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1 The following proceedings began at 9:00 a.m.:

2 JUDGE DIPPELL: We can go ahead and go on the  
3 record. Good morning. This is the Public Service  
4 Commission's hearing in EA-2023-0328. My name is Nancy  
5 Dippell, and I'm the Regulatory Law Judge assigned to  
6 this matter which is captioned In the Matter of the  
7 Application of Evergy Missouri West d/b/a Evergy  
8 Missouri West for the Permission and Approval of a  
9 Certificate of Public Convenience and Necessity  
10 Authorizing It to Purchase, Own, Operate, Maintain or  
11 Otherwise Control and Manage an Existing Wind Generation  
12 Facility in Oklahoma. I welcome you all here.

13 I also have three of the Commissioners on the  
14 bench with me: Chairman Rupp and Commissioner Holsman  
15 and Commissioner Kolkmeyer. And we may have  
16 Commissioner Coleman on the phone.

17 So we're going to begin this morning with our  
18 entries of appearance, and I will begin with the  
19 Company.

20 MR. STEINER: Good morning. Roger Steiner,  
21 Jackie Whipple, Karl Zobrist and Jim Fischer appearing  
22 for the Company.

23 JUDGE DIPPELL: And Staff.

24 MS. MERS: Nicole Mers on behalf of Staff.

25 JUDGE DIPPELL: And Office of the Public



1 Counsel.

2 MS. MARTIN: Anna Martin and John Clizer on  
3 behalf of OPC.

4 JUDGE DIPPELL: And Renew Missouri.

5 MS. GREENWALD: Alissa Greenwald on behalf of  
6 Renew Missouri.

7 JUDGE DIPPELL: I will ask anyone on the WebEx  
8 to be sure and mute your phones unless you are speaking.  
9 Like I say, I think maybe Commissioner Coleman might be  
10 our only person online today, as we have a full house  
11 for a change.

12 Also, anyone in the room, if you could silence  
13 your cell phones or other devices, that would be  
14 appreciated. We premarked exhibits, or each party  
15 premarked their exhibits, and we'll pretty much follow  
16 that and add to those lists as we go as needed. And the  
17 witnesses we will take in the general order that was  
18 proposed unless someone lets me know that there's a  
19 conflict or a reason to do otherwise.

20 A few other scheduling issues. I would like  
21 to begin -- If we go into a second day, I'd like to  
22 begin in the morning at 8:30, because we'll need to  
23 break about 9:45 for the Commission's agenda and perhaps  
24 reconvene again at like 10:30 provided the agenda has  
25 concluded. And then I would like to tomorrow take a

1 late lunch maybe breaking at 12:30 and taking a little  
2 bit longer lunch break for a retirement reception for  
3 Judge Woodruff.

4 MS. GREENWALD: Judge, may I interrupt you?

5 JUDGE DIPPELL: Yes.

6 MS. GREENWALD: Sorry. I emailed counsel, but  
7 Renew's witness James Owen has had a conflict come up  
8 that will keep him until being here at 1:30 today. I'm  
9 not sure if we'll get to him by then. If we do get to  
10 him before then, would it be okay to move him down the  
11 witness list?

12 JUDGE DIPPELL: That will be fine.

13 MS. GREENWALD: Thank you.

14 JUDGE DIPPELL: Are there any other known  
15 conflicts or issues with anybody's schedule?

16 MS. MERS: I do not think it will be an issue  
17 today but Claire Eubanks is not available today. If we  
18 get that far in the schedule, that would be amazing, but  
19 I'm not sure if it will be a conflict. But if so, if  
20 she could be granted permission to just go tomorrow,  
21 that would be greatly appreciated.

22 JUDGE DIPPELL: All right. Any other  
23 scheduling issues? All right. That sounds good. The  
24 only other scheduling issue is first thing in the  
25 morning, and it's been moved up now so I don't think it

1 will conflict, but at 7:00 a.m. tomorrow morning in the  
2 building there will be a fire alarm testing. Just so  
3 you know if you're in the building in the morning that  
4 early.

5 Okay. Well, I believe that's -- Do we have  
6 any other preliminary matters? Don't see anything. So  
7 we can go ahead then and begin with opening statements.  
8 And we will begin with the Company.

9 MS. WHIPPLE: May it please the Commission,  
10 Judge. My name is Jacqueline Whipple with the law firm  
11 of Dentons US, LLP. Today Roger Steiner, Karl Zobrist,  
12 Jim Fischer and I will represent Evergy Missouri West,  
13 Inc. in this proceeding.

14 This case involves Evergy's Request for an  
15 Operating Certificate of Convenience and Necessity to  
16 Own, Operate and Maintain the Persimmon Creek wind farm,  
17 an already operational facility located in Oklahoma.  
18 The Company's application represents the first time a  
19 public utility has requested an operating CCN under  
20 Section 5 of the Commission's newer CCN rule.

21 It is undisputed that the Company has met the  
22 only four requirements of Section 5 by filing, A, a  
23 description of the asset, B, the asset's value, C, the  
24 purchase price and plans for financing the operation,  
25 and D, the plans and specifications for the asset. I

1 will discuss this further in a few more moments.

2           Importantly, Section 5's requirements are not  
3 detailed and are meant to be easier to fulfill than any  
4 other type of CCN in the Commission's rules. Both a  
5 construction or line CCN in Section 6 and a service area  
6 or retail CCN in Section 4 mandate the filing of a  
7 multitude of plans, studies, notices and other  
8 requirements.

9           However, an operating CCN is requested for  
10 assets that are already providing service. The Company  
11 will be presenting three witnesses to explain the  
12 application and to answer your questions. Matt Dority,  
13 Evergy's Director of Regulatory Affairs, provides the  
14 overview of the Company's application and how it meets  
15 both the CCN rules requirements and the Commission's  
16 traditional standards for approving CCN requests as  
17 necessary or convenient for the public service.

18           Evergy's Vice President of Renewables and  
19 Assistant Treasurer Jason Humphrey provides a detailed  
20 overview of the project, its favorable economics, its  
21 operation and the transaction to acquire it, as well as  
22 the competitive renewable wind energy request for  
23 proposal process that led to the selection of Persimmon  
24 Creek.

25           Evergy's Vice President of Strategy and

1 Long-Term Planning Kayla Messamore describes the  
2 Company's integrated resource planning process and how  
3 it too supports the Company's request, as well as the  
4 value of Persimmon Creek to the Company and to its  
5 customers. The Persimmon Creek wind farm is a 198.6 MW  
6 wind generating facility with 80 wind turbine  
7 generators. It spans approximately 17,000 acres and is  
8 located in parts of Woodward, Ellis and Dewey Counties  
9 in western Oklahoma near the panhandle.

10 The wind farm became commercially operational  
11 and in service more than four years ago. Evergy  
12 Missouri West signed a term sheet and letter of intent  
13 to purchase Persimmon Creek on June 27, 2022 and  
14 executed a definitive purchase agreement on August 8 of  
15 2022.

16 This membership interest and purchase  
17 agreement, aka MIPA, allows Missouri West to purchase  
18 the shares of the company that currently owns Persimmon  
19 Creek for approximately \$245.7 million, plus working  
20 capital adjustments and adjustments for production tax  
21 credit value both of which will be finalized at closing.  
22 This commercial agreement was reached through an arm's  
23 length competitive RFP process, including comparative  
24 valuations of other similar projects that have been  
25 offered for sale.

1           Persimmon Creek was the lowest cost bid with  
2     the lowest levelized cost of energy, which Mr. Humphrey  
3     describes more in his testimony. The Persimmon Creek  
4     wind farm is a generating renewable -- is generating  
5     renewable energy today that will provide energy  
6     certificates and is 100 percent eligible for federal  
7     PTCs.

8           Time is of the essence for Evergy to receive  
9     prompt approval of the application so the Company will  
10    own a new long-term low-cost wind generation facility.  
11    The purchase of a wind facility has been a part of the  
12    Company's preferred integrated resource plan, or IRP,  
13    filed with this Commission on June 10, 2022. The  
14    Commission found that this IRP complied with the Chapter  
15    22 IRP rules.

16           The project provides a valuable addition to  
17    the Company's portfolio because of its long-term  
18    low-cost energy, its renewable capacity and its  
19    ownership structure. The IRP thus shows the project  
20    will produce economic benefits for customers, including  
21    reduced costs over the 20-year planning horizon unlike  
22    any alternative option.

23           As identified in EMW's change in plan filing  
24    made on September 27, 2022, and as testified by Ms.  
25    Messamore, EMW's capacity need is at least 170 MW in

1 2024. Persimmon Creek is assumed to provide at least 20  
2 MW of this accredited capacity. In addition, the  
3 acquisition pricing of this project is locked, whereas  
4 if the Company were seeking a construction or line CCN  
5 such new project or new build would be subject to  
6 escalating prices, as well as economic and supply chain  
7 uncertainty.

8           However, the time for the Company to close the  
9 commercial agreement and complete this acquisition is  
10 running out, as Witness Humphrey testifies. At the same  
11 time, the Company must obtain reasonable financing in  
12 the current economic climate where inflation continues  
13 unabated and interest rates are on the rise.

14           Just a few weeks ago the Federal Open Market  
15 Committee of the Federal Reserve Board, quote, decided  
16 to raise the target range for the federal funds rate to  
17 4.5 to 4.75 percent. In a February 1, 2023 press  
18 release, the Federal Reserve Board press release stated  
19 the committee is strongly committed to returning  
20 inflation to its 2 percent objective.

21           Further, having EMW operate the Persimmon  
22 Creek wind farm aligns with Missouri's renewable energy  
23 policies, including the renewable energy standard, or  
24 RES law, and provisions of the plant-in-service  
25 accounting or PISA law. The addition of Persimmon Creek

1 to EMW's resources will provide environmental benefits,  
2 as well as a diversified energy resource to serve the  
3 community as Evergy transitions its generation fleet to  
4 achieve the target of net-zero emissions by 2045 with an  
5 interim goal of a 70 percent carbon reduction in such  
6 emissions from 2005 levels by 2030.

7 In approving CCN requests, the Commission  
8 follows Section 343.170.3 and determines whether CCNs  
9 are necessary and convenient for the public service. As  
10 the Missouri Court of Appeals made clear when approving  
11 this Commission's grant of the CCN for the Company to  
12 build its first solar plant, this necessity or  
13 convenience standard has never meant that a CCN must be  
14 essential or absolutely indispensable. Instead, a CCN  
15 must simply be of benefit to ratepayers and improvement  
16 justifying its cost. The Company has more than amply  
17 met this standard in this case.

18 Here the weight of the evidence establishes  
19 that the Company has a clear energy and capacity need  
20 and Persimmon Creek is the least cost wind resource  
21 available. Now that elevated gas and energy prices are  
22 expected for the long term, EMW needs additional energy  
23 resources to serve as a hedge against increasing market  
24 prices. Of course, obtaining additional capacity and  
25 reducing the Company's market dependence in this



1 economic climate will directly benefit customers.

2 For context, EMW's load is twice the amount of  
3 energy that it has to offer into the market. In the  
4 previously low-cost environment, EMW could buy energy  
5 cheaper than the costs associated with adding resources.  
6 That is no longer the case and is not expected to be for  
7 the foreseeable future.

8 The Company's IRP shows that acquiring  
9 Persimmon Creek will result in 130 million in benefits  
10 to EMW's customers. Adding Persimmon Creek to EMW's  
11 generation portfolio is also consistent with prior  
12 positions taken by the Commission, its Staff and Public  
13 Counsel that have encouraged the Company and its  
14 predecessors to invest in its own generation, especially  
15 renewable resources, instead of relying on power  
16 purchase agreements and the wholesale SPP electricity  
17 markets.

18 Renew Missouri is supporting the Company's  
19 request and there is no dispute in this proceeding that  
20 the Company has met Section 5 of the CCN rule. There is  
21 also no dispute that the Company has both the financial  
22 ability and the qualifications to operate Persimmon  
23 Creek. Staff and Public Counsel however have raised  
24 concerns about granting the CCN at this time, based  
25 largely on misinterpretations of the need and economic

1 feasibility Tartan factors.

2 Staff and OPC have argued that the project is  
3 not needed since the Company is not literally being  
4 forced to add resources by regulation or external  
5 resources. Staff's and OPC's overly narrow approach  
6 would put customers at risk exposing them to rely only  
7 on the wholesale market to meet long-term needs.

8 This approach must be rejected if the  
9 Commission desires to move forward with transitioning  
10 Evergy's generation portfolio from old fossil fuel units  
11 to newer clean renewable technologies such as wind and  
12 solar generation, as Ms. Messamore describes in her  
13 testimony.

14 The same is true for the economic feasibility  
15 of the project. Staff and OPC theorize that some  
16 unspecified project at an unspecified time might provide  
17 unspecified lower costs or additional benefits. But  
18 conjecture is not the standard for determining economic  
19 feasibility. And it is undisputed that high capacity  
20 factor wind generation from western Oklahoma is one of  
21 the cheapest forms of renewable energy in the United  
22 States today.

23 After the competitive RFP process, Persimmon  
24 Creek was selected because it had the lowest levelized  
25 cost of energy of all projects. The Persimmon Creek

1 wind facility is attractive compared to alternative  
2 available projects from a permitting and supply chain  
3 perspective as well because it is already operational  
4 with the lowest congestion risk for delivery to Missouri  
5 customers.

6 Persimmon Creek is also one of the most  
7 advanced and efficient wind generating facilities now in  
8 operation with a proven operational aggregate net  
9 capacity factor, or NCF, of approximately 50 percent  
10 over the past four years, as Mr. Dority describes.

11 As a necessary result and because all of the  
12 other Tartan factors are satisfied, the proposed  
13 Persimmon Creek acquisition would promote the public  
14 interest. Staff and/or OPC have proposed four  
15 conditions if the Commission grants the CCN, one of  
16 which is largely acceptable and three of which must be  
17 rejected based on Commission precedent.

18 Staff first recommends that the Commission  
19 order that the in-service criteria contained in  
20 Attachment SEL-2 to Shawn Lange's rebuttal testimony are  
21 appropriate for use in future cases to determine whether  
22 the Persimmon Creek project is in service. The Company  
23 finds Staff's in-service criteria to be generally  
24 reasonable.

25 The Company does have a concern with the

1 potential expense of recertifying an asset that has  
2 already been performing an SPP service. The site was  
3 commissioned with an independent engineer, GE, and the  
4 site owner in 2018 and continues in service today.  
5 However, the Company would work with Staff to implement  
6 the in-service criteria as the Commission deems  
7 appropriate.

8 As for the second proposed condition, Staff  
9 recommends the CCN should be conditioned on any future  
10 moneys lost or increased expenses due to compliance with  
11 future laws or regulations or future environmental  
12 compliance. And Staff states that these future  
13 compliance expenses or losses should not be borne by the  
14 ratepayers but instead solely by the shareholders.

15 Staff's recommendation is unprecedented and  
16 far out of bounds of the traditional regulatory  
17 construct in Missouri. As the Commission knows,  
18 customers under Missouri law and customary practice pay  
19 for the cost of a utility providing service to them.  
20 Shareholders provide the capital for the service and are  
21 entitled to the opportunity to earn a reasonable return  
22 on their investment.

23 The Commission will make a determination if  
24 Persimmon Creek is in the public interest as it has done  
25 for all of the Company's other generating assets. And

1 the Commission does not use hindsight to review the  
2 prudence of decisions to acquire generating assets. If  
3 the Commission were to accept Staff's proposed  
4 condition, it would clearly break the historical  
5 regulatory compact between public utilities and their  
6 customers and would condition recovery of the asset  
7 provided in a CCN upon speculative market events in the  
8 future. Such a decision would have far-reaching impacts  
9 on the regulation of public utilities in Missouri.

10           Importantly, Persimmon Creek is in full  
11 environmental compliance with all laws and regulations  
12 today. The potential for a rule or law to change in the  
13 future is not a reason for shareholders to bear that  
14 risk. Over the life of an investment, numerous laws may  
15 change. The utility is, of course, required to comply  
16 with the law of the land at all times and as the law  
17 evolves the utility must make investments to stay  
18 compliant.

19           If the law were to change, shareholders would  
20 play their role to provide capital for investments which  
21 would then be subject to review for prudence in a future  
22 rate case.

23           For the third condition, Staff and/or OPC  
24 recommend that the Commission order Evergy to track the  
25 PTCs, the production tax credits, accrued on its books

1 or its revenues so that they are available for the  
2 Commission's consideration in Evergy West's next rate  
3 case. This proposed condition is inconsistent with the  
4 Commission's previous decisions on tracker requests and  
5 accounting authority orders. The Commission has held  
6 that trackers and other deferrals should be infrequently  
7 approved and rarely utilized.

8           The Commission has held that trackers should  
9 apply to only extraordinary items and not to routine  
10 costs. Trackers should apply to costs that are volatile  
11 in nature. Neither the production tax credit nor EMW's  
12 revenues meet any of these requirements. So Staff's and  
13 OPC's recommendation violates past practice supported  
14 and advocated by the Staff and ordered by the Commission  
15 in prior cases which were affirmed by Missouri courts.

16           Staff also has not disputed that EMW customers  
17 will immediately begin receiving benefits of this zero  
18 energy cost resource flowing through the FAC prior to  
19 the asset being recovered in base rates. For the period  
20 between the acquisition and the next rate case, the PTC  
21 will be an offset to the regulatory lag that EMW will  
22 incur until such time that Persimmon Creek is fully  
23 recovered in rates. This is an appropriate and balanced  
24 treatment fully supported by the existing FAC tariff,  
25 the PISA statute and historical ratemaking.

1           Fourth, Staff and OPC recommend that the  
2 Commission hold Evergy Missouri West's ratepayers  
3 harmless if the costs of Persimmon Creek were ever to  
4 exceed the market revenues and ratepayer realized  
5 benefits. Most importantly, this hold harmless proposal  
6 and the second proposal requiring shareholders to bear  
7 solely the risk of future losses or expenses would  
8 result in EMW being unable to pursue the Persimmon Creek  
9 acquisition.

10           Under Staff's recommended conditions, EMW's  
11 return on its investment could be determined by SPP  
12 wholesale energy market conditions that are outside the  
13 Company's control. If SPP wholesale energy revenues in  
14 combination with the Persimmon Creek tax credits were  
15 below what was needed to recover all costs, EMW  
16 shareholders would be required to absorb the difference.  
17 This would be unreasonable, unlawful and confiscatory.  
18 Unlike an independent power producer operating a  
19 merchant plant, the utility is providing a service for  
20 the benefit of customers which in turn is based on a  
21 variety of factors evaluated by the IRP per Commission  
22 rules. These conditions do not exist for other Evergy  
23 Missouri West generating resources that have already  
24 been determined by the Commission to be necessary for  
25 service to customers. If taken to its logical

1 conclusion, Staff's argument would indicate that many of  
2 EMW's existing resources should not be a part of its  
3 fleet and EMW should simply procure all of its energy  
4 from the SPP market for EMW customers notwithstanding  
5 the pricing and reliability risk that would come with  
6 that decision. This would not be a reasonable approach  
7 from the customer's perspective. These last proposed  
8 conditions are ill-conceived and should be denied.

9 Finally, the evidence establishes that  
10 authorizing EMW under Section 393.190.1 to complete the  
11 asset transfer and merger described in the application  
12 and in Mr. Humphrey's testimony is not detrimental to  
13 the public interest. In sum, the CCN rule is met and  
14 the evidence more than establishes that the project is  
15 necessary and convenient for the public service.

16 Persimmon Creek is the right project at the  
17 right time. It will meet clear energy and capacity  
18 needs and clear benefits will immediately flow to  
19 customers in Missouri. Thank you.

20 JUDGE DIPPELL: Thank you. Are there any  
21 Commissioner questions for Evergy?

22 CHAIRMAN RUPP: Thank you, Judge. Good  
23 morning.

24 MS. WHIPPLE: Good morning.

25 CHAIRMAN RUPP: What does the Company estimate



1 would be the cost incurred to recertify the existing?

2 If you don't know that, that's fine.

3 MS. WHIPPLE: I know that Jason Humphrey knows  
4 the answer to that question. I could confer.

5 CHAIRMAN RUPP: No. I'm just letting you know  
6 that I would like to know that answer at some point.

7 MS. WHIPPLE: Understood. Thank you.

8 JUDGE DIPPELL: Commissioner Holsman.

9 COMMISSIONER HOLSMAN: What kind of congestion  
10 is in that area of the project and what kind of  
11 transmission would be available to move that power  
12 throughout the SPP footprint?

13 MS. WHIPPLE: That is also going to be a  
14 question for Witness Humphrey. If you like, I could --

15 COMMISSIONER HOLSMAN: I'll wait. Thanks.

16 MS. WHIPPLE: Okay. Thank you.

17 JUDGE DIPPELL: Any other Commissioner  
18 questions? Renew Missouri.

19 MR. GREENWALD: Good morning and may it please  
20 the Commission. My name is Alissa Greenwald, and I'm  
21 here on behalf of Renew Missouri. Over the past ten  
22 years, investor-owned utilities in the state of Missouri  
23 have made massive investments in wind energy. And while  
24 environmental concerns have been at the forefront of  
25 conversations surrounding clean energy nationally, the

1 largest driving factor behind these investments has been  
2 the clear economic benefits that wind delivers to  
3 utilities and their customers.

4           Beyond simply the economics, wind energy  
5 benefits the public through cleaner air, healthier  
6 people and more competitive businesses. In fact,  
7 throughout the past ten years we have seen Commission  
8 precedent build upon these concepts to conclude one  
9 thing, that wind generation promotes the public  
10 interest. And the public interest is a key  
11 consideration for this Commission as it has broad  
12 discretion to grant a CCN when it determines the public  
13 interest is served.

14           While Staff's characterization of this factor  
15 severely limits its application, the public interest is  
16 not constrained to only looking at physical need. It is  
17 also important to note that the larger benefits provided  
18 by wind generation are not abstract concepts that are  
19 entirely unquantifiable.

20           For example, the integrated resource planning  
21 process considers environmental costs that are incurred  
22 by fossil fuel generation and avoided by renewables.  
23 Through its IRP planning and a range of other analyses,  
24 Evergy has determined that the Persimmon Creek wind farm  
25 is the best resource to serve the needs of its

1 customers. This process requires in-depth modeling and  
2 provides opportunities for stakeholder feedback to be  
3 incorporated into ongoing planning. That the benefits  
4 of wind energy and other sources of renewable energy are  
5 reflected in IRP results should be an expected outcome  
6 and should certainly not be a basis for devaluing the  
7 IRP as a planning tool or discrediting Evergy's  
8 analysis.

9 We encourage the Commission to consider the  
10 credible evidence put forward that establishes what we  
11 know to be true, that wind generation promotes the  
12 public interest through benefits to customers, the  
13 utilities and the state as a whole. With these factors  
14 in mind, we encourage the Commission to approve Evergy's  
15 CCN application. Thank you. And I'm happy to answer  
16 any questions.

17 JUDGE DIPPELL: Are there any Commissioner  
18 questions? Thank you, Ms. Greenwald.

19 MR. GREENWALD: Thank you.

20 JUDGE DIPPELL: Commission Staff. I'm sorry.  
21 Was Public Counsel next? I must have written it down  
22 wrong. Public Counsel.

23 MR. CLIZER: Just very briefly. I'm actually  
24 going to give an introduction for our newest attorney  
25 before allowing her to give her opening. So to that

1 extent and for the record, John Clizer on behalf of OPC.  
2 It is my privilege this morning to introduce to you Ms.  
3 Anna Martin, the newest member of the OPC. She's a  
4 native of Missouri. She hails from Webster Groves. She  
5 graduated in 2014 from Missouri State University with  
6 double bachelors in English Lit and Latin and then went  
7 on in 2018 to get a degree in law from the University of  
8 Missouri-Columbia. She has served three years with the  
9 Department of Social Services serving first as a public  
10 hearing officer and then as a managing attorney. We are  
11 very proud to have her join our team, and with that I'd  
12 like to turn it over to Ms. Martin to provide the OPC's  
13 opening statements. Thank you.

14 JUDGE DIPPELL: Thank you. Welcome, Ms.  
15 Martin.

16 MS. MARTIN: Thank you. I'm loud enough that  
17 I could do it right here but I'm going to go to the  
18 podium.

19 So good morning to the Commission and may it  
20 please the Commission. My name is Anna Martin, and I am  
21 here on behalf of the Office of the Public Counsel.

22 So in 2001, Evergy West entered into a power  
23 purchase agreement, or a PPA, for Gray County wind farm.  
24 To date, Gray County wind farm has lost ratepayers over  
25 \$25 million.

1           In November 2012, Evergy West entered into a  
2 PPA for Ensign wind farm. Today Ensign has cost  
3 ratepayers \$61 plus million. Osborn wind farm has cost  
4 -- The Osborn wind farm PPA has cost ratepayers over \$20  
5 million since that PPA began in December 2016. Rock  
6 Creek wind farm was entered into for a PPA in August  
7 2017, and it has cost almost \$28 million for ratepayers.  
8 November 2018, they entered into the PPA for Pratt wind  
9 farm, and that has since cost almost \$10 million for  
10 ratepayers.

11           They did enter into one positive money making  
12 venture I suppose for Prairie Queen wind farm, and that  
13 has since made about 3 million, \$2.7 million for  
14 ratepayers since 2019.

15           Evergy West keeps claiming that they are  
16 entering these PPAs due to favorable economics and for  
17 reasons that are not related to RES or renewable energy  
18 standard compliance. These PPAs have cost EMW customers  
19 over \$141 million so far and it will get worse.

20           In 1970, George Akerlof wrote a famous paper  
21 about the detrimental effect that information asymmetry  
22 has on the value of goods in the market. In that paper,  
23 Akerlof refers to high value goods as peaches and low  
24 value goods as lemons. Over 22 years, Evergy West has  
25 entered into six PPAs insisting they were peaches. Over

1 22 years Evergy West has repeatedly chosen lemons and  
2 their lemonade stand has cost ratepayers over \$141  
3 million. Now Evergy West is insisting that Persimmon  
4 Creek is a peach. In reality, Persimmon Creek is a wind  
5 farm with almost five years of generational and  
6 financial losses. Persimmon Creek is a lemon and Evergy  
7 West knows it.

8 Today my central question for the Commission  
9 is how much more money is Evergy West allowed to lose  
10 for captive customers. Before EMW was buying lemons  
11 that they believed were peaches. Here they know that  
12 Persimmon Creek is a quarter of a billion dollar lemon,  
13 but this purchase will benefit Evergy West shareholders.  
14 That will be at Missouri's captive customers' detriment.

15 The Public Service Commission Staff and the  
16 Office of the Public Counsel are united in our belief  
17 that Persimmon Creek is a bad bet. This wind farm is  
18 uneconomic. It will not help with the capacity and it  
19 does not even increase the amount of renewable energy in  
20 the SPP market.

21 OPC's expert witnesses Jordan Seaver and Lena  
22 Mantle will be available for any questions that you have  
23 about why Persimmon Creek is a bad wind farm to  
24 purchase. Until then I implore the Commission look at  
25 the CCN request with a critical eye. I implore that you

1 ask more from your public utilities. I ask that you  
2 require more protection for captive customers. And I  
3 ask that you deny the CCN. Thank you. And if you have  
4 any questions, I'm here.

5 JUDGE DIPPELL: Thank you. Are there  
6 Commission questions? Mr. Chairman.

7 CHAIRMAN RUPP: Thank you, Judge. Good  
8 morning.

9 MS. MARTIN: Morning.

10 CHAIRMAN RUPP: Welcome. Great job. Thank  
11 you. Appreciate it. I'm sure you're nervous but you  
12 did great. So when you're rolling through the different  
13 costs to ratepayers, how are you calculating? What are  
14 you comparing that to? Other generation costs or how  
15 are you coming up with your --

16 MS. MARTIN: With the negative and positive  
17 amounts?

18 CHAIRMAN RUPP: -- the negative.

19 MS. MARTIN: If you speak to Lena Mantle, she  
20 knows a lot about this stuff, I'm sure you're very  
21 aware, but she has been keeping track of this for years.  
22 So that's how we calculated.

23 CHAIRMAN RUPP: I'll address. And then you  
24 stated that this only benefits shareholders, and is that  
25 argument just because it adds to rate base or how do you

1 determine that this is only of benefit to shareholders?

2 MS. MARTIN: So if you look at -- And again  
3 this is going to be something that Lena and Jordan are  
4 able to speak about a little bit more than I can; but if  
5 you look at there's production tax credits, there's --  
6 if you look at ratepayers needing to give shareholders  
7 not only the amount back for the asset but also you have  
8 that profit that is built in to how much they owe, then  
9 ratepayers are getting that as well as the PTCs, because  
10 this is not going to be entered into rate base for one  
11 to four years.

12 CHAIRMAN RUPP: Okay. Thank you very much.

13 JUDGE DIPPELL: Are there other Commission  
14 questions? I don't see any. Thank you.

15 MS. MARTIN: Thank you. I do apologize for  
16 interrupting.

17 JUDGE DIPPELL: And now Staff.

18 MS. MERS: Good morning. May it please the  
19 Commission. This is Nicole Mers on behalf of Staff.  
20 And Staff is here today to urge you to look past the  
21 catchy slogans, the self-fulfilling prophecies and the  
22 false sense of urgency and look at the actual real data  
23 in this case. This is not Staff being against  
24 renewables, it is not Staff being against long-term  
25 resource planning, and it is definitely not Staff



1 holding an impossible standard of need. What Staff is  
2 saying that in this case that this specific project  
3 should not be approved. This project fails to meet the  
4 need threshold as there is not a capacity need. And if  
5 there was such a need, the generation attributes and the  
6 potential for heavy curtailment make this project  
7 unsuitable. The capacity issues that have been  
8 explained by Staff Witness J Luebbert also significantly  
9 impact the economic benefits of this project.

10 The negative pricing seen in the historical  
11 operation of this project, which we do have the four  
12 years of data for, it makes the economic benefits to  
13 customers that threshold another Tartan criteria that is  
14 not satisfied. As the project will not cover its cost,  
15 it also cannot act as an effective hedge and that  
16 substantially increases risk to ratepayers. That means  
17 the project is not in the public interest. So it fails  
18 the Tartan test.

19 Now, Staff is not saying that there is no  
20 project, let alone of no renewable project, that could  
21 provide the benefits that Evergy desires or provide an  
22 effective economic hedge for ratepayers. But Staff has  
23 not been presented with that project.

24 Staff has only been presented with generic  
25 data, as Brad Fortson will explain, to support a generic

1 wind project that became a self-fulfilling prophecy due  
2 to Evergy's own choices and self-selected inputs.  
3 Furthermore, upon receiving specific data for Persimmon  
4 Creek, it further highlights the flaws in both the  
5 specific and generic assumptions used for both the IRP  
6 modeling and the CCN case modeling that Evergy has  
7 presented which has also been noted in numerous Staff  
8 witnesses' testimony in this case.

9           So I'd like to give a high level overview of  
10 these fundamental flaws and how these flaws mean that  
11 the Tartan criteria have not been met and so this  
12 project should not be approved. Please, please ask  
13 Staff witnesses over these topics. It's very, very easy  
14 for the deluge of information in this case to muddy  
15 waters.

16           One may think that well, Evergy has looked at  
17 all of these things, doesn't that therefore mean that  
18 analysis was rigorous, doesn't it therefore mean that  
19 they've looked at most situations and scenarios and have  
20 accounted for these situations. But Staff's witnesses  
21 can walk through how Evergy's analysis fails on several  
22 key parts.

23           The first flaw as I mentioned that Staff finds  
24 with this case is with the need aspect. Now, parties  
25 that are supporting this application are quick to point

1 out that there have been several cases where need has  
2 not been narrowly defined as absolutely indispensable  
3 required but just an improvement justifying its cost.  
4 As I'll explain a little bit later and J Luebbert can  
5 testify to, Staff does not believe that this project  
6 does justify its cost. But furthermore, allowing a  
7 monopoly utility to add generating rate base or assets  
8 to its rate base untethered to ratepayer need could  
9 result in substantial increases in rates and unnecessary  
10 risks for ratepayers with the only upside being for  
11 shareholders and their ability to earn a return on those  
12 assets.

13 Demonstration of need can act as an upper  
14 limit to the amount of rate base additions of generating  
15 resources which is necessary since Evergy Missouri West  
16 shareholders would not carry the risk that the Persimmon  
17 wind project is ultimately uneconomic. Again, that risk  
18 would be borne by ratepayers.

19 SPP does not view Evergy West on a stand-alone  
20 basis for resource adequacy. But even allotting the  
21 most charitable view towards Evergy on an individual  
22 basis shows an alleged IRP capacity need of 170 MW in  
23 2024. This project will only provide 20 MW, 20, to  
24 fulfill that alleged need.

25 Evergy West with or without this project will

1 still need to acquire two combustion turbines each 237  
2 MW. Brad Fortson and Claire Eubanks will provide an  
3 in-depth analysis on these points and can provide  
4 explanations. Brad Fortson is also the manager of the  
5 energy resource group for Staff and oversees Staff's  
6 work on resource planning. So he's an excellent  
7 resource if you have questions on resource planning,  
8 IRPs or any of those matters.

9 So not only does this project fail to meet a  
10 physical need, it fails to meet the hedging need that  
11 has been described by Evergy. As Staff witnesses Claire  
12 Eubanks and J Luebbert can explain, in order to maximize  
13 the mitigation of exposure to high market energy costs,  
14 the energy production of a resource would need to be  
15 highest when those nodal market prices are high and  
16 ratepayer demand is high. Persimmon Creek fails on both  
17 ends as it generates most at night when prices are low  
18 or even negative and also when ratepayer demand is very  
19 low.

20 Next, Evergy's analysis fails to show this  
21 project will be economically feasible for ratepayers.  
22 In Staff's analysis, it is very unlikely that revenues  
23 would cover the cost of the facility. Locking  
24 ratepayers in to paying for assets that are primarily  
25 justified by faulty economic analysis which also does

1 not fulfill a clearly identified need is an unnecessary  
2 risk to ratepayers and benefits only Evergy Missouri  
3 West shareholders.

4 J Luebbert can also further explain how  
5 Evergy's analysis significantly overstated the  
6 production capacity and understated how often negative  
7 prices will be incurred. In fact, it's my understanding  
8 that in surrebuttal Evergy's response to Staff's  
9 argument about the negative prices was that Staff was  
10 actually too optimistic and that Evergy would be willing  
11 to incur even greater negative prices than Staff  
12 analyzed. And what Staff analyzed was again the actual  
13 operations of Persimmon Creek over the last four years.

14 So my understanding that that negative pricing  
15 risk would be due to the production tax credit which  
16 then makes it even more unreasonable that Evergy if this  
17 project is approved would incur those negative prices to  
18 flow to customers for the sake of that production tax  
19 credit offset but then Evergy proposes to keep that  
20 offset for the benefit of shareholders. This is why  
21 Matt Young has proposed a tracker for the production tax  
22 credits to ensure that if this project is approved as  
23 much harm to ratepayers can be mitigated by capturing  
24 the upside of the production tax credits to mitigate  
25 that downside of negative revenues and losses.

1           Mr. Young can also explain how this is an  
2 appropriate mechanism as Evergy will be receiving PISA  
3 treatment on this plant. I don't want to get into  
4 potentially confidential numbers in an opening, but my  
5 understanding is that the value of the PTCs that Evergy  
6 would keep due to the beneficial regulatory lag and  
7 without the tracker outweighs on an order of magnitude  
8 double to triple in millions of course for shareholders  
9 to the amount of negative regulatory lag that they would  
10 experience from that 15 percent of PISA not being all  
11 captured and then the O&M.

12           Finally, for public interest Staff cannot say  
13 that the project is in the public interest and meets the  
14 Tartan criteria upon Staff's weighing of all the  
15 factors. This is also because as proposed by Evergy all  
16 the risk of failure of the project to perform as assumed  
17 falls on ratepayers and Evergy is not only insulated  
18 from those risks but for most of the risks and costs  
19 associated with regulatory lag.

20           So in conclusion, Staff would encourage the  
21 Commission to remember these facts. The historical  
22 revenue of Persimmon Creek indicates that market  
23 revenues are unlikely to exceed the revenue requirement  
24 associated with this project. This means that if this  
25 asset is included in rates, ratepayers are expected to

1 pay more for the asset through rates than the offsetting  
2 market revenues for Persimmon Creek. Fact two. The SPP  
3 node for Persimmon Creek has experienced increased hours  
4 of negative pricing since 2018, which will result in  
5 negative market revenue or added cost if the asset  
6 generates in those hours. Fact three. If the alleged  
7 need is to meet SPP resource adequacies needs of  
8 Missouri West, Persimmon Creek is a poor solution on a  
9 dollar per KW accredited basis. Remember it's only 20  
10 MW for the entire \$250 million that would be spent for  
11 this case.

12 Fact four. Persimmon Creek is not likely to  
13 be a great hedge against exposure to market energy cost  
14 and energy produced from Persimmon Creek is relatively  
15 low when the load of West ratepayers is high. Market  
16 prices generally are elevated during times of peak  
17 consumption which is usually in the summer months in  
18 part because of the increased demand by use of  
19 air-conditioning. So Persimmon Creek is unlikely to  
20 take advantage of those elevated market prices by  
21 producing energy outside of those peak consumption time  
22 periods as wind produces higher at night and mostly at  
23 night.

24 There's also the curtailment potential in this  
25 case which would further exacerbate production during

1 summer months when it's most needed. Finally, Evergy  
2 Missouri West's IRP analysis drastically underestimates  
3 the propensity for negative LMPs market prices at the  
4 Persimmon Creek SPP node. This is exacerbated by the  
5 fact that Evergy's utilization of the capacity factor in  
6 both its IRP analysis and its CCN case analysis, its  
7 LCOE, least cost of energy analysis, they do not take  
8 into account the fact that after the asset is no longer  
9 producing production tax credits the asset would not be  
10 generating during those negative pricing. So this drops  
11 the capacity factor.

12 Staff does have some conditions if the  
13 Commission would decide to grant the CCN, which we hope  
14 you don't. Brad Fortson and J Luebbert can explain some  
15 of the modeling related conditions and requirements that  
16 Staff has suggested. Matthew Young can explain the  
17 request Staff has made regarding the tracking of the  
18 production tax credits. And Shawn Lange can explain  
19 Staff's suggestions in light of the very possible  
20 curtailments Persimmon Creek would experience.

21 So I am happy to try to answer any of your  
22 questions that you may have and if not maybe point you  
23 to the appropriate Staff witness.

24 JUDGE DIPPELL: Thank you. Mr. Chairman.

25 CHAIRMAN RUPP: Thank you. Appreciate it.



1 Good morning.

2 MS. MERS: Good morning.

3 CHAIRMAN RUPP: This is the 10,000 foot view  
4 question for Staff. Is a theme emerging from Staff,  
5 when I look back at the previous Ameren case on the  
6 solar farm and now this case, that if there is a  
7 capacity need and the project put forth does not solve  
8 that entire need then it shouldn't be brought forward?

9 MS. MERS: No, I don't think that that is  
10 necessarily an accurate summation or explanation of  
11 where Staff is coming from. I can maybe put forth a  
12 little bit of a unique perspective on it because for  
13 most of the CCN cases that Staff has been a part of in  
14 the past, and many of those we have recommended approval  
15 of, I don't think that we're being contrary to what  
16 other parties may say inconsistent with that. I think  
17 that when you are talking larger projects, more cost and  
18 with the fact that we have had both MISO and SPP come to  
19 the Commission and speak on reliability projects or  
20 reliability issues that the grid may sustain plus after  
21 what we've seen with Storm Uri that Staff has just --  
22 when there is not the definite, you know, we have RES  
23 compliance we must meet or gaping shortfalls in energy  
24 production where load cannot be met that we're just  
25 saying that perhaps a higher threshold needs to be

1 looked at; that it's not enough to just say well, we  
2 need experience running this kind of plant or, you know,  
3 people like solar and they ask us for solar. The  
4 ratepayers are on the hook for this for the life of the  
5 plant. And you know, as I mentioned, we're not saying  
6 that wind in general would be, you know, that every  
7 single wind project that could have been proposed would  
8 have not been appropriate but just due to the economics  
9 and the changing situations with reliability with the  
10 coal retirement that we really want to make sure that  
11 customers are getting their bang for their buck.

12 Now, if Evergy was coming in and proposing,  
13 you know, and hopefully Staff doesn't hold me to this  
14 later, but you know, I think that if the situation were  
15 that this was just 20 MW of wind or 30 MW of wind with  
16 the CTG or some combination that really would get at,  
17 you know, actual reliability issues or actual need which  
18 if you talk to some Staff witnesses I'm not sure that  
19 we're seeing that right now for Evergy but I do think  
20 that, you know, it's not if it doesn't fulfill all of  
21 your requirements that we would say no. I just think  
22 that it needs to be when you're looking at it in  
23 combination an economic choice especially if you're  
24 justifying it for economic reasons which Evergy has in  
25 this case.

1           CHAIRMAN RUPP: So kind of following up on  
2 that, you had stated if this was approved that the  
3 Company would still need to build two combined cycle  
4 natural gas plants to fulfill their need. So would  
5 Staff be arguing that the Company should build three  
6 combined cycle natural gas plants and not explore the  
7 wind farms any more or what is the thought process  
8 there?

9           MS. MERS: Sure, sure, and that's a very fair  
10 question. And again I think that both Brad Fortson, J  
11 Luebbert and Claire Eubanks would have more technical  
12 and better response to this.

13           CHAIRMAN RUPP: I'm asking this question so  
14 that they can think about these ahead of time. I know  
15 you're the Staff attorney.

16           MS. MERS: Yeah, you're like why is she trying  
17 to answer it.

18           CHAIRMAN RUPP: You can't argue all the  
19 points.

20           MS. MERS: Just to give I think a summation or  
21 a sneak peek of what I think they may say, from my  
22 understanding from the IRP and looking at both  
23 historical practice and how the SPP looks at Evergy in  
24 the market, on a combined basis there is not a need  
25 where Evergy would not be meeting capacity resource

1 requirements. So they wouldn't need to build a third  
2 combined cycle, they wouldn't need to build, you know, a  
3 solar facility or a wind farm for those reasons because  
4 on a combined basis they're meeting their requirements.  
5 And in fact, up until very recently they when looked at  
6 on an individual basis kind of had a bilateral agreement  
7 with themselves to meet those capacity shortfalls where,  
8 you know, some of the capacity on Metro's books was, you  
9 know, moved to West and I believe that there were some  
10 monetary exchanges but it was a much, much lower cost  
11 which again gives Staff the concern that, you know, if  
12 that kind of deal was okay up until now, why is that no  
13 longer sufficient until you need to actually come in and  
14 build the capacity because you maybe retired some more  
15 coal plants or you've got more load. So I'm sure that  
16 they can explain much better but that is my very, like  
17 you said, 10,000 foot view on where we would be on that.

18 CHAIRMAN RUPP: My last question and shifting  
19 gears a bit. Based on what I've read in testimony, I  
20 understand the Staff feels that the Company has -- Their  
21 inputs for the RFP and stuff was kind of, you don't  
22 agree with that. Would you go as far to say that the  
23 Company chose this site and then created the RFP and  
24 designed it in order that this site was selected?

25 MS. MERS: I have to be careful with trying to

1 make intent. I will note and I think it is in the  
2 procedural schedule where you can see kind of maybe not  
3 the impetus behind it but the outcome of it is that it  
4 does feel more like it was a solution in search of a  
5 problem. Staff did encourage because of the passing of  
6 the IRA and some of the concerns that we had noticed  
7 when we were beginning our review of the case, so we had  
8 said can you guys take a closer look, does the IRA  
9 impact things, are there other projects now with the IRA  
10 that might be more economical, can you take a second  
11 look, and that was the hope for supplemental direct.

12 Now, in Evergy's, I don't want to speak on  
13 their behalf, but judging from the testimony, the  
14 supplemental testimony they filed, that their, you know,  
15 second look was yeah, it's still great. But I think  
16 that from what we saw then, and Brad Fortson is  
17 definitely a great witness for this and what we're  
18 seeing in the IRP it does seem like we were nudged to  
19 this project perhaps.

20 CHAIRMAN RUPP: Okay. Thank you very much.  
21 Appreciate it.

22 JUDGE DIPPELL: Are there -- Commissioner  
23 Kolkmeier.

24 COMMISSIONER KOLKMEYER: Yes. Thank you,  
25 Judge. Good morning.

1 MS. MERS: Good morning.

2 COMMISSIONER KOLKMEYER: The Company, Evergy  
3 West, claim says that the nameplate has a capacity of  
4 198. You're using 20. Can you explain the difference?

5 MS. MERS: I can try to.

6 COMMISSIONER KOLKMEYER: It's a huge  
7 difference.

8 MS. MERS: Yes, it is. It would probably be a  
9 better question for both J Luebbert and Claire Eubanks,  
10 but I think from a high attorney point of view, not high  
11 attorney, high level attorney point of view, it is both  
12 -- that discrepancy is both due to what SPP will  
13 accredit wind generation for --

14 COMMISSIONER KOLKMEYER: Okay.

15 MS. MERS: --which is not going to be full  
16 nameplate capacity, I think it's -- I'm going to look to  
17 J to see if he'll nod but 20 to 30 percent. 10. 10.  
18 It's 10, much lower.

19 COMMISSIONER KOLKMEYER: That number is real  
20 close to 10.

21 MS. MERS: Yes, yes. So it is yes, 10  
22 percent, and I think that if you ask questions of  
23 Mr. Luebbert and Ms. Eubanks that they can explain not  
24 only does SPP accredit those types of resources at a  
25 much lower rate which impacts when you're searching for

1 capacity but we have further concerns that even what is  
2 perhaps SPP accredited or are what is predicted may  
3 still not come to fruition with, you know, after those  
4 PTCs expire, you're not going to be producing to get  
5 those PTCs so you have no incentive hopefully to produce  
6 when there are negative hours and there also is, and I  
7 don't want to get into highly confidential information,  
8 but Mr. Lange, Mr. Shawn Lange can explain too that we  
9 do have fears that capacity factor could be impacted by  
10 potential curtailments in the future.

11 COMMISSIONER KOLKMEYER: Thank you.

12 MS. MERS: Uh-huh.

13 JUDGE DIPPELL: I just have one question.  
14 Which Staff witness should the Commission pose questions  
15 related to Ms. Messamore's Schedule KM-2, which was  
16 attached to her supplemental direct?

17 MS. MERS: Unfortunately I do not have the  
18 knowledge of what the schedules contain memorized. I  
19 think it's probably a safe bet that it would probably be  
20 J Luebbert on those things.

21 JUDGE DIPPELL: I'm sorry I didn't write down.

22 MS. MERS: It is okay. If it kinds up not  
23 being J, we can definitely make sure that we note that  
24 to you guys. Really put him to the test, guys.

25 JUDGE DIPPELL: All right. And then you

1 mentioned two acronyms I just wanted to make sure that  
2 we had clear. IRA?

3 MS. MERS: It's the Inflation Reduction Act.

4 JUDGE DIPPELL: And LMP you kind of explained.

5 MS. MERS: Local --

6 MS. MARTIN: Locational marginal pricing.

7 MS. MERS: Locational marginal pricing. Thank  
8 you for the assist.

9 JUDGE DIPPELL: Thank you.

10 MS. MERS: Thank you all.

11 JUDGE DIPPELL: That concludes opening  
12 statements. I think we'll take a short break before we  
13 begin with the witness testimony. So let's break until  
14 10:15. We can go off the record.

15 (Off the record 10:03 a.m. to 10:15 a.m.)

16 JUDGE DIPPELL: All right. We're back on the  
17 record after our break. We are ready to begin with  
18 Everygy's witnesses.

19 MR. FISCHER: Yes, Judge. We would like to  
20 call Matt Dority to the stand.

21 JUDGE DIPPELL: Mr. Dority, do you solemnly  
22 swear or affirm that the testimony you're about to give  
23 at this hearing will be the truth?

24 THE WITNESS: I do.

25 JUDGE DIPPELL: Thank you. If you could spell



1 your name for the court reporter.

2 THE WITNESS: Matthew Dority, M-a-t-t-h-e-w  
3 D-o-r-i-t-y.

4 JUDGE DIPPELL: Thank you. Go ahead,  
5 Mr. Fischer.

6 MR. FISCHER: Thank you, Judge.

7 MATTHEW DORITY,  
8 having been first duly sworn, was examined and testified  
9 as follows:

10 DIRECT EXAMINATION

11 BY MR. FISCHER:

12 **Q. Please state your name and address for the**  
13 **record, your business address.**

14 A. Matthew Dority, 1200 Main Street, Kansas City,  
15 Missouri 64105.

16 **Q. Are you the same Matthew W. Dority that caused**  
17 **to be filed in this case direct testimony which I'll**  
18 **tell you has been marked as Exhibit 1 and supplemental**  
19 **direct which have been marked as Exhibit 4 and**  
20 **surrebuttal testimony which has been marked as Exhibit**  
21 **7?**

22 A. I am.

23 **Q. Do you have any changes or corrections that we**  
24 **need to make to your prefiled testimony?**

25 A. I do not.

1 Q. If I were to ask you the questions that are  
2 contained in those testimonies, would your answers be  
3 the same and are they correct to the best of your  
4 knowledge and belief?

5 A. Yes.

6 MR. FISCHER: Your Honor, with that, I would  
7 move for the admission of Exhibits 1, 4 and 7 and tender  
8 Mr. Dority for cross-examination.

9 JUDGE DIPPELL: Would there be any objections  
10 to Exhibits 1, the direct testimony, 4, supplemental  
11 direct or 7, surrebuttal testimony of Mr. Dority?  
12 Seeing none, I will admit those exhibits.

13 (EVERGY EXHIBITS 1, 4 AND 7 WERE RECEIVED INTO  
14 EVIDENCE AND MADE A PART OF THIS RECORD.)

15 JUDGE DIPPELL: All right. We will go by the  
16 order of cross, like I say, set out in your list that  
17 you provided. So begin with Renew.

18 MR. GREENWALD: Yes, just briefly. Thank you.  
19 Good morning, Mr. Dority.

20 THE WITNESS: Good morning.

21 CROSS-EXAMINATION

22 BY MS. GREENWALD:

23 Q. Are you familiar with Staff's position on  
24 whether Persimmon Creek serves the public interest?

25 A. I am.

1 Q. And what is that position?

2 A. They say that Persimmon Creek does not serve  
3 the public interest.

4 Q. And in your professional experience, has the  
5 public interest been constrained to only looking at  
6 physical need?

7 A. No.

8 Q. What else has the Commission considered when  
9 looking at the public interest?

10 A. The Commission has broad discretion to look at  
11 whether the service is necessary or convenient in the  
12 public service. So it doesn't have to be necessity. It  
13 has to look at whether it's improvement to justify the  
14 cost.

15 Q. And do you believe that Persimmon Creek does  
16 promote this public interest?

17 A. I do.

18 MS. GREENWALD: Thank you.

19 JUDGE DIPPELL: Is there anything from Office  
20 of the Public Counsel?

21 MS. MARTIN: Not at this time. Thank you.

22 JUDGE DIPPELL: Staff?

23 MS. MERS: Good morning.

24 THE WITNESS: Good morning.

25 CROSS-EXAMINATION

1 BY MS. MERS:

2 Q. On page 3 of your surrebuttal you state that  
3 Staff's position puts ratepayers in more risk; is that  
4 accurate?

5 A. Yes.

6 Q. Is it your understanding that the Evergy wind  
7 PPAs have lost over \$40 million in the last ten years?

8 A. I would defer to Company witness Kayla  
9 Messamore to address any of those allegations.

10 Q. Are you familiar with Evergy's securitization  
11 case, EF-2022-0155?

12 A. Yes.

13 MS. MERS: I'd like to mark an exhibit.  
14 Sorry. It would be Staff Exhibit 107, I believe.

15 JUDGE DIPPELL: Yes, that's the number I have.

16 (STAFF EXHIBIT 107 WAS MARKED FOR  
17 IDENTIFICATION.)

18 BY MS. MERS:

19 Q. And since we'll be entering it into the record  
20 I won't have you read the entire exchange into the  
21 record, but do you recall that exchange in the hearing  
22 with Mr. Reed, I believe, who's a consultant for Evergy  
23 Missouri West?

24 A. I do not but I can read it.

25 Q. Take your time.

1 A. Okay.

2 Q. So in that discussion with an Evergy Missouri  
3 West consultant in the financing case, do you agree that  
4 that consultant, Mr. Reed, is explaining Evergy's  
5 interactions with the SPP market and that it buys and  
6 sells all that it needs for its load from SPP; is that a  
7 fair summation of the few pages?

8 A. Yes.

9 Q. Would you agree that he states that since you  
10 essentially buy all of your needs from SPP whether  
11 you're long or short of generation, that doesn't -- the  
12 fact that you're long or short of generation doesn't  
13 affect reliability? I believe that is on page 260 in  
14 response to a question from Judge Clark. Would you  
15 agree that that is his response?

16 A. Yes, that's his response.

17 Q. Okay. And that he also states a little above  
18 that that the market was fully capable of meeting energy  
19 needs to ensure reliability of deliveries to the  
20 customers would be maintained; is that also?

21 A. That's what it states.

22 Q. Do you recall when that case was heard?

23 A. In the last year.

24 Q. Okay. And have there been any significant  
25 changes to SPP market protocols that would make those

1 **descriptions inaccurate?**

2 A. If you're referring to the witness's  
3 testimony, no, not in that context.

4 **Q. Again, just to clarify, this was a consultant**  
5 **for Evergy testifying on behalf of Evergy?**

6 A. Right.

7 MS. MERS: I'd like to go ahead and offer  
8 Exhibit 107 into the record at this time.

9 JUDGE DIPPELL: Would there be an objection to  
10 Exhibit 107 which is a portion of the transcript from  
11 EF-2022-0155 that's pages 256 to 261?

12 MR. FISCHER: Judge, I'd just state it is  
13 hearsay, but you can take it for whatever it's worth.

14 JUDGE DIPPELL: So that's not an official  
15 objection?

16 MR. FISCHER: I won't object.

17 JUDGE DIPPELL: You won't object?

18 MR. FISCHER: I will not.

19 JUDGE DIPPELL: Is there any other objection?  
20 Seeing none, then I will admit Exhibit 107.

21 (STAFF'S EXHIBIT 107 WAS RECEIVED INTO  
22 EVIDENCE AND MADE A PART OF THIS RECORD.)

23 BY MS. MERS:

24 **Q. Putting that aside and turning again to your**  
25 **surrebuttal testimony, you discuss extensively Staff's**

1 request for the tracker. Isn't that a fair  
2 characterization of your surrebuttal?

3 A. Yes.

4 Q. And I believe on page 23 of that surrebuttal  
5 you restate a Commission prior opinion that in reference  
6 to the 2014 case that Evergy, at that time KCP&L and  
7 GMO, requested trackers for transmission fee expense,  
8 property tracker expense and cyber security expense and  
9 that the Commission's denial found that the broad use of  
10 trackers should be limited because they violate the  
11 matching principle, tend to unreasonably skew ratemaking  
12 results, and dull the incentives a utility has to  
13 operate efficiently and productively under the rate  
14 regulation approach employed in Missouri. Is that an  
15 accurate restatement of your testimony?

16 A. That's correct.

17 Q. Do you agree with the Commission then that the  
18 broad use of trackers violates matching principle,  
19 unreasonably skews ratemaking results and dulls  
20 incentives?

21 A. We agree that the Commission has repeatedly  
22 made that determination.

23 Q. So you agree the Commission has made that  
24 determination but that Evergy may be bound by it but  
25 doesn't itself agree?

1           A.     This is quoting a case that KCP&L brought  
2 before the Commission advocating at that time for the  
3 trackers, but there's been repeated Commission orders  
4 that speak to the Commission policy as it relates to  
5 when is an appropriate use of a deferral mechanism.

6           **Q.     So do you agree with the Commission that**  
7 **trackers violate the matching principle?**

8           A.     Well, we have made the case in the past that  
9 there's circumstances to use trackers but the Commission  
10 has repeatedly determined, as we've laid out in the  
11 testimony.

12          **Q.     So you can't say if you agree or disagree with**  
13 **the Commission in your regulatory view?**

14           MR. FISCHER:   Judge, I think that's been asked  
15 and answered.

16           MS. MERS:   He's restated several times.  If I  
17 may respond.  I apologize.

18           JUDGE DIPPELL:  Go ahead, Ms. Mers.

19           MS. MERS:   Several times what the Commission  
20 has said but I think it would be helpful and I have not  
21 heard a response what Evergy feels or thinks trackers,  
22 you know, if they agree or disagree with that policy.

23           JUDGE DIPPELL:  I'll allow the question.  If  
24 you would just state it one more time, Ms. Mers, with  
25 maybe a little more clarity.



1 MS. MERS: Sure, sure.

2 BY MS. MERS:

3 Q. Would you agree -- I'll try to maybe break it  
4 down into the individual justifications the Commission  
5 used to see if that helps. Do you agree with the  
6 Commission when they have stated in cases that trackers  
7 violate the matching principle or tend to violate the  
8 matching principle?

9 A. Well, the Company has made the case in the  
10 past that we believe that there are circumstances that  
11 trackers are appropriate, but the Commission has  
12 repeatedly issued orders that stated as such as you  
13 indicated and we take that as Commission policy.

14 Q. Okay. So in the future Evergy no longer  
15 believes then that trackers on an individual basis  
16 should be evaluated?

17 A. No. Evergy has advocated for the use of  
18 trackers in the past, and we may advocate for trackers  
19 in the future. But what we are saying is that the  
20 Commission has been very clear on what it views as the  
21 appropriate use of deferral trackers, and the Staff  
22 recommendations in this case is contrary to that  
23 Commission policy.

24 Q. So although the Commission and, you know, the  
25 Commission policy in cases who aren't binding, but

1     **you're not willing to say in this case or in future**  
2     **cases if you would again approach -- Evergy would**  
3     **approach on an individual basis the use of the tracker**  
4     **in a situation?**

5             MR. FISCHER: Calls for speculation, Judge.

6             JUDGE DIPPELL: I'll allow it. Objection  
7     overruled. But I do believe that the witness has said  
8     that they would allow it in the future or that they  
9     might ask for it in the future. Do you want to reask  
10    that, Ms. Mers?

11    BY MS. MERS:

12            **Q. I guess is that a fair statement, the summary**  
13    **the Judge provided that in the future you may?**

14            A. I can't speculate what we might do in the  
15    future. I think I answered the question that that is a  
16    possibility that the Company would evaluate. But  
17    obviously the Company would take into account the  
18    Commission policy that it's repeatedly ruled on as it  
19    relates to that.

20            **Q. Okay. I know you're not a lawyer but you are**  
21    **I believe the regulatory affairs liaison for Evergy; is**  
22    **that correct?**

23            A. For this docket, yes.

24            **Q. For this docket. Is it your understanding**  
25    **that Missouri law allows Evergy Missouri West to defer**

1 **prudently incurred depreciation and property tax**  
2 **expense?**

3 A. Yes, under the PISA statute.

4 Q. Okay.

5 A. I'm sorry. Can you repeat the question?

6 Q. Yeah. I believe you had answered, but does  
7 Missouri law allow Evergy West to defer prudently  
8 incurred depreciation and property tax expense? Do you  
9 think the ability to defer depreciation and property tax  
10 expense violates the matching principle or skews  
11 ratemaking results or dulls incentives to operate  
12 efficiently?

13 A. Well, I'm not an accountant, but I believe  
14 that that's authorized under Missouri statute.

15 Q. Could you provide a definition of matching  
16 principle?

17 A. I would not venture to provide an accounting  
18 definition not being an accountant.

19 Q. Okay. Would you agree that from a high level  
20 view that the matching principle is a theory quantifying  
21 revenues, expenses, rate bases and capital structure at  
22 the same time maintains a proper relationship between  
23 those cost components?

24 A. Generally speaking, yes.

25 Q. If the Commission acknowledges that the

1 revenues, depreciation and property tax caused by the  
2 purchase of Persimmon Creek will be captured in between  
3 rate cases through those various mechanisms, wouldn't  
4 tracking tax benefits during the same time period comply  
5 with the spirit of the matching principle?

6 A. No. What I testify is that the Staff request  
7 for a PTC tracker is inconsistent with the Commission  
8 policy that they repeatedly laid out as it relates to  
9 asking for such treatment.

10 Q. And you're basing that off of -- or at least  
11 one of the major examples you quoted is that 2014 case;  
12 is that correct?

13 A. I think I cited several different examples.

14 Q. Okay. Was the PISA statute or the  
15 plant-in-service accounting mechanism that allows for  
16 deferral of depreciation or the recently passed property  
17 tax mechanism, were those in place in 2014?

18 A. No, they were not.

19 Q. Are you aware that Ameren Missouri is passing  
20 the complete grossed up value of its PTCs to customers?

21 A. I'm not aware of their case.

22 Q. On page 24 of your testimony, or actually page  
23 26, I apologize, you state that Evergy Missouri West  
24 customers will immediately begin receiving benefits of  
25 the zero energy cost resource flowed through the FAC

1 prior to the asset being recovered in base rates. Is  
2 that an accurate statement?

3 A. That's correct.

4 Q. Is it your understanding that Persimmon Creek  
5 will generate negative revenues at times?

6 A. I would defer to Company witness Jason  
7 Humphrey to be able to speak to the analysis as it  
8 relates to production.

9 Q. Okay.

10 A. But you know, to my testimony the statement is  
11 stating that once if we receive approval of the CCN the  
12 Persimmon Creek wind farm will pass along any revenues  
13 that it generates through the fuel clause back to  
14 benefit customers. And in discussion with the PTC  
15 tracker mechanism the point that we're making is that  
16 any time that you put a resource into service there's a  
17 positive and negative regulatory lag effect, and you  
18 reference the PISA statute that allows us to defer 85  
19 percent but there's also the 15 percent depreciation  
20 that is not able to be deferred under the PISA statute,  
21 there's the O&M costs, there's the benefit of the  
22 revenues that are flowing directly to customers in the  
23 interim prior to Persimmon Creek going into service and  
24 there's 15 percent of the return that also can't be  
25 realized until the resource goes into service. So

1 there's that balance of positive and regulatory lag, and  
2 we're not suggesting that Persimmon Creek be treated any  
3 differently than any other Evergy Missouri West  
4 generating resource that would go into service.

5 **Q. During the times when Persimmon Creek is**  
6 **generating only to gain PTCs, so in times of negative**  
7 **pricing, does that negative revenue go through the FAC?**

8 A. The negative revenue. I would defer to Jason  
9 Humphrey to be able to speak to that.

10 **Q. If you would take that -- If you would assume**  
11 **that as true, would that negative revenue act as a cost**  
12 **and increase the amount of total fuel cost that have to**  
13 **be recovered from customers?**

14 A. My understanding is that if -- My  
15 understanding is that if the resource is offered into  
16 the market we're not going to be generating past the  
17 value associated with the PTCs.

18 **Q. I'm glad you stated that. So if you're not**  
19 **going to be passing towards what the PTC would cover but**  
20 **if you're not passing along the PTCs to customers,**  
21 **doesn't that therefore mean the negative revenue at that**  
22 **time would go directly to customers through the FAC?**

23 A. My understanding is that we were only going to  
24 be flowing positive revenue dollars through the FAC to  
25 benefit customers until such time that the resource is

1 in service.

2 Q. So Evergy will not be flowing any negative  
3 revenues through the FAC from this particular project?

4 A. I'm not aware of any net cost flowing to  
5 customers through the FAC during this time.

6 Q. Would Evergy be willing to make that  
7 assurance, put it in writing?

8 A. I defer to Company witness Jason Humphrey to  
9 speak to that.

10 Q. Okay. Thank you. And you mentioned earlier  
11 and I do believe -- I think I have a little bit more  
12 before I need to go in camera. I think some of the  
13 information might be confidential. I don't believe that  
14 -- When do you guys expect to file your next rate case?

15 A. That's yet to be determined.

16 Q. Yet to be determined. Okay.

17 A. Certainly it will be within the four years  
18 under the FAC rules.

19 MS. MERS: Okay. I do believe I need to go in  
20 camera to discuss the next few data request responses.

21 JUDGE DIPPELL: Do you have additional non-in  
22 camera questioning?

23 MS. MERS: I do. I can do that a little out  
24 of order if that's easier.

25 JUDGE DIPPELL: If that doesn't mess up your

1 flow too much.

2 MS. MERS: It should not. Let's hope not. So  
3 if I can keep track and everybody else can too.

4 BY MS. MERS:

5 Q. On page 6 of your surrebuttal, since we're  
6 jumping back a little, you state that Staff completely  
7 ignores the 130 million NPVRR, which I believe is net  
8 present value of revenue requirement, benefit to EMW  
9 customers that the IRP demonstrates the acquisition of  
10 Persimmon Creek will provide; is that a correct  
11 restatement?

12 A. Correct.

13 Q. That Evergy is not guaranteeing the results of  
14 the IRP will come to fruition, correct?

15 A. No. The IRP is based on the best information  
16 available at this time.

17 Q. Okay. In fact, Evergy has stated that the  
18 imposition of any shareholder risk in this case would  
19 cause Evergy to reconsider the acquisition of Persimmon  
20 Creek; is that correct?

21 A. If the Commission determines that Persimmon  
22 Creek is needed for Evergy Missouri West in the public  
23 service, then it's the responsibility of customers to  
24 pay for that service.

25 Q. Is there any amount of risk that Evergy would



1 be willing to assume on behalf of shareholders if  
2 Persimmon Creek is not ultimately uneconomic -- or is  
3 ultimately uneconomic when considering the cost and  
4 revenues in this case?

5 A. We're not asking for the Commission --  
6 Persimmon Creek is the same as any other Evergy Missouri  
7 West generating resource. And if the Commission  
8 determines that this is a resource that is needed for  
9 the service of customers and in the public interest,  
10 then it's appropriate for the customers to pay for that  
11 service and to assume the economic risk and  
12 opportunities that's associated with this resource.  
13 Persimmon Creek has the same foundational risks and  
14 opportunities as any other resource that Evergy owns and  
15 operates.

16 Q. On page 10 of your surrebuttal you cite some  
17 findings of fact from the Commission's order in Case No.  
18 EA-2019-0010. Do you recall that discussion?

19 A. I do.

20 Q. One of the things mentioned is that wind  
21 generation has benefits other than cost savings,  
22 including helping to diversify Missouri's energy  
23 generation mix, providing renewable energy, and  
24 providing local and state economic benefits such as  
25 property taxes, land lease payments, and jobs. Is that

1     **an accurate restatement?**

2           A.     Yes, that's one of them, yes.

3           **Q.     In what state was Persimmon Creek constructed?**

4           A.     Oklahoma.

5           **Q.     Will Evergy Missouri West pay property taxes**  
6 **in Missouri for Persimmon Creek?**

7           A.     No, but Persimmon Creek will provide renewable  
8 energy and benefits to Evergy Missouri West customers.

9           **Q.     And will Missourians get land lease payments?**

10          A.     No.

11          **Q.     And will Missouri West have new jobs created**  
12 **because of Persimmon Creek?**

13          A.     I defer to Jason Humphrey for that question.

14          **Q.     Is it your understanding of that case that the**  
15 **Commission ordered a shareholder ratepayer risk sharing**  
16 **mechanism?**

17          A.     Well, my understanding is that case first of  
18 all was that the shareholder mechanism that you're  
19 referencing was related to a negotiated settlement that  
20 was offered up. So it's a very entirely different type  
21 of case. One, you're dealing with a 22-part settlement  
22 negotiation where the Company was evaluating different  
23 puts and takes. And then secondly, it's just a  
24 different type of project where you've got Liberty  
25 looking at a 600 MW three different wind farms for

1 construction of new CCN build compared to the operating  
2 existing asset of Persimmon Creek and you're dealing  
3 with a tax equity finance type of program structure  
4 that's very different from Persimmon Creek where the  
5 production tax credits will flow directly back to  
6 customers once the asset is in base rates.

7 **Q. Is it your understanding that there are also**  
8 **restraint mechanisms related to both Ameren and Evergy's**  
9 **solar projects, community solar projects?**

10 A. My understanding is that there's a few  
11 voluntary program examples that are related to  
12 negotiated settlements.

13 **Q. Are you familiar with the Commission's**  
14 **decision and recent gas certificates of convenience and**  
15 **necessity that are hold harmless provisions?**

16 A. I am not.

17 MS. MERS: I have another exhibit to mark. It  
18 has confidential information but I think I can avoid  
19 mentioning any of that on the record.

20 JUDGE DIPPELL: We'll still mark that as  
21 confidential.

22 MS. MERS: Yes.

23 JUDGE DIPPELL: So the next number is 108.

24 MS. MERS: I believe that would be Exhibit 108  
25 for Staff.

1 JUDGE DIPPELL: Yes, and we'll mark that 108-C  
2 for confidential.

3 MS. MERS: Yes.

4 (STAFF EXHIBIT 108-C WAS MARKED FOR  
5 IDENTIFICATION.)

6 BY MS. MERS:

7 Q. And again trying to avoid the amount of in  
8 camera we have to do, do you recognize that  
9 presentation?

10 A. Yes.

11 Q. Okay. When is that presentation dated?

12 A. December 29, 2022.

13 Q. Okay. Does that presentation or is that  
14 presentation presented on Evergy's capacity position?

15 A. Yes.

16 MS. MERS: I think the rest of it is probably  
17 confidential so we can just end the questioning there if  
18 it's okay to admit that as an exhibit.

19 JUDGE DIPPELL: Would there be any objection  
20 to Exhibit 108?

21 MR. FISCHER: We would not object. It is all  
22 confidential, however.

23 JUDGE DIPPELL: Okay. Would there be any  
24 other objection to Exhibit 108 and that is 108-C? No  
25 objection. I will admit that.

1 (STAFF EXHIBIT 108-C WAS RECEIVED INTO  
2 EVIDENCE AND MADE A PART OF THIS RECORD.)

3 MS. MERS: Then I would like to mark another  
4 exhibit. I believe this will be 109. I do not believe  
5 that this is confidential at all.

6 (STAFF EXHIBIT 109 WAS MARKED FOR  
7 IDENTIFICATION.)

8 BY MS. MERS:

9 Q. So does that article contain discussions of  
10 the Persimmon Creek project?

11 A. Yes.

12 Q. I believe it's dated 2018; is that correct?

13 A. Yes.

14 Q. And it is kind of an encapsulation of the  
15 construction of the project; is that fair?

16 A. Appears to be.

17 Q. And it states in that that the build cost is  
18 270 million; is that correct?

19 A. Can you point me to where it states that?

20 Q. I think it's the headline.

21 A. I'm sorry. Yes.

22 Q. Is it your understanding that that is the  
23 original build price? Does that comport with what  
24 Evergy has?

25 A. That is what the headline states.

1 Q. And does that -- When Evergy was doing its due  
2 diligence, does that comport with what you understood  
3 the original build price to be?

4 A. I would defer to Company witness Jason  
5 Humphrey to speak to the project --

6 Q. Okay.

7 A. -- specifics.

8 Q. On the specifics. If you need to defer this  
9 one, that is fine as well. Is it your understanding  
10 that the project cost for Evergy is 245 million -- 247?

11 A. 245.7.

12 Q. 245.7. Excuse me. And the project was built  
13 in 2018?

14 A. Correct.

15 MS. MERS: I would go ahead and offer that  
16 exhibit as well.

17 JUDGE DIPPELL: Can you just describe briefly  
18 where this article is from?

19 MS. MERS: I believe it is from the original  
20 builders of Persimmon Creek, Scout Energy.

21 JUDGE DIPPELL: So this is on their website?

22 MS. MERS: Should be, yes.

23 MR. FISCHER: Your Honor, I think I'm going to  
24 object. I don't think there's sufficient foundation to  
25 have it entered in the record.

1 JUDGE DIPPELL: Would there be any other  
2 objection to Exhibit 109?

3 MR. FISCHER: Well, it's hearsay as well. I  
4 think we just can't take things off the internet and say  
5 let's enter it in the record.

6 JUDGE DIPPELL: Any other objections? I think  
7 I will sustain that objection. I don't think there's  
8 been a foundation laid for this document. So I'm not  
9 admitting that.

10 BY MS. MERS:

11 **Q. Just to clarify, Mr. Dority, you said that you**  
12 **think that might be the purchase price but to check with**  
13 **witness Jason Humphrey to make sure?**

14 A. Yeah. I stated that the purchase price was  
15 245.7 million plus working capital adjustments.

16 **Q. And that's for Evergy?**

17 A. This was for Evergy.

18 **Q. But that Mr. Humphrey would know what it cost**  
19 **Scout Energy to build the project too?**

20 A. I defer to Mr. Humphrey.

21 MS. MERS: Just wanted to make sure I was  
22 going to be asking the right witness the right question.  
23 I think I am out of non-confidential questions. So I do  
24 believe that we have to go in camera for the next  
25 portion. I don't know if it's easier to see if there's

1 bench questions or redirect and then do all of the HC.

2 I know we've done it different ways.

3 JUDGE DIPPELL: We'll go in camera. While  
4 we're in camera, we'll get cross and bench questions for  
5 those in camera portions before we come back out. So I  
6 would ask the attorneys to make sure that the people  
7 that remain in the room are eligible to hear  
8 confidential information and anyone who is not to please  
9 leave at this time.

10 (In-camera session)

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1 (In-camera session)

2 (REPORTER'S NOTE: At this point, public  
3 session resumed.)

4 JUDGE DIPPELL: We can go ahead and go back on  
5 the public session.

6 MS. MERS: That would conclude my  
7 cross-examination. I have nothing further. Thank you  
8 for your patience.

9 JUDGE DIPPELL: All right. Are there any  
10 bench questions for Mr. Dority? Mr. Chairman?

11 CHAIRMAN RUPP: Yes. And we're back on the  
12 record. Good morning, good morning.

13 THE WITNESS: Good morning.

14 QUESTIONS

15 BY CHAIRMAN RUPP:

16 **Q. So Staff has brought up that Evergy West**  
17 **needs, you know, Persimmon Creek -- well, I guess Staff**  
18 **is questioning whether or not it's needed because SPP**  
19 **evaluates Evergy on a combined basis. So in your words,**  
20 **why is it not appropriate for us to evaluate Evergy's**  
21 **capacity on a combined basis similar to SPP?**

22 A. Yes, if I may, Mr. Chairman. Kayla Messamore  
23 provides extensive testimony on the need and how we look  
24 at Evergy Missouri West on a separate and combined basis  
25 and the IRP process. So I recommend that would be a

1 good question for her.

2 Q. So the significant negative locational  
3 marginal prices, is it Evergy's understanding that  
4 Persimmon Creek, and other wind farms too, that you can  
5 still generate at negative prices because of the tax  
6 credits but are you not displacing higher cost  
7 generation at the same time that the wind farm is  
8 operating?

9 A. That's my understanding. Kayla Messamore  
10 could speak directly to that. But I would say that, you  
11 know, the wholesale revenues is only one component of  
12 the factors that Kayla's team looks at in evaluating in  
13 the IRP. There's multiple factors that are involved in  
14 addition to the wholesale revenues.

15 Q. I'll save the rest for Kayla. I think I have  
16 one more that you can answer. So Staff has stated that  
17 Evergy is manipulating the inputs of the IRP process to  
18 get the result that you want of this wind farm. What  
19 are your thoughts and is it ever appropriate for a  
20 utility to select the inputs for IRPs?

21 A. I would say that the process that we went  
22 through, and again Kayla Messamore provides extensive  
23 testimony on this as well as the methodology that we  
24 used in the most recent IRPs, and she can provide  
25 feedback on the Staff allegation specifically there.

1 But we go through the IRP that takes into account  
2 multiple factors. And when we came through the last  
3 annual update, it showed that wind was the most  
4 advantageous resource for Evergy Missouri West customers  
5 relative to other alternative options. Then when we  
6 went to implement the plan, and Jason Humphrey can speak  
7 to the RFP process that we went through which was a  
8 competitive RFP process that the different companies  
9 responded to and then went through an evaluation of that  
10 RFP process and ultimately selected Persimmon Creek as  
11 the best available resource to serve those needs, then  
12 Kayla took Persimmon Creek and included that back into  
13 the IRP process and what it found was it produced even  
14 greater benefits for Evergy Missouri customers than just  
15 generic wind when it did it before. The 130 million net  
16 present revenue requirement benefits is increased over  
17 the generic wind which was around 64 million when they  
18 did the original modeling.

19 **Q. So Staff has suggested that the net present**  
20 **value for the revenue requirement is not like the best**  
21 **way to measure the low cost option for meeting customer**  
22 **needs because it doesn't take into I guess consideration**  
23 **the constraints of renewable resources I guess. So not**  
24 **talking about Persimmon Creek, do you believe the**  
25 **Commission's IRP rule needs to be amended to address**

1     **this concern or do you think it is not a concern?**

2           A.     Yeah. I would say that our process in working  
3 through the IRP is consistent with how we've done it for  
4 many years and how other utilities perform the IRP is an  
5 extensive stakeholder process where parties are  
6 involved. And the Staff suggestion that, you know,  
7 their condition be applied to a single utility for  
8 future CCN proceedings is kind of inappropriate  
9 rulemaking in the context of this docket, but I would  
10 defer to Kayla Messamore to kind of expand on the IRP  
11 process and the different aspects of the modeling that  
12 we undertake.

13           Q.     **I think I have one more that you might be able**  
14 **to answer. So we heard Staff talking about building**  
15 **combined cycle gas to meet your energy and your capacity**  
16 **needs. So knowing that SPP is increasing their reserve**  
17 **margins and there's more volatile market prices. So why**  
18 **isn't Evergy West building a combined combustion turbine**  
19 **other than dispatchable --**

20           THE STENOGRAPHER: I'm sorry?

21           CHAIRMAN RUPP: -- other than dispatchable or  
22 other dispatchable resources?

23           THE WITNESS: I believe that Kayla Messamore  
24 can speak to the fact that we do have dispatchable  
25 generation in the future as part of our IRP plans and,



1 you know, the IRP is a constant continual process of  
2 updating the modeling based on new known factors and so  
3 she can speak to what we are seeing in terms of capacity  
4 needs in the future.

5 CHAIRMAN RUPP: Sounds like Kayla is going to  
6 have a very busy day on the stand.

7 THE WITNESS: She is our expert witness that  
8 speaks to the IRP modeling.

9 CHAIRMAN RUPP: Excellent. That's all I had,  
10 Judge. Thank you.

11 JUDGE DIPPELL: Thank you. Are there any  
12 other Commissioner questions? All right. I don't have  
13 any questions. Is there further questioning based on  
14 the Commissioner's questions from Renew?

15 MS. GREENWALD: No, thank you.

16 JUDGE DIPPELL: Public Counsel?

17 MS. MARTIN: Sorry, I'm really short. No, no  
18 questions.

19 JUDGE DIPPELL: Staff?

20 MS. MERS: No, thank you.

21 JUDGE DIPPELL: Is there redirect?

22 MR. FISCHER: Yes, Judge. Briefly.

23 REDIRECT EXAMINATION

24 BY MR. FISCHER:

25 Q. Mr. Dority, I'd like to go back to the

1 Chairman's discussion with you and where you were  
2 talking about the IRP process that produced generic wind  
3 as being the most advantageous resource available. Do  
4 you recall those questions?

5 A. Yes.

6 Q. I just want to make sure the record is clear.  
7 You were saying they ran the IRP and that's what it  
8 produced. Wind was the best thing we could do for the  
9 consumers at that point in time, correct?

10 A. Correct.

11 Q. And then did you suggest that Mr. Humphrey did  
12 an IRP and found out there really was a wind project out  
13 there and it was called Persimmon Creek?

14 A. He did an RFP.

15 Q. Okay. And based on that RFP, what did it  
16 show?

17 A. It showed that of all of the responses to the  
18 RFP Persimmon Creek provided the best value for Evergy  
19 Missouri West customers.

20 Q. And did you suggest to the Chairman that at  
21 that point they reran the IRP with a real wind resource  
22 in it and it produced greater net consumer benefits?

23 A. Correct.

24 Q. That's where the \$130 million of net present  
25 value revenue requirements number comes from; is that

1 right?

2 A. That's correct.

3 Q. From your perspective, is that manipulating  
4 any inputs?

5 A. No.

6 Q. I'd also like to go back to your discussion  
7 with Staff counsel about the Liberty case I think. On  
8 page 10 of your surrebuttal you talk about that?

9 A. Yes.

10 Q. Would you look at lines 24 and 25 where the  
11 Commission states what the public policy of this state  
12 is in that case?

13 A. Okay.

14 Q. What is the public policy according to the  
15 Commission?

16 A. It is the public policy of the state to  
17 diversify the energy supply through the support of  
18 renewable and alternate energy resources. The  
19 Commission has also previously expressed its general  
20 support for renewable energy generation because it  
21 provides benefits to the public.

22 Q. Okay. Then on lines 12 and 13 or through 15  
23 what's that indicate about wind generation?

24 A. Wind generation has benefits other than cost  
25 savings including helping to diversify Missouri's energy

1 generation mix, providing renewable energy and providing  
2 local and state economic benefits.

3 Q. Then it goes on and we can all read that.  
4 From your perspective, is Evergy's position in this case  
5 consistent with that public policy?

6 A. Yes.

7 Q. Do you believe that's the same -- that would  
8 be the same answer if I asked you whether the Staff and  
9 Public Counsel's position is consistent with that public  
10 policy in this case?

11 A. No.

12 Q. Okay. I'd like to go to -- I'd like to go to  
13 the transcript that you were asked about in the  
14 securitization case. I think that's 109 -- I'm sorry,  
15 107. Do you have that? I'd refer you to page 258 of  
16 that transcript.

17 A. Okay.

18 Q. There about line -- starting with line 2.  
19 Turning back to your surrebuttal testimony, et cetera,  
20 you were asked a question about how you would respond to  
21 Ms. Mantle's conclusion that much of the extraordinary  
22 costs Evergy Missouri West incurred because of Storm Uri  
23 were the consequence of imprudent resource planning. Do  
24 you see that?

25 A. Yes.

1 Q. Do you recall that Ms. Mantle was expressing a  
2 view about how much capacity Missouri West needed in  
3 that case?

4 A. That's my recollection.

5 Q. Can you explain what you recall about her  
6 position regarding the need for additional capacity for  
7 Evergy Missouri West in that case?

8 A. That Evergy Missouri West's lack of owned  
9 capacity left it vulnerable to the wholesale market.

10 Q. Did the Commission look at her allegations  
11 regarding imprudent resource planning in that case, that  
12 securitization case, to your knowledge?

13 A. I believe so.

14 Q. And did they reject your position that the  
15 Company had imprudent resource planning?

16 A. Yes.

17 Q. I believe there was a bench question regarding  
18 whether there's a need on a combined basis for  
19 additional capacity. Do you recall that? I believe you  
20 did refer that to Ms. Messamore.

21 A. Yes.

22 Q. But just in the event that she doesn't get to  
23 answer questions, I'd like to ask you. Is it your  
24 understanding that there is or is not a need for  
25 capacity on a combined basis in this case?

1 A. I believe that there is a need for capacity.

2 Q. And she can explain how much and when we need  
3 it?

4 A. That's correct.

5 Q. Okay. Then there was some questions regarding  
6 negative locational marginal prices in generation. At  
7 that point the -- let me withdraw that. There were  
8 questions to you regarding wholesale revenues being  
9 factored into our analysis. And I'd like to ask you  
10 what is your understanding of how other plants besides  
11 Persimmon Creek how they would be evaluated if you were  
12 just comparing the SPP revenues versus the embedded  
13 revenue requirement costs that are out there for those  
14 specific plants?

15 A. My understanding is that in most cases all of  
16 our other generating resources would not meet the same  
17 test and standard that staff puts forth.

18 Q. So other coal plants or nuclear plants, they  
19 wouldn't meet that standard either; is that what you're  
20 testifying to?

21 A. That's correct. That's what Kayla Messamore  
22 testifies to.

23 Q. She can expand on that I'm sure.

24 A. Yes.

25 Q. Okay. You were asked some questions about the

1 **benefits to consumers of I think in the context of the**  
2 **production tax credit. Do you recall that?**

3 A. Yes.

4 **Q. I'd like for you to expand on what you see the**  
5 **benefits of Persimmon Creek to consumers are?**

6 A. I believe Persimmon Creek is in the public  
7 interest because we identify that there is a need for  
8 energy and capacity to serve Evergy Missouri West  
9 customers; that the IRP shows that it's projected to  
10 reduce cost to Evergy Missouri West customers relative  
11 to all other alternate options; that it's going to  
12 produce renewable energy certificates that will benefit  
13 Evergy Missouri West customers, it's going to produce  
14 production tax credits that will benefit directly Evergy  
15 Missouri West customers when the resource goes into base  
16 rates; as an existing resource Persimmon Creek has a  
17 history of strong operational performance in the SPP  
18 market that it's demonstrated over the last four years.  
19 As an operating resource, it's not subject to some of  
20 the same construction and supply chain risks that we are  
21 seeing in the industry currently. It is going to add a  
22 renewable energy resource to Evergy Missouri West's  
23 generation portfolio which currently has no owned wind  
24 and it's consistent with Missouri energy policy.

25 **Q. You were asked some questions about the**

1 revenues that would be flowing through the fuel  
2 adjustment clause. Do you recall those?

3 A. Yes.

4 Q. Is it your understanding that revenues from  
5 SPP that Persimmon Creek would generate would flow  
6 immediately through the fuel adjustment clause?

7 A. That's my understanding, yes.

8 Q. Would that be of benefit to consumers?

9 A. Absolutely.

10 Q. And that would be before that plant is  
11 actually put into rate base and shareholders are getting  
12 return on that plant; is that true?

13 A. That's true.

14 Q. And it would also be getting energy from it  
15 before it's put into rate base; is that right?

16 A. Correct.

17 Q. You were asked some questions about the PISA  
18 statute and how it allows for the deferral of  
19 depreciation. Do you recall those?

20 A. Yes.

21 Q. Does the PISA statute in your mind express  
22 public policy toward renewable energy in our state?

23 A. It does. The PISA statute states that a  
24 utility must spend at least 25 percent of its annual  
25 capital budget on grid modernization, and renewable



1 energy is specifically called out as an example of grid  
2 modernization.

3 **Q. Is there other legislation or statutes that**  
4 **would also suggest that the public policy of this state**  
5 **it favors renewable energy?**

6 A. There's also the renewable energy standard in  
7 Missouri and it was referenced earlier the  
8 securitization statute that recently passed to Missouri  
9 for the energy transition allows for the use of the  
10 securitization proceeds to be used to reinvest in  
11 renewable energy.

12 **Q. And I believe you were asked some questions**  
13 **about the rate case where KCPL and KCPL/Greater Missouri**  
14 **Operation were requesting trackers and they were**  
15 **rejected by the Commission. Do you recall those?**

16 A. Yes.

17 **Q. Would you explain your understanding of what**  
18 **the Commission's policy is regarding trackers generally?**

19 A. My understanding is that the Commission has  
20 previously held that trackers need to be extraordinary  
21 events, that they need to be significant in cost and not  
22 tied to regular occurrences, and I don't think that the  
23 PTC meets any of those requirements. The PTC has been  
24 around and available for many years and used.

25 **Q. Is it volatile?**

1 A. No.

2 Q. When you were discussing that case, that was  
3 about a deferral, not just tracking, not keeping track  
4 of the costs and the revenues; is that right?

5 A. That's correct.

6 Q. Is the Company willing to keep track of the  
7 costs and revenues associated with Persimmon Creek just  
8 like they would any other power plant in this case?

9 A. That's correct.

10 Q. That's different from deferring a cost?

11 A. That's correct.

12 MR. FISCHER: Judge, I think that's all the  
13 questions I have. Thank you.

14 JUDGE DIPPELL: Thank you. Thank you, Mr.  
15 Dority. You may step down.

16 THE WITNESS: Thank you.

17 (Witness excused.)

18 JUDGE DIPPELL: I've had a request from the  
19 Commission to do our lunch break a little bit later like  
20 from 12:30 to say 1:45. So we're going to try to do  
21 that unless there's some witness conflict with that.  
22 Let's go ahead then with the next witness.

23 MS. WHIPPLE: Thank you. Call Jason Humphrey.

24 JUDGE DIPPELL: Would you please raise your  
25 right hand. Do you solemnly swear or affirm that the

1 testimony you are about to give at this hearing will be  
2 the truth?

3 THE WITNESS: Yes, I do.

4 JUDGE DIPPELL: Thank you. If you could spell  
5 your name for the court reporter.

6 THE WITNESS: Jason, J-a-s-o-n, Humphrey,  
7 H-u-m-p-h-r-e-y.

8 JUDGE DIPPELL: Go ahead.

9 JASON HUMPHREY,  
10 having been first duly sworn, was examined and testified  
11 as follows:

12 DIRECT EXAMINATION

13 BY MS. WHIPPLE:

14 **Q. Mr. Humphrey, having stated and spelled your**  
15 **name, by whom are you employed?**

16 A. I'm employed by Evergy Missouri West.

17 **Q. What is your position there?**

18 A. My position is the Vice President of  
19 Development and Assistant Treasurer.

20 **Q. Is your job title different today than when**  
21 **you submitted prefiled testimony in this case?**

22 A. Yes, it is.

23 **Q. And how is it different?**

24 A. I was promoted in the role that I'm in to Vice  
25 President. So that's the difference.

1 Q. Did you prepare direct, supplemental direct  
2 and surrebuttal testimony in this case on behalf of  
3 Every Missouri West which have been marked as Exhibits  
4 2, 2-C as in confidential, 5, 5-C as in confidential, 8  
5 and 8-C as in confidential?

6 A. Yes, I have.

7 Q. Did you also submit an errata to your  
8 surrebuttal testimony in this case which has been marked  
9 as Exhibit 11?

10 A. I did.

11 Q. Other than the errata and your change of job  
12 title, do you have any corrections to your direct,  
13 supplemental direct or surrebuttal testimony?

14 A. None to my knowledge.

15 Q. If I were to ask you the same questions in  
16 those testimonies, would your answers be as set forth in  
17 Exhibits 2, 2-C, 5, 5-C, 8 and 8-C?

18 A. Yes, they would.

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

21 A. They are.

22 MS. WHIPPLE: At this time, Judge, I would  
23 move to admit Exhibits 2, 2-C, 5, 5-C, 8, 8-C and 11 and  
24 then tender the witness for cross-examination.

25 JUDGE DIPPELL: Would there be any objection

1 to those exhibits? Seeing none, I will admit Exhibit 2  
2 and 2-C, 5, 5-C, 8, 8-C and 11.

3 (EVERGY EXHIBITS 2, 2-C, 5, 5-C, 8, 8-C AND 11  
4 WERE RECEIVED INTO EVIDENCE AND MADE A PART OF THIS  
5 RECORD.)

6 JUDGE DIPPELL: All right. Is there any  
7 cross-examination from Renew?

8 MR. GREENWALD: Yes. Thank you. Good  
9 morning, Mr. Humphrey.

10 THE WITNESS: Morning.

11 CROSS-EXAMINATION

12 BY MS. GREENWALD:

13 **Q. Mr. Dority was asked I believe by Mr. Fischer**  
14 **about statutes that encourage renewable energy**  
15 **investments. Were you here for that?**

16 A. I was.

17 **Q. And that included PISA, the renewable energy**  
18 **standard and the securitization statute. How do you**  
19 **believe that Persimmon Creek would meet the objectives**  
20 **of these statutes and regulations?**

21 A. PISA in particular encourages renewable energy  
22 investment for generation, renewables exclusively in  
23 fact. In order to qualify for a PISA deferral for a  
24 generating asset, it must be renewable in this case like  
25 Persimmon Creek. The other standards also encourage the

1 investment for the state of Missouri in renewable  
2 energy, but we do not anticipate using this for RES  
3 compliance here. So PISA is the most directly  
4 applicable statute for Persimmon Creek.

5 Q. Thank you. And I believe in your testimony  
6 and in Ms. Whipple's opening statement you all  
7 discussed, you know, the rapidly changing market  
8 conditions, inflation, supply chain issues. Based on  
9 your knowledge of current market conditions, do you  
10 still feel that Persimmon Creek is the best resource to  
11 meet the Company needs and the needs of its customers?

12 A. Yeah, absolutely I do. And probably enhanced  
13 so. Inflation continues to be well above the fed's 2  
14 percent target, and the other publicly available market  
15 comparisons we have for recently executed deals are a  
16 full thousand dollar KW or 45 percent more expensive  
17 than the Persimmon Creek asset. This was a hard fought  
18 negotiation that I lived and firmly still believe this  
19 is the best investment for Missouri West customers  
20 today.

21 MS. GREENWALD: I believe that's all the  
22 questions I have. Thank you.

23 JUDGE DIPPELL: Thank you. Public Counsel?

24 MS. MARTIN: No, no questions. Thanks.

25 JUDGE DIPPELL: Staff?

1 MS. MERS: Hello and congratulations on the  
2 promotion.

3 THE WITNESS: Thank you, Nicole.

4 CROSS-EXAMINATION

5 BY MS. MERS:

6 Q. On page 11 of your surrebuttal you discuss the  
7 possibility of additional investments that might be  
8 necessary due to changes in wildlife conservation  
9 status. Do you recall that?

10 A. Let me get to the page.

11 Q. Take your time.

12 A. You said 11?

13 Q. Yes, 11 of surrebuttal.

14 A. I'm there and yes, I recall the question.

15 Q. The LCOE analysis in this case doesn't include  
16 those additional capital expenditures that might be  
17 required for wildlife fatality mitigation; is that  
18 correct?

19 A. Could you repeat the question? I think I  
20 understood.

21 Q. Sure. Does the least cost of energy analysis  
22 in this case, it does not include any additional capital  
23 expenditures that might be required for wildlife  
24 fatality mitigation, correct?

25 A. Thank you for repeating the question. I

1 actually did misunderstand. So LCOE is levelized cost  
2 of energy. It takes a look at over the lifetime of a  
3 project how much each MW hour costs to produce kind of  
4 on a revenue requirements type model. Because Persimmon  
5 Creek is fully compliant with all laws and regulations  
6 today, there is no incremental capital cost included in  
7 that levelized cost of energy analysis because today the  
8 plant is fully compliant with all rules and regulations.

9 **Q. In your experience, what kind of investments**  
10 **would be necessary or could be necessary to mitigate**  
11 **wildlife death?**

12 A. Generally it's from my understanding  
13 conditioned on the operation permit of the plant.  
14 Typically you might limit the plant to operating only  
15 between, you know, midnight and 10:00 p.m. because that  
16 10:00 p.m. to midnight window would be the most  
17 impactful to the habitat, but importantly there is no  
18 such restriction under Persimmon Creek today and it is  
19 fully compliant and has been since the day it went into  
20 operation.

21 **Q. And would you know if there had to be permit**  
22 **limitations on operations what the cost of that could**  
23 **be?**

24 A. I would not care to speculate, no.

25 (REPORTER'S NOTE: Judge Dippell requested the



1 following question be in camera.)

2 (In-camera session)

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

14 BY MS. MERS:

15 Q. If it would become endangered, would that  
16 require Evergy to curtail production to mitigate bat  
17 deaths?

18 A. That's completely unknown. It's certainly  
19 possible just like it would be possible that at a fossil  
20 generating plant today if air permit requirements were  
21 changing the operation of that plant may change in time.  
22 The fact of the matter is today that Persimmon Creek has  
23 no restrictions on the operation and there's no pleading  
24 to add those restrictions.

25 Q. Are you familiar with wind farm operations in

1 the state of Missouri in general maybe with some of the  
2 other utilities?

3 A. Yes. I'm generally familiar with wind farm  
4 operations.

5 Q. And is it your understanding that some of  
6 those wind farms have experienced increased curtailment  
7 than what was originally proposed due to required  
8 wildlife mitigation?

9 A. I'm not familiar with other plants' wildlife  
10 mitigation strategies, no.

11 Q. So you wouldn't know if it's unlikely based on  
12 experiences that have been seen in Missouri for wildlife  
13 mitigation to be imposed or increased after the fact?

14 A. I won't speculate on others assets. I will  
15 say this plant has been in full SPP operation for four  
16 years with none of those requirements which is a pretty  
17 substantial amount of time. It's not an immaterial  
18 amount of operation full four years in SPP service  
19 without these restrictions.

20 Q. Do you think that knowledge of what other  
21 utilities have experienced with curtailment issues  
22 especially if Evergy claims that one of the reasons it  
23 needs this plant is to get that knowledge in operations  
24 that that should have been a due diligence or at least  
25 looked into?

1           A.    You know, we certainly looked at the  
2 environmental profile of the plant through due diligence  
3 that's extensively covered in my testimony, in fact on  
4 page 11 that you've pointed us to, and it's not  
5 speculative. We don't have to speculate on what others  
6 have done. We have the firm operational history of  
7 Persimmon Creek to point to in this case.

8           **Q.    Do you know what times, most likely times of**  
9 **the year and times of the day are ordered for mitigation**  
10 **of bat deaths?**

11          A.    I do not.

12          **Q.    Assuming Evergy West is granted the CCN in**  
13 **this application, is it Evergy's position that**  
14 **ratepayers are solely responsible for future revenue**  
15 **losses that may occur to known risk at the time of**  
16 **resource selection?**

17          A.    I think it's the obligation of Evergy as the  
18 utility required to serve to be compliant with rules and  
19 regulations at that time. So as rules and regulations  
20 change, we update our investments to comply with those  
21 rules and regulations no different if there was guarding  
22 that must be put on a line or air retrofits in an  
23 existing plant. This is no different than that  
24 situation.

25          **Q.    So Evergy wouldn't be willing to share in risk**

1 **of future revenue losses?**

2 A. I think it's Evergy's obligation to be  
3 compliant and for those prudent investments to be made  
4 at the time that they're required.

5 **Q. So I was deferred a few questions to ask of**  
6 **you. Do you know what the expected annual operation and**  
7 **maintenance expense of Persimmon Creek is?**

8 A. Yeah, I think it's about \$8.1 million. It  
9 would be part of my schedules to my direct testimony.

10 MS. MERS: Okay. And then we will have to go  
11 in camera.

12 THE WITNESS: Yeah, depending on where we  
13 venture from here, I was going to suggest that.

14 (In-camera session)

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19 (REPORTER'S NOTE: At this point, public  
20 session resumed.)

21 JUDGE DIPPELL: All right. Ms. Mers had  
22 completed her cross-examination, I believe. So we will  
23 see are there additional questions by the Commission?  
24 Mr. Chairman?

25 CHAIRMAN RUPP: No questions, thank you.

1 COMMISSIONER HOLSMAN: I have a question.

2 JUDGE DIPPELL: Commissioner Holsman.

3 COMMISSIONER HOLSMAN: Thank you.

4 QUESTIONS

5 BY COMMISSIONER HOLSMAN:

6 Q. My new responsibilities on the MISO side of  
7 the RTO, I've kind of been looking at some of the wind  
8 farms that have negative cost pricing and a lot of it  
9 has to do with the congestion that's surrounding the  
10 lack of the ability to move the power to where it can be  
11 used. Talk to me a little bit about the congestion  
12 around this project and what kind of transmission you  
13 have available to get that power so that it can be sold  
14 at a profit.

15 A. Great question, Commissioner. I'll point, if  
16 you want to do some further looking, to my confidential  
17 Schedule JH-11. We actually evaluated the transmission  
18 path from Persimmon Creek to Missouri West that, in  
19 fact, have applied for firm transmission service with  
20 the SPP for the asset. But what we found was of the  
21 wind projects we evaluated in the RFP, this plant had  
22 the best transmission path from the kind of wind belt  
23 out in western Kansas and Oklahoma back to Missouri  
24 West. And that transmission path was improved in 2026  
25 when some of the FERC Order 1000 projects come into

1 service. And so we really did value the ability to get  
2 that energy back to Missouri West and we found that this  
3 site was the best from a transmission perspective in  
4 doing that.

5 Generally negative prices though are a  
6 congestion or a reliability curtailment within the  
7 marketplace to not overload any particular node and so  
8 that building of east to west and north to south  
9 transmission that will happen over the next 20 years  
10 will dramatically transform the amount of negative  
11 pricing that any of these resources see.

12 **Q. How far out do you envision storage being a**  
13 **part of, you know, we heard Staff say that generation at**  
14 **night causes some negative pricing. How far out are we,**  
15 **you know, in years from being able to take an asset like**  
16 **this and pair it with a reasonable utility grade storage**  
17 **to where it can firm up its transmission?**

18 A. I honestly think the time is now,  
19 Commissioner, for that. One of the important aspects of  
20 us owning this plant rather than it being a PPA is all  
21 the infrastructure associated with that plant comes in  
22 it. That includes the transmission system interconnect.  
23 What we could do day one if it made sense for our  
24 customers is site a battery behind the interconnection  
25 meter for that plant and take that notional 10 percent

1 accredited capacity and make it 90, 95 percent from SPP  
2 rules today with that battery. The technology is there.  
3 You can see other parts of the country have pretty  
4 significant buildout of batteries. I think the SPP will  
5 be a very fast follower on that given the amount of  
6 negative prices it might see but also just the huge  
7 renewable potential that that part of the country has.

8 **Q. Is there any capacity inside the \$245 million**  
9 **you're asking for to spend on something like that,**  
10 **something like storage to help create value added asset?**

11 A. There's not as part of that initial  
12 acquisition but it does buy us that optionality to be  
13 able to consider that in the future. It's important to  
14 note that Missouri West owns no wind today and really  
15 very few renewable resources. So this would be the  
16 first major acquisition that would give Missouri West  
17 that option in the future to consider. The 10 percent  
18 accredited capacity that we've estimated is a very  
19 conservative approach. That assumes we get no firm  
20 transmission service and the SPP just kind of takes its  
21 default lowest level number of accredited capacity. If  
22 firm transmission makes economic sense, we would fully  
23 anticipate that asset to be accredited at some higher  
24 number than 10 percent.

25 **Q. How high do you think it could go?**





1 full recommissioning of the site, that's about a hundred  
2 thousand dollars.

3 Q. Okay. And just to follow up on Commissioner  
4 Holsman's question, so if you were to put or want to put  
5 battery storage, assuming this is approved, you'd have  
6 to come to the Commission for approval to put that in  
7 and put it into rates and everything?

8 A. That's correct.

9 Q. Just the same as if there was an unforeseen  
10 cost on wildlife or something else, you would have to  
11 come to the Commission and ask for compensation for that  
12 as well?

13 A. That's correct. We'd be subject to a prudency  
14 review.

15 CHAIRMAN RUPP: Thank you.

16 JUDGE DIPPELL: Any other Commissioner  
17 questions?

18 QUESTIONS

19 BY COMMISSIONER HOLSMAN:

20 Q. I have one more follow up. I don't know if  
21 this is an in-camera question or not. I probably have  
22 it here but I'm curious. If you were to build this  
23 today from scratch, what do you think it would cost to  
24 do?

25 A. I think the best public data point I have

1 would be the AEP announcements that are in my testimony.  
2 They've signed a number of build-transfer agreements to  
3 construct new renewables at a cost that is north of  
4 \$2,200 a KW rather than about 1,250 for this asset, so  
5 at least 40 percent higher.

6 COMMISSIONER HOLSMAN: 40 percent higher.

7 Thank you.

8 JUDGE DIPPELL: I still have a few more for  
9 you. And like I say, bear with me if I ask you the same  
10 thing I asked you earlier. If I ask you something that  
11 is confidential, please let me know.

12 THE WITNESS: I will.

13 QUESTIONS

14 BY JUDGE DIPPELL:

15 **Q. So first can you just explain the difference**  
16 **between capacity factor and net capacity factor?**

17 A. Yes. I'll add a third to that which is just  
18 capacity. So capacity is the ability of a site to  
19 generate. If you think of the old United Way  
20 thermometer that you might have in a hallway for your  
21 fundraising campaign, the capacity of that site would be  
22 the full value of that thermometer. So for ease of math  
23 let's just call that a hundred. The capacity factor or  
24 net capacity factor, net is a little bit better to use,  
25 is the amount of time that that thermometer is filled up

1 to a certain level. So in the case of Persimmon Creek,  
2 which has a historical net capacity factor of about 50  
3 percent, if you took all 8,760 hours that are within a  
4 year, Persimmon Creek generates about 50 percent of its  
5 full nameplate around the clock. Okay.

6 Capacity factor without the net basically says  
7 that you're selling all energy produced when in reality  
8 you use some of that for internal services at the plant,  
9 keeping the heaters on, keeping the guy's office  
10 computer running, those kind of things. So net capacity  
11 factor is really what the grid sees, and we can think of  
12 that as the percentage of full capability to what it  
13 actually produces.

14 **Q. Okay. So for the purpose of assessing the**  
15 **true output of the generation resource, you would say**  
16 **it's best to use net capacity factor?**

17 A. For energy, that is correct.

18 **Q. In your testimony you referred to capacity**  
19 **factors, Mr. Luebbert in his testimony refers to**  
20 **capacity factors, but in Ms. Messamore's supplemental**  
21 **direct she refers to net capacity factors for wind.**

22 A. They are generally interchangeable. Certainly  
23 in my testimony I'm referring to net capacity factor.

24 **Q. So basically those are meant to be apples to**  
25 **apples --**



1           A.    If we were starting from whole cloth, self  
2    developing a project, going and securing real estate  
3    rights, I'd say five to six years would be an optimistic  
4    scenario.  In order to enter an interconnection  
5    application now with the SPP, you must have 100 percent  
6    land control for both the site itself and the path to  
7    interconnect and that's before you can submit the  
8    application.

9            Right now the SPP generator interconnection  
10   queue is about a five-year process to get through all of  
11   the studies and finally interconnect into the grid.

12           **Q.    This question you may not have the answer to.  
13   I'm curious.  It's in operation today as we speak,  
14   right?**

15           A.    Yes.

16           **Q.    Do you have any idea how much power would be  
17   making it to Evergy Metro West, I know it's in an RTO so  
18   you can't track those ions, but do you think that that  
19   percentage of what's being consumed by Evergy Metro West  
20   would go up under your operation of it or does it not  
21   matter once it's in the RTO?**

22           A.    Our bid strategy to the RTO may differ a  
23   little bit.  I'll make the important point though that  
24   as soon as we close on the deal, Missouri West customers  
25   will begin to benefit right away from the operation of

1 Persimmon Creek. Those revenues that are generated in  
2 the SPP marketplace will begin flowing to those  
3 customers through the fuel adjustment clause from day  
4 one. So there's not any lag between us closing on the  
5 deal and Missouri West customers getting the benefit of  
6 that green energy through the ownership of Persimmon  
7 Creek.

8 **Q. Who's predominantly getting the benefit right**  
9 **now?**

10 A. The owners of the plant which is Scout Clean  
11 Energy and Elawan, E-l-a-w-a-n, I believe.

12 QUESTIONS

13 BY JUDGE DIPPELL:

14 **Q. I'm going to kind of repeat myself here from**  
15 **what we talked about in camera, but again don't say**  
16 **anything that should be confidential. So we talked**  
17 **about post construction fatality monitoring, wildlife**  
18 **fatality monitoring, and I asked you but I'm just going**  
19 **to ask you again, did any additional wildlife monitoring**  
20 **occur after November 2019?**

21 A. None that I am aware of.

22 **Q. And why is it that Evergy did not do any, not**  
23 **Evergy, but do you know why the current owners and why**  
24 **Evergy didn't believe that further monitoring is**  
25 **necessary?**

1           A.     Yeah.  The monitoring that had been conducted  
2     was concluded in 2019 with no action.  The plant is in  
3     environmental compliance today fully and continues to  
4     operate that way.  And so that was what we diligence and  
5     that's the conclusion we reached.

6           **Q.     And you said that you were aware that the**  
7     **results of monitoring that had been done were shared**  
8     **with the Oklahoma Department of Wildlife and**  
9     **Conservation?**

10          A.     That's correct.

11          **Q.     And can you just repeat kind of what you told**  
12     **me then about that?  I don't believe that should be**  
13     **confidential.**

14          A.     Yeah.  The plant had entered into a voluntary  
15     bat and bird protection plan as part of the construction  
16     of the site.  In fact, that was taken into consideration  
17     when the site was actually decided where it would be  
18     located was to minimize bat and bird impacts.  So as  
19     part of that voluntary compliance plan they conducted  
20     the bat and bird study.

21          **Q.     And do you know what the response from the**  
22     **Oklahoma Department of Wildlife and Conservation has**  
23     **been?**

24          A.     No action was taken.

25          **Q.     And is the net capacity factor for Persimmon**



1 **Creek, that's not a confidential term, is it, or is it?**

2 A. I think the precise point estimate might be in  
3 my direct, but it's generally about 50 percent.

4 **Q. And then I asked you and I think you said**  
5 **you'd be able to describe in the public session Schedule**  
6 **JH-7 to your supplemental direct testimony discusses**  
7 **levelized cost of energy. Can you explain how that**  
8 **number is determined?**

9 A. Yeah. Levelized cost of energy is generally a  
10 kind of bottoms up buildup of the revenue requirements  
11 for an asset and then it is divided by the production  
12 from that asset to come with a kind of around-the-clock  
13 dollars per MW hour view of the potential cost of that  
14 asset. It is generally a comparative metric but it  
15 takes into account things like anticipated taxes,  
16 anticipated O&M, the cost of the asset itself. The  
17 construction cost is certainly the biggest input to that  
18 analysis. And then out of the number of MW hours  
19 produced you can come out with a single number that  
20 allows comparison between alternatives.

21 I think the Commission has historically  
22 recognized LCOE as the best comparative metric between  
23 generation options because it allows for that  
24 like-for-like comparison, that really strong  
25 apples-for-apples comparison of building up the revenue

1 requirements over the anticipated generation and coming  
2 out with that firm dollars per MW hour metric.

3 Q. And then back to our wildlife monitoring. On  
4 page 9 of your surrebuttal there was a statement about  
5 the post commercial operation facility monitoring study  
6 conducted in 2018 to 2019 had higher rates of bat  
7 mortality but no additional action was taken by Oklahoma  
8 and hasn't been since then. Do you know when, and again  
9 I apologize I know we talked about this before, but when  
10 the Oklahoma Department of Wildlife was informed of  
11 those results?

12 A. I think it was contemporaneously to the study  
13 as part of their voluntary bat and bird plan.

14 Q. Okay. And do you know if there was any kind  
15 of official response from Oklahoma?

16 A. I cannot recall sitting here today.

17 Q. And then back to pricing. Does Evergy West  
18 sell power back into the SPP at a negative price?

19 A. Yes.

20 Q. And can you explain why you would do that and  
21 under what conditions or scenarios?

22 A. Yeah. We think about kind of a break-even  
23 analysis when we would do that. Every MW hour of energy  
24 produced from a renewable resource that qualifies for a  
25 production tax credit has an associated benefit with

1 that, in this case \$26 per MW hour for production tax  
2 credit. So you and I would be fine selling at negative  
3 \$26 to get back to zero. Same thing with RECs. RECs  
4 today I think are trading between 3 and \$3.50 per REC.  
5 So you could take that \$26 and add to it a negative  
6 \$3.50 that you would get from selling the renewable  
7 energy credit and now you could bid the plant into the  
8 marketplace at a negative \$29 value. That is why we  
9 would be willing to generate in negative market  
10 conditions because we reach that kind of point of  
11 indifference where you're back to zero bubble.

12 **Q. Then I think counsel asked you this but just**  
13 **in case. If Evergy West sells energy into SPP at**  
14 **negative prices, do those costs flow back through the**  
15 **FAC, fuel adjustment clause?**

16 A. It is my understanding that they do, yes.

17 **Q. Can you explain how that happens?**

18 A. Yeah. I think net market revenues and net  
19 market purchases are what flow through the FAC and so  
20 that includes those negative hours of pricing.

21 JUDGE DIPPELL: Thank you. That's all the  
22 questions I had, and I don't believe any of the other  
23 Commissioners have more. All right. Okay. As much as  
24 I don't want to give you all time to think up more and  
25 more questions, it is almost 12:30 and I said we would

1 go ahead and break for lunch. We're probably past due  
2 for a break anyway. I think we'll break here for lunch  
3 and return at 1:45 and we will continue with the further  
4 cross-examination based on Commission questions of Mr.  
5 Humphrey. So we can go ahead and go off the record.  
6 Thank you.

7 (Thereupon, a lunch recess was taken from  
8 12:27 p.m. until 1:47 p.m., after which the following  
9 proceedings were held:)

10 JUDGE DIPPELL: We can go ahead then and go  
11 back on the record. And we are back on the record after  
12 our lunch break and Mr. Humphrey has returned to the  
13 stand. I wanted to see, Mr. Humphrey, I may still have  
14 another question for you before we start the recross.

15 COMMISSIONER HOLSMAN: Judge, this is  
16 Commissioner Holsman. Just to let you know I'm joining  
17 online.

18 JUDGE DIPPELL: Thank you, Commissioner. If  
19 you have questions, we may need you to speak up just a  
20 little more but we could hear you.

21 COMMISSIONER HOLSMAN: Thank you.

22 JUDGE DIPPELL: Okay. I don't see any  
23 additional questions right at the moment. So I'm going  
24 to go ahead then and let's go to further  
25 cross-examination based on Commission questions.

1 Anything from Renew?

2 MS. GREENWALD: No, thank you.

3 JUDGE DIPPELL: Public Counsel?

4 MS. MARTIN: That's a negative, Ghost Rider.  
5 No, sorry.

6 JUDGE DIPPELL: Staff?

7 MS. MERS: I do. And unfortunately I do think  
8 I misspoke. There might be one that will have to be in  
9 camera again, but I will save that one for last.

10 FURTHER CROSS-EXAMINATION

11 BY MS. MERS:

12 **Q. You were asked some questions by the bench**  
13 **about post construction modeling and wildlife**  
14 **mitigation. Do you recall that conversation?**

15 A. I do.

16 **Q. Is Evergy moving towards renewables due to**  
17 **potential tighter regulations on fossil fuel generation**  
18 **such as carbon capture?**

19 A. No, I wouldn't characterize it that way. The  
20 IRP takes into account a number of different futures to  
21 produce a plan that serves many different potential  
22 outcomes.

23 **Q. And you were asked some questions by**  
24 **Commissioner Holsman about battery storage. Do you**  
25 **recall that?**

1 A. I do.

2 Q. Is battery storage in the IRP today?

3 A. I don't believe so, no.

4 Q. So there's no current application pending with  
5 this case or separately for battery storage?

6 A. Yeah, that's correct, but that's optionality  
7 that the Company retains only when it owns the asset and  
8 the interconnection to the larger SPP high voltage  
9 transmission grid.

10 Q. Do you recall being asked a few questions  
11 about the cost to build the project?

12 A. I do, yes.

13 Q. Is it your understanding or can I ask do you  
14 know the original build price or cost for Persimmon  
15 Creek?

16 A. I believe I do, yes.

17 Q. And is that number confidential or can you  
18 state it on the record?

19 A. I believe I can state it on the record. It's  
20 shown in a press release to be about \$270 million.

21 Q. Okay. And you also mentioned talking about  
22 timelines for projects such as these and the ability to  
23 -- why Evergy finds this project more perhaps  
24 advantageous. You stated that SPP had requirements like  
25 100 percent land control and that there's a queue that

1 projects have to get through. Is it your understanding  
2 however though that there are projects already in the  
3 queue that would have 100 percent land control and be  
4 closer to completion that are optioned out for utilities  
5 to purchase?

6 A. Yeah, we were offered a number of projects in  
7 this RFP, and on every metric evaluated in fact  
8 Persimmon Creek was the best and most appropriate choice  
9 from Missouri West.

10 Q. But you could get, if needed, it wouldn't  
11 necessarily always be five to six years for a project?

12 A. I qualified my answer to the Commissioner if  
13 we were starting from whole cloth like had to start at  
14 the very beginning of a project what that timeline would  
15 be. Certainly there are other projects that could be  
16 acquired and we evaluated such other projects through a  
17 competitive request for proposal process in this case  
18 and it was found that Permission Creek was the best  
19 option out of those realistic options achieved.

20 Q. When did you issue that RFP?

21 A. October of 2021.

22 Q. When did that RFP have an in-service date  
23 requested?

24 A. Prior to 2025, I believe for preferred dates.

25 Q. You had some questions about again the

1 monitoring for wildlife. This project was built in  
2 2018, correct?

3 A. It went commercial in 2018, that is correct.

4 Q. Commercial in 2018. And there was monitoring  
5 done through 2019?

6 A. That's correct.

7 Q. Is that a correct restatement, but no  
8 monitoring after 2019?

9 A. None that I'm aware of.

10 Q. So only a year of data?

11 A. That's correct.

12 MS. MERS: I believe that we will have to go  
13 in camera for this, but I think I can set it up out of  
14 camera.

15 BY MS. MERS:

16 Q. Do you recall you had answered some questions  
17 from Commissioner Holsman about congestion issues and  
18 transmission risks? Do you recall that line of  
19 questioning?

20 A. I do.

21 Q. Do you recall that you responded that Evergy  
22 had requested or has firm transmission service?

23 A. I definitely did not say that. What I said is  
24 we have submitted with the SPP for the aggregate study  
25 to study firm transmission service for Persimmon Creek.



1 MS. MERS: If I could mark an exhibit and  
2 approach. I think this is 113 for Staff.

3 JUDGE DIPPELL: That is 113. Is this also  
4 confidential?

5 MS. MERS: Yes, it will be. I have extra  
6 copies.

7 (STAFF EXHIBIT 113-C WAS MARKED FOR  
8 IDENTIFICATION.)

9 BY MS. MERS:

10 **Q. Is this a data request response in this case**  
11 **that you prepared?**

12 A. Yes, it is.

13 **Q. And can you read the first line of Evergy's**  
14 **response?**

15 JUDGE DIPPELL: Only if it's not confidential.

16 MS. MERS: Oh, we need to go in camera. I  
17 apologize. I thought we had already done that.

18 (In-camera session)

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15 (REPORTER'S NOTE: At this point, public  
16 session resumed.)

17 JUDGE DIPPELL: Okay. Did you intend to offer  
18 that Exhibit 113-C?

19 MS. MERS: We can go ahead if there's no  
20 objections to it.

21 JUDGE DIPPELL: It's your exhibit.

22 MS. MERS: Yeah, we'll go ahead and offer it.

23 JUDGE DIPPELL: Would there be any objection  
24 to Exhibit 113-C?

25 MS. WHIPPLE: No objection.

1 JUDGE DIPPELL: Okay. I will admit Exhibit  
2 113-C which is a data request in this case and response  
3 question No. 0006. That is admitted.

4 (STAFF EXHIBIT 113-C WAS RECEIVED INTO  
5 EVIDENCE AND MADE A PART OF THIS RECORD.)

6 JUDGE DIPPELL: That is also confidential I  
7 think I said. All right. Is there redirect from  
8 Everygy?

9 MS. WHIPPLE: Yes. Briefly. Thank you.

10 FURTHER REDIRECT EXAMINATION

11 BY MS. WHIPPLE:

12 **Q. Mr. Humphrey, I think prior to the lunch break**  
13 **there was a discussion with the bench and also with Ms.**  
14 **Mers about a roughly 15 million figure of PISA deferred**  
15 **costs. Do you recall that?**

16 A. I do.

17 **Q. And is it your understanding of those costs**  
18 **that under PISA do those costs ever flow back to**  
19 **customers?**

20 A. The costs that are deferred under PISA are  
21 eventually recovered from customers I believe over a  
22 20-year deferral period.

23 **Q. And that's under PISA?**

24 A. That's correct.

25 **Q. Do you recall multiple conversations at this**

1 point about the RFP process and your LCOE analysis?

2 A. I do.

3 Q. In either of those analyses, in the RFP  
4 process or the LCOE analysis that you conducted, did the  
5 Company stilt either the RFP or the LCOE in any way to  
6 result in the selection of Persimmon Creek?

7 A. Absolutely not. My supplemental direct  
8 testimony goes into this pretty comprehensively, but  
9 this was an arm-length RFP process where we solicited  
10 offers of new generation from a number of different  
11 potential providers in the Southwest Power Pool. We had  
12 in fact short listed a number of projects out of that to  
13 enter into detailed negotiations with. Throughout that  
14 negotiation process we experienced the inflation that  
15 we've seen in renewable resources in the broad market  
16 generally and we actually stopped negotiating a couple  
17 deals because we no longer felt that they were a good  
18 option for customers. But in the case of Persimmon  
19 Creek, the negotiations freed (phonetic spelling) an  
20 asset that's less than \$1,250 a kilowatt on nameplate  
21 capacity basis with the best LCOE that we had of  
22 anything offered. So as I opened my questions this  
23 morning, I still say after living this RFP process that  
24 is definitely the best result for Missouri West  
25 customers.

1           **Q.    How did the Company ensure that the RFP was**  
2           **arm's length and objective?**

3           A.    Yeah.  We entertained as many different  
4           options for the benefit of Missouri West customers as we  
5           could.  This was sites where development was very, very  
6           early, potentially just some land leases in an  
7           interconnection queue position, in some cases not even  
8           an interconnection queue position through fully  
9           developed resources that were derisked from a  
10          construction and supply chain perspective such as  
11          Persimmon Creek.  And those negotiations only occurred  
12          after a short listing process and they occurred across  
13          the table as any competitive negotiation would be.  
14          There was no favoritism to a particular project or to a  
15          particular outcome.  We negotiated the best deal we  
16          could throughout.

17          **Q.    Did the Company approach the RFP process in a**  
18          **solution looking for a problem manner?**

19          A.    Absolutely not.

20          **Q.    Did you evaluate resources or consider offers**  
21          **for sale that were accredited at less than 10 percent?**

22          A.    We did not, but it's important to know we've  
23          talked a lot about the capacity accreditation for  
24          Persimmon Creek here today.  That is the SPP rule under  
25          the ELCC guidelines for all wind generating resources.

1 So that 10 percent capacity accreditation was the  
2 assumption that we would have made for any of the  
3 alternatives considered.

4 **Q. Do you recall conversations with the**  
5 **Commission and I think Ms. Mers as well about negative**  
6 **pricing or negative LMP?**

7 A. Yes, I do.

8 **Q. Does negative pricing or negative LMP occur**  
9 **only with wind or other types of renewable resources?**

10 A. No, it does not. In fact, I would offer that  
11 probably all of our generators see negative LMP prices  
12 at their particular node. It is a market signal that is  
13 trying to drive a behavior and that behavior takes place  
14 for a number of different reasons. But there's a lot of  
15 different reasons that are not just PTCs as to why a  
16 resource would continue to operate at negative prices.  
17 Reliability could be one of those. The fact that they  
18 don't have enough time to turn off and turn back on to  
19 when they would be needed again. So negative pricing is  
20 something that's seen at our generator nodes and also at  
21 our load nodes.

22 **Q. Sitting here today, do you still consider**  
23 **Persimmon Creek and the acquisition of that project to**  
24 **be in the best interest of EMW's customers?**

25 A. Yes, I do.



1 MS. WHIPPLE: No further questions. Thank  
2 you.

3 JUDGE DIPPELL: Thank you. Then I believe,  
4 Mr. Humphrey, that concludes your testimony. Thank you.

5 THE WITNESS: Thank you, Judge.

6 (Witness excused.)

7 JUDGE DIPPELL: You may call your next  
8 witness, Everyy.

9 MR. ZOBRIST: Thank you, Judge. Everyy calls  
10 Kayla Messamore to the stand.

11 JUDGE DIPPELL: Would you please raise your  
12 right hand. Do you solemnly swear or affirm that the  
13 testimony you're about to give at this hearing will be  
14 the truth?

15 THE WITNESS: I do.

16 JUDGE DIPPELL: Thank you. If you could spell  
17 your name for the court reporter, please.

18 THE WITNESS: Sure. Kayla Messamore,  
19 K-a-y-l-a M-e-s-s-a-m-o-r-e.

20 JUDGE DIPPELL: Thank you. Go ahead,  
21 Mr. Zobrist.

22 MR. ZOBRIST: Thank you, Judge.

23 KAYLA MESSAMORE,  
24 having been first duly sworn, was examined and testified  
25 as follows:

1 DIRECT EXAMINATION

2 BY MR. ZOBRIST:

3 Q. You've already stated your name. So please  
4 tell us where you work.

5 A. I work at Evergy.

6 Q. And what is your position at Evergy?

7 A. I'm the Vice President of Strategy and  
8 Long-Term Planning.

9 Q. And in this case did you prepare three pieces  
10 of testimony? I'll go through them. The first is  
11 direct testimony which has been premarked as Exhibit 3;  
12 is that correct?

13 A. Yes.

14 Q. And did you prepare public and confidential  
15 supplemental direct testimony, Exhibit 6 and 6-C?

16 A. I did.

17 Q. And did you prepare public and confidential  
18 surrebuttal testimony which has been premarked as  
19 Exhibit 9 and 9-C?

20 A. Yes.

21 Q. And did you also prepare an errata sheet to  
22 your surrebuttal testimony which has been premarked  
23 Exhibit 10?

24 A. Yes.

25 Q. And are there any further corrections

1       **excluding the errata sheet to either your direct, your**  
2       **supplemental direct or your surrebuttal testimony?**

3           A.    No.

4           **Q.    If I were to ask you those questions, would**  
5       **your answers be as set forth in those exhibits?**

6           A.    Yes.

7           **Q.    Are they true and correct to the best of your**  
8       **knowledge?**

9           A.    Yes.

10          **Q.    And were they given under oath?**

11          A.    Yes.

12               MR. ZOBRIST: Your Honor, at this time I offer  
13 into evidence direct testimony Exhibit 3, supplemental  
14 direct testimony both public and confidential Exhibits 6  
15 and 6-C, public surrebuttal testimony and confidential  
16 surrebuttal testimony Exhibits 9 and 9-C and the errata  
17 sheet Exhibit 10.

18               JUDGE DIPPELL: Would there be any objection  
19 to the exhibits as listed by Mr. Zobrist? Seeing none,  
20 then I will admit Exhibits 3, 6 and 6-C, 9 and 9-C and  
21 10.

22                       (COMPANY EXHIBITS 3, 6, 6-C, 9, 9-C AND 10  
23 WERE RECEIVED INTO EVIDENCE AND MADE A PART OF THIS  
24 RECORD.)

25               MR. ZOBRIST: Thank you, Judge. I tender Ms.

1 Messamore for cross-examination.

2 JUDGE DIPPELL: Is there cross-examination  
3 from Renew?

4 MS. GREENWALD: Yes. Just briefly. Thank  
5 you. Hello, Ms. Messamore.

6 THE WITNESS: Hello.

7 CROSS-EXAMINATION

8 BY MS. GREENWALD:

9 **Q. How did wind facilities perform during Winter**  
10 **Storm Elliott compared to past winters?**

11 A. They performed better during Winter Storm  
12 Elliott than they have the average for the last five  
13 years. They also out performed their accredited level  
14 and what we saw during Winter Storm Uri as well.

15 **Q. And can you speak to how Persimmon Creek**  
16 **performed specifically?**

17 A. Similarly well. It's hard to scale it based  
18 on the SPP level data, but we did see strong performance  
19 from Persimmon Creek during that event compared to its  
20 accredited level of capacity.

21 **Q. Are you familiar with Staff's opinion on**  
22 **whether Persimmon Creek is well suited to meet the**  
23 **Company's need?**

24 A. Yes.

25 **Q. Can you briefly summarize that?**

1           A.    They seem to imply there is no need and if  
2 there is, Persimmon Creek is not the way to meet it.

3           **Q.    Do you agree with that analysis?**

4           A.    I do not.

5           **Q.    Can you explain a little bit further?**

6           A.    I think that Missouri West definitely has a  
7 need for both capacity and energy. The IRP was used to  
8 assess that need and identify the best resource plan to  
9 meet it, and Persimmon Creek was the best resource  
10 identified to fulfill the acquisition strategy outlined  
11 in the IRP.

12           MS. GREENWALD: Thank you. That's all my  
13 questions.

14           JUDGE DIPPELL: Let me ask just a quick  
15 clarifying there, Ms. Messamore. You mentioned Winter  
16 Storm Elliott and Uri or you were asked about them. Can  
17 you just tell us what those storms were and when?

18           THE WITNESS: Yeah. So Winter Storm Uri we're  
19 more familiar with. It's February 2021, I think roughly  
20 the 15th through the 19th of that month, and then Winter  
21 Storm Elliott is more recent. It was, it depends on who  
22 you ask, but 21st through 26th of December 2022. So a  
23 pretty recent storm that was different from Winter Storm  
24 Uri in that natural gas saw outages in both although  
25 less in Elliott than they did in Uri. Wind saw

1 significantly more performance in Elliott than it did in  
2 Winter Storm Uri. And then coal actually performed  
3 worse in Winter Storm Elliott than it did in Winter  
4 Storm Uri.

5 JUDGE DIPPELL: Thank you for that  
6 clarification. I'm sorry to butt in there. Public  
7 Counsel, do you have questions?

8 MS. MARTIN: No.

9 JUDGE DIPPELL: Staff?

10 MS. MERS: Good afternoon.

11 THE WITNESS: Hello.

12 CROSS-EXAMINATION

13 BY MS. MERS:

14 **Q. Piggybacking actually off the bench's**  
15 **question, is it your understanding that during Winter**  
16 **Storm Uri that was the worst performing month or one of**  
17 **the worst performing months that Persimmon Creek**  
18 **experienced?**

19 A. I don't have the data to confirm that.

20 **Q. Who are you employed by?**

21 A. Evergy Missouri West. Technically I'm at  
22 Evergy Metro testifying on behalf of Evergy Missouri  
23 West.

24 **Q. Is it your understanding that Missouri West**  
25 **doesn't actually have any employees?**

1 A. I don't know.

2 Q. And is it your -- To your knowledge, has  
3 Evergy Metro responded to any capacity RFPs in the last  
4 two years?

5 A. Yes, they have.

6 Q. Okay. And were they with West or have they  
7 been with other utilities as well?

8 A. Both.

9 Q. Okay. What capacity amount and price do you  
10 recall?

11 A. That's confidential.

12 MS. MERS: Okay. I hate to go in camera but I  
13 think that that might be the only way.

14 MR. ZOBRIST: Judge, I guess I would like to  
15 have at least an offer of the relevance of what Evergy  
16 Metro is doing in an Evergy Missouri West case based on  
17 the CCN.

18 MS. MERS: Yes, if I can respond. Up for the  
19 last couple of years even though SPP treats and views  
20 the Company on a combined basis, on an individual basis  
21 West and Metro have had a capacity agreement that has  
22 been significantly less expensive for ratepayers than  
23 this wind farm would be. So a line of questioning  
24 asking, you know, why that can't continue or just  
25 ensuring that there's both the capacity and the prices I

1 think is relevant to both evaluating the need for this  
2 project and the economics.

3 MR. ZOBRIST: I find the relevance of that  
4 highly dubious when we're talking about an Evergy  
5 Missouri West project that has been fully vetted at this  
6 point to go into confidential closed session to have  
7 offers of another utility. I don't understand the  
8 relevance. I think that in open session we can talk  
9 about these issues of how Evergy Missouri West is  
10 evaluated by Southwest Power Pool as well as how it is  
11 evaluated with its affiliate utility. I really don't  
12 understand the relevance of going into highly  
13 confidential contract offered data at this point.

14 MS. MERS: I do believe that Evergy itself has  
15 provided testimony in this case about Metro capacity.

16 MR. ZOBRIST: I think that's a different  
17 question. I don't have an objection to that.

18 JUDGE DIPPELL: I'm going to overrule your  
19 objection and I'm going to allow it. We can go ahead  
20 then. Do you have anything else or?

21 MS. MERS: No.

22 (In-camera session)

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3 (REPORTER'S NOTE: At this point, public  
4 session resumed.)

5 JUDGE DIPPELL: Now, are there Commission  
6 questions for Ms. Messamore? I know we deferred several  
7 things to her earlier. Commissioner Holsman, do you  
8 have anything?

9 COMMISSIONER HOLSMAN: No questions, Judge.  
10 Thank you.

11 JUDGE DIPPELL: Okay.

12 MR. ZOBRIST: Judge, I know that Chairman Rupp  
13 had a series of questions. Is he available or not  
14 available?

15 JUDGE DIPPELL: I will ask my questions and  
16 then we'll make sure we get his questions in there. But  
17 thank you. I'll start with my questions then.

18 BY JUDGE DIPPELL:

19 **Q. I asked kind of the same thing. Were you here**  
20 **when Mr. Humphrey was testifying?**

21 A. I was.

22 **Q. I asked him to kind of explain the difference**  
23 **between capacity factor and net capacity factor. Did**  
24 **you agree with his definition explanation?**

25 A. I did.

1 Q. And did you also agree that the numbers you  
2 used referring as net capacity factor and the numbers  
3 that he and even Mr. Luebbert used, labeled maybe  
4 capacity factor are pretty close to the same numbers?

5 A. I agree, yes, I think we were using the terms  
6 interchangeably.

7 Q. For the purpose of assessing the true output  
8 of a generation resource, which would you truly use?  
9 The capacity factor or the net capacity factor? Which  
10 do you think is better?

11 A. Net capacity factor. But I don't know that  
12 anyone has put forward a true gross capacity factor in  
13 this case. Everything I've seen is a net view of net  
14 generation.

15 Q. Do you agree with Staff that Evergy Metro and  
16 Evergy West, I think we talked about this a minute ago,  
17 have a joint integration transmission service agreement?

18 A. They do. It's called network integration  
19 transmission service agreement or joint NITS.

20 Q. So N-I-T-S for short?

21 A. Yes.

22 Q. Can you explain the purpose of that agreement?

23 A. Yes. So essentially it means that their  
24 resources are perfectly deliverable to each other. So  
25 their transmission service is essentially

1 interchangeability which the reason that impacts resource  
2 adequacy is it means that anything that is seen as firm  
3 service to Missouri West is also seen as firm service to  
4 Metro and they can pass capacity between each other  
5 because they're perfectly deliverable and firm from a  
6 network transmission perspective. So that's generally  
7 what it means and that's how it applies to resource  
8 adequacy.

9 **Q. How long has that agreement been in place?**

10 A. I believe 2015, subject to check, but it's  
11 been several years.

12 **Q. And is that agreement an SPP policy or**  
13 **requirement or for both entities to participate in the**  
14 **SPP market?**

15 A. No, it's not a requirement.

16 **Q. As a result of the NITS agreement, would you**  
17 **agree that Evergy Metro and Evergy West resource**  
18 **adequacy requirement is assessed by the SPP on a**  
19 **combined basis?**

20 A. By the SPP, yes. For the IRP purposes, no, we  
21 assess them separately.

22 **Q. Okay. Can you just explain why that is?**

23 A. Yeah. So it fundamentally comes down to more  
24 of a cost allocation and ensuring that costs are  
25 appropriately spread across the two utilities. If we

1 simply assume that Missouri West got to use Metro's  
2 capacity without paying for it in some form, then that  
3 would be Metro customers subsidizing Missouri West  
4 customers. So we always look at it and it's also lined  
5 out in IRP rules and that's the way we've done IRPs  
6 historically to make sure we're balancing at the  
7 individual utility level.

8 **Q. Do both Metro and West currently have a fuel**  
9 **adjustment clause?**

10 A. Yes.

11 **Q. And I'm sorry, did you say the resource**  
12 **adequacy requirements are assessed by SPP on a combined**  
13 **basis, correct?**

14 A. Yes.

15 **Q. How are those costs then treated through the**  
16 **FAC?**

17 A. Sorry. Which costs?

18 **Q. The SPP resource costs.**

19 A. So we use our existing generation resources  
20 and any purchase power agreements or capacity contracts  
21 to meet our resource adequacy requirement. So then the  
22 treatment of costs associated with all of those things,  
23 normally they go at either base rates or FAC depending  
24 on what it is and timing.

25 **Q. So which entity benefits and which is**

1 penalized with the various -- if you -- let me reask  
2 that.

3 If you -- If they're treated on a combined  
4 basis and you said in the IRP they were separated so  
5 that they wouldn't -- so one wouldn't subsidize the  
6 other, explain to me again the way the SPP treats it so  
7 that -- The IRP is a planning document, right?

8 A. Uh-huh.

9 Q. But the SPP is actually the real costs and  
10 revenues flowing through there, right?

11 A. Right.

12 Q. So how is it treated so that through the SPP  
13 process one is not subsidizing the other?

14 A. Yes. So in the SPP process, it's a compliance  
15 requirement. So there really aren't dollars associated  
16 unless you get to the point where you're paying a  
17 deficiency payment associated with that process. So  
18 there's no costs associated with resource adequacy in  
19 and of itself. The specific resources that are being  
20 used to -- sorry, background noise. The specific  
21 resources that are used are allocated not just through  
22 the FAC but they're in the base rates of the individual  
23 utility that owns them. So Metro's share of Iatan 1 is  
24 a portion of the combined entities meeting their  
25 resource adequacy requirement but Metro only pays for



1 their share of Iatan 1 and Missouri West pays for their  
2 share of Iatan 1 and then they each get the  
3 corresponding energy and other revenues from SPP that  
4 goes along with their ownership share. Does that help?

5 **Q. Yes. And Iatan 1 is a coal plant?**

6 A. Yes.

7 **Q. And is Evergy West short of capacity?**

8 A. At this point we are expecting our short  
9 position absent buying other capacity including  
10 Persimmon Creek would be next summer 2024.

11 **Q. And are you familiar with Mr. Luebbert's**  
12 **testimony?**

13 A. Yes.

14 **Q. And in his testimony he had a highly**  
15 **confidential or a confidential Figure 3 which was a**  
16 **production and load graph in his rebuttal testimony?**

17 A. What page?

18 **Q. 48.**

19 A. Okay.

20 JUDGE DIPPELL: And I think also that those --  
21 the graph is confidential and the numbers -- let me just  
22 ask Evergy are the trends in that graph also  
23 confidential?

24 MR. ZOBRIST: I'll defer to Ms. Messamore to  
25 tell you that, Judge.

1 THE WITNESS: No, I don't think so.

2 BY JUDGE DIPPELL:

3 Q. So the graph shows that demand is higher when  
4 production of wind is low and demand is lower when  
5 production of wind is high?

6 A. Uh-huh.

7 Q. At least during the summer months, is that?

8 A. That's the general trend. It is important to  
9 note this graph starts at 50 MW hours. So it's not  
10 quite as extreme as it looks. There is still a pretty  
11 good level of production even in that peak time. It's  
12 around looks like 30 to 35 percent capacity factor even  
13 at peak. So while that is the trend, it is not like  
14 it's going to zero production during those high load  
15 times.

16 Q. Okay. Is there a particular time of day when  
17 negative prices always or usually occur during certain  
18 months or seasons?

19 A. Definitely not going to say always. They  
20 typically occur more in off-peak hours and shoulder  
21 months. So shoulder months being non-peak months, the  
22 fall and spring.

23 Q. So which months would those be?

24 A. That depends.

25 Q. Which months are peak months?

1           A.    So June, July, August would be summer and then  
2 typically December, January and February winter.

3           **Q.    Do negative prices occur at other times?**

4           A.    Yes, they definitely can.

5           **Q.    Are there particular circumstances that you**  
6 **would expect them to occur?**

7           A.    Yeah.  So when you think about locational  
8 marginal prices, they're three components that build  
9 those up.  So you have your marginal energy component,  
10 marginal congestion component and your marginal losses  
11 component.  So ignore losses because it doesn't change  
12 nearly as much.  From an energy perspective, that price  
13 is going to be set based on what your marginal unit is  
14 in the market.  If you were at a time where wind was the  
15 marginal unit at a negative price, then the energy  
16 component is what's driving that.  So at very high wind  
17 lower load times you have that low marginal energy  
18 component driving a negative price.  At other times it  
19 can be driven by congestion.  That's where it's a true  
20 transmission constraint that's driving dispatch that  
21 would be otherwise uneconomic if not for the -- It's  
22 basically controlling around the capacity constraints on  
23 the system.  So you can see that at other times where  
24 it's driven by maybe a transmission outage.  It could  
25 also be driven by wind.  There's a lot of different

1 things that can cause congestion to drive prices either  
2 higher or lower than they would be if you were just  
3 looking at the marginal energy component.

4 **Q. Okay. Looking at the IRP process now, has**  
5 **either Evergy Metro or Evergy West ever submitted an IRP**  
6 **that contemplates a merger between the two entities?**

7 A. Not a merger, no. We do joint planning across  
8 the different utilities in our IRPs to assess kind of a  
9 broader view of particularly given we have so many  
10 co-owned units to look at things more holistically but  
11 no, the IRP is required to be filed by the individual  
12 utilities so it is.

13 **Q. In your surrebuttal at page 27 you state that**  
14 **the production tax credit expiration will be in 2028,**  
15 **correct?**

16 A. Roughly. I think it's sometime in the middle  
17 of the year based on when the farm went in service.

18 **Q. In that Schedule KM-2 attached to that**  
19 **supplemental direct testimony, can you explain to me the**  
20 **various worksheets and what they're showing for the**  
21 **solar, it's labeled solar ITC?**

22 A. Yes. So those are demonstrating the LCOE of  
23 some generic solar and wind. So not Persimmon Creek.  
24 Persimmon Creek is still in Witness Humphrey's schedule  
25 that he talked about earlier. Under different tax

1 treatments sort of pre and post Inflation Reduction Act.  
2 So the first tab I think, and I apologize I don't have  
3 it in front of me, so I'm going from memory, the first  
4 tab is a normalized ITC view which is assuming solar  
5 takes the investment tax credit and it's normalized  
6 across a long term which is the current IRS rules for an  
7 investment tax credit, so you can't monetize it all up  
8 front, you have to normalize it across the life of the  
9 project. The second tab is the solar PTC that was  
10 implemented in the Inflation Reduction Act. So that's  
11 kind of the new option available under the IRA. And  
12 then I believe the third, fourth and fifth tabs are the  
13 same general view for solar but with updated cost  
14 assumptions. If you use some of the latest market  
15 comparatives around cost per KW install, all that  
16 changes in those tabs is updating the cost assumptions  
17 based on those latest data points. The last one I  
18 believe is there's a wind view that uses a generic wind  
19 based on those market comparatives using the PTC 100  
20 percent eligibility for ten years as outlined in the  
21 IRA. Hopefully I didn't do those out of order and cause  
22 confusion.

23 **Q. I think you got it. So based on the**  
24 **assumptions that Evergy built into the model, how does**  
25 **the net present value of the revenue requirement for the**

1 **three scenarios, the solar ITC and the solar PTC and the**  
2 **wind PTC compare?**

3 A. We were looking at it on a levelized cost of  
4 energy basis. So that's all I have off the top of my  
5 head and that was included at page 25 and 26 of my  
6 supplemental direct. But even with the different tax  
7 credit structure available in the IRA for solar, it's  
8 still significantly higher than the cost of Persimmon  
9 Creek and based on recent market comparatives for wind  
10 they're also significantly higher even if you assume ten  
11 years of a PTC available for them.

12 **Q. And I think you touched on this a little bit,**  
13 **but for the solar ITC scenario --**

14 A. Uh-huh.

15 **Q. -- how are you assuming the investment tax**  
16 **credit will be applied? Is that a one-time credit?**

17 A. No, it assumes it's normalized.

18 **Q. What period of time is it normalized over?**

19 A. I don't remember off the top of my head. I  
20 believe it's twenty years.

21 **Q. Is that on that schedule?**

22 A. It's in there, yes. I can get it to confirm.

23 **Q. That's fine. And you said the IRS requires**  
24 **the normalization?**

25 A. Yes. For utilities, not for all parties, but

1 that's what would apply to us.

2 MR. ZOBRIST: Judge, if I can interrupt. If  
3 the witness needs access to that tab, we can provide  
4 that to her if that would assist.

5 JUDGE DIPPELL: I think so far she's doing  
6 okay.

7 THE WITNESS: Thank you.

8 JUDGE DIPPELL: But if we reach a point and  
9 you need to see it --

10 THE WITNESS: I'll let you know.

11 BY JUDGE DIPPELL:

12 **Q. What was the basis for the net capacity factor**  
13 **that was used?**

14 A. For what resource?

15 **Q. For Persimmon Creek.**

16 A. That was based on a historical average  
17 capacity factor for the site for 2019 through 2021, so  
18 the three full years of operations at the time of the  
19 analysis.

20 **Q. What was used in your scenarios that you ran?**

21 A. Those were based on more generic resources.  
22 So that I would have to check on to see what the  
23 assumption was.

24 JUDGE DIPPELL: Well, maybe if you do have  
25 that, Mr. Zobrist. Can we get her access to that?

1 MR. STEINER: We're looking for it, Your  
2 Honor. Do you have it in your stuff, Kayla?

3 THE WITNESS: I just have it on my computer.

4 MR. STEINER: That's fine.

5 MR. ZOBRIST: If she can retrieve her laptop,  
6 we can proceed, Judge. Is it here, Ms. Messamore, in  
7 the hearing room?

8 THE WITNESS: J, do you have it? Thank you.  
9 Now we have to wait for my computer to start up which is  
10 always an adventure. I apologize in advance. I put it  
11 through a lot.

12 JUDGE DIPPELL: That's fine.

13 THE WITNESS: Okay. So for the different  
14 scenarios, the assumption for the solar capacity factor  
15 was based on a typical capacity factor we've seen from  
16 RFP responses. So that was a more generic option. Then  
17 the wind scenario is around 50 percent. So about the  
18 same as what we had seen for Persimmon Creek.

19 BY JUDGE DIPPELL:

20 **Q. And did you prepare a similar analysis for**  
21 **Persimmon Creek calculating the net present value of the**  
22 **revenue requirement and the levelized cost of energy?**

23 A. I didn't but it's included in Witness  
24 Humphrey's testimony. There's no change to Persimmon  
25 Creek because of the IRA. So there's just the one



1 scenario in that case that I used for this.

2 Q. Okay. And do you know based on your knowledge  
3 of Mr. Humphrey's testimony, and so forth, was that  
4 information that would have been part of the work papers  
5 reviewed by Staff or included?

6 A. Yeah, I believe it was attached as a schedule  
7 actually.

8 Q. On page 25 of your supplemental direct, you  
9 list the levelized cost of energy for Persimmon Creek  
10 and there's a confidential number that I won't say.

11 A. Yes.

12 Q. What assumptions went into determining that  
13 value?

14 A. It's the same assumptions from Witness  
15 Humphrey's schedule. So I think he already spoke to  
16 several of those.

17 Q. And some of these are questions I asked him as  
18 well. Does Evergy West sell into SPP at a negative  
19 price?

20 A. Yes. It also occasionally buys at a negative  
21 price, which is confusing so. Occasionally at the  
22 Missouri West load node the price is negative. So we're  
23 actually being paid for the load that we're getting from  
24 SPP.

25 Q. Can you explain the conditions or scenarios

1 **that would take place for that to happen?**

2 A. Yeah. It's generally what I said earlier  
3 where it's either wind is on the margin, wind -- PTC  
4 eligible wind is on the margin and as a result your  
5 marginal energy component is negative or there's  
6 congestion that's impacting the flow between the  
7 generator and Missouri West.

8 **Q. Sometimes it may take three or four times**  
9 **before that soaks in that I haven't already asked you.**

10 A. LMPs are not simple.

11 **Q. Do you know if Evergy West sells energy at a**  
12 **negative price if those costs end up flowing through the**  
13 **FAC?**

14 A. Yes. Whether the price is negative or  
15 positive, what we get from SPP flows through the FAC.

16 **Q. Do the modeling assumptions shown in the**  
17 **scenarios in your Schedule KM-2 --**

18 A. Uh-huh.

19 **Q. -- reflect how fuel and purchased power costs**  
20 **and revenues flow through the FAC?**

21 A. All of the scenarios assume perfect ratemaking  
22 so everything is assumed to flow through  
23 contemporaneously. There's no difference whether it's  
24 base rates or FAC.

25 **Q. Does the model take into account that**

1 **customers will be responsible for 95 percent of any**  
2 **negative price also flowing through the FAC then?**

3 A. No. This model is not looking at the FAC at  
4 all. And the IRP also doesn't look at that because  
5 really it's just 95 percent of the difference in what  
6 happens between rate cases. So because we're looking at  
7 perfect ratemaking, it's not looking at that kind of  
8 division and it wouldn't just be negative prices. It  
9 would be whether there's upside or downside compared to  
10 what's in base rates. That's where that sharing takes  
11 place.

12 **Q. And then with production tax credits, those**  
13 **don't flow through the FAC at all?**

14 A. Correct. Those would flow through in base  
15 rates.

16 **Q. Those are in part of the Company's taxes**  
17 **and --**

18 A. Uh-huh.

19 **Q. -- and therefore, as you said, in base rates?**

20 A. Uh-huh.

21 **Q. So if that's the case, are the production tax**  
22 **credits applied? Do the customers get any benefit from**  
23 **those?**

24 A. Once they're in base rates, definitely, once  
25 the asset is in base rates.

1 Q. Can you explain that a little bit?

2 A. So once the resource is put in service  
 3 customers would have the costs associated with the  
 4 resource in terms of embedded in rate base and then  
 5 would get the benefit of the tax credit as part of the  
 6 broader taxes that are levied to customers. So it all  
 7 just rolls through the base rates in totality.

8 JUDGE DIPPELL: Okay. Since the Chairman has  
 9 joined us, I'm going to let him ask the questions that  
 10 he was wanting to ask and then I may come back with one  
 11 more before we're done here.

12 THE WITNESS: Okay.

13 JUDGE DIPPELL: Whenever you're ready,  
 14 Mr. Chairman.

15 CHAIRMAN RUPP: Thank you very much, Judge. I  
 16 greatly appreciate that. I have several questions for  
 17 you. I apologize. I had a phone call with the director  
 18 of the department I kind of had to take. So if you've  
 19 already answered one of these questions, just tell me  
 20 and I will go back and read the transcript and stuff.

21 THE WITNESS: Okay.

22 QUESTIONS

23 BY CHAIRMAN RUPP:

24 Q. What did I start with. Yeah, we were talking  
 25 -- I was talking with Matt about SPP looking at Evergy

1 on a combined company basis including Evergy Metro, and  
2 I know you've covered this in your testimony but I'm an  
3 auditory learner, so why is it not appropriate for the  
4 Commission to evaluate Evergy's capacity needs on a same  
5 way that SPP does?

6 A. I think I've covered most of that. The quick  
7 short answer is it's a cost allocation issue of ensuring  
8 that Missouri West is paying for what they're getting  
9 from Metro from a capacity perspective. I also want to  
10 highlight in my surrebuttal that I have the different  
11 views that show that on a combined basis the view of  
12 their short position does not change. It appears at the  
13 same year with the changes that SPP has implemented. So  
14 it's somewhat of a moot point because the capacity need  
15 remains even if you do assume they get all of the  
16 capacity available from Metro but the cost allocation  
17 issue is the primary driver.

18 Q. Okay. And so then I think I was asking Matt  
19 so why should we not do it that way?

20 A. We would have to come up with a way to make  
21 sure that Missouri West is paying Metro customers for  
22 the use of their assets. They have historically done  
23 that through short-term capacity purchases, which is  
24 very different than all in embedded costs of Metro's  
25 assets. Like I said, it's a cost allocation decision.

1 In the past we have done it through competitive RFP  
2 processes where Metro has bid capacity to Missouri West.

3 Q. All right. I think I'd asked Matt about  
4 Staff's viewpoint on the net present value of revenue  
5 requirements is not the best measure of low cost option  
6 for meeting customers' energy needs, especially saying  
7 it doesn't take into account the operational constraints  
8 of renewable resources. So I think I asked him not  
9 looking at Persimmon Creek, just on the bigger picture,  
10 do you believe that the Commission's IRP rule needs to  
11 be amended to address Staff's concerns or do you think  
12 it's not anything that should be addressed?

13 A. I don't think the rules need to be amended.  
14 The items Staff has identified are primarily around  
15 historical LMPs at the Persimmon Creek node, and I've  
16 outlined in my surrebuttal how that was factored into  
17 the IRP analysis. So I think there's sufficient room  
18 within the rules to address the items they're talking  
19 about in terms of market prices and forecasted market  
20 prices under a variety of scenarios.

21 Q. I think I asked him about Staff's talking  
22 about the inputs that were used in the IRP process, you  
23 know, to get the results that you want. How do you  
24 respond to that end? Is it ever appropriate for  
25 utilities to select the inputs into an IRP?

1           A.    We do ultimately have to select some inputs,  
2 otherwise the model won't run if there are no inputs.  
3 So we try to use publicly available data or data that's  
4 available with SPP in our IRP analysis. So we've done  
5 that. I think there was in opening statements a comment  
6 about the analysis being geared towards Persimmon Creek  
7 specifically which doesn't make sense to me because the  
8 wind was identified in the 2021 IRP initially before we  
9 had done an RFP process or even knew about Persimmon  
10 Creek as a resource. So we worked through the IRP  
11 process, used publicly available sources or proprietary  
12 sources that we pay for to build the IRP, identify the  
13 need for wind, and then did an RFP process to select  
14 Persimmon Creek as the best wind option available to  
15 meet the need identified.

16           **Q.    I believe -- I know it's been asked, I think**  
17 **it was by your Company's counsel to Matt, and Staff was**  
18 **saying Persimmon Creek is not going to generate**  
19 **sufficient market revenues to cover its annual revenue**  
20 **requirement. I think it's been asked. Does Evergy West**  
21 **or Evergy Metro, do you have any generation resources**  
22 **that produce market revenues sufficient to cover your**  
23 **annual revenue requirement?**

24           A.    Not market energy. Not for Missouri West. I  
25 assume that applies to the other Evergy utilities, but

1 I've only looked at it for Missouri West. The SPP  
2 market energy prices are not designed to cover fixed  
3 costs. They're built around a short-run marginal cost.  
4 So the market is not designed to cover all fixed costs  
5 and it won't other than in potentially extreme scenarios  
6 for a small period of time.

7 **Q. So the SPP market monitor has for several**  
8 **years now said that there's congestion issues in**  
9 **Missouri especially kind of compared to some of the**  
10 **other surrounding states. How do those congestion**  
11 **issues impact, you know, the ability to get, you know,**  
12 **energy from Persimmon Creek to Everygy people? How does**  
13 **that impact, you know, the prices looking at SPP's,**  
14 **refusal might be a strong word, but their reluctance to**  
15 **invest in transmission in Missouri?**

16 A. Yeah. So let me make sure I don't miss any  
17 pieces of it. More mechanically speaking we did assess  
18 the congestion risk and the market price risk of all the  
19 different wind sites that we got in the RFP. That was  
20 in Witness Humphrey's testimony. So you can see that  
21 with that study, which is a production cost model  
22 factoring in transmission topology and changes over time  
23 Persimmon Creek was the best option from a  
24 deliverability and kind of a congestion risk between the  
25 node and the Missouri West load. And so there's several



1 ongoing transmission projects that continue to improve  
2 that position over time. So Sooner to Wekiwa in  
3 Oklahoma is a large economic transmission project, Wolf  
4 Creek to Blackberry is another, and then longer term the  
5 joint targeted interconnect queue that SPP is performing  
6 with MISO will be a help as well. That wasn't factored  
7 into the assessment of Persimmon Creek and really  
8 doesn't impact it, but I do think that SPP is making  
9 good progress on starting to identify transmission  
10 solutions to this congestion and that's part of why I  
11 outlined in my testimony that we use SPP's transmission  
12 models as the basis for our market prices so we know  
13 what they're planning to implement and how they're  
14 planning to expand transmission capacity and know what  
15 impact that has on locational prices in our model.

16 **Q. In OPC's opening they listed out a variety of**  
17 **power purchase agreements that Evergy has entered into**  
18 **at which they believe have cost ratepayers. Do you**  
19 **agree with their assessment on how they're calculating**  
20 **those?**

21 A. No, I think it is too narrow in how it's  
22 looking at benefits. My understanding is that it's the  
23 PPA cost versus the SPP market revenues which as we've  
24 talked about those are only designed to cover marginal  
25 costs and not all of the sources of value of a resource.

1           Q.    So could you make the argument if you follow  
2   OPC's line of viewing that Evergy has made poor choices  
3   on all their PPA agreements so we're not going to do  
4   that any more, we're just going to go buy a wind farm  
5   now because we've --

6           A.    I won't follow their line of reasoning,  
7   because I don't agree with it, but I will say that what  
8   they've done is look at kind of a retroactive view of --  
9   a hindsight view of those deals and have not actually  
10   done anything to assess the prudence of when they were  
11   signed and so the same prudence standards should be  
12   applied in this case based on what we know today and how  
13   we looked at the asset is this the prudent decision  
14   right now.  So a hindsight view of other projects is not  
15   relevant in looking at the prudence of this decision or  
16   more directly to this case the necessity for it.

17          Q.    I think Commissioner Holsman was asking the  
18   question if you were to build a wind farm I think he was  
19   asking, can't remember if he asked Matt or your  
20   assistant treasurer, what is the cost of -- let's say we  
21   don't approve this.  What are the projections on the  
22   cost of wind, what is the projections on construction  
23   cost of building something in the future, what is the  
24   declining value of RECs because there's so many more  
25   coming on there, what is the cost -- in the Company's

1     **position, what is the cost of waiting to find a better**  
2     **deal? Is there a dollar amount that you guys calculate?**

3           A.    No, not a dollar amount. I do outline all of  
4     the risks associated with doing that at the end of my  
5     surrebuttal testimony, the last section focuses on it.  
6     From a construction cost perspective since the IRA was  
7     passed, Inflation Reduction Act, sorry, we've seen  
8     increases in construction costs pretty consistently with  
9     the market comparatives that are out there. So that's  
10    one data point. I think there's still to be seen how  
11    much onshoring occurs which can also drive up costs long  
12    term potentially depending on how supply chains build  
13    out, RECs market is pretty highly illiquid and moves  
14    around very dramatically as supply and demand changes.  
15    There's not a great forecast out there for RECs. But  
16    the short story is that if you did wait, you're  
17    essentially planning on a project that doesn't exist yet  
18    compared to one that's already in service and at a lower  
19    cost than the alternatives that we've seen on the market  
20    today, all of the alternatives. So that's more the risk  
21    of the project that's in service and we know the cost  
22    versus a future speculative where the cost is uncertain,  
23    the value of the RECs is uncertain, all of those things  
24    are uncertain.

25           **Q.    So bird in the hand?**

1           A.    Yes.  I hesitated to say that but yes.

2           **Q.    You finally said something I'm like on the**  
3 **wavelength with.  So we had other discussions and**  
4 **questions with other witnesses and I believe Staff**  
5 **brought it up of, you know, you're not actually**  
6 **fulfilling your whole capacity, you're only doing 20 MW**  
7 **of 170 that you need so why not build a gas plant,**  
8 **especially gas prices are seems like they're falling,**  
9 **everybody I'm talking to is expecting below \$2, it's**  
10 **going to stick there for a while.  Looking at declining**  
11 **gas costs and you are not being able to achieve**  
12 **everything that you're going to need, why are you**  
13 **considering this instead of a gas plant?**

14           A.    Yeah, so a few things.  The latest ten-year  
15 futures I've seen still had gas in the 3.60 to \$4.00  
16 mmBTU on average.  So we have seen a subsidence recently  
17 but the late futures I saw on an average annual basis  
18 are still higher than what we'd seen back in 2019 and  
19 2020.  So that's one point on the gas price market and  
20 what the market expectation is.  The next part around  
21 gas I think it's important to remember that when gas is  
22 generating in the SPP market, it's typically the  
23 marginal unit.  So that makes it the market price  
24 setting unit.  What that means is that when you have a  
25 natural gas generator, it's only going to be dispatched

1 when the locational marginal price is equal to or  
2 greater than its short-run marginal cost. Its short-run  
3 marginal cost is in turn entirely determined by the gas  
4 price. So basically the gas price will move up and down  
5 and whether your gas generator is generating or not  
6 you're wearing that gas price risk. So either it  
7 doesn't generate and you buy off the wholesale market  
8 and you don't have any generator that's running or it  
9 does generate and you're having to buy natural gas at  
10 that price.

11 So I can do like a specific example of assume  
12 I have a new combined cycle that's a 7 heat rate, so 7  
13 mmBTU per MW hour and gas is \$2. The marginal unit in  
14 SPP is a 8 heat rate natural gas unit. So now my LMP,  
15 ignoring lots of other factors, simplistically is \$16  
16 and my price short-run marginal cost for my gas  
17 generator is 14. So my margin is only \$2. It's  
18 essentially the difference between my heat rate and the  
19 market setting heat rate of the gas unit. So when you  
20 compare that to wind, which has no marginal cost,  
21 there's a much larger margin opportunity whereas with a  
22 gas generator you're wholly dependent on whether your  
23 gas generator is more efficient than the marginal unit.  
24 And if it's not, it's just not going to run and it won't  
25 be dispatched on. So that's one challenge with gas

1 where it's a great capacity resource generally although  
2 performance-based accreditation will reduce the  
3 accreditation a little bit but it's not a great energy  
4 hedge because you essentially move your exposure from  
5 two commodity prices from the wholesale market to gas  
6 prices for the actual fuel, if that makes sense.

7 **Q. So you believe with the wind it's probably**  
8 **always going to be dispatched because it's going to be**  
9 **least cost so you don't have as much risks?**

10 A. Right. Essentially as long as the wind is  
11 blowing and your prices are above your short-run  
12 marginal cost which for wind is going to be negative  
13 grossed up value of PTC, the wind will be dispatched,  
14 you're not as dependent on the commodity price.

15 **Q. Give me a scenario where wind would not be**  
16 **dispatched.**

17 A. It would have to be congestion, transmission  
18 congestion.

19 **Q. So if there's transmission if there's not**  
20 **congestion, then pretty much wind is always going to be**  
21 **dispatched?**

22 A. Yeah, when the wind is blowing, yes. I'll  
23 make my last point because it gets to what you're saying  
24 is that it's not an either/or decision. I think the  
25 right answer is both. And we do have thermal resources

1 in our resource plan with recent changes in the capacity  
2 requirements at SPP. I could see some of those moving  
3 forward as we have a sooner and larger capacity need.  
4 That doesn't change the fact that gas is not generally a  
5 great energy hedge. It's a great capacity resource.  
6 You have to kind of balance across the two. And then  
7 solar is somewhere in the middle. So it will play a  
8 good bridge between those two resource types.

9 **Q. I believe it was in your assistant treasurer**  
10 **was discussing the 50 percent, I know it in my head, I**  
11 **just can't articulate it.**

12 A. Net capacity factor.

13 **Q. Net capacity. That's NCF, is that what the**  
14 **acronym NCF?**

15 A. Yeah.

16 CHAIRMAN RUPP: Net capacity factor. Okay.  
17 That's all I had, Judge. Thank you for allowing me to  
18 get my questions in.

19 JUDGE DIPPELL: Thank you. I just have one  
20 more clarifying.

21 THE WITNESS: Okay.

22 JUDGE DIPPELL: So earlier we were talking  
23 about the production tax credits and you said the  
24 benefits to customers begin from when the unit is put in  
25 service by the Company. Is that correct or does the

1 benefit --

2 THE WITNESS: I think I said when it's put in  
3 base rates.

4 JUDGE DIPPELL: Right. Okay. So the benefits  
5 of the production tax credits don't flow through until  
6 it's put in base rates?

7 THE WITNESS: Right, correct.

8 JUDGE DIPPELL: Are there any other  
9 Commissioner questions that came up just in case  
10 Commissioner Holsman had something? I don't hear  
11 anything. So I think that finally ends the bench  
12 questions. Is there further recross based on the  
13 Commission questions from Renew?

14 MS. GREENWALD: No, thank you.

15 JUDGE DIPPELL: From Public Counsel?

16 MS. MARTIN: I do actually have a couple of  
17 questions.

18 CROSS-EXAMINATION

19 BY MS. MARTIN:

20 Q. So when you were speaking with Chairman Rupp,  
21 you discussed the OPC's concerns with PPA, with past  
22 PPAs. Do you recall that?

23 A. Yes.

24 Q. And you mentioned that you needed to avoid  
25 looking backwards in hindsight. Do you recall that as



1 well? You said I believe this is hindsight?

2 A. I did.

3 Q. Okay. So would you agree that the OPC  
4 bringing up these concerns at this point raising them  
5 for Persimmon Creek right now would not constitute  
6 hindsight?

7 A. I'm not aware of any concerns that OPC is  
8 raising in this context that are specific to Persimmon  
9 Creek. Instead it's been a summary of the performance  
10 of PPAs but no assertion of what is unreasonable about  
11 current assumptions.

12 Q. Have you read the testimony from OPC or is  
13 that just going off of the opening statement?

14 A. I've read it, yes. I've read Lena Mantle's  
15 testimony.

16 Q. And you've read OPC and Staff and what our  
17 positions have been?

18 A. Yes.

19 Q. You still believe that it is based off of?

20 A. Regarding the part about the PPAs, that's what  
21 I'm saying.

22 Q. I'm not talking about just the PPAs. I was  
23 just talking about with Persimmon Creek at this point if  
24 we were to address concerns that we have and if Staff  
25 were to address concerns that they have with the

1 purchase of Persimmon Creek, would, if it comes up again  
2 in a future case, would it still be considered  
3 hindsight?

4 A. I think it depends on whether -- I don't know  
5 if we're talking about prudence or we're talking about a  
6 CCN. So I feel like I'm getting a legal area right  
7 here. I would say that the concerns that Staff and OPC  
8 have raised relate to the need for the resource and  
9 whether Persimmon Creek is the, I believe economic, is  
10 economically feasible in order to meet that need. I  
11 don't know that that gets to anything around actual  
12 prudence.

13 Q. Right. So you talk about how we talked about  
14 the economic feasibility. So if we in the future bring  
15 up the issues again or if we continue to speak now about  
16 our concerns with the economic feasibility of this  
17 project, is that speculation or hindsight? When would  
18 be the appropriate time to speak about those concerns?

19 MR. ZOBRIST: Judge, I think there were about  
20 three questions there. It's compound. I think it calls  
21 for speculation. I think it calls for a legal  
22 conclusion.

23 MS. MARTIN: I was just trying to see if it  
24 would be okay for us to discuss economic feasibility,  
25 which is one of the Tartan factors, if that is a

1 hindsight issue as she stated in previous testimony.

2 JUDGE DIPPELL: I'll allow it.

3 THE WITNESS: You're going to have to rephrase  
4 the question.

5 BY MS. MARTIN:

6 Q. So we are bringing up -- OPC has brought up --  
7 You discussed OPC bringing up the economic feasibility  
8 as one of the issues that we had with the Persimmon  
9 Creek project. Are our issues concerning Persimmon  
10 Creek hindsight or given that it's with the past  
11 performance of Persimmon Creek?

12 MR. ZOBRIST: Judge, I really don't know what  
13 we're referring to. Is this Ms. Mantle's testimony? Is  
14 this Mr. Seaver's testimony? What is the point of  
15 reference in this question? I think it is confusing and  
16 vague and ambiguous.

17 MS. MARTIN: Point of reference was the  
18 conversation that she had with Chairman Rupp where she  
19 was talking about how our determinations were based on  
20 hindsight and we needed to avoid hindsight. We're  
21 asking if our discussions currently regarding the  
22 economic feasibility of this project would be considered  
23 hindsight.

24 MR. ZOBRIST: Pardon me. I'm sorry.

25 JUDGE DIPPELL: Were you finished?

1 MS. MARTIN: Yes.

2 MR. ZOBRIST: Then Judge, my objection is  
3 asked and answered because the Chairman asked about the  
4 purchase power agreements, the PPAs, and that's what Ms.  
5 Messamore responded to. So if there's something more  
6 specific than that, I'm certainly willing to entertain a  
7 question as is the witness.

8 JUDGE DIPPELL: I'm going to overrule the  
9 objection. I think the question is still a little --

10 MS. MARTIN: Confusing?

11 JUDGE DIPPELL: Yes, unclear. But I think  
12 that you're asking this witness's opinion about whether  
13 she considers OPC's concerns in this case to be a  
14 hindsight situation.

15 MS. MARTIN: Yes.

16 BY MS. MARTIN:

17 **Q. So basically are you -- with the concerns that**  
18 **OPC has raised regarding Persimmon Creek in this case**  
19 **right now, would you agree that those concerns that we**  
20 **are stating at this point do not constitute hindsight?**

21 MR. ZOBRIST: Judge, that clearly calls for a  
22 legal conclusion if we're relating it to the prudence  
23 standard. Then I object.

24 MS. MARTIN: I'm responding to the fact that  
25 she was discussing about the hindsight of our assessment

1 earlier on with that conversation with Commissioner  
2 Rupp.

3 JUDGE DIPPELL: I will overrule. While  
4 hindsight is a legal term, the witness was testifying as  
5 to what she thought was a hindsight situation. So I  
6 will let her answer. Do we need to read the question  
7 back?

8 THE WITNESS: Yes, please.

9 BY MS. MARTIN:

10 Q. Would you agree that the concerns that are  
11 currently being raised by OPC about Persimmon Creek do  
12 not constitute hindsight?

13 A. I can't make any blanket statement. This is  
14 very long testimony. Is there a specific concern that I  
15 could focus on?

16 Q. The economic feasibility.

17 A. I would say that -- Could you point me to the  
18 portion of Ms. Mantle's testimony you're referring to?  
19 Most that I see is referring to public interest and  
20 references Staff's testimony. So I need to know what  
21 I'm responding to.

22 Q. One moment. If you look at Ms. Mantle's  
23 testimony on page 6, the answer to the question on lines  
24 -- the question is lines 1 and 2. The response is lines  
25 3 through 3 of the next page. If you need a minute to

1 **read it, you can.**

2 A. Yeah, I don't see anything about economic  
3 feasibility here. Are we still talking about economic  
4 feasibility?

5 **Q. Yes, because economic feasibility is the cost**  
6 **benefit analysis in general and it's not just economic**  
7 **cost benefit but it is all versions of the cost benefit**  
8 **which also includes, you know, public interest, interest**  
9 **in renewables, things like that. So the ability for it**  
10 **to be an economic hedge against the market is one of the**  
11 **many determinations of cost benefit that we discussed**  
12 **for economic feasibility and the Tartan factors.**

13 MR. ZOBRIST: Judge, is there a question  
14 pending?

15 JUDGE DIPPELL: The witness asked her to  
16 clarify which topic she was discussing. So that's what  
17 she was doing. Same question.

18 THE WITNESS: Okay. In this paragraph  
19 specifically there's some reference to the historical  
20 performance of Persimmon Creek as an operating asset. I  
21 would say that's, I'm not going to call that hindsight,  
22 but it is based on historical information that wouldn't  
23 be available for other new resources. So I still think  
24 that the most appropriate way to assess economic  
25 feasibility is through the integrated resource planning

1 process which is what we've done and have addressed or  
2 at least evaluated and discussed the concerns raised by  
3 Staff and OPC in my surrebuttal testimony.

4 **Q. Thank you. So to clarify your view, any**  
5 **analysis of past performance of any currently operating**  
6 **generation asset should not be taken into account when**  
7 **discussing whether or not to grant a CCN or to allow an**  
8 **acquisition?**

9 A. I didn't say it shouldn't be taken into  
10 account and it was taken into account.

11 **Q. I didn't say that you said it wasn't, but you**  
12 **said you look at the IRP and you said that with any new**  
13 **asset you wouldn't look at the historical data but we**  
14 **have historical data here. Now that you have the extra**  
15 **information, shouldn't you utilize that information to**  
16 **analyze whether this is a good generation source for the**  
17 **purchase -- for EMW's purchase?**

18 A. We did use the historical information as an  
19 input into the IRP which is the appropriate place to  
20 assess economic feasibility. Historical performance is  
21 not the appropriate way to assess economic feasibility.

22 **Q. It's again much like the IRP it has several**  
23 **different aspects to it. But I just wanted to say if**  
24 **we're discussing concerns that we have, knowing, because**  
25 **we have this information, so OPC is discussing and Staff**

1 has discussed concerns we have regarding the economic  
2 and engineering efficiency, generational efficiency of  
3 this source and we're using past information. So would  
4 that be hindsight or is that still -- Is that  
5 permissible to discuss and utilize in cases to grant a  
6 CCN?

7 A. I don't think it matters if it's hindsight.  
8 It's fine to discuss if it's an operating asset that has  
9 historical performance, which we've been discussing it.

10 Q. Are we able to -- We've now discussed these  
11 concerns that we have with this asset. In future cases  
12 regarding this asset, are we able to bring these  
13 concerns up again or would that be also considered  
14 hindsight?

15 MR. ZOBRIST: Judge, she's asking if OPC can  
16 bring certain attentions to the Commission. I don't  
17 think this witness is in a position to respond to that  
18 question. So I object that it's improperly phrased.

19 MS. MARTIN: I have a more apt question.

20 BY MS. MARTIN:

21 Q. Was there an earlier point that OPC could have  
22 addressed the economic feasibility or other issues that  
23 we had with Persimmon Creek's acquisition into Evergy  
24 West in your view?

25 A. This is the first case where we're discussing



1 Persimmon Creek before the Commission.

2 JUDGE DIPPELL: Is that all?

3 MS. MARTIN: Sorry. This is what happens when  
4 you're new. We are finished with this witness. Thank  
5 you.

6 JUDGE DIPPELL: Thank you. Does Staff have  
7 questions and are they extensive?

8 MS. MERS: I don't know if they're extensive  
9 but with how this has gone.

10 JUDGE DIPPELL: I'm just considering a break.

11 MS. MERS: If we're debating a break, that  
12 would be acceptable to me.

13 JUDGE DIPPELL: Let's take a ten-minute break  
14 until 3:30. We can go off the record.

15 (Off the record 3:20 p.m. to 3:30 p.m.)

16 JUDGE DIPPELL: I think everybody is back in  
17 the room so we can go back on the record. Okay. We're  
18 back on the record after a short break and we are ready  
19 for Staff's further cross-examination based on questions  
20 from the bench.

21 FURTHER CROSS-EXAMINATION

22 BY MS. MERS:

23 **Q. Make sure I'm asking you the right questions.**  
24 **You had a discussion with the Judge about the joint NITS**  
25 **agreement. Do you recall that?**

1 A. Yes.

2 Q. And I believe one of your responses was that  
3 although SPP may look at the utilities on a combined  
4 basis the IRP does not and one of the issues is cost  
5 allocation and wanting to prevent subsidization for the  
6 utilities. Would you agree that the capacity agreement  
7 that Evergy had in place previously addressed cost  
8 allocation and subsidy issues?

9 A. What do you mean by capacity agreement?

10 Q. Between Metro and West.

11 A. For the term of that agreement, I would say it  
12 did but it expires next year.

13 Q. But there is a process in place --

14 A. Correct.

15 Q. -- to do so. And is it your understanding, I  
16 believe you touched on a bit of this with Chairman Rupp  
17 as well about that cost allocation was concerned, but is  
18 it your understanding that generation that is jointly  
19 owned is allocated between the utilities?

20 A. I'm not an accountant, but yes, that's my  
21 understanding.

22 Q. Is it also your understanding that in rate  
23 cases costs which includes generation are allocated both  
24 on a jurisdictional basis and for any wholesale or  
25 municipal contracts?

1           A.    Can you ask it again.

2           **Q.    Yes.  Is it your understanding that in rate**  
3 **cases costs, which would include generation cost or cost**  
4 **to procure energy, are allocated on jurisdictional basis**  
5 **since Evergy operates both in Kansas and Missouri?**

6           A.    Are you talking about the allocation between  
7 Kansas and Missouri or between Missouri West and Metro?

8           **Q.    Missouri and Kansas.**

9           A.    I don't know about that.

10          **Q.    Okay.  Would you believe that there is a**  
11 **process in place to make sure that cost allocation and**  
12 **cross-subsidization does not occur between both Metro,**  
13 **West and the Kansas, Missouri and wholesale**  
14 **jurisdictions?**

15          A.    I'm going to need that one again.

16          **Q.    Okay.  I'll break it down.  Would you believe**  
17 **that there is a process in place to make sure that**  
18 **there's no cross-subsidization and cost allocation**  
19 **issues are resolved so there aren't issues between Metro**  
20 **and West?**

21          A.    Again, not my area but yes, I assume that's  
22 part of a rate case.

23          **Q.    Would you also assume that holds true on a**  
24 **jurisdictional basis between the states?**

25          A.    Yes.

1 Q. And would you also assume that holds true for  
2 any wholesale or city contracts that are entered into?

3 A. I don't know enough to say.

4 Q. But it reasons to stand that there are  
5 processes in place to allow or permit  
6 cross-subsidization and fair cost allocations that don't  
7 require individual generation being purchased?

8 A. In the context of rate cases, yes.

9 Q. You were asked some questions about again with  
10 the Metro and West if IRPs had ever been performed  
11 together and you said no but there has been joint  
12 planning. Do you recall that line of conversation?

13 A. Yes.

14 Q. Is it your understanding that OPC in the past  
15 has proposed that Evergy studied merging on a  
16 corporation basis the two branches in past rate cases?

17 A. Not personally familiar. I believe OPC's  
18 referenced that in other cases though.

19 Q. If that merger happened on a corporate level,  
20 would that eliminate the need to do two separate IRPs?

21 A. I don't think I can speculate on that.

22 Q. Fair enough. At one part in some of your  
23 responses to the bench you reference perfect ratemaking.  
24 Do you recall that conversation?

25 A. Yes.

1           **Q.    Is it your understanding that the modeling**  
2           **assumes that PTCs are immediately returned to customers?**

3           A.    The model assumes perfect ratemaking so all  
4           costs and benefits are assumed to pass on  
5           contemporaneously right away.

6           **Q.    But Evergy is opposing the tracker that would**  
7           **align the perfect ratemaking to pass on part of those**  
8           **benefits to customers; is that your understanding of the**  
9           **position?**

10          A.    I was not the witness on that issue.

11          **Q.    You had some conversation with the bench about**  
12          **the hindsight/foresight differences and, you know, when**  
13          **it's appropriate or inappropriate to make adjustments**  
14          **based on what is known at a time. Do you recall that?**  
15          **I believe you also re-explored that with counsel for**  
16          **OPC.**

17          A.    I discussed with the bench the application of  
18          hindsight as it relates to PPAs in the past. I think  
19          that was the extent of that.

20          **Q.    I believe in one of your responses to the**  
21          **bench though that you said Staff isn't necessarily in**  
22          **your view raising a prudence concern, it was more**  
23          **addressing if the project is needed. Do you recall that**  
24          **response?**

25          A.    I don't believe that was a response to the

1 bench.

2 Q. Did you account for -- You discussed KM-2 with  
3 the bench. Do you recall that?

4 A. KM-2, yes.

5 Q. And that relies upon the capacity factor to  
6 determine the expected annual generation; is that  
7 correct?

8 A. Yes.

9 Q. And that doesn't account for a reduction in  
10 expected generation after PTC eligibility expires, does  
11 it?

12 A. It does not.

13 MS. MERS: I think that's all I have.

14 JUDGE DIPPELL: Is there any redirect?

15 MR. ZOBRIST: Yes, Judge. A few questions.

16 REDIRECT EXAMINATION

17 BY MR. ZOBRIST:

18 Q. Ms. Messamore, you were asked from the bench  
19 and by counsel questions about Persimmon Creek's place  
20 in integrated resource planning. How would you  
21 characterize the role of Persimmon Creek in the IRP and  
22 the plans to address resource planning for Evergy  
23 Missouri West?

24 A. Yeah, I would say the integrated resource  
25 planning process was done beginning in 2021, as related

1 to this case that identified a resource plan which  
2 resulted in the selection of a resource acquisition  
3 strategy and implementation plan. Once implementation  
4 began, that ultimately resulted in Persimmon Creek being  
5 selected as the best option to meet the need identified  
6 in the IRP and then the IRP was rerun using specific  
7 Persimmon Creek assumptions which then demonstrated the  
8 total benefits from an IRP perspective of 130 million.

9 **Q. And are other resources being contemplated in**  
10 **the IRP for the future?**

11 A. Yes, definitely.

12 **Q. And what types of resources would that**  
13 **include?**

14 A. In our current resource plan, it's a mix of  
15 wind and thermal and capacity contracts, market capacity  
16 contracts, as well as wind.

17 **Q. When we speak of "thermal," what does that**  
18 **mean?**

19 A. Generally natural gas, we model it as natural  
20 gas.

21 **Q. Now, the Chairman asked you some questions**  
22 **about the PPAs and counsel for OPC did. Do you recall**  
23 **whether the Commission reviewed the prudence of wind**  
24 **facilities in recent fuel adjustment cases, fuel**  
25 **adjustment clause cases?**

1           A.    Yes.  Specifically Rock Creek and Osborn in I  
2 believe the Eighth Prudence Review.  I'm not going to  
3 quote the docket number from memory.  And then other  
4 PPAs have also been included in fuel adjustment clauses  
5 which have been reviewed for prudence although they  
6 weren't called out specifically in orders.

7           **Q.    What was the decision of the Commission in**  
8 **those proceedings?**

9           A.    That Rock Creek and Osborn were prudent  
10 decisions in the context of them being long-term  
11 decisions.

12          **Q.    At the time they were made, they were found to**  
13 **be prudent?**

14          A.    That's correct.

15          **Q.    Now, you were asked some questions about cost**  
16 **allocation.  Is that part of your duties and**  
17 **responsibilities at Evergy?**

18          A.    No, it's not.

19          **Q.    Do you follow the integrated resource planning**  
20 **rules in what you do?**

21          A.    Yes.

22          **Q.    That's what you do as part of your current**  
23 **duties and responsibilities?**

24          A.    Yes.

25          **Q.    Chairman Rupp I believe talked about the price**



1 of gas moving down to I think he said \$2. Based upon  
2 recent information published by the Energy Information  
3 Administration, what is your understanding of the near  
4 term projections in the cost of natural gas?

5 A. Yeah, from an EIA perspective, I believe  
6 they've seen for this year in the mid \$3, 3.40 to 3.60,  
7 I don't remember the exact number, and then continuing  
8 out to around 5 in the longer term.

9 Q. And does the Energy Information Administration  
10 still consider that natural gas prices are volatile?

11 A. Yes, yes.

12 Q. Now, the Judge asked you some questions I  
13 believe about capacity and energy. Now, my question is  
14 in response to the points that have been raised I  
15 believe by the bench with regard to the marginal costs  
16 that are earned in the SPP energy markets and in the  
17 PTCs, is that a basis upon which this Commission should  
18 judge need or economic feasibility in this case based  
19 upon what the utility actually earns in the SPP energy  
20 markets?

21 A. No. Wholesale market revenues are just a  
22 portion of the benefits of a project.

23 Q. What is the purpose of the wholesale energy  
24 markets?

25 A. It's to do an economic dispatch and compensate

1 resources based on that dispatch.

2 Q. Is that meant to be a proxy or a substitute to  
3 what happens in a rate case when all factors are  
4 considered?

5 A. No.

6 Q. You were asked some questions by counsel for  
7 Renew Missouri about Winter Storm Elliott. Do you  
8 recall that?

9 A. Yes.

10 MR. ZOBRIST: Judge, I believe this is six  
11 copies.

12 THE WITNESS: Do I get to have one? Thank  
13 you.

14 BY MR. ZOBRIST:

15 Q. As a preliminary question, let me ask you are  
16 you a member --

17 MS. MARTIN: Objection, hearsay.

18 MR. ZOBRIST: Let me try to lay a foundation.

19 JUDGE DIPPELL: Let him ask the question  
20 first.

21 MS. MARTIN: I was talking about for the  
22 exhibit.

23 MR. ZOBRIST: I'm sorry?

24 MS. MARTIN: You know, it's been a very long  
25 day.

1 MR. ZOBRIST: It's fine.

2 JUDGE DIPPELL: All right.

3 BY MR. ZOBRIST:

4 Q. Are you a member of any of the committees of  
5 the Southwest Power Pool?

6 A. Yes. I'm a member of the Market Operations  
7 Policy Committee.

8 Q. Are you aware of a report that was prepared in  
9 mid January after Winter Storm Elliott with regard to  
10 the performance of the markets during that week of  
11 December 22 through 25?

12 A. Yes.

13 MR. ZOBRIST: Judge, I think this would be the  
14 Company's Exhibit No. 12.

15 JUDGE DIPPELL: That's the correct number,  
16 yes. And is this confidential?

17 MR. ZOBRIST: No, no. This is a public  
18 document.

19 (EVERGY EXHIBIT 112 WAS MARKED FOR  
20 IDENTIFICATION.)

21 BY MR. ZOBRIST:

22 Q. At a mid January meeting of the Market  
23 Operation Policy Committee at Southwest Power Pool, was  
24 the performance of utilities within SPP discussed about  
25 Winter Storm Elliott?

1 A. Yes, it was.

2 Q. And are you familiar with that report?

3 A. Yes.

4 Q. And does Exhibit 112 consist of excerpts from  
5 that report?

6 A. Looks like it, yeah.

7 Q. And is Southwest Power Pool the regional  
8 transmission organization to which energy Missouri and  
9 the other Evergy utilities belong?

10 A. Yes.

11 Q. Okay. Now, what was the conclusion of this  
12 report with regard to the performance of wind generators  
13 during Winter Storm Elliott?

14 A. I think they say it specifically, so let me  
15 find it. Yes. So generally the key points on page 9  
16 include a comparison to Winter Storm Uri which says  
17 there were fewer gas and wind outages, for example, but  
18 coal outages and derates were worse in Elliott, and then  
19 specifically related to wind on page 21 looks like  
20 accredited wind performed above Uri levels by about 9 GW  
21 and looks like around the same number compared to their  
22 accredited MW.

23 Q. So if we turn to the final page, and it's  
24 actually page 11, by the SPP logo it says it's page 21.

25 A. Yes.

1           **Q.    Let's look at Winter Storm Elliott. The first**  
2           **-- or I should say the blue bar, what does that mean**  
3           **when it says accredited?**

4           A.    That's how much capacity credit the wind  
5           resources get from SPP. So the proxy for Persimmon  
6           Creek is the 20 MW we were talking about earlier.

7           **Q.    And the middle bar that's sort of a greenish**  
8           **color, it says five-year availability 10.8. What does**  
9           **that mean?**

10          A.    That would be five-year average MW generation  
11          across this period over the last five years.

12          **Q.    And the 13.0 for available, what does that**  
13          **mean?**

14          A.    That was how much was actually available on  
15          average during Winter Storm Elliott.

16          **Q.    And what did the -- What does this document**  
17          **here conclude as far as performance of accredited wind**  
18          **capacity during Winter Storm Elliott?**

19          A.    It says wind far outperformed their accredited  
20          capacity level where coal and gas underperformed their  
21          accredited capacity level.

22          **Q.    How did this compare with gas, which I believe**  
23          **is the previous page?**

24          A.    Yeah, gas in both Winter Storm Uri and Elliott  
25          underperformed --

1 MS. MARTIN: I have an objection for  
2 relevance. We're getting a little off topic. We're not  
3 talking about what this particular wind farm is doing.  
4 We are now talking about wind farms in general. It's  
5 generalized, it's hindsight. It's not really relevant  
6 to what's at issue right now.

7 MR. ZOBRIST: Well, Judge, this has to do with  
8 the wind performance of Southwest Power Pool which has  
9 been in discussion has to do with Persimmon Creek's  
10 performance which is a wind asset within Southwest Power  
11 Pool that was operating during both Winter Storm Uri and  
12 Winter Storm Elliott, so I believe it's relevant.

13 JUDGE DIPPELL: I'll overrule the objection.  
14 Go ahead.

15 BY MR. ZOBRIST:

16 **Q. Did you complete your answer? I think we were**  
17 **talking about the relative performance of gas versus**  
18 **wind. If you could just summarize that quickly.**

19 A. Yeah. So gas performance in both Uri and  
20 Elliott was below five-year average and accredited  
21 levels primarily due to fuel supply constraints.

22 **Q. And then how did coal perform during Winter**  
23 **Storm Elliott?**

24 A. Below five-year available, below accredited  
25 and below performance during Winter Storm Uri.

1           Q.    So what did Southwest Power Pool generally  
2   conclude as far as whether wind performed better during  
3   Winter Storm Elliott than during Winter Storm Uri?

4           A.    They concluded it performed better.

5           MR. ZOBRIST:  Judge, I offer Exhibit 12 at  
6   this time.

7           JUDGE DIPPELL:  Would there be any objection  
8   to Exhibit 12?

9           MS. MARTIN:  Again I will renew my objection  
10  for hearsay.

11          MS. MERS:  Staff has an objection as well.  
12  It's not for hearsay.  It appears that ten pages of this  
13  presentation are missing.  Unlike transcripts or data  
14  requests, this isn't necessarily something that Staff  
15  has easy access to.  So I don't think if the entire  
16  presentation could be provided that we would have an  
17  issue with it.  I do get weary when it skips from 9 to  
18  19.

19          MR. ZOBRIST:  Judge, the whole presentation is  
20  about 30 pages.  I have two copies and I will be glad to  
21  give one to the bench at the conclusion of this  
22  witness's testimony and then I'll either post or have  
23  copies available tomorrow or whatever folks would like.  
24  It is available on the SPP website.  You have to search  
25  through the MOPC, the MOPC bar which is not real easy to

1 find but you can find it.

2 MS. MERS: I was trying to make J search for  
3 it. He was having a little bit of issue. If you can  
4 provide that.

5 MR. ZOBRIST: If I have an extra copy, I'll  
6 give it to you at the conclusion of today.

7 JUDGE DIPPELL: Since we don't have the entire  
8 document at this moment, let's hold on rulings on  
9 allowing it and I'll let you provide a full copy to --

10 MR. ZOBRIST: I have one with me. If I give  
11 that to the bench, can I get it into evidence?

12 JUDGE DIPPELL: Do you need it in evidence  
13 right now?

14 MR. ZOBRIST: Tomorrow morning is fine, Judge.  
15 I hear you.

16 JUDGE DIPPELL: Let's let everybody have a  
17 chance to look at the whole document. I'll ask again  
18 for objections. Then we can take care of it then.

19 MR. ZOBRIST: Let me go back and look at my  
20 notes. I think I'm almost completed here.

21 BY MR. ZOBRIST:

22 **Q. Let me ask you a question about the Inflation**  
23 **Reduction Act. I think you were asked a number of**  
24 **questions from the Judge and perhaps by counsel. Did**  
25 **you analyze the benefits and detriments of Persimmon**



1 **Creek both before and after the passage of the Inflation**  
2 **Reduction Act?**

3 A. Yeah, the LCOE spreadsheet that I discussed  
4 with the Judge was looking at the differences in  
5 comparative options versus Persimmon Creek. There's no  
6 impact directly to Persimmon Creek from the IRA.

7 **Q. So it didn't become negative or detrimental by**  
8 **virtue of the passage of the Inflation Reduction Act?**

9 A. No.

10 MR. ZOBRIST: One moment, Judge.

11 BY MR. ZOBRIST:

12 **Q. Let me ask you one question about the joint**  
13 **capacity arrangement. If we look at Evergy Missouri**  
14 **West and Evergy Metro together, are they still going to**  
15 **be short in the near future?**

16 A. Yes. The graphs in my testimony show that  
17 based on what was in the IRP with the adjustments I  
18 outlined they're actually short this summer. So we made  
19 short-term capacity purchases that changed that fact.  
20 But yes, they have a near-term capacity need expected  
21 next summer.

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

24 JUDGE DIPPELL: All right then. That  
25 concludes your testimony, Ms. Messamore, and you may

1 step down.

2 MR. ZOBRIST: Judge, she has some other  
3 engagements. May she be excused from the proceeding?

4 JUDGE DIPPELL: She may.

5 MR. ZOBRIST: Thank you.

6 (Witness excused.)

7 JUDGE DIPPELL: That was Evergy's last  
8 witness; is that correct?

9 MR. ZOBRIST: That's correct, Judge.

10 JUDGE DIPPELL: Then we can go ahead and begin  
11 with Renew Missouri.

12 MS. GREENWALD: Renew calls Mr. James Owen.

13 JUDGE DIPPELL: Can you raise your right hand.  
14 Do you solemnly swear or affirm that the testimony  
15 you're about to give at this hearing will be the truth?

16 THE WITNESS: I do.

17 JUDGE DIPPELL: Thank you. Go ahead with your  
18 -- I've asked all the others to spell their names for  
19 the court reporter.

20 THE WITNESS: Certainly. J-a-m-e-s O-w-e-n,  
21 no s.

22 JAMES OWEN,  
23 having been first duly sworn, was examined and testified  
24 as follows:

25 DIRECT EXAMINATION

1 BY MS. GREENWALD:

2 Q. All right. Since you've already stated your  
3 name, by whom are you employed and in what capacity?

4 A. I am the Executive Director and officer of  
5 Renew Missouri Advocates.

6 Q. And did you prepare and cause to be prefiled  
7 surrebuttal testimony that has been marked as Exhibit  
8 300?

9 A. I did. I don't have that exhibit mark in  
10 front of me, but I'll take your word for it.

11 Q. And do you have any changes to make to your  
12 testimony at this time?

13 A. I don't.

14 Q. If I were to ask you those same questions  
15 today, would your answers be substantially the same?

16 A. They would.

17 Q. And are all of those answers true and correct  
18 to the best of your information, knowledge and belief?

19 A. They are.

20 MS. GREENWALD: At this time I offer Exhibit  
21 300 into evidence.

22 JUDGE DIPPELL: Would there be any objection  
23 to Exhibit 300? Seeing none, I will admit that into  
24 evidence.

25 (RENEW EXHIBIT 300 WAS RECEIVED INTO EVIDENCE

1 AND MADE A PART OF THIS RECORD.)

2 MS. GREENWALD: And I tender Mr. Owen for  
3 cross-examination.

4 JUDGE DIPPELL: We sort of discussed on break  
5 does anybody have any cross-examination questions for  
6 this witness? Everyy?

7 MR. STEINER: Thanks, Your Honor. Good  
8 afternoon.

9 THE WITNESS: Good afternoon.

10 MR. STEINER: How are you?

11 THE WITNESS: I'm good. How are you?

12 MR. STEINER: Good.

13 CROSS-EXAMINATION

14 BY MR. STEINER:

15 **Q. Just briefly you were formerly Public Counsel;**  
16 **is that correct?**

17 A. Yes, I was.

18 **Q. And in that position did you find the filing**  
19 **of IRPs by the utilities that you helped to regulate,**  
20 **did you find that helpful in your job?**

21 A. I did. I found almost everything that the  
22 utilities filed to be helpful in that position.

23 **Q. So how did the IRPs help you do your job as**  
24 **Public Counsel?**

25 A. Well, I think in a broad sense it was really

1 about trying to figure out what the future needs of the  
2 customers were going to be anticipated. Any time a  
3 utility files anything, especially with an IRP, there's  
4 an issue of intent, what are they intending to do, what  
5 is their intention of like how they're going to meet  
6 consumers' needs in the future. And to me I think that  
7 is where it is most helpful, or at least from the  
8 perspective of consumer advocate anyway, in order to be  
9 able to have that document available.

10 **Q. Thank you. Around page 10 -- On page 10**  
11 **around line 17 to 18, you testified that you believe**  
12 **Staff is indicating its preference that utilities pursue**  
13 **plans that include adding natural gas-fired power plant**  
14 **instead of renewables. Do you see that?**

15 A. I do see that.

16 **Q. Could you tell us what you believe the**  
17 **benefits of adding renewables in addition to natural gas**  
18 **plants are?**

19 A. Well, I think there are certainly going to be  
20 instances where gas is going to be an issue. We spent a  
21 lot of time talking about Uri, Elliott this afternoon  
22 that I've listened to. Certainly one of the biggest  
23 challenges during those periods with gas was with issues  
24 with its reliability when it freezes. It is a liquid.  
25 It is a liquid source of energy. So you know, in

1 instances, and I would keep in mind Renew Missouri is  
2 not advocating for 100 percent renewable energy at this  
3 time. We do not believe that's something that utilities  
4 should be able to do. Having wind available where it  
5 can have benefits during cold weather incidences or when  
6 it's hot and there's issues with coal plants, we believe  
7 that's important to have that as part of its portfolio.

8 MR. STEINER: Thank you. That's all I have.

9 JUDGE DIPPELL: Thank you. Are there  
10 cross-examination from Public Counsel?

11 MS. MARTIN: No.

12 JUDGE DIPPELL: Staff?

13 MS. MERS: No questions. Thank you.

14 JUDGE DIPPELL: Are there any Commission  
15 questions? We have Commissioners both remotely and on  
16 the bench.

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

19 JUDGE DIPPELL: Thank you, Commissioner  
20 Holsman.

21 CHAIRMAN RUPP: No questions, Judge.

22 JUDGE DIPPELL: I heard a no questions. That  
23 was very faint. That was the Chairman. Thank you. All  
24 right. I don't have any questions either. So is there  
25 any redirect from Renew?

1 MS. GREENWALD: No, thank you.

2 JUDGE DIPPELL: Then your testimony is  
3 completed and you may be excused, Mr. Owen.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 JUDGE DIPPELL: And that was Renew's only  
7 witness, correct?

8 MS. GREENWALD: Yes.

9 JUDGE DIPPELL: So we are ready then to begin  
10 with Public Counsel witnesses.

11 MS. MARTIN: Before we begin with the Public  
12 Counsel witnesses, I did just want to verify about how  
13 late you were thinking about ending the hearing.

14 JUDGE DIPPELL: That's a good question. I was  
15 thinking, we got kind of a slow start, but I was still  
16 thinking that we would conclude by 5:00. Am I seeing  
17 any objection or suggestion otherwise?

18 MS. MARTIN: Someone just told me 4:00 is what  
19 I was going to say, but I saw a little internet thing  
20 that said 4:00. You know how you have to believe  
21 everything on the internet.

22 JUDGE DIPPELL: Let me make sure our  
23 technician is prepared. You're prepared to go to 5:00,  
24 aren't you, and our court reporter. Yes. So my plan  
25 would be then to conclude just a few minutes before

1 5:00.

2 MS. MARTIN: Okay.

3 JUDGE DIPPELL: We'll get as far as we can.

4 MS. MARTIN: As far as we can. I believe in  
5 us. I think we can do it. Then OPC calls expert  
6 witness Jordan Seaver to the stand.

7 JUDGE DIPPELL: Mr. Seaver, do you swear or  
8 affirm to tell the truth and the whole truth at this  
9 hearing?

10 THE WITNESS: I do.

11 JUDGE DIPPELL: Thank you. Can you please  
12 spell your name for the court reporter.

13 THE WITNESS: It's Jordan Seaver, J-o-r-d-a-n  
14 S-e-a-v-e-r.

15 JUDGE DIPPELL: All right. Go ahead then.

16 MS. MARTIN: Thank you.

17 JORDAN SEAVER,  
18 having been first duly sworn, was examined and testified  
19 as follows:

20 DIRECT EXAMINATION

21 BY MS. MARTIN:

22 Q. Okay. I do know you already stated and  
23 spelled your name. So thank you for that, Mr. Seaver.  
24 Who is your employer and what is your capacity with that  
25 employer?



1           A.    I'm employed by the Office of the Public  
2 Counsel and I'm a Policy Analyst.

3           **Q.    Thank you so much.  Are you the same Jordan**  
4 **Seaver who prepared the surrebuttal testimony for this**  
5 **case?**

6           A.    Yes, I am.

7           **Q.    Do you have any corrections or additions to**  
8 **your written testimony as it has been premarked as**  
9 **Exhibit 200?**

10          A.    I do not.

11                    JUDGE DIPPELL:  That's correct.  And 200-C?

12                    MS. MARTIN:  200 and 200-C.  Thank you.  I'm  
13 very good at this.

14 BY MS. MARTIN:

15           **Q.    Okay.  And if I asked you the same questions**  
16 **today that you had in that surrebuttal testimony, would**  
17 **your answers be the same?**

18          A.    Yes.

19                    MS. MARTIN:  Okay.  Your Honor, I offer  
20 Exhibits numbered 200 and 200-C for admittance and  
21 tender the witness for cross.

22                    JUDGE DIPPELL:  Thank you.  Would there be any  
23 objection to Exhibit 200 and 200-C?  Seeing none, then I  
24 will admit Exhibits 200 and 200-C.

25                    (OPC'S EXHIBITS 200 AND 200-C WERE RECEIVED

1 INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

2 JUDGE DIPPELL: Is there cross-examination  
3 from Staff?

4 MS. MERS: Yes, briefly.

5 CROSS-EXAMINATION

6 BY MS. MERS:

7 Q. In your surrebuttal testimony you discuss  
8 economic concerns and also concerns related to  
9 curtailment; is that correct?

10 A. Yes.

11 Q. And I'm going to ask you to help monitor me  
12 and make sure I don't say any names of species that I'm  
13 not supposed to. I try not to HC. If you could please  
14 alert me. Is it your understanding that curtailment or  
15 any additional expenses related to potential curtailment  
16 is not considered -- was not considered as part of the  
17 LCOE in this case?

18 A. Yes, as far as I'm aware.

19 Q. And do you know what the cost or the potential  
20 cost of those type of curtailment measures could be or  
21 what kind of impact they could have?

22 A. I can't put a number on potential costs, but  
23 the consequences of such curtailments can be fairly  
24 severe leading to curtailments at the times when wind  
25 facilities generate the most energy typically. So

1 typically they're curtailed at night. If they're  
2 curtailed, this is due to, when we're talking about bats  
3 in particular, the habits of the bats nocturnal, right,  
4 wind facilities typically generate most of their energy  
5 at night and the curtailments then align with the  
6 activity of the bats which is at night thus making the  
7 facilities, you know, effectively useless at that point  
8 and that's under situations in which they're ordered to  
9 curtail because of bat take.

10 **Q. And are you familiar with the operations of**  
11 **any of the other utilities wind farms in the state?**

12 A. Yes, I am some of them, yes.

13 **Q. Okay. And we're discussing there's been quite**  
14 **a bit of debate over hindsight and foresight, but is**  
15 **there anything that you've seen that have happened with**  
16 **other wind farms that would lead you to believe that**  
17 **perhaps what has been estimated here could be worse in**  
18 **the future?**

19 MS. WHIPPLE: Sorry. I'm going to interject  
20 an objection as to speculation.

21 MS. MERS: I don't believe it's speculation.  
22 I'm asking if in his expert opinion if he's seen other  
23 issues in cases arise that could be comparable to issues  
24 in this case that lead OPC to come to the conclusion  
25 that it did in its testimony. I believe that's wholly

1 within his realm of expertise.

2 JUDGE DIPPELL: I'm going to allow the  
3 question, overrule the objection.

4 THE WITNESS: So I am familiar with, and I  
5 don't want to venture too far into the territory, but  
6 generally Ameren's High Prairie wind farm has been  
7 curtailed and that is due to bat species take, take of  
8 bat species that are of conservation concern. And  
9 you're allowed a certain number of bats that you can  
10 take if the species is of conservation concern; and once  
11 you reach that limit, you have to stop, you know, at  
12 that point when you're given this warning then you have  
13 to be curtailed once you reach that limit of bat take  
14 and I think it's annually. So the reason generally that  
15 these wind farms are curtailed and High Prairie,  
16 Ameren's High Prairie wind farm is an example of this,  
17 is because of their location near maternity caves for  
18 bats. And I now don't want to venture too far into the  
19 confidential information here. But should we -- I don't  
20 know. None of my testimony in this is confidential, if  
21 that helps.

22 Q. Do you believe there's a way that you can  
23 finish your response without getting into the high level  
24 and then if the Commissioners want more.

25 A. Yeah, this is all public information. So the

1 Oklahoma Department of Wildlife Conservation, as well as  
2 universities, other researchers, US Fish and Wildlife  
3 have identified four maternity caves for a certain  
4 species of bat and those caves happen to be in northwest  
5 Oklahoma which is where the Persimmon Creek wind farm  
6 is. And the wind farm I believe is -- well, yeah, it's  
7 in the same area as those. The certain bat population  
8 has large -- they only go to these four caves in  
9 Oklahoma and they have large populations that go there  
10 every year. If the -- And if the take continues -- If  
11 the take reaches a certain point, then we would see  
12 curtailments which could be again have the consequences  
13 like High Prairie with Ameren.

14 **Q. And is acknowledging those risks and**  
15 **suggesting that there should be protection for**  
16 **ratepayers or at least some sharing of the risk, would**  
17 **you say that with the circumstance you know now that**  
18 **that would be a hindsight determination or do you**  
19 **believe it would be looking forward with the information**  
20 **you have now?**

21 MS. WHIPPLE: Calls for a legal conclusion.

22 MS. MERS: I believe we've had most every  
23 witness that's come through talk about hindsight and  
24 foresight. I'm not asking him what the prudence  
25 standard is. I'm just asking him on the basis of the

1 information now, which hindsight is a reasonable person  
2 standard, not a reasonable attorney standard, so what we  
3 know now, is it reasonable to expect that there may be  
4 impacts with the information we have.

5 MS. WHIPPLE: Then speculation as well.

6 JUDGE DIPPELL: Can you repeat your question  
7 for me?

8 MS. MERS: I can try to maybe rephrase too.

9 BY MS. MERS:

10 **Q. As an expert in your position, and using what**  
11 **is reasonable with what we know now, do you believe that**  
12 **looking forward we can make a reasonable assumption on**  
13 **risks that could occur in the future?**

14 MS. WHIPPLE: Judge, I would also object to  
15 lack of personal knowledge. This is an Oklahoma-based  
16 facility. I believe this witness only has Missouri  
17 knowledge.

18 MS. MERS: I don't want to answer for the  
19 witness, but it sounded like he's reviewed Oklahoma  
20 knowledge. I'm not sure if being in Oklahoma versus  
21 reviewing the information from Oklahoma makes a  
22 difference.

23 MS. WHIPPLE: Judge, I haven't heard the  
24 witness testify. There's no foundation that he has  
25 knowledge about how the state of Oklahoma treats bats or

1 any kind of hindsight analysis with regard to bats or  
2 whatever Ms. Mers' question is.

3 JUDGE DIPPELL: I'm going to sustain the  
4 objection. Ask another question, Ms. Mers.

5 BY MS. MERS:

6 **Q. Okay. If in a future case disallowances were**  
7 **made because there had been curtailment, would you**  
8 **believe that would be a hindsight?**

9 MS. WHIPPLE: I'm sorry. Same objections,  
10 Judge.

11 MS. MERS: When we had prudence reviews, the  
12 witness is looking at these things and making the  
13 disallowances and the determinations. It's not an  
14 attorney -- You know, we interpret the legal statutes  
15 but not allowing a regulator to interpret the  
16 regulations seems absurd to me.

17 JUDGE DIPPELL: I think I'm having trouble  
18 understanding your question exactly, Ms. Mers. What is  
19 it that you're trying to ask?

20 MS. MERS: Staff has been accused, and OPC, of  
21 making hindsight predictions, not predictions, that's  
22 not the right word, determinations on projects and that  
23 that is inappropriate. Staff -- In my question I am  
24 trying to pose to OPC if we can't -- if OPC has been  
25 criticized for making hindsight determinations, does he

1 agree with a determination that when you know  
2 information now and in the future act upon that  
3 information that you knew four years ago, whenever,  
4 would he think that that would be hindsight as it's been  
5 lobbied at OPC and staff.

6 MS. WHIPPLE: Is the reference point bats  
7 still or not?

8 MS. MERS: In discussions with Ms. Messamore,  
9 we couldn't get a clear answer because there wasn't a  
10 firm point being taken to. It was apparently economic  
11 feasibility in general was too fuzzy. Now that a  
12 particular point is being brought up, you know, the  
13 reference in this case is to bats but, you know, I'm  
14 sure that if we look through -- I believe Ms. Mantle has  
15 pointed out the ten different IRPs which OPC has raised  
16 concerns and so if bats aren't sufficient, I mean, we  
17 can walk through with Ms. Mantle her opinions on when  
18 she raised those concerns in those IRPs if they were  
19 called hindsight if she would agree with that if that's  
20 preferable to counsel.

21 JUDGE DIPPELL: I think we have ventured into  
22 basically a legal determination that the Commission is  
23 going to have to make in weighing the evidence. So I'm  
24 going to sustain the objection. Let's move on from  
25 hindsight.



1 MS. MERS: I have nothing further but thank  
2 you.

3 JUDGE DIPPELL: Thank you.

4 THE WITNESS: You're welcome.

5 JUDGE DIPPELL: Is there cross-examination  
6 from Renew?

7 MS. GREENWALD: No, thank you.

8 JUDGE DIPPELL: Is there cross-examination  
9 from Evergy?

10 MS. WHIPPLE: Yes, thank you. Good afternoon,  
11 Mr. Seaver.

12 THE WITNESS: Good afternoon.

13 CROSS-EXAMINATION

14 BY MS. WHIPPLE:

15 **Q. In your surrebuttal testimony filed in this**  
16 **case you stated that you were responding only to Staff**  
17 **witnesses Luebbert, Eubanks and Lange; is that correct?**

18 A. I believe that's correct, yes.

19 **Q. And in your surrebuttal testimony you did not**  
20 **disagree with any of Staff's analysis; is that right?**

21 A. Of the analysis that I stated, I didn't  
22 disagree with it, yes.

23 **Q. Is there Staff analysis that you do disagree**  
24 **with?**

25 A. I'm not sure.

1           **Q.    Okay.  In your surrebuttal testimony you did**  
2 **not do any independent analysis other than the Staff**  
3 **analysis with which you agreed; is that right?**

4           A.    I looked at Staff's analysis and I found it  
5 convincing and that's why I wrote the surrebuttal  
6 testimony, yes.

7           **Q.    And you did not do any independent analysis**  
8 **outside of that; is that correct?**

9           A.    I did my own research as far as it went but  
10 any analysis on the level of Staff's, no, to the extent  
11 that Staff did it, no.

12          **Q.    You do not have a degree in economics; is that**  
13 **right?**

14          A.    That's correct.

15          **Q.    You do not have an accounting degree; is that**  
16 **right?**

17          A.    Thankfully, yes.

18          **Q.    You are not an engineer; you don't have an**  
19 **engineering degree; is that right?**

20          A.    That's correct.

21          **Q.    You don't hold degrees in environmentalism or**  
22 **conservation; is that right?**

23          A.    Correct.

24          **Q.    In this case is it true that OPC did not serve**  
25 **any discovery or data requests?**

1           A.    I did not serve any data requests or  
2   discovery.  I am not -- I don't know about other OPC  
3   witnesses which would be I guess Lena Mantle.

4           **Q.    Sitting here today, can you think of any**  
5   **discovery or data requests that Ms. Mantle may have**  
6   **served on behalf of OPC?**

7           A.    I can't think of any, no, I'm not sure.

8           **Q.    In your surrebuttal testimony on page 2 you**  
9   **agree that EMW needs more capacity including owned**  
10 **capacity; is that right?**

11          A.    Correct.

12          **Q.    You also on page 7 of your surrebuttal**  
13 **testimony testified that utilities generally in SPP**  
14 **should increase their generating capacity; is that**  
15 **right?**

16          A.    I believe that utilities in SPP will need to  
17   increase their generating capacity with the introduction  
18   of performance-based accreditation for capacity, and I  
19   don't know if I generally believe that utilities in SPP  
20   need to or should increase their generating capacity.  I  
21   believe that Evergy Missouri West needs more owned  
22   capacity.

23          **Q.    You agree that in the four years of Persimmon**  
24 **Creek's operations there have been no bat taking issues,**  
25 **right?**

1           A.    I agree that there haven't been any  
2    curtailments or any operational issues as a result of  
3    bat take.  I wouldn't claim that there have been no --  
4    there's been no bat take, there's been no raptor take,  
5    et cetera.

6           **Q.    Is that because you lack knowledge as to  
7    whether there has been or not?**

8           A.    I'm not certain about the numbers of take of  
9    species of any kind.

10          **Q.    Sitting here today, are you aware of any bat  
11   taking issues occurring during the four years of  
12   operation of Persimmon Creek?**

13           MS. MARTIN:  Objection, asked and answered.

14           MS. WHIPPLE:  It hasn't been, Judge.

15           JUDGE DIPPELL:  I think she asked a slightly  
16   different question.  You can answer.  I'm sorry.

17           THE WITNESS:  Can you repeat the question?  
18   I'm sorry.

19           BY MS. WHIPPLE:

20          **Q.    Sitting here today, are you aware of any bat  
21   taking issues occurring in the four years of operation  
22   of Persimmon Creek?**

23           A.    Any issues, no.

24           MS. WHIPPLE:  Thank you.  No further  
25   questions.

1 THE WITNESS: You're welcome.

2 JUDGE DIPPELL: Just one clarification. When  
3 you say take in the bat take, are you referring to  
4 fatalities?

5 THE WITNESS: Yes. That's the term used by  
6 researchers in biology regarding wind farms in  
7 particular for any killing of an animal by the turbine  
8 blades.

9 JUDGE DIPPELL: Are there questions from the  
10 Commission? See if the Chairman has any questions or  
11 Commissioner Holsman before Commissioner Kolkmeier asks  
12 his.

13 CHAIRMAN RUPP: No questions.

14 COMMISSIONER HOLSMAN: No questions, Judge.  
15 Thank you.

16 JUDGE DIPPELL: Thank you both. Sorry,  
17 Commissioner. Go ahead.

18 COMMISSIONER KOLKMEYER: No, you're fine.  
19 Thank you, Judge.

20 QUESTIONS

21 BY COMMISSIONER KOLKMEYER:

22 **Q. Have there been other wind farms curtailed**  
23 **because of bat take?**

24 A. Yes, there have. Which wind farms they are  
25 offhand, I don't know. I don't have that information

1 before me, but yes.

2 **Q. Are they curtailed during a certain hour, time**  
3 **of the day? Did I hear you say that earlier?**

4 A. Yeah. Typically they'll be curtailed at  
5 night. Whenever the movement of the bats, or in cases  
6 there are curtailments due to bald eagle take, so  
7 whenever the movement of the species through the areas  
8 are the highest they'll curtail. For bats, it is at  
9 night and that's also when the wind farms are the most  
10 efficient when they operate the best.

11 **Q. Which my next question was going to be where**  
12 **are the wind farms in relationship to Persimmon? If**  
13 **you're not familiar, you're not going to be able to**  
14 **probably answer that question.**

15 A. Offhand, yeah, I don't know if I'll be able to  
16 answer that question. I mean, High Prairie is in  
17 northern Missouri but that's not.

18 **Q. It's not in Oklahoma.**

19 A. Offhand I don't know. I don't want to  
20 speculate too much.

21 COMMISSIONER KOLKMEYER: Thank you. Thank  
22 you, Judge.

23 JUDGE DIPPELL: Thank you, Commissioner. Is  
24 there any further cross-examination based on the  
25 Commissioner's question or questions from Staff?

1 MS. MERS: I just have one I guess further  
2 clarification based on what you were just discussing  
3 with Commissioner Kolkmeyer.

4 FURTHER CROSS-EXAMINATION

5 BY MS. MERS:

6 Q. Although the other wind farms you referred to  
7 aren't in Oklahoma, are they situated in similar  
8 positions to other species of concerns that you believe  
9 makes them comparable?

10 A. Yes. I mean, so typically the wind farms are  
11 sited in areas where the wind profiles are the best  
12 obviously, they want to maximize the amount of wind that  
13 they can get. That also tends to be in habitat for  
14 things like bats and raptors. For some reason, and I  
15 don't know why, I don't know if biologists know why, but  
16 the wind profiles tend to be very good near the  
17 maternity caves and the roosting caves which are  
18 different, they use them at different times, yes. So  
19 yes to answer your question, yes.

20 MS. MERS: Thank you for that. I have nothing  
21 further.

22 THE WITNESS: You're welcome.

23 JUDGE DIPPELL: Is there anything from Renew?

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

25 JUDGE DIPPELL: Evergy?

1 MS. WHIPPLE: No, thank you.

2 JUDGE DIPPELL: Is there redirect from Public  
3 Counsel?

4 MS. MARTIN: Yes, there is.

5 REDIRECT EXAMINATION

6 BY MS. MARTIN:

7 **Q. So earlier today, and by earlier today I mean**  
8 **maybe ten minutes ago, you were asked about your**  
9 **credentials. Can you express what those credentials are**  
10 **and what makes you a worthy expert for the purposes of**  
11 **this hearing?**

12 A. Yes. Well, for the purposes of the hearing,  
13 in order to be an expert witness I need to know more  
14 than the average person on the street about the topics.  
15 I would say I know considerably more, not as much as I'd  
16 like, but considerably more than the average person on  
17 the street.

18 My background in philosophy allows me to  
19 research arguments, make arguments, analyze arguments  
20 and confusing complicated topics if I'm not boasting but  
21 fairly well. So I think those are together enough to  
22 make me an expert witness today.

23 **Q. Thank you. So Everyg asked about your**  
24 **statement on owned capacity on how there was a need for**  
25 **Everyg West to have more owned capacity. Do you**



1 **remember that conversation?**

2 A. Yes.

3 **Q. Can you talk about where your determination on**  
4 **owned capacity differentiates between Evergy West and**  
5 **their assessment of Persimmon Creek in particular?**

6 A. So I agree with Evergy witness Ms. Messamore  
7 that there is a need for capacity in Evergy Missouri  
8 West, and in my testimony I refer to the prior testimony  
9 in other cases of OPC witness John Robinett in which he  
10 clearly states that there is a need for owned capacity  
11 in Evergy Missouri West. Where I think we differ is in  
12 the idea that Persimmon Creek adequately supplies that  
13 capacity and this is due to many factors not least of  
14 which is the performance-based accreditation that SPP is  
15 introducing which will lower the accredited capacity for  
16 Persimmon Creek which is already significantly lower  
17 than the nameplate capacity which has been testified to  
18 already. So I agree that there's a need for capacity  
19 but I don't think that this is the way to meet it.

20 **Q. And you talked about performance-based**  
21 **accreditation that switched from SPP's use of whatever**  
22 **they're currently using, which I can't come up with at**  
23 **the top of my head, to performance-based accreditation**  
24 **and how it will cause Persimmon Creek's accreditation to**  
25 **go down. Can you explain that a little more?**

1           A.    Yes.  So in a presentation before the  
2 Commission in I believe August of 2022, if I'm correct,  
3 SPP laid out the switch to performance-based  
4 accreditation and what that will mean for all utilities  
5 on SPP but also Missouri utilities in particular.  And  
6 the main takeaway is that the performance-based  
7 accreditation will take into account the past  
8 performance and outages and et cetera of a generating  
9 source and that will either increase or decrease its  
10 accredited capacity; and because as Staff points out  
11 Persimmon Creek has been not a particularly good wind  
12 facility, I believe that it will based on the  
13 performance-based accreditation as laid out in that  
14 presentation reduce its accredited capacity even more  
15 than it already is.

16           **Q.    Okay.  And do you remember having a**  
17 **conversation about curtailment regarding things that I**  
18 **am just nervous to talk about?**

19           A.    Yes, I do.

20           **Q.    Wonderful.  So if the -- If Persimmon Creek is**  
21 **curtailed due to that issue, what effect would that have**  
22 **on the economic efficiency of that wind source?**

23           MS. WHIPPLE:  I'm sorry, Judge.  I don't  
24 understand the question.  So I think it might be beyond  
25 the scope.

1 JUDGE DIPPELL: Can you repeat the question  
2 for me?

3 MS. MARTIN: Yes. We were talking about the  
4 curtailment of the -- I'm sorry. I'm trying to be  
5 pretty careful -- due to species and I was wondering if  
6 he knew the economic efficiency, how that would relate  
7 to the economic efficiency of the generation source,  
8 basically the effects curtailment would have on the  
9 source, the wind resource.

10 JUDGE DIPPELL: The what resource?

11 MS. MARTIN: Persimmon Creek, the wind farm.

12 JUDGE DIPPELL: Wind resource.

13 MS. MARTIN: Yeah, sorry.

14 JUDGE DIPPELL: Does your objection still  
15 stand?

16 MS. WHIPPLE: Could you ask it again? I'm so  
17 sorry.

18 MS. MARTIN: Yeah.

19 BY MS. MARTIN:

20 **Q. Do you have an opinion and if so, what would**  
21 **it be for the effect future curtailment would have on**  
22 **the economic efficiency of this resource or any**  
23 **resource?**

24 MS. WHIPPLE: I don't think that I have a  
25 beyond the scope objection to that. I think maybe

1 speculation now.

2 JUDGE DIPPELL: All right. I'll overrule and  
3 allow him to answer.

4 THE WITNESS: So on the assumption that the  
5 siting of the facility leads to curtailments and on the  
6 assumption that the curtailments are at night, which  
7 it's been established Persimmon Creek has the highest  
8 operation during the highest generation output during,  
9 the economic performance of the facility would clearly  
10 be worse than it is now. At times at which the facility  
11 could operate the best it would not. At times at which  
12 it would operate the worst it would. There could be  
13 also economic consequences for ratepayers in the case of  
14 disallowances not given or could be consequences for the  
15 Company that would be passed on to ratepayers. I can't  
16 see any positive consequences from economic or otherwise  
17 from future curtailments.

18 MS. MARTIN: Thank you so much.

19 THE WITNESS: You're welcome.

20 JUDGE DIPPELL: That's all?

21 MS. MARTIN: Give me one moment to confer with  
22 counsel. We are finished with this witness. Thank you  
23 so much, Mr. Seaver.

24 THE WITNESS: You're welcome.

25 JUDGE DIPPELL: Thank you, Mr. Seaver. I

1 should have interrupted earlier but you mentioned that  
2 presentation in one of your answers. Do you know which  
3 presentation you were referring to?

4 THE WITNESS: Yes, give me just a second. So  
5 it was titled -- the document that was given was titled  
6 SPP Update and it was given during an agenda, a  
7 Commission agenda on August 31st, 2022.

8 JUDGE DIPPELL: The one that was marked as an  
9 exhibit today?

10 THE WITNESS: No. I actually just provided it  
11 as a footnote in my testimony. It's on page 6.

12 JUDGE DIPPELL: Okay. Thank you.

13 THE WITNESS: You're welcome.

14 JUDGE DIPPELL: Okay. That concludes your  
15 testimony. Thank you. You may be excused.

16 (Witness excused.)

17 JUDGE DIPPELL: The OPC can also offer that  
18 presentation into evidence if you would like from OPC,  
19 not right now.

20 COMMISSIONER HOLSMAN: This is Commissioner  
21 Holsman.

22 JUDGE DIPPELL: Yes, Commissioner.

23 COMMISSIONER HOLSMAN: I just have one real  
24 brief question for the witness before he steps down.

25 JUDGE DIPPELL: Okay. He's coming back to the

1 stand. Hold on just one second.

2 COMMISSIONER HOLSMAN: It will be very brief.

3 JUDGE DIPPELL: Okay. Go ahead, Commissioner.

4 COMMISSIONER HOLSMAN: Thank you.

5 QUESTIONS

6 BY COMMISSIONER HOLSMAN:

7 Q. Earlier in earlier testimony Evergy testified  
8 that the floor of the net capacity for this system was  
9 10 percent but that it could be in the 20s with the  
10 proper transmission and better performance. Do you  
11 agree that the floor of this is a net capacity of 10  
12 percent but it could have a higher ceiling? Would you  
13 agree with that?

14 A. I have no reason to doubt that it's 10 percent  
15 currently. It could realistically be increased, but I  
16 don't see that as a great possibility for this facility  
17 in particular given the introduction of the  
18 performance-based accreditation for capacity.

19 Q. Okay. Also earlier it was established that  
20 Evergy could consider storage and in a follow-up  
21 question not a part of this IRP so that's established,  
22 but do you believe that the storage could be paired with  
23 this system that it would drastically improve the  
24 firming of energy available?

25 A. I'm not aware of -- I'm not aware of battery

1 technology currently that can provide that sort of firm  
2 delivery. I mean, it would be dispatchable. That's  
3 true. For the duration of that dispatchable energy is  
4 short at this time. I mean, furthermore, if we're  
5 talking about significant transmission upgrades in the  
6 future, we're also talking about an environment in SPP  
7 where large amounts of wind are coming onto the system  
8 and because of the supply and demand that we have with  
9 wind, all wind on the system would see decreased  
10 revenues and the value of the generation would be lower  
11 and we can see with, you know, bids in the system right  
12 now and after the passing of the IRA that there is  
13 significant wind development coming on the system. So I  
14 do degree that if battery storage was applied to the  
15 Persimmon Creek wind facility there would be  
16 dispatchable source but not one comparable to a gas  
17 plant, a coal plant, a nuclear plant, et cetera.

18 **Q. Do you agree -- this is my last question. Do**  
19 **you agree with earlier testimony that it's about 40**  
20 **percent cost increase to build the same facility from**  
21 **raw land?**

22 A. I don't have a reason to doubt that but I  
23 don't know if that's correct.

24 COMMISSIONER HOLSMAN: Okay. Fair enough.  
25 All right. Thank you, Judge. Thank you taking the

1 questions.

2 THE WITNESS: You're welcome.

3 JUDGE DIPPELL: No problem. Thank you. Hold  
4 on just one moment, Mr. Seaver. Let's see if there are  
5 any follow up. Is there anything based on the  
6 Commissioner's question from Staff?

7 MS. MERS: No, thank you.

8 JUDGE DIPPELL: Renew?

9 MS. GREENWALD: No, thank you.

10 JUDGE DIPPELL: Everyy?

11 MS. WHIPPLE: Briefly.

12 FURTHER CROSS-EXAMINATION

13 BY MS. WHIPPLE:

14 Q. In discussing accreditation with the  
15 Commissioner, isn't it true that performance-based  
16 accreditation only applies to thermal resources?

17 A. By thermal resources you mean?

18 Q. Gas.

19 A. No, I don't believe so.

20 Q. Do you believe it would apply to the Persimmon  
21 Creek?

22 A. I believe that it applies to any generation  
23 source in a utility's fleet in SPP.

24 MS. WHIPPLE: Okay. Thank you.

25 THE WITNESS: You're welcome.



1 JUDGE DIPPELL: Is there further redirect?

2 MS. MARTIN: Also, again, we can provide that  
3 presentation to Evergy. I do also have further.

4 JUDGE DIPPELL: Go ahead with your redirect  
5 and I'll address that.

6 FURTHER REDIRECT EXAMINATION

7 BY MS. MARTIN:

8 **Q. So what would adding batteries to Persimmon**  
9 **Creek due to the economics of that wind farm?**

10 A. I suspect that it could -- allowing it to be  
11 dispatchable could allow it to be dispatched at times at  
12 which you might have more favorable market for the  
13 energy, but again the duration as far as I'm aware at  
14 the time -- right now for battery storage like that is  
15 not long and thus I would assume would not account for  
16 much of an increase in terms of the economic efficiency  
17 over the economic performance.

18 **Q. Okay. Do you know how adding batteries to**  
19 **this generation source would affect rate base?**

20 A. It would increase rate base and thus increase  
21 the rates to customers.

22 **Q. Thank you. I also wanted to check**  
23 **Mr. Holsman, Commissioner Holsman, pardon me, asked if**  
24 **it was possible for the accredited capacity of Persimmon**  
25 **Creek to go above 10, I believe.**

1           A.    Yes.

2           Q.    10.   And I want to kind of flip that question  
3   on its head.   Could the accredited capacity to Persimmon  
4   Creek go lower especially with the entrance of  
5   performance-based accreditation?

6           A.    I am not sure if there's a floor to the  
7   capacity accreditation in the new scheme.   So I don't  
8   know.

9           MS. MARTIN:   Oh, no, that's okay.   I believe I  
10   am finished with this witness.

11          JUDGE DIPPELL:   Thank you.   And we do not need  
12   the whole presentation.   I just needed to clarify which  
13   one it was.   So I think this time you are finished, Mr.  
14   Seaver, and you may be excused again.

15          THE WITNESS:   Thank you.

16          (Witness excused.)

17          JUDGE DIPPELL:   Okay.   So it is about twenty  
18   until 5:00.   I would like to go ahead and get Ms. Mantle  
19   sworn and get her testimony all taken care of and  
20   everything and then maybe we'll end for the day at that  
21   point.

22          MS. MARTIN:   Okay.

23          JUDGE DIPPELL:   Do you solemnly swear or  
24   affirm that the testimony you're about to give is the  
25   truth?

1 THE WITNESS: Yes.

2 JUDGE DIPPELL: Thank you. Could you please  
3 spell your name for the court reporter?

4 MS. MANTLE: My name is Lena Mantle, L-e-n-a  
5 M-a-n-t-l-e.

6 JUDGE DIPPELL: Thank you. You may go ahead.

7 MS. MARTIN: Thank you so much.

8 LENA MANTLE,  
9 having been first duly sworn, was examined and testified  
10 as follows:

11 DIRECT EXAMINATION

12 BY MS. MARTIN:

13 **Q. And much like Mr. Seaver you have already**  
14 **stated your name and spelled it for the record so I**  
15 **thank you for that. Can you let us know who your**  
16 **employer is and what capacity you are employed in?**

17 A. I'm employed by the Office of the Public  
18 Counsel. My position is Senior Analyst.

19 **Q. Thank you. And are you the same Lena Mantle**  
20 **who prepared the surrebuttal testimony for this case?**

21 A. Yes, I am.

22 **Q. And do you have any corrections or additions**  
23 **to your written testimony that has been premarked as**  
24 **Exhibit No. 201 and possibly 201-C?**

25 A. No, I do not.

1           Q.    Okay.  Perfect.  Thank you so much.  If I  
2   asked you the same questions that were asked in that  
3   testimony today, would your answers be the same?

4           A.    Yes.

5           MS. MARTIN:  Your Honor, I offer Exhibits  
6   numbered 201 and 201-C for admittance onto the record,  
7   and I tender this witness for cross.

8           JUDGE DIPPELL:  Would there be any objection  
9   to Exhibits 201 and 201-C?  Seeing none, I will admit  
10  those exhibits.

11           (OPC EXHIBITS 201 AND 201-C WERE RECEIVED INTO  
12  EVIDENCE AND MADE A PART OF THIS RECORD.)

13           JUDGE DIPPELL:  All right.  Let me just take  
14  survey so we know where we're going to be.  Is there  
15  cross-examination for this witness from all three  
16  parties?

17           MR. ZOBRIST:  From Everyy there is, Judge.

18           JUDGE DIPPELL:  And Staff has?

19           MS. MERS:  A small amount, yes.

20           JUDGE DIPPELL:  A small amount?

21           MS. MERS:  I hope so.

22           JUDGE DIPPELL:  Maybe we could go ahead and do  
23  Staff cross in ten minutes?  No?

24           MS. MERS:  I'll take that back.

25           JUDGE DIPPELL:  Okay.  Well, in that case

1 we'll stick to the original plan then and we can -- Is  
2 there anything anybody needs to discuss on the record  
3 before we adjourn for the day? Okay.

4 I'd like to begin at 8:30 in the morning. We  
5 have kind of a chopped up day, but hopefully we can  
6 progress quicker maybe than we were going today. I  
7 think we will. So thank you, Ms. Mantle, and you can  
8 come back in the morning. We can go off the record.  
9 Thank you.

10 (Thereupon, the proceedings concluded at 4:43  
11 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 1 through 245, is a true record of my stenographic  
9 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 *Beverly Jean Bentch*  
16 \_\_\_\_\_  
17 Beverly Jean Bentch, RPR, CCR No. 640

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