

1 JUDGE PRIDGIN: Thank you, Mr. Dottheim.

2 BY MR. DOTTHEIM:

3 Q. Mr. Helming, do you know whether the U.S.
4 Department of Energy has announced any intent to award to
5 the Missouri Department of Natural Resources Energy Center
6 funds to conduct a tall tower wind energy assessment
7 project?

8 A. Yeah, I do. As you're reading this, I do
9 remember seeing an article at some point. I mean, my
10 scope is actually more national than local, but yes, I
11 applaud those efforts.

12 Q. Do you know whether AmerenUE, Union
13 Electric Company, has also become a part of this project
14 for a --

15 A. To my recollection, yes, they're involved.

16 Q. Do you know whether the Missouri Department
17 of Natural Resources Energy Center is seeking to
18 subcontract with the University of Missouri-Columbia for
19 this wind energy assessment project?

20 A. I believe that's what it said in the
21 article, as I remember it.

22 Q. Do you recall whether it indicated in the
23 article that there would also be a subcontract with the
24 Iowa Energy Center for purposes of performing work on the
25 project?

1 A. That I don't remember, but I'll take your
2 word for it.

3 Q. Mr. Helming, do you know whether Aquila,
4 Inc. has a long-term contract with the Great County Wind
5 Farm?

6 A. They do.

7 Q. Do you know whether Aquila, Inc. provides
8 the wind energy or any wind energy for Springfield City
9 Utilities or Boone County Electric Cooperative?

10 A. I do believe that they provide some portion
11 of that electricity to those two entities, yes.

12 Q. Do you know whether there are any wind
13 turbines located at the Jeffrey Energy Center?

14 A. I believe there are two that are there,
15 from what I remember. It's been years. They're very old,
16 they're old small, they're very inefficient, but yeah, I
17 do believe there are two tiny ones there.

18 Q. Do you know whether Aquila has an ownership
19 share of the Jeffrey Energy Center?

20 A. I don't recall.

21 MS. HENRY: Your Honor, I fail to see the
22 relevance of any of this to the issue concerning KCPL.
23 Object to this line of questioning.

24 JUDGE PRIDGIN: Mr. Dottheim?

25 MR. DOTTHEIM: I think I probably concluded

1 that line of questioning.

2 JUDGE PRIDGIN: All right. Thank you.

3 Objection overruled.

4 BY MR. DOTTHEIM:

5 Q. Mr. Helming, I'd like to direct you to your
6 Exhibit 6.

7 A. Okay.

8 Q. And I'd like to direct you to the first
9 page, and under Iatan 2, Iatan 2 coal plant KCP&L.

10 A. All right.

11 Q. You show, for example, on one of the line
12 items, average nationwide residential electric bill in
13 2001, \$104?

14 A. Yes.

15 Q. You also show another line underneath that
16 average annual increase in electric rates, but in
17 particular for the line average nationwide residential
18 electric bill in 2001.

19 A. Uh-huh.

20 Q. Why didn't you utilize KCPL-specific data
21 instead of nationwide data?

22 A. Two reasons. One, I didn't have access to
23 it, and two, I don't think it's relevant, because you can
24 put a lower number in there and the amount is so huge in
25 terms of the additional cost that it would make an impact

1 but not that much. But I'd be happy to make that
2 adjustment. I have the model right here in my spreadsheet
3 if you'd like me to place another number.

4 Q. Mr. Helming, are you familiar with the
5 document referred to as FERC Form 1?

6 A. No, not offhand.

7 Q. Do you know whether electric utilities,
8 investor-owned electric utilities submit on an annual
9 basis information to the FERC on the FERC Form 1?

10 A. I would imagine that they probably do.

11 Q. Do you know whether you could obtain the
12 information necessary to perform KCPL-specific
13 calculations that you've done on your Exhibit 6 from a
14 FERC Form 1?

15 A. I'm sure I could have. If it wasn't pro
16 bono, I probably might have taken more time.

17 Q. Again, on your Exhibit 6, you show under
18 Iatan 2 coal plant, you show for 2009 a 17.5 percent rate
19 increase, do you not?

20 A. Correct.

21 Q. You don't show any rate increase for the
22 wind farms that you modeled, did you?

23 A. No, I did not.

24 Q. You made reference to a recommendation
25 about -- your financial -- in your financial model, you

1 used Lacine, did you not?

2 A. No.

3 Q. Or I should say in your health, your
4 Exhibit 6B in the calculations?

5 A. I didn't use any specific coal plant.

6 Q. But you used, for example, nine coal plants
7 in the Kansas City metro area?

8 A. Yes.

9 Q. And I think you identified one of those
10 coal plants as being Lacine?

11 A. Yes.

12 Q. Is Lacine located south or southeast of
13 Kansas City?

14 A. Mainly south.

15 Q. And Iatan 1 is located north of Kansas
16 City?

17 A. Yes.

18 Q. Are the wind patterns such that both your
19 analysis of using the nine electric plants would cover
20 both Lacine southeast of Kansas City, south or southeast,
21 and Iatan 1 north of Kansas City?

22 A. The analysis actually included all coal
23 plants within a 200-mile radius regardless of direction.

24 Q. Mr. Helming, are you aware of any
25 transmission difficulties as far as the construction of

1 wind farms and getting energy out of a wind farm?

2 A. Yeah. Just like any new power plants of
3 any kind, transmission upgrades are occasionally
4 necessary. So yeah, at some wind farms they are; at some
5 they aren't.

6 Q. Mr. Helming, Concerned Citizens and Sierra
7 Club submitted a, as did I believe all parties, a pretrial
8 brief, and there are a couple of areas that are addressed
9 in that pretrial brief. I don't have any intention of
10 asking you any legal questions. I'm trying to determine
11 whether it's you or Mr. Ford who I should be directing
12 these questions to. And the questions cover two areas.
13 One is energy efficiency programs and measures. Is that
14 --

15 A. That's Mr. Ford.

16 Q. Okay. And there's also referenced in the
17 Concerned Citizens/Sierra Club pretrial brief the
18 Commission's Chapter 22 rules on electric resource
19 planning. Are you familiar with the Commission's rules on
20 electric resource planning?

21 A. Vaguely.

22 MS. HENRY: That's Mr. Ford, which is the
23 reason it's in the brief.

24 MR. DOTTHEIM: Thank you. If I could have
25 just a minute, please.

1 JUDGE PRIDGIN: Certainly.

2 MR. DOTTHEIM: Thank you for your patience,
3 Mr. Helming.

4 THE WITNESS: Sure.

5 JUDGE PRIDGIN: Mr. Dottheim, thank you.
6 Mr. Zobrist, are you cross-examining for KCP&L?

7 MR. ZOBRIST: Yes, your Honor.

8 JUDGE PRIDGIN: All right. Thank you.

9 Mr. Zobrist, this may be tough for you to
10 do. Do you have a ballpark figure about how long your
11 cross-examination would take?

12 MR. ZOBRIST: I would say at least an hour,
13 probably an hour and a half, but I will move as quickly as
14 I can, your Honor.

15 JUDGE PRIDGIN: I understand.

16 MS. HENRY: Since Mr. Helming has a
17 speaking engagement, do we need to continue with it when
18 he has to leave?

19 MR. ZOBRIST: I respectfully would reply
20 that he has submitted himself to this Commission's
21 jurisdiction and it's the Commission's decision, not Mr.
22 Helming's, at which point he should be released, but of
23 course, I leave that to the Commission.

24 JUDGE PRIDGIN: I certainly understand.
25 Part of the thing we're trying to do is accommodate him if

1 he's unavailable tomorrow. Let's see how the cross
2 progresses.

3 MR. ZOBRIST: Thank you, your Honor.

4 CROSS-EXAMINATION BY MR. ZOBRIST:

5 Q. Mr. Helming, am I correct that the only
6 degree in education that you possess is a bachelor's
7 degree in business from the University of Kansas?

8 A. Correct.

9 Q. And I'll try to go through these fields,
10 but I want to make it clear. You do not have a degree in
11 medicine, public health, physiology or biology, correct?

12 A. Correct.

13 Q. And you do not have a degree in either
14 engineering or economics, correct?

15 A. Degree, no. Emphasis in economics, but not
16 a degree.

17 Q. Have you ever been employed as an economist
18 for any company?

19 A. No.

20 Q. And you do not have a background or a
21 degree in climatology or meteorology, correct?

22 A. A background, yes. A degree, no.

23 Q. And what's your background?

24 A. Being exposed to it for the last six years,
25 and being around experts in the field, including at U.S.

1 Government labs.

2 Q. But you do not yourself have a degree; is
3 that correct?

4 A. Correct. I employ people who do.

5 Q. And you have never been employed yourself
6 as a climatologist or a meteorologist?

7 A. That's correct.

8 Q. And you do not have a degree in mathematics
9 or statistics; is that correct?

10 A. Correct.

11 MR. ZOBRIST: Your Honor, may I approach
12 the witness?

13 JUDGE PRIDGIN: You may.

14 BY MR. ZOBRIST:

15 Q. Mr. Helming, let me ask you to identify
16 what I've marked as Exhibit 10 here, and I believe it is
17 the expert disclosure in this case.

18 (EXHIBIT NO. 10 WAS MARKED FOR
19 IDENTIFICATION BY THE REPORTER.)

20 BY MR. ZOBRIST:

21 Q. Mr. Helming, is it correct that at the
22 bottom of page 16 of exhibit 10 that is the disclosure
23 that you provided to the Sierra Club?

24 A. It is.

25 Q. Now, is that essentially the same

1 disclosure or statement, I should say, pardon me,
2 statement of qualifications that appears on your website?

3 A. I believe it is.

4 MR. ZOBRIST: If I may approach, your
5 Honor?

6 JUDGE PRIDGIN: You may.

7 (EXHIBIT NO. 11 WAS MARKED FOR
8 IDENTIFICATION BY THE REPORTER.)
9 BY MR. ZOBRIST:

10 Q. Do you have Exhibit 11 before you,
11 Mr. Helming?

12 A. I do.

13 Q. And is that a true and correct copy of the
14 biography that you have on your website?

15 A. It appears that it is.

16 MR. ZOBRIST: Thank you. Move the
17 admission of Exhibits 10 and 11, your Honor.

18 JUDGE PRIDGIN: Any objections?

19 MS. HENRY: What was 10?

20 JUDGE PRIDGIN: 10 is the expert disclosure
21 that you filed, Ms. Henry, and 11 is the webpage.

22 MS. HENRY: I haven't seen a copy of his
23 webpage.

24 MR. ZOBRIST: Well, I offer it nonetheless.
25 It's been identified by the witness.

1 MS. HENRY: Okay.

2 JUDGE PRIDGIN: Do I hear any objections?

3 (No response.)

4 JUDGE PRIDGIN: Hearing none, Exhibit

5 No. 10 and 11 are admitted in evidence.

6 (EXHIBIT NOS. 10 AND 11 WERE RECEIVED INTO
7 EVIDENCE.)

8 BY MR. ZOBRIST:

9 Q. Mr. Helming, is this the first time you
10 have testified before a regulatory agency?

11 A. With the exception of a hearing a few weeks
12 ago in Kansas City, that would be I guess the first. This
13 would be the second.

14 Q. And have you ever testified at a court of
15 law as an economist?

16 A. No.

17 Q. Have you ever been employed by a utility or
18 other company that generated electricity from non-wind
19 sources?

20 A. No.

21 Q. So you've only been employed by a company
22 that is in the wind business; is that correct?

23 A. Correct.

24 Q. Now, you call yourself a clean energy
25 economist. Is that a specialized term that you hold a

1 certification for?

2 A. I don't call myself that. My public
3 relations person does. But no, there's no degree for
4 that.

5 Q. Now, until 1999, had you ever worked in the
6 wind power generation field before?

7 A. No.

8 Q. And I believe the company that you said
9 that you joined in 1999 was Kansas Wind Power, LLC?

10 A. Yeah, although it wasn't formed officially
11 as an LLC in that year, but yes.

12 Q. And today it does business as, I believe,
13 Trade Wind Energy; is that correct?

14 A. I have no affiliation with that company,
15 but I believe that is the name.

16 Q. You left the company in 2003; is that
17 correct?

18 A. Yes.

19 Q. And during the four years that you were
20 with the company, you were the chief executive officer?

21 A. Correct.

22 Q. Now, isn't it true that you were asked to
23 leave the company? You were essentially terminated by the
24 board of directors?

25 A. No.

1 Q. You were the chief executive officer at
2 Kansas Wind Power, LLC on June 10, 2002; is that correct?

3 A. Yes.

4 MR. ZOBRIST: May I approach?

5 JUDGE PRIDGIN: You may.

6 (EXHIBIT NO. 12 WAS MARKED FOR
7 IDENTIFICATION BY THE REPORTER.)

8 CHAIRMAN DAVIS: I already have a copy,
9 Mr. Zobrist. The other Commissioners will need it.
10 BY MR. ZOBRIST:

11 Q. Mr. Helming, isn't it true that on
12 June 10, 2002, Kansas Wind Power, LLC, you and Mr. Jim
13 Beach, who was also an officer of that company, were the
14 subject of a Consent Order entered by the Kansas
15 Securities Commissioners?

16 A. Yeah, although I don't believe he was an
17 officer. He was an employee, but I don't recall him being
18 an officer.

19 Q. Now, the Commission Staff alleged in that
20 case that the Respondent Kansas Wind Power, LLC offered
21 investment in a wind turbine coop program via an Internet
22 website; is that correct?

23 A. Yes.

24 Q. And prospective investors were solicited to
25 invest from \$500 to \$50,000 in wind turbines to be

1 constructed in the state of Kansas; is that correct?

2 A. No, it's actually not correct. We didn't
3 solicit any investors.

4 Q. But that's what the Kansas Securities
5 Commissioners found; is that correct?

6 A. That's what they alleged.

7 Q. And they also alleged that investors were
8 told by you and your colleague that the investments would
9 generate as much as 24 percent returns per year from
10 generation and sale of electricity; is that correct?

11 A. Actually, they alleged that my colleague
12 said that, but as a good leader, I have to take the fall
13 for anything my staff does, and I can't take credit for
14 anything good that happens. So I was named, yes.

15 Q. Now, the allegations of the Kansas
16 Securities Commissioners went on to say that officers of
17 Kansas Wind Power, Troy A. Helming and Jim Beach, engaged
18 in the solicitations at a time when they were not
19 registered agents or broker dealers under the Kansas
20 Securities Act. Is that correct that that was the
21 Commissioners' allegation?

22 A. Yes.

23 Q. And in addition, the Commissioner alleged
24 that the investment opportunity was not registered as a
25 security; is that correct?

1 A. Yes.

2 Q. And although you neither admitted nor
3 denied these allegations, you did agree to accept this
4 Cease and Desist Order; is that correct?

5 A. Yes.

6 Q. What did the board of directors think of
7 that?

8 MS. HENRY: Object, I think that's calling
9 for hearsay.

10 JUDGE PRIDGIN: Overruled.

11 THE WITNESS: I don't actually recall what
12 the board said. At the time -- I'm trying to remember who
13 was even on the board, other than myself.

14 BY MR. ZOBRIST:

15 Q. Well, I don't imagine that they were
16 pleased, were they?

17 A. I actually think that I was the only board
18 member at that time, so I don't think there was anybody to
19 be displeased. But had there been one, I give you that,
20 yeah, they certainly would not have been pleased.

21 Q. Now, prior to your serving as the CEO of
22 Kansas Wind Power, I think you told the Commission that
23 you've never worked for an electric utility of any sort,
24 either a regulated one or an independent power producer;
25 is that correct?

1 A. Correct.

2 Q. And when you left the company, you were
3 replaced by a gentleman named Rob Freeman, who did have
4 experience in the electric energy field; isn't that
5 correct?

6 A. No, it's not. I hired Rob to replace me
7 intentionally long before I left the company, and the plan
8 was a succession plan in place long before I left the
9 company to focus on Krystal Energy.

10 Q. But the point I was trying to make, sir, is
11 that Mr. Freeman had indeed worked for independent power
12 producers and regulated electric utilities, correct?

13 A. Yes, like many of my other employees that I
14 still have working for me.

15 Q. And I think as Ms. Henry was going through
16 your experience, until 1999 you essentially began your
17 career in the telecommunications area; is that correct?

18 A. Correct.

19 Q. And you were selling equipment for
20 Lucent -- or pardon me -- for AT&T, and then for a company
21 that you founded called Teleteam Consulting?

22 A. Uh-huh.

23 Q. Is that right?

24 A. Yes.

25 Q. And you sold Lucent and Nextel telephone

1 equipment?

2 A. Correct.

3 Q. And then the next job you had, which I do
4 not see in your resume, was with an outfit called
5 Renaissance, the Tax People, LLC?

6 A. Absolutely not.

7 Q. You had no affiliation with that company?

8 A. Yes, I had an affiliation, but you asked if
9 I had a job, and I had no job. My company Team Reach was
10 an independent marketing agent, along with 65,000 other
11 independent marketing agents for Renaissance.

12 Q. And you were affiliated with this company,
13 correct?

14 A. I was marketing their products as well as
15 other companies' products, yes.

16 Q. And how long did you have your affiliation
17 with Renaissance, the Tax People, LLC?

18 A. Oh, I would say it was about two, about two
19 years.

20 Q. And this company was essentially -- was
21 eventually sued by the Kansas Attorney General for
22 violations of Kansas consumer protection laws, correct?

23 A. It never actually went to court, but there
24 was a suit filed, yes.

25 Q. Well, the founder of that company is a

1 gentleman by the name of Michael Cooper; is that correct?

2 A. Yes. He's a crook.

3 Q. And he is under indictment; is that
4 correct?

5 A. Yes, he is, as he should be.

6 Q. Now, the next company that you worked for
7 was called Aztech, capital A-z-t-e-c-h Financial Services,
8 Incorporated; is that correct?

9 A. Yes.

10 Q. And that again, was another company that I
11 believe offered people advice how to reduce their tax
12 liability?

13 A. It was actually a small business
14 consulting, telecommunications, health care costs,
15 financial consulting and other -- a number of small
16 business consulting services.

17 Q. Is it true that you were fired there by the
18 board of directors?

19 A. Yes, that's true.

20 Q. And that's when you came to Kansas Wind
21 Power, and you left there in 2003, correct?

22 A. Yes.

23 Q. Now, you work for Kansas -- today you work
24 for Krystal Planet Corporation; is that correct?

25 A. Technically Krystal Energy Corporation, the

1 parent company.

2 Q. When you testified at the local public
3 hearing, you did mention Krystal Planet Corporation. Do
4 you work for that corporation as well?

5 A. I don't have an employment contract with
6 Krystal Planet. It's a subsidiary, majority-owned
7 subsidiary of Krystal Energy. So I do work for both, but
8 I don't have an employment contract with Krystal Planet,
9 if you want to get really technical.

10 Q. So you work for both, but you get paid by
11 Krystal Energy Corporation?

12 A. Correct.

13 Q. Now, I understand that Krystal Planet is
14 what you call the residential subsidiary of Krystal
15 Energy?

16 A. Correct.

17 Q. And what kinds of things does Krystal
18 Planet do?

19 A. It has a catalog of energy-saving products.

20 Q. Let me show you what I believe -- what are
21 we up to, 12, 13?

22 (EXHIBIT NO. 13 WAS MARKED FOR
23 IDENTIFICATION BY THE REPORTER.)
24 BY MR. ZOBRIST:

25 Q. Mr. Helming, is Exhibit 13 a collection of

1 pages from the website of Krystal Planet Corporation?

2 A. Yes, it looks like it is.

3 Q. And this is the company that supports what
4 is called the Freedom Plan; is that correct?

5 A. One of them, one of several.

6 Q. What are the other companies that support
7 that?

8 A. I'd say sustainable marketing.com. There's
9 some of them listed in this version, but the new version
10 of the book's coming out next month. There's a number of
11 companies.

12 Q. Is this essentially your idea?

13 A. Yeah, it's my -- it's what I write about in
14 my book, yes, the Freedom Plan.

15 Q. Now, let me also show you what I'm going to
16 mark as Exhibit 14, which I believe is a list of products
17 that Krystal Planet Corporation sells.

18 (EXHIBIT NO. 14 WAS MARKED FOR
19 IDENTIFICATION BY THE REPORTER.)

20 BY MR. ZOBRIST:

21 Q. Mr. Helming, does Exhibit 14 appear to be a
22 list of the products that are sold by Krystal Planet
23 Corporation?

24 A. A partial list, yes.

25 Q. And these are samples of things that you

1 sell on the webpage, and then I take it through the -- you
2 call them ECos, energy consultants; is that correct?

3 A. Yes.

4 Q. Now, you spend most of your time with
5 Krystal Planet or with Krystal Energy?

6 A. Krystal Planet.

7 Q. And I believe that you've described the
8 system, what is the marketing system that Krystal Planet
9 employs in selling its products?

10 A. It's referral-based marketing.

11 Q. And that has sometimes been described as a
12 pyramid structure; is that correct?

13 A. Well, virtually everything's a pyramid
14 structure, U.S. Government, the Catholic Church,
15 everything, so I'm not sure what you mean by that.

16 Q. Do you disagree with the characterization
17 that it's a pyramid structure?

18 A. No, I don't.

19 Q. Now, as I take it, Krystal Planet
20 Corporation does not own any wind generation assets; is
21 that correct?

22 A. We actually have put, let's see, it's about
23 19 percent on a 1.5 megawatt wind turbine being built
24 right now. We've placed the order for a wind turbine.

25 Q. So you've placed an order for a wind

1 turbine; is that correct?

2 A. Yes. And the whole project we have already
3 put the money in. We will own about 19 percent of that
4 project.

5 Q. But today?

6 A. Not today, no.

7 Q. You do not?

8 A. It's not spinning yet.

9 Q. Does Krystal Planet Corporation have any
10 supply contracts with generators today?

11 A. What do you mean by generators?

12 Q. Generators of wind power. Pardon me.

13 A. To buy electricity? I'm not sure what you
14 mean.

15 Q. Well, as I understand, Krystal Planet
16 Corporation, the Freedom Plan, encourages folks to buy
17 these planet patron certificates that you call future wind
18 green tags, correct?

19 A. Green power certificates, that's part of
20 the Freedom Plan, yes.

21 Q. And I'm assuming that the folks who buy
22 that, that that money goes to purchase wind power from a
23 generator someplace in the grid; is that correct?

24 A. No, it's incorrect.

25 Q. Oh. So what do you get when you buy one of

1 these future wind green tags?

2 A. I would refer you to the EPA website. It
3 describes what a green tag is much better than I could,
4 and much more.

5 Q. So you're unable to describe that to the
6 Commission here today?

7 A. I'm not unable. If you'd like me to, I
8 could give it a shot.

9 Q. I think that was the question, sir.

10 A. It's very similar to -- I forget which
11 exhibit it is, but the tariff, the experimental green
12 power schedule that was entered in earlier by Mr. Dottheim
13 that shows a green power certificate for \$3.50 per
14 100 kilowatt hour. This is a green power certificate on
15 an existing project. I'm not sure -- excuse me. I'm not
16 sure whether it's a existing project or a futures green
17 tag. Both are sold by about two dozen companies in the
18 U.S., and about 30 or 40 companies in Europe.

19 A wind turbine creates two products. It
20 creates electrons, which get injected into the grid and
21 get mixed up with all the other electrons. And the
22 utility industry in the California in early '80s
23 established a tracking mechanism, because they found there
24 was a green premium for wind or solar energy that was
25 injected into the grid. But because the grid cannot

1 distinguish between a brown electron, if you will, and a
2 green one from a wind farm, they needed to find a tracking
3 mechanism so they could sell that green premium to various
4 customers and trade those certificates.

5 So it's very similar to carbon credits
6 which are traded on the Chicago Board of Trade. A
7 green tag represents the green attributes of wind
8 energy, and that is the second product that is created
9 by a wind turbine. They're generally sold in blocks of
10 1000 kilowatt hours or 1 megawatt hour, and they range in
11 price on a retail basis from \$20 to \$50 per megawatt hour.

12 The city of Springfield says -- what is it,
13 City Utility sells them for \$50 for 1000 kilowatt hours.
14 My company sells them for 30, and prices -- I've seen as
15 low as 10 or 12, \$15. So that is essentially what a green
16 tag is. And they're unbundled and sold separately from
17 the energy.

18 **Q. What do you do with the money that you get**
19 **from these folks?**

20 A. It's a great question. On the \$30 green
21 tag, approximately 5 or \$10 of that goes into an escrow
22 fund that -- or a -- excuse me -- a fund that is used to
23 finance and develop new wind turbines. A portion of it
24 goes into wind advocacy, which is public education and
25 support of awareness of wind energy, and the remaining is

1 marketing costs and overhead.

2 Q. Okay. So do you tell people that when they
3 buy these green tags from you that they're not buying
4 either one kilowatt hour of green power, that this either
5 goes into an escrow account for some future purpose it
6 goes to charitable donation or it goes to your marketing
7 costs?

8 A. We can't sell power in Missouri or in
9 Kansas, so we're selling green tags. It's not power. So
10 when people buy it, they are buying the green attributes
11 of power and the EPA, your U.S. Government and DOE allow
12 that individual or that business, for example, Sprint
13 2.5 million kilowatt hours of green tags and a contract
14 last year, so they're now able to claim that one of their
15 buildings on the Sprint world headquarters is 100 percent
16 emission free, because they purchased enough green tags.
17 We do the same thing, and by the way, those green tags
18 were not bought from us. They were bought from another
19 company.

20 Q. I was just going to clarify, Sprint didn't
21 buy those from you, did they?

22 A. No, they didn't.

23 Q. If I can, sir, let me show you a couple
24 more exhibits. Exhibit 15 I believe is a description of
25 the Freedom Plan from your website, and I'll hand it to

1 you in just a minute.

2 A. In the interest of time, I can take your
3 word for it.

4 (EXHIBIT NO. 15 WAS MARKED FOR
5 IDENTIFICATION BY THE REPORTER.)
6 BY MR. ZOBRIST:

7 Q. Do you know what that is, Mr. Helming?

8 A. Yes.

9 MR. ZOBRIST: I'm going to offer, if I
10 might, your Honor, Exhibits 13, 14 and 15 at this time.
11 They've been identified by the witness.

12 JUDGE PRIDGIN: Any objections?

13 (No response.)

14 JUDGE PRIDGIN: Hearing none, Exhibit 13,
15 14 and 15 are admitted without objection.

16 (EXHIBIT NOS. 13, 14 AND 15 WERE RECEIVED
17 INTO EVIDENCE.)

18 BY MR. ZOBRIST:

19 Q. Mr. Helming, how much money is in the
20 Freedom Wind Fund today?

21 A. Let's see. I am not certain that I can
22 disclose that. I can tell you that -- I'm trying to
23 remember what -- what my employment contract and so forth
24 allows me to do. I can tell you that the fund is --
25 there's very little in it right now because we just made

1 that payment for that first wind turbine, so at this
2 moment in time, there's probably less than \$10,000 in the
3 fund.

4 Q. And on page 2, there is an endorsement of
5 the Freedom Plan, and the first company is Team Activate,
6 LLC. Are you affiliated with that company at all?

7 A. They are -- that company is an energy
8 consultant with Krystal Planet.

9 Q. So they are one of the folks that you have
10 recruited to sell your Krystal Planet services, correct?

11 A. Uh-huh.

12 Q. And is that a yes?

13 A. That's a yes. Sorry.

14 Q. And Pristine Power Corporation is an
15 affiliated corporation with Krystal Energy Corporation and
16 Krystal Planet Corporation, correct?

17 A. Correct.

18 Q. Now, I'd like to just show you a couple of
19 documents that I believe set forth the Planet Patron, the
20 Crystal Wind Program, and another program that you're
21 engaged in.

22 (EXHIBIT NO. 16 WAS MARKED FOR
23 IDENTIFICATION BY THE REPORTER.)
24 BY MR. ZOBRIST:

25 Q. Now, when I was on your website,

1 Mr. Helming, a while ago, I couldn't print this off, but I
2 would ask you to just review Exhibit 16. Does that appear
3 to be a fair and accurate depiction of what you have on
4 your website as far as the product that is called Planet
5 Patron, the future wind green tags, and a 60-month
6 contract?

7 A. It appears so.

8 MR. ZOBRIST: I'm going to also mark
9 Exhibit 17 and Exhibit 18 that are the Krystal Wind, which
10 is the tax deduction mechanism, and then I believe the
11 home energy review that you're going to be going to in
12 Miami tomorrow morning, and I'll mark those as Exhibits 17
13 and 18.

14 (EXHIBIT NOS. 17 AND 18 WERE MARKED FOR
15 IDENTIFICATION BY THE REPORTER.)

16 BY MR. ZOBRIST:

17 Q. Exhibit 18 is the home energy review?

18 Mr. Helming, if you'd just take a moment and let me know
19 if those --

20 A. Those are accurate.

21 MR. ZOBRIST: All right. Move the
22 admission of Exhibit 16, 17 and 18.

23 MS. HENRY: I haven't even seen 18 yet.
24 Has he identified it?

25 BY MR. ZOBRIST:

1 Q. Exhibit 18 is the leadership seminar that
2 you're having in Miami, Florida tomorrow; is that correct?

3 A. Saturday actually.

4 Q. Saturday.

5 A. I guess actually part of it is tomorrow.

6 Q. And Exhibit 17 is the product that you sell
7 that's called Krystal Wind, make your home 40 percent
8 pollution free. What that is is a tax deduction to Save
9 the Planet USA; is that correct?

10 A. No. The customer buys the renewable energy
11 certificate from us. If they want to donate it, then as a
12 separate transaction to a nonprofit called Save the Planet
13 USA, then they're welcome to do that.

14 Q. And what is Save the Planet USA?

15 A. I'm not sure of the details, because
16 we're -- we don't control it, own it or anything like
17 that. My wife founded it, but she's no longer the
18 chairman. They're based in Newport, Rhode Island, and the
19 last update I got from them, they're using funds they
20 raise to do renewable energy research and development,
21 hydrogen, R&D and public awareness for clean power.

22 Q. Well, on your website you talk about Save
23 the Planet USA, do you not?

24 A. I don't know. I didn't write the website,
25 but it wouldn't surprise me.

1 Q. Well, I'd call your attention to
2 Exhibit 13, if you would, sir. It's the series of
3 websites on your company, and on page 9 --

4 CHAIRMAN DAVIS: Which is Exhibit 13? I'm
5 sorry, Mr. Zobrist.

6 MR. ZOBRIST: It's the one that says
7 Krystal Planet, Commissioner.

8 CHAIRMAN DAVIS: Like this (indicating).

9 MR. ZOBRIST: That's Exhibit 14.

10 CHAIRMAN DAVIS: I got it. And what page?

11 MR. ZOBRIST: On page 9, where it says
12 Krystal Planet community.

13 BY MR. ZOBRIST:

14 Q. Do you see that, Mr. Helming?

15 A. Yes.

16 Q. It says, Save the Planet is a 501(c)(3)
17 nonprofit organization, correct?

18 A. Yes.

19 Q. Is it not true that on the website of Save
20 the Planet USA , they advertise products of your company,
21 Krystal Planet Corporation?

22 A. Yeah. I mean, we are affiliated. We don't
23 own the nonprofit or whatever, but yes, we are affiliated.

24 JUDGE PRIDGIN: Mr. Zobrist, do we have a
25 copy of Exhibit No. 18 up here?

1 MR. ZOBRIST: You should, your Honor,
2 unless I made a mistake. It's the one that's the home
3 energy. If you don't, I'll get it to you right now.

4 (EXHIBIT NO. 19 WAS MARKED FOR
5 IDENTIFICATION BY THE REPORTER.)

6 BY MR. ZOBRIST:

7 Q. Now, sir, does Exhibit 19 appear to be a
8 copy of the -- well, I think it's most of the webpage at
9 least -- selected webpages from Save the Planet USA; is
10 that correct?

11 A. It appears to be. I don't know if I've
12 ever even been to their website.

13 Q. And you told the Commission that your wife
14 actually founded this charitable organization?

15 A. She wasn't my wife at the time, but yes,
16 Alicia Helming, who used to be Alicia -- she was Alicia
17 Carlson when she founded the nonprofit.

18 Q. And if we look on page 7 of Exhibit 19,
19 this is the letter from the Internal Revenue Service; is
20 that correct?

21 A. Yeah, it appears so.

22 Q. And this is the 501(c)(3) ruling from the
23 Service; is that correct?

24 A. I don't know. I mean, it looks like it's
25 something from the IRS, but I don't know what a 501 --

1 okay. Yeah, perhaps. I'm not an expert in that -- in
2 that realm, but it looks like it might be.

3 Q. Well, I'll represent to you that the first
4 paragraph indicates that, based upon the information that
5 Save the Planet USA supplied, that the Service has
6 determined you were exempt from federal income tax under
7 501(a) as an organization described in Section 501(c)(3).
8 Do you see that, sir?

9 A. I do.

10 Q. And this is addressed to Save the Planet
11 USA Company, 8527 Blue Jacket Street, Lenexa, Kansas,
12 correct?

13 A. Yes.

14 Q. And what other companies are located at
15 that address?

16 A. Well, my company is, and a variety of
17 others.

18 Q. Well, Krystal Planet is located there, that
19 is its headquarters, correct?

20 A. Yes, it is.

21 Q. And so Save the Planet USA was doing
22 business in September of 2003, less than two years ago, at
23 the headquarters of Krystal Planet Corporation, correct?

24 A. Actually, no, not at the headquarters of
25 Krystal Planet. At the Enterprise Center of Johnson

1 County, which is an incubator with a couple dozen
2 businesses.

3 Q. Krystal Planet and this foundation were
4 doing business there, correct?

5 A. At the same -- in the same building, yes.

6 Q. Now, are you familiar with an organization
7 called Green-e, which is spelled capital G-r-e-e-n,
8 hyphen, little E?

9 A. Yes, I am.

10 Q. What is Green-e?

11 A. They are a nonprofit certification body
12 that are based in San Francisco in the Presidio Building.
13 We visited them years ago in the interest of inquiring
14 whether we wanted them to certify our green tags, and we
15 decided against their certification because they don't
16 certify futures green tags and because of our marketing
17 method. They were too small and didn't have the staffing
18 or the resources to be able to keep up with us.

19 Q. And would you agree, though, that Green-e
20 is the nation's leading independent certification or
21 verification program for renewable energy products?

22 A. I don't know if I would characterize them
23 as the leading. The industry has actually been shifting
24 away from Green-e fairly rapidly in the last year to year
25 and a half as a result of an enormous board of -- I think

1 it's 40-some people on their board, and they're very slow
2 to make any changes to keep up with the industry. So most
3 of my colleagues in the green tag industry are moving away
4 from Green-e certification.

5 Q. Would you say it is at least an -- one of
6 the leading --

7 A. Yes.

8 Q. -- verifications?

9 A. Yeah.

10 Q. And it's administered by a nonprofit center
11 in San Francisco?

12 A. Correct.

13 Q. And they require their members to adhere to
14 a code of conduct; is that correct?

15 A. Yes.

16 Q. Do you adhere to any code of conduct, sir?

17 A. Yes, we adhere to their code of conduct
18 that we self-certify, and that we have an agreement with
19 Grant Thornton, one of the largest public accounting
20 firms, to certify, audit and validate all of our green
21 tags.

22 Q. Well, I was going to ask you about that,
23 because when I get on your website, there's no ability for
24 me to find a copy of Grant Thornton's reports. Where are
25 they located?

1 A. We actually signed the audit agreement
2 earlier this year, so 2004 will be the first audit, and we
3 actually had a communication with them, I believe earlier
4 this week, so we're setting the dates for our audit with
5 them.

6 Q. So in truth, although you've been in
7 business since 2003, you haven't been audited by anybody?

8 A. Very few firms in the green power industry
9 are, so correct, we haven't been audited.

10 Q. Well, all the firms that are a member of
11 Green-e adhere to that code of conduct, correct?

12 A. Yes.

13 Q. And they are all audited by independent
14 third-party either auditors or certified public
15 accountants, correct?

16 A. No. They started the auditing CPA program
17 recently. They did not audit companies prior to that.
18 They certified green tags. It's a very different process.

19 Q. How long has the code of conduct been in
20 effect at Green-e?

21 A. I don't know. You could ask them. They
22 know a lot better, but I would imagine, if I had to guess,
23 many years.

24 Q. Now, you told the Commission that you are
25 familiar with the institution of Green-e; is that correct?

1 A. Yes, I am.

2 (EXHIBIT NO. 20 WAS MARKED FOR
3 IDENTIFICATION BY THE REPORTER.)

4 BY MR. ZOBRIST:

5 Q. Sir, I've handed you what I've marked as
6 Exhibit 20, which are representative pages from Green-e.
7 Does that appear to be the case?

8 A. It does.

9 Q. And are you familiar with the code of
10 conduct of Green-e?

11 A. Vaguely. I haven't read it for probably a
12 year and a half or so, but --

13 Q. But obviously you did take the time to go
14 through it sometime because you decided that you weren't
15 going to be a part of Green-e and weren't going to be a
16 part of their certification process, correct?

17 A. My staff read it, and I believe I did scan
18 it, or had at least a discussion with them.

19 MR. ZOBRIST: Your Honor, I'm going to mark
20 the code of conduct of Green-e renewable energy
21 certification program as Exhibit 21.

22 (EXHIBIT NO. 21 WAS MARKED FOR
23 IDENTIFICATION BY THE REPORTER.)

24 BY MR. ZOBRIST:

25 Q. Mr. Helming, do you -- I don't mean to rush

1 you, but does that look like the code of conduct that you
2 or your staff reviewed when you were evaluating whether to
3 become a member of Green-e's renewable electricity
4 certification program?

5 A. Well, I recognize the font and the layout.
6 It does say it was updated December 14th of '04, so I
7 haven't read this version, but like I said, I know I
8 scanned and my staff read in detail the version I think
9 about a year and a half ago.

10 Q. Now, for versions prior to this code of
11 conduct, do you require -- do you recall whether Green-e
12 required participants to make full disclosure of the
13 percentage and type of renewable resources in their
14 electricity product?

15 A. Yes, they did.

16 Q. And I guess since you weren't selling
17 electricity to any of the folks who were buying your
18 product, that was something that you didn't want to
19 participate in?

20 A. Incorrect. Not a single green tag
21 marketer, to my knowledge, sells electricity. They have
22 to disclose a content label of the electricity that's
23 injected into the grid on behalf of the green tag, but it
24 is a separate transaction. It has nothing to do with --
25 well, it has something to do with electricity, but a green

1 tag does not include a power or energy component.

2 Q. And you don't make those kinds of
3 disclosures to your -- to the people that buy your
4 products, then, correct?

5 A. We make full disclosures to our customers
6 in a terms and conditions document when they actually make
7 the purchase and then subsequent e-mails and mailings and
8 so forth of the exact energy content label of our green
9 tags. And we send them a statement every month as such as
10 well.

11 Q. Are you familiar with a gentleman named Tim
12 Beckford?

13 A. Yes.

14 Q. And who is Tim Beckford?

15 A. He's an energy consultant that lives in
16 Florida.

17 Q. And he's affiliated with your company,
18 Krystal Planet Corporation?

19 A. With Krystal Planet, yes, although I am
20 here really on behalf of Krystal Energy to compare wind
21 versus coal. We're obviously talking about Krystal
22 Planet, so yes.

23 Q. When you testified at the local public
24 hearing, you testified on behalf of Krystal Planet
25 Corporation, correct?

1 A. Well, I mentioned I was talking about
2 taking my home off grid, and that was a product sold by
3 Krystal Planet, so that's the company that came out of my
4 mouth.

5 Q. Do you recall the article in the Kansas
6 City Pitch back in February of this year where
7 Mr. Beckford was quoted?

8 A. Yeah. How can I forget that article? How
9 can anyone forget the first tabloid article written about
10 them?

11 Q. Well, do you believe that Mr. Beckford was
12 quoted inaccurately about what he told the Pitch about why
13 he did not seek the Green-e endorsement?

14 A. Could you read me his quote? I don't
15 recall it.

16 Q. I'd be glad to. Well, they, Krystal
17 Planet, did seek Green-e's endorsement a long, long time
18 ago. They were -- there were two things that Green-e
19 didn't offer that Krystal Planet was looking for. One was
20 the ability to certify future green tag models. They are
21 just not to that level yet. The second thing is Green-e
22 is this very tiny nonprofit, and right now there are only
23 about a million customers in the green tag market, so they
24 can handle that, but they look at every little thing you
25 do, and they cannot keep up with Krystal Planet's growth.

1 Do you recall that Mr. Beckford said that?

2 A. He said that on a conference call, to my
3 recollection, because when the article came out, I was --
4 I didn't know how they found out about that. So anyway, I
5 found out that the reporter had listened on a conference
6 call. I didn't hear him say that, but I'll take your word
7 for it that he did.

8 Q. Well, in fact, that's a good point. He was
9 making the statement not in the context of an interview.
10 He was making this in the context of a conference call?

11 A. Sure.

12 Q. Regular conference calls that Krystal
13 Planet conducts all the time, right?

14 A. Yes. And he's not an employee of Krystal
15 Planet.

16 Q. But he is listed on your webpage, I
17 believe, as an executive director of Krystal Planet
18 Corporation, correct?

19 A. That's a sales title that he has reached as
20 an independent contractor.

21 Q. Now, would you also agree that in the
22 course of that conference call, Mr. Beckford said that
23 another reason that Krystal Planet did not seek Green-e
24 certification was that it would, quote, really slow us
25 down, close quote?

1 A. I don't know if I would agree with
2 Mr. Beckford on that necessarily. In some respects it
3 could. In others it might not. I've certainly never
4 closed the door to entertain discussions with Green-e
5 again. In fact, I talked to one of their competitors on
6 Wednesday this week, the Climate Neutral Network that does
7 certification, but it's possible Green-e would slow us
8 down. I'm not sure what the relevance is, but it's
9 possible they would.

10 Q. Thank you. Now, Mr. Helming, you indicated
11 that you're not charging a fee for your services; is that
12 correct?

13 A. For today?

14 Q. Correct.

15 A. Correct.

16 Q. When were you retained by the Sierra Club?

17 A. Oh, I don't know if we could characterize
18 it as retained necessarily. There's nothing formal in
19 place. I just was contacted and volunteered to -- they
20 asked me and I said yes. If you're asking me when did
21 that take place, probably April. I'm not sure.

22 Q. So it was before you testified at the local
23 public hearing on May 24th in Kansas City?

24 A. Yes.

25 Q. Now, have you studied any of the written

1 materials prepared by KCPL that have been distributed at
2 the workshops in the docket prior to this docket?

3 A. I'd seen some of the materials that were
4 forwarded to me either by Concerned Citizens or Sierra
5 Club by e-mail, but I admittedly haven't studied in great
6 detail any of the documents I've received, and certainly I
7 haven't received all of them.

8 Q. And have you requested them even?

9 A. Yeah, actually, I did. I asked for people
10 to send me stuff so I could be prepared for today.

11 Q. And you're saying that they didn't get the
12 stuff to you?

13 A. I got some -- I got some documents, yes.

14 Q. Did you study the written materials that
15 were produced by KCP&L in response to the Sierra Club's
16 recent Data Requests and interrogatories?

17 A. I believe so, but I'm not certain.

18 Q. Have you signed a nondisclosure agreement
19 in this case?

20 A. No.

21 Q. So you've not looked at any of the
22 materials that have been given a proprietary or highly
23 confidential label?

24 A. No, I haven't got anything that's
25 proprietary.

1 Q. Now, let me ask you some questions about
2 the KCPL 200 megawatt program in the context of the
3 regulatory plan.

4 A. Wind program, you mean?

5 Q. Yes. I'm sorry. Wind program.

6 A. Okay.

7 Q. Now, actually, let me deal with the
8 non-wind programs. You support the environmental controls
9 that are a portion of the KCPL regulatory plan, correct?

10 A. Not only do I support them, I applaud them.

11 Q. And you support the energy efficiency, the
12 low income and the demand response programs?

13 A. Absolutely.

14 Q. And although you'd like to see KCPL build
15 more wind, you're certainly supportive of at least this
16 initial effort to begin with 100 megawatts and to
17 seriously study a second 100 megawatts?

18 A. Absolutely.

19 Q. So the only aspect of the plan that you
20 oppose is the coal plant to be known as Iatan 2?

21 A. Yes, in the context that it would be
22 financed on the backs of the ratepayers. I'm not
23 convinced that the demand is necessary. As a merchant
24 plan it might make good financial sense for Kansas City
25 Power & Light to have it, but as has been indicated,

1 getting financing for a large merchant coal plant would be
2 difficult at best.

3 Q. Are you familiar with the term integrated
4 resource planning?

5 A. Yes, I am.

6 Q. Have you ever participated on behalf of a
7 client in integrated resources planning?

8 A. Yes.

9 Q. And who is that?

10 A. Let's see. A number of them. The country
11 of Jamaica, which is JPS, and the Petroleum Corporation of
12 Jamaica, several large utilities in the Dominican
13 Republic. I was involved in a couple of them in Texas
14 years ago. I can't remember the names of the utilities.
15 And then we've done some analyses for municipalities,
16 probably a dozen municipalities in North America.

17 Q. I apologize. What I really meant to say is
18 have you ever worked with a state utility commission, its
19 staff or --

20 A. No.

21 Q. So you've never done IRP, as we refer to
22 here in Missouri, in any of the other states in the United
23 States that have regulatory commissions that oversee an
24 IRP process?

25 A. I would love to, but no, I have not.

1 Q. And would you agree that the concept of
2 integrated resource planning is to take a variety of
3 generation sources and come up with a plan to work them
4 all together in a sensible solution to provide energy to
5 consumers?

6 A. That sounds like a fair characterization.

7 Q. And you yourself have never been involved
8 in any state utility commission, correct?

9 A. No.

10 Q. You yourself have never integrated anything
11 as sizeable as the 1600 megawatts of wind into an existing
12 public utility company's system?

13 A. Correct.

14 Q. Okay.

15 A. And that's not what I would recommend in
16 this case. It was just an example for apples to apples
17 comparison.

18 Q. Well, but what you're actually doing today,
19 as I understand it, is recommending that Kansas City
20 Power & Light build 1600 megawatts of wind and inject that
21 into its system, correct?

22 A. No, that's not -- not what I'm recommending
23 at all. You cut me off when I was giving my
24 recommendations earlier, but what I was attempting to do
25 was show the cost of an equivalent amount of energy

1 generation from wind versus coal, and make sure that the
2 economic analysis was accurate for wind.

3 Q. Well, my recollection of Exhibit 6A, which
4 has been admitted into evidence, says size of wind farm
5 needed in megawatts, 1680; is that correct?

6 A. To accomplish my objective of showing the
7 economics of wind versus coal and apples to apples, yes.

8 Q. So are you telling the Commission now that
9 you do not recommend that the company, that KCP&L build
10 1600 megawatts of wind?

11 A. That is correct. I don't think that Kansas
12 City Power & Light could accommodate 1600 megawatts of
13 wind without major energy storage systems, which would
14 probably prove to be uneconomic.

15 Q. What's the size of KCPL's system today?

16 A. It's a little less than 4000 megawatts, I
17 believe, or plus or minus 4000 megawatts.

18 Q. So if a utility were attempting to inject
19 1600 megawatts of wind, that would be like 38 percent of
20 its existing system today?

21 A. Whatever the percentage is, yeah. I
22 certainly wouldn't recommend more than 20 percent probably
23 over a long period of time, and initially probably no more
24 than 10 percent.

25 Q. Mr. Dottheim talked a little bit about the

1 SPP evaluation of wind, and I take it that you do agree
2 with the portions of that study that indicate that wind is
3 intermittent; in other words, if there's no wind, there's
4 no electricity, correct?

5 A. Yes, I do. With the caveat that it's very
6 predictable. Although it is intermittent, it can be
7 predictable, and can be forecast 20 years in advance or
8 more.

9 Q. What's the basis -- well, let me ask you
10 one more thing. In fact, at the local public hearing, you
11 not only said 20 years in advance, you said 30 years in
12 advance, right?

13 A. Yeah, you can go out fairly far these days.

14 Q. And you said that it can be forecast every
15 hour on the hour; is that correct?

16 A. Correct. And the real time forecast would
17 actually only be accurate about 24 hours in advance, plus
18 or minus 5 percent. You can give a fairly good hourly
19 average forecast for up to 30 years and sometimes more.

20 Q. Have you ever done one of those forecast
21 studies, sir?

22 A. Yes.

23 Q. You yourself have?

24 A. My staff, yes.

25 Q. Okay. Who have you produced them for?

1 A. Well, let's see. We've produced them
2 for -- actually, I'm not really sure if I'm supposed to
3 talk about my former company or anything done there, but
4 well over a dozen utilities. And I can tell you we
5 produced them with Krystal Energy for the utilities that I
6 mentioned earlier.

7 Q. Now, you mentioned that interconnection
8 costs are another issue that you have to deal with when
9 you bring wind generation into a system; is that correct?

10 A. Sure, just like any form of new generation.

11 Q. And the interconnection costs, who has to
12 pay for those?

13 A. Generally the wind developer does.

14 Q. And have there been any intermittent
15 resources study programs that have occurred here in the
16 midwest like in California? Do you know that?

17 A. Are you calling California the midwest?

18 Q. I'm sorry. Let me repeat my question.

19 A. The last I checked --

20 Q. The California ISO has undertaken a program
21 called the intermittent resources program. Are you
22 familiar with that?

23 A. Vaguely, yes.

24 Q. Is there any equivalent program like that
25 here in the midwest?

1 A. My staff would know a lot better than I
2 would. I believe that MISO has done some of that. The
3 National Wind Coordinating Committee may have a report or
4 two. I'm sure there's probably others.

5 Q. Now, one of the issues that studies that
6 deal with the intermittent nature of wind have to address
7 is the fact that wind blows frequently at night during
8 periods of low demand; is that correct?

9 A. No, it's not.

10 Q. It's not correct that wind blows frequently
11 at nighttime when demand is low?

12 A. It's a gross generalization to make that
13 statement. It is site specific. There are some wind
14 sites where it blows strong early during the day. I
15 actually have an example in my book where I show that very
16 thing where it shows the strongest wind resource is --
17 I'll just tell you exactly. It's between -- it's between
18 two and four o'clock in the afternoon.

19 Q. Do you disagree with the statement that
20 wind blows frequently at night in periods of low demand?

21 A. Yes, I do disagree with that statement.

22 Q. There are sites where it does blow?

23 A. Yes, there are sites where it blows
24 stronger at night, just like there are sites where it
25 blows stronger during the day.

1 Q. And when a site blows strongly at night
2 during periods of low demand, that can lead to
3 transmission line overloads; is that correct?

4 A. It could, depending on the health and
5 capacity on the transmission system in the region.

6 Q. And that type of event can also lead to
7 voltage collapse situations, correct?

8 A. Only if you're not adding reactive power to
9 the system. Most modern wind farms that are built after
10 2003 add bars to the system. So that would not be a --
11 you don't have voltage sag.

12 Q. And does that require additional investment
13 to have a wind turbine that --

14 A. No. That's included in the costs that I've
15 been using all day today.

16 Q. And we talked about issues with wind. Of
17 course, one of the benefits is there isn't a fuel cost,
18 but I believe at our local public hearing you said that
19 there are members of the public that voice aesthetic
20 objections to it, correct?

21 A. That's correct, in certain areas.

22 Q. And Flint Hills in Kansas is one of those
23 areas, correct?

24 A. Absolutely.

25 Q. And there are other areas such as the

1 Berkshire Mountains in New England and the Nantucket Sound
2 project, correct?

3 A. Correct.

4 Q. And there are also political issues,
5 sometimes you can't get the siting authority from the
6 local county commission, correct?

7 A. That's correct.

8 Q. And you, sir, had that experience yourself
9 just a couple of years ago out in Butler County, Kansas,
10 right?

11 A. I sure did.

12 Q. And you went in with a proposal, and it was
13 voted down and the competitor was voted in; is that
14 correct?

15 A. Ours lost three to four, and the
16 competitors won four to three.

17 Q. Am I correct that --

18 A. Two others were denied before ours got
19 there.

20 Q. And the objection about your plan was that
21 it was too visible, right, it was too near certain sites?

22 A. There was several factors, including one of
23 the commissioners actually had land near the other project
24 and was in favor of it, and we can get into that as much
25 as you want. But it was certainly a great learning

1 experience for me.

2 Q. That's another problem that we have?

3 A. It is, yes. There is, particularly in the
4 Flint Hills. Of course, Butler County's in the Flint
5 Hills. That is kind of the epicenter of wind power
6 controversy in this region.

7 Q. Now, sir, on Exhibit 6, the capacity figure
8 you use for wind was 43 percent; is that correct?

9 A. Yes.

10 Q. And that's at the high end of capacity
11 ranges for wind power; is it not?

12 A. For Kansas, no. It's in the middle. But
13 for the world, yes, it would be high end. The world
14 record is 50.9 percent capacity factor for a wind farm in
15 New Zealand. That's an annual average over several years.
16 California has terrible winds, so their capacity factors
17 are 25, 24, 30 percent. But an average capacity factor in
18 Kansas would be mid 40s.

19 Q. The range in Kansas is what?

20 A. Mid 40s, average. The range would be -- in
21 eastern Kansas you might get as low as 35, 36 percent, and
22 in a few parts of western Kansas you'd be up approaching
23 50 percent.

24 Q. Are you familiar with the supercritical
25 technology that KCPL intends to use in the construction

1 and operation of Iatan 2?

2 A. Not very, no. Sounds interesting. I'd
3 like to learn more, but I'm a wind guy, not a thermal
4 plant guy.

5 Q. So you're not expressing any opinion on the
6 nature of the technology that is to be employed at
7 Iatan 2?

8 A. I'm just here to talk about wind.

9 Q. Would it also be correct that you're not
10 familiar with any combination of the environmental
11 controls that KCPL plans to use at Iatan 2?

12 A. I actually did review that with great
13 interest. I didn't have a lot of the details I would have
14 liked, but from what I saw, I was very excited that that
15 was part of the proposal.

16 Q. But you're not an expert in that area?

17 A. No.

18 Q. Okay. Now, let's look -- I know we need to
19 get moving here, but let's look at Exhibit 6, if we can.
20 That's your spreadsheet. Do you have a copy?

21 A. Yes.

22 Q. Now, you -- you took, as Mr. Dottheim said,
23 average nationwide residential electric bill data; is that
24 correct?

25 A. Yes.

1 Q. And you did not use any data that's
2 specific to Kansas City Power & Light Company?

3 A. Correct.

4 Q. And in the year 2009, you arbitrarily
5 determined that rates would rise 17.5 percent; is that
6 correct?

7 A. Well, my most current model actually
8 shows -- that one does. Unfortunately, that's the
9 exhibit. My current model shows 4 percent in 2009, '10,
10 '11 and 3 percent in 2012 and '13, which is indicated
11 after that model was created by this document and some of
12 the other information I received more recently since that
13 was submitted.

14 COMMISSIONER GAW: Which document are you
15 referring to?

16 JUDGE PRIDGIN: I'm sorry. When you looked
17 at --

18 THE WITNESS: The Kansas City Power & Light
19 energizing life brochure that was a bill insert.

20 BY MR. ZOBRIST:

21 Q. Now, Mr. Helming, the costs that you assume
22 will be rolled in over that four-year period, isn't it
23 true they represent not only the cost of Iatan 2, but the
24 environmental upgrades, the energy efficiencies, the
25 demand response?

1 A. Yes.

2 Q. And the wind farm?

3 A. Yes, it does.

4 Q. So you haven't made any effort to try to
5 break out from that 17.5 percent the costs attributed just
6 to Iatan 2?

7 A. I'd be happy to, but no, in this example, I
8 haven't.

9 Q. And have you read the Stipulation &
10 Agreement in this case?

11 A. That sounds like a legalese term. Is
12 that --

13 Q. It is a legalese term, but that's what it's
14 called. It's the document that the company is asking the
15 Commission to approve.

16 A. No, I haven't read that document.

17 Q. So you don't understand or you were not
18 aware that that document calls for the Commission to make
19 its determination in a series of four future rate cases
20 what amounts are to be rolled into rates?

21 A. I was aware of that, yes.

22 Q. And you have also arbitrarily assumed, I
23 believe, that in 2015 a fuel adjustment charge of
24 2 percent rate increase will go into effect; is that
25 correct?

1 A. Fuel and carbon taxes, yes.

2 Q. Now, are you aware, sir, that Kansas City
3 Power & Light has not had a rate increase since 1991?

4 A. You know, I saw in that brochure here
5 something to that effect. Earlier in testimony today, it
6 sounded like there was a tariff increase to some of Kansas
7 City Power & Light's wholesale customers, so I'm not quite
8 sure what you mean by no rate increases. It sounds like
9 somebody is getting a rate increase here recently.

10 Q. Well, let me ask you this: Have you made a
11 study of the recent rate increases or decreases of Kansas
12 City Power & Light since 1990?

13 A. No, I haven't, and I applaud Kansas City
14 Power & Light's effort of keeping their energy prices low.
15 I want my mom to be able to have her lights come on when
16 she flips the switch.

17 Q. Now, is it also true that in Exhibit 6 you
18 have not considered the effect of any off-system sales
19 that KCPL might make into the open market that would
20 reduce rates to ratepayers?

21 A. That's correct.

22 Q. Now, I was going to ask you some questions
23 about the 1680 megawatts of wind, but I guess since that's
24 not what you're proposing, we don't need to go into that.

25 A. Correct.

1 Q. Okay. Are you planning to respond to any
2 request for bids or proposals that KCPL might put out with
3 regard to this wind project?

4 A. No. Our activities really haven't been
5 focused in Kansas or Missouri, although as a consultant, I
6 know a lot of my buddies are in the wind industry and I
7 know of about 25 or 30 sites where wind farms could be
8 built, and I'll certainly encourage them to respond if and
9 when Kansas City Power & Light decides to move forward
10 with a wind project.

11 Q. So although you're here on behalf of
12 Kansas -- pardon me -- Krystal Energy Corporation, you're
13 not going to be trying to bid for this project?

14 A. No. We don't control any sites for wind in
15 Kansas or Missouri.

16 Q. And, in fact, I think you said at the local
17 public hearing at page 86, I'm not in the business of
18 building of large-scale wind projects; is that correct?

19 A. I believe I said at the end of that
20 statement, in this area. And if I didn't say that, then
21 that's the intent.

22 MR. ZOBRIST: Judge, I've got about five
23 more minutes.

24 JUDGE PRIDGIN: That's fine.

25 BY MR. ZOBRIST:

1 Q. At the local public hearing, Mr. Helming,
2 you mentioned a utility in Iowa known as Mid-American
3 Energy; is that correct?

4 A. Yeah, although I'm not certain that that's
5 the name of the utility company. It's --

6 Q. Well, that's the one that I believe Richard
7 Hathaway has an investment interest in, because you were
8 talking about --

9 A. Yeah. Yeah.

10 Q. And you applauded Mid-America Energy
11 because they had recently expanded their wind program in
12 Iowa; is that correct?

13 A. Yes.

14 (EXHIBIT NO. 22 WAS MARKED FOR
15 IDENTIFICATION BY THE REPORTER.)
16 BY MR. ZOBRIST:

17 Q. I've handed you Exhibit 22, which is a
18 press release from the Mid-America Energy holdings
19 entitled, Mid-America Energy Names Wind Turbine
20 Manufacturer. Take a moment to review that, sir.

21 A. Okay. I've done that.

22 Q. Am I correct that in addition to the first
23 five or six paragraphs that deal with wind, that there is
24 an announcement -- I believe it's the fifth paragraph from
25 the bottom -- that construction began in September 2003 on

1 a 790 megawatt coal fuel generating station in Council
2 Bluffs, which is scheduled to be in commercial operation
3 in the second quarter of 2007; is that correct?

4 A. Yes.

5 MR. ZOBRIST: Move the admission of
6 Exhibit 22.

7 JUDGE PRIDGIN: Any objections?

8 (No response.)

9 JUDGE PRIDGIN: Hearing none, Exhibit
10 No. 22 is admitted.

11 (EXHIBIT NO. 22 WAS RECEIVED INTO
12 EVIDENCE.)

13 BY MR. ZOBRIST:

14 Q. I believe Commissioner Gaw -- and you may
15 have mentioned this in your cross-examination as well, the
16 Associated Electric Cooperative Incorporated was also
17 involved in planning its future generation needs; is that
18 correct?

19 A. Yeah, I believe so.

20 (EXHIBIT NO. 23 WAS MARKED FOR
21 IDENTIFICATION BY THE REPORTER.)

22 BY MR. ZOBRIST:

23 Q. Let me show you Exhibit 23. Is it also
24 true that Associated Electric Cooperative recently
25 announced that it planned to build a best available

1 control technology coal generating plant with a preferred
2 site being in Carroll County, Missouri, northwest of
3 Norborne?

4 A. Yeah, it appears so.

5 MR. ZOBRIST: Move the admission of
6 Exhibit 23.

7 JUDGE PRIDGIN: Any objections?

8 (No response.)

9 JUDGE PRIDGIN: Hearing none, Exhibit
10 No. 23 is admitted.

11 (EXHIBIT NO. 23 WAS RECEIVED INTO
12 EVIDENCE.)

13 BY MR. ZOBRIST:

14 Q. Have you made a survey -- were you aware,
15 Mr. Helming, of other utilities around the country that
16 are expanding their generation fleet in the same manner as
17 AECI and Mid-America?

18 A. You mean by adding new coal plants?

19 Q. Yes.

20 A. At this time, I'm aware of approximately
21 106 new coal plants that are being proposed around the
22 nation, and approximately 25,000 megawatts of new wind
23 energy generation being proposed.

24 Q. Are you familiar with a new supercritical
25 technology pulverized coal plant being proposed by JEA,

1 which is the Jacksonville, Florida Energy?

2 A. I'm familiar with that. Yeah, I have heard
3 about that proposal.

4 (EXHIBIT NO. 24 WAS MARKED FOR
5 IDENTIFICATION BY THE REPORTER.)
6 BY MR. ZOBRIST:

7 Q. I marked this announcement from JEA as
8 Exhibit 24. Do you see that, sir?

9 A. I do.

10 MR. ZOBRIST: Move the admission of Exhibit
11 24.

12 JUDGE PRIDGIN: Any objections?

13 (No response.)

14 JUDGE PRIDGIN: Exhibit No. 24 is admitted.

15 (EXHIBIT NO. 24 WAS RECEIVED INTO
16 EVIDENCE.)

17 BY MR. ZOBRIST:

18 Q. Now, Mr. Helming, let me touch on one final
19 topic. You testified about the health effect of
20 pollution, and one of the topics that you talked about was
21 mercury; is that correct?

22 A. Yes.

23 Q. Now, have you done any study of the content
24 of the Missouri River of mercury actually related
25 specifically to the City of Kansas City just downstream

1 from Iatan, and I think from the Nearman plant, which is
2 operated by the Board of Public Utilities of Kansas City,
3 Kansas?

4 A. Yeah. I actually contacted the Kansas
5 Department of, what is it, Department of Health and Human
6 Services, and asked them what studies they've done of the
7 Missouri River and the Kansas River of mercury, methyl
8 mercury found in aquatic life, plant life, fish and that
9 type of thing, and they said it has -- the only --
10 Missouri River is the only river in the nation with a 303D
11 classification, I believe is what it's called by the EPA,
12 which is the worst possible classification that the EPA
13 has, due to its pollution levels, which include, of
14 course, mercury.

15 Q. Well, have you looked at the water quality
16 reports issued by the City of Kansas City, Missouri?

17 A. No.

18 (EXHIBIT NO. 25 WAS MARKED FOR
19 IDENTIFICATION BY THE REPORTER.)

20 BY MR. ZOBRIST:

21 Q. Now, sir, let me invite your attention to
22 Exhibit 25, which is the 2004 water quality report issued
23 by the City of Kansas City, Missouri. And on page 7,
24 which is the metals section, do you see it's about six
25 down, it says mercury. Is it not true that the levels of

1 detection were actually not detectable? The ND means not
2 detected. Do you understand that?

3 A. Yeah. Mercury is nearly impossible to
4 detect in water. It has to be measured in organic
5 material. Methyl mercury, I should clarify.

6 Q. So I take it you wouldn't be surprised that
7 the water quality report from the City of Kansas City in
8 2002 and a finished water study in 2002 of the City of
9 Kansas City also showed that mercury levels in the
10 Missouri River were not detectable?

11 A. Correct. When mercury gets in the water --
12 I'm not a chemist, but it turns to methyl mercury, which
13 is not generally tested by water departments.

14 MR. ZOBRIST: For the record, I've marked
15 as Exhibit 26 the Missouri River at Kansas City 2002
16 study, and Exhibit 27 the finished water study of 2002.

17 (EXHIBIT NOS. 26 AND 27 WERE MARKED FOR
18 IDENTIFICATION BY THE REPORTER.)

19 MR. ZOBRIST: Move the admission of
20 Exhibits 26 and 27.

21 JUDGE PRIDGIN: Any objections?

22 MS. HENRY: I haven't seen them at all.

23 MR. ZOBRIST: Pardon me. I'll give you a
24 moment.

25 JUDGE PRIDGIN: Hearing no objections,

1 Exhibits 26 and 27 are admitted.

2 MS. HENRY: I still haven't seen
3 Exhibit 27.

4 JUDGE PRIDGIN: I'll give Ms. Henry time.

5 MR. ZOBRIST: I would reoffer those
6 exhibits, your Honor, Exhibits 26 and 27.

7 JUDGE PRIDGIN: Any objections?

8 (No response.)

9 JUDGE PRIDGIN: Hearing none, Exhibits
10 No. 26 and 27 are admitted.

11 (EXHIBIT NOS. 26 AND 27 WERE RECEIVED INTO
12 EVIDENCE.)

13 BY MR. ZOBRIST:

14 Q. Just a couple of follow-up questions here,
15 Mr. Helming. On page 2 of the spreadsheet, I think it's
16 Exhibit 6B, am I correct that you have assumed that all
17 these health hazards are attributable to electric power
18 plants; is that correct?

19 A. No, I haven't. I have taken an adjustment
20 for power plant pollution in the original health figures.
21 So, I mean, health costs that I was quoting, the gross
22 health costs, I reduced those down what I think one, maybe
23 two cases to what I could fairly attribute to power plant
24 pollution.

25 Q. By what factor did you reduce them?

1 A. Well, let's see here.

2 Q. I'd really like to have you go through each
3 of those four lines, the one from the Mount Sinai School
4 of Medicine, and then the asthma study.

5 A. All right. I'd be happy to.

6 Q. That's not on your exhibit here, is it?

7 A. Actually, let me make sure. I brought my
8 napkin here, because I thought I was going to be bleeding
9 profusely after this cross. I haven't needed it too much,
10 but my brain is starting to wane on me.

11 No, it appears that I haven't made any
12 adjustment for that.

13 Q. So in none of these figures have you made
14 any adjustments for pollution from manufacturing
15 facilities; is that correct?

16 A. Correct.

17 Q. And you have made no adjustment for
18 pollution from motor vehicles?

19 A. Yes, that's correct, although the costs for
20 asthma would be the only one that motor vehicles -- excuse
21 me -- asthma and skin cancer would be -- those two motor
22 vehicles would contribute to.

23 Q. What are the causes of asthma?

24 A. Well, you and I both know I'm not a
25 physician, and I probably shouldn't be speculating on

1 that, but there are a lot of studies that indicate that
2 air pollution is the leading cause of asthma.

3 Q. Pardon me?

4 A. And I was going to say, there are other
5 potential causes of asthma, and quite frankly, no one
6 really knows for sure.

7 Q. Well, that's true. And in fact, the
8 material that I've read says that both indoor and outdoor
9 pollution can cause asthma; is that correct?

10 A. Yes, I've seen that material.

11 Q. And dust mites and mold can cause asthma?

12 A. Yes.

13 Q. Viruses can cause asthma?

14 A. A lot of things could potentially cause it.

15 Q. Being obese can cause asthma?

16 A. Yes.

17 Q. Cockroaches and pet dander can cause
18 asthma?

19 A. Yes.

20 Q. And even cold apartments and cold living
21 space, correct?

22 A. Correct.

23 Q. There's even a theory that says that better
24 hygiene and medical care may have left human immune
25 systems with so few viruses and bacteria to fight that we

1 start fighting dust mites and mold, correct?

2 A. I read that exact study just a few days
3 ago.

4 Q. You have no knowledge about Kansas City
5 Power & Light's contract portfolio to purchase Powder
6 River Basin, do you?

7 A. No, I do not.

8 Q. You don't know the terms of their rail
9 contracts to haul that coal, do you?

10 A. No, I do not.

11 Q. What's the largest IGCC integrated coal
12 gasification -- I'm probably getting the acronym mixed up,
13 but I'll get it right later. What's the largest IGCC
14 plant in operation today?

15 A. I believe it's the one in Florida, is it
16 JEA, Jacksonville?

17 Q. It's Tampa Electric.

18 A. Tampa, that's right.

19 Q. And how big is that?

20 A. You know, I'm not even sure.

21 Q. It's not even 300 megawatts?

22 A. I was thinking maybe 250, something like
23 that.

24 Q. And yet part of your proposal is that this
25 Commission approve a 1200 megawatt to 1600 megawatt IGCC

1 site, correct?

2 A. Yeah. There are quite a few studies or
3 proposed IGCC projects out there, very large size, and
4 it's part of the -- to my knowledge, the Department of
5 Energy, part of their coal initiative is to promote that
6 technology.

7 MR. ZOBRIST: No further questions, your
8 Honor.

9 JUDGE PRIDGIN: Mr. Zobrist, thank you.
10 Let me see what kind of questions we have from the Bench.
11 Mr. Chairman? Commissioner Murray?

12 COMMISSIONER MURRAY: If there are a lot of
13 questions from the Bench, are we planning to go late today
14 or what are we doing? What is the plan here? Will there
15 be recross and redirect, and are you attempting -- in that
16 it's 5:30 already, wouldn't we normally recess and start
17 again in the morning?

18 JUDGE PRIDGIN: I understand that
19 Mr. Helming is not available tomorrow. I'm sorry.
20 Mr. Fischer?

21 MR. FISCHER: Your Honor, by the nature of
22 the cross and the opportunity, I'm sure, to have redirect
23 and questions from the Bench, I would respectfully ask the
24 witness to make himself available or disclose tonight what
25 his conflict is.

1 THE WITNESS: Yeah.

2 COMMISSIONER MURRAY: Judge, the reason
3 that I inquired is I believe that we have set this two
4 days specifically for this party whose witness this is,
5 and if this party cannot be available in the two days that
6 we have made special arrangements for, that everyone else
7 has complied with, I think we've got a problem. I think
8 this witness has an obligation to be available.

9 THE WITNESS: I was told that we would
10 start first thing this morning, and I could be here all
11 day potentially. We didn't start until essentially after
12 lunch. So there's no way I can be here tomorrow. There's
13 no way. I'm getting on a plane, and I have a business to
14 run. I'm doing this pro bono.

15 I mean, I'm happy to stay for a few more
16 minutes, but I have a speech to give tonight for my
17 company, and I'm trying to build a business here. I'm an
18 entrepreneur trying to support my family. If I'm kept
19 here too long and miss that speech I'm giving, it could
20 cost me.

21 MR. ZOBRIST: Your Honor, I would suggest
22 if the witness needs to go and the Commission wants to let
23 him go, that's fine. Then I will move to strike his
24 testimony, because it should be stricken if he's not going
25 to be available for questions from Commissioners and for

1 possible redirect and cross.

2 JUDGE PRIDGIN: Ms. Henry?

3 MS. HENRY: Maybe he could stay for
4 questions from Commissioners now and we could forego
5 redirect and recross.

6 JUDGE PRIDGIN: That's up to the parties, I
7 suppose. If the parties want a chance to recross, I can't
8 deprive them of their right to recross. I can leave that
9 up to the parties. We can certainly proceed and we'll
10 see.

11 MS. HENRY: Or he could come back a
12 different day. I don't think we're going to finish four
13 Kansas City Power & Light witnesses tomorrow. I think
14 we're going to have to have another day for this hearing
15 to continue.

16 CHAIRMAN DAVIS: I think tomorrow night and
17 Saturday would be a wonderful time to finish this hearing.

18 MS. HENRY: Okay. I'm available to do
19 that. But he won't be here Saturday either. He'll be in
20 Florida.

21 CHAIRMAN DAVIS: Maybe we can get him on
22 the telephone.

23 JUDGE PRIDGIN: If the Commission wants to
24 proceed with questions from the Bench, and then we will
25 see if --

1 CHAIRMAN DAVIS: I only have a couple, your
2 Honor.

3 JUDGE PRIDGIN: Okay. Whenever you're
4 ready.

5 QUESTIONS BY CHAIRMAN DAVIS:

6 Q. Mr. Helming, there was an article here that
7 was alluded to earlier that was in the, quote, the Pitch
8 newspaper, I think back in February. Are you familiar
9 with that article?

10 A. Yes.

11 Q. In that article, were you quoted as saying
12 your ultimate goal was to get, quote, filthy stinking, can
13 you finish that quote for me? Do you remember that?

14 A. I could have fun with that quote. Filthy
15 stinking happy.

16 Q. And the article further said that your --
17 when you give speeches, your words linger on words like
18 billionaire; is that correct?

19 A. That's actually fairly rare in my speeches,
20 but I have been known to do that.

21 Q. And what is an ECo?

22 A. Energy consultant that shows people how
23 they can save up to \$150 a month on their gasoline and
24 utility bills.

25 Q. Okay. And do they work for Krystal Planet?

1 A. Yes.

2 Q. And --

3 A. Well, they don't work for them. They're
4 independent contractors.

5 Q. They're independent contractors, and for
6 that they pay Krystal Planet a monthly fee; is that
7 correct?

8 A. Correct.

9 Q. And how much is that fee?

10 A. \$20.

11 Q. And then isn't there something else where
12 they pay another \$30; is that right?

13 A. They can buy whatever products they want.

14 Q. Well --

15 A. \$30 future wind for their green power
16 certificate.

17 Q. Future wind, green power -- and is that \$30
18 a month; is that correct?

19 A. Yeah, if they decide to pay that.

20 Q. Okay. Now, counsel for the Sierra Club and
21 Concerned Citizens of Platte County in her direct
22 examination of you earlier, you know, she said -- or I
23 believe she asked and you responded that you were here
24 testifying today pro bono or for free of sorts; is that
25 correct?

1 A. Yes.

2 Q. How much income do you derive from Krystal
3 Planet and its subsidiaries?

4 A. Personally, or what you -- I don't know
5 what you mean.

6 Q. How much does Krystal Planet pay you?

7 A. I am not an employee of Krystal Planet.
8 Krystal Planet pays me nothing.

9 Q. Okay. So what's -- what's the other
10 business here, Krystal?

11 A. The parent company is Krystal Energy.

12 Q. How much -- do you derive any income from
13 Krystal Energy?

14 A. Yeah, I do.

15 Q. And how much income do you derive from
16 Krystal Energy?

17 A. My gross salary is \$180,000 a year,
18 although I get most of that in stock options instead of
19 cash.

20 Q. And does your wife derive any income from
21 Krystal Energy, Krystal Planet or any other subsidiaries
22 or affiliated companies?

23 A. Krystal Energy, yes.

24 Q. And how much income does she derive?

25 A. Let's see. I think it's 120 -- 125,000 a

1 year, and most of hers -- in fact, all of hers is stock
2 options.

3 CHAIRMAN DAVIS: I don't think I have any
4 further questions at this time.

5 JUDGE PRIDGIN: Mr. Chairman, thank you.
6 Commissioner Murray?

7 COMMISSIONER MURRAY: Thank you, Judge.

8 QUESTIONS BY COMMISSIONER MURRAY:

9 Q. On Krystal Planet's website, which I had up
10 a few minutes ago on my screen here and I can't seem to
11 get back to the same website right now, but there was a
12 page on here that I didn't see on the handouts that
13 Mr. Zobrist introduced. And on one of the pages there was
14 a little block had five boxes, krystal Planet, the
15 advantages of Krystal Planet. It had -- actually it had
16 six boxes.

17 And No. 5 said, Krystal Planet's green tags, and
18 then in parentheses, renewable energy certificates or
19 RECs, end parentheses, are the only green tags on the
20 planet that are independently certified, validated and
21 audited by a large public accounting firm, and then, in
22 parentheses, it says Grant Thornton. Is that a true
23 statement?

24 A. To our knowledge, yes.

25 Q. So the Green-e's are not independently

1 certified, validated and audited by a large public
2 accounting firm?

3 A. To our knowledge, no. They use small CPA
4 firms, and that's a very new program of theirs.

5 Q. And how are Krystal Planet's green tags
6 independently certified?

7 A. That's a great question. Every green tag
8 has a serial number on it, and the serial number is
9 actually sent to the customers. They get a statement, and
10 a copy of their green power certificate, and then that
11 serial number in the audit process is all tracked back to
12 the funds that flow into the company and the retirement of
13 that green tag, the retirement of the 1000 kilowatt hours
14 of pollution offsets, and the associated funds that go
15 into the escrow.

16 Q. Now, tell me, who's doing that certifying?

17 A. Grant Thornton.

18 Q. And then validated, what do you mean by
19 validated?

20 A. Just what I described, it's just another
21 term to use.

22 Q. So independently certified, validated and
23 audited --

24 A. Uh-huh.

25 Q. -- by a large public accounting firm.

1 And then you -- what would you -- how would
2 you describe your primary role for Krystal Planet?

3 A. For Krystal Planet, I spend about a little
4 more than half my time on Krystal Planet. The other,
5 little less than half on Krystal Energy. For Krystal
6 Planet my primary role is sales training, motivation,
7 finding new products, negotiating contracts with vendors,
8 negotiating like the Energy Star partnership that we just
9 were awarded with the Department of Energy and EPA, things
10 like that.

11 Q. And would you say that it is to your
12 advantage to become as well known as possible?

13 A. Well, clearly, yes.

14 Q. And that to encourage people to use wind
15 energy would be to your economic advantage; would that not
16 be true?

17 A. Not necessarily. If somebody's using wind
18 energy from somewhere else, no. I mean, I'm doing this
19 because I grew up, I've always been passionate about solar
20 and wind power. That's just how I am. So I want to see
21 wind energy continue to remain the fastest-growing form of
22 energy in the United States, as it is now. I want it to
23 stay there. I want my kids and grandkids to, you know,
24 grow up in a country that's not devastated by violent
25 weather and economic damage from what we're doing to this

1 planet.

2 Q. And I heard you testifying about -- I was
3 listening upstairs on the webcast earlier when I wasn't in
4 the hearing room, and I heard you testifying about quite a
5 lot of detail actually about health care costs and the
6 impacts of certain health care problems and the cost of
7 those to KCP&L ratepayers, I believe.

8 A. Right.

9 Q. You made those connections, and I think
10 it's been well established you have no medical background;
11 is that correct?

12 A. Of course.

13 Q. And so you were just reading from some of
14 the things that you've read that -- where others are also
15 passionate about causing people to use wind energy or
16 other renewable energy forms of energy; is that right?

17 A. No. Actually, not. Almost all of those
18 studies were just medical studies that didn't have
19 anything to do with renewable energy.

20 Q. And you related things like asthma to
21 utility costs; is that correct?

22 A. Yes.

23 Q. Even though --

24 A. The studies cite air pollution.

25 Q. -- that asthma can be caused by all kinds

1 of things?

2 A. Sure. In the analysis, if you actually
3 eliminate the health care costs altogether, it accounts
4 for approximately 12 or 13 percent of the total increased
5 cost of Iatan 2 to Kansas City ratepayers. So we're
6 talking about all the health care costs combined.
7 Certainly it's significant 12 or 13 percent.

8 Q. It's amazing to me that you can make that
9 connection so clearly. Also -- just a second. Okay. I
10 want just a little bit more of an explanation about how
11 you recruit salespeople and how you motivate salespeople.
12 Is it similar to something like Amway, for example?

13 A. I wouldn't say it's similar to Amway.
14 We're a multi-level compensation marketing plan. It's
15 more about finding independent dealers that want to sell
16 energy saving products. We advertise in USA Today and a
17 variety of other publications, and there are a lot of
18 people out there looking for home-based businesses or
19 part-time income where they can sell a variety of
20 products.

21 And we're, to my knowledge, one of the
22 only, if not the only company offering a part-time career
23 in clean power, which isn't just wind power but it's also
24 appliances and things that will save people money in
25 America. I think we may be the only one that offers such

1 an opportunity. So we do get quite a few inquiries from
2 people.

3 Q. And these people are called when they go to
4 work, to --

5 A. They're called energy consultants.

6 Q. They're called ECos?

7 A. Energy consultants or ECos for short.

8 Q. And they're paid \$30 for every three new
9 people they attract?

10 A. There's commissions on every product. What
11 you just named was one of them.

12 Q. So the people are products?

13 A. No. No. No. They don't make any money
14 when new people join, only when products are sold.

15 Q. So the article that Commissioner Davis was
16 reading from that said the compensation plan paying ECos
17 \$30 for every three new people they attract to the company
18 was incorrect?

19 A. It's three customers. Whether they're ECos
20 or not is immaterial. It's three customers that are
21 buying future wind, and that's one of many products that
22 those three customers could be purchasing, but that is one
23 income example.

24 Q. Okay. And is that a purchase of a future
25 wind or green tag?

1 A. Yes.

2 Q. That's what you're talking about?

3 A. Yes.

4 Q. And this is purchased on a monthly basis;
5 is that right?

6 A. If they want. Sometimes people buy them as
7 gifts one time. Sometimes people buy them annually,
8 whatever people want. Consumer Reports said 43 percent of
9 Americans are willing to pay more for their power if they
10 knew it was clean and renewable. That's why the green tag
11 industry is growing by about 80 percent a year.

12 Q. But your green tags don't go to purchase
13 any kind of energy, correct?

14 A. Our green tags are just like -- are just
15 like every other green tag. In Europe they're called
16 renewable obligation certificates. Here they're called
17 renewable energy certificates or green tags. None of them
18 include an energy component.

19 Q. Is there any governmental body that
20 oversees these types of products?

21 A. They're not regulated, no, just like carbon
22 credits are not regulated today. A lot of things aren't.
23 Now, there are government guidelines by the EPA and DOE
24 that the industry follows and, of course, we follow those.

25 Q. I was trying to search for green tags

1 earlier on the web, and I noticed that it appears that
2 there are quite a number of marketers of things called
3 green tags; is that correct?

4 A. Yes, there are.

5 Q. So would you say that it's a buyers beware
6 type of market?

7 A. What market isn't?

8 Q. But there's no oversight for what is
9 labeled a green tag or how it's marketed or anything like
10 that?

11 A. You know, as many industries are, it's a
12 self-policing, self-regulating industry.

13 Q. But it's not an easy to understand one?

14 A. No.

15 Q. You're not purchasing a product you can
16 look at and see what you're getting?

17 A. That's correct. It's an intangible, so it
18 makes it somewhat difficult to sell. That's why we focus
19 a little more on tangible products, which include a green
20 tag component. If someone buys a \$1,000 washer and dryer,
21 we contribute 50 bucks or whatever to the green tag fund.

22 Q. And then the organization, the not -- the
23 501(c)(3) that was -- we got some information on -- I
24 believe Mr. Zobrist offered an exhibit?

25 A. Right.

1 Q. That was -- tell me about that again, and
2 how that fits into these green tags.

3 A. Well, it's just a nonprofit. There's
4 actually several nonprofits that have approached us since
5 we started business, but it's a nonprofit that if someone
6 wants to donate their green tag to or donate money to --

7 Q. I'm sorry. I've got to stop you. You had
8 said it is one of several nonprofits you have developed?

9 A. No. No. We didn't develop any others. In
10 fact, my wife did found it, but there's no -- I mean, no
11 ownership or whatever. It's just an affiliation. We have
12 an agreement, a contract in place where if our customers
13 want to donate their green tags to Save the Planet USA,
14 they retire that green tag, so it keeps it off the market.

15 Q. Okay. And you encourage them where to
16 donate it or can they donate it to any --

17 A. Yeah, they can donate it wherever they
18 want, or they can buy it and keep it and not donate it at
19 all. It's up to the customer.

20 Q. Do you track where these donations go?

21 A. It's -- no, because it's up to the
22 customer. They buy the product from us.

23 Q. Do you track it afterwards to find out?

24 A. We do track how many go to Save the Planet,
25 because we have a contractual relationship with them, but

1 the others, no, we don't.

2 Q. What percentage goes to Save the Planet?

3 A. I don't know. I know it's a majority. I'm
4 not sure the exact percentage.

5 Q. So do you encourage people to -- I mean,
6 how would that happen?

7 A. It's an option when they enroll online. If
8 they buy the product online, that's a button they can
9 check. Check here if you want to donate yours to Save the
10 Planet.

11 Q. Do you have any other not-for-profits on
12 there that they can check to donate to?

13 A. No, not right now.

14 Q. Is it apparent that if they donate to any
15 not-for-profit, that they would receive the same kind of
16 tax treatment?

17 A. In the Ts and Cs, it is, yes.

18 Q. Ts?

19 A. Terms and conditions.

20 Q. Now, you made a statement earlier in
21 response to one of Mr. Zobrist's questions about whether
22 or not you would bid for the KCP&L contract?

23 A. Right.

24 Q. If they were to do wind, and you said -- I
25 believe you said no, but a lot of my buddies are in the

1 wind business and I might encourage them to bid. Is
2 that -- did you say that?

3 A. Yes.

4 Q. Do you have any kind of a financial
5 relationship with any of your buddies that are in the wind
6 business?

7 A. No.

8 Q. So you would get nothing, no monetary
9 remuneration if you --

10 A. No.

11 Q. -- encouraged your buddies to bid?

12 A. Correct.

13 COMMISSIONER MURRAY: I can't think of
14 anything else right at the moment, but I may have more
15 questions. Thank you.

16 JUDGE PRIDGIN: Commissioner Murray, thank
17 you.

18 Commissioner Gaw?

19 COMMISSIONER GAW: Judge, in the interest
20 of time and in the interest of allowing this witness to
21 get on with his business, I have no questions.

22 JUDGE PRIDGIN: Commissioner Gaw, thank
23 you.

24 Commissioner Clayton?

25 COMMISSIONER CLAYTON: No questions.

1 JUDGE PRIDGIN: Mr. Chairman?

2 FURTHER QUESTIONS BY CHAIRMAN DAVIS:

3 Q. Okay. Mr. Helming, if KCP&L did build more
4 wind generation, if they do, do you feel like that would
5 be a benefit to you either directly or indirectly?

6 A. Well, a financial benefit to me directly or
7 indirectly, no. A benefit to me, yes, because I want
8 cleaner air and cleaner water in the Kansas City area.

9 Q. Okay. And going back to, I think, some of
10 your previous testimony on cross-examination with
11 Mr. Zobrist, you said that Krystal Energy was in the
12 process of buying one 1.5 megawatt turbine; is that
13 correct?

14 A. Correct.

15 Q. Would you own that turbine in whole or in
16 part?

17 A. In part, about 19 percent.

18 Q. So 19 percent of one 1.5 megawatt turbine?

19 A. That's correct.

20 CHAIRMAN DAVIS: Thank you. No further
21 questions.

22 JUDGE PRIDGIN: Mr. Chairman, thank you. I
23 don't have any questions. Instead of going around the
24 room and asking every single counsel, let me see if we
25 have anybody who's interested in asking any more questions

1 of Mr. Helming.

2 MR. CONRAD: Yeah.

3 JUDGE PRIDGIN: Mr. Conrad?

4 MR. CONRAD: And I'll try to be brief.

5 RECROSS-EXAMINATION BY MR. CONRAD:

6 Q. But Commissioner Murray turned you, sir, to
7 Exhibit 13, which is the printouts from Krystal Planet.

8 A. I have it.

9 Q. And on page 13 of that packet, I wanted to
10 ask you about the -- first of all, just what is -- do you
11 approve what goes on the website?

12 A. No. There's so much that takes place in
13 both of the companies, I don't have time to read
14 everything.

15 Q. So you're CEO of this company and you don't
16 approve what goes on the public website?

17 A. There are a lot of changes that I don't
18 see. I am involved, but I don't know that.

19 Q. Is that a yes or a no?

20 A. You know --

21 Q. Do you approve what goes on the website?

22 A. Yes, generally.

23 Q. At the bottom of page 13, RBM has created
24 more millionaires than any other profession. Now, do you
25 consider referral-based marketing to be a profession?

1 A. Yes, I do.

2 Q. Then it goes on, Krystal Planet will be
3 creating -- has not created but will be creating more
4 millionaires than any other direct selling companies. Did
5 I read that correctly?

6 A. Yes, you did.

7 Q. This is what you have approved, right?

8 A. Yes.

9 Q. In fact, KP will create even billionaires,
10 to borrow from Carl Sagan. You approved that?

11 A. Apparently I did.

12 Q. Now, on the next page, which is
13 14 conveniently, I understand if an ECo sells future wind,
14 every three customers they make \$30 a month, right?

15 A. Yes.

16 Q. And they qualify for \$1,200 a month car
17 allowance?

18 A. Well, they have to do a lot to qualify for
19 that.

20 Q. And then down in the bullets we have build
21 a sales team. Do you see that?

22 A. Yes, I do.

23 Q. Like a sales manager at a Fortune 500
24 company, you can earn overrides on the sales made by ECos
25 you recruit to your team. Did I read that correctly so

1 far?

2 A. Yes.

3 Q. The better job you do of training and
4 supporting your team, the more sales they make and the
5 more money you make, and then there's reference to 2X
6 infinity matrix. What is a 2X infinity matrix on this
7 language that you have approved on your website?

8 A. X actually is used for the word by, so 2 by
9 infinity, and that's a structure in referral-based
10 marketing. It's just a compensation plan for building
11 teams. My first job out of college was AT&T and I was a
12 sales manager. I earned money and overrides based on the
13 performance of my team of salespeople at AT&T. This is a
14 similar concept.

15 Q. And then we talk about a hybrid buy matrix
16 compensation plan?

17 A. That's what we call it, yes.

18 Q. That's what you call it?

19 A. Yes.

20 Q. Are there any other terms that you're aware
21 of that are used to describe that kind of mechanism?

22 A. There's a lot of terms I would imagine that
23 are used out there, some of them correctly, some of them
24 incorrectly.

25 Q. Now, the next bullet, and under that then

1 there's a little circular zero, talking about an example
2 that they enroll at the basic level, but continuing that
3 sentence, if any of the ECos enroll in the gold level,
4 that's \$1,149. Which way does that 1,149 flow?

5 A. What do you mean?

6 A. Does it flow to you, sir, or to your
7 company?

8 A. Well, yes, a portion of it is a profit.

9 MR. CONRAD: Thank you. That's all.

10 JUDGE PRIDGIN: Mr. Conrad, thank you. Do
11 we have any further questions for this witness?

12 COMMISSIONER MURRAY: Judge, I have one
13 quick follow-up to that.

14 JUDGE PRIDGIN: Commissioner Murray?

15 FURTHER QUESTIONS BY COMMISSIONER MURRAY:

16 Q. The bullet that Mr. Conrad was asking you
17 about --

18 A. Yes.

19 Q. -- not the very last one he asked you
20 about, but the one that referred to the hybrid buy matrix
21 compensation plan?

22 A. Yes.

23 Q. It says EP accrue monthly on -- EP being
24 ECo points?

25 A. Right.

1 Q. -- accrue monthly on future wind and
2 ongoing services paid to infinite depth. EP do not flush.

3 A. Right.

4 Q. Explain what that means.

5 A. The last part, they don't flush?

6 Q. They are paid to infinite depth and do not
7 flush.

8 A. Okay. Just means on your sales team,
9 theoretically infinitely large sales team, you can earn
10 overrides on their sales performance and your points don't
11 flush at the end of a calendar month, which some companies
12 flush the points out. We don't. If someone enrolled at
13 the gold level, \$1,149, they're getting a bunch of
14 products for their home and cars that will save them on
15 average \$150 a month. That's \$1,800 a year in savings for
16 approximately five to ten years.

17 So that example, there would be ECo points
18 that could be paid to the sales manager in that case, and
19 they would not be flushed. They would carry over to the
20 next month. And they're paid based on their rank and, you
21 know.

22 Q. And when you talk about infinite depth,
23 everyone that recruits someone else is making money off of
24 the money that that next person pays in; is that correct?

25 A. No, it's not.

1 Q. That's not correct?

2 A. No, it's not. Just because people on your
3 team make money doesn't mean you make any money at all.
4 You have to make personal product sales yourself and go
5 find customers yourself to even be eligible for ECo point
6 commissions at all. This is a compensation plan that was
7 designed and approved by some of the top attorneys in the
8 referral-based marketing industry.

9 COMMISSIONER MURRAY: All right. That's
10 all my questions. Thank you.

11 JUDGE PRIDGIN: Commissioner Murray, thank
12 you.

13 Any further questions for this witness?
14 (No response.)

15 JUDGE PRIDGIN: May he be excused?

16 MR. ZOBRIST: I have no further questions,
17 your Honor.

18 JUDGE PRIDGIN: If nobody wishes any more
19 questions, Ms. Henry, do you have questions?

20 MS. HENRY: I think we should excuse him.

21 JUDGE PRIDGIN: All right. Thank you.
22 Mr. Helming, you are excused.

23 THE WITNESS: Thank you, Commissioners.
24 (Witness excused.)

25 JUDGE PRIDGIN: All right. We will go off

1 the record. We will resume the hearing at 8:30 in the
2 morning. Thank very much for your patience.

3 We are off the record.

4 MS. HENRY: I would like to know if we can
5 resume with Ned Ford, because he has to catch a plane on
6 Saturday. And I'm here all day Saturday. He will not be
7 here all day Saturday. Can we start with him?

8 MR. FISCHER: Kansas City Power & Light has
9 no objection. We can start with Ned Ford in the morning.

10 MS. HENRY: Okay.

11 JUDGE PRIDGIN: Please remind me in the
12 morning. I'll be glad to do that.

13 All right. Thank you.

14 WHEREUPON, the hearing of this case was
15 recessed until June 24, 2005.

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