Commission questions?

3 COMMISSIONER HOLSMAN: No questions, Judge.
4 Thank you.

5 JUDGE DIPPELL: Thank you, Commissioner
6 Holsman. I have just a couple for you.

7 QUESTIONS

8 BY JUDGE DIPPELL:

9 Q. So I think it's been established that these
10 costs or that revenues and costs flow through the FAC.
11 Can you explain that -- It was mentioned earlier about
12 the sharing mechanism for the FAC. Are you familiar
13 with that, the 95 percent?

14 A. I am.

15 Q. Can you kind of explain how that works just a
16 little?

17 A. Yeah, and that's an important clarification
18 that I failed to make earlier. So those revenues that
19 we were talking about earlier with the different
20 counsel, any revenues positive or negative. So in this
21 case we've been talking more about a positive revenue,
22 you may disagree on what level of positive revenue it
23 may be, but those revenues would flow -- based off the
24 Company's proposal, those revenues would immediately
25 flow through the FAC after the acquisition of Persimmon

1 Creek and a 95/5 percent sharing mechanism would be
2 applied where the customers would receive 95 percent of
3 those revenues while the Company would be able to retain
4 5 percent.

5 **Q. Okay. And how often does Staff or the**
6 **Commission for that matter review Evergy West's FAC**
7 **mechanism?**

8 A. So Staff is required per rule to do an FAC
9 prudence review every -- wow.

10 **Q. It's in the rule, right?**

11 A. It's in the rule. We are required per rule to
12 do a periodic FAC prudence review.

13 **Q. A prudence review of the previous charges or**
14 **revenues and costs that have flowed through to**
15 **customers?**

16 A. Yeah, the costs and revenues, all costs that
17 have flowed through the FAC for a set period of time.

18 **Q. And I believe that's 18 months but the rule**
19 **will tell us.**

20 A. Yes, I think it's 18 months for I was thinking
21 -- I couldn't recall whether it was 18 or 24, but I
22 believe it's 18 for that and 24 for another.

23 **Q. So what about the actual mechanism? How often**
24 **does that get looked at? Is once the Commission has**
25 **approved it is it set or changed?**

1 A. Do you mean just the FAC mechanism?

2 **Q. The FAC, can it change?**

3 A. Every rate case it's renewed and re-evaluated.
4 There's often recommendations by different stakeholders
5 as to things that could be or recommended to be included
6 or excluded, but the tariff can only change during a
7 rate case.

8 **Q. And the 95/5 sharing mechanism was set by the**
9 **Commission during one of those rate cases; is that**
10 **correct?**

11 A. Yeah, it's my understanding, I believe that
12 predates me, but it was set in a rate case several years
13 ago and has not changed since.

14 **Q. And in your opinion, does that 95/5, does that**
15 **work? Is that the proper incentive?**

16 A. Staff has maintained a position that 95/5 is
17 appropriate.

18 **Q. And are those prudence reviews that you do**
19 **according to the rule, is that the only time that Staff**
20 **reviews prudence of decisions?**

21 A. So specifically to prudence I would say that
22 is where -- that's where the main prudence review is, I
23 know given the name prudence review, but we also during
24 rate cases, you know, there's an opportunity there to
25 bring up potential prudence issues but mainly in those

1 periodic FAC prudence reviews.

2 **Q. So where would the prudence of the purchase of**
3 **Persimmon Creek, would that be in the rate case?**

4 A. I would assume that would be in the rate case.
5 It's my understanding the Company in its next rate case,
6 if Persimmon Creek is approved, they would propose to
7 include Persimmon Creek in their next rate case.

8 **Q. I have some other questions. You may have**
9 **already answered these about you mentioned the PLEXOS**
10 **software. Explain to me what that is.**

11 A. So it's my understanding that it's a recent
12 software that the Company has purchased and it's used
13 generally at a high level as I mentioned for capacity
14 expansion modeling to -- it's a software that you can
15 provide numerous resource options into, supply-side,
16 demand-side, renewables, and let that model use the
17 optimization logic which let the algorithms solve for an
18 optimized portfolio.

19 **Q. You said on page 4 of your rebuttal that Staff**
20 **further recommended the Company provide further**
21 **clarification of how the PLEXOS capacity expansion model**
22 **is being used to both develop and test alternative**
23 **resource plans. Does that mean that -- Well, let me**
24 **just ask you what that means. Does that -- Are you**
25 **referring to there that there should have been more**

1 **robust modeling or?**

2 A. Can you point me again to where in the
3 testimony.

4 **Q. I'm sorry. I just got the cite in front of**
5 **me. It's page 4.**

6 A. I may have found it on page 3.

7 **Q. I may have an incorrect cite.**

8 A. If I remember the sentence you referred to, I
9 think it's on page 3 at line 14.

10 **Q. Yes, yes, that's it.**

11 A. So can I go ahead and answer?

12 **Q. Yes, go ahead, please.**

13 A. So initially with Staff's review of the 2022
14 IRP Annual Update, it was unclear exactly how that
15 modeling was being used and utilized. And given short
16 turnaround and annual updates for stakeholder comments,
17 Staff as a part of its recommendation just wanted for
18 future filings the Company to explain in further detail
19 how they're using that modeling because it was, as I
20 previously mentioned, Staff is of the opinion or belief
21 that there are -- that the PLEXOS model is now being
22 allowed to do what it's capable of doing and this was
23 simply asking that if that is the case, let us know
24 whether we're predetermined inputs or outputs as opposed
25 to the model optimizing those plans.

1 **Q. And so did Staff -- Did Staff find evidence**
2 **that there was predetermined inputs or outputs?**

3 A. So Ms. Messamore's testimony I think it was, I
4 don't recall if it was supplemental or surrebuttal, but
5 Ms. Messamore speaks to at least the near-term during
6 the implementation period which is the three years after
7 -- well, after the triennial filing anyway, but her
8 testimony speaks to the predetermined resources being
9 included in that modeling.

10 **Q. And in your opinion, how might the results**
11 **have been different without those predetermined inputs**
12 **or outputs?**

13 A. That's really hard to say. When you're
14 influencing a model to, as I've stated, to get the
15 outcomes that you want, it's hard to say what a
16 sophisticated software may have ultimately determined to
17 be appropriate through that software. I'd also say in
18 my testimony I mention I think it was the 2022 Annual
19 Update there were, if I recall, 11 alternative resource
20 plans compared against each other with all of them
21 having very similar renewable resources included in each
22 one. So when you're comparing such similar plans, you
23 are ultimately going to get one of the plans, all of the
24 plans are very similar to each other, so there's not a
25 lot of discrepancy or difference in those plans and

1 which plan is ultimately going to be chosen.

2 JUDGE DIPPELL: Thank you. Is there any
3 cross-examination based upon the Commissioners and my
4 questions from Public Counsel?

5 MS. MARTIN: No.

6 JUDGE DIPPELL: Renew Missouri?

7 MS. GREENWALD: No, thank you.

8 JUDGE DIPPELL: Everyy?

9 MR. FISCHER: Thank you, Judge. Just a couple
10 areas, Mr. Fortson.

11 FURTHER CROSS-EXAMINATION

12 BY MR. FISCHER:

13 Q. You talked with Judge Dippell about the 95/5
14 sharing mechanism. Do you recall that?

15 A. I do.

16 Q. Would you agree that that mechanism, the 95/5
17 sharing mechanism, that applies to all of the costs that
18 are associated with the fuel adjustment clause, all
19 costs and revenues?

20 A. It does.

21 Q. Not just revenues?

22 A. Correct.

23 Q. So if the costs are rising, the fuel costs are
24 rising, then the revenues that are coming back from SPP
25 will actually offset those costs, correct?

1 A. The concern has been that those revenues will
2 not completely offset the costs of Persimmon Creek, but
3 any revenues flowed through the FAC are an offset to
4 costs, fuel costs.

5 **Q. Sure. That's where we apply the 95/5?**

6 A. Correct.

7 **Q. Then you also discussed with Judge Dippell I**
8 **think prudence reviews and when they would occur. Do**
9 **you recall that?**

10 A. I do.

11 **Q. Are you also familiar with the Commission's**
12 **relatively new CCN rule which we're operating under in**
13 **this case?**

14 A. I'm not greatly familiar with that rule.

15 **Q. Are you aware that Rule 20.045 (2) (C) allows**
16 **the Commission to do a prudence -- a decisional prudence**
17 **in a CCN case now?**

18 A. I am aware that language has been included
19 something of that nature.

20 MR. FISCHER: Thank you very much. That's all
21 I have.

22 JUDGE DIPPELL: Is there redirect from Staff?

23 MS. MERS: Yes, yes, there is.

24 REDIRECT EXAMINATION

25 BY MS. MERS:

1 **Q. Mr. Fortson, do you remember a question from**
2 **counsel for OPC about certain inputs are influenced by**
3 **the Company in the IRP?**

4 A. I do.

5 **Q. Could you briefly provide an example or two of**
6 **that that would be relevant to this case?**

7 A. So yeah, I think I've at least touched on in
8 going back to the 11 alternative resource plans that I
9 mentioned being compared in the 2022 IRP Annual Update.
10 They all had a very similar amount of wind. In fact, I
11 think my testimony states that of the 11, 10 had 150 MW
12 of wind being included in 2024. So when 90 percent or
13 90 plus percent of your plans have the same input, it
14 seems suspect that a model would generate something so
15 similar and, in fact, I believe that is where Ms.
16 Messamore speaks to after the RFP process that based off
17 their knowledge then of Persimmon Creek they then baked
18 into the IRP a certain set level of wind resources and
19 that was the -- I believe in their IRP it showed 199,
20 it's 198.6, but there was a certain level of generation
21 from a certain resource inputted into the IRP.

22 **Q. You were asked some questions from counsel for**
23 **Energys about Ms. Messamore's analysis in the 2002 IRP.**
24 **Do you recall that?**

25 A. I do.

1 **Q. You were also asked by counsel for Evergy if**
2 **Ms. Messamore's testimony that even on a combined basis**
3 **West needs capacity sooner; do you recall that?**

4 THE STENOGRAPHER: I'm sorry. Can you repeat
5 that?

6 MS. MERS: Yes, yes, I can.

7 BY MS. MERS:

8 **Q. You were asked by counsel for Evergy if Ms.**
9 **Messamore's testimony shows that when viewed on a**
10 **stand-alone basis West needs capacity sooner. Do you**
11 **recall that?**

12 A. I do.

13 **Q. Do you agree that there's a capacity need?**

14 A. I think when viewed on a stand-alone basis and
15 based off the Company's analysis it shows a potential
16 capacity need in the near term on a stand-alone basis.

17 **Q. If we would agree with that, do you think that**
18 **this project is the best fit for that perceived need?**

19 A. I do not.

20 **Q. You were also asked a question by counsel for**
21 **Evergy about comparing the resource plan that includes**
22 **Persimmon Creek compared to the other resource plans**
23 **that there was the reduction of the net present value**
24 **revenue requirement. Do you recall that?**

25 A. I do.

1 Q. You touched on this a bit with some of your
2 responses with the bench, but is it your understanding
3 that that plan assumes that it had to be wind capacity
4 and not a CTG, not solar, not a bilateral capacity
5 contract?

6 A. Yes, that is my understanding.

7 Q. So all of those plans assumed it had to be
8 that type of capacity?

9 A. They did.

10 Q. You were asked about for counsel for Evergy if
11 Persimmon Creek gives Evergy the option to add battery
12 storage. Do you recall that?

13 A. I do.

14 Q. Do you agree that the Company has the option
15 to add battery storage without Persimmon Creek?

16 A. Yes.

17 Q. You were asked a few questions about
18 regulatory lag by counsel for Evergy in relation to the
19 testimony that Matt Young provided. Do you recall that?

20 A. I do.

21 Q. Is it your understanding that the tracker is
22 for items that don't flow to the customers right away?

23 A. That's my understanding, yes.

24 Q. So the revenue would flow right away through
25 the FAC?

1 A. That's my understanding that the revenue would
2 flow through the FAC immediately.

3 **Q. Does Staff think -- You were asked again in**
4 **that line of questioning with counsel for Evergy about**
5 **if Staff is suggesting that there were no positive**
6 **revenues. Do you recall that?**

7 A. I do.

8 **Q. Does Staff believe that the positive revenues**
9 **offset the purchase price?**

10 A. No, that's one of the biggest concerns is that
11 the revenues that flow through to customers will not
12 exceed the cost of Persimmon Creek.

13 **Q. And then you were also asked a question or two**
14 **from counsel for Evergy about a pleading that was filed**
15 **in EO-2023-0115. Do you recall that?**

16 A. I do.

17 **Q. Do you still have that up there with you?**

18 A. Yes.

19 **Q. When was that filed in relation to this case?**

20 A. That I'm not sure of.

21 **Q. Does it perhaps state in the certificate of**
22 **service?**

23 A. It looks like October 18 of 2022.

24 **Q. Do you recall when this case was filed?**

25 A. I just looked that up and it was before that.

1 Q. You had some questions again from counsel for
2 **Evergy** about the IRP rules and the objectives to
3 consider demand-side and supply-side on an equivalent
4 basis. Do you recall that?

5 A. I do.

6 Q. In one of the responses you gave you mentioned
7 that Staff had expressed concerns in the past about
8 **Evergy** maybe not meeting that requirement. Do you
9 recall that?

10 A. I do.

11 Q. And then I believe that or in line with that
12 questioning, are you familiar with Ms. Messamore's
13 surrebuttal testimony?

14 A. I am.

15 Q. The chart on page 10 of her surrebuttal if
16 analysis requires that -- or if that analysis removes
17 the demand-side investment, do you think that that is
18 considering demand-side and supply-side on equivalent
19 basis?

20 A. I do not.

21 Q. Mr. Fischer also asked you about some cases
22 that were in Mr. Dority's testimony. Do you recall
23 briefly that conversation?

24 A. I do.

25 Q. And I know you're not as -- expressed that

1 maybe you're not as familiar with all of those cases,
2 but are you aware of any sharing mechanisms that were
3 ordered in those cases?

4 A. I was not involved in those cases, but I do
5 believe there has been sharing mechanisms included and I
6 also believe that Ms. Eubanks or Mr. Luebbert could
7 probably speak to that better.

8 Q. He also asked you along that line of
9 questioning if the Staff is to follow the policies set
10 by the Commission in regards to pursuing renewables. Do
11 you recall that?

12 A. I do.

13 Q. Are there other policies that the Commission
14 has expressed that are also relevant here?

15 A. Can you repeat that? I'm sorry.

16 Q. Are there other policies that Staff considers
17 that have also been noted in cases by the Commission
18 that would be relevant here other than just pursuing
19 renewables?

20 A. I believe there are, and I believe again maybe
21 Ms. Eubanks or Mr. Luebbert speaks to that a little bit
22 more and may be better suited for that question.

23 Q. In questions from the bench, you had a
24 discussion with Chairman Rupp about does the IRP need to
25 be updated or do utilities need to follow it a bit

1 closer and you said your answer was perhaps a bit of
2 both. Do you and Witness Luebbert in your testimony
3 suggest conditions that would help address that concern
4 with the inputs?

5 A. I believe mine sort of touches on it. I
6 believe Mr. Luebbert goes into much more detail about
7 conditions that you mentioned.

8 Q. Then you also had some discussions with the
9 bench about the FAC. Do you recall that how that works?

10 A. I do.

11 Q. Does it sound familiar that the reviews are
12 perhaps like every six months or twice a year, the
13 prudence reviews, or am I thinking of accumulation
14 periods?

15 A. I think you're thinking of accumulation
16 periods.

17 Q. But it wouldn't be more often than once a year
18 do you think for the prudence reviews?

19 A. Sometimes it may be. It's not required to be,
20 but we do have the 18-month requirement.

21 Q. Is it your understanding -- What is your
22 understanding of how often parties can propose changes
23 to the FAC?

24 A. During the rate case --

25 Q. That's the only time?

1 A. -- would be the only time, yeah. That's the
2 only time that I'm aware of that stakeholders or the
3 Company could propose changes to the structure of the
4 FAC.

5 **Q. In part of the discussion with I think both**
6 **the bench and counsel for Evergy, one of the topics**
7 **again with the FAC was revenues flowing through. Do you**
8 **recall that?**

9 A. I do.

10 **Q. Do projects have to be in service for revenues**
11 **to flow through the FAC?**

12 A. So they typically have, and I would agree with
13 Ms. Mantle, I believe she's been at it a lot longer than
14 I have, I think this would be a first of revenues
15 flowing through the FAC prior to a project being in
16 service.

17 **Q. You discussed with the bench PLEXOS?**

18 A. Yes.

19 **Q. A bit. And you stated that PLEXOS wasn't**
20 **allowed to do what it's able to do. Could you just**
21 **explain that a bit more?**

22 A. Sure. A lot of it is, as I mentioned, I mean,
23 when you have a model like that, you can provide many
24 multiple options of resources, a resource mix, a level
25 of generation, the timing of, you know, supply-side,

1 demand-side, renewables, retirements, there's a
2 multitude of inputs that are required or that can be
3 used in a model like that. But when you start
4 influencing those inputs in a certain way such as
5 including a certain level of capacity or a specific
6 resource in a specific timing for any of that, you
7 immediately start to get away from what that model is
8 intended to do.

9 **Q. Back to the net present value revenue**
10 **requirement discussion you had with Evergy. Is that**
11 **figure, the savings discussed, I think it's about 130**
12 **million --**

13 THE STENOGRAPHER: I'm sorry. Can you speak a
14 little bit closer.

15 BY MS. MERS:

16 **Q. Is the 130 million net present value revenue**
17 **requirement, that savings figure that you discussed with**
18 **Evergy, those aren't savings compared to today's rates?**

19 A. No, they would not be.

20 **Q. And then turning back to the discussion you**
21 **had again with Evergy about evaluating supply-side and**
22 **demand-side on an equivalent basis would be -- If wind**
23 **assets have an inflated capacity factor, do you believe**
24 **that that is analyzing supply-side on an equivalent**
25 **basis?**

1 A. No, I do not.

2 Q. Again, when you were discussing policy with --
3 skip that. Prudence reviews I think you touched on with
4 the bench?

5 A. Yes.

6 Q. Are those limited to costs and revenues for
7 the FAC?

8 A. It's costs and revenues that have flowed
9 through the FAC for a set period of time.

10 Q. Okay. And then is it your understanding that,
11 touching back on the FAC that's come up a few times, is
12 the 95/5 sharing mechanism that was discussed, is that
13 applied to the difference between actual costs and base
14 costs?

15 A. Yes.

16 MS. MERS: Okay. That is all I have. Thank
17 you.

18 JUDGE DIPPELL: Thank you. I believe that
19 concludes your testimony, Mr. Fortson, and you may step
20 down.

21 THE WITNESS: Thank you.

22 JUDGE DIPPELL: It is almost 3:15, not quite.
23 I think we will take a brief break and come back at 25
24 after. So we'll go off the record.

25 (Off the record 3:12 p.m. to 3:25 p.m.)

1 JUDGE DIPPELL: Okay. I finally got the 3:25
2 on my computer. So let's go ahead and go back on the
3 record. All right. Staff can call their next witness.

4 MS. MERS: Ms. Eubanks is already on the stand
5 so I can't mess it up this time. Claire Eubanks for
6 Staff.

7 JUDGE DIPPELL: Ms. Eubanks, would you raise
8 your right hand. Do you solemnly swear or affirm that
9 the testimony you're about to give at this hearing will
10 be the truth?

11 THE WITNESS: I do.

12 JUDGE DIPPELL: Thank you. Go ahead. I
13 didn't ask you to spell your name but she was about to.

14 CLAIRE EUBANKS,
15 having been first duly sworn, was examined and testified
16 as follows:

17 DIRECT EXAMINATION

18 BY MS. MERS:

19 **Q. Could you please state and spell your name for**
20 **the record?**

21 A. Claire Eubanks, C-l-a-i-r-e, Eubanks is
22 E-u-b-a-n-k-s.

23 **Q. And who are you employed by and in what**
24 **capacity?**

25 A. I'm employed by the Missouri Public Service

1 Commission as the Manager of the Engineering Analysis
2 Department.

3 Q. Did you prepare or cause to be prepared in
4 this case testimony that has been marked as Exhibit 100
5 in a public format and rebuttal testimony that was
6 marked as 100-C in a confidential format?

7 A. Yes.

8 Q. Do you have any corrections to that testimony?

9 A. No.

10 Q. If I asked you those same questions today,
11 would your answers be the same?

12 A. Yes.

13 Q. And are those answers true and correct to the
14 best of your knowledge and belief?

15 A. Yes.

16 MS. MERS: Then I would go ahead and offer
17 Exhibit 100 into the record.

18 JUDGE DIPPELL: That's Exhibit 100 and 100-C.
19 Are there any objections? Seeing no objection, I will
20 admit Exhibit 100 and 100-C.

21 (STAFF EXHIBITS 100 AND 100-C WERE RECEIVED
22 INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

23 MS. MERS: I will tender Ms. Eubanks for
24 cross.

25 JUDGE DIPPELL: Is there any cross-examination

1 by Public Counsel?

2 MS. MARTIN: Yes. And I started speaking
3 without my microphone on which is great. I just have
4 three quick questions for you.

5 CROSS-EXAMINATION

6 BY MS. MARTIN:

7 Q. So do you believe in your opinion that
8 approving the CCN for Persimmon Creek would add more
9 renewable energy to the SPP grid?

10 A. Persimmon Creek is currently operational, so
11 no.

12 Q. Okay. So will denying the CCN for Persimmon
13 Creek cause the wind facility to stop operating?

14 A. No, I don't believe so.

15 Q. Will it deplete the amount of renewable energy
16 in SPP?

17 A. No.

18 Q. Does granting this CCN promote using renewable
19 energies for ratepayer benefits in the SPP market or
20 nationwide in your view?

21 A. Can you say that again, please.

22 Q. If this CCN is granted, do you believe it will
23 enhance the goal of renewables to exist for consumer
24 benefits in SPP in particular and through nationwide?

25 A. I think it's existing already. I'm not quite

1 sure answering your question. I'm sorry.

2 Q. That's okay. I'm going to see if I can -- Do
3 you think this is a good renewable energy source for the
4 SPP -- I know it is already in existence, but do you
5 think that this is a positive renewable energy source
6 for the mission of spreading renewables and not just to
7 buy renewables given net sufficiency and things like
8 that?

9 A. It is not an additional renewable resource, if
10 that's what you're asking. It's not promoting
11 additional new renewable resources that do not exist
12 today.

13 MS. MARTIN: Okay. Thank you.

14 JUDGE DIPPELL: Anything from Renew Missouri?

15 MS. GREENWALD: No, thank you.

16 JUDGE DIPPELL: Evergy?

17 MR. FISCHER: Yes. Just briefly. Good
18 afternoon, Ms. Eubanks.

19 THE WITNESS: Good afternoon.

20 MR. FISCHER: How are you today?

21 THE WITNESS: Excellent.

22 CROSS-EXAMINATION

23 BY MR. FISCHER:

24 Q. I'd like to just take a few minutes of your
25 time. Would you turn to page 5 of your testimony toward

1 the end. There on lines 8 and 9 you're asked the
2 question is Staff fundamentally opposed to the
3 transition of the electric utilities' fleets from fossil
4 fuels to renewables?

5 A. I don't have that as page 5.

6 Q. What is that page?

7 A. I don't know. Page 7 I think is what you're
8 asking.

9 Q. Page 7, you're right. That's a disadvantage
10 of using a computer, can't find the page number. You
11 see that question?

12 A. I do.

13 Q. And you answered no, Staff is not
14 fundamentally opposed to the transition of the electric
15 utilities' fleets from fossil fuels to renewables. And
16 is it correct though that Staff currently is opposing
17 Ameren's request for a solar CCN related to the Boomtown
18 case?

19 A. In relation to the Boomtown case?

20 Q. Yes.

21 A. Yes.

22 Q. And of course you're opposing wind in this
23 case, correct?

24 A. We are. And we recently supported Ameren's
25 Huck Finn solar facility.

1 Q. Okay. Was that required by their RES
2 requirements?

3 A. Yes.

4 Q. At the end of that question you say the
5 Commission should continue to carefully consider the
6 purported need of each resource addition and whether
7 each resource addition promotes the public interest; is
8 that right?

9 A. That's correct.

10 Q. Would you describe for the Commission what the
11 Staff would require of public utilities in this state on
12 a going-forward basis to show the need for renewables to
13 transition their fleets from fossil fuels to renewables?

14 A. So I'm pausing because I think it would help
15 for the Commission and the Company to understand how
16 Staff approaches CCN applications. So I'm not an
17 attorney but my understanding is the applicant has the
18 burden to prove that their resource acquisition is
19 needed. So Staff starts with what the utility says are
20 the reasons for pursuing a project. And not to say that
21 that is the only thing that we look at, but that is
22 certainly where we start.

23 So in this case Ms. Messamore outlined the
24 value that is brought by capacity additions and the
25 value of hedging in the market with renewable energy

1 resources which, you know, Mr. Luebbert speaks in
2 greater depth about. So I think, you know, we really
3 need to look at what the applicant brings to us, and I
4 think your question is probably going to how they can
5 improve in the future.

6 **Q. That's exactly right. I'm trying to**
7 **understand what the Staff would need for a company that**
8 **has already met its RES requirements by law and if**
9 **they're finding the cheapest wind in the footprint or**
10 **the cheapest renewable in their footprint, what else**
11 **will the companies need to show in order to get the**
12 **Staff's approval or recommendation that it be approved**
13 **by the Commission?**

14 A. So I think a lot of Staff's concerns arise
15 from, and Mr. Fortson talked about this at length in his
16 testimony and Chairman Rupp asked several witnesses
17 about whether improvements to the integrated resource
18 planning process are necessary, I think part of Staff's
19 pause and careful consideration in this case is Evergy's
20 planning processes and those assumptions.

21 I think it's probably a very robust
22 conversation that needs to be had with Staff and Company
23 and the Commission and, you know, I can't say that I put
24 a lot of thought or had the input that I need to have
25 with our division directors to discuss it on the stand

1 here today.

2 Q. I promised I wouldn't take a lot of your time.
3 I'm just trying to understand what these companies will
4 have to show, because these are pretty good renewables
5 compared to what's out there in the market and we're not
6 getting recommendations, positive recommendations, and
7 I'm just trying to understand what more do they need to
8 show in the future?

9 A. I think in this particular case Staff has
10 reasons that Staff is concerned because the need that
11 was purported by the Company was that it was a hedge in
12 the market; and as Mr. Luebbert will testify shortly as
13 the day is wrapping up, it's not a great hedge.

14 MR. FISCHER: I appreciate your testimony.
15 Thank you very much.

16 JUDGE DIPPELL: Is there any Commission
17 questions? Mr. Chairman?

18 CHAIRMAN RUPP: Thank you, Judge.

19 QUESTIONS

20 BY CHAIRMAN RUPP:

21 Q. I've asked the same question of several
22 witnesses. I really don't need your answer unless it's
23 substantially different, but I don't want you to feel
24 left out.

25 A. Thank you.

1 **Q. If you want to chime in, chime in on that one.**
2 **If not, I'm going to go -- So is it Staff's position or**
3 **your opinion that the Company should just -- Is it**
4 **better for the Company just to continue buying capacity**
5 **from a third party versus what they're proposing today?**

6 A. I think what they're proposing today is a wind
7 farm that is going to get them 20 MW of accredited
8 capacity for resource adequacy purposes and that's not a
9 huge impact as far as their capacity need.

10 **Q. So that being said, would it be Staff's**
11 **position that they should just purchase that capacity**
12 **through a third party instead of pursuing this option?**

13 A. This particular resource because of the
14 concerns with the market hedging aspect of it, I think
15 that is a reasonable conclusion to be drawn from Staff's
16 position. That doesn't mean that they're not other
17 options for capacity besides bilateral agreements. But
18 as far as the need in summer of 2024, I believe, you
19 know, a bilateral capacity agreement may be reasonable.

20 CHAIRMAN RUPP: That's all I had.

21 JUDGE DIPPELL: Thank you. Are there any
22 other Commissioner questions?

23 COMMISSIONER HOLSMAN: No questions, Judge.
24 Thank you.

25 JUDGE DIPPELL: Thank you.

1 COMMISSIONER KOLKMEYER: No questions, Judge.
2 Thank you.

3 JUDGE DIPPELL: Thank you. I don't have any
4 questions for you either. Are there any
5 cross-examination questions based on the Chairman's
6 questions from Public Counsel?

7 JUDGE DIPPELL: Renew Missouri?

8 MS. GREENWALD: No, thank you.

9 JUDGE DIPPELL: And I guess I should say that
10 Public Counsel's attorney shook her head no.

11 MS. MARTIN: No.

12 JUDGE DIPPELL: Everyy?

13 FURTHER CROSS-EXAMINATION

14 BY MR. FISCHER:

15 **Q. Ms. Eubanks, in discussion with the Chairman**
16 **you were talking about hedging. How do you define the**
17 **hedging?**

18 A. So my understanding is Everyy is looking to
19 add Persimmon Creek to lower its costs in the market
20 because it will be supplying energy through the wind
21 farm.

22 **Q. Not mitigate swings in the marketplace?**

23 A. I think that's encompassed in what I said. I
24 mean, I agree that there's -- that's a piece of it, yes.

25 **Q. It's like an insurance, you hedge natural gas**

1 prices too, right, correct?

2 A. I don't hedge natural gas prices, no.

3 Q. I understand. I'm terrible. But natural gas
4 utilities are encouraged sometimes to hedge so that
5 there's not so much volatility in their supply costs?

6 A. That's my understanding, yes.

7 Q. And sometimes they win but most of the time
8 it's a cost of keeping that like you have house
9 insurance, you make sure you have house insurance so
10 that if the worst happens you're not terribly hurt,
11 right?

12 A. Yes.

13 MR. FISCHER: Okay. Thank you very much.

14 JUDGE DIPPELL: Is there any redirect from
15 Staff?

16 MS. MERS: Yes, but I think it should be
17 brief.

18 REDIRECT EXAMINATION

19 BY MS. MERS:

20 Q. You were asked by counsel for Evergy about
21 some statements you made on page 7 of your testimony.
22 Do you recall that?

23 A. I do.

24 Q. And then you were asked if Staff -- did Staff
25 oppose Boomtown?

1 A. That's correct.

2 Q. Then regarding Huck Finn, do you recall all of
3 that?

4 A. Yes.

5 Q. Can you name projects that were renewables
6 that Staff did not oppose?

7 A. Yes. The Hawthorn solar facility fairly
8 recently. I think that was an Evergy resource, maybe
9 the CCN was last year, granted last year I want to say,
10 yeah, 2022. Let's see. High Prairie wind farm, which
11 is Ameren's facility. The Neosho Ridge, King's Point
12 and North Fork Ridge wind farms of Empire's. That one
13 in particular Staff was supportive because there was a
14 market protection mechanism that was agreed to in that
15 case. I'm sure I'm forgetting many.

16 Q. And not all of those were for RES compliance;
17 is that fair?

18 A. Yeah, absolutely. The Empire ones in
19 particular were not for RES compliance.

20 Q. You were asked a few questions by Mr. Fischer
21 about what Staff would require going forward to show
22 that the transition to renewables is justified. Do you
23 recall that?

24 A. I do.

25 Q. And that you stated what Staff starts with is

1 the needs and the justifications that the utility and
2 the applicants bring us; is that correct?

3 A. That's correct.

4 Q. And does Staff also utilize the Tartan factors
5 when evaluating these projects?

6 A. Yes.

7 Q. And again I know you're not a lawyer, but is
8 it your understanding that that is a recommended
9 analysis that all CCNs must complete?

10 A. Every CCN I have worked on, which is quite a
11 few, we have covered the Tartan criteria in our
12 recommendation or testimony.

13 Q. Is it fair to say that Staff wouldn't evaluate
14 renewable CCN requests differently than traditional CCN
15 applications?

16 A. That's correct.

17 Q. In your discussion with Chairman Rupp you were
18 discussing, I guess to summarize maybe, what could be
19 different ways to fulfill the capacity need and if this
20 project is the best one. Do you recall that?

21 A. That's correct.

22 Q. I believe the bilateral agreement came up. Do
23 you recall that?

24 A. I do.

25 Q. Regardless of CCN approval on this case, what

1 **is your understanding that Evergy will still need to**
2 **make that purchase?**

3 A. My understanding is, and this is what I maybe
4 was poorly alluding to, but the 20 MW of accredited
5 capacity that's expected for Persimmon Creek is not
6 going to take care of that full capacity need.

7 **Q. So they'll have to enter into it either way?**

8 A. Yes.

9 MS. MERS: That is all I have.

10 JUDGE DIPPELL: Let me just clarify. You
11 mentioned RES compliance, and that's R-E-S for renewable
12 energy standard, correct?

13 THE WITNESS: That's correct.

14 JUDGE DIPPELL: Thank you. All right. Then I
15 believe that concludes your testimony and you may step
16 down.

17 (Witness excused.)

18 JUDGE DIPPELL: And I believe that that will
19 bring us to Staff's last witness.

20 MS. MERS: Last but not least we will call --

21 JUDGE DIPPELL: Besides the two that we have
22 to enter testimony for.

23 MS. MERS: Yes. Staff calls Mr. J Luebbert to
24 the stand.

25 JUDGE DIPPELL: Do you solemnly swear or

1 affirm that the testimony you're about to give at this
2 hearing will be the truth?

3 THE WITNESS: Yes, I do.

4 JUDGE DIPPELL: Thank you.

5 J LUEBBERT,

6 having been first duly sworn, was examined and testified
7 as follows:

8 DIRECT EXAMINATION

9 BY MS. MERS:

10 Q. Can you please state and spell your name for
11 the record?

12 A. My name is J Luebbert. It's the letter J,
13 Luebbert spelled L-u-e-b-b-e-r-t.

14 Q. Who are you employed by and in what capacity?

15 A. I'm employed by the Missouri Public Service
16 Commission. I am the Manager of the Tariff and Rate
17 Design Department.

18 Q. Did you prepare or cause to be prepared
19 rebuttal testimony in this case that has been marked
20 Exhibit 104 in a public format and 104-C in a
21 confidential format?

22 A. Yes, I did.

23 Q. Do you have any corrections to that testimony?

24 A. I have two pretty minor corrections.
25 Unfortunately they are confidential and so.

1 JUDGE DIPPELL: Have counsel for the other
2 parties been made aware of these changes?

3 MS. MERS: I don't believe so. I think
4 they're relatively minor.

5 THE WITNESS: They are.

6 MS. MERS: But if that is an easier way to
7 make those corrections where we do not have to go in
8 camera.

9 JUDGE DIPPELL: That was my thought --

10 MS. MERS: I caught on.

11 JUDGE DIPPELL: -- was that if you could
12 provide those perhaps in writing.

13 MS. MERS: Okay.

14 JUDGE DIPPELL: But the other parties will
15 need to know what they are.

16 MR. ZOBRIST: It's fair to say if those are
17 Every figures, I need to know those right now or today.

18 JUDGE DIPPELL: Yeah, okay. It's probably
19 easier if we just go in camera and get those
20 corrections.

21 MR. ZOBRIST: Thank you.

22 JUDGE DIPPELL: All right then. Let's go in
23 camera.

24 (In-camera session)

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1 (In-camera session)
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1 (In-camera session)

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12 (REPORTER'S NOTE: At this point, public
13 session resumed.)

14 BY MS. MERS:

15 Q. With those changes in mind, if I asked you the
16 questions in your testimony again today, would your
17 answers be the same?

18 A. They would.

19 Q. With those corrections in mind, are those
20 answers true and correct to the best of your knowledge
21 and belief?

22 A. Yes, they are.

23 MS. MERS: At this time I would go ahead and
24 offer in Exhibit 104 into the record.

25 JUDGE DIPPELL: Would there be any objection

1 to Exhibit 104 and 104-C, the confidential version, with
2 corrections that we discussed in camera on page 36 to
3 confidential Table 5? Would there be any objection to
4 those exhibits? And seeing none, I will admit Exhibit
5 104 and 104-C.

6 (STAFF EXHIBITS 104 AND 104-C WERE RECEIVED
7 INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

8 MS. MERS: I will tender Mr. Luebbert for
9 cross then.

10 JUDGE DIPPELL: Is there any cross-examination
11 from Public Counsel?

12 MS. MARTIN: Yes. How are you today,
13 Mr. Luebbert?

14 THE WITNESS: I'm doing well.

15 MS. MARTIN: Good. I had a few questions, not
16 very many.

17 CROSS-EXAMINATION

18 BY MS. MARTIN:

19 **Q. My first question is, do you expect the**
20 **production tax credits to last indefinitely or will they**
21 **end?**

22 A. So the production tax credits for Persimmon
23 Creek, that facility will not be eligible to produce
24 them indefinitely.

25 **Q. When are you expecting them to end?**

1 A. I believe it's in 2028.

2 **Q. Do you expect the effect of the loss of the**
3 **PTCs to be negative or positive for generation?**

4 A. So I would expect that when this facility is
5 no longer able to have the benefit of producing the tax
6 credit that the generation all else being equal will be
7 less the year following. The reason for that is that
8 there wouldn't be a financial reason, or at least one
9 doesn't come to mind, a financial reason for this
10 facility to continue to operate at a negative LMP and
11 certainly not at a negative LMP that's as low as this
12 facility has been operating at over the last four years.

13 **Q. Okay. Evergy West repeatedly compares RFPs,**
14 **LCOEs and other metrics using nameplate capacity. Do**
15 **you see any issues with comparing these metrics based**
16 **purely on a generation sources nameplate?**

17 A. So comparison of nameplate capacity across
18 different generation types is, it's fairly misleading,
19 and part of the reason for that is the accreditation
20 process especially operating within SPP. So a wind
21 resource is going to be accredited much less of its
22 nameplate capacity for SPP as compared to other types of
23 resources. And I think I included an excerpt, it may
24 have been included in Ms. Messamore's testimony as well,
25 if not it may have been from the IRP, but it discusses

1 the expected accredited capacity from each type of
2 resource and it shows that wind is by far the lowest of
3 the ones looked at.

4 **Q. Repeatedly Evergy has used levelized cost of**
5 **energy to discuss their choice for Persimmon Creek.**
6 **Does levelized cost of energy take into account when the**
7 **asset is generating energy?**

8 A. It doesn't. I brought that up as -- I
9 included a fair amount of discussion in my testimony
10 about that topic, and really what it comes down to is
11 that the value that a resource is providing the owner is
12 very dependent on the time and the location of when that
13 facility is actually generating. So because of the SPP
14 construct, a resource is generating revenue based on the
15 locational marginal price and that changes over time and
16 by location. So there is -- the concept that producing
17 more energy is always good isn't necessarily true when
18 you can have a resource that is generating energy at a
19 cost to the owner and that's especially true for a
20 resource where negative locational marginal prices
21 happens fairly frequently, and I point that out within
22 my testimony that Persimmon Creek is such a resource.
23 And you can also have a resource that may generate
24 infrequently but when it does it has a high margin. And
25 so just looking at the total production from a resource

1 isn't necessarily the best view of the value that it's
2 providing.

3 **Q. Does levelized cost of energy take into**
4 **account the reliability of the generation asset?**

5 A. No, it doesn't.

6 **Q. Does the levelized cost of energy take into**
7 **account the ability to dispatch the resource?**

8 A. No, it doesn't. And that goes back to that
9 value creation. So when you have a resource that is
10 dispatchable, as long as the operating parameters allow
11 it, when those market prices are high their resource can
12 kind of follow that signal, that market signal, and so
13 the dispatchability can really derive some of the value
14 that gets created from a specific generating resource.
15 And that's -- I think that's fairly widely accepted
16 within the industry. Looking at the LCOE, while it is a
17 fairly frequent metric that gets brought up, I think
18 it's also fairly widely accepted within the industry
19 that it is not always the best metric in that it does
20 have downfalls.

21 So for example, looking at the Electric Power
22 Research Institute's website and its discussion in LCOE,
23 when they're discussing that metric they state that it's
24 well known that actual decision makers use more complete
25 and analytically rigorous modeling frameworks for energy

1 resource additions. Variable renewable project
2 viability depends on the energy and market values being
3 sufficient to cover the LCOE. As my testimony
4 discusses, that's not the case for this project.

5 MR. ZOBRIST: Judge, I'm going to object at
6 this point. I think the witness has responded to the
7 question and he's now essentially reading an EPRI report
8 which may be fine but it's beyond the scope of the
9 question and I object because I don't think anybody has
10 got a copy of the EPRI report to look at.

11 JUDGE DIPPELL: Since I can't recall what the
12 question was at this point, what was the question?

13 MS. MARTIN: The question was, does the
14 levelized cost of energy take into account the ability
15 to dispatch a resource.

16 JUDGE DIPPELL: I think that he's answered
17 that.

18 BY MS. MARTIN:

19 **Q. What does the levelized cost of energy take**
20 **into account?**

21 MR. ZOBRIST: Judge, I believe the witness
22 just answered that question. He indicated what it does
23 do and then he indicated what it doesn't do. It's asked
24 and answered.

25 MS. MARTIN: I never asked about what it does

1 do. I just asked what it does not take into account.

2 MR. ZOBRIST: But Mr. Luebbert answered that
3 question.

4 JUDGE DIPPELL: I'll let him answer again.

5 THE WITNESS: If you'll give me just a moment,
6 I think I actually have a fairly good description of
7 this within my testimony.

8 JUDGE DIPPELL: That would be good. You can
9 point us to that.

10 THE WITNESS: Yes. So on page 40 I have a
11 question that says what is a levelized cost of energy.
12 And I can provide my answer or let others read that as
13 they wish.

14 JUDGE DIPPELL: I think you have pointed us to
15 it and that will answer the question.

16 THE WITNESS: Okay.

17 MS. MARTIN: Now you've made me switch pages
18 and I lost where I was.

19 BY MS. MARTIN:

20 **Q. Okay. Do you agree with Mr. Fortson that the**
21 **IRP analysis that Evergy West utilizes for their asset**
22 **determination is flawed?**

23 A. I do. I pointed out several of the flaws that
24 the most recent preferred plan included, which is the
25 one that I believe Evergy witnesses have stated included

1 specifics for Persimmon Creek, but part of the problem
2 is that some of the specifics that were included aren't
3 reasonable. So the result is that they're
4 overestimating the amount of revenue that is likely to
5 occur from this asset, and frankly I would consider that
6 the most recent plan to be unreliable and they probably
7 need to go back and fix at least the issues that I
8 brought up. I didn't -- There may be other issues that
9 existed within that that Staff didn't identify, but the
10 ones that we brought up are pretty substantial and have
11 a pretty dramatic impact on the result.

12 **Q. Okay. And taking into account everything that**
13 **you said about levelized cost of energy, as well as your**
14 **answer to your issues with the IRP analysis, would you**
15 **agree that not taking the things that are referred to in**
16 **the revised cost of energy even in conjunction with IRP**
17 **analysis is not a good method for choosing any sort of**
18 **generation asset?**

19 A. Can I ask you to repeat your question?

20 **Q. Yeah. It was not very well phrased. I**
21 **apologize for that. Do you believe that merely looking**
22 **at LCOE, as well as Evergy West's current IRP analysis,**
23 **is not a good method for choosing any sort of generation**
24 **source for their capacity needs?**

25 A. So I will say this. I think the LCOE can be

1 utilized as an initial screen for a resource. It should
2 not be used to determine what the best resource is.
3 There's known issues with the LCOE as a metric. This is
4 not something that, you know, Staff is bringing up for
5 the first time. It's well known within the industry
6 that it's not a perfect metric and it's not accounting
7 for a lot of things that matter ultimately for the
8 economics of the project. That being said, you asked,
9 you know, specifically about the Company's most recent
10 IRP. I pointed out a few flaws that I think are pretty
11 fundamental and warrant at a minimum additional
12 analysis. I think a few things have also changed that
13 warrant additional analysis as far as the IRP goes. One
14 of them being the passing of the Inflation Reduction
15 Act. So my understanding is that act allows for solar
16 resources to get a production tax credit as opposed to
17 just an investment tax credit.

18 As far as I know, the RFP that Evergy issued
19 was for wind resources only. And so to the extent that
20 they've narrowly looked at a small segment of resource
21 types to meet a capacity need and the resource type that
22 they looked at was a resource that we know isn't a very
23 good resource for meeting summer capacity is really
24 concerning. And that's part of the reason that we've
25 recommended rejection in this case. That along with a

1 lot of other concerns that we've pointed out within our
2 testimony and have discussed here today.

3 MS. MARTIN: Then I believe that I am finished
4 with cross. Thank you.

5 JUDGE DIPPELL: Is there any cross-examination
6 by Renew?

7 MS. GREENWALD: No, thank you.

8 JUDGE DIPPELL: Evergy?

9 MR. ZOBRIST: Thank you, Judge.

10 CROSS-EXAMINATION

11 BY MR. ZOBRIST:

12 **Q. Mr. Luebbert, as I understand it, before you**
13 **came to the Commission you worked for the Department of**
14 **Natural Resources as an environmental engineer; is that**
15 **correct?**

16 A. That's correct.

17 **Q. Would you just generally agree that as a**
18 **non-air polluting resource that Persimmon Creek does**
19 **provide health benefits to the public?**

20 A. Are you asking if Evergy's acquisition is
21 going to provide health benefits to the public?

22 **Q. No. My question was, does Persimmon Creek**
23 **today provide benefits to the public because it is a**
24 **non-carbon emitting resource?**

25 A. I would say that to the extent that Persimmon

1 Creek has been and will be able to displace carbon
2 emitting and frankly other emissions from other
3 resources that there is a benefit but it's limited to
4 the amount of energy that it displaces from those other
5 resources and it may not itself be its own benefit.

6 **Q. It's better than if it were a carbon emitting**
7 **resource; is that fair to say?**

8 A. From an emissions standpoint, yes.

9 **Q. Now, you came to the Commission in March of**
10 **2016, correct?**

11 A. That's correct. I had to think back. It's
12 been a little while.

13 **Q. And you were a utility engineering specialist**
14 **and you worked in the resource planning area,**
15 **demand-side management programs, and you also became**
16 **generally familiar with the fuel adjustment clause?**

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

18 **Q. And in this case there have been some**
19 **discussions about flowing back through the fuel**
20 **adjustment clause the revenues that would be produced by**
21 **Persimmon Creek if the application were approved and if**
22 **the transaction were closed. Have you heard those**
23 **discussions?**

24 A. I have been in the room, yes.

25 **Q. And have you studied that the pleadings that**

1 the lawyers filed in this case before testimony was
2 filed where Public Counsel and Evergy Missouri West
3 filed some pleadings back in October about whether
4 revenues from Persimmon Creek would flow through the
5 **FAC?**

6 A. I think I have seen them; but to say that I'm,
7 you know, intimately familiar with the inclusion of, or
8 what's included in those, I wouldn't say that.

9 **Q. This is pretty short. I'm just going to show**
10 **you the Evergy response.**

11 A. Okay.

12 MR. ZOBRIST: Judge, this will be Exhibit 14.

13 JUDGE DIPPELL: Can you tell me the case again
14 on that?

15 MR. ZOBRIST: It's in this case.

16 JUDGE DIPPELL: Okay.

17 (EVERGY EXHIBIT 14 WAS MARKED FOR
18 IDENTIFICATION.)

19 THE WITNESS: Should I read this while you're
20 handing this out?

21 BY MR. ZOBRIST:

22 **Q. Mr. Luebbert, the only paragraph that I'm**
23 **going to call to your attention is paragraph 7 that**
24 **begins at the bottom of page 2. I'm just going to**
25 **actually read the paragraph and ask if this is what it**

1 **says. Evergy Missouri West will establish such a**
2 **regulatory asset once the Commission approves the**
3 **Application and the company closes the purchase of**
4 **Persimmon Creek. And that refers to the PISA treatment**
5 **and the PTC; is that correct?**

6 A. I don't know. I haven't read this recently.

7 Q. Let me just go to the second question and see
8 **if you have any disagreement here. Evergy stated, and**
9 **this is the second sentence of paragraph 7 at the bottom**
10 **of page 2. Electricity from the asset will flow to**
11 **EMW's customers even though it is not in rate base and**
12 **the rates that will be in effect at that time will not**
13 **reflect the investment in Persimmon Creek.**

14 A. I'm sorry to interrupt. Can you tell me where
15 you're reading from right now?

16 Q. I'm sorry.

17 A. Was that paragraph 2 of the seventh bullet
18 point?

19 Q. **Paragraph 2 -- I'm sorry, page 2, paragraph 7**
20 **at the bottom of page 2.**

21 A. Okay. It was the second sentence. I'm sorry.
22 You said paragraph 2 and I went back to the second
23 paragraph of the document. I apologize for the
24 interruption.

25 Q. I'm sure it's my fault. Do you want to just

1 read paragraph 7, if we can take a minute, Judge, and
2 then I'll just ask him a question. That might be
3 easier.

4 JUDGE DIPPELL: That's fine.

5 THE WITNESS: Thank you. Okay. I've read
6 paragraph 7 now and I do apologize for the interruption.

7 MR. ZOBRIST: That's all right. That's all
8 right.

9 BY MR. ZOBRIST:

10 Q. The sentence I wanted to focus on is that
11 second sentence in paragraph 7 that you just read.

12 A. Okay.

13 Q. It's really just the first part of that where
14 the pleading says, quote, electricity from the asset
15 will flow to EMW's customers even though it is not in
16 rate base and the rates that will be in effect at that
17 time will not reflect the investment in Persimmon Creek.
18 Revenues from energy sales into the Southwest Power Pool
19 will flow through EMW's fuel adjustment clause while
20 operating costs, return on and of the investment not
21 appropriately recorded to the regulatory asset
22 consistent with PISA, the 15 percent and the production
23 tax credits, that's a parenthetical phrase, from the
24 asset will flow to EMW as the owner of the facility
25 until such time as the asset and associated costs and

1 revenues are addressed by the Commission in a general
2 rate case. Do you generally agree with that proposition
3 that the revenue is going to flow through the FAC even
4 though it's not in rate base?

5 A. So I think that is what Witness Fortson stated
6 earlier. He would probably be a better witness as far
7 as the specifics of the fuel adjustment clause tariff.
8 But I think that is my understanding of what the
9 Company's position is.

10 Q. And one of my colleagues asked that of
11 Mr. Fortson and I just wanted to confirm that you didn't
12 have a disagreement with Mr. Fortson?

13 A. I think that is what the Company has stated
14 their position is.

15 Q. Thank you. I've got to return to my seat.
16 I've got a few more questions for you.

17 MR. ZOBRIST: I move the admission of Exhibit
18 14, Judge.

19 JUDGE DIPPELL: Would there be any objection
20 to Exhibit 14?

21 MS. MARTIN: I'm just confused because we
22 already have it in the filings.

23 JUDGE DIPPELL: But it's not in evidence.

24 MS. MERS: I think that that would be a
25 concern of mine where I would object. If Everyg knew

1 this at this point, why was this not in testimony then
2 where it would be in evidence where we wouldn't have to
3 rely on a pleading instead of one of the witnesses who
4 filed testimony explaining this?

5 MR. ZOBRIST: Judge, I can respond for two
6 things. First of all, I've been involved in cases where
7 the Commission wants us to put pleadings into evidence
8 if they're not in the testimony. So that's why we did
9 it in both the IRP case that Mr. Fischer cited with
10 Mr. Fortson and then in this case just to make it clear
11 that we took this position on the record after direct
12 had been filed but before supplemental direct had been
13 filed. There was some question about that when we were
14 having discussions with Public Counsel's witness.

15 Secondly, we did provide this in testimony
16 after we made this public filing and it was in Ms.
17 Messamore's and to be clear it's actually on page 20 of
18 her supplemental direct and she talks about the dollars
19 flowing. The dollar number is highly confidential as it
20 is in Mr. Luebbert's testimony and I believe page 26 of
21 Mr. Luebbert's testimony. So it isn't testimony but it
22 was actually just offered to make sure that the record
23 was clear that this is not some proposition that we just
24 came up here in February of the hearing.

25 MS. MERS: If it's in Ms. Messamore's

1 testimony, then I think that that would speak for itself
2 and then make this duplicative and not necessary.

3 MR. ZOBRIST: No, Judge, the timing is
4 important here because there has been some suggestion
5 that this was a new concept or a new proposition that
6 the Company was promoting here at the hearing, and we're
7 saying it was done early in the case. So I think it's
8 really important.

9 JUDGE DIPPELL: All right. I'll allow it.
10 I'll overrule the objections and admit Exhibit No. 14.

11 MR. ZOBRIST: Thank you, Judge.

12 JUDGE DIPPELL: I'm sorry. Let me just
13 clarify because I don't think I said it out loud. It is
14 a Reply of Evergy Missouri West to Public Counsel's
15 Response to Application and it is dated October 6 of
16 '22. Okay. Now go ahead.

17 (EVERGY EXHIBIT 114 WAS RECEIVED INTO EVIDENCE
18 AND MADE A PART OF THIS RECORD.)

19 MR. ZOBRIST: Just a couple of other areas,
20 Mr. Luebbert.

21 BY MR. ZOBRIST:

22 Q. Counsel for Office of the Public Counsel was
23 asking you about the levelized cost of energy analysis
24 and you talked about the RFP process that Evergy went
25 through. There are also other non-analytical facts in

1 **this case. For example, isn't it true that there is no**
2 **risk with regard to Persimmon Creek versus a new plant**
3 **that has to be constructed on time and on budget,**
4 **correct?**

5 A. So can I just make sure I want to clarify and
6 make sure I have the question correct.

7 **Q. I can rephrase.**

8 A. Or if you could just repeat it, that would be
9 great.

10 **Q. Because Persimmon Creek is already built,**
11 **isn't it true there is no risk regarding with this**
12 **project versus another project that has to be**
13 **constructed and constructed on time and on budget**
14 **because it's already been built; that's a risk that does**
15 **not exist in this application?**

16 A. I think I point out several risks with
17 Persimmon Creek.

18 **Q. My question is, that's one risk. We don't**
19 **have a construction risk with Persimmon Creek, correct?**

20 A. You're asking about whether or not there's --
21 the only difference being the construction risk between
22 Persimmon Creek and a new project, is that what you're
23 asking me?

24 **Q. Right now that's my question, yes, sir.**

25 A. Okay. I would agree that there's not

1 construction risk with Persimmon Creek unless there are
2 additional modifications that are required at a future
3 time.

4 **Q. And isn't it true with regard to a potential**
5 **new project Persimmon Creek doesn't have any risk with**
6 **regard to disruptions in supply chains regarding wind**
7 **turbine generator blades, things like that, being**
8 **delivered on time; we don't have that risk in this**
9 **application?**

10 A. I don't think so at this time, but I also -- I
11 hesitate to say definitively whether or not there is
12 because I don't know for certain that all of the wind
13 turbines or all of the blades are in good condition. I
14 frankly haven't done that review. And so to the extent
15 that some of those things need to be replaced either
16 prior to or after the acquisition, I think that's
17 certainly an issue that will need to be addressed and I
18 haven't reviewed it to be able to say definitively.

19 **Q. And Persimmon Creek is already interconnected**
20 **to the Southwest Power Pool grid, correct?**

21 A. That is my understanding, yes.

22 **Q. And with regard to the capacity accreditation**
23 **of this unit, if Evergy's request for firm transmission**
24 **service is granted and it's economically feasible, isn't**
25 **it true that it would receive a higher capacity**

1 **accreditation?**

2 A. Your question is would it receive a higher
3 capacity accreditation if what?

4 **Q. Firm transmission service were afforded to it**
5 **with regard to Evergy Missouri West?**

6 A. I believe that is the case, but I don't know
7 if there will be additional costs that will be necessary
8 either. And I think staff asks some questions about
9 that in this case. Unfortunately I'm probably not the
10 best witness to discuss the firm transmission. That
11 would have been Shawn Lange. But I do think if I recall
12 correctly, there may be some additional costs of study
13 and I don't know if there might be some additional costs
14 of transmission upgrades that would be necessary in
15 order for that to happen, and I also don't know what the
16 impact like what the upper limit of the impact on the
17 accredited capacity would be.

18 **Q. But at a high level, if firm transmission**
19 **service is achieved, it would increase the accredited**
20 **capacity for this unit, correct?**

21 A. Increase it from the -- I guess increase it
22 from what?

23 **Q. We're at about 10 percent to 12 percent,**
24 **right, at a so-called tier 3 under Southwest Power Pool**
25 **rules?**

1 A. I think the assumption right now is about a 10
2 percent capacity accreditation, and I expect that I
3 guess it wouldn't surprise me that having firm capacity
4 service would allow for a bit higher capacity
5 accreditation but I can't speak to the percentage.

6 **Q. It would increase?**

7 A. I think so.

8 **Q. If you could turn to page 20 of your rebuttal.**
9 **Mr. Luebbert, this is in the discussion that you have**
10 **here of SPP market revenues. And if I understand what**
11 **you're saying, you define SPP market revenues as the**
12 **product of the energy production and MW hours and the**
13 **locational marginal price or LMP; is that generally**
14 **correct?**

15 A. You said page 20; is that correct?

16 **Q. Yeah, I think you actually may have begun the**
17 **discussion at the bottom of page 19, but yes, I'm**
18 **focusing on page 20 of your rebuttal testimony.**

19 A. Okay. What was the question? I apologize.

20 **Q. My question is generally that SPP market**
21 **revenues are determined by, according to your testimony,**
22 **the energy production and MW hours of a plant times the**
23 **LMP, the locational marginal price, that you get?**

24 A. So that is there's a datahead and a realtime
25 market within SPP and so it's not quite as simple as

1 just taking the product of those two things.

2 **Q. I'm just quoting your testimony. I don't want**
3 **to get you into a dissertation on LMPs at a high level.**

4 A. I think right after that the start of page 20
5 I say Staff's analysis of market revenues accounts for
6 revenues in both SPP datahead and realtime markets. I
7 want to make that clarification that it's not as simple
8 as taking the production and multiplying it by what the
9 realtime LMP is. I don't want to oversimplify for the
10 sake of being incorrect, right.

11 **Q. Let me point you then to your definition of**
12 **LMP. You state that it is made up of three components:**
13 **the marginal energy component, the marginal congestion**
14 **component and the marginal loss component, correct?**

15 A. That is my understanding.

16 **Q. And you agree with Ms. Messamore that dispatch**
17 **in the SPP market is generally based on short-run**
18 **marginal costs; is that true?**

19 A. I believe that is true.

20 **Q. And is it also true that LMP, locational**
21 **marginal pricing, in the SPP market does not include the**
22 **fixed costs of an asset such as the return on costs and**
23 **-- the return of costs and the return on the investment?**

24 A. So I think you may be mixing terminology a
25 bit. So the LMP is the result of the security

1 constrained economic dispatch model of SPP. The inputs
2 to that model or to the SCED are based on --

3 THE STENOGRAPHER: I'm sorry. To the?

4 THE WITNESS: SCED, the security constrained
5 economic dispatch model.

6 MR. ZOBRIST: It's all capitals, S-C-E-D.

7 THE WITNESS: Yes.

8 BY MR. ZOBRIST:

9 **Q. Go ahead.**

10 A. Thank you. So the generator owner will bid
11 its units into the SPP market. My understanding is that
12 would be based on short-run marginal costs, but the
13 actual LMP is not necessarily tied to what those
14 short-run marginal costs would be. It's tied to what is
15 dispatched or what is determined by the SCED and then
16 obviously that changes by location because of kind of
17 the large differences that can occur throughout the
18 footprint.

19 **Q. Exactly. And so the elements that go into
20 whether you make money in the market or you lose money
21 in the market doesn't have anything to do with the fixed
22 costs of the asset that's into the market?**

23 A. Well, I think determining whether or not the
24 asset is ultimately economic does depend on whether the
25 revenue from that asset exceeds not only the short-run

1 marginal costs but the fixed costs. So that's an
2 important distinction.

3 **Q. My question is, what makes up the LMP? Fixed**
4 **costs do not make up the locational marginal price in**
5 **the market; isn't that correct?**

6 A. I don't know that the -- I guess this is where
7 I'm getting confused with the question, because I don't
8 know that the LMP is necessarily tied to the fixed cost
9 or the short-run marginal cost of the unit at that
10 location. It's based off of the dispatch of the
11 resource mix in the SPP footprint. So it isn't
12 necessarily tied to that unit's short-run marginal
13 costs, at least as far as I understand.

14 **Q. And so fixed costs are not an element that go**
15 **into either marginal energy or marginal congestion or**
16 **certainly not marginal loss; there's not a fixed cost**
17 **element into any of those three elements of the LMP?**

18 A. I believe the answer is no, but I also believe
19 that the other elements aren't necessarily tied to the
20 short-run marginal costs of a specific unit in a
21 specific location for the LMP that's determined only at
22 that location.

23 **Q. Well, for example, isn't it true generally**
24 **that nuclear units bid in at zero because they want to**
25 **make sure that they'll be dispatched in the market and**

1 **that does not reflect their fixed costs?**

2 A. So I'm really not trying to be nit-picky but I
3 think there's a large difference between what you're
4 bidding a resource in at and what the LMP is. Those are
5 two very different things. You can bid in a resource
6 and be dispatched but the LMP be much higher than that.
7 So they're not necessarily the same thing and you
8 shouldn't -- I wouldn't try to equate the two.

9 **Q. Apart from dispatch and apart from LMP, the**
10 **inputs to the decision of whether to dispatch a unit or**
11 **what it's going to make in the market do not reflect the**
12 **unit's fixed costs?**

13 A. So I would describe in a given time period the
14 revenue in excess of the short-run marginal costs of
15 operating a unit as its profit in that hour. To the
16 extent that a resource can have revenues that exceed
17 both its fixed costs and its marginal short-run costs,
18 that's great and that is probably a good economic choice
19 for that time period being reviewed. So I'm really
20 struggling with what your question is and how to answer
21 it appropriately.

22 **Q. I guess maybe I can ask the question this way.**
23 **When a unit bids into the market, there's no guarantee**
24 **that they're going to make money or lose money based on**
25 **what their fixed costs are, correct?**

1 A. When a unit bids into the market, there's no
2 guarantee that they will make more money than their
3 fixed costs; is that your question?

4 **Q. Correct.**

5 A. I think that is correct. And it would be
6 specific to a time frame, right, so it depends on what
7 it is you're reviewing. Part of the discussion in my
8 testimony is that if your basis for a project is to
9 hedge market energy costs but your own projections and
10 your own analysis show that you're going to cost
11 ratepayers more money over the long term, that's
12 probably not a great hedge, especially whenever your
13 unit isn't dispatchable and may not be available at the
14 times of greatest market energy costs to serve load.

15 **Q. Now, this is not a rate case so we're not**
16 **looking at all the factors that would affect and that**
17 **affect Evergy Missouri West at this point. This is just**
18 **a CCN case, correct?**

19 A. This is not a rate case, correct.

20 **Q. So in this case, you know, the Commission is**
21 **not asked to see what the fixed costs of the Company,**
22 **what their variable costs are and to set just and**
23 **reasonable rates, correct?**

24 A. I don't believe that the Commission will be
25 setting rates within this case, but it does have the

1 opportunity to deny an application which provides
2 shareholders with great benefit to the detriment of
3 ratepayers based on the information that Evergy's
4 provided us.

5 **Q. Well, that's your opinion, correct, and the**
6 **Company disagrees with that?**

7 A. That is true.

8 **Q. And the Company to be fair has presented its**
9 **view of the benefits that it thinks exceed the**
10 **detriments and Staff takes a different view, correct?**

11 A. I don't know that the company has provided
12 information that says that the benefits are going to
13 exceed the detriments?

14 MR. ZOBRIST: Judge, I think that's all I
15 have.

16 JUDGE DIPPELL: Thank you. Are there
17 questions for Mr. Luebbert from the Commissioners?
18 Mr. Chairman?

19 CHAIRMAN RUPP: Thank you, Judge.

20 QUESTIONS

21 BY CHAIRMAN RUPP:

22 **Q. Try to keep this as high level as we possibly**
23 **can and bonus points if you do not use an acronym.**

24 A. I may fail in that.

25 **Q. You had stated in one of the interactions with**

1 someone that the value of an asset is provided to the
2 Company when that asset is generating?

3 A. So the revenues from that asset will occur
4 when it's generating, correct.

5 Q. So even with operating in negative, negative
6 prices, is there still a value to the Company when that
7 asset is generating?

8 A. It probably depends on how negative the LMP
9 gets. So I talked about in my testimony --

10 Q. LMP.

11 A. I knew I would fail.

12 Q. You had 30 seconds. I think you made 25.

13 A. I talked in my testimony about the fact that
14 given the value of the production tax credit, and I had
15 to really hold back from saying PTC there, given the
16 value of the production tax credit there might be times
17 where they may be willing to produce down below zero but
18 not less than \$26 because as you exceed the value of
19 that tax credit you're really getting to a point where
20 you're producing at kind of a zero sum. You're not
21 getting benefits that are exceeding the costs of what it
22 took to generate electricity.

23 Q. So even in that scenario, is there a benefit
24 then to the ratepayers because energy is not being
25 produced from a higher cost generation inside the

1 **footprint?**

2 A. So within that scenario, and I guess you're
3 asking if the LMP is less than negative 26 or the
4 negative value of a production tax credit. In that
5 scenario it's actually costing ratepayers money for
6 every MW hour that's being produced at that point. And
7 so it sounds a bit counterintuitive because you're still
8 producing something, right, you're still producing a MW
9 hour or a kW hour of energy. But the market is
10 signaling at that point that -- it is signaling you to
11 stop producing and it's actually, I would argue, it's
12 signaling for you to do that as soon as the LMP is less
13 than zero, but there are certain circumstances. It's
14 not limited to just renewables that this occurs, but for
15 a renewable asset it does occur because of the fact that
16 you can have a tax credit. So I don't -- I guess the
17 other thing is that there's a difference between the
18 locational marginal price of the generating asset and
19 the LMP, I did it again, the LMP of the load node and
20 those are going to be different in every single instance
21 throughout the year.

22 So curtailing at Persimmon Creek especially,
23 you know, given its location, I don't think that
24 curtailing at a point that's less than negative, let's
25 say negative \$26 is necessarily costing more for

1 ratepayers. In fact, it's just saving them from having
2 a negative revenue or an additional cost for that
3 production. So in every hour the Company is going to
4 purchase the amount of energy required to serve its load
5 at its load node, in this case just for Evergy Missouri
6 West's load node, regardless of whether or not Persimmon
7 Creek is owned by Evergy or owned by another utility, or
8 I'm sorry, or continued to be owned by its existing
9 owner, that the amount that Evergy's purchasing for its
10 own load won't change.

11 **Q. So I guess I'm trying to -- I understand what**
12 **you're saying. And then SPP ratepayers are benefiting,**
13 **thought, from lower cost of fuel wind energy because**
14 **they're negative prices?**

15 A. Oh. So if the question is during periods of
16 negative pricing is the cost to serve load in those
17 areas of negative pricing lower, if that's the question,
18 that is certainly the case. The difference or I guess
19 the main thing to keep in mind is that negative prices
20 occur much more frequently at the Persimmon Creek
21 generation node than they're going to at the Evergy
22 Missouri West node, and again their ownership won't
23 change that. So a lot of times what you will see and I
24 think Commissioner Holsman kind of alluded to SPP has a
25 day ahead and a realtime map that kind of shows across

1 the footprint where there's negative prices and where
2 there's higher prices. So typically what I've seen is
3 that those negative prices occur most frequently in the
4 areas of a lot of wind which also coincide with not a
5 lot of load to off take that energy and so it has to be
6 transmitted a fairly long distance and so you do see
7 negative pricing occur more frequently at those
8 generation nodes than you will at the load node or where
9 you're incurring the price to serve your load.

10 **Q. So to summarize, there's a negative impact to**
11 **ratepayers of the Company when there's high negative**
12 **prices but there is some benefit to those ratepayers**
13 **through the inexpensive cost of wind that's coming**
14 **through SPP. And can that net be calculated out or is**
15 **it just?**

16 A. I think where it becomes -- I think what
17 you're saying is along the right path, right.
18 Intuitively it would make sense that they were the case
19 if you didn't have the issue of congestion and losses.
20 Because of the fact that those are two large components
21 of the LMP and also just for the system in general,
22 those are components that have to be dealt with, you do
23 end up in a situation where you might have negative LMPs
24 say in western Oklahoma and at the same time be having
25 LMPs at the load nodes that are in the thirties to

1 forties dollars per MW hour. So there's a differential
2 between the generation node LMP and where that
3 electricity is being purchased.

4 I talked a little bit about it as the nodal
5 differential within my testimony. I touched on it at a
6 pretty high level, but there is -- that is why I've made
7 it a point within my testimony to talk about how the
8 location and the timing of generation and the location
9 and timing of energy usage is so impactful whenever
10 you're looking at the economics of either adding a
11 resource or serving your load. Those are the two I
12 would say they're the most important pieces.

13 **Q. Okay. I know it's late and my brain is fuzzy.**
14 **So remind me if the Company were to build a wind farm,**
15 **that wind farm would be eligible for the production tax**
16 **credits for how many years?**

17 A. I believe as long as it met the requirements
18 of the legislation, right, it would be ten full years.

19 **Q. So regardless -- So the wind farm that was**
20 **purchased -- or built in 2018 and if it meets everything**
21 **goes to 2028; one that's purchased or built in 2024**
22 **would go to 2034 under the current plan?**

23 A. I believe that's correct.

24 **Q. You had also mentioned in the Inflation**
25 **Reduction Act that you believe there was a solar**

1 production tax credit; that the Company did not look at
2 solar in their inputs into the IRP. How big of a solar
3 farm would they need to get to the 170 MW that they are
4 short?

5 A. If you'll give me 30 seconds to look at my
6 testimony, I think I can actually give you a pretty
7 close number.

8 Q. Sure.

9 A. Okay. So on page 9 it's a table that is
10 admittedly an excerpt from Ms. Messamore's testimony but
11 it has each resource type and the accredited capacity
12 value within that. Her assumption was that solar would
13 carry a 50 percent capacity accreditation for SPP and so
14 looking at the 170 multiplied by two, a 340 MW solar
15 facility would get roughly close to that, I think, you
16 know. The flip side of that is if you're doing that
17 same math for a wind resource that's only getting 10
18 percent, take that 170 and multiply it by ten and so
19 you're looking at 1.7 GW of wind to get that same
20 capacity value.

21 So I think this is really important because
22 we've brought up in a couple cases, and I know you
23 alluded to it with a question to our attorney yesterday,
24 about Staff having recommendations when -- a
25 recommendation to reject CCN applications when it's not

1 fulfilling the entire capacity, right?

2 Q. Yes.

3 A. But I think what we're looking at is we have
4 to base our recommendation on the application before us.
5 And in this case we have a company that's stating that
6 its need is a summer capacity need and its solution is
7 to get the least efficient capacity resource to meet
8 that need. And that's what it's offering as its option.
9 And then on top of that we found additional issues and
10 we raised those through testimony.

11 And then in the other case that we recently
12 had before you we had a company that was stating that
13 there was a winter capacity need and its solution was to
14 use one of the worst resources that it possibly could
15 for a winter capacity need. We have to give you a
16 recommendation based off of the application we have
17 before us. We're not the decision makers as far as
18 issuing the RFP or looking at the RFP to decide what the
19 best asset is. We're just left with providing you the
20 recommendation based on what the Company has provided
21 us. That's what our recommendation has been so far.
22 It's not that we're against an incremental capacity in
23 order to fulfill a need, but it needs to be economically
24 efficient. It has to be a good use of resources and
25 they need to have a good reason to do it. With these

1 two applications we haven't seen that. That's why we've
2 recommended rejection for both.

3 CHAIRMAN RUPP: That's all I have, Judge.
4 Thank you.

5 JUDGE DIPPELL: Thank you. Are there any
6 other Commissioner questions for Mr. Luebbert?

7 COMMISSIONER HOLSMAN: No questions.

8 COMMISSIONER KOLKMEYER: Yes, Judge.

9 JUDGE DIPPELL: Hang on just a moment. I
10 believe I heard Commissioner Holsman say no questions;
11 is that correct?

12 COMMISSIONER HOLSMAN: Yes, that's correct,
13 but I appreciate the discussion. Thank you.

14 JUDGE DIPPELL: And Commissioner Kolkmeyer,
15 did you say you did have a question?

16 COMMISSIONER KOLKMEYER: I do. Thank you,
17 Judge, yes.

18 QUESTIONS

19 BY COMMISSIONER KOLKMEYER:

20 **Q. First of all, I want to thank the Chairman for**
21 **the questions he asked. That really helped me. My**
22 **question for the witness is, with the tax credits**
23 **included, how much did Persimmon Creek project lose last**
24 **year with including the tax credits?**

25 A. So I will say that the answer is difficult and

1 part of the reason is that Evergy doesn't currently own
2 the asset and so we don't have -- it's not being
3 included in the revenue requirement that's being
4 recovered from ratepayers. And I think that there's
5 been some discussion about what the original build price
6 was, but we don't have specifics on kind of how that's
7 being reflected on the balance sheet of Persimmon
8 Creek's current ownership. But what I do have is within
9 my testimony I have, it is a table. If you'll give me
10 just a moment I will point you to it.

11 **Q. Okay.**

12 **A.** Okay. So on page 18 of my testimony, this is
13 where I'm talking about the economic analysis of
14 Persimmon Creek. Table 1 is the annual revenue
15 requirement from Evergy Missouri West. Within this
16 table it has the revenue requirement that Evergy assumed
17 in 2023 through 2028 and then in a different color I
18 have from 2029 through 2038. So the revenue requirement
19 within that table includes the assumed tax benefits of
20 the production tax credit. So what that says is that
21 ratepayers if they were getting all of the tax credits
22 in 2023, which it is Evergy's position that they would
23 not, but if they did, that the revenue requirement
24 realized through their rates would be the value that's
25 in the first row. I'm sorry. I almost went into --

1 started talking about confidential information.

2 So what we also have is the revenue, the
3 historical revenue from this asset. And what I saw
4 whenever I was looking at this is that I don't believe
5 in any year since this asset has been operational that
6 it's exceeded what that revenue requirement would be.
7 And so what the result is is that ratepayers are going
8 to pay more through their rates than the benefits that
9 they would receive from the revenues from the asset.

10 Now, if you take out the benefit of the tax
11 credit, and you can see that in the row that's labeled
12 2029, just as kind of a comparison you see that there's
13 a pretty large jump whenever those tax credits fall off.
14 And so it is, I won't say it's perfect but it's a fair
15 proxy just for this example to try to kind of
16 conceptualize how big of a loss ratepayers might take
17 prior to the next -- prior to receiving the benefit of
18 those tax credits and it's substantial. And that's part
19 of the reason that we brought our recommendation to the
20 Commission. I hope I answered your question and did not
21 get lost in the detail about being able to tell you any
22 numbers.

23 COMMISSIONER KOLKMEYER: No, I understand.
24 Thank you for your answer. Thank you, Judge. That's
25 all.

1 COMMISSIONER HOLSMAN: Judge, this is
2 Commissioner Holsman. I actually do have a question.

3 JUDGE DIPPELL: Go ahead.

4 COMMISSIONER HOLSMAN: Thank you.

5 QUESTIONS

6 BY COMMISSIONER HOLSMAN:

7 **Q. In your opinion, is there more value to the**
8 **customer if the asset is owned by the utility or who**
9 **have entered into a PPA?**

10 A. So that's a really hard question for me to
11 answer and the reason being that the PPAs that I've seen
12 all have slightly different contracts and so without
13 being able to judge those in comparison with this
14 application, I can't give you a great answer that's
15 definitive. I will say that I've also raised concern
16 before the Commission in the past about Evergy entering
17 into PPAs that we disagreed with some of the economic
18 analysis there and in those instances they didn't need
19 approval from the Commission, they just entered the PPA
20 and then flowed those costs to ratepayers and then on
21 the back end if somebody needed to argue that it was
22 imprudent it creates an additional hurdle.

23 I will say my preference would be for the
24 Company to justify the economics of a project prior to
25 entering into it, and in this case Evergy's failed that

1 attempt and that's why we've made this recommendation.
2 So I guess if all else is equal, I would prefer more
3 oversight and more justification from the Company prior
4 to burdening ratepayers with additional costs.

5 COMMISSIONER HOLSMAN: Thank you, Judge.

6 JUDGE DIPPELL: Thank you, Commissioner. Any
7 other Commissioner questions? All right. I have some
8 questions.

9 QUESTIONS

10 BY JUDGE DIPPELL:

11 **Q. So in your -- I asked some similar questions**
12 **to some of Evergy's witnesses, but you used the term**
13 **capacity factor. I think you used capacity factor.**
14 **There was capacity factor and net capacity factor in**
15 **your testimony and in Ms. Messamore's testimony and I**
16 **believe in Mr. Humphrey's testimony. The testimony**
17 **earlier was that those were pretty interchangeable**
18 **terms. Is that?**

19 A. I think I would agree with those having been
20 used interchangeably in the testimony in this case.
21 Obviously we had some disagreement on how that capacity
22 factor should be utilized or whether or not it was
23 overstated. But I think the term itself is -- I think
24 they've probably just been used interchangeably.

25 **Q. Okay. And since they've been used**

1 interchangeably I can, or the Commission can assume that
2 the difference between the net capacity factor and the
3 capacity factor is not terribly significant; is that
4 hard to say?

5 A. If you had like a couple comparisons for me to
6 look at, I'd be happy to give you a definitive answer.
7 My hesitation is my own testimony I think was more than
8 50 pages and I know that others had testimony. And so
9 to the extent that something was used slightly
10 differently, I don't want to give you a misleading
11 answer, especially if there's specifics that you're
12 looking at.

13 Q. I just want to try to clarify that when those
14 terms are used in the testimony, I guess if it's not
15 clear that those are precise measurements with
16 particular data that the Commission can compare capacity
17 factor and net capacity factor. I'm not sure where all
18 of those cites are either in the testimony at this
19 point.

20 A. No, that's fair. I think that is the case. I
21 would just caution that the capacity factor is a time
22 sensitive factor, right, so you can have a different
23 capacity factor for the same resource in a different
24 year or over a month or even a day. And so comparing a
25 capacity factor that occurred in say 2021 in a given

1 month is not the same as the capacity factor that was
2 realized over the year or let alone over a few days or a
3 few hours, but I do think that my guess is that those
4 terms were not intentionally differentiated, right.

5 **Q. Thank you. In your rebuttal testimony, and**
6 **I'm sorry I don't have a citation, you suggest that the**
7 **historical capacity factors experienced -- wait a**
8 **minute. Maybe I do have a cite. No, sorry. In your**
9 **rebuttal testimony you suggest that the historical**
10 **capacity factors experienced at Persimmon Creek are**
11 **likely to drop once the unit is no longer eligible for**
12 **the production tax credits. Can you explain that and**
13 **why it's a concern?**

14 **A. Yes, absolutely. This is actually a very**
15 **important aspect of my testimony and one of -- I would**
16 **say one of the most crucial flaws of Evergy's analysis.**
17 **So Evergy has discussed and I think their testimony**
18 **admits they're willing to operate this asset at a**
19 **negative revenue for a period of time in order to get**
20 **the tax benefit of a production tax credit. So they may**
21 **be willing to incur losses, and this is difficult**
22 **because I think we've gotten different answers from the**
23 **Company depending on when they've answered it, but they**
24 **may be willing to incur losses up to and past what the**
25 **value of a production tax credit is. And so my**

1 testimony assumed that they wouldn't produce any energy
2 lower, when the LMP was lower than negative \$26 because
3 the production tax credit value is \$26. They came back
4 in surrebuttal and said that's probably not right, it
5 would be more like, and I don't want to say a negative
6 number, but it would be a number in the negative
7 thirties that they'd be willing to produce. So they're
8 willing to take a loss in the short term for the value
9 of that tax credit at the end of the year or whenever
10 they can utilize it. As soon as that tax credit is
11 gone, I can't think of a financial reason why a utility
12 would operate a renewable asset that's capable of
13 curtailing as long as there's not going to be issues
14 with the equipment or there's not going to be issues,
15 you know, on the system.

16 I don't know why there would be a financial
17 reason for them to continue to produce at LMPs that are
18 less than zero. And so since this location has realized
19 LMPs at a very high level year over year and the number
20 of hours at negative prices is occurring at the
21 Persimmon Creek generation node has increased year over
22 year, as soon as that production tax credit falls off,
23 they will produce less from that point on.

24 And so the analysis that I did was to go and
25 look at what that production would have been

1 historically for the last four years of operation had
2 they stopped producing at anything less than negative
3 \$26 and then I looked at what was the production if they
4 didn't produce at any negative pricing which would
5 reflect what I would expect them to utilize the resource
6 once those tax credits are gone. And I think I've got a
7 few tables within my testimony but the fall-off in
8 production is substantial to the point that I am very
9 comfortable saying that in Evergy's analysis -- I guess
10 it's important to consider that their analysis looks at
11 this project for 16 remaining years of the asset.
12 There's only -- Ten of those years will be without
13 production tax credits. And so to a point that they're
14 assuming revenue and generation that far exceeds what is
15 reasonably expectable for 10 out of the 16 years is
16 deeply concerning to me. So that is why I made the -- I
17 had the charts that explained what the capacity factor
18 would have been over those four years and provide that
19 as a comparison to what, as I guess the best proxy that
20 I have available at this time for what to expect in 2029
21 on.

22 **Q. Okay. And do you have in your testimony how**
23 **those capacity factors will continue to change through**
24 **the end of the production tax credit eligibility?**

25 **A.** If you'll give me just a moment, I'll give you

1 some citations. So page 35 is where I begin discussing
2 the capacity factor. And page 36 is where I had the
3 correction earlier. Page 37 is the capacity factors
4 that have been realized given the information that we
5 had available from 2018 through 2022. If you assume
6 that that asset no longer produced at negative LMPs. So
7 as you can see, there's a substantial dropoff whenever
8 you're no longer producing at a net cost. Then on --
9 I'm sorry. That was Table 6.

10 On page 38, Table 7 provides the same analysis
11 which just looks at the historical production again,
12 assuming that you zero out the production for all LMPs
13 that are less than negative \$26. So while it's not
14 nearly as substantial as the prior table, it does show
15 that if Evergy weren't producing below \$26 that there is
16 a dropoff from what the historical capacity factors have
17 been.

18 I have not -- Within these tables I haven't
19 projected out what the capacity factor will be in each
20 year going forward, but I think these show a very clear
21 demonstration that Evergy's assumption that the capacity
22 factor is going to maintain what it has been over the
23 last four years for the next 16 is completely
24 unreasonable and the results of the analysis need to be
25 thrown out and looked at again.

1 **Q. In Ms. Messamore's surrebuttal, she responded**
2 **to Staff's capacity factor calculations, especially**
3 **those presented in Table 7 of your rebuttal. So how**
4 **does Staff believe that Ms. Messamore's analysis is**
5 **flawed and if it's confidential, don't say.**

6 A. Okay. Do you have a specific page or are you
7 just speaking generally?

8 **Q. I'm just speaking generally.**

9 A. Okay.

10 **Q. I'm not sure where the citation was. Sorry.**
11 **If you don't know, that's --**

12 A. I would say Ms. Messamore's testimony does not
13 resolve in any way the Staff's concerns. I think her
14 testimony is slightly misleading, and I'm glad that you
15 asked about it. Her testimony at one point states that
16 the IRP isn't utilizing the capacity factor. But the
17 way that Evergy -- Evergy did utilize the capacity
18 factor to scale up all of the production of this generic
19 wind assumption that they had in their previous IRP.
20 And by doing that and not accounting for the propensity
21 of negative pricing in this specific location, they're
22 still overstating the production of this asset.

23 I would disagree with her that accounting for
24 -- I think she states at one point that accounting for
25 the issues that I raised with double count in the IRP I

1 totally disagree because of the way that they developed
2 the actual output of the resource or the projected
3 output hasn't been actual yet. It's all a projection.

4 She brought up a few different things about my
5 testimony that I absolutely disagree with. One of them
6 being I think she called my assumption that the current
7 owner would operate below a certain level suspect. I
8 went and looked at the data. They operated at levels
9 below that value which is what I was saying. She
10 provided some analysis that estimates the cost of the
11 negative revenues and then tries to equate or tries to
12 balance that against the NPVRR savings which they're not
13 comparing to actual rates, they're looking at
14 comparisons of other resources.

15 The amounts that she uses are averages based
16 on historical negative revenues. As I discussed
17 earlier, those negative revenues have been increasing
18 year over year, and the last two years have been the
19 highest values of negative revenues for this asset.
20 So using an average is probably underestimating what
21 that impact is going to be.

22 I think on Table -- She has a table on page 19
23 that it talks about the -- I want to make sure I'm not
24 saying anything confidential, but it talks about some of
25 the existing units that are included in Evergy's rate

1 base. So it's important to consider that these are
2 units that have already been placed in Evergy Missouri
3 West's rates. The Commission has deemed them prudent.
4 The customers are already paying for the asset through
5 their rates.

6 There's a major difference between justifying
7 a new project based on the premise that you're going to
8 hedge market costs for ratepayers and then trying to get
9 the revenue that you can out of the assets that you
10 already own. Those are two very different premises.
11 And so I don't find that discussion or that table that
12 she provided very compelling at all. And then I think
13 she tries to use that table to explain that since the
14 existing units may not be making as much revenue as the
15 costs that are realized through rates that this is no
16 different.

17 It is a terrible argument to say these other
18 assets are losing so much money, this one won't be that
19 much worse. That's not a good reason for the Commission
20 to approve this project. The fact of the matter is
21 independent power producers exist in SPP. My assumption
22 is that their goal is to invest in assets that are going
23 to be profitable over the life of the asset. And they
24 don't have captive ratepayers that they can collect the
25 cost of that asset from.

1 Now, in this application we have an
2 independent power producer that has sold its asset to
3 Evergy after getting more than four years of a tax
4 credit and they're walking away from the asset. I don't
5 want to speculate on what the motives of Scout were for
6 selling, but my guess is that they aren't selling this
7 asset because it made them so much money unless they
8 were getting a premium for selling the asset.

9 JUDGE DIPPELL: Okay. I think I'm losing the
10 crowd a little. It's after five o'clock and I think
11 we'll take a short break. Everybody can call their
12 loved ones and say she won't stop talking, so we're
13 going to be here a little bit longer. I do still have a
14 few more questions and then we'll do recross and
15 redirect and housekeeping and call it a night. I hope
16 that we can wrap up shortly. With that, let's take a
17 ten-minute break until 5:25 and we can go off the
18 record.

19 (Off the record 5:14 p.m. to 5:25 p.m.)

20 JUDGE DIPPELL: Okay. I think everybody is
21 back in the room so let's go ahead and go back on the
22 record. Okay. We're back and I was questioning
23 Mr. Luebbert and I've got a few more questions. I lost
24 my place though.

25 BY JUDGE DIPPELL:

1 **Q. When does Staff expect that, I think you might**
2 **have been asked this already, but when did Staff expect**
3 **that Evergy West might come back in for its next rate**
4 **case?**

5 A. So I don't think that I answered that
6 question. I believe earlier somebody, I can't recall
7 exactly who it was, but somebody was discussing the
8 effective date of rates for Evergy I believe were in
9 January of this year and so they'd be required to have a
10 rate case completed. I believe their requirement to
11 continue their FAC would be within four years from that
12 point.

13 **Q. Was that completed or begun? Do you know?**
14 **If you don't know.**

15 A. I don't want to state incorrectly. I do think
16 so there's kind of a range of possibility. Obviously
17 Evergy West hasn't filed a new case today as far as I'm
18 aware. I've been away from my email, but that would
19 require a 60-day notice and then the 11-month time
20 period, so that kind of gives a range of when that could
21 be.

22 **Q. So based on -- Depending on whether they have**
23 **to file within three years or get the case completed,**
24 **depending on what the law says, the latest that things**
25 **could be rolled into rates would be whenever they file**

1 plus say 11 to 12 months?

2 A. Yeah. I want to say that it would be 2027,
3 and so that would leave the year of 2027 and then the
4 following eight months of 2028 that production tax
5 credits could continue to -- or that's their eligibility
6 window for Persimmon Creek and then after that that
7 would no longer be the case.

8 Q. In Ms. Messamore's Schedule KM-2, again that's
9 in her supplemental direct and it's a confidential
10 schedule, there's a number of worksheets with a bunch of
11 different alternatives for Persimmon Creek, including
12 the tabs were labeled solar ITC, solar PTC and wind PTC,
13 the three I'm interested in. Did Staff review all of
14 those scenarios?

15 A. So I did review those. I guess the level of
16 review was different between some of them because in
17 this case we're looking at the application as just for
18 Persimmon Creek, but I did review those to some extent
19 and I may be able to answer some questions if they're
20 specifics.

21 Q. I just -- I actually want to ask you more
22 general and again if your answer requires you to say
23 something confidential, don't answer. Does Staff agree
24 with the assumptions used for each of those worksheets,
25 especially with regard to the tax credits?

1 A. No. So the assumption flaw that I mentioned
2 earlier with assuming a capacity factor kind of
3 maintains over the life of the asset and doesn't fall
4 off after the tax credits are up I believe was included
5 within that analysis. So that being said, there is a
6 tab called -- I guess so there's two tabs you asked
7 specifically about, the production tax credit tabs.
8 There's one that's wind and there's one that's solar.

9 With Persimmon Creek, we know what the
10 historical production has been and so I was able to kind
11 of look at that and see what the capacity factor would
12 possibly get reduced to after those fell off. Don't
13 necessarily have that same flexibility because there's
14 not a location specific in those tabs, but we do know
15 that generally speaking that the production is likely to
16 fall off in the later years. That being said, the
17 likelihood of negative pricing happening in an overnight
18 period when demand is generally low is different than
19 the likelihood of negative pricing if you were looking
20 at the same location. It's generally different than
21 what you would expect for negative pricing to occur
22 during the day and the reason I bring that up is because
23 solar facilities generate when the sun is shining and so
24 when it is -- I guess my point is that the capacity
25 factor dropoff is probably variable between wind and a

1 solar comparison, but you would expect it to occur.

2 **Q. So the worksheets in Ms. Messamore's Schedule**
3 **KM-2 don't include a specific Persimmon Creek project;**
4 **is that correct?**

5 A. I believe those worksheets are just kind of a
6 generic look at levelized cost of energy.

7 **Q. But Staff did do a specific -- Did you do a**
8 **specific Persimmon Creek analysis that was similar?**

9 A. I did. So what I looked at is Evergy actually
10 did a levelized cost of energy analysis for Persimmon
11 Creek. That being said, it had the flaws I pointed out
12 and so what I did is tried to account for some of those
13 flaws, and if you give me a couple moments I'll give you
14 some relevant cites to my testimony that discusses kind
15 of like what that impact would be on the levelized cost
16 of energy.

17 Okay. On page 41, I describe the two tables
18 that are included on page 42. Table 8 provides a
19 comparison of Evergy Missouri West's estimate for the
20 levelized revenue requirement, the average annual
21 production and the LCOE, levelized cost of energy.
22 Compares those to those same estimates which account for
23 a more reasonable capacity factor estimate.

24 Then Table 9 provides that annual revenue
25 requirements provided by Evergy Missouri West updated to

1 account for the reduced capacity factor. So then those
2 are included on that next page and would reflect my
3 updates to the information that they provided with a
4 more reasonable capacity factor assumption.

5 **Q. So were there work papers involved in all of**
6 **that?**

7 A. Yes.

8 **Q. And would it be possible for Staff to provide**
9 **those to the Commission?**

10 A. I'm looking at Ms. Mers. I'm guessing yes.

11 MS. MERS: I think so, but I will save what I
12 was going to save for redirect to see if the Commission
13 would be interested at that point. Yes, I do believe we
14 can make work papers available, of course.

15 JUDGE DIPPELL: Let's table that for now.
16 I'll come back to it.

17 COMMISSIONER HOLSMAN: Hey, Judge.

18 JUDGE DIPPELL: Yes, Commissioner.

19 COMMISSIONER HOLSMAN: When you get done, I
20 just want to let you know that I have two quick follow
21 ups.

22 JUDGE DIPPELL: Okay. If you'd like to go
23 ahead, go ahead now, because I'm about to jump topics.

24 COMMISSIONER HOLSMAN: Okay. Thank you.

25 QUESTIONS

1 BY COMMISSIONER HOLSMAN:

2 Q. I'll be real brief. If a carbon tax was
3 passed, and we don't need to get into the details of it,
4 just generally if the carbon tax was passed, would the
5 value of the asset increase or decrease?

6 A. So the question is if a carbon tax was passed,
7 would the value of the asset increase or decrease. I
8 think obviously with this being a wind resource it would
9 not be kind of subject to that tax. So the generation
10 that it has now wouldn't be subject to the tax. The
11 revenues will continue to be based upon the amount of
12 production and what is cleared -- I guess the
13 availability of the asset and then what is cleared in
14 SPP.

15 I don't know what a carbon tax would do to the
16 locational marginal price at Persimmon Creek. And so I
17 can't quantify what that would be. I guess what I would
18 say is that the presence of a carbon tax would not
19 improve the amount of capacity accreditation for this
20 resource which is one of the reasons that they're
21 stating it's needed. So I don't know that it
22 necessarily improves the value from a revenue
23 standpoint.

24 Q. Okay. Thank you. You have established that
25 in 2029 the PTC will expire and the outlook for the

1 remainder of the life of the asset will get worse or
2 potentially be a higher negative number. What would
3 your recommendation, Staff recommendation be to the
4 Company to mitigate? What could they do between now and
5 2029 to mitigate that --

6 JUDGE DIPPELL: Could you repeat that,
7 Commissioner. We couldn't quite hear the end of your
8 question.

9 BY COMMISSIONER HOLSMAN:

10 Q. If in 2029 the PTC expires and we know that
11 the outlook for the cost is going to be at a higher
12 negative number, what would your recommendation be to
13 the Company that could mitigate that cliff in 2029?
14 What could the Company do between now and 2029 to
15 mitigate the loss of the PTC?

16 A. That's a good question. Ultimately what I
17 believe is going to drive that dropoff is the presence
18 of negative pricing within SPP at this node. And so to
19 the extent that negative pricing was no longer an issue
20 or happened at a less frequent rate, that dropoff would
21 also decrease. But that's largely outside the control
22 of Evergy in and of itself. Does that answer your
23 question?

24 COMMISSIONER HOLSMAN: Thank you, Judge.

25 JUDGE DIPPELL: Thank you.

1 COMMISSIONER HOLSMAN: I appreciate you
2 answering. Thank you, Judge.

3 JUDGE DIPPELL: Thank you, Commissioner.

4 FURTHER QUESTIONS

5 BY JUDGE DIPPELL:

6 **Q. So do modeling assumptions shown in the**
7 **scenarios in Ms. Messamore's Schedule KM-2 reflect how**
8 **fuel and purchased power costs and revenues would flow**
9 **through the FAC?**

10 A. In KM-2, is that what you're asking about?

11 **Q. Yes.**

12 A. I think the analysis in KM-2, and this is also
13 true within Evergy's IRP analysis, but I think that
14 assumes perfect ratemaking meaning that as soon as an
15 asset is included it starts being recovered from
16 ratepayers immediately and then the benefit of the
17 revenues would also flow back to those ratepayers
18 immediately, as well as the tax credit. So I think the
19 answer is no, it doesn't reflect what's likely to occur
20 both through the fuel adjustment clause in a subsequent
21 rate case after an asset would be built.

22 **Q. Does it take into account that customers would**
23 **be responsible for 95 percent of any negative price**
24 **flowing through the FAC?**

25 A. I don't believe it does. I guess I would -- I

1 don't believe that the KM-2 accounts for revenue that
2 will occur from the asset. It is looking at, if I'm
3 thinking about the right spreadsheet, it is looking at
4 the levelized cost of energy for each of the generic
5 assumptions and that isn't accounting for the ultimate
6 revenue that will occur. It's just accounting for the
7 cost and the tax benefit and what would be realized
8 through rates. So as I said before, that's a very
9 important element of kind of looking at a potential
10 asset.

11 **Q. And do you think the 95/5 FAC sharing ratio**
12 **properly incents the Company to procure efficient and**
13 **economically viable renewable projects that balance**
14 **ratepayer and sharepayer risks?**

15 A. I would certainly defer that question to Mr.
16 Fortson who I think you've already asked. He's the
17 manager of the department that handles that.

18 JUDGE DIPPELL: Okay. Well, I think that's
19 all of my questions. I appreciate your patience.
20 Is there recross-examination based upon Commission and
21 the Judge's questions?

22 CHAIRMAN RUPP: Hey, Judge.

23 JUDGE DIPPELL: Oh, yes, I'm sorry.

24 CHAIRMAN RUPP: This is Commissioner Rupp.

25 Sorry.

1 JUDGE DIPPELL: That's all right.

2 CHAIRMAN RUPP: I've just got one more. I
3 hate to do this.

4 JUDGE DIPPELL: Go ahead, Commissioner.

5 QUESTIONS

6 BY CHAIRMAN RUPP:

7 Q. So last question I promise. I know you don't
8 like hypotheticals but let's make the assumption that
9 Everygy only needed 10 MW of capacity and this project
10 fulfilled that. All things being equal, knowing the
11 production tax credits are going to fall off at a
12 certain point, the current purchase price, the LMPs and
13 the LMP nodes, but this project would have sufficed all
14 of the capacity needs, would Staff be in support of this
15 project?

16 A. The question is premised on the need
17 identified being 10 MW of capacity. My answer would be
18 adding 10 MW of wind to meet a summer capacity need is
19 still likely an inefficient way to do so. If the need
20 that you need to fulfill for your ratepayers is to make
21 up for a capacity shortfall in the summer, adding a wind
22 resource is an inefficient way to do so. You could do
23 so cheaper through a bilateral contract. I guess you
24 would likely be able to do so cheaper through a
25 bilateral contract or through, you know, a partial

1 ownership of a different type of resource. That being
2 said, we would review the application and try to make a
3 determination based off of kind of what's been
4 identified in that case and the alternative options that
5 were available.

6 **Q. Okay. Follow up. Make the assumption that**
7 **their capacity need was in the summer and this would**
8 **take care of their capacity needs, all things being**
9 **equal, would you suggest the approval of this project?**

10 A. So I guess my last answer was talking about a
11 capacity need in the summer, and I think that's what you
12 said. So I just want to make sure I'm not repeating my
13 same answer.

14 **Q. Let me clarify. I'm trying to remove the**
15 **capacity argument from this case. So assuming the**
16 **capacity this project fulfills whatever capacity --**

17 THE STENOGRAPHER: I'm sorry?

18 JUDGE DIPPELL: Commissioner, I'm sorry to
19 interrupt. You cut out just a little bit there.

20 CHAIRMAN RUPP: Sure, I will repeat. My goal
21 is to try to separate the capacity argument and just
22 focus on the financial. So assuming this project meets
23 whatever capacity needed whatever season the Company
24 needs it, just focusing on the financial side with the
25 dropoff of the tax credits, the current purchase price,

1 the current LMPs, would you recommend the approval of
2 this project?

3 THE WITNESS: So one of the things that I
4 didn't talk about much today but I did in my testimony
5 is this concept that not accounting for the capacity
6 factor appropriately skewed the result toward Persimmon
7 Creek, and the reason for that is that it's only going
8 to get tax credits for six years as opposed to another
9 resource that is ten years or that would presumably be
10 able to produce tax credits for ten years. That being
11 said, even with kind of the capacity issues set aside,
12 and I still think that, you know, adding wind as a
13 resource to meet a capacity need is probably not, at
14 least for summer, is probably not a very efficient way
15 to do so. But looking at the information that's been
16 provided thus far, the other need identified in this
17 case has been to act as a hedge for market energy costs,
18 and based on the information that we have available I
19 don't think that this is likely to be a good hedge when
20 Everyg Missouri West's load is highest and especially in
21 those summer months and so I don't think that it's
22 likely to be a good hedge in that time. And then also
23 looking at kind of keeping in mind that a hedge is best
24 whenever it can produce kind of in times of greatest
25 need, thinking back to February of 2021 during Winter

1 Storm Uri, the production from this asset was the second
2 worst month of all of the data that's been provided to
3 us thus far. And so when the prices were highest and
4 the demand was highest in that month, this asset wasn't
5 available to act as the hedge, or I think the way that
6 Evergy's portrayed it is an insurance policy, it
7 probably wouldn't have been a great insurance policy in
8 that month and so the result may have been that you end
9 up with kind of you get hit twice by having to pay
10 increase through your rates as well as having to pay
11 high market energy costs because it wasn't available to
12 kind of mitigate those costs during that time period.

13 So I understand where you're coming from. I
14 know that I do think it's very important to try to
15 understand -- or I want to make it very clear that this
16 -- our recommended rejection is not about the fact that
17 it is only meeting a portion of the capacity need or
18 that it's only because it's a renewable resource.
19 That's not it. It is the attributes of the resource
20 compared to the needs identified by the Company and this
21 just simply isn't a good fit to do so.

22 CHAIRMAN RUPP: Thank you, Judge, for the late
23 question. Appreciate it.

24 JUDGE DIPPELL: Thank you, Commissioner.
25 Okay. Now I think that completes the bench questions

1 for Mr. Luebbert. Would there be any cross-examination
2 based on those questions from Public Counsel?

3 MS. MARTIN: No.

4 JUDGE DIPPELL: Renew?

5 MS. GREENWALD: No, thank you.

6 JUDGE DIPPELL: Evergy?

7 MR. ZOBRIST: No questions.

8 JUDGE DIPPELL: Is there redirect?

9 MS. MERS: I wish I could say no.

10 REDIRECT EXAMINATION

11 BY MS. MERS:

12 Q. But you have gone through quite a bit. So if
13 there's a question that I ask that you believe you've
14 already answered, please let me know.

15 A. I will try.

16 Q. I might not have caught all of it. All right.
17 You had some discussion with OPC and the bench about the
18 production tax credits. Do you recall?

19 A. I do.

20 Q. And part of that is about the ending of the
21 production tax credits was a topic of conversation. Do
22 you recall that?

23 A. I do.

24 Q. Do you expect generation to be less the year
25 following the expiration of the production tax credits?

1 A. I do.

2 Q. And have you seen historical support for that
3 assertion?

4 A. I have. I believe Staff asked for an exhibit
5 to be marked and put on the record discussing
6 Spearville's generation and I think that that trend is
7 shown within that and the Company may indicate that that
8 was part of the reason.

9 Q. And that is, just to clarify the record, an
10 Everygy owned?

11 A. Yes.

12 Q. And is it your understanding that after PTCs
13 expire if generation and thus capacity doesn't drop to
14 account for negative prices that that increased negative
15 revenue that wouldn't be offset by PTCs would flow to
16 customers?

17 A. Yeah, and I think that would be subject to --
18 My guess is unless there was a very compelling reason
19 Staff would likely recommend a prudence disallowance at
20 that point.

21 Q. Would that increase, not increase a
22 disallowance, but flowing it through, would that
23 increase cost to customers?

24 A. Yeah, it would.

25 Q. You were asked about LCOE as a metric by

1 **counsel for OPC and you discussed some shortfalls. Do**
2 **you recall that?**

3 A. I do.

4 **Q. Do you believe that those shortfalls make LCOE**
5 **not an apple-to-apple comparison as asserted by Evergy**
6 **witness Mr. Humphrey?**

7 MR. ZOBRIST: Well, wait a minute, Judge.
8 She's asking about Mr. Humphrey's testimony when she
9 should be conducting redirect, and I don't believe that
10 Mr. Humphrey's testimony came up. So I object that this
11 is not proper redirect.

12 JUDGE DIPPELL: Ms. Mers, can you repeat your
13 question for me, please.

14 BY MS. MERS:

15 **Q. Yes. I asked do you believe that the**
16 **shortfalls discussed in your conversation about LCOE**
17 **with counsel for OPC make LCOE not an apple-to-apple**
18 **comparison as has been asserted by Company witness Mr.**
19 **Humphrey?**

20 JUDGE DIPPELL: I'll allow it. Go ahead.

21 THE WITNESS: So I do think that Evergy's use
22 is not fairly characterized as an apples-to-apples
23 comparison for the LCOE with Persimmon Creek and the
24 other assets and the reason being is that with Persimmon
25 Creek we know that that production dropoff is going to

1 happen much faster than comparing to another asset where
2 it can have a full ten years of production prior to that
3 dropoff, and so the LCOE not accounting for that is a
4 problem and it makes it so that if there's a -- it makes
5 it very difficult to use as a comparison tool in that
6 instance because of the fact that you are -- not only
7 are you skewing the results but you're skewing the
8 results for one project more than the others and so it
9 doesn't really give you a fair look.

10 I would say that the better way would be to
11 reflect that production dropoff within the LCOE for all
12 of them. But even without that, it's still -- it's more
13 problematic by just looking at it for one and not the
14 other.

15 **Q. And do you recall counsel for Evergy**
16 **discussing your past employment at DNR and then health**
17 **benefits of Persimmon Creek?**

18 A. I do.

19 **Q. Are the health benefits for Persimmon Creek**
20 **already taking place?**

21 A. They are. Yeah, it's already within SPP.
22 Evergy's acquisition is not going to reduce any
23 emissions from any asset that wouldn't have already
24 occurred with its current ownership.

25 **Q. Would not approving it in this case remove**

1 **those benefits as discussed by counsel for Evergy?**

2 A. It wouldn't.

3 **Q. And have those benefits as mentioned in the**
4 **discussion you were having with counsel for Evergy, have**
5 **they in this case been economically quantified?**

6 A. I don't believe they have.

7 **Q. And is this acquisition being justified on**
8 **economic grounds?**

9 A. I believe that is the need that Evergy
10 identified.

11 **Q. You were asked to read a portion of a pleading**
12 **that Evergy filed in this case regarding Evergy's plans**
13 **for PTCs. Do you recall that?**

14 A. I do.

15 **Q. Is it your understanding that PTCs would not**
16 **flow to customers?**

17 A. That is my understanding. I believe what the
18 Company has stated is that they would keep the PTCs
19 prior -- I guess up until Persimmon Creek was included
20 in rates.

21 **Q. What would the value of those PTCs be?**

22 A. On an annual basis, the value of PTCs has been
23 I want to say, I'm not going to give you an exact number
24 but I want to say near 20 million. It is dependent on
25 the actual generation, but I think that is a rough

1 estimate.

2 Q. So over four years it would be near 90
3 million?

4 A. Could be, yes.

5 Q. And again in reference to the plan on what
6 Everygy plans to do, I believe that pleading also
7 mentioned the revenues in this case. Is that your
8 recollection?

9 A. Yes.

10 Q. And when revenues flow through the FAC, can
11 those be negative or positive?

12 A. Yes, they can.

13 Q. Could that be a cost to ratepayers?

14 A. Yes. So one of the concerns that I think, you
15 know, should come to mind is that you have this
16 possibility that ratepayers may be paying for the
17 negative revenues that are being used to produce a
18 production tax credit that is only going to benefit the
19 Company. Now, if you didn't have that production during
20 those periods of negative LMPs and you didn't have that
21 negative revenue, the revenue that would flow back to
22 ratepayers would be higher everything else equal. So
23 essentially you run into the situation where you may be
24 reducing the overall revenue from the benefit that would
25 flow through the FAC in an effort to be giving tax

1 credits that only Evergy is going to see the benefit of
2 for a period of time until the asset is included in
3 rates and that's concerning.

4 **Q. And even if the revenues flowed through the**
5 **FAC are positive but do not outweigh the cost, would**
6 **that still benefit customers?**

7 MR. ZOBRIST: Let me just object to the
8 premise this is a wind facility with no fuel costs.

9 MS. MERS: I can clarify my question to mean
10 if they do not outweigh the fixed costs or purchase
11 price.

12 THE WITNESS: Can I ask you to clarify if
13 you're asking about prior to the asset being included in
14 rates or after?

15 BY MS. MERS:

16 **Q. Well, can you explain both just for the**
17 **record?**

18 A. Yes. So prior to this asset being included in
19 rates, positive revenues flowing through the FAC -- What
20 gets really complicated with this project and I guess
21 where I'm struggling a bit is because of PISA, Evergy is
22 going to be able to defer 85 percent and so I think in
23 the near term those revenues look positive to ratepayers
24 but they may end up paying for them in the long term
25 because of PISA. So there's certainly an offset there

1 and I don't want to -- I don't want to state something
2 that is incorrect by saying that there's only a benefit
3 because as long as you're deferring those costs and
4 you're going to end up paying for them later, you're
5 also going to have the carrying costs associated with
6 all of that deferral and so it may look better in the
7 short term but that isn't always in the customer's best
8 interest. And so yeah, I guess I think to get more to
9 your point there's a good chance that customers are
10 realizing a higher cost than the revenues that they're
11 receiving. So just because there's a positive revenue
12 doesn't mean it's a ratepayer benefit. There's a very
13 good chance that the revenues don't exceed the costs in
14 which case you have a ratepayer detriment.

15 **Q. You were asked some questions by counsel for**
16 **Evergy about potential savings in building this project.**
17 **I think he mentioned things like supply sourcing issues**
18 **and queue items. Do you recall that? I guess the time.**

19 A. Was that the discussion of construction risk
20 --

21 **Q. Yes.**

22 A. -- with Mr. Zobrist?

23 **Q. Yes.**

24 A. I do recall that.

25 **Q. And I believe the question was framed about**

1 **the construction risks for savings and building this**
2 **project over another. Is that a fair recollection of**
3 **what you believe the conversation to be?**

4 A. I believe so.

5 **Q. In your opinion, do you think the real**
6 **comparison is in savings or construction risks in**
7 **building this project versus another project or building**
8 **this project versus not building anything?**

9 A. Yeah, so because of the economics of this
10 project it appears that Evergy is giving every
11 indication, and obviously I updated some of the
12 assumptions, but every indication is that you're going
13 to be costing ratepayers more than you're going to be
14 benefiting them. And so going forward with this project
15 is going to be an increase in customer rates far beyond
16 what the revenues would be. And so in my opinion based
17 on kind of the application that's been provided to us,
18 ratepayers are likely better off without the asset at
19 all.

20 **Q. Even if a project was needed, do you have**
21 **reason to believe that Evergy could find a new project**
22 **in a shorter time frame than has been suggested?**

23 A. Yes, so depending on what the resource is and
24 the timing of the need, Evergy's issued RFPs and other
25 companies have issued RFPs with various timelines

1 included. So I think with the most recent RFP Evergy
2 issued it with a pretty short turnaround between
3 issuance and expected closing or commercial operation of
4 the asset. So that's certainly a possibility even if
5 this project ends up being denied. It kind of all
6 depends on what the parameters of the request for
7 proposals are.

8 **Q. You had a pretty lengthy conversation with**
9 **Mr. Zobrist about LMPs. Do you recall that?**

10 A. I do.

11 **Q. You were asked if you agreed with Ms.**
12 **Messamore on certain assumptions on what -- and then I**
13 **think there was a pretty lengthy discussion on what LMPs**
14 **do and do not include?**

15 A. I do recall that.

16 **Q. And I think you were asked at one point, Mr.**
17 **Zobrist asked if you thought that the termination or the**
18 **comparison between making money or losing money in the**
19 **market doesn't depend on fixed costs. Do you recall**
20 **that question?**

21 A. I do recall that question.

22 **Q. And is that -- Well, first I'll ask do**
23 **ratepayers have to pay for fixed costs regardless of**
24 **what the LMP includes?**

25 A. As soon as the asset is included in rates,

1 they will be paying for those fixed costs and I think
2 that's why this distinction is so important, right,
3 where we have a utility saying we're justifying this
4 because it's going to be so good for the cost of
5 ratepayers. Obviously we disagree with that conclusion
6 and they need to provide much better justification
7 before the Commission or before we would recommend that
8 the Commission approve the project. So we don't have
9 that here and so the comparison to existing, the
10 existing units that are already being recovered through
11 rates isn't really a good comparison.

12 **Q. Again, when you were having that discussion**
13 **with Mr. Zobrist about making money or losing money, is**
14 **that tied to if a utility is a net purchaser or seller**
15 **of energy?**

16 A. Your question is whether or not the utility is
17 making money tied to whether they are a net purchaser or
18 a net seller?

19 A. Yes.

20 **Q. So I think the answer is no, not necessarily.**
21 **This is where the time and location of energy generation**
22 **is important. So you can be producing a lot of energy**
23 **but have a very low margin or be producing very low**
24 **revenues and the costs could be exceeding what those**
25 **revenues are. On the flip side, there's a possibility**

1 that you could be producing a smaller amount of time but
2 your margin is much higher. So the revenues may exceed
3 the overall costs in that instance.

4 The existence of being a net purchaser or a
5 net seller just -- it occurs within SPP. Evergy Metro
6 has been, at least my understanding, their sales
7 compared to their load has been much higher than what
8 Evergy West has been. And I think Ms. Lena testified
9 that Evergy West has been a net purchaser for some time
10 now and I think some of Evergy's own witnesses have
11 indicated that that has been the plan and may continue
12 to be going forward.

13 Q. Also during your discussion with counsel for
14 Evergy about LMPs there was like in the conversation
15 regarding the components of it and items such as
16 congestion, do you recall that?

17 A. I do.

18 Q. Would you agree that another way to think of
19 the margin cost of congestion is that it's calculated as
20 the shadow price of a unit not dispatched due to
21 congestion?

22 A. I'm not certain.

23 Q. Also in conversation with counsel for Evergy
24 there was a discussion of how a CCN case is different
25 than a rate case that you don't look at the entire cost

1 of a company. Do you recall that?

2 A. I do.

3 Q. However, in a CCN case, is it appropriate to
4 look at all costs and all revenues for a proposed
5 project?

6 A. I believe it is. I think Evergy's insistence
7 to look at only the levelized cost of energy is
8 inappropriate for a CCN case because the revenues are
9 what's going to drive whether or not this is ultimately
10 an economic project for ratepayers especially whenever
11 you premise the project on a need of trying to benefit
12 those ratepayers through reduced market energy costs.
13 So to ignore the revenues in a case where your primary
14 justification is that you're going to get revenues from
15 an asset doesn't make any sense.

16 Q. And again, in reference to the conversation
17 you had with Mr. Zobrist about a fixed cost impact to
18 the LMP, do you recall self-commit workshops or
19 investigations that were filed at this Commission?

20 A. I do. I think it was in the 2019 time frame.

21 Q. Can you just very briefly explain those
22 workshops?

23 MR. ZOBRIST: Judge, I'm not understanding the
24 connection between that and my discussion with
25 Mr. Luebbert on LMPs.

1 MS. MERS: I can explain. Or maybe an offer
2 of proof would be better, because his explanation would
3 explain.

4 MR. ZOBRIST: I don't understand the relevance
5 to what I was talking to Mr. Luebbert about.

6 MS. MERS: Sure. In the self-commit workshops
7 there was concern that units were being bid in at a
8 price that would not recover their fixed costs if I'm
9 recalling correctly. So I believe that the existence of
10 those workshops, or investigations I should say, show
11 that there has been some concern at the Commission with
12 fixed costs not being met with LMPs and market prices
13 and that that is directly relevant to the decision to
14 acquire resources.

15 MR. ZOBRIST: I understand the argument better
16 now, so I'm willing to listen to Mr. Luebbert.

17 JUDGE DIPPELL: All right. You can answer the
18 question, Mr. Luebbert, as she said briefly explain.

19 THE WITNESS: I will try to make it brief. I
20 think your question to me was actually just do I recall
21 that and then give a brief explanation of what was
22 talked about in that case.

23 BY MS. MERS:

24 Q. Yes, that's the question.

25 A. So within those dockets, and I think there was

1 a broader docket and then an individual for each of the
2 respective electric utilities in the state, within
3 those, I believe specifically to Evergy, the discussion
4 was that it is appropriate to recover the short-run
5 marginal costs in your bids to SPP. I think this goes
6 back to my previous discussion that you already have
7 those -- those costs are already being recovered, the
8 fixed costs are already being recovered for the existing
9 units through rates. And so the short-run marginal cost
10 for a coal asset is likely, among other things, but it
11 would be fuel and some operation and maintenance costs
12 and some other things. So to the extent that you're
13 already paying for an asset, if you can get revenues
14 that's in excess of the variable cost to produce that
15 energy, it makes sense to try to get some revenue from a
16 ratepayer's perspective.

17 I think the discussion with Mr. Zobrist about
18 recovery of fixed costs through your bids in the context
19 of a wind asset actually goes in the opposite direction
20 of what the intention was because with a wind asset if
21 you bid in based on trying to recover your fixed costs,
22 you'd be bidding in higher than what you're already
23 going to. And so your revenue or the amount of
24 production that you'd actually have would be less and so
25 that doesn't really make sense. And that's where the

1 disconnect with Mr. Zobrist was is that the LMP is not
2 reflecting the short-run marginal cost for the unit at
3 that location. It's reflecting the LMP that's
4 determined by SPP based on the security constraint
5 (phonetic spelling) model.

6 **Q. Moving on to bench questions. Chairman Rupp**
7 **asked if there was a benefit to this plant displacing**
8 **higher cost generation. Do you recall that?**

9 A. I do.

10 **Q. Since Persimmon Creek already exists in SPP,**
11 **is any additional higher cost generation being**
12 **displaced?**

13 A. No. Evergy's acquisition will not displace
14 any additional higher cost generation.

15 **Q. You had a discussion with Commissioner Holsman**
16 **about it would be better to acquire this as a PPA versus**
17 **owning. Do you recall that?**

18 A. I do.

19 **Q. Are the only options a PPA versus owning this**
20 **generation?**

21 A. No.

22 MS. MERS: I think that that might be all I
23 have.

24 JUDGE DIPPELL: Thank you. I'm afraid to say
25 that I need to clarify one more thing.

1 THE WITNESS: Okay.

2 FURTHER QUESTIONS

3 BY JUDGE DIPPELL:

4 Q. And that was when I was asking about work
5 papers and what I was really trying to get at was
6 something -- some of the Evergy work papers that Staff
7 had reviewed in determining -- that would show the
8 assumptions that Evergy used in its calculations of the
9 LCOE for Persimmon Creek. Did you review work papers
10 from Evergy for that?

11 A. I did. I will say that the work papers that I
12 utilized also rely on data request responses from
13 Evergy. And so it is not completely -- I guess all of
14 the assumptions that are used aren't fully in just the
15 work papers. So I don't know if that helps clarify.

16 JUDGE DIPPELL: Yeah, I think it does. Would
17 there be an objection if I had Staff provide the work
18 papers that it used as well as the ones they created for
19 determining those calculations for LCOE for Persimmon?

20 MR. ZOBRIST: Well, I think we'd want to see
21 what it was.

22 JUDGE DIPPELL: Obviously.

23 MR. ZOBRIST: Certainly if this is Evergy's
24 work papers, we don't have any objection.

25 MR. STEINER: I thought that's you were

1 asking. I thought you were asking for Evergy's work
2 papers.

3 JUDGE DIPPELL: I was but Mr. Luebbert said
4 basically that he used those and he used data response
5 data in formulating his.

6 MR. STEINER: That's a good idea if we could
7 see what it is. Then we could let you know.

8 MS. MERS: I guess just to clarify, this might
9 be directed at you and then the bench, but if you used
10 data requests, would those be in a worksheet format or
11 would that be something that you would have to also
12 provide? Does that make sense?

13 THE WITNESS: Yes. So I used some information
14 from data requests, but that information is located in
15 that work paper and it was what was provided in
16 conjunction with my rebuttal to the other parties.

17 JUDGE DIPPELL: Okay. So I'm going to ask if
18 Staff could provide that information as quickly as you
19 can. I don't know how quickly you might be able to get
20 that.

21 MS. MERS: I think we should be able to do
22 that by tomorrow afternoon.

23 JUDGE DIPPELL: If you could file that in EFIS
24 as a confidential document, because I'm assuming, or
25 documents.

1 MS. MERS: I will check to make sure because I
2 do that at sometimes our support staff has had trouble
3 and I think others have had as well, with when the work
4 papers are executable Excel format, it being just much
5 too large for the system. If that is not possible, I
6 will reach out to both you and the parties to see if
7 there's a work-around on how we can best provide that.

8 JUDGE DIPPELL: Let me change it then. Let me
9 have you instead email that to exhibits@psc.mo.gov, as
10 well as to the parties and I guess copy me just so I
11 know it's there. And then I will give everyone an
12 opportunity to review them and make any objections, and
13 so forth, before admitting that. And just for ease, I'm
14 going to give it Staff's next exhibit number just for
15 reference of 116 and I'm sure that's confidential.

16 Are there any questions that related to that
17 request either of me or of the witness before I excuse
18 him? Mr. Clizer?

19 MR. CLIZER: Sorry. Were you asking for Staff
20 to submit both Staff's versions and Evergy?

21 JUDGE DIPPELL: Yes, what Mr. Luebbert used
22 when he was --

23 MR. CLIZER: So a single exhibit from Staff?

24 JUDGE DIPPELL: If we need to break it up, I
25 can break it up and assign it additional numbers. For

1 now just for ease of reference we'll just call it all
2 one exhibit.

3 MS. MERS: I'm getting baseball signals from
4 my witness that make it seem like perhaps he thinks that
5 may be too large to be one exhibit. I misunderstood the
6 signal.

7 MR. ZOBRIST: I can't hear her. I'm sorry.

8 JUDGE DIPPELL: Can you speak into?

9 MS. MERS: J, what was the concern you were
10 trying to signal to me?

11 THE WITNESS: So I have my work papers. That
12 will be pretty quick for me to give to you. But then
13 there are also I want to say it's at least one, possibly
14 three DR responses that were provided as separate Excel
15 files. So to the extent that you want those originals
16 without any modification, then I can attach those and
17 try to highlight them as these were the originals or we
18 can break it into two which would be my work paper which
19 was provided and then the original. That was my concern
20 but obviously adds to the size too. But I can do it
21 either way. I just need to know how.

22 JUDGE DIPPELL: If you have to break it up,
23 just give it the next number.

24 THE WITNESS: Sorry.

25 JUDGE DIPPELL: Like I say, the number is

1 really just for ease of reference and we'll figure that
2 out when and if they actually get admitted.

3 Are there any other questions with regard to
4 what Mr. Luebbert had to say or myself? Okay.
5 Mr. Zobrist.

6 MR. ZOBRIST: I was just going to say if
7 Mr. Luebbert did know the docket number of the
8 self-commitment proceeding.

9 THE WITNESS: I can give you the -- it is an
10 EW and a 2019 docket. And like I said, there was one
11 for each utility and then a larger kind of overarching
12 and I'm not recalling off the top of my head.

13 MR. ZOBRIST: That's good enough. We have
14 people that can find it. Thank you.

15 JUDGE DIPPELL: Ms. Mers, did you have that
16 docket number, self-commitment?

17 MS. MERS: It's EW.

18 MR. ZOBRIST: I'm sorry. I can't hear you.

19 MS. MERS: I think it is an EW 2019, but I
20 don't know if I recall the rest of the four digits. So
21 we can definitely get that to parties.

22 JUDGE DIPPELL: Okay. All right. Then,
23 Mr. Luebbert, I believe you may be excused.

24 THE WITNESS: Thank you.

25 (Witness excused.)

1 JUDGE DIPPELL: Would Staff like to quickly
2 offer its other two witness testimony?

3 MS. MERS: Yes, that would be the rebuttal
4 testimony of Jordan Hull which has been marked as
5 Exhibit 102 and that is only in a public format and then
6 the rebuttal testimony of Seoung Joun Won, PhD, which is
7 marked as Exhibit 105 and that is also only in a public
8 format.

9 JUDGE DIPPELL: Would there be any objection
10 to Exhibit 102 or 105? Seeing none, I will admit those
11 exhibits.

12 (STAFF EXHIBITS 102 AND 105 WERE RECEIVED INTO
13 EVIDENCE AND MADE A PART OF THIS RECORD.)

14 MS. MERS: Thank you.

15 JUDGE DIPPELL: All right. I thank you all
16 for staying so late. I especially thank our court
17 reporter and our technician for bearing with us. I have
18 asked that the transcripts be expedited but they will
19 not be expedited more than I will probably receive them
20 next Tuesday the 28th. We currently have initial briefs
21 due on Friday, the 3rd and reply briefs on March 17th.
22 Is there a wish to change those dates given my comment
23 on the transcripts?

24 JUDGE DIPPELL: We can go off the record while
25 counsel discusses.

1 (Off the record.)

2 JUDGE DIPPELL: Okay. We can go back on the
3 record. So counsel conferred and there was no agreement
4 on moving the dates. So we'll leave it as is. And if
5 anything changes, we will let you know. So if Staff can
6 provide then those work papers as quickly as possible,
7 we can get that taken care of before the transcript as
8 well. Is there anything else? Oh, well -- never mind.
9 Is there anything else before we go off the record?

10 MR. STEINER: Can you just hang on. We may
11 not have understood what Staff said. Could you just
12 hang on a second.

13 JUDGE DIPPELL: Okay. We'll take another
14 pause. We can go off the record for just a second.

15 (Off the record.)

16 JUDGE DIPPELL: Let's go back on the record.
17 So counsel has consulted about briefing schedules. Can
18 I have your attention, please, just for the rest of the
19 five minutes here. Counsel has consulted and say again,
20 Mr. Steiner.

21 MR. STEINER: So the initial brief is now due
22 March 6, reply brief stays on the same day which is
23 March 17.

24 JUDGE DIPPELL: Okay. It is so ordered March
25 6th for initial briefs and 17th for reply briefs. All

1 right. I think that is everything. I reviewed my
2 exhibit list during your discussions. Everything except
3 for those work papers that we discussed at the end was
4 offered and admitted. Any of your exhibits that you
5 offered that weren't prefiled, it would be helpful if
6 you could email a copy of those to exhibits@psc.mo.gov
7 and if you could put the case number in the caption,
8 that would also be helpful. If not, I will get those
9 from the court reporter and our data center will scan
10 those in like regular, but it would just be helpful to
11 have the electronic copy. And I think that that
12 concludes everything and we can go off the record.


13 (Thereupon, the proceedings concluded at 6:33
14 p.m.)

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1 CERTIFICATE OF REPORTER
2 STATE OF MISSOURI)
3 COUNTY OF COLE)
4 I, Beverly Jean Bentch, RPR, CCR No. 640, do
5 hereby certify that I was authorized to and did
6 stenographically report the foregoing Public Service
7 Commission Evidentiary Hearing; and that the transcript,
8 pages 247 through 516, is a true record of my
9 stenographic notes.

10 I FURTHER CERTIFY that I am not a relative,
11 employee, attorney, or counsel of any of the parties,
12 nor am I a relative or counsel connected with the
13 action, nor am I financially interested in the action.

14 Dated this 28th day of February, 2023.

15 
16 _____
17 Beverly Jean Bentch, RPR, CCR No. 640

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