

In the Matter of:

THE APPLICATION OF EVERGY METRO, INC., d/b/a EVERGY MISSOURI METRO, etc.

ET-2021-0151, VOL. I

October 12, 2021



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

EVIDENTIARY HEARING

October 12, 2021

HEARING VIA WEBEX

Volume 1

In The Matter of the Application)
Of Evergy Metro, Inc. d/b/a Evergy)
Missouri Metro for Approval of a) File No. ET-2021-0151
Transportation Electrification)
Program)

PAUL GRAHAM, Presiding
REGULATORY LAW JUDGE.
Ryan A. Silvey,
CHAIRMAN,
Scott T. Rupp,
Maida J. Coleman,
Jason R. Holsman,
Glen Kolkmeyer,
COMMISSIONERS.

REPORTED BY:
Lisa M. Banks, CCR
TIGER COURT REPORTING, LLC

A P P E A R A N C E S

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P R O C E E D I N G S

1
2 JUDGE GRAHAM: We're on the record, but I guess
3 that we had better go ahead and have them make their appearance
4 now as a matter of record. We can go through that rather
5 quickly. Would Staff please enter their appearance as of the
6 record, please?

7 MS. MERS: Yes. Appearing on behalf of Staff
8 Nicole Mers. My address is 200 Madison Street, P.O. Box 360,
9 Jefferson City, Missouri 65102.

10 JUDGE GRAHAM: All right. And ChargePoint,
11 would you like to enter your appearance again now as a matter of
12 record?

13 MR. DUNBAR: Yes, thank you. Good morning.
14 Scott Dunbar, last name is spelled D-U-N-B-A-R of the law firm
15 Keyes and Fox, LLP, and I am here on behalf of ChargePoint.

16 JUDGE GRAHAM: Thank you. Evergy Missouri Metro
17 and Evergy Missouri West?

18 MR. FISCHER: Yes, Judge. Thank you. Let the
19 record reflect the appearance of James Fischer and Roger Steiner
20 on behalf of the applicant companies. Our contact information
21 is on the application and other pleadings in the case.

22 JUDGE GRAHAM: All right. Midwest Energy
23 Consumers Group?

24 MR. WOODSMALL: Good morning, Your Honor. David
25 Woodsmall on behalf of MECG.

1 JUDGE GRAHAM: Natural Resources Defense
2 Council?

3 MR. HALSO: Good morning, Your Honor. This is
4 Joe Halso on behalf of National Resources Defense Council and
5 the Sierra Club joined this morning by co-counsel Sarah
6 Rubenstein from the Great Rivers Environmental Law Center.
7 Thank you.

8 JUDGE GRAHAM: Renew Missouri?

9 MR. OPITZ: Good morning. Tim Opitz on behalf
10 of Renew Missouri.

11 JUDGE GRAHAM: Okay. Good morning. As I said
12 the day is October 12th, 20--

13 MR. CLIZER: Your Honor, this is John Clizer
14 with OPC.

15 JUDGE GRAHAM: Did I not get you, John?

16 MR. CLIZER: I do not believe so.

17 JUDGE GRAHAM: Okay. I'm Paul Graham, I'm
18 the --

19 COMMISSIONER RUPP: Judge, Commissioner --
20 Judge, Commissioner Rupp's here as well.

21 JUDGE GRAHAM: Thank you, Commissioner.

22 MR. CLIZER: To expedite the process, John
23 Clizer and Lindsay Van Gerten on behalf of the Office of Public
24 Counsel. Thank you.

25 JUDGE GRAHAM: Okay. This is in the matter of

1 the Application of Evergy Metro, Inc. doing business as Evergy
2 Missouri Metro for the Approval of the Transportation
3 Electrification Portfolio. This is the File Number
4 ET-2021-0151. The Commission has set this day and tomorrow for
5 an evidentiary hearing in this matter.

6 We've gone through the entries of appearance.
7 We had some issues come up yesterday as a matter of preliminary
8 matters. And so my first inquiry before we get going is whether
9 we are going to be taking witnesses out of order. The order of
10 witnesses were set down in a procedural schedule earlier in
11 these proceedings, I think back in March or May. Are we going
12 to be taking any witnesses out of order on account of the events
13 that came out of yesterday and I'm addressing that to everyone
14 and specifically to Staff.

15 MS. MERS: Nicole Mers on behalf of Staff. And
16 at this moment I do not believe we will need to take any
17 witnesses out of order.

18 JUDGE GRAHAM: Okay. A second matter that I
19 wanted to bring up with you shouldn't take but a minute, but I
20 want to verify the Commission in its procedural order did set
21 out the exhibit numbers for exhibits, in particular, prefiled
22 exhibits. I reviewed the file and found some and found some
23 that had not been numbered. So I would like to ask. I'm
24 showing that Evergy has Exhibits 1 through 7 inclusive that have
25 been prefiled. Does Evergy have anything to say about that?

1 MR. FISCHER: That's correct, Judge.

2 JUDGE GRAHAM: All right. I've looked at
3 Staff's exhibit list and at this point I have what are 100 --
4 what are numbered 100 and 101.

5 MS. MERS: Yes. This is Nicole Mers and that's
6 correct.

7 JUDGE GRAHAM: Okay. I have OPC's exhibit list
8 and I have Exhibits Number 200 and 201.

9 MR. CLIZER: That is correct, Your Honor.

10 JUDGE GRAHAM: Then I received some exhibits or
11 an exhibit from Sierra Club and NRDC and I have put on or there
12 may have been a number on there of Number 700.

13 MR. HALSO: That's correct, Judge.

14 JUDGE GRAHAM: Okay.

15 MR. HALSO: Just one exhibit for those parties,
16 yes.

17 JUDGE GRAHAM: Yes. I understand that that's
18 being offered for both Sierra Club and -- or that's been
19 prefiled for those two parties. ChargePoint I have exhibit --
20 what I think I put on there as 900 and 901.

21 MR. DUNBAR: I think that --

22 JUDGE GRAHAM: Anything from ChargePoint?

23 MR. DUNBAR: Apologies for talking over you.
24 That sounds correct and we have nothing additional except those
25 two sets of testimony.

1 JUDGE GRAHAM: Okay. Now, I've gone through the
2 list of prefiled exhibits there. If I've missed something that
3 someone believes has been prefiled and that we need to mention
4 as a preliminary matter, you might want to bring that up right
5 now.

6 Okay. Are there any other preliminary matters
7 that need to be addressed at this time?

8 Okay. Let me briefly go over the exhibit -- I'm
9 sorry, over the witness list. This is the order of witnesses
10 that I see pursuant to the procedural order. Every witnesses
11 are Chuck Caisley. And pardon me if I say names wrong. Stacy
12 Noblet, Nick Voris, Kimberly Winslow, Tim Nelson, Brad Lutz, and
13 Darrin Ives. And those are the witnesses that Everygy -- that
14 have been listed for Everygy and that is the order that I have
15 for those witnesses. Are we all on the same page with respect
16 to Everygy's witnesses?

17 MR. FISCHER: That's correct, Judge.

18 JUDGE GRAHAM: I have one -- thank you. I have
19 one witness listed for ChargePoint, Justin D. Wilson; is that
20 correct?

21 MR. DUNBAR: That's correct.

22 JUDGE GRAHAM: And then I have one witness for
23 the Sierra Club and NRDC together and that is Max Baumhefner; is
24 that correct?

25 MR. HALSO: That is correct.

1 JUDGE GRAHAM: Thank you very much. And then I
2 have for Staff the following witnesses; Sarah L.K. Lange, Claire
3 Eubanks, Kimberly K. Bolin, J. Luebbert, and Robin Kliethermes;
4 is that correct?

5 MS. MERS: That is correct.

6 JUDGE GRAHAM: All right. Then finally for OPC
7 I have Geoff Marke. Is it Marky or Marke?

8 MR. CLIZER: It's Marke. And that is correct.
9 Thank you.

10 JUDGE GRAHAM: Okay. I've gone through the
11 whole list of witnesses. So if I have left one out please speak
12 up.

13 All right. I think then that we are ready for
14 opening statements. And you-all prefiled a list and an order of
15 opening statements. I guess I want to find out who actually
16 intends to give one before we take off and really get the
17 hearing started. The order that I have now minus the folks that
18 have been excused are Evergy, ChargePoint, Renew Missouri, NDRC
19 (sic) and Sierra Club, MECG, Staff, and OPC. Those are the
20 folks that I have down or the parties now listed and in their
21 order to give opening statements. Are we okay and in agreement
22 on that?

23 MR. WOODSMALL: Your Honor, this is Dave
24 Woodsmall for MECG. I won't be providing an opening statement
25 today.

1 JUDGE GRAHAM: Okay. I will take that off.
2 Okay. I believe that we are ready to proceed with opening
3 statements. And the first opening statement that we will hear
4 is from Evergy. And we can proceed.

5 MR. FISCHER: Thank you, Judge. Let me see if I
6 can get my presentation to be shared. Can everyone see my
7 opening slide?

8 MR. CLIZER: OPC confirms.

9 MR. FISCHER: Okay. Thank you, Judge.

10 OPENING STATEMENT BY MR. FISCHER:

11 Well, may it please the Commission then. As I
12 have mentioned, Roger Steiner and I will be representing Evergy
13 Metro and Evergy Missouri West in this case.

14 In 2015, Evergy began construction of its Clean
15 Charge Network which consisted of about 1,000 electric vehicle
16 charging stations. It became one of the first utilities to lead
17 the way for a transformation of the transportation sector in the
18 United States. In its Report and Order in KCPL's 2015 rate
19 case, the Commission stated: KCPL's proposed clean charge
20 network is an important step in creating an infrastructure to
21 serve the increasing number of customers who choose to purchase
22 electric vehicles and the Commission commends KCPL for its
23 efforts to anticipate this future demand and for its commitment
24 to environmental sustainability. That's a quote from Page 77 of
25 the Commission's Report and Order in File Number ER-2014-0370.

1 Since Evergy's launch of the Clean Charge
2 Network Program many other public utilities have entered the
3 field to promote and support the electrification of the
4 automotive industry in their various service territories.
5 Evergy's transportation electrification portfolio filing report
6 which was filed with the application in February and then
7 updated on May the 7th, discusses the changes that are going on
8 across the United States as the transportation industry moves
9 toward a much cleaner and a more efficient form of
10 transportation.

11 The report also contains the details of Evergy's
12 proposed next step to promote and support the electrification of
13 the transportation sector of the economy and the service areas
14 of both companies. Transportation electrification refers to the
15 transition from the automotive vehicles primarily powered by
16 internal combustion engines to vehicles powered partially or
17 fully by electricity.

18 Like many utilities across the country,
19 transportation electrification presents an opportunity for
20 Evergy to serve its customers, better manage the grid, and
21 maximize the benefits of electrification for all stakeholders.
22 Transportation electrification presents a wide range of benefits
23 including lower cost, greater grid utilization and flexibility,
24 reduced emissions, and a variety of local economic benefits.

25 The Commission has previously cited several of

1 these key benefits in the February 2019 Order in Ameren
2 Missouri's charge ahead case which was ET-2018-0132. Let me see
3 if I can get my screen to advance here. There we go.

4 This slide summarizes Evergy's request for five
5 new programs, three new pilot rebate programs, and two new time
6 of use rate schedules for commercial customers. These pilot
7 programs will support EV adoption, enable off-peak charging,
8 educate customers and other key stakeholders and inform Evergy's
9 future efforts to maximize the benefits of transportation
10 electrification for all customers.

11 Evergy's portfolio -- proposed portfolio
12 includes rebates to encourage the installation of Level 2
13 charging in existing homes, rebates to developers to install
14 outlets that will facilitate Level 2 charging in the
15 construction of new homes, rebates to incent installation of
16 commercial EV charging infrastructure by third parties, rates
17 that encourage off-peak fleet and commercial EV charging, and
18 customer education and program administration for the proposed
19 programs and rates.

20 The total Missouri investment in these pilot
21 rebate programs is \$12.8 million while the Missouri Metro total
22 customer benefits are expected to be \$42.5 million. And the
23 Missouri West customer benefits are expected to be \$22.6
24 million. These dollar values are reflected of benefits of both
25 participating and non-participating customers.

1 The Company is also requesting the Commission
2 increase the cap in its existing good Clean Charge Network
3 tariff so that Evergy can install charging stations in
4 underserved locations that will build on the success of Evergy's
5 Clean Charge Network.

6 The Company is also seeking decisional prudence
7 from the Commission for this investment. The expansion of the
8 CCN would be an investment of an additional \$2.8 million to meet
9 the currently identified need for EV chargers.

10 The next slide provides a summary of the
11 investment requested for the proposed pilot programs and rates
12 along with customer education and program administration and
13 it's specified by jurisdiction. Evergy is proposing to spend in
14 Missouri a total of, as I mentioned, \$12.8 billion for both
15 companies. Given the size of these companies it's a very modest
16 investment to continue to promote transportation electrification
17 and provide the Company an opportunity to educate its customers
18 on the value of enabled charging to minimize the impact on
19 Evergy's grid. A typical residential customer will pay between
20 \$1 and \$2 per year related to these pilot programs if the
21 Commission approves Evergy's proposal.

22 Customers and stakeholders are interested in EV
23 adoption for a variety of reasons. Residential customers are
24 interested in lower transportation in energy costs, incentives,
25 and the environmental and health benefits of reduced vehicle

1 noise and emissions.

2 Commercial customers are interested in lower
3 vehicle total cost of ownership, reduced noise and pollution,
4 and support to meet either own sustainability and
5 decarbonization goals.

6 Municipalities are interested in TE, as we call
7 it, transportation electrification for greater economic
8 development and workforce opportunities, environmental health
9 and benefits of reduced vehicle noise and pollution, support of
10 access to technology and energy services for the underserved
11 communities and achievement of committee sustainability and
12 decarbonization goals.

13 Reasonable organizations are interested in
14 transportation electrification to help achieve the regions clean
15 energy and environmental goals, availability of funding to
16 invest in EV adoption, opportunities to develop partnerships
17 with new companies and organizations in a position to bring EV
18 related jobs to the area.

19 And then finally, Evergy itself is interested in
20 transportation electrification as an opportunity to engage more
21 proactively and expansively with its customers to offer
22 additional energy services, drive down the pressure on rates to
23 the benefit of all customers, support growth of flexible and
24 beneficial load to enhance grid management activities, greater
25 capacity utilization, and achievement of environmental and clean

1 energy goals.

2 Evergy conducted cost-effectiveness evaluations
3 in partnership with an outside consulting firm ICF. The reports
4 are detailed in the appendices included in Evergy's report. The
5 analysis concludes that all Evergy customers benefit from
6 increased EV adoption whether they are EV drivers or not.
7 Specifically, ICF estimates a net present value of approximately
8 \$42.5 million in benefits to Missouri Metro customers over the
9 next ten years assuming a median EV adoption scenario. On a per
10 vehicle basis, this benefit translates to approximately \$1,112
11 per EV in the Missouri Metro service area.

12 Applying the same assumptions result in Missouri
13 West customers receiving a net present value benefit of \$22.6
14 million or \$900 per EV. The analysis also show that increased
15 EV adoption could yield even greater net societal benefits while
16 also benefiting EV drivers.

17 The details of the residential and commercial
18 rebate programs, the time of use rate proposals, and the
19 customer education programs are included in the report and
20 summarized in our position statement. But I would like to just
21 briefly summarize for purposes of the record today the three
22 pilot rebate programs and the two time of use rate proposals.

23 First, the Residential Customer EV Outlet Rebate
24 incentivizes the installation of a 240-volt outlet at
25 residential locations to enable Level 2 EV charging. Customers

1 are eligible for one rebate per residence to cover 50 percent of
2 the installation cost up to \$500 per outlet to install a
3 dedicated 240-volt circuit. In order to receive that rebate,
4 customers must own or lease an EV vehicle.

5 Second, the Residential Developer EV Outlet
6 Rebate incentivizes the installation of a dedicated 240-volt
7 circuit to enable Level 2 EV charging. Developers are eligible
8 for one \$250 rebate per new home.

9 Third, Evergy proposes the Commercial EV
10 Charging Rebate for third-party EV charging station
11 installations at commercial locations across the Evergy service
12 territory. Among the commercial customers eligible for
13 commercial EV charger rebates are public service fleets, such as
14 those that comprise of urban transit buses, school buses,
15 municipal service fleets, paratransit, rural transit, and public
16 assistance vehicles, all of which have broad benefits for the
17 underserved community. The commercial EV charging rebates will
18 reduce the cost associated with Level 2 and DC fast charging EV
19 station installations at a variety of locations including
20 highways, public, workplace, fleet, and multifamily locations by
21 providing a rebate to cover the customer side of the
22 infrastructure and EV charging equipment costs.

23 The Commercial EV Charging Rebate amounts to --
24 amounts are \$2,500 per Level 2 port and \$20,000 per DC fast
25 charging units. The maximum rebate available for -- to a given

1 site varies from \$25,000 to \$65,000 depending upon the type of
2 site. Multifamily sites would have a maximum \$25,000 rebate.
3 Highway sites would have a maximum \$45,000 rebate, non-highway
4 would have a maximum \$55,000 rebate, and fleet or workplace
5 sites would have a maximum \$65,000 rebate.

6 Turning to the time of use rates, Evergy
7 proposes a new electric transit service rate option for transit
8 bus fleet customers in Missouri to increase EV adoption for
9 transit buses and support transit customers in realizing the
10 benefits of battery electric buses. The electric transit
11 service rate is a two-period time of use rate with a 12-hour off
12 peak period, 6:00 p.m. to 6:00 a.m. It aligns with typical
13 transit fleet depot charging patterns.

14 Evergy proposes a new business EV charging
15 service rate option for commercial customers to increase EV
16 adoption, meet workplace employee and fleet EV charging needs,
17 support public electric vehicle service provider networks, and
18 maximize grid benefits of EV charging load at commercial
19 locations.

20 The EV charging service tariff is a time of use
21 rate with three time periods designed to address commercial rate
22 challenges for electric vehicle service providers and encourage
23 workplace and fleet charging during off-peak times, when system
24 costs and grid utilization are lower. Customers must separately
25 meter their EV charging station to participate in either the

1 electric transit service rate or the business EV charging rate
2 and all rate riders and surcharges will apply under both rates.

3 Now, in the last Evergy rate case Evergy agreed
4 not to expand its Clean Charge Network beyond the current
5 approved caps within the Commission-approved tariff without
6 seeking commission approval. In this case Evergy is seeking to
7 modestly increase those caps. This slide summarizes Evergy's
8 request for each jurisdiction regarding the revised cap compared
9 to the current cap and also states the estimated spending plan
10 to install new EV charging stations based on the current
11 identified need.

12 As you can see, Evergy's proposing to raise the
13 cap by 100 stations in the Missouri Metro area and 50 stations
14 in the Missouri West area at a total cost of \$2.8 million for
15 both areas where there is an identified need for EV chargers.
16 The cap increase will give Evergy the flexibility to respond to
17 emerging gaps in the Missouri market.

18 The Clean Charge Network expansion will also
19 allow Evergy to continue to collect and analyze charger
20 utilization data, better understand where EV charging is
21 occurring on the system, and enable further load analysis to
22 support grid management activities. Site selection for new EV
23 charging stations will prioritize commercial locations in
24 underserved communities. Secondary and tertiary highway
25 corridors, streetlight charging, and designated charging to

1 support the needs of rideshare and Transportation Network
2 Companies.

3 Now, turning to the position of other parties in
4 the case. As I understand the position statements filed in this
5 proceeding, the following parties are generally supportive of
6 the Company's proposals; Renew Missouri, Sierra Club, Natural
7 Resource Defense Council and ChargePoint. While ChargePoint and
8 Sierra Club and NDRC (sic) are generally supportive, they have
9 requested some proposed modifications.

10 On the other hand, Staff and Public Counsel are
11 opposed to Evergy's application and its proposals to move
12 forward to promote transportation electrification in Missouri
13 and I'd like to briefly discuss where the differences lie with
14 the Staff and Public Counsel. The only aspect of Evergy's
15 proposal that Staff and Public Counsel are supporting or not
16 opposing is on the expansion of the Clean Charge Network to
17 accommodate a streetlighting proposal funded partially by a
18 grant from the United States Department of Energy to the
19 Metropolitan Energy Center and the City of Kansas City for a
20 pilot streetlight charging program in the city's right-of-way.

21 Otherwise, Staff and Public Counsel are opposed
22 to Evergy's continuations of its efforts to encourage the
23 electrification of the transportation industry. This is
24 unfortunate since Evergy's proposals will benefit customers both
25 EV customers and other non-EV customers, the public utility as

1 well as other stakeholders.

2 Evergy's first witness Chuck Caisley will
3 address the policy issues raised by Staff and Public Counsel.
4 He will demonstrate that the Commission has been right in past
5 cases to recognize the Company for its efforts related to EV
6 charging stations and to promote other transportation
7 electrification initiatives in Missouri. He will encourage the
8 Commission to stay the course in this proceeding -- in this
9 proceeding and take the next step in promoting and supporting
10 transportation electrification in Missouri.

11 Staff has also raised several legal arguments in
12 opposition to the Company's proposal. Staff has argued that the
13 adoption of the Company's new time of use rates in this
14 proceeding would violate the single-issue ratemaking prohibition
15 and violate the rate freeze contained in plant-in-service or
16 PISA accounting statute. Staff is wrong on both arguments.

17 First, the courts and the Commission have
18 already held that the adoption of new rates for new services
19 outside the context of a general rate case does not violate the
20 single-issue ratemaking principal. And I'd refer the Commission
21 and the regulatory law judge to the case decided in our position
22 statement, particulars State ex rel. Spectrum versus the Public
23 Service Commission case and Union Electric and
24 telecommunications case cited in our position statement.

25 Staff has also argued that the PISA statute

1 Section 393.1655 prohibits the Commission from approving
2 Evergy's proposal on the ground that PISA prohibits electing
3 electric companies from changing rates for three years. This
4 argument also misses the mark since the PISA rate freeze applies
5 only to existing rates for existing services. That provision
6 does not affect this case since the two time of use rates being
7 proposed in this case involve new rates for new services.

8 Section 393.1610 also specifically authorizes
9 the Commission to adopt pilot projects if the pilot project is
10 -- and I'll quote the statute -- is designed to advance the
11 electrical corporation's knowledge of deploying such
12 technologies. In order to advance the goals of the legislation
13 the Commission's authority must include the ability to use pilot
14 or experimental rates for those projects. The courts have also
15 recognized for many years the authority of the Commission to use
16 experimental or interim rates.

17 The Staff and Public Counsel have also argued
18 that the Commission should condition the approval of the
19 Company's portfolio on the requirement that mandatory time of
20 use rates must apply to the new services. While the Company was
21 supportive of the use of optional time of use rates, the Company
22 believes it would be a mistake to mandate this rate structure
23 for EV charging customers. Darrin Ives will address this
24 concern when he testifies.

25 With that, I'd just like to thank the Commission

1 and the parties for convening the hearing today and for your
2 attention today. I'd be happy to answer any of your questions.
3 Thank you.

4 JUDGE GRAHAM: Thank you very much. This is
5 Judge Graham. Before we proceed, for the benefit of the court
6 reporter, I want to verify -- I should have, who was speaking
7 for Evergy there.

8 MR. FISCHER: I'm sorry, Judge. My name is Jim
9 Fischer.

10 JUDGE GRAHAM: Well, I thought it was, but I
11 didn't want to make a mistake and embarrass myself. All right.
12 Do any of the commissioners have any questions for Mr. Fischer
13 who spoke on behalf of Evergy?

14 CHAIRMAN SILVEY: Yes, Judge. This is Chairman
15 Silvey. I have some questions.

16 JUDGE GRAHAM: Okay.

17 CHAIRMAN SILVEY: Thank you, Mr. Fischer. First
18 question is what does it mean for the Commission to make a
19 prudency determination at this state in the process before the
20 program even exists?

21 MR. FISCHER: Commissioner, Chairman, we're
22 asking that the Commission just give us an indication that it is
23 prudent from your perspective that we go forward with
24 constructing this network at this time under these
25 circumstances. We're not asking that you determine that

1 execution of the project would be in any way reviewed at this
2 time. But we're asking that our decision to go forward to
3 extend our network by 150 in the various service territories,
4 that that is a reasonable decision to do at this time based on
5 the knowledge that we have.

6 CHAIRMAN SILVEY: So I guess I'm -- so that
7 decision then would be looked at at a future rate case as having
8 already having been made? Is that what you're asking?

9 MR. FISCHER: The decision -- yeah, you would
10 basically be giving your blessing that this is a prudent thing
11 to do at this time much like the Commission did with the
12 Company's comprehensive energy plan back in -- I think it was
13 2005 when the Commission looked at the Company's plans to go
14 forward with IATAN 2 and demand response programs and a number
15 of other things. It's not a request that you decide that we
16 wouldn't have a prudence review in the future on how we executed
17 the program, but merely that it makes sense from the Company's
18 standpoint, from the Commission's standpoint that we proceed
19 with -- with the actual construction at this time. I know
20 Darrin Ives will be happy to visit with you about all the
21 nuances of that if you would like further information.

22 CHAIRMAN SILVEY: Okay. I mean, isn't -- isn't
23 that the same as just approving the pilot? I mean, if we didn't
24 think that you should move forward with it we just wouldn't
25 approve the pilot. Right? So are there two separate decisions

1 there that you're asking for; approving the pilot and
2 pre-determining prudence? What is the difference in your mind?

3 MR. FISCHER: I think it's probably implicitly
4 the same decision in the sense that if you thought it was not
5 reasonable I would think that you would not approve the pilot
6 program. But we are asking basically for decisional prudence
7 like it is done in other contexts where based on what you know,
8 what the record shows today. There would not be a Monday
9 morning quarterbacking situation in the rate case looking back
10 saying well, you shouldn't have really expanded that clean
11 network program. We want the Commission to feel comfortable
12 with what we are deciding to do here and you're finding that it
13 would be prudent based upon the information that we have to go
14 forward. In the future you will look at, well, did you spend
15 too much money on any of these charging stations? Were there
16 any inefficiencies or waste involved? And you can look back and
17 decide to disallow something on that basis, but it would not be
18 on the basis that you shouldn't have done clean charging at all.
19 The public utility should not have been involved in this
20 marketplace at all. If that's the way you feel we would like to
21 know that now.

22 CHAIRMAN SILVEY: Okay. I understand -- I
23 understand your position. I kind of see those as the same --
24 the same decision that we would just reject the pilot if we
25 didn't think that you should go forward with it. But continuing

1 on that, you referenced 393.1610, the statute specifically
2 authorizing the pilots. Does that statute specifically require
3 a prudency determination at this point or is that again just
4 implicit in approving of the pilot?

5 MR. FISCHER: The statute itself does not
6 address decision potential. It is just implicit, I think,
7 Mr. Chairman.

8 CHAIRMAN SILVEY: And then I kind of wanted to
9 touch on the timing. You got to it there at the end of your
10 opening with there being some disagreement among Staff and OPC,
11 I think, on how this would affect PISA. If I remember correctly
12 PISA was elected by Evergy on January 1st of 2019. Does that
13 sound right?

14 MR. FISCHER: That sounds correct, but I would
15 want to check that for sure, Judge (sic).

16 CHAIRMAN SILVEY: So for the purposes of the
17 question let's assume it is January 1st of 2019, the moratorium
18 on rates is a three-year moratorium, so wouldn't that mean that
19 as long as the operation of law date is after January 1st of
20 2022 you're outside the three-year window anyway?

21 MR. FISCHER: Yes, I believe that is correct.
22 And what we -- what we want to do is we want to go forward with
23 our pilot project. We don't want to wait until the next rate
24 case's effective date before we could begin and that's what we
25 are trying to avoid here. We believe you have full authority to

1 go forward based on -- as soon as you issue a Report and Order
2 in this case. And, yeah, you're right. There's -- it's a
3 three-year moratorium and if our -- the effective date of the
4 Order in this case is beyond that, then you would be outside of
5 that. That doesn't address the single-issue ratemaking issue
6 that was also raised, however.

7 CHAIRMAN SILVEY: Right. But you're -- but
8 you're looking to start the pilot in 2022?

9 MR. FISCHER: That's correct.

10 CHAIRMAN SILVEY: Okay. So I just want to --

11 MR. FISCHER: Yes. You are correct in your
12 observations.

13 CHAIRMAN SILVEY: Okay. All right. That's all
14 the questions I have for you, Mr. Fischer on the opening
15 statement.

16 Thank you, Judge.

17 MR. FISCHER: Thank you, Mr. Chairman.

18 JUDGE GRAHAM: Thank you, Mr. Chairman.

19 Do any of the other commissioners have questions
20 for Mr. Fischer? All right.

21 Thank you very much, Mr. Fischer.

22 I think according to my review of the order the
23 next party that will be giving an opening statement might be
24 ChargePoint. Does ChargePoint have an opening statement? And
25 if so, would the attorney please identify himself or herself

1 again for the benefit of the court reporter.

2 MR. DUNBAR: Yes. Thank you, Your Honor. This
3 is Scott Dunbar again, on behalf of ChargePoint. I would like
4 to make a brief opening statement.

5 JUDGE GRAHAM: Okay. You may proceed,
6 Mr. Dunbar.

7 MR. DUNBAR: Thank you so much.

8 OPENING STATEMENT BY MR. DUNBAR:

9 ChargePoint is one of the world's largest EV
10 charging networks. ChargePoint provides both hardware for EV
11 charging stations as well as software which are essentially the
12 network services that are used to run EV chargers around the
13 country and around the world. Our witness Mr. Justin Wilson can
14 provide more details about ChargePoint's products and service
15 offerings if the commissioners or if Your Honor is interested.

16 ChargePoint largely supports Evergy's proposal.
17 We think that Evergy has proposed overall a really positive
18 proposal to accelerate transportation electrification in its
19 Missouri service territory. And so we do hope that the
20 Commission approves its proposals largely. We've recommended a
21 few key program design changes that we think will both improve
22 the effectiveness of the program as well ensure that Evergy's
23 investments support the competitive market in the most effective
24 way possible, which is of course good for the Missouri economy
25 and good for Evergy's ratepayers who are funding the proposals.

1 I would like to say before I address the
2 specific recommendations ChargePoint's reason for participating
3 in transportation electrification dockets like this one or
4 around the country are really to help ensure that utility
5 investments support the competitive market. We see over the
6 long term that this will be a -- the EV charging market will be
7 largely private actors and we certainly welcome utility
8 participation and we believe utilities play a very important
9 role in transportation electrification, especially at these
10 early stages.

11 But ChargePoint is of course a for-profit
12 company, but our recommendations are designed not to benefit us
13 -- benefit ChargePoint in any specific way at the expense of
14 other competitors but really to ensure that we have a
15 competitive market in Missouri that sustains itself through the
16 benefits of competition. So I just wanted to provide that sort
17 of high level perspective that we were trying to bring to this
18 case.

19 So let me turn to our recommendations. With
20 respect to the residential program, we think utilities' support
21 for residential charging is a great way to -- for the utilities
22 to -- excuse me -- utilities like Evergy to spend incentive
23 dollars to encourage adoption of electric vehicles. And we
24 largely support Evergy's residential program. We have a few
25 recommendations that we think will improve the program that we

1 urge the Commission to make.

2 First, we recommend that instead of providing
3 the lesser of \$500 or 50 percent of installation costs, Evergy
4 just provide \$500 rebates to all customers who participate in
5 the program. This is really an administrative efficiency
6 recommendation rather than having to have someone calculate what
7 the total cost of a customer's installation project was.
8 Instead, Evergy would just need to verify they're an EV driver
9 and that they did in fact upgrade their home to facilitate
10 240-volt charging and provide the rebate. This would -- this
11 recommendation would not increase the budget at all because
12 Evergy's modeled the program assuming that everyone would get
13 that \$500.

14 Our next recommendation is we think is
15 consistent with best practices around the country which is
16 instead of requiring customers simply to install a 240-volt
17 outlet, this is an outlet similar to what you plug your dryer
18 into, Evergy should be requiring customers to install charging
19 stations. Again, this is -- what we've seen across the country
20 is that utilities require customers to install charging stations
21 and the reason is because nearly all customers need a charging
22 station to make it work, in order to actually charge their
23 vehicle. There may be some vehicles that come with what Evergy
24 calls cord sets which are 240-volt cord that avoids the need for
25 a charging station, but I believe that is quite a minority of

1 vehicles that come with that equipment. And so customers are
2 going to need actual charging stations. The other reason for
3 our recommendation is that many chargers, including
4 ChargePoint's as well as other charging station vendors, can be
5 hardwired. You can plug a ChargePoint charger into a 240-volt
6 outlet or you can have your electrician simply hardwire it which
7 is a little bit simpler and can sometimes save on installation
8 costs. We believe the end result basically what Evergy should
9 some incentivizing and requiring through the program is the
10 installation of Level 2 chargers and not simply outlets for the
11 residential program.

12 And related to that recommendation we urge the
13 Commission to set some minimum standards for the equipment that
14 customers install. There are some very cheap start charging
15 stations that you can get on Amazon or from Walmart but you get
16 what you pay for frankly and we think that it is appropriate for
17 Evergy to set some minimum standards. And again, these are
18 standards that are set by -- frequently around the country by
19 other commissions or even proposed by other utilities in other
20 states and there's three of them. Namely that charges should be
21 ENERGY STAR certified, which ensures that they are not using
22 more power than needed when they are in standby mode. They
23 should have a safety certification. This is very basic to
24 prevent -- you know, this is high-voltage electrical equipment
25 and so it should be safety certified by either UL or another

1 nationally recognized testing laboratory. And charges should
2 have managed charging capabilities. The other term for this is
3 simply that they be smart chargers. And I would note that this
4 list is of three minimal equipment standards is the exactly the
5 same list that Evergy has proposed to require for commercial
6 chargers in commercial program. So we're simply recommending
7 that that same list of equipment qualification that Evergy has
8 proposed apply to the commercial program be applied to the
9 residential program.

10 We support the developer rebate as proposed. We
11 think that is a simple, straightforward way to encourage EV
12 adoption. Folks would already have the ability to get
13 high-voltage charging in their garage when they purchase a new
14 home. We support that program.

15 With respect to the commercial program, again,
16 we largely support the program but urge the Commission to make a
17 few straightforward programmatic design changes to improve the
18 effectiveness of the program and again to support the
19 competitive market.

20 First, we recommend that Evergy remove the
21 requirement to let customers that participate in the program
22 share their charger data with Evergy. Evergy, of course, has
23 its own charging network, the Clean Charge Network and
24 ChargePoint is certainly not opposed to Evergy running that
25 program and continuing to run that program. But we are worried

1 that for third parties who want to install their own charging
2 stations and offer charging to the public, they are going to see
3 Evergy as competitors. And they are, simply. And so many site
4 hosts would not want to share what they consider to be
5 proprietary data about their operations with the competitor,
6 which we think makes sense. And so that datasharing requirement
7 could certainly discourage participation and discourage folks
8 from installing charging stations altogether which would reduce
9 the benefits of the program.

10 We also encourage the Commission to direct
11 Evergy not to require that customers agree to participate in
12 demand response events. ChargePoint supports using EV charging
13 as a load that should participate -- excuse me -- should be
14 eligible to participate in demand response programs and we're
15 certainly generally supportive of demand response programs that
16 include EV charging loads, but here there's simply no details
17 about what these demand response events would be like. I intend
18 to ask some questions of Evergy's witnesses to try to get some
19 additional clarity, but at this point site hosts wouldn't know
20 what they are signing up for and so we think that this
21 requirement without any other details or parameters about how
22 many demand response events might be called, whether they are
23 mandatory, that of sort of thing, that that could also
24 participation.

25 And then finally, with resp-- excuse me, I am

1 almost through our recommendations. With respect to the Clean
2 Charge Network, we support that program but we encourage the
3 Commission to consider allowing for site hosts' choice of
4 equipment and software provider. Again, that is to encourage
5 this program to stimulate the competitive market. Lastly, we
6 support the business charging rates.

7 And then lastly just to return very briefly to
8 the residential program because this was an issue that came up
9 on surrebuttal among the parties. ChargePoint recognizes that
10 Staff and OPC and others raised concerns about there not being a
11 requirement for any managed charging for residential customers
12 or even time-based rates. So to resolve those concerns, we
13 recommend that the Commission direct Evergy to provide
14 participating customers with information encouraging them to
15 sign up for the time of use rates. We think it will be a
16 no-brainer for most new EV owners who participate in the program
17 will want to sign up for those time of use rates. So we think
18 the education materials could be sufficient nudge. But if the
19 Commission thinks that there needs to be a little bit stronger
20 encouragement, we would be -- we would also find it acceptable
21 that the Commission directed Evergy to require customers to go
22 on those time of use rates to ensure that that residential
23 charging load provides as much benefit to the system as
24 possible.

25 Thank you very much. I'm happy to answer

1 questions as is our witness, Justin Wilson.

2 JUDGE GRAHAM: Thank you, Mr. Dunbar, speaking
3 for ChargePoint.

4 Do any commissioners have any questions for
5 Mr. Dunbar?

6 All right. Thank you very much.

7 Does Renew Missouri have an opening statement?

8 MR. OPITZ: Tim Opitz on behalf of Renew
9 Missouri. Very briefly.

10 JUDGE GRAHAM: I'm sorry. You cut off there.
11 Could you -- again --

12 MR. OPITZ: I said this is Tim Opitz on behalf
13 of Renew Missouri and I'll be very brief.

14 JUDGE GRAHAM: Yes. Go ahead and proceed.

15 OPENING STATEMENT BY MR. OPITZ:

16 Renew Missouri is a Missouri advocacy group
17 supporting energy efficiency and renewable energy. We believe
18 that moving forward is certainly tied with transportation
19 electrification and other electrification in our industries. In
20 line with that mission Renew Missouri supports Evergy's efforts
21 to offer and test a robust transportation electrification
22 program and we will address some of the potential conditions
23 throughout the hearing and in our brief. Thank you.

24 JUDGE GRAHAM: You are welcome. Does any
25 commissioner have any questions for Mr. Opitz?

1 All right. Thank you very much.

2 I'm assuming, what, that NDRC (sic) and Sierra
3 Club will both be giving an opening statement through one
4 attorney or will those be given separately?

5 MR. HALSO: Your Honor, this is Joe Halso on
6 behalf of the Sierra Club and NRDC. To streamline, I'll be
7 offering a joint opening statement.

8 JUDGE GRAHAM: You may proceed.

9 MR. HALSO: Thank you, Judge.

10 OPENING STATEMENT BY MR. HALSO:

11 Good morning and may it please the Commission.
12 Sierra Club and NRDC support approval of the Company's full
13 transportation electrification plan. We support that approval
14 for three reasons. First, we think this plan is strategic and
15 thoughtfully designed. It would support charging infrastructure
16 in locations where electric vehicle drivers are needed the most.
17 The plan targets charging at the home where most charging is
18 done. And of course, this plan targets charging station
19 deployment both at standalone residential dwellings and
20 multiunit dwellings. The plan targets charging at workplaces
21 and it targets key public locations where access to charging
22 improves consumer confidence in electronic vehicles.

23 Altogether, we think the plan supports a
24 holistic system of charging that is necessary to support EV
25 adoption and unlock great benefits that will accrue to all

1 Everygy customers.

2 Second, this plan's comprehensive and includes
3 new electricity rates that are tailored to transportation
4 electrification and the new rates would support charging of
5 light-duty vehicles and of medium and heavy duty vehicles like
6 transit buses. Paring rates with incentives reflects best
7 practices for utility programs and provides certainty to market
8 participants.

9 Finally, this plan is innovative. It includes a
10 novel streetlight charging program. It includes electrification
11 of ridesharing. And it supports EV ready new construction with
12 a program that would intervene at the time when it is most cost
13 effective to do so.

14 To maximize the benefits of this plan we urge
15 the Commission to direct Everygy to make a few minor
16 modifications to it. I'll run through those quickly. We
17 believe that first those receiving rebates under the residential
18 program should take service on the time of use electricity rate.
19 I know that Staff and OPC both support this modification to the
20 plan in the event that the residential component is approved by
21 the Commission.

22 Second, we think at least 20 percent of the
23 rebates available under the commercial program should be
24 reserved for multiunit dwellings reflecting the importance of
25 charging at the home and that that is a challenging market

1 segment to deploy charging infrastructure at. We think 20
2 percent of rebates should be reserved for multifamily.

3 I'm hearing somebody on the line.

4 JUDGE GRAHAM: Did the court reporter speak up?
5 Is there a problem? Is the court reporter on the line?

6 COURT REPORTER: I am. That was someone else.

7 JUDGE GRAHAM: All right. Thank you for
8 responding. Counsel, go ahead and proceed.

9 MR. HALSO: Thank you, Judge.

10 Our third recommendation is that Evergy should
11 collect charging utilization load profile and pricing data and
12 report it to the Commission consistent with data collection
13 reporting practices required in numerous other utility programs
14 across the country.

15 And then finally, Evergy's plan as designed
16 would require recipients of commercial rebates to participate in
17 future demand response events. That's how the commitment is
18 phrased in the plan. We believe recipients of commercial
19 rebates should be required to participate in future demand
20 response programs, but they should retain discretion over
21 whether to participate in a given demand response event called
22 pursuant to a demand response program. We think that is
23 consistent with how demand response programs generally operate.

24 Those opposing the Company's plan here argue
25 that infrastructure is not needed, that charging infrastructure

1 doesn't support EV adoption, and that the benefits of electric
2 vehicles are speculative. Those arguments are fully rebutted in
3 the testimony of our next witness Mr. Baumhefner.

4 Mr. Baumhefner is an expert in the field. He testified to the
5 importance of access to charging for EV adoption, to the
6 specific need for charging in Evergy's service territory, and
7 the benefits of transportation electrification including
8 dramatic grid and environmental benefits. I strongly encourage
9 the Commission to ask questions of Mr. Baumhefner.

10 Equally important is that the Commission itself
11 has already heard and rejected arguments similar to the
12 opposition for hearing in this case. Mr. Fischer mentioned the
13 Commission's 2019 Order on Ameren's Charge Ahead Program in
14 docket ET-2018-0132. There the Commission found in its Findings
15 of Fact and I quote, that to spur EV adoption in the most
16 efficient manner a holistic charging ecosystem, that is the
17 ability to charge at home, at work, and public including highway
18 corridors is needed. The Commission recognized the benefits
19 accrue and I quote, not merely from the additional electricity
20 sales at the charging station but are also obtained through the
21 additional electricity sales from charging at home and creating
22 more efficient utilization of the electric grid.

23 And finally, the Commission found that quote,
24 incentives for EV charging hardware and installation represent
25 an efficient low-risk model that will encourage long-term

1 electric vehicle adoption. There is just one dissenting vote in
2 that Ameren case that came from Commissioner Rupp who stated at
3 the Commission's agenda meeting he would have preferred the
4 Commission approve a more comprehensive program rather than just
5 a piece of it. In this case we hope the Commission will move
6 ahead with the Company's entire transportation electrification
7 plan.

8 That concludes my opening statement, Judge. I
9 strongly encourage you and the commissioners to ask questions of
10 our witness Mr. Baumhefner. Thank you very much.

11 JUDGE GRAHAM: Thank you. Any questions for
12 counsel from any of the commissioners? Thank you very much.

13 Staff has an opening statement, I expect. Would
14 -- you may proceed. Identify yourself for the court reporter
15 please.

16 MS. MERS: Good morning commissioners. Good
17 morning, Judge.

18 OPENING STATEMENT BY MS. MERS:

19 If it pleases the Commission. My name is Nicole
20 Mers on behalf of Staff. And on behalf of Staff I would like to
21 state that regardless of the representations of other parties
22 Staff is not opposed to electric vehicles. Staff's not opposed
23 to innovation. Staff is not opposed to new technology. What's
24 Staff does believe is that in the absence of reliable
25 assumptions underpinning a robust cost-benefit analysis that the

1 captive customer base, many of which are low-income customers to
2 which the luxury of an electric vehicle is out of reach, should
3 be shielded from as much unnecessary risk as possible. In other
4 words when Staff cannot be assured that non-participants will
5 benefit from the program, or that all customers will benefit,
6 Staff takes a skeptical view of the program especially ones that
7 are not necessary for the utility to provide safe and adequate
8 service.

9 Does the skepticism mean that there is no path
10 forward, no middle ground to provide infrastructure for a
11 potential electric vehicle market and to protect ratepayers?
12 No, it doesn't. The parties were able to come together to file
13 a stipulation of Ameren Missouri's most recent EV filing and are
14 in the process of finalizing a stipulation in Empire's EV case.
15 However, Evergy's existing investment complicates matters a bit.
16 Unlike the other two utilities, Evergy currently has 900
17 stations to strive EV adoption and provide purported benefits.

18 These benefits have yet to materialize as
19 Evergy's Clean Charge Network has not once in the six years of
20 existence covered its cost to serve. In light of the
21 unreasonable assumption the lack of risk sharing and the
22 existing EV assets that are precariously close to being stranded
23 assets, if some are not already, Staff recommends rejection of
24 Evergy's application except for the 50 stations proposed under
25 the streetlight program.

1 At the outset Evergy's application is
2 inappropriate and unlawful. Rates are not to be changed outside
3 of a rate case unless exclusively authorized. Statute 392.270
4 requires all relevant factors to be considered as the foundation
5 for just and reasonable rates. As the courts upheld since the
6 decision in State ex rel. Utility Consumers' Council of Missouri
7 v. Public Service Commission that unless authorized by statute,
8 single-issue ratemaking is prohibited. This is because without
9 the context of a general rate proceeding like factors such as
10 billing determinants, plant balance, return on equity and
11 expenses, among other things, are considered, it's improbable
12 that rates would be designed to accurately reflect the cost of
13 service.

14 For instance, there can be efficiency that would
15 offset perhaps some of the cost of the infrastructure, but you
16 don't know that without looking at all of the factors so you
17 don't know if you can burden ratepayers with less.

18 Evergy's request also violates the conditions
19 required of the utility under the plant-in-service accounting.
20 Like the PISA and under the terms of 393.165 it must keep base
21 rates static for a period of three years from the election date.
22 And the only exceptions are for a statutorily authorized rate
23 adjustment mechanism such as the FAC, RESRAM, MEEIA rider, and
24 others in Section 386.266 -- 393.1030 or 393.1075.

25 Furthermore, Evergy's application is premised on

1 the expectations and assumptions that are not reasonable to
2 make. Each faulty assumption has the impact of either
3 overstating the benefits or understanding the cost. Evergy
4 assumes that a station will have the same revenue impact of an LGS
5 customer with an average load factor. However, the minimum
6 demand to be served on the LGS rate schedule is 150 kW yet a
7 Level 2 EV charging station may be anywhere from 3.8 to 9.2, so
8 significantly under or an DCF station could be anywhere from 50
9 to 350 kilowatts. So depending on the number and types of
10 charging stations installed a customer may have the equivalent
11 demand requirement of a small general service customer or a
12 large power service customer rather than a large general service
13 customer. So not only does this variation impact the level of
14 revenues assumed, it also impacts the infrastructure requirement
15 to support the chargers.

16 Evergy assumes that there would be no
17 transmission and capacity upgrades and Evergy also assumes in
18 its outlet rebate program that the existence of that program
19 creates positive energy efficiency gains of 10 percent. Evergy
20 also assumes the customers will change their driving behavior
21 without load management or type of use requirement and such
22 switching to off-peak charging is beneficial to all customers.
23 However, it is not reasonable to assume that customers will
24 charge off peak if there's no load management or type of use
25 requirement.

1 As can be explained in greater detail by Staff
2 witness Sarah Lange, unmanaged charging results in participants
3 causing more wholesale cost, but using less energy, therefore
4 participants received the lower bills and non-participants have
5 to uncover -- recover the increased wholesale cost over fewer
6 billing determinants. Even in the best case scenario, which
7 disregards potential capacity cost increases and the impacts of
8 free-ridership, Evergy is requesting to give certain customers
9 \$500 with the possibility of reducing revenue by about \$20 a
10 year and in a best case scenario reducing the wholesale cost
11 passed through the FAC about \$20, which leads it basically in
12 the same position it would have been without the programs.

13 Another fundamental flaw with Evergy's
14 application is the lack of requirements ensuring benefits arise.
15 As discussed above, the rebate programs are without any
16 requirement that the customers take actions that results in the
17 wholesale cost decreases Evergy assumes or that the customer
18 absorbs the cost of the wholesale cost increase, if it does not.

19 Evergy's Residential Customer EV Rebate Program
20 does not require the customer receiving the rebate purchases,
21 installs or uses a Level 2 charger. However, the entire program
22 is cost justified on the improved efficiency of Level 2 chargers
23 over Level 1. Customers choosing to install the least costly
24 charger thwarts the entire purpose of the program. To be
25 eligible for a Residential Developer EV Outlet Rebate Program

1 the builder only has to provide proof the outlet was installed
2 with no restriction on the outlet's placement or use. The
3 rebate program also has no requirement that an EV or charging
4 station is ever utilized. In the potential for an outcome that
5 is not the installation of an LT charger renders the program
6 meaningless. Time of use requirements are also missing from
7 Evergy's application which makes it unlikely Evergy's assumption
8 about benefits from shifting charging off peak would come to
9 fruition.

10 Staff also recommends rejection of the Clean
11 Charge Network expansion aside from the streetlight pilot
12 program. Evergy has not provided sufficient evidence to justify
13 the expansion. Many programs were presented with a general
14 concept, but no concrete programs structure or station location.
15 The evidence from currently installed stations also does not
16 justify the expansion as the revenues from these existing
17 stations do not cover the cost of service for the Clean Charge
18 Network.

19 Furthermore, Evergy's application provides for
20 150 charging stations but the budget will only cover 78 of them.
21 If 150 stations are approved as part of this application, Staff
22 estimates that that would cost an additional 2.2 to \$4.9 million
23 over Evergy's planned spending level to build those remaining 72
24 stations. The large range in this estimate is because Evergy
25 has not identified the number of sites and what combination of

1 charging infrastructure will be installed.

2 Similarly, Evergy's rideshare program is ill
3 defined and outlined with no framework, location or potential
4 partners identified. Staff recommends rejection of that
5 program.

6 As Staff witnesses Sarah Lange and Robin
7 Kliethermes, J Luebbert, and Claire Eubanks, and Kim Bolin will
8 be appearing to answer any questions you have and I'm also
9 available for questions. Thank you for your time.

10 JUDGE GRAHAM: Thank you, Counsel. Do
11 commissioners have any questions for Staff counsel?

12 CHAIRMAN SILVEY: Thank you, Judge. This is
13 Chairman Silvey. I have some questions.

14 JUDGE GRAHAM: You may proceed.

15 CHAIRMAN SILVEY: Thank you, Judge. Thank you
16 Mrs. Mers. I want to revisit some of the questions I had for
17 Mr. Fischer --

18 MS. MERS: Sure.

19 CHAIRMAN SILVEY: -- specifically dealing with
20 the single-issue ratemaking argument that you put forth and the
21 PISA argument. On the single-issue ratemaking 393.1610
22 authorizes pilot programs. So why is that statute not
23 sufficient to cover this filing?

24 MS. MERS: Well, Staff does support the one
25 pilot program that does have program specifications and that is

1 the streetlight pilot program. However, Staff does not support
2 the other programs because there's no lessons learned. There's
3 no sufficient program details that we usually see in pilot
4 applications. And frankly, they have 900 charging stations, you
5 know, that I think it's hard at this point to conclude that
6 Evergy does not have experience with charging stations and needs
7 to have pilot programs to learn more.

8 CHAIRMAN SILVEY: But how does that -- so it's
9 not a single-issue ratemaking issue?

10 MS. MERS: No. I do believe it's also a
11 single-issue ratemaking issue as if you -- you know, the if --

12 CHAIRMAN SILVEY: So --

13 MS. MERS: Go ahead.

14 CHAIRMAN SILVEY: Just explain to me under
15 393.1610 that authorizes pilot programs how this is somehow a
16 single-issue ratemaking not authorized under the statute.

17 MS. MERS: I think the exception to 393.270's
18 prohibition against single-issue ratemaking there are clarified
19 exceptions like for the FAC. I believe that this as stated in
20 statute would be one of those exemptions as well.

21 CHAIRMAN SILVEY: Okay. Moving on to PISA, I'm
22 having -- and I want to make sure that I'm following this
23 correctly. So there's a three-year moratorium --

24 MS. MERS: Right.

25 CHAIRMAN SILVEY: -- on base rates if they've

1 elected PISA; is that correct?

2 MS. MERS: Yes, Chairman.

3 CHAIRMAN SILVEY: Okay. And they elected PISA
4 on January 1st of 2019; is that correct?

5 MS. MERS: Yes.

6 CHAIRMAN SILVEY: So three years would be 2019
7 to '20, '20 to '21, '21 to '22. So after January 1st of 2022,
8 that window is closed. Correct?

9 MS. MERS: Yes. Yes. But however, this
10 application was filed months ago and Staff had to provide its
11 positions prior to that. And without knowing how the procedural
12 schedule and how a case would work out we needed to preserve the
13 argument in case there was a potential that those rates could go
14 into effect prior to that three-year freeze expiring.

15 CHAIRMAN SILVEY: Okay. But from the
16 Commission's perspective, assuming if we were to approve this
17 filing as long as it is approved to go into effect after January
18 1st of 2022, it does not conflict with the PISA statute.

19 MS. MERS: Yes. That would be PISA. We would
20 have the concerns about single-issue ratemaking and there being
21 off-setting funds that could cover part of this to alleviate
22 some of that risk for ratepayers. But you are correct, it would
23 eliminate the conflict with the PISA statute.

24 CHAIRMAN SILVEY: Okay. Thank you. Those are
25 my questions for now.

1 Thank you, Judge.

2 Thank you, Ms. Mers.

3 MS. MERS: Thank you.

4 JUDGE GRAHAM: Any other questions from any of
5 other commissioners for counsel for Staff?

6 COMMISSION RUPP: Judge, this is Commissioner
7 Rupp. I have some questions.

8 JUDGE GRAHAM: You may proceed. Yes, go ahead.

9 COMMISSION RUPP: Thank you Ms. Mers. Following
10 up on the Chairman's question, specifically looking at the
11 electric transit rate, disregarding the argues of single-issue
12 ratemaking and the PISA statute, does Staff have any substance
13 of objections about the proposed rate?

14 MS. MERS: Staff would. The assumptions and
15 evidence that Evergy has reliable upon, you know, I don't think
16 that Staff's -- and Staff witnesses Sarah Lange can go into more
17 detail about that -- but we don't find that those provide a
18 reasonable basis to determine the appropriate way to decide
19 rates that, you know -- you have such a large variety and the
20 potential usage factors, you know, it does really impact what
21 those costs could be. So we could really be under shooting.

22 You know, there's also potential for
23 overshooting. It's just without the more concrete billing
24 determinant, I think it's really hard for Staff to say that
25 these rates are correct or even close to being correct.

1 COMMISSION RUPP: And who did you say would go
2 into more detail on that question?

3 MS. MERS: Sarah Lange.

4 COMMISSION RUPP: Okay. Thank you. My next
5 question, you had mentioned that Evergy has 900 charging
6 stations that have come nowhere close to recouping their cost
7 and that was a concern. But wasn't -- aren't the shareholders
8 of Evergy, you know, assuming that shortfall from those existing
9 charging stations?

10 MS. MERS: Currently they would be under the
11 terms of that Stipulation and Agreement. But under the paradigm
12 moving forward that would be, as I understand from Evergy's
13 application, the ratepayers. You know, all of the new expanded
14 CCN locations, they are requesting those dollars from all
15 ratepayers not shareholders. I think that is one of our
16 concerns is, you know, like I mentioned we were able to get
17 places with other utilities because there was more shareholder
18 sharing in risk and we don't see that in this case.

19 COMMISSION RUPP: Okay. And also Staff had
20 objected or had noted that the largest portion of this plan was
21 the commercial charging rebate program. You stated it was
22 almost 4 million more than Ameren's commercial EV program
23 despite having less than half the commercial customers that
24 Ameren has. So you guys have requested that the Commission
25 revise the budget. If we do approve this, that we were revise

1 the budget. So what does Staff believe is a reasonable program
2 budget if the Commission were to approve?

3 MS. MERS: Well, that might be a better question
4 -- I can't recall if that was Robin Kliethermes or Sarah Lange's
5 testimony. They may have more appropriate ideas as that was
6 their statement and concern.

7 COMMISSION RUPP: You can stop there then. I'll
8 just ask them that question so you don't have to attempt to
9 speak for them.

10 MS. MERS: Thank you, Commissioner.

11 COMMISSION RUPP: No problem. I think I have
12 one more question. So Staff's position is if this were to be
13 approved that they would need to -- they should be using the TOU
14 rates if this application is approved for the EV charging.
15 Correct?

16 MS. MERS: Yes. That is a primary concern of
17 ours and, you know, had that been part of this program I think
18 we might have been able to take a more favorable view. And as
19 you noted, even the parties who are supporting Evergy note the
20 importance of time of use to get those load shifts and benefits
21 that Evergy is assuming will happen.

22 COMMISSION RUPP: So Staff is advocating for
23 mandatory time of use rates within this program?

24 MS. MERS: Yes.

25 COMMISSION RUPP: Was it just me or was Staff

1 against mandatory time of use rates a week ago?

2 MS. MERS: I believe Staff has generally always
3 supported time of use rates. In the last Evergy case we
4 proposed mandatory time of use rates and in the last Ameren rate
5 case we proposed mandatory time of use rates and were able to
6 stipulate and have the Commission approve opt-out type of use
7 rates.

8 COMMISSION RUPP: Oh. Okay. That's great. My
9 memory of a hearing we had a week ago is that Staff was not in
10 favor of mandatory type of use rates. But that is exciting to
11 hear.

12 MS. MERS: Right.

13 COMMISSION RUPP: So I appreciate that
14 clarification.

15 MS. MERS: Sarah Lange and Robin Kliethermes are
16 more than happy to explain Staff views on time of use and, you
17 know, how we feel that it's important in this case and really
18 just in general outside of this case as well.

19 COMMISSION RUPP: Excellent. I'm excited to
20 hear how they are generally supportive of mandatory type of use
21 rates.

22 That's all the questions I had, Judge.

23 JUDGE GRAHAM: Thank you, Commissioner. Do any
24 other commissioners have any questions for Ms. Mers for Staff?
25 Thank you very much. Yes?

1 MR. KOLKMEYER: No, Judge. Not at this time.

2 JUDGE GRAHAM: Would Office of Public Counsel
3 have an opening statement?

4 MR. CLIZER: We do, Your Honor.

5 JUDGE GRAHAM: You may proceed, Mr. Clizer.
6 Identify yourself for the court reporter and you may proceed.

7 MR. CLIZER: Thank you very much.

8 OPENING STATEMENT BY MR. CLIZER:

9 This is -- may it please the Commission. John
10 Clizer on behalf of the Missouri Office of the Public Counsel.
11 I would like to start off by reading a quote from the economist
12 Dr. Alfred Kahn from a paper he wrote in 1994. Early in the
13 course of the public debate in California over the proposal of a
14 PUC to open the market to competition, dedicated
15 environmentalist began to express views ranging from ambivalence
16 to opposition. Wait a minute they interject. I'm all in favor
17 of competition but competition isn't an end to itself. Who's
18 going to promote the electric car? Whenever I hear someone
19 start out that way I reach for my wallet to make sure it's still
20 there. By far the better course if we see competition coming, I
21 submit, is to embrace it as the best way of serving the consumer
22 interest and then take care its possible deficiencies in
23 achieving efficient conservation and preserving environmental
24 values in ways such as taxation of transferable emission rights
25 that are competitively neutral and make use of the efficiency of

1 the market rather than override it by regulatory
2 micromanagement. It may of course be politically easier to
3 accomplish those worthy social purposes by regulators making the
4 utility companies undertake the good works while passing the
5 cost on to ratepayers. It is also, however, profoundly
6 antidemocratic and potentially efficient, that is to say
7 injurious to consumers.

8 This quote I believe sets out what should be the
9 Commission's mindset in this case which is effectively to ask:
10 Are we making the best use of the competitive marketplace when
11 it comes to electric vehicles? Are we emulating what a
12 free-market would or should do? With that in mind, let me turn
13 to ask a simple question: Why are we here? And the very first
14 thing I want to say is that this case is not about whether we
15 should be supporting electric vehicles. The OPC as just about
16 every party here, I think, is aware that having more electric
17 vehicles on the road is going to be a boom to electric utility.

18 And the OPC and just about every other party
19 here is aware that there is a significant shift toward electric
20 vehicle that we see in the marketplace, the announcement from
21 Ford, Chevy, and others. In fact, the OPC has shown in the past
22 that we've been consistently willing to work with utilities to
23 promote sensible electrification portfolios. When Ameren
24 Missouri came to the Commission requesting a commercial rebate
25 program, the OPC said yes. We ultimately took the case to

1 hearing because we had recommendations we wanted to see put in
2 place. But we told the Commission, yes, you should approve
3 this.

4 When Empire came before the Commission asking
5 for electrification portfolio, the OPC worked with the Company
6 and I am happy to say that we are very near being able to give
7 the Commission another yes.

8 So what is the problem in this case? Why is
9 Evergy different? Well, the simple answer is that Evergy's
10 application is nonsensical. And it is nonsensical for three
11 major reasons. It is illogical, poorly developed, and
12 premature. I'm going to walk through each of these problems to
13 explained it in detail.

14 Let's start with the simple one. Why is this
15 proposal illogical? To answer that question we need to start
16 with a brief history of the EV program. As I know, I think it's
17 already been said, Evergy developed a Clean Charge Network of
18 about 900 charging stations, which at the time allowed the
19 Company to actually claim to have the most charging stations in
20 the nation. I'm sorry, that city had the most charging stations
21 in the nation. I mean, just consider that for a moment. New
22 York, San Francisco, Chicago, Houston, no. Kansas City,
23 Missouri had the most charging stations at one point in the
24 nation.

25 Now, both the Missouri and Kansas Commission at

1 first denied Evergy the ability to rate base these charging
2 stations. That was due to an issue of law that was ultimately
3 taken upon on appeal and eventually reversed, which means at the
4 moment as Commissioner Rupp just pointed out with questions to
5 Staff witness, currently the Clean Charge Network is in rates
6 but is only being paid for by shareholders and the actual users
7 of network. This then defines the current state of play.

8 The next big question to ask ourselves is: How
9 efficient has this network been? How effective has it been?
10 Sadly, the answer is not very. This we can see the plant's cost
11 and revenues for the Evergy Missouri West Clean Charge Network.
12 And you will notice on the far right -- sorry, far left the rate
13 revenue is pretty meager. More importantly though, the annual
14 cost of service shortfall that we see for this network in the
15 Missouri West territory has been about \$700,000 annually. If we
16 go to the Metro, the situation is not much better with again,
17 which again, this network losing about \$1 million average
18 annually.

19 Please note that this is not a minor fluke
20 brought on by something like COVID or some other economic
21 downturn. Since its inception this program has failed to cover
22 its costs. Now Evergy has a response to that, which is to say
23 it doesn't matter that the program isn't covering its cost at
24 the pump as long as we are encouraging more EV adoptions those
25 people will be charging at home and the program will still be

1 beneficial.

2 But the problem is the Clean Charge Network has
3 completely failed to encourage additional adoption. Now, how do
4 we know that? Well, it's simple. We look at the numbers. In
5 its 2015 EPRI study Evergy determined that there were 483 EVs in
6 its combined Kansas City GMO and KCPL service territories what
7 would become Evergy West and Evergy Metro at year-end 2014.
8 This is before the Clean Charge Network was put into place,
9 meaning that our starting point without any intervention by the
10 Company was 483 EVs. The OPC reviewed data from the Missouri
11 Department of Revenue and determined that at the end of October
12 2020 there were currently 1,408 EVs total if you combined all
13 EVs in every single county that Evergy Missouri Metro and Evergy
14 Missouri West serve. I want repeat that, every single county
15 served by these two utilities in Missouri a total of 1,408 EVs.
16 Again, if you subtract off the 483 we started with and assume
17 that every single additional EV was induced because of this
18 Clean Charge Network, you are left with at most 925 EVs induced
19 over a six-year period.

20 This company hasn't been able to even get a
21 thousand EVs on the road with Clean Charge Network. And please
22 keep in mind that the Company has spent more than 14 million in
23 Missouri alone. That means that this company is spending more
24 than \$15,000 per EV that it has gotten on the road if you give
25 it every benefit of the doubt. I was told at one point that the

1 current federal tax rebate base for EVs is approximately 7,500
2 which means this utility could have matched federal rebates
3 dollar per dollar and if they spent down the same amount of
4 money would have probably induced twice as many EVs.

5 To really hit this home -- well, let me back up.
6 You might still be saying, well they've only induced 925 EVs but
7 as long as that is more than what we have in other parts of the
8 state, the network can be called a success. But the problem is
9 it's substantially worse than what has happened in other parts
10 of the state. Again, in the entire Evergy Missouri service
11 territory Evergy itself calculates there are about 1,300 EVs.
12 The number of registered EVs -- I'm sorry, the number of EV
13 charging stations was 1,300. Charging ports. The number of
14 registered EVs with about 1,400, which means that there is
15 nearly a one-to-one ratio of ports to actual EVs. Compare that
16 to St. Louis where you have no utility owned charging ports, but
17 you have more than twice as many registered EVs. This indicates
18 a significant failure in the Clean Charge Network.

19 I want to really hit this home so please
20 consider that in terms of geography. What you see in green on
21 this map, that's every county that the OPC included in
22 determining there were 1,408 EVs. The 3,681 EVs, that is the
23 part in yellow. That is only St. Louis County, St. Charles
24 County, and the city of St. Louis. The Clean Charge Network has
25 categorically failed. In fact, if we look at this on a national

1 level we again see Kansas City is a bizarre outlier.

2 Given all of this information, the time has come
3 for us to hit the pause button. As I have already stated the
4 CCN network has failed to cover its own cost at the pump. It
5 has failed to induce more EVs than the east side of the state.
6 And I want to point out this is one of those few situations we
7 have a nearly perfect test group and control group. In this
8 case the test group is Kansas City. The control group is
9 St. Louis. Again, we have seen we are not getting more EVs
10 adopted than our control group.

11 Nor has the Clean Charge Network induced enough
12 EVs to cover its own cost from a residential charging
13 standpoint. If the Commission legitimately wants to support EV
14 adoption this should be concerning. You should be looking at
15 this and trying to ask the question why. Why are we seeing
16 this? What can we do differently? How can we fix this problem?
17 Evergy has no appetite or interest in trying to answer or even
18 address these questions and it's merely trying to push forward
19 with more spending. Throwing more spending at this program
20 without acknowledging and attempting to correct the problems we
21 are already seeing is manifestly illogical. It is not however
22 the only problem with the overall proposal.

23 That brings us to our second issue which is that
24 Evergy's program is poorly designed. Now, I'm going to break
25 this down by discussing the different parts of the proposal

1 starting with the Clean Charge Network expansion. Evergy is
2 requesting at the offset eight additional sites for Clean Charge
3 Network built on secondary and tertiary highway points. At each
4 site they want to install two DC fast chargers and one L2 port
5 for a total 24 additional charges over eight sites.

6 Now, when Evergy came to us the OPC and I
7 believe Staff both had one of the first questions: Where are
8 you building these, and the Company could not answer that. The
9 Company has no idea where it's actually planning to build these
10 additional charging network sites. The Company was able to come
11 up with a number of 11 possible sites, but as Staff has pointed
12 out, nearly half of those are outside of its service territory.
13 The Company still can't show where it's actually planning to
14 build these highway sites. Even more egregious though, the
15 Company requested four DC fast charger sites related to
16 applications that have something to do with what are called
17 transportation network company companies or rideshare, like Uber
18 or Lift.

19 Again, the OPC and Staff asked where are you
20 planning to build the sites and the Company said, we don't know.
21 In fact, the Company wasn't even able to explain how these
22 programs would work. For example, a series of simple questions.
23 Are these charges going to be exclusive to people who use it for
24 Uber or Lift? Will they be exclusive to one company over
25 another? How are you going to know how many people drive

1 electric vehicles from either of these companies? Where will
2 you locate these to make sure that they the are most effective
3 for use by rideshare companies? Evergy had no answer to any of
4 the program questions and they still don't. In fact, Evergy
5 hasn't even discussed the program with any rideshare company.

6 All of these uncertainties is only further
7 exacerbated by the fact that the Company is seeking preapproval
8 for the program. Now, I've already talked about the fact that
9 the Company is seeking 24 chargers for its highway expansion and
10 additional four charges for its rideshare program. That is a
11 total of 28 charging stations that the Company cannot tell us
12 where they are going to put them. In addition, however, the
13 Company is requesting another 72 chargers, which it hadn't even
14 committed to building. They are not sure whether or not they
15 are going to even build these other charging stations, nor can
16 they determine whether or not these charging stations will be
17 Level 2 versus DC fast charger or some other technology in the
18 future. And yet despite all that, the Company is asking the
19 Commission to say that it is prudent to build potentially these
20 charging stations. That is outrageous.

21 Just consider this in the context of any other
22 plant investment. Imagine for example the Company would come to
23 the Commission and request a prudent decision regarding the
24 building of a generating facility. The Commission says, okay,
25 what kind of generating facility and the Company says we don't

1 know. And the Commission asks: Well, where will you build the
2 generating facility? And the Company says, we don't know. And
3 the commission asks: Well, how much will a generating facility
4 cost? And the Company says, we don't know that either. Well,
5 how can you prove that it is cost-effective? Well, we can't
6 actually prove it's cost-effective. All we can show is it's
7 cost-effective to have generating facilities in general. I'll
8 get to that cost-effective issue later on.

9 In fact, the Company says we're not even sure
10 we're going to build the generating facility. We just want you
11 to say that no matter what it is prudent for us to build it
12 somewhere at some point sometime if we think about it. That is
13 not how the Commission should operate.

14 I'm going to move on now to the next
15 application, which is the rebate program. Now, this program has
16 its own major problems. The first -- well, let's discuss the
17 program first. It's already been discussed I know, but
18 effectively the Company wants to give up to \$500 to people who
19 already own EV in order get them to install 240-volt outlet.
20 Now, the idea here is that if they install a 240-volt outlet,
21 they will be able to use a Level 2 charger, which let's them
22 charge their EV faster. And if they can charge their EV faster,
23 they might choose to charge off peak.

24 Okay. Well, the Commission -- sorry, the OPC
25 and Staff said: Are you going to require that they charge off

1 peak? And the Company says, no. We are adamantly against
2 anything that would actually require people who use this rebate
3 program to charge off peak. Why? We are not sure. In fact, it
4 should be pointed out, as I believe Staff's counsel already did,
5 that this program will actively harm non-participants if EV
6 owners continue to charge on peak. This program is completely
7 unnecessary.

8 Instead, the OPC offers its own counterproposal,
9 just institute time of use rates. If the Company were to just
10 institute mandatory time of use rates for all residential
11 customers, you would achieve almost all of the benefits of this
12 program at the forefront without any additional spending
13 necessary. That is the proper course of conduct. That is the
14 proper answer to this dilemma.

15 The other rebate, the developer rebate is even
16 worse. Again, the idea is we are going to give people a higher
17 voltage outlet in the hopes that will maybe charge off peak.
18 But instead of giving it to people who own the home, they want
19 to give it to the developer who is building the home. However,
20 there are several problems here. The most obvious is that
21 there's no way to guarantee that the person who buys the home
22 actually owns an EV. If they don't, that \$250 we spent is
23 completely worthless.

24 Moreover, as it's currently written the tariff
25 doesn't actually even require that the outlet be installed in a

1 place that would be necessary or useful for EV charging, which
2 is a big deal because almost every new home is going to be built
3 with at least two of these 240-volt outlets; one to operate your
4 dryer and one to operate your electric range or stove top.

5 There's not even a guarantee that the homeowner will have a
6 Level 2 charger. You already heard the counsel from ChargePoint
7 pointing out that many people are going to buy an EV and choose
8 to directly install the charger. So this Level 2 outlet again
9 will have no purpose. But, and this is the real kicker, even if
10 they have an EV and even if they do have a Level 2 charger they
11 can plug into the outlet, there's literally no way for this
12 program to encourage or even promote off-peak charging.

13 Evergy's response to this has literally been
14 we're going to put the sticker on these outlet in the hope that
15 the customer might choose to look at the sticker, go to a
16 website, read up on the program, and choose to change their peak
17 charging. This is, again, completely unnecessary. If you
18 institute residential mandatory time of use rates, you will
19 achieve all of the benefits of this program without any spend.

20 Lastly, there is the commercial rebate program.
21 And the simple answer here is this is counterproductive. Now,
22 this hasn't been as late, but I want to explain how exactly we
23 got here. Evergy started by building a Clean Charge Network.
24 Ameren Missouri then came to the Commission and said, we also
25 want to promote EVs, but we don't want to build a bunch of

1 charging stations. So Ameren came up with a commercial rebate
2 program where it was going to promote EV station buildout
3 through rebates. Evergy has come back and looked at what Ameren
4 got and said, hey, we want that too. Actually, we want that,
5 but better. The irony here is that the joke -- all you have to
6 say in response to Evergy is you don't need the commercial
7 rebate program, you have the Clean Charge Network. They're
8 doing the same thing. And that's really the problem here
9 because this commercial rebate program is only going to
10 cannibalize the existing Clean Charge Network, which I remind
11 you is already underperforming.

12 Moreover, Evergy has made it extremely clear
13 that they believe the EV adoption is inevitable. I believe
14 Chuck Caisley refers to it as a tidal wave coming to force this
15 massive paradigm shift in how we thrive in transport. Well, if
16 that is the case, why on earth are we rebating commercial
17 applications for charging stations? If the market is going to
18 shift in such a way as to make charging stations necessary, then
19 we expect the market will supply those charging stations. In
20 other words, this program has a massive potential for abuse by
21 the freeriders, people who are going to build a charging station
22 because it's profitable to do so or because their are a company
23 who has made a green commitment and they need to do so and are
24 just going to reap the benefits without actually have encouraged
25 any buildout that wasn't already going to occur.

1 Now, the OPC has a simple solution to this that
2 we have offered up and that solution is what we call the 80/20
3 rule. Basically, the Commission should cap the rebate at 20
4 percent of the total cost of the charging station. That 20
5 percent cost, which is basically a 20 percent reduction to the
6 customer or the rebate recipient, I should say, is going to go a
7 long way in invalidating or protecting against this freerider
8 program. If you have any questions about this, I encourage you
9 to discuss them with the OPC witness to Geoff Marke.

10 There is one last part of Evergy's application
11 that I feel is necessary to touch on to explain why it's poorly
12 designed and that is the cost-benefit analysis performed by ICF.
13 You heard Evergy discuss this analysis early on in the
14 presentation and suggested it's demonstrated that these programs
15 are cost-effective. It does no such thing. And in fact, it
16 does no such thing based on Evergy's own witnesses' statements.
17 Evergy clearly says that the ICF analysis does not even attempt
18 to model the cost-effectiveness of either -- any one proposed
19 program or the entire portfolio of programs. ICF even
20 acknowledges that it is basically impossible to definitively
21 link EV adoption and EV programs. Instead, all the ICF
22 cost-benefit analysis did was check to determine whether it was
23 cost beneficial to have more EVs in Evergy's market territory.

24 Now, frankly this almost makes me want to go and
25 become a consultant because it means that Evergy has literally

1 paid God knows how much money do have a consulting firm tell
2 them that having more EVs is good for an electric utility.
3 Everybody knows that. The question is are these programs going
4 to encourage more EVs? And Evergy admits they don't know.

5 These are all the reasons the OPC believes that
6 the program that Evergy has proposed is poorly designed.

7 However, even if the Commission is to ignore all of these facts
8 regarding how the Clean Charge Network has already failed and is
9 going to ignore all the poor design choices that Evergy has
10 made, there is still one other major concern the Commission
11 should have that you should give them pause towards approving
12 this program. And that is the fact that it is premature.

13 Now, I say it's premature for two major reasons.

14 The first is that we expect massive federal
15 funding to be coming down the pipeline that will help pay for
16 all of these programs. The federal government is currently in
17 the process of debating and hopefully passing a proposal that
18 will allow for \$2.5 billion in spending to promote EVs. Of that
19 amount the White House has indicated that Missouri alone can
20 expect 99 million over a five-year period. Again, just to
21 support the expansion of EV charging ports. \$99 million could
22 be coming to pay for the programs that Evergy now wants
23 ratepayers to pay for. Even the most ardent EV supporter should
24 recognize the prudence of waiting to see what federal money
25 becomes available to pay for these before asking for ratepayers

1 to foot this bill.

2 And can you just imagine the situation that
3 might happen if the federal government takes a look at Kansas
4 City and says, you've already got plenty of stations. Let's
5 divert that funding elsewhere in the state. Evergy ratepayers
6 might be robbed of the opportunity to actually make use of
7 federal funding simply by the proposal that Evergy is now trying
8 to have the Commission adopt.

9 The other major concern is the fact that we need
10 to give time to let the market work. Again, Evergy has been
11 adamant that the EV adoption wave is inevitable. And at this
12 point nobody is questioning them. What we are questioning is
13 why it is so necessary to build out charging stations to meet a
14 demand before it exists instead of just allowing the market to
15 supply that demand as it always has. When supply increases,
16 demand rises to match it. This is the basics of economics. We
17 should be allowing this process work. The Commission should be
18 embracing laissez-faire not command-and-control.

19 If however they do go with Evergy, they pose a
20 real significant risk because the saturation of the EV charging
21 market by Evergy will suppress the ability and incentive for
22 third parties to enter into that market. You might be
23 potentially killing off competition by allowing Evergy to
24 continuously expand its own charging network to the detriment of
25 other third parties. I stress to the Commission let the market

1 work.

2 I'm good to conclude with just two slides. The
3 first, I want to reiterate the potential harm that this program
4 has to non-participants. The first is the increase use of
5 electricity during peak hours that might occur if the
6 residential and developer programs are allowed to be put in
7 place. You can avoid this program by requiring time of use.
8 It's just that simple. In fact you should just do residential
9 time of use alone and not require any additional spend.

10 The second issue that can be found across
11 multiple areas in the application but it is probably most
12 predominant in the commercial rebate, and that is the fact that
13 we expect many people wanting to switch to EV charging stations.
14 We expect many companies to start taking green pledges and
15 moving to electrify their fleet. It is not necessary for Evergy
16 ratepayers to pay for these prophecies which are going to start
17 happening on their own.

18 The third has to do with the fact that we
19 already put nearly \$14 million in Missouri into a Clean Charge
20 Network. We've already built over 900 stations, yet these
21 stations are not paying for themselves and not adducing EV
22 adoption. We need to stop and figure out why that is before we
23 start spending even more money.

24 In the final issue is that we expect federal
25 funding to be coming and it should be incumbent upon the

1 Commission not to create redundancies by having Evergy
2 ratepayers pay for what the federal government might otherwise
3 cover.

4 So to conclude, Evergy's proposal is illogical.
5 The Commission should focus on plans that actually work.
6 Evergy's proposal is poorly designed because they have left off
7 major facts and consideration. If the Commission wants good
8 proposals, it needs to hold utilities to a real standard. That
9 is what we are asking the Commission to do in this case.

10 Finally, the proposal is premature. The
11 Commission should either be waiting for federal funding to be
12 unlocked or for the market to work and preferably do both. As
13 one final thought, I am not asking the Commission to say no to
14 Evergy's electrification or electrification in general, I should
15 say. The OPC fully invites the Company to come back once it's
16 answered these major questions. We want the Company to come
17 back with a electrification proposal after it has determined
18 what went wrong with its existing proposal or its existing Clean
19 Charge Network. If something hasn't gone wrong, develop the
20 evidence to prove that point. Show us where you are planning to
21 build these charging stations, why those are good locations, how
22 that is going to reduce range anxiety by comparing the distance
23 to other charging stations, how many people would those stations
24 serve. If you want your rideshare program, explain how it is
25 going to work. Show that you've actually talked to rideshare

1 companies.

2 There are basic questions here that should be
3 answered and we hope that the Company, even if the Commission
4 agrees with us and rejects the current proposal, will answer
5 those questions and return to the OPC and Staff with a proposal
6 that actually makes sense.

7 With that, I will ask if there are any
8 questions.

9 JUDGE GRAHAM: Thank you very much, Mr. Clizer.
10 Do any of the commissioners have questions for counsel? All
11 right. Thank you very much.

12 I think we will go ahead and break for lunch.
13 Let's be back at 1:10 and we will proceed with the first
14 witness. We will adjourn and go off the record for lunch.
15 Thank you.

16 (OFF THE RECORD.)

17 JUDGE GRAHAM: We're going to go back on the
18 record. And we are ready to proceed with testimony at this
19 time. The schedule that I have in front of me indicates we are
20 going to start with Everyg's witnesses and specifically Chuck
21 Caisley. So if Mr. Caisley would state his full name and spell
22 it out, then I will swear him in and we will proceed with the
23 questions.

24 THE WITNESS: Yes, sir. My name is Charles
25 Caisley, C-A-I-S-L-E-Y. And I am a witness appearing on behalf

1 of Everygy.

2 JUDGE GRAHAM: All right. Thank you. If you
3 will raise your right hand, I'll swear you in.

4 (Witness sworn.)

5 JUDGE GRAHAM: You may proceed, Counselor.

6 MR. FISCHER: Thank you, Judge.

7 CHUCK CAISLEY, having been first duly sworn, testifies as
8 follows:

9 DIRECT EXAMINATION BY MR. FISCHER:

10 Q. Please state your name and address for the
11 record.

12 A. Charles Caisley, 1200 Main Street, Kansas City,
13 Missouri 64105.

14 Q. Are you the same Charles Caisley that caused to
15 be filed direct testimony which I'll tell you has been marked as
16 Exhibit Number 2 and surrebuttal testimony, which has been
17 marked as Exhibit Number 3?

18 A. Yes, sir.

19 Q. Do you have any changes or corrections that you
20 would like to make to those testimonies?

21 A. Not at this time.

22 Q. And are the answers contained in those
23 testimonies accurate to the best of your knowledge and belief?

24 A. They are.

25 MR. FISCHER: Judge, I would ask for the

1 admission of Exhibit Number 2 and Number 3 and tender the
2 witness for cross-examination.

3 (WHEREIN; Everyg Exhibits 2 and 3 were offered
4 into evidence.).

5 JUDGE GRAHAM: Okay. First of all, do I hear
6 any objections to exhibits -- which exhibits, sir? 2 and 3?

7 MR. FISCHER: Number 2 -- Number 2 and 3.

8 JUDGE GRAHAM: All right. Do I hear any
9 objections to Exhibits 2 and 3? All right. I hear no
10 objections. Let the record reflect that Exhibits 2 and 3
11 offered by Everyg are admitted into the record.

12 (WHEREIN; Everyg Exhibits 2 and 3 were received
13 into evidence.)

14 JUDGE GRAHAM: And you've tendered the witness
15 for cross-examination?

16 MR. FISCHER: Yes, sir.

17 JUDGE GRAHAM: Okay. The order that I have
18 indicates that ChargePoint will take over here first for
19 cross-examination. So ChargePoint's attorney may proceed.

20 MR. DUNBAR: Your Honor, thank you. ChargePoint
21 has no questions for Mr. Caisley.

22 JUDGE GRAHAM: All right. Thank you very much.
23 The next witness -- or the next party with cross-examination
24 privileges with respect to this witness is Renew Missouri. Does
25 Renew Missouri's attorney have any questions, cross-examination

1 questions?

2 MR. OPITZ: I do not. Thank you, Judge.

3 JUDGE GRAHAM: All right. Thank you. The next
4 parties, I assuming will go together again are NRDC and Sierra
5 Club. Do the attorney for those parties have any
6 cross-examination questions?

7 MS. HALSO: No questions for Mr. Caisley, Judge.
8 Thanks.

9 JUDGE GRAHAM: Thank you. The next party listed
10 is MECG.

11 MR. WOODSMALL: No questions, Your Honor.

12 JUDGE GRAHAM: All right. And the next party is
13 the Office of Public Counsel. Mr. Clizer, do you have any
14 questions?

15 MR. CLIZER: I do, Your Honor.

16 JUDGE GRAHAM: You may proceed.

17 MR. CLIZER: Thank you. Your Honor, I'm going
18 to proceed somewhat slowly due to the nature of this proceeding.
19 I'm in the process of sending an exhibit out to all of the other
20 parties and I'm hoping I've captured everyone on this email but
21 I ask just for a moment while I send this out.

22 JUDGE GRAHAM: Sure.

23 MR. CLIZER: Sorry, one more minute. I am
24 having slight technical difficulties. I apologize. There we
25 go.

1 CROSS-EXAMINATION BY MR. CLIZER:

2 Q. Good afternoon, Mr. Caisley.

3 A. Good afternoon, Mr. Clizer. How are you, sir?

4 Q. I am well. Thank you. The very first thing
5 relatively simple, do you have a copy of your surrebuttal in
6 front of you?

7 A. Yes, I do.

8 Q. Could you turn to Page 14 for me?

9 A. Sure. Give me one second here.

10 Q. No problem.

11 A. I've just got to find it. You said Page 14; is
12 that correct?

13 Q. Yes?

14 A. All right. I am there.

15 Q. At this page on Lines 11 through 12 effectively
16 you reference a 2015 study conducted by EPRI; is that correct?

17 A. Yes.

18 Q. All right. Now, the tricky part. I have
19 emailed to your counsel and all other counsel in the case a
20 series of documents relating to a data request the OPC received
21 requesting this study. I'm at this point speaking more to the
22 Judge. I'm going to go ahead and ask that this be marked as OPC
23 Exhibit 202, and I'm trusting your counsel to have forwarded
24 this on to you?

25 A. I don't have it yet.

1 JUDGE GRAHAM: Mr. Clizer, this is Judge Graham.
2 Is -- there, I see it. I believe you just sent it to me. Thank
3 you.

4 MR. CLIZER: Took a second to get through. I
5 apologize.

6 MR. FISCHER: I have forwarded it to
7 Mr. Caisley.

8 BY MR. CLIZER:

9 Q. Mr. Caisley, would you be so kind to tell when
10 you receive a copy of the forward?

11 A. I just got it. It looks like there's three
12 attachments.

13 Q. All right. If you would go ahead and open up
14 the answer attachment, the word document?

15 A. Okay.

16 Q. Would you agree with me this is -- I'm sorry?

17 A. I'm ready.

18 Q. You would agree with me that this is a data
19 request that the OPC sent to Evergy requesting a copy of the
20 2015 EPRI study --

21 A. Yeah.

22 Q. -- I referenced on Page 14 of your testimony?

23 A. Yeah. That is what it appears to be. Correct.

24 Q. And you would agree with me that the data
25 request identifies the attachments and it's quite a long name,

1 but it's one of the two PDFs attached to that email, is the 2015
2 study identified?

3 A. I would have to pull up those emails, but -- the
4 attachments. But let me just read it here. Okay. Yep. All
5 right. I see it.

6 Q. And could you verify for me that the PDF files
7 included which bears the name of the attachment identified in
8 that answer is the 2015 EPRI study, which you are referencing on
9 Page 14 of your testimony?

10 A. I just got to pull it up. Okay?

11 Q. Yep.

12 A. EPRI phase 2 analysis. Yeah. That looks to be
13 what I am referring to. That is correct.

14 Q. Super. Thank you for that. I know that was a
15 big complex and convoluted due to our --

16 A. That's all right. That's what we have to do to
17 do it remote, so that's totally fine.

18 Q. All right.

19 MR. CLIZER: Your Honor, I'm going to go ahead
20 and offer Exhibit 202, which is the 2015 EPRI study referenced
21 on Page 14 of Mr. Caisley's testimony, surrebuttal.

22 (WHEREIN; OPC Exhibit 202 was offered into
23 evidence.)

24 JUDGE GRAHAM: Yes. Mr. Clizer, this was a
25 prefiled exhibit wasn't it?

1 MR. CLIZER: This was not a prefiled exhibit.

2 JUDGE GRAHAM: It was not? Okay. In any event,
3 I've received it. Are there any objections to OPC's Exhibit
4 Number 202? Hearing none, OPC Exhibit 202 is admitted into the
5 record.

6 (WHEREIN; OPC Exhibit 202 was received into
7 evidence.)

8 MR. CLIZER: Thank you, Your Honor.

9 BY MR. CLIZER:

10 Q. All right. Mr. Caisley, can you turn to Page 5
11 of your surrebuttal for me, sir, please?

12 A. Just to be clear, are we using that document
13 anymore? Otherwise, I'm going to close it on my screen here so
14 I don't --

15 Q. No. Thank you. I was just wanting to get it
16 into the record. Thank you.

17 A. All right. Just making sure. Didn't want to
18 close something down and then come back to it. Also, don't want
19 to have too much open on my screen. Okay. I am on Page 5.

20 Q. All right. Looking at Lines 13 to 18 -- and
21 here I am paraphrasing, but would you agree with me that
22 substantially you are referencing the fact that if the
23 Commission does not agree with Everyy there are going to be
24 certain risks imposed on Everyy ratepayers?

25 A. Yeah. I think the way I would describe it,

1 Mr. Clizer, is that, you know, by having the utility involved
2 and by having EV programs and the ones being applied for here,
3 that necessarily regulates, one, it gives up a regulatory role
4 to something that would otherwise be, you know, the Wild Wild
5 West. And the second thing is that by having utility
6 involvement it is our position and we believe that you would
7 have a more efficient, you know -- ultimately a more efficient
8 use of the grid as this really starts to scale and so there's
9 savings that would be associated with --

10 Q. All right.

11 A. The inverse of that would be true that if you
12 don't have savings, it would cost more than it otherwise would.

13 Q. That is the point I want to focus on for our
14 discussion here for a moment.

15 A. Okay.

16 Q. So am I correct in understanding what you're
17 saying then additional third-party buildout of EV charging
18 stations has the potential to create risks for ratepayers? Am I
19 correct in that statement?

20 A. I wouldn't say third-party buildout. I would
21 say that we believe -- and I think the evidence shows in this
22 case that there is going to be significant increase in electric
23 vehicles and electric vehicle charging and that whether --
24 regardless, you know, who puts out charging stations, if we can
25 more efficiently use the grid that is already in rate base and

1 paid for and significantly underutilized, that that has benefits
2 for customers.

3 Q. I'm going to try to keep this a little bit
4 narrower. Just so you know, I want to get through this
5 relatively quickly. It's been a late, kind of long day. So
6 would could be willing to just stick to the yes or nos here.
7 You mentioned that --

8 A. Mr. Clizer, I'll stick to yes or no if the
9 suppositions in your statements are something I can agree to or
10 can agree to, but if you give hypotheticals or qualified answers
11 and things, I'm going to answer the best I see fit.

12 Q. Okay. I'm just trying to keep things moving a
13 little bit more quickly is all.

14 A. I appreciate that. Some of the opening
15 statements were pretty long. I agree.

16 JUDGE GRAHAM: Gentlemen, you can proceed.

17 MR. CLIZER: Yes.

18 BY MR. CLIZER:

19 Q. You specifically discuss that there are risks
20 related to EV deployment in Missouri. I can point you to Lines
21 10 through 11 on Page 5. You would agree with me that you
22 specifically mention risks involved with EV deployment?

23 A. Yes, the risks would be incremental
24 infrastructure investment that might otherwise be avoided would
25 be one.

1 Q. Right. So if an electric vehicle charging
2 station is built in the wrong place, it can require additional
3 distribution buildout; is that correct?

4 A. I mean, it can -- it will -- it can require --
5 it really depends. First of all, I don't know what the wrong
6 place means, but if you get -- it is built on a circuit with
7 high-capacity, yes. It could require it. If there is a
8 significant uptick in charging at that location on that circuit
9 and particularly if it is done on peak, that could require
10 infrastructure investment. So there are a lot of different
11 factors that could go into it. But I don't know how to think
12 about the wrong place. The right places will be whether the
13 infrastructure is needed to serve electric vehicle customers.

14 Q. Okay. So there is the potential for a need for
15 additional buildout of distribution systems depending on where
16 the electric charging stations are built. I'm trying to keep
17 this very simple so we can go through these quickly.

18 A. I understand. I just -- you know, words matter,
19 and I just want to be very specific. So my answer to that would
20 be, sure, if you're putting it in a place that doesn't have a
21 lot of capacity. And that would -- that could require
22 incremental investment, yes.

23 Q. So in order for Evergy to minimize risks related
24 to EV buildout, your goal is to minimize situations where EV
25 buildout occurs in places where there is high-capacity, for

1 example, in places where's there's going to be additional cost
2 incurred?

3 A. That might be one metric, but is way not a
4 comprehensive look at it because you have to build out where the
5 infrastructure is needed to serve customers. If you have --
6 there are food islands where there's not a lot of grocery
7 stores, for example. You build a grocery store in that area.
8 Same thing with electric vehicle charging. If there are areas
9 that don't have adequate access to public charging or highways,
10 things of that nature, then you would want to build it out
11 there.

12 However, again with utility involvement there
13 are a bunch of different things the utility can do in
14 partnership with either the host, a third party, or the
15 developer, or a resident to help mitigate that and reduce the
16 cost. Sometimes you can't avoid building though in an area that
17 is going to need transmission and distribution investment.

18 Q. I'm sorry. You're going have to help me
19 understand here. How does this proposal mitigate risk?

20 A. Which proposal? In the aggregate? The proposal
21 that Evergy has here today?

22 Q. Let's try the CCN network expansion to keep
23 things simple.

24 A. Okay.

25 Q. How is your building out additional Clean

1 Charging Network sites going to mitigate the risk of additional
2 distribution being necessary?

3 A. Well, I think there's a couple of things. First
4 of all, for example, on the existing Clean Charge Network these
5 are all smart installations. So -- that have remote
6 capabilities for both us and the hosts. So one thing that we
7 can do and would be contemplated in the future as we look at the
8 Clean Charge Network would be, for example, if you had four or
9 five charging stations and they are Level 2 and they each, for
10 example, let's say they have an eight to ten kilowatt demand
11 potential, we could take actually take -- and so at an
12 installation that might have, you know, times ten different
13 ports if you've got five there. We would -- we could go ahead
14 and say remotely in a demand situation, we could take that down
15 to a maximum of maybe five on each area. We can go so far as to
16 turn the stations off if we really had a dire situation. So
17 that's one example.

18 The second way that it could be is, you know,
19 when a third party or a commercial entity goes out and tries to
20 install something, they don't necessarily know where the circuit
21 loadings are. They are going from most convenient or least cost
22 to them. But by, again, working with us we can say, you know,
23 if you just move it over here -- and here we've got a rebate
24 program that can help you with that, you know, it is on a
25 circuit or it's on a transformer or it's on a part of the system

1 that won't cause incremental, you know, distribution to have to
2 be built out. In some cases that could save customers in
3 aggregate; in some cases that could save the specific customer
4 depending on the situation and the program that we are talking
5 about. And there's probably a dozen different ways that, you
6 know, I --

7 Q. Mr. Caisley, I'm going to cut you off for a
8 second because I want to focus on that second thing you talked
9 about. And again, I'm trying to keep things moving here. so
10 we're going to talk to customers who want to build out an EV
11 station. So Evergy's position is effectively to control where
12 customers build EV stations?

13 A. That is not what I said, is it?

14 Q. You want to help mitigate the risk of having
15 distribution of having (audio cut out) distribution buildout by
16 -- how would you phrase it? Correcting, where they build
17 stations?

18 A. No. I think a collaborative conversation
19 between folks like we've done with nearly 1,100 of these so far.
20 With -- I cannot think of more than but a handful of customers
21 who at the end of it, you know, over the five years that we've
22 had these in place so far decided they didn't want to host
23 locations anymore. So no, it is a collaborative process. It's
24 an interative (sic) process. We work to maximize the needs of
25 the host while also working to make sure the infrastructures

1 installed are in the most efficient way with features and
2 standards that will help us gather information and manage the
3 grid more efficiently in the future when this really does become
4 an issue.

5 Q. But there's nothing in this proposal that would
6 actually stop someone from building in a place that would
7 require additional distribution build out?

8 A. No. Your opening statement you said that the
9 free market could take it at all and that is the approach you're
10 advocating. So no, our proposal would work differently. Your
11 proposal, you're right. That's exactly what would happen.

12 Q. What part of your proposal, Mr. Caisley,
13 prevents customers from building EV stations in bad locations?

14 A. Nothing in our proposal does that. And I would
15 think that you would object to it if we tried to ask for
16 something that limited people's ability to do it.

17 Q. All right. Okay. If nothing prevents people
18 from building charging stations in bad locations then this
19 program does not mitigate that risk. You agree with me on that?

20 A. No. I think that is a very erroneous conclusion
21 and not based on any of the testimony that I have just given in
22 response to your questions.

23 Q. One second, please. Mr. Caisley, I'd like to
24 verify for one second, is it Evergy's proposal in the future
25 that customers pay for the cost of the Clean Charge Network?

1 I'm sorry, not customers. Let me be clear. Is it Evergy's
2 proposal in the future that the cost of the Clean Charge Network
3 be borne by all ratepayers?

4 A. And when you're talking about the Clean Charge
5 Network, Mr. Clizer, are you talking about existing and what is
6 proposed here? Or are you talking about only what is in a
7 limited fashion in rates now and also subsidized by
8 shareholders?

9 Q. You tell me. Let's do both. Does Evergy have a
10 proposal that any part of the Clean Charge Network be recovered
11 from all ratepayers?

12 A. Well, I know that we have a disagreement on this
13 but we have got a cost-benefit analysis done by ICF, which I
14 would be happy to address if you have questions on. But our
15 position is, yes, that electric vehicles per vehicle add value,
16 societally, participant-wise and non-participant or non-electric
17 vehicle driving-wise. And so we believe in a limited fashion
18 under the way that we have done the Clean Charge Network so far,
19 as well as the proposals we have here, if it's capital
20 investment that those would be appropriate to be in rates.

21 Now, obviously the existing Clean Charge Network
22 has a depreciable life and has been in-service for quite some
23 time, but there is also operations and maintenance associated
24 with it. There's licensing fees. There's telecommunication.
25 There's a whole bunch of things that go on to maintain that and

1 it is -- while it is not a stake in this case, we do think that
2 we are making the case that it could be -- that, you know, the
3 undepreciated aspects of that and O&M surrounding it might be an
4 ask in a future rate review proceeding.

5 MR. CLIZER: No further questions at this time.
6 Thank you.

7 JUDGE GRAHAM: Thank you, Mr. Clizer. Do any of
8 the commissioners have questions for this witness?

9 CHAIRMAN SILVEY: This is Chairman Silvey. I
10 have some questions. You may proceed.

11 MS. MERS: Judge?

12 MR. CLIZER: Your Honor?

13 JUDGE GRAHAM: We have an -- is there an echo
14 problem?

15 MR. CLIZER: No, Your Honor. This is John
16 Clizer with OPC. I think Nicole Mers was about to speak up. I
17 don't mean to supercede the Commission, but Staff has not been
18 given an opportunity to cross this witness yet.

19 CHAIRMAN SILVEY: I will defer, Judge. Thank
20 you.

21 JUDGE GRAHAM: I beg your pardon. I thought
22 that I asked if Staff -- and heard nothing. I'm hoping I don't
23 have transmission problems here. Thank you, Mr. Clizer. We
24 should let Staff proceed first, if you want to go ahead.

25 MS. MERS: Yes. This is Nicole Mers. I

1 apologize. I did not hear Staff being called so we may have
2 some problems. Hopefully we can get them sorted out.

3 CROSS-EXAMINATION BY MS. MERS:

4 Q. Good afternoon, Mr. Caisley. I have some brief
5 questions for you.

6 A. Good afternoon.

7 Q. Could you please turn to Page 11 of your
8 surrebuttal?

9 A. Absolutely. One second.

10 Q. Sure.

11 A. Okay.

12 Q. So you make the comparison that between solar
13 distributed generation and EV network to advocate for proper
14 management by the utilities to avoid costs. Correct?

15 A. Do have specific line? I just want to make sure
16 I am reading what you are referring to.

17 Q. Sure. It is -- it starts with the question on
18 Line 13 throughout the end of that page. I believe you go on to
19 about Line 10 of the next?

20 A. Let me just scan it real quick, if you don't
21 mind.

22 Q. Certainly. Take your time.

23 A. Okay.

24 Q. So after you make that comparison you go on to
25 discuss some cost and issues. Are those cost and issues

1 actually regarding California?

2 A. I mean, I am using California as an example of
3 what happens when you kind of have a hockey stick adoption in
4 this case in solar and the policy framework either lags or isn't
5 in place or it reacts to forces once they've kind of reach a
6 scale level. It makes it a lot more difficult to enact policy
7 when you have lot of potential impacted, you know, participants.
8 And so it would just be, you know, our position that instead of
9 letting that happen, if we know that this is coming having these
10 kinds of conversations that we're having today and proposing
11 programs and developing a policy framework for the state in
12 advance of that hockey stick adoption is solid practice.

13 Q. Okay. And on Line 20 through 21 you do state,
14 had the proliferation of distributed generation been addressed
15 proactively at an early stage, many of the costs it is imposing
16 on our system now and in the near future as it continues to
17 expand could be avoided. When you say "our" you are referring
18 to Evergy. Correct?

19 A. Let me just read that real quick. Yes.

20 Q. But do you in anywhere in your testimony list
21 those specific costs that Evergy is currently incurring?

22 A. With respect to solar?

23 Q. Yes?

24 A. No, I don't believe I do.

25 Q. Okay. If you could please turn to Page 19 of

1 your surrebuttal.

2 A. Okay.

3 Q. So I am going to be referring to the question
4 that starts on Line 12 through 23. Is it fair to summarize that
5 as basically you are warning the Commission that if it doesn't
6 approve this program, Evergy will sell its existing EV
7 infrastructure?

8 A. No. I wouldn't say that it is a warning to the
9 Commission. I think all I'm simply saying is we have invested
10 millions of dollars and continue to subsidize both the capital
11 investment as well as an ongoing O&M licensing and, you know,
12 other costs around maintaining the system. It's being enjoyed
13 and used about our customers. I don't agree with some of the
14 characterizations in the opening statements that it hasn't been
15 effective. I think there is a load of information that -- and
16 data that points to just the opposite.

17 And so all I'm really saying is if the
18 Commission were to make the decision as a matter of state
19 policy, which is completely in its prerogative to do, that they
20 do not want utilities owning and operating charging stations,
21 this is probably not a network or a subsidy that our
22 shareholders are willing to, you know, willing to pay forever.
23 And so we would look for other alternative ways to operate that
24 system and/or to make that available and recoup some of those
25 costs. It could be selling it to my third-party hosts. It

1 could be just novating them to third-party hosts as long as they
2 would assume the operations and maintenance. I don't think in
3 any stretch of the imagination we would go around with a
4 bulldozer knocking over charging stations and ripping them out.
5 We really believe in having an electric vehicle charging station
6 network.

7 What I am really just saying is that if the
8 Commission decides this isn't a place that there is a role for
9 the utility whether it's helping to establish the bare minimum
10 to really see the adoption, whether it as a role to make sure
11 that, you know, there aren't areas that are under invested in.
12 A lot of the different things we talked about in this
13 application. Our position would we would take the hint. This
14 is the second time we've been in front of the Commission, maybe
15 a third time on this issue. And not only does the, you know,
16 Commission have a judicial role, but it also has a policymaking
17 role and so, you know, we're going to abide by what our
18 regulators say. That's what that page is meant to convey.

19 Q. Sure. To briefly, I guess, summarize, do you
20 take the Commission in this case a rejection of the program as a
21 policy statement about EVs in general and not just Evergy's
22 program self-contained with no overarching statement?

23 A. No. No. I do not believe for one minute that
24 if the Commission were to decide against our proposal here that
25 they would be making a statement against electric vehicles.

1 That is -- that is absolutely not the case. I do think that
2 there are some policy issues at play here which will bear
3 directly on what this commission sees as the utility's role in
4 an electric vehicle and electric vehicle charging environment.
5 And we are a fully regulated, vertically -- you know, vertically
6 integrated, fully regulated electric utility.

7 If the Commission in Missouri says that they
8 don't think this is the best place for us to be after proposing
9 this in 2015, after coming back with a -- you know, with a
10 subsequent follow-up which is a very, very limited, only \$2.8
11 million expansion of the Clean Charge Network, and then an
12 expansion of about \$13 million in rebates and other programs and
13 rates, all I am saying is that we're going to listen very
14 carefully to what the Commission says with respect to the
15 utility's role from a policy perspective.

16 Q. Would approval of the entire program be the only
17 way you would feel comfortable taking a policy note from the
18 Commission?

19 A. Absolutely not. This is not a take it or leave
20 it -- this is not a take it or leave it proposal. There's lots
21 of different things in here. Now, I will say relative to what
22 we think the adoption is going to be for electric vehicles,
23 relative to what we believe the upside potential for customers
24 and the state could be and particularly the Kansas City
25 metropolitan region, we think that we put together a very

1 reasonably sized proposal, meaning just right at about \$15
2 million, \$16 million of total investment which is a rounding
3 error on a rounding error on a rounding error of what the
4 typical kinds of investment even in just transmission and
5 distribution infrastructure that we make.

6 But having said that, are we going to take our
7 toys and go home if the Commission says we like this and we like
8 this, but not this? Absolutely not. That would be foolish
9 because any role in this we believe will help lend knowledge and
10 shape the programs and the rate offerings over the coming years
11 and provide incremental policy framework all of which we think
12 would be important and needed.

13 Q. When you were comparing the investment -- the
14 investment here to the infrastructure and distribution in
15 transmission, would those investments be ones required for safe
16 and adequate service?

17 A. I'm sorry. I didn't catch that last part.

18 Q. Sure. So when you were speaking about this
19 being a rounding error compared to some of the investments you
20 make in areas such as transmission and distribution, are those
21 investments in transmission and distribution considered part of
22 what you have to do to provide safe and adequate service?

23 A. They are.

24 Q. Okay. So going back to the statement that you
25 said about, you know, the shareholders with wanting -- if you

1 got the wrong signal, wanting to sell. Is it fair to say then
2 the shareholders aren't receiving value from this, that the
3 revenues wouldn't justify keeping these assets?

4 A. I don't know that I would necessarily agree with
5 that. So from an accounting perspective, you know, we have not
6 written anything off yet for the utilization that the
7 shareholders are paying for. Because we believe there's a
8 possibility, maybe even a probability, that once you take into
9 account rate case timing and home charging and things of that
10 nature that, you know, this may not be net loss. Although, I
11 will -- I will say, you know, that we did this starting in 2015
12 and so, you know, it is a slow build in the beginning. I do
13 think that's going to accelerate considerably over the next five
14 years, maybe even exponentially.

15 So no, I don't necessarily believe that the
16 shareholders have -- had a loss at this point. I will say that
17 it is an ongoing -- it's an ongoing expense and it's an ongoing
18 subsidy as it is recorded on our books at this point. And
19 again, if we have the ability to invest in transmission and
20 distribution, generation, energy efficiency, other services that
21 -- that, you know, the Commission feels are -- are proper to --
22 to make and that we can put base rates and earn a return on,
23 that is probably where our -- our investors and our shareholders
24 would rather see us and make those investments.

25 I'll say one further thing, which is that I

1 think a lot of the conversation around here that, you know,
2 adoption -- the ultimate adoption is going to occur regardless
3 of whether there's a Clean Charge Network or whether Evergy has
4 programs for customers. I don't think that's in debate at least
5 not as far as I am concerned.

6 I think the real issue from my perspective is
7 with utility involvement at a very small relative size of the
8 market and the size of the increase in charging that may be
9 coming, with utility involvement is there a benefit to that and
10 can we see greater grid utilization and look to put downward
11 pressure on rates rather than something that could be a
12 significant cost causer and whether it is ICF, ICCT, Brattle
13 Group. I mean, there are -- there are probably a half a dozen
14 maybe even a dozen studies that are publicly consumable out
15 there not -- not only that but our own cost-benefit study that
16 would point to the fact that utility involvement will help ride
17 this wave instead of getting caught on the beach by the wave.
18 And I think that is reflective in the fact that there's over 45
19 -- 44, 45 jurisdictions around the United States that have
20 approved just under \$3 billion of utility electric vehicle
21 charging programs that are very similar to or exact copies of
22 what we've got proposed in this proposal.

23 Q. Yeah. You know, I know Evergy does rely on a
24 lot of studies. Would agree that the real-life example of
25 Evergy versus Ameren and the amount of spend they have with but

1 with a higher adoption rate is also something the Commission,
2 you know, should look at or have bearing on this?

3 A. Well, so with all due respect to the opening
4 statements and some of the testimony of parties, I don't agree
5 with the underlying statement that Ameren has seen or the
6 St. Louis metropolitan area which is served by Ameren has seen
7 greater adoption. In fact, when you take a look and make it a
8 true apples to apples comparison then depending on what counties
9 you include and depending on, you know, the definition of the
10 metropolitan area served or the demographic area as it's
11 defined, you know, Kansas City which is served primarily by
12 Evergy, with the exception of independents, is anywhere between
13 6 to 10 percent higher per capita in adoption. And we would
14 attribute that to the Clean Charge Network. We would also say
15 that if you look at Pulp Data, which is now IHS data through the
16 end of 2018, Kansas City, which again benefited from the Clean
17 Charge Network was either Number 1 or in the top five for
18 percentage adoption of elective vehicles where the St. Louis
19 metropolitan area, I don't believe was in the top 25.

20 I mean, the list goes on and on. If you look at
21 GreenBiz magazine --

22 Q. Excuse me. I have a question.

23 A. -- for example. They ranked the Kansas City
24 metropolitan area as --

25 Q. Mr. Caisley --

1 A. -- 28th, whereas St. Louis is 50th --

2 JUDGE GRAHAM: Hello? Hello?

3 A. -- I think we've done a pretty good job.

4 JUDGE GRAHAM: Folks, this is Judge Graham. We
5 have among us a court reporter that cannot take down everything.
6 I don't want her being stepped all over. So let's -- I know
7 this is difficult with WebEx and everything, but let's not step
8 on each other. You may proceed, Counsel.

9 BY MS. MERS:

10 Q. Sure. You also mentioned not just rejecting the
11 proposal would send, as you stated -- or could send a policy
12 message that Evergy may take negatively. You mentioned if it
13 limits your proposal in a way that makes efforts ineffective,
14 you would perceive down the same route. Would you consider
15 mandatory time of use as a limit to the proposal that would
16 render it ineffective?

17 A. So I didn't use the words ineffective. I said
18 that we would consider whatever the Commission came forward
19 with. I didn't characterize it as negative. I just said it
20 would be a policy decision that we would listen to.

21 But having said that, there is an entire
22 conversation around time of use that I think is an exceptional
23 conversation. From a company perspective, in general, for
24 residential customers or in this case we are not in favor of
25 mandatory time of use rates. That does not mean that we want to

1 see just inclining or declining block rates or standard rates
2 from an Evergy residential customer perspective. When we come
3 in for our next rate case, so probably not the province of this
4 procedure, I think you are going to see multiple different rate
5 designs for residential customers reflective of the
6 infrastructure investments we've made in AMI and customer
7 information systems upwards of maybe a half dozen different ways
8 in different use cases that we would like the Commission to
9 consider with respect to residential consumers.

10 We are not in favor of mandatory time of use
11 rates because we have seen several states, most notably Arizona
12 recently, have a lot of trouble with that. And we know from
13 customer research that customers don't like being forced into
14 one rate. Rather, we would like to see a rate modernization
15 that acknowledges that differently situated residential
16 customers should have different rates that can be
17 technologically enabled and we think we are ready to do that.

18 Having said that, with the specific case here
19 and mandatory time of use rates, if you look at the application
20 and the number of vehicles that would actually be involved, it's
21 very, very small. And on a circuit basis or on a neighborhood
22 basis it is very unlikely that any of this growth that would
23 occur under this plan would actually exacerbate a peak or cause,
24 you know, us to make incremental transmission and distribution
25 investment. One, because it's earlier in the process; and two,

1 because we're just talking about relatively small numbers.

2 We will absolutely communicate with customers
3 and encourage them to get on time of use rates. We believe that
4 is a major advantage of ultimately having utility involvement
5 and we will absolutely work to do it. I don't want to
6 precondition though getting a charging -- getting a rebate or
7 participating in this when they're already so many barriers to
8 entry, already so many things customers don't understand by
9 demanding another barrier up front on something we know confuses
10 customers.

11 Do I think that between now and the fruition of
12 this program it is likely that we would come back and ask to
13 have maybe mandatory time of use rates? Do I think that the
14 information we get, the communication with, the research and the
15 participation that some parties don't want to be part of this
16 proposal, do I think that that could inform time of use and
17 other types of rates for electric vehicle charging? I
18 absolutely positively do. And it is contemplated in our
19 roadmap.

20 For example, one thing that we would -- we would
21 like to hear from customers is the time of use rates where you
22 have to think about a start time and an end time, and calculate
23 a rate differential. Is that better than just saying look, from
24 midnight to 4:00 a.m. anything that you charge is, you know, for
25 a month is, you know, a flat fee, five bucks, regardless how

1 much because we've got so much wind on the system.

2 So there's lots of different ways. And that
3 would be more of a subscription or a flat fee rate than time of
4 use with time of use involvement. So I think we don't want to
5 have incremental barriers still in the earlier stages of
6 adoption, but are we supportive of this ultimately? Absolutely.

7 Q. I'm not sure if you'll recall at the beginning
8 of your lengthy answer that you took umbrage with my statement
9 that I claimed that you said it limits your proposal. If you
10 can look at Line 14 on Page 19, does the testimony not read: If
11 the Commission rejects or limits our proposal in a way that
12 makes our efforts ineffective?

13 A. That's correct. If -- if we --

14 Q. Okay.

15 A. -- we thought that the cumulative decision of
16 the Commission was so little that it wouldn't move the needle or
17 would set us up for a situation and execution that it could be
18 viewed as imprudent, we wouldn't go forward. But I don't want
19 to presuppose what that is. There's, you know, four or five
20 different rebate programs, different rates here, expansion of
21 the Clean Charge Network. All of those things have to be -- you
22 know, a decision would have to be read and, you know, we'd have
23 to think about what the -- what the best approach would be
24 afterwards. So I don't want to prejudge anything.

25 Q. And you just stated that one of the things that

1 could be a limiting factor would be if the program was done in a
2 way where it was too small to move the needle. But in your last
3 response to me you stated that the program was so small that
4 there wasn't going to be a probability of a lot of systems peak
5 impact. So is the same not true then conversely?

6 A. No. I apologize if I was unclear. The -- I
7 think with the numbers that we are talking -- and they are here
8 in the application. I can look them up if you would like. But
9 the number of participants that we're talking throughout this
10 program, that alone isn't going to asc-- you know, exacerbate
11 our peak time periods. And so I don't think there's an
12 immediate need in the next year or two to mandate time of use
13 rates. And instead of having a barrier that adds an additional
14 thing people have to think about, I would rather engage in a
15 dialogue survey, go back and forth with these participants and
16 say what makes sense to you. And then, in all likelihood we
17 would be before the five-year end of the program to propose
18 additional rates or constraints and anything that we were doing
19 and maybe just as a matter of policy for electric vehicle
20 owners.

21 Having said all of that, I absolutely think that
22 even if one or two of these programs are approved, there could
23 be useful information that could be gleaned to help inform
24 future policy decisions and investments of every utility in this
25 state that is an electric utility. And so again, it's not that

1 it is not meaningful it is just that at the beginning of, you
2 know, 50 to 100, or 200 drivers dispersed over our service
3 territory in Missouri isn't going to in and of itself add to
4 peak or exacerbate and cost cause.

5 Certainly in aggregate over the next five years,
6 if we don't -- this is my belief -- if we don't look at this and
7 think about it as infrastructure and how do we get the best out
8 of the existing infrastructure we have, I certainly do think
9 that would be the case.

10 Q. So then is it fair to say that -- that mandatory
11 time of use would be one of the decisions that Evergy may not
12 move forward on under them?

13 A. Not necessarily. It is my opinion -- and just
14 -- just having talked to dealerships over the last five years,
15 having done a lot of consumer research with customers that have
16 or are considering EVs, my own personal experience in -- in
17 buying an electric vehicle with my family that explaining, you
18 know, how electric vehicle works, talking through the tax
19 credits and the various incentives that might be available,
20 figuring out how to access the Clean Charge Network or publicly
21 sourced third-party networks and charging places that are out
22 there, overcoming this range anxiety that exists for folks,
23 talking through the difference between a depot system where you
24 go and in five minutes you get all the gas you could use and can
25 travel 350 miles versus a lily pad or an iPhone kind of a system

1 where you top off throughout the day for many folks. All of
2 those things take a lot of time and a lot of effort to explain.
3 I wouldn't personally want to add to that conversation and add a
4 barrier by putting a mandatory type of use to participate in
5 this program. If the Commission did, then I think we would
6 still be inclined to go forward with these programs because
7 notwithstanding our belief that it would add a barrier, we still
8 want to interact with these customers whether it's fleets,
9 whether it is commercial, whether it's residential and learn and
10 apply what we learned and so while it's our belief that is not
11 the best way to go, we would certainly, again -- that's the
12 wonderful thing about this process and having the conversation
13 now is we get policy direction from the people who ultimately
14 get to decide what is -- you know, how customers in Missouri are
15 going to be served by their electric utilities.

16 MS. MERS: All right. Thank you. I have
17 nothing further.

18 JUDGE GRAHAM: Thank you very much. Now, we
19 will turn to commissioners. Do any of the commissioners have
20 any questions of this witness?

21 CHAIRMAN SILVEY: Judge, this is Chairman
22 Silvey. I have questions.

23 JUDGE GRAHAM: You may proceed.

24 CHAIRMAN SILVEY: Thank you, Judge.

25 QUESTIONS BY CHAIRMAN SILVEY:

1 Q. Good afternoon, Mr. Caisley.

2 A. Good afternoon, Chairman Silvey.

3 Q. First, let me say I am very encouraged by some
4 of the clarifications that you have offered in your testimony so
5 far. I will say that when I read your surrebuttal I probably
6 interpreted Page 19 similar to Staff who was just talking to
7 you. So I am encouraged at your clarifications that there is
8 room in that process for some tweaks, some things that the
9 Commission might consider rather than just a straight up or down
10 take our ball and go home scenario, so thank you for that.

11 I do have some questions specifically about the
12 current design. First, let's talk about the plug incentive.
13 The outlet incentive.

14 A. Absolutely.

15 Q. Why did the Company choose to limit it to
16 specifically an outlet and not have any sort of follow-up
17 verification that it's actually a charger? That's the first
18 question.

19 A. Well, so I think a couple of things and there's
20 probably some of my colleagues who are really in the meat of the
21 design of these things here that you should direct those
22 questions to as well, but I can say a couple of things. One,
23 you know, a lot of times these days for a little bit of an
24 increase charge or sometimes just as part of buying a car a
25 charging apparatus comes with it. So for example, I know we

1 just bought a car and included with it was a -- a charger that
2 could charge either at Level 1 or at Level 2 voltages. And
3 ultimately, we believe that as -- and I should mention we've had
4 a great relation with ChargePoint. They've got great product.
5 We would not be where we are today without a lot of best
6 practices that we learned from them and really just being
7 partners in designing the original Clean Charge Network. So
8 this is nothing against ChargePoint. It is a phenomenal
9 company.

10 But we see a day where phones and vehicles come
11 with apps and the ability to charge, not necessarily just having
12 a charging station that you've got to go buy; it either comes
13 with it or ultimately there'll be the infrastructure within the
14 vehicle itself. And we didn't want to limit it regardless
15 because we'll have interaction with these customers. We'll know
16 -- you know, we'll know what they've done. We'll have, you know
17 -- they're going to have to participate in research and will be
18 able to go back and forth and we are still going to get a ton of
19 knowledge.

20 Now, I would say if you don't come with a
21 charging -- you know, a charging mechanism with the car
22 purchase, that probably would be our -- you know, that would be
23 our preference is that they do have to go out and get a charger.
24 But I think most people -- it follows if you put something, you
25 know, a 240-outlet in your garage if you don't have that

1 capability with the car. Most people are going -- I mean, I
2 don't know why they would do it otherwise.

3 But if the Commission feels otherwise, that is
4 something -- that's one of those things we would definitely be
5 willing to look at. I'd also talk to Nick Voris who probably
6 has some more rationale behind all of that as well.

7 Q. And does the current proposal require that
8 outlet to be located in the garage?

9 A. Well, we have -- I don't think it does because I
10 think there's other places you could locate it. And, you know,
11 certainly what it does require is proof that you got an EV. And
12 so if you are putting an EV charging -- you know, something that
13 could be used for EV charging and you've shown proof that you
14 have an electric vehicle, I'm not sure why you'd put it in, for
15 example, a utility room for a dryer when you've just gotten an
16 EV.

17 If you want to do it outside, if they want to do
18 it on the side of the house, if they want to put a pedestal and
19 maybe do it in the back, you know, an attached barn or
20 something, that's why it's not, you know, restricted to just a,
21 you know, a garage.

22 Q. Okay. And so there is proof of an EV required
23 in --

24 A. Yes.

25 Q. -- that section of the proposal?

1 A. Yep.

2 Q. Okay. And then going back to the conversation
3 you were just having on time of use rates. You mentioned some
4 negative effects being seen in Arizona for mandated time of use.
5 Was that an across the board mandated time of use rate or was
6 that in exchange for participating in an incentivized program?

7 A. You know, I honestly don't remember. I just
8 know that we had colleagues in several utilities out there that
9 went to a mandated time of use and then ultimately walked it
10 back. I know there have been -- there have been several
11 different jurisdictions that have had issues. But putting that
12 aside from a moment, you know, if you chart rate history over
13 the last 50 years, sometimes inclining rates are en vogue,
14 sometimes declining in rates are en vogue. There are -- there
15 have been all sorts of different cost justifications and rate
16 designs that have been out there. The one that is kind of en
17 vogue right now is time of use.

18 I don't think that we have a populace anymore
19 with residential customers that are one-size-fits-all. So I
20 agree wholeheartedly with the premise that we should utilize
21 technology, and in particular for us, AMI technology and
22 computational technology to have rates that mitigate grid
23 impacts and help manage the grid.

24 But I think there are a multitude of different
25 ways to go through that that, you know, will get better customer

1 engagement and let customers choose from several different
2 options. And I think that that is worth exploring rather than a
3 one-size-fits-all. I am a fan of time of use rates. Our Wait
4 Till Eight worked, I think, better than we even anticipated it
5 would. And that is something that we will want to continue and
6 we would want to grow.

7 But I think there are other types of rate
8 designs that should give people a choice based on their
9 particular situation. And so whether you are somebody with
10 generation, whether you are somebody with battery backup,
11 whether you are somebody that has an electric vehicle. I mean,
12 there's a whole bunch of different permutations and I think as
13 the days go on the opportunities abound to have different rate
14 designs, not just one-size-fits-all.

15 Q. And I understand that answer. As I am looking
16 at your program though, part of the justification of the program
17 is to have a controlled buildout that doesn't -- if I am
18 understanding you correctly -- doesn't put undue stress on the
19 grid at the wrong times by the adoption of EVs and it would be
20 an incentive that is offered to someone. So I guess I am just
21 confused as to why if we are asking someone to participate in an
22 incentive program, that we don't also tie with that the load
23 mitigating aspects of the plan that we are supposed to
24 accomplish.

25 So I think that is something you will probably

1 hear questions on of the other witnesses as well and something
2 that at least I'm interested in finding out more as to why that
3 is not included.

4 A. Again, I agree with you wholeheartedly. The
5 time of use for electric vehicle charging is a very good thing.
6 It is something we would want folks to do something and
7 something we would encourage folks to do. It's really a
8 question of whether at the point of decision to get a car and to
9 think through all of this is the best time to say you've got to
10 have this. Again, if the Commission says we think it is, that
11 isn't something that would -- would, from my perspective -- and
12 you will probably hear this from other witnesses too, I would
13 think from Evergy -- that wouldn't necessarily make this
14 something we wouldn't want to do. It's just something we didn't
15 propose going into it because we see it as an additional barrier
16 at a point of decision.

17 Ultimately, the whole point of this -- the
18 entire point of this is to find out the best programs and the
19 best ways to encourage off-peak charging. And so that -- that
20 -- ultimately that is where we want to go.

21 Q. Sure. And I appreciate that. And again, just
22 from my perspective I look at it as we are offering an incentive
23 to someone, so asking them to maybe take that step that protects
24 the grid might be appropriate. I think it's something we will
25 probably explore.

1 A. Very reasonable perspective.

2 CHAIRMAN SILVEY: So I think that concludes the
3 questions that I have at this time. Thank you, Mr. Caisley.

4 Thank you, Judge.

5 MR. CAISLEY: Thank you, Chairman.

6 JUDGE GRAHAM: Thank you, Chairman. Are there
7 questions from any of the other commissioners at this time for
8 this witness?

9 COMMISSION RUPP: Judge, this is Commissioner
10 Rupp. I have a few questions.

11 JUDGE GRAHAM: You may proceed.

12 COMMISSIONER RUPP: Thank you.

13 QUESTIONS BY COMMISSIONER RUPP:

14 Q. Mr. Caisley, great to see you. I appreciate
15 your testimony and for some of the clarifications like Chairman
16 Silvey had also said. I'm having a few questions based off of
17 your interaction with Staff and your witnesses and in some of
18 your responses.

19 A. Sure.

20 Q. So you just said the Wait Till Eight Program
21 worked great. We had a hearing on it last week. You guys
22 knocked it out of the park. You saw phenomenal numbers for it
23 that far exceeded your expectations and have really showed the
24 time of use rates really had an impact. But then earlier you
25 were interacting with Staff and you said there's going to be

1 such a small number of electric vehicles that the time of use
2 rates won't really affect any savings. But then also earlier
3 you said that there is a tidal wave of electric vehicles coming
4 into this area. And so it seems kind of like you are bouncing
5 around a little bit on whatever the issue is being the fact.
6 Can you clarify those comments?

7 A. Absolutely. And thanks for the opportunity to
8 do that. It's a little weird. I'm looking over at the corner
9 of my screen where you are, but then it looks like I'm looking
10 off the camera. I apologize.

11 Q. You're fine.

12 A. I'm actually looking at you. Yeah. Let me
13 clarify. We do believe that we're going to see a hockey stick
14 adoption for electric vehicles given all of the billions of
15 dollars by the most recent estimate somewhere in the vicinity of
16 \$250 billion by 2023 that auto manufacturers are putting into
17 electric platforms, plus government incentives, plus potentially
18 some mandates. When you take all of that together we think that
19 the next five to ten years you're really gonna see a significant
20 increase of electric vehicles. By some estimates as much as a
21 30 percent compound annual growth rate over the next ten years.

22 Nothing in what I said was meant to imply that
23 this won't be a significant impact. This is going to be a
24 significant impact to the grid. What I was trying to address is
25 the specific impact of what we are proposing here and the

1 discrete number of participants we will have in the different
2 rebate programs, which if you put them all together is, you
3 know, maybe several hundred to a 1,000. And there's probably
4 somebody that -- on our team that knows the exact number, but
5 you're talking about a relative small subset of that big hockey
6 stick adoption curve. And so from our perspective the most
7 important thing to get out of these what I will call mezzanine
8 adopters, they're not early but there's certainly not going to
9 be the ones that follow-on at the very end where it's
10 mainstream. These are the folks that we are now reaching into,
11 who aren't techies, but if you could talk to them about the
12 economics, if you could talk to them about sustainability and if
13 there is just a little bit of an incentive you can get them to
14 adopt.

15 So we want to talk to those folks. We want
16 to get information about how they buy, you know, what programs
17 they'd be interested in, understanding their charging patterns.
18 That will be instructive in building rate designs, really
19 understanding costs and all that for the big hockey stick
20 adoption that is coming. My point really is that the adoption
21 that is coming in total absolutely could be a cost causer and
22 that's what we want to mitigate and avoid.

23 The discrete number of a three or four or 500
24 people that would participate in this rebate program won't
25 necessarily at that level be a cost causer in and of themselves

1 if they don't charge off peak. And so I'd rather get them in
2 the program. I'd rather increase the adoption. I'd rather
3 start a relationship and a dialogue in the research than put an
4 additional barrier up right now with TOU. Having said that,
5 that's not something I could prove. Right? I can't -- I can't
6 say here is the evidence to say that it would be really bad. I
7 just know it will be an incremental barrier.

8 So if the Commission were to say, yeah we get
9 it, but I am not willing to have two-thirds of these folks be in
10 programs. If you're going to get money that is socialized back
11 to customers, you've got to do this because this is the very
12 point of the program, I think that's a reasonable conclusion and
13 something that we are not going to fight. I would just rather
14 get them in the program, start to understand how to construct
15 rates that will be engaging to them, get the data and then
16 design rates as we go through this program to address everybody.

17 But I get the Commission's concern. It is a
18 valid concern and not something that I would see as a key place
19 to disagree, but just the way we proposed it. And again, that
20 is the great part of these conversations is we'll have the
21 conversations and ultimately we'll get -- we'll get a policy
22 decision which I think is great.

23 Q. Great. Thank you. And it's awesome to hear
24 that you guys are not going to oppose if we move forward with
25 mandatory time of use. So let's switch gears to the Residential

1 Developer Rebate Program. What is the thought process that you
2 guys have that -- why not just increase the amount of rebate or
3 expand the Residential Customer Rebate Program rather than
4 provide a rebate to a developer whose business model is to
5 anticipate market demands? Quartz countertops are hot, we're
6 going to put those in or this is hot. So why make that
7 delineation of two programs instead of rolling the developer one
8 just into the residential customer?

9 A. You know, I think -- I think the best way to
10 talk about that honestly is to draw a comparison to something
11 else which is -- you know, interestingly enough one of the
12 concerns that commissions across the countries have had and we
13 have heard from stakeholders in this process is that, you know,
14 gosh if we let you in here then aren't you taking something that
15 could be otherwise -- go to a third-party and the free market
16 and something like that. Interesting enough we have seen
17 greater third-party participation, greater third-party charging
18 investment in the Kansas City metropolitan area over the life of
19 the Clean Charge Network relative -- and per capita adjusted to
20 say for example Wichita where that buildout hasn't occurred.

21 And the reason for that we believe and from
22 talking to different entities is because at least one entity --
23 you know, let's say a Target store has, you know, Clean Charge
24 Network charging out in front of it, well, now all of a sudden
25 Walmart wants it too. So if they cannot get it through a time

1 -- a time bound and financially capped program, they will go out
2 and they'll engage with a third party to put that in. Because
3 otherwise, their customers come in and they say, you don't have
4 charging like the person down the street.

5 I think the developer incentive is very similar.
6 We would like to see new homes, new construction, among other
7 things whether it be energy efficiency standards, whether it be
8 a certain level of automation -- one thing we would like to see
9 is start having garages or outdoors that have these plugs, these
10 240 plugs. And if we could get some to start doing it even if
11 that is ultimately helping their bottom line, what we think we
12 will see is other developers saying, okay, we need to do this
13 too, and not through our program but just through a -- they have
14 to have this feature and be competitive that they start adding
15 that in as well.

16 Q. So you view it as like a kickstart to a movement
17 within a developer community to start offering that as a
18 standard issue?

19 A. Absolutely.

20 Q. Okay.

21 A. Again, if the commissioner would you rather see
22 it done somewhere else -- that is the notion behind it, one of
23 the notions, but, you know, we are not wed to it.

24 Q. I thought your answer was going to you started
25 working on this back when Bill Kenney was on the Commission and

1 so --

2 A. Well, you know, I am sure he would be supportive
3 of it. He's probably listening and getting ready to fill out
4 his paperwork if he gets a positive inclination, so --

5 Q. I'm sure he's listening. That's true. So I'm
6 just looking at my notes. Bear with me one moment.

7 COMMISSIONER RUPP: I believe that is all the
8 questions I have, Judge. Thank you.

9 JUDGE GRAHAM: Thank you Commissioner. Are
10 there any other commissioners that have questions for this
11 witness? Okay. I have a few.

12 QUESTIONS BY JUDGE GRAHAM:

13 Q. Mr. Caisley, again, thank you very much for your
14 participation and so on here. The first question that I have is
15 the Company as I understand it here is wanting the Commission to
16 so to speak bless the decisional prudence or the prudence of the
17 decision to implement or adopt this program. Am I saying that
18 right?

19 A. Yes. I would say that is correct, Your Honor.

20 Q. Okay. Well, why is it -- I want you to explain
21 to us why it's reasonable at this time, at this particular time,
22 to so to speak bless the decisional prudence of this program
23 when there's potential federal legislation -- the Infrastructure
24 Investment and Jobs Act that can provide multiple millions of
25 dollars in federal funds for EV charging station buildout and

1 the Electrify America plan from the Volkswagen trust funds? I
2 know that that's possibly somewhat speculative, but it's right
3 there on the horizon and a large subject in the national
4 conversation. Why is it prudent -- why would we bless the
5 prudence of this decision when that's on the horizon right now?
6 How did you take that into consideration?

7 A. Well, I think that is a -- I think that's an
8 excellent question and I'm really happy to have the opportunity
9 to kind of address that. So I think a couple of things. I
10 think first of all if we've seen nothing else over the last 15
11 days we've seen that Washington, DC right now doesn't -- we
12 don't know if we're going to get a reconciliation bill, if we're
13 going to get a bipartisan infrastructure bill. We don't know
14 what the size of it's going to be. Is it could be a trillion?
15 Is it going to be 3.5 trillion? Are they going to be able to
16 get it done at all? So I think there's a lot -- a ton of
17 question (sic) as to do we get a bill, the size of it, and
18 what's in it. And we've had multiple conversations with
19 multiple different stakeholders. They all have a different
20 opinion as to how much money is going to be in it. How much
21 money is going to be put aside for electric vehicle charging.

22 And then once you -- but even if you assume that
23 there is a point right answer right now, all of that is going to
24 get put into a process where we don't know how it is going to be
25 distributed. It could go through grants. Utilities could be

1 involved. It might be in the form of something else that goes
2 direct to consumers or to residents of states.

3 The fact of the matter is that we don't know and
4 there is a good likelihood that it could be quite some time or
5 nonexistent. We see, as I said, a hockey stick curve for
6 adoption coming. And so we would like to get busy and start
7 working with customers very quickly here.

8 Now, having said that, decisional prudence to
9 move forward with something doesn't mean you have executional
10 prudence. And so, for example, if there were federal funds that
11 we could utilize and we didn't utilize them or it was anyway in
12 conflict with them I would think that that is something that the
13 Commission would take into consideration when thinking about
14 whether to say that we had prudently invested the dollars even
15 if they were approved from a decisional prudence perspective on
16 a go-forward basis.

17 And of course, if there was something that was
18 covered specifically in the program that we have here today,
19 like a rebate or something like that, we don't have to go
20 forward and execute on this. We can pull back.

21 And then I think finally, one of the most
22 important things -- and we have seen this time and time and time
23 again from the federal government on a myriad of different
24 programs, the notion was talked about earlier in opening
25 arguments that maybe the existence of this program would

1 actually hurt the ability to attract federal funds here and that
2 is the exact opposite of what our experience has been on a ton
3 of other examples. The federal government tends to invest where
4 there is demand. They tend to invest where there are private
5 entities and local jurisdictions that are open to and engaged
6 in, you know, these areas.

7 And federal investment and private investment
8 tends to get more federal investment. One great example is our
9 Green Impact Zone in Kansas City in 2008 and 2009. The more
10 investment we did there towards a specific purpose the more the
11 federal government wanted to step in and help.

12 So I don't think it is an either/or. I think
13 that they are mutually beneficial. If there's \$99 million that
14 comes to the state of Missouri, I think it would be put to good
15 use. Some of it may get, you know, done through utilities,
16 others it might go elsewhere. And I don't think it is going to
17 cause conflict. I think it will be compatible. But certainly
18 we'd take it into consideration if it does comes to fruition in
19 anything that we do in the next five years.

20 Q. Thank you, Mr. Caisley, for that response. I
21 guess, putting the question a little differently before we move
22 on. I think what you are saying -- and you correct me if I'm
23 wrong. I know from listening to your answers today that you
24 will. On the supposition that we do not know what Washington is
25 going to do, which is I think what you told me -- or told us --

1 how does the fact that we do not know what Washington is going
2 to do lead us to the conclusion that the Company's decision is
3 prudent?

4 A. I am not completely sure I understand the
5 question. I apologize.

6 Q. Maybe it is perhaps me.

7 A. I'm sorry.

8 Q. The Commission is being asked to say now that
9 the decision is prudent, which has consequences down the line.
10 Right?

11 A. Yeah. So I guess my answer to that, Your Honor,
12 would be that if we were to have programs that were duplicative
13 or in conflict that were given decisional prudence today, but
14 then something came forward from the federal government that was
15 in conflict or could have been more cheaply or more effectively
16 for customers, I would expect that when we actually tried to
17 bring this into rates and ask for, you know, execution of
18 prudence, the Commission would greet that with skepticism and
19 have questions about it. I think --

20 Q. All right.

21 A. -- in addition to that, I'd say Darrin Ives
22 probably could address some of that in more detail since he'll
23 put together our future rate cases and things of that nature.

24 Q. That is a fair answer. Thank you, sir. Next
25 question. Do you believe that -- and speaking for the Company

1 -- that it is fair for ratepayers to shoulder all of the risk of
2 the pilot or should the Company bear some of this risk?

3 A. Well, I think that's -- that's another great
4 question, Judge. And so I'd say a couple of things. First of
5 all, we have invested millions and millions of dollars for which
6 shareholders have borne disproportionately the risk, probably 90
7 percent of the risk in the Clean Charge Network up to this
8 point. So relative to other investments made by our peer
9 utilities in the state of Missouri, we have more shareholder
10 risk and more shareholder subsidy in the original Clean Charge
11 Network than they do. And for the most part, and I am sure
12 Darrin Ives and Kim Winslow could speak towards this, that the
13 settlements that they have reached on similar electric vehicle
14 charging programs are mostly socialized into rates were not
15 borne by shareholders. Again, Darrin Ives and Kim Winslow could
16 probably talk more about that.

17 So I think that given what we have put in so
18 far, which there given some slides in Office of Public Counsel's
19 opening statements that looked at how much our shareholders have
20 invested in this and the risks they've taken so far. On a
21 go-forward basis we would seek to mitigate that and we think the
22 cost-benefit analysis from ICF bears that out as something that,
23 you know, on a pilot basis time bound and financially capped, is
24 prudent and fair to have as a socialized cost.

25 Having said that, our shareholders are still

1 going to have risk because if we don't execute it well, if there
2 are problems with, you know, how we work on this, of course what
3 we try and bring it into rates from a regulatory asset, there's,
4 you know -- all of that scrutiny and conversation is going to
5 take place. So they still have considerable risk.

6 Q. Thank you. Going down a different route. The
7 city of St. Louis recently adopted several EV charging
8 ordinances. Have any jurisdictions in your service area and
9 Evergy's service territory adopted similar policies or
10 ordinances to promote EV ready or EV charging in residential or
11 commercial buildings?

12 A. You know, we've got -- we've got somewhere in
13 the vicinity of 110 or 115 or so municipalities in our
14 metropolitan area and they all have different things. I am not
15 aware -- and it is possible that Kim Winslow or Nick Voris may
16 be aware of some specific incentives that may or may not be
17 available. I will be honest, I am not familiar with the
18 incentives or the ordinances in St. Louis.

19 What I will say when you compare St. Louis and
20 Kansas City, you know, not only is the Kansas City region by a
21 clip of about 8 to 10 percent adopting, you know, when you
22 adjust per capita, have a better adoption rate for electric
23 vehicles. I think there is another advantage that St. Louis has
24 that probably doesn't get talked about a whole bunch, which is
25 they've got a significant population that resides on the

1 Illinois side and there are many different state incentives,
2 whether it's rebates, tax credits, 80 percent of the cost of the
3 charging station -- or charging in your home could be recovered
4 through the program over there. That is a huge incentive to
5 electric vehicle adoption that doesn't exist on the Missouri
6 side or the Kansas side in the Kansas metropolitan -- Kansas
7 City metropolitan area.

8 Q. Okay. Thanks. The Metropolitan Energy Center
9 produced their Electrify Heartland Plan in this Missouri
10 community readiness for EV and EVSE with the US Department of
11 energy support which included recommendations to: A, require
12 new construction or renovation projects, install EV
13 infrastructure; B, encourage city officials to seek designation
14 as EV ready communities; C, disclose permits sought for EV
15 infrastructure to utilities for load planning; and D,
16 development public education plans to explain the benefits of
17 EVs. On the supposition that my perhaps unfair question rings a
18 bell with you, were your proposals predicated on or
19 intentionally aligned with any of this or is that the question I
20 should field to somebody else?

21 A. Well, you should feel free to absolutely talk to
22 Nick Voris and Kim Winslow on that who may have some additional
23 information. But what I will tell you is we generally have a
24 very close relationship with the organizations that you
25 mentioned and none of those things are things that we wouldn't

1 support. And in general, we see the EV charging ecosystem as
2 something that isn't just a utility thing. It isn't just
3 third-party, but there are roles to play from municipalities and
4 counties and we would actually like to see our state governments
5 get a little more involved as well. So those are all things
6 that we support are, you know, complementary to the ecosystem we
7 would like to see within our service territory.

8 Q. Okay. Well, my question -- you may just not be
9 able to answer this is whether the Company proposal's --
10 Evergy's proposals were actually intentionally based upon or
11 aligned with things that I've outlined. I take it from your
12 answer I should take that to --

13 A. That will be Nick Voris. Ask him.

14 Q. All right. Thank you very much. Going in a
15 different direction yet again, has Evergy talked to the
16 legislation -- the Missouri legislature about renewing the now
17 expired state tax credit program for alternative fuel
18 infrastructure installation which authorized tax credits up
19 until 2018 for both residential and commercial EV charging
20 installation? Has there been any --

21 A. Yes.

22 Q. -- (audio cut out) with legislation on that you
23 know of?

24 A. Yes, Your Honor. Government affairs actually is
25 in our division here that I get to be a part of and that is

1 something that we've talked to legislators about and that we
2 support.

3 Q. Okay. Thank you. Directing your testimony now
4 to some things that ChargePoint has suggested in its prefiled
5 documents. What do you think of ChargePoint's suggestion to
6 connect the rebate, not necessarily to an outlet, but to the
7 purchase of an L2 charging unit or an NEMA outlet? Do you have
8 any thoughts on that?

9 A. You know, again, I think probably the best
10 person to talk to there would be Nick Voris. I mean, he is the
11 one who really put together the specifics of the program and is
12 most knowledgeable in that area. If it's okay, Your Honor, I
13 would defer to him.

14 Q. That's fine. Actually, I have a number of
15 questions that may result in that answer, but I am kind of doing
16 an inventory here. You are working with me and that is great.
17 Here's one you may throw to another witness. I don't know.
18 What home appliances or equipment require a dedicated 240-V
19 circuit? Can you tell me or do have a thought on that?

20 A. Other than an electric dryer, I am not going to
21 venture to guess. So maybe some arc welding. I don't know.
22 I'll leave that to Mr. Voris as well.

23 Q. That would be about my answer too. Thank you.
24 With that, I don't think I'll have to ask a couple of these.
25 Here's one that I think you might have some insight on. There

1 have been reports of automakers announcing they are making the
2 switch from internal combustion engines to EVs, electrical
3 vehicles. Are you aware of those announcements? I am sure you
4 are. And if so, can you describe for the record what various
5 automakers like GM and Ford have indicated as their production
6 goals?

7 A. Yes, so --

8 Q. Do you have --

9 A. Yeah. Absolutely. Let's start off with Ford
10 because Ford Motor Company is one of our larger customers. They
11 -- we've been in communication with them and we know that their
12 transit platform they are getting ready to invest dollars in our
13 service territory and I'm not completely sure what the timeline
14 is, but begin to convert that so they've got an electric --
15 they've got an electric platform there. You know, it really
16 ranges from -- for example, Ford I think, has said by 2030 they
17 would like to be in the vicinity of 40 percent of the vehicles
18 they sell worldwide being electrified. Whereas, GM's got an
19 even more aggressive stated goal as 2035 being hundred percent
20 electric vehicles. I don't know if that is doable or not, but
21 those are the kinds of -- those are the kinds of automaker
22 statements that we are hearing.

23 In addition to that -- and for Ford by the way,
24 that is about \$29 billion commitment through 2025, which is
25 probably the one we're most knowledgeable about.

1 And then, of course, you've got the Alliance for
2 Automobile Innovation, which have said -- and I think I said
3 this earlier -- that upwards of \$250 billion by all automakers,
4 you know, would be invested through 2023 and converting to
5 electric platforms. So it is a sizable investment and my
6 suspicion is as you go quarter to quarter those investments tend
7 to have been ratcheting up, not down.

8 Q. Thank you. I want to direct your attention to
9 Page 6 of your direct testimony, I guess. Lines 10 through 13.
10 I believe they state that Evergy's request for TE pilot programs
11 and rates to support EV adoption enable off-peak charging,
12 educate customer, and other key stakeholders and information
13 Evergy's future efforts -- (audio cut out) -- the benefits of TE
14 to all customers. I think you addressed this somewhat with some
15 of the commissioners and others questions. But can you explain
16 how this program will support EV adoption?

17 A. Well, I think a couple of things. As we were
18 kind of discussing a little earlier, buying an EV requires a
19 completely different mindset than buying an internal combustion
20 engine. If you drive a current -- if you drive an internal
21 combustion engine today, you understand how it works. You
22 understand where to fuel it. You understand miles per gallon.
23 You understand the features that are on an internal combustion
24 vehicle. And so the sales process is just very, very different
25 than where you have -- than you have with electric vehicles.

1 With electric vehicles you have range anxiety.
2 Am I gonna be able to charge this if I need to? Can I get it
3 repaired at the same place? How do I charge it at my house?
4 Where is charging located? How does it pencil out from a cost
5 perspective? I mean, there's just a whole bunch of things that
6 consumers need to understand.

7 What this program does and what we have seen
8 through our experience with the Clean Charge Network starting in
9 2015 is it tries to remove barriers and it tries to help
10 incentivize people to get an electric vehicle. You don't know
11 where to charge? Well, here's the Clean Charge Network. And
12 dealers actually have a clean charge -- you know, all of the
13 dealers in our service territory have a Clean Charge Network
14 packet of information. So it helps them say this is how you
15 charge, this is where you charge.

16 We've got a website from a communication
17 standpoint. And again, I think \$1.6 million in this for
18 communication and customer education. We've got a website that
19 has all sorts of different resources. And again, dealerships
20 use that website to break down barriers. We've also gone in and
21 formed partnerships with dealerships and sometimes regionally
22 with, you know, the automakers and their dealership alliances to
23 help train their sales people on how to educate customers on
24 some of these things.

25 And so when you give a rebate and you say, hey

1 if you're concerned about, you know, how do you get this, you
2 know, charging in your garage or if that's an extra cost that
3 would be a barrier, well, here's a program to eliminate that.
4 If you're out looking for a home, maybe you say, hey, this has
5 got to 240 outlet right in the garage so it's ready for EV.
6 That removes a barrier. If you are a -- if you are a fleet
7 operator and you're starting to think about this. Well, now
8 we've got a program where we could go and we can work with you.
9 Not only can we educate you on this from the financial to the
10 grid implications, but we'll also remove a barrier by different
11 rates that are tailored to help you, as well as potentially some
12 rebates to defer the cost.

13 And so all of this is intended to remove
14 barriers, to increase education, and to incentivize the adoption
15 of electric transportation.

16 Q. Thank you very much for that answer. Excuse me
17 a minute.

18 JUDGE GRAHAM: I think that is all the questions
19 I am going to have for this witness. On the basis of my
20 questions, before I go straight back to redirect. I'm going to
21 do sort of a statement -- is there any recross from any
22 witnesses (sic) based on the questions that the commissioners
23 have asked or that I have asked? Any recross from OPC, which is
24 primarily the recross -- or primarily the -- I'm having trouble
25 with my mouth. Sorry. Any recross from OPC or anyone?

1 MS. MERS: Staff has a few questions. But if
2 OPC has anything I believe they are first in the order.

3 JUDGE GRAHAM: Yeah. Mr. Clizer, do you have
4 any recross?

5 MR. CLIZER: No. Thank you, Your Honor.

6 JUDGE GRAHAM: Okay. Does Staff have any
7 recross? I think you said it did.

8 MS. MERS: Yes, hopefully briefly.

9 RE CROSS EXAMINATION BY MS. MERS:

10 Q. Mr. Caisley, in response to a question from
11 Judge Graham you noted that there are incentives available in
12 Illinois. Is it your contention that incentives available to
13 Illinois residents impact the number of EVs that Missouri
14 residents have?

15 A. I'm sorry. You cut out there a little bit. I
16 didn't hear that last part. I apologize.

17 Q. Sure. No. That's okay. You stated that there
18 are incentives that are available in Illinois to explain the
19 Ameren adoption rates. Is your contention that incentives that
20 are available to Illinois residents, such as the tax one you
21 mentioned, impact the number of EVs that Missouri residents
22 have?

23 A. Absolutely, but probably not in a major way and
24 the reason for that is even though -- if you are a Missouri
25 resident you wouldn't be eligible for any of those tax

1 incentives or rebates that Illinois has. What absolutely is a
2 fact is that auto manufacturers and dealerships size their
3 orders and the availability of the stock that they have on the
4 lot relative to the incentives that are available to give people
5 on electric vehicles. And so if you look at -- if you look the
6 -- if you look at Illinois and a significant population on the
7 Illinois side of St. Louis, you are going to have dealers there
8 that naturally have more electric vehicle stock because they've
9 got a vibrant program in Illinois and so more people will be
10 buying there. It's something we see time and time again and
11 specifically have had conversations with auto manufactures as
12 well as dealerships throughout the Clean Charge Network
13 buildout.

14 One of the things we ran into is -- and we were
15 hearing, is it is just very difficult sometimes to get an
16 electric vehicle in Kansas City. And the reason for that is as
17 soon as they get here they are snatched off the floor. I'm in
18 love with the battery hybrid Jeep and there is just literally
19 nothing on this side of the state. The closest I can get is
20 Denver right now to get one. And again, that is another state
21 with a very lucrative city and very lucrative state incentives
22 for electric vehicles. And so yes, it does have an impact. Is
23 it determinative? No. It's just -- it does -- it is -- it does
24 impact one factor and that's the availability of cars at the
25 very least.

1 Q. So none of your programs then address the major
2 issue you brought up, would be the lack of stock of electric
3 vehicles in the area; is that correct?

4 A. Yeah. There's nothing we can do other than to
5 work with dealers and auto manufacturers or OEMs to increase the
6 amount of stock here. I would tell you that prior to the clean
7 charge network there was very little stock at all and now
8 there's a significant increase in what they bring in. We've
9 also gone through and trained a whole bunch of dealerships
10 through various program since 2015 to have people on staff who
11 are experts in electric vehicles and can make the sales and
12 overcome some of those barriers. So I do think while there is
13 nothing in these specific programs having the infrastructure,
14 being able to point to the elimination of range anxiety and some
15 of the incentives that we have, while they are not state
16 incentives and it's not like the \$4,000 tax credit that you can
17 get in Illinois, it still does help attract more stock to the
18 Kansas City region, in fact, anywhere where we have the Clean
19 Charge Network kind of minimum requirements deployed.

20 Q. In response to a question from Judge Graham you
21 pointed -- regarding risk sharing, you pointed the figures in
22 OPC's opening to support a statement that Evergy has already
23 subsidized and shared the risk in this program. Does that mean
24 you agree with those figures?

25 A. Well, I don't know. We probably should talk to

1 Darrin Ives to see if he agrees with that or not. I'm just
2 saying, you know, if that is correct then somewhere in the
3 vicinity of \$2 million a year or so already is a shareholder,
4 you know, assignment of that risk and that cost.

5 MS. MERS: Okay. I have nothing further. Thank
6 you.

7 THE WITNESS: Thank you.

8 JUDGE GRAHAM: Mr. Clizer, did you have some
9 questions for OPC?

10 MR. CLIZER: No, Your Honor. Thank you.

11 JUDGE GRAHAM: All right. Thank you very much.
12 Let's see if we have got any redirect from counsel for this
13 witness.

14 MR. FISCHER: Yes, Judge. Just briefly.

15 REDIRECT EXAMINATION BY MR. FISCHER:

16 Q. Mr. Caisley, can you hear me okay? Is our
17 connection all right?

18 A. Yes, sir. I sure can.

19 Q. Okay. Well, I'm going to turn on my video so I
20 can feel like I am having a conversation with you. Okay?

21 A. Wonderful.

22 Q. I would like to start with some of the areas of
23 the interest by the commissioners and Judge Graham if that's all
24 right with you?

25 A. Absolutely.

1 Q. And the first area you had a number of questions
2 about, time of use rates and our EV charging pilot and why
3 shouldn't we have mandatory time of use rates. Do you recall
4 those?

5 A. I sure do.

6 Q. Do you think that there are some EV drivers that
7 would find time of use rates to be quite beneficial?

8 A. Absolutely.

9 Q. And do you also believe there could be other EV
10 charger or EV drivers that would not find time of use rates to
11 be quite as helpful?

12 A. Absolutely.

13 Q. Would you explain what type of person might not
14 find time of use rates to be beneficial even though they were an
15 EV driver?

16 A. Well, for example, one might be somebody who
17 works overnight, first responders, you know, things like that
18 that have night shifts. If you're out using your vehicle
19 overnight then you're naturally not going to correspond to the
20 time that time of use would be most beneficial. Again, that
21 would be overnight probably post eight o'clock into, you know,
22 3:00, four o'clock in the morning before load starts to build
23 again. So if you are working or using your vehicle during that
24 time period, then the only alternative you would have to charge
25 would be during the day and this could actually act as a

1 disincentive or a penalty to you.

2 Q. Is it true that Evergy's current residential
3 time of use rate would apply to the whole house, not just a
4 specific usage?

5 A. That is correct.

6 Q. So if I have five kids and grandparents lived at
7 home all day long, even though I had EV in the garage it might
8 not make sense for me to go for EV rate if it was on the whole
9 house; is that right?

10 A. That is correct.

11 Q. And I believe you indicated to perhaps
12 Commissioner Rupp that if the Commission mandated time of use
13 rates related to our EV program here, that that wouldn't be a
14 deal killer. You didn't say that, but it wouldn't -- it
15 wouldn't end our interest in this area. Correct?

16 A. That's correct. This is not a zero-sum game
17 where it all has to be approved or exactly the way the Company
18 wants. The Company's made a proposal based off of, you know,
19 our judgment, a good set of programs optimized to achieve what
20 we are looking at. But it is not a zero-sum game and one of the
21 very tenets of why we believe this is such an important
22 conversation is proactive policymaking. And so this hearing and
23 these programs achieve that and so if, you know -- we're going
24 to get some policy decisions out of this and we see that as a
25 universally good thing.

1 Q. Would the Company have a considerably different
2 view of that, though, if we were talking about going to
3 mandatory time of use rates for all of our residential
4 customers?

5 A. Unfortunately, that is not an issue in this case
6 but yes. We -- again, we do not think mandatory time of use for
7 all residential customers is the way to go. We think that there
8 are a myriad of other rates that in all likelihood we will be
9 discussing in a lot of greater detail in subsequent rate
10 proceedings that we would like to engage in the Commission on
11 and stakeholders and try and see if in addition to time of use
12 rates there are other ways that we can address grid management
13 and system utilization while engaging with shareholders without
14 mandating a one-size-fits-all scenario.

15 I anticipate that is going to be, and rightly
16 should be, a significant conversation and a significant area of
17 policy discussion over the coming years because it is an
18 incredibly important point.

19 Q. I believe in answer to Commissioner Rupp you
20 talked about the negative effects that happened in Arizona when
21 they mandated time of use rates?

22 A. Yes.

23 Q. Do you recall that?

24 A. I do.

25 Q. Are there other witnesses perhaps Nick Voris

1 that would give -- have additional background on that situation
2 and others?

3 A. Yeah. I'm sure he would. There may be others.
4 I just know about the time that I assumed responsibility for
5 billing and meters the call centers, when I had a colleague go
6 through that at APS and some other utilities out there and I
7 know it was a very difficult situation and that it resulted in a
8 lot of customer angst. And again, we just don't like
9 one-size-fits-all and Americans generally don't like,
10 you've-got-to-do-this, you know, mandates. But I think there is
11 such a broad -- a broad swath where we can have conversations
12 about this that I look forward to it and I think in the future
13 we will have some interesting conversations and get to some good
14 resolutions on this.

15 Q. Judge Graham also asked you about some federal
16 legislation that perhaps would fund EV charging stations. Do
17 you recall that?

18 A. I do.

19 Q. And I believe in answer to one of the questions
20 you suggested that if federal legislation came about you would
21 be interested in it and it could be complementary to the Evergy
22 program; is that right?

23 A. That's correct.

24 Q. Would you expand on that? How would it be
25 complementary? Why would that be appropriate?

1 A. Well, we don't know where the, you know, what
2 the programs coming from the federal government are going to
3 look like yet. There's a myriad of different proposals that are
4 out there. So for example, if there are increased or extended
5 tax credits, that helps remove a barrier. That helps
6 incentivize adoption. That would be complimentary to these
7 programs. If there is education that's done, I mean, federal
8 funds could go to third-party NGOs. Heck, they could go to
9 states and the Commission could be a situation where they're
10 disseminating information on electric vehicle and electric
11 vehicle charging. So all -- you know, we don't know what all of
12 those are going to be. But in the end, anything that helps
13 remove barriers, educate customers, and is something that
14 creates a more positive ecosystem for electric vehicle charging
15 would be complementary with what we do.

16 Now, if the federal government came out with a
17 policy or a program that directly duplicated something we did or
18 made something that we did, you know, ineffective or not needed,
19 there'd be no reason for us to do it and nothing in this
20 proposal says if you approve this we have to spend every last
21 cent. I think that is an important distinction that should be
22 made.

23 Q. Would you agree that the most effective way to
24 deploy EV charging stations statewide in a timely manner would
25 be to use all funding sources in combination?

1 A. You betcha.

2 Q. Would it surprise you to find that the
3 Commission has made that finding effective in another case?

4 A. If they have, I'm glad.

5 Q. Okay. Judge Graham also asked you I think a
6 question about decisional prudence. Do you recall that?

7 A. I do.

8 Q. If the Public Service Commission in Missouri
9 believed that it is not prudent for the Company to invest in the
10 clean charge network while federal legislation was still
11 pending, would you want to know that?

12 A. I would.

13 Q. And would that be better than a situation where
14 you weren't told that but then in the next rate case parties
15 were allowed to say, well, why would they invest in the CCN
16 network whenever federal legislation was pending?

17 A. Yes, absolutely. That is one of a myriad of
18 concerns in that area.

19 Q. And if the Commission felt like it wasn't the
20 proper role of the utility to be building the Clean Charge
21 Network, would you want to know that too?

22 A. Absolutely.

23 Q. Would that be better than waiting until the next
24 rate case when some party argued that, well, it wasn't
25 appropriate for the utility to even be in that space at all?

1 A. Absolutely. And it has happened before and it
2 is a huge disincentive to us to make incremental investments
3 particularly when it's -- you know, it's happened in the past.

4 Q. Is that the kind of thing you're talking about
5 when we ask for decisional prudence in this case?

6 A. Absolutely.

7 Q. You also had a couple of questions from the
8 Chairman and Commissioner Rupp related to your testimony about
9 what were concerns of the utility and they were glad that you
10 clarified that this wasn't a take it or leave it situation from
11 Evergy's perspective. Do you recall that?

12 A. I do.

13 Q. I would like to give you an opportunity to say
14 in your own words what you feel that we need to know and --
15 regarding the clarification of policy from the Commission?

16 A. You know, I think really two things. One, we
17 really are interested in decisional prudence both on the rebates
18 and the rate designs as well as you know, the very moderate,
19 small even, expansion of the Clean Charge Network because we
20 would like to understand what, as a matter of policy, the
21 Commission views as a utility's role in this area. So I think
22 that would be the first thing is, you know, what does the
23 Commission see as our role.

24 And then the second thing is, you know, in
25 describing that role if we put together a package of programs,

1 you know, are these programs acceptable to execute on or if they
2 have discrete concerns or conditions. I think those are the
3 other things that we would like to know. And discrete concerns
4 or conditions are all things that we would consider. And unless
5 we thought with great certainty that a condition or a limitation
6 would make it impossible to prudently execute the program then
7 we would see this as, you know, advancing policy and it will be
8 something that we would want to go forward with.

9 Q. I think you were asked some questions from Staff
10 regarding possible transmission and distribution investments
11 that might be needed because of EV users. Do you recall that?

12 A. I do.

13 Q. And I believe you indicated that it was such a
14 small program that you didn't expect there to be really any
15 investments that would be needed. Is that --

16 A. A direct result of the participants in this
17 program. In other words we do think that as electric vehicles
18 are adopted and -- go to back to, you know, one of the questions
19 that Judge Graham asked. You know, he asked specifically about
20 the investments and the adoption curves that automakers have
21 talked about. I mean, Deloitte published, I believe earlier
22 this year, that for the next ten years they expect almost a 30
23 percent compound annual growth rate in electric vehicle
24 adoption. That is going to cause increased usage. It's going
25 to exacerbate the peak and it's going to demand infrastructure

1 investment.

2 That said, you know, the three to 500 or so
3 maybe a little bit more -- again Nick Voris would know the exact
4 number -- of participants as a direct result of this program
5 won't in and of itself, I don't believe, exacerbate peak load,
6 but it will get a lot of useful information on how to address
7 the rest of the electric vehicle adoption curve. And in the end
8 as Commissioner Rupp and I discussed, if it becomes a condition
9 or if it is something -- you know, that wouldn't necessarily not
10 want us to do the programs and it's something that I fully
11 anticipate prior to finishing this -- these programs as
12 proposed. We would be back in front of the Commission saying,
13 given the knowledge that we've, you know, obtained in 2022 and
14 2023 and looking at adoption where it is today, we would propose
15 these kinds of rates or these, you know, kinds of conditions on
16 participation. So I think it's something that's going to
17 evolve.

18 Q. Speaking of an analogy for this issue, are you
19 aware that the Company has added the largest customer in the
20 last three to five years over in Sedalia?

21 A. I am intimately familiar with that. Yes.

22 Q. There was a large steel company; is that right?

23 A. Yep. They make rebar.

24 Q. And was it necessary to make massive
25 transmission and distribution investments in order to serve that

1 amount of load?

2 A. There were signif--

3 MR. CLIZER: I'm going to object. Excuse me.

4 Yes. I would like to object, OPC, outside the scope of cross.

5 MR. FISCHER: I'll withdraw the question, Judge.

6 It doesn't need to be answered. That's okay.

7 BY MR. FISCHER:

8 Q. In that regard, think you indicated at that
9 point you were talking about really it was a rounding error in
10 terms of investment that would be needed to serve the ED
11 customers in the next year or so under this pilot program; is
12 that right?

13 A. It's directly attributable to this -- this pilot
14 program if at all. Oh, you mean socialized cost to customers?
15 Yeah. I mean, I think Nick Voris, Darrin, Kim could probably
16 talk to you, but I think it is in the vicinity of a dollar to \$2
17 a year for residential customers.

18 Q. Do you consider ED charging stations to be part
19 of the facilities that the Company should provide to provide
20 safe and adequate service?

21 A. I do, yes, because I think increasingly with
22 this kind of a load you're no longer talking about something,
23 you know, like a mobile phone. You're talking about essentially
24 in many respects what could be considered a mobile, you know,
25 dwelling, a mobile -- a mobile house. They can consume those

1 kinds of loads. And so, you know, if we are going to incline
2 towards the future, yes. I do think it is -- it should be part
3 of -- and that's one of the policy questions with decisional
4 prudence that we'd like to see answered here as part of the
5 utility's role.

6 Q. Do you believe it is an essential service?

7 A. I do.

8 Q. Okay. And does the Company feel like they have
9 an obligation to provide adequate facilities for essential
10 services?

11 A. We do.

12 Q. Mr. Caisley, I appreciate your testimony here.
13 I think that's all the questions I have. Thank you very much.

14 A. Thank you.

15 JUDGE GRAHAM: Thank you, Mr. Fischer. I'm
16 sorry I stepped on you. Did you have something else to say?

17 MR. FISCHER: No, sir.

18 JUDGE GRAHAM: All right. We are going to take
19 a break, but before we do that, Mr. Fischer I'd like for you to
20 take a look at your documents. We'd like to have the
21 residential tariff sheet and a residential time of use tariff
22 sheet specifically put into the record. If you want take a look
23 at that and mark those whatever you want to do and offer them.
24 We're going to take that up at some point soon. Okay?

25 MR. FISCHER: You're talking about the time of

1 use rates that are effective today for residential services for
2 both companies?

3 JUDGE GRAHAM: Yes. And anything that's been
4 filed that's going to go into effect depending upon the action
5 of the Commission that is related to that. Take a look at that
6 during our break or otherwise. I don't know that is imperative
7 that that be taken up now. My request is not completely clear,
8 but let's get to work on that. Okay? We'll take a break now --

9 MR. STEINER: Judge.

10 JUDGE GRAHAM: Yeah?

11 MR. STEINER: This is Roger Steiner. Those are
12 in our report that we filed.

13 JUDGE GRAHAM: I thought that it was.

14 MR. STEINER: If you're talking about the
15 tariff.

16 JUDGE GRAHAM: I thought that it was. I just
17 want to make sure that these things -- that has not been offered
18 actually as an exhibit, has it?

19 MR. STEINER: It has not, but we can certainly
20 do that now.

21 JUDGE GRAHAM: Well, I want to -- why don't you
22 look it over during break or afterwards and make sure that when
23 we get done with that process, I as judge, and the commissioners
24 know exactly what the exhibit numbers are. I get a little bit
25 picky about that stuff. Okay?

1 MR. STEINER: Okay. The report is Exhibit 1 and
2 it's Appendix B in there.

3 JUDGE GRAHAM: Okay.

4 MR. STEINER: We will discuss it after the
5 break.

6 JUDGE GRAHAM: All right. Thank you very much.
7 Let's give the court reporter a hand and give her a break here.
8 Back in about 15 minutes. Okay? Off the record.

9 (OFF THE RECORD.)

10 JUDGE GRAHAM: We are going to go on the record
11 at this point. I believe that we are ready for the next Evergy
12 witness Stacy Noblet. Before we get that we are sitting here at
13 3:29, 3:30 in the afternoon. We've gotten through one of, I
14 guess, we have 15 witness and this thing is scheduled for today
15 and tomorrow. It's my intention to run this hearing until 5:30
16 or so this evening and to start up again at 8:30 in the morning.
17 If, unless that's just an impossible situation for someone. So
18 speak to me about that at some point. That is what I'm working
19 with here.

20 If we are all ready to go, we are back on the
21 record at this point and Mr. Fischer, you can proceed with your
22 next witness, please.

23 MR. STEINER: Judge, this is Roger Steiner with
24 Evergy and Stacy Noblet is my witness so I'm going to proceed.
25 I'm doing this by telephone because I am having some computer

1 issues.

2 JUDGE GRAHAM: All right. Go ahead.

3 MR. STEINER: The Company calls Stacy Noblet.

4 JUDGE GRAHAM: All right. Let me get his
5 spelling and so forth and I'll swear him in. That's the way
6 they want me to do it. Mr. Noblet, I don't know if it is she?

7 MR. STEINER: It's a she, Judge.

8 JUDGE GRAHAM: I beg your pardon. Ms. Noblet
9 would you state your full name and spell it --

10 THE WITNESS: Absolutely.

11 JUDGE GRAHAM: -- for the court reporter.

12 THE WITNESS: Absolutely, Judge. Thank you very
13 much. Stacy Noblet, S-T-A-C-Y, N-O-B-L-E-T.

14 JUDGE GRAHAM: All right. Ms. Noblet, will you
15 raise your right hand and I will swear you.

16 (Witness sworn.)

17 JUDGE GRAHAM: Mr. Steiner, you may proceed.

18 MR. STEINER: Thanks.

19 STACY NOBLET, having first been duly sworn, testifies as
20 follows:

21 DIRECT EXAMINATION BY MR. STEINER:

22 Q. Please state your name for the record.

23 A. My name is Stacy Noblet.

24 Q. And who are you employed by and what is your
25 position there?

1 A. I work at ICF, a global consulting firm. I am a
2 senior director at ICF and my focus area is clean transportation
3 including transportation electrification. I lead ICF's work to
4 support utilities and other clients in designing and
5 implementing electric vehicle charging programs among others and
6 I worked in the clean transportation industry for more than 17
7 years.

8 Q. Thank you. Are you adopting the portions of
9 Evergy's transportation electrification portfolio filing report
10 which has been marked as Exhibit 1 and the portions that were
11 originally sponsored by Ambika Coletti. I'm specifically
12 talking about Section 3.4 of the report and Appendix C to the
13 report?

14 A. Yes, that's correct.

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

16 A. No, I do not.

17 Q. Are the sections of the report sponsored by you
18 true and correct to the best of knowledge and belief?

19 A. Yes, they are.

20 MR. STEINER: Judge, I would move for the
21 admission of Exhibit 1. Those tariffs that you were requesting
22 are actually Appendix C -- Appendix B of that report. I would
23 move for admission of that report and tender this witness for
24 cross-examination.

25 (WHEREIN; Evergy Exhibit 1 was offered into

1 evidence.)

2 JUDGE GRAHAM: And that's Exhibit Number 1,
3 Mr. Steiner?

4 MR. STEINER: It is.

5 JUDGE GRAHAM: Okay. With all of the
6 attachments. Correct?

7 MR. STEINER: Correct.

8 JUDGE GRAHAM: Okay. Do I hear any objections
9 to Exhibit Number 1?

10 MR. CLIZER: Your Honor, this is John Clizer
11 with the OPC. Not an objection, I would like to clarify two
12 points real quick. First, is this the updated report that was
13 filed -- have a date here. Somebody else can jump in if they h
14 have the date.

15 MR. STEINER: It is the one that was filed of
16 July, yes.

17 JUDGE GRAHAM: Yeah. That's a good point.
18 There were two of them filed. You're tendering the one that was
19 filed in July; is that right, Mr. Steiner?

20 MR. STEINER: Correct.

21 JUDGE GRAHAM: Does that one have all the -- I
22 believe you're talking about the right attachment too, are you
23 not?

24 MR. STEINER: Yeah, it includes Appendices H and
25 I, which were updated May 6th, yes.

1 JUDGE GRAHAM: All right. Mr. Clizer, did you
2 have a second question of clarification?

3 MR. CLIZER: Yes. So this might just be a
4 procedural matter, but is my understanding that there are
5 multiple parties who testified as to this report. I don't
6 anticipate any objection but it seems more prudent to offer the
7 report, I guess, after all parties who have contributed to it
8 have been sworn or if the Company is asking for the entire
9 report to be admitted now after just one party.

10 MR. STEINER: I was doing that just to move it
11 along as others have said. But if you'd rather wait till the
12 end, we could do that.

13 JUDGE GRAHAM: Well, Mr. Clizer, do you actually
14 -- does anyone anticipate an objection? Can we not just get
15 this in or is there going to be an objection? You've all had
16 many months to look at this thing.

17 MR. CLIZER: You know what, the OPC doesn't have
18 an objection. I was just concerned with exactly how this
19 proceeding -- but if this is the entire report now, yeah, we do
20 not object.

21 JUDGE GRAHAM: Well, nobody objects the record
22 is going to reflect that Exhibit Number 1 and its attachments
23 are in.

24 (WHEREIN; Everyg Exhibit 1 was received into
25 evidence.)

1 JUDGE GRAHAM: All right. Go ahead,
2 Mr. Steiner. You may proceed.

3 MR. STEINER: That's all I have, Your Honor. I
4 would tender this witness for cross.

5 JUDGE GRAHAM: All right. I don't want to skip
6 Staff this time. I'm sorry. I show that ChargePoint is up to
7 bat here. Does ChargePoint have some cross for this witness?

8 MR. DUNBAR: Your Honor, we do not. Thank you.

9 JUDGE GRAHAM: All right. Does Renew Missouri
10 have any cross for this witness?

11 MR. OPITZ: No, thank you, Judge.

12 JUDGE GRAHAM: Does NRDC have any cross for this
13 witness?

14 MS. HALSO: No, Your Honor. Thank you.

15 JUDGE GRAHAM: Sierra Club, same answer? Do you
16 have any cross for this witness?

17 MR. HALSO: Same answer, Judge. Thanks.

18 JUDGE GRAHAM: During the break I excused MECG's
19 attorney. Does OPC have cross-examination for this witness?

20 MR. CLIZER: No. Thank you, Your Honor.

21 JUDGE GRAHAM: Does the Staff have any cross for
22 this witness?

23 MS. MERS: We do not. Thank you.

24 JUDGE GRAHAM: Are there any questions from the
25 commissioners for this witness? Hearing none, can this witness

1 being excused? Well, then --

2 MR. STEINER: Thank you, Your Honor.

3 JUDGE GRAHAM: -- we are gonna move on to the
4 next witness. Mr. Fischer or Mr. Steiner, whoever is still up
5 to bat, I believe the next witness for Everygy is Nick Voris.

6 MR. STEINER: That's correct and that's Jim
7 Fischer's witness.

8 JUDGE GRAHAM: All right. Mr. Fischer, you want
9 to call your witness and I will have them spell their name and
10 so on and we'll -- I'll turn the witness over to you.

11 MR. FISCHER: Yes, sir. It will just take a
12 second to get him located here and he in is place, I believe.
13 Mr. Voris, are you online now?

14 THE WITNESS: I am. Can you hear me?

15 JUDGE GRAHAM: I can hear you. The judge can
16 hear you. I think if I can probably others can as well. Are
17 you Nick Voris?

18 THE WITNESS: I am.

19 JUDGE GRAHAM: Well, we've got an echo in there
20 somehow. I hope that doesn't keep going. Would you spell your
21 name out and tell us whose witness you are and then I will
22 administer the oath.

23 THE WITNESS: Yes. My name is Nick Voris. Last
24 name is V as in Victor, O-R-I-S. And I work for Everygy and I
25 manage the electrification team.

1 JUDGE GRAHAM: All right. If you raise your
2 right hand I will administer the oath and turn you over to your
3 attorney -- or to the attorney.

4 (Witness sworn.)

5 JUDGE GRAHAM: Okay. Counsel, your witness.
6 NICK VORIS, having been first duly sworn, testifies as follows:

7 DIRECT EXAMINATION BY MR. FISCHER:

8 Q. Please state your name and address for the
9 record.

10 A. Yes, my name is Nick Voris. Address is 1200
11 Main Street, Kansas City, Missouri 64105.

12 Q. Are you the same Nick Voris that caused to be
13 filed in this case a portion of the Evergy transportation
14 electrification portfolio filing report and also surrebuttal
15 testimony which has been marked as -- as Exhibit Number 6?

16 A. I am.

17 Q. Do you have any changes or corrections that need
18 to be made to either of your sections of the report or your
19 surrebuttal testimony?

20 A. Not at this time.

21 Q. And if I were to ask you the questions contained
22 in your surrebuttal testimony, would your answers be the same
23 and are they true and accurate to the best of your knowledge and
24 belief?

25 A. Yes.

1 Q. I'm sorry. It is Number 7. Your surrebuttal is
2 Number 7. I'm sorry. I made a mistake there.

3 MR. FISCHER: With that, Judge I would move for
4 the admission of Exhibit 7 and tender Mr. Voris for
5 cross-examination.

6 (WHEREIN; Every Exhibit 7 was offered into
7 evidence.)

8 JUDGE GRAHAM: Okay. Well, I have a simple
9 question just so the record is absolutely clean. Mr. Voris, do
10 acknowledge that Exhibit 7 is your testimony?

11 THE WITNESS: Yes. Exhibit 7.

12 JUDGE GRAHAM: All right. Thanks.

13 MR. FISCHER: Judge, I could clarify too. I
14 could clarify too, the sections that Mr. Voris is sponsoring of
15 the report, that is Section 2, 4.1, 4.2, 4.3, 4.6, 4.7.1, 4.7.4,
16 4.8, Appendix A, Appendix B, and Appendix F. Thank you.

17 JUDGE GRAHAM: Thank you. I am assuming,
18 Mr. Voris, that you agree with that?

19 THE WITNESS: I do.

20 JUDGE GRAHAM: All right. And are you tendering
21 the witness, Counsel?

22 MR. FISCHER: Yes, sir.

23 JUDGE GRAHAM: Thank you. Does ChargePoint have
24 any questions for Mr. Voris?

25 MR. DUNBAR: Yes, Your Honor. We do. Thank

1 you.

2 JUDGE GRAHAM: You may proceed.

3 MR. DUNBAR: And, Your Honor, just in case it
4 helps with efficiency, ChargePoint does not have questions for
5 any other Evergy witnesses, so I'm happy to hop on and let you
6 know that in the future or if you want to make a note no need to
7 ask us on future witnesses. I just thought I would note that.

8 JUDGE GRAHAM: All right. Thank you.

9 CROSS-EXAMINATION BY MR. DUNBAR:

10 Q. Good afternoon, Mr. Voris. It is good to see
11 you again?

12 A. Good afternoon.

13 Q. Our conversation will potentially give you some
14 deja vu of our conversation a couple of weeks ago in the Kansas
15 proceeding.

16 A. Sure.

17 Q. I thought that was a productive conversation so
18 I appreciate you being here again today. Would you please turn
19 to your surrebuttal testimony and turn to Page 18 and let me
20 know when you're there?

21 A. Okay.

22 Q. So there starting on Page 18 you respond to
23 ChargePoint's recommendations for the residential rebate
24 program. So Evergy opposes ChargePoint's recommended
25 programmatic modification which are to establish a list of

1 qualified chargers that are network capable, have managed
2 charging capabilities, have a safety certification and are
3 ENERGY STAR certified. Is that your recollection in your
4 position?

5 A. Our position is that we do not agree with making
6 the procurement of such a charger necessary to receive the
7 rebate.

8 Q. You have proposed to develop a list of qualified
9 chargers for the commercial rebate program. Correct?

10 A. We can certainly, you know, be helpful to our
11 customers who decide that is the way that they want to go.

12 Q. I'm sorry. I don't think that answered the
13 question. For the commercial program --

14 A. I'm sorry.

15 Q. It's my understanding you're not just -- you are
16 offering to be helpful to commercial customers, but you're also
17 proposing --

18 A. Yeah.

19 Q. -- to require them to install chargers --

20 A. Yeah.

21 Q. -- that meet specific qualifications. Correct?

22 A. Right. You -- yeah. I'm sorry. You pivoted to
23 commercial and didn't. So, yes. To answer your question on the
24 commercial side we are providing that information.

25 Q. Okay. Thank you. And not only providing

1 information, but requiring customers to install chargers --

2 A. Yes.

3 Q. -- from a list of pre-qualified chargers.

4 Correct?

5 A. Right. Yes.

6 Q. Okay. Thank you. And that was just a brief

7 analogy to the commercial program. Going back to the

8 residential program, the residential rebate program would

9 provide \$500 to cover up to 50 percent of installation costs.

10 Correct?

11 A. Correct.

12 Q. And so since Evergy is incentivizing

13 installation costs, if the Commission were to modify the program

14 to require customers to install EV chargers -- (audio cut out)

15 NEMA outlets that ChargePoint recommended, that wouldn't

16 increase --

17 COURT REPORTER: I'm sorry, sir. You cut out.

18 MR. DUNBAR: Okay. I'll just repeat. I'll try

19 to hold my microphone closer.

20 BY MR. DUNBAR:

21 Q. So again, speaking of the residential program

22 since Evergy is proposing to incentivize installation costs or

23 what you might call wiring costs, requiring customers to install

24 EV chargers, rather than just NEMA outlets, would not increase

25 Evergy's proposed budget for the program. Correct?

1 A. Well, I guess it would depend on whether you
2 kept the charger carved out of those costs or if in so mandating
3 the charges would then the charges be included in the overall
4 calculation of costs subject to the formula you mentioned, the
5 50 percent or \$500. It's a fine point, but it's an important
6 part. Right? If you kept the cost of the charger set aside,
7 sure, it wouldn't affect our budget it would just affect our
8 customers and we don't believe that that would be a -- we don't
9 think that that is a necessary cost for them at this time which
10 is why it is not written in there in the first place.

11 Q. Right. And I'm not asking about customer costs
12 right now. I'm just asking about Evergy's cost. So you've
13 proposing -- and what I would just like to highlight is Evergy's
14 proposed to require customers to install NEMA outlets;
15 ChargePoint recommends that you require customers to install
16 chargers. But since that \$500 as you've designed the program is
17 designed to cover wiring, if we stick with that part of your
18 program ChargePoint's recommendation doesn't -- doesn't change
19 your budget at all. Right? Evergy's budget?

20 A. If you preserve the language that the rebate is
21 only going towards installation costs, and just hang the charger
22 requirement, you know, bolt it onto the side, right, then that
23 cost would go straight to the -- to our customers, but it would
24 not affect us. Yes.

25 Q. Okay. Thank you. If you could please scroll

1 down to Page 19 of your surrebuttal testimony there on --
2 starting on Line 21 you mention disaggregation algorithms to
3 identify EV charging from AMI interval usage data?

4 A. Right.

5 Q. So these type of disaggregation algorithms, is
6 it fair to characterize this as a type of artificial
7 intelligence?

8 A. Yeah. It is a type of machine learning where
9 the algorithm gets increasingly accurate and sophisticated based
10 on not only the inputs that you give it, which of course this
11 residential program is going to provide a ton of inputs to help
12 sharpen our algorithm but also use. As the algorithm learns the
13 residence then it is increasingly capable of parsing out the
14 charging.

15 Q. And is it accurate that one of the reasons in
16 your discussion here -- tell me if I characterize your testimony
17 accurately here, one of the reasons that you disagree with
18 ChargePoint's recommendation to require residential customers to
19 install smart chargers is that you think that you can at least
20 achieve some of the data collection that could be done with
21 smart chargers, you think can be done with these disaggregation
22 algorithms; is that a fair statement?

23 A. Yeah. I would say it is a fair statement,
24 emphasizing some. Like, we're not going to be able do it, you
25 know, for significant digits like a charger can.

1 Q. Okay. Fair enough. Thank you. Has Evergy ever
2 used disaggregation algorithms to run demand response programs
3 or managed charging programs?

4 A. No. This is a capability that we and other
5 utilities are building. I mean, you know, EVs themselves are
6 new. So our tools and our capabilities are evolving along with
7 EVs.

8 Q. Does Evergy have any experience using vehicle
9 telematics to run demand response programs or managed charging
10 programs?

11 A. Yeah. We do not. We are -- we thought about
12 including that type of pilot in our filing but instead, you
13 know, we're really excited about what folks like in Xcel
14 Colorado are doing in the telematic space where they are running
15 pilot programs that do the direct protocol, the direct
16 communication between the utility and the cars without a smart
17 charger. And I guess I should also mention because it's -- it's
18 germane to the broader conversation that they are also
19 recruiting a TOU group of customers and a non-TOU group of
20 customers so they can kind of study the differences in those and
21 their residential managed charging pilot.

22 So we're going to be -- we're going to be --
23 we're going to have a sharp eye on what is happening with our --
24 with our fellow utilities in that space.

25 Q. Do you know if all types of EVs are capable of

1 participating in that Xcel Colorado pilot program that you
2 described?

3 A. Certainly the ones -- you kind of got to go at
4 the elephant from a couple different angles because you have a
5 group of OEMs that are really kind of bought into a group of
6 automakers that have bought into the open vehicle grid platform,
7 which is -- you know includes Honda, and Ford, and I believe GM
8 is there too. Tesla is being a hold out, but Tesla has an API
9 that is available to utilities wherein we could do a lot of the
10 same things and that API is being used by other utilities. You
11 know, for -- in a -- like a managed -- in the residential space,
12 let me just say, right now. So, you know, hopefully there are
13 some coalescence, but right now it's manageable via kind of two
14 different routes, if you will.

15 Q. What would that other route be?

16 A. Well, the one route is the -- I'll use an
17 acronym -- the OVGIP, which is a protocol that major automakers
18 like Ford, and Honda, and GM have -- are putting into their EVs
19 that allow for direct communication between utility and vehicle
20 to manage charging and maybe someday to meter charging. I know
21 that that is on their long-range roadmap.

22 And secondly, you have Tesla, which is kind of
23 hold out on the OVGIP wagon. But they have a protocol, a
24 specific protocol, that's publicly available that could be used
25 to accomplish of the same functionality.

1 Q. Okay. Thank you. I wasn't sure if you were
2 talking about Tesla being the second of the two or -- got it.
3 Thank you for clarifying.

4 A. Sure.

5 Q. Does Evergy have any experience using smart
6 network chargers?

7 A. We certainly, you know -- all of our clean
8 charge network stations fit that bill, so yeah.

9 Q. Okay. So if it turns out -- well, everything
10 that you just described with the vehicle telematics and the
11 disaggregation algorithms, it sounded like you described those
12 as fairly cutting edge -- well, yeah, as fairly cutting edge.
13 If it turns out down the road that for whatever reason Evergy is
14 unable to use vehicle telematics or disaggregation algorithms to
15 do demand response programs or managed charging programs and
16 wants to use a smart chargers in the residential space, any
17 customer -- any residential customer that did not install smart
18 charger when they first sign up for this program would need to
19 go purchase and install a smart charger in order to participate
20 in such a program. Right?

21 A. Boy, there's a lot of "ifs" there.

22 Q. I can unpack that if that --

23 A. Yeah. I think I understood. I guess, I would
24 preface my response by saying that, you know, we have been in
25 contact with the head of basically the OVGIP research program

1 and they expect a commercial -- golly, I'm going to get this --
2 I'm going to get this adjective wrong -- a commercially
3 available product for utilities within the next year or two. So
4 when we're talking about down the road, we are not talking about
5 2028 here. We believe that the -- this future that I have
6 described wherein residential managed charging is largely
7 facilitated via direct communication between utility and vehicle
8 is, you know, just a couple -- let's just call it two to four
9 years off. That's one -- that is definitely, definitely shaping
10 our view of why we are not -- why we are not requiring a charger
11 in this program because we worried quite frankly that it is
12 going to be like you son's bicycle helmet that he grew out of
13 and you're kicking around the garage because it is of no use to
14 you three or four years from now.

15 Q. So does that mean that Evergy, based on its
16 proposal, would not be able to do a managed charging or demand
17 response program with EV charging for residential customers for
18 potentially two to four years?

19 A. Yeah. As -- as -- you know, the path that we
20 are on is definitely a path towards residential managed
21 charging. Are we on an active utility charge. Right? Like,
22 that's a whole nother (sic) step beyond. We are not on that
23 path in the next two or three years. It's longer-range. You
24 know, we are building our way to that eventuality, if that makes
25 sense.

1 Q. Okay.

2 A. And of course, implicit in that is the belief
3 that we feel like we've got some runway here. Right?

4 Q. But you would agree, wouldn't you, that -- well,
5 you said that managed charging is in the future for residential
6 charging. So you would agree that managed charging programs are
7 particularly effective in the residential space due to the fact
8 that vehicles are typically parked overnight or for long periods
9 of time?

10 A. I believe the potential for actively managed
11 charging in the residential space is immense, but I think if you
12 go looking for utilities that are doing that today, this year,
13 next year, you're going to find that -- you're going to find it
14 lacking. Like I said, Xcel Colorado, which is pretty doggone
15 progressive, right, we all know what is going on in Colorado as
16 far as EV space. They are doing a pilot right now. So if that
17 give you any idea of kind of their vision for actively utility
18 managed charging in the residential space. There's a lot of
19 work being done to get there, but you know, there is not six
20 months from now, right.

21 Q. Do you know how long it took Xcel Energy in
22 Colorado to get that pilot, the vehicle telematics managed pilot
23 program that you described? Do you know how long it took them
24 to get that off the ground between the time they proposed it and
25 the time it began to be available to customers?

1 A. I don't. I think that they -- they just got
2 approval for it last year. So they're -- they are a year -- I'm
3 not answering your question. No. I don't know.

4 Q. No problem, if you don't know. That's fine.

5 A. Sorry. I was trying to give you something, but
6 I've got nothing.

7 Q. No problem. I think it was quite a while, but I
8 am not testifying so I won't offer specifics. Let's talk about
9 the commercial rebate program. Would you please turn to Page 25
10 of your surrebuttal testimony and let me know when you are
11 there?

12 A. Sure. What page again?

13 Q. 25.

14 A. While I'm turning, if you're interested, DTE is
15 doing and OVGIP as well. That one is even newer. I think that
16 was announced this year.

17 Q. Okay. On Page 25, Mr. Voris, there you are
18 responding to ChargePoint's recommendation not to require
19 participants in a commercial rebate program to participate in
20 demand response events. And I think we've got some really
21 helpful clarifications in the Kansas hearing and I think we can
22 do that again here today. So first, you state -- let's see on
23 mine -- sorry. I forgot to note the line number. There on Line
24 7 you state, Evergy is amenable to a plan modification that
25 would add the requirement for rebate participants to agree to

1 participate in future demand response events for Level 2 charges
2 only, end quote. And the context of this is that such a
3 requirement would not apply to DC fast chargers. So you use the
4 term or the phrase Evergy is amenable?

5 A. Uh-huh.

6 Q. Is it fair to say that Evergy is -- that this is
7 now Evergy's position that the demand response requirement would
8 only apply to Level 2 charges and to DC fast chargers?

9 A. That's fair. We believe that, you know, DC fast
10 chargers, particularly the ones that are installed on highway
11 corridors, you know, people passing through when they need --
12 when they need that charge, they would need that charge. We
13 think that Level 2 are much or -- it just fits the use case a
14 lot better for Level 2. I'm sorry. That is a long yes.

15 Q. Okay. Thank you. Yeah. We agree, as you know.
16 So next you state, quote, Evergy does not anticipate regular
17 demand response events, but when one is called we envision load
18 controlling -- excuse me load control by throttling back the
19 charging speed by 50 percent versus shutting down the capability
20 to charge completely, end quote. So here again, you use the
21 term envision. Is it fair to say that this is your position or
22 a commitment from Evergy at this time?

23 A. Yeah. I would say that that is kind of our --
24 that is our default. Right? Is we define, you know, demand
25 response as a throttle back of -- I'm sorry, I just hit my

1 computer. Of up to, you know, 50 percent. We've -- we've -- I
2 mean, incidentally we've -- we've tested that functionality on
3 the Clean Charge Network and, you know, we are comfortable with
4 that.

5 Q. Okay. Thank you. And would Evergy bring a
6 formal program proposal for Commission approval before
7 implementing this demand response requirement?

8 A. I would say, you know, to the extent that we
9 need additional, you know, tariff language, you know, it -- it's
10 -- we would definitely interact with the Commission on that
11 program.

12 Q. By interact with the Commission does that
13 mean --

14 A. I mean it would be presenting -- I mean, it will
15 be presenting and providing opportunity for feedback, right, on
16 -- on that proposed language.

17 Q. Well, that is different than formal committee
18 for approval, right. I mean, presumably you'd have
19 conversations with the Staff and solicit feedback. But that is
20 different from getting actual Commission approval of a program.
21 So could you clarify what --

22 A. Well, yeah --

23 Q. -- you guys --

24 A. -- and I mean the reason -- yeah, I guess the
25 reason why I'm being a little parsey is, you know, what if we

1 had a future program and offered incentives, you know, based on
2 if you let us it shut it off then, you know, we would actually
3 pay you something. You know, there's just so many forms that
4 that could take. It could be my light touch with the Commission
5 or it could be a, hey this is a new product that we want to
6 offer, which would be a -- you know, subject to much more rigor.
7 Does that make sense?

8 Q. Let me put the question a different way. Would
9 Evergy need to receive -- is it Evergy's position that you would
10 need to receive additional Commission approval before requiring
11 a customer to participate in a demand response event or do you
12 think -- or are you requesting that approval now?

13 A. Yeah. I think that we -- we -- we have every
14 intention of obligating our rebate takers to participate in a DR
15 program. I understand that program is not -- we haven't built
16 it yet and we would certainly include outs, right, for -- you
17 know, you can opt out of an event but having a tie to a
18 requirement to participate in DR is one of the, we think, the
19 important aspects of our rebate. It's -- it's something that
20 it's just been talked about so far. You know, the -- our
21 customers, us as an extension of our customers, are providing
22 this rebate and ours is very much a -- you're not getting
23 something for nothing type of rebate. We have included all
24 manner of requirements, eligibility requirements for that
25 rebate. Some of the most consequential of which are the

1 requirement for smart chargers, networks smart chargers and that
2 you are going to be willing to sign up for to participate in a
3 future DR program. These are the grid friendly aspects of our
4 commercial rebate program.

5 And if people are unwilling to incur the
6 additional expenses associated with smart chargers as opposed to
7 just going and buying, you know, a charger off Amazon or Granger
8 or whatever, if they're unwilling to do that or if they're
9 unwilling to, you know, collaborate or partner with us in future
10 DR then they cannot get our rebate.

11 Q. Okay. Thank you for that, Mr. Voris. And I
12 think as you know ChargePoint generally supports reasonable
13 requirements that site hosts participate in programs that make
14 EV charging load as beneficial as possible. I think really what
15 we're looking for and what I am asking you is if Evergy is
16 willing to commit to getting Commission approval for the details
17 of that future program because details matter as I am sure you
18 agree. So it -- and I believe that you did commit to that at
19 the Kansas hearing and I'm just wondering if you are willing to
20 commit in this hearing to seeking and receiving Commission
21 approval for the details of the demand response program that
22 commercial customers would be subject to?

23 A. Yeah. Mr. Dunbar, I would just say this: We
24 are, you know, obviously very willing and wanting to, you know,
25 interact with our commission on future DR from not only the

1 Clean Charge Network, but, kind of, these rebate recipients
2 which we view kind of as an extension. You know, we've included
3 all of these requirements so that we have kind of functionality
4 consistency across the charging stations in our service
5 territory. We think that is being a good steward of the grid.
6 It is not just say we are pulling the switch on every one of
7 those functionality requirements to the greatest extent possible
8 on Day 1. Right? The we are kind of building that into the
9 program.

10 I would defer to maybe somebody like Mr. Ives on
11 whether we would need to get Commission approval on a program
12 that just simply ramps it down 50 percent from time to time
13 versus one that offers the rebate recipients -- that's not
14 rebate recipients, but those future operators with, you know, an
15 incentive to participate in our program and hopefully you
16 appreciate the difference between the two scenarios I've just
17 outlined.

18 Q. Okay. Okay. Thank you, Mr. Voris. I will
19 intend to ask Mr. Ives a question or two on that. I think just
20 one or two more questions on this issue.

21 A. Sure.

22 Q. You mentioned that you've tested this throttling
23 functionality where you turn down the power 50 percent on the
24 Clean Charge Network. Does Evergy intend to subject its Clean
25 Charge Network chargers to the same demand response requirements

1 that would apply to third-party-owned rebate participant --

2 A. Absolutely.

3 Q. -- site hosts? Okay. And are you able to make
4 that commitment today?

5 A. Yeah.

6 Q. Okay. Great. Thank you.

7 MR. DUNBAR: That's all the questions I have,
8 Your Honor. I -- I spoke too soon about waiving my cross on
9 Evergy's remaining witnesses, but as you just heard Mr. Voris
10 deferred an issue to Mr. Ives so I will plan to ask him a few
11 questions at the time. Thank you very much, Mr. Voris. And
12 thank you, Your Honor.

13 THE WITNESS: You're welcome. Sorry to keep you
14 on for the second day now.

15 JUDGE GRAHAM: That's fine. All right. Does
16 Renew Missouri have any cross for this witness?

17 MR. OPITZ: No, thank you, Judge.

18 JUDGE GRAHAM: Okay. Does NRDC or Sierra Club
19 have any cross for this witness?

20 MR. HALSO: Just a few questions, Judge.

21 JUDGE GRAHAM: You may proceed.

22 MR. HALSO: Thank you.

23 CROSS-EXAMINATION BY MR. HALSO:

24 Q. Good afternoon, Mr. Voris.

25 A. Good afternoon.

1 Q. We haven't met. My name's Joe Halso. I'm an
2 attorney with Sierra Club and speaking to you on behalf of the
3 club and NRDC. Nice to meet you.

4 A. Please to meet you.

5 Q. I'm going to pick up where Mr. Dunbar left off
6 with --

7 A. Okay.

8 Q. -- the topic of demand response. Mr. Voris, if
9 you could just confirm, I think I heard you say that we should
10 understand what's written on Page 25, Lines 7 to 9 of your
11 surrebuttal, that is Exhibit 7, as the Company's current
12 position with respect to demand response requirements for
13 customers --

14 A. Right.

15 Q. -- receiving commercial rebates; is that
16 correct?

17 A. Right.

18 Q. Okay. And that position is, in brief, rebate
19 recipients agree to participate in future demand response events
20 for Level 2 charges; is that right?

21 A. Yes.

22 Q. Okay. I want to focus on that phrase demand
23 response events just for a moment. So did you review the
24 surrebuttal testimony submitted by NRDC/Sierra Club witness
25 Mr. Baumhefner in this case?

1 A. Yes. It's been a couple of days, but yes. Yes,
2 I did.

3 Q. Okay. Do you have a copy of that in front of
4 you?

5 A. I might. Stand by.

6 Q. Just a moment.

7 MR. HALSO: Judge, maybe I will ask your items
8 here. This testimony is prefiled and served on all parties, but
9 we haven't called our witness and offered it into evidence so do
10 you want me to circulate it as if were an exhibit not prefiled?

11 JUDGE GRAHAM: Well, I think everyone's got it
12 and so -- are you going to be offering this?

13 MS. HALSO: Well, I intended to move it into
14 evidence at the time we called Mr. Baumhefner.

15 JUDGE GRAHAM: Okay. Well, I don't need to tell
16 you how to do things here. I think everyone has got it or
17 they've got it available. How would you propose to circulate at
18 this time since we are not in the physical courtroom?

19 MS. HALSO: Sure. I have an email drafted and I
20 can send it out. I was just prepared for this moment and --

21 JUDGE GRAHAM: Well, I don't mean to --

22 MR. HALSO: -- that if counsel wants to --

23 JUDGE GRAHAM: -- examination. Why don't you go
24 ahead and we will take about two minutes. Can you do that in
25 about two minutes, put it out there so everybody has got it in

1 front of them?

2 MS. HALSO: I just hit send on the email, Your
3 Honor. We will pause here for a second.

4 JUDGE GRAHAM: All right.

5 MS. HALSO: Mr. Voris, if you just want to let
6 me know when this comes across for you.

7 THE WITNESS: I actually -- we will wait on
8 everybody else. I do have a hard copy of it in front of me.

9 MS. HALSO: Great. I appreciate that.

10 JUDGE GRAHAM: Yes. It's Taking its time
11 getting to us.

12 MR. CLIZER: Judge, this is Clizer from OPC.
13 Are you looking for verbal confirmation upon receipt from all
14 parties?

15 JUDGE GRAHAM: Yes, if you would. I don't think
16 anybody has gotten it, Counsel.

17 MS. HALSO: I apologize for that. I have you
18 first on my list here that I sent it to, Judge.

19 MR. OPITZ: Renew Missouri has received it. The
20 email came through very recently.

21 MR. STEINER: This is Roger Steiner --

22 JUDGE GRAHAM: Okay. So --

23 MR. STEINER: I think the witness has the
24 testimony in front of him if you just want to start the
25 questions.

1 JUDGE GRAHAM: Yeah, let's do that Mr. Steiner.
2 Why don't you go ahead and proceed, Mr. Halso.

3 MS. HALSO: Okay. Appreciate that, Judge.
4 Thank you. Sorry for the disruption here. This might be
5 unsatisfying. I only have a few questions. Okay.

6 JUDGE GRAHAM: It's -- (audio cut out) for
7 crying out loud. Go ahead.

8 BY MS. HALSO:

9 Q. Mr. Voris, this is the surrebuttal testimony of
10 NRDC/Sierra Club witness Mr. Baumhefner. I'm going to ask you
11 to turn to Page 21 of that testimony and just let me know when
12 you are there?

13 A. Gotcha. Yes.

14 Q. Okay. So beginning at Line 9, Mr. Baumhefner
15 addresses the demand response requirement. He states that --

16 A. Right.

17 Q. -- the Commission should distinguish between
18 requiring customers to agree to participate in future demand
19 response programs and requiring customers to agree to
20 participate in future demand response events called pursuant to
21 those programs. Do you see that?

22 A. Yeah. I do.

23 Q. Okay. Do you understand a distinction between
24 customer participation in a demand response program on the one
25 hand and then a demand response event called pursuant to that

1 program on the other hand?

2 A. I think I do. I'll let you decide for me
3 whether I do. And I tried to make this point, perhaps poorly,
4 in the previous discussion that, you know, we would want to
5 include as part of that kind of additional -- the same
6 additional information that would include, hey, we're singling
7 out Level 2. We would also want to say that our program would
8 have -- would give customers the ability to exclude themselves
9 from a given event. So they could be a program participant who
10 also has the ability to exclude themselves from a specific
11 event. So it could give them that flexibility.

12 Q. I appreciate that. Yeah, let me just ask one
13 last question here. So you do not expect customers receiving
14 commercial rebates to agree to participate in every demand
15 response event that may be called pursuant that your forthcoming
16 demand response program; is that right?

17 A. Right. That is correct. We do not.

18 MS. HALSO: Okay. Great. Thank you, Mr. Voris.
19 Thank you, Judge. No further questions from me.

20 THE WITNESS: You're welcome. Thank you.

21 JUDGE GRAHAM: Thank you. Does the Office of
22 Public Counsel have some questions/cross for this witness?

23 MR. CLIZER: Not at this time. Thank you, Your
24 Honor.

25 JUDGE GRAHAM: Does Staff have some

1 cross-examination for this witness?

2 MS. MERS: Yes. Yes, I do.

3 CROSS-EXAMINATION BY MS. MERS:

4 Q. Good afternoon.

5 A. Good afternoon.

6 Q. This is Nicole Mers with Staff. I am assuming
7 you still have your surrebuttal in front of you?

8 A. I do.

9 Q. And could you please turn to Page 7?

10 A. Seven. Okay.

11 Q. So in the response to the question that begins
12 on Line 3 and ends on Line 10, you state that an estimate of
13 3,065 EVs as of 2021's year-end would be --

14 A. Yeah.

15 Q. -- the assumption Evergy made in its workpaper
16 based on the low adoption. Right?

17 A. Right.

18 Q. How many EVs are in Evergy Missouri's service
19 territory as of October 2021?

20 A. October 2021, I can't get you there. I can get
21 you to June 30 --

22 Q. Okay. What is --

23 A. -- 2021.

24 Q. -- that?

25 A. That's pretty close. One moment. 3,659.

1 Q. Okay. Evergy also believes that mandatory time
2 of use rates are not necessarily because of the same results can
3 be achieved with education. Is that a fair representation of
4 your position?

5 A. No. I would say -- I would just say that Evergy
6 believes that we can meaningfully influence customer charging
7 behavior via education. Whether it is a one-for-one substitute
8 with time of use rates remains to be seen.

9 Q. Okay. Are you familiar with time of use pilot
10 that resulted from case ER-2018-0145 and 0146?

11 A. Just a little bit.

12 Q. Does your knowledge include that the results
13 Evergy found as part of that case was that EV owners were the
14 hardest population to target and had the lowest levels of
15 participation compared to the other population segments?

16 A. Yeah. I mean, that's why -- you know, that's
17 part of the reason why we are, you know, wanting to do this
18 residential pilot and also as you heard Chuck Caisley talk about
19 we're really looking at residential time of use rates very
20 intently for the next rate case. I know that Mr. Lutz can
21 certainly opine on that topic.

22 Q. Okay. Can you turn to Page 16 of your
23 surrebuttal please?

24 A. Sure.

25 Q. On Page 16 from Line 14 to 17, you state that

1 Everygy explained that the standard procedure is that education,
2 marketing, and outreach plans are not prepared until after
3 regulatory approval; is that correct?

4 A. Right. The kind of the nuts and bolts, kind of
5 the logistical details associated with those programs are --
6 they don't completely fall into place until after we kind of
7 understand the guardrails, constraints and things like that.

8 Q. Okay. So then my understanding is correct then
9 that for a program in which education is the sole method of
10 producing benefit that that education does not currently exist?

11 A. I would say that the -- well, for one that the
12 data doesn't exist, right. The data that we will use to educate
13 -- let me be sharper about that. The customer data does not
14 exist yet. Now, if you want to talk about the framework or the
15 conceptual approach that we have laid out then I would just
16 point you, you know, to my surrebuttal testimony where I talk
17 about, you know, how we are going to produce kind of some
18 periodic bespoke is the kind of the consultancy word that I use.
19 Communications that educate that customer on how to program
20 their car, educate them on when they are charging, which by
21 extension tells them how much they charge per day which is going
22 to be eye opening for customers when they find out that they
23 charge like 45 minutes a day. And also the environmental
24 impacts associated with when they're actually charging versus
25 when they could charge off peak and also the potential bill

1 impacts. Right. If they were to go on time of use if they
2 aren't already on time of use.

3 So I lay out what I think is fairly clearly, you
4 know, all of the parts and pieces, all of the data that we are
5 going to be putting in front of customers to compel them to
6 charge off peak.

7 Q. So you stated at the beginning of your response
8 that the data points on what education is most effective, you
9 don't really have a -- any of that now; is that fair?

10 A. Are you asking me if I know what data is going
11 to be most effective to compel them to modify their charging
12 behavior?

13 Q. No. I guess it's more of a question of do you
14 then think that the last year or -- I think it's probably been
15 over a year now -- of a time of use pilot program produced no
16 useful data that you could be implying in this case to inform
17 your education and then therefore present to the parties?

18 A. Well, you know, part of -- part of our -- part
19 of our objectives with this program is to use the data that is
20 generated by the program to develop our ability to disaggregated
21 AMI data. And of course, in these bespoke, you know,
22 communications that I'm talking about we would be leaning on
23 that disaggregated data to put in front of them. So, you know,
24 we didn't really -- we don't fully have that capability now.
25 That's part of the pilot. We're working on it right now. The

1 data from the pilot is going to tremendously supplement that
2 effort and certainly we didn't have any of that over the time
3 period you're talking about.

4 Q. So when you say you didn't have any of that, did
5 you -- does Evergy not have the ability to collect it or did
6 Evergy choose not to collect that as a data point?

7 A. Well, I would say this: You know, our AMI
8 disaggregation with respect to EVs, that effort has really
9 picked up steam this year. I don't know if that is an answer to
10 your question.

11 Q. Yes. It helps. So you stated in response to
12 questions earlier about the demand response program that there's
13 no plans for the DCFC chargers to go on a demand response
14 program; is that correct?

15 A. That's correct.

16 Q. Even though --

17 A. Yeah. We do not consider that use case being
18 very accommodating to a demand response.

19 Q. Even though they're the charges that produce the
20 most demand on the system?

21 A. Yeah. I mean, that's kind of the Catch-22
22 you're in, right, is that these are you biggest chargers, but
23 they're also used for very specific things. They are very
24 expensive and used for very -- very specific use cases. So --
25 and those use cases make them, you know, kind of less -- less of

1 a good fit with demand response.

2 Q. In the clarification conversations you've been
3 having with ChargePoint and Sierra Club, you mentioned that this
4 -- the thought is not to require participation in all demand
5 responses events. Correct?

6 A. Right. That we would have -- you know, that we
7 would give the customers the ability to opt out of a given
8 event, which I think is consistent with, you know, like our
9 thermostat programs.

10 Q. Sure. Is there any enforcement mechanism or
11 penalty if a customer takes a rebate but then does not
12 participate in any demand response program?

13 A. So that would -- I mean that -- that scenario
14 would need to be written into program language. You know, right
15 now there's not. So if that scenario was a concern, then we
16 want to, you know, kind of write some guardrails into the
17 program language.

18 Q. Would Evergy be opposed to adding such
19 guardrails?

20 A. To say that can't you going to participate in a
21 program and never ever accept, I think that would be a really
22 good idea.

23 Q. Okay. Can we take that as a commitment if it
24 would be approved?

25 A. We are committing to not allowing customers to,

1 you know, check the box with us right now only to, you know,
2 give us the stiff arm every single demand response event, you
3 know. Yeah. I mean, I think that that's a responsible
4 guardrail for a program.

5 Q. Okay.

6 MS. MERS: I have no further questions. Thank
7 you.

8 JUDGE GRAHAM: Thank you very much. Are there
9 questions from any of the commissioners? All right. I have a
10 number of questions here. Let me begin with some very small
11 questions.

12 QUESTIONS BY JUDGE GRAHAM:

13 Q. And Mr. Voris, if you need to tell me to refer a
14 question to another witness, please do so and let me know what
15 witness?

16 A. Okay.

17 Q. The terminology that appears in some documents,
18 reports filed by the Company, can you tell me what, quote
19 unquote, EV ready, unquote and quote, make ready infrastructure,
20 close quote, mean? Are you familiar with that terminology with
21 respect to construction?

22 A. Yeah. You know, make ready generally refers to
23 kind of everything downstream of the utility meter. That's --
24 that's -- in my mind that is the easiest way to think about it.
25 It's all the work that is done, kind of, on the customer side.

1 Q. What is --

2 A. I think there are something particularities
3 associated with the meter itself, but I am not going to go there
4 because that gets into the weeds probably more than I am capable
5 of going.

6 Q. All right. That's fair.

7 A. You also asked about EV and I didn't answer you.

8 Q. That's all right. That's what I'm trying to
9 find out. What witness -- who shall I -- is there anybody going
10 to testify that can help us with some of these definitions? The
11 one reason I ask was I believe your counsel listed off a number
12 of subsections that you were going to be accountable for and I
13 wasn't sure where some of the stuff fell. But which witness
14 would we refer to for hypertechnical definitions or
15 semi-technical definitions like that?

16 A. Well, I -- you know, I would say that -- let's
17 see here. I would say that -- well, let's just talk about the
18 EV ready. You know, the EV ready just refers to the fact that
19 it has the type of plug -- we're talking about the residential
20 rebate program, right, I assume?

21 Q. Yeah.

22 A. Yeah. It has the type of plug in that NEMA 1450
23 outlet that is commonly used to plug in EVs.

24 Q. All right.

25 A. So that's -- so that's kind of what we mean by

1 EV ready.

2 Q. All right. Do you have an opinion on
3 ChargePoint's suggestion to connect the rebate not necessarily
4 to an outlet but to the purchase of an L2 charging unit or an
5 NEMA outlet? Do you have any opinion on that or view on that?

6 A. Yeah. You know, our opinion on whether a
7 charger is required is kind of founded on our belief that smart
8 charges -- that we are headed in the not too distant future for
9 the situation where the utility is communicating directly with
10 the car in the residential space and that that eventuality is
11 going to negate the need for a smart charger. And we also
12 believe that that is a -- that's a desirable eventuality because
13 it is one less widget in the communication circuit, right, with
14 all the attendant, you know, Wi-Fi, cybersecurity, all that
15 business, we can kind of dispense with. So to the extent that
16 we can manage EVs in the residential space, to the extent we can
17 utilize AMI data and direct to vehicle communications, we think
18 that's the future.

19 Q. Okay. Well, in that regard and another really
20 very specific question: Would the outlet requirement for the
21 program require an EV outlet to be installed in a garage?

22 A. You know, it -- yeah.

23 Q. Okay. Go ahead.

24 A. Sorry to talk over you. If we're -- there's a
25 number -- you know, I was looking at this because this came up a

1 couple of times and some of the -- some of the tariff language
2 -- sorry. I'm getting -- an insect is attacking me. Some of
3 the tariff language that I think speaks to this is firstly that
4 eligible customers must comply with the application instructions
5 and agree to the terms and conditions to receive the rebate.
6 Right. So we will develop, you know, detailed terms and
7 conditions that are kind of on top of the tariff. And in there
8 we will obviously want to make clear that it has to be located
9 in a location where a person would do charging.

10 It says that by applying for the rebate the
11 applicant agrees the project may be subject to on-site
12 inspections by Evergy. So again, we can do checks to make sure
13 that somebody did not install this in the basement for their
14 dryer. So those are, you know, some of the -- the -- I would
15 say the constraints that we have put on folks that make clear
16 that you need to be installing this outlet for your EV -- for
17 your EV that --

18 Q. Okay.

19 A. -- you must show proof you have before you get
20 the rebate, I would add.

21 Q. Mr. Voris, could you explain the differences
22 from both the voltage and a kilowatt from a KW perspective of a
23 Level 2 and Level 1 charger?

24 A. Yeah. You know, Level 1 charger, you're
25 talking, you know, just like what your lamps plug in to, 120

1 volts, you know, 15 amps-ish. So you're going to top out around
2 -- somewhere between one and one and a half kW. That's pretty
3 typical for Level 1 charging. Level 2 charging is 240 volts.
4 That is the voltage that your range operates on, your air
5 conditioner, electric water heater a lot of times, if you have
6 one. I feel like there is another home appliance because this
7 question came up earlier and I'm trying to get out in front of
8 it. Range, clothes dryer. Did I say clothes dryer? I am going
9 to say it again if I already have.

10 And 240 volts and you can -- they are making
11 cars that are capable of very heavy amperages with 240 volts.
12 And that's one of the reasons why we have effectively capped our
13 program by requiring the NEMA 1450, which the 50 stands for I am
14 rated for 50 amps ergo you cannot, you know, hook me up to an 80
15 amp breaker to charge your Ford F150 Lightning. So you are
16 talking about from a kilowatt perspective where as I said one to
17 one and a half for Level 1. For our program you're looking in
18 the range of close to seven to little over nine.

19 Q. Could Level 1 charging be used for EVs?

20 A. It can. It charges at a rate of around three to
21 four miles of range per hour. People do. People do use Level 1
22 depending on their driving habits. The kicker about Level 1 is
23 it is so slow that you have to be -- you have to be plugged in a
24 lot. Right? Let's say you drive, I don't know, 35, 40 miles a
25 day. Well, now you are going to be plugged in eight to ten

1 hours at night doing that triple charge I would call it. So
2 there's no -- the point is there is no flexibility to that load.
3 There's much less flexibility with moving that load around in
4 time.

5 Now, you put that person who is used to charging
6 eight hours a day or ten hours, you put them on Level 2 to be
7 sure, they now can light up, you know, at -- you know, six
8 times, five, six times the kilowatts but they're only going to
9 light up for an hour, an hour and a half, two hours. So that
10 increment of charging is much more flexible in time, if that
11 makes sense.

12 Q. Okay. Well, I understand the objective of this
13 program is specified in the application as quote, to reduce the
14 costs associated with enabling Level 2 EV charging installation
15 at home. So what information will be collected and monitored as
16 part of this program? Could you tell me?

17 A. Yeah. These folks are really going to be kind
18 of in the laboratory because we are going to be closely
19 monitoring their charging behaviors vis-à-vis the information
20 and feedback that they are getting from us. In other words,
21 find out are we being effective in convincing these folks to
22 charge off peak. And one of that points to make in that regard
23 is just how easy it is to charge off peak. They can still come
24 home at five o'clock and plug in and you know, so they -- it's
25 not like they have to go out to their -- wake up at midnight and

1 walk out to their garage to plug in. Their car is capable of
2 being programmed with relatively little fuss. Part of our
3 education is making sure they understand how. That may be
4 ensuring that they watch a YouTube video, right, in this day and
5 age. But relatively little fuss. They can set it and forget to
6 where their car charges, you know, after 11:00 p.m., midnight at
7 1:00 a.m., whatever. And then maybe any time on the weekends to
8 kind match a TOU.

9 So that is kind of the name of the game with
10 this pilot project is -- and understand that this pilot project
11 is kind of predicated on, you know, the expectation that we
12 wouldn't have mandated residential TOU rates, so therefore we
13 would always have this section of EV drivers who are not on TOU
14 and charging Level 2. We've got them today. Every utility has
15 them today. There are utilities that have hundreds if not
16 thousands of those folks today. It would behoove us to
17 understand whether we can get them to -- whether we can modify
18 their behavior via education if they are resistant to going on
19 TOU. We heartened by -- I'm sorry. I'm going on and on.

20 But we were heartened by a conversation we had
21 the other day with a utility out east who had done kind of a
22 similar program. And we asked them. We said, what's going on
23 with your non-TOU folks. And they said we have been surprised
24 by how much they have modified their behavior. We've been
25 surprised by how much they charge off peak in the absence of a

1 financial incentive. That's promising.

2 Q. I don't know if you are able to -- you tell me
3 whether you can address some rebate questions. Can you describe
4 why both the residential customer and a residential developer
5 rebate program are needed?

6 A. Yeah. I would say that the -- I guess I would
7 not look at it binary, needed/not needed. I would say that the
8 residential -- the car owner, the residential rebate program,
9 the Customer EV Outlet Program I will call it, that is far and
10 away the more valuable from a utility, a knowledge, a grid
11 impact perspective, far and away that is more important than the
12 developer. The developer was an idea that we had that, you
13 know, just -- just offered a little bit of money. I think it's
14 -- it's 16 -- 15 or \$16,000 a year split between the two
15 jurisdictions just as a way to attract developers, to bring them
16 into conversation with us, to among other things as Mr. Caisley
17 spoke about, to hopefully provide a lasting affect wherein they
18 install those outlets beyond -- it just becomes part of their
19 standard practice and pretty soon everybody's doing it, right,
20 because the people who are competing with them see them doing it
21 and well, that's a little competitive advantage and maybe I
22 ought to do it too. That is kind of the goal of that second
23 program.

24 Q. Okay. Can you speak to the question of how the
25 program will verify that only one rebate total is used per

1 residence? Are you able to speak to that question?

2 A. Are we talking about either -- either rebate
3 program? I can tell you that, you know, we will definitely be
4 keeping track of the -- for example, for the EV outlet rebate
5 they have to show that they have an EV that is registered to
6 that address. So then if we had somebody, you know, come try to
7 take a second bite, then we would have two EVs at that address.
8 And it's not just -- it's not again, to use the word binary.
9 It's not a yes or now. It's also make, model -- well, make,
10 model, year, which in turn tell us what that AC charging
11 capability is, which helps the AMI disaggregation algorithm.
12 Sorry that is a mouthful.

13 Q. That is all right. Is there going be a cap on
14 the number of rebate requests that specific developers submits
15 or the location within the service territory?

16 A. We -- right now there are no such constraints in
17 that program as designed. So there's no -- there's no limit to
18 any individual developer. Max one per premise.

19 Q. Okay. A number of questions and I am circling
20 back to an earlier theme here concerning the information that
21 Evergy will track for this program. But just as a global
22 question from me, a large part of this program depends upon
23 Evergy's tracking -- gathering and tracking information. That
24 is the nature of a pilot program, is it not?

25 A. It is.

1 Q. Okay. Well, let's kind of go through the
2 information here and maybe a little bit away for a minute from
3 the technicalities of electricity. How is Evergy going to track
4 and identify ever when the prewired installation is upgraded for
5 EV adoption and charging? Just as a matter of tracking and
6 identifying, what is involved there?

7 A. Okay. So are we talking about the developer
8 rebate or the outlet? I'm sorry, the customer EV rebate?

9 Q. Will either or both.

10 A. Okay.

11 Q. Well, both.

12 A. Yeah. The -- the -- they both require proof
13 that the work is done and there is proof that is subject to
14 audit. You know, we are not -- we're not saying that we are
15 going audit every one of them. But they both require that they,
16 you know, that they prove the cost -- well, I guess not so much
17 cost on the developer side. But on the customer EV outlet side
18 they need to prove cost and they need to prove that the work is
19 done. I would expect that could include, you know, a photo of
20 the insulation amongst some other things. So we've got some
21 requirements I should say in our tariff language that speaks to,
22 you know, really proving out that the work was actually before
23 issuing the funds.

24 Q. Yeah. I think we are going down two tracks here
25 though.

1 A. Okay.

2 Q. At least in my -- you're talking about
3 verification for purposes of rebates and money. Correct? With
4 that?

5 A. Yes.

6 Q. Yeah. I am on a different level. I won't say
7 necessarily a higher level.

8 A. Okay.

9 Q. But a different level here. This is a pilot
10 program. It's a pilot program and we are looking for
11 information that guide you, guide the Company, guide the
12 Commission in the future. So not just with respect to rebates,
13 but putting this altogether will Evergy be tracking, you know,
14 on a more global level the information with respect to prewired
15 installation. You know, where are we going to end up with
16 respect to information here? Do you have an idea? Does Evergy
17 have an idea?

18 A. I wish I had a perfect understanding of the
19 question.

20 Q. Nicely put.

21 A. I'm not sure if I'm going to give --

22 Q. Nicely put. Nicely put. I just thought perhaps
23 that at the end of the day we would have graphs and charts and
24 Excel sheets and that sort of thing that showed patterns that
25 would be directive or predictive or something like?

1 A. Or for like residential charging patterns and
2 whatnot?

3 Q. Yes, exactly.

4 A. Yeah. I'm an engineer and we are going to have
5 plenty of that. Yeah. We'll have plenty of that. We will, you
6 know -- the charging pattern data that the residential program
7 is going to generate is going to be a treasure trove. I mean,
8 it can be using in a lot of different ways. It could be used
9 inform rate design. It can be, you know, used to inform --
10 well, I guess it's more on rate design, but, you know, time of
11 use rates is one thing you can do. Well, you know, if you look
12 at it across the industry there are a lot of creative things
13 that utilities are trying to influence, you know, customer
14 behavior in the residential space. You know, sweeteners.
15 Right? Like, if you don't charge -- if you don't charge on
16 peak, you know, more than a certain amount then, you know, we'll
17 give you a bill credit. I am not saying that we are headed down
18 that path but I just wanted to say that to be illustrative of
19 the types of, you know, optionality that the utilities are
20 looking at.

21 Q. You referenced and EV highway program operated
22 by Xcel Utility in Colorado --

23 A. Yeah.

24 Q. -- that looked at a looked at members who
25 participate in the residential time of use rate and those who

1 don't, to evaluate the vehicle telematics; is that right?

2 A. Yeah. That pilot is -- it involves the vehicle
3 telematics and it involves a TOU cohort and non-TOU cohort, yes.

4 Q. Is there a reason Evergy did not try to
5 duplicate that program in its pilot proposal?

6 A. Well, I would say that in some respect we are
7 because we have not tied our rebate to TOU, so we should expect
8 to get a mix of TOU and non-TOU participants, which would give
9 us two cohorts much like Xcel. Is that what you are asking?

10 Q. Well, would you -- would the Company be willing
11 to incorporate something more similar to that program, the
12 Colorado program for their residential rebate pilot program?

13 A. So I'm trying to, you know, envision what that
14 might look like. Are you suggesting like a staggered rebate
15 amount, you know, TOU versus non-TOU, you get a different rebate
16 amount? Or how would we -- how would we develop the two
17 cohorts?

18 Q. To what extent are they different now in a
19 significant and material ways? How would you distinguish your
20 program different from theirs?

21 A. I would say -- well, they biggest is that they
22 are working on -- basically they are the next step in
23 commercializing the utility directive vehicle managed charging.
24 That is the focal point of their pilot. We have -- I would call
25 it a not as an aggressive of a pilot where we are studying the

1 impact of data-driven communications to influence customer
2 behavior. Where they are going is where we will be eventually.
3 Right?

4 Q. That's my question. Yeah. And you're just not
5 going to get there yet. You need to run it through this pilot
6 program? Is that the Company's position before you can --

7 A. Well --

8 Q. -- go where they already are?

9 A. Yeah. What they're doing is -- as much as
10 anything, it's -- it's largely a technical -- a technical pilot
11 where they are going to try different things and they are going
12 to see how TOU and non-TOU customers react to it. But the meat
13 of the pilot from a technical standpoint is being able to do
14 this communication between utility and vehicles at scale, if
15 that makes sense.

16 Q. Okay. Well, turning to commercial EV charging,
17 the rebate program clarification here. Are the customers going
18 to actually own the charging stations?

19 A. They are.

20 Q. They are?

21 A. Yes.

22 Q. And will Evergy be -- will they owning them all
23 or will it be Evergy owning some and leasing any of these
24 stations to commercial customers?

25 A. Evergy will not own any of the charging stations

1 that are produced by the -- as a result of the commercial rebate
2 program.

3 Q. Okay. I think that is end of the questions that
4 I've got at this time.

5 JUDGE GRAHAM: Based on the questions that I
6 have asked and the Commission has asked, is there any recross
7 examination from anybody?

8 MR. CLIZER: Yes, Your Honor. This is John
9 Clizer from OPC.

10 JUDGE GRAHAM: You can proceed, sir.

11 RE CROSS EXAMINATION BY MR. CLIZER:

12 Q. Good afternoon, Mr. Voris.

13 A. Hello, Mr. Clizer.

14 Q. You were asked a -- sorry about that. You were
15 asked a question regarding -- well, eventually you had talked
16 about the terms and conditions that were going to be applied to
17 the residential rebate program. Do you recall that?

18 A. I do. Yeah.

19 Q. Are those terms and conditions included in the
20 application filed by the Company?

21 A. They are not.

22 Q. So is the Commission being required to actually
23 review those terms and conditions?

24 A. We do not -- I guess, we don't set that out in
25 the application.

1 Q. So there is nothing in the record --

2 A. Yeah. We don't --

3 Q. -- to verify --

4 A. -- stipulate that in the application. Yeah.

5 Q. My apologies. I apologize. I did not mean to
6 cut you off.

7 A. That's okay.

8 Q. There's nothing in the record to verify those
9 terms in the application?

10 A. Correct.

11 Q. You asked a question regarding a number of EVs
12 in the Missouri service territory. Do you recall that?

13 A. I do.

14 Q. Was that in reference to the 2020 EPRI study?

15 A. The number of the EVs that I provided was -- I
16 believe that I was asked for the most recent. So I provided the
17 most recent set of data that we've received from EPRI, which is
18 timestamped June 30, 2021.

19 Q. And I'm just -- I'm trying to bring this into
20 correlation with what you say on Page 7 of your surrebuttal. Is
21 that the amount assumed according to the medium adoption rate?

22 A. No. That is an actual amount. The 3,659 is a
23 number that I quoted and that is a -- that is an actual amount.

24 Q. Where does EPRI get that number from?

25 A. EPRI, they perform an analysis that includes --

1 the biggest portion of it is car registrations, but they also
2 look at the movement of used cars in and out of the system.
3 It's called vehicles in operation is -- is, you know, that --
4 that metric. It's pretty common, so yeah.

5 Q. Does that number include Kansas?

6 A. No. The 3,659 is Missouri Metro and Missouri
7 West.

8 Q. So it is not just actual registrations?

9 A. It's -- it's not. Technically, it's not because
10 you look at the -- you look at the definition of vehicles in
11 operation and it also includes the movement of used vehicles but
12 this is -- I mean, we are talking about EVs, so the movement of
13 used or wrecked vehicles in and out of our territory is -- let's
14 call it an immaterial portion of that total at this point in
15 time.

16 Q. Everygy has not itself requested information from
17 the Missouri Department of Revenue identifying the number of EVs
18 in the counties in which it serves; is that correct?

19 A. That is correct. We do not -- we do not
20 interface directly with them, no. You might check and see if
21 your numbers include both battery electric and plug-in hybrid.

22 Q. They do but I will leave that to Dr. Marke to
23 explain.

24 A. That's interesting.

25 Q. Thank you.

1 A. Yep.

2 JUDGE GRAHAM: Does that conclude your
3 questions, Mr. Clizer?

4 MR. CLIZER: It did, Judge. Thank you very
5 much.

6 JUDGE GRAHAM: Okay. Thank you very much. Is
7 there any redirect for this witness?

8 MR. FISCHER: Just very briefly, Judge.

9 REDIRECT EXAMINATION BY MR. FISCHER:

10 Q. Mr. Voris, you were asked a question regarding
11 your Page 25, I think it was by ChargePoint's counsel, on Line
12 7. Are you there?

13 A. I am.

14 Q. There you say Evergy is amenable to a planned
15 modification that would add the requirements for rebate
16 participants to agree to participate in future demand response
17 events for Level 2 charges only. Do you see that?

18 A. I do.

19 Q. Do you expect that the Company will file a
20 revised tariff at the end of this case that will address all of
21 the orders that might come out of the Commission as part of
22 their decision?

23 A. I do expect that.

24 Q. And is it your understanding that in Missouri
25 the final tariff is approved by the Commission?

1 A. That is my understanding.

2 MR. FISCHER: Okay. Thank you. That's all the
3 questions I have, Judge.

4 JUDGE GRAHAM: All right. We are done with this
5 witness. How long do you anticipate Kimberly Winslow's
6 testimony might be? Is there any way of telling?

7 MR. FISCHER: Judge, it's only based on how much
8 cross we have for her. We hope that it will be quick.

9 JUDGE GRAHAM: Why don't we go ahead and do her
10 then. It's 4:45, if we can. If we can get one more witness out
11 of the way today. Is that okay?

12 MR. FISCHER: That will be great. I think
13 Mr. Steiner is going to handle that witness.

14 JUDGE GRAHAM: All right. Why don't we have her
15 state her full name and spell it for me and then I will
16 administer the oath.

17 THE WITNESS: Good afternoon. My name is
18 Kimberly Winslow, K-I-M--

19 JUDGE GRAHAM: Could you spell --

20 THE WITNESS: Yeah. I'm sorry.

21 K-I-M-B-E-R-L-Y, W-I-N-S-L-O-W.

22 JUDGE GRAHAM: All right. Ms. Winslow, would
23 you raise your right hand and I'll administer the oath.

24 (Witness sworn.)

25 JUDGE GRAHAM: You may proceed, Counsel.

1 MR. STEINER: Thank you.

2 KATE WINSLOW, having first been duly sworn, testifies as
3 follows:

4 DIRECT EXAMINATION BY MR. STEINER:

5 Q. Please state your name for the record.

6 A. Kimberly Winslow.

7 Q. Ms. Winslow, where do you work and what is your
8 job title?

9 A. I work at Evergy at 1200 Main, Kansas City,
10 Missouri 64105. My role at the -- at Evergy is senior director
11 of energy solutions. In this capacity I lead our energy
12 solutions team, which is the implementation and development of
13 products and services for our customers.

14 Q. Thank you. Are you sponsoring portions of
15 Exhibit 1, which is Evergy's transportation electrification
16 portfolio filing report and specifically talking about Section
17 1, 3.1, 3.2, 3.3 and Appendix E?

18 A. Yes. That is correct.

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

20 A. No, I do not.

21 Q. Are the sections of the report I just mentioned
22 that are sponsored by you true and correct to the best of your
23 knowledge and belief?

24 A. Yes, it is.

25 MR. STEINER: Judge, I tender the witness for

1 cross.

2 JUDGE GRAHAM: Okay. I just received a note
3 from Staff that they lost their connection for a moment. Let me
4 see what is going on here.

5 MR. CLIZER: Judge Graham, this is OPC. I would
6 like to point out that we also lost the call temporary. We're
7 back on now.

8 JUDGE GRAHAM: I don't know that we need to go
9 through any of that testimony. Just based -- well, I don't know
10 what was lost here. Can we agree that Ms. Winslow ratified her
11 prefiled testimony and said that it was hers and was correct.
12 Have I stated that right, Counsel?

13 MR. STEINER: That's right. And she is ready
14 for cross-examination.

15 JUDGE GRAHAM: All right. I don't think she did
16 anything other than that. What's the -- does that exhibit got a
17 number?

18 MR. STEINER: Exhibit 1, Your Honor.

19 JUDGE GRAHAM: All right. Yes, and you referred
20 to that. Let's see. Let's proceed now with cross-examination.
21 I think we can do that. Does ChargePoint have some
22 cross-examination for this witness?

23 MR. DUNBAR: No questions. Thank you.

24 JUDGE GRAHAM: Does Renew Missouri have
25 cross-examination for this witness?

1 MR. OPITZ: No, thank you, Judge.

2 JUDGE GRAHAM: Does NRDC or Sierra Club have
3 cross for this witness?

4 MS. HALSO: No questions, Judge. Thank you.

5 JUDGE GRAHAM: Does the Office of Public Counsel
6 have cross for this witness?

7 MR. CLIZER: No. Thank you, Judge.

8 JUDGE GRAHAM: We will see if Staff is back.
9 Does staff have cross?

10 MS. MERS: Staff is back. Apologies for the
11 interruption and we do not have any cross. Thank you.

12 JUDGE GRAHAM: Okay. Do any of the
13 commissioners have cross-examination for this witness? Well,
14 let's -- let's go for another witness and see if we could do a
15 little more work tonight before we adjourn.

16 MR. STEINER: That sounds good. I call Tim
17 Nelson.

18 JUDGE GRAHAM: I was going to say, I believe
19 that Mr. Nelson is the next witness. You want to proceed and
20 produce him?

21 MR. STEINER: Yes.

22 JUDGE GRAHAM: Let me know when he is there. I
23 will get his name and spell it and we'll swear him in.

24 MR. STEINER: Tim, say your name when you are
25 ready.

1 THE WITNESS: Is my camera going yet? Can you
2 hear me?

3 JUDGE GRAHAM: The judge can hear you.

4 THE WITNESS: Okay. Thank you. Yeah, my name
5 is Timothy Nelson.

6 JUDGE GRAHAM: How do you spell the last name?

7 THE WITNESS: N-E-L-S-O-N.

8 JUDGE GRAHAM: Okay. The usual name and
9 spelling. Mr. Nelson, would you raise your right hand and I
10 will administer the oath.

11 (Witness sworn.)

12 JUDGE GRAHAM: Counsel, you may inquire.

13 TIMOTHY NELSON, having been first duly sworn, testifies as
14 follows:

15 DIRECT EXAMINATION BY MR. STEINER:

16 Q. Please state your name for the record.

17 A. Timothy Nelson.

18 Q. Mr. Nelson, what's your position at Evergy?

19 A. I am senior manager of the energy solutions
20 analytics group.

21 Q. Are you sponsoring portions of Exhibit 1, the
22 electrification portfolio filing report, specifically Appendix
23 D?

24 A. Yes.

25 Q. Did you also cause to be prefiled surrebuttal

1 testimony, which has been premarked as Exhibit 6?

2 A. Yes.

3 Q. Do you have any corrections to that testimony,
4 Mr. Nelson?

5 A. I do not.

6 Q. Is the sections of the report sponsored by you
7 and the surrebuttal testimony true and correct to the best of
8 your knowledge and belief?

9 A. It is.

10 MR. STEINER: Your Honor, I move for the
11 admission of Nelson's surrebuttal testimony, which is Exhibit 6.

12 (WHEREIN; Everyg Exhibit 6 was offered into
13 evidence.)

14 JUDGE GRAHAM: Okay. Are there any objections
15 to Everyg's Exhibit Number 6? Hearing none, Exhibit 6 is
16 received into evidence.

17 (WHEREIN; Everyg Exhibit 6 was received into
18 evidence.)

19 MR. STEINER: I would tender this witness for
20 cross-examination.

21 JUDGE GRAHAM: Thank you. Does ChargePoint have
22 any cross-examination for Mr. Nelson?

23 MR. DUNBAR: No questions. Thank you.

24 JUDGE GRAHAM: Does Renew Missouri have any
25 cross for Mr. Nelson?

1 MR. OPITZ: No, thank you, Judge.

2 JUDGE GRAHAM: Does NRDC or Sierra Club have
3 cross-examination for Mr. Nelson?

4 MS. HALSO: No questions, Judge.

5 JUDGE GRAHAM: Does OPC have cross for
6 Mr. Nelson?

7 MR. CLIZER: No. Thank you, Your Honor.

8 JUDGE GRAHAM: Does the Staff have any
9 cross-examination for Mr. Nelson?

10 MS. MERS: Yes. Very briefly.

11 CROSS-EXAMINATION BY MS. MERS:

12 Q. Good evening, Mr. Nelson.

13 A. Good evening.

14 Q. If monthly peak loads would increase as a result
15 of this application, would Evergy's SPP Schedule 11 be
16 increased?

17 A. Yes, I believe that would be correct.

18 Q. All right. And did the ICF model include an
19 option to evaluate the impact of additional transmission
20 capacity costs, an additional distribution cost?

21 A. Yes, if --

22 MR. STEINER: Counsel, are you referring to his
23 testimony someplace?

24 MS. MERS: Yes. Hold on one moment. Let me see
25 if I can get you a citation. I'm not sure I can point to a

1 specific page number, but generally it's regarding the avoided
2 cost interconnection and transmission rebuttal that he provided
3 -- or surrebuttal he provided against Staff's position.

4 MR. STEINER: Okay. So it is not in his
5 testimony? I was just trying to point him to where he should
6 look.

7 MS. MERS: Yeah. I don't think there is
8 anything I can point to. Actually, yes, you know, it's on -- on
9 Page 8 there is a reference to the ICF cost-effectiveness
10 evaluation.

11 MR. STEINER: Okay. Tim, do you understand what
12 you are being asked?

13 THE WITNESS: Could you repeat the question
14 please, or rephrase it?

15 MS. MERS: Yes, I can. Yes, I can.

16 BY MS. MERS:

17 Q. Did ICF's model, that evaluation you are
18 referencing, did it include an option to evaluate the impact of
19 additional transmission capacity costs and additional
20 distribution costs?

21 A. What do you mean by option?

22 Q. Is that an input that the model could have added
23 when evaluating the cost benefits?

24 A. Well, their model -- and I guess this would have
25 been a great question for witness Noblet, but their model did

1 include costs falling into three categories as I state on Page
2 10 of my testimony. The energy cost, vehicle cost and then some
3 for charging infrastructure.

4 Q. So would those costs have been considered under
5 the charging infrastructure or where were those included in that
6 model?

7 A. Yes. That would be under the charging
8 infrastructure.

9 Q. Okay. Thank you for the clarification.

10 MS. MERS: I have nothing further.

11 JUDGE GRAHAM: Thank you very much. Are there
12 questions from the commissioners? Okay. Based on the -- well,
13 I guess that concludes the cross-examination. There's no
14 questions from the commissioners. Given that there was cross,
15 though, is there redirect?

16 MR. STEINER: Briefly, Your Honor.

17 REDIRECT EXAMINATION BY MR. STEINER:

18 Q. Mr. Nelson, if you know, is it likely that there
19 would be additional transmission capacity and distribution costs
20 as a result of the programs that have been proposed by the
21 Company in this case?

22 A. Yeah. We don't believe that there would be any
23 additional transmission or distribution costs other than what we
24 have modeled in the cost-effectiveness.

25 Q. Thank you.

1 JUDGE GRAHAM: All right. That concludes with
2 that witness. Thank you very much, Mr. Nelson.

3 THE WITNESS: Thank you.

4 JUDGE GRAHAM: Is Brad Lutz ready to testify
5 today?

6 MR. STEINER: I think Mr. Lutz can be made
7 available.

8 JUDGE GRAHAM: Well, I didn't mean to
9 mispronounce his name. I anticipate that we will -- well, I
10 knew a Mr. Lutz that spelled it just like that or very close to
11 that.

12 It's only 5:07. I know that's late, but I'd
13 like to go to 5:30 unless we have a witness that's going to take
14 an hour or so again.

15 MR. STEINER: We're fine with producing him,
16 Judge.

17 JUDGE GRAHAM: Okay. Well, let's go ahead and
18 proceed then and see if we can do another witness today. Why
19 don't you going ahead and produce him and we will start.

20 MR. STEINER: Brad, when you are ready just
21 state your name.

22 THE WITNESS: Good evening. My name is Brad
23 Lutz.

24 JUDGE STEINER: All right. We're going to have
25 to do better than that. I can't hear him.

1 COURT REPORTER: Thank you. I cannot.

2 MR. STEINER: We will try again.

3 THE WITNESS: Good evening. My name is Brad
4 Lutz. Does that help?

5 JUDGE GRAHAM: No. I mean, I can tell that
6 you're talking, but I -- does anybody else have a problem
7 hearing him?

8 COURT REPORTER: The court reporter does. I
9 cannot hear him at all.

10 JUDGE GRAHAM: Well, that's the bottom line.

11 MR. STEINER: We are going to put him on a
12 phone, Judge.

13 JUDGE GRAHAM: Okay. Put him on the phone.
14 We'll take about a minute or so or however long it takes to do
15 that.

16 MR. STEINER: Or possibly another computer. So
17 we're reshuffling here.

18 JUDGE GRAHAM: All right.

19 THE WITNESS: All right. Is this one better?

20 JUDGE GRAHAM: That's great. Can the court
21 reporter hear him okay? I can.

22 COURT REPORTER: Yes, sir. All good.

23 JUDGE GRAHAM: All right. Mr. Lutz, this is
24 Judge Graham. Will you just spell your whole name for me, then
25 I'll administer the oath and turn you over to counsel.

1 THE WITNESS: Yes. My name is Brad Lutz,
2 B-R-A-D, L-U-T-Z.

3 JUDGE GRAHAM: All right. If you will raise
4 your right hand, I will administer the oath.

5 (Witness sworn.)

6 JUDGE GRAHAM: Counsel, your witness.

7 MR. STEINER: Thank you.

8 BRAD LUTZ, having been first duly sworn, testifies as follows:

9 DIRECT EXAMINATION BY MR. STEINER:

10 Q. Please state your name for the record.

11 A. My name is Brad Lutz.

12 Q. Will you tell us where you work and what your
13 position is there?

14 A. I work with Evergy, 1200 Main in Kansas City
15 Missouri, and my role is director of regulatory affairs.

16 Q. Thank you. Mr. Lutz, are you sponsoring
17 portions of Exhibit 1, specifically Sections 4.3, 4.4, 4.5, and
18 Appendix B?

19 A. I am.

20 Q. Did you also cause to be filed surrebuttal
21 testimony in this matter, which I believe has been marked as
22 Exhibit 5?

23 A. I did.

24 Q. Do you have any corrections to the report or to
25 the testimony?

1 A. I do not.

2 Q. Are the sections of the report and the
3 surrebuttal testimony true and correct to the best of your
4 knowledge and belief?

5 A. Yes, they are.

6 MR. STEINER: Judge, I would like to offer
7 Exhibit 5 into the record and tender the witness for cross.

8 (WHEREIN; Everyy Exhibit 5 was offered into
9 evidence.)

10 JUDGE GRAHAM: First of all, are there any
11 objections to Exhibit Number 5? Hearing none, Exhibit 5 is
12 received into evidence into the record.

13 (WHEREIN; Everyy Exhibit 5 was received into the
14 record.)

15 JUDGE GRAHAM: Does ChargePoint have any
16 questions for Mr. Lutz?

17 MR. DUNBAR: No questions. Thank you.

18 JUDGE GRAHAM: Does Renew Missouri have any
19 questions for Mr. Lutz?

20 MR. OPITZ: No thank you, Judge.

21 JUDGE GRAHAM: Does NRDC have any questions for
22 Mr. Lutz?

23 MS. HALSO: No questions from NRDC or Sierra
24 Club, Judge. Thank you.

25 JUDGE GRAHAM: Does the Office of Public Counsel

1 have any questions for Mr. Lutz?

2 MR. CLIZER: No. Thank you, Your Honor.

3 JUDGE GRAHAM: Does the Staff have any questions
4 for Mr. Lutz?

5 MS. MERS: No, thank you.

6 JUDGE GRAHAM: Do any of the commissioners have
7 questions for this witness? Okay. Mr. Lutz, just as a general
8 inquiry, does your testimony include -- I don't have it open in
9 front of me, anything about the Clean Charge Network extension?

10 THE WITNESS: Not specifically, sir. My
11 testimony is more around the design of the rates.

12 JUDGE GRAHAM: All right. Okay. Thank you very
13 much. Well, we can conclude -- that concludes his testimony.
14 Now, we will go to one more witness. It looks like we will have
15 Evergy's case in the record here today. Do you have Mr. Darrin
16 Ives?

17 MR. CLIZER: Judge?

18 JUDGE GRAHAM: Yes?

19 MR. CLIZER: This is OPC. I just wanted to
20 check. I don't know -- this witness might have some
21 considerable cross. I was going to check with Staff just
22 because I am not sure how long this witness will go.

23 JUDGE GRAHAM: Didn't I not ask -- which witness
24 -- oh --

25 MR. CLIZER: Darrin Ives, the next witness you

1 were about to call.

2 JUDGE GRAHAM: Okay. Well, why don't we let
3 Staff speak. Does Staff have a good deal for this witness?

4 MS. MERS: No, I don't believe we have a
5 considerable amount of cross.

6 JUDGE GRAHAM: Well, Mr. Clizer, do you?

7 MR. CLIZER: I do not. I apologize. I expected
8 something different. I am sorry for interrupting the flow.

9 JUDGE GRAHAM: I don't know about the flow.
10 Just a minute here. Okay. I think that we will not take this
11 witness today after all. So I think we are going to adjourn for
12 the day at this point.

13 Now, before we do that, I want to return to the
14 subject of the tariffs in this exhibit that I asked about
15 earlier in the day. I think that I was asked whether I wanted
16 the tariffs in evidence that are in effect as well as the new
17 ones that have been filed and that will go later into effect if
18 approved. I would like for Everygy to enter into evidence the
19 existing tariffs that are apropos to this subject. And if we
20 need further clarification we can discuss that in the morning.
21 But to clarify, we'd like in the record the existing tariffs,
22 the ones that I presently effective. And we can talk about that
23 further if need be, tomorrow.

24 MR. STEINER: Sure, Judge, those are currently
25 effective tariffs and the commission could just take official

1 notice of them.

2 JUDGE GRAHAM: We could, but -- we will
3 officially notice them, but would call them out by number and so
4 forth for me tomorrow --

5 MR. STEINER: Got it.

6 JUDGE GRAHAM: -- so that I'm not taking
7 official notice of every Evergy tariff in effective -- effect?

8 MR. STEINER: We will, Judge. Can you tell me
9 again, I'm sorry I missed it, the one you are looking for?
10 Existing what?

11 JUDGE GRAHAM: Let me clarify in the morning.

12 MR. STEINER: Clarify in the morning? That
13 sounds good.

14 JUDGE GRAHAM: All right. And with that, are
15 there any other matters that I need to take up before we adjourn
16 for the evening?

17 MR. DUNBAR: Your Honor, this is Scott Dunbar on
18 behalf of ChargePoint. I just had one question and I --
19 frankly, I am a little embarrassed that I don't know the answer
20 to this. But at the beginning of the hearing you referenced the
21 exhibit numbers. And I feel like I should have seen that list
22 somewhere and perhaps I do have it and I've just forgotten, but
23 I was wondering if I could either -- if you could direct me to
24 the list or alternatively just tell me again the numbers -- the
25 exhibit numbers for ChargePoint's rebuttal and surrebuttal

1 testimony, whichever is more --

2 JUDGE GRAHAM: All I was doing this morning was
3 that I ran through EFIS and looked at the prefiled testimony and
4 looked at exhibit list that had been sent to me by email in the
5 last few days and some of them were numbered. All of them were
6 numbered, I think, with the exception of one. And so I'll go
7 through the list right now without naming the exhibits. But
8 Evergy's exhibit list included Exhibits 1 through 7; Staff's
9 exhibit list included 100 and 101; OPC's included 200 and 201.
10 And I think, Mr. Clizer, did you put in a 202 today?

11 MR. CLIZER: I did offer 202 today.

12 JUDGE GRAHAM: I think it is in, too. Then
13 Sierra and NRDC put in exhibit -- or they have been Exhibit 700.
14 And then finally ChargePoint -- and I may have assigned you
15 these numbers myself, as 900 and 901 because the pretrial order
16 indicated that ChargePoint's would be in the 900 range.
17 ChargePoint's are -- there are two exhibits that I saw that were
18 provided to me and I think by email or something and I gave them
19 the numbers 900 and 901. So by clarification that is what those
20 were about. And you might look at those tonight and we can
21 visit about that again in the morning.

22 MR. DUNBAR: Perfect. That's all I need to
23 know. And my apologies for taking everyone's time to answer
24 that question. Thank you so much.

25 JUDGE GRAHAM: All right. Well, with that, we

1 will adjourn. Let us be ready to go at 8:30 in the morning so
2 we can charge on to a destination hopefully tomorrow. We're off
3 the record

4 (OFF THE RECORD.)
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CERTIFICATE OF REPORTER

I, Lisa M. Banks, CCR within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



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