

Exhibit No.:
Issue(s):
Witness/Type of Exhibit:
Sponsoring Party:
Case No.:

Riverton Disallowance
Robinett/Surrebuttal
Public Counsel
EO-2022-0040

SURREBUTTAL TESTIMONY

OF

JOHN A. ROBINETT

Submitted on Behalf of the Office of the Public Counsel

THE EMPIRE DISTRICT ELECTRIC COMPANY

CASE NOS. EO-2022-0040

**

**

Denotes Highly Confidential and Confidential
information that has been redacted

May 27, 2022

PUBLIC

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

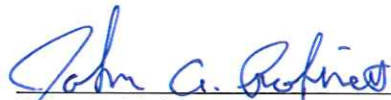
In the Matter of the Petition of The Empire)
District Electric Company d/b/a Liberty to)
Obtain a Financial Order the Authorizes the)
Issuance of Securitized Utility Tariff Bonds for)
Qualified Extraordinary Costs)
Case No. EO-2022-0040

AFFIDAVIT OF JOHN A. ROBINETT

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

John A. Robinett, of lawful age and being first duly sworn, deposes and states:

1. My name is John A. Robinett. I am a Utility Engineering Specialist for the Office of the Public Counsel.
2. Attached hereto and made a part hereof for all purposes is my surrebuttal testimony.
3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge and belief.




John A. Robinett
Utility Engineering Specialist

Subscribed and sworn to me this 27th day of May 2022.



TIFFANY HILDEBRAND
My Commission Expires
August 8, 2023
Cole County
Commission #15637121

My Commission expires August 8, 2023.



Tiffany Hildebrand
Notary Public

SURREBUTTAL TESTIMONY

OF

JOHN A. ROBINETT

LIBERTY UTILITIES EMPIRE DISTRICT ELECTRIC COMPANY

CASE NO. EO-2022-0040

1 **Q. What is your name and what is your business address?**

2 A. John A. Robinett, PO Box 2230, Jefferson City, Missouri 65102.

3 **Q. By whom are you employed and in what capacity?**

4 A. I am employed by the Missouri Office of the Public Counsel (“OPC”) as a Utility Engineering
5 Specialist.

6 **Q. Have you previously provided testimony before the Missouri Public Service
7 Commission?**

8 A. Yes. Both as a former member of Commission Staff and on behalf of the OPC.

9 **Q. What is your work and educational background?**

10 A. A copy of my work and educational experience is attached to this testimony as Schedule
11 JAR-S-1.

12 **Q. What is the purpose of your surrebuttal testimony?**

13 A. OPC agrees with Staff Witness Mr. Jordan T. Hull that the lack of availability of Riverton
14 unit 11 during winter Storm Uri was imprudent and that a disallowance should be made.
15 However, I take the imprudence one step further. Empire was imprudent by not being
16 prepared with full capacity of fuel oil as a backup to the availability of natural gas for Riverton
17 11.

18 **Q. What recommendation do you have for the Commission?**

19 A. I recommend the Commission find Liberty was imprudent by not utilizing the full capacity of
20 fuel oil storage at Riverton and reduce the Storm Uri cost to be recovered from Missouri retail

1 customers by \$3,814,385.74. This amount was calculated using the full availability of
2 *** _____ *** of fuel oil to determine how much energy could have been generated
3 by the Riverton facilities during winter storm Uri ** _____
4 _____ **

5 **Q. What is the issue with Staff's recommended disallowance?**

6 A. Staff's analysis is overly simplistic and most certainly conservative. Staff's disallowance turns
7 the Riverton unit on ** _____
8 _____ **¹. Staff's
9 disallowance runs the unit constantly for ** _____ ** based on Staff's calculation of
10 available fuel. It is unclear if Staff's recommendation takes into account fuel cost to replenish
11 levels after use. Since Staff only fired the unit up once, it did not take into account fuel usage
12 for start-up. Based on Staff's recommendation this would have nearly run the unit out of fuel
13 and had little to no fuel left to re-fire in case of an emergency.

14 **Q. Do you have any pending discovery that may affect your recommendation?**

15 A. Yes. Currently I have discovery related to certain operational parameters that may affect the
16 time periods of hypothetical operation that I have assumed for Riverton unit 11 since it did
17 not operate during Storm Uri. Specific parameters I am seeking are minimum down time
18 between starts, minimum run times for starts and maximum number of cycles per week for
19 the generator.

¹ EO-2022-0040 pg. 37 of Schedule JO-3Confidential attached to the direct testimony of Liberty Consultant John P. Olsen.

1 **Q. Is there any other evidence that you believe supports Staff's estimate as being**
2 **conservative?**

3 A. Yes. Liberty's confidential responses to data requests in Case No. AO-2021-0264² and this
4 case, Case No. EO-2022-0040, present its position on fuel oil levels at the generating facilities
5 prior to winter storm Uri. Liberty's response to Staff data request 0093 in Case No. EO-2022-
6 0040 discusses the fuel oil levels at Riverton prior to winter storm Uri and is attached as part
7 of Schedule JAR-S-2HC which contains several data requests and responses from Case No.
8 EO-2022-0040. This data request indicates that fuel oil capacity at the Riverton site ***_
9 _____
10 _____
11 _____ ***

12 **Q. Is Liberty's response to data request 0093 in Case No. EO-2022-0040 your only support**
13 **that Staff's estimate is conservative?**

14 A. No. That data request response needs to be reviewed in conjunction with Liberty's data
15 requests responses from Case No. AO-2021-0264. Specifically Liberty's response to data
16 request number 0087 states that:

17 ** _____
18 _____
19 _____ **

20 Noticeably missing from this data request response is a discussion of the fuel oil status at
21 Riverton. Similarly, the response to data request number 0083 from Case No, AO-2021-0264
22 sought preparatory actions to manage fuel availability. Again this data request fails to discuss

² In the Matter of the Cause of the February 2021 Cold Weather Event and its Impact on Investor Owned Utilities

1 actions taken at Riverton 10 and 11. Attached as part of Schedule JAR-S-3C are Liberty's
2 responses to data requests 0087 and 0083 from Cases No. AO-2021-0264.

3 **Q. How did you calculate your disallowance?**

4 A. Staff ran the unit **_____** , from the start of the day at hour zero that

5 Liberty **_____

6 _____

7 _____ ** I theoretically ran Riverton unit 11 until market prices dipped

8 below my calculated hourly fuel cost. Additionally the unit's run time was also based on

9 responses of Liberty to data requests provided in Schedule JAR-S-2HC and JAR-S-3C. These

10 responses show Liberty took measures to **_____

11 _____**

12 Taking this into account I recommend the Commission consider a much larger

13 disallowance for Riverton unit 11, **_____

14 _____**

15 Using Staff witness Mr. Jordan Hull's calculation attached to his rebuttal testimony

16 as Attachment 1 and Liberty's response to data request 0093 that provides the full capacity of

17 fuel oil storage at Riverton, I use a ratio of total storage capacity over his value which was

18 fuel oil on site at Riverton at the beginning of February 2021. This would be ***_____

19 _____*** which is 2.13. I then multiplied this ratio

20 by the **_____

21 _____

22 _____**.

1 I then utilized the Southwest Power Pool (“SPP”) revised market prices for the
2 Riverton node that Staff provided in its workpapers. I chose to model the operation of the unit
3 as Staff has done and how the data request responses indicate Liberty operated its other
4 combustion turbines. **_____

5 _____
6 _____ **

7 ** _____

8 _____
9 _____ **

10 **Q. What do you recommend as a disallowance related to Riverton unit 11?**

11 A. Running for **_____ ** using SPP revised market prices, the revenue that would have
12 been achieved from Riverton 11 generating was \$4,949,431.66. To arrive at the final actual
13 disallowance I recommend, I accounted for other factors that reduce the gross generated
14 revenue. **_____

15 ____ **³ After I reduced for fuel cost, I then applied the Missouri retail energy jurisdictional
16 factor of 0.9007 for February 2021. The final adjustment is the 95%/5% fuel adjustment clause
17 sharing mechanism. Once the fuel adjustment clause sharing is applied, my recommended
18 disallowance is \$3,814,385.74 for the theoretical operation of Riverton unit 11.

³ I used the fuel cost estimates from Staff’s direct case fuel workpapers in ER-2019-0374.

1 **

2 **

3 **Q. Does this conclude your surrebuttal testimony?**

4 A. Yes, it does.