

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Conference

March 2, 2016

Jefferson City, Missouri

Volume 1

In The Matter Of Kansas City)
Power & Light Company's) File No. ET-2016-0185
Application For Authorization)
To Suspend Payment Of Certain)
Solar Rebates)

DANIEL JORDAN, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
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P R O C E E D I N G S

JUDGE JORDAN: The Commission calls the action in File No. ET-2016-0185, In The Matter Of Kansas City Power & Light Company's Application For Authorization To Suspend Payment Of Certain Solar Rebates. I'm Daniel Jordan, I'm the Regulatory Law Judge assigned to this action.

I will begin by taking entries of appearance, starting with the applicant Kansas City Power & Light.

MR. STEINER: Judge, let the record reflect the appearance of Roger W. Steiner and James M. Fischer. Our contact information has been provided to the Court Reporter.

JUDGE JORDAN: Thank you.
And for Staff.

MR. WILLIAMS: Thank you, Judge. Hampton Williams for Staff, also with Bob Berlin; and the information has been provided to the Reporter.

JUDGE JORDAN: Thank you.
For the Office of Public Counsel.

MR. BERLIN: Thank you, Judge. For the Office of Public Counsel, Tim Opitz, P.O. Box 2230, Jefferson City, Missouri, 65102.

JUDGE JORDAN: Thank you.

1 For Intervenors, Missouri Division of
2 Energy. Well, actually, I take that back. Missouri
3 Division of Energy has entered an appearance but has
4 not asked to intervene.

5 For Division of Energy.

6 MR. ANTAL: Judge, for the Missouri
7 Division of Energy, Alexander Antal, P.O. Box 1157,
8 Jefferson City, Missouri, 65102.

9 And, in response, I don't know if this is
10 the right time to do it, but in response to your
11 comment about us not intervening, it was my
12 understanding that all parties to ET-2014-0071 were not
13 required to intervene.

14 JUDGE JORDAN: You could be right. I
15 don't know what difference it makes. Certainly, not
16 for our conference today, I don't believe.

17 MR. ANTAL: Okay.

18 JUDGE JORDAN: Your participation is
19 certainly welcome.

20 And for --

21 MR. ANTAL: Thank you.

22 JUDGE JORDAN: -- Renew Missouri.

23 MR. LINHARES: Thank you, Judge. For
24 Renew Missouri, Andrew Linhares, Renew Missouri, 910
25 East Broadway, Suite 205, Columbia, Missouri.

1 JUDGE JORDAN: Thank you.

2 As I -- and I don't think -- is -- is
3 there anyone else who wants to enter an appearance
4 today?

5 (No response.)

6 JUDGE JORDAN: I'm not seeing anyone.

7 So, as I've said, we're on the record and
8 the Reporter's transcribing this conference. We're not
9 on the record in the sense of a formal adversarial
10 entry proceeding. I just want to make sure that's
11 clear to everyone. The Division has not suspended a
12 tariff and otherwise contested the case. So I'm not
13 planning on taking evidence or anything. The client
14 represented is certainly welcome to listen.

15 The reason we are here in this format is
16 that Staff's recommendation was delayed and that
17 shortened the Commission's time to consider all the
18 parties position in this action, and, so, the Division
19 is convening this conference as an official way to
20 determine whether any dispute remains as to the
21 application and the pending tariff, and I'm going to do
22 that by inquiry of counsel who, I am sure, are familiar
23 of the position of their parties.

24 That's what I want to clarify, and I hope
25 that this will not be a lengthy encounter. Some of us

1 have an agenda to prepare for this afternoon at 1. So
2 I will try to avoid highly confidential information
3 that's been included in the filings, and I want to make
4 -- I want to emphasize this is your time to talk and
5 explain your client's positions. It's not just to
6 listen to the sound of my voice.

7 I'm going to inquire by laying down some
8 premises and we'll get counsel's response and can sure
9 follow up with that if you need to.

10 So, I'll begin with Renew Missouri, and
11 ask simply this: Is there any dispute left as far as
12 Renew Missouri?

13 MR. LINHARES: Yes. Thank you, Judge.

14 Renew Missouri doesn't oppose the
15 Company's application to suspend solar rebates under
16 the agreement in place that's been referenced in
17 filings. It is their right to -- to apply for such,
18 and we've agreed under a stipulation to not oppose
19 that.

20 We simply would ask that the procedure be
21 followed under the law, the statute in question, I
22 believe is 393.1030.3.

23 JUDGE JORDAN: Yes.

24 MR. LINHARES: And that procedure
25 specifies that, for distinct solar rebates, the

1 applicant will file and furnish and the Commission will
2 approve a calculation of the one percent retail rate
3 impact calculation.

4 JUDGE JORDAN: Uh-huh.

5 MR. LINHARES: And that hasn't been
6 forthcoming in this case, and we'd ask that that
7 procedure be followed.

8 JUDGE JORDAN: Okay. That's -- that's my
9 understanding, I gather, from your filing.

10 MR. LINHARES: Yes.

11 JUDGE JORDAN: And I believe next inquire
12 will be of Kansas City Power & Light.

13 The calculation to which Renew Missouri
14 refers, if I understand Kansas City Power & Light's
15 response to that, it is simply that the specified level
16 which is designated in the stipulation and agreement
17 underlying this tariff. Basically, that is the
18 calculation that Renew Missouri is asking for; is that
19 correct?

20 MR. STEINER: Yeah, that's correct,
21 Judge. We -- we agreed to that, and as a part of that
22 stipulation, we agreed to come in to file and we got
23 close to the 36.5 million. We've done that. All the
24 signatories to that step said they wouldn't oppose
25 that.

1 The Staff has filed a Staff
2 recommendation which we -- we support, and we believe
3 that it makes sense to follow that. Of course, in
4 every annual RES filing that is done April 15th, you do
5 another one percent calculation, and that will be done
6 in the upcoming month.

7 But, right now, we're in the posture, we
8 think, everybody's agreeing that we should suspend the
9 -- the payments of the rebates and that's what we're
10 here to do. And -- but we also support Staff's
11 perspective on the one percent calculation.

12 JUDGE JORDAN: Okay. Let me inquire into
13 that a little bit further, because you may have some
14 insight into the recommendation that I don't.

15 It looked to me like the Staff's
16 recommendation was a bit equivocal as to whether Kansas
17 City Power & Light believes it will meet the level.
18 Kansas City Power & Light still believes it will meet
19 that level?

20 MR. FISCHER: We'll be filing in April
21 15th that calculation for the upcoming year. We -- we
22 think that the calculation that's applicable in this
23 case was determined in that previous time period, and
24 we agreed to that stipulation that this would be the --
25 the cap, 36.5, and we're -- we're abiding by that.

1 We're -- we're close to reaching that
2 cap, and we want to be able to pull the trigger to that
3 so we don't go over that.

4 JUDGE JORDAN: Right. Looking at the
5 statute, it seems to look at the filing of this tariff
6 in terms of a calendar year. So, you believe you will
7 reach that limit at the specified level this calendar
8 year?

9 MR. STEINER: Well, we believe we reached
10 it based on the analysis that was done last case, and
11 then the upcoming -- this current year will actually be
12 filed in April, April 15th of this year. We haven't
13 filed -- I guess we have a data request for and the
14 filings that were made in a previous case looked at the
15 one percent at that time, and we think that's still
16 applicable.

17 JUDGE JORDAN: Let me ask -- let me
18 inquire of Staff, then, because, as I said, the
19 recommendation has some language in it that I don't
20 want it to be a distraction.

21 It's clear to me that Staff is
22 recommending the approval of the tariff, the three
23 tariff sheets that are pending in this action. And
24 I'll -- I'll direct you to page 3 of 6 of the
25 recommendation that is -- or the memorandum that is

1 attached to the recommendation.

2 And looking at that first full paragraph,
3 which, I think, in it's second sentence sums up my
4 understanding of KCPL's position, which is that KCP&L
5 expects payments to continue through 2016 and be
6 completed by the end of the year. I think that's the
7 the standard that the statute sets forth for us.

8 Two sentences, in the next sentence, the
9 second part of that sentence, Staff says, It may take
10 KCP&L over a year to complete payments totaling the
11 stipulated solar rebate cap.

12 So, I mean, it sounds like maybe they
13 won't reach that this calendar year? Is that what the
14 Staff is saying?

15 MR. WILLIAMS: First, I should mention
16 for the record as well, included in the room are Dan
17 Beck, Robin Kliethermes, and Claire Eubanks who
18 prepared Staff's memo. And, so, if I -- I am making
19 incorrect representations, please holler and let me
20 know and we can -- we can drag you up here and direct
21 it, clarify anything that I'm about to say.

22 But, with that said, it's my -- our
23 report identifies is that, with the application through
24 DOR's case appeals provided that pending applications,
25 once processed, would meet this cap. And we understand

1 that there is an application and approval process.

2 JUDGE JORDAN: Uh-huh.

3 MR. WILLIAMS: And, also, just through
4 the installation process itself, it takes a little bit
5 of time to coordinate installations and everything
6 else.

7 So, with that in mind, we believe that,
8 at the time of the application's filed, they will hit
9 this cap. So, we're -- we're comfortable that this
10 meets, you know, the statutes required that the solar
11 rebates through pending applications have been met and
12 will be paid out.

13 JUDGE JORDAN: Okay. In this calendar
14 year?

15 MR. WILLIAMS: Yes.

16 JUDGE JORDAN: Thank you. That's very
17 helpful, and I appreciate that clarification.

18 I think that's all the inquiry that I had
19 in mind. Does anyone feel like they need to -- to add
20 to that while we're all in this -- in this room
21 gathered together?

22 (Indicating.)

23 Mr. Linhares?

24 MR. LINHARES: Yes. Thank you, Judge.

25 I would just add to this discussion of

1 the one percent we had at the beginning which is our
2 primary interest in the case, I would agree with KCP&L
3 that we -- we agreed in a previous tariff case that the
4 specified amount would -- would trigger KCPL's
5 application to suspend. I have no disagreement with
6 that.

7 I would simply repeat our request that
8 the Commission -- that yourself, your Honor -- order
9 the company to comply with what is clearly in the law.
10 That calculation that we're concerned with here
11 shouldn't be a calculation of a specified cap amount.
12 That's simply counting the number of rebate dollars
13 that have been paid.

14 What we're concerned with is the
15 calculation that's required by law. It's very
16 specific. It's even more spelled out, and in the
17 Commission's rule, it has to do with calculating two
18 different renewable scenarios, and it has never been
19 attempted by the company. In each one of these April
20 filings, we have never seen that calculation ever
21 attempted to-date. That's five years.

22 And we're simply asking that that be
23 ordered by the Commission once and for all. We have
24 the April 15th deadline of this year coming up where
25 the company states they're going to make that filing,

1 but we have not seen that been filed to-date.

2 So, in the abundance of caution and to
3 help the whole process of implementing this law, we
4 would ask the Commission seriously consider and order
5 ordering the company to file that calculation so it can
6 be reviewed by industry professionals, advocates, and
7 the like.

8 JUDGE JORDAN: I think I understand your
9 argument there.

10 MR. LINHARES: Yes.

11 JUDGE JORDAN: Does anyone want to
12 respond to that or add anything?

13 MR. STEINER: Well, I would just
14 reassert, I guess, that it's clear from our stipulation
15 that all of us signed that -- and I'll just read from
16 page 4, The signatories will agree they will not object
17 to an application that will design to cease payments
18 beyond a specified level which is 36.5. That's what
19 we're relying on.

20 MR. LINHARES: And, of course, Judge,
21 I'll reiterate I have no objection to that
22 clarification.

23 JUDGE JORDAN: Thank you for that
24 clarification.

25 Anything else before we go off the

1 record?

2 MR. ANTAL: Judge Jordan?

3 JUDGE JORDAN: Yes.

4 MR. ANTAL: This is Alex Antal. This is
5 more of a procedural matter than it is a substantive
6 issue with the application, but I do want to bring it
7 up on the record that, in the Commission's notice and
8 order setting dates for filing, it did state, and I
9 quote, The application also includes motion to waive
10 the need for any motion to intervene as to the parties
11 in File No. ET-2014-0071. The Commission later said
12 that they would grant that motion, that all parties in
13 that prior case were going to be deemed inter--
14 intervenors.

15 JUDGE JORDAN: Uh-huh. Uh-huh.

16 MR. ANTAL: Division of Energy was party
17 to that prior case.

18 JUDGE JORDAN: Uh-huh.

19 MR. ANTAL: However, I'm confusing with
20 the data center. The Division of Energy did not have
21 access to the highly confidential version of Staff
22 report until just a couple of hours ago. That being
23 said, I'm not aware, to the best of my knowledge, that
24 the Division of Energy has any concerns with Staff's
25 recommendations or with the company's application.

1 So, just wanted to make that be known.

2 JUDGE JORDAN: Well, Counselor, thank you
3 for putting that on -- on the record and clarifying the
4 issue as to intervention and nonintervention, et
5 cetera. Thanks for bringing that up. I appreciate
6 that.

7 Okay. Not hearing anything else, this
8 hearing room is available through lunch, I think, if --
9 in case the parties want to use it for any purpose.

10 I don't have anything else. I'm not
11 hearing anything else. And, so, thank you all for
12 being here at this conference this morning and being
13 prepared to articulate your client's positions.

14 With that, we will go off the record.

15 (Off the record.)

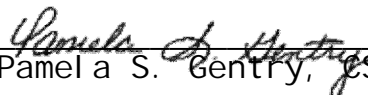
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C E R T I F I C A T E

I, Pamela S. Gentry, Certified Shorthand Reporter with the firm of Tiger Court Reporting, LLC, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.


Pamela S. Gentry, CSR, CCR



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